

The Hollow Core of the Iran Nuclear Deal

By William Tobey, June 2015

A good nuclear agreement with Iran requires that we know first, what work has Iran conducted toward nuclear weapons, and second, can we guarantee that Iran has stopped and will not resume this work. If these questions are not answered correctly and completely before the negotiations conclude, the resulting agreement will be illusory. The International Atomic Energy Agency (IAEA) has spoken forcefully and repeatedly on the so-called “possible military dimensions” (PMDs) of Iran’s nuclear program, and its director general, Yukiya Amano, has frequently implored Iran to respond to Agency inquiries on the matter.¹

The possible military dimensions of Iran’s nuclear program were raised by the IAEA in connection with broader questions it had about Tehran’s activities. Was there a parallel clandestine nuclear program? If so, what happened to it? Which elements were terminated, which continued, and what had they achieved? In a November 2011 report, the IAEA said its information “indicates that Iran has carried out activities that are relevant to the development of a nuclear explosive device,” including “work on the development of an indigenous design of a nuclear weapon.”² The report also addressed what the IAEA referred to as “design work and modeling studies involving the removal of the conventional high explosive payload from the warhead of the Shahab-3 missile and replacing it with a spherical nuclear payload.”³ In addition, the report asserted, “There are also indications that some activities relevant to the development of a nuclear explosive device continued after 2003, and that some may still be ongoing.”⁴

In all, the IAEA provided a list of 12 specific sets of activities that are the building blocks of a clandestine nuclear weapons development program and which the IAEA said were “possible military dimensions to Iran’s nuclear programme.”⁵

1. Teresa Welsh, “U.N. Agency Unsure About Iran’s Past Nuclear Activity,” *US News & World Report*, March 23, 2015. (<http://www.usnews.com/news/articles/2015/03/23/iaeas-yukiya-amano-says-organization-cant-verify-irans-past-nuclear-activity>)

2. International Atomic Energy Agency, “Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran,” November 8, 2011, page 8. (<https://www.iaea.org/Publications/Documents/Board/2011/gov2011-65.pdf>)

3. International Atomic Energy Agency, “Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran,” May 24, 2011, page 8. (<http://www.iaea.org/Publications/Documents/Board/2011/gov2011-29.pdf>)

4. International Atomic Energy Agency, “Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran,” November 8, 2011, page 8. (<https://www.iaea.org/Publications/Documents/Board/2011/gov2011-65.pdf>)

5. International Atomic Energy Agency, “Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran,” November 8, 2011, pages 1-12 and Annex. (<https://www.iaea.org/sites/default/files/gov2011-65.pdf>)

They include, among other things: military direction of nuclear-related activities; undeclared procurement of nuclear-related equipment and materials by military institutions; detonator development; hydrodynamic experiments to test weapons designs; work on warhead integration into a missile delivery vehicle; and fuzing, arming, and firing system efforts.

When the White House released the U.S. fact sheet on the Parameters for a Joint Comprehensive Plan of Action⁶ in April, Secretary of State John Kerry promised that PMD questions would be answered *before* a final deal is completed. He was emphatic in an interview aired by *PBS NewsHour*:

JUDY WOODRUFF: Still, another issue; the International Atomic Energy Agency has said for a long time that it wants Iran to disclose past military-related nuclear activities. Iran is increasingly looking like it's not going to do this. Is the U.S. prepared to accept that?

JOHN KERRY: No. They have to do it. It will be done. If there's going to be a deal; it will be done.

JUDY WOODRUFF: Because it's not there now.

JOHN KERRY: It will be done.

JUDY WOODRUFF: So that information will be released before June 30th, will be available.

