

Iran's Six Potential Nuclear Steps

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Brief Analysis

Hoping to pressure Europe into providing more concessions, Tehran may threaten to reduce its commitments under the nuclear deal, but can it avoid escalation with Washington while doing so?

Exactly one year after President Trump announced that the United States was withdrawing from the Joint Comprehensive Plan of Action, Iran is poised to announce retaliatory measures of its own on May 8. According to some Iranian outlets, President Hassan Rouhani will inform the leaders of the P4+1 (Britain, China, France, Russia, and Germany) that his government will cease some of its nuclear commitments under the JCPOA, while Foreign Minister Mohammad Javad Zarif will issue updates regarding the technicalities of this move. Tehran is apparently acting under Article 26 of the nuclear deal, which states that if Washington reimposes sanctions, the regime can treat it as “grounds to cease performing its commitments under this JCPOA in whole or in part.”

Iranian officials emphasized that their government does not intend to revoke the JCPOA or quit the Nuclear Nonproliferation Treaty, but instead to diminish its commitments in permissible fashion. This may include using Article 36 of the JCPOA, which calls for referring noncompliance issues “to the joint commission for resolution.” That process triggers thirty-five days of consultations, which could lead the complainant to declare that a “significant non-performance” has occurred and use it as grounds to cease performing commitments under the deal.

Iran would likely try to use these thirty-five days as an opportunity to blackmail the P4+1 into providing economic concessions, including full implementation of the Instrument in Support of Trade Exchanges (INSTEX), established earlier this year to facilitate trade with Tehran. Thus far, INSTEX has faced challenges stemming from U.S. sanctions and has therefore failed to meet Iranian expectations. While visiting Moscow on May 7, Zarif noted that Tehran has shown “strategic patience,” but that Europe is seemingly incapable of resisting U.S. pressures, leaving the regime with no choice but to stop implementing “some” its commitments “for now.”

In short, the clock seems set for five weeks of nuclear extravagance and atomic rhetoric. What specific steps might Iran take?

Threaten to resume full-scale enrichment activities. Since the JCPOA was first implemented, Iranian officials have repeatedly noted Supreme Leader Ali Khamenei's directive to prepare the nuclear program for a quick rebound in case the regime leaves the deal, often noting the ridiculous uranium enrichment goal of 190,000 separative work units. Ali Akbar Salehi, director of the Atomic Energy Organization of Iran, became more specific about such efforts in January, explaining that the country has made the necessary preparations to resume enrichment in greater capacity. Yet Iran would likely face significant technical challenges in restarting the program, similar to those it faced before the JCPOA. Knowing the implications that such a move could have on the likelihood of forming an international coalition against Iran, the regime probably prefers to use this card as just a threat at the moment.

Declare an intent to enrich to 20 percent. Enriching uranium to 20 percent of the fissile isotope U-235 is a crucial milestone in attaining the high-enriched uranium needed for nuclear weapons. Iran also uses 20 percent uranium to fuel the Tehran Research Reactor, where it produces medical isotopes—one of the prides of the country's civilian nuclear program. Under the JCPOA, Iran is currently proscribed from enriching to 20 percent and had to export its existing stock of such uranium to Russia. Yet the deal also allows the regime to import small quantities of it under international inspections in order to produce fuel pellets. Tehran may hope to justify a future JCPOA breach by declaring that current sanctions prevent it from obtaining this material, claiming it needs to produce 20 percent uranium on its own to meet its needs. Earlier this year, Salehi used intentionally vague language to announce that Iran is "working on" an upgraded design for its reactor fuel. He also implied that while the regime does not need to enrich to 20 percent for the time being, it may choose to store uranium at this level if necessary.

Stop implementing the Additional Protocol. Under the JCPOA, Iran has agreed to "provisionally apply the Additional Protocol to its Comprehensive Safeguards Agreement." This protocol is a default measure between the International Atomic Energy Agency and its member states that extends the scope of their nuclear commitments under safeguards agreements and increases the agency's ability to investigate undeclared nuclear facilities and activities. Iranian officials have often referred to the protocol as a voluntary step, threatening to cease its implementation if necessary. The regime has done just that in the past—in 2006, following a bout of failed engagement with Europe, it retaliated by halting implementing of the protocol two days after the IAEA referred Tehran's case to the UN Security Council.

