

Statement by H.E. Dr. Mohammad Javad Zarif
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On “Non-Proliferation: implementation of Security Council resolution 2231 (2015)”
Before the United Nations Security Council
New York, 30 June 2020

In the Name of God, the Most Compassionate, the Most Merciful

Mr. President,

I wish to begin my statement with the words Prime Minister Mosaddegh used in this Council 69 years ago.

“The Security Council was established so that small and great nations alike might sit round the same table and cooperate for the maintenance of peace in accordance with the purposes and principles of the United Nations. The Council cannot perform its great task ... unless the great powers respect the principles which it was created to embody.”

Two years later, he was overthrown in a Central Intelligence Agency coup.

If this Council falters again, it will be a generational setback for the cause of multilateralism and the rule of law. We have all in past years seen how the malign unilateralism of the United States has intently assaulted international cooperation and international institutions. Through its parallel endeavour to supplant international law with United States domestic laws, this has directly undermined global peace and security. Regrettably, complacency has enabled and encouraged this recklessness. Indeed, complacency is a root cause for why we are gathered here today.

Iran and other members of the international community have, since the 8th of May 2018, been witnessing the United States Government — a co-sponsor of Security Council resolution 2231 (2015) — persistently flouting the resolution, while also trying to force other States to join it in violating the very text it put forward *itself*. More dangerously, and for the first time in United Nations history, a permanent member of the Security Council is punishing law-abiding States and private citizens for not violating a Council resolution, which emphasized, and I quote, “promoting and facilitating the development of normal economic and trade contacts and cooperation with Iran.”

And yet, not a single Council session has been convened to reprove the United States Government or to at least investigate its repeated violations. Instead, some European members of the Council are contemplating further undermining the resolution and the Council while further renegeing on their own commitments under the Joint Comprehensive Plan of Action (JCPOA).

To cover this up, the United States has - with some of its enablers - pressured the Secretariat to adopt a perverse reading of resolution 2231 (2015) - rejected by three JCPOA participants,¹ which is the polar opposite of the clear affirmation by the Security Council “that conclusion of the JCPOA marks a fundamental shift in its consideration of this issue...”.

The United States — along with its accomplices in war crimes in Yemen — have gone further in their now-infamous² campaign of intimidation against international institutions. Most recently, they coerced the Secretariat to rely on self-serving allegations and forged documents to produce an utterly unprofessional report outside the scope of its mandate under resolution 2231(2015).³ Not surprisingly, the Secretariat simultaneously absolved the Saudi coalition of its well-documented child-killing in Yemen.

This status quo is neither acceptable nor sustainable. The international community in general — and the United Nations Security Council in particular — are facing an important decision: Do we maintain respect for the rule of law, or do we return to the law of the jungle by surrendering to the whims of an outlaw bully?

In spite of our strong and legitimate objections to the historic mistreatment of Iran by the Security Council — particularly throughout eight years of aggression by Saddam Hussein, as well as in the course of the unnecessary nuclear crisis — Iran showed its good faith by engaging in negotiations to reach a diplomatic solution as called for by all Security Council resolutions on the nuclear issue⁴. After 13 years of complex negotiations, in 2015 Iran and the five permanent members of this Council plus Germany signed the Joint Comprehensive Plan of Action, which is annexed to — and inseparable from — resolution 2231 (2015). Iran clearly stated its position immediately after the adoption of the resolution and again more recently. Yet, it fulfilled all its commitments in good faith, verified by numerous reports of the International Atomic Energy Agency (IAEA).

In spite of this great achievement of multilateral diplomacy, the President of the United States in May 2018 announced his country’s unilateral withdrawal from the JCPOA, and the unlawful re-imposition of all United States sanctions, in material breach of resolution

1 This flawed interpretation of the JCPOA and the unacceptable approach of the Secretariat over the past four years has been repeatedly rejected by at least three members of the JCPOA Joint Commission, namely, China, Iran and Russian Federation.

