

# FIVE OPTIONS FOR IRAN'S NEW PRESIDENT

The Case for Withdrawing from the Nuclear Non-Proliferation Treaty

*By Seyed Hossein Mousavian*

Nuclear negotiations lasting more than a decade between Iran and world powers have failed. The talks have been unable to reconcile the concerns voiced by the United States and other parties that Iran is developing a nuclear weapon with Iran's insistence that its program is strictly peaceful and only intended for civilian energy production.

The window for a diplomatic breakthrough will be most opportune during the second term of President Barack Obama who, in his 2013 State of the Union address, called on Iran's leaders to "recognize that now is the time for a diplomatic solution."<sup>1</sup> The election of a new Iranian president in June also offers the prospect of a fresh approach to negotiations.

There is, however, a risk that if the current American/Western policy of pressure politics continues, we will inch toward a military confrontation. In a broader sense, the outcome of the nuclear negotiations will have a profound impact on vital issues such as global nuclear non-proliferation, and the Nuclear Weapons Free Zone (NWFZ) and Weapons of Mass Destruction Free Zone (WMDFZ) in the Middle East.

Publicly, the U.S. and other Western officials blame the failure of nuclear talks on Iran. The key question, however, is whether talks have failed because of the perceived Iranian intention to build a nuclear bomb, or due to the West's unwillingness to recognize Iran's right to enrich uranium under international safeguards. Former U.S. officials Flynt Leverett and Hillary Mann Leverett, authors of *Going to Tehran: Why the United States Must Come to Terms with the Islamic Republic of Iran*, recently

addressed this issue, which rarely is part of Iran policy debates in the United States: "Washington's unwillingness [to recognize the rights of Iran for enrichment] is grounded in unattractive, but fundamental, aspects of American strategic culture: difficulty coming to terms

▷ \*\*\*Caption TK\*\*\*

Shantytown of Wharf

Jeremnce, Nov. 7, 2010.

*Marco Baroncini/Corbis*



with independent power centers (whether globally or in vital regions like the Middle East); hostility to non-liberal states, unless they subordinate their foreign policies to U.S. preferences (as Egypt did under Sadat and Mubarak); and an unreflective but deeply rooted sense that U.S.-backed norms, rules, and transnational decision-making processes are meant to constrain others, not America itself.”<sup>2</sup>

Iran, as a sovereign state and a signatory to the Nuclear Non-Proliferation Treaty (NPT), is entitled to uranium enrichment. I believe that if Washington recognized Iran’s right to enrich, a nuclear deal could be reached immediately. Without this recognition, no substantial agreement will be possible.

### **Iran’s Nuclear Story**

To assess whether Iran is building a nuclear bomb or is simply pursuing its legitimate rights, and to find a solution to the diplomatic stalemate, it is important to understand the evolution of Iran’s nuclear program and the core dispute with the West. The Iranian nuclear program has progressed through four major stages:

*Nuclearization of Iran:* Iran owes its entrance into the nuclear field largely to the United States, which entered into negotiations with the young Shah Mohammad Reza Pahlavi in 1957 as part of President Dwight Eisenhower’s Atoms for Peace program. In the 1970s, the U.S. proposal to Iran was for the country to build twenty-three nuclear power plants by the 1990s. The first Iranian nuclear facility, the Tehran Research Reactor (TRR), was built by the U.S. in 1967.<sup>3</sup> During this period, the Americans and Europeans were competing to win lucrative projects to nuclearize Iran.

The United States and Europe had no objections to either Iran enriching uranium on its soil or investing in enrichment plants in Europe, despite the known fact that the Shah had ambitions to acquire nuclear weapons. When asked in 1974 if Iran would eventually have a nuclear weapon, he replied, “without a doubt and sooner than one would think.” After India tested a nuclear device that same year, he said, “[Iran had] no intention of acquiring nuclear weapons but if small states began building them, Iran might have to reconsider its policy.”<sup>4</sup>

The West fully supported the Iranian nuclear program and without a doubt, if the Shah were alive today, Iran would have multiple nuclear power plants, industrial scale uranium enrichment facilities, and a nuclear arsenal on a par with those of Pakistan, India, and Israel.

*No rights for civilian power plant:* After the 1979 Iranian Revolution, although Iran decided to cancel or shrink the Shah’s ambitious nuclear and military projects, the West withdrew from all nuclear agreements and contracts, which cost Iran billions of dollars.

