

The Future of the NPT in the light of Iran's Nuclear Dossier

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While the NPT is going through a rough time facing many challenges, Iran's nuclear dossier and its eventual outcome may have distinctive impact on the trends in nuclear non-proliferation and the future of the NPT, the only existing international treaty for nuclear non-proliferation. In this article the outcome of Iran's nuclear dossier on the NPT shall be explored in three different possible scenarios, namely: "North Korea Model", Libya Model" and" Japan Model".

The NPT Facing New Problems

NPT's main inherent flaws manifested in its biased approach toward nuclear and non-nuclear member states hinges from the beginning as a fair international system governing the nuclear non-proliferation order. The dramatic changes in the international environment especially since the end of the Cold War made substantial adjustment and changes in this treaty necessary. It is rightly observed by Sipri that

"Treaties can never enforce and have never enforced themselves. Their aims typically need to be implemented through state and non-state actions at a number of levels, and they need to be safeguarded by continuing, active incentives and disincentives which reflect something more than the merits of the treaty itself."¹

There are numerous concerns about the performance of the NPT in the past:

- Although, the Cold War is over, there are 27,000 nuclear weapons in the world, many of which remain on hair-trigger alert. These could go off by accident, as a result of human error, or through unauthorized use, killing millions.

- Despite the US-Russian Strategic Offensive Reduction Treaty (SORT, or the Moscow Treaty) of May 2002 that reduced the two leading nuclear-weapon states' arsenals to 2,200 each by 2012, it does not carry the effect of an arms-control treaty that is irreversible and verifiable.

- Despite the NPT, there are now nine nuclear weapon states, after Israel, India, Pakistan, and North Korea joined the so-called nuclear club.

- The nuclear weapons States, such as the US, are adopting new doctrines that support proliferation. They are planning new nuclear weapons. Nowadays, in conjunction with new nuclear doctrines of the nuclear weapon states, the nuclear weapons are becoming a tool of war fighting rather than a tool of deterrence which used to be before.

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-Another major development affecting the NPT since the early 1970s and the first oil shock is a growing interest and demand for nuclear energy. Nuclear power has now become a reliable alternative to the technologies based on fossil fuels that damages the climate.²

-For many years there have been complaints about an arrangement that allows five countries to possess the most powerful weapons and bans all others from acquiring them. Such unequal treatment was deemed inevitable during the Cold War, but it has been much harder to put up with since the collapse of the Soviet Union. Nor is there any binding rule on the five from manufacturing new types of weapons, although that would be contrary to the spirit of Article VI of the NPT. To some, the non-proliferation is a cold war concept that makes no sense now that the cold war is over; they believe that nuclear proliferation should not be condemned if the countries involved are allies of the West.³ That approach is especially noticeable in the US policy toward Iran's nuclear program with a consequence of a serious damage to a very delicate balance struck when NPT was written between the so-called nuclear "Haves and Have-Not". If that policy succeeds, it would certainly raise questions among many non-nuclear members of the NPT about the merits of remaining in the NPT while the original incentive that was access to peaceful nuclear technology is going to be taken away or denied to them.

Unfortunately, the first Review Conference of the NPT following the collapse of the bi-polar world system in 1995 failed to seize that opportunity to rectify the shortcomings and make necessary adjustments in the NPT. As a consequence India and Pakistan conducted their nuclear tests in 1998. The lenience shown later to India and Pakistan were considered as a further step in the weakening of non-proliferation policy and the only existing nuclear non-proliferation regime enshrined in the NPT.

Thus, with all its achievements in the past 36 years that is boasted, it is widely perceived that the NPT is in trouble and faces a crisis. For instance, the head of the IAEA, the Nobel peace-prize winner Mohamed ElBaradei, says that: "The present system for preventing the proliferation of nuclear weapons is at an end is bankrupt."⁴ It seems that one of the main issues that has damaged the credibility of the NPT in the past is the application of double standards by some established nuclear powers such as the US and Britain. In considering the case of Iran's nuclear program the contrast is striking when application of nuclear non-proliferation policies toward nuclear drive of Israel or India are muted. On the India –US nuclear deal while Beijing has been formally silent, commentary in the official Chinese media was sharply critical of Washington for that deal. The People's Daily last November said that if the US makes a "nuclear exception" for India, other powers could do the same with their own friends and weaken the global non-proliferation regime.

At this juncture, while Iran's nuclear program has come to the focus of world's attention, the approach and outcome of this dossier may have major impact on the credibility and the future of the NPT. It is therefore, important to explore the

effects of different possible scenarios for Iran's nuclear dossier and to find its probable impacts on the future of the NPT.

