



Fact Sheet on the JCPOA: The Final Iranian Nuclear Deal

“Iran is either violating the deal, it’s inconsistent with the deal, or it’s just pushing the envelope.”

(David Albright, [The Weekly Standard](#), May 1, 2017)

The 159 page [JCPOA](#) was announced on July 14, 2015. The UN Security Council voted in favor of UNSCR 2231 on July 20, 2015, meaning Adoption Day was October 18, 2015. The Obama administration started lifting sanctions on Iran January 16, 2016, making that date Implementation Day. The JCPOA is a set of “political commitments” and not a treaty or an executive agreement or even [a legally binding document](#); it [has](#) no signatories. Iran has [announced](#) that it considers the UNSCR 2231 as separate from the JCPOA, and that it has “no intention” of abiding by the UN prohibitions on developing ballistic missiles or purchasing arms. In October of 2015, the Iranian parliament [rejected](#) the text of the JCPOA. Instead, the *majilis* approved their own version of the JCPOA, more than [1000 pages long](#), which, among other things, [strips](#) the US’ ability to “snapback” sanctions, [forbids](#) inspections of Iranian military sites, bars IAEA interviews with Iranian military officers and scientists, calls on Iran to strengthen its military and missile arsenal, and makes conversion of enriched uranium conditional, and calls for the dismantling of **Israel’s** nuclear weapons program. Leader Khamenei [has endorsed](#) this new version of the JCPOA, to which he [attached](#) some additional conditions.

The Final Deal: Joint Comprehensive Plan of Action (JCPOA)

- **Iran Reduces Nuclear Stockpile:** Iran [sent](#) all of its enriched uranium out of the country, but swapped for an equivalent amount of uranium ore that can be converted into enriched uranium in a few months. ¹
- **Nuclear Centrifuges:** Iran is permitted to operate more than 5000 nuclear centrifuges, plus another 1000 in Fordow. The rest are put in [storage](#) (but [not dismantled](#)). Centrifuges of this number are too few for any civilian purposes, but this number is enough for Iran to develop nuclear weapons. [Reports](#) indicate that Pakistan was able to test and produce a nuclear weapon with the limited capacity of only 3,000 centrifuges. The deal “[preserves](#) Iran’s ability to produce as much nuclear fuel as it wishes after year 15 of the agreement, and allows it to conduct research on advanced centrifuges after the 8th year.”
- **The Nuclear Facilities are All Allowed:** None of the Iranian nuclear facilities will be dismantled:
 - Iran is [supposed](#) to rebuild its current heavy water reactor in Arak to produce much less plutonium.
 - The Fordow nuclear facility will [continue](#) operations with 1,000 non-nuclear centrifuges.
 - Natanz will be limited to having 5,060 uranium enriching centrifuges.
 - Parchin is addressed in a [side deal](#) between Iran and the IAEA. The IAEA agreed to allow Iran to collect its own environmental samples without the presence of international inspectors at the Parchin military base. **This has [since](#) happened once, and only once, and uranium particles were discovered.** Olli Heinonen, former IAEA deputy director, has noted this agreement is [unique](#), risky, sets a bad precedent, and that the IAEA needs to be [physically present](#) for the sampling. While negotiating, Iran [built](#) an extension to Parchin and a [tunnel](#). Normally, the IAEA requires additional samples to be taken when there are irregularities found in their tests, such as the presence of man-made uranium. But under the nuclear agreement, Tehran was only required to allow the IAEA’s inspectors to visit the Parchin facility once.

¹ It has been alleged by the ISIS that the West has [given exemptions](#) allowing the Iranians to have more low enriched uranium.

