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# Case Study: Iran, Islam, the NPT, and the Bomb

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# Case Study: Iran, Islam, the NPT, and the Bomb

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*“Many aspects of Iran’s fuel cycle activities and experiments, particularly in the areas of uranium enrichment, uranium conversion and plutonium research, had not been declared to the Agency in accordance with Iran’s obligations under its Safeguards Agreement.”*

--IAEA Director General ElBaradei, September 2005 <sup>1</sup>

*“The Islamic Republic of Iran has never pursued, and will never pursue, the development of weapons of mass destruction. That is because the Islamic system considers itself committed to Islamic values, and considers the use of such weapons as in contravention of Islamic vision and way of life. However, the peaceful use of nuclear energy is the legitimate and legal right of all countries, including the Islamic Republic. The hue and cry created by America and other arrogant powers in this connection is in keeping with their continuous and successive conspiracies against the Islamic system in Iran.”*

--Assembly of Experts, September 2003.<sup>2</sup>

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## Scope Note

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The goals of this case study are:

- To examine the correlation between Iran’s nuclear program and clerical statements
- To evaluate the importance of these statements
- To understand the relationship between policy and *fatwas* (Islamic decrees)
- To address the issue of a “nuclear fatwa”
- To examine how, if at all, *Sharia* (Islamic law)<sup>3</sup> has influenced Iran’s actions or inactions with respect to the Non-Proliferation Treaty (NPT), the International Atomic Energy Agency (IAEA), and Iran’s adherence to its IAEA Safeguards Agreements and the Additional Protocol.

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<sup>1</sup> [www.iaea.org/Publications/Documents/Board/2005/gov/2005-67.pdf](http://www.iaea.org/Publications/Documents/Board/2005/gov/2005-67.pdf).

<sup>2</sup> “Assembly of Experts Says Iran Will Never Pursue Development of WMD.” IAP20030909000124 Tehran *Iranian Students News Agency* in Persian 09 Sept 03

<sup>3</sup> Because the vocabulary of Islam is often misunderstood, Annex 1 provides a list of terms and persons that are mentioned several times throughout the following work.

## **Key Judgments:**

- After the National Council of Resistance of Iran disclosed sites involved in Iran's clandestine nuclear program, the religious rhetoric changed from clerics claiming rights to nuclear weapons to an adamant denial that nuclear weapons have a place in Islamic societies.
- The existence of a rumored "nuclear fatwa" is still unresolved. No text has been found of a fatwa from Iran claiming that use or development of nuclear weapons is allowed or not.
- Fatwas both drive policy and are driven by it, and thus must be studied and put into historical and political context.
- Iran's justifications for its actions within the NPT are laced with theological rhetoric. Theological justification is used to solidify Iran's understanding of the NPT, in that they are entitled to peaceful uses of nuclear energy. The rhetoric used by outspoken clerics on this issue is in line with the rhetoric used by political leaders.

## **Introduction**

The Islamic Republic of Iran (hereinafter Iran) is one of two theocracies in the world, the second being Vatican City. Iran's government derives its constitutional, moral, and political legitimacy from Islam. As a result of this theocratic culture, rules are set and interpreted with a much different calibrator than that of the Western world. Islam affects all aspects of Iranian life. This is further complicated by the fact that Islam is not a nationalistic faith, in that many people all over the world believe in and adhere to Islamic principles. As a result, a political system that derives much of its fervor from being nationalistic is caught between two worlds, one within the land boundaries of Iran and the other within a faith that transcends boundaries. Thus, any understanding of Islamic law must first be understood within this delicate balance of nationalism and transcendence.

Iran has found itself on the international stage concerning its nuclear program. Because Iran is a theocratic state, it is imperative to examine its political moves, speeches, rights, and obligations through the lens of Islam. This study will examine how Islam plays a role in Iran's dealing with the International Atomic Energy Agency (IAEA), its understanding of the Nuclear Non-Proliferation Treaty (NPT), including parties' obligations under Safeguards Agreements and the Additional Protocol, and also provide a recommendation on how to move forward in dealings with Iran based in part on an understanding of Islamic principles.

## **There is evident correlation between events in Iran's nuclear program and clerical statements concerning the program**

### *Conclusion*

Analysis of speeches delivered by Iranian clerics suggests that they used Islam both to justify sensitive nuclear activities before they were discovered and to assure the international community that they were peaceful after they were discovered. This apparent inconsistency

may imply that after the clandestine nuclear program was discovered, Iranian clerics molded their interpretation of what Islam says about weaponry to assuage the fears of the international community.

### *Analysis*

The views of influential Iranian clerics on the subject of developing, possessing and using nuclear weapons are unclear at best. Because there are so many clerics, and so many opinions on the matter, there is not and will never be a consensus on what “Islam” says about the use/development of nuclear weapons. As a result, the most convenient voice often wins out, and there is an evident correlation between what clerics were saying and what was happening on the world stage in regards to Iran’s nuclear program.

