

Lecture

by

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Impact of the UN Security Council Resolutions on the IAEA

In the Name of God

Distinguished Ladies and Gentlemen,

At the outset, I would like to thank the organizers for giving me this opportunity to discuss before this august gathering, including student next generation decision makers, intellectuals, representatives of civil societies, and the media to elaborate on the most important issue of non-proliferation of nuclear weapons, aiming at drawing a clear picture based on facts and figures.

The International Atomic Energy Agency has never been undermined and weakened since its establishment. The non-technical body, the UN Security Council, is instructing the IAEA what to do, how to do and when to do, the issues, which are purely technical belonging to the sole autonomous international technical organization. The UN Security Council has instrumentally been used against a Member State of the IAEA, party to the NPT. One has to bear in mind the serious impacts of the non-democratic VETO power on the policies, functions and decisions of the UN Security Council. Apart from the issue of the structural deficiency of the UN Security Council, which requires reform, the conduct of the permanent members has posed serious doubt about the effectiveness and universal approach in accordance with the Charter. More than 250 draft resolutions have been vetoed by P5, and mainly by US, among them all resolutions expressing serious concerns about Israeli aggression and nuclear capabilities, considered as serious threat to the international peace and security. That is one out of 190 countries which has special privilege and power to block a decision supported by all others. I t is

worth mentioning a historical example of the instrumental use of the UN Security Council: A resolution was proposed by US and UK considering nationalizing of oil by Iran in 1950s, as a threat to the international peace and security, and demanding prompt measures against Iran in accordance with Chapter VII of UN Charter. I leave it to you, intellectuals and academia to judge about such a status quo!

Now let us have a short glance on the chronology of events related to Iran's nuclear issue since half a century ago:

1950: International Atomic Energy Agency was established.

1956: Atomic Center of Tehran University was established.

1957: US and Iran signed agreement on Atomic Energy Cooperation.

1967: Tehran 5 MW research reactor started its operation, the fuel was 93% enriched.

1974: Atomic Energy Organization of Iran was established.

1974: Iran joined the NPT. The Safeguards Agreement was then signed between Iran and the IAEA.

Several agreement on various projects including nuclear power plants and nuclear fuel cycle, were signed with different potential suppliers specifically US, UK, Canada, Germany, France.

1974: Iran signed an agreement with French Uranium Enrichment Company, Eurodif, with 10% share. Shah gave one billion dollars loan to the company.

1979: Triumph of the Islamic Revolution and establishment of Islamic Republic of Iran.

POST Revolution Events:

A- Bilateral Developments

- Islamic Republic of Iran decided to continue its NPT and the IAEA's membership, even if the NPT was signed by the previous regime. It has continuously denounced the Weapons of Mass Destruction, specifically Nuclear Weapons.

- US stopped the shipment of the new fuel for the Tehran Research Reactor in spite of its commitment to deliver and did not refund over 2 million dollars received. This reactor is mainly producing radioisotope for medical, agricultural and industrial purpose.
- UK, Germany, France, Canada, US stopped the implementation of their committed contracts regarding nuclear energy. Germany refrained from the completion of the Bushehr Nuclear Power Plant, after receiving billions of DM. Had the Germany fulfilled its contractual commitment, the power plant should have been put in operation in early 80s, but after absorbing about one more billion dollars, is still not in operation. Are the Iranian people right to conclude that they could not trust and depend on potential suppliers specifically the western countries?
- US unilateral sanctions on all areas were imposed since then. Since 1974 Iran has not received even a gram of Uranium from Eurodif, although still a 10% share holder. 60 tons of UF₆ belonging to Iran has not yet been delivered after almost 30 years.

B-International Nuclear Developments:

1987: The United Nations Conference on Promotion of Peaceful Use of Nuclear Energy, after 10 years of negotiation, failed in Geneva, to conclude one peace of paper to that effect.

1987: The Committee on Assurances of Supply of the IAEA, after 7 years of negotiation, failed to conclude a peace of paper, as a legally binding instrument, to assure the supply of nuclear fuel.

Historical Turning Point:

Pursuant to the oppression, sanctions, deprivations and discriminations, part of which were listed, Islamic Republic of Iran came to a final conclusion: There is no chance that either bilaterally or multilaterally, it could receive nuclear material and equipments for peaceful purposes, or even get any legally binding assurances of nuclear supply, therefore it had to make a strategic decision to

stand on its own feet with full dependence on indigenous capabilities. It started to work on all parts of nuclear fuel cycle, namely uranium exploration, exploitation, conversion, enrichment, fuel fabrication, design and construction of reactors. Meanwhile, the IAEA surveillance including inspection in accordance with Safeguards agreement, INFCIRC/214, continued without any interruption.

Technical and legal criterion, which prove that the UN Security Council Resolutions have no legal basis:

Let me brief you on some important technical facts in this context:

- Iranian nuclear issue has been reported to the Security Council in clear contradiction with the provisions of the IAEA Statute. In accordance with Article XII (c) “the inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors.” Not only this was never happened but on the contrary all of the Agency’s reports confirmed that there is no diversion of nuclear materials in Iran. Regrettably referring the Iranian dossier to the Security Council has been done only because of the resumption of the voluntarily suspended R&D enrichment activities which the Board itself repeatedly in its pervious resolutions recognized such suspension as a voluntary and not legally binding measure.
- I draw your attention to the fact that Iran has repeatedly stated there is no reprocessing activities in Iran which reconfirmed by the recent report of the Director General. Therefore, the request in unjustified resolutions of the Board and Security Council with regard to the suspension of an activity which does not exist at all in Iran has no legal basis and is meaningless.
- With regard to the 40 Megawatts heavy water research reactor of Arak, as it was stressed before, this reactor is a replacement for the 5 Megawatts Tehran research reactor which would expire its life span in near future.

