



The Iran Case and Lessons for Nuclear Non-Proliferation

Peter Jenkins



Contrary to the claims, sanctions may not have brought Tehran to the negotiating table.

The Joint Comprehensive Plan of Action (JCPOA), agreed last July between Iran, the P5+1 and the EU, has largely dispelled concerns that Iran is working secretly to acquire nuclear weapons. It took twelve years to arrive at the JCPOA – there are various lessons that can be learned from this difficult case.

The first lesson is the importance of gaining knowledge of intentions when a state's nuclear programme becomes a cause for concern. In August 2002 it was claimed that Iran was building a secret uranium-enrichment plant to acquire nuclear weapons. The handling of the Iranian case in the five years that followed suffered from a lack of knowledge of whether weapon acquisition really was Iran's goal. By August 2003 it was clear from International Atomic Energy Agency (IAEA) reports that Iran had been secretly developing a capacity to enrich uranium, having acquired blueprints and centrifuges from the Abdul Qadeer Khan network; and other sources were suggesting that there had been research into nuclear-weapons technology. But what was Iran's ultimate purpose?

Uncertain of Iranian intentions, the UK, France and Germany (the E3) – leading the EU response to confirmation by the IAEA that a uranium-enrichment plant was nearing completion at Natanz – felt compelled to assume the worst: an intention to manufacture nuclear weapons. This led the E3 to pressure Iran to halt work on enrichment and to abandon its plans for

a 40 MW heavy-water reactor (HWR) that could be a source of plutonium.

As a result, when Iranian negotiators, in the spring of 2005, offered to resolve concern – by reaffirming Iran's commitment to Non-Proliferation Treaty (NPT) obligations, allowing the IAEA unprecedented access to nuclear material and facilities, restricting enrichment for a period to be agreed and abandoning the HWR project – the E3 rejected the offer. At that point, the E3 judged that restrictions on enrichment and the abandonment of the HWR project were not enough; to prevent Iran from obtaining nuclear weapons; Iran had to cease enrichment activities.

Knowledge of capabilities without knowledge of intentions can be misleading and can result in misjudgments

It was only in 2007 that the US intelligence community published a National Intelligence Estimate (NIE) which detailed what it had learnt with confidence: the Iranian government had not taken a decision to acquire nuclear weapons and had put a stop, in 2003, to research into nuclear-weapons technology.

A little knowledge can be a dangerous thing. Knowledge of capabilities without knowledge of

intentions can be misleading and can result in misjudgments. Had the E3 known in spring 2005 what the NIE report revealed in 2007, they would not have needed to insist on Iran abandoning enrichment altogether; they could have settled for restrictions on enrichment for a lengthy confidence-building period and on that basis it could have cut a satisfactory deal ten years before the JCPOA.

The second lesson from the Iran case relates to the policy of the Nuclear Suppliers Group (NSG). The August 2002 claim that Iran had a secret nuclear-weapons programme came from the Mujhedeen-e-Khalq (MEK), a terrorist organisation that had been at odds with the Iranian government since the 1980s. At the centre of the claim was the enrichment facility under construction at Natanz. According to the MEK, Iran intended this facility to be 'secret'. There are reasons, apart from the source, why that claim should have been taken with the proverbial pinch of salt.

In 2000 Iran declared to the IAEA its intention to build an industrial uranium-conversion facility at Esfahan. By August 2002 the conversion facility was nearing completion. Without an industrial enrichment facility to consume the feed material produced at the conversion facility, the latter would be a white elephant.

In August 2002 Iran's NPT-safeguards agreement did not require the declaration of new facilities more than 180 days before the introduction of nuclear material. There was at least

a year to run before Natanz would be ready for material. It was possible that Iran had every intention of declaring Natanz in due course and submitting it to IAEA inspections.

In 2002 the possibility that an NSG policy of ‘restraint’ in relation to the supply of enrichment technology had influenced Iranian decision-making about Natanz – as Iran claimed at the time – could not be discounted. Tehran may indeed have feared that the West would try to force a halt to construction at Natanz if it declared the facility before it was obliged to do so.

For many states, nuclear and other advanced technologies are intimately bound up with prestige and reputation

This last point raises a question: is the NSG policy of restraint in relation to the supply of certain nuclear technologies altogether wise?

When the NPT entered into force in 1970 it was assumed that non-nuclear-weapons parties would have easy access to peaceful nuclear technologies as a quid pro quo for renouncing their sovereign right to acquire nuclear weapons. After the 1974 Indian test, however, the US and other major suppliers set about circumscribing access to sensitive technologies like enrichment. To that end, they agreed in 1976 – through a set of guidelines – to ‘exercise restraint in the transfer of sensitive facilities, technology and weapons-usable materials’.

Many NPT parties outside the NSG interpreted (and still interpret) this exercise of restraint as an effort to deny them any access to sensitive technologies. This is a source of resentment, especially within the Non-Aligned Movement. If restricting access to certain technologies had proven effective, then this resentment could have been a price worth paying. But it has not been wholly effective. The IAEA found that Iran and Libya had been able to circumvent NSG practices by turning to black-market suppliers

and, in Iran’s case, by developing technology indigenously. The indigenous route is likely to become increasingly available as global standards of technical education rise. Moreover, this resentment could eventually have undesired consequences.

