

Statement  
by  
H.E. Ambassador Soltanieh  
Permanent Representative of the Islamic Republic of Iran  
To the United Nations and Other International Organizations in Vienna  
  
Before the Board of Governors  
IAEA, Vienna, **4 March 2009**

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

Madam Chair, Distinguished Delegates,

Once again the world's public attention is focused on the IAEA to know what is going on in the Board of Governors. They are however deprived from having comprehensive clear picture since the news media are not allowed to be present under pretext of the confidentiality of the deliberation of the Board of Governors. Needless to say that few western members of the Board usually selectively chose what to be publicized fit for their preplanned political campaign against targeted Member State(s).

My delegation decides to present to all Member States and public at large an image which contains the main elements of the astonishing scene of the Board of Governors.

It simply seems a real battle field; A political combating front; challenges between "Haves" and "Have-nots"; "Rights" and "Obligations"; "Nuclear Suppliers" and "Nuclear Recipients"; "Nuclear Weapon States" and "Non-Nuclear Weapon States"; "Parties to NPT" and "Non-Parties"; between "Aggressors" and "Victim" and in a nutshell a real challenge between "Justice" and "Injustice".

Madam Chair, Distinguished Colleagues,

What kind of Agency do we expect according to the Statute? Is the present Agency what was assumed to be? Certainly not!

I welcome the recent opportunity to elaborate, in an open ended sitting based on principle of consensus, on the future of the Agency. We all have to thoroughly review of the activities since the Agency came into being, during recent years in particular, with careful diagnosis in order to be able to prescribe appropriate medication and remedy measures as soon as possible.

If we are not too ambitious by thinking of amendment of the Agency's statute, then we have to contain our expectation within the framework of the existing one.

Therefore I have to read out the relevant provisions of articles II and III on objective and function in order to remind all what are we talking about:

“The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world” and that fact that “The Agency is authorized to encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world”

A short glance on the developments since the Agency came into being shows that:

The promotional pillar, namely technical cooperation which is the main objective of the Agency has been overshadowed by safeguards activities. The persistent call during last decades by developing countries for assured and predictable financing technical cooperation activities has been completely ignored.

Safeguard has stepped beyond the red line of national security of Member States, under the pretext of intrusive inspection in some special cases.

The leakage of confidential information provided to the inspectors by inspected States, has damaged the mutual trust among Member States as well as the Secretariat and Member States, thus it is a matter of serious concern. I recall General Conference resolution GC(52)/RES/13 which stressed maintaining and observing the principle of confidentiality regarding all information related to the implementation of safeguards in accordance with the IAEA Statute and safeguards agreement;

The Islamic Republic of Iran and all other non-nuclear weapon Member States expect the Agency to provides regular reports on the implementation of its function stipulated in B1 of Article III of the Agency's Statute namely, establishment of safeguarded worldwide disarmament, simultaneously, equally and with the same significance as the report on Safeguards implementation in the context of non-proliferation.

There are many other concerns of general nature that I will elaborate during the discussions on the future of the Agency accordingly.

Madam Chair,

In this context I would like to elaborate very briefly on implementation of safeguards in Iran.

I feel obliged to express sincere appreciation for indispensable continuous support of the countries of Non-Aligned Movement specifically the statement delivered by distinguished ambassador of Cuba.

I would like to refer to the latest report (GOV/2009/8 ) of **19 February 2009** by Director General and his opening statement, on implementation of Safeguards in the Islamic Republic of Iran and to declare the few main concerns. I seek your indulgence if some are repetitive since I have no choice than to put on record the response to the boring, repetitive, unjustified and frustrating statements of few members trying to keep the issue on the Agenda of the Board of Governors at any price even at the cost of the credibility of the Agency:

1. During last six years incremental, hasty, and incomplete technical information reported at each meeting of the Board of Governors, before the completion of investigation by Safeguards Department, have created serious ambiguities, misinterpretations, and political disputes among Member States as well as States concerned. While deploring the political pressure of few members of the Board of Governors forcing the Secretariat to do so, Director General is expected to use maximum supervision on the safeguards department in order to avoid preparing reports under political pressure with absence of legal and technical basis stipulated in the Statute and Safeguards Agreements.

2. The Agency has to make a clear distinction between safeguards legal obligations and none safeguards voluntary measures, such as Additional Protocol, in its reports as emphasized by the Non-Aligned Movement (NAM) in its several statements at the Board of Governors. However, in the February **2009** report that has been prepared by the Safeguards Department, this is not followed and is contrary to Statutory and Safeguards duties and has created misunderstanding with negative consequences for long term cooperation between Islamic Republic of Iran and the Agency.

3. In this context I recall last year General Conference resolution GC(52)/RES/13, where it emphasized the provision of objective technically and factually based reports on the implementation of safeguards with appropriate reference to relevant provisions of safeguards agreement by

Director General and the Secretariat to the Board of Governors and the General Conference.

In many cases since last six years this expectation has not been fulfilled and my Government has in the spirit of cooperation responded to requests which lacked any reference to relevant legal provisions.

4. Professionalism and impartiality of the Agency Secretariat requires a balance factual report reflecting the views of the Secretariat and the inspected state. Unfortunately, this essential expectation is not realized in case of GOV/**2009/8** in which the Agency has reported its unjustified requests while there is no reflection of Iran's views on issues in question.