- The deal [contains](#) no limits on Iran's [Bushehr facility](#) that could produce plutonium.
- **Iran Gets More Funds:** On Implementation Day, Iran received billions of frozen funds in overseas accounts. The total amount of frozen funds and sanctions relief over ten years [may reach](#) \$700 billion.
 - FDD has [estimated](#) the amount of Iranian frozen funds is between \$90-\$120 billion.
 - A pro-Iranian newspaper has estimated the amount will "[approach](#) the \$130 billion barrier".
 - The Congressional Research Service has [estimated](#) the frozen oil funds are at \$115 billion.
 - President Obama has [cited](#) the \$150 billion figure.
 - Secretary of the Treasury Lew [claimed](#) Iran would receive \$55 billion in frozen funds.
 - Iran [has claimed](#) that it received "more than \$100 billion."
 - When questioned by reporters why the Iranians claimed "more than \$100 billion" versus the \$55 billion, State Department office Marie Harf [implied](#) that Treasury was wrong.
 - Iran also [received](#) \$1.7 billion in frozen funds separately the same day the JCPOA was implemented. This money was given to Iran on January 16, 2016, [supposedly](#) to settle a lawsuit with Iran. However, it was released the same time the JCPOA took effect, and the exact same time that four American citizen hostages were released by Iran.
 - Previously, Iran had received \$11.9 billion or [\\$19.9 billion](#) under the JPOA.²
- **Snap-back Procedures:** There is an [eight-member panel](#) that determines if Iran is violating the deal. The members of the panel are the UK, China, France, Germany, Russia, the United States, the [European High Representative for Foreign Affairs](#) and Iran. A majority vote is required. The investigation and referral process calls for a time schedule of 65 days.
 - This process "[makes](#) "snapback" no longer an impossibility — but still extremely improbable."
 - The snapback [may not work](#) for lesser violations because it is a question "whether the United States and its partners will risk the whole agreement in order to impose penalties for lesser violations..."
- **Snap-back Will Never be Complete:** If the sanctions are [re-imposed](#) on Iran "all contracts signed by Iran up until that point are [grandfathered](#) in and [immune](#) from sanctions." Iran [has already pushed](#) for long-term contracts of 20 to 25 years. This [may](#) include contracts on nuclear weapons parts.
- **Not Verifiable:** The ISIS has [reported](#) that the JCPOA is not verifiable as is. For declared nuclear facilities, the IAEA gets anytime/anywhere access. For undeclared nuclear facilities, the IAEA has to wait [at least 69 days](#) if the Iranians block them. IAEA inspectors will have to request access, providing [specific evidence](#). For weapons design work, there's almost no access.
 - Specific evidence is a problem "[because](#) no one will show the Iranians real information on a plant that is concealed, because it probably involves spies and phone taps and sensitive information..."
 - Tehran can further delay the process as it [has the right to challenge a UN request](#) to visit a site.
 - The IAEA's monitoring [isn't permanent](#) but limited to 15 and 25 years depending on the process, as Iran [is not required](#) to pass the "Additional Protocol." The JCPOA says "Iran will seek ...ratification of the Additional Protocol."
 - Iranian [officials have said](#) Tehran would [not allow](#) international inspectors to enter Iran's military sites, in comments that contradict the JCPOA. Parchin is one such site. Under President Trump, Ali Akbar Velayati, a senior adviser to Leader Khamenei, [reiterated](#), "Under no circumstances are the Americans allowed to inspect Iran's military sites." And he has [repeated](#) this. Both [the IAEA](#) and [Olli Heinonen](#) have acknowledged that there have been no such inspections.
 - Olli Heinonen has [said](#) that smaller covert facilities can be hidden or sanitized in 24 days. The ISIS has [confirmed](#) this, "At ISIS, over the years, we have conducted several assessments on countries... Based on this work, we assess that Iran could likely move and disguise many small scale nuclear and nuclear-weapon-related activities." Also, "not all processes [involve](#) releases to the atmosphere or to the environment of nuclear radioactive material."
- **Iran Needn't Describe Past Nuclear Efforts Anytime Soon:** The IAEA [released](#) its official report on Iran's nuclear weapons work on Dec. 2, 2015, providing an assessment that Iran [pursued](#) nuclear

² That amount is claimed by the Iranians. However, the State Department and other experts have not confirmed this number.

weapons know-how prior to 2003 and between 2005 and 2009. On Dec. 15, 2015, the IAEA's 35-nation board officially [closed](#) its PMD investigation.

