

The Iranian Nuclear Imbroglio and the NAM Summit

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Summary

This Issue Brief discusses the impact of Tehran's recent hosting of the 16th summit of the Non-Aligned Movement (NAM) on the Iranian nuclear imbroglio. It points out NAM positions on the Iran nuclear issue over the years. It also discusses the positions of countries such as India and Egypt to highlight the fact that key member states which participated in the Tehran NAM Summit have indeed taken positions not supportive of Iran in the recent past. The Brief closes by noting the current status of Iran's engagement with the International Atomic Energy Agency (IAEA) and the Permanent 5+1, and the minimal impact NAM formulations are likely to have on these engagements.

The Venue and the Context

The 16th Summit of the 120-member NAM was held in Tehran from August 26–31, 2012. The Summit was attended by 29 heads of state including from India and Egypt, among others, as well as by the United Nations Secretary General (UNSG) and representatives from 70 other countries. The Summit generated a lot of attention despite critics of the movement charging that it has lost its relevance, most notably for the choice of venue. This was because, in their view, the Summit would seem to confer a larger diplomatic acceptance of Iran even as it faces increased international pressure on account of its nuclear programme.

The United States and Israel were particularly disapproving of the choice of the Summit venue, viewing it as “inappropriate”, in the words of the US State Department spokesperson, “given its number of grave violations of international law and UN obligations.”¹ Israeli Prime Minister Benjamin Netanyahu was even more critical, charging that the summit was a “stain on humanity” given that it was “saluting a regime that not only denies the Holocaust but pledges to annihilate the Jewish state, brutalizes its own people, colludes in the murder of thousands of innocent Syrians and leads millions in chanting ‘Death to America, death to Israel’.”²

The Summit no doubt provided a large international audience for the Iranian Supreme Leader, Ayatollah Khamenei, to put forward his views in person – an opportunity that is not available to him normally. In other forums, where a wide gathering of world leaders assembles – for instance, at the UN General Assembly – the Iranian President, Mahmoud Ahmadinejad, represents Iran and not the Supreme Leader. For Ahmadinejad, the Summit provided a major international platform at home, given that he is into his second and final term as President which ends in June 2013.

On his part, Khamenei, while opening the Summit, dwelt upon the “illogical, unjust and completely undemocratic structure and mechanism” of the UN Security Council (UNSC), asserted that nuclear weapons are both a threat to security and political power, criticised the US and its allies for “arming the usurper Zionist regime with nuclear weapons”, and insisted that Iran has “never been after nuclear weapons and that it will never give up the right of its people to use nuclear energy for peaceful purposes.”³ The Iranian President in

¹ “US Finds Tehran ‘inappropriate’ as NAM Summit Host”, August 17, 2012, available at <http://www.firstpost.com/world/us-finds-tehran-inappropriate-as-nam-summit-host-420682.html>, accessed August 24, 2012.

² Yifa Yaakov, “Netanyahu Brands Tehran Summit ‘A Stain on Humanity’”, August 29, 2012, available at <http://www.timesofisrael.com/netanyahu-calls-tehran-summit-a-stain-on-humanity/>, accessed September 6, 2012.

³ The text of his remarks are available at <http://www.presstv.ir/detail/2012/08/30/259025/leaders-inaugural-speech-at-nam-summit/>, accessed September 6, 2012.

his speech also criticised the “monopoly” of the UNSC which “led to the confirmation of the fake criminal Zionist regime and further expansion of its occupation and crimes and oppressions.”⁴

Despite US and Israeli criticism of UNSG Ban Ki Moon’s participation in the Summit, it is pertinent to note that the Summit provided an important opportunity to the UNSG to forcefully remind Tehran of the need to fulfil its international obligations regarding its nuclear programmes as well as urge it to quit making inflammatory statements. In his opening remarks, Ban “strongly reject[ed] threats by any member state to destroy another or outrageous attempts to deny historical facts, such as the Holocaust.” He further added: “claiming that another UN Member State, Israel, does not have the right to exist, or describing it in racist terms, is not only utterly wrong but undermines the very principles we have all pledged to uphold.” On the nuclear issue specifically, Ban reminded Iran that NAM leadership provides it “with the opportunity to demonstrate that it can play a moderate and constructive role internationally. That includes responsible action on the nuclear programme which is among the top concerns of the international community.” Towards this end, he urged Iran to “build international confidence in the exclusively peaceful nature of its nuclear programme”, fully comply with the UN Security Council resolutions, “thoroughly cooperate with the IAEA”, and engage constructively with the P5+1.⁵

