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A Return to the Nuclear Deal: Washington and Tehran Sharpen Positions

Sima Shine and Eldad Shavit

With the possibility of the United States and Iran resuming negotiations on a return to the nuclear agreement, a recent article by the Iranian Foreign Minister in a leading US journal detailing Tehran's positions is particularly noteworthy. The main gaps between the parties concern who takes the first step: while the administration wants Iran to act first, the Iranians expect the United States to lift the sanctions and only then will Iran fulfill its obligations under the agreement. The Iranians also reject a US demand to link a return to the agreement to discussions on a new and upgraded agreement, as well as the demand for a dialogue on Iran's missile program and regional conduct. It is likely that even if the US and Iran begin to promote moves toward negotiations, the mutual distrust and political pressures on both sides will heighten the complexity of the discussion, and the implementation of any agreements that are reached will take time. The more time passes without progress on this issue, the more Tehran will advance its nuclear program: at issue are restrictions on the activity of IAEA inspectors in Iran. There may also be increased tensions resulting from movies by Iranian proxies.

With a new President in the White House, Iran and the United States are expected to try to translate stated intentions on the issue of the nuclear agreement into actual policy. Immediately after being sworn in, Secretary of State Anthony Blinken stated, "President Biden has been very clear in saying that if Iran comes back into full compliance with its obligations under the JCPOA, the United States would do the same thing and then we would use that as a platform to build, with our allies and partners, what we called a longer and stronger agreement and to deal with a number of other issues that are deeply problematic in the relationship with Iran." Blinken stressed, as did the incoming head of intelligence (DNI) Avril Haynes, that the road ahead remains a long one. It is not yet known whether there has been any discussion between the administration and Iran. The Crisis Group organization – formerly headed by Rob Malley, newly appointed as the administration's envoy on Iran – recently published [a paper](#) in which it proposed to the United States and Iran a framework for returning to the JCPOA, beginning with an executive order that returns the US to the JCPOA.

Against this background, and in order to clarify Iran's positions regarding a possible return to the agreement, Iranian Foreign Minister Mohammad Javad Zarif presented Iran's positions on a number of issues in [a recent article](#) published in *Foreign Affairs*.

Iran's Demands, as Enumerated by Zarif

- 1. As a first step, the US administration must repeal, unconditionally, any sanctions that were imposed, reinstated, or redefined by the Trump administration. In return, Iran will withdraw from all the steps it has taken in its nuclear program.*

While the US administration wants Iran to act first, Tehran expects the United States first to lift the sanctions, and only then will Iran fulfill its obligations under the agreement. Even if this seems to be a technical issue, the mistrust between the two countries and the time it will take them to reverse all the steps taken since the United States withdrew from the agreement may complicate the process and require much goodwill on both sides. It seems that most of the attention in the initial dialogue that will take place between them will be devoted to synchronization of the steps required by the two countries.

The Trump administration continued to impose various sanctions on Iran right until the very end of its term, in an attempt to prevent President Biden from returning to the nuclear deal. The new administration can use executive orders and decide on waivers; it could even repeal unrelated sanctions imposed by the previous administration, while presenting the measure as essential to US national security, although it is likely that in the first stages it will not do so. The administration, which has promised to consult with its allies, faces demands from Israel, Gulf states, and even domestic voices to continue to take advantage of the bargaining chips created by Trump through the "maximum pressure" policy, and not rush and remove all sanctions only in exchange for an Iranian return to conduct under the terms of the agreement.

- 2. When the steps back to the agreement are completed, the rest of the partners to the agreement – the UK, France, Germany, Russia, and China – will decide within the Joint Committee whether to allow the United States to return to the agreement.*

This is apparently a symbolic and rhetorical requirement, and it is likely that it will pose no obstacle. But the very raising of it reflects an Iranian message that leaving the agreement has implications that the parties must consider. In any case, it is important for the Iranians that this symbolic step be taken after all sanctions have been lifted, and not just after partial implementation of measures.

- 3. Iran will not agree to accept new terms under the agreement. The agreement sets out a clear timetable for restrictions on Iran's nuclear program. Moreover, to*

secure the agreement, Iran has agreed to five-year restrictions on arms procurement and eight-year restrictions on missile procurement. All of these, according to Zarif, cannot be changed, "now or ever."

