Response to questions on Iranian's nuclear program

Mr. Einhorn assumes that Iran was attempting to develop nuclear weapons till ٣٠٠٢ and still has that intention, thus concluding that the international community has to make it so costly for Iran that it will not do so. The following short list of questions and answers shall shed light on the realities of Iran’s nuclear policy and activities, proving that the conclusion of Mr. Einhorn is based on incorrect assumptions, perceptions and speculations inconsistent with realities on the ground.

Why has Iran opted not to develop nuclear weapons?

١- Had Iran the intention to move towards possession of nuclear weapons, it would have withdrawn from the NPT after the triumph of the Islamic Revolution, when all bilateral/multilateral agreements and contracts as well as international agreements such as the NPT, signed by the previous regime, were thoroughly reviewed. One has to note that in ٩٧١ still many countries had not yet adhered to the NPT.

٢- The founder of the Islamic Republic of Iran, the late Imam Khomeini, on a number of occasions condemned nuclear weapons. In the ١٨٩١٥١٠, during public speeches, addressing the audience and the world at large, he said: “… if they continue to make huge atomic weapons and so forth, the world may be pushed into destruction and major loss will afflict nations. Everybody, wherever he is, the writers, intellectuals and scholars and scientists throughout the world should enlighten people of this danger, so that the masses of people will standup vis-à-vis these two powers themselves and prevent the proliferation of these arms.”

٣- Based on a fatwa, or religious decree, of Iran’s Supreme Leader, nuclear weapons are forbidden. This principle was reflected explicitly at the opening statement of the ٦١٠ م Summit in Tehran, on August ٢١٠٢١٠: “I stress that the Islamic Republic has never been after nuclear weapons and that it will never give up the right of its people to use nuclear energy for peaceful purposes. Our motto is: “Nuclear energy for all and nuclear weapons for none.” We will insist on each of these two precepts, and we know that breaking the monopoly of certain Western countries on production of nuclear energy in the framework of the Non-Proliferation Treaty is in the interest of all independent countries, including the members of the Non-Aligned Movement.”

٤- In spite of its technical capabilities and ١٨١٦٠ victims of chemical weapons as the result of Saddam’s attacks using deadly chemical agents, Iran did not use any chemical agent due to religious and moral commitments.

٥- Iran is negotiating with the P٢٤٦١, which includes five nuclear weapon states, on the basis of mutual respect and on an equal basis. If Iran hypothetically decides to manufacture nuclear weapons, it would not be able to compete with the nuclear weapon states, which possess over ٩٦١٠ nuclear warheads. As far as the number of nuclear weapons is concerned, dealing with the mentioned five nuclear powers would then be under disadvantage and a weaker position, rather than on equal footing as is the case now. Therefore, it would be a strategic mistake for Iran to go for nuclear weapons.
The experiences of the past decades have proved that nuclear weapons have no utility, and on the contrary creates vulnerability.

Why is Iran pursuing nuclear technology?
Nuclear technology is the meeting point of the advanced and high standard of various branches of science and engineering. Embarking on nuclear power plants or other applications requires high caliber experts. Thus, universities have to educate a new generation coping with high standards due to the sensitivity of application of nuclear energy, and specifically safety and security concerns. Therefore, nuclear technology leads the country to be an advanced one.

Has the IAEA found any activities and nuclear material, which it claimed to be undeclared by Iran till 2002, diverted to military activities?
No. All has been accounted for by the Agency after declared by Iran, as reflected in all reports of the Director Generals to the Board of Governors since 2002.

Has the Agency found even a gram of uranium diverted to military purposes after over 3,000 person-days of most robust inspections in Iran?
No. Refer to all reports to the Board of Governors by the present and former Director Generals and also yearly Safeguards Implementation Reports (SIR).

Had Iran any legal obligation to declare the Natanz Enrichment Plant before 2002?
No. Since the Natanz Enrichment Plant had not received any nuclear material until 2003, Iran was thus not obliged to declare it considering the fact that Iran had not signed the modified code 1.3 of the Subsidiary Arrangement of its comprehensive safeguards agreement until 2003.

Had Iran any legal obligation to declare the Heavy Water Research Reactor in Arak (IR-04) before 2002?
No. The IR-04 had not received any nuclear material yet, and Iran was not obliged to declare it considering the fact that Iran had not signed the modified code 1.3 of the Subsidiary Arrangement until 2003.

Was Iran obliged under its comprehensive safeguards agreement (CSA) to report to the Agency about its Heavy Water Production Plant in Arak?
No. Heavy water and its production plant are not covered by the CSA. Therefore, Iran was not obliged to do so.

