Statement

By

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On

CLUSTER-2

A-Non-proliferation

B-IAEA's Safeguards

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A-Non-proliferation

Mr. Chairman,

My delegation associate itself to the statement made by distinguished delegate of Indonesia on behalf of the Non-aligned Movement.

The non-proliferation pillar faces serious challenges same as the other two pillars. What is the root cause? A critical review shows a series of non-compliances of US, UK and France with their obligation under articles I in addition to those under articles IV and VI which are dealt with in different clusters. By maintaining their nuclear arsenals and their horizontal proliferation through transfer of nuclear technologies and weapon grade materials to non-parties, especially to Israel regime, these NWSs have also contributed to the emergence of new nuclear weapons possessors. The shameful silence of some other western countries such Australia and Canada vis-a-vis such violation of these 3 parties to the NPT, in particular regarding transfer of nuclear weapon technology to Israel, if not more but equally worrisome and has created deep disappointment for the future of the NPT.
A few countries have attempted to wrongly induce that proliferation concerns are merely arisen from non-nuclear weapon States. Furthermore, through a false and misleading propaganda, they similarly try to describe nuclear energy as the synonym of nuclear weapons. This is while all nuclear activities of the NNWSs parties to the NPT are under the full-scope safeguards of the IAEA and they have already forgone nuclear option, thus pose no threat to the others.

The NPT Review Conference and its Preparatory Committees can not easily overlook that certain NWSs, in contravention to their legal undertakings, promote the role and status of nuclear weapons in their defense and security doctrines and spread these weapons to the others. Non-compliance of Article I by said NWSs and lack of any guarantee for verification of obligations of such violators have created serious challenges towards principles and purposes of the Treaty.

The Islamic Republic of Iran is of the view that during preparatory Committees and the next Review Conference, State Parties have to deal with the issue of Non-compliance of certain Nuclear Weapon States which is a serious threat to the international security, as the first priority.

Mr. Chairman,

Since NPT entered into force, some advanced countries increasingly diluted the promotional provisions of the Statute of the IAEA and article IV of the NPT in order to change the Agency’s Statute and the Treaty to a single-goal regulatory instrument.

It is a matter of great concern that in the meantime, the same countries particularly European Union and Australia being so active in confronting developing countries parties to NPT have kept deadly silence and the United States, as guardian has openly opposed and vetoed any resolution by the IAEA and United Nations Security Council regarding the condemnation of the clandestine development of nuclear weapons by Israeli regime. No wonder since it would be self-criticism considering the fact that they have fully assisted Israel in its nuclear weapon program by transferring nuclear material, equipment and technology.

The consequence of such irresponsible attitude and conduct vis-a-vis Israeli clandestine nuclear activities during past decades. Prime Minister of this regime dared to publicly acknowledge the possession of nuclear weapon. The said western countries have not expressed concern and prevented the issue which is the serious international security concern be dealt with in the IAEA or NPT. These are dark pages in the history of the NPT as well as the IAEA.
Since NPT came into being, a revisionist approach has tried to impose more extreme and deeper restrictions on access to peaceful nuclear technology. Access of developing countries to peaceful nuclear materials and technologies has been continuously denied to the extent that they have had no choice than to acquire their requirements for peaceful uses of nuclear energy, including for medical and industrial applications, from open markets, intermediaries, mostly more costly and with poorer quality and safety. Some industrial countries, specifically US, UK and France, have institutionalized nuclear apartheid, strengthened intermediaries and even have themselves established in a clandestine manner networks in Europe. The same countries have then misled the international community by pretending themselves as the main combators of the nuclear network!

Thus they are fully responsible for any consequence in this respect. Based on this policy, while imposing arbitrary export restrictions unilaterally or through NSG and sanctions, they have continuously given baseless allegations against developing nations threatening them for punitive measures by UN Security Council that is an instrumental use of UN! This is the most uncivilized policy and colonialist approach grown up in 21st century!

Conclusion:

Such serious challenges of the non-proliferation regime require establishing new arrangements and a new strategy to prevent the arbitrary measures of some industrial and especially NWSs in proliferating nuclear weapons at the cost of depriving developing nations from peaceful application. It is indispensable for the upcoming review conference to adopt a new approach towards non-proliferation and emphasize on its basic and primary paradigms.

Proposal:

A new strategy of the 2010 NPT Review Conference based on the full implementation of the NWSs’ obligations on non-proliferation should be designed in a way to cover the following key issues:

The proliferation by certain NWSs as the most immediate and essential danger threatening the non-proliferation regime.