In 2002, a group of Iranian exiles alleged that Tehran was engaged in secret nuclear projects, including construction of a large underground nuclear fuel plant at Natanz and a heavy water production plant at Arak. As the existence of these and other previously undisclosed facilities and nuclear materials was confirmed during 2003, revealing clear breaches of Iran’s NPT safeguards obligations, there was an explicit shift in what clerics were saying about the use and development of nuclear weapons compared with what had been said before the clandestine program was detected. Annex 2 presents a detailed timeline of known Iranian enrichment activities and quotes from leading Iranian clerics on what Islam (through scholars, muftis and clerics) says about nuclear weapons.

Before the public disclosure of the formerly secret nuclear activities, statements by senior Iranian leadership had prompted concern about Iranian nuclear ambitions and intentions.

- Then-President Khamenei (now Supreme Leader) stated in February 1987 to the Atomic Energy Organization of Iran (here within AEOL) staff: “Every step you take here is in defense of your country and your revolution. With this in mind, you should work hard and at great speed.”<sup>4</sup> This is quite different rhetoric than what Khamenei says today about nuclear development.
- Majles Speaker Rafsanjani was quoted in 1988 saying, “We should fully equip ourselves both in the offensive and defensive use of chemical, bacteriological and radiological weapons. From now on, you should make use of the opportunity to perform this task.”<sup>5</sup> To be fair to historical context, 1988 was the end of the Iraq-Iran war in which many chemical weapons were used against Iranians. Nonetheless politically and religiously influential men made these statements.
- In 1991, Assembly of Experts Speaker Meshkini-Qomi was quoted claiming, “Islam does not allow the making of destructive, murderous weapons. But if others do such a thing, if others disobey God and make such instruments, then God allows [Muslims] to make

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<sup>4</sup> “*Iran's long march to nuclear weapons*” 10/6/2004 can be found at:  
[http://www.worldtribune.com/worldtribune/WTARC/2004/wtt\\_10\\_06.html](http://www.worldtribune.com/worldtribune/WTARC/2004/wtt_10_06.html)

<sup>5</sup> Published public statements provided by LLNL (Miller, Carson) 10/6/1998

comparable things in response for the sake of defense.”<sup>6</sup> In 1991 Iran also, according to IAEA reports, imported natural uranium and entered into contracts with a foreign company to begin construction on a large-scale conversion facility at Esfahan. This raises the obvious question of whether or not the Islamic leaders were trying to mold their rhetoric to fit their actions.

For more quotes and explanation of clandestine nuclear activities please see Annex 2.

After 2002, when previously undeclared aspects of the Iranian nuclear program were revealed, rhetoric from Islamic leaders considering this issue changed dramatically. There was no longer any talk of obtaining a nuclear weapon; in fact, leading Iranian Islamic clerics went so far as to berate America and Israel for having such weapons and called upon them to disarm.

- The most interesting change of opinion came from the same Assembly of Experts who in 1991 had said that it was acceptable for Muslims to make “comparable” weapons for defense but now claimed in 2003 that “The Islamic Republic of Iran has never, and will never pursue, the development of weapons of mass destruction. That is because the *Islamic system* considers itself committed to Islamic values, and considers the use of such weapons as in contravention of Islamic vision and way of life.”<sup>7</sup> (Emphasis added).
- The same Khamenei who in 1987 had urged the AEOI to move swiftly in defense of Iran now stated, regarding America’s reliance on nuclear weapons, “This sort of action can only be expected from the American officials. We do not seek to develop nuclear bombs because Islam does not allow us to treat even our enemies in this manner.”<sup>8</sup> If Iran was not seeking a nuclear weapon in 1987 what type of defense was Khamenei urging the AEOI to engage in? Use of words like “defense” and “revolution” incite military dimensions.

Also in 2003 the IAEA concluded, “Iran took a number of steps to conceal the origin, source and extent of Iran’s enrichment program.”<sup>9</sup> It seems clear that after the nuclear program’s clandestine activities were discovered, Iranian religious leaders changed their rhetoric to prove that Islam does not sanction nuclear weapons, even though before the program was exposed the clerics seemed to have no qualms about equipping themselves with weapons of mass destruction. There was no theological ruling against such action until after their program was revealed.

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<sup>6</sup> Ibid, 12/6/1991

<sup>7</sup> “Assembly of Experts Says Iran Will Never Pursue Development of WMD.” IAP20030909000124 Tehran *Iranian Students News Agency* *www-Text* in Persian 09 Sept 03

<sup>8</sup> “Iran: Khamene’i Urges Nation To Take Part in Election, Ignore ‘Enemies’ Threats.” IAP20050321000013 Tehran *Vision of the Islamic Republic of Iran Network 1* in Persian 21 Mar 05

<sup>9</sup> “Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran” (Gov/2004/83 para. 27). Can be found at: <http://www.fas.org/nuke/guide/iran/iaea1104.pdf>.

