

Law vs. Brute Force: The Fight Over Iran's Nuclear Program

by Muriel Mirak-Weissbach

Leading figures in the U.S. Administration, and among its international allies, have been priming an international crisis as a pretext for military action in Iran—the war plan of Vice President Dick Cheney. The immediate focus of U.S. Secretary of State Condoleezza Rice and newly appointed Ambassador to the United Nations John Bolton, is to have the International Atomic Energy Agency (IAEA) refer the issue of Iran's nuclear program to the UN Security Council.

Rice used her speech to the UN General Assembly to reiterate the laundry list of accusations against Tehran, alleging that the country's nuclear energy program was a cover for a weapons program. Israeli Foreign Minister Silvan Shalom added fuel to the fire, in a speech to a New York meeting of Jewish organizations, alleging that the Islamic Republic would have the knowledge required to build a bomb “within six months.” On that account, he urged action. Mossad chief Meyer Dagan, accompanying Prime Minister Sharon to the UN, held meetings with U.S. government officials, lobbying for more energetic action to stop Tehran.

This coordinated campaign was timed to coincide with preparations for the IAEA Board of Governors meeting, which opened in Vienna on Sept. 19. A draft resolution, recommending referral of the issue to the Security Council, was reportedly circulating on Sept. 20, officially on the initiative of the European Union. The draft, “inspired” by the United States and United Kingdom, called for referral, to address “Iran's many failures and breaches of its obligations to comply with its NPT [Non-Proliferation Treaty] safeguards Agreement. . . .” According to a leaked copy of the resolution, it demanded that Iran implement transparency measures, going beyond the special protocol Iran signed; that it “re-establish full and sustained suspension of all enrichment-related and reprocessing activity”; “reconsider the construction” of a heavy water research reactor; and “ratify and implement the additional protocol.”

But heavy opposition killed the draft. Not only have the members of the Non-Aligned Movement, led by India, lined up behind Iran, but so have Russia and China, both veto-wielding members of the Security Council. In a meeting with Chinese President Hu Jintao in New York, prior to the General Assembly opening, President Bush failed to clinch any agreement in going after Iran. And Russian President Putin, al-

though agreeing with the White House that Iran should not become a nuclear weapons power, stood by Moscow's commitment to Iran's peaceful nuclear power program, in which it is cooperating.

Speaking in San Francisco on Sept. 20, Russian Foreign Minister Sergei Lavrov went a step further, saying, “While Iran is cooperating with the IAEA, while it is not enriching uranium and observing a moratorium, while IAEA inspectors are working in the country, it would be counter-productive to report this question to the UN Security Council. It will lead to an unnecessary politicizing of the situation.” Lavrov continued, “Iran is not violating its obligations and its actions do not threaten the non-proliferation regime.”

On Sept. 22, after hefty debate in Vienna, the European Union had to withdraw its original draft, and replace it with a much watered down text, which merely “requests” that IAEA director Mohamad ElBaradei report on Iran's program “to the IAEA board [of governors] which will address the timing and content” in a report of its own. The Security Council is not mentioned at all. Germany's ambassador to the IAEA, Herbert Honsowitz, was quoted saying, “The EU has withdrawn its request to send Iran's case to the Security Council.”

Western diplomats, speaking on condition of anonymity, said that the backdown had come as a result of energetic opposition by Russia and China.

On the Right Side of the Law

What has challenged the war drive, is the fact that Iran has effectively argued before the international community, that it, indeed, is not violating any agreements. As President Mahmoud Ahmadinejad developed the case in his speech to the UN General Assembly on Sept. 17, it is those who are launching accusations from Washington, who are actually in violation of the Non-Proliferation Treaty. Their violations of the NPT, he said, included the refusal to accept nuclear disarmament, as prescribed in Article 6, and the “denial of access of NPT member states to peaceful nuclear material, equipment, and technology,” specifically the full nuclear fuel cycle, as guaranteed in Article 4 of the NPT. He also charged that the United State violated the NPT by its doctrine of preemptive nuclear strikes, and by developing a new generation of nuclear weapons.



