

The Elusiveness of Trust: the experience of Security Council and Iran

It is an honour for me to speak on this panel in such distinguished company. Wales holds a very special place for my family and me. Firstly, because our daughter graduated from Cardiff University, and secondly because we have been coming to Wales on a regular basis enjoying its beautiful scenery and the hospitality of its people.

First of all, I should point out that I am neither a spokesman for the Iranian government, nor indeed a supporter of that government. I basically fled Iran with my family shortly before the outbreak of the Islamic revolution and have not set foot in Iran for 30 years. I have lived mainly in Britain since 1960 and my sympathies are with secular democracy and human rights, not with theocracy, whether of the Islamic, Jewish or Christian varieties. Here, I wish to look at the record of the Security Council's treatment of Iran's nuclear program from an academic point of view, regardless of my feelings for the domestic policies of Iran, which is something that the Iranian people should address and change. My only aim is to help prevent another disastrous war in the Middle East under false pretences.

It is a cliché to say that if we did not have the United Nations we would have to create one. The world, and especially the Middle East, are passing through a very dangerous and critical period, with the scourge of terrorism, and an arc of instability and crisis stretching from Pakistan, Afghanistan, right up to Iraq, Lebanon and Palestine. Iran's nuclear file also cannot be discussed in isolation and without due attention to regional and international issues. All the problems of that region are interconnected and cannot be resolved in isolation. It is at such times that we need a strong and respected United Nations to address these very complex issues.

At the beginning of last century, the world was dominated by a few empires, serving the geopolitical interests of big powers. Lord Curzon, viceroy in India and British foreign secretary, was quite unapologetic about his aims. Speaking about Persia and Afghanistan in 1898, he said: "To me, I confess, [countries] are pieces on a chessboard upon which is being played out a game for dominion of the world."

Those policies of forming empires and using other countries as pieces on a chessboard for world domination produced two devastating wars that, in addition to the death of tens of millions of innocent people, also put an end to the European empires. At the beginning of the twentieth century, we had the British, French, Russian, Austro-Hungarian, Ottoman and a number of smaller empires. By the end of the twentieth century we saw the collapse of all those empires. The Soviet Union, the

successor to the Tsarist Empire, which extended from the Baltic to the Pacific and included most of Eastern Europe, also collapsed like a pack of cards.

Recent history has shown that when one power assumes dominance over other countries and is not stopped by international action, it will become unrestrained in the exercise of power and will act in imperial and dictatorial ways treating other countries as vassals, which will ultimately result in its downfall. The United Nations was meant to remedy that problem and treat all nations as equal members of the international community. Its Charter starts with the words:

"WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small"

However, the United Nations that started with such high hopes has also sadly failed to prevent wars altogether, despite its admirable record. Once again, we witness unilateral wars and imperial ventures and occupation and exploitation of other countries outside the framework of the UN. If empires failed in the 19th and 20th centuries, it is inconceivable that they can succeed in the 21st century, when there is much greater international awareness and the desire for freedom and equality by all the people of the world.

So criticising this trend is not being anti-UN or anti-American. Indeed, I am in agreement with the vast majority of Americans who are against unilateralism and empire-building. The genius of America is democracy, human rights and republicanism, not empire building. My aim is to call on the UN to function as it was meant to do, and to remind the United States of the lofty aspirations of its founders that provided a beacon of hope for humanity. The mission of the Security Council is not to pass resolutions against weaker governments and enforce them. Its true calling is to stand up to the big powers and prevent the scourge of war.

While the UN has been able to impose its will on weaker nations, it has failed to curb the ambitions of big powers. Speaking about the League of Nations Benito Mussolini stated that "The League is very good when sparrows shout, but no good at all when eagles fall out." His words were echoed by the Mexican delegate to the UN convention in 1945. Sadly, his words are as true today as when they were uttered more than sixty year ago. He said: "We have designed an organisation that will control the mice, but the tigers are still on the loose."

Let us examine a few cases in connection with the Middle East. It is important to stress that the issues in the Middle East are interconnected and one cannot study one area without studying others.

