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Preparing an Alternative Strategy before Withdrawing from the Nuclear Agreement with Iran

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By October 15, 2017 President Donald Trump will have to answer two central questions regarding the nuclear agreement between Iran and the world powers signed in July 2015: is Iran living up to its commitments? and, does the agreement serve American national security interests? A “no” to either of these questions will prompt a debate in Congress regarding the renewal of some or all of the sanctions against Iran and companies engaged in commercial activity with Iran. While Secretary of Defense James Mattis announced recently that maintaining the agreement is an American interest, and Chairman of the Joint Chiefs of Staff Joseph Dunford confirmed that Iran has not violated the agreement, the President has stated repeatedly that the JCPOA is a bad agreement and that he wants to withdraw from it, or at least reopen it for negotiations. Prime Minister Benjamin Netanyahu has also called for the agreement to be annulled or amended.

The JCPOA is indeed problematic and in the long term embodies a strategic risk to the United States and Israel. At the same time, it would be a mistake to think that a United States withdrawal from the agreement would be risk free. A responsible leadership must examine realistic scenarios that could arise following a withdrawal and consider them against the option of leaving the agreement in place. The analysis must focus on three questions: is there a better alternative to stop Iran from developing nuclear weapons? If the answer is yes, then how should the agreement be canceled, or at least amended? And when would be the right time to do so?

The bottom line: now is not the time to withdraw from the agreement. Rather, suitable strategic conditions should be created for a future withdrawal, if necessary, and leverage built for a better option.

A "good agreement" is preferable to the two principal alternative options: an Iranian bomb or bombing Iran. These two options carry a very high cost, so the dilemma of "bomb-or-bombing" should be avoided until all other options for stopping Iran from producing a

nuclear bomb have been exhausted. Supporters of the JCPOA argue that the agreement is preferable to all other alternatives because it rolls back the Iranian nuclear program back to a breakout time of one year (the time needed to produce the fissile material required for nuclear weapons) and subjects the program to severe restrictions for 10-15 years. Opponents of the agreement argue that it actually paves the way for Iran to establish a nuclear threshold just short of a bomb, while in the second decade of the agreement there will be no way to stop Iran from crossing the nuclear threshold. Accordingly, the agreement leads to the possibility of an Iranian nuclear bomb. The case of North Korea, which exploited problematic agreements 20 years ago to acquire nuclear weapons, reinforces this argument. Opponents of the agreement also point to the additional financial resources available to Iran due to removal of the sanctions, allowing it to build conventional military strength, with the emphasis on ballistic missiles and advanced air defenses, while funding subversive activities that undermine Middle East stability – matters not covered by the agreement.

Both proponents and opponents of the agreement present only partial analyses. In the short term (the next 5-8 years), the agreement – provided Iran does not breach it – creates a strategic reality that is preferable to the "bomb-or-bombing" dilemma. After that, the agreement facilitates the gradual creation of a more dangerous reality, in which Iran will establish itself at the nuclear threshold. In this situation, it will be very difficult if not impossible to stop Iran if it decides to obtain nuclear weapons. Therefore, the right time to re-open or withdraw from the agreement is not today, but shortly before the removal of the restrictions on the Iranian nuclear program (in 2023-2025). Until then, the focus should be on comprehensive and intrusive inspections of the Iranian nuclear program. Iran must remain at least one year away from the ability to produce nuclear weapons. In addition, Iran must be blocked from activities not covered by the JCPOA that harm American and Israeli interests: the long range ballistic missile program, support for terror organizations, and other subversive activity in the region. In subsequent years, the agreement will gradually lose its advantages over the alternatives. At that point, the agreement must be replaced or canceled, but it is essential not to reach this situation without due diplomatic and military preparation.

President Trump apparently estimates that in the short term as well there is a better option than the agreement. It was reported recently that he does not intend to withdraw from the agreement, but neither will he confirm for the third time that Iran is observing it or that it serves American interests. The President apparently intends to announce that Iran is breaching the agreement and start the debate in Congress about restoring sanctions. Congress can decide to reinstate sanctions within sixty days, and in effect "kill the agreement." Another option is not to restore sanctions but to continue the debate, and thus maintain the agreement framework, with the threat of immediate restoration of the

sanctions. This option will serve an American attempt to pressure Iran to amend the agreement and thereby deal with its weak points: ongoing Iranian research and development efforts that are improving its uranium enrichment capabilities and shortening the breakout time to a bomb; loose inspection of Iranian military sites – both declared and undeclared; and the sunset clauses regarding the main constraints over the nuclear program. Theoretically, this option serves both American and Israeli interests, but there will have to be unprecedented pressure on Iran for it to agree to these changes.

