

# KEY POINTS AND RECOMMENDATIONS

The Iran Task Force's goal is to lend expertise to the legislative branch on Iran's internal politics, nuclear science, and the multi-faceted U.S. and global sanctions regime against Iran. This group of former government officials and nuclear, legal, and sanctions experts provides advice and recommendations to policymakers in order to ensure that any final deal prevents Iran's uranium and plutonium pathways to a nuclear weapon.

*The Iran Task Force has produced the following memos on issues related to nuclear negotiations with Iran.*

## PARAMETERS OF AN ACCEPTABLE AGREEMENT

- A comprehensive nuclear agreement with Iran must:
  - 1) Dismantle Iran's illicit nuclear infrastructure;
  - 2) Resolve all issues of past and present concern, including possible military dimensions of Iran's nuclear program;
  - 3) Require Iran's full implementation of and compliance with the Agreement between Iran and the International Atomic Energy Agency;
  - 4) Include permanent restrictions on Iran's nuclear program beyond peaceful-purpose limitations and verification requirements that apply to countries whose peaceful nuclear intentions are not in doubt;
  - 5) Include an inspection regime that goes beyond the existing authorities of the International Atomic Energy Agency (IAEA); and
  - 6) Bring Iran into compliance with all United Nations Security Council resolutions related to Iran's nuclear program.
- It is very important for members of Congress to define the parameters of an acceptable agreement before one is actually negotiated.

## SMART SANCTIONS ENFORCEMENT AND RELIEF

- No sanctions relief should be provided to Iran unless a final agreement verifiably and permanently prevents the regime from pursuing either a uranium or plutonium pathway to a nuclear weapon. If such an agreement is reached, policymakers should craft limited sanctions relief, based on:
  - 1) The final agreement meeting a series of parameters;
  - 2) The careful sequencing of sanctions relief tied to Iran meeting its obligations under an agreement;
  - 3) The creation of a permissible financial channel through which trade and financial transactions can occur;
  - 4) Temporary suspension of only those sanctions which can quickly be "snapped-back" should Iran fail to comply with the agreement;
  - 5) The maintenance of all conduct-based sanctions until Treasury can certify that the behavior which prompted the designation has ceased; and,
  - 6) A series of Presidential certifications that Iran has changed its behavior in critical areas of concern.
- Should an acceptable agreement be reached that fully addresses Iran's nuclear and ballistic missile programs, Congress must play a role, in cooperation with the Obama administration, to construct and oversee a smart sanctions architecture of effective enforcement and relief.

## THE SIGNIFICANCE OF THE SUNSET CLAUSE

- Under a comprehensive agreement as envisioned by the JPOA, Iranian compliance with the JPOA and the comprehensive solution will act to wipe Iran's nuclear slate clean. So long as Iran complies with the terms of the deal during the period that these agreements are in effect, Iran's nuclear program will thereafter be accepted as legitimate and unobjectionable. This will be true even if Iran concedes that it has in the past sought to develop nuclear weapons, remains committed to the destruction of Israel, and continues to actively promote terrorism.
- If Iran complies with its obligations under the comprehensive solution for the agreed duration of that agreement, it will become legally entitled to the same treatment in nuclear energy matters as Japan or Germany or any other non-nuclear weapon state with a civil nuclear program. All U.S., EU, and UN nuclear sanctions on Iran will have to end, including all restrictions on civil nuclear procurement by Iran. UN Security Council-imposed limitations on Iranian nuclear activities will be lifted. All restrictions agreed to by Iran as part of the comprehensive solution will expire, including any agreed limits on the number of centrifuges it may operate, the level to which it may enrich uranium, the amount of enriched uranium it may stockpile, whether it may reprocess spent nuclear fuel, and whether and how it can pursue a heavy water plutonium production program.
- The passage of time alone, coupled with "good behavior" on nuclear issues exclusively during the agreed time period, will be sufficient to convert Iran from nuclear pariah to nuclear partner. The likely duration of the comprehensive solution is therefore an issue of critical concern.

## SWU/YEAR AND CENTRIFUGES

- To break the impasse over centrifuges, some, including Iran, have reportedly considered a different metric to limit Iran's uranium enrichment capability: Separative Work Units per year or "SWU/ year," known as separative power. However, using SWU/year as a substitute for limiting the number of centrifuges would be a fundamental mistake. To limit how much enriched material Iran can produce and stockpile requires strict and verifiable limits on centrifuges along with additional prohibitions on next generation replacements and effective constraints on maintenance, research, and development.
- Separative power can play a role in defining enrichment limits but it cannot be the sole limit. The fundamental limits must remain the number of permitted IR-1 centrifuges, the size of the total LEU stocks (including oxide forms), limitations on centrifuge manufacturing, uranium mining and conversion, and the type of centrifuge research and development permitted.

