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THE INSTITUTIONAL DIMENSION OF IRAN'S NUCLEAR PROGRAM

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The article examines the specifics of the implementation of Iran's nuclear program in view of the main domestic and foreign political opportunities and limitations for its implementation.

The development of Iran's nuclear program is considered from two perspectives. On the one hand, efforts to realize one's own interests contrary to international norms, including the development of the military component of the nuclear program, and on the other hand, compliance with international obligations under its nuclear program. Either way, in each of the outlined perspectives, the key element is the institutional frameworks for the implementation of nuclear programs by interested international actors, developed at the level of the international community.

It has been studied that Iran started the implementation of its nuclear program in the 1950s, it was during this period that the IAEA was created as an autonomous (intergovernmental) organization within the UN system. Iran became its member in 1958. And already in 1963, Iran joined the Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water. In 1968, the Treaty on the Non-Proliferation of Nuclear Weapons was adopted, which Iran signed and ratified in 1970 as a nuclear-free state. Considering the current context of the NPT, it is noted that for the West, which attaches great importance to the solution of the nuclear problem, the situation was complicated by the fact that Iran has not clearly violated any of the obligations it undertook as a member state of the NPT.

The article highlights UN Security Council resolutions 1696 (2006 y.), 1737 (2007 y.), 1747 (2007 y.), 1803 (2008 y.), 1835 (2008 y.), 1929 (2010 y.), 2224 (2015 y.) with calls to Iran to take measures to limit the development of the nuclear program, provided by the Board of Directors of the IAEA.

The Joint Comprehensive Plan of Action (JCPOA), which became an important international document that influenced the IRI nuclear program, was analyzed. This Agreement identified specific authorized and restricted Iranian nuclear projects, including weapons-grade uranium enrichment facilities at Natanz, Fordow, and a heavy water reactor at Arak. An essential provision of the JCPOA was Iran's obligation to fully comply with the "Roadmap" agreed with the IAEA regarding its past nuclear activities, which contained signs of military direction.

Key words: Iran's nuclear program, Islamic Republic of Iran, NPT, IAEA, UN Security Council, JCPOA.

Statement of the problem. With the establishment of modernism in the theory of international relations, the conviction that international actors do not have full autonomy in the international system the type of which determines the nature of their behavior was approved. The spread of post-positivism contributed to the understanding that not only does the system have deterministic influence over the actors, but the actors, via repetitive and variable patterns of interaction, contribute to the constant reproduction and transformation of the system. If international collective norms are not decisive in the behavior of an individual actor which instrumentalizes a realistic strategy of 'self-reliance', taking into account the apparent or real 'security dilemma' for it, then other participants of international interactions (the international

community or hegemonic states) use available tools and means of influence to force such an actor to adhere to the established rules in the international system. In this context, the development of the nuclear program of Iran can be viewed from at least two perspectives: Iran's attempts to realize its interests contrary to international norms (development of the military component of nuclear weapons is desirable, taking into account the 'security dilemma' and non-conformist behavior about the system) and Iran's compliance with international obligations under its nuclear program (the use of the advantages of peaceful nuclear weapons and harmonization of national interests with the goals of the international community). Either way, in each of the outlined perspectives, the key element is the institutional frameworks for the implementation of nuclear programs by interested international actors, developed at the level of the international community.

Analysis of the latest scientific research. The empirical base of the research covers official documents, including UN Security Council Resolutions on Iran, IAEA documents, reports of news agencies and official speeches of the leaders of the interested states, articles in periodical (print and electronic) mass media, which form the factual basis of the work, as well as thematic analytical articles.

Special attention should be paid to the works of the Doctor of Political Sciences, Professor of the Department of International Relations and Foreign Policy of the Institute of International Relations of Taras Shevchenko Kyiv National University S. Halaka [1] consistently analyze the problems of nuclear non-proliferation and the position of IRI in relation to it.

The purpose of the study is to investigate the peculiarities of the implementation of Iran's nuclear program in view of the main foreign policy opportunities and limitations for its realization.

