In the Name of God, the Compassionate, the Merciful

Statement
by H.E. Ambassador Ali Asghar Soltanieh, Permanent Representative of the Islamic Republic of Iran to the IAEA and other International Organizations in Vienna at the Second Session of the Preparatory Committee of the 2015 NPT Review Conference

Cluster 3: Inalienable right to develop, research, production and uses of nuclear energy for Peaceful purposes
Geneva, 30 April 2013

Mr. Chairman,

I would like to associate my delegation with the statement delivered by the distinguished representative of Indonesia on behalf of the Non-Aligned Movement on this cluster.

The peaceful uses of nuclear energy in all its aspects are being recognized as an inalienable right by the states parties to the NPT. A state party to the NPT which its peaceful nuclear activities and facilities are under extensive safeguards regime of the IAEA has undeniably and unconditionally the right to exercise its right to develop, research, production and uses of nuclear energy for peaceful purposes. On one hand, application of the right to peaceful uses of nuclear activity, and on the other hand, non-diversion of peaceful nuclear activity shall be respected as legal obligations by any state party to the Treaty.

To this end, establishing a balance between security concerns and the socio-economic requirements for development, especially for developing countries, article IV of the NPT guarantees “the inalienable right” and provides for an undertaking by all States Parties to the Treaty “to facilitate” exchange of equipment, materials and scientific and technological information for the peaceful uses.

In the light of increasing need and demand for nuclear energy in the world, the full and non-discriminatory implementation of the right to peaceful uses of nuclear energy has been underscored as the main pillar of the NPT in various occasions and forums. We have recently witnessed this promising trend in our region. We welcome the new initiatives of our brotherly
neighbours, oil exporting countries, to move towards the peaceful application of nuclear energy. This trend confirms once again the long-standing position of the Islamic Republic of Iran concerning the need for diversifying energy resources in order to guarantee our future requirements.

Article III is equally explicit in articulating that the implementation of the safeguards measures shall be 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.

Given the importance of the peaceful applications of nuclear energy and nuclear technologies for human health, medical, industrial, agriculture, environmental protection and sustainable economic development, especially in developing countries, the Statute of the IAEA recognizes its role in encouraging and assisting "research on, and development and practical application of atomic energy for peaceful uses throughout the world" and fostering "the exchange of scientific and technical information on peaceful uses of atomic energy."

Mr. Chairman,

The attempts including through the illegal involvement of United Nations Security Council, to turn confidence-building measures into mandatory ones, are a matter of grave concern. Such actions, which are in full contravention of Article IV of the Treaty, violate the inalienable right of States Parties to use nuclear energy for peaceful purposes. In fact, by adopting such actions, the balance of rights and obligations of States Parties would be disturbed, the existing discrimination and gap between the haves and have-nots in the Treaty would be widened and, finally, the very basis of the fundamental bargain of the Treaty would be destroyed.

Furthermore, the fundamental role of the IAEA in the promotion of nuclear energy for peaceful purposes has been undermined by shortcomings in resources and restrictions imposed by some member States on the Agency. For the last five decades developing countries' legitimate demand for assured and predictable technical cooperation fund of the regular budget of the Agency which is crucial for implementation of Article IV has been ignored by industrial countries. Voluntary found are in many cases conditioned by donors in so-called footnote A projects, not to be paid to certain developing countries on political grounds. This situation has to be changed. Safeguards activities are, however, funded from the regular budget. Such a discriminatory policy with respect to two pillars of the Agency's
Statute and the Treaty has to be abandoned. In this context, in accordance with Actions 53 and 54 of the "Conclusions and Recommendations for Follow-on actions" of the 2010 NPT Review Conference, States Parties are called upon to strengthen the IAEA technical cooperation programme in assisting developing States Parties by taking practical steps to ensure that IAEA resources in this area are sufficient, assured and predictable.

Moreover, measures taken by States Parties to prevent nuclear proliferation should facilitate rather than hamper the exercise of the recognized rights of developing States Parties to the Treaty to peaceful applications of nuclear energy. Imposition of restrictions as a cover for implementation of the foreign policy objectives of certain States is a clear violation of Article IV obligations, and challenges both the integrity and credibility of the Treaty. Consistent with Action 51 of the 2010 NPT Review Conference, undue restrictions on the transfer of nuclear materials, equipment and technologies for the peaceful uses of nuclear energy should be swiftly removed.

The application of unilaterally enforced export control regimes, in contravention of the letter and the spirit of the Treaty, has hampered the access of developing countries to nuclear materials, equipment and technologies for peaceful purposes. It is essential to note the fact that, in the Agency's Statute and the Treaty, as well as in the Comprehensive Safeguards Agreement and even the most intrusive instrument but voluntary one, that is, the Additional Protocol, there is no provision to prohibit or restrict enrichment and reprocessing activities.

Mr. Chairman,

No State Party should be limited in exercising its rights under the Treaty based on baseless allegations of non-compliance. The inalienable rights of the States Parties, as stipulated in the Treaty, cover all aspects of peaceful nuclear technologies and are not limited to specific areas.

