

# Statement by H.E. Eric Danon Ambassador, Permanent Representative of France to the Conference on Disarmament Head of the French Delegation

## "Chapter 2"

(New York, 7th May 2009)

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Mr. Chairman,

1. The French Delegation wishes to associate itself fully with the declaration made by the Presidency of the Czech Republic in the name of the European Union.

Mr. Chairman,

2. The proliferation of nuclear weapons and of their means of delivery constitutes a threat to international peace and security ; it is also a threat for the regions concerned. Therefore, we must be resolutely opposed to it.

3. But, with increasing numbers of emerging countries seeking access to nuclear energy in order to satisfy their rapidly growing energy needs, it is also particularly important for the international community to demonstrate their capacity to respond to these challenges.

4. Any serious failure by a State to meet its obligations jeopardizes confidence in and damages the development of international cooperation for the peaceful use of nuclear energy, to the detriment of the vast majority of States who honor their commitments in good faith.

5. In this context the Non-Proliferation Treaty remains, for us, the cornerstone of the continued struggle against the proliferation of nuclear weapons, while favoring the development of peaceful uses for nuclear energy. The right to benefit from nuclear energy supposes, in application of article IV, that the member States wishing to exercise this right comply with the non-proliferation obligations in Article II, comply with their safeguards agreement with the International Atomic Energy Agency (IAEA) and pursue their peaceful objectives in good faith.

6. Nuclear proliferation can also slow down efforts toward nuclear disarmament that we warmly call for.

7. We must then consider that the fight against nuclear proliferation constitutes the highest priority. This view is shared by all members of the European Union which proposes, on the occasion of this Prepcom, a concrete and realistic action plan in this field.

8. The fight against nuclear proliferation entails three main avenues : a resolute response to proliferation crises ; the strengthening of the international non proliferation regime ; concrete and stronger work to prevent and impede proliferation.

9. First issue : response to proliferation crises. This third session of the preparatory committee for the 2007-2010 NPT Review cycle is undertaken in a context marked by several serious crises linked to proliferation and to non-compliance with commitments undertaken.

10. Iran's nuclear programme, whose peaceful aims are claimed by the Iranian authorities, remains a serious source of concern for the international community. In defiance of the international community, Iran is continuing its enrichment activities, which have no credible civil rationality. There remain

outstanding questions to be resolved, in particular with regard to activities likely to have a military dimension which, if they were to be confirmed, would constitute a violation of the NPT adding up to the recorded violations of the safeguards agreement between Iran and IAEA . It is worrisome that after several years of investigations, the IAEA is still not able to confirm the peaceful nature of the Iranian nuclear programme. The development of increasingly long-range ballistic missiles adds to these concerns. We expect Iran to comply with the resolutions of the IAEA Board of Governors and with those of the Security Council, by suspending its activities linked to enrichment and reprocessing. As my delegation has constantly stated, we wish to see the resolution of this issue through diplomatic channels. We fully support the new United States Administration's engagement policy with Iran and call on Iran to seize this window of opportunity. The Six have offered Iran to resume discussions. The days are numbered and it is now up to Iran to choose cooperation and negotiation, for the greater benefit of all, as we hope it will.

11. As you know, after having conducted a ballistic weaponry test on 5 April this year, North Korea recently announced it would resume its nuclear activities in Yongbyon. It also requested that IAEA inspectors leave North Korean territory and now threatens to test a nuclear device. These signs are of particular concern. Once more, North Korea is ignoring its international commitments and is going back on the progress made within the framework of the Six Party Talks. My country fully supports the initiatives that could help renew dialogue within this framework, with a view to North Korea's complete, verifiable and irreversible denuclearisation, in conformity with resolution 1718. It is essential that the North Korean authorities promptly allow the inspectors to return on the field so that the IAEA may play its rightful role in the verification process in North Korea.

12. Second issue : strengthening the international non-proliferation regime. To achieve this, we must first support the efforts of the IAEA, which continues to hold a key position in the international nuclear non-proliferation regime, in order to ensure that its safeguards system remains fully effective and credible.

13. From our point of view, the credibility of the safeguards system relies in particular on the universal application and the strengthening of the safeguards.

14. Even if the Treaty has become a virtually universal instrument, the obligation posed by Article III to the member states concerned to enter into a comprehensive safeguards agreement is still not universally satisfied. At present, 27 states have no comprehensive safeguards agreement in force. Of these, 12 have no initiatives in place with the IAEA to this end. The universal application of the system of comprehensive safeguards therefore remains a priority and the French Delegation invites any State which has not already done so, to express its support for the non-proliferation regime in a concrete manner by entering into a comprehensive safeguards agreement at the earliest possible opportunity.

Mr. Chairman,

15. The universal application of the additional protocol, which enables the IAEA to give the international community credible assurances as to the exclusively peaceful aims of civil nuclear programmes, must continue its progress. Currently, 91 States have an additional protocol in force and 29 others have signed it, but have not yet ratified it. These figures are encouraging, but the IAEA cannot completely fulfill its functions until all member States have an additional protocol in force. We must therefore redouble our efforts in order to extend significantly the geographic scope of the application of the additional protocol.

