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«JCPOA Implementation: Achievements, Challenges, and Long- Term Sustainability»¹

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[KHLOPKOV]² Коллеги, мы продолжаем. Уже по традиции наша программа достаточно напряженная. Коллеги, с большим удовольствием открываю очередное заседание, посвященное Совместному всеобъемлющему плану действий по урегулированию ситуации вокруг ядерной программы Ирана; достижениям этого плана с момента его принятия в июле 2015 года; тем препятствиям, сложностям, с которыми мы сталкиваемся; что необходимо сделать, для того, чтобы обеспечить устойчивость этой договоренности.

Программа конференции готовилась сильно заранее, поэтому мы не ожидали тех новых подвижек в политике Соединенных Штатов, о которых было объявлено публично на прошедшей неделе. Почему, на мой взгляд, СВПД крайне важен? Первое, договоренность, которая была достигнута в Вене, на мой взгляд, самая большая история успеха для режима нераспространения за последние 30 лет, наверное, с момента принятия ЮАР решения о присоединении к Договору о нераспространении ядерного оружия. Я не сравниваю состояние иранской программы по развитию ядерных технологий и ЮАР, я имею в виду значение для режима ядерного нераспространения. СВПД продемонстрировал важность и эффективность многосторонних переговоров, эффективность международных институтов: Организации Объединенных Наций, Совета Безопасности. И, безусловно, в нынешних условиях, те негативные тенденции, которые в части СВПД в отдельных столицах появляются, несомненно, не могут не тревожить.

Поэтому для меня большая честь, что сегодня, фактически, архитекторы этой договоренности, те, кто принимал самое непосредственное участие в подготовке этого документа, сегодня с нами. Также ни для кого не является секретом, что МАГАТЭ играет ключевую роль в подтверждении, в проверке реализации достигнутых договоренностей. Напоминаю о режиме нашей работы: каждый из докладчиков будет иметь примерно 7 минут для выступления. После этого у нас будет возможность задать вопросы, сделать короткие комментарии. По традиции, обозначайте Ваше желание получить слово. Спасибо. Первым я бы хотел передать слово заместителю министра иностранных дел [России] Сергею Алексеевичу Рябкову, который принимал самое непосредственное участие в

¹ Recording of the session was decoded by Nadezhda **MASLENNIKOVA**, Intern, CENESS; and Anastasia **SHAVROVA**, Research Associate, CENESS.

² **KHLOPKOV** Anton, Director, Center for Energy and Security Studies (CENESS); Chairman, The 2017 Moscow Nonproliferation Conference, Russian Federation



выработке документа, как и другие наши панелисты, которые находятся рядом с Сергеем Алексеевичем. Сергей Алексеевич, пожалуйста, слово Вам.

[RYABKOV]³ Спасибо большое, уважаемый Антон Викторович. Уважаемые коллеги, очень приятно видеть всех вас в этом зале в Москве, и очень приятно и оптимистично видеть столько знакомых лиц, коллег, наших друзей, всех тех, кому небезразлична судьба нераспространения, контроля над вооружениями, судьба СВПД, в этом зале. Я думаю, что это важный сам по себе сигнал ответственного подхода этой аудитории к тому, что происходит в современных международных отношениях и к тому, каким образом ситуация должна развиваться дальше.

Я, конечно, не могу вновь не сказать о том, что мы очень благодарны Вам, Антон Викторович, за возможность собраться и провести в течение этих двух дней насыщенные, интересные, временами горячие, но крайне полезные в любом случае, встречи, обсуждения. Пообщаться, увидеть то, чем живет дипломатическое, политологическое сообщество, подпитаться этой энергетикой, этой энергией. Конечно, можно уже сказать, что Московская конференция по нераспространению стала значимым фактором, в то числе международным фактором в этих усилиях. И в этом году она проходит с большим успехом. Спасибо Вам большое!

Мне очень приятно поприветствовать госпожу Хельгу Шмид, госпожу Венди Шерман, господина Аббаса Аракчи. Я с удовольствием здесь приветствую и Корнела Ферута, о котором уже было сказано Антоном Викторовичем Хлопковым, в качестве представителя МАГАТЭ. Агентство играло, играет и будет играть ключевую роль в выполнении договоренностей.

Обращаясь к делу. Прежде всего, для нас нет сомнений, что Исламская республика Иран строго и добросовестно выполняет все условия имеющихся договоренностей. Как в том числе подчеркивалось публично Генеральным директором МАГАТЭ господином Юкия Аmano, это включает и вопросы доступа на интересующие Агентство объекты в Иране в контексте применения Дополнительного протокола к Соглашению о гарантиях. На этом фоне мы, с большим сожалением, были вынуждены наблюдать, что позитивная динамика реализации СВПД не удержала президента США Дональда Трампа от того, чтобы не подтвердить Конгрессу соблюдение Ираном своей части сделки. На наш взгляд, это безответственное решение. Безответственное не только применительно к самому плану действий, участником и автором которого США являются, но и по отношению ко всему международному сообществу, которое поддержало СВПД, приняв резолюцию СБ ООН 2231. Получается так, что США в очередной раз взяли вопросы мировой безопасности и стабильности в заложники определенных конъюнктурных процессов; отдали эти вопросы на откуп и на рассмотрение политикам, деятелям, которые, по большому счету, далеки от содержательной части имеющейся договоренности. Действия президента США мы пока рассматриваем как определенный расклад внутривнутриполитических сил в США. Тем не менее, мы рассчитываем, что эмоции и

³ RYABKOV Sergey, Deputy Foreign Minister, Russian Federation



политическая конъюнктура не возьмут верх. Надеемся, что возобладает наше общее стремление к укреплению режима ядерного нераспространения, созданию условий для нормального торгово-экономического сотрудничества государств, и поддержанию международного и регионального мира и безопасности. США не должны забывать о своей ответственности за глобальную и региональную безопасность и стабильность, в том числе, в качестве постоянного члена СБ ООН.

