

IRAN: WHAT CREDIT SHOULD ONE ACCORD TO THE ABOUT-FACE IN AMERICAN INTELLIGENCE?

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By stating that Iran ended its military nuclear programme in 2003, the National Intelligence Estimate (NIE)¹ the main conclusions of which were published at the end of November, marked a spectacular about-face in the evaluation of the Iranian threat by the American intelligence agencies. This new report contradicts the position of President Bush, who said during a news conference in October that he was convinced the Iranian regime was seeking to produce nuclear arms.² The conclusions of the NIE also refute previous evaluations delivered by the American intelligence services. In January 2007, Director of National Intelligence John Negroponte explained to the Senate's Intelligence Committee that the Islamic Republic was pursuing its programmes of weapons of mass destruction (WMD) and was *'determined to produce nuclear arms.'*³

It is still too early to discern the consequences of the appearance of this report on the ongoing tug-of-war between Tehran and the international community, but one can already state that it creates a certain confusion. On the one hand, it removes any immediate prospect for an American military intervention by depriving the White House of its main argument. On the other hand, it weakens the policy of stepping up the sanctions which was defended in the UN and in the European Union by the US, France and Great Britain. Thus it strengthens the Iranian regime in its posture of defiance vis-à-vis the international community and the bodies which represent it such as the International Atomic Energy Agency (IAEA).

Given the implications of such a turnaround, one can legitimately wonder about the credit that should be accorded to the 2007 NIE when it contradicts the former American evaluations. To do this, one should first of all explain the concept of the NIE, then review the previous estimates of Iran's nuclear programme by the American agencies. Finally we will proceed to examine the report once again, looking over its conclusions, the sources used and its weaknesses.

¹ *Iran: Nuclear Intentions and Capabilities*, National Intelligence Estimate, Office of the Director of National Intelligence, November 2007. http://www.dni.gov/press_releases/20071203_release.pdf

² *Press Conference by the President*, Office of the Press Secretary, October 17, 2007. <http://www.whitehouse.gov/news/releases/2007/10/20071017.html>

³ John D. Negroponte, *Annual Threat Assessment of the Director of National Intelligence*, Office of the Director of National Intelligence, January 11, 2007, p. 5. http://www.dni.gov/testimonies/20070111_testimony.pdf

1. The previous NIEs

The acronym NIE was popularised in 2002 following the publication of the evaluation of the Iraqi threat by the American intelligence community. However, the concept of an NIE goes back to well before 2002. It dates from just after the Second World War.

♦ *What is an NIE ?*

A National Intelligence Estimate is a classified document presenting the joint consensus view of all the agencies constituting the American intelligence community on a given subject. The judgments of those agencies which do not completely share the conclusions of the text are also included in the final report. **The NIEs are mainly intended for the highest political and military officials of the country. They are authoritative, because, in theory, they constitute the most complete and objective product of intelligence.** An NIE is traditionally made as a result of a request by a political or military decision-maker or by one of the *leaders* of Congress. It can also be produced at the initiative of the National Intelligence Council (NIC).

Created in 1979, the NIC is a forum of the intelligence community linking up the political authorities and the various agencies. It is charged with the task of backing up the Director of National Intelligence (DNI). The NIC is also responsible for preparing the NIEs, acting in consultation with all sixteen American intelligence agencies. The first NIE was made in July 1946, even before the creation of the NIC, and presented a synthetic analysis of the foreign and military policy of the Soviet Union.⁴

The process of preparing an NIE begins when a member of the NIC circulates within the intelligence community a first draft which presents the main points to be dealt with. One or several analysts coming from one or several agencies is(are) charged with the task of writing the text of the NIE. This is then submitted to the NIC before being distributed to all the agencies. Those in charge of the agencies then meet to discuss the final text point by point and to determine the level of certainty of its conclusions. Finally, the document is submitted to the DNI and to the director of each agency before being transmitted to its addressee.⁵

