

# Iran Nuclear Deal: Next Steps

*Peter Brookes, Brett D. Schaefer, and James Phillips*

## KEY TAKEAWAYS

Iran has taken significant steps to violate restrictions of the Iran nuclear deal and recently announced it will no longer abide by other restrictions in the JCPOA.

The regime's serial violations make it imperative that the U.S. and its allies do more to prevent Iran from developing a nuclear weapon and the means to deliver it.

The Trump Administration's maximum pressure should continue until Iran agrees to negotiate a more restrictive agreement and changes its destructive behavior.

The Iranian regime announced in early January that Tehran will no longer be bound by the technical restrictions of the 2015 Joint Comprehensive Plan of Action (JCPOA, or Iran nuclear deal) that sought to end Iran's nuclear weapons ambitions. While Iran has not officially withdrawn from the JCPOA, as the United States did in May 2018, it has formally announced that it will not comply with all of its "commitments" and will discard its "operational limitations" under the nuclear deal.

This most recent announcement follows multiple prior incremental violations of Iran's commitments under the JCPOA and led France, Germany, and the United Kingdom (E3) to refer the matter to the Joint Commission under the Dispute Resolution Mechanism of the JCPOA.<sup>1</sup> The E3 insist that their intent is to preserve the deal and bring Iran back into compliance, but the process could also result

---

This paper, in its entirety, can be found at <http://report.heritage.org/ib5030>

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, DC 20002 | (202) 546-4400 | [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

in dissolution of the JCPOA and “snapback” of U.N. Security Council sanctions.

While awaiting the resolution of the JCPOA Dispute Resolution Mechanism process, the United States should take additional steps by maintaining a strong military deterrent; extending the conventional arms ban that is set to expire this year by adopting a new Security Council resolution; continuing the maximum-pressure sanctions campaign; dissolving the JCPOA and re-imposing sanctions; and seeking a stronger, more restrictive, permanent nuclear agreement with Iran that addresses Iran’s nuclear, missile, and terrorism activities.

## Iranian Non-Compliance

On January 5, the Iranian government announced:

The Islamic Republic of Iran, in the fifth step in reducing its commitments, discards the last key component of its operational limitations in the JCPOA, which is the limit on the number of centrifuges. As such, the Islamic Republic of Iran’s nuclear program no longer faces any operational restrictions, including enrichment capacity, percentage of enrichment, amount of enriched material, and research and development. From here on, Iran’s nuclear program will be developed solely based on its technical needs.<sup>2</sup>

As acknowledged in the announcement, this is only the latest step taken by Iran to violate the terms of the JCPOA. According to its own admission and others’ reporting—such as that by the United Nations International Atomic Energy Agency (IAEA)—Iran has repeatedly violated its commitments under the JCPOA. Even as early as 2017, an expert reported, “Iran has repeatedly tested the boundaries of the Joint Comprehensive Plan of Action (JCPOA) and in many cases crossed the line into a violation.”<sup>3</sup>

On the first anniversary of the U.S. withdrawal from the nuclear deal, May 8, 2019, Iran announced that it would stop complying with key restrictions set by the agreement and warned that it would exceed limits on enriched uranium and heavy-water stockpiles unless the remaining parties to the nuclear deal—especially Britain, France, and Germany—found a way to protect Iran from U.S. oil and bank sanctions within 60 days, by July 7.<sup>4</sup>

Since then, Iran has escalated its noncompliance with the agreement every 60 days, in a series of deliberate, major violations that include:

- Surpassing the JCPOA's limits on in-country stockpiles of low enriched uranium (LEU) to beyond 300 kilograms;<sup>5</sup>
- Exceeding the JCPOA's limits on the enrichment of uranium, which was capped at 3.67 percent and enriching uranium to an estimated 4.5 percent;<sup>6</sup>
- Increasing the number of centrifuges enriching uranium beyond the allowed 5,060 IR-1 centrifuges under the JCPOA;<sup>7</sup>
- Using non-JCPOA-approved, advanced centrifuges for enriching uranium at the Natanz enrichment complex, specifically utilizing IR-4 and IR-6 centrifuges in nuclear research and development programs;<sup>8</sup>
- Beginning enriching uranium at facilities beyond its main enrichment plant at Natanz by introducing uranium gas into the centrifuges at the fortified underground Fordow enrichment facility, which ostensibly was repurposed under the JCPOA as only for research;<sup>9</sup> and
- Surpassing 130 metric tons of heavy water at its Heavy Water Production Plant, which could be used in the production of plutonium, a fissile material for a plutonium-based nuclear weapon.<sup>10</sup>

