



THE IRANIAN PARLIAMENT'S  
RESPONSE TO PRESIDENT  
ROUHANI:  
THE JCPOA COMMITTEE REPORT

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### **In the name of God Almighty**

As per Clause 44 of the [parliamentary] rules of procedure, the report of the Special Parliamentary Commission to Review the JCPOA was examined with the help of the honored members of the negotiating team, experts, lawyers, and commentators in many meetings and was eventually ratified [by the commission] and presented for reading on the floor of Parliament.

### **The Chairman of the Special Commission for Reviewing the JCPOA**

**Ali Reza Zakani**

**In the name of God, the Compassionate, the Merciful**

## **Section A: Synopsis and General Points of the Report**

1) The Special Commission for Examining the Joint Comprehensive Plan of Action (JCPOA) and its Consequences, with assistance from almighty God, the Imams of the House of Ali, and following the guidance of the Supreme Leader of the Islamic Revolution Imam Khamenei, carefully examined the result of the nuclear negotiations. With attention to its legal responsibility as representatives of the honorable people of Iran, it held more than 40 days of meetings with nuclear negotiating teams [past and present], senior government and military officials, and various university experts and professors to examine the finalized text of the negotiations entitled the Joint Comprehensive Plan of Action (JCPOA) arranged between Iran and the P5+1, and [UN] Resolution 2231.

This commission held 170 hours of meetings; 56 of which were with officials from the Ministry of Foreign Affairs negotiating team, the Atomic Energy Organization of Iran [AEOI], relevant supporters and critics [of the agreement], and some of the country’s experts [on this issue]; the commission held 50 hours of internal meetings and nine hours of meetings with the President’s cabinet. 15 meetings were held amongst the specialized committees, which took 32 hours and was a suitable amount of time for multiple meetings with experts and specialists in order to examine the relevant documents; 23 hours of which were field visits to the enrichment facilities of martyr Ali Mohammadi at Fordow and martyr Ahmadi Roshan in Natanz, and the heavy water research reactor at Arak.<sup>1</sup> Special meetings were held with the loved ones [of these officials] and their coworkers alongside our examination of the work that has been done by other specialized groups in the

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<sup>1</sup> *Editor’s note:* The Special Commission had five subcommittees that were tasked with reviewing specific topics related to the nuclear agreement.

country.<sup>2</sup> With deep care in its reports, the commission presented the following conclusions on the basis of the revolutionary values and national interests provided by our wise and dedicated leader Imam Khamenei and by the rightly-guided nation of Iran. [These values] were entrusted as a great blessing to Parliament, and were acquired through the effort and endeavors of the founder of the Islamic Revolution, Imam Khomeini, and the martyrs of the revolution. With the provision of a concise and rigorous report, the commission provided the legal opinion of the honorable lawmakers on this issue. God willing, the commission will strive as quickly as possible to provide the officials, elites, and great people of Iran the detailed report with attached documents.

2) In the meantime, this Commission has been trying to achieve a detailed understanding of the provided text [of the JCPOA]; give it an unbiased, precise, and comprehensive analysis; listen to agreeing and dissenting viewpoints; examine relevant statements, and eventually reach a complete and reliable verdict on the JCPOA.

3) The governing principle for the Commission's review is derived from the role of Parliament as described in the Constitution and relies on a comprehensive consideration of the viewpoints and guidance of the founder of the Islamic Revolution [Ruhollah Khomeini] and his worthy successor [Ali Khamenei].<sup>3</sup> This Commission believes that **Iran's fundamental goal in engaging in the negotiating process was fully consolidating Iran's nuclear rights according to international regulations, particularly the right to industrial enrichment and the protection of the nuclear research and development cycle, while, at the same time completely and permanently lifting all sanctions and limits on enrichment that have been imposed against Iran on the nuclear issue.**<sup>4</sup> These two principles have been this Commission's two main criteria for assessing the text of the JCPOA.

4) During the course of examining the JCPOA, the JCPOA Commission relied on the principle that the negotiating team--enjoying the trust of the Supreme Leader of the Islamic Revolution and the support of the nation--carried out its capacity to the fullest extent possible in developing an appropriate strategy for preserving our national interests and that the negotiations were advanced under the guidance of senior officials according to this strategy. This Commission believes that the results of this process contain strong points and significant weaknesses that present opportunities and threats for the future of the revolution and the national interests of the Islamic Republic of Iran. This Commission has strived to carefully identify these issues in order to find solutions for these weak points and the threatening they pose, while also consolidating the document's strengths [in order to] seize potential opportunities. Therefore, in this respect, **this Commission considers**

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<sup>2</sup> *Editor's note:* The report is highlighting that Commissioners condoled with the surviving family members of the nuclear scientists who were killed.

<sup>3</sup> *Editor's note:* Cf. Articles 76 and 77 of the Iranian Constitution: "The Islamic Consultative Assembly has the right to investigate and evaluate all the affairs of the nation," and "Treaties, transactions, contracts, and all international agreements must be ratified by the Islamic Consultative Assembly." Available at <http://www.wipo.int/edocs/lexdocs/laws/en/ir/ir001en.pdf>, accessed 18 November 2015.

<sup>4</sup> Emphasis added. *Editor's note:* The references to "industrial" enrichment indicate the scale of the enrichment program Iran may have. Industrial is meant to be distinct from academic or research, which would require a much smaller enrichment capability.

itself to be supplementing the efforts of the negotiating team, strengthening the accomplishments of the nuclear deal, and correcting problems in the text of the JCPOA and the deal's consequences.<sup>5</sup> The Commission considers these things necessary—[and] regardless of any conclusion of this report—[this Commission] offers a commendation for the two years of diligent effort by the negotiating team on this topic.

5) During the course of its examination, this Commission has not trusted America, and [instead] has placed trust in the authorities of the country [Iran], especially the nuclear negotiating team, as [our] most important guiding principle. Therefore, in the instances when the JCPOA, the [UN] Resolution, and other relevant documentation enjoyed sufficient clarity and transparency, the basis of this report is the text itself. In cases of uncertainty or in the case that the JCPOA text has appeared to contain problems, the basis [of the report] is official statements from [Iranian] government officials. **The final conclusion of this report is that a number of weak points in the JCPOA and [UN] Resolution 2231 are the result of American efforts to transform the JCPOA into a means of strategically containing Iran and, likewise, to build an infrastructure to infiltrate Iran on the pretense of a “post-sanction environment.”**<sup>6</sup> For this reason, the Commission has evaluated and followed in a serious and continuous fashion the official positions of America's officials and experts relevant to this issue from the conclusion of the nuclear negotiations until now—especially in the past two months [August and September 2015]. If the JCPOA poses any kind of threat to the interests of Iran the Commission considers it the right of the Parliament to make the appropriate decisions.

6) The JCPOA Commission believes that it is responsible for a rare historic mission. The commission has taken responsibility for evaluating a document that will determine the disposition of one of Iran's historical conflicts in the field of national security (the nuclear file) with the most fundamental enemy, meaning America. For this very reason, the Commission has striven to provide a suitable approach for answering important questions about this agreement that will certainly be raised by history and future generations of this country, in addition to trying to understand the various dimensions of the JCPOA [and] trying to reduce its threats.

