

REVIVAL OF JOINT COMPREHENSIVE PLAN OF ACTION: CHALLENGES AND PROSPECTS

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



After the Iran nuclear deal, also known as the Joint Comprehensive Plan of Action (JCPOA) came to a halt in 2018 under Trump administration, the US and Iran have been undergoing negotiations this year. The eighth round of negotiations resumed in Vienna on January 03, 2022.¹ There have been no direct talks between Washington and Tehran after the US withdrew from the agreement in 2018.² According to Hossein Amir Abdollahian, Foreign Minister of Iran, the US officials have insisted on direct negotiations to restore the 2015 accord.³ Meanwhile, no consensus has been reached yet because the US wants Iran to comply with the JCPOA's terms and conditions.⁴ While Iranian leaders have insisted the US to lift sanctions first. The US officials believe that without an agreement, Iran would continue to enrich its fissile material and eventually produce nuclear weapons,

¹ "Timeline of Nuclear Diplomacy with Iran," Arms Control Association, January 2022, <https://www.armscontrol.org/factsheets/Timeline-of-Nuclear-Diplomacy-With-Iran>

² "Delegates at New Round of Iran Nuclear talks Strike Hopeful Note," Al Jazeera, December 27, 2021, <https://www.aljazeera.com/news/2021/12/27/iran-nuclear-talks-vienna-hopeful-note-jcpoa>

³ "Iran 'will Consider' Direct talks with US, says Foreign Minister," Al Jazeera, January 24, 2022, <https://www.aljazeera.com/news/2022/1/24/iran-will-consider-direct-talks-with-us-says-foreign-minister>.

⁴ "Nuclear Deal Unlikely Unless Iran Releases US Prisoners," Al Jazeera, January 24, 2022, <https://www.aljazeera.com/news/2022/1/24/iran-nuclear-deal-unlikely-without-us-prisoner-release-report>

further destabilising the region.⁵ The talks have been deadlocked on the sequencing steps towards the revival of JCPOA.

In the latest round of talks held on January 28 2022, the parties have declared that a point has been reached where political decisions must be made. The US Secretary of State, Antony Blinken, says, “it is getting to the point where its breakout time, the time it would take to produce fissile material for a bomb, is getting down to a matter of a few weeks and that in and of itself is something that should not be sustained over time.”⁶

Iran has put forward few demands to return to the terms of the agreement because its economic goals are being hampered because of overburdening sanctions. It insisted that Washington should compensate for the sanctions it has imposed by unfreezing US\$10 billion of frozen assets as a goodwill gesture to show the desire the US has to lift sanctions (after Biden came into power). Iran also emphasised lifting non-JCPOA sanctions, which are contrary to the nuclear deal. Moreover, it has encouraged the presence of a mechanism that shall verify for sanctions if they are being removed or not.⁷ The agreement would remain under the shadow of jeopardy until the US does not lift all sanctions.

Barack Obama negotiated the JCPOA because he believed that it would contribute towards the non-proliferation goals while Trump viewed it as the worst kind of agreement ever signed. In 2015, this deal came into existence to deter Iran from continuing its nuclear programme and five countries (China, Russia, the US, UK, France and Germany) known as “P5+1” are members of it. According to the agreement, Iran would not produce highly enriched uranium, which could be used for producing nuclear weapons vis-à-vis taking effective measures to allow civilian work (medical and industrial research) only at Fordow, Natanz and Arak facilities. It also imposed limits on the number of centrifuges and the size of its stockpile of enriched uranium.⁸

The international community has left no stone unturned in reviving this deal, Russia has come up with a proposal of an interim agreement with Iran that would involve limited sanctions relief in return for some restrictions on its nuclear programme. According to some sources, under a draft of

⁵ “What is the Iran Nuclear Deal?” Council on Foreign Relations, August 18, 2021, <https://www.cfr.org/backgrounder/what-iran-nuclear-deal>

⁶ “Iran Nuclear Deal talks Adjourn as US Continues to Warn Window for Return is Closing,” CNN, January 28, 2022, <https://edition.cnn.com/2022/01/28/politics/iran-talks-round-eight-pause/index.html>

⁷ “Reading Through Iran’s Nuclear Demands,” The Washington Institute for Near East Policy, November 24, 2021, <https://www.washingtoninstitute.org/policy-analysis/reading-through-irans-nuclear-demands>

⁸ “What is the JCPOA, the Deal Meant to Restrict Iran’s Nuclear Activity?” *The Economist*, November 23, 2021, <https://www.economist.com/the-economist-explains/2021/11/23/what-is-the-jcpoa-the-deal-meant-to-restrict-irans-nuclear-activity>

this agreement, Tehran would be stopped from enriching uranium up to 60 per cent and shall dispose of its stockpile by exporting it to Russia. In return, it would receive access to billions of dollars in oil revenues in foreign bank accounts including those in South Korea. However, Tehran has refused to accept the proposal. If any possible understanding reaches, the US would most probably showcase it as the first step in reviving JCPOA.⁹

The EU's foreign policy chief, Joseph Borell, was optimistic about the current progress of the deal and he reiterated that talks in Vienna are advancing in a better atmosphere.¹⁰ In a joint statement, the French, German and British foreign ministers grieved over the US's decision on withdrawal from the agreement, the ministers have also stated that they shall make efforts to bring back both the states to the negotiation table. Hence, the EU has been acting as a negotiator between them.¹¹