- *The New York Times* [reported](#) that Iran refused to cooperate on three of the 12 unresolved questions over its past work on weaponization. Olli Heinonen [reiterated](#) this concern.
- The Institute for Science and International Security [wrote](#) that “[f]aced with such outright Iranian efforts to deceive the inspectors, the IAEA broke relatively little ground. The truth of Iran’s work on nuclear weapons is probably far more extensive than outlined by the IAEA in this report.” It also [stated](#) that “Iran’s cooperation was certainly not sufficient to close the overall PMD file.”
- A [side agreement](#) between Iran and the IAEA also covers this.
- Iran was [sanitizing](#) Parchin [days](#) after agreeing to the JCPOA.
- **End Arms Embargo:** The embargo on conventional weapons will be [lifted](#) in less than 5 years.
 - Chairman of the Joint Chiefs Martin Dempsey [testified](#) that “[u]nder no circumstances should we relieve pressure on Iran relative to ballistic missile capabilities and arms trafficking.”
 - President [Rouhani](#) & [others](#) [have](#) declared that they will buy & sell arms immediately ([and they have](#)).
 - Violations of an arms embargo by Iran or restrictions on its missile program [would not](#) force an automatic snapback of UN sanctions under the deal, Secretary John Kerry has said.
- **End Embargo on Ballistic Missiles:** The JCPOA promised that the embargo on Iranian ballistic missiles and their development would officially [expire](#) in 8 years or less.
 - Until the UNSCR 2231 replaces it, UNSCR 1929 [bans](#) the development of Iranian ballistic missiles.
 - The wording of the UNSCR 2231 [states](#) “Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, until the date eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.” (Annex B, Paragraph 3)
 - Iran [argues](#) UNSCR 2231 only bans missiles “designed” to carry a nuclear warhead, not “capable of”, so it would not affect its military programme, as Tehran does not pursue nuclear weapons.
 - [Iranian officials](#) [have repeatedly said](#) they will continue to develop ballistic missiles.
 - Secretary Kerry has [acceded](#) to the Iranian argument.
- **West Will Help Iran Produce Nuclear Power:** The deal commits the West to help Iran [expand](#) its “peaceful” nuclear infrastructure, including a sweeping agreement to transfer nuclear goods, technology, and services, and to provide technical assistance and even loans so Iran can build a new heavy water reactor. “The Iranian nuclear program will be placed under international sponsorship for R&D ... Technically the work won’t be on nuclear material, but the AP noted that “isotope production uses the same technology as enrichment and can be quickly re-engineered to enriching uranium.” ... And since the work will be overseen by a great power, it will be off-limits to the kind of sabotage that has kept the Iranian nuclear program in check until now.” (*Omri Ceren, TIP, 07/14/15*)
- **West Will Help Iran Protect Nuclear Facilities:** World powers [will help](#) to teach Iran how to thwart and detect threats to its nuclear program. This will include “training courses and workshops to strengthen Iran’s ability to prevent, protect and respond to nuclear security threats to nuclear facilities and systems as well as to enable effective and sustainable nuclear security and physical protection systems,” according to the text. Additional “training and workshops” would work to “strengthen Iran’s ability to protect against, and respond to nuclear security threats, including sabotage, as well as to enable effective and sustainable nuclear security and physical protection systems.”
- **Individuals and Organizations Get Sanctions Relief:** Sanctions regarding nuclear-related issues will be [lifted](#) on a number of entities and individuals: the [Islamic Revolution Guards Quds Force](#); Lebanese terrorist [Anis Naccache](#); RGC Brigadier General Ahmad Vahidi, wanted for his role in terrorist attacks, including the bombing of a USAF barracks in Saudi Arabia that killed 19 US servicemen; and Qassem Soleimani, the head of the Quds Force, who is responsible for the deaths of more Americans than any living terrorist, and was [accused](#) by the US in 2011 of plotting to launch a terrorist attack in the US.
- **US Federal Government Will Pressure Lower Governments:** With a number of states/local governments having divestment laws to prevent public employee pension funds from owning shares in

companies that do business with Iran, the agreement [commits](#) the US to “actively encourage officials at the state or local level to take into account the changes in the US policy reflected in the lifting of sanctions under this JCPOA and to refrain from actions inconsistent with this change in policy.”