Iran deliberately violated its commitment under the JCPOA as an expression of defiance of the Trump Administration's maximum-pressure sanctions campaign and to pressure the European Union to help it circumvent U.S. sanctions and assist it economically. Although Iran has announced that it will no longer observe its commitments under the JCPOA, Tehran did not explicitly announce its withdrawal from the agreement and stated that it will continue to cooperate with the IAEA and its inspection regime; however, Iran reportedly may reconsider this cooperation.<sup>11</sup> Iran has announced, "If the [economic] sanctions are lifted and Iran benefits from its interests enshrined in the JCPOA, the Islamic Republic is ready to return to its commitments."<sup>12</sup>

Nonetheless, Iran's provocative actions have understandably raised concerns that Tehran has not shed its nuclear ambitions and may be moving to re-establish its nuclear weapons program. Its actions related to uranium-enrichment levels, its growing enriched-uranium stockpile, and operational centrifuges are particularly alarming.

## Path to a Nuclear Weapon

Though uranium is often enriched to 90 percent for use in modern nuclear weapons, uranium enriched to 20 percent is considered “highly enriched.”<sup>13</sup> In sufficiently large quantities, uranium enriched to 20 percent could be used to build a nuclear weapon.<sup>14</sup> Iran was technologically capable of enriching uranium to 20 percent prior to the JCPOA.<sup>15</sup> Under the agreement, Iran agreed for 15 years to limit its use of centrifuges, cap its enrichment to 3.67 percent, and either dilute or dispose of uranium enriched above that level. Notably, the JCPOA merely deferred these and other related activities; it did not prohibit them in perpetuity.

A return to enriching uranium above 3.67 percent reduces the potential time needed—also known as the “breakout time”—for Tehran to amass enough weapons-grade uranium to build a nuclear weapon.<sup>16</sup> In addition, more efficient centrifuges at a site such as Fordow, if put to use, would potentially allow Iran to enrich uranium five to 10 times more quickly, according to Iranian officials, should it decide to build a nuclear arsenal.<sup>17</sup> Iran’s violation of its JCPOA commitments reduces the breakout time according to one estimate.<sup>18</sup>

Expressing deep concern about Iran’s violations of the nuclear deal, the Foreign Ministers of the United Kingdom, France, and Germany released a statement on January 14, which called out Tehran’s violation of “key restrictions set out in the JCPOA.”<sup>19</sup> The statement added, “Iran’s actions are inconsistent with the provisions of the nuclear agreement and have increasingly severe and non-reversible proliferation implications. We do not accept the argument that Iran is entitled to reduce compliance with the JCPOA.”<sup>20</sup>

As a result, the E3 initiated the Dispute Resolution Mechanism under the agreement, which will lead to a review, negotiations, and the possible re-imposition of previously suspended punitive U.N. economic sanctions, according to the JCPOA.<sup>21</sup> This is a significant departure for the E3, who remain committed to preserving the agreement despite the United States’ departure in May 2018, and signals that Iranian efforts to pressure the E3 may have backfired.<sup>22</sup>

## Next Steps

While awaiting the resolution of the JCPOA Dispute Resolution Mechanism process, the United States should take additional steps to dissuade,

deter, or deny Iran from advancing its nuclear program, especially the possibility of the intensification of a program with a military dimension. Specifically, the Trump Administration should:

- **Ensure a positive military balance against Iran in the Middle East.** The United States and its allies should continue to maintain a favorable military balance of power against Iran, its allies, and proxies to oppose Iran's malign activities in the region, including the development of a nuclear weapons program. Sanctions alone are unlikely to stop Iran's march to a nuclear weapon. Firm diplomacy backed by the credible threat of the use of force is necessary to reach an acceptable resolution of the current crisis. Tehran must understand through Washington's declaratory policy—as well as through the deployment of American military forces and actions to enforce that policy—that the United States will protect its interests in the region and respond to hostile actions.
- **Maintain the arms-transfer ban on Iran.** U.N. Security Council Resolution 2231, which endorsed the JCPOA, also contained other provisions, including a timeline for suspending prior U.N. Security Council sanctions on Iran. One of these measures, a ban on the transfer of conventional weapons to Iran, expires in October. Considering Iran's international behavior, the Security Council should adopt a new resolution to maintain this ban as soon as possible.<sup>23</sup> A failure to do so would allow weapons transfers to Iran that would enhance the threat Tehran already poses to international peace and stability.
- **Continue the maximum-pressure sanctions campaign against Iran.** Nuclear programs, especially nuclear weapons programs, are expensive. As such, Washington should seek to prevent the flow of revenue into Tehran's coffers that might be used for this or other nefarious purposes. The Administration's maximum-pressure campaign on Iran has successfully constrained the Iranian economy and defense spending.<sup>24</sup> Maximum pressure should continue until Iran agrees to negotiate a more restrictive nuclear agreement and changes its behavior, ranging from its support for terrorism; aggressive regional interventions; intimidation efforts through its armed drone, ballistic missile, and cruise missile attacks; and manifest human rights violations.

