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# On the Iran Nuclear Agreement and Middle Eastern Security

December 28, 2020 / Middle East, NPT

*This is a very short note addressing the issue of the Iran nuclear agreement and pointing out some key issues that are relevant to enhancing Middle Eastern security.*

### **Restoring the JCPOA?**

The Joint Comprehensive Plan of Action (JCPOA) was signed on 14 July 2015 between Iran, the P5+1 (USA, Russia, China, UK, France + Germany), and the EU. Iran accepted very strong constraints on its (civilian) nuclear activities in exchange for the removal of economic and financial sanctions. Incidentally, these strong constraints have no parallel in the limits set on the nuclear activities of any other country.

It is known that enriching uranium to 3.6% in a chain of centrifuges can be about halfway (in terms of energy required) to enriching it to 90%. Plutonium is also normally produced in nuclear energy plants (particularly in heavy water reactors). Hence, the best guarantee that Iran would not use its civilian nuclear program to build nuclear weapons is of course the strong inspection activity carried out by the International Atomic Energy Agency (IAEA). Iran signed the additional protocol with the IAEA and, in the framework of JCPOA, started to implement it provisionally.

Hence, the JCPOA was a very positive instrument to prevent nuclear proliferation, and could represent a model for possible (future) critical situations involving other states. Despite the fact that the IAEA testified several times that Iran was fully respecting the agreement, on 8 May 2018 President Trump withdrew from the agreement and re-imposed sanctions against Iran. But he did not just re-impose US sanctions, he also de facto established sanctions even against foreign companies and institutions that would not respect the US sanctions against Iran (what we refer to as secondary sanctions). These decisions by the US rendered the entire structure of the JCPOA unworkable.

At this point, Iran, according to the text of the JCPOA (see in particular Articles 26, 36, and 37), progressively ceased to respect the nuclear constraints that had been agreed in the JCPOA. Note, by the way, that the JCPOA is an agreement that involves *only* nuclear activities, and *not* other military activities, or civilian activities that could have military applications. The Iranian missile programs, in particular, are not considered in the JCPOA.

If we assume that the new Biden administration decides to come back to respecting the original JCPOA as it was signed by the Obama administration, Iran might also be ready to come back to the full implementation of the JCPOA, with all its constraints. The other partners to the JCPOA would, most probably, not create problems to the full restoration of the agreement. The enriched uranium that has been produced in excess of what was established in the JCPOA could be kept in deposits controlled by the IAEA or exported to other countries.

### **Is it possible to put some extra constraints on Iran before the restoration of the JCPOA?**

The general answer to this question is NO. Of course, some marginal issues could be addressed. More importantly there is the need to discuss how concretely Iran could revert the steps it took that went beyond the limits set by the JCPOA.

But if someone were expecting to have the opportunity to substantially enlarge the scope of the JCPOA to include other military activities (e.g. the missile programs or other military activities that are affecting regional stability), then one risks hitting a dead-end, and remaining in the present risky situation. We stress once again the importance of fully restoring the JCPOA before presenting any new proposal that might complicate an already very sensitive process.

### **Could other countries be involved in the negotiation of the restoration of the JCPOA?**

This question became a relevant one especially after the recent explicit request of the Foreign Minister of Saudi Arabia that other countries allied to the US be involved, even informally, in the negotiations for the restoration of the JCPOA. That request was rather singular given the fact that Saudi Arabia is one of the few countries with a (civilian) nuclear capability that never signed the Additional Protocol with the IAEA. By the way, nor did Saudi Arabia ever sign the CTBT. And if the US coordinates with Israel regarding the restoration of the JCPOA this could create problems, since Israel is the only country in the Middle East that possesses nuclear weapons. So, in conclusion, the JCPOA should be restored as it was with the original parties.

### **The issue of enhancing security and reducing antagonisms in the Middle East**

What we said above does not imply that we underestimate the strong need to discuss how to facilitate peace and détente in the Middle East, how to eliminate conflicts (Yemen, Syria, Iraq, Palestine), how to reduce antagonisms (like the one that is affecting Iran and Saudi Arabia), and how to make progress towards creating a zone free of weapons of mass destruction in the Middle East, as stated to the NPT Review Conference of 2010. Reciprocal recognition and security guarantees are also important, as Israel has been pointing out for a long time. Palestinian rights is of course a very important issue for general Middle Eastern stability and security.

### **Arms control in the Middle East is also very important**

In a more positive climate, it will certainly be possible to discuss other proposals that could contribute to lowering the tensions and antagonisms in the Middle East, including some progress in the direction of a WMD-Free Zone. A discussion on constraining missile activities, and limiting

new technologies that have military applications, can be considered. We need to bear in mind that dramatically destructive wars can happen, and that any global armed conflict in the Middle East, whether with or without nuclear weapons, would be an unthinkable disaster for every country in the region and beyond.

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