India’s Prime Minister as well as its Foreign Minister along with a host of senior officials attended the summit. Manmohan Singh had attended the two previous summits at Sharm el-Sheikh and Havana as well. Responding to questions on the controversy over the venue on his way back from Tehran, Singh had this to say:

[The] NAM Summit is not meant to be a slap to any one country....Iran has been chosen as the Chairperson. Therefore, it is only appropriate that the Summit should meet in Iran, which is a very important country in our region and in the developing world....Meeting in Tehran has no more or no less significance than the fact that Iran being a member of NAM in good standing is hosting the Summit.⁶

NAM Positions on Iran’s Nuclear Issue

The Vienna chapter of NAM was formed in 2003 in order to better coordinate the group’s

⁴ The text of his speech is available at <http://www.president.ir/en/41317>, accessed September 6, 2012.

⁵ See “Secretary-General’s Remarks to the High-Level Segment of the 16th Non-Aligned Movement Summit”, August 30, 2012, available at <http://www.un.org/sg/statements/index.asp?nid=6264>, accessed September 5, 2012.

⁶ “Transcript of PM’s On-Board Press Interaction En Route from Delhi to Tehran”, August 31, 2012, available at <http://pmindia.nic.in/press-details.php?nodeid=1502>, accessed September 7, 2012.

positions on the issue of safeguards at the IAEA.⁷ It is pertinent to note that this occurred in the immediate aftermath of the Iran nuclear issue coming to the international limelight in August 2002, and the subsequent visit of the then IAEA Director General, Mohammed El-Baradei, to Tehran in February 2003. Iran had agreed to abide by the revised Code 3.1 of its 1976 Subsidiary Arrangement during that visit.⁸ Iran, of course, went back on this decision in March 2007, in the immediate aftermath of the UNSC Resolution 1747, which expanded the number of sanctionable Iranian entities. Potter and Mukhatzanova note that the Vienna chapter became very active particularly after 2005 due to increasing concerns about Iran's nuclear programme as well as its prominent role in NAM and the IAEA.⁹

Since NAM does not have a permanent secretariat, the role of the chairperson as well as of mechanisms like the Vienna chapter, the Coordinating Bureau (COB) in New York at the UN, the NAM Caucus at the UNSC as well as the NAM Troika, assume significance. One of the earliest instances of "mini-lateral" diplomacy vis-à-vis the Iran nuclear issue was the visit of the NAM Troika (made up of past, present, and future chairpersons) to Tehran in November 2005, comprising Malaysia, Cuba and South Africa. The Troika "appreciated" Iran's cooperation with the IAEA and reaffirmed "the basic and inalienable right of all states parties to the NPT to develop nuclear technology for peaceful purposes, without any discrimination and in conformity with their safeguards agreements in connection with the NPT."¹⁰

The NAM Troika's engagement continued to be robust with delegation-level visits to Iran for interactions with Iranian officials, one of which took place in March 2007 as well as briefings on the issue with the participation of senior officials such as the IAEA DG in January 2008, among others.¹¹ Other NAM formulations, including those of the May 2006 ministerial meeting, the September 2006 statement at the XIV Conference of Heads of State or Government, the July 2008 ministerial conference (held in Tehran), among others, appreciated the cooperation being extended by Iran to the IAEA – "the sole competent authority for verification of the respective safeguards obligations of member states...."

⁷ See William Potter and Gaukhar Mukhatzanova, "Nuclear Politics and the Non-Aligned Movement", Adelphi Paper 427, 2012, International Institute for Strategic Studies, London, p. 27.

