Chapter 17

The Iranian National Perspective on Nuclear Non-proliferation

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Threats caused by Nuclear Weapons—Nuclear weapons are the greatest global threat to international peace and security, since existing arsenals of nuclear weapons alone are more than sufficient to destroy all life on earth. It is concerning that 15,000 such weapons remain with 2200 of them on high alert status or subject to first use nuclear doctrines.¹ In order to ensure security, that is a global concern, global solutions and global participation is required.

Role of Nuclear Weapons in Security Doctrines—The global nuclear non-proliferation regime is facing some serious challenges, since some NWS, in particular the US, have not only increased their reliance on nuclear weapons, but also expanded their role in their military concepts and doctrines. The United States nuclear weapons are not only for deterrence, but also pose a serious threat possible to be used not only against Nuclear Weapon States (NWS), but also against Non-Nuclear Weapon States (NNWS).² The recently announced US nuclear policy (2018 Nuclear Posture Review) is in violation of Article I and also in full contravention with the core provisions of the NPT.

Nuclear Disarmament—The world is at a point where commitment to disarmament must go beyond negotiations in good faith. Among NNWS, considerable distrust flows from the fact that the treaty prevents them from acquiring nuclear weapons, while the NWS have moved so slowly towards disarmament, which can be assessed as a failure of the treaty in providing a plan for disarmament.³ It is also to be mentioned that NWS have not fulfilled their obligations under Article VI of the

¹Working Paper submitted by Iran to the second session of the Preparatory Committee for the 2020 Review Conference of the NPT, NPT/CONF.2020/PC.II/WP.27, 11 April 2018.

²Ibid.

³Statement by Ms. Izumi Nakamitsu (High Representative of the UN for Disarmament Affairs) to the 2019 Moscow Non-Proliferation Conference, 20 October 2017.

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treaty. Not only negotiations have not been pursued and agreements have not been reached, but also actions towards nuclear disarmament are being taken too slow.

Inherent link between Nuclear Non-Proliferation and Disarmament—Disarmament and Non-Proliferation are two sides of the same coin and mutually reinforcing.⁴ This along with a commitment to the peaceful use of nuclear energy, form the bargain enshrined in the core of the NPT. As reflected in the Final Document of 2000 NPT Review Conference: “the objective of non-proliferation derives its legitimacy from the larger objective disarmament.”⁵

Israeli Nuclear Arsenal—Establishment of a Nuclear Weapon Free Zone (NWFZ) in the Middle East is a long lost desire of countries in the region, where the unbridled reckless nuclear weapon program of Israel threatens the region and beyond. Despite the fact that Israel is not a party to any of the disarmament and arms control treaties, it never declared its intention to accede to the NPT and continues its nuclear weapons program without placing them under the IAEA Safeguards. There is no clear perspective on the establishment of a NWFZ in the Middle East due to opposition of the US and some other States.

Iran and Non-Proliferation—The Islamic Republic of Iran was the first country that proposed the Middle East Nuclear Weapon Free Zone in 1974. As a member to all Weapons of Mass Destruction Treaties (WMD), Iran implements the Comprehensive Safeguards Agreement (CSA) and also Additional Protocol on a voluntary and provisional basis under the Joint Comprehensive Plan of Action (JCPOA). The JCPOA is also an important document in nuclear activities, to which Iran concluded alongside with other parties. Based on the Fatwa by the Supreme Leader the production, deployment and use of nuclear weapons, similar to the other WMD are prohibited. On the other hand, nuclear weapons have no stance in Iran’s security doctrine, as it was proved during the time where Iran was victim of chemical weapons, without producing and using them.

JCPOA (Nuclear Deal)—The Joint Comprehensive Plan of Action is a detailed, 159-page agreement with five annexes reached by Iran and the P5 + 1 (China France, Germany, Russia, the United Kingdom, and the United States) on July 14, 2015.⁶ The nuclear deal was endorsed by UN Security Council Resolution 2231, adopted on July 20, 2015.⁷ January 16, 2016, is the JCPOA Implementation Day, since the IAEA certified that Iran has taken the key steps to restrict its nuclear program.⁸

The JCPOA seeks comprehensive lifting of all UN Security Council sanctions as well as multilateral and national sanctions related to Iran’s nuclear program, including steps on access in areas of trade, technology, finance and energy. Thus, its full

⁴Beenish Pervaiz, Challenges and Solutions for Non Proliferation, 22 November 2012.

⁵Final Document of 2000 Review Conference of the Parties to the NPT, NPT/CONF.2000/28, New York, 2000.

⁶Joint Comprehensive Plan of Action, Vienna, 14 July 2015, Annex A to the UNSC Resolution 2231.

