

Examining The International Legal Framework Of Nuclear Energy: Iran As A Case Study

Eze-Michael, Ezedikachi. N

Lecturer Of International Law & Diplomacy Department Of Political Science And Public Administration Babcock University

Corresponding Author: Eze-Michael, Ezedikachi. N

Abstract:- Nuclear Energy And Technology Hold The Promise Of Significant Benefits In This Contemporary World. However, It Poses Special Risks To Health And Safety Of Persons And To The Environment And This Risks Must Be Carefully Managed. This Research Examined The International Legal Framework Of Nuclear Energy Where Iran Was Used As A Case Study. The Legal Norms For The Regulation Of Nuclear Energy, The History Of Nuclear Non- Proliferation, The Provisions And Measures Of The Legal Body Created Was Examined In This Research. The Aim Of This Research Was To Give An In Depth Understanding Of The Role Of The International Legal Framework In The Iran's Nuclear Energy Program. It Also Identified The Challenges Of The Non- Proliferation Treaty And The International Atomic Energy Agency Towards Iran's Nuclear Energy Program. The Method Of Research Used In This Study Was Qualitative Where Data Was Collected From Secondary Sources Such As Books, Articles, Journals, Newspaper, Internet Materials And Existing Works That Are Related To The Study. At The End Of This Study, The Findings Revealed That Even Though The Iran Government And The P5+1 Had A Mutual Agreement Of A Long Term Comprehensive Solution That Would Ensure Iran's Nuclear Program To Be Exclusively Peaceful, Iran's Nuclear Energy Program Was Internationally Non-Compliant. Again, Iran's Case Demonstrated Warped And Incorrect Legal Interpretations Of The Npt And Iaea Sources Of Law And A Prejudicial And Inconsistent Application Of The Law. Finally, It Was Recommended That Nuclear Energy Should Continue To Be Under Strict Supervision To Avoid Its Arbitrary Use By Some Powerful States Against Other States. Also, There Should Be The Use Of Sanctions As Demonstrated In The Case Of Iran. Lastly, Diplomacy And Negotiations Should Be Applied When Curbing The Activities Of A State Towards Pursuing Her Nuclear Goals That Opposes The Purpose Of The Npt And Iaea.

Keywords: *Iran, Nuclear Energy, Legal Framework, Atomic Energy Agency, Non- Proliferation Treaty*

Date of Submission: 09-07-2017

Date of acceptance: 22-07-2017

I. INTRODUCTION

1.0 Background To The Study

Nuclear Energy Can Be Termed As Energy In The Nucleus (Core) Of An Atom. Atoms Are Tiny Particles That Make Up Every Object In The Universe. Nuclear Energy Is Used To Produce Electricity But First Energy Must Be Released. It Can Be Released From Atoms In Two Ways: Nuclear Fusion And Nuclear Fission. In Nuclear Fusion, Energy Is Released When Atoms Are Fused Or Combined Together To Form A Larger Atom. This Is How The Sun Produces Energy. In Nuclear Fission, Atoms Are Spilt Apart To Form Smaller Atoms, Releasing Energy. (Einstein, 2014) Nuclear Energy Poses Special Risks To Health And Safety Of Persons And To The Environment; This Risk Must Be Carefully Managed. However, Nuclear Material And Technology Also Hold The Promise Of Significant Benefits In A Variety Of Fields, From Medicine, Agriculture, Electricity Production And Industry (Seaborg, 2005). A Human Activity That Involves Only Hazards And No Benefits Calls For A Legal Regime Of Prohibition, Not Regulation. It Is Important To Recognize That Legal Norms For The Regulation Of Nuclear Energy Are Part Of A State's General Legal System. The International Legal System Enacted Legal Norms For The Regulation Of Nuclear Energy, Which Is Meant To Stabilize The Utilization Of Nuclear Energy And Its Impact On The World As A Whole. The First Proposed International Agreement Controlling The Nuclear Technology Was The Baruch Plan Of 1946, Developed After The Second World War. It Was An American Attempt To Establish An International Authority Which Would Control All Nuclear Materials Worldwide, Including The United States' Nuclear Arsenal (Firmage, 2006). This Initiative Failed Due To The Lack Of Support From The Soviet Union. The Next Important Step In The History Of Nuclear Non- Proliferation Was A Result Of President Dwight D

Eisenhower's "Atoms For Peace" Speech Before The United Nations General Assembly In 1953 (Cousineau, 1994). The Speech Emphasized The Peaceful Benefits Of Nuclear Technology, And Proposed A Programme Of Cooperation Between Nuclear States To Develop Those Peaceful Benefits. That Programme Also Involved The Creation Of International Agency To Control Nuclear Advancements And Promote The Development Of Their Peaceful Uses. As A Result, 1957 Saw The Creation Of The International Atomic Energy Agency (Iaea). The Purpose Of The Iaea According To Its Statute Is "To Accelerate And Enlarge The Contribution Of Atomic Energy To Peace, Health And Prosperity" To Meet This Mandate, The Iaea Established A System Of Safeguards, Which The Non Proliferation Treaty (Npt) Later Built On. The Irish Resolution Formed The Basis Of A United States Plan Submitted To The Eighteen -Nation Disarmament Committee (Endc) In 1964 By President Lyndon B Johnson. This Plan Proposed An International Treaty Which Later Became The Npt. The Npt Is The Backbone Of The International Non - Proliferation Regime (Jonas, 2005). It Established A Legal Framework For Containing The Risks Of Nuclear Proliferation In The Cold War Era. The Iaea Is An Autonomous Inter-Governmental Organization Responsible For Operating The System Of Safeguards Prescribed By The Npt. The Three Main Pillars Of The Iaea System Of Safeguards Are Material Accountancy, Containment And Surveillance (Institute, 1980). To Meet These Pillars, States Must Submit Periodic Reports To The Iaea, And Iaea Undertake Visits To Those Reports And Test The Reported Levels Of Nuclear Materials. The Iaea Operates As An Autonomous International Body But Retains Important Structural Links To Its Parent Body, The United Nations (Boutros-Ghali, 1995). The Iaea Reports Annually To The United Nations General Assembly And Has A Duty To Report Non-Compliance With Its Safeguards To The United Nations Security Council. In The Regulation Of Nuclear Energy, 188 States Have Become A Part Of The Agreement By Signing To It, Such As Russia, Saudi Arabia, Japan, Germany And So On But For The Purpose Of This Research Work, Iran A Party To The Treaty On Nuclear Non- Proliferation Has An Ongoing Issue In The Production Of Their Nuclear Energy And The Declaration Of The Nuclear Facilities Under The Iaea Safeguards Agreement Would Be The Focus Of This Work. Therefore, This Study Of International Legal Framework Of Nuclear Energy Will Focus On Iran's Nuclear Energy Program, With The Emphasis On The Non- Proliferation Of Nuclear Weapons (Npt) 1968 And The International Atomic Energy Agency (Iaea) And The Safeguard Regime Which The Treaty Established.

1.1 Statement Of The Problem

Iran Has Nuclear Programs That Could Potentially Provide Her With The Capability To Produce Both Weapons Grade Highly Enriched Uranium (Heu) And Plutonium; They Are The Two Types Of Fissile Material Used In Nuclear Weapons.

Under The Nuclear Non- Proliferation Treaty (Npt) 1970 Which Iran Ratified, Article Iii Of The Treaty Requires Non- Nuclear Weapons State Parties To Accept Comprehensive International Atomic Energy Agency (Iaea) Safeguards. Tehran Concluded The Comprehensive Safeguards Agreement With The Iaea In 1974.

Iran Pursuing Nuclear Weapons In The Construction Of Gas Centrifuge Uranium Enrichment Facilities Is Currently The Main Source Of Proliferation Concern. Facilities Which Include The Arak Reactor Construction Moderated By Heavy Water Contains Plutonium Well- Suited For Use In Nuclear Weapons Was Reported By Amano In September 2010, That She "Has Provided Only Limited Design Information With Respect To" The Reactor. Also, It Was Revealed After The Agreement In October 2003 That She Still Engaged In A Variety Of Secret Nuclear- Related Activities Some Of Which Violated The Country's Safeguard Agreement. Furthermore, Her Failure To Notify The Iaea Before September 2009 That She Has Been Constructing A Gas Centrifuge Uranium Enrichment Facility Called The Fordow Facility Creates A Problem Because The Reason Why She Decided To Construct The Facility Is Unclear.

In This Regard, A September 13, 2012 Iaea Board Resolution Expressed "Serious Concern" That Tehran Had Not Complied With The Obligations Described In The Iaea Board Of Governors And U.N Security Council Resolutions (El-Baradei, 2006).

In Addition, Article Iv Of The Npt Deals With What Is Called "Inalienable Right" Of All States To The Peaceful Benefits Of Nuclear Technology. Nonetheless, Iran Has Interpreted This Phrase As An Opportunity To Continue Its Uranium Enrichment Programme, Which Is A Major Concern. The Non-Compliance With The Iaea Safeguards Agreement And Its Position On The Article Iv Of The Npt Has Weakened The Aim Of The International Legal Treaty. This Research Will Thus Examine The Reasons Why Iran Has Been Found Non-Compliant With The Iaea Agreement, Discuss Response Of The International System, Mechanism Put In Place To Curb Her Activities Towards Her Nuclear Energy Program And Give Future Relevance.

1.2 Objectives Of The Study

The Main Objective Of This Study Is To Examine The International Legal Framework Of Nuclear Energy Using Iran As A Case Study. Specific Objectives Are To:

1. Investigate The Relationship Between Iran's Nuclear Energy Program And The International Legal Framework Of Nuclear Energy
2. Discover The Role Of The International Legal Framework In The Iran's Nuclear Energy Program.
3. Identify Some Of The Challenges Of The 'Non- Proliferation Treaty And The International Atomic Energy Agency' Towards Iran's Nuclear Energy Program
4. Proffer Solutions To Iran's Nuclear Deal For The Future Of The International Legal Framework Of Nuclear Energy.

Review Of Literature

The Era Of Nuclear Energy Has Become A Continuous Move As States Currently Own Sovereignty In Producing It. With The Production Of Nuclear Energy Comes Both Advantages And Disadvantages But One Can Say The Later Outweighs The Former. In Other To Create A Structured Use And Production Of Nuclear Energy, The Need For An International Legal Framework Arose. Therefore, This Part Of The Study Examines The International Legal Framework Of Nuclear Energy With Iran In Focus. It Will Achieve This By Reviewing Other Works That Have Been Done By Scholars In This Area And Creating Chronological Arrangement For Easy Comprehension.

2.1 International Legal Framework Of Nuclear Energy

According To (Carlson, 2015) International Legal Framework Of Nuclear Energy Refers To The Institutional Arrangements Dealing With Nuclear Energy- In Treaties, Decisions Of International Bodies And Corporation Arrangements For Balancing National And International Interests In The Areas Of Nuclear Non- Proliferation, Safety And Security. It Should Be Noted That The Term International Is Not Some Abstract Concept But Is Essentially The Aggregation Of The Common National Interest Of Every State.

There Is No Single International System For Nuclear Governance Today, Instead Arrangements Vary According To The Different Agreements And Instruments Involved. For John Carlson, Counselor Nti 2015, Principal Amongst These Are:

- a. Non- Proliferation Treaty: Npt, Iaea Safeguard Agreement (Including Additional Protocol), Nuclear Weapon-Free- Zones, Comprehensive Nuclear Ban- Treaty, Nuclear Suppliers Group Guidelines, Bilateral Agreements.
- b. Statute Of The International Atomic Energy Agency
- c. Nuclear Safety: Nuclear Safety Convention, Convention On Early Notification Of A Nuclear Accident, Convention On Assistance In The Case Of A Nuclear Accident, Iaea Nuclear Safety Standards.
- d. Nuclear Security: Convention On Physical Protection Of Nuclear Material (Cpnm) And 2005 Amendment, Iaea Nuclear Security Recommendation, Un Security Council Resolution 1540, International Convention For Suppression Of Acts Of Nuclear Terrorism.

2.1.1 Non Proliferation Treaty (Npt)

The International Legal Framework Of Nuclear Energy Under The Non- Proliferation Treaty (Npt) Can Be Traced To The Belief That Nuclear Proliferation Poses A Fundamental Threat To International Peace And Security And Has Its Origins In The Earliest Known Nuclear Explosions- The United States Bombings Of Hiroshima And Nagasaki, Which Brought An Abrupt End To The Second World War (Cousineau, The Nuclear Non- proliferation Treaty and Global Non- proliferation Regime: A US Policy Agenda, 1994). Those Explosions, And The Damage They Wrought, Led To A Resolute Effort Which Eventually Led To The Npt.

The First Proposed International Agreement Controlling The Use Of Nuclear Technology Was The Baruch Plan Of 1946. Developed Soon After The End Of The Second World War, The Baruch Plan Was An American Attempt To Establish An International Authority Which Would Control All Nuclear Materials Worldwide, Including The United States' Nuclear Arsenal (Firmage, 1969). This Initiative Failed Due To A Lack Of Support From Soviet Union, And Debate Over The Appropriate International Measures To Prevent Nuclear Proliferation Continued Amidst A Renewed Nuclear Arms Race (Firmage, 1969).

The Next Important Step In The History Of Nuclear Non- Proliferation Was A Result Of Former President Of The United States, Dwight. D. Eisenhower's "Atoms For Peace" Speech Before The United Nations General Assembly In 1953 (Macpherson, 2006). The President's Speech Emphasized The Peaceful Benefits Of Nuclear Technology, And Proposed A Programme Of Cooperation Between Nuclear States To Develop Those Peaceful Benefits (Cousineau, 1994). That Programme Also Involved The Creation Of An International Agency To Control Nuclear Advancements And Promote The Development Of Their Peaceful Uses. As A Result, 1957 Saw The Creation Of The International Atomic Energy Agency (Iaea) (Firmage, 1969). The Purpose Of The Iaea, According To Its Statute, Is "To Accelerate And Enlarge The Contribution Of Atomic Energy To Peace, Health And Prosperity" As Seen In Article Ii Of The Iaea Statute. To Meet This Mandate, The Iaea Established A System Of Safeguards, Which The Npt Later Built On.

