



Iran's Nuclear Endgame Warrants a Change in U.S. Strategy

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Recently, inspectors from the International Atomic Energy Agency discovered that Iran had enriched uranium to a level just shy of what is generally considered weapons grade.¹ Like many findings before it, this revelation underscores the need for a new U.S. and European policy toward Iran. The two most important and immediate steps in that process are clear by this point: Washington and its partners need to move on from any remaining plans they might have to resurrect the 2015 Joint Comprehensive Plan of Action (JCPOA), namely by activating that accord's "snapback" mechanism; and governments must heighten their efforts to deter Iran through credible threats of military force.

In addition, the United States needs to coordinate closely with international partners on how they would jointly respond to contingencies that are looking increasingly likely, such as an Iranian nuclear breakout or withdrawal from the Nonproliferation Treaty (NPT).² With Washington perceived as reluctant to act militarily in the Middle East, Israel perceived as lacking the capability to act, and much of the world distracted by the Ukraine war, Tehran may feel that it has a narrow window in which to develop nuclear weapons, lending the issue renewed urgency.

Shifting Goals and a Dangerous Status Quo

The Biden administration entered office hoping to reenter the JCPOA, from which President Trump withdrew in May 2018. This hope has proven futile, however, for the simple reason that the parties to the original agreement value it less today than ever.

For Tehran, the JCPOA achieved three goals: delivering relief from economic sanctions; conferring international legitimacy on Iran's theretofore illicit nuclear activities and permitting the regime to retain nearly its entire nuclear program; and implicitly reassuring Tehran that it would be safe from military attack even as it worked to perfect other elements of a potential nuclear weapons program (e.g., advanced centrifuges and more capable missiles).

None of these issues is as relevant today. Iranian officials do not value sanctions relief as highly as they did in 2015 due to a combination of lax enforcement in recent years, increased economic ties with Russia and China, an abiding expectation that a future U.S. president would reimpose any sanctions that are lifted, and an apparent belief that former president Hassan Rouhani oversold the value of relief in 2015. Moreover, the legitimacy of Iran's civil nuclear program has been widely accepted, and the lack of any international or regional response to its steady progress may have convinced regime

officials that the military risk of moving toward weaponization is not as great as they once feared. As a result, Tehran has likely calculated that the benefits of reentering the JCPOA pale in comparison to the costs, which would be significantly higher today than in 2015.

Meanwhile, officials in the United States and the E3 (Britain, France, and Germany) continue to regard the JCPOA as the most effective and least costly means of curtailing Iran's nuclear activities. In their view, the plausible alternatives are worse: a different deal may be better than the JCPOA but would be time-consuming to negotiate, especially since Iran's current leadership has little international diplomatic experience; a military attack could be quite costly and may buy just a few years' respite before Iran reconstitutes the program; and sanctions are perceived as ineffectual if divorced from diplomacy.

Despite their continued belief in the JCPOA's value, however, these governments have little enthusiasm for reentering it. For some officials, this sentiment stems from the realization that the agreement's nonproliferation benefits have declined over time due to the lapsing of key restrictions and Iran's accelerated accumulation of nuclear know-how, including from activities that violated the deal.³ For others, the old formula of "comprehensive sanctions relief strictly in exchange for nuclear restraint" is now politically unpalatable given Tehran's crackdown on protesters at home and provision of drones (and, potentially, missiles) to Russia for use in Ukraine.⁴

The result is that Western nuclear policy toward Iran has stagnated even as the regime's program advanced dangerously. The United States and E3 fear that taking significant steps in a different direction could prompt Tehran to take rash action, so they have largely put the matter on the back burner apart from incrementally bolstering sanctions. For its part, Iran has been content to maintain the fiction that nuclear talks continue, as it has little incentive to walk away and potentially force the West to devise a new policy. In the background, however, the regime has been steadily expanding its nuclear activities.⁵ Viewed in combination with its seeming uninterest in

consummating the past two years of talks, the steps Tehran has taken look far more like preparations to quickly build nuclear weapons when deemed necessary than an effort to build diplomatic bargaining leverage.

