



Codifying Support for Nuclear Inspections

By David Albright

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The chances of a new nuclear deal with Iran are lackluster today, widely reported as resulting from the Biden administration's refusal to delist the Iran Revolutionary Guard Corps (IRGC) as a terrorist entity. However, that reporting is only partially true. Iran's disregard of its safeguards commitments and defiance of standard International Atomic Energy Agency (IAEA) procedures are more problematic for a nuclear deal.

Resolving those outstanding inspection issues offers a far more promising pathway to prevent Iran from building nuclear weapons in the long run. After all, there is widespread acknowledgment that a new deal will be weaker than the original 2015 nuclear deal, called the Joint Comprehensive Plan of Action (JCPOA). A new deal would amount to a short-lived arrangement with rapidly approaching nuclear and ballistic missile sunsets. Rather than focusing on a weaker deal than the JCPOA, a sounder strategy is ensuring that Iran does not have a nuclear weapons program, whether a remnant from the past or an active one in the present. The short-term priority should be determining whether Iran is willing to part from and surgically remove its nuclear weapons program or its remnants – of course, Iran would first have to reverse its vehement denials of ever having had a nuclear weapons program, despite overwhelming evidence to the contrary.

The IAEA offers a vehicle for such a process to occur, while simultaneously defending the international inspection regime at the heart of the Nuclear Non-Proliferation Treaty (NPT). The IAEA has made clear that it wants to resolve a series of inspection issues by early June when the next Board of Governors meeting occurs. IAEA Director General Rafael Grossi said in a press conference in early March that it is difficult to imagine a nuclear deal being implemented if the IAEA's efforts to clarify important safeguards issues fail. In mid-May, he reiterated that concern in front of a European Union parliamentary committee.

The bulk of the issues concern undeclared nuclear material, equipment, facilities, and activities that were part of a past nuclear weapons program, all relevant to a determination about the existence of a nuclear weapons program today. The IAEA has already stated publicly this year that one of the issues, involving uranium metal linked to a critical nuclear weapons component, a neutron initiator, is a safeguards violation. The resolution of these issues and violations lies at the core of determining if a nuclear deal allowing Iran to maintain nuclear weapons-relevant capabilities is tolerable. Not resolving them would enshrine Iran's violation of the safeguards conditions at the core of the Comprehensive Safeguards Agreement and the Nuclear Non-Proliferation Treaty.

A key part of the IAEA process is for Iran to provide a series of explanations about these undeclared materials and activities, which Tehran did in late February or March. But Grossi's statement to the EU parliamentary committee suggest Iran's explanations have remained inadequate. "I am not trying to pass an alarmist message that we are at a dead end but the situation does not look very good. Iran has not been forthcoming in the type of information we need from them," he told the committee.

Associated public statements from Iranian officials further imply that Iran did not change its dissembling. These officials dismiss the IAEA's request for information as based on fake documents and exaggerated claims. In parallel, Iran creates new crises to occupy the West, harassing IAEA inspectors and imprisoning foreigners on bogus charges.

The so-called "fake" documents are from the Iranian Nuclear Archive, a major portion of which was seized in Tehran in early 2018 by Israel. I led a two-year effort at my Institute to independently analyze a major portion of the seized data. The documents show a dedicated, well-funded nuclear weapons effort in the early 2000s, directed by Iran's top leadership, several still in positions of leadership, intent on building five nuclear weapons. While secretly downsized in 2003 and 2004 out of fear of getting caught and being attacked by US forces then occupying Iraq, the nuclear weapons program continued in a downsized and better camouflaged way, all aimed at becoming prepared to build nuclear weapons on short order.

Some of the evidence developed by the IAEA concerns post-2004 work on the very neutron initiator at the center of one of today's safeguards violations, lending additional weight to the importance of settling the safeguards issues and determining whether Iran's nuclear weapons program continues up to today.

The IAEA gave Iran many chances to provide honest answers. Additional discussions between the IAEA and Iran have happened, but apparently also to no avail. With the IAEA deadline of early June looming, there is a risk that the IAEA will lose its will. That was the case with the previous Director General in 2015; Iranian deception is long-standing. At that time, the IAEA's Director General and the parties to the JCPOA, in particular the Obama administration, did not seek solid verification of Iranian statements to the IAEA about its nuclear weapons activities in order to implement that deal. This mistake should not be repeated. The current Director General is much better prepared, armed with evidence and tangible, documented Iranian safeguards violations based on the Nuclear Archive and his agency's own follow-up investigations. But Grossi will need to withstand intense pressure from the Iranians, its allies Russia and China, and also, sadly, from many in the United States in their zeal to seal a deal.

The IAEA needs our urgent support. Does anyone really doubt the necessity of Grossi's admonition? The current negotiating pathway is a dangerous illusion absent getting to the bottom of the IAEA's concerns and finding out if Iran is just waiting for the day it can build nuclear weapons. Leaving this issue to fester merely worsens instability in the region, undermines the credibility of a critical international inspection organization, and increases the chances of further nuclear proliferation and conflict in the Middle East.

The Biden Administration should first make it clear that a nuclear deal cannot be implemented unless Iran answers the IAEA truthfully and is well along in addressing the IAEA safeguards concerns by the June deadline. The IAEA and the United States should both have credible evidence that Iran does not have unresolved safeguards issues and violations. The U.S. Congress should quickly pass legislation codifying and extending that policy and ensuring that if Iran continues its subterfuges, sanctions will remain in place, and increase stepwise, until the Iranian regime finally tells the truth and verifiably eliminates all facets of its nuclear weapons efforts.