⁸ The revision enacted in 1992 stipulated that an NPT signatory inform the IAEA about any decision to construct a new nuclear facility, as soon as such a decision is taken. According to the original terms, Iran/NPT member state need only inform the IAEA 180 days prior to the introduction of nuclear material.

⁹ See n. 7.

¹⁰ See "NAM Troika Communique", November 11, 2005, Tehran, available at <http://www.un.int/malaysia/NAM/Nam11nov2005com.PDF>, accessed September 7, 2012.

¹¹ See, for instance, "Report of the Chair of the Non-aligned Movement, September 17, 2006–July 5, 2008", 15th Ministerial Conference of the Non-Aligned Movement, Tehran, July 27–30, 2008.

They noted the “time-consuming” process of verifying the absence of undeclared material”, affirmed the “inviolability of peaceful nuclear activities” and the imperative of negotiations and diplomacy, and urged a resolution of issues within the IAEA framework.¹²

NAM ‘Consensus’ Statements vs National Positions

The 35-member IAEA BOG, on its part, has passed 11 resolutions with regard to the implementation of its safeguards since September 2003. The issue was, for the first time, referred to the UNSC as an international security concern in February 2006. The referral was approved by 27 countries while three countries voted against it (Venezuela, Cuba and Syria) and five countries abstained (Algeria, Belarus, Indonesia, Libya and South Africa). It is pertinent to note that the latter eight countries are NAM members. The November 2009 vote was approved by 25 countries with six abstaining (Afghanistan, Brazil, Egypt, Pakistan, South Africa and Turkey) and three voting against (Cuba, Malaysia and Venezuela). Later IAEA resolutions have found increasing support from the members of the BOG. The November 2011 vote, for instance, was approved by 32 countries (including 14 NAM members and three NAM Observer States) with two countries voting against the measure (Cuba and Ecuador).

The IAEA votes are a clear indication that while NAM countries issue “consensus” statements on issues of concern like Iran, their “national positions” while deciding on such issues at fora like the IAEA and the UNSC are not necessarily in favour of their fellow NAM country. At the 15-member UNSC, for instance, resolutions on Iran have been passed almost unanimously. There have been six resolutions at the UNSC between July 2006 and June 2010, with four of these being punitive in nature. The only NAM countries to oppose these measures at the UNSC were Qatar in July 2006 and Brazil and Turkey in June 2010. NAM countries which abstained were Indonesia in March 2008 and Lebanon in June 2010. This is especially pertinent in the light of the fact that the 2010 UNSC included Nigeria, Uganda and Lebanon (NAM members) as well as Brazil, Mexico, and Bosnia and Herzegovina (NAM Observers). Also, the then NAM Troika (Cuba, Egypt and Iran) met the NAM Caucus in February 2010 ostensibly to coordinate their positions on the nuclear issue, but it did not result in favourable votes a few months later.¹³

¹² See “Statement on the Islamic Republic of Iran’s Nuclear Issue”, 15th Ministerial Conference of the Non-Aligned Movement, Tehran, July 27–30, 2008, available at <http://www.un.int/iran/NAM%20Statement%20on%20Iran%20XV%20ministreial.pdf>, accessed March 16, 2011.

¹³ See “Performance Report of the Chair of the Non-Aligned Movement on the Implementation of the Sharm El Sheikh Plan of Action, July 2009–August 2012”, available at <http://www.nam.gov.ir/Portal/File/ShowFile.aspx?ID=25288539-003a-4cae-8637-70746a96ece8>, accessed September 7, 2012.

