

The West's Attempt to Weaken Iran's Deterrence Power from JCPOA Entrance

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Abstract

The goal of countries in concluding treaties in international relations is to increase and ensure national security. Each country is trying to maximize its safety in the global environment. The Joint Comprehensive Plan of Action, abbreviated as "JCPOA," resulted from 12 years of negotiations between Iran and the West, which formalized, after being signed by the P5 + 1 countries and ratified by UN Security Council Resolution 2231. Political and legal experts have considered the effects of JCPOA and related resolutions, including Resolution 2231, on national interests from various dimensions. The present study aimed to analyze the West's attempt to reduce Iran's conventional deterrence power from JCPOA entrance. The main question is 'In addition to restricting Iran's nuclear industry, what other goals did the United States pursue in JCPOA?' The article hypothesizes that one of the goals of the US-led West has been to weaken Iran's conventional deterrence capability through JCPOA. This hypothesis is tested based on a deterrence strategy. Therefore, while proposing a deterrence strategy, the present study analyses JCPOA and its consequences (Resolution 2231) and its impact on the conventional deterrence capacity of the Islamic Republic of Iran. The result of this article is the confirmation of the hypothesis above.

Keywords: Deterrence, JCPOA, National Security, Defence.

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Introduction

The issue of peaceful nuclear activities in Iran is one of the tremendous and protracted crises in the history of Iran, which has gone beyond the national level and has gained international dimensions. Based on international treaties and the importance of this industry in developing the country, Iran considers peaceful nuclear technology legal and natural right. The main goal of governments in joining international treaties is to increase and maximize national security and interests. The present study aimed to evaluate the effect of "JCPOA" on Iran's defensive and deterrence ability based on "Deterrence Theory." The deterrence strategy results from the evolution of the different individuals' theories based on the governing facts of the relations between states. The basic premise of deterrence theory is that if country A intends to attack country B, it will not attack if the cost of the attack exceeds its achievement. The famous French strategist "Buffer" believes that if a country can destroy 15% of another country's population or industrial centres, this country has a deterrent power (Collingri, 1999 AD/1378 SH: 304). Therefore, the result is an increase in defence authority to deter and respond effectively to threats, secure national interests and public security, support foreign policy, and promote peace and security in the region by using all means. The deterrence strategy has different levels and is not limited to nuclear weapons. "Deterrence" in this study means conventional deterrence because unconventional deterrence and nuclear weapons have no place in Iran's defence doctrine.

JCPOA is an international treaty that has a close connection with Iran's national interests and security. Therefore, we should consider this treaty from various dimensions and aspects, especially defence and security. The hypothesis is one goal of the US-led West has been to weaken Iran's conventional deterrence capability through JCPOA. This hypothesis is evaluated based on the "Deterrence Strategy." The general purpose of this article is to show the weaknesses of JCPOA and finally explain that contracts similar to the conditions of JCPOA do not serve the interests of Iran.

1. Research Background

Numerous works have been published about JCPOA and its benefits. Hossein Pourahmadi and Ali Akbar Bazoobandi have analyzed why the JCPOA agreement is based on a two-level metaphor (Pourahmadi and Bazoobandi, 2018 AD/1397 SH: 79-120). Investigating why nuclear conflict is resolved using the theory of maturity is the title of a study by Kolaei and Soltaninejad. This study has concluded that the two sides have inevitably negotiated and agreed regarding the impasse of the problem and

the lack of other solutions (Kolaei and Soltaninejad, 2014 AD/1393 SH: 97-126).

Farzad Rostami and Massoud Naderi, in their article "JCPOA, the Nuclear Case and the Security-making and non-Security-making Platforms" have tried to show that JCPOA has led to the promotion of Iran's position in the region and the world (Rostami and Naderi, 2016 AD/1395 SH: 187-218). In a book entitled "Step by Step with JCPOA from Beginning to End," Hamid Baeidinejad presents a documentary report on the process of the Geneva negotiations to the final agreement (cf: Baeidinejad, 2015 AD/1394 SH: 1-396). "The Impact of JCPOA on the Security Cooperation of European Union and Iran" is the title of an article published by Nessa Zahedi and Saeed Amini.

