

Some facts and  
Materials  
On the  
Peaceful nuclear  
Program of the  
Islamic Republic of Iran

**Statement by H.E. Dr. M. Javad Zarif,  
Permanent Representative of the Islamic Republic of Iran  
before the Security Council  
New York, July 31, 2006**

In the name of God, the Compassionate, the Merciful

Mr. President,

In my letter of 28 July 2006, I had requested to be given an opportunity to speak before the Council takes action, so that the Council would be appraised –for the first time, of the views of the concerned party before it adopts a decision. You may recall that my previous request to speak before the Council, when it adopted its Presidential Statement on March 29<sup>th</sup>, had also been denied. It is indeed indicative of the degree of transparency and fairness, that the Security Council has adopted a presidential statement and a resolution without even allowing the views of the concerned party to be heard. Be it as it may, I will make, for the record I presume, the statement that was intended for presentation before action.

But before doing that, allow me to express our deep appreciation to our neighbor, Qatar, to the negative vote based on their position of principle as well as their concern for the stability of our region.

Mr. President,

This is not the first time that Iran's endeavors to stand on its own feet and make technological advances have faced the stiff resistance and concerted pressure of some powers permanently represented in the Security Council. In fact, contemporary Iran has been subject to numerous injustices and prejudicial approaches by these powers.

The Iranian people's struggle to nationalize their oil industry was touted, in a draft resolution submitted on 12 October 1951 by the United Kingdom and supported by the United States and France, as a threat to international peace and security.<sup>1</sup> That draft resolution preceded a *coup d'etat*, organized by the US and the UK -- in a less veiled attempt to restore their short-sighted interests. The coup, which was obviously no longer disguisable in the language of the Charter or diplomatic subterfuge, restored the brutal dictatorship. The people of Iran did, nevertheless, succeed in nationalizing the oil industry, thus pioneering a courageous movement in the developing world to demand their inalienable right to exercise sovereignty over their natural resources.

More recently, Saddam Hussein's aggression against the Islamic Republic of Iran on 22 September 1980, and his swift advancement to occupy 30000 sq.

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<sup>1</sup> S/2358/Rev. 1.

kilometers of Iranian territory, did not trouble the same permanent members of the Security Council enough to consider it a threat against international peace and security, or even to make the routine call for a cease-fire and withdrawal.

I wonder whether I can say routine these days!

Nor did they find it necessary to even adopt a resolution for seven long days after the aggression<sup>2</sup>, hoping that their generally-held utter miscalculation that Saddam could put an end to the Islamic Republic within a week would be realized.

Sounds familiar these days, doesn't it?

Even then and for the following two long years, they did not deem fit to call for a withdrawal of the invading forces.<sup>3</sup> The first Security Council resolution calling for withdrawal came in July 1982, only after the Iranian people had already single-handedly liberated their territory against all odds. Nor was this Council allowed for several long years and in spite of mounting evidence and UN reports<sup>4</sup>, to deal with the use of chemical weapons by the former Iraqi dictator against Iranian civilians and military personnel, because as a former DIA official told the New York Times, "The Pentagon was not so horrified by Iraq's use of gas...It was just another way of killing people."<sup>5</sup>

Just another way!

Some twenty years later, tens of thousands of Iranians continue to suffer and die from that "just another way."

And over the past several weeks, this august body has been prevented from moving to stop the massive aggression against the Palestinian and Lebanese people and the resulting terrible humanitarian crisis. Diplomatic words fail to describe the way that the massacre in Qana was addressed yesterday. Nor is the Council given the slightest chance of addressing the aggressor's nuclear arsenal despite its compulsive propensity to engage in aggressions and carnage.

Likewise, the Security Council has been prevented from reacting to the daily threats of resort to force against Iran, even the threat of using nuclear weapons,<sup>6</sup> uttered at the highest levels by the US,<sup>7</sup> UK<sup>8</sup> and the lawless Israeli regime<sup>9</sup> in violation of Article 2(4) of the Charter.<sup>10</sup>

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<sup>2</sup> SCR 479, (28 September 1980), OP1: "Calls upon Iran and Iraq to refrain immediately from any further use of force, and to settle their dispute by peaceful means and in conformity with principles of justice and international law."

<sup>3</sup> SCR 514 (12 July 1982)

<sup>4</sup> S/16433, S/17127, S/17911

<sup>5</sup> New York Times, 18 August 2002

<sup>6</sup> On April 18, 2006 when President Bush was asked whether U.S. options regarding Iran "include the possibility of a nuclear strike" he refused to rule out a U.S. nuclear strike on Iran and instead replied: "All options are on the table."

On the other hand, in the past few years, a few big powers have spared no effort in turning the Security Council, or the threat of resorting to it, into a tool for attempting to prevent Iran from exercising its inalienable right to nuclear technology for peaceful purposes, recognized explicitly under the NPT. The intention to use the Council only as a tool for this -- or even more dangerous -- ends could not have been made clearer than in the statement by the permanent representative of the United States at the AIPAC meeting on March 5<sup>th</sup> this year:

"It is critical that we use the Council to help mobilize international public opinion. Rest assured, though, we are not relying on the Security Council as the only tool in our toolbox to address this problem."<sup>11</sup>

Mr. President,

The people and Government of the Islamic Republic of Iran are determined to exercise their inalienable right to nuclear technology for peaceful purposes and to build on their own scientific advances in developing various peaceful aspects of this technology. At the same time, as the only victims of the use of weapons of mass destruction in recent history, they reject the development and use of all these inhuman weapons on ideological as well as strategic grounds. The Leader of the Islamic Republic has issued a public and categorical religious decree against the development, production, stockpiling and use of nuclear weapons.<sup>12</sup> Iran has also clearly and continuously stressed that nuclear weapons have no place in its military doctrine. The President of the Islamic Republic of Iran, in his statement before the General Assembly last September, also underlined Iran's fundamental rejection of nuclear weapons, as well as the need to strengthen and revitalize the Non-Proliferation Treaty. He also stressed that "continued interaction and legal and technical cooperation with the IAEA will be the centerpiece of our nuclear policy."<sup>13</sup>

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<sup>7</sup> Iran will face "tangible and painful consequences," and the United States will use "all tools at our disposal" to thwart Iran's nuclear program and is already "beefing up defensive measures" to do so. (Statement by Ambassador Bolton at AIPAC Meeting, 5 March 2006)

<sup>8</sup> According to the Times of October 28, 2005, British Prime Minister "gave warning last night that the West might have to take military action against Iran." He was quoted again as admitting to British MPs on 7 February 2006 when asked if the British military option was on the table "You can never say never in any of these situations." (Daily Mirror, 8 February 2006.) Also see "Iran is the key to Jack Straw's demotion," in Guardian, 5 May 2006.

<sup>9</sup> On December 5, 2005, the then Israeli military intelligence Chief Maj. Gen. Aharon Zeevi Farkash said that, "after March 2006, Israel must be prepared to use means other than diplomacy to halt Iran's nuclear program." He went further to say that "If by the end of March 2006 the international community will have failed to halt Iran's nuclear-weapons program, diplomatic efforts will be pointless" (Washington Times, 5 December 2005). On December 4, 2005, when reporters asked General Dan Halutz, Chief of Staff of Israeli Army, how far Israel was prepared to go to stop Iran's nuclear program, he replied, "2000 Kilometers." (Washington Times, 7 January 2006.)

<sup>10</sup> S/2006/178 and S/2006/273.

<sup>11</sup> US Department of State: <http://usinfo.state.gov/mena/Archive/2006/Mar/06-846555.html>

<sup>12</sup> Kayhan, 6 November 2004.

<sup>13</sup> Statement by President of the Islamic Republic of Iran before the General Assembly, 17 September 2005.

In order to dispel any doubt about our peaceful nuclear program, we enabled the IAEA to carry out a series of inspections that amounts to the most robust inspection of any IAEA Member State. It included more than 2000 inspector-days of scrutiny in the past 3 years; the signing of the Additional Protocol on 18 December 2003 and implementing it immediately until 6 February 2006; the submission of more than 1000 pages of declaration under the Additional Protocol; allowing over 53 instances of complementary access to different sites across the country; and permitting inspectors to investigate baseless allegations by taking the unprecedented step of providing repeated access to military sites.<sup>14</sup>

Consequently, all reports by the IAEA since November 2003 have been indicative of the peaceful nature of the Iranian nuclear program. In November 2003 and in the wake of sensational media reports on the so-called 18-years of concealment by Iran, the Agency confirmed that “to date, there is no evidence that the previously undeclared nuclear material and activities ... were related to a nuclear weapons program.”<sup>15</sup> We all remember how the then US Under-Secretary of State reacted to that conclusion.<sup>16</sup> The same conclusion can be found in other IAEA reports, even as recently as February 2006, which states that “As indicated to the Board in November 2004, and again in September 2005, all the declared nuclear material in Iran has been accounted for.”<sup>17</sup> The Agency reaffirmed once again in paragraph 53 of the same report that it “has not seen any diversion of nuclear material to nuclear weapons or other nuclear explosive devices.”<sup>18</sup>

Much has been made, including in today’s proposed resolution, of a statement by the IAEA that it is not yet in a position “to conclude that there are no undeclared nuclear materials or activities in Iran.” But the sponsors have conveniently ignored the repeated acknowledgments by the Director-General of the IAEA that “the process of drawing such a conclusion ... is a time consuming process,”<sup>19</sup> They also ignored the Addendum to the 2005 IAEA Safeguards Implementation Report, released in June 2006, which indicates that 45 other countries are in the same category as Iran, including 14 Europeans and several members of this Council.<sup>20</sup> I might add that out of the three sponsors of today’s resolution, two are obviously in the privileged class – self-immunized from any scrutiny, but the third is in the same category as Iran.

Mr. President,

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<sup>14</sup> See, *inter alia*, IAEA – GOV/2006/15, paragraph 30, IAEA – GOV/2004/83, paragraph 6, IAEA – GOV/2005/67, paragraph 56 and IAEA - GOV/OR.1119\* Issued: April 2005, paragraph 103..

<sup>15</sup> IAEA - GOV/2003/75, paragraph 52.

<sup>16</sup> See the comments by US Under-Secretary Bolton in USA Today, 30 November 2003. The November 2003 IAEA Board resolution was prevented by the US from reflecting that important IAEA finding. See IAEA - GOV/2003/80.

<sup>17</sup> IAEA - GOV/2006/15, paragraph 53.

<sup>18</sup> Ibid.

<sup>19</sup> IAEA - GOV/2005/67, paragraph 51. This is repeated again in IAEA - GOV/2006/15, paragraph 53: “the process of drawing such a conclusion, under normal circumstances, is a time consuming process even with an Additional Protocol in force.”

<sup>20</sup> IAEA - GOV/2006/31/Add.1 (15 June 2006)

Iran's peaceful nuclear program poses no threat to international peace and security, and therefore dealing with this issue in the Security Council is unwarranted and void of any legal basis or practical utility. Far from reflecting – as advertised -- the concerns of the international community, the approach of the sponsors flouts the stated position of the overwhelming majority of the international community, clearly reflected in the most recent statements by Foreign Ministers of the Non-Aligned Movement and of the OIC, and partly reflected in the June 2006 IAEA Board Chairman's Conclusion.<sup>21</sup>

The 57 members of the OIC, in their recent Ministerial Meeting in Baku, expressed their “conviction that the only way to resolve Iran’s nuclear issue is to resume negotiations without preconditions”<sup>22</sup>, “welcomed the readiness of the Islamic Republic of Iran to settle all remaining outstanding issues peacefully”, “recognized that any attempt aimed at limiting the application of peaceful uses of nuclear energy would affect the sustainable development of developing countries”, “rejected discrimination and double standards in peaceful uses of nuclear energy”, and “expressed concern over any unwanted consequences on the peace and security of the region and beyond of threats and pressures on Iran by certain circles to renounce its inalienable right to develop nuclear energy for peaceful purposes.”<sup>23</sup>

The Non-Aligned Movement, comprising an overwhelming majority of this Organization, in the recent statement of its Ministers in Putrajaya “stressed that there should be no undue pressure or interference in the Agency's activities, especially its verification process, which would jeopardize the efficiency and credibility of the Agency”, and “nothing should be interpreted in a way as inhibiting or restricting this right of States to develop atomic energy for peaceful purposes” and “reaffirmed that States' choices and decisions in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected.”<sup>24</sup>

But, claiming to represent this international community, the EU3 in their so-called package of incentives last August, asked Iran to “make a binding commitment not to pursue fuel cycle activities.”<sup>25</sup> A cursory look at the chronology of events since last August indicates that Iran’s rejection of that illegal and unwarranted demand has and continues to be the sole reason for the imposition of resolutions and statements on the IAEA Board and this Council.<sup>26</sup>

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<sup>21</sup> Board of Governors, 15 June 2006, Chairman’s Conclusion on Sub-item 8(g).

<sup>22</sup> A/60/915 (19 July 2006).

