

Ask an Expert: The Iran Deal Two Years Later



On July 14, 2015, the United States and its international negotiating partners reached a historic agreement with Iran: the Joint Comprehensive Plan of Action (JCPOA) or the Iran nuclear deal. The Center asked two of the agreement's lead negotiators to reflect on the deal two years after its signing.

Wendy Sherman served as Under Secretary of State for Political Affairs at the U.S. Department of State from 2011 to 2015. She was the lead U.S. negotiator of the Iran nuclear deal.

Richard Nephew served as Principal Deputy Coordinator for Sanctions Policy at the U.S. Department of State from 2013 to 2015. He was the lead sanctions expert for the U.S. team that negotiated the Iran nuclear deal.

Two years after the signing of the nuclear deal, what is the status of the agreement?

Wendy Sherman: I'm very glad to be able to say that two years after the signing of the Joint Comprehensive Plan of Action, the JCPOA continues. The U.S. government has certified compliance, and all of our partners in the agreement — the permanent members of the Security Council plus Germany and the European Union — also believe that all the parties to the agreement have complied, and that's very important because it says that this is an agreement which looks like it is durable and sustainable and will achieve the objective of ensuring that Iran never attains a nuclear weapon.

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There are many here in the United States who still believe that the deal should be ended. It's never been clear to me what they think the alternative is, because war is certainly not something anyone would look forward to, and maintaining sanctions is something that would not, I think, endure at this point. Sanctions never stopped Iran's program; they only helped to get Iran to the negotiating table.

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Richard Nephew: I think by and large, implementation has satisfied at least the basic desires and interests of the JCPOA. Iran's nuclear program is now at least a year away from being able to give a nuclear weapons option to the Iranian government, we've got a lot of transparency into that, the International Atomic Energy Agency (IAEA) has been able to report consistently on Iranian compliance. On the sanctions relief side, I think the Iranians haven't gotten the kind of major economic benefits that perhaps they mistakenly promised themselves, but certainly you can't look at the Iranian economy and not see an improvement. By and large right now, the JCPOA is looking reasonably healthy. It's always going to be plagued, you know, with teething problems.

I think the threats [to the deal] come from three separate sources. I think first there is the obvious threat coming out of Washington with respect to implementation of the JCPOA. A very significant portion of the U.S. population and certainly the think-tank circuit are very concerned about what the JCPOA might allow Iran to do both now and in the future. And I think a lot of those voices are encouraging the Trump Administration to consider a policy change. A policy change either to an explicit one of regime change or reconsideration of the JCPOA altogether, and that would obviously be a problem. In

addition, I think there are voices in Congress who are considering sanctions options that would push the Iranians out [of the deal], and that would be a problem.

The second issue is Iran itself. The fact that Rouhani was reelected is a good thing, the fact that there is significant political support in Iran for the JCPOA, shown by conservative candidates supporting it too, is good. On the other hand, there is always going to be a temptation in Iran to blame economic problems that could come from many sources on failure of sanctions relating to the deal. So I think in Iran there is, of course, a risk of implementation issues falling aside.

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And last is the issue of accidents. We didn't solve all the problems that we have with Iran in the JCPOA, and Iran didn't solve their problems with us. Instead, actually there are lots of places in the Middle East and beyond where we (the U.S. and Iran) are in friction. Any one of those issues, whether it's an incident in the Persian Gulf, or an incident in Syria or Yemen, could be the catalyst for breaches of the JCPOA and a loss of support for it in either government. So the JCPOA is looking pretty good in terms of its own implementation if you look at the four corners of the text, but it is definitely still in hostile waters.

What would it have looked like if we didn't reach the Iran nuclear deal?

Richard Nephew: If we didn't have the JCPOA, we'd be facing a much more dangerous Iranian nuclear program at this point. We have to assume that Iran would have brought online all the tens of thousands of centrifuges that they were installing and testing prior to the Joint Plan of Action in 2013. So we might be looking at more than 20,000 operational Iranian centrifuges, that probably include some new, advanced machines that are much more efficient than the old ones they were using. We'd have an Iranian enriched uranium stockpile that easily would be over 20,000 kg, (it was 16,000 kg in November 2015), and potentially much higher than that. The enrichment facility at Fordow, which is the underground facility under a mountain, would doubtless continue to run and potentially with more advanced centrifuges being installed there. The Arak heavy water research reactor, which was about a year away from being constructed, would probably be finished at this point, and that facility could produce one to two weapons worth of plutonium per year.

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And of course with all these problems we've also got the lack of transparency, because prior to the Joint Plan of Action and Comprehensive Plan of Action, Iran wasn't implementing the Additional Protocol. They were barely implementing the Comprehensive Safeguard Agreement with lots of questions that were still outstanding. So it's possible that we'd have a much larger and much more aggressive Iranian nuclear program with much tighter timelines to breakout and fewer resources to detect that breakout before Iran decided to do so, which is far from an ideal scenario, and frankly is the kind of scenario that could lead you to conflict.

President Trump has called the JCPOA the worst agreement in history and threatened to "rip it up" on the campaign trail. Currently, the Trump Administration is undergoing an Iran policy review. What would be the consequences of a U.S. withdrawal from the agreement?

