



REVIVAL OF JCPOA? OPPORTUNITIES AND CHALLENGES FOR THE INTERNATIONAL NUCLEAR ARMS CONTROL ARCHITECTURE

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April 20, 2021

(Views expressed in the brief are those of the author, and do not represent those of ISSI)



The debate of the revival of the Iran nuclear deal is once again making rounds in the international nuclear arms control and disarmament circles. The incumbent Biden administration is willing to revive the diplomatic norms once cherished by the White House giving a ray of light for the revival of the deal between Washington and Tehran. The continuation of the deal would not only rehabilitate the international arms control architecture but also reinstate the credibility of international institutions.

During his first major foreign policy speech at the State Department, President Joe Biden stated that “America is back, diplomacy is back at the centre of the US foreign policy.”¹ The statement signalled reversal from his predecessor’s approach and emphasised rejuvenating the US relationship with its allies, re-entering the abandoned agreements and rehabilitating the diplomatic norms which were once cherished by the US.² President Biden hinted that the US is willing to lift sanctions over Iran and will rejoin the Joint Comprehensive Plan of Action (JCPOA) conditioned that Iran must firstly revert

¹ Justin Sink, Mario Parker, “‘Diplomacy is back:’ Biden to Reverse Trump’s Foreign Policy Moves,” *Financial Review*, February 5, 2021, <https://www.afr.com/world/north-america/diplomacy-is-back-biden-to-reverse-trump-s-foreign-policy-moves-20210205-p56zsu>

² Amy Mackinnon, Robbie Gramer and Jack Detsch, “Understanding Biden’s First Foreign-Policy Speech,” *Foreign Policy*, February 5, 2021, <https://foreignpolicy.com/2021/02/05/understanding-bidens-first-foreign-policy-speech/>

to the limitations imposed under the deal.³ President Biden had also expressed the same approach during his election campaign that he would try to mend the reckless decisions of the Trump administration and join the Iran nuclear deal as a starting point for follow-on negotiations.⁴

The Iranian leadership has also clearly stated their intentions for joining the JCPOA provided that the US must remove the sanctions imposed on Iran unconditionally.⁵ Iran's supreme leader, Ayatollah Khamenei, in a statement, stated that Iran would join the 2015 nuclear deal once it verifies that all penalties have been lifted.⁶ Iran has negated any proposals that would change the basic preambles of the nuclear deal and rejected the option for inclusion of any new member state to the JCPOA.⁷ The Iranian Foreign Minister, Javad Zarif, also stated that the US should rejoin the JCPOA and Iran would immediately follow suit.⁸ The visit of the International Atomic Energy Association (IAEA) Director General, Rafael Grossi, to Tehran marked a major break-through in dissuading the Iranian regime from suspending the IAEA inspections.⁹ The meeting acted as a spearhead in breaking the stalemate over the stalled nuclear deal and extended the continuation of the IAEA technical monitoring and security verifications for three months along with continuing implementation and abiding by the Additional Protocols (AP) and Comprehensive Safeguards Agreement with the IAEA, while, Iran bargained to suspended the IAEA snap checks and denied access to camera footage installed at the nuclear facilities to the IAEA.¹⁰ These developments took place in the backdrop of the Biden administration's withdrawal from the snapback mechanism of the UN sanctions over Iran.¹¹ The Acting US Ambassador to the UN, Richard Mills, delivered a letter to the United Nations Security

³ Amanda Macias, "Biden says Iran must return to Negotiating Table before US Lifts Sanctions," *CNBC*, February 7, 2021, <https://www.cnn.com/2021/02/07/biden-says-iran-must-return-to-nuke-deal-before-sanction-relief.html>

⁴ Steven Erlanger, "Biden Wants to Rejoin Iran Nuclear Deal, but it Won't Be Easy," *New York Times*, November 17, 2020, <https://www.nytimes.com/2020/11/17/world/middleeast/iran-biden-trump-nuclear-sanctions.html>

⁵ Golnar Motevalli, "Khamenei Says US Must Move First on Iranian Nuclear Deal," *Bloomberg*, February 7, 2021, <https://www.bloomberg.com/news/articles/2021-02-07/iran-s-khamenei-tells-u-s-to-lift-sanctions-to-fix-nuclear-deal>

⁶ Ibid.