At that time, policy in the U.S. and the West was against Iran having a *single* civilian nuclear plant and they pressed Germany to withdraw from its contractual agreement to build the only Iranian civilian nuclear plant at Bushehr.<sup>5</sup> In effect, the West denied the rights of Iran under article four of the NPT, which entitles signatory states “inalienable right” to pursue the use of nuclear energy “for peaceful purposes” and calls upon all parties to the treaty to facilitate the “fullest possible exchange of equipment, materials, and scientific and technological information” on peaceful uses of nuclear energy.<sup>6</sup>

*No access to international fuel market:* Following the 1979 revolution, Iran had no plans to have uranium-enrichment activities on its own soil. Iran had paid \$1.2 billion for a joint venture with the French-based Eurodif consortium, to enrich uranium on French soil and supply fuel to the Tehran Research Reactor and Bushehr.<sup>7</sup> The United States pressured the French to pull out of the deal. At the time, Iran even paid the United States to supply fuel for the TRR. The United States neither supplied the fuel nor returned the money paid.<sup>8</sup>

During my tenure as the director general for Western Europe in the Iranian foreign ministry in the mid-1980s and as Iran's ambassador to Germany from 1990 to 1997, I frequently insisted to German and French interlocutors that Iran was not interested in having a domestic fuel cycle and that it was counterproductive to deny Iran the right to civilian nuclear power plants and access to the international fuel market. I repeatedly forewarned them that such a position would leave Iran with no choice but to proceed with efforts to reach self-sufficiency in the nuclear field, completing unfinished and paid-for projects.

*No enrichment right for Iran:* In 2002, Iran mastered enrichment.<sup>9</sup> Shortly afterwards, the International Atomic Energy Agency (IAEA) issued the first resolution on Iran's nuclear program. Subsequently, the EU3—France, Germany, and the United Kingdom—began diplomatic negotiations with Iran in October 2003, which lasted for two years.

Iran submitted different proposals to address the concerns of the international community, covering all major transparency measures and objective guarantees for non-diversion of Iran's nuclear program toward a nuclear bomb. Iran agreed to all international transparency arrangements, such as the Safeguard Agreement, Subsidiary Arrangement Code 3.1, and Additional Protocol. Furthermore, Iran, as a confidence building measure, agreed to suspend enrichment for about two years, cap enrichment at 5 percent, and maintain a limited stockpile of enriched uranium.<sup>10</sup> Talks failed due to the U.S. policy of denying the legitimate rights of Iran for enrichment under the NPT.<sup>11</sup> The “Nuclear Engagement Policy” came to an end, and Iran resumed enrichment to preserve its right under the NPT.

Since 2006, there have been several lost opportunities to achieve a breakthrough in talks between Iran and the so-called P5+1—the permanent members of the United Nations Security Council, plus Germany (a major trade partner with Iran). These lost opportunities include: the swap deal in 2009 on the simultaneous exchange of 3.5 percent stockpile for TRR fuel rods; Iran's offer in 2010 to cap enrichment at 5 percent in return for fuel rods; the Turkey-Brazil-Iran swap agreement in 2010; and Iran's offer in 2011 to halt 20 percent enrichment for TRR fuel.

The most important initiative, the Russian step-by-step proposal introduced in the summer of 2011, addressed all the concerns of the P5+1. Iran welcomed the plan, but the West did not. The proposal entailed the following points:<sup>12</sup>

- Implement the Additional Protocol and Subsidiary Arrangement Code 3.1 to ensure the maximum level of transparency.
- Limit the level of enrichment to 5 percent to ensure no break out toward weaponization.
- Halt installation of new generation of centrifuges.
- Limit the number of enrichment sites to one.
- Address the IAEA's concerns on all technical ambiguities including Possible Military Dimension issues (PMDs).
- Suspend enrichment for three months in order to address the requirement of the United Nations and the IAEA resolutions.

The aforementioned history suggests that the Iranian nuclear dilemma is centered on the legitimate rights of Iran to enrichment under the NPT and is not about building a nuclear bomb. Iran has signed onto every Weapons of Mass Destruction (WMD) convention, such as the Chemical Weapons Convention (CWC) in 1997; the Biological Weapons Convention (BWC) in 1996; and the Nuclear Non-Proliferation Treaty (NPT) in 1970. Such conventions entail rights and obligations for all signatories.<sup>13</sup> The West, however, has chosen, contravening international law, to carry out a coercive policy whereby Iran is pressed on obligations while its rights are denied.

