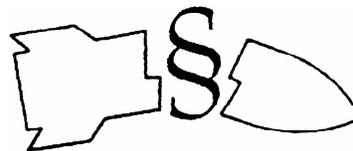


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Iran and the Role of the Security Council

Michael Spies, March 8, 2007

On February 22, 2007, the International Atomic Energy Agency (IAEA) circulated its report, in parallel to the Agency's Board of Governors and the UN Security Council, detailing Iran's failure to implement Security Council resolution 1737 (2006) and providing an update on the status of safeguards in Iran. The bottom line is that, to the surprise of none, Iran has continued with its uranium enrichment and heavy water reactor programs¹ in defiance of the Council's December 2006 decree that it cease these "proliferation sensitive nuclear activities."² The IAEA report also noted that Iran has failed to extend its cooperation with the IAEA "to resolve all outstanding issues,"³ which is necessary for the IAEA to determine the absence of undeclared nuclear activities in Iran and to provide assurances about the peaceful nature of Iran's nuclear program.

The IAEA report states that Iran has continued to operate and feed UF₆ into its centrifuges at its Pilot Fuel Enrichment Plant at Natanz, in contravention of resolution 1737.⁴ The IAEA also noted that Iran has continued its plans to install and slowly bring into operation 3000 centrifuges in the underground cascade halls at the adjacent industrial-scale Fuel Enrichment Plant.⁵ Although Iran has been providing IAEA inspectors with sufficient access in order to discharge their verification responsibilities, Iran has not yet agreed to allow the IAEA to install cameras in the cascade halls, nor has it agreed to other remote monitoring arrangements, as the IAEA notes will become required of it once the number of installed centrifuges exceeds 500.⁶

While most attention has been paid to Iran's uranium projects, resolution 1737 also required Iran to suspend any plutonium reprocessing activities and heavy water projects, including the

¹ International Atomic Energy Agency, "Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolution 1737 (2006) in the Islamic Republic of Iran: Report of the Director General," GOV/2007/8, International Atomic Energy Agency, Vienna, February 22, 2007, para. 4.

² UN Security Council resolution 1737 (2006), para. 2.

³ *Id.*, para. 8.

⁴ GOV/2007/8, paras. 4 & 28.

⁵ *Id.*, para. 7. The report notes Iran has installed two 164-machine cascades that are operating under vacuum at the Fuel Enrichment Plant, and that an additional two cascades are nearing the final stages of completion.

⁶ *Id.*, paras. 8 & 9. These "requirements" likely flow from Iran's Subsidiary Arrangements with IAEA, made pursuant to Article 39 of its NPT Safeguards Agreement, which "specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under this Agreement in an effective and efficient manner, how the procedures laid down in this Agreement are to be applied."

construction of its heavy water research reactor.⁷ While the IAEA notes there are no indications of reprocessing activities at any of Iran's declared nuclear facilities, Iran has continued construction of its heavy water research reactor at Arak and its adjacent heavy water production plant.⁸

Despite Iran's failure to fully implement the Security Council's demands, the report reiterated that the Agency has been able to account for all declared nuclear activity in Iran, stating once again that the "Agency is able to verify the non-diversion of declared nuclear material in Iran," thus satisfying the objective of its NPT-mandated safeguards agreement.⁹ Further emphasizing that Iran has been meeting its baseline NPT obligations, the report additionally noted Iran "has provided the Agency with access to declared nuclear materials and facilities, and has provided the required accountancy reports" pursuant to its safeguards agreement.¹⁰

Security Council resolution 1737 also required Iran to extend its cooperation with the IAEA necessary for the resolution of all outstanding issues related to the IAEA's investigation into Iran's past nuclear activities and safeguard violations. In correspondence with the Agency, Iran stated it would be willing to work toward resolving all outstanding issues only within the framework of the IAEA and without the "interference" of the Security Council.¹¹ Absent Iran's implementation of measures within and even beyond the scope of the Additional Protocol, which it had voluntarily implemented until February 2006, the IAEA has been unable to make any progress in its investigation.¹² The satisfactory conclusion of these questions would be necessary for the IAEA to be able to determine the presence or absence of undeclared nuclear materials or activities in Iran, a conclusion it can only make for states that implement the Additional Protocol.¹³

Dubious U.S. intentions

As the military chess pieces are put into place in the Persian Gulf, and the diplomatic dance continues in New York to determine the next steps in the Security Council, the present scenario is playing out in ways eerily reminiscent of the build up to the Iraq war. Although administration officials continue to profess they have no plans to attack Iran, reports have surfaced detailing the existence of a special planning group within the Joint Chiefs of Staff, established last year by the President and "charged with creating a contingency bombing plan for Iran that can be implemented, upon order from the President, within twenty-four hours."¹⁴ The plans reportedly comprehensively target Iran's nuclear and military infrastructure,¹⁵ and may also have been

⁷ UNSC 1737, paras. 2(a) & 2(b).