2 The White House, “Executive Order on Blocking Property of Certain Persons Associated with the International Criminal Court”, 11 June 2020. Available at: <https://www.whitehouse.gov/presidential-actions/executive-order-blocking-property-certain-persons-associated-international-criminal-court/>

3 The Islamic Republic of Iran has already categorically rejected allegations contained in that report (S/2020/531). From a legal point of view, such types of investigation can only meet the established norms of international law when they are characterized by lawfulness, fairness and diligence. The evidence — indeed allegations — the Secretariat relied upon do not meet the criteria set by established norms of international law. According to the International Court of Justice, a charge of such exceptional gravity against a State requires “a proper degree of certainty” and the standard, which should leave no room for reasonable doubt. (Corfu Channel: United Kingdom of Great Britain and Northern Ireland v. Albania, Merits, Judgment, I.C.J. Reports 1949, p. 17.) and must be proven by fully conclusive evidence. (Application of the Convention on the Prevention and Punishment of the Crime of Genocide: Bosnia and Herzegovina v. Serbia and Montenegro, Judgment of 26 February 2007, para. 208.) Such are totally absent in the uncorroborated self-serving allegations by the United States and Saudi Arabia.

4 Security Council resolutions 1696 (2006), para. 3; 1737 (2006), para. 20; 1747 (2007), para. 9; 1803 (2008), preamble; and 1929 (2010), preamble.

2231 (2015). Prior to that, the United States had persistently committed multiple cases of “significant non-performance” of its JCPOA obligations. It is important to note that even the previous United States Administration made every effort to minimize the positive impact of its sanction- lifting obligations under the JCPOA and resolution 2231 (2015). This has all been documented in my numerous letters to the JCPOA Joint Commission Coordinator and the United Nations Secretary-General, all of which, unfortunately, have been ignored by the European JCPOA participants.

Following the United States withdrawal from the JCPOA, the United Nations Secretary General⁵, the remaining JCPOA participants⁶ and many other members of the international community called on Iran to address its concerns through the mechanisms established in the JCPOA and to allow the remaining JCPOA participants to redress the unlawful withdrawal.

The European JCPOA participants requested Iran to wait for only a few weeks to allow them to compensate for the losses Iran incurred as a result of re-imposed United States sanctions.

While expressly reserving Iran’s immediate right⁷ under paragraph 26,⁸ I initiated the Dispute Resolution Mechanism under paragraph 36 of the JCPOA on 10 May 2018⁹. However, acting in good faith, we refrained from applying the ‘remedy’ in order to enable the remaining JCPOA participants to make good on their promises. For a full year, we continued full implementation of the JCPOA. I trust you are all aware of the 15 consecutive IAEA reports which verified Iran’s full compliance with its JCPOA commitments.¹⁰

Unfortunately, the response of France, Germany and the United Kingdom (E3) to our “strategic patience” was not a long overdue assertion of European “strategic autonomy”. Rather it was over-compliance with the United States’ “maximum pressure” targeting all Iranians.

On 6 November 2018, I made a final call on the Coordinator and the remaining JCPOA

5 “Statement by the Secretary-General on the Joint Comprehensive Plan of Action (JCPOA)”, 08 May 2018. Available at: <https://www.un.org/sg/en/content/sg/statement/2018-05-08/statement-secretary-general-joint-comprehensive-plan-action-jcpoa>

6 “Remarks by High Representative/Vice President Federica Mogherini on the statement by United States President Trump regarding the Iran Nuclear Deal (JCPOA)”, Rome, 8 May 2018.

7 In my letter of 10 May 2018 to the Coordinator of the JCPOA Joint Commission, I stated “It is Iran’s unquestionable right — recognized also under the JCPOA and UNSCR 2231 — to take appropriate action in response to persistent numerous unlawful acts by the United States, particularly its withdrawal and reimposition of all sanctions. However, as President Rouhani announced in his televised response on 8 May and further elaborated in the Statement of the Government on 10 May 2018, the Islamic Republic of Iran will decide its next step in the course of few weeks following consultations with the remaining JCPOA participants to see if and how the commitments collectively undertaken by the EU/E3+3 vis-a-vis Iran could be fulfilled in the absence of a reneging party by the EU/E3+2. Nothing in this period would affect Iran’s right to react and protect its national interest as appropriate, a right which is manifestly recognized in the JCPOA and the Security Council resolution 2231(2015).”

8 Paragraph 26 of the JCPOA: “Iran has stated that it will treat such a re-introduction or re-imposition of the sanctions specified in Annex II, or such an imposition of new nuclear-related sanctions, as grounds to cease performing its commitments under this JCPOA in whole or in part.”

