

Russia, Iran and the JCPOA

Oded Brosh

July 2018

Institute for Policy and Strategy, IDC Herzliya

ABSTRACT

*Iran and Russia – now the dominant remaining P5+1+EU party to the JCPOA – share a mutual vital interest in its preservation and survival. For Iran, the JCPOA, and its executive order, UNSC 2231, promise a strategic transformation through accrued wealth, investment in infrastructures, unfettered access to procurement of state of the art weapons systems, and a quantum leap in both defensive and up to date offensive accurate and reliable missile capabilities (ballistic, cruise and BMD) – culminating in **strategic immunity to attack, and to retaliation**. The timeline for the realization of this central goal of the JCPOA is envisaged to occur well ahead of the full resumption of the nuclear effort. For Russia, its position as the lead supplier of armaments to Iran, and its envisaged supply of missile technologies and hardware after “Transition Day”, provide it with multiple leverages. First, politically, it will allow Russia to influence Iranian actions, and consequently to reap the benefits of a broader regional prominence, to the detriment of competitors, especially the U.S. Secondly, it will guarantee Russia’s access to the lucrative Iranian weapons and missile markets – to the exclusion of other competitors such as China and Europe. The preservation of the JCPOA is also a Russian interest because Russia does not want a nuclear armed Iran any more than the other parties concerned, while its facilitating clauses guarantee Russia the dominant role in Iran’s strategic posture as its lead foreign partner*

INTRODUCTION

The withdrawal of the United States from the JCPOA leaves Russia as the most important and dominant of the P5+1 partners. Iran is currently attempting to salvage the JCPOA with Russia's help; and Russia too, on its part, is determined to preserve the JCPOA. With the United States outside it, and with the European parties' association with it constrained by the threat of U.S. secondary sanctions, Russia's role incrementally gains salience. At the July 16, 2018, Helsinki summit, President Putin reiterated the Russian position in favor of preserving the JCPOA, highlighting Iran's continued adherence to its provisions, and emphasizing that it includes unprecedented transparency through the IAEA inspection regime to ensure that Iran does not acquire nuclear weapons.

Russia's interest is twofold: first of all, influence – over Iran, and as a product of that over other related Middle East affairs. Secondly, the JCPOA guarantees Russia a lead role in advancing Iran's strategic goal of immunity through the massive acquisition of state of the art weapons, after the arms embargo is rescinded in 2020. Later, when the missile restrictions are lifted, in 2023 at the very latest, Russia will be the lead supplier of state of the art, accurate, reliable and user-friendly missile technologies and hardware (ballistic, cruise and BMD). Although Russia does not want Iran to acquire nuclear weapons, it does want to become a wealthy Iran's main supplier of expensive weapons, and of missile technologies and hardware, thus also increasing the Russian physical presence and involvement in Iran, and as a consequence thereof in the region's broader affairs.

As for Iran's interest in preserving the JCPOA, it is obvious: after all, Iran accepted the agreement because, overall, it was favorable and advantageous – if it had not been, Iran would not have accepted it. Its provisions, along with those of UNSC 2231, will allow Iran to perform a strategic transformation that through strategic immunity – which is at the heart of the JCPOA – will place Iran as the uncontested regional hegemon.

Looking into the future, and assuming that the JCPOA survives the U.S. withdrawal – i.e. that Iran does not, for whatever reasons, abandon the agreement on its part – it is imperative to examine, and understand, what the JCPOA heralds with respect to the Iranian-Russian relationship. Additional to the text of the JCPOA itself, United Nations Security Council resolution 2231 of July 20, 2015, serves to operationalize, detail and provide explicit instructions regarding the JCPOA, and other aspects of its context.

