

10. The Clash of Ideologies or Peaceful Multilateral Negotiations Based on National Interests: the Degree of Iran's Commitment to the Treaty on the Non-Proliferation of Nuclear Weapons

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Mr. Chairman, Distinguished Delegates,

I. Introduction:

With much of the world's attention on the question of Iran's nuclear programme, it is vital that all the political and technological as well as emotional and psychological factors are taken into account in determining the degree of Iran's commitment to the NPT.

II. Concerns about Iran's Nuclear Programme:

Those concerned about the Iranian nuclear programme focus on the following main indicators. First, Iran's failure to report the technical details of its nuclear programme was a breach of its obligations under its IAEA's safeguards agreement.¹ Those critics are also concerned with the dual nature of Iran's political system, the foundation upon which Iran's decision-making process is built. They view two decades of Iran's technical breaches with its IAEA's Safeguards Agreement either as a wider indication of lack of control over nuclear material and technology by the Iranian government or as a sign of a conscious and deliberate attempt to conceal Iran's nuclear programme.

The United States and its allies accuse Iran of sponsoring terrorism. These accusations, including the risk of nuclear materials falling into the hands of terrorists, have more than any other factor thrown doubt on the legitimacy of Iran obtaining nuclear material and technology.² This is exemplified by statements and images of the clash of ideologies, war or dispute between Islamic and western democratic political systems. Meanwhile in Iran, there lacks any systematic debate over the exact nature of Iran's national security interests in relation to the developments in the Israeli-Palestinian dispute and the question of terrorism. Such domestic debate and improved transparency could significantly impact on Iran's relations with the west, building confidence about Iran's nuclear activity as permitted by the NPT.

¹ The IAEA's Board of Governors recognised this failure as a breach in one Statement and six consecutive resolutions between 19 June 2003 and 29 November 2004.

² However, according to Professor Gary Sick (Director of the Middle East Institute at Columbia University, and a former member of the U.S. National Security Council staff as well as the Principal Presidential Assistant for Iran during the Iranian revolution and hostage crisis), "Terrorism is murky and highly ambiguous;" See, Gary Sick, 'Iran: Confronting Terrorism', *The Washington Quarterly*, (Autumn 2003, No. 26:4), pp. 83-98; <http://www.twq.com/info/archives.cfm>; according to Professor William O. Beeman (Director of the Middle East Studies at Brown University and Visiting Professor of Cultural and Social Anthropology at Stanford University), 'Iran's support of terrorism is less than it seems', in *Agence Global*, 27 February 2005; <http://www.agenceglobal.com>

III. Positive Indicators of Iran's Commitment to the NPT: **There are, however, indications of Iran's commitment to the NPT. Iran has, after all, actively cooperated with the IAEA to rectify its past failures.³ This behaviour is evident in the detailed report submitted to the IAEA on 21 October 2003, and Iran's Additional Protocol signed 18 December 2003, which awaits ratification by the Iranian parliament (Majles). In a communication to the Director General of IAEA dated 10 November 2003 Iran committed itself to act in accordance with the provisions of the Protocol with effect from that date.**

Further more, in its first report under the Additional Protocol, Iran submitted more than a thousand pages of information about its nuclear programme to the IAEA on 25 May 2004. In January 2005 Iran provided access to the IAEA's inspectors to visit and take environmental samples of a number of military sites suspected of developing nuclear material and components. Moreover, Iran's multilateral negotiations with Britain, France and Germany (EU3) and the High Representative of the European Union, which have been on going since October 2003, demonstrates Iran's willingness to work to a resolution of the problems.⁴ Iran has abided by its voluntary agreement since October 2003 not to enrich uranium using its gas centrifuge facilities and plants in Natanz.

Therefore, in considering Iran's commitment to the NPT, we must consider both the negative and positive developments.

IV. List of Recommendations:

- i. **Address Emotional and Psychological as Well as Political and Technological Concerns:** There are two separate aspects in all the discussions concerning Iran's nuclear programme. One relates to Iran's scientific and technological capabilities and its rights under the NPT to develop indigenous civil nuclear power, and the subsequent related intellectual and political debates. The second aspect is psychological and emotional concerns of the international community associated with Iran's Islamic political system, and doubts about Iran's commitment to confine

³ Under the IAEA's Statutes (Article XII: c) if states found in breach of their IAEA's safeguards agreements, they will be provided with an opportunity to return back to compliance within a reasonable time, before any punitive action taken against them or before their cases are referred to the United Nations Security Council. Section 19 of the IAEA's safeguards agreement (INFCIRC/153), which deals with measures in relation to verification of non-diversion and any possible non-compliance makes it clear that the IAEA's Board of Governors "shall take account of the degree of assurance provided by the safeguards measures" and "shall afford the State every reasonable opportunity to furnish the Board with any necessary reassurance."