9 My letter of 10 May 2018 to the Coordinator of the JCPOA Joint Commission.

10 See IAEA reports to the Security Council: S/2016/57 (19 January 2016), S/2016/250 (15 March 2016), S/2016/535 (13 June 2016), S/2016/808 (22 September 2016), S/2016/983 (21 November 2016), S/2017/234 (20 March 2017), S/2017/502 (14 June 2017), S/2017/777 (13 September 2017), S/2017/994 (28 November 2017), S/2018/205 (8 March 2018), S/2018/540 (6 June 2018), S/2018/835 (12 September 2018), S/2018/1048 (26 November 2018), S/2019/212 (6 March 2019), S/2019/496 (14 June 2019).

participants under paragraph 36 of the JCPOA. “The United States has now re-imposed with full effect all sanctions specified in the JCPOA and its Annex II, and as elaborated above, no remedial measure has been implemented by the remaining JCPOA participants. Most have effectively joined the restrictive measures against Iran...Either the European Union/E3 and China and Russian Federation — who have repeatedly underlined the security and strategic ramifications of the JCPOA — should ensure Iran’s legitimate benefits by fulfilling their commitments made in their statements of 6 July and 24 September 2018¹¹ in real and practical terms without further delay, or Iran will have no option but to restore a semblance of balance —as ‘the remedy that the participants contemplated if the dispute mechanism did not resolve the issue’... In view of the above, I formally call for the convening of another ministerial meeting of the Joint Commission.”¹²

No meeting was convened and none of the European JCPOA participants even bothered to write a rebuttal for another six months. Having repeatedly exhausted the Dispute Resolution Mechanism to absolutely no avail, my Government was left with no recourse but to exercise its rights under paragraphs 26 and 36 of the JCPOA to apply remedial action and cease performing its commitments in part on 8 May 2019.

In spite of all this, our remedial measures have until now had no impact on the IAEA’s monitoring and verification of our peaceful nuclear programme, thereby making any proliferation risks irrelevant. Indeed, Iran’s peaceful nuclear programme remains subject to the “most robust” inspection regime in history. From 2016 through 2019, over 92 percent of the Agency’s total comparable global inspections were carried out in Iran.¹³

Even the recent controversial report by the Director General of the IAEA on 5 June 2020 states that “The Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and locations outside facilities where nuclear material is customarily used (LOFs) declared by Iran under its Safeguards Agreement”¹⁴.

Having said that, the Agency must resist external pressures to manipulate its agenda. The litany of forged documents at its doorstep have a stated objective of forever killing the JCPOA, thereby ending the Agency’s robust monitoring of current activities in Iran. Resuscitating 17-year-old allegations with no proliferation risk — which were investigated and permanently closed by the IAEA Board of Governors in 2015¹⁵ — will certainly not serve the Agency.

11 See statement of the EU/E3 and Iran on 15 May 2018 as well as statements of the JCPOA Ministerial Joint Commissions of 6 July 2018 and 24 September 2018.

12 My letter dated 6 November 2018 to the Coordinator of the Joint Commission and distributed to the Foreign Ministers of all remaining JCPOA participants.

13 IAEA, “The Safeguards Implementation Report for 2019”, GOV/2020/9.

14 IAEA, report by the Director General, “Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council resolution 2231 (2015)”, GOV/2020/26, 5 June 2020.

15 GOV/2015/72 “9. Also notes that all the activities in the Road-map for the clarification of past and present outstanding issues regarding Iran’s nuclear programme were implemented in accordance with the agreed schedule and further notes that this closes the Board’s consideration of this item;”

Matters which are extraneous to the JCPOA by mutual agreement — such as Iran’s defensive capabilities and regional policies — are being maliciously raised by the United States Administration and parroted by a handful of its allies and clients.¹⁶

Here, it must be underlined that the bargain made in the JCPOA was in total cognizance of our *disagreement* with the Western members of the P5+1 over certain issues. Do not be deceived: we mutually agreed not to address these issues; most importantly because the United States was not prepared to — or probably even capable of — addressing our grave concerns over its unfathomable level of arms sales and build-up in our neighborhood¹⁷, as well as its malign behaviour and constant interventions, which have left our region in ruins.

The United States has carried out numerous acts of armed aggression against Iran¹⁸ and its neighbours; invaded our neighbours three times in the last three decades¹⁹; milked the region of its resources through destabilizing arms sales²⁰; systematically supported terrorists²¹; and provided material support for crimes against humanity in Yemen²². The peoples of our region have had enough of the malign United States presence, and demand its termination.²³ The bitter irony here is that most Americans also want their troops returned home, where they belong.

