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IRAN'S NUCLEAR AMBITIONS – NO MORE ILLUSIONS

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The decision by the International Atomic Energy Agency (IAEA) to refer Iran's nuclear program to the UN Security Council (SC) has not put an end to illusory rhetoric about that country's ultimate intentions. Iranian spokesmen and Iran's apologists continue to use slogans defending Iran's "inalienable right" to a comprehensive nuclear program and to insist that "more time is needed for negotiations." And indications are that the SC, at least at this stage, will probably confine itself to a "Presidential Statement" that will not do much to stop Iran from further nuclear development. The main reason for this largely ineffective course of action is the unwillingness of Russia and China, each for its own reasons, to take any forceful measures against Iran. There is no reason to expect that these maneuvers will lead to any decisive outcome.

IAEA safeguards activities have been greatly constrained by Iran's abandonment of the Safeguards Additional Protocol (AP) and any ongoing verification activities in Iran will now be based on the "comprehensive" safeguards that have been in force since 1974 and have already been exposed as wholly inadequate in the case of Iran as well as in those of Iraq and Libya. Besides, Iran could conceal facilities even if implementation of AP were to be resumed. Consequently, there is no way that the IAEA will

be able to declare with any confidence that Iran is free of undeclared activities and materials.

The main thrust of Iranian diplomacy has been to play for time and even now there is a risk that SC-centered diplomatic activities focused on reinstituting a full suspension of enrichment-related activity in Iran will come at the cost of postponing any other action aimed at forcing Iran to abandon its military nuclear program. And any "compromise" that permits Iran to carry out any uranium enrichment research activities, even minimal, would facilitate larger-scale development at a later stage, eventually culminating in the production of military-grade enriched uranium. Iran does not need the full-scale enrichment facility at Natanz to achieve this. It needs only few thousand gas-centrifuge machines that can be installed and run within a relatively brief period of 2-3 years. After that, only about one more year would be needed to produce the first nuclear explosive core. Moreover, this estimate depends on the assumption – disputed by some analysts -- that Iran does not have a parallel concealed enrichment operation. Therefore, any timetable longer than that could well be an optimistic delusion.

Iran and its supporters ground Iran's right to enrich uranium in Article IV of the Nuclear Non-Proliferation Treaty (NPT), which states:

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"Nothing in this Treaty shall 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..." In principle, this means that Iran, like any other signatory to the Treaty, can do whatever it wishes, as long as it does not produce nuclear weapons, and that it can enrich uranium to whatever degree it decides – provided that it adheres to the provisions of the Treaty and complies with its safeguards agreement.

But Iran has failed to do that. In particular, it has violated Article II of the NPT, which states: "Each non-nuclear-weapon State Party to the Treaty undertakes... **not to seek or receive** any assistance in the manufacture of nuclear weapons or other nuclear explosive devices" (emphasis added). As reported by the IAEA, "Iran has shown the Agency more than 60 documents said to have been the drawings, specifications and supporting documentation handed over by the intermediaries, many of which are dated from the early- to mid-1980's. Among these was a 15-page document describing the procedures for the reduction of UF₆ to metal in small quantities, and the casting of enriched and depleted uranium metal into hemispheres, related to the fabrication of nuclear weapon components." This provides only one confirmed example of the substantial assistance Iran received for its nuclear program, in contravention of its Treaty obligations.

Another relates to Article III, which states: "Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards ... [that] shall be applied on all source or special fissionable material in all peaceful nuclear activities ..." The IAEA points to a contravention of this obligation when it cites Iran's "failure to report: ...the import of natural uranium in 1991, and its subsequent transfer for further processing; ...[and] the use of imported natural UF₆ for the testing of centrifuges at the Kalaye Electric

Company workshop in 1999 and 2002, and the consequent production of enriched and depleted uranium (DU)." In other words, Iran has clandestinely enriched uranium and could – had the violation not been exposed -- have eventually produced nuclear weapons-grade enriched uranium without the world being aware of it.

Thirdly, Article 17 (1) of the Vienna Convention on the Law of Treaties (the "Treaty on Treaties") states that "... the consent of a State to be bound by part of a treaty is effective only if the treaty so permits or the other contracting States so agree." Since there was no such agreement by the other states, the Treaty as a whole is in effect, and Iran received no dispensation to choose which NPT articles to obey and which to disregard. And by contravening parts of the Non-Proliferation Treaty, Iran has forfeited the legal right to rely on other parts of it to advance its purposes. In other words, Iran has alienated its so-called "inalienable right," and those inclined to grant Iran the right to develop enrichment technologies, including the Director General of the IAEA, are challenging both the letter and the spirit of the NPT.

These violations should dispel the illusion the Iran's nuclear program is peaceful. There may have been grounds to argue that Iran's posture (including concealment activities) might have been insufficient for an indictment at the beginning of the "Iran affair" but inspections subsequently produced technical evidence of violations that discredits any such argument. Iran can get all the nuclear energy it says it needs without indigenous enrichment, and much more cheaply, at that. The only remaining illusion is that Iran is not unequivocally bent on achieving a military nuclear capability, and only a far more determined and unified international response will prevent it from succeeding.

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