

**Statement by H.E. Ambassador Cyrus Nasserri Advisor to the  
Foreign Minister of the Islamic Republic of Iran Before the IAEA  
Board of Governors Vienna, 29 November 2004**

In the name of God, the Compassionate, the Merciful

I wish to begin by expressing our appreciation to the Director General and the IAEA Secretariat for their efforts.

The resolution adopted today still has many shortcomings and unnecessary references to episodes that are over a year old and have been dealt with in previous resolutions. Let me repeat for the record what we also stated last November that no amount of recapitulation or repetition of legally loose terminology can change the applicable legal framework. No interpretation of the instruments governing the conduct of this Board can even provide an option for dealing with this issue outside the framework of routine implementation of safeguards and the additional protocol, let alone moving it elsewhere. The criterion for invoking such an option is not the amount or the duration but diversion. In the case of Iran, therefore, there has never been a legal ground to do that.

The resolution does, however, set into motion normalization of the case by requesting the Director General to report as appropriate. This provides a calmer atmosphere precluding periodic escalations which made any attempt at addressing the issues in a more long term perspective untenable.

Furthermore, despite unnecessary recapitulations of the pre-October 2003 period, the report and the resolution make it abundantly clear that the neglected assessment of the Director-General last November about the absence of any diversion is solidified today. The absence of any undeclared nuclear material and activity will

be established in the course of routine implementation of the Safeguards Agreement and the Additional Protocol.

This is the single most important objective of these instruments and by refusing short-sighted temptations to opt for extra-legal procedures and allowing the legal non-proliferation regime to run its normal course, the credibility and relevance of the regime and its legal instruments will only be augmented.

We are committed to continue our transparency and extend full cooperation to the Agency in this regard. We are also prepared to take all steps within our power to help the Agency in the resolution of the two remaining issues of origin of contamination and extent of the centrifuge program. We have all taken note of the conclusion of the report that their resolution lies primarily outside Iran.

Over the past one year, Iran has left no stone unturned to overcome the hostile environment and move ahead with its pledge of confidence building, transparency and cooperation with the Agency. To come to where we are, Iran adopted important voluntary confidence building measures. As the resolution adopted today reiterates, they remain voluntary confidence building measure and not an obligation. No language in the resolution or elsewhere can change this clear legal fact. Indeed, as Article IV of the NPT clearly stipulates, "Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purpose without discrimination and in conformity with Articles I and II of this Treaty."

When nothing In the Treaty can affect this inalienable right, the same certainly applies to everything else. Article IV is a fundamental pillar of the treaty, without which Iran and every other non-nuclear weapon state would not have accepted it. We took special care not to make it a precedent against the interests of the developing countries, which explains one of the reasons why this process was complicated and time consuming.

Today's Board resolution has partially set the stage for initiation of a positive and constructive process that would provide mutual objective assurances and guarantees on transparency, nondiversion and access to nuclear technology for peaceful purposes. This resolution was the first important test of the Paris Agreement, and the European three showed their seriousness in the process if not fully in the outcome. We thank our friends in the Non-Aligned Movement for their principled position and support in this process and express our special appreciation to the Government and delegation of South Africa for their good offices during a very difficult stage of this process.

Now, Iran and the E3/EU begin to embark on negotiations which will be much more difficult but at the same time has far greater potential to achieve concrete results than the process followed last year. These negotiations will have to address the prolonged attempt, in fact official policy of NSG for over two decades, to deprive Iran of access to nuclear technology in total contravention of Article IV of the NPT and particularly its second paragraph.

On our side and as a country which has acquired the fuel cycle technology, in spite of all illegal restrictions, Iran wants to address the legitimate and genuine concerns about the peaceful character of its nuclear program. Our confidence building measures are only geared to allay those concerns. Restoration of confidence in our program is our objective, and we will do our best to realize that as early as possible.

Our main aim in the negotiations that we are about to begin is to provide and receive objective guarantees and assurances on these two very important sets of issues. We rely on the Agency to provide its indispensable technical expertise and advice. The international community needs to invest in this pivotal process and attempts to derail it should be rejected and isolated.

Nuclear disarmament and non-proliferation as an interim measure constitute a most important requirement for global stability and prosperity. We strongly believe that nuclear weapons do not augment our security nor the collective or individual security of anyone else. This is firmly rooted in Iran's strategic calculations, its defense doctrine and its ideological imperatives and precepts. We are thus committed to Article II of the NPT and have no constraint in providing assurances to this effect. We at the same time are determined to exercise our inalienable right and expect to receive objective and firm guarantees on compliance with undertakings in Paragraph 2 of Article IV, which stipulates, "All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy."