

Asian Nuclear, Missile & Space Digest

Volume 4, Number 7

A Fortnightly Newsletter from the Indian Pugwash Society

April 15, 2012

Convenor

&

Editor

Dr Arvind Gupta

Executive Council

Dr Anil Kakodkar

Dr Ashok Parthasarthy

Lt Gen(Retd) Satish Nambiar

Dr R. R. Subramanian

Dr Rajiv Nayan

Dr Manpreet Sethi

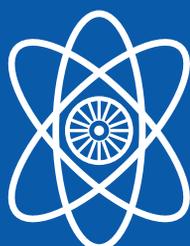
Contents

A. Iran

- Tehran Nuclear Talks Set for April in Istanbul
- Turkey, Iran, and the Bomb - Sinan Ülgen
- Russia says should be no time limit on Iran nuclear solution
- Clinton to Iran: Show that nuclear arms not sought
- Iran will not halt enrichment but will continue to cooperate with IAEA: Soltanieh
- The New Domino Theory: We're Wrong About an Iranian Nuclear Arms Race
- OUR MEN IN IRAN? – Seymour Hersh
- Iranian Officials Send Mixed Signals as Nuclear Talks Near Resumption
- 'Iran to offer new proposals at nuclear talks'
- As Nuclear Talks with Iran Restart, New Hopes for Deal
- With Iran, the courage to do...nothing – National Interest
- Iran's nuclear programme: legal debate stirs over basis for US or Israeli attack
- Hoping Tehran's 'Wily Fox' Can Help Avert War
- Iran nuclear talks open in Istanbul

B. North Korea

- North Korea Reaffirms Plan to Launch Satellite
- Japan Readies in Case Rocket From North Korea Poses Risk
- North Korea on schedule for mid-April rocket launch
- No lasting resolution to N. Korean missile crisis likely
- White House warns North Korea over missile launch
- North Korea one of many proliferation worries, expert says
- Rocket Failure May Be Test of North Korean Leader's Power
- Russia says North Korea launch contradicts U.N. council



Indian Pugwash Society

No.1, Development Enclave,
Rao Tula Ram Marg, Near USI
Delhi-110010

Tel. No (91-11) 2671-7983
Fax No. (91-11) 2615-4192

Extn 7014 & 7012
Email: indianpugwash@yahoo.com

All the articles are available from the mentioned sources in original format.

Iran

Tehran Nuclear Talks Set for April in Istanbul

By Laurence Norman, *Wall Street Journal*, March 27, 2012

Talks between Iran and six major powers on its nuclear program look set to start on April 14 in Istanbul, a senior European Union diplomat said. The so-called P5+1—which groups together the U.S., Russia, China, Germany, the U.K. and France—last met with Iran in January 2011, also in Istanbul. Those talks broke down after just a couple of days, and have been followed by a growing series of U.S. and European Union sanctions intended to choke off Iran's oil revenue and press it back to negotiations.

As part of the talks, the Obama administration and its diplomatic partners are preparing to ask Tehran to cease enriching uranium at levels dangerously close to weapons grade, said officials briefed on the plan. The U.S. and many others say the Iranian program is aimed at developing nuclear weapons. Tehran denies that charge. EU foreign-policy chief Catherine Ashton, who heads the P5+1 group, has said the talks need time. "If this is successful, it will be a sustained process," she said at a recent Brussels forum.

Mrs. Ashton has been a defender of the track approach that by intensifying sanctions, Iran could be pressured into meaningful talks. President Barack Obama recently said the window for a diplomatic solution with Iran is narrowing. Iran didn't want to meet in any country that placed sanctions on it, according to a person familiar with the discussions.

http://online.wsj.com/article/SB10001424052702303816504577307562854837268.html?mod=googlenews_wsj

Turkey, Iran, and the Bomb

Sinan Ülgen, *EURACTIV*, March 26, 2012

Turkey, along with Egypt and Saudi Arabia, are the countries most often cited as likely to develop indigenous nuclear capabilities to counter Iran. Analysts point to statements last December by Saudi Prince Turki Al-Faisal as firm evidence of this risk. Prince Turki was plain: a nuclear-armed Iran would cause Saudi Arabia to reconsider its own nuclear options. As a result, it is feared, an Iranian bomb would be the first step toward a disastrous regional proliferation cascade.

Analysts are wrong, however, to think that Turkey would automatically rush into a weapons programme. There is more at play for Turkey here. Turkish-Iranian relations are defined by a long history of rivalry, stemming from competing imperial and religious ambitions. Vying for the leadership of the Islamic world, Sunni Ottomans checked the regional ambitions of the Shiite Persians. In more recent history, Turkish officials viewed Iran with contempt because of the regime's alleged support for Islamic extremists seeking the overthrow of Turkey's secular republic. In the past decade however Turkey's ruling AK Party has publicly embraced the Islamic Republic and has sought ways to increase diplomatic and economic cooperation.

Iranian and Turkish diplomatic relations have been based on a growing economic relationship and security cooperation against common threats. Intent on leveraging this relationship, Ankara took the lead with Brazil in proposing a nuclear fuel swap deal with Tehran in May 2010. As a confidence-building measure, the proposal would have stored a large part of Iran's enriched uranium outside the

country, so as to prevent the diversion of this sensitive material for a weapons program.

Prime Minister Recep Tayyip Erdoğan has even supported Tehran's controversial nuclear enrichment program while insisting on the need for Iran to cooperate with the International Atomic Energy Agency (IAEA) to ensure the transparency of its nuclear activities.

The failure of this initiative to win support in the West frustrated Turkish policy makers and heralded a transformation in Ankara's policies. Turkey's approach was interpreted in many Western capitals as undermining the work of the international coalition built to pressure Iran. Having taken stock of the damage that this ill-timed diplomacy has done to its Western credentials, Turkey started to reconsider its position. As a signal of its firm commitment to the Alliance, Turkey eventually agreed to host NATO's early warning radar system.

The reaction from Iran was severe. In mid-December 2011, Hussein Ibrahim, the acting president of the Iranian Parliament's Foreign Policy and National Security Commission, stated that Iran would retaliate by striking the radar site in Turkey if its nuclear program was attacked. This warning came in the midst of a growing rift between Ankara and Tehran about the behaviour of the regime of Bashar al-Assad in Syria. As a result, Ankara is now faced with the prospect of Iran becoming a nuclear weapon state against the backdrop of a noticeable deterioration in the bilateral relationship.

Viewed from Ankara, a nuclear-armed Iran would undermine regional stability, a bedrock principle of Turkey's foreign and security policy. An Iran with nuclear weapons would also pose problems for Turkish foreign policy and regional ambitions. While Turkey does not feel directly threatened by Iran, if Tehran had nuclear weapons, it would certainly alter

the balance of power and upset strategic stability. Yet as threatening as a nuclear-armed Iran may be, the "domino effect" will not in itself be sufficient to trigger a Turkish decision to build a nuclear weapons program.

Turkey does not have the necessary infrastructure to produce fissile material for a nuclear weapon, nor does it have the relevant infrastructure to mine uranium, enrich uranium, or reprocess spent nuclear fuel. Without this vital infrastructure, Turkey could not indigenously manufacture the fissile core for a nuclear weapon. However, the design of first-generation nuclear weapons is relatively simple and it is likely that Turkish physicists would be technically capable of fashioning first-generation nuclear weapons if the leadership were to give the go-ahead.

The political will to proliferate is however likely to remain absent in Turkey. The country has a stellar history of nonproliferation and has signed on to every relevant IAEA and international agreement governing the spread of nuclear technology. Moreover, it is a member of NATO and a candidate for membership in the European Union.

A Turkish decision to proliferate would seriously complicate its international standing, undermine its economic resurgence, and seriously damage relations with the United States and its other NATO allies. Moreover, any Turkish move toward weaponisation would draw a harsh rebuke from the United States and would be met by the threat of sanctions if Turkey were to continue its weapons efforts.

An Iranian nuclear weapon would alter the balance of power and significantly constrain Turkish freedom of action in the region. In this event, Turkey would continue its decades' old policy of relying on NATO's nuclear policy for deterrence. It seems unlikely that Turkey would forsake its policy of pursuing soft power

solutions to foreign policy problems. If faced with a nuclear trigger, Ankara would continue to strengthen ties with the traditional guarantors of its security.

In the end, Ankara will not seek to develop an independent nuclear capability. Any nuclear arms race in the Middle East would exclude Turkey. Efforts to prevent nuclear proliferation in this region should therefore be based on reassurance to other potential proliferators about the commitment of the West to contain a nuclear armed Iran.

<http://www.carnegieendowment.org/2012/03/26/turkey-iran-and-bomb/a5dk>

Russia says should be no time limit on Iran nuclear solution

By Alexei Anishchuk, *Reuters*, March 30 2012,

NEW DELHI (Reuters) - There can be no time limit on efforts to end the confrontation over Iran's nuclear programme and Israel appears to be over-estimating the danger posed by Tehran, a senior Russian diplomat said in an interview on Thursday. Russia's point man for Iran diplomacy, Deputy Foreign Minister Sergei Ryabkov, was speaking ahead of talks between Tehran and global powers including the United States expected to resume next month after a freeze of more than a year.

Ryabkov told Reuters that Moscow was increasingly concerned that the stand-off over Iran's defiant pursuit of nuclear power despite several U.N. resolutions demanding that it desist could spark a military conflict. He said Iran had increased cooperation with the U.N. nuclear agency's efforts to make sure it is not after nuclear weapons, urging the five permanent U.N. Security Council members and Germany to display "equal readiness" for serious talks.

"What we are talking about here is just the beginning of a process," Ryabkov said of talks between Iran and the six powers, which Tehran said it expects to take place on April 13. The last round in January 2011 foundered on disputes over the agenda. The major nations are eager to get Iran to enter talks on curbing its uranium enrichment programme, which the West suspects is aimed at developing a nuclear weapons capability but Tehran says is for peaceful energy only.

"It goes without saying that in that kind of a process one cannot put a time limit," Ryabkov said in New Delhi, where President Dmitry Medvedev was attending a summit of the BRICS emerging market powers. He was dismissive of a Russian media report in mid-March that said U.S. Secretary of State Hillary Clinton asked Russian Foreign Minister Sergei Lavrov to warn Iran the April talks were its "last chance" to resolve the dispute diplomatically.

"We have never sent that kind of message to the Iranian side. Even more so we have not (done so) on anyone's behalf, so I totally reject it," Ryabkov said in English. The United States has also denied the report in the Russian daily Kommersant.

But Ryabkov expressed "growing concern" about the chances of military action, which Israel and the United States have threatened if they deem diplomacy and sanctions aimed at getting Tehran to abandon uranium enrichment at a dead end.

"The situation is worse and more dangerous than months before," he said, citing recent military exercises and naval manoeuvres, even though an Israeli official on Tuesday played down the prospect of an imminent attack. "We could experience an outbreak of conflict because of a fatal mistake by someone or just an accident of some sort. It may well happen, because the situation is so tense," Ryabkov said.

NOSMOKING GUN

"I believe that our Israeli colleagues over-estimate the degree of danger that Iran may pose," he said. "After all we have no smoking gun that underpins accusations" Iran is seeking nuclear weapons, he said. "Russia is still of the firm belief that there is no credible evidence of (a) military component in the Iranian programme." U.S. President Barack Obama has said the talks offered a chance to quiet the "drums of war", and Russia shares that hope.

But Ryabkov's upbeat evaluation of Tehran's behaviour opens the door for potential disagreement over what it will take for Tehran to show it is serious about implementing demands of the International Atomic Energy Agency and U.N. Security Council. "Iran is cooperating, now more than before, especially with the IAEA, and we need to back up this effort on Iran's part with equal readiness for serious negotiations," he said of the six powers.

Western powers believe Iran is not cooperating enough, particularly by denying the IAEA unfettered access to check intelligence suggesting there are military dimensions to Iran's nuclear work. Iran says the intelligence is forged. Russia, which built Iran's first nuclear power plant, has often stressed the need for talks and said too much pressure on Tehran was counterproductive, prompting critics to say it is helping Tehran play for time.

