

Statement

By

H.E. Ambassador Soltanieh

**Permanent Representative to the United Nations and
Other International Organizations**

Before

The Board of Governors of the IAEA

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In the Name of God the Most Gracious and the Most Merciful

Mr. Chairman, Distinguished Delegates,

At the outset I would like to express my sincere condolences for the loss of H. E. Ambassador Fuad Ismayilov, Permanent Representative of brotherly and neighboring country Azerbaijan, one of the most decent friendly diplomats in Vienna.

Mr. Chairman,

I am obliged to express sincere appreciation for the indispensable support of family members of the Non-Aligned Movement for the peaceful nuclear

activities of the Islamic Republic of Iran, echoed in the statement delivered by the distinguished Ambassador of Egypt.

Mr. Chairman,

Permit me to shortly review the report of Director General on the implementation of Safeguards in the Islamic Republic of Iran (GOV/2011/7). A thorough review is going to be distributed in an explanatory note for the consideration of all Member States and public at large.

General Remarks

The main mandate of the Agency in the course of inspections is to verify non-diversion of declared nuclear material. The Agency should restrictedly reflect in its reports to the Board of Governors the results of its verification work. It has to report simply whether the inspectors have been able to conduct verification or not. If so, whether their findings are consistent with the declarations.

According to paragraph 27 of the Resolution on the Safeguards adopted by the General Conference (GC(53)/RES/14), the Agency should provide objective, technically and factually based reports with appropriate reference to relevant provisions of Safeguards Agreement.

According to resolution GC(54)/RES/11 of the 54th General Conference, the Agency should protect the commercial proprietary and confidential information during verification in Member States and reporting the verification activities.

Provision of detailed technical information in the report, coming to the inspectors' knowledge through carrying out the verification work, not only does not have any utility for the readers consisting range of various group of people from diplomats to public in the street, but it creates confusion paving the way for misuse and thus political tensions. In addition such

detailed technical information is in contravention with the principle of protection of confidential information.

The Secretariat has to merely verify the declaration of Member States based on Safeguards Agreements with the Agency. It does not have the mandate to complain why the Member States are not fulfilling their obligations. It has also no mandate to urge Member States adhere to a treaty or accept additional legal and financial obligations and to judge what will be the consequences. The Agency has to simply report the technical findings during verification process.

The fundamental distinction between the legal obligations of States in accordance with their respective Safeguards Agreements and those of confidence building measures undertaken voluntarily has to be clearly reflected in two distinct parts in the report.

Specific Remarks

1) The Director General has made distinction in his report, to some extent, between the measure related to the obligations under the Comprehensive Safeguards Agreement and the other requests falling outside such as those by the United Nations Security Council and the Additional Protocol. This is a step in right direction.

Director General has attached list of activities and nuclear facilities to the report which contains:

- a) Those under the Comprehensive Safeguards Agreement.**
- b) Those which are requested by the United Nations Security Council to be suspended.**

The thorough detailed report on the first category related to Iran's NPT obligation proves that the Agency has the full access to all nuclear material and facilities in the Islamic Republic of Iran, conducting routine and unannounced inspection as well as 24 hours cameras. Therefore, the

assertion that “Iran is not providing the necessary cooperation” is incorrect and misleading. If the Director General meant the necessary cooperation vis- a-vis the second category that is requests by the UNSC or related to the Additional Protocol or the modified Code 3.1, which I assume he did, then it has to be written in more clear language in the future.

2) The second category of long list proves our long assertion that the real intention of the proponents of the illegal UNSC resolutions is not temporary suspension of merely enrichment activities but suspension of all nuclear fuel cycle, paving the way for their ultimate cessation of all nuclear activities in Iran. As the attachment clearly indicates, the UNSC has also gone far away, passing the red line that is the inalienable right of a Member State, by requesting the suspension of even any research and development (R&D) in this area. That is none of the Iranians has the right to even think about or do research on enrichment and all other activities listed in the attachment of the report. I am sure all of you recognize the principle thought and concern behind Iran’s historical resistance not implementing the illegal UNSC resolutions. Would your countries suspend all such activities including R&D, if they were in our position? I leave it for your fair judgment.

3) The paragraph 47 of the summary reads: “*While the Agency is able to verify the non-diversion of the declared nuclear materials at the nuclear facilities and the LOFs declared by Iran under Safeguards Agreement, Iran is not providing necessary cooperation to enable the Agency to provide credible assurance about the absence of undeclared material and activities in Iran, therefore to conclude that all nuclear material in Iran is in peaceful activities*”.

