

## Requirements for Detecting Covert Iranian Nuclear Weapons Activity

November 3, 2014

*“Iran has to come clean about all of its past weaponization activities. Iran must also submit to snap inspections of any suspect facility. If an agreement with Iran does not include such monitoring and verification provisions, I, as CIA director, would feel compelled to advise the President that the agreement could not be adequately verified.”*

*--General Michael Hayden, a retired Air Force general, is a former director of the Central Intelligence Agency and former director of the National Security Agency.*

U.S. government “monitoring for proliferation . . . presents challenges for which current solutions are either inadequate, or more often, do not exist. Among these challenges are monitoring of:

- *Small inventories of weapons and materials, even as low as a single ‘significant quantity of fissile material’;*
- *Small nuclear enterprises designed to produce, store, and deploy only a small number of weapons – intended as a proliferant’s end goal, or as the first steps to achieve larger inventories or more sophisticated capabilities;*
- *Undeclared facilities and/or covert operations, such as testing below detection thresholds, or acquisition of materials or weapons through theft or purchase ....”*

*--U.S. Department of Defense, Defense Science Board, “Assessment of Nuclear Monitoring and Verification Technologies,” January 2014<sup>1</sup>*

*Iran could “enrich uranium to weapons grade, manufacture nuclear weapon components, or even assemble complete bombs, in small, covert facilities, even while abiding by an agreement’s restrictions on known facilities such as Natanz, Fordow, and Arak. The U.S. and the IAEA may not have the capacity to detect, with sufficient reliability and speed, a parallel nuclear program hidden at clandestine facilities.”*

*--Nuclear Verification Capabilities Independent Task Force of the Federation of American Scientists, “Verification Requirements for a Nuclear Agreement with Iran,” September 2014<sup>2</sup>*

### SUMMARY

***Any comprehensive nuclear agreement must require Iran to provide full disclosure regarding its past nuclear work, and full future access and transparency. Unless an agreement requires such full disclosure, access, and transparency, there will be too high a risk that the United States and IAEA (International Atomic Energy Agency)***

1. The Defense Science Board report’s use here of the term “monitoring” appears to encompass detection, as well as the subsequent monitoring of installations of concern. U.S. Department of Defense, Defense Science Board, “Assessment of Nuclear Monitoring and Verification Technologies,” January 2014, page 2. (<http://www.acq.osd.mil/dsb/reports/NuclearMonitoringAndVerificationTechnologies.pdf>)

2. Nuclear Verification Capabilities Independent Task Force of the Federation of American Scientists, “Verification Requirements for a Nuclear Agreement with Iran,” September 2014, page 9. (<http://fas.org/wp-content/uploads/2014/09/verification-requirements-for-a-nuclear-agreement-with-iran-sept-2014.pdf>)

***will be unable to deter, detect, and respond in time to an Iranian nuclear “sneak out.”*** In a “sneak out” scenario, Iran could enrich uranium to weapons grade, manufacture nuclear weapon components, and even assemble complete bombs, in small, covert facilities, even while abiding by an agreement’s restrictions on Natanz, Fordow, and Arak. The U.S. may not have, and the IAEA certainly does not have, the current capacity to detect, with sufficient reliability and speed, such a covert Iranian nuclear weapons program. ***The agreement must therefore specifically require the following:***<sup>3</sup>

- A. Iran must provide, prior to any additional sanctions relief, a comprehensive declaration that is correct and complete concerning all aspects of its nuclear program both current and past.***
- B. Iran must provide the IAEA access without delay to all sites, material, equipment, persons, and documents requested by the IAEA.***
- C. In order to hinder Iran from circumventing the agreement by secretly importing elements of a covert nuclear weapons program, any Iranian procurement of key technologies must occur through a specifically designated transparent channel subject to careful monitoring and oversight.***

#### CONTEXT FOR THE REQUIREMENTS

A nuclear agreement with Iran must provide the West with sufficient capacity to deter and detect both overt and covert Iranian steps towards a nuclear bomb. Press coverage of the nuclear negotiations with Iran has thus far focused largely on the risk of a “break out” scenario, in which Iran would quickly produce fissile material at overt facilities. Far less attention has been paid to the question of how the agreement could and should protect against an Iranian “sneak out.”

