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## Breaking Stalemates on Iran and Syria at the IAEA

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Mohamed ElBaradei will end his twelve years as director general of the International Atomic Energy Agency (IAEA) in November. Absent a last-minute breakthrough, ElBaradei will leave incomplete the critical safeguards investigations of Iran and Syria. Earlier this month, ElBaradei reported to the IAEA Board of Governors little or no progress on either the six-year probe of Iran's nuclear activities or the more recent probe of Syria's clandestine cooperation with North Korea. ElBaradei reported that Tehran continues to enrich uranium, in violation of IAEA and UN Security Council requirements, and despite any obvious domestic energy demand. Tehran also continues to deny to IAEA inspectors access to information, people, and sites to verify the "peaceful" nature of Iran's nuclear activities.

For more than a year, Iran has refused to engage in substantive discussions about "possible military dimensions" to its activities. IAEA concerns are based on information assembled by inspectors from multiple sources over multiple years pointing toward a covert Iranian "weaponization" program. According to IAEA reports, this program apparently included detailed design and initial engineering of a nuclear explosive device and its integration into a reentry vehicle for Iran's Shahab-3 missile. Furthermore, the agency wants to confirm the development role played by a "foreign national with explosives expertise, whose visit to Iran has been confirmed by the Agency." Iran dismisses this information as fraudulent, and has refused further requests for substantive explanations.

In the case of Syria, ElBaradei reported that Damascus continues to deny the building of a covert nuclear reactor with assistance North Korean assistance. Syria refuses to answer questions about the nature of the facility, which was built in great secrecy and destroyed in September 2007 by an Israeli air strike. Syria has also refused to allow IAEA inspectors to return to the site after their one visit, or to visit three other suspect locations. ElBaradei stated that the IAEA's work has been "severely impeded" by Syrian noncooperation. Indeed, Syria seems to have been a good student of Iran, adopting its well-honed tactics of denial and diversion. Syrian president Bashar al-Asad wants to bury the IAEA investigation, just as Syrian bulldozers buried the reactor remains. He undoubtedly hopes that the West, eager for engagement, will let him.

### Not Settling for Stalemates

Although the Iran file has already been referred to the UN Security Council and the Syrian reactor has already been destroyed, the following factors lend immediacy to continued IAEA investigations:

*The IAEA must uncover any other clandestine activities.* Iran has a history of clandestine nuclear pursuits, and they could resume. Despite a Security Council requirement to cooperate, Tehran refuses to inform the IAEA of the construction of new nuclear facilities, it refuses to allow monitoring of workshops where centrifuges for uranium enrichment are assembled, and it refuses to disclose past work on weaponization. This is extremely troubling, because the 2007 National Intelligence Estimate warned that if Iran's leaders decide to build nuclear weapons, they will most likely do so by enriching uranium at a covert facility while quietly resuming past weapons work. IAEA inspectors need to be in the best position possible to detect such dangerous activities. Today, they are not.

And although Syria's reactor has been reduced to rubble, the IAEA still needs to ensure the absence of undeclared activities elsewhere in the country. Syria's nuclear reactor was modeled after North Korea's reactor at Yongbyong, which had associated facilities for fuel rod manufacture and plutonium reprocessing. Such facilities may have been implemented in Syria, and questions still remain about other locations hastily "landscaped" and barred to IAEA inspectors. If other undeclared nuclear activities exist, IAEA inspectors need to find them, safeguard them, and eliminate them.

North Korea's role in Syria is also of interest to the IAEA. The country's motives are unknown, but probably involved access to hard currency; indeed, North Korea might well continue to sell nuclear and missile technology to any willing buyer. The better North Korea's illicit activities with Syria are understood, the easier it will be to shut down facilities elsewhere.

*The IAEA must act to protect the integrity of the global nonproliferation regime.* Tehran, Damascus, and Pyongyang must be made aware that violations are detected and fully investigated. If the IAEA settles for stalemate, these countries -- and others -- may reach a dangerous conclusion: that they can violate their safeguards obligations and, if caught, merely refuse cooperation in order to avoid international scrutiny and sanction. If the IAEA cannot successfully investigate the most obvious of safeguards violations, its credibility will collapse. When confronted with emerging proliferation threats, countries at risk may see no real option other than to respond unilaterally, as Israel did in the case of Syria.

At his speech in Prague, President Barack Obama called for a world without nuclear weapons -- a laudable vision, but one far removed from reality if Syria and North Korea can secretly build a nuclear reactor and then avoid any consequence once caught. As the president also declared in Prague: "Rules must be binding. Violations must be punished."

