



## INFORMATION SERIES

HON. DAVID J. TRACHTENBERG, *Editor*  
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Issue No. 452

January 13, 2020

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### **The Great Self-Deception**

Hans Rühle

*Hans Rühle headed the Policy Planning Staff of the German Ministry of Defense from 1982-1988 and is a frequent commentator on German and international security issues.*

#### **The nuclear deal with Iran was a charade right from the start.**

In response to the killing of Iranian General Soleimani by a US airstrike, Iran announced that it would no longer adhere to the 2015 nuclear agreement. As was the case with Washington's previous withdrawal from that agreement, many observers are lamenting that a major opportunity for curbing Iran's nuclear activities has now been lost. Alas, this view gets it wrong. The nuclear deal never had the significance that many attributed to it. The agreement's portended goal of verifiably preventing Iran's military nuclearization for 10 to 15 years could never have been achieved.

The core element of the Joint Coordinated Plan of Action (JCPOA)<sup>1</sup> between Iran, the United States, the UK, France, Germany, Russia, China and the European Union was to substantially reduce and permanently limit the capacity of the Natanz enrichment facility, which had been designed for 50,000 centrifuges. In the JCPOA, which was not an international treaty, but only

This is a slightly expanded version of Hans Rühle, "So ließ sich Barack Obama täuschen," *Die Welt*, January 8, 2020, available at <https://www.welt.de/politik/ausland/plus204811462/Iran-Konflikt-So-liess-sich-Barack-Obama-taeuschen.html>.



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a “non-binding agreement,” Iran agreed to reduce its stock of low-enriched uranium by 98 percent, to reduce the number of centrifuges by two-thirds from 19,000 to 5,000, and for the next 15 years to produce only low-enriched uranium (3.67 percent U-235) on the basis of rather primitive IR-1 centrifuges.

There was a catch, however. Iran demanded that the parties agree that for the purposes of the JCPOA the two known enrichment facilities at Natanz and Fordow were the only ones actively operated by Iran, i.e. that Iran did not operate any further uranium enrichment plants. However, U.S. intelligence had known for quite some time that Iran was operating about a dozen secret facilities, with one or more of them enriching uranium to weapons-grade levels. When President Obama came into office, he was briefed accordingly.

As early as 2006, press reports alleged that the Mossad had determined the existence of two parallel nuclear programs in Iran - one openly declared to the IAEA and a second, secret program operated by the military and the Revolutionary Guards. In February 2012, the American Institute for Science and International Security published a study entitled “The Physics Research Center and Iran's Parallel Military Nuclear Program.” Its verdict was clear: “Evidence obtained by the IAEA indicates that the Iranian revolutionary regime made its first decision to research and develop nuclear weapons in the mid-to-late 1980s, and it ordered the development of a parallel military nuclear fuel cycle.”<sup>2</sup> In November 2013, at the beginning of the negotiations on the nuclear agreement, a member of the Obama administration told the *New York Times* that there had not been a time in the last 15 years when Iran had not worked on secret facilities.

In his book “Playing to the Edge,” former CIA director Michael Hayden offers a particularly vivid description of this dilemma. At a meeting of the National Security Council in Spring 2009, President Obama had asked Hayden how much fissile material Iran had stored in Natanz. Hayden replied: “Mr. President, I actually know that but let me offer you a different frame of reference. In one sense, it almost doesn’t matter. There isn’t an electron or a neutron at Natanz that’s ever going to end up in a nuclear weapon. They’ll spin *that* uranium at some secret military facility beyond the eyes of the IAEA.”<sup>3</sup> Hayden, whose book was published around the time of the conclusion of the JCPOA, argued that U.S. intelligence had always assumed that enrichment for weapons-grade uranium was carried out in secret facilities. Consequently, he demanded that IAEA inspectors should be given unrestricted access anytime, anywhere, especially to the facilities operated by the Revolutionary Guards.

Against this background, it is clear that the nuclear agreement with Iran was a charade from the very beginning. In terms of restrictions on uranium enrichment, the JCPOA applied only to the 18 facilities that had been declared by Iran; accordingly, the IAEA was controlling only these. However, enrichment to weapons-grade levels proceeds in the secret facilities reported by Hayden and probably known to most Western intelligence services. This means that the



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IAEA's regular statements that Iran was complying with the agreement were accurate – yet also utterly worthless.

It could not get more absurd than this: the Obama Administration, together with its allies, concluded an agreement with Iran that centered on the long-term prevention of the production of weapons-grade uranium in Natanz, even though they knew that weapons-grade uranium was not produced there, but in secret facilities of the Revolutionary Guards.