16. It may be that certain States have not subscribed to the additional protocol because of concerns that the implementation of this instrument will require administrative capacities which they do not possess, such as a national authority competent in this area, or because they believe that the absence of activities concerned within their territory does not justify the conclusion of an additional protocol. The IAEA can provide these States with any assistance necessary, reinforced by its Member States national support programmes to safeguards.

17. The strengthening of the IAEA's safeguards will be beneficial to all :

► The application of a credible and effective system of safeguards makes it possible to envisage, with confidence, the expansion of nuclear energy in the world. Without doubt, Article IV of the Treaty will be all the more widely implemented insofar as the IAEA is able to provide to States which, like France, wish to comply with requests made to them for cooperation, with credible assurances of the entirely peaceful aims of the nuclear programme undertaken by the partner country.

► This is not all. The system of safeguards is not simply an indispensable tool for non-proliferation and the development of peaceful uses, it is also recognized that the Agency's safeguards contribute to the strengthening of nuclear security in the world and to the protection of everyone from the threat of nuclear terrorism.

18. In this context, France encourages the international community, the IAEA and all member states to remain mobilized in the cause of promoting the safeguards. With regard to France, I would remind you that all civil installations, which have a commercial function, including its 58 nuclear reactors, are under Euratom or IAEA safeguards. France's proposal to the IAEA to designate its new centrifuge enrichment plant for IAEA safeguards can only contribute to reinforcing the credibility of the system of international safeguards.

19. Furthermore, it is France's intention to continue its efforts in support of the Agency, in particular its national support programme to the IAEA's safeguards by making available its skills and expertise and by promoting the development of technologies designed to detect any clandestine nuclear activity.

Mr. Chairman,

20. Previous investigations by the IAEA have highlighted the existence of a vast international network for the illicit trade in sensitive technologies. There still remains one major task to be performed to bring this trade fully to light. It is essential that all States be active in supporting the work of the Agency.

21. A rigorous control of exports is a condition essential to the development of the nuclear trade. It is becoming especially necessary, when a growing number of States have industrial capacities in the nuclear domain, to display a common discipline for managing the export of the most sensitive products.

The Zangger committee, whose role is recognized in the implementation of the provisions of Article III-2 of the NPT, must continue its action with a view to the universal application of the general principles for the control of exports. While the rules for the control of exports must be strict and tailored to the difficulties encountered, they must be compliant with the other obligations of the treaty. This constant concern guides France in its action within the Nuclear Suppliers Group (NSG) which we consider to be an essential instrument for the promotion of a credible, balanced approach to the control of exports. The NSG, in our opinion, should not be a barrier to international cooperation in the nuclear domain, but the framework necessary for its responsible development.

22. With respect to the most sensitive technologies, in particular those related to enrichment and reprocessing : any transfer must be evaluated according to a series of criteria relating to the aims of the Treaty, including the additional protocol or equivalent safeguards, so as to benefit those countries which have a specific requirement for said technologies, and have the capability to accommodate them, and have enshrined their long-term commitment to the non-proliferation regime.

23. Third main issue : concrete and stronger work to prevent and impede proliferation. This is a daily effort. This is about better controlling exportations, controlling the access to the most sensitive training courses, impeding proliferating traffics, criminalizing proliferating activities and punishing their financing. France is strengthening its efforts in all these fields, so does the European Union with the adoption of new lines for action against proliferation that constitutes a working programme on this subject.

24. We must also work toward a better implementation of Resolution 1540, on one hand to strengthen our national systems, and on the other hand to assist countries which need it to do so. Here again, France, in complement with the European Union's action, makes every effort to actively support the implementation of this resolution, in particular with the organization of regional outreach seminars.

Mr. Chairman,

25. In closing, I would refer to the constant concerns of the international community regarding the risks of proliferation which could result from withdrawal from the Treaty, and reiterate the position of the French Delegation on this matter.

26. The French Delegation considers it unacceptable for a State, having benefited from the provisions and the cooperation afforded by Article IV for the acquisition of nuclear materials, installations and technologies, to withdraw from the Treaty and to use these for military purposes.

27. The continued consideration of the conditions which must be legitimately attached to the use of technologies acquired in an established legal environment is essential. In particular, it should be asserted that a State which withdraws from the Treaty must freeze under IAEA control, and then dismantle or return the nuclear apparatus or facilities acquired from a third party country for peaceful uses prior to its withdrawal. It would also be necessary to enter into an INFCIRC/66 type agreement for an installation while awaiting its dismantling and return.

28. The French Delegation would once again like to draw the attention of the delegations to the working document submitted in 2007 by the European Union which relates to the question of withdrawal from the Treaty.

Thank you, Mr. Chairman.