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Abstract

In 2018, former US President Donald Trump withdrew from the Joint Comprehensive Plan of Action (JCPOA, more popularly known as the Iran Nuclear Deal), the most important agreement in place that restrained the Islamic Republic of Iran from developing nuclear weapons. With the international system facing heightened tensions in the aftermath of Trump's withdrawal, President Trump's successor, President Joseph Biden, attempted to restore the JCPOA through two years of indirect negotiations with Iran. These negotiations ultimately failed. This thesis answers the main research question: why did the attempts to revive the Iran Nuclear Deal fail?

This thesis endeavors to answer this research question in three main parts. In the first chapter, I frame the research question: why did the 2021-2023 negotiations to revive the Iran Nuclear Deal fail? I then provide background into the formation of the JCPOA, Trump's withdrawal, and its aftermath. The literature review provides the theoretical foundation of nuclear deterrence theory and Vipin Narang's conceptualizations of strategies of proliferation to explain Iran's desire to pursue its nuclear hedging strategy. The theoretical framework outlines two necessary conditions—domestic leadership and seizing the moment—for the US and Iran to come to an agreement to rejoin the Nuclear Deal.

In Chapter 2, I utilize a process-tracing methodological approach to track the 2021-2023 negotiations between the US and Iran to identify which of these two necessary conditions were not met, leading to the negotiations' eventual failure. My main findings are that with the election of President Raisi in Iran in 2021, the domestic political leadership in Iran was no longer compatible to form an agreement with the United States, considering Raisi's hardline policies critical to the Iran Nuclear Deal and West as a whole. The final chapter discusses Iran's current hedging strategy and its future implications as the region of the Middle East continues to destabilize. I argue that a new diplomatic approach to constraining Iran's nuclear program is necessary, considering its role in further destabilizing the region, providing an opportunity for avenues of future research.

Abstrakt

Im Jahr 2018 zog der ehemalige US-Präsident Donald Trump die USA aus dem Gemeinsamen Umfassenden Aktionsplan (JCPOA) zurück, der auch als Iran-Atomabkommen bekannt ist. Dieses Abkommen war entscheidend dafür, die Islamische Republik Iran daran zu hindern, Atomwaffen zu entwickeln. Nachdem Donald Trump JCPOA verlassen hatte, stieg die internationale Spannung. Präsident Joe Biden versuchte, das Abkommen durch zweijährige indirekte Verhandlungen mit dem Iran wiederherzustellen, doch diese scheiterten letztlich. Diese Arbeit beantwortet die zentrale Forschungsfrage: Warum sind die Versuche, den Iran-Atomdeal wiederzubeleben, gescheitert?

Diese Arbeit beantwortet diese Frage in drei Hauptteilen. Im ersten Kapitel formuliere ich die Forschungsfrage: Warum sind die Verhandlungen zur Wiederbelebung des Iran-Atomabkommens von 2021 bis 2023 gescheitert? Anschließend gebe ich einen Überblick über die Entstehung des JCPOA, Trumps Ausstieg und die Folgen des Abkommens. Die Literaturübersicht legt die theoretische Grundlage der nuklearen Abschreckung und verwendet Vipin Narangs Konzeptualisierung von Proliferationsstrategien, um Irans Bestreben zu erklären, seine nukleare Absicherungsstrategie zu verfolgen. Der theoretische Rahmen skizziert zwei notwendige Bedingungen für eine Vereinbarung über den Wiedereintritt in den Atomdeal zwischen den USA und dem Iran: innenpolitische Führung und das Ergreifen günstiger Gelegenheiten.

In Kapitel 2 nutze ich einen prozessverfolgenden methodischen Ansatz, um die Verhandlungen zwischen den USA und dem Iran in den Jahren 2021 bis 2023 zu analysieren. Dabei untersuche ich, welche der beiden notwendigen Bedingungen nicht erfüllt wurden und letztlich zum Scheitern der Verhandlungen führten. Meine Hauptresultate zeigen, dass die Wahl von Präsident Raisi im Iran im Jahr 2021 die innenpolitische Führung des Landes daran hinderte, ein Abkommen mit den Vereinigten Staaten zu schließen. Raisis Hardliner-Politik stand dem Iran-Atomabkommen und dem Westen insgesamt kritisch gegenüber. Das letzte Kapitel befasst sich mit der aktuellen Absicherungsstrategie des Irans und ihren künftigen Auswirkungen, da sich die Region des Nahen Ostens weiter destabilisiert. Ich bin der Ansicht, dass ein neuer diplomatischer Ansatz zur Begrenzung des iranischen Atomprogramms notwendig ist, da dieses Programm eine wichtige Rolle bei der weiteren Destabilisierung der Region spielt. Dies bietet auch eine wertvolle Gelegenheit für zukünftige Forschungsarbeiten.

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Abbreviations

AEOI – Atomic Energy Organization of Iran
BRI – Belt-and-Road Initiative
EEAS – European External Action Service
EU – European Union
FTO – Foreign Terrorist Organization
IAEA – International Atomic Energy Agency
ICG – International Crisis Group
IRGC – Iranian Revolutionary Guard Corps
IRI – Islamic Resistance in Iraq
JCPOA – Joint Comprehensive Plan of Action
JPA – Joint Plan of Action
MDAFL – Ministry of Defense and Armed Forces Logistics (Iran)
NPT – Non-Proliferation Treaty
NWFZ – Nuclear Weapons Free Zone
SDN – Specially Designated National
SPND – Organization of Defensive Innovation and Research (Iran)
UNSC – United Nations Security Council
WMD – Weapon of mass destruction

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“On my honor as a student of the Diplomatische Akademie Wien, I submit this work in good faith and pledge that I have neither given nor received unauthorized assistance on it.”

Anna Riggs

Chapter 1: Why Were the US and Iran Unable to Revive the Iran Nuclear Deal?

Introduction

Since former US President Donald J. Trump withdrew from the Joint Comprehensive Plan of Action (JCPOA, also known as the Iran Nuclear Deal) in 2018, the international system has entered a new period of nuclear instability. The US's withdrawal from the Deal under the Trump administration and subsequent attempts to revive the Deal under Biden (and mediated by the EU) has sparked a new debate within the international community: is the Iran Nuclear Deal really dead? in part on where Iran's nuclear agenda stands now, prompting the question: Does Iran seek nuclear weapons? If Iran no longer has interest in making a new nuclear deal with the US, why is that? Finally, if an agreement can no longer be made, is there a possibility to come to a new agreement to better regulate Iran's steps toward proliferation?

In recent months, although exact numbers have been difficult to access due to Iran's noncompliance with IAEA monitoring requirements, Iran is rumored to have reached uranium enrichment levels high enough for nuclear weapon production.¹ Nonetheless, as a member of the IAEA and the NPT, Iran still has some limitations on its use and development of WMDs, even without the presence of the further restrictions that were imposed on the government under the JCPOA. However, due to this noncompliance, it is difficult to gain a realistic understanding of what Iran's true efforts and intentions are. Considering these current conditions, in addition to Iran's steps towards developing a WMD, many argue that the JCPOA is indeed dead and that prospects for a new deal to rein in Iran's nuclear power is slim. In fact, This, of course, has made other regional actors, primarily Israel, increasingly wary of Iran and is further exacerbating tensions between the two states. However, the ambiguity in these claims leads us to another question: what are the implications of Iran's current hedging strategy? With these various questions in consideration, I investigate the following question in this thesis: Why were the US and Iran not able to revive the JCPOA?

Through process-tracing the EU-mediated negotiations to revive the Deal throughout 2021-2023, I argue that the JCPOA's chance of revival died upon Iranian President Raisi's entrance into office, due to his hardline approach that did not prioritize a new deal with the United States. Further, I argue that Iran should be treated as a rational actor (as opposed to a rogue state) in the international setting due to its calculated effort to pursue a hard hedging strategy in its nuclear programs. Thus, this strategy should be taken seriously within the international

¹ Paul Kerr, "Iran and Nuclear Weapons Production," In Focus (Congressional Research Service, November 27, 2023), <https://crsreports.congress.gov/product/pdf/IF/IF12106>.

community considering Iran's current role in seriously destabilizing the Middle East. Therefore, there is an urgent need for new strategies for the international system to take to better contain Iran's nuclear ambitions.

First I begin with a brief review of the historical background of the JCPOA. I then draw on theories of nuclear deterrence and the concept of "nuclear hedging" as developed by Vipin Narang and others to analyze Iran's strategy for its nuclear program. The body of the thesis then consists of a detailed empirical comparison between the negotiations for the original JCPOA in 2015 and the efforts to revive the JCPOA in 2021-2023. Here, drawing on international negotiation and bargaining theory, I show why the conditions necessary for the successful negotiation of the original JCPOA in 2015 were not met in the 2021-2023 effort. This helps to explain why the effort to revive the Deal between 2021-2023 failed. These conditions include each party's domestic leadership, as well as the timing, or 'ripeness' of negotiations.

For sources I draw primarily from secondary sources. I primarily derive my research from news sources covering the negotiations aiming at reviving the Deal between 2021-2023, as well as sources from think tanks with special focus on US-Iranian relations. I also draw from one interview with an EU official familiar with the Iran-US negotiations. However, some limitations lie within this source selection. Drawing only from English sources, which contain limited perspectives from the Iranian side, leads to limitations in understanding the Iranian side of the story. While conducting more interviews to fill in this research gap could have been useful, Iranian experts were also difficult to obtain.

In the final section, I analyze the Iran's current hedging strategy and the subsequent responses from various international stakeholders. I consider possible pathways forward in order to de-escalate and prevent an arms race from developing in the MENA region. Finally, I conclude with a brief discussion of opportunities for future research, including the possibility of a Nuclear Weapons Free Zone in the Middle East.

Background: The Formation and Failure of the Original JCPOA

Negotiations & Establishment of the Deal

To understand the failure of the US and Iran to revive the JCPOA in 2021-2023, as well as opportunities for an alternative agreement, one must understand the origins of this landmark agreement. Primarily, the Deal originated from Iran's decreased transparency to the UN concerning their uranium enrichment program during the 1980s after the 1979 revolution. Having cut ties with the United States, Iran turned towards the Soviet Union and China for

support.² Since then, international concern over Iran's nuclear weapons programs grew. In the 2000s, two previously undisclosed nuclear plants were discovered, prompting Western countries to press Iran to sign an Additional Protocol agreement of the NPT, which subjected Iranian facilities to further inspections. However, Iranian leaders maintained they were never in violation of the NPT in the first place.³ But as part of a reflection of Iran's long behavioral pattern of violating IAEA monitoring requirements and other nuclear agreements, the IAEA found the Iranian government in violation of the Additional Protocol requirements.⁴ As a result, the IAEA referred Iran to the UN Security Council. The P5+1 (the UNSC Permanent Council Members plus Germany) soon imposed sanctions on Iran, which also proved to be ineffective as Iran continued its enrichment.⁵ With Iran's disregard for the UNSC Resolutions calling for a halt to its enrichment, stronger and more realistic constraints were necessary. By 2003, serious negotiations on an agreement to constrain Iran's nuclear program were underway. However, no agreement was reached until much later in November of 2013.⁶ Negotiations often stalled and reached a standstill, until former US President Barack Obama was elected to office in 2012, and a year later, centrist Iranian President Rouhani entered office. Both leaders advocated for the deal and in 2012, established a "secret back channel" for negotiations, through which the two leaders agreed on an interim deal, the Joint Action Plan (JPA).⁷ In 2015, this led to the JCPOA in its final form.

Elements of the Deal

Although the US and Western countries' initial goal was to have Iran halt its uranium enrichment altogether, compromise on this premise was necessary in order to reach any agreement at all. Thus, in the final deal, restrictions were placed on "Iran's enrichment and heavy-water reactor programs. [It] also included enhanced monitoring provisions designed to detect Iranian efforts to develop nuclear weapons using either declared or covert facilities."⁸ In exchange, the US lifted some of its sanctions on Iran. These included secondary sanctions, which entails dropping sanctions on other countries for conducting business with Iran in several

² Gawdat Bahgat, "Nuclear Proliferation: The Islamic Republic of Iran," *Iranian Studies* 39, no. 3 (September 2006): 310, <https://www.jstor.org/stable/4311832>.

³ Bahgat.

⁴ Sanam Vakil and Neil Quilliam, "The Road to the JCPOA: A Brief History," Research Paper, Getting to a New Iran Deal (Chatham House, October 22, 2019), <https://www.chathamhouse.org/2019/10/getting-new-iran-deal/2-road-jcpoa-brief-history>.

⁵ Vakil and Quilliam.

⁶ Sanam Vakil and Neil Quilliam, "The Final JCPOA," Research Paper, Getting to a New Iran Deal (Chatham House, October 22, 2019), <https://www.chathamhouse.org/2019/10/getting-new-iran-deal/3-final-jcpoa>.

⁷ Vakil and Quilliam.

⁸ Vakil and Quilliam.

sectors, including the automotive industry, aviation industry, oil, and gas.⁹ Some names were also removed from the Specially Designated Nationals (SDN) List, a mechanism used by the US for targeted sanctions against specific entities, companies, or individuals.¹⁰ The largest benefit the Iranian government received from the deal was the US allowing for the European Union to lift most of its sanctions on Iran, as well as ones imposed by the UN Security Council.¹¹ However, these secondary sanctions were just a small portion of the US sanctions regime on Iran, and the primary restrictions were kept in place even after the adoption of the JCPOA.¹²

Many parts of the JCPOA were also attached to sunset clauses, which meant that many restrictions the Deal placed on Iran were set to expire over following years, ranging from 2020 to 2041.¹³ This was also one of the more controversial aspects of the deal, and was the point of highest criticism used by President Donald Trump. Although the deal states that that Iran can never “seek, develop, or acquire” nuclear weapons, other restrictions, including importing and exporting conventional weapons, the testing and use of mechanisms commonly utilized for uranium enrichment, heavy water accumulation, general nuclear research, etc., were set to gradually expire.¹⁴ However, since the first sunset clause restrictions were to lapse in 2021, Trump withdrew before this made any tangible difference to the agreement.

Trump’s Withdrawal

In May 2018, Trump announced the US withdrawal from the JCPOA, having previously called it “one-sided.”¹⁵ Trump argued that the Deal was not strict enough, and said that even under its restrictions, Iran “could still be on the verge of a nuclear breakout in just a short period of time,” even though the earliest this could occur under the deal would have been 2030.¹⁶ He also criticized the JCPOA for not addressing Iran’s ballistic missiles or “malign behavior in the region, and that the expiration dates for the sunset clauses open the door to an

⁹ Price Benowitz, “Iran Sanctions: JCPOA Implementation Day,” OFAC Law Group, accessed February 24, 2024, <https://ofaclawyer.net/economic-sanctions-programs/iran/jcpoa-implementation-day/>.

¹⁰ Benowitz.

¹¹ Congressional Research Service, “Iran’s Nuclear Program and U.N. Sanctions Reimposition,” Research Report, In Focus (Washington DC: United States Congress, September 23, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF11583>.

¹² Benowitz, “Iran Sanctions.”

¹³ United States Institute of Peace, “Explainer: Timing of Key Sunsets in Nuclear Deal,” The Iran Primer (Washington DC: United States Institute of Peace, October 18, 2023), <https://iranprimer.usip.org/blog/2023/jan/11/explainer-timing-key-sunsets-nuclear-deal>.

¹⁴ United States Institute of Peace.

¹⁵ Mark Landler, “Trump Abandons Iran Nuclear Deal He Long Scorned,” *The New York Times*, May 8, 2018, sec. World, <https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-nuclear-deal.html>.

¹⁶ Landler.

Iranian nuclear bomb down the road.”¹⁷ The move was highly controversial even within his own cabinet, and was widely considered to be a detrimental decision for US-Iranian relations and against the interest of maintaining peace in the Middle East.¹⁸ The decision to withdraw was opposed by the entire rest of the world. Trump’s withdrawal was one of many US withdrawals from multilateral agreements and organizations throughout his time in office. During his term, he also withdrew from organizations and agreements like the World Health Organization, the Paris Climate Agreement, UNESCO, the UN Human Rights Council, and more.¹⁹

Following US departure from the agreement, Trump’s Secretary of State, Mike Pompeo, “outlined a sweeping agenda of a dozen explicit demands that called for a full surrender of elements of Iran’s nuclear program, an end to Iran’s ballistic missile program, and an abandonment of most of Iran’s foreign policy behavior in the region. Specific measures sought included a full confession of Iran’s previous covert nuclear weapons development activities, an end to Iran’s enrichment program, unlimited International Atomic Energy Agency (IAEA) access to Iranian territory to allow monitoring of nuclear activities, a reversal of Iranian policy” in various countries.²⁰ When Iran (unsurprisingly) refused to comply with these demands, the Trump administration imposed even more sanctions, totaling approximately 1,500 sets of sanctions in the span of just three years.²¹ Although the goal of these sanctions were allegedly to batter the Iranian economy enough to force Iranian leaders to cooperate with the US, this was clearly ineffective in the long-run. According to the International Crisis Group, “Iran’s regional policies remained unchanged,” and its relationship with other regional actors appear to have even worsened.²² As a result, the Biden administration inherited a relationship with Iran in 2021 that was unpromising for reviving any kind of nuclear deal.

Literature Review: Iran’s Endeavor Towards Nuclear Hedging

In this section, I discuss the foundational theories of nuclear deterrence in explaining Iran’s incentives for developing a nuclear arsenal. This leads into a discussion of Iran’s

¹⁷ Landler.

¹⁸ Landler.

¹⁹ Tuncay Şahin, “Trump’s Top Five Withdrawals from International Agreements,” *TRT World*, 2018, sec. US & Canada, <https://www.trtworld.com/americas/trump-s-top-five-withdrawals-from-international-agreements-18543>.

²⁰ Steven Miller, “The Struggle to Save the JCPOA: Negotiations to Nowhere?,” in *Nuclear Risks and Arms Control - Problems and Progresses in the Time of Pandemics and War: Proceedings of the XXII Edoardo Amaldi Conference, Accademia Nazionale Dei Lincei, Rome, Italy, April 6-8. 2022*, vol. 291 (Springer Proceedings in Physics, 2023), 122, 1.o0r.g1/107.711/0727/6032363935975273213117722060.

