

EU Non-PROLIFERATION CONSORTIUM

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The Iran Nuclear Dilemma: The Peaceful Use of Nuclear Energy and NPT's Main Objectives

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Background paper

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2 EU NON-PROLIFERATION CONSORTIUM

Content

The Iran Nuclear Dilemma.....	3
The Way Forward to Secure Peaceful Use of Nuclear Energy and NPT's Objectives.....	5

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Abbreviations

IAEA	International Atomic Energy Agency
LEU	Low Enriched Uranium
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
PMD	Possible Military Dimension
TRR	Tehran Research Reactor
UNSC	UN Security Council
WMD	Weapons of Mass Destruction
WMDFZ	Weapons of Mass Destruction-Free Zone

The Iran Nuclear Dilemma

Despite the fact that, after about four decades, about 190 countries have joined the Non-Proliferation Treaty (NPT); the three main objectives of the treaty have still not been accomplished.

The NPT's three core goals were: *first*, to guarantee complete disarmament of nuclear weapons by the NPT nuclear-weapon States: China, Russia, United Kingdom, France and the United States. *Second*, to prevent the spread of nuclear weapons and technologies related to nuclear weapons and *third*, to ensure cooperation in the peaceful uses of nuclear energy.

Although the five permanent members of United Nation Security Council (P5) have all ratified the NPT, none has fulfilled its commitment under NPT to give up its nuclear weapons. After more than 40 years, they still possess huge stockpiles of nuclear warheads. Currently, Russia and the United States each have about 10,000 nuclear warheads, of which about half are awaiting dismantlement. France has about 300, the United Kingdom about 225 and China about 240.¹

It is true that the United States, Russia, France and the UK have reduced their stockpiles but significant inventories still remain and the goal of total nuclear disarmament is not in sight.² Moreover, by modernizing their arsenals, delivery systems, and related infrastructure they are undermining the objectives of NPT in terms of both non-proliferation and disarmament.³ Therefore, nuclear disarmament as one of the main objectives of the treaty has not been realized.

To fulfil the goal of non-proliferation, the NPT established a safeguards system as a confidence-building measure and as an early warning mechanism to check compliance with the treaty through inspections conducted by the International Atomic Energy Agency (IAEA). A Comprehensive Safeguard Agreement with the IAEA is in force with 172 member non-weapon states.⁴

The IAEA has been responsible for verifying that member states do not use their nuclear programs for nuclear-weapons purposes. To ensure non-proliferation, the Agency carries out safeguards visits as well as ad hoc, routine, and special inspections. The 'Additional Protocol', which grants the IAEA complementary inspection authority at additional nuclear sites where nuclear materials are not present, has also been accepted by 112 countries. The principal aim of the Additional Protocol was to enable the IAEA inspectorate to provide assurances that there are no undeclared activities.

Since the NPT came into force, India, Pakistan and North Korea, the latter a member of NPT which later withdrew, have proliferated and tested nuclear bombs. Israel is also believed to be a weapon state. Except in the case of North Korea, the world powers have established strategic relations demonstrating acceptance of these proliferators. Therefore, the second objective of NPT, non-proliferation, has also not been realized.

The third objective of NPT is to promote cooperation in the field of peaceful nuclear technology and equal access to this technology for all states parties. Article IV of the NPT confirms that all states party to the Treaty have the right to benefit from the peaceful uses of the atom and urges the parties to cooperate with one another in the fullest possible exchange of nuclear equipment, materials, and information for peaceful purposes. Based on Article IV,

¹ <http://www.ploughshares.org/world-nuclear-stockpile-report>

² <http://bos.sagepub.com/content/68/5/96.full>

³ <http://bos.sagepub.com/content/68/5/88.abstract>

⁴ <http://www.iaea.org/OurWork/SV/Safeguards/sv.html>

4 EU NON-PROLIFERATION CONSORTIUM

research, development, and use of nuclear energy for non-weapons purposes are the 'inalienable right' of non-nuclear-weapon states. Based on this article, several member states on NPT including Germany, the Netherlands, Japan and Brazil are carrying out enrichment for peaceful purposes.⁵

Since Iran's 1979 revolution, that country's 'inalienable right' under NPT to enjoy peaceful nuclear technology has been challenged.