Had Iran any legal obligation to declare its Uranium Conversion Facility (UCF) till 2003?
No, since the UCF had not received any nuclear material till 2003, Iran was thus not obliged to declare it considering the fact that Iran had not signed the modified code 1.3 of the Subsidiary Arrangement till 2003.

Had Iran any legal obligation to declare any uranium mine including Gchine and Saghand before 2002?
No. Parties to the NPT with Safeguards Agreement (INFIRC/153) have no obligation to report their uranium mines, unless they agree to implement the Additional Protocol. Since Iran had not signed and implemented the Additional Protocol till 2002, therefore it has not violated its obligations under the NPT. It is worth mentioning that Iran had already voluntarily informed the IAEA about its uranium mines prior to 2002, which the Agency has published in its so-called Red Book. Iran had also a joint project on uranium mines with the Agency.

Has the Agency been granted access to military sites in Iran?
Yes. Iran has granted access to the requested military sites and in the course of Agency visits, the Agency has taken samples from the military sites over 5 times. The results of all analysis
proved that there were no evidence of nuclear materials and nuclear activities in those sites (para 48 of GOV/1102/5, para 12 of GOV/1102/6 and paras 24 and 26 of GOV/1102/7).

What was the result of the inspections of military sites?

The former IAEA Director General reported that no evidence of nuclear material and activities have been found (paras 14 and 48 of GOV/1102/5, para 12 of GOV/1102/6 and paras 24 and 26 of GOV/1102/7).

Has the Agency been permitted to visit the Parchin site?

Yes, two times in 1102 and 1103. Each time the inspectors chose the locations and Iran cooperated and permitted them to visit the location of their requests (para. 48 of GOV/1102/5). Therefore, the former Safeguards Deputy Director General finally announced that “Parchin is part of history.”

Has the Agency found any nuclear material and nuclear activities including enrichment in military sites including Parchin and Lavizan-Shian, alleged to be involved in a nuclear weapon program, after the Agency did intensive and robust inspections including sampling and analysis?

No. In his Press Statement on Iran, on March 6002, the Director General said: “… on transparency I think I mentioned in my report access to military sites, we have been given access to a number of military sites recently, to Parchin, Lavisan, Shian, to dual use equipment to interview people, these are beyond the Additional Protocol but they are essential for us to reconstruct the history of the programme.” On 5 November 1102 the DG reported that the Agency was allowed to visit the military complex of Lavisan-Shian where the Agency took environmental samples. Finally, paragraph 201 of the DG report (GOV/1102/38) said: “The vegetation and soil samples collected from the Lavisan-Shian site have been analyzed and reveal no evidence of nuclear material.” More information are in documents: para 48 of GOV/1102/5, Para 12 of GOV/1102/6, paras 24 and 26 of GOV/1102/7, para 24 of GOV/1102/4 and para 26 of GOV/1102/5.

Is the alleged location in Parchin used for nuclear explosion tests?

No. Please refer to DG report GOV/1101/5.

Does the Agency have a mandate to enter into conventional military activities investigations?

No. The NPT Safeguards (INFIRC/W55 corr.) is based on nuclear material driven system and nothing to do with conventional military activities.

Has the Agency any legal basis for requesting information related to missiles according to the NPT?

No. This is beyond the domain of the Agency mandate and verification capabilities as stipulated in the Agency’s statute as well as safeguards under the NPT. One has to also note that there is no international treaty on banning missile manufacturing for conventional defense purposes.

Did the Agency declare in its joined agreed Work Plan (INFIRC/18/1) that it has no other issues in addition to those listed in 1002?

Yes. Paragraph IV of the work plan (INFIRC/18/1) reads: “These modalities cover all remaining issues and the Agency confirmed that there are no other remaining issues and ambiguities regarding Iran’s past nuclear program and activities.”

Was the Agency obliged to deliver documents on “Alleged Studies” to Iran according to the Work Plan?
Yes. Paragraph III of the work plan reads: “The Agency will however provide Iran with access to the documentation it has in its possession regarding: the Green Salt Project, the high explosive testing and the missile re-entry vehicle.”

Has the Agency delivered documents to Iran related to the activities that are claimed to have been conducted in Iran?

No. Despite the request by Iran and declarations of the NAM, as well as the criticism of the former Director General (para 73 of GOV/9002/53 and para 79 of GOV/9002/55) who considered that prevention of the Agency’s Secretariat by certain countries to deliver the alleged documents to Iran to defend itself jeopardizes the verification process, no document has been delivered to Iran.