Therefore, while mechanisms like the NAM Troika appreciate Iran's cooperation with the IAEA, and consensus documents at NAM Summits reinforce the rights of NPT member states like Iran to peaceful uses of nuclear energy, the actual behaviour of crucial NAM member states during voting at the IAEA and the UNSC has been varied. In this context, it is pertinent to point out that the 1995 Cartagena Document on Methodology specifically affirms that consensus does not "imply or require unanimity" among all member states.¹⁴ The Tehran Plan of Action adopted in the aftermath of the 16th Summit, meanwhile, affirms that NAM will "oppose attempts through the imposition or prolongation of sanctions or their extension by the Security Council against any State under the pretext or with the aim of achieving the political objectives of one or a few States, rather than in the general interest of the international community...."¹⁵

NAM consensus positions continuing to be seemingly at odds with extant political realities are over the issue of Israeli nuclear capabilities. The Tehran Final Document, for instance, urges "the continued consideration of the issue of Israeli nuclear capabilities in the context of the IAEA, including at the General Conference."¹⁶ However, recent reports have noted that Arab states might not bring this to the agenda at the September 2012 IAEA conference, so as not to hurt efforts geared towards convening a conference on the Middle East Nuclear Weapon Free Zone in Finland before the end of the year.¹⁷

NAM Member States and Iran's Nuclear Issue

India

As far as India is concerned, it has been argued that there are three policy determinants vis-à-vis the Iran nuclear issue: strategic autonomy, regional strategic stability, and national security considerations.¹⁸ These continue to be operative in India's interactions on the issue. Ahead of the NAM summit, when Foreign Secretary Ranjan Mathai was asked whether India will convey America's concerns regarding regional peace and security to

¹⁴ See, for instance, "India's Participation at the XVI NAM Summit in Tehran", August 21, 2012, available at <http://meaindia.nic.in/mystart.php?id=550319923>, accessed August 28, 2012. The Cartagena Document is specifically mentioned in this note explaining India's participation at the Tehran Summit.

¹⁵ The document is available at <http://www.nam.gov.ir/Portal/File/ShowFile.aspx?ID=6a3c7c0d-3f4b-4a2a-9c46-d4bad5fdd2f2>, accessed September 7, 2012.

¹⁶ The document is available at <http://www.nam.gov.ir/Portal/File/ShowFile.aspx?ID=212cfdbf-6dbc-4185-a4f5-01fe30a0c772>, accessed September 7, 2012.

¹⁷ Frederik Dahl, "Arabs May Not Press Israel at IAEA Meet", *Reuters*, August 29, 2012, available at <http://in.reuters.com/article/2012/08/29/nuclear-israel-arabs-idINL6E8JTF6X20120829>, accessed September 5, 2012.

¹⁸ See S. Samuel C. Rajiv, "India and Iran's Nuclear Issue: The Three Policy Determinants", *Strategic Analysis*, Vol. 35, No. 5, 2011, pp. 818-34.

the Iranians – as hoped for by the US State Department spokesperson – Mathai affirmed that “peace and security” were India’s priority as well given the importance of West Asia for India’s security and its economy, and added that “we do not have to take anybody else’s concern as being a priority over that.” Mathai went on to affirm that Prime Minister Manmohan Singh will “raise all issues of importance in India-Iran bilateral relations, and issues of interest and concern to us.”¹⁹ In a statement prior to departing for Tehran, Singh stated that he will discuss regional and global issues with his interlocutors.²⁰ Given the above, though Singh’s speech at the Summit did not include any reference to the Iran nuclear issue, India’s concerns about regional stability would surely have been conveyed to the Iranians.

India has on numerous occasions prior to the Tehran Summit affirmed that a nuclear Iran is not in its strategic interests, and its voting behaviour at the IAEA is testimony to that fact. India cutting down on Iranian oil imports (down from 16 per cent during 2008–09 to 10 per cent currently, and likely to go down even further) is another concrete manifestation of India’s actions being in tune with international concerns, although such reductions are against its energy security needs.

India is currently a non-permanent member of the UNSC, along with seven other NAM members (Azerbaijan, Colombia, Guatemala, Morocco, Pakistan, Togo and South Africa). India is also a member of the 2012–13 IAEA BOG, having been elected along with 12 others by the outgoing Board. The other 23 countries will be nominated during the September IAEA General Conference. In the 2011–12 Board, whose term ends in September 2012, there are 14 NAM members and three NAM Observer countries. In the light of India’s past record at the IAEA, it is to be expected that India’s positions at such venues will continue to be guided by its own understanding rather than be determined by NAM positions or even by “Western pressure” – the oft cited reason by critics of India’s Iran policy. India’s Explanation of Vote in the aftermath of its November 2009 IAEA vote insisted that the conclusions drawn by the IAEA DG in his report earlier that month “were difficult to ignore”. It went on to note that “the Agency’s safeguards system is the bedrock of the international community’s confidence that peaceful uses of nuclear energy and non-proliferation objectives can be pursued in a balanced manner. The integrity of this system should be preserved.”²¹