## INCLUDING BALLISTIC MISSILES IN NEGOTIATIONS WITH IRAN

- Iran's ballistic missile arsenal threatens international and regional security because ballistic missiles can be used as a delivery mechanism for nuclear and other unconventional weapons. ... Even absent a nuclear warhead, Iran's missile arsenal can be an effective tool for intimidating or terrorizing its neighbors to extract political concessions.
- Any defensible deal that rolls-back Iran's illicit nuclear infrastructure should also tackle the delivery systems. The agreement should suspend Iran's ICBM-related work and include a ban on the launch of space vehicles, limits on the number of intermediate-range ballistic missiles, and a moratorium on the testing of all ballistic missiles as well as thorough verification mechanisms.
- Ignoring the strategic linkage between Iran's nuclear program and its missile program, creates greater monitoring and verification challenges, disregards regional stability and security, and shows total disregard for UN Security Council Resolution 1929, and the sanctions termination criteria as stipulated in U.S. law

## KEY LIMITATIONS ON IRAN'S URANIUM ENRICHMENT PROGRAM

- In the preamble of the November 2013 JPOA, the P5+1 concurred that a comprehensive agreement would involve an Iranian domestic enrichment capability. This concession, immediately pocketed by Tehran, marked a fundamental change in the negotiations. Instead of a complete suspension of enrichment and reprocessing activities, as called for in multiple Security Council resolutions and a foundational plank of all previous negotiating positions, the P5+1 negotiators are now attempting to reach a comprehensive agreement with Iran that will establish a credible “threshold time window,” or “breakout time,” which would provide sufficient time to detect breakout and give the international community adequate time to respond.
- Given Iran’s refusal to dismantle any of its centrifuges, one idea that has recently been put forward is to disconnect and not dismantle some of Iran’s cascades of centrifuges.
- There are technical distinctions between merely disconnecting centrifuges, disabling the feed pipes to these centrifuges, or removing centrifuges and piping. ... The simplest scenario, a disconnection of centrifuges from the uranium gas feeding lines, can be reversed in a matter of a week. ... If Iran were to completely remove the cascade feed piping and withdrawal piping from all but one cascade unit, ... the dismantled piping for IR-1 and IR-2m centrifuges could be reinstalled in a couple of months. A third option is to remove all excess centrifuges and cascade piping ... and put them into storage. This would push reinstallation and reconnection times to beyond six months. ... Any proposal that doesn’t include the removal of the excess centrifuges doesn’t meet adequate standards of irreversibility and stability. ... Iran could reduce the time required to reinstall the centrifuges and cascade piping it removed if it reinstalled and reconnected a smaller number of IR-2ms instead of IR-1s. ... This would cut reinstallation times back down to two to three months and make it more difficult to respond to an Iranian breakout scenario.
- There are additional factors affecting Iran’s enrichment capacity. As such, even the removal of excess centrifuges and piping would be insufficient without other steps to limit Iran’s enrichment.

## REQUIREMENTS FOR DETECTING COVERT IRANIAN NUCLEAR WEAPONS ACTIVITY

- “Iran has to come clean about all of its past weaponization activities. Iran must also submit to snap inspections of any suspect facility. If an agreement with Iran does not include such monitoring and verification provisions, I, as CIA director, would feel compelled to advise the President that the agreement could not be adequately verified.” – Gen. Michael Hayden is a former director of the CIA and NSA.
- Any comprehensive nuclear agreement must require Iran to provide full disclosure regarding its past nuclear work, and full future access and transparency. Unless an agreement requires such full disclosure, access, and transparency, there will be too high a risk that the U.S. and IAEA will be unable to deter, detect, and respond in time to an Iranian nuclear “sneak out.” In a “sneak out” scenario, Iran could enrich uranium to weapons grade, manufacture nuclear weapon components, and even assemble complete bombs, in small, covert facilities, even while abiding by an agreement’s restrictions on Natanz, Fordow, and Arak. The U.S. may not have, and the IAEA certainly does not have, the current capacity to detect, with sufficient reliability and speed, such a covert Iranian nuclear weapons program. The agreement must require the following:
  - 1) Iran must provide, prior to any additional sanctions relief, a comprehensive declaration that is correct and complete concerning all aspects of its nuclear program both current and past.
  - 2) Iran must provide the IAEA access without delay to all sites, material, equipment, persons, and documents.
  - 3) In order to hinder Iran from circumventing the agreement by secretly importing elements of a covert nuclear weapons program, any Iranian procurement of key technologies must occur through a specifically designated transparent channel subject to careful monitoring and oversight. The