This very regime absurdly accuses Iran of “meddling” in its own region. Yes. Of course. We want to partner with all our neighbours to create a *strong region* that precludes the emergence of hegemonic aspirations, by *any* Power — regional or global. A *strong region* that requires homegrown political and territorial stability. And a *strong region* for which all neighbours need to exercise strategic self-restraint. It was to this end that, the President of the Islamic Republic of Iran put forward the Hormuz Peace Endeavour — HOPE. And we can do it. Without United States meddling some 6000 miles away from its shores.

The International Court of Justice clearly underlined in its 1971 advisory opinion on Namibia,

16 Russia and China as two important JCPOA participants — along with several other members of the Council and the United Nations have officially rejected this approach. See for instance S/2020/451 and S/2020/517.

17 <https://www.sipri.org/media/press-release/2019/global-arms-trade-usa-increases-dominance-arms-flows-middle-east-surge-says-sipri>

18 The overthrow of the democratically elected Government in 1953. Armed intervention in Iran on 24 April 1980. Attacks on Iranian oil platforms in October 1987 and April 1988 leading to the International Court of Justice ruling that “the actions of the United States of America against Iranian oil platforms on October 19, 1987 (Operation Nimble Archer) and April 18, 1988 (Operation Praying Mantis) cannot be justified as measures necessary to protect the essential security interests of the United States of America.”(International Court of Justice. Oil Platforms: Islamic Republic of Iran v. United States of America). This was the largest United States naval operation since the Second World War. (Love, Robert William. History of the U.S. Navy: Stackpole Books, Harrisburg 1992.) The downing of Iran Air passenger flight on 3 July 1988, killing 290 civilians. Numerous incursions into Iranian airspace. The terrorist murder of General Qassem Soleimani and high-ranking Iraqi officials in Iraq on 3 January 2020...

19 Iraq 1991; Afghanistan 2001; Iraq 2003.

20 <https://www.sipri.org/media/press-release/2019/global-arms-trade-usa-increases-dominance-arms-flows-middle-east-surge-says-sipri>

21 “ISIS weapons arsenal included some purchased by U.S. government” <https://www.nbcnews.com/news/world/isis-weapons-arsenal-included-some-purchased-u-s-government-n829201>. “ISIL weapons traced to US and Saudi Arabia” <https://www.aljazeera.com/news/2017/12/isil-weapons-traced-saudi-arabia-171214164431586.html>

22 “U.N. report says U.S., Britain, France may be complicit in potential war crimes in Yemen” https://www.washingtonpost.com/world/un-report-says-us-britain-france-complicit-in-potential-war-crimes-in-yemen/2019/09/03/ad278cf6-ce48-11e9-9031-519885a08a86_story.html. “America is likely complicit in war crimes in Yemen. It’s time to hold the US to account” <https://www.theguardian.com/commentisfree/2019/oct/03/yemen-airstrikes-saudi-arabia-mbs-us>

23 “Trump administration refuses to heed Iraq’s call for troop withdrawal” https://www.washingtonpost.com/world/middle_east/iraq-asks-united-states-to-set-up-mechanism-for-troop-withdrawal/2020/01/10/794058ea-32f8-11ea-971b-43bec3ff9860_story.html

and I quote, “One of the fundamental principles governing international relationship thus established is that a party which disowns or does not fulfil its own obligations cannot be recognized as retaining the rights which it claims to derive from the relationship.”²⁴

After officially and explicitly ceasing its participation in the JCPOA at the highest level²⁵, and having violated each and every one of its obligations under the JCPOA and resolution 2231 (2015), the United States cannot arrogate to itself any right under that resolution. Nor can its enablers try to save its face via so-called middle-ground formulas.

The timetable for the removal of arms restrictions embodied in resolution 2231(2015) is an inseparable part of the hard-won compromise enabling the JCPOA participants to finally agree on the overall package of the JCPOA and resolution 2231 (2015). The resolution explicitly urges its “full implementation on the timetable”. Any attempt to change or amend the agreed timetable is thus tantamount to undermining resolution 2231(2015) in its entirety.²⁶ The Council must not allow a single State to abuse the process.

