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**Now is Not the Time to Withdraw from the Nuclear Agreement,
Rather, the Time to Demand its Full Implementation**

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The October 13, 2017 speech by US President Donald Trump marked a clear turning point in US policy on Iran. In declaring that he would not recertify the nuclear agreement (JCPOA), President Trump challenged both the agreement itself and Iranian policy. His statement sparked critical responses from the other parties to the agreement (Britain, Germany, France, Russia, and China), and has generated charged anticipation regarding his forthcoming decision, which will be announced in the coming days, whether he will sign the order continuing the suspension of sanctions or will reinstate them. Reinstatement of the sanctions would be tantamount to a withdrawal from the agreement.

This is Not the Time to Withdraw from the Nuclear Agreement

Immediately following the President's speech, we recommended that the JCPOA not be reopened, but rather that pressure be brought to bear on the Iranian regime due to its violations of Security Council resolutions regarding its missile program, arms proliferation, terrorism, and human rights violations. Since then, protests have erupted in Iran. At this critical juncture, in light of the volatile situation in Iran and President Trump's impending decision regarding the future of the JCPOA, we emphasize again that the cost of a US withdrawal from the agreement at the present time would be greater than the benefits of such a measure. Therefore, the recommendation that the US not withdraw from the JCPOA remains unchanged.

The statement issued by Secretary of State Rex Tillerson on January 5, 2018 regarding efforts currently underway to find a solution that would enable the United States to remain a party to the agreement is encouraging. We hope that even if the proposal advanced in Congress is not passed in the little time that remains before the President needs to make a decision, a demonstration of willingness on the part of Congress to discuss a proposal in a timeframe acceptable to President Trump will enable the President to refrain from deciding to reinstitute the sanctions, which, again, would amount to an American withdrawal from the agreement.

Despite the disagreements among ourselves regarding the quality of the agreement and its ability to prevent Iran from acquiring nuclear weapons, we are all in agreement that for

now the JCPOA is an established fact and the other parties to it oppose reopening it. A unilateral American move to withdraw from the agreement at this point would arouse friction between the US administration and the governments of these other countries. It would also allow the Iranian regime to take advantage of the United States withdrawal for its own benefit. This was true prior to the outbreak of the current disturbances in Iran, and even more so today, when the Iranian regime is looking for pretexts to divert the anger of the Iranian public outward, away from the leadership in Tehran. It would be a mistake on the part of the US administration to play into the hands of the Iranian regime by providing it with this opportunity.

Increasing the Pressure on Iran without Withdrawing from the Agreement

A US withdrawal from the agreement would endanger the current ability to limit the Iranian nuclear project in the short term and delay Iran's ability to break out to a nuclear weapon. Consequently, and as charges against Iran regarding incomplete implementation of the agreement can already be made and pressure brought to bear even without opening the agreement and without a US withdrawal, it is essential that a way be found to take action in this direction. The issues that must be addressed within this framework are as follows:

- a. It is important to emphasize that over the past two decades, Iran has violated the terms of the NPT by working on a military nuclear program and has misled the International Atomic Energy Agency (IAEA) and its inspectors, as well as the international community as a whole. Highlighting this fact is critical, because it constitutes the basis for the international community's loss of faith in Iran. It also allows us to distinguish between the Iranian regime and other states that are parties to the NPT, and regard Iran as prone to violations and duplicity and as a party that cannot be trusted.
- b. The terms of the agreement regarding the supervision of military facilities in Iran must be employed to their fullest extent in order to ensure they enable effective and timely checks of suspicious activity in the military nuclear realm. In this framework, it is necessary to clarify the sections of the agreement that are subject to interpretation, such as the paragraphs instructing the IAEA to first submit incriminating intelligence material to Iran, without a deadline for Iran's response; and that only after this stage can a process be initiated whereby Iran can delay the inspection of a facility for up to 24 days, following an IAEA request for such an inspection.
- c. It must be ascertained that the IAEA utilizes its full rights to identify facilities, activities, and materials in Iran that are prohibited under the Additional Protocol. Until now, the agency has not undertaken verification measures that employ the full array of measures enabled by this protocol.
- d. Action must be taken to ensure greater transparency and full details in the quarterly reports of the IAEA director-general regarding the results of the IAEA's verification efforts in Iran, and regarding any prohibited procurement efforts by Iran, as discussed in

the Procurement Working Group – in order to facilitate discussion of these important issues in the context of public debates.

- e. The sections of the agreement regarding research and development of advanced centrifuges must be reexamined. Due to Iranian limitations on verification, the current state of affairs poses the danger that Iran will be able to develop and produce advanced centrifuges without informing the IAEA, even though this is a violation of the agreement.
- f. Emphasis must be placed on intelligence gathering in addition to IAEA supervision, in light of the fact that historically, regime violations regarding the Iranian nuclear program have, on the whole, been discovered not as a result of IAEA supervision but rather by intelligence agencies and opponents of the regime.

In light of the above, the United States should continue to pursue a policy that will challenge the regime and require it to fulfill the agreement without reopening it, while recruiting members of the P5+1 to support these measures.

Iranian Violations beyond the Nuclear Agreement

The urgent need to continue exerting and increasing the pressure on the Iranian regime, while simultaneously enforcing implementation of the agreement, stems from the regime's consistent and repeated violations of Security Council resolutions, and from the state of human rights in Iran. Iranian infringements include:

- a. The violation of Security Council Resolution 2231, by supporting terrorism and supplying weapons to terrorist organizations throughout the Middle East.
- b. The conducting of at least four missile tests after the achievement of the nuclear agreement: the tests carried out in October-November 2015 were in violation of Security Council Resolution 1929 (which was still in force), and the rest were conducted against the "spirit" of Security Council Resolution 2231, as maintained by the Obama and Trump administrations.
- c. The regime's violation of international law and norms regarding human rights. Iran is a world leader in the extent of executions, mass arrests of opponents of the regime, and harm to women, LGBT populations, minorities, and others.

Conclusion

In advance of the President's decision regarding the continued suspension of sanctions and the possible withdrawal from the JCPOA, it is recommended that:

- a. Sanctions not be reinstated by means of a measure that would be tantamount to withdrawal from the agreement, but rather that demands be made of Iran to implement the agreement in full. In addition, the IAEA must engage in meticulous supervision of the agreement's implementation and publish all aspects and findings of its inspections, in full, as it has done in the past. This is necessary in order to ensure transparency regarding the manner in which Iran is implementing the agreement.

b. International awareness be raised regarding Iran's violations of Security Council resolutions, and that other parties to the JCPOA be called to join in the sanctions on Iran for these violations. In this framework, action must be taken to advance a new resolution in the Security Council that reinstates the prohibitions stipulated in previous resolutions against actions related to the development, production, and testing of ballistic missiles and cruise missiles capable of carrying a nuclear warhead.

c. The Iranian regime be isolated and pressure exerted on it in response to the violation of human rights, and in particular, the suppression of the recent disturbances. In this framework, the United States should make full use of the sanctions – and the tools with which it is provided by sections 402 and 403 of the Iran Threat Reduction and Syria Human Rights Act of 2012 – against elements participating in the suppression of human rights in Iran.

d. Bilateral American sanctions be imposed on the regime for these violations, and the other members of the P5+1 and other countries be mobilized to participate in the sanctions.