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Iran's Nuclear Violations: JCPOA and Beyond

Emily B. Landau

In May 2019, Iran indicated that it would begin to violate the terms of the Joint Comprehensive Plan of Action (JCPOA). This would take the form of a series of incremental and escalatory steps, to be announced every 60 days, in response to the withdrawal of the Trump administration from the nuclear deal a year earlier and the subsequent imposition of harsh sanctions. The fourth step, taken in November 2019, is the most serious so far: Iran announced that it would begin enriching uranium at the heavily fortified underground enrichment facility at Fordow. With every step taken, the regime has emphasized that the violations are reversible and that Iran will return to the terms of the deal if the US lifts all sanctions. While the steps have been taken in response to US sanctions, Iran is consistently directing its message to the Europeans, whom the Iranians accuse of not fulfilling their promise to protect Iran's interests under the deal. Indeed, Iran is not projecting that it wants to leave the deal or that it wants the deal to collapse; rather, the idea is to have sanctions lifted by pressuring the Europeans to do more to help. Therefore, for the maximum pressure campaign to be truly effective, the US and Europe must project that they are on the same page regarding the need to sustain the pressure on Iran.

In May 2019, Iran indicated that it would begin to violate the terms of the Joint Comprehensive Plan of Action (JCPOA), commonly known as the Iran nuclear deal. This would take the form of a series of incremental and escalatory steps, to be announced every 60 days, in response to the withdrawal of the Trump administration from the nuclear deal a year earlier, and the subsequent imposition of harsh sanctions. The first breach was an increase in Iran's stockpile of low enriched uranium (LEU), beyond the 300 kg limit set in the nuclear deal, a step confirmed by the IAEA in early July. Iran then announced that it would take the next step and begin enriching beyond the 3.67% level allowed by the deal, to 4.5%, and in early September a senior Iranian official said that Iran had begun activating advanced centrifuges that spin much faster than the ones they were using previously. The fourth step, taken in November, is the most serious so far: Iran announced that it would begin enriching uranium at the heavily fortified underground enrichment facility at Fordow. With every step taken, the regime has emphasized that the violations are reversible and that Iran will return to the terms of the deal if the US lifts all sanctions.

What should be made of these JCPOA violations? First, while the steps have been taken in response to US sanctions, Iran is consistently directing its message to the Europeans, whom the Iranians accuse of not fulfilling their promise to protect Iran's interests under the deal. Indeed, Iran is not projecting that it wants to leave the deal or that it wants the deal to collapse; rather, the idea is to have sanctions lifted by pressuring the Europeans to do more to help.

Second, the specific violations that Iran has chosen to commit expose dangerous flaws in the JCPOA that were apparent from the start. Iran would not be able to hike up its stockpile of LEU, or enrich to higher levels, if enrichment had not been allowed and even legitimized by the deal. Regarding advanced centrifuges, again, Iran was allowed under the terms of the deal to work on research and development on a full range of these centrifuges, meaning that a decision to operate them was only a short step away. And the story of Fordow is the most critical, because this enrichment facility should not have remained open under the terms of the deal – with room for only 3000 centrifuges it has no role in the context of a civilian nuclear program. In fact, this facility, which was not declared to the IAEA and had been meant to be kept secret and protected, was revealed by the international powers facing Iran in 2009, on the basis of intelligence information. Having been caught red-handed regarding an undeclared facility, it was a watershed moment in dealing with Iran's nuclear deception, demonstrating that Iran was deceiving the IAEA regarding a facility with military applications. Ahead of the nuclear negotiations, it made sense to demand that it be shut down. But not only was Fordow left open, but some 1000 centrifuges were left in the facility. The agreement reached was that these centrifuges would no longer enrich uranium, but would be converted solely for civilian research purposes. But this required a reconfiguration of the Fordow facility, and four years after the JCPOA was achieved, it is now apparent that Iran never upheld its commitment in this regard, and the centrifuges can begin to enrich uranium.