♦ *The 2002 NIE on Iraq*

In October 2002, the NIE entitled '*Iraq's Continuing Programs for Weapons of Mass Destruction*' was devoted to an evaluation of Iraq's various WMD programmes. According to this 96-page document which was partially declassified in 2003, the regime of Saddam Hussein had '*chemical and bacteriological [weapons] as well as delivery means*' and was capable of providing itself with nuclear arms within the decade.⁶ In its capacity as a document presenting the judgment of the entire American intelligence community, this NIE served as the basis for the Bush Administration's argumentation in favour of military intervention in Iraq in the spring of 2003. However, this information was refuted by research carried out following the military intervention. No WMD were found in Iraq.

The difference between the description of the Iraqi WMD programmes and the reality discovered on the ground later shed light on the failures of the evaluation presented by the

⁴ Prepared within the future CIA, this first NIE, which did not yet carry that name, may be considered to be one of the foundation documents of American policy during the Cold War in the same way as the writings of George Kennan. This report presented a prophetic vision of Soviet ambitions in Europe and in the world.

⁵ *Iran: Nuclear Intentions and Capabilities*, *op. cit.*, p. 3.

⁶ *Iraq's Continuing Programs for Weapons of Mass Destruction*, National Intelligence Estimate, National Intelligence Council, October 2002 (declassified on July 18, 2003), p. 5. <http://www.fas.org/irp/cia/product/iraq-wmd-nie.pdf>

NIE. This raised the question of the quality and the quantity of intelligence available on Iraq, as well as the independence and objectivity of the intelligence community with respect to the political authorities. The various investigative committees created to evaluate the functional inconsistencies revealed deficiencies in the realm of information collection. The quality of intelligence on the Iraqi WMD was doubtful and its quantity was insufficient. As regards the way it was used, a lack of rigour in the analysis has been confirmed. On the question of possible pressure coming from the White House or the Pentagon, the conclusions of the committees are less unanimous. For two of them, the American Administration did not seek to influence the work of the agencies. However, according to an investigation by a Democratic Senator who is a member of the Senate's Armed Services Committee, the Department of Defense distorted certain analyses so as to stress the Administration's line.

♦ *The lessons of 2002*

Coming one year after September 11, that '*unprecedented setback*', some of the American intelligence services participated in the opening of a vast debate over reform which was the most important since 1947 and the creation of the CIA (Central Intelligence Agency). The mechanisms for producing NIEs were at this time reviewed and reinforced. Thus, the directors of agencies which participate in collecting the information used in an NIE are now obliged to formally present an evaluation of the credibility of their sources. In addition, each NIE now carries a key defining the various terms used to describe the reliability of the information gathered. This varies from '*a high degree of confidence*' to a '*moderate degree of confidence*' down to a '*low degree of confidence*'.⁸ This methodological overview is present in every NIE since 2005 and illustrates the wish of the intelligence community to show itself as being more prudent in the presentation of its conclusions by using a more precise vocabulary.

At the same time, the question of the independence of the agencies and of their directors vis-à-vis the executive branch has occupied a central place in the hearings of candidates for the most responsible positions in the intelligence community. John Negroponte, General Michael Hayden and Mike McConnell all told the Senate's Committee on Intelligence of their wish not to allow the political authorities to interfere with the production of their analyses. In January 2007, Mr. Negroponte, at the time DNI, published a directive in which he explained that the analytical process should be '*as transparent as possible*' and that the judgments of the analysts should be '*objective and independent of any political considerations*'.⁹

2. Previous American evaluations of Tehran's nuclear programme

Three years after the erroneous evaluation of the Iraqi threat, the intelligence community presented its estimates of Iran's nuclear ambitions **Completed in the spring of 2005, this NIE, the conclusions of which have not been declassified, illustrated the prudence that the agencies now want to predominate.** The latest previous evaluation of Iranian ambitions dated back to 2001. According to the press, this new NIE estimated it would take 10 years for Tehran to be in possession of nuclear arms. As regards the existence of a nuclear programme, the document mentions the likely existence of clandestine activities by the Iranian military without, however, linking them to the development of atomic weapons. However, the document mentions Iran's determination '*to produce nuclear arms.*'

⁷ *Report to the President of the United States, Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction*, March 31, 2005, p. 3.

http://www.wmd.gov/report/wmd_report.pdf

⁸ *Iran: Nuclear Intentions and Capabilities, op. cit.*, p. 5.

