

Islamic Republic of

I R A N

Permanent Mission to the United Nations

Statement by

H.E. Gholam Ali KHOSHROO

**Deputy Foreign Minister for Legal and International Affairs of
the Islamic Republic of Iran**

**Before the Third Preparatory Committee of the
the 2005 NPT Review Conference**

New York, 27 April 2004

In the Name of God, The Compassionate, The Merciful

Mr. Chairman,

Allow me at the outset to congratulate you on the assumption of the chairmanship of this meeting. I am sure that with your diplomatic skills and experiences, the Third Preparatory Committee of the 2005 NPT Review Conference would be best guided toward success.

Mr. Chairman

Recalling paragraph 4 of Decision I of the 1995 NPT Review and Extension Conference we are to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality. The NPT is based on three pillars and no doubt the first and most important is the Nuclear Disarmament.

Nuclear Disarmament

To some, the cold war rivalries might have served as an excuse for continued development of different types of nuclear arms and reliance thereon in strategic terms. However, contrary to the expectations of Non-Nuclear Weapon States, the demise of the Soviet Union and end of the cold war did not entail an analogous review of nuclear arms and doctrines. On the contrary, some Nuclear Weapon States seem to feel too convinced with the power of nuclear arms to think of the need to fulfill their treaty based obligations to disarm. Worse yet, they are developing new types of nuclear weapons to be used in conventional warfare and thus have lowered the threshold of resort to nuclear weapons.

If in the cold war era, balance of terror saved the world from the catastrophic effects of using nuclear weapons, today the world more than ever faces the real threat of nuclear weapons being used against Non-Nuclear Weapon States.

The unequivocal undertaking of the nuclear weapons states to totally eliminate their nuclear arsenals leading to nuclear disarmament is still to be accomplished. It is not wishful thinking to expect nuclear weapon states to fulfill what they, as all members of the NPT family, are committed to under Article VI. The 1996 advisory opinion of the International Court of Justice eloquently ruled that "*states have a solemn obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control*"

The strengthened review process should dedicate sufficient time and energy to discuss the issue and the 2005 Review Conference should establish a subsidiary body to discuss the extent of progress in the implementation of the 13 practical steps for the systematic and progressive efforts to implement Article VI of the NPT.

Non-Proliferation

The new post cold war era has had its negative effects on Non-Proliferation of nuclear weapons as the second pillar of the NPT regime. Efforts to take all members of the international community on board, in spite of success in achieving a near universal record, seem to have reached to a stalemate and have not been

able to deal with cases which have been and still are of utmost importance to international peace and security.

It always needs to be noted that any disarmament treaty is based on a delicate balance hammered out between the threat perceptions and security requirements of every single member of the regime. True universality which preserves such a balance is the only guarantee for the successful endurance of the regime. The current state of some opting out of the NPT regime, acquiring nuclear arsenals and being exempted from any sanctions merely on the grounds of political affiliation, is definitely the most important threat to the credibility of the NPT regime.

Since 1974 when Iran first raised the idea of establishing a Nuclear Weapon Free Zone in the Middle East, the countries of the region have spared no efforts to make such a cause come true. Whilst all countries of the region, through their adherence to the NPT, have renounced nuclear option, Israeli unsafeguarded facilities and its arsenal of nuclear weapons pose the biggest threat to all countries of the Middle East as well as international peace and security.

The 1995 NPT Review and Extension Conference Resolution on the Middle East is part and parcel of the deal. So long as the countries of this region face the Israeli nuclear threat, backed by a blanket endorsement of a single nuclear power, the issue must be addressed by the strengthened review process of the NPT. We believe the 2005 Review Conference provides another opportunity to register the international demand from Israel to accede to the NPT and put its nuclear facilities under the IAEA safeguards system.

Should this happen, the NPT would get a major step closer to real universality and the ground would be paved for the establishment of a nuclear weapon free zone in the volatile Middle East region.

Negative Security Assurances

No one could consider the unilateral declarations of the Nuclear Weapons States on security assurances in April 1995 and the subsequent Security Council resolution 984 issued just days before the opening of the 1995 Review and Extension Conference a mere coincidence. The question of the security of Non-Nuclear Weapon States against the use or threat of use of nuclear weapons by Nuclear Weapon States has been an issue of concern since the very inception of

the NPT. The unilateral declarations registered as UN Security Council documents and the subsequent Resolution were fundamental prerequisites for sealing the indefinite extension of the Treaty.