***In a “sneak out” scenario, Iran could enrich uranium to weapons grade, manufacture nuclear weapon components, and even assemble complete bombs, in small, covert facilities, even while abiding by an agreement’s restrictions on Natanz, Fordow, and Arak.*** The U.S. may not have, and the IAEA certainly does not have, the current capacity to detect, with sufficient reliability and speed, such a covert Iranian nuclear program.

***All of the steps involved in creating a nuclear weapon could be undertaken by Iran in small, hidden facilities.*** Indeed, as Olli Heinonen has noted, Iran might already have taken some of these steps, in such covert facilities, without having been detected by the U.S. or IAEA. According to a recent study by an independent task force of the Federation of American Scientists (“the FAS study”), Iran could “enrich uranium to weapons grade, manufacture nuclear

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3. Portions of this report, including these recommendations, are drawn in part from the Nuclear Verification Capabilities Independent Task Force of the Federation of American Scientists, “Verification Requirements for a Nuclear Agreement with Iran,” September 2014. (<http://fas.org/wp-content/uploads/2014/09/verification-requirements-for-a-nuclear-agreement-with-iran-sept-2014.pdf>). The Co-Principal Investigators of the FAS task force study, which was funded by the John D. and Catherine T. MacArthur Foundation, were Christopher Bidwell of the Federation of American Scientists and Orde Kittrie, a professor of law at Arizona State University and senior fellow at the Foundation for Defense of Democracies. Kittrie is also lead drafter of this report, which should not be seen as reflecting the views of any other members of the FAS task force.

weapon components, or even assemble complete bombs, in small, covert facilities, even while abiding by an agreement's restrictions on known facilities such as Natanz, Fordow, and Arak."<sup>4</sup>

The same study assessed that the ***“U.S. and the IAEA may not have the capacity to detect, with sufficient reliability and speed, a parallel nuclear program hidden at clandestine facilities.”***<sup>5</sup> This is consistent with the assessment, by a January 2014 U.S. Department of Defense Science Board task force on nuclear monitoring and verification, that ***U.S. government tools are “either inadequate, or more often, do not exist” for such challenges as detecting and monitoring “small nuclear enterprises designed to produce, store, and deploy only a small number of weapons” and detecting and monitoring “undeclared facilities and/or covert operations.”***<sup>6</sup>

The need to include rigorous and robust transparency requirements in a comprehensive agreement with Iran is heightened by Iran's failure to meet its existing transparency commitments to the IAEA -- including those it agreed to in association with the Joint Plan of Action. The IAEA's work with Iran on resolving outstanding issues over possible military dimensions of Iran's nuclear program has stalled. In an October 31, 2014 speech at the Brookings Institution, IAEA Director General Yukiya Amano indicated that while there are twelve major areas of concern that need to be addressed with regard to Iran's nuclear program, Iran's lack of cooperation has resulted in significant progress occurring in only one of those major areas.<sup>7</sup> At the same event, Bob Einhorn stated that “so far, Iran has largely stonewalled the IAEA's investigation” of Iran's nuclear program.<sup>8</sup> Iran has failed to implement even the preliminary, incremental steps it has agreed to with the IAEA. For example, Iran has failed to implement two of the five incremental measures<sup>9</sup> it agreed with the IAEA in May 2014 to complete by August 25, 2014.<sup>10</sup> These two unimplemented measures were designed to shed important light on Iran's work relating to the initiation of high explosives and to neutron transport calculations (which can relate to calculating nuclear explosive yields).<sup>11</sup>

