



Security Council

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Letter dated 12 April 2019 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, I am writing to you with reference to the letter dated 7 March 2019 from the Chargé d'affaires a.i. of the Permanent Mission of the United States of America to the United Nations addressed to the President of the Security Council ([S/2019/216](#)).

As usual, the United States has made another futile attempt in the arbitrary interpretation of paragraph 3 of annex B to resolution [2231 \(2015\)](#) by invoking the criteria of the Missile Technology Control Regime and, accordingly, concluded that the missile tested by Iran defies the provision of that paragraph. There is no implicit or explicit reference in that paragraph either to the Missile Technology Control Regime itself or to its definitions and, thus, any reference to it is totally misleading.

Iran categorically rejects any attempt to reinterpret that paragraph, including through the definition of the Missile Technology Control Regime, which is an exclusive and closed export control club serving the commercial and security interests of its very limited members. While the Missile Technology Control Regime criteria are not legally binding, even for its 35 members, any attempt to portray them as the universally agreed definition is definitively premature. As stated in the report of the Secretary-General ([A/57/229](#)), “there is no universally accepted norm or instrument specifically governing the development, testing, production, acquisition, transfer, deployment or use of missiles.” Moreover, when the previous missile launches by Iran were discussed, “there was no consensus in the Security Council on how this particular launch related to resolution [2231 \(2015\)](#)” ([S/2017/515](#)).

It should be stressed that the addition of the phrase “designed to be” to the wording “capable of delivering nuclear weapons” used in the already terminated Security Council resolution [1929 \(2010\)](#) was a deliberate modification following lengthy negotiations in order to exclude Iran’s defensive missile programme that is “designed” to be exclusively capable of delivering conventional warheads. Given the fact that none of Iran’s missiles are “designed to be capable of delivering nuclear weapons”, paragraph 3 of annex B to resolution [2231 \(2015\)](#) does not limit, in any way, the activities related to the conventional ballistic missiles of the Islamic Republic of Iran. Consequently, Iran’s related activities are not inconsistent with that paragraph. Rather, they fall outside of the purview or competence of the Security Council resolution and its annexes ([S/2015/550](#)).



Additionally, the United States has desperately attempted to convince the Council members to join the American Administration in violating resolution [2231 \(2015\)](#). It is crystal clear that the United States is exceedingly angry over the relevant language of resolution [2231 \(2015\)](#) which, according to one of the officials of the United States State Department, is “hardly a clear and enforceable prohibition”.¹ That is why the United States, according to its Secretary of State, “seeks to work with all other members of the Council to reimpose on Iran the ballistic missiles restrictions outlined in the already terminated resolution [1929 \(2010\)](#).”

The United States pursues this narrow-minded policy by all means, including the misinterpretation of resolution [2231 \(2015\)](#), disinformation, fabrication, provocation, unfounded accusations and even portraying “the prospect of rapid escalation in the region” as “real”. In fact, the significantly large presence of United States military forces in the Middle East as well as the massive export of its “beautiful weapons” to certain regional countries, thus turning the region into a tinderbox, proves that it has no genuine concern about peace and security in this volatile region. If peace and stability in the Middle East matter to the United States, nothing is indeed more essential and urgent than compelling the Israeli regime to renounce its nuclear weapons, which are the main threat to peace and security in the region; to join the Treaty on the Non-Proliferation of Nuclear Weapons and all other international legally binding instruments banning weapons of mass destruction; to stop its warmongering and expansionist policies; to put an end to violating the sovereignty and territorial integrity of the regional countries; and, above all, to abide by the long-standing calls by the international community to end the occupation of territories of other States.

Furthermore, the United States – which, by its unlawful withdrawal from the Joint Comprehensive Plan of Action has materially breached such a cardinal principle of international law as *pacta sunt servanda* and, by its subsequent policies and practices, violated resolution [2231 \(2015\)](#) and arrogantly continues to threaten other States either to violate that resolution or face punishment – has brazenly stated that Iran’s defensive missile programme would undermine the “fundamental credibility of the Council’s decisions”! What, in fact, has eroded the credibility of the Council as well as undermined the authority and standing of its decisions are the policies of the United States itself, which has always considered this important organ as a mere tool in its foreign policy toolbox. With such a dark record, the United States cannot represent itself as having true concern about the credibility of the Council’s decisions.

With respect to the use of space launch vehicles by Iran, the United States has again desperately invoked the Missile Technology Control Regime criteria while there is no implicit or explicit reference in paragraph 3 of annex B to resolution [2231\(2015\)](#) either to the space launch vehicles or to the Missile Technology Control Regime itself nor to its criteria. According to the Missile Technology Control Regime, there is even a clear difference between “ballistic missile systems” and “space launch vehicles”. The technical characteristics and operational requirements of the space launch vehicles clearly make them distinct from ballistic missile systems. It is also an acknowledged fact that the space launch vehicles are designed to place satellites into orbit, not deliver warheads. Like other space launch vehicles, the Simorgh is designed and developed exclusively for placing satellites into orbit. Whereas the Simorgh does not even fall into the category of ballistic missiles, let alone one “designed to be capable of delivering nuclear weapons”, it is quite clear that its launch is not covered, in any way, by resolution [2231 \(2015\)](#) and, accordingly, could not even be regarded as inconsistent with that resolution. It is also worth recalling that when the Simorgh launch by Iran in 2017 was discussed in the Security Council, “there was no consensus on how this particular launch related to resolution [2231 \(2015\)](#)” (S/2017/1058).

