

FDD FAQ

FDD Frequently
Asked Questions

Issues Ahead on Iran's Nuclear Program

By Mark Dubowitz and Andrea Stricker | June 17, 2021

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Q

What is the Biden administration's policy regarding the 2015 Iran nuclear deal, formally known as the Joint Comprehensive Plan of Action (JCPOA)?

A

The Biden administration is currently [negotiating](#) a return to the [JCPOA](#), which 61 percent of Congress, including 29 Democrats in the [House](#) and [Senate](#), opposed in 2015. The Biden administration plans to lift many of the sanctions imposed on Iran by the previous administration after President Donald Trump withdrew from the JCPOA in May 2018. The Biden policy is to end the Trump administration's policy of "maximum pressure" and to use diplomacy to achieve a "[longer and stronger](#)" accord after both the United States and Tehran return to compliance. (Biden administration officials have dropped President Joe Biden's original commitment to also reach a [broader](#) deal relating to Iran's missiles and regional behavior.) The Islamic Republic has [refused](#) all such negotiations.

Q

What is the main problem with reviving the JCPOA?

A

In return for Iranian compliance with the JCPOA and the associated UN Security Council Resolution (UNSCR) [2231](#), both of which have restrictions that will [expire](#) over the next three to nine and a half years, the Biden administration has [indicated](#) that it will lift nuclear, terrorism, missile, and other illicit finance-related [sanctions](#), including those restricting the Islamic Republic's ability to sell oil and attract investment. These sanctions target Iran's central bank; Iran's national oil, tanker, and shipping companies; and six key sectors of the Iranian economy. The Trump administration sanctioned these targets because of their connections to terrorism, the Islamic Revolutionary Guard Corps (IRGC), and other malign actors and activities. The clerical regime will thus have additional funds to save its [faltering economy](#) and to arm its proxies and militias in Iraq, Lebanon, Syria, Yemen, and the Palestinian territories – destabilizing the region and undermining American interests.

Q --- **What parts of the JCPOA and UNSCR 2231 are expiring, and when?**

A

 In 2024, under the JCPOA, nuclear sunsets will enable Iran to [deploy](#) faster, more advanced centrifuges to enrich uranium. With these advanced models, Tehran will require fewer machines to produce weapons-grade uranium, making the centrifuges easier to hide. By January 2031, the Islamic Republic can even [stockpile](#) nuclear weapons-grade uranium. Iran's [breakout time](#) will become so short, and its clandestine [sneak-out](#) capabilities will be so advanced, that world powers will be unable to stop Tehran if it moves to build atomic weapons.

JCPOA limits are already becoming obsolete today. Iran is developing important expertise in enriching uranium to [60 percent purity](#) – a short step from 90 percent, or weapons-grade, uranium – and is [practicing](#) a breakout and sneak-out to nuclear weapons. Tehran is also furthering its advanced centrifuge program and sensitive nuclear weapons-relevant [processes](#). Iran's technical knowledge from these advances will not disappear even if the Biden administration re-establishes the JCPOA.

[Key provisions](#) of UNSCR 2231 have expired or will soon expire. In 2020, Iran gained the internationally recognized right to import and proliferate military equipment. This [enables](#) Chinese and Russian military suppliers to sell, without international restrictions, advanced fighter jets, battle tanks, warships, attack helicopters, and other deadly weapons to the clerical regime. In 2023, Iran can [buy and sell](#) missile technology and conduct missile tests, giving Tehran access to technologies to advance its ballistic and cruise missile programs, including its intercontinental ballistic missile program.

Q --- **What is the likelihood Iran will negotiate a follow-on nuclear accord?**

A

 After receiving massive sanctions relief and the tens of billions of dollars that will flow into its coffers, Iran will almost certainly refuse to negotiate a longer, stronger, and broader nuclear accord or to institute a policy of transparency regarding its nuclear program. The Islamic Republic will continue to use [nuclear blackmail](#) – threatening to expand its nuclear program and [restrict](#) international monitoring – whenever the United States imposes pressure. If Tehran does agree to a new accord, it will almost certainly [demand](#), among other concessions, the end of all U.S. sanctions, including statutory sanctions imposed by Congress and a U.S. primary embargo against most trade with Iran, which has been in place for decades.

Iran will not negotiate meaningful restrictions or restrain its malign activities unless it faces [severe consequences](#) for its misconduct. The Biden administration's contention that it will reimpose all the lifted sanctions if Tehran does not agree to a "longer and stronger" deal assumes that the president will sanction companies from America's European and Asian allies, and that he will face down Iranian nuclear extortion when the regime escalates its program. Both are dubious claims given his willingness to back down to current regime blackmail and his commitment to transatlantic comity.

