

Preserving the JCPOA Means Sending Iran the Right Deterrent Signals

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Brief Analysis

Not enough is being done to convince Tehran that seeking nuclear weapons down the road will lead to forceful consequences, so the next administration will need to put forth a tougher declaratory policy on the issue while bolstering the deal's near-term benefits.

July 14 will mark one year since the announcement of the Joint Comprehensive Plan of Action (JCPOA), the nuclear agreement with Iran. This article is part of [a series of PolicyWatches \(http://www.washingtoninstitute.org/policy-analysis/view/twi-series-on-the-jcpoa-at-one-year\)](#) assessing how the deal has affected various U.S. interests, to be released in the days leading up to the anniversary.

Last year's arguments over the JCPOA were intense, and as in any policy debate that becomes politicized, the claims for and against the deal were largely exaggerated. For the Obama administration, the JCPOA blocked all of Iran's pathways to a nuclear weapon. For opponents, the deal was a giveaway that provided Tehran with sanctions relief and a large nuclear infrastructure that would, in time, pave the way toward a nuclear weapons capability.

In reality, the JCPOA falls somewhere in between. If enforced, it will significantly inhibit Iran's potential paths to a nuclear weapon -- namely, uranium enrichment, plutonium separation, and covert production -- for up to fifteen years. During this period, the maximum enrichment level has been limited to 3.67 percent of the fissile isotope U-235, and Iran cannot possess more than 300 kilograms of enriched material or any reprocessing capabilities. In addition, it would have great difficulty hiding a covert production program with its whole supply chain under verification and its centrifuge bellows/rotors closely monitored. While these restrictions would not completely block such a program, they would certainly raise Tehran's risk of triggering a potentially tough response.

In this sense, closing the path to a nuclear bomb depends less on U.S. verification of the Iranians' JCPOA compliance, and more on U.S. readiness to make them pay a high price if they cheat. Indeed, it is essential that they understand the high price of violations, particularly because of what the JCPOA permits them to develop:

- After fifteen years, there is no limitation on the size of Iran's nuclear industry or the number/quality of centrifuges it can produce.
- Starting in year ten, Iran can install and operate five advanced models of centrifuges.
- While output of these advanced models will be limited until year fifteen, Iran will then be able to expand its production of enriched materials exponentially.
- After year fifteen, Iran will no longer be prohibited from producing high-enriched or even weapons-grade uranium.

All this means that Iran's breakout time will essentially be reduced to zero by 2030 at the latest, even if it complies with every last letter of the JCPOA. When these points were raised during the debate over the agreement, administration officials argued that Iran was already just two months from breakout, and that a deal was needed to increase that warning time to roughly a year. Since then, the Iranians have reduced their operating centrifuges by roughly half to 5,061, shipped out all but 300 kilograms of enriched uranium, filled the core of their heavy-water reactor with cement, and allowed outside monitors to establish an extensive verification system, so it is fair to say that the immediate nuclear threat has indeed been reduced.

Yet that does not lessen the need to bolster deterrence given the size of Iran's permitted nuclear infrastructure and what will, in time, become a very small breakout gap. Should Americans have confidence that everything is being done to signal Iran about the consequences of potential violations?

Unfortunately, the answer appears to be no -- Tehran has already committed several unmistakable violations of UN Security Council Resolution 1929, such as conducting ballistic missile tests, transferring conventional arms, and flouting international travel bans. To be sure, Resolution 2231 endorsed the JCPOA, supplanted the previous resolutions, and softened some of these prohibitions, but the fact remains that Iran has not faced any meaningful consequence for continuing behaviors that are clearly provocative. Moreover, as nuclear expert Eli Levite has pointed out, Iran is resisting efforts to have the procurement channel -- which the JCPOA mandates for the acquisition of certain dual-use materials -- operate under a clear set of requirements. Here again, the Obama administration appears to have little appetite for challenging Tehran or raising the costs of such behavior.