7) This Commission has tried to carry out its own assessment, paying attention to the broad policies and redlines of the Islamic system regarding the negotiations, their preliminary conclusion, and also considering the relevant legal regulations.<sup>7</sup> For the purpose of providing a precise report of this issue

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<sup>5</sup> Emphasis added. *Editor's note:* The Commission thus assigned itself the right to do more than simply review the text and propose that Parliament approve or disapprove it. It arrogated to itself the power to specific changes in the JCPOA itself that would have required re-opening negotiations with the P5+1.

<sup>6</sup> Emphasis added. *Editor's note:* The concept of the JCPOA as a vehicle to allow the West to infiltrate Iran and weaken Iranians' commitment to the values of the revolution has been a core theme of Supreme Leader Khamenei's commentary on the deal since its signature. It has prompted a number of arrests and set the conditions for a purge of Iranian government officials as well. See “Iran News Round Up, September 16, 2015,” AEP's Critical Threats Project, <http://www.criticalthreats.org/iran-news-round-september-16-2015> and “Iran News Round Up, November 5, 2015,” AEP's Critical Threats Project, <http://www.irantracker.org/iran-news-round-november-5-2015>.

<sup>7</sup> Editor's note: the “Islamic system” refers to the Iranian regime with Khamenei at its head; the “redlines” are Khamenei's announced redlines, which he reiterated on June 23, 2015 in a major speech on the negotiations: 1) “We will not accept a long-term limitation [on enrichment] of 10-12 years”; 2) “there will be no limitations on nuclear

and its results, the available documents--the JCPOA and [UN] Resolution 2231, the only documentation on the nuclear dossier that has been presented to this Commission--have been tested against those criteria. This Commission has made decisions on the main issues [in this text] through its collective knowledge, and has subjected the interpretation of the negotiation team and the documents received from them to the claims of the enemy and the ambiguities [of the text]. To this end, in addition to submitting requests for documents related to the negotiations, 40 questions about the ambiguities [in the nuclear deal] were submitted to the Ministry of Foreign Affairs and 20 questions to the Atomic Energy Organization of Iran (AEOI). It is necessary to thank the AEOI for submitting documentation and responses to the requested questions and it is also necessary to say that the **documentation and answers to this Commission's questions have not been sent from the Ministry of Foreign Affairs--despite frequent correspondence--by the time this report was drafted.**<sup>8</sup>

8) With goodwill, this Commission took advantage of the IAEA General Secretary Mr. Yukiya Amano's visit to Iran [on September 20] and requested that the administration lay the groundwork for Amano to attend a meeting of the Commission. [The Commission] appreciates the assistance of the Ministry of Foreign Affairs in preparing the framework for the expression of a small part of Iran's oppression and the righteous demands of the people of the world--especially dear Iran--[that have been] oppressed by the principal nations of the General Secretary[*'s* organization]. The representatives of the people were able to remind the highest official of this institution of his solemn responsibility, to express mistrust and condemn the behavior and actions of the IAEA in the past 12 years, and to give him an ultimatum. At the end of the meeting, in addition to stating this Commission's important redline about defense and security issues and the need to protect the dignity of Islamic Iran, this Commission made five important requests of the IAEA that follow below:<sup>9</sup>

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'research, development, and construction' during the period limiting enrichment"; 3) economic sanctions imposed by the UN Security Council or the U.S. must be removed "immediately after the signing of the agreement," and all other sanctions must be removed after a "reasonable time"; and 4) "no inspections of military sites, interviews with 'Iranian individuals' [scientists], or 'unconventional' inspections." See "Iran News Roundup, June 23, 2015," AEI's Critical Threats Project, <http://www.criticalthreats.org/iran-news-round-june-23-2015>. It should be noted that the final text of the JCPOA, at least, as it has been understood by the U.S. government, violated all of Khamenei's redlines. See J. Matthew McInnis, "Khamenei has his own tough sell on the nuclear deal," AEI Ideas, July 20, 2015, <https://www.aei.org/publication/khamenei-has-his-own-tough-sell-on-the-nuke-deal/>.

<sup>8</sup> Emphasis added. *Editor's note:* This comment likely means that Foreign Minister Javad Zarif refused to provide the Commission with details about the negotiations themselves, presumably including direct conversations with U.S. officials and other representatives of the P5+1, whereas the AEOI answered the Commission's questions regarding technical aspects of the agreement and of its implications for Iran's nuclear program. This behavior parallels the interaction between the U.S. administration and the U.S. Congress—relevant officials briefed Congress on technical details regarding both the nuclear program and sanctions relief, but refused to provide access to "secret annexes" or the details of the negotiations themselves. See "Iran News Round Up, September 30, 2015," AEI's Critical Threats Project, <http://www.irantracker.org/iran-news-round-september-30-2015>.

<sup>9</sup> *Editor's note:* The Iranian government has consistently claimed that the IAEA is controlled by the U.S. and has behaved dishonestly and with hostility toward Iran. The Iranians claim that the IAEA has provided the U.S. and other member states with access to classified material given to it by Iran, and that it is a façade for espionage against Iran. This fundamental mistrust of the IAEA permeates the Iranian government's attitudes toward all aspects of the IAEA's role in

- 8.1 - Non-political, technical, and transparent interactions between the IAEA and Iran.
- 8.2 - The protection of classified Iranian nuclear information.
- 8.3 - Help developing Iranian nuclear technology.
- 8.4 - Facilitating nuclear research and knowledge development in Iran.
- 8.5 - The necessity of striving harder towards nuclear disarmament in the world and starting that [process] in the Middle East and North Africa Region.<sup>10</sup>

In the conclusion of this meeting the IAEA General Secretary gave assurances that firstly, the remainder of the nuclear dossier (the possible military dimensions of Iran's nuclear program) would be closed by [December 31, 2015]; secondly, that the [IAEA] would refrain from publishing any form of confidential technical or "human information" on Iran in the nuclear field; thirdly that [the investigation] would only be on the basis of technical investigations and [would] abstain from taking a political perspective.

## Section B: An Examination of the JCPOA's Legal Aspects

1) This Commission believes that--regardless of legal conversations on whether the JCPOA is a legal or political agreement--the commitments of the parties in the JCPOA text and its annexes are outlined in such a way that the commitments of the Iranian side are clear and unequivocal, [and] the IAEA verifies its steps for implementation, whereas the commitments of the other side, in particular the complicated provisions contained within [the agreement], suffer from serious problems. It is evident that in the case of a lack of implementation by the other sides, the Islamic Republic of Iran retains for itself the right to make any decision required by the national interests of the country.

With respect to UN Resolution 2231--which is apparently the only meaningful legal support for the JCPOA--the Islamic Republic of Iran has explicitly declared that it will not be committed to some of

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the nuclear agreement. See "Iran News Round Up, September 21, 2015," AEI's Critical Threats Project, <http://www.irantracker.org/iran-news-round-september-21-2015>.