By The 1960s, A Number Of International Treaties Dealing With Non- Proliferation Had Been Signed, And The United Nations General Assembly Had Adopted Various Resolutions Dealing With The Nuclear Threat (Cousineau, 1994). Two Non- Nuclear States, Ireland And Sweden, Were Actively Encouraging United Nations Actions To Prevent Proliferation. In 1961, The General Assembly Unanimously Adopted An Irish Resolution “Calling On” All States To Conclude A Non- Proliferation Agreement. The Irish Sponsored Resolution 1965 Emphasized The “Necessity Of An International Agreement, Subject To Inspection And Control, Whereby The States Producing Nuclear Weapons Would Refrain From Relinquishing Control Of Such Weapons To Any Nation Not Possessing Them And Whereby States Not Possessing Such Weapons Would Refrain From Manufacturing Them.” (Macpherson, 2006). The Resolution Also Urged All States To Cooperate In Achieving Such An Agreement.

The Irish Resolution Formed The Basis Of A United States Plan Submitted To The Eighteen Nation Disarmament Committee (Endc) In 1964 By President Lyndon B Johnson (Agency U. C., 1975). This Plan Proposed An International Treaty Which Later Became The Npt. The Npt Is The Backbone Of The International Non- Proliferation Regime (Jonas, 2005). It Established A Legal Framework For Containing The Risks Of Nuclear Proliferation In The Cold War Era (Wulf, 1986). In Doing So, The Npt Struck A Compromise Between The Risks And The Benefits Posed By Nuclear Technology (Agency U. C., 1975). The Npt Was Composed By The Eighteen Nations Disarmament Control (Endc), Using A Series Of Drafts Submitted By The United States And The Soviet Union From Early 1965 (Agency U. C., 1975). The Finalized Draft Of The Npt Opened For Signature On 1 July, 1968, And Entered Into Force On 5 March 1970. 188 States Are Parties To The Npt, Including Iran.

The Npt Constitutes General Proliferation Principles And The Role Of Nuclear Technology In Modern Societies. It Was The First Effective Response To The Threat Of Proliferation.

As At The Time The Npt Was Drafted, The Five States That Possessed Nuclear Weapons Were Unlikely To Surrender Them. The Npt Then Took Realistic Approach To The Threat Of Nuclear Weapons By Drawing A Difference Between Nuclear Weapon States (Nwss) And Non-Nuclear Weapon State (Non Nwss). The Five Nwss States Include: United States, United Kingdom, France, China And The Soviet Union, And In Furtherance Of The Principle Of Non- Proliferation Agreed Under Article I Of The Npt Not To Transfer Nuclear Weapons To Non- Nwss And Not To Assist Non Nwss In Acquiring Nuclear Weapons. Likewise, Non Nwss Agreed Under Article Ii Of The Npt Not To Seek Or Develop Nuclear Weapons, This Is Supported By Article Iii, Which Establishes A System Of Safeguards To Be Implemented By The Iaea.

The Npt Is Criticized For Its Inherent Discriminatory Nature, Because The Burden Of The Npt In Reality Falls Heavily On Non-Nwss. Nwss Only Agreed Not To Help Non- Nwss Gain Weapons And Nuclear Technology Which Is Particularly Demanding. In Contrast, Non Nwss Had To Let Go Of The Potential Security Benefits Of Nuclear Weapons And Submit To Rigorous Safeguards Under Article Iii Of The Npt. This Obvious Discrimination Is A Point Of Contention For Many Non- Nwss, Including Iran.

2.2 International Atomic Energy Agency (Iaea)

The Iaea Is An Autonomous Inter-Governmental Organization Responsible For Operating The System Of Safeguards Prescribed By The Npt. Article Iii Of The Npt Requires That All Non- Nwss Conclude An Agreement With The Iaea Which Creates And Implements Safeguards On Their Peaceful Nuclear Programs (Macpherson, 2006). These Safeguards Agreements Are The Main Source Of Concrete Obligations Under The Npt. Essentially, Npt “Compliance” Is Compliance With A Safeguards Agreement (Squassoni, 2006). The Safeguard Agreement Is To Ensure That Nuclear Material Is Not Diverted From Peaceful Uses To Nuclear Weapons Or Nuclear Explosive Devices. It Is Meant To Operate As A Deterrent By Providing For The Possibility Of Early Detection Of Weapons Initiatives.

Although The Iaea Operated A System Of Safeguards Prior To Npt, It Was Limited To Specific Nuclear Plants And Operated As A Highly Unobtrusive Limitation. After The Npt Was Signed, The Iaea Was Able To Move Away From A Plant- Oriented Approach To A More Extensive, Nation- Wide Approach. The Npt System Thus Allowed For A “Truly Comprehensive” Safeguards Agreement (Ghali, 1995).

The Three Main Pillars Of The Iaea System Of Safeguards Are Material Accountancy, Containment And Surveillance (Institute, 1980). To Meet This Requirements Sates Must Submit Periodic Reports To Iaea, And The Iaea Inspectors Embark On Visits To Those States To Verify Their Reports And Test The Reported Levels Of Nuclear Materials.

The Iaea Operates As An Autonomous International Body, But Retains Important Structural Links To Its Parent Body, The United Nations (Ghali, 1995). The Iaea Reports Annually To The United Nations General Assembly And Has A Duty To Report Non- Compliance With Its Safeguards To The United Nations Security Council (Iaea Statute, Art Xii(C))

2.2.1 The Iaea Additional Protocol

The Additional Protocol To The Safeguards Agreement Is A Further Variable In The Iaea's Interactions With Iran. In 1993 The Iaea Began To Work On A Safeguards Improvement Plan Known As "Program 93+2". This Programme Was A Response To The Failure Of The Existing Safeguards Regime In North Korea And Iraq During The Early 1990s. In 1991, After The Gulf War, The Iaea Discovered That Iraq Had Developed A Nuclear Weapons Programme Despite Technical Compliance With Its Iaea Safeguards Agreement Iraq Exploited What Has Been Called The 'Undeclared Facilities' Loophole In The Iaea System, The Fact That The Agency Confined Inspections Under Its Safeguards Agreements To Declared Nuclear Facilities (Kimball And Kerr, 2006). The Iaea Was Concerned That Its Structural Operations Were Not Able To Detect Iraq's Actions Until After The Gulf War Left Iraq's Infrastructure Deficient. North- Korea Withdrew From The Npt As A Self- Proclaimed Nuclear- Weapons Power. As A Result Of The Observed Failures In Both North Korea And Iraq, The Need For A More Effective Safeguards Regime Became Necessary.

The Main Of Objectives Of The Strengthened System Were To Prevent The Diversion Of Peaceful Nuclear Into Non- Peaceful Uses, And To Detect Undeclared And Clandestine Nuclear Facilities. Program 93+2 Sought To Strengthen The Iaea Safeguards System In Two Ways. The First Part Involved The Expansion Of Existing Safeguards. The Iaea Board Of Governors Began To Recognize And Enforce Its Right, Under Its Safeguards Agreements With States, To Undertake No- Notice Inspections And Environmental Sampling For Nuclear Materials (Hirsch, 2004). Thus, New Monitoring Measures Were Applied On Declared Nuclear Facilities (Kimball And Kerr, 2006). The Second Part Of Program 93+2 Required An Expansion Of The Iaea's Legal Mandate Through And Additional Protocol To The Safeguards Agreements. The Iaea Adopted A Model Additional Protocol In May 1997 (Infcirc/540 1997). The Additional Protocol Is Voluntary But If A State Signs And Ratifies It, It Allows For The Monitoring Of All Nuclear Related Activities, Including Import And Exports Of Related Materials. It Provides Essentially The Right Of Access, Including To Areas Not Declared As Nuclear, And Authority To Use The Most Advanced Technologies During The Verification Process. There Is A Streamlined Visa Process For Inspectors, Allowing For A Greater Ability To Conduct Short- Notice Inspections (Kimball And Kerr, 2006). In Common, The Additional Protocol Allows For More Broad And All-Inclusive Inspections And Monitoring Of Both Declared And Undeclared Sites.

While The Additional Protocol Is Voluntary, Only Restricted Member Of Npt Have Signed And Ratified The Protocol. It's A Highly Important Development In The Iaea's Ability To Prevent Proliferation Of Nuclear Weapons. The Provisions Of The Safeguards Agreements Have "Proven Increasingly Inadequate" According To The United Nations High Level Panel On Threats, Challenges And Change. Accordingly, Additional Protocol Must Stand As The Current Standard For Safeguarded Countries To Meet.

2.3 Right To Peaceful Nuclear Energy

Iran, Like All Countries, Has A Right To 'Develop Research, Production And Use Of Nuclear Energy For Peaceful Purposes... In Conformity With Articles I And Ii Of The Treaty. The Uranium Enrichment Programme Conducted By Iran Is For Peaceful Purposes And In Compliance With The Npt According To Their Claim. In Addition, Iran's Oil Reserves Are Diminishing At A Rapid Rate And May On Last Until The Next 75- 90 Years (Iran- Official Energy Statistics From The U.S Government). In Essence, Iran Wishes To Diversify Its Sources Of Energy And Argues That It Has A Legal Right To Enrich Uranium For Peaceful Purposes Under The Npt (Kasm, 2008). The Right To Peaceful Energy Will Be Categorized As Follows:

2.3.1 Article Iv Of The Npt

Article Iv Of The Npt Deals With What Is Called The "Inalienable Right" Of All States To The Peaceful Benefits Of Nuclear Technology. Basically, It Aims To Address The Concern Of Many Non- Nuclear Weapons States That The Npt Would Place Them At A Disadvantage In Industrial Advancement By Preventing The Pursuit Of Peaceful Nuclear Technology. Article Iv (1) Of The Npt Provides:"Nothing In This Treaty Shall Be Interpreted As Affecting The Inalienable Right Of All Parties To The Treaty To Develop Research, Production And Use Of Nuclear Energy For Peaceful Purposes Without Discrimination And In Conformity With Articles I And Ii Of This Treaty."Article Iv (2) Took The Concern A Step Further, By Placing An Obligation On Nuclear States To Assist Non- Nuclear States In Their Pursuit Of Nuclear Technology. That Obligation Fell Short Of A Formal Duty, But It Did Reinforce The Right To Peaceful Benefits: "All The Parties To The Treaty Undertake To Facilitate, And Have The Right To Participate In, The Fullest Possible Exchange Of Equipment, Materials And Scientific And Technological Information For The Peaceful Uses Of Nuclear Energy. Parties To The Treaty In A Position To Do So Shall Also Cooperate In Contributing... To The Further Development Of The Applications Of Nuclear Energy For Peaceful Purposes, Especially In The Territories Of Non- Nuclear Weapon States Parties To The Treaty, With Due Consideration For The Needs Of The Developing Areas Of The World".

The Non- Nuclear Weapons States Had Expressed Serious Concern That The Npt's Non- Proliferation Provisions Would Prevent Them From Acquiring Civilian Technology (Goldblat, 1985). The Question Of Peaceful Nuclear Uses Became An Important Issue During The Negotiations For The Npt. Article Iv Was Drafted Into The Npt As A Guarantee And Recognition Of The Right Of Modern States To Seek Modern Technologies. Nevertheless, That Guarantee Is Still Subject To The Non- Proliferation Principles In Articles I And Ii Of The Npt.

2.3.2 Peaceful Purposes

The Most Important Part Of Article Iv In Iran's Case Is Article Iv (1) And Its Guarantee Of The Right To Nuclear Energy For "Peaceful Purposes". It Is Necessary To Consider The Meaning Of That Phrase Before The "Inalienable Right" Can Be Applied To Iran's Situation.

1. The Vienna Convention Principles Of Interpretation

The Interpretation Of Treaties Is Itself Governed By A Treaty; The 1969 Vienna Convention On The Law Of Treaties, Sets The Basic Principles Of The Treaty In Art 31-33 Of The Convention. Article 31 Provides The General Rules Of Interpretation: Namely, That A Treaty Shall Be Interpreted In Good Faith, In Accordance With The Ordinary Meaning Of Its Terms In Their Context, And In Light Of Its Object And Purpose (Goldblat, 1985).

a. The Broader Context Of Article Iv

According To Article 31(2)(B) Of The Vienna Convention, The Context Of A Treaty Includes 'Any Instrument Which Was Made By One Or More Parties In Connection With The Conclusion Of The Treat And Accepted By Other Parties As An Instrument Related To The Treaty', Also, Article 31(3)(A) Of The Vienna Convention Also Provides That 'Any Subsequent Agreement Between Parties Regarding The Interpretation Of The Treaty Or The Application Of Its Provision' May Be Taken Into Account. These Provisions Widen The Context Of The Npt And Incorporate Agreements Outside The Npt Itself, Namely The Iaea Safeguards Agreements. Because The Safeguards Agreements Refer Directly To The Npt, They Are Clearly Relevant To The Interpretation Of The Npt Itself As A 'Subsequent Agreement' And As An 'Instrument Related To The Treaty'. Thus, The Safeguards Agreements Are Relevant To The Interpretation Of Article Iv And May Serve To Qualify The Right To Peaceful Uses Of Nuclear Energy.

The Fact Is Affirmed By The Words In Article Iv (1) Which Guarantee A Right To The Use Of Nuclear Energy For Peaceful Purposes "In Conformity With Articles I And Ii Of This Treaty". Article I And Ii Of The Npt Establish The Non- Proliferation Obligations On Nwss And Non-Nwss. Those Non-Proliferation Obligations Are Enforced By The Monitoring And Safeguards Provisions In Article Iii Of The Npt, Which Are In Turn Implemented By The Iaea Safeguards Agreements. Therefore, The Reference To Conformity In Article Iv(1) Of The Npt Impliedly Incorporates Iaea Safeguards Agreement And Provides That The Right To Nuclear Energy For Peaceful Purposes Is Subject To Compliance With Iaea Safeguards Agreement Accepted By Any Individual State.

Article Iv Is Declaratory And Imperative, And It Is Phrased In Ostensibly Clear Terms: The Right To Nuclear Energy For Peaceful Purposes Is An "Inalienable" Right Of All States Party To The Npt.

b. The Drafting Process

Article 32 Of The Vienna Convention Provides That The Preparatory Work Of A Treaty And Circumstances Of Its Conclusion Are Supplementary Means Of Interpretation Which May Be Considered To Determine A Meaning Left Ambiguous Or Obscure By The Application Of The Primary Rules. Accordingly, A Consideration Of The Npt's Drafting Process Confirms That The Right To Nuclear Energy For Peaceful Purposes Is Subject To Compliance With An Iaea Safeguards Agreement.