I recall the Annual Safeguards Implementation Report (SIR), document GOV/2010/25 reads: “*Safeguards activities were implemented for 73 States with comprehensive safeguards agreements in force, but without additional protocols in force. For these States, the Secretariat found no indication of the diversion of declared nuclear material from peaceful nuclear activities. On this basis, the Secretariat concluded that, for these States, declared nuclear material remained in peaceful activities*”.

The key conclusion is that: After the most robust inspection during last 8 years, being unprecedented in the history of the Agency, no evidence of

diversion of nuclear material to prohibited purposes is found and all declared nuclear materials remain in peaceful activities. This important message to the whole world is overshadowed and undermined in this report.

4) In several occasions specifically in the course of last session of the Board of Governors in December 2010 , I thoroughly elaborated the reasons, four main legal reasons, based on the Agency Statute and the NPT, why the resolutions of the UNSC do not have any legal basis thus could not be implemented. The maximum it could do is to conduct verification and give a factual report without any judgment or any recommendation. Therefore the content of paragraphs 2 and 3 which was reflected for the first time is out of context and beyond the mandate of the Secretariat. The Secretariat has no mandate to inter into debate among the Member States as regard to legality of demands such as the ones by the UNSC. Such conducts put the impartiality of the Secretariat in jeopardy and politicizes the technical and professional nature of its statutory functions.

5) In fulfilling the expectation the Secretariat has only one function vis-à-vis the UNSC to verify whether Iran has suspended enrichment and reprocessing related activities or not. I have, on behalf of my Government, in several occasions declared that we have done so once for 2.5 years voluntarily since 2003 , but pursuant to confrontational acts including non-compliance to their commitments agreed upon with Iran and illegally conveying the issue to the UNSC by EU3 and US, our parliament had no choice but to mandate the Government to stop voluntary measures including suspension and the implementation of the Additional Protocol. We stopped the suspension which did not have any technical and legal justification. Therefore the answer is very straight forward: Iran is not suspending its nuclear activities which are all under Agency full surveillance and remain peaceful.

Having said so, I do not find any logic for the Agency to spend a lot of money of tax payers in all countries and waste the valuable time and efforts of the inspectors to verify whether Iran has suspended the activities listed in attachment 2 of the report in accordance with the illegal request of the UNSC. If Iran had declared that it has suspended its nuclear activities, then the Agency had to come to verify whether Iran is really doing so or not, as the Agency did during 2.5 years of voluntary suspension. Therefore the

Director General is expected to shorten its report by simply informing that Iran is not suspending its nuclear activities, including enrichment and it does not have any reprocessing activities.

6) Regarding the content of paragraph 46, where it reads: “Iran is not implementing a number of its obligations, including: implementation of the provision of its Additional Protocol; implementation of its modified Code 3.1 of the Subsidiary Arrangements”. I have to reiterate the following facts:

a) The Additional Protocol is not a legally binding instrument, as confirmed in the 2010 Review Conference of the NPT by consensus.

b) The modified Code 3.1 of the Subsidiary Arrangements is a recommendation of the Board of Governments and is not an integral part of the Comprehensive Safeguards Agreement (INFCIRC/153), thus is not a legally binding instrument.

c) The Islamic Republic of Iran was voluntarily implementing the Additional Protocol and the modified Code 3.1 for 2.5 years since 2003 but it was forced to stop after the EU3 and United States convey its peaceful nuclear issue to the UNSC by a resolution in the Board of Governors which I have proved lacking legal basis.

Therefore the content of the paragraph 46 in the summary of the report is inconsistency with legal criteria and the reality on the ground.

7) With respect to the issue of alleged studies and allegation of possible military dimensions I have to refer you all to my previous explanations. However it suffices to highlight the fact that all past such allegations, specifically by United States, including allegations of nuclear weapon activities in military sites such as Parchin, Lavizan, all proved to be baseless. While I recommend you to read the reports of the former Director General, I declare that we do pursue the legal process for compensation of huge damage to the credibility of country always committed to all international commitment.

8) The report is expected to reflect the results of the Agency’s verification for the period of December to March 2011 . The report consists of unnecessarily extensive details on the ongoing ordinary technical

activities of the peaceful nuclear activities in the Islamic Republic of Iran, which contravenes the protection of the sensitive proprietary information of the Member States.

