



# INTERNATIONAL ASSOCIATION OF LAWYERS AGAINST NUCLEAR ARMS

dedicated to the abolition of nuclear weapons

NGO in consultative status (Category II) with the Economic and Social Council of the United Nations  
Member of the Coordinating Committee of the Hague Appeal for Peace 1999

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## International Association of Lawyers Against Nuclear Arms

### Statement Regarding the U.S./Iran Crisis

#### Considering:

- 1) that the threat or use of nuclear weapons is generally illegal under international law (Advisory Opinion, International Court of Justice, 8 July 1996);
- 2) that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control (Advisory Opinion, International Court of Justice, 8 July 1996);
- 3) that the International Atomic Energy Agency (IAEA) is the main operative international instrument for peaceful prevention of the proliferation of nuclear weapons;
- 4) that Article 19 of the Safeguards Agreement between Iran and the IAEA provides that the IAEA Board of Governors may make reports to the Security Council and the General Assembly provided for in Article 12 of the IAEA Statute in the event that the Board finds "that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded";
- 5) that the IAEA has found that all declared nuclear material is accounted for and has made no finding of an inability to verify non-diversion of nuclear material;

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- 6) that the February 4, 2006 resolution of the IAEA Board requesting the Director General of the IAEA to make a report to the Security Council recalled "Iran's many failures and breaches of its obligations to comply with its NPT Safeguards Agreement";
- 7) that there is a legal question regarding whether Iran's past violations of reporting requirement under its Safeguards Agreement constitutes "non-compliance" under Article 19 of the Agreement;
- 8) that there is a legal question regarding whether the IAEA Board has the authority to require Iran to suspend uranium-enrichment activities;
- 9) that failures to fulfill reporting requirements and to suspend uranium-enrichment activities do not in the present case constitute a threat to international peace and security or provide any justification for the threat or use of force prohibited by Article 2(4) of the UN Charter;
- 10) that the present international crisis centering on Iran's uranium enrichment program has gained a non-proportional dimension including the danger of the use of force, even with nuclear weapons, by a permanent member of the Security Council, the United States of America;
- 11) that the IAEA Statute provides: "Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement" (Article 17);
- 12) that the Safeguards Agreement between Iran and the IAEA provides that any dispute not settled by negotiation shall, at the request of either party, be submitted to an arbitral tribunal (Article 22);

Therefore,

**the International Association of Lawyers Against Nuclear Arms,**

expresses serious concern about the way the present international crisis concerning Iran is being addressed and urges Iran, the IAEA, the IAEA Board of Governors, the IAEA General Conference, the Security Council, the General Assembly, and all member states of the United Nations and IAEA to refer questions relating to the crisis to the International Court of Justice or an arbitral tribunal; and

calls upon all member states of the United Nations, and all organizations of civil society, especially in the Islamic Republic of Iran and in the United States of America, to stand up for respect for international law, for cessation of belligerent rhetoric, and for the peaceful resolution of the present crisis.