<sup>10</sup> *Editor's note:* Iran has long claimed that the IAEA, at the behest of the U.S., has applied the Nuclear Non-Proliferation Treaty's provisions to Iran selectively. The last three points contain the core of Iran's grievance--the NPT does, indeed, assert the right of non-nuclear-weapons signatories (of which Iran is one) to receive the assistance of other nuclear powers in pursuing the peaceful use of nuclear technology (Articles IV and V in particular). It also commits the parties to the treaty to "pursue negotiations in good faith" for a "treaty on general and complete disarmament under strict and effective international control" [Article VI]. Iran's leaders point in particular to Israel's nuclear arsenal as an example of the refusal of the international community to apply to treaty's provisions fairly. It should be noted that all of Iran's complaints about the NPT are easily met with reference to the text of the treaty itself. The NPT does not specify a timeline for negotiations for a global treaty banning all nuclear weapons. International restrictions on support for Iran's peaceful nuclear program are based on Iran's consistent violations of the agreements it made with the IAEA coincident with Articles II and III of the treaty. And the treaty's provisions apply only to signatories, of which Israel is not one. See <http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml> for the text of the treaty [last accessed 18 November 2015].



the resolution's sections, such as [those] on defense and security topics.<sup>11</sup> This announcement has been recorded in the UN's documents.<sup>12</sup> Overall, this Commission has understood the JCPOA as a political agreement between the Islamic Republic of Iran and the other negotiating side (the countries of the P5+1 and the EU). It is on this belief that the esteemed administration must pay serious attention to its nuclear infrastructure and achievements with all necessary arrangements so that in case the opposing side violates the agreement, the administration can make the appropriate decisions on the basis of the national interests of the country.

**2) All and all, this Commission concluded that the opinion of the esteemed government about the impossibility of revising and interpreting the JCPOA text--and the necessity of Parliament accepting or rejecting it in full form or not at all--is not binding and methods exist for providing [further] stipulations and interpretation.**<sup>13</sup>

3) This Commission has evaluated the issuance of Resolution 2231 before the ratification of the JCPOA in Parliament as well as the minimal resolution of its legal impediments (in particular the acceptance of the voluntary Additional Protocol) as a serious weak point in the course of the past two years of nuclear negotiations. The administration has stated that some of the key parts of this resolution that are destabilizing in the areas of defense and security will not be adhered to, [and] this Commission supports this decision. Of course, this matter is something that does not reduce the resolution's legal burden for Iran. Although the government has stated that, according to the JCPOA, a violation of the UNSC resolution is not a violation of the JCPOA, this Commission was not assured that a violation of the resolution will not have other serious consequences for the country—including possibly damaging the JCPOA.

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<sup>11</sup> *Editor's note:* Both the Iranian and the U.S. governments have taken the position that the JCPOA itself is merely an executive agreement. It seems likely that they have done so in order to avoid requirements in both countries' constitutions that legislatures approve international treaties. The JCPOA itself does not, therefore, have the same "legal" standing that a treaty would, which is the point the Commission is making here. UN Security Council Resolution 2231 is the legal document by which the UNSC "endorsed" the JCPOA and instructed the IAEA and requested member states to facilitate and enforce its implementation. (The text of UNSCR 2231 is available at <http://www.un.org/press/en/2015/sc11974.doc.htm>, last accessed 18 November 2015). UNSCR 2231 is of particular importance to both parties because it regulates the international sanctions regime, including weapons sanctions, and also defines restrictions on Iran's ballistic missile program, about which the JCPOA itself is completely silent.

<sup>12</sup> *Editor's note:* The announcement of Iran's reservations was published in English on July 20, 2015 at [www.irna.ir/81688987](http://www.irna.ir/81688987) (last accessed 18 November 2015). The statement includes a de facto rejection of IAEA inspections of military sites (point 7) and of UN restrictions on its ballistic missile program (point 11). It also explicitly rejected the legality and validity of the entire sanctions regime imposed upon Iran (point 13).

<sup>13</sup> *Editor's note:* This paragraph was clearly part of an effort by Zakani to set conditions for demands to amend the agreement before approving it. Had Zakani also succeeded in having the Review Commission review and amend the authorizing legislation, this paragraph could have become the source of a major confrontation between Zakani and his allies and President Rouhani. When Parliamentary Speaker Ali Larijani turned the review of the bill over to the standing National Security and Foreign Policy Commission chaired by Alaeddin Boroujerdi, however, this discussion became moot. After the National Security and Foreign Policy Commission concluded its review, Larijani and Parliament's senior leadership shepherded the bill through Parliament rapidly and did not allow parliamentarians to vote on the vast majority of proposed amendments to the legislation, let alone the agreement. See "Iran News Round Up, October 13, 2015," AEI's Critical Threats Project, <http://www.irantracker.org/iran-news-round-october-13-2015> and See "Iran News Round Up, October 14, 2015," AEI's Critical Threats Project, <http://www.irantracker.org/iran-news-round-october-14-2015>.



4) This Commission considers it to be a serious weak point in the agreement that the JCPOA for a fifteen year period--and in some cases without any kind of limit--replaces the Non-Proliferation Treaty (NPT) for Iran and particularly excludes Iran from this agreement. This document limits some of the most important rights of the nation of Iran for a lengthy period of time and includes a greater obligation for us than for other members of the NPT. In the opinion of this Commission--as it will mention in the recommendations of this report on the floor of Parliament--nothing in this agreement can be interpreted in such a way that it deprives Iran of its rights per the NPT. In the same way, additional obligations that have been specified in the agreement for Iran will only be valid while Iran has sufficient guarantees that these obligations have not led to exploitation by the countries of Europe or America.

5) This Commission considers the limited industrial enrichment program with use of 5,060 first-generation centrifuges to the level of 3.67 percent in the JCPOA text to mean that the nuclear deal confirms the unassailable legal right of Iran for nuclear enrichment. However, in the course of its examinations [this Commission] suggests that this [interpretation] is proper; that a greater expression of this right can only be pursued in the JCPOA preamble on the basis of this [line], "Iran may pursue an indigenous and exclusively peaceful nuclear program including enrichment activities to acquire a commercial program in line with international non-proliferation norms with a gradual evolution and reasonable pace." So, the JCPOA contains clearer language recognizing Iran's right to industrial enrichment [than the negotiating team claims].

6) Even though the law adopted by the Parliament in 2005 forbids the implementation of all voluntary actions by the government, including the Additional Protocol, and the second clause of the law "The Government's Requirements to Protect the Nuclear Rights and Achievements of the Nation of Iran" approved in July 2015 only allows oversight of the NPT safeguards and forbids any kind of oversight stronger than that, the government has committed in the JCPOA to voluntarily implement the [Additional] Protocol from Implementation Day. This Commission considers this commitment greater than the latitude given to the government and the negotiating team. This Commission considers [this] step beyond the limit allowed by the law, and a negative aspect of the agreement, and raises the possibility of canceling the implementation of this section of the JCPOA absent the issuance of new authority from Parliament or the removal of the aforementioned laws.

7) This Commission came to this conclusion after a careful examination of the views of the critics and the answers of the negotiating team: the arbitration mechanisms in Resolution 2231 and Sections 36 and 37 of the JCPOA are completely clear, and were deliberately inserted as a blow to Iran [and] to make recourse for Iran effectively impossible. The conclusion of this Commission [is that] Iran will not be the winner [regardless of] any reference to these mechanisms, and therefore it effectively cannot respond to any overall or particular violation by the P5+1 in any way that will not lead to the destruction of the agreement.

