

ADVISORY LETTER

IRAN'S NUCLEAR PROGRAMME
TOWARDS DE-ESCALATION OF A NUCLEAR CRISIS

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Foreword

At its meeting on 16 December 2011, the Advisory Council on International Affairs (AIV) decided, for the purposes of this advisory letter, to establish a joint committee consisting of Professor J.C.C. Voorhoeve (chair), Dr N. van Dam, Dr I. Duyvesteyn, Major General C. Homan (ret.), J. Ramaker (all from the Peace and Security Committee, CVV) and Ms H.M. Verrijn Stuart (AIV, Human Rights Committee). M.W.M. Waanders (executive secretary of the CVV) was appointed executive secretary of the joint committee, assisted by the trainee V.A.M. Klösters. W. Wessels of the Security Policy Department of the Ministry of Foreign Affairs was the civil service liaison officer.

International developments relating to Iran's nuclear programme are moving extremely fast. This report hence inevitably captures only a specific moment in time.

The advisory letter was adopted at the AIV's meeting on 13 April 2012.

Introduction

The government asked the AIV, partly at the request of the House of Representatives of the States General, to produce an advisory report on Iran's position in the region and the role of its nuclear programme in regional geopolitical relations, taking the most recent developments into account.

To properly appreciate the significance of Iran's nuclear programme, it is first essential to examine its domestic political situation, including Iran's self-image and its attitude to the outside world. The AIV will also describe the development of the country's domestic political forces over the past few years, before considering more closely Iran's foreign policy objectives and its position in the region.

The account of Iran's domestic political situation and its foreign policy will be followed by a discussion of its nuclear programme. This section will discuss Iran's stated motives for pursuing a civil nuclear programme, as well as public support for, and political control over, this programme in Iran. This will be followed by a review of the history of Iran's nuclear programme, international views on the nature of this programme and the threat it poses, the main diplomatic initiatives launched in this regard, the economic sanctions that have been put in place against Iran and their effectiveness, and finally, the outstanding questions of the International Atomic Energy Agency (IAEA) in relation to a possible military dimension to Iran's nuclear programme.

The conclusions and recommendations raise the question of whether new avenues can be explored, and if so how, in the diplomatic process with Iran. The AIV proposes a wider-ranging, step-by-step approach to this process, as a way out of the current impasse.

I A concise account of Iran's political history

For a proper understanding of Iranian politics, it is first necessary to consider Iran's geopolitical position and its self-image. Over the centuries, Iranians have been raised with a strong historical consciousness centring on the glory of their ancient civilisation and the power of the Persian Empire. On the other hand, successive invasions by Mongol and Arab armies have shaped Iran, over hundreds of years, into a nation that is suspicious of the outside world. Even so, despite long periods of Arab domination, Iran has never been Arabised, and it has proved itself capable of retaining its cultural identity and pride. As a result of this historical background, Iran's attitude to the outside world is characterised by suspicion and a strong sense of self-respect.¹

In modern times, Iran's sovereignty has been undermined most notably by Western powers: first by the British Empire and Russia, which fought out their battle for hegemony in Central Asia at Iran's expense, and then by the United States and the Soviet Union, which treated Iran as a pawn in their Cold War rivalry.² The Iran-Iraq war in the 1980s, in which several Arab countries and Western powers supported Iraq, did much to foster Iran's sense of alienation and its mistrust of its Arab neighbours and Western powers.³

Domestic political situation

Since the Islamic Revolution in 1979, Iran's political landscape has consisted of various factions, each seeking to maximise its influence within the Islamic political system. A RAND Corporation analysis distinguishes four factions that are loyal to the Revolution and its first spiritual leader, Ayatollah Khomeini: the 'principled' faction, traditional conservatives, pragmatic conservatives, and reformists. In this classification, the first three belong to the right wing of the political spectrum and hold conservative views of religion and society. The reformists originate from radical left-wing Islamic groups, which helped to bring down the Shah in 1979. Iran also has secular, left-wing, and nationalist political groups, which are excluded from this political system.⁴

The Supreme Leader, Ayatollah Khamenei, and the Revolutionary Guard play a pivotal role in the Islamic political system and are a constant power factor, while the aforementioned factions are embroiled in a ceaseless struggle for political influence. Khamenei has shown himself to be a pragmatic leader, committed to preserving the Islamic-based political system and seeks to protect the Iranian government from international criticism whenever necessary.⁵

1 Volker Perthes, Ray Takeyh and Hitoshi Tanaka, 'Engaging Iran and Building Peace in the Persian Gulf Region', *The Triangle Papers* 62, The Trilateral Commission, Washington, Paris, Tokyo, 2008, p. 2.

2 Ibid., pp. 2-3.

3 Andrea Ellner, 'Iran – Challenge or Opportunity for Regional Security?', *Perceptions Journal of International Affairs*, Summer 2011, Volume XVI, No. 2, p. 9.

4 James Dobbins et al., 'Coping with a Nuclearizing Iran', *RAND Corporation*, 2011, pp. 12-14.

5 Ibid., pp. 16-17.

Iran's presidential election in June 2009 revealed a clear divergence of opinions between the two most conservative groups on the one hand (the 'principled' faction and the traditional conservatives), who threw their weight behind the incumbent president Mahmoud Ahmadinejad, and the reformists on the other, who put forward two alternative presidential candidates, Mir-Hossein Mousavi and Mehdi Karroubi. The official announcement of President Ahmadinejad's victory sparked widespread street protests in the capital, Tehran, and around the country. The reformists claimed that the government in power had stolen the election from them, and secular and nationalist groups joined the street protests, culminating in the launch of the 'Green Movement'. The result of the repressive methods used to put down the street protests, the ensuing wave of arrests, the placing of former presidential candidates Mousavi and Karroubi under house arrest, and the swift trials of demonstrators who had been detained, was the reformists' *de facto* exclusion from any further participation in the Islamic political system. The 2009 elections also greatly weakened the power position of the pragmatic conservatives, the faction of former president Ali Akbar Hashemi Rafsanjani.⁶

The parliamentary elections in March 2012 did not produce any striking shifts in Iran's political landscape. The reformists called for a boycott of these elections, because the government refused to make any concessions to the opposition, such as releasing opposition leaders Mousavi and Karroubi from house arrest. While it is true that a number of conservative critics of President Ahmadinejad's economic policy triumphed in the parliamentary elections, this is not expected to diminish the president's authority to any appreciable extent, if at all.⁷

6 Ibid., pp. 10, 15-16; Mark Fitzpatrick, 'Iran's nuclear, chemical and biological capabilities. A net assessment', *The International Institute for Strategic Studies*, London, 2011, p. 39.

7 *NRC Handelsblad*, 'Ahmadinejad komt onbeschadigd uit verkiezingen' ('Ahmadinejad emerges unscathed from elections'), 6 March 2012; *Financial Times*, 'Iran president defiant in clash with MPs', 14 March 2012.