Presentation of the main material. Consideration of the IRI's nuclear program systemic opportunities and constraints should be started referring to one of the first international acts in the atomic sphere – the Statute of the International Atomic Energy Agency – IAEA, which was adopted on October 26, 1956 [14]. The Agency is committed to ensuring the rapid and widespread use of nuclear energy to maintain peace, health, and prosperity around the world. As far as possible, it takes measures so that its assistance is not used to achieve any military objectives. De jure when performing its functions, the Agency does not limit the provision of assistance to its members by any political, economic, military, or other requirements incompatible with the provisions of its Charter.

On July 1, 1968, the Treaty on the Non-Proliferation of Nuclear Weapons was adopted, signed in Moscow, Washington, and London [15] (NPT). The treaty defined obligations for state parties, both those possessing nuclear weapons and those that do not. Following the norms of the NPT, each of the participating States with nuclear weapons undertakes not to transfer to other states nuclear weapons or other nuclear explosive devices, as well as the control over such weapons or explosive devices. Furthermore, the nuclear Powers cannot, either directly or indirectly, induce any non-nuclear-weapon State to produce or acquire nuclear weapons or other nuclear explosive devices, or to gain control of such weapons or explosive devices.

The NPT's Article 4 norm plays an important role in Iran, which it constantly refers to. According to this norm, none of the provisions of the Treaty should be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production, and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty. All the Parties to the Treaty undertake to facilitate and have the right to participate in, the fullest possible exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear energy.

Considering the current context of the NPT, the researchers note that for the West, which attaches great importance to the solution of the nuclear problem, the situation was complicated by the fact that there was no clear violation by Iran of any of the obligations, assumed as a Member State of the NPT. For its part, Tehran constantly appeals to the NPT's Art. 4, which guarantees the states that renounced nuclear weapons the right to use atomic energy for peaceful purposes, focusing on their intentions to develop nuclear energy and the production of medicines, etc. [1, p. 3].

Since 2006, the UN Security Council adopted several resolutions calling on Iran to immediately take the measures stipulated by the IAEA Board of Governors, which were necessary to increase the confidence of the international community regarding the exclusively peaceful goals of Iran's nuclear program. In Resolution 1696 (2006), adopted by the UN Security Council at its 5500th meeting on July 31, 2006 [6], the Security Council called on Iran to take the measures envisaged by the IAEA Board of Governors without further delay. In this regard, the UN Security Council demanded Iran to stop all activities related to the enrichment of weapons-grade uranium and its processing, including research and development, which should be controlled by the IAEA. Such a stop must be complete and verified. As part of the implementation of this resolution, the UN Security Council approved the proposal of Germany, China, Russia, Great Britain, the United States, and France, supported by the EU High Representative for the elaboration and signing of a long-term comprehensive agreement that would allow developing relations and cooperation with Iran based on mutual respect and by ensuring the confidence of the international community regarding the exclusively peaceful nature of the Iranian nuclear program. The UN Security Council called on the states while acting following their national mechanisms and domestic legislation, as well as the norms of international law, to demonstrate vigilance and prevent the transfer of any funds, materials, items, and technologies that could contribute to Iran's activities related to enrichment, processing and the development of its ballistic missile program. Also, the UN Security Council announced its intention to take appropriate measures based on Art. 41 of Chapter VII of the UN Charter to convince Iran to comply with both the Resolution and the requirements of the IAEA.

Resolution 1737 (2006), adopted by the UN Security Council at its 5612th meeting on December 23, 2006 [7], reaffirmed that Iran had immediately taken the measures envisaged by the IAEA Board of Governors, namely, to suspend: a) all activities related to uranium enrichment and reprocessing, including research and development, which must be controlled by the IAEA; b) work in all projects related to the use of heavy water, including the construction of a research reactor with a heavy water inhibitor of nuclear reactions.

Resolution 1747 (2007), adopted by the Security Council at its 5647th meeting on March 24, 2007 [8], reaffirmed that Iran was supposed to take immediate action as required by the IAEA Board of Governors. Therein, the UN Security Council once again called on all states to be vigilant concerning the entry into or transit of individuals engaged in activities related to the proliferation of Iran's nuclear program and the development of systems for the delivery of nuclear weapons. The UN Security Council ruled that Iran couldn't supply, sell, or transfer any weapons and related material.

