

Iran Nuclear Deal: Assessing its Future Trajectory

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Introduction

The Joint Comprehensive Plan of Action (JCPOA) was concluded between Iran and E3/EU+3 (US, UK, France, China, Russia and Germany with the High Representative of the European Union for Foreign Affairs and Security Policy) on 14 July 2015. It has successfully completed its first year, notwithstanding concerns and surrounding tensions. So far, the deal is on track to meet the deadlines set for its implementation over the next ten years. The conclusion of the JCPOA is a significant event in the history of nuclear diplomacy in a number of ways. It not only broke the impasse on the decade long Iranian nuclear issue which had gripped the world with the fear of another war in the region, but also changed the security landscape of the Middle East.

Being among the first few countries to sign and ratify the Nuclear Non-proliferation Treaty (NPT), Iran had already embarked on an ambitious civil nuclear programme under the Shah's regime. Its nuclear programme, however, came under fire when Iran was found to be involved in some suspicious activity involving undeclared nuclear material and facilities. What followed was a tumultuous period leading to a deadly stalemate with impending danger of another regional crisis.

On the value of the JCPOA, however, there is a division between sceptic and optimist states. While the accord was largely hailed as a success of diplomacy in the Western world, Russia and China, it was initially met with strong condemnation from Iran's traditional regional adversaries, who called it a "historic mistake". Even the support that in the region was lukewarm. Many Gulf States decided to stay quiet at the insistence and assurances of the United States. The response of these states revealed their anxiety about Iran overcoming its economic crisis and emerging as a power in the region. For a majority of regional states, it was not Iran's

nuclear power that kept them awake, but its strong conventional military force possessing a robust missile system and Iran's proxies such as Hezbollah, that they considered potent threats to their security.

Given the rising tension in the region, a new role for a militarily strong and economically stable Iran would definitely be a game-changer. The present study aims to explore the factors that led to the conclusion of the JCPOA. The study will also analyse different narratives surrounding the nuclear deal as it entered its second year of implementation. Lastly, it will attempt to assess the future trajectory of the deal in the midst of growing criticism from various quarters and emerging regional challenges.

Background: Events Leading to the Deal

Iran's nuclear programme dates back to 1957 when it signed first cooperation agreement with the US. As a result of this agreement, Iran got its first research reactor in 1959 which got critical in 1967. During the time of cordial relations with the West, the Shah of Iran announced an ambitious plan to build 23 nuclear power plants and to develop a full nuclear fuel cycle. Iran was also quick to become party to the NPT in 1970. The political and security dynamics of Iran vis-à-vis the rest of the world changed with the Shiite revolution in Iran in 1979. Post-revolution Iran had to deal with new allies and enemies at the regional as well as global level.

It was not until 2002, that the Mujahideen-e-Khalq (MeK), a dissident Iranian group in exile, alleged that Iran had built undeclared nuclear facilities near the towns of Natanz and Arak. This revelation led to a decade long nuclear crisis between Iran and the Western world, which resulted in a series of crippling sanctions on Iran. These sanctions were paralleled by diplomatic efforts to resolve the crisis. A serious diplomatic effort was witnessed once President Obama came to office, who made a clear departure from the policy of confrontation, followed by the previous American administration. He was the first US leader to publically indicate interest in direct negotiation with Iran and asserted

that, if Iran "unclenched its fist," the US would extend the hand of friendship.¹

Reasons and Motivations

The long diplomatic process eventually culminated in the agreement. Notwithstanding the varying reactions to JCPOA, the fact remains that it has offset the risk of a war in the region. Iran and the West were determined to settle this issue through diplomacy for different underlying reasons.

