

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

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Working paper submitted by Iraq

Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons

Nuclear disarmament

Introduction

The Government of Iraq is submitting this paper at a time when the Security Council is reviewing the disarmament-related restrictions imposed on Iraq pursuant to the relevant Security Council resolutions, foremost among which are resolutions 687 (1991) and 707 (1991). The paper aims to set out the position of Iraq with respect to the Treaty insofar as it relates to disarmament. The Government of Iraq is circulating this paper as an official document of the 2010 Review Conference because it wishes to officially document its position, reinforce its endeavours to lift the restrictions that have been imposed on it, and contribute to international efforts to make Conference recommendations that will lead to progress being made towards the effective and comprehensive implementation of the Treaty.

- The Treaty aims to dissuade non-nuclear States from developing or acquiring nuclear weapons on the understanding that nuclear States will engage in genuine negotiations over the elimination of their nuclear weapons and will assist non-nuclear States to acquire nuclear technology for peaceful purposes, provided those States place their activities under International Atomic Energy Agency (IAEA) safeguards and meet non-proliferation requirements.
- There were positive developments in respect of non-proliferation in 2009: the international community received positive signals from the United States Administration's attempt to convince Congress to ratify the Comprehensive Nuclear-Test-Ban Treaty. That ratification would encourage other nuclear States to ratify the Treaty.
- Nuclear weapons cannot be developed without the essential primary procedure of producing or acquiring fissile materials. Action to ban the production of such materials and reduce and eventually completely eliminate stockpiles thereof is therefore a basic stage in the disarmament process. However, no progress has been made in the consultations over an agreement to ban



production of fissile materials, which would be a major step towards disarmament.

- The Government of Iraq views the Security Council's concern with disarmament and non-proliferation and, in particular, the convening of the Security Council summit that was held in September 2009 and the consequent undertaking to work towards a nuclear-weapon-free world, as an effective means of enhancing international arrangements aimed at making an early and united stand against the challenge posed by the proliferation of weapons of mass destruction and preventing such weapons from falling into the hands of non-Government parties.
- A world without weapons of mass destruction will be more secure for all and for future generations. In reality, however, it is likely that terrorist networks will obtain technology and materials that could be used to produce such weapons. Without doubt, that fact constitutes a serious threat to the security of all. International efforts to confront that threat to international security and peace must therefore be coordinated.
- The Government of Iraq affirms its commitment to and respect for international treaties, agreements and arrangements relating to disarmament, arms control and non-proliferation. It has therefore adopted a great deal of legislation and many executive arrangements in order to give practical expression to its undertakings. The Government also believes that universal ratification of the international conventions on weapons of mass destruction, universal compliance with those conventions without discrimination and the complete eradication of weapons of mass destruction will provide the international community with an indisputable guarantee that such weapons will not be used or threats made as to their use. Iraq has affirmed that it will be a country free of all weapons of mass destruction and related delivery systems and has underlined its commitment to disarmament and non-proliferation-related agreements and conventions.
- Iraq became a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction in 1991 and has affirmed its absolute commitment to implement all its provisions and demands by establishing a national focal point, the National Monitoring Directorate, which undertakes annual confidence-building measures and submits information in that regard to the Implementation Support Unit within the United Nations Office for Disarmament Affairs in Geneva.
- Pursuant to Security Council resolution 1762 (2007), the United Nations Monitoring, Verification and Inspection Commission concerning Iraq was abolished and its offices were closed. On the basis of Security Council resolution 1051 (1996), the relevant Iraqi parties put in place the mechanisms necessary for the control of dual-use materials. Those new mechanisms and updated registers were based on the relevant international standards.
- Iraq signed the Comprehensive Nuclear-Test-Ban Treaty on 19 August 2008. Further legislative procedures are currently being followed up in the Iraqi Parliament with a view to completing as expeditiously as possible all steps necessary for ratification of the Treaty.

