



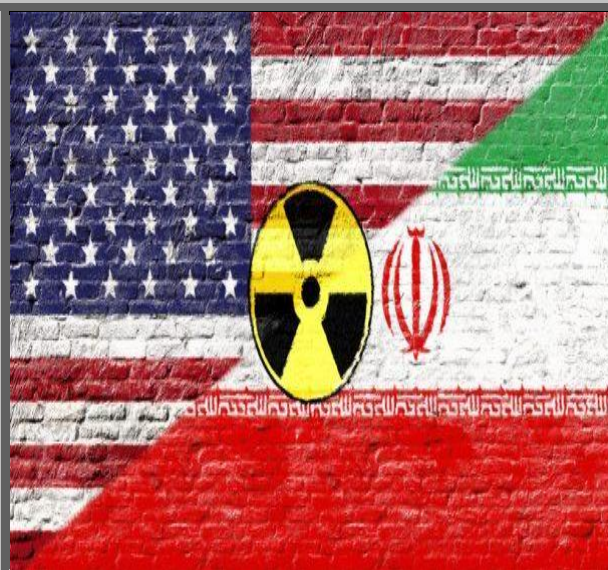
US-IRAN NUCLEAR DEAL: FUTURE PROSPECTS

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(Views expressed in the brief are those of the author, and do not represent those of ISSI)



On October 13, 2017, the US President, Donald Trump, decided to “decertify” the 2015 landmark nuclear deal – also known as Joint Comprehensive Plan of Action (JCPOA) - signed between Iran and E3/EU+3 (France, Germany, UK, EU, Russia, China and the US). Trump, while stating that Iran has committed violations of the agreement pointed out that “in the event we are not able to reach a solution working with Congress and our allies, the agreement will be terminated.”

Trump threatened to terminate the deal any time under the US laws.¹ Considering JCPOA as one of the worst and one-sided transaction the US ever entered into, Trump accused that under the nuclear deal, Iran has committed multiple violations such as:²

- Iran continues to develop certain elements of its nuclear program which could enable Iran to rapidly develop nuclear weapons.
- On two separate occasions, Iran has exceeded the limit of 130 metric tons of heavy water.
- Iran has failed to meet the US expectations in its operation of advanced centrifuges.

¹ “Trump Decertifies Iran Nuclear Deal, Slaps Sanctions on IRGC in Broadside at 'Radical Regime'”, *Fox News*, October 13, 2017, <http://www.foxnews.com/politics/2017/10/13/trump-to-decertify-iran-nuclear-deal.html>.

² ‘Transcript: Trump’s Remarks on Iran Nuclear Deal’, *NPR.Org*, accessed 3 November 2017, <http://www.npr.org/2017/10/13/557622096/transcript-trump-s-remarks-on-iran-nuclear-deal>.

- Iran has intimidated international inspectors into not using the full inspection authorities that the agreement calls for. As it did not allow inspections of its military sites which the international community suspects as a part of Iran's clandestine nuclear weapons program.
- Iran is dealing with North Korea and has accelerated developments of the Iranian missile program.

Based on these accusations, Trump announced a wider strategy to deal with Iran which includes:³

- The use of sanctions regime against Iran.
- Legislation to amend the Iran Nuclear Agreement Review Act of 2015.
- Permanent restrictions on Iran's missile program and nuclear activities.
- Termination of Iran-US nuclear deal.

During this evolving crisis, the role of Iran is commendable. The Iranian side has adopted a pragmatic approach and to build trust with the international community, it is pursuing this deal with good faith. However, Iran has expressed its concerns against re-introduction or re-imposing of sanctions against Iranian nuclear program. Iran has repeatedly expressed its willingness to remain committed to the IAEA Comprehensive Safeguards Agreement, Additional Protocol, and obligations under the JCPOA. The Iranian Supreme Leader, Ayatollah Ali Khamenei, has expressed his willingness to stick with this deal as long as the other signatories respected it, but would "shred" the deal if Washington pulled out.⁴

Termination of Iran Nuclear Deal and the US Law

Here, a question arises that how Trump being President could himself unilaterally terminate a multilateral deal. In this regard, there is a need to look at the US's "Iran Nuclear Agreement Review Act of 2015."⁵ The act stipulates that at least every 90 days the President shall certify that:

- Iran is fully implementing the agreement, has not committed a material breach of the agreement and has not taken any action to advance its nuclear weapons program.

³ Ibid.