⁷ Ibid.

⁸ Yaghoob Fazeli, "US has 'no choice' but to Rejoin Iran Nuclear Deal: Zarif," *Al Arabiya English*, February 7, 2021, <https://english.alarabiya.net/News/middle-east/2021/02/08/Iran-nuclear-deal-US-has-no-choice-but-to-rejoin-iran-nuclear-deal-Zarif->

⁹ Tuqa Khalid, "UN Nuclear Chief Arrives in Iran ahead of Tehran's Inspection Suspension Deadline," *Alarabiya*, February 20, 2021, <https://english.alarabiya.net/News/middle-east/2021/02/20/Iran-nuclear-deal-UN-nuclear-chief-arrives-in-iran-ahead-of-tehran-s-inspection-suspension-deadline>

¹⁰ "Joint statement by the Vice-President of the Islamic Republic of Iran and Head of the AEOI and the Director General of the IAEA," International Atomic Energy Agency (IAEA), February 21, 2021, <https://www.iaea.org/newscenter/pressreleases/joint-statement-by-the-vice-president-of-the-islamic-republic-of-iran-and-head-of-the-aeoi-and-the-director-general-of-the-iaea>

¹¹ Joseph Haboush and Talal Al-Haj, "Biden Withdraws Trump 'snapback' Claim on UN Sanctions against Iran," *Alarabiya*, February 19, 2021, <https://english.alarabiya.net/News/middle-east/2021/02/19/US-foreign-policy-biden-withdraws-trump-snapback-claim-on-un-sanctions-against-iran>

Council members that the White House is rescinding the Trump administration's snap-back sanctions imposed on Iran in September 2020.¹²

The JCPOA was entered into force on July 14, 2015, after a series of negotiations carried out between Iran and P5+1 member states under the UNSCR 2231.¹³ The Iran nuclear deal aimed at capping Tehran's ability from enriching Uranium U-235 to 3.67% for 15 years. The JCPOA aimed at limiting the operations of IR-1/IR-1s to 5,060 centrifuges for a period of the next 10 years and inhibiting Iran from conducting research and developing advanced centrifuges.¹⁴ Whereas, Iran reported to have tested the new advanced IR-9B centrifuges which have a separative capacity of 50 separative work unit SWU along with testing of IR-5 and IR-6s centrifuges.¹⁵ The deal allowed the uranium enrichment production for 15 years only at Natanz nuclear site, while, converting the Fordow research facility into a stable isotope production site and deactivating the core of the Arak reactor to reduce the production of weapons-grade plutonium output.¹⁶ According to the IAEA report, Iran maintains a stockpile of 3613.8 kg of Low Enriched Uranium LEU Hexa-Fluoride mass HF6 out of which 2442.9 kg is enriched below 5%.¹⁷ The JCPOA also implemented an embargo over Iran to acquire heavy arms for 5 years and ballistic missiles technology for 8 years.¹⁸ The JCPOA on the other hand was aimed to give Iran economic relief, terminating all previous UN sanctions upon implementation of UNSCR 2231.¹⁹ The nuclear deal also aimed at enhancing the avenues for the peaceful use of nuclear technology for Iran under the relevant articles of the Non-Proliferation Treaty (NPT).²⁰ The treaty also aimed at the initiation of cooperative nuclear projects, the development of new reactors at the Buser nuclear facility and assisting Iran in transferring the

¹² "US Rescinds Trump Assertion that all UN Sanctions had been Reimposed on Iran," *Iran International*, February 19, 2021, <https://iranintl.com/en/iran-in-brief/us-rescinds-trump-assertion-all-un-sanctions-had-been-reimposed-iran?page=1>

¹³ US Department of State, *Joint Comprehensive Plan of Action*, US Department of State, July 14, 2015, <https://20092017.state.gov/e/eb/tfs/spi/iran/jcpoa//index.htm>

¹⁴ Ibid.

