**JCPOA UPDATE NO. 1**

***Analysis of verification and compliance matters concerning the Iran Agreement***

**4 NOVEMBER 2018**

**Ongoing verification and monitoring**

Verification of Iran’s compliance with the Joint Comprehensive Plan of Action (JCPOA) continues apparently uneventfully. IAEA Director General Yukiya Amano reported on 30 August 2018 (the document was de-restricted on 12 September 2018) that ‘the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and locations outside facilities where nuclear material is customarily used (LOFs) declared by Iran under its Safeguards Agreement’.[[1]](#endnote-1) He added that since Implementation Day, which fell on 16 January 2016, the IAEA has been ‘verifying and monitoring the implementation by Iran of its nuclear-related commitments under the JCPOA’.

This ambiguous language, which is standard for the Agency’s JCPOA reports, could be read either as a factual statement that the IAEA is carrying out the necessary verification and monitoring of the JCPOA, or that Iran’s compliance has been confirmed (that is, that Iran is complying with all its obligations). The bulk of the August report does confirm that, according to the information available to the IAEA, Iran is indeed continuing to comply with the various constraints imposed by the JCPOA on its nuclear activities.

However, adding to ambiguity of the report is the statement that ‘Evaluations regarding the absence of undeclared nuclear material and activities for Iran remained ongoing’. This could indicate two different possibilities. The first is that the Agency is continuing to concern itself with any possible undeclared materials and activities in Iran, as it now does routinely for all states under comprehensive safeguards. Alternatively, it could indicate that the Agency is conducting special investigations that could lead to the granting to Iran of the so-called Broader Conclusion. This is a conclusion by the Agency that all nuclear material in a country with an Additional Protocol has been accounted for, both historically and currently. Attaining the Broader Conclusion is one of the goals for Iran mentioned in the JCPOA. But most observers expect that it will take many years for Iran to achieve it, given the duration and complexity of Iran’s nuclear activities. Iran first became seriously interested in nuclear energy under the rule of the Shah in the 1970s.

**Israeli allegations of secret sites in Tehran**

In late September, Israeli Prime Minister Benjamin Netanyahu, in a speech to the United Nations General Assembly in New York, claimed that Iran had a secret atomic warehouse ‘for storing massive amounts of equipment and material from Iran’s secret nuclear weapons program’.[[2]](#endnote-2) The Prime Minister claimed that some 15 kilograms of radioactive material had been recently removed from the warehouse and hidden around Tehran. He added that the alleged site may contain as much as 300 tons of nuclear-related equipment and material in 15 shipping containers. Mr Netanyahu gave no details of the type of nuclear material involved. The map displayed during his presentation also showed an alleged nuclear archive. *The New York Times* reported that Iran’s Foreign Ministry spokesman called the claims ‘false, meaningless and unnecessary’, according to a Reuters translation of a Fars news agency report. The alleged equipment and material could predate the JCPOA or may be legal under its provisions, especially if it is not specific to a nuclear program but could be utilized for other industrial purposes.

The accusation does, however, have implications for the IAEA’s verification activities. In principal the Agency should investigate Israel’s allegations and report the result to the parties to the JCPOA and to the UN Security Council, if warranted. To date, none of the parties has requested an on-site inspection and it is not known if the IAEA has sought clarification from Iran or requested access to the site.

The IAEA responded to Mr Netanyahu’s speech with a statement that was interpreted as a rebuttal of Israel’s demands that the Agency inspect the alleged sites.[[3]](#endnote-3) The Director General noted that the Agency sends inspectors to sites and locations ‘only when needed and ‘does not take any information at face value’. All information obtained, including from third parties, was subject, he said, to ‘rigorous review and assessed together with other available information to arrive at an independent assessment based on the Agency’s own expertise’. IAEA inspectors have conducted so-called complementary access to ‘all the sites and locations in Iran which it needed to visit’. Mr Amano confirmed that it was not the practice of the Agency to publicly discuss issues related to any such information. Most strikingly, the Director General asserted the IAEA’s independence: ‘The Agency’s work related to nuclear verification is and must always be impartial, factual, and professional. In order to maintain credibility, the Agency’s independence in relation to the implementation of verification activities is of paramount importance’.

**Australian short-lived wobbling on support for JCPOA**

A momentary flurry occurred in late October when Australia’s new Prime Minister, Scott Morrison, announced that the Australian government would review its support for the Iran agreement.[[4]](#endnote-4) This was widely seen as a by-election ploy designed to sway conservative voters to support the replacement candidate for former Prime Minister Malcolm Turnbull in the Sydney electorate of Wentworth. The government lost the seat in the by-election on 20 October, pushing it into minority status in the House of Representatives. It is likely that no more will be heard of reviewing the Iran policy. Australia is not a party to the JCPOA but according to U.S. negotiator Wendy Sherman it was consulted during the negotiations.[[5]](#endnote-5) If Australia did change its policy to support U.S. renunciation of the JCPOA it would be the only country to do so.

 **U.S reimposes sanctions**

The main public action regarding the JCPOA has not been verification and monitoring, but the imposition of sanctions by the United States, the second round of which were imposed on 2 November. To date Iran has not reacted by reneging on any of its commitments under the JCPOA, which would have implications for the monitoring and verification regime.

1. IAEA, Board of Governors, Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council resolution 2231 (2015): Report by the Director General, GOV/2018/33, Vienna, 30 August 2018. [↑](#endnote-ref-1)
2. [David E. Sanger](https://www.nytimes.com/by/david-e-sanger) and [Megan Specia](https://www.nytimes.com/by/megan-specia), *New York Times*, ‘Israeli leader claims Iran has “secret atomic warehouse”’, 27 September 2018, https://www.nytimes.com/2018/09/27/world/middleeast/israel-iran-nuclear-agreement.html [↑](#endnote-ref-2)
3. IAEA Statement by IAEA Director General Yukiya Amano, Vienna, 2 October, 2018, https://www.iaea.org/newscenter/statements/statement-by-iaea-director-general-yukiya-amano-2-october-2018 [↑](#endnote-ref-3)
4. David Wroe, ‘Scott Morrison considering controversial recognition of Jerusalem as Israel’s capital’, *Sydney Morning Herald*, 16 October, 2018, https://www.smh.com.au/politics/federal/scott-morrison-considering-controversial-recognition-of-jerusalem-as-israel-s-capital-20181015-p509tl.html. [↑](#endnote-ref-4)
5. Wendy Sherman, *Not For the Faint of Heart: Lessons in Courage, Power & Persistence,* Public Affairs, New York, 2018, p. 126. [↑](#endnote-ref-5)