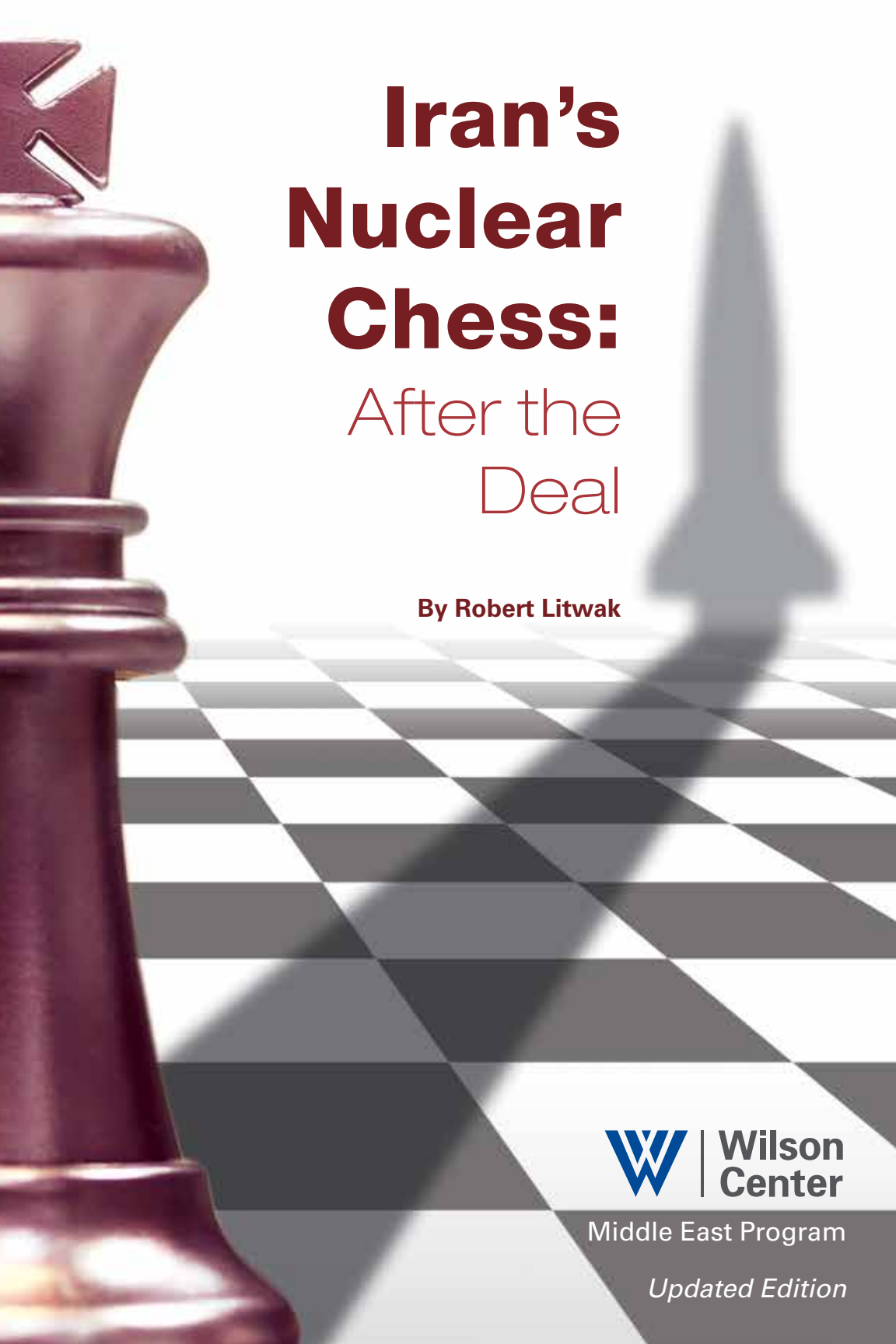

Iran's Nuclear Chess: After the Deal

By Robert Litwak

Wilson Center

Middle East Program

Updated Edition

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The Middle East Program began in 1998. In addition to spotlighting day-to-day issues, it continues to concentrate on long-term regional developments and their impact on political and social structure, economic development, and relations with the United States. The program pays special attention to the role of women, youth, civil society institutions, Islam, and democratic and autocratic tendencies.

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This publication is dedicated to the memory of Michael Adler, a longtime Wilson Center colleague, whose indefatigable efforts contributed so much to our understanding of Iran's nuclear challenge.

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Foreword

Haleh Esfandiari, *Director Emerita, Middle East Program*

After 18 months of intensive negotiations, the United States and its partners in the P5+1 group of countries (the five members of the UN Security Council plus Germany) were finally able in July 2015 to hammer out an agreement with Iran over the parameters of its nuclear program. For the United States and the other P5+1 members, the goal was to ensure that Iran does not acquire or retain a nuclear weapons capability. To this end, they imposed crippling economic and financial sanctions on Iran. For Iran, a resolution of the standoff with the world powers over its nuclear activities was equally crucial—to bring an end to sanctions, allow the Iranian economy to grow again, integrate Iran into the international community, and address Iran's other differences with the United States and the West. Serious negotiations became possible following the election of President Hassan Rouhani. The aim was an agreement that would satisfy Iran's insistence on retaining an indigenous nuclear program for the purpose of peaceful research, medical isotope production, and electric power generation, while satisfying the international community that Iran should retain no capacity for early breakout toward nuclear weapons production.

As Robert Litwak argues in this perceptive study, technical questions alone do not explain the seemingly intractable problems the negotiators on both sides faced. Rather, he notes, the nuclear issue has been a surrogate for a more fundamental debate. Iran has yet to decide whether it remains a revolutionary state opposed to what it regards as a U.S.-dominated world order or an ordinary country. In dealing with Iran, the United

States all along debated whether the threat of a nuclear Iran is best addressed by a military strike on Iran's nuclear facilities, by containment through military sanctions and international isolation, or through engagement and incentives.

The technical questions remained, of course, major obstacles as well. Iran and the P5+1 group had very different perceptions of what constitutes an adequate peaceful nuclear program for Iran in terms of the type of nuclear facilities, the number and type of centrifuges, and the amount and quality of enriched fuel Iran will be allowed to keep. They also differed on the intrusiveness of IAEA inspections of Iran's facilities that Iran will allow and the information it should provide on possible military dimensions of its nuclear program.

In an earlier study, *Iran's Nuclear Chess: Calculating America's Moves*, published in July 2014, Litwak addressed these important questions. He considered both the key elements and the possible shape of an agreement between Iran and its allies. Furthermore, he provided a concise and careful account of the evolving U.S. and Iranian positions on the nuclear issue, the domestic context in which the American and Iranian governments operate, and the impact of a possible nuclear agreement on the region.

In this new, updated study, built on the earlier one, Litwak analyzes the July 14, 2015 nuclear agreement between the P5+1 and Iran, based on the Lausanne Interim Framework. He examines the concrete constraints the agreement places on Iran's nuclear activities; and reviews both the arguments the Obama Administration has marshaled in support of the agreement and those its critics have marshaled against it. He notes that the agreement is transactional, not transformational. It does not alter the nature of the Iranian regime; but it achieves the more limited aim of imposing restraints on Iran's nuclear-related activities for a decade or more.

Preface and Acknowledgments

This publication is a revised and updated edition of the monograph published in July 2014 under the same title but different sub-title, "Calculating America's Moves." The occasion of this second edition is, of course, the comprehensive nuclear agreement announced between the P5+1 and Iran on July 14, 2015, little more than three months after an interim framework was agreed upon in Lausanne, Switzerland. This monograph draws on my previous analysis of Iran's nuclear challenge in *Outlier States: American Strategies to Change, Contain, or Engage Regimes*, published in 2012, which was the third in a series of books on the normative challenge to international order posed by "rogue states."

This publication could not have been completed without the help and counsel of many colleagues and friends. First and foremost, I am deeply grateful to Haleh Esfandiari, the former director of the Wilson Center's Middle East Program. I have benefitted from her program's superb meetings and publications on Iran over many years, and her own keen insights. I would also like to thank her successor, Henri Barkey, for his support of this project. Special thanks go to James Morris for his deft editing of the manuscript and to the Middle East Program's Kendra Heideman, Julia Craig Romano, Mona Youssef, and Sara Morell for their essential work in bringing this monograph to publication.

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Hathaway, Bruce Jentleson, Joseph Pilat, Walter Reich, Mitchell Reiss, Gary Samore, David Sanger, Paul Stares, Joby Warrick, and Samuel Wells.

My sincere thanks also go to the Wilson Center's resourceful librarian Janet Spikes, and to Vice President for External Relations Caroline Scullin and graphic editors Kathy Butterfield and Angelina Fox for their excellent work expeditiously moving the monograph through production. Outstanding research assistance was provided by Jacob Chavara.

The views expressed here are my own.

Robert S. Litwak

Washington, DC
September 2015

Robert S. Litwak is vice president for scholars and director of international security studies at the Woodrow Wilson International Center for Scholars. He is also an adjunct professor at Georgetown University's School of Foreign Service and a consultant to the Los Alamos National Laboratory. Dr. Litwak served on the National Security Council staff as director for nonproliferation in the first Clinton administration. He has held visiting fellowships at Harvard University's Center for International Affairs, the International Institute for Strategic Studies, the Russian Academy of Sciences, and Oxford University. Dr. Litwak is a member of the Council on Foreign Relations, and received a doctorate in international relations from the London School of Economics.

Books by Robert S. Litwak

Iran's Nuclear Chess: Calculating America's Moves

Outlier States: American Strategies to Contain, Engage, or Change Regimes

Regime Change: U.S. Strategy through the Prism of 9/11

Rogue States and U.S. Foreign Policy: Containment after the Cold War

Nuclear Proliferation after the Cold War (edited with Mitchell Reiss)

Détente and the Nixon Doctrine: American Foreign Policy and the Pursuit of Stability, 1969-1976

Security in the Persian Gulf: Sources of Inter-State Conflict

Executive Summary

The nuclear agreement—the "Joint Comprehensive Plan of Action" (JCPOA)—concluded on July 14, 2015, between the world's major powers (the P5+1) and Iran is *a deal, not a grand bargain*. As a "deal," the nuclear accord is *transactional* (addressing a discrete urgent national security challenge), not *transformational* (affecting the character of the Iranian regime).

The JCPOA permits Iran to retain a bounded nuclear program in return for assurances that it is not masquerading for a weapons program. That reaching this agreement required protracted negotiations and has generated such sharply divergent political reactions reflects the persisting nature of the debate over this proliferation challenge. In both Iran and America, the nuclear issue remains a proxy for a more fundamental question.

In Iran, the nuclear issue is a surrogate for the defining debate over the country's future relationship with the outside world—whether, in former President Hashemi Rafsanjani's words, the Islamic Republic is a "revolutionary state" or an "ordinary country." The embedded, proxy status of the nuclear question within this broader political context is a key determinant of whether nuclear diplomacy can prove successful.

In America, Iran's nuclear challenge—concern that a weapons program is posing as a civilian program—has also been a proxy for a more fundamental debate about the threat posed by "rogue states" in the post-9/11 era. The Obama administration

dropped the Bush-era "rogue" moniker in favor of "outlier." This shift reframed the Iranian nuclear issue—from a unilateral, American political concept, in which threat is linked to the *character* of "rogue" regimes, to a focus on Iranian *behavior* that contravenes international norms. Yet the tension between the competing objectives of regime change and behavior change continues to roil the U.S. policy debate.

President Hassan Rouhani, a pragmatic centrist, campaigned on a platform of resolving the nuclear issue to end the country's isolation and the punishing international sanctions that have weakened the economy. While acquiescing to Rouhani's revitalized nuclear diplomacy in the wake of his June 2013 electoral mandate, the Supreme Leader, Ayatollah Khamenei, remained the final arbiter of any prospective agreement. His decision, based on a strategic calculus that has regime stability as its paramount objective, hinged on his management of the unresolved tension in Iran's competing identities—revolutionary state/ordinary country. In short, Khamenei's dilemma was whether the *political* costs of an agreement—alienating hardline interest groups, especially the Revolutionary Guard, upon which the regime's survival depends—outweigh its *economic* benefits.

The dilemma of the Iranian nuclear challenge is that Iran has mastered uranium enrichment: centrifuges that spin to produce low-enriched uranium (LEU) for nuclear power reactors can keep spinning to yield highly enriched uranium (HEU) for bombs. Since nuclear diplomacy with Iran is focused on bounding, not eliminating, Iran's uranium enrichment program, the regime will retain the option—a hedge—for a nuclear weapon. A U.S. prerequisite for any comprehensive nuclear agreement was that this "breakout" period for converting a latent capability into a weapon should be long enough (12 months) for the United States to have sufficient strategic warning to mobilize an international response.

Iran's nuclear program is determined and incremental, but is not a crash program to acquire a weapon in the face of an existential threat. From a national security perspective, a nuclear hedge

is Iran's strategic sweet spot—maintaining the potential for a nuclear option, while avoiding the regional and international costs of actual weaponization. A hedge strategy that keeps the nuclear option open is not incompatible with a nuclear agreement that would bring the tangible benefits of sanctions relief.

President Obama has argued that "the pressure of crippling sanctions…grinding the Iranian economy to a halt" presents the Tehran regime with the opportunity to make a "strategic calculation" to defer a decision to weaponize. Sanctions brought Iran to the negotiating table and crucially affected the Supreme Leader's decision to accept a comprehensive agreement that meaningfully bounds Iran's nuclear infrastructure.

The "better deal" advocated by JCPOA critics would aim to dismantle large parts of Iran's nuclear infrastructure and significantly extend the constraints on Iran's access to fissile material beyond the current 10-15 year period. Critics argue that if tough sanctions brought Iran to the table, still tougher sanctions pursued longer could have compelled (and still could compel) Iran to make such major concessions. Supporters reject the notion that increased coercive economic pressure on Iran could be mounted to extract better terms should the United States seek a return to the negotiating table. In the words of a British diplomat, multilateral sanctions had already passed "their high water mark" and would be difficult to sustain in the event of a diplomatic impasse or breakdown.

A *breakdown* in diplomacy should the JCPOA not be implemented would not inherently push Iran into a nuclear *breakout*. Iran has no immediate national security imperative to acquire nuclear weapons. President Obama has declared that the U.S. objective is "to prevent Iran from obtaining a nuclear weapon." By drawing this red line—preventing weaponization—the president has signaled that the United States would not undertake preventive military action to deny Iran any nuclear hedge option.

That Obama's "red line" on weaponization pushes off a decision on the use of force is a reflection of how unattractive the option

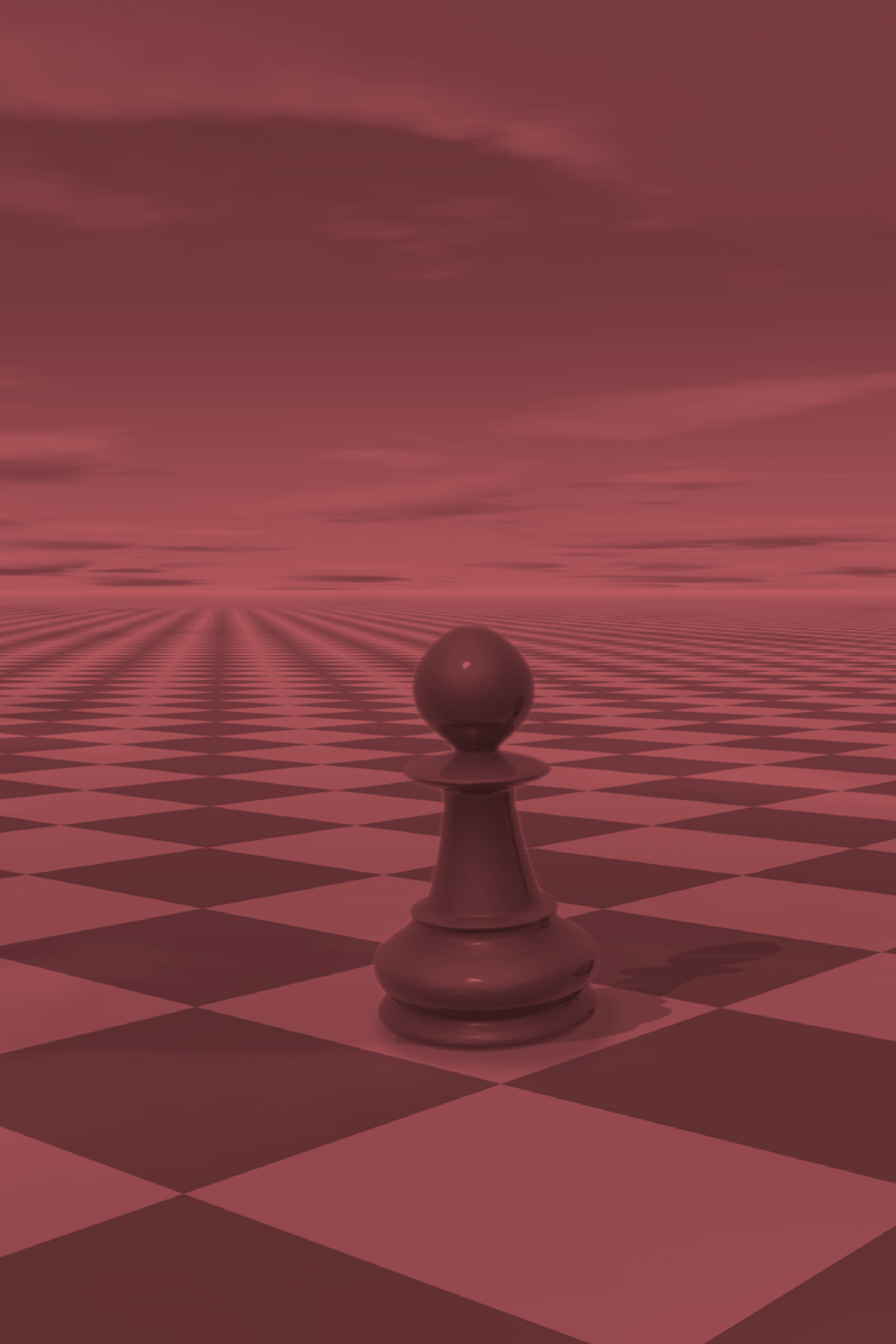
would be. That openly debated option "on the table"—what would be the most telegraphed punch in history—runs up against major liabilities: it would delay, not end, the program; could escalate into a U.S.-Iranian war; carries a significant risk of collateral damage to the environment and civilian population; and could well generate a nationalist backlash within Iran with the perverse consequence of bolstering the clerical regime.

The challenge of determining whether Iran has crossed the "red line" of weaponization is compounded by the Tehran regime's hedge strategy, which cultivates ambiguity about its nuclear capabilities and intentions. Iran has made progress along the technological continuum toward weaponization but is unlikely to make a dramatic move—such as conducting a nuclear test or withdrawing from the Nuclear Non-Proliferation Treaty—that would openly cross the red line of weaponization.

The disavowal of "containment" is a reflection of the meaning the term has taken on in the contemporary U.S. debate—that is, acquiescing to Iran's acquisition of nuclear weapons and then deterring their use through the retaliatory threat of U.S. nuclear weapons. That connotation is an unfortunate departure from George Kennan's concept of containment—keeping regimes in check until they collapsed of their own internal weakness. An updated version of Kennan's strategy for Iran would decouple the nuclear issue from the question of regime change and rely on internal forces as the agent of societal change.

The nuclear accord with Iran is transactional, but is embedded in the broader issue of the Islamic Republic's societal evolution. The dilemma is that these critical timelines are not in sync—the nuclear challenge is immediate, while the prospects for societal change are indeterminate. Amidst that uncertainty, U.S. policymakers must make a judgment about how best to manage risks—and reasonable people can disagree. Obama and Khamenei are each making a tacit bet. Obama is defending the deal in transactional terms (that it addresses a discrete urgent challenge), but betting that it will empower Iran's moderate faction

and put the country on a more favorable societal trajectory. Khamenei is making the opposite bet—that the regime can benefit from the transactional nature of the agreement (sanctions relief) and forestall the deal's potentially transformational implications to preserve Iran's revolutionary deep state. For Obama, the tacit transformational potential of this transactional deal is a hope; for Khamenei, it is a fear.



Introduction

The nuclear agreement between the P5+1 and Iran, concluded in Vienna on July 14, 2015, has been called a milestone and a historic chance by some, an act of appeasement and a historic mistake by others. That getting to yes required protracted negotiations and has generated such sharply divergent reactions reflects the persisting nature of the debate over this proliferation challenge—and bears out Einstein's famous observation that "politics is more difficult than physics."

In theory, an agreement to resolve the Iranian nuclear challenge should have been a straightforward tradeoff between technology and transparency: Iran, a signatory to the Nuclear Non-Proliferation Treaty (NPT), would be permitted to retain a bounded nuclear program, internationally verified to assure the world of the country's benign intentions, in return for the lifting of economic sanctions imposed by the United States, European Union, and United Nations. Technical details, such as numbers of permissible centrifuges, the scope of international inspections, and a timetable of sanctions relief based on Iranian compliance would have been readily worked out. The hard reality, of course, was that the nuclear impasse proved intractable for so long because of its quintessentially political character. For both Iran and the United States, bitterly estranged for more than 35 years, the nuclear issue is a proxy for a more fundamental debate.