2. Other Uses Of The Phrase

The Phrase 'Peaceful Purposes' Is By No Means Unique To The Npt. It Has Been Employed In A Significant Number Of Arms Control Disarmament Treaties. The Use Of The Phrase In These Other Contexts Sheds More Light On Its Meaning In The Npt. In Some Quarters 'Peaceful Purposes' Is Defined As 'Non-Military Purposes' While In Others, Like The United States, It Is Defined As 'Non- Aggressive Purposes' (Petras, Space Force Alpha: Military Use of Internationall Space Station and the Concept of Peaceful Purposes, 2002). In General Terms, A Consensus Has Developed Within The United Nations In Support Of The Latter Definition (Petras, Space Force Alpha: Military Use of Internationall Space Station and the Concept of Peaceful Purposes, 2002). Nonetheless, The Phrase Is 'Notoriously Imprecise' (Petras, Space Force Alpha: Military Use of Internationall Space Station and the Concept of Peaceful Purposes, 2002)

The Phrase Was First Used In 1961 Antarctic Treaty, Article I Of Which Provides:

“Antarctica Shall Be Used For Peaceful Purposes Only. There Shall Be Prohibited, Inter Alia, Any Measures Of A Military Nature, Such As The Establishment Of Military Bases And Fortifications, The Carrying Out Of Military Maneuvers, As Well As Testing Of Any Type Of Weapons” “Peaceful Purposes” Has Also Been Used In A Number Of Nuclear Free Zone Treaties, Including The Treaty Of Tlatelcolco, The Treaty Of Bangkok, The Treaty Of Rarotonga And The Treaty Of Pelindaba.

3. Iran’s Interpretation

Iran Has Taken A ‘Textual’ Approach, Viewing The Npt As A Stand-Alone Document Which Is Unaffected By Non- Compliance With An Iaea Safeguards Agreement. On That Approach, The Guarantee In Article Iv(1) Is “Inalienable” And Iran Has Every Right To Continue Its Uranium Enrichment Programme, Regardless Of Any Decision Of The Iaea. Applying The Ordinary Meaning Of Article Iv(1) And Without Proof Of Diversion To A Weapons Programme, Iran’s Uranium Enrichment Is Entirely Lawful.

However, When The Rules Of Treaty Interpretation Are Applied To The Situation, It Is Clear That A ‘Contextual’ Rather Than ‘Textual’ Approach Is Correct Legal Means Of Interpreting Article Iv(1) Thus Goes Beyond Its Ordinary Meaning To Its Context. The Contextual Approach Requires That The Ordinary Meaning Of Article Iv(1) Must Be Interpreted In Light Of Object And Purpose Of The Npt. The Object And Purpose Of The Npt Is Relatively Clear In Its Provisions, And Is Confirmed By Its Preamble: The Proliferation Of Nuclear Weapons Is A Threat To International Security And Must Be Avoided. Iran’s Conduct Does Not Seem To Conform To The Object And Purpose Of The Npt. Furthermore, The Context Of The Npt Includes The Safeguards Agreement Iran Signed With The Iaea In 1970.

A Contextual Interpretation Of The Npt Provides That The Right To Nuclear Energy For Peaceful Purpose Is Subject To Compliance With The Iaea Safeguards Agreement Accepted By The State In Question. Iran Has Been Deemed Non- Compliant With Their Safeguards Agreement, Applying This Approach Her Non-Compliance Negates The Allegedly ‘Inalienable’ Right In Article Iv(1) Of The Npt.

The Iranian Approach To The Interpretation Of Article Iv(1) Of The Npt Is Incorrect. When The Correct Contextual Interpretation Is Applied And Iran’s Non- Compliance With Its Iaea Safeguards Agreement Is Considered, Article Iv(1) Alone Cannot Justify Iran’s Nuclear Programme. The Right To Nuclear Energy For Peaceful Purposes Is Qualified By The Principle Of Non- Proliferation In General, And By That Principle’s Verification Procedure, The Iaea Safeguards. Iran’s Lack Of Compliance With Iaea Requirements Undercuts Its Reliance On Article Iv(1) Of The Npt.

Furthermore, A 2005 State Department Report Regarding State’s Compliance With Non- Proliferation Agreements Argued That The Country Had Violated Article Ii Of The Npt:

The Breadth Of Iran’s Nuclear Development Efforts, The Secrecy And Deceptions With Which They Have Been Conducted For Nearly 20 Years, Its Redundant And Surreptitious Procurement Channels, Iran’s Persistent Failure To Comply With Its Obligations To Report To The Iaea And To Apply Safeguards To Such Activities, And The Lack Of A Reasonable Economic Justification For This Program Leads Us To Conclude That Iran Is Pursuing An Effort To Manufacture Nuclear Weapons, And Has Sought And Received Assistance In This Effort In Violation Of Article Ii Of The Npt.

The Report Also Stated That Iran’s “Weapons Program Combines Elements” Of Tehran’s Declared Nuclear Activities, As Well As Suspected “Undeclared Fuel Cycle And Other Activities That May Exist, Including Those That May Run Solely Be The Military”. The State Department Report Cites Testimony From Then-Arms Control And Disarmament Agency Director William Foster During A 1968 Senate Foreign Relations Committee Hearing (July 10-12, 17). Foster Stated That “Facts Indicating That The Purpose Of A Particular Activity Was The Acquisition Of A Nuclear Explosive Device Would Tend To Show Non-Compliance” With Article Ii. He However, Also Noted That A Variety Of Other Activities Could Also Violate Article Ii, Adding That The United States Believed It’s Impossible “To Formulate A Comprehensive Definition Or Interpretation”

It Is Worth Noting That The 2005 State Department Report’s Arguments Appear To Rely Heavily On The Notion That A State’s Apparent Intentions Underlying Certain Nuclear- Related Activities Can Be Used To Determine Violations Of Article Ii. This Interpretation Is Not Shared By All Experts.

British Foreign Secretary William Hague Would Not Say Whether Iran Had Violated Article Ii When Asked By A Member Of Parliament In March 2012 (Developments In Uk Foreign Policy, House Of Commons).

2.3.3 Right To Withdraw

According To George Perkovich (Defining Iran’s Nuclear Rights, Proliferation Analysis, 2006), Specific Rules Guiding The International Management Of Nuclear Technology Evolve Through Negotiation And Custom. Consequently, There Is No Explicit Right In The Npt For Any Nation- Including Iran To Possess Uranium Enrichment Or Plutonium Separation Technology, Just As There Is Not A Specific Prohibition On

Possession Of Such Technology. He Maintains That If A State Does Not Comply With Its “Obligations Not To Seek Or Receive Any Assistance In Acquiring Nuclear Weapons, And To Use Nuclear Technology And Know-How Solely For Peaceful Purposes, It Loses Its Rights Under The Npt”,

Article X Of The Npt Allows For A Party To Withdraw Under Paragraph 1, Which Provides: Each Party Shall In Exercising Its National Sovereignty Have The Right To Withdraw From The Treaty If It Decides That Extraordinary Events, Related To The Subject Matter Of The Treaty, Have Jeopardized The Supreme Interests Of The Country. It Shall Give Notice Of Such Withdrawal To All Other Parties To The Treaty And The United Nations Security Council Three Months In Advance. Such Notice Shall Include A Statement Of The Extraordinary Events It Regards As Having Jeopardized Its Supreme Interests.

Iran May Threaten To Leave The Npt Should It Decide That The “Supreme Interests Of Its Country” Are Being Jeopardized By The Treaty. With The Continued Escalation In Political Rhetoric And The U.S Position Being That “All Options Are On The Table”, It Would Not Be Unreasonable For Iran’s Leaders To Conclude That Iranian Interests Would Be Better Served By Withdrawing From The Treaty.

However, Should Iran Withdraw From The Npt It Would Only Be Exacerbating The Situation And Injecting Itself Outside The Bounds Of International Law. In That Case, The U.N Security Council May Very Well Stipulate That Customary International Law Bars State From Withdrawing From A Treaty To Escape The Consequences Of Having Violated It Beforehand. Iran’s Ongoing Non- Compliance With Four Binding Security Council Resolutions As Well As Its Refusal To Fully Cooperate With The Iaea Are Serious Matters That Continue Testing The International Community’s Resolve. Iran May At Some Point Elect To Exercise Its Right To Withdraw From The Npt Under Article X And An Attempted Withdrawal From The Npt Would Clearly Fit The Security Council’s Description Of Proliferation As A ‘Threat To International Peace And Security’.

An Example Of Withdrawal Is North Korea And The Lack Of Resolve Displayed By Several Key International Players In The Enforcement Of Npt Principles. North Korea Declared Its Withdrawal From The Npt Under Article X In 2003 Because It Was Developing A “Latent” Nuclear Program And Decided To Exercise Its “Break Out” Option Under The Treaty System By Withdrawing (Krigs, 2003). Like Iran, North Korea Maintained That It Had No Intention Of Developing Nuclear Weapons And That Its Nuclear Activities Were Confined Only To Power Production And Other Peaceful Purposes (Preez And Potter). However, The Iaea Board Of Governors Declared That North Korea Was In Non- Compliance With Its Obligations Under The Safeguards Agreement Pursuant To The Npt And Decided To Report Its Non- Verifiable Activities To The Security Council.

2.4 Iran’s Compliance

Iran Signed A Safeguards Agreement In 1974, And Remains Confident That It Has Satisfied All Requirements Under That Agreement. It Is Challenging For An Outsider To Determine Whether Iran Is In Full Compliance With The Agreement. Compliance Is Largely Matter Of Fact And Evidence. Nonetheless, Guidance Can Be Drawn From Periodic Reports By The Director General Of The Iaea To Its Board Of Governors, And By Resolution Adopted By The Board Of Governors. There Have Certainly Been Points When The Iaea Board Of Governors Has Considered Iran In Non-Compliance With Its Safeguards Agreement. The Iaea Has Documented Many Technical Violations On Iran’s Part (Sqassoni, 2006). While Those Violations Have Been Remedied To Some Extent By Confidence- Building Measures Over Intervening Years, A Resolution Adopted By The Iaea Board Of Governors In September 2005 Found Iran In Non-Compliance With Its Safeguards Agreement (Macpherson, 2006). Furthermore, The Iaea Was Sufficiently Concerned With The Situation To Refer The Issue To The United Nations Security Council In March 2006, Citing “Serious Doubts About The Nature And Direction Of Iran’s Nuclear Programme”. In April 2006, The Iaea Director – General, Mohammed El- Baradei, Reported To The United Nations Security Council That Iran Had Failed To Meet The Iaea’s Requirements Of Full Transparency After Three Years Of Attempts To Seek Clarity. Thus, While There Was No Evidence Of Weapons Programme In Iran, The Iaea Could Not Be Completely Satisfied That No Such Programme Existed. (Baradei, 2006). It Is Clear That The Iaea Considers Iran In Non- Compliance, Using The Reports And Resolutions As Guidance And Therefore It Is Safe To Conclude That Iran Is In Breach Of Its Safeguards Agreement With The Iaea.

The Iaea’s Concerns With Iran’s Lack Of Transparency Are Heightened By The Fact That Iran Has Not Yet Ratified An Additional Protocol. Iran Signed An Additional Protocol In December 2003 But Has Yet To Ratify It. This Fact Is A Significant Point Of Debate. In Addition, Although Iran Had Taken Steps To Implement The Additional Protocol Before Technically Ratifying It, It Recently Ceased Implementation Of The Protocol. This Is Potentially Contrary To A Customary Norm Of International Law, Which Dictates That Once A State Signs A Treaty, Although It May Not Be Bound By The Rules Of The Treaty Itself, It Is Bound To Act In Good Faith And Not Against The Treaty Until It Makes Clear Its Intention Not To Become A Party To The Treaty (Vienna Convention, Art 18). Arguably, Iran Is Not Acting In Good Faith By Refusing To Implement The Additional Protocol And Refusing To Meet Iaea Requirements For Transparency.

In Diplomatic Terms, The Main Issue Is Iran's Refusal To Cease Uranium Enrichment. Uranium Enrichment Itself Is Not Prohibited By The Npt Or The Iaea Safeguards Agreement, Though In The Context Of Iran's History Of Non- Compliance And Clandestine Activity The Enrichment Process Has Fostered Suspicion. The Eu Considers Termination A Crucial "Confidence Building Issue", And The United States, Which Cut Diplomatic Ties With Iran After The 1979 Siege Of Its Embassy In Tehran, Has Indicated It Will Join Direct Talks If Iran Ceases Enrichment (Johnson, 2005). While Other Countries Have Enrichment Facilities (Johnson, 2005), The Key Difference Is That Those Countries Voluntarily Declared Their Facilities To The Iaea, Whereas Iran Only Did So When It Was Forced To.

Evidently, Concerns Remain In Relation To Iran's Compliance With Iaea Requirements. While An Enrichment Programme Would Not Itself Breach Any Element Of The Npt Or The Iaea Safeguards Agreement, Iran Has Failed To Comply With The Administrative And Technical Requirements Of Its Safeguards Agreement. In Practical Terms, Iran's Conduct Has Created An Atmosphere Of Suspicion And A Concern That It May Be Undertaking Enrichment With Non-Peaceful Uses In Mind (Macpherson, 2006).

2.5 Theories Of Nuclear Proliferation According To Jacques E. C. Hymans On The Theories Of Nuclear Proliferation, There Are Two Broad Theoretical Groups On The Question Of The Causes Of Nuclear Proliferation. They Include The Realist And The Idealist Group.

Realist Theory

The Realist View That States Acquire Nuclear Weapons Because Their Security Demands It; This Means That States In International Anarchy Need To Deter Potential Attackers, And In The Nuclear Age, The Gold Standard Of Deterrence Is Nuclear. Therefore, Realist Views The Expansion Of Nuclear Technical Capacities To Be The Key Variable That Ultimately Determines The Incidence Of Proliferation.

In Addition, Kenneth Waltz Whose Justification For Nuclear Proliferation Is Premised Upon The Realist Approach To The International System. Asserts That, In The Realist Theory, States Coexist In A Condition Of Anarchy, No Government Ruling Over Them (Mearsheimer, 2005), Which Makes Statesmen To Think And Act Only In Terms Of Self- Interest Defined As Power. As A Result, It Rejects The Search For Motives And Ideological Preferences.

Idealist Theory

They View States Obtain Nuclear Weapons Because They Are Driven Toward The Bomb By The Idea That It Is Beneficial Or Necessary, But This Idea Is Not A Simple Function Of The Exigencies Of International Anarchy, As Indicated By Its Very Uneven Acceptance Around The World. Thus, Although They Admit That Proliferation Is Impossible Without Sufficient Technical Capacity, Idealists Consider The Key Variable That Determines The Incidence Of Proliferation To Be State Perceptions Of The Bomb's Utility And Of Its Symbolism (Hymans, ND).

Hence, For The Purpose Of This Research Work The Theory That Would Be Adopted Would Be The 'Realist Theory' Because It Gives A "How It Is" Rather Than "How It Ought To Be" Approach To The Concept Of Nuclear Non- Proliferation.