II Iran and the region

Iran's foreign policy in relation to the Gulf region

The proud self-image of Iranians on the one hand, and their insecurity and suspicion of the outside world on the other, are also reflected in Iran's foreign policy since the Islamic revolution of 1979. Shortly after the revolution, the country's spiritual leader, Ayatollah Khomeini, called on the Arab Gulf states to follow the example of the Islamic revolution in Iran, harshly denouncing the monarchies in the Gulf region. But the revolutionary call from Tehran went largely unheeded, with the exception of the Shi'ite communities in Saudi Arabia, Kuwait and Bahrain. Unintentionally, in fact, Iran's attitude to the other Gulf states promoted closer ties among those states and fostered the establishment of the Gulf Cooperation Council (GCC). In addition, the Arab Gulf states strengthened their cooperation with the United States on security matters. Ten years after the Iranian revolution, it was clear that the attempt to export the Shi'ite revolution had failed.⁸

After the death of Ayatollah Khomeini in 1989, Iran adopted a different course on foreign policy under his successor, Ayatollah Khamenei, and the elected president Rafsanjani. Instead of exporting the Shi'ite revolution to and seeking hegemony in the Gulf region, the new focus of Iran's foreign policy was achieving stability in the region and closer cooperation in economic and security affairs. This would imply the withdrawal of US troops from the Gulf region. However, since Iraq's invasion of Kuwait in 1990, the Gulf states have attached great importance to the US military presence in the area. Although keen to develop their diplomatic and trade relations with Iran, they continued to foster good security ties with the United States as a kind of counterbalancing force, to the displeasure of the government in Tehran. Thus, the difference of opinion regarding the US military presence in the region has impeded any substantial improvement in relations between Iran and the Arab Gulf states.⁹

The election of a representative of the reformists, Mohammad Khatami, as president of Iran in 1997 presented fresh opportunities for the pursuit of a different foreign policy. Besides pursuing domestic reforms, President Khatami also wanted to rid the Islamic Republic of its international pariah status. He was therefore prepared to normalise relations with the Gulf states, even if they maintained close ties with the United States. In other words, Iran was willing to accept America's presence, including US troops, in the Persian Gulf, for the sake of improving its relations with its Arab neighbours. Strikingly, Supreme Leader Khamenei openly endorsed this change of political course.¹⁰ Khatami's 'Good Neighbour' diplomacy eventually led to the signing of a large number of mutually advantageous diplomatic, trade and security agreements between Iran and the other Gulf states. In so doing, President Khatami succeeded in switching from a polarising, ideological foreign policy in relation to the Gulf states to a pragmatic one, based on enlightened self-interest. This 'Good Neighbour' policy was broadly continued by his

8 Volker Perthes, Ray Takeyh and Hitoshi Tanaka, 'Engaging Iran and Building Peace in the Persian Gulf Region', *The Triangle Papers* 62, The Trilateral Commission, Washington, Paris, Tokyo, 2008, pp. 4-6.

9 Ibid., pp. 6-8.

10 Khamenei endorsed this policy in a speech given at the annual meeting of the Organisation of the Islamic Conference in Tehran in 1997.

successor, President Ahmadinejad. However, the US military presence in the Gulf region is a thorn in Ahmadinejad's side.¹¹

The attitude of the Arab Gulf states to Iran

The Arab Gulf states share a number of concerns about Iran's influence in the region, and in Iraq especially. These concerns are aggravated by the possibility of Iran developing a nuclear weapon. After all, such a capability might prompt Tehran to conduct itself more explicitly as a regional superpower. In the perception of the Gulf states, this could lead to Iran adopting a more assertive stance, and interfering in the domestic affairs of the Gulf states, for instance by means of incitement and propaganda, or by supporting terrorism and aggression on the part of non-state actors.¹²

President Obama recently expressed his concern about the risks of nuclear proliferation, should Iran develop nuclear weapons:

'It will not be tolerable to a number of states in that region for Iran to have a nuclear weapon and them not to have a nuclear weapon. Iran is known to sponsor terrorist organisations, so the threat of proliferation becomes that much more severe. [...] The dangers of an Iran getting nuclear weapons that then leads to a free-for-all in the Middle East is something that I think would be very dangerous for the world.'¹³

Some analysts believe that if Iran develops nuclear weapons, this could prompt Saudi Arabia, Egypt and Turkey to launch nuclear weapons programmes of their own.¹⁴

Saudi Arabia is Iran's main strategic rival in the region, and itself aspires to the status of regional superpower. It frequently plays the sectarian card, accusing Iran of agitation in the region. For instance, Iran was wrongly accused of having helped to orchestrate Shi'ite street protests against the Sunni government in Bahrain in March 2011.¹⁵ Saudi Arabia is not eager to see any rapprochement between the United States and Iran, for instance in relation to Iraq and Afghanistan, since this could damage its own strategic relations with the United States.¹⁶

11 Volker Perthes, Ray Takeyh and Hitoshi Tanaka, 'Engaging Iran and Building Peace in the Persian Gulf Region', *The Triangle Papers* 62, The Trilateral Commission, Washington, Paris, Tokyo, 2008, pp. 9-10.

12 James Dobbins et al., 'Coping with a Nuclearizing Iran', *RAND Corporation*, 2011, pp. 30-32.

13 The Atlantic, 'Obama to Iran and Israel: 'As President of the United States, I Don't Bluff'', 2 March 2012. See: <<http://www.theatlantic.com/international/archive/2012/03/obama-to-iran-and-israel-as-president-of-the-united-states-i-dont-bluff/253875/>>. Consulted on 3 April 2012.

14 James Dobbins et al., 'Coping with a Nuclearizing Iran', *RAND Corporation*, 2011, p. 43.

15 Eric S. Edelman et al., 'The Dangers of a Nuclear Iran', *Foreign Affairs*, January/February 2011, p. 70; Trita Parsi, *A Single Roll of the Dice, Obama's Diplomacy with Iran*, New Haven and London: Yale University Press 2012, p. 15.

16 James Dobbins et al., 'Coping with a Nuclearizing Iran', *RAND Corporation*, 2011, p. 33; Paul Aarts and Joris van Duijne, 'Saudi Arabia after US-Iranian Détente: Left in the Lurch?', *Middle East Policy*, Vol. XVI, No. 3, Fall 2009; Interview with Dr Paul Rusman, The Hague, 3 February 2012.

The Arab Gulf states do not form a united front against Iran. While Kuwait and Bahrain broadly follow Saudi Arabia's critical policy in respect of Iran and share the same concerns about its growing influence in the region, Qatar, Oman and the United Arab Emirates (UAE) pursue somewhat divergent foreign policies with regard to Iran. Qatar maintains good relations with the country, and increasingly articulates activist views of its own, independent of both Saudi Arabia and Iran. This activism also manifests itself as conflict mediation in the region. Oman has close historical and cultural ties as well as good trade relations with Iran. While Oman does have concerns about the possibility of Iran developing a nuclear weapon, it is more worried about Pakistan's nuclear weapon. The UAE has long maintained good relations with Iran because of Iran's sizeable investments and its own large Iranian minority (which numbers 500,000). Even so, the UAE is cooperating in the United States' sanctions against Iranian banks and individuals with links to the Revolutionary Guard. At the same time, the UAE has a territorial dispute with Iran about certain islands in the Persian Gulf.¹⁷

The fall of Saddam Hussein and the Shi'ite dominance in Iraq's current regime do not mean that Iraq and Iran are now natural allies. Cultural and linguistic differences limit Iran's influence on events in Iraq. Historical Arab and Kurdish suspicions of an Iran ruled by Persians and the Iran-Iraq war of the 1980s are still prominent in Iraq's collective consciousness. What is more, the Islamic political system in Iran is by no means seen as a model for the developing political system in Iraq. Most of Iraq's Shi'ite leaders reject the political authority of Iran's Supreme Leader. It is not impossible that Iran may start interfering more actively in Iraq's internal politics.¹⁸

Israel

Aside from the concerns felt by the Arab Gulf states, Israel too is worried about Iran's growing influence in the region, especially in Lebanon and Gaza. President Ahmadinejad's visit to South Lebanon in 2010 was interpreted in Israeli government circles as a clear message that Iran is seeking to achieve regional dominance.¹⁹

Turkey

Turkey's attitude towards Iran is a mixture of partnership and rivalry. Turkey maintains good trade relations with Iran and defends Iran's right to its own nuclear programme. At the same time, however, Turkey is concerned about Iran's regional aspirations, in particular its interference in Iraq and the Palestinian question.²⁰

17 James Dobbins et al., 'Coping with a Nuclearizing Iran', *RAND Corporation*, 2011, pp. 37-39.

18 Ibid., pp. 59-61; Paul Aarts and Joris van Duijne, 'Saudi Arabia after US-Iranian Détente: Left in the Lurch?', *Middle East Policy*, Vol. XVI, No. 3, Fall 2009, p. 66.

