Explanation of Vote of the Delegation of the Islamic Republic of Iran

On Draft Resolution Entitled:

“Preventing and Combating Illicit Brokering Activities”

At the 67th Session of the First Committee

New York, 7 November 2012

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In the Name of God, the Most Compassionate, the Most Merciful

Mr. Chairman,

I would like to explain the position of my delegation regarding draft resolution on “Preventing and Combating Illicit Brokering Activities” contained in document A/C.1/67/L.24, as orally revised.

Since there is a "licit" as well as "illicit" trade and brokering in Small Arms and Light Weapons, Member States addressed both issues within the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects, and while recognizing the "legal trade and brokering in Small Arms and Light Weapons", committed themselves to prevent, combat and eradicate the "illicit trade and brokering in such weapons."

However, the notion of "illicit brokering in Weapons of Mass Destruction (WMD)" which is wrongly reflected in this draft resolution implies that: there is a “licit trade and brokering in WMD”, whereas all of us well know that under major international conventions on WMD, namely, NPT, BWC and CWC, the production, development, research, transfer and use of nuclear, chemical and biological weapons are prohibited and consequently and by far "any trade or brokering in WMD is inherently illegal".

Accordingly, the only interpretation of some paragraphs contained in this draft resolution could be that “the trade and brokering in WMD or their transfer from a possessor State to non-possessor States is legal” which is, for instance,
in full contravention with the very first Article of the NPT, based on which “Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.” Therefore, it is clear that any transfer of or trade and brokering in nuclear weapons or other nuclear explosive devices is illegal, which is the case also in regard to other weapons of mass destruction.

We share the view of draft resolution’s sponsor on the need to prevent and combat the illicit brokering in small arms and light weapons and the importance of preventing terrorist groups to have access to the WMD, which are valid concerns that have already been addressed by the Committee through the adoption of other resolutions.

However, we are of the view that “illicit trade and brokering in WMD” and “the illicit brokering in small arms and light weapons” are two distinct phenomena and while there is a “licit” role for small arms and light weapons, there is none for weapons of mass destruction. Therefore, legally, logically and methodologically, it is inappropriate to mix these two completely different issues.

While we fully support the need to prevent and combat the illicit trade and brokering in small arms and light weapons, we believe that its extension to the domain of weapons of mass destruction is not acceptable as legally speaking it is incorrect.

Although, urging the international community to "prevent and combat the illicit trade and brokering in WMD", at the first glance seems to be a great idea, but one also should take into account its legal consequences which is accepting the “legality of trade and brokering in WMD.” Therefore, adoption of this draft resolution in its current form, may lead to an interpretation which
is detrimental to the letter and spirit of major international conventions on the WMD.

Moreover, one part of this draft resolution recognizes, though implicitly, non-transparent and exclusive export control regimes, such as the “Australia Group”, which were not negotiated or agreed within the UN and only serve political objectives of certain States by hampering international cooperation in science and technology for peaceful purposes.

For the above mentioned reasons, my delegation voted in abstention to the draft resolution as a whole and its preambular paragraphs 12 and 12.bis.

_I thank you, Mr. Chairman._