Iran's continuing lack of cooperation on transparency issues was reflected in a letter to the IAEA dated August 28, 2014 in which Iran dismissed the November 2011 report in which the IAEA

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4. Nuclear Verification Capabilities Independent Task Force of the Federation of American Scientists, “Verification Requirements for a Nuclear Agreement with Iran,” September 2014, page 9. (<http://fas.org/wp-content/uploads/2014/09/verification-requirements-for-a-nuclear-agreement-with-iran-sept-2014.pdf>)

5. Nuclear Verification Capabilities Independent Task Force of the Federation of American Scientists, “Verification Requirements for a Nuclear Agreement with Iran,” September 2014, page 9. (<http://fas.org/wp-content/uploads/2014/09/verification-requirements-for-a-nuclear-agreement-with-iran-sept-2014.pdf>)

6. U.S. Department of Defense, Defense Science Board, “Assessment of Nuclear Monitoring and Verification Technologies,” January 2014, page 2. (<http://www.acq.osd.mil/dsb/reports/NuclearMonitoringAndVerificationTechnologies.pdf>)

7. Jay Solomon, “Iran Blocks Inspections, Hobbling Nuclear Deal,” *The Wall Street Journal*, October 31, 2014. (<http://online.wsj.com/articles/iran-blocks-inspections-hobbling-nuclear-deal-1414797490>)

8. “Challenges in Nuclear Verification: The IAEA's Role on the Iranian Nuclear Issue,” *Brookings Institution*, October 31, 2014. (<http://www.brookings.edu/events/2014/10/31-challenge-nuclear-verification-iran-iaea-amano>)

9. The IAEA has raised several questions regarding possible military dimensions of Iran's nuclear program, but Iran has agreed to address them only one by one and incrementally, without having the entire program on the table at once for a comprehensive discussion.

10. David Albright, Paulina Izewicz, Andrea Stricker, & Serena Kelleher-Vergantini, “ISIS Analysis of IAEA Iran Safeguards Report,” *Institute for Science and International Security*, September 5, 2014, page 7-8. ([http://www.isis-online.org/uploads/isis-reports/documents/ISIS\\_Analysis\\_IAEA\\_Safeguards\\_Report\\_September\\_2014\\_FINAL\\_1.pdf](http://www.isis-online.org/uploads/isis-reports/documents/ISIS_Analysis_IAEA_Safeguards_Report_September_2014_FINAL_1.pdf))

11. International Atomic Energy Agency, “Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran,” September 5, 2014, page 14. (<http://isis-online.org/uploads/isis-reports/documents/gov-2014-43.pdf>)

provided its most complete public accounting of evidence that Iran had engaged in nuclear weapons research. *In its 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.”*<sup>12</sup> The report also addressed what the IAEA refers to as “design work and modelling 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.”<sup>13</sup> 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.”<sup>14</sup> Iran’s August 28, 2014 letter declared that “most of the issues” painstakingly laid out by the IAEA in its November 2011 IAEA report were “mere allegations and do not merit consideration.”<sup>15</sup>

Iran’s lack of cooperation is also reflected in Iran’s continuing efforts to alter the Parchin site in ways that the IAEA’s September 5, 2014 report said “are likely to have further undermined the Agency’s ability to conduct effective verification.”<sup>16</sup> In other words, *while Iran is reportedly living up to the restrictions on its declared facilities that it agreed to with the P5+1, it has clearly failed to implement the associated key transparency commitments it made to the IAEA.* Iran’s refusal to address these issues suggests, as David Albright has stated, that “Iran is not yet prepared to seriously discuss and explain to the IAEA the past and possibly ongoing military dimensions of its nuclear program.”<sup>17</sup> *Until Iran provides a full accounting of its past and present nuclear weapons program activities, the international community cannot have confidence that it knows either how far Iran is along the path to nuclear weapons or that Iran’s nuclear weapons program has ceased.*

