Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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The issue of non-compliance with articles I, III, IV and VI

Working paper submitted by the Islamic Republic of Iran

Since the Preparatory Committee "decides that it understands the reference in the agenda to 'reaffirming the need for full compliance with the Treaty' to mean that it will consider compliance with all the provisions of the Treaty", the Islamic Republic of Iran would like to elaborate its views on this issue as follows:

1. The Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have the mandate to consider principles, objectives and ways in respect of promoting the full implementation of the Treaty, including nuclear disarmament as one of its main pillars. The upcoming Review Conference needs to undertake a thorough review of the implementation of provisions of the Treaty related to nuclear disarmament and non-proliferation, namely articles I, III, IV and VI, as well as the objectives inherent in the preamble of the Treaty. Dealing with the question of nuclear disarmament definitely requires a review of past unfulfilled commitments and consideration of actual disarmament measures, as well as new initiatives aimed at total elimination of nuclear weapons.

2. The nuclear-weapon States have, in this respect, basic and fundamental obligations with respect to, in particular, implementing such provisions as are aimed at creating a world completely free from the horror of nuclear weapons. It has in fact been promising development that, following the end of the cold war and the termination of the East-West confrontation, some attempts have been made by some nuclear-weapon States to reduce their reliance on nuclear weapons and cancel the operational status of their nuclear weapons and the targeting of particular States, in accordance with their obligations under the Treaty.

3. In contrast, some significant developments have served as serious setbacks to the fulfilment of Treaty obligations with respect to nuclear disarmament. It is unfortunate that, as a matter of principle, there is a misleading conception being propagated that the nuclear-weapon States do not have any legal, or even political obligation under the Treaty on the Non-Proliferation of Nuclear Weapons for nuclear disarmament. One of these nuclear-weapon States once claimed that "article VI is just one sentence long". It argued that since article VI does not refer to nuclear-weapon States, does not provide any timetable and sets no deadline for the

accomplishment of nuclear disarmament, it "contains no suggestion that nuclear disarmament is to be achieved before general and complete disarmament".

4. In this context, the adoption of the Nuclear Posture Review, which serves as the basis for the nuclear policy of the United States of America in terms of operationalization and planning, introduces elements that are in serious contravention of the obligations under the Treaty. This Posture recognizes particularly the critical role of nuclear weapons by stating (p. 7) that "nuclear weapons capabilities possess unique properties that give the United States the option to hold at risk classes of targets important to achieve strategic and political objectives". It has furthermore specified certain countries, among them non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to be involved, as real and potential targets, in immediate potential contingencies.

5. The United States Nuclear Posture furthermore recognized (p. 30) "the need for a revitalized nuclear-weapons complex that will be able, if directed, to design, develop, manufacture and certify new warheads in response to new national requirements; and maintain readiness to resume underground nuclear testing if required". The construction and development of new nuclear-weapon systems such as mininuclear weapons or the so-called bunker busters, for which hundreds of millions of dollars have been allocated, are all practical efforts to implement the policy guidelines on the development of United States nuclear weapons accordingly.

6. There is no doubt that the decision to develop such programmes runs contrary to the nuclear-weapon States' obligations towards systematic reduction of nuclear weapons and is in **obvious non-compliance with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons**. Despite the major concerns expressed by the international community, in particular the Non-Aligned Movement, the United States has not responded to the concerns expressed over the implementation and deployment of the new nuclear-weapons system and has continued with the construction of new facilities under the pretext of producing more reliable nuclear weapons.

7. During the 2000 Review Conference on the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, nuclear-weapon States committed themselves to "the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process". The nuclear-weapon States, moreover, should engage immediately and in good faith in substantive work for the speedy and meaningful implementation of their obligations under the Treaty, in particular article VI, and the commitments under the 1995 decision on principles and objectives for nuclear non-proliferation and disarmament and the resolution on the Middle East. Any reduction of nuclear weapons, whether strategic or non-strategic, should be carried out in a transparent, verifiable and irreversible manner.

