

FAILURE OF REVIVAL OF JCPOA? IMPLICATIONS FOR REGIONAL STABILITY

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After the unilateral withdrawal of the Trump administration from Iran’s nuclear deal known as the Joint Comprehensive Plan of Action (JCPOA) in 2018, the Biden administration showed a renewed interest in the revival of Iran’s nuclear deal once it came to power in 2021. The US President, Joe Biden, said in his first major foreign policy speech at the State Department that “America is back at the centre of the US foreign policy.”¹ The present government of Biden is willing to revive the diplomatic norms and that is why his administration started new diplomatic efforts to get both Tehran and Washington to fully comply with the postulates of the 2015 deal giving a beam of light for the revival of the deal.² However, Iran refused to meet directly with the US until the sanctions enforced by the Trump administration are lifted. Iran demanded that the US should make up for the sanctions Trump has imposed by unfreezing US\$10 billion of frozen assets as a goodwill gesture. Iran also stressed lifting non-JCPOA sanctions, which is different from the nuclear deal.³ After a long struggle, negotiation started in Vienna in January 2022 between P5+1

1 Justin Sink and 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/>.

3 “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>.

and Iran but ended without any success as the Supreme leader of Iran, Ali Khamenei, called it another “act of deception” on the hands of the US aimed at disarming Iran from its “elements of power.” The 11 months long negotiations brought no fruit, as Iran demanded the US to pledge that no future US president will unilaterally withdraw from the deal and the biggest hurdle was Iran’s demand about pulling out Islamic Revolutionary Guard Corps (IRGC) name from the US Foreign terrorist organisation (FTO) list.⁴

On August 3, 2022, it was announced that a new round of negotiations started over the Iranian nuclear deal with the EU as a moderator and this time, a recommenced Iran nuclear deal negotiation appears to be closer than ever.⁵ These efforts for the revival of the nuclear deal are proof that diplomacy is still the best option even for solving the most confrontational issues. Iran has displayed flexibility on issues like the withdrawal of IRGC from FTO’s list. On August 15, 2022, the Iranian advisor of negotiating team said that “we are closer than we have ever been before.”⁶ After months of intense indirect negotiations, the EU finally submitted a draft, and EU Foreign Policy Chief, Joseph Borrell, circulated a final draft of the agreement. He said in his tweet on August 8, 2022, that a “final draft of the deal is announced and what can be negotiated has been negotiated and that if Washington and Tehran respond positively, we can sign this deal.”⁷ A response from Iran on Borrell’s final draft came on August 15, 2022, while according to the US State Department Spokesman, Ned Price, the US responded on August 24, 2022. However, as per the coordinator of the White House National Security Council for Strategic Communication, John Kirby, there are still gaps between Washington and Tehran and “We’re not there yet,”⁸ the Iranian Foreign Ministry Spokesperson, Nasser Kanaani, authorised that Tehran received the response and Iran replied to the US comments on September 2, 2022. After all these intense negotiations, the US told Israel that an Iranian nuclear

4 Robert Einhorn, “Reviving the JCPOA is the Better Alternative — but can it be made Sustainable”? Brookings: Foreign Policy, 2022, 1-13.

5 “Nuclear talks between US and Iran to Resume ‘in Coming days,’ Tehran and EU say,” *France 24*, July 26, 2022, <https://www.france24.com/en/middle-east/20220626-nuclear-talks-between-us-and-iran-to-resume-in-coming-days-tehran-and-eu-say>.

6 Kelsey Devenport, “Iran Nuclear Deal Negotiations Reach Final Stage,” Arms Control Association, September 2022, <https://www.armscontrol.org/act/2022-09/news/iran-nuclear-deal-negotiations-reach-final-stage>.

7 Ibid.

8 Ibid.

deal is unlikely soon and the State Department said that Iran's recent response to the EU draft is "not constructive."⁹

