

Negotiating Issue: Preventing Proliferation Assistance between Iran and other Proliferant States or Entities

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By David Albright and Andrea Stricker

Negotiators of the P5+1 and Iran continue feverishly seeking to strike a deal this week in Lausanne, Switzerland ahead of tomorrow's deadline. One necessary criteria that P5+1 negotiators must not leave out of a comprehensive deal is a provision preventing proliferation assistance between Iran and other countries or entities such as North Korea. Failing to include this element could negate any lengthened breakout time achieved by the deal in the event that Iran sought assistance from a foreign country to incrementally sneak-out or conduct a covert or more overt breakout. The deal should include clauses specifying that any detected nuclear proliferation-relevant assistance between Iran and a foreign country or entity would lead to the re-imposition of key financial and economic sanctions regime plus additional punitive measures.

ISIS recommends the following model language for inclusion in a deal:¹

Iran will not import or otherwise use or benefit from nuclear materials, reactors, centrifuges, reprocessing equipment, other nuclear facilities or equipment, or the means to make such equipment or facilities from any state, company, or other entity, unless authorized by the UN Security Council or its representative the Iran sanctions committee.²

¹ For a full set of recommended necessary provisions of a comprehensive Iran nuclear deal, see: ISIS, "Defining Iranian Nuclear Programs in a Comprehensive Solution under the Joint Plan of Action," January 15, 2014, http://isis-online.org/uploads/isis-reports/documents/Elements_of_a_Comprehensive_Solution_20Jan2014_1.pdf

² This provision would supplement the maintenance of UN Security Council sanctions on Iran throughout the duration of a deal. ISIS has recommended that the deal also set up an internationally-monitored procurement channel through the UN sanctions committee on Iran or another entity to oversee legitimate, needed imports to Iran's remaining nuclear programs and to detect discrepancies and investigate possible illicit imports or transfers. See an ISIS report further developing and explaining this architecture: ISIS, "Defining Iranian Nuclear Programs;" David Albright and Olli Heinonen, "Provisions to Limit Future Iranian Illicit Procurements for its Nuclear Programs," ISIS Report, November 20, 2014, <http://isis-online.org/isis-reports/detail/provisions-to-limit-future-iranian-illicit-procurements-for-its-nuclear-pro/8>

Further, Iran will not export or otherwise transfer nuclear materials, reactors, centrifuges, reprocessing equipment, other nuclear facilities or equipment, or the means to make such equipment or facilities to any state, company, or other entity.

In case of a significant violation of these clauses, the response should be the re-imposition of the entire existing set of financial and economic sanctions on Iran, at the discretion of each state, and additional measures as determined by the Security Council.

The deal would also need to continue a provision on maintaining UNSC sanctions on proliferation-sensitive goods which we have detailed elsewhere.³

Preventing the Foreign-Enabled Breakout

Strong language against nuclear proliferation relevant cooperation and assistance between Iran and another country or entity is necessary to prevent Iran from incrementally sneaking out of the deal or otherwise using foreign assistance to conduct a more overt breakout. One scenario envisioned is covert nuclear cooperation between Iran and North Korea, which are reported to have engaged in at least a limited form of nuclear cooperation. In a sneak-out scenario, Iran could, for example, secretly import large quantities of low enriched uranium (LEU) from North Korea. Iran may even seek to import highly enriched uranium or separated plutonium from North Korea and use it in a covert breakout. Thus, the purpose of including a provision against this foreign cooperation is to close a loophole to proliferation and ensure that Iran and the international community would know how to respond in the event that major proliferation-relevant assistance or cooperation were detected. Iran would be put on notice that harsh penalties awaited it for attempting an incremental sneak-out or overt or covert breakout using foreign assistance.

³ Ibid.