

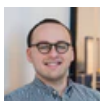
What Happens If Trump Doesn't Certify Iran As Compliant With JCPOA?



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Takeaways

If Donald Trump fails to certify Iran as compliant with the Iran deal, it has several serious consequences for America's national security:

- The united front with our allies and partners against Iran will crumble.
- Our biggest worry—a nuclear-armed Iran—will be more likely.
- America's options on Iran will narrow and neither are good.

Stopping Iran's nuclear weapons program has been a bipartisan goal for multiple administrations. In 2015, when President Obama negotiated the **Joint Comprehensive Plan of Action** ("JCPOA"), Iran's estimated "breakout time" to

produce fissile material for one nuclear weapon was only two months. Today, it is one year. Despite this, the JCPOA remains controversial. Republicans oppose its framework—sanctions relief in exchange for a freeze of Iran’s program, a robust inspection regime, and a permanent commitment not to build nuclear weapons—saying it gives Iran too much economic relief, doesn’t last long enough, and fails to address Iran’s other problematic behavior in the region (e.g., supporting the terrorists groups Hezbollah and Hamas, developing ballistic missiles).

The JCPOA is not a treaty, hence it did not need the Senate’s approval to take effect. In a sense, it was just a diplomatic “handshake” between the United States, Iran, China, Russia, France, the United Kingdom, and Germany. Nevertheless, Congress sought to give itself an oversight role, passing legislation—the 2015 **Iran Nuclear Agreement Review Act** (INARA)—that requires the President to certify Iran’s compliance with the JCPOA every 90 days. If the President fails to certify Iran as compliant, INARA triggers a process by which Congress can re-impose U.S. sanctions that were lifted under the JCPOA.

During the 2016 campaign, President Trump often lambasted the JCPOA, saying he would rip it up as soon as he got into office. Since becoming President, however, he has twice grudgingly certified Iran as compliant, most recently on July 17. But he has also hinted he might not do so again on October 15, when the next certification is due even though the International Atomic Energy Agency (IAEA), the UN organization responsible for assessing Iran’s compliance, says Iran is complying with its obligations.

What are the Domestic Consequences of Failing to Certify?

INARA defines two actions that initiate a 60-day window when Congress can reimpose sanctions on Iran: withholding certification of compliance,¹ or issuing a report to Congress that Iran is in “material breach” of the JCPOA.²

If President Trump became aware of a material breach, INARA requires him to notify Congress and then, 30 days after that, submit a report on what it would take for Iran to cure it. The submission of that report launches a 60-day window to reimpose sanctions. But finding a material breach is not the only way to launch this window. Merely withholding certification of compliance would have the same effect. One way he can do this is to declare that suspending JCPOA-related sanctions is contrary to the national security interests of the United States, a scenario that seems increasingly probable.³ Trump would likely do this by referencing Iran's ongoing support for destabilizing actors in the Middle East even though such support was not meant to have been addressed by the JCPOA, which dealt strictly with Iran's nuclear weapons program.

What's clear is that Republicans may not even want to reimpose sanctions absent a material breach. Sen. Jeff Flake (R-AZ) said, "I don't think that we should relieve Iran of its obligations. They realize the benefits already of the sanctions relief. And now, to be in a position where they could get out from under the protocols under the agreement, that's what I'm worried about." Sen. Rand Paul (R-KY) and House Foreign Affairs Committee Chairman Ed Royce (R-CA) do not believe Trump should retreat from the JCPOA, with Royce saying the President should instead "enforce the hell out of it."⁴

Also, senior national security officials in the Trump Administration have been affirming JCOPA's value. During an October 3, 2017 hearing of the Senate Armed Services Committee, Senator Angus King (I-ME) asked Defense Secretary James Mattis if he believes it is in America's "national security interest at this time to remain" in the JCPOA, to which Secretary Mattis responded, "Yes Senator, I do."⁵

What are the International Consequences of Failing to Certify?

President Trump's failure to make a certification in JCPOA could trigger a significant international crisis. While this

would not in itself abrogate the JCPOA, it would force Congress to decide whether to re-impose sanctions. If it did so, Iran might declare itself no longer bound to the JCPOA, leading it again to the threshold of producing nuclear weapons.⁶

The United States' international partners would likely refuse to reimpose the sanctions that first led Iran to the negotiating table in 2014, leaving the United States isolated from its allies, who continue to strongly support JCPOA.⁷ During the United Nations General Assembly in September, French President Emmanuel Macron said that “renouncing [the JCPOA] would be a grave error... because it is a good accord that is essential to peace at a time where the risk of an infernal conflagration cannot be excluded.”⁸ Before Germany's parliamentary elections in September, German Foreign Minister Sigmar Gabriel indicated he would do everything possible to persuade the United States not to undermine or leave the JCPOA.⁹ Since releasing sanctions under the JCPOA, Iran has built up significant economic ties with the EU, China, and Russia. It is highly unlikely they would reimpose sanctions at the behest of the Trump administration in the absence of compelling evidence of a material breach by Iran of the JCPOA.

