

The IAEA's credibility is at stake

Sep. 6, 2009

EPHRAIM ASCULAI, THE JERUSALEM POST

A nuclear weapons development project is three pronged: the production of the fissile material for the core of the nuclear explosive device, the design and manufacture of the device into which the core is inserted and the weapons delivery system. For the first part, the core for an Iranian nuclear explosive device could be ready in short order, in about a year, given the instruction to do so. This was achieved because the engineers and scientists were given two things: money and sufficient time to accomplish this task.

For the explosive mechanism, Iran already had a design, received from abroad, which was proven to work in several nuclear tests.

Fitting the explosive mechanism unto a medium-range missile warhead is no mean feat, but the Iranians apparently have already worked that out. And they have their missiles.

The fly in the ointment for the Iranians was that the nuclear program had to be inspected, because of international obligations, and the International Atomic Energy Agency (IAEA), in charge of the international inspections, had to be persuaded that there was no evidence that Iran was developing nuclear weapons. As things went, this was not a very difficult task, since there was little chance that a "smoking gun" could be uncovered. There were three reasons for this: a) There apparently was never a direct order, orally or in written form, given to assemble a complete nuclear weapon; b) An effort was made to conceal all evidence, direct or circumstantial (not always successfully) and; c) The inspection organization, the IAEA was powerless to do all it wanted to uncover evidence.

THE FACT that the outgoing head of the IAEA, Dr. Mohammed ElBaradei, is a lawyer and not a technical person clinched the matter for Iran. To his mind, apparently, circumstantial evidence was not evidence, not even to arouse suspicion. In an interview in the *Bulletin of the Atomic Scientists* September/October 2009 issue ElBaradei said: "Probably because I'm a lawyer, that goes against my core principles. I don't see how you can accuse someone of something without showing them the evidence. We have to apply due process and not a Kafkaesque process."

It must be noted that the very strong technical evidence collected by his own organization did not seem enough for him to even warrant an opinion that something was basically very wrong, even without any additional evidence. And so, in due course, and because international reaction was weak (not in small part because of the attitude of the IAEA), Iran achieved *the capability* to produce at least one deliverable nuclear weapon within a relatively short period of time. The nightmare is slowly becoming a reality.

The basic presumption of innocence is good for as long as no strong evidence is brought to light that can become the basis for an indictment. In a court of law, it is then the burden of the defense to refute the evidence or to show that there is a basic reasonable doubt in the accusation, to bring about an acquittal. However, in cases where the actions of states are in question, and where the evidence is worrying, to say the least, the international community can take preventive action.

Iran's breaches of obligations were seen sufficient to warrant action by the UN Security Council. The existing evidence was enough to impose sanctions on Iran. And yet ElBaradei was insisting that "we have not seen concrete evidence that Teheran has an ongoing nuclear weapons program. But somehow, many people are talking about how Iran's nuclear program is the greatest threat to the world. In many ways, I think the threat has been hyped." Given facts noted under the heading of "Possible Military Dimensions" in his reports on Iran to his Board of Governors, ElBaradei's statement seems more like wishful thinking than one that could calm the world.

BUT THE situation is worse than that. This is a serious matter where the right to remain silent in the face of evidence given to persons cannot be permitted in this serious case. The burden of proof is now upon Iran and not the IAEA. ElBaradei, an attorney (for the defense?) to whom it does not matter that much evidence is presented, is not frightened by the possible consequences of his deeds.

True, the potential to produce nuclear cores and assemble nuclear weapons is present in several countries. The main difference is that these other countries are doing all they can to comply with the demands of the inspectors. Moreover, these countries behave in a responsible international fashion, so that they are not actively feared. They do not come out with vituperative statements demanding the demise of another nation, and they are not actively amassing an arsenal of huge proportions and amazing range, including weapons of mass destruction.

By his inaction, based on flawed principle, the outgoing director-general of the IAEA is actually assisting Iran in its endeavors to obtain nuclear weapons. If the rumors that the IAEA is holding out on evidence relevant to the above-mentioned military dimensions are true, this would compound the above grave charges. Let us hope that his successor, Japanese diplomat Yukiya Amano, does repair the damage in short order. Time is running out.

The writer is a senior research associate at the Institute for National Security Studies (INSS).

This article can also be read at <http://www.jpost.com/servlet/Satellite?cid=1251804503800&pagename=JPArticle%2FShowFull>
[[Back to the Article](#)]

Copyright 1995- 2009 The Jerusalem Post - <http://www.jpost.com/>