

General Conference

GC(53)/1/Add.2

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Fifty-third regular session

Provisional Agenda

Supplementary Item for Inclusion in the Provisional Agenda

1. On 12 August 2009, the Director General received a request submitted by the Resident Representative of the Islamic Republic of Iran, for the inclusion of an item entitled "*Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction*" in the agenda of the 53rd (2009) regular session of the General Conference.
2. Pursuant to the Rules of Procedure of the General Conference¹, this item is hereby placed on a supplementary list which will be circulated not later than 24 August 2009. The letter from the Resident Representative of the Islamic Republic of Iran and the accompanying explanatory memorandum relating to the inclusion of this item are attached hereto.
3. It is suggested, for consideration by the General Committee, that this item follow item [19] of the provisional agenda and be discussed in the Plenary.

¹ Rules 13 and 20, GC(XXXI)/INF/245/Rev.1.

In the name of God



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بسم الله

No. 080/2009

12 August 2009

Excellency,

I have the honor to request the inclusion of a supplementary item to the provisional agenda of the 53rd regular session of the General Conference, entitled "Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction". Enclosed please also find the Explanatory Memorandum related to the said request in fulfilling the Rule 13 of the Rules of Procedure of the Agency' General Conference.

Your instruction in pursuing and taking appropriate measures regarding the request is appreciated in advance.

Accept, Sir, the assurances of my highest considerations.

Yours sincerely

A. A. Soltanieh

Ambassador, Resident Representative

H.E. Dr. Mohamed Elbaradei

Director General of the IAEA

Explanatory Memorandum Submitted by the Islamic Republic of Iran on “Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction”.

- 1-The sustainable development and applications of nuclear energy highly depend on the management of nuclear energy in safe and secure manner;
- 2- Accidents or events such as military attacks against nuclear facilities have serious impacts on the public perceptions and thus their support for further development of peaceful uses of nuclear energy;
- 3-Chernobyl accident taught the lesson that radioactive materials do not recognize international borders. Therefore any release of radioactive material, as result of an accident or from a deliberate release, due to terrorist act or military attack, has serious radiological consequences.
- 4- Since the IAEA came into being, it has dealt with both nuclear accidents and military attacks against nuclear installations. In the former one comprehensive intensive technical study and deliberation was made with top experts from all over the world. However with respect to the latter political environments prevented from profound tangible deliberation to lead to a legally binding instrument, as an international preventive measure.
- 5-Resolution GC (XXIX)/RES/444, considered that “any armed attack on and threat against nuclear installations devoted to peaceful purposes constitutes a violation of the principles of the United Nations Charter, international law and the statute of the Agency”;
- 6-Resolutions GC (XXXI)/RES/475 stated that it was “aware of the fact that an armed attack on nuclear installation could result in radioactive release with grave consequences within and beyond the boundaries of the State which has been attacked;
- 7-Finally the resolution GC(XXXIV)/RES/533 of 1990, recognized that “ an armed attack or a threat of armed attack on a safeguarded nuclear facility, in operation or under construction, would create a situation in which the United Nations Security Council would have to act in accordance with the provisions of the United Nations Charter ,”
- 8- Considering vast developments and expansion of nuclear applications all over the world, since the adoption of last resolution two decades ago, including over 400 nuclear power plants, over 300 research reactors and several facilities containing huge amount of radioactive materials, there is an urgent need to renew the call for collective measure to prevent any military attack or threat of attack against any nuclear facilities, during operation or under construction. The minimum expectation by international community from the IAEA as the most pertinent organization is to pass a resolution base on past decision and new developments.
- 9- Recognizing the importance attached to safety, security and physical protection of nuclear material and nuclear facilities;
- 10-On the basis of the above facts and concerns, and according Rule 13 of Rule of Procedure of the General Conference, a request is made for the inclusion of a supplementary item, to the provisional agenda of the 53rd Session of General Conference, entitled “Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction”.