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Subcommittee on the Middle East and North Africa
“Iran’s Noncompliance with its International Atomic Energy Agency Obligations”
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Chairman Ros-Lehtinen, Ranking member Deutch, members of the Committee, it is a pleasure to testify today on a matter of surpassing importance.

Preventing Iran from obtaining nuclear weapons is vital to U.S. national security interests. A key aspect of that matter is Iran’s compliance with its Safeguards Agreement with the International Atomic Energy Agency (IAEA) and with other related agreements. It is a broad subject, but I understand the Committee has specific interests, so I will confine my statement to those topics.

History of noncompliance with IAEA Safeguards

Almost ten years ago, on September 24, 2005, the International Atomic Energy Agency Board of Governors first concluded that Iran had violated its Safeguards Agreement. Citing:

“Iran’s failures in a number of instances over an extended period of time to meet its obligations under its NPT Safeguards Agreement (INFCIRC 214) with respect to the reporting of nuclear material, its processing and its use, as well as the declaration of facilities where such material had been processed and stored”

the Board found:

“[T]hat Iran’s many failures and breaches of its obligations to comply with its NPT Safeguards Agreement . . . constitute noncompliance in the context of Article XII.C of the Agency’s Statute”

And, further that:

“[T]he nature of these activities, issues brought to light in the course of the Agency’s verification of the history of concealment of Iran’s nuclear activities referred to in the Director General’s report, declarations made by Iran since September 2002 and the resulting absence of confidence that Iran’s nuclear programme is exclusively for peaceful purposes have given rise to questions that are within the competence of the Security Council”

The United Nations Security Council affirmed the Board of Governors' position by passing six resolutions on the matter.

On February 18, 2010, an IAEA Secretariat reported to the Board of Governors additional instances of Iranian noncompliance:

“Both in the case of the Darkhovin facility and the FFEP, Iran did not notify the Agency in a timely manner of the decision to construct or to authorize construction of the facilities, as required in the modified code 3.1, and has provided only limited design information. Iran's actions in this regard are inconsistent with the Subsidiary Arrangements to its Safeguards Agreement, and raise concerns about the completeness of its declarations.”

With this bland statement, the IAEA charged Iran with attempting to build a covert enrichment facility, which had been revealed five months earlier, at the time of a United Nations Security Council meeting at the heads-of-state level.

Currently outstanding compliance issues and implications for the P5+1 negotiations

The IAEA has also worked patiently for years to document Iran's clandestine nuclear weapons efforts. Justifiably cautious and analytically rigorous, the Agency calls these the “possible military dimensions” of the Iranian nuclear program and reported on them in detail on November 8, 2011. That anodyne term encompasses 12 sets of activities, most of which can only be explained as efforts to build nuclear weapons, including:

- military leadership of the program;
- clandestine nuclear material acquisition;
- work on “nuclear components for an explosive device”;
- “detonator development”;
- “hydrodynamic experiments” which test nuclear weapons designs;
- “integration into a missile delivery vehicle”; and,
- work on a “fuzing, arming, and firing system.”

The latest report on Safeguards implementation in Iran states, “The Agency has obtained more information since November 2011 that has further corroborated the analysis contained in that Annex.” Importantly, the IAEA also uncovered work related to “the development of a nuclear explosive device that continued after 2003.” In 2011, IAEA Director General Yukiya Amano said, “The activities in Iran related to the possible military dimension seem to have... continued until quite recently.”

Peaceful programs to produce energy or medical isotopes have no use for such work. Tehran denies the agency's charges, but refuses to provide the information necessary to resolve them.

A White House Fact Sheet on the Joint Plan of Action, dated November 23, 2013, stated that,

“The set of understandings also includes an acknowledgment by Iran that it must address all United Nations Security Council resolutions – which Iran has long claimed are illegal – as well as past and present issues with Iran’s nuclear program that have been identified by the International Atomic Energy Agency (IAEA). This would include resolution of questions concerning the possible military dimension of Iran’s nuclear program, including Iran’s activities at Parchin.”