19 See also the following section on the attitude adopted by Israel.

20 James Dobbins et al., 'Coping with a Nuclearizing Iran', *RAND Corporation*, 2011, pp. 50-52.

III Iran and its nuclear programme

Domestic perceptions

How do the Iranians themselves view their country's nuclear programme? First, it is important to note that Iran itself has never stated that it is working on a nuclear weapons programme, and so the public debate in Iran relates only to its civil nuclear programme. In a Gallup opinion poll carried out in December 2011 and January 2012, 57% of Iranians questioned expressed their support for the development of a civil nuclear programme, while 19% opposed it. It should be noted that 40% of those polled were in favour of 'Iran developing its own nuclear power capabilities for military use', while 35% were against this option.²¹ According to a different opinion poll, carried out by the International Peace Institute in December 2010, 7 out of 10 Iranians questioned were in favour of 'their country developing and possessing nuclear weapons'. According to this poll, public support for Iran possessing a nuclear capability had risen by almost 20% in 18 months, in a period during which the international controversy about Iran's nuclear programme had intensified.²² These opinion polls suggest that there is widespread social and political support within Iran, including among the reformists, for a civil nuclear programme. They also suggest that there is considerable support among the Iranian public, albeit fluctuating from one period to another, for the country developing its own nuclear weapons. The AIV would note that this support may be linked to the threat of a military attack on Iran.

Within Iran, the debate on the country's civil nuclear programme focuses on several arguments:

1. *Nuclear apartheid*: Iranians find it hard to understand why their country should be treated differently from other states that have a civil nuclear programme or that even possess nuclear weapons. Iran is party to the Non-Proliferation Treaty (NPT), which entitles countries to have their own civil nuclear programme, providing they observe the Safeguards Agreement with the IAEA.
2. The economic argument: Oil and gas stocks are finite, and Iran consumes an ever higher proportion of these resources itself. More nuclear energy would mean the availability of more oil and gas in the future, including for export.²³
3. The *geopolitical argument*: Iran sees itself as a regional superpower, and a nuclear programme is appropriate to this status.²⁴

21 See: <<http://www.gallup.com/poll/152633/Iranians-Split-Nuclear-Military-Power.aspx>>. Consulted on 21 March 2012.

22 See: <<http://www.ipinst.org/index.php/events/panel-discussions/details/256-iran-lebanon-israelis-and-palestinians-new-ipi-opinion-polls.html>>. Consulted on 15 March 2012.

23 It is worth adding that it is questionable whether Iran possesses sufficient stocks of uranium to keep its nuclear energy programme running independently. See Mark Fitzpatrick, 'Iran's nuclear, chemical and biological capabilities. A net assessment', International Institute for Strategic Studies, London, 2011, p. 52.

24 Interview with Paul Aarts, The Hague, 3 February 2012.

Since taking office in 2005, President Ahmadinejad has presented himself as a champion of the nuclear programme. In his eyes, the programme symbolises Iran's independence and self-determination.²⁵ Iranian officials tend to emphasise the economic and technological importance of Iran's nuclear programme rather than its geopolitical significance. First, they argue that they need nuclear energy in order to reduce Iran's dependence on its finite oil and gas stocks. This argument is also advanced in the international climate debate. Second, it is felt in these circles that nuclear technology is indispensable to Iran's continuing scientific and technological development, for instance in the medical field. In other words, Iran's nuclear programme is ostensibly peaceful in nature and serves to benefit economic and scientific progress.²⁶

Political control

Political control of Iran's nuclear programme is in the hands of the Supreme National Security Council, which is chaired by the President of the Islamic Republic. All decisions made by the Council must be approved by the Supreme Leader of Iran, however, who in this way sets his stamp on foreign policy and the nuclear programme. While the late spiritual leader Khomeini long expressed his opposition to the nuclear programme on theological grounds, his successor, Ayatollah Khamenei, has expressed his support for an ambitious nuclear programme ever since taking office in 1989.²⁷ Khamenei has issued a fatwa against nuclear weapons, however, to the effect that:

'The production, stockpiling and use of nuclear weapons are forbidden under Islam and that the Islamic Republic of Iran shall never acquire these weapons.'²⁸

Khamenei has also emphasised in public, on several occasions, that the country has no intention of acquiring nuclear weapons:

'The Iranian nation has never pursued and will never pursue nuclear weapons [...] There is no doubt that the decision-makers in the countries opposing us know well that Iran is not after nuclear weapons because the Islamic Republic, logically, religiously and theoretically, considers the possession of nuclear weapons a grave sin and believes the proliferation of such weapons is senseless, destructive and dangerous.'²⁹

25 M. Warnaar, 'We belong to the future, the tyrants belong to the past – Discourse and foreign policy of the Islamic Republic of Iran', PhD dissertation, University of St Andrews, November 2011, p. 233; interview with Dr M. Warnaar, The Hague, 3 February 2012.

26 M. Warnaar, 'We belong to the future, the tyrants belong to the past – Discourse and foreign policy of the Islamic Republic of Iran', PhD dissertation, University of St Andrews, November 2011, pp. 241-242.

27 Mark Fitzpatrick, 'Iran's nuclear, chemical and biological capabilities. A net assessment', International Institute for Strategic Studies, London, 2011, p. 12.

28 IAEA Information Circular, 'Communication dated 12 September 2005 from the Permanent Mission of the Islamic Republic of Iran to the Agency'. See: <<http://www.iaea.org/Publications/Documents/Infcircs/2005/infirc657.pdf>>, p. 121. Consulted on 3 April 2012.

29 Speech by Ayatollah Khamenei to the Atomic Energy Organization of Iran (AEOI) and nuclear physicists in Tehran, 22 February 2011. See: <<http://www.presstv.ir/detail/228014.html>>. Consulted on 21 March 2012.

International reactions

For a detailed overview of the political and diplomatic history of Iran's nuclear programme, the AIV would refer to the abovementioned 2011 study by the International Institute for Strategic Studies (IISS).³⁰ The political tensions between Iran and the United States, which supported Iran's nuclear programme until the Islamic revolution in 1979, form the backdrop against which the international community's active concerns about the programme should be viewed. In the early 1990s, Iran sought support from Russia and China for the revival of its nuclear programme. However, the US government urged Russia and China to limit their cooperation with Iran's nuclear ambitions in order to prevent Iran becoming an independent nuclear power. In its study, the IISS states that in seeking to develop its nuclear research programme, Iran sought to use the expertise possessed by the network led by Pakistani nuclear scientist Abdul Qadeer Khan:

'Because of the difficulties Iran was having building and operating a test centrifuge based on the assistance it received from the A.Q. Khan network in 1989, it purchased a more substantial aid package from the same source in the mid-1990s [...] Iran has also acknowledged that its nuclear officials held a series of meetings with representatives of the Khan network in the mid-1990s to discuss technical issues and procurement matters.'³¹

In August 2002, an Iranian opposition group in exile publicised the fact that Iran was secretly building a uranium enrichment plant at Natanz and a heavy-water reactor in Arak. In February 2003, Iranian president Mohammad Khatami confirmed the existence of an enrichment plant at Natanz. The announcement drew international condemnation, and Iran was forced to engage in international negotiations. The plants in Natanz and Arak are now subject to supervision by the IAEA.

