

Iran's Demand to Close the UN Nuclear Watchdog's Investigation

By Andrea Stricker | August 12, 2022

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What is Iran now demanding as a precondition for it to rejoin the 2015 nuclear accord, formally known as the Joint Comprehensive Plan of Action (JCPOA)?

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At a new round of talks last week between Iran and six world powers (the United States, the United Kingdom, France, Germany, Russia, and China, collectively known as the "P5+1"), the clerical regime [demanded](#) the closure of a probe by the International Atomic Energy Agency (IAEA) into Iranian nuclear activities that may violate the binding Nuclear Non-Proliferation Treaty (NPT). As a party to the NPT, the Islamic Republic has signed a safeguards agreement with the IAEA, requiring Tehran to declare all sites where it produces or uses nuclear material. In 2019 and 2020, the IAEA detected man-made uranium particles at three sites Iran had not previously disclosed. Tehran has continually obstructed IAEA efforts to determine the source of this undeclared material and the activities that led to its production.

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Did world powers close a previous IAEA probe into the "possible military dimensions," or "PMD," of Iran's nuclear program?

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The IAEA previously [investigated](#) potential military aspects of Tehran's nuclear program following international [exposure](#) of clandestine nuclear sites and activities in Iran. In essence, the agency investigated whether the Islamic Republic researched or sought to build atomic weapons as part of its nuclear program. In July 2015, under the terms of the JCPOA, the P5+1 instructed the IAEA to provide a "final" PMD assessment by December 2015 summarizing the agency's conclusions to date about Iran's nuclear weapons-related activities.

In theory, Iran had an obligation to cooperate and provide truthful answers to the agency, but the P5+1 signaled they would ensure the closure of the investigation regardless of whether Tehran cooperated. Knowing it would not be held accountable, Iran failed to cooperate. The IAEA issued a [report](#) casting doubt both on Tehran's responses to its inquiries and on the peacefulness of the regime's nuclear program. Nevertheless, the IAEA's 35-nation Board of Governors [voted](#) to remove the matter from the agency's active investigations. This supposed resolution of the PMD issue enabled the P5+1 to proceed with implementing the JCPOA, which went into effect in January 2016.

Iranian officials are now asking the P5+1 to shut their eyes once again, but to new evidence that Iran had or maintains a nuclear weapons program, which the regime denies categorically.

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What is the IAEA investigating today?

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In 2018, Israeli intelligence [seized](#) a set of Iranian files from a Tehran warehouse, proving beyond any doubt that the regime had a nuclear weapons program up until 2003. This “nuclear archive” contained new [photographic evidence and information](#) about nuclear weapon production facilities, associated equipment, plans, personnel, and technical progress. The archive also contained memoranda by senior Iranian officials showing that in 2003, the regime [plotted](#) to downsize and better hide its efforts while continuing to pursue the capability to make atomic weapons.

Israel provided the archive materials to the IAEA, which deemed them to be authentic. In 2019 and 2020, the IAEA [requested access](#) to three Iranian sites where it believed nuclear material had been present, based on evidence from the archive. The IAEA also sought information and explanations about a fourth site. Tehran had an obligation to cooperate with this probe pursuant to its NPT safeguards agreement but instead obstructed IAEA access to the sites and sought to [sanitize](#) them and [hide evidence](#).

Nevertheless, when IAEA inspectors ultimately visited three of the undeclared sites, they detected man-made uranium particles. (Iran had razed the fourth site years ago, but the IAEA visited another, related site). The IAEA [reported](#) in May 2022 that “for more than two years,” Tehran “has not provided explanations that are technically credible” to account for the presence of this uranium, nor has Iran explained its activities at any of the sites. This led the IAEA Board of Governors to censure Tehran in [June 2020](#) and [June 2022](#) and call on it to cooperate immediately.

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What is the IAEA's mandate in Iran?

