

Topic A: The Situation in Iran

Introduction

The proliferation of weapons of mass destruction has been at the forefront of the disarmament initiatives pursued by the international community for many years. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) serves as the cornerstone for the current nuclear non-proliferation regime, although those countries that have not acceded to the treaty are not held to the standards of disarmament and non-proliferation laid out in it. Since 2003, the United States, the European Union, particularly the E3 countries of Germany, France and the United Kingdom, and the United Nations have been working with Iran to negotiate a peaceful settlement to the issue. However, while there have been promising steps an impasse still remains between the countries that does not show signs of easing in the near future.

Background

The international community has long worried about the proliferation of weapons of mass destruction, especially in the Middle East. Iran in particular has been under careful watch due to the belief of many nations that Iran's pursuit of nuclear capabilities is meant to deter opponents and gain influence in the Persian Gulf and Caspian Sea regions. The alleged pursuit of nuclear weapons may also be seen as a response to Iran's own experience as a victim of chemical attacks during the Iran Iraq war from 1980 – 1988.

Concerns over Iran's alleged use of nuclear technologies for non-peaceful purposes came in September of 2002 with the official discovery of undeclared nuclear fuel cycle facilities in Iran. Nuclear fuel cycle facilities are used to process low enriched uranium (LEU) into highly enriched uranium (HEU), which not only allows for greater energy output at a nuclear reactor, but also can be used in the production of nuclear warheads, whereas low enriched uranium cannot be used in nuclear warheads. Of additional concern to the international community is the fact that while HEU does allow for greater energy output, the technical skill and energy necessary to process LEU into HEU is very costly and would not be economical if used only for energy production.

In response to the concern raised by the IAEA, Iran gave a statement to the IAEA that reaffirmed its peaceful pursuit of nuclear technology under the terms of the NPT. Additionally, the Director General was invited by the government of Iran in February of 2003 to visit the facilities, address the concerns of the international community and find a peaceable solution to the issue presented by the operation of the fuel cycle facility. The Director General encouraged Iran to create and implement an additional protocol to the safeguards agreement and also prepared a report on the safety issues that the situation in Iran presented.

Role of the International Atomic Energy Agency in Verification

Imperative to understanding how the issue of Iran's nuclear activities came before the Security Council is a basic understanding of the functioning of the world's foremost authority on the regulation of nuclear activity, the International Atomic Energy agency (IAEA). Established in 1957, the IAEA has the primary responsibility for the verification of the peaceful uses of nuclear technology by all Member States. States that accede to the terms of the NPT are guaranteed the right and even assistance to use nuclear technology for peaceful purposes. However, they are also obligated to work with the IAEA to declare their nuclear program and all nuclear activities so that the IAEA can verify the use of all nuclear materials for peaceful purposes.

Nations that wish to utilize nuclear material must also enter into a safeguard agreement with the IAEA that establishes safety and security procedures that all nuclear sites must adhere to in order to prevent a malfunction at a nuclear facility, which would have deadly consequences. The IAEA is able to verify nuclear activities by placing seals on the receptacles that house nuclear materials and measuring the amount of waste produced measured against the amount nuclear material put into a facility and the energy produced by the facility. If a state tampers with the nuclear material, a simple verification by the IAEA will reveal a discrepancy between the input and output of nuclear material and a further inquiry may take place. If the IAEA finds a state to be in non-compliance with any portion of the NPT or their safeguard agreement, they may also refer the issue to the Security Council for action to be taken, although the IAEA typically tries to remedy the situation prior to referring matters to the Security Council. On a final note, the IAEA made an attempt to improve verification measures by developing the Model Additional Protocol (MAP). States who wish to do so can adopt an additional protocol to their safeguard agreement with the IAEA based on the recommendations espoused within the MAP which allows for unannounced inspections and greater safety measures for facilities, in addition to other measures that build international confidence on the global non-proliferation regime.

Non-Proliferation Treaty

As stated above, the NPT is the main treaty in the international community related to the non-proliferation and disarmament of nuclear weapons. According to the treaty there are five states recognized as Nuclear Weapons States (NWS): the United States, the United Kingdom, France, China, and Russia (formerly the Union of Soviet Socialist Republics). Currently there are 189 Member States that have ratified the treaty, including Iran. The states that have not ratified it are Israel, India, Pakistan, and North Korea (who originally ratified it and then withdrew later). India and Pakistan have acknowledged that they possess nuclear weapons and have tested them. Israel has never openly admitted to possessing nuclear weapons, although it is widely known in disarmament circles that they do possess them. North Korea, at one time a signatory to the NPT, withdrew and later held tests on their weapons. Iran, as a signatory, is legally bound by the principles laid out in the treaty, including that of non-proliferation of nuclear weapons and verification inspections by the IAEA, which they have not always been compliant with.