²¹ Miller, 123.

²² Miller.

current approach towards nuclear proliferation, which can be described as a nuclear hedging strategy—maintaining an approach that verges on developing a nuclear arsenal, but maintaining ambiguity in the government’s actual motives and whether it possesses the desire to develop WMDs.

Defensive Realism, Deterrence Theory, & Iran’s Pursuit to Balance Power in the Middle East

Why might Iran want to pursue nuclear weapons? One argument is that it wants to deter the United States from invading or engaging in regime change. Nuclear deterrence theory, as promoted by realist theorists like Robert Jervis and John Mearsheimer, and others, is a foundational concept that has been highly influential in our current conceptions of nuclear weapons. The assumption is rooted in the basic belief that “no one can win an all-out nuclear war,” due to the presence of second-strike capabilities and the unprecedented damage and suffering it would cause on a massive portion of the population of any given country.²³ Therefore, “nuclear weapons have drastically altered statecraft,” leading to a so-called “nuclear revolution,” as coined by Robert Jervis.²⁴

Defensive realists, notably including Kenneth Waltz, argue that rather than preventing Iranian nuclear proliferation (or at least achieving latency), Iran possessing nuclear weapons would instead stabilize the balance of power in the Middle East. Waltz predicted in 2012 that disincentivizing Iran from its proliferation efforts via strict sanctions would prove to be ineffective—a projection that was indeed fully realized in 2018 under Trump’s hardline approach after withdrawal from the JCPOA.²⁵ Valadbaygi notes that due to regional and extra-regional threats, “such as the US regime change policy and Israel’s nuclear weapons, Iran necessarily endeavors to acquire nuclear arsenals so long as these threats that destabilize the balance of power in the region are intact.”²⁶ Thus, due to the Western-aligned countries in the region, primarily Israel, and the US’s ongoing influence over regional and domestic affairs within the Middle East, Iran has all the more incentive and justification in building its nuclear arsenal— “Power, after all, begs to be balanced”— according to this school of thought.²⁷ In

²³ Robert Jervis, “The Theory of the Nuclear Revolution,” in *The Meaning of the Nuclear Revolution: Statecraft and the Prospect of Armageddon* (New York: Cornell University Press, 1990), 1.

²⁴ Jervis, 2.

²⁵ Kenneth Waltz, “Why Iran Should Get the Bomb: Nuclear Balancing Would Mean Stability,” *Foreign Affairs* 91, no. 4 (August 2012): 2, <https://www.jstor.org/stable/23218033>.

²⁶ Kayhan Valadbaygi, “Unpacking the 2015 Iran Nuclear Deal (JCPOA): Internationalisation of Capital, Imperial Rivalry and Cooperation, and Regional Power Agency,” *Politics*, 2023, 2, <https://doi.org/10.1080/10771107276032363935975273213117722060>.

²⁷ Waltz, “Why Iran Should Get the Bomb,” 3.

terms of creating a new nuclear deal with Iran to replace the JCPOA, defensive realists pose that a new agreement would be impossible unless Iran gains tangible security guarantees to balance the regional power dynamics in the Middle East.²⁸

Strategies of Proliferation

Deterrence theory thus explains that Iran has incentive to develop a nuclear arsenal in order to secure its power in the Middle East, therefore minimizing the regional counter-balance of adversaries like the United States and Israel. However, deterrence theory alone fails to explain why Iran has not already developed nuclear weapons, despite its perceived ability to reach weapons-grade uranium enrichment in a mere matter of days. To bridge this gap, I employ Vipin Narang's framework of states' strategies of nuclear proliferation. Through these arguments, we can understand that although the motivations behind proliferation may matter, the implications vary based on the way a certain country is pursuing nuclear weapons.

Narang identifies four broad strategies of nuclear proliferation: hedging, sprinting, hiding, and sheltered pursuit. He characterizes hedging as "develop[ing] capabilities that are consistent with both the pursuit of nuclear weapons and a peaceful nuclear energy program, preserving a 'breakout option' if their desire for nuclear weapons shift from 'maybe' to 'yes.'"²⁹ Sprinting involves a state seeking to develop a nuclear arsenal as quickly as possible, while remaining unconcerned about the reactions from external actors or long-term consequences—a rare occurrence in the history of the nuclear revolution.³⁰ The third strategy, hiding, involves a "high-risk, high-reward" approach that is rarely successful, with the state prioritizing its concealment of developing a nuclear arsenal over the actual speed of its development.³¹ Lastly is the sheltered pursuit, which is typically carried out by superpowers or large regional powers, and involves "actively cultivating or opportunistically taking advantage of major power protection against external threats to pursue nuclear weapons."³²

Iran as a Nuclear Hedger

By utilizing Narang's framework, experts agree that Iran is currently pursuing a nuclear hedging strategy. According to Bowen and Moran, "Central to hedging is an ability or attempt to maintain a high level of opacity with regard to intent and capability, alongside coherent

²⁸ Valadbaygi, "Unpacking the 2015 Iran Nuclear Deal (JCPOA)."

²⁹ Narang, 117.

³⁰ Narang, 120.

³¹ Narang, 121.

³² Narang, 122.

efforts to achieve latency.”³³ In Iran, this opacity is most often exhibited through the public denial of the desire for nuclear weapons (even often citing them as un-Islamic) while continuing making strides towards advancing its nuclear program behind the scenes. Still, Iran’s only official policy on nuclear proliferation is that it is developing nuclear energy is only developed for peaceful, civilian uses. However, Iran’s attempts to conceal its major steps towards proliferation beyond the need for civilian uses is often in violation of the IAEA’s monitoring requirements.³⁴ In fact, as the Arms Control Association (ACA) reported, Iran reached about 60% uranium enrichment capacity in December 2023. This “is concerning because the material can be quickly enriched to weapons-grade levels or 90 percent” anytime it wishes to do so.³⁵ These levels of uranium enrichment far surpass what experts consider necessary for non-military uses, further suggesting Iran’s pursuit of a hedging strategy. Further, Bowen and Moran note that Iran has exhibited proliferation efforts relating to military uses even after the Iranian military nuclear program was believed to be dismantled in 2003: “In 2011, the IAEA provided details of research and development activities relevant to weaponization at military-related facilities under the coordination of the Ministry of Defense. Iran denies that this work is relevant to a potential weapons program but has not adequately addressed IAEA concerns on this front.”³⁶ The Iranian narrative explaining this behavior emphasizes Iranian sovereignty and opposition to international stakeholders coming into Iran to dictate what Iran can or cannot do with its nuclear programs. As Bowen and Moran observe, Iranian leaders are “giving legitimacy to nuclear activities beyond the needs of a purely civil program,” while still never publicly acknowledging it—a key indicator of a hedging strategy.³⁷

While this proximity to nuclear capability is alarming to many international stakeholders, Bowen and Moran argue that understanding Iran’s behavior as a hedging strategy may actually be beneficial for the international community in reaching an agreement with Iran. In fact, “it affords the international community sufficient time to detect and respond to any attempt to dash for the bomb.”³⁸ Thus, understanding Iran as a hedger can shape the appropriate international responses to place more effective constraints on its nuclear program. As Narang notes, “Knowing how a potential nuclear pursuer may go about trying to acquire nuclear weapons

³³ Wyn Bowen and Matthew Moran, “Living with Nuclear Hedging: The Implications of Iran’s Nuclear Strategy,” *International Affairs* 91, no. 4 (July 2016): 686–707, <https://www.jstor.org/stable/10.2307/26777792>.

³⁴ Bowen and Moran, 690.

³⁵ Kelsey Davenport, “Iran Accelerates Highly Enriched Uranium Production,” *Arms Control Association*, February 2024, sec. Arms Control Today, <https://www.armscontrol.org/act/2024-01/news/iran-accelerates-highly-enriched-uranium-production#>.

³⁶ Bowen and Moran, “Living with Nuclear Hedging.”

³⁷ Bowen and Moran.

³⁸ Bowen and Moran, 688.

provides additional avenues to halt nuclear weapons proliferation. There are different types of nuclear proliferators, and the distinctions among them are critical to understanding which states may be more likely to acquire nuclear weapons and the various ways in which the international community may be able to stop them.”³⁹ By the same logic, this framework may be useful in evaluating what went wrong in the diplomatic process while trying to revive the JCPOA and recommending more effective strategies moving forward.

Theories of Negotiation and Bargaining: Conditions Necessary for Establishing and Re-establishing a Nuclear Deal with Iran

In order to evaluate the efforts to revive the JCPOA between 2021 and 2023, it is also useful to look back on what experts deemed to be the necessary conditions in the past for the P5+1 to make the original nuclear deal in 2015. From this perspective, one can elucidate the conditions that made the 2015 agreement possible, and, in comparison the identify the reasons why the 2021-2023 effort failed. When identifying the negotiation techniques that turn out to be most effective in forming international agreements, experts first make the distinction between problem-solving and bargaining paradigms. According to Hopmann, in the problem-solving paradigm, stakeholders “search for better, mutually beneficial solutions to problems that satisfy the needs, identities, and interests of all parties.”⁴⁰ Further, “the goal of the negotiation is to solve common problems that the parties face and to try to find solutions to those problems that will benefit everyone.”⁴¹ While this approach is understood to be more effective in finding long-term solutions to international disputes, Hopmann argues instead that the bargaining approach tends to be the more common practice. This method can also be found in the US-Iran negotiations that led to the creation of the JCPOA. Bargaining involves making concessions, initiating new proposals, refraining from the use of rigid commitments, making promises rather than threats, and other soft behaviors.⁴² The distinction between these two approaches lies in the ideological foundation of each stakeholder: while liberals tend to side with problem-solving approaches, realists often perceive negotiations to always be a bargaining strategy.⁴³ In both approaches, flexibility remains an important cornerstone of reaching an agreement. While bargaining, “flexibility is generally defined in terms of the willingness to make new offers and concessions and to avoid commitments or retractions,” or more

³⁹ Vipin Narang, “Strategies of Nuclear Proliferation.”

⁴⁰ P. Terrance Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving,” *The Annals of the American Academy of Political and Social Science* 542, no. Flexibility in International Negotiation and Mediation (November 1995): 24–47, <https://www.jstor.org/stable/1048207>.

⁴¹ Hopmann, 30.

⁴² Hopmann.

⁴³ Hopmann.

importantly, a willingness to exhibit soft behaviors to avoid creating stalemates in negotiations.⁴⁴ On the other hand, if stakeholders instead take rigid stances in negotiations, they fall into perpetual disagreement. Based on this overview of bargaining theory, I examine the formation of the JCPOA to assess what was done correctly between stakeholders throughout the negotiation process to evaluate the necessary factors in reaching an agreement between Iran and the US. By looking into the past negotiations of the Nuclear Deal, I intend to shed light on conditions that must be met to restore an agreement with Iran in the future.

JCPOA Negotiations: Bargaining Strategies that Led to the Formation of the Deal

In an effort to answer this question, diplomats previously came together in Vienna in June 2023 to discuss their involvement in the JCPOA negotiations. The experts included Ambassador Stephan Klement, Permanent Representative of the European Union to the UN in Vienna and Special Advisor in charge of the nuclear implementation of the JCPOA of the European External Action Service; Mark Fitzpatrick, Associate Fellow for Strategy, Technology and Arms Control at the Institute for Strategic Studies and former Deputy Assistant Secretary of State for Non-Proliferation of the USA; and Laura Rockwood, Senior Fellow of the Vienna Center for Disarmament and Non-Proliferation and Former Section Head for Non-Proliferation and Policy in the IAEA's Office of Legal Affairs.⁴⁵ They pinpointed six conditions that allowed the US and Iran to agree on the JCPOA: 1) seizing the moment; 2) balancing pressure and incentives; 3) compartmentalizing issues; 4) 'linguistic engineering' (i.e., striking a balance between strategic ambiguity, allowing for suitable interpretations of the final text to varying parties, and setting common definitions and understandings so that the deal remains clear and strong); 5) setting a precedent; and 6) possessing a unity of purpose between parties.⁴⁶ Building on bargaining theory and these conditions, below I identify the most important factors contributing to the success of the Deal's formation and group these points into two main categories and discuss how they mattered for achieving the JCPOA. These two conditions are domestic leadership and timing.

Domestic Leadership: Flexibility and Willingness to Negotiate

The first common theme found among these prerequisites includes the domestic politics of each stakeholder. The two leaders most willing to negotiate, cooperate, and reach a deal

⁴⁴ Hopmann.

⁴⁵ Stephan Klement, Mark Fitzpatrick, and Laura Rockwood, "Nuclear Diplomacy: Negotiating with Iran" (Panel discussion, Nuclear Diplomacy: Negotiating with Iran, Vienna Center for Disarmament and Non-Proliferation, June 19, 2023), <https://vcdnp.org/nuclear-diplomacy-negotiating-with-iran/>.

⁴⁶ Klement, Fitzpatrick, and Rockwood.

throughout the entire diplomatic process.⁴⁷ According to investigative journalist Jay Solomon, the presence these two presidential administrations were crucial in the making of the deal: both the fact that “the shift in the ‘DNA’ of key personnel from the first Obama administration to the second, with [Secretary of State John] Kerry significantly less hawkish on Iran than Clinton,” as well as “Obama’s sense that the negotiation was a key to his legacy, which meant that Iran could hear the ticking clock,” can be attributed to the success of the 2015 agreement.⁴⁸ On the Iranian side, the Rouhani administration held similar traits of moderacy and openness to cooperation. According to Zarif, Rouhani ran on a platform “based on a principled, sober, and wise critique of the conduct of foreign relations during the preceding eight years under the previous [Ahmadinejad] administration. Rouhani promised to remedy the unacceptable state of affairs through a major overhaul of the country’s foreign policy,” led by methods of “dialogue, constructive interaction, and understanding.”⁴⁹

Compartmentalizing issues is another indicator of political will; the nuclear deal was only able to be agreed upon if negotiators were willing to put aside the many other problems that arose between the long-time adversaries. To some, including Israel, “Iran came to the negotiations on its knees because of the pressure that was applied, but what an outside observer of the negotiation saw was that it was rather the US that looked to be on its knees.”⁵⁰ However, “at the negotiating table, the international negotiators began making concessions to Iran in order to secure a deal, and in the hope that a more cooperative approach on their part would elicit a similar response from Iran... In assessing the JCPOA itself, it was noted that while the Obama administration insisted that this deal was better than no deal at all,” and that the US was more willing to make concessions to reach a deal because “Obama sincerely believed in diplomacy, and in the positive effect of demonstrating to Iran a cooperative American approach,” perhaps the most obvious indicator of the US’s willingness to achieve an agreement.⁵¹ This also takes the factor of ‘setting a precedent’ into account, as previously noted, Obama was set on having his legacy be known as establishing a deal, even if that must include making concessions to Iran. More specifically, as exhibited in the final text of the JCPOA, the main manifestation of concessions from the American side can be seen in the

⁴⁷ Klement, Fitzpatrick, and Rockwood.

⁴⁸ Emily B. Landau and Gilead Sher, “Diplomacy or Driving a Hard Bargain? Lessons from the Negotiation That Led to the Iran Nuclear Deal,” Special Publication, INSS Insight (Institute for National Security Studies, 2017), <https://www.jstor.org/stable/resrep17027>.

⁴⁹ Mohammad Javad Zarif, “What Iran Really Wants: Iranian Foreign Policy in the Rouhani Era,” *Foreign Affairs* 93, no. 3 (2014): 55-56, <https://www.jstor.org/stable/24483405>.

⁵⁰ Landau and Sher, “Diplomacy or Driving a Hard Bargain?”

⁵¹ Landau and Sher.

sunset clauses of the Deal, which allows the Iran to breakout its proliferation efforts less than ten years later.

A third factor identified by the panelists was a combination of balancing pressure and incentives and linguistic engineering to achieve an outcome. Negotiators had to strike a balance between exhibiting diplomatic flexibility, possibly leading to concessions, and stubbornness, which on the other hand, although not compromising national interests, could lead to the breakdown of negotiations. As previously stated, both sides made concessions over the course of the JCPOA negotiations. Namely, the sunset clauses in the Deal are a main indicator of the urgency in which the Obama administration was willing to make a Deal, even if it meant that the Deal's limitations on Iran's nuclear programs were only temporary. Nonetheless, the willingness to negotiate remained a cornerstone of what kept talks alive throughout the several years it took to reach the agreement. As long as the priority is to reach an agreement, rather than having the emphasis placed on 'getting one's way,' the opportunity for an agreement remains intact. However, once this is lost, according to these experts' framework, then negotiations will fail. As I discuss later, this is also a significant difference in perception of negotiations between the original deal and the attempt to revive the deal.

According to Tarock, "it would be stretching one's credulity to believe that it is a 'win-win' deal, proportionally speaking. Iran has made so many concessions, while the other party, the USA and its allies, has made so few in return... Iran, perhaps in its eagerness to reach an agreement or perhaps left with no other choices, has been lavish towards the West."⁵² The JCPOA placed drastically stricter restrictions on Iran than any other NPT signatories: "Under the agreement the Iranians are required to reduce by two-thirds their 19,000 centrifuges to fewer than 6000... They are also required to stop work on the next generations of centrifuges. The deal allows Iran to use only the less capable centrifuges for the next 10 years, in effect denying it the opportunity of studying, researching and thus advancing its scientific capability in relation to nuclear technologies for at least a decade. It is important to note here that 19 other non-weapons states which are signatories to the NPT and which enrich uranium have vastly more centrifuges than Iran ever had."⁵³ However, due to the severity of the sanctions and effect pressure that former President Obama placed on Iran, President Rouhani had much more incentive and payoff from joining the Deal.

⁵² Adam Tarock, "The Iran Nuclear Deal: Winning a Little, Losing a Lot," *Third World Quarterly* 37, no. 8 (2016): 1409, <https://www.jstor.org/stable/43921143>.

⁵³ Tarock, 1412.