### **How to Break the Stalemates**

The IAEA alone cannot force the cooperation of a recalcitrant state. The job of the world's "nuclear watchdog" is to bark, and its only bite is more of a nip: suspending technical cooperation and membership. Nonetheless, there are three ways that the IAEA can help to break the two stalemates:

*The director general must be forthright in his reports.* Press reports that ElBaradei has withheld his inspectors' assessments of Iranian weaponization are very troubling, and if true, past experience suggests ElBaradei is doing so to avoid provoking Iran and disrupting the prospect of negotiations. The director general's job, however, is verification, not diplomacy. He is the nuclear watchdog, not the nuclear diplomat. Nuancing reports or withholding information for political reasons serves only to remove pressure on Tehran to cooperate with the IAEA investigation. It wrongly suggests that safeguards are negotiable and diminishes the credibility of the IAEA.

The director general must also fully acknowledge Iran's ongoing violations. ElBaradei has characterized Iran's refusal to give the IAEA advance information about new nuclear facilities as "inconsistent" with its obligations. This is, however, not a minor *inconsistency*, but a major *violation*. It suggests that Iran could start building new nuclear facilities without informing the IAEA. The director general should be forthright in calling this refusal a violation, and the IAEA should report it as such to the UN Security Council -- providing it with additional reasons to further sanction Iran if its leaders continue to defy the international community.

*The IAEA must put the onus for cooperation on Iran and Syria.* Rather than investigating the apparent violations committed by these countries, ElBaradei talks of investigating "the veracity of the information" provided to his inspectors. But IAEA inspectors are independent, experienced, and professional. They choose only to act on information that they consider credible. And the information that they have acquired on Syria's covert reactor and Iran's weaponization efforts they consider very credible indeed. Yet, rather than concluding his latest reports by putting the burden of cooperation on Syria and Iran, ElBaradei insists that the countries providing the information need to do better.

ElBaradei has fallen into the UN trap of trying to treat all parties "evenhandedly," giving equal weight to highly credible information about Syria's covert reactor and ludicrous Syrian claims that uranium particles at the former reactor site came from Israeli bombs. He concern about the "baffling" absence of commercial satellite imagery in specific time periods -- as though a country other than Syria engaged in a massive coverup -- is baffling in itself.

The IAEA is not judge and jury, and the country in question is not innocent until proven guilty. Rather, the IAEA's job is to verify the nondiversion of nuclear material -- and report to the Security Council if it cannot. If a country's lack of cooperation prevents the IAEA from verifying nondiversion, the IAEA should be ready to find the country in noncompliance -- and report that too.

*The IAEA should exercise its full authority.* The UN Security Council decided three years ago in Resolution 1737 that Tehran "shall provide such access and cooperation as the IAEA requests ... to resolve outstanding issues, as identified in IAEA reports." ElBaradei has never exercised this authority, choosing instead to make "transparency requests" of Iran on a voluntary basis. Particularly in probing possible military dimensions, the director general should make clear that the requests for access to workshops, documentation, and project leaders and engineers are backed by the full authority of the Security Council. Continued Iranian refusal would constitute yet another set of violations for the IAEA Board to report to the Security Council, further buttressing the case for additional sanctions.

Unlike the IAEA's probe of Iran, the Syria investigation has not received additional legal backing from the Security Council. Nevertheless, Syria's 1992 Safeguards Agreement provides some legal authority. It provides for "special inspections" -- not limited to any particular site -- "if the Agency considers that information made available by Syria, including explanations from Syria and information obtained from routine inspections, is not adequate for the Agency to fulfill its responsibilities." The current investigation -- which ElBaradei describes as "severely impaired" by Syria's noncooperation -- easily fits the bill. If Syria refuses, the IAEA can decide that action is "essential and urgent" and call on Syria to grant access without further delay. If Syria still refuses, the IAEA can find Syria in noncompliance and report it to the Security Council.

## **Conclusion**

Whether under the leadership of Mohamed ElBaradei or his successor, the IAEA must break the current verification stalemates with Iran and Syria. This will require a director general who is ready to report forthrightly, to place the burden for cooperation on those who violate their obligations, and to exercise the IAEA's full authority. Failure to end these stalemates will diminish the IAEA's credibility and undercut its ability to support an effective nonproliferation regime -- let alone a world without nuclear weapons. The IAEA is too important to serve merely as rapporteur of refused cooperation and the relentless growth of Iran's illicit enrichment activities.

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