## **How important are statements Issued by Clerics concerning this Issue?**

### *Conclusion:*

The leadership of Iran will choose to follow what type of Shiism it prefers. It will continue to use the works of more conservative, anti-American clerics to bolster national pride and justify its political acts. As detailed in Annex 2, the leadership has use theological rhetoric as a means for promoting such acts. The most important thing for U.S. interests is that reformer clerics be heard and understood.

### *Analysis:*

Clerical statements on the nuclear issue beg questions concerning their importance: How are they to be interpreted? Is there any theological basis for statements that differ so much in opinion?

Islam is broken into two major sects, Shias and Sunnis. Shias make up only 10 percent of Muslims, but 90 percent of the world's Shias live in Iran. This is a significant split and has been the source of much civil, theological and political unrest in the Islamic world. The schism between the two groups stems from the time of the Prophet Mohammed. While the split began over a question of lineage, it is accentuated today by differing theological ideologies. For the sake of brevity and relevance, I will focus solely on the Shia sect.

As a result of being such a dramatic minority, Shias embraced nationalistic pride and resisted colonialism from the beginning. This sense of inferiority also resulted in the need for strong leadership. Shia adherents' main source of information is the interpretations coming from clerics. Thus, the faith is molded and changed from leader to leader. As a result, it is nearly impossible to say what exactly the Shias stand for on issues of nonproliferation, because the Quran, shariah, and the life of the Prophet all are subject to interpretation.

Islamic law, like any law, is a complex set of processes. The basic idea is that shari'ah, literally a road, way, path, or proceeding, is Divine order. Most nature follows this path without a complex thought process needed, but humans, of course, have a more sophisticated understanding of the rule of law and thus must use other tools to interpret shari'ah. This Islamic jurisprudence is called Usul al-Fiqh, literally principles of God's wants. This is the process of determining the divine order and also jurisprudential philosophy and method. The sources of Islamic law for Shias are the Quran, Sunnah, qiyas, and 'aql. These are respectively, the Holy Book, the sayings and actions of the Prophet, analogy and intellect.

The notion of qiyas (analogy) is probably the most pertinent to this study. By using analogy, Muslims have found a way to bring the Quran and Sunnah into the modern world. For example, if the Prophet made a statement against drinking fermented wine, the community of scholars could use this to derive the rule that all fermented beverages are haram, forbidden. This would be especially important to the notion of nuclear weapons in Islam. Since the two main derivatives of Islamic law are Quran and Sunnah, neither of which would mention nuclear

warfare for the obvious reason that such weapons were not developed until 1400 years after the Prophet lived, Muslim jurists are forced to use other sources to conclude their philosophy on nuclear weapons.

As with any faith, leadership is revered in Islam, and especially the Islamic leaders of Iran; however, there are factions of leadership. For example, President Ahmadinejad has aligned himself with more conservative clerics while reformers like Mousavi have aligned themselves with more progressive clerics. Technically, both are right. They can both seek answers to theological and political quandaries from muftis and qadis, and both receive acceptable answers.

The fact remains that the leadership will chose to follow what Shiism it prefers. It will use the works of more conservative, anti-American clerics to bolster national pride and justify its political actions.

The most important thing for US interests is that reformer clerics are heard and understood.

#### *Pakistan and an Islamic Bomb?*

One of the most obvious inconsistencies in the claims issued by Iranian leaders concerning Islam and the bomb is the fact that Pakistan, home to one of the largest Muslim populations in the world, has nuclear weapons. This begs the question about where the line is between nationalism and religion. Can it be that Iranian clerics issue a statement about Islamic rules against a nuclear weapon and yet an Islamic country possesses said weapon? Are the claims Iranian clerics matters solely for Iranian policy or for Islamic policy? While these are questions for another study entirely, they are worthy of consideration.

## **Fatwas and Policy: The Implications**

### *Conclusion*

Fatwas and policy have a symbiotic relationship and have no set order of occurrence. Thus fatwas have been known to both drive policy and explain already existing policy. Fatwas have also transcended national boundaries for faith boundaries; there have been cases of Lebanese people carrying out fatwas issued by Iranians, for example. While there has been much talk about a fatwa banning nuclear weapons, no such fatwa has been discovered.

### *Analysis*

The terrorist attacks on American soil on September 11, 2001 changed the face of the Islamic world. Even though there was no known connection between Iran and the terrorists who brought down the World Trade Center, Muslims were wrongly grouped together as a violent sect, whether they were involved or not. This caused some outcry from the Islamic community to prove that Islam is a peaceful religion and that they should not be judged by the decisions of a fringe group. For better or worse, people all over the world sought information about Islam making words such as “jihad” and “fatwa” common, albeit often misunderstood.



A fatwa is a religious opinion issued by an Islamic scholar concerning Islamic law. Fatwas can range from rulings on mundane day-to-day issues to statements concerning weapons of mass destruction. Fatwas are issued by religious leaders and are often sought after by lay people. Muslims can seek them to clarify anything. People will often “fatwa shop” if they are given an answer they do not like.<sup>10</sup> This laxity concerning how fatwas are sought and how they are interpreted suggests that they are not taken seriously, but this is not always the case. Depending on the audience, fatwas can be incredibly instructional, especially in Shiism where some fatwas are considered binding law.