Q

Won't it be easier to deal with Iran's efforts to destabilize the region if its ability to develop nuclear weapons is limited, even temporarily?

A

Iran [escalated](#) its regional aggression while the JCPOA was in effect from 2015 to 2018. Yet the United States and E3 (France, the United Kingdom, and Germany) were afraid to confront Tehran, lest it withdraw from the deal. This is likely to happen again. By contrast, the Trump administration did not back down from targeting the Islamic Republic, despite Iran's nuclear escalation. The U.S. decision to [kill](#) IRGC-Quds Force commander Qassem Soleimani, and the Israeli [assassination](#) of the head of Iran's military-nuclear program, Mohsen Fakhrizadeh, shocked the clerical regime. During the Trump administration, Tehran did not retaliate significantly in response to the loss of its most competent battlefield commander and the head of its nuclear weapons program. By contrast, Tehran's green-lighting of [rocket attacks](#) by Iran-backed Hamas and Palestinian Islamic Jihad in the latest Gaza war suggests that the regime is less deterred by American power under the Biden administration.

Since its key restrictions are temporary, the JCPOA effectively provides Iran with a [patient pathway](#) to nuclear weapons. If Tehran waits for the deal's sunset clauses to take effect, it will have a robust nuclear program on the brink of weaponization, legitimized by the United States and the UN Security Council.

Q

Isn't it true that Iran complied with the JCPOA until the United States withdrew? Doesn't that show that Iran will comply with a deal it considers fair?

A

In 2018, Israel [seized files](#) from a Tehran warehouse that document Iran's efforts to develop nuclear weapons, have the capability to test them, and mount them on ballistic missiles. The International Atomic Energy Agency (IAEA), the UN nuclear watchdog, corroborated this evidence. The files [indicate](#) that until 2003, Tehran had an advanced nuclear weapons program aimed at building several implosion nuclear devices. Under pressure, Iran then downsized and better camouflaged the program but [maintained it](#) and kept its nuclear weapons blueprints hidden from the IAEA.

This revelation decisively shows that from day one, the Islamic Republic was in violation of a JCPOA provision requiring that Iran never again seek nuclear weapons. Tehran was also in violation of its obligations under the Nuclear Non-Proliferation Treaty (NPT) not to develop nuclear weapons, a legally binding commitment that dates to 1970. Iran should have destroyed its nuclear weapons-related documents and transparently halted all activities related to nuclear weaponization.

Q _____

Does Iran's nuclear program currently maintain military dimensions?

A _____

The IAEA has been [unable](#) to determine whether Iran's nuclear weapons program continues today. Tehran is not cooperating with IAEA inquiries into its undeclared use of nuclear material at three covert sites and will not do so absent international pressure. In 2015, after the JCPOA's finalization, world powers asked the IAEA to remove its investigation of Iran's military nuclear program from the agency's agenda and to issue a ["final" report](#) on the matter. In the report, Tehran offered partial explanations, denials, and outright lies in response to IAEA queries, but world powers proceeded with lifting sanctions. It was only when Iran's archive came to light in 2018 that a new IAEA inquiry began.

Q _____

What is the IAEA investigating in Iran today?

A _____

In 2019 and 2020, the IAEA asked Iran for access to three sites related to the nuclear archive's revelations and questioned Iran about a fourth site. Iran initially denied access to the three sites but relented under international pressure. The agency found credible evidence that Iran may have used nuclear material or carried out nuclear activities that Tehran should have declared under its NPT safeguards obligations. Under the NPT, states must reach a comprehensive safeguards agreement (CSA) with the IAEA and declare their use of nuclear material and the locations where they conduct sensitive nuclear activities.

Despite the regime's [sanitization](#) and [concealment](#) efforts, the IAEA detected the presence of uranium particles at all three of the accessed sites. The IAEA has [attempted](#) to engage in a dialogue with Iran to obtain explanations for the undeclared nuclear material, but Tehran is [not cooperating](#), and the IAEA deems the regime's limited explanations "not technically credible." Tehran is taking an increasingly hostile tone toward the agency, calling it [biased](#) and politicized and the archive information unfounded.

Q _____

What could happen to the IAEA's investigation in Iran if Biden re-enters the JCPOA?

