



## Opportunity for a New Iran Nuclear Deal: Stop driving into the sunset looking through the rearview mirror

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Over a year has passed since the Trump administration ended its participation in the Iran nuclear deal, or Joint Comprehensive Plan of Action (JCPOA), arguing that the deal created an assured path for Iran to obtain missile-delivered nuclear weapons. Since then, it has re-imposed a broad set of economically-damaging sanctions and pushed to replace the deal with a more comprehensive one as soon as possible. Recently, Iran announced that it intends to stop abiding by certain, key nuclear limitations of the JCPOA, but not withdraw from it. However, Tehran has so far not agreed to negotiate a new nuclear agreement, insisting that the United States return to the JCPOA. However this tense situation develops, returning to the JCPOA is not in U.S. national security interests. It would sacrifice key negotiating leverage, while heightening the chance that Iran will get nuclear weapons over the next decade and that nuclear weapons will spread throughout the Middle East.

With tensions increasing in the Middle East, the current situation, on the surface, does not appear to favor negotiations for a new deal. Moreover, the United States is demanding that Iran meet a dozen conditions relating not only to the nuclear and missile issues, but also to its malign regional activities and support for terror. Iran appears more focused on its own efforts to isolate the United States and threaten (and possibly carry out) asymmetric retaliation for the re-imposed sanctions. However, neither Iran nor the United States appear to want a crisis to grow into a military confrontation. With this dynamic, new negotiations may be the most advantageous path forward for both sides.

In that endeavor, however, the United States and its allies need to look forward and create a better deal that addresses the current one's well-known weaknesses, such as sunsetting nuclear limitations, inadequate inspections of Iran's former and possibly on-going nuclear weapons program, and ineffective ballistic missile constraints. Conventional arms and ballistic missile embargos and regional issues will inevitably need to be part of any negotiation. Although it will be difficult, the United States should seek new nuclear negotiations addressing these issues.

## **Misguided to Share Iran's Goals**

Iran appears to be slow-walking its own withdrawal from the JCPOA, perhaps in hope that the outcome of the next U.S. presidential election will result in a president more amenable to the JCPOA. That latter hope is shared by JCPOA advocates in the United States and Europe who support dropping U.S. sanctions and re-joining the JCPOA, in many cases, without preconditions. The Democratic National Committee (DNC) adopted in February a [resolution](#), backed by the National Iranian American Council, which largely flew under the radar, that lauded the nuclear deal's achievements and advocated re-joining and dropping sanctions. This approach is highly ill-advised, given the growing leverage created by re-imposed sanctions and the further isolation of Iran internationally. Re-joining the deal and abandoning newfound U.S. leverage, instead of addressing these problems in a new deal, would play into Tehran's hand and gravely threaten U.S., regional, and international security over the next decade, particularly as the nuclear, missile, and conventional weapons limitations sunset. Given the deep, long-standing animosity to the United States within the Iranian regime and substantial security differences and goals, counting on favorable Iranian concessions simply as a result of improved relations would repeat the mistake made by the Obama administration which made this a central argument for the JCPOA. Iran was never compelled to improve its record on many issues. Further, a sense of crisis is building now and waiting may not be an option.

Those arguing to re-join the deal without conditions often repeat notable mischaracterizations about the JCPOA, such as asserting that the International Atomic Energy Agency (IAEA) states that Iran has been in "compliance" with the deal, when in fact, the IAEA has never written that statement in its quarterly safeguards reports on Iran or mentioned it publicly. The IAEA provides a status report on the JCPOA, not a compliance determination, which is rightly the purview of the JCPOA member states. Since the Trump administration made an early priority of rigorously enforcing the deal's nuclear limits and pushing back against its loopholes, Iran appears to have stopped its earlier, relatively minor infractions, and based on sparse and publicly available information, has so far remained within the deal's limits.

Moreover, this mischaracterization ignores that the IAEA has also stated in every one of its quarterly reports its inability to determine the absence of undeclared nuclear materials and activities in Iran. This is another way of stating that it cannot verify the correctness and completeness of Iran's declarations and provide credible assurances that Iran's nuclear program is peaceful. The JCPOA has not provided a needed boost to an IAEA inspection effort, and its additional mechanisms appear unable to make such an effort successful, toward the goal of finally determining if Iran has a peaceful nuclear program and is no longer seeking nuclear weapons.

