

# The Difficult Deal: Is There Hope For The Iran Nuclear Deal?

*Cosmin Timofte*

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## Key Points:

- The JCPOA (or the ‘Iran deal’) is a 2015 agreement aimed to slow down Iran’s nuclear program in exchange for the lifting of crippling economic sanctions.
- President Biden seeks to bring the USA back into the deal after the Trump administration pulled out of it in May 2018, which caused anger and mistrust from Iran.
- The Iranian presidential elections of 2021 have seen the replacement of moderate Hassan Rouhani with hardliner Ebrahim Raisi, who is a close ally to Iran’s Supreme Leader Ayatollah Ali Khamenei.
- The election of Ebrahim Raisi marks a move to consolidate power by the more hardline and conservative elite of Iran, which will likely cause future complications in the negotiation process and will cast doubts over a return to the JCPOA.

## Introduction

The Joint Comprehensive Plan of Action (‘JCPOA’ or ‘Iran deal’) is an agreement that needs little introduction: it is a pact signed in 2015 between the P5+1 (China, France, Russia, the United States, the United Kingdom plus Germany), the European Union, and Iran with the intent to greatly slow down the progress of Iran’s nuclear programme with time-limited restrictions in exchange for the lifting of crippling economic sanctions. The deal’s inclusion of these time-bound limitations (the ‘sunset provisions’) that would mark the end of the JCPOA in 2031 and its lack of addressing Iran’s ballistic missile program prompted President Trump to unilaterally take the US out of the agreement in May 2018, much to the other signatories’ anger (particularly the EU and Iran).<sup>1</sup> President Joe Biden seeks to bring the US back into the deal and renegotiated indirectly with Iran on how that can be achieved during the Vienna Talks.<sup>2</sup> This will prove to be more challenging after hardliner Ebrahim Raisi, former Iranian Chief of Justice who received special attention from a power-consolidating Supreme Leader Ali Khamenei, won the Iran’s presidential elections.<sup>3</sup> Raisi also vowed prior to his inauguration

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<sup>1</sup> Landler M, “Trump Abandons Iran Nuclear Deal He Long Scorned”, The New York Times, 8 May 2018, Available at: <https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-nuclear-deal.html>

<sup>2</sup> CNBC, “Diplomats meet in Vienna for more Iran nuclear talks”, CNBC, 20 June 2021, Available at: <https://www.cnbc.com/2021/06/20/diplomats-meet-in-vienna-for-more-iran-nuclear-talks.html>

<sup>3</sup> Yee V., “Iranian Hard-Liner Ebrahim Raisi Wins Presidential Vote”, The New York Times, 19 June 2021, Available at: <https://www.nytimes.com/2021/06/19/world/middleeast/iran-election-president-raisi.html>

that he will not meet with President Biden;<sup>4</sup> whereas the US rebutted by saying that they recognise Supreme Leader Ali Khamenei as the decision-making body of the country, not Raisi.<sup>5</sup> Furthermore, while Biden wishes to use the JCPOA as a platform for future deals such as tackling Iran's ballistic missile program or support of regional proxies, Raisi declared these aspects as non-negotiable before he even took office.<sup>6</sup> With the JCPOA caught between Biden's ambitions to expand the deal and a more consolidated, hardline Iran, the hopes for this deal to return are now fading into the twilight.

### **The Person, The Election and The Consolidation**

Sayyid Ebrahim Raisolsadati, or Ebrahim Raisi, is a conservative individual that has earned much favour from both Khamenei and key clerics, which allowed him to ascend through the ranks of the judicial branch and undertake various high-profile positions that would prepare him for the presidency.<sup>7</sup> **Yet, his international image is perhaps most commonly associated with his membership in the Tehran "death commission" as a deputy prosecutor general; with the commission being part of the mass execution of political prisoners in 1988, ordered with a fatwa by Supreme Leader Ruhollah Khomeini.**<sup>8</sup> Before becoming chief of the judiciary, Khamenei appointed him as Iran's first deputy head of the judiciary between 2004-2014, then as Iran's prosecutor general from 2014-2016.<sup>9</sup> There is a brief period where he was appointed in 2016-2019 as the head Astan Quds Razavi, which administers the largest mosque by area size: the Imam Reza Shrine.<sup>10</sup> In addition, the bonyad manages endowments