When in 2003 Iran's nuclear program was criticized, mainly by the same nuclear powers that in the past have infringed upon the principles and the spirit of the NPT, Iran stepped forward to show its commitments to the NPT and with a spirit of cooperation indulged in negotiations with the three European countries, Britain, Germany and France. In the course of those negotiations Iran accepted certain voluntary measures which went far beyond its commitments and obligations under the NPT and its additional protocol as well as the Safeguard agreement with the IAEA.

The joint British, French and German initiative was to create a kind of informal model unlike what was seen in North Korea and to that end trade and financial components were devised to lure Iran away from enrichment towards light water nuclear systems. The EU3 sought to bring Tehran back to the negotiating table by offering economic incentives in the form of a Trade and Co-operation Agreement (TCA) for compliance with the IAEA, and a new deal emerged in November 2004. Iran agreed to suspend its uranium enrichment activities and the EU's External Relations Council Conclusions on 24 November welcomed the suspension of enrichment processes and reaffirmed that negotiations for a TCA would resume after IAEA verifications. Tehran resumed uranium conversion work, a precursor to the enrichment, in August 2005 due to lack of cooperation by the EU3 and its stance becoming more under the US influence accusing Iran of developing nuclear weapons secretly without introducing any convincing evidence. In that strategy the US was to stay in the background with the threat of force if progress was not made.

As things stand today, three scenarios could be envisaged with regard to Iran's nuclear dossier. Each of those scenarios obviously will have different outcomes, not only for Iran and other concerned parties but especially for the NPT. To simplify the issue we shall consider Iran's nuclear dossier under three models of behavior, namely, North Korean model, Libyan model and Japanese model.

"North Korea model":

North Korea first announced its withdrawal from the NPT on March 12, 1993, but later backtracked. On January 10, 2003, North Korea issued a statement announcing that "The DPRK government declares an automatic and immediate effectuation of its withdrawal from the NPT" and "is totally free from the binding force of the Safeguards Accord with the IAEA." North Korea attributed its action to its belief that the International Atomic Energy Agency "is used as a tool for executing the U.S. hostile policy towards the DPRK."⁵

Some experts believed that withdrawal from the NPT by Pyongyang was intended to improve its negotiating leverage by heightening the crisis atmosphere on the Korean peninsula with the aim of engaging the United States to negotiate a resolution of the nuclear crisis on a bilateral basis and to obtain a meaningful security guarantees from Washington. Despite that demand negotiations on

North Korea's nuclear program have taken place in a six- party forum, which includes China, Japan, North Korea, South Korea, Russia and the US. On 9 February 2005, North Korea announced that it possessed nuclear weapons and indeed would "increase its nuclear arsenal to defend the ideas, system, freedom and democracy that were chosen by the North Korean people". North Korea said it required a nuclear deterrent because of the hostile policy of the US. The US was quick to dispel the prospects of military action against North Korea. The US Secretary of State Condoleezza Rice said on 10 February 2005: "The North Koreans have no reason to believe that anyone wants to attack them. The president of the United States said in South Korea, that the United States has no intention to attack North Korea".

With that precedent and some existing similarities such as United States manipulative approach to Iran's dossier at the IAEA, some experts suggest that should negotiations with the European Union and the UN fail Iran would follow a "North Korea model".⁶ Others who believe that Iran might follow "North Korea model" use a different logic and say one of the reasons the U.S. went into Iraq and beat back Saddam, and has treated North Korea differently, is because North Korea has a bomb and Iran facing the similar threats from Americans would be compelled to follow that model.⁷

"Libya Model":

In 2003, Libya abandoned its nuclear program and allowed everything useful for enriching uranium to be boxed up and carted out of the country. Meantime, the Libyan policy to abandon its weapons of mass destruction programs was extensively used by Bush administration to justify the Iraq invasion, which was carried out with the supposed intention of eradicating the threat of WMD, and to rationalize its foreign policy on countries like Iran and North Korea. Flynt Leverett, a scholar at the Brookings Institute, an American think-tank, who worked for the Bush Administration until early 2001, strongly criticizes the current foreign policy of the U.S. He says that "by linking shifts in Libya's behavior to the Iraq war, the president misrepresents the real lesson of the Libyan case." Leverett, who personally participated in the negotiations between Libya and USA while working at the U.S. Department of State during the early stages of the Bush Administration, emphasized in an opinion piece he contributed to New York Times on January 23 that "the roots of recent progress with Libya go back not to the eve of the Iraq war, but to the Bush administration's first year in office. Indeed, to be fair, some credit should even be given to the second Clinton administration".