Development Of Iran's Nuclear Energy Program

3.1. Iran's Nuclear Program Generated Widespread Concern That She Is Pursuing Nuclear Weapons. Tehran's Construction Of Gas Centrifuge Uranium Enrichment Facilities Is Currently The Main Source Of The Proliferation Concern. Gas Centrifuges Enrich Uranium By Spinning Uranium Hexafluoride Gas At High Speeds To Increase The Concentration Of The Uranium- 235 Isotope. Such Centrifuges Can Produce Both Low-Enriched Uranium (Leu), Which Can Be Used In Nuclear Power Reactors, And Highly Enriched Uranium (Heu), Which Is One Of The Two Types Of Fissile Material Used In Nuclear Weapons. Heu Can Also Be Used As Fuel In Certain Types Of Nuclear Reactors. Iran Also Has A Uranium Conversion Facility, Which Converts Uranium Oxide Into Several Compounds, Including Uranium Hexafluoride. Tehran Claims That It Wants To Produce Leu For Its Current And Future Power Reactors (Kerr, 2015)

Iran's Construction Of A Reactor Moderated By Heavy Water Was Also A Source Of Concern. Although, She Says That The Reactor, Which Is Being Built At Arak Is Intended For The Production Of Medical Isotopes. It Is A Proliferation Concern Because The Reactor's Spent Fuel Will Contain Plutonium Well- Suited For Use In Nuclear Weapons. In Order To Be Used In Nuclear Weapons, However, Plutonium Must Be Separated From The Spent Fuel, A Procedure Called Reprocessing. Iran Has Said It Will Not Engage In Reprocessing (Kerr, 2015).

3.2 History Of Iran's Nuclear Energy

Iran's Nuclear Program Was Launched In The 1950s With The Assistance Of The United States As Part Of The Atoms For Peace Program. In 1968, Iran Signed The Nuclear Non- Proliferation Treaty (Npt), Which Was Ratified By The Head Of State In 1970 And Its Obligations Went Into Force. The Support, Encouragement And Participation Of The U.S And Western European Governments In Iran's Nuclear Program Continued Throughout The Duration Of Mohammed Reza Pahlavi's (The Shah's) Reign (Cirincione, 2005). The

Shah Anticipated A Time When World's Oil Supply Would Run Out And Declared, "Petroleum Is A Noble Material, Much Too Valuable To Burn... We Envision Producing, As Soon As Possible, 23,000 Megawatts Of Electricity Using Nuclear Plants."(Iran Profile-Nuclear Chronology 1957-1985). In 1975, The Atomic Energy Organization Of Iran Was Established Supervising The Atomic Research Center In The University Of Tehran. Iran Then Initiated Nuclear Cooperation With Germany, France And The Uk (Iran Nuclear, 2011). Up Until The 1979 Revolution That Toppled The Shah, Iran's Nuclear Program Was Considered One Of The Most Advanced In The Middle East.

The 1979 Revolution Was A Turning Point In Foreign Cooperation On Nuclear Technology. Foreign Suppliers Withdrew From Iran And Abandoned Their Nuclear Power Contracts. The Tensions Highlighted By The 1979 Hostage Crisis At The U.S. Embassy In Iran Induced The U.S. To Sever All Nuclear Agreements. The Iran- Iraq War From 1980- 1988 Further Aggravated The Situation And As A Result Of Direct Threats From Iraq's Chemical And Nuclear Weapons Program, Ayatollah Khomeini's Government Resumed Its Own Nuclear Program.

In The Late 1980s, Iran Turned To The Soviet Union To Restart Its Civil Nuclear Program. Unknown At The Time, However, Was That Around 1985 Iran Secretly Tapped Into The Nuclear Black Market Run By The Father Of Pakistan's Nuclear Program (A.Q. Khan).

For Eighteen Years, Iran Successfully Hid- In Violation Of International Law And Its Voluntary Treaty Commitments To The Iaea, Its Clandestine Nuclear Procurement And Development Program. During Its Meetings With Iaea Officials In 2003, Iran For The First Time Provided Evidence Of Its Violations Of The Npt. Iran Admitted Building An Enrichment Facility At Natanz And A Heavy Water Production Plant At Arak, A Fuel Fabrication Plant, And That It Undertook Research Into Conversion And Enrichment Activities Including Centrifuges (Cirincione, 2005).

Confronted With The Probability Of Sanctions And International Isolation, Iran Announced In 2003 That It Would Cooperate With The Iaea With Full Transparency. In December, 2003, It Signed The Additional Protocol On Nuclear Safeguards And Declared That All Enrichment And Reprocessing Activities Would Be Suspended (Additional Protocol On Nuclear Safeguards, December, 2003). Nevertheless, Iran Failed To Provide The Iaea With Comprehensive And Timely Support. In Addition, It Denied Iaea Inspectors Entrance To Several Sites. As A Result, The Undeclared Nuclear Activities Of Iran Led Western Governments To Be Suspicious Of Its Intent. Even Though Iran Insists On A Peaceful Nature Of Its Nuclear Program, In December, 2010, The Iaea Acknowledges That "Contrary To The Relevant Resolutions Of The Board Of Governors And The Security Council, Iran Has Not Suspended Its Enrichment Related Activities" (November, 23). The Us Congressman Ted Deutch Argues In The Following Way:

...The Iranian Nuclear Program Poses A Grave And Growing National Security Threat To The United States, Risks A Nuclear Arms Race In The Middle East, Threatens Our Allies In Europe, The Middle East And Beyond, And Poses An Existential Threat To Our Critical Ally. (Dutch, 2010, 12 May). With This Regard, The Us And The Unsc Have Imposed Sanctions On Iran, The Un Resolutions Being 1737, 1747 And (The Latest At The Time Of Writing) 1929 (December 23, 2006, March 24, 2004 And March 3, 2008).

President Obama's Comment On Resolution 1929 Demonstrates Us Determination To Stop Iran's Nuclear Energy Program:

The International Community Was Compelled To Impose These Serious Consequences. These Are The Most Comprehensive Sanctions That The Iranian Government Has Faced. They Will Impose Restrictions On Iran's Nuclear Activities, Its Ballistic Missile Program, And For The First Time, Its Conventional Military. They Will Put A New Framework In Place To Stop Iranian Smuggling, And Crack Down On Iranian Banks And Financial Transactions... And We Will Ensure That These Sanctions Are Vigorously Enforced, Just As We Continue To Refine And Enforce Our Own Sanctions On Iran Alongside Our Friends (Obama, 2010 June 9). Iran, However, Resisted The Sanctions And Continued Its Peaceful Nuclear Energy Program.

3.3 International Response

Iran Ratified The Nuclear Non-Proliferation Treaty (Npt) In 1970. Article Iii Of The Treaty Requires Non- Nuclear Weapon States- Parties To Accept Comprehensive International Atomic Energy Agency (Iaea) Safeguards; Tehran Concluded A Comprehensive Safeguards Agreement With The Iaea In 1974 (Infcirc/214). In 2002, The Agency Began Investigating Allegations That Iran Had Conducted Clandestine Nuclear Activities; Which Reported That Some Of The Activities Had Violated Tehran's Safeguard Agreement. With This Report The Agency Had Not Stated Definitely That Iran Pursued Nuclear Weapons, But Has Also Not Yet Been Able To Conclude That The Country's Nuclear Program Is Exclusively For Peaceful Purposes.

Following More Than Three Years Of Investigation, The Iaea Board Of Governors Referred The Matter To The U.N. Security Council In February 2006. Ever Since, The Council Has Adopted Six Resolutions Requiring Iran To Take Steps To Alleviate International Concerns About Its Nuclear Program.

3.3.1 Iran And The International Atomic Energy Agency

As Seen, Iran Is A Party To The Npt And Has Concluded A Comprehensive Safeguards Agreement. These Agreements Are Designed To Enable The Iaea To Detect The Diversion Of Nuclear Material From Peaceful Purposes To Nuclear Weapons Uses, As Well As To Detect Undeclared Nuclear Activities And Materials (Iaea Safeguards Glossary, 2001). Safeguards Include Agency Inspections And Monitoring Of Declared Nuclear Facilities. Although Comprehensive Safeguards Agreements Give The Iaea The Authority “To Verify The Absence Of Undeclared Nuclear Material And Activities, The Tools Available To It Do So, Under Such Agreements, Are Limited” According To The Agency (The Safeguards System Of The Iaea). Additional Protocols To Iaea Comprehensive Safeguards Agreements Increase The Agency’s Ability To Investigate Undeclared Nuclear Facilities And Activities By Increasing The Iaea’s Authority To Inspect Certain Nuclear- Related Facilities And Demand Information From Member States.

Iran Signed Such A Protocol In December 2003 And Agreed To Implement The Agreement Pending Ratification. Tehran Stopped Adhering To Its Additional Protocol In 2006. However, The Iaea’s Authority To Investigate Nuclear- Weapons Related Activity Is Limited According To The Explanation Given By Director General Elbaradei In An Interview In 2005. He Said “An All-Encompassing Mandate To Look For Every Computer Study On Weaponization. Our Mandate Is To Make Sure That All Nuclear Materials In A Country Are Declared To Us” (Tackling The Nuclear Dilemma: An Interview With Iaea Director- General Mohammed Elbaradei, February 4, 2005).

3.3.2 Development On The Iran’s Nuclear Energy Program

The Current Public Controversy Over Iran’s Nuclear Program Began In August 2002, When The National Council Of Resistance On Iran (Ncric), An Iranian Exile Group, Revealed Information During A Press Conference (Which Later Proved To Be True) That Tehran Had Built Nuclear- Related Facilities That It Had Not Revealed To The Iaea. According To The Knowledgeable Former Officials, The United States Had Been Aware Of At Least Some Of These Activities (Samore, 2004). Prior To The Ncric’s Revelations, The Iaea Had Expressed Concerns That Iran Had Not Been Providing The Agency With All Relevant Information About Its Nuclear Programs, But Had Never Found Tehran In Violation Of Its Safeguards Agreement.

In Fall 2002, The Iaea Began To Investigate Iran’s Nuclear Activities At The Sites Named By The Ncric: Inspectors Visited The Sites The Following February. Adopting Its First Resolution On The Matter In September 2003, The Iaea Board Called On Tehran To Increase Its Cooperation With The Agency’s Investigation, Suspend Its Uranium Enrichment Activities, And “Unconditionally Sign, Ratify And Fully Implement” An Additional Protocol (Report By Director- General Gov/2003/75, November 10, 2003).

In October 2003, Iran Concluded A Voluntary Agreement With France, Germany, And The United Kingdom, Collectively Known As The “E3,” To Suspend Its Enrichment Activities, Sign And Implement An Additional Protocol To Its Iaea Safeguards Agreement, And Fully Comply With The Iaea’s Investigation. As A Result, The Agency’s Board Refrained From Reporting The Matter To The U.N. Security Council. As Seen, Tehran Signed This Additional Protocol In December 2003, But Has Never Ratified It.

Eventually, The Iaea’s Investigation, As Well As The Information Iran Provided After The October 2003 Agreement, Revealed That Iran Had Engaged In A Variety Of Secret Nuclear- Related Activities, Some Of Which Violated The Country’s Safeguard Agreement (Appendix A). After October 2003, Iran Continued Some Of Its Enrichment- Related Activities, But Tehran And The E3 Agreed In November 2004 To A More Detailed Suspension Agreement. However, Iran Resumed Uranium Conversion In August 2005 Under The Leadership Of Then President Mahmoud Ahmadinejad, Who Had Been Elected Two Months Earlier.

On September 24, 2005, The Iaea Board Of Governors Adopted A Resolution (Gov/2005/77) That, For The First Time, Found Iran To Be In Non- Compliance With Its Iaea Safeguards Agreement. The Board, However, Did Not Refer Iran To The Security Council, Choosing Instead To Give Tehran Additional Time To Comply With The Board’s Demand. The Resolution Urged Iran:

1. To Implement Transparency Measures Including Access To Individuals, Documentation Relating To Procurement, Dual Use Equipment, Certain Military Owned Workshops, And Research And Development Locations;
2. To Re- Establish Full And Sustained Suspension Of All Enrichment Related Activity;
3. To Reconsider The Construction Of The Research Reactor Moderated By Heavy Water;
4. To Ratify Promptly And Implement In Full The Additional Protocol; And
5. To Continue To Act In Accordance With The Provisions Of The Additional Protocol.

No International Legal Obligations Required Tehran To Take These Steps, But The Report Given In September 2008 By Elbaradei Asserted That, Without Iranian Implementation Of Such “Transparency Measures” The Iaea Would “Not Be In A Position To Progress In Its Verification Of The Absence Of Undeclared Nuclear Material And Activities In Iran.”

Iran In January 2006, Announced That It Would Resume Research And Development On Its Centrifuge At Natanz. The Next Month, The Iaea Board Of Governors Referred Iran's Case To The U.N. Security Council. Shortly After, Tehran Announced That It Would Stop Implementing Its Additional Protocol.

3.4 Iran And The United Nation Security Council

As Seen, Iran Announced In January 2006 That It Would Resume Research And Development On Its Centrifuges At Natanz. In Response, The Iaea Board Adopted A Resolution (Gov/2006/14) February 4, 2006, Referring The Matter To The Security Council And Reiterating Its Call For Iran To Take The Measures Specified In The September Resolution. Two Days Later, Tehran Announced That It Would Stop Implementing Its Additional Protocol.

On March 29, 2006, The U.N. Security Council President Issued A Statement, Which Was Not Legally Binding, That Called On Iran To "Take The Steps Required" By The February Iaea Board Resolution. The Council Subsequently Adopted Six Resolutions Concerning Iran's Nuclear Program:

1699 (July 2006), 1737 (December 2006), 1747 (March 2007), 1803 (March 2008), 1835 (September 2008), And 1929 (June 2010). The Second, Third, Fourth And Sixth Resolutions Imposed A Variety Of Restrictions On Iran.

Resolution 1696 Was First Place To Legally Binding Security Council Requirements On Iran With Respect To Its Nuclear Program. This Resolution Made Mandatory The Iaea Demanded Suspension And Called On Tehran To Implement The Transparency Measures Called For By The Iaea Board's February 2006 Resolution. Resolution 1737 Reiterated These Requirements But Expanded The Suspension's Scope To Include "Work On All Heavy Water- Related Projects." It Is Important To Note That The Security Council Has Acknowledged (In Resolution 1803, For Example) Iran's Rights Under Article Iv Of The Npt, Which States That Parties To The Treaty Have "Inalienable Right... To Develop Research, Production And Use Of Nuclear Energy For Peaceful Purposes.."

