

Nuclear Weapons & Today's Stand-Off



*Middle Powers Initiative Statement*¹

US/Iran Confrontation:

Intensified Diplomacy and Adherence to International Law

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Absent a Security Council resolution authorizing use of force, there is presently no basis in international law for the United States or any other state to respond to Iran's nuclear program with a military attack or to threaten such an attack.

Resolution of differences between the United States and Iran through diplomatic means has become imperative. The catastrophe of Iraq should inform us that the use of force under present circumstances will bring even greater tragedy to the war-torn Middle East. Any threat to unilaterally use overwhelming force is irresponsibly hazardous. There is no imminent threat posed by Iran. There is a practical, legal and moral obligation to obtain security through peaceful and law abiding means.

An attack on Iran would violate the UN Charter prohibition on threat or use of force against the territorial integrity and political independence of another state. Since there is no immediate exigent threat of attack by Iran leaving no alternative course of action, there is no basis for claiming the right to use force in self-defense.

Regarding alleged Iranian support for Iraqi insurgents, and alleged US support for attacks in Iran, restraint and diplomacy are the right tools. Too much is at stake – the ending of the Iraq war, regional peace, and the preservation of the non-proliferation regime – to act otherwise. The two countries should therefore not conduct, support or threaten any covert or overt military activities against each other.

Iran is obligated to comply with the Security Council resolutions requiring suspension of enrichment activities and heavy water-related projects. Doing so would facilitate negotiations and, by the terms of the resolutions, lift the application of sanctions. In accordance with IAEA Board requests, Iran should also implement the Additional Protocol to build confidence.

To avoid an unpredictable and extremely dangerous escalation arising both from the Iraq war and the nuclear dispute, the United States and Iran, bilaterally and with other concerned countries, must now negotiate on the range of issues dividing them. They include the US military presence in Iraq; Iran's alleged involvement in supporting Iraqi insurgents; border control issues between Iran and Iraq; US support of regime change in Iran; and Iran's nuclear program. There should be no preconditions for commencement of negotiations. Effective diplomacy is now urgent because the US-Iran confrontation has reached a critical stage. Iran is charging that US-supported Kurdish groups based in Iraq are carrying out attacks in Iran, and there are credible reports that Iran is indiscriminately shelling northeastern Iraq. Similarly, the United States has stepped up its claim that elements in Iran are supplying

¹ (*The Middle Powers Initiative is a coalition of seven international non-governmental organizations (where IPB is one of them) working primarily with "middle power" governments to encourage and educate the nuclear weapons states to take immediate practical steps to reduce nuclear dangers and commence negotiations to eliminate nuclear weapons. MPI is guided by an International Steering Committee and chaired by Hon. Douglas Roche, O.C., former Canadian Disarmament Ambassador.*)

advanced roadside bombs, other munitions, and training to insurgents in Iraq. In an August 28, 2007 address, President Bush stated that to protect US troops, "I have authorized our military commanders in Iraq to confront Tehran's murderous activities." The US government is considering declaring all or part of the Islamic Revolutionary Guards Corps or its Qods Force a terrorist organization. The United States maintains a major strike force in the Persian Gulf. Iran continues its ongoing bellicose narrative regarding US global aspirations. Nuclear developments have also reached a crucial juncture. Iran continues to insist on enlarging its capability to enrich uranium and building a heavy water reactor, in defiance of UN Security Council resolutions requiring suspension of those activities in order to "build confidence in the exclusively peaceful nature of its nuclear program." Iran is now operating nearly 2,000 centrifuges under IAEA monitoring and producing low-enriched uranium, albeit at a much slower pace than expected. The United States, France, and Britain favor adoption of a new resolution stiffening sanctions. While endorsing sanctions, in his recent speech President Bush also said: "We will confront this danger before it is too late." The diplomatic approach to reversing the DPRK's breakout from the Nuclear Non-Proliferation Treaty (NPT) is yielding results and should now be used with Iran. Key elements were the direct involvement of the United States and a willingness to contemplate normalization of relations and security guarantees. Further, we now know that IAEA and UNSCOM/UNMOVIC inspections of Iraq were effective. The IAEA should be allowed to do its job with respect to Iran.

A maximum effort should be made to reach agreement over time with Iran on nuclear matters, taking into account the following factors, among others.

First, since 2003, when its history of safeguards reporting violations was revealed, Iran has met reporting requirements. As in past reports, in his August 30, 2007 report IAEA Director General ElBaradei stated that: "The Agency is able to verify the non-diversion of declared nuclear material in Iran." While the IAEA cannot now confirm the absence of undeclared nuclear materials and activities, as experience with countries such as Japan shows, that is a challenging determination that takes considerable time and requires enhanced inspections under the Additional Protocol.

Second, the IAEA and Iran have reached agreement on a work plan to clear up outstanding questions about Iran's past nuclear activities. If successful, all questions, including those regarding acquisition of centrifuge technology from the Khan network, will be closed by December 2007. Already, the IAEA has declared that certain issues have been resolved. To encourage this process, it would be wise for the Security Council to defer a decision on strengthening sanctions.

Third, Iran has repeatedly indicated its openness to operation of limited enrichment facilities in Iran under heightened IAEA monitoring and with foreign participation. The United States needs to compare that scenario to possible Iranian withdrawal from the NPT and operation of enrichment and possibly reprocessing facilities outside of IAEA monitoring. Iran's leaders do not appear to have made the decision to acquire nuclear weapons (as opposed to the capacity to produce materials for reactors or weapons). A well-considered diplomatic strategy and close international involvement with Iran's program can keep the balance tipped toward non-acquisition.

Finally, the United States and other nuclear weapon states can more credibly insist on Iranian compliance with its international obligations if they meet their own. To decry the Iranian potential of developing nuclear weapons while brandishing arsenals of unimaginable destructive capacity on launch-on-warning status is inconsistent. The nuclear weapons states

have, pursuant to their duties under the NPT, committed to a diminishing role of nuclear weapons in security policies and, in order to gain the indefinite extension of the NPT, made commitments to non-use of nuclear weapons against NPT non-nuclear weapon states. Accordingly, the United States is required to renounce the use of nuclear weapons against Iran rather than to maintain that “all options are on the table.”

NPT parties, including Iran and the United States, have also vowed to support creation of a zone free of WMD in the Middle East. In that regard, a useful step would be a region-wide freeze in nuclear fuel production activities, applicable to Israel as well as Iran, as proposed by the WMD Commission. The International Court of Justice, interpreting the NPT, has unanimously ruled that negotiations leading to nuclear disarmament must be concluded. The nuclear weapon states will have more success in rallying the international community to prevent proliferation if they meet their NPT disarmament commitments, among them bringing the test ban treaty into force, negotiation of a verified fissile materials treaty, and verified and irreversible reduction and eventual elimination of nuclear arsenals.