

The Breakout Option: Raising The Bar for the Supreme Leader

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The U.S. intelligence community still assesses that Tehran has not yet actually decided to build a nuclear weapon. Iranian Supreme Leader Ayatollah Ali Khamenei would be the one to give that order and the one who would control the weapons. It is therefore worth pondering what steps could discourage him from proceeding down the nuclear weapons path.

If Khamenei's foremost goals are the survival of the Islamic Republic with himself as supreme leader, developing nuclear capabilities may be seen an asset, even with the damaging sanctions that result. By positioning himself as a defiant defender of Iranian nuclear progress against foreign bullying, he can reinforce the domestic legitimacy of the clerical regime.

If he came to believe that Iran could forestall continuing economic punishment and eventual military attack only by abject capitulation, he might decide that breaking out of the nuclear Nonproliferation Treaty to build a bomb would be the preferred path for restoring Iran's international position and securing the Islamic revolution.

The challenge for the United States is to devise policies that would make it as difficult as possible for Khamenei to retain domestic support and international sympathy if he were to go for a bomb.

HIGHLIGHTS

- Khamenei's foremost concerns are protecting the clerical regime and maintaining his personal hold on power over it.
 - o Stop threatening a preventive attack, which would not succeed in halting Iran's progress for more than a couple of years.
 - o Accept Iran's offer to halt 20 percent uranium enrichment in exchange for refueling the Tehran Research Reactor.
 - o Challenge Khamenei to act on his moral condemnations of nuclear weapons by agreeing to interim steps toward nuclear disarmament at the planned 2012 conference on creating a zone free of weapons of mass destruction in the Middle East:
- A strategy by Israel and the United States of threatening preventive military attack on Iran may induce caution in Khamenei, but it may also persuade him that he needs an actual bomb to protect the regime. Launching such an attack would be catastrophically counterproductive.
 - Ratification of the Comprehensive Test Ban Treaty by all states in the region
 - A ban on reactors best suited for producing plutonium
 - A ban on flight tests of missiles with a range of 3,000 kilometers or more
- The United States must craft a strategy that would construct obstacles to breakout and steer Khamenei in a different direction:
 - o Pursue step-by-step negotiations with Tehran on nuclear issues, seeking parallel agreements in other areas where U.S.-Iranian security interests overlap, such as counterpiracy, counternarcotics, and regional stability.

Iraq Redux?

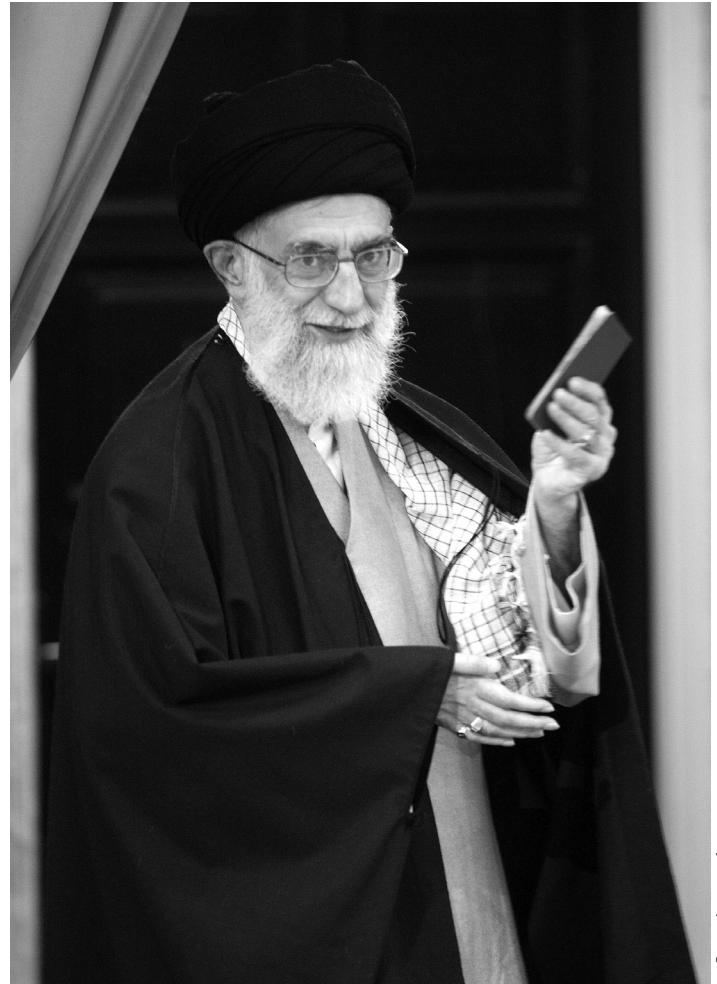
The mood now afflicting Washington is disturbingly similar to the one during the lead-up to the invasion of Iraq nine years ago. The rationale for a military attack against Iran soon is quite like that given for the attack on Saddam Hussein's Iraq then: preventing a hostile and irresponsible nation from moving to acquire nuclear weapons. A critical difference is that the calls for military action this time are coming from outside the administration.