## **Arguments for Not Re-joining the JCPOA**

In considering their positions on the JCPOA, advocates of re-joining the deal should understand the potentially disastrous implications of a U.S. return to this poorly-structured agreement, and opt to seek a new one that fixes its flaws.

Advocating for re-entry means supporting and providing international legitimacy to the provision in the JCPOA that allows Iran to start building up its industrial infrastructure to manufacture advanced gas centrifuges that enrich uranium beginning in 2023, or during the next presidential term. Iran is scheduled to start deploying an ever-increasing number of advanced centrifuges starting in 2025, as envisioned under Iran's [long-term enrichment plan](#) developed alongside the JCPOA. Advocates may not be aware that these developments directly reduce Iran's nuclear weapons breakout timeline, or the time it would take Iran to produce enough weapon-grade uranium for a nuclear weapon. This ignores the fact that, to date, Iran has been unable to produce any economic or otherwise credible non-military, civilian justification for its uranium enrichment program; instead, this program continually poses a threat to regional peace and stability.

Now that the IAEA better understands Iran's advanced centrifuge program, its reporting supports that Iran will need decades, if not longer, to reach a point where it could produce enriched uranium more cheaply than it could buy it on the international commercial market. Supporters of the re-joining the JCPOA without major changes are implicitly accepting an uneconomic increase in Iran's uranium enrichment gas centrifuge capacity and a steady decrease in Iran's breakout timeline to nuclear weapons. More realistically, a scale-up in Iran's inherently uneconomic centrifuge program should be viewed as representing, by its very nature, a military nuclear program. Acceptance of the JCPOA's expanded enrichment scenario would likely lead to the spread of nuclear weapons in the region, particularly in Saudi Arabia, and heighten chances of military confrontation. A more reasonable position is that Iran should not have an enrichment program due to the threat it poses to U.S. security and regional and international peace and stability. A fallback could be a program that is far smaller and more deeply constrained with limits that last for decades.

Advocates of re-joining should understand that doing so also means accepting the end of the United Nations conventional arms embargo on Iran, slated to happen no later than October 2020, as codified in UN Resolution 2231, which implements the JCPOA. Given the consensus in the United States and Europe that Iran's conventional weapons have been used for malign and dangerous activities, this provision is not in the broader interest. In late 2020, while Trump is president and unless changed, Iran will be able to freely import conventional arms and military hardware from states such as Russia and China. Those who argue that Iran will not buy arms, as Iranian Foreign Minister Javad Zarif implied to the U.S. [media](#), must remember that Iran has already [lined up](#) billions of dollars in contracts with Russia for advanced conventional weaponry and a military pact with China that it can collect on when the embargo ends. Acceptance of the end to the arms embargo and the start of Iran being able to arm itself as never before, posing a much greater risk to U.S. and allied forces in the region, is not wise policy to advocate. It is difficult to see how the next U.S. president (if Trump is defeated) could re-impose that embargo if it is rescinded before that person takes office and he or she has committed to re-joining the JCPOA without conditions. Advocates should instead support extending this embargo well into the future, until the Middle East is less of a powder keg fueled by Iranian malign behavior.

Iran's development of missiles capable of carrying nuclear weapons has also continued apace, with Iran conducting multiple launches of nuclear-capable missiles in defiance of UN Resolution 2231, that threaten U.S. allies in the region, Europe, and ultimately, the United States.

Advocates of re-joining will have to explain their support for an end to the embargo on Iran, slated to end no later than 2023 under UN Resolution 2231. Support for unconditionally re-entering the JCPOA offers implicit advocacy for its termination. At that point, Iran will be able to freely import missile technology, materiel, equipment, and actual missiles from willing suppliers. What might North Korea and Iran do together once this crucial ban ends and Iran feels further empowered to develop its ballistic missile force? All should pledge to extend and improve this embargo, while working to achieve limits on Iran's ballistic missiles.