8) After entertaining the views of various [parties] about the position of Resolution 2231's accordance with the UN Charter, this Commission overall evaluates that the enactment of the

totality of this resolution under Article 25 of the UN Charter and its gentler tone in relation to previous resolutions including Resolution 1929 was a positive thing. However, since the limits of Resolution 2231 are fundamentally identical to Resolution 1929 under Article 41, and recalling that neither Resolution 2231, Resolution 1929, nor a single one of the previous resolutions used the phrase “breach of peace and international security” or “threat to peace and international security” with regards to Iran, in this respect Iran has not been found to fall under Chapter 7 of the UN Charter.

9) This Commission’s examinations determined that the stated removal of six previous resolutions of the Security Council in Articles 7 and 8 of Resolution 2231 are good points of the conclusion of negotiations and this resolution. With reference to Article 12 of this resolution and the possibility of restoring all prior resolutions with any pretext, this Commission infers that these sanctions are not removed completely [but rather] “cancelled contingently” or [are merely the] “suspension of previous resolutions.” In addition to this, the JCPOA agreement does not have any type of guarantee of legal implementation besides the non-binding Security Council Resolution 2231, and all parties to the agreement can suspend its implementation anytime and restore sanctions against Iran anytime they desire. This balance was evaluated as being risky, especially considering Iran’s fundamental measures to change and limit its nuclear industry.

10) This Commission found that in addition to weakness in the obligations of the opposing party, no authority to verify the completion of the [other side’s] obligations was included in the JCPOA due to the efforts of America and other parties. However, the IAEA--which has a poor history in fulfilling its own technical and legal duties--has been set up to verify that Iran fulfills all of its obligations. Along a similar vein, the obligations of America and the European countries regarding the suspension and removal of sanctions and carrying out their other duties depend on the IAEA report.

11) Although the JCPOA was part of a [U.N. Security Council] resolution, in the following section of sanctions in the JCPOA it is mentioned that “the provisions of the resolution do not constitute the JCPOA.” Therefore, the purpose of issuing the resolution was to remove previous resolutions and to prevent simply repeating the JCPOA. With the explicit phrase included in the following JCPOA sanctions, the legal weight of the JCPOA separated itself from Resolution 2231. Therefore, the negotiating team’s argument about the presence of uncertainties regarding the relationship between the JCPOA and Resolution 2231, and the effect on the other in case of a violation is acceptable to this Commission based on the fact that the violation of the JCPOA as per Annex A of Resolution 2231 is equivalent to a violation of the resolution. However, a violation of the resolution and particularly its attachments--regardless of how serious the violation--will not be a violation of the JCPOA. The esteemed administration must execute the JCPOA with attention to this point.<sup>14</sup>

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<sup>14</sup> *Editor’s note:* The ballistic missile program and restrictions on Iran’s acquisition or transfer of conventional weapons are the points at issue in this discussion. These matters are not discussed in the JCPOA, and so, the Iranians argue, violations of them cannot be regarded as violations of the JCPOA. The U.S. and the West, in other words, cannot

12) This Commission believes that as a rule, the JCPOA's end date must be considered to be the day of the resolution ends, meaning 10 years after Adoption Day.

13) This Commission believes the lack of a clear definition of "substantial non-compliance" in Article 36 is not a proper mechanism for solving and mediating disagreements and will enable misinterpretation, making pretexts and irreparable damages to the country.

### **Section C: An Examination of the JCPOA's Technical, Scientific and Research Aspects**

1) After hearing various views and studying the collected documentation that was in possession of this Commission, this Commission has arrived at the conclusion that the JCPOA suspends Iran's nuclear program without a clear vision for the future and undermines its long-term outlook. Since this commission has not viewed the document "The Long-Term Enrichment Program" between the P5+1 and Iran--referred to in the JCPOA--since it is still being formulated, the text of the JCPOA is completely ambiguous in this respect. Article 63 Annex 1 of the JCPOA confirms the construction of 200 IR6 centrifuges and 200 IR8 centrifuges by the end of the 10th year and emphasizes this same rate of construction at the yearly level without mentioning a time. This Commission was not able to assess with the sufficient confidence that all of the limits on the nuclear program, especially the enrichment program, will be removed after that period. In the same way, considering the severe limits that have been enacted on research and development until the end of the 10th year, the possibility that Iran can, in a limited time, go from 6,000 SWU of enrichment to 190,000 SWU is beyond reach. Nevertheless, this Commission finds, on the basis of the esteemed negotiating team's statements before this Commission, with the removal of restrictions in the area of development by the 13th year and restrictions on enrichment higher than 3.67 percent and to any percentage required for the country's peaceful use removed by the 15th year, Iran can quickly meet its needs in various peaceful dimensions so that according to the IAEA's own official report, Iran will be able to attain at least 190,000 SWU by the 15<sup>th</sup> year.

2) After a careful examination of the text and numerous hearings, this Commission has become convinced that the implementation of limits on Iran's enrichment program in the JCPOA was based on a suspicious concept known as "Iranian breakout time" which was put forth by America. In this case, this Commission has concluded that this concept lacks an appropriate basis for establishing a long-term agreement and is in the same way the origin of some cases of concern in the text.

3) With an examination of the third Annex of the JCPOA in relation to peaceful nuclear cooperation, this Commission evaluates that this cooperation includes three components: the first part is cooperation in the field of servicing that is efficiently carried out in Iran. While these kind of

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reimpose sanctions lifted in the JCPOA because of Iranian violations of the ballistic missile or weapons transfer restrictions embodied in UNSCR 2231. This reading of both documents appears to be accurate.

activities are welcomed, it is emphasized that this component is also achievable inside the country. The second part is cooperation such as help in changing the nature of Fordow to “a center for nuclear and physics research” based on accelerating and transforming stable isotopes. Similar to this report’s reasoning, in the ambiguity of the nuclear deal and in the statements made by members of the AEOI to this Commission, this part of the nuclear deal is not a suggestion or a special concession [to Iran] because of very precise and technical reasoning. In the third part, the cooperation is certainly favorable, and contains technical, and educational accomplishments for Iran. However, without determining their obligations and appropriateness [of this cooperation], in all cases the negotiating parties have shrouded this mutual cooperation in mystery and their way of doing it has left Iran open to other countries.

**4) This Commission concludes that in the JCPOA on the whole, and approximately in every case related to the technical section on the nuclear program of Iran--except enrichment [by] 5,060 first generation machines--what will actually happen is an overall reduction in the available capacity, the creation of limits in all areas, including research and development, the slowing of the growth of an industrial Iranian enrichment program, and will naturally lead to the elimination of the supply chain and component manufacturers in the country for at least ten years.<sup>15</sup>**

5) Regarding the Arak Heavy Water Reactor, this Commission concludes that while the reactor will be redesigned, it will only be a heavy water reactor by definition. The advantages of heavy water reactors in utilizing heavy uranium--as raw natural fuel--will be lost. Nevertheless, this Commission, due to political considerations for rejecting the baseless claims by American officials, considers preserving the heavy water specification, despite the imposition of high costs, as strong achievements of the JCPOA. The modernization and upgrading of neutron flux, the increase in the reactor’s capability for developing radiopharmaceuticals, and the provision of more service to the achievements of the people are also considered as achievements of the JCPOA. Right now, the current plan for the Arak reactor--due to America’s fictitious claims regarding the access and misuse of plutonium--has been canceled with the implementation of the JCPOA and cannot be [implemented] in the predictable future. In the same way this Commission considers the long-term obligation for the lack of heavy water reserves in Iran--they will be exported--as a weak point of the agreement and considers the justification for the export and sale of heavy water as baseless and due to the strategic nature of this product. In the same way, this Commission believes that the commitment that Iran cannot in the future build a heavy water reactor is an unacceptable limit and a serious weak point.