- **Pull the plug on the JCPOA agreement.** Britain, France, and Germany have finally taken the first step by triggering the JCPOA's Dispute Resolution Mechanism, which could result in the snapback of previously imposed, but suspended, U.N. economic sanctions.<sup>25</sup> The U.S. should encourage the E3 to stay the course and reject half measures by Iran in a misguided attempt to resurrect the flawed and risky JCPOA. Iran will not begin to negotiate a new nuclear agreement until it is clear that the old agreement is finally dead and buried. Applying further pressure through the snapback of U.N. sanctions improves the odds that Iran will negotiate a new deal that permanently addresses its nuclear, missile, and terrorism activities.<sup>26</sup>
- **Seek a stronger, more restrictive, permanent nuclear agreement with Iran.** While exerting pressure on Iran, the door to diplomacy between Washington and Tehran should be kept open. The declared purpose of the Administration's maximum-pressure campaign is not regime change, but to ultimately bring Iran to the negotiating table to reach an agreement that would permanently bar Tehran from acquiring nuclear weapons and long-range ballistic missiles to deliver them. This would require banning Iran from uranium-enrichment activities and reprocessing and fabricating its own nuclear fuel; dismantling substantial portions of Iran's nuclear infrastructure, particularly the Fordow and Natanz uranium-enrichment facilities and Arak heavy-water reactor; performing robust inspections on an "anytime, anywhere" basis and real-time monitoring of Iranian nuclear facilities; linking sanctions relief tightly to Iranian compliance; ensuring that Iran comes clean on its past nuclear-weaponization efforts; outlining a clear and rapid process for re-imposing all sanctions if Iran is caught cheating; and imposing effective limitations on the development and testing of long-range and other missiles.<sup>27</sup>

## Conclusion

Iran is arguably the greatest threat to international peace and security in the world today. Since the adoption of the JCPOA, Iran has encouraged, facilitated, or supported terrorism in the Middle East, Africa, Europe, Latin America, South Asia, and the United States.<sup>28</sup> Its military adventurism in Iraq, Syria, and Yemen have caused immeasurable suffering. Tehran's support of Hamas, Hezbollah, and Palestinian Islamic Jihad threatens Israel, a key U.S. ally.

Iran's serial violations of the JCPOA raise serious concerns about its nuclear ambitions. The regime's international behavior makes it imperative that the United States, its allies, and partners take decisive actions to prevent Iran from developing a nuclear weapon and the means to deliver it.

**Peter Brookes** is Senior Research Fellow for Weapons of Mass Destruction and Counter Proliferation in the Center for National Defense, of the Kathryn and Shelby Cullom Davis Institute for National Security and Foreign Policy, at The Heritage Foundation. **Brett D. Schaefer** is the Jay Kingham Senior Research Fellow in International Regulatory Affairs in the Margaret Thatcher Center for Freedom, of the Davis Institute. **James Phillips** is Senior Research Fellow for Middle Eastern Affairs in the Douglas and Sarah Allison Center for Foreign Policy, of the Davis Institute.