Russia approved four rounds of sanctions in the U.N. Security Council in recent years. But it says sanctions have exhausted their potential and criticises the United States and European Union for imposing further punishments on Tehran.

Instead, Russia has called for a step-by-step process in which Iran would take

steps to ease concerns about its nuclear programme and be rewarded with the gradual repeal of sanctions. As a first step, Ryabkov said, Iran could pledge not to introduce any more centrifuge machines in its enrichment facilities and the global powers would refrain from slapping further sanctions on Tehran.

<http://in.reuters.com/article/2012/03/29/iran-nuclear-russia-idINDEE82S0HU20120329>

Clinton to Iran: Show that nuclear arms not sought

By Bradley Klapper, *Associated Press*, April 1, 2012

ISTANBUL (AP) — U.S. Secretary of State Hillary Rodham Clinton on Sunday urged Iran to back up its declaration that Islam bars weapons of mass destruction by agreeing to a plan that would prove it does not intend to develop nuclear arms. Ahead of international talks April 13 in Istanbul on Iran's uranium enrichment program, Clinton talked strategy with Turkish Prime Minister Recep Tayyip Erdogan, who visited Tehran last week with other government officials.

"They were told that the supreme leader (Ayatollah Ali Khamenei) viewed weapons of mass destruction as religiously prohibited, as against Islam," Clinton said at a news conference. "We are meeting with the Iranians to discuss how to translate what is a stated belief into a plan of action," she said. "It is not an abstract belief, but a government policy. That government policy can be demonstrated in a number of ways. ... The international community now wants to see actions associated with that statement of belief."

She mentioned opening Iran's nuclear facilities to international inspectors and shipping out some of Iran's enriched uranium in exchange for fuel for its research reactor. Washington and its allies see Iran's nuclear program as designed to develop an atomic bomb. Tehran says the

program is for peaceful energy and research purposes.

The upcoming talks, which Clinton said would not be "an open-ended session," have taken on fresh urgency amid speculation that Israel or the U.S. could take military action later this year. Clinton has made clear that time is running out for diplomacy. Khamenei, who has the final say on all state matters, issued a religious decree in 2005 declaring nuclear weapons as "haram" or forbidden. The U.S. and its allies discount Iran's claims.

Clinton noted that the Turkish leaders had "lengthy discussions" with Iranian officials. But the U.S. and Turkey, a NATO ally, haven't seen eye to eye on the Iranian threat. Erdogan has built close economic ties with Iran and has tried to act as a go-between on the nuclear program, breaking ranks with world powers in 2010 by attempting to find a separate settlement with Tehran. The international talks have included the U.S., Britain, France, Germany, Russia and China.

Erdogan's comments upon returning from Tehran suggested further distancing from U.S. and European positions, repeating Khamenei's verdict on weapons of mass destruction. "After such a statement from such a person, I cannot claim that Iran is building a nuclear weapon," the Turkish leader said. "Does it not have the right to implement a nuclear program for peaceful means?"

<http://www.google.com/hostednews/ap/article/ALeqM5g47fSufFgp9g6SUFQ1-qOnnr3wTg?docId=bf415c6dd5274f32b8376f1952ea4343>

Iran will not halt enrichment but will continue to cooperate with IAEA: Soltanieh

Political Desk, *Tehran Times*, April 02, 2012

The Iranian ambassador to the

International Atomic Energy Agency has said that Tehran will not halt the uranium enrichment component of its nuclear program, but it will continue to cooperate with the UN nuclear watchdog. The Islamic Republic of Iran "has not been pursuing a nuclear weapon," Ambassador Ali Asghar Soltanieh said in a recent interview with Fox News.

We "will never, ever suspend our activities, including (uranium) enrichment," he added. The main bone of contention between Iran and the West is Iran's uranium enrichment program. Iran says all its nuclear activities are totally peaceful, and, as an International Atomic Energy Agency member and a nuclear Non-Proliferation Treaty signatory, it has the legal right to produce nuclear fuel for its research reactors and nuclear power plants.

Commenting on the "politicized" debate on the Parchin military site, which is located southeast of Tehran, Soltanieh stated that while Tehran is willing to cooperate with the IAEA on its nuclear energy program, it will not accede to any demand to visit its military facilities.

"We cannot permit each time any country wants to knock at the door and wants to go to our military sites," he said. Tehran rejected requests by the IAEA delegations to inspect the Parchin site during their visits to Iran from January 29 to 31 and February 21 to 22.

The Iranian envoy to the UN nuclear body went on to say that Western sanctions against Iran over its nuclear activities have been ineffective. "Sanctions have had no effect," he pointed out, adding, "We are more determined to pursue our nuclear activities."

Soltanieh also downplayed threats of a military attack against Iranian nuclear sites and reiterated that Tehran would give "a strong response with an iron fist" to any such measure. "Nobody would dare attack

Iran," he said.

<http://www.tehrantimes.com/politics/96521-iran-will-not-halt-enrichment-but-will-continue-to-cooperate-with-iaea-soltanieh>

The New Domino Theory: We're Wrong About an Iranian Nuclear Arms Race

Zachary Keck, *The National Interest*, April 05, 2012

Many in the U.S. warn that an Iranian bomb will compel its neighbors to go nuclear as well, but much like the Cold War "Domino Theory" about the spread of communism, they're wrong. Even as other issues surrounding Iran's nuclear program are debated, there is a wide-ranging consensus in the West that an Iranian bomb would precipitate a regional nuclear-arms race, if not a global one. Senators Lindsay Graham (R-SC), Robert Casey (D-PA) and Joseph Lieberman (I-CT) said as much in the pages of the Wall Street Journal in March. Similarly, British foreign secretary William Hague worries that if Iran acquires a nuclear weapon, "the most serious round of nuclear proliferation" to date would commence. And recently in the New York Times, Ari Shavit of Haaretz stated matter-of-factly that "an Iranian bomb will bring about universal nuclear proliferation."

Fortunately for mankind's sake, there is no evidence to support these apocalyptic prophecies. Although some precautionary actions might be prudent, neither history nor contemporary circumstances indicate that an Iranian atomic weapon would be a nuclear catalyst.

Historical Precedents

To begin with, fears of an impending nuclear tipping point have been a regular feature of the nuclear age. The CIA is a case in point. Whereas in 1957 the agency predicted ten countries could go nuclear

within a decade, by 1975 it concluded that "logically" nuclear proliferation would only subside when "all political actors, state and non-state, are equipped with nuclear armaments." A quarter century and one nuclear power later (both South Africa and Pakistan acquired a nuclear-weapons capability during this time, but South Africa dismantled all its nuclear weapons by 1991), CIA director George Tenet announced in 2003 that we had entered "a new world of proliferation" and warned "the 'domino theory' of the twenty-first century may well be nuclear."

The 1960s were equally remarkable. As a presidential candidate in 1960, for example, John F. Kennedy foresaw "ten, fifteen, or twenty nations" acquiring a nuclear capability by the 1964 election. The following year, the Kennedy administration was so certain a Chinese nuclear test would trigger a global wave of nuclear proliferation that it considered simply giving Beijing's neighbors "defensive nuclear weapons." Although not a single additional nuclear power emerged by 1963, President Kennedy remained "haunted by the feeling" that there would be fifteen or twenty of them by 1975 and possibly twenty-five by the end of that decade.

And yet nearly half a century after the Cuban missile crisis there are only nine nuclear-weapon states, five more than when Kennedy was elected and two of which already had advanced nuclear weapon programs during his presidency. During the same time interval, four states have voluntarily given up their nuclear arsenals and an estimated forty nations have not built them despite possessing the technical capability to do so.

Still, just because nuclear forbearance has been the norm thus far doesn't necessarily mean this will continue into the future. In fact, according to Shavit, an Iranian bomb would "force Saudi Arabia, Turkey and Egypt to acquire their own." Similarly, President Barack Obama is "almost

certain" that if Iran gets nuclear weapons, its neighbors will be "compelled" to do the same.

Once again, there's not much evidence to support these assertions. Although a few countries have built nuclear weapons because a rival acquired them, these are the exceptions to the general rule. Of the quantitative studies done on reactive proliferation, none have found a nuclear-armed rival makes a state more likely to even initiate a nuclear-weapons program, much less succeed. Furthermore, as the political scientist Jacques Hymans documents in a forthcoming book, despite the diffusion of technology, nuclear aspirants have become increasingly inefficient and unsuccessful over time.

It's therefore not surprising that in-depth case studies of Turkey's, Egypt's and Saudi Arabia's nuclear prospects have found no cause for concern. Turkey is the most capable of building nuclear weapons but already has a nuclear deterrent in the form of an estimated ninety nuclear warheads hosted on its territory for the United States. This is far more than what it is capable of producing indigenously. Additionally, it's hard to square Turkey's supposed nuclear ambitions with the recent removal of its entire stockpile of highly enriched uranium.

Egypt is far less capable of building a bomb than Turkey. Indeed, it already had a dysfunctional nuclear program during the 1960s that was abandoned despite Israel, its archenemy at the time, acquiring a nuclear capability. Even before the onset of the Arab Spring, proliferation analyst Jim Walsh argued it was "not likely that Egypt will seek, let alone acquire, nuclear weapons." In the aftermath of Mubarak's overthrow, any government in Cairo will be preoccupied with improving the lot of its people, lest it too wind up on trial. Achieving economic growth will require sustained access to foreign capital, markets and financial assistance, none of which would be forthcoming if Cairo initiated a

nuclear-weapons program.

Given its long-standing rivalry with Tehran, Saudi Arabia is certainly the most alarmed by the prospect of a nuclear-armed Iran. Moreover, Saudi Prince Turki al-Faisal, former head of intelligence and ambassador to the United States and the United Kingdom, has repeatedly warned that if Iran is allowed to get nuclear weapons, the kingdom may well do the same. Of course, this might be what a nation would say if it wanted Washington to "cut off the head of the snake" in Tehran.

In fact, as Nuclear Threat Initiative concludes, "no convincing evidence exists . . . that Saudi Arabia is attempting to develop, or has the motivation to develop, a nuclear weapons program." Similarly, in his comprehensive study that included fieldwork inside the kingdom, Ibrahim Al-Marashi found "little evidence . . . that Saudi Arabia would seek to engage directly in a regional nuclear arms race."

If Saudi Arabia did pursue nuclear weapons, however, it would be almost certain to fail. Even those most concerned about a Saudi bomb don't claim it can build one itself. Rather, they contend Riyadh will buy a ready-made nuclear deterrent from Pakistan. Pakistan's willingness to take this unprecedented action is based on pure speculation, past Saudi aid to Pakistan and a host of unsubstantiated claims, most notably those made by Mohammed al-Khilewi, a Saudi diplomat at the UN who defected in 1994. In seeking to gain asylum into the United States, al-Khilewi told U.S. authorities that in exchange for financial aid, Pakistan had agreed to provide Riyadh with a nuclear deterrent should the need ever arise.

Besides al-Khilewi's obvious motives for fabricating this story, it's doubtful Islamabad would uphold its end of the alleged bargain. After all, in the wake of 9/11 Washington gave Islamabad \$22 billion to fight terrorism and later found Osama bin Laden living amongst

Pakistan's military cadets. Furthermore, Pakistani leaders are exceedingly paranoid their nuclear arsenal would not withstand an Indian or U.S. first strike. It's therefore difficult to imagine them willingly parting with any nuclear warheads.

Even if Islamabad did have some to spare, Riyadh would be an unlikely recipient. Given the world's dependence on Saudi crude, Pakistan would be the target of exceptionally harsh and unrelenting international condemnation, including from its "all-weather friend" China, which has recently been getting 20 percent of its oil supplies from Riyadh. Iran would also be outraged and almost certain to respond by aligning itself squarely with India. Pakistani leaders have gone to great lengths to avoid this outcome, and they wouldn't suddenly invite it just to keep a promise their predecessors might have made. If Iran does acquire nuclear weapons, there's no reason to think a regional nuclear-arms race would follow. Washington and its allies have avoided this outcome in the past, and nothing suggests this time would be different.

