

The Rise and Fall of the Joint Comprehensive Plan of Action

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Abstract

Diplomatic efforts to revive the Joint Comprehensive Plan of Action (JCPOA) have stalled since fall 2022. Iran expressed willingness to cooperate, contrasting with uncertainty from the West. Recent talks on a “trigger or snap back mechanism” risk prompting Iran to suspend Treaty on the Non-Proliferation of Nuclear Weapons (NPT) safeguards, potentially sparking regional conflict. Two key factors contribute to the uncertainty: conflicting White House statements on diplomacy and the absence of direct talks due to the US special envoy’s leave. Iran’s advancing nuclear capabilities intensify the need for diplomatic solutions.

This article advocates for a temporary JCPOA revival agreement, acknowledging challenges. Drawing from historical lessons of failed “piecemeal deals,” it underscores the necessity of a grand bargain. This comprehensive approach requires resuming direct US–Iran negotiations, addressing Persian Gulf regional issues, involving Iran, the EU, and Ukraine to ensure non-interference in Ukraine, and international mediation for Iran–Israel tensions. These elements provide a holistic path to regional stability.

Nuclear negotiations between Iran and the world powers began in 2003. After 12 years of intensive negotiations, the world powers and Iran reached a landmark agreement known as the Joint Comprehensive Plan of Action (JCPOA) in 2015.¹ This landmark agreement signified an important development in the history of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and broader international relations. From the perspective of the Western world powers, Israel, and some regional countries, Iran’s nuclear program presented the most pressing threat to their national and collective security. Failure of diplomacy risked military confrontation, which could have devastated the entire Middle East region with long-run catastrophic consequences at both regional and international levels.

Twelve years of negotiations between Iran and the world’s powers—their most prominent diplomats and nuclear scientists—produced the tedious 170-page

¹ Masoud Movahed, “The Sanctions Game,” *Boston Review*, 18 June 2019, <https://www.bostonreview.net/>.

document called the JCPOA. It includes the strongest inspection and transparency regimes as well as non-diversion guarantees to prevent Iran from building a nuclear bomb. Such intrusive inspection regimes enshrined in the JCPOA were unprecedented in the history of nonproliferation. The JCPOA presented the most rational and reasonable way to verify the peaceful nature of Iran's nuclear program without military confrontation.²

While it is true that the JCPOA resulted from negotiations between Iran and six world powers, it is crucial to remember that this agreement became a reality due to direct ministerial-level talks between Iran and the United States. Following the Islamic Revolution of 1979, this marked the first instance of high-level direct negotiations between Iran and the United States on one of the most critical disputed issues, involving foreign ministers and heads of atomic energy organizations from both countries. Notably, this period saw then-presidents Barack Obama and Hassan Rouhani engage in a phone conversation, an unprecedented event since the 1979 Islamic Revolution.

Therefore, substantial evidence indicates that the JCPOA's success hinged on direct discussions between Iran and the United States. While Iran and Europe had engaged in lengthy talks over the years, they yielded no significant results concerning the nuclear issue. The JCPOA stands out as a remarkable achievement in the realm of nonproliferation treaties, notably for its comprehensive 170-page framework—the most extensive of its kind in the field of Iran's nuclear agreement.³

The significance of the JCPOA for the non-proliferation world notwithstanding, President Donald Trump ill-advisedly withdrew the United States from the world's most comprehensive nuclear agreement in May 2018. According to the IAEA's quarterly reports, Iran fully complied with its JCPOA obligations from July 2015 to May 2018. On 30 August 2018, the IAEA report stated: "Timely and proactive cooperation by Iran in providing such access facilitates implementation of the Additional Protocol and enhances confidence."⁴

² Seyed Hossein Mousavian, "Fakhrizadeh killing: How Biden can avoid traps laid by opponents of the Iran nuclear deal," *Middle East Eye*, 30 November 2020, <https://www.middleeasteye.net/>.

³ Kali Robinson, "What Is the Iran Nuclear Deal?," *Council on Foreign Relations*, 21 June 2023, <https://www.cfr.org/>.

⁴ Michael Adler, "Iran and the IAEA," *Iran Primer (blog)*, 10 October 2022, <https://iranprimer.usip.org/>.