In the public debate on the nuclear agreement, this massive defect of the JCPOA has hardly figured. Quite the contrary. The dominating view holds that if the agreement were to lapse, Iran could restart enrichment in Natanz, produce weapons-grade uranium and ultimately have “the bomb.” However, it is not that easy. The JCPOA was never the only framework for restricting Iran's nuclear activities. As a signatory to the Nuclear Non-Proliferation Treaty (NPT), Iran is also subject to further limits on its enrichment activities. According to the interpretation of the NPT by the international community, Iran may enrich uranium for civilian use to up to 5 percent U-235.

This means, on the one hand, that Iran can produce as much low-enriched uranium as it wants in order to operate its envisaged 20 future nuclear power plants; on the other hand, Iran may enrich 120 kg to 20 percent U-235 in order to operate the Tehran research reactor for the next 20 years. Any attempt to enrich beyond these levels would immediately trigger the involvement of the IAEA and, ultimately, the UN Security Council. The idea that Iran could illegally produce highly-enriched uranium in the declared (and therefore IAEA-controlled) site of Natanz in a short period of time is thus just as far-fetched as are the many “breakout” calculations, according to which Iran could secretly produce enough weapons-grade uranium for a bomb in eight to twelve months.

Even before Iran withdrew from the nuclear agreement, it had already begun to increase the limit on enrichment permitted by the agreement from 3.67 to 4.5 percent U-235; it was installing new, more powerful centrifuges; and it had restarted uranium enrichment at Fordow. These were violations of the nuclear agreement, but not of the NPT. A violation of the NPT is something Iran will avoid by all means, and not only because this path will lead directly via the IAEA to the UN Security Council. A substantial violation of the NPT would also force the remaining parties of the JCPOA to withdraw from the deal, leaving Iran with no other choice but to withdraw from the NPT itself. Tehran would not stand to gain from such a move. Even after leaving the NPT, UN Security Council Resolution 1540 would allow the international community to qualify Iran's production of weapons-grade uranium as a “threat to international peace and security” under Chapter VII of the UN Charter, and take appropriate measures against that country.



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Simply put, Iran cannot - neither legally nor secretly - produce weapons-grade uranium in Natanz. For this, it remains dependent on the secret facilities of the Revolutionary Guards. For Tehran, this remains a comfortable situation even after a withdrawal from the nuclear agreement: while the Western public is distracted by a heated discussion on how long it will take Iran to produce enough weapons-grade uranium in Natanz for a bomb, modern IR-2 centrifuges are producing weapons-grade uranium in secret facilities of the Revolutionary Guards. As a result, Iran continues to inch closer to a genuine nuclear option.

Washington's reaction to all of this is well known. The Trump Administration, which considered the nuclear agreement the "worst deal ever," withdrew in May 2018. An important part of this decision was the production of highly enriched uranium in secret facilities of the Revolutionary Guards. As early as October 2017, President Trump had publicly referred to "Iran's secret nuclear weapons program." In January 2018, he called for the unconditional access of IAEA inspectors to all facilities, including military ones. He made it clear that should Iran refuse to do so, the United States would withdraw from the agreement, thereby reviving all U.S. sanctions against Iran. After Iran failed to respond, the U.S. President announced the unilateral withdrawal of the United States from the agreement.

In short, Trump was right. The nuclear agreement would have led to the unimpeded nuclearization of Iran. By focusing on the Natanz facility rather than the sites that are producing weapons-grade uranium, the agreement was off the mark from its very beginning: it could not even have worked as a merely temporary measure to prevent a nuclear Iran. The allies of the United States, who tried so hard to keep the agreement alive, would therefore be well advised to follow an old Indian wisdom: if the horse is dead, get off. The agreement is history.

The only "winner" in all of this is Barack Obama. Through the agreement he achieved a major goal of his presidency: no Iranian bomb and no war with Iran. The high price for this strategy now will have to be paid by his successors.

1. See U.S. Department of the Treasury, "Statement Relating to the Joint Comprehensive Plan of Action 'Implementation Day' of January 16, 2016," May 8, 2018, available at [https://www.treasury.gov/resource-center/sanctions/Programs/Pages/jpoa\\_archive.aspx](https://www.treasury.gov/resource-center/sanctions/Programs/Pages/jpoa_archive.aspx).
2. David Albright, Paul Brannan, and Andrea Stricker, "The Physics Research Center and Iran's Parallel Military Nuclear Program," Institute for Science and International Security, February 23, 2012, available at [https://isis-online.org/uploads/isis-reports/documents/PHRC\\_report\\_23February2012.pdf](https://isis-online.org/uploads/isis-reports/documents/PHRC_report_23February2012.pdf).





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3. Michael V. Hayden, *Playing to the Edge: American Intelligence in the Age of Terror* (New York: Penguin Press, 2016), p. 307.

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