6) With regards to Fordow, this Commission assesses that although two of this facility’s cascades are spinning, and four are lying idle, the preservation of Fordow is a positive point, and the nuclear negotiating team has striven worthily in this case. **At the same time, this Commission believes that the destruction of the infrastructure of one of Fordow’s halls by using some of the**

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<sup>15</sup> Emphasis added.

**centrifuges for stable isotope production will make it impossible to use for enrichment in the event of a breach by America and its allies and a decision of the country for increased enrichment. In the same way, changing the essence of the Fordow facility--which was a center for enrichment unable to be threatened by the enemy and a guarantee of non-aggression towards Natanz--to a simple research center is not right.**<sup>16</sup> Looking to the opportunity cost that was created by it, this Commission does not understand exactly what chain of logic led to this decision's implementation. Of course, the AEOP's letter to this Commission on this matter has emphasized that the final decision for the establishment of a Center for Advanced Research in Atomic Physics in Fordow has not occurred.

7) With regards to the issue of strategic stockpiles of enriched Iranian uranium, this Commission considers the implementation of this work in the JCPOA as a serious weak point. During the implementation of the agreement, Iran will effectively have permission to keep approximately 300 kilograms of its approximately 10 ton stockpile of enriched uranium in the form of UF<sub>6</sub>. According to the statements filed with this Commission by a number of technical experts, this matter can prevent the necessary acceleration of Iran's nuclear program, and through the excuses of America and its allies this matter can deprive Iran of its most important investment in the development of this industry.

8) After many evaluations and various hearings, this Commission reached the conclusion that on the basis of the JCPOA text, Iran's enrichment research and development program will continue, [and] that is a positive thing. However, in respect to the kinds of centrifuges, the extent of their use, and the timetable [for their use], the nuclear deal contains a slower pace for the research and development program than [that which] is reasonable. Although government representatives tacitly accepted this matter in their own explanations to this Commission, they emphasized that this topic was a part of the necessary compromise with the negotiating parties for reaching an agreement. However, this Commission believes that it was possible to [achieve] a better situation for the research and development program in the JCPOA than this.

9) **All and all, this Commission concludes that the technological changes created in the industrial enrichment program as well as the research and development program are reversible for the nuclear program of Iran if Iran faces injury by a breach of the agreement in part or in whole.**<sup>17</sup> Although this Commission cannot independently verify the Atomic Energy Organization's assessment regarding the reversibility of Iran's commitments, on the basis of the statements made by the AEIO's officials in meetings and according to their written response to the authorities of this Commission, **this Commission concludes that the Shahid Ahmadi Roshan (Natanz) and Shahid Ali Mohammadi (Fordow) centers are "reversible" in one year and the Arak Heavy Water reactor in three years. In addition, all participants acknowledged that returning to a level of more than 9,000 kilograms of available enriched uranium, which took**

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<sup>16</sup> Emphasis added.

<sup>17</sup> Emphasis added.

**almost six years to accumulate, can be achieved in a shorter period than before by upgrading enrichment capabilities.<sup>18</sup>**

10) This Commission reached the conclusion that restrictions related to some materials with dual-uses (like chemicals, equipment, some goods and technologies), listed in paragraph 22 of the Resolution, and [for which] detailed restrictions are included in Section 6 Annex 4 in the JCPOA, Iran will have restrictions on acquiring, transferring, using, receiving technical help or education, raising investment, and acquiring services related to the application of [these] dual-use technologies—which have widespread use in various industries throughout the country--[and] Iran [will be] bound to obtain permission from the consensus of all members of the Working Group, the Joint Commission, and the UNSC. The list of these dual-use items from the Security Council can be updated and have new things added to it and every country engaged in trade with Iran can also add new items that have dual uses to the list of forbidden items. According to the report submitted to this Commission by some professors with scientific experience and a lot of academic experience--in various specialties including electricity, mechanics, computers, software and aerospace--and considering the scope of the aforementioned items the list includes as dual-use, this Commission believes that that a number of problems will occur. [These problems] include limitations and the creation of problems for various industries, research, and development (especially industries on the frontiers of knowledge); the prevention of Iran's progress in various sciences; and the disclosure of information related to the supply chains, needs, and capabilities of the country in a number of fields. At the same time, the following aspects are also evaluated as being risky: the bureaucracy that will provide, examine, and approve this bulk of information; the ability of the IAEA to inspect all locations in the country--according to Article 6.7 Section 4 of the JCPOA--(about the dual-use [technology] inserted in INFIRC/254); the granting of licenses to verify the product's end use to the country selling the good, equipment, or substances with dual-use to Iran (inserted in INFIRC/254); and also the possibility of opening non-nuclear Iranian facilities to spies-- Article 6.8 Section 4 of the JCPOA.

## **Section D: An Examination of the Defense and Security Aspects of the JCPOA**

1) The review conducted by this Commission includes statements by present and past members of the negotiating team and statements from high-ranking military and security officials. All have the same narrative on this topic; namely that the policies of the Supreme Leader, the popular resistance, upgrading the country's defensive capabilities, and [gaining] strategic depth in the region and world have effectively changed [the behavior of] America and its regional and global allies. Through the grace of God and in strengthening the aforementioned capabilities of Iran, the threat of military aggression and confrontation to Iran is basically a bluff.

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<sup>18</sup> Emphasis added.

2) On the basis of hearing the assorted views and consultation with qualified and responsible authorities in military and security affairs, this Commission reached the conclusion that the JCPOA contains gaps and fundamental weaknesses in the military and security area. In the event [the JCPOA] is not revised, [especially] with regards to the inspection of military, defense, and security sites, as well as the lack of attention with respect to implementation of the agreement, it will proceed to become a problem for the country.

3) This Commission has established that for this topic, with reference to the JCPOA text, access to Iranian military sites is possible. According to the published text, Iran is required to provide access to any facility--including military and security facilities--within a period of 24 days in the case of a request. If access is to be considered--according to INFCIRC 254--Iran is bound to provide access to the Agency and other countries. This conclusion will certainly exist; the access and inspection regime agreed to in the JCPOA is an extremely unique regime and far beyond the Additional Protocol. This Commission was assured that the implementation of this inspection regime in Iran--if it is realized--can lead to the collection of unprecedented information out of Iran and endanger the infrastructure and Iran's relevant human, scientific, military, and security intelligence and investment to a worrisome extent. Therefore, this Commission emphasizes the explicit prohibition of the [Supreme Leader] on opening any kind of path for foreigners into the security, defense, and military spaces of the country under any sort of pretext.