The regional consequences of the JCPOA imploding would be severe. Although Saudi Arabia opposed the JCPOA in 2014 and continues to argue Iran isn't compliant, an implosion of the JCPOA leading to Iran once again pursuing nuclear weapons would dramatically worsen their relationship.

Although Israel was extremely vocal about its opposition to the JCPOA—and Prime Minister Netanyahu still urges President Trump to scrap the deal if he cannot alter it—more and more current and former national security officials in Israel oppose scrapping the deal. For example, Prime Minister Netanyahu's former national security advisor Uri Azad recently traveled to Washington to urge the administration to keep the JCPOA in place, arguing that it would be virtually

impossible to replace the deal with any arrangement that could stop Iran from pursuing nuclear weapons.¹⁰

Further, walking away from JCPOA would leave the U.S. with only one option to stop Iran from building a nuclear weapon —war. Once the Trump Administration voluntarily abandons the hard-won diplomatic solution to freeze Iran’s nuclear program, the only option left on the table to stop Iran from acquiring a nuclear weapon would be military strikes. But having rejected the solution embraced by the rest of the world, the U.S. would have little international support for military action, which would widely be seen as an illegal use of force by the rest of the world. Beyond the condemnation that would come from U.S. strikes, given the large number of declared Iranian facilities that would have to be targeted, the strikes would be seen as an act of war that would pull the U.S. into a wider conflict in the Middle East, in addition to Afghanistan and Iraq. Iran has a significant regional military and would certainly retaliate against U.S. targets and allies in the region.

What to Say If Trump Fails to Certify Iran under JCPOA

- **America’s united front against Iran is crumbling.**
“The U.S. leads a global coalition including China and Russia to stop Iran in its tracks. All the other partners to the deal believe it is working and the international inspectors have verified Iran’s compliance. If the U.S. walks away alone, we won’t be able to rally our allies and partners to our side to deal with Iran.”

- **Our biggest worry—a nuclear-armed Iran—is now more likely.**

“As Defense Secretary Mattis told the Senate, it is in our national security interest to remain in the Iran deal. I agree. The deal wasn’t perfect, but it wasn’t meant to solve every problem we have with Iran. Scrapping an imperfect deal and replacing it with nothing means Iran could start building nuclear weapons again, which would threaten U.S. and our allies.”

- **America’s options on Iran have just narrowed.**

“We had a strong diplomatic effort that stopped Iran. But if President Trump walks away from that approach, America is left with two terrible options – let Iran have nuclear weapons, or engage in a devastating war in the Middle East to stop them.”

END NOTES

1. INARA requires Trump to certify to Congress every 90 days the following four points:
 1. Iran is “transparently, verifiably, and fully” implementing the JCPOA;
 2. Iran has not committed a material breach with respect to the agreement;
 3. Iran has not taken actions that could significantly advance its nuclear weapons program;
 4. Suspension of pre-JCPOA sanctions is “appropriate and proportionate to the specific and verifiable measures taken by Iran with respect to its nuclear program is vital to the national security interests of the United States.”
2. INARA defines “material breach” as any breach by Iran of the JCPOA that:
 1. Substantially benefits Iran’s nuclear program;
 2. Decreases the amount of time required by Iran to achieve a nuclear weapon;
 3. Deviates from or undermines the purposes of the agreement.

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4. Seung Min Kim and Elana Schor, "Republicans might block Trump from killing Iran nuke deal," *Politico*, Oct. 3, 2017. Accessed October 11, 2017. Available at:
<http://www.politico.com/story/2017/10/03/trump-iran-nuclear-deal-republicans-243375>.
5. Dave Lawler, "Mattis says staying in Iran deal is in U.S. national security interest," *Axios*, Oct. 3, 2017. Accessed October 11, 2017. Available at:
<https://www.axios.com/mattis-says-staying-in-iran-deal-is-in-u-s-national-security-interest-2492432687.html>.
6. "Iran could quit nuclear deal if new sanctions imposed," *Al-Jazeera*, Aug. 15, 2017. Accessed October 11, 2017. Available at:
<http://www.aljazeera.com/news/2017/08/iran-quit-nuclear-deal-sanctions-imposed-170815074024093.html>.
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http://www.huffingtonpost.com/entry/europe-iran-sanctions-nuclear-deal_us_59c9772ce4b0cdc77333e758.
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- 10.** Laura Rozen, “Ex-Netanyahu national security adviser urges US to keep Iran deal,” *Al-Monitor*, Oct. 2, 2017. Accessed October 11, 2017. Available at: <http://www.al-monitor.com/pulse/originals/2017/10/netanyahu-national-security-adviser-iran-nuclear-deal.html>.