Seizing the Moment

Finally, timing plays a crucial role in the formation of international agreements. Henry Kissinger has even noted that “stalemate is the most propitious condition for settlement.”⁵⁴ This statement is best explained by Zartman’s concept of ‘ripeness’ in negotiations, which he identifies as a key condition to be able to begin productive negotiations.⁵⁵ He argues, “Parties resolve their conflict only when they are ready to do so—when alternative... means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament. At that ripe moment, they seek or are amenable to proposals that offer a way out.”⁵⁶ In the formation of the JCPOA, timing was a crucial factor in this way. Negotiations took over ten years until the final deal was reached. But once the situation was “ripe” under the simultaneous administrations of President Obama in the US and President Rouhani in Iran, achieving the final deal was rather swift. Combined with the flexibility and willingness of each administration as discussed above, the window of opportunity opened quickly. By then, the Iranian economy was suffering greatly from the well-timed sanctions of the Obama administration to further push for cooperation, with sanctions relief being an incentive for Iran. Thus, the overlap of these presidential administrations allowed each country to seize the moment and finalize the Deal within a few years of each leader entering office.

Overall, from bargaining theory and reflections from experts involved in the original JCPOA negotiations, this framework is useful in determining what went wrong during the 2021-2023 negotiations while attempting to revive the Deal. As we have seen through the negotiations that established the JCPOA, domestic leadership and timing are key factors in the negotiations’ success. By applying this framework to assess the 2021-2023 negotiations while attempting to revive the deal, we can see that these factors were not present in many of the negotiations, which helps explain why the negotiations to revive the agreement ultimately failed.

Research Design and Methods

Methodology

To investigate my research question, I compare the two case studies of the success of the 2015 JCPOA negotiations and the failure of the 2021-2023 revival negotiations in order to

⁵⁴ I. William Zartman, “‘Ripeness’: The Importance of Timing in Negotiation and Conflict Resolution,” *E-International Relations*, December 20, 2008, <https://www.e-ir.info/2008/12/20/ripeness-the-importance-of-timing-in-negotiation-and-conflict-resolution/>.

⁵⁵ Zartman.

⁵⁶ Zartman.

understand the reasons behind the failure of the Deal's revival. I closely analyze the 2021 negotiation process through qualitative policy analysis and process tracing to show how key conditions were not present, leading to their eventual failure. The process tracing also undertakes event periodization to better synthesize the timeline of negotiations. Periodization also helps identify key turning points in the timeline since the US withdrawal from the Iran Nuclear Deal and includes an analysis of events such as: US withdrawal from the JCPOA, specific points in attempting to revive the deal, the mark of the 'death' of the JCPOA, Iran ramping up efforts towards proliferation, the October 7 breakout of the war on Gaza, and more. Through this process, I show how the 2021-2023 negotiations failed primarily due to faults in Iranian domestic leadership, namely, President Raisi, a harsh critic of the JCPOA who failed to show flexibility and willingness to cooperate in negotiations with the United States.

Source Selection

The thesis utilizes a broad array of sources, including secondary scholarly sources from various think tanks specializing in nuclear diplomacy, UN and IAEA reports, NGO reports, and more. News sources are utilized most in process tracing the 2021-2023 negotiations. Additionally, one interview with an EU expert in US-Iran negotiations provides further insight into the 2021-2023 negotiations beyond information accessible only through news platforms.

Chapter 2: The Failed Effort to Revive the JCPOA

In this section, I trace the 2021-2023 negotiations between the US and Iran that were in pursuit of reviving the JCPOA once President Biden came into office. Starting with the immediate aftermath of President Trump's withdrawal from the Deal, the US and Iran's relations steadily declined, leading to the ultimate failure to revive the Iran Nuclear Deal. This section highlights and analyzes the turning points throughout the negotiations to identify when the window of opportunity for the Deal's revival came to an end.

The Immediate Aftermath of Trump's Withdrawal

In the immediate aftermath of President Trump's abandonment from the Nuclear Deal in May of 2018, Iranian President Rouhani expressed the desire to remain committed to the deal, and criticized Trump for his repeated violation of international agreements.⁵⁷ The European Union's High Representative for Foreign Affairs and Security Policy Federica Mogherini also remained committed to the "full and effective implementation" of the deal and the lifting of economic sanctions to continue to expand the EU's economic relationship with Iran.⁵⁸ Iran stayed in compliance for one year, but after Trump re-imposed pre-JCPOA sanctions and forced other countries restrict their trade with Iran, Iran began to fall out of compliance with the deal's requirements. Meanwhile, the regional tensions between Iran, the US, and most notably, Iranian-backed Iraqi proxy militias, were growing.

Worsening US-Iran Relations

Several factors worsened US-Iran relations after Trump's withdrawal, including harsh sanctions placed on Iran and the increased frequency of Iran-backed proxy attacks on US bases, and US response attacks, throughout the region. These heightened tensions later reached another breaking point with the US's assassination of Iranian Major General Qassem Soleimani on January 3, 2020.

Regional Tensions Leading to the Assassination: Iran-Backed Regional Proxies

However, the attack was not just based on the assumption of impending attacks against US citizens in Iraq but was the culmination a months-long series of attacks carried out by Iran-backed militias in Iraq against American-stationed troops throughout the region. These Iran-

⁵⁷ Mark Landler, "Trump Abandons Iran Nuclear Deal He Long Scorned," *The New York Times*, May 8, 2018, sec. World, <https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-nuclear-deal.html>.

⁵⁸ Marc Martorell Junyent, "Is the EU Condemning Itself to Irrelevance on the Iran Nuclear File?," *Stimson Center*, July 17, 2023, sec. Middle East & North Africa, <https://www.stimson.org/2023/is-the-eu-condemning-itself-to-irrelevance-on-the-iran-nuclear-file/>.

backed militias, largely operating out of Iraq, are known as Iran's 'Axis of Resistance,' and consist of organizations (including other well-known groups like Hamas in Palestine, Houthis in Yemen, or Hezbollah in Lebanon) that are not directly under the control of the Iranian government, but largely receive their funding, training, weapons, and intelligence from Tehran. In turn, Iran is able to maintain influence throughout the region and aids in resistance against their regional rivals including the US, Israel, and Saudi Arabia, but avoids taking the full responsibility and heightened confrontation that would come with attacking those rivals directly. The US and its allies believed Soleimani to be instrumental in building up Iran's Axis of Resistance in the last few decades. And while these groups are continuously contributing to regional tensions between the US and Iran in recent years, they sometimes become more active during heightened tensions and risk an all-out military confrontation, including in late 2019 after Trump withdrew from the JCPOA.

In May 2019, Iran attacked oil tankers in the Gulf; in June, it attacked an American drone; and in September, it targeted major oil facilities in Saudi Arabia.⁵⁹ On December 27th of 2019, in what Gilboa identifies as one of two parts of the last straw that led Trump to initiate Soleimani's assassination, Shiite militia Kata'ib Hezbollah attacked the US military base in the Kirkuk province of Iraq.⁶⁰ The attack killed an American citizen who was working there as a military contractor.⁶¹ Shortly after, on December 30, Iraqi militias attempted to storm the US Embassy in Baghdad.⁶² While the US was carrying out counter-attacks in Iraq and Syria against Kata'ib Hezbollah, resulting in approximately twenty casualties, the death of a US civilian was considered a turning point in the escalation, and prompted more serious retaliation from the US, resulting in Soleimani's death.⁶³

Soleimani's Assassination

Immediately following the December 27 and 30th attacks against the US military base and embassy in Iraq, Trump tweeted, "Iran will be held fully responsible for the lives lost, or damage incurred, at any of our facilities. They will pay a very BIG PRICE! This is not a warning, this is a threat."⁶⁴ A few days later, the US carried out a drone strike on January 3,

⁵⁹ Eytan Gilboa et al., "Why Did the US Kill Qassem Soleimani?," *The Soleimani Killing* (Begin-Sadat Center for Strategic Studies, 2020), <https://www.jstor.org/stable/resrep24343.4>.

⁶⁰ "U.S. Drone Strike in Iraq Kills Iranian Military Leader Qasem Soleimani," *American Journal of International Law* 114, no. 2 (April 2020): 313, <https://doi.org/10.1017/ajil.2020.15>.

⁶¹ "U.S. Drone Strike in Iraq Kills Iranian Military Leader Qasem Soleimani."

⁶² "U.S. Drone Strike in Iraq Kills Iranian Military Leader Qasem Soleimani."

⁶³ "U.S. Drone Strike in Iraq Kills Iranian Military Leader Qasem Soleimani."

⁶⁴ "U.S. Drone Strike in Iraq Kills Iranian Military Leader Qasem Soleimani."

2020 in Baghdad, killing Major General Soleimani along with several other officials belonging to Iraqi militias.⁶⁵ Soleimani was Iran's top military commander and arguably the second-most powerful figure in the country as the head of Iran's Revolutionary Guards' Quds Force, "an elite unit that handles Iran's overseas operations."⁶⁶ Soleimani, however, "was the architect of nearly every significant operation by Iranian intelligence and military forces over the past two decades," including being the driving force behind the regional escalation with Iran and its 'Axis of Resistance,' as well as the mastermind of many attacks against the US and its allies throughout the region (especially in Iraq).⁶⁷ Just before his assassination, the US government stated that they believed Soleimani was "actively developing plans to attack American diplomats and service members in Iraq and throughout the region."⁶⁸

The assassination was a devastating blow to Iran, considering the influence Soleimani had in the government. On December 31, according to Iranian political scientist Mohammedbagher Forough, who was in Iran the day of the attack, "You could sense a change in the atmosphere after he died. For four days there was a sense of fear and it felt war could break out at any moment."⁶⁹ Trump warned Iran not to retaliate, having identified "52 targets in Iran, including cultural sites," to counterattack.⁷⁰ Nevertheless, "Iran launched missiles at two US bases in Iraq in retaliation," leaving over one hundred soldiers with traumatic brain injuries, but no casualties.⁷¹

At the time, nuclear experts largely agreed that the Soleimani assassination was a major blow to the potential of reviving the JCPOA. In the ensuing effort to de-escalate the situation between the US and Iran following the assassination, the Deal became an afterthought. Conca

⁶⁵ Michael Crowley and Eric Schmitt, "U.S. Strike in Iraq Kills Qassim Suleimani, Commander of Iranian Forces," *The New York Times*, January 2, 2020, <https://www.nytimes.com/2020/01/02/world/middleeast/qassem-soleimani-iraq-iran-attack.html>.

⁶⁶ James Conca, "The Iran Nuclear Deal And The Killing Of Soleimani," *Forbes*, January 8, 2020, sec. Business & Energy, <https://www.forbes.com/sites/jamesconca/2020/01/08/the-iran-nuclear-deal-and-the-killing-of-soleimani/>.

⁶⁷ Crowley and Schmitt, "U.S. Strike in Iraq Kills Qassim Suleimani."

⁶⁸ Nectar Gan, "Who Was Qasem Soleimani, the Iranian Commander Killed by a US Airstrike?," *CNN*, January 3, 2020, sec. World, <https://edition.cnn.com/2020/01/03/asia/soleimani-profile-intl-hnk/index.html>.

⁶⁹ Mohammedbagher Forough, The deteriorating relations between Iran and the West: Consequences of Soleimani's assassination from an Iranian perspective, interview by Gerben Stormbroek and Paul Evers (Stichting Atlantische Commissie, 2020), <https://www.jstor.org/stable/48600533>.

⁷⁰ Abbas Milani, "What the Soleimani Killing Means for the Iran Nuclear Deal," *Bulletin of the Atomic Scientists*, January 5, 2020, https://thebulletin.org/2020/01/what-the-soleimani-killing-means-for-the-iran-nuclear-deal/?utm_source=Newsletter&utm_medium=Email&utm_campaign=Newsletter01062020&utm_content=NuclearRisk_SoleimaniNuclearDeal_12020.

⁷¹ Maziar Motamedi, "'Harsh Revenge': How Will Iran Respond to Scientist's Killing?," *Al Jazeera*, November 28, 2020, <https://www.aljazeera.com/news/2020/11/28/harsh-revenge-how-will-iran-respond-to-scientists-killing>.

even argues that this event was the point in which chances to revive the JCPOA died.⁷² In fact, just two days after the assassination, President Rouhani announced that Iran would abandon agreed-upon nuclear restrictions on fuel enrichment, uranium enrichment, and research and development activities.⁷³ By the end of January Iran had accumulated more than 1,200 tons of low-enriched uranium, and by September, it possessed more than 2,100 tons of low-enriched uranium, which surpassed the JCPOA's set limits by tenfold.⁷⁴

The Fakhrizadeh Assassination

A second factor contributing to the worsening of US-Iran relations was the assassination of Mohsen Fakhrizadeh, likely by Israel, one of the US's closest allies. Mohsen Fakhrizadeh, although a largely elusive and secretive individual that kept out of the public eye, was believed to be Iran's top nuclear scientist for decades and was a pioneer in leading the country's missile and nuclear development program from the beginning. From this work, he led the country's nuclear weapon proliferation efforts until the military nuclear program was dismantled in 2003, earning him the nickname of the "Father of Iran's nuclear bomb."⁷⁵ In 2006, the United Nations Security Council froze his assets after failing to meet with IAEA inspectors and prohibiting them from monitoring his laboratories.⁷⁶ At the time of his death, Fakhrizadeh was the head of the Organization of Defensive Innovation and Research (SPND), which is engaged in nuclear defense research and supervised by the Iranian Ministry of Defense and Armed Forces Logistics (MDAFL).⁷⁷

While previous Israeli assassination attempts against Fakhrizadeh failed, Israel successfully carried out the 2020 attempt after months of close monitoring, intelligence-gathering, and the use of an AI-assisted robot that delivered the gunshots that subsequently killed Fakhrizadeh.⁷⁸ He was assassinated on November 27, 2020. Mossad, the Israeli intelligence agency, is most likely responsible for the assassination despite never explicitly

⁷² Conca, "The Iran Nuclear Deal And The Killing Of Soleimani."

⁷³ Nasser Karimi, Gambrell, and Zeina Karam, "Blowback: Iran Abandons Nuclear Limits after US Killing," *AP News*, January 6, 2020, <https://apnews.com/article/donald-trump-ap-top-news-tehran-international-news-united-nations-e043255bd33ab318f71d1947716a5b94>.

⁷⁴ "Timeline: Iran's Nuclear Program Since 2018," *The Iran Primer* (Washington DC: United States Institute of Peace, May 3, 2023), <https://iranprimer.usip.org/blog/2023/may/03/timeline-iran%E2%80%99s-nuclear-program-2018>.

⁷⁵ Ronen Bergman and Farnaz Fassihi, "The Scientist and the A.I.-Assisted, Remote-Control Killing Machine," *The New York Times*, September 18, 2021, sec. World, <https://www.nytimes.com/2021/09/18/world/middleeast/iran-nuclear-fakhrizadeh-assassination-israel.html>.

⁷⁶ Bergman and Fassihi.

⁷⁷ Ardavan Khoshnood, "The Assassination of Mohsen Fakhrizadeh: What Are the Iranian Regime's Options?," *Begin-Sadat Center for Strategic Studies, Perspective Papers*, no. 1834 (November 30, 2020): 1–2.

⁷⁸ Bergman and Fassihi, "The Scientist and the A.I.-Assisted, Remote-Control Killing Machine."

claiming responsibility themselves, as Fakhrizadeh was on its list of goal targets for fourteen years.⁷⁹ Furthermore, the scientist's killing was the fifth in a series of assassinations of Iranian nuclear scientists being pursued by Iran's opponents, mainly Israel, since 2010.⁸⁰ While the US government also never confirmed that it was informed of the assassination prior to it being carried out, experts are in agreement that Trump gave the greenlight to mounting attacks against Iranian officials in a last effort to put even harsher pressure on Tehran as he reached the end of his presidential term.⁸¹ At this time, Trump's goal was to complicate the diplomatic process with Iran as much as possible to prevent the Deal's revival once Biden entered into office in January of 2021.⁸² According to Wintour and Holmes, "Many Iranian officials believe Trump, in conjunction with Israel and Saudi Arabia, is determined to weaken the chances of diplomacy by antagonizing Iran before the US handover of power on 20 January."⁸³ Although the assassination was meant to further complicate US-Iranian relations to inhibit the future negotiations to revive the JCPOA, US officials other than Trump were also in favor of killing Fakhrizadeh, due to the fact that just a few months prior, the assassination of Major General Soleimani ultimately resulted in a rather limited response from Iran, rather than resulting in an all-out military confrontation like many experts had originally suspected. Thus, the US government decided it was safe to attack more crucial targets in Tehran.

Iran's Response

Immediately following the assassination of Fakhrizadeh, various Iranian officials labelled the decision an act of terrorism and called upon the United Nations to condemn the act as a violation of international law.⁸⁴ Fakhrizadeh's death was yet another major blow to the Iranian government, which viewed it "as grave as the assassination by US forces of the Islamic Revolutionary Guard Corps commander Qassem Soleimani in January."⁸⁵ Because Iranian leaders have consistently insisted that they do not seek to acquire nuclear weapons and that their nuclear enrichment program is for peaceful purposes, the government viewed the

⁷⁹ Bergman and Fassihi.

⁸⁰ Khoshnood, "The Assassination of Mohsen Fakhrizadeh," 3.

⁸¹ Patrick Wintour and Oliver Holmes, "Iran Vows Retaliation after Top Nuclear Scientist Shot Dead near Tehran," *The Guardian*, November 27, 2020, sec. World News, <https://www.theguardian.com/world/2020/nov/27/mohsen-fakhrizadeh-iranian-nuclear-scientist-reportedly-shot-dead-near-tehran>.

⁸² Wintour and Holmes.

⁸³ Wintour and Holmes.

⁸⁴ Andrew Hanna, "Iran on Nuclear Scientist's Assassination," *The Iran Primer* (Washington DC: United States Institute of Peace, November 30, 2020), <https://iranprimer.usip.org/blog/2020/nov/30/part-2-iran-nuclear-scientist%E2%80%99s-assassination>.