For the West, lessons from Iran (Operation Eagle Claw, 1980), Libya and Afghanistan were sufficient to realize that war could not bring a solution to the nuclear issue. This realization was strengthened with the change in leadership in the US. With President Obama's non-proliferation agenda and vows to end American wars, the American leadership showed flexibility to find a diplomatic solution to the Iranian nuclear issue. President Obama's decision to have direct negotiations with Iran bore fruit and helped demystify some of the issues surrounding the nuclear standoff. In addition, the Iraq imbroglio was also an important factor reaching to a realization of the limits of the US military power. The US barely managed to salvage a face saving solution, that too, with the help of Iran.² Iran's cooperation with the US in this respect also created a sort of interdependence between the two in the Middle East, which helped in breaking the ice on the nuclear issue as well. Finally, there was a visible crisis fatigue among the European allies of the United States. The US feared diplomatic isolation on Iran's nuclear issue.³ There was growing apprehension in the US that if a deal did not come through, its European allies might consider removing the sanctions unilaterally, as the sanctions were also damaging economies of these states along with that of Iran. In this regard, the statement of the UK ambassador to the US, Peter Westmacott is telling in which he suggested, "*If we were to walk away or if the Congress was to make it impossible for the agreement to be implemented...then I think the international community would be pretty reluctant, frankly, to contemplate a ratcheting up further of sanctions*

against Iran."⁴It is interesting to note that this statement appeared in a White House document justifying the deal.

Multiple factors were at play within Iran as well that contributed to reaching the agreement. The main reasons that paved the way for the conclusion of nuclear deal, can be divided into five categories: political, religious, economic, technical, and security.

Political: With respect to the political reasons, the major policy shift came with the change of the government in Iran. President Rouhani, who replaced hardliner Ahmadinejad in 2013, had pledged more openness and transparency in the run up to his presidential elections.

Religious: One overriding yet often ignored factor was the *Fatwa* (the religious decree) by the Ayatollah Ali Khamenei, the "guardian jurist", against the weapons of mass destruction, declaring them "*Haraam*" (prohibited under sharia).⁵ The news about the existence of such a *Fatwa* first came to surface in the mid-1990s and later in 2003 an oral *fatwa* reiterated that the weapons of mass destruction were prohibited in Islam as interpreted by Khamenei and other religious scholars in Iran. In 2005, Iran officially referred to the *Fatwa* at the emergency meeting of the IAEA Board of Governors.⁶ While many in the West question the importance and validity of the *Fatwa*, the fact that Iran had followed the *Fatwa* of Ayatollah Khamenei and did not use chemical weapons in response to Iraq's use of these weapons during Iran-Iraq war, even though it had reportedly acquired the capability, adds weight to the influence of this religious edict.⁷

Economic: The third underlying reason was related to Iran's deteriorating economic condition. Its economy was in shambles with a rate of inflation as high as 22.2 percent, even by conservative estimates. According to the World Bank, Iran's annual GDP growth rate was at its lowest in 2012 at -6.6 %.⁸ Sanctions had cut Iranian oil exports by 40%, adversely impacting the lives of ordinary citizens.⁹ With Rouhani coming

to power, there was renewed interest in Iran for a diplomatic solution of the nuclear crisis and improvement of ties with the West.

Technical: The fourth factor arises from the technical assessment of Iran's nuclear development and its possible military dimension. Various reports have suggested that Iran had carried out "coordinated" work on nuclear weapons until at least the end of 2003.¹⁰ One technical obstacle came in form of Stuxnet virus attack on Iranian nuclear facilities allegedly carried out by the Israel in collusion with the United States. It caused about one fifth of Iran's nuclear centrifuges to spin out of control causing a severe blow to the programme. It was followed by assassinations and attacks on Iranian nuclear scientists. It worked as "deterrence by denial" and sent a signal to Iranian leadership that they would be denied to carry out their nuclear programme.

Security: Lastly, there was a realization that the deliberate ambiguity around the nuclear programme was no longer favouring Iran's pursuit of national security objectives. Given the crippling nature of sanctions, Iran had to compromise on its traditional security objectives as well as its regional ambitions. Therefore, non-cooperation in the nuclear arena no longer appeared a viable option.

Analysis of the Joint Comprehensive Plan of Action JCPOA

The JCPOA was a product of twenty months of diplomatic juggling between Iran, the IAEA and E3/EU+3 following agreement on the Interim Joint Plan of Action in November 2013.

The JCPOA was hailed as a win-win outcome by the parties concerned. However, there were differences in the interpretation of certain clauses. Interestingly, the US and Iran could not issue a joint statement right after the endorsement of the accord and preferred to interact with media separately.