The authors have predicted that JCPOA will improve the EU's security relations with Iran (Zahedi and Amini, 2016 AD/1395 SH:1).

Saleh Rezaei Pish Robot, in an article, examine the issue of inspection of Iran's military bases by the International Atomic Energy Agency based on JCPOA and the Additional Protocol (Rezaei Pish Robot, 2017 AD/1396 SH: 1). Muhammad Sadegh Koushki et al., in an article entitled "US Withdrawal from JCPOA and Confronting the Deterrence Strategy of the Islamic Republic of Iran," have tried to analyze the US withdrawal from JCPOA to counter Iran's asymmetric deterrence (Kushki et al., 2017 AD/1398 SH: 322-348). This article differs from previous research in that the present paper, with a critical perspective, has read this agreement in the framework of "Deterrence Theory" and from influencing the country's defence capabilities. The present study is practical research with the descriptive-analytical method and using documental, libraries and news sites instruments.

2. Theoretical Framework

Achieving lasting security and a life free of war and bloodshed and the absence of threat has been one of the concerns of humanity throughout history. There is a two-way relationship between threats and security in various fields. Where there is a threat, there is no security, and on the contrary, where there is no security and have weakness, society does not move towards the country's ideals (Nezami and Mehri, 2008 AD/1387 SH: 187). According to the classical realist view, the international system is a chaotic system in which the actors choose the self-reliance strategy to maintain their interests and existence. Classical realist theory, like other theories, has evolved in such a way that today, we can discuss neorealism in both defensive and offensive terms. In 1979, Kenneth Waltz, the famous realist

theorist, presented the theory of neo-realism by writing his book, "Theory of International Politics" (Fathi, 2020 AD/1399 SH: 824-825). Neo-realism adheres to classical realism's central principles and assumptions, such as country-oriented, power-oriented, balance of power, international anarchy, and countries unity and rationality (Dehghani Firoozabadi, 2012 AD/1391 SH: 33). Neo-realists believe that governments maximize their profits by using domestic and foreign tools (Bosz, 2017: 200-201). In a world with increasing threats and demands, small and large powers increasingly produce and multiply destructive weapons (Momtaz, 1998 AD/1377 SH: 7). world peace take place when everyone can defend.

Regarding the above mentioned, the theory of deterrence is based on realism and against the ideas based on idealism. This theory is a completed version of the view of Power Balance. During the second half of the twentieth century, relying on conventional and unconventional weapons could explain international relations (Seifzadeh, 2000 AD/1379 SH: 178). People like Bernard Brodie and Liddell Hart can are its commentators.

Deterrence means the one-sided attempt to influence the other to prevent him from taking an action that involves damage or expense to the first one (Elliott, Robert, 1999 AD/1378 SH: 370). Characteristics such as the political environment inside and outside, the political goals nature, relationship between the government, elites and the people are the requirements of deterrence (Lane et al., 2004 AD/1383 SH: 198). The critical point in deterrence is that if a country can convince an opponent that its costs in the attack outweigh its benefits, it will secure itself against that country. Deterrence is often used to prevent an enemy military attack or to prevent the deployment of military force and to stop unacceptable civilian activities and is based on the second blow (Lotfian, 1997 AD/1376 SH: 172).

To ensure a deterrence policy, a country must have the power of a "Second Blow" to ensure its survival and defeat the other side (Deutsch, 1996 AD/1375 SH: 223).

Waltz says that the power of the second blow has two states. The first is that the deterrence power must survive after enduring the first blow or preventive, and the second is that it must show complete and sufficient ability to strike the double blow and prevent the other side (Waltz, 1995: 9). The deterrence system has two critical theoretical foundations, structural theories and rational actors. Accordingly, if power is concentrated, it causes stability and power breakdown and instability (Askarkhani, 2004 AD/1383 SH: 46). The deterrence strategy is not used to fight but is used to maintain peace and psychologically prevent aggression (Collins 1991 AD/1370 SH: 161). In other words, deterrence results from the strategic

resources available to an organization and its ability to turn resources into coercive power so that this coercive power is adequate before using.

