

MEMMO

September 8, 2016

Undisclosed Concessions to Iran Raise Concerns

According to a Sept. 1 Institute for Science and International Security (ISIS) report, Iran received secret concessions to evade certain restrictions in the Joint Comprehensive Plan of Action (JCPOA) to allow it to begin receiving sanctions relief in January 2016. If accurate, Iran's negotiating partners (the P5+1) misled the public and initiated sanctions relief before Iran met all of the deal's requirements. The P5+1 has not yet provided any rationale for this leniency. Given Iran's continued evasion of its international commitments, including through illicit ballistic missile test and arms transfers prohibited by U.N. Security Council resolutions, these concessions set a dangerous precedent and encourage Iran to further shirk its international obligations. If the JCPOA is to have long-term success, the P5+1 must strictly enforce its terms and provide far greater public transparency.

The prospects for long-term JCPOA success depend on strict enforcement of its terms and increased public transparency.

- Given Iran's history of cheating on its nuclear obligations, the international community must strictly enforce the JCPOA. This latest development follows reports that Iran exceeded its quota for heavy water production and failed to provide the International Atomic Energy Agency (IAEA) with unencumbered access during its investigation into the possible military dimensions (PMD) of Iran's nuclear program.
- The P5+1 should not take any steps to enable Iran to enhance its nuclear capacity beyond what is explicitly allowed by the JCPOA. For example, the P5+1 has no reason to support Iran's efforts to continue heavy water production.
- The P5+1 and IAEA must restore the level of public transparency that existed prior to the JCPOA so that non-governmental experts can properly analyze enforcement. If the Joint Commission—comprised of Iran, America, the EU, the U.K., France, Germany, Russia, and China—has made additional concessions to Iran, it should disclose these immediately.



If ISIS' report is accurate the P5+1 misled the public and initiated sanctions relief before Iran met all of its obligations.
(Photo: Joe Klammar/Pool Photo via AP)

This confidential arrangement reflects an emerging practice of not disclosing key details to the public.

- In July 2016, the Associated Press obtained a copy of Iran's long-term centrifuge enrichment plan. This plan detailed Iran's intentions to expand its centrifuge manufacturing capability after year eight of the JCPOA and begin increasing use of advanced centrifuges through year 13, at which

point restrictions are scheduled to relax significantly. Despite its importance, this plan was not released publicly.

- The IAEA has issued two reports on Iran’s nuclear program since JCPOA Implementation Day on Jan. 16, 2016. Both of these reports have been significantly less detailed and transparent than IAEA reports issued prior to the JCPOA.
- In August 2015, the Associated Press reported a side deal between Iran and the International Atomic Energy Association (IAEA) which placed strict limitations on the IAEA’s ability to inspect Parchin, a suspect site where Iran had conducted nuclear weapons research. The IAEA declined to reveal the details of its arrangement with Iran to the public. Press reports indicated that that IAEA inspectors agreed to forgo their own physical inspection and instead observed their Iranian counterparts.

According to the ISIS Report, the JCPOA Joint Commission agreed to several alterations permitting Iran to evade nuclear restrictions.

- The Joint Commission reportedly granted Iran an exemption to the limit of 300 kg of low enriched uranium (LEU) allowed under the JCPOA. An unknown amount of the material in excess of the limit was allowed to be held in the form of solid, liquid, and sludge waste.
- Iran reportedly was exempted from limits on near-20 percent LEU contained in “lab contaminant.” This alters the JCPOA requirement to contain all near-20 percent LEU in fuel elements, which would then be modified to irradiated fuel elements. The commission permitted Iran to operate 19 hot cells in excess of the JCPOA cap, increasing the danger of plutonium diversion.
- Iran was reportedly allowed to store heavy water in Oman under Iranian control, which allows Iran to effectively exceed the 130 metric ton cap in the JCPOA. The United States has since purchased Iranian heavy water to bring this level below the 130 metric ton mark.