One of the more famous fatwas was issued against British author Salman Rushdie. Rushdie published a book entitled “The Satanic Verses” in which he exposed certain Qur’anic inconsistencies. Many in the Muslim world felt that Rushdie blasphemously portrayed the Prophet Mohammed. Ayatollah Khomeini issued a fatwa that Rushdie be killed. This fatwa was taken so seriously that it was the catalyst for the United Kingdom (Rushdie’s home) and Iran to split diplomatic ties. There was a failed attempt on Rushdie’s life, proving just how serious fatwas can be taken. It is of note, however, that the man who tried to kill Rushdie was not Iranian; he was Lebanese, thus proving that in some instances fatwas transcend national boundaries for ideological ones.

The Rushdie fatwa is an example of how fatwas can drive policy, as it did so in relations with the United Kingdom. The Rushdie example is not the only way a fatwa works, however. Often times a policy decision will be made and a fatwa will then be sought to explain the decision. Thus, fatwas and policy have a symbiotic relationship and have no set order of occurrence.

#### *A Nuclear Fatwa?*

The issue of a “nuclear fatwa” has come up several times over recent years. Based on articles from various news sources it appears that the fatwa is anti-nuclear weapons. It should be noted that neither a pro- nor anti-nuclear weapons fatwa has been officially released by Iran; however, much mention of the anti-nuclear fatwa has been made, including to the IAEA.

The following are just four headlines that leave us at a loss as to what such a fatwa, if it even exists, actually says:

- ***Nuclear weapons unholy, Iran says Islam forbids use, clerics proclaim***  
San Francisco Chronicle  
Robert Collier, Chronicle Staff Writer, Friday, October 31, 2003

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<sup>10</sup> *Muslim youth 'shop around for fatwas online.'* by Richard Kerbaj on December 29, 2007. Can be found at <http://www.theaustralian.news.com.au/story/0,25197,22982411-5013404,00.html>

- ***Iran: Supreme Leader's Fatwa on banning Nuclear Weapons***  
by Bahman Aghai Diba, PhD International Law - Persian Journal  
Apr 27, 2009
- ***Iranian Fatwa Approves Use of Nukes***  
Indianexpress.com, Feb 20, 2006
- ***Iranian fatwa approves use of nuclear weapons***  
Telegraph (UK) , by Colin Freeman and Philip Sherwell, Washington, 19 Feb 2006

Because we have no actual text of either of these fatwas, there is no means for examination. However, there is a fatwa issued by a Sunni Saudi cleric, Nasir Bin Hamd Al-Fahd<sup>11</sup> that, rather chillingly, explains the responsibility of Muslim nations to develop nuclear weapons and use nuclear weapons on “infidels.” While an Iranian did not issue this, it is still cause for concern. As the Rushdie fatwa issued by an Iranian and attempted to be carried out by a Lebanese man illustrated, fatwas do not always stay within geographical boundaries. Thus, it is not unreasonable to assume at the very least Iranians have seen the Saudi-issued fatwa; whether they have chosen to put stock in it is a matter for speculation.

## **Iran, Sharia, and the NPT**

### *Conclusion*

Iran believes it has every right to nuclear fuel, regardless of past indiscretions. It justifies this right under Article III of the NPT. Islam believes it is necessary to adhere to all treaties the state has signed. Iran claims that the US is the one who is breaching the treaty because of its dealings with India and Israel. Iran also uses theological rhetoric to explain its God-given right to nuclear fuel.

### *Analysis*

It is unclear how Iran feels about international law within an Islamic framework. Based on the following quote by Rafsanjani, one would assume international law is not held in high regard. In 1988 he was quoted saying, “Chemical bombs and biological weapons are poor man’s atomic bombs and can easily be produced. We should at least consider them for our defense.... Although the use of such weapons is inhuman, the War taught us that international laws are only drops of ink on paper.”<sup>12</sup> Outlined below are grievances Iran has claimed with the NPT and with the United States’ supposed breach of the treaty. If the above quote is truly believed, how can we reconcile Iran’s grievances?

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<sup>11</sup> Nasir Bin Hamd Al-Fahd. “A Treatise on the Legal Status of Using Weapons of Mass Destruction against Infidels,” May 2003 (<http://www.carnegieendowment.org/static/npp/fatwa.pdf>).

<sup>12</sup> “Iran’s Nuclear Posture and the Scars of War” Joost R. Hilberman, January 2005. Can be found at: [http://www.merip.org/mero/mero011805.html#\\_ftn16](http://www.merip.org/mero/mero011805.html#_ftn16)

The Islamic term *siyar* means public law that is set to govern relations between Muslim and non-Muslim nations. The Islamic world, especially Iran, is governed by a different set of rules than the secular world, which makes international relations complicated as it begs the question as to which treaties and rules they are subject.

