



Malaysia

Permanent Mission to the United Nations

**STATEMENT BY
H.E. AMBASSADOR RASTAM MOHD ISA
PERMANENT REPRESENTATIVE OF MALAYSIA
TO THE UNITED NATIONS**

**ON BEHALF OF THE GROUP OF NON-ALIGNED STATES PARTIES TO
THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS**

**ON
CLUSTER OF ISSUES II:
NUCLEAR-WEAPON-FREE-ZONES, AND SAFEGUARDS**

**AT
THE THIRD SESSION OF THE PREPARATORY COMMITTEE
FOR THE 2005 REVIEW CONFERENCE OF PARTIES TO THE TREATY
ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (NPT)**

NEW YORK, 29 APRIL 2004

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Mr. Chairman,

I have the honour to deliver a statement on behalf of the Group of Non-Aligned States Parties to the NPT on cluster of issues II on nuclear-weapon-free-zones and safeguards. Although reference to these issues has been made in the NAM statement delivered during the General Debate, I wish to highlight some pertinent points.

2. Firstly, NAM reiterates the basic and inalienable right of all Member States to develop atomic energy for peaceful purposes as enshrined in Article IV of the NPT.

3. To this end, NAM fully recognizes the International Atomic Energy Agency (IAEA) as an independent intergovernmental, science and technology-based organization, in the United Nations system, which serves as the sole verification agency for nuclear safeguards. This is in line with the strong concern expressed at the growing resort to unilateralism and unilaterally imposed prescriptions and in this context, strongly underlines and affirms that multilateralism and multilaterally agreed solutions, in accordance with the United Nations Charter, provide the only sustainable method of addressing disarmament and international security issues. In discussing this cluster of issues, NAM also reiterates the high importance towards achieving the appropriate balance between the rights of IAEA Member States and of their obligations, as well as maintaining appropriate balance between the three main pillars of the IAEA viz. technical cooperation, safety and verification.

4. In this regard, NAM continues to have full confidence in the Director General of the IAEA, Dr. Mohamed ElBaradei, and his ability to discharge his responsibilities in an impartial, effective and professional manner. We further underline that the IAEA's work with regard to the safeguards and verification needs to be conducted in accordance with the provisions of its Statute and relevant safeguards agreements, and the Additional Protocol as applicable to the concerned States.

5. NAM urges IAEA Members States Parties to NPT to maintain and strengthen the technical character of the IAEA consistent with the role defined for it in the Statute and, with particular respect to safeguards, the differentiated nature of the financial obligations undertaken by IAEA Member States should be recognized and respected by the IAEA in its work.

Mr. Chairman,

6. I turn now to the issue of nuclear-weapon-free-zones, in which NAM had already reaffirmed its support for the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction, and the need for its speedy establishment in accordance with the relevant General Assembly resolutions adopted by consensus as well as relevant Security Council resolutions.

7. In addition, NAM States Parties recall that the operative paragraph 4 of the 1995 Resolution on the Middle East "calls upon all States in the Middle East that have not done so, without exception, to accede to the NPT as soon as possible and to place their facilities under full-scope IAEA safeguards". NAM notes in this connection that all States in the region of the Middle East, with the exception of Israel, are States Parties to the NPT, and reaffirms the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realising the goal of universal adherence to the Treaty in the Middle East.

8. In the context of establishing this Middle East nuclear-weapon-free zone (NWFZ), NAM considers the 1995 Resolution on the Middle East as an essential part of the NPT Review Conference.

9. NAM continues to consider the establishment of NWFZs created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as positive steps toward attaining the objective of global nuclear disarmament. NAM also welcomes efforts aimed at establishing new NWFZs in all regions of the world, and further calls for cooperation and broad consultations in order to achieve agreements freely arrived at between the States of the region concerned. NAM reiterates that in the context of NWFZs, it is essential that nuclear-weapon-states should provide unconditional assurances against the use or threat of use of

nuclear weapons to all States of the zone. NAM urges States to conclude agreements with a view to establishing new NWFZs in regions where they do not exist in accordance with the provisions of the Final Document of the First Special Session of the General Assembly Devoted to Disarmament (SSOD-I) and the principles and guidelines adopted by the United Nations Disarmament Commission at its 1999 substantive session. In this context, NAM reiterates our support for Mongolia's nuclear-weapons-free status and considers that the institutionalization of that status would be an important measure towards strengthening the non-proliferation regime in that region.

10. With the ratification by Cuba of the Tlatelolco Treaty, all the Latin American and Caribbean States are now parties to the Treaty and this has brought the Treaty into full force in its area of application. NAM emphasizes the need to strengthen the integrity of the statute of denuclearization provided for in the Treaty of Tlatelolco by a review of the declarations that were formulated by the nuclear-weapon-state parties to Protocols I and II for possible withdrawal or modification. NAM welcomes the ongoing consultations between ASEAN and the nuclear-weapon-states on the Protocol of the Southeast Asian Nuclear-Weapon-Free-Zone (SEANWFZ) Treaty and urges the nuclear-weapon-states to become parties to the Protocol of the Treaty as soon as possible. The Movement stresses the importance of the signature and ratification of the Treaties of Rarotonga and Pelindaba by all regional States, as well as the signature and ratification by the nuclear-weapons-states that have not yet done so of the relevant Protocols to those Treaties. NAM also welcomes the decision by all five Central Asian States to sign the Central Asian NWFZ Treaty as soon as possible.

