Islamic Republic of
IRAN
Permanent Mission to the United Nations

Statement by the representative of the Islamic Republic of Iran at the
Third Session of the Preparatory Committee of 2010 Review Conference
of the Parties to the Treaty on the Non-Proliferation of Nuclear
Weapons
New York, 11 May 2009

Other provisions of the Treaty

Mr. Chairman,
With regard to Article IX and the important issue of universality of the NPT, I
would recall that in the 2000 NPT Review Conference, the States parties
undertook "to make determined efforts towards the achievement of the goal of
universality of the Treaty. These efforts should include the enhancement of
regional security, particularly in areas of tension such as the Middle East and
South Asia." The Conference particularly urged those non-parties to the Treaty
that operate unsafeguarded nuclear facilities to accede to the Treaty, "thereby
accepting an international legally binding commitment not to acquire nuclear
weapons or nuclear explosive devices and to accept IAEA safeguards on all their
nuclear activities". Unfortunately due to the policy of certain States of
unambiguous support to the Israeli Regime's nuclear weapons program and that
regime's expansionist guiding principle, the fate of the universality of the NPT has
been put in jeopardy. Some other States parties, including the EU, have not only
made no serious efforts in this regard but also have taken the opposite step. When
the Israeli Regime's prime minister publicly acknowledged the possession of
nuclear weapons, the EU lifted the two decades of sanctions and restriction of
investment previously imposed on that regime. It is a matter of regret and great
concern and serious setback to the universality of the Treaty.

As with respect to Article X, the Islamic Republic of Iran believes that the NPT
Review Conference and its Preparatory Committee face with more important
priorities and challenges which have emanated from the non-implementation of
disarmament obligations under the Treaty as well as the development of new
nuclear weapons and the irrational doctrines of possible use of such inhumane
weapons.

It is a matter of serious concern that other main priorities like universality of the
NPT have been neglected or undermined in favor of issues like Article X. In this
regard, the recent decision of the Nuclear Supplier Group (NSG) is in flagrant violation of the commitments under the Decision on principles and objectives of 1995 as well as the Final Document of the 2000 NPT Review Conference. This issue has seriously jeopardized the universality as well as credibility and integrity of the NPT. In such a situation the insistences of few State Parties who try to highlight non-issues like Article X and overlook such very important obligations is questionable.

Indeed, the major challenges of the NPT today, are about the implementation of the two main pillars of the NPT namely nuclear disarmament and peaceful use of nuclear energy. Under this circumstances and shortcomings, there is no urgency and necessity to deal with the issues which are not a priority.

Mr. Chairman,
In these circumstances, trying to focus on issues like Article X would only divert the attention of the States Parties from their real tasks. When this issue for the first time raised by “the UN High-Level Panel on Threats, Challenges and Change” and the Panel made a recommendation in this regard, the Non-Aligned Movement’s first reaction was the following:

“NAM States Parties to the NPT consider that this recommendation goes beyond the provisions of the NPT. NAM Member Countries believe that the right of “withdrawal” of member States from treaties or conventions should be governed by international treaty law.”

Mr. Chairman,
The question of withdrawal is a sensitive and delicate issue and serious care should be taken that such proposals to reinterpret Article X of the NPT is equal to the legal amendment of the Treaty. Such suggestions for legal amendment of the Treaty would actually undermine the NPT regime and create uncertainties and loopholes. However, if any State Party has any proposal for the amendment of the NPT it must follow the procedures stipulated in Article VIII of the Treaty. It should be noted that unless all State Parties clearly demonstrate an intention to be legally bound by these new amendments, which would normally be done through a process of ratification, then the proposals on Article X have no basis in international law. It is a recognized fact that any proposals to amend a treaty will have to be discussed and adopted in the relevant multilateral forum.

Furthermore, it should be taken into account that all international treaties are governed by the customary rules of the law of treaty, many of which have been

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reproduced in the 1969 Vienna Convention on the Law of Treaties. Caution should be taken not to agree to new prerequisites not already provided for in the Treaty as this could also have implications for other treaties, thereby creating an unlawful precedent in this.

It should therefore be recalled that Article 54 of the Vienna Convention, which is also a customary international rule, provides that “the withdrawal of a party may take place in conformity with the provisions of the treaty”.

Generally speaking, there are two categories of the treaties and conventions in terms of “the withdrawal clause”. Some conventions such as the UN Convention on the Law of the Sea do not have such clauses. In legal relationships, parties to such treaties can arguably contest that what is not specifically prohibited by the treaty is therefore allowed. Similarly, the opposite interpretation may be equally credible: that unless expressly included, an act is not allowed.

In the second category like the NPT, a convention or treaty is very explicit in terms of the withdrawal. Therefore, the treaty recognizes the existence of the unconditional right of a state to withdraw in exercising its national sovereignty.

My delegation would like to stress once again that the main problems of the NPT are the continued existence of thousands nuclear warheads and the development of new ones by certain nuclear weapon States as well as the irrational doctrines for their possible use.

In conclusion, while reiterating the full implementation of all Articles including Article X, my delegation is of the belief that the most effective measure to prevent any possible withdrawal is the enhancement of international cooperation and assistance among States parties, and discouraging non-parties by stopping double-standard policies.