Advocates of unconditionally re-joining the JCPOA will also need to explain how they view it as wise policy to commit to returning to sanctions relief or limiting the application of additional sanctions before the IAEA fully investigates the contents of a curated "Nuclear Archive" kept by Iran. Regardless of the fate of the JCPOA, Iran is a non-nuclear weapon state party to the Nuclear Non-Proliferation Treaty and bound by its conditions and those in the associated comprehensive safeguards agreement. A thorough investigation is a necessary step to establishing that all non-peaceful activities in Iran have been terminated and relevant capabilities dismantled. In April 2018, revelations came to light that such an archive exists following a daring Israeli intelligence operation to seize a portion of it. The archive contains tens of thousands of files and CDs relating to Iran's efforts in the early 2000s to build five nuclear weapons and prepare an underground nuclear test site. The Institute has assessed the archive in an ongoing [series of reports and schematics](#). The information from the archive underlines the key weaknesses of the nuclear deal's implementation in not requiring the IAEA to conduct a thorough investigation to ensure Iran's military nuclear work had ended before granting sanctions relief.

Information from the archive shows that in 2003, under intense international pressure, Iran downsized this nuclear weapons program. However, it did not end it – Iran instead began reorienting its nuclear weapons program to better conceal certain, critical nuclear weapons efforts, while continuing other activities in an overt manner by blending them into non-nuclear military or civilian institutes. The archive also shows concretely that Iran has serially lied in its declarations to the IAEA about the nature of many sensitive nuclear weapon activities and facilities. While JCPOA supporters touted the agreement as allowing the most intrusive and "unprecedented" inspections ever designed – relatively few, if any, IAEA inspections have been conducted at these sites. Nor have interviews been undertaken with personnel mentioned in the archive to ensure the absence of ongoing military nuclear activities. Meanwhile, the archive makes stark that Iran has a viable miniaturized nuclear weapons design and can build missile-deliverable nuclear weapons faster than previously thought.

Often forgotten, the existence of such an archive, loaded with sensitive nuclear weapons information, [is inconsistent with, or even a violation of](#), Iran's safeguards agreements and Article II of the Nuclear Non-Proliferation Treaty. Under the JCPOA, Iran [committed](#) "under no circumstances [to] ever seek, develop or acquire any nuclear weapons." The existence of the

archive shows an Iranian determination to keep at least a nuclear weapons option alive, inconsistent with or a violation of this critical JCPOA commitment.

To ensure that Iran does not have undeclared nuclear facilities, materials, and activities, the IAEA needs to raise matters related to the archive with Iran and gain access to sites, equipment, and individuals detailed therein. A U.S. position to favor re-entry to the deal would hardly be a vehicle to obtain these goals. Moreover, those advocating for Iran to wait for the next administration are also inadvertently handing Iran an excuse to continue stonewalling the IAEA on this vital inspection issue, when it should be addressed today. All should be campaigning for robust IAEA inspections and timely answers to the fundamental question of whether Iran's nuclear program is peaceful, independent of the what is happening with the JCPOA.

Finally, advocates should explain how, by unconditionally rejoining the nuclear deal and dropping sanctions, the United States will ensure that Iran does not simply take advantage of what the nuclear deal promised—one day having the blessing of the international community to deploy a large, uneconomical gas centrifuge program able to produce enough nuclear explosive material for a nuclear weapon within days, while Iran's missile force builds its nuclear-capable intermediate-range and intercontinental ballistic missiles. This is added on top of Iran getting away with one of the biggest deception campaigns ever waged against the IAEA. By unconditionally re-joining the JCPOA, Iran would also have a blessing to build up its conventional military forces, making U.S. military strikes much riskier in the event of a breakout to nuclear weapons. This is simply too dangerous a future to support.

Returning to the JCPOA is not an attractive option. Far better would be for all to work now to ensure that the future it lays out is headed off. By becoming more aware of these issues and demonstrating a commitment to fixing the flaws in the JCPOA, and replacing it, not re-joining it, U.S. policy would be on a sounder footing. New, negotiated solutions are needed that protect vital U.S. and allied security interests in the Middle East. If Iran refuses to negotiate, building up a more unified pressure campaign, while continuing to extend a hand for negotiations, is the soundest way forward to prevent a war with Iran and a nuclear-armed Middle East.