Sura (chapter) 8 verse 72 of the Quran states,

*Surely, those who believed, and emigrated, and strove with their money and their lives in the cause of GOD, as well as those who hosted them and gave them refuge, and supported them, they are allies of one another. As for those who believe, but do not emigrate with you, you do not owe them any support, until they do emigrate. However, if they need your help, as brethren in faith, you shall help them, except against people with whom you have signed a peace treaty. GOD is Seer of everything you do. (8:72)*

Many Muslims use this verse to speak of how highly they adhere to peace treaties. If God is seer of all they do, then they must honor their treaties. It is the United States; Iran claims that is not honoring the NPT. With the above quote by Rafsanjani we once again see inconsistencies in their rhetoric.

As a result of the aforementioned violations outlined by the IAEA, Iran is the current issue on the NPT-regime's table. The reality is that "if North Korea continues to elude significant penalties for its withdrawal and prior noncompliance, Iranian leaders will learn important lessons about what consequences Iran might (or might not) incur by following suit, and how the repercussions might be managed."<sup>13</sup> DRPK's withdrawal should not be a playbook for other states that wish to do the same. In Iran's case, they could use various works by clerics to justify their behavior. The DPRK example is to show that the Iranian issue does not exist in a vacuum; several international players need to be considered in this case.

The controversy now lies in Iran's noncompliance with certain aspects of the NPT. Interestingly, Iran has been much more vocal in its direct criticism of the NPT and has even accused the US of noncompliance. It takes issue with the treaty and its regime. It has continually insisted that it is not seeking to weaponize and that it is bound not to in the name of Islam.

### *Safeguards*

The main controversy surrounding Iran lays in its noncompliance with its IAEA safeguards agreement. The IAEA has issued several reports claiming that Iran is in direct violation of the agreement, while Iran denies these claims. While Iran has been seeking nuclear technology since before its 1979 revolution, the problems have been brought to the world stage within the past ten years.

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<sup>13</sup> "North Korea & the NPT" Wade L. Huntley, May 5, 2005 can be found at: <http://www.fpif.org/fpiftxt/1190>

In a report issued by the Institute for Science and International Security, authors David Albright and Jacqueline Shire conclude that Iran's "initial declarations to the IAEA revealed violations of its safeguards agreements and contained commitments to take corrective actions. At the same time, the AEOI tried to hide a number of past nuclear activities and sites, which the IAEA uncovered during the spring and summer of 2003"<sup>14</sup> These findings of covert programs and lack of transparency pose a problem on the international stage. This back and forth between Iran revealing something and the IAEA finding something different continued for years. In 2003 the Director General of the IAEA wrote in his report "Iran has failed to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material, the subsequent processing and use of that material and the declaration of facilities where the material was stored and processed."<sup>15</sup>

The danger of incorrect reporting of materials is that Iran could divert natural or low-enriched uranium, to a facility operating outside of safeguards for the purpose of making high-enriched uranium suitable for nuclear weapons. Not only could Iran divert safeguards nuclear material from known facilities, it also could divert technology to construct clandestine nuclear facilities. This is of particular concern because Iran has proved over the years that it has a full understanding of the nuclear fuel cycle. Any detected attempt to divert such material or technology, however, would probably lead the international community to assume Iran is taking steps towards weapons development. This would leave their clerics in a quandary, as they have been vehemently proclaiming that is not what Islam allows. If Iran did develop weapons material, it would be in violation of what their clerics have most recently said, thus leaving itself open for all kinds of rhetorical attacks.

The 2007 National Intelligence Estimate on Iran's nuclear capabilities echoed this sentiment in saying "We assess with moderate confidence that Iran probably would use covert facilities—rather than its declared nuclear sites—for the production of highly enriched uranium for a weapon."<sup>16</sup> This production, of course, would not be part of the safeguarded material, as it would not be declared by Iran. Since Iran has a track record of not reporting all its material that is subject to NPT safeguards, this is of particular concern. Iran would be defying its obligations under the NPT and also would blatantly be going against its self-imposed Islamic principles. If developing nuclear weapons is un-Islamic, then any move towards diverting materials or technology would seem to be against the *Sharia*.

### *Iran and the NPT*

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<sup>14</sup> David Albright, Jacqueline Shire, and Paul Brannan, "IAEA Report on Iran: Enriched Uranium Output Steady; Centrifuge Numbers Expected to Increase Dramatically; Arak Reactor Verification Blocked" (Washington, D.C., Institute for Science and International Security, 19 November 2008) can be found at <http://74.125.95.132/search?q=cache:g5Kc3xviZ7gJ:www.isis-online.org/publications/iran/iranntviolations.pdf+iran+%2B+npt&cd=2&hl=en&ct=clnk&gl=us&client=firefox-a>

<sup>15</sup> "Implementation of the NPT safeguards agreement in the Islamic Republic of Iran Report by the Director General" Date: 6 June 2003 can be found at: <http://www.fas.org/nuke/guide/iran/iaea0603.html>

<sup>16</sup> U.S. Office of the Director of National Intelligence, *National Intelligence Estimate: Iran: Nuclear Intentions and Capabilities* (Washington, D.C.: ODNI, November 2007)

As of July 2009, Iran is still a signatory to the NPT and has not given the compulsory 3-month warning that it is pulling out. While it has been cited for multiple violations of its NPT safeguards agreement, it stands strong in criticizing the Treaty and its fairness.

