

Confronting Iran and the Future of the JCPOA

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Apr 16, 2018

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Dennis Ross, a former special assistant to President Barack Obama, is the counselor and William Davidson Distinguished Fellow at The Washington Institute.



Brief Analysis

President Trump still seems intent on withdrawing from the deal, but his calculus could change given the lack of diplomatic consensus in Europe and the chemical weapons showdown in Syria.

On April 12, The Washington Institute held the latest forum in its *ongoing LINK series* (<http://www.washingtoninstitute.org/about/link>), featuring presentations by Karen DeYoung, James F. Jeffrey, Jay Solomon, and Dennis Ross. DeYoung is an associate editor and senior national security correspondent for the Washington Post. Jeffrey is the Institute's Philip Solondz Distinguished Fellow and former special assistant to President George W. Bush. Solomon is the Institute's Segal Distinguished Visiting Fellow and author of *The Iran*

Wars: Spy Games, Bank Battles, and the Secret Deals That Reshaped the Middle East. *Ross is the Institute's William Davidson Distinguished Fellow and former special assistant to President Obama. The following is a rapporteur's summary of their remarks.*

KAREN DEYOUNG

Throughout Donald Trump's presidential campaign, he called the Joint Comprehensive Plan of Action the worst deal ever negotiated and argued that it is contrary to American interests. Since assuming office, he has twice refused to certify that Iran is maintaining its commitments under the JCPOA, even though senior members of his administration have verified Tehran's compliance—including Michael Pompeo, the former CIA director he recently nominated as secretary of state. Moreover, while the president signed another legislative sanctions waiver in January, he announced that he would not do so again when the next 120-day deadline arrives in mid-May unless the nuclear agreement is "fixed."

Specifically, he sees three changes as imperative:

1. Reconsidering the "sunset" provisions that will expire after a certain number of years, including limitations on Iran's uranium enrichment capability.
2. Addressing the JCPOA's lack of restrictions on Tehran's long-range ballistic missile program.
3. Toughening the deal's verification provisions.

The European allies that are party to the deal—Britain, France, and Germany—share some of his concerns and have expressed a willingness to help Washington address them, though not in a manner that alters the agreement itself. Over the past several months, they have negotiated potential solutions with U.S. officials, but recent changes to the president's inner circle—including the additions of Pompeo and National Security Advisor John Bolton, two men who have previously advocated withdrawal from the JCPOA—make the next steps uncertain.

JAMES JEFFREY

When President George W. Bush decided to address the Iran issue head on, his administration had to choose between two paths. Putting a permanent stop to all of Tehran's nuclear capabilities would have required a ground invasion similar to what occurred in Iraq, so that path was dismissed in favor of negotiations. Given the nature of the international community, however, such negotiations were destined to result in a temporary, incomplete solution. By going the multilateral route, Washington could not have reached a substantially better agreement at that time, and Tehran knew it.

Despite public statements to the contrary by Vice President Joe Biden, the Obama administration did not seem to want a purely transactional agreement, that is, lifting sanctions solely in return for Iranian nuclear compliance. Rather, it hoped the agreement would be transformational by spurring the regime to become a more responsible member of the international community. The Europeans, driven by commercial interests, shared the same objective. [Article 33 of the JCPOA \(https://www.state.gov/e/eb/tfs/spi/iran/jcpoa/\)](https://www.state.gov/e/eb/tfs/spi/iran/jcpoa/) and other factors indicate a desire to transform Iran and welcome it back into the community of nations, mainly by appealing to its thirst for Western technological and economic advancements. Even apart from this optimistic vision, Germany and the European Union have a strong aversion to using force, so they have been strong advocates of retaining the agreement.

Pulling the plug on the JCPOA could raise diplomatic difficulties elsewhere as well. For example, Turkey is concerned about the notion that a new U.S. administration can quickly scrap a major deal reached by its predecessor. Such reversals could lead allies and adversaries alike to question America's seriousness about adhering to agreements. For now, though, Trump still has relatively good relations with President Recep Tayyip Erdogan,

which could mitigate concerns in Ankara as the next JCPOA deadline approaches.

