Henry D. Sokolski, executive director of the Nonproliferation Policy Education Center, a non-profit group in Washington, says Iran has wanted to develop nuclear weapons since the time of the shah in the 1970s. He says that to control Iran’s behavior, the international community should strengthen its interpretation of the 1968 Nuclear Non-Proliferation Treaty (NPT) and insist that the treaty’s ban on nuclear-weapons proliferation means that uranium-enrichment technology can be restricted. The problem, he says, is that this technology can easily be adapted for military purposes.

Sokolski says that delegates at an NPT review conference in New York in May should agree on “a nuclear time-out; a moratorium on existing enrichment and reprocessing facilities that employ weapons-usable fuel. Those activities, in my mind and the minds of other experts, are not really capable of being safeguarded,” he says.

Sokolski was interviewed by Bernard Gwertzman, consulting editor for cfr.org, on April 13, 2005.

One of the major issues today is whether Iran is going to develop nuclear weapons under the guise of developing nuclear energy for peaceful purposes. There’s a Non-Proliferation Treaty review conference next month in New York, and of course, Iran will be high on the agenda. How should we deal with this problem?

I think we need to tackle Iran’s assertion of its peaceful intentions in a way that goes beyond Iran. We have to assert that the right to develop nuclear energy is qualified by the 1968 Nuclear Non-Proliferation Treaty, and that not everything that deals with peaceful nuclear energy is protected by the NPT.

Do you think Iran is determined to get nuclear weapons?

Yes. I’ve always thought that. In my service with the Department of Defense I earned a medal for outstanding public service and it was largely because at the time, in 1990, there was a presumption of approval for dual-use nuclear exports to Iran. I thought this was crazy. I mustered together the intelligence on what they were doing at the time, and it included Iran covertly approaching China, Russia, India, and Argentina to get a military production reactor. By the way, this was before Bushehr [a Iranian nuclear-power facility being built by Russia]. And there was no reason for them to be covert about this. And that pretty much made up my mind. I don’t need very good tactical proliferation intelligence. Usually the strategic intelligence is
available 10 to 20 years prior. It was there, and it still is.

Was Iran doing this because it was concerned Iraq was on the road to building nuclear weapons at that time?

Well, it wasn't so clear what the reasons were. Keep in mind, the shah [Mohammed Reza Pahlavi, leader of Iran for most of the period from 1941-79] had a bomb program when Pakistan had no weapons program, Israel was an ally, and the United States was guaranteeing Iran's security and selling it all of its arms.

I didn’t realize the shah was planning on having a bomb.

Oh, yes. You’ve got to give Persians some credit for pride. They want to be respected, among other things.

And nuclear weapons give you respect?

Unfortunately, yes. And this is what has got to change.

But isn’t it true that what Iran is doing is legal under the Non-Proliferation Treaty, developing lightly enriched uranium for peaceful purposes, which experts say could be turned quickly into weapons-grade enriched uranium? How does that jibe with the NPT?

The short answer is yes, Iran wants to be able to quickly, at any time, convert civil production to military production. And with a centrifuge uranium-enrichment program, you can produce lightly enriched uranium for power reactors one day and divert it for military application and be producing highly enriched uranium overnight.

So that's a good reason to argue that that kind of facility is not peaceful, because under the NPT, countries have an inalienable right to develop peaceful nuclear energy only in conformity with the restrictions in the treaty. And what are the restrictions? Well, first, those nations that have nuclear weapons and nuclear weapons-related technology shouldn't share it, and countries that don't have nuclear weapons shouldn't try to acquire, directly or indirectly, the means to make nuclear weapons. And there’s an additional qualification, that if you do not have nuclear weapons, and you are developing nuclear energy for civil purposes, you must submit or subject those facilities- civilian facilities- to inspection procedures that can be effective in safeguarding the facilities and materials from being diverted to make bombs.

Now, if there is a facility or material that cannot be safeguarded to prevent diversion to make nuclear weapons, then that facility or material should not be considered peaceful in the first place. An enrichment plant, or for that matter, facilities that make nuclear fuel involving weapons-usable materials- that is, separated plutonium, or highly enriched uranium- are immediately suspect as not being peaceful to begin with, and therefore, should not be seen as being protected by the NPT.

Now, there is a problem with this argument, which is that you actually do need to enrich uranium for the most popular power-production plant, called the light-water reactor. And what this suggests is that you should restrict enrichment activity as much as possible, so that you only do it if it’s economically required and technically necessary.