<http://www.theatlantic.com/international/archive/2012/04/the-new-domino-theory-were-wrong-about-an-iranian-nuclear-arms-race/255489/>

OUR MEN IN IRAN?

by Seymour M. Hersh, *The New Yorker*, April 6, 2012

From the air, the terrain of the Department of Energy's Nevada National Security Site, with its arid high plains and remote mountain peaks, has the look of northwest Iran. The site, some sixty-five miles northwest of Las Vegas, was once used for nuclear testing, and now includes a counterintelligence training facility and a private airport capable of handling Boeing 737 aircraft. It's a restricted area, and inhospitable—in certain sections, the curious are warned that the site's security personnel are authorized to use deadly force, if necessary, against intruders.

It was here that the Joint Special Operations Command (JSOC) conducted training, beginning in 2005, for members of the Mujahideen-e-Khalq, a dissident Iranian opposition group known in the West as the M.E.K. The M.E.K. had its beginnings as a Marxist-Islamist student-led group and, in the nineteen-seventies, it was linked to the assassination of six American citizens. It was initially part of the broad-based revolution that led to the 1979 overthrow of the Shah of Iran. But, within a few years, the group was waging a bloody internal war with the ruling clerics, and, in 1997, it was listed as a foreign terrorist organization by the State Department. In 2002, the M.E.K. earned some international credibility by publicly revealing—accurately—that Iran had begun enriching uranium at a secret underground location.

Mohamed ElBaradei, who at the time was the director general of the International Atomic Energy Agency, the United Nations' nuclear monitoring agency, told me later that he had been informed that the information was supplied by the Mossad. The M.E.K.'s ties with Western intelligence deepened after the fall of the Iraqi regime in 2003, and JSOC began operating inside Iran in an effort to substantiate the Bush Administration's fears that Iran was building the bomb at one or more secret underground locations. Funds were covertly passed to a number of dissident organizations, for intelligence collection and, ultimately, for anti-regime terrorist activities. Directly, or indirectly, the M.E.K. ended up with resources like arms and intelligence. Some American-supported covert operations continue in Iran today, according to past and present intelligence officials and military consultants.

Despite the growing ties, and a much-intensified lobbying effort organized by its advocates, M.E.K. has remained on the State Department's list of foreign terrorist organizations—which meant that secrecy

was essential in the Nevada training. “We did train them here, and washed them through the Energy Department because the D.O.E. owns all this land in southern Nevada,” a former senior American intelligence official told me. “We were deploying them over long distances in the desert and mountains, and building their capacity in communications—coordinating comms is a big deal.” (A spokesman for J.S.O.C. said that “U.S. Special Operations Forces were neither aware of nor involved in the training of M.E.K. members.”)

The training ended sometime before President Obama took office, the former official said. In a separate interview, a retired four-star general, who has advised the Bush and Obama Administrations on national-security issues, said that he had been privately briefed in 2005 about the training of Iranians associated with the M.E.K. in Nevada by an American involved in the program. They got “the standard training,” he said, “in comms, crypto [cryptography], small-unit tactics, and weaponry—that went on for six months,” the retired general said. “They were kept in little pods.” He also was told, he said, that the men doing the training were from JSOC, which, by 2005, had become a major instrument in the Bush Administration’s global war on terror. “The JSOC trainers were not front-line guys who had been in the field, but second- and third-tier guys—trainers and the like—and they started going off the reservation. ‘If we’re going to teach you tactics, let me show you some really sexy stuff...’”

It was the ad-hoc training that provoked the worried telephone calls to him, the former general said. “I told one of the guys who called me that they were all in over their heads, and all of them could end up in trouble unless they got something in writing. The Iranians are very, very good at counterintelligence, and stuff like this is just too hard to contain.” The site in Nevada was being utilized at the same

time, he said, for advanced training of elite Iraqi combat units. (The retired general said he only knew of the one M.E.K.-affiliated group that went through the training course; the former senior intelligence official said that he was aware of training that went on through 2007.)

Allan Gerson, a Washington attorney for the M.E.K., notes that the M.E.K. has publicly and repeatedly renounced terror. Gerson said he would not comment on the alleged training in Nevada. But such training, if true, he said, would be “especially incongruent with the State Department’s decision to continue to maintain the M.E.K. on the terrorist list. How can the U.S. train those on State’s foreign terrorist list, when others face criminal penalties for providing a nickel to the same organization?”

Robert Baer, a retired C.I.A. agent who is fluent in Arabic and had worked under cover in Kurdistan and throughout the Middle East in his career, initially had told me in early 2004 of being recruited by a private American company—working, so he believed, on behalf of the Bush Administration—to return to Iraq. “They wanted me to help the M.E.K. collect intelligence on Iran’s nuclear program,” Baer recalled. “They thought I knew Farsi, which I did not. I said I’d get back to them, but never did.” Baer, now living in California, recalled that it was made clear to him at the time that the operation was “a long-term thing—not just a one-shot deal.”

Massoud Khodabandeh, an I.T. expert now living in England, who consults for the Iraqi government, was an official with the M.E.K. before defecting in 1996. In a telephone interview, he acknowledged that he is an avowed enemy of the M.E.K., and has advocated against the group. Khodabandeh said that he had been with the group since before the fall of the Shah and, as a computer expert, was deeply involved in intelligence activities as well as providing security for the M.E.K. leadership. For the past decade, he and his

English wife have run a support program for other defectors.

Khodabandeh told me that he had heard from more recent defectors about the training in Nevada. He was told that the communications training in Nevada involved more than teaching how to keep in contact during attacks—it also involved communication intercepts. The United States, he said, at one point found a way to penetrate some major Iranian communications systems. At the time, he said, the U.S. provided M.E.K. operatives with the ability to intercept telephone calls and text messages inside Iran—which M.E.K. operatives translated and shared with American signals intelligence experts. He does not know whether this activity is ongoing.

Five Iranian nuclear scientists have been assassinated since 2007. M.E.K. spokesmen have denied any involvement in the killings, but early last month NBC News quoted two senior Obama Administration officials as confirming that the attacks were carried out by M.E.K. units that were financed and trained by Mossad, the Israeli secret service. NBC further quoted the Administration officials as denying any American involvement in the M.E.K. activities. The former senior intelligence official I spoke with seconded the NBC report that the Israelis were working with the M.E.K., adding that the operations benefitted from American intelligence.

He said that the targets were not “Einsteins”; “The goal is to affect Iranian psychology and morale,” he said, and to “demoralize the whole system—nuclear delivery vehicles, nuclear enrichment facilities, power plants.” Attacks have also been carried out on pipelines. He added that the operations are “primarily being done by M.E.K. through liaison with the Israelis, but the United States is now providing the intelligence.” An adviser to the special-operations community told me that the links between the United States

and M.E.K. activities inside Iran had been long-standing. “Everything being done inside Iran now is being done with surrogates,” he said.

The sources I spoke to were unable to say whether the people trained in Nevada were now involved in operations in Iran or elsewhere. But they pointed to the general benefit of American support. “The M.E.K. was a total joke,” the senior Pentagon consultant said, “and now it’s a real network inside Iran. How did the M.E.K. get so much more efficient?” he asked rhetorically. “Part of it is the training in Nevada. Part of it is logistical support in Kurdistan, and part of it is inside Iran. M.E.K. now has a capacity for efficient operations that it never had before.”

In mid-January, a few days after an assassination by car bomb of an Iranian nuclear scientist in Tehran, Secretary of Defense Leon Panetta, at a town-hall meeting of soldiers at Fort Bliss, Texas, acknowledged that the U.S. government has “some ideas as to who might be involved, but we don’t know exactly who was involved.” He added, “But I can tell you one thing: the United States was not involved in that kind of effort. That’s not what the United States does.”

<http://www.newyorker.com/online/blogs/newsdesk/2012/04/mek.html#ixzz1s0kTuTQW>

Iranian Officials Send Mixed Signals as Nuclear Talks Near Resumption

By Alan Cowell, *New York Times*, April 9, 2012

A senior Iranian official hinted on Monday that Iran would consider limits on its home-grown stockpile of enriched uranium, offering what seemed a modest compromise to partly meet Western concerns ahead of the planned resumption this week of nuclear talks with a group of six global powers.

The senior official, Ferydoon Abbasi, the

head of the Iranian Atomic Energy Organization, was quoted by Iranian news agencies as saying that Iran was prepared to enrich uranium to a maximum 20 percent purity just to meet the needs for a medical research reactor. Mr. Abbasi was further quoted as saying that other uranium enrichment activities would be restricted to much lower levels of purity needed to fuel power generation reactors.

But in what appeared to be another set of mixed signals from Iran ahead of the talks, another high-ranking figure, Foreign Minister Ali Akbar Salehi, said Iran would not accept preconditions. Iranian news agencies quoted him as saying, "Setting conditions before the meeting means drawing conclusions, which is completely meaningless, and none of the parties will accept conditions set before the talks."

The apparent difference in tone between the remarks of Mr. Abbasi and Mr. Salehi seemed to reflect continued debate among the Iranian elite over the handling of the planned negotiations. But it was not immediately clear whether the mixed signals represented a deliberate strategy. The talks, taking place as Iran faces a tightening noose of economic sanctions that include a European oil embargo coming into force in July, are set to begin in Istanbul this week.

The reports followed days of confusing signals from Iran that at one stage looked like a derailing of the negotiations. Even on Monday, disputes seemed to persist over the date, with the Iranian news media speaking of talks on Friday and a European Union official saying they would take place on Saturday. Other reports had said the talks, which would resume those suspended in January 2011 after a deadlock, would span both days.

The talks bring together Iran and the five permanent members of the United Nations Security Council — the United States, Britain, China, France and Russia — along with Germany, the so-called P5-plus-1

countries. American and European diplomats said one demand from the Obama administration and its allies would be a halt in the production of uranium fuel that is considered just a few steps from bomb grade, and the transfer of existing stockpiles of that fuel out of the country.

Western powers would also lay out opening demands for the immediate closing and ultimate dismantling of a recently completed nuclear facility deep under a mountain, known as Fordo, near the holy city of Qum, the diplomats said. Mr. Abbasi did not refer to that demand. The official Islamic Republic News Agency quoted him as telling a television station that Tehran "does not require to enrich uranium higher than 20 percent" — possibly a reference to Western concerns that, by processing uranium to that level of purity, Iran has taken an important technological step toward enriching to levels of more than 90 percent needed for a nuclear weapon.

But, he said, Iran had "decided to improve its capabilities" in producing 20-percent-enriched uranium. He did not specify how. So far Iran has produced only about 100 kilograms of 20-percent-enriched uranium — less than required to produce a single nuclear weapon — but it has announced plans to increase production sharply in coming months.

Iran maintains that uranium enriched to 20 percent purity is needed to replenish a small nuclear reactor in Tehran used to make medical isotopes. Iranian officials have said in recent months, however, that they plan to produce more of the fuel enriched to 20 percent purity than is needed for the reactor. "They have now produced nearly enough 20 percent to fuel the Tehran research reactor for the next 20 years," one diplomat in Europe who closely follows the agency's work in Iran said in February.

Iran has insisted that its nuclear program is for peaceful purposes, while Western leaders say they suspect that Tehran is

seeking the capability to build nuclear weapons. The dispute over the location of the talks centered on Iranian concerns that Istanbul is not a neutral site. Tehran was said to regard Istanbul as compromised because of Turkey's stance on the crisis in Syria, Iran's closest regional ally, and Turkey's support for a NATO shield to block Iranian missiles. Iran had suggested other locations, including Baghdad and Beijing.

But "after weeks of debates, Iran and the six world powers agreed to attend a first meeting in Istanbul," the semi-official Fars news agency reported on Sunday, and would hold a second round of talks in Baghdad if progress was made in the initial negotiations. President Obama has advocated tough sanctions and negotiations as a strategy to pressure Iran, but has not ruled out any option. More hawkish figures in Washington and Israel have suggested that the only way to thwart what they consider Iran's ambition to achieve nuclear weapons capability is through an attack on its suspected nuclear sites.