⁸⁵ Wintour and Holmes, "Iran Vows Retaliation after Top Nuclear Scientist Shot Dead near Tehran."

assassination as being unjustified.⁸⁶ As a result, “Khamenei promised ‘definitive punishment’ for the killers” after an investigation was conducted.⁸⁷ However, because the attack was not carried out directly by the United States, and because both Trump and Biden held off on commenting on the issue, allowing experts to focus more heavily on the escalation of tensions between Iran and Israel rather than Iran and the US.⁸⁸

Biden Enters Office: A Window of Opportunity

Mixed Signals: Renewed Political Will Lost in Trump’s Lingering Legacy

Despite the loss of hope in reviving the JCPOA while Trump was in office, Democrat President Joseph Biden campaigned on a platform with the promise of reviving the Deal if he won the 2020 presidential election. At this time, experts around the world who remained committed to reviving the Deal saw Biden’s election as a renewed window of opportunity for the US to recommit to the Deal, as long as it remained a priority within the new administration. President Rouhani originally welcomed Biden’s announcement on reviving the JCPOA, saying that Iran would recommit to the Deal’s restrictions as long as Trump’s “maximum pressure” sanctions were lifted.⁸⁹ However, this agreement never came into fruition. Instead, upon entering office, Biden announced that the United States would only re-enter the deal if Iran first came back into full compliance with its 2015 restrictions.⁹⁰ In February, Biden reaffirmed this adherence to a hardline approach against Iran in a televised interview, confirming that his administration would not lift his successor’s sanctions.⁹¹ Although this was a surprising switch in policy compared to his promises while campaigning for his presidency, this hardline approach was an effort to put pressure on Iran to return to the negotiating table while Iran continued to further its enrichment while Biden took office.⁹² At the same time, a Republican-dominated Congress in the US urged to place harsher pressure, including by continuing Trump-era sanctions on Iran, so Biden also tried appeasing his rival party by taking a more moderate stance on the Iran issue.

⁸⁶ Bergman and Fassihi, “The Scientist and the A.I.-Assisted, Remote-Control Killing Machine.”

⁸⁷ Hanna, “Iran on Nuclear Scientist’s Assassination.”

⁸⁸ Motamedi, “‘Harsh Revenge.’”

⁸⁹ Hadi Kahalzadeh, “Iran After Trump: Can Biden Revive the Nuclear Deal and Does Iran Even Want To?,” Brief, Middle East Brief (Brandeis University: Crown Center for Middle East Studies, January 2022), <https://www.brandeis.edu/crown/publications/middle-east-briefs/pdfs/101-200/meb145.pdf>.

⁹⁰ “Rejoining the JCPOA,” Center for Arms Control and Non-Proliferation, accessed April 13, 2024, <https://armscontrolcenter.org/factsheets/rejoining-the-jcpoa/>.

⁹¹ “Biden Says U.S. Won’t Lift Sanctions until Iran Halts Uranium Enrichment,” *Face the Nation* (Washington DC: CBS, February 7, 2021), <https://www.youtube.com/watch?v=3YFFYIHAcOA>.

⁹² “Timeline: Biden Diplomacy on Iran,” The Iran Primer (Washington DC: United States Institute of Peace, April 2, 2021), <https://iranprimer.usip.org/blog/2021/apr/02/new-talks-timeline-diplomacy-under-biden>.

As a result of Biden's hardline stance, in late February 2021, Supreme Leader Khamenei threatened to reach 60% uranium enrichment if the US failed to lift sanctions.⁹³ This created a sense of urgency within the Biden administration to make progress before the renewed window of opportunity was once again lost. Thus, reviving the JCPOA became a stronger priority for the United States at this time. President Biden appointed Robert Malley, former head of the International Crisis Group (ICG) and key negotiator in the 2015 Deal to be the US's Special Envoy to Iran.⁹⁴ But because the US was still unwilling to roll back Trump-era sanctions, the Iranian government stated its unwillingness to negotiate unless Iran got some relief from the maximum pressure sanctions. These sanctions were pushing the country toward economic collapse: under Trump's sanctions, the overall economy contracted by 13% and between May 2018, when the sanctions were imposed, and March 2019, oil exports decreased by 80%.⁹⁵ Inflation reached 75% and Iran's fiscal deficit grew to 40-45% of its national budget.⁹⁶ Thus, Iran placed a high priority on getting the Trump-era sanctions, which it viewed as illegitimate, lifted. This stance became a cornerstone of Iran's approach moving forward into re-establishing negotiations. Because of this initial disagreement between the two nations, it became difficult to begin talks early on, making the circumstances for coming to an agreement all the more difficult further down the road between the US and Iran.

The US's First Move to Negotiate: Not Enough for Iran?

Nonetheless, in mid-February 2021, the US accepted an invitation from the EU to meet with the JCPOA's stakeholders (P5+1) and Iran to discuss a diplomatic way forward.⁹⁷ At the same time, Biden announced that he would lift travel sanctions on Iranian diplomats based at the UN, as well as withdraw Trump's restoration of Iran's UN sanctions.⁹⁸ Meanwhile, IAEA Director General Rafael Grossi carried out rounds of shuttle diplomacy in February with Iran, convincing Tehran to continue allowing IAEA inspections in order to prevent further

⁹³ "Biden Diplomacy on Iran."

⁹⁴ Robbie Gramer and Jack Detsch, "Biden Taps Obama Administration Diplomat as New Iran Envoy," *Foreign Policy*, April 16, 2024, <https://foreignpolicy.com/2021/01/29/biden-iran-envoy-rob-malley-nuclear-deal-negotiations-republican-criticisms-sanctions/>.

⁹⁵ Kahalzadeh, "Iran After Trump," 4-5.

⁹⁶ Kahalzadeh.

⁹⁷ "Biden Diplomacy on Iran."

⁹⁸ Edith Lederer, "Biden Withdraws Trump's Restoration of UN Sanctions on Iran," *AP News*, February 19, 2021, <https://apnews.com/article/joe-biden-donald-trump-iran-united-states-united-nations-aa8f38fa3bf7de3c09a469ec91664a3c>.

exacerbation of tensions between the US and Iran before getting back to the negotiating table.⁹⁹ Despite these efforts, Iran still refused to meet directly with the US, despite the fact that the 90-day target period set by the EU was quickly running out. Even when Washington presented a diplomatic proposal in late March, agreeing to lift some sanctions in exchange for Tehran scaling back on some of the most serious violations of the Deal, Iran rejected the offer.¹⁰⁰

Vienna Negotiations: The EU's Attempt at Revival

Finally, a compromise was reached in February after the US took the first step in lifting its travel sanctions on Iranian diplomats based at the UN. The United States also agreed to allow the European Union to facilitate indirect talks with the participation of the US, China, Russia, France, UK, Germany (P5+1), and Iran.¹⁰¹ However, it took another two months for the opposing parties to come to an agreement on how the talks could begin—Iran refused to speak directly with the United States unless US officials lifted what Iran saw as illegal and unjust sanctions. To circumnavigate this early deadlock, rather than one side taking the necessary first step to restart negotiations, the approach would have to be concurrent, with both sides taking simultaneous coordinated steps to get the agreement back on track. Finally, on April 2nd, the EU's High Representative Josep Borrell announced that the Union would host indirect talks with P5+1 and Iran to reach two separate agreements: the first, to establish a timeline for Iran to come back into compliance with the Nuclear Deal; and the second, to establish a timeline for the US to lift Iran's sanctions.¹⁰²

Over the next few months between April 2021 and March 2022, eight rounds of indirect talks were held in Vienna between Iran and the US, mediated by the EU, with the participation of Russia and China. All parties generally reported making notable progress in the first few rounds. Despite some obstacles, once engaging in negotiations, both parties expressed their interest in maintaining momentum. For example, on April 11, an explosion that was blamed on Israel at the Natanz nuclear plant in Iran destroyed thousands of centrifuges, causing enough damage for Iran to temporarily halt its uranium enrichment while it replaces the centrifuges.¹⁰³ Israel, in an attempt to derail the JCPOA's revival, was increasingly engaging in such attacks

⁹⁹ Lara Jakes, "Impasse Over Iran Nuclear Talks Sets Off International Scramble to Save Accord," *The New York Times*, March 11, 2021, sec. U.S., <https://www.nytimes.com/2021/03/11/us/politics/united-states-iran-nuclear-talks.html>.

¹⁰⁰ "Biden Diplomacy on Iran."

¹⁰¹ "Biden Diplomacy on Iran."

¹⁰² "Biden Diplomacy on Iran."

¹⁰³ "Iran Natanz Nuclear Site Suffered Major Damage, Official Says," *BBC*, April 13, 2021, <https://www.bbc.com/news/world-middle-east-56734657>.

since Biden took office. However, Iranian leaders insisted that this act of ‘nuclear terrorism’ would not affect the nuclear talks in Vienna.¹⁰⁴ But to continue to pressure to the Biden administration to lift his predecessor’s sanctions, on April 13, Iran announced its intent to enrich uranium to 60%.¹⁰⁵

Despite this major setback, the second round of revival negotiations began just two days later in Vienna and continued into third and fourth rounds of talks in early May.¹⁰⁶ Throughout these several weeks, all parties involved expressed that they were making major progress, and a return to the Deal seemed not only feasible, but was expected to occur in a matter of weeks. Spanish Ambassador Enrique Mora, the Deputy Secretary-General of the European External Action Service (EEAS), who was sent to Vienna as a special envoy in May to help facilitate the talks and prevent deadlock, announced that a return to the Deal was within reach, with an expected agreement to be met in early June during the fifth or sixth round of negotiations.¹⁰⁷ However, by the end of the sixth round on June 20, no agreement had yet been reached. While the parties had expressed progress in narrowing down priorities, a few issues were still unresolved, including whether the US would declassify the IRGC as a terrorist organization, as well as specifics in lifting sanctions on Iran to aid in their economic recovery.¹⁰⁸

Enter the Raisi Administration

A Rigged Election

During the sixth round of Vienna negotiations, Iran underwent presidential elections. Ayatollah Ebrahim Raisi became Iran’s next president despite criticism from abroad for a rigged election. Raisi quickly took the country in a new direction of ultra-conservative, hardline approaches towards the US and the Nuclear Deal, making negotiations in Vienna more difficult and causing several diplomatic stalemates. At the same time, Raisi’s appeal to other world powers like Russia and China caused US-Iranian relations to further deteriorate.

Ayatollah Ebrahim Raisi, an ultra-conservative politician, won with 61.9% of the vote.¹⁰⁹ Raisi, considered to be a close confidant of Supreme Leader Khamenei, is among the top contenders for taking Khamenei’s role, as talks of succession grow nearer as rumors of the

¹⁰⁴ “Biden Diplomacy on Iran.”

¹⁰⁵ “Biden Diplomacy on Iran.”

¹⁰⁶ “Biden Diplomacy on Iran.”

¹⁰⁷ AP, “Europeans See Return to Iran Nuke Deal Coming Together next Week,” *The Times of Israel*, June 3, 2021, <https://www.timesofisrael.com/europeans-see-return-to-iran-nuke-deal-coming-together-next-week/>.

¹⁰⁸ Maziar Motamedi, “Iran Confirms EU Envoy Visit to Save Stalled Nuclear Deal Talks,” *Al Jazeera*, May 7, 2022, sec. Nuclear Energy, <https://www.aljazeera.com/news/2022/5/7/iran-confirms-eu-envoy-visit-to-save-stalled-nuclear-deal-talks>.

¹⁰⁹ Jang Ji-Hyang and Park Hyondo, “The 2021 Iranian Presidential Election and Its Aftermath” (Seoul: Asan Institute for Policy Studies, 2021), <https://www.jstor.org/stable/resrep36737>.

leader's health complications and age become more pressing. Raisi has long been an influential figure in Iranian politics and has faced backlash in the international community over his history of human rights violations, including his role as "one of five judges in the so-called 'Death Committee' which sentenced political prisoners to death in 1988."¹¹⁰ Since 2019, Raisi has been placed under targeted sanctions by the United States in connection to these crimes.¹¹¹

The 2021 election earned much criticism from abroad for the perception that it was rigged in Raisi's favor, as the Iranian authorities found the majority of opposing candidates disqualified and prevented them from running for office.¹¹² As a result, the election witnessed the lowest voter turnout since the establishment of the Iranian Islamic Republic with 48.8% turnout, a 25% drop from the previous presidential election in 2017 in which President Rouhani was re-elected to office.¹¹³ This low turnout indicated a "boycott due to the systematic exclusion of all reformists candidates."¹¹⁴ Additionally, more than three million votes were invalidated, prompting even more cause for concern for the election's fairness.¹¹⁵ Nonetheless, the regime blamed COVID-19 for low voter turnout in an effort to promote the legitimacy of the incoming administration.¹¹⁶

Raisi Administration Backtracks in Negotiations

President-elect Raisi warned his administration that he would take a harder stance on diplomacy. He rejected the previous negotiations to limit Iran's missile program, despite having previously supported the JCPOA in 2015. After the sixth round of talks ended in Vienna, it was clear that negotiations had reached a standstill. Deadlock was exacerbated when the Iranian judiciary soon after launched an investigation into corruption within the Rouhani administration— in line with Raisi's campaign platform of staunch anti-corruption—and barred all members of Rouhani's cabinet from international travel.¹¹⁷ Then, on June 23, 2021, Iran announced that it would allow its IAEA monitoring agreement to expire before deciding whether to extend it.¹¹⁸ ¹⁰⁴ In mid-July, Tehran additionally announced that any further

¹¹⁰ Ji-Hyang and Hyondo.

¹¹¹ Ji-Hyang and Hyondo.

¹¹² Vivian Yee, "Iranian Hard-Liner Ebrahim Raisi Wins Presidential Vote," *The New York Times*, June 19, 2021, sec. World, <https://www.nytimes.com/2021/06/19/world/middleeast/iran-election-president-raisi.html>.

¹¹³ Patrick Wintour, "Hardliner Ebrahim Raisi Hailed as Iran's New President," *The Guardian*, June 19, 2021, sec. World News, <https://www.theguardian.com/world/2021/jun/19/iran-presidential-election-result-raisi-hemmati>.

¹¹⁴ Wintour.

¹¹⁵ Ji-Hyang and Hyondo, "The 2021 Iranian Presidential Election."

¹¹⁶ Ji-Hyang and Hyondo.

¹¹⁷ Ji-Hyang and Hyondo.

¹¹⁸ "Biden Diplomacy on Iran."

negotiations on the JCPOA revival should be halted until Raisi was inaugurated in August, bringing all progress to a halt.¹¹⁹

The US and EU not only expressed concern over the stalling of negotiations, but were also dismayed that Iran was backtracking on previous agreements since Raisi's transition into office, as Raisi appointed more critics of the JCPOA to take over negotiations on the Iranian side.¹²⁰ On July 20, Iran's Supreme National Council allegedly rejected a draft agreement over returning to compliance with the JCPOA.¹²¹ The existence of this draft was later denied by another Iranian official.¹²² In August, Raisi appointed a new Vice President and Chief of the Atomic Energy Organization of Iran (AEOI), Mohammed Eslami. Eslami returned to Iran's original stance from the beginning of negotiations that the US must make the first move in dropping the sanctions and returning to compliance with the Deal.¹²³ This stance was reflective of the hardliners that Raisi appointed to replace Rouhani's moderate preceding cabinet. Eslami, for example, replaced Ali Akbar Salehi, who served as a key negotiator in the JCPOA talks since 2013.¹²⁴ The newly appointed Foreign Minister Amir- Abdollahian and Deputy Foreign Minister Ali Bagheri were also vocal critics of the JCPOA. They announced upon taking their positions that they "don't want to enter the Vienna negotiations from the deadlock point of the Vienna negotiations." This statement signaled that they would rather backtrack on previously agreed-upon points.¹²⁵

Iran's Shifting Foreign Policy Priorities: Raisi's "Look East" Policy

A second factor behind Raisi's delay in returning to negotiations was a shift in Iran's foreign policy., Raisi advocated for a return to Iran's 'Looking East' strategy, rather than adhering to his predecessor Rouhani's close cooperation with the West, which had helped lead to the Deal in the first place. In the face of crippling sanctions from the West (not only from the US but also Europe), Iran sought to strengthen its ties with Russia and China. According to Abbas, China was the next best alternative to Europe for Iranian economic partnership.¹²⁶ Iran

¹¹⁹ "Biden Diplomacy on Iran."

¹²⁰ "Biden Diplomacy on Iran."

¹²¹ "Biden Diplomacy on Iran."

¹²² "Biden Diplomacy on Iran."

¹²³ "Biden Diplomacy on Iran."

¹²⁴ "Mohammad Eslami Appointed Iran's Nuclear Chief," *Tehran Times*, August 29, 2021, sec. Politics, <https://www.tehrantimes.com/news/464470/Mohammad-Eslami-appointed-Iran-s-nuclear-chief>.

¹²⁵ Maziar Motamedi, "Iran Says Vienna Nuclear Talks to Resume by End of November," *Al Jazeera*, October 27, 2021, <https://www.aljazeera.com/news/2021/10/27/iran-says-vienna-nuclear-talks-to-resume-by-end-of-november>.

¹²⁶ Syed Abbas, "Iran's Look East Policy: A Step Towards Countering Western Pressures," *NDU Journal* 37 (May 18, 2023): 65, <https://doi.org/10.54690/ndujournal.37.139>.

joined China's Belt-and-Road Initiative (BRI) in Spring of 2021 through a 25- year Comprehensive Cooperation Agreement.¹²⁷ This is expected to bring in partnerships between the two countries in the banking, telecommunications, port infrastructure, and oil and gas sectors, amounting to over \$400 billion in investments.