По нашим оценкам, почти 2 года реализации СВПД показали, что договоренность эффективно работает и полностью справляется с поставленными перед ней задачами. Альтернативы Плану действий нет. Оснований и возможностей для пересогласования или внесения в него изменений мы не видим. СВПД содержит в себе хрупкий баланс интересов, которые затрагивают фундаментальные вопросы безопасности его участников. Любое смещение баланса приведет к распаду всего механизма, и собрать его заново в некой новой конфигурации будет невозможно. Соглашение невозможно подправить, потому что все вопросы, которые требовали решения, были тем или иным образом урегулированы. Если это и неидеальное соглашение с точки зрения баланса интересов, то очень близкое к идеальному.

Россия к участию в каких бы то ни было новых переговорах по «усовершенствованию соглашения» не готова. Кроме того, когда в условиях Иран выполняет все свои обязательства, мы исключаем любую возможность восстановления санкций по линии СБ ООН. Для нас важно, чтобы параллельно с перспективами, которые СВПД открыл для широкого международного сотрудничества с Ираном в различных областях, он создает предпосылки для того, чтобы МАГАТЭ окончательно подтвердило исключительно мирный характер иранской ядерной программы. Именно для обеспечения этого процесса, договоренность содержит целый набор ограничительных мер, которые Иран согласился добровольно принять на себя, а также механизмы повышенного контроля со стороны МАГАТЭ.

Хотелось бы оговориться, что Россия всегда доверяла словам своего друга и соседа Ирана, о том, что его ядерная программа преследует исключительно мирные цели. Однако у некоторых стран были определенные озабоченности на этот счет, вопросы к Тегерану были и у МАГАТЭ. Мы рассчитываем, что вся совокупность мер, предусмотренных СВПД, а также применение в Иране Дополнительного протокола, позволит быстро снять все эти проблемы. Главное сейчас сделать так, чтобы в СВПД работали только меры контроля и проверки за иранской ядерной программой. Необходимо в полном объеме реализовать заложенный в сделке потенциал. Это касается и восстановления нормальных условий для торгово-экономического сотрудничества с Ираном, для стабильного, неполитизированного функционирования каналов поставок в Иран товаров ядерного и двойного применения. В равной степени это относится и к широкому перечню сфер сотрудничества в сфере мирного использования атомной энергии, предусмотренного в рамках Приложения 3 к СВПД. Как раз на днях, ГК «Росатом» совместно с МИД России провела в Москве международных российско-иранский семинар по случаю 25ти-летия нашего двустороннего сотрудничества в области мирного атома с упором на



перспективы его расширения в рамках реализации Приложения 3 к СВПД. Я думаю, что об этом подробнее шел разговор в другой секции Московской конференции. Россия продолжит выполнять свои обязательства по СВПД. Имеем в виду совместно с иранской стороной и далее реализовывать проект по налаживанию производства стабильных изотопов на объекте в Фардо. Понятно, что для всего этого нужна устойчивая и предсказуемая политическая обстановка.

На наш взгляд, интересам международной безопасности отвечает спокойная и рутинная реализация СВПД. Я исхожу из того, что при неизбежных, наверное, различиях в оценках предпосылок и содержания происходящего с учетом тех заявлений, которые были сделаны американской стороной, все участники СВПД, все остальные участники СВПД едины в стремлении обеспечить сохранение документа и его полную реализацию. На этой основе, исходя из этой главной задачи, российская сторона будет готова к взаимодействию с партнерами по СВПД, готова в тесном, профессиональном ключе искать решение тех вопросов, и тех задач, которые появляются перед нами уже на нынешнем, непросто отрезке движения по этому пути. Спасибо за внимание.

[KHLOPKOV] Спасибо, Сергей Алексеевич. Хотел бы передать слово еще одному архитектору крайне важной договоренности, которую принято называть СВПД или JCPOA, Генеральному секретарю Европейской внешнеполитической службы госпоже Хельге Шмид. Пожалуйста.

[SCHMID]⁴ Thank you very much. It is my pleasure to be here. It is very timely conference, because we are facing unprecedented threats, unfortunately, also in non-proliferation domain. I am very happy to have this opportunity, because as all you probably know, the EU, our Member States have always been at the forefront in promoting the global non-proliferation architecture and have always been strong supporters of the IAEA and an important role the IAEA is playing as an impartial esteem agency that promotes the standards we have achieved. And in that respect, the JCPOA has become a key pillar of global nonproliferation agenda. And it is delivering a hundred per cent of its objectives. I will come to that in a moment, just allow me to say that I am also very happy to here, because as Sergey was saying, I am with my co-panelists who are very familiar because we spent so much time together, particularly the last months that led to the conclusion of the JCPOA. And also because the EU played a particular role not only because it was 3 European countries (Germany, France and the UK) who actually launched the negotiations and I had the privilege to be part of this in autumn 2003, when I worked as chief of staff for the then-German foreign minister, we launched negotiations in Tehran. If you had told me at that moment that it would take 12 more years before we could come to an agreement, and also probably very few would have predicted how it would be successful, but we were successful. And even more so, we proved all the critics wrong, because only did we achieve the JCPOA, it is also delivering a hundred per cent.

⁴ SCHMID Helga, Secretary General for the European External Action Service (EEAS), European Union



I am coming from Brussels, arrived late last night. Our leaders met, we had a European Council. Our foreign ministers had a meeting on Monday, and you may have seen they issued a Declaration at 28th, and the key message of this declaration is that at a time of acute nuclear threat, the EU is determined to preserve the JCPOA as a key pillar of the international nonproliferation architecture. This is a key sentence adopted by all 28. I agree with Sergey very much. There is no alternative to the agreement, there is definitely no way to renegotiate it. If you look at it, it is a very detailed document, more than a hundred pages. It is very technical, very clear in terms of what Iran has to do on the nuclear side, it is also very clear in terms of what we have to do.

Today I will not go to talk about what we have done on our side, the lifting of nuclear-related sanctions by the EU, US and UN, that was the other part of the equation. It is a document that addresses the technical issues in detail. Sergey mentioned Fordow. We are very grateful to our Russian colleagues for the very important role they are playing when it comes to the Stable Isotope Project. But for me, what is absolutely important, and this is why I think this is a sustainable agreement, the strong monitoring, verification and transparency measures that are included in the Agreement.