<sup>23</sup> OIC Resolution 18/33-P.

<sup>24</sup> NAM/MM/COB9 (30 May 2006)

<sup>25</sup> IAEA - INFCIRC 651, paragraph 34.

<sup>26</sup> In a letter dated 16 March 2006 from the British Political Director John Sawers addressed to his American, French, German and EU Commission colleagues: “We may also need to remove one of the Iranian arguments that the suspension called for is ‘voluntary’. We could do both by making the voluntary suspension a mandatory requirement to the Security Council, in a Resolution.” (Times Online, 22 March 2006).

Today's proposed action by this Council – which is the culmination of those efforts aimed at making the suspension of uranium enrichment mandatory -- violates the fundamental principles of international law, the Non Proliferation Treaty and IAEA Board resolutions. It also runs counter to the views of the majority of UN member states, which the Security Council is obliged to represent.

The IAEA Board, in its November 2004 resolution, drafted by the very same co-sponsors of today's resolution, declared that suspension "is a voluntary, non-legally binding, confidence-building measure."<sup>27</sup> This was repeated as recently as 15 June 2006 in the IAEA Board Chairman's Conclusion.<sup>28</sup>

The Non-Aligned Movement, in its recent Ministerial statement referred to earlier, stressed "the fundamental distinction between the legal obligations of States to their respective safeguards agreements and any confidence building measures voluntarily undertaken to resolve difficult issues", and "that such voluntary undertakings are not legal safeguards obligations."<sup>29</sup>

Mr. President,

The sole reason for pushing the Council to take action, as highlighted in the proposed resolution, is that Iran decided, after over two years of negotiations, to resume the exercise of its inalienable right to nuclear technology for peaceful purposes, by partially reopening its fully safeguarded facilities and ending a voluntary suspension.

Iran's right to enrich uranium is recognized under the NPT. And upholding the rights of State-parties to international treaties is as essential as ensuring respect for their obligations. These regimes, including the NPT, are sustained by a balance between rights and obligations. Threats will not sustain the NPT or other international regimes. Ensuring that members can draw rightful benefits from membership and non-members are not rewarded for their intransigence does.

Yet exactly the opposite is the trend today. Today we are witness to an extremely dangerous trend; while members of the NPT are denied their rights and are punished, those who defy the NPT, particularly the perpetrators of current carnage in Lebanon and Palestine, are rewarded by generous nuclear cooperation agreements.<sup>30</sup> This goes so far that when it suits the US, even the acquisition of nuclear weapons for non-NPT members becomes "legitimate" to quote the US Ambassador.<sup>31</sup>

This is one awkward way to strengthen the NPT or ensure its universality!

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<sup>27</sup> IAEA - GOV/2004/89, OP 1.

<sup>28</sup> Board of Governors, 15 June 2006, Chairman's Conclusion on Sub-item 8(g).

<sup>29</sup> NAM/MM/COB9 (30 May 2006)

<sup>30</sup> "Israel Gets US Nuke Technology", The Associated Press, 22 Feb 2000.

<sup>31</sup> Reuters, 1 March 2006.

This trend has reached such a horrendous and indeed ridiculous state that the Israeli regime, a non-member of the NPT, whose nuclear arsenal coupled with its expansionist, repressive and state-terror policies and behavior is repeatedly recognized as the single most serious threat to regional and international peace and security, finds the audacity to cry wolf about Iran's peaceful nuclear program and to lead a global campaign of threats, lies, deception, pressure, blackmail and outright extortion.

Yet, in spite of the massive political and propaganda machine, no one in today's world can accept the convoluted logic that it is OK for some to have nuclear weapons, while others are prevented from developing nuclear energy.

Another destructive trend is the imposition of arbitrary thresholds, which are often a function of bilateral considerations rather than objective or technical criteria. It should be interesting to recall that the United States began by trying to deny Iran any kind of nuclear activity. Even as late as 31 January 2003, the State Department Spokesman was saying: "we have consistently urged Russia to cease all such cooperation with Iran, including its assistance to the light water reactor at Bushehr."<sup>32</sup>

The new threshold regarding enrichment is as arbitrary as the previous ones, and is simply another excuse to begin a trend to prevent the realization of the rights of the members of the NPT to peaceful use, while according to the US Ambassador, non-members could "legitimately" continue producing nuclear bombs!

Mr. President,

It has been argued that the intervention by the Security Council is needed to ensure cooperation by Iran with the Agency and to bring Iran back to the negotiating table. I suggest to you that in order to achieve these goals, you do not need Security Council involvement. In fact, the involvement by the Council hinders rather than help this ongoing process, because it is designed as an instrument of pressure.

As I indicated earlier, Iran's cooperation with the Agency was far more extensive and comprehensive before action was imposed on the IAEA Board to engage the Security Council. That cooperation enabled the Agency to conclude last September that good progress had been made "in the Agency's ability to confirm certain aspects of Iran's current declarations, which will be followed up as a routine Safeguards implementation matter."<sup>33</sup>

As for coming back to the negotiations table, Iran has always been ready for negotiations. For almost three years, Iran tried to sustain or even resuscitate negotiations with the EU3. Iran offered far reaching proposals to address the concerns and usher in a new era of cooperation: in August 2004, January 2005,

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<sup>32</sup> US Department of State, Office of Spokesman, <http://www.state.gov/r/pa/prs/ps/2003/17107.htm>.

<sup>33</sup> IAEA - GOV/2005/67 (2 September 2005), Paragraph 43.



March 2005, April 2005, July 2005, September 2005, January 2006, February 2006, and March 2006.

Throughout that period, Iran adopted extensive and extremely costly confidence building measures, including suspension of its rightful enrichment activities for two years, to ensure the success of negotiations. All along, it has been the persistence of some to draw arbitrary red-lines and deadlines that has closed the door to any compromise. This tendency has single-handedly blocked success and in most cases killed proposals in their infancy. This has been Washington's persistent strategy ever since Iran and EU3 started their negotiations in October of 2003. Only the tactics have changed.

All along, the threats by some to bring this issue before the Council and take it out of its proper technical and negotiated structure has loomed large over the negotiations and has impeded progress, derailed discussions and prevented focus on a mutually acceptable resolution.

The manner in which negotiations over the recently proposed package has been conducted is a further indication of the same propensity to resort to threats and the lack of a genuine will to reach a mutually acceptable resolution.

Iran publicly and in a show of good faith, reacted positively to this initiative and indicated its readiness to engage in fair, non-discriminatory and result-oriented, negotiations about the package within a mutually agreed time frame and without preconditions. Yet, an arbitrary deadline was set, *ex post facto*, without any justification and only to serve the totally ulterior objective of "maximizing influence."<sup>34</sup>

Indeed, it is informative to note that it took the EU 3 nearly 5 months (from March to August 2005) to consider a very serious proposal made by Iran last year, and even then the EU3 came up with a response that did not address any elements in that proposal. And yet, while the Islamic republic of Iran has clearly stated that it requires three more weeks to conclude its evaluation of the proposed package and come up with a substantive reaction, it is astonishing – and indeed telling – to see that the EU3 and the United States are in such a rush to prematurely hamper the path of negotiations by imposing a destructive and totally unwarranted Security Council resolution. This rush becomes even more suspect, if one takes into account repeated statement of the Director-General of the IAEA, numerous experts and even US intelligence community about the absence of any urgency.

Compare this rush to the fact that some of the very same powers have for the last three weeks prevented any action, not even a 72 hour humanitarian truce, by the Security Council on the urgent situation in Lebanon, which has been officially and publicly interpreted by the aggressors as a "green light" to continue their onslaught, including the recent carnage in Qana.

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<sup>34</sup> Letter dated 16 March 2006 from British negotiator to his German, French and US counterparts, Times Online, 22 March 2006: "The period running up to the G8 Summit will be when our influence on Russia will be at its maximum, and we need to plan accordingly."

You be the judge of how much credibility this leaves for the Security Council. Millions of people around the world have already passed their judgment<sup>35</sup>.

So, Mr. President, it is pertinent to ask: what is the motive behind this long standing urge of some permanent members to bring Iran before the Security Council and the current rush? Is it anything other than pressure and coercion? I would suggest to you that this approach will not lead to any productive outcome, and in fact it can only exacerbate the situation. The people and Government of the Islamic Republic of Iran are not seeking confrontation and have always shown their readiness to engage in serious and result-oriented negotiations based on mutual respect and equal footing. They have also shown, time and again, their resilience in the face of pressure, threat, injustice and imposition.

Thank you Mr. President.



*More materials in the next pages ....*

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<sup>35</sup> According to the UN Secretary-General, concluded his statement of 30 July 2006 before the Security Council by stating: “the authority and standing of this Council are at stake. People have noticed its failure to act firmly and quickly during this crisis...For the sake of the people of the region and of this Organization, I urge you to act, and to act now.”

*Some talking points on the peaceful nuclear program of  
The Islamic Republic of Iran*

- 1- Iran's peaceful nuclear program poses no threat to international peace and security, and therefore dealing with this issue by the Security Council is unwarranted and void of any legal basis. It also flouts the stated position of the overwhelming majority of the international community.
  - a. *The June 2006 IAEA Board of Governors, in its "Chairman's Conclusions" stated that :*
    - i. *"It was emphasized that the Agency was the sole competent authority for verification and that it should continue its work to resolve the Iranian nuclear issue."*
    - ii. *"The continued need for diplomatic negotiations and dialogue among all parties covering all relevant issues was emphasized as the way to reach a peaceful solution of the Iranian nuclear issue."*
  - b. *The NAM, in the recent statement of its Ministers in Putrajaya,*
    - i. *"recognized the International Atomic Energy Agency (IAEA) as the sole competent authority for verification of the respective safeguards obligations of Member States", and*
    - ii. *"stressed that there should be no undue pressure or interference in the Agency's activities, especially its verification process, which would jeopardize the efficiency and credibility of the Agency."*
  - c. *The OIC, in its recent Ministerial Meeting in Baku,*
    - i. *"expressed concern over the pressure being mounted on Iran and its potential consequences for peace and security in and outside the region,"*
    - ii. *"called and supported firmly for peaceful settlement of all outstanding issues through negotiations, without preconditions."*
    - iii. *"called and supported firmly the settlement of the issue exclusively by peaceful means, in the framework of the IAEA and in accordance with the NPT and the Statute of the IAEA", and "welcomed the readiness of the Islamic Republic of Iran to settle all remaining outstanding issues peacefully."*
- 2- The proposed resolution against the peaceful nuclear program of the Islamic Republic of Iran is explicitly aimed at depriving Iran of its inalienable rights enshrined in the NPT. It runs counter to the views of the majority of UN member states, which the Security Council is obliged to represent.

- a. The Non-Aligned Movement, in the statement made by the NAM Ministers on May 30 in Putrajaya on Iran's peaceful nuclear program,
    - i. stressed that "nothing should be interpreted in a way as inhibiting or restricting this right of States to develop atomic energy for peaceful purposes" and
    - ii. "*reaffirmed* that States' choices and decisions in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected."
  - b. The OIC in the resolution adopted to support Iran's peaceful nuclear program at its June 2006 Ministerial Meeting in Baku
    - i. "recognized that any attempt aimed at limiting the application of peaceful uses of nuclear energy would affect the sustainable development of developing countries".
    - ii. "rejected discrimination and double standards in peaceful uses of nuclear energy", and
    - iii. "expressed concern over any unwanted consequences on the peace and security of the region and beyond of threats and pressures on Iran by certain circles to renounce its inalienable right to develop nuclear energy for peaceful purposes."
- 3- The attempt in the proposed resolution to make the suspension mandatory is against the fundamental principles of international law, the Non Proliferation Treaty and IAEA Board resolutions. It also flouts the stated position of the overwhelming majority of the international community.
- a. The IAEA in its November 2004 resolution declared that suspension "is a voluntary, non-legally binding, confidence-building measure." This was repeated as recently as 15 June 2006 in the IAEA Board Chairman's conclusions.
  - b. The NAM Ministers also emphasized in the statement they issued on Iran's peaceful nuclear program on May 30, 2006 "*the* fundamental distinction between the legal obligations of States to their respective safeguards agreements and any confidence building measures voluntarily undertaken to resolve difficult issues", and "*believed* that such voluntary undertakings are not legal safeguards obligations."
- 4- Iran extended full cooperation to the IAEA and went even beyond its international obligations and adopted extensive and costly confidence-building measures, including a voluntary suspension of its rightful enrichment activities for more than two years. It also allowed the Agency to repeatedly visit military sites and allowed inspectors to take environmental samples.