## Endnotes

1. Ministry for Europe and Foreign Affairs, "Joint Statement by the Foreign Ministers of France, Germany and the United Kingdom on the Joint Comprehensive Plan of Action," January 14, 2020, <https://www.diplomatie.gouv.fr/en/country-files/iran/news/article/joint-statement-by-the-foreign-ministers-of-france-germany-and-the-united> (accessed January 27, 2020).
2. "Iran Takes Final JCPOA Step, Removing Last Limit on Nuclear Program," MEHR News Agency, January 5, 2020, <https://en.mehrnews.com/news/154191/iran-takes-final-jcpoa-step-removing-last-limit-on-nuclear-program> (accessed January 27, 2020).
3. David Albright, "Update on Iran's Compliance with the JCPOA Nuclear Limits—Iran's Centrifuge Breakage Problem: Accidental Compliance," Institute for Science and International Security, September 21, 2017, <https://isis-online.org/isis-reports/detail/update-on-irans-compliance-with-the-jcpoa-nuclear-limits/> (accessed January 27, 2020).
4. Tamer El-Ghobashy, Michael Birnbaum, and Carole Morello, "Iran Announces It Will Stop Complying With Parts of Landmark Nuclear Deal," *The Washington Post*, May 8, 2019, [https://www.washingtonpost.com/world/iran-to-take-steps-to-reduce-its-commitment-to-landmark-nuclear-deal/2019/05/07/90cc3b1c-70fe-11e9-9331-30bc5836f48e\\_story.html](https://www.washingtonpost.com/world/iran-to-take-steps-to-reduce-its-commitment-to-landmark-nuclear-deal/2019/05/07/90cc3b1c-70fe-11e9-9331-30bc5836f48e_story.html) (accessed January 24, 2020).
5. "Iran Takes Final JCPOA Step."
6. Ibid., and Erin Cunningham, "Iran Surpasses Uranium Enrichment Limit in Its First Major Breach of Nuclear Deal," *The Washington Post*, July 8, 2019, [https://www.washingtonpost.com/world/middle\\_east/iran-surpasses-uranium-enrichment-limit-in-first-major-violation-of-nuclear-deal/2019/07/08/ccfad26c-a0f9-11e9-a767-d7ab84aef3e9\\_story.html](https://www.washingtonpost.com/world/middle_east/iran-surpasses-uranium-enrichment-limit-in-first-major-violation-of-nuclear-deal/2019/07/08/ccfad26c-a0f9-11e9-a767-d7ab84aef3e9_story.html) (accessed January 27, 2020).
7. David Albright and Andrea Stricker, "IAEA Iran Safeguards Report Analysis—Iran Commits Multiple Violations of the Nuclear Deal, Several Non-Reversible," Institute for Science and International Security and the Foundation for the Defense of Democracies, November 13, 2019, <https://isis-online.org/isis-reports/detail/iaea-iran-safeguards-report-analysis> (accessed January 16, 2020).
8. "Iran Takes Final JCPOA Step," and Kiyoko Metzler, "U.N. Atomic Watchdog Raises Questions of Iran's Centrifuge Use," Associated Press, May 31, 2019, <https://apnews.com/0209af814f73484f97032945161523bb> (accessed January 27, 2020).
9. Parisa Hafezi, "Iran Fuels Centrifuges, Resumes Uranium Enrichment at Fordow," Reuters, November 6, 2019, <https://www.reuters.com/article/us-iran-nuclear-uranium/iran-fuels-centrifuges-resumes-uranium-enrichment-at-fordow-idUSKBNIXG2WN> (accessed January 27, 2020).
10. Francois Murphy, "Iran Exceeds Heavy Water Limit in Latest Nuclear Deal Breach: IAEA," Reuters, November 18, 2019, <https://www.reuters.com/article/us-iran-nuclear-iaea/iran-exceeds-heavy-water-limit-in-latest-nuclear-deal-breach-iaea-idUSKBNIXSIVH> (accessed January 27, 2020).
11. Parisa Hafezi, "Iran May Review Cooperation with IAEA if EU Pressure Mounts: TV," Reuters, January 19, 2020, <https://www.reuters.com/article/us-iran-nuclear-iaea/iran-may-review-cooperation-with-iaea-if-eu-pressure-mounts-tv-idUSKBNIZI09N> (accessed January 27, 2020).
12. "Iran Takes Final JCPOA Step."
13. Nuclear Threat Initiative, "Module 2: Uranium Enrichment," <https://tutorials.nti.org/nuclear-101/uranium-enrichment/> (accessed January 27, 2020).
14. Ibid.
15. "Iran Could Enrich Uranium to 20 Percent Within Four Days: Atomic Chief," Reuters, January 15, 2019, <https://www.reuters.com/article/us-iran-nuclear-salehi/iran-could-enrich-uranium-to-20-percent-within-four-days-atomic-chief-idUSKCNIP9239> (accessed January 27, 2020).
16. U.S. Institute for Peace, "The Iran Primer: Iran's Fifth Step Away from Nuclear Deal," January 6, 2020, <https://iranprimer.usip.org/index.php/blog/2020/jan/06/iran%E2%80%99s-fifth-step-away-nuclear-deal> (accessed January 27, 2020).
17. "Iran Now Using Advanced Centrifuges, Violating Nuclear Deal," CNBC, September 7, 2019, <https://www.cnn.com/2019/09/07/iran-now-using-advanced-centrifuges-violating-nuclear-deal.html> (accessed January 27, 2020).
18. Albright and Skinner, "IAEA Iran Safeguards Report Analysis - Iran Commits Multiple Violations."
19. Ministry for Europe and Foreign Affairs, "Joint Statement by the Foreign Ministers of France, Germany, and the United Kingdom."
20. Ibid.
21. Under the JCPOA, the Dispute Resolution Mechanism process can last up to 65 days, though it could be extended over a longer period if the complaining party or parties agree to continue negotiations. The initial step allots up to 15 days for the Joint Commission to resolve an allegation by the E3/EU+3 (China, France, Germany, the Russian Federation, the United Kingdom, and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy) or the Islamic Republic of Iran of the failure of one of the participating parties to meet commitments under the agreement. However, the Joint Commission could agree to extend this period by consensus. After consideration by the Joint Commission, any participant can refer the issue to the Ministers of Foreign Affairs, who would have up to 15 days to resolve the issue. In addition, either the complaining party or the participant accused of non-compliance could request that an Advisory Board consider the issue. This would operate in "parallel with (or in lieu of) review" by the Ministers of Foreign Affairs. If this 30-day process does not resolve the issue, the Joint Commission would have no more than five days to consider the opinion of the Advisory Board. If the complaining participant remains unsatisfied, it can notify the U.N. Security Council of an issue of significant non-performance. The U.N. Security Council would have up to 30 days to adopt a resolution to continue the lifting of sanctions as specified under the JCPOA. If the Security Council does not take action, "the provisions of the old U.N. Security Council resolutions would be re-imposed." "Joint Comprehensive Plan of Action," July 14, 2015, <https://2009-2017.state.gov/documents/organization/245317.pdf> (accessed January 27, 2020).

