In the Name of ALLAH, the Most Compassionate, the Most Merciful

Why Enrichment is an Inalienable and Chartered Right under the NPT?
The right to enrichment in the NPT

Article 4 of the NPT draws no limitation on the kind of technology or the level of peaceful applications of nuclear technology, including the full fuel-cycle (enrichment).

4.1: Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this treaty.

4.2: All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the treaty, with due consideration for the needs of the developing areas of the world.
The right to enrichment in the NPT

2. In the records of the negotiations led to the codification of the NPT.
   • In the texts, records, and documents of the negotiations which led to the codification, adoption and ratification of the NPT, there is no suggestion or reference to the possibility to limit the kind of technology or the level of peaceful applications of nuclear technology
The right to enrichment in the NPT

3- In the documents of the NPT review conferences (which are adopted by consensus), with reference to Article 4, respect for choices and the fuel cycle policies of the NPT members is underlined. See:

- First UNGA Conference on Disarmament 1978: SSOD I
- 1985 conference: NPT/CONF.III/64/I, Annex I, par. 7
The right to enrichment in the NPT

The Conference of 1975 recognizes that regional or multilateral nuclear fuel cycle centers may be an advantageous way to satisfy, safely and economically, the needs of many States.

NPT/CONF/35/I, Annex I, p. 6
The right to enrichment in SSOD I

• The First UNGA special session on Disarmament in 1978 final document was adopted by consensus.
• In para 68, it explicitly says that “non-proliferation measures should not jeopardize the full exercise of the rights of the NPT members for full use of their peaceful nuclear energy program.
• In this document the priorities and interests of the member states is underlined
• In para 69 the right to have fuel cycle and respect for the choices and policies are re-emphasized.
The right to enrichment in SSOD I

SSOD C

68. Non-proliferation measures should not jeopardize the full exercise of the inalienable rights 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. All States should also have access to and be free to acquire technology, equipment and materials for peaceful uses of nuclear energy, taking into account the particular needs of the developing countries. International cooperation in this field should be under agreed and appropriate international safeguards applied through the IAEA on a non-discriminatory basis in order to prevent effectively the proliferation of nuclear weapons.

Source: UNGA Official Records, Supplement No. 4, A/S-10/2, p.9
SSOD I

69. Each country’s choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing their respective fuel cycle policies or international cooperation, agreements and contracts for the peaceful uses of nuclear energy provided that the agreed safeguard measures mentioned above are applied.

Source: UNGA Official Records, Supplement No. 4, A/S-10/2, p.9
The right to enrichment in the NPT

The Conference of 1985 confirms that each country’s choice and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies.

NPT/CONF.III/64/I, Annex I, par. 7
The right to enrichment in the NPT/CONF

NPT/CONF.2000

The Conference reaffirms that nothing in the treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty.

The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the Conference confirms that each country’s choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.
The U.S Official View on Nuclear Enrichment as a Right in 1960s

William C. Foster, July 1968
Director of the U.S. Arms Control and Disarmament Agency
Testimony at Senate Foreign Relations Committee

It may be useful to point out, for illustrative purposes, several activities which the United States would not consider per se to be violations of the prohibitions in Article II. Neither uranium enrichment nor the stockpiling of fissionable material in connection with a peaceful program would violate Article II so long as these activities were safeguarded under Article III. Also clearly permitted would be the development, under safeguards, of plutonium fueled power reactors, including research on the properties of metallic plutonium, nor would Article II interfere with the development or use of fast breeder reactors under safeguards.
The right to enrichment in the NPT/CONF 2010

1. Emphasis on need to respect ‘choices’, ‘policies’ and ‘decisions’ of the NPT member states.

2. Reiterate the right to have fuel cycle.

Action 47: Respect each country’s choices and decisions in the field of peaceful uses of nuclear energy without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies.

The right to enrichment in NAM Documents

- 120 NAM countries in their highest political level repeatedly underlined the inalienable right of the NPT members to have peaceful nuclear energy and the need to respect their policies, choices and decisions with regard to fuel cycle.

  • NAM Summit XV (July 2009) – Egypt
  • NAM FM May 2012- Egypt
The right to enrichment in NAM Documents

NAM Summit XV (July 2009) – Egypt

132. The Heads of State and Government of the States Parties to the NPT emphasized once more that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Article I, II and III of the Treaty. They stressed that this right constitute one of the fundamental objectives of the Treaty. In this connection, they confirmed that each country’s choices and decision in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.
187. The Ministers of the States Parties to the NPT emphasized once more that **nothing** in the Treaty shall be **interpreted** as affecting the **inalienable right** of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without **discrimination** and in conformity with Article I, II and III and IV of the Treaty. They stressed that this right constitute one of the **fundamental objectives of the Treaty**. In this connection, they confirmed that each country’s **choices and decision** in the field of peaceful uses of nuclear energy should be **respected** without **jeopardizing** its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its **fuel-cycle** policies.