Resolution 1929 Also Requires Tehran To Refrain From "Any Activity Related To Ballistic Missiles Capable Of Delivering Nuclear Weapons" And To Comply With The Modified Code 3.1 Of Its Subsidiary Arrangement.

Resolution 2231, Which The U.N Security Council Adopted On July 20, 2015, States That All Of The Previous Resolution's Requirements Will Be Terminated When The Council Receives A Report From The Iaea Stating That Iran Has Implemented The Nuclear- Related Measures By Implementation Day, As Described By The July 2015 Comprehensive Plan Of Action.

3.4.1 Legal Framework

The Legal Authority For The Actions Taken By The Iaea Board Of Governors And The U.N. Security Council Is Found Both In The Iaea Statute And The U.N. Charter.

Iaea Statute

Two Sections Of The Iaea Statute Explains What The Agency Should Do If An Iaea Member State Is Found To Be In Non-Compliance With Its Safeguard Agreement. Article Iii B.4 Of The Statute States That The Iaea Is To Submit Annual Reports To The U.N. General Assembly And 'When Appropriate' To The U.N Security Council. If "There Should Arise Questions That Are Within The Competence Of The Security Council....." In Addition, Article Xii C. States That Iaea Inspectors Are To Report Noncompliance Issues To The Agency's Director- General, Who Is To Report The Matter To The Iaea Board Of Governors. The Board Is Then To "Call Upon The Recipient State Or States To Remedy Forthwith Any Non- Compliance Which Finds To Have Occurred", As Well As "Report The Non- Compliance To All Members And To The Security Council And General Assembly Of The United Nations". In Iran's Case, The September 24, 2005, Iaea Board Resolution (Gov/2005/77) Stated That The Board

Found That Iran's Many Failures And Breaches Of Its Obligations To Comply With Its Npt Safeguards Agreement, As Detailed In Gov/2003/75 (A November 2003 Report From Then Director General Elbaradei), Constitute Noncompliance In The Context Of Article Xii.C Of The Agency's Statute;

According To The Resolution, The Board Also Found That The History Of Concealment Of Iran's Nuclear Activities Referred To In The Director General's Report (Gov/2003/75), The Nature Of These Activities, Issues Brought To Light In The Course Of The Agency's Verification Of Declarations Made By Iran Since September 2002 And The Resulting Absence Of Confidence That Iran's Nuclear Programme Is Exclusively For Peaceful Purposes Have Given Rise To Questions That Are Within The Competence Of The Security Council, As The Organ Bearing The Main Responsibility For Maintenance Of International Peace And Security.

Elbaradei Issued The Report Cited By The Resolution, Gov/2003/75, In November 2003. It Described A Variety Of Iranian Nuclear Activities That Violated Tehran's Safeguards Agreement. He Subsequently Reported That Iran Has Taken Corrective Measures To Address These Safeguards Breaches.

3.4.2 United Nations Charter And The Security Council

There Are Several Articles Of The U.N Charter, A Treaty That Describes The Security Council's Authority To Impose Requirements And Sanctions On Iran.

Article 24 Confers On The Council "Primary Responsibility For The Maintenance Of International Peace And Security".

Chapter Vii Of The Charter Contains Three Articles Relevant To The Iran Case. Security Council Resolutions That Made Mandatory The Iaea's Demands Concerning Iran's Nuclear Program Invoked Chapter Vii. Article 39 Of That Chapter States That The Council

Shall Determine The Existence Of Any Threat To The Peace, Breach Of Thee Peace, Or Act Of Aggression And Shall Make Recommendations, Or Decide What Measures Shall Be Taken In Accordance With Articles 41 And 42, To Maintain Or Restore International Peace And Security.

Resolution 1696 Invoked Article 40 Of Chapter Vii "In Order To Make Mandatory The Suspension Required By The Iaea."

Resolutions 1737, 1747, 1803, And 1929, Which Did Impose Sanctions, Invoked Article 41 Of Chapter Vii. According To Article 41, The Security Council May Decide What Measures Not Involving The Use Of Armed Force Are To Be Employed To Give Effect To Its Decisions, And It May Call Upon The Members Of The United Nations To Apply Such Measures. These May Include Complete Or Partial Interruption Of Economic Relations And Of Rail, Sea, Air, Postal, Telegraphic, Radio, And Other Means Of Communication, And The Severance Of Diplomatic Relations.

3.5 Joint Comprehensive Plan Of Action (Jcpoa) On July 14, 2015, Iran And Six Powers That Have Negotiated

With Iran About Its Nuclear Program Since 2006 (The United States, The United Kingdom, France, Russia, China And Germany Collectively Known As P5+1) Finalized A Joint Comprehensive Plan Of Action (Jcpoa). The Jcpoa Is Proposed To Ensure That Iran's Nuclear Program Can Be Used Purely For "Peaceful Purposes", In Exchange For A Broad Lifting Of U.S., European Union (Eu), And United Nations (U.N) Sanctions On Iran. It Largely Reflects What Was Agreed In An April 2, 2015, Framework For The Accord. This Agreement Replaces A Joint Plan Of Action (Jpa), An Interim Nuclear Accord In Operation Since January 2014. The Jcpoa Represents The Most Effective Means To Ensure That Iran Cannot Obtain A Nuclear Weapon, And That All U.S. Options To Prevent Iran From Developing A Nuclear Weapon Would Remain Available Even After The Key Nuclear Restrictions Of The Jcpoa Expire. The Administration And The Other P5+1 Further Asserts That The Jcpoa Contains Provisions For U.N. Sanctions To Be Re-Imposed If Iran Is Found Not In Compliance With Its Requirements.

Although Some Critics Of The Agreement, Including Some U.S Allies In The Middle East Express Concerns That The Extensive Sanctions Relief To Be Provided Under The Agreement Will Give Iran Additional Resources To Extend Its Influence In The Region. Other Critics Note That The United States Has Also Committed, In U.N. Security Council Resolution 2231 Of July 20, 2015, Which Endorses The Jcpoa, To Lift A U.N. Prohibition On Arms Sales To Iran Or Arms Exports By Iran In Five Years, And On Iran's Development Of Nuclear- Capable Ballistic Missiles Within Eight Years. These Could Set The Stage For Iran To Become A More Powerful Regional Actor. A Resolution Of Disapproval Of The Jcpoa Was Not Enacted By Congress By The Deadline Of September 17, 2015, Set By The Iran Nuclear Agreement Review Act (P.L.114-17). Iran's Legislature Approved The Agreement And The Jcpoa Formally Took Effect On "Action Day" (October 18, 2015), The Date Stipulated By The Jcpoa As 90 Days After Passage Of Resolution 2231. The Administration Issued Provisional Waivers For U.S. Sanctions Laws, Which Will Take Effect Once Iran's Compliance With Initial Required Nuclear Tasks Is Certified.

3.5.1 Background On The Joint Plan Of Action

Multilateral Negotiations Regarding Iran's Nuclear Program Date Back To 2003 After The Iaea Reported On The Existence Of Clandestine Nuclear Facilities At Natanz. October That Year, Iran Concluded An Agreement With France, Germany, And The United Kingdom Under Which Temporarily Suspended Aspects Of Its Nuclear Program But Also Asserted Its Right To Develop Nuclear Technology. Three Years Later, January 2006, Iran Announced That It Would Resume Research And Development On Its Centrifuges At Natanz. After That Time, Iran Held Multiple Round Of Talks With China, France, Germany, Russia, The United Kingdom And The United States (P5+1). After The June 2013 Election Of Iranian President Hassan Rouhani With The Achievement On November 24, 2013, Of An Interim Nuclear Agreement- The Joint Plan Of Action (Sometimes Called In International Documents As Jpoa).

The Last Details Of This Temporary Agreement, Known As The Joint Plan Of Action Were Finalized By The P5+1 On January 12, 2014, And Pursuant To The Agreement Much Of Iran's Nuclear Capabilities Were Supposed To Be Temporarily Frozen After January 20. (Ai Hosseini Khamenei Saddam Hussein, 2014)

The Jpa Set Out An Approach Toward Reaching A Long- Term Comprehensive Solution To International Concerns Regarding Iran's Nuclear Program. Both Sides Began Implementing The Jpa On January 20, 2014. The P5+1 And Iran Reached A Framework Of A Joint Comprehensive Plan Of Action (Jcpoa) On April 2, 2015

In Lausanne, Switzerland And It Was Finalized On July 14, 2015. The Iaea Says It Expects To Continue Conducting Jpa- Related Monitoring Activities, Including The Provision Of Monthly Updates, “Until The Date On Which The Jcpoa Is Implemented,” According To An August 2015 Iaea Report. At The Time The Jpa Was Concluded, Iran Also Signed A Joint Statement With The Iaea On November 11, 2013, Describing A “Framework For Cooperation.” According To The Statement, Iran And Iaea Agreed To “Strengthen Their Cooperation And Dialogue Aimed At Ensuring The Exclusively Peaceful Nature Of Iran’s Nuclear Programme Through The Resolution Of All Outstanding Issues That Have Not Already Been Resolved By The Iaea.”Iran Has Not Built Any New Nuclear Facilities Or Expanded The Existing Ones Since Beginning Implementation Of The Jpa In January, 2014. Iran Operates A Russian- Built Nuclear Power Reactor, For Which Russia Provides Fuel Until 2021. The Jcpoa Focuses On Iran’s Enrichment Program And Its Heavy Reactor Due To Potential For Nuclear Weapons Materials Production. Iran Has Three Gas Centrifuge Enrichment Facilities (Natanz Fuel Enrichment Plant, Natanz Pilot Fuel Enrichment Plant, And Fordow Fuel Enrichment Plant). Under The Jpa, Iran Agreed To Refrain From ‘Any Further Advances Of Its Activities’ At The Natanz Commercial Scale Facility, Fordow Facility, And Arak Reactor. Tehran Was Also Required To Provide The Iaea With Additional Information About Its Nuclear Program, As Well As Access To Some Nuclear- Related Facilities To Which Iran’s Iaea Safeguards Agreement Does Not Require Access, Such As: Centrifuge Limits, Level Of Enrichment Limits, Leu Stockpile Limits, Centrifuge R&D, Additional Monitoring, Arak Reactor And Additional Pledges/ Information. Timeline Of Implementing The Jcpoa

The Jcpoa Outlines Specified Steps That Are To Take Place, As Follows:

1. Finalization Day: July 14, 2015. Iran, China, France, Germany, Russia, United Kingdom, And The United States With The High Representative Of The European Union For Foreign Affairs And Security Policy And Iran Endorse The Jcpoa. A U.N Security Council Resolution To Endorse The Jcpoa Was Submitted For Adoption.
2. Adoption Day/ New U.N Security Council Resolution. The Jcpoa Formally Came Into Effect 90 Days After Endorsement Of Jcpoa By U.N. Security Council, Or Earlier By Mutual Consent. Resolution 2231, For That Purpose, Was Adopted On July 20, 2015, And Adoption Day Took Place On October 18, 2015. On Adoption Day, The United States Issued The Provisional Presidential Waivers Required To Implement U.S. Sanctions Relief, With The Waivers To Formally Take Effect On Implementation Day.
3. Implementation Day; Upon Iaea Verification That Iran Has Completed The Several Stipulated Nuclear Related Measures (E.G. Reducing Centrifuges), The United States, The U.N., And The Eu Will Cease Application Of Specific Sanctions. The U.N. Security Council Will Terminate The Provisions Of Its Resolutions On Iran: 1696(2006), 1737(2006), 1747(2007), 1803(2008), 1835(2008),1929(2010) And 2224(2015)
4. Transition Day; Represents Initial Stages Of Iran’s Emergence From U.N. Security Council Scrutiny. Transition Day Is Eight Years From Adoption Day- Or Upon ‘Broader Conclusion’ Report From The Iaea Director General To The Iaea Board Of Governors And U.N Security Council- Whichever Is Earlier. As Of Transition Day, Additional Eu Entitles To Be Removed From Sanctions, The United States Is Required To Remove From Designation Specified Additional Iranian Entities Subjected To Sanctions. The Administration Is Also Required To Seek Legislative Termination Of Sanctions That Were Suspended On Implementation Day.
5. Unscr Termination Day; Ten Years From Adoption Day (On October 18, 2025). Provisions And Measures Imposed In The U.N. Security Council Resolution Endorsing Jcpoa Would Terminate And The Security Council Would Not Be Involved In The Iran Nuclear Issue. However, The Jcpoa Itself Does Not Terminate On This Day, And There Is No Specified Termination Day For The Jcpoa’s Provisions.

3.6 The Implementation Day

On January 16, 2016, The Iaea Announced That Iran Had Complied And Fulfilled The Entire Requirement For The Relief Of Sanction Laid Upon Her. (Amano, 2016)“Today We Have Achieved Implementation Day Of The Joint Comprehensive Plan Of Action” Iran’s Foreign Minister, Mohammed Javad Zarif, And Eu Foreign Policy Chief, Federica Mogherini Said In A Joint Statement Read At The Un In Austrian Capital In Front Of The World Media. “Today Marks The Moment That Iran Nuclear Agreement Transitions From An Ambitious Set Of Promises On Paper To Measurable Action In Progress” U.S Secretary Of State John Kerry Announced Saturday In Vienna. His Statement Comes Directly On The Heels Of Confirmation Iaea Director- General Yukiya Amano, Who Said That Iran Has Completed The Necessary Steps To Begin Implementation Of The Agreement.

“This Paves The Way For The Iaea To Begin Verifying And Monitoring Iran’s Nuclear- Related Commitments Under The Agreement, As Requested By The U.N. Security Council And Authorized By The Iaea Board” Amano Said In A Statement. Relations Between Iran And The Iaea Now Enter A New Phase. It Is An Important

Day For The International Community. I Congratulate All Those Who Helped Make It A Reality, Especially The Group Of Known As The E3/Eu+3, Iran And The Iaea Board. (IAEA Director General's Statement on Iran). Iran's President, Hassan Rouhani, Has Hailed A "Glorious Victory" After Diplomats In Vienna Formally Announced The Lifting Of Sanctions Against The Country Following Confirmations From The Un That Tehran Had Fulfilled Its Obligations Under Last Year's Nuclear Accord. The Us Secretary Of State, John Kerry Said The Sanctions Termination Provisions Of Iran's Landmark Nuclear Agreement Were Now In Effect. The Us President Barack Obama Delegated Authority To Kerry To Make The Determination. At The Same Time, All Nuclear- Related Sanctions Imposed By The Eu And The Un Were Also Lifted.

