

1995 Review and Extension Conference

of the Parties to the Treaty on the

Non-Proliferation of Nuclear Weapons

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ARTICLE IV AND RELATED ISSUES

Working paper submitted by Indonesia on behalf of the Group of Non-Aligned and Other States

1. The Conference reiterates that in accordance with article IV, paragraph 1, of the Treaty on the Non-Proliferation of Nuclear Weapons, all States parties to the Treaty have the inalienable right 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 reconfirms the significance of the 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 that within the framework of article IV, paragraph 2, of the Treaty, 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 cooperation with other States, to the further development of nuclear energy for peaceful purposes. To this end, it is indispensable to ensure that the transfer of nuclear technology for peaceful purposes, including the latest achievements, is not unduly hindered, particularly for the benefit of developing countries.
4. The Conference confirms that each country's choice and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international agreements and contracts on cooperation for peaceful uses of nuclear energy.
5. The Conference expresses concern that the implementation of the seventh preambular paragraph and of article IV of the Treaty fell short of the needs of a number of countries to implement programmes for the peaceful uses of nuclear energy, while for other countries there have been no significant constraints in the development of their programmes, and regrets that other countries not parties to the Treaty were able to benefit from cooperation with other States parties to the Treaty.

6. The Conference notes with 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, and particularly developing countries, as called for in the Treaty, some States parties to the Treaty continue to cooperate and give assistance in the nuclear field to States not parties to the Treaty, which are known to have acquired the capability to manufacture nuclear weapons.

7. The Conference expresses its regret that there exist restrictions and constraints imposed on developing non-nuclear-weapon States regarding full access to nuclear technology for peaceful purposes. Unilaterally enforced restrictive measures, beyond safeguards required under the Treaty, must not be used to prevent peaceful development, especially in the nuclear area, and should be removed. It is also essential that free and unimpeded access to peaceful nuclear technology be guaranteed, without exception, for all States parties to the Treaty who have concluded relevant safeguards agreements with the International Atomic Energy Agency (IAEA).

8. The Conference notes with appreciation the positive steps taken by South Africa by abandoning its nuclear weapons programme and acceding to the Treaty. The Conference still expresses great and serious concern about the nuclear capabilities of the threshold States and stresses that the development of such capabilities would undermine the credibility and stability of the Treaty regime. In this context, the Conference demands all States to suspend any cooperation that would contribute to the nuclear programmes of these States, and demands the threshold States to accede to the Treaty, to subject all their nuclear facilities to IAEA safeguards and to pledge not to manufacture or acquire nuclear weapons or other nuclear explosive devices.

9. The Conference reaffirms the responsibility of nuclear supplier States parties to the Treaty to promote the legitimate needs for nuclear energy of all the States parties to the Treaty, with preferential treatment rendered to developing States parties, by allowing the latter to participate in the fullest possible transfer of nuclear equipment, materials and scientific and technological information with a view to achieving the largest benefits and applying pertinent elements of sustainable development in their activities.

10. The Conference notes that the IAEA Committee on Assurances of Supply has been able to consider ways and means in which supplies of nuclear materials, equipment and technology and fuel cycle services can be assured on a more predictable and longer-term basis in accordance with mutually acceptable considerations of non-proliferation, and, in that context, was able to identify a number of emerging industrial States in the field of nuclear technology. On the other hand, the Conference regrets, that the Committee on Assurances of Supply has not succeeded in reaching agreement on a set of principles for international cooperation. The Conference acknowledges the need for setting up United Nations mechanisms to provide a forum for parties to the Treaty to discuss regularly the implementation of article IV of the Treaty.

11. The Conference underlines the need to enhance technical cooperation between developing countries, taking into account the needs of the least developed countries.

12. The Conference notes that IAEA plays an important role in assisting developing States in the development of nuclear power and encourages IAEA to continue to include the required components identified in the study in its programme of work. It also recommends that IAEA continue to provide upon request assistance in securing financing from outside sources for nuclear power projects in developing countries.

13. The Conference commends the role and activities of IAEA in the field of technical cooperation for the peaceful uses of nuclear energy, for the benefit of developing countries in particular. The Conference strongly urges donor countries to facilitate access to peaceful uses of nuclear technology to States parties to the Treaty through the Technical Cooperation Fund of IAEA, calls upon all parties to honour their commitments and negotiate, in good faith, the target for the Technical Cooperation Fund, and, finally, calls upon parties to consider and establish a new financing method, which should assure the availability of adequate and predictable resources, and which should be complemented by sufficient relevant manpower.

14. The Conference welcomes the voluntary offer by a number of nuclear-weapon States to put their nuclear facilities to international verification, and requests that the inherent costs resulting from these additional safeguards activities should not be at the expense of other IAEA major programmes, such as nuclear power, fuel cycle and radioactive waste management; applications for peaceful uses of nuclear technology for health, agriculture and industry; and nuclear safety and radiation protection. In this context, the Conference notes the intention of IAEA to establish a standing advisory group on technical cooperation.

15. The Conference especially recognizes the importance of the work of IAEA in the areas of radiological protection and nuclear safety, and urges States parties to the Treaty which have not yet done so, to become signatories to the Convention on Nuclear Safety, which was adopted in 1994 with a view to creating an appropriate safety culture.

16. The Conference reaffirms that any attack or threat of attack against peaceful nuclear facilities would entail highly dangerous political, economic and environmental implications. The Conference believes that the parties bear a solemn responsibility towards the establishment of comprehensive and universal norms and standards specifically prohibiting attacks, or threats of attack, against all peaceful nuclear facilities.

17. The Conference expresses the hope that the effective implementation of the IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive waste pending the negotiation of an international convention on the management of such wastes with a view of convening a diplomatic conference in 1996.