I am saying that because there is a lot of criticism of that these days. Sergey mentioned the decision by the U.S. President not to certify anymore. You have probably seen what the European leaders said on this. It is not very often you have the German Chancellor, the British Prime Minister and the French President to issue declarations together. They did so, they took note of the decision of the U.S. President not to certify anymore, they raised their concerns about possible implications. They also put it in the context of our security, European security. I think this is a very strong message. We have taken note of this decision, and as I said, we consider it an internal U.S. process. For us it is very clear it cannot impact on the JCPOA. We expect, also as coordinators of the Joint Commission, we expect all parties to continue to implement all parts of the Agreement.

But coming back to the nuclear aspects, to the non-proliferation side, the fact that we have in place a very clear long-term verification monitoring measures, I think, gives us the necessary guarantees that this is a sustainable agreement. There is also a lot of confusion out there about the duration, the talk about sunset clauses. Let me be very clear. There is no sunset clause. This is an agreement with different durations, some of them are forever, Iran has already provisionally applied the Additional Protocol pending its final ratification. This is forever. There are some enhanced verification measures that, for example, monitoring of uranium mining that go for 25 years. So this is the agreement with different durations and any talks about sunset clauses or renegotiation, to be very clear, this is definitely not an option.

Again, I also have already mentioned the very important role of the IAEA. It is for the IAEA to monitor the implementation of the commitments taken by Iran, this is for us the only relevant instance. The IAEA has issued 8 reports so far, the reports that verified the commitments. And this is why, as far as we are concerned, this is an agreement that is delivering all of its objectives. The question was also about long-term sustainability, and here I would just like to highlight, also not to be too long, the



area of civil nuclear cooperation, which is our famous Annex III. This is for us very important, because it creates a win-win situation, it makes the agreement durable by also increasing transparency of international activities. The EU is very much engaged. There is one issue I would like to highlight. This is the objective for Iran to line with international standards, and the legislative and regulatory fields. We did a seminar on that in Brussels earlier this year, which we found very successful. I am very much looking forward to a follow-up seminar in Isfahan in November. We have also started projects in support of the Iranian Nuclear Regulatory Authority. In the ongoing context we have Iran to participate in Euratom Framework projects. What I am saying is part of the sustainability issue. The Agreement is embedded in a broad range of the EU engagement with Iran. It a wide spectrum, but I just want to highlight the field of energy, where we, for example, had organized first ever Iran- EU Business Forum on sustainable energy in Tehran in April - a very successful event to promote clear energy, renewables energy efficiency. I will go myself to Tehran again in November, I will bring quite a lot of colleagues from the Commission, because the area of our engagement in energy, agriculture, research technology, microeconomics is also important.

We also support, by the way, Iran's integration to the world economy. The WTO for example. This is a very important point. All this, I think, will guarantee that the Agreement is sustainable, but again this agreement is working, it is delivering and it is not a bilateral agreement. It is an agreement that was endorsed by the Security Council resolution. Federica Mogherini, the High Representative, who has a special role as a Coordinator of the Joint Commission says that it belongs to the international community. As for the EU, I can only say that we have every interest to protect this agreement and we will continue to protect this agreement. Thank you very much.

[KHLOPKOV] Спасибо, госпожа Шмид. Как я уже сказал, у нас сразу несколько архитекторов СВПД сегодня принимают участие и хотел бы передать слово послу Шерман, которая принимала активное участие в подготовке договоренностей, в то время являясь старшим заместителем Государственного секретаря США. В настоящее время посол Шерман работает старшим научным сотрудником в Белферском центре Гарвардского университета. Посол Шерман, спасибо, что Вы с нами.

[SHERMAN]⁵ It is a pleasure to be here this morning. Let me start by taking a note that I am not a government official. I am here as an individual, I am here among colleagues. I want to take a moment and just to recognize all the people on this stage along with the British, French and German counterparts. We all have spent literally thousands of hours when all was set and done with each other. And this is an extraordinary tribute led by Helga and Federica Mogherini. A truly and extraordinary effort and I would like just to take a moment before I explain where the United States of America is, to applaud all of my colleagues for just an extraordinary undertaking supported by the United Nations and by the international world. So please, I applaud you all.

⁵ **SHERMAN** Wendy, Senior Fellow, Belfer Center for Science and International Affairs, Harvard University; Fmr. Under Secretary of State for Political Affairs (2011-2015), United States



I think that is important because as Helga pointed out, this is not a bilateral agreement between the United States and Iran. This is an agreement reached by the P5+1, they call it the E3+3, but we call it the P5+1 and the European Union, and then endorsed by the '15-to-nothing' by the UN Security Council and supported by the entire international community. And it is important that we understand that because the implications are not just for the agreement that was reached with Iran, and Iran is now a participant of the Joint Commission, an equal participant of the Joint Commission that oversees this effort for peaceful use of nuclear power, of civil nuclear power. And this is a very important example to everyone else who may aspire to have nuclear weapons that there is an alternative that preserves peace and security in the world and the ability to prosper economically, and to prosper in the security of country. So I hope all countries in the world take note of the example that was taken here by Iran and the P5+1 and the European Union to achieve this.

Now that there is a tremendous attention to what the United States is doing and I am obviously a patriot of my country, I believe in the United States of America. I believe in the resilience of our system. And as I was talking with Abbas about that CNN just reported a poll was taken in September that shows 2 out of 3 Americans, two thirds of all Americans believe that the United States should stay in the JCPOA. That includes 48% of Republicans, 67% of Independents and 80% of Democrats. So the American public, no matter who you are, believes that we should stay in this deal. I think that the President of the United States knew that when he decertified by did not encouraging the U.S. Congress to snap back the sanctions. There is a very complex political dance going on in my country.

So let me try to explain what I think will happen. The President did not dispute that Iran has technically complied with the Agreement. It is impossible to say that Iran is not complied with the Agreement. The 8 IAEA reports say that Iran has complied with the agreement. And all parties, frankly, have complied with the agreement. I know that Abbas will say that the United States has not fully complied with the Agreement. I completely expect that. We understand each other quite well. But uppe he said is that Iran has not complied with the spirit. This agreement has nothing to do with spirit. There is nothing spiritual about this agreement. This agreement is completely about verification and monitoring, specifics, a 159 detailed pages. I am not a nuclear physicist, I have no desire to be one, I respect all of you who are. I know about this more than I ever wanted to know. So it is quite detailed. It has nothing to do with spirit. The President is also quite concerned about Iran's activities particularly in the Middle East, state sponsorship of terrorism, the launching of missiles, the trading of weapons and human rights in Iran. I share some of those concerns but this agreement is not about that. This agreement is to ensure that Iran is not to obtain a nuclear weapon. And it achieves that. And I give, as I said at the beginning of this, all of the parties, including Iran, enormous credit for having achieved such an agreement.