In Conclusion, Iran's Nuclear Energy Program Had Created Concerns In The International Community Which Led To The International Response Of The Legal Framework Non- Proliferation Treaty And The International Atomic Energy Agency (Iaea). Iran Became A Center Point For The Development Of Nuclear Energy Because Of Its Non- Compliance With The Iaea And Various Means Of Withdrawing Her From The Production Of Nuclear Weapons And Facilities.

This Led To Various Agreements Such As The 'E3' Agreement With France, Germany, And The United Kingdom That Iran Would Suspend Its Enrichment Activities, Sign And Implement An Additional Protocol To The Iaea Safeguards Agreement. Furthermore, The United Nations Had Become Interested In The Matter Because The Iaea Had Adopted A Resolution To Report The Matter To The Security Council, This Led To Different Resolutions Adopted By The Security Council Concerning Iran's Nuclear Program.

In Addition, After The Adoption Of The Resolutions, Iran And Six Powers Negotiated About Her Nuclear Program Collectively Known As P5+1 And This Agreement Was Finalized And Called The Joint Comprehensive Plan Of Action (Jcpoa). The Jcpoa Created A Timeline For The Nuclear Deal That Was Negotiated. It Consists Of The Finalization Day, Adoption Day, Implementation Day, Transition Day, And The Unscr Termination Day.

Legal Implication Of Iran's Nuclear Energy Program

4.1 Introduction

On July 14, 2015, Following Two Years Of Negotiations, The P5+1 And The Eu Concluded A Landmark Agreement With Iran, The Jcpoa, Under Which, In Exchange For Iran's Commitments Relating To Its Nuclear Programs, Agreed To Suspend All Us, Eu And Un Nuclear-Related Sanctions Imposed On Iran.

4.2. United States Sanctions Relieved Under The Joint Plan Of Action (Jcpoa) In Line With Its Commitments Under The Jcpoa, The United States Has Lifted Its Nuclear-Related Sanctions Against Iran. These Were Primarily "Secondary" Sanctions Applicable To Non-Us Parties (Trade, 2016) It Covered:

1. Iran's Financial, Banking, Energy, Petrochemical, Shipping, Shipbuilding And Automotive Sectors And Iran's Port Operators;
2. The Provision Of Insurance, Re-Insurance And Underwriting Services In Connection With Activities That Are Consistent With The Jcpoa;
3. Iran's Trade In Gold And Other Precious Metals, Trade With Iran In Graphite, Raw Or Semi-Finished Metals Such As Aluminum And Steel, Coal, And Certain Software In Connection With Activities That Are Consistent With The Jcpoa; And
4. The Provision Of Associated Services For Each Of The Categories Above.

The United States Also Removed A Large Number Of Individuals And Entities From Applicable Prohibited Party Lists, And Took Steps To

1. Allow For The Export, Re-Export, Sale, Lease Or Transfer Of Commercial Passenger Aircraft And Related Parts And Services To Iran For Exclusively Civil, Commercial Passenger Aviation End-Use;
2. License Non-Us Entities That Are Owned Or Controlled By A Us Person To Engage In Activities That Are Consistent With The Jcpoa And Applicable Us Laws And Regulations And
3. License The Importation Into The United States Of Iranian-Origin Carpets And Foodstuffs.

With The Exception Of These Three Categories Of Activities Described Above, None Of The Sanctions That Were Lifted Include "Primary" Us Sanctions Against Iran That Apply To Us Persons. Thus, Us Persons, Including Us Companies, Continue To Be Broadly Prohibited From Engaging In Transactions Or Dealings With Iran And The Government Of Iran Unless Such Activities Are Exempt From Regulation Or Authorized By Ofac (E.G., Selling Food And Medicine To Iran).

Of Particular Interest To Many Us Companies Is The Second Of The Three Listed Items, I.E., The Licensing Of Us-Owned Or Controlled Non-Us Entities "To Engage In Activities That Are Consistent With The Jcpoa And Applicable Us Laws And Regulations." The Us Office Of Foreign Assets Control (Ofac) Has Implemented This Item By Issuing General License H (Gl H), Authorizing Us-Owned Or Controlled Foreign Entities To Engage In "Transactions, Directly Or Indirectly, With The Government Of Iran, Or Any Person Subject To The Jurisdiction Of The Government Of Iran That Would Otherwise Be Prohibited By 31 C.F.R. 560.215."

4.3 European Union Sanctions Relieved Under The Joint Plan Of Action

In Accordance With The Jcpoa, The Eu Lifted Most Of Its Economic And Financial Sanctions Imposed In Connection With Iran's Nuclear Program. Although Several Restrictions On Doing Business With Iran Remain In Place, The Eu's New Measures Considerably Enhance The Scope For Eu And Iranian Companies To Do Business By Opening Up Opportunities In A Number Of Key Areas, Including Oil, Gas And Petrochemicals; Finance; And Trade In Gold And Precious Metals. (Henry, 2016)

Like The United States, The Eu Removed A Number Of Individuals And Entities, Including The Central Bank Of Iran And The National Iranian Oil Company, From Its Restricted Parties List, Lifting Asset Freezes And Visa Bans. More Broadly Than The United States, The Lifting By The Eu Of Its Nuclear-Related Sanctions Against Iran Removed Eu Sanctions, With Limited Exceptions, On The Following Activities, Including Associated Services:

1. Financial Transfers To And From Iran. The Transfer Of Funds Between Eu Persons And Non-Listed Iranian Persons Is Now Permitted, And No Authorization Or Notification Of Transfers Is Required.
2. Banking Activities, Including The Establishment Of New Correspondent Banking Relationships And The Opening Of Branches, Subsidiaries Or Representative Offices Of Non-Listed Iranian Banks In The Eu.
3. Eu Financial And Credit Institutions Are Allowed To Open Representative Offices, Branches, Subsidiaries Or Joint Ventures, As Well As Banks Accounts, In Iran.
4. The Supply Of Specialized Financial Messaging Services (Including Swift).
5. Insurance And Re-Insurance Activities, Financial Support For Trade With Iran, Including Export Credit, Guarantees Or Insurance And The Sale Or Purchase Of Public Bonds From Iran.
6. The Sale, Supply, Transfer And Export Of Key Equipment/Technology (Including Equipment In The Oil, Gas And Petrochemical Sectors), And The Import Or Purchase Of Crude Oil, Petrochemicals And Gas (Originating In Iran Or Having Been Exported From Iran);
7. The Sale, Purchase, Supply, Transfer, Import, And Export Of Gold, Precious Metals, And Diamonds;
8. The Sale, Supply, Transfer, And Export Of Naval Equipment And Technology For Ship Building, Maintenance Or Refit;
9. The Provision Of Vessels For The Transport Or Storage Of Oil And Petrochemical Products; The Provision Of Bunkering Or Ship Supply Services, Or Any Other Servicing Of Vessels (Not Carrying Prohibited Items); And The Provision Of Fuel, Engineering And Maintenance Services To Iranian Cargo Aircraft (Not Carrying Prohibited Items);
10. The Grant Of Financial Loans Or Credit To Iranian Persons Active In The Oil And Gas Sectors.
"Associated Services" Include Transactions Necessary And Ordinarily Incident To The Foregoing, Including Technical Assistance, Training, Insurance, Re-Insurance, Brokering, Transportation And Financial Services. (Levine, 2016)

Reports Indicate That Eu Interests Will Promptly Move To Take Advantage Of Iranian Business Opportunities Opened By The Lifting Of Sanctions. For Example, The European Commissioner For Climate And Energy, Miguel Arias Cañete, Publicly Stated That The European Commission Will Undertake A First "Technical Assessment Mission" In February 2016 To Explore Energy Ties With Iran. It Is Widely Reported

That The Technical Assessment Mission Will Likely Be Followed By A Visit By High-Level Commission Staff, Possibly With A Business Delegation. While The Majority Of Eu Sanctions Concerning Iran's Nuclear Program Have Been Lifted, Certain Restrictions Remain In Place. Notably, Certain Proliferation-Related Activities Now Require An Advance Authorization From The Relevant Eu Member State, Including Certain Proliferation-Sensitive Transfers And Activities; The Supply, Transfer Or Export Of Certain Software; And The Sale, Supply, Transfer Or Export Of Certain Graphite And Raw Or Semi-Finished Metals And The Provision Of Associated Services. Certain Other Eu Sanctions Against Iran Also Remain In Place, Including An Arms Embargo And The Prohibition On The Supply, Transfer, Export Or Procurement Of Certain Missile Technology. Certain Iranian Persons And Entities Remain Subject To Eu Sanctions, Including Several Iranian Banks. Also, Human Rights- And Terrorism-Based Sanctions Remain In Place, Including The Listing Of 84 Persons And One Entity, And A Ban On Exports To Iran Of Equipment That May Be Used For Internal Repression And Monitoring Telecommunications.

Thus, Although Eu Sanctions Have Been Significantly Relaxed, Companies Will Still Need To Conduct Proper Diligence When Conducting Business With Iran And Iranian Persons.

The Easing Of Us And Eu Sanctions Under The Jcpoa Opens Significant New Opportunities For Business With Iran. However, Because The Sanctions That Were Lifted May "Snap Back" Into Place In The Event That Iran Fails To Uphold Its Nuclear Commitments Under The Terms Of The Jcpoa, Businesses Are Well Advised To Proceed With Caution And To Continue To Monitor Related Trade Compliance Developments Closely. (Paretzky, 2016)

President Hassan Rouhani Of Iran Said This "Has Opened A New Chapter" In Its Ties With The World, Hours After The Us And Eu Lifted Nuclear Sanctions.

4.4 The Implication Of Iran's Nuclear Deal For The Future Of Non Proliferation Treaty System

What Does The Iran Case Mean For The Future Of The Nuclear Non-Proliferation Regime? Iran's Case Demonstrates Warped And Incorrect Legal Interpretations Of The Npt And Of Iaea Sources Of Law And A Prejudicial And Inconsistent Application Of The Law To This Case By The West And By The Iaea Itself. (Joyner, 2013)

From The Macro View, The Iranian Case Is Demonstrative Of The Longstanding And Varied Policies And Practices Of The U.S. And Its Allies, Which Have Fundamentally Undermined The Npt Legal Regime. The Npt Was And Is A 'Quid Pro Quo' (This For That) Grand Bargain Between Nuclear- Weapon States And Developing Non-Nuclear Weapon States. As The Developing Nnws, Including But Not Limited To Iran, Feel That The Powerful Nuclear-Weapon States Simply Disregard Their Own Obligations Under The Npt, Disregard The Grand Bargain With Regard To Non-Npt Parties, (htt3) And, Furthermore, Prejudicially And Incorrectly Use Nnws Obligations Against Them To Their Harm, The Treaty Regime Will Fade Into Further Perceived Illegitimacy And, Ultimately, Irrelevance Progresses The Aim Of Global Nuclear Disarmament, As Well As Strengthens The Legal Framework Governing Nonproliferation, While At The Same Time Ensuring That Civilian Nuclear Energy Programs May Be Freely Pursued And Developed By States That Choose To Do So. (Joyner, 2013)

Accordingly, It Can Be Seen That The Npt System Is Quite Ambiguous Because The Npt Seeks To Constitute General Proliferation Principles And The Role Of Nuclear Technology In Modern Societies. It Was The First Effective Response To The Threat Of Proliferation But It Has Been Criticized For Its Inherent Discriminatory Nature, As The Burden Of The Npt In Reality Falls Heavily On Non-Nwss Which Iran Is A Part Of. Nwss Only Agreed Not To Help Non- Nwss Gain Weapons And Nuclear Technology Which Is Particularly Demanding. In Contrast, Non Nwss Had To Let Go Of The Potential Security Benefits Of Nuclear Weapons And Submit To Rigorous Safeguards Under Article Iii Of The Npt. This Obvious Discrimination Is A Point Of Contention For Many Non- Nwss, Including Iran.

Thus, There Should Be Clarity On The Interpretation Of The Npt Agreement So That Nnwss Don't Use This Treaty To The Detriment Of The Nwss As In The Case Of Iran.

4.5 The Future Of Iran's Nuclear Agreement

After Various Arguments From Different Scholars Concerning The Use Of Nuclear Weapons By Iran, The Iran Government And The P5+1 Have Made An Agreement That Aims To Achieve 'A Mutually- Agreed Long Term Comprehensive Solution That Would Ensure Iran's Nuclear Programme Will Be Exclusively Peaceful'. (Challenges in Nuclear Verification: The IAEA's Role On the Iranian Nuclear Issue, 2015) This Brings To Question As To What The Future Of Iran Will Be After The 'Termination Day By The Jepoa' That Is What Will Happen After The Deal? Will Iran Still Be Able To Produce Nuclear Energy After The Termination Day? Whether Or Not, The Proliferation Of Iran's Nuclear Energy Program Will Still Stand?

According To Representative Adam B. Schiff, A California Democrat Of The Us, He Said And I Quote "The Chief Reservation I Have About The Agreement Is The Fact That In 15 Years They Have A Highly Modern And Internationally Legitimized Enrichment Capability, And That Is A Bitter Pill To Swallow." Also, On

August 23, 2015 In The New York Times, Gordon And Sanger Commented That: Firstly, As Far As Nuclear Energy Program, Iran Will Still Be Able To Produce Low- Enriched Uranium, To A Maximum Of 3.67% Purity For Use In Nuclear Power Stations. Secondly, Many Of The Restrictions Aimed At Preventing Iran From Developing A Nuclear Weapon Are Time- Limited. The 3.67% Purity Limit On The Maximum Level Of Enrichment, For Example, Will Be In Place Only For 15 Years. The Same Is True For Restrictions Applied To The Fordow Underground Enrichment Plant, Near The City Of Qom. And A Prohibition On The Building By Iran Of New Heavy Water Plants Will Be In Place Only For 15 Years. (Sanger G. , 2015)

There Are Two Tracks Of Negotiations On The Iran Nuclear Issue. One Is The Iaea-Iran Track And The Other Is The So- Called P5 Plus 1 And Iran Track, In Which The Iaea Is Also Involved.

Iran's Proclaimed Policy Is To Alleviate International Concerns So That It Can Gradually Overcome The Effects Of Sanctions. By Limiting Concessions To The Minimum Needed To Achieve These Aims, It Intends To Promote The Authority And Security Of The Ruling System.

