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Finding the Sweet Spot: Can the Iran Nuclear Deal Be Saved?

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About the Author

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Finding the Sweet Spot: Can the Iran Nuclear Deal Be Saved?

Summary

In his statement on 12 January, President Trump made clear that he will not renew sanctions waivers on Iran unless what he sees as key flaws in the 2015 nuclear deal are fixed. The US Administration is trying to persuade other parties to the agreement to help address US concerns. The focus is on the agreement's European signatories, particularly France, Germany and the UK – the E3. Yet the Europeans strongly support the agreement. And Iran is complying with the agreement in every material respect. There is no chance that Iran would agree to re-negotiate aspects of the deal and there is a risk that unilateral attempts to impose further burdens on Iran would lead to Iran walking away, blaming the US. Can this impasse be resolved? If it is not, a reversion to dangerous confrontation between Iran and the US is easy to imagine.

This paper argues that, despite this unpromising background, there are ways for Europeans to address President Trump's concerns in a manner that would not lose Iran – provided both sides want to find a solution.

The elements of a European approach might include:

- Public European acknowledgement that if Iran were to return in future to an unlimited and practically inexplicable nuclear programme which revived fears of a covert military programme, then the collaborative approach of the Joint Comprehensive Plan of Action (JCPOA) would be seriously, perhaps fatally, undermined.
- E3/US agreement that there should be purposeful discussions with Iran about this before the agreement's next key stage in

2023 ("Transition Day"), perhaps initiated by the EU High Representative, reporting to the ministers of parties to the agreement.

- Agreement to commit resources to support monitoring of continuing Iranian compliance with the JCPOA and to be clearer about what would happen if Iran was believed to be in breach.
- Joint warning of the consequences if Iran were to develop a genuine inter-continental ballistic missile.
- In return, a positive US commitment to making the deal work and to fulfilling its JCPOA commitment not to stand in the way of Iran deriving economic benefits from the lifting of sanctions.

A solution on these lines might be less than the US would like and more than Iran thinks fair. But both sides will have to weigh their options if the JCPOA disintegrates. The US would not welcome another nuclear crisis; nor would resolution of issues like North Korea be eased if the US was seen to renege on an agreement which it entered voluntarily. If the US withdrew from the JCPOA, a deep wedge would be driven between the US and some of its closest partners. And, if Iran revived its enrichment programme, untrammelled by the JCPOA, the US would face troubling policy choices. Iran for its part would have to consider the international, economic and domestic political implications of abandoning a deal that offers the best external hope of providing the economic boost which Iran needs, even if the benefits have been slower to materialise than they expected.

Whether political leaders in Washington and Tehran would accept a solution similar

to that outlined here will depend on many factors. But in any case, they should be pressed to answer a simple question: if the JCPOA is lost, then what happens?

Introduction

Despite the enthusiasm with which the JCPOA was welcomed around the world, its future hangs in the balance. President Trump has never disguised his strong dislike of the agreement and this has surfaced particularly each time he has been asked to renew US sanctions waivers. When he renewed the waivers most recently, on 12 January, he made clear that he would not sanction a further renewal, due on 12 May, unless flaws in the deal were fixed.

US officials are now fanning out to engage, particularly with the European parties to the JCPOA (France, Germany, the United Kingdom and the European Union's High Representative for Foreign Affairs and Security Policy), in an effort to bring others on board to address President Trump's concerns. The message is clear: if you want the deal to survive, you must help us find an approach which President Trump can live with.

"If the US withdrew while Iran was compliant, the cost in transatlantic trust would be deep and long-lasting."

There are many compelling arguments why the European parties to the JCPOA should be active in proposing possible solutions. The 2015 agreement saw the US and Iran step back from what appeared to be an increasingly probable clash which would have added yet more instability to the Middle East. European security and prosperity would both be harmed by a reversion to confrontation: Tehran is closer to European capitals than it is to Washington. And if the US withdrew while Iran was compliant, the cost in transatlantic trust

would be deep and long-lasting – especially as the Europeans would have to react if their companies were penalised by re-introduced US secondary sanctions. Those who seek to undermine US/European links would rejoice.