The NPT, therefore, has been used by the West as an instrument of pressure against Iran and to falsely accuse Tehran of seeking nuclear weapons. Such tactics serve as a means to justify punitive measures and eventual military action. The NPT is effectively serving as a platform to deny the legitimate rights of Iran and to rally the international community in endorsing and implementing the most draconian multi-lateral and unilateral sanctions ever levied on Iran.

As a result, Iran is increasingly disillusioned with international conventions that forego its rights but expect full commitment to obligations. This has led Iran to view the NPT as a national security threat, which is being used as an instrument

by warmongers in the United States to press for measures to achieve their ultimate goal—regime change.

### A Fresh Approach?

The new Iranian president's first priority in office will be to manage the economic crisis. The nuclear standoff resulted in unprecedented unilateral and multilateral sanctions being placed on the country, a primary reason for its economic hardship. The new administration has five options for handling the nuclear stalemate and thereby also alleviating the effects of sanctions on the country.

*Continue to seek a peaceful solution to the standoff.* In recent nuclear talks, to prevent Iran's breakout capability and to ensure maximum level of transparency, the five major demands of the P5+1 were for Iran to: first, suspend 20 percent uranium enrichment activities and constrain the ability of Fordo, Iran's second enrichment plant; second, limit 20 percent enriched uranium stockpile; third, implement the NPT Additional Protocol; fourth, implement the Subsidiary Arrangement Code 3.1 and; fifth, provide access beyond Additional Protocol to address Possible Military Dimensions (PMDs) concerns of the IAEA.<sup>14</sup>

Iran, in return, had two major demands: lifting sanctions and recognizing Iran's rights under the NPT. Iran was ready to meet the demands but the P5+1 did not reciprocate accordingly, as the world powers were not prepared to lift substantial sanctions nor recognize Iran's right to enrichment. A peaceful solution will only be possible if the major demands of the world powers and Iran are considered within a package, to be implemented in a step-by-step manner with proportionate reciprocation.

*Surrender Iran's nuclear program.* This move will be political suicide for any Iranian politician, particularly since the country has endured such severe economic and political ramifications. Reinforcing the importance of the nuclear program, Iranian lawmakers signed a petition urging the nuclear negotiating team to defend national interests. "The West must learn that Iran's nuclear train, which moves on the rails of peaceful goals, will never stop," the petition read.<sup>15</sup>

*Tolerate the barrage of sanctions and other punitive measures.* This would be neither bearable for Iran, nor, for that matter, for the United States. Washington has made it clear that it believes time is running out on nuclear negotiations. For its part, Iran cannot long tolerate the current punitive measures, which include: six United Nations Security Council (UNSC) sanctions resolutions;<sup>16</sup> European Union and U.S. sanctions beyond the scope of the UNSC resolutions on oil and central bank assets;<sup>17</sup> an



intensifying cyber and intelligence war; the assassination of Iranian nuclear scientists; and additional UN resolutions on human rights and terrorism.<sup>18</sup>

*Build a nuclear bomb as a tool for resolving the crisis peacefully.* This option would have the following important benefits:

- Abandoning the notion of “all options on the table”—an implicit warning of a military attack (a benefit realized similarly by North Korea).
- Bringing an end to the U.S. regime change policy.
- Forcing the United States to recognize the rights of Iran for enrichment and end its wishful thinking that Iran would only enrich below 5 percent.
- Convincing the West to lift all sanctions in return for Iran dismantling the bomb.
- Realizing the “Mutual Assured Destruction” theory of the eminent American political scientist Kenneth Waltz, thus creating a strategic balance that reduces the possibility of war in the Middle East.
- Pressing Israel to accept a Middle East free from nuclear weapons and other WMDs.

Although Iranian proponents of this option are in the minority, the prolongation of the nuclear dispute, which continues to weaken Iran’s economy, will likely strengthen arguments for this position. Furthermore, it could be seen as a viable avenue to convince the West to recognize the rights of Iran for enrichment under the NPT. The Iranians recall that the West only recognized their rights for civilian nuclear power plant and access to the international fuel market when Iran mastered enrichment. Currently, the West demands a halt to Iran’s enrichment activity in return for support for civilian nuclear power plants and fuel guarantees from the international market. This precedent may push Iran to build the nuclear bomb and as a condition to disarm, demand that the West should alter its position and recognize Iran’s rights for enrichment.

*Withdraw from the NPT and all WMD treaties.* Iran can substitute the treaties with the supreme leader’s religious fatwa banning all WMDs. In this option, the West’s policy of “only obligations and no rights” would force Iran to change its posture on WMD conventions. This move will relieve Iran of its treaty obligations, which have been used by the West to place further sanctions on Tehran.