<http://www.nytimes.com/2012/04/10/world/middleeast/iran-hints-at-shift-in-advance-of-nuclear-talks.html?ref=world>

'Iran to offer new proposals at nuclear talks'

Jerusalem Post, April 11, 2012

Saeed Jalili, Iran's chief nuclear negotiator announces that Iran plans to offer "new initiatives" in upcoming nuclear talks. Top Iranian nuclear negotiator Saeed Jalili said Wednesday that the country would put forward "new initiatives" in upcoming negotiations over its nuclear program. According to Iranian English-language state television Press TV, Jalili, who is also the secretary of Iran's Supreme National Security Council (SNSC) said, "Iran's representatives will participate in the negotiations with new initiatives and we hope that the P5+1 countries will also enter talks with constructive approaches."

"We are ready to hold progressive and successful talks on cooperation," he added before emphasizing that, "the language of threat and pressure against the Iranian nation has never yielded results but will lead to more seriousness in the attitude of the Iranian nation." The new round of nuclear talks is to take place in Istanbul on April 13-14. Earlier in the week, the nuclear issue dominated the Islamic Republic's state press.

While some reports emphasized Iran's agreement to renew negotiations did not imply any move to improve its relationship with Washington, others insisted the Islamic Republic was prepared to enrich uranium to 20 percent purity but no more.

According to the state-owned IRNA news agency, Iran's Atomic Energy Organization chief Fereydoon Abbasi-Davani said Sunday night that the country would carry out 20 percent uranium enrichment "just for its own needs" and not beyond that. The nuclear chief announced in a TV interview that Iran wanted to stockpile the more enriched fuel after it had produced enough, IRNA said.

Abbasi added that perhaps this year Iran might build a research reactor for medical isotopes, should the parliament approve the budget and that if so the remaining fuel might be used there. In the past, Iran has said it is producing the 20% enriched fuel to replenish a small nuclear reactor in Tehran that is used to make medical isotopes.

The atomic energy agency chief said that Iran had begun production of "virtual" (non-uranium) fuel destined for its Arak heavy water nuclear plant, adding that the Islamic Republic had not undertaken its achievements in virtual fuel and in the creation of a small-scale fuel assembly for "propaganda purposes."

Meanwhile on Monday, Iran's state media moved to deny reports that the Islamic Republic was moving towards improved

relations with the US. The hardline semiofficial Fars News Agency quoted Chief of Staff Seyed Hassan Firouzabadi, as he “categorically denied” that former president Ayatollah Akbar Hashemi Rafsanjani had called on Iranian leaders to resume talks with the US. The report also plays down Western media analysis that the US and its European allies are in a stronger position ahead of the nuclear talks. “It is America who is strangling itself to open negotiations with Iran,” Firouzabadi said.

<http://www.jpost.com/IranianThreat/News/Article.aspx?id=265693>

As Nuclear Talks with Iran Restart, New Hopes for Deal

Steven Erlanger, *New York Times*, April 13, 2012

Diplomats gathered here on Friday for talks with Iran about its nuclear enrichment program, with European officials suggesting that a serious commitment from Iran to negotiate may be enough to continue the talks at another round in late May.

Iran agreed to resume these talks with six major world powers — the five permanent members of the U.N. Security Council, plus Germany — after more than a year without any negotiations, raising hopes in the West that Tehran might be ready to strike a deal over its nuclear program, which it denies has any military intent.

The six do not always agree among themselves about tactics, but do want to ensure that Iran will not become a nuclear-weapons-capable state and that it will comply with its requirements under the Non-Proliferation Treaty to open its facilities to complete inspections by the International Atomic Energy Agency.

The diplomats suggested that a positive first step would be for Tehran to agree to allow the inspectors to visit all nuclear sites,

including those Iran refused to show them in February. That would help restore confidence and could be enough by itself to open the way to further talks, diplomats said. Iran has fueled Western suspicion by denying the atomic energy agency access to the Parchin military base near Tehran, where the agency says Iran may have tested explosives for warhead research. If the talks ultimately fail, both the United States and Israel have refused to rule out military action in order to stop Iran's steady enrichment of uranium to 20 percent purity, just a few technical steps from bomb-grade.

The talks opened informally Friday evening with a dinner between the chief Iranian negotiator, Saeed Jalili, and the chairman of the six powers, Catherine Ashton, the foreign-policy chief of the European Union. The two were to discuss the shape of Saturday's formal negotiations, diplomats said. Those will open with a plenary session involving all delegates from 10 a.m. until lunch. What happens later on Saturday has not yet been determined, the officials said, suggesting that the plenary session could resume or there could be smaller meetings or bilateral sessions. While the talks are scheduled to end on Saturday, they could go into Sunday, the diplomats said.

On Friday, Iran's deputy negotiator, Ali Baqeri, held separate talks with senior Chinese and Russian officials in Istanbul, and the six powers met among themselves to coordinate tactics. Russia and China have been the most reluctant of the six to press for further sanctions on Iran, and Russia's chief negotiator, Sergei Rybakov, deputy foreign minister, has urged a more moderate tone with Iran.

“We really need to find a middle course,” he told reporters on Friday. “The negotiations are about renewing confidence” and “the final destination in the near future” of the talks should be to remove sanctions against Iran, he said.

Western diplomats have expressed

cautious optimism that Iran, struggling under the vise of new sanctions on its oil exports and central bank, is ready to discuss limits on its nuclear program, especially on its enrichment to 20 percent. But the diplomats also cautioned against any specific deal here that would produce a lifting of any sanctions, other than an agreement that the talks are serious and substantive enough to continue them.

"I don't think they would come if they weren't serious," one Western diplomat said, adding that a second meeting could take place by the end of May.

But Iran's domestic media cited sources close to Iran's delegation as saying Tehran saw "few encouraging points" in the remarks of American and European officials. In Washington on Thursday, G8 foreign ministers said in a statement: "Iran's persistent failure to comply with its obligations... and to meet the requirements of the IAEA Board of Governors resolutions is a cause of urgent concern."

Iran says it is coming with new proposals of its own, and says it will not allow any preconditions for the talks. Ben Rhodes, the deputy White House national security adviser, said on Air Force One that Washington wanted a "positive environment" in the talks with Tehran showing "seriousness" about moving forward with dialogue, news agencies reported.

"I think nobody expects to resolve all differences in one meeting, but what we want is a positive environment where the Iranian government demonstrates its seriousness and its commitment to pursuing serious negotiations," he said. The Iranians needed to show how they could "build confidence" with the international community by living up to commitments to disclose details of what the West believes is a nuclear weapons program. "If they do, we would certainly explore reciprocal actions that are responsive to concrete steps by the Iranians," Mr. Rhodes said.

Washington is eager to take some of the urgency out of the Iranian confrontation and to reassure Israel that there is time for diplomacy and sanctions to work. In particular, in the next few months, Washington would like to ensure that Iran stops enriching uranium to 20 percent, ships out its existing stocks and shuts down or downgrades its enrichment site at Fordo, which, because it is built inside a mountain, would be difficult to bomb.

Iran's supreme leader, Ayatollah Ali Khamenei, is the key figure behind the scenes and authorized Mr. Jalili to resume the talks as his representative, a significant signal to the West. Ayatollah Khamenei has recently repeated his fatwa against acquiring nuclear weapons, saying that they are against Islam, which some Western experts see as a way to prepare the Iranian people for any concessions Tehran makes in these talks and those that may follow. The fatwa, however, does not address the issue of nuclear capability and could be changed if the context changes -- much as a legal decision might.

<http://www.nytimes.com/2012/04/14/world/europe/iran-resumes-talks-over-its-nuclear-program.html>

With Iran, the courage to do...nothing

By Art Keller, *CNN Blog*, April 13, 2012

As a new round of nuclear negotiations with Iran is set to begin this month, it brings up the question: In the not-unlikely event that this round of diplomacy collapses, as all previous rounds have, where would that leave the West? Is bombing Iran's nuclear facilities the unavoidable final recourse?

Despite an abundance of saber-rattling, Western leaders have yet to convincingly explain why policy toward Iran should differ from policy toward the Soviet Union during the Cold War. Did we start bombing the Soviets because they acquired nuclear capability in 1949? Even though the Soviets

regularly claimed their objective was the defeat of the West? Even though Soviets gave arms and money to proxies around the world, including direct support to terrorists? Even though they posed a far greater threat than Iran ever could? Are we doing that with North Korea? Even though the North Koreans have "the bomb" and have often used rhetoric that is even harsher than the Soviets?

No.

Nuclear capability is no guarantee of intent to use that capability. Nor has harsh anti-Western rhetoric, or even support for terrorist organizations, been a reliable guide to deciphering such intent. The Soviet Union of the 1960s was full of hope as Nikita Khrushchev came to power and proclaimed a new era. Khrushchev even managed to initiate some (wildly unsuccessful) reform policies. Yet less than 30 years later, the Soviet empire crashed under the weight of pervasive disaffection, despite President Mikhail Gorbachev's last-ditch reform attempts.

In contrast, Iran's reformers, like former President Mohammad Khatami, and the "Green Party," do not have one single major reform to their credit, successful or otherwise. Meanwhile, Iran's economy is in a steep nose-dive. Most Iranians alive today were born after the 1979 Islamic Revolution and have no personal stake in it. As they move into "middle management" over the next decade, that same rot of deep disaffection that destroyed the Soviet Union will spread with accelerating speed through Iran.

The Iranian regime's corruption and mismanagement, despite large oil revenues, make Iran's convoluted theocracy simply unsustainable in the long run, and as tight as the supreme leader's current grip on power may be, he and his cronies cannot stop the tectonic shifts undermining the Islamic Republic.

When contemplating airstrikes on Iran, our

politicians should therefore first recall that sage military maxim:

"Never interrupt your enemy when he is making a mistake."

The one thing that can give the current regime a major "shot in the arm" is a military attack on Iran. In fact, as the regime's control deteriorates, Iran's leadership may engage in provocative action designed to lure the West into conflict, solely to garner the "rally round the flag" effect.

Despite Iran's claims to the contrary, the evidence strongly suggests that the country wanted the know-how to build nuclear weapons and that its centrifuge program was constructed toward that end. That is most definitely NOT a good thing ... yet neither is it the end of the world.

With both the Soviet Union and North Korea, the West tried to implement a policy of "containment." Many Western leaders, including President Barack Obama, now decry "containment" as too passive a strategy for dealing with Iran (in the face of Israeli pressure to act).

In truth, the West's ever-tighter stranglehold on Iran's economy, access to sensitive technology and regional influence is already a de facto policy of "containment," whether the West is willing to admit to that label or not. Containment worked on the Soviet Union, and it will work on Iran, assuming we are not so impatient to see the last of the Islamic Republic that we shoot ourselves in the foot by an unnecessary armed intervention.

This is not to say there are no circumstances where strikes against Iran's nuclear facilities make sense. If Iran develops a bomb, and if the Western intelligence community develops credible information that Iran intends to use the bomb, or put it in the hands of some group that intends to use it, swift and disruptive strikes are called for. But short of that kind of damning evidence,

keeping up subtler pressure on Iran, while it may be confused for inaction, is probably the smartest way of dealing with the regime, and fortuitously, also the route that is both the cheapest and easiest to implement.

It is pointless to bomb Iran with the notion of forestalling Iranian understanding of how to build a bomb; most estimates say that Iran already knows, and some say that Iran knew how as far back as 2004. If the goal is to keep Iran from going the last step and actually making a bomb, there are still several unmistakable "redlines" that Iran would have to cross before that could happen.

First, Iran would need to quit the Non-Proliferation Treaty, then eject international inspectors, and then spend months enriching uranium, just to have enough for one bomb. There is plenty of time to target Iran's nuclear facilities, if and when Iran crosses those redline.

The alternative - airstrikes on Iran before it withdraws from the treaty and kicks out inspectors (yet another pre-emptive war to guard against hypothetical weapons of mass destruction ... and look how well the last one worked out) - is a hugely risky strategy with potential costs that have yet to be honestly addressed by any Western leader.