In May 2003, the Iranian government proposed secret talks with Washington with a view to normalising its relations with the United States, chiefly concerned that following the successful invasion of Iraq, Washington would now set its sights on Iran. However, the US government decided against direct negotiations with Tehran:

'Washington decided there was little to be gained from undertaking negotiations with Tehran because the "reformist" factions in the Iranian regime did not appear to control the more anti-American elements.'³²

Nevertheless, after the publication of a critical IAEA report about Iran, in June 2003, the United Kingdom, France and Germany ('the E3') took the initiative in arranging direct negotiations with Tehran. The E3's primary objective was to persuade Iran to cease all activities relating to uranium enrichment:

'As far as the Europeans were concerned, any arrangement that allowed Iran to retain enrichment or reprocessing capability – even under strict international monitoring and

30 Mark Fitzpatrick, 'Iran's nuclear, chemical and biological capabilities. A net assessment', *The International Institute for Strategic Studies*, London, 2011, pp. 7-46.

31 *Ibid.*, p. 16.

32 *Ibid.*, p. 18.

political commitments – would create an option for a future Iranian government to withdraw from the NPT and convert the facility to produce fissile material for nuclear weapons.³³

However, the Iranian government would not go beyond suspending parts of its enrichment programme. The arduous negotiations between the E3 and Iran were further complicated by the election of Tehran's mayor, Mahmoud Ahmadinejad, as president in June 2005. The E3's detailed proposal – including plans for supporting Iran's civil nuclear programme, cooperation in matters of security policy, economic and technological cooperation in areas including oil and gas, and a trade agreement with the EU – was offered to Iran's new president in August 2005. President Ahmadinejad resolutely rejected it because it imposed a requirement that Iran must suspend its nuclear programme for at least ten years (except for the construction and use of a light-water reactor and a research reactor). A Russian attempt to address some of Tehran's objections, supported by the US and the EU, proved unsuccessful, and the UN Security Council ultimately adopted a binding resolution demanding that Iran suspend all activities related to uranium enrichment.³⁴ This resolution also held out the prospect of economic sanctions.³⁵ Subsequent UN Security Council resolutions were likewise based on the demand that Iran suspend its uranium enrichment programme.³⁶

The revelation in September 2009 that Iran was secretly building a new underground uranium enrichment facility at Fordow, near the holy city of Qom, was the prelude to UN Security Council resolution 1929 (of June 2010), imposing new sanctions against Iran.³⁷

Economic sanctions

Besides the UN Security Council's sanctions against Iran, the United States, the EU, and Canada have also announced tighter unilateral sanctions, which restrict Iran's scope for doing business with international companies. For instance, Europe's two largest banks, Deutsche Bank and Commerzbank, have decided, in response to pressure from the United States, to sever their ties with Iran.

The election of Barack Obama as president of the United States seemed to hold out fresh opportunities for a rapprochement between the United States and Iran. These hopes were soon dashed, however. This might be explained by a number of factors. First, the divisions between Iran's president and the Supreme Leader and within Iranian society, which manifested themselves primarily as of President Ahmadinejad's re-election in 2009 and the large-scale protests that ensued, suggest that Iran may not yet be capable of pursuing a different course. These political divisions are illustrated by the

33 Ibid., p. 24.

34 UN Security Council resolution 1696, 31 July 2006 (14 votes in favour, 1 against – Qatar).

35 Mark Fitzpatrick, 'Iran's nuclear, chemical and biological capabilities. A net assessment', *The International Institute for Strategic Studies*, London, 2011, pp. 28-29.

36 UN Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010).

37 Mark Fitzpatrick, 'Iran's nuclear, chemical and biological capabilities. A net assessment', *The International Institute for Strategic Studies*, London, 2011, pp. 40-41.

reaction to the 'nuclear fuel swap deal' in October 2009, in which low-enriched uranium originating from Iran would be enriched by Russia up to almost 20% for use in the research reactor in Tehran (TRR). President Ahmadinejad's rivals, including the reformist leader Mousavi, rejected the proposed deal as a sell-out of Iranian interests, after which the Iranian government withdrew its initial support.³⁸

Other factors impeding a rapprochement between the United States and Iran include the opposition of the US Congress (which tends to express distinctly pro-Israel and anti-Iranian sentiments), the intransigent stance of Israel (which sees Iran as an existential threat), the attitude of Saudi Arabia (which does not welcome Iran's growing influence in the Gulf region), and opposition from Europe (most notably from France) against entering into new negotiations with Iran.³⁹

The tougher economic sanctions against Iran recently imposed by the United States⁴⁰ and the EU⁴¹ are a continuation of the approach adopted by the UN Security Council in 2006. The aim is to persuade Tehran to suspend its uranium-enrichment programme and to cooperate fully with the IAEA's investigation of all outstanding questions, including those about any activities it may be conducting that are related to nuclear weapons.

The AIV would observe that long-term international sanctions against Iran have not led to any change in behaviour on the part of the country's rulers. Iran does not now display any more openness in regard to its international obligations than in the past, let alone any greater willingness to comply.⁴²

Israel's attitude

Most Israeli politicians are convinced that Iran is trying to acquire nuclear weapons. Israel also takes account of the possibility that Iran might deploy such nuclear weapons against Israel at some point in the future. It should be noted that Israeli politicians are more concerned about this scenario than Israeli intelligence services and security experts. The latter appear to believe, in the main, that Israel's military deterrent is sufficient to keep Iran from launching an attack, nuclear or otherwise. There is widespread agreement among Israeli politicians, intelligence services, and security experts, however – judging from their public statements – on the risks to the geopolitical balance of power in the

38 Ibid., pp. 39-40.

39 Ibid., p. 36; Trita Parsi, *A Single Roll of the Dice, Obama's diplomacy with Iran*, Yale University Press, 2012.

40 *National Defense Authorization Act for Fiscal Year 2012*, pp. 350-354. See: <<http://www.gpo.gov/fdsys/pkg/BILLS-112hr1540enr/pdf/BILLS-112hr1540enr.pdf>>. Consulted on 21 March 2012.

41 Decision of the Council of the European Union of 23 January (2012/35/CFSP) concerning restrictive measures against Iran, 23 January 2012. See: <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:019:0022:0030:EN:PDF>>. Consulted on 21 March 2012.

42 Research on the effects of international sanctions in other situations reveals that such sanctions frequently have a negative impact, and are sometimes actually counterproductive. T. Whang, 'Playing to the Home Crowd: Symbolic Use of Economic Sanctions in the United States', *International Studies Quarterly*, 55, 3 (2011) pp. 787-801; Dursun Peksen and A. Cooper Drury, 'Coercive or Corrosive: The Negative Impact of Economic Sanctions on Democracy', *International Interactions*, 36, 3 (2010), pp. 240-264.

region that would arise if Iran were to acquire nuclear weapons. Iran's possession of such a capability might embolden its allies in the region, such as Hezbollah, in their militant attitude towards Israel. Speaking in a debate at the 2012 World Economic Forum in Davos, Israel's defence minister, Ehud Barak, said, 'Imagine a nuclear Iran warning that an attack on Hezbollah was an attack on Iran.'⁴³

There has been much speculation in recent months regarding the likelihood of an Israeli strike against Iran's nuclear facilities in the near future. In early November 2011, Israeli newspapers reported that Prime Minister Netanyahu was in the process of organising a government majority in favour of such a strike. But according to one Israeli expert, this news had been deliberately leaked with the aim of pressuring the international community to introduce tougher sanctions against Iran.⁴⁴ In January 2012, Israeli defence minister Barak called on the international community to impose tougher sanctions, so that 'we all will know early enough whether the Iranians are ready to give up their nuclear weapons programme'. He added: 'We are determined to prevent Iran from turning nuclear [...] It seems to us to be urgent, because the Iranians are deliberately drifting into what we call an immunity zone where practically no surgical operation could block them.'⁴⁵ The Israeli government is thus implying that it is essential to launch a military strike against Iran's nuclear facilities before Iran can make itself invulnerable to attack by using underground enrichment facilities, such as those at Fordow.