Withdrawing from the NPT has become an increasingly attractive option within the decision-making circles of the country. Alaeddin Boroujerdi, chairman of parliament’s National Security and Foreign Policy Commission, recently stated: “It is not acceptable to Iran to respect the NPT and the Agency’s rules, while the U.S. and the West ignore the NPT, including its Article 6 [which underlines decreasing the number of nuclear weapons] and Article 4 [which stresses every country’s inalienable

right to use the civilian nuclear technology],” Boroujerdi added that “all options are on the parliament’s table.”<sup>19</sup>

### **Hypocrisy and the NPT**

The U.S. and Western punitive measures on Iran have exceeded those placed on North Korea, a country that withdrew from the NPT, built nuclear weapons, conducted three tests, and threatened to use them against the United States.<sup>20</sup> And, at the same time, the United States and other Western countries have forged close nuclear cooperation with non-NPT nuclear weapons states such as India, Pakistan, and Israel.<sup>21</sup> It is no wonder that the Iranians are growing frustrated with such international hypocrisy, which rewards violators and non-signatory states to the NPT with strategic alliances. Iranians are reaching the conclusion that they have paid a higher price for staying committed to the NPT and having no nuclear weapons.

The reality is that since the 1979 Revolution, the NPT has proven more harmful than beneficial for Iran. Instead, the NPT has effectively become a national security threat, whereby the West has used it as an instrument to bring Iran to the United Nations Security Council. Hypothetically, if Iran was not part of the NPT, or even possessed nuclear weapons (as Israel, India, and Pakistan do), there would be no legitimate and legal grounds for using “non-compliance” as a gateway to bring the country under such pressure. The main argument and justification in the West for continuing their punitive measures rests in the premise that, because there is suspicion over Iran’s intentions and perceived ambitions for nuclear weapons, there is no need to extend Tehran enrichment and other rights under the NPT.

The history of Iran’s nuclear evolution and the blatant use of double standards by the world powers to limit Iran’s nuclear progress and deny its rights render the “non-compliance” argument as yet another excuse to punish Iran. In 1979, Iran was in compliance with its NPT obligations, yet its rights under the treaty for having civilian nuclear power plants and access to international fuel market were denied. The IAEA found South Korea and Egypt in “non-compliance” in 2004–05, but neither country was referred to the Security Council, nor was sanctioned.

Ultimately, the Iranian nuclear issue is political in nature and the heated debate over the nature of Iran’s nuclear program will continue in the foreseeable future. On March 5, 2013, Hans Blix, head of the IAEA for sixteen years and in charge of the UN’s Iraq nuclear-monitoring and verification group from 2000 to 2003, said:

So far Iran has not violated NPT and there is no evidence right now that suggests that Iran is producing nuclear weapons. The fact that Tehran has enriched uranium up to 20 percent leads to suspicion of a secret weapons



program, however, no action can be justified on mere suspicions or intentions that may not exist.<sup>22</sup>

In 2011, Mohamed ElBaradei, another former head of IAEA, similarly said: “During my time at the agency, we haven’t seen a shred of evidence that Iran has been weaponizing, in terms of building nuclear-weapons facilities and using enriched materials.”<sup>23</sup>

The IAEA position changed once the Japanese diplomat Yukiya Amano became director general in December 2009. Amano said Iran had yet to clarify “outstanding issues which give rise to concerns about possible military dimensions to its nuclear program, including by providing access to all sites, equipment, persons, and documents requested by the agency.”<sup>24</sup> U.S. diplomatic cables published by WikiLeaks revealed Amano’s assiduous courting of American support. In an October 2009 cable, the U.S. diplomat Geoffrey Pyatt informed Washington that Amano is “solidly in the U.S. court on every key strategic decision, from high-level personnel appointments to the handling of Iran’s alleged nuclear weapons program.”<sup>25</sup>

Analyzing Amano’s policy, Robert Kelley, a former U.S. weapons scientist who ran the IAEA action team on Iraq at the time of the U.S.-led invasion, said:

Amano is falling into the [former U.S. Vice President Dick] Cheney trap. What we learned back in 2002 and 2003, when we were in the run-up to the war, was that peer review was very important, and that the analysis should not be left to a small group of people... So what have we learned since then? Absolutely nothing. Just like Dick Cheney, Amano is relying on a very small group of people and those opinions are not being checked.<sup>26</sup>

