

Iran Has No Right to Nuclear Technology

Accepting Iran's "right" to nuclear power is a recipe for disaster.

By MATTHIAS KÜNTZEL

The international community has treated the recent disclosure of another secret uranium enrichment facility in Iran the way it has treated Tehran's previous violations of the Nuclear Non-Proliferation Treaty—with calls for yet more "dialogue." The continued pursuit of fruitless diplomacy at tomorrow's talks between Iran and the five permanent members of the U.N. Security Council plus Germany is based on an incorrect understanding of international law, one that was spearheaded by the Europeans and is now unfortunately shared by the U.S. president.

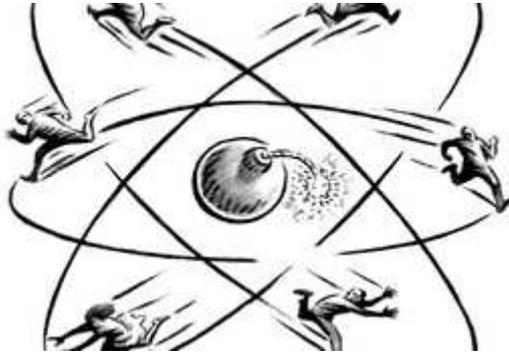
"Any nation—including Iran—should have the right to access peaceful nuclear power," Barack Obama declared in his famous Cairo speech, "if it complies with its responsibilities under the Nuclear Non-Proliferation Treaty."

The problem is that Iran is bound by its own constitution to violate the treaty, which is why insisting that the NPT still confers any rights on Iran is not only politically absurd but also wrong from a purely legal point of view.

The treaty was signed by Iran in 1968 under the rule of Shah Mohammed Reza. It aims, as outlined in its preamble, at "further easing of international tension and the strengthening of trust between states." Its purpose is thus to stabilize the international system. The Islamic Republic, though, wants to abolish this "Satanic" secular world order and replace it with a Sharia-based system of Islamic rule. "The struggle will continue," promised Ayatollah Khomeini, "until the calls 'There Is No God but God' and 'Muhammad Is the Messenger of God' are echoed all over the world." The atom program is part of this revolutionary quest. "Iran's nuclearization," President Mahmoud Ahmadinejad told his supporters, "is the beginning of a very great change in the world." It would "be placed at the service of those who are determined to confront the bullying powers and aggressors."

The opposition to the treaty's lofty intentions is not just politically affirmed but legally enshrined. Iran is probably the only country in the world that has declared comprehensive armament against "Allah's enemies" to be a constitutional requirement. In Article 151 of the Islamic Republic's constitution, Koran verse 8/60 is cited as a binding precept for government policy: "Make ready for them all you can of armed forces and of horses tethered, that thereby you may dismay the enemy of Allah and your enemy, and others beside them whom you know not." To Western ears, this recourse to 7th-century scripture may seem quaint. But the mullahs are serious. Their idea of interpreting the Koran for the modern world is to replace "horses tethered" with "nuclear installations."

An Islamist state like Iran can by definition not be considered a bona fide signatory to the NPT. The mullahs, although opposed to the treaty's overall purpose, never withdrew from the NPT to take advantage of the privileges the document grants its signatories.



David Gothard

It is often assumed that the NPT actually blocks access to the bomb. In reality, the opportunities afforded to aspiring nuclear-weapons makers are enormous. Article IV of the treaty enables signatories to produce all components necessary for a bomb under U.N supervision, as long as they do not combine these components into nuclear explosives. The significance of this loophole was explained in April 2007 by Hossein Shariatmadari, a confidante of Iran's "Supreme Leader" Ali Khamenei: "A country that has attained the knowledge and technology of uranium enrichment is only one step away from producing nuclear weapons. This [additional] step is not a scientific or a technical step, but a matter of political decision."

Article X of the NPT further expands this loophole. A signatory state that, following President Obama's wishes, "complies with its responsibilities under the nuclear Non-Proliferation Treaty" could accumulate the most important components of a nuclear weapon under cover of the NPT, and then legally withdraw from the treaty by simply citing "extraordinary events."

That's why President Bill Clinton in the 1990s, ignoring the faded Iranian signature on the NPT, denied the mullahs the right to any form of nuclear energy. On October 21, 2003, however, came a "very important turning point," as Hossein Mousavian, a high-ranking Iranian nuclear negotiator, described it. That was the day the foreign ministers of Great Britain, France and Germany—Jack Straw, Dominique de Villepin and Joschka Fischer—traveled to Tehran, despite major reservations on the part of the Bush Administration, to "recognize the right of Iran to enjoy peaceful use of nuclear energy in accordance with the nuclear Non-Proliferation Treaty," as the text of a declaration agreed by Iran and the three foreign ministers states.

At that time, it was already known that Tehran had violated the NPT's monitoring regime for over 18 years by building secret nuclear facilities. Nevertheless, the paradoxical course of events continued: The more Tehran violated the NPT, the more generous the concessions by Europe, and later the U.S.—always using the treaty as justification. In his Cairo speech, Barack Obama also officially recognized Iran's alleged right to nuclear energy. Even after the existence of a second uranium enrichment facility was revealed last week, President Obama's tone remained

conciliatory: "It is time for Iran to act immediately to restore the confidence of the international community by fulfilling its international obligations."

As long as Iran is ruled by Khomeini's doctrine, however, this confidence can never exist. Tomorrow's talks will only encourage Tehran to continue feigning "trustworthiness." The refusal to acknowledge this reality could lead to a dangerous compromise—one that would allow Iranian uranium enrichment as long as Tehran permits U.N. monitoring.

This would be a recipe for disaster. Allowing a theocratic regime dreaming of religious war to obtain nuclear weapons is a threat to humanity. It can neither be defused by the NPT provisions nor by continuing piecemeal sanctions. Short of a military strike, the only alternative is to make full use of Chapter VII of the U.N. Charter. In order to confront threats to peace, it suggests in article 41 the "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." The time for "dialogue as usual" is over.

Mr. Küntzel is author of "The Germans and Iran: The Past and Present of a Fateful Friendship," forthcoming in German in October 2009 with Wolf Jobst Siedler Jr. Belinda Cooper translated this article from the German.