The JCPOA and UNSC 2231 constitute an agreement and its executive order, by which **Iran temporarily gives up one strategic asset effort, or strategic horizon – the nuclear one, in exchange for a set of offsetting, equal, better, or more relevant strategic advantages, or horizons – including with regard to strategic infrastructures, state of the art weapons systems, and missile capabilities** (ballistic, cruise and BMD). These will endow Iran, step by step, with *strategic redundancy, survivability, and immunity* – both to attack and to retaliation, through the quantum upgrading of both defensive and offensive capabilities. **This the JCPOA envisages to occur along a timeline far in advance of the full resumption of the nuclear initiative as facilitated by the “sunset clauses” of the nuclear part of the JCPOA.** The IRGC is both implicitly, and in some cases explicitly, cleared by the JCPOA to be the conveyor of this strategic transformation, and a principal designated beneficiary of the JCPOA's provisions.

THE JCPOA “ROAD MAPS” – NUCLEAR; STRATEGIC INFRASTRUCTURE; ARMS PROCUREMENT; MISSILES; AND THE IRGC’S ROLE

The JCPOA did stay Iran’s worrisome nuclear activities for a road map with milestones which define what Iran may not do, and may do, and when, in the nuclear field. In return Iran is provided with a detailed road map of offsetting strategic gains, with milestones designating what Iran may not do, and what it may do, and when, in a spectrum of strategic areas – including infrastructure, arms procurement and missiles.

Iran’s investment in strategic infrastructures, through the use of IRGC construction companies, for example, is unrestricted by the JCPOA, and depends only on the portion of resources flowing to the IRGC as a result of the rescinding of sanctions – cash flow as the result of the unfreezing of previously frozen Iranian financial assets, the lifting of oil export restrictions, and so on. Moreover, as soon as the JCPOA took effect, Iran was free to openly acquire all strategically significant items that are not weapons *per se*, or missile-related, or nuclear-related, such as may be relevant to construction, transportation, communications, energy, optics, computer hardware and software (including as may be applicable to cyber warfare capabilities), electronics, intelligence, and command and control of strategic assets, thus advancing *redundancy and survivability*. And Iran can use the additional resources at its disposal to expand its indigenous weapons production capabilities, including its missile and rocket industries.

As regards the acquisition of weapons, the arms embargo is lifted five years into the agreement’s adoption date of October 15, 2015, i.e. in two years’ time, on October 15, 2020. Although this provision does not appear in the JCPOA text itself, it was added in UNSC 2231. This act is designed to give Iran unfettered access to state of the art weapons systems, assuming that a willing supplier can be found.

All missile sanctions are to be lifted eight years into the agreement, at the very latest, *or subsequent to the IAEA issuing “the Broader Conclusion”* – that Iran is in compliance with its commitments regarding “nuclear materials” – *WHICHEVER IS EARLIER*, as stated in both the JCPOA and UNSC 2231. So, by October 15, 2023 at the latest, but probably significantly earlier if the IAEA Broader Conclusion is issued before then. This act will allow Iran free access to state of the art missile technologies and hardware (ballistic, cruise and BMD) – again, assuming that a suitable and willing supplier can be found.

The JCPOA also legitimizes the IRGC, by mentioning a series of IRGC personalities and entities as cleared of all opprobrium. It, in effect, designates the IRGC to be the conveyor of the strategic transformation in Iran’s favor. It also legitimizes Iran’s regional ambitions, by clearing, or specifying the IRGC elements involved, including Qasem Soleimani and the Qods Force as removed from sanctions – although they have nothing to do with nuclear matters, or missiles, or arms procurement, or strategic infrastructure, or oil exports, banking, insurance, shipping, or economic relief for the Iranian people. They appear in the JCPOA in the part that constitutes the Iranian “terms of payment” for the concession of agreeing to store centrifuges, and to nuclear restrictions for 15 years – because the Iranian negotiating team needed, wanted, and got the other side’s deference on this matter.

The JCPOA is not about economic relief for the Iranian people – there’s not a word about that in the JCPOA. No doubt, Iran’s international legitimization as a result of the JCPOA – its “clean bill of health” – as well as the lifting of sanctions on oil exports, banking, insurance and shipping, would all be expected to have a secondary overall

beneficial effect on Iran's economy, and might encourage Western investments and unhindered commerce. But much of the wealth to be accrued by the removal of sanctions is channeled by the JCPOA directly to the IRGC – in support of its political activities (or, as it were, conspiracies and aggression); to the IRGC economic empire; and most importantly – to its overall strategic destiny manifested in the provisions of the JCPOA regarding arms, missiles, and possibly eventually nuclear weapons, all of which would almost certainly devolve to IRGC control.