2.1. Deterrence Factors and Assumptions

The deterrence theory assumptions are as follows:

- 1) Existence of two rival actors who have a positive or negative connection of interests;
- 2) Being rational and intellectual (instrumental rationality) of both parties;
- 3) Intolerance of damages caused by possible war;
- 4) The effect of military power on changing the decision of the attacking actor (cf: Seifzadeh, 2000 AD/1379 SH: 181-182).

The basic concepts of deterrence are capability, validity, communication and stability.

2.2. Capability

Capacity is the ability to inflict a "Second Blow" on a potential attacker (Amir Moeini, 1977 AD/1356 SH: 20). A situation in which one side has a vast and invulnerable force that, after enduring the "First Blow," can inflict a second blow in a reciprocal and compensatory manner and inflict general damage on the other party. The deterrence force must be able, if necessary, to implement the appropriate punishment to the attacking party (Omidvarnia, 2002 AD/1381 SH: 44). Deterrence is effective when sufficient capacity to respond to the threat (ibid., 45). Hence, war is considered a great disaster for the aggressor. The attacking actor will never attack, knowing that the hostile country will not be destroyed and will strike back with the first blow.

2.3. Validity

Convincing the opponent about the existence of "Capability" and the power of the second blow is a necessary condition of deterrence, but it is not sufficient. The enemy must be "Convinced" that this deterrence force can inflict irreparable damage (Gray, 1999 AD/1378 SH: 32). There is also the necessary political will to do so. Henry Kissinger says: "According to the deterrence, a move with bluff aim suppose seriously is much more effective than a threat that is real but not construe seriously." (Deutsch, 1996 AD/1375 SH: 223) The deterrence strategy is successful when the hostile parties make sure that each one can deliver a second blow, and this action creates damage that is more than the benefits of the first attack. Each will not hesitate to execute a penalty and enter a second blow. Therefore, no one act to inflict the first blow. Thus, "Validity" is accepting the reality of capability and "Ability" is capability itself.

2.4. Communication

Deterrence is effective when the deterrence force transmits its intent to the

other party and determines attack consequences to the aggressor. Deterrence is a strategy with military equipment; therefore, governments must reveal their real intentions by publishing official announcements, sending messages, and announcing their plans. Otherwise, if the country can strike a second blow and the will of use validity, the necessary communication is not created. Or some reasons caused the opponent's misunderstanding of what the other side means, an attack takes place, and the deterrence loses its meaning.

2.5. Stability

Effective deterrence does not merely have a robust military force; it must also be stable (Omidvarnia, 2002 AD/1381 SH: 46). In addition to being aware of each view, stability in deterrence means that the parties do not take drastic and unforeseen actions for small and insignificant issues (Amir Moeini, 1977 AD/1356 SH: 26). Instability in the parties' will, small activities, and the normal movement of forces or weapons testing may be considered the beginning of an attack. In response, a pre-emptive strike may take place and reject deterrence. However, the other side did not intend to do so. Stability also depends on interests. The conflict parties must agree on "Survival." Failure to share interests can lead to deterrence failure.

3. Types of Deterrence

3.1. Deterrence Regarding Tools and Instruments

According to the role of tools and instruments, researchers have enumerated two general types of deterrence.

3.1.1. Conventional Deterrence

In this method of deterrence (which is the subject of this article), conventional weapons play a significant role and are the most common type of deterrence globally. Ballistic missiles have characteristics that make them ideal for traditional deterrence, such as the ability to penetrate the enemy defence network, maintaining ability before firing, relatively long-range and high speed, which reduces their vulnerability to air defence systems (Taremi, 2003 AD/1382 SH: 183). The mobility of missile launchers and the lack of runways and ancillary formations increase the deterrence capability in combat situations. Ballistic missiles can hit targets at a very far distance from the borders. It may be impossible by air force fighters or with many risks (ibid., 184). So, Iran has tried to increase its deterrence power by expanding the range and accuracy of its missiles.