In the meantime, there are growing concerns in the United States and the United Kingdom that Israel may be planning to strike Iran's nuclear facilities. General Martin Dempsey, Chairman of the US Joint Chiefs of Staff, and UK foreign minister William Hague have both urged Israel not to attack Iran and to allow more time for the international sanctions against Iran to take effect.⁴⁶ When Prime Minister Netanyahu visited Washington at the beginning of March 2012, President Obama stated:

'We do believe that there is still a window that allows for a diplomatic resolution of the issue.'⁴⁷

Since then the Israeli government appears to have adopted a somewhat more restrained tone in its public statements.

43 World Economic Forum, session 'What if Iran Develops a Nuclear Weapon?', 27 January 2012.

See: <<http://www.weforum.org/sessions/summary/what-if-iran-develops-nuclear-weapon-0>>. Consulted on 24 February 2012.

44 *NRC Handelsblad*, 'Ook de nieuwe legerchef van Israël is tegen een aanval' ('Israel's new army chief also opposes launching strike'), 9 November 2011.

45 *The Telegraph*, 'Iran moving closer to stage where it will be too late to destroy nuclear facilities, Israel warns', 27 January 2012. See: <<http://www.telegraph.co.uk/news/worldnews/middleeast/iran/9045484/Iran-moving-closer-to-stage-where-it-will-be-too-late-to-destroy-nuclear-facilities-Israel-warns.html>>. Consulted on 3 April 2012.

46 *NRC Handelsblad*, 'VS en Britten willen geen aanval van Israël op Iran' ('US and UK oppose Israeli strike on Iran'), 20 February 2012.

47 See: <<http://newyork.cbslocal.com/2012/03/05/netanyahu-obama-meet-seem-to-keep-true-feelings-close-to-the-chest/>>. Consulted on 15 March 2012.

IV Does Iran have a nuclear weapons programme or not?

According to a study conducted by the IISS, caution must be exercised when asserting that Iran is developing a nuclear weapon.⁴⁸ The Iranian government has repeatedly spoken out against nuclear, chemical and biological weapons. Iran is party to the Geneva Protocol prohibiting the use of chemical and biological weapons (1925), the Non-Proliferation Treaty or NPT (1968), the Biological Weapons Convention (1972) and the Chemical Weapons Convention (1993). It has also signed (although not yet ratified) the Comprehensive Nuclear-Test-Ban Treaty (1996). No violations by Iran of the Biological or Chemical Weapons Convention have been recorded to date. Nor is there any evidence that Iran has breached its obligations under the NPT.

It is true, however, that Iran has either breached or been negligent in respect of IAEA regulations on the monitoring of compliance with the NPT,⁴⁹ most notably the Safeguards Agreement signed between Iran and the IAEA. From 2003 to 2005, Iran voluntarily abided by the rules of the Additional Protocol that it had signed but not ratified, but stopped doing so after the UN Security Council decided to impose sanctions against Iran. The Iranian parliament subsequently refused to ratify the Additional Protocol. In addition, Iran has occasionally refused to allow inspectors to investigate activities possibly related to nuclear weapons in facilities other than those under IAEA supervision, or has allowed them to do so only after a long delay.

Finally, it should also be noted that Iran has not yet complied with successive UN Security Council resolutions, adopted under Chapter VII of the UN Charter, demanding that Iran 'shall suspend [...] all enrichment-related, reprocessing [...] and heavy water-related activities' and that it shall comply 'fully and without qualification' with the above agreements, in particular in relation to all outstanding questions that might cause concern about a possible military dimension to Iran's nuclear programme.

In the IAEA report of 8 November 2011, the Director-General expressed his concern about this possible military dimension on the basis of a detailed analysis of all the available information. According to the IAEA, Iran has carried out the following activities:

- Efforts, some successful, to procure nuclear related and dual use equipment and materials by military related individuals and entities;
- Efforts to develop undeclared pathways for the production of nuclear material;
- The acquisition of nuclear weapons development information and documentation from clandestine nuclear supply network;
- Work on the development of an indigenous design of a nuclear weapon including the testing of components.⁵⁰

48 Mark Fitzpatrick, 'Iran's nuclear, chemical and biological capabilities. A net assessment', *The International Institute for Strategic Studies*, London, 2011, p. 119.

49 In particular by maintaining secrecy with regard to two nuclear facilities in Natanz and Arak, which were brought to light in 2002 by an Iranian opposition group.

50 IAEA report, 'Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran', 8 November 2011, p. 8.

The IAEA observes that some of the above activities are relevant to both civil and military applications, while others relate specifically to nuclear weapons. Nuclear weapons require uranium that is enriched to approximately 90%. The AIV is not aware of any evidence that Iran is working to achieve this. However, Iran is currently enriching uranium from 3.5% to almost 20% in its nuclear facility in Natanz, which it claims is for medical and scientific applications. The enrichment facility at Fordow is also being prepared to enrich uranium to 20%. Uranium enrichment from 20% to 90% can be achieved more rapidly than from 3.5% to 20%. The installations in Natanz and Fordow are both under IAEA supervision.

The IAEA also observes:

'The information indicates that prior to the end of 2003 the above activities took place under a structured programme. There are also indications that some activities relevant to the development of a nuclear explosive device continued after 2003, and that some may still be ongoing.'⁵¹

The EU Institute for Strategic Studies (EUISS) points out, in an analysis of the IAEA report, that while the agency is fairly confident in suggesting that Iran's activities were indicative of a military dimension to its nuclear programme before 2003, it is far less confident where the period since 2003 is concerned:

'Thus the systematic attempt by Iran to acquire and master the technology and components required for weaponisation dates to 2003 and earlier according to the IAEA. It is much less confident and more prone to use qualifiers when discussing such activities after 2003.'⁵²

The aforementioned IISS report, published in 2011, states as follows regarding the possibility that Iran may have a nuclear weapons programme:

'Officially, Iran declared that its nuclear programme was entirely peaceful. Privately, however, some Iranians acknowledged that the enrichment programme would create a nuclear-weapons option, which, they said, was necessary to assure Iran's status and security in a rough neighbourhood of nuclear-armed powers, including Israel, Russia, India and Pakistan, as well as US forces. At the same time, these Iranians gave assurances that only a small minority of 'hard liners' in Iran actually wanted to build nuclear weapons. The majority, they argued, recognised that building nuclear weapons would harm Iran's national interests because this would make Iran the target of international pressure and arouse hostility and fear in the region, which would create more opportunities for the US to entrench its security presence in the Persian Gulf. Instead, they said, Iran aspired to be like Japan – a country with an advanced civil nuclear programme and latent nuclear-weapons capability, but without nuclear weapons.'⁵³

51 Ibid., p. 8.

52 Rouzbeh Parsi, 'A never-ending spectacle: the IAEA report and Iran's nuclear programme', EU Institute for Strategic Studies, Paris, 10 November 2011.