4) This Commission evaluates that Resolution 2231--if it is implemented--envisions expansive powers for the IAEA and requests Iran to respond unconditionally to the Agency's ambiguous requests and meet all of its demands. This matter even exceeds the powers included in the JCPOA. It is the assessment of this Commission that the resolution can place the country [under] excessive demands by the Agency today and in the future.

5) Article 3 of Resolution 2231's ban on ballistic missiles that have been designed to be capable of carrying nuclear warheads has been considered accordingly. This Commission has evaluated the inclusion of the phrase "designed for carrying nuclear warheads" in this resolution as positive.<sup>19</sup> Since Iran has not implemented such a design and will not, the Iranian missile program will continue according to the needs of the country without any restriction. Regarding the preservation of some of the UNSC sanctions related with the nuclear issue in Resolution 2231, the Commission's view is that sanctions against Iranian weapons and missiles still continue, although they are not as serious and have fewer limits than previous resolutions (none [of which were] accepted by Iran). At the same time, this Commission praises the interpretation of the administration in the statement by the Ministry of Foreign Affairs after the passing of Resolution 2231 which stresses the need to continue

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<sup>19</sup> *Translator's Note:* The relevant passage of United Nations Security Council Resolution 2231 (adopted 20 July 2015) states: "Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, until the date eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusions, whichever is earlier."



missile and weapons activities on the basis of the defensive requirements of the Islamic Republic of Iran without any kind of restriction.

6) This Commission believes that the creation of a 5 year restriction on Iranian exports and imports of weapons, and [considering] our large responsibility to the resistance front and standing in opposition to state terrorism and networks organized by America and its regional allies, will cause--in the case that these restrictions are accepted--the growth of terrorism in West Asia and Northern Africa and the undermining of the resistance front in the region.<sup>20</sup> Therefore, this Commission encourages that the article not be implemented per the statement by the Ministry of Foreign Affairs.

### **Section E: An Examination of the Issue of the Economy, especially Sanctions in the JCPOA**

1) This Commission believes that the oppressive sanctions and illegal UNSC resolutions of the EU and America have caused a rash of problems for the country, including exacerbating the devaluation of its currency, difficulty in selling crude oil, increasing systemic risk in the economy, increasing the cost of trade, blocking segments of foreign investment, and reducing investment in the oil and gas sector. The removal of these sanctions can--if the resistance economy model is implemented--contribute to rapid economic progress for the country. Towards [this end], this Commission paid special attention to the status of sanctions relief in its examination of the JCPOA text. From the first day it started work, the fundamental goal and the most important mission of the negotiating team was sanctions relief. This Commission investigated this topic with the utmost importance.<sup>21</sup>

2) Despite economic problems stemming from sanctions, this Commission believes that foreign sanctions--in the case of a national plan and commitment to the model of economic resistance--will

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<sup>20</sup> *Editor's note:* The 5-year restriction in UNSCR 2231 replaced restrictions in previous resolutions that had no time-limit. Iran thus gained a sunset on these limitations on its conventional weapons programs that it had not previously had—meaning that the Commission's implication that these restrictions were newly-imposed in UNSCR 2231 stands out as an uncharacteristically inaccurate representation of the facts.

<sup>21</sup> *Editor's note:* This paragraph and the following one address a core debate within the regime about how Iran should engage with the world in the post-sanctions era. Supreme Leader Khamenei has repeatedly inveighed against the dangers of seeing sanctions as the cause of Iran's economic problems or their lifting as the means of resolving them. He has expressed particular concern about integrating Iran into the global economy for fear that Iran will become more vulnerable to sanctions in the future and more open to malign Western influences immediately. He has generally supported instead an approach that would take advantage of the easing of sanctions to build a more autarkic economy that he believes would be sanctions-proof as well as immune to Western influence. President Rouhani and his technocratic advisers, on the other hand, have argued in favor of integrating Iran into the global economy as the best way to sanctions-proof the country in the future. They have suggested that managed integration is the best way to control the dangers of Western cultural influences while providing the advantages of global engagement to the Iranian population, thereby safe-guarding the regime by another route. This report straddles both views, articulating effectively the Rouhani line in this paragraph and the Supreme Leader's line in the next. See Scott Lucas and Joanna Paraszczuk, "Iran Analysis: The 'Resistance Economy'—Will Rouhani Make A Difference." EA WorldView, November 12, 2013, <http://eaworldview.com/2013/11/iran-report-ideology-resistance-economy-will-rouhani-make-difference/>

not lead to economic paralysis assuming adherence to the doctrines of the resistance economy.<sup>22</sup> Part of the major, undesirable economic effects occurring during the sanction years stemmed from domestic imprudence.<sup>23</sup> The performance of some of the country's sectors during the peak of sanctions (from 2011 to 2013) shows that with greater emphasis on the resistance economy and [strategic] management in the area of international trade, the possibility of supplying crude oil, recovering funds of its sale, and other commodity and financial exchanges on the international level--especially with friendly countries and countries of the non-aligned movement--would persist even with the existence of intense sanctions. In addition to promoting the resistance economy by reforming the structure and culture of the economy and implementing comprehensive economic resistance policies, the enemies of Iran will be deprived of the effect of sanction relief and thus they will gradually end sanctions since they are forced to endure sanctions as well in these conditions.

**3)** This Commission reaffirms its belief in the necessity of eliminating the oppressive sanctions in any nuclear agreement. Regardless of the rhetoric abroad and within the country, the aforementioned sanctions did not, and will not have crippling power over the Iranian economy. As an example, with respect to oil sales (given that one of the major damages that stemmed from [the sanctions] occurred with respect to the sale of crude oil) official figures from foreign and international organizations including America's Energy Information Administration (EIA) and the IAEA show that despite the imposition of American oil sanctions in October 2011 and EU oil sanctions in July 2012 Iran's crude oil sales continued to average between 1.1 and 1.2 million barrels per day. Despite the existence of strengthened American oil sanctions on other countries buying from Iran, this average [continued] until the Geneva agreement in June 2014 (Gregorian) --so approximately 1.5 years--and did not decrease. This means that the enemies of the nation, contrary to their claims, could not eliminate the Iran's sale of oil to major global players. Moreover, official statistics from the Central Bank of Iran also show this even more [clearly] than international statistics. The level of Iranian oil sales in 2013 averaged 1.6 million barrels per day, and in 2011--at the height of oil sanctions--[sales] averaged 1.8 million barrels per day accounting for official and non-official sales and sanctions circumvention. In recent years, the president of America and the Foreign Minister of this country have therefore repeatedly stated that sanctions had lost their effectiveness and excluded any possibility of imposing further pressure through [further sanctions].<sup>24</sup>

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<sup>22</sup> See Amir Toumaj, "Iran's Economy of Resistance: Implications for Future Sanctions," AEI's Critical Threats Project, November 17, 2014, [http://www.irantracker.org/sites/default/files/imce-images/ToumajA\\_Irans-Resistance-Economy-Implications\\_november2014.pdf](http://www.irantracker.org/sites/default/files/imce-images/ToumajA_Irans-Resistance-Economy-Implications_november2014.pdf)

<sup>23</sup> *Editor's note:* This line of argumentation blames Rouhani's predecessor, Mahmoud Ahmadinejad, for damaging the Iranian economy through irresponsible "populist" spending programs and corruption. This is an important issue for Principlists like Zakani, who have to distance themselves politically from Ahmadinejad (an extreme hardline Principlist) while still staking out very hardline Principlist positions.

