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# The Fragility of the Iranian Nuclear Agreement

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**EXECUTIVE SUMMARY:** Despite President Donald Trump's disapproval of the JCPOA agreement with Iran, which he promised during his election campaign to "rip up," he has been persuaded by his advisers to recertify it. He has also, however, gotten the UN Security Council to impose sanctions on Iran as a penalty for developing nuclear missiles, supporting terror, and undermining international order. The Iranian leadership responded with a threat to quit the JCPOA and renew uranium enrichment at a high level. Though the IAEA has not yet determined that Iran has violated the agreement, Western experts view Iran's behavior as problematic. They fear Iran could break the rules and renew its nuclear weapons program, and that it will be encouraged to do so by North Korea's provocative stance toward the US.

Barack Obama's legacy to Donald Trump included the Iranian nuclear agreement, officially known as the Joint Comprehensive Plan of Action (JCPOA) and signed in July 2015 in Vienna by Iran, the P5+1 powers, and the EU. Though some say a good agreement is one with which no party is entirely happy, in this case the reality was different: Obama was very pleased with the deal.

Almost two months earlier, in an interview with Jeffrey Goldberg of *The Atlantic*, Obama spoke with great confidence about his legacy. "Twenty years from now, I'm still going to be around," he said. "If Iran has a nuclear weapon, it's my name on this ... I think it's fair to say that in addition to our profound national security interests, I have a personal interest in locking this down." On the day the JCPOA was signed, Obama retorted to his Republican opponents in Congress who wanted to block the agreement: "Ninety-nine percent of the world community and the majority of nuclear experts look at this thing and they say this will prevent Iran from getting a nuclear bomb."

On the Iranian side, President Hassan Rouhani asserted after the signing that “the deal is ... a political victory for Iran.” Rouhani said it had won the support of Supreme Leader Ayatollah Ali Khamenei.

Today, two years after the signing, there is a growing feeling in the Western world and among many experts that the JCPOA was in fact a bad deal.

On July 17, President Trump – despite having declared during his election campaign that after taking office he would rip up the agreement – recertified it just before its legal deadline. This move, preceded as it was by a lengthy discussion with Trump’s top security advisers, indicates that in the view of the US, Iran is complying with the deal.

Nevertheless, in line with Trump’s blistering critique of the agreement as bad for the US and a capitulation to Iran, the US decided to penalize Iran by imposing sanctions on it for 1) developing ballistic missiles while ignoring UN Security Council Resolution 2231 of July 20, 2015; 2) continuing to support terror; and 3) undermining international order and security. The sanctions on Iran (and on North Korea and Russia as well) won overwhelming bipartisan support in Congress, and Trump signed them into law on August 2.

Iran’s immediate riposte was that the sanctions violated the nuclear agreement, and it vowed to react “appropriately and proportionally.” Rouhani, in a TV appearance on August 15 after his reelection as president, threatened that Iran would quit the agreement “within hours” if the US were to impose additional sanctions. In a TV appearance on August 22, Ali Akbar Salehi, head of the Atomic Energy Organization of Iran, went further: “If we make a determination, in five days at the most we can start 20% enrichment in Fordow [one of Iran’s uranium enrichment plants].” He added a demurrer of sorts: “Of course, we would not like such a thing to happen, as we made a lot of effort to achieve the JCPOA ... Our biggest priority is to maintain the JCPOA, but not at any price.” Before signing the JCPOA, Iran had enriched uranium at Fordow to a 20% level. From there, the path to a 90% or higher level – that is, weapons-grade uranium – is short.

Is Iran complying with the nuclear deal or not? The June 2 report of the International Atomic Energy Agency (IAEA), the sixth such report to be issued since the signing of the nuclear agreement, stated in a routine repetition of its predecessors: “...the Agency has verified and monitored Iran’s implementation of its nuclear-related commitments in accordance with the modalities set out in the JCPOA.” It may be, however, that in light of the IAEA’s involvement in the JCPOA and the many discussions that preceded it, the report was written with an eye to political correctness. Notably absent from the report is the key question of whether or not Iran has fully kept its commitments.

Mark Fitzpatrick, head of the American branch of the London-based International Institute for Strategic Studies (IISS), published in February and June 2017 two articles in which he criticized Iran's nuclear behavior, which he characterized as "problematic." According to Fitzpatrick, Iran has breached some of its obligations under the JCPOA. Fitzpatrick maintains that Iran must give IAEA inspectors access to its facilities that are suspected of developing nuclear weapons or of developing and manufacturing advanced centrifuges, though he adds that the US should continue to uphold the nuclear deal as the lesser evil.

The Institute for Science and International Security (ISIS) in Washington, whose director is David Albright, sees a tendency by proponents of the deal to ignore Iran's violations.

Late last January, Salehi announced that a test had begun for Iran's most advanced centrifuge, the IR8 model. This test involved injecting UF<sub>6</sub> (uranium hexafluoride, a uranium compound that in its gaseous state is used in the enrichment process). He said the test was progressing more smoothly than expected. However, in a TV interview on April 8, he added that the testing of the injection process would continue for two years, and that Iran would subsequently begin to build cascades for IR8 centrifuges.

Salehi said he saw this as a milestone in the Iranian experts' project to develop centrifuges, and claimed it does not contravene the nuclear agreement. He also noted that the mass production of IR2, IR4, and IR6 advanced centrifuges has begun. (This was an example of a "trial balloon" launched by Iran to gauge the reaction of the world in general and the IAEA in particular.)

At the end of May, addressing Salehi's words, the ISIS expressed concern that if the JCPOA were to fail or expire, Iran's ability to mass-produce advanced centrifuges would improve its ability to break out to nuclear weapons production, either openly or clandestinely. Even without nuclear breakout, Iran would be equipped to accelerate the centrifuge project.

In the months before the JCPOA was signed, Obama often appeared in the media to defend the future agreement. On April 7, 2015, during an interview with Steve Inskeep of NPR News, Obama admitted that 13 or more years after the signing of the agreement, the period needed to halt Iran's breakout to nuclear weapons production would shrink to almost nothing. But he insisted that within the first decade, Iran's breakout time would be no less than a year. However, according to the calculations of Olli Heinonen, a past deputy director-general for safeguards at the IAEA, Iran's breakout time is likely to be 10 months or less.

It should also be taken into consideration that some amount of time would pass between, on the one hand, an identification of an Iranian JCPOA violation by

IAEA inspectors or Western intelligence services; and on the other, a decision by the US administration on how to respond. The bureaucracies of the US government and the IAEA are not renowned for their speed.

In light of today's complex reality, Trump now understands that as long as Iran is careful not to go too far, his campaign threat to "rip up" the nuclear deal is not feasible. Likewise, the Iranian leaders' warnings that they could quickly withdraw from the agreement and renew uranium enrichment at a higher level than the deal permits could be a form of posturing aimed primarily at the domestic audience.

Regardless, the war of words points to the fragility of the JCPOA, and one should never discount the possibility of words leading to actions. Bear in mind that all of this is taking place against the backdrop of a nuclear crisis between Washington and Pyongyang. Iran is likely to be encouraged by its ally North Korea's provocative stance towards the US.

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