

The Issue of the Renegotiation of the JCPOA

The Joint Comprehensive Plan of Action (JCPOA) is also known as the Iran Nuclear Agreement. It is a landmark accord that was reached between Iran and several powers in July 2015. At the heart of the negotiations with Iran were the 5 permanent members of the UN Security Council (China, France, Russia, the United Kingdom, and the United States) as well as Germany (the P5+1).

Prior to the JCPOA, the P5+1 had been negotiating with Iran for years, offering its government various incentives to halt uranium enrichment. After the 2013 election of President Hassan Rouhani, viewed as a reformer, the parties came to a preliminary agreement to guide negotiations for a comprehensive deal. For its part, Iran sought the JCPOA for relief from international sanctions, which starved its economy of more than \$100 billion in revenues in 2012–2014 alone. The European Union was also involved. Some Middle Eastern powers, such as Saudi Arabia, believe they should have been consulted or included in the talks because they would be most affected by a nuclear-armed Iran. Israel explicitly opposed the agreement, stating that it was too lenient.

It was under the terms of the JCPOA that Iran agreed to dismantle much of its nuclear program and open its facilities to more extensive international inspections in exchange for billions of dollars' worth of sanction relief. Proponents of the deal said that it would help prevent a revival of Iran's nuclear weapons program and thereby reduce the chances of conflict between Iran and its regional rivals, including Israel and Saudi Arabia. However, the deal has been in jeopardy since President Donald Trump withdrew the United States in 2018. In retaliation for the U.S. departure and for attacks on Iranians in 2020, including one by the United States, Iran has resumed some of its nuclear activities. In 2021, President Joe Biden said that the United States would return to the deal if Iran came back into compliance. Renewed diplomacy initially seemed promising, but after stop-and-go talks, it remains unclear if the parties can come to an agreement.

Many of the JCPOA's restrictions on Iran's nuclear programme have expiration dates. For example, limits on the amount of low-enriched uranium Iran can possess will be lifted 8 years from now. Some of the deal's opponents faulted these so-called "sunset provisions", saying they would only delay Iran building a bomb while sanctions relief would allow it to underwrite terrorism in the region. The restrictions included Iran not producing highly enriched uranium that could be used in a nuclear weapon. It also took steps to ensure its Fordow, Natanz, and Arak facilities pursued only civilian work, such as medical research. Iran also agreed to eventually implement a protocol that would allow inspectors from the International Atomic Energy Agency (IAEA), unrestricted access to its nuclear facilities and potentially to undeclared sites. The IAEA has issued quarterly reports to the UN Security Council on Iran's implementation of its nuclear commitments.

A body known as the Joint Commission, which includes representatives of all the negotiating parties, monitors implementation of the agreement and resolves disputes. A majority vote by its members can gain IAEA inspectors access to suspicious, undeclared sites. The body also oversees the transfer of nuclear-related or dual-use

materials. The international parties agreed to lift an existing UN ban on Iran's transfer of conventional weapons and ballistic missiles after five years if the IAEA certifies that Iran is only engaged in civilian nuclear activity. If any signatory suspects Iran is violating the deal, the UN Security Council may vote on whether to continue sanctions relief. This "snapback" mechanism remains in effect for ten years, after which UN sanctions are set to be permanently removed. In April 2020, the United States announced its intention to snap back sanctions. The other P5 members objected to the move, saying the United States could not unilaterally implement the mechanism because it left the nuclear deal in 2018.

The deal has been near collapse since President Trump reinstated devastating banking and oil sanctions in 2018. Trump said the agreement failed to address Iran's ballistic missile program and its proxy warfare in the region, and he claimed that the sunset provisions would enable Iran to pursue nuclear weapons in the future. Iran accused the United States of renegeing on its commitments, and faulted Europe for submitting to US unilateralism. Following the US withdrawal, several countries – US allies among them – continued to import Iranian oil under waivers granted by the Trump administration, and Iran continued to abide by its commitments. A year later, the United States ended the waivers with the aim of halting Iran's oil exports completely.

In response to such actions, which Tehran claimed amounted to breaches of the deal, Iran started exceeding agreed-upon limits to its stockpile of low-enriched uranium in 2019 and began enriching uranium to higher concentrations. It also began developing new centrifuges to accelerate uranium enrichment; resuming heavy water production at its Arak facility; and enriching uranium at Fordow. In January 2020, after the US targeted killing of a top Iranian general, Qasem Soleimani, Iran announced it would no longer limit its uranium enrichment. In October, it began constructing a new centrifuge production centre at Natanz. In November, in response to the assassination of a prominent nuclear scientist, Iran's parliament passed a law that led to a substantial boost in uranium enrichment at Fordow. The following year, Iran announced new restrictions on the IAEA's ability to inspect its facilities, and soon after ended its monitoring agreement with the agency completely.

JCPOA signatories began talks to bring the US and Iran back into the agreement in April 2021, but they've been inconsistent, complicated by Iran's election of Raisi as president and Russia's invasion of Ukraine, among other developments. Moreover, Tehran and Washington still disagree on several issues. US officials have warned against more delays, saying further nuclear advances by Iran could make returning to the original deal impossible. Amid reports that Iran was days away from enriching enough uranium for the production of a bomb, President Biden declared in July that the United States will use "all elements of its national power" to prevent the country from acquiring a nuclear weapon.

Points to consider:

- Is your country involved in negotiations and if so, what is their view?
- What consensus can be reached that will be accepted by both the US and Iran?

- How will you approach achieving a solution to the issue?
- What should the role of bodies such as the IAEA be?
- Is it possible to prevent a country from building nuclear weapons without encroaching upon their sovereignty?

Useful links:

<https://www.cfr.org/backgrounder/what-iran-nuclear-deal>

<https://www.csis.org/analysis/other-sides-renegotiating-jcpoa-iran-nuclear-agreement>

<https://www.vox.com/23002229/return-iran-nuclear-deal-vienna-explained>