A third implication of Iran's JCPOA violations is that they have enabled Iran to alter the narrative with regard to its demand that the US lift all sanctions. Rather than sanctions relief being the price for Iran to come back to the table, to negotiate a better deal, Iran has now tied its demand to lift all sanctions merely to going back to the original JCPOA.

While Iran seems not to want to seriously rock the boat — and emphasizes that all of its JCPOA breaches are immediately reversible — the implications of its violations are becoming more and more serious and could elicit a harsher international reaction. Iran's actions, including detaining an IAEA inspector, look increasingly hostile. With a stockpile of over 500 kg of LEU, the Institute for Science and International Security (ISIS) has estimated that Iran's breakout time has already been reduced from 8-12 months to 6-10.

While Iran tries to justify its JCPOA violations as a response to the US breach of the deal – a narrative that has been largely embraced by the mainstream media, and most international actors – not enough attention has been devoted to other problematic aspects of Iranian behavior that touch on its continued efforts to lay the foundation for a weaponization program. The activities in this regard – including not reconfiguring Fordow, or lying about having purchased additional tubing for the reactor at Arak, before cement was poured into them – are less easily pinpointed than when the specific enrichment limitations set out in the nuclear deal are crossed. Moreover, it is behavior that has not featured in the quarterly reports of the IAEA, and consequently is rarely raised in the media or discussed in the wider debate, although it raises serious concern.

The latest IAEA report on Iran shines light on two additional issues of concern, but provides no details. It reports that the IAEA attended one meeting of the JCPOA Procurement Working Group, but fails to relate to US intelligence regarding Iran's efforts to procure dual-use goods that could be used in a nuclear weapons program in the 2015-2018 period. Moreover, the report fails to mention anything about its investigation into the Iran nuclear archives – the original Iranian documents detailing its plans for producing five nuclear bombs that Israel extracted from Tehran in January 2018. These documents – which include information about scientists, facilities, and equipment involved in Iran's military nuclear program that were not known in 2015 – were turned over to the IAEA over a year and a half ago.

For the first time, the latest IAEA report does include reference to uranium particles (natural uranium of “anthropogenic origin”) that were found at an undeclared nuclear site that was revealed by Prime Minister Netanyahu at the UN in September 2018, and from which soil samples were taken earlier this year. This was after the Iranians had emptied the warehouse over the summer of 2018, once they knew Israel had turned over the nuclear archives. According to [a report](#) by David Albright and Andrea Stricker, in a recent briefing to journalists, “the Israelis...stated that the uranium's characteristics and age do not correspond with uranium from any nuclear facility previously disclosed by Iran, implying that there exists or existed an undeclared Iranian uranium conversion facility.” Iran initially flatly denied that this warehouse had anything to do with its nuclear program, claiming that the facility was a rug factory. Since the IAEA findings, the Agency has noted Iran's lack of cooperation in providing a plausible explanation for the radioactive remnants. Significantly, this finding is unrelated to Trump's withdrawal from the JCPOA, and hints at Iran's ongoing nuclear ambitions and deception.

A familiar argument in light of Iran's current violations is that the maximum pressure campaign launched by the US has provided Iran with the rationale to begin its own

noncompliance, and therefore in the wake of the US reversal, we find ourselves in a worse situation than when the deal was upheld. But if the deal indeed suffers from dangerous flaws – most importantly its unconditional sunset clauses – Iran's breaches would come at some point down the line. A counter argument is that it is preferable to confront Iran's violations now, when it is relatively weak, than in 5-10 years when the country could have become much stronger, while doing what it could to prepare the way for a quick breakout when the deal expired.

For the maximum pressure campaign to be truly effective, there is a need for political clout to back up the economic hardship Iran is experiencing. This requires that the US and Europe project that they are on the same page regarding sanctions and that they share the commitment to keep up the pressure on Iran, especially in light of its dangerous nuclear violations.