There also are some similarities in the complicated game being played by the protagonist proliferators. Saddam wanted to convince the world that Iraq had ended its pursuit of weapons of mass destruction (WMD) following the 1991 Persian Gulf War and that the Iraqi people consequently were being unfairly victimized by sanctions. He was simultaneously trying to convince his own people, his mortal enemy Iran, and the potential U.S. invader that he still had access to powerful unconventional weapons that would make any invasion costly. He was too clever by half.

Iranian Supreme Leader Ayatollah Ali Khamenei is trying to convince the world that Iran has made great strides in its nuclear program through its own efforts, that the nuclear issue in dispute is Iran's right to peaceful development of nuclear energy, and that international sanctions against Iran are hypocritical and unjust. Khamenei also wishes to suggest (albeit not explicitly) to his own people and to potential enemies that Iran could quickly develop nuclear weapons if it chose.

One big difference between the argument over attacking Iraq then and Iran now is that "the intelligence and facts" are not being "fixed around policy," as the head of British intelligence had said of U.S. Iraq policy in his report to British Prime Minister Tony Blair in July 2002.¹ The findings of the U.S. intelligence community in its 2007 National Intelligence Estimate (NIE) on Iran's nuclear program² were not influenced by the strong policy predilections of the Bush administration on Iran's nuclear program. In fact, the NIE's unwelcome conclusions were quickly disavowed by President George W. Bush.

There is no evidence that the Obama administration has applied pressure on the intelligence community to reach any particular conclusions concerning Iran. That several key judgments in the 2007 estimate were virtually unchanged in a 2011 classified update,



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Supreme Leader Ayatollah Ali Khamenei casts his ballot in Iran's March 2008 parliamentary election. The results of March 2012 parliamentary voting are generally seen as significantly strengthening Khamenei's position at the expense of President Mahmoud Ahmadinejad, who will serve out his term ending in 2013 in a much weakened position.

according to the language used in congressional testimony by Director of National Intelligence James Clapper in January 2012,³ suggests that no new "game-changing" intelligence has emerged. The intelligence community still judged that Iran had not yet decided to build nuclear weapons; was keeping the option open; and had the scientific, technical, and industrial capacity to ultimately succeed if it chose to proceed.

The distribution of power is far more dispersed and complicated in Khamenei's Iran than in Saddam's Iraq. However, like Saddam, Iran's supreme leader is the one who ultimately would have to approve the building of a bomb and who would have control over the weapon's use. Particularly in the wake of March 2 "elections" of a new Iranian Parliament, which enhanced Khamenei's *de facto* control at the expense of a significantly weakened President Mahmoud Ahmadinejad, it is worth

giving close attention to the ways in which U.S. policies and actions could influence Khamenei's thinking about building the bomb.

