

**Preparatory Committee for the 2010
Review Conference of the Parties to
the Treaty on the Non-Proliferation
of Nuclear Weapons**

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THE ISSUE OF NON-COMPLIANCE WITH ARTICLES I, III, IV AND VI

Working Paper submitted by the Islamic Republic of Iran

Since the Preparatory Committee “decides that it understands the reference in the agenda to “reaffirming the need for full compliance with the Treaty” to mean that it will consider compliance with all the provisions of the Treaty, the Islamic Republic of Iran would like to elaborate its views on this issue as the following:

1. The NPT Review Conferences have the mandate to consider principles, objectives and ways in order to promote the full implementation of the Treaty, including Nuclear Disarmament as one of its main pillars. The upcoming Conference requires a thorough review of the implementation of provisions of the Treaty related to nuclear disarmament and non-proliferation, namely Articles I, III, IV and VI as well as the objectives inherent in the Preamble of the Treaty. Dealing with the question of Nuclear Disarmament definitely needs a reference to the past and devising new initiatives as well as actual disarmament measures.
2. The Nuclear Weapon States in this respect have the basic and fundamental obligations to particularly implement such provisions aiming at creating a world completely free from the horror of nuclear weapons. It was in fact promising that following the end of the cold war and termination of the East-West confrontation some attempts have been exerted by some nuclear weapon States to reduce their reliance on nuclear weapons and remove the operational status of their nuclear weapons and detarget the particular States in accordance with their obligations under the Treaty.

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3. In contrast, some significant developments have been served as serious set back to the Treaty obligations with respect to nuclear disarmament. It is unfortunate that as a matter of principle there is a misleading concept propagated that, the nuclear weapon States do not have any legal and even political obligation under the NPT for nuclear disarmament. One of these nuclear weapon States once claimed that “Article VI is just one sentence long”. It argued that since Article VI does not refer to nuclear weapon States, does not provide any timetable and sets no deadline for the accomplishment of nuclear disarmament, it “contains no suggestion that nuclear disarmament is to be achieved before general and complete disarmament”.

4. In this context, the adoption of the Nuclear Posture Review which serves as the basis for the US nuclear policy in terms of operationalization and planning seriously introduces elements which are contrary to the obligations of the Treaty. This Posture particularly recognises the critical role of nuclear weapons by stating (in its page 7) that “ nuclear weapons capabilities possess unique properties that give the United States option to hold at risk classes of targets important to achieve strategic and political objectives”. It has furthermore has specified certain countries, among them non-nuclear weapon States party to the NPT with hostility towards the US, to be as real and potential targets to be involved in immediate, potential contingencies.

5. The US Nuclear Posture furthermore recognised (in its page 30) “the need for a revitalized nuclear weapons complex that will be able, if directed, to design, develop, manufacture, and certify new warheads in response to new national requirements; and maintain readiness to resume underground nuclear testing if required.” Allocation of hundreds of millions of dollars to the construction and developments of new nuclear weapon systems such as mininuclear weapons or the so called bunker busters are all practical efforts to implement the policy guidelines in development of US nuclear weapons accordingly.

6. There is no doubt that the decision to develop such program runs contrary to the nuclear-weapon States’ obligations to systematic reduction of nuclear weapons and is an **obvious non-compliance with Article VI of the NPT**. Despite the major concerns expressed by the international community, in particular the Non-Aligned Movement, the US has not responded to the concerns expressed over the implementation and the deployment of new nuclear weapons

system and has continued the construction of new facilities under the pretext of more reliable nuclear weapons.

7. During the 2000 Review Conference, nuclear-weapon States committed themselves to "the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as integral part of the arms reduction and disarmament process". The nuclear-weapon States, moreover, should engage immediately and in good faith in substantive work for the speedy and meaningful implementation of their obligations under the Treaty, in particular Article VI and the commitments under the 1995 decision on principles and objectives and the resolution on the Middle East. Any reduction of nuclear weapons, whether strategic or non-strategic, should be in a transparent, verifiable and irreversible manner.

8. The US's nuclear cooperation with Zionist Regime, as hard evidenced after the agreement reached during the US Energy Secretary's visit to the occupied territories in February 2000, is in fact another aspect of violations of Article I obligations by the US, and the source of concern for all NPT members and specially the Middle East countries which are all members of the NPT family. This agreement which was claimed for peaceful purposes and nuclear cooperation between United States and Zionist Regime is also a clear **violation of Article III, paragraph 2** which stipulates that cooperation of each State Party to the Treaty in providing equipment or material for peaceful purposes is not possible "unless the source or special fissionable material shall be subject to the safeguards required by" the NPT. Zionist Regime's unsafeguarded nuclear weapon facilities and nuclear arsenal is a real threat to all countries of the region and to the international peace and security. The very recently a new agreement was signed by the director of the Israeli Atomic Energy Commission, and the chairman of the U.S. Nuclear Regulatory Commission, enabling Zionist Regime to access most of the latest nuclear data and technology available in the U.S which is another US non-compliance with the provisions of the NPT. Though it seems that the US has no shy of supporting that regime's nuclear weapon and the disclosed "top secret document dated 23 August 1974" clearly show the role of the US in equipping Zionist Regime with nuclear weapons.

