

Nuclear Negotiations:  
An Analysis on the 2015 Joint Comprehensive Plan of Action

**1. The JCPOA in Context:**

The story of the JCPOA began nearly five decades prior with the signing of the Nuclear Nonproliferation Treaty (NPT) on July 1, 1968<sup>1</sup>. The main objective of the NPT was to prohibit the spread of nuclear weapons to other countries. Currently, 191 nations including Iran are party to the treaty. The signatories have worked together a number of times, including militarily, in order to dissuade interested parties from getting their hands on nuclear weapons. A powerful global precedent was set.

However, the entire situation drastically changed with the Iranian Revolution in 1979<sup>2</sup>. The monarchy was overthrown and replaced with a radical regime led by Ayatollah Khomeini. The new Islamic Republic of Iran was extremely aggressive and anti-Western. In the mind of Khomeini, their participation in the NPT was now null and void. Within about a year of the revolution, Iran began its nuclear weapons program under the cover of its existing civilian nuclear energy program.

By the turn of the century, Iran had several research and power reactors capable of enriching fissile material. In 2010 the situation reached a tipping point<sup>3</sup>. Iran began to publicly disclose distressing elements of their weapons program. In addition, the discovery of two undisclosed nuclear weapons facilities caused widespread panic. The United States and international community had had enough. They responded with enormous economic and political

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<sup>1</sup> "Treaty on the Non-Proliferation of Nuclear Weapons (NPT) – UNODA."

<sup>2</sup> Carrel-Billiard and Wing, "Iran and the NPT."

<sup>3</sup> "Iran's Nuclear Program Timeline and History | NTI."

sanctions. These sanctions decimated the Iranian economy and gave the country international pariah status. Still, Iran continued to further its nuclear weapons program. This led to an escalating cycle of weapon advancement being met with increasingly damaging sanctions. Both sides realized that some type of compromise was needed before the situation turned even more critical<sup>4</sup>. A public summit was held in 2013 where Iranian leadership met with representatives from the P5+1 (the five permanent members of the UN Security Council and Germany). Multiple rounds of negotiations took place over the span of 20 months until the final JCPOA deal was reached on July 15<sup>th</sup>, 2015.

## **2. Analysis:**

### **2.1 Party Dynamics**

Without a doubt, the most complex part of the JCPOA negotiation were the party dynamics. They were exceedingly intricate and antagonistic. There are multiple layers at play that made an already difficult negotiation near impossible. First, one side was acting as a coalition. In order to reach a successful deal, all six countries in the P5+1 needed to come to an agreement on terms. This proved quite difficult for several reasons. The realm of international relations is often full with competing interests, consequential stakes, and hidden objectives and information<sup>5</sup>. It is hard to negotiate when each party has their own agenda, and is unwilling to share relevant information. Furthermore, the situation was even more complicated as there were two other sub-coalitions in the overall coalition. The geopolitical rivalry between East and West was far from absent in these negotiations<sup>6</sup>. The “Western coalition” consisted of the US, UK, France, and Germany. These nations are all close allies and NATO members. The “Eastern

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<sup>4</sup> “What Is the Iran Nuclear Deal?”

<sup>5</sup> Odell and Tingley, *Negotiating Agreement in Politics*.

<sup>6</sup> “The Iran Nuclear Deal—Facts, Issues, Stakeholders, and Australian Policy.”

coalition” consisted of Russia and China. Each coalition considered the other as a serious geopolitical threat. The involved countries have had serious political, military, and economic conflict for decades. Each side needed to first consider how the consequences of this deal would affect the broader geopolitical environment. Although each member of the P5+1 firmly agreed upon the tenets of the NPT, they needed to balance this with individual goals, sub-coalition goals, and overall coalition goals<sup>7</sup>.