The US laid the foundation for a nuclear Iran in the 1960s due to its strategic relation with the Shah. The US provided Iran's first nuclear facility, the Tehran Research Reactor (TRR) in 1967, estimating that Iran would have a full fuel cycle with 23 nuclear power plants by 1994.⁶ But after the 1979 Iranian Revolution, even though Iran decided to cancel or reduce the Shah's ambitious nuclear and military projects, the US and the West withdrew from all nuclear agreements and contracts and isolated Iran through sanctions and other means. The US stopped providing fuel rods for TRR, Germany stopped completion of the Bushehr power plant and France suspended an enrichment agreement signed in 1973 in which Iran joined a consortium with Eurodif to enrich uranium in France and for the Tehran Research Reactor and the Bushehr power plant. The US and the West objected to the rights of Iran even to possess civilian nuclear power plants. Even worse, after Iraq's invasion of Iran in 1980, the United States and the West supported Saddam Hussein with material and technology to build and use the chemical weapons that killed and injured thousands of Iranians.

These policies forced Iran toward self-sufficiency. In 2003, shortly after Iran had mastered enrichment technology, its nuclear case came under the spotlight of the International Atomic Energy Agency (IAEA). Iran therefore submitted proposals to assure the international community of the peaceful nature of Iran's nuclear program. In that period, while I was a member of Iran's nuclear negotiating team, we proposed packages that offered to: cap enrichment at the 5 per cent level; export all low-enriched uranium (LEU) or fabricate it into fuel rods; commit to the Additional Protocol and to the updated Code 3.1 of the subsidiary arrangements to the basic safeguards agreement. These would have maximized the barriers to break-out and would have provided the maximum level of transparency. In exchange for these Iranian commitments, we expected the international community to recognize Iran's right to enrichment under NPT and normalize Iran's nuclear dossier at the IAEA. However, our efforts failed because the United States objected to Iran's legitimate rights to enrichment for peaceful purposes.

Several years later, in February 2010, to assure the international community about Iran's peaceful intentions, Ali Akbar Salehi, then head of the Atomic Energy Organization of Iran, proposed that Iran would keep its enrichment activities below 5 per cent in return for the West providing fuel rods for the Tehran reactor. The US and the West again declined the offer, which made it necessary for Iran to increase the enrichment level to 20% to build fuel rods for TRR.

In summer 2011, Iran responded positively to Russia's Step-by-Step Plan, which addressed all the West's concerns about Iran's nuclear activities. The Russian proposal required Iran to: 1) Allow full supervision by the IAEA; 2) Implement the IAEA Additional Protocol and subsidiary arrangement Code 3.1; 3) Limit enrichment to 5 per cent; 4) Halt installation of new centrifuges; 5) Limit the number of enrichment sites to one; 6) Address the IAEA's

⁵<http://www.armscontrol.org/factsheets/nptfact>

⁶ Greg Bruno, *Iran's Nuclear Program*, Council on Foreign Relations, (September 2008) (updated March 2010), <http://www.cfr.org/iran/irans-nuclear-program/p16811>.

concerns about a 'possible military dimension' to Iran's nuclear program and other technical ambiguities; and 7) Suspend enrichment temporarily.⁷ In response, the P5+1 would recognize Iran's legitimate right to enrichment under the NPT and gradually lift the sanctions. The Russian proposal failed because of Western objections.

Disappointed by the failure of the Russian plan, in September 2011, Tehran again proposed stopping its 20 per cent-enrichment activities and accepting fuel rods supplied by the West for the Tehran reactor. Once again, Western objections forced Iran to move toward producing its own fuel rods. Even today, the main reason nuclear talks cannot succeed is because the West is not ready to recognize the legitimate right of Iran to enrichment under Article IV of NPT despite Iran's willingness to commit to maximum transparency and confidence-building measures under the NPT to deal with concerns over the potential diversion of the Iranian nuclear program to use for military purposes.

The case of Iran therefore proves that the third objective of NPT, peaceful nuclear technology for all member states, is not universally realized.

The Way Forward to Secure Peaceful Use of Nuclear Energy and NPT's Objectives

The first and foremost step must be that nuclear arms regulation must become comprehensive, universal and mandatory. The Nuclear Weapon States should demonstrate their serious determination to reduce their reliance on nuclear weapons and orchestrate a 'multilateral and collective security cooperation' effort to address global security threats with measures beyond nuclear arms reductions. The following principles would be essential to guarantee 'nuclear technology for all and nuclear weapons for none'.

1. *To ensure the disarmament objective of the NPT*, all nuclear weapon states should commit to eliminating their nuclear weapons. All countries should join NPT and there should be no discrimination and discrepancies in implementing the treaty. The agenda of nuclear arms reduction should include all categories of weapons in all nuclear weapons countries. To address the multitude of serious nuclear dangers, a broad multilateral approach is essential. Bilateral negotiations to reduce the US and Russian stockpiles to zero are extremely important because these two countries possess more than 90% of nuclear warheads.