But The Flip Side Is That After 15 Years, Iran Would Be Allowed To Produce Reactor-Grade Fuel On An Industrial Scale Using Far More Advanced Centrifuges. That May Mean That The Warning Time If Iran Decided To Race For A Bomb Would Shrink To Weeks, According To A Recent Interview With Robert J. Einhorn A Former Member Of The American Negotiating Team. (Einhorn, 2015)

Iran Will Be Able To Produce Nuclear Weapons After 15 Years Of The Negotiation And That For The Iaea And The P5 +1 The Time Frame Is Small To Prevent Iran From Developing A Nuclear Weapon.

In A Letter To Representative Jerrold Nadler, A Democrat From New York, President Obama Detailed The Expanded Military Support He Has Offered Israel And Reaffirmed That The United States Retains The Option To Use Economic Sanctions And Even Military Force Should Iran Break Out Of Its Agreement. (Sanger G. , 2015)

Robert J. Einhorn Has Said “The Way To Address Challenges Not Covered By The Agreement Is To Supplement It, Not Renegotiate It”. (Einhorn, 2015)

Conclusively, There Is Possibility That A War Might Occur On The Basis That The Agreement Made Might Be To The Advantage Of The Iran Which Would Give The Iran Government The Opportunity To Produce More Weapons Since The Sanctions Have Been Lifted And This Is Confirmed In The Words Of Benjamin Netanyahu When He Stated That “Without An Appropriate Reaction To Every Violation, Iran Will Realize It Can Continue To Develop Nuclear Weapons, Destabilise The Region And Spread Terror. (Trade, 2016)

Also President Rouhani Khamenei Is Highly Skeptical Because He Considers That Us Hostility To Iran Is Immutable. In A Speech To Mark National Nuclear Technology Day In April, He Said That,

‘The Activities Of The Islamic Republic In The Area Of Nuclear Research And Development Will Not Stop In Any Way. None Of The Nuclear Achievements Of The Country Can Be Given Up.’ (Khamenei R. , 2014)

Furthermore, In Its January 2014 Worldwide Threat Assessment The Us Intelligence Community Judged That: “Iran Has Made Technical Progress [...] From Which It Could Draw If It Decided To Build Missile-Deliverable Nuclear Weapons. These Technical Advances Strengthen Our Assessment That Iran Has The Scientific, Technical And Industrial Capacity To Eventually Produce Nuclear Weapons. This Makes The Central Issue Its Political Will To Do So. [...] We Do Not Know If Iran Will Eventually Decide To Build Nuclear Weapons”. (Clapper, 2014)

The Us Republic House Speaker Paul Ryan Commented That, The Obama Administration Had Moved To Lift Economic Sanctions On The World’s Leading State Sponsor Of Terrorism (Einhorn, 2015). Preceding The Fact That The Economic Sanctions Have Been Removed This Would Give The Iran Government Access To Technological Resources Which By This Means Strengthen And Bring About A Growth In The Nuclear Weapon Production In Iran Thus Leading To A War.

Summary, Conclusion And Recommendations

5.1 Summary

This Research Examines The International Legal Framework Of Nuclear Energy Using Iran As A Case Study. The Issue Of Nuclear Energy In Iran Started In August 2002, When The National Council Of Resistance On Iran (Ncrist), An Iranian Exile Group, Revealed Information During A Press Conference (Which Later Proved To Be True) That Tehran Had Built Nuclear- Related Facilities That It Had Not Revealed To The Iaea. In Fall 2002, The Iaea Began To Investigate Iran’s Nuclear Activities, After Much Investigation The Iaea Found Out On September 24, 2005 That The Iran Government Had Been Non-Compliant With The Npt And The Iaea Additional Protocol. However, Iaea Did Not Refer Iran To The Security Council, Instead Chose To Give Tehran Additional Time To Comply With The Boards Demand. The Resolution Urged Iran To Implement Transparency Measures Including Access To Individuals, Documentation Relating To Procurement, Dual Use Equipment, Certain Military Owned Workshops, And Research And Development Locations, To Re- Establish Full And Sustained Suspension Of All Enrichment Related Activity, To Reconsider The Construction Of The Research Reactor Moderated By Heavy Water, To Ratify Promptly And Implement In Full The Additional Protocol, And To Continue To Act In Accordance With The Provisions Of The Additional Protocol. But In 2006, Iran Announced That It Would Resume Research And Development On Its Centrifuge At Natanz. The Next Month, The Iaea Board Of Governors Referred Iran’s Case To The Un Security Council. Shortly, After That She Announced That It Would Stop Implementing The Additional Protocol. Iran’s Nuclear Energy Program Had Created Concerns In The International Community Which Led To The International Response Of The Legal Framework Non- Proliferation Treaty And The International Atomic Energy Agency (Iaea). Iran Became A Center Point For The Development Of Nuclear Energy Because Of Its Non- Compliance With The Iaea And Various Means Of Withdrawing Her From The Production Of Nuclear Weapons And Facilities.

This Led To Various Agreements Such As The ‘E3’ Agreement With France, Germany, And The United Kingdom That Iran Would Suspend Its Enrichment Activities, Sign And Implement An Additional Protocol To The Iaea Safeguards Agreement. Furthermore, The United Nations Had Become Interested In The Matter Because The Iaea Had Adopted A Resolution To Report The Matter To The Security Council, This Led To Different Resolutions Adopted By The Security Council Concerning Iran’s Nuclear Program.

In Addition, After The Adoption Of The Resolutions, Iran And Six Powers Negotiated About Her Nuclear Program Collectively Known As P5+1 And This Agreement Was Finalized And Called The Joint Comprehensive Plan Of Action (Jcpoa). The Jcpoa Created A Timeline For The Nuclear Deal That Was Negotiated. It Consists Of The Finalization Day, Adoption Day, Implementation Day, Transition Day, And The Unscr Termination Day.

5.2 Conclusion

This Work Focuses On The International Legal Framework Of Nuclear Energy Using Iran As A Case Study. The Legal Body Created Which Includes The Non- Proliferation Treaty And The International Atomic Energy Agency For The Purpose Of This Study Constitutes General Proliferation Principles And The Role Of

Nuclear Technology In Modern Societies. The Purpose Of The Iaea According To Its Statute Is “To Accelerate And Enlarge Contribution Of Atomic Energy To Peace, Health And Prosperity”. Therefore, The Provision And Measures Under The Npt And Iaea Is Effective, This Is Seen In Their Effort To Curb The Iran’s Nuclear Energy Program Through Negotiations, Sanctions And Diplomacy.

Also, The Jcpoa Represents The Most Effective Means To Ensure That Iran Cannot Obtain A Nuclear Weapon And That All U.S. Options To Prevent Iran From Developing A Nuclear Weapon Would Remain Available Even After The Key Nuclear Restrictions Of The Jcpoa Expire. The Jcpoa Contains Provisions For U.N. Sanctions To Be Re- Imposed If Iran Is Found Not In Compliance With Its Requirements.

The International Legal Framework Of Nuclear Energy Establishes An International Authority Which Would Control All Nuclear Materials Worldwide. This Is To Regulate And Conduct The Activities Of The Production Of Nuclear Energy For Peaceful Purposes. It Also Shows That All Parties To The Npt And Iaea Are Subject To The Provisions Made In These Treaties. The International System Consists Of Sovereign States That Have The Autonomy To Act Without Supervision But Restrained Under The United Nations Charter, Treaties And Agreement Which States Are A Party, It Is Evident That Under The International Legal Framework Of Nuclear Energy States Party To This Treaty Are Limited And Restrained To Act Arbitrarily.

The International Legal Framework Of Nuclear Energy Is To Prevent The Diversion Of Peaceful Nuclear Materials Into Non- Peaceful Uses, Therefore All Party To The Agreements, Instruments, Bodies And Corporation Arrangements Established Should Uphold This Objective.

The Use Of Sanctions On States Who Refuse To Comply With The Provisions Of The Treaties They Are Party To, As In The Case Of Iran (Sanctions Laid By The United Nations, United States And European Union) Have Proved To Be Effective Because Iran Succumbed Through Negotiations After These Sanctions Had Adverse Effect On Her Economy.

In Conclusion, The Nuclear Deal Made Between Iran, The Iaea And The P5+1 Demonstrates The Actions Of This Legal Body, States Towards Iran Nuclear Energy Program Is A Means To An End In Achieving Safety And Security.

5.3 Recommendations

Under The International System, Iran Is Still Recognized As A Sovereign State With A Potential To Continue Her Nuclear Energy Program Despite The Odds To Curb Her Activities. In The Light Of This, This Research Shall Recommend The Following, They Include:

1. Iran Should Be Left To Fully Comply In Her Exchange For Superseding Benefits Of A Transformed Strategic Architecture, Regionally And Beyond (Brosh, 2015). This Is Saying That With A Time Line Of The Jcpoa, Iran Should Be Left To Comply With The Nuclear Deal And Fulfill All Her Obligations Since It Has A Positive Effect On Her Economy.
2. There Should Be Clarity On The Interpretation Of The Npt Agreement So That Non-Nuclear Weapon States Do Not Use This Treaty To The Detriment Of The Nuclear Weapon States As In The Case Of Iran.
3. The Provisions And Measures That Have Been Put In Place For The Legal System Of Nuclear Energy Are Effective. All States Should Take It As A Duty To Comply With The Provisions And Measures Of The Treaty.
4. The Npt Has Been Criticized For Its Discriminatory Nature Because The Burden Of The Npt In Reality Falls Heavily On Non-Nuclear Weapons States, Therefore This Issue Should Be Addressed To Avoid Discrepancies In The Action Of Nuclear Weapon States Towards Non- Nuclear Weapon States.
5. The Negotiations, Agreement And Nuclear Deal Made Between Iran, The Iaea And The P5+1 Does Not Stop Iran From Still Pursuing Her Nuclear Energy Program Which She Still Wants To Achieve As She Is A Sovereign State, Therefore, A More Comprehensive Track Report, A More Balanced Security Check Should Be Put In Place For Iran To Fully Comply With The Deal To Avoid An Outbreak Of War.
6. All International Relations With Iran Should Not Be Subject To The Matter Of Her Nuclear Energy Program But Rather Should Touch On Other Aspects Such As Health Sector, Educational Sector, Industrial Sector, Environmental Sector That She May Quickly Recover From The Effect Of The Sanctions Laid On Her.
7. Iran As A State Is Not The Only One With The Production Of Nuclear Energy For Her Economy, Therefore, The Activities Of All Parties To The International Legal Framework Of Nuclear Energy Should Be Reviewed Occasionally To Avoid Non-Transparency And Non- Compliance As In The Case Of Iran.
8. The Nuclear Non- Proliferation Treaty Was Established As Result Of The Belief That Nuclear Proliferation Poses A Fundamental Threat To International Threat And Security, Therefore, The Activities Of All State Party To This Treaty Should Uphold This Purpose.
9. Nuclear Energy Poses Special Risks To Health, Safety Of Persons And To The Environment When Mishandled As In The Case Of Hiroshima And Nagasaki Bombings In 1945, As Well As Significant Benefits In A Variety Of Fields From Medicine, Agriculture, Electricity Production And Industry, With These In

Mind, Nuclear Energy Should Continue To Be Under A Strict Supervision To Avoid And Arbitrary Use By The Super Powers Against Other States Such As Threat Or Force, As The United States Of America, Russia Is Liable To Do As In The Case Of Syria.

BIBLIOGRAPHY

- [1] Articles/ JournalsCousineau, H. M. (1994). The Nuclear Non Proliferation Treaty And Global Non Proliferation
- [2] Cousineau, H. M. (1994). Boston University International Law Journal, 37, 411.
- [3] Cousineau, H. M. (1994). The Nuclear Non- Proliferation Treaty And Global Non- Proliferation
- [4] Firmage, E. B. (2006). The Treaty On Non- Proliferation Of Nuclear Weapons. American Journal Of International Law, 63.
- [5] Firmage, E. B. (1969). The Treaty On The Nonproliferation Of Nuclear Weapons. 63 American Journal Of International Law, 711, 713.
- [6] Hirsch, T. (2004). The Additional Protocol: What It Is And Why It Matters. The Nonproliferation Review, 140, 143.
- [7] Jonas, D. S. (2005). Variations On Non-Nuclear: May The “Final Four” Join The Nuclear Nonproliferation Treaty As Non- Nuclear Weapon States While Retaining Their Nuclear Weapons? Michigan Law State Review, 417, 418.
- [8] Regime: A Us Policy Agenda. Boston University International Law Journal, 407, 408
- [9] Regime: A Us Policy Agenda. Boston University International Law Journal, 714.
- [10] Petras, M. C. (2002). Space Force Alpha: Military Use Of Internationall Space Station And The Concept Of Peaceful Purposes. Air Force Law Review, 135, 139.
- [11] Wulf, N. A. (1986). Npt Review Conference: A Measure Of Succes. Winconsin International Law Journal, 57, 58.
- [12] Internet Sources
- [13] (2006,May12).Retrievedfromhttp://Www.Iaea.Org/Publications/Factsheets/English/Sg_Overview.Html>
- [14] Ai Hosseini Khamenei Saddam Hussein. (2014, January 14). Iran: Nuclear History. Retrieved October 23, 2015, From Jewish Library Website: Jewishvirtuallibrary.Org
- [15] Amano, Y. (2016). Iaea Director General Statement On Iran. Agency, I. A. (2003, October 21). Statement By The Iranian Government And Visiting Eu Foreign Ministers . Retrieved April 1, 2016, From Iaea: [Http://Www.Iaea.Org/Newscenter/Focus/Iaeairan/Statement_Iran21102003.Shtml](http://Www.Iaea.Org/Newscenter/Focus/Iaeairan/Statement_Iran21102003.Shtml).
- [16] Botelho, G. (N.D.). Iran Nuclear Deal Full Of Complex Issues And Moving Parts. Retrieved January 16, 2016, From [Http://Www.Edition.Cnn.Com](http://Www.Edition.Cnn.Com)
- [17] Brosh, O. (2015, September 9). The Problem With The Iran Nuclear Deal: Its Not That Iran Will Violate It But That Iran Will Comply. Retrieved January 16, 2016, From Fpri.Org.
- [18] Challenges In Nuclear Verification: The Iaea's Role On The Iranian Nuclear Issue. (2015, October 31). Retrieved March 11, 2016, From Iaeae.Org.
- [19] Clapper, J. (2014, January 29). Worldwide Threat Assessment Of The Us Intelligence Community. Retrieved March 30, 2016, From Senate Select Committee On Intelligence: [Http://Online.Wsj.Com/Public/Resources/Document](http://Online.Wsj.Com/Public/Resources/Document)
- [20] Einstein, A. (2014, April 23). What Is Nuclear Energy. Retrieved November 2015, From Nuclearenergy.Net
- [21] Elbaradei, I. D. (2005, February 4). Tackling The Nuclear Dilemma.
- [22] Further Analysis Available The Most Recent Imf Survey. (2014, April 4). Retrieved November 28, 2015, From ‘Iran Presses Ahead With Economic Reform: [Http://Www.Imf.Org/External/Pubs/Ft/Survey/So/2014/Car040414a.Htm](http://Www.Imf.Org/External/Pubs/Ft/Survey/So/2014/Car040414a.Htm)
- [23] Farhi, F. (2014, June 27). Lobelog.Com. Retrieved From ‘Rouhani’s First Year: [Http://Www.Lobelog.Com/Iran-Rouhanis-First-Year](http://Www.Lobelog.Com/Iran-Rouhanis-First-Year)
- [24] Hanna, J. (2016). Iaea Announcement Expected On Iranian Compliance With Nuclear Agreement. Retrieved January 16, 2016, From [Http://Www.Edition.Cnn.Com](http://Www.Edition.Cnn.Com)
- [25] Hamilton, A. L. (2016, January 20). United States And European Union Ease Trade Sanctions Against Iran Pursuant To Nuclear Agreement . Retrieved March 31, 2016
- [26] Henry, D. (2016, January 20). United States And European Union Ease Trade Sanctions Against Iran Pursuant To Nuclear Agreement . Retrieved March 31, 2016
- [27] Iran, S. K. (2016, January 16). Sanctions Against Iran Lifted After Compliance With Nuclear Deal. Retrieved February 4, 2016, From Theguardian.Com.
- [28] Iaea. (2003). Retrieved From Iaea Website: [Http://Www.Iaea.Org/Publications/Documents/Board/2003/Gov2003-75.Pdf](http://Www.Iaea.Org/Publications/Documents/Board/2003/Gov2003-75.Pdf).