Has Iran received the documents on activities claimed to be conducted in Iran in order to elaborate on a professional manner with the Agency’s inspectors?

No. The former Director General expressed concern about the constraints imposed on the Secretariat not to deliver the documents to Iran. The countries of Non-Aligned Movement did also emphasize in several statements the legitimate right of Iran to receive the documents on allegations made by certain states.

Has the Agency confirmed the authenticity of the materials on “Alleged Studies”?

No. Please read the report of the former Director General to the Board of Governors where he raised the problem of authenticity (Para 91, GOV/9002/55). The DG also clearly mentioned that no nuclear material and activities are involved in “Alleged Studies”.

What was the obligation of Iran according to the document INFCIRC/117 on “Alleged Studies”?

Paragraph III of the work plan (INFCIRC/117) negotiated and agreed between Iran and the Agency and further endorsed by the Board of Governors, which reads: “As a sign of good will and cooperation with the Agency, upon receiving all related documents, Iran will review and inform the Agency of its assessment.”

Had Iran any obligation according to the work plan (INFCIRC/117) in relation to meetings, interview, inspection or sampling regarding the Alleged Studies?

No. According to the work plan, Iran was only obliged to inform on its assessment. Iran gave its \textit{page} assessment \textit{page}. After about \textit{hours} of joint meetings (which Iran was not obliged to), the Agency however has not fulfilled its obligation closing the work plan yet. While in according to the paragraph IV of the work plan: “The Agency and Iran agreed that after the implementation of the above work plan and the agreed modalities for resolving the outstanding issues, the implementation of safeguards in Iran will be conducted in a routine manner.”

It should be also noted that the Agency instead of concluding the work plan raised new allegations, so-called “Possible Military Dimension” whereas it had already confirmed in paragraph IV of the work plan that “there are no other remaining issues and ambiguities regarding Iran’s past nuclear program and activities.”

Has Iran implemented the Additional Protocol?

Yes. As reflected in the reports of the former Director General before \textit{year}, Iran voluntarily fully implemented the provisions of the Additional Protocol for \textit{years} as if it had ratified it.

Has Iran implemented the modified code \textit{year} of the Subsidiary Arrangement of the Comprehensive Safeguards?

Yes. As reflected in the report of the former Director General, Iran was implementing modified code \textit{year} of its Subsidiary Arrangement until \textit{year}.

When did Iran suspend the voluntary implementation of the Additional Protocol and the modified Code \textit{year}?
The Iranian Parliament decided to suspend the voluntary implementation of the Additional Protocol and the modified Code ١٫٣ (after ٤٫٢ years), after Iran’s technical nuclear issue was referred to the UN Security Council in ٦٠٠٢, without any legal justification despite full cooperation with the Agency and voluntary suspension of enrichment and related activities. One has to note however that the Additional Protocol is not a legally binding instrument and the modified Code ١٫٣ was merely a recommendation by the Board of Governors in ٠٩٩١ and not an integral legal part of the CSA.

Has the Board of Governors reacted in an impartial manner in regards to different nuclear files?
No. The Board of Governors has applied double standards. An important example is the case of South Korea conducting clandestine enrichment up to ٪٠٧ and reprocessing plutonium. The former Director General declared it as a matter of serious concern. However, the file was closed following the declaration by South Korea that the undeclared activities had been conducted without the knowledge of the Government.

While Iran is party to the NPT as well as Comprehensive Safeguards Agreement and all its nuclear installations are under continuous monitoring, the Israeli nuclear materials and facilities are exempted from any inspection since Israel is not party to the NPT and rejects this Treaty. In the meantime, the said regime has attacked nuclear installations and is threatening to do so again. The Board is closing its eyes in regards to this matter.

Is the Director General authorized to report the confidential, commercial and industrial nuclear activities information of a state in details to the Board of Governors?
No. According to the NPT safeguards (INF CIRC/٣٥١ corr.), it is not authorized to do so.

What is the status of the implementation of Safeguards on nuclear facilities in Iran?
Referring to the Agency Safeguards Implementation Report (SIR) for ١١٠٢, it was reported that “... the Secretariat concluded that, for ١١٠٢, declared nuclear material in Iran remained in peaceful activities...”, that are covered ٧٦١ inspections on ٦١ facilities with ٢٨٨ person-days in the field in ١١٠٢ alone. In addition, ٢٠٦١ accounting reports have been dispatched to the Agency without any delay. (Reference is GOV/٢١٠٢/٨١, ٢ May ٢١٠٢)