In Iran, the nuclear issue is "a surrogate for a broader debate about the country's future—about...how it should interact with

the wider world," observes Gulf security specialist Shahram Chubin.[1] In Henry Kissinger's apt formulation, "Iran has to make a decision whether it wants to be a nation or a cause."[2] Yet, since the 1979 Revolution that swept the Shah of Iran from power and led to the creation of the Islamic Republic of Iran, the country's ruling regime refuses to make that choice. On the nuclear issue and on other issues affecting Iran's national interests, Tehran fastidiously asserts its rights as a "republic" in an international order of sovereign states. At the same time, the theocratic regime pursues an ideologically driven foreign policy (such as its support of Hezbollah) to maintain revolutionary élan at home. Tehran's rejection of what it views as a U.S.-dominated international order is at the heart of the Islamic Republic's identity and worldview. Without these "revolutionary thoughts," as then President Hashemi Rafsanjani once candidly acknowledged, Iran would become an "ordinary country."[3]

Iran's competing dual identities—revolutionary state/ordinary country—continually roil the country's politics, including the domestic debate over the nuclear program. This political schism underlies the violent clash between the country's hardline theocratic regime and the reformist Green Movement in the aftermath of the 2009 presidential elections. While calling for democratic governance within Iran, the Green Movement leader, Mir Hossein Mousavi, also called for an end to foreign policy "adventurism," which, among other negative consequences, had led to Iran's international isolation and the imposition of UN sanctions over the regime's intransigent stand on the nuclear question. After the damning June 2003 report of the International Atomic Energy Agency (IAEA) about Iran's covert nuclear program, President Mohammed Khatami acknowledged the need to balance the country's right to nuclear technology under the NPT with its responsibilities to the international community: "We have the right to use this knowledge and you [the IAEA and international community] have the right to be assured that it would be channeled in the right way."[4]

President Hassan Rouhani, a centrist who pledged to bridge the political chasm between moderates and conservatives, came to office in 2013, after the disastrous eight-year tenure of hardliner Mahmoud Ahmadinejad, on a platform of resolving the nuclear issue to end the country's isolation and the punishing international sanctions that have weakened the economy. Iran's Supreme Leader, Ayatollah Khamenei, gave Rouhani authority to conduct negotiations with the "P5+1" (the permanent members of the UN Security Council—the United States, Russia, China, the United Kingdom, and France—plus Germany) and quieted hardline opposition. When Rouhani attended the World Economic Forum in Davos in January 2014, one participant described his remarks as "an application to rejoin the international community."[5] But while acquiescing to Rouhani's revitalized nuclear diplomacy in the wake of his electoral mandate, the Supreme Leader remained the final arbiter of any prospective agreement, based on a strategic calculus that has regime stability and survival as its paramount objective. His decision-making on the nuclear issue has hinged on how he manages the unresolved tension in Iran's competing identities—revolutionary state/ordinary country. In short, Khamenei's dilemma has been whether the *economic* benefits of an agreement (sanctions relief) outweigh its *political* costs (alienating hardline interest groups, especially the Revolutionary Guard, upon which the regime's survival depends).

For America, the Iranian nuclear challenge is also a surrogate for a broader debate about U.S. policy toward the disparate group of states designated as "rogues" after the Cold War. Iran was part of the core group, which also included Saddam Hussein's Iraq, Qaddafi's Libya, and the Kim family's North Korea. After the 9/11 terrorist attacks, the George W. Bush administration argued that the threat posed by "rogue states" was inextricably linked to the *character* of their regimes. This redefinition of threat yielded a new strategy, emphasizing regime change, which was central to the Bush administration's argument for the launching

of a preventive war in Iraq in 2003. But, unable to replicate in Iran the Iraq precedent of coercive nonproliferation through regime change, the Bush administration was caught in a dilemma. As it joined multilateral nuclear diplomacy with Iran initiated by the European Union, the second Bush administration never resolved its own mixed message—whether the U.S. objective was regime change or behavior change.

The Obama administration dropped the Bush-era "rogue" moniker in favor of "outlier" to frame the Iranian nuclear challenge in terms of Iran's non-compliance with international norms rather than as a unilateral American political concept. But the tension between the competing objectives of regime change and behavior change continues to complicate the U.S. policy debate on Iran. That persisting tension was evident when the "Joint Comprehensive Plan of Action" (JCPOA) was reached between the P5+1 and Iran in July 2015. Congressional critics cited other issues of concern—Iran's assertive regional role, its state sponsorship of terrorism, and its abysmal human rights record—linked to the *character* of the Tehran regime that were beyond the narrow scope of the nuclear agreement.

The United States may assert a general interest in nonproliferation as an international norm, but, in practice, it focuses on adversarial proliferators—states that combine capabilities with hostile intent. Hence, with reason, Washington focuses on Iran more than on Israel. The dilemma of the Iranian nuclear challenge is that Iran has mastered uranium enrichment: centrifuges that spin to produce low-enriched uranium (LEU) for nuclear power reactors can keep spinning to yield highly enriched uranium (HEU) for bombs. For this reason, the IAEA's former director-general, Mohammed ElBaradei, asserted that any country that had attained this level of technological advancement was a "virtual nuclear weapons state."[6] Since nuclear diplomacy with Iran has focused on bounding, not eliminating, Iran's uranium enrichment program, the Tehran regime will retain the option—a hedge—for a nuclear weapon. A U.S. prerequisite for any com-

prehensive nuclear agreement was that this "breakout" period for converting a latent capability into a weapon should be long enough (at least a year) for the United States to have sufficient strategic warning to mobilize an international response.

Since the onset of the current crisis, in 2002, when the existence of the covert enrichment site at Natanz was revealed, three policy options—military strike, containment, and engagement—have been advanced to address Iran's nuclear challenge. Each strategy is based on a different concept of societal change and the character of the Tehran regime. But, in contrast to George Kennan's classic 1947 "X" article in *Foreign Affairs*, tellingly entitled "The Sources of Soviet Conduct," the sources of Iranian conduct are frequently not subjected to rigorous analysis. Key assumptions about the character of the Iranian regime that undergird the three strategy options are often unarticulated, or reflect an ideological predilection, or even a vain hope:

- A military strike on Iran's nuclear infrastructure—The argument for urgent action rests on the assumption that the theocratic regime is undeterrable and that the acquisition of a nuclear capability is therefore unacceptable. One variant of this strategy is that a military strike might trigger a popular uprising against the regime.
- Containment, relying primarily on economic sanctions—The underlying assumption is that either targeted sanctions on the regime's core interest groups or general sanctions on the populace will create amplified pressure on the regime's leadership to alter its conduct.
- Engagement, emphasizing incentives—This option assumes that the basis of a nuclear agreement exists, but that the United States has not offered big enough "carrots" to induce the clerical regime's acceptance of an agreement.

Though the Iranian nuclear challenge is qualitatively different than the Soviet Union's threat of Kennan's era, the analytic chal-

lenge is analogous. Plausible but faulty assumptions have led to policy miscalculations of varying consequence. As a prominent instance, during the lead-up to the Iranian Revolution of 1979, the Carter administration operated on the assumption that the Shah would crack down militarily on street demonstrations if he believed they constituted a threat to monarchical rule; that the Shah, who was perceived by U.S. officials as strong and decisive, did not do so was taken as an indicator of regime stability.[7]

When India surprised the world in May 1998 with a nuclear test, retired Admiral David Jeremiah, who headed the U.S. government's review panel to investigate why the CIA had failed to predict it, astutely observed: "We should have been [much] more aggressive in thinking through how the other guy thought."[8] Throughout the delicate nuclear negotiations between the United States and Iran, a central question was whether each side had an accurate "image" of the other. Did the Iranians have a realistic assessment of what curtailments in their nuclear program would be necessary to reach a deal in Washington? And vice versa, would the United States assent to a nuclear deal that Rouhani's negotiating team could sell in Tehran?

The nuclear agreement that came to fruition in Vienna in July 2015 is *a deal, not a grand bargain*. Iran is not the Soviet Union, but that Cold War experience is pertinent as Washington then pursued pragmatic engagement with the Kremlin within the context of an overall containment strategy. As a "deal," the nuclear accord is *transactional*, not *transformational* (to use James MacGregor Burns' classic policy dichotomy). U.S. hardliners are critical of the agreement because it is not a grand bargain and not transformational. That is, it does not affect the character of the Tehran regime, which they view as the source of the Iranian threat.

Though the nuclear accord is transactional, it is embedded in the broader issue of Iran's societal evolution. Obama and Khamenei are each making a tacit bet. Obama is defending the deal in transactional terms (that it addresses a discrete urgent challenge), but betting that it will empower Iran's moderate faction and put the country on a more favorable societal trajectory. Khamenei is making the opposite bet—that the regime can benefit from the transactional nature of the agreement (sanctions relief) and forestall the deal's potentially transformational implications to preserve Iran's revolutionary deep state.

The embedded, proxy status of the nuclear issue within a larger political context in the two countries has been a key determinant of whether nuclear diplomacy could prove successful. That complex and subtle political dynamic is the focus of this monograph, which is structured in four sections: the first provides an overview of U.S. policy toward Iran, with emphasis on the contrasting approaches reflected in the terms "rogue" and "outlier" state; the second section examines the character of the Islamic Republic's power structure and the broader political context within which the country addresses the nuclear issue; section three examines the evolution of Iran's nuclear capabilities and intentions; and the fourth, and final, section assesses the terms of the Joint Comprehensive Plan of Action, the arguments that have been marshaled by the agreement's supporters and critics, issues that could arise during the deal's implementation, and the implications of a potential breakdown in diplomacy should the agreement not be implemented.

U.S. Policy toward Iran: From "Rogue" to "Outlier"

From the Cold War to 9/11

U.S. estrangement with Iran, a bitter state of relations ushered in by the 1979 Revolution, is exceeded in duration only by that of Washington with North Korea. During the Cold War, the Shah of Iran, who had returned to power through a 1953 coup facilitated by Britain and the United States, became Washington's staunch anti-Soviet ally in the oil-rich region of vital interest to the West. In the 1970s, a conjunction of factors—the influx of petrodollars that filled Iranian coffers, and the Nixon Doctrine, under which, in the post-Vietnam era, a retrenching United States looked to friendly local powers to play a more activist regional role—fueled the Shah's ambitions. But as American arms transfers became the dominant currency of the bilateral relationship, the Shah was increasingly viewed in Iranian domestic politics as a client of the United States.

Although the Iranian Revolution should be viewed as a broader societal rejection of Western secularism and the Shah's authoritarian rule, the political identification of the Shah with the United States became a major driver of the revolution's virulent anti-Americanism. The seizure of the American embassy by radical "students" in October 1979 was essentially an extension of the revolution. In January 1981, Iran's theocratic regime, then consumed by the war with Iraq that had begun the previous September, concluded the Algiers Agreement with the United States to end the hostage crisis. A key provision of the 1981 accord was a form of security assurance, based on the principle

of state sovereignty, in which the United States pledged "it is and from now on will be the policy of the United States not to intervene, directly or indirectly, politically or militarily, in Iran's internal affairs."[9]

The State Department's designation of Iran in 1984 as a state sponsor of terrorism led to the imposition of additional U.S. economic sanctions. The Reagan administration's antipathy toward Iran's "outlaw government" produced a "tilt" toward Saddam's Iraq in their attritional war, even to the point of silence when Iraqi forces used chemical weapons against Iranian military forces. And yet, even as the administration sought to block arms sales to Iran through "Operation Staunch," President Reagan approved a convoluted covert program to provide weapons via Israel to Iran, in the mistaken belief that "moderates" within the Tehran regime were supportive of a rapprochement with the United States. The resulting Iran-Contra affair (so-named because the proceeds of the arms sales were intended to fund the *Contra* guerrillas fighting to overthrow the pro-Moscow *Sandinista* regime in Nicaragua) nearly brought down the Reagan presidency.[10] In the wake of the scandal, in 1988, bilateral relations further deteriorated when the United States extended naval protection to Kuwaiti oil tankers (as part of a strategy of coercive diplomacy to compel Iran to accept a UN ceasefire with Iraq) and the *USS Vincennes* accidentally shot down an Iranian civil airliner over the Persian Gulf.

In his 1989 inaugural address, President George H.W. Bush made a conciliatory gesture to Iran, declaring "good will begets good will."[11] Yet the competing pulls of Iranian domestic politics produced contradictory behavior: upon his death, Khomeini was succeeded as Supreme Leader by a hardline cleric, Seyyed Ali Khamenei, who emphasized the centrality of anti-Americanism in the Islamic Republic's worldview, while Iranian President Hashemi Rafsanjani, a perceived political pragmatist, expended political capital to win the release of U.S. hostages from Lebanon's pro-Iranian Hezbollah. In the wake of the 1991 Gulf War,

the Bush administration's National Security Council examined U.S. policy options toward Iran, including consideration of "constructive engagement" through the selective lifting of economic sanctions. The policy review reportedly concluded that any gesture that "might be politically meaningful in Tehran would have been politically impossible" in Washington.[12]

The Clinton administration, ending the 1980s policy of alternately cultivating relations with Iraq or Iran to maintain a regional balance of power, adopted a strategy of "dual containment." After the 1991 Gulf War, the term "rogue state" entered the official U.S. foreign policy lexicon with Saddam Hussein's Iraq as the archetype. The Clinton administration asserted that the "rogues" constituted a distinct category of states in the international system. Iran (along with Iraq, North Korea, and Libya) was included in the Clinton administration's core group of countries, so designated because of its active weapons of mass destruction (WMD) programs and state-sponsored terrorism. In June 1996, an Iranian-backed group of Shiite Muslims bombed the Khobar Towers in Saudi Arabia, killing 19 American military personnel. The Clinton administration considered direct retaliation against Iran, but eventually demurred out of concern for the risk of military escalation and the lack of evidence directly linking the terrorist act to the Iranian regime's top leadership. Instead, the CIA's covert Operation Sapphire undertook targeted actions worldwide to disrupt the activities of Iran's Revolutionary Guard and intelligence service.[13]

In Iran's 1997 presidential election, the unexpected victory of the reformist candidate, Mohammad Khatami, over a virulently anti-American cleric, altered the political dynamic. Khatami called for "a dialogue of civilizations," though he did not go so far as to advocate the normalization of "political relations" with the United States. But Khatami's overture came as the Clinton administration received conclusive evidence from Saudi law enforcement authorities implicating the Iranian Revolutionary Guard and the Lebanese Hezbollah in the 1996 Khobar bomb-

ing. In eschewing direct military action, the administration concluded that the best way to prevent future Iranian terrorism was to ensure that Khatami prevailed in the internal power struggle.

In March 2000, Secretary of State Madeleine Albright announced the lifting of U.S. sanctions on Iran's non-oil exports and signaled the possibility of further trade liberalization if Iran ended its external conduct of concern. Addressing Iran's historical grievances impeding the normalization of relations, she acknowledged Washington's "significant role" in the 1953 coup and said that U.S. support of the Saddam Hussein regime during the Iran-Iraq War had been "shortsighted."[14] While praising the country's "trend toward democracy" under Khatami, Albright obliquely observed that key levers of state power, notably the military and the judiciary, remained in "unelected hands," a critical reference to the Supreme Leader. In Tehran, Albright's conciliatory message was dismissed by Khamenei as "deceitful and belated." The Supreme Leader's rejection politically reined in Khatami and was a blunt rebuff to the Clinton administration's exploratory initiative to improve bilateral relations.[15]

The Bush Administration

The Bush administration's attitude toward Iran was presaged by Condoleezza Rice, writing in *Foreign Affairs* in early 2000 as an advisor to the presidential candidate: "Changes in U.S. policy toward Iran would require changes in Iranian behavior... Iran's motivation is not to disrupt simply the development of an international system based on markets and democracy, but to replace it with an alternative: fundamentalist Islam."[16] The persistent tension in U.S. policy during the Bush years was whether the desired changes in Iranian conduct would necessitate a change of regime.

Despite the failed Clinton effort to engage Iran, the Bush administration explored whether Iran, a longtime supporter of Afghanistan's Northern Alliance, would cooperate, in the wake of the

9/11 terrorist attacks, in the unfolding U.S. military campaign to take down the Taliban regime that was harboring Al Qaeda. The Iranians were hawkish supporters of U.S. military action against the Taliban, but withheld overflight rights to U.S. aircraft out of political sensitivity to collaboration with Washington. After the fall of the Taliban regime in November 2001, Iran played a constructive role in the UN-sponsored process to establish a successor government. But at the UN General Assembly meeting, Khatami rejected Bush's "with us or with the terrorists" rhetoric, declaring that Hezbollah and Hamas were legitimate national resistance groups. In January 2002, the Israeli navy interdicted a ship, the *Karine A*, with Iranian arms bound for Yasser Arafat's Palestinian Authority. The Tehran regime's direct involvement in the *Karine A* episode dealt a "body blow" to the State Department's budding initiative to engage Iran.[17]

In his 2002 State of the Union speech, Bush included Iran in the "axis of evil," along with Iraq and North Korea, and warned that these rogue states might transfer weapons of mass destruction to their "terrorist allies, [thereby] giving them the means to match their hatred."[18] With this redefinition of threat after 9/11, merely containing rogue states was deemed inadequate, as their threatening conduct was linked to the character of their regimes. Hence, changes of behavior necessitated changes of regimes. This argumentation—the policy shift from containment to regime change—was central to the Bush administration's case for launching a preventive war in Iraq to topple the Saddam Hussein regime. By extension, this was the strategic prism through which the Bush administration viewed the challenge posed by Iran.

In May 2003, two months after the fall of Baghdad, the Bush White House received a document via the Swiss government that purported to be a wide-ranging proposal to normalize relations with Iran. The centerpiece of this so-called "grand bargain" was an Iranian offer to end conduct of concern with respect to proliferation and terrorism in return for a U.S. assurance of

regime security and the lifting of economic sanctions.[19] Though the provenance of the document was ultimately discredited, the question remains whether the United States missed an opportunity at its point of maximum leverage—two years before the election of radical President Mahmoud Ahmadinejad, and before Iran had an operational uranium-enrichment facility—to test Iran's intentions by offering the Tehran regime a structured choice between the tangible benefits of behavior change and the penalties for non-compliance.[20]

Seven months after the Iranian proposal, in December 2003, Libya's Qaddafi made the strategic decision to accept a similar grand bargain—the cessation of Libyan support for terrorism and the cessation of its WMD programs in return for a U.S. assurance of regime security. The Libyan precedent—nonproliferation through a change *in* a regime—stood in sharp contrast to the Iraq precedent of coercive nonproliferation through a change *of* regime.

In mid-2003, after Iran's covert uranium enrichment program at Natanz was exposed by the International Atomic Energy Agency (IAEA), the three major European Union governments—Britain, France, and Germany—launched the so-called EU-3 diplomatic initiative toward Iran. The effort, which, in November 2004, yielded a temporary Iranian commitment to suspend uranium enrichment, was motivated by the Europeans' strong desire, first, to avoid a replication of the trans-Atlantic breakdown that had occurred over Iraq and, second, to demonstrate the efficacy of traditional diplomacy and non-military instruments as an alternative to regime change in addressing nonproliferation challenges. The United States belatedly joined the EU-3 diplomatic effort as an indirect partner in early 2005, but the Bush administration's approach remained stymied by an unwillingness to broadly engage on the nuclear question.

The critical period between the toppling of the Saddam Hussein regime in 2003 and the election of Ahmadinejad in 2005 (who ended the EU-3's negotiated uranium enrichment suspension)

presented the last opportunity to meaningfully bound Iran's nuclear program. But again, what proved politically possible in Washington (for example, dropping U.S. opposition to Iran's joining the World Trade Organization) was politically insufficient to force a hard choice in Tehran. The package offered to Iran in June 2006 by what had by then become the "P5+1" (the permanent members of the UN Security Council—the United States, Russia, China, the United Kingdom, and France—plus Germany) conspicuously omitted the one incentive that only the United States could offer, a commitment to non-intervention.[21] As Secretary of State Condoleezza Rice bluntly put it, "Security assurances are not on the table."[22]

The Tehran regime's rebuff of the P5+1 and its flouting of the United Nations' demand that Iran resume the suspension of its uranium enrichment activities led to three Security Council resolutions in 2006-2007 blocking Iranian arms exports and nuclear commerce and calling on member states to inspect cargo planes and ships entering or leaving Iran that were suspected of carrying proscribed goods.[23] The Bush administration skillfully engineered this first tranche of multilateral sanctions on Iran within the United Nations. It also utilized targeted U.S. sanctions to punish, and thereby affect the decision-making calculus of, the clerical regime's core support groups. In 2007, the administration designated Iran's elite Revolutionary Guard a terrorist organization and launched a quiet campaign by the State and Treasury Departments to lobby international banks and financial institutions to eschew dealings with Iran.[24] This basic sanctions framework established by the Bush administration was one that the succeeding Obama administration would inherit and build upon to generate significant pressure on the Tehran regime in its nuclear diplomacy with Iran.