Additionally, exercising restraint in relation to sensitive transfers has had a pernicious effect on supplier attitudes. It deludes them into believing that they are entitled to decide which NPT parties can be ‘allowed’ to possess civil nuclear technologies that have military potential, and which cannot – and which are to be ‘punished’ for circumventing restrictions. This attitude is at odds with the legal reality that every NPT party has a sovereign right to use nuclear technologies for peaceful purposes, including so-called dual-use technologies – those technologies that potentially are usable for the military ends that the NPT prohibits.

The NSG states should re-think their policy. They could let it be known that they are open, individually and collectively, to discussions with any NPT party that believes it has a civil need for uranium enrichment. Supplying an enrichment facility would be only one of several options that could then be discussed and negotiated. Negotiation would generate understanding of the applicant’s concerns and intentions. That understanding would offer a better non-proliferation assurance than restrictive practices.

The third lesson from the Iranian case is that, for many states, nuclear and other advanced technologies are intimately bound up with prestige and reputation. Some will be shocked by the notion that one should try to empathise with a state that has been in non-compliance with its NPT-safeguards agreement and may have been working towards the acquisition of nuclear weapons. But empathy is not sympathy. Empathy is essential to understanding the values and concerns that can play a part in motivating parties to a dispute – or a nuclear programme that is of concern.

In the Iranian case, an absence of empathy between 2003 and 2006 blinded the E3 to the importance Iranian decision-makers attached to national prestige and to the symbolic significance

of mastering nuclear technologies. The E3 considered Iranian determination to possess a civil enrichment capability irrational: they inferred an ulterior motive. Empathy would have opened the E3’s eyes to the possibility of a less disturbing explanation.

This attachment to prestige and symbolism is not unique to Iran. Many Non-Aligned governments, especially in Asia and Latin America, seek to demonstrate that the nations they represent deserve international respect. This should be borne in mind by those who are self-appointed guardians of the nuclear non-proliferation regime.

Related to prestige is a concern for reputation. When, in 2003, Iran’s non-compliance with its safeguards agreement came to light, states whose good opinion Iran valued – essentially partners in the Non-Aligned Movement – were annoyed with Iran for putting their own access to civil nuclear technologies at risk. There was a feeling that Iran had ‘let the side down’. Iranian diplomats have given the impression that this influenced the decision made by the administration of President Mohammed Khatami to co-operate fully with the IAEA and remedy its safeguards failings. Iran wanted to recover its standing in Non-Aligned circles.

Sanctions may not be as effective as is often claimed

The fourth lesson concerns the use of force. For nearly a decade after August 2002, US and UK ministers stressed that the option of using force to destroy Iran’s nuclear facilities was ‘on the table’. Eventually it was recognised that, while using force might bring immediate relief from concerns about Tehran’s nuclear programme, in the long run it was more likely to drive Iranian decision-makers towards acquiring nuclear weapons than to cause them to desist.

Presumably the Iraqi precedent played a part in that process of enlightenment. An Israeli attack on Iraq’s Osirak reactor in 1981, resulting

in its destruction, did not scotch Saddam Hussein's nuclear ambitions. Within a few years Iraq had embarked on the enriched-uranium route to a weapon capability.

The destruction of Iran's nuclear facilities from the air followed by invasion and a lengthy occupation would have had a chance of long-term success. Yet even the US government found the likely fiscal and domestic political costs of that option unattractive. The option would also have had an international reputational cost. In the absence of unequivocal evidence that Iran sought nuclear weapons and was only months away from reaching its goal, Russia and China would have forestalled the UN Security Council legitimising the use of force.

The fifth, and final, lesson is that sanctions may not be as effective as is often claimed. In August 2005 Iran's dismissal of EU proposals for a resolution of Western concerns (because they entailed the cessation of enrichment), and the replacement of a pragmatic Khatami administration by the defiant and provocative administration of President Mahmoud Ahmadinejad, led the EU and the US to adopt a 'two-track' approach. In practice this amounted to the gradual intensification of sanctions to force Iran to settle on the terms of the US and EU. A former White House official has described this as 'coercive diplomacy'.

For several years, the US and the EU avoided sanctions that were likely to affect Iranian living standards. However, at the start of 2012 this concern for the wellbeing of ordinary Iranians appears to have evaporated. That was when the US and the EU adopted measures that were designed to cut oil revenues and deny Iranians access to the international banking system.

The US government especially, but also some EU governments, claim that the 2012 sanctions 'brought Iran to the negotiating table' and eventually induced the Iranian government to make enough concessions for a comprehensive agreement (the JCPOA) to be possible. There is evidence which indicates that this claim seriously overestimates the effectiveness of coercive diplomacy in resolving concerns about Iran's nuclear intentions.



World leaders agreed a deal with Iran in Vienna last July on its nuclear programme. But could a similar deal have been reached a decade earlier? Image courtesy of Wikimedia/Dragan Tatic.