In wrestling with this challenge, the Europeans will be conscious that the US is not the only party to the agreement that must be satisfied. The nuclear deal has been controversial in Iran too. It was accepted only reluctantly by conservative opponents of President Rouhani and by the security establishment. And it has so far delivered fewer benefits to Iran's economy than President Rouhani predicted.

The question, therefore, is whether the Europeans can find a sweet spot that sufficiently addresses the concerns of US sceptics without making the agreement indefensible in Iran's perpetually heated domestic political environment. European partners need to develop a package of positive proposals – and demands – aimed at satisfying the US that its concerns about and around the agreement have been addressed.

This paper examines where such a sweet spot might be found. It recognises that, in the end, decisions in Washington and Tehran will be political rather than technical and that many of those involved may be in the uncomfortable position of not knowing exactly what might be saleable at the highest levels in both capitals until the last minute.

Nevertheless, it is possible to envisage an approach which, on the substance, would give the US sufficient reassurance to allow the agreement to survive. Given the consequences for any party if the Americans walk away from an agreement that has been so widely endorsed by the international community, there is room for cautious optimism that a way through can be found.

Principles

In seeking to address concerns about the JCPOA, a few basic principles are important:

- The precise terms of the existing agreement must be respected. The nuclear agreement was exhaustively and minutely negotiated over many months. Except for the US, all parties to it have repeatedly underlined their support for the JCPOA and therefore the delicate balances within it. Any idea of renegotiating the deal is illusory. Any outcome which tries unilaterally to place changed obligations on a party to the agreement will fail.
- The parties must resist any temptation to endorse 'creative' interpretations of the JCPOA which are inconsistent with the consensus understanding of the meaning of its provisions as it was negotiated. This is not the moment for short cuts which undermine confidence in the good faith of the parties.
- Any solutions to US concerns should not mean automatic, hair-trigger responses by the E3 other than in the event of a major breach of Iran's existing commitments. What the E3 can do is set out the approach they will adopt towards different contingencies. But they should not become hostage to behaviour by any other party to the agreement that drives the JCPOA off the edge of a cliff.

What needs to be addressed?

Judging by US statements, there are four main objections to the JCPOA. These are addressed in turn, looking both at what the Europeans could propose and at what might be viable in bipartisan amendments to the US's 2015 Iran Nuclear Agreement Review Act (INARA) for which President Trump has called.

1. Sunset provisions

The Issue. The JCPOA envisages that key constraints on Iran's nuclear programme will lapse over time. For example, limitations on advanced centrifuges begin to be progressively relaxed from 8 years into the agreement (ie in 2023); restrictions on centrifuge production lapse after 13 years (in 2028); constraints on Iran's stockpile of enriched uranium last for 15 years (until 2030). Some provisions last for 25 years – until 2040 - (eg enhanced IAEA monitoring) and some have no time limit (eg Iran's implementation of its IAEA Additional Protocol). These time limitations have always been the main criticism of the agreement: after about 10 years into the agreement, and depending on Iran's policy choices, the break-out time for Iran to produce a nuclear device could fall sharply from the twelve month period which the JCPOA achieves.

These sunset provisions do not make the JCPOA a bad agreement. But given Iran's historical concealment of aspects of its nuclear programme it is legitimate to ask how we can be confident that a less constrained nuclear programme will not pose similar dangers to that of the past. To use Prime Minister Netanyahu's phrase, the JCPOA must not 'pave Iran's way to a bomb'.

What Can Be Done? This is a fundamental issue, even though Iran's potential break-out time will not reduce for nearly another 8 years, during which time the constraints on the nuclear programme will remain comprehensive and fully effective. There is no chance of altering the duration of the agreement at this stage. What is needed now is a political commitment that opens the way to a technical solution when it is needed.