In a recent article in the Jerusalem Post, Iran accused the United States of breaking the NPT because of U.S. relations with Israel and India. Israel and India both are widely-presumed nuclear weapons states that are not members of the NPT. Iran makes no qualms about “trying hard to deflect attention from its nuclear program by blaming the United States for breaching the NPT because of discriminating policies in favor of its allies.”<sup>17</sup>

Article I of the NPT states that nuclear-weapons states (NWS) are to not provide “nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.”<sup>18</sup> Iran claims that the United States has breached Article I with both Israel and India. The Jerusalem Post explains, “Tehran alleges that Washington is in clear breach of the treaty by developing new atomic weapons and providing nuclear aid to Israel and India.”<sup>19</sup> The article continues that other Western countries such as Britain and France have prevented developing countries from peaceful nuclear energy programs, another breach of the NPT.<sup>20</sup>

Iran also believes that the Security Council’s demand that it suspend its uranium enrichment program goes against the NPT. Article IV of the NPT allows for non-nuclear weapons states (NNWS) to have nuclear energy used for peaceful purposes. For the P-5 +1 to ask Iran to suspend its program is, according to Iran, against its rights as stated in the NPT. In an article in the Tehran Times, Iran’s deputy foreign Minister, Mehdi Safari, was quoted saying, “The proposal of ‘suspension of sanctions vis-à-vis suspension of uranium enrichment’ has numerous ambiguities and does not secure interests of Iran.”<sup>21</sup> The article continues to say, “The five permanent members of the UNSC, plus Germany, offered Tehran a Package of incentives in mid-July, 2008. The package required the country to suspend uranium enrichment in exchange for political and economic benefits. The NPT does not restrict any country of pursuing the uranium enrichment, Safari expounded.”<sup>22</sup>

Khamanei and Ahmadinejad are both excellent at oration; they make their points while interweaving them within a theological framework, thus making what they are saying seem

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<sup>17</sup>“Report: Iran accuses US of breaching NPT” can be found at:  
<http://www.jpost.com/servlet/Satellite?cid=1239710854127&pagename=JPost%2FJPArticle%2FShowFull>

<sup>18</sup> <http://www.un.org/events/npt2005/npttreaty.html>

<sup>19</sup>“Report: Iran accuses US of breaching NPT “ May, 4, 2009 can be found at:  
<http://www.jpost.com/servlet/Satellite?cid=1239710854127&pagename=JPost%2FJPArticle%2FShowFull>

<sup>20</sup> ibid

<sup>21</sup> “Iran: Freeze-for-freeze goes against NPT” can be found at:

[http://www.tehrantimes.com/index\\_View.asp?code=182446](http://www.tehrantimes.com/index_View.asp?code=182446)

<sup>22</sup> ibid.

pleasing to God. President Ahmadinejad is not shy in expressing his disdain for the United States in regards to the Treaty and the nuclear issue. In a recent speech on Nuclear Day in Iran he stated "They [the US] even misused international organizations to the greatest extent. They used the Security Council and the International Atomic Energy Agency as their tools. They also used beautiful expressions, humane titles, anti-war slogans, and slogans against proliferation. They used the mask of humanitarianism and respect for nations, as the means to oppose, the progress of the Iranian nation."<sup>23</sup> This is one simple example of many of Ahmadinejad's speeches that demonize the United States and their practices in regard to the enrichment issue.

Khamenei has also made his views known on this issue, which is important in light of the status of speeches and decrees made by Islamic clerics. In a meeting with young Iranian intellectuals and scientists Khamenei stated, "Knowledge is a divine gift for a human society. Science, be it the science of religious values, the science of recognition of God or any other science will help mankind benefit more and better utilize this immense nature, of these amazing gifts of creation which Almighty God has placed at the disposal of mankind."<sup>24</sup> Of nuclear technology he continued, "These are some tools in the hands of human beings in order to enable them to make the best use of world resources that God has created in nature and from which God has given human beings the opportunity to benefit from. The sin is committed by those who exploit these God-given gifts and these divine treasures in order to bully other human beings, in order to dominate others and in order to trample on the rights of other people."<sup>25</sup> According to Khamenei, there is no religious problem with using this technology for good; the sin, he claims is being committed by NWS. Thus, Khamenei's religious rhetoric (not behavior) is directly in line with Iran's political leaders: Nuclear fuel is fine, nuclear weapons are not.