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<sup>4</sup> Qiblawi T. et al., "Iran's hardline president-elect Ebrahim Raisi says he will not meet with Biden", CNN, 21 June 2021, Available at: <https://edition.cnn.com/2021/06/21/middleeast/ebrahim-raisi-iran-president-news-conference-intl/index.html>

<sup>5</sup> Hunnicutt T., "No plans for Biden to meet new Iranian leader, says White House", Reuters, 21 June 2021, Available at: <https://www.reuters.com/world/middle-east/no-plans-biden-meet-new-iranian-leaders-white-house-2021-06-21/>

<sup>6</sup> BBC, "Iran nuclear deal: President-elect Raisi issues warning over talks", BBC, 21 June 2021, Available at: <https://www.bbc.com/news/world-middle-east-57552639>

<sup>7</sup> Gerecht M. R., Takeyh R., "In Ebrahim Raisi, Iran's clerics have groomed and promoted their ruthless enforcer", The Washington Post, 25 June 2021, Available at: <https://www.washingtonpost.com/opinions/2021/06/25/ebrahim-raisi-khamenei-iran-president-supreme-leader/>

<sup>8</sup> Amnesty International, "Blood-Soaked Secrets: Why Iran's 1988 Prison Massacres Are Ongoing Crimes Against Humanity", in Amnesty International Website (London: Amnesty International, 2017), Available at: <https://www.amnesty.org/en/documents/mde13/9421/2018/en/>

<sup>9</sup> BBC, "Iran's Ebrahim Raisi: The hardline cleric set to become president", BBC, 21 June 2021, Available at: <https://www.bbc.com/news/world-middle-east-57421235>

<sup>10</sup> Smyth G., "Iran's leader picks Ebrahim Raisi to head powerful foundation", The Guardian in Tehran Bureau, 9 March 2016, Available at: <https://www.theguardian.com/world/2016/mar/09/irans-supreme-leader-key-appointment-ebrahim-raeisi-mashhad-foundation>



of the shrine (which sees an average of 20 million Shia Muslims per year) and owns 89 companies, streamlined through the Rezavi Economic Organisation, in sectors including construction, energy, agriculture, finance, information technology and more; owning property worth more than \$150 billion.<sup>11</sup> His methodology is described as ruthless and prone to supporting the extreme punishment of dissidents who work against the regime, as observed not only in the mass executions of 1988 but also in the 2009 Green Movement election protests where he was connected to the execution of numerous individuals, including two politicians, who were accused of attempting to overthrow the regime.<sup>12</sup> Additionally, under his mandate as chief of the judiciary, he oversaw the crackdown of the November 2019 protests that resulted in the death of at least 180 people.<sup>13</sup>

Raisi's election can be argued to be a consolidation of power by Supreme Leader Ali Khamenei, who sees him as a "trustworthy individual".<sup>14</sup> **Some argue that the 2021 election was rigged in his favour as well, especially due to the rulings and disqualifications done by the Guardian Council, which decides who can run for office and who cannot.** The Guardian Council is half elected by the Supreme Leader and the other half is elected through a parliamentary vote from a pool of candidates provided by the chief of the judiciary.<sup>15</sup> Since both the Supreme Leader, Khamenei, and the previous chief of the judiciary, Raisi, are close allies, it stands to reason that the Guardian Council would be prone to establishing various circumstances where Raisi or like-minded individuals would be allowed to participate in the election, whereas others would not be. Indeed, the Guardian Council disqualified approximately 592 candidates, including the Speaker of Parliament Ali Larijani and Vice President Eshagh Jahangiri, and resulted in 5 ultraconservatives (Raisi included) and 2 moderates; despite Khamenei later stating that there was wrongdoing, he refused to revert the

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<sup>11</sup> Mehrabi E., "How Big Is Khamenei's Economic Empire?", IranWire, 27 September 2020, Available at: <https://iranwire.com/en/special-features/7669>

<sup>12</sup> Ghaemi H., "Raisi: Record on Crackdown & Human Rights", The Iran Primer, 20 July 2021, Available at: <https://iranprimer.usip.org/blog/2021/jul/20/raisi-record-crackdown-human-rights>

<sup>13</sup> Fassihi F., Gladstone R., "With Brutal Crackdown, Iran Is Convulsed by Worst Unrest in 40 Years", The New York Times, 1 December 2019, Available at: <https://www.nytimes.com/2019/12/01/world/middleeast/iran-protests-deaths.html>