Accelerate advanced centrifuge research and development. The nuclear deal allows Iran to conduct limited R&D on advanced centrifuges so long as it does not accumulate enriched uranium, in accordance with Tehran's "enrichment R&D plan"—a separate roadmap for advanced centrifuge development that Iran negotiated as part of the JCPOA process (the plan has never officially been made public, but the [Associated Press reportedly obtained a copy \(https://isis-online.org/isis-reports/detail/irans-long-term-centrifuge-enrichment-plan-providing-needed-transparency/\)](https://isis-online.org/isis-reports/detail/irans-long-term-centrifuge-enrichment-plan-providing-needed-transparency/) soon after the JCPOA was implemented in 2016). Yet Tehran could claim that it has taken a significant leap forward in R&D that necessitates a change in the agreed enrichment plan, such as expediting the introduction of a new generation of advanced centrifuges. The main JCPOA text does not clearly define the cap on R&D efforts before 2024 (those commitments are allegedly spelled out in the aforementioned R&D plan). Iran has often exploited this lacuna during its nuclear "holidays." Last month, for example, President Rouhani used Iran's annual "National Nuclear Technology Day" to [order the installation \(https://www.washingtoninstitute.org/policy-analysis/view/irans-holiday-prologue-to-exploiting-nuclear-loopholes\)](https://www.washingtoninstitute.org/policy-analysis/view/irans-holiday-prologue-to-exploiting-nuclear-loopholes) of twenty advanced IR-6 centrifuges in the Natanz enrichment facility, hoping to play on the JCPOA's frequent vagueness. In doing so, he may have foreshadowed the May 8 anniversary, warning Washington that further pressure would lead Tehran to introduce even more advanced units: "If you continue to walk down this road, you will see the IR-8 centrifuge in the near future."

Accumulate excess nuclear materials. In a November interview with the International Crisis Group, an unnamed

senior Iranian diplomat stated that if the regime “had retaliated against the slow pace of sanctions relief with over-production of enriched uranium,” then Europe would have been more proactive in assisting Tehran. Following this logic, Iran could decide to play hardball, pressuring Europe by producing excess nuclear materials. For example, Iran is required to keep its stock of 3.67-percent enriched uranium under 300 kilograms, but if it exceeds this limit, it could blame its actions on Washington’s decision to revoke the nuclear waivers that allowed it to ship out any enriched uranium above 300 kilograms. Alternatively, it could assert that the infringement happened due to small technical errors inherent in the delicate, complex process of enriching uranium. Moreover, Iran’s permitted stock of heavy water is 130 metric tonnes, but unlike the uranium restriction, this limit is only an estimate, and the regime has already surpassed it in the past. If Tehran once again over-produces heavy water for its reactors, it could offer a number of technical excuses for the lapse or, again, claim that the estimate changed due to Washington’s waiver decision.

Commence the production of IR-1 centrifuges. Under the JCPOA, Iran can use its stock of stored IR-1 centrifuges “for the replacement of failed or damaged machines [until] the level of stock of IR-1 machines falls to 500 or below.” It can then “maintain this level of stock by resuming production of IR-1 machines...without exceeding the stock of 500.” By producing new IR-1 machines, Iran could signal the West that it intends to install more centrifuges in the near future, but without pushing the limits so far that it provokes drastic steps by Washington.

CONCLUSION

To set the clock for thirty-five days of Joint Commission deliberations, Iran could lay out a roadmap for how it might reduce its JCPOA commitments in the next week or two unless the West takes certain actions. From Tehran’s perspective, this could allow the regime to deter Western pressure and leave an alarming impression with key audiences in Europe, while retaining the flexibility to actually implement its threats. The ayatollahs have been burned by [failed brinkmanship strategies over the past two decades](https://www.washingtoninstitute.org/policy-analysis/view/risk-and-reward-what-iran-learned-after-a-decade-of-nuclear-talks) (<https://www.washingtoninstitute.org/policy-analysis/view/risk-and-reward-what-iran-learned-after-a-decade-of-nuclear-talks>), so they will likely take care to refrain from careless, uncalculated policies that might push Europe to join President Trump’s “maximum pressure” approach.

The question is whether it can keep this carefully structured roadmap of limited escalation from spiraling out of control. The Iranians have already learned in the past that escalation dynamics are dangerously unpredictable. And given how far away they are from realizing the demands they have made on Europe, they could push themselves into a corner by threatening to dilute the JCPOA.

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