⁹ Mark Mazzetti, 'Latest Reports on Iran and North Korea Show a Newfound Caution Among Analysts,' *The New York Times*, March 2, 2007.

<http://www.nytimes.com/2007/03/02/washington/02intel.html>

It reports there was uncertainty over the wishes of Iran's religious leaders to obtain a nuclear arsenal.¹⁰

This analysis was partly adopted by DNI John Negroponte in his annual evaluation of threats presented in February 2006 to the Senate Committee on Intelligence. According to the boss of American intelligence services, *'Iran has been pursuing a clandestine programme of enriching uranium for nearly two decades in violation of AIEA rules and, despite their denials, we believe that Iran is seeking to supply itself with nuclear arms'*.¹¹

Members of the House of Representatives' Committee on Intelligence expressed a similar position in the summer of 2006. In a report identifying Iran as a challenge for the intelligence community, the American Congressmen are categorical. *'Since December 2005, Iran's attempts to resume uranium enrichment(...), the wish of Tehran to ignore international disapproval, isolation and economic pressure to continue its clandestine nuclear activities indicate that Iran is seeking to develop nuclear arms.'*¹² The Committee also presented a series of arguments proving, in its opinion, the existence of an Iranian nuclear programme. The document cites the existence of two programmes for enriching uranium, the fact that Tehran admitted having bought centrifuges on the black market and having entered into contact with Dr. A. Q. Khan, who is considered to be the father of the Pakistani bomb. Furthermore, the report recalls that Iran built a plant intended to produce heavy water and is in the process of building a reactor allowing it to produce plutonium used to make arms. Finally, it mentions various elements revealed by the IAEA between 2003 and 2006¹³.

In what amounts to the last position on this question taken by the intelligence community before the NIE of November 2007, John Negroponte did not seem to question the existence of an Iranian nuclear programme. **In his annual evaluation of January 2007, Mr. Negroponte indicated that the threat posed by Tehran went *'well beyond its nuclear programme.'***¹⁴ At no point did the Director of National Intelligence mention the possibility of a suspension of the Iranian nuclear programme.

3. The NIE of November 2007

Except for the NIE of 2005 which set out several reservations, the judgments of the intelligence community allowed one to believe that the existence of an Iranian nuclear programme was a given. This is why the revelation of the suspension prompts an in-depth examination of the conclusions of the new report, the sources used and possible weaknesses in the document.

♦ *The main conclusions on the Iranian nuclear programme*

The report published on December 2 presents the conclusions of the sixteen American intelligence agencies regarding the Iranian nuclear programme. It is nine pages long, of

¹⁰ Dafna Linzer, 'Iran Is Judged 10 Years From Nuclear Bomb,' *The Washington Post*, August 2, 2005. <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/01/AR2005080101453.html>

¹¹ John D. Negroponte, *Annual Threat Assessment of the Director of National Intelligence for the Senate Select Committee on Intelligence*, February 2, 2006, p. 11. http://www.dni.gov/testimonies/20060202_testimony.pdf

¹² *Recognizing Iran as a Strategic Threat: An Intelligence Challenge for the United States*, U.S. House of Representative Permanent Select Committee on Intelligence, August 23, 2007, p. 6. <http://intelligence.house.gov/Media/PDFS/IranReport082206v2.pdf>

¹³ *Ibid.*, pp. 9-10.

¹⁴ John D. Negroponte, *Annual Threat Assessment of the Director of National Intelligence*, Office of the Director of National Intelligence, January 11, 2007, p. 6.

which five present the methodology used. This document is a non-classified summary of the NIE, which, in its classified version is 150 pages long.