- **US Officials Must Promote the Deal:** “Senior Government Officials of the E3/EU+3 and Iran will make every effort to support the successful implementation of this JCPOA, including in their public statements.” This [includes](#) the US. Iran has [claimed](#) this means the US cannot criticize the deal.
- **Violates the NPT:** The Iran deal [violates](#) the Nuclear Non-Proliferation Treaty.
- **The Hidden Documents:**
 - There are at least 5 side agreements between Iran and the IAEA that have not been officially shared with the US. One regards inspections of Parchin. One regards possible military dimensions. The third [restricts](#) monitoring and public reporting by the IAEA. The IAEA could [disclose](#) these documents to the US. The fourth [gives](#) Iran some exemptions on low enriched uranium. The fifth [delisted](#) two Iranian banks earlier than they were supposed to be delisted.
 - Iran [threatened personal harm](#) to the IAEA Director if he revealed their content to Congress.
 - The Obama administration [delivered](#) 18 documents to Congress on July 19. Only one of these documents is classified, while the remaining 17 are unclassified, but are being restricted.
 - The Obama Administration has [sent letters](#) to foreign governments that “appear to reassure these foreign governments that their companies may not be impacted if sanctions are re-imposed in response to Iranian violations of the agreement.” These letters have not been shared with Congress.

Results of the Deal

- **The JCPOA and New Iranian Funds Prompted More Iranian Aggression:** [Iran has been more aggressive and dangerous since the JCPOA](#), as the State Dept. [has conceded](#).
- **US Undercut Counter-Nuclear Proliferation Efforts Against Iran:** The Obama administration [undercut](#) the counter-nuclear proliferation efforts of US agents and prosecutors against Iran during negotiations for the Iran deal. Also, 21 Iranians in legal trouble for arms smuggling were given a pass, in exchange for the release of some American hostages. One of the prisoners released [was important](#) to Iran’s pursuit of Western nuclear technology – Seyed Abolfazl Shahab Jamili. Another [was convicted hacker](#) Nima Golestaneh. David Albright of the ISIS said “We are shooting ourselves in the foot, destroying the infrastructure that we created to enforce the laws against the Iranians.” In the 2014-15 fiscal year, US law enforcement officials [filed](#) charges just twice against those suspected of attempting to smuggle weapons and related technology from the U.S. to Iran. Eight such cases were brought in 2013-14. By comparison, around 10 to 12 such cases were brought in each of the preceding six years.
- **Nuclear Proliferation Assured:** Iran will be able quickly to [produce](#) nuclear weapons fuel even under the JCPOA. The [Saudis](#) have [said](#) they will match Iranian nuclear technologies. [Others will](#) follow.
- **North Korean Wildcard:** Iran’s [nuclear relationship](#) with North Korea is [likely to grow](#). Iran may [pay](#) them \$2-3 billion to [cooperate](#) on [ballistic missiles and covert nuclear activities](#).
- **Breakout Time:** Iran can currently [produce](#) enough nuclear material to fuel a bomb in as little as two months. President Obama has said that the JCPOA would extend the “breakout time” necessary for Iran to produce enough enriched uranium for a nuclear weapon to one year. However, this is disputed by several experts, saying it would be approximately [3](#) or [6](#) months (and [here](#)).
- **Iran Bars New Non-Nuclear Sanctions:** Iran’s envoy to the UN [submitted](#) a letter to the UNSC that says that Iran would consider walking away from the deal if “new sanctions are introduced on nuclear related or other grounds.” Leader Khamenei has [written](#) that “throughout the eight year period, the establishment of any type of sanctions on any level and for any excuse (including the repeated and self-made excuses of terrorism and human rights) by any of the countries of the negotiations will be considered a violation of the JCPOA and the administration is obligated according to paragraph 3 of Parliament’s resolution to take the necessary steps and stop JCPOA activity.” (Also [here](#).)

For more information please contact: EMET/ 202.601.7422/ Info@emetonline.org/ www.emetonline.org