- a. The Agency did not observe any unusual activities; and the samples did not indicate the presence of nuclear material at those locations.
- b. The Agency has concluded time and again that there is no evidence of an Iranian nuclear weapons program.
  - i. In November 2003, for example, the Agency confirmed that “to date, there is no evidence that the previously undeclared nuclear material and activities ... were related to a nuclear weapons program.”
  - ii. A year later, and last September, it concluded again that “all the declared nuclear material in Iran has been accounted for, and therefore such material is not diverted to prohibited activities.”
  - iii. The same conclusion can be found in the IAEA February 2006 report which states that "As indicated to the Board in November 2004, and again in September 2005, all the declared nuclear material in Iran has been accounted for."
  - iv. The Agency reaffirmed once again in paragraph 53 of the same report that it "has not seen any diversion of nuclear material to nuclear weapons or other nuclear explosive devise."
  - v. *The concluding statement of Chairman of the IAEA Board of June 2006 states that “They noted the assessment of the Director General that all declared nuclear material in Iran has been accounted for. They recognized that the Agency's work on verifying correctness and completeness of Iran's declarations was ongoing. They also noted that the process of drawing a conclusion with regard to the absence of undeclared nuclear materials and activities was a time-consuming process.”*

5- Iran has been and continues to be ready for negotiations.

- a. Since October 2003, Iran has done its utmost to sustain and even resuscitate negotiations with Britain, France and Germany.
- b. Since August 2004, Iran has made at least eight far-reaching proposals.
- c. A few days ago, Iran extended its hand for cooperation and expressed its readiness for negotiations, through the official statement made by the Secretary of Iran's Supreme National Security Council. In the said statement Iran stated, *inter alia*, that :
  - i. The Islamic Republic of Iran is fully committed to finding a negotiated solution through diplomacy and is ready for result-oriented negotiations within a mutually acceptable timeframe.

- ii. From the outset of receiving the proposed package, the Islamic Republic of Iran welcomed the initiative and began to consider it positively and in earnest in expert committees set up for this purpose – a work that is in progress. It is normal that thorough consideration of such a proposal requires reasonable time, and given the seriousness of the Islamic Republic of Iran in considering the package in the said committees, 22 August 2006 has been set as the date for announcing view points.
  - iii. It came as a surprise to the Islamic Republic of Iran that following the first round of preliminary negotiations with Mr. Solana in Brussels, and while nothing extraordinary had occurred, there are signs indicating that some parties, specifically the United States, through changing the path of negotiations to the path of Security Council attempt to obstruct diplomacy and negotiation, while the path of negotiations with Europe is the right and promising one that can produce results.
  - iv. If the path of confrontation is chosen instead of the path of negotiations and if any measure is taken to limit the inalienable rights of the Iranian nation, then there will remain no option for the Islamic Republic of Iran but to reconsider its nuclear policies. It must be underlined that Iran does not seek tension and confrontation, but if others create obstacles and a tense environment, all will be faced with difficulties.
  - v. The Islamic Republic of Iran believes that the path of negotiation, dialogue and understanding is the most reasonable path to resolve issues and is determined and serious in pursuing this path and emphasizes it. We invite the other side to come back to the negotiating table.
- 6- While it took the EU 3 nearly 5 months to respond to a very serious proposal made by Iran last year (March to August 2005), and while the Islamic republic of Iran has clearly stated that it needs only a few more weeks to conclude its evaluation of the proposed package and to come up with a response, it is not comprehensible why the EU3 and the United States are in such a rush to deprive Iran of its inalienable rights and hamper the path of negotiations.

**The full text of the statement issued by H. E. Dr. Ali Larijani, the Secretary of the Iranian Supreme National Security Council on 20 July 2006 on Iran's peaceful nuclear technology program**

- In accordance with its adopted program to generate 20,000 megawatts of nuclear electricity in the course of the coming 20 years, the Islamic Republic of Iran plans to produce a portion of the required nuclear fuel inside the country and endeavors to procure the needed fuel.
- The Islamic Republic of Iran is committed to its obligations under the NPT, and all activities, undertaken thus far, have been in line with its recognized and inalienable rights under the Treaty pertaining to peaceful use of nuclear technology. Iran has never demanded any thing beyond its rights, enshrined in the NPT and enjoyed by all other member-states.
- The Islamic Republic of Iran, in the course of the past three years, has fully cooperated with the IAEA under the Comprehensive Safeguards Agreement as well as through voluntary implementation of the Additional Protocol and even beyond. Accordingly, Iran enabled the IAEA inspectors to carry out around 2000 person-days of inspections and over 53 complementary accesses to different sites across the country. Moreover, all activities and nuclear installations in Iran have been under IAEA safeguards and monitored by the Agency.
- According to various reports of the IAEA, there are no undeclared nuclear materials in Iran and all of Iran's nuclear materials have been reported to the IAEA and accounted for. Moreover, the IAEA has explicitly declared that there has been no diversion of Iranian nuclear activities to nuclear weapons.
- As the IAEA Director-General has indicated, the confirmation by the Agency of non-existence of undeclared nuclear materials and activities in any country is a time-consuming process, which is not specific to Iran, as currently 46 countries, including 14 Western European countries, are in the same situation.
- What is presented as the concern of the international community over Iran's peaceful nuclear program, only pertains to a few countries. The statements in support of Iran's peaceful nuclear program, including the statement issued by 116 Foreign Ministers of the Non-Aligned Movement in Malaysia, the statement by 57 Foreign Ministers of OIC members issued in Azerbaijan and the statement by the D-8, bear testimony to the opposition of an overwhelming majority of the international community to the discriminatory approach leading to serious concern over the setting of an illegitimate precedent to deprive a majority of States from acquiring peaceful nuclear technologies.

On the basis of the above:

1- The Islamic Republic of Iran is fully committed to finding a negotiated solution through diplomacy and is ready for result-oriented negotiations within a mutually acceptable timeframe.

2- From the outset of receiving the proposed package, the Islamic Republic of Iran welcomed the initiative and began to consider it positively and in earnest in expert committees set up for this purpose – a work that is in progress. It is normal that thorough consideration of such a proposal requires reasonable time, and given the seriousness of the Islamic Republic of Iran in considering the package in the said committees, 22 August 2006 has been set as the date for announcing view points.

3- It came as a surprise to the Islamic Republic of Iran that following the first round of preliminary negotiations with Mr. Solana in Brussels, and while nothing extraordinary had occurred, there are signs indicating that some parties, specifically the United States, through changing the path of negotiations to the path of Security Council attempt to obstruct diplomacy and negotiation, while the path of negotiations with Europe is the right and promising one that can produce results.

4- If the path of confrontation is chosen instead of the path of negotiations and if any measure is taken to limit the inalienable rights of the Iranian nation, then there will remain no option for the Islamic Republic of Iran but to reconsider its nuclear policies. It must be underlined that Iran does not seek tension and confrontation, but if others create obstacles and a tense environment, all will be faced with difficulties.

5-The Islamic Republic of Iran believes that the path of negotiation, dialogue and understanding is the most reasonable path to resolve issues and is determined and serious in pursuing this path and emphasizes it. We invite the other side to come back to the negotiating table.



## **An Unnecessary Crisis** **Setting the Record Straight about Iran's Nuclear Program**

By: H.E. Dr. M.Javad Zarif

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In a region already suffering from upheaval and uncertainty, a crisis is being manufactured in which there will be no winners. Worse yet, the hysteria about the dangers of an alleged Iran nuclear weapon program rest solely and intentionally on misperceptions and outright lies. In the avalanche of anti-Iran media commentaries, conspicuously absent is any reference to important facts, coupled with a twisted representation of the developments over the past 25 years. Before the international community is lead to another “crisis of choice”, it is imperative that the public knows all the facts and is empowered to make an informed and sober decision about an impending catastrophe.

### **1- Systematic Pattern of Denial of Iran's Rights and Its Impact on Transparency**

Since early 1980s, Iran's peaceful nuclear program and its inalienable right to nuclear technology have been the subject of the most extensive and intensive campaign of denial, obstruction, intervention and misinformation.

- Valid and binding contracts to build nuclear power plants were unilaterally abrogated;
- Nuclear material rightfully purchased and owned by Iran was illegally withheld;
- Exercise of Iran's right as a shareholder in several national and multinational nuclear power corporations was obstructed;
- Unjustified and coercive interventions were routinely made in order to undermine, impede and delay the implementation of Iran's nuclear agreements with third parties; and
- Unfounded accusations against Iran's exclusively peaceful nuclear program were systematically publicized.

As a result, and merely in order to prevent further illegal and illegitimate restrictions on its ability to procure its needed materials and equipments, Iran had been left with no option but to be discrete in its perfectly legal and exclusively peaceful activities. In doing so, Iran broke no laws nor diverted its peaceful program to military activities. It only refrained from disclosing the details of its

programs. In nearly all cases, it was not even obliged to disclose these programs under its safeguards agreement with the IAEA.

Therefore, while Iran's rights under the NPT continued to be grossly and systematically violated, and while major state parties to the Treaty persisted in their non-compliance with many of their obligations under Articles I, IV and VI of the Treaty in general, and under paragraph 2 of Article IV vis-à-vis Iran in particular, Iran nevertheless continued to diligently comply with all its obligations under the Treaty.

## **2. Nuclear Technology OR Nuclear Weapons?**

A vicious cycle of restrictions on Iran's nuclear program and attempts by Iran to circumvent them through concealment and black market acquisitions have fueled mutual suspicions. In this self-perpetuating atmosphere, the conclusion is already drawn that Iran's declared peaceful nuclear program is just a cover for developing atomic weapons. But this conclusion is based on two erroneous assumptions, which have been repeated often enough to become conventional wisdom.

### **2.1- Iran Needs Nuclear Energy**

#### **2.1.1. Nuclear Energy for an Oil-Rich Country**

The first is that Iran has vast oil and gas resources and therefore does not need nuclear energy. Although it is true that Iran is rich in oil and gas, these resources are finite and, given the pace of Iran's economic development, they will be depleted within two to five decades. With a territory of 1,648,000 km<sup>2</sup> and a population of about 70 million, projected to be more than 105 million in 2050, Iran has no choice but to seek access to more diversified and secure sources of energy. Availability of electricity to 46,000 villages now, compared to 4400 twenty five years ago, just as an example, demonstrates the fast growing demand for more energy. And the youthfulness of the Iranian population, with around 70% under 30, doesn't allow complacency when it comes to energy policy. To satisfy such growing demands, Iran can't rely exclusively on fossil energy. Since Iranian national economy is still dependant on oil revenue, it can't allow the ever increasing domestic demand affect the oil revenues from the oil export.

#### **2.1.2. US Support for Iranian Nuclear Program**

Iran's quest for nuclear energy picked momentum following a study in 1974 carried out by the prestigious US-based Stanford Research Institute, which predicted Iran's need for nuclear energy and recommended the building of nuclear plants capable of generating 20,000 megawatts of electricity before 1994. Now, 30

years later, Iran aims at reaching that level by 2020, which may save Iran 190 million barrels of crude oil or \$10 billion per year in today's prices.

Therefore, Iran's nuclear program is neither ambitious nor economically unjustifiable. Diversification — including the development of nuclear energy — is the only sound and responsible energy strategy for Iran.

Even the US State Department was convinced of this in 1978 when it stated in a memo that the U.S. was encouraged by Iran's efforts to expand its non-oil energy base and was hopeful that the U.S.-Iran Nuclear Energy Agreement would be concluded soon and that U.S. companies would be able to play a role in Iran's nuclear energy projects.

### **2.1.3. Nuclear Fuel Cycle**

Producing fuel for its nuclear power plants is an integral part of Iran's nuclear energy policy. While domestic production of fuel for this number of nuclear power plants makes perfect economic sense, Iran's decision should not be judged solely on economic grounds. Having been a victim of a pattern of deprivation from peaceful nuclear material and technology, Iran cannot solely rely on procurement of fuel from outside sources. Such dependence would in effect hold Iran's multi-billion dollar investment in power plants hostage to the political whims of suppliers in a tightly controlled market. Furthermore, it is self evident that the time-consuming efforts to gain the necessary technology and develop the capability for fuel production must proceed simultaneously with the acquisition and construction of nuclear power plants. Otherwise constructed plans may become obsolete in case of denial of fuel without a contingency capacity to produce it domestically.

## **2.2. Iran Does Not Need Nuclear Weapons for Its Security**

The second false assumption is that because Iran is surrounded by nuclear weapons in all directions — the U.S., Russia, Pakistan and Israel — any sound Iranian strategists must be seeking to develop a nuclear deterrent capability for Iran as well.

It is true that Iran has neighbors with abundant nuclear weapons, but this does not mean that Iran must follow suit. In fact, the predominant view among Iranian decision-makers is that development, acquisition or possession of nuclear weapons would only undermine Iranian security. Viable security for Iran can be attained only through inclusion and regional and global engagement. Iran's history is the perfect illustration of its geo-strategic outlook. Over the past 250 years, Iran has not waged a single war of aggression against its neighbors, nor has it initiated any hostilities.

Iran today is the strongest country in its immediate neighborhood. It does not need nuclear weapons to protect its regional interests. In fact, to augment Iranian influence in the region, it has been necessary for Iran to win the confidence of its neighbors, who have historically been concerned with size and power disparities.