Secondly, while Iran's relationship with Russia is more complicated, Abbas argues, "Iran has adopted the idea of Realpolitik in its foreign policy, whereby it has allied with Russia to relieve US pressure."¹²⁸ The countries' military ties grew quickly, especially after the launch of Russia's war on Ukraine. Iran provided drones to Russia to use against Ukraine, and the two signed several bilateral agreements. Iran also agreed to accept fighter jets from Russia in a 2022 deal.¹²⁹

Implications for a Revived Deal

Although Raisi publicly remained committed to a return to the JCPOA, compared with his more moderate predecessor, among ultra-conservatives in Iran, the main incentive and motivation for supporting the JCPOA was for the US to lift sanctions, rather than a true partnership or long- term cooperation with the United States and the West. But the possibility that Iran could pivot its foreign policy to focus more on other world powers like China and Russia to recover from American sanctions decreased economic pressure on Iran to return to the JCPOA. Thus, the arrival of the Raisi administration in Tehran signaled a turning point in the chance at reviving the Deal and contributed to the overall lack of momentum. While in Spring and early Summer of 2021, officials from the US and EU were announcing that a Deal was just weeks away, immediately after the Iranian presidential election, any progress was halted for nearly six months while the US and EU urged Iran to return to the negotiation table—which did not occur until the end of November. This waiting period prompted the first phrases of the JCPOA's "death" to enter the narrative surrounding the revival of the Deal. American Special Envoy Robert Malley was the first to use the phrase. He was quoted on October 25, 2021, saying that Iran's delays were "wearing thin."¹³⁰ "You can't revive a dead corpse," he said, referring to the quickly eroding possibility of being able to return to the JCPOA at all.¹³¹

¹²⁷ Abbas.

¹²⁸ Abbas, 66.

¹²⁹ Abbas; "Russian-Made Combat Trainer Aircraft Joins Iran's Air Force," *AP News*, September 2, 2023, sec. World News, <https://apnews.com/article/iran-russia-fighter-drone-495c0018a9af2443e767b8ccd39801e4>.

¹³⁰ Robert Malley, Special Briefing with Robert Malley, U.S. Special Envoy for Iran, Special Briefing via Telephone, October 25, 2021, <https://www.state.gov/special-briefing-with-robert-malley-u-s-special-envoy-for-iran/>.

¹³¹ Malley.

Talks Resume: Vienna 7th and 8th Rounds

Iran Backtracks Further

After months of pressure, including the Iranian Foreign Minister's repeated demand for the US to lift at least \$10 billion of frozen assets as a goodwill gesture,¹³² Iran's top nuclear negotiator announced at the end of October 2021 that talks would resume in Vienna in November.¹³³ They began on November 29th, with representatives from France, Germany, Russia, and China in addition to the US and Iran. European and Russian diplomats commenting that the talks started off on a good foot; EU Ambassador Enrique Mora said that he felt "positive that we can do important things for the next weeks," and Russia's top negotiator tweeted that the seventh round "started quite successfully."¹³⁴ However, Raisi's representatives alluded to a forthcoming change in policy compared to his predecessor's laxer stances. The Iranian Foreign Ministry's top negotiator, Ali Bagheri Kani, "emphasized to the participants that Iran is serious about reaching a 'fair agreement' that would secure Iran's legitimate interests."¹³⁵ Ambassador Mora took this policy shift into account, acknowledging that Tehran aims to "incorporate the new 'political sensibilities' of the Raisi administration."¹³⁶ Talks ran into early December, during which it became clear that the Raisi administration had a strong change of will and backtracked on previously agreed points; according to European diplomats, "Tehran is walking back almost all of the difficult compromises after many months of hard work."¹³⁷

Western Urgency Invites Progress? A False Hope Returns

The eighth round of talks commenced on December 27, 2021, and continued until March of 2022. In January, the United States attempted to exert significant pressure to reach a final agreement. Secretary of State Antony Blinken announced, "Talks with Iran about a mutual return to compliance with the JCPOA have reached a decisive moment. If a deal is not reached in the next few weeks, Iran's ongoing nuclear advances will make it impossible to return to the JCPOA."¹³⁸ Here, Blinken alludes to the fact that the original breakout times of the Deal,

¹³² "Biden Diplomacy on Iran."

¹³³ Motamedi, "Iran Says Vienna Nuclear Talks to Resume."

¹³⁴ Maziar Motamedi, "Iran and World Powers Resume Vienna Talks to Restore Nuclear Deal," *Al Jazeera*, November 29, 2021, sec. Nuclear Energy, <https://www.aljazeera.com/news/2021/11/29/iran-and-world-powers-begin-vienna-talks-to-restore-nuclear-deal>.

¹³⁵ Maziar Motamedi, "Iran and Israel: From Allies to Archenemies, How Did They Get Here?," *Al Jazeera*, November 6, 2023, sec. Israel War on Gaza, <https://www.aljazeera.com/news/2023/11/6/iran-and-israel-from-allies-to-archenemies-how-did-they-get-here>.

¹³⁶ Motamedi.

¹³⁷ "Biden Diplomacy on Iran."

¹³⁸ "Biden Diplomacy on Iran."

outlined in the sunset clauses of the JCPOA, were a mere few weeks away. With this in mind, there was a greater sense of urgency to prevent further proliferation of Iranian nuclear programs.¹³⁹ In late January, the Iranian delegation said it would be willing to consider direct talks with the US, but once again, that a revival of the Deal would only be possible if the US removed its unjust sanctions.¹⁴⁰ Despite Iran returning to many of its original negotiating stances, parties expressed that progress was nonetheless underway. By the end of January 2022, Malley said that both countries were successful in narrowing down their list of differences to just a few key priorities; among these, the issue of Trump-era sanctions, and the Iran Revolutionary Guard Corps, a branch of the Iranian military, on list of designated terrorist organizations.¹⁴¹ In February, the French Foreign Minister Jean-Yves Le Drian announced that a Deal was just “days away.”¹⁴² According to the International Crisis Group, the March draft agreement “laid out how Iran would roll back its nuclear program consistent with the JCPOA’s limits, gave an approximation of what sanctions relief the U.S. would provide and sketched out how to sequence the two sides’ commitments.”¹⁴³

Screeching Halt to Future Progress: Russia Launches its War of Aggression on Ukraine

However, negotiations were put on pause once again on February 22, 2022, when Russia launched its war of aggression on Ukraine. Delegations returned to their home countries and discussed how to best navigate the issue, considering Iran’s support for Russia in the conflict since Raisi’s turn eastwards since his inauguration. However, on March 11, the Iranian Foreign Minister insisted that no “external factors” would dissuade Iran from reaching an agreement, to which the Russian delegation agreed.¹⁴⁴ Within the next few weeks, it appeared that this statement held true: the Iranian Foreign Minister then said on March 23, “We believe that today we are closer to an agreement in Vienna than ever before.”¹⁴⁵ The main outstanding issue was the disagreement on sanctions, as well as the US’s designation of the IRGC as a foreign terrorist

¹³⁹ “Biden Diplomacy on Iran.”

¹⁴⁰ “Biden Diplomacy on Iran.”

¹⁴¹ “Biden Diplomacy on Iran.”

¹⁴² Morteza Ahmadi Al Hashem, “French FM Says Salvaging JCPOA Just Days Away,” *Mehr News Agency*, February 16, 2022, sec. Politics, <https://en.mehrnews.com/news/183989/French-FM-says-salvaging-JCPOA-just-days-away>.

¹⁴³ International Crisis Group, “Is Restoring the Iran Nuclear Deal Still Possible?,” Briefing, Crisis Group Middle East Briefing (Brussels: International Crisis Group, September 12, 2022), <https://www.crisisgroup.org/sites/default/files/2022-09/b087-restoring-the-iran-nuclear-deal.pdf>.

¹⁴⁴ “Biden Diplomacy on Iran.”

¹⁴⁵ “Biden Diplomacy on Iran”; Ali Harb, “How US Blacklisting of IRGC Is Stalling Iran Nuclear Deal Revival,” *Al Jazeera*, May 13, 2022, sec. Islamic Revolutionary Guard Corps, <https://www.aljazeera.com/news/2022/5/13/how-us-blacklisting-irgc-is-stalling-iran-nuclear-deal-revival>.

organization (FTO).¹⁴⁶

Russia Seeks Last-Minute Protections in Written Agreement

However, the talks suddenly reached “the precipice of collapse over last-minute Russian demands for sanctions protection” after the US imposed a wave of new sanctions against Moscow after it launched the war on Ukraine.¹⁴⁷ According to *POLITICO*, Russia demanded “that any return to the [JCPOA] include guarantees that any future Russian business with Iran be exempt from EU and U.S. sanctions.”¹⁴⁸ This was an effort to soften the blow of the West’s harsh sanctions on the Russian economy.¹⁴⁹ More specifically, Russia’s top negotiator, Mikhail Ulyanov, requested to the EU’s Ambassador Mora, “a written guarantee... that the current process triggered by the United States does not in any way damage [Russia’s] right to free and full trade, economic and investment cooperation and military-technical cooperation with the Islamic Republic.”¹⁵⁰ The US responded, calling these requests “irrelevant,” and the European stakeholders warned that these extra demands could ruin the negotiations altogether.¹⁵¹ Iran, despite having sided with Russia even after the Ukraine war began, criticized Russia’s intervention for its last-minute change of position and for its distraction from the Iran nuclear issue in pursuit of its own separate interest of sanctions relief.¹⁵² Indeed, Mora soon after announced that the talks had arrived at “a moment in which [they] have to pause and return back to capitals” to re-coordinate and develop responses to this new element of the debate.¹⁵³ Despite the fact that Russian Foreign Minister Sergey Lavrov announced in mid-March that Russia did in fact receive written guarantees for sanctions protection in the text of the agreement itself, the eighth round of Vienna negotiations never resumed.¹⁵⁴ Officials credited the disagreement over the IRGC’s status as a Foreign Terrorist Organization being the reason behind the deadlock. As the attention on the revival of the JCPOA was pushed to the back burner as the Russo-Ukrainian War intensified, the US began to lose confidence that Iran

¹⁴⁶ Harb, “How US Blacklisting of IRGC Is Stalling Iran Nuclear Deal Revival.”

¹⁴⁷ Stephanie Liechtenstein and Nahal Toosi, “Iran Nuclear Talks Close to Collapse over Russian Demands,” *POLITICO*, March 10, 2022, sec. Defense, <https://www.politico.eu/article/iran-nuclear-talks-close-to-collapse-over-russian-demands/>.

¹⁴⁸ Liechtenstein and Toosi.

¹⁴⁹ Liechtenstein and Toosi.

¹⁵⁰ Liechtenstein and Toosi.

¹⁵¹ Maziar Motamedi, “Russia Says It Has Received US Guarantees over Iran Nuclear Deal,” *Al Jazeera*, March 15, 2022, sec. Russia-Ukraine War, <https://www.aljazeera.com/news/2022/3/15/russia-says-it-has-received-us-guarantees-over-iran-nuclear-deal>.

¹⁵² Patrick Wintour, “Iran Nuclear Talks Rocked by Russian Demand for Sanctions Exemption,” *The Guardian*, March 6, 2022, sec. World News, <https://www.theguardian.com/world/2022/mar/06/iran-nuclear-talks-rocked-by-russian-demand-for-sanctions-exemption>.

¹⁵³ Liechtenstein and Toosi, “Iran Nuclear Talks Close to Collapse.”

¹⁵⁴ Motamedi, “Russia Says It Has Received US Guarantees.”

would ever return to compliance with the Nuclear Deal.

Indirect Negotiations Continue in Qatar

A Shift in the American Approach: Loss of Hope in Restoration

Negotiations reached a standstill between March and June 2022. In early June, EU Foreign Policy Chief Borrell once again visited Tehran to attempt to restart negotiations on the Deal.¹⁵⁵ Although the US became preoccupied with thwarting Russia's war against Ukraine, which included providing support to Ukraine and placing extensive sanctions on Russia, National Security Advisor Jake Sullivan maintained that a return to the JCPOA would still be within the priorities and interest of American national security.¹⁵⁶ However, some experts detected a shift in the US's approach to the JCPOA's revival: "Price and other officials have since put less emphasis on time running out and more on their only reviving the deal if [the JCPOA's revival was] in the US national security interest... 'a profound rewriting of the non-proliferation standard.'"¹⁵⁷ Before, the US expressed that the JCPOA's revival was in its national interest. But as the sunset clause deadlines approached and the US began focusing more heavily on other international issues like the Ukraine war, the US kept the narrative that the JCPOA's revival would be beneficial for American national security, but became less of a priority as the window of opportunity closed.

Why Qatar?

Rather than returning to Vienna for another round of negotiations, the indirect talks continued in Qatar. Qatar has close, positive relations with both Iran and the US, giving it the unique advantage to help facilitate talks between the two adversaries perhaps even more effectively than the EU. The Qatari Foreign Minister, Sheikh Mohammed bin Abdulrahman al Thami stated, "We have strong and strategic relations with Washington and we have good relations with Tehran and we don't want to increase the tension..."¹⁵⁸ Historically, Qatar has been coveted as a neutral mediator and reliable international partner, especially for the US,

¹⁵⁵ Kylie Atwood and Jennifer Hansler, "Iran Nuclear Deal Talks in Doha End without Progress," *CNN*, June 29, 2022, sec. Politics, <https://www.cnn.com/2022/06/29/politics/iran-nuclear-deal-talks-end-no-progress/index.html>.

¹⁵⁶ Atwood and Hansler.

¹⁵⁷ Reuters, "Subtle Shift in US Rhetoric Suggests New Iran Approach," *Middle East Monitor*, May 24, 2022, sec. Opinion, <https://www.middleeastmonitor.com/20220524-subtle-shift-in-us-rhetoric-suggests-new-iran-approach/>.

¹⁵⁸ Al Jazeera, "Qatar Encourages Positive Discussions in US-Iran Nuclear Talks," *Al Jazeera*, May 6, 2021, sec. Nuclear Weapons, <https://www.aljazeera.com/news/2021/5/6/qatar-calls-on-us-and-iran-to-return-to-nuclear-deal>.

since the country is home to the largest US military base in the Middle East.¹⁵⁹ Further, according to Mojtahedi, since the beginning of the war in Ukraine, Qatar gained importance to the West, serving as a major source of liquified natural gas in the region. This added to its potential usefulness to Europe as Europe sought to replace Russian energy sources.¹⁶⁰ Doha also serves as an important partner to Tehran against the latter's regional rivals, including Saudi Arabia and the UAE. Previously, "the Saudis and the United Arab Emirates put forward conditions for Qatar in exchange for the lifting of sanctions, including that Doha reduce its relations with Tehran and to cut off its military and intelligence cooperation with Iran, but Qatar rejected these requests. Since then, this country has become a reliable actor for Iran."¹⁶¹ To use this position to its advantage, Qatar had been working behind the scenes in Spring 2022 to help advance the negotiations.¹⁶² Meanwhile, EU representatives Mora and Borrell still remained as key negotiators even as the talks moved to Doha.

Doha Indirect Talks: The US' Concessions Leading Up to 2022 Midterm Elections

However, in the first round of negotiations in Doha, little progress was made, as both parties adhered to the same positions that prompted deadlock in Vienna: Iran's requirements for the US to remove the IRGC from the blacklist of FTOs, as well as lift the Trump-era sanctions that were in violation of the original Deal.¹⁶³ The US and EU delegations both emphasized that the window of opportunity for creating a new agreement with Iran was waning, as Iran continued to ramp up its nuclear programs.¹⁶⁴ At the same time, the US midterm elections were growing closer, and the Biden administration seemed to be willing to make more concessions in exchange for reaching an agreement before November. This prompted much backlash among Republican members of the US Congress.¹⁶⁵ However, no notable progress was made in the two-day talks in Doha. While both parties expressed their commitments to reaching an agreement, Iran once again emphasized its unwillingness to cross its "red lines," including the requirement for the US to lift all sanctions related to the Deal. This included "creating a mechanism to verify that they have been lifted[,] and making sure the US does not

¹⁵⁹ Amir Mojtahedi, "What Was Qatar's Role in the Iran-US Agreement?," *Middle East Political and Economic Institute*, 2023, <https://mepei.com/what-was-qatars-role-in-the-iran-us-agreement/>.

¹⁶⁰ Mojtahedi.

¹⁶¹ Mojtahedi.

¹⁶² Barak Ravid, "Iran Nuclear Talks to Resume in Qatar after Hiatus," *Axios*, June 27, 2022, sec. World, <https://www.axios.com/2022/06/27/iran-nuclear-deal-talks-resume-qatar>.

¹⁶³ Atwood and Hansler, "Iran Nuclear Deal Talks in Doha End without Progress."

¹⁶⁴ Atwood and Hansler.

¹⁶⁵ International Crisis Group, "Is Restoring the Iran Nuclear Deal Still Possible?"

withdraw once again from the deal.”¹⁶⁶ Iran has repeatedly demanded this latter requirement despite the US government being unable to accommodate this desire between presidential administrations; in other words, if Biden could indeed re-enter the Deal, there is no promise that his successors will stay in it—especially with Trump’s possible re-election to office on the horizon. This demand is also unfeasible considering any new agreement would be a “political rather than a legally binding treaty.”¹⁶⁷ Additionally, Iran has also demanded that the IAEA drop its claims that Iran has “failed to fully explain uranium traces at several undeclared sites.”¹⁶⁸ Although this issue is important for better understanding and containing Iran’s nuclear program, the US and other Western states view it as being irrelevant to the revival of the JCPOA in particular.¹⁶⁹

The EU’s Proposed Agreement to Resurrect the Deal

Despite this impasse, Iranian Foreign Minister Hossein Amir-Abdollahian stated that he was confident an agreement could be reached. The delegations reconvened in August 2022. Preceding the November 2022 midterm elections, Biden was trying to make notable progress and regain some popularity before Congress could swing to a Republican-majority. If this happened this would make a new Deal impossible to reach, since Republicans remained advocates of a more hardline approach to Iran and opposed negotiations to revive the Obama-era Deal. Thus, the Biden administration was facing adding pressure in the summer of 2022 to agree to a Deal with Iran. On August 8th, the EU proposed a final draft of an agreement to resurrect the 2015 Nuclear Deal following another round of talks in Vienna.

