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RENEGOTIATING THE JCPOA: POTENTIAL CONSEQUENCES¹

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During his campaign, president-elect Donald Trump often lambasted the Joint Comprehensive Plan of Action (JCPOA), which aims to resolve the situation with the Iranian nuclear program. In a September 8, 2015 Op-Ed in *USA Today*, he argued that the plan was “so poorly constructed and so terribly negotiated that it increases uncertainty and reduces security for America and our allies, including Israel”³. Speaking a few days later at a Republican primaries debate, he said the JCPOA “was terrible. It was incompetent. I’ve never seen anything like it. One of the worst contracts of any kind I’ve ever seen”⁴. And speaking in January 2016 before members of the Policy Conference of the American Israel Public Affairs Committee (AIPAC), he had this to say on the matter: “My number one priority is to dismantle the disastrous deal with Iran.” In the aforementioned *USA Today* article, Trump promised to “renegotiate” the deal with Iran; this was later echoed by some of his advisors⁵.

Following his election as the next U.S. President, Donald Trump has yet to announce detailed policy on the JCPOA, or to appoint the administration members who may have a major say on the future of the Vienna agreements with Iran. Nevertheless, it is certainly not too early to look at the potential consequences should the new U.S. administration try to revise the terms of the JCPOA after Trump’s inauguration.

There will be no JCPOA 2.0 – or its price will be many times that of JCPOA 1.0

The JCPOA reflects the delicate balance of interests between the P5+1 Group and Iran – and, to a certain extent, between the various political forces in the individual countries.

¹ This article was prepared for the meeting of Russian and U.S. scientists and researchers headlined “Russian-US Dialogue on Nuclear Issues: Possible Post-Election Agenda”, held in Moscow on December 1-3, 2016 by the Center for Energy and Security Studies (CENESS) and the James Martin Center for Nonproliferation Studies (CNS).

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³ Donald Trump. Amateur hour with the Iran nuclear deal. *USA Today*. 2015, September 8. <http://www.usatoday.com/story/opinion/2015/09/08/donald-trump-amateur-hour-iran-nuclear-deal-column/71884090/> (Retrieved on November 30, 2016).

⁴ Wednesday’s GOP debate transcript, annotated. *Washington Post*. 2015, September 16. <https://www.washingtonpost.com/news/the-fix/wp/2015/09/16/annotated-transcript-september-16-gop-debate/> (Retrieved on November 30, 2016).

⁵ See, for example, ‘This Is Trump’s Foreign Policy, A Conversation With Top Trump Adviser Dr. Walid Phares’. 2016, July 4. <http://dailycaller.com/2016/07/04/exclusive-this-is-trump-foreign-policy-a-conversation-with-top-trump-adviser-dr-walid-phares/> (Retrieved on November 30, 2016).



That is why the Iranian and American delegations at the talks in Almaty, Moscow, Muscat, Vienna and Geneva and other places worked hard not only to produce a mutually acceptable “package”, but also to make that package “sellable” back home. Like any international deal, the JCPOA probably has some “missing elements”, or room for perfection – but that is inevitable for 100-page document that is the product of a difficult compromise. Any attempt at revising the Vienna agreements would make them null and void, bringing the whole negotiating process back to square one. In fact, it will be even worse than square one, given the acrimony that will inevitably arise if one of the parties tries to go back on the already approved deal.

Additionally, the experience of the talks on the Iranian nuclear program suggests that it won’t be possible to reach a new deal with Iran and pay the same price for it. Take, for example, Washington’s long-standing demand that Iran should give up all enrichment. Because of that “zero enrichment” demand, the Iranian proposal in 2003 to freeze the scale of its enrichment program at 164 centrifuges was rejected. Thirteen years on, the JCPOA allows Iran to continue operating as many as 5,060 centrifuges only at Natanz that can be used for uranium enrichment. Parallels can also be drawn with the North Korean nuclear program. In the absence of negotiations, and while some international parties continue to insist on preconditions for the talks to resume, Pyongyang is making steady nuclear progress, and the price of any possible deal to resolve the crisis is getting ever higher.