NPT as a disarmament treaty should prove capable of allaying security concerns of its members. However, recent developments and latest posture review by a Nuclear Weapon State have proved that unilateral statements fall too short of providing legally binding security assurances against the use or threat of use of nuclear weapons. Such reversals in nuclear policies of Nuclear Weapon States blow the very basis of previous agreements and would certainly run contrary to the promotion of full implementation of the Treaty. Therefore, the 2005 Review Conference through establishing a subsidiary body on negative security assurances should address the legitimate concerns of Non-Nuclear Weapon States, which would enormously contribute to the full implementation of the Treaty.

Peaceful Use

Article IV of the NPT is very explicit in underlining the inalienable right of all Parties to the Treaty to develop, research, production and use of nuclear energy for peaceful purposes. Naturally, the exercise of this right needs to be in conformity with Article I and II and this would be verified through the procedure laid down in Article III.

What needs to be born in mind is the fact that the safeguard system as provided in paragraph 1 of Article III is:

- for the exclusive purpose of verification of the fulfillment of [a party] to the Treaty; and
- with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

For years, the proper implementation of this Article has been hostage to political whims of providing countries without due consideration of the negative effects of their decisions on economic and technological development of other countries.

The Islamic Republic of Iran after years of being systematically denied the exercise of its inalienable right had to mobilize all its national capacity to develop a national capability for peaceful use of nuclear energy. However, as a committed member of the NPT, we have been vigilant regarding compliance with our

obligations under Article II and non-diversion of nuclear energy from peaceful uses to nuclear weapons.

In response to politically instigated questions over the nature of the nuclear program of Iran, we have embarked upon a vast program of cooperation with the IAEA on the basis of full transparency. In this framework, we have signed and are provisionally implementing the Additional Protocol and undergone intensive rounds of inspections and complementary accesses to different sites in Iran.

Today, we are happy that over a year of robust verification by the IAEA inspectors has shown no indication of diversion and we are confident that this process will attest the peaceful nature of our nuclear program.

I would like to underline that the credibility and relevance of the NPT require a commitment by all members to uphold the fundamental tenets of the treaty, to respect the rights of all states parties and to implement all its provisions in good faith. NPT is a legal regime and ulterior political considerations should not have any role in the implementation of the rights and obligations emanating from it. Addressing the negative effects of political obstacles in the implementation of Article IV of the Treaty should, therefore, be one of the highest priorities of the strengthened review process.

Mr. Chairman

Before concluding I would like to briefly react to references and allegations made by the representative of the United States.

The United States is least authoritative to talk about others' compliance with the NPT provisions. The US has systematically undermined every achievement of multilateral fora in this field and needs first to come clean from serious doubts about its own commitment to the NPT and multilateral disarmament regimes. A country which has violated its obligations under articles I, IV and VI of the Treaty should first come up with convincing responses to international community's concerns over its nuclear posture review and its development of new types of nuclear weapons. In this context the US has actively been proliferating nuclear weapons and lowering the threshold of resort to nuclear weapons even in conventional conflicts and against Non-Nuclear Weapon States.

The US has another dubious record in actively supporting the Israeli nuclear program and torpedoing the efforts of the international community to control Israeli unsafeguarded facilities and nuclear arsenal, thus undermining International and regional peace and security.

Furthermore, the US's extraterritorial legislations have systematically hampered Iran's economic and technological development and run in clear violations of Article IV of the NPT and general principles of international law.

Mr. Chairman

We believe the problem lies somewhere else. The US launched a vicious disinformation campaign with allegations about Iran seeking nuclear weapons and had instigated concerns here and there about Iran's nuclear program. I think it is very much necessary to recall that the report by the IAEA, published in November 2003, is very explicit in saying "To date, there is no evidence that the previously undeclared nuclear material and activities referred to above were related to a nuclear weapons programme" and the results of over 8 months of robust inspections have proved nothing to the contrary. We all recall the vicious attack by the same representative against the IAEA when the agency issued that report.

Principle 9 of the 1995 Decision on Principles and Objectives, reiterated in the Final Document of the 2000 Review Conference, is very explicit in laying the modalities of resolving concerns. Iran's case is being duly dealt with in the IAEA and we feel should there had not been the positive trend of development there, the US representative would not have had to engage in such a fruitless exercise of baseless accusations.

I thank you Mr. Chairman