So what happens now? What happens now is that the United States Congress has 60 days in which they decide whether to snap back the U.S. sanctions. That happens under what is called "Expedited Procedures", which means that it takes only 50 votes in the U.S. Senate, not the usual 60. There is no cloture vote, which I am happy to explain for anybody who wants to understand all of our crazy rules. So it only takes 50 votes. My sense is this is not what will happen. I think the President does not want



to leave the deal. He just wants the Congress to take the responsibility for it, not him. And what I do think will happen, however, is that the Congress will consider other legislation that does not happen under the 60-day procedure. There is a piece of legislation called Corker-Cotton Bill by Senator Corker and Senator Cotton that creates new triggers for the sanctions snapping back. In my view, this legislation is intend to unilaterally renegotiate the deal, I do not think that is it acceptable. I believe that there are many in the Senate who agree with that posture, even some who voted against the deal in the first instance, because they believe that the deal is working, and they do not want to get out of it. But we will have a battle to ensure that such a legislation does not pass. Right now it has no bipartisan sponsorship and I would not expect that legislation currently stands a chance to get bipartisan support, but again, it will be a difficult battle. People are working hard to ensure that it just not go any place that creates a situation where this deal falls apart. We think it is quite important.

The President says he cares about America's national security, and in my view, it is vital to America's national security that the JCPOA continues. I want to take one more moment to salute the EU, as Europe has been stalwart in support of this on Capitol Hill. And most in America do not want to do anything that will breach the Transatlantic relationship. So this is an important thing. And one last point I will make is any legislation like Corker-Cotton has to achieve 60 votes. So it is a higher bar to get it passed, which is a good thing, because it makes it more difficult to do. And I am happy to answer your questions as we go forward, but what I mainly want to do is salute the enormous work of all the people on this stage, our partners and literally thousands of people in our governments and the IAEA who have worked to achieve this. Thank you.

[**KHLOPKOV**] Спасибо, посол Шерман. И прежде, чем передать слово еще одному архитектору СВПД, хотел бы обратить внимание на слова госпожи Шерман в части «духа договоренности», поскольку многие американские коллеги, в том числе в этом зале, часто говорят о том, что Иран, например, осуществляя ракетные пуски, нарушает «дух договоренности». Поэтому этот комментарий от госпожи Шерман от одного из отцов-основателей, матерей этой договоренности, если хотите, крайне важен. Либо мы работаем по тексту, либо мы апеллируем к «духу» договоренности. Большая честь передать слово заместителю министра иностранных дел Исламской республики Иран, который также принимал активнейшее участие в выработке договоренности, доктору Аббасу Аракчи.

[**ARAGHCHI**]⁶ Very good morning to all of you. So glad to be amongst you today. Let me thank Center for Energy and Security Studies and our friend Anton Khlopkov for organizing this meeting. I am especially thankful to him for organizing this panel on the JCPOA and for the composition of this panel. It is very good to be once again with the colleagues we worked together about 2,5 years, days after days, hours after hours, as it was mentioned, even late sessions till morning. So we really did a very difficult job and I am so glad to be once again among these very good colleagues. We had a common goal at the time to achieve the JCPOA, now we have another common goal – to save it. I have to say something before I start. I endorse everything that was

⁶ **ARAGHCHI** Abbas, Deputy Foreign Minister for Legal and International Affairs, Iran

said by the colleagues about the JCPOA, and I am telling you that it never happened during the negotiations. But now, as I said, we have the common goal to save and protect the JCPOA.

Well, some comments. First of all, I fully agree that the JCPOA is a pillar, an important part of the non-proliferation regime. And if it fails, actually it would be a failure for the NPT, a failure for the non-proliferation regime. Why is it so important for the non-proliferation regime? Because this document deals with a very important issue of non-proliferation in a balanced way. That is why it is highly acceptable by all parties. And these two pillars of NPT are dealt with in a balanced way in this field – non-proliferation and peaceful use of nuclear technology. This is very important. The deal makes sure that there is no proliferation in Iran’s nuclear program. At the same time the deal is respectful for Iran’s right for peaceful use of nuclear energy and technology, and to exercise that right. And that can be a very good model for other countries to follow, because the deal is a very important part of the non-proliferation regime. The other point I want to raise is what Helga mentioned that there is no sunset clause in the deal. And I would also like to reaffirm that Iran’s commitment not to go looking for weapons is permanent in the deal.

I will read you Paragraph 3 of the Preamble: “Iran reaffirms that under no circumstances will Iran ever seek, develop or acquire any nuclear weapons”. And there is no sunset for this. It is a permanent commitment by Iran in the JCPOA. There are some time-limited restrictions as it was mentioned. But what are the purposes of those restrictions? What happens after those restrictions? Some say that Iran will go after a bomb, but it is not the case, it is not true. When these restrictions are finished, Iran will become a normal member of the NPT, like any other non-nuclear state should remain committed to the obligations of the NPT. Even more, if everything goes well and all parties remain committed to the obligations of the JCPOA after six years from now, Iran would ratify the Additional Protocol. And the Additional Protocol which is now voluntarily implemented would become a permanent obligation for Iran. So there is no sunset clause, Iran’s commitments under the JCPOA not to go for nuclear weapons is permanent.