<sup>14</sup> Johny S., "Explainer | Who's Ebrahim Raisi, Iran's next President?", The Hindu, 19 June 2021, Available at: <https://www.thehindu.com/news/international/explainer-whos-ebrahim-raisi-irans-next-president/article34858821.ece>

<sup>15</sup> Arseh Sevom, "The Guardian Council Expands Power: Election Monitoring Boards", Arseh Sevom, 18 February 2020, Available at: <https://www.arsehsevom.org/en/2020/02/the-guardian-council-consolidates-power-election-monitoring-boards/>

decision.<sup>16</sup> This is not a new practice, as during the parliamentary elections of 2020, the Guardian Council also disqualified any reformists from participating in them with the aim to consolidate it with younger candidates devout to Khamenei.<sup>17</sup> The decision by the Guardian Council dissuaded many voters who were affected by Iran's crippled economy or had prior grievances with the current system, believing that the election was rigged and launched a campaign to boycott the process,<sup>18</sup> making Raisi a president from an election with the lowest turnout in four decades: 48.8%.<sup>19</sup> He is seen more as a “proxy president”, who was groomed and is more malleable to the Supreme Leader, qualifying Raisi to potentially replace him, as an ageing Khamenei seeks to cement his Islamic legacy beyond his death.<sup>20</sup>

Raisi’s campaign promised, among others, a strong economy focused on state intervention and supporting foundations (including the one he led).<sup>21</sup> However, for him to fulfil this promise, he will have to remove the sanctions that have crippled Iran’s economy; and indeed he vowed to do during his inauguration speech.<sup>22</sup> Yet in order for him to do so, Iran will have to return and comply with the JCPOA, something that Raisi is willing to negotiate more out of necessity rather than trust. **These sanctions, combined with the Covid-19 pandemic and disillusionment of the population over the electoral system cause an illegitimacy crisis in Iran, which can reach a boiling point if President Raisi does not find a solution towards lifting the sanctions.**<sup>23</sup> This may force Iran to continue negotiating towards a possible return of the deal, yet the consolidation of power by Khamenei and other similarly aligned clerics, who distrust the West further as a result of the USA’s previous leave, not only makes Iran a sceptical negotiating partner but also one with a more extreme and reinforced governmental apparatus.

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<sup>16</sup> Vaez A., “Iran’s Rigged Election”, Foreign Policy, 16 June 2021, Available at: <https://www.foreignaffairs.com/articles/iran/2021-06-16/irans-rigged-election>

<sup>17</sup> Azizi A., “Factbox: Iran’s 2020 parliamentary elections”, Atlantic Council, 14 February 2020, Available at: <https://www.atlanticcouncil.org/blogs/iransource/factbox-irans-2020-parliamentary-elections/>

<sup>18</sup> Fathi N., “‘Don’t Vote.’ These Iranians Have Had Enough.”, The New York Times, 18 June 2021, Available at: <https://www.nytimes.com/2021/06/18/opinion/activists-iran-election-boycott.html>

<sup>19</sup> Iran International, “Final Iran Vote Results Show Lowest Turnout In Four Decades”, Iran International, 19 June 2021, Available at: <https://iranintl.com/en/iran/final-iran-vote-results-show-lowest-turnout-four-decades>

<sup>20</sup> Vakil S., “Ebrahim Raisi: Iran’s proxy president”, Chatham House, 21 June 2021, Available at: <https://www.chathamhouse.org/2021/06/ebrahim-raisi-irans-proxy-president>

<sup>21</sup> Berger M., “What to know about Iran’s president-elect, Ebrahim Raisi”, The Washington Post, 23 June 2021, Available at: <https://www.washingtonpost.com/world/2021/06/16/ebrahim-raisi-iran-presidential-election-2021/>

<sup>22</sup> Radio Free Europe, “Iran’s Raisi Inaugurated Vowing To Fight ‘Tyrannical’ U.S. Sanctions”, Radio Free Europe, 3 August 2021, Available at: <https://www.rferl.org/a/iran-raisi-inauguration-president/31390848.html>

<sup>23</sup> Toossi S., “Iran and Raisi Have a Legitimacy Crisis”, Foreign Policy, 23 June 2021, Available at: <https://foreignpolicy.com/2021/06/23/iran-and-ebrahim-raisi-have-a-legitimacy-crisis/>