Iran agreed in January 2012 to meet the P5+1 under Turkish auspices. Iran's agreement preceded the EU's adoption of sanctions by nearly two weeks. It followed a US and EU decision to drop a pre-condition for meeting Iran: suspension of all enrichment activity.

During the twelve months following Iran's 'return to the table' in Istanbul, in April 2012, the P5+1 and Iran met five times (the US and Iran also met secretly during this period). The content and tenor of those exchanges have remained confidential. However, press briefings and the occasional leak suggest no major narrowing of differences, despite the fact that by late 2012 the January sanctions were starting to hurt.

Coercive diplomacy did not transform the prospects for a successful resolution to the Iranian nuclear issue; rather, it was the return to authority, in August 2013, of Iranian pragmatists who were skilful and self-confident negotiators, and who were well versed in the technicalities of the issue, having led the Iranian response to international concerns a decade earlier.

Finally, when the JCPOA at last emerged in July 2015, it was clear that the US and the EU had conceded that Iran could continue enriching. Washington proclaimed that Iran had

satisfied US demands so as to obtain sanctions relief. But this was only part of the story. The concessions Iran made in 2015 had already been on offer – broadly speaking – in 2005. It was the US's and EU's acceptance of an Iranian enrichment programme, rather than sanctions, which made the 2015 agreement possible.

The Iranian case provides some evidence for the view that supplier restrictions on access to sensitive technologies may inhibit proliferation but cannot ensure non-proliferation. Supply restrictions can be circumvented, given sufficient determination, and developing technology indigenously can reduce dependence on established nuclear suppliers.

Though this may seem a paradox, encouraging non-NSG parties to the NPT to approach and engage established suppliers of enrichment technology may prove more effective in preventing the spread of nuclear weapons than circumscribing access to enrichment. Dialogue can shed light on motives and intentions, and reduce the risk of misunderstanding and misinterpretation. Moreover, it can result in nuclear-fuel arrangements that satisfy the interests of all parties and are consistent with both sovereign

rights and obligations stipulated by the NPT.

The Iranian case also suggests that proliferation concerns can be resolved without resorting to coercive diplomacy (sanctions), and that the effectiveness of coercive diplomacy can be over-rated. In 2005 the Khatami administration offered concessions that were very similar to core elements of the JCPOA. At that time Iran was under political pressure to resolve international concerns about its nuclear

intentions but was free of nuclear-related sanctions. A decade later, relief from sanctions was only one of several Iranian motives for concluding the JCPOA.

Iran's reaction to the rejection of its 2005 proposals, and to the years of coercive diplomacy that followed, is a reminder that states, like individuals, are sensitive to how others treat them. States react adversely to what they perceive as injustice and are unlikely to adjust their behaviour in response

to perceived aggression. Changes in behaviour are more likely to result from respect, persuasion and, where appropriate, reciprocity. That too is a lesson that can be drawn from the Iranian case.

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Stepping Up or Backing Down? The African Union and Burundi

Cathy Haenlein and Ewan Lawson



As part of its efforts to maintain security on the continent, the African Union needs to prioritise the protection of civilians.

The African Union (AU) is not normally known for controversial action against the wishes of African heads of state. Since its birth in 2002, it has appeared consistently to prioritise the protection of presidents over civilians, particularly where opportunities for military intervention and the requirements of international justice are concerned.

It recently broke strikingly from this tradition. In late December, the Peace and Security Council (PSC) – the standing organ responsible for conflict prevention, management and resolution – announced an unprecedented plan to send 5,000 peacekeepers to protect civilians in Burundi, which is feared to be spiralling towards civil war, without that government's consent. The proposal marks the first time the AU has invoked, despite national opposition, Article 4(h) of its Constitutive Act

– namely its right 'to intervene in a Member State ... in respect of grave circumstances', defined as war crimes, genocide and crimes against humanity. As abruptly as it was made, however, the decision was overturned, with the AU Commissioner for Peace and Security, Smail Chergui, confirming after the Union's January summit that a force would *not* deploy without Burundi's blessing.

This public about-turn signals an organisation still struggling with its approach to intervention and sovereignty. Despite the abrupt reversal, the fact that the controversial decision to intervene was made at all is unprecedented and has taken, albeit briefly, the AU into untrodden territory. The implications of this may be crucial in terms of the precedent it sets for the future development and use of Africa's peace and security architecture.

The maintenance of continent-wide peace and security is an explicit goal of the AU – as it was of its predecessor, the Organization of African Unity (OAU), which was formed in 1963 to enhance co-operation between newly independent states. However, the earlier body's steadfast commitment to defending the sovereignty and territorial integrity of new states limited its effectiveness in this regard. As the decades passed, the organisation was derided as a talking shop. As human rights were violated again and again, the OAU failed to respond. The principle of non-interference remained sacrosanct and member states abstained from denouncing 'brother presidents', however they behaved.

The AU was conceived in part to address these failings. It was designed, in particular, to more effectively tackle security challenges through