E3/EU+US

The European partners in the JCPOA need to assure the US that if Iran sought to revert to a large scale (the Supreme Leader has in the past spoken of 190,000 SWU)

enrichment programme for which there were inadequate constraints and no plausible civil usage or economic rationale, they would join the US in decisive action to dissuade and prevent; and that they would not be deterred by the damage which might be done to their growing economic links with Iran, including by broad spectrum sanctions.

This needs to be done with care. Iran would point out that the sunset provisions are a vital component in the agreement. The agreement itself records Iran's intention that the limitations imposed by the JCPOA should "be followed by a gradual evolution, at a reasonable pace, of Iran's peaceful nuclear programme, including its enrichment activities, to a commercial programme for exclusively peaceful purposes, consistent with international non-proliferation norms". The preamble to the agreement also says that, "successful implementation of this JCPOA will enable Iran to fully enjoy its right to nuclear energy for peaceful purposes under...the Non-Proliferation Treaty in line with its obligations therein, and the Iranian nuclear programme will be treated in the same manner as that of any other non-nuclear weapon state party to the NPT".

These provisions should not, however, be interpreted as a blank cheque. If the international community had legitimate concerns as to whether the purpose of a nuclear programme was exclusively peaceful – as it has had in the past – then the premise of these provisions would be false. Under those circumstances, the basis of the JCPOA would no longer make sense.

The Europeans should therefore make clear, jointly with the United States, that before Transition Day (ie within 8 years of the 2015 start of implementation) purposeful discussions should be underway which will give other parties to the JCPOA confidence in Iran's future nuclear programme. They would agree that before Transition Day they would collectively review the long-term sustainability of the JCPOA in the light of these discussions.

Timing will be critical. How to make sufficient progress early enough to convince the US that a solution can be found; yet without appearing to coerce Iran or add new conditions to the JCPOA? Demanding formal negotiations now would set things up for failure. One approach would be for the EU High Representative, as co-ordinator of the JCPOA Joint Commission, to be charged with starting a dialogue which would report back to the ministerial meetings of the parties demanded by the JCPOA. At the right point, these discussions could be multilateralised: probably through the Joint Commission of the parties.

"Confidence in Iran's nuclear plans could be achieved in different ways - information exchanges on forward plans, unilateral limitations, agreed constraints or new means of offering reassurance."

Confidence in Iran's nuclear plans could be achieved in different ways – information exchanges on forward plans, unilateral limitations, agreed constraints or new means of offering reassurance such as regional arrangements for nuclear fuel supply. Such an approach is not a requirement of the JCPOA, but nor is it inconsistent with it given not only Iran's commitment to "gradual evolution, at a reasonable pace" but also that "the full implementation of this JCPOA will ensure the exclusively peaceful nature of Iran's nuclear programme". The JCPOA can only ensure that if it provides a framework for a shared understanding of how Iran's nuclear programme evolves beyond the duration of the various provisions.

The way to express this process and commitment could be through a joint US/E3 statement inviting Iran to begin such timely discussions in order to prevent a reversion to the old pattern of confrontation

that characterised this dossier from 2003 to 2015. It should not be posed as an ultimatum: coercion breeds antagonism rather than cooperation. Rather, it would be a statement of an obvious point: that confidence in the future can only be achieved by further discussion and understanding of Iran's planned programme. Without that, confidence will not have been restored and consequences will flow.

The risk of an enlarged Iranian nuclear programme will not materialise for years to come; nor may Iran yet have certainty about its future plans. The immediate goals are: common resolve among the Western parties to the JCPOA; tacit understanding by Iran that there will have to be further discussions which cover Iran's obligations under the NPT as well as its rights; and reassurance of Washington that the Europeans are as committed as ever to ensuring that under any conceivable circumstances Iran would not develop a nuclear weapon.

