

The Security Council deadline myth

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Under a Safeguards Agreement concluded with the International Atomic Energy Agency – as required by the Treaty on Non-Proliferation of Nuclear Weapons – Iran agreed to allow IAEA inspectors to “verify” that no “source or special nuclear materials” are being used in furtherance of a nuclear weapons program.

During the past three years, every report Director-General Mohamed ElBaradei has made to the IAEA Board concluded that – as best he can determine – no proscribed materials have been so used.

The NPT and the IAEA Statute and the Iranian Safeguards Agreement all guarantee Iran’s “inalienable” right to conduct research into – and to enjoy all the benefits of the peaceful use of – nuclear energy.

The IAEA Statute ensures – insofar as the IAEA is able – that “source or special nuclear materials” are not used in furtherance of a military purpose as a secondary mission.

ElBaradei’s reports over the past three years are that – while he cannot be absolutely certain that there are no proscribed materials in Iran that he doesn’t know about – there are no “indications” that there are.

Nevertheless, Bush-Cheney-Bolton-Rice strong-armed the IAEA Board into reporting the entire Iranian dossier to the Security Council “for possible action.”

According to Bonkers Bolton, our representative on the Security Council:

This is a real test for the Security Council. There’s just no doubt that for close to 20 years, the Iranians have been pursuing nuclear weapons through a clandestine program that we’ve uncovered.

No doubt?

That Bolton has uncovered?

After three years of intrusive on-the-ground inspections, there is nothing but doubt, and ElBaradei hasn’t uncovered anything.

That doesn’t faze Bonkers.

If the U.N. Security Council can’t deal with the proliferation of nuclear weapons, can’t deal with the greatest threat we have with a country like Iran — that’s one of the leading state sponsors of terrorism — if the Security Council can’t deal with that, you have a real question

of what it can deal with.

Well, Article 39 of the U.N. Charter does say:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 41 provides for measures “not including the use of armed forces.”

Article 42 provides for measures including the use of armed forces.

But, Article 40 says:

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable.

Well, after three weeks of acrimonious debate, the UNSC issued a non-binding Presidential Statement, essentially “calling” upon the parties to settle their differences amongst themselves.

The Council did note “with serious concern” that “the IAEA is unable to conclude that there are no undeclared nuclear materials or activities in Iran.”

Of course, that’s a reflection on the IAEA, not on Iran.

Nevertheless, Bush-Cheney-Bolton-Rice and their neo-crazy media sycophants would have you believe that the UNSC gave Iran a “deadline” to suspend all uranium enrichment activities within 30 days – or else.

Wrong!

In words very carefully chosen, the UNSC merely “called” upon Iran to take the steps “required” by the IAEA Board so that the Board’s “outstanding questions can best be resolved and confidence built in the exclusively peaceful nature of Iran’s program.”

In effect, the UNSC remanded the “Iranian nuclear issue” to the IAEA Board for resolution. That, of course, was what China and Russia had insisted on all along.

And still insist on.

The UNSC did not address the question of whether the IAEA Board had any right under the IAEA Statute or the U.N. Charter to make such requirements.

Nor did the UNSC address the question of whether the Iranian “nuclear issue” constituted “a threat to the peace, a breach of the peace, or act of aggression.”

Worse (for Bush-Cheney-Rice-Bolton), the Presidential Statement began:

The Security Council reaffirms its commitment to the Treaty on the Non Proliferation of Nuclear Weapons and recalls the right of States Party, in conformity with articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

In other words, Iran does have the rights under the NPT it asserts and no one – not even the neo-crazies – can discriminate against them.

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