

## Background on the Iran Situation

John Burroughs, Lawyers Committee on Nuclear Policy, December 2011

In addition to its operation of uranium enrichment facilities, Iran is also constructing a heavy water reactor which would produce plutonium especially suitable for use in weapons should Iran also acquire a reprocessing facility to extract the plutonium from spent fuel. It also is developing ballistic missiles that could be used to carry nuclear warheads. Given the overall picture, despite Iran's adamant denials, many countries and experts believe that Iran is seeking to acquire at least the capability to produce and deploy nuclear weapons.

While the IAEA has found that Iran has violated safeguards reporting requirements, it also has consistently found that all fissile materials at Iran's declared nuclear facilities have been accounted for, *i.e.* that there has been no diversion to weapons purposes. However, the IAEA has noted that it cannot, in the case of Iran and other countries as well, confirm the absence of undeclared activities without the expanded inspection authority provided by the Additional Protocol, rejected by Iran. Further, in recent years the IAEA has found that Iran has failed to adequately respond to IAEA questions regarding possible nuclear-weapons related activities. In its November 2011 report, the IAEA found that there are indications that modeling studies that could determine the yield of a nuclear explosion and other activities have continued since Iran halted its research program on development of nuclear weapons in 2003.

A widely reported cyber attack on Iran's enrichment facilities, a series of assassinations of Iranian scientists, an explosion at an Iranian nuclear/military facility resulting in the death of a top official, and Iranian capture of a US drone aircraft flying over its territory, all indicate that there Iran is being subjected to an intense covert program of sabotage and surveillance. Pundits also speculate about a large-scale, overt military attack on Iran's nuclear capabilities, perhaps undertaken by Israel. Others comment that such an attack would be counterproductive, driving Iran towards acquisition of nuclear weapons. It should also be remembered that Iranian pursuit or acquisition of nuclear weapons does not in and of itself justify military action under international law. Absent an Iranian attack on another state triggering the right of self-defense, Security Council express authorization would be needed.

Iran has ignored Security Council resolutions requiring Iran to suspend sensitive nuclear fuel cycle activities, halt its ballistic missile program, and fully cooperate with the IAEA. However, since the early 2000s, Iran and the permanent five members of the Security Council plus Germany have engaged in on and off negotiations, endorsed by the Security Council, on a settlement of the ongoing dispute. Elements of a possible settlement are reasonably well understood. Constraints would include on the one hand a halt, not necessarily permanent, to Iran's sensitive nuclear fuel cycle activities, with provision made for supply to Iran of fuel for nuclear reactors, or possibly the multinationalization of nuclear fuel production within Iran. Incentives would include an end to sanctions, expanded trade opportunities, normalization of relations, and security assurances. One complicating factor is that key elements in Iran view it as a revolutionary regional power. Another is the hostility between Iran and the United States arising from the US overthrow of the democratically elected Iranian government in 1953 and the 1979 hostage crisis.