Meanwhile, despite Iran's full JCPOA compliance, the Trump administration enforced the world's most stringent economic sanctions on Iran.⁵ After President Joe Biden entered office in January 2021, negotiations between the Rouhani and Biden administrations resumed. The two administrations neared finalizing an agreement, but Iran's June 2021 presidential election changed dynamics. Iran's newly elected President, Ebrahim Raisi, altered the nuclear negotiating team. From November 2021, negotiations between the world powers and Iran continued for a year until December 2022, when the United States and Europe informally announced JCPOA abandonment. Writing in the *Israel Hayom* newspaper, defense analyst Yoav Limor stated that the "US Secretary of State noted to his Israeli counterpart that Joe Biden's assessment is that JCPOA cannot be revived." This echoed Biden's leaked comment that "the deal is dead." Limor continued: "The main conclusion we can draw from this week's meeting of governors of the IAEA in Vienna is that the Iran nuclear deal is dead, at least for now. The funeral has yet to be scheduled, and it can still be artificially revived, but for that to happen, at least two conditions would need to be in place that at the moment appear highly unlikely."⁶

It is crucial to note that in 2016, the Obama administration touted the JCPOA as a model for future diplomacy. The deal could have been an extraordinary model demonstrating how diplomacy can resolve one of the world's most complicated issues, had President Trump not destroyed it. My belief is that the JCPOA is not 100-percent dead. While failure to revive it before the November 2024 US presidential election seems undeniable, the deal is not completely dead yet. This article investigates the root causes of JCPOA revival failure. It concludes with a policy recommendation for reviving the deal at this complicated stage.

Major Obstacles

The US Primary Sanctions

The JCPOA depends on mutual commitments. Iran committed to permanently accepting the latest and most extensive international verification mechanisms for its nuclear program. It also accepted maximum nuclear program restrictions for

⁵ Movahed, "The Sanctions Game."

⁶ Yoav Limor, "The deal is dead, the war lives on," *Israel Hayom*, 10 June 2022, <https://www.israelhayom.com/>.

10 to 30 years. Iran accepted an inspection regime unmatched by any other NPT member state.⁷

In return, the world powers had two major obligations: acknowledge Iran's NPT nuclear rights and lift nuclear sanctions hindering Iran's trade relations. During Obama's presidency, although the administration seriously implemented the JCPOA and encouraged European trade with Iran, US primary sanctions posed a major barrier. Therefore, even with Obama administration support for JCPOA implementation, US primary sanctions prevented Iran from fully benefiting economically from the deal. Due to US primary sanctions, European countries could not normalize trade with Iran.⁸ This negatively impacted the Iranian economy, which could not reap JCPOA fruits. Although US primary sanctions prevented Iran from fully benefiting economically from the JCPOA, Iran fully complied, demonstrating an understanding of the trade barriers posed. Iran cooperated.

The problematic US primary sanctions and the "Iranian Transactions and Sanctions Regulations" (ITSR) prohibit: "the export, reexport, sale, or supply, directly or indirectly, from the US or by a US person, wherever located, of any goods, technology, or services to Iran; and the facilitation by a US person of transactions by a foreign person that they would otherwise be prohibited from engaging in under the ITSR. The prohibitions in the ITSR also apply to foreign entities owned or controlled by a US person."⁹

On 8 May 2018, after withdrawing from the JCPOA, the Trump administration reimposed sanctions on Iran.¹⁰ The general embargo prohibiting US exports to Iran remained in effect after JCPOA implementation and still applies today. Specifically, entities controlled by US persons (foreign subsidiaries of US companies) again face the general embargo. This embargo application to entities controlled by US persons continues to hinder non-US trade with Iran. The US primary sanctions constitute a major barrier to normal Iran trade.

⁷ Seyed Hossein Mousavian and Mohammad Mehdi Mousavian, "Building on the Iran Nuclear Deal for International Peace and Security," *Journal for Peace and Nuclear Disarmament* 1, no. 1 (2018): 169–92, <https://doi.org/10.1080/>.

⁸ Masoud Movahed, "Industrializing an Oil-Based Economy: Evidence from Iran's Auto Industry," *Journal of International Development* 32, no. 7 (2020): 1148–70, <https://doi.org/>.

⁹ "Iran Sanctions" (press release, US Department of State, 2023), <https://www.state.gov/>.

¹⁰ "Iran Sanctions."

The Collusion of Israel and the Arab Allies of the United States

Shortly after the September 2013 meeting between the then Foreign Minister Javad Zarif and Secretary of State John Kerry, Israel vigorously tried to prevent a diplomatic Iran-West nuclear agreement. While JCPOA talks continued, Israeli Prime Minister Benjamin Netanyahu traveled to Washington to address Congress. “This is a bad deal—a very bad deal,” Netanyahu thundered. “We’re better off without it,” he added.¹¹ Many Democrats perceived Netanyahu’s congressional speech as insulting both America and Obama. It was unprecedented for a foreign leader to so brazenly challenge a US president at home.¹²

John Kerry, the then Secretary of State, later revealed that at every meeting, Saudi, Egyptian, Emirati, and Israeli leaders only requested stopping negotiations and militarily striking Iran. However, Obama did not succumb to their pressure and brought negotiations to a meaningful conclusion. Thus, Israel and its allies could only advance their anti-Iran agenda during the Trump administration.¹³