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The JCPOA comprising 159 pages, including six annexes covering various aspects of Iran's nuclear activity is a complex document. Its general provisions include a categorical pledge by Iran that it will not develop nuclear weapons or pursue such ambitions in return for the comprehensive lifting of all UN Security Council as well as other multilateral and national sanctions. Implementation of the JCPOA will be monitored by a Joint Commission consisting of the E3/EU+3 and Iran. In addition, IAEA will monitor each aspect of the JCPOA implementation process.

The document includes detailed technical undertakings covering various areas related to nuclear development in Iran. It requires a reduction in the number of Iran's centrifuges to 5060 IR-1 from the then 19,000 IR-1 and advanced IR-2M centrifuges installed. It also requires Iran to ensure that the uranium enrichment level does not exceed 3.67 % for the next 15 years. It requires the removal of 2,700 IR-1 centrifuges installed at Fordow for 15 years and converting that facility into a physics and technology research center. Iran's current uranium stockpile is estimated to be 10,000 kg. For the next 15 years, it is allowed to have only 300 kg of 3.6% enriched uranium as UF₆ or in any other chemical form. The Arak reactor will be redesigned and rebuilt to reduce its capability to produce weapons grade plutonium. Iran is required to export all excess heavy water which is beyond Iran's needs for the modernised Arak research reactor, to the international market as prescribed in the JCPOA¹¹.

With these measures, the US and E3/EU+3 are convinced that JCPOA has successfully blocked all pathways for nuclear weapons acquisition, increasing the so-called breakout timeline, the minimum period required to acquire sufficient fissile material for a nuclear weapon.

Transparency measures listed in the JCPOA are based on verification and not mere trust. Notwithstanding criticism that Iran's nuclear material stocks and facilities were not in accordance with the JCPOA limits on the implementation day and that Iran had been granted concessions to meet

the requirements of the JCPOA¹², the transparency measures have largely been acknowledged as being stringent.

Iran is required to provisionally apply the IAEA additional protocol it had signed in 2003. The additional protocol does not have a sunset clause, and will remain valid in perpetuity. This will ensure the peaceful nature of Iran's nuclear programme even after the JCPOA has expired. It also requires IAEA to undertake deeper monitoring of entire fuel cycle of Iran.

In return for these actions by Iran, the UN Security Council Resolution 2231 (2015) endorsing the JCPOA will provisionally lift all sanctions imposed by the UN. The implementation plan is based on various milestones, where each stage will invoke certain rights and responsibilities on both sides. Given the successful implementation of the JCPOA and meeting all the deadlines, all provisionally lifted UN sanctions on Iran will be removed permanently on the Transition Day in 2023. The Resolution 2231 will terminate two years later in 2025, thereby removing all remaining EU sanctions. After removal of the sanctions, there will be another extended period of monitoring.¹³

From a legal standpoint, the deal was an unprecedented event. It facilitated the termination of the United Nations Security Council resolutions. As stipulated in the JCPOA text, the agreement got a formal endorsement by the UN resolution and became part of international law.¹⁴At the domestic level, however, the JCPOA remained subject to the national laws. The JCPOA is not a binding treaty or agreement as some analysts call it a "set of understandings and disputes compiled into a single document."¹⁵As mentioned in the JCPOA, these are "voluntary commitments"¹⁶, thereby adding no legal obligation on the parties concerned. This may pose a problem in the application and interpretation of the agreed commitments.

Addressing the Domestic Concerns

A comparative analysis of the Iranian and the American official statements suggests that it is a quid pro quo agreement, where the former wanted an end to the sanctions and latter aimed to put significant limitations on Iran's civilian nuclear programme, authorizing the International Atomic Energy Agency (IAEA) to undertake enhanced inspections in order to ensure the peaceful nature of Iran's nuclear programme.¹⁷

At the national level, the Iranian parliament (Majles) passed legislation on October 13, 2015 to implement the JCPOA under certain conditions. The law was later ratified by the Guardian Council, and approved by Iran's Supreme Leader Ayatollah Ali Khamenei. A deeper scrutiny of the conditions set out in this legislation suggests that the Iranian emphasis is not on what the deal restricts but what it liberates. Reiterating the importance of the *Fatwa* against nuclear weapons and the obligation of every subsequent government of Iran to abide by it, the law states that the agreement is based on "cooperation and mutual respect" and has categorically expressed aversion to any coercive measures. This legislation has kept its option to decide the level of access given to the international observers and inspectors, emphasizing that Iran has not compromised on national security. The legislation leaves no ambiguity about Iran's will to continue its conventional military development in "all offensive and defensive fields, including air, sea, ground, and missile."¹⁸ It further emphasizes upon the necessity to support "allies in the fight against terrorism", making a clear reference to its continued role in regional dynamics.¹⁹