A Preventive Attack Would Not Prevent Proliferation

A host of senior U.S. defense officials, military commanders, and security experts have predicted dire and uncontrollable consequences for the United States in the event of a preventive military strike by either Israeli or U.S. forces. Former Secretary of Defense Robert Gates recently predicted that such an attack would be a "catastrophe."⁴

Equally important for policymakers is to recognize the overwhelming consensus among nuclear proliferation experts and Iran specialists that such attacks would fail to prevent Iran from eventually obtaining nuclear weapons and would instead make it more likely for Iran to break out of the nuclear Nonproliferation Treaty (NPT) and to pursue the bomb with greater determination.

In his later characterization of an earlier Bush administration study on attacking Iran, former CIA Director Michael Hayden made the point succinctly: "The consensus was that [such an attack] would guarantee that which we are trying to prevent: an Iran that will spare nothing to build a nuclear weapon and that would build it in secret."⁵ On this conclusion, if not on many other Iran issues, Russian Foreign Minister Sergey Lavrov appears in agreement: "I am almost certain that such a decision [to produce nuclear weapons] will surely be taken after (any) strikes on Iran."⁶

Marvin Weinbaum, scholar-in-residence at the Middle East Institute, recently explained in *The National Interest* how a "rationally thinking Iranian leadership" could even welcome the "rich dividends" that a military strike on Iranian soil could yield:

International sympathy for Iran would increase dramatically.... The hard fight for economic sanctions against Iran would, in all probability fall apart.... Washington and Tel Aviv would be lumped together as aggressors.... The continued presence of American military bases in the Gulf could become untenable.

Weinbaum sees the domestic payoff to be equally

appealing to Khamenei's hard-line regime:

An attack on the homeland could set back chances for the revival of the reformist Green Movement for at least a decade. Even the reformers have been solidly in favor of Iran retaining its nuclear program. Who now at home or abroad would dare question the regime's argument if it decide[d] to build a bomb?⁷

Outside the borders of the United States, incessant repetition of Washington's intention to launch a unilateral preventive attack on Iran, if necessary, is widely construed as evidence that the United States perceives itself to be immune from international law.⁸



An Iranian Ghadr-1 medium-range ballistic missile (MRBM) is prepared for a flight test in September 2009. This single-stage, liquid-fueled derivative of the Shahab-3 MRBM could deliver a 750-kilogram payload some 1,600 kilometers. The Ghadr-1 is the most capable MRBM in Iran's operational inventory and would be suitable for delivering a nuclear weapon.

Shahagan/AFP/Getty Images

The foreign ministers of Sweden and Finland recently labeled such an attack scenario as “a clear violation of the charter of the United Nations.”⁹ Even the United States’ closest ally, the United Kingdom, has stated it would not be in favor of such an attack.

Moreover, the doctrinal underpinning for threatening such an attack, which was elaborated by Bush in 2002, contradicted the historic positions of Presidents Harry Truman, Dwight Eisenhower, and

and staged unwinding of sanctions. Cooperative measures could be sought in parallel in such areas of mutual interest as counterpiracy, counternarcotics, suppression of al Qaeda, incidents at sea, and political understandings on Iraq and Afghanistan. A comprehensive security agreement with Iran, including negative security assurances from the United States, would be the best ultimate means of preventing both war and Iranian acquisition of nuclear weapons.

[M]ore than the infliction of pain is needed to induce the rulers in Tehran to relent in their refusal to make nuclear activities more transparent. Khamenei has to be able to see a face-saving exit from Iran’s current obstreperous position on IAEA oversight.

Lyndon Johnson, who each explicitly or implicitly rejected the option of preventive attacks to prevent hostile states from acquiring nuclear weapons.

