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The Iranian nuclear issue - shadows of the past hanging over the present

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The Iran nuclear negotiations among the countries concerned aimed at reviving the Joint Comprehensive Plan of Action (JCPOA) from which US President Trump withdrew in 2018 have been experiencing difficulties. President Biden had expressed a desire to return to the agreement even before he took office, but an agreement could not be reached before the end of Iranian President Rouhani's term in the summer of 2021. Expectations for the resumption of Iranian oil exports rose in 2022 against a backdrop of high international energy prices following Russia's invasion of Ukraine. There were observations in the summer that an agreement to revive the JCPOA was close. However, negotiations have stalled since then, and momentum for reviving the JCPOA appears to be waning amid growing criticism of Iran by Western countries over the issue of hijab wearing by women, which has led to unusually large demonstrations in Iran, and the provision of drones to Russia.

While there are various points to consider in working to revive the JCPOA, it can be seen from the statements of the countries concerned that one factor stalling the negotiations is the difference in their positions over the clarification of Iran's alleged past nuclear activities.¹ This issue embodies the fundamental problem that has persisted since Iran's nuclear program was revealed and the difficulties in resolving it, with the past casting a dark shadow over the present. I would like to review the background and current status of this issue and consider some points for the future.

"Possible military dimensions" of Iran's nuclear program

Since the disclosure by an opposition group in August 2002 that Iran had been conducting undeclared nuclear activities in violation of its obligations under the NPT, clarifying the entire program has been an important agenda in addition to addressing sensitive activities such as Iran's uranium enrichment from a non-proliferation point of view. In November 2011, the International Atomic Energy Agency (IAEA) issued a report by the Director-General that summarized the results of a comprehensive review and analysis of the information it had obtained up to that point, and detailed Iran's past nuclear activities in the annex entitled "Possible Military Dimensions to Iran's Nuclear Programme" (hereinafter "PMD"). In this document, the IAEA provided detailed description of the activities, including not only those related to nuclear materials but also those not involving nuclear materials - e.g., detonator development, high explosives, hydrodynamic experiments, neutron initiator - as well as activities related to the integration of nuclear warheads into missile delivery systems.² The report concluded that these activities had taken place under a structured program prior to the end of 2003, and that some activities may have continued thereafter. This conclusion indicated that Iran's nuclear activities at their core diverged significantly from Iran's claimed peaceful objectives.

Iran, which claims that all its nuclear activities are for peaceful purposes, strongly objected to the IAEA report. In a detailed written rebuttal to the Director General's report, Iran claimed that the IAEA had gone beyond its original mandate and become politicized, that it was putting undue pressure on Iran based on false information fabricated by the intelligence services of other countries, that the conclusions of the report were baseless and erroneous, and that the activities previously agreed upon with the IAEA to clarify issues had already been carried out.³ The IAEA Board of Governors called for intensifying the dialogue between Iran and the IAEA to clarify outstanding issues,⁴ but efforts to clarify past nuclear activities, alongside negotiations aimed at limiting Iran's nuclear activities, have not made progress for some time.

The JCPOA and the approach of "prioritizing the future over the past"

The negotiations on the Iranian nuclear issue, long stalled under President Ahmadinejad, started to move in earnest following the election of Hassan Rouhani as president in June 2013, as he was not only moderate but also very knowledgeable of the details of past negotiations. In November 2013, Iran issued a Joint Statement on a Framework for Cooperation with the IAEA that aimed to clarify all current and past issues.⁵ In parallel, Iran reached an interim agreement (Joint Plan of Action) regarding the restrictions on its nuclear activities with the E3 (UK, France and Germany), the EU, the US, China and Russia in that same month. This would eventually lead to the JCPOA agreement in July 2015 after a number of extensions of the negotiation deadline. However, no significant progress was made during this period in clarifying Iran's past nuclear activities based on the Joint Statement with

the IAEA. It became necessary to resolve the issue of past activities somehow in order to lift the sanctions imposed on Iran for its nuclear activities following the JCPOA agreement.

In June 2015, as negotiations towards the JCPOA agreement reached a critical stage, US Secretary of State John Kerry stated with regard to the PMD issue that, as what Iran had done in the past was already known, it was important that these activities be stopped going forward, thereby adopting a stance of prioritizing the future over the past.⁶ However, this statement was met with concern and criticism from other Western negotiating parties as abandoning clarification of past activities, and Secretary Kerry, declaring that his comment had been misinterpreted, stressed to Iranian Foreign Minister Zarif the importance of clarifying the past.⁷ Following this episode, Iran agreed with the IAEA on July 14 on a road-map aimed at clarifying all outstanding issues by the end of 2015.⁸ On the following day (July 15), Iran and the other negotiating parties reached the JCPOA agreement. UN Security Council Resolution 2231 (2015), which endorsed the JCPOA, requested the IAEA to carry out verification and monitoring activities on the implementation of the agreement and urged Iran to cooperate fully with the IAEA to resolve the outstanding issues.⁹