The international community almost certainly has more leverage over Iran now, with most sanctions still in place, than it will have in the wake of a comprehensive agreement, after which most sanctions will be lifted or suspended. *If the U.S. and its allies cannot achieve now a rigorous and robust commitment by Iran to provide full disclosure regarding its*

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12. 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>)

13. 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>)

14. 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>)

15. International Atomic Energy Agency, “Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran,” September 5, 2014, page 12. (<http://isis-online.org/uploads/isis-reports/documents/gov-2014-43.pdf>)

16. International Atomic Energy Agency, “Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran,” September 5, 2014, page 13. (<http://isis-online.org/uploads/isis-reports/documents/gov-2014-43.pdf>)

17. David Albright, Paulina Izewicz, Andrea Stricker, and Serena Kelleher-Vergantini, “ISIS Analysis of IAEA Iran Safeguards Report,” *Institute for Science and International Security*, September 5, 2014, page 10. ([http://www.isis-online.org/uploads/isis-reports/documents/ISIS\\_Analysis\\_IAEA\\_Safeguards\\_Report\\_September\\_2014\\_FINAL\\_1.pdf](http://www.isis-online.org/uploads/isis-reports/documents/ISIS_Analysis_IAEA_Safeguards_Report_September_2014_FINAL_1.pdf))

*past nuclear work, and to provide full future access and transparency, it is hard to envision, and will be extremely difficult if not impossible to ensure, Iranian compliance in the future, post-sanctions environment.*

#### REQUIREMENTS IN FURTHER DETAIL

*A. Iran must provide, prior to any additional sanctions relief, a comprehensive declaration that is correct and complete concerning all aspects of its nuclear program both current and past.*

*The provision by Iran of a comprehensive declaration that is correct and complete, concerning all aspects of its nuclear program both current and past, is essential.*

The FAS study asserts that “without a robust data declaration, other aspects of the monitoring regime, including inspections and the use of national technical means, are operating largely in the blind.”<sup>18</sup> It also asserts that “there can be no international confidence that the development of nuclear weapons capabilities has ceased” until Iran provides a full accounting of the sites, equipment, material, persons, and activities involved in Iran’s past and present nuclear work, including “who was involved, what actions were taken, and where they took place.”<sup>19</sup>

As the October 1, 2014 letter to Senator Kerry by 354 House members stated, Iranian transparency regarding its past nuclear program is “essential to establishing a baseline regarding the status of the Iranian nuclear program.”<sup>20</sup> “Such a baseline,” said the letter, is “critical to developing more precise estimates on the time it would take Iran to develop a nuclear weapons capability without detection.”<sup>21</sup>

*B. Iran must provide the IAEA access without delay to all sites, material, equipment, persons, and documents requested by the IAEA.*

U.N. Security Council Resolution 1929 requires Iran to provide the IAEA with “access without delay to all sites, equipment, persons, and documents requested by the IAEA.”<sup>22</sup> Iran continues to flout this requirement.

A comprehensive nuclear agreement with Iran must definitively ensure that the IAEA will have such access without delay to all sites, material, equipment, persons, and documents that it

18. Nuclear Verification Capabilities Independent Task Force of the Federation of American Scientists, “Verification Requirements for a Nuclear Agreement with Iran,” September 2014, page 7. (<http://fas.org/wp-content/uploads/2014/09/verification-requirements-for-a-nuclear-agreement-with-iran-sept-2014.pdf>)

19. Nuclear Verification Capabilities Independent Task Force of the Federation of American Scientists, “Verification Requirements for a Nuclear Agreement with Iran,” September 2014, page 7. (<http://fas.org/wp-content/uploads/2014/09/verification-requirements-for-a-nuclear-agreement-with-iran-sept-2014.pdf>)