Wendy Sherman: This is not a deal just between the United States and Iran. It was a deal that was forged with all the permanent members of the Security Council – the United Kingdom, France, Russia, China, the United States – plus

Germany, coordinated by the European Union, and endorsed by the entire European Union and a fifteen-to-nothing vote by the Security Council of the United Nations in support of the deal. If the United States withdrew, we would be saying to all of our partners that we alone were going to make a decision that would have consequences for the entire world, and I don't think the consequences would be very good. I think that Iran would immediately start up their program again, and they would be back on the road to nuclear weapons.

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President Obama understood that military action is certainly something that we were prepared to do, but you can't bomb away someone's knowledge. Iran knows how to do what it knows how to do, and it has mastered the entire nuclear fuel cycle. If we took military action, they would likely, reconstitute their facilities and maybe do so underground and in secret. It would be very hard to get international cooperation on sanctions if we unilaterally withdrew from the agreement, and it would certainly increase even further the very malicious activity by Iran in the Middle East and elsewhere in the world.

Richard Nephew: It's impossible at this point to try to get a renegotiation started. Any attempt to withdraw from the JCPOA or threaten to withdraw from the JCPOA in furtherance of renegotiation would be a disaster. This would likely be the case under any administration, but I think it's particularly the case under this administration, which would, at a minimum, need to convince partners in Europe that a renegotiation would be in their interest, and a good idea. I think President Trump's performance thus far doesn't give one any confidence that that would be the interpretation that they would take. I think quite the opposite; they would see it as yet another destructive act by this administration. And I think that there are lots of voices in Europe who would say, let's just ignore the United States.

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What made it all work [during the negotiations] was the context we were able to offer of "if you don't impose sanctions, the risk of conflict, of war, will go up." And we were able to convince folks that we were serious about a deal, that sanctions were not intended to be there forever, and that if we got a deal we'd honor it. The problem that we have for any kind of additional sanctions measures now is that no one understands the context. They don't understand why or what we're trying to get out of it.

Especially when there are voices around this administration saying the only thing we'll accept is a new regime in charge in Iran.

Unless it is the right context, any decisions on the part of this administration or this Congress to impose sweeping new sanctions against Iran are going to be a disaster. And it will come at the expense of further loss of U.S. credibility, loss of U.S. influence using sanctions, and potentially at the risk of additional conflict with our partners and allies, let alone with the Iranians themselves.

Looking back, what is one moment that sticks out to you from the negotiations?

Wendy Sherman: Well, there were many, because we negotiated basically for the entire four years that I was the Under Secretary of State for Political Affairs. The last two years were the ones under President Rouhani with President Obama

and got quite serious. One of the interesting things was that we switched from using interpretation to negotiating entirely in English. When Ahmadinejad was President, and Saeed Jalili was leading the negotiations for Iran, the Iranians spoke in Farsi while the rest of us spoke in English, so we did this through interpretation. When President Rouhani became President and Minister Zarif headed the negotiations, everything switched to English. And indeed, the person who was my counterpart, Abbas Araghchi, who had been in the previous Farsi-only-speaking delegation, spoke and wrote perfect English.

There were also plenty of moments when we thought we would fail, or that it wouldn't work. You have to be ready to get up and walk out of the room. One such moment was when I was in Geneva for a bilateral meeting with the Iranians. Minister Zarif was already there, Secretary Kerry was in London. Things were not going well, I called Secretary Kerry said, "I think you should delay your coming." He said, "Go back, tell Minister Zarif, 'Unless some progress is made I'm not coming.'" So you have to be ready to get up and walk away. There were tough moments as well as extraordinary moments in getting to this really historic agreement.

Richard Nephew: There are two moments in particular that kind of capture what we were trying to do and the complexity of it. The first was when I and an Iranian negotiator met at the elevator in the Intercontinental Hotel in Geneva when we were still in secret talks but hadn't yet really started the P5+1 talks. We spent hours looking across the conference table at one another, but here we're supposed to not only be strangers, but be very hostile actors towards one another. And we both kind of stood there at two o'clock in the morning with somebody else and got in the elevator, keeping to our separate sides until that person got off. And we kind of then looked at each other and said, "This is a little weird, isn't it, a little strange that we're engaged in this process?" And that was a humanizing moment that underscored that we were still far apart on the substance, but there was a change in how we looked at each other and a change in how we were perceiving each other.

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The other moment I was thinking of was when Javad Zarif gave us a good measure of grief over the stalled implementation of banking sanctions relief in the early part of 2014. Iran was still trying to get access to some of money that was promised as part of the Joint Plan of Action, but international banks were reluctant to [facilitate Iran access]. And we had a fairly direct and not terribly pleasant conversation about U.S. implementation of its part of the deal, Iran's implementation, the list of sanctions and so forth, and I think that more than anything underscored that while we had made some progress and while talks were ongoing, the actual work of getting a deal to function after it was struck was always going to be pretty significant. And that was a pretty important moment, it certainly made us all understand a little bit better the difficulties of what we were up to.

What would you say to those who believe we could have gotten a better deal?

Wendy Sherman: I'd like them to sit for nearly two years with a Rubik's cube of literally hundreds of details and see if they could get a better deal. Again, this was not a bilateral deal with the United States, President Obama was quite clear that we had to make sure that every avenue for Iran to get the fissile material that would make a nuclear weapon had to be closed down. We achieved that, we achieved it for a very long period of time, perhaps forever, and it was a very tough go. [There were] many times where we had to be prepared, as I said earlier, to walk away. So no deal is 100% perfect from anybody's point of view because by nature a negotiation means you have to have some give and take. But what you cannot do is compromise your fundamental objective, and that is to ensure that Iran would never obtain a nuclear weapon, and that objective was achieved.