No settlement of the nuclear crisis on the Korean peninsula

North Korean diplomats carefully monitor and analyze the progress of the talks on the Iranian nuclear program, including the JCPOA. The author of this article has on several occasions discussed these issues in Moscow and Pyongyang at the initiative of DPRK diplomats and scholars. Attempts at revising the Vienna agreements would significantly strengthen Pyongyang’s doubts about the possibility of achieving a sustainable long-term agreement on reducing tensions on the Korean peninsula and, at some point in the future, its complete denuclearization. As it is seen in Pyongyang, North Korea already has some negative experience of the implementation of nuclear agreements involving the United States. It knows how a change of the administration in Washington can affect the process – suffice to recall the change in the U.S. stance on the 1994 Agreed Framework after the election of George W. Bush.

Nuclear nonproliferation regime: a new spiral of crisis

Attempts at revising the terms of the JCPOA – which I believe would amount to dismantling the entire deal – would trigger and/or reinforce worrying trends in the nuclear nonproliferation regime, which has lately been facing a growing number of challenges. The JCPOA has been a major success story in the area of nonproliferation, and one of the greatest achievements since the late 1980s and early 1990s, when South Africa decided to relinquish its limited nuclear arsenal and join the NPT as a non-nuclear state. A revision of the JCPOA could vastly reduce the changes for a successful outcome



of the 2020 NPT Review Conference – and that conference simply must succeed after the failure of the 2015 RevCon.

Undermining the UNSC role in upholding peace and international security

The JCPOA is not a bilateral U.S.-Iranian deal. It is a product of multilateral diplomacy and energetic efforts by all five permanent members of the UN Security Council, Germany, and Iran. The deal was then approved unanimously by the UN Security Council in Resolution 2231. Attempts by one of the parties to revise the terms of the deal, especially while Tehran remains substantively in compliance, will put into question the central role of the UNSC in resolving global and regional crises, and upholding peace and stability in the future.

Unpredictable presidential elections in Iran

The domestic debate in Iran as to whether the JCPOA is in the Iranian national interest does not appear to be over yet. The balance in favor of the Vienna agreements remains fragile. That is why any attempt at revising the terms of the deal could not only shift that balance, but critically weaken the key Iranian architects of the JCPOA for a long time to come.

If Washington were to initiate a revision of the deal, it would be a major blow for the Iranian advocates of reforms and of the moderate course - including President Hassan Rouhani, who played a key role in making the Vienna agreements possible. Such an attempt would have serious consequences for Rouhani's chances of reelection in June 2017. Let us also recall that a quick transition to practical implementation of the JCPOA enabled President Rouhani's supporters to gain more seats in the Majlis at the parliamentary elections in February 2016.

Attempts by Washington to revise the deal would also lead to a much tougher Iranian stance on other central nuclear issues such as the IAEA Additional Protocol (which Iran has signed but not ratified, and which it now applies on a provisional basis), and the Comprehensive Nuclear Test Ban Treaty (which Iran has signed but not ratified; Iran is one of the countries that must ratify the CTBT for the treaty to enter into force).

Is there a point striking deals with America?

Last but not least, even allowing for the cyclicity of U.S. foreign policy and its dependence on the electoral cycle, any initiative by the incoming administration to revise the terms of the JCPOA will put into question the utility of making any agreements whatsoever with the United States. It will also raise doubts about America's role in the resolution of nuclear proliferation and broader international security crises. That would be a very damaging turn of events, especially since the United States is one of the three depositaries of the Nuclear Non-Proliferation Treaty (NPT), along with Russia and Britain.



Conclusion

It is hard to imagine what benefits a revision of the JCPOA could have in the longer term (a short-term spike in the oil prices does not count). Such a step by the Trump administration would have a negative impact on the prospects for a settlement on the Korean peninsula; put an even greater strain on the nuclear nonproliferation regime; undermine the role of the UN Security Council in upholding peace and stability; and catalyze conservative trends in Iran, reinforcing Tehran's aversion to any greater involvement in international nuclear agreements. The chances of a JCPOA 2.0 being negotiated and approved are marginal at best. This appears to be a clear case of "leave well alone": the new U.S. administration should carefully weigh all the potential costs before launching some kind of revision procedure via the JCPOA Joint Commission.