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# The Vienna Negotiations and the Elusive Return of the Iranian Nuclear Deal

Unit for Political Studies

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## Unit for Political Studies

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Despite the passage of more than a year since the launch of the Vienna negotiations to revive the 2015 Joint Comprehensive Plan of Action (JCPOA), commonly known as the Iranian nuclear deal, and the release of statements about a “draft agreement,”<sup>1</sup> the negotiations have yet to produce any tangible results. Furthermore, following a call between US President Biden and Israeli Prime Minister Bennett on 25 April, some Israeli newspapers published assessments ruling out any chance of an agreement.<sup>2</sup>

## Stalled Negotiations

Washington and Tehran do not hide their desire to return to the nuclear deal, each for its own account. Iran wants to ease the impact of the sanctions that the Trump administration re-imposed after its withdrawal from the deal in 2018, under the policy of “maximum pressure.” Trump sought, unsuccessfully, to force Tehran to accept an amendment to the 2015 agreement that put greater restrictions on Iran’s nuclear and ballistic missile program, and on policies that Washington considers destabilizing to the region. On the other hand, the Biden administration believes that these sanctions, despite their significant repercussions on the Iranian economy, did not achieve their desired goals. Rather, Iran was encouraged to evade the restrictions imposed on its nuclear program under the 2015 agreement, and significantly increased the rate of uranium enrichment through more advanced centrifuges, which reduced the so-called break-through period that theoretically qualifies Iran to build a nuclear weapon from a year to just a few weeks.

The Biden administration is not only seeking to revive the nuclear agreement with Iran, but also hoping to secure new sources of oil and gas to compensate for the decline in Russian exports as a result of Western sanctions due to its invasion of Ukraine, which has led to a global rise in energy prices. This is something that Tehran sees as an opportunity to lift sanctions, improve its financial and economic situation, and quickly return to the global economy. Despite the need for both parties to return to the nuclear agreement, several factors stand in the way, most importantly:

### 1. The Dispute over the Designation of the IRGC as a Terrorist Organisation

The main issue currently preventing the two sides from returning to the nuclear agreement is Tehran’s condition that the Islamic Revolutionary Guard Corps (IRGC) be removed from the list of foreign terrorist organizations. In 2019, President Trump designated the IRGC a terrorist organization. Although this designation is not linked to the nuclear agreement,<sup>3</sup> Iran insists on its revocation, considering the IRGC a branch of the Iranian army.<sup>4</sup> Moreover, the IRGC remaining on the list of

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1 Karen DeYoung, “Experts Urge Return to Iran Nuclear Deal as Prospects Dim,” *The Washington Post*, April 21, 2022, accessed on 26/4/2022, at: <https://wapo.st/3Khwl5K>

2 “Israeli estimates rule out concluding a new nuclear agreement with Iran,” *The New Arab*, 26/4/2022, accessed on 26/4/2022, at: <https://bit.ly/30OrCpF>.

3 Murtaza Hussain, “Joe Biden Deserves the Blame for Killing the Iran Nuclear Deal,” *The Intercept*, 21/4/2022, accessed on 26/4/2022, at: <https://bit.ly/3vMLU9Y>

4 Jonathan Guyer, “What’s the Deal with the Iran Nuclear Deal?” *VOX*, 6/4/2022, accessed on 26/4/2022, at: <https://bit.ly/3LkiyXb>



foreign terrorist organizations could deprive Iran of reaping some of the economic fruits of the nuclear agreement, as the IRGC are a major economic player in Iran, and this means that Western companies will hesitate to pump important investments into the Iranian economy.<sup>5</sup>

But some believe that the inclusion of the IRGC on the list of terrorist organizations or its removal from it is nothing more than a symbolic matter. Iran is classified by the United States as a state sponsor of terrorism, and the Revolutionary Guard is subject to separate US sanctions by the Treasury Department.<sup>6</sup> Washington tried to bargain with Iran on removing the IRGC from the terrorist list in exchange for its acceptance to discuss its ballistic missile program and regional policies, but Tehran refused to do so.<sup>7</sup> Thus, this issue remains between the two parties, as the Biden administration hesitates to take the decision for fear of provoking a political storm in Congress and among its regional allies, while Iran does not seem to be willing to waive this condition.