Towards the end of 2015, efforts to resolve the outstanding issues were undertaken in parallel with preparations for implementing the JCPOA, and in December 2015 the IAEA issued a report by the Director General entitled "Final Assessment on Past and Present Outstanding Issues Regarding Iran's Nuclear Programme".¹⁰ In this report, the IAEA largely followed the conclusions of the 2011 PMD report on Iran's past activities, but assessed that these activities had not advanced beyond feasibility and scientific studies and the acquisition of certain technical capabilities and that it had found no credible indications of the diversion of nuclear material in connection to the PMD. Following the Director General's report, the IAEA Board of Governors closed its consideration of the issue, meaning it would not pursue any further past issues related to Iran's nuclear program.¹¹

New revelations and shadows of the past hanging over the present

Although implementation of the JCPOA got off to a smooth start, President Trump, a harsh critic of the agreement since the 2016 election campaign, decided to withdraw from the JCPOA in May 2018. Shortly before that, Israeli Prime Minister Netanyahu had held a press conference in which he claimed, based on a large number of documents he claimed to have secretly stolen from Iran, that Iran was hiding its past nuclear weapons program.¹² These two nearly simultaneous developments followed their own paths leading to the de facto collapse of the JCPOA and the impediments to its revival. The following section provides an overview of the developments pertaining to Iran's past activities stemming from Prime Minister Netanyahu's revelations.

In September 2018, the IAEA began verifying the possibility of undeclared nuclear activities as part of implementing the Comprehensive Safeguards Agreement and Additional Protocol (provisionally

applied by Iran under the JCPOA), but Iran did not cooperate with the IAEA's clarification efforts, did not respond to the IAEA's requests for information, refused requests for access to its facilities, and even engaged in activities that appeared to constitute sanitization at facilities for which the allegations were made.¹³ Iran's reasons for refusing to cooperate with the IAEA were manifold, but one of the main reasons was that the December 2015 Board resolution mentioned above had closed the pursuit of past issues; another was that the IAEA requests for information and access were based on (or, according to Iran, fabricated from) foreign intelligence reports.¹⁴ In order to advance the clarification of the issue, the IAEA Board of Governors adopted a resolution in June 2020 calling for Iran's full cooperation with the IAEA.¹⁵

As efforts for reviving the JCPOA gained momentum in 2022, Iran agreed in March to a joint statement with the IAEA in which it was envisaged that a series of actions to clarify the issue would be completed by the June Board meeting and that the IAEA would report its conclusion to the Board.¹⁶ Both the process described in the joint statement and its connection to the negotiations over the JCPOA were very similar to those of 2015. However, the report by the Director General issued in June, while reporting the completion of planned activities in the joint statement, referred to Iran's failure to provide a credible explanation for the uranium particles of anthropogenic origin that the IAEA had detected at three undeclared locations as well as its failure to provide information on the location of nuclear materials and related equipment, and concluded that the issues related to these three locations remained outstanding.¹⁷ Following the Director General's report, the IAEA Board of Governors adopted a resolution expressing concern about the current situation and calling on Iran to cooperate with the IAEA to clarify the issue,¹⁸ but Iran vehemently opposed the IAEA's conclusions and has not cooperated with the IAEA.¹⁹ Meanwhile, negotiations to revive the JCPOA have also stalled, partly because Iran has made termination of the IAEA's clarification of past issues a condition for reviving the JCPOA, while the US and European countries are reportedly opposed to this.²⁰ The problems surrounding the past cast a dark shadow over the current efforts of the countries involved to revive the JCPOA.

Ensuring that the shadow of the past will not overshadow the future

As seen above, clarifying the full extent of the activities that took place before the end of 2003 (some of which may have continued afterwards) has been a major challenge surrounding the Iranian nuclear issue; both the IAEA Director General's Report in 2011 and the clarification efforts based on it, as well as the IAEA's activities since Prime Minister Netanyahu's revelations in 2018, relate to the questions of what nuclear materials Iran used, what it did with them and what technical capabilities it acquired during this period.

Although the period before the end of 2003 may seem like 'the distant past' seen from 2022, the accumulation of knowledge and technology acquired in the past is an important foundation for

subsequent technical activities, whether they be nuclear-related in nature or not. The basic technology for nuclear weapons was already developed in the 1940s, and while there have of course been technological developments since then, this does not mean that nuclear weapons-related knowledge acquired before the end of 2003 is not important for the present and the future. Iran has been relentlessly pursuing uranium enrichment without a convincing explanation of its need and, since the collapse of the JCPOA, it has gone as far as producing highly enriched uranium up to 60%, continuing to shorten its path to producing uranium enriched to weapons-grade, which is generally considered to be in excess of 90%. The strong presumption from various sources that Iran may have carried out activities related to the development of nuclear explosive devices in the past is a major cause for concern for the international community now and in the future.