The publication in November 2007 of the unclassified summary of the U.S. National Intelligence Estimate (NIE) on Iran complicated the Bush administration's effort to build international support for measures to curb Iran's nuclear program. The NIE stated

that Iran had suspended the military components of its covert nuclear program since 2003, but also noted significant advances in Iran's mastery of uranium enrichment. U.S. officials were pressed to explain why the development of a latent capability should necessitate urgent action. The NIE essentially removed the onus from Russia and China to support additional action by the UN Security Council to curb Iran's "civilian" program and thereby deny it a latent breakout capability.[25] The public release of the document triggered a political controversy in the United States. The administration's critics cited the new estimate as proof that the White House had been exaggerating the Iranian nuclear threat, just as it had exaggerated in the lead up to the Iraq war. Hardliners on Iran lambasted the NIE's methodology and charged that the intelligence community had inappropriately crossed the line into policy prescription. Even some IAEA officials privately voiced skepticism and concern that the U.S. assessment had been too "generous with Iran."[26] Amidst widespread public speculation about the possibility of U.S. airstrikes on Iran's nuclear infrastructure, the NIE finding that Iran had halted its weapons program essentially took the military option off the table during the Bush administration's final year.

In dealing with the Iran nuclear challenge, the Bush administration was caught between the precedents set in Iraq and Libya. It could not replicate the Iraq precedent of direct military intervention, and it was unwilling to offer Tehran the security assurance which had sealed the Libya deal. With its mixed message as to the objective of U.S. policy—regime change or behavior change—it was unclear whether the Bush administration was prepared, as a former U.S. official put it, to "take yes for an answer" on the Iranian nuclear challenges and thereby test the Tehran regime's intentions.

The Obama Administration

Senator Barack Obama's 2008 presidential campaign pledge to meet unconditionally with the leaders of hostile states like Iran

and Cuba was derided as naive and irresponsible by his electoral opponents. President Bush, rejecting negotiations with Iran's President Mahmoud Ahmadinejad because of his virulent anti-Israel stance, responded: "Some seem to believe that we should negotiate with the terrorists and radicals, as if some ingenious argument will persuade them they have been wrong all along. We have an obligation to call this what it is—the *false comfort of appeasement*, which has been repeatedly discredited by history."[27] But former Secretary of State Henry Kissinger declared his support for the next administration to conduct high-level direct negotiations with Iran "without conditions."[28] This view was also held by two-thirds of the American public, according to a Gallup poll in June 2008.[29]

Obama signaled a shift from the Bush policy in his inaugural address, telling Iran, North Korea, and other adversarial states that they are "on the wrong side of history," but that America would "extend a hand if you are willing to unclench your fist."[30] News reports likened the gesture to President George H.W. Bush's 1989 inaugural message to Iran that "good will begets good will."[31] The administration's new approach toward adversarial states was further evident in the president's precedent-setting message of March 2009 to the government and people of "the Islamic Republic of Iran" to mark the Iranian New Year (*Nowruz*). Obama called for "engagement that is honest and grounded in mutual respect."[32] In his Cairo University speech that June, Obama acknowledged the U.S. role in the 1953 coup overthrowing the Mossadegh government and stated that Iran should have the right to access nuclear power if it complied with its obligations under the Nuclear Non-Proliferation Treaty (NPT).[33]

Obama described Iran (as well as North Korea) as an "outlier" —a state flouting international norms by defying its obligations under the Nuclear Non-Proliferation Treaty. Senior White House aides confirmed that the use of the term, in an April 2010 interview with the *New York Times* about the administration's *Nuclear Posture Review*, was a calculated departure from the

Bush-era moniker of "rogue state."[34] The shift in nomenclature from "rogue" to "outlier" was intended to convey that a pathway was open for these states to rejoin the "community of nations" if they abided by international norms.

The foreign policy dispute between the Obama administration and its critics has centered on the appropriateness and efficacy of engaging hostile states—notably North Korea, Burma, Sudan, Syria, and, most pressingly, Iran. But this debate over *means* has been a surrogate for a more fundamental debate over *ends*. The crucial issue remains the *character* of the regimes—the persisting policy tension between two objectives, behavior change and regime change, and whether the former can be achieved only through the latter. Hardliners view engagement as tantamount to appeasement—rewarding "bad behavior"—and doomed to failure. This attitude betrays an essential misunderstanding of engagement. Engagement and its complement, containment, are *general* concepts that require *specific* content before the terms can be translated into targeted strategies that take the unique circumstances of each case into account.[35] The strategies derive from an assessment based on sound target state analysis. Containment and engagement should be conceived not as a dichotomy, but rather as a continuum of choices for policymakers. Nor, as regime-change proponents contend, does engagement preclude the threatened application of punitive instruments, including the demonstrative use of force, as a complement to inducements, to affect a particular regime's decision to alter its objectionable behavior.

After Iran's disputed June 2009 presidential election returned Ahmadinejad to office, the Obama administration criticized the clerical regime's crackdown on the opposition Green Movement but eschewed regime-change rhetoric and maintained its willingness to engage diplomatically on the nuclear issue. At the G-20 meeting in late September, President Obama, French President Nicolas Sarkozy, and British Prime Minister Gordon Brown jointly revealed the existence of a covert uranium en-

richment facility, Fordow, near the holy city of Qom. After the revelation of the illicit site, negotiations between Iran and the P5+1 focused on an interim plan under which some three-quarters of Iran's low-enriched uranium would be shipped to Russia and France to be processed and returned for use in a reactor in Tehran used to make medical isotopes. At the technical meeting that followed, in mid-October 2009, to discuss implementation of the plan, a mid-level Iranian official signaled acceptance, only to see the decision reversed in Tehran. The opposition reportedly came not only from hardliners but also from Green Movement leaders who wanted to deny Ahmadinejad the political credit for a nuclear agreement with the P5+1.

In the wake of this abortive diplomatic initiative with Iran, and Iran's continued flouting of a UN Security Council resolution requiring it to suspend its enrichment of uranium, the Obama administration adopted a strategy that Secretary of State Hillary Clinton described as "a two-track approach of pressure and engagement."[36] That formulation was applied more broadly to the diverse set of states, in addition to Iran, that constituted the Bush administration's "axis of evil" and "outposts of tyranny"—North Korea, Cuba, Zimbabwe, Belarus, and Burma. The Bush administration's all-stick approach (UN Ambassador John Bolton's memorable "I don't do carrots") was supplanted by an alternative that sought to integrate negative instruments and inducements.[37] The Obama strategy was a retooled version of "coercive diplomacy"—a traditional method of statecraft whose underlying concepts and historical application were rigorously elucidated by social scientists Thomas Schelling and Alexander George.[38]

The Obama administration's starting point was to clarify the objective of U.S. policy and end the mixed message that had been emanating from Washington. It made clear, including through a letter to Supreme Leader Khamenei, that the U.S. objective was not regime change, but rather, Iranian compliance with its NPT obligations. In short, the administration would "take yes

for an answer" if the Iranian regime changed its conduct. This limitation of objective met a key general condition for coercive diplomacy, since a target state's leadership will perceive no self-interest in behavior change if the United States remains committed to the maximalist objective of regime change.

Because the objective of regime change runs contrary to the fundamental principle of state sovereignty, the Bush administration's mixed message hindered the U.S. ability to win international support for the imposition of tough multilateral measures against Iran. Fearing a repetition of the Iraq WMD precedent with Iran, Russia and China rejected any language in Security Council resolutions that the United States could conceivably invoke as a pretext for military action. The Obama administration dropped the regime-change rhetoric and framed the challenge posed by Iran not in terms of a unilateral political concept—rogue state—but rather with reference to violations of accepted international norms. The 2010 *National Security Strategy* laid out the strategy of "comprehensive engagement": "To adversarial governments, we offer a clear choice: abide by international norms, and achieve the political and economic benefits that come with greater integration with the international community; or refuse to accept this pathway, and bear the consequences of that decision, including greater isolation."[39]

Primary among the administration's "multiple means… to bring [recalcitrant states] into compliance with international nonproliferation norms" was an intensification of the targeted sanctions initiated by the Bush administration on the regime's core interest groups—that is, imposing tangible costs on those responsible for the objectionable behavior.[40] With Iran, the focus was on the Islamic Revolutionary Guard Corps (IRGC), the hardline military institution that controls the country's nuclear program, and whose lucrative role in commercial and black-market activities had increased substantially under Ahmadinejad. Targeted sanctions "have had real bite," and thereby "sharpened the choice" facing the Iranians, according to Secretary of State Hillary

Clinton in August 2010. But changing a regime's incentive structure to bring about compliance with international norms faces several challenges.[41] To begin with, a strategy of pressure and negotiations takes time to unfold and can be undercut through deception and circumvention. For example, Dubai, whose trade with Iran accounts for an estimated 20 percent of its GDP, has turned a blind eye to shell companies set up on behalf of Revolutionary Guard members that have been designated by the U.S. Treasury Department. As Clinton said of the administration's targeted sanctions on Iran, "these things have to take some time to work through the [Iranian] system. Nobody ever thought that there would be an immediate change..."[42]

Since the 1979 hostage crisis, the United States had imposed successive rounds of sanctions on Iran for its state sponsorship of terrorism, human rights abuses, and non-cooperation with the IAEA relating to its nuclear program. The net effect of these measures was to proscribe virtually all U.S. trade with Iran, with exceptions only for medicines and other humanitarian activities "intended to benefit the Iranian people." In November 2011, the Obama administration sought to sharpen Iran's choice further by targeting its key oil sector, whose exports provide approximately 80 percent of Iranian government revenues, and threatening to bar foreign financial institutions that facilitated oil transactions with Iran from the U.S. banking system. This move, along with concerted diplomatic pressure from the United States on states purchasing Iranian oil, prompted China, Japan, India, South Korea, Turkey, and South Africa to curtail those imports. In July 2012, the European Union, which accounted for about one-fifth of Iranian oil exports, took the major step of banning the import, purchase, and transport of Iranian crude oil.[43] Strikingly, the extraterritorial reach of U.S. sanctions (i.e., so-called secondary sanctions targeting foreign firms engaged in commerce with Iran) did not create an uproar with the European Union, as had happened in the 1990s over the Iran and Libya Sanctions Act, but instead was quietly accepted by U.S. allies.

The aim of this ratcheted pressure was to cut off Iran's oil

revenues and to isolate this outlier state internationally. The Obama administration's marshalling of meaningful international pressure on Tehran was enabled by its recasting of the Iranian challenge—that is, through the policy shift symbolized by the change in nomenclature from "rogue" to "outlier." But even as the United States orchestrated the multilateral tightening of economic sanctions, administration officials reiterated that the military option remained "on the table" as a last resort to prevent Iran from acquiring nuclear weapons if the two-track strategy of pressure and engagement proved inadequate.

Negotiating with a Nuclear "Outlier"

The Interim Agreement

The June 2013 electoral victory of Hassan Rouhani, who had emerged as the centrist candidate in Iran's presidential campaign, created political space in both Tehran and Washington for the revival of the stalled nuclear negotiations. During the UN General Assembly meeting in September 2013, administration officials indicated that President Obama was open to a meeting with the Iranian leader. But Rouhani's aides indicated that a face-to-face meeting between the two leaders was premature. They suggested instead a phone call (thereby avoiding a politically awkward photograph of Rouhani shaking hands with Obama, which would have incited hardliners back in Tehran). Obama's call to Rouhani, the first direct conversation between an American leader and an Iranian leader since the 1979 Revolution, focused primarily on the nuclear issue. Rouhani told reporters during his UN visit that his newly installed government had the authority to negotiate a nuclear settlement with the P5+1 and, that he believed such a groundbreaking agreement could be achieved "within a short period of time."[44]

Building on that momentum in New York, intensive negotiations between Iran and the P5+1 in Geneva that autumn yielded the Joint Plan of Action (JPOA) on November 24, 2013. This interim

agreement laid out a framework for reaching "a mutually-agreed long-term comprehensive solution that would ensure Iran's nuclear program will be exclusively peaceful."[45] A senior Obama administration official revealed that the formal multilateral talks had been facilitated by secret backchannel negotiations between the United States and Iran in Oman that had proved critically important in bridging differences between the two sides to establish the contours of a deal.[46]

The implementation of the JPOA began on January 20, 2014, with a six-month deadline of July 20 that could be extended for an additional six months by mutual agreement. The interim agreement delineated the concrete steps that the parties would carry out during this timeframe, as they worked toward a final comprehensive agreement, and established a joint commission to work with the IAEA on the verification of the accord. For its part, Iran agreed to limitations on its nuclear fuel program—most notably, suspending production of uranium enriched to 20 percent U-235 (a significant way to the 90 percent required for a weapon), eliminating its existing 20 percent stock, and capping any further uranium enrichment at the 5 percent level (suitable for fueling a nuclear power reactor). In addition, Iran pledged neither to construct any new uranium enrichment sites nor to modernize existing facilities, and promised to halt construction of a heavy-water nuclear reactor at Arak (which, if operational, could yield substantial plutonium and thereby offer Iran an alternative route to nuclear weapons acquisition).

In return, Iran was granted temporary sanctions relief of $7 billion (including access to $4.2 billion in frozen assets from oil sales), and the P5+1 suspended certain sectoral sanctions (e.g., auto and civil aircraft spare parts). But Secretary of State John Kerry affirmed that the "core architecture" of the sanctions regime—those elements relating to oil sales and Iran's access to the international financial system—would remain in place throughout the negotiations. The interim agreement did not explicitly address Iran's core demand—recognition of its "right" to enrichment under the NPT's Article IV—but the JPOA made

clear that the ensuing negotiations would focus only on limiting, not ending, Iran's uranium enrichment program.[47] The Obama administration was caught in a bind: acknowledging that a full rollback of Iran's program (no enrichment, zero centrifuges spinning) was no longer politically feasible, but unwilling to accept an interpretation of the NPT that conferred a generic right to signatory states to acquire the full nuclear fuel cycle.

Having inherited the challenge of an Iran with thousands of centrifuges already spinning to enrich uranium, Obama stated, "For the first time in nearly a decade, we have halted the progress of the Iranian nuclear program, and key parts of the program will be rolled back."[48] Israeli Prime Minister Benjamin Netanyahu called the interim accord "a historic mistake" and said that the follow-on negotiations should push for a better comprehensive deal that "brings about one outcome: the dismantling of Iran's military nuclear capability."[49] John Bolton, George W. Bush's UN ambassador, branded the agreement an "abject surrender" by the United States.[50] Senator John McCain acknowledged that it "could modestly slow Iran's nuclear ambitions" for six months, but expressed concern that the Iranian regime remained in non-compliance with the UN Security Council resolution's demand to suspend all enrichment: "This means that, under this agreement, the centrifuges will continue to spin." Moreover, the envisioned comprehensive deal would allow Iran to retain "a large-scale uranium enrichment program," thereby maintaining the latent capability for acquiring nuclear weapons.[51]

Broader congressional skepticism about nuclear diplomacy with Iran was reflected in proposed legislation—what one senator called a "diplomatic insurance policy"—to impose additional oil-related sanctions if a comprehensive agreement was not reached by the interim agreement's six-month deadline. To forestall the imposition of sanctions, the bill would have required the president to certify both that the United States was pursuing an agreement to "dismantle Iran's illicit nuclear infrastructure" (i.e., zero enrichment, which was no longer a feasible diplomatic outcome), and that Iran had given up its state

sponsorship of terrorism (which, in practice, meant terminating its support for Hezbollah). The net effect of the legislation would have been to negate the possibility of sanctions relief even if Iran agreed to significant limitations on its nuclear program. The congressional move prompted a veto threat from White House aides, who argued that Congress could swiftly impose additional sanctions if the talks broke down and cited an intelligence report that new sanctions could undermine the P5+1 negotiations with Iran. A National Security Council official, suggesting that the motivation of the legislation was not to support diplomacy but to scuttle the talks, bluntly asserted, "If certain members of Congress want the United States to take military action, they should be up front with the American public and say so."[52]

The Comprehensive Agreement

The announcement of the Joint Plan of Action in November 2013 began a marathon 20-month negotiation between the P5+1 and Iran to convert that interim agreement into a final accord. The initial July 2014 deadline was extended twice—first, to November 2014, and then a second time, to July 2015. U.S. officials agreed to these extensions because of tangible progress on key concerns—notably, on the Arak heavy-water reactor, under construction, whose operation would potentially create a plutonium route for Iran to acquire nuclear weapons.

But the perennial issues—the permitted scope of Iran's uranium enrichment program under an agreement, the pace of sanctions relief commensurate to Iranian compliance, and the accounting of Iran's past weaponization efforts—remained seemingly intractable during the protracted talks. The question for the Obama administration, having realistically ceded the maximalist position of a full rollback with zero centrifuges spinning before negotiations began, was whether the Tehran regime would make the hard decision. In short, whether it would take yes for an answer—accept the P5+1's offer of a bounded uranium enrichment capability in return for assurances that it did not mask a covert weapons program.

The diplomatic logjam was broken in Lausanne, Switzerland on April 2, 2015 after eight intense days of essentially bilateral U.S.-Iranian negotiations under the P5+1 umbrella involving Secretary of State Kerry and Secretary of Energy Ernest Moniz and their Iranian counterparts, Foreign Minister Javad Zarif and Ali Akbar Salehi, the head of Iran's atomic energy agency. No joint statement was issued by all the parties, but the White House released "fact sheets" outlining the "Parameters for a Joint Comprehensive Plan of Action."[53] Though Foreign Minister Zarif (facing his own domestic critics) accused the Obama administration of "spin," other P5+1 states, including Russia, declared that the White House documents accurately reflected the terms agreed upon. The Lausanne framework, described by the *New York Times* as "surprisingly specific and comprehensive," reflected significant progress in some areas—notably, the number and sophistication of operating centrifuges, as well as Iran's permissible stock of low-enriched uranium for a 15-year period—but again deferred the thorniest issues (relating to inspections, verification, and sanctions relief) to the final round of negotiations to translate the interim parameters into a comprehensive agreement.[54]

After the conclusion of the Lausanne framework agreement, the U.S. Senate Foreign Relations Committee took up legislation to give Congress an opportunity to review any final nuclear deal. The Obama administration originally opposed the legislation, arguing that it could complicate or even scuttle the negotiations, but relented when the broad bipartisan Senate support for such a review became evident. Yet in acquiescing to passage of the Iran Nuclear Agreement Review Act (aka the Corker-Cardin bill), the administration was able to win the removal of poison pills, such as a proposed amendment that would have linked approval of a nuclear deal to the cessation of Iran's state sponsorship of terrorism. Most significantly, the bill was structured favorably to the administration: if Congress did reject an accord, the White House would only need to secure the support of 34 senators to prevent an override of a certain presidential veto.

The final round of negotiations began in Vienna in late June and, after an intense 17-day diplomatic endgame (including yet another deadline extension), a "Joint Comprehensive Plan of Action" (JCPOA) was reached on July 14, 2015. Press reports indicated the two sides had quickly reached agreement on the pace of sanctions relief and "managed access" to suspect sites. The main sticking points, over which the talks nearly broke down, had been the lifting of UN sanctions governing conventional arms sales and missile-technology transfers to Iran. Iran (supported by Russia and China within the P5+1) claimed that these sanctions had nothing to do with the nuclear issue, while the U.S. position was that they should be extended indefinitely. A last-minute compromise split the difference—with an agreement to extend the conventional arms embargo for another five years and the ban on missile-technology transfers for an additional eight years.[55]

Having advanced a controversial strategy of engaging adversarial states since his first inauguration, President Obama hailed the nuclear "deal" as having "achieved something that decades of animosity have not." He declared that "every pathway to a nuclear weapon is cut off" and the accord "meets every single one of the bottom lines that we established when we achieved a framework" in Lausanne in April.[56] In that White House statement, he also laid down a marker, threatening to veto any congressional legislation that would prevent the deal's implementation. At a press conference on July 15, Obama defended the deal for buying 10-15 years and challenged the deal's critics to offer a better alternative. (See the "Nuclear Diplomacy" section below for a more detailed discussion of the specific terms, implementation challenges, and criticisms of the comprehensive agreement.)

Defending the agreement before the Senate Foreign Relations Committee, Secretary of State Kerry rejected the view that Congress should block the agreement in order to send the Obama administration back to the negotiating table to win

additional Iranian concessions: "Let me underscore the alternative to the deal we've reached isn't a 'better deal'—some sort of unicorn arrangement involving Iran's complete capitulation. That's a fantasy, plain and simple….The choice we face is between a deal that will ensure Iran's nuclear program is limited, rigorously scrutinized, and wholly peaceful or no deal at all."[57] The comprehensive agreement generated heated opposition from congressional critics, at home, and the Israeli government, abroad. The Obama administration was varyingly attacked for having been "duped" or "fleeced" by Iranian negotiators, while American compromises to get to yes (as on the duration of the UN arms embargo) were cast as Neville Chamberlain-like acts of appeasement.

