

### **3. statement in 2013**

*Item 6 (d): “Implementation of the NPT Safeguards Agreement and relevant revisions of United Nations Security Council Resolutions in the Islamic Republic of Iran”*

Mr. Chairperson,

1. The Vienna Chapter of the Non-Aligned Movement wishes to thank the Director General, Mr. Yukiya Amano, for his report on the Implementation of the NPT safeguards agreement in the Islamic Republic of Iran as contained in document GOV/2013/40

2. NAM wishes to reiterate its confidence in the professionalism and impartiality of the IAEA Secretariat in carrying out its activities concerning the application of NPT safeguards in the Islamic Republic of Iran.

3. Before expressing its comments on the Director General’s Report, NAM would like to reiterate its principled positions on the matter:

a. NAM reaffirms the basic and inalienable right of all states to the development, research, production and use of atomic energy for peaceful purposes, without any discrimination and in conformity with their respective legal obligations. Therefore, nothing should be interpreted in a way as inhibiting or restricting the right of states to develop atomic energy for peaceful purposes. States’ choices and decisions, including those of the Islamic Republic of Iran, in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected.

b. NAM recognizes the IAEA as the sole competent authority for verification of the respective safeguards obligations of Member States and stresses that there should be no undue pressure or interference in the Agency’s activities, specially its verification process, which would jeopardize the efficiency and credibility of the Agency.

c. NAM emphasizes the fundamental distinction between the legal obligations of states in accordance with their respective safeguards agreements, as opposed to any confidence building measures undertaken voluntarily and that do not constitute a legal safeguards obligation.

d. NAM considers the establishment of a nuclear-weapons-free-zone (NWFZ) in the Middle East as a positive step towards attaining the objective of global nuclear disarmament and reiterates its support for the establishment of such a zone in accordance with relevant General Assembly and Security Council resolutions.

e. NAM reaffirms the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities - operational or under construction - poses a serious danger to human beings and the environment, and constitutes a grave violation of international law, of the principles and purposes of the Charter of the United Nations, and of regulations of the IAEA. NAM recognizes the need for a comprehensive multilaterally negotiated instrument prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

f. NAM strongly believes that all safeguards and verification issues, including those related to Iran, should be resolved within the IAEA framework, and be based on sound technical and legal grounds. NAM further emphasizes that the Agency should continue its work to resolve the Iranian nuclear issue within its mandate under the Statute of the IAEA.

g. NAM stresses that diplomacy and dialogue through peaceful means as well as substantive negotiations without any preconditions amongst the concerned parties must remain the means whereby a comprehensive and lasting solution to the Iranian nuclear issue is found.

4. NAM stresses that the issue of non-proliferation should be resolved through political and diplomatic means and that measures and initiatives taken in this regard should be within the framework of international law, relevant conventions and the United Nations Charter.

5. NAM takes note that the Director General has stated once again that the Agency has been able to continue to verify the non-diversion of declared nuclear material in Iran at nuclear facilities and locations outside facilities where nuclear material is customarily used (LOFs) as declared by Iran under its Safeguards Agreement.

6. NAM welcomes the clear distinction made by the Director General between obligations emanating from Iran's Safeguards Agreement and other requests by the United Nations Security Council. In this regard, NAM notes that the Director General has stated in his report that Iran is not implementing a number of its obligations emanating from relevant provisions of the United Nations Security Council resolutions. NAM recalls that the Director General has previously reported Iran's assertion that some of the Agency's requests "had no legal basis since they are not falling within Iran's Safeguards Agreement", an assertion elaborated by Iran in Document INFCIRC/810 as well. NAM encourages Iran to enhance its cooperation with the Agency to provide credible assurances regarding the absence of undeclared nuclear material and activities in Iran in accordance with international law.

7. NAM encourages the Secretariat to continue to refrain from including extensive technical details pertaining to sensitive proprietary information in the report of the Director General.