53 Mark Fitzpatrick, 'Iran's nuclear, chemical and biological capabilities. A net assessment', *The International Institute for Strategic Studies*, London, 2011, p. 25.

According to its report of 24 February 2012, the IAEA believes the highest priority should be to clarify the possible military dimensions of Iran's nuclear programme. The AIV observes that uncertainties persist regarding Iran's intentions with its nuclear programme, including after the publication of the IAEA reports of 8 November 2011 and 24 February 2012, and the two IAEA inspection visits to Iran before the latter report was issued. Iran needs to cooperate in the prompt, full and unconditional clarification of all the IAEA's outstanding questions if the current impasse is to be resolved.

V Conclusions and recommendations

Since the early 1990s, there have been recurrent tensions between Iran and the international community (or parts of it) as to whether or not Iran's nuclear programme has purely peaceful intentions. The AIV knows of no evidence to suggest that Iran is currently building nuclear weapons. Nor are there any indications that Iran's leaders intend to give the country's nuclear programme a military dimension. At the same time, it must be noted that it is not certain that Iran's nuclear programme is exclusively peaceful.⁵⁴ This uncertainty will remain as long as Iran is unwilling to clarify promptly, unconditionally and in full all the IAEA's outstanding questions on the possible military dimension to its nuclear programme. This is the primary objective of the round of talks with Iran launched by the five permanent members of the UN Security Council (P5) and Germany on 14 April 2012.⁵⁵

The AIV notes that it cannot guess at the precise reasons for the Iranian leadership's refusal to be completely transparent. It can only say that the international sanctions imposed on Iran by the UN Security Council, as well as the harsher unilateral sanctions imposed by the United States, the EU and Canada, have not led to greater transparency on the part of the Iranians. The AIV believes that the economic sanctions affect Iran's economy and population, but that they do not yet appear to be having any direct impact on the rulers in Tehran.

The AIV further believes that any military action against Iran would at best delay the nuclear programme, that it would drive the programme even further underground, and that it could actually prompt Iran to convert its nuclear programme into a nuclear *weapons* programme. What is more, a military strike against nuclear facilities in Iran, which are under the supervision of the IAEA, would mean the end of the international inspections, and encourage the political and social forces within Iran to close ranks and pledge their support to the Iranian government. The AIV would further note that there may be a link between the threat of a military strike on Iran and the substantial public support within Iran for developing a nuclear weapon, as emerged from the two recent opinion polls conducted there. Leaving aside the effects of military action on international peace and security in the wider sense and on the global economy, the AIV therefore considers that taking the military option would not contribute towards finding a long-term solution to the controversy surrounding Iran's nuclear programme.

On the basis of studies and interviews, the AIV would conclude that the vast majority of government and academic researchers believe that there is no imminent risk of Iran acquiring a nuclear-weapons capability or indeed a nuclear weapon. This means there is scope to continue searching for a diplomatic solution to the outstanding questions about Iran's nuclear programme.

54 IAEA Report, 'Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran', 24 February 2012, pp. 10-11.

55 Letter from HR Catherine Ashton to H.E. Dr Saeed Jalili, 6 March 2012. See: <http://www.europa-nu.nl/id/vixkjoxt0y5/nieuws/verklaring_hoge_vertegenwoordiger_ashton?ctx=vhschxm4w6ut>. Consulted on 3 April 2012.

In the light of the impasse outlined above, the AIV favours a thorough reflection on the question of whether new avenues could be explored in the diplomatic process with Iran, and if so how. The AIV favours a wider-ranging, step-by-step approach to this process as a way out of the current impasse:

- A shift in the negotiating climate is required, in which the choice between further sanctions or – eventually – military action no longer forms the dominant discourse of the negotiators, and both sides exercise restraint in their rhetoric.
- The negotiating process should take account of national sensitivities on both sides, and of the security risks in the region as perceived by Iran. Iran merits a place as a full partner in international consultations on a range of security issues in the region.
- One route towards achieving such a process would be to agree to widen the scope of the existing negotiating agenda. This would make it possible to broach concerns on either side, outside the issue of the nuclear programme, insofar as relevant to that issue. In this connection it is important to guard against involving too many parties in the negotiation process, since this would be counterproductive.
- A package of confidence-building measures is needed to smooth the path to reopening a negotiating process geared towards finding a long-term diplomatic solution. Measures introduced one step at a time, aimed at building confidence on both sides, could help to reinvigorate this negotiating process.
- If Iran cooperates by responding to the IAEA's outstanding questions, the international community could proceed to gradually relax its economic sanctions.
- Finally, Iran could be offered help in developing other, sustainable energy sources as alternatives to its finite oil and gas stocks.

The AIV is of the opinion that it is in any case essential to gain certainty, during the negotiation process, that Iran's nuclear programme will not at some point become a nuclear weapons programme. To gain certainty on this issue, it is important to clarify the following.

- It should be acknowledged that Iran's pursuit of a peaceful nuclear programme, including uranium enrichment, would not be a contentious issue provided:
- Iran, like any other country that is party to the NPT, is completely transparent regarding the matters described in the IAEA reports. Iran should also ratify the Additional Protocol.

The AIV recommends that Dutch policy in international forums be aimed at taking the aforementioned steps towards de-escalating the nuclear crisis surrounding Iran, and that the Dutch government take advantage of its ties with Israel to warn that country's government against the dangers and counterproductive consequences of a military strike against Iran's nuclear facilities.

Request for Advice

Mr F. Korthals Altes
Chairman of the Advisory Council
on International Affairs
P.O. Box 20061
2500 EB The Hague

Date 21 November 2011
Re Request for advice on Iranian nuclear programme

Dear Mr Korthals Altes,

Introduction

On 14 September 2011, a Parliamentary debate was held in the House of Representatives of the States General on the Iranian nuclear programme. The government considers that developments concerning this programme remain a cause of serious concern. During the debate a number of MPs asked me to consult with you on the scope for a study by the Advisory Council on International Affairs on this issue. Further to our subsequent consultation, I am now writing to request that the AIV produce an advisory report on Iran's position in the region and the role of its nuclear programme in geopolitical relations in the region.

Background

After many years and countless inspections, the International Atomic Energy Agency (IAEA) remains unable to establish that Iran's nuclear programme is entirely peaceful in nature. In September 2011, the IAEA expressed concern about the possibility of a military dimension to the nuclear programme, without drawing any conclusions. If true, this would be in violation of Iran's obligations under the Nuclear Non-Proliferation Treaty (NPT), to which it is a party. The country has furthermore refused to heed resolutions adopted by the United Nations Security Council and the IAEA Board of Governors, ordering that Iran suspend its nuclear reprocessing and enrichment activities.

Iran's refusal to cooperate fully with the IAEA or to meet its international obligations is a matter of grave concern, not least because it is a threat to stability in the region. The IAEA's Director-General made the following observations in his report of 8 November 2011:

- *While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs (locations outside facilities) declared by Iran under its Safeguards Agreement, as Iran is not providing the necessary cooperation, including by not implementing its Additional Protocol, the Agency is unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities.*

- *The Agency has serious concerns regarding possible military dimensions to Iran's nuclear programme. After assessing carefully and critically the extensive information available to it, the Agency finds the information to be, overall, credible. The information indicates that Iran has carried out activities relevant to the development of a nuclear explosive device. The information also indicates that prior to the end of 2003, these activities took place under a structured programme, and that some activities may still be ongoing.*

In January 2006, the AIV produced an advisory report on strategies for combating the spread of nuclear materials ('The nuclear non-proliferation regime: the importance of an integrated, multilateral approach', No. 47, January 2006). The report included analysis of the non-proliferation issue as regards Iran and recommended, 'with regard to the crisis concerning Iran, [that the Netherlands] help in the search for a diplomatic solution, for which purpose as much joint international pressure as possible must be brought to bear on the unpredictable regime in Iran' (Recommendation 7, p. 40).