20. House Committee on Foreign Affairs, Press Release, “354 House Members Express Concern About Iran’s Refusal to Cooperate with International Nuclear Inspectors,” October 2, 2014. (<http://foreignaffairs.house.gov/press-release/354-house-members-express-concern-about-iran-s-refusal-cooperate-international-nuclear>)

21. House Committee on Foreign Affairs, Press Release, “354 House Members Express Concern About Iran’s Refusal to Cooperate with International Nuclear Inspectors,” October 2, 2014. (<http://foreignaffairs.house.gov/press-release/354-house-members-express-concern-about-iran-s-refusal-cooperate-international-nuclear>)

22. United Nations Security Council Resolution 1929, S/RES/1929, June 9, 2010. ([http://www.iaea.org/newscenter/focus/iaeairan/unsc\\_res1929-2010.pdf](http://www.iaea.org/newscenter/focus/iaeairan/unsc_res1929-2010.pdf))

requests (hereinafter referred to as “access without delay”). If the agreement does not ensure such “access without delay,” there is an unacceptable risk that Iran could, undetected, enrich uranium to weapons grade, manufacture nuclear weapon components, or even assemble complete bombs, in small, covert facilities. As discussed above, the January 2014 Defense Science Board task force on nuclear monitoring and verification asserts that U.S. government tools are “either inadequate, or more often, do not exist” for such challenges as detecting and monitoring “small nuclear enterprises designed to produce, store, and deploy only a small number of weapons” and detecting and monitoring “undeclared facilities and/or covert operations.”<sup>23</sup>

The Joint Plan of Action states that the “final step of a comprehensive solution” would include Iranian ratification and implementation of the Additional Protocol.<sup>24</sup> However, this is insufficient. Even when Iran was provisionally applying the Additional Protocol between 2003 and 2006, the IAEA had considerable difficulties obtaining information and access. Even if Iran were to adhere to, and fully implement, the Additional Protocol, the IAEA would still have insufficient authority to detect a covert Iranian program. As James Acton has detailed, “it could be possible for Iran to operate a clandestine nuclear programme without detection even with an additional protocol in force.”<sup>25</sup>

As the October 1, 2014 letter to Senator Kerry by 354 House members stated, “Accurate predictions of the period of time needed by Iran to assemble a weapon and assessments of Iran’s compliance cannot be made without highly reliable information obtained from an unrestricted inspection and verification regime.”<sup>26</sup> In light of these concerns, ***a comprehensive agreement with Iran must include the following provisions that would provide the IAEA with sufficient authority to have, and to vigorously exercise, access without delay in Iran:***

1. ***The agreement must reaffirm the binding nature of, and ensure implementation of, the existing legal requirements that Iran provide access without delay to all sites, material, equipment, persons, and documents that the IAEA requests.*** It is a matter of considerable concern that the Joint Plan of Action is not legally binding,<sup>27</sup> and describes Iran’s steps, under it, to comply with mandatory Security Council resolutions, as “voluntary measures.”<sup>28</sup> For example, Iranian steps to comply partially with its Security Council mandated obligations relating to access are labeled “voluntary measures” by the Joint Plan of Action.<sup>29</sup>

23. U.S. Department of Defense, Defense Science Board, “Assessment of Nuclear Monitoring and Verification Technologies,” January 2014, page 2. (<http://www.acq.osd.mil/dsb/reports/NuclearMonitoringAndVerificationTechnologies.pdf>)

24. “Joint Plan of Action,” Geneva, November 24, 2013, page 4. ([http://eeas.europa.eu/statements/docs/2013/131124\\_03\\_en.pdf](http://eeas.europa.eu/statements/docs/2013/131124_03_en.pdf))

25. James Acton with Joanna Little, “The Use of Voluntary Safeguards to Build Trust in States’ Nuclear Programmes: the Case of Iran,” *VERTIC Research Report No. 8*, May 2007, page 42. (<http://www.vertic.org/media/assets/Publications/VM8.pdf>)