8. NAM welcomes the continued cooperation between the Agency and Iran as elaborated in the latest report of the Director General, and in this regard, notes the following:

a. that Iran has declared to the Agency under its Safeguards Agreement, 17 nuclear facilities and 9 LOFs, and that the Agency continues to verify the non-diversion of declared nuclear material at these facilities and LOFs.

b. that the activities of production of nuclear material, particularly those related to enrichment, continue to remain under the Agency's containment and surveillance and that to date, the Fuel Enrichment Plant (FEP) in Natanz and Pilot Fuel Enrichment Plant (PFEP) have been operating as declared.

c. that the Agency has verified that the Fordow Fuel Enrichment Plant (FFEP) is being constructed according to the latest design information provided by Iran, although it also states that additional information is needed from Iran in connection with this facility.

d. that the Agency has continued to monitor the use and construction of hot cells at the relevant nuclear facilities in Iran, and confirmed that Iran is not conducting reprocessing activities in any of the facilities declared under its Safeguards Agreement.

e. that on 7 August 2013, the Agency carried out a DIV at the IR-40 Reactor at Arak. According to Iran the "start-up" date for the IR-40 Reactor was "not achievable, so it cannot be the first quarter of 2014".

f. that during the DIV, Iran informed the Agency that it had produced about 90 tones of heavy water and indicated that it would have sufficient heavy water for the commissioning of the IR-40 Reactor,

g. that since the Director General's previous report, Iran has started to produce fuel assemblies containing nuclear material for the IR-40 Reactor and as of 17 August 2013, the Agency verified that Iran manufactured ten such assemblies, all of which stored at FMP.

9. NAM notes the standing requests by the Secretariat for further information regarding the design and scheduling of the construction of new uranium enrichment facilities, and an updated DIQ for the IR-40 heavy water reactor. NAM continues to

encourage Iran to provide and update design information regarding its nuclear facilities in accordance with its full-scope safeguards agreement with the Agency.

10. NAM notes that the Director General mentioned in his report that he reiterated to Iran his position regarding the need to take steps towards the full implementation of its Safeguards Agreement and its other relevant obligations, in order to establish international confidence in the exclusively peaceful nature of Iran's nuclear program. In this regard NAM encourages Iran to continue to extend full cooperation.

11. NAM notes another round of talks between the Agency and Iran is planned for 27 September 2013 in Vienna since the Director General's previous report to resolve all outstanding substantive issues. NAM further notes that the DG's report highlighted that in spite of the intensified dialogue between the Agency and Iran since January 2012, no concrete results have been achieved. NAM therefore encourages the continuation of these discussions with a view to finalizing an agreement between the IAEA and Iran.

12. NAM also notes that Iran has still not received the documents relating to the "alleged studies". In this context, NAM fully supports the previous requests of the Director General to those Member States that have provided the Secretariat information related to the "alleged studies" to agree that the Agency provides all related documents to Iran. NAM expresses once again its concerns on the creation of obstacles in this regard, which hinder the Agency's verification process. NAM recalls that the Director General previously reported in document GOV/2009/55 that:

- a. The Agency has limited means to authenticate independently the documentation that forms the basis of the alleged studies.
- b. The constraints placed by some Member States on the availability of information to Iran are making it more difficult for the Agency to conduct detailed discussions with Iran on this matter.

13. NAM welcomes Iran's resolve to continue cooperating with the Agency, and still looks forward to the safeguards implementation in Iran being conducted in a routine manner. In this context, NAM encourages the Agency and Iran to continue engaging substantively, redoubling efforts, without delay for the purpose of providing clarifications regarding the issues identified in the report, with a view to the prompt resolution of these issues in accordance with the Work Plan on "Understanding of the Islamic Republic of Iran and the Agency on the Modalities of resolution of the Outstanding Issues" (INFCIRC/711).

14. NAM reiterates its principled position that diplomacy and dialogue are the only way for a long term solution of Iran's nuclear issue. NAM encourages all Member States to contribute positively to that effect.

Thank you, Mr. Chairperson.