JOHN KERRY: It will be part of a final agreement. It has to be.⁷

However, according to the May 29, 2015 IAEA report, *Iran continues to stonewall Agency inquiries on the matter. The limited progress has been slow, grudging, and incomplete. Worse, the Agency concludes that actions by Iran intended to sanitize part of its Parchin base, one of the places suspected of military nuclear activities, "are likely to have undermined the Agency's ability to conduct effective verification."*⁸ Thus, far from cooperating with inspectors to resolve the matter, Iran is working actively to sabotage them.

In response, Secretary Kerry seems to have taken a completely different position on what needs to be done to resolve the PMD matter. He was asked at a press conference on June 16, "Do these concerns need to be fully resolved before sanctions are eased or released or removed or suspended on Iran as part of that agreement? Is that a core principle or is that also negotiable?" He answered:

[T]he possible military dimensions, frankly, gets distorted a little bit in some of the discussion, in that we're not fixated on Iran specifically accounting for what they did at one point in time or another. We know what they did. We have no doubt. We have absolute knowledge with respect to the certain military activities they were engaged in. What we're concerned about is going forward. It's critical to us to know that going forward, those activities have been stopped, and that we can account for that in a legitimate way. That clearly is one of the requirements in our judgment for what has to be achieved in order to have a legitimate

6. "Parameters for a Joint Comprehensive Plan of Action Regarding the Islamic Republic of Iran's Nuclear Program," *The White House*, April 2, 2015. (<https://www.whitehouse.gov/sites/default/files/docs/parametersforajointcomprehenisveplanofaction.pdf>)

7. "Full Interview: Iran Must Disclose Past Military Nuclear Activities for a Final Deal Says Kerry," *PBS NewsHour*, April 8, 2015. (<http://www.pbs.org/newshour/bb/iran-must-disclose-past-nuclear-military-activities-final-deal-says-kerry/>)

8. International Atomic Energy Agency, "Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran," May 29, 2015, page 12. (<http://isis-online.org/uploads/isis-reports/documents/iaea-iranreport-05292015.pdf>)

agreement. And in order to have an agreement to trigger any kind of material significant sanctions relief, we would have to have those answers.⁹

This construction is wrong on several levels.

1. We do not “have absolute knowledge” of what Iran did with “no doubt.” This is hubris, not analysis. Indeed, *former CIA Director, General Michael Hayden, said of Secretary Kerry’s claim, “I know of no American intelligence officer who would ever use that description to characterize what we know and do not know.”*¹⁰ Given Iran’s longstanding denial and deception efforts with respect to its nuclear activities, and manifest flaws in U.S. intelligence capabilities with respect to nuclear proliferation,¹¹ the point should require no additional evidence. But IAEA Director General Amano confirms that his Agency has no such certainty:

[W]e don’t know whether they have undeclared activities or something else. We don’t know what they did in the past. So, we know a part of their activities, but we cannot tell we know all their activities. And that is why we cannot say that all the activities in Iran is in peaceful purposes.¹²

2. A complete and correct understanding of all of Iran’s military nuclear activities is imperative for effective verification. To verify that nuclear weapons-related activities in Iran have ceased and will not resume, requires knowledge of who undertook them, where, with what equipment and materials, and what procurement channels were used. This is necessary to build a comprehensive picture of the program, which will reveal to inspectors inconsistencies, incomplete facts, or fabrications both in terms of past activities and future monitoring. IAEA inspectors will need to review procurement documents, lab notebooks, material balances, organization charts, and personnel files to ensure that Iran is not hiding more such work, and to keep track of the people and organizations capable of undertaking it to prevent its resumption. *To strengthen nonproliferation goals, the full scope of Iran’s work must be clearly delineated for the international community, not simply knowledge possessed (if it is) by the U.S. government.*

3. Iran’s unwillingness to resolve the PMD issue indicates that Tehran may also not comply with a future nuclear deal. Not being “fixated on Iran specifically accounting for what they did at one point in time or another,” as Secretary Kerry put it, sets a dangerous precedent that incomplete and incorrect declarations to the IAEA (which Iran has provided to the IAEA in the past, continues to provide, and therefore may provide in the future) are acceptable.

