OPTIONS FOR THE BIDEN ADMINISTRATION TO PREVENT IRAN FROM DEVELOPING A NUCLEAR WEAPON

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Abstract: Today, Iran’s nuclear program poses a threat to the United States’ (U.S.) security interests in the Middle East. In 2015, under the Obama administration, the U.S. joined the Joint Comprehensive Plan of Action (JCPOA), commonly referred to as the Iran nuclear deal. The JCPOA was a multinational agreement meant to prevent Iran from developing a nuclear weapon in return for the removal of sanctions on Iran. However, in 2018, the Trump administration withdrew from the agreement and re-imposed sanctions. Despite the U.S. ‘decision to withdraw from the agreement, Iran continued to abide by it until the Trump administration imposed new sanctions against their country. The Biden administration has only two options to address this situation: The U.S. could either rejoin the JCPOA or increase economic sanctions. While increasing sanctions could pressure Iran to negotiate, they would risk the rise of anti-American sentiment and enhance the power of hardliners in the government. On the other hand, if the U.S. rejoins the JCPOA, there is the risk that Iran will continue with its missile program and its dominance in the region.

Introduction

A Joseph R. Biden presidency renews hope of the United States (U.S.) rejoining the Joint Comprehensive Plan of Action (JCPOA), commonly referred to as the Iran nuclear deal. The JCPOA was a preliminary framework agreement reached on July 14, 2015, between Iran, the European Union (E.U.), and the five permanent members of the United Nations Security Council (UNSC) — the United States, Great Britain, France, Russia, and China — plus Germany, commonly referred to as the P5+1. The agreement was a transaction in which Iran promised to stop developing nuclear weapons for 15 years in return for the removal of economic sanctions. However, on May 8, 2018, under the Trump administration, the U.S. withdrew from the agreement and reimposed sanctions on Iran despite strong disapproval from the other signatories. Trump backed his decision to leave, claiming that it was “defective at its core.” Trump claimed that the limits of the agreement were “very weak,” “allow[ing] Iran to continue...”

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96 Kali, “What Is the Iran Nuclear Deal?”
98 “The P4+1 and Iran Nuclear Deal Alert, May 16, 2018.”
enriching uranium and — over time — reach the brink of a nuclear breakout.”

In November 2018, the Trump administration re-imposed economic sanctions on Iran. In April 2019, the U.S. threatened to impose sanctions on any country that continued to buy oil from Iran. Two months later, the Trump administration imposed sanctions on the Iranian Supreme Leader Ali Khamenei. The U.S.’ decision to not only withdraw from the agreement but also to increase sanctions on Iran discouraged the country from continuing to abide by the limits set by the agreement. On July 1, 2019, Iran violated the terms of the agreement when it surpassed the limit on its low-enriched uranium stockpile. A week later, Iran breached the 3.67% limit on nuclear enrichment. The potential for political and economic destabilization poses a great risk to the U.S. and its allies in the Middle East — Israel and Saudi Arabia. Therefore, the Biden administration must decide what strategy to pursue to protect U.S. security interests in the region. The Biden administration can pursue two strategies to address this situation: attempt to rejoin the original agreement or increase economic sanctions. The most effective strategy that will fulfill U.S. regional security interests is to rejoin the original agreement.

Background

Iran launched its civilian nuclear program in the 1950s under the Shah, Mohammad Reza Pahlavi. In 1968, Iran signed the Non-Proliferation of Nuclear Weapons Treaty (NPT), ratifying the treaty two years later. The NPT had three objectives: to prevent the spread of nuclear weapons, to promote the peaceful use of nuclear technology, and to strive for global

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100 “The P4+1 and Iran Nuclear Deal Alert, May 16, 2018.”