## 2. The Dilemma of Guarantees

The second condition set by Iran is that Washington provide guarantees not to withdraw from the agreement in the future and re-impose sanctions in the event that the US administration changes. Tehran does not want a repeat of its experience with the administrations of Barack Obama and Donald Trump. While the former signed the nuclear agreement with it in 2015, the latter repudiated it in 2018. Moreover, the European signatories to the agreement, Germany, Britain and France, failed to fulfill their pledges to provide an alternative mechanism that would protect European companies from US sanctions if they continued to deal with Iran. In contrast, the Biden administration insists that this is an issue that it cannot fulfill, because the nuclear agreement does not have the status of a binding treaty for the United States, which would require US Senate approval – not possible in the current circumstances. The most that the Biden administration can offer to Tehran in this context is a guarantee that Congress will not block an agreement signed by the US administration, as this requires the objection of two-thirds of the Senate, which is difficult to achieve, despite the presence of several Democrats sceptical of reviving the agreement, in addition to Republicans. Although the two houses of Congress passed a law by an overwhelming majority after the 2015 nuclear agreement with Iran, under the title: “The 2015 Iranian Nuclear Agreement Review Act” (INARA), the implementation of this law is subject to a two-thirds majority as well.<sup>8</sup>

<sup>5</sup> Ibid.

<sup>6</sup> Esfandiyar Batmanghelidj, “Removing the IRGC from the FTO List Risks Nothing,” Bourse & Bazaar Foundation, 22/4/2022, accessed on 26/4/2022, at: <https://bit.ly/3OvS3jH>

<sup>7</sup> Ned Price, Department Spokesperson, U.S. Department of State, 18/4/2022, accessed on 26/4/2022, at: <https://bit.ly/3LIHwPk>

<sup>8</sup> Patricia Zengerle & Arshad Mohammed, “Analysis: U.S. Congress May Squawk Over a New Iran Deal but is Unlikely to Block it,” *Reuters*, 17/2/2022, accessed on 26/4/2022, at: <https://reut.rs/3k8Hzc5>



### 3. The Russian role

When it seemed, last month, that Washington and Tehran were on the verge of announcing the resumption of the nuclear agreement, Russia entered the fray demanding that its trade relations with Iran be exempted from the extensive Western sanctions imposed on it due to its invasion of Ukraine, which the Americans and Europeans rejected. It is possible that Moscow wanted to use the nuclear agreement as a means of negotiation with Washington, especially since it is the party entrusted with receiving and storing highly enriched Iranian uranium. However, the Iranians' keenness on the agreement and their communication with the Russians softened Moscow's position.<sup>9</sup> It is not clear whether Russia has obtained guarantees from Washington in this regard, especially with the confirmation of the Russian Foreign Minister, Sergey Lavrov, at a later time, that Moscow has received the necessary guarantees from Washington regarding trade with Iran.<sup>10</sup>

## Arguments For and Against the Nuclear Agreement

Both Washington and Tehran find themselves facing great challenges in the event of the resumption of the nuclear agreement or the failure of efforts made in this regard. The following are the most important of these challenges.

### 1. The US Perspective

With warnings from leading nonproliferation experts that Iran is a few weeks away from producing enough enriched uranium for nuclear weapons, the Biden administration appears to be in a hurry to reach a deal because other alternatives range from accepting Iran's transformation to a "nuclear threshold" state, which will launch a nuclear arms race in the region, or move towards military solutions to resolve the Iranian nuclear arms issue, something the Biden administration wants to avoid. Under the 2015 nuclear deal, Iran can enrich uranium to no more than 3.67 percent, and its stockpile does not exceed 300 kilograms. However, a year after the Trump administration withdrew from the agreement, Iran began increasing the enrichment rate to 4.5%, as well as using more advanced centrifuges. And in January 2021, Iran announced that it had started enriching uranium by 20%, then 60%, meaning that it is technically and technically able within a short period to reach the 90% of enrichment needed for the manufacture of weapons.<sup>11</sup> However, Washington does not show any sense of panic about the matter, as despite serious warnings that Iran is close to producing enough highly enriched uranium, the International Atomic Energy Agency says that turning this material into a weapon could take up to another two years.<sup>12</sup> Israeli and US newspapers raise doubts

<sup>9</sup> Guyer.