The second point is we in the group during negotiations intentionally decided to dealing any other issue with the Iran’s nuclear program. So we negotiated only Iran’s peaceful nuclear program, not any other issue. That was intentional decision by all of us. Had we linked any other issues to the negotiations, it would be ever-ending negotiations. So I think to is important to keep this line if relate anything, any other issue to the JCPOA. It looks like as we said that the NPT would be successful if, for example, Palestinian issue was resolved and human rights are respected. That would be as ridiculous as we say that the JCPOA should be implemented in a way that all other issues, all other regional issues are also dealt with. Some say that there is a provision in the JCPOA, which says that the JCPOA should contribute to peace and stability of the region, internationally and regionally. I will read the sentence for you, which is in the Preface of the deal: “They [the participants] anticipate that full implementation of this JCPOA will positively contribute to regional and international peace and security.” So first of all, it is not a provision, it is anticipation of what may happen in the future as a result. Secondly, it says that full implementation of the JCPOA and full implementation is after 10 years. It is not now. And thirdly, I can still



say that implementation of the JCPOA, even not fully, after two years has contributed to peace and stability in our region. At least we have one less problem in our region, which is full of chaos and difficult conflicts and problems. Just imagine what would be the situation in our region if we had also a nuclear crisis in Iran.

And my last point, which is really important. Everybody mentioned Iran's compliance to the deal. I want to add that it is a fact that the United States has not complied to its obligations with in the JCPOA. And this is totally unacceptable. The United States has constantly violated the JCPOA. Not the spirit of the JCPOA, the letter of the JCPOA. I will just read from the JCPOA and leave the judgment to you. Paragraph 26: "The United States will take best efforts in good faith to sustain this JCPOA and to prevent interference with the realization of the full benefit by Iran of the sanctions lifting". Paragraph 28: "The E3/EU+3 and Iran commit to implement this JCPOA in good faith and in a constructive atmosphere, and to refrain from any action inconsistent with the letter, spirit and intent of this JCPOA that would undermine its successful implementation. Senior Government officials of the E3/EU+3 will make every effort to support the successful implementation of this JCPOA including in their public statements." So any public statements made by President Trump is a violation of the JCPOA. Anything he says against the JCPOA is a violation of the deal. His speech in the General Assembly in front of the world leaders was an obvious violation of the JCPOA. The letter, not the spirit.

And the worst than all, in the past 5 months the United States has created a very negative atmosphere around the JCPOA and around Iran. And that undermines the successful implementation of the JCPOA. They are committed to create, to implement the JCPOA in a constructive atmosphere. But the atmosphere they created is destructive. They have kept the whole business community in the world in an atmosphere of uncertainty and confusion, so nobody is interested to work with Iran. There is no dividends for Iran, because everybody is just waiting. The negative atmosphere created by the U.S. Administration is, in fact, the violation of the JCPOA, preventing Iran from benefiting from sanctions lifting. And I will tell you, this is totally unacceptable and it will have its consequences. The situation as bad in Tehran as it is in Washington, I have to tell you. And we have to be very careful of what we do in the future. I should confirm at the end that, as the colleague said, we do not see any possibility for renegotiation, for any addition, for any annex, for any add-on for the JCPOA. It should be implemented in full and Iran should benefit from the dividends from this deal, otherwise we would have a serious problem. Thank you so much.

[KHLOPKOV] Спасибо, доктор Аракчи. Я хочу обратить внимание участников на важный тезис, который был упомянут и доктором Аракчи, и послом Шерман, о том, что важной частью договоренности, важной частью успеха стала возможность отделить центральные вопросы, центральные проблемы от остальных. Важных, но которые должны обсуждаться в других форматах и в этой связи, когда мы обсуждаем возможные договоренности в других регионах по снятию напряженности, в том числе в ядерной проблематике. На мой взгляд, это тот важный подход, который мы должны также использовать. Поскольку если бы не было договоренностей между сторонами о выделении центральных аспектов, как сказал доктор Аракчи, наверное, до сих пор, переговорщики бы



заседали в Вене, в Женеве, в других столицах. Поэтому, когда мы думаем о Корейском полуострове, на мой взгляд, этот подход абсолютно справедлив.

Хотел бы передать слово нашему следующему докладчику. Как я уже сказал, без МАГАТЭ, без проверки и верификации, без проверки независимой международной организации трудно себе представить будущее договоренности. В этой связи, большое спасибо, посол Ферута, что вы с нами. МАГАТЭ играет важную роль в реализации договоренности, осуществляя проверочные функции, поэтому буду признателен за ваше видение, где мы находимся сейчас и каковы перспективы договоренности с точки зрения Международного агентства по атомной энергии.

[**FERUTA**]⁷ Thank you very much Anton. I feel like this session is probably one of the most privileged sessions of the whole conference, and that is because I am privileged to share this podium with two ladies, which have made a strong contribution to this important deal. And secondly, because I think it is quite a real sight to see the architects, and I am looking to my right of the deal on the same stage, and agreeing on all the issues that they are saying. And I think it is also this panel represents the institutional memory of the JCPOA negotiations. And Helga stated with the request to the historical memory of 2003, when the issue first started to be addressed. And I think it is quite important to restate where we are and where we are today.

The Iranian nuclear issue has a long history. And the history before getting to the Agreement was pretty rough and very complicated, with many bumps on the road. So, it started in 2003. And I think we all remember how difficult that was when the IAEA Director-General at that time reported in June 2003 to the Board of Governors, subsequently the board deciding to cease the Security Council in 2006 and with the number of the IAEA board of governors' resolutions and the UN Security Council resolutions that followed. And I think throughout the period there were a number of initiatives that were tested but little were delivered. And we all remember that international tension rose to quite high limits, at times to the very dangerous levels.

Now we could see the changing of the climate, the atmosphere, the openness for conversation, discussions in 2003. And I do not know how many of us remember but the JCPOA was preceded by the Joint Plan of Action and by parallel negotiations between Iran and the IAEA on the Framework of Cooperation. At the same time, in October 2003, when the IAEA and Iran agreed on the Framework of Cooperation, almost at the same time there was an agreement between the E3+3 and Iran on JPA, which created already the certain level of predictability that allowed both Iran and the Agency to look at what can be done to address concerns that the Agency expressed.