Trump’s withdrawal from the nuclear deal greatly pleased Saudi Arabia and other US Arab allies, as well as Israel. The Saudi Embassy in Washington stated it “supports and welcomes the steps announced by President Donald Trump regarding the United States’ withdrawal from the Iran nuclear deal. The Kingdom also supports reinstating economic sanctions on Iran, which have been suspended under the nuclear deal.”¹⁴ More importantly, Netanyahu officially announced convincing Trump to withdraw from the JCPOA. Israel’s policy, promoted in Washington by the American Israel Public Affairs Committee (AIPAC), the Foundation for the Defense of Democracy (FDD), and the United Against Nuclear Iran (UANI) advocacy organization, aimed to exploit the Trump era to make JCPOA revival impossible for the next president. They succeeded in convincing the Trump administration to designate Iran’s Revolutionary Guard Corps as a terrorist organization. In a tweet to President Trump, Netanyahu said: “Thank you, my dear friend, the president of the United States, Donald Trump, for having decided to designate Iran’s Revolutionary Guards as a terrorist organization.”

¹¹ Krishnadev Calamur, “In Speech To Congress, Netanyahu Blasts ‘A Very Bad Deal’ With Iran,” *NPR*, 3 March 2015, <https://www.npr.org/>.

¹² Lauren French, “Pelosi: Netanyahu speech ‘insulting to the intelligence of the United States,’” *Politico*, 3 March 2015, <https://www.politico.com/>.

¹³ “Kerry: Saudi Arabia, Egypt wanted US to bomb Iran,” *Middle East Monitor*, 19 February 2018, <https://www.middleeastmonitor.com/>.

¹⁴ “Kingdom of Saudi Arabia’s Statement on the United States Withdrawal from the JCPOA” (press release, Embassy of the Kingdom of Saudi Arabia in the United States, 8 May 2018, <https://www.saudiembassy.net/>).

“Thank you for responding to another of my important requests, which serves the interests of our countries and countries of the region,” Netanyahu added in Hebrew.¹⁵

Israel also pushed for reviving and fully reapplying economic sanctions lifted under the JCPOA, under the guise of terrorism and human rights. Thus, if the JCPOA were revived, these new nonnuclear sanctions would remain. During the Trump administration, 1,500 new sanctions pertaining to human rights, terrorism, and nuclear issues targeted Iran, an unprecedented scale against any country.¹⁶

In sum, an unprecedented alliance was officially formed between the United States, Saudi Arabia, the United Arab Emirates, and Israel. Important reports disseminated details of joint meetings to discuss and coordinate anti-Iran actions. Saudi Arabia and the UAE’s public cooperation with Israel against Iran was unprecedented in Iran’s relations with neighboring Persian Gulf Arab countries. Their efforts to prevent President Biden from reviving the JCPOA continue. Netanyahu and Yair Lapid, at the end of their terms as Israeli prime ministers, proudly announced preventing Biden from reviving the JCPOA.¹⁷

Four Major Delays

In 2021, both Iran and the United States had new administrations. Both held certain actions in abeyance, which I believe were strategic mistakes. President Biden officially entered office on 20 January 2021 but did not start JCPOA revival negotiations until four months later in April 2021, leaving little time before Iran’s June 2021 presidential election.¹⁸ Robert Malley was appointed the new US nuclear negotiator, while Abbas Araghchi remained Iran’s negotiator under Rouhani. Iran and the world powers agreed on over 80 percent of issues during three months of talks. However, after Mr. Raisi’s election, nuclear negotiations paused until after his August 2021 swearing-in, causing delay despite the 1+5 countries wanting to finalize negotiations with Araghchi. Had Tehran allowed Araghchi to con-

¹⁵ John Haltiwanger, “Israeli Prime Minister Benjamin Netanyahu said he asked Trump to label Iran’s elite military force a terrorist group,” *Business Insider*, 9 April 2019, <https://www.businessinsider.com/>.

¹⁶ Andrew Hanna, “Sanctions 5: Trump’s ‘Maximum Pressure’ Targets,” *Iran Primer (blog)*, 3 March 2021, <https://iranprimer.usip.org/>.

¹⁷ Bruce Riedel, “How to understand Israel and Saudi Arabia’s secretive relationship,” *Order from Chaos (blog)*, 11 July 2022, <https://www.brookings.edu/>.

¹⁸ Aaron David Miller, “Carnegie Connects: Nukes, Protests, and Iran with Robert Malley,” *Carnegie Connects (podcast)*, 31 October 2022, <https://carnegieendowment.org/>.

tinue, the likelihood of reviving the JCPOA by August 2021 would have been much greater.