RUSSIA'S ROLE IN IRAN'S STRATEGIC SURGE

Russia is obviously the main envisaged supplier of state of the art armaments. The lifting of the arms embargo in 2020, as stipulated by UNSC 2231, will allow Russia to compete for the supply of the best, and the most expensive, weapons systems to an Iran enriched by the rescinding of the economic sanctions, especially of oil export limitations. One can only surmise that there will be significant emphasis on the acquisition of air-defense assets. These will upgrade Iran's ability to shoot down aircraft, cruise missiles and ballistic missiles – pending the later transfer of BMD missiles – thus moving Iran at least some of the way towards **strategic immunity, with is the ultimate goal implicit in the JCPOA**, well ahead of the nuclear “sunset clauses”.

Russia is also the envisaged principal expected source – later – of missile technologies and hardware, including BMD (given that the U.S. is supplying Saudi Arabia with THAAD, Russian supply to Iran of an equivalent would be expected, or theoretically justified).

China and Europe are implicitly envisaged by the JCPOA as secondary competitors to Russia for the supply of the best available armaments, and of the latest missile technologies and hardware. Chinese products would probably be viewed by the Iranians as inferior in quality to their Russian equivalents – at least as a very general rule of thumb, perhaps not justified and perhaps not true in all cases – and therefore less desirable, although perhaps, at least in some cases, more accessible. European suppliers would have been a preferred choice, i.e., over Russian supply, but formidable political obstacles would have been expected to hinder the supply of sensitive advanced weaponry and missile-related capabilities from Europe to Iran, even before the U.S. turned against the JCPOA, and obviously much the more so now.

TIMETABLES, MILESTONES AND EXPLICIT TERMINOLOGIES – THE PROHIBITIONS AND THE PERMISSIONS

The nuclear timetable is clear, straightforward, and generally well-known. The nuclear part of the JCPOA was written mainly by the U.S. side, with only minor objections by Iran – such as haggling over the number of centrifuges to remain active, and an insistence that the Fordow facility not be entirely closed down, but rather converted to a very modest peaceful use with a very modest number of centrifuges remaining. Most importantly, Iran agreed to the destruction of the core (the “calandria”) of the Arak heavy water reactor; to the removal to Russia of about 12 tons of LEU; to a freeze on the quantities of enrichment to a 300 kg ceiling of LEU only, for 15 years; and to abstaining from enrichment beyond the LEU level, also for 15 years. The JCPOA does allow Iran to

begin producing advanced centrifuges after 8 years, but without rotors, and after 10 years with rotors, and to then begin to use them to enrich uranium, replacing the heretofore ubiquitous antiquated IR-1 model. Notably, Iran, and also, ironically, critics of the JCPOA, claim that the new centrifuges (IR-6, IR-8, IR-10, etcetera) can enrich uranium at a rate twenty times that of the IR-1; while this may be a melodramatic exaggeration, still even an enrichment rate five or six times that of the IR-1 would be a serious matter. Finally, after 15 years, Iran is permitted to enrich uranium unrestricted in quantity; unlimited regarding the level of enrichment – i.e., including to HEU weapons grade level; to construct heavy water reactors once again; and to build and operate plutonium reprocessing facilities (during the negotiations the Iranian side stated that Iran did not intend to engage in plutonium reprocessing).

The nuclear part of the JCPOA, written by the U.S. side, comprises 29 out of the 159 pages of the original JCPOA document issued in Vienna on July 14, 2015; and 17 out of the 89 pages in the version published by the U.N. as Appendix A of UNSC 2231 (after the U.N. eliminated unnecessary spacing and reduced font sizes, without changing a word of the JCPOA text itself). The remaining 130 out of the 159 pages in the original version, or 72 out of 89 pages in the UN version – are mostly the part written by the Iranian side, accepted uncontested by the other parties. It is this part which constitutes the “terms of payment” to Iran in exchange for agreeing to the nuclear part imposing nuclear dismantlement and, in effect, a nuclear freeze for 15 years. It is this, much larger, part of the JCPOA which is the disconcerting downside of what would otherwise have been a reasonably good agreement in the nuclear part. Unfortunately, the details of this significantly more expansive part of the JCPOA, composed by the Iranians to their advantage, are less well known and understood than the much shorter nuclear part.