¹⁹ See “Transcript of the Media Briefing by Foreign Secretary on Prime Minister’s Visit to Iran to Attend XVI NAM Summit”, August 25, 2012, available at <http://meaindia.nic.in/mystart.php?id=501019943&flg=1>, accessed August 28, 2012.

²⁰ The statement is available at <http://pmindia.nic.in/press-details.php?nodeid=1500>, accessed September 7, 2012.

²¹ See Rajya Sabha, Unstarred Question 3122, “Vote Against Iran”, December 17, 2009, available at <http://rsdebate.nic.in/handle/123456789/291324>, accessed February 14, 2011.

India's high-level representation at the NAM Summit (as well as Iran's recognition of India's significant presence – with the Iranian President hosting a dinner for Prime Minister Singh as well as accompanying him for the meeting with the Supreme Leader) reinforce its opposition to policies that isolate key countries in its neighbourhood with which it has important energy security ties. At another level, India's participation adds to the weight of the considerable international opinion against the exercise of more muscular options to deal with the Iranian nuclear issue. India has earlier held the exercise of such an option “unacceptable international behaviour” with “disastrous consequences for the entire region, affecting the lives and livelihood of five million Indians resident in the Gulf, and the world economy.”²² Such formulations are similar to the concerns expressed by major powers like Russia and Japan in recent times.

It remains to be seen what price such policies extract from India's other significant bilateral relationships like that with the US and Israel. Given the importance of these countries' bilateral ties with India spanning the economic and security spheres as well as robust people-to-people contacts, there may not be any significant downside as regards India's relationship with these countries over the long term. It is pertinent to note that during his interaction with the media on the flight from Tehran to New Delhi, Singh noted Israeli expertise on water technology as having “morals for many other countries” while replying to a question on food security that his speech at the NAM Summit had highlighted.²³

Egypt

It is equally pertinent to note the positions of another important NAM country and the immediate past Chair of the movement, Egypt, on the Iran nuclear issue. The country's new Foreign Minister Mohamad Kamal Amer reiterated at the UNGA in September 2011 “Egypt's firm position that the right to the peaceful uses of nuclear energy must be linked to the full compliance with the international commitments under the treaty.” He, however, added that this entailed “the full cooperation of all member states, including Iran, with the International Atomic Energy Agency and avoiding any escalation in order to promote non-proliferation efforts in the region.”²⁴

In his September 2010 speech at the UNGA, the then Egyptian Foreign Minister Ahmed Abdoul Gheit had adopted a similar line. While affirming the “the urgent need to reach a political settlement regarding the Iran nuclear file”, Gheit called on Iran to “refrain from

²² “In Response to Questions About Reports that Suggest the Imminent Use of Military Force Against Iran”, July 14, 2008, available at <http://meaindia.nic.in/mystart.php?id=530314072>, accessed February 14, 2011.

²³ See “Transcript of PM's On-Board Press Interaction En Route from Delhi to Tehran”, n. 6.

²⁴ The speech is available at http://gadebate.un.org/sites/default/files/gastatements/66/EG_en.pdf, accessed September 7, 2012.

any measures that could exacerbate the situation in the region.”²⁵ Analysts have noted that though Iran continues to be a geo-political rival, Egypt is more worried about Israel’s capabilities rather than Iran’s nuclear ambitions.²⁶

The statement of Egypt’s new president Mohammed Morsi on Syria during his Summit speech at Tehran, criticising the Assad regime forced a “walk-out” by the Syrian delegation. Morsi insisted that the Syrian “revolution” was an Arab revolution – like those in Tunisia, Libya, Yemen – which was against the Iranian stance that these popular uprisings are similar to the 1979 Islamic revolution. Egypt’s stance on Syria illustrates the fact that despite the significance of the presence of an Egyptian President on Iranian soil for the first time in over 30 years, significant policy differences remain between Cairo and Tehran.