The next president, prime minister or presidential candidate who dares to mention the Millennium Challenge 2002 war game will be the first. Millennium Challenge 2002 was the most comprehensive war game ever run, and it predicted the U.S. would suffer 10,000 casualties and lose a multibillion-dollar aircraft carrier battle group in a war with Iran, but few leaders have proved willing to even mention such losses as a plausible repercussion of war with Iran, let alone openly discuss them.

And Western political leaders are equally remiss at the lack of discussion of the how

the oil shocks arising from war with Iran could strangle the infant economic recoveries of the U.S. and Europe in their cribs. Western nations can and should work to put as many obstacles into the path of Iranian nuclear weapon development as possible, but not because there is any long-term hope of success. The idea that such technology can be permanently dammed up is wishful thinking. The West's strategy should simply be to delay and degrade any capability Iran does develop until the Islamic Republic collapses and a government that will be transparent in its use of nuclear technology replaces it.

In the meantime, I'd like to see the political leader who, when pressed for military action on Iran, has the courage to stand up and say, "I think the threat has been overhyped, and that military action will get too many people killed and cost too much. I think bombing Iran is a stupid idea. I choose to do nothing instead." Irony of ironies, getting Western leaders to do nothing while Iran slowly self-destructs, to stand with firm resolve in the face of accusations that they are "soft on Iran," may be the biggest challenge in solving the Iranian nuclear dilemma.

<http://security.blogs.cnn.com/2012/04/13/the-courage-to-do-nothing/>

Iran's nuclear programme: legal debate stirs over basis for US or Israeli attack

Chris McGreal, *The Guardian*, April 12, 2012

As US and Israeli officials weigh up prospect of military strike on Iran, critics say any attack would go against international law. Amid the sabre-rattling and bluster over Iran, a furious if little-noticed debate is boiling over the legal basis for a US or Israeli attack on Tehran's nuclear programme. The threat of a military strike hangs over this weekend's talks in Istanbul between the major powers and Iran.

The Israeli leadership says an attack will

come within months, not years, if the present diplomatic push fails. The US Congress is not far behind, with the Republican leadership pledging to pass an authorisation for the use of "overwhelming military force" if there are signs Iran is developing a nuclear weapon. Barack Obama is more cautious, but says the "military option" remains on the table if sanctions fail to persuade Tehran to give up its enriched uranium.

But while intelligence agencies grapple to assess whether Tehran is attempting to develop a nuclear weapon and militaries on both sides of the Atlantic consider the logistics of bombing Iran, legal authorities are confronting the challenge of constructing a legal case for attack, if it comes. And already there is considerable dispute over the issue.

Alan Dershowitz, the renowned jurist and supporter of Israel, has argued that the US and the Jewish state can invoke a long-standing right under customary international law of "pro-active self-defence" as well as article 51 of the United Nations charter.

Sceptics counter that international law only permits military action in response to an imminent attack, or if one is under way. They say there is no immediate threat because, as the White House has said, there is no evidence Tehran is building a nuclear weapon. Then there are those who argue that the legal grounds for a military assault have already been met because the US and Israel are already under attack from "terrorist organisations" sponsored by Iran.

There is considerable support among politicians who favour an attack on Iran for the view of Anthony D'Amato, a professor in international law at North-western University, who has argued cases before the European Court of Human Rights. He says using force to prevent Iran obtaining a nuclear weapon would uphold international law, not undermine it.

"Iran says it wants to push the Israelis into the sea and that they are constructing nuclear weapons. That's enough for me to say that cannot be allowed. If the US or Israel takes the initiative to block that action, it can hardly be said to be violating international law. It can only be preserving international law for future generations," he said.

"In order to preserve international law we have to defend it once in while. I think we have to defend it against rogue states or states that have expressed hostile intentions, like Iran and like North Korea. The only reasonable thing to do is to take those weapons out. Remove that threat and the world is going to be safer." But D'Amato's view is scorned by other specialists in international law.

Much of the legal argument centres on the interpretation of one word: imminent.

Although the United Nations charter recognises the right of self-defence, it is imprecise. Lawyers look beyond the charter to an older standard in customary international law, established in the 19th century, allowing one state to use force to pre-empt an imminent attack by another. That came out of a cross-border raid by British forces into New York state in 1837 to destroy an American ship, the SS *Caroline*, which was delivering aid to a rebellion in Canada. The British raiding party set fire to the *Caroline* and cast her adrift toward Niagara Falls. One American was killed.

In the ensuing diplomatic battle, London and Washington agreed on a treaty providing for a right of pre-emptive self-defence – more commonly spoken of today as a pre-emptive strike – but only when there is "instant, overwhelming" necessity, "leaving no choice of means, and no moment of deliberation". That formula has long been regarded as an integral part of international law, but there are wide differences over how the "Caroline test" would apply to a US or Israeli attack on Iran.

D'Amato said the threat is imminent because of Tehran's rhetoric against Israel. He said the US and Israel are also entitled to act under a clause in the UN charter – article 2, paragraph 4 – requiring countries to refrain from "the threat or use of force against the territorial integrity or political independence of any state".

"Let's ask the question: who would be violating that clause? Would it be the United States' attack on Iran or would it be Iran's threat against Israel? Who is the violator here? If Iran is in a war to the death with Israel, as they claim they are, and they are also preparing nuclear weapons against a small state, I think any reasonable person would look at that and say they are in violation of article 2 section 4 of the charter," he said.

But Kevin Heller, author of *The Nuremberg Military Tribunals and the Origins of International Criminal Law*, and who served as Human Rights Watch's external legal advisor on Saddam Hussein's trial, is dismissive of D'Amato's interpretation.

"To say that argument is profoundly flawed is an understatement. It may well be that by threatening the use of force Iran is in breach of the UN charter. But that couldn't possibly justify a military response," he said. Heller said that whatever threat Iran may pose, it is not "imminent", as required by the Caroline test.

"In terms of Iran, I don't even think it's enough under the UN charter for the US to say Iran has a nuclear weapon. At a minimum, they would actually have to have a nuclear weapon, and they would have to issue some kind of concrete threat to use it against Israel or some other country before a military response would be acceptable," he said.

Bruce Ackerman, an influential constitutional law professor at Yale, is similarly sceptical of any claim of an imminent threat. "The idea that the United

States is under imminent threat from Iran is preposterous. It is not preposterous that Israel's under threat from Iran. It just isn't imminent," he said. Ackerman said interpretations of the UN charter have evolved to permit the use of force in situations such as a "duty to protect" where there are large scale abuses of human rights.

"Those arguments were begun most obviously in the Kosovo matter and continued with Libya, although in the Libyan case there was an express United Nations Security Council authorisation. It also arises in Syria right now. But Iran is not that kind of case," he said.

"Similarly, this is not a case having to do with the war on terror. It's a case in which one sovereign feels threatened by another sovereign. It's just the kind of thing that has been happening for a very long time and it was precisely this kind of anticipatory anxiety generating wars that the League of Nations and then the United Nations was intended to respond to."

Critics of the argument that the US and Israel have the right to pre-empt Iran's attempts to build a nuclear weapon – something it says it is not doing – point to Washington's reaction to the Israeli attack on Iraq's nuclear reactor at Osirak 31 years ago. That was condemned not only by the rightwing Reagan administration but by Margaret Thatcher, and drew a unanimous condemnation in the UN Security Council.

But the politics has evolved since then. When Israel attacked a Syrian nuclear facility five years ago, it did not draw a whisper of criticism in Washington or London. John Brennan, the White House counter-terrorism chief, has argued for a more flexible interpretation of "imminence" in the context of pre-emptive strikes because of the threat from terrorism. Supporters of an attack on Iran say that any reinterpretation could equally apply to "rogue states" or those that sponsor terrorism.

Others have proposed that the US and Israel justify an assault as self-defence because Iran has already attacked both countries through Tehran-backed groups such as Hezbollah. Dershowitz has said that Israel can already justify an attack on those grounds and that the US could likely construct a similar case. "If Israel were compelled to act alone against Iran's nuclear programme, it too would be reacting as well as pre-empting, since Iran has effectively declared war against the Jewish state and its people," he wrote in the Wall Street Journal.

Heller is sceptical. "Iran doesn't have the kind of overall and effective control over Hamas and Hezbollah that would make their actions imputable to Iran, justifying self-defence," he said. "But even if they did, just because there may be an armed attack on Israel by Hamas doesn't mean you can take out a country's nuclear programme. There has to be some kind of necessity and proportionality between the armed attack and the response."

The legal niceties are unlikely to stop the US or Israel if they are determined to attack Iran. The Bush and Obama administrations both shopped around within their own legal departments until they got the advice they wanted to hear on issues from invading Iraq to the growing government surveillance of ordinary Americans. But Ackerman notes that riding roughshod over international law carries dangers. For a start, Iran could make a reasonable case that it is the one under threat, with all of the bellicose rhetoric out of Washington and Jerusalem – and therefore it has a right of pre-emptive self-defence.

"Where does this kind of radically expanded notion of pre-emptive attack stop?" asked Ackerman. "What's going to happen when China feels threatened by Taiwan, or India by Pakistan, or vice versa? We would be setting a precedent here which is a very serious blow to the rule of international law."

<http://www.guardian.co.uk/world/2012/apr/12/iran-military-attack-legal-debate?newsfeed=true>

Hoping Tehran's 'Wily Fox' Can Help Avert War

By Harvey Morris, *International Herald Tribune*, April 11, 2012

After much dithering and obfuscation, Iran has agreed that Istanbul should be the venue for a resumption of nuclear talks with the major world powers on Saturday. Despite Iran's hints of a readiness to compromise over international demands that it suspend uranium enrichment, expectations for a breakthrough are low.

But if the regime is indeed ready to back away from confrontation in the face of tightening sanctions and the increasingly bellicose stance of its enemies, analysts are speculating whether there is a role for Ali Akbar Hashemi Rafsanjani, the "wily fox" of Tehran. If Ali Khamenei, Iran's supreme leader, needs political cover for a tactical retreat from the brink, who better than his former revolutionary comrade? Hojatoleslam Rafsanjani ended one war — the 1980-88 bloodbath between Iraq and Iran. Perhaps he can help prevent another from starting.

The 77-year-old cleric is one of the surviving founders of the Islamic Republic. A confidant of the late Ayatollah Ruhollah Khomeini, he served two terms as president in the 1990s. He failed in a bid to return to the post for a third term in 2005 when he was defeated by Mahmoud Ahmadinejad, the present incumbent and his persistent rival.

Hojatoleslam Rafsanjani fell out of favor with the regime during the disputed election of 2009 when hardliners suppressed the so-called Green Revolution. In a Friday Prayers sermon that coincided with street protests that year, he called for national reconciliation, a halt to arbitrary arrests and press freedom. He has since

been widely regarded as a spent force.

Some of his relatives have been purged and his daughter, Faezeh, was jailed in January for “propaganda” against the regime; his personal Web site was shut down for carrying the offending 2009 sermon; and he was forced out of his post as head of the Assembly of Experts, a clerical body charged with appointing and dismissing the supreme leader.

And yet there are hints that Ayatollah Khamenei, his old revolutionary comrade, has not written him off yet. Against expectations, Ayatollah Khamenei last month reappointed Mr. Rafsanjani to a new five-year term as head of the regime's Expediency Council, which acts as adviser to the supreme leader. Very shortly afterwards, Mr. Rafsanjani used an interview with Iran's International Studies Journal to repeat his long-held view that Iran should resume relations with the United States, at least at the level of direct talks.

His remarks were denounced by regime hardliners. Seyed Hassan Firouzabadi, the armed forces chief of staff, said such a step had never been on the Islamic Republic's agenda. Rather it was the U.S. that sought direct talks. “The US is moving heaven and earth to open the way of negotiations with Iran,” he said.

Ayatollah Khamenei, by contrast, has been notably silent on Mr. Rafsanjani's initiative, a possible further indication that he is keeping his options open. “If Tehran does decide to negotiate seriously with the P5+1 (i.e. the five permanent members of the U.N. Security Council plus Germany), Khamenei would certainly need someone like Rafsanjani to shepherd the process,” wrote Mehdi Khalaji, a Washington-based Iran expert, late last month.