8. The nuclear-related cooperation of the United States with the Zionist regime, as clearly evidenced pursuant to the agreement reached during the visit of the United States Secretary of Energy to the occupied territories in February 2000, is in fact another aspect of violations of article I-related obligations by the United States, and a source of concern for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and especially the countries of the Middle East which are all members of the Treaty family. This agreement which was claimed to have been established for peaceful purposes and nuclear cooperation between the United States

and the Zionist regime is also a clear **violation of article III**, paragraph 2, which stipulates that the cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible "unless the source or special fissionable material shall be subject to the safeguards required by" the Treaty. The Zionist regime's unsafeguarded nuclear-weapon facilities and nuclear arsenal is a real threat to all countries of the region and to international peace and security. The agreement signed by the director of the Israeli Atomic Energy Commission, and the chairman of the United States Nuclear Regulatory Commission, enabling the Zionist regime to access most of the latest nuclear data and technology available in the United States, constitutes another example of United States non-compliance with the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons. However, though it seems that the United States feels no shyness in respect of supporting that regime's nuclear weapons and the disclosed "top-secret document dated 23 August 1974" shows clearly the role of the United States in equipping the Zionist regime with nuclear weapons.

9. Furthermore, the nuclear-weapon States are committed to complying with their commitments to achieving the full implementation of article I. They should refrain from nuclear-sharing, under any kind of security arrangements among themselves, with non-nuclear weapon States and those not parties to the Treaty.

10. The transfer of nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear scientific or technological fields to the nuclear weapons capability of non-parties to the Treaty without exception and in particular to the Zionist regime, whose unsafeguarded nuclear facilities endanger the security and stability of the Middle East, must be prohibited.

11. In the context of article III, the new decision of the Nuclear Suppliers Group, an exclusive and non-transparent group that claims to have been established so as to strengthen the non-proliferation regime, has severely damaged the Treaty on the Non-Proliferation of Nuclear Weapons. The decision of this Group is a clear violation of paragraph 2 of article III, which stipulates that the cooperation of each State party to the Treaty in providing equipment or material for peaceful purposes is not possible "unless the source or special fissionable material shall be subject to the safeguards required" by the Treaty on the Non-Proliferation of Nuclear Weapons.

12. The aforementioned decision, which has been taken under pressure from the United States, is also a violation of the commitment of nuclear-weapon States under the decision on principles and objectives of 1995 and the Final Document of 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to promote the universality of the Treaty. The decision of the Nuclear Suppliers Group is in the contravention of the obligation on the promotion of the universality of the Treaty and has seriously jeopardized the credibility and integrity of the Treaty. Such a decision is another manifestation of double standards and discrimination in implementing the provisions of the Treaty. We will ask the upcoming Review Conference of the Parties to the Treaty to seriously consider this issue.

13. The United States has, for a long time, been in **non-compliance with** the obligations undertaken under the Treaty (which provides in its **article I** that each nuclear-weapon State party to the Treaty, shall undertake "not to transfer to any recipient whatsoever nuclear weapons") by transferring hundreds of nuclear

weapons to certain non-nuclear-weapon States under the umbrella of the North Atlantic Treaty Organization (NATO). The United States-deployed nuclear weapons in other countries are extremely well integrated into the military infrastructure of the countries hosting these weapons. Cold-war rationales and the suggestion of vague missions such as prevention of war, or of attempts directed at deterring proliferation of weapons of mass destruction, have not been adequate in providing justifications for installation of this large number of nuclear weapons in other territories.

14. A recent negative development within the framework of joint research on nuclear warheads between two nuclear-weapon States is another grave concern for non-nuclear-weapon States and an example of serious non-compliance with article I of the Treaty. According to data published on 9 February 2009, the United States military has been using the atomic weapons facility of the United Kingdom to carry out research on its own warhead programme. In this regard, United States defence officials have declared that "very valuable" warhead research has been conducted at the Atomic Weapons Establishment at Aldermaston in Berkshire as part of an ongoing and secretive deal between the Governments of the United States and the United Kingdom. Such events clearly demonstrate the non-compliance of both countries and their reluctance to discharge their legal obligations under the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons.