Iran's nuclear program has so far followed a pattern of hidden nuclear activities and their revelations, efforts by the international community to clarify and stonewalling by Iran, and searches for compromises to reach solutions. In order to ensure that the shadow of the past does not overshadow not only the present but also the future, a full clarification of the issues regarding the past is necessary, which is also important in clearing the doubts of the international community about Iran's intentions about its continued pursuit of uranium enrichment. There is also concern that, if the international community does not successfully resolve this issue, other countries may emulate Iran. Thus, clarifying the full extent of Iran's nuclear program and addressing it is also important for maintaining the credibility of the nuclear non-proliferation regime under the NPT.

Accordingly, Iran will need to implement in good faith the Comprehensive Safeguards Agreement, as is the obligation of all non-nuclear-weapon States party to the NPT, and to actively cooperate with the IAEA in clarifying the outstanding issues. It is also strongly hoped that Iran will ratify and implement the Additional Protocol in order to facilitate clarification of the issues and to ensure a high level of transparency for the whole range of Iran's nuclear activities. It is expected that the parties to the JCPOA and the international community, including Japan, will continue their efforts to emphasize to Iran that removing the shadow of the past by fully clarifying its past nuclear activities is important not only for the present but also for the future, and to persuade Iran to make serious and active efforts to resolve the issues as a responsible State party to the NPT.

(The original Japanese version of this paper is dated November 7, 2022)

¹ Reuters, "U.S. rejects linking Iran nuclear deal, IAEA probes", September 3, 2022.

<https://www.reuters.com/world/middle-east/no-conditionality-between-iran-nuclear-deal-iaea-investigations-white-house-2022-09-02/>

² GOV/2011/65, November 8, 2011. <https://www.iaea.org/sites/default/files/gov2011-65.pdf>

[3](#) "Communication dated 8 December 2011 received from the Permanent Mission of the Islamic Republic of Iran to the Agency regarding the Report of the Director General on the Implementation of Safeguards in Iran" (INFCIRC/833), December 12, 2011.

<https://www.iaea.org/sites/default/files/publications/documents/infcircs/2011/infcirc833.pdf>

[4](#) Resolution adopted by the IAEA Board of Governors (GOV/2011/69), November 18, 2011. <https://www.iaea.org/sites/default/files/gov2011-69.pdf>

[5](#) GOV/INF/2013/14, November 11, 2013.

<https://www.iaea.org/sites/default/files/gov-inf-2013-14.pdf>

[6](#) POLITICO, "Kerry: Iran doesn't have to account for past nuclear weapons research", June 16, 2015.

<https://www.politico.com/story/2015/06/kerry-iran-doesnt-have-to-account-for-past-nuclear-weapons-research-119074>

[7](#) Reuters, "EXCLUSIVE-Kerry tells Iran foreign minister "the past does matter"-sources", June 25, 2015.

<https://jp.reuters.com/article/iran-nuclear-kerry/exclusive-kerry-tells-iran-foreign-minister-the-past-does-matter-sources-idINL1NOZB00A20150625>

[8](#) "Road-map for the Clarification of Past and Present Outstanding Issues regarding Iran's Nuclear Program" (GOV/INF/2015/14), July 14, 2015.

<https://www.iaea.org/sites/default/files/gov-inf-2015-14.pdf>

[9](#) S/RES/2231 (2015), OP3. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/225/27/PDF/N1522527.pdf?OpenElement>

[10](#) GOV/2015/68, December 2, 2015. <https://www.iaea.org/sites/default/files/gov-2015-68.pdf>

[11](#) Resolution adopted by the IAEA Board of Governors (GOV/2015/72), December 15, 2015.

<https://www.iaea.org/sites/default/files/gov-2015-72.pdf>

[12](#) BBC News <https://www.bbc.com/news/world-middle-east-43952196>

[13](#) GOV/2020/30, June 5, 2020. <https://www.iaea.org/sites/default/files/20/06/gov2020-30.pdf>

[14](#) "Communication dated 8 June 2020 received from the Permanent Mission of the Islamic Republic of Iran to the Agency" (INFCIRC/936), June 9, 2020.

<https://www.iaea.org/sites/default/files/publications/documents/infcircs/2020/infcirc936.pdf>

[15](#) Resolution adopted by the IAEA Board of Governors (GOV/2020/34), June 19, 2020.

<https://www.iaea.org/sites/default/files/20/06/gov2020-34.pdf>

[16](#) GOV/2022/26 Annex, May 30, 2022/

<https://www.iaea.org/sites/default/files/22/06/gov2022-26.pdf>

[17](#) See above Report by the Director General, para 36; the three locations mentioned are Turquzabad, Varamin and 'Marivan'.

[18](#) Resolution adopted by the IAEA Board of Governors (GOV/2022/34), June 8, 2022.

<https://www.iaea.org/sites/default/files/22/06/gov2022-34.pdf>

[19](#) GOV/2022/42, September 7, 2022.

<https://www.iaea.org/sites/default/files/22/09/gov2022-42.pdf>

[20](#) See note 1.