⁴ The first meeting to initiate these negotiations took place in Tehran on 21 October 2003. Several informal meetings were held to discuss the content of negotiations until the end of July 2004. The second set of negotiations within a more formal framework, in the form of regular working group meetings, took place (based on the 14 November 2004 Paris Agreement) on 13 December 2004 (in Brussels), 21 January 2004 (in Geneva), 8-11 February 2004 (in Geneva), 8-11 March 2005 (in Geneva). A steering committee to consider the results of December-March working groups took place in Paris on 23 March 2005, when the parties agreed to continue with the negotiations in April 2005. Between 19 and 20 April 2005 a working group to discuss the technical issues related to the nuclear issue was held in Geneva which made further recommendations to continue the discussions at a steering committee meeting in London on 29 April 2005.

nuclear technology for peaceful purposes. Therefore, in addition to compliance with the IAEA safeguards and other technical measures, Iran must provide additional reassurances to address the emotional and psychological concerns of the international community. Greater openness and transparency in relation to all the aspects of its nuclear programme, and conscientious and systematic discussions about the exact nature of Iran's relations with groups classified as terrorists by the West would be important steps.

- ii. **Provide Negative Security Assurances & Tangible Steps Towards Disarmament:** Iran, like most other non-nuclear weapon states at this NPT Review Conference, continues to seek legally binding⁵ and unconditional⁶ negative security assurances from the nuclear weapon states, in particular, from France, the United Kingdom and the United States. The multilateral negotiations between Iran and the EU3 has provided a degree of security and reassurance for Iran. There is a general belief that Iran will not be militarily attacked while the current negotiations continues.⁷ The negative and positive

⁵ By a legally binding negative security assurance, it is meant an independent agreement or treaty, or a protocol attached to the NPT (instead of the present general statements of intent embodied, for example, in the 1978 and 1982 unilateral statements by the nuclear weapon states at the first and second United Nations General Assembly Special Session on Disarmament (UNSSOD), or a series of separate statements by the nuclear weapon states reflected in the 11 April 1995 Security Council resolution 984. However, some would argue that a Security Council resolution would be legally binding).

⁶ In 1968 the three NPT depository nuclear weapon states (the United Kingdom, the United States and the USSR) provided positive security assurances to non-nuclear weapon states through the Security Council resolution 255, which was mainly based on the general commitments that had already existed in the United Nations Charter. At the first UNSSOD in 1978, China was the only nuclear weapon state that committed itself not to attack or threaten to attack a non-nuclear weapon state with nuclear weapons; whilst the USSR's statement on negative security assurances was specific to those non-nuclear weapon states that renounced the acquisition of nuclear weapons and their deployment on their territories. However, the United Kingdom and the United States were prepared to provide negative security assurances only to those states that were not allied with a nuclear weapon state. France's negative security assurances, at the time, were limited to those states within the nuclear weapon free zones. However, at the second UNSSOD in 1982, France provided non-nuclear weapon states with similar commitments that the United Kingdom and the United States had provided to non-nuclear weapon states. Although the Security Council resolution 984 of 11 April 1995 provided both negative and positive security assurances, the type of assurances were seen as being similar to the positive security assurances that the three NPT depository nuclear weapon states had provided in 1968. The conditional terms of the resolution 984 have been criticised on the grounds that the NATO states and the Russian Federation continue to keep their option of the first use of nuclear weapons; and that in case of a nuclear attack, the agreement of the Security Council had to be obtained before any action in support of the victim or against a nuclear aggressor could be taken. Following the 984 resolution, China restated its long-time position regarding no-first use of nuclear weapons and called for an international convention on no-first use.

⁷ The three nuclear weapon states have been reluctant to provide a legally binding and unconditional negative security assurance to the non-nuclear weapon states, such as Iran, on three basic military grounds. First, there is the assumption on the part of these nuclear weapon states that an unconditional negative security assurance would undermine the basic element of uncertainty, which is often defined as the key in maintaining a credible nuclear deterrence against an adversary. Second, France, the United Kingdom, the United States as well as the Russian Federation continue to regard as legitimate the right to retaliate with nuclear weapons in the case of an attack with chemical or biological weapons. Furthermore, these nuclear weapon states believe that an unconditional negative security assurance might encourage the use of chemical and biological weapons by countries such as Iran at the time of war and crises.

security assurances embodied in the 1995 Security Council Resolution 984 are conditional, and according to France, the United Kingdom and the United States would not apply to those non-nuclear weapon states not in full compliance with their NPT safeguards agreements. There is a widely held perception amongst Iranians that in the whole of the Middle East and South Asia as well as Central Asia and Caucasia, Iran is the only major country with inadequate security protection. India, Israel and Pakistan rely on their own nuclear weapons for deterrence. Turkey as a member of the NATO and all the Arab states of the Persian Gulf would be protected by their alliances with the United States. It is within this overall regional and international context that Iran's civil nuclear programme has been viewed by some as constituting a latent nuclear deterrent, similar to the full nuclear fuel cycle facilities in Japan. Therefore, it is vital that in any discussions of Iran's nuclear programme, Iran's legitimate security concerns to be fully taken into account. Any proposals to halt future nuclear full cycle capabilities should address the wider issues of disarmament, negative and positive security assurances, and confidence building measures at the international level. In the absence of this wider perspective, measures and proposals, which are aimed at enhancing the international security may, in the long term, undermine the whole structure of the nuclear non-proliferation system.

- iii. **Pursue Diplomatic Solutions Instead of Military Attack:** Although military attack on Iran's known nuclear facilities could not be discounted, any such military attack would generate further security problems for the whole region. Iran would most likely to withdraw from the NPT and initiate, without any reservations, a nuclear weapon programme using the scientific knowledge, skills and any material or facilities, which would survive following such a military attack.