## The Future of the Iran Deal

Joe Biden stated since the presidential campaign that he wishes not only for the USA to return to the Iran deal but also to extend its provisions and use it as a platform for other future agreements; but it will only return if Iran did the first move: to comply with the original provisions of the JCPOA.<sup>24</sup> **Yet, Biden has limited manoeuvrability concerning a possible return to the JCPOA due to the lack of congressional approval from Republicans (required for a two-thirds vote in the Senate) on the deal as well as the 2015 Iran Nuclear Agreement Review Act, which demands that Biden can certify that Iran complies with the JCPOA.**<sup>25</sup>

Iran, for its part, will not return to the deal until the US lifts the sanctions it imposed after it left.<sup>26</sup> In Vienna, six rounds of talks were held indirectly between the US and Iran to try and return to the deal, with a possible draft being rejected by the Iranian Supreme National Security Council (ISNSC) citing the new nuclear law.<sup>27</sup> **The nuclear law, which greatly expands Iran's uranium enrichment capabilities as much as it breaches the JCPOA's terms,**<sup>28</sup> **was used as the reason for the rejection and thus the law is now an obstacle for Iran to return to the deal.** This resulted in a suspension of talks until Raisi attains the presidency,<sup>29</sup> which meant lost negotiation time, but once more underscoring that the new president and his cabinet leave the option to return open to possibility.<sup>30</sup> Furthermore, Ali Khamenei, who holds the final

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<sup>24</sup> Biden J., "Joe Biden: There's a smarter way to be tough on Iran", CNN, 13 September 2020, Available at: <https://edition.cnn.com/2020/09/13/opinions/smarter-way-to-be-tough-on-iran-joe-biden/index.html>

<sup>25</sup> International Institute for Strategic Studies, (2020) "Prospects for the Iran nuclear deal", Strategic Comments, 26:8, Available at: <https://doi.org/10.1080/13567888.2020.1853381>

<sup>26</sup> Radio Free Europe, "Iran's Position On Reviving Nuclear Deal Has Not Changed, Says Khamenei", Radio Free Europe, 21 March 2021, Available at: <https://www.rferl.org/a/iran-nuclear-position-unchanged-khamenei-sanctions-2015-deal-biden/31162395.html>

<sup>27</sup> Ravid B., "Iran's Security Council rejects draft nuclear deal with U.S., spokesman says", Axios, 20 July 2021, Available at: <https://www.axios.com/iran-rejects-nuclear-deal-us-vienna-talks-raisi-303b4a34-b9a8-4073-9f93-c1174ab85685.html>

<sup>28</sup> National Iranian American Council, "Iranian Parliament Bill on Nuclear Program: Full Text in English", National Iranian American Council, 3 December 2020, Available at: <https://www.niacouncil.org/publications/iranian-parliament-bill-on-nuclear-program-full-text-in-english/?locale=en>

<sup>29</sup> Mohammed A., "Exclusive: Iran not ready for nuclear talks until Raisi takes over", Reuters, 15 July 2021, Available at: <https://www.reuters.com/world/middle-east/exclusive-iran-not-ready-nuclear-talks-until-raisi-takes-over-source-2021-07-14/>

<sup>30</sup> Motamedi M., "Iran's Raisi promises to lift sanctions, improve public trust", AlJazeera, 3 August 2021, Available at: <https://www.aljazeera.com/news/2021/8/3/iran-raisi-promises-to-lift-sanctions-improve-public-trust>

decision in Iran, declared repeatedly that he does not trust the West, and casted doubts on the prospects of cooperating with them confidently without binding clauses.<sup>31</sup>

Thus, a major stalemate ensues together with time and patience running out on the issue.<sup>32</sup> While there can be various solutions to breaking this deadlock, many include their own limitations and challenges.

