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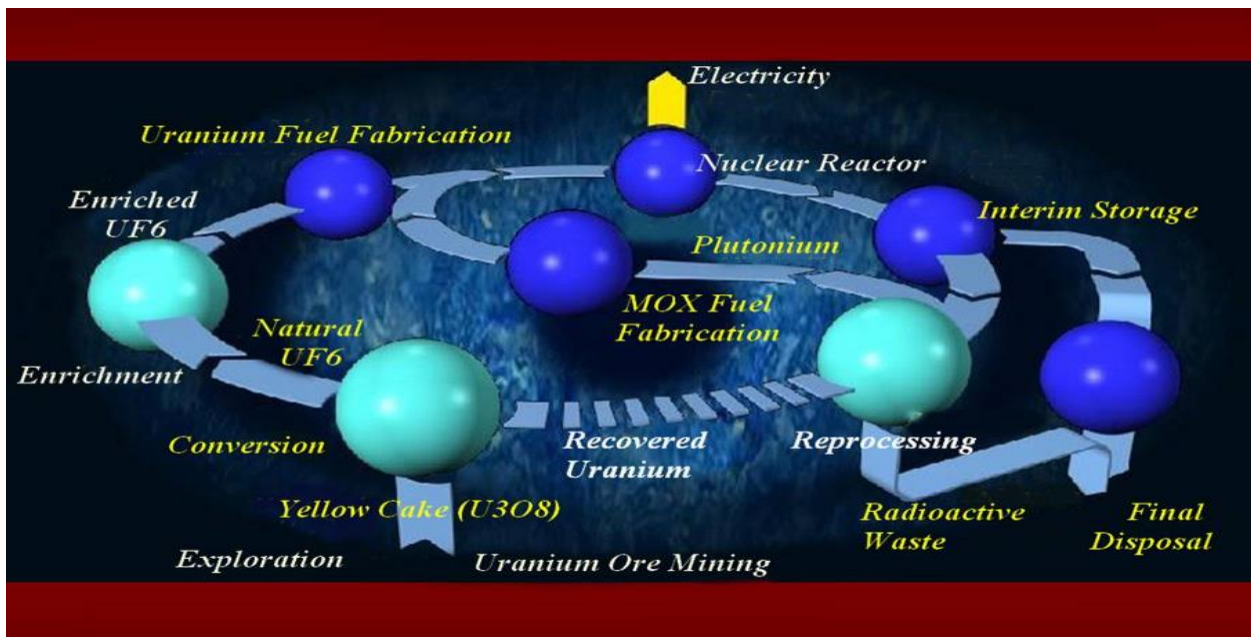
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Short Glance on Iran's Nuclear Energy Policy

By

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Short Overview of Iran's Nuclear Activities:

- Initial interest regarding nuclear energy development in Iran goes back more than sixty years. In the mid-1950s, The Nuclear Centre of the University of Tehran was established and through the operation of the Tehran research reactor (TRR) in 1967, Iran's nuclear science and technology was founded.
- In the mid-1970s, Siemens Kraftwerk Union (KWU) started construction of two 1 294 MW(e) pressurized water reactor (PWR) units started in Bushehr Province on the Persian Gulf. The contract was formally signed in mid-1976. Following the Islamic revolution in 1979, the work was abandoned, with Unit 1 substantially complete and Unit 2 about half complete. The plant was damaged by Iraqi air strikes in 1984–88.
- At Darkhovin, on the Karun River close to the Iraq border, there were also two French 910 MW(e) units which had just started construction under a contract with Framatome in January 1979. These plans were cancelled in April 1979.
- An agreement between the Iranian and Russian governments on building a two-unit nuclear power plant (NPP) was signed in Moscow in August 1992. In 1994, the Ministry of Atomic Energy (MINATOM) of the Russian Federation agreed with AEOI to complete Unit 1 of Bushehr NPP instead, with a WWER-1000 unit, using mostly the infrastructure already in place, and a contract was signed in January 1995.
- Eventually the Bushehr Power Plant started up on 8 May 2011, was connected to national grid early in September 2011, and entered commercial operation in September 2013. The operation of the reactor avoided emission of 20 million tons of pollutant gases to the atmosphere from 2013 to 2017.
- New fuel for Tehran Research Reactor which is mainly producing radioisotopes for medical purposes, purchased from US was not delivered, as planned in 1980, violating contractual obligation. Iran had no choice than to produce its own fuel, hence pursued indigenous enrichment.
- Since all western partners left their nuclear projects incomplete after revolution, Iran had to work on nuclear fuel cycle.
- Islamic Republic of Iran is now mater of almost all nuclear fuel cycle, specifically enrichment.