On the other hand, Iran, with its current state of technological development and military capability, cannot reasonably rely on nuclear deterrence against its adversaries in the international arena or in the wider region of the Middle East. Moreover, such an unrealistic option would be prohibitively expensive, draining the limited economic resources of the country. In sum, a costly nuclear-weapon option would reduce Iran's regional influence and increase its global vulnerabilities without providing any credible deterrence.

There is also a fundamental ideological objection to weapons of mass destruction, including a religious decree issued by the leader of the Islamic Republic of Iran prohibiting the development, stockpiling or use of nuclear weapons.

### **3. Negotiations with UK, France and Germany (EU3)**

#### **3.1. Iran's Transparency and Confidence-Building Measures**

In October 2003, Iran entered into an understanding with France, Germany and the United Kingdom with the explicit expectation to open a new chapter of full transparency, cooperation and access to nuclear and other advanced technologies. Iran agreed to a number of important transparency and voluntary confidence building measures and immediately and fully implemented them.

- It signed and immediately began full implementation of the Additional Protocol;
- It opened its doors to one of the most expansive and intrusive IAEA inspections;
- It provided a detailed account of its peaceful nuclear activities, all of which had been carried out in full conformity with its rights and obligations under the NPT;
- It began and has continuously maintained for the past 2 years a voluntarily suspension of its rightful enrichment of Uranium as a confidence building measure;
- It further expanded its voluntary suspension in February and November 2004, following agreements with EU3 in Brussels and Paris respectively, to incorporate activities which go well beyond the original IAEA's definition of "enrichment" and even "enrichment-related" activities.

##### **3.1.1. Resolution of Outstanding Issues**

Iran has worked closely with the IAEA, during the course of the last two years, to deal with the issues and questions raised about its peaceful nuclear program. All significant issues, particularly those related to the sources of HEU

(Highly Enriched Uranium) have now been resolved. Indeed, except for few mostly speculative questions, nothing more remains to close this Chapter

### **3.1.2. No Indication of Non-Peaceful Activity**

The Agency's thorough inspections of Iran have repeatedly confirmed Iran's assertion that no amount of inspection and scrutiny will ever show the slightest diversion into military activity. The Director-General confirmed in Paragraph 52 of his November 2003 report that "to date, there is no evidence that the previously undeclared nuclear material and activities referred to above were related to a nuclear weapons programme." After one more year and over a thousand person-days of the most rigorous inspections, the Director-General again confirmed in Paragraph 112 of his November 2004 report that "all the declared nuclear material in Iran has been accounted for, and therefore such material is not diverted to prohibited activities." This conclusion has been repeatedly reaffirmed in every statement by responsible authorities of the IAEA.

### **3.2. Broken Promises and Expanded Demands by the EU3**

Regrettably, Iran received very little, if anything, in return for its transparency, cooperation and voluntary suspension of the exercise of its legitimate and inalienable right. The European negotiating partners, pressured by the US, instead of carrying out their promises of cooperation and open access, have repeatedly called for expansion of Iran's voluntary confidence building measures only to be reciprocated by more broken promises and expanded requests:

- The October 2003 promises of the EU3 on nuclear cooperation and regional security and non-proliferation was never even addressed.
- The February 2004 written and signed commitment by the EU3 to "work actively to gain recognition at the June 2004 Board of the efforts made by Iran, so that the Board works thereafter on the basis of Director-General reporting if and when he deems it necessary, in accordance with the normal practice pertaining to the implementation of Safeguards Agreements and the Additional Protocol" was violated, even though Iran had in fact carried out its part of the deal by expanding its suspension to include assembly and component manufacturing. Instead, the EU3 proposed a harsh resolution with further unjustifiable demands in June 2004;
- The EU3 never honored its recognition, in the Paris Agreement of November 2004, of "Iran's rights under the NPT exercised in conformity with its obligations under the Treaty, without discrimination."
- In spite of its repeated and publicized claims, the EU3 never offered, throughout the negotiations process, any meaningful incentives to Iran, other than empty and demeaning "promises" of "consideration" of "possible future cooperation".

## **4. The Paris Agreement**

In November 2004, following extensive negotiations, Iran and EU3 agreed on a package that has become known as the Paris Agreement. The objective of the Paris Agreement was to “to move forward” in “negotiations, with a view to reaching a mutually acceptable agreement on long term arrangements. The agreement will provide objective guarantees that Iran's nuclear programme is exclusively for peaceful purposes. It will equally provide firm guarantees on nuclear, technological and economic cooperation and firm commitments on security issues.”

The Paris Agreement envisaged that “while negotiations proceed on a mutually acceptable agreement on long-term arrangements,” and “to build further confidence, Iran has decided, on a voluntary basis, to continue and extend its suspension to include all enrichment related and reprocessing activities.”

At the same time, the EU3 recognized “that this suspension is a voluntary confidence building measure and not a legal obligation” as well as “Iran's rights under the NPT exercised in conformity with its obligations under the Treaty, without discrimination.”

The Paris Agreement rested on the premise that the purpose of the Agreement was reaching mutually acceptable long term arrangements and that suspension was a temporary measure for as long as negotiations were making progress. The Agreement further envisaged specific mechanisms to monitor and assess progress.

#### **4.1. March Report: Lack of Progress**

In March 2005, in accordance with the Paris Agreement, senior officials from Iran and the three European countries were mandated to make an assessment of the progress that had been achieved. The reports of over three months of negotiations by the working groups, created by the Paris Agreement, made it evident that while there was every prospect for reaching a negotiated solution based on the Paris Agreement, and while Iran had made many significant and far-reaching proposals benefiting both sides, the EU3, faced with extraneous pressure, were simply trying to prolong fruitless negotiations. This policy, in addition to its devastating impact on mutual trust, was detrimental to Iran's interests and rights as it attempted to superficially prolong Iran's voluntary suspension by dragging the negotiations.

It also became evident that despite repeated requests by Iran from EU3 representatives to present their proposals and ideas on the implementation of various provisions of the Paris Agreement to the working groups, the European three did not have the intention or the ability to present its proposals on “objective guarantees that Iran's nuclear program is exclusively for peaceful purposes [and]

equally ... firm guarantees on nuclear, technological and economic cooperation and firm commitments on security issues” as called for in that Agreement.

In short, it became evident that after massive pressure from the United States in the winter of 2005, the EU3 had conceded to unilaterally altering the Paris Agreement into solely an instrument of de-facto cessation of Iranian peaceful enrichment program, in violation of the letter and spirit of that Agreement.

#### **4.2. Iran’s Proposals**

In February 2005, Iran suggested to the EU3 to ask the IAEA to develop technical, legal and monitoring modalities for Iran’s enrichment program as objective guarantees to ensure that Iran's nuclear program would remain exclusively for peaceful purposes. While one member of EU3 accepted the suggestion, unfortunately the lack of consensus among the EU3 prevented resort to the IAEA as an authoritative and impartial framework for solving the impasse.

On March 23, 2005, in a clearly stated desire to salvage the Paris Agreement, Iran offered a collection of solutions for objective guarantees suggested by various independent scientist and observers from the United States and Europe. The package included:

1. Strong and mutually beneficial relations between Iran and the EU/EU3, which would provide the best guarantee for respect for the concerns of each side;
2. Confinement of Iran’s enrichment program, in order to preclude through objective technical guarantees any proliferation concern:
  - a. Open fuel cycle, to remove any concern about reprocessing and production of plutonium;
  - b. Ceiling of enrichment at LEU level;
  - c. Limitation of the extent of the enrichment program to solely meet the contingency fuel requirements of Iran’s power reactors;
  - d. Immediate conversion of all enriched Uranium to fuel rods to preclude even the technical possibility of further enrichment;
  - e. Incremental and phased approach to implementation in order to begin with the least sensitive aspects of the enrichment program and to gradually move to enrichment as confidence in the program would be enhanced;
3. Legislative and regulatory measures
  - a. Additional Protocol;
  - b. Permanent ban on the development, stockpiling and use of nuclear weapons through binding national legislation;
  - c. Enhancement of Iran’s export control regulations;

4. Enhanced monitoring
  - a. Continued implementation of the Additional Protocol; and
  - b. Continuous on-site presence of IAEA inspectors at the conversion and enrichment facilities to provide unprecedented added guarantees.

#### **4.2.1. EU3 Inability to React**

Extraneous pressure had resulted in the absence of any desire or ability by EU3 to even consider any “objective guarantee” as called for in the Paris Agreement and instead to maneuver to achieve a de-facto cessation of Iran’s lawful activities. This extraneous political element precluded even a serious review by EU3 of these independently worked out proposals, which continue to have the most credible potential of providing a basis for allaying all reasonable concerns.

Even Iran’s further good-faith effort on April 29, 2005 to salvage the process by suggesting the negotiated resumption of the work of the UCF– which had never had any past alleged failures, and is virtually proliferation free – at low capacity and with additional confidence building and surveillance and monitoring measures was rejected outright by EU3 officials without even consideration at political level.

#### **4.2.2. Prelude to Breakdown in Nuclear Talks**

Iran replied to such intransigence with self-restraint to ensure that no opportunity was spared for an agreed settlement. In a ministerial meeting in Geneva in May 2005, Iran agreed to extend the period of full suspension for another two months, in response to a commitment made by the EU3 ministers to finally present their comprehensive package for the implementation of the Paris Agreement by the end of July or early August 2005, that is nearly nine months after the Agreement.

Iran made it clear in Geneva that any proposal by the EU3 must incorporate EU3’s perception of objective guarantees for the gradual resumption of the Iranian enrichment program, and that any attempt to turn objective guarantees into cessation or long-term suspension were incompatible with the letter and spirit of the Paris Agreement and therefore unacceptable to Iran.

#### **4.2.3. A Further Compromise Suggested by Iran**

Eager to salvage the negotiations, in a further message to the ministers, Iran offered the most flexible solution to the EU3 as they were finalizing their package:



- Commencement of the work of Esfahan plant (UCF)
  - At low capacity,
  - Under full scope monitoring,
  - Agreed arrangements for import of the feed material and export of the product;
- Initial limited operation at Natanz following
  - Further negotiations on a mutually acceptable arrangement, or
  - Allowing the IAEA to develop an optimized arrangement on numbers, monitoring mechanism and other specifics;
- Full scale operation of Natanz:
  - Based on a negotiated agreement;
  - Synchronized with the fuel requirements of future light water reactors.

### **4.3. EU's Package: Too Many Demands, No Incentives**

Against all its sincere efforts and maximum flexibility, on 5 August 2005, Iran received a disappointing proposal. It not only failed to address Iran's rights for peaceful development of nuclear technology, but did not offer anything to Iran in return. It even fell far short of correcting the illegal and unjustified restrictions placed on Iran's economic and technological development, let alone providing firm guarantees for economic, technological and nuclear cooperation and firm commitments on security issues. While Iran had made it crystal clear that no incentive would be sufficient to compromise Iran's inalienable right to all aspects of peaceful nuclear technology, the offers of incentives incorporated in the proposal were in and of themselves demeaning and totally incommensurate with Iran and its vast capabilities, potentials and requirements.

#### **4.3.1. Extra-Legal Demands of Binding Commitments from Iran**

The proposal self-righteously assumed rights and licenses for the EU3 which clearly went beyond or even contravened international law and assumed obligations for Iran which have no place in law or practice. It incorporated a series of one-sided and self serving extra-legal demands from Iran, ranging from accepting infringements on its sovereignty to relinquishing its inalienable rights.

It sought to intimidate Iran to accept intrusive and illegal inspections well beyond the Safeguards Agreement or the Additional Protocol. It asked Iran to abandon most of its peaceful nuclear program. It further sought to establish a subjective, discriminatory and arbitrary set of criteria for the Iranian nuclear program, which would have effectively dismantled most of Iran's peaceful nuclear infrastructure, criteria that if applied globally would only monopolize the nuclear industry for the Nuclear-Weapon States.

#### **4.3.2. Vague, Conditional and Demeaning Offers to Iran**

The proposal had absolutely no firm guarantees or commitments and did not even incorporate meaningful or serious offers of cooperation to Iran. It amounted to an elongated but substantively shortened and self-servingly revised version of an offer that had been proposed by EU3 and rejected by Iran in October 2004 even prior to the Paris Agreement. This indicated that there was no attempt on the part of EU3 to even take into consideration the letter and spirit of the Paris Agreement in their proposal.

This point is further illustrated by the fact that the proposal never even mentioned the terms “objective guarantees”, “firm guarantees” or “firm commitments”, which were the foundations of the Paris Agreement. Instead it tried to replace “objective guarantees” with termination of Iran’s hard gained peaceful nuclear program, and replace “firm guarantees and firm commitments” with vague, conditional and partial restatements of existing obligations.