Among other moves, Iran has:

- expanded its stockpile of enriched uranium
- put more centrifuges in operation
- enhanced the efficiency of its centrifuges
- increased the number of enrichment sites
- experimented with enriching to high levels in a single step rather than multiple steps
- transferred high-enriched uranium to a site in Isfahan capable of turning uranium hexafluoride gas into metal (a key step in weapons manufacture)
- obstructed nuclear inspectors

Each of these steps underscores the growing belief that Tehran intends to produce nuclear weapons.

It is against this backdrop that the news arrived of Iran apparently enriching uranium to 84 percent, just short of the 90 percent often considered weapons grade. (For more on these percentages and other technical matters, see The Washington Institute's Nuclear Glossary.⁶) Iranian officials have sought to portray this reported enrichment as unintentional, but their explanations have met with skepticism from experts. More likely, enrichment to 84 percent is serving two purposes for the regime: as a trial run to test its technical capabilities for a breakout, and as a trial balloon to determine how the United States, Europe, and Israel will react to it crossing the weapons-grade threshold. The latter purpose is likely far more useful to Tehran, which will undoubtedly be watching to determine whether these states are ready to act or looking for excuses to avoid doing so, and whether their response is coordinated or marked by infighting. This learning is vital for Iran.⁷ If it chooses to produce a nuclear weapon, it will run the risk of Western or Israeli military attack, so understanding how to minimize that risk—and, by extension, cross the yawning chasm between would-be nuclear power and actual nuclear-armed state—is a strategic must.

In Search of Plan B

Whatever its intentions, Tehran may have unwittingly done the United States and its partners a favor with its latest move: dispelling the illusory notion that the nuclear issue could be “parked.” The steady expansion of its nuclear activities and the lapsing of JCPOA restrictions mean that the danger of continuing the stalemate has been mounting by the day.

In some quarters, the resultant urgency will prompt calls for a new diplomatic approach. One idea gaining currency among analysts is a so-called “less for less” deal, which could take numerous forms. The most basic version would be an agreement to desist from further escalation—Iran would stop expanding its nuclear activities, and the United States and EU would stop imposing sanctions. Yet Tehran has little reason to accept such an arrangement given that the costs of additional sanctions would be relatively modest relative to the sanctions reimposed when Washington withdrew from the JCPOA in 2018. Having weathered the latter measures for five years and made significant nuclear progress without further significant cost, the regime surely feels that it has the upper hand in the current escalation dynamic.

Even if Tehran were willing to consider a slimmed-down deal, it would surely demand the lifting of sanctions that have the greatest impact on its economic fortunes, namely, those that prevent it from selling oil and repatriating the revenues from such sales—an outcome that would diminish Western leverage in any future talks.⁸ In other words, Iran may be prepared to give “less,” but it would surely expect “more” in return, unless it is convinced that the consequences of standing down are dire, as discussed below.

For their part, American and European policymakers would face two risks: first, that their diminished demands would become the new floor for Iran's nuclear program, permanently eliminating the possibility of returning to more stringent limits;

second, that the political costs of reentering the JCPOA could apply even more forcefully to approving a slimmed-down agreement. The JCPOA failed to garner majority congressional support in 2015, and any deal concluded within that framework would likely fare even worse today.

In short, a slimmer agreement might buy temporary reprieve from crisis, but at the price of economically strengthening the Iranian regime and permanently worsening the Middle East proliferation landscape. Such an approach might make sense if it were part of a larger plan to weaken the regime or shift its strategy. No such plan is evident, however, and even if it were, policymakers would be better off focusing on it rather than diplomatic delay tactics.

Next Steps

The first priority for Washington and its partners should be to deter Iran from producing nuclear weapons. The regime must be disabused of any notion that it now has a window of impunity for making such a decision. To this end, the United States and the E3 should take the following steps, in conjunction with slower-moving policy tools such as strengthening and enforcing economic sanctions and supporting the Iranian opposition.