Short Review of Iran Commitments to International Obligations:

- 1- Iran was an original party to the NPT: signed 1 July 1968 and then ratified on 2 Feb 1970.
- 2- Based on the NPT the Comprehensive Safeguards Agreement (CSA) (INFCIRC/214), with the IAEA entered into force on 15 May 1974

Note: After the triumph of Islamic Revolution, Iran decided to continue its membership to the IAEA and party to the NPT, though it was signed and ratified by Shah regime.

- 3- Iran signed Additional Protocol (AP) 18 December 2003 (INFCIRC/214/Add.1)
- 4- In all SIRs 1974 to 2003, the IAEA reached conclusion on non-diversion of declared nuclear material as required under INFCIRC/214 of CSA of NPT.
- 5- In all SIRs 2004 to 2017 the Agency reached conclusion on non-diversion of declared nuclear material as required under INFCIRC/214 of CSA of NPT.
- 6- In all Reports by Director General to the Board of Governors of the IAEA and the United Nations Security Council from 2006 to 2017, Agency reached conclusion on non-diversion of declared nuclear material as required under INFCIRC/214 of CSA of NPT.

Considering the above factual documents; Since day 1 of safeguards implementation in Iran until today:

- The Agency has always reached conclusion on non-diversion of declared nuclear material as required under INFCIRC/214 of CSA of NPT
- The Agency also has made the conclusion that there has been no diversion of nuclear material from civilian uses to military uses (as required by NPT, CSA, INFCIRC/214 and AP).

Hence, there has never been any foundation or justification to any and all allegations by US and others of nuclear material in Iran being used for a military or weapon programme.

Negotiation with Groups of EU3 and P5+1

Phase A:

- ❖ Based on agreement on October 2003 between Iran and EU3 (Germany-France – United Kingdom) Iran agreed to voluntarily suspend all enrichment activities ,implement modified code 3.1 of Subsidiary Arrangement of CSA and implement Additional Protocol.

Note:

- The Iran' nuclear issue was conveyed to the UN Security Council on 4 February 2006, in spite of full cooperation by Iran including over 2.5 years suspension of all enrichment activities and full implementation of AP all confirmed by all reports.
- On 29 November 2012 I presented, at the Board of Governors , 5 legal reasons proving that the IAEA resolution and hence the following resolution of the UN Security Council had no legal basis.

Phase B:

- ❖ Iran once again showed its good will with unprecedented concessions during negotiation with the Group P5+1 since 2006, which was augmented during 2013-2015, where JPA (Joint Plan of Action) was signed in Geneva, and JCPOA (joint Comprehensive Plan of Action) in 2015 in Vienna.
- ❖ UN Security Council resolution 2231 endorsed the JCPOA
- ❖ ALL Agency reports have maintained conclusion on non-diversion and no military use of nuclear material in Iran.
- ❖ All reports (so far 13) by Director General have confirmed full compliance with the JCPOA

Forged Allegations kept the file open for over a decade:

- ▶ Each time the IAEA concluded positively resolution of remaining outstanding issues, as the result of the close technical cooperation, allegations with fake and fabricated information were raised in the media, usually at the eve of meeting of the Board of Governors, by Western States, mostly US. They damaged conducive environment and politicized Agency's technical performance with the aim of keeping the file opened.