There are reasons for these delays. Iran's nuclear dossier has been highly controversial domestically in both Iran and the United States. Iranian Principlists (conservatives) viewed it as the Rouhani administration's submission to the United States. Meanwhile, Trump and Republicans castigated Obama as "too nice" to Iran. Iranian conservatives assumed stronger negotiation stances could elicit more US concessions. They did not want to give JCPOA credit to reformists/moderates for initiating and finalizing it.¹⁹ Moreover, the JCPOA revival before the presidential election could have buoyed economic conditions and influenced the outcome favoring reformists/moderates.

President Raisi entered office on 19 June 2021 and was officially sworn in August 2021. He replaced Abbas Araghchi with Ali Bagheri-Kani as chief negotiator. Crucially, Bagheri-Kani himself staunchly opposed the JCPOA under Rouhani, even calling it "a joke" on national TV.²⁰ Now the same person who called the JCPOA "a joke" was tasked with reviving it. Conservatives could not take JCPOA revival responsibility after deriding it as a disgraceful agreement. Hence, they rebranded it as "sanctions removal negotiations."²¹ However, Iran did not start negotiations to revive the JCPOA until November 2021, six months after Biden's election.²² Talks continued until August 2022. The parties were very close. European Union High Representative Josep Borrell tweeted: "What can be negotiated has been negotiated, and it's now in a final text. However, behind every technical issue and every paragraph lies a political decision that needs to be taken in the capitals. If these answers are positive, then we can sign this deal."²³

In the final stages, however, Iran made a strategic mistake. In February 2022, Russia launched a full-scale war on Ukraine. Ensuing extensive Russian attacks drastically increased energy and food prices. Gasoline prices rose 10 percent from February to August 2022. Europe panicked about a winter energy crisis and vigorously worked to replace Russian energy.

¹⁹ Ross Douthat, Michelle Goldberg, and David Leonhardt, "Are We Headed for War with Iran?," *The Argument* (podcast), 20 June 2019, <https://www.nytimes.com/>.

²⁰ Christiane Amanpour, *Amanpour*, 11 November 2021, <https://transcripts.cnn.com/>.

²¹ Farmarz Davar, "Khamenei Appoints his Anti-JCPOA Relative as Iran's New Nuclear Negotiator," *Iran Wire*, 14 September 2021, <https://iranwire.com/>.

²² "Keihan: The JJJ is pure damages, wait two months, the situation will change!," *Keyhan Newspaper*, 27 August 2022, <https://fararu.com/>.

²³ Josep Borrell Fontelles, tweet, Twitter, 10:50 AM, 8 August 2022, <https://twitter.com/>.

The European energy crisis seemed a “golden opportunity” for Iran. However, Iranian factions differed on this golden opportunity. Some argued Europe’s unprecedented energy dependence on Iran could be a historic turning point in improving Iran-Europe relations if the near-complete negotiations quickly finalize the JCPOA. This view aligned with moderates and reformists. Moscow staunchly opposed such Iran-Europe rapprochement because it wanted to keep Europe energy-dependent and gain leverage on Ukraine.

Others in Iran saw the golden opportunity differently. Conservatives argued delaying negotiations several months would force European JCPOA concessions to lift sanctions and address the energy crisis. Take comments by analyst Mohammad Marandi, who posited the energy crisis and Russia supply cuts would leave Europeans freezing and give Tehran nuclear negotiation leverage.²⁴

Kayhan newspaper, representing this view, published a 27 August 2022 headline reading: “Reviving the JCPOA now is a Serious Loss, Just Wait for Two months!” Kayhan wrote: “Now we have entered the seventh month of war in Ukraine. Over the past seven months, certain events took place that no one could have imagined. The richest, most industrialized, and most powerful Western countries have received blows from the very point where they are dependent, which, according to their own futurists, will take years to recover from. What is that point? Energy. Westerners are highly dependent on energy sources in Russia.”²⁵

Iran’s calculations were inaccurate. Europe secured energy needs from the Arab world despite Russian boycotts. As Figure 1 shows, gas prices increased starting August 2021 but declined by October 2022.

²⁴ Mohammad Marandi, “Iran Official Says Tehran Ready To Accept EU Nuclear Deal Draft,” *Iran International*, 4 May 2023, <https://www.iranintl.com/>.

²⁵ “Keihan: The JJJ is pure damages.”