9. John Kerry, “Secretary Kerry’s Press Availability,” *U.S. Department of State*, June 16, 2015. (<http://www.state.gov/secretary/remarks/2015/06/243892.htm>)

10. Michael Hayden, “John Kerry’s Unreliable Words Undermine the Iran Deal,” *The Washington Times*, June 17, 2015. (<http://www.washingtontimes.com/news/2015/jun/17/michael-hayden-john-kerrys-unreliable-words-underm/?page=1>)

11. For an example of the gaps in U.S. intelligence capabilities regarding nuclear proliferation concerns, see Defense Science Board, “Assessment of Nuclear Monitoring and Verification Technologies,” January 2014. (<http://www.acq.osd.mil/dsb/reports/NuclearMonitoringAndVerificationTechnologies.pdf>)

12. “How the IAEA Has Been Monitoring Iran’s Nuclear Program,” *PBS NewsHour*, March 23, 2015. (<http://www.pbs.org/newshour/bb/iaea-monitoring-irans-nuclear-program/>)

It subverts the Agency's credibility and authorities when they are most needed. In short, it fatally undermines the very agreement the administration is trying to achieve.

How then should Congress judge whether or not the PMD issue has been successfully resolved? Four points would mark resolution of the matter. The IAEA could report the following:¹³

- 1. It has a complete and correct understanding of the full extent of Iran's nuclear activities, including any military dimensions;*
- 2. It has found no indication that Iran is engaged in any military dimensions;*
- 3. It has found no indication of the diversion of declared nuclear material from peaceful activities nor any indication of undeclared nuclear material or activities; and,*
- 4. It can monitor the people, facilities, sites, equipment, and materials involved in any military dimensions to ensure timely detection of any resumption of this work.*

In February 2014 testimony before the Senate Foreign Relations Committee, Under Secretary of State Wendy Sherman insisted, "We raised possible military dimensions. And in fact in the Joint Plan of Action, we have required that Iran come clean on its past actions as part of any comprehensive agreement."¹⁴ That must remain the standard to which Tehran is held accountable. Anything less would produce an agreement dangerously hollow at its core.

The Iran Task Force's goal is to lend expertise on Iran's internal politics, nuclear science, and sanctions regime to the legislative branch. By providing the necessary intellectual capital, this group can help to strengthen Congress's role in a potential final nuclear agreement with Iran. This group of former government officials and nuclear, legal, and sanctions experts provides advice and recommendations to policymakers in order to ensure that any final deal prevents Iran's uranium and plutonium pathways to a nuclear weapon.

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| Eliot Cohen | Gen. Michael Hayden | Stephen Rademaker |
| Michael Doran | Olli Heinonen | Mitchell Reiss |
| Mark Dubowitz | Amb. Robert Joseph | David Rivkin |
| Amb. Eric Edelman | Orde Kittrie | Vance Serchuk |
| Reuel Marc Gerech | Sen. Joseph Lieberman | Ray Takeyh |
| Christopher Griffin | Emanuele Ottolenghi | William Tobey |
| John Hannah | Chip Poncy | Juan Zarate |

13. This recommendation is based on the IAEA's language regarding the evaluation of safeguards agreements and additional protocols. See, International Atomic Energy Agency, "Safeguards Statement for 2014," GOV/2015/30, June 2015. (https://www.iaea.org/sites/default/files/sir_2014_statement.pdf)

14. Wendy Sherman, "Senate Foreign Relations Committee Holds Hearing on Iran Nuclear Negotiations, Panel 1," CQ Congressional Transcripts, February 4, 2014, page 10. (<http://www.shearman.com/~media/Files/Services/Iran-Sanctions/US-Resources/Joint-Plan-of-Action/4-Feb-2014--Transcript-of-Senate-Foreign-Relations-Committee-Hearing-on-the-Iran-Nuclear-Negotiations-Panel-1.pdf>)