In parallel, a multilateral process should seek to cap, freeze, reduce and ultimately eliminate all other nuclear weapons. The goal of broadening the scope of nuclear arms reductions to zero should include all countries and all types of weapons in their possession. Spanning almost fifty years, the arms negotiations between the US and Russians need to be extended to all other nuclear states because the major risks of nuclear weapons use, proliferation and arms race instability lie outside the US–Russian arena. Therefore it is essential to bring the rest of the nuclear-armed world to the negotiating table to begin to cap, freeze, and reduce these third-country nuclear arms programs. It seems to me that the US and Russian arsenals would need to be downsized substantially – to fewer than 1,000 warheads on each side in order to draw the other nuclear states into the process.

⁷ http://www.armscontrol.org/2012_07-08/The_Iranian_Nuclear_Dispute_Origins_and_Current_Options

6 EU NON-PROLIFERATION CONSORTIUM

2. The world powers should *end double standards on non-proliferation*. Having strategic relations with countries which are not members of the NPT and possess hundreds of nuclear weapons while penalizing Iran, which is a member of NPT and which neither has nuclear bombs nor has diverted materials from its nuclear program, is clear evidence of applying a double standard which undermines the credibility and legitimacy of NPT. There is no justification for Western countries to upgrade their own nuclear warheads and weapons, while forcing other members of NPT to suspend their peaceful nuclear programs. Israel is the sole possessor of nuclear arms in the Middle East with over 100 ready-to-launch warheads in its stockpile, but Western countries have kept mum on the Israeli atomic arsenals. The sanctions and pressures against Iran, which is a member of NPT and does not have nuclear weapons, exceed those against North Korea which withdrew from NPT and has tested nuclear bombs. Furthermore, the West has established strategic relations with India and Pakistan while they have both refused to join the NPT and each have about a hundred nuclear weapons.
3. The west should *end efforts to monopolize* the scientific knowledge and the technology of peaceful nuclear energy and to deprive others of it through various means including cyber-attacks, assassination of scientists and use of the IAEA as a political instrument to deprive the member states of their rights to peaceful nuclear technology. 'Multilateral arrangements' for uranium enrichment worldwide may be the only sustainable approach to guarantee 'nuclear fuel for all'.
4. A *WMDFZ in the Middle East* is the only durable long-term solution for the Middle East. Israel has been the only obstacle for decades. The US and the international community must play a critical role to realize the initiative. Despite general international support, serious progress has been stymied because Israel has linked discussions on the establishment of the WMDFZ to peace agreements with all of its neighbours.⁸ No such linkage should exist and the establishment of WMDFZ would contribute to peaceful relations. Recently, Israel expressed its strong opposition to the WMDFZ conference that is supposed to take place in Helsinki at the end of 2012 or early in 2013.⁹ All countries in the Middle East should participate actively and ultimately undertake not to possess, acquire, test, manufacture or use any nuclear, chemical and biological weapons or their delivery systems.
5. To realize the WMD-free zone in the Middle East, we need serious measures such as measures to reach an agreement on non intrusive verification of the zone's nuclear free status; measures to halt production of fissile material or at least to minimize it, measures towards regionalization of enrichment and

⁸ <http://www.armscontrol.org/factsheets/mewmdfz>

⁹ <http://www.haaretz.com/news/diplomacy-defense/israel-rejects-u-s-backed-arab-plan-for-conference-on-nuclear-free-mideast.premium-1.465679>

reprocessing, measures to establish a regional monitoring and verification program supplementing the Safeguard Agreements with the IAEA and, last but not least, a ban on attacks on nuclear facilities based on the 1990 IAEA General Conference Resolution 533, which prohibits 'all armed attacks against nuclear installations devoted to peaceful purposes whether under construction or in operation'.¹⁰

6. *The 'inalienable right'* of NPT member nations to the peaceful use of nuclear technology should not be held hostage to their political relations with other members. Resolving the Iranian nuclear dilemma through diplomacy and a face-saving solution is a must. It seems as if the US is intent on using the nuclear issue as an instrument to orchestrate international pressures to bring regime change in Iran. History suggests that the nuclear issue is subsidiary to Iran-US relations and Iran-US relations have been profoundly influenced by the Iran-Israel conflict.