⁸ GOV/2007/8, paras. 12-13.

⁹ *Id.*, para. 27.

¹⁰ *Id.*, para 26.

¹¹ *Id.*, para 14.

¹² *Id.*, paras. 14, 25-26.

¹³ see Michael Spies, "Undeclared Nuclear Activities: Clean Bill of Health?" Lawyers' Committee on Nuclear Policy, May 4, 2006. Online at <http://www.lcnp.org/disarmament/iran/undeclared.htm>. see also "Implementation of the IAEA Safeguards Agreement in the Islamic Republic of Iran: Report of the Director General," GOV/2006/27, International Atomic Energy Agency, Vienna, April 28, 2006, para. 36.

¹⁴ Seymour Hersh, "The Redirection," *The New Yorker*, March 5, 2007.

¹⁵ "US 'attack plans' revealed," BBC news, February 20, 2007. Online at http://news.bbc.co.uk/2/hi/middle_east/6376639.stm

recently extended to include possible political targets, intended to facilitate regime change, and targets related to the alleged supply of arms to militant groups in Iraq.¹⁶

A second aircraft carrier strike group has been recently deployed to the region. While the two carrier groups, led by the U.S.S. Eisenhower and the U.S.S. Stennis, are due to be relieved in the spring, there is speculation within the military that the current force may be ordered to stay, consistent with the possibility of an air attack within the next few months.¹⁷ Another potentially revealing sign has been the assignment of the first naval officer, Admiral William Fallon, to Central Command (CENTCOM), a post encompassing all military operations in the Middle East. Given the ongoing ground operations in Iraq and the likelihood that any attack against Iran would largely depend on ship-based aircraft and missiles, this assignment has been interpreted as part of the Bush administration's strategy for Iran.¹⁸

Retired U.S. Air Force General Sam Gardiner has detailed many of the operational aspects of the administration's preparations for war. According to Gardiner, U.S. commandos, operating out of Iraq and likely in coordination with Israeli forces, have been entering Iran since 2004, planting radiation sensors and attempting to uncover information on the nuclear program.¹⁹ In 2005, the State Department created an Iran/Syria Operations Group and received \$75 million from Congress in order to promote "democracy" in Iran. Citing news reports, Gardiner notes these "democracy promotion" activities have included support of militant organizations in the provinces of Baluchistan and Kurdistan in areas where U.S. forces have operated.²⁰

The administration's drive to turn up incriminating evidence on Iran's nuclear intentions and its purported connection to attacks on coalition forces in Iraq have suffered from recent setbacks. In February, U.S. military and intelligence officers staged a media briefing, displaying a number of charges and munitions that the officials claimed could have only come from Iran. Due to the timing of the presentation, coming fourteen months after U.S. and U.K officials first charged Iran with supply munitions used in anti-coalition attacks, this evidence has been met with skepticism and has led to concern the U.S. might be shopping for a plausible casus belli.²¹ U.S. military officials subsequently acknowledged they have no evidence linking any of these claims to the Iranian government.²²

Likewise, the administration's international effort to make the case of the existence of a secret Iranian nuclear weapons program has also stumbled. While the U.S. has been conducting military operations in Iran intended to dig up incriminating evidence,²³ diplomats close to the

¹⁶ Hersh.

¹⁷ *Id.*

¹⁸ "Admiral says US needs new approach to Iraq," *The Guardian*, January 30, 2007.

¹⁹ Sam Gardiner, Colonel USAF (ret.), "The End of the 'Summer of Diplomacy': Assessing U.S. Military Options on Iran," The Century Foundation, New York, 2006, p. 9.

²⁰ *Id.*, p. 10. Gardiner based this assessment on "a wide range of press sources—U.S., Middle East, and European."