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nuclear disarmament. Following the 1979 Iran Revolution, Iran’s nuclear program came to a
stillstand as many nuclear scientists had fled the country in the wake of the revolution and
Ayatollah Ruhollah Khomeini opposed the use of nuclear technology. In 1984, the U.S. added
Iran to its list of state sponsors of terrorism and gradually imposed economic sanctions and arms
embargos on the country. Later that year, Khomeini restarted Iran’s nuclear program to defend
the Islamic Republic from external threats, such as Iraq. Over time, sanctions were used to
address concerns that Iran was using its civilian nuclear program as a cover for nuclear weapons
development.

Almost two decades later, in 2002, the National Council of Resistance of Iran (NCRI),
the political wing of the People’s Mujahedin of Iran, a militant opposition organization banned
by the Iranian government, revealed the existence of Iran’s nuclear program. Alireza
Jafarzadeh, a representative of the NCRI, disclosed that Iran had built two new nuclear facilities
in Natanz and Arak. The following year, Iran negotiated with the EU-3 — France, Germany,
and the United Kingdom — in an attempt to avoid referral to the UNSC. During this time, Iran
notified the IAEA that it would suspend nuclear enrichment for the duration of the talks,
commonly referred to as the Paris Agreement. However, diplomatic progress fell apart in 2005
after Iran rejected the EU-3’s long-term framework agreement and decided to resume enriching
uranium.

In June 2006, the P5+1 proposed an agreement that would advance Iran’s civilian nuclear
technology if it suspended nuclear enrichment and resumed the implementation of additional
protocols requiring Iran to declare its nuclear activities and grant the IAEA access to its nuclear
facilities. Although Iran rejected the proposal, it admitted that it contained “elements which
may be useful for a constructive approach.” In response, the UNSC adopted Resolution 1737, which gradually imposed economic sanctions on Iran in an attempt to force the country to the negotiation table.

In June 2008, the UNSC proposed a new, more comprehensive framework agreement. Unlike the first proposal, the UNSC’s new proposal included a promise not to impose any additional sanctions on Iran. A year later, under the Obama administration, the U.S. initiated a “fuel swap” agreement whereby Iran would trade a majority of its 3.5% enriched uranium in return for fuel for the Tehran Research Reactor. Although Iran agreed, the country increased its stockpile of 3.5% enriched uranium, violating the agreement. In response, the UNSC adopted Resolution 1929, expanding sanctions on Iran.

Six years later, on April 2, 2015, a general framework agreement was agreed upon, and a date was set to finalize the deal. However, before the agreement could be completed, the U.S. Congress passed the “Iran Nuclear Agreement Review Act of 2015,” a bill that gave Congress the right to review any nuclear agreement negotiated with Iran. Congress had 60 days to pass a resolution in support of or in opposition to the agreement. If Congress could not come to a decision, the choice would be — and ultimately was — left to the President. On July 14, Iran, the EU, and the P5+1 met in Vienna, Austria, to finalize the agreement. However, in October,
the U.S. raised concerns to the UNSC for Iran’s medium-range ballistic missile tests, a possible violation of Resolution 1929.\textsuperscript{129}

In December 2016, U.S. Secretary of State John Kerry reissued sanctions waivers to demonstrate the U.S.’ commitment to JCPOA.\textsuperscript{130} In January 2017, Iran tested medium-range ballistic missiles in violation of Resolution 2231.\textsuperscript{131} Two months later, the U.S. introduced new sanctions on Iran targeting its ballistic missile program and its support of terrorism.\textsuperscript{132}

The Trump administration announced the U.S.’ withdrawal from the JCPOA in May 2018.\textsuperscript{133} Trump referred to the deal as “defective at its core” and accused Iran of exporting ballistic missiles to fuel proxy wars with Israel and Saudi Arabia.\textsuperscript{134} Many international organizations, countries, and U.S. scholars have criticized the Trump administration’s decision to withdraw, while many U.S. conservatives, Israel, and Saudi Arabia supported the move.\textsuperscript{135}

Former President Barack H. Obama called Trump’s decision “a serious mistake.”\textsuperscript{136} He claimed that “without the JCPOA, the United States could eventually be left with a losing choice between a nuclear-armed Iran or another war in the Middle East.”\textsuperscript{137}