- 
22. The White House, "President Donald J. Trump Is Ending United States Participation in an Unacceptable Iran Deal," May 8, 2018, <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-ending-united-states-participation-unacceptable-iran-deal/> (accessed January 27, 2020).
  23. United Nations Security Council, "Resolution 2231," S/RES/2231, July 20, 2015, <http://unscr.com/en/resolutions/doc/2231> (accessed January 27, 2020).
  24. Brian H. Hook, Special Representative for Iran and Senior Policy Advisor to the Secretary of State, "Special Representative Brian Hook's Economic Speech at Council on Foreign Relations," December 12, 2019, <https://www.state.gov/special-representative-brian-hooks-economic-speech-at-council-on-foreign-relations/> (accessed January 27, 2020), and Radio Farda, "Tehran's Military Expenditures Decline; Iran-Made Missiles, Drones, To Make Up For Ban On Imports," June 12, 2019, <https://en.radiofarda.com/a/29995011.html> (accessed October 22, 2019).
  25. Steven Erlanger, "France, Germany, and U.K. Serve Notice on Iran Under Nuclear Deal," *The New York Times*, January 14, 2020, <https://www.nytimes.com/2020/01/14/world/europe/iran-nuclear-deal.html> (accessed January 27, 2020), and Ministry for Europe and Foreign Affairs, "Joint Statement by the Foreign Ministers of France, Germany and the United Kingdom."
  26. "Boris Johnson: Replace Iran Nuclear Plan With 'Trump Deal,' Says PM," BBC News, January 14, 2020, <https://www.bbc.com/news/uk-politics-51104386> (accessed January 27, 2020).
  27. See James Phillips, "U.S. Must Lead Strong Multinational Response to Iran's Extortion Strategy," Heritage Foundation *Backgrounder* No. 3432, August 16, 2019, <https://www.heritage.org/middle-east/report/us-must-lead-strong-multinational-response-irans-extortion-strategy>.
  28. "Iran: The Leading State Sponsor of Terrorism," United Against a Nuclear Iran, <https://www.unitedagainstnucleariran.com/terrorism> (accessed January 27, 2020).