

# Implications of the JCPOA for U.S. Policy in the Middle East

by [Michael Singh \(/experts/michael-singh\)](/experts/michael-singh)

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## ABOUT THE AUTHORS



[Michael Singh \(/experts/michael-singh\)](/experts/michael-singh)

Michael Singh is the Managing Director and Lane-Swig Senior Fellow at The Washington Institute.



Articles & Testimony

**The Institute's managing director testified before two Senate hearings to discuss the drawbacks of the current Iran agreement, the best means of addressing them, and the implications for U.S. policy if they are not fixed.**

***The following is an excerpt from Mr. Singh's prepared testimony before the [Foreign Relations Committee](http://www.foreign.senate.gov/hearings/implications-of-the-jcboa-for-us-policy-in-the-middle-east) (<http://www.foreign.senate.gov/hearings/implications-of-the-jcboa-for-us-policy-in-the-middle-east>); to read his full remarks, download the PDF. This testimony was also submitted to another hearing the same day, before the [Senate Armed Services Committee](http://www.armed-services.senate.gov/hearings/15-08-05-the-joint-comprehensive-plan-of-action-jcboa-and-the-military-balance-in-the-middle-east) (<http://www.armed-services.senate.gov/hearings/15-08-05-the-joint-comprehensive-plan-of-action-jcboa-and-the-military-balance-in-the-middle-east>).***

Nuclear weapons development requires three lines of action -- fuel fabrication, weaponization, and development of a delivery vehicle. It also presumably requires secrecy, since being caught at the task would entail risk of a military response.

When it comes to fuel fabrication, the nuclear agreement leaves Iran in possession of a full nuclear supply chain from uranium mining to enrichment, and also leaves in place the heavy water reactor at Arak. These are subject to various temporary restrictions -- Iran agrees to cap the number and type of centrifuges installed, the level to which it enriches, and the amount of low-enriched uranium it stockpiles, and converts its heavy water reactor at Arak to avoid producing weapons-grade plutonium. It also agrees not to build new enrichment, heavy water, and reprocessing facilities.

Two points stand out as most concerning, however: Iran is permitted to continue research and development on advanced centrifuges and to begin deploying such centrifuges after just eight and a half years. Because such centrifuges are designed to enrich uranium much more efficiently than Iran's existing "IR-1" centrifuges, they are far better suited to a covert weapons-development effort -- far fewer of them, operating for less time, would be required

to produce weapons-grade fuel. Second, the restrictions described above phase out ten to fifteen years from now, meaning that at that time Iran would face few technical impediments to reducing its breakout time substantially.

When it comes to weaponization, the agreement commits Iran not to "engage in activities, including at the R&D level, which could contribute to the development of a nuclear explosive device." But the question is how Iran's adherence to this commitment can be verified, especially since such activities tend to be secretive by their very nature. Indeed, International Atomic Energy Agency (IAEA) reporting suggests that Iran has already engaged in various "activities related to the development of a nuclear explosive device," part of what the IAEA terms the "possible military dimensions" (PMD) of Iran's nuclear program.

Many analysts have urged that Iran be required as part of any agreement to disclose the extent of its past (and possibly ongoing) weaponization and other clandestine nuclear efforts so that inspectors understand what progress Iran made, and provide the IAEA with the necessary access to ensure that such efforts are not resumed. The agreement does not appear to meet these criteria. It does not specify that inspectors must be given access to weapons-related sites and personnel, or that full disclosure of past weaponization and other clandestine nuclear work is required for the agreement's implementation to proceed. Without such provisions, I do not believe we can have confidence that Iran's work on nuclear weapons will not be resumed (perhaps by elements of Iran's security apparatus, and perhaps even without the knowledge of the civilian officials with whom inspectors interact) or even that it has ceased.

In the area of delivery vehicles, the agreement contains no limitations whatsoever as far as I can tell. Iran is not required to limit its ballistic missile development and testing, nor does the list of "activities which could contribute to the design and development of a nuclear explosive device" from which Iran agrees to refrain in Annex I of the agreement include any mention of missile reentry vehicles, despite their inclusion in the IAEA's accounting of PMD. Indeed, the binding ban on Iran "undertak[ing] any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology" contained in UN Security Council Resolution 1929, is replaced with nonbinding, hortatory language in UN Security Council Resolution 2231.

The effect of this shift is that as of "Implementation Day" of the nuclear accord, Iran will not be barred from conducting ballistic missile launches or pursuing nuclear-capable ballistic missiles, which are an essential part of any modern nuclear weapons program. This concern has even been voiced in the past by Russian officials. In 2008, following a failed Iranian missile test, then-Deputy Foreign Minister Aleksandr Losyukov said the test added "to general suspicions of Iran regarding its potential desire to build nuclear weapons." When sanctions on Iran's ballistic missile program are lifted in eight years, it will also be able to receive foreign assistance, which has been described in the past by U.S. officials as essential to its ability to produce intercontinental ballistic missiles (ICBMs). While some U.S. secondary sanctions on missile cooperation with Iran will remain in place, these are insufficiently robust to deter Iran's likely partners.

Taken together, these weaknesses suggest that the agreement will permit Iran to retain the option to build a nuclear weapon in the future. Indeed, the agreement could be seen as a means by which Iran buys time to perfect, in some cases with international assistance, the technologies -- advanced centrifuges, weaponization, and long-range ballistic missiles -- required to build a nuclear weapon in the future. In my view, this is not by accident -- Iran's "redlines" seem to have been designed to shape this outcome, implying again that Iran's purpose in the talks has been to obtain sanctions relief while retaining or even improving its nuclear weapons capability.

The strength of the agreement must instead rest, then, on our ability to detect and deter any such weapons-development effort, whether covert or overt. Unfortunately, the inspection mechanism in the accord does not appear up to this task. While robust monitoring will be in place at declared sites, the U.S. intelligence community assessed in 2007 that Iran "probably would use covert facilities -- rather than its declared nuclear sites -- for the production of

highly-enriched uranium for a weapon." The agreement does not, however, permit inspectors anything approaching unfettered access to suspect sites... ❖

*Senate Foreign Relations Committee*

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