¹ See www.hudson.org/research/14577-brian-hook-s-written-remarks.

At the same time, the international community must be extremely vigilant regarding the politically motivated approach by the United States and certain other industrialized countries, which, under such absurd pretexts as proliferation concerns, attempt to demonize benign technologies such as space technology that are critical for the socioeconomic development of all nations, particularly developing countries. This trend seriously runs the risk of endangering the exercise of the inherent right of States to free access to all areas of space and celestial bodies, their freedom in the exploration and use of outer space for peaceful purposes as well as their free access to outer space through space science, technologies and their applications without discrimination of any kind.

The use of space launch vehicles by Iran is merely part of a scientific and technological activity related to the use of space technology in such areas as disaster management, environmental monitoring and natural resource management, communication, human health, food security and sustainable agriculture. The Islamic Republic of Iran is determined to continue to exercise this inherent right for its socioeconomic interests, which is absolutely consistent with the international law.

The United States has also attempted to induce that, according to resolution [2231 \(2015\)](#), the supply, sale, or transfer to Iran of “ballistic missile-related” items, materials, equipment, goods and technology is prohibited. Taking into account that the related “prohibitive” language of the already terminated Security Council resolution [1929 \(2010\)](#) has changed to a “permissive” one in resolution [2231 \(2015\)](#), it is quite obvious that the supply, sale or transfer of such items and technologies to Iran is absolutely permitted. The United States, in another case of violation of resolution [2231 \(2015\)](#), has rendered the case-by-case authorization mechanism elaborated in paragraphs 4 and 5 of annex B to that resolution inoperable, including by a law passed on 2 August 2017 ([S/2017/739](#)). Recalling that there were proposals by the Council members with regard to the operationalization of the authorization mechanism, the Security Council and the Secretary-General are urged to consider concrete guarantees to ensure the effective and functional implementation of the “case-by-case” authorization mechanism.

The Islamic Republic of Iran categorically rejects all of the unfounded allegations by the United States and strongly condemns its desperate attempts to misinterpret resolution [2231 \(2015\)](#) as well as its disinformation campaign manipulating the current situation in the region so as to justify, in its wishful thinking, the necessity of the consideration of the issue by the Security Council. The members of the Council must not allow the United States to continue its irresponsible policies and wrongful acts to advance its animosity against Iran, including abusing the Security Council, defying well-established principles of international law, substantially violating resolution [2231 \(2015\)](#) and undermining multilateral institutions, including tarnishing the credibility of Security Council and its decisions.

Seizing this opportunity, I would also like to refer to the letter dated 25 March 2019 from the Permanent Representatives of France, Germany and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General ([S/2019/270](#)). Through providing certain apparently technical information about the Iranian missiles and space launch vehicles as well as invoking the Missile Technology Control Regime criteria, the authors have made a desperate attempt, similar to that of the United States, to support their incorrect assessment that Iran’s launching of ballistic missiles is inconsistent with paragraph 3 of annex B to resolution [2231 \(2015\)](#). However, the use of phrases such as “likely”, “closely” and “potentially” in their arguments indicate how such justifications are weak, shaky, unverifiable and thus void of any substantial value. Moreover, in interpreting the phrase “designed to be capable” in that paragraph, they even tried to disregard the negotiating history of paragraph 3 of annex B to resolution [2231 \(2015\)](#) and the *raison*

d'être of that phrase (as explained in paragraph four above). Other speculations were also made regarding Iran's space launch vehicles and ballistic missiles, including their type and range, which, together with the aforesaid claims, are categorically rejected. Further, I reject the allegations and fabrications raised against my country in the letters that have been issued under the symbols [S/2018/1180](#), [S/2019/177](#), [S/2019/168](#), [S/2019/62](#), [S/2019/288](#) and [S/2019/292](#).

Since Iran's activities related to space launch vehicles and ballistic missiles fall outside the purview or competence of resolution [2231 \(2015\)](#) and its annexes, and given the mandate set forth in the note by the President of the Security Council on Security Council tasks under resolution [2231 \(2015\)](#) ([S/2016/44](#)), the Secretary-General is therefore expected to seriously respect his mandate and avoid reporting on such irrelevant activities in his next reports on the implementation of that resolution.

Finally, in light of the above, I would like to re-emphasize that Iran has not conducted any activity inconsistent with paragraph 3 of annex B to resolution [2231 \(2015\)](#). Accordingly, Iran is determined to resolutely continue its activities related to ballistic missiles and space launch vehicles, both of which are its inherent rights under international law and are necessary for securing its security as well as socioeconomic interests, respectively.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) **Eshagh Al Habib**
Ambassador
Chargé d'affaires a.i.