UN Photo

Iran's President Mahmoud Ahmadinejad at the UN: The real violators of the Nuclear Non-Proliferation Treaty, he said, are those who refuse to accept nuclear disarmament, and who deny NPT member states access to the full nuclear fuel cycle.

If a “nuclear apartheid system” were imposed by powerful states, Ahmadinejad said, this would divide the world into “bright and dark nations in the future.” To remedy this situation, he proposed constructive international cooperation, in the spirit of a “collective covenant.”

First, the UN should set up an ad hoc committee to report on mechanisms and strategies for nuclear disarmament, and to see how materials for nuclear weapons were transferred to Israel. Second, it should move to set up a nuclear weapons free zone in the Middle East. The General Assembly should ask the IAEA to report on violations of Article 4 of the NPT, which guarantees access to the fuel cycle. Ahmadinejad stressed the need for countries to have the complete fuel cycle, so as not to be dependent on others for fuel. He said nuclear-fuel delivery contracts have been non-binding, with no legal guarantees, a problem which should be solved. The ad hoc committee should revitalize the NPT and prevent “nuclear apartheid.”

Furthermore, said the Iranian President, since there are no technological differences among different countries’ nuclear cycle programs, as a confidence-building measure, Iran was calling for a partnership of the private and public sector of other nations to cooperate with Iran’s enrichment program. Finally, he reiterated Iran’s willingness to negotiate with other IAEA members.

The Iranian leader’s remarks were expanded in a press conference and many single media interviews. In remarks to U.S. media directors, Ahmadinejad said nuclear disarmament and non-proliferation are the most important chapters of the NPT. He indirectly referred to Cheney’s “Guns of August” war plans, by saying, “A country, which possesses the biggest

nuclear arsenal, embarks on proliferation of nuclear weapons in defiance of the safeguards and *threatens to use them against others*, is not competent to comment on peaceful use of nuclear know-how by other states” (emphasis added). These countries, he said, should be brought under IAEA supervision.

Ahmadinejad’s speeches and accompanying remarks laid down the gauntlet to the war party. The reactions were predictably hysterical, carefully avoiding the issue. For example, British Foreign Secretary Straw said, the speech had been “disappointing and unhelpful,” although he added quickly, the crisis “will not be solved by military means.” French Foreign Minister Douste-Bazy said that what he had heard convinced him that a referral to the UN Security Council “remains on the agenda.” State Department Undersecretary Nicholas Burns said: “One would have hoped that he might have chosen a speech with more humility, a speech with a greater inclination to compromise. He was quite defiant.”

No one went into the merits of his speech, preferring to focus on the “tone.” And for good reason: None of those pushing for referral has a legal leg to stand on. Were the merits of the case to be thrashed out, this would become clear, and the thrust of the propaganda campaign could be undercut. Were the implications of the recent agreement on North Korea’s nuclear program to be developed and applied to this case, an utterly different approach must be adopted.

This, however, is unlikely to occur, given the commitment by Cheney et al. for confrontation and conflict. As the pressure increases from Washington, Iran will respond in kind. Asked in a CNN interview by a hostile Christiane Amanpour, what Iran would do if the Security Council imposed sanctions, whether it would undertake countermeasures, leave the NPT, or use oil as a weapon, Ahmadinejad replied, “Any intelligent human being should use all resources to defend freedom.” Later, Ali Larijani, the new head of the Supreme National Security Council in Iran, said that although Tehran did “not want the path to become more difficult,” if the IAEA chose to “use the language of force,” or to “talk to us in the language of humiliation, threat, or introduce the so-called trigger mechanism, or take it to the UN Security Council,” then Iran would rethink its stance on the matter.

Larijani also said that Iran could shape its oil trade and other economic relations on the basis of its prospective partners’ attitudes towards Iran’s right to nuclear technology.

Significantly, both Ahmadinejad and Larijani made references to the fight Iran waged to nationalize its oil industry in the 1950s. At that time, in 1953, the British recruited the United States to a plot to overthrow the democratically elected government of Iran’s then-Prime Minister, Mohammad Mosaddegh, who had led the drive for nationalization. Clearly, Tehran knows what is at stake, now as then: national sovereignty, independence, and the right to technological development.