The nuclear issue exemplifies Western attempts to deny Iran its inalienable right to peaceful nuclear technology. But such cases have been an ongoing saga since the 1979 revolution. Iran is signatory to all WMD conventions and has been in full compliance with the Chemical Weapons Convention (CWC) for the last fifteen years, since signing and ratifying.<sup>27</sup> For example, Iran is a leading advocate for banning chemical weapons. The country was a victim of chemical weapons at the hands of Saddam Hussein’s regime during the Iran-Iraq war (and, it should be noted, Iran did not reciprocate in kind). Iran is well versed on the effects of such weapons.<sup>28</sup> Yet, the West has denied Iran its rights under the CWC to receive assistance for the peaceful use and technology transfer within the chemical industry.-

Iran commits to banning the use, acquisition, and procurement of WMDs not because of international treaty obligations but rather voluntarily based on the supreme leader’s fatwa. Since the 1979 Iranian revolution, Iran’s most senior figures have

reiterated the official position on WMDs. Imam Ruhollah Khomeini, the founder of the Islamic Republic, enunciated his religious opinion on the proliferation and use of nuclear, biological, and chemical weapons, stating:

If they—the then Soviet Union and the U.S.—continue to make huge atomic weapons and so forth, the world may be pushed into destruction and major loss will afflict the nations. Everybody wherever he is, the writers, intellectuals, scholars, and scientists throughout the world, should enlighten the people about this danger so that the masses of people will stand up vis-à-vis these two powers themselves and prevent the proliferation of these arms.<sup>29</sup>

During the 1980–88 Iran-Iraq War, when 100,000 Iranians were killed or injured by Saddam Hussein's chemical weapons—developed with material and technology supplied by the West—Iranian military officials asked Imam Khomeini to permit them to reciprocate. He refused to give permission as it would have transgressed Islamic belief. That a country would, during wartime, refrain from responding in kind to the use of such weapons, which killed tens of thousands of its own civilians and military personnel testifies to the strength of such religious decrees.

Ayatollah Ali Khamenei, the successor of Imam Khomeini, has followed the same policy on Iran's commitment to the eradication of nuclear, chemical, and biological weapons. In August 2005 in an official statement, the Iranian mission to the IAEA stated:

The Leader of the Islamic Republic of Iran, Ayatollah Ali Khamenei has issued a fatwa that the production, stockpiling, and use of nuclear weapons are forbidden under Islam and that the Islamic Republic of Iran must never acquire these weapons.<sup>30</sup>

The supreme leader has continued to reaffirm his decree on many occasions, such as in the following statement:

We have often said that our religious tenets and beliefs consider these kinds of weapons of mass destruction to be instruments of genocide and are, therefore, forbidden and considered to be haram [religiously banned]. This is why we do not believe in atomic bombs and weapons and do not seek them... The Islamic Republic of Iran considers the use of nuclear, chemical and similar weapons as a great and unforgivable sin. We proposed the idea of 'Middle East free of nuclear weapons' and we are committed to

it... I stress that the Islamic Republic has never been after nuclear weapons and that it will never give up the right of its people to use nuclear energy for peaceful purposes. Our motto is: 'Nuclear energy for all and nuclear weapons for none.' We will insist on each of these two precepts.<sup>31</sup>

In January 2013, an Iranian Foreign Ministry spokesman stressed that "there is nothing higher than the supreme leader's fatwa to define the framework for our activities in the nuclear field."<sup>32</sup> Iran can therefore lay a new foundation for non-proliferation, based on Islamic values and principles, embodied in the supreme leader's fatwa, and not on the NPT or other WMD conventions. In this way, the credit would go to Islam. As a goodwill measure, Iran would provide unfettered access to inspectors and declare its peaceful intentions. This would ensure Iran no longer permits the West to use the NPT and other WMD conventions as a means to press Iran and inflict economic, social, and political harm.

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  - 9 <http://iranprimer.usip.org/resource/timeline-irans-nuclear-activities>
  - 10 [http://www.iaea.org/newscenter/focus/iaea/iran/eu\\_iran14112004.shtml](http://www.iaea.org/newscenter/focus/iaea/iran/eu_iran14112004.shtml)
  - 11 Article IV of the NPT states, "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 and in conformity with Articles I and II of this Treaty."
  - 12 [http://www.armscontrol.org/factsheets/Iran\\_Nuclear\\_Proposals](http://www.armscontrol.org/factsheets/Iran_Nuclear_Proposals)
  - 13 Fact Sheets: Treaty Membership and Signatory Status <http://www.armscontrol.org/factsheets/treatymembership>
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