- ▶ Despite all destructive attempts which undermined the Agency, with continued close extensive cooperation between IAEA and Iran, based on Work Plan on so called alleged Studies (NFCIR/711) of 2007 , followed by road map on PMD (Possible Military Dimension), finally in its report in December 2015, Agency accepted that the so-called PMD) has no basis with regard to mis-use of nuclear material.

Note:

- Despite non-commitment of some western members of the Group of P5+1 to full performance of the JCPOA, Iran exercised self-restraint.
- US withdrew from JCPOA on 8 May 2018 in full contravention with its obligations under JCPOA and the UN Security Council resolution 2231.
- Despite this Iran has faithfully observed JCPOA. Us has re-imposed unilateral sanctions and threatened other members of Group P5+1 not to abide with the JCPOA

Couple of points on sanctions:

- Sanctions create corruption since all legal routine transportations and financial transactions will be circumvented by involvement of intermediaries.
- Sanctions has consequences for criticize hence violates human rights.
- Sanctions create hate hence jeopardizes the minimum mutual trust for negotiation on sustainable long - term resolution.
- US unilateral sanction violate JCPOA
- US sanctions violates the UN Security Council Resolution 2231
- US Sanctions violate the recent decision of the ICJ (International Court of Justice)

Couple of points on allegation on missile:

- There is no international or multilateral treaty or convention negotiated under the auspices of the United Nations on ballistic and cruise missiles. Hence Iran's missile programmed do not violate any international legal instruments

- Since Iran has declared for decades and committed under JCPOA not to pursue nuclear weapons, the allegation on ballistic missile capable of and aiming at carrying nuclear weapons is unjustified and with political motivation.

Note:

1-The MTCR (Missile Technology Control Regime) is not an internationally legally mandated entity and its guidelines are binding only on MTCR members not on Iran and other non-members.

2- HCOC (Hague Code of Conduct) is also not internationally legally mandated instrument and its guidelines are binding only on HCOC members not on Iran and other non-members. It is more of recommendation for its member than legally binding.

Concluding Remark:

If the JCPOA collapses, which is not improbable, then:

- Global nuclear governance will be jeopardized,
- Trust in multilateral diplomacy is weakened
- The NPT effectiveness and its integrity, hence its future, will be at stake,
- Possibility for ratification of other similar treaties such as CTBT is diminished,
- Other countries (i.e. DPRK) would not dare to risk and trust US and its allies for any negotiation and agreement in the future,
- The EU is at the historical cross road to protect its credibility threatened by US Government. Protection of JCPOA with condemnation and full resistance against US unlawful withdrawal and sanctions shall give a positive signal and put a record for the future trustful relation of all other countries with EU

Complementary Q&A

Why Iran is not pursuing nuclear weapons?

After the triumph of the Islamic Revolution, the Islamic Government carried out a review on all bilateral, multilateral contracts and treaties. The founder of the Islamic Republic of Iran, the late Imam Khomeini, on a number of various occasions condemned nuclear weapons. In 80s, during public visit, addressing the audience and the world public at large, , he said: ***“... if they continue to make huge atomic weapons and so forth, the world may be pushed into destruction and the major loss will afflict the nations. Everybody, wherever he is, the writers, intellectuals and scholars and scientists throughout the world should enlighten the 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.”***

Based on the FATWA, decree, of the Iran’s supreme leader as reflected explicitly at the opening statement of the 16th NAM Summit in Tehran, on 30 August 2012; as declared:

“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. 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.”

His Eminent also stated: “The Islamic Republic of Iran considers the use of nuclear, chemical and similar weapons as a great and unforgivable sin.