In an analysis for the Washington Institute for Near East Policy, Mr. Khalaji said, “Whether by choice or force, Ayatollah Khamenei may be defining a new role for

Rafsanjani and his remaining supporters on the Expediency Council. “Although Rafsanjani will continue to be excluded from any significant role in domestic politics, he could play an important part in potential nuclear negotiations if the regime decides to compromise.”

In a commentary this week, Meir Javedanfar, lecturer on Iranian politics at Israel's Herzliya Interdisciplinary Center, agreed that Ayatollah Khamenei has no better ally than Mr. Rafsanjani if he decides to reach out to the West.

Mr. Rafsanjani values his status as a man of compromise. In 1988, fearing the war with Iraq was lost and that the U.S. was preparing to intervene on Baghdad's side after a U.S. warship shot down an Iranian civil airliner over the Gulf, he persuaded Ayatollah Khomeini to drink “the cup of poison” by accepting a ceasefire. Perhaps he can help to concoct a similar potion for Imam Khomeini's successor.

<http://rendezvous.blogs.nytimes.com/2012/04/11/tehrans-wily-fox-could-help-avert-war/?partner=rss&emc=rss>

Iran nuclear talks open in Istanbul

The Hindu, April 14, 2012

Iran's Chief Nuclear Negotiator Saeed Jalili, right, and EU Foreign Policy Chief Catherine Ashton pose for cameras before their meeting in Istanbul on Saturday. Talks between Iran and the six Western nations seeking assurances that Iran's nuclear programme is intended for peaceful purposes opened in Istanbul on Saturday.

The meeting of representatives of the P5+1 nations — the United States, France, Russia, China, Britain and Germany — and a delegation representing Tehran follows a round of talks in January 2011 that collapsed.

The P5+1, which suspects Iran of building a nuclear weapon, is expected to push for the

closure of Tehran's fortified second nuclear plant in Fordo and to stop its enrichment of uranium to the levels that would allow it to quickly produce weapons-grade material. "A lot depends on what the Iranians bring to the table, although we don't expect a major breakthrough," said Michael Mann, spokesman for European Union foreign policy chief Catherine Ashton.

Ms. Ashton is heading the Western delegation at the talks, which began with a plenary of about two hours. "We could continue talking until 10 pm or even restart again on Sunday," Mr. Mann said. The EU and United States have imposed sanctions on Iran and threatened further action unless the nuclear dispute is resolved.

Iran, however, insists that its nuclear programme is of a civilian nature and has asserted its right to operate such a programme. Tehran's chief negotiator Saedi Jalili indicated that Iran plans to present "new initiatives" in Istanbul.

<http://www.thehindu.com/news/international/article3314571.ece?homepage=true>

North Korea

North Korea Reaffirms Plan to Launch Satellite

By CHOE SANG-HUN, New York Times, March 27, 2012

North Korea intends to press ahead with its plan to launch a satellite into orbit next month, according to a government statement issued Tuesday, rebuffing President Obama and other world leaders who have told the country to cancel the launching or face the loss of food aid and additional sanctions.

The North's announcement came shortly after Mr. Obama and other leaders at a nuclear security summit meeting in Seoul condemned the planned launching — given the possibility that it is a cover for developing missile technology — as a provocation and violation of a United

Nations Security Council resolution, as well as a waste of millions of dollars that could be used to buy food. On Tuesday, North Korea accused the United States of being confrontational and applying "double standards" on satellite capabilities.

"We will never give up the launch of a satellite for peaceful purposes," a spokesman for the North Korean Foreign Ministry said in a statement carried by the state news agency, K.C.N.A. The spokesman advised the Obama administration to "drop the confrontation conception" and "make a bold decision to acknowledge that we also have a right to launch satellites."

Whether Mr. Obama was sincere when he said Monday that the United States had no hostile intent against the North will depend on "whether it applies double standards regarding our satellite launch," the spokesman said.

Washington and its allies believe that by launching rockets — regardless of their payload — North Korea has been developing intercontinental ballistic missile technology and the know-how to equip them with nuclear warheads. After the North's last satellite launching, in 2009, the Security Council adopted a resolution demanding that the North refrain from "any launch using ballistic missile technology." (North Korea portrayed that effort as a success, but Western military and private experts said a review of detailed tracking data showed the missile fell into the sea.)

Washington was particularly surprised and offended because the North's satellite plan was announced barely two weeks after North Korea agreed on Feb. 29 that it would place a moratorium on long-range missile tests in return for 240,000 tons of American food aid.

With its rocket plans, North Korea also unleashed an international uproar that threatened to upstage the nuclear security

summit meeting over which South Korea was presiding, with nearly 60 world leaders gathered in Seoul to discuss the prevention of nuclear terrorism. Japan and South Korea warned that they might fire at the North Korean rocket if it violated their airspace.

Washington says that during the negotiations for the February deal, its officials clearly warned the North against a satellite launching, calling it a deal-breaker. The North Korean Foreign Ministry spokesman said Tuesday that during those talks, its officials "consistently maintained that a moratorium on long-range missile launches does not include satellite launches for peaceful purposes." How the two sides could have reached a deal despite such a disagreement remains unclear.

Some analysts said the North Korean diplomats who negotiated the February deal might have been upended by hard-liners in Pyongyang who insisted on launching a satellite to celebrate the 100th birthday of the North's founder, Kim Il-sung, on April 15.

"The problem may well be the recklessness of hard-liners who apparently are calling the shots in policy making in North Korea now," said Chang Yong-seok, a senior researcher at the Institute for Peace and Unification Studies at Seoul National University. "It seriously damages the standing of negotiators on both sides."

North Korea said Tuesday that the satellite launching was a "dying wish of Gen. Kim Jong-il," the founder's son and the country's longtime leader, who died in December, leaving his own son, Kim Jong-un, in charge. What appeared to be a lack of policy coordination in Pyongyang raised questions about the "diplomatic maturity" of the young Mr. Kim and how much control he can exert over policy, said Cheong Seong-chang, an analyst at Sejong Institute. (On Sunday, Mr. Obama said it was "not clear exactly who's calling the shots" in Pyongyang.)

Still, North Korea on Tuesday challenged American negotiators to read the text of the February agreement. It called for a North Korean moratorium on "long-range missiles, not long-range missiles including satellite launches or launches using ballistic missile technology," the spokesman said. North Korea invited observers from NASA, he said, so they could see the "peaceful nature of our satellite launch with their own eyes."

American officials accuse North Korea of reneging on a deal struck in good faith. But longtime North Korea analysts also say that it is one of the North's negotiating tactics to abuse loopholes in the language of an agreement to strengthen its leverage or even kill the deal.

"They have too often, frankly, been rewarded for engaging in provocative acts and bad behavior," said Ben Rhodes, deputy national security adviser for strategic communication for Mr. Obama. "We're not going to go forward with assistance to the North Koreans or outreach to the North Koreans at a time when they're engaging in these type of provocative actions."

Mr. Rhodes called North Korea "a very oppressive, tyrannical and backward regime."

A crucial feature of the North Korean government's campaign to legitimize the dynastic succession and protect the vested interests of the ruling elite has been to highlight the main legacies of Kim Jong-il: the country's nuclear weapons and long-range missile programs. The government has blamed American sanctions for food shortages and exhorted its people to be proud of being "independent" with nuclear weapons.

When Mr. Obama stood near the border between North and South Korea on Sunday and criticized the North for keeping its people in poverty while spending millions of dollars developing nuclear weapons, he

challenged that basic tenet of North Korean propaganda. A Web site run by the North Korean government, Uriminzokkiri, employing a term that essentially means "mind your own business," advised Mr. Obama to "wash his own snotty nose first." http://www.nytimes.com/2012/03/28/world/asia/north-korea-reaffirms-plan-to-launch-satellite.html?_r=1&ref=world

Japan Readies in Case Rocket From North Korea Poses Risk

By Martin Fackler and Choe-Sang-Hun, *New York Times*, March 30, 2012

Japan is deploying guided-missile destroyers and anti-aircraft batteries with orders to shoot down a North Korean rocket if it falls toward Japanese territory, Japan's defense minister said Friday. The move appears to ratchet up the tensions surrounding the launching of what North Korea says is a rocket carrying a satellite, but what the United States and its allies fear is actually a test of a long-range ballistic missile. North Korea appears to be readying the rocket despite international calls to cancel the launching, which now appears likely to take place between April 12 and 16.

North Korea outraged Washington and its allies this month by announcing that it would launch a rocket to put a satellite into orbit in April. The United States demanded that North Korea cancel the launching, which it said would violate a United Nations Security Council resolution adopted in 2009 to prevent North Korea from developing long-range missile technology.

The Japanese defense minister, Naoki Tanaka, said the orders were intended to protect Japanese lives and property if part or all of the rocket, which is expected to fly over western Japan, goes off course. North Korea has said the upper stage of the rocket will pass over Japan and land in

international waters east of the Philippines.

South Korea has also vowed to shoot down the rocket if it endangers South Korean territory. Mr. Tanaka said Japan took similar precautions the last time North Korea test-fired a long-range rocket over its territory, in 2009. "We want to be fully prepared for something coming down in our territory," he told reporters.

The Defense Ministry said that Japan's military would deploy Patriot surface-to-air missile batteries in Okinawa, where the North Korean missile is expected to pass over, and also in Tokyo. In addition, Japan will send three Aegis-equipped guided-missile destroyers, which can intercept ballistic missiles in flight.

The ships would be the first line of defense, firing while the target was still in the upper reaches of the atmosphere. If they miss, the Patriot batteries would try to destroy the target before it reaches earth. The warning from Japan came as South Korean news media reported that North Korea fired several short-range missiles off its west coast this week.

North Korea launched two KN-01 short-range surface-to-ship missiles, modified from the Chinese Silkworm missile, on Thursday, several South Korean newspapers reported, quoting anonymous military sources. Another newspaper reported that North Korea fired two missiles of the same type on Wednesday afternoon.

South Korea's Office of Joint Chiefs of Staff said it could not confirm the reports, citing its policy of not commenting on intelligence matters. North Korea regularly test-fires its short-range missiles. Its military has been conducting its annual war games in recent days, South Korean officials said.

http://www.nytimes.com/2012/03/31/world/asia/north-korea-tests-short-range-missiles.html?_r=1&ref=world

North Korea on schedule

for mid-April rocket launch

Associated Press in Seoul, *the guardian*, April 6, 2012

Satellite images suggest North Korea has completed first stage of preparations for launch to coincide with Kim Il-sung centenary. A rocket launches in Musudan-ri, North Korea, in 2009. Satellite pictures suggest fuelling has been completed ahead of a 12-16 April launch date. North Korea may have moved the first stage of a rocket to a launch stand, indicating it is on schedule for a controversial mid-April launch, according to an analysis of satellite images.

The rocket is not visible at the Tongchang-ri site, but an analysis provided to the Associated Press by the US-Korea Institute at Johns Hopkins School of Advanced International Studies claims evidence suggests the first stage may be in the launch stand's closed gantry ahead of the planned launch on April 12-16.

The evidence, contained in satellite photos taken on Wednesday, suggests the completion of fuelling activity, with most of the empty fuel and oxidizer tanks removed from buildings supplying the first stage, a new barricade for vehicles on the road to the pad indicating higher security, and the removal of objects near the gantry and a clean-up of the launch pad.

"If past launches are any guide, at least the first stage would have to be present at the gantry if the North Koreans are going to keep to the timetable for the scheduled launch," said Joel Wit, visiting fellow at the institute and editor of its website on North Korea, 38 North. The North Korean launch is intended to showcase national power and technology during celebrations of one of the country's most important days – the centennial of the 15 April birth of national founder Kim Il-sung. North Korea says the rocket will carry a satellite into orbit to

study crops and natural resources.

Washington believes the launch is a cover to test missile systems that could target parts of the US. While North Korea has conducted two nuclear tests, analysts don't believe it has yet mastered the technology needed to mount a nuclear weapon on to a missile.

