

JCPA Memo on Iran Agreement

I. Introduction

For many years, JCPA and the community relations field have focused on the danger that Iran's nuclear program poses to the global community. Even without nuclear weapons, Iran has been a destabilizing force in the region; supported terrorism; violated human rights; and continually threatened to annihilate Israel. To counter the threat of a nuclear Iran, we have worked diligently to support a stringent sanctions and embargos regime to pressure the Iranian government into negotiations aimed at keeping Iran from obtaining nuclear weapons.

How exactly to respond to the agreement that resulted from these negotiations is a difficult question for local communities to answer. This memorandum is designed to put the most current information together in one convenient document; identify the range of positions in the Jewish community; describe the JCPA's current position and our rationale for reaching it; and offer discrete recommendations for JCRC professionals who are wrestling with this issue. This document is a work in progress and we will continue to update and refine it as we assimilate new information, react to current events, and process the community relations implications of our actions within the Jewish community; between Israel and Diaspora communities; and with our coalition partners.

II. Background

On July 14, the P5 + 1 countries (United States, United Kingdom, France, Germany, China, and Russia) and Iran announced the completion of the Joint Comprehensive Plan of Action (JCPOA) on Iran's nuclear program. The accord will provide Iran with relief from a worldwide sanctions regime in exchange for limits on and monitoring of its nuclear activities. The United Nations Security Council ratified the agreement by unanimous vote on July 20, and the resolution will take effect after 90 days. On the same day, the E.U. voted to approve the agreement and the United States Congress began a 60-day review period to decide whether to curtail the president's capacity to waive sanctions currently in place against Iran. If Congress votes to sustain sanctions, the President has vowed to veto the legislation; to override the veto, both houses of Congress would need to muster a two-thirds majority.

The American Jewish community finds itself in a challenging position because of the wide range of opinions on the agreement within the Jewish world. Several prominent Jewish organizations oppose the agreement and are recommending that Congress reject it. Similarly, the Israeli government, led by Prime Minister Benjamin Netanyahu, and two prominent opposition leaders, Yair Lapid from the centrist *Yesh Atid* party and Isaac Herzog, leader of the center-left Zionist Union, are urging Congress to disapprove.

Despite the appearance of cohesion on the political level, though, several former top Israeli national security officials have argued that, although the agreement is flawed, it is still in Israel's best interest compared to the alternatives. Additionally, a number of Jewish organizations continue to study the

agreement; some have determined they will not take a position on the agreement itself, or have decided – regardless of whether they support or oppose the agreement – that they will not lobby Congress on the matter. And a few Jewish groups, all on the dovish end of the spectrum, are supporting the Obama administration in its efforts to promote the deal.

The Obama administration has acknowledged that Israel's concerns, including the geopolitical challenges of living in the volatile Middle East (concerns that are shared by Israel's moderate Sunni neighbors such as Jordan, Egypt, Saudi Arabia and the Gulf States) and Iran's repeated threats to annihilate the Jewish state, are real. Nevertheless, the disagreement between the Israeli government and the Obama administration has led to increased tension between the two countries and contributed to the American Jewish community's unease.

III. The Positions and Arguments

The following is a guide to present the arguments for those who support the agreement, those who oppose it, and those who are taking a centrist position.

Support for the JCPOA

Bottom Line: the administration's position is that this is an historic agreement and the best way to keep Iran from obtaining nuclear weapons.

Jewish groups in support: JStreet, Ameinu, Americans for Peace Now

Arguments:

- This agreement lengthens the timeline for Iran to breakout to weapons-grade material from the current estimate of two or three months to one year, and is a much better way delay production of the nuclear weapons than any of the alternatives – mainly military action.
- The agreement blocks all three pathways to a bomb:
 - Uranium: the agreement will limit any uranium enrichment to 3.67%; confine enrichment to the Natanz facility; convert Fordow into a research facility and halt all enrichment there for at least 15 years; cut the number of centrifuges by two-thirds (from 19,000 to 5060) for ten years; and reduce existing stockpiles of low enriched uranium by 98% for 15 years (10,000 kg to 300 kg). Advanced centrifuge R&D, testing, and deployment will be strictly limited in the first 10 years of the agreement. The agreement allows for the International Atomic Energy Agency (IAEA) to monitor the entire supply chain of Iran's nuclear program, including uranium mines and mills as well as centrifuge production, assembly and storage facilities, for 25 years.
 - Plutonium: the agreement will lead to the dismantling and redesign of the core of the Arak reactor to halt the production of weapons-grade plutonium and ban reprocessing. All spent fuel will be shipped out of the country.
 - Covert: the agreement will put in place a rigorous and invasive surveillance and inspections program to deal with all of Iran's nuclear activities.