Question

Against this background, the government would request that the AIV address the following question:

Partly in view of the most recent developments, what is Iran's position in the region and what role does its nuclear programme play in geopolitical relations in the region?

Bearing in mind the start of the NPT review cycle and the frequency of IAEA reporting on the Iranian nuclear programme, the government would request that the AIV produce its advisory report by 1 April 2012.

Yours sincerely,

[signed]

Uri Rosenthal

Minister of Foreign Affairs

Background documentation (selected passages)

This annexe contains selected passages from documents that are relevant to shaping policy on Iran's nuclear programme. These passages serve merely by way of illustration, however, and are obviously part of a larger whole. Those wishing to obtain a complete picture of the documents and articles concerned may consult the original texts.

Articles from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), 1968

The NPT has been signed and ratified by all countries except for India, Israel and Pakistan. North Korea withdrew from the NPT in 2003.

Article I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

Articles from the IAEA Additional Protocol, 1996

The IAEA Additional Protocol states as follows:

‘What is the Additional Protocol to safeguards agreements?’

The Additional Protocol is a legal document granting the IAEA complementary inspection authority to that provided in underlying safeguards agreements. A principal aim is to enable the IAEA inspectorate to provide assurance about both declared and possible undeclared activities. Under the Protocol, the IAEA is granted expanded rights of access to information and sites.

An overview of the strengthened safeguards measures under Additional Protocols and comprehensive safeguards agreements follows:

Measures under Additional Protocols

- State provision of information about, and IAEA inspector access to, all parts of a State’s nuclear fuel cycle - including uranium mines, fuel fabrication and enrichment plants, and nuclear waste sites - as well as to any other location where nuclear material is or may be present.
- State provision of information on, and IAEA short-notice access to, all buildings on a nuclear site. (The Protocol provides for IAEA inspectors to have “complementary” access to assure the absence of undeclared nuclear material or to resolve questions

or inconsistencies in the information a State has provided about its nuclear activities. Advance notice in most cases is at least 24 hours. The advance notice is shorter - at least two hours - for access to any place on a site that is sought in conjunction with design information verification or ad hoc or routine inspections at that *site*. The *activities* carried out during complementary access could include examination of records, visual observation, environmental sampling, utilization of radiation detection and measurement devices, and the application of seals and other identifying and tamper-indicating devices).

- IAEA collection of environmental samples at locations beyond declared locations when deemed necessary by the Agency. (Wider area environmental sampling would require IAEA Board approval of such sampling and consultations with the State concerned).
- IAEA right to make use of internationally established communications systems, including satellite systems and other forms of telecommunication.
- State acceptance of IAEA inspector designations and issuance of multiple entry visas (valid for at least one year) for inspectors.
- State provision of information about, and IAEA verification mechanisms for, its research and development activities related to its nuclear fuel cycle.
- State provision of information on the manufacture and export of sensitive nuclear-related technologies, and IAEA verification mechanisms for manufacturing and import locations in the State.'

Operative clauses of UN Security Council resolution 1929 (2010)

Besides the clauses relating to sanctions, the following clauses are the most relevant in relation to Iran's nuclear programme.

- "1. *Affirms* that Iran has so far failed to meet the requirements of the IAEA Board of Governors and to comply with resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008);
- "2. *Affirms* that Iran shall without further delay take the steps required by the IAEA Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme, to resolve outstanding questions and to address the serious concerns raised by the construction of an enrichment facility at Qom in breach of its obligations to suspend all enrichment-related activities, and, in this context, *further affirms* its decision that Iran shall without delay take the steps required in paragraph 2 of resolution 1737 (2006);
- "3. *Reaffirms* that Iran shall cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions of the Iranian nuclear programme, including by providing access without delay to all sites, equipment, persons and documents requested by the IAEA, and *stresses* the importance of ensuring that the IAEA have all necessary resources and authority for the fulfilment of its work in Iran;
- "5. *Decides* that Iran shall without delay comply fully and without qualification with its IAEA Safeguards Agreement, including through the application of modified Code 3.1 of the Subsidiary Arrangement to its Safeguards Agreement, *calls upon* Iran to act strictly

in accordance with the provisions of the Additional Protocol to its IAEA Safeguards Agreement that it signed on 18 December 2003, *calls upon* Iran to ratify promptly the Additional Protocol, and *reaffirms* that, in accordance with Articles 24 and 39 of Iran's Safeguards Agreement, Iran's Safeguards Agreement and its Subsidiary Arrangement, including modified Code 3.1, cannot be amended or changed unilaterally by Iran, and *notes* that there is no mechanism in the Agreement for the suspension of any of the provisions in the Subsidiary Arrangement;

- "6. *Reaffirms* that, in accordance with Iran's obligations under previous resolutions to suspend all reprocessing, heavy water-related and enrichment-related activities, Iran shall not begin construction on any new uranium-enrichment, reprocessing, or heavy water-related facility and shall discontinue any ongoing construction of any uranium-enrichment, reprocessing, or heavy water-related facility;
- "9. *Decides* that Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take all necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities;
- "21. *Calls upon* all States, in addition to implementing their obligations pursuant to resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, to prevent the provision of financial services, including insurance or re-insurance, or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources if they have information that provides reasonable grounds to believe that such services, assets or resources could contribute to Iran's proliferation-sensitive nuclear activities, or the development of nuclear weapon delivery systems, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are related to such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;
- "22. *Decides* that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in Iran or subject to Iran's jurisdiction, including those of the IRGC and IRISL, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, including through illicit means, if they have information that provides reasonable grounds to believe that such business could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems or to violations of resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;
- "23. *Calls upon* States to take appropriate measures that prohibit in their territories the opening of new branches, subsidiaries, or representative offices of Iranian banks, and also that prohibit Iranian banks from establishing new joint ventures, taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction to prevent the provision of financial services if they have information that provides reasonable grounds to believe that these activities could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;

- “24. *Calls upon States to take appropriate measures that prohibit financial institutions within their territories or under their jurisdiction from opening representative offices or subsidiaries or banking accounts in Iran if they have information that provides reasonable grounds to believe that such financial services could contribute to Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;*
- “32. *Stresses the willingness of China, France, Germany, the Russian Federation, the United Kingdom and the United States to further enhance diplomatic efforts to promote dialogue and consultations, including to resume dialogue with Iran on the nuclear issue without preconditions, most recently in their meeting with Iran in Geneva on 1 October 2009, with a view to seeking a comprehensive, long-term and proper solution of this issue on the basis of the proposal made by China, France, Germany, the Russian Federation, the United Kingdom and the United States on 14 June 2008, which would allow for the development of relations and wider cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran’s nuclear programme and, inter alia, starting formal negotiations with Iran on the basis of the June 2008 proposal, and acknowledges with appreciation that the June 2008 proposal, as attached in Annex IV to this resolution, remains on the table;”*

Findings of the IAEA

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council Resolutions in the Islamic Republic of Iran, 8 November 2011

7. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities in the following declared facilities, all of which are nevertheless under Agency safeguards.
39. The Board of Governors has called on Iran on a number of occasions to engage with the Agency on the resolution of all outstanding issues in order to exclude the existence of possible military dimensions to Iran’s nuclear programme. In resolution 1929 (2010), the Security Council reaffirmed Iran’s obligations to take the steps required by the Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, and to cooperate fully with the Agency on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions to Iran’s nuclear programme, including by providing access without delay to all sites, equipment, persons and documents requested by the Agency. Since August 2008, Iran has not engaged with the Agency in any substantive way on this matter.
42. The information which serves as the basis for the Agency’s analysis and concerns, as identified in the Annex, is assessed by the Agency to be, overall, credible. The information comes from a wide variety of independent sources, including from a number of Member States, from the Agency’s own efforts and from information provided by Iran itself. It is consistent in terms of technical content, individuals and organizations involved, and time frames.
44. While some of the activities identified in the Annex have civilian as well as military applications, others are specific to nuclear weapons.

