

Editor: **Mark A. Heller**

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THE UN VS. IRAN – ACT II**Ephraim Asculai**
Jaffee Center for Strategic Studies

Act I of this drama began with information about clandestine Iranian nuclear activities provided by a group of Iranian dissidents. Following these disclosures, international pressure forced Iran to cooperate more fully with the International Atomic Energy Agency (IAEA). Negotiations resulted in a series of IAEA inspections that revealed a substantial uranium enrichment program and a parallel program for the construction of a natural-uranium, heavy-water reactor. Other Iranian activities (such as the conversion of uranium to metal form) added to the grave concern that Iran was proceeding with a substantial nuclear development program with potential military applications. The IAEA Board of Governors (BOG) met on September 12, 2003 and issued a resolution calling on Iran to suspend any uranium enrichment activity and to submit to the IAEA a full disclosure of its nuclear development program. The BOG also requested that Iran ratify and implement the Additional Protocol to the Nuclear Non-Proliferation Treaty (NPT), which would give the inspectors stronger tools to carry out their mission.

Act II, Scene 1: On November 10, 2003, the IAEA Director General (DG) submitted a report

to the BOG detailing Iran's numerous failings within the framework of its Safeguards Agreement with the IAEA, including those that had come to light after the submission of his previous report of August 26, 2003. Among his findings were the following: failure to report imports and failure to report the production of plutonium and several uranium compounds; failure to provide design information for several facilities; and, the "failure, on many occasions to co-operate to facilitate the implementation of safeguards, through concealment."

Act II, Scene 2: The report produced a diplomatic uproar. For many BOG members, the agreement reached on October 21, 2003 between Iran and the Foreign Ministers of the United Kingdom, Germany and France, according to which Iran agreed to suspend its enrichment program and to accede to the Additional Protocol, seemed sufficient for the time being. Those members did not want to transfer the issue to the UN Security Council, as this would probably aggravate the situation and might provoke Iran to withdraw from the NPT. Others, led by the United States, wanted a strong censure of Iran at the IAEA and the transmittal of the issue to the Security Council. The BOG met for

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two days, recessed, and reconvened five days later.

Act II, Scene 3: On November 26, 2003, the BOG adopted a compromise resolution on the issue of Iran's implementation of its Safeguards Agreement with the IAEA. The main conclusions of the resolution were: Iran behaved very naughtily in that it did enrich uranium and it did separate plutonium, contrary to its obligations; that there was "a pattern of concealment resulting in breaches of safeguards obligations ... and that new information disclosed by Iran ... includes much more that is contradictory to information previously provided by Iran." However, the issue was not transmitted to the Security Council. The DG hailed the adoption of the resolution as "a good day for peace, multilateralism and non-proliferation." End of Act II.

However, two unresolved questions cast a pall over the DG's elation. The first has to do with the motivation for Iran's past activities. A willing suspension of disbelief is needed to conclude that a nuclear development program that included uranium enrichment and plutonium separation and, moreover, that Iran went to such lengths to conceal is dedicated to purely peaceful pursuits. That the IAEA can pretend that such a possibility exists makes it an accessory to Iran's concealment activities. Yet that seems to be what the DG did when he stated, in his recent report: "To date, there is no evidence that the previously undeclared nuclear material and activities referred to above were related to a nuclear weapons programme. However, given Iran's past pattern of concealment, it will take some time before the Agency is able to conclude that Iran's nuclear programme is exclusively for peaceful purposes."

How will the DG accomplish this? Is he going to say, eventually, that since he has found no evidence to the contrary, the program is

peaceful? He certainly cannot expect to find evidence confirming that the program is intended for purely peaceful purposes. That would expose him to complete ridicule. But by concealing, lying and failing to report so many activities, Iran has placed itself in the position Iraq was in when the Security Council inspections began there: it has placed the burden of proof upon itself. Because its past activities have been exposed, Iran will now have to make a huge effort to convince anyone of the innocence of its future plans.

This problem is directly related to the second unanswered question: the future aims and possible achievements of inspections. Inspectors will now try to determine whether Iran has held anything back. If it did, it will be easier for Iran to resurrect its nuclear weapons development program in the future, since it will only have to deceive the inspectors while continuing its clandestine activities. If it did not hold anything back, the task of resurrecting the program will take much longer and will be more arduous. In either case, however, it is virtually certain that Iran, at least under the current regime, will go on trying to acquire a military nuclear capability. The voices emanating from Teheran leave little room for any other expectation.

Had the IAEA not turned into a political organization (which was not the intention of its founding fathers), it would certainly have concluded that all evidence pointed to the fact that Iran was making a significant effort to produce fissile materials suitable for use in nuclear weapons. But the politicization of the IAEA resulted in the twisting of technical facts to fit political conclusions. This should have been left to the Security Council.

If this process continues, there is every chance that Act III will end in tragedy.