Indeed, Iran did not accept such provisions in the negotiations under the Obama administration, and it is hard to see how such pressure can be created today, when none of the powers except the United States accept the argument that Iran is not observing the agreement or "the spirit of the agreement." Without the formulation of a determined coalition led by the United States that includes all the European partners to the agreement – Britain, France, and Germany – leverage on Iran will be weaker than that during the negotiations in 2012-2015. In order to ensure effective pressure, this coalition must operate in coordination with other countries that conduct extensive trade with Iran (including India, Japan, and South Korea). In addition, there is a risk in passing a resolution about restoring the sanctions, as the President would have to coordinate his policy with the Senate and the House of Representatives and ensure they follow his policy. Aborting the agreement or trying to revise it in the wrong way and at the wrong time could lead to a situation in which Iran is released from the agreement's restrictions with a well paved path to a nuclear bomb, while Washington is isolated and lacks the legitimacy to stop it. This dangerous reality will heighten the "bomb-bombing" dilemma.

Amending the agreement is indeed the option that should be pursued in the medium to long term, but only after creation of international conditions to exert pressure on Iran to accept the proposed restrictions. It must be possible to take action against Iran even if it decides to withdraw from the agreement, or alternatively, to rush toward a nuclear bomb. For that purpose, the United States must quickly launch an international diplomatic campaign to create a coalition with its allies in Europe and Asia that can improve the agreement. It is important to achieve consensus regarding the required amendments and to adopt an agreed strategy for action if Iran refuses to amend the agreement.

In the short term, while the agreement is still the best viable option – and certainly before there is a coalition to press for an amended agreement – the US administration must steer its policy so that the agreement is canceled following an Iranian decision or due to flagrant Iranian breaches. In the long term, once the agreement loses its main benefits, Washington must lead toward a change in the agreement, and if such changes cannot be achieved, withdraw from it. At that point, the ability of the United States to lead a coalition against Iran will be critical in preventing Iran from achieving nuclear weapons.

Postponing a decision regarding the future of the JCPOA does not denote passivity toward Iran. Alongside the efforts to set up an international coalition, action must be taken against all negative Iranian activities that are not covered by the agreement. The arguments against the agreement made by Prime Minister Netanyahu – Iran is not becoming more moderate politically and it is developing ballistic missiles and terror systems – are strong, but these areas are not formally included in the agreement. However, it is both important and possible to work against Iran in these areas, precisely because they are not covered by the nuclear agreement. Unlike the Obama administration, the Trump administration is not worried about Iranian withdrawal from the agreement and can thus work fervently to promote a new Security Council resolution that will forbid Iran to test missiles and cruise missiles that could in the future carry nuclear warheads. It can seek to thwart Iran's subversive activity in Syria, Yemen, Lebanon, and Iraq and impose additional sanctions on the Iranian regime for its support for terror, missile tests that are contrary to a UN Security Council resolution, and human rights violations. This pressure could also serve a future attempt to replace the JCPOA with a better deal.

At the same time, the United States and Israel (which is not a party to the JCPOA) must promote a "parallel agreement" that defines what would be considered flagrant breaches of the agreement, and reach agreement regarding actions to be taken in response to these breaches. This parallel agreement should address coordination of intelligence efforts against the Iranian nuclear program; Israeli and American reactions to an Iranian attempt, whether overt or covert, to acquire nuclear weapons; and a plan to build independent Israeli capabilities to handle this scenario. Finally, the agreement must include a joint policy against the non-nuclear Iranian threat to Israel and US allies in the Middle East.

In the long term, amendment of the agreement with Iran and extension of the period in which it will be the preferred option must be the Israeli-American objective. In order to achieve this and to manage the related threats, there is a need for a preliminary diplomatic campaign and for close Israeli-American coordination. In Israel, there is an impulse to enjoy the determination of the American President to replace the agreement, or if necessary to withdraw from it. However, a hasty move before the proper international conditions are in place will result in both the United States and Israel facing threats that are even more severe than those currently posed by the agreement, and will undermine attainment of the common goal – preventing Iran from attaining nuclear weapons.