Once again, in July 2019, Iran breached the agreement when it surpassed the limit on its low-enriched uranium stockpile.\textsuperscript{138}

Analysis

Iran’s nuclear program remains one of the United States’ most pressing foreign policy issues. If Iran successfully develops a nuclear weapon, the safety of Israel, Saudi Arabia, and other countries in the Middle East will be in jeopardy. Such a feat would further destabilize the region and threaten U.S. regional security interests. Therefore, it is within the Biden

\textsuperscript{131} “Iran’s Compliance with UNSCR 2231: Alleged Violations Must Be Addressed,” Iran Watch, 2017, \url{https://www.iranwatch.org/our-publications/articles-reports/irans-compliance-unscr-2231-alleged-violations-must-be-addressed}.
\textsuperscript{134} Landler, “Trump Abandons Iran Nuclear Deal He Long Scorned.”
\textsuperscript{135} Landler, “Trump Abandons Iran Nuclear Deal He Long Scorned.”
\textsuperscript{137} Obama, “REMARKS: Quitting the Iran Nuclear Deal: ‘A Serious Mistake.’”
administration’s best interest to prevent such an outcome from occurring by taking proactive steps to ensure that Iran does not develop a nuclear weapon.

**Rejoining the Joint Comprehensive Plan of Action**

Prior to withdrawing from the JCPOA, the Trump administration imposed various sanctions on Iran without compromising the United States’ commitments to the Iran nuclear deal. After withdrawing from the JCPOA, the Trump administration introduced additional sanctions that violated U.S. commitments to the deal. The Biden administration’s ability to re-enter the JCPOA is contingent upon addressing four different groups of sanctions: those imposed after May 2018 that violate the U.S.’ JCPOA commitments, sanctions imposed between January 2016 and May 2018 that are in line with the U.S. ’ commitments, and non-nuclear sanctions imposed by the Trump administration in 2019 that prevent efficient re-entry.

By rejoining the JCPOA, the Biden administration would have to address the current sanctions that contradict JCPOA commitments. This category of sanctions would be relatively easy to address because the administration would only need to revert to compliance with the deal. Notably, these are the same sanctions that the Obama administration lifted in 2016 to ensure U.S. compliance with the agreement. The sanctions cover Iran’s petrochemical development, oil sales, and acquisition of hard currency. The second point of consideration in reentry would be the sanctions prior to withdrawal. As noted above, the Trump administration had imposed various sanctions on Iran that were in line with U.S. commitments under the JCPOA. The sanctions covered terrorist networks, Iran’s prison system, the Islamic Revolutionary Guard Corps, and Iran’s networks for ballistic missile procurement. In the negotiations phase, Iran might advocate for a total reset to when the deal first went into effect. However, sanctions hereby outlined under the second category were made in compliance with JCPOA regulations, and it is unlikely that the Biden administration will lift them. Iran would need to agree to decrease its nuclear enrichment levels to the negotiated levels and to correct JCPOA restriction violations such as the development of new centrifuges and resuming heavy water production.

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140 “The P4+1 and Iran Nuclear Deal Alert, May 16, 2018.”

141 O’Toole, “Rejoining the Iran nuclear deal: Not so easy.”

142 O’Toole, “Rejoining the Iran nuclear deal: Not so easy.”

143 O’Toole, “Rejoining the Iran nuclear deal: Not so easy.”

144 Kali, “What Is the Iran Nuclear Deal?”
Increasing Economic Sanctions

The Biden administration has the option to increase sanctions on Iran. Powerful nations and multilateral alliances use economic sanctions to force adversaries to change specific behaviors. The U.S. government has used sanctions on Iran to degrade Iran’s military and nuclear powers, influence its decision making, and “promote positive political change in the nature of the Iranian regime.”145 As a coercive instrument of influence, the U.S. and its multilateral partners have used sanctions to discourage Iranian defiance of international community demands. Although sanctions are primarily economic, the overall price of sanctions is the coercive element that necessitates political changes.146 For example, sanctions proved effective in bringing Iran to the negotiation table, which resulted in the JCPOA. These sanctions created unfavorable economic conditions for the people of Iran and may have slowed the progress of the nuclear program due to economic hardship.