In return, the US would acknowledge that this provided a basis for continuing with the JCPOA at least until Transition Day – ie 8 years into the agreement. This would remove, at least for now, the constant cliff-edge anxiety about the deal and would increase business confidence in the viability of commercial links with Iran.

Iran Nuclear Agreement Review Act

Technically there is no need for Congress to address this issue now since it will not materialise for some years. Nevertheless, in his statement on 12 January President Trump made clear that he wants Congressional legislation which would re-activate US nuclear sanctions unless Iran accepted prolongation of the time limits of the JCPOA so that the provisions had perpetual effect.

Such legislation would be a clear breach of the JCPOA. Even if the US argued that it was no more than a statement of US intent to exercise its right to withdraw from the agreement, it would be an obvious effort to coerce a change in the provisions of the

JCPOA and, at least, would be a breach of the 'good faith' provision in the agreement. Such a provocative approach would speak more to a US domestic agenda than to a serious attempt to resolve what the US considers to be weaknesses in the agreement.

An alternative approach would be for legislation to require, before Transition Day (ie 8 years into the agreement), an Administration report on the future of Iran's nuclear programme and the degree of confidence in its continuing peaceful nature, including the potential break-out time. Such a report would make recommendations and be the basis for decisions on next steps. These options could explicitly include withdrawal from the JCPOA but should be balanced by a commitment to continue on the JCPOA path if Iran meets US concerns. This would preserve all options while reinforcing the need for purposeful discussions with Iran about its ongoing programme. It would support a process of securing assurances and limitations on Iran's programme by providing an incentive – rather than crude chest-poking of a type which will get the wrong response.

2. Inspection provisions

The Issue. The JCPOA includes provisions for verification, monitoring and IAEA access to facilities which are unprecedented, and which were negotiated in great detail. Unprecedented but not unlimited. Most contentious were the arrangements for IAEA access to undeclared activities or locations where it has concerns about compliance with the JCPOA. The convoluted process under these circumstances could allow Iran to drag its feet for some 24 days before access occurred. While most experts see these provisions as awkward rather than a serious flaw, Iran has not helped its case by allowing generals to claim that under no circumstances would Iran permit access to sensitive military installations. This would be contrary to Iran's Additional Protocol and therefore to the JCPOA. In practice, Iran has not so far raised objections to any IAEA inspections.

Given the consequences for Iran if it was widely suspected of breaking its JCPOA obligations, the likelihood of Iran undertaking clandestine nuclear activity seems very low.

A second verification concern relates to the provisions (Section T) on activities which could contribute to development of a nuclear weapon. Here the problem is that activities such as computer modelling are extremely difficult to detect.

What Can Be Done? As noted above, the inspection and verification provisions in the JCPOA are extensive and detailed. There is no chance of renegotiating them with Iran. But nor is there any need to renegotiate them given that the IAEA are being given the access they need. As the Director General of the IAEA has said, "With Iran's Comprehensive Safeguards Agreement and, in particular, the Additional Protocol, being implemented, we are confident that we can detect diversion of nuclear material, or misuse of nuclear facilities, and any nuclear activities and materials that are not included in Iran's declaration, in a timely manner".

And the position on access to military sites is admirably clear. Again to quote from the IAEA Director General, "There is a view that the Agency should give priority to so-called "military" locations. In fact, our interest is in locations with nuclear material, nuclear fuel-cycle related equipment, and expertise, or combinations of these elements. If we have indications that any of these might be present at a location, including one that has not been reported to us, we can have access to it under the Additional Protocol using what we call "complementary access." Whether or not a particular location is civilian or military is not relevant for the Agency". The Director General has further reported that Section T of the JCPOA is being addressed using the tools available to the IAEA under the Additional Protocol.

E3/EU+US

Nevertheless, it may be possible to do more to reassure the Trump Administration that other parties are determined to detect Iranian breaches of the JCPOA should they arise; and to define what consequences would flow if Iran was believed to be circumventing the nuclear provisions.