<sup>10</sup> "Iran Says Will Return to Vienna only to Finalise Nuclear Deal," *France 24*, 4/4/2022, accessed on 26/4/2022, at: <https://bit.ly/3xTEPqQ>

<sup>11</sup> Nicole Gaouette, Kylie Atwood & Jennifer Hansler, "Iran Nuclear Talks to Restart as US Emphasizes it's 'prepared to Use Other Options' if Diplomacy Fails," *CNN*, 28/11/2021, accessed on 26/4/2022, at: <https://cnn.it/3rS7IQp>

<sup>12</sup> Francois Murphy, "Explainer: How Close is Iran to Being Able to Build a Nuclear Bomb?" *Reuters*, 22/2/2022, accessed on 26/4/2022, at: <https://reut.rs/3Lh2QMH>



about how much time is needed for Iran to create a nuclear weapon by printing repeated government leaks to either put pressure on Iran (in the case of Israel) or to speed up an agreement (in the case of the US administration).

In contrast, another opinion circulates in Washington that is less enthusiastic about reviving the nuclear deal, given that it will be weaker than the original agreement of 2015. They say that the period of Iranian nuclear “breakthrough” in the new agreement will be shorter than the previous one, because Iran now uses more and more advanced centrifuges. Also, a number of deadlines in the original agreement to ease restrictions on Iran’s nuclear program are approaching, and it is not clear whether or not they will be extended in any new agreement. They also warn that reviving the nuclear deal without addressing its “destabilizing” regional policy and ballistic missile program will put at its disposal large financial resources, part of which will be allocated to support its regional proxies. Supporters of a return to the agreement respond that the United States and its regional allies will continue to confront these activities, but outside the nuclear agreement.<sup>13</sup>

## 2. The Iranian Perspective

Iran, too, wants a quick revival of the nuclear agreement, because its delay means continued economic sanctions against it and being deprived of the opportunity represented by the decline in Russian exports of oil and gas to make a strong return to the global energy market, where it can earn billions of dollars. Iran also aspires to be able to access about \$100 billion of its frozen funds due to sanctions. Iran also fears that the failure to return to the nuclear agreement may push France, Britain and Germany to activate the snapback clause stipulated in the 2015 agreement, which would re-impose a set of sanctions that the UN Security Council approved under the 2015 agreement.

But on the other hand, Iran realizes that returning to the nuclear deal will be governed by the general framework of the 2015 agreement, which means submission to the monitoring, inspection and implementation mechanisms stipulated in it, and it is therefore seeking to obtain US concessions in line with the developments in its nuclear program and capabilities since 2019 after Trump’s withdrawal. However, Iran’s most prominent dilemma remains the absence of a mechanism that would enable it to ensure that Washington does not withdraw from the agreement in the event of a change in the US administration.

## Conclusion

It is difficult to say for sure whether the US and Iranian sides will be able to overcome the outstanding points of disagreement between them, even though both want to return to the nuclear agreement. It seems clear that Russia is currently not encouraged by an agreement that eases US international

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<sup>13</sup> Price.



burdens — a position shared by China. The opposition of some of Washington's regional allies to reviving the nuclear deal with Iran, combined with widespread opposition in Congress, even among Democrats, makes the task of returning to an agreement with Iran more complicated for the Biden administration. Iran, for its part, cannot return to the nuclear agreement without meeting its most important demands, as this will cancel out any possible gains. However, the chance remains that the two sides will succeed in overcoming their differences, given the high level of interests. And if a compromise is found here, Biden is not bound by the approval of his country's regional allies, not even Congress.