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What's Wrong with the Iran Nuclear Deal and What Can We Do Now?

In July 2015, the Iran nuclear deal, formally known as the Joint Comprehensive Plan of Action (JCPOA), was reached by the United States, the United Kingdom, France, Germany, Russia, China, the European Union (EU), and Iran. The deal was supposed to resolve concerns about Iran's nuclear program—but it did not.

The deal fails to guarantee the peaceful nature of Iran's nuclear program—rather it gives Iran a clear pathway to nuclear weapons.

Sunset Clause

- The deal provides Iran a clear pathway to nuclear weapons as restrictions on its uranium-enrichment and plutonium-processing capacities lift and the deal “sunset” over the next 10 to 15 years.
- Iran has made clear it will expand its nuclear program at that time to an industrial scale and introduce advanced centrifuges potentially reducing its “breakout” time to only a matter of weeks, if not days—“almost down to zero,” according to President Obama.
- In 15 year (or sooner, in some cases)—Iran will be permitted to:
 - produce highly-enriched uranium;
 - stockpile unlimited amounts of uranium;
 - use advanced centrifuges to enrich uranium more quickly;
 - conduct unlimited research and development on uranium-enrichment centrifuges without restriction;
 - build and operate facilities to enrich uranium without restriction;
 - enrich uranium, without restrictions, at its underground, hardened, previously secret Fordow nuclear facility;
 - reprocess spent fuel (which can be used for nuclear weapons) from heavy-water nuclear reactors; and
 - build new heavy-water reactors, which would annually produce enough plutonium to fuel several nuclear weapons.
- The international community is therefore only ‘renting’ Iranian arms control for a time after which Iran will have an industrial-scale nuclear program with no limitations. The JCPOA therefore increases the likelihood that military action will someday be required to address the Iranian nuclear threat.

Inspections, verification and potential clandestine parallel program

- The JCPOA does not require Iran to submit to “anytime, anywhere” IAEA inspections of facilities and military sites where nuclear activities are suspected to have occurred. Instead, Iran, a serial cheater on its nuclear and other international obligations, can delay

UNITED AGAINST NUCLEAR IRAN

inspections of such facilities for up to 24 days, giving Iran precious time to cover up evidence of covert nuclear activities.

- Key questions also remain about Iran's *undeclared* nuclear activities. The JCPOA prematurely and irresponsibly closed the International Atomic Energy Agency (IAEA) probe into Iran's documented nuclear-weaponization efforts or the so-called Possible Military Dimensions (PMDs) of its nuclear program.
- The extent of Iran's nuclear weaponization and uranium-enrichment activities is unknown and may be ongoing as part of a parallel clandestine program occurring in remote facilities that is nearly impossible to detect.
- The IAEA did conclude that Iran was actively designing a nuclear weapon through at least 2009. However, Iran's lack of cooperation with the IAEA probe makes it impossible to verify if Tehran halted all such efforts.
- Consequently, the international community has an incomplete picture of Iran's nuclear program making it impossible to establish a baseline to guide future inspections and verification.

Iran accepts *temporary* nuclear restrictions in exchange for *front-loaded, permanent* benefits.

- In exchange for temporary restrictions on Iran's nuclear program, Iran is receiving permanent benefits up-front.
- United Nations (U.N.) sanctions and some EU sanctions have been lifted, enabling Iran to access previously frozen assets. Remaining EU sanctions will be lifted in less than 8 years.
- Until the U.S. withdrawal in May 2018, the U.S. had ceased applying nuclear-related sanctions against foreign companies for doing business in Iran. This sanctions-relief revitalized the Iranian economy and reduced the P5+1's leverage to hold Iran accountable.
- Since the deal was reached and prior to the U.S. withdrawal, Iran signed over \$100 billion in contracts with foreign companies.
- Under the JCPOA, U.N. sanctions on Iran's ballistic-missile program expire after eight years from Adoption Day, while U.N. restrictions on the transfer of conventional weapons to or from Iran terminate after five years from Adoption Day.

UNITED AGAINST NUCLEAR IRAN

The deal emboldens and enriches an extremist anti-American terror state thereby furthering Iran's expansionist and destabilizing activities.

Regional Instability

- The windfall of sanctions relief freed up hundreds of billions of dollars to finance Tehran's many destabilizing activities.
- Iran continues to be the world's leading state-sponsor of terrorism backing Hezbollah and Hamas, both of which have American blood on their hands.
- Iran has escalated its support to Syria's Assad dictatorship, which has killed hundreds of thousands during the Syrian civil war. Iran's support has enabled Assad to reverse key setbacks and turn the tide of war in his favor.
- Iran continues to sponsor violent extremist groups that are destabilizing Iraq, Lebanon, Yemen, and Bahrain.
- Iran continues to take Americans and other Westerners hostage, detaining at least five Americans and six other Westerners since the nuclear deal was reached.
- The Iranian regime brutally represses its own people and violates the human rights of ethnic, national and religious minorities with impunity.
- Iran has test-launched multiple ballistic missiles since the JCPOA was reached. U.N. Security Council Resolution 2231, which implemented the deal, aided Iran's ballistic-missile program by replacing previous resolution language that said Iran "shall not" engage in ballistic-missile activities with weaker language that merely "calls upon" Iran not to test any ballistic missiles "designed to be nuclear capable."

Arms Race

- The deal fails to prevent Iran from developing nuclear weapons in the long term and weakens restrictions on Iran's ballistic-missile program and conventional-arms transfers. Consequently, Iran's regional adversaries, like Saudi Arabia, may race to counter Iran by getting their own nuclear weapons and ballistic missiles and enhancing their conventional-arms capabilities.
- Former Saudi Intelligence Minister Turki al-Faisal warned as much in 2015: "I've always said whatever comes out of these talks, we will want the same. So if Iran has the ability to enrich uranium to whatever level, it's not just Saudi Arabia that's going to ask for that. The whole world will be an open door to go that route without any inhibition." The chances of destabilizing regional competition and conflict have thereby increased.

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The JCPOA should be improved and pressure on Tehran increased.

- A better deal would verifiably:
 - Prevent Tehran from getting nuclear weapons permanently and
 - End Iran's ballistic-missile program; Sponsorship of terrorism; Regional aggression; and Gross human rights violations.

- In exchange, Iran could receive comprehensive sanctions relief and normalization of relations with the U.S.