

29th ISODARCO Winter Course

Nuclear Governance in a Changing World

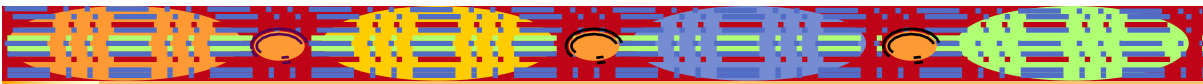
7-17 January 2016

Session 5; Pannel on:

Assessing the Vienna Agreement on Iran's Nuclear Program

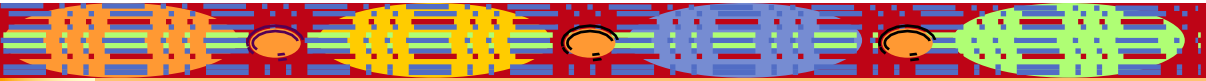
By

Ambassador Soltanieh

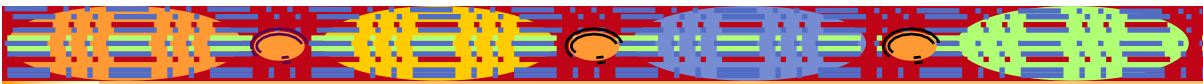


Why Islamic Republic of Iran has not and is not pursuing nuclear weapons?

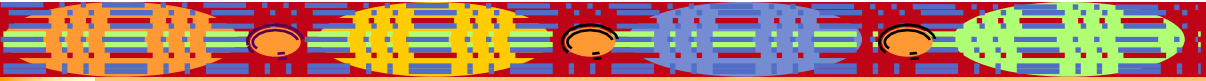
1-Had Iran the intention to move towards possession of nuclear weapons, it would have withdrawn from the NPT after the triumph of the Islamic Revolution,



2-The founder of the Islamic Republic of Iran, the late Imam Khomeini said “... ***if they continue to make huge atomic weapons and so forth, the world may be pushed into destruction and major loss will afflict nations. Everybody, wherever he is, the writers, intellectuals and scholars and scientists throughout the world should enlighten people of this danger, so that the masses of people will stand up vis-à-vis these two powers themselves and prevent the proliferation of these arms.***”

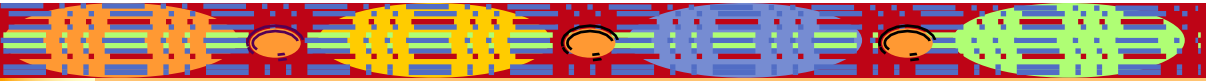


3-Based on a fatwa, or religious decree, of Iran's Supreme Leader, nuclear weapons are forbidden. This principle was reflected explicitly at the opening statement of the 16th NAM Summit in Tehran, on August 30th 2012: ***"I stress that the Islamic Republic has never been after nuclear weapons and that it will never give up the right of its people to use nuclear energy for peaceful purposes.."***

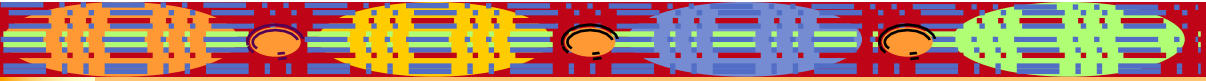


4-In spite of its technical capabilities and 100,000 victims of chemical weapons as the result of Saddam's attacks using deadly chemical agents, Iran did not use any chemical agent due to religious and moral commitments.

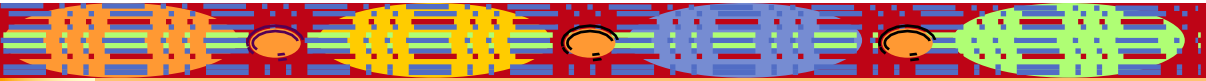
5-The experiences of the past decades have proved that nuclear weapons have no utility, and on the contrary creates vulnerability.



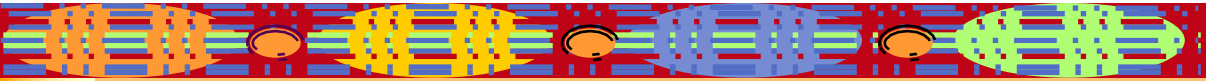
Our motto is: ***“Nuclear energy for all and nuclear weapons for none.”*** We will insist on each of these two precepts, and we know that breaking the monopoly of certain Western countries on production of nuclear energy in the framework of the Non-Proliferation Treaty is in the interest of all independent countries, including the members of the Non-Aligned Movement”



6-Iran has negotiated with the Group P5+1,
which includes five nuclear weapon states, on the
basis of mutual respect and on an equal basis.