²¹ Paul Reynolds, "US claims against Iran: why now?" BBC News, February 12, 2007. Online at http://news.bbc.co.uk/2/hi/middle_east/6353489.stm.

²² "Extent of Iran-Iraq link unknown," CNN International, February 15, 2007. Online at <http://edition.cnn.com/2007/WORLD/meast/02/15/iran.iraq>; See also, Scott Shane, "U.S. has little data on Iranian unit under suspicion," *International Herald Tribune*, February 17, 2007. Online at <http://www.iht.com/articles/2007/02/17/news/web.0217.quds.php>.

²³ See Gardiner.

IAEA and knowledgeable about the agency's investigations in Iran have noted that much of the information regarding Iran's suspect nuclear weapons program, passed on by the CIA and other U.S. intelligence sources, has proven to be false.²⁴ Fresh doubts have also been cast on validity of a stolen laptop, which purportedly contains plans on how to build a nuclear warhead. Resurrecting the specter of the administration's false claims that Iraq once sought uranium from Niger, IAEA diplomats have questioned why all the technical data appears in English with no notes in Persian.²⁵ Thus far, the IAEA has not uncovered any evidence of a nuclear weapons program in Iran.

Setting aside the parallels to pre-war Iraq, throughout its 28 year-old antagonistic relationship with the government in Tehran, the U.S. government has a long established history of inflating the evidence of an emerging Iranian threat. In 2000 the National Intelligence Council informed Congress:

“In the 2001 to 2005 timeframe, we believe that Iran is more likely to develop an intermediate-range ballistic missile based on Russian technology before developing an ICBM based on that technology, because of the regional concerns I mentioned earlier....

Some analysts believe that Iran could test an ICBM or space launch vehicle patterned after the North Korean Taepo Dong-1 in the next few years. Such a system would be capable of delivering biological or chemical payloads to the United States....

Most believe that Iran could develop and test a three-stage Taepo Dong-2 type ICBM during this same timeframe, possibly with North Korean assistance. It would be capable of delivering a nuclear weapon-sized payload to the United States.”²⁶

Iran's recent test of a rocket capable of reaching space seemed poised to at least partially vindicate the intelligence community's worst case predictions on Iran.²⁷ However, analysts quickly noted that, based on the maximum altitude achieved by the rocket, its horizontal range over the ground would be about 300km—roughly the range of a Scud missile.²⁸ Thus, the military significance of this is notably and definitively lacking, and it sheds little on Iran's CIA-predicted development of either a space-launch or ICBM capability.

²⁴ Julian Borger, “US intelligence on Iran does not stand up, says Vienna sources,” *The Guardian*, February 23, 2007. Online at <http://www.guardian.co.uk/iran/story/0,,2019519,00.html>.

²⁵ *Id.*

²⁶ Robert D. Walpole, National Intelligence Officer for Strategic and Nuclear Programs, National Intelligence Council, Testimony before the U.S. Senate Subcommittee on International Security, Proliferation, and Federal Services, of the Committee on Governmental Affairs, September 21, 2000. Online at http://www.fas.org/irp/congress/2000_hr/hr_092100.html.

²⁷ “Iran rocket claim raises tensions,” BBC news, February 26, 2007. Online at http://news.bbc.co.uk/2/hi/middle_east/6394387.stm.

²⁸ Will Knight and Reuters, “Iranian rocket test has ‘little military significance,’” *New Scientist* new service, February 26, 2007. Online at <http://www.newscientisttech.com/article/dn11256-iranian-rocket-test-has-little-military-significance-.html>.

Worried about how this latent crisis might soon turn into a real confrontation, several states have quietly begun exploring options for a compromise that would allow negotiations to resume.²⁹ Reacting to threatening statements made by U.S. Vice-President Cheney, the Russian Foreign Minister declared that any use of force would be impermissible.³⁰ As negotiations continue among the P5+1 regarding the Council's response to Iran's defiance on resolution 1737, new Council member South Africa has already reportedly given Iran assurances it will oppose further sanctions.³¹ Another new member to the Council and key NAM state, Indonesia may also look to play a constructive role in steering this issue off its present collision course.