According to the Iran International Newsroom, an Iranian state-sponsored media platform, a leaked report of the deal revealed that the US agreed to make some major concessions, according to Iranian hardliners, in order to reach an agreement, despite US officials denying publicly that the agreement contained any ‘concessions.’¹⁷⁰ According to *Al Jazeera*, “A European proposal to revive the nuclear agreement between Western countries and Iran is imminent and includes the release of billions of dollars of frozen Iranian funds and oil exports

¹⁶⁶ AFP, “‘No Progress Made’ on Iran Nuclear Talks: US State Department,” *France 24*, June 30, 2022, <https://www.france24.com/en/live-news/20220630-no-progress-made-on-iran-nuclear-talks-us-state-department>.

¹⁶⁷ Mark Heinrich, “Iran May Accept EU Proposal to Revive Nuclear Deal If Demands Met, IRNA Reports,” *Reuters*, August 12, 2022, sec. Middle East, <https://www.reuters.com/world/middle-east/iran-says-eu-proposal-revive-nuclear-talks-could-be-acceptable-2022-08-12/>.

¹⁶⁸ Heinrich.

¹⁶⁹ Parisa Hafezi and Arshad Mohammed, “EU Puts Forward ‘final’ Text to Resurrect Iran Nuclear Deal,” *Reuters*, August 8, 2022, sec. Middle East, <https://www.reuters.com/world/middle-east/irans-nuclear-negotiators-return-tehran-vienna-irna-2022-08-08/>.

¹⁷⁰ Iran International Newsroom, “Info Leaked From Iran Details More ‘Concessions’ By Washington,” *Iran International*, August 19, 2022, <https://www.iranintl.com/en/202208191585>.

in return for the scaling back of its nuclear [program].”¹⁷¹ The implementation of the agreement is said to have included a 120-day rollout period, “during which a series of steps will be taken by both sides, including the release of Iranians imprisoned in the United States for violating US sanctions and other acts for the benefit of Iran’s government, and US citizens held hostage in Iran.”¹⁷² Additionally, the Deal allowed for the release of \$7 billion of Iranian frozen assets from two South Korean banks, the annulment of three executive orders from the Trump administration, and permission for Iran to sell 50 million barrels of oil per day, potentially providing Iran with much-needed economic relief.¹⁷³

Initially, officials, including French President Emmanuel Macron, announced that a final agreement of the deal could be expected in the next few weeks. And although with these benefits given to Iran, Iran continued to make new demands. According to US officials, Iran’s refusal to accept the agreement showed that Iran appeared instead “to be moving backwards” from previously agreed-upon points.¹⁷⁴ Tehran, on the other hand, maintained the stance that it is up to the US to accept the deal.¹⁷⁵ However, Iran still appeared to be stuck on getting guarantees from the US that US leaders could not backtrack on the agreement later on, a notion that contradicts the United States’ legal frameworks, unless the deal becomes a legally binding treaty.¹⁷⁶ Another sticking point preventing Iran from agreeing to the deal was its condition to close the IAEA investigation into Iran’s allegedly undisclosed uranium enrichment at unreported sites—a request that IAEA Director General Grossi denied.¹⁷⁷

The Deal’s “Death,” Publicly Confirmed?

After further debate on these sticking points over the following weeks, negotiations once again stalled. According to the Arms Control Association, “Josep Borrell said he does not have ‘anything more to propose’ to break the impasse between the United States and Iran over an

¹⁷¹ Al Jazeera Staff, “Iran Nuclear Deal ‘Imminent’ with Crippling Sanctions Removed,” *Al Jazeera*, August 19, 2022, sec. Nuclear Energy, <https://www.aljazeera.com/news/2022/8/19/iran>.

¹⁷² “Iran Hardliners Circulating List Of ‘US Concessions,’” *Iran International*, August 18, 2022, <https://www.iranintl.com/en/202208182659>.

¹⁷³ “Iran Hardliners Circulating List Of ‘US Concessions.’”

¹⁷⁴ Julian Borger and Patrick Wintour, “Iran Nuclear Deal: US Dismisses Latest Move from Tehran as ‘Not Constructive,’” *The Guardian*, September 2, 2022, sec. World news, <https://www.theguardian.com/world/2022/sep/02/iran-nuclear-deal-tehran-says-it-is-finalising-negotiations-with-latest-eu-document>.

¹⁷⁵ Maziar Motamedi, “Iran Rejects Western Claims That Nuclear Position Is ‘Negative,’” *Al Jazeera*, September 5, 2022, sec. Nuclear Energy, <https://www.aljazeera.com/news/2022/9/5/irans-rejects-western-claims-that-nuclear-position-is-negative>.

¹⁷⁶ Borger and Wintour, “Iran Nuclear Deal.”

¹⁷⁷ Jennifer Hansler, Mostafa Salem, and Shafi Kakar, “Iran’s Response to Nuclear Deal ‘Not Constructive,’ US Says,” *CNN*, September 2, 2022, sec. World, <https://www.cnn.com/2022/09/01/middleeast/iran-responds-nuclear-deal-intl/index.html>.

agreement to restore the 2015 nuclear deal... Borrell said [September] 14 that... the ‘last proposals from the Iranians were not helping.’ He expects the stalemate to persist given the ‘political situation’ in the United States, likely referring to the upcoming US [midterm] elections in November. The Biden administration has not stated that talks will remain on hold until after the elections, but a few days before Borrell’s remarks US Secretary of State Antony Blinken said a deal is ‘unlikely’ in the near term, citing Iran’s unwillingness or ability ‘to do what is necessary to reach an agreement.’”¹⁷⁸

With this deadlock, approximately fifteen months of negotiations came to an impasse and never recovered afterwards. Just a month later, in October 2022, US State Department Spokesman Robert Price stated publicly that the JCPOA’s revival was no longer on the US foreign policy agenda, saying, “that’s not our focus right now.”¹⁷⁹ He placed the blame on Iran for not accepting the EU’s proposal in August.¹⁸⁰ Then, a few months later in December, Biden was infamously recorded stating that the Iran Nuclear Deal was dead: “It is dead, but we’re not [going to] announce it.”¹⁸¹ In an official response to Biden’s comment, a White House National Security spokesperson clarified: “‘The JCPOA is not our focus right now. It’s not on the agenda.... We don’t see a deal coming together anytime soon,’ the spokesperson said, pointing to Iran’s crackdown on protestors and support for Russia in the war in Ukraine.”¹⁸²

Aftermath

Last Ditch Efforts in Oman

In the lead up to the signing of the JCPOA in 2015, Oman was used as a backchannel for initiating negotiations between the US and Iran as early as 2009. Oman was considered to be an ideal location for secret talks under the guidance of Omani diplomat Salem ben Nasser al-Ismaïly and former Secretary of State Hillary Clinton.¹⁸³ After Trump’s withdrawal from the JCPOA, attempt to break deadlock in negotiations. In June of 2023, reports surfaced that Iran and the United States were participating in ‘proximity talks’ in Oman to revive the Deal, despite President Biden’s previous statement in which he called the JCPOA ‘dead.’ The talks, which

¹⁷⁸ Kelsey Davenport, “Iran Nuclear Deal Talks Stall Again,” Arms Control Association, *Arms Control Now Blog* (blog), September 2022, <https://www.armscontrol.org/blog/2022-09/p4-1-iran-nuclear-deal-alert>.

¹⁷⁹ Simon Lewis, Arshad Mohammed, and David Gregorio, “U.S. Says Iran Nuclear Deal Is ‘Not Our Focus Right Now,’” *Reuters*, October 12, 2022, sec. Middle East, <https://www.reuters.com/world/middle-east/us-says-iran-nuclear-deal-is-not-our-focus-right-now-2022-10-12/>.

¹⁸⁰ Lewis, Mohammed, and Gregorio.

¹⁸¹ Barak Ravid and Hans Nichols, “Biden in Newly Surfaced Video: Iran Nuclear Deal Is ‘Dead,’” *Axios*, December 20, 2022, sec. World, <https://www.axios.com/2022/12/20/biden-iran-nuclear-deal-dead-video>.

¹⁸² Ravid and Nichols.

¹⁸³ David Ignatius, “The Omani back channel to Iran,” *Wiener Zeitung*, June 9, 2016, <https://www.wienerzeitung.at/h/the-omani-back-channel-to-iran>.

were not reported on until a month later, were mediated by Omani officials rather than Europeans—a change in a long-time pattern of having the EU be the go-between throughout the JCPOA negotiations and the subsequent attempts to revive it. The details of the talks prompted much debate in the international community. Initially, reports stated that the two countries were discussing a possible interim deal instead of a return to the JCPOA itself. Both American and Iranian officials denied this.¹⁸⁴ Israeli Prime Minister Benjamin Netanyahu, who has previously touted staunch opposition to the JCPOA and prospects for its revival, stated that “Washington will not fully return to the 2015 deal with Iran but was instead discussing a ‘mini-deal’ with Iran.”¹⁸⁵ However, both the US and Iran later officially denied that talks on an interim deal were on the table, instead adhering to efforts to revive the original deal.¹⁸⁶

Negotiations Turn Away From the Nuclear Issue

Nonetheless, as we see today, these proximity talks between Oman and Qatar were ultimately unsuccessful in reviving the JCPOA, despite a landmark agreement on a prisoner swap between the US and Iran being successfully carried out earlier this year. According to sources from the US government, “the US made it clear that Iran will pay a heavy price if it moves forward with 90% uranium enrichment.”¹⁸⁷ US officials were more focused on deterring Iran from growing its nuclear programs than reviving the Deal in full.¹⁸⁸ Nonetheless, negotiations continued throughout the summer of 2023. While many details of the negotiations are limited, the negotiators seemingly circumvented previous sticking points that put former negotiations into stalemates, including the question of taking the IRGC off the terror blacklist in the US, guarantees for the US to not leave the Deal in future presidential administrations, and the original topic of lifting sanctions.

Thus, the talks turned to dealing with easier issues between the US and Iran, including American dual citizens being arbitrarily detained in Tehran. The shift in subject matter in the Oman talks a new approach in America’s dealings with Iran, favoring a new strategy of navigating negotiations through unwritten agreement rather than focusing on a final written text. According to the Biden administration, this unwritten agreement would amount to a

¹⁸⁴ Kelsey Davenport, “A New Opening for Nuclear Talks?,” Arms Control Association, *Arms Control Now Blog* (blog), June 14, 2023, <https://www.armscontrol.org/blog/2023-06/p4-1-iran-nuclear-deal-alert>.

¹⁸⁵ “US, Iranian Officials Held Talks in Oman in May: Media Reports,” *Al Jazeera*, June 14, 2023, <https://www.aljazeera.com/news/2023/6/14/us-iran-officials-met-in-oman-in-may-media-reports>.

¹⁸⁶ “US, Iranian Officials Held Talks in Oman in May.”

¹⁸⁷ Barak Ravid, “Scoop: U.S. and Iran Held Indirect Talks in Oman in May,” *Axios*, June 9, 2023, sec. World, <https://www.axios.com/2023/06/09/iran-us-indirect-talks-oman-nuclear-advances>.

¹⁸⁸ Ravid, “Iran Nuclear Talks to Resume in Qatar.”

“political ceasefire” that could serve as an important steppingstone back to making an agreement on the nuclear issue.¹⁸⁹ According to Reuters, Doha hosted at least eight rounds of clandestine negotiations between Tehran and Washington since March 2022. The earlier rounds were devoted chiefly to Tehran’s nuclear dispute with Washington, but over time the focus shifted to prisoners as the negotiators realized the nuclear talks would lead nowhere due to their complexity.”¹⁹⁰ Signs of progress showed in August when five American prisoners detained in Iran were moved into house arrest and out of Evin Prison, a well-known facility accused of its use of torture and inhumane conditions.¹⁹¹ A few weeks later in September, the US released \$6 billion of frozen Iranian assets being held in South Korean banks.¹⁹² The waived sanctions allowed for the funds to be transferred to Qatari banks, where they were made available to Iran on a restricted basis, for humanitarian trade purposes only.¹⁹³

Tensions Exacerbated by External Factors

However, the Biden administration clarified that the prisoner swap “has not changed [their] relationship with Iran in any way,” and immediately following the deal, placed new sanctions on the Iranian government.¹⁹⁴ The sanctions were placed on the one-year anniversary of Mahsa Amini’s death, after being killed by Iranian “morality police” for not wearing a proper head covering in public.¹⁹⁵ In the aftermath of her death, massive protests broke out around Iran against the regime, which the police brutally cracked down upon.¹⁹⁶ The new sanctions placed on Iran after the prisoner exchange targeted 25 additional Iranian individuals and three state-backed Iranian media outlets.¹⁹⁷ Heightened tensions between the two countries only worsened over the previous months after Iran expressed its support for Russia in the war in

¹⁸⁹ Anna Gordon, “The U.S.-Iran Prisoner Swap Is About More Than Prisoners,” *TIME*, September 18, 2023, <https://time.com/6315295/us-iran-prisoner-swap/>.

¹⁹⁰ Parisa Hafezi, “How Iran and the US Reached the Prisoner Swap Deal,” *Reuters*, September 18, 2023, sec. World, <https://www.reuters.com/world/how-iran-us-clinched-rare-detainee-swap-funds-release-2023-09-18/#>.

¹⁹¹ Michael D. Shear and Farnaz Fassihi, “Inside the Deal to Free 5 American Prisoners in Iran,” *The New York Times*, September 22, 2023, sec. U.S., <https://www.nytimes.com/2023/09/21/us/politics/iran-prisoner-swap-biden-administration.html>.

¹⁹² Humeyra Pamuk and Arshad Mohammed, “US Allows \$6 Billion Transfer as Part of Iran Prisoner Swap,” *Reuters*, September 12, 2023, sec. World, <https://www.reuters.com/world/us-allows-6-billion-transfer-part-iran-prisoner-swap-2023-09-11/>.

¹⁹³ Pamuk and Mohammed.

¹⁹⁴ Antony Blinken, “United States Imposes Sanctions on the Anniversary of Mahsa ‘Zhina’ Amini’s Death” (Press Statement, Washington DC, September 15, 2023), <https://www.state.gov/united-states-imposes-sanctions-on-the-anniversary-of-mahsa-zhina-aminis-death/>.

¹⁹⁵ Blinken.

¹⁹⁶ Pelham, “Mahsa Amini: Iran Responsible for ‘physical Violence’ Leading to Death, UN Says,” *BBC News*, March 8, 2024, <https://www.bbc.com/news/world-middle-east-68511112>.

¹⁹⁷ Blinken, “United States Imposes Sanctions on the Anniversary of Mahsa ‘Zhina’ Amini’s Death.”

Ukraine and was caught providing Russia with drones to aid in its attacks on Ukraine.¹⁹⁸

A Stalemate Solidified: October 7th, 2023

Iran's Axis of Resistance, US Support to Israel, and the "Shadow War" in the Middle East

Another important external factor in exacerbating tensions after many stalemates in the US-Iran nuclear talks was the onset of the conflict in Gaza. By the October 7, 2023 Hamas attacks on Israel and the subsequent Israeli military operation in the Gaza Strip, the nuclear issue between Iran and the US had been off the priority list for both countries for months. However, the escalation of tensions that came with the onset of this conflict solidified the impossibility for the nuclear agreement to ever re-enter the conversation between the two countries anytime in the near future. Although the primary conflict in this situation is between Israel and Hamas, the US and Iran both are significant stakeholders in the conflict, being large supporters of the opposing sides. The United States is arguably Israel's biggest supporter in the world. Iran, on the other hand, has a history of supporting several regional groups that oppose Israel, including Hamas. Iran's support for Hamas falls into the context of the country's larger "Axis of Resistance" around the Middle East, to whom Iran provides funding, weapons aid, training, and intelligence to various rebel groups and militias.

This Axis of Resistance thus gives Iran the advantage of effectively challenging, and even actually attacking its regional rivals and maintaining influence over many parts of the region against competitors like Saudi Arabia. However, because Iranian leaders have the benefit of avoiding direct responsibility for the damage caused by these groups' attacks, they can avoid direct confrontation with more powerful countries like the US. Moreover, if it were not backing external militias like Hamas, Hezbollah, Houthis, or Kata'ib Hezbollah, Iran would instead be directly confronting the US and Israel militarily, putting the breakout of more serious regional conflict at-risk. It is through this indirect regional influence that Iran has carried out a "shadow war" with Israel for years, which only worsened since the Israel-Gaza conflict began in early October of last year.

Immediately following the October 7th attacks, US officials were even suspicious of Iran's direct involvement in the planning of the attacks. While both Tehran and Hamas have denied these claims, Iran did call the attacks "revenge" for the killing of General Soleimani,

¹⁹⁸ Maziar Motamedi, "Will Iran Give Russia Ballistic Missiles for the War in Ukraine?," *Al Jazeera*, November 23, 2023, sec. Russia-Ukraine War, <https://www.aljazeera.com/features/2023/11/23/will-iran-give-russia-ballistic-missiles-for-the-war-in-ukraine>.

which was also denied by Hamas.¹⁹⁹ However, Iran has since played a large role in escalating tensions since the breakout of Israel's war on Gaza. The number of Iran-backed proxy attacks around the region has increased exponentially in the last few months. Most of them are carried out by Iran-backed militias based in Iraq, including the Islamic Resistance in Iraq (IRI) and Kata'ib Hezbollah, a prominent faction of IRI. Most attacks target US military bases in Iraq and Syria. Although their frequency has grown significantly, experts argue that the strikes themselves remain rather limited and restrained—most do not result in any casualties of US citizens. Israeli responses are also usually restrained, occurring outside of Iranian borders. However, the increase in proxy attacks since Israel's military operation on the Gaza Strip began is a sure sign of the exacerbation of regional tensions between more stakeholders than just Israelis and Palestinians. Iran, being Israel's staunch opponent, has repeatedly criticized Israel's actions in the West Bank, as well as the United States for supporting Israel militarily, financially, and diplomatically. Thus, Iran continues to utilize its own proxies around the region to place extra pressure on Israel and the West by carrying out series of attacks since the beginning of the war, prompting military responses from Israel, further exacerbating the escalation.