Such sanctions against Iran were extended by Resolution 1803 (2008), adopted by the UN Security Council at its 5848th meeting on March 3, 2008 [9]. The UN Security Council encouraged all states to be vigilant concerning the business relations of financial institutions located in their territories with all banks based in Iran. Resolution 1803 (2008) differs from the previous ones in the specification of the sanctions subjects, in particular in the banking sector. Thus, it imposed sanctions on Melli, Saderat banks and their branches and affiliates abroad to prevent the use of business ties to expand Iran's nuclear activities and develop systems of nuclear weapons delivery.

Resolution 1835 (2008), adopted by the Security Council at its 5984th meeting on 27 September 2008 [10], did not change the Sanctions List. It only reaffirmed the commitment of the UN Security Council members to the NPT and acknowledged the statement, made by the Foreign Ministers of Germany, China, Russia, Great Britain, the United States, and France of March 3, 2008, and supported by the EU High Representative, which outlined a two-pronged approach to the INP. In this context, the UN Security Council confirmed its commitment to an early resolution of the Iranian nuclear issue via negotiations and reiterated its call on Iran to fully and without delay fulfill its responsibilities as defined by the UN Security Council resolutions and the requirements of the IAEA Board of Governors.

Unlike the previous ones, Resolution 1887 (2009), adopted by the Security Council at its 6191st meeting on September 24, 2009 [11], did not impose any new sanctions against Iran. The UN Security Council again urged the NPT Parties, following its Article 4, in good faith, to negotiate effective measures on the reduction of the amount of available nuclear weapons and the nuclear disarmament, following a treaty on general and complete disarmament under strict and effective international control. The UN Security Council stressed the importance of cooperation between the Parties to the NPT so that the 2010 Conference of its Signatories could help strengthen this agreement and set realistic and achievable goals concerning the three main pillars of the Treaty: non-proliferation of nuclear weapons, peaceful uses of nuclear energy and nuclear disarmament. Although Resolution 1887 (2009) did not mention Iran, there is no doubt that it was adopted in the context of the development of the INP, including to prevent such precedents in the future with the participation of other states.

Resolution 1929 (2010), approved by the Security Council at its 6335th meeting on June 9, 2010 [12], reaffirmed that Iran had not complied with the requirements of the IAEA Board of Governors nor with the terms of previous UN Security Council resolutions. The Resolution urged IRI once again to take the measures envisaged by the IAEA Board of Governors in the resolutions of the organization, which were fundamentally important to increase the confidence of the international community about the exclusively peaceful goals of the INP development, to resolve unresolved issues, to refute the serious concerns caused by the construction of the uranium enrichment facility in the city of Qom, and by the violation of Iran's obligations to terminate all activities related to the enrichment of weapons-grade uranium. The resolution required Iran to cooperate fully with the IAEA on unsolved issues, especially on those that raised concerns about the existence of military aspects of Iran's nuclear program, including by providing access to all facilities, equipment, and documentation upon the IAEA's request. Besides, the UN imposed new sanctions against the Islamic Republic of Iran Shipping Lines structure.

The last significant international document that influenced Iran's nuclear program became the Joint Comprehensive Plan of Action (JCPOA) [4], which was the result of at least two years of negotiations on limiting the nuclear program of Iran, easing sanctions against it, and developing the idea of peaceful nuclear cooperation. The agreement highlighted Iran's specific authorized and limited nuclear projects, including weapons-grade uranium enrichment facilities in Natanz, Fordow, and Arak reactor with a heavy water inhibitor of nuclear reactions.

The nuclear part of the JCPOA sets out the main restrictions for Iran on the enrichment of weapons-grade uranium using gas centrifuges, which causes the greatest concern for the international community, because this is technically the shortest and easiest way to obtain a critical mass of weapons-grade uranium for the first nuclear charge. In eight years after the ratification of the agreement, Iran will continue research and development (R&D) in the field of uranium enrichment without its accumulation. Within the next 10 years, other technologies and methods for separating radioactive isotopes (for example, laser) will not be developed, primarily for uranium

enrichment. After the ten-year-term of agreement, Iran will start to decommission the IR-1 centrifuges, which will be replaced with new types of devices under Paragraph 3 of the JCPOA.