On the whole, the Middle East is plagued by the rivalry between some major players, including the Arabs, the Iranians, the Turks and the Israelis, and a true understanding of political dynamics in the Middle East would require due attention to all these four competing forces.

Let us start with the case of Israel. This again is not meant to be anti-Israeli, for I am a strong supporter of the continued existence of the state of Israel in peace with all its neighbours. The question is not longer about "whether Israel", by about "what kind of Israel". However, I believe that the exceptionalism that has been practised in the case of Israel has undermined the UN and has even harmed the long-term interests of Israel, as one can see in the continued conflict and insecurity that Israel has been involved right to the present time. Here I have a list of more than 70 American vetoes of resolutions at the Security Council and at the General Assembly dealing with Israel. This constitutes by the far the largest number of vetoes cast by the United States.

What is so sad about this list is not that the United States has regularly vetoed any resolution critical of Israel, but has been almost alone in doing so. It has been a unilateral US decision against the rest of the world. One example of those vetoes has dealt with the issue of Israelis nuclear weapons and the desire by most countries in the region to establish a nuclear free zone in the Middle East. In 1981, the resolution to establish a nuclear weapon free zone in the Middle East was defeated 107-2 as the result of a US veto. Even in the case of resolutions that have not been vetoed no action has been taken to deal with Israel's nuclear weapons. UN Security Council resolution 687/1991, Art 14 states: "Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons." This was the same resolution that was used as providing binding authority for forcing Iraq out of Kuwait, but the article dealing with the establishment of a nuclear-free zone in the Middle East has been totally neglected. Many people in the Middle East ask why there has been such partial approach to UN resolutions, and why no action has been taken to implement the part of that resolution that deals with Israel.

Let us look at the case of 2003 US and Coalition invasion of Iraq. For a couple of years before the invasion of Iraq on 19th March 2003 we had a barrage of propaganda about the existence of weapons of mass destruction in Iraq. As late as August 26, 2002, Vice President Dick Cheney appeared before a convention of the Veterans of Foreign Wars and publicly denounced "the UN route." Asserting that "simply stated, there is no doubt that Saddam Hussein now has weapons of mass destruction [and] there is no doubt that he is amassing them to use against our friends, against our allies, and against us." Cheney advanced the view that going to the United Nations would itself be dangerous:

"A return of inspectors would provide no assurance whatsoever of his compliance with UN resolutions. On the contrary, there is great danger that it would provide false comfort that Saddam was somehow 'back in the box.'"

However, as the result of British insistence, the US Administration was forced to go to the UN. Though Colin Powell managed the considerable feat of securing unanimous approval for Security Council Resolution 1441, the allies differed strongly on the key question of whether or not the resolution gave UN approval for the use of force against Saddam. Former British Prime Minister Tony Blair publicly stated that Britain would not invade Iraq without a second resolution. Sir Jeremy Greenstock, the British ambassador to the UN, put this position bluntly on November 8 2002, the day Resolution 1441 was passed:

"We heard loud and clear during the negotiations about 'automaticity' and 'hidden triggers' -- the concerns that on a decision so crucial we should not rush into military action... Let me be equally clear... There is no 'automaticity' in this Resolution. If there is a further Iraqi breach of its disarmament obligations, the matter will return to the Council for discussion as required.... We would expect the Security Council then to meet its responsibilities."

Nevertheless, the Coalition attacked Iraq without a second resolution in complete breach of UN rules. Kofi Annan, the former Secretary General of the UN, said that the war was illegal. The war was said to be a preemptive war. The Nuremberg Tribunals from 1946 have set a clear precedent with Judge Jackson condemning German generals to death for invading Denmark and Norway in the same premise of pre-emption. What steps have been taken by the Security Council to bring those who have committed that illegal act to book?

Let us come to the case of Iran. Shortly after the victory of the Islamic revolution, Iraq invaded Iran on 22nd September 1980 with massive Western support, a war that lasted for eight long years, and killed and wounded about a million Iranians and caused massive destruction. The invasion across 700 miles of Iranian border and occupying some of the most important cities of Iran was not condemned by the Security Council. Resolution 479 issued on 28 September 1980, and resolution 514 issued on 12 July 1982, when Iraqi forces were deep inside Iranian territory, merely called for an immediate end to all military operations, without naming the aggressor.