"There should be a private agreement between the US and E3 governments about the priority that will be given by national intelligence resources to monitoring Iran's nuclear programme."

First, there should be a private agreement between the US and E3 governments about the priority that will be given by national intelligence resources to monitoring Iran's nuclear programme, including its procurement. It is not difficult to imagine that, as Iran is reported to continue to comply with the JCPOA, the national resources devoted to the dossier might be reassigned to other priorities. The E3 should offer specific reassurance that this will not happen.

Second, European Governments should send a strong message that they are willing, with others, to ensure long-term funding and development of IAEA capability. The Agency needs to be able to continue to develop cutting-edge means of verification consistent with the JCPOA.

Third, there should be a clearer agreement between the US and E3 governments about how they would deal not only with a major breach of the restrictions in the JCPOA but also foot-dragging and obfuscation which caused reasonable suspicion that Iran was no longer compliant. This is difficult to frame given that in many cases a degree

of judgement would be needed. However, there would be reassurance in a joint and public commitment now that if IAEA concerns about material compliance could not be met then the US and E3 would work in lock-step through the Joint Commission and ultimately the UN Security Council, including the possibility of snap-back of UN sanctions as provided for by the JCPOA.

Iran Nuclear Agreement Review Act

It will of course be open to Congress and Administration to define in advance how the US would respond to Iranian non-compliance. What it should not do is seek through domestic legislation to change the intricate and successful provisions of the JCPOA. If it ain't broke, don't fix it.

3. Ballistic Missiles

The Issue. The size and composition of Iran's arsenal of missiles is regarded by many in the region as a threat to security; Iran argues that, surrounded as it is by potential enemies, missiles are essential to its national security. During the JCPOA negotiations attempts to include additional constraints on ballistic missiles were rejected by Iran. Under UNSCR 2231, United Nations-imposed limitations on Iran's ballistic missile programme (which Iran has consistently ignored) will be lifted 8 years into the agreement.

While one can debate whether fears over Iran's current ballistic missile programme are exaggerated when compared to the firepower of others in the region, if Iran were to develop an inter-continental missile, that would represent a new and dangerous threat.

What Can Be Done? In a narrow sense, Iran is correct to argue that its ballistic missile programme is unconnected to the JCPOA insofar as the agreement does not impose new constraints on it. Still, all parties to the JCPOA will judge the success of the agreement and therefore their long-term commitment to it in the wider security

context. There is a convincing argument that, by removing any imminent nuclear threat, the JCPOA made the ballistic missile programme less dangerous; and that abandoning the nuclear deal in protest against a missile programme would be the tail wagging the dog.

“There is little indication that Iran currently intends to move towards a ballistic missile with true intercontinental reach.”

Nevertheless, President Trump's 12 January statement asserts that the nuclear and missile programmes are inseparable and argues for an agreement that multilateral sanctions would be imposed if Iran developed or tested long-range missiles. There is a point here: although conventionally-armed ICBMs are possible, they would certainly decrease the security of a country like Iran given that even the threat of their use against a target in Europe or North America would invite a crushing response. For Iran, an ICBM would only make sense if there was the intention to develop a nuclear warhead.

In fact, there is little indication that Iran currently intends to move towards a ballistic missile with true intercontinental reach. Even if it did, the time scale would be long: in 2015 the then US Defence Secretary told Congress: “I wouldn't rule out that in 10 years Iran could progress to an ICBM”. Since the conclusion of the JCPOA in 2015, the pattern of Iranian missile testing suggests a move away from long-range, liquid-fuelled missiles and towards shorter-range weapons which, while dangerous, do not pose the same risk or signal the same intent as an ICBM.

E3/EU+US

It should, therefore, be feasible to reach agreement between the US and E3 that if Iran was to acquire or develop an intercontinental ballistic missile, that would lead to the imposition of broad economic sanctions –

which could lead to termination of the JCPOA.