The question arises that after all these efforts, what are the hurdles that are delaying the revival of the deal? "Neither" the US, the EU nor Iran has specified the newest stumbling blocks for returning to the JCPOA. The resurrection of the JCPOA appears to hang on some key differences. Since Washington and Tehran have put forward their response to the text; the two sides are chiefly rowing over the issues like Iran's earlier nuclear activities. The nuclear monitor of the United Nations, the International Atomic Energy Agency (IAEA), discovered traces of uranium at three clandestine sites in Iran before 2004 and commenced "safeguards" investigations.¹⁰ According to Peter Jenkins, previous British Ambassador to the IAEA, "Iran is trying to draw a line under its past nuclear activities." Iran demanded publically that before signing the deal, IAEA inspectors should wrap up the inquiry of undeclared nuclear sites but the US wants the investigations to be unhampered. Together with its claim that the IAEA should end its probe on undeclared sites, Iran requires the US to pledge economic guarantees if any future US administration withdraws from the deal like the Trump administration.¹¹ Apart from these differences, the factor of Israel's objections to the deal is also playing a critical role in delaying the deal. Israel is trying its best to thwart Iran's nuclear deal.¹² Israel is a staunch opponent of Iran's nuclear programme and has taken several measures to halt it. For example, the Stuxnet attack on Iran's nuclear facility and assassination of Iran's nuclear scientists "between" 2010-2020.¹³ Israel's Prime Minister Yair Lapid said on 24, August 2022, that "Iran's nuclear deal is the worst deal because it will give Iran US\$100 billion that will be used to destabilise the stability of the Middle East by funding proxies like Hezbollah and Hamas." He added that Israel does not consider itself self-bound by this agreement and will do every measure possible to prevent Iran from acquiring nuclear weapons.¹⁴

Conclusively, a new and renewed deal will be in the favour of the international community as it will be a win-win situation because it will be a positive-sum game for both sides instead of a zero-sum

⁹ "US says Iran's Latest Response on Nuclear Deal 'not Constructive,'" *Aljazeera*, September 2, 2022, <https://www.aljazeera.com/news/2022/9/2/us-says-irans-latest-response-on-nuclear-deal-not-constructive>.

¹⁰ Courtney MacBride, "Iran Nuclear Deal Stall again after Latest Response from Tehran," *Bloomberg*, September 3, 2022, <https://www.bloomberg.com/news/articles/2022-09-02/iran-nuclear-talks-stall-again-after-latest-response-from-tehran#xj4y7vzkg>.

¹¹ Ibid.

¹² Jonathan Lis, "Behind the Scenes, Israel working Tirelessly to Thwart the Iran Nuclear Deal," *Haaretz*, September 4, 2022, <https://www.haaretz.com/israel-news/2022-09-04/ty-article/.premium/israel-still-trying-to-undermine-iran-nuclear-deal/00000183-04f9-de92-a7d7-5ffdf2a00000>.

¹³ Bidi Leila, "The Israeli-Iranian Rivalry and its Impact on the Iran Nuclear Deal," *Journal of Law and Political Science*, 2022, 1208-1223.

¹⁴ Linda Gradstein, "Israel Attacks Emerging Iran's Deal," *VOA News on Iran*, August 25, 2022, <https://www.voanews.com/a/israel-attacks-emerging-iran-deal-/6715864.html>.

game. For Iran, under JCPOA, sanctions will be lifted and for the West, it will be the guarantee that Iran will not procure nuclear weapons ensuring regional stability. Without any deal, Iran will continue enriching uranium (currently 60 per cent enrichment, which is close to weapon grade) and will gain more expertise in the field.¹⁵ Without the deal, the regional allies of the US like Israel will be concerned about the nuclear ambitions of Iran and will act according to their threat perception, which can lead to pre-emptive strikes on Iran's nuclear facilities escalating the situation. Revived JCPOA will be able to lessen pressures for preemptive military strikes diminishing the chances of escalating a regional armed conflict.¹⁶ If Iran becomes a nuclear state, it could start the "withdrawal provision" of the Nuclear Non-Proliferation Treaty (NPT), which allows the withdrawal of states from the treaty if the national interests of the state are at stake.¹⁷ However, revived JCPOA would stop Iran from obtaining nuclear weapons for a further eight years thus reducing the likelihood of near-term preemptive attacks on Iran's nuclear sites and armed conflict in the Middle East. Thus, despite its shortcomings, a revived deal is a much better option, which would be conducive to regional peace and stability and would advance the aims of the non-proliferation regime.

¹⁵ Samira N Nikou, "Timeline of Iran's Nuclear Activities," United States Institute for Peace: The Iran Primer, August 17, 2021.

¹⁶ Seyed Hossein Mousavian, "Towards a New Regional Strategy in the Persian Gulf," Ideas politics.

¹⁷ United Nations, "Treaty on the Non-proliferation of Nuclear Weapons (NPT)," <https://www.un.org/disarmament/wmd/nuclear/npt/text>.