3.1.2. Nuclear Deterrence

Nuclear weapons play a crucial role in nuclear deterrence (it is not the article's subject). Nuclear deterrence during the Cold War was able to prove its effectiveness and prevent the conflict of powers with atomic

weapons (Rahimi Roushan 2016 AD/1395 SH: 390). Experts have considered other divisions in parallel with the deterrence division due to tools, deterrence in terms of goals, regional and global deterrence (cf: *ibid.*, 393).

4. The Beginning of the Iran-West Nuclear Crisis

Following reports by the Mojahedin Khalq Organization (MKO) about the activities of the secret nuclear forces in Natanz and Arak formed intense propaganda in the Western media and political circles against Iran. Phrases such as nuclear Iran is a threat, Iran is part of the axis of evil, etc., were raised every day (Rostami and Naderi, 2016 AD/1395 AH: 196). The Foreign Ministers of Britain, France and Germany sent a joint letter to the Iranian Foreign Minister on Tir 18, 1382, requesting that Iran suspend all enrichment activities and accept the Additional Protocol (Rahimi Roushan, 2016 AD/1395 SH: 307). In response to this letter, Iran formally declared its readiness to negotiate with the Agency on the Additional Protocol on Shahrivar 21, 1382. The negotiations between Iran and three European countries (Mehr 29, 1382) led to the Saadabad agreement. The provisions of the Saadabad Treaty were followed by the Brussels Agreement on Esfand 4, 1382 and the "Paris Agreement" on Aban 25, 1383, with the acceptance of further commitments by Iran. However, none of Iran's confidence-building measures led to the three European countries' recognition of Iran's rights, which provoked Iran's dissatisfaction and was reflected in a letter from the Iranian chief negotiator to the Europeans (Rouhani, 2012 AD/1391 SH: 321).

In Mordad 1384, the nuclear activities (which had been suspended) were resumed in the then President presence and broke the seal of the UCF factory in Isfahan. The ninth and tenth governments formed an unprecedented leap in nuclear energy (cf: Rahimi Roushan, 2016 AD/1395 SH: 341-344). The rapid development of Iran's peaceful atomic industry has elevated Iran's position in the negotiations to such an extent that it has forced the West to accept the principle of enrichment and the repeal of sanctions on Iran. Therefore, the only option for the United States was to negotiate a political and logical solution with Iran (Jalali et al., 2019 AD/1398 SH: 133). On the one hand, Iran's insistence on accepting the right to enrichment and the failure of unprecedented US and European sanctions to halt Iran's nuclear program led Obama to make a proposal that was unthinkable in the past. In this proposal, the United States accepted the principle of enrichment in Iran and was careful not to adopt an issue that would publicly imply a rejection of enrichment. Officials in the Obama administration carefully stated that their goal was to prevent Iran from building a nuclear

weapon, not to block the capability of Iran's nuclear program, which implicitly implied the acceptance of the right to enrichment (Pourahmadi and Bazoobandi, 2018 AD/1397 SH: 101). After implementing the JCPOA and when Iran lost its leverage, the West did not predictably fulfil its obligations in JCPOA. Because Iran had unilaterally fulfilled all its commitments, the Western side, which had achieved its goal, had no incentive to meet its obligations.

4.1. Continuation of Negotiations with the Development of the Nuclear Industry

Negotiations between Iran and the West continued during the Ninth and Tenth Governments. After numerous and fruitless meetings, after the level of enrichment reached 20% according to the needs of the country and the number of centrifuges set up and built reached 27,000, the Western side decided that it should meet the minimum requirements of Iran. Therefore, in the meeting (Istanbul 2) held on Farvardin 26 and 27, 1391, the following preliminary agreements were reached, which showed the first glimmers of hope to solve the problem:

1. Iran will continue to enrich uranium by 3.5 per cent;
2. The P5 + 1 Group accepts Iran's right to peaceful nuclear activities;
3. Iran will provide the necessary guarantees for the inactivity of the military atomic;
4. The negotiations framework at the next meeting will be the rules of the International Atomic Energy Agency and the NPT.