⁷Resolution 2231 of the Security Council, S/RES/2231, 20 July 2015.

⁸Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the I.R. of Iran, GOV/2015/65, 18 November 2015.

implementation will ensure the exclusively peaceful nature of Iran's nuclear program. As a multi-party agreement, based on reciprocity, its scope, provisions and timeframes are based on a delicate, negotiated and multilaterally-accepted balance that cannot be widened, altered or renegotiated.

Iran's Commitments—By implementing the JCPOA, Iran committed to keep its enrichment capacity at Natanz at up to a total installed uranium enrichment capacity of 5060 IR-1 centrifuges for 10 years and also to keep its level of uranium enrichment at up to 3.67%. It also committed to convert the Fordo facility into a nuclear, physics and technology center, refrain from any uranium enrichment and uranium enrichment R&D and from keeping any nuclear material.

Iran keeps its uranium stockpile under 300 kg for 15 years, redesigning and rebuilding a modernized heavy water research reactor in Arak, keeping its accumulation of heavy water at the level of 130 tons, shipping out all spent fuel for all future and present power and research nuclear reactors, not engaging in any spent fuel reprocessing or construction of a facility capable of spent fuel reprocessing or reprocessing R&D activities leading to a spent fuel reprocessing capability for 15 years, provisional application of the Additional Protocol, and full implementation of the "Roadmap for Clarification of Past and Present Outstanding Issues," are also among other commitments that have been accepted by Iran under the Deal.

Commitments by of other Participants—Annex II to the JCPOA is based on two main parts, which are lifting of sanctions and sanction lifting effects. According to the Deal, all sanctions, including in the following areas should be terminated: financial, banking and insurance measures; oil, gas and petrochemical sectors; shipping, shipbuilding and transport sectors; gold, other precious metals, banknotes and coinage; nuclear proliferation-related measures; metals, software, arms; and listing of persons, entities and bodies. It is to be said that sanctions should not be terminated only on paper, rather as a result of sanction lifting specified above, all those activities, shall be practically allowed, beginning on implementation day.

Unilateral Withdrawal of the USA—Unlike Iran, which has fulfilled its undertakings under the JCPOA, as repeatedly and consistently verified by the IAEA, the United States has consistently failed—since "implementation day", and particularly after the assumption of office by President Trump—to abide by its commitments under the JCPOA.

On 8 May 2018, the President of the United States announced his unilateral and unlawful decision to withdraw from the Joint Comprehensive Plan of Action, in material breach of Security Council Resolution 2231 (2015) to which the JCPOA is annexed.⁹ From the day of withdrawal, the United States continues to exert maximum pressure to dismantle the JCPOA and the UNSC resolution 2231 and had been persistently violating the terms of the agreement almost from its inception, even preventing other JCPOA Participants from fully performing their obligations. Sanctions by the USA have nullified the lifting of sanctions by the European Union.

⁹Remarks by President Trump on the JCPOA, 8 May 2018, available at: <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-joint-comprehensive-plan-action/>.

Needless to say that the United States of America is in the forefront of imposing extraterritorial unilateral sanctions and has spared no efforts to resort to trade sanctions, interrupt financial and investment flows, freeze assets, travel bans, to name just a few, in order to impose its will over other States. Acting as a self declares global police, it is trampling on every international law and norm.

Joint Commission and the Sanctions—During this time, the Islamic Republic of Iran invoked the mechanism envisioned in Paragraph 36 of the JCPOA, and the Joint Commission met twice at the level of political directors and twice at the ministerial level. In these meetings, the remaining participants explicitly acknowledged that the lifting of sanctions—and the economic dividends arising from it for Iran—constitutes an essential part of the deal. The foreign ministers of remaining JCPOA participants committed to design “practical solutions” aimed at normalizing and even enhancing economic cooperation with Iran.¹⁰

The Islamic Republic of Iran, in response to the request of the Heads of Governments of the remaining JCPOA participants, pledging prompt remedial actions, agreed to postpone adoption of the measures envisaged under paragraphs 26 and 36 of the JCPOA, and exercising utmost prudence, while continued to fully implement all its commitments under the JCPOA. Nevertheless, apart from issuing numerous political statements and support, no operational mechanism has been put in place to counter US sanctions and to compensate for them in terms of sanction lifting effects, as specified in Annex II of the JCPOA that allows for the normalization of trade and economic relations with Iran.

