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Iran Before the Security Council?

German Perspectives and Goals

Oliver Thränert

Germany and its partners would like to see the Iranian nuclear program referred to the United Nations Security Council. This would bring new momentum into the protracted conflict over Tehran's nuclear projects. The goal is to give the demand for suspension of uranium enrichment in Iran proper backing at the highest international level, while at the same time avoiding escalation. This can only succeed if the Europeans stick together and the transatlantic alliance holds. What is Iran actually accused of? What were France, Britain, and Germany—the EU-3 group—aiming at in their negotiations with Iran and what have they achieved? How should the Security Council proceed?

Iran claims that its nuclear program serves exclusively peaceful purposes. In fact, also across Europe, and especially in many Asian countries, there has been a revival of the idea of using nuclear power for electricity generation, whether to reduce dependence on oil and gas suppliers, to reduce greenhouse gas emissions, or to cover ever-growing energy needs. What is different about the Iranian nuclear program is that Tehran, unlike the overwhelming majority of atomic power users, intends not only to build nuclear reactors but also to set up its own complete nuclear fuel cycle, making its own nuclear fuel rather than having to rely on imports. This would necessitate enriching uranium in special facilities (Iran has its own uranium deposits).

To date very few states possess this technology: the United States, Russia, France, China, India, Pakistan, and Japan have the

capability to enrich uranium in significant quantities on their own, as does the trilateral URENCO consortium owned by Britain, Germany, and the Netherlands. Finally, North Korea probably also is able to enrich uranium and Brazil is currently developing its own enrichment capacity.

The striking thing about this list is that most of the named states also possess nuclear weapons. Uranium enrichment is indeed a classic dual-use technology. Without any major alterations, one and the same facility can be used to enrich uranium either to 5 percent for making fuel rods or to continue the process until an enrichment level of 80–90 percent has been achieved. Uranium that has been treated in this way forms the basic material for making nuclear weapons.

Has Iran Violated the Nuclear Non-Proliferation Treaty?

Given that background it can come as no surprise that the discovery of previously secret uranium enrichment facilities under construction close to the Iranian city of Natanz in August 2002 caused international consternation. However, the simple fact that Tehran was pursuing such projects did not in itself represent a violation of the Non-Proliferation Treaty. In fact, Article IV states that all parties to the treaty have the right to develop "research, production and use of nuclear energy for peaceful purposes without discrimination." However, that provision must be seen in conjunction with Article III, under which the non-nuclear-weapon states accept verification of fulfillment of their obligations to prevent diversion of nuclear energy from peaceful uses to nuclear weapons. These countries are required to conclude safeguard agreements with the International Atomic Energy Agency (IAEA) regulating their duties to declare their activities and permit inspections.

The discovery of the construction site at Natanz raised serious doubts as to whether Tehran had complied with its reporting obligations under its safeguard agreement. Iran exacerbated these worries by playing cat-and-mouse with the inspectors, declaring one facility as a watch factory before admitting that actually experiments with gas ultracentrifuges for uranium enrichment were being carried out there.

There is now no doubt that Iran failed to declare reportable importing and processing of uranium from China. Most of the gas ultracentrifuges that Iran intends to use for enrichment were procured through the black market network run by Pakistani scientist Abdul Qadeer Khan. It is known that alongside Iran, this organization also assisted Libya and North Korea, whose activities were clearly tailored to obtaining nuclear weapons. Several enigmatic details of the cooperation between Iran and Pakistan suggest that Tehran also nurtured similar ambitions. Documents acquired by Iran show that the Pakistani network also

supplied information about reducing uranium hexafluoride to uranium metal—a product whose only practical purpose is for building atomic bombs. Tehran claims not to have requested this document from Khan's network, which is not a terribly convincing explanation. The same also applies to the Iranians' insistence that although they had had access to blueprints for highly advanced P-2 centrifuges since 1995 they did not conduct any development work on them until 2002. In recent months Iran has shown greater willingness to cooperate with the IAEA, providing documents and granting interviews with involved scientists. Nonetheless, despite years of inspection, the IAEA is still a long way from being able to paint a full picture of the Iranian nuclear program.

In response to these numerous Iranian transgressions, the IAEA's Board of Governors passed a resolution in September 2005 noting that Tehran had failed to meet its obligations under its IAEA safeguard agreement. The Board pointed to the lack of confidence in the peaceful intentions of the Iranian nuclear program and stated that this raised questions that fell under the authority of the Security Council. As in previous resolutions, Iran was also again called on to suspend all activities that would lead to a complete nuclear fuel cycle, in order to restore lost confidence.

The EU-3's Negotiations with Iran

Since October 2003 the governments of France, Britain, and Germany have been working for a peaceful resolution of the Iranian nuclear crisis. The goal was not to deny Iran the right to conduct uranium enrichment but rather to give it the opportunity to restore international confidence by voluntarily renouncing its enrichment program, while also avoiding involving the Security Council. Although Iran was initially willing to suspend its enrichment program, the Iranian negotiators were less interested in reaching a consensus than in identifying and ex-

plotting possible divisions between the Europeans.