It would be easy at this point to get bogged down in technical detail: how to distinguish military and satellite launch capability? What characteristics would identify an ICBM? At what stage of development should sanctions be imposed? Development of what technologies would trigger action?

Missile experts and national intelligence specialists may be able to produce some plausible definitions. But rather than set lines which define the outer limit of tolerated Iranian activity, it may be better simply to establish the principle of a collective response to an Iranian ICBM. In practice there would be unlikely to be much disagreement about what a programme to develop an ICBM would look like.

At the same time, the national resources used to support verification of the JCPOA should also focus on enforcing the restrictions on Iran's procurement in support of its missile programme for as long as those restrictions take place.

Iran Nuclear Agreement Review Act

The ballistic missile programme has acquired great significance in the eyes of US legislators. It would be possible for US legislation to determine how the US would respond to development of an ICBM. An attempt to link the future of the JCPOA to other forms of missile would very probably fail since Iran's leaders see the missile programme as part of their means of deterring attack on their country.

4. Iran's Regional Behaviour

The Issue. Iran's regional policy is not strictly associated with the JCPOA, which was always envisaged as an agreement on the nuclear issue alone. There is little evidence that Iran's regional assertiveness has been fuelled by the nuclear agreement rather than by the opportunities (and in some cases, risks) flowing from turmoil in Syria, Iraq and Yemen.

Critics of the deal nevertheless argue that Iran uses adherence to the JCPOA as leverage to dissuade other countries from vigorously countering expansionist activity in the region. While this is highly debateable, the argument for concerted efforts to limit Iran's role is strong – albeit not new.

What Can Be Done? President Trump's scepticism about the nuclear deal has already galvanised European partners into considering what more they can do to strengthen the resilience of countries who are under pressure from Iranian activity, and to erode its effectiveness. This is ongoing work rather than a new chapter.

"It is important that Iran does not come to believe that it can use cyber attacks against other countries without itself suffering targeted consequences."

These containment efforts need to include a concerted, covert and punitive approach to Iranian cyber aggression. It is important that Iran does not come to believe that it can use cyber attacks against other countries without itself suffering targeted consequences. There should also be increased action to reduce Iran's ability to export missiles and other weapons in breach of UN Security Resolution 2231. European partners all have assets that can be used to increase the cost – notably the economic cost – of IRGC-led adventurism beyond Iran's borders.

Conversely, European countries should resist US pressure to designate Hezbollah as a terrorist organisation – as opposed to its military wing, which is already so-designated under EU legislation. Difficult as it may be to draw a clear line between Hezbollah's political and military components, Hezbollah is a core part of Lebanon's government and it represents a substantial proportion

of the Shi'a population. To place it outside engagement to preserve Lebanon's fragile stability would be to aim for uncertain tactical effect at the price of increased strategic risk.

"If its European partners are to increase efforts to push back on Iran's influence in the Middle East, the US should commit to using its influence with its friends in the region."

But if Washington's European partners are to increase efforts to push back on Iran's influence in the Middle East, the US should also commit to using its influence with its friends in the region. In particular, Saudi Arabia's brutal war in Yemen eliminates the moral high ground in criticising Iran's support for the appalling Assad regime in Syria. Its clumsy interventions in Lebanese politics simply strengthen Iran's influence.

Riyadh's rejection of Iran's overtures to talk to about regional security architecture, including Yemen, may be born of deep scepticism of Iran's seriousness but they should be tested in a framework that exposes both sides to scrutiny.

The US and its partners can continue to address the symptoms of Iran's security policy but its causes can only be dealt with through negotiations among the region's key players.

Iran's Position

In calculating what might be needed to ensure that the US sticks with the JCPOA, European governments will be aware of the need to keep Iran on board too.

