

MEMMO

Oct. 17, 2013

Iran Has No 'Inalienable' Right to Uranium Enrichment

In the run-up to the P5+1 nuclear talks with Tehran this week, Iranian leaders asserted an “inalienable” right to enrich uranium. In reality, as U.S. Undersecretary of State Wendy Sherman has clearly asserted, the Nuclear Nonproliferation Treaty (NPT) does not speak about the right of enrichment. Even if there were such a right, Iran’s extensive decades-long violations of the NPT would have negated it. The international community has spoken explicitly to that issue through United Nations Security Council (UNSC) resolutions directing Iran to suspend enrichment. These resolutions constitute the highest form of international law. Tehran must comply forthwith and halt all of its illicit nuclear activities. Instead, Iran has the uncontested ability, utilized by many other countries, to pursue peaceful nuclear energy without domestic enrichment.

The NPT does not speak to the issue of a right to enrich uranium.

- The NPT grants no explicit right to enrichment. Instead, it grants the “inalienable right 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 II of the treaty states clearly that non-nuclear states must not “manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices.” The United States has long maintained that “manufacture” refers to all nuclear related development, component fabrication, and testing.
- Undersecretary of State Wendy Sherman told a Senate committee on Oct. 3 that the United States has always believed “that article IV of the Nuclear Nonproliferation Treaty does not speak about the right of enrichment at all [and] doesn’t speak to enrichment, period. ... So we do not believe there is an inherent right by anyone to enrichment.”
- More than 15 nations that produce nuclear energy, including Canada, Mexico and Switzerland, maintain no domestic enrichment capabilities and purchase their nuclear fuel from other states.



Iranian President Hassan Rouhani has falsely claimed that Tehran has a right to enrichment.

- “The United States has not spoken about a right of Iran to enrich,” said National Security Advisor Susan Rice on Sept. 29. Rather, she said, America believes Iran must fulfill its international obligations in order to become “a good standing member of the NPT” with “a right to the use of peaceful nuclear energy.”

Iran’s enrichment program has repeatedly violated the NPT.

- Under the NPT, Iran cannot manufacture or otherwise acquire nuclear weapons. Yet according to a November 2011 report from the International Atomic Energy Agency (IAEA), Iran violated this commitment by undertaking extensive work that had no civilian purpose, including tests on nuclear triggers and technology used to simulate nuclear explosions.
- Under the NPT, Iran cannot seek or receive any assistance to manufacture nuclear weapons. But Iran confessed to the IAEA in 2004 that it had received substantial assistance to develop key technologies needed to produce nuclear weapons, including from the father of Pakistan’s nuclear weapons program, A.Q. Khan.
- Under the NPT, Iran must provide design information to the IAEA for any new nuclear facilities “as early as possible before nuclear material is introduced.” Iran has repeatedly built secret nuclear facilities – including the enrichment facilities at Natanz and Qom – and only notified the IAEA once their existence was revealed to the press.
- Under the NPT, Iran is required to report the import of nuclear material and place it under IAEA safeguards. In 1991, Iran imported uranium from China without declaring it to the IAEA.
- Under the NPT, Iran must provide the IAEA with information “concerning nuclear material subject to safeguards ... and the features of facilities relevant to safeguarding such material.” Beginning in the early 1990s, Iran acknowledged it carried out uranium conversion experiments without notifying the IAEA or allowing it to monitor them.

The U.N. Security Council has required Iran to suspend all enrichment and reprocessing activity.

- Even if Iran had a right to enrichment, that right has been superseded by six UNSC resolutions that require the regime to suspend all enrichment and reprocessing activity.
- UNSC Resolution 1696 – passed unanimously in July 2006 – requires Iran to “suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA.” Resolutions 1737, 1747, 1803, 1835, and 1929, which passed between 2006 and 2010, repeat this demand.
- As of August 2013, Iran had installed nearly 20,000 centrifuges to enrich uranium, produced more than 21,000 pounds of low enriched uranium, and produced more than 800 pounds of uranium enriched to the 20-percent level.