

# Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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States Members of the Non-Aligned Group participating  
in the Third NPT Review Conference

## WORKING PAPER CONTAINING FORMULATIONS FOR THE FINAL DECLARATION ON ARTICLE IV OF THE TREATY

1. The Conference, in accordance with paragraph 1 of Article IV, reiterates, once more, the "inalienable right of all States to apply and develop their programmes for the peaceful uses of nuclear energy for economic and social development in conformity with their priorities, interests and needs".
2. The Conference confirms the significance of peaceful uses of nuclear energy for economic development and its important role in accelerating the growth of developing countries. This can greatly contribute to progress in general, and to the elimination of technological and economic gaps between the developed and developing countries.
3. The Conference stresses in the framework of Article IV.2 of the Treaty that all Parties to the Treaty have the right to participate in the fullest possible exchange of equipment, materials, services and scientific and technological information and to contribute, alone or in co-operation with other States, to the further development of the application of nuclear energy for peaceful purposes. Furthermore, it is indispensable to ensure a free transfer of nuclear technology, including its latest achievements and its use in the interest of the accelerated development of States Parties to the Treaty and, particularly, of the developing ones.
4. The Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing their respective fuel cycle policies or international co-operation agreements and contracts for peaceful uses of nuclear energy.
5. The Conference expresses dissatisfaction with the implementation of the preambular paragraphs 6 and 7 and of Article IV, as well as of the related obligations deriving from the "Final Document of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons", (May 1975).
6. The Conference notes with deep concern that instead of facilitating the fullest exchange of equipment, materials and scientific and technological information for peaceful purposes to non-nuclear-weapon States Parties to the Treaty particularly

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developing countries as called for by the Treaty, some States Parties to the Treaty continue to co-operate and give assistance in the nuclear field to States like Israel and South Africa, not Parties to the Treaty and known to have acquired the capability to manufacture nuclear weapons, while at the same time applying discriminatory policies against the non-nuclear-weapon developing States Parties to the Treaty.

7. The Conference deplores the nuclear collaboration between those States and the régimes of South Africa and Israel for their quest to acquire and manufacture nuclear weapons, hence posing a grave danger to peace and security in Africa and the Middle East.

8. The Conference demands that all States suspend any nuclear co-operation with South Africa and Israel until they renounce to the nuclear-weapon option by joining the Treaty on the Non-Proliferation of Nuclear Weapons, accepting the IAEA safeguards and pledging not to manufacture nor acquire nuclear weapons.

9. The Conference considers that unilaterally enforced restrictive measures beyond safeguards required under NPT are in contradiction with the spirit of the NPT, since they seriously limit the right of the non-nuclear-weapon States Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes and some of them indirectly affect the sovereign rights of the Parties to the Treaty. Such measures have contributed to a slow-down in the use of nuclear energy for peaceful purposes and caused serious complications in relations between the Parties and have eroded confidence.

10. Furthermore, unilateral measures invoked for the abrogation of a number of formalized and valid contracts have provoked serious problems in relations among the parties concerned.

11. The Conference reaffirms the responsibility on nuclear supplier States Parties to the Treaty to promote legitimate nuclear energy needs of the Parties, especially developing ones, by allowing the latter to participate in the fullest possible transfer of nuclear equipment, materials, scientific and technological information.

12. The Conference commends the role and activities of the IAEA in the field of technical assistance and co-operation for the peaceful uses of nuclear energy, for the benefit of developing countries in particular.

13. The Conference agrees that:

I. Concern for non-proliferation should not be used as a pretext to prevent States from acquiring and developing nuclear technology for peaceful uses and to impose conditions which are incompatible with the sovereign rights and independence of countries.

II. All contracts in force in the nuclear field for peaceful uses should be honoured;

III. Threats of cut-off of supplies covered by contracts or agreements in force must not be used as an instrument of negotiation;

IV. No single State or group of States shall impose unilaterally or collectively any precondition of access to or transfer of equipment, materials, services and scientific and technical information, nor impose any non-proliferation conditions which go beyond the safeguards required under the Treaty.