**In the area of security**, the proposal did not go beyond repeating UN Charter principles or previously-made general commitments. Worse yet, the proposal even attempted to make EU3’s commitment to these general principles of international law optional, partial, and conditional by prefacing the segment with the following statement: “The EU3 propose that, within the context of an overall agreement, this section could include, inter alia, the following mutual commitments in conformity with the Charter of the United Nations.”

Another example is the negative security assurances provided in the proposal by the nuclear-weapons states of the EU3. The proposal offered the mere repetition – only by UK and France -- of a universal commitment already made by all nuclear weapon states in 1995 to all NPT members. It even made the application of that commitment to Iran contingent on an overall agreement by stating “Within the context of an overall agreement and Iran’s fulfillment of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the United Kingdom and France would be prepared to reaffirm to Iran the unilateral security assurances given on 6 April 1995, and referred to in United Nations Security Council Resolution 984 (1995).”

**In the area of technology cooperation**, it failed to include even an indication – let alone guarantees -- of the EU3 readiness to abandon or ease its violations of international law and the NPT with regard to Iran’s access to technology. For instance, while under the NPT, the EU3 is obliged to facilitate Iran’s access to nuclear technology, the proposal makes a conditional and ambiguous offer “not to impede participation in open competitive tendering.” And far from the generally advertised offer of EU cooperation with Iran in construction of new nuclear power plants, the proposal *generously* offered to “fully support long-term co-operation in the civil nuclear field between Iran and Russia.”

**In the area of economic cooperation**, the proposal only included a conditional recital of already existing commitments and arrangements. While most

of the document amounted to general promises of future considerations, even specific offers went no further than conditional expressions of “readiness to discuss.” Two examples may be sufficient in this regard: “The EU3 would continue to promote the sale of aircraft parts to Iran and be willing to enter into discussion about open procurement of the sale of civil passenger aircraft to Iran.” Or, “the EU3 and Iran, as well as the Commission, would discuss possible future oil and gas pipeline projects.”

This proposal made it self-evident that negotiations were not “proceeding” as called for in the Paris Agreement, due to EU3 policy of disregarding the requirements of that Agreement, reverting to their pre-Agreement positions, and prolonging a semblance of negotiations without the slightest attempt to move forward in fulfilling their commitments under the Tehran or Paris Agreements. This protracted continuation was solely designed to keep the suspension in place for as long as it takes to make “cessation” a *fait accompli*. This was contrary to the letter and spirit of the Paris Agreement and was not in line with principles of good faith negotiations.

In short, the proposal, read objectively in the context of the negotiating history of the Paris Agreement as well as its letter and spirit, clearly illustrates the total abandonment of that Agreement by the EU3, who have conveniently accused Iran of the same.

#### **4.3.3. Minimal Reaction from Iran**

After such a long period of negotiations and all that Iran had done and continues to do in order to restore confidence as well as the flexibility that Iran has shown, there was no pretext for any further delay in the implementation of the first phase of Iran’s proposal, by limited resumption of UCF at Esfahan, which has been free from any past alleged failures, and is virtually proliferation free. In this context, Iran informed the Agency of its decision to resume the uranium conversion activities at the UCF in Esfahan and asked the Agency to be prepared for the implementation of the Safeguards related activities in a timely manner prior to the resumption of the UCF activities.

#### **4.4. Who Violated the Paris Agreement?**

According to the Paris Agreement, “the suspension will be sustained while negotiations proceed on a mutually acceptable agreement on long-term arrangements.” It also envisaged a mechanism for assessment of progress within three months. In the meeting of 23 March 2005, it was clear that there had been no progress over the preceding three months. As a clearly-stated attempt to salvage the agreement, Iran made its March 23<sup>rd</sup> proposal in terms of a package of objective guarantees.

The refusal of the EU3 to even consider that package coupled with their behavior in the course of the negotiations, their August 2005 proposal and their

repeated statements during the time of the presentation of that proposal and since then made abundantly clear that under pressure from the US following the Paris Agreement, the EU3 had decided to unilaterally change the nature of the Paris Agreement. This amounted to a breach of the letter and spirit of the Paris Agreement as well as the principle of good-faith negotiations.

The EU3 negotiating posture and the empirical evidence of lack of progress had in fact removed any onus from Iran to continue the suspension. However, Iran decided to maintain the suspension of all enrichment related activities and resume only the UCF process, which is by definition a pre-enrichment process. Therefore, the assertion that Iran broke the Paris Agreement is a self-serving and factually false proposition. In fact, the reverse is the case.

### **5. Iran Goes the Extra Mile for a Negotiated Solution**

The Islamic Republic of Iran has always wanted to ensure that no effort is spared in order to reach a negotiated resumption of its enrichment activities. It, therefore, engaged in good faith and intensive negotiations with the EU3 and other interested delegations during the Summit of the United Nations in September 2005 in order to remove obstacles to the resumption of good-faith and result-oriented negotiations in accordance with established rights and obligations under the NPT. In this context, Iran responded positively to a proposal which would have removed any concern about the continued operation of the UCF in Esfahan at lower capacity for a specific period to allow negotiations to reach results. Iran also agreed to resume negotiations with the EU3 and to consider all proposals that had been presented.

Furthermore, the President of the Islamic Republic of Iran, in his address to the General Assembly on September 17, 2005, made yet another far reaching offer of added guarantee by inviting international partnership in Iran's enrichment activities.

While the President reiterated that Iran's right to have fuel cycle technology was not negotiable, he presented the following confidence-building positions and proposals in his statement:

- Readiness for constructive interaction and a just dialogue in good faith;
- Prohibition of pursuit of nuclear weapons in accordance with religious principles;
- Necessity to revitalize the NPT;
- Cooperation with the IAEA as the centerpiece of Iran's nuclear policy;
- Readiness to continue negotiations with the EU3;
- Readiness to consider various proposals that have been presented;
- Welcome the proposal of South Africa to move the process forward;

- Acceptance of partnership with private and public sectors of other countries in the implementation of uranium enrichment program in Iran which engages other countries directly and removes any concerns.

## **6. Abuse of IAEA Machinery**

Regrettably, the EU3, pressed by the United States, adopted a path of confrontation in the September 2005 IAEA Board of Governors meeting. In clear violation of their October 2003 and November 2004 commitments, the EU3 moved a politically motivated and factually and legally flawed resolution in the IAEA Board of Governors, and together with the United States and using all their combined diplomatic and economic leverages imposed it on the Board through an unprecedented resort to voting rather than the previously unbroken practice of consensus.

### **6.1. No Legal or Factual Grounds for IAEA “Findings”**

The imposed resolution makes a mockery of the proceedings of the Board of Governors by rehashing alleged failures that had already been dealt with in the November 2003 Board. At that time, despite the existence of ambiguities and serious questions on important issues such as the source of HEU contamination, “findings” of “non-compliance” or “absence of confidence” in the exclusively peaceful nature of Iran’s program were impossible.

The Board refrained from making such findings in 2003 not because of a now-claimed “voluntary restraint” by EU3, but because such were factually and legally impossible due to the nature of failures – which were solely of technical reporting character -- and also because of the fact that the Director-General had specifically stated in his November 2003 report that “to date, there is no evidence that the previously undeclared nuclear material and activities referred to above were related to a nuclear weapons programme.”

It is ironic that after two years of cooperation, over 1200 person/days of intrusive inspections, resolution of nearly all outstanding issues particularly the foreign source of contamination, and after repeated reiteration of the finding of non-diversion including the conclusion in the IAEA November 2004 report that “all the declared nuclear material in Iran has been accounted for, and therefore such material is not diverted to prohibited activities,” the imposed resolution discovered *ex post facto* that the failures “detailed in Gov/2003/75 [the aforementioned report of November 2003] constitutes non-compliance.”

### **6.2. The Real Story: Pressure to Deny Iran’s Inalienable Rights**

While the resolution attempted to create a convenient – albeit false – pretext of these alleged and old reporting failures for its so-called “findings”, it is

abundantly clear that the reason for production of this resolution was by no means those alleged failures, but instead the resumption of Iran's perfectly legal and safeguarded activities in Esfahan.

In this context, it must be underlined that all States party to the NPT, without discrimination, has an inalienable right to produce nuclear energy for peaceful purposes. As this right is "inalienable", it cannot be undermined or curtailed under any pretext. Any attempt to do so, would be an attempt to undermine a pillar of the Treaty and indeed the Treaty itself.

Iran, like any other Non-Nuclear-Weapon State, had no obligation to negotiate and seek agreement for the exercise of its "inalienable" right, nor could it be obligated to suspend it. Suspension of Uranium enrichment, or any derivative of such suspension, is a voluntary and temporary confidence-building measure, effectuated by Iran in order to enhance cooperation and close the chapter of denials of access to technology imposed by the west on Iran. It is not an end in itself, nor can it be construed or turned into a permanent abandonment of a perfectly lawful activity, thereby perpetuating, rather than easing, the pattern of denial of access to technology.

The suspension of Uranium enrichment has been in place for nearly two years, with all its economic and social ramifications affecting thousands of families. The EU3 failed to remove any of the multifaceted restrictions on Iran's access to advanced and nuclear technology. In a twist of logic, it even attempted to prolong the suspension, thereby trying to effectively widen its restrictions instead of fulfilling its commitments of October 2003 and November 2004 to remove them.

As the IAEA Board of Governors had underlined in its past and current resolution, suspension "is a voluntary, non-legal binding confidence building measure". When the Board itself explicitly recognizes that suspension is "not a legally-binding obligation", no wording by the Board can turn this voluntary measure into an essential element for anything. In fact the Board of Governors has no factual or legal ground, nor any statutory power, to make or enforce such a demand, or impose ramifications as a consequence of it.

## **7. The Way Forward: No Coercion, Good-Faith Negotiations**

The recently imposed resolution on the IAEA Board of Governors is devoid of any legal authority, and any attempt to implement it will be counter-productive and will leave Iran with no option but to suspend its voluntary confidence building measures. The threat of referral to the Security Council will only further complicate the issue and will not alter Iran's resolve to exercise its legitimate and inalienable rights under the NPT.

At the same time, Iran is determined to pursue good-faith interaction and negotiations, based on equal footing, as the centerpiece of its approach to the nuclear issue. A diplomatic and negotiated framework is the desired approach for a successful outcome and Iran is ready to consider all constructive and effective proposals.

Iran welcomes consultations and negotiations with other countries in order to facilitate the work of the Agency and calls on the EU3 to replace the course of confrontation with interaction and negotiation to reach understanding and agreement.

The Islamic Republic of Iran is committed to non-proliferation and the elimination of nuclear weapons, and considers nuclear weapons and capability to produce or acquire them as detrimental to its security. Iran will continue to abide by its obligations under the NPT and will continue to work actively for the establishment of a zone free from weapons of mass destruction in the Middle East.

Article by H.E. Dr. Zarif

Published in New York Times and International Tribune

On April 6, 2006

### **We Do Not Have a Nuclear Weapons Program**

THE controversy over Iran's peaceful nuclear program has obscured one point in particular: There need not be a crisis. A solution to the situation is possible and eminently within reach.

Lost amid the rhetoric is this: Iran has a strong interest in enhancing the integrity and authority of the Nuclear Nonproliferation Treaty. It has been in the forefront of efforts to ensure the treaty's universality. Iran's reliance on the nonproliferation regime is based on legal commitments, sober strategic calculations and spiritual and ideological doctrine. Ayatollah Ali Khamenei, the leader of the Islamic Republic, has issued a decree against the development, production, stockpiling and use of nuclear weapons.

Let me be very clear. Iran defines its national security in the framework of regional and international cooperation and considers regional stability indispensable for its development. We are party to all international agreements on the control of weapons of mass destruction. We want regional stability. We have never initiated the use of force or resorted to the threat of force against a fellow member of the United Nations. Although chemical weapons have been used on us, we have never used them in retaliation — as United Nations reports have made clear. We have not invaded another country in 250 years.

Since October 2003, Iran has accepted a robust inspection regimen by the United Nations. We have allowed more than 1,700 person-days of inspections and adopted measures to address past reporting failures. Most of the outstanding issues in connection with uranium conversion activities, laser enrichment, fuel fabrication and the heavy water research reactor program have been resolved.



Even the presence of highly enriched uranium contamination — an issue that some say proves the existence of an illicit weapons program — has been explained satisfactorily. Don't take it from me. According to the International Atomic Energy Agency, its findings tend "to support Iran's statement about the foreign origin of most of the observed H.E.U. contamination."

It's worth noting, too, that Iran has gone beyond its international obligations and allowed the atomic agency to repeatedly visit military sites — and to allow inspectors to take environmental samples. The agency did not observe any unusual activities; the samples did not indicate the presence of nuclear material at those locations.

Most important, the agency has concluded time and again that there is no evidence of an Iranian nuclear weapons program.

In November 2003, for example, the agency confirmed that "to date, there is no evidence that the previously undeclared nuclear material and activities ... were related to a nuclear weapons program." A year later, and last September, it concluded again that "all the declared nuclear material in Iran has been accounted for, and therefore such material is not diverted to prohibited activities."