The second part of the JCPOA prevents another possibility of creating a nuclear weapon by Tehran – through the accumulation of weapons-grade plutonium, separated from irradiated nuclear fuel, as a product of uranium decay due to the operation of the reactor. Although Iran doesn't possess such a reprocessing technology, however, the construction of an IR-40 reactor in Arak with an inhibiting nuclear reaction on heavy water with the use of natural uranium, provided for the possibility to produce a certain amount of weapons-grade plutonium in spent fuel assemblies. If the IRI get plutonium separation complex, this isotope could be used to create a nuclear charge. Moreover, contrary to Iranian statements and promulgated plans, this type of reactor was poorly adapted for the production of precisely medical isotopes of radioactive elements [5].

Iran has pledged neither to build additional heavy water reactors nor to accumulate heavy water for 15 years. All of its excess volumes must be exported to the international market following paragraph 10 of the JCPOA. Also, for the same period, Iran has undertaken neither to create facilities for reprocessing irradiated nuclear fuel nor to reprocess it except for the production of medical and industrial radioisotopes. A fundamental provision of the JCPOA is Iran's obligations to fully implement the Roadmap agreed with the IAEA on its past nuclear activities, which contained signs of a military direction. Tehran has always denied such activity, which is the reason for the complication of cooperation between Iran and the IAEA.

In general, according to the agreement, Iran agreed to such measures: for an unprecedented and large-scale twenty-five-year monitoring of uranium ore concentrate, produced at all Iranian enterprises; for the implementation of measures to monitor the preservation of the main stored centrifuges units for 20 years; on the use of the latest IAEA technologies for measuring the level of weapons-grade uranium enrichment in real time and using electronic seals; to provide access to certain facilities for 15 years under paragraph 15 under the IAEA mechanism for the prompt resolution of possible concerns.

The last fifth section of the JCPOA defined the obligations of the members of the 5 + 1 group towards Iran. Paragraphs 19, 20, 21 of the JCPOA indicate that the European Union had to lift all of its economic and financial sanctions, caused by the Iran's nuclear activities, including the elimination of sanctions lists of individuals and legal entities. The US was supposed to do the same after the JCPOA entered into force, simultaneously with the IAEA's monitoring over its implementation. Also, the members of the 5 + 1 group agreed with Iran to jointly provide the latter with access to the spheres of global trade, technology, finance, and energy, including helping Tehran to obtain export credits to facilitate Iran's the trade and investment.

According to most of the JCPOA rules, after the end of the 10 years, and according to some of its provisions – the 15 years, will expire the period of validity of exceptional measures limiting the scope of Iran's nuclear research. Thereafter, Iran, like most other states with the potential to develop nuclear weapons, will be subject to a general restriction imposed by the NPT. The US and the EU restrictive measures on Iran should be in effect for a certain time and should be eliminated after the UN Security Council sanctions lifting.

Resolution 2231 (2015), adopted by the Security Council on July 20, 2015 [13], reaffirmed that Iran's full implementation of the JCPOA would build confidence in the exclusively peaceful nature of the nuclear program of Iran, and noted that the agreement encouraged the development of normal economic and trade relations of other states with Iran.

After the UN Security Council resolution approved the new agreement, all previous Security Council resolutions on the Iranian nuclear issue were subject to cancellation, namely: 1696 (2006) [6], 1737 (2006) [7], 1747 (2007) [8], 1803 (2008) [9], 1835 (2008) [10], 1187 (2009)

[11], 1929 (2010) [12], 2224 (2015) [13]. In parallel with their termination, verification of Iran's implementation of the measures agreed with the IAEA was to be held.

On May 8, 2018, President Donald Trump announced the withdrawal of the United States from the JCPOA, arguing that the American side had evidence of Iran's continued development of nuclear weapons, which is a violation of the agreement. The US President stated that Washington couldn't prevent the emergence of Iranian nuclear weapons with the current structure of the deal, which was "inherently defective" [3]. Therefore, the United States renewed sanctions against Iran.