However, at the next meeting in Vienna, on Ordibehesht 18, 1391, and then the talks in Baghdad, on Khordad 3 and 4 of the same year, the Western group could not conclude Iran's proposals. Thus, it explicitly revealed the process by which the West agreed to the minimal acceptance of Iran's demands and its signs at the Istanbul Summit (Farvardin 26 and 27, 1391 SH). Simultaneously with the end of the tenth government, it transferred to the eleventh government (cf: Rahimi Roushan, 2016 AD/1395 SH: 355-367).

4.2. Negotiations in the Eleventh Government and the Geneva Declaration

During Hassan Rouhani's visit to New York to attend the UN General Assembly, the sidelines held preliminary talks with the Western group, which paved the way for new discussions called Geneva 4 in Mehr 1392. Further negotiations "Geneva 6" began on Aban 29, 1392, in Geneva and continued to the morning of Azar 3. These discussions caused an agreement called the Geneva Declaration. The general principles of the Geneva Declaration were:

- Guarantee Iran not to pursue the acquisition of nuclear weapons proliferation (under any circumstances);

- The use of nuclear energy for peaceful purposes per the relevant provisions of the treaty on the Non-Proliferation of Nuclear Weapons and act its obligations under the NPT;

- This comprehensive solution will enable Iran to fully enjoy its right to have nuclear energy for peaceful purposes under the relevant clauses in the NPT and following the tasks set out for it in these clauses;

- This comprehensive solution will include a mutually defined enrichment program that provides for practical constraints and transparency measures to ensure the peaceful nature of the program;

- "Until all of it is not agreed" means that no agreement has been reached.

Iran's concessions in the Geneva agreement included no new sanctions for up to six months, the suspension of the precious metals embargo, the release of part of its blocked assets, the lifting of sanctions on the automotive industry, and the export of petrochemical products. On the other hand, Iran must store half of its 20% enriched uranium to produce fuel for Tehran's research reactor and dilute the rest. For these six months, do not enrich uranium to levels above 5%. Do not expand the Natanz, Fordow or Arak nuclear fuel facilities and do not build new facilities. Allow daily and unrestricted inspections to the International Atomic Energy Agency at all levels, from mines to workshops, etc. After the Geneva agreement, negotiations continued in Esfand 92 and Aban 93 in Oman (cf: Rahimi Roushan, 2016 AD/1395 SH: 355-367). These intensive negotiations paved the way for the extension of the Geneva Declaration.

5. Joint Comprehensive Plan of Action¹ (JCPOA)

Negotiations between the two sides continued in Ordibehesht and Khordad 1394. The final round of the talks to draft a so-called "Vienna 9" agreement with the P5 + 1 group began at the Coburg Hotel, and the conclusion of the Vienna talks was published on 23 Tir.

5.1. An Overview of the Commitments of the Two Sides in "JCPOA"

According to the paper title, which examines the West's efforts to weaken Iran's deterrence ability from JCPOA entrance, a brief look at the parties' commitments is necessary. JCPOA has been compiled in about 160 pages (including the text and appendix). The text of JCPOA and the fifth appendix includes five-time periods for implementing the agreement. These periods are the day of negotiations finalization, ratification, implementation, transfer and the end of the Security Council resolution. Iran and the P5 +

¹. The Joint Comprehensive Plan of Action was the name of a statement or agreement reached between Iran and the West in the government of Dr Hassan Rouhani to resolve the nuclear issue, abbreviated as "JCPOA."

I have tasks and responsibilities at any given time. The finalization of the negotiations day is when the nuclear talks were concluded.

This incident took place on Tuesday, Tir 23, 1394, in Vienna that based on the Security Council would approve the JCPOA in a resolution. The details of this resolution are in paragraph "N" of the JCPOA. According to it, the Security Council resolution will repeal all previous resolutions from the day of its implementation. It will impose some special restrictions and termination of the UN Security Council's review of the Iranian nuclear issue 10 years after the date of the JCPOA agreement (<https://www.mfa.ir/files/mfa/pdf.pdf>: 4). The draft resolution was submitted by the United States and approved by the Security Council under No. 2231.