On the other side of the negotiation, Iran also introduced a number of complex dynamics. Most notably, Iran’s extremely antagonistic and rouge nature made having negotiations at all very difficult<sup>8</sup>. At the time of the deal, Iran had no official diplomatic ties with both the US and the UK. They publicly referred to the United States as the “Great Satan” and had been engaged in a proxy-war against the Western coalition for decades. Through direct action, or support of terror groups, Iran had carried out hundreds of attacks on the interests of the Western members of the negotiation. Obviously, it is extremely difficult to negotiate when parties have feelings of anger, hatred, conflict, and distrust with one another. In addition, Iran had close ties with Russia and China. Both countries have a history of supplying arms, oil, and economic aid to Iran<sup>9</sup>. They even circumvented some of the sanctions imposed by the international community prior to negotiations. This dynamic further caused internal tension between the various coalitions, and subsequently the entire negotiation.

## **2.2 Goals and Objectives:**

The main objective of the JCPOA for the P5+1 was to prevent Iran from acquiring nuclear weapons as per the NPT. However, the coalition knew that Iran would never agree to a

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<sup>7</sup> Lantis, “‘Winning’ and ‘Losing’ the Iran Nuclear Deal.”

<sup>8</sup> WAY, “Country Brief.”

<sup>9</sup> Choksy and Choksy, “China and Russia Have Iran’s Back.”

deal that completely stripped them of all nuclear capability. So, the goal of the P5+1 was to regulate Iranian nuclear capacity enough that it would take over a year to actually produce a weapon<sup>10</sup>. This year would serve as a buffer zone that would allow the preventative foreign intervention that was necessary. To accomplish this denial, the P5+1 wanted to achieve three main objectives<sup>11</sup>. First, they needed the International Atomic Energy Agency (IAEA) to have uninhibited access to Iran's nuclear program to carry out monitoring and surveillance. Next, they wanted to greatly reduce, and then limit the number of enrichment centrifuges Iran could have at any given time. Finally, they wanted to significantly reduce the amount of already enriched uranium and plutonium to a near fraction of the amount necessary to make a weapon.

Iran had two main goals that they wanted to achieve<sup>12</sup>. First and foremost, they wanted as many international sanctions lifted as possible. The international community, and chiefly the US, had placed a massive number of sanctions on Iran for nearly three decades. These sanctions effected every aspect of Iran's economic and political life. The sanctions prohibited, or largely reduced the type and amount of trade other nations could have with Iran. The economic impacts were beyond devastating. For example, the sanctions and embargos on oil exportation, Iran's number one source of income, meant that the country lost over \$100 billion in revenue per year<sup>13</sup>. In order to come to any semblance of the deal desired by the P5+1, Iran needed a significant number of sanctions lifted. The second goal Iran hoped to achieve was to keep their nuclear weapon program at a tolerable capacity. They had realized how powerful even attempting to pursue nuclear weapons had made them. In the span of 30 years, nuclear weapons not only helped Iran become one of the most powerful states in their region, but also an

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<sup>10</sup> "What Is the Iran Nuclear Deal?"

<sup>11</sup> "Jcpoa what you need to know.Pdf."

<sup>12</sup> "The Iran Nuclear Deal—Facts, Issues, Stakeholders, and Australian Policy."

<sup>13</sup> "International Sanctions on Iran | Council on Foreign Relations."

important player on the world stage. Since they wanted to maintain and grow this power, some type of a nuclear program was a requirement. Furthermore, they knew that having any nuclear capability would serve as an important bargaining tool far into the future. It would allow them to have a constant opportunity to leverage and manipulate the most powerful nations like the P5+1.

### **2.3 The Negotiation: Characteristics, Structure, and Tactics:**

The JCPOA discussion had several encouraging characteristics. First, it was largely an integrative negotiation. Both sides realized that the current situation they were in was intolerable. This introduced the motivation and incentive to work together in a non-zero-sum manner. The parties were more than willing to offer concessions and recognize mutual interest. A positive bargaining zone was present. For example, both the P5+1 and Iran could find a zone of agreement in which an Iranian nuclear program could exist with both sides still achieving their main objectives. However, physically getting to this zone of agreement was quite difficult.