Use of Chemical Weapons

Iraqi troops started the use of low-level chemical weapons on the Helaleh and Ney Khazar zones in 1981. They then employed chemical weapons in August 1983 on the Piranshahr and Haj-Omaran battlefields and later in November 1983 on the Panjvien battlefield. More than 50,000 Iranian soldiers died excruciating deaths due to chemical weapons.

Following many requests by the Iranian Government, three official investigation teams were sent to Iran in March 1984, February/March 1986 and April 1987. The conclusions, based on field inspections, clinical examinations of casualties, and laboratory analysis of samples, were released as three official UN reports (S/16433, S/17911, and S/18852). Based on the UN fact-finding team's investigations they confirmed the use of mustard gas as well as nerve agents against Iranian troops. Iraq's use of chemical weapons culminated in the chemical bombardment of Halabja and massacre of more than 5,000 civilians (18 March 1988). Even that attack was initially hushed up, and only became a matter of concern after Saddam Hussein attacked Kuwait.

According to official reports, major chemical attacks against Iranian (and some Iraqi Kurds) residential zones occurred more than 30 times. Resolution 582 on 24 February 1986, six years after the start of the war and five years after the use of chemical weapons, for the first time addressed the use of chemical weapons, without mentioning Iraq. Resolution 612 issued on 9th May 1988 stated that it ... "Expects both sides to refrain from the future use of chemical weapons in accordance with their obligations under the Geneva Protocol."

Resolution 620 issued on 26 August 1988, again stated:

"Encourages the Secretary-General to carry out promptly investigations, in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons..."

Here, I do not wish to speak about the sources of those chemical weapons, because there is a great deal of research that shows where those weapons came from. In 1992 and again in 1994, hearings were conducted by the Senate Banking, Housing and Urban Affairs Committee, which has Senate oversight responsibility for the Export Administration Act. A study of the findings of that Committee would be sufficient to throw some light on the origins of those weapons.

Therefore, when one discusses the issue of Iranian nuclear programme, one has to bear in mind the rather regrettable background that has made Iranians, rightly or wrongly, lose faith in the impartiality of the UN and the Security Council.

IRAN'S NUCLEAR PROGRAM

As I have shown in the chronology of Iran's nuclear program, Iran started its nuclear, program mainly with US help, from 1957, when the United States and Iran signed a civil nuclear co-operation agreement. Prior to the revolution, Iran had signed agreements for more than 20 nuclear reactors mainly with France, Germany and the United States. Bushehr plant that was being built by the German firm Kraftwerk Union (KWU) was nearly ready for commissioning when the revolution started. The Islamic revolution in Iran put an end to Iran's nuclear program.

When Germany refused to complete the nuclear power plant at Bushehr, in July 1989 the Iranian President Akbar Hashemi-Rafsanjani signed the 10-point Iran-Russia co-operation pact on peaceful utilisation of "nuclear materials and related equipment." In March 1994 Russian experts started work on the first unit of Iran's 1000MW plant, which was scheduled to be finished in four years. However, for ten years under intense Western pressure Russia refused to provide fuel for the plant. Therefore, Iranian authorities decided that as they could not rely on foreign supply of nuclear fuel they should engage in enriching uranium themselves.

On August 14, 2002, Alireza Jafarzadeh, a spokesman for an Iranian dissident group National Council of Resistance of Iran, revealed to the general public the existence of two nuclear sites under-construction: a uranium enrichment facility in Natanz, and a heavy water facility in Arak. The IAEA immediately sought access to those facilities and further information and co-operation from Iran regarding its nuclear program. According to arrangements in force at the time for the implementation of Iran's safeguards agreement with the IAEA, Iran was not required to allow IAEA inspections of a new nuclear facility until six months before nuclear material was introduced into that facility.

