



THE IRANIAN NUCLEAR CONTROVERSY: ESCAPING THE WINDS OF WAR

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The current crisis around the Iranian nuclear program has reached a new stage: the possibility of a military option by either Israel or the US against Iran is more and more an option that is considered and openly discussed. An objective assessment of the risks associated to the Iranian nuclear program is quite often obscured by partisan propaganda. The public debate about Iran's rights under the NPT and its present adherence to the obligations of the NPT itself, is vitiated by more than a decade of accusations which often confuse legitimate activities permitted in any country party to the NPT with violations of the NPT itself. What is at risk is not only the peace in the Middle East, but a possible serious crisis of the NPT itself. In order to understand better the situation and what could be done, we begin with some historical considerations and then we discuss the issue of what could be done now to preserve peace in the Middle East

Basic Facts and Historical Context

1. Iran has the right to enrich uranium and produce nuclear fuel for its civilian nuclear program (which remain under the safeguards of the International Atomic Energy Agency-IAEA), even if this program elicits concerns in some other countries. The Iranian nuclear program has a long history going back to the time of the Shah. After the 1979 revolution it was interrupted and was restarted in the late 80's. Anyhow Iran conducted in the 18 years before 2003 some activities related to uranium enrichment without reporting these activities to the IAEA as mandated by the IAEA safeguards agreements. So Iran was found responsible of "failure to report import and use of nuclear material". After concerns were raised at the international level, Iran provided the required information to the IAEA as well as access to its activities and to sites that it had not previously declared to the IAEA. Moreover Iran, following a request from the IAEA Director General, as a good will gesture signed and provisionally implemented, in the years 2003-2005, the so called Additional Protocol [additional to its safeguards agreement with the IAEA] that gives much more information and inspecting rights to the Agency. In the same years Iran, under the insistence of the EU3 (UK, France Germany) and as a voluntary and not legally binding measure, suspended its uranium enrichment activities. Still it did not find a forthcoming interlocutor in the West, in particular in the EU3. Instead Iran has been referred in 2006 to the UN Security Council, which required that Iran stop

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completely its uranium enrichment activities. There are doubts about the legality of this UNSC decision (reiterated several times and enforced with sanctions), as the UNSC resolutions of this sort (namely obligatory resolutions with sanctions and other forms of coercion) should be adopted only where there is a clear “threat to peace”. Iran claimed that the UNSC resolutions were illegal and that the UNSC should not have been involved unless the IAEA found proof of diversion of nuclear material for military or prohibited purposes. In any case Iran refused and still refuses to abide by the UNSC decisions. Motivated by the vote inside the IAEA Board of Governors (Feb 4th 2006) to report Iran to the UNSC, the new Iranian Government led by M. Ahmadinejad suspended (Feb. 6th 2006) the implementation of the signed - but not yet ratified- Additional Protocol. Later in April M. Ahmadinejad announced that Iran had successfully enriched Uranium. Occasionally though, Iran cooperated later with the IAEA while as if still within the framework of the Additional Protocol and subsidiary arrangements (for example the visit of the IAEA delegation to the new generation centrifuges R&D facilities and to the Arak reactor of August 2011).

2. The IAEA has been involved since 2002 in scrutinizing the previously undeclared nuclear activities of Iran. Various “outstanding items” (namely contentious points of the Iranian nuclear program) have been investigated by the IAEA and all of them (with the exception of the so called alleged studies on weaponization activities) have been resolved.
3. The issue of “weaponization” studies (namely the issue of studies that Iran supposedly conducted in order to be ready to build nuclear weapons) has been brought up several times by the IAEA. There are two noteworthy aspects concerning these studies. Firstly these studies have been neither found nor verified independently by the IAEA, but have been brought to the Agency’s attention by selected “member states” that collected information through their intelligence agencies. Moreover the IAEA is not in position to verify the authenticity of these studies nor is allowed to share the full documentation with Iran in order to discuss the matter. Secondly the NPT does not forbid theoretical nuclear explosive studies that do not involve nuclear materials. The NPT forbids non-nuclear weapon states from manufacturing nuclear explosive devices and from receiving any assistance in the manufacturing of nuclear explosive devices. The 8 November 2011 report of the IAEA on Iran relies heavily on foreign intelligence sources, raising serious concerns about whether this information is reliable and about whether it is the role of the IAEA to prepare reports on the basis of information provided by various intelligence sources, without an independent assessment. The report doesn’t say that the IAEA has verified the authenticity of (most of) the intelligence information, while Iran maintains that the weaponization studies are essentially forged.
4. All in all, there is a clear distinction between “manufacturing nuclear weapons” and “having the capability to acquire nuclear weapons” even in a short time range. The NPT forbids the first option to non-nuclear weapon members of the NPT, but cannot forbid the second one. Many countries such as Japan, Germany, Canada, South