5.2. The Mechanism for the Sanctions Return

One of the US goals in concluding the JCPOA was not to solve the Iranian nuclear problem and lift sanctions but to freeze as an introduction to entering other areas of US claims, including Iran's defence program. Therefore, included the mechanism for the return of sanctions in the JCPOA. This mechanism empowers the signatories of the JCPOA; whenever they wish, they can return the sanctions through the predicted legal process. Paragraphs eleven and twelve of Resolution 2231 describe the mechanism for the sanctions return. These clauses, which are based on Articles 36 and 37 of the JCPOA, state that in a dispute between Iran and the P5 + 1, the Security Council must, within 30 days of receiving the complainant's statement of "Lack of Basic Adherence" opposite side, must vote on "The Continuation of Lifting Iran Sanctions." (<https://www.mfa.ir/files/mfa/pdf.pdf>: Paragraph 11&12) In this case, if the US or any of the permanent members of the Security Council want the sanctions against Iran to come back, they can use their veto power to prevent the resolution approval "on the Continuation of the Lifting of the Sanctions." And they can cause previous resolutions and related sanctions to be fully revived automatically.

According to paragraph 14 of appendix 5, the implementation day shall begin when Iran has fulfilled its obligations and the Agency has verified them. This paragraph reads: "On the day of implementation, following the implementation of the relevant actions of the Iranian nuclear authorities referred to in paragraph 15 and verified by the Agency and simultaneously with the adoption of measures referred to in paragraphs 16 and 17 by the P5 + 1 group and the occurrence of actions referred to in paragraph 18 at the United Nations, it will be following the resolution of the United Nations Security Council." (<https://www.mfa.ir/files/mfa/pdf.pdf>: 119) The above

sentences about the related actions of Iran's nuclear program mean the eleven commitments that Iran must fulfil in essential areas such as the level and capacity of enrichment, Arak, Fordow, uranium reserves, and so on. Eight years after the date of "Ratification Day" or the report of the Secretary-General of the International Atomic Energy Agency that the IAEA has reached a broader conclusion that all nuclear material in Iran is used in peaceful activities is called "Transition Day." (<https://www.mfa.ir/files/mfa/pdff.pdf>: 119)

5.3. End Date of Security Council Resolution

According to paragraphs 23 and 24 of the fifth appendix, the end day is the day when the provisions and measures imposed in the Security Council resolution will end. In that time, the Security Council will no longer check the issue of Iran's nuclear program (<https://www.mfa.ir/files/mfa/pdff.pdf>: 123). Accordingly, Iran will be excluded entirely from Chapter 7 of the UN Charter on the date of termination.

After the JCPOA agreement, formed a special commission to review it in the Islamic Consultative Assembly. The "Special Commission of JCPOA" report was read in the parliament on 7/12/94, which examined JCPOA from the political, security, defence, economic and legal aspects. The commission's report has not to desire to the JCPOA. Still, with the arrangements of the parliament boss, implemented another plan in the National Security Commission. The government didn't need to send JCPOA to the parliament as a bill. In conclusion, the report of the Special Commission was rejected, while according to the Parliament regulation, it had to be voted on. However, the parliament introduced another plan called Iran's proportionate and reciprocal action to implement "JCPOA" and approved it on Tuesday, 7/21/94.

6. JCPOA Analysis Based on Deterrence Strategy

Realists believe that the domestic society of countries is under the control of superior power (government). This supreme power is the ultimate source of authority and domestic policy-making. The same powerful actor in the domestic arena is also the leading actor on the international scene. This view of the government has led the realists to consider the government as a source of national security (Abbasi Shavazi, 2016 AD/1395 SH: 80). Regarding the unique position of the government in the domestic and foreign policy, nuclear developments have a direct impact on the Iranian government and national security (ibid., 75). Therefore, it must be considered from different political, economic and security dimensions and aspects.