**For instance, in an opinion article written by US Senators Bob Menendez (Democrat) and Lindsey Graham (Republican), a possible solution for preventing an Iranian nuclear bomb is to create a regional nuclear fuel bank Iran and other Middle Eastern countries can access to fuel their nuclear power plants.**<sup>33</sup> This idea is not new, being previously accepted by Iran's then-President Mahmoud Ahmadinejad as a "welcome change" in 2009, however much has changed since then.<sup>34</sup> Regardless, the formation of a possible regional fuel bank, provided it is overseen by a trusted international organisation such as the IAEA, could prevent Iran from creating a nuclear bomb on the pretext that it can access the necessary fuel to run its self-declared "peaceful" nuclear program without doing its own enrichment. Combined with thorough international verifications and transparency, this suggestion would halt the nuclear weapons program and leave little reason for nuclear sanctions to be employed. Iran also showed signs of wishing to negotiate with the USA's "maximum pressure" policy. The sanctions imposed from 2012 to 2015, which were reimposed after the US left the deal, resulted in Iran decreasing its military spending from 2013-2015 by 9 billion dollars per year, hurting Iran's ability to project power in the region.<sup>35</sup> **This may have had an indirect impact on Tehran's negotiating behaviour, since an overarching report by the Soufan Centre underlines that Iran was willing to negotiate a maximum range limit of 2000 km (the distance covering all of Ukraine) for its ballistic missiles in 2019, as a response to the**

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<sup>31</sup> Gladstone R., "Khamenei Adds to Doubts on Iran Nuclear Deal Talks", The New York Times, 18 July 2021, Available at: <https://www.nytimes.com/2021/07/28/world/middleeast/khamenei-iran-nuclear-talks.html>

<sup>32</sup> VOA News, "Blinken: Talks About Return to Iran Nuclear Deal 'Will Not Go On Indefinitely'", VOA News, 29 July 2021, Available at: <https://www.voanews.com/middle-east/blinken-talks-about-return-iran-nuclear-deal-will-not-go-indefinitely>

<sup>33</sup> Menendez B, Graham L., "Opinion: The way forward on containing Iran's nuclear ambitions", The Washington Post, 3 June 2021, Available at: <https://www.washingtonpost.com/opinions/2021/06/03/menendez-graham-iran-nuclear-ambitions/>

<sup>34</sup> Nurshayeva R., "Iran supports U.S.-backed nuclear fuel bank idea", Reuters, 6 April 2009, Available at: <https://www.reuters.com/article/usPoliticsNews/idUKTRE5355NK20090406>

<sup>35</sup> Farzanegan R. M., (2021), "The Effects of International Sanctions on Iran's military spending: A Synthetic Control Analysis", Defence and Peace Economics, Available at: <https://doi.org/10.1080/10242694.2021.1941548>

**pressure done by Trump to reach an agreement that included key issues the JCPOA does not address.**<sup>36</sup> However, newly inaugurated President Raisi is unwilling to discuss any extension of the JCPOA's terms that go beyond the nuclear deal itself, including matters concerning its ballistic missile program. This is because Iran, the owner of the largest missile arsenal in the Middle East,<sup>37</sup> relies on these weapons for its defensive doctrine, as a result of both historical traumas (such as the bombardment of SCUD missiles by Iraq)<sup>38</sup> and indirect nature of striking an enemy from afar (which compensates for Iran's heavily outdated and ineffective air force).<sup>39</sup> Thus, the push by the Biden administration to reach further agreements off the back of the JCPOA into areas such as missiles or proxy warfare can be understood as limiting Iran's defensive potential as a whole by an actor it does not see in a positive light. The need for the extension of the JCPOA from within the USA's domestic politics stands in conflict with Iran's defensive doctrine, where any mere intent of tackling Iran's missile or proxy warfare program can be seen not only as an act of limiting Iran's nuclear weapon capabilities but also the country's regional military capabilities compared to its Middle Eastern rivals.

## Conclusion

Raisi's election sends signals regarding both the direction Iran is taking domestically, as well over the JCPOA. Being a figure that received the support of Khamenei early on, he now aligns very closely with a Supreme Leader who has consolidated his influence in the country while also showcasing his distrust for the West. However, trust is an essential component in the recovery of the JCPOA, and while Raisi has expressed his desire to return to the nuclear deal, his election as an ultraconservative president underlines the greater challenges ahead. This is further complicated by President Biden's position concerning the deal: a "compliance for compliance"<sup>40</sup> return followed by additional deals tackling, among others, Iran's ballistic

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<sup>36</sup> The Soufan Center, (2021) "A Way Forward With Iran? Options for Crafting a U.S. Strategy", Soufan Center, 18 February 2021, Available at: <https://thesoufancenter.org/intelbrief-2021-february-18/>, p.33

<sup>37</sup> Elleman M., "Iran's Ballistic Missile Program", Iran Primer, 13 January 2021, Available at: <https://iranprimer.usip.org/resource/irans-ballistic-missile-program>