For the next year and a half, there were two separate strands of negotiations, each of them supporting themselves, and we were able to provide technical advice to the process of the E3+3 and Iran, and luckily at the end of the day, this twin-track approach proved to be successful and moving things forward. Now, what has happened after July 2015? Is that only the E3+3 and Iran agreed on the JCPOA? It is

⁷ **FERUTA** Cornel, Chief Coordinator, International Atomic Energy Agency (IAEA)



crucial that the Security Council endorsed the JCPOA and it is crucial that the IAEA Board of Governors authorized the Director-General to monitor and verify the implementation of the nuclear-related commitments. And I think for the IAEA this is the mandate, this is the framework that guides the work of the Agency. The Security Council Resolution and the Board of Governors authorization and request, and we will continue to do so as long as these requests remain valid. We all talk about the JCPOA only, but I have to say that the overall framework that guides the relationship between Iran and the IAEA is completed also by what we call the Comprehensive Safeguards Agreement and the Additional Protocol. And Iran, as of the implementation, they also provisionally apply the Additional Protocol. And it is a very important instrument, a very powerful instrument that allows the IAEA more access, more visits, more interaction together with the Iranian experts on the implementation of its own obligations.

Also, again, I do not know how many of us remember that for many years, an important issue was pending, which is called “the possible military dimensions”, which together with Iran we also were able to address in parallel with conversations and interaction we had on the JPA-JCPOA and the roadmap, that was eventually agreed between the IAEA and the Agency. It is based on this roadmap and this activities, that are agreed on July 2015. It is actually on the same day, few hours before the JCPOA was signed, Vice-President Salehi signed the roadmap addressing all these issues related possible “military dimensions” and the subsequent months we were able to clarify all those issues. And why I am mentioning this, because this facilitated, enabled the implementation of the JCPOA. And ever since I think we have started a new phase of cooperation with Iran since January 16, 2015 with the Additional Protocol, with monitoring verification activities, and we continue to follow that. Now the Director-General of the IAEA reported on numerous occasions after the implementation day, most recently in August this year, that the nuclear commitments under the JCPOA undertaken by Iran are implemented. And the IAEA will continue, that is what we do, to verify and monitor on the basis of the Security Council and the Board of Governors mandates in an impartial way and very objectively the modalities defined by the JCPOA and our own standard safeguards practice. And I have to say that the level of interaction, the level of monitoring we have with Iran is unprecedented. We have inspectors on the ground every practical day. We use advanced technologies in our work and we have more information about the Iranian nuclear program now than we had before.

I also have to remind you that Iranians are implementing the Modified Code 3.1 which is also important. It is one of the stumbling blocks, I think, before the JCPOA entry into force. From the IAEA point of view, and I am saying this from the IAEA point of view, because I think here we echo the views of the IAEA Board of Governors and our Member States, and from the verification point of view, the JCPOA is a clear gain. It is a net verification gain from a verification point of view and I think we could also see throughout the history of the 12 years before we got to this agreement, how much and how significant actually this is success for international diplomacy, a major achievement, I think. It is a quite rare a situation where the international community is cooperating in such a way that the E3+3 and Iran are guided by the European Union in cooperation with the Agency and the interaction we had. So, of course, now there is a speculation about the future of the



JCPOA. And strictly from the IAEA perspective, we do not operate on the basis of speculation. And I think as long as Iran continues to cooperate with the Agency, and implement on the one hand the commitments under the JCPOA and the commitments under the safeguards arrangement and the Additional Protocol, the reports of the Director-General will reflect in a factual and impartial way this exact reality. And I think as far as we are concerned, we are very much glad to see that the support and the echo we get from a number of actors under the type of work the IAEA is doing. It is also recognition of impartiality, and I think we will continue to do that. We would like to remain the ones who provide “the reality check”. The reality is always included into Director-General’s reports to the Board of Governors and the UN Security Council. Thank you, Anton.

[KHLOPKOV] Спасибо. У нас есть 28 минут, если быть точным, для вопросов и ответов. В 10:30 ровно мы должны будем завершить наше заседание, поэтому мы соберем по 4 вопроса и после этого дадим докладчикам ответить. Посол Марьясов – первый.

[MARIYASOV]⁸ Александр Марьясов, экс-посол России в Исламской республике Иран. У меня вопрос к госпоже Хельге Шмид. Как Вы думаете, смогут ли, сумеют ли европейские страны противостоять американскому давлению и продолжать выполнять свои обязательства по СВПД в случае выхода США из этой сделки и восстановления американских антииранских санкций, в том числе и по ядерной программе Ирана? Действительно, в 2003-2005 гг. Евротройка вела переговоры с Ираном об ограничении его ядерной программы. К сожалению, эти переговоры провалились, потому, что Соединенные Штаты практически заблокировали их, выдвинув неприемлемые предложения по полному свертыванию ядерной деятельности Ирана и демонтажу и демонтажу его ядерных объектов. Мы знаем, к чему это привело и какие ответные меры предпринял Иран и как стали развиваться события. Спасибо.

[KHLOPKOV] Laura Rockwood, please.

[ROCKWOOD]⁹ Laura Rockwood, the Executive Director of the Vienna Center for Disarmament and Non-Proliferation and previously lawyer for the Department on Safeguards, and worked on Iranian files since 2003. We heard yesterday from Sergey Lavrov that the IAEA has no authority to verify Section T on weaponization. And I would be very interested in hearing from each of the panelists their respective views on that.

[KHLOPKOV] Доктор Куббиг следующий.

⁸ MARIYASOV Alexandr, Fmr. Ambassador Extraordinary and Plenipotentiary to the Islamic Republic of Iran (2001–2005) and the Kingdom of Thailand (2010–2014), Russian Federation

⁹ ROCKWOOD Laura, Executive Director, Vienna Center for Disarmament and Non-Proliferation (VCDNP), United States/Austria



[**KUBBIG**]¹⁰ Bernd Kubbig, Academic Peace Orchestra Middle East. I have two questions, but a comment first. And there is I think a strategy to point to the strength of the JCPOA, what is in it is very good and I think it is very sound. My first question is, even if one pursues the strategy, there is big criticism, and one of the points is missiles. And the question is instead of excluding and ignoring the criticism, my first question to you is to what extent you think is it now important to focus on the missile issue in a win-win and a balanced way. And is it not just criticizing, criticizing Iran, but getting another regional forum together, with Israel and Saudi Arabia to fend off criticism. And the second question is very important to be now on Capitol Hill. But criticism is also progressing in the region among the Gulf States but I see also here windows of opportunities, because the schism between Saudi Arabia and Qatar indicates different positions towards Iran. So my question is to what extent do you think it is possible to solidify the JCPOA by going beyond Oman and trying to bring other countries behind you as part of a strategy to solidify the JCPOA and increase its resilience? Thank you.