Launch preparation can also be seen in separate GeoEye satellite images from Saturday reviewed by Allison Puccioni, image analyst at IHS Jane's Defense Weekly. The pictures show vehicles on the launch pad, nearby fuel and oxidizer containers and a crane above the launch tower placed "directly over the mobile launch platform, the position necessary to erect the rocket".

Cloudy skies from Sunday until Tuesday obscured the launch site, but the US-Korea Institute's analysis says that if Pyongyang is following a timeline similar to previous launches in 2006 and 2009, workers should have put the rocket's first stage on the launch stand on Sunday or Monday, with the second and third stages coming during the next two days.

Any launch would likely destroy a 29 February accord between North Korea and the US that would ship food aid to the impoverished country in exchange for a moratorium on missile and nuclear tests, as well as a suspension of nuclear work at its main Yongbyon nuclear facility. The US says plans to provide food to the north are already on hold. North Korea has conducted three such launches since 1998. The last, in 2009, led to UN condemnation and the north walking away from six-nation nuclear disarmament talks. Pyongyang carried out its second nuclear test weeks later.

<http://www.guardian.co.uk/world/2012/apr/06/north-korea-rocket-launch?newsfeed=true>

No lasting resolution to N.

Korean missile crisis likely

Michael Richardson, *The Straits Times*, April 9, 2012

IN 1998, North Korea caused widespread alarm by firing a rocket over Japan's main island of Honshu into the Pacific Ocean. It followed this provocative move by more long-range missile tests in 2006 and 2009. Despite even stronger international opposition today, Pyongyang appears determined to press ahead with a plan to launch an observation satellite into orbit later this week, using a similar but possibly improved version of the Taepodong-2 missile that it last tested in April 2009. North Korea calls the rocket the Unha-3.

The United States and its Asian allies, including Japan and South Korea, view the planned launch as a disguised test of a ballistic missile that one day could carry a nuclear warhead. They say it violates a United Nations Security Council resolution. Pyongyang insists it is for peaceful purposes, even though space launches can contribute in significant ways to advances in military missile technology. North Korea says the launch will take place between April 12 and 16. Recent satellite photographs indicate that preparations for the launch are well advanced.

One major difference this time is the announced direction of the proposed rocket firing. Instead of heading eastwards over just one country, Japan, into the empty spaces of the Pacific, Pyongyang has advised that the new trajectory will go south, passing high above, or near to, South Korea, China, Japan, Taiwan and the Philippines. All these countries, as well as Australia, Russia and Vietnam, have expressed concern that if the launch goes ahead, it will send tension rippling across the region, with potentially unpredictable consequences.

Countries in the path of the planned launch are worried about the impact of falling

debris should the rocket malfunction, as has happened with previous launches. In close consultation with its ally, the US, Japan has deployed several warships armed with high-altitude missiles, as well as land-based missile defence batteries, to shoot down the North Korean rocket or large chunks of it should they threaten Japanese territory. Pyongyang has advised that the second stage of its latest rocket lifting the satellite into orbit is expected to splash down 190km east of the northern Philippines, an area frequently used by commercial shipping and aircraft.

The first stage of the rocket would fall about 140km off South Korea's west coast, in international waters between China and the South. A successful North Korean space launch could show that Guam and other US bases in the western Pacific are within striking distance of Pyongyang's missiles, and that the country is on its way to achieving reliable intercontinental ballistic missile (ICBM) status.

This would bolster the authority and prestige of North Korea's young and untested leader Kim Jong Un, who took over as ruler after his father Kim Jong Il died in December last year.

ICBMs have a range of more than 5,500km. The commander of US forces in the Pacific told lawmakers in Washington last month that North Korea is developing a mobile ballistic missile capable of striking the US. Although the new missile had not yet been tested, 'we are watching the development very closely', he added.

Only two countries, China and Russia, currently field ICBMs mounted on special road transporters that can be moved around and hidden to avoid detection. Three other established nuclear powers, Britain, France and the US, have ICBM capabilities, but use bombers, submarines or hardened silos buried deep in the ground to unleash nuclear weapons.

If North Korea goes ahead with the satellite

launch, it will be the first using a new facility on the west coast that is bigger than the site it previously used on its east coast. The new launch centre will enable the North to fire larger rockets more frequently, and send them south instead of east.

The North Korean space launch would abort a recent deal with the US that was seen as a major step towards resuming peace talks for the Korean Peninsula chaired by China. The February deal would have provided 240,000 tonnes of urgently needed US food aid to North Korea in exchange for halting uranium enrichment and other sensitive nuclear work, as well as freezing further nuclear weapon or long-range missile tests.

Following a launch, the Obama administration would almost certainly tighten sanctions on North Korea and seek further UN sanctions, making renewed confrontation difficult to avoid. The UN Security Council's condemnation of North Korea's long-range missile test in 2009 led the regime to expel UN nuclear inspectors, withdraw from denuclearisation negotiations and detonate a second nuclear test bomb underground.

With relations between North and South Korea already on a knife-edge, the US bound by presidential election politics to play tough, and China constrained by an overriding interest to avoid pushing its North Korean ally to the point of collapse, the omens for a lasting resolution of the missile crisis are not promising.

<http://www6.lexisnexis.com/publisher/EndUser?Action=UserDisplayFullDocument&orgId=574&topicId=100007194&docId=l:1639754338&isRss=true&Em=4>

White House warns North Korea over missile launch

Reuters, Apr 10 2012

The White House on Tuesday warned

North Korea that its planned long-range missile launch would be a flagrant breach of the impoverished country's international obligations and would jeopardize food aid from Washington. The launch of the Unha-3 rocket, which North Korea says will merely put a weather satellite into space, breaches U.N. sanctions imposed to prevent Pyongyang from developing a missile that could carry a nuclear warhead.

"The proposed missile launch, if conducted, would represent a clear and serious violation of North Korea's obligations under two United Nations Security Council resolutions," said White House press secretary Jay Carney. "We will continue to work with our partners on next steps if North Korea goes through with this provocation and we continue to urge countries to have influence on North Korea to work to persuade North Korea to consider a different path," Carney told reporters traveling with President Barack Obama.

He declined to spell out what the next steps might be but made clear the launch, which is set to take place between Thursday and next Monday, would sink planned U.S. food aid for the country, which has suffered from famine in the past.

"It is impossible to imagine we would be able to follow through with and provide nutritional assistance we have planned on providing, given what would be a flagrant violation of North Korea's basic international obligations," Carney said.

<http://www.reuters.com/article/2012/04/10/us-korea-north-usa-idUSBRE83900D20120410>

North Korean missile launch torpedoed Obama's engagement strategy

By Josh Rogin, *Foreign Policy*, April 12, 2012,

North Korea's apparently unsuccessful

launch of an Unha-3 rocket with a "satellite" attached marks not only the 100th birthday of the country's founder Kim Il Sung, but also the end of the Obama administration's year-long effort to open up a new path for negotiations with the Hermit Kingdom.

Secretary of State Hillary Clinton warned earlier Thursday that the promised launch by North Korea would scuttle the deal the Obama administration negotiated with Pyongyang and announced on Leap Day Feb. 29, which would have provided North Korea with 240,000 tons of U.S. food assistance over the next year. She lamented that the North Koreans had thrown away the progress made.

"If Pyongyang goes forward, we will all be back in the Security Council to take further action. And it is regrettable because, as you know, we had worked through an agreement that would have benefited the North Korean people with the provision of food aid," she said. "But in the current atmosphere, we would not be able to go forward with that, and other actions that other countries had been considering would also be on hold."

The Obama administration worked behind the scenes for months on the deal, and had been set to announce it last December, but North Korean leader Kim Jong Il died the day before the announcement was set to be made. In February, administration officials traveled to Beijing to try again and proudly announced on Feb. 29 that Pyongyang had agreed to a host of concessions, including a missile-test moratorium.

Since then, there has been much debate in Washington over whether or not the administration knew that the North Koreans planned all along to go ahead with their "satellite" launch, which had been scheduled before Kim Jong Il's death. The fact that the two sides issued separate statements on Feb. 29, neither of which addressed the issue of a satellite launch, led many close observers to believe the

administration erred by not getting Pyongyang to commit to canceling the launch in writing.

Arms Control expert Jeffrey Lewis explained at length how U.S. negotiators Glyn Davies and Clifford Hart might have flubbed the negotiations by assuming that telling the North Koreans a satellite launch would scuttle the deal and hearing the North Koreans acknowledge the U.S. position was tantamount to an agreement.

"Administration officials are screaming to high heaven that Davies told the North Koreans that a space launch was a missile launch...The problem is that telling the DPRK is not the same thing as the DPRK agreed," Lewis wrote. Regardless, while the North Koreans surely knew that the U.S. side viewed a missile launch as a deal breaker, it's not clear that the North Korean officials sent to negotiate with the United States had the authority to stop a missile launch ordered by the Dear (dead) Leader Kim Jong Il.

It's also true that the North Koreans sent a letter to the Obama administration asking for a resumption of talks following the planned launch and the administration rejected that proposal. In between Feb. 29 and today's launch, U.S. experts and North Korean officials also met for three unofficial "Track 2" meetings to try to salvage the deal, none of which produced any progress.

Lewis participated in one of the Track 2 meetings, held in late March in London. Another Track 2 meeting was held in New York and included experts Victor Cha, Tom Hubbard, Scott Snyder, Evans Revere, Don Zagoria, Frank Jannuzi, and Keith Luse. A separate Track 2 meeting in Germany included Jannuzi, Tom Pickering, Bob Carlin, and Nick Eberstadt.

No progress was made at any of those meetings, partially because neither the U.S. experts nor their North Korean interlocutors were empowered to

negotiate. "Track 2 is useful for what it can do. What it can't do is negotiations. North Korean delegations at that level are on an incredibly short leash. They are at best letter deliverers and receptors of comments," Eberstadt told *The Cable*.

And so the launch went forward, and despite its failure, the United States and North Korea now find themselves returning to a familiar pattern of diplomatic tit for tat that will lead to another stalemate and crush the prospects of further bilateral negotiations, much less a return to any multilateral discussions such as the defunct six-party talks.

"The North Koreans will stick to the view that it is their sovereign right to launch a peaceful satellite test and let all the rest of the legal argumentation go where it will," said Eberstadt. "The North Korean government is trying to get the world used to treating the DPRK as a nuclear weapons power. So each time they break an agreement we twitch a little bit less than we did the time before."

Cha told *The Cable* Thursday, before the launch, that there's little the United States or the international community could do about North Korea's missile test aside from going through the motions at the U.N. "The administration will condemn it and they'll go the United Nations Security Council to try to get a [presidential] statement, not a resolution. That will be it, and it will look horrible," he said. "And privately they will press hard on China to finally play ball and put real pressure on Pyongyang."

China could indeed do more, such as increasing inspections on its border with North Korea to clamp down on proliferation, Cha said. But in the end, no matter what the Obama administration does, there's no politically viable strategy that can solve the problem.

If the administration plays down the launch and tries to act as if it's not significant, it may look incompetent. If it tries to go back

to the negotiating table, conservative critics will cry appeasement. If it presses for more sanctions, it will look ineffective and risk wasting political capital needed to press for international sanctions on Iran and Syria. "All the options are equally bad for the administration," said Cha. "We have to either accept that they are a nuclear-weapons state and figure out how to try to live with it, or we have to go in the other direction and find a way to take this regime down."

The launch destroys the previously held conventional wisdom that North Korea avoids provocative actions while sitting at the negotiating table, Cha said, and whatever strategy the administration had to deal with North Korea has now been overtaken by events. "This requires a complete reset in how we deal with North Korea," said Cha. "We got ourselves into this and there isn't an easy way to get out of it."

UPDATE: White House Press Secretary Jay Carney's statement on the launch:

Despite the failure of its attempted missile launch, North Korea's provocative action threatens regional security, violates international law and contravenes its own recent commitments. While this action is not surprising given North Korea's pattern of aggressive behavior, any missile activity by North Korea is of concern to the international community. The United States remains vigilant in the face of North Korean provocations, and is fully committed to the security our allies in the region.