As mentioned above, UNSC 2231 stipulates that the arms embargo will be lifted five years into the agreement, or when the IAEA issues “the Broader Conclusion”, whichever is earlier. It is unlikely that the IAEA will issue the Broader Conclusion before October 15, 2020. On the other hand, the missile restrictions are to be lifted 8 years from adoption day – “Transition Day” in the language of the JCPOA – at the latest, i.e., on October 15, 2023, or when the IAEA issues the Broader Conclusion – ***in this case it is to be expected that Iran, with Russian help, will press the IAEA to issue the Broader Conclusion much earlier than October 2023.*** To quote the JCPOA:

“Transition Day is the date 8 years after Adoption Day or the date on which the Director General of the IAEA submits a report stating that the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, whichever is earlier”

Moreover, the language of UNSC 2231 (in the oft-quoted – but incompletely – article 3 of Appendix B) permits Iran to develop, test, produce and deploy nuclear delivery capable ballistic missiles subsequent to Transition Day:

“Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, *until the date eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.*”

As to the empowerment of the IRGC by the JCPOA and UNSC 2231, a select list of persons and entities appears in the JCPOA as having sanctions lifted, and they are thus legitimized, including the following:

SOLEIMANI, Qasem (and)

IRGC QODS FORCE (= legitimization of Iran's regional ambitions)

IRGC AIR FORCE (which has virtually no combat aircraft, only SSMs)

ISLAMIC REVOLUTIONARY GUARD CORPS

IRGC-AIR FORCE AL-GHADIR MISSILE COMMAND

SHAHID BAGHERI INDUSTRIAL GROUP (SBIG) – [which makes solid propellant ballistic missiles for the IRGC]

SHAHID HEMMAT INDUSTRIAL GROUP (SHIG) – [which makes liquid fueled ballistic missiles for the IRGC]

CRUISE MISSILE INDUSTRY GROUP

AMMUNITION AND METALLURGY INDUSTRIES GROUP

BONYAD TAAVON SEPAH [responsible for IRGC investments]

It is therefore evident that the JCPOA designates the IRGC as the conveyor of the strategic transformation envisaged by Iran's trading of the nuclear horizon for offsetting equal or better value strategic horizons, pending the renewal of the nuclear effort.

CONCLUSIONS

First of all, Russia is the envisaged main supplier of the means to realize the strategic transformation which is at the heart of the JCPOA (and its operative expression UNSC 2231), i.e., trading the nuclear path for offsetting, more valuable other ones, and Iranian immunity to attack and to retaliation, prior to the full resumption of the nuclear effort. Secondly, Russia and Iran share an interest in pressing the IAEA to issue the Broader Conclusion at the earliest possible date, especially so that the missile restrictions can be rescinded and "Transition Day" declared long before October 15, 2023 – perhaps sometime in 2020, or 2021. This will clear the way for the unhindered flow of the latest most up to date accurate, reliable and user-friendly missile technologies and hardware (ballistic, cruise and BMD) from Russia to Iran, as may be agreed between the two. Russia remains, therefore, Iran's lead foreign strategic partner, with or without the JCPOA's tenuous survival.

Russia's interest is twofold: first of all, influence – over Iran, and over other related Middle East affairs. Second, the JCPOA guarantees Russia a lead role in advancing Iran's strategic goal of immunity through massive acquisition of the latest weapons, and of state of the art missile technologies and hardware. Although Russia does not want Iran to acquire nuclear weapons, it does want to become a wealthy Iran's lead supplier of expensive weapons and missile technologies and hardware, thus also increasing the Russian physical presence and involvement in Iran, and consequently in broader regional affairs, and in competition and conflict, at the expense of, or to the detriment of other parties, especially the United States.