Article IV of the NPT states that all Parties to the Treaty have the right to participate in the fullest possible exchange of equipment, materials, scientific and technological information for the specific purpose of peaceful uses of nuclear energy. Iran cites Article IV and their rights to pursue peaceful uses of nuclear technology as their reasoning behind their enrichment of Uranium and the building of nuclear facilities throughout the country. While there is large

support within Iran for the diversifying of energy sources, the United States and the E3 doubt that Iran continues to pursue the use of nuclear technology for solely peaceful purposes and believe that they use Article IV as a cover for the development of nuclear weapons.

Report of the Director General

The Director General subsequently produced a report, concerning the Islamic Republic of Iran and the infractions to the IAEA that Iran perpetrated as well as the steps that the Director General believed Iran should pursue in order to rectify its infractions of the Safeguards agreement. Among other infractions, the Director General outlined that Iran was out of line with the safeguards agreement through its failure to declare the import of natural uranium in 1991 and the subsequent transfer of said uranium for further process. Iran also violated its agreements to the IAEA when it failed to declare its processing and use of the imported natural uranium as well as the waste production and transfer that resulted from processing the imported uranium.

To remedy these violations of the safeguard agreement, in his report the Director General recommended that Iran conclude an additional protocol since the lack of the protocol severely limited the ability of the agency to adequately report and verify the nuclear activities of Iran. Based on the recommendations of the report of the Director General, the Board of Governors of the IAEA requested that Iran not only develop an additional protocol for verification measures, but also requested that the Iran allow the agency to take environmental samples at the location where allegations about enrichment activities took place to ensure that pollution of the environment due to enrichment activities did not occur. At this time, the international community was convinced that the infractions of the state of Iran were laid to rest since Iran willingly invited in IAEA personnel and seemed eager to come into compliance with the IAEA safeguards as soon as possible.

Following the conclusion of these talks, Iran made slow progress towards the implementation of the recommendations of the Board of Governors. The Director General continued to visit with the government of Iran concerning their slow adoption of the measures agreed upon to ensure compliance and the matter was once again brought before the board of the IAEA, who reaffirmed the prior agreement for the nation of Iran, but requested that Iran accelerate their compliance with the steps put forth by the IAEA. Progress toward Iranian compliance continued with Iran's signature of an additional protocol in December of 2003 which granted the IAEA greater ability to verify the nuclear activities of Iran. Iran also guaranteed to cease further uranium enrichment activities at its fuel cycle facilities as a confidence building measure, since enrichment itself is not a violation of the terms of either the NPT or the Safeguards Agreement. Following this, the international community once again believed that the threat of nuclear proliferation in the Middle East had been successfully averted.

Resumption of Fuel Cycle Activities

Developments in Iran continued to proceed favorably until August of 2005 when one of the fuel cycle facilities at Isfahan successfully enriched uranium, an event which came only five days after the election of Mahmoud Ahmadinejad. Following this development, the European Union pressured the board of governors of the IAEA to bring the matter before the UN Security Council

so that it could take action on the issue. Instead, the IAEA called upon Iran to cease all enrichment activities and replace the IAEA seals so that further verification could take place. However, in January of 2006, Iran resumed nuclear research and development, but assured the international community that its activities were solely for peaceful purposes, although it would not allow verification of its activities. While the Director General continued to work on a bilateral basis with the state of Iran, the Board of Governors of the IAEA decided to refer the matter to the Security Council on March 8th, 2006.

Referral to Security Council

On July 31, 2006, the Security Council produced resolution S/RES/1696 concerning Iran's non-compliance with the IAEA safeguards. Among other measures, the resolution called for Iran to suspend all enrichment activities, including activities aimed at research and development so that they could be verified by the IAEA. It also called upon all other Member States to fulfill their commitments to non-proliferation and refuse to provide any nuclear assistance to the state of Iran. A final aspect of the resolution called for the Director General of the IAEA to report back to the Security Council by August 31st, 2006 to inform its members of the progress made towards compliance with the resolution. On August 31st, the Director-General of the IAEA submitted his report to the Board of Governors of the IAEA and to the Security Council on *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*. In his report, Director-General El Baradei, stated that Iran had not suspended their program of Uranium enrichment, as they had been called to do in S/RES/1696.