We proposed the idea of “Middle East free of nuclear weapons” and we are committed to it. This does not mean forgoing our right to peaceful use of nuclear power and production of nuclear fuel. On the basis of international laws, peaceful use of nuclear energy is a right of every country. All should be able to employ this wholesome source of energy for various vital uses for the benefit of their country and people, without having to depend on others for exercising this right. Some Western countries, themselves possessing nuclear weapons and guilty of this illegal action, want to monopolize the production of nuclear fuel. Surreptitious moves are under way to consolidate a permanent monopoly over production and sale of nuclear fuel in centres carrying an international label but in fact within the control of a few Western countries.”

Note:

- In spite of technical capability and 100,000 victims of chemical weapons as the result of Saddam attacks using deadly chemical agents, Iran did not use any chemical agent due to religious and moral commitments.
- The experiences of the past decades have proved that the nuclear weapons have no use and that on the contrary it creates vulnerability.

Why Iran pursues nuclear technology?

Nuclear technology is the meeting point of the advanced and high standard of various branches of science and engineering. Embarking on nuclear power plants or other applications requires high caliber experts thus the universities have to educate new generation coping with high standard, due to sensitivity of application of nuclear energy specifically safety and security concerns, therefore nuclear technology lead the country to be on advanced one.

Why Iran had no other choice than indigenous enrichment

- US did not deliver the fuel purchased by Iran for Tehran Research Reactor
- France did not fulfill its obligation with Iran having 10% share of EURODIF Enrichment company
- Germany left Bushehr Nuclear Power Plant incomplete
- Committee on Assurance of Supply (CAS) of the IAEA collapsed after 7 years of negotiation in 1987
- Conference of UN for Promotion of Cooperation for Peaceful Uses of Nuclear Energy(PUNE) collapsed in 1987

Why Iran decided to enrich uranium up to 20%?

Since the fuel for Tehran Research Reactor for production of radiopharmaceutical isotopes was running out, Iran requested the Agency in June2008 in helping acquiring such fuels through potential suppliers but no positive answer was received.

Negotiation in Vienna with US, Russia, and France, followed by Brazil & Turkey initiative both failed thus Iran decided to produce its indigenous fuels for the Research Reactor under the full Agency safeguards surveillance.

Why Iran decided to construct Heavy Water Reactor?

After revolution none of the potential suppliers agreed to construct a research reactor similar to Tehran with 20% enrichment. They even refrain from constructing a heavy water reactor. Since in late 80s Iran was not sure that it could achieve enrichment, then it decided to go for heavy water reactor which works with nature uranium. That was the reason d'être of the Arak Heavy Water Reactor.

Had Iran any legal obligation to declare the site of Natanz Enrichment Plant and Arak Heavy Water Reactor before 2003?

No. Since the Natanz Enrichment Plant and the IR40 had not received any nuclear material until 2003, thus Iran was not obliged to declare it considering the fact that Iran had not signed the modified code 3.1 of the Subsidiary Arrangement of its comprehensive safeguards agreement until 2003.

WHY UN Security Council Resolutions were illegal?

A-This article is only applied to a recipient state/sates, which have received nuclear material from the IAEA and misused it,

B- The procedure is as follows: Inspectors come to conclusion about the “ Non-compliance “ not diplomats and representatives of Member States. The Inspectors have to report to the director General; he could then report the Board

of Governors. Then the Board will be able to report to the UN General Assembly and Security Council.

C- Only if the corrective measure, return of the received materials and equipment, does not occur, then the suspension of the assistance or suspension from right and privileges and rights could be made.

D- Safeguards verification is applied to “ Nuclear material” which is the determinative factor not “ intelligence information”.

E- Based on the above careful legal evaluation this article, about the RECEPIENT STATE, is absolutely not applied to Iran since it had not received nuclear materials in question at all. Therefore the resolution of the Board of Governor which conveyed the Iran’s issue, under the pretext of this article of the statute (Article XII-C), to the UN Security Council in 2006, and in the token the resolution1696 of 2006 of the UN Security Council and the following ones; 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010) HAD NO LEGAL BASIS.