



# General Conference

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Fiftieth (2006) Regular Session

## Plenary

Record of the First Meeting

Held at the Austria Center, Vienna, on Monday, 18 September 2006, at 9.45 a.m.

Temporary President: Mr. BAZOBERRY (Bolivia)

President: Mr. MINTY (South Africa)

### Iran 128-137

128. Mr. AGHAZADEH (Islamic Republic of Iran) said that one of the topics of the Conference was utilization of atomic energy in the 21st century and supply and assurances of nuclear fuel; the topic had been discussed on many occasions during the previous three decades, but no tangible result had ever been arrived at. Some progress had now been made, but there was still no hope of a final achievement, as many Member States remained sceptical because the intentions and objectives of the issue's proponents were still ambiguous and questionable. There was still a lack of confidence and trust regarding what was on the table and what remained hidden. The reason should be sought in the approach and conduct of certain nuclear-weapon States vis-à-vis the rights and obligations of Member States.

129. At the NPT Review Conference in 1995, the nuclear-weapon States had misled the non-nuclear-weapon States into accepting an unlimited extension of the NPT by making promises and undertaking commitments on a superficial level. The Islamic Republic of Iran and most of the developing countries were sceptical as to the goodwill of those countries, since the 25-year history of the NPT had been full of failures in their commitments. For that reason, the extension had been adopted conditionally, as reflected in the statements and formal reservations by the majority of States parties. It was profoundly regrettable that after only a short period it had become clear that their pessimism was not without justification.

130. The commitments on nuclear disarmament had been breached on a regular basis, and in some cases had even been reversed. The NPT's universality had become meaningless by the implicit recognition of some emerging nuclear weapons capabilities. Israeli nuclear weapons had continued to be ambiguous, and there had been no intention to dismantle them. Countries outside the NPT had been rewarded by access to nuclear equipment, capabilities and materials and by the expansion of nuclear cooperation. In contrast, the majority of parties had continued to be deprived of peaceful nuclear technology. The restrictions had not been reduced; instead they had been increased. It had come as no surprise, therefore, that the 2005 NPT Review Conference had totally failed. The responsibility for those failures rested fully on the shoulders of those nuclear States that had ignored their undertakings under the previous NPT Review Conferences.

131. Against that background, there was serious concern over the hidden and transparent measures and attempts aimed at depriving other countries of nuclear fuel production capability and its related technology. The attempts could be deceiving and misleading, as it was said that nuclear fuel capabilities would be tantamount to a capability for diversion from peaceful purposes. It was therefore argued that with the exception of a few countries - including nuclear-weapon States and those that had rejected the NPT - others must accept a denial of their inalienable rights. Determined efforts were being made to turn the NPT, which had been founded on the three pillars of nuclear disarmament, peaceful cooperation and non-proliferation, into a unipolar Treaty resting on the single column of nonproliferation. That approach would lead only to the fragility and vulnerability of the NPT.

132. It was now generally agreed that nuclear energy would constitute the main part of the global energy mix in the coming decades, so that achieving the capability for fuel production would be critical for developing countries. The reduction or removal of restrictions on the supply of nuclear power reactors was not very significant; what was essential was the ability to produce one's own nuclear fuel, and not be dependent on others. That was why developed countries, except those restricted by their environmental policies, were determined to develop nuclear fuel and enrichment, and continued to invest in and subsidize that technology in spite of the lack of economic justification and even the loss of profit by their companies involved in nuclear fuel production. In other words, since they had the capability to produce the atomic bomb they had permission to have nuclear fuel capability. With the same logic they would permit the nuclear-weapon States that had rejected the NPT to produce nuclear fuel. At the same time, the Islamic Republic of Iran and other developing countries that had joined the NPT and rejected nuclear weapons must not pursue nuclear fuel production since it might be diverted to prohibited purposes. It was a strange form of logic.

133. The developing countries should not neglect the fact that developed countries were seeking to create a monopoly on the production of nuclear fuel – a strategic and critical commodity. That monopoly should not be accepted. Restricting or prohibiting Member States, not only Iran, from exercising their inalienable rights to develop and pursue peaceful nuclear activities was not acceptable. Before the gap within the NPT and among the Agency's members widened and before the positions of the two sides were further polarized, that devastating process must stop. Over the past three years, the Islamic Republic of Iran's nuclear programme had been in the forefront of such issues, and if it withdrew from its position they would apply that as a model to other developing countries. For that reason they had spared no efforts in intimidating and threatening the Islamic Republic of Iran. At the recently concluded 14th summit meeting of the NAM, held in Havana, Cuba, the 116 Heads of State and Government of the NAM countries had unanimously reaffirmed the basic and inalienable right of all States to develop, research, produce, and utilize atomic energy for peaceful purposes without any discrimination and in conformity with their respective legal obligations, and that the choices and decisions of States in the field of peaceful uses of nuclear technology and its fuel cycle must be respected. The Iranian people and Government expressed their sincere appreciation for the valuable support of the NAM over the past three years.

134. The Board's decision to convey Iran's nuclear issue to the United Nations Security Council had no legal basis and was in contradiction with the Agency's Statute and its practice. How could a programme be considered a "threat against international peace and security" and conveyed to the Security Council when the Agency, after three years of intrusive and robust inspection and investigation, had not found any evidence of diversion to prohibited purposes? More surprising still had been that the Board should have changed the voluntary and non-legally binding measure to a mandatory obligation; without doubt that signalled a new trend and constituted a deplorable precedent in the history of the Agency.

135. The overwhelming legal opinion of renowned international jurists asserted that the Board was not empowered to make such a judgement or to act beyond its statutory mandate. The Islamic Republic of Iran therefore had no legal obligation to accept such demands. The Agency's purpose and function was both to safeguard and to facilitate peaceful nuclear activities; the two were intertwined. If it were not able to live up to its commitments vis-à-vis the Islamic Republic of Iran, and restricted Iran's access to peaceful nuclear capabilities and undermined its inalienable rights, the Agency would be in breach of its obligations under the Statute and the bilateral safeguards agreement. In such a case, the Islamic Republic of Iran would also have no legal obligation towards the Agency. There should also be no doubt that any hostile action by the Security Council would lead to a limitation of cooperation with the Agency. Such a unilateral approach aggressively pursued by one or two States was bound to cause loss and damage to all.

136. Achieving a solution was by no means beyond reach. The Islamic Republic of Iran believed that an agreement could be reached through negotiations, relying on good faith, political will and flexibility. His country was prepared for negotiations and a political compromise, and believed that a peaceful solution of the issue through political understanding would pave the way for more significant and extended agreements, reducing and removing the tensions, and bringing stability to the region. To that end, his country had received the EU-3 package proposal and, despite all its ambiguities and shortcomings, had considered it a step forward. After an in-depth study by Iranian experts, a comprehensive response had been submitted to Iran's counterparts on the announced date of 22 August 2006, with the aim of paving the way for discussions and negotiations to achieve a comprehensive agreement.

137. He said that the intentions of the Islamic Republic of Iran were exclusively peaceful; it had no intention of violating its obligations under the NPT; it was prepared to maintain its nuclear programme under the surveillance of the Agency; it had accepted the Agency inspections in accordance with the comprehensive safeguards agreement which was implemented on a routine basis; it was prepared to accept any partnership in its nuclear fuel production programme with any country that was interested; it believed in regional cooperation on its peaceful nuclear activities and the establishment of a nuclearweapon-free zone; and it was against nuclear weapons and was seeking their total elimination in the region and the world. The Islamic Republic of Iran had opted for conciliation, and hoped that logic would gradually prevail over force and that compromise would overcome hostility and confrontation.