A Shift in Iran's Approach: Proxies to State-Led Attacks

However, there are some notable exceptions to the informal rule of Iran's use of proxies to carry out attacks that have made experts more worried of the risk of a direct military confrontation between Iran and the United States. One of the first risks of confrontation occurred on January 15, 2024, when the Iranian Revolutionary Guard Corps (IRGC) carried out a strike in Erbil. Initially, this particular attack put the US-Iranian rivalry at its peak intensity, since it was carried out in the close vicinity of the new US consulate there. However, the target was the home of a prominent Kurdish businessman, Peshraw Disayee, who was killed alongside his infant daughter, housekeeper, and business partner, Karam Mikhail. The strike also injured six other civilians in the area. Disayee was well-known throughout Erbil for owning a successful construction company that worked in building some of the city's most prominent buildings, including apartments and skyscrapers. The attack prompted much confusion in its immediate aftermath. However, in an attempt to de-escalate the situation as much as possible, the US released a statement condemning the attack, while also ensuring that the nearby US

¹⁹⁹ Daniel Arkin, "The Covert War between Israel and Iran Has Exploded into View. What's Next?," *NBC News*, April 16, 2024, <https://www.nbcnews.com/news/world/iran-attack-israel-israel-war-gaza-hamas-drone-missile-rcna147784>.

consulate (which is still under construction) was *not*, in fact, targeted, and there were no casualties of any US citizens or government personnel. The Iranian government claimed responsibility for the attack, arguing that they were targeting a Mossad intelligence base operating out of Disayee's home, despite there being no evidence of such. The Iraqi Foreign Ministry also condemned the attack and filed a formal complaint with the United Nations Security Council to hold Iran responsible. The Prime Minister of Kurdistan also established a committee to investigate the attack to dispel the false rumors that Disayee was involved in any Israeli Mossad spying.

The Zahedi Assassination: Miscalculated Escalation

This attack was significant due to it being carried out by the Iranian government directly, rather than through one of its many proxies in the region. This occurred again on April 1, 2024, after Israel carried out a missile attack killing Brigadier Mohammad Reza Zahedi, the highest-ranking Iranian military official to be killed since Soleimani.²⁰⁰ Zahedi was killed along with at least eleven other individuals in the Iranian consulate in Damascus, Syria.²⁰¹ He was a longtime target of the Mossad for many reasons, among them his role in supplying Hezbollah in Lebanon with weapons.²⁰² This followed another Israeli attack targeting Iranian officials a few months before, when in late December 2022, Israel killed a senior commander, Sayyed Razi Mousavi in an airstrike.²⁰³ Experts considered the Israeli attack on the Iranian consulate a “gamechanger” in the long shadow war between Israel and Iran.²⁰⁴ Analysts claimed that “After years in which both sides operated within the framework of a largely undeclared set of ‘rules’, Israel... bulldozed through every red line to attack a location that Tehran maintains was tantamount to attacking Iranian soil.”²⁰⁵ While this decision, made by Israel, was a clear step towards further escalation of the regional conflict, the US leaders were quick to distance themselves from this particular incident, claiming that they were not informed of the attack until

²⁰⁰ Maziar Motamedi, “Who Was Mohammad Reza Zahedi, an Iranian General Killed by Israel in Syria?,” *Al Jazeera*, April 2, 2024, sec. Israel War on Gaza, <https://www.aljazeera.com/news/2024/4/2/who-was-mohammad-reza-zahedi-the-iranian-general-assassinated-by-israel>.

²⁰¹ Akhtar Mohammad Makoi, “Mohammad Reza Zahedi: Who Was the Iranian Commander Killed in an Israeli Strike in Syria?,” *The Guardian*, April 2, 2024, sec. World news, <https://www.theguardian.com/world/2024/apr/02/mohammad-reza-zahedi-who-was-the-iranian-commander-killed-in-an-israeli-strike-in-syria>.

²⁰² Makoi.

²⁰³ Motamedi, “Who Was Mohammad Reza Zahedi?”

²⁰⁴ Peter Beaumont and Emma Graham-Harrison, “Why Israel’s Attack on Iranian Consulate in Syria Was a Gamechanger,” *The Guardian*, April 14, 2024, sec. World news, <https://www.theguardian.com/world/2024/apr/14/why-israel-attack-on-iranian-consulate-in-syria-was-a-gamechanger>.

²⁰⁵ Beaumont and Graham-Harrison.

immediately before it was carried out. This was an effort to de-escalate what experts warned could have led to an ‘all-out war’ between these adversaries.²⁰⁶ According to *The New York Times*, “Publicly, U.S. officials voiced support for Israel, but privately, they expressed anger that it would take such aggressive action against Iran without consulting Washington.”²⁰⁷ This failure to communicate was one of many points of more recent disagreement between the US and Israel, as the Biden administration has tried to exert more control over Israel in its military operations and Gaza and de-escalation of larger regional tensions. However, Netanyahu has shown resistance to the advice to de-escalate, as exhibited through attacks on Iran such as this one, or the continued humanitarian crisis unfolding in Gaza.

Additionally, it seems that the Israeli government failed to account for how serious of a blow the assassination of Zahedi would be perceived. Analysts describe the decision to target such a high-level military official as “miscalculated,” having underestimated how seriously the Islamic Republic would respond to this loss considering the rather limited response to the previous death of an official back in December.²⁰⁸ In fact, US and Israeli officials both later confirmed that “the Israelis later acknowledged that they had badly misjudged the consequences of the strike,” a mistake that could have escalated into a full-scale war.²⁰⁹ But as the US and Israel prepared for Iran’s retaliation, it became clear that they were to expect something much more serious than originally anticipated. While Iran threatened to respond to the December attack, when Zahedi was killed in April along with several other influential individuals the Iranian response was also much stronger. The day following the attack, the Iranian supreme national security council convened to discuss possible responses.²¹⁰ Both Raisi and Khamenei hinted at revenge, with the Supreme Leader saying, “We will make them regretful about the crime and similar acts.”²¹¹ Then, for almost two weeks, the world held its breath and waited for Iran’s response.

²⁰⁶ Parisa Hafezi and James Mackenzie, “Tehran Plays down Reported Israeli Attacks, Signals No Retaliation,” *Reuters*, April 19, 2024, sec. Middle East, <https://www.reuters.com/world/middle-east/israeli-missiles-hit-site-iran-abc-news-reports-2024-04-19/>.

²⁰⁷ Ronen Bergman et al., “Miscalculation Led to Escalation in Clash Between Israel and Iran,” *The New York Times*, April 17, 2024, sec. World, <https://www.nytimes.com/2024/04/17/world/middleeast/iran-israel-attack.html>.

²⁰⁸ Bergman et al.

²⁰⁹ Bergman et al.

²¹⁰ Patrick Wintour, “Iran Decides on Response to Israeli Strike That Killed Top Commanders,” *The Guardian*, April 2, 2024, sec. World news, <https://www.theguardian.com/world/2024/apr/02/iran-response-israeli-strike-damascus-consulate>.

²¹¹ Wintour.

Iran Sets a New Precedent: Direct Attacks on Israel

On the evening of April 13th, for the first time in history, the Islamic Republic launched a direct attack on Israeli soil. Over three hundred missiles were launched from Iran, Iraq, and Yemen, directly towards Israel.²¹² The IRGC confirmed its responsibility for the attack, citing it as a counterstrike to the previous Israeli strike on the Iranian embassy in early April.²¹³ With assistance from the United States, France, and the United Kingdom, the majority of drones were intercepted before striking, leaving minimal damage to Israel. The attack itself was considered unprecedented by many journalists and experts, since it was the first attack carried out by the Iranian government directly on Israeli territory. This signified a turning point in the shadow war into more direct forms of conflict engagement. Although this response did contribute to regional escalation overall, the Iranian retaliatory strikes themselves still remained relatively restrained in nature. Following the attack, one Iranian official declared that the entire affair could be considered over. It resulted in no reported casualties, 99% of the missiles were intercepted, and the near two-week waiting period leading up to the event allowed Israel to brace itself for attack. Although after the attack was carried out many officials considered the spat to be over, Israel insisted on a response, carrying out an attack on an “Iranian military site close to the Isfahan Nuclear Technology Center, which hosts nuclear research reactors, a uranium conversion plant, and a fuel production plant, among other facilities.”²¹⁴ The strike did not hit the center, and according to the Iranian Foreign Minister, Israel used “mini-drones” that had “caused no damage or casualties.”²¹⁵ With this limited response from the Israeli side, diplomats deemed the issue to be at least concluded, yet again avoiding the risk of the breakout of a full-scale war between the regional adversaries.²¹⁶ But according to the Bulletin of Atomic Scientists, “The Iranian leadership has, in turn, threatened to reconsider its nuclear policy and to advance its program should nuclear sites be attacked.”²¹⁷ This reminded the world that “Iran could elevate its uranium enrichment from 60 to 90 percent in just half a day.”²¹⁸

²¹² Al Jazeera, “Iran Launches Hundreds of Missiles, Drones in First Direct Attack on Israel,” *Al Jazeera*, April 13, 2024, sec. Conflict, <https://www.aljazeera.com/news/2024/4/13/israeli-army-says-iran-has-launched-drones-at-israel#:~:text=News%7CConflict-,Iran%20launches%20hundreds%20of%20missiles%2C%20drones%20in%20first%20direct%20attack,and%20missiles%20launched%20by%20Iran.>

²¹³ Al Jazeera.

²¹⁴ François Diaz-Maurin, “Why Iran May Accelerate Its Nuclear Program, and Israel May Be Tempted to Attack It,” *Bulletin of the Atomic Scientists* (blog), April 26, 2024, <https://thebulletin.org/2024/04/why-iran-may-accelerate-its-nuclear-program-and-israel-may-be-tempted-to-attack-it/>.

²¹⁵ Hafezi and Mackenzie, “Tehran Plays down Reported Israeli Attacks.”

²¹⁶ Hafezi and Mackenzie.

²¹⁷ Diaz-Maurin, “Why Iran May Accelerate Its Nuclear Program.”

²¹⁸ “Iran Can Elevate Enrichment To 90% In Half A Day, Says MP,” *Iran International*, April 24, 2024, <https://www.iranintl.com/en/202404241818>.

Implications on the Iran Nuclear Deal: Need for Negative Peace Before Positive?

Since the breakout of the war in Gaza late last year, the US and Iran's attention has clearly shifted away from the Nuclear Deal, as each states' priorities must accommodate the more pressing issues perceived to be threatening their national security. The US continues to be occupied with supporting allies abroad in their separate war efforts—supporting Ukraine in its war with Russia, and Israel in its war against Gaza, and more recently, trying to reign in the Netanyahu administration by putting diplomatic pressure on Israel to scale back the war to prevent further civilian casualties and humanitarian disaster, and by providing more humanitarian aid to Gaza. Iran, on the other hand, has shifted its attention away from talks with the US altogether, as the government has harshly criticized the US and the West for supporting Israel's so-called genocide against Palestinians. Additionally, in the endeavor of inhibiting Israel from conducting its military operations in Gaza, it has scaled up its connections to its proxies and indirectly supported them in carrying out more attacks against Israel. Another major point of conflict between the US and Iran is that Iran provides support for Russia in the Ukrainian war, making it impossible for President Biden to continue diplomatic efforts or providing sanctions relief to Iran. Thus, from this continuously intensifying shadow war, options for more positive peace between the US and Iran, through agreements like the JCPOA or any newer alternative or interim nuclear deals, are simply off the table. To be able to make them a priority once again, negative peace in the region must first be established; and in order for this to happen, external actors like Israel, Hamas, and Iran's proxies must all be cooperative, and Iran must stop providing support to Russia in its war against Ukraine—seemingly unlikely scenarios for anytime in the near future.

Analysis: Pinpointing the Death of the Deal

The last section brings us up to the most recent developments of the regional Middle East conflict—not just concerning Israel and Palestine, but Iran's greater sway via its regional proxies and their attacks on Israel. However, according to the theoretical framework laid out in the first chapter, the JCPOA died much earlier than the breakout of the war on Gaza in October 2023. Already by then, the Deal's revival had been removed from national agendas in both the US and Iran for several months. So, if international attention shifted away from the Nuclear Deal before October 7th, when did the window of opportunity to revive it close?

The Iranian Breaking Point: Backtracking after Raisi's Election

According to the theoretical framework laid out in Chapter One, based on mutual willingness to negotiate, and domestic political will to make a deal, I argue that the Deal officially died when, after a pause in negotiations due to the transfer of political office from Rouhani to Raisi, Iran started backtracking on previously agreed points of the Deal. Although other causes could be attributed to external factors, including the launch of the Russian war of aggression against Ukraine, I instead argue that the death of negotiations can be attributed to the hardline, non-cooperative approach of Raisi's administration and political party, as exhibited by 'backtracking' on previously agreed points in the negotiations. In retrospect, one could have even anticipated this deadlock to ensue before Raisi even won the election, since he warned that Iran would no longer be making "unnecessary" concessions at the negotiating table with the US.²¹⁹ Raisi's 'Looking East' policy especially contributed to the failure of negotiations and reflected a general change in foreign policy away from cooperation and multilateralism with the West and toward anti-Western, ultra-conservative values under Raisi. In response, the US also shifted its attention away from the JCPOA's revival, especially after Iran began supporting Russia in the Ukraine war and Iran's "Axis of Resistance" ramped up attacks against American military bases around the region.

On the American side, it seemed that reconvening negotiations in late 2022 after Raisi took office was a last-ditch effort to revive the Deal. But after talks once again went nowhere, it was clear that the United States also appeared to be giving up on attempting to reach an agreement. Around this time, in a round of talks in late 2021, the United States sent Special Envoy Robert Malley to aid in negotiating, only for him to set a new precedent: introducing the language of the "death" of the deal into the minds of the international community with the notorious statement regarding the deal: "You can't revive a dead corpse."²²⁰ As identified by experts, the American approach to negotiating with Iran after this round of talks changed. The discourse among American officials regarding the Deal addressed the issue as if it took a backseat in the foreign policy strategy. The potential of reinvigorating the JCPOA from then on was framed as being solely left for Iran to initiate, while the US put other issues at the top of its agenda. This was reflected in many official statements, including not only Robert Malley's "dead corpse" statement, but also from other officials stating that the JCPOA revival was no longer a national priority. Nonetheless, the US continued to engage in talks in Qatar and

²¹⁹ Interview with EU Official, interview by Anna Riggs, Video call, April 20, 2024.

²²⁰ Malley, Special Briefing with Robert Malley.

Oman even after this shift in approach. While US officials maintained that it was still within the US's national interest to reach an agreement with Iran, when talks resumed later on outside of Vienna, rather than reviving the Deal, the focus shifted to achieving some kind of interim agreement, hence continuing negotiations even after US officials considered the agreement to be dead. Further, once the US took this new stance, there was no possibility of returning to the previous stance of reviving the Deal. Even if Iran preferred to return to the original deal, the sunset clauses of the Deal were quickly approaching, making a return to the original stipulations nearly obsolete.

Alternative Explanations

Doomed From the Start?

Some experts argue that Biden set a false precedent in seeking to revive the Deal upon coming into office. While he ran on a platform promising that the US would return to the Iran Nuclear Deal, many argue that this should have been one of the first actions he took when taking office in January of 2021—there was a window of opportunity that would have reinvigorated political will on both sides to negotiate a return to the Deal. Leading up to Biden taking office, Foreign Minister Zarif repeatedly emphasize that the Islamic Republic expected United States to make the first move in returning to the Deal's compliance: "It was the United States that left the deal. It was the United States that violated the deal. It was the United States that punished any country that remained respectful and compliant with the deal. So, it is for the United States to return to the deal, to implement its obligations."²²¹ From the Iranian perspective, the US was obligated to return to compliance in its own violations of the Deal by lifting the Trump-era maximum pressure sanctions.

Instead, upon taking office, some argue that Biden took too long to push for the reinstallation of the Nuclear Deal.²²² Experts criticize his approach, citing the ambiguity and the fractured stances he had on the Deal, including the fact that he had two task forces to navigate relations with Iran: "One to return to sanctions imposed during the Trump administration and the other to return Iran to the Joint Comprehensive Plan of Action commitments."²²³ Nonetheless, Biden took about a month to announce his desire to get back

²²¹ Times Editorial Board, "Editorial: Biden Needs to Make the First Move to Revive the Iran Nuclear Deal," *Los Angeles Times*, February 10, 2021, sec. Opinion, <https://www.latimes.com/opinion/story/2021-02-10/editorial-biden-should-make-the-first-move-to-revive-the-iran-nuclear-deal>.

²²² Interview.

²²³ Haniye Sadat Sajadi, Stephen Gloyd, and Reza Majdzadeh, "Health Must Be a Top Priority in the Iran Nuclear Deal," *The Lancet* 397, no. 10289 (May 2021): 2047–48, [https://doi.org/10.1016/S0140-6736\(21\)01108-9](https://doi.org/10.1016/S0140-6736(21)01108-9).

to the negotiating table with Iran. It was not until March when the talks were organized and carried out in Vienna. Biden refused to take this window of opportunity and instead maintained his predecessor's sanctions. According to Fawcett and Payne, "The most frequent approach to Iran policy during the opening months of each new administration, however, can be best described as benign neglect... Even Trump took well over a year to fulfil his pledge to withdraw from the JCPOA, and when the policy of 'maximum pressure' was finally announced it was initially applied at a pace which continually left advisers frustrated."²²⁴

Biden followed the same pattern, which prompted criticism from a range of international actors, including from a human rights perspective. Human Rights Watch, for example, found that, "The consequences of redoubled US sanctions, whether intentional or not, pose a serious threat to Iranians' right to health and access to essential medicines—and has almost certainly contributed to documented shortages—ranging from a lack of critical drugs for epilepsy patients to limited chemotherapy medications for Iranians with cancer."²²⁵ Nonetheless, Biden continued the sanctions of Trump's maximum-pressure policies in hopes of coercing Iran back to the negotiating table and back into JCPOA compliance. This caused an immediate stalemate, complicating negotiations before they even began. However, because Iranians made clear ahead of time that they were unwilling to return to compliance before the US did so, once the parties did finally get to the negotiating table even after the US agreed to lift the UNSC request to sanction Iran, the chances of revival were already off to a rocky start. Early in Biden's term, Iran continued expanding its nuclear programs and obtaining higher levels of uranium enrichment. However, despite these less-than-ideal starting conditions, each party still maintained a stated desire for the deal's revival as well as the willingness to negotiate, even if there were pre-existing disagreements over core segments of the debate such as making the first move or sanctions.