Korea, Brazil and Argentina are in position to build nuclear weapons within a relatively short time frame. The argument to the effect that the countries mentioned above are reliable and trustworthy, while Iran is not, is an argument that may be popular in some part of the western world, but that obviously cannot be used against Iran in any discussion based on the principles of international law. Notice finally that the NPT does not forbid non-nuclear weapon states to enrich uranium even up to weapon-grade and does not prohibit reprocessing of plutonium provided that those activities are for non-weapons purposes and under IAEA safeguards. *The greater recognition and acceptance of these basic facts might lower the temperature of the confrontation and reduce the alarm about Iran's program.*

Political Realities and the Winds of War

5. The Iranian nuclear controversy is strongly linked both with the international political debate and with the national politics of Iran. On the side of internal Iranian politics, one cannot avoid noticing that there is a long history of Iran being discriminated against by the world powers, which necessarily influences the mind-set of important segments of Iranian society. The opposition of some economically and politically relevant countries to the Iranian nuclear program constitutes a motivation for the Iranian public opinion at large to support the nuclear program, no matter how much it will cost (politically and economically). Here one can barely find a distinction between the different internal political viewpoints. Putting it simply it is untrue that the part of the country that is criticizing the government of M. Ahmadinejad is also against the nuclear program. Where differences appear (or may appear) is on the issue of how Iran should deal with other countries vis-à-vis its nuclear program, but again nobody inside Iran supports “surrendering” to external pressures. Regardless of who rules Iran, Iran's legitimate rights on nuclear technology would remain a red line for Iran beyond which it would not retreat.
6. There are many problems in the functioning of the Iranian political life and specifically in the respect of human rights but they are only marginally mentioned in the international debate, while the nuclear issue is the central topic discussed. There is also undoubtedly some pressure from within the US to impose a regime change on Iran. But it is the nuclear issue that is currently at the heart of the confrontation between Iran and the western countries and that attracts mostly the attention of the international media. The dominant vision in most western countries is that the nuclear program of Iran is a vivid proof that Iran is untrustworthy, that Iran is working towards building nuclear weapons and not for peaceful nuclear energy, and that Iran is harboring aggressive designs towards other countries of the Middle East and particularly towards Israel (and the Iranian rhetoric against Israel has certainly significantly contributed to this perception). So the nuclear issue is central in the relations between the West and Iran and the dominant vision of the West is that the nuclear program of Iran should be stopped at any cost, including if necessary, military means.

7. The winds of war are now blowing stronger in the Middle East. In the last few months we have witnessed a series of initiatives taken by the western powers to further isolate and corner Iran. These initiatives included a new wave of massive sanctions affecting both the oil production of Iran and Iran's central bank. This new wave of sanctions will probably affect severely the average Iranian population that may find more difficult even to get food and other essential goods. And there is every indication that these new level of hardship, contrary to the expectations of the West, will not induce the Iranian public to take things in 'their own hands' and press for a change of the regime. Moreover, as part of the strategy aimed at demoralizing Iran and obstructing its nuclear activities, there has been a series of assassinations of Iranian nuclear scientists and technicians that should be strongly condemned and acts of presumed sabotage at various facilities connected with the Iranian nuclear program, the use of malware and other acts of cyber-sabotage (e.g. Stuxnet). Finally we have witnessed accusations of various types against Iran – including the questionable accusation that Iran plotted to assassinate a Saudi envoy in Washington-.
8. From the point of view that matters most, when speaking about the winds of war, one has to mention the continuous hints that the preparation of military operations against Iranian nuclear facilities is underway. We learn from history that when countries are being psychologically and factually prepared to a war, there is a significant chance that war will be the outcome. The cold war was a significant exception, but unfortunately one may regard the fact that the US and USSR did not go to war with each other as also a consequence of the nuclear balance and overall military balance, giving more weight to the argument that countries under pressure may find it necessary to preventively acquire nuclear weapons.
9. The heightening of US and EU pressure against Iran can be explained also as part of a reassurance policy towards Israel. Israel is feeling that Iran is now its main enemy and Israel would consider the acquisition of nuclear weapons by Iran as an unbearable disaster. If Israel feels alone in its fight against Iran, so the argument goes, it will try anything to block the nuclear program even using alone its military means. If Israel on the contrary sees that there is a larger group of powerful countries opposing Iran, the argument goes, it will coordinate with others and not take unilateral steps.
10. Unfortunately things are working very differently in reality. Israel, in observing the high concern in the western countries about the Iranian nuclear program, feels that there could be now many more reasons to worry about Iran than those discussed in the past and that the time for an effective Israeli action is running out. In one way or another Israel is spreading a message that it is seriously considering *acting now, no matter how*, rather than acting later together with others.
11. In the US, the Congress, driven by political considerations not necessarily linked to the Iranian nuclear issues, is not only requiring more sanctions but is also creating

barriers to the development of negotiations with Iran (see H.R. 1905). This will make things much more difficult to solve in a peaceful way.