The legal status of Article I of the Treaty and its implementation by NWSs since NPT entering into force.
Establishment of a verification mechanism similar to that one under Article III of the Treaty, to verify compliance of article I and VI, is essential.

Revision of the old concept that the risks of non-proliferation comes from NNWSs and the new strategy of the Review Conference should be focused on proliferation risks of NWSs.

Prevention of transfer any nuclear material, equipment, information, knowledge, and technology to and cooperation with non-parties to the NPT.

Total rejection of nuclear deterrence through a universal nuclear disarmament treaty, as the only solution to remove concerns originated from non-proliferation and threats of the use of nuclear weapons.

In the current circumstances, the IAEA should demonstrate, more than before, its commitment and dedication not only to the implementation of the Safeguards, but also to further facilitate development of nuclear energy for developing Member States as its main and primary purpose.

**B-IAEA’s Safeguards**

The Agency safeguards is well defined in article II of the Statute regarding the objectives: The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

Article XII stipulates that: With respect to any Agency project, or other arrangement where the Agency is requested by the parties concerned to apply safeguards, the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement.

Article III of NPT emphasises that: The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

Mr. Chairperson.
In accordance with these facts enshrined in the IAEA's Statute and NPT, the State Parties have to take following principles into serious consideration:

1-The IAEA is an independent international technical organization entrusted to promote the peaceful uses of nuclear energy throughout the world and is not mandated by its statute to impose restriction and constraint on Member States and put their national security in jeopardy. IAEA is not the “UN- Watchdog ” as US tries to portrait and some western media follow suit.

2- Technical cooperation, Safety, and safeguards are three pillars of the Agency activities which have to be dealt with in a balance approach within the statutory responsibility of the IAEA.

3- The Safeguards is implemented upon request of Member States and not imposed on them.

4-According to the letter and the spirit of the statute the Secretariat is entrusted to implement the mandate by the Member States in an effective and mutual trust basis.

5- The Agency will only be successful in fulfilling its statutory mandate if there is a mutual trust between the Member States and close cooperation for peaceful uses of nuclear energy. Those Member States, party to NPT, have joined this treaty and admitted additional legal obligation, such as comprehensive safeguards, with the expectation of benefiting from provisions of Article IV of the NPT, in addition to those envisaged in Articles I and II of the Statute, since Article IV of NPT has considered a legal obligation, "undertaking", for parties specially the developed countries to assist developing countries.

6- The State Parties to NPT demand a balanced and non-discriminatory approach, thus as long as Nuclear Weapon States shall not fulfill their legal commitment, particularly under Article VI of the NPT, additional legal obligations under the pretext of " Strengthening Safeguards " cannot be accepted by NNWS.

7- Considering the disappointing status quo of the lack of universality of the Safeguards where after almost four decade over 30 states have not yet concluded Comprehensive Safeguard Agreement (CSA) and Israel with huge nuclear weapons activities has not concluded the CSA and has not put its nuclear material and facilities under the Agency's safeguards, any further recommendation which call for additional legal obligation on parties to NPT will not be justified thus shall be rejected.
8-Strengthening Comprehensive Safeguards Agreement could only be realized if its universality is promptly materialized. The existing double standard shall not be tolerated anymore by Non-Nuclear Weapon States Parties.

9-According to the Agency's Statute and the NPT, there is no restriction for Members States to conduct complete nuclear fuel cycle including enrichment and reprocessing. Member State and parties to NPT have only the obligation to declare and the Secretariat has only the responsibility to verify the declaration. No one has the right to judge the intention of a Sovereign State. Trust and confidence is the fundamental principle enshrined in the Statute.

10- There is no provision to restrict the Member States from acquiring nuclear technology, nuclear material and equipment for their peaceful purposes. If sanctions and restrictions are imposed the Member States, they would naturally acquire the required material and technology for their peaceful nuclear programs from any source available even though normally more costly.

11- Provision of any information to the Agency should be in full conformity with the relevant articles contain in comprehensive safeguards agreement. Requiring additional information creates mistrust between Member States and the Agency, thus has to be refrained from.

12-The Member States are only obliged to report export or import of certain defined nuclear material and equipment as defined in the Comprehensive Safeguards Agreement, nothing more and nothing less.

13-Arbitrary provisions of export restriction imposed by group of industrial countries such as the Zangar Committee and the NSG, are beyond the criteria of Agency’s Safeguards thus undermine the IAEA’s Safeguards agreements which are based on negotiated criteria by all Member States.