Why Did Negotiations Continue After the Window of Opportunity Closed?

Even after the window of opportunity to revive the Deal closed by the end of 2021, negotiations continued for more than a year into 2023. Why did negotiations continue and not simply end when there was no more hope of reviving the agreement? First, of course we now have the clarity of hindsight to realize now when exactly the window of opportunity closed.

²²⁴ Louise Fawcett and Andrew Payne, "Stuck on a Hostile Path? US Policy towards Iran since the Revolution," *Contemporary Politics* 29, no. 1 (2023): 13-14, <https://doi.org/10.1080/13569775.2022.2029239>.

²²⁵ Tara Sepehri Far, "'Maximum Pressure': US Economic Sanctions Harm Iranians' Right to Health" (Human Rights Watch, October 29, 2019), <https://www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health>.

But additionally, just as each party did not want to be the one to make the first move to reintegrate itself back into compliance, it can be understood that both leaders also did not want to make the first move to withdraw from the Deal altogether. Even after Raisi entered office, it was still both parties' official stances that their national interests dictated that the JCPOA was still beneficial to all parties involved. On the American side, Biden ran for president on the platform of revival, and he maintained this stance until he was recorded, unknowingly, saying the Deal was dead in December of 2022. But even then, he stated it plainly: the US will not announce that it is dead, but it was. On the Iranian side, the Raisi administration maintained the stance that they are in favor of the JCPOA, even though the nuclear program activities within Iranian borders continued to be in violation of the agreement.

External actors involved in the JCPOA also played a large role to keep the Deal alive, especially the E3 (France, the United Kingdom, and Germany). First, from a more power-focused perspective, the EU maintained relevance and exerted soft power in the international system by continuously serving as the mediator between the US and Iran during the many years of negotiations leading up to the JCPOA, as well as after in the attempts to revive it. As a stakeholder in the agreement itself and by serving as a mediator, the EU "can itself be considered a significant counterweight to Washington and Trump's rhetoric."²²⁶ Further, the EU thus has a "moral responsibility" to uphold the agreement, being a signatory and treating the Deal not just as a bilateral agreement between the United States and Iran, but a multilateral agreement in which every signatory plays its own role in maintaining its existence.²²⁷ Secondly, the EU also was a major stakeholder as a signatory of the Deal, and has its own interests in preserving the agreement. According to Belal, "the EU considers the Middle East as a region important for its own security. Contrary to the US, the EU has limited interest in the Middle East, in which, if unstable, can create security issues for it, in terms of a refugee crisis and the spread of terrorism in its neighborhood. Hence the EU views the JCPOA as a political agreement, where the EU, as a global actor, bolsters the Non-Proliferation regime and keeps Iran from acquiring nuclear weapons, henceforth contributing to the stability of the Middle East while keeping 'enough' relations with Iran through bilateral trade without antagonizing Washington."²²⁸ Thus, the European stakeholders in the JCPOA played a large role in prolonging negotiations even after the chance to revive the Deal closed.

²²⁶ Kulsoom Belal, "Uncertainty over the Joint Comprehensive Plan of Action: Iran, the European Union and the United States," *Policy Perspectives* 16, no. 1 (2019): 30, <https://www.jstor.org/stable/10.13169/polipers.16.1.0023>.

²²⁷ Belal.

²²⁸ Belal.

Chapter 3: Discussion

What are the implications of the failed negotiations for the future of Iran's nuclear program, and more broadly for the nuclear nonproliferation regime? In this brief concluding chapter, I discuss two major implications for Iran as a nuclear threshold state: first, putting the nuclear taboo at risk in the international system; second, prompting an arms race in the Middle East. Both of these possibilities call for a new diplomatic approach to contain Iran's nuclear programs in the interest of stabilizing the Middle East. This question provides opportunities for future research, including around the formation of a Nuclear Weapons Free Zone in the Middle East.

Iran Now: Nuclear Hedging in an Era of Regional Instability

If we adopt the stance covered in the literature review that Iran is indeed pursuing a hard hedging strategy and is slowly becoming a nuclear threshold state. According to Moran and Bowen, Iran has been pursuing a hedging strategy dating back to 2003, as evidenced through its technical, narrative, and diplomatic behaviors.²²⁹ For example, in the technical realm, Iran continues to exhibit “opaque proliferation towards nuclear latency,” meaning that the government is perpetuating narratives that it is not aiming to develop a nuclear stockpile, despite expanding on its nuclear programs (primarily through uranium enrichment) beyond the capacity for civilian use without public acknowledgement.²³⁰ Domestically, Iran also perpetuates “narratives constructed around nuclear activities and development,” and internationally through domestic activity, is typically “related to explaining and justifying nuclear behavior.”²³¹ Iran justifies their nuclear program through an emphasis on their status as an independent sovereign state, so it has the right to continue growing its nuclear program without international actors such as the IAEA interfering.²³² Although the details of this behavior have shifted somewhat in recent post-JCPOA years, it continues in similar patterns and meets the criteria designating a hedging strategy—denying its desire for nuclear latency in the international community while still making moves towards latency behind the scenes—a key criteria for a state to be designated as a nuclear hedger. Yet considering the current nature of the Palestine conflict and Iran's proxy attacks escalating the conflict, and the lack of agreements restraining Iran's nuclear programming (other than the NPT, which allows for uranium

²²⁹ Wyn Bowen and Matthew Moran, “Iran's Nuclear Programme: A Case Study in Hedging?,” *Contemporary Security Policy* 35, no. 1 (2014): 26–28, <https://doi.org/10.1080/13523260.2014.884338>.

²³⁰ Bowen and Moran, 28.

²³¹ Bowen and Moran.

²³² Bowen and Moran.

enrichment on the grounds of peaceful civilian use), talk around the Iran nuclear program has taken a surprising backseat in international debate since the resurgence of the Israel- Palestine conflict last October. However, considering Iran's pivotal role in current regional escalations, the implications of the future of Iran's nuclear program must be addressed with more urgency in the international system.

Implications of Iran as a Threshold State

Rogue State or Rational Actor?

Many of the predictions for the future of the Middle East and Iran's role in challenging the nonproliferation regime depend on whether international actors view Iran as either a "rogue state" or a rational actor in the international system. The term "rogue state" can easily be criticized for its representation of "a politicized term that lacks analytical power," aiming to simply delegitimize and stigmatize states in the international community.²³³ In this view, the US's treatment and narrative of Iran as a 'rogue' state is an instrumentalization of the term to delegitimize Iran's ability to pursue nuclear proliferation and harbor international support for Iran's containment.²³⁴ This brings us back to Waltz's argument on Iran: "One reason the danger of a nuclear Iran has been grossly exaggerated is that the debate surrounding it has been distorted by misplaced worries and fundamental misunderstandings of how states generally behave in the international system."²³⁵ This argument assumes that Iran is an irrational actor that cannot be trusted with a nuclear weapon. Waltz goes so far as to argue that an nuclear weapon- possessing Iran could balance power in the Middle East, in a constant struggle for Israel's adversaries to balance their influence as the only nuclear state in the region. Additionally, according to Edelman, et al., "[...] although Iran can be aggressive at times, it also regulates behavior to avoid provoking retaliation," providing more evidence for it being a rational actor in the international system.²³⁶ Although this was written regarding its hedging strategy before the JCPOA, we can see even more evidence for this argument in subsequent years—even while perpetuating regional instability, Iran's actions are not irrational nor uncalculated. In fact, the ongoing shadow war, use of proxies to carry out attacks on

²³³ Martin Beck and Johannes Gerschewski, "On the Fringes of the International Community: The Making and Survival of 'Rogue States,'" *Sicherheit Und Frieden (S+F) / Security and Peace* 27, no. 2 (2009): 84–85, <https://www.jstor.org/stable/24232708>.

²³⁴ Ali Mostashari, "Iran: Rogue State?," *The Audit of Conventional Wisdom* (Cambridge, Massachusetts: MIT Center for International Studies, September 2005), https://www.files.ethz.ch/isn/20563/11-Iran_Rogue_State.pdf.

²³⁵ Waltz, "Why Iran Should Get the Bomb," 4.

²³⁶ Eric Edelman, Andrew Krepinevich, and Evan Braden Montgomery, "The Dangers of a Nuclear Iran: The Limits of Containment," *Foreign Affairs* 90, no. 1 (February 2011): 73, <https://www.jstor.org/stable/25800382>.

adversaries, etc., is a calculated effort to destabilize and exert their power and regional influence. Thus, “Iran’s nuclear strategy in particular seems to suggest rationality rather than rogue behavior.”²³⁷

Iran Putting the Nuclear Taboo At Risk

If the Islamic Republic is a rational actor, then one could also argue that Tannenwald’s theory of the nuclear taboo could apply in the case of Iranian nuclear possession. That is, if is an international norm against the use of nuclear weapons that all rational states follow, then would Iran follow suit? If this were to be true, we could then assume that Iran pursuing the hedging strategy as it is today, does not pose a direct risk to the international standard of the non-use of nuclear weapons. However, regardless of whether Iran can be considered a rational or rogue actor, most scholars agree that Iranian nuclear possession would actually pose a threat to the nuclear taboo. Rather than adhering to international norms, experts argue that Iran challenges them and sets new precedents concerning norms in the region and international system, as most recently exhibited by its new decision to launch attacks directly at Israel for the first time in history. According to Kahn, “Iran is not a status quo state, and its support for terrorists and militants is intended to be for more than just defense and retaliation. Such support is an offensive tool,” which under the circumstances of possessing a nuclear weapon, would allow them to push their regional agenda more aggressively and make their terrorist-designated proxies even more powerful.²³⁸ As Edelman, et al., also note, “Tehran may not be irrationally aggressive, but its leadership structures are opaque. Its rhetoric toward the United States, Israel, and the Arab nations is often inflammatory. And its hostile behavior – including its support for proxies such as Hezbollah, its effort to subvert its neighbors, and its provocative naval maneuvers in the Persian Gulf – could easily trigger a crisis.”²³⁹ If Iran can thus be considered a rational actor in the international system, the risk of it possessing nuclear weapons does not arise from Iran putting its WMDs to use, but rather the response from Iran’s neighbors around the region.

Arms Race in the Middle East?

No matter if Iran can be considered a rational actor or could gain responsibility in its international relations if they come in possession of a nuclear weapon, Iran’s neighbors have

²³⁷ Ali Mostashari, “Iran: Rogue State?” .

²³⁸ Colin Kahl and Kenneth Waltz, “Iran and the Bomb: Would a Nuclear Iran Make the Middle East More Secure?,” *Foreign Affairs* 91, no. 5 (October 2012): 157–58, <https://www.jstor.org/stable/41720870>.

²³⁹ Edelman, Krepinevich, and Montgomery, “The Dangers of a Nuclear Iran,” 73-74.

made abundantly clear that they will not accept proliferation in Iran without responding with their own securitization measures. Tannenwald predicted after Trump abandoned the JCPOA that if Iran decided to reinvest in its nuclear programs, “then an arms race in the Middle East would likely unfold.”²⁴⁰ Saudi Arabia, namely, has even recently amped up its nuclear programs after Iran became much avoidant of IAEA monitoring. Although Waltz, a realist, who is in favor of Iranian proliferation, seems to agree with the risk of an arms race in the Middle East, he claims that this would only contribute further to regional security and deterrence. But others disagree, seeing this risk as a wholly negative regional development: arms races are costly and instead contribute further to regional instability.²⁴¹ This also puts many international stakeholders’ security at-risk, as China, the European Union, Russia, and the United States all have individual vested interests in maintaining peace in the region.

Additionally, regardless of whether Iran should or should not be considered a rational actor in the international system, there is no changing the fact that its neighbors, namely Israel, refuses to treat Iran as anything other than a rogue state. Thus, Iranian nuclear proliferation is deemed altogether unacceptable by Israel, the only nuclear-possessing state in the region. According to Meir, while some American scholars argue that Israel’s possession of nuclear weapons should be enough to deter Iran from attacking Israel, Israeli officials believe otherwise.²⁴² Instead, “Israel rejects the idea that Iran would adhere to the doctrine of deterrence,” thus providing the need for taking “all measures to neutralize such threats” that are posed to Israel’s existence—since Israel perceives Iran to pose an existential threat to the state’s very existence.²⁴³ The most recent escalation between Israel and Iran should be a sign that Iran is willing to pursue its nuclear program to directly threaten and instigate conflict with Israel.²⁴⁴ This stance and risk alone is enough to show that Iranian proliferation could cause an escalation that poses a risk to the nuclear taboo, and thus, policies of nonproliferation and disarmament should be utilized against Iran as regional tensions rise. However, the JCPOA being the main force behind Iranian containment, new strategies must be explored.

Possible Solutions: A Nuclear Weapons Free Zone in the Middle East

The concept of establishing a Nuclear Weapons-Free Zone (NWFZ) in the Middle East

²⁴⁰ Nina Tannenwald, “The Vanishing Nuclear Taboo?,” *Foreign Affairs* 97, no. 6 (December 2018): 16–24, <https://www.jstor.org/stable/10.2307/26797928>.

²⁴¹ Interview.

²⁴² Alon Ben-Meir, “Israel’s Response to a Nuclear Iran,” *International Journal on World Peace* 27, no. 1 (March 2010): 63, <https://www.jstor.org/stable/20752917>.

²⁴³ Ben-Meir.

²⁴⁴ Diaz-Maurin, “Why Iran May Accelerate Its Nuclear Program.”

dates back approximately fifty years, when Egypt, with Iran's support, formally proposed the idea to the UN General Assembly (UNGA) in 1974.²⁴⁵ Originally, the ideological basis for the zone was to prevent Israel from amassing a nuclear arsenal and prevent a security dilemma from beginning.²⁴⁶ The movement has made many advancements in years since, to the point of a major landmark in 2010, when the NPT Review Conference convened, adopting a "consensus on action plan containing a number of practical steps to convene a conference in 2012 that would launch a process to create the desired zone with the full support and engagement of the nuclear-weapon states."²⁴⁷ However, today, the WMDFZ in the Middle East could be useful to find alternative strategies for containing Iran's nuclear weapons program and preventing an arms race in the Middle East. As Kiyaei argues, "Alongside ridding the region of these catastrophic weapons; the scope of the zone would necessarily involve a closer political climate to implement its technical measures, requiring a valuable instance of collective cooperation in a typically factious context... Thus, the WMDFZ promises not only to advance nonproliferation efforts but also to inevitably open space to discuss a multitude of other security-related challenges facing the region."²⁴⁸ However, many hurdles must be overcome in order to be able to establish diplomatic cooperation throughout the region, especially with challengers of nonproliferation including Iran and, even more so, Israel. Although these obstacles seem tremendous, considering the shared identities, similar regional interests, etc., around the region, it may be easier to reach a regional agreement for the purpose of Iran's containment than it is with Western actors like the US and EU. Thus, this possibility provides opportunities for further research.

Conclusion

The international system now faces a new era of uncertainty as Iran continues to pursue its hedging strategy. Had former President Trump not withdrawn from the JCPOA, Iran would not have been able to continue down the hedging path so fervently. Withdrawing from the Deal was a huge loss on these terms. In the end, the agreement was not destroyed by Iran as a rogue state, but by the self-proclaimed defender of the rules-based order. The JCPOA was also

²⁴⁵ Paul Ingram and Emad Kiyaei, "Middle East WMD-Free Zone: Thinking the Possible," *The Cairo Review of Global Affairs*, Fall 2019, <https://www.thecaireview.com/essays/middle-east-wmd-free-zone-thinking-the-possible/>.

²⁴⁶ Wael Al Assad, "The Quest for a WMD Free Zone in the Middle East: History, Lessons Learned, and the Way Forward," *Journal for Peace and Nuclear Disarmament* 5, no. 1 (2022): 115, <https://doi.org/10.1080/25751654.2022.2085429>.

²⁴⁷ Al Assad, 118.

²⁴⁸ Ingram and Kiyaei, "Middle East WMD-Free Zone."

created under conditions that we have seen are extremely difficult to replicate—under the leadership of two moderate, cooperative presidential administrations who seized the opportunity to form an agreement when the timing was ripe.

Although Biden attempted to revive the Deal early on, his refusal to roll back Trump-era sanctions started negotiations off on a bad foot. Once the parties did agree to finally get to the negotiating table, the time window to revive the Deal while Rouhani was still in office was too short. Once Raisi ascended to the Iranian presidency, this window of opportunity closed. Raisi's delay in returning to the negotiating table first made the "ripeness" of a potential agreement fade. Second, his party's hardline policies that criticized the West and appealed to the East, including by providing support to Russia in its war against Ukraine, solidified the JCPOA's death. By then, it was virtually impossible for the Biden administration to continue any level of diplomatic collaboration with Iran. On the Iranian side, leaders would also be hesitant to form another agreement with the US that is not ratified by Congress to prevent future presidents from withdrawing from the Deal like Trump did.

As a result, Iran is left without any additional constraints on its hedging strategy. While Iran is a signatory to the NPT, the NPT is not enough to prevent Iran from continuing down the path of nuclear hedging. Under the Treaty, it is still free to expand nuclear programs for peaceful, civilian use. Iran maintains that peaceful nuclear programming is still its only goal, despite far surpassing civilian-level enrichment requirements. Thus, an additional agreement is still necessary to prevent Iran from developing nuclear weapons—an important goal in the interest of stabilizing the MENA region. Instead, scholars now argue that if a new agreement involving Iran were to be made, it would have to be among Middle Eastern countries, perhaps in the form of a Nuclear Weapons Free Zone agreement. This would require a different diplomatic approach than the strategies that Western countries have taken in the past. Without a new approach in the framework to contain Iran, the Islamic Republic will continue to pursue its hard hedging strategy so that one day, it may possess nuclear weapons.

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