26. House Committee on Foreign Affairs, Press Release, “354 House Members Express Concern About Iran’s Refusal to Cooperate with International Nuclear Inspectors,” October 2, 2014. (<http://foreignaffairs.house.gov/press-release/354-house-members-express-concern-about-iran-s-refusal-cooperate-international-nuclear>)

27. For example, see Duncan Hollis, “The New Iran Deal Doesn’t Look Legally Binding. Does it Matter?,” *Opinio Juris*, November 24, 2013. (<http://opiniojuris.org/2013/11/24/new-us-iran-deal-doesnt-look-legally-binding-matter/>)

28. “Joint Plan of Action,” Geneva, November 24, 2013, pages 1-2. ([http://eeas.europa.eu/statements/docs/2013/131124\\_03\\_en.pdf](http://eeas.europa.eu/statements/docs/2013/131124_03_en.pdf))

29. “Joint Plan of Action,” Geneva, November 24, 2013, page 2. ([http://eeas.europa.eu/statements/docs/2013/131124\\_03\\_en.pdf](http://eeas.europa.eu/statements/docs/2013/131124_03_en.pdf))

2. ***The agreement must provide the IAEA with access beyond that in the Additional Protocol.*** For example, “to deter and detect covert activities, monitoring measures more rigorous than those in the AP will be needed for centrifuge production and storage, uranium mining and milling, nuclear-related imports, and other areas.”<sup>30</sup>
3. ***The agreement must include a comprehensively detailed protocol for IAEA inspections and interviews.*** The IAEA’s current most intrusive inspection authorities are broadly framed and specify that terms of reference are to be agreed through negotiations between the IAEA and the state to be inspected. Such negotiations can be used by a state such as Iran to delay inspections while it sanitizes the facility to be inspected.
4. ***The agreement must specify that the IAEA will quickly begin to exercise its most intrusive inspection authorities.*** This is crucial because the IAEA has a history of not exercising its most intrusive inspection authorities, and the longer such authorities are not exercised the harder it is to generate the political will to do so.

***C. In order to hinder Iran from circumventing the agreement by secretly importing elements of a covert nuclear weapons program, any Iranian procurement of key technologies must occur through a specifically designated transparent channel subject to careful monitoring and oversight.***

***All Iranian acquisition of sensitive items for its post-agreement licit nuclear program, and all acquisition of sensitive items that could be used in a post-agreement illicit nuclear program, must take place through a designated transparent channel. The use of such a channel is essential to preventing Iran from circumventing the agreement by covertly procuring elements of a parallel illicit nuclear and missile program.*** Iran’s nuclear and missile programs reportedly still depend on the import of key items, including some of the equipment necessary to operate a gas centrifuge plant.<sup>31</sup> Sanctions have hindered Iranian acquisition of various vital nuclear and missile dual-use items.<sup>32</sup> However, even under the current nuclear and missile sanctions on Iran, which include stringent procurement restrictions imposed by U.N. Security Council resolutions, Iran has met with considerable success procuring nuclear-related and missile-related dual-use items.<sup>33</sup>

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30. Robert J. Einhorn, “Preventing a Nuclear-Armed Iran: Requirements for a Comprehensive Nuclear Agreement,” *Brookings Institution Arms Control and Non-Proliferation Series*, March 31, 2014, page 3. (<http://www.brookings.edu/~media/research/files/papers/2014/03/31%20nuclear%20armed%20iran%20einhorn/31%20nuclear%20armed%20iran%20einhorn%20pdf.pdf>)

31. For example, see David Albright, Paul Brannan, Andrea Stricker, Christina Walrond & Houston Wood, “Preventing Iran from Getting Nuclear Weapons: Constraining Its Future Nuclear Options,” *Institute for Science and International Security*, March 5, 2012, page 27. ([http://isis-online.org/uploads/isis-reports/documents/USIP\\_Template\\_5March2012-1.pdf](http://isis-online.org/uploads/isis-reports/documents/USIP_Template_5March2012-1.pdf))