## “SNAPBACK” SANCTION AS A RESPONSE TO IRANIAN NON-COMPLIANCE

- Based on press reports, it appears that the Obama administration will use a phased program of sanctions relief using “suspensions” and “snapbacks” where sanctions will be suspended and then re-imposed in the event of Iranian non-compliance. ... While legally feasible, the suspension and snapback of sanctions will pose political, economic, and psychological challenges.
- An overreliance on “snapback” sanctions can be problematic since the impact of the underlying sanctions is as much psychological as legal. The efficacy of sanctions is predicated upon... a strategy of escalation and the perception of high legal and reputational risk of dealing with an Iranian government, economy, and entities that have consistently engaged in deceptive and other illicit conduct.
- Politically... there would have to be agreement that there is sufficient evidence of Iranian non-compliance to warrant a decision to reinstate the sanctions. ... There are bound to be significant disputes on the evidence, differing assessments of the seriousness of infractions, fierce debates about the appropriate level of response, and concerns about Iranian retaliation.
- The snapback is equally challenging to implement given the economic realities that will follow a nuclear deal. International sanctions took years before a critical mass of international companies terminated their business ties with Tehran. Once loosened, with so many international companies positioning to get back into Iran, it will be difficult to persuade these companies to leave again.
- Since sanctions snapbacks will be difficult to implement politically and economically, Congress needs to defend the sanctions architecture in a way that is not overly reliant on mechanisms to re-impose sanctions; the snapback has a role to play but only in the context of a comprehensive sanctions relief program where core elements of the sanctions are maintained. ... Congress should work with the administration to create a sanctions architecture that predicates any suspension of sanctions on verifiable, irreversible steps by Iran to dismantle its illicit nuclear infrastructure and cease its support for terrorism, as well as resolving international concerns about its money laundering and other illicit finance activities.

## CHANGING THE OPERATING PARAMETERS OF CENTRIFUGES IS NOT A CREDIBLE SOLUTION TO GAIN TIME

- The Joint Plan of Action acknowledged that a comprehensive agreement would involve an Iranian domestic enrichment capability. This concession marked a fundamental change in the negotiations. Instead of a complete suspension of enrichment and reprocessing activities, as called for in multiple Security Council resolutions and a foundational plank of all previous negotiating positions, the P5+1 negotiators are now attempting to reach a comprehensive agreement with Iran that will establish a credible breakout time. The following memo addresses one proposal mentioned in recent press reporting on the negotiations between the P5+1 and Iran. The result of such proposals recognizes Iran as a nuclear threshold state, which status the Task Force rejects.
- Some of the latest news reports have suggested that talks are now centered around allowing Iran 9,500 spinning centrifuges, justified by reducing the operating parameters of these machines and the enrichment cascades that link the centrifuges together.
- The key question to ask is: Whether this arrangement meaningfully extends breakout time, thereby seriously constraining the possible military application of this nuclear program or whether the constraints are easily reversible and therefore unstable. Under the above scenario, the technicalities of the deals suggested in the press would certainly be unstable and easily reversible.

- There are several parameters affecting the performance of centrifuges. UF6 feed-gas pressure is one of them. ... The gas pressure is easy to monitor. But it is a reversible process. ... Even if all the UF6 gas feed and withdrawal stations and piping are modified, the old ones can be reinstalled within several weeks. ... Another option to reduce centrifuge performance is to change the rotating speed of centrifuges. ... The rotation speed is, again, easy to monitor, but it is once again reversible, and higher speeds can again be obtained in a short period of time.
- In sum, there is no silver bullet among these measures—apart from the dismantlement of excess centrifuges—to reach a breakout time of at least one year. The mere reconfiguration of the cascades will not solve the problem of breakout time, which itself is only one of the important metrics of a final agreement’s durability, irreversibility, and ability to ensure that Iran’s nuclear program is peaceful.