The White House report on the Iran nuclear deal addresses the domestic audience of the United States. While enlisting the reasons for supporting the deal, the report has largely focused on ensuring that the JCPOA has completely blocked Iran's path for nuclear weapons acquisition. The report, however, contradicts some of the clauses of the Iranian legislation

where it addresses the issue of missile development and alleged terrorist activities carried out by Iran in the region.²⁰

Likely Impediments

While the JCPOA is largely hailed as a great diplomatic success, it remains a fact that the nuclear accord has not received the same reception across the board. On the other hand, the situation is further complicated due to the fragile nature of the JCPOA itself, whose various articles are ambiguous and remain subject to interpretations. This potential difference of approach, in assessing the value of the JCPOA, was already visible in initial official statements emanating from Washington and Tehran.²¹ Within Iran, there is divergence of views between President Rouhani's team and the hardliners.²² In Iran, the final decision making authority is Ayatollah Khamenei, who has already expressed his scepticism about the commitment of the US and the other negotiating partners, and has placed strict conditions on the implementation process.

Despite the divergence of views about the JCPOA, both sides have made deliberate attempts to avoid confronting each other on the statements issued from their respective capitals. President Obama made an extra effort to protect the agreement from being scuttled by issues raised by certain quarters in the US or being blocked by the Congress.²³ The latest controversy to hit the deal is the alleged secret payment of 1.3 billion US dollars to Iran. The Obama Administration initially refused to disclose the terms of transfer of this money. However, the matter was discussed at the Congressional briefing convened by the Treasury and Departments of State and Justice in which the transfer of money was severely criticised.²⁴ There is growing concern among the critics of the deal that this money will be used to further Iran's military objectives in the Middle East, by strengthening Islamic Revolutionary Guard Corps and financing military proxies in Syria, Yemen and Lebanon²⁵.

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The existing trust deficit between Iran and the US, as discussed in the foregoing paragraphs, leads one to the conclusion that JCPOA has an equal chance of failing and succeeding in the longer run. A lot will depend upon how its clauses are interpreted by either side at any given point of time. Apart from the technical aspect of the JCPOA, much also depend on the political behaviour of the parties in the future. A widening trust deficit and divergent regional political and security ambitions may seriously jeopardise the prospects of success.

Shifting Sands in the Middle East: Assessing the Future Trajectory

The contemporary regional security environment in the Middle East is facing endemic conflicts and security challenge. Agreement on the nuclear deal on the one hand has removed the risk of war against Iran, on the other; however, it has opened up a new debate regarding Iran's power projection in regional security dynamics. The parties to the JCPOA have made it clear that the deal is exclusively limited to the nuclear standoff and will not impact other political or security developments in the region. Iran particularly has been very vocal in separating the terms of the JCPOA from other security issues. JCPOA, therefore, does not guarantee an end to hostilities in the Middle East. It has already alarmed Iran's regional rivals, who have vehemently opposed the deal. For Israel, the JCOPA has not only left the nuclear weapon option open for Iran, but has also made it economically strong. A strong Iran, as per Israeli assessment, is more likely to increase support to its regional proxies like Hezbollah. Saudi Arabia also has shown its disdain for the deal and has expressed its concern about Iranian involvement in Yemen. Saudi Arabia considers Iran's alleged support for the Houthi rebels in Yemen a major security threat to its security. Relations between Iran and Saudi Arabia were at the lowest when Saudi Arabia executed a prominent Shiite cleric and cut the diplomatic ties with Iran in January 2016.²⁶ The recent spat between the two countries over the management of the holy sites by Saudi Arabia is a clear manifestation of simmering tensions and underlying hostilities²⁷.

Taking into account these crosscutting factors, the regional security situation may develop in three possible future trajectories.