Regarding the security aspect of JCPOA, present the issue of the JCPOA

effect on the Iran deterrence power. Some believe that the Western side, based on the JCPOA content, seeks to reduce Iran's deterrence power in other areas. We can analyze one of the main reasons for the European Union's opposition to Iran's nuclear program based on civilizational cultural views (preventing the civilizations war) and Iranophobia and Islamophobia (Khoshandam, 2007 AD/1386 SH: 68). The governing spirit of the nuclear agreement in the eyes of Western powers was to counter Iran's deterrence power in West Asia and the Persian Gulf, and lead Iran's political behaviour in the region to "Normalization." (Kushki et al., 2019 AD/1398 SH: 372) According to the U.S, JCPOA creates a suitable platform to put regional issues and crises such as Iraq, Syria, Yemen, Bahrain, and other matters on negotiations with Iran. Therefore, finally, force Iran to be flexible about its positions or retreat from them in the region (Koushki et al., 2019 AD/1398 SH: 373). Western officials have repeatedly stated that the nuclear industry is not their main problem. IAEA Director-General George Friedman says: "Our problem with Iran is not its nuclear activities, but Iran has shown that without US support and even in conflict with the United States, it can become the most significant technological and military power in the region. This phenomenon has turned Iran into a model for Islamic countries" (ibid.). Thus, JCPOA is not merely an economic and political agreement, but according to the West's, it was an agreement encompassing all political, economic, ideological, military, and geopolitical aspects. Iran saw the agreement as an entrance to clear charges and lift sanctions. The West saw it as an opportunity to slow Iran's development and as a prelude to limiting Iran's defence capabilities and sphere of influence in the region. As a result, JCPOA has had a direct and indirect negative impact on Iran's deterrence power. In the following, we will examine and apply JCPOA and its consequences with the main principles of deterrence, namely capability, validity, communication and stability.

6.1. Capability

According to the theoretical framework, having a certain amount of military and technological capabilities is necessary to provide deterrence. Without them, it is impossible to reach the next stage, which is effective in the mind and beliefs of the other party (Lotfian, 1997AD/1376 SH: 214). One of the essential deterrence materials is the issue of "Capability." Capability means that the deterrence power must execute an appropriate punishment for the attacker in necessity. Therefore, although JCPOA is not directly related to reducing Iran's defence capability. According to Europe and the US, JCPOA severely limited Iran's nuclear power and

provided a socio-political and social context that eliminated Iran's missile capability, which is Iran's most crucial defence advantage. It is implicitly stated in the JCPOA and more explicitly in Security Council Resolution 2231. After Iran deprivation from the JCPOA benefits even in the Obama administration, Western political propaganda focused on the fact that if Iran did not enjoy the benefits of JCPOA, it was because of failure to complete the JCPOA process, and Iran did not act in the spirit JCPOA. If Iran limits its missile capability, then it will achieve tangible results from the JCPOA agreement! By instilling this issue in the international community and public opinion inside Iran, the West is trying to provide social and psychological pressure against the Iranian government. Therefore, from this view, JCPOA is a ground for reducing Iran's deterrence capability.

On the other hand, even JCPOA has affected the reduction of Iran's missile and space capability. A satellite was stopped to cut off the enemy's excuse, ready to launch from the launch pad (www.tabnak.ir/fa/news/876528/).

The general conclusion of the JCPOA Inquiry Commission in the Islamic Consultative Assembly was that the set of weaknesses of JCPOA and Resolution 2231 was the product of US efforts to turn JCPOA into a tool for strategic control of Iran and to create infrastructure for influence in the country under the pretext of the post-JCPOA atmosphere (Report of the Special Commission of JCPOA, 2015 AD/1394 SH: Section B: Paragraph 5). According to paragraph 5 (a) of the JCPOA, Iran shall, under its long-term plan, for 15 years carry out uranium enrichment-related activities, including research and development under its supervision, solely at the Natanz enrichment facility. It will maintain its uranium enrichment level up to 3.67%. In Fordow, it will refrain from any uranium enrichment and research and development of uranium enrichment and storage of any nuclear material (<https://www.mfa.ir/files/mfa/pdff.pdf>: 7). The third paragraph restricts this research and development to enrichment in a manner that does not accumulate enriched uranium for ten years, including only IR-4 to IR-8 machines as described in appendix 1 (ibid., 6). Therefore, the apparent acceptance of the right to enrichment in Iran in JCPOA was not goodwill to accept Iran's request for nuclear power but to limit it to the level of laboratory capacity and a prelude to entering the next JCPOA. This issue becomes even more critical when we consider the implicit limitation of Iran's missile capability in JCPOA and more explicitly in Resolution 2231. According to JCPOA, the Arak heavy reactor has not yet been redesigned and is not fulfilled. If it did, it could not have the benefits of destroying heavy reactors using natural uranium as a raw natural fuel. The weaknesses of JCPOA, which regarding the