Iran’s Decision: Legal Basis—In the absence of effective and meaningful measures by the other JCPOA participants to remedy the most devastating effects of the US actions, Iran has decided to undertake practical measures to exercise its recognized rights under Paragraphs 26 and 36 of the deal, to secure its rights and restore balance to the obligations set forth. As Para 26 of JCPOA states: “...Iran has stated that it will treat such a re-introduction or re-imposition of the sanctions specified in Annex II, or such an imposition of new nuclear-related sanctions, as grounds to cease performing its commitments under this JCPOA in whole or in part”.

Also according to Para 36 of the JCPOA: “If Iran believed that any or all of the E3/EU + 3 were not meeting their commitments under this JCPOA, Iran could refer the issue to the Joint Commission for resolution ... if the complaining participant deems the issue to constitute significant non-performance, then that participant could treat the unresolved issue as grounds to cease performing its commitments under this JCPOA in whole or in part ...”.

In response to US withdrawal from the JCPOA and the re-imposition of its unilateral sanctions, Iran has decided “to cease performing its commitments in part” as of 8 May 2019 on a 60 day basis.¹¹ Indeed, the aforementioned violations by the US administration, and provocative actions, inter alia, the US decision to halt Iran’s oil trade and sanctions on international nuclear cooperation with Iran, provided for

¹⁰Chair of the JCPOA Joint Commission Statements, 28 July 2019, 28 June 2019, 24 September 2018, 6 July 2018.

¹¹Decisions by Iran’s Supreme National Security Council, 8 May 2019.

Iran “grounds to cease performing its commitments under the JCPOA in whole or in part”. Therefore, the decision by Iran is fully consistent by the terms of the Deal, including those related to dispute resolving mechanism enshrined in paragraph 36 of it.

JCPOA and Providing Access to the IAEA—All the above mentioned took place, while Iran exercised maximum restraint and patience and fully implemented its commitments under the deal, which has been verified by 15 reports of the IAEA’s Director General. The IAEA has the most robust verification mechanism in Iran. It is worth noting that while Iran has only 3% of total global nuclear installations, receives 20% of all IAEA accesses. In 2018 only, 258 out of 421 (85% of inspections in 50 states that are implementing CSA and AP without broader conclusion in place) took place in Iran and 88% of present day inspections amounting to 1000 person-days in the same group, were conducted in Iran.¹²

Conclusion—Starting negotiations for disarmament with strong monitoring and implementation verification mechanisms in a reasonable time frame, is a dire need. A real progress towards disarmament is essential to the sustainability of the Non-Proliferation regime in the long run.¹³ The treaty survival depends on whether a comprehensive and non-discriminatory framework for disarmament will be established or not.¹⁴ As former Secretary General of the UN said: “The only world that is safe from the use of nuclear weapons in a world that is completely free of the nuclear weapons themselves.”¹⁵

The establishment of the Middle East Nuclear Weapon Free Zone is of great importance. The exertion of sustained pressure on Israel to accede to the NPT, promptly and unconditionally, as a Non-Nuclear Weapon Party, and to place all of its nuclear installations and activities under the IAEA Safeguards should be one of the main actions.

It is to be said that the JCPOA served as a good base for confidence building between Iran and other parties to the deal. What has been proven so far is that the deal not only has turned Iran’s nuclear program from an unnecessary crisis to a framework for cooperation in the field of peaceful use of nuclear energy and non-proliferation, but also has established Iran’s position to a region free from nuclear weapons and now it’s the high time to extend it to the whole region.¹⁶

It has become crystal clear by now that Iran has shown its utmost restraint in response to the decision of unilateral and illegal withdrawal by the US from the JCPOA and continued to meet its obligations under the Deal. In turn, Iran should continue to receive the economic benefits it is entitled to. So, this imbalanced approach to the rights and obligations cannot be sustainable. Iran still believes on the importance

¹²The IAEA Safeguards Implementation Report for 2018, GOV/2019/22, 6 May 2019.

¹³Mohamed ElBaradei, “Some Major Challenges: Nuclear Non-Proliferation, Arms Control and Terrorism,” Statement to the Symposium on International Safeguards, 29 October 2001.

¹⁴Beenish Pervaiz, *ibid*.

¹⁵Ms. Izumi Nakamitsu, *ibid*.

¹⁶Dr. Javad Zarif, Iran’s Foreign Minister, Iran Has Signed a Historic Nuclear Deal and Now it’s Israel’s Turn, *Guardian*, 31 July 2015.

of diplomacy and multilateralism as a practical means to resolve disputes and will continue to support the JCPOA and is ready to consult with international community, in particular with remaining participants to find effective practical ways to preserve the deal.

Now, it is the remaining countries' turn to prove their good-will and take serious and practical steps to preserve the JCPOA. Instead of demanding that Iran unilaterally abide by a multilateral accord, remaining parties should uphold obligation.

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