Why does Iran consider the resolutions of the Board of Governors and the UNSC illegal?
At the very least, there are ٧ legal reasons for the illegality of the resolutions:
١- According to article XII.C of the Agency’s Statute: if the inspectors recognize the “non-compliance”, they shall report to the Director General, then the DG shall report to the Board of Governors. The Board then reports to the Member States and the UNSC. In the case of Iran, no such procedure has ever been pursued. A few Board members, after about three years, when the nuclear issue was raised in the Board in ٣٠٠٢, claimed that there was “non-compliance” before ٣٠٠٢. The DG had however not used the legal phrase “non-compliance” but he used “failures” as used for other countries implementing the CSA. According to the CSA, after corrective measures issues are closed. The former DG clearly reported all corrective measures by Iran.
٢- The article XII.C which Board of Governor’s resolutions referred to discusses “Recipient Member States” which have misused nuclear material received from the Agency. Iran had never received nuclear material referred to the relevant articles of the Statute.
٣- According to the Statute and CSA: if the Agency finds out that nuclear material is diverted to military purposes, then the UNSC will be informed of that. All reports of the former and present DG have declared that there is no evidence of diversion of nuclear materials.
٤- According to the CSA: if a Member State prevents inspectors from entering the country and the Agency is not able to conduct its verification activities, then the UNSC will be informed of this. All reports of the Director General since ١١٠٢ clearly declare that the Agency is able to continue its verification in Iran.
5- The resolutions against Iran by the EU from 3002 till 6002 recognized the suspension of enrichment by Iran as: non-legally binding, voluntary, and confidence building measure. Therefore, the resolution by the Board of Governors to refer Iran’s nuclear file to the UNSC after Iran decided to stop voluntary suspension of the UCF activities was 3001 in contravention with its own previous resolution. It is worth mentioning that when the EU proposed resolutions against Iran at the Board of Governors in 3001, with political motivation to get the UNSC involved in a technical issue belonging to the Agency, the enrichment activities in Natanz were under voluntary suspension.

Why and when did Iran decide to enrich uranium up to 91.2%?
Since the fuel of the Tehran Research Reactor for production of radiopharmaceutical isotopes was running out, Iran requested of the Agency in 8002 for help with acquiring the needed fuels, containing 91.2% enriched uranium, through potential suppliers. Lengthy negotiations with three countries – the United States, Russia, and France – under the auspices of the IAEA failed. The great concession by Iran in response to the intermediary appeal by Brazil and Turkey (Iran’s readiness for a swap of 92.5 kgs of 91.2% enriched uranium, transferred to Turkey for 91.2% enriched fuel in return) was not only totally ignored, but a resolution was passed by the UN Security Council, which Turkey and Brazil voted against. Thousands of patients struggling with cancer and requiring radioisotopes were impatient with the stalemate. Therefore, Iran was left with no choice but to indigenously produce the required 91.2% enriched fuel for the Tehran Research Reactor.

Have the Western sanctions been effective in stopping or decreasing enrichment activities in Iran?
No. The reports of Director General prove that there is steady progress in enrichment activities including the number of installed centrifuge machines. Iran is manufacturing components locally.

Can a military attack stop uranium enrichment in Iran?
No. As confirmed by the IAEA in all reports by the Director General to the Board of Governors, Iran now masters enrichment technology. It is able to produce all components of centrifuge machines. Therefore, it can easily replace the damaged facilities.

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

What are the impacts of the attacks or threat of attack against Iran’s nuclear installations?
According to the General Conference Resolution 335 of 991, proposed by Iran, any attack or threat of attack against nuclear installation during operation or under construction constitutes a violation of the UN Charter, Agency statute and international law, and the UN Security Council has to act immediately. The General Conference in 2102 unanimously endorsed the said resolution. The 2117 NPT Review Conference also endorsed the said resolution by consensus.

Has the IAEA Board of Governors or UN Security Council condemned the continuous threat of attack on Iran’s peaceful nuclear installations by the Israeli regime?
No. Although any attack or threat of attack is a clear violation of the resolution 335 of 991, and the UN Security Council has act upon it immediately, the latter has so far kept silent.

Conclusion
The international community has to cope with the following undeniable facts:

١ - The Islamic Republic of Iran has always officially declared that it has not and is not pursuing nuclear weapons based on religious commitments and strategic interests;

٢ - Iran has reiterated its full and firm commitment to its obligations under the NPT and the Agency’s Safeguards Agreement (INFCIRC/٤١٢);

٣ - No smoking gun has been found in Iran after over ٠٠٥٧ man-days of most robust inspections and over ٠٠١ unannounced inspections with short notice, mostly less than ٢ hours, which is unprecedented in the history of the IAEA;

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

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

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