Current Situation

Following the August 31st report of the Director-General, the Security Council passed S/RES/1737, on December 27th, 2006. This resolution was in direct response to Iran's continuing enrichment programs. It placed sanctions on Iran for their failure to comply with the IAEA, banned the supply of nuclear-related technology and materials to Iran, and froze the assets of key individuals and companies related to the enrichment program. Iran responded to the passage of the resolution by condemning the resolution and the Security Council. After passage of Resolution 1737, the IAEA offered Iran a 60 day period during which they could suspend their enrichment activities. At the end of those 60 days, following IAEA approval, the sanctions would have been lifted. However, Iran rejected this idea, vowing to continue their enrichment activities, while also declaring that they would not pursue the development of nuclear weapons.

Following Iran's defiance of Resolution 1737, the Security Council passed S/RES/1747 on March 24th, 2007. In this resolution, the Security Council built on its previous decision to impose sanction on Tehran by banning arms exports from Iran and imposing a freeze on the financial assets of 28 individuals and entities. After lengthy negotiations, the text takes into account some of the concerns expressed by South Africa, Indonesia and Qatar, such as the acknowledgment that all parties to the NPT, including Iran, have a right to peaceful uses of nuclear technology. The resolution also included mechanisms for future negotiation with Iran and reference to a nuclear-free Middle East.

In August 2007 the IAEA, particularly in El Baradei's report to the Board of Directors, announced that Iran had agreed to a plan to resolve key questions regarding its past nuclear activities. Following this, in September 2007, the IAEA announced that it had been able to verify that Iran's declared nuclear material has not been diverted from peaceful use. While the IAEA has been unable to verify some "important aspects" regarding the nature and scope of Iran's nuclear work, the agency and Iranian officials agreed on a plan to resolve all outstanding issues, Director-General Mohamed ElBaradei said.

In November 2007, El Baradei gave his latest report to the Board of Directors. Its findings concluded that Iran has made important strides towards clarifying its past activities, including provided access to documentation and officials involved in centrifuge design in the 1980s and 1990s. Furthermore, answers provided by Iran regarding the past P-1 and P-2 centrifuge programs were found to be consistent with the IAEA's own findings. However, it was pointed out that Iran has continued to ignore the demands of the Security Council, as outlined in Resolutions 1696, 1737, and 1747, and has continued to enrich uranium despite the sanctions in place. The report also concluded that the IAEA was not able to conclusively confirm that Iran isn't currently enriching uranium for military purposes, as its inspections have been restricted to workshops previously declared as part of the civilian uranium enrichment program, and requests for access to certain military workshops have been denied. Overall, the report noted that as a result of this lack of access, coupled with Iran's continual enrichment, the IAEA's knowledge about Iran's current nuclear program was diminishing.

Following his report, the United States National Intelligence Estimate released a report in early December of 2007 on Iran's nuclear weapon situation since 2003. The report judged that Iran had halted its nuclear weapons program in fall 2003, and that it remained halted as of mid-2007. The estimate further judged that US intelligence did not know whether Iran intends to develop nuclear weapons but that Iran probably would be technically capable of producing enough HEU (Highly Enriched Uranium) for a weapon sometime during the 2010-2015 time frame. While some in the international community see this report as justification for the lessening of the sanctions against Iran and perhaps a way to ease tensions between the West and Iran, there are others who believe that, while the report is promising, tougher sanctions need to be imposed to eliminate the threat once and for all.

Future Outlook

While the report of the US National Intelligence Estimate provides some inkling of where Iran may be headed there is still the possibility that they will pursue the development of nuclear weapons. Careful monitoring of the situation is needed now and in the future to determine the best course of action that should take place. The UN has called upon Iran to halt their enrichment activities, but as it has been shown, Iran is unwilling to do so. Furthermore, Iran has still not implemented the Additional Protocol to the Safeguards Agreement, which is a necessary step for Iran to gain the full confidence of the international community.

Focus Questions

1. Has your country developed an additional protocol to enhance its safeguards agreements? If yes, what manner of additional safety measures does it outline?
2. Is your country a member of the IAEA's Board of Governors? If so, how did your country vote on bringing the issue of Iran to the Security Council?
3. Has your country ever been in non-compliance with the NPT?
4. How does your country view the sanctions that are in place? Do you feel that they are effective? What should be done about the sanctions against Iran?
5. What does your country feel is the best way to ensure Iranian compliance with the IAEA? What can still be done to ensure that they comply with the international standards set forth in the NPT and the Safeguards Agreement?
6. Does your country feel that the proliferation of nuclear weapons increases the likelihood of terrorist acquisition of nuclear weapons?

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