## VERIFYING IRAN FOR THE LONGER TERM

- A robust and intrusive verification regime, and in particular the details about the inspections conducted by the International Atomic Energy Agency (IAEA), is of utmost importance. And these international verification efforts in Iran cannot simply end when the comprehensive agreement sunsets. Supplementary safeguards measures that extend beyond the Additional Protocol (called AP-plus) are essential if the IAEA is to monitor verifiably a comprehensive nuclear agreement. The IAEA can only return to “routine” inspections under the AP when the IAEA is certain that all nuclear material and activities in Iran are being used exclusively for peaceful purposes. Since AP-plus access is negotiated by the P5+1, and enforced by a U.N. Security Council (UNSC) resolution, the UNSC also has to conclude that Iran has fully restored its non-proliferation credentials before these supplementary safeguards measures are reduced.
- For verification purposes, a larger program has more moving parts and larger uncertainties. It also increases the risks coming from the unknowns about Iran’s nuclear program that, by definition, are not included in one-year breakout times, whose calculations are based solely on known nuclear material inventories and facilities. That is, the estimate of a one-year breakout time assumes that Iran chooses to enrich to weapons-grade uranium at a known nuclear site rather than “sneak out” at a yet to be detected, clandestine facility. The more efficient Iran’s centrifuges become, the greater the danger that Iran can develop a “sneak out” capacity.
- The IAEA needs “go anywhere, anytime” access to sites, material, equipment, persons, and documents and to oversee a single procurement channel to be established to ensure Iran is not secretly importing elements for a nuclear-weapons program.
- Iran’s obligations under a robust verification regime must be legally binding and a vigilant enforcement scheme is needed to keep the deal in place. This includes stepwise lifting of sanctions only after Iran complies with its obligations so as not to overly rely on the ability to “snapback” sanctions if Iran does not comply.

## VERIFYING A FINAL NUCLEAR DEAL WITH IRAN

- Unfettered access to sites, facilities, material, equipment, people, and documents is imperative to the credible long-term verification of any nuclear agreement with Iran. This “anywhere, anytime” access and short notice inspections must not be subject to a dispute resolution mechanism, which would delay the IAEA access. Procedures in a final deal, which provide Iran with the ability to define or control access, undermine the verifiability of the agreement and affect the IAEA’s ability to reach timely conclusions. Additionally, the resolution of the IAEA’s outstanding concerns regarding the possible military dimensions of Iran’s program must be resolved prior to the provision of substantial sanctions relief.

- Iran’s most serious verification shortcoming remains its unwillingness to address the IAEA’s concerns about the past and possibly on-going military dimensions of its nuclear program. For the IAEA to conclude that all nuclear material is peaceful in use, Iran must satisfy the IAEA’s questions in this key area. It is not possible for the IAEA to conclude that Iran’s program is peaceful if Iran does not address these outstanding issues. Unless the IAEA concerns are fully and satisfactorily addressed as part of Iran’s key compliance obligations, it would be hard to create a meaningful and robust verification regime with credible assurances.
- Since PMD issues will apparently not be resolved before the entry into force of the JCPOA, it will create an increased burden on international inspectors to verify the peaceful nature of Iran’s program. As part of the enforcement mechanisms, the agreement should only grant significant sanctions relief after Iran has addressed and satisfied IAEA concerns.
- Transparency arrangements, including the “go anywhere, anytime” visits that allow inspectors to gain the access and information to sites, material, equipment, persons, and documents, have to form part of the verification process. ... Without unfettered access to people and all sites in Iran, and if limitations and sanctuaries are carved out, it will be impossible to convincingly certify that Iran is fully complying with its undertakings. Such measures take on additional salience if not all pathways to a bomb are to be closed off.

#### THE HOLLOW CORE OF THE IRAN NUCLEAR DEAL

- A good nuclear agreement with Iran requires that we know first, what work has Iran conducted toward nuclear weapons, and second, can we guarantee that Iran has stopped and will not resume this work. If these questions are not answered correctly and completely before the negotiations conclude, the resulting agreement will be illusory.
- Iran continues to stonewall Agency inquiries on the matter. The limited progress has been slow, grudging, and incomplete. Worse, the Agency concludes that actions by Iran intended to sanitize part of its Parchin base, one of the places suspected of military nuclear activities, “are likely to have undermined the Agency’s ability to conduct effective verification.” Thus, far from cooperating with inspectors to resolve the matter, Iran is working actively to sabotage them.
- A complete and correct understanding of all of Iran’s military nuclear activities is imperative for effective verification.
- Iran’s unwillingness to resolve the PMD issue indicates that Tehran may also not comply with a future nuclear deal.