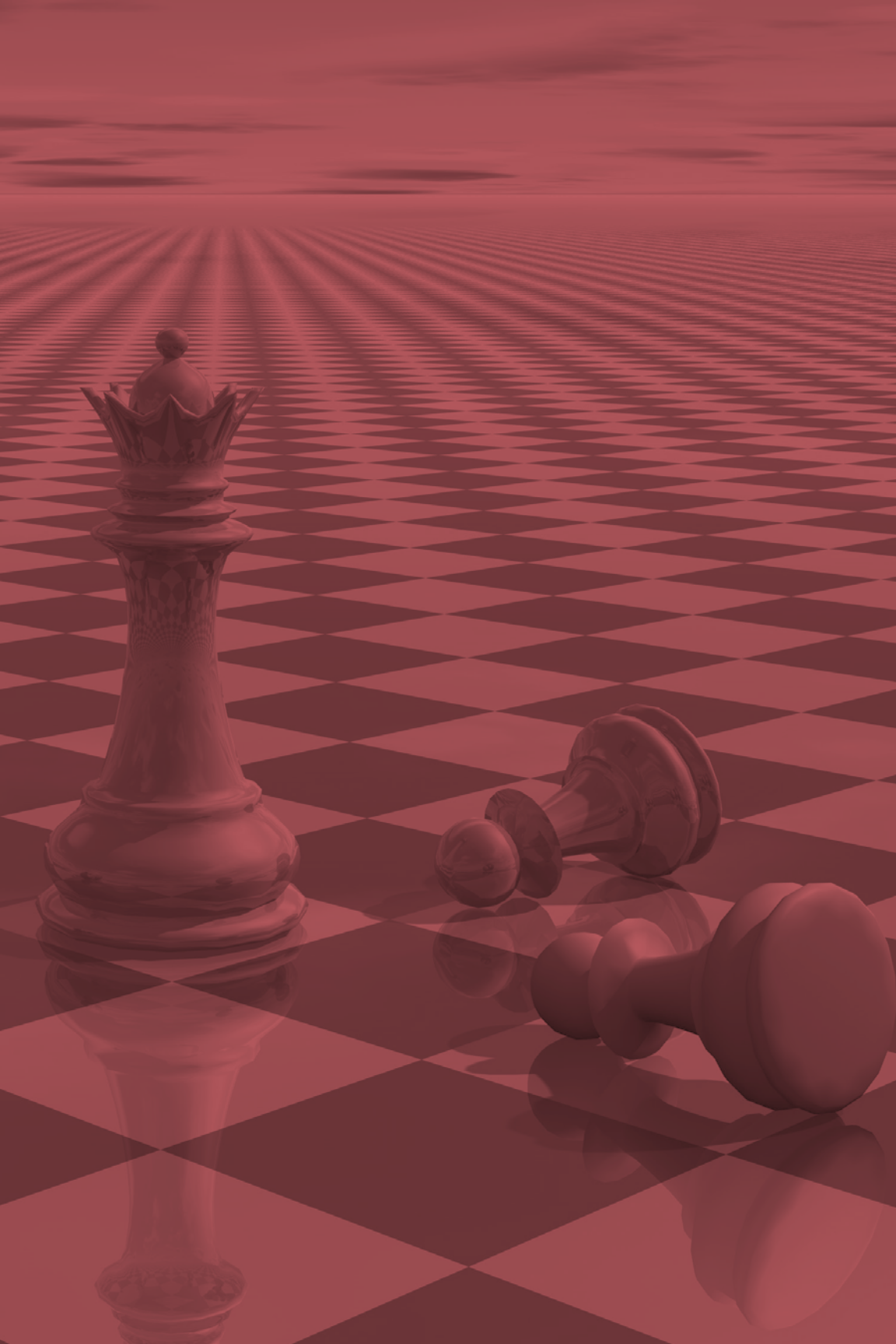
What the administration depicted as the agreement's great strength—that it bought time, at least 10-15 years—was viewed by critics as its great weakness. At the end of that period, they noted, when the key constraints on Iran's uranium centrifuge program are phased out, the "breakout" time will again shrink to an unacceptably short period. Outside experts raised specific technical questions and concerns about the implementation of the agreement. Prominent among them was the 24-day deadline over granting IAEA inspectors access to suspect sites; in congressional testimony, Secretary of Energy Moniz argued that clandestine work involving nuclear materials would be detectable long after that period, but acknowledged that other non-nuclear activities—such as experiments on high-explosive triggers for a nuclear weapon—would be harder to detect.[58]

Notwithstanding these technical issues within the agreement's parameters, the major criticisms of the Obama administration's nuclear diplomacy are on grounds beyond its realistic scope—the Tehran regime's destabilizing regional policies (in Syria, Lebanon, and Yemen), state sponsorship of terrorism, and abysmal human rights record. The Obama administration argued that these important issues should be addressed in their own terms through the appropriate policy instruments, but that an effort to link them to the nuclear challenge would have derailed talks.

The Obama administration has defended the nuclear agreement in transactional terms—that it addresses a discrete urgent threat. To reiterate the major theme of this study, *it is a deal, not a grand bargain.* That is the crux of the dispute between the deal's proponents and critics.

The sharply divided reactions to the comprehensive agreement—milestone or historic mistake—reflect the persisting policy tension—the alternative perspectives and strategies encapsulated in the terms "rogue" and "outlier." The nuclear issue remains a proxy for that broader policy debate. Operating within the rogue paradigm, critics of the nuclear deal emphasize the *character* of the regime as the source of threat. An agreement that merely bounds Iran's nuclear program (allowing it to retain a hedge for a weapon) and that does not address, in John McCain's words, the Tehran regime's "many other malign activities" (i.e., its state sponsorship of terrorism and human rights abuses) is unacceptable. All of Iran's objectionable, threatening behavior is inextricably linked to the character of its "rogue" regime. But the dilemma is that the nuclear timeline is immediate, whereas the timeline for a potential change of regime (short of an Iraq-type invasion) is indeterminate.

By contrast, in shifting from the unilateral American "rogue" rubric to "outlier," the Obama administration emphasized its focus on threatening behavior that violated established international norms. This reframing of the Iran nuclear challenge created a basis for ramping up the multilateral pressure on Iran through economic sanctions that brought the Tehran regime back to the negotiating table. Through the nuclear deal, the administration is seeking to buy time—at least 10-15 years—by circumscribing Iran's nuclear program and elongating the breakout period (to at least a year) that Iran would need for acquiring a weapon. In essence, the administration is playing a long game—mitigating the near-term nuclear threat, while checking the Tehran regime's regional ambitions as indigenous forces drive societal change within Iran on an indeterminate timeline.



The Iranian Domestic Context

Revolutionary State or Ordinary Country?

The Iran nuclear issue is embedded in the broader context of the state's societal evolution. The 1979 Iranian Revolution brought about not just a change of regime, but the wholesale transformation of the country's social order and institutions. For U.S. administrations from Carter to Obama, the challenge of forging a coherent strategy toward Iran has been complicated by the dual nature of political power that emerged from that 1979 upheaval—a duality reflected in the country's very name, the Islamic Republic of Iran. Iran exists as a "republic" in an international system of like states, while its "Islamic" character asserts a source of legitimacy from outside the state system. This dual identity has produced a schism: is Iran an "ordinary" state that accepts the legitimacy of the international system, or a revolutionary state that rejects the norms of a system regarded by Iranian hardliners as U.S.-dominated?

Although revolutions are by their nature sui generis, they pass through broadly similar phases. Beginning more as causes than as concrete programs of action, successful revolutions are soon subject to the practical requirements of government. Revolutions radically alter perspectives within the society, but they cannot change the objective realities of the state. Those realities—geographic position, demography, natural resources, and the regional environment—bound the possibilities of state action. And yet, a recalcitrant Iran has resisted the transition to being an "ordinary" country—standing in contrast to China, for example, which, within a comparable timeframe, evolved from a revolutionary state into an orthodox great power.

Schisms within revolutionary leaderships often emerge over the degree of tactical accommodation that the regime must prudently make to realize its long-term revolutionary objectives. Within Tehran's theocratic regime, the competing pulls of radicalism and pragmatism have agitated Iranian politics, which are typically characterized as a struggle between "conservatives" and "reformers." But that neat categorization obscures significant distinctions between and within the two groups, which may align differently on any domestic or foreign policy issue.[59] In the case of Iran's nuclear challenge, many so-called conservatives, who emphasize fealty to the revolution's ideals, are motivated by the fear that Iranian accommodation to outside pressures on this critical issue, which has put the Islamic Republic at odds with the international community, will encourage additional demands on other issues and erode the regime's domestic legitimacy and stability. For the conservative hardliners, revolutionary activism abroad, such as support for Hezbollah, remains an integral part of Iran's identity and a source of legitimacy at home. The opacity of Iranian decision-making gives rise to the perennial question of whether the Tehran regime's actions are coordinated, or whether institutions, such as the Revolutionary Guard or intelligence service, have the capacity to act autonomously.

The Islamic Republic's unique fusion of religion and politics institutionalized systemic tensions. Eliminating the separation between mosque and state through the 1979 constitution was the realization of Ayatollah Khomeini's revolutionary vision. His unique personal stature was a pivotal factor in the unfolding of the revolution, and that charismatic leadership was tangibly symbolized in the position of Supreme Leader (*vali-ye faqih*), conferring to him paramount religious and political authority. Khomeini invoked the Shiite legal concept of *velayat-e faqih* ("rule of the supreme jurisconsult") as the ideological underpinning for this new constitutional structure. The Assembly of Experts, a popularly elected body dominated by the clergy, chooses the Supreme Leader from among the country's leading clerics. The Supreme Leader has ultimate authority over all state

institutions, including the military, internal security services, the judiciary, and broadcasting services. He also controls powerful "foundations" that are actually huge government-run companies with billions of dollars in assets confiscated after the 1979 Revolution. In addition, the position of Supreme Leader exerts strong influence over the Council of Guardians, a body of senior Islamic jurists and experts in Islamic law with power to void any legislation that it deems contrary to Islam or the 1979 constitution. An Expediency Council, whose members are appointed by the Supreme Leader, was originally created to adjudicate disputes between the Council of Guardians and the popularly elected parliament, but, in 2005, that Expediency Council was delegated "supervisory" powers from the Supreme Leader over all branches of government.

After Khomeini's death, in June 1989, a peaceful transfer of power occurred: Sayyid Ali Khamenei, a cleric known more for his political activism than his religious scholarship, was elevated to Supreme Leader, and Hashemi Rafsanjani, another "religio-politician," was elected president.[60] But with this transition, the challenge of the post-Khomeini era emerged: how to make a system institutionally centered on a Supreme Leader work in the absence of a charismatic political figure. Khomeini's unique standing had been such that his decisions never faced serious political challenge; certainly no one within the ruling regime questioned his authority (even if some of his fellow clerics were uncomfortable with his expansive interpretation of the *velayat-e faqih* concept). That has not been the case with his successor. In the post-Khomeini era, the critical issue exposing the contradiction between the theocratic regime's dual identities and sources of legitimacy—Islam and republicanism—has been the role of the Supreme Leader, from whom the power of Iran's president devolves.

Compared with those of the Supreme Leader, the powers of the president are quite circumscribed. He is the chief executive, with the power to appoint government ministers, subject to approval by the parliament (*Majlis*), and run the government

bureaucracy (particularly those parts dealing with social services and management of the economy). But as Middle East historian Shaul Bakhash observes, the president's powers are often more notional than real since "[t]he Supreme Leader is constitutionally empowered to set the broad policies of the Islamic Republic, and in practice he has acquired additional means of interfering in the running of the government."[61] Among these instruments of control was Khamenei's creation of "a vast network of 'clerical commissars' in major public institutions who are empowered to intervene in state matters to enforce his authority."[62] Iran's foreign policy is affected by the distribution of institutional power between the Supreme Leader and the president, which can vary according to the personalities and ideological orientations of the individuals holding those key positions—witness the shifts from Khatami to Ahmadinejad to Rouhani.

Reform and Reaction

After Khatami's surprise 1997 electoral victory, some commentators referred to the reformist president as "Ayatollah Gorbachev"—a comparison the Iranian president reportedly disliked, since Gorbachev's failure led to the dissolution of the Soviet Union. The analogy was both fitting and misleading. Like Gorbachev, Khatami was not a revolutionary and entered office intending to make the system work better, not overthrow it. But unlike the Soviet leader, Khatami never exercised paramount power within the Iranian system because of the institutionalized role of the Supreme Leader. Khatami's circumscribed authority was soon made evident over the core issue of relations with the United States. After his call for a "dialogue of civilizations" with the United States, Khamenei rejected a rapprochement with the United States: "Talks with the United States have no benefit for us and are harmful to us. We don't need any talks or relations with the United States. The regime of the United States is the enemy of the Islamic Republic."[63] Although receiving "a second chance" from the electorate in the June 2001 reelection, Khatami offered anemic leadership of the reform

movement in the face of rising conservative dominance.[64]

The surprise victory of Mahmoud Ahmadinejad, the populist ultra-conservative mayor of Tehran, in Iran's June 2005 presidential election augured broad changes both at home and abroad. He prevailed on a populist, anti-corruption platform that a *New York Times* report characterized as "Islamic socialism—protecting the core values of the Islamic revolution while using state resources to provide a financial safety net for all Iranian families, especially the poor."[65] Just weeks after his election, Ahmadinejad became embroiled in a dispute with the parliament, which rejected several unqualified nominations for cabinet positions, including the pivotal oil ministry. Further dissension arose from his recall of more than three dozen senior diplomats linked to the reform movement. Most significantly, in terms of the nuclear crisis, Ahmadinejad replaced Khatami's head of the Supreme Council of National Security, Hassan Rouhani, the lead Iranian negotiator in the EU-3 talks, with Ali Larijani, a pragmatic conservative close to the Supreme Leader.

Against the backdrop of these personnel changes, the new Iranian president made world headlines with his inflammatory foreign policy pronouncements. Speaking in October 2005 at a Tehran conference convened under the banner of "A World without Zionism," Ahmadinejad declared that "Israel should be wiped off the map," and that "anybody who recognizes Israel will burn in the fire of the Islamic nations' fury." Further developing this theme two months later, he called the Holocaust a "myth" and lectured the Europeans that they should create a Jewish state in Europe rather than the Middle East.[66] Worse than the incendiary rhetoric were the bizarre and apocalyptic views attributed to Iran's chief executive. A video widely circulated in Iran showed Ahmadinejad telling a senior cleric that during his speech before the UN General Assembly in September 2005 he had been surrounded by light as world leaders paid rapt, unblinking attention to him. That controversy between the president and parliament was followed in mid-November 2005 by a speech in which Ahmadinejad told Friday prayer leaders

that the purpose of the revolution was to create the conditions for the reappearance of the hidden twelfth Imam, whose prophesied return (ushering in an era of perfect spirituality before the end of history) is a major tenet of Shiism.[67]

The foreign and domestic criticism generated by Ahmadinejad's rhetoric and actions during the early months of his presidential term raised a key question about the nature of his relationship with the Supreme Leader. Although Ahmadinejad's largesse to the general populace, through increased wages and social welfare payments, won him lower-class support, his radicalism exacerbated the longstanding tension between pragmatic conservatives and religious conservatives. In October 2005, Khamenei appointed Rafsanjani, a rival and vocal critic of Ahmadinejad, to head the Expediency Council, in a move widely seen as a check on the president's power. The institutional tension between the Supreme Leader and the president marked a shift from the Rafsanjani and, especially, Khatami eras, when the president pushed for social and economic liberalization in the face of Khamenei's recalcitrance. In contrast, the ultra-conservative Ahmadinejad outflanked the Supreme Leader on the radical right by trumping his anti-American and anti-Israel positions and by appropriating the social justice themes that he had propounded to counter Khatami's reform agenda.

Iran's fractured politics are a reflection of the breakup of the broad alliance that brought down the Shah. The unlikely coalition ranged from secular technocrats, students, and urban poor to clerical moderates and anti-modernists. Khomeini was able to manage the inherent policy tensions among these disparate interest groups because of his personal standing and charisma. By contrast, his successor, Khamenei, needed to establish his own social and political base. To do so, he cultivated the country's paramilitary forces—the Revolutionary Guard and Basij—and allowed them (contrary to Khomeini's stance) to assume an expanded political and economic role.[68] Khamenei's strategy brought the Supreme Leader into political competition with Ahmadinejad, who sought the support of the same hardline

groups to strengthen the powers of the presidency relative to his predecessors. In February 2010, the increased influence and prominence of the Revolutionary Guard prompted Secretary of State Hillary Clinton to warn, "We see that the government of Iran, the supreme leader, the president, the parliament, is being supplanted and that *Iran is moving toward a military dictatorship*."[69]

The Green Movement emerged as a political opposition force in the wake of the June 2009 presidential election in which Ahmadinejad was certified the victor over the reformist standard-bearer, former Prime Minister Mir Hossein Mousavi. Charges of a rigged election triggered mass demonstrations, which were brutally suppressed by the regime's security services, the Basij, and the Revolutionary Guard. The regime prosecuted prominent Green Movement activists and theorists, including Khatami's former Vice President, Mohammad Ali Abtahi, in Soviet-style show trials, complete with coerced confessions.[70]

In autumn 2009, Green Movement demonstrations shifted from voter fraud to the legitimacy of the theocratic regime itself. Students chanted, "Khamenei is a murderer. His rule is null and void."[71] The Green Movement was divided between those who wished to work within the 1979 post-revolutionary constitution and those who advocated broad systemic change. Mousavi, characterizing the regime as "institutionalized corruption hiding behind a pretense of piety," called for constitutional reform, but did not directly challenge Khamenei's legitimacy or the expansive concept of *velayat-e faqih* upon which the constitutional position of Supreme Leader was grounded.[72] The perpetuation of that unelected, paramount position negates the possibility of ever separating mosque and state and is at the heart of the Islamic Republic's crisis of political legitimacy.

Though Khamenei provided the decisive support to Ahmadinejad in 2009, with the Green Movement in retreat, renewed competition broke out between the regime's contending conservative factions. Trying to stay above the fray and main-

tain a political balance, the Supreme Leader publicly reversed Ahmadinejad's unilateral dismissal of the intelligence minister.[73] What unites the conservative factions, whether radical or more pragmatic, is the core belief that the Islamic Republic's foreign policy is an important source of domestic legitimation. Yet from issue to issue, the factions may differ over the degree of tactical accommodation that the regime must prudently make to remain in power. International integration carries tangible economic benefits but risks political contagion. Khamenei dismissed the Obama administration's interest in diplomatic engagement as merely a tactical shift to achieve the U.S. objective of regime change through the fomentation of a "soft" or "velvet" revolution targeting Iranian civil society. As the Ahmadinejad presidency ended, negotiations with the P5+1 were stalled; that symbolic nuclear issue remained a surrogate for the broader persisting debate about Iran's relationship to the outside world.

Rouhani's Election

Four years after the suppression of the Green Movement, Hassan Rouhani, a pragmatic centrist who had been Iran's chief nuclear negotiator under Khatami, emerged as the surprise victor in the June 2013 presidential campaign. As *The Economist* observed, Rouhani campaigned on "the rhetoric of moderation, technocracy and rapprochement with the West."[74] The reformist opposition ended its ambivalence late in the campaign to back Rouhani, an establishment figure who, in actuality, proposed no fundamental changes to the Islamic Republic's foreign or domestic policies. Rouhani ran as a consensus-builder, someone who could bridge the political chasm between conservatives and reformists. During the campaign, he appealed to both sides by emphasizing that the country could continue its nuclear program while making improvements in living standards: "It is important for centrifuges to spin, but people's lives should run too."[75] His commanding victory was widely interpreted as a rebuke to the ultra-conservatives, who had been politically ascendant in the Ahmadinejad era. For the reformists, Rouhani

was the vessel of their hopes for change to revive the country's stagnant economy, ease social restrictions, and end the country's international isolation through negotiations with the West on the nuclear question. Yet, as both the Supreme Leader and the Revolutionary Guard congratulated Rouhani on his victory, the conservatives could also claim a measure of victory: his election brought the return of a cleric to the presidency and restored, as the *New York Times* put it, "a patina of legitimacy to the theocratic state."[76]

Rouhani's election was a remarkable political comeback. In 2003, as Iran's chief nuclear negotiator with the EU-3, Rouhani had convinced President Khatami to accept a freeze on Iran's uranium enrichment program, which, until the interim agreement of November 2013, was the only nuclear deal concluded between Iran and the West. Ultra-conservatives castigated as a sellout the 2003 agreement's limitation on Iran's capabilities, but Rouhani defended the deal, making the telling claim in a 2004 speech, "While we were talking with the Europeans in Tehran, we were installing equipment in parts of the facility in Isfahan. In fact, by creating a calm environment, we were able to complete the work in Isfahan," the crucial facility where the feedstock for the uranium enrichment sites is produced.[77] Nonetheless, Ahmadinejad's 2005 presidential victory brought an end to Iran's uranium enrichment freeze and led to Rouhani's ouster as nuclear negotiator. His unlikely political rehabilitation in 2013 created an opening for nuclear diplomacy.