Another point that has been obscured: Iran is ready for negotiations. Since October 2003, Iran has done its utmost to sustain and even resuscitate negotiations with Britain, France and Germany, the three European countries responsible for negotiating with us. Since August 2004, Iran has made eight far-reaching proposals.

What's more, Iran throughout this period adopted extensive and costly confidence-building measures, including a voluntary suspension of its rightful enrichment activities for two years, to ensure the success of negotiations.

Over the course of negotiations, Iran volunteered to do the following within a balanced package:

- . Present the new atomic agency protocol on intrusive inspections to the Iranian Parliament for ratification, and to continue to put in place pending ratification;
- . Permit the continuous on-site presence of atomic agency inspectors at the conversion and enrichment facilities;

- . Introduce legislation to permanently ban the development, stockpiling and use of nuclear weapons;
- . Cooperate on export controls to prevent unauthorized access to nuclear material;
- . Refrain from reprocessing or producing plutonium;
- . Limit the enrichment of nuclear materials so that they are suitable for energy production but not for weaponry;
- . Immediately convert all enriched uranium to fuel rods, thereby precluding the possibility of further enrichment;
- . Limit the enrichment program to meet the contingency fuel requirements of Iran's power reactors and future light water reactors;
- . Begin putting in place the least contentious aspects of the enrichment program — like research and development — in order to assure the world of our intentions;
- . Accept foreign partners, both public and private, in our uranium enrichment program.

Iran has recently suggested the establishment of regional consortiums on fuel cycle development that would be jointly owned and operated by countries possessing the technology and placed under atomic agency safeguards.

Other governments, most notably the Russian Federation, have offered thoughtful possibilities for a deal. Iran has declared its eagerness to find a negotiated solution — one that would protect its rights while ensuring that its nuclear program would remain exclusively peaceful.

Pressure and threats do not resolve problems. Finding solutions requires political will and a readiness to engage in serious negotiations. Iran is ready. We hope the rest of the world will join us.

**TIME**

Tuesday, May. 09, 2006

## **Iran's Nuclear Program: The Way Out**

By HASSAN ROHANI

A nuclear weaponized Iran destabilizes the region, prompts a regional arms race, and wastes the scarce resources in the region. And taking account of U.S. nuclear arsenal and its policy of ensuring a strategic edge for Israel, an Iranian bomb will accord Iran no security dividends. There are also some Islamic and developmental reasons why Iran as an Islamic and developing state must not develop and use weapons of mass destruction.

Three years of robust inspection of Iranian nuclear and non-nuclear facilities by the IAEA inspectors led Dr. El-Baradi to conclude and certify that to date there are no indications of any diversion of nuclear material and activities toward making a bomb. At the same time, El-Baradi has pointed out that the IAEA cannot certify that Iran's program is exclusively peaceful. But the fact is that few among many states with a nuclear program have received such a clean bill of health from the IAEA. Such certification by the IAEA does and should take time and effort. Iran is prepared and willing to invest the time and effort necessary to receive the IAEA clean bill of health. The IAEA is also ready to pursue its investigation of Iran's nuclear activities. So should the states that have concern about it.

What is, then, the motive for the rush to heighten the situation and create a crisis? Could it be that the extremists all around see their interests — however transient, domestic and short-sighted — in heightened tension and crisis? This situation, if not contained with cool head and if miscalculations continue, can easily turn into a crisis with potentially global ramifications for the rule of law under the Non-Proliferation Treaty (NPT) and for the economic and security interests of all concerned in the region and beyond. It is high time to cease sensationalism and war mongering, pause and think twice about where we are heading.

Iran is not accused of having the bomb. There are no indications that Iran has a nuclear weapon program. If Iran were to have a weapons program, the alarmists in the U.S. and Israel have reportedly said that it would take at least another seven to ten years for Iran to make the bomb. What is often cited by American officials as 20 years of Iranian secret nuclear military program turned out to be, as declared by the IAEA, nothing more than the failure to declare, in a timely manner, some experiments and receiving some material and equipment. Such failures to declare are not uncommon among the NPT members. Remedial steps are envisioned in the Safeguards Agreement to address them, and Iran has done so. Moreover, it was no secret that we were in the European, Russian and Asian markets to purchase

enrichment technology in the late '80s and '90s. Therefore, an Iranian secret weapon program is only hype, and the sense of urgency about Iran's nuclear program is rather tendentious. The world should not allow itself to be dragged into another conflict on false pretenses in this region again.

Iran is intent on producing nuclear fuel domestically for reasons both historic and long-term economic. The U.S. and some Europeans argue that they cannot trust Iran's intentions. They argue that they cannot accept Iran's promise to remain committed to its treaty obligation once it gains the capability to enrich uranium for fuel production. They ask Iran to give up its right under the NPT, and instead accept their promise to supply it with nuclear fuel. This is illogical and crudely self-serving: I do not trust you, even though what you are doing is legal and can be verified to remain legal, but you must trust me when I promise to do that which I have no obligation to do and cannot be enforced. It is this simple and this unfair. There must be a better way out of this than to top this travesty with threatening Iran in the Security Council with possible sanctions and perhaps even use of force. This path can potentially cause harm and suffering at differing degrees to all parties to the conflict.

A negotiated solution still can and must be found if we intend to strengthen the non-proliferation regime and avoid an unwise and unnecessary conflict. To this end, we must dare to leave the emotions aside and avoid polluting the atmosphere with the baggage of immediate and long-past history of Iran-U.S. relations. A solution imposed on Iran by the Security Council is unlikely to provide the assurances the U.S. seeks about the Iranian nuclear program. In my personal judgment, a negotiated solution can be found in the context of the following steps, if and when creatively intertwined and negotiated in good faith by concerned officials:

- Iran would make an active contribution, provided that other countries with similar sensitive fuel cycle programs also do the same, to fixing the loopholes in the non-proliferation system and to developing a technically credible international control regime.
- Iran would consider ratifying the Additional Protocol, which provides for intrusive and snap inspections.
- Iran would address the question of preventing break-out from the NPT.
- Iran would agree to negotiate with the IAEA and states concerned about the scope and timing of its industrial-scale uranium enrichment.
- Iran would accept an IAEA verifiable cap on enrichment limit of reactor grade uranium.
- Iran would accept an IAEA verifiable cap on the production of UF<sub>6</sub> — uranium hexafluoride, which is used for enrichment — during the period of negotiation for the scope and timing of its industrial scale enrichment.

- Iran and the IAEA would agree on terms of the continuous presence of inspectors in Iran to verify credibly that no diversion takes place in Iran.
- Iran's readiness to welcome other countries to partner with Iran in a consortium provides additional assurance about the peaceful nature of Iran's nuclear program.

It is not Iran's intention to disregard Security Council decisions. The way out is for the Security Council to mandate the IAEA to address this issue and establish a negotiating process for a fixed period to formulate a credible plan taking into account the suggestions I made in my personal capacity.

Iran is prepared to work with the IAEA and all states concerned about promoting confidence in its fuel cycle program. But Iran cannot be expected to give in to United States' bullying and non-proliferation double standards.

*Hassan Rohani is representative of the Supreme Leader, Ayatollah Ali Khomeini, on the Supreme National Security Council (SNSC) and Iran's former top nuclear negotiator*

❖ *In different stages of its negotiations with the EU3, the Islamic Republic of Iran made sincere efforts in good will to find a way to address the issue. A way in which both the concerns of the EU3 and the rights of Iran would be seriously addressed. In this regard Iran presented various meaningful and balanced proposals. All these proposals were unfortunately rejected by the European side. Following are some of these proposals.*

## **Proposal by Iran**

### **Presented to Political and Security Working Group Geneva-January 17, 2005**

#### **I - General Principles**

1. The E3/EU and Iran restate their respect for each other's sovereign equality and the right to freely choose and develop their political, social, economic and cultural systems.
2. The E3/EU and Iran emphasize their rejection of any threat or use of force against each other's national sovereignty, territorial integrity or political independence. No consideration may be invoked to justify resort to the threat or use of force in contravention of this principle. They will refrain from participating, assisting or supporting any act constituting a threat of force or direct or indirect use of force against each other individually or collectively.
3. The E3/EU and Iran underline the inviolability of their respective internationally recognized boundaries and will reject any attempt to infringe or alter them.
4. The E3/EU and Iran will settle disputes among them by peaceful means in such a manner as not to endanger international peace and security, and justice. They will endeavor in good faith and a spirit of

cooperation to reach rapid and equitable solution to all disputes on the basis of international law and will refrain from any action which might aggravate the situation.

5. The E3/EU and Iran will refrain from engaging in, supporting or assisting any intervention, direct or indirect, individual or collective, in their respective internal or external affairs, regardless of their mutual relations. They will in all circumstances refrain from any act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another party of the rights inherent in its sovereignty and thus to secure advantage of any kind. Accordingly, they will refrain from direct or indirect assistance to terrorist or subversive activities against each other.

## **II. Elimination and Non-Proliferation of Weapons of Mass Destruction**

6. Iran and the E3/EU reaffirm their commitment to all relevant international instruments on the elimination and non-proliferation of weapons of mass destruction, and underline the imperative of universal adherence to these instruments.
7. The two sides restate their commitment to elimination as well as countering the proliferation of weapons of mass destruction, nuclear, biological and chemical, through full compliance with their obligations under relevant international disarmament and non-proliferation treaties and agreements.
8. Iran remains committed not to pursue nuclear weapons and other weapons of mass destruction under any circumstances.
9. The E3/EU undertake, individually or collectively, to reject the use or threat of use of nuclear weapons against Iran, and to take all appropriate measures, individually, collectively and through the UNSC

to prevent it.

10. The E3/EU and Iran underline the inviolability of peaceful and safeguarded nuclear facilities. They reject any direct or indirect attack or sabotage or threats thereof against Iranian nuclear facilities, which would warrant effective and practical action by the Security Council in accordance with the provisions of the Charter of the United Nations.
11. The two sides share the concern about proliferation of nuclear weapons in the region and in the Middle East and commit themselves to pursue rigorously establishment of Middle East NWFZ.

### **III - Combating Terrorism**

12. The E3/EU and Iran condemn terrorism in all its forms and manifestations and affirm their determination to combat it.
13. The E3/EU and Iran decide to intensify and accelerate the exchange of operational information, especially regarding actions or movement of terrorist persons or groups, forged or falsified travel documents, traffic in arms, explosives or sensitive materials, use of communications technologies, and the threat posed by possession of WMD by terrorist groups.
14. Iran and the E3/EU will deny safe haven to those who finance, plan, support, or commit terrorist acts and prevent them from using their respective territories for those purposes and will cooperate to bring them to justice.
15. Iran and the E3/EU will provide one another the greatest measure of assistance in connection with criminal investigation or criminal proceedings relating to the financing or support of terrorist acts.



16. Iran and the E3/EU will cooperate in preventing the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery of fraudulent use of identity papers and travel documents.
17. Iran and the E3/EU restate their commitment to continue to freeze the funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities.
18. Iran and the E3/EU will cooperate, in conformity with international law, in order to ensure that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivations are not recognized as grounds for refusing requests for the extradition of alleged terrorists.
19. Iran and the E3/EU express their determination to scrupulously apply the above and all other provisions of the relevant Security Council resolutions equally to Al Qaeda and MeK and their affiliates and front organizations.
20. The E3/EU and Iran will establish regular contacts between their intelligence services, individually or collectively as appropriate, to

ensure the implementation of the above decision, exchange information and define particular areas of cooperation.

#### **IV- Sustainable Partnership on Regional Issues**

21. The E3/EU and Iran underline that security and stability of the Persian Gulf region can only be attained through cooperation among countries in the region, and will therefore support the establishment of arrangements for security and cooperation in the Persian Gulf Region with the participation of all countries in the region, under appropriate United Nations umbrella.
22. Iran and the E3/EU underline the imperative of respect for principles of international law and bi-lateral and multilateral treaties in the relations among countries of the Persian Gulf, including respect for sovereignty, territorial integrity, national unity and political independence, rejection of resort to the threat or use of force, non interference in the internal and external affairs, and inviolability of internationally recognized boundaries.
23. The E3/EU and Iran will intensify their consultations with respect to other important regional issues particularly Iraq and Afghanistan, in promoting stability and security in the region. They will lend their full support for the finalization of the political process in these countries including holding of nation-wide elections, aimed at the establishment of democratic, stable and broad-based governments which coexist peacefully with their neighbors.