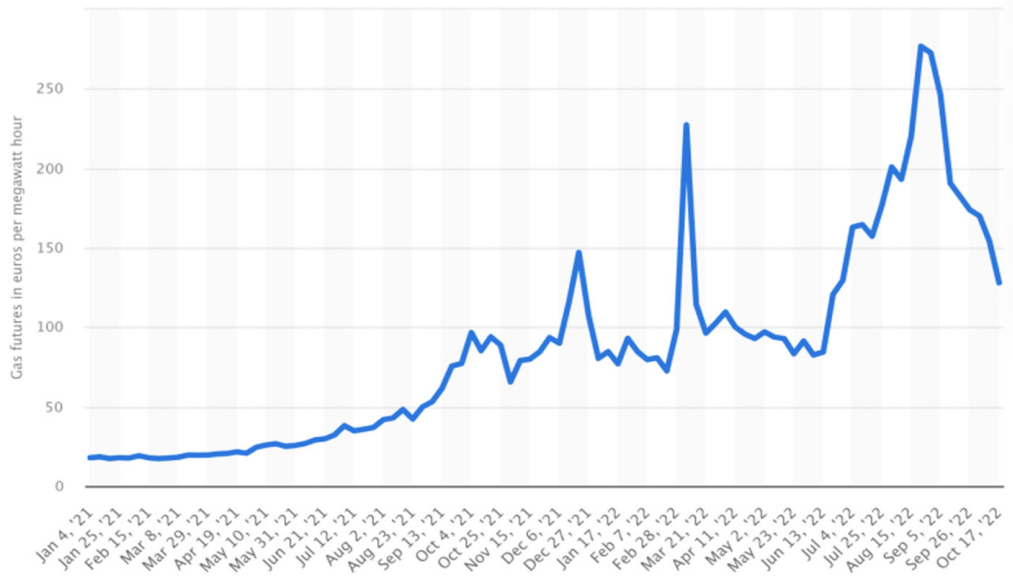


Figure 1. Gas price in Europe. (Source: “European gas prices continue to fall amid warm weather and ample LNG,” *bne IntelliNews*, 19 October 2022, <https://intellinews.com/>.)

Domestic Opposition

In addition to Israel, the US-Arab alliance, and neoconservatives in both countries, the nuclear negotiations faced stubborn domestic opponents in Iran. During Rouhani’s administration, JCPOA opponents did whatever they could to prevent finalizing the deal. After the agreement, they relentlessly worked to destroy it, calling Foreign Minister Javad Zarif and Atomic Energy Organization head Ali-Akbar Salehi traitors and threatening to kill them.²⁶ Multiple incidents occurred where conservatives directly threatened Zarif and Salehi. In fact, conservative Iranian parliament members themselves threatened to execute Zarif and Salehi over the West deal, telling Salehi: “We will kill you and bury you under cement at the Arak reactor.”²⁷

²⁶ Fars News Agency, “Iran News Round Up,” *Critical Threats*, 13 October 2015, <https://www.criticalthreats.org/>.

²⁷ “Hardline Iranian MPs threaten foreign minister with execution over nuclear deal,” *Rudaw*, 10 December 2015, <https://www.rudaw.net/>.

When Zarif shook hands with Obama at the UN General Assembly, he faced remarks like “You are shaking hands with the Great Satan” and “A Great Satan that prides itself on remaining our enemy” upon returning home.²⁸

Former nuclear negotiator and JCPOA critic Saeed Jalili said the nuclear agreement abandoned “A hundred inalienable rights” of Iran. Suffice it to say, that the JCPOA has faced and continues to face serious domestic challenges in Iran.²⁹ Of course, they have reasons to oppose the JCPOA, including believing the United States will not uphold its end of the bargain. But they also oppose any Iran–US dialogue.

On 16 September 2022, while Iran awaited worsening Europe’s energy crisis, morality police arrested 22-year-old Mahsa Amini. The tragic news sparked enormous public resentment and anger. Social media influencers, celebrities, athletes, and others vocally opposed mandatory veiling. Widespread protests swept Iran, creating its most severe internal crisis since 1979. Demonstrations and riots led to hundreds killed, thousands arrested, and some executions.³⁰ The West seized the opportunity, imposing new sanctions on Iran and pushing the 24 November 2022 UN Human Rights Council resolution against Iran, its harshest since the 1979 revolution.³¹

The resolution established an investigative committee on human rights violations during the protests, mandated to collect related evidence and report to the Human Rights Council. The resolution text states: “An alarming number of protesters have already been detained and killed, many of whom are children, women and older persons. The Government must instruct police to immediately cease any use of excessive and lethal force and exercise restraint.” Its harsh tone regarding violence against women and children suggests an attempt to delegitimize Iran’s political order internationally, likely to exploit the report regarding potential international court referrals.³² Ultimately, Mahsa Amini’s death and the ensuing

²⁸ Saeed Kamali Dehghan, “Iran foreign minister criticized for handshake with ‘Great Satan’ Obama,” *The Guardian*, 29 September 2015, <https://www.theguardian.com/>.

²⁹ “Saeed Jalili: In the JCPOA, Iran must give up 100 of its rights, 23 of which are related to research and development,” *Magiran*, n.d., <https://www.magiran.com/>.