Focusing on structural opportunities and internal constraints, we can state that the norms of the Constitution of Iran of November 15, 1979, provide the proper perspectives about the goals in the field of Iranian national security [2]. The IRI's Basic Law specifies neither the nuclear or non-nuclear status of the state and Art. 146 prohibits the deployment of any foreign military bases in the country, even for peaceful purposes. On the other hand, the Iranian Constitution does not directly prohibit the formation and implementation of a nuclear program, but provides for and allows the use of advanced human knowledge and experience (Art. 2). Also, the Iranian government should use all opportunities to effectively strengthen the national defense potential with the help of general military education to preserve the independence, territorial integrity, and Islamic system of the country (Article 3); the government is obliged to prepare a plan for all citizens and maintain conditions for military training under Islamic norms, so that all Iranians have the skills of armed defense of the country and the Islamic republican system (Article 151), etc. Iran adopted several laws that directly or indirectly answer the questions of Iran's nuclear program, in particular, the following: on oil, against the financing of terrorism, on foreign investments in Iran, and the like.

Conclusions and prospects for further research. So, the IAEA Charter and the Treaty on the Non-Proliferation of Nuclear Weapons are important international acts that define and regulate the development of Iran's nuclear program in the context of international and regional security. Since 2006, the UN Security Council has adopted several resolutions calling on Iran to take measures envisaged by the IAEA Board of Governors to increase the confidence of the international community regarding the exclusively peaceful goals of the nuclear program of Iran. The final significant document that was supposed to ensure international influence on the nuclear program of Iran was the Joint Comprehensive Plan of Action (JCPOA), which, however, turned out to be imperfect, because one of its main parties – the United States – withdrew from it, noting the lack of an opportunity to resolve the INP problem using the JCPOA.

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ІНСТИТУЦІЙНИЙ ВИМІР ІРАНСЬКОЇ ЯДЕРНОЇ ПРОГРАМИ

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У статті проаналізовано особливості реалізації ядерної програми Ірану з огляду на зовнішньополітичні можливості та обмеження для її втілення. Розвиток Іранської ядерної програми розглядається з двох перспектив. З одного боку, намагання втілити власні інтереси всупереч міжнародним нормам, включаючи розвиток військової складової ядерної програми, а з іншого дотримання міжнародних зобов'язань щодо реалізації власної ядерної програми. Проте, у кожній з окреслених перспектив ключовим елементом є напрацьовані на рівні міжнародного співтовариства інституційні рамки для реалізації ядерних програм з боку зацікавлених міжнародних акторів.

Досліджено, що реалізацію ядерної програми Іран розпочав у 1950-х роках, саме в цей період було створено МАГАТЕ, як автономну (міжурядову) організацію у системі ООН. Іран став її членом у 1958 р. А вже у 1963 р. – приєднався до Договору про заборону випробувань ядерної зброї в атмосфері, у космічному просторі та під водою. У 1968 р. було ухвалено Договір про нерозповсюдження ядерної зброї, який Іран підписав і ратифікував 1970 р., як без'ядерна держава. Розглядаючи сучасний контекст ДНЯЗ, зазначено, що для Заходу, який надає вирішенню ядерної проблеми великого значення, ситуація ускладнювалась тим, що чіткого порушення Іраном жодного із зобов'язань, які він узяв на себе як держава-член ДНЯЗ, не зафіксовано.

У статті висвітлено резолюції РБ ООН 1696 (2006 р.), 1737 (2007 р.), 1747 (2007 р.), 1803 (2008 р.), 1835 (2008 р.), 1929 (2010 р.), 2224 (2015 р.) із закликами до Ірану вжити заходів з обмеження розвитку ядерної програми, передбачених Радою керівників МАГАТЕ.

Проаналізовано, Спільний всеосяжний план дій (СВПД), який став вагомим міжнародним документом, що вплинув на ядерну програму ІРІ. Дана Угода виділила конкретні дозволені та обмежені ядерні проєкти Ірану, включно зі засобами збагачення збройного урану в м. Натанзі, м. Фордо і реактором зі сповільнювачем ядерної реакції важкої води в м. Араку. Істотним положенням СВПД стало зобов'язання Ірану в повному обсязі виконувати узгоджену з МАГАТЕ «Дорожню карту» щодо його минулої ядерної діяльності, яка містила ознаки військового спрямування.

Ключові слова: ядерна програма Ірану, Ісламська Республіка Іран, ДНЯЗ, МАГАТЕ, РБ ООН, СВПД.