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IRAN AFTER THE IAEA VOTE: STILL IN THE DRIVER'S SEAT

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The election of a new president in Iran does not signify a change in Iranian nuclear policy -- Iran is still intent on pursuing a nuclear weapons capability -- but it has produced a change in the external trappings of Iranian policy. Under the presidency of Mahmoud Ahmadinejad, Iran has abandoned the niceties of Muhammad Khatami and reverted to the rhetorical style of the Islamic revolution, reminiscent of the Ayatollah Khomeini era. However, the change of tone and of tactics sharply reduces the ability of both Iran and the international community to play for time. Unless matters are brought to a head soon, Iran will acquire a nuclear weapon.

Iran's current tactic is to continue with its enrichment program at almost any cost while insisting that it has the legal right to do so. Although Iran has been criticized in the past for concealing its nuclear materials and activities, it has thus far avoided any legal sanctions because of the IAEA secretariat's failure to cite it for "non-compliance." Indeed, Iran is fully entitled

to enrich uranium to low levels if all activities are declared and placed under the old (and clearly inadequate) "Full Scope" IAEA safeguards -- as many other states have done. Moreover, while Iran has twice agreed with Britain, France and Germany -- the "EU-3" -- to suspend its enrichment activities and has twice resumed those activities, it is a fact that those suspensions were voluntary.

But this month, the IAEA Board of Governors, no longer impressed by legalistic arguments, finally declared Iran to be in "non-compliance" with its obligations under the Nuclear Nonproliferation Treaty (NPT), thereby allowing the issue of Iran's nuclear program to be transferred to the UN Security Council at some unspecified future date. Nevertheless, it is highly likely that Iran will continue undeterred on its present course. The North-Korean precedent will probably inspire more praise for the virtues of diplomatic engagement, and the Security Council is unlikely to take any action

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apart from rhetoric, mainly because Russia and China, which have veto power, will not permit any but a purely declarative resolution to be adopted. Moreover, Iran is supported by many states in the so-called "Non-Aligned Movement," which are happy to defy the western powers on this issue at least as long as those powers only pay lip service to demands for universal nuclear disarmament. Finally, the current oil price crisis buys Iran, not only a degree of international indulgence, but also the ability to purchase almost anything it needs for its nuclear program, if indeed it still needs anything more. In these circumstances, Iran appears to be in a no-lose situation; unless it does something uncommonly foolish, it will achieve its aims with impunity.

While contrary developments cannot be categorically excluded, these considerations suggest that Iran will be able to continue with the development of its uranium enrichment program under current IAEA verification protocols but will not ratify the Additional Protocol (which gives the IAEA more intrusive inspection rights) and will withdraw those rights that were voluntarily given to the inspectors. As a result, it will acquire the capability to take low-grade "commercial" uranium permitted as fuel for its nuclear power reactor and enrich it, at short notice, to high-grade "military" levels for use in nuclear explosive devices. It is also possible that Iran will ostensibly abandon its major program and simultaneously move ahead with a clandestine one, although this scenario seems less likely under the current regime – given its

confrontational rhetoric -- than under the previous one.

Is there nothing to be done, then? There is, but only if a major change takes place in the mindset of the international community. If anything is to be achieved, the IAEA and the Security Council need to be bypassed. These two bodies constitute an obstacle (albeit unintentional) to the resolution of the issue because, while the facts of Iran's "peaceful" nuclear program are well known, the insistence of international bodies on finding a "smoking gun" is actually a prescription for paralysis. Once it is recognized that nothing is to be gained through them, an alternative path to a solution can be sought.

What is now needed is a unity of "like-minded" states to act both on the political and the practical levels. The political course would be to persuade as many states as possible to join them in the attempt to convince Iran to abandon permanently its nuclear ambitions. Practical actions would involve the sorts of measure that they would have liked the Security Council to take: sanctions, embargoes and political boycott. States do not need the imprimatur of international bodies for these actions: they can take them on an ad hoc basis. True, this course of action would further weaken the international bodies. But the gains that could be reaped by this would far outweigh the loss. Otherwise, a radical, fundamentalist, terror-supporting Islamist regime will possess nuclear weapons.

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