The looming question after his election was whether Rouhani could negotiate a deal with the P5+1 within the bounds set by Khamenei. In analyzing those parameters, Iran expert Shahram Chubin argued that the Supreme Leader maintains his belief that, notwithstanding the shift in Washington's rhetoric from Bush to Obama, the United States remains committed to the objective of regime change, and that pressuring Iran on the nuclear issue is a means to that end. But while mitigating his personal political risk, Khamenei empowered Rouhani to test whether an acceptable nuclear deal with the P5+1 could yield

meaningful sanctions relief for the country's beleaguered economy: "If Rouhani fails, the failure is his alone; if he 'succeeds,' the victory is the Supreme Leader's to claim."[78] In early September 2013, Rouhani's personal identification with the nuclear issue was complete when it was announced that the newly elected government had responsibility for the negotiations with the P5+1. This devolvement of responsibility from the Supreme Leader to the president was executed through the institutional shifting of the nuclear portfolio from the Supreme National Security Council to the Foreign Ministry, headed by Javad Zarif, who had been Iran's UN ambassador under Khatami.

Though Rouhani has delegated authority on the nuclear issue, his foreign policy writ does not extend to Iran's regional policies. Most notably, on Syria and Iraq, Khamenei has given the institutional lead to the Quds Force, the Revolutionary Guard's extraterritorial special forces (whose name derives from the Persian word for Jerusalem). Thousands of Quds forces, as well as Lebanese Hezbollah fighters, were deployed to fight in Syria's attritional civil war to prevent the overthrow of the Bashar al-Assad regime, a key regional ally of Iran.[79] Giving the Revolutionary Guard responsibility for Iran's regional policies, while the president manages the nuclear negotiations, was consistent with Khamenei's strategy of maintaining and playing off the regime's multiple power centers. Iran's activist foreign policy in Syria and Lebanon is viewed by regime hardliners as central to the Islamic Republic's identity and a source of domestic legitimation. But at what human and economic cost? The drain of Iranian resources to support the Assad regime called that interventionist foreign policy into question and refocused attention on the country's economy, whose ailing condition had been central to Rouhani's electoral victory.

Economic Sanctions and Nuclear Diplomacy

Rouhani inherited an economy weakened by the Ahmadinejad government's mismanagement and by successive rounds of

sanctions. According to Iran's Central Bank, in 2013, inflation was running at 44 percent, youth unemployment was 28 percent, and, in 2012, the country's economy had contracted by 5.4 percent.[80] Under the impact of the European Union's embargo, Iran's oil exports had fallen to a meager 1 million barrels per day, down from 2.5 million as recently as 2011. The consequent loss of revenues had a direct domestic impact—for example, further limiting the government's ability to provide subsidies to the general populace for basic commodities such as oil. Popular discontent was further fueled by the punishing combination of escalating food prices and the halving of Iran's currency value.[81] U.S. and European Union financial sanctions shutting Iran out of the international banking system left the regime unable to tap its foreign currency reserves and businesses unable to arrange financing for basic commercial transactions. The 2012 exclusion of Iranian banks from Swift, the Brussels-based clearinghouse for international banking transfers, essentially halted normal flows of money into and out of the country via governmental channels.[82]

Rouhani and his aides acknowledged that economic sanctions were taking their toll on the Iranian economy. But were sanctions the decisive factor in gaining Iran's acceptance of an interim nuclear agreement within months of Rouhani's election? Middle East political economist Suzanne Maloney argues that the Iranian case was a fortuitous convergence in the which key conditions of success were present: (1) there was adequate time to develop and hone a sanctions framework that "was far-reaching enough to truly alter Iran's calculus"; (2) the United States marshaled broad international support, a process facilitated by Ahmadinejad's inflammatory persona, and that gained momentum after the 2006 referral of the Iran nuclear issue to the United Nations Security Council; (3) as the nuclear question became linked to the country's economic situation during the 2013 presidential election, a divided leadership became increasingly concerned about the impact of sanctions on regime stability; and (4) while sanctions effectively targeted Iran's core interests, they did not create adverse consequences for the

states imposing the punitive measures (thanks to increased Saudi and North American production to compensate for embargoed Iranian oil).[83]

Multilateral sanctions imposed on Iran for flouting its NPT obligations created a linkage between the country's nuclear program and its deteriorating economic condition. Those punitive measures, castigated by Rouhani as "brutal, illegal and wrong," were instrumental in winning Iran's acceptance of the interim agreement.[84] After Rouhani's election, a surprising consensus among Iran's major political factions emerged in favor of the nuclear negotiations with the United States and other major powers. Dissension within the conservative camp was deflected by Khamenei, who said that Iran would demonstrate "heroic flexibility" in the P5+1 talks. In response to conservative criticism that they were pro-Western "collaborators," the Supreme Leader defended Foreign Minister Zarif and his negotiating team as "children of the revolution."[85] But the acquiescence of the Revolutionary Guard commander Major General Mohammed Ali Jafari to the resumption of negotiations also sounded a cautionary note, which augured the difficulty Rouhani and Zarif would face in selling a nuclear deal to hardliners in Tehran: "Because of the sensitive period during which negotiations must advance, we must remain silent for the time being and hold back our tears... It is very sensitive work and the actual goal is removing economic pressure on the people which is very important, so we must progress with care."[86]

Rouhani's victory had raised unrealistic expectations among the electorate that the economy would quickly benefit from sanctions relief if his new government could negotiate a nuclear deal with the P5+1. The hard reality was that the interim agreement's limited scope (leaving oil and financial sanctions in place) and short duration (a six-month period to negotiate a comprehensive deal) meant that the economic benefits of nuclear diplomacy did not quickly materialize. That gave political ammunition to Rouhani's critics.[87] Basij paramilitary personnel and other hardliners associated with Ahmadinejad rallied to protest

the terms of the interim deal, arguing that the president's team had caved to American pressure. Conservative critics circulated a pamphlet, "What did we give—and what did we get?"[88]

Just after the six-month Joint Plan of Action went into effect in early 2014, the Supreme Leader issued a statement, drafted by the Expediency Council, exhorting the country to wage "economic jihad" and create an economy of "resistance." The Rouhani government was instructed to "increase the costs [of imposing sanctions] for the enemy" and "choose strategic customers" in the East (presumably China and India) to compensate for the Western oil embargo. This move reportedly reflected the assessment that sanctions would not be lifted in the near-term and that the Iranian government's economic program should be adjusted accordingly.[89]

The embedded quality of the nuclear issue—its proxy status for the more fundamental debate over Iran's societal development and its relationship to the outside world—was evident in the political cleavages over the interim nuclear agreement. Rouhani faced the challenge of brokering a deal with the West that could win acceptance in Tehran, and escaping the political fate of Khatami, whose nuclear diplomacy with the EU-3 in 2003-2005 became a liability. The issue has never been one of a simple tradeoff between nuclear technology and transparency. Nuclear diplomacy with America, the "Great Satan," goes to the heart of Iran's unresolved identity crisis: is the Islamic Republic a revolutionary state or an ordinary country? The outcome of negotiations—whether they *succeed*, and Iran gains meaningful sanctions relief in return for bounding its nuclear ambitions, or *fail*, and the country's economy remains straitjacketed under punitive sanctions—has critical implications for regime stability. As Iran expert Nima Gerami argued, "Elite divisions could again undermine Iran's diplomacy if the Supreme Leader concludes that the political costs of alienating the regime's power base—including the Revolutionary Guards, intelligence services, and the paramilitary Basij—outweigh the economic benefits of a comprehensive agreement with the West."[90] Iranian accep-

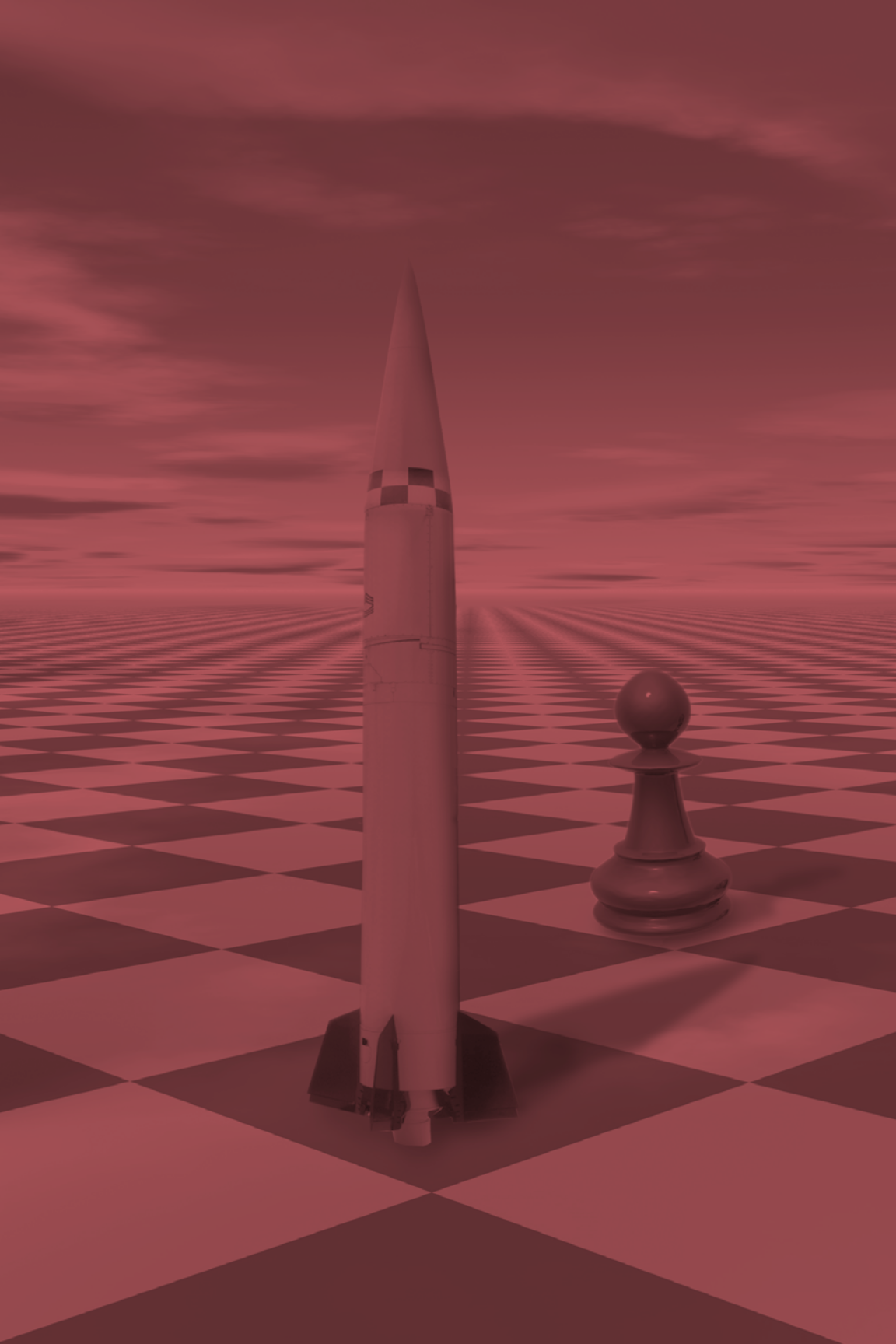
tance or rejection of a comprehensive nuclear deal with the P5+1 turned on Khamenei's calculus of decision. The Obama administration's two-track strategy of pressure and engagement sharpened his choice.

The Supreme Leader maintained an ambiguous stance throughout the negotiations. After the Lausanne framework was announced on April 2, 2015, Khamenei was cautious, stating that he neither favored nor opposed the interim agreement. The 75-year-old ayatollah praised the negotiators for preserving the country's "honor," but declared that there was no guarantee of a final agreement because "the other side may want to stab us in the back over the details."[91] In a nationally televised speech on June 23, Khamenei specified seven "red lines" for Iranian negotiators (e.g., the immediate lifting of all sanctions on the day that a deal was signed) that were at odds with the parameters in the Lausanne framework.[92] Khamenei's hardened position in late June was alternatively interpreted as either strengthening the bargaining position of the Iranian negotiators in the diplomatic endgame in Vienna or actually rolling back the concessions Iran made to reach the interim agreement in Lausanne.[93] Just days before the comprehensive agreement was reached, Khamenei's ambiguous stance prompted Secretary Kerry to ask Foreign Minister Zarif the obvious direct question: "Are you authorized to actually make a deal, not just by the [Iranian] president, but by the Supreme Leader?" To which, Zarif, who had returned to Tehran at the height of the talks for consultations with Iranian officials, replied in the affirmative.[94]

In the wake of the July 14 announcement of the comprehensive agreement, Khamenei sent a lukewarm letter to Rouhani thanking, but not congratulating, the Iranian negotiators. The Supreme Leader declared that the agreement required "close scrutiny" and cautioned, "Be concerned about possible violations of the commitments in the accord by other parties."[95] Political cover for the Iranian negotiators was provided by the deal's creative workarounds of the Supreme Leader's "red lines": for example, Khamenei's prohibition on dismantling

Iran's nuclear infrastructure was technically met by mothballing thousands of Iranian centrifuges, while his demand for immediate sanctions relief was finessed by distinguishing between a "finalization day" (when the deal was announced) and an "implementation day" (the unspecified future date at which sanctions relief would take effect when the IAEA verified that Iran had completed key nuclear steps). Nonetheless, Iranian hardliners, embracing the Supreme Leader's call to scrutinize the agreement, charged that the deal crossed many (18 of 19, by one count) of Khamenei's "red lines."[96] Rebutting his domestic critics, Rouhani asserted that he had been elected president with a mandate to negotiate a solution to the nuclear issue, and, citing the corrosive effects of international sanctions, argued the alternative to the comprehensive agreement was an economic "Stone Age."[97]

According to the International Crisis Group's Ali Vaez, the Supreme Leader made a "systemic decision" to resolve the nuclear question in the face of an economic exigency. Talk of a "resistance economy"—which did not exclude reintegration into the global economy through a diplomatic resolution of the nuclear crisis—was more about creating interdependencies and reducing vulnerabilities than autarky. Yet without a deal, in Vaez's apt formulation, the Islamic Republic could "survive, but not thrive" and "surviving was not sufficient amidst regional turmoil." Iranian hardliners, notably the Revolutionary Guards, will continue to complain about the deal, but no interest group will have the ability to torpedo it. The Supreme Leader has characterized the nuclear agreement in transactional terms—that it enshrines Iran's "right" to enrich uranium and will yield sanctions relief. And yet, the perennial question about the identity of the Islamic Republic—revolutionary state/ordinary country—persists. Khamenei's goal is to reap the tangible benefits of this symbolically laden transaction with America, while forestalling the deal's potentially transformational implications for Iran's revolutionary deep state.



Nuclear Capabilities and Intentions

Origins and Development

Iran's nuclear motivations are not specific to the Islamic Republic. Indeed, then CIA director George Tenet went so far as to assert during congressional testimony in February 2003, "No Iranian government, regardless of its ideological leanings, is likely to willingly abandon WMD programs that are seen as guaranteeing Iran's security."[98] This insight highlights a key proliferation dynamic: the lead indicator of proliferation is regime *intent*, which is not regime-specific (as it may be shared by regimes of various political orientations), whereas the U.S. perception of threat (particularly in the post-9/11 era) is linked to the *character* of a specific regime, in this instance, Tehran's theocratic regime.

Suspicions of Iran's nuclear intentions date to the Shah's era. The initial components of Iran's nuclear infrastructure (a 5 megawatt light-water research reactor and related laboratories at the Tehran Nuclear Research Center) were acquired through nuclear cooperation with the United States under the "Atoms for Peace" program. After acceding to the NPT in 1970, the Shah launched an ambitious plan to develop civil nuclear energy, which envisioned not only reactor construction but the acquisition of nuclear fuel-cycle technology (including uranium enrichment and reprocessing) to reduce the country's reliance on outside assistance. The Ford administration viewed nuclear cooperation with Iran as a tangible symbol of the U.S. bilateral relationship with a key regional ally, as well as a potentially lucrative commercial opportunity for U.S. firms. Secretary of State Henry Kissinger later acknowledged that proliferation

concerns did not figure in the Ford administration's decision to permit the transfer of fuel-cycle technology.[99] Although "no evidence has emerged confirming that Iran actually began a dedicated nuclear weapons program under the Shah," concluded an International Institute for Strategic Studies (IISS) report, "…Iranian officials appreciated that the acquisition of enrichment and reprocessing facilities for Iran's civilian nuclear power program would inherently create a nuclear weapons option…"[100]

After the 1979 Revolution, Khomeini ordered a halt to construction of German-made nuclear reactors at Bushehr. This gave rise to a belief that the Supreme Leader was anti-nuclear. Yet the memoir of former nuclear negotiator and current Iranian President Hassan Rouhani recounts that, during his exile in Paris, Khomeini rebuffed the recommendation of a visiting Iranian scientific delegation to scrap the nuclear program on economic grounds. Khomeini reportedly recognized the strategic value of keeping the option open.[101] In the mid-1980s, as the clerical regime faced a national security imperative at the height of the attritional Iran-Iraq War, it indeed revived the nuclear infrastructure inherited from the Shah. Upon Khomeini's death, in 1989, Iran looked to China and Russia as potential sources of nuclear technology. Russia took over the Bushehr reactor project, and China provided components for a key uranium conversion facility in Esfahan. But the Clinton administration diplomatically pressed both countries to abstain from nuclear commerce with Iran, making the cessation a condition for U.S. civil nuclear exports to China and threatening the cutoff of U.S. aid to Russia to get the Kremlin to forgo the sale of fuel-cycle technology.

Details of Iran's extensive covert program to acquire sensitive nuclear technology surfaced after the IAEA's June 2003 report based on Iranian opposition sources, which had charged Iran with possessing undeclared nuclear facilities and pursuing activities outside the NPT safeguards system.[102] Of particular importance were essential design plans and components that Pakistani black marketer A.Q. Khan provided for a pilot uranium-enrichment plant at Natanz. The currently deployed Iranian

centrifuges, the IR-1 and more sophisticated IR-2 models, are based on the design plans for Pakistani centrifuges, the P-1 and P-2, provided by the Khan network. In its 2011 report, the IAEA reported, based on information provided by "Member States" (presumably including the United States), that by the late 1980s, just as the Iran-Iraq War was ending, Iran established a unit to organize covert procurement activities for an undeclared nuclear program within the Physics Research Center (PHRC), under the purview of the research and development arm of the Ministry of Defense. By the late 1990s or early 2000s, the clandestine nuclear program was consolidated under the "AMAD Plan," whose executive affairs were conducted by the "Orchid Office" (so named because of its location on Orchid Street in Tehran).[103]

The AMAD plan's scope of activities included three key projects: converting uranium ore into the gaseous feedstock for centrifuges to enrich uranium at the then covert Natanz site; high-explosive experiments potentially linked to developing the trigger for nuclear weapons; and the redesign of the Shahab-3 missile reentry vehicle. With respect to the redesigned missile warhead, outside experts engaged by the IAEA for an assessment ruled out any payload option other than nuclear.[104] By the late 1990s, at the height of Khatami's reformist presidency, Iran crossed the important technological threshold of self-sufficiency in centrifuge manufacturing.[105]

Infrastructure and NPT Compliance

Centrifuges are essential equipment for uranium enrichment, the multistage industrial process in which natural uranium is converted into special material capable of sustaining a nuclear chain reaction. Natural uranium occurs in two forms—U-238, making up 99 percent of the element, and the lighter U-235, accounting for less than 1 percent. But the latter is a fissionable isotope that emits energy when split. Uranium ore is crushed into a powder, refined, and then reconstituted into a solid form, known as "yellowcake." The yellowcake is then superheated and transformed into a gas, uranium hexafluoride (UF6). That gas is passed through a centri-

fuge and spun at high speed, with the U-238 drawn to the periphery and extracted, while the lighter U-235 clusters in the center and is collected. The collected U-235 material is passed through a series of centrifuges, known as a cascade, with each successive pass-through increasing the percentage of U-235. Uranium for a nuclear reactor should be enriched to contain approximately 3 percent uranium-235, whereas weapons-grade uranium should ideally contain at least 90 percent.

Iran has developed indigenous facilities to support each phase of the uranium enrichment process:

Uranium ore: Given limited domestic uranium deposits, Iran historically depended on foreign sources (e.g., a major purchase deal with South Africa in 1984). Iran now operates two mines, Gachin (near Bandar Abbas) and Saghand (in Yazd in central Iran), whose reserves could produce 250-300 nuclear weapons, according to U.S. intelligence.[106]

Yellowcake production and uranium conversion: Adjacent to the Saghand mine is a yellowcake production facility called Ardakan. A facility for the conversion of yellowcake into uranium hexafluoride gas is located in Esfahan.