Thus, Libya's policy towards the U.S. had already changed prior to the U.S. invasion of Iraq. The U.S. and Libya had started building up trust through the process of negotiations by mutual fulfillment of promises since the late 1990's. That is why the Libyan model of nuclear disarmament could not be applied to a country like Iran that enjoys quite a different regional stature than Libya. Also, unlike Libya a deep sense of mistrust prevails in Iran – US relationship.

Astonishingly, regardless of those facts, some officials in the USA are still under the illusion that the manipulative role the US played in certain countries such as Iraq or Libya will work the same way on Iran.

"Japan Model":

Japan's nuclear standard offers an ideal model for a civilian nuclear fuel cycle program in a non- nuclear weapon state (NNWS). Japan has proved that the non-proliferation norms are compatible with civilian nuclear fuel cycle and that a full-scope nuclear fuel cycle program with excellent compliance with nonproliferation norms could be achieved. In fact, Japan has started Implementation of Integrated Safeguards since Sept. 15, 2004, as the first NNWS with full-scale nuclear fuel cycle.⁸ Implementation of Integrated Safeguards is now considered as a proof of the success of original objectives of the NPT regime. Some experts believe that this model could constitute the basis for a new "Nonproliferation Culture".

According to some observers Iran in pursuit of its nuclear program is following the "Japan model". This postulation is perhaps derived not only from deep desires in Iran to adopt a Japan model for its economic and technological development programs, but also as an appropriate model best suited to address the needs of its nuclear program in full compliance with the NPT. Besides that, both Japan and Iran are victims of weapons of mass destruction and therefore they are avowedly opposed to these abhorrent weapons. Iran considers itself as a faithful member of the NPT and sees itself as Japan and other members of the NPT entitled to acquire the technology needed for peaceful production of nuclear fuel for its nuclear power plants.

Conclusion:

While the NPT is facing many new challenges and according to some experts it is in a state of a crisis or perhaps on the verge of it, Iran's nuclear program has become under the focus of international attention.

Whatever direction Iran's nuclear program would take under the present international pressure, undoubtedly it would have some ramifications for the future of the NPT. Regarding the three different scenarios that might develop in relation with Iran's nuclear dossier following could be summarized as the probable consequences.

The probability of adoption of the "North Korea Model" by Iran is rather slim, since Iran has repeatedly insisted on its commitments to the NPT. However, the possibility of Iran following "North Korea Model" in a very drastic situation such as a military attack against Iran can not be completely ruled out. If this happens, it would have the most unfavorable impact on the NPT encouraging more withdrawals leading perhaps to its practical abolition.

The "Libya model", although very much favored and pursued vigorously by the US administration, has a very bleak chance to be applied to Iran, because the

country has already succeeded developing an indigenous nuclear capability. However, if this model by any chance could be imposed on Iran, it would amount to a serious setback for the NPT and would deal a great blow to the rights of non-nuclear weapon states enshrined in the Article IV of the Treaty. The final scenario takes shape on the basis of "Japan Model". It seems that this model not only suits Iran's nuclear program but it could also serve as a new model in the non-proliferation regime that can address many new challenges and demands of the future in the field of nuclear energy.

Notes:

¹ - Sipri Year Book-2004, p.24.

² - Nasser Saghafi-Ameri, The Non Proliferation Treaty (NPT) in Crisis

³ - Georges Le Guelte, Our fissile world- The bomb proliferates, Le Monde diplomatique, English Edition, November 2005.

⁴ - Timothy Garton Ash ,On Iran, the French are from Mars and the Americans are from Venus , [The Guardian](#), February 2, 2006.

⁵ - Text of the report in English by North Korean news agency KCNA Pyongyang, 10 Jan2003.

⁶ - For instance see Alex Vatanka's view on this issue at:
<http://www.rojname.com/index.kurd?nuce=107946> as retrieved on 16 Apr 2006.

⁷-See:<http://www.pbs.org/wnet/journaleditorialreport/081905/briefing.html> as retrieved on 16 April.

⁸ - For more information on Japan's Civilian Nuclear Fuel Cycle see, Tomio KAWATA, Nonproliferation Norms in Civilian Nuclear Fuel Cycle-Japanese Model –Japan Nuclear Cycle Development Institute (JNC),14th International Security Conference, April 4-6, 2005, Chantilly, Virginia, USA.. <http://www.intlsecconf.sandia.gov/kawata_05isc.pdf>