France, Germany and the United Kingdom (the "EU-3") undertook a diplomatic initiative with Iran to resolve questions about its nuclear program. On October 21, 2003, in Tehran, the Iranian government and EU-3 Foreign Ministers issued a statement¹, in which Iran agreed to co-operate with the IAEA, to sign and implement an Additional Protocol as a voluntary, confidence-building measure, and to suspend its enrichment and reprocessing activities during the course of the negotiations. The EU-3 in return explicitly agreed to recognise Iran's nuclear rights and to discuss ways Iran could provide "satisfactory assurances" regarding its nuclear power program, after which Iran would gain easier access to modern technology. Iran signed an Additional Protocol on December 18, 2003, and agreed to act as if the protocol were in force, making the required reports to the IAEA and allowing the required access by IAEA inspectors, pending Iran's ratification of the Additional Protocol.

A comprehensive list of Iran's specific "breaches" of its IAEA safeguards agreement, which the IAEA described as part of a "pattern of concealment," can be found in the November 15, 2004 report of the IAEA on Iran's nuclear program. However, on the question of whether Iran had a hidden nuclear weapons program, the IAEA reported as early as November 2003 that it found "no evidence" that the previously undeclared activities were related to a nuclear weapons program, but also that it was unable to conclude that Iran's nuclear program was exclusively peaceful.

¹ ^ http://www.iaea.org/NewsCenter/Focus/IaeaIran/statement_iran21102003.shtm

According to the IAEA's own Annual Safeguards Implementation Report of 2004,² of the 61 states where both the NPT safeguards and the Additional protocol are implemented, the IAEA has certified the absence of undeclared nuclear activity for only 21 countries, leaving Iran in the same category as 40 other countries including Canada, the Czech Republic, and South Africa.

Under the terms of the Paris Agreement, on November 14, 2004, Iran's chief nuclear negotiator announced a "voluntary and temporary suspension" of its uranium enrichment program, and the voluntary implementation of the Additional Protocol. The measure was said at the time to be a voluntary, confidence-building measure, to continue for some reasonable period of time (six months being mentioned as a reference) as negotiations with the EU-3 continued. After having suspended its enrichment for over two years, as Iran believed that the EU3 did not abide by their side of the bargain, it decided to resume enrichment. In early August 2005, Iran removed seals on its uranium enrichment equipment in Isfahan, under IAEA inspection, which UK officials termed a "breach of the Paris Agreement". Iran, however, maintained that the EU had violated the terms of the Paris Agreement by demanding that Iran abandon nuclear enrichment altogether.

Nevertheless, Iran did voluntarily implement the Additional Protocol, and the IAEA certified on Jan 31, 2006 that "Iran has continued to facilitate access under its Safeguards Agreement as requested by the Agency, and to act as if the Additional Protocol is in force, including by providing in a timely manner the requisite declarations and access to locations."³ As of August 2007, Iran and the IAEA entered into an agreement on the modalities of resolving additional outstanding issues.

As for the referral of Iran's file to the Security Council, the IAEA Board of Governors deferred a formal decision on Iran's nuclear case for two years after 2003, until September 24, 2005, due to a lack of consensus among the members. The Board deferred the formal report to the UN Security Council for another five months, until February 27, 2006. The IAEA Board of Governors eventually opted to vote on the resolution rather than adopting it by consensus, making it a rare non-consensus decision with 12 abstentions.⁴ The agreement was reached after India that had always sided with Iran voted against Iran after President Bush signed a nuclear agreement with India, in breach of the NPT.

On 31 July 2006, Security Council passed Resolution 1696, under Article 40 of Chapter VII of the Charter of the United Nations, which called on Iran to suspend uranium enrichment "without further delay." However, on 18 September 2006 at the end of their 14th summit meeting on 18th

² IAEA's Annual Safeguards Implementation Report of 2004

³ # Developments in the Implementation of the NPT Safeguards Agreement in Iran, Jan 31 2006

⁴ <http://www.asil.org/insights/2005/09/insights050929.html>

September 2006, 118 member states of the Non-Aligned Movement (NAM) issued a strongly-worded statement supporting Iran's nuclear program. On 23 December 2006, after two months of tough negotiation, the Security Council unanimously approved resolution 1737, imposing a number of sanctions on Iran for refusing to suspend uranium enrichment.