- The new reactor will produce isotopes for medical, agricultural and industrial applications.
- Dr. ElBaradei, the Director General paid his first visit to Iran in the year 2000, where he was thoroughly informed about the intention of AEOI in undertaking certain activities in the field of nuclear fuel cycle technology and construction of their facilities such as the Uranium Conversion Facility (UCF). Although Iran then had not yet being adhered to the newly modified Subsidiary Arrangement, nevertheless it had willingly submitted the DIQ of Uranium Conversion Facility in Esfahan and other activities on nuclear Fuel Cycle. The Agency received the DIQ of UCF in 2000 that is almost 4 years before Iran was obliged to inform the IAEA under its comprehensive Safeguards Agreement (INFCIRC/214). The Director General once again was invited to Iran in 2003 where he visited uranium centrifuge enrichment pilot plant (PFEP) at Natanz on 21st February 2003. There was no doubt for the Director General that the establishment of uranium enrichment facility is not in contravention of the Safeguards obligations and Iran was not obliged to submit the Design Information Questionnaire (DIQ) of the Enrichment Facility in Natanz prior to the visit, since according to the comprehensive Safeguards Agreement (INFCIRC/214), Iran has to submit the DIQ only 180 days prior to the introduction of nuclear material to the facility. Therefore, Iran had no legal obligation to notify the IAEA about the enrichment facility at Natanz earlier. In fact, the Agency became fully aware much sooner than Iran was obliged to report in accordance with its comprehensive agreement, since the Pilot Fuel Enrichment Plant (PFEP) was not operational then. Therefore, the notion of the so-called 20 years of undeclared activities such as UCF and Natanz is absolutely incorrect and misleading.
 - Recalling the positions of the Islamic Republic of Iran as reflected in the report of the DG in which Iran reiterated its "full readiness and willingness to negotiate on the modality for resolution of remaining issues with the IAEA, subject to assurances for dealing with the issues in the framework of the Agency, without interference of the United Nations

Security Council", it is a matter of surprise that why the clear message of this position has not well being understood. The Agency is an independent verification organization and any interference of the Security Council would weaken the Agency and hamper cooperation with this solely technical organization. It is worth mentioning that Iran was the only country that voluntarily implemented the Additional Protocol and even beyond. Therefore, few countries which derailed this issue should be blamed for this historical mistake. However, regarding the few remaining issues, we are still ready to resolve them in a manner which is reflected in our letters dated 27 April 2006 and 19 February 2007.

Conclusion:

The Founder of Islamic Republic of Iran, Imam Khomeini, did in several occasions condemned the weapons of mass destruction specifically the nuclear weapons. Let me reflect his views at the speech to Iranian public and the world public at large, over 20 years ago: “... *if they continue to make huge atomic weapons and so forth, the world may be pushed into destruction and the major loss will afflict the nations. Everybody, wherever he is, the writers, intellectuals and scholars and scientists throughout the world should enlighten the people of this danger, so that the masses of people will standup vis-à-vis these two powers themselves and prevent the proliferation of these arms.*”

- Based on the principles enshrined in the constitution of the Islamic republic of Iran, the weapons of mass destruction have no place in its defense doctrine.
- As it has repeatedly announced, weapons of mass destruction have no place in the Islamic Republic of Iran’s defense doctrine and according to a religious decree (Fatwa) issued by the Supreme Leader of the Islamic Republic of Iran, such inhuman weapons are considered prohibited and against the Islamic law.

- Islamic republic of Iran is the main victim of the chemical weapons. 100 thousands have been infected during the imposed war by Saddam fully supported by US and other western powers.
- The Islamic Republic of Iran has continuously stressed and still believes that the only constructive and rational approach for interaction and common understanding on this issue, is the negotiations and this approach is a useful way to prevent any confrontation. Needless to say that negotiation can be fruitful and help to make progress, if it would be started without any precondition. The main objectives of the negotiations should be to guarantee recognized and inalienable rights of the Islamic Republic of Iran under the Article 4 of the NPT, including the enrichment and fuel cycle and the exercise of these rights as well as consideration of the ways and means to ensure non-diversion of nuclear activities of Iran from peaceful purposes. Iran welcomes any constructive proposal in this regard. If other parties claim to be ready for negotiations, they should sincerely and without any political motivation enter into such negotiations.
- The Islamic Republic of Iran continues to be ready to resolve a few of the remaining issues with the Agency.
- Iran has committed to its obligations under the comprehensive Safeguards Agreement and continues to comply with its provisions and provides access to the inspectors of the Agency, in accordance with its Safeguards Agreement.
- The Islamic Republic of Iran is ready to negotiate with interested parties on mechanisms that could guarantee the non-diversion of Iran's peaceful activities in the future.
- Iranian nuclear issue should be dealt with outside the UN Security Council. The path of the Security Council has no sound legal basis for this issue. Any further steps taken by the Security Council, would only complicate situation, is counterproductive for settlement of the issue and put at stake the current efforts and initiatives for resuming the negotiations.

- While we emphasize that nuclear fuel cycle programs of Iran are aimed at the industrial production of fuel needed for its reactors and power plants, we stress that there is no capacity at any level (R&D, pilot or industrial) for the production of nuclear material useable for nuclear weapons.
- The Islamic Republic of Iran is the responsible State and continues to comply with its obligations under the NPT, but will not stand still in the face of intimidation and threats, and will never give up its inalienable rights for peaceful use of nuclear energy.
- The Great Nation of Iran is a peace loving nation and during the last two centuries has never started a war and aggression, but would firmly and courageously resist against any bullying and aggressive power.

I thank you for your kind attention.