[**KHLOPKOV**] Доктор Бликс.

[**BLIX**] I have two brief comments and one question. The first is that it is not a bilateral or trilateral agreement and it is the decision by the Security Council of the United Nations. And we know that the Security Council is so far based upon the Agreement between P5. I think any falling apart of the agreement would be a disaster for the authority of the UN, and President Trump talked about the potential of the UN, he should protect it, improve it, not destroy it. The second point is about the IAEA. I was at the IAEA when we developed the Additional Protocol and I am happy to see it was accepted in 1997 and I am happy to see that it plays a big role now. It still requires a very great level of integrity and strength from the IAEA professionalism and integrity and I trust that it will continue. Now I will get to my question. The question is about whether the agreement will be a model for the field of non-proliferation. I somewhat doubt that. When I was in the position when we had raised suspicions, understandable suspicions, because the program was too big, I think for the peaceful purposes. And it was settled in the Agreement that they cut down the program in the agreement with others but will this be the model for the rest of the NPT members? Try to use it on Brazil and I think you will get a very clear answer.

[**RYABKOV**] Thank you all and I thank everyone for this interest. I do not believe I can kind of improvise on what is possible and what is not in terms of solidifying this agreement by working with the Gulf states one way or another. We took note of course of the fact that a couple of Gulf states sided with President Trump squarely in putting the question about the validity of... well, not the validity, about the future. Let me be straightforward, in the Russian assessment of the deal, the others were more or less quiet or evasive. I think the vast majority of the international community supports the line which all of you heard now from this podium; every single participant in this panel. On Section T. Well, obviously being deputy to Minister Lavrov I cannot say anything but to confirm what he has said. To be more specific, sorry, I would say that there is a provision in the arrangement that allows to have a discussion on the roles of the IAEA in regards to Section T at the Joint Commission. My personal view is that

¹⁰ **KUBBIG** Bernd, Adjunct Professor, Goethe University Frankfurt; Director, Academic Peace Orchestra Middle East (APOME), Germany



given the circumstances and depending on how things would evolve, one may have a debate on this.

Another issue is, of course, how the Iranian side would look into it, but this is exactly right to what Minister Lavrov said yesterday that the IAEA currently has no mandate to verify Section T. If the JCPOA can serve as the model to anything else, I think some of the approaches, some of the records from these negotiations suit very well to other difficult situations in the area of non-proliferation. And moreover, the good routines and the ways how we work together and communicated at times forgetting the national affiliation, let me be very frank with you, and focusing exclusively on the substance and how to deal with things, how to develop solutions. That is invaluable and that is something that should be remembered and cherished.

Now, in substantial terms, I share with ambassador Blix, I think in some cases we have a different degree of advancement, we in one case have obvious weaponization, which in our national view was not the case at any given moment in Iran, so the bet is so much higher and this traditional standard, step by step, that was the Russian invention as we remember, a step by step phase. Well, it is not applicable now, we need to find other ways to address the substance, we have to find different language and, moreover, we have to find sufficient political will on everyone involved to deal with this.

On missiles, it is one of the most contentious issues as everyone here understands. It has always been and it remains one of the tricky things. My only answer to this would be Russia is a strong proponent of the establishment in the Middle East of a zone free of nuclear weapons, other weapons of mass destruction and their means to delivery to quote literally what was the title and essence of the well-known decisions of 1995 to extend NPT indefinitely. It is the key that we believe will lock the door, easy say than done, but I do not have any reasonable offer to you on how it would be possible to deal with this diplomatically, proactively, constructively, rather than continuously arguing about things that go right to the core of the national security of the Islamic Republic of Iran and that creates a sense of insecurity in some other states, not to include Russia.

[SCHMID] Thank you. On the question of the JCPOA model I would very much agree with what Sergey Ryabkov said. Every situation is different, so you cannot just transpose it to another situation. But I think that the way it was done is definitely a model. It is negotiations, it is a cooperative approach rather than confrontation, the fact that we were building trust in confidence. It is a very detailed agreement, which does not leave any room for interpretation other than it may be other comparable agreements and it also creates a win-win situation. We asked Iran to do a lot but also we offered quite a lot. So in that respect it was the methodology definitely I would see as a model. And it was negotiated by the European Union, which was probably the one that could be accepted as neutral because we did not have any specific or interests.

The question on missiles, I very much agree with what Wendy Sherman said before, also my colleague Abbas. There is a reason why the issues and concerns that we definitely have, we do have concerns about ballistic missiles, we definitely feel they



do not contribute to confidence in the region, for the EU we have restrictions in place on missile technology till 2023, we have also arms embargo in place. We feel that ballistic missiles are not consistent with the relevant Security Council resolution, but they are outside the scope of the agreement, like the regional issues. They have to be addressed but in a different form, in different formats, this is the message our foreign minister gave. Do I believe in multilateral solutions? Yes, indeed. This is probably an issue where you would have to go, because this is the issue which every country in the region has legitimate security interests. This goes for Iran, Saudi Arabia, the other Gulf countries. And this is probably the way, that is for the future to address it. On section T. Here, my position is that all nuclear-related commitments measures have to be implemented, they have to be monitored by the IAEA. This is also set out in the relevant Security Council resolution 2231. And I have also noted that the IAEA has confirmed in two reports that it is monitoring Section T.

And then the first question which was probably only addressed to me. I do not want to speculate. This is why I said that for us the decision not to certify anymore, although the Trump Administration has certified twice already, we see that as an internal U.S. procedure, we expect every party of this agreement to continue to stick to their commitments. This is very clear. For the EU we have been reengaging, particularly also when it comes to trade we are actively promoting trade, this was made possible to the agreement, this reengagement is various sectors. Also we have also a discussion internally, the only thing I can say is we are looking into ways to protect our business operators' interests. Thank you.