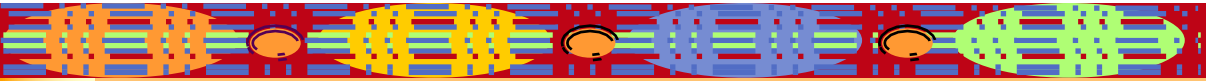


If Iran hypothetically had decided to manufacture nuclear weapons, it would have not been able to compete with the nuclear weapon states, which possess over 20,000 nuclear then be in a weaker position, rather than on equal footing in the negotiating, as has been so far ***Therefore, it would be a strategic mistake for Iran to go for nuclear weapons.***



Why Iran has no option but to have indigenous enrichment?


- 1- After the revolution, the United States did not deliver the fuel for Tehran Research Reactor, which produces radioisotopes for medical purposes; neither it paid back over 2 million dollars received according to the contract.
- 2- French enrichment company, Eurodif, did not give even a gram of its product to Iran, despite the fact that Iran is 10% shareholder in this company and it has given one billion dollars loan at crucial time to this company;
- 3- Germany left Bushehr Power Plant incomplete,



4- The Committee of Assurances of Supply (CAS) was established by the IAEA in order to prepare a legally binding instrument to assure the supply of nuclear fuel, under the supervisor of the IAEA to its Member States. The committee collapsed in 1987 after 7 years of negotiation due to lack of cooperation of the industrial countries;

5- The United Nations Conference on Promotion of Peaceful Uses of Nuclear Energy (PUNE) failed in 1987 in Geneva after about 10 years negotiations in Vienna, New York and Geneva

THUS Iran had no option than indigenous enrichment



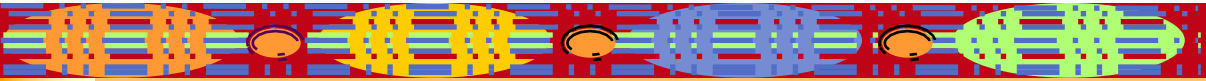
**WHAT were the main root causes of decade long “Iran’s
Manufactured Crisis” ?**

1- Discriminatory Nature of the NPT

**2- Structural deficiencies of the decision making of the
IAEA, Board of Governors composition and mandate**

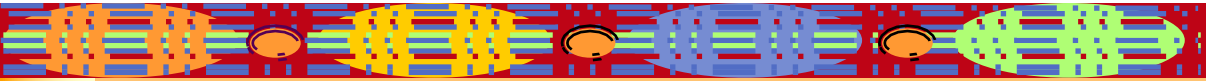
**3- Diversion of the IAEA from its Statutory Mandate,
specifically in implementation of the Safeguards**

**4- Politicizing and Polarization of Membership due to
instrumental use of the NPT and Agency’s Safeguards and
mismanagement in house.**

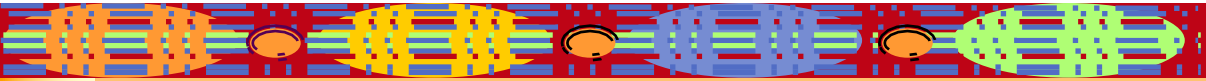


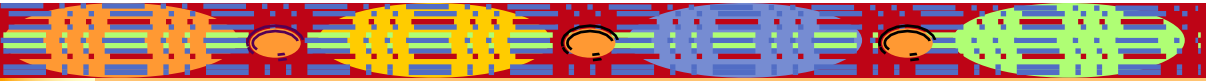
SHORT GLANCE on NPT

- **The NPT is the unique treaty on Non-proliferation of nuclear weapons.**
- **The NPT is the only discriminatory treaty on the WMDs compared with CWC and BCW.**
- **The NPT had divided the worlds countries into two groups of “ Haves “ and “ Haves not”,**
- **The NPT is not a nuclear disarmament treaty. In fact such a treaty does not exist. Iran is among the proponents of negotiation to prepare such treaty.**

- 
- **The NPT initiators were the nuclear powers. They were determined to keep their nuclear weapons and prevent others to get, therefore “ Non-proliferation”**
 - **The article VI does not have any timeline for the elimination of nuclear weapons. After 45 years the NWSs claim that they are still negotiating !**

At NPT Review Conference 2010, Iran proposed 2025 as a deadline for elimination of nuclear weapons. The Non-aligned Movement supported the proposal. Nuclear Weapon States prevented the adoption of any timeline in spite of the serious concern of international community.