Nonetheless, economic struggles caused by sanctions do not always create positive political changes. In addition, sanctions could accelerate Iran’s nuclear program.147 Sanctions might also increase the population’s support for the regime’s economic defiance and consequently undermine the efficacy of economic sanctions.148 This can include building stronger political and economic relationships with U.S. adversaries such as China and Russia. Overall, economic pressure does not always guarantee effective control of the incumbent regime.

In various ways, Iran is not the ideal candidate for the use of economic sanctions by the U.S. In general, the outcomes of economic sanctions are uncertain when it comes to attempting to influence behavior.149 Sanctions may fail to match their coercive objectives, particularly when imposed on authoritarian adversaries.150 Although the U.S. has used coercive economic sanctions on Iran for decades, the results have been far from ideal.151 Since the Reagan administration, the U.S. has imposed various sanctions to restrict monetary aid, arms trade, and economic activities between the U.S. and Iran, among other penalties.152 During the Bush administration, the U.S. restricted Iran’s access to the international financial system with the objective of blocking or

150 Tarock, “The Iran nuclear deal: winning a little, losing a lot.”
152 Mahapatra, “US–Iran Nuclear Deal: Cohorts and Challenger.”
discouraging banks from operating in Iran. This policy continued in the Obama administration and successfully limited Iran’s access to the international financial system. The Trump administration introduced sanctions on Iran’s manufacturing, textiles, mining, and construction sectors, as well as imposing additional sanctions on specific companies, individuals, and authorities in a failed attempt to bring Iran back to the negotiation table to negotiate a new agreement.

If the Biden administration chooses to tighten U.S. sanctions on Iran, the key challenge will be to prevent a domestic backlash in Iran. Adverse coercive measures such as sanctions on Iranian oil could have negative implications for the Iranian population at large. Although an oil sanction could inflict economic pain on Iran, it could also rally the masses in support of the incumbent regime and strengthen the hardline position to block negotiations with the U.S. This risk is characteristically high, considering that hardliners support both the country’s uranium enrichment and missile program. To put it succinctly, it is unlikely that sanctions can be used as an effective way to limit the missile program of Iran, which has been used by hardliners as a tool to secure their dominance in the region.

Conclusion

Although the Biden administration has a variety of intervention options at its disposal, rejoining the JCPOA deal would be the most effective strategy. One option is to continue imposing further economic sanctions on Iran. A drawback of this strategy is an increase in anti-American sentiment and drawing attention away from the oppressive behavior of the Iranian government. The Biden administration should secure re-entry into the JCPOA by renegotiating current sanctions that violate the United States’ commitment to the agreement.

Rejoining the JCPOA will not be easy. However, compared to economic sanctions, returning the JCPOA appears to be the most beneficial. Despite the U.S.’ withdrawal during the Trump administration, Iran initially continued to abide by the deal. The current U.S. administration can use quiet diplomacy to ensure Iran’s commitment to a new bargain agenda that covers various issues after U.S. withdrawal. First, the Biden administration should ensure that all issues regarding compliance to the JCPOA be resolved before beginning re-entry talks.

154 Robert, “Containing Iran: Strategies for Addressing the Iranian Nuclear Challenge.”
155 O’Toole, “Rejoining the Iran nuclear deal: Not so easy.”

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The U.S. would need to remove any sanctions not aligned with the JCPOA and reassure Iran that the U.S. will not leave the agreement. Iran would need to agree to decrease its nuclear enrichment levels to the negotiated levels and to correct JCPOA restriction violations such as the development of new centrifuges and resuming heavy water production. Second, the Biden administration should ensure that there is an agreement from Tehran to engage in discussions regarding its missile program. In summary, the Biden administration should return to the Joint Comprehensive Plan of Action.

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