<sup>24</sup> *Editor's note:* The main purposes of this paragraph are most likely to argue that Iran had already defeated the sanctions regime, thereby forcing the U.S. to capitulate, and also that the government was not under as much pressure to conclude a deal as it made out—and, therefore, that it could and should have held out for a better deal.

4) With evaluations carried out by this Commission, it became clear that the SWIFT sanction--regarding institutions removed from the list of blocked assets--this restriction on the most important financial institutions of the country like the Central Bank, Bank Mellat, Bank Tejerat and some other banks will be removed when the JCPOA is implemented. This is evaluated as a very positive development. The legal infrastructure of the SWIFT sanctions, however, will remain until Transition Day--eight years after the ratification of Resolution 2231. On this aforementioned date, the legal infrastructure of the SWIFT sanctions will also effectively be suspended, not canceled. This means that every private or legal individual on the Sanctioned Entities list will be automatically subject to SWIFT sanctions as well. In the same way, some of the listed institutions on the blocked assets list including Bank Sepah, Bank Sadarat, Bank Ansar, and Bank Mehr will remain under SWIFT sanctions for eight years.

5) With regard to oil sanctions, this Commission has found that a large segment of the barriers to exporting crude oil and petrochemical productions will be removed. This Commission has evaluated this as a positive development. Yet with regards to financial transactions related to transferring the oil sale proceeds, the removal or suspension or cessation of Paragraph D4 of Article 1245 of the NDAA as well as Section D of Article 1247 of the IFCA has not been indicated in the nuclear deal.<sup>25</sup> According to this, the foreign financial institutions conditionally included in American secondary sanctions are removed on the basis that they reduce the level at which they buy oil from Iran. This means that this provision will be an obstacle for transferring the proceeds of crude oil sales to Iran. Although it is mentioned that with the cessation of Clause D1 of Article 1245 of the NDAA Articles, the articles, as well as their footnotes, will cease [operating], the inclusion of similarly amended articles (including D3) and the lack of inclusion of these articles in the JCPOA text can facilitate American excuse-making to remove an important part of the sanctions related to the transfer of oil funds.

6) After entertaining the opinions of the negotiating team, examining the text, and summing up various views, this Commission has not assessed that the concept of removing sanctions--in the sense of dismantling the legal infrastructure for sanctions--exists in the JCPOA except in a few, relatively unimportant cases. In practice, **the implementation of all the sanctions is simply suspended or ceased but their legal infrastructure is maintained. This matter does not meet the essential objective of the negotiations.**<sup>26</sup>

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<sup>25</sup> *Translators Note*: Paragraph D4 of Article 1245 of the NDAA gave the U.S. president the authority to sanction financial institutions that purchased or facilitated the purchase of Iranian oil if the president determined there was a "sufficient supply of petroleum and petroleum products from countries other than Iran to permit a significant reduction in the volume of petroleum and petroleum products purchased from Iran by or through foreign financial institutions." See *National Defense Authorization Act for Fiscal Year 2012*, Public Law 112-81, 2012 §§1245 [http://www.treasury.gov/resource-center/sanctions/Programs/Documents/ndaa\\_publaw.pdf](http://www.treasury.gov/resource-center/sanctions/Programs/Documents/ndaa_publaw.pdf); *Translators Note*: Section of Article 1247 of the IFCA stipulated that the U.S. government sanction any entity that facilitated the purchase of Iranian oil unless the primary jurisdiction responsible for that entity had received a waiver from the U.S. president. See *National Defense Authorization Act for Fiscal Year 2013* Public 112-239 §§1247

<sup>26</sup> Emphasis added.

7) This Commission concludes that the principle of equivalence in carrying out the obligations of the two sides in the JCPOA has not been completely respected, and the real action by the P5+1 in the context of suspending sanctions has been postponed until the execution of Iranian obligations and their verification by the Agency. The Commission believes that this provision carries a great risk.

From the perspective of the JCPOA, the IAEA--specifically in its fifth Annex--has been named as an international arbitrator responsible for supervision of the implementation of Iran's obligations. Therefore, if the Agency does not verify the first steps of Iran's implementation of its obligations, the opposing side will not be required to lift sanctions. In the next steps as well, whenever the Agency publishes a report about the lack of Iran's implementation of its obligations or failure to authorize an inspection of locations given by the agency, this will be the cause for the re-imposition of sanctions. However, in relation to monitoring the implementation of the other side's commitments, meaning supervision on removing sanctions, no third party referee or international institution has been determined [for this duty]. On the one hand, without having equivalent timetables for carrying out obligations by the parties of the agreement in this scheme, Iran must carry out its duties prior to the opposing side and Iran must completely fulfill its duties to trigger the implementation of the other side's obligations. On the other hand, there will be monitoring of Iran's actions, but unfortunately and completely surprisingly, there is no body to supervise the obligations of the other side.

8) On whole, this Commission has found that the U.S Congress and EU sanctions will not be removed and will only be suspended opposite the political actions of Iran. With attention to the fact that the removal of sanctions by the U.S. Congress is not a power of the American administration, this Commission considers their suspension in the framework of presidential authorization acceptable. However, according to the JCPOA, the EU has refused to remove sanctions and will only suspend them; this is not acceptable. The suspension of sanctions means the preservation of their legal infrastructure, which provides the possibility of instantly reinstating them.

9) With careful consideration of America's obligations in the JCPOA, this Commission reached the conclusion that the U.S. administration, despite having the authority to suspend licenses issued in Congress for sanctions [against] Iran by the United States, has refrained from doing so. Only in Article 25 of the JCPOA has the government of the United States "encouraged" the authorities of the United States to keep in mind [the need] to change American policy in relation with sanctions. The conclusion of this matter is that with attention to the clear positions of U.S. officials who are in serious opposition to the JCPOA, **there is serious possibility of maintaining U.S. sanctions without a violation of the JCPOA. Therefore, it is possible that Iran's perceived benefits from the sanction relief ordered by the U.S. president might be impaired.**<sup>27</sup>

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<sup>27</sup> Emphasis added.

10) This Commission infers from its examination of the JCPOA text and attention to the provisions of Articles 36 and 37 of the JCPOA (Trigger Mechanisms), that each one of the countries that is party to the negotiations can not only restore sanctions with claims that Iran is not carrying out its obligations in the JCPOA--and without needing this claim to be approved--but also cause “snapback” sanctions in the period of thirty days by submitting a complaint to the UNSC.