The US President, Joe Biden, said that withdrawing from the agreement was sheer negligence on the Trump administration's part. He wrote in a September op-ed for *CNN* that he would offer Tehran a path back to diplomacy in a credible manner.¹² So far, Biden has not been able to fulfil his campaign commitments to seek revival of the JCPOA. Biden's team aims to reduce defence and foreign commitments in the Middle East to tackle the challenges posed by the rising power China as well as Russia while cooperating with them on other global issues.¹³ Another reason is the unified coalition of Gulf States and Israel who are against the revival of the JCPOA. The Israeli Defence Minister in a speech after Biden's inauguration stated that Americas' return to the JCPOA would be "wrong." The COVID-19, rising domestic terrorism and climatic changes are posing serious threats to its national security, which is also, why Biden has not yet been successful in retrieving the deal.¹⁴

According to the IAEA's report of November 17, 2021, Iran's stockpile of uranium enriched to 20 per cent is 114 kilograms, which was 85 kilograms and the stockpile of uranium enriched to 60 per cent of U-235 is 17 kilograms, which used to be 10 kilograms. This kind of enrichment increases the chances for Iran to enrich uranium up to the levels suitable for creating nuclear weapons. In January

⁹ "Russia Proposed Interim Nuclear Deal to Iran, with US Knowledge, sources say," *NBC News*, January 22, 2022, <https://www.nbcnews.com/politics/national-security/russia-proposed-interim-nuclear-deal-iran-us-knowledge-sources-say-rcna13039>

¹⁰ "Top EU Official: I was Previously Pessimistic, but Nuclear Deal with Iran Possible," *The Times of Israel*, January 14, 2022, <https://www.timesofisrael.com/top-eu-official-i-was-previously-pessimistic-but-nuclear-deal-with-iran-possible/>

¹¹ "Iran Nuclear Deal: European Powers Trigger Dispute Mechanism," *BBC*, January 14, 2022, <https://www.bbc.com/news/world-middle-east-51104579>

¹² "Biden Wants to Re-join Iran Nuclear Deal, but It Won't Be Easy," *The New York Times*, November, 17, 2020, <https://www.nytimes.com/2020/11/17/world/middleeast/iran-biden-trump-nuclear-sanctions.html>

¹³ "Biden, Iran and The Middle East: A Failure to Learn," Hoover Institution, June 15, 2021, <https://www.hoover.org/research/biden-iran-and-middle-east-failure-learn>

¹⁴ "Why Biden Can't Turn Back the Clock on the Iran Nuclear Deal," Rand Corporation, March 01, 2021, <https://www.rand.org/blog/2021/03/why-biden-cant-turn-back-the-clock-on-the-iran-nuclear.html>

2021, when Iran enriched uranium up to 20 per cent, its main objective was to pressure the US to lift sanctions, which it reimposed after withdrawing from the deal.¹⁵

Finally, in 2018 Trump withdrew from the agreement unilaterally. He was never in favour of the deal and opposed it vehemently; he stated that his administration would impose the highest level of economic sanctions on Iran again. According to him, the deal failed to restrict Iran from its missile programme and its support for proxy forces in the Middle East.¹⁶ Consequently, in 2019, Iran committed breaches by enriching uranium beyond levels allowed by the JCPOA and other parties to the agreement criticised its attempt to pursue fissile material. Iran claims that its nuclear programme is for peaceful purposes.

In the past few years, the US has shown negligence towards the significance of arms control since Trump withdrew from many treaties including the Intermediate-Range Nuclear Forces (INF) Treaty, Treaty on Open Skies, New START (Trump did not agree to its extension. Biden administration extended it in February 2021). He also withdrew from nonbinding arrangements and international organisations and the JCPOA was one of them.¹⁷ Due to these withdrawals, the US moved away from the significant treaties related to arms control. It gave Iran a chance to advance its nuclear programme, which is further leading to a perilous situation in the international community.

Keeping in view the tense relations between the US and Iran, it is very hard to anticipate if the US would be successful in bringing Iran back to the agreement. However, it can consult Russia and China on the scale and pace of rebuilding Iran's nuclear infrastructure and urge them not to act in a way that would further exacerbate the current situation. For the US, one option is that it can achieve an interim agreement that would temporarily deter Iran from exceeding the limits prescribed by JCPOA in exchange for some sanctions relief.¹⁸ Finally, the stalemate can also be broken if both the states exchange positive gestures by moving towards mutual compliance, which might ease up the simmering tensions between them as well as in the region.¹⁹ Both should put their hostilities aside because the US does not want Iran to develop nuclear weapons, and Iran is in desperate need of

¹⁵ "Iran's Nuclear Growth Puts Deal at Risk," Arms Control Association, December, 2021, <https://www.armscontrol.org/act/2021-12/news/irans-nuclear-growth-puts-deal-risk>

¹⁶ "Factbox: A Breach of Iran Nuclear Deal could Trigger Sanctions Snapback," *Reuters*, July 01, 2019, <https://www.reuters.com/article/us-iran-nuclear-factbox-idUSKCN1TW2RS>

¹⁷ "Reengaging on Treaties and other International Agreements (Part I): President Donald Trump's Rejection of International Law," Just Security, October 02, 2021, <https://www.justsecurity.org/72656/reengaging-on-treaties-and-other-international-agreements-part-i-president-donald-trumps-rejection-of-international-law/>

¹⁸ "Averting a new Iranian Nuclear Crisis," Brookings, January 17, 2022, <https://www.brookings.edu/policy2020/bigideas/averting-a-new-iranian-nuclear-crisis/>

¹⁹ "The Arduous Path to Restoring the Iran Nuclear Deal," Arms Control Association, April, 2021, <https://www.armscontrol.org/act/2021-04/features/arduous-path-restoring-iran-nuclear-deal>

sanction relief. All parties involved should strive for the revival of the JCPOA because it ultimately serves the goal of nuclear non-proliferation.