The Role of the Security Council: A Traditional View

At the behest of its Western permanent members, the Security Council has embarked on a progressive, escalatory approach that has dramatically heightened the possibility of an eventual armed confrontation. Though few would doubt the Security Council's role as the ultimate baseline for matters of compliance on an issue as crucial to global security as nuclear proliferation, the specific, and sometimes unorthodox, circumstances surrounding the Iran case necessitates a careful examination, particularly to the effects on the law.

The Council's evolving articulation of its role in (selectively) enforcing treaty compliance in the nuclear sphere is at least partially compelled (and more than certainly enabled) by the institutional deficits of the nuclear non-proliferation regime, and the lack of any standing enforcement mechanism. Verification and enforcement of the non-proliferation objectives contained in the NPT are limited, in part to maintain the balance of rights and obligations of states parties. NPT Safeguards, administered by the International Atomic Energy Agency (IAEA), are limited to verifying that no nuclear material in each non-weapon state has been diverted to weapons or unknown use. These safeguards allow for the IAEA to report a case of non-compliance to the Security Council only if nuclear material is found to have been diverted.

Setting aside the possibly intractable difficulties with compliance assessment and verification caused by the NPT's strong affirmation of the right to nuclear power, there exists quite a wide range of potential treaty and safeguards violations that do not involve diversion of nuclear material, but may bear some connection to proliferation, where the enforcement provisions are silent. Under a traditional view, the authority of the Security Council is limited to cases which have been found to constitute a threat to international peace and security. But as we have seen in the case of the Iran, which takes place what was formerly a legal vacuum, the Council's "innovative" approach has resulted in a(nother) de facto expansion of its role beyond the relatively narrow precepts of the UN Charter and has poised it to become the ultimate enforcer of global treaty regimes. Arguably, this can be seen as an extension of a recent trend where "the

²⁹ The Washington Post cites specific diplomatic approaches to Iran by Germany, Switzerland, Russia, China, and Saudi Arabia in addition to the possibility of a high level meeting between head Iranian nuclear negotiator Ali Larijani and EU Foreign Policy chief Javier Solana on a return to negotiations. Colum Lynch and Dafna Linzer, "Rice Warns Iran it Risks Further U.N. Sanctions," *Washington Post*, February 23, 2007. Online at <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/22/AR2007022200849.html>.

³⁰ "It's impermissible to use force against Iran-Lavrov," ITAR-TASS, February 27, 2007. Online at <http://www.itar-tass.com/eng/level2.html?NewsID=11291028&PageNum=0>.

³¹ Peter Fabricius, "SA likely to oppose more Iran sanctions," *The Star*, February 27, 2007. Online at http://www.iol.co.za/index.php?set_id=14&click_id=6&art_id=vn20070227051233965C246054

Council has dramatically re-conceptualized its enforcement capability to deal with threats to the peace,” flowing in particular from its response to terrorism.³²

Acting under chapter VII of the Charter, the Security Council has adopted two resolutions on the Iran nuclear situation thus far. In both resolutions, the Council declined to make any finding that the situation it faced constituted a “threat to the peace, breach of the peace, or act of aggression” as provided by Article 39; yet such a finding is necessary under an orthodox reading of the Charter for the adoption of enforcement measures under Articles 41 (sanctions) and 42 (military action). While the omission of a finding of a threat to the peace is likely intended to preclude any possible interpretation that the Council has authorized the use of force, the imposition of Article 41 measures without such a finding at best represents an innovative check on the abuse of the Council’s mandate to fulfill the political objectives of its veto-wielding permanent members.

In his book on International Organizations, Professor Jose Alvarez notes that the Charter provides the Council “considerable discretion to act whenever ‘international peace’ is threatened, regardless of whether the threatening act violates international law.”³³ He further observes that, even in apparent instances of aggression, in breach of Article 2(4), in responding the Council is not obligated to make any finding or declaration of law to that effect. After all, the Council was intended to function as a political body meant to maintain the peace, not as a legal body ensuring compliance with the world’s treaties. Prior to taking any enforcement actions, its only requirement is that it determine a situation constitutes a threat to international peace. But what of situations that do not rise to the level of a threat to the peace? Certainly in the present case it is difficult to argue the present matter rises to such a point.