32. For example, see David Albright, Andrea Stricker, & Houston Wood, *Future World of Illicit Nuclear Trade: Mitigating the Threat*, July 29, 2013, p. 14, [http://isis-online.org/uploads/isis-reports/documents/Full\\_Report\\_DTRA-PASCC\\_29July2013-FINAL.pdf](http://isis-online.org/uploads/isis-reports/documents/Full_Report_DTRA-PASCC_29July2013-FINAL.pdf)

33. See, e.g., David Albright, Andrea Stricker, and Houston Wood, “Future World of Illicit Nuclear Trade: Mitigating the Threat,” *Institute for Science and International Security*, July 29, 2013, page 7, 25, 48-49, 55-57, 69-70. ([http://isis-online.org/uploads/isis-reports/documents/Full\\_Report\\_DTRA-PASCC\\_29July2013-FINAL.pdf](http://isis-online.org/uploads/isis-reports/documents/Full_Report_DTRA-PASCC_29July2013-FINAL.pdf))

Iran is open about its sanctions circumvention. Iran's President Rouhani, on August 30, 2014, said, "Of course we bypass sanctions. We are proud that we bypass sanctions because the sanctions are illegal."<sup>34</sup> Iran's success in circumventing the current stringent regime reportedly relies on two principal factors. According to leading experts, China is the foremost procurement and transshipment point used by Iran to acquire the additional dual use items it needs for its nuclear and missile programs.<sup>35</sup> In addition, as described in the June 2014 report by the U.N. panel of experts on Iran sanctions implementation, Iran has developed very sophisticated illicit procurement techniques.<sup>36</sup>

A comprehensive nuclear agreement with Iran will result in a significantly increased volume of overall Iranian trade with the rest of the world. It will apparently also provide for licit Iranian nuclear and missile programs, while banning some nuclear and perhaps also some missile activities. ***The current difficulties in preventing illicit Iranian procurement of nuclear-related and missile-related items will be far greater amongst a higher volume of general trade, and a significant volume of licit nuclear trade, in the aftermath of a comprehensive agreement.***

By requiring that all Iranian procurement of sensitive items for its post-agreement licit nuclear or missile program, and of sensitive items that could be used in an illicit nuclear or missile program, occur through a designated transparent channel, the agreement would reduce the risks presented by the increase in trade. ***As part of the procurement process, Iran must be required to specify the procured item's end use and end user, receive approval of them from the designated procurement channel oversight body, and agree to provide the IAEA with such access as it may request to verify the end use and end user at any time.*** Because it will be relatively easy to determine whether a particular procurement has taken place through or, alternatively, outside the designated channel, the U.S. and the P-5+1 will be able to vigorously respond to such violations.

***In addition to its inclusion in the agreement, the special procurement channel must also be mandated by a Security Council Resolution that will be legally binding on all U.N. member states.*** The resolution could create a narrow exception to the current requirement that U.N. member states prevent the supply, sale or transfer to Iran of various listed nuclear-related and missile-related items. A new U.N. Security Council resolution could provide that member states' current requirements would continue to apply except in cases where they are participating in an approved Iranian procurement through the designated procurement channel. Failure by Iran to abide by these requirements would thus be a violation of both the nuclear agreement and Iran's binding legal obligation to abide by U.N. Security Council Resolutions. This could be particularly important if the comprehensive agreement is, like the plan of action, not legally binding.