Centrifuges: As of July 2015, Iran has approximately 19,000 centrifuges, of which some 10,000 are operational at Iran's two known enrichment sites, Natanz and Fordow. They are predominantly the first-generation IR-1 model, although Iran has begun installing the more sophisticated IR-2 model, which is more reliable and estimated to have six times the output of IR-1s.[107] The industrial-scale Natanz site, located 200 miles south of Tehran, can house 50,000 centrifuges. The Fordow enrichment site near Qom is too small to be economically rational as part of a civil nuclear program and is invulnerable to a military strike because it is deeply buried. Those attributes, as well as its location on a Revolutionary Guard base, aroused concern that its intended purpose was to receive low-enriched uranium produced at Natanz for further enrichment to weapons-grade material.

Uranium enrichment, in Bush national security advisor Stephen Hadley's metaphoric phrase, is "the long pole in the tent for nuclear weapons."[108] The public revelation of a covert enrichment facility at Natanz by an Iranian opposition group, the National Council of Resistance of Iran (NCRI), in 2002 marked the onset of the current controversy with Iran.[109] The IAEA had previously raised concerns about Iran's undeclared nuclear activities dating back to the late 1980s, but it never found the Tehran regime in violation of the safeguards agreement required of all NPT signatories. In addition to the existence of the Natanz site, the NCRI also revealed Iran's construction of a heavy-water reactor at Arak, which would create an alternative pathway to nuclear-weapons acquisition using plutonium. An ensuing investigation by the IAEA led to the agency's referral of the Iran case to the UN Security Council in 2006, after IAEA reports from 2003 onward cited "breaches" of Iran's safeguards agreement and "a pattern of concealment." The IAEA's referral decision had been deferred during the 2003-2005 period when Iran was negotiating with the EU-3 and had agreed to suspend uranium enrichment and implement the IAEA's Additional Protocol to the safeguards agreement, which would permit the IAEA to make challenge inspections at undeclared sites. After Ahmadinejad's 2005 election, Iran ended the enrichment suspension and did not implement the Additional Protocol.

The IAEA report of November 2011 addressed "possible military dimensions" (PMD) to Iran's nuclear program. Based on "credible" evidence, the IAEA concluded that Iran had conducted "activities that are relevant to the development of a nuclear explosive device," including the "acquisition of nuclear weapons development information and documentation from a clandestine nuclear supply network…[and] work on the development of an indigenous design of a nuclear weapon…" Though some of these activities were dual-use (i.e., with civil as well as military applications), others were specific to nuclear weapons.[110] The report further stated that work on the AMAD Plan "was stopped rather abruptly pursuant to a 'halt order' instruction

issued in late 2003 by senior Iranian officials owing to growing concerns about the international security situation in Iraq" in the wake of the U.S. invasion.[111]

The IAEA's 2011 report paralleled the conclusions of the U.S. National Intelligence Estimate (NIE) on Iran in November 2007. The publication of the NIE's unclassified summary recast the debate about the country's nuclear capabilities and intentions. According to the NIE, U.S. intelligence agencies concluded with "high confidence" that Iran "halted its nuclear weapons program" in 2003 "in response to increasing international scrutiny and pressure." Further, the agencies "do not know whether [Iran] currently intends to develop nuclear weapons."[112] This finding essentially reversed that of the previous NIE, in 2005, which had said that Iran had an active clandestine weapons program. But while concluding that Iran had suspended work on that part of its covert military program relating to weapon design, the 2007 NIE also cited significant progress in Iran's declared "civil work" relating to uranium enrichment that "could be applied to producing [fissile material for] a nuclear weapon if a decision is made to do so": "Tehran at a minimum is keeping open the option to develop nuclear weapons."[113]

The November 2007 NIE stated that the halt in Iran's nuclear weapons program in 2003 was "in response to increasing international scrutiny and pressure," without specifying the source of that pressure. Bush administration officials credited the cessation of Iran's weaponization effort in 2003 to the demonstration effect of Iraq. However, an alternative interpretation offered at the time was that the Iranians, having had their covert uranium enrichment program at Natanz exposed to the IAEA, and thereby facing the prospect of punitive action, "halted" their weaponization activities to remove any immediate justification for a U.S. military strike. During the freeze on this component of its program, the Tehran regime accelerated work at the Natanz facility, now a "declared" civilian site under IAEA monitoring, to master the uranium-enrichment process, thereby providing the Iranian leadership with a breakout option to produce weap-

ons-grade fissile material.

In January 2011, U.S. officials revised their estimate of when Iran could acquire nuclear weapons, citing technical setbacks that the program had encountered. Press reports attributed those problems to the Stuxnet computer worm, a destructive virus developed with the Israelis that had rendered inoperable an estimated one-fifth of Iran's nuclear centrifuges.[114] In February 2011, a new NIE on Iran's nuclear capabilities and intentions was completed and circulated within the U.S. government, but it was not (as was the 2007 estimate) made public. Director of National Intelligence James Clapper, providing an overview of the NIE in congressional testimony, stated that Iran's continued progress in mastering uranium enrichment "strengthens our assessment that Iran has the scientific, technical and industrial capacity to eventually produce nuclear weapons."[115] The February 2011 NIE concluded that the clerical regime had "resumed internal discussions" and was "keeping open the option to develop nuclear weapons." The "central issue," according to Clapper, remains whether Iranian leaders have the will to build a bomb.[116]

Though the IAEA and U.S. intelligence concluded that Iran's weaponization efforts had been suspended in 2003, the IAEA has submitted numerous questions to the Tehran regime to clarify the "possible military dimensions" of its nuclear program. After signing of the interim Joint Plan of Action in November 2013, and the beginning of its implementation in January 2014, the Rouhani government was more forthcoming in resolving outstanding issues by providing IAEA personnel access to previously barred sites (such as the Gchine mine and the Ardakan yellowcake production facility). But outstanding questions about PMD, the focus of a pending IAEA report to the UN Security Council, remained. Resolving them to understand just how much progress Iran made in weaponization would be an essential component of any comprehensive agreement. The U.S. Congress will no doubt insist on such an accounting of Iran's covert weapons-related activities before providing sanctions relief. Of particular interest to the IAEA is Parchin, a military complex

southeast of Tehran, where Iran reportedly conducted important weapons-related experiments, including high-explosive tests for nuclear triggers. In mid-2013, satellite imagery revealed that Iran had essentially razed and paved over the site to prevent IAEA inspectors from obtaining environmental samples to confirm the nature of the activities at that clandestine location.[117]

Nuclear Debates and Strategy

Iran's nuclear program has been characterized by Shahram Chubin as "marked by persistence and incrementalism, by determination rather than urgency."[118] For Iran, the toppling of Iraq's Saddam Hussein regime, which invaded the country in 1980 and used chemical weapons against Iranian forces, undercut the immediate strategic rationale for nuclear weapons. But even before the 2003 war eliminated the Iraqi threat, the clerical regime focused on Israel as an all-purpose bogey to curry favor with the Arab states and to argue that the Israeli threat justifies Iran's long-range ballistic missile program. "If, one day, the Islamic world is also equipped with weapons like those that Israel possesses now," former President Rafsanjani stated, "then the imperialists' strategy will reach a standstill because the use of even one nuclear bomb inside Israel will destroy everything."[119] This much-publicized speech by Rafsanjani in December 2001 was interpreted both ominously, as "rais[ing] the disquieting possibility that Iranians may see nuclear weapons as a means of pursuing an eliminationist solution to the Arab-Israel conflict," and benignly, as signaling the Iranian interest in a nuclear deterrent.[120]

The unstated case for Iran's nuclear weapons program is often inferred to be the rough regional neighborhood—the possession of nuclear weapons by Israel, Pakistan, Russia, and the United States (which essentially became a neighboring Middle East power after its post-2001 regime takedowns in Afghanistan and Iraq, but which is now militarily exiting the region). Yet, Iran has no historic enemies or giant, hostile neighbors requiring it to

compensate for a military imbalance with nuclear weapons. So, the Islamic Republic's persistent, longstanding nuclear efforts do not reflect a crash program to acquire a weapon as quickly as possible in the face of an existential threat. From a comparative proliferation perspective, one could contrast Iran with three states whose programs have been driven by a perceived existential threat—North Korea, Pakistan, and Israel. Iran's nuclear motivations appear more akin to India's, which sees nuclear weapons as an indicator of paramount regional position. That implicit rationale for Iran's nuclear weapons program lies in the worldview of regime hardliners, who see the program as the ultimate guarantor of Iran's influence and security, and, not incidentally, their own power.

The theocratic regime, dismissing suspicions of its nuclear intentions, has consistently maintained that the country is merely exercising its prerogative under Article IV of the NPT to develop civilian nuclear energy. IAEA concerns about "possible military dimensions," Iran claims, are based on fabricated documents fed to the agency by hostile intelligence services (viz., America and Israel). Activities that the United States views as a violation of nonproliferation norms are defended in Tehran as a sovereign right. Indeed, Ahmadinejad accused the United States of plotting to keep Iran "backward" in order to maintain a system of "nuclear apartheid."[121] Standing up to U.S. "bullying" on the nuclear issue also taps into the culture of victimization and sense of embattlement that the regime has cultivated within Iranian society to gain a freer hand in defining the country's security requirements.[122] From secularists to religious fundamentalists, a broad domestic consensus exists on Iran's right to have civil nuclear energy, and the populace has been receptive to the clerics' critique of the United States' selective concern about nonproliferation norms. Yet this sentiment does not translate into across-the-board Iranian political support for a policy of acquiring nuclear weapons.

The purported energy rationale for the program, let alone the case for nuclear weapons, has never been rigorously debated

within the country.[123] Thus, the question of whether Iran's determination to pursue an ambitious nuclear program for power generation is based on sound economic or energy foundations has not been subjected to scrutiny. The energy rationale frequently is cited as a response to growing domestic demand or the need to conserve oil and gas domestically so that they can be sold to generate foreign exchange revenues. In 2004, Iranian foreign minister Kamal Kharrazi referred to a plan, never made public, to generate 7,000 megawatts of electricity by 2025. The ostensible purpose of the nation's large uranium enrichment program, especially the industrial-scale facility at Natanz, is to become self-sufficient in providing fuel for these envisaged nuclear reactors. Yet no public debate has assessed the assumptions on which the nuclear energy program is based, or honestly analyzed its costs and benefits vis-à-vis other forms of power generation. Observers have frequently noted that Iran annually vents off as much energy in natural gas as any nuclear power program would generate. Tellingly, the fact that Iran has made an oversized investment in uranium enrichment while making scant progress in building the nuclear reactors for which that nuclear fuel is ostensibly intended casts doubt on the energy rationale. This emphasis on uranium enrichment (including the deeply buried Fordow site) over actual reactor development has driven the conclusion that Iran's civil nuclear energy program is a cover for a nuclear weapons program.[124]

The Tehran regime's questionable defense of its unfettered "right" to nuclear technology under the NPT's Article IV resonates with the 120 developing countries that constitute the so-called Non-Aligned Movement (NAM). At the NAM summit in August 2012, the organization, voicing concern that the major powers were seeking to monopolize the production of reactor fuel, endorsed Iran's position in the nuclear dispute with the P5+1. Making the Iranian case before this sympathetic international audience, Supreme Leader Khamenei stated: "I stress that the Islamic Republic has never been after nuclear weapons and that it will never give up the right of its people to use nucle-

ar energy for peaceful purposes. Our motto is: 'Nuclear energy for all and nuclear weapons for none.' We will insist on each of these two precepts, and we know that breaking the monopoly of certain Western countries on production of nuclear energy in the framework of the Non-Proliferation Treaty is in the interest of all independent countries, including the members of the Non-Aligned Movement."[125]

To further bolster the Tehran regime's claim of benign nuclear intentions, Iranian officials point to the *fatwa*, a religious decree, made by Khamenei in October 2003, "forbidding the production, stockpiling and use of weapons of mass destruction, and specifically nuclear arms." Variations of this formulation have been repeated by the Supreme Leader, as in a June 2009 speech: "The Iranian people and their officials have declared time and again that the nuclear weapon is religiously forbidden (*haram*) in Islam and they do not have such a weapon. But the Western countries and America in particular through false propaganda claim that Iran seeks to build nuclear bombs, which is totally false and a breach of the legitimate rights of the Iranian nation." Despite repeated references by the Tehran regime to the *fatwa* (including on Iran's flashy English-language website devoted to the nuclear issue), scholars of Islam note that *fatwas* are not immutable; Shiite clergy make pragmatic shifts in response to changed circumstances.[126] Obama administration officials have found rhetorical utility in the *fatwa*, as it provides the Tehran leadership a religious basis—political cover, so to speak—for reaching an agreement to resolve the nuclear issue.

An important feature distinguishing Iran from other countries of proliferation concern—North Korea under the Kim family regime or Iraq under the former Saddam Hussein regime—is its quasi-democratic character. Iran has an engaged and somewhat cynical public, which has an uneasy relationship with a regime whose political legitimacy was damaged by its brutal crackdown on the Green Movement in 2009. Rouhani's election, a reflection of that disaffection, produced a rare consensus across Iran's political elite for revitalized nuclear diplomacy. But old

divisions persist, even if tamped down by the Supreme Leader during the P5+1 negotiations.

According to Nima Gerami, elite views fall within three camps. The first group is hardline "nuclear supporters," who are critical of negotiated constraints on Iran's nuclear capabilities, oppose the full transparency and accountability of the nuclear program as required by the NPT, and resist outside efforts to dictate the Islamic Republic's security policies. Ayatollah Mohammad Taghi Mesbah-Yazdi, the spiritual leader of the conservative "Steadfast Front," stated in 2005: "The most advanced weapons must be produced inside our country even if our enemies don't like it. There is no reason that [our enemies] have the right to produce a special type of weapon, while other countries are deprived of it."[127] The second camp, "nuclear centrists," led by Rouhani and former President Hashemi Rafsanjani, view negotiated limitations on Iran's nuclear capabilities as an acceptable political price to pay for ending the country's international isolation and reaping the economic dividends. A third, relatively marginal, camp incorporates former government officials and academics affiliated with the banned reformist Islamic Iran Participation Front. These "nuclear detractors" question the economics of the supposed energy rationale for the nuclear program and argue that the Tehran regime's nuclear aspirations have actually weakened the country by triggering the imposition of stringent international sanctions.[128]

The nuclear centrists reflect the preponderance of Iranian public opinion, which supports neither a full rollback of the nuclear program nor a near-term breakout to acquire nuclear weapons.

Rouhani's unexpected election created political space for nuclear diplomacy with the P5+1, which yielded a comprehensive agreement in July 2015. Under the deal, Iran retains a bounded uranium enrichment program capacity that leaves Iran, as it has been for the last decade, a nuclear threshold state. Iran's mastery of the nuclear fuel cycle creates an inherent "breakout" option for weaponization. (That is the crux of the dispute over the

nuclear diplomacy between the United States and Israel, which wants a rollback of Iran's enrichment capability to deny the Tehran regime that hedge option.) A major focus of the negotiations was extending that potential breakout period to at least a year (through agreed limits on the number and sophistication of centrifuges, as well as on the permissible level of enrichment and uranium stockpile).

For Iran, the comprehensive agreement is compatible with Iran's core national security requirements, as the country faces no existential threat from a foreign power necessitating the urgent acquisition of nuclear weapons. Indeed, to the extent that the Iranian leadership perceives a threat to regime survival, the sources are *internal* rather than external.[129] From a national security perspective, the nuclear hedge (which the Tehran regime retains under the agreement) is Iran's strategic sweet spot—maintaining the potential of a nuclear option, while avoiding the regional and international costs of actual weaponization. As former President Hashemi Rafsanjani candidly admitted in 2005: "As long as we can enrich uranium and master the [nuclear] fuel cycle, we don't need anything else. Our neighbors will be able to draw the proper conclusions."[130]

The JCPOA reaffirmed Khamenei's *fatwa* and the Islamic Republic's NPT commitment that "under no circumstances will Iran ever seek, develop, or acquire any nuclear weapons." Yet despite that bald declaration of intent, the agreement leaves Iran with the capabilities that allow it to retain its hedge option. The accord hedged the hedge, so to speak. The persisting proxy status of the nuclear issue for that broader debate in Iranian politics over the Islamic Republic's relationship with the outside world (especially America, the "Great Satan") ensured that the negotiations would be protracted. That dynamic will likely reemerge to complicate this complex deal's implementation.

Nuclear Diplomacy

The Joint Comprehensive Plan of Action (JCPOA) concluded between the P5+1 and Iran in Vienna on July 14, 2015 fulfills the parameters of the interim framework reached in Lausanne on April 2. The 159-page nuclear accord (including 5 annexes) offers both sides a winning political narrative. The Obama administration can highlight the meaningful constraints the agreement places on Iran's nuclear program—cutting off the plutonium route to a bomb and sharply reducing the number of centrifuges to the sole uranium enrichment site at Natanz—and the extension to one year the "breakout" time Iran would need to acquire a nuclear weapon if the Tehran regime made that strategic decision. President Rouhani and his chief negotiator, Foreign Minister Mohammad Javad Zarif, can argue that they codified Iran's sovereign "right" to enrich uranium and stood up to American bullying.

These competing American and Iranian narratives of the negotiations are framed in discrete *transactional* terms. And therein lies the political dilemma, as the proxy status of the nuclear issue in both countries—the leitmotif of this study—ensures that the deal will be attacked on *transformational* grounds. In the contentious U.S. policy debate, what the administration views as the agreement's great accomplishment—constraining Iran's nuclear ambitions by a decade or more—its critics view as the deal's cardinal weakness—that at the end of this finite period of constraint an enriched Tehran regime will still be in power and free to pursue its destabilizing policies. The nub of the criticism is that the deal is only transactional and not transformational.

The Obama administration is making the implicit bet that the deal will buy time during which Iranian moderates can promote a more favorable societal evolution. In short, a transactional agreement could have transformational implications.

From a historical perspective, the U.S. effort to bound Iran's uranium enrichment program through nuclear diplomacy is ironic. Four decades ago, when the Ford administration was cultivating a strategic relationship with the Shah, U.S. officials speculated that the establishment of a multinational facility for producing nuclear fuel in Iran could offer Pakistan, then the country of primary proliferation concern to the United States, an alternative to developing its own capability.[131] Indeed, a U.S. National Intelligence Estimate in 1974 opined that, if the Shah was still alive in the 1980s, Iran by then would likely have become a nuclear weapon state.[132] Whether that prediction would have come to pass is debatable. But the historical juxtaposition between then and now highlights a key dynamic: the lead proliferation indicator is regime *intent* (which may be shared by regimes of various political stripe), while the perception of threat is linked to the *character* of a specific regime, in this instance, the Shah (an ally) versus the Islamic Republic (an implacable adversary).

Proliferation Precedents

Iran's current nuclear challenge has been playing out against the historical backdrop of proliferation precedents set in Iraq, Libya, North Korea, and Syria. These historical cases—two of which entailed the use of force (Iraq and Syria); two addressed through diplomacy (North Korea and Libya)—are frequently cited in the U.S. policy debate to support one position or another. An understanding of their lessons can inform an assessment of the JCPOA, as well as U.S. options should diplomacy fail to bridle Iran's nuclear ambitions.

Libya (2003, 2011)

The surprise December 2003 announcement of Libya's acces-

sion to verified WMD disarmament completed the strategic turnabout that Qaddafi initiated in the late 1990s to end the country's international pariah status. Though Bush administration officials proclaimed Libya's turnabout as a dividend of the Iraq War (Qaddafi had been "scared straight"), the crux of the Libyan deal was the administration's tacit but clear assurances of security for the regime: if Qaddafi changed his behavior, Washington would not press for a change of regime in Tripoli. With Iran, Obama attempted a variation of the Libya deal. The president clarified the Bush administration's mixed message with respect to the objective of U.S. policy (regime change versus behavior change) by making clear that Washington was prepared to offer the Tehran regime the same security assurance that had been central to the success with Libya in 2003. But, in 2011, Iran seized on the NATO intervention in Libya to topple the Libyan dictator as proof that he had been duped by the West when he dismantled his nuclear program. The Supreme Leader declared that U.S.-assisted regime change in Libya had validated Iran's decision not to "retreat [but] to increase [its] nuclear facilities year after year."[133] The Libyan intervention has stiffened resistance in Tehran and made the long odds of successful nuclear diplomacy longer still. For Iran, the rationale that the Libyan military operation was undertaken as a "humanitarian intervention" rather than to achieve nonproliferation ends is an analytical distinction without political difference. With its regime takedowns in Iraq (2003) and Libya (2011), Washington has essentially priced itself out of the security assurance market in Tehran.

Iraq (1981, 1998)

In June 1981, Israel conducted a surprise airstrike on Iraq's Osiraq nuclear reactor before it was loaded with nuclear fuel and became operational. Proponents of preemption often cite the Israeli raid as a model. But the Osiraq case, far from being a paradigm, was a rare instance in which the major conditions for success were present—specific and highly accurate intelligence, and the negligible risk of retaliation or collateral damage to the environment and civilian population. Constraints on the

use of force to achieve proliferation objectives were evident in December 1998 during Operation Desert Fox, when the United States and Britain launched a four-day bombing campaign to enforce the UN Security Council disarmament resolutions imposed on Iraq after the 1991 Gulf War. But U.S. and British planners acknowledged that they had not targeted chemical and biological weapons facilities out of fear that such attacks might release deadly toxins into the atmosphere and produce unacceptable civilian casualties.