14-Protection of confidential informations provided in the course of safeguards implementation, specially inspection, which is directly related to the national security of Member State is the Agency’s full responsibility.

15-Considering the bitter fact that sensitive nuclear material and activities related to nuclear weapon programs of NWSs are exempted from any safeguards surveillance, the Agency’s safeguards agreement with NWSs which is completely voluntary is a meaningless instrument wasting the Agency’s resources. Unfortunately the public is unaware of these technical and legal facts and are mislead by the announcement of adherence of Nuclear Weapon States to the Additional Protocol.
16-Due to inability of the Agency’s Safeguards, there is an urgent need to find an international reliable verification mechanism on implementation of article VI of NPT on elimination of nuclear warhead by NWS.

17-There should be a clear distinction between legal obligations and voluntary measures. It is clear that voluntary measures shall not be turned to legally binding obligation.

18-It is inappropriate to ask non-nuclear weapon states, party to the NPT, to abide by their safeguards agreements in good faith and to undertake additional legal obligations such as Additional Protocol, while the NWSs and non-parties can voluntarily choose what parts of their nuclear programs will be subject to safeguards.

19-Board of Governor’s decisions and resolutions on issues related to safeguards must be in full conformity with the Agency’s Statute, NPT and Comprehensive Safeguards Agreements.

20-The Additional Protocol is voluntary in nature and could not be imposed on NPT State Parties. Recalling the strong emphasis made during IAEA’s General Conferences regarding the voluntary nature of the Additional Protocol, and the fact that as Director General of the IAEA has reported that in over 100 countries the AP is still not in force, the emphasis has to be made on the universality of the Comprehensive Safeguards Agreement, by putting pressure on Israel to accede to NPT, to dismantle its nuclear weapons and put all nuclear material and facilities under Agency’s Surveillance in accordance with full scope safeguards requirements.

Conclusion:

During the last decade many decisions has been taken by the Agency to improve the efficiency of the safeguard system. These measures including inter-alia conclusion of the subsidiary arrangements, additional protocol have considerably increased the legal authority of the Agency to carry out its responsibilities but the lack of full confidence on efficiency of safeguards still exist. What are the root causes?

⇒ Lack of balance between rights and obligation.

⇒ Lack of balance between obligations of Nuclear Weapon States and Non-Nuclear Weapon States.

⇒ Discriminatory and double standard policies and approach.
⇒ Engagement of the Safeguards in activities beyond statutory legal obligations under the pretext of completeness and correctness, or politically motivated decisions of Board of Governors, has created serious concerns for the majority of Member States.

⇒ Non-adherence of the only non-party in the Middle East namely zionist regime which has acknowledged the possession of nuclear weapons, with nuclear weapon activities and facilities being outside of any international surveillance including the Agency’s Comprehensive Safeguards.

This status quo cannot be sustained and no additional measure in strengthening safeguards can be accepted by non-nuclear weapon states parties unless these serious constraints and discriminations are removed.

Mr. Chairman, Distinguished Delegates,

In the course of this meeting unfortunately few western delegations especially of US, UK, Australia, Japan and France tried to poison the cooperative environment by repeating obsolete and boring baseless allegations against my country. They did further damaged their credibility by not even reflecting the latest progress reports of the Agency’s Director General to the effect that after the most robust verification process the IAEA has concluded that all Iran’s declarations are consistent with the Agency’s findings. The Director General has continuously reported that there is no evidence of diversion of nuclear material and activities to prohibited purposes. I did present comprehensive information including facts and figures on the exclusively peaceful nuclear program of my country, based on Agency’s document to NGOs, representatives of civil society, which I trust shall to great extend disclose and reflect the facts, which their governments have covered up from their nations. It seems that these few countries have hidden agenda to damage the NPT by creating confrontation atmosphere among member of the club where totally ignoring the non-parties violations and even awarding them for the rejection of the NPT!

Due to time constraint, I refer other distinguished colleagues to refer to my statements at the Board of Governors of the IAEA as well as the copy of my presentation to NGOs for detailed information.
Mr. Chairman,

I am obliged to give short replies to the comments made those few delegations, since it is not polite to leave them unanswered!