³⁰ Farnaz Fassihi and Cora Engelbrecht, “Tens of Thousands in Iran Mourn Mahsa Amini, Whose Death Set Off Protests,” *New York Times*, 27 October 2022, <https://www.nytimes.com/>.

³¹ “Iran: Crackdown on peaceful protests since death of Jina Mahsa Amini needs independent international investigation, say UN experts” (press release, United Nations, 26 October 2022), <https://www.ohchr.org/>.

³² “Iran: Crackdown on peaceful protests.”

internal crisis encouraged the West to prioritize human rights with the nuclear issue, complicating the JCPOA revival.³³

I am aware that after sealing the 2015 nuclear deal, Obama administration negotiators emphasized to Iran expanding cooperation to other regional areas, arguing the deal would otherwise be unstable under the next president. They considered resolving one of the Yemen or Syria crises via cooperation because it could: 1) demonstrate to JCPOA opponents that engaging Iran aids regional peace and stability, and 2) improve Iran-Saudi relations and reduce regional tensions. Obama prioritized easing Iran-Saudi hostility and resolving the Palestinian crisis via a two-state solution. [38]

In a 2016 Atlantic interview, Obama said Iran and Saudi Arabia should be regional partners. *The Atlantic* reported:

Obama delivers often brutally candid commentary on the intractable tribalism of the Middle East, saying that Saudi Arabia needs to ‘share’ the neighborhood with Iran; on the shortcomings of America’s allies who act more like, in Obama’s words, ‘free riders’; and about Ukraine, which Obama believes is not a core U.S. interest and will always be vulnerable to Russian domination. And he suggests that he is preserving and enhancing U.S. power, not diminishing it, by refusing to wage unnecessary and unwinnable wars in the ‘fraying’ states of the Middle East.³⁴

This JCPOA cooperation model proposal beyond the nuclear issue faced opposition from Ayatollah Khamenei and Iranian conservatives. After the 2015 deal, Rouhani positively regarded US-Iran talks on Syria, but Khamenei immediately announced Iran would not dialogue with the US beyond nuclear issues, arguing it would allow US dominance over Iran.

Foreign Intelligence Infiltration of the IAEA

Since the initiation of Iran’s negotiations with the West in 2003, a process in which I played a role as a negotiator, confidential information regarding Iran’s nuclear program has persistently leaked to the press. This issue has remained a persistent concern. In many instances, when Iran submitted confidential reports to the IAEA concerning its nuclear activities, the press gained access to their

³³ *Report of the 35th Special Session of the Human Rights Council on the deteriorating human rights situation in the Islamic Republic of Iran* (Geneva: Universal Rights Group, 25 November 2022), <https://www.universal-rights.org/>.

³⁴ “‘The Obama Doctrine’: The Atlantic’s Exclusive Report on the U.S. President’s Hardest Foreign Policy Decisions,” *The Atlantic*, 10 March 2016, <https://www.theatlantic.com/>.

details within an exceptionally brief period—sometimes within just a couple of days. This eroded Iran’s confidence in the IAEA, as it repeatedly failed to uphold the confidentiality of the information, despite clear regulations mandating the IAEA to do so. This reinforced Iran’s belief that intelligence agencies from various countries were actively operating within the IAEA, having deeply infiltrated the organization.

Furthermore, Iran held substantial concerns and suspicions regarding the agents of the IAEA. Iran firmly believed that these inspectors served as undercover agents for major hostile intelligence services, operating in Iran under the guise of IAEA inspectors and sharing information about Iran’s nuclear program with the United States and Israel. This belief was substantiated by several instances of sabotage, including the assassinations of nuclear scientists, cyberattacks, and explosions within Iran’s nuclear facilities.³⁵ Since the inception of Obama’s presidency to the present day, numerous cyberattacks, initially exemplified by Stuxnet, targeted Iran’s nuclear facilities. Additionally, a significant number of Iranian nuclear scientists fell victim to assassinations, and numerous acts of sabotage within Iran were attributed to Israel.³⁶

Pressures on the Biden Administration

Iran and the United States neared an agreement on a prisoner exchange.³⁷ However, the Biden administration remains undecided regarding the prisoner swap with Iran, primarily due to domestic political considerations and concerns about Republican reactions. There are several reasons behind the administration’s hesitation.

First, the prisoner exchange deal would involve releasing approximately USD 6 billion of Iran’s funds that were frozen in South Korea. Second, in accordance with the JCPOA and UN Security Council Resolution 2231, key “sunsets” after October 2023 are expected to lift limitations on Iran’s nuclear program. These include:

- “Restrictions on Iran’s research, development, and production of ballistic missiles designed to be capable of delivering nuclear weapons.