In this connection, the outcome documents of the 2000 and 2010 NPT Review Conferences have reiterated 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. Unfortunately, for the first time in the history of the IAEA, the promotional statutory pillar of the Statute has been put in serious jeopardy through illegal and politically motivated decisions of the Security Council, which is trying to dictate to the Agency whether,
how and when to deprive a developing Member State of technical cooperation that is solely intended for humanitarian and peaceful uses or nuclear safety. We strongly believe that there should be a balance between promotional and safeguards activities of the IAEA and it should not be turned to a one dimensioned agency. The Islamic Republic of Iran, for its part, is determined to pursue all legal areas of nuclear technology, including fuel cycle and enrichment technology, exclusively for peaceful purposes, a legal activity that has been and will continue to be carried out under the IAEA supervision. The safety and security of the peaceful nuclear facilities is of the outmost importance for the government of the Islamic Republic of Iran. Hence, all necessary measures to protect nuclear materials and installations from unauthorized access have been taken. Iran, as a responsible nuclear technology owner has also had in place legal framework to this end. In this context, I would like to refer to the Resolution of General Conference GC(55)-RES-10 which in preamble paragraph (i) emphasizes on the need for the involvement of all Member States of the Agency in nuclear security related activities and initiatives in an inclusive manner. Selective and discriminatory approach with regard to nuclear security is a matter of grave concern and would not result in internationally agreed measures. Unfortunately, certain countries have used the Board of Governors of the IAEA and the Security Council as tools for advancing their political intentions and to interrupt the peaceful activities of a State Party. To this end, they may commit numerous breaches of their obligations, which can in turn result in infliction of damages on a State Party. Due to the importance of the issue and since no mechanism is designed under the Treaty in this regard, the Islamic Republic of Iran reiterate its proposal to establish a mechanism by the 2015 Review Conference of the Treaty to examine cases of non-compliance with Article IV and the consequential damages inflicted on States Parties through the violation of this Article by any State Party. In such a mechanism, the implementation of the provisions of Article IV and compliance with the obligations of the nuclear technology owners, including the facilitation of international cooperation, should be duly verified, and those countries that are responsible for the violation of Article IV should compensate for the damages inflicted on States Parties resulting from their actions.
Mr. Chairman,

Before ending my statement I would like to draw your kind attention to the following points on Iran’s peaceful nuclear activities.

1- The Agency has so far conducted 7500 person-days inspection and over 100 unannounced inspections with 2 hours short notice in Iran’s nuclear facilities. However after these unprecedented inspections in the history of the IAEA, the Agency found no evidence of diversion of even a gram of uranium to military purposes.

2- Iran considers the resolutions of the Board of Governors and the UNSC illegal for the following legal reasons:

i. According to article XII.C of the Agency’s Statute: if the inspectors recognize the “non-compliance”, they shall report to the Director General, then the DG shall report to the Board of Governors. The Board then reports to the Member States and the UNSC. In case of Iran, never such a procedure was pursued. A few Board members, after about three years, which the issue was raised in the Board in 2003, claimed that there was “non-compliance” before 2003. The DG had however not used the legal phrase “non-compliance” but he used “failures” as used for other countries implementing the CSA. According to the CSA after corrective measures, issues are closed. The former DG clearly reported of all corrective measures by Iran.

ii. The article XII.C which Board of Governor’s resolutions referred to talks about “Recipient Member States” which have misused nuclear material received from the Agency. Iran had never received nuclear material referred to the relevant articles of the Statute.

iii. According to the Statute and CSA: if the Agency finds out that nuclear material is diverted to military purposes then the UNSC will be informed of that. All reports of the former and present DG have declared that there is no evidence of diversion of nuclear materials.

iv. According to the CSA: if a Member State prevents inspectors to enter the country thus the Agency is not able to conduct its verification activities, then the UNSC will be
informed of this. All reports of the Director General since 2003 clearly declare that the Agency is able to continue its verification in Iran.

v. The resolutions against Iran by EU3 since 2003 till 2006 recognized the suspension of enrichment by Iran as: non-legally binding, voluntary, and confidence building measure. Therefore, the resolution by the Board of Governors to convey Iran’s nuclear issue to the UNSC after Iran decided to stop voluntary suspension of the UCF activities was 100% in contravention with its own previous resolution. It is worth mentioning that when EU3 proposed resolutions against Iran at the Board of Governors in 2006 with political motivation to get the UNSC involved in the technical issue belonging to the Agency, the enrichment activities in Natanz were under voluntary suspension.

Mr. Chairman,

In conclusion, I have to reiterate that Iran is fully committed to its obligations under NPT and nuclear weapons have no place in the defense doctrine of Iran. Iran which has never yielded to pressure during its centuries of civilization, shall not accept a bit more than its obligation under the NPT - Comprehensive Safeguards Agreement and not a bit less than its inalienable right for peaceful uses of nuclear energy, including enrichment for peaceful purposes. Iran has always called for negotiation as the only civilized path for removing ambiguities and promoting cooperation on global and regional issues as well as nuclear applications for peaceful uses, disarmament and non-proliferation. In this context, Iran shall continue its nuclear activities including enrichment for peaceful application without any interruption under the Agency’s supervision in accordance with the Comprehensive Safeguards Agreement (INFCIRC/214).

Last but not least, once again I should refer to a tragic and bitter event of an Iranian scientist who was assassinated in January, 2012 by terrorist groups affiliated to the intelligence services of certain countries and Israel. Urgent necessary measures should be taken in order to prevent the reoccurrence of such violent and heinous crimes. The States parties to the NPT should address the issue which is pertinent to the spirit and letter of the NPT and Statute of the IAEA and adopt concrete measures in order to impede this hideous phenomenon.

Thank you Mr. Chairman.