Estimates vary on how long it could take Iran to acquire its first nuclear weapon, should it decide to do so, but generally range no earlier than between 4-5 years. This timeframe corresponds to the time it is expected for Iran to sufficiently build up its uranium enrichment capacity to be able to produce 25kg of uranium enriched to 90% U-235, sufficient fissile material for a single nuclear weapon.³⁴ Given this lack of imminence it would be absurd for the Council to declare this still latent capacity qualifies as a threat under Article 39. The Council’s approach on Iran has required innovation to the Council role and authority under Charter, with far reaching implications on global policy and security. The legal basis for this innovation flows in part from same innovations that have defined the Council’s evolving role in dealing with terrorism and other non-traditional threats to interstate peace.

The Role of the Security Council: Innovation and Imperialism

In resolution 1540 (2004) the Council affirmed “that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace

³² Jose Alvarez, *International Organizations as Law-makers*, Oxford University Press, 2005, p. 196.

³³ *Id.*, p. 187. Highlighting the highly selective nature of the Council engagement, Alvarez notes in fn 11, citing Wallensteen and Johansson, that “the Council failed to categorize (much less act upon) 26 of the 30 longest wars since 1946 as threats to or breaches of the peace (much less acts of aggression). Presumably in these cases the Council also failed to adopt measures under either Articles 41 and 42. While this issue of selectivity does not bear directly on the present situation with Iran, it calls into question the legitimacy of Council in intruding on matters of enforcing treaty law on matters that do not rise to the level of a threat to the peace.

³⁴ David Albright and Corey Hinderstein, “The Clock is Ticking, But How Fast?” Institute for Science and International Security, March 27, 2006. Online at <http://www.isis-online.org/publications/iran/clockticking.pdf>.

and security.”³⁵ Representing a reinterpretation of the Charter, the Council first put forward this view in a statement by the President of Council on behalf of its members on January 31, 1992.³⁶ In the context of the end of the cold war, this particular meeting of the Council, and its subsequent statement of policy, is particularly notable in that it was the first meeting of the Security Council at the level of heads of government. Relevant to the current matter of Iran, in addition to the declaration on proliferation, the Council further stated it would “take appropriate measures in the case of any violations notified to them by the IAEA.” “Appropriate measures” are widely understood to refer to the Council’s enforcement powers provided for in Articles 41 and 42 of the Charter, thus specifically presaging the Security Council as the ultimate enforcer of the nuclear non-proliferation regime.

Generally, Alvarez might defend such innovation (resolutions 1696 and 1737) as the Council adapting its role, and the Charter, to react to modern global security needs that “do not fit the mold of interstate aggression that was foremost in the minds of those who drafted the Charter.”³⁷ One could definitely point to the advent of the post-cold war expansion of peacekeeping efforts as a positive development flowing from this flexibility. These new approaches to the Council’s enforcement powers can lead to the establishment of new law and norms, not just through the direct legislative methods like those taken by the Council in resolution 1540, but through what Alvarez describes as the “normative ripples” flowing from the precedence set by such acts. Noting the difficulty in contending that specific Council enforcement measures can constitute precedents, nonetheless Alvarez maintains such measures do have normative effects and can lead to the establishment of general law.³⁸ In the face of urgent threats or ongoing humanitarian catastrophes such power, by its nature much more expedient than a laborious treaty process or ad coalition based approach, could mean the difference between tragedy and successful intervention. However, in issues likely to give rise to or otherwise create international friction, achieving the very opposite of the Council’s black letter role to maintain the peace, any role of the Council beyond that envisaged by the Charter should be carefully considered.

Issues regarding the rules of the non-proliferation and disarmament regime have great potential to lead to conflict, demonstrated by the war in Iraq and potential for war with Iran. The matter of the Security Council rewriting the rules governing the nuclear non-proliferation regime faces many complications. It is crucial to note that, in the context of the agreement on the new post-cold war world order articulated in the Council’s 1992 statement, existing nuclear arsenals—then still numbering over 50,000 in total—were not considered a threat. This is an especially ironic development as it came shortly after the world somehow survived several decades of policy based on mutually assured destruction. While many still tend to point to the post-war revitalization of the Security Council as the fulfillment of the Charter and as ushering in a new era of collective security based on the primacy of law, this narrow focus on proliferation, pushed through a body that privileges the only recognized nuclear weapon states under the NPT,

³⁵ UN Security Council resolution 1540, April 24, 2004, preambular para. 1.

³⁶ S/23500.

³⁷ Alvarez, p. 191.