The legal and ethical shortcomings of preventive war have been noted by numerous foreign policy experts, most recently in a Stimson Center report, which commented that a preventive attack on Iran “cannot be justified under any legal or ethical code.”¹⁰ Indeed, the rhetorical justification for the Bush Doctrine bears unseemly resemblance to the rationale used by those judged guilty by past international tribunals of launching wars of aggression.

If a preventive attack on Iran would be counterproductive, illegal, and wrong, what other options are available to forestall an Iranian breakout for the bomb? What proposals can be made in 2012 to advance U.S. nonproliferation objectives with regard to Iran?

Construct a Face-Saving Way for Iran to Change Its Position

The U.S.-Iranian relationship has suffered some deep traumas on both sides during its turbulent post-World War II history. A step-by-step approach will be needed to defuse the nuclear crisis and resolve outstanding nuclear issues with the International Atomic Energy Agency (IAEA), pairing discrete steps by Iran to satisfy IAEA requirements for safeguards with the gradual

It is not realistic to expect rapid progress toward a comprehensive package while Khamenei, who is deeply suspicious of U.S. motives, is calling the shots in Tehran. The initial objective of the talks that are expected to begin in mid-April should be getting a negotiating process up and running and to focus on some initial confidence-building measures to make subsequent progress possible.

The impact of the stringent sanctions created by UN Security Council Resolution 1929 in June 2010 is being further intensified by subsequent unilateral sanctions on Iran’s banking and energy sectors. Even Iran’s government has acknowledged that the Iranian economy is suffering as a consequence. But more than the infliction of pain is needed to induce the rulers in Tehran to relent in their refusal to make nuclear activities more transparent. Khamenei has to be able to see a face-saving exit from Iran’s current obstreperous position on IAEA oversight.

The broad outlines of a negotiated outcome that would satisfy the minimal requirements of both sides on nuclear issues are already visible. Iran would have to forswear certain activities that would facilitate acquiring nuclear weapons—such as enriching uranium to 20 percent and constructing a heavy-water reactor, which can produce weapons-grade plutonium—as well as allowing the IAEA to strengthen monitoring by agreeing to such measures as an additional protocol to



Jack Guez/AFP/Getty Images

This U.S.-made F-16I would be a suitable delivery vehicle for Israel's undeclared nuclear arsenal – thought to include 100-200 warheads and bombs on diverse platforms, including land-based ballistic missiles and submarine-launched cruise missiles. Israel is the only nuclear-weapon state in the Middle East and one of the few states worldwide not party to the nuclear Nonproliferation Treaty.

its safeguards agreement. In return, the P5+1—China, France, Germany, Russia, the United Kingdom, and the United States, the six countries that have been negotiating with Iran over its nuclear program—would have to allow Iran to continue enriching uranium to the 3.5 percent level used in most nuclear power plants. However clear this outline might be, the actual path to negotiating such an agreement is very murky indeed, given the domestic political scene in Washington and Tehran. Success in navigating this path will require U.S. flexibility and sensitivity toward Iran's own stated goals and values.

Halt 20 Percent Enrichment

Achieving a halt in production of 20 percent-enriched uranium should be the highest-priority interim step because a large stockpile of such uranium would facilitate a much faster route to acquiring weapons-grade fissile material in a breakout scenario. It is also the most promising point of potential agreement because both sides previously have expressed interest in swapping Iranian enriched uranium for fuel plates that could be used in the Tehran Research Reactor. In fact, it was Iran that first called for help with refueling

the reactor to ensure medical isotopes for the Iranian population. Moreover, in September 2011 Ahmadinejad explicitly expressed Iran's willingness to halt 20 percent enrichment in exchange for fuel for the reactor. The trick here would be not to overload a prospective good outcome with the less essential features that would make it even better.¹¹

Recognize and Exploit Iran's Anti-Nuclear Theology

The 2007 NIE on Iran's nuclear program described a long-running clandestine nuclear weapons program, which was halted only in the fall of 2003. That Khamenei was supreme leader for most of that time belies his claim in February 2012 that the Islamic Republic "has never and will never pursue nuclear weapons" because it considers them sinful.¹² Ayatollah Ruhollah Khomeini already demonstrated that the absolute moral prohibitions of a supreme leader can be reversed when he authorized Iran to develop chemical weapons in the face of Iraqi chemical weapons attacks in the 1980s and the tepid international reaction to those attacks.