## **V - Security and Defense Cooperation**

24. The E3/EU and Iran will cooperate in promoting peace and security at the global and regional levels. They recognize that destabilization and threats to peace and security particularly in the Persian Gulf region is of direct consequences for security of both parties and should be avoided.
25. The E3/EU reaffirms the inherent right of Iran to acquire legitimate means for self-defense pursuant to Article 51 of the Charter of the United Nations. The E3/EU decide to remove restrictions against the transfer of conventional armaments and their relevant sensitive dual use goods and technologies to Iran, and ensure that any export control arrangement will not impede bona fide transactions with Iran for legitimate self-defense and civil purposes.
26. Iran and the E3/EU decide to establish a senior expert level group with the participation of their respective military officials to carry out intensive consultations on defense issues, including defense requirements of Iran and the framework of their mutual defense cooperation.
27. The E3/EU and Iran reaffirm that an effective fight against drug-trafficking and terrorism not only require political will but the capacity to do so. The E3/EU recognizes that Iran should be supported as a country in a region which is highly affected by drug-trafficking and terrorism.
28. The E3/EU will remove restrictions and provide military, police and border control assistance to enhance Iran's counter-terrorism and drug enforcement capacities.

29. The E3/EU and Iran will establish a coordination mechanism with the participation of their relevant national and regional agencies including police, enforcement and operational officers responsible for combating terrorism and drug-trafficking, to coordinate their cooperation in these fields and to assess, identify and meet the necessary requirements to enhance Iran's capacities in these areas.

#### **VI- Cooperation in the Area of Export Control**

30. The E3/EU and Iran agree that transfer of highly sensitive materials, devices and technology should not contribute to the development and proliferation of weapons of mass destruction, particularly nuclear weapons.

31. Iran undertakes to adopt legal, procedural and other measures to prevent unauthorized access to its nuclear capability and enrichment technology by any individual, group or state and uncontrolled export to other states.

32. The E3/EU and Iran decide to cooperate actively in the area of export control and to exchange expertise and knowledge to assist Iran to put in place an effective national export of control related sensitive material, equipment and technology, and containing enforcement procedures with appropriate penalties which could contribute to the development and proliferation of weapons of mass destruction.

33. Iran and the E3/EU decide to establish a high level expert group for the exchange of expertise in the area of export control and to address any possible problem which may arise with respect to the transfer of any item, including through agreement on practical measures to be adopted

by recipient and suppliers to satisfy the legitimate concerns for the purpose of ensuring the transfer and preventing the denial.

## **VII. Interim Measures**

34. The two sides agree that pending an overall agreement, they will form the mechanisms envisaged above for defense, counter-terrorism, counter-trafficking and export control cooperation, to meet periodically in Iran and Europe beginning immediately and as a matter of priority identify specific measures to be reported to the second meeting of the Steering Committee for implementation

**Presented by Iran in the Meeting of Steering Committee**

**Paris- March 23, 2005**

**Elements of Objective Guarantees**

1. Strong and Mutually Beneficial Relations between Iran and the EU/E3
2. Confinement of the Program
  - a. Open Fuel Cycle (No Reprocessing)
  - b. Ceiling of Enrichment at LEU Level
  - c. Limitation of the Extent of the Program
  - d. Immediate Conversion of All Enriched Uranium to Fuel Rods
  - e. Incremental and Phased Approach to Implementation
3. Legislative and Regulatory Measures
  - a. Additional Protocol
  - b. Permanent Ban on the Development, Stockpiling and Use of Nuclear Weapons
  - c. Export Controls
4. Enhanced Monitoring
  - a. Continued Implementation of the Additional Protocol
  - b. Continuous On-Site Presence of IAEA Inspectors, Which Can Include E3/EU Nationals, at the UCF and Natanz

**General Framework for Objective Guarantees, Firm Guarantees,  
and Firm Commitments**

Phase	Action by Iran	Action by E3/EU
1- April to July 2005	<ul style="list-style-type: none"> <li>• Approval of the Additional Protocol in the Cabinet</li> <li>• Policy Declaration on Iran's Open Fuel Cycle (No Reprocessing)</li> <li>• Presentation of Legislation on Peaceful Use of Nuclear Technology, including Permanent Ban on Production, Stockpiling and Use of Nuclear Weapons to the Majlis</li> <li>• Resumption of the Work of the UCF</li> <li>• Storage of UF6 Under Agency Surveillance</li> </ul>	<ul style="list-style-type: none"> <li>• Declaration of EU Policy to Guarantee Iran's Access to EU Markets and Financial and Public and Private Investment Resources</li> <li>• Declaration of EU Recognition of Iran as a Major Source of Energy Supply for Europe</li> <li>• Launching of Feasibility Studies for Building of New Nuclear Power Plants in Iran by E3/EU Members</li> </ul>
<ul style="list-style-type: none"> <li>• Establishment of a Joint Counter-Terrorism Task Force</li> <li>• Establishment of a Joint Export Control Task Force</li> </ul>		
2	<ul style="list-style-type: none"> <li>• Presentation of the Additional Protocol to the Majlis for Ratification</li> <li>• Strengthening of Legal Export Control Mechanisms</li> <li>• Policy Declaration on the Ceiling of Enrichment at LEU Level</li> <li>• Policy Declaration on Conversion of All Enriched Uranium to Fuel Rods</li> <li>• Assembly, Installation and Testing of 3000 Centrifuges in Natanz</li> </ul>	<ul style="list-style-type: none"> <li>• Declaration of EU Policy to Guarantee Iran's Access to Advanced and Nuclear Technology</li> <li>• Declaration of EU Readiness to Participate in Building New Nuclear Power Plants in Iran</li> <li>• Signing of Contracts for Construction of Nuclear Power Plants in Iran by E3/EU Members</li> </ul>
<ul style="list-style-type: none"> <li>• Joint Commitment to Principles Governing Relations</li> <li>• Cooperation on Security in the Persian Gulf</li> </ul>		

Phase	Action by Iran	Action by E3/EU
3	<ul style="list-style-type: none"> <li>• Employing All Appropriate Measures for Adoption of the Legislation on Peaceful Use of Nuclear Technology, including Permanent Ban on Production, Stockpiling and Use of Nuclear Weapons by the Majlis</li> <li>• Allowing Continuous On-Site Presence of IAEA Inspectors, which Can Include E3/EU Nationals, at the UCF and Natanz</li> <li>• Commissioning of the Above Centrifuges in Natanz</li> <li>• Immediate Conversion of the Total Product of the Above to Fuel Rods</li> <li>• Incremental Manufacturing, Assembly and Installation of Centrifuge Components up to the Numbers Envisaged for Natanz</li> </ul>	<ul style="list-style-type: none"> <li>• Normalizing Iran's Status Under G8 Export Control Regulations</li> <li>• Firm Guarantees on the Supply of Fuel Necessary for Iranian Nuclear Power Reactors to compliment Iran's Domestic Production</li> <li>• Presentation and Active Follow up of an EU Initiative to Establish a Zone Free From Weapons of Mass Destruction in the Middle East</li> </ul>
	<ul style="list-style-type: none"> <li>• Establishment of a Task Force on Strategic Cooperation</li> <li>• Establishment of a Task Force on Defense Requirements</li> </ul>	
4	<ul style="list-style-type: none"> <li>• Employing All Appropriate Measures for Ratification of the Additional Protocol by the Majlis</li> <li>• Commencement of Phased Commissioning of Natanz</li> <li>• Immediate Conversion of the Total Product of the Above to Fuel Rods</li> </ul>	<ul style="list-style-type: none"> <li>• Conclusion of Contracts for Defense Items</li> <li>• Beginning of Construction of New Nuclear Power Plants in Iran by E3/EU Members</li> </ul>



**Proposal by Iran**  
**Presented to the Meeting of the Steering Committee**  
**London-April 29,2005**

Iran is prepared to continue and intensify negotiations in good faith in the three Working Groups and the Steering Committee and to reach mutually acceptable arrangements on the "General Framework".

In order to sustain the process, and as envisaged in the "General Framework", Iran will take the following measures to implement its Phase 1 and is prepared to engage immediately in negotiations on their details and the modalities for their implementation:

**A. During May 2005**

- Approval of the Additional Protocol in the Cabinet;
- Policy Declaration on Iran's Open Fuel Cycle (No Reprocessing);
- Presentation of Legislation on Peaceful Use of Nuclear Technology, including Permanent Ban on Production, Stockpiling and Use of Nuclear Weapons to the Majlis.

**B. After May 2005**

- Resumption of the work of the UCF;
- Storage of UF<sub>6</sub> under Agency Surveillance.

**C. Additional Confidence Building Measures:**

- For six months, Iran will continue the suspension of all other enrichment related activities and will make every effort in intensive negotiations in the three Working Groups and the Steering Committee to implement each following phase after agreement with E3/EU;
- During this period, Iran will limit the quantity at the UCF to the amount necessary for operation of the facility;
- Iran will begin allowing continuous on-site presence of IAEA inspectors at the UCF, which had originally been envisaged for the Third Phase.
- Iran will allow the Agency to seal the UF<sub>6</sub> product if requested by the Agency.

**D. Iran is prepared to start the following joint steps:**

- Establishment of a Joint Counter-Terrorism Task Force;
- Establishment of a Joint Export Control Task Force.

Iran expects E3/EU to complete the implementation of the following steps before the end of 2005:

- Declaration of EU Policy to Guarantee Iran's Access to EU Markets and Financial and Public and Private Investment Resources;
- Declaration of EU Recognition of Iran as a Major Source of Energy Supply for Europe;
- Launching of Feasibility Studies for Building of New Nuclear Power Plants in Iran by E3/EU Members.

## **Message from Dr. Rohani to E3/EU Ministers July 18,2005**

I am conveying this message to you and your leadership through your ambassadors in Tehran in order to help bring this issue to a satisfactory solution. You are fully aware that in the course of the last two years, I have not hesitated to use all my ability in order to keep the negotiations going and create a climate to enable both sides to resolve this matter.

I did so because I believe that the resolution of this sensitive issue leads immediately to a higher state of relationship, whereby our differences with the West can be transformed to areas of collaboration.

O The events of the last two years, particularly in our region, have only further strengthened this conviction.

O For twenty-five years, I have focused on security issues surrounding Iran and the region. Never have I seen such potential for commonality of purpose and concern about mutual sources of threat in significant areas.

O Today, in Iraq, Afghanistan, and Lebanon, I find strong and inescapable reasons and elements that bind us in shaping and establishing durable stability.

O Like you, we wish and need to see established governments in Afghanistan and Iraq to succeed and to prevail over the threats that aim to undermine them. We need as well to see the reformed political structure in Lebanon to move forward with participation of all segments of the polity.

O We also have common concern over the violent and blind misinterpretation of Islam manifested in groups like Al-Qaida and other terrorist groups like MEK who have chosen and practice violence as a means to achieve misguided objectives.

I believe you share the view that the negotiations, particularly those conducted since the Paris Agreement, have brought us very close to an agreement that both sides may be able to accept.

While we were progressing substantially on the framework proposed by Iran, our suggestion to agree on starting a negotiated implementation of the first phase of our proposal was mistakenly perceived as an ultimatum.

I agreed to come to Geneva because I was confident that we had made significant progress towards a resolution and agreed to extend the period of full suspension for another two months to correct any wrong perception about an ultimatum and to ensure that no opportunity was spared for an agreed settlement.

Statements at that meeting that you intended to present a proposal which, aside from other issues, intended to make a bridge between our positions on the nuclear issues, and previous discussions with President Chirac and Chancellor Schroder were encouraging indications that a mutually acceptable agreement could well be within reach.

We have received information from public and diplomatic channels that following our presidential elections, you have been contemplating to withhold a proposal which could potentially lead to an agreement on the core issue of our enrichment program.

During the course of the last three weeks, we have held extensive discussions at the leadership level with participation of both the President and the President-elect, the heads of all branches of Government, the Chairman of the Expediency Council, as well as all other high level officials and advisors whose responsibilities are relevant to this issue.

We all agreed on the following basic points:

- Iran's policy on the nuclear issue will remain unchanged.
- Iran remains resolute on making every effort to come to an agreement with Europe, which incorporates the exercise of all its rights under the treaty with guarantees for the exclusive peaceful nature of its activities.
- There is no pretext for any further delay in the implementation of the first phase of our proposal, which is free from any past alleged failures, is nearly proliferation free. With additional proposed arrangements it should leave no excuse for anyone.
- Any agreement arrived at on this important issue will be the firm commitment of the State above and beyond changes in administrations.
- Such an agreement should serve as the basis for long term positive state of cooperation on all issues of interest and concern between Iran and the EU/E3.

After such long period of negotiations and so much that we have done to restore confidence and the flexibility that we have shown, there is no longer any reason for you to withhold — presumably due to unrelated domestic political developments in Iran ~a proposal that can be workable for both sides and instead present something which will leave us with no alternative but to reject.

As I assume you are moving to finalize your proposal, I invite you to review the matter carefully once again in light of what I sincerely told you in Geneva.

Issues on security, technology and economic cooperation and related firm guarantees and commitments can be discussed and agreed at the level of senior officials.

