

Addressing the Military Dimensions of Iran's Nuclear Program

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While Iran continues to keep the pressure on to weaken the International Atomic Energy Agency's (IAEA's) effort to get to the bottom of the well-founded allegations that it had a nuclear weapons program, the Obama administration is giving the impression that it is softening its position on this critical issue. The administration should publicly state that the results of the IAEA's investigation are critical and are linked to sanctions relief.

On October 21, 2015, the Supreme Leader of Iran Ayatollah Ali Khamenei, laid out Iran's own set of conditions and interpretations along with an endorsement of the Joint Comprehensive Plan of Action (JCPOA). The [published letter](#) to President Hassan Rouhani "enumerate[d] nine-point requirements for the implementation of the JCPOA," including that certain of Iran's nuclear dismantlement steps would happen only after the International Atomic Energy Agency (IAEA) "closes" or concludes the file on its investigation of past and present possible military dimensions (PMDs).

These well-founded PMD allegations are that Iran had a nuclear weapons program in the past, parts of which may have continued until recently. This information is extensive and credible. A significant body of evidence, which had been extensively corroborated and tested as to its veracity, is in the Annex of the November 2011 IAEA Iran safeguards report. Since that report, the IAEA has collected additional information, according to later safeguards reports.

Despite the overwhelming evidence, the Leader has repeatedly denied ever having had such a program. Iran's cooperation with the IAEA investigation has been less than stellar. Its performance so far makes the IAEA's investigation all but impossible to close, regardless of what the IAEA states in December in a widely anticipated report on the PMD issue.

Instead of challenging the Leader's interpretations, as it should, the administration has been largely silent, with only the State Department spokesperson tepidly [pushing back](#). But a comment right before Khamenei's statement is telling about official U.S. policy with regards to the PMD issue. A senior US official [said](#) to the press on October 17, 2015 that the content and

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quality of the final assessment of the IAEA on the PMD matter “is not a prerequisite for Implementation Day [the day key sanctions come off]. The Implementation Day prerequisite was all of the steps that had to be--the Iranian steps that had to be completed in the [IAEA/Iran] Roadmap.” The official stated further that the “quality of the data” is not within the U.S. purview and agreed with the questioner that it was unrelated to Implementation Day. The moderator of the press briefing underscored that “the U.S. Government has already made its assessment on Iran’s past programs.” So, regardless of what Iran has told the IAEA or what the IAEA finds, sanctions may come off on Implementation Day, and one of the core issues - the possible military dimension -leading to the UN Security Council resolutions could remain unresolved.

Iran’s pressure on the PMD issue appears to be working to weaken the U.S. position. We stated in a [previous op-ed](#) how Iran may seek to reinterpret the JCPOA on the PMD issue to its favor and to the detriment of the IAEA verification effort now and later under the JCPOA. The letter by Khamenei confirms that suspicion. It is far from clear that the IAEA will succumb to this pressure; it has shown many times it can resist such ploys and remain faithful to its technical mandate to uncover the truth. But its conclusions depend on more than Iran checking procedural boxes. The inspectors need substantive answers to their concerns. Is the administration slowly giving in and in the process risking a negative precedent for the verification of the JCPOA and other future proliferation cases?

The senior U.S. official’s recent statement about Iran needing to fulfill a set of procedural steps in the IAEA/Iran Roadmap is very different from earlier administration statements. Before, the administration explained that sanctions would remain in effect until the issue was adequately addressed. On July 24, 2015 at a Council on Foreign Relations event, Secretary of State John Kerry [stated](#), “PMD has to be resolved – before they get one ounce of sanctions relief. Now that could take six months, it could take a year. I don’t know how long. But the IAEA has to certify that all of that has been done and we have received our one-year breakout before they get a dime.” Undersecretary of State Wendy Sherman [stated](#) in February 4, 2014 Senate testimony also that “All the sanctions [on] over 600 individuals and entities targeted for supporting Iran’s nuclear and ballistic missile program, will remain in effect until those [PMD] concerns are addressed.” This is tough language that needed to be said. It also needs to be not only reiterated today but implemented.

However, it appears that the administration is moving to the view that sanctions relief and Implementation Day can occur even if the IAEA has not finished its investigation or if it reaches a mixed conclusion about the PMD matter in mid-December. Although the administration is unlikely to acquiesce to the Leader’s position of demanding the IAEA close the file, it risks through its words and actions damaging the value and authority of the IAEA’s investigation. Once sanctions are removed under the JCPOA, there is little leverage left on Iran to encourage it to fulfill in quality and substance the rest of the PMD investigation, and to find out how far it actually got in its nuclear weapons efforts, regardless of how hard the IAEA pushes for further clarifications. In fact, Iran can argue that this investigation is complete as of December 2015 and refuse to cooperate with the IAEA in revisiting PMD issues at a later date. This refusal may

have a negative impact on the final assessment, or "broader conclusion," under the Additional Protocol of the correctness and completeness of Iran's nuclear declarations, which is envisioned to take place 6-8 years from now. Some of these military related activities involved the use of nuclear material and thus the PMD issue will have a nexus to reaching the broader conclusion.

In response to Supreme Leader Khamenei's PMD condition, the administration should publicly clarify that its position is that the content and substance of the IAEA's December report on the PMD matter is directly related to whether Implementation Day and sanctions relief can occur. If the IAEA is not satisfied that it has an adequate understanding of Iran's past nuclear weapons related efforts, Implementation Day should be delayed until the IAEA has its concerns addressed.

There has been some recent movement on the part of factions in Iran that may recognize that this issue is not going away. Former Iranian President and current head of the Expediency Council, Hashemi Rafsanjani, [admitted](#) last month to an Iranian website that Iran wanted to have a nuclear weapons option. He stated: "...When we started the [nuclear] work, we were at war, and we wanted to have such an option for the day our enemies wanted to use nuclear weapons." His statements also implied that the enrichment program and the Arak reactor project were two parallel paths to nuclear weapons. During his presidency from 1989-1997, the [Physics Research Center](#) (PHRC) was established and put in charge of the military nuclear programs and he should have been aware of its activities. Not surprisingly, the IAEA version of events to date is consistent with the former president's admission. But the inspectors have only a partial picture of Iran's nuclear weapons efforts, including those of the PHRC. For example, Iran [refused](#) to provide a more complete picture of what the PHRC did as it moved on the path to nuclear weapons. Although the former president's admission is a breath of fresh air compared to the disingenuous statements of the Leader and President Rouhani, his statement is hardly enough. Its vagueness can be used to deny many aspects of the evidence as well.

The Iranian government needs to do much more if the PMD issue is to be concluded. Its efforts to pressure the IAEA to prematurely close the investigation, despite not addressing the IAEA's concerns, should be resisted.

The administration should clearly and publicly state that the results of the IAEA's investigation matter and are tied to sanctions relief. To not link sanctions relief to Iran addressing the IAEA's PMD concerns would risk leaving the PMD matter permanently unresolved and in the process undermine the credibility of the lead verification entity of the JCPOA.

If the administration is unable or unwilling to put forth its own interpretations of key provisions in the deal, it would behoove Congress to pass legislation doing so. To leave key provisions of the deal subject to Iran's own interpretations would be folly and leave the deal seriously weakened at the outset and especially after Implementation Day.