Mr. Chairman,

As you are aware my Government has invited the Ambassadors of the Troika of the Non-Aligned Movement, Chairman of G-77 and the Permanent representative of the League of Arabs to pay a visit to our nuclear facilities in 2004 and 2007 . Once again with the purpose of maximum transparency and enhancement of cooperative environment among all Member States, my Government decided to expand the invitees to representatives of other geographical groups. Some, however, rather than welcoming such a historical unique offer of a visit to the most sensitive nuclear activities refrained from participation, raising different reasons. I am pleased to report that the visit was made on 15-16 January 2011 in an effective manner to both Natanz Enrichment Plant including the cascade hall for up to 20% enrichment and the Arak Heavy Water Research Reactor and Heavy water Production Plant. During the visit the representatives to the IAEA had opportunity to observe the activities of the Agency safeguards, including 24 hours surveillance equipments, seals, and inspectors conducting their job. In addition, the team of Ambassadors from Vienna was received by H.E Dr. Salehi, the Vice President and Foreign Minister as well as H.E. Dr. Jalili the Secretary of National Security Council, where they had the chance to be informed about the latest nuclear policy and activities. The emphasis was made on the determination of the Islamic Republic of Iran to continue its full cooperation with the IAEA while continuing its nuclear activities including enrichment without any interruption.

Conclusion

Mr. Chairman, distinguished colleagues,

Permit me to conclude my statement by reiterating the position of my country vis-à-vis application of nuclear energy and nuclear weapons, by recalling the historical message of the Supreme Leader of the Islamic Republic of Iran to the International Conference on Disarmament and Non-proliferation held in Tehran on 17-18 April 2010 . Due to time constraint I do only quote the relevant part to our discussion:

“Atomic and nuclear science are among the greatest achievement of the humankind and must be at the service of welfare and advancement of all human societies. The application fields of nuclear science cover a wide spectrum of medical, energy and industrial uses, each being of essential importance....The nations in the Middle East, like other nations of the world, are thirsting for peace, security and progress. They have the right to ensure the economic position and prosperity of the future generation. We believe that other weapons of mass destruction, such as chemical and biological weapons, also pose a serious threat to humanity. The people of Iran were themselves the victims of the use of the chemical weapons and are better aware of the dangers of production and stockpiling of these weapons. We are prepared to make resources available to use to counter this threat. We regard the use of these weapons to be illegal and Haram (Religiously forbidden), and it is incumbent on all to protect humankind from this grave disaster.”

Mr. Chairman,

I feel obliged to once again call upon all to spare no effort to put an end to the politically motivated boring debates in the Board of Governors and let's open a new chapter of mutual trust and collective cooperation to implement the statutory objectives for the promotion of peaceful uses of nuclear energy contributing to the peace and prosperity in the world.

Having just heard the statement by the group 5+1, I have to declare the followings:

As agreed in Geneva3 talks, the Islamic Republic of Iran is fully prepared to continue negotiation for cooperation on common elements with 5+1, as it

was clearly articulated by H.E. Dr. Jalili the Secretary of National Supreme Council in the course of negotiation in Istanbul.

As a matter of principle recognition of the inalienable right of nations and refrain from confrontation with such right are basic requirements for any successful negotiation. As you are all aware such principle is foundation for civilized talks and is not considered as pre-condition. Based on this principle the Islamic Republic of Iran is ready to start negotiation as soon as the group 5+1 is ready. I advise the group 5+1 to seize this unique opportunity, to change the gear from confrontation to cooperation, to come to negotiation table without further delay.

Remark on some statements

United States and EU have once again repeated the unfounded assertion questioning the exclusive peaceful nature of our nuclear activities without presenting any authenticated evidence. They are trying to divert the attention from the real threat to global peace and security, namely from hundreds of nuclear weapons deployed in Europe by United States of America. This is matter of serious concerned both as far as such a serious non-compliance of US and those non-nuclear weapon states party to NPT in concerned and the peace and security. On behalf of my Government in a letter I have requested the Director General to thoroughly investigate the non-compliance and report to the Board of Governors and the General Conference. A copy of my letter is going to be distributed along with my statement.

The comment by Zionist regime of Israel the unique example of violence of non-commitment to international laws, by occupation, crime against humanity, aggression , attacks and threat of attack against nuclear installation, not to mention others due to time constraint does not deserve a response.

As regards to the statement of distinguished ambassador of Japan, I have to recall my previous statement where I pose the question of the

justification of huge enrichment and plutonium production, in the scale of tons, where it could obtain easily from market. I would like to inform you that recently the Governor of TOKYO in his interview with British News Paper INDEPENDENT has said that Japan has to have nuclear weapon.

I request Director General to investigate and report to the Member States.

Thank you for your kind attention.