



The Details of the Iran Deal Matter, Now More Than Ever

September 24, 2015



Ephraim Asculai, Senior Research Fellow at the the **Institute for National Security Studies**, and **Emily Landau**, Senior Research Associate at **INSS**, argue that while the Iran nuclear agreement is being implemented, there are still significant flaws that need to be remedied in the implementation phase to ensure the agreement functions. They suggest meticulous verification mechanisms to monitor Iranian compliance, transparency in the verification regime, professional oversight and analysis of the IAEA's verification techniques, timely reporting, and verifying and checking information provided by member states to the IAEA as ways to ensure that Iran does not cheat on the agreement and is held to its commitments.

By **Ephraim Asculai** and **Emily Landau**

Although the agreement with Iran is apparently a done deed, serious issues exist and will persist if not treated properly through additional understandings. Left untended, the dangerous implications of this deal are likely to be felt far into the future.

When looking back over the past few months of debate over the Joint Comprehensive Plan of Action (JCPOA), one tangible axis divided “politicians” from “technical experts”. What divided them was more a function of the overall approach of each group to the deal, rather than their analysis of the text per se. Indeed, the text of the agreement creates the impression that many aspects of Iran’s nuclear program have been addressed, and that if Iran could be trusted to uphold the provisions, its breakout time would be extended in two respects: Iran’s overall commitment to the deal would extend for 10-15 years, and breakout time at any given moment in the initial years would be extended from a few months to a year.

While the sunset provision – whereby any meaningful restrictions will be lifted by year 15 – is probably the most problematic aspect of the deal, it is the assumption that breakout time will be extended to a year that brought the specifics of the verification regime starkly to the forefront of debate. It is in this regard that the technical experts were quick to identify many questions, ambiguities, and loopholes that could undermine any reasonable prospect of catching Iran in time, and confronting its cheating effectively.

Attention must therefore turn to implementation; any laxity in this regard is a certain road to disaster. The politicians have done their part, for better or worse, and must now clear the field for the experts to try to overcome the deal's handicaps and assure that everything that can be done will be. Many important provisions in the deal were left ambiguous, and open for interpretation. The P+1 are committed to the deal, not to its interpretation, which henceforth must be as strict as possible. Although the agreement does not specifically deal with past activities, discovery of any undeclared military work that contradicts the aim of the deal must be included within the scope of verification.

In this regard, the following are examples of principles that should govern implementation of the Iran deal; the list is indicative, not exhaustive:

1. Meticulous verification of Iran's obligations. Every detail must be verified, including inventories – permitted amounts of materials; transformations of materials, exporting of materials; transformation of facilities; productions etc. The timetables for the Iranian activities must be recorded and any deviation from these noted.
2. Transparency. There cannot be any verification activities that are not transparent, like the shameful “confidential” agreements between the IAEA and Iran regarding Parchin. There cannot be any discounts to Iran that could lead to false negative results. The IAEA is an international organization whose activities must be held accountable, at least to its Board of Governors. Moreover, Iran's past record of deception warrants strict measures.
3. Professional oversight. Taking the example from UN activities in Iraq, there must be an international independent expert oversight commission that inspects the verification activities in Iran, evaluates its results, points to shortcomings, and promulgates its evaluation of the situation.
4. The work of this commission should include an evaluation of the military dimensions (MD) of Iran's nuclear program, beyond the list of issues that was included in the IAEA report of November 2011. Investigation of weaponization work cannot be limited to these questions, which are but the tip of the iceberg regarding development of a nuclear explosive device. Deeper exploration is clearly required.
5. Timely reporting. The deal depends to a large extent on the timely reaction to any infringement by the Iranians of the deal. The main concerns of the verification organization would be to take note of any deviation from the deal's terms and alert the IAEA management and the commission to the details, and to the possible implications of the findings. The major concern would be whether the breakout timetable would be shortened by newly discovered facts.
6. Verify and assess any new information, whether unclassified and publicly available or classified intelligence supplied by Member States. Again, the goal is to identify findings that might indicate a deviation from Iran's obligations that could result in shortened breakout times. These must also be reported in a timely manner.

Beyond the debate over verification, the larger picture cannot be ignored. Iran's blatant support for terrorism, its development of long-range missiles, its gross human rights abuses, and its involvement in regional conflicts which have nothing to do with the protection of its borders are all serious causes for concern. Similarly, Iran's ongoing horrific rhetoric against Israel, and basic enmity toward the US, with continued demonstrations and burning of flags, cannot simply be brushed aside. All of these issues, as well as Iran's past violations of the NPT, should always be present in the approach of the commission overseeing Iran's compliance. They should constrain international willingness to give Iran the benefit of the doubt. At this stage Iran cannot and should not be trusted to uphold its commitments, especially after sanctions are lifted. Iran is anything but a 'normal' member 'in good standing' of the NPT, nor is its regional behavior in any way acceptable.

This does not mean that the conflict between the politicians and technical experts will let up. In the months preceding the conclusion of the deal the politicians demonstrated that they had made up their minds, and did not want to be bothered by facts. This could carry on with the activities of the commission designated by the deal. Unfortunately, violations of treaties and agreements throughout history often hinged on technicalities, concealed activities, weapons developments and other means of non-compliance. And this is likely to be the case with this deal as well. The agreement may postpone the inevitable by some years, but will enable Iran to meanwhile hone its nuclear proficiencies, continue with its territorial hegemonic ambitions while arming itself with advanced weapons, and continue with its nefarious terrorist activities.

Will the world let Iran do this, even aid and abet the regime, or understand that the worst flaws of the agreement can still be remedied by correct interpretations? The politicians want everyone to simply accept this as a 'done deal'; responsible organizations and observers everywhere have the duty to prove them wrong and to do what they can to rectify what currently is a very bad situation.

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