Whatever the private musings and secret plans



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An August 2006 view of Iran's heavy-water production plant in Arak, 320 kilometers south of Tehran. The heavy water produced in this facility would be used to moderate a nuclear reactor under construction nearby, which could produce plutonium for use in nuclear weapons.

of Iran's rulers, the clerical government's official position on nuclear weapons could hardly be clearer. Iran joined the NPT as a non-nuclear-weapon state, legally renouncing the acquisition of nuclear weapons. Additionally, the supreme leader of the Islamic Republic has declared the development, acquisition, and use of nuclear weapons un-Islamic and immoral and has called for their worldwide abolition.

Among nuclear-weapon states—declared or undeclared, NPT or non-NPT—there has never been a stronger moral prohibition against development of nuclear weapons voiced by decision-makers—certainly not in the proliferation stories of the Islamic states of Iraq or Pakistan. Such prominent public posturing by the government of an Islamic theocratic state affords unique opportunities for pursuing U.S. nonproliferation objectives.

As recently as February 2012, Khamenei repeated

the public moral injunction against nuclear weapons development in his reported 2005 fatwa. If Iran's supreme leader chooses to emphasize the sinful nature of nuclear weapons, that position should be cited and amplified by Iran's negotiating partners—particularly when Iran stands in the way of international steps toward nuclear disarmament.

This is exactly what Secretary of State Hillary Rodham Clinton was doing at an April 1 news conference in Istanbul. In response to Khamenei's stated views that weapons of mass destruction are religiously prohibited, Clinton said:

We are meeting with the Iranians to discuss how to translate what is a stated belief into a plan of action. 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 action associated with that statement of belief.¹³

This type of response is more effective than cynical dismissals of Iranian sincerity. It not only increases pressure on Iran to act positively, but also raises the bar for the kind of theological gymnastics that would be required for Iran's leadership subsequently to justify a breakout from its NPT commitment to forswear nuclear weapons.

CTBT

There is an opportunity for other influential non-nuclear-weapon states, such as Brazil, Indonesia, Kazakhstan, and Mexico, to press Iran on adhering to its non-nuclear-weapon commitments. For example, each of these countries has signed and ratified the Comprehensive Test Ban Treaty (CTBT). They are all therefore in a better position than the nuclear-armed United States, which has still not ratified the treaty, to make the case that Iran should do likewise.

Yet even the United States can identify common ground in nuclear discussions with Iran. After all, President Barack Obama has rhetorically embraced the goal of a world without nuclear weapons; he has reduced the role of U.S. nuclear weapons in his Nuclear Posture Review; he has achieved ratification of a strategic arms reduction treaty with Russia; he is seeking negotiation of a fissile material cutoff treaty in the Committee on Disarmament and is urging Senate ratification of the CTBT. Furthermore, there are parallel strains among some of America's diverse religious communities to the Islamic Republic's theological opposition to nuclear weapons.¹⁴

The convening of a conference later this year on a Middle Eastern WMD-free zone offers an opportunity to urge all states in the region, including Iran, to commit to CTBT ratification as an initial step toward achieving a WMD-free Middle East. Egypt and Israel, like Iran, have signed but not ratified the treaty; those three countries constitute three of the additional seven states needed to ratify the treaty before it can enter into force. While Israel has a nuclear arsenal, it is not thought to have plans or a need for a test.¹⁵ Surely the solidification of a barrier to Iran conducting the kind of tests it would need to validate a working arsenal would be a tolerable trade-off for Israel. And for an Egypt heavily invested in making progress on the WMD-

free zone, it would be a significant achievement to attach any type of freeze on potential growth of Israel's already large and capable nuclear arsenal.