The language of the Joint Plan of Action on the matter is far less specific. It notes only that, “There would be additional steps in between the initial measures and the final step, including, among other things, addressing the UN Security Council resolutions”

To pursue this matter under the Joint Plan of Action, the IAEA proposed dealing with several issues at first. Despite repeated efforts over a year and a half, on February 19, 2015, the IAEA reported that, “Iran has not provided any explanations that enable the Agency to clarify the two outstanding practical measures relating to the initiation of high explosives and to neutron transport calculations.” Worse, the IAEA also reported “activities that have taken place at [Parchin] since February 2012 are likely to have undermined the Agency’s ability to conduct effective verification.”

Thus, the “possible military dimensions” of Iran’s nuclear program remain unresolved and Iran is either not cooperating with, or is actively working against, IAEA efforts to investigate them. Iran is therefore also not complying with the Joint Plan of Action—at least as explained by the White House fact sheet.

According to the IAEA, verifying the scope of the possible military dimensions of Iran’s nuclear program “will involve considering and acquiring an understanding of each issue in turn, and then integrating all of the issues into a ‘system’ and assessing that system as a whole.”

This issue rests at the heart of verifying any future agreement, because monitoring would be futile without a full understanding of Iran’s past actions. It is not merely a matter of the past, but of the present and future. Unless it is known *who did what where and when*, it will be impossible to verify that these activities are not recurring. As one unnamed American official explained to the *New York Times* on March 15, 2015, “The issue is deeper than whether you make them admit what they did in the past. It’s getting to know their entire scientific infrastructure so you will detect any effort to start up weapons design years from now.”

Moreover, these issues must be resolved before a final agreement is reached, or Iran will feel no obligation to provide complete and correct information. If the “possible military dimensions” are not resolved before an agreement, then the IAEA’s ability to verify Iran’s declarations will be undermined, probably fatally.

The U.S. government also recently charged that Iran is currently pursuing activities inconsistent with its IAEA Safeguards Agreement. On August 29, 2014, the State Department announced additional sanctions against individuals and organizations in Iran. According to the Department, the Organization of Defensive Innovation and Research (known by the acronym SPND) “is primarily responsible for research in the field of nuclear weapons development.” The State Department alleges that, “SPND was established in February 2011 by the UN-sanctioned individual Mohsen Fakhrizadeh, who for many years has managed activities useful in the development of a nuclear explosive device.” According to the language of the press release, this work is ongoing. Such announcements are not casually written. Interagency teams carefully review them to ensure their accuracy and consistency with law, and that they do not reveal intelligence information or sources and methods.

Reports of additional undisclosed covert sites

On February 24, 2015, the National Council of Resistance of Iran issued a report alleging that Iran maintains a covert site for research and development of advanced uranium enrichment centrifuges. While this is understandably a matter of interest to the Committee, I have no independent means to verify the truth or falsehood of this charge.

The Importance of Verification

Iran’s failure to comply with its Safeguards obligations highlights the critical importance of verification in a future agreement. We cannot trust, but we must verify. This will require monitoring of people, sites, and procurement activities designed to ensure that the “possible military dimensions” of Iran’s nuclear program identified by the IAEA have ceased and that they do not recur. Also, because the Administration has reportedly chosen accede to Tehran’s demands that it retain large centrifuge enrichment operations, it will be necessary to monitor comprehensively production and imports of related materials and equipment to ensure that they are not diverted to a covert effort. This would require verification measures substantially more comprehensive than IAEA Safeguards and the Additional Protocol.

Summary

The IAEA Board of Governors found in 2005 that Iran violated its Safeguards obligations by failing in a number of instances over an extended period of time to make necessary declarations. The IAEA Secretariat has expressed “serious concerns” about “possible military dimensions” to Iran’s nuclear program (i.e. nuclear weapons development work), which Tehran has refused to clarify, despite the White House’s claim that Iran is required to do so by the Joint Plan of Action. The Agency has further stated that Iran appears to be taking actions that undermine its ability to conduct effective verification. The U.S.

Department of State recently charged an Iranian government organization with ongoing nuclear weapons development work.

In sum, Iran violated its Safeguards obligations in the past, is charged by the U.S. government with doing so in the present, and evinces little reason to believe it will not continue to do so in the future.