Two additional developments are worth noting. First, in response to Tehran's complaints that it is not receiving the full economic benefits of the JCPOA, the administration has actively worked to convince foreign companies that they are free to do business with Iran, seemingly fearing that President Hassan Rouhani and other "pragmatists" will suffer at the hands of regime hardliners if they cannot demonstrate the nuclear deal's economic benefits soon. Yet one of the main reasons why such benefits have been slow to come is that Iranian banks **still need to undergo thorough reform (<http://www.washingtoninstitute.org/policy-analysis/view/little-change-expected-in-upcoming-fatf-statement-on-iran>)** to meet international standards on money laundering and terrorist financing. Major international banks will hesitate to finance deals or otherwise do business with Iran so long as these standards are not met, since they might otherwise be subject to large fines. That is not an American responsibility, it is an Iranian responsibility. When the administration acts defensively about the slow pace of economic benefits, it makes itself appear to be in the wrong, and also gives the impression that the United States will bend over backwards to address Iran's complaints but not necessarily its violations.

Second, recent reports from the International Atomic Energy Agency indicate that Iran is in compliance with the JCPOA, but the level of information they provide is dramatically less than that found in previous IAEA reports on Iran's nuclear program. Yukiya Amano, the agency's director-general, acknowledged this gap but noted that less

information is required under Resolution 2231 than previous resolutions. Perhaps the members of the P5+1 are getting all the information they need, and perhaps they have agreed to respect Iranian sensitivities by asking the IAEA to keep certain information out of the public eye, such as the amount of 3.67 percent low-enriched uranium still in Iran, the form in which uranium has been sent abroad, the number of centrifuges currently in operation at Natanz, the inventory of roughly 20-percent-enriched uranium remaining in the country, and Iran's current R&D activity on centrifuges (for more on the centrifuge issue, see the [May 27 IAEA report on Iran \(https://www.iaea.org/sites/default/files/16/06/gov2016-23.pdf\)](https://www.iaea.org/sites/default/files/16/06/gov2016-23.pdf)).

Yet if that is the case, then the administration should say so, explaining that the P5+1 and the IAEA have all the information and access they need regarding these and other issues. Transparency was one of the most important arguments in favor of the JCPOA, with the administration emphasizing how the deal would offer the most intrusive arms-control verification regime in history. If that is still true, there is no reason to hide it now. Apart from the fact that the Iranians have shown no concern for U.S. sensitivities, excessive concern for theirs is unlikely to convince them that the price for transgressions will be high.

POLICY RECOMMENDATIONS

At this point, the Obama administration probably won't alter its approach to the Iranian nuclear issue -- it believes that its policies are working, and it seems to fear any action that might provoke the hardliners into further undercutting the pragmatists. Yet the problem is that the JCPOA has constrained the nuclear program temporarily without requiring Iran to forsake a nuclear weapons option, since Tehran is permitted to build a large nuclear infrastructure. Thus, the next administration will need to do more than reiterate its willingness to fulfill U.S. obligations under the JCPOA if Tehran does so -- it will also need to bolster deterrence to reduce any temptation Iran might have to present the world with a nuclear *fait accompli*.

With that in mind, the next administration should toughen U.S. declaratory policy so that Iran understands the consequences of violating its commitment not to seek, acquire, or develop nuclear weapons. Indeed, it is essential that both Tehran and the international community become accustomed to the reality that pursuing a weapon in violation of the JCPOA will trigger force, not sanctions -- given the size and character of Iran's nuclear infrastructure, that is probably the only way to dissuade it from dashing toward a weapon ten to fifteen years down the road.

U.S. officials should also press to make sure the procurement channel operates the way it was intended to -- otherwise, they will lose insight into Iranian activities that may make a weapons capability more likely over time. If Tehran continues to resist what is required, Washington should impose a clear price. The basic mindset on compliance must be "fulfill the obligation or face a penalty."

Finally, while the JCPOA addressed only the nuclear issue, efforts to bolster deterrence would be more credible if the United States also increased the cost of Iran's threatening and destabilizing behavior in the region, which has hardly changed since the deal was signed. Here, Washington should be guided by the same logic that got the Iranians to the table on the nuclear issue: raising the price for not altering their behavior, but still leaving them a way out. This means addressing Tehran's actions vis-a-vis Syria, Iraq, Yemen, and Palestinian terrorist groups. Iran can have a place in a regional security system, but not if it threatens its neighbors and seeks domination. The high cost of sanctions is what produced some semblance of movement in Iranian policy, in the form of Rouhani's election. So if Washington wants to bolster deterrence and strengthen Rouhani's camp, it must make the adventurist policies of the Islamic Revolutionary Guards Corps and their elite Qods Force too costly for Iran.

It is not too late for the JCPOA to fulfill the promises the Obama administration has made about it. But the next administration will need to bolster deterrence if the deal's critics are to be proven wrong.

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