

Why Returning to the JCPOA Is a Dangerous Mistake

THE ISSUE

President Joe Biden has made it clear that he is committed to reviving the 2015 Iran nuclear deal, the deeply flawed Joint Comprehensive Plan of Action (JCPOA).

Doing so would reward a hostile dictatorship that has repeatedly reneged on its nonproliferation obligations, violated international laws, and pocketed past concessions without moderating its aggressive foreign policy.

Returning to the JCPOA would also perpetuate the same old problems inherent in that discredited arrangement. Moreover, it would squander the bargaining leverage amassed by the Trump Administration through its “maximum pressure” campaign and reduce the chances of negotiating a follow-on agreement to fill the dangerous gaps in the JCPOA.

The U.S. should maintain sanctions until Iran agrees to a more restrictive new agreement that includes Iran’s ballistic missile program, requires Iran to disclose its past nuclear weapons efforts, does a better job of protecting the interests of Israel and Arab allies, and is codified in a treaty, ratified by the Senate.

WHY THE CONCERN?

Key Provisions “Sunset.” The JCPOA did not end Tehran’s runaway nuclear program, it only slowed it down. For instance, many major uranium-enrichment restrictions, which are central to producing the fissile material for a nuclear weapon, begin to “sunset,” or expire, at the 10-year mark. This sunset provision will allow Iran to resume many aspects of its nuclear work, including expanding the numbers of centrifuges that enrich uranium

and developing advanced centrifuges in 2025—just four years from now. U.N. Security Council Resolution 2231 also expires, ending U.N. Security Council involvement in the nuclear issue.

Deal Does Not Address Ballistic Missiles. Iran has the largest missile arsenal in the Middle East, posing a significant regional threat to allies, partners, and U.S. forces. The JCPOA did not capture Tehran’s development of ballistic missiles—the preferred delivery vehicle for a nuclear weapon. In fact, the JCPOA *weakened* the language of 2010 U.N. Security Council Resolution 1929, which prohibited “any activity related to ballistic missiles capable of delivering nuclear weapons,” and replaced it with language that merely “calls upon” Iran to refrain from “any activity related to ballistic missiles designed to be capable of delivering nuclear weapons.” Iran’s space-launch vehicle program could support the development of an intercontinental ballistic missile, putting the American homeland at risk.

Deal Does Not Allow Military Site Inspection. Shockingly, the JCPOA does not allow “anytime, anywhere” inspections—a key verification tool. International Atomic Energy Agency (IAEA) inspectors, responsible for monitoring Iranian compliance with the deal, are not allowed to visit undeclared facilities without permission or credible evidence of concern. Tehran has also made military bases off limits—which is a logical place for Iran to build a nuclear weapon.

Questions About Possible Military Dimensions (PMDs) Remain Unresolved. As part of the nuclear deal, Iran was supposed to be transparent with the IAEA on

the PMDs of its earlier nuclear weapons work in order to facilitate monitoring and verification of the pact. Tehran did not fully cooperate—and still refuses to—leaving the world to draw conclusions about its real intentions.

Deal Did Not Moderate Iran's Aggression. One hope was that the nuclear agreement would moderate Iran's conduct by reducing Tehran's international isolation. It has not. Iran is still a state sponsor of terrorism (through terror groups, such as Hamas and Hezbollah, as well as its own Islamic Revolutionary Guard Corps). Iran also supports Yemen's Houthi rebels, paramilitary units in Iraq, and the Assad regime in Syria, and is a continuing threat to Persian Gulf maritime and regional security.

THE JCPOA IS A BAD DEAL

Iran never fully complied with the JCPOA and is currently in violation of it on several accounts, including uranium stockpiles, uranium-enrichment levels, and centrifuge use. A much more restrictive agreement is required to permanently and verifiably dismantle Iran's nuclear weapons program. The Biden Administration should take advantage of the strong bargaining position it inherited from the Trump Administration's maximum pressure campaign and sanctions innovations to secure a more restrictive agreement that will enhance the security of the United States and its allies. Bowing to Tehran's nuclear extortion and rushing to return to the defective JCPOA will only squander U.S. leverage, generate adverse regional consequences, and allow Iran to set the stage for an eventual nuclear breakout.