Exercise the JCPOA’s snapback provision. The 2015 agreement has a mechanism permitting international sanctions to “snap back” in the event that one party believes another is violating the agreement. By itself, this mechanism would not significantly increase the economic pressure on Iran, since U.S. unilateral sanctions are far more powerful than the relevant UN-imposed measures.⁹ Yet snapback would send a powerful diplomatic message that the United States and E3 are unified, and that their joint focus has shifted from resurrecting the JCPOA to a new policy of deterrence. By restoring UN sanctions and invalidating the JCPOA’s past and future sunset provisions, this approach

would also strengthen the basis for recruiting other states to magnify the economic pressure on Iran.

E3 officials worry that snapback would prompt Tehran to take rash action—for example, enriching to 90 percent or withdrawing from the NPT. This possibility cannot be dismissed, as the regime generally looks for ways to retaliate against Western pressure. Yet stopping short of snapback has not prevented Tehran from disregarding the JCPOA’s limits for the past four years, so there is little reason to believe that eschewing it now will be more persuasive. And enriching to 90 percent would open up even more retaliatory steps for Tehran down the road, such as threatening to weaponize its program or expel European diplomats. In contrast, exercising snapback now would be an unmistakable signal that the United States and E3 are not content with the status quo and are ready to entertain risk in order to stop Iran’s nuclear progress.

Strengthen the military threat. The Biden administration recently conducted the Juniper Oak 23 exercise with Israel in an effort to enhance the credibility of their joint military threat against Iran.¹⁰ While this was a welcome step in the right direction, it may have limited utility given the widespread perception that the Biden administration would be loath to participate in a joint attack on Iran.

Indeed, the administration has largely limited itself to issuing vague threats against Tehran and rarely following up on them, so the bar for establishing military credibility is likely quite high. The clearest way to do so would be to strike targets inside Iran—for example, drone factories or sites associated with the regime’s support for Iraqi militias. Yet such an approach carries a risk of escalation and would require legal justification, since the president’s ability to order military action is not unfettered in the U.S. system.

Until such action is deemed necessary and appropriately authorized, Washington should convey explicit warnings of its intent to attack Iran’s nuclear sites if the regime moves to produce nuclear weapons. At the

same time, the United States should provide Israel with the materiel it requires to act independently against Iran—for example, tanker aircraft for aerial refueling. Any risks associated with this approach could be mitigated through advance U.S.-Israel agreement on the triggers for attacking nuclear sites with said equipment.

Engage in scenario planning with partners.

The discovery that Iran has apparently enriched to 84 percent underscores the need for the United States, Europe, and key regional partners such as Israel and the Gulf states to engage in joint contingency planning with the aim of enabling rapid, coordinated responses to future nuclear steps. Questions that such planning exercises should address include:

- *What are the red lines for action?* Iran enriching uranium to weapons grade (i.e., 90 percent) is one clear line, but others are worth considering as well. For example, Iran could further reduce cooperation with the International Atomic Energy Agency or submit notification of its intent to withdraw from the NPT, as North Korea did in the 1990s. Given the likely short timelines for any joint response, partners must agree in advance on what would trigger this response.
- *Will there be sufficient notice?* The silver lining of Iran's latest enrichment advance is that it gives Western intelligence agencies a chance to stress-test their capabilities for determining if red lines have been crossed, and whether there is sufficient time to prepare the appropriate response. Likewise, policymakers now have an opportunity to gauge the time between Iran making a dangerous advance and the West learning about and verifying it. If any of these timelines are too long, then Washington and its partners must strengthen their ability to detect a breakout or change their red lines.
- *How will partners respond to a breakout?* If the United States, Europe, or Israel contemplates a military response to a verified breakout—a near certainty given the threat posed by an Iranian nuclear weapon—the nature and scope of that response should be coordinated in advance, since there will be insufficient time for planning and coalition-building once Tehran breaks out. An important part of this planning process is determining what defensive measures would be required in the Middle East, and what diplomatic and economic steps would be taken in conjunction with any military action.¹¹ ❖

NOTES

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