Verification Under the Iran Deal: 5 Key Questions

Effective verification will be vital to the success of the Joint Comprehensive Plan of Action (JCPOA). Fortunately, the agreement contains intrusive inspection measures that can deter Iranian cheating and ensure that potential Iranian violations are swiftly detected. Below, we answer five key questions on the verification measures included in the JCPOA:

(1) Under the JCPOA, does the IAEA have access to undeclared sites in Iran?

Yes. The JCPOA creates a mechanism whereby Iran is required to grant access to the IAEA. If the IAEA has concerns about suspicious sites or undeclared activities in Iran, then the IAEA can seek inspection of such sites or activities within 24 hours.

If Iran disputes the IAEA’s request, there is a mechanism for the IAEA and Iran to resolve the dispute and, failing that, for the IAEA to turn the matter over to a Joint Commission whose decisions are binding. The Joint Commission is comprised of eight members: the U.S., U.K, France, Germany, China, Russia, Iran and E.U. If the U.S. and Europe vote as a bloc, they hold a 5-3 majority for issuing binding decisions.

In no other international instrument is there a similar procedure by which the IAEA can force access to suspicious sites.

(2) How does the process work?

Here is the timeline:

- The IAEA requests access to suspicious, non-declared sites in Iran for inspection within 24 hours
- If there is a dispute, the IAEA and Iran must agree to terms of access within 14 days
- If the dispute is not resolved, the issue gets turned over to the Joint Commission
- The Joint Commission has 7 days for consultation
- Within those 7 days, the Joint Commission can make a binding decision
- Iran has 3 days to comply with the Joint Commission’s decision

(3) What if Iran still doesn’t give access at the end of 24 days?

If Iran does not give access following a binding decision of the Joint Commission, then Iran would be in *per se* violation of its obligations under the JCPOA. The U.S. could take responsive action – acting either unilaterally or multilaterally – to re-impose sanctions on Iran in whole or in part to bring Iran back into compliance with the JCPOA.
The U.S. could also make immediate appeal to the United Nations Security Council to re-impose its previous sanctions, while simultaneously initiating the dispute resolution procedures under the JCPOA to automatically snap-back the UN sanctions.

In short, the U.S. can take quick and immediate action to counter an Iranian refusal to grant IAEA access to suspicious sites in order to bring Iran into compliance with its JCPOA obligations.

(4) Is 24 days really short enough to make sure Iran doesn’t cover-up cheating?

Yes. There is unanimous opinion among the experts that, when it comes to the most sensitive nuclear activities Iran would need to undertake to get a nuclear weapon (i.e., the separation of uranium isotopes and plutonium production), Iran cannot cover-up any cheating under the JCPOA within 24 days.

Nuclear materials have centuries-long half-lives, and neither Iran nor anyone else can scrub or pave away their presence in such a short period. At the same time, by having access to Iran’s uranium mines and mills, the U.S. can be almost certain that there is no diversion of nuclear material to illicit facilities.

Moreover, 24 days is a maximum. In all likelihood, should the U.S. believe that Iran is engaged in illicit nuclear activities, it can shrink the time period down to 18 days, as the Joint Commission can issue a binding decision at any point within its 7-day window.

(5) What about illicit activities not involving nuclear materials?

If the IAEA has suspicion that Iran is engaged in activities related to the development of nuclear weapons, whether or not it involves the presence of nuclear materials, the IAEA can request access to the site where the alleged activity is taking place. The process is the same as highlighted above.

If Iran were to cheat at a non-declared site without involving nuclear materials – for example, by pursuing weapons-related research - such cheating would not reduce the one-year breakout timeline for Iran to obtain sufficient fissile material for a single nuclear weapon. Such cheating could conceivably reduce the buffer time between breakout and obtaining a deliverable nuclear weapon, though without fissile material such activities would serve little purpose and pose a high risk of detection.