

The Significance of the Sunset Clause

July 2014

The November 2013 Joint Plan of Action (JPOA) between Iran and the P5+1 contains many concessions to Iran. The most significant for Iran is that no matter what restrictions Tehran accepts regarding its nuclear program, those restrictions will lapse within a limited period of time, and Iran will thereafter be treated no differently than any other country with a civil nuclear program.

The framework of the JPOA is very simple. It provides for some confidence-building measures on both sides that are to be in effect for a six-month period ending on July 20, 2014 with a possible extension for another six months. During that period, Iran and the P5+1 are to negotiate a “mutually-agreed long-term comprehensive solution” that will involve additional agreed upon restrictions on Iran’s enrichment program, as well as enhanced transparency and verification measures. Since the JPOA was signed, most discussions have focused on what restrictions should apply to Iran’s nuclear program under the “comprehensive solution.”

However the JPOA is clear that the “long-term comprehensive solution” will not be a permanent solution. To the contrary, the JPOA states that the comprehensive solution shall “[h]ave a specified long-term duration to be agreed upon.” The JPOA further provides that:

“Following successful implementation of the final step of the comprehensive solution for its full duration, the Iranian nuclear programme will be treated in the same manner as that of any non-nuclear weapon state party to the NPT.”

In other words, *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.

In effect, *compliance by Iran 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.

This process for rehabilitating Iran's nuclear program is very different from what was expected of other countries that had in the past sought to develop nuclear weapons. In other cases, such as South Africa, Brazil, and Argentina, rehabilitation was conditioned on a fundamental change in government that afforded some assurance that the country's civil nuclear program would no longer be used as a mask for nuclear weapons development. In South Africa, the apartheid regime was replaced by the democratically-elected government of Nelson Mandela. In Brazil and Argentina, military dictatorships yielded power to elected civilian governments. In these cases, it was reasonable to believe that these new governments were not committed to the nuclear weapons programs that had been pursued by their predecessors.

In the case of Iran, however, the JPOA framework requires no fundamental change in government or ideology before Iran is to be rehabilitated. *The passage of time alone, coupled with good behavior 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. Clearly its duration is one of the key points of contention in the ongoing negotiations. Many Western experts say the duration needs to be at least 20 years. Iran reportedly is pressing for five years or less. Informed observers have suggested that the Obama Administration is seeking a duration of about ten years.

The question for policy-makers is this: if in ten years, or whenever the comprehensive solution expires, Iran is ruled by a government with the same priorities that Iran has had for the last thirty-five years, will we be prepared to accept an Iranian civil nuclear program that is subject only to the same constraints that apply to countries like Germany and Japan? If not, the JPOA framework needs to be radically altered.

The Iran Task Force's goal is to lend expertise on Iran's internal politics, nuclear science, and sanctions regime to the legislative branch. By providing the necessary intellectual capital, this group can help to strengthen Congress's role in a potential final nuclear agreement with 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.

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