- [29] Iaea. (2006). Retrieved January 2016, From Iaea Website: [Http://Www.Iaea.Org/Publications/Documents/Board/2006/Gov2006-14.Pdf](http://www.iaea.org/Publications/Documents/Board/2006/Gov2006-14.Pdf).
- [30] Iaea Additional Protocol. (2006, February). Retrieved 2016, From [Http://Www.Iaea.Org/Publications/Documents/Infcircs/1997/Infcirc540c.Pdf](http://www.iaea.org/Publications/Documents/Infcircs/1997/Infcirc540c.Pdf).
- [31] Iaea. (2003). Retrieved From Iaea Website: [Http://Www.Iaea.Org/Publications/Documents/Board/2003/Gov2003-75.Pdf](http://www.iaea.org/Publications/Documents/Board/2003/Gov2003-75.Pdf).
- [32] Iaea. (2006). Retrieved January 2016, From Iaea Website: [Http://Www.Iaea.Org/Publications/Documents/Board/2006/Gov2006-14.Pdf](http://www.iaea.org/Publications/Documents/Board/2006/Gov2006-14.Pdf).
- [33] Iaea Additional Protocol. (2006, February). Retrieved 2016, From [Http://Www.Iaea.Org/Publications/Documents/Infcircs/1997/Infcirc540c.Pdf](http://www.iaea.org/Publications/Documents/Infcircs/1997/Infcirc540c.Pdf).
- [34] Iaea Director General. (2006). Implementation Of The Npt Safeguards Agreement In The Islamic Republic Of Iran.
- [35] Iaea Director General. (2008). Implementation Of The Npt Safeguards Agreement And Relevant Provisions Of Security Council.
- [36] Iaea Director General. (2009). Implementation Of The Npt Safeguards Agreement And Relevant Provisions Of Security Council.
- [37] Iaea Director General. (2010). Implementation Of The Npt Safeguards Agreement In Relevant Provisions Of Security Council Resolutions In Islamic Republic Of Iran.
- [38] Iaea Director General's Statement On Iran. (N.D.). Retrieved January 16, 2016, From Iaea Website: [Iaea.Org](http://www.iaea.org)
- [39] Iaea Safeguard Glossary. (2001). Retrieved January 20, 2016, From [Http://Www.Iaea.Org/Publications/Documents/Infcircs153.Pdf](http://www.iaea.org/Publications/Documents/Infcircs153.Pdf)
- [40] Iaea Safeguards Glossary. (2001). Retrieved From [Http://Www.Iaea.Org/Ourwork/Sg/Documents/Safeg_System.Pdf](http://www.iaea.org/Ourwork/Sg/Documents/Safeg_System.Pdf).
- [41] Iaea. (2003, November 26). Implementation Of The Npt Safeguards Agreement In The Islamic Republic Of Iran: Resolution Adopted By The Board . Retrieved April 1, 2016, From Iaea Doc. Gov/2003/81: [Http://Www.Iaea.Org/Publications/Documents/Board/2003/Gov2003](http://www.iaea.org/Publications/Documents/Board/2003/Gov2003)
- [42] Iaea. (2003, November 10). Implementation Of The Npt Safeguards Agreement In The Islamic Republic Of Iran. Retrieved April 1, 2016, From Iaea Doc. Gov/2003/75 : [Http://Www.Iaea.Org/Publications/Documents/Board/2003/Gov2003-75.Pdf](http://www.iaea.org/Publications/Documents/Board/2003/Gov2003-75.Pdf)
- [43] Iaea. (2006, (March 8). Report On Iran's Nuclear Programme Sent To U.N. Security Council . Retrieved April 1, 2016, From Iaea, : [Http://Www.Iaea.Org/Newscenter/News/2006/Bog080306.Html](http://www.iaea.org/Newscenter/News/2006/Bog080306.Html)
- [44] Iaea. (2011, November 8). Implementation Of The Npt Safeguards Agreement And Relevant Provisions Of Security Council Resolutions In The Islamic Republic Of Iran, Rep. Of Dir. Gen. Retrieved April 1, 2016, From Iaea Doc. Gov/2011/65: [Http://Www.Iaea.Org/Publications/Documents/Board/2011/](http://www.iaea.org/Publications/Documents/Board/2011/)
- [45] Iran Profile . (N.D.). Nuclear Threat Initiative. Retrieved January 20, 2016, From [Http://Www.Nti.Org/E_Research/Profile/1825_1826.Html](http://www.nti.org/E_Research/Profile/1825_1826.Html).
- [46] Iran, S. K. (N.D.). Sanctions Against Iran Lifted After Compliance With Nuclear Deal. Retrieved January 16, 2016, From The Guardian: [Http://Theguardian.Com](http://theguardian.com)
- [47] Joyner, D. H. (2013). Iran's Nuclear Program And International Law. Penn State Journal Of Law And International Affairs, 287.
- [48] Khamenei, R. (2014, April 16). Khamenei's Red Lines On Nuclear Talks. Retrieved November 28, 2016, From The Iran Primer, United States Institute Of Peace: [Http://Iranprimer.Usip.Org/Blog/2014/Apr/16/Khamenei's-Red-Lines-Nuclear-Talks](http://iranprimer.usip.org/blog/2014/apr/16/khamenei-s-red-lines-nuclear-talks)
- [49] Khamenei, S. A. (2014, July 7). The Office Of The Supreme Leader . Retrieved March 30, 2016, From Supreme Leader's Speech In Meeting With Government Officials: [Http://Www.Leader.Ir/Langs/En/Index.Php?P=Contentshow&Id=12087](http://www.leader.ir/Langs/En/Index.Php?P=Contentshow&Id=12087)
- [50] Klein, K. V. (2012, January 13). Who Assassinated An Iranian Nuclear Scientist? Israel Isn't Telling . Retrieved April 1, 2016, From Time: [Http://Www.Time.Com/Time/World/Article/0,8599,2104372,00.Html](http://www.time.com/Time/World/Article/0,8599,2104372,00.Html).
- [51] Levine, D. J. (2016, January 20). United States And European Union Ease Trade Sanctions Against Iran Pursuant To Nuclear Agreement . Retrieved March 31, 2016
- [52] Limbert, J. (2014, April 22). Tehran And Washington: Back From The Abyss Of Futility'. Retrieved November 28, 2015, From Muftah.Org : John Limbert, 'Tehran And Washington: Back From The Abyss Of Futility', Mufta [Http://Muftah.Org/Tehran-Washington-Back- Abyss-Futility/#.Vartrmvdxcw](http://muftah.org/Tehran-Washington-Back-Abyss-Futility/#.Vartrmvdxcw).
- [53] Melvin, D. (N.D.). Iran Nuclear Deal: What Happens Next. Retrieved January 16, 2016, From [Http://Www.Edition.Cnn.Com](http://www.edition.cnn.com)
- [54] [Http://Www.Edition.Cnn.Com](http://www.edition.cnn.com)

- [55] Paretzky, R. (2016, January 20). Retrieved March 31, 2016
- [56] Perkovich, G. (2006). The End Of The Non- Proliferation Regime? Retrieved January 20, 2016, From [Http://Www.Carnegieendowment.Org/Files/Perkovich_Current_History.Pdf](http://www.Carnegieendowment.Org/Files/Perkovich_Current_History.Pdf).
- [57] Retrieved From [Http://Www.Iaea.Org/Publications/Documents/Infcircs/Others/Infcirc214.Pdf](http://www.Iaea.Org/Publications/Documents/Infcircs/Others/Infcirc214.Pdf)
- [58] Retrieved From [Http://Www.Iaea.Org/Publications/Documents/Infcircs/Others/Infcirc153.Pdf](http://www.Iaea.Org/Publications/Documents/Infcircs/Others/Infcirc153.Pdf)
- [59] Retrieved From [Http://Www.Cfr.Org/India/Agreement-Cooperation-Between-Government-United-States-America-Government-India-Concerning-Peaceful-Uses-Nuclear-Energy-123-Agreement/P15459](http://www.Cfr.Org/India/Agreement-Cooperation-Between-Government-United-States-America-Government-India-Concerning-Peaceful-Uses-Nuclear-Energy-123-Agreement/P15459)
- [60] Retrieved From [Http://Www.Iaea.Org/Publications/Documents/Infcircs/Others/Infcirc214.Pdf](http://www.Iaea.Org/Publications/Documents/Infcircs/Others/Infcirc214.Pdf)
- [61] Retrieved From [Http://Www.Iaea.Org/Publications/Documents/Infcircs/Others/Infcirc153.Pdf](http://www.Iaea.Org/Publications/Documents/Infcircs/Others/Infcirc153.Pdf)
- [62] Retrieved From [Http://Www.Cfr.Org/India/Agreement-Cooperation-Between-Government-United-States-America-Government-India-Concerning-Peaceful-Uses-Nuclear-Energy-123-Agreement/P15459](http://www.Cfr.Org/India/Agreement-Cooperation-Between-Government-United-States-America-Government-India-Concerning-Peaceful-Uses-Nuclear-Energy-123-Agreement/P15459)
- [63] Samore, G. (2005). Iran's Strategic Weapons Programme: A Net Assessment.
- [64] Sanger, D. E. (2012, June 1). Obama Order Sped Up Wave Of Cyberattacks Against Iran. Retrieved April 1, 2016, From N.Y. Times : David E. San [Http://Www.Nytimes.Com/2012/06/01/World/Middleeast/Obama-Ordered-Wave-Of-Cyberattacks-Against-Iran.Html](http://www.Nytimes.Com/2012/06/01/World/Middleeast/Obama-Ordered-Wave-Of-Cyberattacks-Against-Iran.Html).
- [65] State, U. D. (2014, May 16). Retrieved March 30, 2016, From Background Briefing On P5+1 Talks: [Http://Www.State.Gov/R/Pa/Prs/Ps/2014/05/226252.Htm](http://www.State.Gov/R/Pa/Prs/Ps/2014/05/226252.Htm)
- [66] Swaine, J. (2012, March 2). Barack Obama: I'm Not Bluffing On Military Action Against Iran. Retrieved April 1, 2016, From Telegraph: [Http://Articles.Latimes.Com/2005/Aug/14/World/Fg-Iran14](http://Articles.Latimes.Com/2005/Aug/14/World/Fg-Iran14)
- [67] Trade, R. (2016, February 12). The Easing Of Iranian Trade Sanctions And What It Means For U.S Business. Retrieved March 28, 2016, From Roanoketrade.Com: Roanoketrade.Com
- [68] United Nations. (1945). Retrieved From United Nations Website: [Http://Www.Un.Org/Aboutun/Charter/](http://www.Un.Org/Aboutun/Charter/).
- [69] Published Books
- [70] Agency, U. S. (1975). Arms Control And Disarmament Agreements: Texts And History Of Negotiations., (P. 80).
- [71] Boutros-Ghali, B. (1995). The United Nations And Nuclear Non- Proliferation.
- [72] Baradei, M. E. (2006). Implementation Of Npt Safeguards Agreement In The Islamic Republic Of Iran.
- [73] Institute, S. I. (1980). The Npt: The Main Polical Barrier To Nuclear Weapon Proliferation
- [74] Institute, S. I. (1980). The Npt: The Main Political Barrier To Nuclear Weapon Proliferation .
- [75] Johnson, R. (2005). The Npt Conference In Crisis: Risks And Opportunities Disarmanent Diplomacy.
- [76] Kerr, D. K. (2005). The 1997 Iaea Additional Protocol At A Glance. Arms Control Association.
- [77] Macpherson, M. (2006). The International Legal Implications Of Iran's Nuclear Programme.
- [78] Mearsheimer, J. (2005). Anarchy And The Struggle For Power. In R. C. Jervis, International Politics: Enduring Concepts And Contemporary Issues (Seventh Edition Ed.). New York.
- [79] Zak, C. (2002). Iran's Nuclear Policy And The Iaea: An Evaluation Of Program 93+2. Washington Institute .
- [80] Other Sources Auburn, F. M. (1982). Antarctic Law And Politics.Elbaradei, I. D. (2005, February 4). Tackling The Nuclear Dilemma
- [81] Gray, C. (2004). International Law And The Use Of Force.
- [82] Goldblat, J. (1985). Non- Proliferation: The Why And The Wherefore.
- [83] Joseph Cirincione, J. W. (2005). Deadly Arsenals: Nuclear Biological And Chemical Threats.
- [84] U.N.S.C. (2001, July 31). S.C. Res. U.N. Doc. S/Res/1696.
- [85] U.N.S.C Resolution, 1737(2006), 1747(2007), 1929(2010), 1803 (2008), 1969 (2006), 1835(2008), 2224(2015), 2231, Gov/2005/77, Gov/2003/75

Eze-Michael, Ezedikachi. N. "Examining The International Legal Framework Of Nuclear Energy: Iran As A Case Study." IOSR Journal Of Humanities And Social Science (IOSR- JHSS) 22.7 (2017): 61-82.