Dimona and Arak

Iran's heavy-water moderated research reactor under construction at Arak is a significant proliferation concern, because it could be the source of plutonium for nuclear weapons. Israel's 40-year-old reactor at Dimona was the presumed source of fissile material for Israel's nuclear arsenal, but it is not clear the military requires new production there to maintain its strategic deterrent. Moreover, Israel has safety concerns about the facility, which has been temporarily shut down since January 2012. Securing a mutual shutdown of the two facilities would be of potential interest to both sides and another possible option to pursue through the conference on the regional WMD-free zone.

Long-Range Ballistic Missile Ban

The future threat of Iranian nuclear-tipped long-range ballistic missiles is a high-priority U.S. security concern and the principal justification for Obama's Phased Adaptive Approach missile defense system now being developed and deployed to Europe. One arms control solution to this threat would be to extend to all Middle Eastern countries the current ban on U.S. and Russian missile systems covered by the Intermediate-Range Nuclear Forces (INF) Treaty but with the achievable interim goal of setting an interim range floor of 3,000 kilometers on banned missiles rather than the INF Treaty's lower floor.

Negotiating and implementing such a treaty would put an immediate end to the potential emergence of an Iranian threat to the U.S. homeland (and to most of NATO Europe) from longer-range Iranian missiles. This range ceiling on ballistic missiles in the region would not itself address Israel's concerns about Iranian missiles, nor Iran's about Israel's. However, advocating inclusion of this concept at the Middle Eastern WMD-free zone conference would be another way to construct barriers to the most threatening Iranian breakout scenarios, which would be in the security interests of all regional states, including Israel.

Michael Elleman, a missile expert at the International Institute for Strategic Studies, has suggested U.S. and Russian collaboration on prohibiting the regional development and deployment

of intermediate-range ballistic missiles (IRBMs) by banning test launches of missiles capable of delivering a nominal payload to roughly 3,000 kilometers.¹⁶ Such an interim step toward a complete ban would be a realistic way to inhibit long-range Iranian ballistic missile development and deployment without requiring the immediate elimination of Israeli Jericho-3 or Saudi DF-3 IRBMs. Considering that neither Israel nor Saudi Arabia has a clear need for either an IRBM or an intercontinental ballistic missile and that the Saudi missiles are probably no longer serviceable, blocking expansion of the range capabilities of Iranian missiles might be considered a worthwhile trade-off by Israel and Saudi Arabia.

Conclusions

The U.S. intelligence community continues to assess that “Iran has the scientific, technical, and industrial capacity to eventually produce nuclear weapons, making the central issue its political will to do so.”¹⁷ In other words, although it has not yet decided to break out of the NPT, Iran already is capable of ultimately producing nuclear weapons. Given that preventive air strikes could only delay and not prevent Iran from becoming an actual nuclear-weapon state, it is incumbent on the United States to carefully consider any steps that would make breakout more difficult and hence a less attractive political option for Iran’s supreme leader.

The United States should refrain from making further military threats. Such restraint would lower the incentives for Iran to make corresponding threats and would weaken the national security rationale of domestic proponents of the nuclear weapons breakout option inside Iran.

U.S. negotiators should seek agreement on confidence-building steps that address the highest-priority proliferation risks rather than optimal outcomes that are not realistic. Halting Iran’s ongoing enrichment of uranium to 20 percent is urgent, because Iran is building a stockpile, which is much closer to the level required for weapons. Halting construction of the Arak heavy-water reactor and securing more intrusive IAEA access to all of Iran’s nuclear-related sites under the terms of an additional protocol are important medium-term goals. A permanent uranium-enrichment halt, while desirable, is not realistic given Iran’s existing enrichment capacity and the strong support for

enrichment across the Iranian political spectrum.