V. Non-proliferation requirements in future transactions should be limited to conditions and criteria agreed to by the Board of Governors of the IAEA;

VI. Predictable and internationally agreed criteria for the transfer and reprocessing of spent fuel should be established;

VII. Non-nuclear weapon States Parties to the Treaty and States that have safeguards equal to those required under Article III. 1 of the Treaty should be provided preferential treatment in access to or transfer of equipment, materials, services, and scientific and technological information for the peaceful uses of nuclear energy, taking particularly into account special needs of developing countries. In doing so, special attention shall also be given to the needs of the least developed countries;

VIII. States Parties to the Treaty should set up conditions for long term assurances of supply;

IX. A financial Assistance Fund should be established to assist developing countries Parties to the NPT in the development of their peaceful nuclear power programmes and the other peaceful applications of nuclear techniques. The Conference also decides to establish a Preparatory Committee open ended to all the Parties, to consider the scope and modalities of such a Fund. The Preparatory Committee, shall submit its conclusions to a special conference of the Parties to be held before the next Review Conference of the NPT.

X. The Conference urges all States to provide necessary technical assistance to Iraq to restore its peaceful nuclear programme and to overcome the damage caused by the Israeli attack.

The Conference further agrees:

I. To suggest the continuation of the study on financing the technical assistance programme of the IAEA, in accordance with resolution GC/XXV/RES/388.

II. To urge the IAEA to further expand its activities for the promotion of international co-operation in the field of the peaceful uses of nuclear energy and for the further development of these uses, to call on States Parties to the Treaty to substantially increase in real terms, their support required for this objective;

III. To call on all States Parties of the Treaty to significantly increase their technical assistance, bilaterally and through international bodies such as IAEA and the UNDP, in order to meet the growing needs of the developing countries in the field of peaceful uses of nuclear energy.

IV. To call further to States Parties to the Treaty to meet the "technically sound" requests for technical assistance submitted by developing States Parties to the Treaty that the IAEA is unable to finance from its own resources, as well as such "technically sound" requests as may be made by developing States Parties to the Treaty which are not members of the IAEA;

V. To call upon the IAEA to fully implement its General Conference resolution GC(XXVIII)/RES/439, dated 28 September 1984, which requests the Director General, inter alia, to provide, upon request, assistance in securing financing from outside sources for nuclear power projects in developing countries, and in particular the least developed countries;

VI. To encourage further IAEA studies on small and medium power reactors;

VII. To stress the importance of the work being done by the Committee on Assurances of Supply in establishing principles for international co-operation in the peaceful use of nuclear energy and the adoption of measures to assure the long-term supply of nuclear material, equipment and technology in a predictable manner, with appropriate assurances against the proliferation of nuclear weapons;

VIII. To condemn Israel for its premeditated military aggression against the safeguarded nuclear research reactor, which constitutes an aggression against the Treaty and the IAEA safeguards system, as well as against the inalienable rights of all States to develop nuclear energy for peaceful purposes;

IX. The Conference reaffirms the inviolability of peaceful nuclear activities emanating from the international norms prohibiting the use of force in international relations, and in particular Article 2(4) of the United Nations Charter. It considers that any attack or threat of attack against peaceful nuclear activities would entail highly dangerous political, economic and environmental implications particularly on the civilian inhabitants. It acknowledges that this has been given special consideration in additional Protocol I to the Geneva Convention of 1949. The Conference believes that the Parties bear a solemn responsibility to continue to play a leading role in the concerned fora towards the establishment of comprehensive and universal norms and standards, specifically prohibiting attacks, or threats of attacks, against all peaceful nuclear activities.

The Conference decides that, pending the establishment of such norms and standards, measures should be agreed by the Parties to ensure that their safeguarded nuclear activities, especially in non-nuclear-weapon States, will remain inviolable from attack or threat of attack. In this regard;

(a) the Depositories shall endeavour, in consultations with the other members of the Security Council, to give full consideration to all appropriate measures to be undertaken to deal with such a situation, including the application of measures under Chapter VII of the United Nations Charter.

(b) the Parties should commit themselves to provide or support immediate assistance to the Party victim of such an attack or threat of attack.

The Conference stresses that the problems of peaceful uses of nuclear energy can be solved primarily by political means. In this context, the Conference expresses its satisfaction at the progress in the preparations for the United Nations Conference on the Promotion of International Co-operation in the Field of Peaceful Uses of Nuclear Energy for Social and Economic Development, in the interest of developing countries and the international community as a whole. The Conference expresses its satisfaction at the results of the work of the Preparatory Committee of the Conference and underlines the necessity for continuing detailed preparations, with the active participation of all countries, in order to fully realize the goals of the Conference. The participants in the Conference reaffirmed their conviction that the results of the Conference should contribute to free and unhampered access on a just and non-discriminatory basis to nuclear technology, equipment and materials needed for the development of national programmes of peaceful uses of nuclear energy.