Syria (2007)

In spring 2007, the United States was informed by a "foreign intelligence partner," presumably Israel, that Syria was constructing a nuclear reactor, evidently modeled on the North Korean facility at Yongbyon, capable of producing weapons-grade plutonium. To Bush, the report indicated that "we had just caught Syria red-handed trying to develop a nuclear weapons capability with North Korean help." In response, the Bush administration considered either bombing the facility or reporting Syria's action to the IAEA. When Bush asked the U.S. intelligence community for its assessment, CIA director Michael Hayden reported that the agency had "high confidence" the facility was a nuclear reactor, but only "low confidence" of a weapons program because of the absence of a facility to separate plutonium from the reactor fuel rods. Bush rejected an Israeli request to bomb the facility, telling Prime Minister Ehud Olmert that he could not authorize a strike on a "sovereign nation" without proof that it was a "weapons program." The United States, he told Olmert, would therefore opt for "the diplomatic option backed by the threat of force."[134] Bush's hesitancy on Syria came in the wake of the WMD intelligence fiasco in Iraq. Another factor reportedly underlying the decision was concern that a U.S. attack on Syria could trigger an escalation in Syrian meddling in Iraq, which the United States was desperately attempting to stabilize in the face of a determined Sunni insurgency. Israel bombed the Syrian nuclear facility on September 6, 2007. That it was bombed

during the construction phase, before the nuclear core was loaded, reduced the risk of collateral damage to the environment. In addition, that Syria did not retaliate for the Israeli strike has led some analysts to predict, optimistically, that Iran might exercise similar restraint in the event of a U.S. attack on Iran's nuclear infrastructure.

North Korea (1994, 2002)

In 1993-94, the Clinton administration examined the option of military strikes on North Korea's nuclear infrastructure, an operational 5 megawatt graphite-moderated reactor and a reprocessing facility for spent nuclear fuel at Yongbyon, as that country rebuffed IAEA requests for a "special inspection" and appeared on the verge of a nuclear breakout. In June 1994, the IAEA referred the matter to the UN Security Council, and the United States moved to strengthen its defenses in South Korea in anticipation of a diplomatic campaign to impose economic sanctions on the North. The significant possibility that a preemptive attack on the Yongbyon nuclear facilities would have a "catalytic" effect and trigger a general war on the Korean peninsula effectively removed the military option from consideration. In addition, incomplete intelligence gave U.S. policymakers no assurance that airstrikes would hit all the pertinent targets at Yongbyon, or that this military action would eliminate the North Korean nuclear threat. In June 1994, a private visit of former President Jimmy Carter to Pyongyang, where he met with the "Great Leader" Kim Il Sung, broke the impasse and led to intensive bilateral negotiations that culminated in the U.S.-DPRK Agreed Framework of October 1994. That agreement froze North Korea's plutonium program by placing spent fuel rods from the Yongbyon reactor, containing enough plutonium for 6-10 weapons, into monitored cooling tanks.

In October 2002, the revelation of a covert North Korean uranium enrichment program led the Bush administration to declare the Agreed Framework "dead." As one former U.S. official put it,

to confront the North Koreans about a uranium enrichment program of *unknown* scope and urgency, the Bush administration terminated the nuclear agreement that had frozen a plutonium program of *known* scope and urgency. An alternative would have been to address North Korean non-compliance within the Agreed Framework process, thereby maintaining the plutonium freeze and preventing North Korea from gaining access to fissile material sufficient for approximately six nuclear weapons. Interestingly, North Korea's crossing of the nuclear threshold with a test in October 2006 did not immediately precipitate a wave of proliferation by other countries (most notably, Japan and South Korea).

Although each case is context-specific, these proliferation precedents shed light on key issues facing the United States in addressing Iran's nuclear challenge—security assurances, the use of force, non-compliance, and proliferation cascades.

Competing "Red Lines"

The paradox of nuclear diplomacy with the Tehran regime is captured in an anonymous quip about the country: "Iran does not respond to pressure, but without pressure Iran does not respond." In February 2013, the Supreme Leader defiantly responded to new U.S. financial sanctions essentially eliminating Iran's ability to sell oil other than through barter arrangements: "The Iranian nation will not negotiate under pressure... The U.S. is pointing a gun at Iran and wants us to talk to them. The Iranian nation will not be intimidated by these actions."[135] Four months later, in June 2013, Rouhani was elected on a platform of pursuing nuclear negotiations with the P5+1 to win sanctions relief for Iran's troubled economy.

A significant, but unremarked, conclusion of the controversial 2007 NIE on Iran's nuclear program was the finding that "Tehran's decisions are guided by a cost-benefit approach rather than a rush to a weapon irrespective of the political, economic, and

military costs." This analysis countered the occasional depiction of Iran as an undeterrable, essentially irrational, "rogue" state. The 2007 NIE's conclusion was reiterated by Director of National Intelligence James Clapper in March 2011, "We continue to judge Iran's nuclear decision-making is guided by a cost-benefit approach, which offers the international community opportunities to influence Tehran."[136] Asked in June 2010 about the impact of sanctions on Iran, then CIA director Leon Panetta offered a sanguine assessment: "I think the sanctions have some impact… It could help weaken the regime. It could create some economic problems. Will it deter them from their ambitions with regard to nuclear capability? Probably not."[137] In August 2010, President Obama similarly questioned whether the Iranian regime's "ideological commitment to nuclear weapons is such that they're not making a simple cost-benefit analysis on this issue."[138] When asked whether the Iranian regime was messianic or rational, President Obama said that Iranian decision-making over the past three decades indicates that the clerics "care about the regime's survival." In March 2012, Obama observed that the Tehran regime, "under the pressure of crippling sanctions [that were] grinding the Iranian economy to a halt," had the opportunity to make a "strategic calculation" to defer a decision to weaponize.[139] In December 2013, after the election of Rouhani and the revitalization of nuclear diplomacy, President Obama set the odds of achieving a comprehensive agreement with Iran at "50-50."[140]

Diplomatically isolated states, varyingly designated as outlaws, rogues, pariahs, or (most recently) outliers, have made a strategic calculation to pursue outside engagement when either of two imperatives exists: (1) a profound national security challenge or (2) an economic crisis that threatens regime stability, if not survival. Iran has pragmatically responded to past national security exigencies—in 1985, when the Tehran regime purchased arms from the United States and Israel, the "Great and Lesser Satans," at a low point for Iran in its attritional war with Iraq; and, in July 1988, when Khomeini reluctantly "drank from

the poisoned chalice" and accepted a UN-brokered truce to end the Iran-Iraq War. In 2013, Iran's sanctions-induced economic pain swept Rouhani to the presidency in June and led to revived nuclear diplomacy that yielded an interim agreement in November 2013.

For the Supreme Leader, the paramount calculation has been whether the economic benefits of an agreement through sanctions relief outweigh the political costs of disaffecting the regime's hardline support groups, notably the Revolutionary Guard. Historian Shaul Bakhash observes that a symbiotic relationship exists between the Supreme Leader and the Revolutionary Guard: Khamenei has "facilitated the expanding role of the Guard commanders and the security agencies in the government. The Guard commanders need Khamenei to lend religious and constitutional legitimacy to the regime. They, in turn, protect the regime against the opposition—even if the opposition rises from within the ruling establishment's own ranks."[141] Through the Revolutionary Guard, the clerical regime retains a monopoly on force and would use whatever means necessary to put down a domestic challenge to its authority. This dynamic again attests to the surrogate status of the nuclear issue for a more fundamental debate in Iranian politics.

Within this context, Iran's negotiating stance was bound by "red lines" laid down by the Supreme Leader in a speech to the Atomic Energy Organization of Iran in April 2014. As reported on an Iranian government website, Khamenei instructed Rouhani's negotiating team to be "vigilant" in defending the country's nuclear achievements against U.S. "bullying," and asserted that Iran's nuclear advancement should "in no way be halted or slowed down."[142] Speaking to the same organization a month later, President Rouhani declared: "We have nothing to put on the table and offer to them but transparency [i.e., monitoring and inspections]. That's it. Our nuclear technology is not up for negotiation."[143] Iran's casting of the nuclear negotiations in its familiar rhetoric of defending Iran's "right" to advanced tech-

nology in the face of an American plot to perpetuate a system of "nuclear apartheid" politically resonates with the 120-odd developing countries comprising the "Non-Aligned Movement."

Whereas the United States viewed economic sanctions as providing leverage to curtail Iran's uranium enrichment program, Iran considered transparency a negotiating card to gain U.S. congressional acquiescence to sanctions relief.[144] Iran's negotiating position was that once a comprehensive agreement was concluded and the country's compliance issues with the IAEA were resolved, it should enjoy the rights of any other NPT member state in good standing. That would permit Iran to have an industrial-scale uranium enrichment program under international safeguards. In short, Iran would want the IAEA to treat it like Japan. Throughout the nuclear talks, the P5+1's approach can be distilled into a single proposition about Iran's non-compliance with the NPT: Article IV does not trump Article II—that is, Iran's access to civil nuclear technology under the former does not override its commitment not to acquire nuclear weapons under the latter.

In March 2014, 83 U.S. senators sent President Obama a letter on the Iran negotiations urging him to push for an agreement on "core principles" that amounted to a diametrically opposite set of red lines to those of Iran's Supreme Leader. Rejecting Iran's inherent "right" to enrichment, the senators declared that "any agreement must dismantle Iran's nuclear program and prevent it from ever having a uranium or plutonium path to a nuclear bomb."[145] But with the November 2013 interim agreement's stipulation that a comprehensive agreement would establish "a mutually defined enrichment program," the Obama administration had already acknowledged that a zero-enrichment outcome was no longer feasible. Instead, the agreement stated that the scope of Iran's uranium enrichment program would be set according to "mutually agreed parameters consistent with practical needs." Yet scaling Iran's uranium enrichment program on the criterion of "practical needs" is contentious, given the

wide gap between U.S. and Iranian estimates of those needs: Washington sees them as quite minimal, because the main operating reactor at Bushehr will use imported Russian fuel for the next decade and the reactors to meet Iran's 7,000 megawatt target by 2025 are little more than notional. Quite apart from its purported "right" under the NPT, Iran has made the case for a large uranium enrichment program on the basis of this projected growth in nuclear-energy generation and its unwillingness to rely on foreign sources vulnerable to a politically contrived cutoff.

Rather than engage in a fruitless debate over "practical needs," U.S. policymakers instead focused on extending the period that Iran would need for a nuclear "breakout," currently around three months, to about a year. Of course, timeline estimates for an Iranian breakout are approximate, in that they focus on the months required to obtain sufficient highly enriched uranium for one bomb (25 kilograms) and do not take into account the months needed to actually fabricate a weapon and wed it to a delivery system. Lengthening the breakout period could be achieved through a tradeoff between centrifuges (their number and sophistication) and uranium stocks (the quantity of material and its enrichment, i.e., below 5 percent versus near 20 percent).

The most contentious issue in the negotiations was the scale of the uranium enrichment program that Iran would be permitted to retain under a comprehensive agreement. The shift in focus from dismantling facilities to extending the breakout time for weaponization created technical space for a political resolution. As David Sanger and Michael Gordon of the *New York Times* observed in their authoritative account of the diplomatic endgame: "For the Americans, that meant designing offers that kept the shell of Iran's nuclear program in place while seeking to gut its interior. For the Iranians, it meant ridding themselves of sanctions in ways they could describe to their own people as forcing the United States to deal with Iran as an equal, respected

sovereign power."[146] The JCPOA incorporates technical workarounds, such as mothballing uranium enrichment centrifuges under IAEA supervision and repurposing the plutonium-producing reactor at Arak, as alternatives to full dismantlement. The diplomatic endgame in Vienna was a struggle over bridging the gap between competing red lines. When this process of painful compromise came to fruition in July 2015, these creative workarounds allowed the U.S. and Iranian negotiating teams to each advance their positive narrative of the diplomacy—"every pathway" cut off versus "rights" preserved—but also left ambiguities that created grounds for their respective domestic critics to attack the final agreement.

The Joint Comprehensive Plan of Action

The JCPOA is a lengthy, complex document containing five technical annexes. (On the day the final agreement was announced in Vienna, the White House issued a document, "Key Excerpts of the Joint Comprehensive Plan of Action," that is an Appendix to this monograph.) The comprehensive agreement is structured in phases, with each contingent on the satisfactory completion of the preceding phase. Such an approach, what political scientist Alexander George termed "conditional reciprocity," depends on mutual adherence to the specific negotiated steps in the sequence. In this case, if Iran does not fulfill its obligations, the process can be halted and the benefit, such as sanctions relief, reversed. As the nuclear accord was taken up for a 60-day review by the U.S. Congress, as stipulated in the Corker-Cardin bill, the UN Security Council passed Resolution 2231 endorsing the JCPOA on July 20.

The JCPOA's Major Provisions

The JCPOA's text (not including the five technical annexes) runs 19 pages and is divided in the following sections: Preamble and General Provisions; Nuclear (covering Iran's uranium enrichment infrastructure and stocks, the plutonium-producing Arak heavy-water reactor, and transparency measures); Sanctions; Implementa-

tion Plan; and Dispute Resolution Mechanism.[147] A summary of the comprehensive agreement's major provisions follow:

Iran's nuclear intentions—The JCPOA's Preamble contains a bald declaration of non-nuclear intent (reinforcing Iran's NPT Article II commitment and Khamenei's 2003 *fatwa*) to which the Tehran regime will be held accountable: "Iran reaffirms that under no circumstances will Iran ever seek, develop, or acquire any nuclear weapons."

Uranium enrichment—For 10 years, Iran will retain a sole uranium enrichment facility at Natanz with 5,060 IR-1 (first generation) centrifuges. Iran's excess centrifuges currently installed, approximately 14,000 IR-1s and the more advanced IR-2s will be taken off the production line and stored under IAEA continuous monitoring. For 15 years, the level of uranium enrichment at Natanz can go up to 3.67 percent and Iran's total stock of low-enriched uranium will not exceed 300 kg. Iran's second site at Fordow will be converted into a research center no longer producing enriched uranium; its currently installed centrifuges will either spin without uranium or remain idle. For eight years, the agreement imposes limitations on Iran's centrifuge research and development, followed by a "gradual evolution, at a reasonable pace…for exclusively peaceful purposes."

Plutonium production—The JCPOA limits Iran's plutonium production by requiring the conversion of the heavy-water reactor at Arak into a modernized reactor using low-enriched uranium instead of natural uranium. For 15 years, Iran will neither construct additional heavy-water reactors nor a reprocessing facility for the separation of plutonium from spent fuel rods. Thereafter, the formal restrictions are lifted, but Iran has declared that it "does not intend" to construct a facility capable of spent fuel reprocessing.

Transparency and monitoring—As an NPT signatory, Iran is already obligated to declare all nuclear facilities, nuclear-related activities, and stocks of fissile material. Under the JCPOA, Iran will apply the Additional Protocol to its IAEA safeguards agreement. The Additional Protocol provides the IAEA not only

with the authority to gain short-notice access at declared sites, but also, critically, a right of access to *undeclared* facilities if the IAEA has suspicion of activities proscribed by the JCPOA. Verification of the agreement is to be accomplished through "a long-term IAEA presence in Iran" (including the monitoring of Iranian uranium production for 25 years, inventories of centrifuge components for 20 years, and the mothballed centrifuges at Natanz and Fordow for 15 years). The JCPOA also requires Iran to account for its past covert work on weaponization—so-called PMDs, possible military dimensions (e.g., Parchin). This thorny issue—the satisfactory resolution of which is linked to sanctions relief—is to be settled through implementation of the "Roadmap for Clarification of Past and Present Outstanding Issues" regarding Iran's nuclear program, which the IAEA concluded separately with the Tehran regime.

Sanctions relief—On "Implementation Day"—the day the IAEA has certified that Iran has completed the requisite actions stipulated in the JCPOA's annexes, most UN, U.S., and EU nuclear-related sanctions (including those on Iran's energy and financial sectors) will be lifted or suspended. The United States will further cease efforts to block Iran's sale of oil on international markets and permit the Tehran regime access to the approximately $115 billion held overseas in frozen escrow accounts.[148] Iran will be reintegrated into the global financial system, but will remain barred from conducting transactions in the United States. U.S. sanctions relief in this phase will be accomplished through the cancelation of executive orders by the president.[149] On "Transition Day," eight years after the JCPOA's entry into force or earlier if the IAEA issues a "Broader Conclusion" report certifying Iranian compliance, the U.S. administration will seek congressional action to terminate the nuclear-related sanctions suspended by the president on "Implementation Day." The JCPOA does not affect U.S. sanctions imposed because of the Tehran regime's state sponsorship of terrorism, human rights abuses, and ballistic missile program.

Dispute resolution mechanism—A Joint Commission will be es-

tablished to consider any issue of non-compliance between the P5+1 and Iran during the JCPOA's implementation. The dispute resolution process begins at the ministerial level and escalates to a UN Security Council referral and decision within 30 days. At that point, the UN Security Council would have to authorize the *continuation* of sanctions relief—a decision over which the United States would have veto power.[150] The Joint Commission will also oversee the Procurement Channel, established under UN Security Council Resolution 2231, to monitor Iranian purchases of nuclear-related equipment and material.

Debating "the Deal"

The contentious reactions to the JCPOA reflect the continuing proxy status of the Iranian nuclear challenge in the U.S. national security debate. At the heart of that more fundamental debate is the continuing post-9/11 question whether the threat posed by "rogue" (now "outlier") states derives from their behavior or from the character of their ruling regimes. The contending perspectives on that central question are the crux of the dispute over whether or not the JCPOA is a "good deal." What the Obama administration touts as the agreement's great strength (forestalling the possibility of an Iranian nuclear weapon for 10-15 years), its critics view as the JCPOA's fundamental flaw (leaving a "rogue regime" in power with a retained hedge option for a weapon).

The comprehensive nuclear agreement concluded between the P5+1 and Iran should be judged in relation to its alternatives—and the president has challenged the JCPOA's critics to do so. The compromises struck by negotiators to bridge the gap between the U.S. and Iranian red lines left ambiguities that have become the focal points of criticism—and have led to calls that the JCPOA should be rejected by the U.S. Congress so that a "better deal" can be renegotiated with Iran. Some critics now pressing for the "better deal" option previously advocated the military option for eliminating Iran's nuclear infrastructure.

The first broad criticism is that the deal will not lead to a full or near-full rollback of Iran's nuclear program. When President Obama assumed office in January 2009, Iran had approximately 6,000 centrifuges and was already a nuclear threshold state since centrifuges that spin to produce low-enriched uranium for reactors can keep spinning to produce highly enriched uranium for weapons. Whereas JCPOA critics push for a deep rollback of Iran's nuclear infrastructure to deny Iran any hedge option for a weapon, the Obama administration set the American red line further down the technological continuum—weaponization. The maximalist objective—full dismantlement with zero centrifuges spinning—was no longer an achievable outcome when negotiations with Iran began in 2013. Indeed, the Bush administration had already retreated from that position in 2006 when, as part of the EU-3's diplomatic initiative, the Tehran regime was offered the incentive of retaining a limited uranium enrichment capacity if the IAEA could certify that Iran had fulfilled its NPT obligations.[151] Critics argue that permitting Iran to retain a few hundred centrifuges (the Obama administration's opening negotiating position) was qualitatively different than a deal that allows Iran to retain an industrial-scale uranium centrifuge program with over 5,000 spinning centrifuges at Natanz.

The parameters of Iran's uranium enrichment program are linked to a second line of criticism—Iran's long-term breakout potential. The U.S. negotiating team focused on practical measures, not entailing large-scale dismantlement, to constrain Iran's nuclear program and extend the breakout period to one year. In a word, the negotiations aimed to hedge the hedge. These constraints are meaningful for 10-15 years, but thereafter, when Iran is permitted under the agreement to modernize its centrifuge cascades, the breakout time again begins to shorten. But the prohibition on weaponization, codified in Iran's status as an NPT member state and its assent to the JCPOA, would remain in force.

A third major focus of criticism is verification—whether the monitoring mechanisms under the JCPOA are adequate to detect Iranian cheating. A particularly worrisome contingency

is Iran's construction of a covert uranium enrichment site. Yet the Harvard Belfer Center's authoritative study of the JCPOA assessed "a high probability" that U.S. and allied intelligence services would discover covert facilities to process nuclear material and that the provisions of the JCPOA further "improve the odds" of detection.[152] An additional verification concern relates to IAEA challenge inspections of undeclared sites where Iran is potentially conducting proscribed nuclear-related activities. The JCPOA's challenge inspection protocol can take up to 24 days. This convoluted process is not "anywhere, any time," but the IAEA's ability to gain access to suspect undeclared sites crosses one of Khamenei's "red lines." Moreover, Iran's obligations under the Additional Protocol are permanent, providing transparency beyond the period in which the JCPOA is in effect.