12. In Iran the climate that is being created will most likely emphasize the need for Iran to be more and more prepared, “just in case”, to be able to develop nuclear weapons in a short time frame. Iranians notice that the sanctions against Iran are stronger than those against North Korea, which, unlike Iran, withdrew from the NPT and built nuclear weapons. So Iranians do not have the “nuclear deterrent” but are paying all the costs of having one. Moreover it appears that there are some radicals inside the Iranian establishment, that, for ideological reasons or for reasons related to internal politics, seem to rather prefer a war to any form of accommodation with the West. The preposterous attack on the British Embassy may very well be an expression of this “the worse the better” approach.

Consequences of a Military Attack on Iran

13. So there are many factors that concur in creating the conditions for a violent confrontation in the Middle East over the Iranian nuclear program. If things turn bad, there could be many consequences all of them very serious.
14. If Iran nuclear facilities are attacked then we will see an NPT party (Iran) forcibly denied the rights of art. 4 of the NPT and its nuclear facilities attacked either directly by or with the concurrence of a country (Israel) that is not an NPT party and that is widely believed to be the only country possessing nuclear weapons in the Middle East. What will be the incentive for Iran to maintain its adherence to the NPT? None! What will the other countries of the Middle East think about the NPT? Will they remain parties to the NPT as if nothing had happened? There is every reason to doubt this. In these circumstances talking about the 2012 conference on WMD-free zone in the Middle East looks like living on another planet. Moreover disillusionment with the NPT may very well spread beyond the Middle East.
15. In case of military actions one always knows where the starting point is, but no one knows where things will end. Why is it reasonable to expect that Iran will surrender after the first initial attacks on Arak, Natanz (and other places)? What makes people think that the attacks will stay limited to nuclear sites? And even in this case what will be the consequences on the population living in the attacked areas and beyond (including possibly radioactive contamination)? Why do western analysts assume that a military attack will make Iran more prone to negotiate? What would keep an attack on Iran from becoming a worse version of the quagmires of Iraq and Afghanistan, creating a wide area of instability from the borders of India to North Africa? Why not assume that the tensions about the straits of Hormuz will end up in a serious oil procurement crisis and in a serious disruption of the world economy, which is already struggling with difficulties and challenges of all kinds?

16. In the case of any military action, however surgical and limited, Iran will be most likely motivated to withdraw from the NPT and possibly to acquire nuclear weapons (even if with some delay). The proponents of such an attack argue that it will delay the nuclear program, by say a couple of years, and hope for a regime change in the mean time. But the “regime” will not necessarily change while animosity will certainly grow.
17. The Arab world should look with serious concern on the possible evolution of the Iranian nuclear crisis. The Middle East may become an even more instable environment. In this context, it seems that countries such as Saudi Arabia are more worried about the Iranian nuclear program than about the consequences of the breakdown of peace over the Iranian nuclear program.
18. In conclusion there is much more need now than ever to find an accommodation that will avoid conflicts and restore a climate of peace. (Isn't that the primary responsibility of the UNSC?) No matter how seriously some countries evaluate the risks of weaponization of the Iranian nuclear program, it should be evident that a regional war would present a much bigger risk and will indeed constitute a very serious threat to international peace and security.

What should be done?

