

How the US and Europe can cooperate

Strengthen the Nuclear Deal and counter Iran's destabilizing activities

by Michael Eisenstadt, Kahn Fellow and Director, Military & Security Studies Program, The Washington Institute for Near East Policy, Washington, D.C.

In the run-up to the 2016 US elections, Donald Trump vowed that if elected president he would, alternatively, “rip up” the nuclear deal with Iran (which he called “the worst” deal ever), or strictly enforce it. This binary approach continues to characterize the Trump administration's handling of this issue. On 12 January 2018, President Trump announced that his administration would seek a “new supplemental agreement” with key European allies “that would impose new multilateral sanctions if Iran develops or tests long-range missiles, thwarts inspections, or makes progress toward a nuclear weapon.” He also pledged that the United States would pull out of the nuclear deal (or Joint Comprehensive Plan of Action, JCPOA) if the allies could not reach an agreement by May of this year.

The shortcomings of the deal

No one really knows what President Trump will do in May. But Americans and Europeans who want the nuclear deal “fixed” and not “nixed,” must work quickly to address the president's concerns about its shortcomings, which are shared by many Americans.

First: many of the most important limits “sunset” (or disappear) by year fifteen of the agreement. The JCPOA therefore defers, but does not solve the problem of Iran's nuclear program, and may simply delay the next nuclear crisis with Iran.

Second: the JCPOA effectively confirms and legitimizes Iran's status as a nuclear threshold state, perhaps paving the way for

a nuclear cascade in the region, and potentially even an Iranian bomb.

Third: Iran's rejection of inspections at military sites (where nuclear work occurred in the past) risk creating sanctuaries where proscribed, low-signature activities may occur.

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Fourth: the architects of the JCPOA sought to buy time, without a strategy for using that time to address the deal's shortcomings and avert another nuclear crisis with Iran in the future.

Finally: Tehran has used the JCPOA to provide political cover for a variety of destabilizing activities — proxy conflicts in Syria and Yemen and with Saudi Arabia, and actions that may set the stage for the next Israel-Hizballah war, or yet another jihadist

mobilization. This has cooled American ardor for the nuclear deal, and raised concerns that Iran might be emboldened by its regional successes to test or violate the JCPOA in the future.

But the Trump administration's approach is also problematic. By prioritizing efforts to “fix” the JCPOA on a deadline, Washington risks fomenting a crisis with its allies that could complicate these efforts to strengthen the JCPOA, and to counter Iran's regional activities. Rather, Washington should seek to achieve synergies between these two legs of its strategy, leveraging the credibility and trust garnered by effective efforts to work with allies to push back against Tehran, to work with

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Photo: private

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Hassan Rouhani, President of the Islamic Republic of Iran, addresses the general debate of the UN General Assembly's seventy-second session, New York, 20.9. 2017

Photo: United Nations/Cia Pak

these allies to fix the JCPOA, and deter Iran from violating it down the road.

As for concerns that pushing back against Iran could undermine the JCPOA, the nuclear deal will stand or fall on its own merits. If Iran can pursue its interests in the region without excessive concern for the JCPOA's future, there is no reason why the United States and Europe should not do the same.

The US and Europe should work together

Washington and its European allies should work together to find ways to strictly enforce and strengthen the deal, while countering Iran's regional activities. This will mean rebuffing Iranian efforts to test limits, exceed caps, and carve out "exceptions" to the accord, while simultaneously addressing shortcomings related, inter alia, to the monitoring of centrifuge production facilities, the inspection of military sites, and to the authorities granted inspectors under the Additional Protocol.

A framework of incentives and disincentives

The US and Europe should, moreover, create a framework of incentives and disincentives to shape Iran's future proliferation calculus, and dissuade it from resuming the industrial-scale enrichment and stockpiling of uranium, or the reprocessing of spent fuel. And they should launch a sustained information campaign to convince the Iranian people and their leaders of the high costs of Iran's nuclear program, the dangers that nuclear facilities pose for countries — like Iran — located in active seismic or conflict zones, and the dangers of a regional proliferation cascade that could someday jeopardize Iran's own survival. Meanwhile, the United States must continue to enhance its ability to deter an Iranian nuclear breakout by military means—while its allies should signal their support for such an option, should it become necessary.

The missile regime

As for missiles, the JCPOA does not prevent the United States

and Europe from imposing new sanctions in response to missile-related activities in defiance of UNSCR 2231 (which gave legal force to the JCPOA) — particularly individuals and entities that are part of the missile industry's supply chain, which would include many industries not previously sanctioned. This could send ripples through key sectors of Iran's economy.

Preparing the future

If, a decade or more from now, Iran continues its destabilizing activities and is set to resume the large-scale enrichment and stockpiling of uranium (permitted by the JCPOA after fifteen years), that might be the time to consider the pros and cons of remaining within the JCPOA, and of legislation mandating the snapback of national nuclear sanctions, should Iran try to become a nuclear threshold state or attain a rapid breakout capability. Such a decision would presumably be influenced by the overall tenor of US-Iran relations, and by whether UN Security Council snap-back sanctions (which expire after ten years) have not been renewed. And it will be based on an assessment of whether the threat of renewed national and multilateral sanctions might more effectively deter Iran from stockpiling fissile material or attempting a nuclear breakout, than the threat of force.

Diplomacy is the art of the possible. While the gaps between US and Europe positions are wide — Washington wants concrete steps to fix the JCPOA, Europe wants unequivocal backing for the deal—the potential price of failure will hopefully provide sufficient motivation to bridge these differences, and to conclude what might well be "the ultimate deal."

Michael Eisenstadt's most recent publication is "Regional Pushback, Nuclear Rollback: A Comprehensive Strategy for an Iran in Turmoil" (Washington Institute, 2018): <https://tinyurl.com/y7lyollo>