³⁵ Trita Parsi, “Was the assassination in Iran another Israeli effort to sabotage JCPOA?,” *Responsible Statecraft*, 23 May 2022, <https://responsiblestatecraft.org/>.

³⁶ David Kushner, “The Real Story of Stuxnet,” *IEEE Spectrum*, 20 February 2013, <https://spectrum.ieee.org/>; and Garrett Nada, “Israeli Sabotage of Iran’s Nuclear Program,” *Iran Primer* (blog), 12 April 2021, <https://iranprimer.usip.org/>.

³⁷ “Report: Robert Malley Met With Iran’s UN Envoy At Least 3 Times In Past 2 Months,” *Yeshiva World*, 19 January 2023, <https://www.theyeshivaworld.com/>.

- Ban on Iran's import and export of missile-related technology. The U.S. is required to seek congressional legislation that ends sanctions on key economic sectors that Washington "suspended" as part of the nuclear deal.
- The U.S. is required to remove certain individuals and entities linked to Iran's nuclear program from its sanctioned list.
- The E.U. is required to lift its remaining sanctions on Iran's nuclear program."³⁸

Furthermore, in July 2024, the JCPOA is anticipated to relax some limits on Iran's testing and production of advanced IR-6 and IR-8 centrifuges for uranium enrichment. Consequently, President Biden is concerned that these actions could provoke staunch Republican political attacks on his election campaign. This primary concern has led to his indecision on completing the negotiations.

However, after a year of negotiations, Iran and the United States reached an informal broader agreement encompassing: (1) curbing Iran's accumulation of highly enriched uranium, (2) allowing increased international inspections of Iran's nuclear facilities, (3) halting Iran proxy attacks on US forces in the Middle East. In return, Iran will release five US prisoners in exchange for the US releasing several Iranians and USD 6 billion in frozen Iranian funds for purchases of food, medicine, and other humanitarian goods for Iran's population. Tehran will also export more oil and gradually access frozen Iranian funds in Iraq.³⁹

Russia's Invasion of Ukraine

The war in Ukraine has implications for the relationship between Iran and Russia. The Russian–Iranian alliance has strengthened considerably. Europe perceives Russian–Iranian strategic cooperation, particularly following the war in Ukraine, as a threat to Western hegemony in the region. "They are the number-one military supplier of a country waging an unprovoked war of conquest and aggression in Europe. Our hope, of course, is that they quickly shift course." said the senior US official.⁴⁰

³⁸ "Explainer: Timing of Key Sunsets in Nuclear Deal," *Iran Primer* (blog), 11 January 2023, <https://iranprimer.usip.org/>.

³⁹ Seyed Hossein Mousavian, "Iran nuclear deal: How to get it right," *Middle East Eye*, 6 September 2023, <https://www.middleeasteye.net/>.

⁴⁰ Ali Hashem, "Iran deal becomes latest casualty of Russia's war in Ukraine," *Al-Monitor*, 4 January 2023, <https://www.al-monitor.com/>.

In May 2023, during a seminar in Europe, a European official emphasized that Iran must recognize that military cooperation with Russia in the Ukraine conflict is Europe's red line. The official added that Russia's invasion of Ukraine poses an existential threat to Europe. Consequently, reviving the JCPOA and lifting sanctions may not be possible while Iran is aligned with Moscow in the Ukraine conflict.

The Way Forward

Since Fall 2022, efforts to revive the JCPOA have stalled. Iran has expressed its readiness to resolve the issue with the West, but the Western nations have not reciprocated. It is vital to note that major JCPOA parties, including France, the UK, and Germany, recently held a meeting with ten non-permanent members of the UN Security Council to discuss the "trigger or snapback mechanism." This scenario may push Iran to suspend its basic safeguards commitment under the NPT, which allows the IAEA to monitor its nuclear materials.⁴¹ This action could be seen as a decision to exit the NPT and pursue nuclear weapons, potentially leading to a Middle East war with consequences even more catastrophic than the wars in Iraq and Afghanistan. However, due to the recent informal US–Iran agreement, a European official told me anonymously that the United States and Europe will not try extending UN Security Council restrictions on Iran's arms imports under Resolution 2231, set to expire this October, nor will they employ the snapback mechanism to restore UN sanctions. Nonetheless, Europeans intend retaining the ballistic missile sanctions.⁴²

Nevertheless, this situation is further complicated by the ongoing proxy war between the United States and Europe against Russia in Ukraine. The two key elements diminishing the prospects of JCPOA revival are as follows:

1. The Biden administration appears to lack a clear political stance on JCPOA-related negotiations. Statements from the White House have been notably contradictory. While it emphasizes diplomacy as the best option, it contends that reviving the JCPOA is not on the agenda. President Biden is concerned that reviving the JCPOA could lead to significant domestic backlash and undermine his chances in the 2024 presidential election. Hence, my

⁴¹ Reza Nasri, "Some questions for Obama about snap back sanctions, *The Hill*, 29 April 2015, <https://thehill.com/>.