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34. "Iran President Rouhani Hits Out at US Sanctions," *BBC News*, August 30, 2014. (<http://www.bbc.com/news/world-middle-east-28997452>)

35. For example, see David Albright, Mark Dubowitz, Orde Kittrie, Leonard Spector, & Michael Yaffe, "U.S. Nonproliferation Strategy for the Changing Middle East," *The Project on U.S. Middle East Nonproliferation Strategy*, January 2013, pages 46-51; (<http://isis-online.org/uploads/isis-reports/documents/FinalReport.pdf>) & "China continues to be the key source of goods and technology for the prohibited nuclear and missile programs of Iran and North Korea, with some officials estimating that China is used as a transit route for up to 90 percent of goods destined for those programs." Wyn Q. Bowen, Ian J. Stewart, and Daniel Salisbury, *Engaging China in Proliferation Prevention*, Bulletin of the Atomic Scientists, October 29, 2013; (<http://thebulletin.org/engaging-china-proliferation-prevention>).

36. United Nations Security Council "Final Report of the Panel of Experts Established Pursuant to Resolution 1929 (2010)," June 11, 2014, page 23. ([http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2014/394](http://www.un.org/ga/search/view_doc.asp?symbol=S/2014/394))

***The designated procurement channel must be designed so as to avoid the corruption and other problems that characterized the U.N.'s Iraq Oil-for-Food Program, including by operating with much greater transparency.*** In light of its much smaller financial scale, far narrower scope of procurements, and the lessons learned from the Oil-for-Food Program, it should be possible to design a procurement channel for proliferation-sensitive items that avoids those problems.

***The designated procurement channel must also be specifically designed with an eye to preventing Iran from circumventing the agreement by acquiring fissile or other sensitive material from North Korea.*** Based on its track record, North Korea may well have the motivation and clearly has the means to assist Iran in this manner. ***In a March 2014 report, the Defense Department stated that, "One of our gravest concerns about North Korea's activities in the international arena is its demonstrated willingness to proliferate nuclear technology."***<sup>37</sup> A 2013 State Department report said that Syria's Al Kibar reactor (destroyed by Israel in 2007) was "constructed with North Korean assistance" and assessed that "the reactor's intended purpose was the production of plutonium, because the reactor was not configured for power production, was isolated from any civilian population, and was ill-suited for research."<sup>38</sup> According to several publicly available U.S. government reports, North Korea also has a long history of providing Iran with ballistic missile technology.<sup>39</sup>

37. U.S. Department of Defense, "Military and Security Developments Involving the Democratic People's Republic of Korea," March 2014, page 20. ([http://www.defense.gov/pubs/North\\_Korea\\_Military\\_Power\\_Report\\_2013-2014.pdf](http://www.defense.gov/pubs/North_Korea_Military_Power_Report_2013-2014.pdf))

38. U.S. Department of State, "Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments," July 12, 2013, (<http://www.state.gov/t/avc/rls/rpt/2013/211884.htm#part3npt3>)

39. U.S. Department of Defense, "Military and Security Developments Involving the Democratic People's Republic of Korea," March 2014, page 19; ([http://www.defense.gov/pubs/North\\_Korea\\_Military\\_Power\\_Report\\_2013-2014.pdf](http://www.defense.gov/pubs/North_Korea_Military_Power_Report_2013-2014.pdf)) & James R. Clapper, "Statement for the Record: Worldwide Threat Assessment of the US Intelligence Community" *Testimony before the Senate Select Committee on Intelligence*, January 29, 2014, pages 5-6. ([http://www.dni.gov/files/documents/Intelligence%20Reports/2014%20WWTA%20%20SEFR\\_SSCI\\_29\\_Jan.pdf](http://www.dni.gov/files/documents/Intelligence%20Reports/2014%20WWTA%20%20SEFR_SSCI_29_Jan.pdf))

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.

David Albright	Richard Goldberg	Amb. Robert Joseph	Mitchell Reiss
Sen. Evan Bayh	Chris Griffin	Orde Kittrie	Vance Serchuk
Mark Dubowitz	John Hannah	Emanuele Ottolenghi	Ray Takeyh
Amb. Eric Edelman	Gen. Michael Hayden	Chip Poncy	Juan Zarate
Reuel Marc Gerecht	Olli Heinonen	Stephen Rademaker	