**United States:** The violation records of the US of the spirit and letter of the Treaty and other international treaties are well known. Therefore permit me to limit myself to disclosure of some information about the others:

**Australia:** In spite of Australia's claims regarding importance it attaches to non-proliferation, documents shows that this country has a dark record in developing WMD. Australia conducted extensive chemical weapons research during World War II as part of a joint program with the UK and USA. Also, documents in the Australia's National Archives, declassified in 1998, revealed the extent to which Australia considered the development of biological weapons in the 1940s and 50s and interested in trying to acquire nuclear weapons. This along with the information on clandestine enrichment activities is very worrisome. The IAEA has to make thorough investigation bearing in mind that the vast uranium resources most of which are not in the record of Agency’s safeguards accountancy, and considerable amount have been transferred to non-parties of NPT specially Israel, without knowledge of the IAEA. The international community is seriously concerned about the security threat associated to.

**France:** The French president is quoted as saying "French nuclear forces are a key element in Europe's security."

France has also announced the addition of a new nuclear-armed ballistic missile-carrying submarine to its nuclear arsenals.

It appears that this country in defiance of its international obligations is seeking to find and define new roles and missions for its nuclear forces in order to justify the continued retention of them in the post-cold war era.

Nuclear cooperation between Israeli regime and France dates back as far as early 1950's, when construction began on France's 40MWt heavy water reactor and a chemical reprocessing plant at Marcoule. France was a natural partner for Israel in this regard. In the fall of 1956, France agreed to provide Israel with an 18 MWt research reactor. French premier Guy Mollet is even quoted as saying privately that France "owed" the bomb to Israel. On 3 October 1957, France and Israel signed a revised agreement calling for France to build a 24 MWt reactor and, in protocols that were not committed to paper, a chemical reprocessing plant. This complex was constructed in secret and outside the IAEA inspection regime, by French and Israeli technicians at Dimona, in the Negev desert. At the height construction, some 1,500 Israelis and some French workers were employed...
building Dimona. To maintain secrecy, French customs officials were told that the largest of the reactor components, such as the reactor tank, were part of a desalination plant bound for Latin America. In addition, after buying heavy water from Norway on the condition that it not be transferred to a third country, the French Air Force secretly flew as much as four tons of the substance to Israel. French contractors finished work on the reactor and reprocessing plant, uranium fuel was delivered and the reactor went critical in 1964.

**United Kingdom:** The decision of the United Kingdom to renew and further develop its nuclear weapons capability, by approving the Trident Project, is also in full contravention with Article VI of the NPT and in defiance with the unanimous decision of the 2000 NPT Review Conference. The Trident Project can generate and in fact expand nuclear arms race beyond the traditional rivalry between the two most powerful nuclear weapon States, thus is a special source of concern for the international community and is a clear set back for the global efforts to bolster nuclear disarmament and non-proliferation. One has to bear in mind the role of UK in establishment of Zionist Regime of Israel and continuously supporting it with transfer of nuclear technology and know how.

**Japan:** Japan is hosting the US nuclear weapons under the security arrangement. This action is in clear violation of Article II of the NPT which provides that “Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferrer whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly”. Considering tons of plutonium produced in the reprocessing plant in Japan, which could easily be used in nuclear weapon such as the one used in Nakasaki. The open source information indicates that Japan is also seriously pursuing centrifuge and laser enrichment. Having the assured nuclear fuel supply by potential supplier, there is no justification for Japan to invest and pursue simultaneously, Plutonium and high enriched uranium production. This undoubtedly has created suspicion serious concern for international community regarding the potential threat to the security of Korean Peninsula and the world at large. Immediate and more stringent nuclear material accountancy and control by the IAEA as well as justification and clarification by Japanese Government is essential.

**CONCLUDING REMARK**

Mr. Chairman,

In conclusion on behalf of my Government I declare:

A- Islamic Republic of Iran shall continue its careful investigation on identifying further non-compliances of few Western countries, specially
the US, UK and France vis-a-vis their obligations under the Treaty, particularly articles I, VI and IV and reveal the information to the NPT parties, IAEA and public.

B- The Islamic Republic of Iran is determined to pursue collective measures with other peace loving countries, to put pressure on the zionist regime of Israel in order to contain it within international laws and regulation, force it to accede to NPT, to denounce and dismantle nuclear weapons, and to put all its nuclear materials and facilities under full scope safeguards of the IAEA without delay.

C- Islamic Republic of Iran shall never give up its inalienable right for peaceful uses of nuclear energy, including fuel cycle, specifically uranium enrichment,

D- Islamic Republic of Iran continues its cooperation with the IAEA in accordance with its legal obligations envisaged in the IAEA’s Statute and the NPT.

Thank you for your attention.