### *Outlook*

How do the United States and Iran reconcile their issues surrounding the NPT? The Belfer Center at Harvard University published a report concluding:

Any viable solution needs to meet all sides' bottom lines. For Iran, this means reliable civilian nuclear energy, defense of its rights under the NPT, maintenance of its pride and technological development, and assurances against attack. For the United States and Europe, the bottom lines are no nuclear weapons in Iran; a broad and verifiable gap between the nuclear activities that would continue in Iran and a nuclear weapons capability; and full Iranian cooperation with verification.<sup>26</sup>

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<sup>23</sup> "Iranian President Delivers Nuclear Day Address" IAP20090410950070, Tehran, *Islamic Republic of Iran News Network Television* in Persian 09 Apr 09

<sup>24</sup> "Leader Khamene'i: Iran Needs Scientific Progress to Confront Major Powers" IAP20080827950150, Tehran, *Vision of the Islamic Republic of Iran Network* 1 in Persian 26 Aug 08

<sup>25</sup> Ibid.

<sup>26</sup> Abbas Maleki and Matthew Bunn, "Finding a Way Out of the Iranian Nuclear Crisis" (Cambridge, MA: Belfer Center for Science and International Affairs, Kennedy School of Government, Harvard University, 23 March 2006) [http://belfercenter.ksg.harvard.edu/publication/3149/finding\\_a\\_way\\_out\\_of\\_the\\_iranian\\_nuclear](http://belfercenter.ksg.harvard.edu/publication/3149/finding_a_way_out_of_the_iranian_nuclear)

Iran should, of course, under the NPT be entitled to peaceful nuclear energy. But it must also ratify and abide by the Additional Protocol and to its NPT Safeguards Agreement. If the US and the international community allow peaceful nuclear energy under the NPT, should Iran not allow IAEA safeguards under the NPT?

Of course all of the politics gets complicated as we consider the Islamic principles that also play a role in Iran's government. One of the most important pieces to creating a culture of peace lies in what the clerics are saying. If we can highlight what more moderate and reformist clerics state about weaponry and international treaties, we would be better off than simply stating what hard-liners say. Under the NPT, Iran agreed to forego developing nuclear weapons, in exchange for assistance in developing nuclear technology for peaceful purposes. NPT safeguards are a necessary condition on that assistance, and the Additional Protocol for safeguards provides further assurances that a State is in compliance with its Safeguards obligations. If, as clerics have been insisting, weapons are un-Islamic, technically Iran should have no problem allowing both NPT safeguards and the Additional Protocol to be in force.

## Annex 1: Vocabulary/People/Places

<i>Sharia</i>	The body of Islamic law. Governs both private and public matters.
<i>Qad</i>	A judge tasked with ruling on both religious and secular issues and whose judgments are enforced by the state
<i>Furu al-Fiqh</i>	Positive law, way of understanding sharia
<i>‘Aql</i>	Knowledge, used to derive laws
<i>Mufti</i>	Islamic scholar
<i>Qiyas</i>	Analogy, used to interpret Islamic law
<i>Sunnah</i>	Norm or custom (usually of the Prophet)
<i>Jihad</i>	A religious duty of Muslims. Loosely translated to mean struggle (external and internal). The term has been used in recent years for Islamic warfare.
<i>Hadith</i>	Words and deeds attributed to the Islamic Prophet Muhammed
<i>Cleric</i>	Member of the religious leadership among Muslims
<i>Fatwa</i>	Religious opinion issued by an Islamic scholar concerning Islamic law
<i>Qom</i>	Capital of Qom Province in Iran. Located 97 miles southwest of Tehran, Qom is considered a Holy City in Shia Islam. Home to hundreds of Islamic (Shiite) seminaries.
<i>Majiles</i>	The Iranian Parliament
<i>Supreme Leader</i>	The highest political and religious ranking position in the Iranian constitution
<i>Khomeini</i>	Leader of the 1979 Iranian Revolution. Founded and held the position of Supreme Leader until his death in 1989. Anti-American fervor.
<i>Khamenei</i>	The first cleric to serve as President of Iran (1981-1989). After presidency assumed the role of Supreme Leader, succeeding his tutor and mentor Khomeini. Much anti-American sentiment.
<i>Ahmadinejad</i>	President of Iran 2005-present. Known for nuclear ambitions, denial of the Holocaust and a disputed 2009 election.
<i>Khatami</i>	Iran’s fifth president (1997-2005), considered a liberal reformer in favor of multilateral dialogue.
<i>Assembly of Experts</i>	A body of Islamic Scholars who have the responsibility of electing, supervising and removing if necessary, the Supreme Leader. Members are elected by popular vote from a government created list of candidates.
<i>Shiism</i>	One of two sects of Islam, the other being Sunni. Shiism makes up 10% of Muslims, and 90% of Shiites live in Iran.



## **Annex 2: A chronology of developments in Iran's nuclear program and statements by various Islamic leaders**

Below is a timeline of known Iranian moves concerning their nuclear program (as documented in IAEA Director General reports) and statements issued by various Islamic leaders. The timeline is divided into two sections, from 1957-2002, before the clandestine program was discovered, and from 2002-present day, after the discovery.

### **Before Disclosure (1957-2002)**

1957: Iran and U.S. signed an agreement on peaceful nuclear cooperation.

1967: U.S.-supplied research reactor began operation at University of Tehran nuclear research center.

1968: Iran signed the NPT.