<sup>38</sup> Azodi S., "Historical Traumas Underline Iranian Reliance on Missiles", Atlantic Council, 18 December 2018, Available at: <https://www.atlanticcouncil.org/blogs/iransource/historical-traumas-underline-iranian-reliance-on-missiles/>

<sup>39</sup> Orion A., "Iran's Missiles: Military Strategy", Iran Primer, 17 February 2021, Available at: <https://iranprimer.usip.org/index.php/blog/2021/feb/17/iran%E2%80%99s-missiles-military-strategy>

<sup>40</sup> Reuters, "U.S. engaged in indirect diplomacy with Iran, says White House adviser", Reuters, 12 March 2021, Available at: <https://www.reuters.com/article/us-iran-nuclear-usa-diplomacy-idUSKBN2B42MO>



missile program and its support of regional proxy forces. Biden's ambitions stand in conflict with Raisi's declarations, not least they represent core tenets of Iran's defence doctrine.

Raisi stated that his priority focuses will be Iran's economy and the nuclear deal; making promises at a time where the country's system is facing an illegitimacy crisis from a highly disillusioned population that historically suffered from a crippled economy and rigged elections.<sup>41</sup> And while Biden promised that Iran will never get the nuclear weapon "on [his] watch",<sup>42</sup> Iran's technical and legislative advancements into enriching uranium pushes the country to have a stronger negotiating position than before. Unrelated tensions that damage the prospects of negotiation exist between the two, with a few examples including Iran ending the prisoner exchange plans,<sup>43</sup> tensions in the Strait of Hormuz and human rights sanctions, with Raisi being sanctioned by the US Treasury over his involvement in the 1988 executions; reciprocally upsetting the parties involved further. This, while coupled with a consolidated leadership aligned towards a distrustful Khamenei, Biden's expanding intentions, limited time, and countless other possibilities of increasing the tension between the two countries, the hopes for the Iran deal are slimmer than ever, if it is not already too late.

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<sup>41</sup> France24, "Iran's Raisi set to focus on economy and nuclear deal", France24, 1 August 2021, Available at: <https://www.france24.com/en/live-news/20210801-iran-s-raisi-set-to-focus-on-economy-and-nuclear-deal>

<sup>42</sup> Marissa M., "Biden declares Iran will never get a nuclear weapon 'on my watch'", Politico, 28 June 2021, Available at: <https://www.politico.com/news/2021/06/28/biden-iran-nuclear-weapon-496801>

<sup>43</sup> Reuters, "Iran official says Tehran to drop prisoner swap plans with U.S. - report", Reuters, 3 August 2021, Available at: <https://www.reuters.com/world/middle-east/iran-official-says-tehran-drop-prisoner-swap-plans-with-us-report-2021-08-03/>

## Recommendations

1. The US and Iran must engage in confidence-building moves to provide tangible evidence that the parties are willing to negotiate on amicable terms. This can involve displaying a less aggressive stance by both parties diplomatically and militarily in areas such as the Strait of Hormuz, while also restarting various programs such as the prisoner exchange or symbolically removing some sanctions from various individuals without losing the negotiation leverage.
2. The EU, the UK, Russia and China, as signatory members of the Iran deal, must continue to act as mediators between the two parties and promote further diplomatic discourse concerning a return to the JCPOA. Since the US and Iran declared they will not meet with one another in the close future, intermediaries are a necessary lifeline for the negotiation process.
3. A deep and thorough understanding of the impact of sanctions on the Iranian economy from the perspective of the population may provide valuable insights that can allow the offering of temporary sanction wavering so much as to let the Iranian government address the illegitimacy crisis it faces by answering the economic needs of the disillusioned population.
4. A new revision of Iran's unrestrained progress over the Iran deal is necessary to understand the leverage it has while negotiating the deal. Aspects such as undeclared enrichment sites will allow Iran to negotiate tougher terms for a possible return and exacerbate the differences between the two parties' agendas.

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## ABOUT THE AUTHOR

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**Cosmin Timofte.** Graduate student of Politics and Intelligence Studies at Aberystwyth University and International Security at University of Warwick. Former exchange student in the United States. Participant in an analytical project of the media narratives around Brexit in the United Kingdom and Romania. His main research interests are Middle Eastern armed conflicts, disinformation and intelligence.

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