To alleviate concerns that its civilian nuclear program may be diverted to non-peaceful uses, Iran has offered to place additional restrictions on its nuclear program. These offers included, for example, ratifying the Additional Protocol to allow additional inspections, operating the uranium enrichment facility at Natanz as a multinational fuel centre, renouncing plutonium reprocessing and immediately fabricating all enriched uranium into reactor fuel rods, and suggesting to form a consortium with the participation of Western firms. The West has rejected all those options.

The main problem with the Iran-EU negotiations was that the EU3 could not provide Iran any of her demands, the releasing of her frozen assets, being taken out of the list of terrorist states, receiving a guarantee of non-aggression, etc. The only country that could provide those demands, the United States, was not involved and continuously labelled Iran a member of the Axis of Evil, a rogue state, a terrorist state, etc, with the constant refrain that 'all options are on the table'. For the past few years, US officials have spoken about Iran's imminent nuclear threat. President Bush even spoke about the possibility of a third world war.

However, a US National Intelligence Estimate (NIE), representing the consensus view of 16 intelligence agencies, reported on 3rd December that Iran had halted its nuclear weapon's program in 2003. It further pointed out: "We judge with high confidence that Iran will not be technically capable of producing and reprocessing enough plutonium for a weapon before about 2015." Instead of welcoming this report and reducing tension, Ehud Barak called it "a kick to the groin" and President Bush continued with his remarks that "Iran was a threat, is a threat and will be a threat" if she gains knowledge for making a nuclear bomb.

Senator Harry Reid, the majority leader, said he hoped the administration would "appropriately adjust its rhetoric and policy."

Even before the NIE report, Michael Spies of the Lawyer's Committee on Nuclear Policy had stated:

"The conclusion that no diversion has occurred certifies that the state in question is in compliance with its undertaking, under its safeguards agreement and Article III of the NPT, to not divert material to non-peaceful purposes. In the case of Iran, the IAEA was able to conclude in its November 2004 report that all declared nuclear materials had been accounted for and therefore

none had been diverted to military purposes. The IAEA reached this same conclusion in September 2005."⁵

Testimony presented to the Foreign Select Committee of the British Parliament supported this claim:

"In the past four years that Iran's nuclear programme has been under close investigation by the IAEA, the Director General of the IAEA, as early as November 2003 reported to the IAEA Board of Governors that "to date, there is no evidence that the previously undeclared nuclear material and activities ... were related to a nuclear weapons programme." ... Although Iran has been found in non-compliance with some aspects of its IAEA safeguards obligations, Iran has not been in breach of its obligations under the terms of the NPT."⁶

On the other hand, many nuclear powers are in breach of their obligations. As the then UN Secretary General Kofi Annan stated in 2006,

"All of the NPT nuclear-weapon States are modernizing their nuclear arsenals or their delivery systems. They should not imagine that this will be accepted as compatible with the NPT. Everyone will see it for what it is: a euphemism for nuclear rearmament.

The time has come to use this window of opportunity and start a serious dialogue with Iran to resolve the outstanding issues. The policy of demonisation of Iran and sanctions is pushing Iran into the arms of Russia and China. Greater pressure on Iran will only force the people to back the hardliners, while Iran has one of the youngest and most pro-Western societies in the Middle East. Let us start talking and weakening the stranglehold of the hardliners on the Iranian population. Instead of contemplating a Third World War, let us lay the foundations of a lasting peace.

⁵ ^ [<http://www.lcnp.org/disarmament/iran/undeclared.htm> Undeclared Nuclear Activities and Outstanding Issues: Clean Bill of Health? Michael Spies, Lawyers' Committee on Nuclear Policy, May 2006]

⁶ [<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaff/memo/496/ucm1002.htm> Inquiry into 'Iran's Nuclear Programme' 11 June 2007]