1. One possible scenario is a cooperative trajectory, stemming from a strong realization in the West that a peaceful Iran inside the loop is better than a competitive Iran outside it. Under this scenario, the current consensus among the parties will continue with the aim of resolving all emerging problems amicably through diplomatic means. Notwithstanding the irritants, JCPOA will continue to be implemented successfully and direct communication channels will render the potential spoilers ineffective. Iran, in the future, may emerge as an indispensable actor and an effective tool for resolution of regional problems. Likewise, within Iran, realization is likely to take root that Iran has strengthened its bargaining position on regional security matters without resorting to a nuclear weapon programme.
2. Contrary to the cooperative trajectory, there is risk of this fragile arrangement falling apart under increasing pressure from various quarters. This situation may lead to a volatile future, where current differences on interpretation of the JCPOA, may degenerate into a deadlock, leading to the failure of the JCPOA. This scenario could emerge if the present distrust between the US and Iran intensifies. A deteriorating security environment could also negatively impact the deal, with Israel and other regional states exaggerating the fear of a nuclear Iran to gain political advantage. This may have more relevance if the incumbent government in the US is replaced with a regime more hostile to Iran. Like the one that has no faith in Iranian promises (as indicated by certain candidates during the US election campaign). The hardliners in Iran as well may find an excuse to blame the West for the failure of JCPOA. The reluctance of European banks to invest in Iran may halt or delay the anticipated economic recovery, fueling further criticism of the deal within Iran.²⁸In addition, the current crisis in the Middle East with growing Saudi-Iran confrontation hints at a scenario whereby a security dilemma is

created and Iran becomes embroiled in a regional war. Rhetoric in the wake of a breakout of war would limit the space for the parties to implement the JCPOA. There is also the potential for Israeli-Saudi collusion against a common Iranian threat, raising the tension to a higher level. The regional security dynamics, coupled with growing trust deficit, could lead to the emergence of a situation in which implementation of JCPOA may not be possible.

3. The third and most likely future trajectory is the competitive one. In this probable scenario, the deal may not succumb to mutual suspicion and both sides will ensure meeting the timeline of implementing the required measures. After the lifting of economic sanctions, Iran's economy is likely to rebound, albeit slowly. In this way, the deal may become a catalyst for Iran to fulfill its regional ambitions. Since Iran has protected its other foreign policy options for future, it may emerge as a formidable regional power. The competitive trajectory has an equal chance of losing its track, and may potentially lead to a volatile scenario, as it has to deal with numerous unpredictable situations. This scenario is based on a rational-actor model, but the influencing elements include non-state actors as well, thereby making the situation even more complicated to predict with any degree of certainty.

Conclusion

International politics is based on the principle of securing permanent interests rather than permanent alliances. This is manifested in the successful conclusion of JCPOA between Iran and the E3/EU+3. However, the deal has sparked a debate, in which pessimists and optimists make contradictory arguments about the impact of JCPOA on regional security. Given the complex regional security challenges in the Middle East, Iran's role in shaping the future of the region has become important. The conclusion of the nuclear deal after long diplomatic efforts is hailed as a win-win outcome in which all parties have succeeded in achieving what they wanted. Yet, the leadership on both sides has made no secret of their

suspensions against the other. Both sides have categorically stated that this deal would not be applicable or impact other areas of concern. However, it cannot be ruled out that the nuclear deal could be the beginning of the end of bilateral distrust. The US policy of direct engagement with Iran has served as important purpose and may pave the way for a broader rapprochement between the adversaries of three decades. The US has already accepted the inconvenient truth of Iranian supremacy in the regional dynamics by seeking its support in getting out of the Iraq quagmire. With its dwindling influence in controlling the emerging regional threats, particularly growing influence of Islamic State in Syria and Iraq, the US may consider burying the hatchet and come to terms with the new emerging regional realities.

However, the rapidly evolving security situation is outpacing the development of the necessary trust among the contracting parties to the deal. It will certainly not be a smooth ride ahead, as Iran's new posture challenges the regional status quo. The deal has a great chance of falling victim to regional hostilities; Saudi Arabia has already drawn its red line which includes Iranian involvement in the Yemen crisis. While the US has made an effort to take care of emerging issues, there are limits to its power as well, making it difficult to establish a fail-safe arrangement. Therefore, it is incumbent upon all the parties, who have painstakingly worked together, to establish long term and deeply rooted interdependence which can sustain the pressures of time.

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End Notes

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