In the case of Iran, clearly, that's not the case for a number of reasons. And so, I think we can make a country-neutral argument that would strengthen the Non-Proliferation Treaty, a treaty to prevent the spread of nuclear weapons. The way it being interpreted today, where everyone has a right to get within several days of having an arsenal force of weapons-usable material, turns the treaty on its head. It would become a “nuclear proliferation treaty.” I don't think any lawyer that understands how to interpret a contract would ever allow that interpretation to prevail, if there was a sounder alternative that would give more meaning to the treaty's intent.
Well, how did that interpretation get into the common wisdom?

Between 1961 through 1964, at the time the treaty was being negotiated, there was a transition from a sound set of worries and a sound set of solutions to something which, to be honest, I think is unsound. And the treaty ambiguously reflects both points of view, and therefore, you have to choose how you’re going to read the treaty.

The first view was reflected in the original intent for the negotiations announced by Fred Aiken, the Irish foreign minister in 1959, when he laid down the first resolution for a nonproliferation treaty. He basically was concerned that the spread of nuclear weapons to additional states would make disarmament less likely, because it would make war, either inadvertent or deliberate, more likely.

Now that set of concerns produced the first three articles of the treaty, and they basically said, “If you have nuclear weapons, don’t give them to anyone else; if you don’t have any, don’t try to get any; and everyone should submit themselves to inspections to make sure there’s no diversion.” That was, I think, a very sound view. What happened in the mid-1960s was [the result of] impatience in getting the superpowers to agree with this treaty, compounded by a new theory of what the worry of the world was, which was that there would be an arms race between superpowers that would start the next war, and there would be what they call vertical proliferation, and that had to be blocked. And that what we really needed to do was to get countries to make sure that if they had nuclear weapons, they didn’t get many more of them, and that they didn’t try to proliferate and make them better and quicker, or more accurate. And that what we really needed to do then was to make sure that there were only finite deterrent forces, if there were nuclear weapons. Now, that theory gave rise to things like mutual assured destruction and the like.

And the 1972 Anti-Ballistic Missile Treaty that sharply limited defensive missiles.

That was part of it, because if you didn’t defend yourself, you didn’t need so many weapons to knock the other guy’s city out, and the argument was, “Well, all you want to do is kill lots of people, because that’s so frightening.” No one will do anything if they’re deterred that way. With this argument, the language of rights started to enter into the negotiations. The argument was, “Well, clearly, we would prefer the world to be totally nuclear-disarmed, but if countries do have nuclear weapons, we would prefer that they have a finite, deterrent force, a small, crude force.

We have to concede that kind of limited force does afford a certain amount of protection against aggression; therefore, if we’re going to have a treaty that will get them to forego this right, we probably need incentives to get them to not exercise their right to acquire nuclear weapons. So, what would be the incentives? Well, one would be that they have free access to the fullest exercise of the right to develop nuclear energy. The other would be that, eventually, the superpowers would disarm. And the third would be, if your neighbor gets a nuclear weapon, or if you’re not happy with the treaty, you can leave- but only with 90 days’ notice.

Now, the question for the modern-day reader of the treaty is: Do we view those rights through the lens of the restrictions of the first three articles or through the lens of rights compounded in the second part of the negotiations? The consequences of reading the treaty in a way where the rights dominate over the restrictions are that the strength of the treaty is being weakened. I think it’s time to start looking at the restrictions again.

Now, in this current atmosphere, of course, Iran is not going to agree to this interpretation.

I think we need to start worrying not so much about what Iran will or will not agree to, but what all the countries other than Iran should agree to, so we don’t let another Iran situation emerge.

So should there be some new amendments to the treaty?
No, if you read the amending processes of the treaty, you will discover it was a treaty designed never to be amended. But the original intent, the legislative history, our negotiating history, and the common sense of law should be more than adequate to bring us to a proper understanding of how to read this treaty. You know, it is not beyond the logical capabilities of man to read this agreement in the best light. We should do that.

All right, so what would be your advice to the U.S. government, for instance, which is very concerned about Iran’s nuclear weapons potential? Should the United States go to the United Nations and say Iran is breaking the spirit of the NPT, assuming some negotiated agreement can’t be worked out between the Europeans and Iran?