Iran’s rhetoric against nuclear weapons should be used to challenge the country’s failures to act on the stated convictions of its clerical leadership whenever and wherever possible. This would include pressing for a CTBT ratification commitment at the WMD-free zone conference, and for promoting selective trade-offs among Iran, Israel, and other key regional powers with regard to nuclear facilities and potential nuclear delivery vehicles, such as missiles.

The United States should actively seek negotiations in other areas of mutual interest, from counternarcotics to piracy suppression, abandoning the current restrictions placed on diplomatic contacts.

With such an approach, Khamenei would be able to see advantages to making deals with the United States and looming obstacles to pursuit of breakout scenarios. This combination should encourage Iran to back away from its refusal to cooperate more fully with the IAEA, which is leading to dangers of both near-term war and long-term nuclear proliferation.

ENDNOTES

1. Secret minutes of the meeting were leaked to the press in 2005, and subsequently dubbed the “Downing Street memo.” An exegesis of this and related documents appears in: Mark Danner, *The Secret Way to War: The Downing Street Memo and the Iraq War’s Buried History* (New York, NY: The New York Review of Books, 2006).
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3. James R. Clapper, “Unclassified Statement for the Record on the Worldwide Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence,” January 31, 2012.
4. Lisa Hostein, “Gates: Proceed Warily on Iran,” *Jewish Exponent*, March 22, 2012.
5. Ken Dilanian, “U.S. intelligence chief sees limited benefit in an attack on Iran,” *Los Angeles Times*, February 16, 2012.
6. Dmitry Zaks, “Iran will produce nuclear weapons if

attacked: Russia," AFP, March 20, 2012.

7. Marvin G. Weinbaum, "Israel's Gift to Iran," *The National Interest*, March 19, 2012, <http://nationalinterest.org/print/commentary/israels-gift-iran-6653>.

8. Usually this intention is implied rather than explicitly asserted, as in President Barack Obama's statement in an interview by Jeffrey Goldberg that: "when the United States says it is unacceptable for Iran to have a nuclear weapon, we mean what we say." Jeffrey Goldberg, "Obama to Iran and Israel: 'As President of the United States, I Don't Bluff,'" *The Atlantic*, March 2012.

9. Carl Bildt and Erkki Tuomioja, "The Only Option on Iran," *The New York Times*, March 20, 2012.

10. Barry Blechman and R. Taj Moore, "Iran in Perspective: Holding Iran to Peaceful Uses of Nuclear Technology," Henry L. Stimson Center, March 2012.

11. For an elaboration on the likely agenda and other considerations regarding these talks, see Peter Crail, "ACA Issue Brief: 'A Window of Opportunity with Iran,'" Arms Control Association, March 9, 2012.

12. PressTV, "Iran will never seek nuclear weapons: Leader,"

February 22, 2012 <http://www.presstv.ir/detail/228014.html>.

13. Bradley Klapper, "Clinton to Iran: Show that nuclear arms not sought," Associated Press, April 1, 2012.

14. For example, the long-standing position of the third-largest Christian denomination in the United States, the United Methodist Church, is that "nuclear weapons, whether used or threatened, are grossly evil and morally wrong." United Methodist Council of Bishops, "In Defense of Creation: The Nuclear Crisis and a Just Peace," 1986; adopted 1996, amended and readopted 2000, amended and readopted 2004.

15. Many security experts believe that the Israelis were intimately involved with the first French nuclear test in Algeria in 1960 and tested their own nuclear device above the South Atlantic with the cooperation of South Africa in 1979. See, for example, Thomas C. Reed and Danny B. Stillman, *The Nuclear Express: A Political History of the Bomb and its Proliferation* (Minneapolis, MN: Zenith Press, 2009).

16. Michael Elleman, "Containing Iran's Missile Threat," *Survival*, February-March 2012, p.121.

17. Clapper, "Worldwide Threat Assessment."

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