5. The Agency's Safeguards Department has omitted some of factual positive elements that been reported in previous reports. I have reflected in my letter of **2 March 2009** , to the Director General, all shortcoming and concerns regarding the report. I have however to appreciate that Director General has continuously declared that the Agency has found no evidence of diversion of nuclear material and activities to military purposes that is a clear bill of health for Iran's nuclear activities. It is shameful that during last six years those known western countries which have politicized the Agency have never reflected many positive elements of DG reports in their statement.

6. It is regrettable that the crystal clear facts on the Iran's cooperation with the Agency in providing "access to the nuclear material" and "providing nuclear material accountancy reports" were omitted in this report (GOV/**2009/8** ) while they were reflected in all previous DG's reports.

7. Leakage of highly confidential information already provided by Iran to the Agency's inspectors, as a matter of transparency and trust, has been misused by unknown sources in the Agency and that has already created threats against rights and national security of the Islamic republic of Iran. The release of detailed confidential information, coming to the knowledge of the Agency through the inspections, on nuclear activities including enrichment, prepared by the Agency's Safeguards Department in your reports becoming available to public shall also have security consequences and concerns.

The General Conference resolutions of **2007** and **2008** reiterated the urgency of reviewing and updating the established procedures for the protections of safeguards confidential information and periodic reports by Director General to the Board of Governors about the implementation of the regime for the protection of confidentiality.

Madam Chair,

Permit me to briefly touch upon the resolutions of United Nations Security Council and their consequences:

Iran's nuclear issue has illegally been conveyed to the United Nations Security Council (UNSC) that has to be returned to the Agency. Iran does not consider any legal basis for the UNSC resolutions against Iran (**1696**, **1737**, **1747**, **1803** and **1835**) that has been issued illegally and contrary to the international law. Therefore, Iran considers any request by the Agency, under pretext of the illegal UNSC resolutions, including requests for suspension of enrichment activities and construction of heavy water reactor that are contrary to the Statute and lacking any technical, legal and political justification thus Iran will not do so. The intervention of other bodies in the Agency's internal affair is a matter of serious concern since it has put the credibility of the Agency as independent international technical organization in jeopardy.

Requesting Iran to ratify or implement Additional Protocol, being non-legally binding instrument, is in contravention with international law and the sovereign decision of any Member State. Although the Islamic Republic of Iran voluntarily implemented the Additional Protocol for more than two and a half years, a few countries in an opposite direction to this and other voluntary measures carried out by the Islamic Republic of Iran, conveyed illegally Iran's nuclear issue to the United Nations Security Council. Afterwards Iran's voluntary measures were suspended based on the law adopted by the Iranian Parliament. Now it is not Iran but those countries which brought the issue to the UN Security Council should be blamed.

The Government of the Islamic Republic of Iran decided to implement the modified code **3.1** of its Subsidiary Arrangement in **2003**, as a voluntary cooperative gesture. It had to however stop its implementation after further resolutions and sanction were imposed by United Nations Security Council.

The illegal involvement of United Nations Security Council in technical issue belonging to the IAEA as the pertinent international organization has complicated the situation, damaged the required mutual trust and confidence among Member States and Secretariat, thus the integrity and credibility of the Agency. Sanctions have not only prevented the nuclear enrichment but have further united Iranian people and Government to protect their national interest and to enhance realization of inalienable right for peaceful purposes. Reading between the lines of some statements delivered in the meeting, I hope those who did involve the UN Security Council by mistake would soon come to conclusion that such issues merely belong to the IAEA and the engagement of UNSC has to immediately be stopped.

Madam Chair,

In conclusion I would like to recall the opening statement by Director General, urging for unblocking stalemate, and declare that if his assessment turns to be correct, it is not a technical but a political stalemate created by few States with political motivation. In many occasion he has correctly said the issue is political and not technical since the Agency's routine verification is going on without any impediment. Therefore the only practical step, as a breakthrough, is prompt announcement by Director General benefiting from his authority entrusted to him, by Member States, that according to the last paragraph of the Work Plan (INFCIRC/711), the safeguards implementation in Iran is turned into routine manner. If such a new normal environment for trustful interaction with the Agency is prevailed, then Iran would surely continue its full cooperation in removing ambiguities, if any, in accordance with its legal obligations.

Madam Chair,

I assure that those countries which delivered unbalanced statements with used uncivilized and impolite notions and languages such as threats shall only deteriorate the situation, since Great Nation of Iran shall never tolerate intimidation. Those few countries have only two options; cooperation with Iran or isolation! They have to coup themselves with the reality that Islamic Republic of Iran is an advanced country and master of enrichment technology and at the same time a responsible State fully committed to its legal obligation otherwise they shall be more isolated by billion peace loving people of the world who are fed up with their new colonialist mentality. I advise them to reconsider their attitude and conduct before it is too late.

Madam Chair

During the last six years the positions of my country expressed at the Board of Governors are not reflected in the Chairperson summary. This is unfair treatment of a Member State whose issue is under discussion at the Board of Governors. I would appreciate if you duly reflect the main elements of my statement in your summing up.

Thank you