Iran has achieved economic benefit from the agreement but not to the speed and scale which it anticipated. There are several reasons for this, including the state of Iran's economy. But it would also argue that the

restrictive and sometimes menacing way in which the US has approached sanctions relief has been a major factor and is inconsistent with the JCPOA provision in which the US undertook to use "best efforts in good faith to sustain this JCPOA and to prevent interference with the realisation of the full benefit by Iran of the sanctions lifting".

Inevitably Iran's representatives will emphasise the potential for unravelling support for the JCPOA in Tehran because the agreement is not delivering all the anticipated economic benefits. There is a risk that actions by other parties – particularly those that intrude on Iran's nuclear plans after provisions of the JCPOA lapse – could tip the balance fatally. This may not be a matter simply of calculating material outcomes – national pride can also play a part if Iran feels that it is being conned or disrespected.

However, this should not be exaggerated. Iran would gain little advantage but would incur considerable risk if it returned to a substantial enrichment programme. It would also damage not only the economic benefit that Iran is gaining from the JCPOA, but also the possibility of progressively greater benefit in the future. In the context of popular dissatisfaction with Iran's economic prospects, this would be a bad development.

It is also important to note that the proposals set out above would have no immediate effect on the implementation of the JCPOA. Iran would not need to respond to them at this point.

What Europe needs from the US

The Europeans ought not to scramble to meet Washington's concerns without insisting on their own requirements. In particular, the US must do more to meet its own obligation not to obstruct the economic component of the agreement. That means certifying compliance with the JCPOA as required under INARA. This would be a necessary indicator of US intention to remain in the JCPOA subject to Iran's compliance.

It should also include unblocking many of the legitimate license applications which are stuck in the Office of Foreign Assets Control – including licences for aircraft purchases. And the US should make clear that non-US companies will not be punished for inadvertent breaches of US legislation where the companies can show a serious, good faith effort to achieve that compliance.

The Europeans will have a legitimate argument that if the US and others want supplementary agreements on Iran's nuclear programme, then they have to make a success of the one already in force.

The Europeans should also make clear that if the US withdraws unilaterally from the JCPOA, then they will endeavour to continue their JCPOA commitments. This will not be easy – reimposed US secondary sanctions would cast a long shadow over EU/Iran trade links. But EU Member States should be ready to respond robustly to the imposition of swingeing penalties on EU companies that have acted in good faith and should be prepared to extend non-dollar lines of credit and credit guarantees to preserve as much of the deal as possible.

Lastly, one point on which almost all parties probably agree is that the requirement placed on the US President by the Iran Nuclear Agreement Review Act of 2015 to certify Iranian compliance every three months is unhelpful in creating unwanted decision points too frequently. So too is the requirement for frequent roll-over of sanctions waivers. These should be rescinded.

Conclusion

The approach set out above should go a long way to reassuring the US that the Europeans remain committed to preventing Iran from developing or acquiring a nuclear weapon under any future circumstances; and that they would not allow commercial considerations to stand in the way. It would also give a commitment to ensuring that the

already effective verification provisions of the JCPOA are reinforced by national action. It would make clear that the Europeans, as much as the US, are determined to dissuade Iran from developing an ICBM. And it would encourage action to resist Iran's destabilising actions in the region.

In return, the US would have to do substantially more to abide by the spirit of its own commitments under the JCPOA and to signal that it is now committed to the JCPOA at least up to and through Transition Day.

Whether all this would be enough to persuade President Trump is unclear. But the US will have to weigh all the negative consequences of withdrawal from an agreement that has support from a substantial plurality of the international community. The Europeans will also be acutely aware that if the US does withdraw, there will be an onus on them to show how they could preserve as much as possible of the economic benefit from the agreement, given that Iran will have fully lived up to its obligations.

This would pitch the Europeans into uncomfortable company with Russia, China and Iran. Such a division between the US and some of its closest allies would cause as much dismay in European capitals as it would glee in some others.