One of the most important aspects of the deal was the realization of the BATNA's of both parties<sup>14</sup>. Iran's BATNA was uniquely powerful, and considered by the P5+1 in every step of the process. Iran had the capability to simply end negotiations and significantly increase their enrichment capability. The P5+1 would respond with their BATNA, increased sanctions. However, Iran's pre-JCPOA breakout time (time needed to produce a nuclear weapon) was estimated to be as quick as four weeks<sup>15</sup>. In this time-frame sanctions would prove futile, and the only option available to the P5+1 to stop such an action would be costly military conflict. Although this is a lose-lose situation for all parties involved, it certainly shifted the power-dynamic towards Iran.

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<sup>14</sup> "Iran-Deal-Analysis."

<sup>15</sup> "Iran's Nuclear Breakout Time."

On top of these unfavorable BATNA's, the deal had a number of other serious roadblocks that needed to be addressed and circumvented<sup>16</sup>. The complex and antagonistic party dynamics, as well as the complex nature of each side's respective objectives, meant that it was going to take some time and effort to make progress. Each party needed to build trust, offer preliminary concessions, and establish a cohesive understanding of one another and the deal. In order to do, the negotiators decided to have a multi-phase process<sup>17</sup>. After several rounds of negotiation, the parties came to an interim agreement in Geneva on November 24, 2013. This agreement, known as the Joint Plan of Action (JPOA), was akin to a "trial run" where some, but not all of each side's objectives were agreed upon. It served as a way to establish trust and creditability for all involved. The P5+1 agreed to eliminate some sanctions, while Iran in exchange agreed to cut back on uranium enrichment<sup>18</sup>. It was a very important step in the entire process. Mutual trust was established, and it was shown that each side was serious about making concessions to see this deal through.

Furthermore, the JPOA agreement prevented a time-sensitive Iranian breakout<sup>19</sup>. This gave the P5+1 leeway to further negotiate some of the other, more complex and controversial elements of the deal. Two extensions (November 2014 and July 2015) were agreed upon to sort out the other parts of the deal. There were two important remaining areas of concern for Iran<sup>20</sup>. First, the P5+1 insisted that both the Fordow enrichment plant, and Arak heavy water reactor be decommissioned and repurposed for peaceful endeavours<sup>21</sup>. This meant that Iran would have wasted billions of dollars on these facilities and would only have one enrichment plant at Natanz.

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<sup>16</sup> "Best Analysis on the Iran Nuclear Deal."

<sup>17</sup> Williams, "A Comprehensive Timeline of the Iran Nuclear Deal."

<sup>18</sup> Williams.

<sup>19</sup> Nephew, "Iranian Breakout Timelines in a Comprehensive Deal."

<sup>20</sup> Lantis, "'Winning' and 'Losing' the Iran Nuclear Deal."

<sup>21</sup> "The Iran Nuclear Deal—Facts, Issues, Stakeholders, and Australian Policy."

Having a single facility in one place would make the entire nuclear program extremely vulnerable. In addition to this concern, the P5+1 wanted the IAEA to have a very intrusive monitoring system<sup>22</sup>. This included the installation of audio and visual surveillance equipment in Natanz that had a live-feed back to the IAEA. To Iran, this was considered both humiliating and a violation of sovereignty.

To overcome these points of contention the P5+1 made two conciliatory offers<sup>23</sup>. First, they employed the negotiating tactic known as sunset clauses. These sunset clauses are agreements intended to hold only for a predetermined period of time. By doing so, Iran was reassured that some of their concessions would only be temporary. This would allow them to either eventually regain their forfeitures, or renegotiate the deal at a later date. This tactic proved to be very effective, and it was implemented for several elements of the JCPOA. In addition to the utilization of sunset clauses, the P5+1 made a major sanction concession. Formatted via an expedited sunset framework, the P5+1 agreed to lift sanctions on Iranian arms importation and ballistic missile production<sup>24</sup>. The P5+1 were highly reluctant to do this. Iran would now have access to advanced weaponry that could both be used to threaten them in the greater Middle East, and be supplied to dangerous terror groups that Iran supports. However, this concession was a turning point that allowed the parties to finally add the comprehensive aspect - to the interim Joint Plan of Action.

