



# General Conference

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Forth-Ninth (2005) Regular Session

## Plenary

### Record of the First Meeting

Held at the Austria Center Vienna on Monday, 26 September 2005, at 10.15 a.m.

Temporary President: Mr. RÓNAKY (Hungary)

President: Mr. BAZOBERRY (Bolivia)

### **Iran 179-194**

179. Mr. AGHAZADEH (Islamic Republic of Iran) said that it was, in his country's view, important to have an overall assessment of what the Agency stood for and of whether its performance matched its original objectives in a reasonably balanced manner.

180. It was an established position of the NPT membership that the NPT rested on three pillars — disarmament, non-proliferation and peaceful nuclear activities. The Agency's role was limited to the latter two — the Agency should serve as provider, or facilitator of the provision of, nuclear material and technology for peaceful uses while ensuring that they were not diverted to military purposes. However, the ability of the Agency to fulfil its role with regard to peaceful nuclear activities had been minimized over the years as a result of severe restrictions applied by technology holders through export controls. On the other hand, its monitoring functions had expanded systematically, to the point where the Agency was now being referred to as the 'United Nations nuclear watchdog', indicating a total lack of recognition of its obligations towards States with regard to peaceful nuclear activities.

181. Even in the area of safeguards, there was scepticism about the work of the Agency. The NPT membership had agreed that the application of additional protocols provided 'credible assurances' about the exclusively peaceful nature of nuclear programmes, but their applicability in specific situations was questioned. Iran represented a clear example.

182. Over the years, Iran had been deprived of access to nuclear material, equipment and technology. The Agency had been prevented, throughout that time, from fulfilling its obligation to provide such access. As a result of unlawful, arbitrary and full-scale sanctions, some failures had been unavoidable in order to avert the total collapse of Iran's peaceful nuclear activities.

183. Iran had embarked on remedying those failures through, inter alia, the rigorous and sustained implementation of additional protocol measures. Now that matters were nearing total resolution, however, it was being claimed that the additional protocol did not provide the Agency with sufficient authority to

arrive at a conclusion. That situation called into question the validity and viability of the Agency as a provider, facilitator and observer in the peaceful nuclear field.

184. The resolution passed by the Board of Governors on 24 September 2005 demonstrated how issues could reach the boundaries of absurdity when politics overwhelmed the work of the Agency. That resolution was based on an invalid legal precept, unjustified technical grounds and a misguided political forecast.

185. The Statute and Iran's safeguards agreement contained very restricted provisions regarding the United Nations Security Council's involvement, which was envisaged only in rare cases. A correct and objective reading of those documents left no opening for referral to the Security Council in the case of Iran.

186. As stipulated in Article 19 of Iran's safeguards agreement, the Board of Governors would be empowered to consider engaging the Security Council only if the Agency established that it was unable to verify that no diversion for military purposes had occurred in Iran. Since the Agency had concluded, more than once, that no evidence of such diversion existed, the Board was not in a position to decide to report the matter to the Security Council.

187. The Agency's technical evaluation, as reported by the Director General, confirmed that: a number of issues had been fully resolved, and the Esfahan uranium conversion facility, the Arak heavy water plant, and fuel fabrication and laser enrichment activities were therefore now subject to routine safeguards; the HEU issue — the only issue with the potential to raise proliferation concerns — had been resolved, as it had been established that the HEU particles which had been detected were the result of contamination; and progress had been made on the few remaining questions, the resolution of which did not hinge on the cooperation of Iran alone but also on that of certain European States where individuals involved in clandestine network activities were either in custody or under surveillance.

188. Given that technical situation, there was no objective reason for being alarmed and involving the Security Council, particularly as matters were approaching a final settlement and credible assurances as to the absence of undeclared material and activities were imminent. In fact, the only cause for alarm was the political motivation behind what had been taking place in the Board.

189. What was the reason for the strong urge to resort to the Security Council? By what magical means could the Security Council bring about a settlement? Would involving the Security Council do anything other than exacerbate an already fragile political environment, intensify an unnecessary impasse and provoke an unwanted crisis? The submission of a report to the Security Council would undoubtedly initiate a chain of actions and reactions that would breed tension and add volatility to the already vulnerable political situation in the region.

190. With the Tehran Declaration and the ensuing Paris Agreement, Iran had provided its European interlocutors with an excellent opportunity to move — over a two-year period — towards a mutually acceptable agreement. The European proposal, however, explicitly betraying Iran's inalienable right under the NPT, had in effect nullified the Paris Agreement. Iran had therefore no longer been bound by its provisions, including those that pertained to the Esfahan uranium conversion facility. Operations there had consequently been resumed, but under full Agency safeguards and with monitoring of the sealed products. It made no sense to claim concern about — and to call for the suspension of — an activity that was subject to routine inspection by the Agency.

191. The EU-3's action involving the Security Council negated the provisions of the Tehran Declaration, the quid pro quo constituting the basis of which was therefore no longer in existence. That meant that Iran had no obligation to continue with the measures voluntarily implemented pursuant to the agreements arrived at in Tehran.

192. Those countries which had vigorously pressed for a decision in the Board — and had voted en bloc in favour of the resolution adopted by the Board on 24 September — were essentially the western nuclear-weapon States and their NATO allies, which relied on nuclear weapons for their security. Those countries which had gone along with them had included a recent violator of Agency safeguards and a country under the nuclear umbrella which had massive stocks of enriched uranium and plutonium. Those countries which had not joined in the Board's decision, on the other hand, were nuclear-weapon States which had been forthcoming on nuclear disarmament and non-nuclear-weapon States party to the NPT with impeccable non-proliferation records. The political wrangling was bound to intensify and the pressures were bound to increase in the following weeks and months, but the conclusion would remain the same: the concerns expressed over Iran's peaceful nuclear programme were highly exaggerated and politically motivated.

193. The proposal for phased action put forward by Iran remained on the table. Also, Iran's President had in the United Nations General Assembly made a generous proposal regarding the opening-up of Iran's nuclear programme to participation by public and private companies from other countries — a move that would offer the best possible guarantee against diversion. The proposal was fully in line with the recommendations of the Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle, which had been mandated to come up with feasible ways of maintaining nuclear fuel production and supplies while averting proliferation concerns.

194. Iran had done enough to bring about a settlement, but its confidence in the good will and good faith of its counterparts had been shattered. It had already demonstrated its determination to arrive at an agreement, but it was not yet convinced of the EU-3's intention to reverse the dangerous trend towards confrontation or of the EU-3's wish to work, on the basis of the fully recognized inalienable right to use nuclear energy for peaceful purposes, towards an arrangement regarding Iran's nuclear fuel cycle programme. Only when it was convinced would crisis and confrontation give way to understanding and conciliation.