[SHERMAN] I think Helga has made a lot of comments with I would agree with. Let me just add a couple of things. I think the strength of this with the clarity of the objective and the mission. If you all recall and Sergey remembered that as well, in the midst of this we have all become quite concerned about Russia's decision regarding Ukraine and we all understood well that we had to keep our focus inside the room, because we share the same objective in this negotiation that was focused on the working on the arrangement, where Iran would not obtain a nuclear weapon. And it was not one of the matters of tremendous importance to each of us, they were, and some very difficult moments, quite frankly, but if we brought all of the issues into the room, there would be no agreement. And the same would be said of the U.S. concerns and shared by some other colleagues here of ballistic missiles, of arms, of human rights, of state sponsorship of terrorism, because of all those issues had been in the room they would have been traded off against the nuclear issue. And so everything would have ended up with the least common denominator and no objective would have been actually achieved to the fullest to which it is needed to be achieved.

So I think what is important about this negotiation was the clarity of the objective and the relentless focus by everyone to keep that focus in the room, understanding that each country had additional objectives that were not in the room, that have to be dealt with, but it would be dealt with in other ways, in other venues. And I think this clarity above all else was critical to achieving this agreement, and achieving it the depth which it is needed to be addressed without dealing with the other things.

Section T. I quite agree with what Helga said, I think Cornel will be the best who would want to speak on Section T. I do think that we all need to figure out a way to



address the issue of ballistic missiles, as a means of delivery of nuclear weapons, it is quite crucial. The only point I will make since we had a lot of discussions about North Korea here, is at the end of the Clinton Administration we were in the midst of reaching an agreement with North Korea on the testing long-range missiles, we had a moratorium and we were on our way, perhaps to getting an agreement. We ran out of time, we had contentious elections in the United States that did not get over until December instead of November, and I deeply regret that I never got to get back to Pyongyang and get that deal done, because I think we would be in a very different place today.

[**ARAGHCHI**] Thank you. First of all, the comment on the first question, which was actually addressed to Helga. It is not a secret that we seriously expect the EU and European countries to protect their companies and their work in Iran, this is what we seriously expect, this is very important for the survival of the JCPOA. What happens if the U.S. is out, has walked away? Can we continue with the Europeans? Of course, we are not at that point yet, but my personal view is without the U.S. the whole deal is collapsed and dismantled.

On Section T I fully agree with Sergey, obviously. If you refer to Paragraph 15, 16 as far as I remember, maybe I make a mistake, but the mandate for the Agency in the JCPOA is clear and Section T is not a part of the mandate. But I think if there is any debate, or question what needed to be addressed.. the Joint Commission is the best place to deal with that.

On missile question. Let me tell you very clearly that our missiles are only reliable defense capability of us. And they are absolutely for defense purposes, they are for deterrence. They are to prevent another young Saddam Hussain in the region to make another miscalculation on attacking Iran. They are totally out of the scope of the JCPOA. On this I just agree with what Wendy and Helga said that we decided to keep any other issues out of the scope of the JCPOA for a reason. And finally, I believe that the JCPOA can be a model, of course, every situation is different, but the approach is important. The approach that we took in the JCPOA, a win-win approach, which was successful, is a big lesson can be used in other situation. And also the approach we took in the JCPOA to make a very clear balance between the obligations in the NPT, which are also respected in the JCPOA, I think can be utilized in other similar cases. Thank you.

[**FERUTA**] Thank you. On Section T the views that were expressed here are quite clear and they explain why the Director-General of the IAEA said also publicly that the continuing conversation with the Joint Commission would very important. From our perspective, the Security Council request which was again authorized by the Board of Governors of the IAEA request the Agency to monitor and verify all nuclear commitments, including Section T, and that was made clear in June 2017 and August-September reports to the Board of Governors. And just for you to know I think the Comprehensive Safeguards Agreement and the Additional Protocol provisions broadly cover the issues related to Section T. And I think we will continue our work and in parallel we will continue exchanging views with the Joint Commission because the IAEA cannot interpret the provisions of the JCPOA. And I think so far we had a



very good dialogue with the members. The fact that we all explain our views in such a way I think it shows that we understand very well what the issue is.

Doctor Blix, I very glad you raised the issue of the Additional Protocol. This is how the history of the Additional Protocol, as you know here very well, was developed. And this year we are commemorating 20 years since the Additional Protocol was created. It shows that it is a successful instrument. It is a very powerful instrument that has been applied consistently in the professional way by the IAEA over the 20 years. It is quite remarkable that in these 20 years we got 229 Member States implementing the Additional Protocol, including Iran, provisionally applying it. And I think that, and here I am telling to the recommendations that the Ambassador Berdennikov made in his paper for this conference aiming for the universalization of the Additional Protocol. So there is no doubt that the Additional Protocol is a very successful instrument and it also brings with it as we all call it “the broader conclusion”. Once a country get a “broader conclusion” or the Agency draws the “broader conclusion” under the basis of the Comprehensive Safeguards Agreement and the Additional Protocol, it means that all nuclear material is for the peaceful purposes. When it comes to Iran, of course, we implement the Additional Protocol in the same way in Iran as in any other country. There is no shortcut, this is what will preserve the professionalism of the Agency. One point whether it could be some positive lessons from the JCPOA and the deal between Iran and the IAEA. And I think there are many positive lessons not on the different layers of negotiations, but on the process.

So first of all, what enabled substantial progress on the JCPOA was this possible military dimension. What is important is indeed to have a dialogue. A dialogue not just for the sake of the dialogue, but for the dialogue which produces results. And in order to do that you need to spell out very clearly what are the issues, this is I think what has happened, when the Director-General Amano presented his report to the Board of Governors in 2011.

The second positive lesson is that it is possible to combine different knowledge at the international level. On the one hand, we had E3+3 Iran track, the other track was the IAEA – Iran which was more technical. But I think all of us could benefit from the input from others. The IAEA benefited quite a lot from the political input and support we got from E3+3. And I think we informed the discussions on the JCPOA with technical advice and provided our own understanding of the issue. There is number of positive lessons difficult to replicate in other formats, that is why I think we have the CSA and the Additional Protocol, the overall safeguards verification regime. I think we made a very strong contribution.

[KHLOPKOV] Thank you, Ambassador Feruta. We do not have time for any other questions. I have to complete the session now. Please join me to thank all panelists. I think it was an extraordinary session with the architects of the JCPOA. We will have a chance to discuss related issues including during the next session, but with other panelists.