On the core issue of nuclear activity, my understanding of the Geneva discussions is that Europe might now be prepared to offer its own nuclear power reactor. Bearing this in mind, I am hoping that we can work together during the remaining time before the end of July to form a solution along the following lines:

- Commencement of the work of Isfahan plant at low capacity and under full scope monitoring, while arrangements for import of the feed material and export of the product are worked out with you and other potential partners.
- It is my understanding that at this stage there is still difficulty on an initial limited operation at Natanz, particularly on the numbers and other specifics. An agreement on this is essential for us, although we are open to further negotiate on a mutually acceptable arrangement or allow the Agency to develop an optimized arrangement on numbers, monitoring mechanism and other specifics for an initial limited operation at Natanz, which would address our needs and allay your concerns.
- Negotiations for full scale operation of Natanz would continue on the premise that it would be synchronized with the fuel requirements of your light water reactor or those offered by Russia.

*In the Name of God, the Compassionate, the Merciful.*

**MINISTERIAL MEETING OF THE COORDINATING BUREAU  
OF THE NON-ALIGNED MOVEMENT**

**PUTRAJAYA, 27 - 30MAY 2006**

NAM/MM/COB/9

30 May 2006

**Statement on the Islamic Republic of Iran's Nuclear Issue**

- The Ministers *reiterated* their principled positions on nuclear disarmament and non-proliferation reflected in the Final Document of the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement, held in Putrajaya, Malaysia from 27 to 30 May 2006. They *considered* the developments regarding the implementation of the NPT safeguards agreement in the Islamic Republic of Iran.
- The Ministers *reaffirmed* the basic and inalienable right of all States, to develop research, production and use of atomic energy for peaceful purposes, without any discrimination and in conformity with their respective legal obligations. Therefore, nothing should be interpreted in a way as inhibiting or restricting this right of States to develop atomic energy for peaceful purposes. They *furthermore reaffirmed* that States' choices and decisions in the field of peaceful uses of nuclear technology and its fuel cycle policies must be respected.
- The Ministers *recognized* the International Atomic Energy Agency (IAEA) as the sole competent authority for verification of the respective safeguards obligations of Member States and *stressed* that there should be no undue pressure or interference in the Agency's activities, especially its verification process, which would jeopardize the efficiency and credibility of the Agency.
- The Ministers *welcomed* the cooperation extended by the Islamic Republic of Iran to the IAEA including those voluntary confidence-building measures undertaken, with a view to resolve the remaining issues. They *noted* the assessment of the IAEA Director-General that all nuclear material declared by Iran had been accounted for. They *noted*, at the same time, that the process for drawing a conclusion with regard to the absence of undeclared material and activities in Iran is an ongoing and time-consuming process. In this regard, the Ministers *encouraged* Iran to urgently continue to cooperate actively and fully with the IAEA within the Agency's mandate to resolve outstanding issues in order to promote confidence and a peaceful resolution of the issue.
- The Ministers *emphasized the* fundamental distinction between the legal obligations of States to their respective safeguards agreements and any confidence building

measures voluntarily undertaken to resolve difficult issues, and *believed* that such voluntary undertakings are not legal safeguards obligations.

- The Ministers *considered* the establishment of nuclear-weapons-free zones (NWFZs) as a positive step towards attaining the objective of global nuclear disarmament and reiterated the support for the establishment in the Middle East of a nuclear-weapon-free zone, in accordance with relevant General Assembly and Security Council resolutions. Pending the establishment of such a zone, they *demand*ed Israel to accede to the NPT without delay and place promptly all its nuclear facilities under comprehensive IAEA safeguards.

- The Ministers *reaffirmed* the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities -operational or under construction- poses a great danger to human beings and the environment, and constitutes a grave violation of international law, principles and purposes of the Charter of the United Nations and regulations of the IAEA. They *recognized* the need for a comprehensive multilaterally negotiated instrument, prohibiting attacks, or threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy.

- The Ministers *strongly believed* that all issues on safeguards and verification, including those of Iran, should be resolved within the IAEA framework, and be based on technical and legal grounds. They *further emphasized* that the Agency should continue its work to resolve the Iranian nuclear issue within its mandate under the Statute of the IAEA.

- The Ministers *also strongly believed* that diplomacy and dialogue through peaceful means must continue to find a long term solution to the Iranian nuclear issue. They *expressed* their conviction that the only way to resolve the issue is to resume negotiations without any preconditions and to enhance cooperation with the involvement of all necessary parties to promote international confidence with the view to facilitating Agency's work on resolving the outstanding issues.

Putrajaya, Malaysia

30 May 2006

❖ *Following are some facts taken exactly from the IAEA's documents which explains how cooperative Iran has been with the Agency, and how baseless most of the allegations about Iran's program are.*

Updated June 2006

**Iran's cooperation with the IAEA at a glance:**  
**Facts from the Agency's documents**

**1. Additional Protocol:** Iran signed the Additional Protocol on 18 December 2003 and has acted as if its Additional Protocol is in force until 6 February 2006. The IAEA Board of Governors in its resolution of March 2004 "welcomed Iran's signature of the Additional Protocol" and underlined "the Board's understanding that, in its communication to the Director General of 10 November 2003, Iran voluntarily committed itself to act in accordance with the provisions of the Protocol with effect from that date"<sup>36</sup> .

**2. Declaration:** Iran submitted more than 1000 pages of Declaration in accordance with the Additional Protocol. The IAEA Board welcomed Iran's submission of the declaration in its resolution of June 2004. The IAEA was able "to confirm certain aspects of Iran's current declarations, which will be followed up as a routine safeguards implementation matter particularly in connection with conversion activities, laser enrichment, fuel fabrication and the heavy water research reactor programme"<sup>37</sup> .

**3. Robust inspection:** To date, Iran has received more than 2000 inspector-days inspections. This inspection is the most robust inspection of an IAEA Member State.

**4. More than 20 Complementary accesses with short notice of 2 hours.**  
**Examples:**

a) The Agency carried out **complementary access** at Gchine on 17 July 2004, at the Saghand Mine on 6 October 2004 and at the Ardakan Yellowcake Production Plant on 7 October 2004, in the course of which the Agency was able to confirm the declared status of these operations<sup>38</sup> .

<sup>1</sup> . IAEA - GOV/2004/21 dated 13 March 2004.

<sup>37</sup> . IAEA - GOV/2005/67, paragraph 43.

<sup>38</sup> . IAEA - GOV/2004/83, paragraph 6.



b) The Agency was monitoring the decommissioned status of the Lashkar Ab'ad atomic vapour laser isotope separation pilot plant through **complementary access** at Lashkar Ab'ad and to laser enrichment equipment stored at TNRC and the Nuclear Research Centre for Agriculture and Medicine at Karaj<sup>39</sup>.

c) Since the November 2004 meetings of the Board, Iran had facilitated in a timely manner Agency access to nuclear material under its safeguards agreement and additional protocol, and the Agency had carried out inspections at facilities in Tehran, Natanz and Esfahan and had had **complementary access** to three locations outside facilities<sup>40</sup>.

**5. Access to a military site and over 30 inspections and swipe sampling at about 100 locations in military sites, even beyond the provisions of Additional Protocol:**

a) On 1 November 2005, the Agency was given access to a military site at **Parchin**, with a view to providing assurances regarding the absence of undeclared nuclear material and activities at that site, where several environmental samples were taken<sup>41</sup>. The Agency did not observe any unusual activities in the site and the result of samples did not indicate the presence of nuclear material at those locations<sup>42</sup>.

b) Iran has permitted the Agency, as a measure of transparency, to visit defense related sites at **Kolahdouz, Lavisan and Parchin**. The Agency found no nuclear related activities at these sites<sup>43</sup>.

"As noted in the Director General's November 2004 report, since December 2003, Iran has facilitated, in a timely manner, Agency's access under its Safeguards Agreement and Additional Protocol to nuclear materials and facilities, as well as to other locations in the country, and has permitted the Agency to take environmental samples as requested by the Agency"<sup>44</sup>.

**6. Voluntary, not legally binding suspension for more than 2 years:**

In June 2003 Iran was first requested "*not to introduce nuclear material*" at the pilot enrichment plant as a confidence building measure. Gradually in subsequent meetings, September 2003, November 2003, February 2004, March 2004, June 2004, September 2004, November 2004, Iran was requested to expand its voluntary suspension to: "the further introduction of nuclear material

<sup>39</sup>. IAEA – GOV/2005/67, paragraph 56.

<sup>40</sup>. IAEA - GOV/OR.1119\* Issued: April 2005, paragraph 103.

<sup>41</sup>. Update by IAEA DDG dated 31 January 2006 (reflected in UNSC doc. S/2006/80 page 7).

<sup>42</sup>. IAEA - GOV/2006/15, paragraph 32.

<sup>43</sup>. IAEA - GOV/2005/67 paragraph 49.

<sup>44</sup>. IAEA – GOV/2005/67 paragraph 36.

into Natanz and any reprocessing activities"<sup>45</sup>, testing, assembling of the machines, manufacturing of centrifuge components, production of UF<sub>6</sub>, and finally to suspend complete uranium conversion at UCF<sup>46</sup>. However, Iran sustained a voluntary but non-legally binding suspension over its nuclear activities for more than two and half years. As stressed in the NAM's February Statement "Iran maintains suspension over its enrichment activities to promote confidence on its peaceful nuclear programme." Considering the fact that the suspension was recognized even by the Agency's resolutions **as voluntary, non-legally binding**<sup>47</sup>, and as a confidence building measure, therefore, Iran by resuming its peaceful activities under full monitoring of the IAEA has exercised its inalienable right as stipulated in relevant international instruments including under article IV of the NPT. It is unfortunate to see that the Agency by adopting these non-consensual resolutions has been acted *ultra vires* contrary to its Statute and the recognized rights of member States. As Non-Aligned Movement stressed in the meeting of Board of Governors "Member States should not be penalized for not adhering to their voluntary commitments".<sup>48</sup>

### **IAEA's Conclusions:**

I) **No Diversion:** The various reports by the IAEA Director-General since November 2003 have confirmed that "to date, there is no evidence that the previously undeclared nuclear material and activities referred to above [in the report] were related to a nuclear weapons programme."<sup>49</sup> The same conclusion can be found in the IAEA February 2006 report. Paragraph 53 of this report repeated the IAEA's previous conclusion that "As indicated to the Board in November 2004, and again in September 2005, all the declared nuclear material in Iran has been accounted for." The Agency reaffirmed once again in paragraph 53 of the same report that it "**has not seen any diversion of nuclear material to nuclear weapons or other nuclear explosive devices.**"<sup>50</sup>

The most recent IAEA report once again reconfirmed that all the nuclear material declared by Iran to the Agency is accounted for and "the Agency found no other undeclared nuclear material in Iran".<sup>51</sup>

<sup>45</sup> . IAEA – GIV/2003/69, paragraph 3.

<sup>46</sup> . IAEA – GOV/2004/79, paragraph 3.

<sup>47</sup> IAEA – GOV/2005/64, paragraph 3.

<sup>48</sup> . IAEA – GOV/OR.1139, paragraph 3.

<sup>49</sup> . IAEA – GOV/2003/75, paragraph 52

<sup>50</sup> . IAEA – GOV/2006/15, paragraph 53.

<sup>51</sup> . IAEA – GOV/2006/27, paragraph 34.

II) **Corrective measures:** the past shortcomings have been fully remedied as it was acknowledged by the IAEA Board itself in its resolution dated 29 November 2004. Even in paragraph 47 of the February 2006 report of the IAEA Director-General<sup>52</sup>, he confirmed that "Since October 2003, Iran has taken corrective actions..." Furthermore, "the Agency has been able to confirm certain aspects of Iran's current declarations, in particular in connection with uranium conversion activities, laser enrichment, fuel fabrication and the heavy water research reactor programme, which the Agency has been following up as **routine implementation** matters under Iran's Safeguards Agreement ..."

III) **Confirmation of the origin of Highly-Enriched-Uranium, the most difficult issue:** IAEA in its report dated September 2, 2005 stated that:

- a) "The Agency has conducted extensive environmental sampling at locations where Iran has declared that centrifuge components were manufactured, used and/or stored, with a view to assessing the correctness and completeness of Iran's declarations concerning its enrichment activities."<sup>53</sup>
- b) "Based on the information currently available to the Agency, the results of that analysis tend, on balance, to support Iran's statement about the foreign origin of most of the observed HEU contamination."<sup>54</sup>

IV) **Need to allow the Agency to continue its work in Iran:** The Director-General of IAEA in his report has emphasized that "the Agency will pursue its investigation of all remaining outstanding issues relevant to Iran's nuclear programme, and the Director General will continue to report to the Board as appropriate."<sup>55</sup> Therefore, there is no need to interfere in the Agency's routine activities.

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<sup>52</sup> . IAEA – GOV/2006/15, paragraph 47.

<sup>53</sup> . IAEA – GOV/2005/67, paragraph 9.

<sup>54</sup> . IAEA - GOV/2005/67, paragraph 12.

<sup>55</sup> . IAEA – GOV/2006/15, paragraph 55.