Zarif's opposition to re-opening clauses in the agreement or to negotiations on new restrictions to be imposed on Iran is clear – including discussions on the removal of the October 2020 embargo on the purchase or sale of conventional weapons, which the Trump administration tried to prevent in the Security Council and failed, and on the issue of removing restrictions related to missiles, which is due to apply in 2023. In contrast, the Biden administration demands that after the return to the nuclear deal, an upgraded agreement be negotiated, which will address the problematic issues in the nuclear deal – the sunset clauses, research and development, and oversight, as well as Iran's missile program and regional activities.

4. *Iran's security and regional policy was not part of the negotiations because the West did not agree to give up its intervention in the region. Iran, for its part, is willing to discuss regional issues but only with the countries of the region, and without outside elements.*

Iran has preconditioned any discussion of issues related to its regional policy with the full withdrawal of all United States and other Western powers from the region. And to dispel any doubt, Zarif clarified Tehran's opposition to discussion of regional issues in a joint forum of countries of the region and the international arena. This is a response to multiple statements sounded recently in Washington, as well as in European capitals, regarding Iran's regional policy and the proposals made to hold a parallel track of talks on regional issues. This Iranian stipulation, which Tehran is likely to estimate will be rejected, reflects an attempt to avoid dealing with regional issues. Prior to the election, Biden's associates had promoted the idea that regional issues would be discussed in an international-regional forum separate from the nuclear negotiations, but Iran's condition in this regard apparently reflects Tehran's effort to blur the link between the nuclear issue and its regional conduct.

5. *The Iranian people have lost patience, reflected in a law passed by the Majlis, which requires the government to take a series of steps, including enriching uranium to 20 percent and terminating cooperation with the International Atomic Energy Agency (IAEA) in accordance with Additional Protocol, if sanctions are not lifted by February.*

Iran's main leverage is the continued promotion of its nuclear program, beyond the violations it has committed over the past year and a half. Under the Majlis law, enrichment

has already begun at 20 percent, and Tehran estimates that the threat of a significant reduction in supervision may give much urgency to the need to return to the nuclear deal.

Tehran's decision to publish an article detailing its positions in a leading US journal is a comprehensive response to a number of issues currently raised in the context of a possible return to the nuclear deal, serving Tehran in its efforts to demonstrate independent determination and stability. It is important for Iran to make it clear that despite the sanctions, coronavirus damage, and difficult economic situation, it is not in a position of weakness that requires it to make concessions. At the same time, presenting its positions to the government and the public through the US media also reflects a means of pressure on the US administration and an attempt to convince it that time is not working in its favor.

For its part, the Biden administration wants to return to the nuclear deal to ensure that Iran operates again according to its own parameters and moves away from the threshold for a military nuclear breakout, which grows nearer as Iran progresses in enrichment. At the same time, it must make decisions that will bridge the gap between both sides determination that the other take the first step, as well as decisions that will ensure, as President Biden promised, that a return to the agreement will not only improve clauses in the original agreement but also allow discussion on additional issues – the Iranian missile program and regional activity – despite Iran's opposition. In the meantime, the administration, which has pledged to consult with its allies in Europe and the region, will have to deal with opposition to a return to the agreement and the need to address the many reservations to this move, including from both Republicans as well as Democrats.

The bottom line: It is still unclear whether the US administration will prefer to approach the issue in the near future, given all domestic and external issues that demand urgent attention. In any case, even if it seems that the dispute over the conditions that will allow both parties to return to the agreement and fulfill their obligations is mainly technical, it is likely that the discussion and especially the implementation of the steps required of the two countries will take time. Assuming that the Biden administration does seek to return to the agreement, the key question, which currently has no clear answer, is whether it will insist and succeed in creating the linkage between the return to the nuclear agreement and the start of negotiations on an improved and upgraded version. However, as time goes on without progress, Tehran may take further steps in the nuclear program. On the Iranian agenda, starting in mid-February, is the restriction of the movement of IAEA inspectors in Iran. Also, pressure can be exerted through proxies throughout the Middle East – the militias in Iraq against coalition forces, the Houthis against Saudi Arabia, and the resumption of attacks on vessels in the Gulf. These activities, which are likely to be carried out without a direct Iranian fingerprint, will all have the potential to increase tensions in the region and between Tehran and Washington.