¹⁵ Maziar Motamedi, "Iran Tests Newest Advanced Nuclear Centrifuges," *Aljazeera*, April 10, 2021, <https://www.aljazeera.com/news/2021/4/10/iran-unveil-advanced-centrifuges-civilian-nuclear-achievements>

¹⁶ "Annex I – Nuclear-related measures," *Joint Comprehensive Plan of Action*.

¹⁷ David Albright, Sarah Burkhard and Andrea Stricker, "Analysis of November 2020 IAEA Iran Verification and Monitoring Report," Institute for Science and International Security (ISIS), November 12, 2020, [https://isis-online.org/isis-reports/detail/analysis-of-iaea-iran-verification-and-monitoring-report-november-2020#:~:text=On%20July%201%2C%202019%2C%20the,of%20LEU%20\(uranium%20mass\).&text=Iran%20added%20337.5%20kg%20\(uranium,a%20total%20of%2069%20days](https://isis-online.org/isis-reports/detail/analysis-of-iaea-iran-verification-and-monitoring-report-november-2020#:~:text=On%20July%201%2C%202019%2C%20the,of%20LEU%20(uranium%20mass).&text=Iran%20added%20337.5%20kg%20(uranium,a%20total%20of%2069%20days).

¹⁸ *Joint Comprehensive Plan of Action*.

¹⁹ Ibid.

²⁰ Ibid.

enriched uranium out of Iran.²¹ The treaty enabled in rehabilitating the straining Iranian economy from GDP of -12.46 % in 2015 to 6.42% in 2016 following the entry of JCPOA.²²

The unilateral withdrawal of the US from the Iran nuclear deal on May 8, 2018, under the Trump administration and the imposition of severe economic sanctions under the “maximum pressure” approach, derailed the JCPOA.²³ A step that was regretted by other P5 members including France, England and Germany.²⁴ The US subsequently reverted from cooperative nuclear projects, including the termination of waivers on the construction of additional nuclear reactors at Buser nuclear reactor. The diplomatic coercion from the Trump administration increased with alleged allegations of violations of the nuclear deal by Iran which were officially denied by Tehran.²⁵ These events were followed by a series of cyber-attacks and mysterious explosions on sensitive Iranian nuclear sites which were accredited to Israel.²⁶ Following the US sanctions Iran reverted from its commitments under the JCPOA and stated that it is now free to increase the production of enriched uranium U-235 from the existing limit of 3.67%. Iran recently also passed a law from its parliament legalising the production of enriched uranium from the current level of 4% to approximately 20% (120 kilograms) annually.²⁷

The incumbent White House administration’s emphasis on re-initiation of democracy and diplomatic norms gives a signal to Tehran of the possibility for forward momentum in the stalemate over the nuclear deal. The Biden administration although willing to rejoin a longer and stronger nuclear deal would lift sanctions provided that Iran reverts to the post-JCPOA status quo.²⁸ While, on the other hand, Iran insists that it is open to any positive development in the deal and will enter compliance conditioning removal of all sanctions by the US.²⁹ Israel has shown its aversion towards any prospects of the future extension of the Iran nuclear deal and threatened military action against

²¹ “Annex I – Nuclear-related measures,” *Joint Comprehensive Plan of Action*.

²² “Iran - Gross domestic product per capita in current prices,” <https://knoema.com/atlas/Iran/GDP-per-capita#:~:text=In%202020%2C%20GDP%20per%20capita,7%2C257%20US%20dollars%20in%202020>.

²³ Tom DiChristopher, “Trump Announces he will Withdraw US from Iran Nuclear Deal and Restore Sanctions,” *CNBC*, May 8, 2018, <https://www.cnbc.com/2018/05/08/trump-to-announce-he-will-withdraw-us-from-iran-nuclear-deal.html>

²⁴ Ibid.