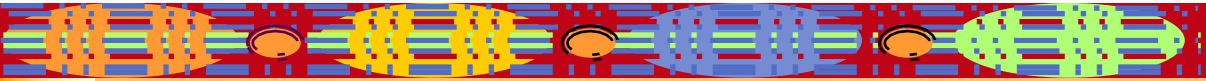
- 
- **IAEA is entrusted for the implementation of article III of the Non-nuclear weapons states of the NPT but has no role for verification of NWSs parties to the NPT, though activities on disarmament is envisaged in its statute.**
 - **India, Pakistan, Israel are members of the IAEA, have nuclear weapons but are not party to the NPT.**
 - **North Korea has nuclear weapons but is neither party to NPT or member of the IAEA**

- 
- **NPT Review Conferences, in 1980, 1990, 2005 have failed mainly due to deep disagreement of noncompliance of NWSs party to the NPT and the disappointment of non-nuclear weapon states party to the NPT suffering from discrimination, lack of any progress on implementation of article VI by NWSs and the last but not the least the lack of implementation of article IV on promotion of peaceful uses of nuclear energy based on inalienable rights of its parties.**

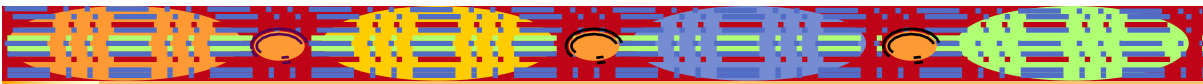


SHORT GLANCE on the IAEA

The IAEA has derailed from the mandate according to article III of the NPT to verify the declaration of member states according to the NPT safeguards. The “ Nuclear material oriented safeguards” of comprehensive safeguards agreement of the NPT (Document INFCIRC/153) is changed, in practice, under the political pressure of few countries, including weapon states, to a “ intelligence information driven safeguards “ . This is violation of the spirit of the IAEA Statute and a serious set back to the NPT.

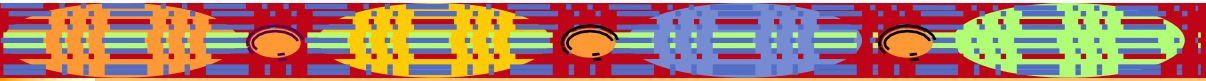


While those not parties to the NPT have nuclear weapons and do not accept any inspection by the IAEA, but Iran being member of the IAEA, party to the NPT, not having nuclear weapons is referred to the UN Security Council and faced unlawful sanctions and lost its nuclear scientist by terrorist assassinations. Thus Iran has paid heavy price being party to the NPT.



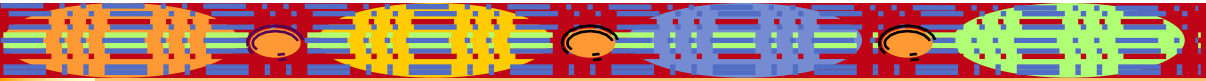
Why Iran considered the resolutions of the Board of Governors and the UNSC illegal?

1- According to article XII.C of the Agency's Statute: if the inspectors recognize the "non-compliance", they shall report to the Director General, then the DG shall report to the Board of Governors. The Board then reports to the Member States and the UNSC. In the case of Iran, no such procedure has ever been pursued. A few Board members, after about three years, when the nuclear issue was raised in the Board in 2003, claimed that there was "non-compliance" before 2003.



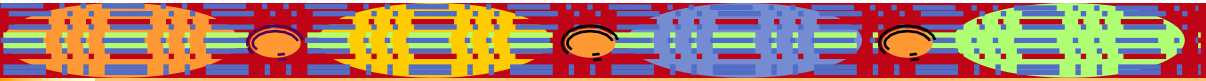
The DG had however not used the legal phrase “non-compliance” but he used “failures” as used for other countries implementing the CSA. According to the CSA, after corrective measures issues are closed. The former DG clearly reported all corrective measures by Iran.