19. An agreement (and peace) is possible provided that all the involved parties assume their responsibility and take some steps back. It is theoretically not difficult to prepare an agreement about the Iranian nuclear program that would:
 - a. *Respect the right of Iran to carry on their peaceful nuclear program including enrichment, as is allowed to any other NPT member;*
 - b. *Require Iran to implement the Additional Protocol and even, for a limited period, extend it by consenting to higher levels of IAEA monitoring;*
 - c. *Limit in a consensual way the level of uranium enrichment in Iran;*
 - d. *Eliminate progressively and steadily all the sanctions against Iran;*
 - e. *Find a safe and effective way of putting to rest suspicions about weaponization activities in Iran so as to alleviate international concerns and at the same time prevent the misuse of these discussions by those, whose goal is to exacerbate the crisis, rather than settle it;*
 - f. *Restate the goal of inducing all countries in the Middle East to eliminate nuclear weapons from the region and promote a zone free of Nuclear weapons and other Weapons of Mass Destruction, as mandated, most recently, by the 2010 NPT Review Conference.*

One can add to the above list the idea of establishing, in the near future, international centers for the production of nuclear fuel. Notice that an agreement like the one summarized above could strongly incentivize Iran to stay in the NPT and to limit the scope of its nuclear program. Iran, inside the NPT, would not

manufacture nuclear weapons no matter how sophisticated its capability to do so might be. Iran is primarily interested in having a leadership role in the region. It can have such a role if it can present itself as counterbalancing the influence of the West. It can have such a role if it can present itself as the country balancing the regional military superpower (Israel) and pressing for a just solution for the Palestinians. It can have such of a role if it extends its economic influence in the region of South West Asia. It cannot have such a role if it decides to trick everyone and develop nuclear weapons while staying inside the NPT.

20. *How to go from here to there?* Reaching an agreement like the one described above, will run into several obstacles. The political climate in the West and particularly in the US is vehemently anti-Iranian and this is a very serious obstacle for any politically savvy group or leadership. The experience of the past with the Soviet Union showed that the US could accept to talk with a partner that was not only an enemy, but a despised enemy. The risk of not talking, of not getting to an agreement and of stocking up the confrontation was evident to everybody, namely a catastrophic nuclear war. In the case of Iran there is instead a big asymmetry. The US perception is that Iran is deemed to be no match for the US. Somehow Iran is considered to be not a sufficiently dignified partner to talk with, but rather a semi-rookie state to be bullied around. Responsible people in the US should think twice about this approach. Afghanistan in 2001 was considered a rogue state. Now more than 10 years after the US invasion the situation in Afghanistan and in the surrounding region is far from being peaceful and now the US is even thinking of talking with the Taliban. In the case of Iran nobody can seriously think of Iran attacking, with nuclear missiles, Europe or the US², but one can think of a chain of events that may bring the situation in the Middle East to a rather intractable status with high strategic, political and human risks and costs. So a prudent and a conciliatory attitude should be considered as wise. On the side of Iran, the risks is that a possible mediation or even a negotiation could be blocked by the radicals who would see everything through the lenses of combining the goals of defending national rights, being the anti-US vanguard in the Middle East and promoting the “regime”. In this case the risks and the costs for the Iranian people should not be forgotten. If the life of the large Iranian population becomes miserable, for one reason or another, the leadership and the government will be ultimately held responsible for this. One can certainly imagine that if Iran is attacked, the population will support the government at least in the short term, but the longer-term perspectives are much less clear. On the other hand, an accommodation between Iran and the US (and the other negotiating partners), will be a win-win situation for everybody: the US could find a cooperating partner in the region (that includes Afghanistan), the oil market will not be disrupted, the problems of the Middle East will be handled within a much better environment and for Iran the perspective will be to return to a state of normalized international relations that will benefit both the Iranian economy and

² Some actually present this scenario as a possible one, but only with the goal of selling around costly and ineffective BMD systems and with the serious side effect of antagonizing Russia.

the population. Last but not least countries in the region could start thinking at nuclear energy not as a way of bolstering their political power and even hinting to some future military capabilities, but as an economic and energy issue fraught with all environmental complexities to deal with.

21. Lowering and restraining the rhetoric is more important now than ever. Several wars have originated in the past from misunderstandings and misperceptions, which have been blown up out of proportions. Rhetoric has been a powerful instrument to force the winds of war to blow stronger. In the present globalized world the role of the media makes the rhetoric more relevant than ever and, more often than not, present facts through deforming lenses. As an effect of the rhetoric, Iran is often seen in the US as a global enemy, while the general public quite often has scanty information about Iran. In Iran the rhetoric against the Great Satan or against Israel has had very negative effects. The EU is following the US agenda against Iran and at times adsorbing waves of rhetoric from across the Atlantic. In Israel Iran is too often seen as an existential threat without objective good reason. Looking more carefully at suggestions for mediated solutions, paying attention to lowering the rhetoric, considering the more cautious viewpoints coming from other countries such as Turkey, as well as Russia and China, could help. We have all to remind each other that the risks involved are high and those risks include the possibility of an extended war in the Middle East, possibly on a scale not seen before, a serious aggravation of the global economy and a heavy, possibly mortal blow to the NPT.