- Additional powers of inspection for the IAEA come from Iran's status as a signatory to the Non-Proliferation Treaty (NPT) as a non-nuclear weapon state (NNWS). Each NNWS state must conclude a comprehensive safeguards agreement with the IAEA to verify that the state fulfills all obligations of the NPT; there is also an Additional Protocol that gives the IAEA increased abilities to detect nuclear activities at undeclared sites. Both of these agreements are permanent, and Iran is required to comply with them in perpetuity.
- There is a process to follow if Iran attempts to bar IAEA inspectors from any site to which they request access. Even if the process takes the maximum length of 24 days, there would still be enough evidence of radioactive materials remaining to prove that there had been nuclear activity. The process includes an appeals commission comprising the United States, European Union, United Kingdom, France, Germany, Russia, China, and Iran. In the event of a dispute, a majority vote of the commission would compel Iranian compliance; this would be satisfied by the voting bloc of Western nations.
- Iran must disclose all information about the Possible Military Dimensions (PMD) of its past and present nuclear program by October 15 (three months) or it will not gain relief from sanctions.
- No sanctions will be terminated (or, in the case of the United States, suspended) until Iran meets all of the requirements of the agreement to the specifications of the International Atomic Energy Agency (IAEA). The process of lifting sanctions will be linked to compliance with the agreement. The administration estimates that this will take close to six months. Non-nuclear sanctions (e.g. terrorism, human rights) will remain in place, and it is possible to reclassify some of the existing nuclear-related sanctions if necessary.
- During the first ten years of the agreement, if Iran denies access for IAEA inspectors to any site or if there is a violation, UN sanctions can be "snapped back" into place unilaterally by any one of the P5 + 1 countries. The EU and the US can "snap back" their additional unilateral sanctions at any time that they choose.
- Despite pressure from its negotiating partners, the US insisted on maintaining the UN's conventional arms embargo for an additional five years. Restrictions on ballistic missile components will be in place for eight years.

Administration caveats:

- The administration does not trust the Iranian government and knows that it is a bad actor in the region. Nevertheless, officials believe that the agreement and ensuing sanctions relief will provide incentives for Iran to integrate into the global community of nations.
- While many hoped that this agreement would deny any enrichment capabilities to Iran in perpetuity, this goal is unrealistic. Iran has the same right as other nations to pursue a peaceful, civil nuclear program.
- Sanctions cannot be maintained indefinitely; already, there are countries that are eager to resume or begin trade with Iran. There is no guarantee that the United States will receive the same broad support for sanctions if it rejects the agreement.
- The only other option that remains if we reject the agreement is the use of military force.

- If we walk away from the deal, Iran could have enough highly-enriched uranium to make a bomb within two or three months.

Opposition to the JCPOA

Bottom Line: This is either a bad or a flawed deal. Congress should vote against suspending sanctions.

Jewish groups in opposition: AJC, AIPAC/Citizens for a Nuclear Free Iran, Jewish federations in Boston and Miami (together with Miami JCRC).

