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ARE THE IAEA AND IRAN ON A COLLISION COURSE?

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Given the widespread concern about Iran's suspected nuclear weapons development program, it is not surprising that references to other issues in the June 16 statement of Director General Dr. Mohammad ElBaradei to the International Atomic Energy Agency (IAEA) Board of Governors (BOG) went almost unnoticed. However, these references have a direct bearing on the issue and on the attempt of the Agency to avoid an open conflict with Iran. They deal with the application of the IAEA Additional Protocol and, specifically, with the Agency's goal "...to provide credible, comprehensive assurances ...including conclusions on the absence of undeclared nuclear materials and activities." And they include a finding to the effect that, in the case of thirteen other states, the Secretariat -- the IAEA body that implements the policies and programs of the Agency -- "...was also able to conclude that all nuclear material in those states had been declared and remained under safeguards."

This conclusion is logically untenable. The Secretariat cannot possibly know that some contraband nuclear material -- or even a nuclear explosive device -- is not stored somewhere on the territory of a state, perhaps by a terrorist group, perhaps by a government intent on concealing materials and activities. The fact that

the Agency did not uncover such material does not mean that it does not exist. All the Agency can and should state is that it has found no evidence that it does exist.

The IAEA Additional Protocol is a big improvement over the widely accepted but misnamed "Full-Scope" or "Comprehensive" safeguards agreements. These failed in the past, and the newer Protocol is based on the lessons learned from past experience. The Additional Protocol provides for many measures, including additional access, utilization of information, and amplified sampling provisions. It addresses the possibility of reaching conclusions concerning the absence of nuclear materials and activities and stipulates access, site sampling and wide-area environmental sampling as the tools for reaching such conclusions. But apart from the logical and philosophical difficulties of reaching such deterministic conclusions, the fact is that wide-area sampling never received the required approval of the BOG.

This raises the question of whether the Agency actually employed these techniques in reaching its conclusions regarding the above-mentioned thirteen states (which were not identified by name). Unless these states are all small, peace-loving and technologically underdeveloped, the actions needed to assess the real situation in them

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are all-encompassing and of such magnitude that the conclusions of the report are logically unsustainable.

Whatever the case, much bigger issues are currently at stake. The critical challenges for the BOG are verifying Iran's nuclear development program and determining whether or not Iran is developing a military nuclear capability. The indicators of a weapons development program are embedded in Iran's declaration that it is seeking a complete fuel-cycle capability, including uranium enrichment and a nuclear power reactor that produces plutonium (albeit not very efficiently). What should be even more alarming is its disclosure to the IAEA that it is planning the construction of a 40-megawatt heavy water natural uranium "research" reactor. The main purpose of such a facility can only be to produce plutonium. The Director General's disclosure to the BOG that Iran is producing uranium in metal form accentuates the seriousness of the situation: metal form uranium can be used for the production of both "targets" for irradiation in a reactor for the subsequent production of plutonium, and of cores for enriched uranium-based nuclear weapons.

The sites and activities that Iran failed to report to the IAEA only came to light after disclosures by a dissident Iranian group were subsequently confirmed by satellite images and by site visits to Iran. In his statement, the Director General called on Iran to adhere to the Additional Protocol, thereby enabling the Agency to conduct stricter inspections. This is an essential first step in preventing Iran from continuing, unhindered, with its weapons development program. However, the Additional Protocol has its drawbacks. For one thing, it is nearly impossible to verify the absence of undeclared nuclear materials and activities. For another, it is even more difficult to verify intentions.

Extrapolating from the conclusions reached for the other thirteen states, the Agency seems to infer that definitive conclusions can also be reached about Iran. But while only very

intrusive inspections, based on reliable information received from outside sources, can detect and confirm the presence of illicit materials and activities, the failure to detect such materials and activities does not negate the possibility that they exist. This was the experience of the Agency in Iraq. Although that country was subjected to the most intrusive of inspections, critical components of a weapons program remained undetected by the IAEA inspection teams until outside information was received from a high-level Iraqi defector. And even to this day, some doubt remains as to whether everything was really uncovered.

Although verbal evidence, written or oral, can corroborate intentions, the only technical evidence of intentions is the discovery of clandestinely produced plutonium or highly enriched uranium. Finding these undeclared materials would provide the strongest possible indication of Iran's real intentions. Indeed, it was analysis of such materials that revealed Iraq's and North Korea's illicit activities. Iran's on-again, off-again refusal to permit analysis at one specific site is grounds for suspicion. Iran could dispel this suspicion by declaring all activities and materials but it would then need to explain them. And there is no reasonable explanation that would be acceptable to the outside world, including Iran's staunchest allies.

The BOG has sounded a warning. Iran's refusal to accede to the Additional Protocol is a signal of its intentions. So is its refusal to permit sampling at a specific site, notwithstanding its offer of greater transparency. The task of the IAEA will be to institute the strongest possible verification mechanisms under the Additional Protocol, should Iran agree to accept it. In any case, the IAEA will need to be more forthcoming in reporting the results of present and future inspections and sample analyses. And it will have to refrain from giving Iran a clean bill of health that it cannot possibly confirm.