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Iran's Proposed LEU deal: Skeptical but Awaiting Clarification

The news this morning that Iran had agreed in principle (the [text of the agreement](#) published by the Guardian notes that Iran will inform the IAEA of its official agreement to the deal within seven days) to send 1200 kg of its low enriched uranium (LEU) to Turkey has been greeted skeptically by the European Union, the United States, and others concerned that this declaration is merely an attempt to delay the imposition of U.N. Security Council sanctions. The Security Council is debating these sanctions as a result of Iran's continuing defiance of calls to halt its enrichment of uranium and accept adequate IAEA inspections. Thus, while clarifications should be sought, this declaration provides no reason to stop negotiating in the Security Council the imposition of sanctions on Iran.

It is important to recall that the original purpose of this agreement, initially proposed in October 2009, was as a confidence building measure aimed at temporarily removing the issue of Iran's potential weapons-breakout capability, and addressing Iran's desire to refuel the Tehran Research Reactor, while talks on the underlying nuclear issues were underway. *The New York Times* [reported on October 20](#) that "In early summer, Mr. Obama's top arms control aide, Gary Samore, came up with a proposal to test Iran's declarations that it had been enriching uranium solely for peaceful uses: offer to help Iran fabricate fuel for the reactor, but only from its own supplies."

The Washington Post [quoted an Obama administration official](#) on October 11 as saying "This is a real confidence-building measure.... If they say they need it for medical purposes, we are offering it to them. If they accept it, it is LEU [low-enriched uranium] coming out. If they reject it, it is another data point that says, 'Look, these guys are not serious.'"

Such an exchange of LEU today, however, would take place today under very different circumstances. Iran has continued to enrich uranium in the intervening seven months. Iran has also begun its own effort at the Natanz Pilot Enrichment Plant to produce 20 percent enriched uranium (the level needed for the Tehran Research Reactor), announced plans to deploy a more advanced centrifuge, and start building two more centrifuge plants without notifying the IAEA until late in the construction process. Additional outstanding issues with the IAEA also remain. In particular, despite repeated requests, Iran continues to be uncooperative with the IAEA on implementing more effective safeguards and answering questions about its alleged work on researching the design and delivery of nuclear warheads.

Is 1200 kg enough anymore?

The removal of 1,200 kilograms of LEU is also not as attractive today since Iran's stockpile of LEU is now likely close to 2300 kilograms. At the time of the October 2009 proposal, Iran's stockpile was about 1,500 kilograms, providing many months where Iran would not have a nuclear weapons breakout capability. Now, the removal of 1,200 kilograms leaves Iran with a LEU stock that is, or will be so within a few months, large enough to provide a breakout capability.

Is it consistent with existing UNSC Resolutions?

There is yet another important aspect of the deal, as currently outlined, that merits close scrutiny. Paragraph one states that Iran, Turkey and Brazil “reaffirm our commitment to the Treaty on the Non-Proliferation of Nuclear Weapons and in accordance with the related articles of the NPT, recall the right of all State Parties, including the Islamic Republic of Iran, to develop research, production and use of nuclear energy (as well as nuclear fuel cycle including enrichment activities) for peaceful purposes without discrimination.”

This might be read to establish Iran’s right to continued enrichment in contradiction of current UN Security Council Resolutions which demand that Iran halt its enrichment program. Though not clear that this was the intent of Brazil and Turkey, who are both current members of the Security Council, it would be important for any agreement to uphold the spirit and letter of existing Security Council resolutions.

Details still unclear

Another problem with the declaration is its requirement that the delivery of the 120 kilograms of 20 percent fuel take place in a year. France’s fuel fabricator has stated that it needs two years to make that quantity of fuel.

The declaration is also silent on the fate of the LEU in Turkey, the fate of the 20 percent enriched uranium Iran has produced to date, and whether Iran will continue producing 20 percent enriched uranium. These omissions may reflect the hurried nature of the negotiations and highlight the need for close scrutiny of Iran’s letter to the IAEA.

Finally, paragraph 8 of the declaration is another indication of problems in the negotiations. It states: “In case the provisions of this Declaration are not respected Turkey, upon the request of Iran, will return swiftly and unconditionally Iran’s LEU to Iran.” This gives Iran the unilateral right to decide about the return of the LEU with no specification of what constitutes a violation of this declaration. The terms “not respected” is broad, raising the possibility that the provision could be invoked unilaterally for minor causes, such as failure to provide all the 20 percent enriched uranium fuel within one year.

Conclusion

ISIS strongly supports diplomatic engagement as the best way to address serious issues that bring into question the peaceful nature of Iran’s nuclear program, and recommends confidence building measures as important steps along the path to resolving those issues. An agreement to remove most of Iran’s accumulated LEU to a third country in exchange for fuel for the Tehran Research Reactor could be a positive, welcome development. It should be negotiated, however in a way consistent with existing UN Security Council resolutions and in a manner that helps to build transparency and confidence in negotiations aimed at addressing Iran’s uranium enrichment program and the peaceful nature of its nuclear program.