A _____

World powers may once again push the IAEA to close outstanding safeguards issues – or at least allow the investigation to languish – to preserve the JCPOA. Although Iran has not cooperated with the IAEA's safeguards investigation, since June 2020, the IAEA Board of Governors has [declined](#) to put forward a new resolution demanding that Tehran comply with its legal obligations regarding nonproliferation. World powers are prioritizing the JCPOA negotiations at the expense of the nonproliferation regime.

Q

How is the IAEA Board of Governors limited in pursuing Iranian nonproliferation violations?

A

Even if the board does pass a resolution censuring Iran, the board's principal recourse for holding Iran accountable – referring the case to the UN Security Council for countermeasures – is [effectively blocked](#) by UNSCR 2231. This is because 2231 lifts all prior UN sanctions against Iran and maintains the JCPOA. Thus, in order to pursue penalties against Iran's nonproliferation misconduct, world powers on the board would first have to bring down 2231 and the JCPOA, so they will likely hesitate to refer Iran to the Security Council at all.

Further demonstrating how UNSCR 2231 and the JCPOA impede the international community's recourse, 2231 and the JCPOA's so-called "sanctions snapback mechanism" last only until October 2025, after which all prior UN resolutions against Iran will [terminate](#). Future UN sanctions against Iran will then require Russian and Chinese approval, which is unlikely.

Q

How is Iran extorting the IAEA?

A

Iran began unprecedented extortion of the IAEA in February 2021 when Tehran [announced](#) it would no longer implement a set of JCPOA verification measures and an IAEA monitoring accord called the Additional Protocol (AP). Under the JCPOA, the Islamic Republic had agreed to provisionally implement the AP and ratify it by 2023. The AP supplements the required CSA and strengthens the IAEA's verification capabilities.

The IAEA director general [brokered](#) a temporary understanding that Tehran would [continue operating](#) IAEA video surveillance and electronic monitoring devices to collect safeguards information at relevant nuclear facilities but would keep the data in Iranian custody and [erase](#) it if Iran did not receive sanctions relief within three months. As the May 2021 deadline approached, Tehran agreed to [extend](#) the arrangement by one month, or until June 24. Iran's threat to delete IAEA monitoring data represents a new level of extortion and should have received harsh censure by the IAEA board, yet the board is [withholding action](#) to avoid disturbing the nuclear talks.

Q

How could the JCPOA contribute to nuclear proliferation in the Middle East?

A

Under the JCPOA, Iran is permitted to maintain the [formerly covert](#) enrichment program that Western intelligence services have discovered over the past two decades – a reversal of previous UN resolutions demanding that Tehran [halt](#) all enrichment. Past U.S. policy has been to oppose the spread of means to produce any fissile material for nuclear weapons; America refuses to provide such technology to allies unless they sign a “[gold standard](#)” agreement (as the United Arab Emirates and South Korea did) pledging not to enrich uranium or reprocess plutonium on their soil.

With shifting standards and nuclear sunsets in mind, Iran's neighbors may seek advanced fuel cycle capabilities. Several states may position themselves close to the nuclear-weapon threshold, creating conditions for a nuclear arms race. Saudi Arabia is [already exploring](#) its own fuel cycle and has made clear that it will acquire nuclear weapons if Iran does.

Q

Wasn't the Trump administration's “maximum pressure” campaign a failure, since Iran expanded its nuclear program and carried out more provocations?

A

Maximum pressure had only about 18 months to take effect, but sanctions imposed [severe costs](#) on Iran's economy, leading to anti-regime protests. The killing of Soleimani and Fakhrizadeh were major losses for the Islamic Republic. Israeli [sabotage](#) also reportedly set back Tehran's nuclear program.

The Trump administration expected the regime to escalate its nuclear program under maximum pressure. The United States would be far better off confronting a weakened Iran today than a much stronger Iran tomorrow, when Tehran will emerge with a massive nuclear program (as JCPOA restrictions sunset), a more resilient economy, and tens of billions of dollars in sanctions relief to fund its malign activities.

Q

How should the Biden administration proceed with Iran?

A

The administration should [prioritize](#) the IAEA's investigation into Iran's nuclear program. The United States should not rejoin the JCPOA or lift sanctions, thereby abandoning crucial leverage for seeking meaningful Iranian change. Instead, America should lead efforts to pressure, contain, and constrain the Islamic Republic while supporting the Iranian people's efforts to replace their clerical regime. President Ronald Reagan's maximum pressure campaign against the Soviet Union, a much more powerful foe with thousands of nuclear-tipped missiles aimed at American cities, [illustrates](#) how American power and support for anti-regime dissidents can consign a dangerous dictatorship to the ash heap of history.