²⁵ “Iran Rejects US Accusation it long Violated Nuclear Deal,” *Reuters*, July 2, 2019, <https://www.reuters.com/article/us-mideast-iran-usa-idUSKCN1TX0BX>

²⁶ Jiyar Gol, “Iran blasts: What is behind Mysterious Fires at Key Sites?” *BBC*, July 6, 2020, <https://www.bbc.com/news/world-middle-east-53305940>

²⁷ Parisa Hafezi, “Iran Watchdog Passes Law on Hardening Nuclear Stance,” *Reuters*, December 2, 2020, <https://www.reuters.com/article/us-iran-nuclear-law-idUSKBN28C2F7>

²⁸ “Iran’s Zarif Proposes Coordinated Return to Nuclear Deal with US,” *Aljazeera*, February 2, 2021, <https://www.aljazeera.com/news/2021/2/2/eu-official-could-mediate-return-to-iran-nuclear-pact-zarif>

²⁹ Ibid.

Iran.³⁰ Iran dismissed Israel's provocative and warmongering threats stating they were an act of psychological warfare and sent a letter to the UN Secretary-General, Antonio Guterres, calling for a proportionate response by the international community against Israel's belligerent rhetoric.³¹ The Vienna talks between the US and Iran are considered 'constructive' and Iran signalled that it was ready to debate the details of how the two sides can revive the stricken 2015 accord.³² The joint commission is aimed at rehabilitating the 2015 Iran nuclear deal and ensure effective implementation.³³ China also reiterated Iran's stance that the US should lift the unilateral sanctions on Iran and reinstate the JCPOA deal.³⁴ China is also affected by the sanctions on Iran as it is investing over US\$400 billion in various sectors including industrial, financial, technological fields for the next 25 years.³⁵

The dawn of a new decade had brought with itself a new set of opportunities and challenges especially when it comes to the realm of diplomatic norms and nuclear arms control treaties in particular. Both Washington and Tehran administrations braked the ice over the stalled JCPOA by revoking UN snapback sanctions and extending the IAEA inspections respectively. If the US further moves forward with waiving out the economic sanctions completely it would increase its leverage during the follow-on negotiations, while, reasserting the US commitment to the international arms control measures.³⁶ On the other hand, if Iran adopts the approach of freezing, capping and rolling back from its nuclear programme under the JCPOA, it would enable Tehran to repatriate its revenues and acquire relief amid the ongoing economic and health crisis. Tehran's regime could also use a successful resumption of the JCPOA deal as a feather of political success during the upcoming June 2021 elections. Moreover, the US and Iran must further use the good offices of the EU, UN and IAEA to facilitate the revival of the JCPOA. The extension of a new and stronger Iran nuclear deal

³⁰ Arie Egozi, "Israelis Say They'll Attack Iran if US Eases Sanctions," *Breaking Defense*, January 25, 2021, <https://breakingdefense.com/2021/01/israelis-say-theyll-attack-iran-if-us-eases-sanctions/>

³¹ Maziar Motamedi, "Iran calls for UN response over Israeli Military Action Threat," *Aljazeera*, February 7, 2021, <https://www.aljazeera.com/news/2021/2/7/iran-calls-for-un-response-over-israeli-military-action-threat>

³² "Signs of Thaw on Iran Nuclear Deal Emerge in Vienna Talks," *Bloomberg*, April 18, 2021, <https://www.bloomberg.com/news/articles/2021-04-18/signs-of-thaw-on-iran-nuclear-standoff-emerge-in-vienna-talks>

³³ "JCPOA: Chair's Statement following the meeting of the Joint Commission," European Union, April 9, 2021, https://eeas.europa.eu/headquarters/headquarters-homepage/96414/jcpoa-chairs-statement-following-meeting-joint-commission_en

³⁴ Farnaz Fassihi, Steven Lee Myers China, "With \$400 Billion Iran Deal, Could Deepen Influence in Mideast," *New York Times*, March 29, 2021, <https://www.nytimes.com/2021/03/27/world/middleeast/china-iran-deal.html>

³⁵ Ibid.

³⁶ Mahsa Rouhi, "Reviving the Nuclear Deal Gives the US More Leverage Over Iran," *Foreign Policy*, February 15, 2021, <https://foreignpolicy.com/2021/02/15/reviving-the-nuclear-deal-gives-the-u-s-more-leverage-over-iran/>

would not only revalidate the international arms control agreement but, also restore the trust deficit which had been created due to the policies of the previous White House administration.