2- The article XII.C which Board of Governor’s resolutions referred to discusses “Recipient Member States” which have misused nuclear material received from the Agency. Iran had never received nuclear material referred to the relevant articles of the Statute.

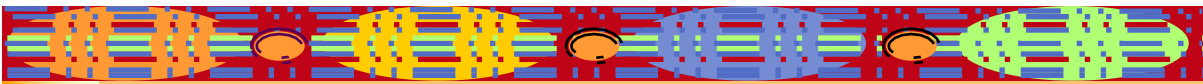


3- According to the Statute and CSA: if the Agency finds out that nuclear material is diverted to military purposes, then the UNSC will be informed of that. All reports of the former and present DG have declared that there is no evidence of diversion of nuclear materials.

4- According to the CSA: if a Member State prevents inspectors from entering the country and the Agency is not able to conduct its verification activities, then the UNSC will be informed of this. All reports of the Director General since 2003 clearly declare that the Agency is able to continue its verification in Iran.

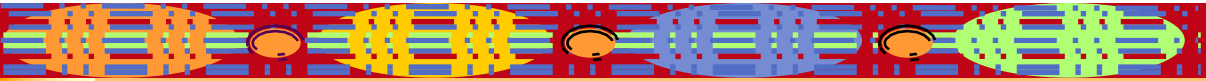


5- The resolutions against Iran by the EU3 from 2003 till 2006 recognized the suspension of enrichment by Iran as: non-legally binding, voluntary, and confidence building measure. Therefore, the resolution by the Board of Governors to refer Iran's nuclear file to the UNSC after Iran decided to stop voluntary suspension of the UCF activities was 100% in contravention with its own previous resolution. It is worth mentioning that when the EU3 proposed resolutions against Iran at the Board of Governors in 2006, with political motivation to get the UNSC involved in a technical issue belonging to the Agency, the enrichment activities in Natanz were under voluntary suspension.

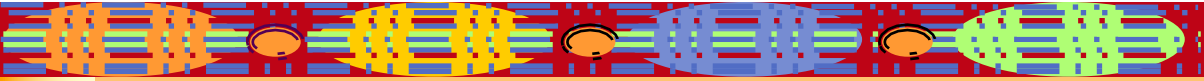


Why and when did Iran decide to enrich uranium up to 20%?

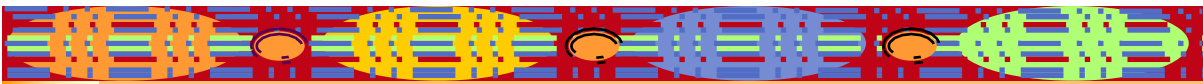
Since the fuel of the Tehran Research Reactor for production of radiopharmaceutical isotopes was running out, Iran requested of the Agency in 2008 for help with acquiring the needed fuels, containing 20% enriched uranium, through potential suppliers. Lengthy negotiations with three countries – the United States, Russia, and France – under the auspices of the IAEA failed.



The great concession by Iran in response to the intermediary appeal by Brazil and Turkey (Iran's readiness for a swap of 1200 kgs of 3.5% enriched uranium, transferred to Turkey for 20% enriched fuel in return) was not only totally ignored, but a resolution was passed by the UN Security Council, which Turkey and Brazil voted against. They had initiative upon the request of the US President ,



Thousands of patients struggling with cancer and requiring radioisotopes were impatient with the stalemate. Therefore, Iran was left with no choice but to indigenously produce the required 20% enriched fuel for the Tehran Research Reactor.



Had the Western sanctions been effective in stopping or decreasing enrichment activities in Iran?

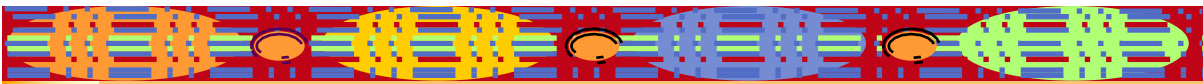
No. The reports of Director General prove that there is steady progress in enrichment activities including the number of installed centrifuge machines. Iran is manufacturing components locally.

.



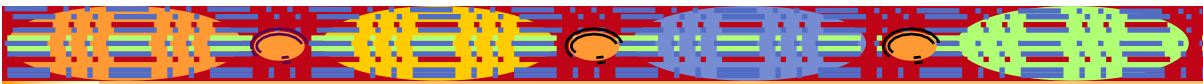
Could military attack stop uranium enrichment in Iran?