³⁸ *Id.*, p. 194-5. Here Alvarez points to how the Council’s approach to counter-proliferation has been developed. Regarding precedence set by the Council’s enforcement measures, Alvarez points to various possible reasons including: 1) the tendency of operation practice in most organizations to form reliable guides for future action; and 2) the tendency for international lawyers, through interpreting the selective actions of the Council, to project “the characteristics of law” onto its actions, which over time become treated as legal precedents.

suggests more of an affirmation of the post-WWII state system and the indefinite maintenance of an unequal balance of power not reflective of the modern world's shifting demographics.

Alvarez suggests that “an effective Council may well be an imperial one,” referring to reality that the Council's enforcement functions would be untenable without the backing of its strongest members—the P5 in the historical context or the P1 in our modern era of U.S. global hegemony.³⁹ Under such a system, where law is handed down by the hegemon, any outcome that truly furthers the aspirations of the Charter or the interests of the majority of states (much less the majority of humanity) can *only* come when it furthers the material interest of that state. While this may on occasion lead to successful action in some matters, this is especially problematic in the enforcement of nuclear and security norms, where the major powers are proving apt to write and rewrite the rules as a de facto global legislature when it serves their national self-interest.

Additionally, as Alvarez noted in a recent briefing of NGOs, this can lead to other problems such as the due process concerns inherent in the Council's recent innovation of selective sanctions targeting individuals, seen most recently in resolution 1737. Given many of these legitimacy issues and other problems associated with the Council, Alvarez remarks there is a considerable basis for the argument that the Council should stick to enforcing the peace.⁴⁰ At the very least, international lawyers should be cautious about asserting as law those outcomes that are achieving through the raw exercise of power in the interest of a solitary actor.

On the specific issue of Iran, there is great cause for concern regarding the path the Council ultimately takes and its implications for the norms governing proliferation. Toward the stated purpose of preventing proliferation, the Council has now required Iran to adopt measures beyond its treaty obligations and to cease activities within its internationally recognized rights. The argument that the Council is fulfilling its assumed role in enforcing provisions of the NPT ring hollow in light of the IAEA's finding that Iran has been in compliance with its basic NPT obligations (to apply safeguards and not to divert nuclear material) for the past three years. In acting to fill a void in the tenuous law regulating the development of nuclear technology, the Council has effectively blacked-out a treaty provision agreed to by over 188 states. If this act was likely to both solve the problem of proliferation and not lead to military confrontation, the end could arguably justify the means. But in light of the ongoing failure to implement the disarmament obligation and the nature of the dispute between the U.S. and Iran, driven by political concerns rather than nuclear ones, the Security Council might not be the place to look to for further “innovation” on this and related matters.

Fears of a international legal system permanently dominated by the whims of one hyper-power might be premature and there are signs of conscious efforts to rein in the raw exercise of U.S. power through abuse of the Security Council, following the 2003 U.S. invasion of Iraq. One minor but telling example can be in found in the Council's first statement of 2007 where it reaffirmed “its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the

³⁹ *Id.*, p. 201.

⁴⁰ *Id.*

United Nations Charter.”⁴¹ In comparison to the 1991 statement the change here is subtle but profound. Stepping back from its assertion that proliferation *constitutes* a threat to the peace, here the Council signals it will act in only those situation where it finds proliferation has *caused* a threat to arise, keeping more in line with the provisions of the Charter. More importantly, the affirmation that the Council will act “in conformity with its primary responsibilities, as provided for in the United Nations Charter” suggests a real limitation to the expansive role envisioned in 1991.

In light of all this states should take the present opportunity to look to other solutions to both Iran and nuclear proliferation generally, particularly those put forward by the WMD Commission. Describing the NPT the “weakest of the treaties on WMD in terms of provisions about implementation,” the Commission’s report characterizes this problem as merely a “technical,” and one that can be largely addressing through the creation of a standing secretariat to the oversee the implementation of the treaty.⁴² Such a body could also be empowered to deal with issues of compliance not rising to the level of a threat to the peace, such as persistent reporting violations. Ultimately crucial toward preventing proliferation, the ideal role of the Security Council should be limited to addressing the root cause of proliferation, global and regional insecurity.

⁴¹ PRST/2007/1.

⁴² *Weapons of Terror: Freeing the World of Nuclear, Biological, and Chemical Arms*, Weapons of Mass Destruction Commission, Stockholm, 2006, p. 63.