### **3. End Result and Implications:**

On July 15, 2015 the P5+1 and Iran formally signed the JCPOA. The main elements agreed upon were<sup>25</sup>:

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<sup>22</sup> "The Iran Nuclear Deal"

<sup>23</sup> "Debating the Iran Nuclear Deal: A Former American Negotiator Outlines the Battleground Issues."

<sup>24</sup> "International Sanctions on Iran | Council on Foreign Relations."

<sup>25</sup> "Full-Text-of-the-Iran-Nuclear-Deal.Pdf."

Enrichment	<ul style="list-style-type: none"> <li>• For 15 years uranium enrichment will be capped at 3.67 %</li> </ul>
Uranium Stockpile	<ul style="list-style-type: none"> <li>• For 15 years the total uranium stockpile shall not exceed 300 kg</li> </ul>
Fordow and Arak Facilities	<ul style="list-style-type: none"> <li>• For 15 years the Arak and Fordow facilities will not be used for any enrichment activities that may produce weapons grade isotopes</li> </ul>
Monitoring and Verification	<ul style="list-style-type: none"> <li>• For 25 years the IAEA will have continuous access to monitor Iran's uranium mines</li> <li>• For 20 years the IAEA will have continuous access to monitor Iran's enrichment facility at Natanz</li> </ul>
Sanctions	<ul style="list-style-type: none"> <li>• In 5 years, sanctions on weapons importation will be lifted</li> <li>• In 8 years, sanctions on ballistic missiles will be lifted</li> <li>• Effective immediately, sanctions on energy, banking, consumer goods, foodstuff, commercial aircraft, chemicals, and shipping will be lifted</li> </ul>

This was a historic deal that, for a time, changed the entire scope of geopolitical relations. However, since its adoption, several Iranian violations, and the US withdrawal from the deal in 2018 has all but rendered the JCPOA meaningless. Iran has resumed its nuclear program, achieving an unprecedented enrichment level of 60%. Tensions in the region are rising. There have been a number of attacks on Iranian nuclear facilities by the US and Israel, and now Saudi Arabia had declared that they will pursue nuclear weapons upon Iranian breakout. With the new US administration under President Biden, there has been renewed negotiations to either return to the original JCPOA, or come up with a new deal. All one can do is hope that some type of agreement is reached soon, not just for the sake of the Middle East, but for the entire world.



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### Personal Assessment

Without a doubt this past semester has certainly changed my preconceptions, thoughts, and personal viewpoint on negotiation. I believe the in person practice we carried out in class is invaluable. Coming into the class, I would largely label myself to have a more distributive approach to negotiations. This class opened my eyes to the fact that practically any negotiation can be integrative if both parties have a good understanding of one another, are honest, empathetic, and above all willing to work together for common goals. The setup of this class provided experience in several different aspects and variations of negotiation, and I loved the opportunity to learn about, try, and now hopefully employ them in my future endeavors.

Although there were a large number of things to take away from this semester, I believe there are three main points that I discovered are very much important in negotiating. First and foremost, preparation, preparation, preparation! Early on, I learned the hard way how much of a disadvantage one can be at if they have insufficient preparation. If you want favorable results, you must put in lots of hard work before even entering the room. Also, I learned how useful certain tools can be used to make you more effective not just in preparation, but in the actual negotiation. Different matrices, ranking systems, and especially models play such an important role in the process. The whole concept of modeling was foreign to me, but now it will be a mainstay in my professional toolbox. Finally, I really took away the concept of being open and honest with your counterpart. At first, I was reluctant to voice concerns, points of confusion, or even personal preferences. But as we progressed throughout the semester, I discovered how easy and beneficial open lines of communication can be. By the final negotiation, I felt pretty comfortable asking for clarification, identifying emotion, or asking to take a break. Overall, I sincerely enjoyed this class, and I now feel better equipped to negotiate in the future. By no

means do I consider myself an expert, but I feel as this class kickstarted the long journey of becoming the best negotiator I can be.