Looking Ahead

The Tehran Declaration adopted in the aftermath of the Summit affirms that “States’ choices and decisions, in the field of peaceful uses of nuclear technology and their fuel cycle policies, including those of the Islamic Republic of Iran, must be respected.” It further states that attack or threat of attack against peaceful nuclear facilities “constitutes a grave violation of international law, of the principles and purposes of the Charter of the United Nations, and of regulations of the IAEA.” And it calls for a “comprehensive, multilaterally negotiated legal instrument” prohibiting such attacks.²⁷ These formulations are in tune with long-held NAM positions.

While Iran’s engagement with the IAEA and the P5+1 is continuing, such engagement has not produced significant results as yet. Iran continues to insist on its “inalienable” right to produce nuclear fuel as a NPT member state while the P5+1 continue to insist on Iran stopping its uranium enrichment activities in tune with its obligations as required by numerous IAEA/UNSC resolutions. Iranian engagement with the IAEA and the P5+1, therefore, is currently at a stalemate.

There is no forward movement as regards the “structured approach” with the IAEA to discuss issues of concern, such as Parchin. Two rounds of IAEA inspections took place during January and February 2012 while three rounds of talks were held in Vienna in May, June and August. The IAEA Director General, Yukiyo Amano, made a famous visit

²⁵ See “Statement Summary”, available at <http://www.un.org/en/ga/65/meetings/generaldebate/View/SpeechView/tabid/85/smId/411/ArticleID/184/reftab/231/t/Egypt/Default.html>, accessed September 7, 2012.

²⁶ See Alireza Nader, “Iran and a Nuclear Weapon Free Middle East”, *Arms Control Today*, September 2011, available at http://www.armscontrol.org/2011_09/Iran_and_a_Nuclear-Weapon-Free_Middle_East, accessed March 2, 2012.

²⁷ The document is available at <http://www.nam.gov.ir/Portal/File/ShowFile.aspx?ID=6d1ea997-6620-465d-881c-e4f64970415b>, accessed September 7, 2012.

to Tehran in May, ahead of the second round of talks between Iran and the P5+1 in Baghdad, in anticipation of an agreement addressing Iran's contentious past activities, which, however, has not materialised as yet.

Parchin continues to be a hindrance, with Iran denying access to it pending agreement on a "structured approach". The August 30, 2012 report of the IAEA DG to the Board of Governors notes with concern activities near the Parchin site specifically since February 2012 borne out by satellite imagery that allegedly show efforts to "clean up" the site by Iran. These activities, according to the IAEA, include demolition of buildings, ground scaping and landscaping, among others.²⁸

Conclusion

The NAM Summit was, no doubt, an important occasion for Iran to showcase its diplomatic acceptability. On the future contours of the nuclear issue per se, it is important to note that the impact of forums such as the NAM Summit and its "consensus" formulations will likely be minimal. Iran can, however, continue to use NAM mechanisms like the Vienna Chapter or the NAM Caucus at the UNSC to more vigorously highlight its point of view. Iran's ability to make those messages count—if push comes to shove during occasions like a future IAEA/UNSC vote—will, however, be constrained by the preference and /national positions of individual NAM countries such as India and Egypt, which have been highlighted above, and the complex policy determinants guiding their choices.

To be sure, NAM countries would only have to make a call if and when a vote is required to be taken at the IAEA or the UNSC on the Iran nuclear issue. This is, of course, not a given if there is indeed some forward movement in addressing concerns over the coming months. Also, the possibility of the pursuit of multilateral punitive measures is limited in the light of the likely strong opposition from countries such as Russia, China and India, among others, as well as the current policy stance of the US and EU, which are pursuing unilateral punitive measures to "force" such cooperation from Iran.

²⁸ The report is available at http://www.isisnucleariran.org/assets/pdf/Iran_report_-_August_30_2012.pdf, accessed September 6, 2012.