Expert views differ over whether Iran could scrub a suspect site to conceal a violation of the nuclear agreement during the 24-day period in which an IAEA request to inspect an undeclared site is processed through the Joint Commission. Secretary of Energy Moniz asserts that activities involving fissile material would still be detectable after that period. But incriminating evidence of illicit activities of a lesser scale not involving enriched uranium (such as work on explosive triggers for a nuclear device) would be harder to detect.[153] The JCPOA's verification protocols, bolstered by the IAEA's advanced monitoring technologies, are robust, but cannot eliminate all uncertainties. If the Tehran regime did make the strategic decision to cheat, they would be running the risk of detection; that the uranium enrichment facilities at Natanz and Fordow were both covert sites before their discovery by intelligence services should give the Iranians pause.

The "better deal" advocated by JCPOA critics would aim to dismantle large parts of Iran's nuclear infrastructure and significantly extend the constraints on Iran's access to fissile material beyond the current 10-15 year period. Critics argue that if tough sanctions brought Iran to the table, still tougher sanctions pursued longer could have compelled (and still could compel)

Iran to make such major concessions. Secretary of State Kerry mocked the notion of a better deal "involving Iran's complete capitulation" as a "unicorn…a fantasy, plain and simple."[154] Supporters reject the argument that increased coercive economic pressure on Iran could be mounted should the U.S. Congress reject the JCPOA and override a presidential veto. Casting doubt on the alternative "better deal" scenario, a British diplomat argued that multilateral sanctions had already passed "their high water mark" and would be difficult to sustain in the event of a diplomatic impasse or breakdown. As political scientist Miles Kahler has argued, America's P5+1 partners have borne asymmetrical costs in trade foregone under the current multilateral sanctions regime since U.S. companies are barred from engaging in commerce in Iran by the overlapping layers of U.S. non-nuclear unilateral sanctions. "Given the greater opportunity cost of sanctions for them," Kahler argues, "it is difficult to imagine that they would follow any U.S. pursuit of a tougher bargain. Thus, the deal that is on the table represents not only a bargain between the P5+1 and Iran, but also a bargain among the P5+1 partners themselves." [155]

The JCPOA has also been attacked on the grounds that it does not address Iran's increasingly assertive regional role. Critics argue that the lifting of sanctions giving Iran access to oil revenues in foreign escrowed accounts (now estimated at $50 billion by Secretary of the Treasury Jack Lew) will fuel terrorism and the Islamic Republic's destabilizing regional policies. In 2013, when the political window for diplomacy opened, a U.S. effort to expand the scope of the negotiations with Iran beyond the nuclear issue would have exceeded Rouhani's negotiating mandate from Khamenei. It would have been an overreach—attempting to turn a discrete achievable nuclear deal into a grand bargain. From the U.S. perspective, the regional situation with respect to Iran is contradictory: the two are tacitly aligned in Iraq in the fight against ISIS and have parallel interests in Afghanistan, where both want to prevent the resurgence of the Taliban. But where U.S. and Iranian interests diverge—Syria, Yemen, Lebanon—Washington will have to meet those challenges in their own

terms. Ensuring that Iran does not acquire nuclear weapons over the next 10-15 years, JCPOA supporters argue, will facilitate such a U.S. strategy to counter Iran's regional ascendancy.

If Diplomacy Fails

In October 2009, an interim agreement constraining Iran's stock of low-enriched uranium was concluded by U.S. and Iranian negotiators in Vienna only to politically die in Tehran. The negotiations that yielded the JCPOA were conducted in a wholly different environment. This political constellation after the election of Rouhani presents the best opportunity for a resolution since the onset of the nuclear crisis in 2002-2003. The Iranian president is heavily invested in nuclear diplomacy and informed observers believe that its failure would doom the prospects for his domestic economic agenda. However, for both America and Iran, persistent countervailing forces roiling nuclear politics make the outcome uncertain. A collapse or breakdown of the JCPOA would lead to a battle of competing narratives to assign blame. If that were the result of U.S. congressional action, thereby placing the United States at odds with its P5+1 partners, the Tehran regime would argue that Washington had spurned a fair deal and seek to depict the United States, not Iran, as the outlier in international relations.

The nuclear accord could also be jeopardized by some climactic event in the Middle East region, such as renewed conflict between Israel and Hezbollah, which would affect the broader political context in which the JCPOA is being implemented. Recall that after 9/11, the Bush administration's tacit engagement with Iran over Afghanistan came to an abrupt end after the *Karine A* incident in which the Tehran regime was shipping arms to Yasser Arafat's Palestinian Authority.

The North Korean case has been frequently cited by JCPOA critics to cast doubt on the efficacy of nuclear diplomacy. The Iranian nuclear accord is significantly stronger than the Agreed

Framework concluded with North Korea in 1994 to halt the operation of its heavy-water reactor producing plutonium at Yongbyon. Unlike the Agreed Framework, the JCPOA addresses both the plutonium and uranium enrichment pathways to nuclear acquisition. As discussed above, in 2002 the Bush administration confronted the North Koreans with evidence of its covert uranium enrichment program. But rather than utilize the Agreed Framework channel to address the plutonium issue, the Bush administration abrogated the nuclear accord, whereupon North Korea separated the plutonium from the Yongbyon reactor's spent fuel rods and developed its small arsenal of 6-10 nuclear weapons. When allegations of Iranian cheating arise during the JCPOA's implementation, as they almost invariably will, the United States should utilize the Joint Commission to address Iranian compliance issues rather than voiding the agreement, which would end the constraints on Iran's nuclear program and thereby reduce its breakout time.

A *breakdown* in diplomacy would not inherently push Iran into a nuclear *breakout*. Iran has no immediate national security imperative to acquire nuclear weapons. This monograph has argued that Iran's "strategic sweet spot" is a hedge—keeping the weapons option open, while avoiding the international and regional fallout of overt weaponization. With respect to the repercussions of a nuclear-armed Iran, whereas North Korea's nuclear test in October 2006 did not generate a wave of follow-on proliferation in East Asia, an Iranian test, particularly amidst the virulent sectarian war between Sunni and Shia in Syria and Iraq, would likely precipitate an Arab reaction; the most probable candidate is Saudi Arabia, which, as one observer quipped, would go nuclear in its national style: adding a zero to the check to Pakistan and buying nuclear weapons for deployment in the Kingdom. These factors militate against an Iranian breakout to acquire nuclear weapons. Moreover, if the JCPOA does break down, Iran would have no incentive to withdraw from the NPT—another move that would make Iran the issue in international relations.

A breakdown of the JCPOA would nonetheless arouse concern about a potential Iranian breakout to acquire nuclear weapons. In the public debate, the issue of breakout invariably raises the possibility of a U.S. military response. U.S. intelligence analysts maintain that Iran has not yet decided to cross the threshold from a potential capability to an actual weapon. Indeed, the strategic ambiguity of a hedge—of going so far but no further, at least not yet—serves Iranian interests. In March 2012, President Obama declared, "I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon."[156] By drawing this red line—preventing weaponization—the president signaled that the United States would not launch preventive military action to deny Iran any nuclear hedge option. But the challenge of enforcing a red line, when elusive or ambiguous proof makes it appear wavy, was evident in the case of Syria, when the Assad regime used chemical weapons against domestic insurgents in August 2013. The Obama administration initially said that it lacked "airtight" evidence that the Assad regime had crossed a U.S.-declared "red line." That December, a UN report found credible evidence of chemical attacks, but was precluded by its Security Council mandate to identify whether the attack was carried out by the Assad regime or the opposition.

The uncertainty about the Assad regime's *actual* use of chemical weapons as a trigger for U.S. action would pale in comparison to the inherent uncertainty surrounding Iran's opaque nuclear program. Indeed, the challenge of determining whether Iran has crossed the "red line" of weaponization is compounded by the Tehran regime's hedge strategy, which cultivates ambiguity about its nuclear capabilities and intentions. Iran has made progress along the technological continuum toward weaponization, but would be unlikely to make a dramatic move (such as conducting a nuclear test or withdrawing from the NPT) that would openly cross the red line of weaponization—even in the event of the JCPOA's breakdown. So far as Iranian progress falls short of overt weaponization, such as the shortening of Iran's breakout time to a few months or weeks, it would be hard for

the U.S. administration to sustain the case for military action at home or abroad. After Iraq, when flawed intelligence on Saddam Hussein's WMD programs was central to the Bush administration's case for preventive war, the United States would simply not get the benefit of the doubt. And doubt there would be in the absence of hard evidence of weaponization.

That Obama's "red line" on weaponization pushes off a decision on the use of force is also a reflection, as in Syria, of how unattractive the option would be. The "all options on the table" formulation of U.S. policymakers is an oblique reference to the possibility of American airstrikes on Iran's nuclear infrastructure. That openly debated option—what would be the most telegraphed punch in history—runs up against four major liabilities.

First, military action—would only set back the program for several years, not end it. Having mastered the uranium enrichment process to acquire the requisite material for a weapon, the program could be reconstituted. In November 2011, Secretary of Defense Leon Panetta estimated that an attack would only delay the Iranian program by three years.[157]

Second, more fundamentally, in Tehran, military action would be viewed as the initiation of a regime-toppling war. The envisioned scope of U.S. military action would reinforce that Iranian perception: an air campaign would likely be of the magnitude of Operation Desert Fox in Iraq, which spanned four days in late December 1998, rather than a single mission like Israel's lightning airstrike on the Iraqi Osiraq reactor in 1981. Khamenei has warned that U.S. military action would lead to Iranian retaliation against U.S. interests worldwide. Even a "limited" attack on Iran's nuclear sites could well escalate into a regional conflict.

Third, an American attack could generate a nationalist backlash within Iran with the perverse consequence of bolstering the clerical regime. Analyses arguing that a military strike on Iran's nuclear sites would essentially be the starting gun of a counter-revolution against the regime are not persuasive.

Fourth, military strikes on "hot" sites containing toxic fissile material (e.g., uranium hexafluoride, enriched uranium, etc.) could have disastrous environmental consequences. The proximity of Iranian sites to population centers poses a potential radiological risk to thousands of civilians.[158] The threat of collateral damage to the environment and civilian population has been a major constraint on the use of force in past cases (e.g., in the case of Osiraq, Israel struck before nuclear fuel was loaded into the reactor; during Operation Desert Fox, the United States eschewed attacks on suspect chemical and biological weapons sites).

Living with a Nuclear "Outlier"

When asked about the possibility of a military option to resolve Iran's nuclear challenge, the then IAEA chief Mohamed ElBaradei observed, "You cannot bomb knowledge"—a reference to Iran's demonstrated capability to enrich uranium. Iran's ability to enrich uranium provides Tehran with an inherent hedge to produce a weapon. So long as the clerical regime retains power, that threat can be mitigated but not eliminated. The gap between Iran's pursuit of a hedge and the U.S. red line pegged to the technological achievement of weaponization created space for coercive diplomacy to affect Khamenei's strategic calculus.

Obama's disavowal of "containment" is a reflection of the meaning the term has taken on in the contemporary debate—that is, acquiescing to Iran's acquisition of nuclear weapons and then deterring their use through the retaliatory threat of U.S. nuclear weapons. That connotation is an unfortunate departure from George Kennan's concept of containment—keeping regimes in check until they collapsed of their own internal weakness.

The Obama administration offered Iran—the outlier—a stark choice: integration or isolation. And therein lies the dilemma: Iran perceives the very process of integration into an international community whose dominant power is the United States as an insidious threat to regime survival. Integration (as through a nuclear deal) offers economic benefits to sustain the regime, but it

also carries the risk of political contagion that could destabilize it.

The nuclear accord with Iran is transactional, but is embedded in the broader issue of the Islamic Republic's societal evolution. The dilemma is that these critical timelines are not in sync—the nuclear challenge is immediate, while the prospects for societal change are indeterminate. Amidst that uncertainty, U.S. policymakers must make a judgment about how best to manage risks—and reasonable people can disagree. Obama and Khamenei are each making a tacit bet. Obama is defending the deal in transactional terms (that it addresses a discrete urgent challenge), but betting that it will empower Iran's moderate faction and put the country on a more favorable societal trajectory. Khamenei is making the opposite bet—that the regime can benefit from the transactional nature of the agreement (sanctions relief) and forestall the deal's potentially transformational implications to preserve Iran's revolutionary deep state. For Obama, the tacit transformational potential of this transactional deal is a hope; for Khamenei, it is a fear.

This persisting tension is critical to our understanding of the Iranian challenge: the nuclear issue remains a proxy for the more fundamental foreign policy debate in Tehran, whether the Islamic Republic is a revolutionary state or an ordinary country. The surrogate status of the nuclear question within Iran, in turn, presents a quandary for Washington. The policy spectrum runs from induced integration, at one end, to coerced regime change, at the other. Between them lies that third option of containment. If integration is America's grand strategy, containment has been its default alternative when integration is not possible. With Iran, an updated version of Kennan's strategy would decouple the nuclear issue from the question of regime change and rely on internal forces as the agent of societal change. Living with this nuclear outlier is the best of a bad set of options, and will require a robust strategy of containment in form, if not in name.

Appendix

The White House
July 14, 2015

Key Excerpts of the Joint Comprehensive Plan of Action (JCPOA)

Preamble and General Provisions

- The full implementation of this JCPOA will ensure the exclusively peaceful nature of Iran's nuclear program.
- Iran reaffirms that under no circumstances will Iran ever seek, develop, or acquire any nuclear weapons.
- This JCPOA will produce the comprehensive lifting of all UN Security Council sanctions as well as multilateral and national sanctions related to Iran's nuclear program.
- A Joint Commission consisting of the E3/EU+3 and Iran will be established to monitor the implementation of this JCPOA and will carry out the functions provided for in this JCPOA.
- The IAEA will be requested to monitor and verify the voluntary nuclear-related measures as detailed in this JCPOA. The IAEA will be requested to provide regular updates to the Board of Governors, and as provided for in this JCPOA, to the UN Security Council.
- The E3+3 will submit a draft resolution to the UN Security Council endorsing this JCPOA affirming that conclusion of this JCPOA marks a fundamental shift in its consideration of this issue and expressing its desire

to build a new relationship with Iran.

Nuclear

Enrichment, Enrichment R&D, Stockpiles

- Iran's long term plan includes certain agreed limitations on all uranium enrichment and uranium enrichment-related activities including certain limitations on specific research and development (R&D) activities for the first 8 years, to be followed by gradual evolution, at a reasonable pace, to the next stage of its enrichment activities for exclusively peaceful purposes.
- Iran will begin phasing out its IR-1 centrifuges in 10 years. During this period, Iran will keep its enrichment capacity at Natanz at up to a total installed uranium enrichment capacity of 5060 IR-1 centrifuges. Excess centrifuges and enrichment-related infrastructure at Natanz will be stored under IAEA continuous monitoring. (Note: Iran currently has about 19,000 IR-1 and advanced IR-2M centrifuges installed)
    - ◊ Based on its long-term plan, for 15 years, Iran will keep its level of uranium enrichment at up to 3.67%.

      (Note: Prior to the Joint Plan of Action, Iran enriched uranium to near 20%)
    - ◊ Iran will refrain from any uranium enrichment and uranium enrichment R&D and from keeping any nuclear material at Fordow for 15 years.
      (Note: Iran currently has about 2,700 IR-1 centrifuges installed at Fordow of which about 700 are enriching uranium)
- Iran will convert the Fordow facility into a nuclear, physics and technology center.

- 1044 IR-I machines in six cascades will remain in one wing at Fordow. Two of those six cascades will spin without uranium and will be transitioned, including through appropriate infrastructure modification, for stable isotope production. The other four cascades with all associated infrastructure will remain idle.
- During the 15 year period, Iran will keep its uranium stockpile under 300 kg of up to 3.67% enriched UF6 or the equivalent in other chemical forms.

  (*Note: Iran currently maintains a stockpile of about 10,000 kg of low-enriched UF6*)

  - ◊ All other centrifuges and enrichment-related infrastructure will be removed and stored under IAEA continuous monitoring.

Arak, Heavy Water, Reprocessing

- Iran will design and rebuild a modernized heavy water research reactor in Arak, based on an agreed conceptual design, using fuel enrichment up to 3.67%, in the form of an international partnership which will certify the final design. The reactor will support peaceful nuclear research and radioisotope production for medical and instructional purposes. The redesigned and rebuilt Arak reactor will not produce weapons grade plutonium.
- Iran plans to keep pace with the trend of international technological advancement in relying on light water for its future power and research with enhanced international cooperation including assurance of supply of necessary fuel.
- There will be no additional heavy water reactors or accumulation of heavy water in Iran for 15 years.
- Iran intends to ship out all spent fuel for all future and present power and research nuclear reactors.

Transparency and Confidence Building Measures

- Iran will provisionally apply the Additional Protocol to its Comprehensive Safeguards Agreement in accordance with Article 17 b) of the Additional Protocol.
- Iran will fully implement the "Roadmap for Clarification of Past and Present Outstanding Issues" agreed with the IAEA, containing arrangements to address past and present issues of concern relating to its nuclear program.
- Iran will allow the IAEA to monitor the implementation of the above voluntary measures for their respective durations, as well as to implement transparency measures, as set out by the JCPOA and its Annexes. These measures include: a long-term presence in Iran; IAEA monitoring of uranium ore concentrate produced by Iran from all uranium ore concentrate plants for 25 years; containment and surveillance of centrifuge rotors and bellows for 20 years; use of IAEA approved and certified modern technologies including on-line enrichment measure and electronic seals; and a reliable mechanism to ensure speedy resolution of IAEA access concerns for 15 years, as defined in Annex I.
- Iran will not engage in activities, including at the R&D level, that could contribute to the development of a nuclear explosive device, including uranium or plutonium metallurgy activities.
- Iran will cooperate and act in accordance with the procurement channel in this JCPOA, as detailed in Annex IV, endorsed by the UN Security Council resolution.

Sanctions

- The UN Security Council resolution endorsing the JCPOA will terminate all the provisions of the previous

UN Security Council resolutions on the Iranian nuclear issue simultaneously with the IAEA-verified implementation of agreed nuclear-related measures by Iran and will establish specific restrictions.

- The EU will terminate all provisions of the EU Regulation, as subsequently amended, implementing all the nuclear related economic and financial sanctions, including related designations, simultaneously with IAEA-verified implementation of agreed nuclearrelated measures by Iran as specified in Annex V.

- The United States will cease the application, and will continue to do so, in accordance with the JCPOA, of the sanctions specified in Annex II, to take effect simultaneously with the IAEA-verified implementation of the agreed upon related measures by Iran as specified in Appendix V.

  (*Note: U.S. statutory sanctions focused on Iran's support for terrorism, human rights abuses, and missile activities will remain in effect and continue to be enforced.*)

  - ◊ Eight years after Adoption Day or when the IAEA has reached the Broader Conclusion that all the nuclear material in Iran remains in peaceful activities, whichever is earlier, the United States will seek such legislative action as may be appropriate to terminate or modify to effectuate the termination of sanctions specified in Annex II.

Implementation Plan

- Finalization Day is the date on which negotiations of this JCPOA are concluded among the E3/EU+3 and Iran, to be followed promptly by submission of the resolution endorsing this JCPOA to the UN Security Council for adoption without delay.

- Adoption Day is the date 90 days after the endorsement of this JCPOA by the UN Security Council, or such earlier date as may be determined by mutual consent of the JCPOA participants, at which time this JCPOA and the commitments in this JCPOA come into effect.
- Implementation Day is the date on which, simultaneously with the IAEA report verifying implementation by Iran of the nuclear-related measures described in Sections 15.1 to 15.11 of Annex V, the EU and the United States takes the actions described in Sections 16 and 17 of Annex V.
- Transition Day is day 8 years after Adoption Day or the date on which the Director General of the IAEA submits a report stating that the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, whichever is earlier.
- UN Security Council resolution termination day is the date on which the UN Security Council resolution endorsing this JCPOA terminates according to its terms, which is to be 10 years from Adoption Day.

Dispute Resolution Mechanism

- If Iran believed that any or all of the E3/EU+3 were not meeting their commitments under this JCPOA, Iran could refer the issue to the Joint Commission for resolution; similarly, if any of the E3/EU+3 believed that Iran was not meeting its commitments under the JCPOA, any of the E3/EU+3 can do the same. The Joint Commission would have 15 days to resolve the issue, unless the time period was extended by consensus.

- After Joint Commission consideration, any participant could refer the issue to ministers of foreign affairs, if it believed the compliance issue had not been resolved. Ministers would have 15 days to resolve the issue, unless the time period was extended by consensus.
- If the issue has still not been resolved to the satisfaction of the complaining participant, and if the complaining participant deems the issue to constitute significant nonperformance, then that participant could treat the unresolved issue as grounds to cease performing its commitments under this JCPOA in whole or in part and / or notify the UN Security Council that it believes the issue constitutes significant non-performance.

Endnotes

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