As specified in the letter of the President of the Islamic Republic of Iran to the leaders of remaining JCPOA participants on 8 May 2019, any new restriction by the Security Council is against the fundamental commitments made to the Iranian people. In such a scenario, Iran’s options, as already notified to the remaining JCPOA participants, will be firm. And the United States and any entity which may assist it — or acquiesce in its illegal behaviour — will bear full responsibility.

The unlawful unilateral withdrawal by the United States from the JCPOA and the reimposition of its sanctions²⁷ entail the United States responsibility under the resolution 2231(2015), the Charter of the United Nations and applicable international law. The United States has also disregarded the decision of the International Court of Justice²⁸.

It’s long overdue for the international community, and in particular this Council, to hold the United States Government accountable for the consequences of its wrongful acts — including its malicious endeavours to wage economic terrorism on the entire Iranian nation, willfully deprive them of food and medicine²⁹, and irreparably harm their economy and their standard of living³⁰. The United States must fully compensate the Iranian people for

24 Legal Consequences for States of the *continued presence* of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971, para. 91.

25 “Presidential Memoranda: Ceasing U.S. Participation in the JCPOA and Taking Additional Action to Counter Iran’s Malign Influence and Deny Iran All Path to Nuclear Weapons”, White House, 8 May 2018.

26 In paragraph 1 of resolution 2231(2015), the Security Council: “Endorses the JCPOA, and urges its full implementation *on the timetable established* in the JCPOA;”

27 A list of sanctions imposed by the United States submitted to the Council as an attachment of my recent letter (A/74/850-S/2020/380, annex)

28 <https://www.icj-cij.org/files/case-related/175/175-20181003-ORD-01-00-EN.pdf>

29 Michael R. Pompeo interview with Hadi Nili of BBC Persian, 7 November 2018: “[T]he leadership has to make a decision that they want their people to eat”. Available at: <https://www.state.gov/interview-with-hadi-nili-of-bbc-persian/>. Also “Mike Pompeo Says Iran Must Listen to U.S. ‘If They Want Their People to Eat’”, Newsweek, 9 November 2018.

30 The White House, Remarks by President Trump and Prime Minister Abe of Japan in Joint Press Conference: “[W]e’re putting sanctions on Iran, the likes of which nobody has ever seen before, including, frankly, North Korea.” Available at: <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-prime-minister-abe-japan-joint-press-conference-2/>. Also “Brian Hook: Because of our pressure, Iran’s leaders are facing a decision: either negotiate with us or manage economic collapse.” 27 May 2020. Available at:

all damages it has inflicted upon them — appallingly, for no reason other than to satisfy domestic constituencies and personal aggrandizement.

While the Islamic Republic of Iran has shown — in words and deeds — our desire and preference for constructive engagement, we do not depend on others for our security, stability or prosperity. We have learned to solely depend on ourselves. That is why more than 40 years of pressure from the United States — whether through demonization or war, sanctions or terror — including the cowardly assassination of our region’s counter-terrorism hero, General Qassem Soleimani — has failed to “bring Iranians to their knees” or affect our people’s decision-making calculus.

For my final words, let me again borrow from Prime Minister Mossadegh’s speech before the Security Council in 1951:

“The Council will not have failed to note the cogency of our arguments on the law. This is not a legal body, but primarily a political body charged with the highest political responsibilities. It will readily understand me. therefore, when I say that ... we will not be coerced whether by foreign Governments or by international authorities.”

<https://www.state.gov/briefing-with-special-representative-for-iran-and-senior-advisor-to-the-secretary-brian-hook-and-assistant-ecretary-for-international-security-and-nonproliferation-dr-christopher-a-ford-o/>. Also, Brian Hook’s Economic Speech at Council on Foreign Relations, 12 December 2019: “Iran’s oil exports have decreased by more than two million barrels per day, driving down Iran’s revenue from oil by more than 80 percent. This amounts to a loss of more than \$30 billion per year ... Our sanctions are also restricting investment in Iran’s oil and gas sector, which will have a lasting impact beyond the immediate loss of revenue from reduced exports ... This year, Iran’s economy will likely shrink by at least 9.5 percent, according to the IMF. This would be the steepest single-year decline in more than 30 years. Some analysts have projected an even steeper contraction, possibly as high as 12 to 14 percent. This would put the economy on the verge of a depression”. Available at: <https://www.state.gov/special-representative-brian-hooks-economic-speech-at-council-on-foreign-relations/>