In this document, **the intelligence community believes ‘with a high degree of confidence that Tehran interrupted its nuclear programme in the autumn of 2003.’** And it adds that *‘we also believe with a lesser degree of confidence that Tehran remains, at a minimum, open to the idea of developing nuclear arms.’*¹⁵ **According to the American intelligence services, as of the summer of 2007 the nuclear programme had not resumed.** This decision is considered to be the direct consequence of pressure from the international community.

Nonetheless, the American agencies believe that the Iranian regime has the scientific, technical and industrial capability to manufacture a nuclear weapon if it so desired. In this case, it would be able to produce sufficient highly enriched uranium to produce a weapon between the years 2010 and 2015. At the same time, the report mentions that Iran will not be able to produce a sufficient quantity of plutonium before 2015.¹⁶

♦ *The sources used*

Up until last summer, the preparatory work of the intelligence agencies did not provide any reason to anticipate the turnaround in opinion that finally took place. A lot of information coming from various types of sources led the American services to revise their judgments. One should note that **in 2005 President Bush ordered the American agencies to redouble their efforts directed at Iran.** Several months later, the CIA created a special division consisting of analysts and agents on the ground in order to improve the quality of intelligence on Iran and its nuclear programme.¹⁷

It appears that these efforts bore fruit insofar as they allowed the American agencies to diversify their sources. Last summer, the American services thus obtained notes reporting the conversations and the deliberations of Iranian military officers. **These documents show the discontent of the military who are complaining of the decisions of their superiors to close down at the end of 2003 a site used to produce nuclear warheads compatible with Iranian missiles.** These notes made it possible to reevaluate the data found in an Iranian laptop computer that the American services obtained in 2005.¹⁸

At the same time, the American press has mentioned the interception of communications between Iranian officials as well as the purchase of a diary documenting the decisions to suspend the nuclear programme.¹⁹ Intelligence data coming from open sources like the IAEA reports and press photos of the site at Natanz also were taken into account by the American agencies when preparing this NIE.²⁰

In light of this new information, the sixteen agencies decided to re-evaluate all of their intelligence on the Iranian nuclear programme. According to sources within

¹⁵ *Iran: Nuclear Intentions and Capabilities, op. cit.*, p. 6.

¹⁶ *Ibid.*, pp. 7-8.

¹⁷ Joby Warrick, Walter Pincus, ‘Lessons of Iraq Aided Intelligence on Iran,’ *The Washington Post*, December 5, 2007.

<http://www.washingtonpost.com/wp-dyn/content/story/2007/12/04/ST2007120402524.html>

¹⁸ David E. Sanger, Steven Lee Myers, ‘Details in Military Notes Led to Shift on Iran, U.S. Says,’ *The New York Times*, December 6, 2007.

<http://www.nytimes.com/2007/12/06/world/middleeast/06intel.html>

¹⁹ Greg Miller, ‘Anatomy of an about-face on Iran,’ *The Los Angeles Times*, December 5, 2007.

<http://www.latimes.com/news/nationworld/world/la-fg-intel5dec05,0.4351000.story?coll=la-home-center>

²⁰ Randall Mikkelsen, ‘U.S. Iran report is no ‘slam-dunk,’” *Reuters*, December 4, 2007.

the intelligence community, this process resulted in a common wish not to reproduce the errors committed during the evaluation of the Iraqi threat. The appearance of this NIE was delayed three times and its preparation took more than one year. Still wishing to apply the lessons drawn from 2002, the CIA put in place some 'red teams' composed of analysts charged with the task of taking the opposing view to that set out in the NIE in order to test the robustness of its argumentation and of its conclusions.²¹

♦ *The weaknesses of the report*

Despite the new methods employed and the increased efforts made to spy on Iran, this about-face of the American secret services should be approached with caution. **The first lesson which should be drawn from the contradictory estimates of the Iranian nuclear ambitions is that the Islamic Republic is, in the realm of espionage, one of the most difficult targets.** This is the conclusion which President Bush made in 2005 when he asked the services to increase their efforts vis-à-vis Iran. This feeling seems to be shared within the intelligence community. According to certain officials, compared to Iran North Korea is an '*open and transparent society*'²² on which it is much simpler to spy.