Well, look, all buttons should be pressed, but I hope that in the process of trying to figure out what to do about Iran, we start talking about what should be done in general beyond Iran. Because if it’s just a country-specific kind of solution that one comes up with, it may look like you’re just picking on a country. So, sure, if you can get the votes to point out that the IAEA [International Atomic Energy Agency] determination that Iran has failed to properly report its nuclear activities constitutes violation of the safeguard agreement, do it. I think it may even be worth going to the United Nations even if you don’t have the votes. But you should be doing something more than that.

What else should be done?

I think, in addition, you want to get behind some proposals that were made by the French at the NPT review conference in May of last year and were presented by the French government to the European Union. One of the things they suggest, which is gaining momentum both in the director-general’s office at the IAEA and even, finally, within the U.S. government, is that a country found in violation of its NPT obligation cannot withdraw from the treaty, or be absolved from the responsibility of previously violating the contract.

You need to get that in place, so that if Iran acts on withdrawing, it should be considered a violator of the treaty and should continue to be considered in violation even after it withdraws. That will help a little to hedge Iran in, and also, be a lesson to the others who might follow or think that Iran is a model on how to behave. I think, in addition, even the French have language about how, with regard to enrichment and reprocessing, these facilities are not to be treated as though they are a right.

You’ve talked about the need for moratoriums in a recent article.

I like moratoriums because one of the things we need is a nuclear time-out. [IAEA Director Mohammed] ElBaradei has proposed this. Bush has proposed not so much a moratorium, but a freeze.

This would be a moratorium on what?

In my view, the optimal thing to try to do would be to get agreement as soon as possible to a moratorium on the further expansion in any country of existing enrichment and reprocessing facilities that employ weapons usable fuel. Those activities, in my mind and the minds of other experts, are not really capable of being safeguarded.

Therefore, we should put a moratorium on them, because there’s really no economic need to expand those facilities right now which is a view, again, shared by Mr. Bush and Mr. ElBaradei and, privately at least, by industry. We should use a five-year period to reassess what is in fact safeguardable. Also, even the things that can be safeguarded properly aren’t getting the money and technical attention to do those safeguards properly. This period should be a way to build up the capability of the IAEA, and also, to get the IAEA out of trying to do things it cannot do.
Which countries would be affected by such a moratorium right now?

The first two countries that would be affected would be Japan and Brazil. Japan wants to build a very large industrial-scale reprocessing facility and open it at the end of this year. Brazil wants to expand an enrichment facility over the next decade. Now, there are other schemes that would be affected here in the United States. There is a desire to modernize our enrichment plants to make them more efficient. They are currently based on a very old, World War II design called “gaseous diffusion,” which uses an enormous amount of electricity. France has the same kind of system. Both in France and the United States there is a desire to make these plants more efficient by converting them to centrifuge-enrichment plants.

But, of course, even if there were a moratorium on all this, if Iran were determined to do something secret, would still be difficult to control.

There is no question that the problem I am addressing is bigger than Iran. If what you're trying to do is to stop a determined proliferator from proliferating, you end up probably doing things that are much more fundamental. Now the most popular things to do in the case of Iran strike me as probably the two most-imprudent things. Maybe that's the reason they're popular I don't know. But one of them, of course, is to just go see what you can bomb, and hope for the best, and hope war doesn't spread after you do an initial bombing run. The other is- I'm being a bit sarcastic here- to see whether or not you can hug these folks and get them to change their minds. I don't think that's in the cards, and I think that when you do that, you undermine the rules for everyone else because they get the impression, in the end, that nothing much will happen if you violate except that people will talk to you and try to, well, appease you. I mean, there really is no other way to describe this.

So, those two options are not terribly attractive, in the end- although they're very attractive in the short run and people get excited about them. My hunch is that what you're going to have to do with Iran is much the same as what you're going to have to do with North Korea, a country which claims it has nuclear weapons now. You're going to have to wait them out, kind of like what we did with the Soviet Union. You're going to have to hope for a regime that's not as hostile, and you're going to have to work towards that end, and you're going to have to make sure that their behavior is hemmed in as much as possible. Though, if Iran does certain things we're worried about, like playing around with oil supplies, harassing shipping, or engaging in much bolder terrorism, you need routines now to be put into place to frustrate those kinds of activities or behavior. It's the same thing with North Korea, and over time, you have to hope that more natural forms of self-government come into play. That has been our best hope. Now, whether that will solve getting rid of the weapons or solve all the problems, one can debate, but it's probably the only sure way to improve matters.

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