In October 1992, Israel's then Foreign Minister Shimon Peres warned the international community that Iran would be armed with a nuclear bomb by 1999 and reiterated that Iran is the greatest threat and problem in the Middle East because it seeks the nuclear option.¹¹ In 1995, Benjamin Netanyahu wrote in his book 'Fighting Terrorism: How Democracies Can Defeat Domestic and International Terrorists' book that Iran would possess nuclear weapons in 3 to 5 years.¹² In July 2001, Defence Minister Binyamin Ben-Eliezer asserted that Iran would have the nuclear bomb by the year 2005.¹³ In February 2009, Netanyahu told an America congressional delegation that Iran is only one or two years away from having nuclear weapons.¹⁴ And, in August 2012, Israel claimed that Iran has made surprising, significant progress toward a military nuclear capability and that the conclusions of US intelligence are quite similar to those of Israel.¹⁵

However, the US and the majority of its allies generally agree on three things about Iran's nuclear program: 'Tehran does not have a bomb, has not decided to build one and is not on the verge of achieving a nuclear weapon'.¹⁶ Nevertheless, they believe that Iran intends to at least acquire the capacity to build nuclear weapons in a relatively short time should it deem them necessary and, as a result, they do not trust Iran to confine its nuclear activities to non-military purposes.¹⁷

¹⁰ International Atomic Energy Agency, General Conference, *Measures to Strengthen International Co operation in Matters Relating to Nuclear Safety and Radiological Protection*, IAEA GC(XXXIV)/RES/533, (21 September 1990), available at http://www.scribd.com/doc/92463187/IAEA_GC_XXXIV_RES_533_Resolution_re_Armed_attack_on_and_threats_against_nuclear_facilities.

¹¹ *Then-Foreign Minister Shimon Peres in an interview with French TV, as described in the book 'Traacherous Alliance'*, see Trita Parsi, *Treacherous Alliance. The Secret Dealings of Israel, Iran, and the United States*, New Haven/Conn.: Yale University Press (2007).

¹² Benjamin Netanyahu, *Fighting Terrorism. How Democracies Can Defeat the International Terrorist Network*, New York: Farrar, Straus and Giroux (1997).

¹³ Associated Press, "Israeli defense minister: Iran could have nuclear weapons by 2005"

¹⁴ http://www.salon.com/news/iran/index.html?story=/politics/war_room/2010/12/05/israeli_predictions_iranian_nukes

¹⁵ <http://www.haaretz.com/news/diplomacy-defense/obama-gets-new-u-s-nie-iran-making-surprising-progress-toward-nuclear-capability.premium-1.456921>

¹⁶ http://www.huffingtonpost.com/2012/08/09/iran-nuclear-program-us_n_1762134.html?utm_hp_ref=world

¹⁷ Ibid.

8 EU NON-PROLIFERATION CONSORTIUM

Israel's strategy is to use the Iranian nuclear issue to drag the US into a devastating war with Iran if possible, to influence US elections in favour of Mitt Romney, the Republican nominee and, if that fails, to commit President Obama to adopt publically a more aggressive military stance toward Tehran, to enshrine Iran as the No. 1 threat to peace and security in the Middle East, to push the US and EU to implement further sanctions and to distract the world from focusing on the Israel–Palestine peace process.

To find a reasonable compromise is possible. The principles agreed in Istanbul in early 2012 remain the basis for a solution. These are: using the NPT as a framework, mutual confidence-building, reciprocity and working on a step-by-step plan.

In a step-by-step plan, the P5+1 would recognize the legitimate rights of Iran to enrichment and lift their sanctions gradually. In return Iran would: implement Additional Protocol and Subsidiary Arrangements Cod 3.1, would cooperate fully with IAEA addressing remaining technical ambiguities including PMD issues which requires access beyond the Additional Protocol and Subsidiary Arrangement, and would operationalize the Leader's Fatwa against nuclear weapons. These measures would cover the UNSC and IAEA requirements for transparency.

Moreover, to address international concerns over possible break-out: a joint committee between P5+1 and Iran would determine the size of an Iranian stockpile of enriched uranium required for domestic consumption and the remaining stockpile would either be exported or converted to fuel rods, Iran would give full transparency on production of centrifuges, Iran would accept capping its enrichment at 5% and, ultimately, Iran and the international community would work for a regional or multinational enrichment consortium.

7. *Creating a model for others:* with 14 countries operating or building enrichment plants, a successful resolution of the Iranian nuclear case could provide a model for dealing with other countries with break-out capability and contribute positively to non-proliferation.