JAY SOLOMON

Although President Trump will likely pull out of the JCPOA next month, the deal seemed headed toward early collapse or renegotiation in the coming years anyway, for a number of reasons. First, the agreement allows Iran to develop an industrial-scale nuclear capacity when certain restrictions expire over the next decade and a half. The international community is unlikely to accept the prospect of Iran once again reaching the threshold of nuclear weapons, so it would presumably seek to revise the "sunset clauses" well before their originally negotiated due date.

Second, Washington and Tehran continue to disagree over the permissibility of sanctions. Iran believes that the JCPOA prohibits the United States from imposing any such restrictions, while U.S. officials argue that they can still sanction the regime on non-nuclear issues such as human rights abuses, terrorism, and potential involvement in Syrian chemical weapons attacks. So even if the president renews the legislative waivers on nuclear sanctions next month, the JCPOA could still fall apart if heavy non-nuclear sanctions are issued against Iran's Central Bank or its oil exports, since Tehran may see them as violations.

Third, the deal stipulated that inspectors would have "anytime, anywhere" access to suspicious Iranian sites. Yet the parties never reached consensus on this provision, with Iran arguing that certain sites remain off-limits and preventing the International Atomic Energy Agency from fully enforcing inspections. This state of affairs is hardly sustainable in the long term.

Ultimately, Trump can either find a way to resolve these issues or pull out of the agreement. He has not created the European diplomatic consensus needed to renegotiate the deal, though some EU officials have signaled a willingness to accept certain sanctions given Iran's regional activities and resistance to inspections. During the original JCPOA negotiations, France was actually the most hawkish supporter of sanctions, but the Europeans have since prioritized their commercial interests above other considerations. In the end, though, this may work in Washington's favor—the power of the dollar ensures that Europe will not risk its business with the United States just to further trade with Iran, where the economy appears to be on the brink (<http://www.washingtoninstitute.org/policy-analysis/view/mismanagement-leaves-irans-economy-vulnerable>), the main currency has depreciated by 50 percent (<http://www.washingtoninstitute.org/policy-analysis/view/vulnerable-iranian-economy-tests-u.s.-policy-resolve>), and public protests continue.

DENNIS ROSS

At this point, U.S. officials should be focused on reaching an understanding with the Europeans on how to raise the price on Iran when it inevitably ramps up its destabilizing activities in the region. The EU3 will not renegotiate or withdraw from the deal, but they are open to addressing the administration's concerns.

On sunset clauses, they would be willing to make a statement outlining expectations about Iran's future nuclear activities even if they refuse to alter the JCPOA's original provisions. Regarding Tehran's missile program and regional adventurism, they are willing to impose sanctions. European governments have adopted new positions since the United States created leverage, so Washington should use that leverage rather than simply walking away from the deal.

The real concerns about Iran's nuclear capabilities in 2025-2030 should also steer the administration away from withdrawing. The main U.S. objective is to pressure Tehran, but walking away from the JCPOA would only shift the pressure onto Washington. To avoid that scenario, the United States must develop a strategy toward Iran, and pair it with a clear strategy toward Syria. If the administration does not wish to take direct action against Tehran's foreign military activities, it should at least provide Israel with the capability to target any Iranian-linked nuclear infrastructure in Syria. Although it would be difficult for the president to delay his anti-JCPOA pledge indefinitely, he

should keep in mind that now is a particularly good time to use the deal as leverage against a regime that faces ample economic and political challenges at home.

This summary was prepared by Madison Rinder. ❖

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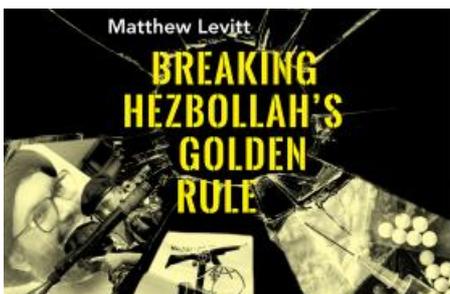
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