## **Section F: An Examination of the Political and Public Aspects of the JCPOA**

1) This Commission believes the rational logic and legal system of the Islamic Republic of Iran with support and resistance from the brave people of the noble nation of Iran were able to force negotiations from the specter of the chimerical claims of warmongers, isolate the bloodthirsty Zionist regime more than ever, prove wrong the false claims of the global community against the noble nation of Iran, and remove the weapon of Iranophobia from their hands.<sup>28</sup>

2) This Commission believes the resistance of the Iranian nation revealed the falseness of the hegemonic system’s allegations about a nuclear weapons program and the arrogant powers justly endorsed our measures. The Islamic Republic of Iran will support the resistance front--especially Hezbollah--more so than in the past, and will undermine the security of Israel, a state sponsor of terror, day by day.

3) This Commission believes that official statements from American officials indicate the will of the American side to continue sanctions under the designations of non-nuclear and political that by no means can be accepted.

4) The JCPOA agreement was founded on the Geneva agreement, which specified that the JCPOA must lead to the complete removal of all nuclear related sanctions against Iran. This obligation of the Geneva Agreement has not been completely reflected in the JCPOA.

5) This Commission conclusively reached the conclusion that according to Clause “K” of the “Preamble and General Provisions of the JCPOA,” Iran has been made an exception by other countries [in the sanctions regime] with regards to various areas, including legal and nuclear obligations, the Additional Protocol, and the dispute settlement mechanism.

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<sup>28</sup> *Editor’s note:* The stridency and enthusiastic but boilerplate rhetoric of this paragraph stands in sharp contrast to the tenor of the rest of the report. It is interesting mainly in pointing up the degree to which the report was otherwise carefully written in a moderate, balanced tone intended at an internal audience that would judge the matter on pragmatic rather than ideological grounds. It marks the transition in the report to attacking the basis of the agreement and suggesting that the Iranian negotiating team departed from the assumptions the Supreme Leader had required, particularly the assumption that the U.S. is hostile and untrustworthy. This transition here also suggests that there was a change in authorship of the report as five prominent members of the Special Commission alleged (Alaeddin Boroujerdi, Mansour Haghghat Pour, Gholam Reza Tajgardun, Massoud Pezeshkian, and Abbas Ali Mansouri Arani). These five members later released a statement claiming that the report ignored the “very positive points” of the nuclear deal. See “Iran News Round Up, October 5, 2015,” AEI’s Critical Threats Project, <http://www.irantracker.org/iran-news-round-october-5-2015>

6) On the basis of the materials collected on this matter, this Commission has assessed that the JCPOA in some key cases is not based on a lack of trust towards America. The JCPOA text is fundamentally set on this basis that America will not have the resolve for acting with hostility towards Iran and that any actions along this vein will have a high political cost on the American government and that this will deter the United States. Meanwhile, America has shown in its record of unilateral decisions that it will act on the basis of its interests. On the basis of this agreement, Iran has been excluded from the NPT until the international community can trust Iran's nuclear program. This Commission believes making an exception in this agreement based on confidence building means returning to the hands of the Western belligerents that might sidetrack the agreement from its essential objectives and predicate the implementation of the agreement in certain cases on flexible interpretations, vagueness, and political preferences, all in the name of trust. This at the same time that the American authorities--including the president of that country--clearly acknowledge that they established the structure of this agreement with the assumption that Iran is a hostile [state], and boast in clear language of the limiting, depriving, and condemning mechanisms that exist against Iran in the JCPOA.

7) Noting that the JCPOA model embodied approved notions of bilateralism about the nuclear program, this Commission considers the extension of this model to other national security areas for Iran [to be] very risky. The statements of American political officials and U.S. allies have stressed the spread of this model to other non-nuclear affairs including resolving other disputes between Iran and the West, [indicating that] they essentially consider the JCPOA as the first step in their campaign.

8) The Commission believes that the increase of referrals on Iran's nuclear file to the UNSC from the IAEA, is among the possible ways for the IAEA, the Joint Commission, the Working Group under the UNSC, and any of the countries in the nuclear negotiations to constantly put the Islamic Republic of Iran at risk of being referred to the UNSC.

## Section G: Recommendations

1) The [Rouhani] administration should have submitted a bill for implementing the JCPOA and removing its legal obstacles. But--considering the administration's failure in this legal matter--Parliament ought to present a double emergency bill with precise regulations for solving the obstacles to implementing the JCPOA, in order to properly implement [it]. [The bill should] build proportionality with respect to the opposite parties, guarantee the fulfillment of the other side's obligations, obstruct paths of influence, and reduce vulnerability in various areas surrounding [the agreement] specifically in the cultural and political realms.

2) The honorable administration should demand full respect of the provisions contained in JCPOA and the fundamental nuclear rights of the Iranian nation as an owner of nuclear technology, and lay

the foundation for the future expansion of the country's domestic research and development program.

- 3) The logical approach for removing sanctions lies in measures that are qualitatively, temporally, and quantitatively proportional—notions that have not been paid attention to. Therefore, the administration must act in such a way so that regarding the discrete steps before Implementation Day and the issuing of the IAEA report on the PMD issue, the necessary measures can be implemented proportionally to the cancelation of European and U.S. sanctions and the removal of sanctions by the U.S. Congress. Therefore, in the case that there is anything else besides the cancelation of sanctions, the administration can take steps towards only suspending the nuclear activities considered under the JCPOA in response to the suspension of sanctions.
- 4) In order to ensure the security of the country and utilize one of the most important levers of deterrence in the country's defense arena, the administration must place special attention on its missile capabilities and develop them qualitatively and quantitatively in response to the needs of the country and upcoming threats. It is therefore necessary to announce the intensification of efforts in the defense and security fields regarding these undeniably necessary government policies.
- 5) Considering the decisive policies of the Islamic Republic of Iran in combating state and American-created terrorism all around the world, especially in West Asia and North Africa, [Iran] must act preemptively with friendly countries to combat terrorism and ensure the armament needs of friendly countries.
- 6) The high sensitivity of the Islamic Republic of Iran's military and security sites, and the vital principle of the necessity of protecting the military and security secrets of the country, dictates that allowing foreigners to inspect these locations and confront the country's scientists must be absolutely forbidden under any pretense.
- 7) In the implementation phase of the JCPOA, [in the] expanded presence of foreign delegations, and in the opening of more of the country's areas to foreigners, the ground for the likelihood of the enemy's influence in security, economic, and culture areas will increase. For this reason, the administration must act to prevent the likelihood of this influence with a plan proportional to new developments and for preventing the likely influence [of the enemy].
- 8) Considering the contents of Article 28, the countries of the JCPOA are committed to mutual respect and refraining from any kind of action contrary to the text, spirit, and objectives of the JCPOA. Therefore, the administration's officials must endeavor so that in addition to respecting this commitment with proportional responsibility against the rhetoric from American or European officials must also not let one of their impositions pass without an appropriate answer and carry out prompt and appropriate legal actions in response to their violations of the JCPOA.
- 9) To face the growing threats posed by enemies of the Islamic Revolution, the right of defense against nuclear attack and of protecting against and preventing vulnerabilities against attacks and



nuclear terrorism should be pursued without any kind of restriction. Scientific measures, in particular [with regards] to acquiring these capabilities, must be assured.

**10)** With regards to the political opportunity provided to the Islamic Republic of Iran, the defense of the revolution must be continued through regional alliances. Development of relations with Muslim countries and neighbors must be pursued, and the development of relations with countries that do not have a history of betrayal with us must also be pursued.