Mr. Chairman,

11. On the issue of verification, NAM commends the IAEA for the extensive verification activities it had undertaken since its inception and expresses full support for its ongoing efforts to resolve outstanding safeguards issues. NAM also reaffirms that IAEA is the sole competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and the IAEA safeguards system, compliance with its safeguards agreements with States Parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Therefore, nothing should be done to undermine the authority of IAEA in this regard. States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by other States Parties should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

12. NAM stresses the importance of the IAEA's safeguards system, including comprehensive safeguards agreements and also the Model Additional Protocol, which are among the essential elements of the system and the importance of achieving the universal application of the IAEA's safeguards system. In this regard, NAM urges all States, which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible.

Mr. Chairman,

13. On verification activities in Iraq, NAM affirms that the IAEA has a continuing mandate in Iraq under the relevant Security Council resolutions and Iraq's NPT safeguards agreement. In this regard, NAM looks forward for the IAEA and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to discharge their full responsibility in accordance with those commitments.

14. On the subject of Iran, NAM is pleased that Iran has actively co-operated with the IAEA and remedied all failures and fulfilled the urgent and essential actions required of it by the IAEA Board resolution in September 2003, even though some of which were beyond Iran's legal obligations contemporaneously. NAM welcomes the following actions taken by Iran called for by the international community in particular, and notes that Iran had:

- signed the subsidiary arrangement for the early provision and use of design information;

- signed the Additional Protocol and acted as if it had ratified the Protocol pending its ratification, and Iran's announcement of its full commitment to submit the required declarations on the basis of the timetable envisaged in the Protocol;
- actively co-operated in providing information, making individuals available for interviews, granting IAEA access and permission for environmental sampling to whatever locations the IAEA had deemed necessary, declaring all nuclear material to the IAEA for verification and the provision of other information to resolve the outstanding issue of contamination; and,
- as a confidence building measure, voluntarily suspended its enrichment-related and reprocessing activities;

15. On the last point, NAM emphasises the basic and inalienable right of all Member States to develop atomic energy for peaceful purposes and underscores that Iran's suspension of its enrichment-related and reprocessing activities and its monitoring by the IAEA is an exclusively voluntary gesture aimed only as a confidence building measure and intended for the prompt closure of the issue at hand.

16. NAM is also pleased that the continued and intensified co-operation between Iran and the IAEA had resulted in resolving some of the main outstanding issues and had resulted in the IAEA to state that there was no evidence to date that the previously undeclared nuclear material and activities of Iran were related to a nuclear weapons programme. A robust verification system which is in place in Iran should also be noted and NAM strongly encourages positive engagement and dialogue between Member States to bring this issue to a prompt closure in an amicable manner within the IAEA's mandate and commend the role played by certain European Member States and others to foster an environment of co-operation and invite other Member States to support and join all such efforts.

17. NAM echoes the statement by the IAEA Director General in March 2004 and looks forward to a time when the outstanding issues are resolved and international confidence is restored on this matter. At that stage, it should be possible to achieve normalcy on this case and hopes that the current process be continued to bring about the full settlement of the issue as soon as possible.

18. We also wish to recall the joint statement of 21 October 2003 by Iran and the Foreign Ministers of France, Germany and the United Kingdom, which included, *inter alia*, the commitment to promote security and stability in that region, including the establishment of the zone free of weapons of mass.

Mr. Chairman,

19. On another issue, NAM welcomes the voluntary decision on 19 December 2003 of Libyan Arab Jamahiriya to eliminate materials, equipment and programmes which might lead to the production of weapons of mass destruction. NAM welcomes this voluntary decision of Libya Arab Jamahiriya as a step towards the realisation of the zone free of weapons of mass destruction in the Middle East.

20. NAM is also pleased that Libya has adopted a policy of full transparency and decided to provide the full picture of all its nuclear activities to correct past failures, which were matters of utmost concern. Subsequently, NAM welcomes the increased co-operation between Libya and the IAEA and further encourages Libya to continue this co-operation and is pleased that the matter is being resolved within the IAEA's framework.

21. NAM takes note that the Libyan Arab Jamahiriya's had concluded a Protocol Additional to its Safeguards Agreement in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. Chairman,

22. On Safeguards Agreements and the Additional Protocol, NAM once again welcomes the ratification of the Additional Protocol by the State of Kuwait, and the signing of the Protocols by Cuba, Iran, Libya, Madagascar, Mauritius, Panama and Togo, as well as the decision to sign the Protocol by Niger.

Thank you, Mr. Chairman.