- In February 2009, Iraq ratified the Chemical Weapons Ban Treaty and it entered into force. In April 2009, it submitted its declarations on chemical weapons and installations to the Organization for the Prohibition of Chemical Weapons and has subsequently submitted to the Organization its initial declaration on the remnants of the previous chemical programme. Iraq and the Organization maintain contact in order to coordinate over that issue.
- With Cabinet approval, Iraq signed the Model Additional Protocol of the International Atomic Energy Agency (IAEA) Comprehensive Safeguards System on 9 October 2008. The Protocol is currently awaiting ratification by Parliament. Pending that ratification, Iraq made an official declaration to IAEA on 17 February 2010 that it would apply the Protocol voluntarily with effect from that date, on the basis of article 17 of the Protocol.
- The Minister for Foreign Affairs of Iraq addressed letters to the President of the Security Council (S/2010/37) and the Director General of IAEA, in which he affirmed Iraq's commitment to international non-proliferation system-related treaties. On 26 February 2010, a Security Council presidential statement (S/PRST/2010/5) welcomed steps taken by the Government of Iraq, and on 11 March 2010, the Director General of IAEA addressed a letter to the President of the Security Council in which he emphasized that cooperation between Iraq and IAEA was excellent.
- Among the legislation drafted by the pertinent Iraqi authorities is the law on non-proliferation in Iraq. The aim of the law is to establish and perpetuate a harmonized national system that will enable Iraq to honour its commitments under treaties and agreements relating to the non-proliferation of chemical, biological and nuclear weapons and their delivery systems. That law will be applied to all peaceful activities, including materials, equipment and technologies and anything related to the production, possession, use, storage, import, export, transport, distribution and administration of any other activities, in order to ensure that they are not converted to prohibited activities. Further aims of the law are to determine which activities are prohibited or otherwise, identify obstacles, and put in place mechanisms for making declarations, issuing permits and monitoring the movement of dual-use materials, in accordance with the NPT safeguard agreement, the chemical weapons verification system, the Biological Weapons Convention and regional and bilateral agreements.
- The Government of Iraq believes that it is essential to make the Middle East a region free of weapons of mass destruction and, in particular, nuclear weapons. It is therefore coordinating its efforts with the Arab Group at the United Nations, IAEA and other relevant international forums.
- The Government of Iraq affirms its commitment to resolution No. 521 of 2010 concerning disarmament that was adopted at the Sirte Summit in Libya and confirms the need for implementation of the decision adopted by the 1995 Review Conference concerning the establishment in the Middle East of a nuclear-weapon-free zone.
- Nuclear terrorism represents one of the most serious threats to international security, and strict nuclear security arrangements are essential in order to prevent nuclear materials falling into the hands of terrorists and other unlicensed

parties. Terrorist groups exist that have the will and the capacity to wreak huge nuclear devastation if the resources are available on the black market. The demand to rid the world of nuclear weapons is therefore perfectly legitimate and will ensure that the world avoids the danger of nuclear terrorism.

- The Government of Iraq affirms its support for international efforts to prevent terrorists obtaining weapons of mass destruction which, if used, would have disastrous consequences. Those efforts include the International Convention for the Suppression of Acts of Nuclear Terrorism, which was adopted by the General Assembly in April 2005 with a view to enhancing the international legal framework for the suppression of terrorist threats. That framework includes cooperation with IAEA and the Convention on the Physical Protection of Nuclear Material.
- The Government of Iraq welcomes the latest developments represented by the signing of the new Strategic Arms Reduction Treaty, which includes a reduction of 30 per cent in the number of United States and Russian Federation strategic nuclear warheads. The Government further welcomes the convening of the Nuclear Security Summit in Washington on 12 and 13 April 2010.
- Notwithstanding the positive steps that have recently been taken on the international stage, the fact that nuclear-weapon States are maintaining most of their nuclear arsenals and are developing new types of those weapons and related delivery systems continues to give grounds for concern. Agreement must be reached on the need to formulate a binding international legal instrument in order to provide non-nuclear-weapon States with guarantees that nuclear-weapon States will not use or threaten to use such weapons against them, and in order to identify the means whereby progress may be made towards that aim. Such security guarantees are a major step along that road, quite apart from being a legitimate and just demand on the part of non-nuclear-weapon States, which have voluntarily renounced any military nuclear options by becoming parties to NPT. While security guarantees may make a positive contribution to nuclear non-proliferation, they are no substitute for complete nuclear disarmament.
- The gradual elimination of nuclear weapons will build trust between States parties to NPT and will provide States non-parties with an incentive to become parties thereto. It will also allay apprehensions related to the security options and complexes of certain nuclear-weapon States. Against that background, we recall the 8 July 1996 International Court of Justice advisory opinion on the legality of the threat or use of nuclear weapons, which affirmed that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and that States have a binding duty to negotiate in good faith, and to accomplish, nuclear disarmament.
- The Government of Iraq believes that the time has come to open negotiations, without preconditions, on a non-discriminatory and verifiable international treaty aimed at halting the production of fissile materials that are used in the production of nuclear weapons and address the issue of stockpiles of such materials.
- The Government of Iraq calls upon the nuclear-weapon States to shoulder their particular responsibility to honour fully and promptly their undertakings under

article VI of the Treaty, as well as the pledges they made at the 1995 and 2000 Review Conferences, including paragraphs 3 and 4 of the 1995 Review Conference decision on principles and objectives for nuclear non-proliferation and disarmament. Those undertakings should be carried out in accordance with the schedule for the 13 practical steps that were agreed at the 2000 Review Conference, which are aimed at the total and irrevocable elimination of all existing nuclear stockpiles. Pending the realization of that aim, global, unconditional and legally binding negotiations must be conducted in order to provide non-nuclear States with guarantees against the use or threat of use of nuclear weapons.