45. The information indicates that prior to the end of 2003 the above activities took place under a structured programme. There are also indications that some activities relevant to the development of a nuclear explosive device continued after 2003, and that some may still be ongoing.
48. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran is not implementing its Additional Protocol. The Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran unless and until Iran provides the necessary cooperation with the Agency, including by implementing its Additional Protocol.

Annex: Possible Military Dimensions to Iran's Nuclear Programme

17. Within its nuclear programme, Iran has developed the capability to enrich uranium to a level of up to 20% U-235, declared to be for use as fuel in research reactors. In the absence of any indicators that Iran is currently considering reprocessing irradiated nuclear fuel to extract plutonium, the Agency has, to date, focused its analysis of Iran's nuclear programme on an acquisition path involving high enriched uranium (HEU). Based on indicators observed by the Agency in connection with Iran's nuclear activities, the Agency's work has concentrated on an analysis pertinent to the development of an HEU implosion device.

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council Resolutions in the Islamic Republic of Iran, 24 February 2012

5. On 18 November 2011, the Board of Governors adopted resolution GOV/2011/69 in which, inter alia, it stressed that it was essential for Iran and the Agency to intensify their dialogue aimed at the urgent resolution of all outstanding substantive issues for the purpose of providing clarifications regarding those issues, including access to all relevant information, documentation, sites, material, and personnel in Iran. The Board also called on Iran to engage seriously and without preconditions in talks aimed at restoring international confidence in the exclusively peaceful nature of Iran's nuclear programme. In light of this, and following an exchange of letters between the Agency and Iran, it was agreed that an Agency team would visit Iran for talks.
6. From 29 to 31 January 2012, an Agency team held a first round of talks in Tehran with Iranian officials aimed at resolving all outstanding issues. During the talks:
 - The Agency explained its concerns and identified the clarification of possible military dimensions to Iran's nuclear programme as the top priority.
 - The Agency requested access to the Parchin site, but Iran did not grant access to the site at that time.
 - The Agency and Iran had an initial discussion on the approach to clarifying all outstanding issues in connection with Iran's nuclear programme, including issues to be addressed, initial actions and modalities.
 - A draft discussion paper on a structured approach to the clarification of all outstanding issues in connection with Iran's nuclear programme was prepared for further consideration.

8. During the second round of talks in Tehran, which took place from 20 to 21 February 2012:
- The Agency reiterated its request for access to Parchin. Iran stated that it was still not able to grant access to that site.
 - An intensive discussion was held on the structured approach to the clarification of all outstanding issues related to Iran's nuclear programme. No agreement was reached between Iran and the Agency, as major differences existed with respect to the approach.
 - In response to the Agency's request, Iran provided the Agency with an initial declaration in connection with the issues identified in Section C of the Annex to the Director General's November 2011 report to the Board of Governors (GOV/2011/65). Iran's declaration dismissed the Agency's concerns in relation to the aforementioned issues, largely on the grounds that Iran considered them to be based on unfounded allegations.
 - The Agency gave a presentation to Iran on the Agency's initial questions on Parchin and the foreign expert, and provided clarification of the nature of the Agency's concerns and the information available to it, in this regard.
50. While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement, as Iran is not providing the necessary cooperation, including by not implementing its Additional Protocol, the Agency is unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities.
51. The Agency continues to have serious concerns regarding possible military dimensions to Iran's nuclear programme, as explained in GOV/2011/65. Iran did not provide access to Parchin, as requested by the Agency during its two recent visits to Tehran, and no agreement was reached with Iran on a structured approach to resolving all outstanding issues in connection with Iran's nuclear programme.
52. Since the Director General's November 2011 report (GOV/2011/65), contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran continues to carry out uranium enrichment activities and has: increased the number of cascades being used to produce UF₆ enriched to 5% U-235; increased the number of cascades being used to produce UF₆ enriched to 20% U-235; and is preparing additional cascades at Fordow (FFEP) and Natanz (FEP). Iran has also announced its intention to install three new types of centrifuge at Natanz (PFEP) for R&D purposes.⁵⁶

56 The following passage from the IISS report drawn up by Mark Fitzpatrick (pp. 55-56) clarifies the process of uranium enrichment:

'In natural uranium, the percentage of the U-235 isotope is 0.7% with the remaining 99.3% almost entirely uranium-238 (U-238). Enrichment is the process of increasing the percentage of U-235 to the higher levels necessary for certain types of nuclear-reactor fuel or for use in nuclear weapons. Generally, LEU enrichment levels of 3-5% are required to fabricate fuel for light-water power reactors, while higher levels of 90% or more U-235 are most desirable for nuclear weapons.'

List of Terms

Additional Protocol	See annexe II.
Arab Gulf states	Arab states with a coastline on the Persian Gulf: Bahrain, Kuwait, Iraq, Oman, Qatar, Saudi Arabia and the UAE.
Fatwa	A legal opinion in Islam, issued by an expert on Islamic religious law.
‘Good neighbour’ diplomacy	Improving diplomatic, trade and security agreements with neighbouring countries and keeping any interference to a minimum.
Green Movement	An umbrella term for the movement and campaigns that developed in Iran in response to the re-election of President Ahmadinejad in 2009, named in reference to the symbolism that was used in the campaign conducted by former presidential candidate Mir-Hossein Mousavi.
Islamic Revolution	The revolution that took place in Iran in 1979, in which Shah Mohammed Reza Pahlavi was deposed and Ayatollah Khomeini became the Supreme Leader of the Islamic Republic of Iran.
Light-water reactor	A nuclear reactor that uses normal water as its coolant and neutron moderator. It is important to distinguish between a nuclear plant (used to generate energy, for instance, such as Bushehr in Iran) and a reactor (a facility at which the process of nuclear fission takes place, which can also be used for research purposes).
Persian Gulf	Inland sea with access to the Indian Ocean through the Straits of Hormuz.
Revolutionary Guard	The Revolutionary Guard is responsible for defending the Islamic political system within Iran. It also has substantial economic interests within Iran.
Uranium enrichment	Only 0.7% of natural uranium is uranium-235, which is the type suitable for nuclear fission processes. Enrichment is the process of increasing the percentage of uranium-235 in natural uranium. Most light-water reactors use uranium that is enriched to 3.5%. Uranium that is enriched to almost 20% is used for medical and research purposes. Uranium that is enriched to about 90% is suitable for nuclear weapons.

List of abbreviations

E3	UK, France and Germany
EU	European Union
EUISS	European Union Institute for Security Studies (EU agency)
GCC	Gulf Cooperation Council
IAEA	International Atomic Energy Agency
IISS	International Institute for Strategic Studies (UK think tank)
NPT	Non-Proliferation Treaty
P5	The five permanent members of the UN Security Council (China, France, Russia, United States, United Kingdom)
RAND	Research and Development Corporation (US think tank)
TRR	Tehran Research Reactor
UAE	United Arab Emirates
UN	United Nations

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