15. At a time when the United States and some European countries reaffirm the need to build a foundation for a global partnership against the proliferation of nuclear weapons, such a transatlantic transfer of nuclear weapons and the subsequent efforts to modernize the nuclear posture by clinging to outdated cold-war arrangements and justifications raise serious questions for public opinion. Deploying hundreds of nuclear weapons in non-nuclear-weapon States and training the fighter-bomber pilots of the hosting countries to prepare for handling and delivering the United States nuclear bombs against nuclear- as well as non-nuclear-weapon States contravene both letter and spirit of the Treaty on the Non-Proliferation of Nuclear Weapons and are in clear non-compliance with the Treaty. The danger of nuclear incidents arising from terrorist activities requires a viable solution for dealing with such transferred weapons. This has caused many in these countries, including parliaments, to request the withdrawal of nuclear forces from their territories.

16. The United States and some other nuclear-weapon States are still exhibiting a dangerous persistence in invoking yesterday's doctrines and the traditional role of deterrence. Since the first atomic bombs, which had a destructive power 10,000 times greater than that of previous explosive devices, were dropped on Hiroshima and Nagasaki in August 1945, the United States has designed and built thermonuclear bombs, a thousand times more destructive than fission bombs. The continued existence of thousands of such bombs in the stockpiles of the United States and other nuclear powers has held the fate of civilization and of humanity itself hostage to horror and panic. By insisting on keeping nuclear bombs, nuclear-weapon States are themselves the source of proliferation. As long as one nuclear-weapon State or nuclear power outside the Treaty insists on maintaining a nuclear option, the other nuclear-weapon States will do the same and this vicious circle will never end. Thus, the non-nuclear-weapon States that have already forgone the nuclear option are rightly asking why these terrible weapons exist. Under what circumstances and for what purpose could the use of the world's most destructive weapons of mass terror ever be justified?

17. France has announced the addition of a new nuclear-armed ballistic missile-carrying submarine to its nuclear arsenals. The President of France is quoted as having stated that “French nuclear forces are a key element in Europe’s security”. It appears that this country, in defiance of its international obligations, is seeking to find and define new roles and missions for its nuclear forces in order to justify their continued retention in the post-cold war era. In doing this, it has even resorted to irresponsible methods such as the manipulation of intelligence and the spreading of fear to promote programmes that its people would otherwise not support.

18. Furthermore, French officials have recently announced that they would develop new nuclear plans to modernize nuclear arsenals and the army and will spend 377 billion euros on this plan up to 2020 which represents a continuing move against the regime of the Treaty on the Non-Proliferation of Nuclear Weapons. These developments are a matter of grave concern and should be seriously addressed in the next Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

19. The decision of the United Kingdom to renew and further develop its nuclear weapons capability, by approving the Trident Project, is in full contravention of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and defies the unanimous decision of the 2000 Review Conference. The Trident Project can engender a nuclear arms race and in fact expand the nuclear arms race beyond the traditional rivalry between the two most powerful nuclear-weapon States; thus, it is a special source of concern for the international community and represents a clear setback for the global efforts to bolster nuclear disarmament and non-proliferation.

20. The non-compliance with Treaty obligations is not limited to the violations of articles I, III and VI: certain States have also constantly violated the provisions of article IV of the Treaty which provides for international cooperation and transfer of peaceful nuclear technologies to the States parties to the Treaty. Contrary to such obligations, the United States has been at the forefront of the imposition of unilateral restrictions against the States parties to the Treaty, in particular developing countries. Such **non-compliance with article IV** of the Treaty merits thorough consideration by the Review Conference.

21. All States parties to the Treaty on the Non-Proliferation of Nuclear Weapons consider the pursuit and development of nuclear technology for peaceful purposes to be their inalienable right, and can thus invest human and material resources in this field. Restrictions imposed by nuclear suppliers that have targeted peaceful nuclear programmes can affect the entire industry and all possible sources of supply of material and equipment to the States parties to the Treaty, thus seriously affecting development plans, particularly in the developing countries. Clear violations of article IV obligations by certain States through barring the States parties from exercising their inalienable right, as well as illegal and unilateral sanctions, are a matter of great concern to the developing countries. This issue should be seriously followed up in the upcoming Conference.