Arguments:

- The administration negotiated from a position of weakness rather than strength. While no one doubts that the intentions of the American negotiators were honorable, the desire to reach an agreement may have kept them from reaching the best accord possible.
- The enforcement mechanisms included in the agreement are insufficient, particularly in blocking the covert path. The agreement itself brings Iran closer to becoming a threshold nuclear state and from there to possession of weapons-grade material for nuclear weapons.
- The agreement is opposed by some of our closest allies in the Middle East, including Israel, Saudi Arabia and the Gulf States. They are the ones who will pay the highest price for Iranian malfeasance in the region.
- If Iran does appear to be on the road to acquiring nuclear weapons, other countries in the Middle East may also try to obtain them, fueling a nuclear arms race in one of the most volatile regions in the world.
- Iran is a bad actor in the region that we cannot trust. The Iranian government created a covert nuclear program; sponsors terrorist activity; works to destabilizing the region by political and military means; commits human rights abuses at home; and regularly threatens to annihilate Israel.
- After the IAEA verifies that Iran has fulfilled all of its obligations, the country will gain significant relief from sanctions. Within six months, Iran will have access to as much as \$100-\$150 billion in assets. Not only will this windfall allow the Iranians to maintain their nuclear infrastructure and rebuild their economy, it will also allow them to divert some of that money to support destabilizing activities in the region.
- The uranium pathway is only limited for a set number of years. During the first 15 years, research and development will still be allowed, and much of the enrichment infrastructure will remain. Because the agreement does not dismantle Iranian infrastructure, it does not prevent Iran from becoming a threshold nuclear state in the near future. It only delays or postpones this eventuality for 15 years.
- The complexity of the system of a “snap back” of sanctions might encourage Iran to cheat. While the system guards against Iran committing any major transgressions against the agreement, it is possible that more marginal infractions will be ignored because the P5 + 1 countries will not want to scuttle the agreement over seemingly minor issues.

- The end of UN embargos against conventional arms and ballistic missiles increases the possibility that Iran will continue to be a bad actor in the region. And, if Iran does eventually obtain nuclear weapons (either through the covert path or after 15 years), they will be a threshold nuclear state with advanced military capability. The question that should be asked is: why does Iran need ballistic missiles if their nuclear program is a peaceful one?
- Although the administration promised that inspections of Iranian sites could take place “anytime, anywhere,” the reality is that it could take up to 24 days for IAEA inspectors to gain access to a disputed site. This provides ample time for Iran to cover up its activities.
- Iran still has not made clear the past Possible Military Dimensions (PMD) of its nuclear program and thus it is impossible to create a holistic picture of its present-day nuclear program.

Studying position on the JCPOA

Bottom Line: These groups are supportive of negotiations but uneasy about the parameters of the agreement and welcome Congressional review and extended debate. Some in this group advise constituents to ask a set of difficult questions and "support only if" or "oppose unless" those questions are adequately answered.

Jewish groups in the studying camp: JCPA, JFNA, RAC

Arguments:

- While the agreement should be thoroughly vetted by Congress, opponents of the deal must do a better job of articulating credible alternatives to the present agreement.
- This is a complex agreement that was negotiated by experts. Those of us who are not nuclear physicists would do well to remember the gaps in our own knowledge as we formulate our opinions on the agreement and listen to the opinions of others.
- The Obama administration and Congress must look for ways to mitigate the flaws of the agreement by finding other mechanisms to contend with Iran’s destabilizing behavior in the region.

IV. The JCPA’s Position and Rationale

- JCPA will function as a “big tent” on this issue by offering its constituents thoughtful analysis that represents a range of opinions and also creating a safe space for civil and reasoned discourse.
- JCPA will use its previous policies on Iran to guide its written and spoken communications on the agreement
- JCPA will continue to evaluate its position on the agreement as further information and analysis is available.

V. Recommendations to the community relations field

- We should strive to make clear that one of the primary reasons for the lack of trust in the agreement is that Iran is a bad actor in the region for all of the reasons enumerated above.
- Israel's fears are legitimate and must be respected. We must make this apparent to elected officials, the media, and our community, no matter what our views of the agreement are.
- It is best to offer critical analysis by discussing the parameters of the agreement itself. Ad hominem attacks on the president or members of the administration; acting as amateur psychologists and theorizing about alleged selfish or malign motives of the negotiators; or indulging in unsupported speculation about the technical aspects of the accord will not help us to reach our ultimate goal: preventing Iran from obtaining nuclear weapons.
- The American Jewish community should be encouraged to learn as much as possible about the agreement and to engage with the subject by expressing their views to members of Congress. Community members should also be ready to engage in respectful dialogue in the Jewish and general community.