⁴ 'Khamenei Says Iran Will "Shred" Nuclear Deal If U.S. Quits It', *Reuters*, October 18, 2017, <https://www.reuters.com/article/us-iran-nuclear-usa-khamenei/khamenei-says-iran-will-shred-multinational-nuclear-deal-if-u-s-tears-it-tv-idUSKBN1CN167>.

⁵ Lou Barletta, "H.R.1191 - 114th Congress (2015-2016): Iran Nuclear Agreement Review Act of 2015," webpage, (22 May 2015), <https://www.congress.gov/bill/114th-congress/house-bill/1191>

- Suspension of sanctions in proportion to measures taken by Iran with respect to terminating its illicit nuclear program, and issues vital to the US national security interests.

The act further stipulates that if the President does not submit such 90-day compliance certification, or has determined that Iran has materially breached the agreement, then the US Congress may approve the decertification within the next 60 days and the deal would stand revoked.

IAEA Verifications and Monitoring

As of August 31, 2017, the International Atomic Energy Agency (IAEA) has submitted nine verification and monitoring reports on Iran's implementations of its commitments under the JCPOA. It is important to note that the IAEA has been mandated by UNSC Resolution 2231 (2015) and by the IAEA Board of Governors to verify and monitor Iran's compliance with the JCPOA. On August 31, 2017, pursuant to the UNSC Resolution 2231, the IAEA in its latest report once again reiterated that:⁶

- Iran has not pursued the construction of its Arak heavy water research reactor and all existing natural uranium pellets and fuel assemblies have remained in storage under continuous Agency monitoring.
- Iran has continued to inform the Agency about the inventory of heavy water in Iran and the production of heavy water at the Heavy Water Production Plant (HWPP).
- Verifies prior and post verification of Iran's plan to transfer about 19.1 tonnes of sealed heavy water out of Iran, and throughout the reporting period, Iran had no more than 130 metric tonnes of heavy water.
- Iran has not carried out activities related to reprocessing at the Tehran Research Reactor (TRR) or at any of the other facilities it has declared to the Agency.
- At the Fuel Enrichment Plant (FEP) at Natanz, there have been no more than 5060 IR-1 centrifuges and it has withdrawn 57 IR-1 centrifuges from those held in storage.
- Iran has continued the enrichment of UF₆ at FEP.¹⁶ Iran has not enriched uranium above 3.67% U-235.
- Iran has continued to permit the Agency to use on-line enrichment monitors and electronic seals which communicate their status within nuclear sites to Agency inspectors. Iran has

⁶ 'Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231 (2015)' (IAEA, 31 August 2017), <https://www.iaea.org/sites/default/files/gov2017-35.pdf>

issued long-term visas to Agency inspectors designated for Iran as requested by the Agency, provided proper working space for the Agency at nuclear sites and facilitated the use of working space at locations near nuclear sites in Iran.

- The Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and locations outside facilities where nuclear material is customarily used declared by Iran under its Safeguards Agreement.

Beside these reports the IAEA has also claimed that overall, there are around 18 Iranian nuclear facilities and nine locations outside facilities are under IAEA safeguards. In recent years there is a 100 percent increase in Days in the Field/Year. Human resources have increased around 120 percent and surveillance systems have increased around 90 percent in Images a Day (see IAEA info-graph below).

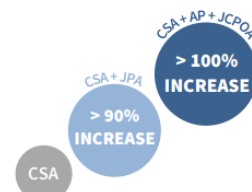
18 NUCLEAR FACILITIES & 9 LOCATIONS OUTSIDE FACILITIES UNDER IAEA SAFEGUARDS

ADDITIONAL PROTOCOL

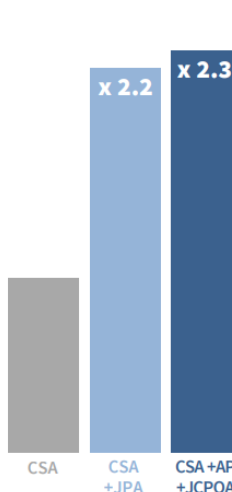
Provides IAEA with **broader access** to information and locations, increasing its ability to verify the peaceful use of all nuclear material in Iran



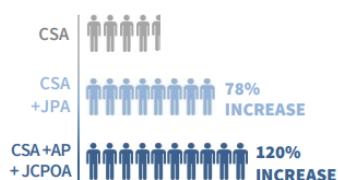
DAYS IN THE FIELD/YEAR



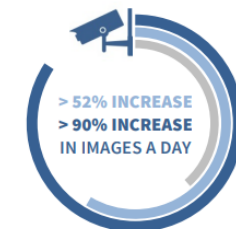
ANNUAL COSTS



HUMAN RESOURCES



SURVEILLANCE SYSTEMS



Source: <https://www.iaea.org/sites/default/files/jcpoa-iaea-and-iran-infographic.pdf>