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The IAEA is an independent agency charged with overseeing the peacefulness of atomic programs worldwide. As a party to the NPT, Iran has agreed to implement [agency safeguards](#) against military uses of its nuclear capabilities. This means that the IAEA can [seek access](#) to sites in Iran and investigate Tehran's failure to abide by its safeguards agreement, including the regime's refusal to declare facilities and activities relevant to atomic weapons or nuclear material production or use.

Iran's NPT obligations precede and are entirely separate from the JCPOA. Therefore, the U.S. withdrawal from the JCPOA does not reduce Iran's NPT obligations in any way, shape, or form. Tehran accepts its NPT obligations in principle, even if refuses to honor them in practice.

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What happens if world powers pressure the IAEA to close its inquiry?

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The IAEA's Board of Governors, composed of representatives of 35 member states, set a new precedent in 2015 by pressuring the agency to close its inquiry into Iran's nuclear weapons activities even though inspectors had not completed their work. The board chose to do so even though the information reported by inspectors indicated that Iran failed to provide full and truthful answers to their questions. (See Question 2.)

As part of negotiations aimed at restoring the JCPOA, Washington and its European allies are working to [resolve](#) the disagreement about the agency's latest probe by offering to end it if Iran credibly accounts for the origins of the man-made uranium particles inspectors found in 2019 and 2020. (See Question 3.)

A proposal [reportedly put forth](#) by the European Union would close the matter via a Board of Governors resolution if Iran "[duly addressed](#)" the outstanding issues. If Tehran did so, the P5+1 would submit an IAEA resolution "removing the need for the Board's consideration of these issues" and deem it "no longer necessary" for "the [IAEA] Director General to report on those issues," effectively halting the probe.

If Iran's cooperation were inadequate but the P5+1 sought to close the probe regardless, the IAEA's director general, Rafael Grossi, would be in a tough position. Grossi has [said](#) he will not submit to political demands to end his agency's investigation, and could push back against P5+1 efforts to undercut the IAEA's mandate. Nevertheless, the Board of Governors sets policy, and Grossi would be in an untenable position should he flout the board's demands. Resignation may be his only possible recourse. However, Grossi has [hinted](#) that he favors restoring the JCPOA because it would provide temporary limits and enhanced monitoring of Iran's nuclear activities, and may state that he had no choice but to comply with the board's decision.

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What would closing the IAEA investigation mean for Iran's ability to build atomic weapons? What else could world powers do to stop Tehran?

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Tehran's demand that world powers close the IAEA probe is a concerning indicator that the regime seeks to maintain clandestine atomic weapons activities to preserve and further Iran's "[readiness](#)" to build nuclear weapons. Since 2003, evidence has [steadily emerged](#) that Tehran never halted its atomic weapons program. If the IAEA Board of Governors shuts down the investigation, the United States and its allies will never learn how close Iran came to building a nuclear weapon. Nor will they know how much of that capability Tehran retains and may be developing further.

With no investigation to hold it accountable, Iran could preserve or expand its nuclear weapons knowledge while feigning compliance with a revived JCPOA. Thus, by waiting patiently for the [JCPOA's restrictions to expire](#), the Islamic Republic could emerge with both the know-how and fissile material it needs to make nuclear weapons. By 2027, the agreement would allow Tehran to have a [vastly expanded](#) advanced centrifuge program for uranium enrichment. By 2030, Iran [could earn](#) some \$1 trillion in revenue from sanctions relief. The result may be a regime that is [technically unstoppable](#) should it choose to make nuclear weapons, backed by an economy that is highly fortified against Western attempts to change its calculus or inflict penalties.

World powers should address the threat posed by Iran's nuclear program today rather than permitting the threat to metastasize. They should prioritize the IAEA's investigation, end talks on restoring the JCPOA, snap back UN Security Council sanctions on Iran, exert massive economic pressure on Tehran, and restore a credible threat of military deterrence while seeking a stronger and more permanent diplomatic solution than that provided by the JCPOA.