No. As confirmed by the IAEA in all reports by the Director General to the Board of Governors, Iran now masters enrichment technology. Iran was and is technically able to produce all components of centrifuge machines. Therefore, it can easily replace the damaged facilities



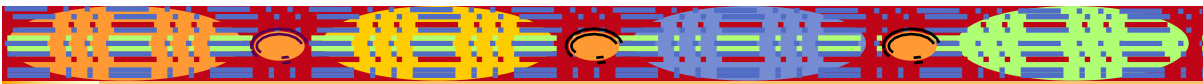
What are the anticipated consequences of a military attack against Iran's nuclear installations?

Apart from strong reactions against the aggressor, as far as nuclear activities are concerned, it is a normal expectation that the Iranian Government shall face tremendous pressure to install centrifuges in more secure places. On the other hand, there is a possibility that the Iranian Parliament will force the Government to stop the Agency inspections or in a worse scenario withdraw from the NPT.



What are the legal status of threats of attack against Iran's nuclear installations?

According to the General Conference Resolution 533 of 1990, proposed by Iran, any attack or threat of attack against nuclear installation during operation or under construction constitutes a violation of the UN Charter, Agency statute and international law, and the UN Security Council has to act immediately. The General Conference in 2009 unanimously endorsed the said resolution. The 2012 NPT Review Conference also endorsed the said resolution by consensus.



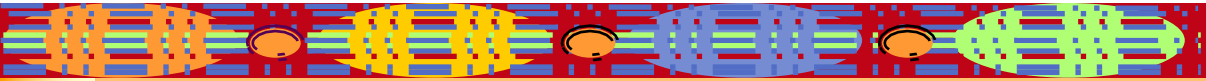
Have the IAEA Board of Governors or UN Security Council condemned the continuous threat of attack on Iran's peaceful nuclear installations by the Israeli regime?

No. Although any attack or threat of attack is a clear violation of the resolution 533 of 1990, thus violation of UN Charter & IAEA Statute, and International Laws. According to the resolution 533 the UN Security Council has act upon it immediately. The IAEA & the UN have so far kept silent



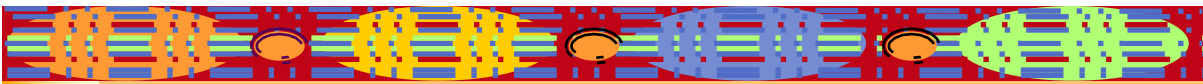
Conclusion

- 1- The Islamic Republic of Iran has always officially declared that it has not and is not pursuing nuclear weapons based on religious commitments and strategic interests;***
- 2- Iran is master of enrichment technology and other parts of nuclear fuel cycle,***
- 3- Iran is fully committed to its obligations under the NPT, the Agency's Safeguards Agreement (INFCIRC/214) and provisional Implementation of the Additional Protocol according to the JCOPA, the modified code of 3/1.***



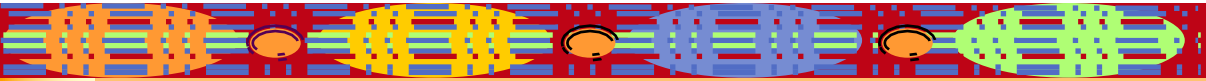
3- No smoking gun has been found in Iran after over 7500 man-days of most robust inspections and over 100 unannounced inspections with short notice, mostly less than 2 hours, which is unprecedented in the history of the IAEA;

4- Iran has made great achievements in regards to the nuclear fuel cycle, and now masters enrichment technology with a capability of producing all components of centrifuges indigenously;



5- While Iran shall never give up its undeniable legal right to peaceful uses of nuclear technology, as stipulated in the statute of the IAEA and the NPT, it has however spared no effort in removing any ambiguities through the IAEA and dialogue with concerned states;

6- The present unique opportunity has to be seized in order to put an end to the decade-long artificial nuclear crisis and open a new chapter of long-term strategic engagement with Iran, the most reliable and stable country, partner, in the region.



4- Iran made unprecedented historical concession under the JCPOA to prove the world its good will & determination for peace & prosperity,

5- Iran is fully committed to the JCPOA agreed with the group of 5+1 or EU3+3. It has already started its parts.

5- Iranian expectation for full implementation of the JCPOA by 5+1 is high. Every gesture undermining trust would carefully be monitored and taken into account.



Thank You For Your
Kind Attention