The IAEA Director General, Yukiya Amano, during his visit to Tehran on October 29, 2017, has also reiterated that the nuclear-related commitments undertaken by Iran are being implemented, and that the JCPOA represents a clear gain from a verification point of view.⁷ Earlier, on October 13, in a statement he said that Iran is now provisionally implementing the Additional Protocol to its Comprehensive Safeguards Agreement with the IAEA, a powerful verification tool which gives our inspectors broader access to information and locations in Iran. So far, the IAEA has had access to all

⁷ 'Director General Amano Holds High-Level Meetings in Tehran', Text, (29 October 2017), <https://www.iaea.org/newscenter/statements/director-general-amano-holds-high-level-meetings-in-tehran>

locations it needed to visit.⁸ The IAEA verification monitoring mechanism clearly shows that Trump recent accusations of multiple violations by Iran under the JCPOA are unfounded and baseless.

International Response and Prospects of Iran-US Nuclear Deal

International security experts, officials of major powers who are part of this deal and even US allies fear that terminating a landmark nuclear deal with Iran would lead the US back to military confrontation with Iran. This will initiate an international crisis in the already fragile Middle East, as Israel is also willing to resort to military means and has been seeking the backing of the US its allies. Consequently, it will hurt the international nuclear non-proliferation regime and international peace and security.

Termination of JCPOA would also challenge the American diplomatic credibility and its so-called efforts to promote nuclear non-proliferation objectives. World major power, signatories to JCPOA and the key US allies are strongly supporting the deal, and there is likelihood that the US would stand isolated on this matter. The European Union (EU) reaffirmed its support for the Iran nuclear deal and has urged the US lawmakers not to re-impose sanctions on Tehran. In October, all 28 member of the EU, in a joint statement termed this deal a key to preventing the global spread of nuclear weapons. All EU members have expressed their commitment for a continued full and effective implementation of all parts of the JCPOA.⁹ The leaders of Britain, Germany, and France have declared their backing for the Iran nuclear deal. British Prime Minister, Theresa May, and German Chancellor, Angela Merkel, are among the US allies pledging their support of the Iran nuclear deal. France has urged the US Congress not to rip up the Iran nuclear deal as denouncing a deal that has been respected will set a dangerous precedent. The Russian Federation Council has also called for saving a multilateral deal on the Iranian nuclear activities. The Federation Council appealed to members of the US Congress with an urgent request to use all possible resources to prevent the emergence of this extremely dangerous situation. Russian senators believe that the collapse of the deal would irreparably damage efforts to maintain the nuclear non-proliferation regime and hinder the settlement of similar nuclear problems.

However, this shows that if the US tries to terminate this deal, it would be a unilateral step because the nuclear deal involves world major powers and it is backed by the United Nations Security

⁸ 'Statement by IAEA Director General Yukiya Amano', Text, (13 October 2017), <https://www.iaea.org/newscenter/statements/statement-by-iaea-director-general-yukiya-amano-13-october-2017>

⁹ 'EU 28 Committed to Full and Effective Implementation of Iran Deal - EEAS - European External Action Service - European Commission', *EEAS - European External Action Service*, accessed 3 November 2017, https://eeas.europa.eu/headquarters/headquarters-homepage_en/34008/EU-28-committed-to-full-and-effective-implementation-of-iran-deal

Council (UNSC), not by the US laws alone. The Russian President, Vladimir Putin, strongly backing Iran and its nuclear deal with world powers, opposed “any unilateral change.”¹⁰ This signifies that scraping Iran nuclear deal would be a clear violation of international norms and would challenge the UNSC efficacy and authority. The international community should keep open this new chapter of constructive engagement with Iran. Pakistan is also looking forward for a positive solution to this crisis. The lifting of sanctions on Iran after this deal has already enhanced the chances of regional integration, as it would enable Iran to export its oil and gas resources to meet the regional and global energy requirements.

¹⁰ Nasser Karimi | AP, ‘Putin, in Iran for Talks, Offers Support for Nuclear Deal’, *Washington Post*, 1 November 2017, sec. Middle East, https://www.washingtonpost.com/world/middle_east/putin-arrives-in-iran-for-talks-with-tehran-azerbaijan/2017/11/01/d5bbbf28-beed-11e7-9294-705f80164f6e_story.html