1970: The NPT entered into force.

1970s – 2000: Iran “had contracts related to laser enrichment with foreign sources from four countries.” (GOV/2003/75)

1977-1982: Iran used imported nuclear material that had been declared to IAEA as process loss.

1979: Islamic Revolution

1981-1993: All materials necessary to uranium conversion had been produced in Iranian laboratories

1987: Iran acquired through a clandestine supply network drawings for a P-1 centrifuge, along with samples of centrifuge components.” (GOV/2004/83, para. 23.)

1987: President Khamenei statement to AEOI staff: “Every step you take here is in defense of your country and your revolution. With this is mind, you should work hard and at great speed.”

1988: Majles Speaker Rafsanjani: “We should fully equip ourselves both in the offensive and defensive use of chemical, bacteriological and radiological weapons. From now on, you should make use of the opportunity to perform this task.”

1988-1992: Iran irradiated 7 kg of UO<sub>2</sub> targets and extracted small amounts of plutonium

*1991: Assembly of Experts Speaker Meshkini-Qomi: “Islam does not allow the making of destructive, murderous weapons. But if others do such a thing, if others disobey God and make such instruments, then God allows Moslems to make comparable things in response for the sake of defense.”*

1991: Iran imported natural uranium

1991: Iran entered into contracts with a foreign company to begin construction of an industrial scale conversion facility at Esfahan.

1991-2002: Iran's undeclared laser enrichment program used 30 kg of uranium metal not declared to the IAEA.

1994: Supreme Leader Khamenei: *"We do not seek to obtain and use banned weapons, because we respect the principles of our faith."* [Note use of the word "obtain", rather than "develop".]

1996: Meshkini-Qomi: *"Any weapon that kills human beings is banned by Islam, mass destruction in particular. However, if someone has embarked on this banned activity and produced weapons, it is incumbent upon you to make more superior ones. The Prophet said at that time you must prepare all the equipment your enemies possess."*

1998-2002: Iran tested gas centrifuges at the Kalaye Electric Company using imported UF<sub>6</sub> (imported in 1991).

1999: Iran ran limited tests using UF<sub>6</sub>

2000: Uranium Conversion Facility under construction.

2001: Terrorist attacks in New York, Pennsylvania and Washington, D.C. changed the face of Islam in the public eye.

2002: Laser enrichment experiments conducted.

#### **After Disclosure (2002-Present)**

2002: Iranian exiles claimed Tehran was engaged in secret nuclear projects, including construction of a large underground nuclear fuel plant at Natanz and also construction of a heavy water production plant at Arak.

2002: US accused Iran of building WMD.

2003 February: IAEA Director General (DG) ElBaradei visited Iran. During this visit Iran acknowledged the undeclared import of UF<sub>6</sub> and other uranium compounds and the ongoing construction of a gas-centrifuge enrichment pilot plant and production plant at Natanz.

2003 March: DG ElBaradei stated that "Iran had failed to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material imported into Iran and the subsequent processing and use of the material, and the declaring of facilities and other locations where the material had been stored and processed." (GOV/2003/75, para. 3)

2003 August: Khamenei addressed senior Iranian officials, stating that *"Nuclear weapons don't solve any problems...Furthermore, we don't agree, logically and principally, with weapons of mass destruction in this form. We are opposed to them."* He continued, *"The enemies are unhappy with our achievements. They have therefore declared blatantly that they cannot bear to see the Islamic Republic reaching the superior technology, for instance, in the nuclear field."* At the same meeting, then-president Khatami stated *"nuclear weapons have no place in our strategic and military policy and we are not looking for them...we cannot have nuclear bombs. Because we cannot use it. One who does not use a nuclear bomb cannot have it. We support the idea of a world devoid of nuclear weapons, particularly in this region."*

2003 September: The Assembly of Experts released a statement concluding *"The Islamic Republic of Iran has never, and will never pursue, the development of weapons of mass destruction. That is because the Islamic system considers itself committed to Islamic values, and considers the use of such weapons as in contravention of Islamic vision and way of life."*

*However, the peaceful use of nuclear energy is the legitimate and legal rights of all countries, including the Islamic Republic.”*

2003 October: IAEA inspectors met in Iran to discuss the presence of LEU and HEU particles at the Kalaye Electric Company, the conversion processes Iran had undergone, and details concerning Iran’s IR-40 heavy water reactor. Iran promised full disclosure of its program.

2003 October: The IAEA reported that “Iran took a number of steps to conceal the origin, source and extent of Iran’s enrichment programme.” (GOV/2004/83 para. 27)

2003 November: Iran voluntarily suspended all enrichment activity and signs, and agreed provisionally to apply pending entry into force, the Additional Protocol.

2004 February: Iran decided to reverse many of its decisions concerning the suspension of enrichment activities.

2004: Iran attempted to explain its R&D related to the nuclear fuel cycle and materials.

2004 September: An Iranian Foreign Ministry spokesman stated “But if the issue is that we cannot master nuclear technology for peaceful purposes, that is out of the question because we have already reached that point.”