The President has been clear that he is prepared to engage constructively with North Korea. However, he has also insisted that North Korea live up to its own commitments, adhere to its international obligations and deal peacefully with its neighbors.

North Korea is only further isolating itself

by engaging in provocative acts, and is wasting its money on weapons and propaganda displays while the North Korean people go hungry. North Korea's long-standing development of missiles and pursuit of nuclear weapons have not brought it security - and never will. North Korea will only show strength and find security by abiding by international law, living up to its obligations, and by working to feed its citizens, to educate its children, and to win the trust of its neighbors.

http://thecable.foreignpolicy.com/posts/2012/04/12/north_korean_missile_launch_torpedoes_obama_s_engagement_strategy

Rocket Failure May Be Test of North Korean Leader's Power

Choe Sang-Hun and David E. Sanger, *New York Times*, April 13, 2012

For the new North Korean leader, Kim Jong-un, the spectacular failure of a rocket meant to put a satellite into orbit was more than a \$1 billion humiliation. It could be the first test of whether anyone will dare challenge his rule, and raises the question, American officials said, of whether he will be tempted to recover by staging a larger provocation.

Mr. Kim wanted to mark his formal ascension to top political power — timed to the country's biggest holiday in decades, the 100th anniversary of the birth of his grandfather and North Korea's founder, Kim Il-sung — with fireworks, real and symbolic. Instead, the rocket carrying the satellite splintered harmlessly into the gray-blue waters of the Yellow Sea, and the North Korean government apparently concluded it had no choice but to tell its citizens the embarrassing news, which was bound to get around in a country that now has at least one million cellphones. It was the first time the country had admitted such a defeat.

For President Obama and his allies, though, the bigger question was not the fate of an aging rocket technology, but the future of a young dictator. The failure injected new unpredictability at an already uncertain time, when Kim Jong-un is trying to consolidate power, and raised new questions only weeks after Mr. Obama suggested that it was unclear who was really running North Korea.

There was considerable speculation on Friday among American and South Korean officials that Mr. Kim and his military, to re-establish some credibility, would stage a new nuclear test, for which preparations have been evident on satellite photographs for several weeks. "The North Koreans have tended to pursue patterns of provocative actions," Benjamin J. Rhodes, a deputy national security adviser, told reporters aboard Air Force One.

The embarrassment means the United States probably has more time before it has to worry about the North's ability to launch an intercontinental ballistic missile, one that could reach the West Coast. Until now, the American assessment had been that the North could have that capability within five years. (The technology to launch a small satellite into orbit is virtually identical to the missile technology to launch a warhead, so the rocket failure Friday suggests problems with the missile program.

But American officials said that was little solace. There is a risk, even if a remote one, that the North will repeat the kind of attacks on a border island and a South Korean Navy vessel in 2010 for which it has been blamed.

The very fact that the rocket test happened meant that the young Mr. Kim, believed to be about 28, was either willing to defy China, which warned against the test, or was overruled by others in the power structure. The first option is worrisome, because it would suggest that, as the Chinese claim, they have very little

influence. The second could suggest a struggle for influence, if not actual leadership. In an opaque country that is fiercely armed and is believed to have a half-dozen or more nuclear weapons or the plutonium to produce them, the idea of power struggles makes officials nervous.

“Frankly,” one senior American intelligence official said before the launching’s failure, “I’d rather have an unstable Kim Jong-un in charge than a free-for-all where you are wondering who’s really in control of the arsenal.”

Recent machinations over a deal in which the North promised to suspend some nuclear work for American food aid, then reneged quickly on a pledge to suspend long-range missile tests, at least raised the possibility that such a power struggle could be under way. And despite American officials’ worries, there is one situation in which it could lead to more moderate behavior: if the failed missile launching emboldens those who have long believed in reaching some accord with the West and now can make the case that hard-liners fumbled the provocation, which in the end scuttled the agreement to bring in much-needed food.

The launching drew swift, if predictable and somewhat toothless, international condemnation; the United Nations Security Council has prohibited such tests by the North for years, and Pyongyang has ignored it for just as long. But whatever steps the Security Council takes are likely to be weak — there are few sanctions left that have not already been attempted, and there are fears that stronger action could simply push the North to conduct a nuclear test, as it has done when condemned in the past.

Despite the embarrassing setback, Mr. Kim was installed hours after the rocket fizzled as the new head of the National Defense Commission, his country’s highest state agency, during a parliamentary meeting. That was the last among the top military,

party and state posts that have been transferred to him after the death of his father, Kim Jong-il, in December.

For the launching, North Korea has recently completed a new site near the western border with China — at a cost of \$400 million, according to South Korean estimates. The rocket itself cost another \$450 million, the South Korean government believes. And the lost American food aid was estimated to be worth \$200 million, driving the effective cost of the test above \$1 billion in a country that cannot feed its own people.

The rocket reached only about 94 miles in altitude, far less than the 310 miles required to place a satellite into orbit and, as North Korean officials liked to say, present “a gift” to the closest the North Koreans have to a deity: Kim Il-sung.

In a socialist country steeped in the traditions of a Confucian dynasty, it is of paramount importance for the country’s new leader to embellish his rise to power with events that show his loyalty to his forefathers while demonstrating his own abilities to lead, analysts said. This launching was supposed to represent that moment: Both Kim Il-sung and his son, Kim Jong-il, ever fearful of an attack from the United States, had dreamed of North Korea having an effective nuclear deterrent, and that requires functioning missiles that could be fitted with weapons and reach the West.

“The main drive behind the rocket launch was domestic politics,” said Kim Yong-hyun, a professor of North Korean studies at Dongguk University in Seoul and a visiting scholar at Johns Hopkins University’s Paul H. Nitze School of Advanced International Studies in Washington. “They wanted to introduce the Kim Jong-un era with a big celebratory bang. They wanted to make their people believe that they were now a powerful nation.”

The government, more famous for shutting off its country from the outside world, had intensified the prelaunching publicity. It trumpeted the satellite program as a key achievement of Kim Jong-un's, claiming that he had personally directed a previous satellite launching in 2009. It also invited dozens of foreign journalists to visit the launching site and command and control center.

South Korea did not lose the opportunity to jab at the North's hurt pride. "It is very regrettable that North Korea is spending enormous resources on developing nuclear and missile capabilities while ignoring the urgent welfare issue of the North Korean people," said its foreign minister, Kim Sung-hwan.

Others were struck by the enormous loss of face for the country's leadership. "It is hard to imagine a greater humiliation," a North Korea expert, Marcus Noland, wrote on his blog at the Web site of the Peter G. Peterson Institute for International Economics in Washington. "The North Koreans have managed in a single stroke to not only defy the U.N. Security Council, the United States and even their patron China, but also demonstrate ineptitude," Mr. Noland wrote. "Some of the scientists and engineers associated with the launch are likely facing death or the gulag as scapegoats for this embarrassment."

Launching failures are not uncommon even for rich and technologically advanced nations. "This stuff is really hard to do," David C. Wright, a senior scientist at the Union of Concerned Scientists, a private group in Cambridge, Mass., said in an interview. But in the myth-filled world of the Kim dynasty, there is little room for failure. The North's two previous attempts to put a satellite into orbit failed, according to American officials, but both times the government insisted that the satellites were circling the earth, broadcasting songs about its great leaders.

Why the government changed its strategy this time, and told its people what happened, remains one of many unknowns about the North. Some analysts attributed it to the realization that the news would seep into the country anyway with so many cell phones smuggled from China, and North Korean merchants regularly crossing the Chinese border to bring home goods in short supply at home. Others speculated that it could not keep up a pretense with so many foreign reporters on hand.

One thing that is certain: the timing could not have been worse. The government announcement on television interrupted a show staged specifically to celebrate Kim Il-sung's centenary. The show's theme: his guiding principle of *juche*, or self-reliance, in defiance of the world.

<http://www.nytimes.com/2012/04/14/world/asia/international-condemnation-follows-north-korea-s-failed-rocket-launch.html?pagewanted=all>

Russia says North Korea launch contradicts U.N. council

By Steve Gutterman, *Reuters*, April 13, 2012

Russia criticized North Korea for its rocket launch on Friday, saying that Pyongyang had defied the U.N. Security Council and that neighboring powers all opposed it. Russia had urged Pyongyang not to conduct the launch, warning it would violate a U.N. Security Council resolution regardless of its purpose and complicate efforts to revive six-party talks over North Korea's nuclear program. "U.N. resolutions contain concrete calls not to conduct such launches, and this is the shared approach of ... Russia, China, the United States, South Korea and Japan," the Interfax news agency quoted Foreign Minister Sergei Lavrov as saying.

"These five (nations) are united in their position," said Lavrov, who was meeting the Chinese and Indian foreign ministers in Moscow on Friday. Lavrov, whose country is a Group of Eight member along with six Western states and Japan, joined G8 foreign ministers in a statement condemning the launch and saying they were ready to consider measures in response.

China's initial reaction sounded less critical, calling for calm and restraint from all sides.

North Korea admitted its much hyped long-range rocket failed to deliver a satellite into orbit on Friday while U.S. and South Korean officials said it crashed into the sea a few minutes after launch.

Regional powers have said that what North Korea has described as the launch of a weather satellite, months after Kim Jong-un succeeded his father as the leader of the reclusive state, is a disguised test of a long-range ballistic missile.

"U.N. Security Council Resolution No. 1874 demands that the DPRK (North Korea) refrain from any launches using ballistic rockets. This applies to both military and civilian launches," Interfax quoted an unnamed Russian diplomat as saying. Russia, which shares a short border with

North Korea - Moscow's client in the Soviet era - called on Pyongyang last month to refrain from the launch, expressing serious concern and calling for restraint from all sides.

Russia has often balanced criticism of North Korea's nuclear activities and its missile launches with calls on other major powers to refrain from belligerent actions against Pyongyang, which it says can be counterproductive. A permanent member of the U.N. Security Council, Russia is displeased when nations defy council resolutions, and North Korean missile tests have sparked concern among Russians living on the country's Pacific coast in the past.

The U.N. Security Council was to meet on Friday to discuss a possible condemnation of the launch, but Western diplomats said China was not expected to support new sanctions. Russia has been a participant in six-party talks with Pyongyang last held three years ago and hosted the late North Korean leader Kim Jong-il last August in Siberia, but has less influence on Pyongyang than China.

<http://www.reuters.com/article/2012/04/13/us-korea-north-russia-idUSBRE83C0AR20120413>

Contribute Articles

Indian Pugwash Society welcomes research articles from students, researchers and faculties on Space, Missile, nuclear technology, WMD proliferation, arms control, disarmament, export controls and other related issues. Articles should be crisply written and should address contemporary debates in the policy arena. Manuscripts submitted for the consideration of the Indian Pugwash Society should be original contributions and should not have been submitted for consideration anywhere else. Please confirm to the guidelines prescribed in the website before submitting the manuscript for consideration.

Details are available at: http://www.pugwashindia.org/contribute_articles.asp

The Indian Pugwash Society aims to promote the study, discussion, and knowledge of and to stimulate general interest in, and to diffuse knowledge in regards to problems relating on WMD proliferation, arms control, disarmament, space security, export controls, nuclear technology and other related issues. This newsletter is part of the project "Emerging Nuclear Order in Asia: Implications for India" sanctioned to us by Department of Atomic Energy-Board of Research in Nuclear Sciences (DAE-BRNS).

Disclaimer:

Data included in this newsletter is only for educational purpose and wider dissemination. All liabilities and rights belong to respective writers & authors.

Team of Indian Pugwash Society

Convener:	Dr Arvind Gupta
Consultant :	Prof. K. D. Kapoor
Associate Editors :	Mr Kapil Dhanraj Patil Mr Yogesh Joshi

Indian Pugwash Society

No.1, Development Enclave,
Rao Tula Ram Marg, Near USI, Delhi-110010
Tel. No (91-11) 2671-7983
Extn 7014 & 7012
Fax No. (91-11)2615-4192
Email: indianpugwash@yahoo.com