In other words, Iran failed to grasp the chance offered by negotiations. A proposal that included broad and sustained political and economic cooperation made by the EU-3 in August 2005—with the support of the EU High Representative for the Common Foreign and Security Policy, Javier Solana—was bluntly rejected the very next day by Tehran. The European offer included not only a secure supply of nuclear fuel for Iranian nuclear power plants, but also a review mechanism at ten-year intervals, which would have opened up the possibility for Tehran to resume uranium enrichment activities (which would initially have had to stop completely) if the political situation changed.

If Iran was really interested only in the peaceful use of atomic energy it would have had no problem accepting the European proposals at least as a basis for further negotiations. Instead Iran first resumed uranium conversion—a step preceding enrichment—in fall 2005 and then declared in January 2006 that it also intended to continue its research work in this field, including experiments with the gas ultra-centrifuges in Natanz.

In the meantime the domestic political winds in Iran have changed—but not in any direction the Europeans would have wished for. The new Iranian President, Mahmoud Ahmadinejad, shows absolutely no interest in cooperative give and take; instead he appears to be intent on playing an international confrontation for domestic political advantage. Not to mention his anti-Semitic tirades, which make any rational dialogue very difficult from the outset.

Despite this negative balance sheet, the efforts of the EU-3 have still been worthwhile because the three European governments have succeeded in demonstrating unity in the face of several Iranian attempts to sow division, and also because they have at least succeeded in persuading Tehran to increase cooperation with the IAEA inspectors, with the result

that today a great deal more is known about the Iranian nuclear program than was at the beginning of this process.

Referral to the Security Council

Today, even IAEA director and Nobel Peace Prize holder Mohamed ElBaradei has lost patience with Iran. Even after all the inspections he still cannot rule out the possibility that Iran is running a completely separate nuclear weapons program. Consequently, and also because the EU-3's negotiations with Iran have reached an impasse, the matter should now be referred to the highest international organ, the United Nations Security Council.

If this comes about, the first step in New York will probably be to put appropriate pressure behind the long-standing demands of the IAEA's Board of Governors for Iran to stop its uranium enrichment program. This could be achieved through a Security Council resolution or a declaration by its president. At the same time Iran should be called on to cooperate with the IAEA inspectors in such a way as to allow complete disclosure of its nuclear program as soon as possible. This request need not immediately be accompanied by a threat of sanctions, but it would be advisable to signalize to Iran at this early stage that, in view of its global responsibility for peace, the Security Council could on no account accept Iran leaving the Non-Proliferation Treaty and would respond with sanctions. In view of its history of violations Iran cannot simply extricate itself by revoking the treaty. If Tehran were to unconditionally bow to the Security Council's demands, the economic and political incentives proposed by the EU-3 could be put back on the table. Iran should be offered a perspective of developing sustainable and fruitful relations in all fields. If developments proceed positively, consideration could be given to including the United States in this process.

Unfortunately, Iran is more likely to escalate the situation than to calm it down.

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Cooperation with IAEA inspectors might be restricted, in line with a call by the Iranian parliament. The Security Council would then be forced to move toward imposing sanctions.

This would demand particular sacrifices of Russia, and also China, both of which are reluctant to act decisively against Iran's nuclear program. Moscow would have to abandon up its nuclear and aerospace deals with Iran and end its arms exports—the latter point also applying to China. If it could actually be effectively enforced, such an arms embargo would be painful for Tehran. Iran might then do everything in its power to drive up oil and gas prices, which would be problematic for Beijing but might actually prove attractive to Moscow.

For Europe such a turn of events would be troublesome because higher energy prices would in all probability impact negatively on economic growth. But the alternative would be to let Iran have its way.

Although Germany does not currently hold a seat on the Security Council, it will continue to play an important role in the conflict over the Iranian nuclear program as a member of the EU-3. The following aspects will need to be kept in mind.

Firstly, European unity must continue to be upheld. If an escalation of the conflict again causes the Europeans to argue amongst themselves—as they did over Iraq in 2002/03—that would probably mark the end, for the time being, of efforts to strengthen the EU's Common Foreign and Security Policy.

Secondly, close cooperation with Washington must be maintained. There is no solution to the Iranian nuclear puzzle without (let alone against) the United States. Europe and America share the same fundamental interest in preventing the Iranians from gaining a nuclear option—and in preventing political or military escalation of the conflict.

Thirdly, Russia occupies a key position, as one of Iran's most important partners in its civilian use of nuclear power, in aerospace projects, and in equipping the Ira-

nian army with modern conventional arms. Russia, which currently holds the prestigious G-8 presidency for the first time, will probably play for time and hope that Iran decides to back down after all. On the basis of the traditionally close German-Russian relationship, Berlin could play a part in keeping Moscow on board if the Security Council comes to discuss sanctions that could hurt Russia too.