⁴² John Irish, Arshad Mohammed, and Parisa Hafezi, "Exclusive: Europeans plan to keep ballistic missile sanctions on Iran," *Reuters*, 29 June 2023, <https://www.reuters.com/>.

article at *Responsible Statecraft* suggests that Biden's policy until the next US presidential election will be based on "No Deal, No Crisis."⁴³

2. The limited direct talks between Iranian Ambassador Amir Saeed Irvani and Robert Malley were suspended when the US special envoy for Iran was placed on administrative leave.⁴⁴

Iran's nuclear program has already reached a point where it could produce enough weapon-grade uranium for a nuclear bomb within *just* two weeks.⁴⁵ Rosemary DiCarlo, the Under-Secretary-General for Political and Peacebuilding Affairs, stated in a Security Council briefing that "diplomacy is the only way to effectively address the Iranian nuclear issue." She regretted that negotiations to restore the Plan remain stalled despite all participants, including the United States, reaffirming that "a return to the full and effective implementation of the Plan" is the only viable option.⁴⁶

In conclusion, the recent informal agreement's positive momentum between Tehran and Washington has laid the groundwork for reviving the JCPOA, and potentially a broader deal. As I have emphasized before, numerous failed "piecemeal deals" occurred between Iran and the United States since the 1979 Revolution. The JCPOA's failure partly stemmed from its nature as another piecemeal deal.⁴⁷

Given current circumstances, a grand bargain involving Iran, the United States, world powers, and the eight Persian Gulf countries is imperative, encompassing six key elements.

3. Resume US–Iran direct negotiations, followed by P5+1 talks with Iran to revive the JCPOA based on the August 2022 text.

4. Past failures of piecemeal regional approaches provide ample evidence that regional issues must also be addressed. An Iran dialogue with other Persian Gulf countries is necessary. The recent China-mediated Iran-Saudi détente seems promising, providing a workable model. Per UN Resolution

⁴³ "Biden's Policy on JCPOA Unsustainable," *Financial Tribune*, 13 May 2023, <https://financialtribune.com/>.

⁴⁴ Kylie Atwood et al., "Biden's Iran envoy placed on leave after security clearance suspended amid investigation into possible mishandling of classified material, sources say," *CNN*, 29 June 2023, <https://edition.cnn.com/>.

⁴⁵ "Iran can make fissile material for a bomb 'in about 12 days' - U.S. official," *Reuters*, 28 February 2023, <https://www.reuters.com/>.

⁴⁶ "Iran nuclear deal: Despite differences, still 'best available option,' Security Council," *UN News*, 6 July 2023, <https://news.un.org/>.

⁴⁷ Seyed Hossein Mousavian and Shahr Shahidsaless, *Iran and the United States: An Insider's View on the Failed Past and the Road to Peace* (New York: Bloomsbury Academic, 2015).

598, the UN Secretary-General should convene a regional dialogue on regional issues among the eight Persian Gulf countries under UN Security Council supervision. Establishing a New Security and Cooperation System among them is essential for sustainable regional peace and security.⁴⁸

5. As I recently mentioned at the US Strategic Symposium, advancing a Persian Gulf Cooperation and Security System would greatly impact regional peace, stability, and security, which is vital for Indo-Pacific powers like the United States, China, and India. Creating a regional security and cooperation system would ensure energy security and facilitate regionalizing JCPOA principles within a Persian Gulf cooperative security framework. This could (a) address JCPOA sunset clause concerns allowing Iran to resume nuclear activities after 10–15 years, (b) enable a Persian Gulf sub-regional Nuclear Free Zone, (c) facilitate realizing UN Middle East WMD Free Zone resolutions, and (d) enable the eight states to agree on a “Conventional Arms Arrangement” addressing missile and drone concerns.

6. Within the Persian Gulf Security and Cooperation System framework, the eight members could establish a Multilateral Enrichment Arrangement consortium similar to Urenco, providing uranium enrichment services and fuel cycle products.⁴⁹

7. Negotiations between Iran, the EU, and Ukraine are essential to reach a compromise ensuring Iranian non-interference in the Ukraine war.

Given the Iran-Israel quasi-war, an international initiative must mediate a ceasefire between them. Despite major differences, the United States and China both worry about the conflict. China has close Iran relations and Israel is a US strategic partner, making them qualified mediators serving as communication channels. ❁

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⁴⁸ Seyed Hossein Mousavian, *A New Structure for Security, Peace, and Cooperation in the Persian Gulf* (New York: Rowman & Littlefield, 2020).

⁴⁹ Urenco (website), 2023, <https://www.urenc.com/>.