The report also mentions the divergent positions of the intelligence agency in the Department of Energy and the NIC, which seem more reserved on the question of the interruption of Tehran's nuclear programme. The two agencies explain their caution by the fragmentary nature of the intelligence available on the Iranian nuclear programme.²³

One of the disputable aspects of the report concerns the importance given to analysing the intentions of Iran and of its leaders as opposed to its real capabilities. In their wish to make amends and to show the world that lessons were learned from overestimating the capabilities of Iraq, one may wonder whether the American agencies have not, this time, succumbed to the opposite excess of underestimating the Iranian threat. **The continuation of uranium enrichment activities despite international condemnation and the Iranian ballistic capabilities hardly seem to be compatible with the 'high degree of confidence' with which the American agencies speak of the suspension of the Iranian nuclear programme.** Considering the errors committed in the past and the opaque nature of the Iranian regime and of its intentions, one can only be surprised by the level of certainty that accompanies the conclusions of the NIE.

This leads us directly to the question of the politicisation of intelligence and to the reproaches that were at times unjustly formulated against the intelligence community in 2002. **In choosing to publish their conclusions on the Iranian nuclear programme, one may ask whether the American services were not seeking to immerse themselves in the political debate and in the process of developing the American strategy vis-à-vis Iran.** One should keep in mind that the conclusions of the NIEs are not supposed to be published. They were made public at the last moment upon the request of the Office of the Director of National Intelligence (ODNI). Furthermore, the NIE attributes the suspension of the Iranian programme in 2003 to international pressure, thereby suggesting that Tehran is sensitive to diplomacy. It is surprising that the American analysts have forgotten that two of Iran's neighbours, Afghanistan and Iraq, were subjected to American military interventions in 2001 and 2003 respectively. By definition, the invasion of a state is not an act that belongs to diplomacy. This omission is, at the very least, troubling and seems to indicate a deliberate wish on the part of the intelligence community to influence the policy of the Bush Administration with respect to Iran.

²¹ Greg Miller, 'Anatomy of an about-face on Iran,' *op. cit.*

²² Randall Mikkelsen, 'U.S. Iran report is no 'slam-dunk'', *op. cit.*

²³ *Iran: Nuclear Intentions and Capabilities, op. cit.*, p. 6.

4. Conclusion

As we have seen, the concept of the NIE dates from the origins of the American intelligence community. These documents can prove to be very correct and useful, as was the case with the evaluation of the Soviet Union, but they can also be wrong, as was the case with Iraq. Given their consensual nature, the NIEs are a reflection of the condition, the capabilities and the competences of the agencies which participate in their production. Their quality thus varies with that of the work of the whole intelligence community.

No one has failed to see that this work of the whole community experienced difficulties in 2001 and 2002. The causes of these failures are of long standing and complicated. Today they are the object of a great deal of attention from the executive and legislative branches, which have undertaken many reforms for the sake of improving operations.

So what we see is an intelligence community on the mend which, ever since 2005, has offered estimates that are at times contradictory regarding Iran's nuclear ambitions. At the same time there is no reason not to take seriously the statements of the NIE concerning the suspension of the Iranian nuclear programme in the autumn of 2003. These conclusions are the fruit of a policy of reinforcing intelligence activities with respect to Iran put in place since 2005. They also result from the reforms to the process of preparing the NIEs. Moreover, the facts mentioned in this report are not challenged by foreign services.

At the same time, one should be more prudent with respect to the notion of any *definitive* renunciation by Tehran of its nuclear ambitions. It may be that in 2003 the consequences of the American intervention in Iraq prompted the Islamic Republic to make a pause in its nuclear programme. But the continuation of uranium enrichment and the capabilities of Iranian ballistic missiles should encourage greater restraint in interpreting Tehran's intentions.