9. Furthermore, the nuclear-weapon States are committed to comply with their commitments to the full implementation of Article I. They should refrain from nuclear sharing,

under any kind of security arrangements among themselves with non-nuclear weapon States and those not party to the Treaty.

10. The transfer of nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear scientific or technological fields to the nuclear weapons capability non-parties to the Treaty without exception and in particular to Zionist Regime, whose unsafeguarded nuclear facilities endanger the security and stability in the Middle East must be prohibited.

11. The United States for a long time has been in **non-compliance with** the obligations undertaken under the Treaty which provides in its **Article I** “not to transfer to any recipient whatsoever nuclear weapons” by transferring hundreds of nuclear weapons to certain non-nuclear weapon States under the NATO umbrella. The United States’ deployed nuclear weapons in other countries are extremely integrated into the military infrastructure of the countries hosting these weapons. Cold war rationales and suggesting vague missions such as war prevention, or attempts directing at deterring proliferation of weapons of mass destruction have not been adequate in providing sufficient justifications for installation of this large number of nuclear weapons in other territories.

12. At a time when the United States and some European countries reaffirm the need to build a foundation for a global partnership against the proliferation of nuclear weapons, such transatlantic transfer of nuclear weapons and the subsequent efforts to modernize the nuclear posture by clinging to outdated cold war arrangements and justifications raises serious questions for the public opinion. Deploying hundreds of nuclear weapons in non-nuclear weapon States and the training of the fighter bomber pilots of the hosting countries to prepare for handling and delivering the US nuclear bombs against the nuclear as well as non-nuclear weapon States contravenes both letter and spirit of the Treaty and is a clear non-compliance with the NPT. The danger of nuclear incidents by terrorist activities requires a viable solution to deal with such transferred weapons. This has made many including parliaments in these countries to request for the withdrawal of nuclear forces from their territories.

13. The United States and some other nuclear weapon States are still dangerously persisting on yesterday's doctrines and the traditional role of deterrence. Since the first atomic bombs dropped on Hiroshima and Nagasaki in August 1945 which had a destructive power 10,000 times larger than previous explosive devices, the United States designed and built thermonuclear bombs, a thousand times more destructive than fission bombs. The continued existence of thousands of such bombs in the stockpiles of the United States and other nuclear powers has kept the fate of civilization and of humanity itself under horror and panic. By insisting on keeping nuclear bombs, nuclear weapon States themselves are the source of proliferation. As long as one Nuclear Weapon State or nuclear power outside of the NPT insists on maintaining nuclear option, the other nuclear weapon States will do the same and this vicious circle will never end. Thus the non-nuclear weapon States who have already forgo nuclear option, are rightly asking why these terrible weapons exist. Under what circumstances and for what purpose could the use of the world's most destructive mass-terror weapons ever be justified?

14. France has announced the addition of a new nuclear-armed ballistic missile-carrying submarine to its nuclear arsenals. The French president is quoted as saying "French nuclear forces are a key element in Europe's security." 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. In so doing, they have even resorted to irresponsible methods such as manipulation of intelligence and fear to promote programs that their people would otherwise not support.

15. The decision of the United Kingdom to renew and further develop its nuclear weapons capability, by approving the Trident Project, is 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.

16. The non-compliance with the Treaty obligations is not limited to the violations of Articles I, III and VI and certain States have also constantly violated the provisions of Article IV

of the NPT which provides for the international cooperation and transfer of peaceful nuclear technologies to the NPT States Parties. Contrary to such obligations, the US has been at the forefront of the imposition of unilateral restrictions against the NPT States parties, in particular developing countries. Such **non-compliance with Article IV** of the NPT merits a through consideration by the Review Conference.

17. All States parties to the NPT consider the pursuit and development of nuclear technology for peaceful purposes to be their inalienable right, and thus can invest human and material resources in this field. Restrictions imposed by nuclear suppliers that have targeted peaceful nuclear programme can affect the entire industry and all possible sources of supply of material and equipment of the NPT States parties thus seriously affecting the development plans particularly in the developing countries. Clear violations of Article-IV obligations by certain States in depriving the States parties from the exercise of their inalienable right and illegal as well as unilateral sanctions is a matter of great concern to the developing countries. This issue should seriously be followed in the upcoming Conference.