deterrence is considered reduction and limitation, are as follow: “Long-term commitment not to develop and complete the heavy water reactor, or its accumulation in Iran for 15 years and dedication to export additional heavy water according to paragraph 10 (a) of JCPOA (ibid., 8) and limiting Iran's uranium reserves based on paragraph 7 (a) of JCPOA, up to a maximum of 300 kg” (ibid., 7). Therefore, in addition to arms embargoes and implicit restrictions on the missile industry, severe restrictions on the nuclear industry are aligned with reducing deterrence capability. It has no relation to nuclear weapons because any level of the nuclear fuel cycle and having a nuclear power plant can create a level of deterrence.

6.1.1 Reducing Iran's Capabilities Based on JCPOA in the Word and Actions of Western Officials

JCPOA and the restrictions imposed on Iran were a great success for the U.S. Secretary of State John Kerry held a special celebration for the success of the JCPOA negotiation, in which "Obama" also participated (*Farsnews.com/news/13940627000165*). The US presidential decree temporarily suspended western commitments in the JCPOA, but it has not benefited Iran in practice. In contrast, before the conclusion of the JCPOA and until 2015, three times, to show good faith and transparency about its peaceful nuclear programs, Iran allowed permission to visit the Parchin military site (Rezaei Pishrobat, 2017 AD/1396 SH: 67). With this agreement, the United States, on the one hand, stopped Iran's nuclear program. On the other hand, through the obtained information from the International Atomic Energy Agency from nuclear and non-nuclear facilities, it can enter into military operations against Iran with more accurate information (Khalili et al., 2019 AD/1398 SH: 110). Despite the claims of Iranian officials who blamed JCPOA for sanctions eliminations, in the first days of JCPOA signing and even during the negotiations, US officials insisted on maintaining the sanctions structure. Adam Zubin, US Deputy Treasury Secretary, said in a vote of confidence from the Senate Banking Committee: "With the cooperation of the allies, we will maintain the pressure of sanctions against Iran." He said: “Washington will continue to impose anti-Iranian sanctions on terrorism, missile proliferation and human rights”. He claimed: “Iran's foreign exchange reserves will be more vulnerable to future sanctions, not less” (<https://www.farsnews.ir/news/13940626000844>). According to these statements, the US strategic goal was to limit Iran's power in various dimensions and consider JCPOA as a tool for this purpose. In appendix B of Resolution 2231, there are a series of commitments and recommendations beyond the JCPOA, referring to Iran's arms embargo, Iran's missile activities.

In the sixth paragraph of section B, member states are required to take the necessary measures to prevent the supply, sale or transfer of weapons or related materials from the territory of Iran by nationals or ships and aircraft under their flag (<https://www.mfa.ir/files/mfa/pdff.pdf>: Paragraph 6 (b)). In this statement, Iran's regional policies are tied to the nuclear issue. The conventional arms embargo mentioned in this paragraph comes when terrorism in the region has grown significantly in recent years, and ISIS is considered a serious threat to Iran's security. Under such circumstances, the Americans, with their vast power in international institutions such as the UN Security Council, can accuse Iran of documenting the sale and purchase of arms and military equipment in the region and caused the JCPOA to remain incomplete. In other words, using JCPOA limits Iran's defence capability. In case of Iran's non-acceptance, they will deprive Iran of the minority benefits of JCPOA and legally citing JCPOA introduce Iran as violating its obligations. Secretary of State John Kerry wrote in a confidential letter to Republican Sen. Marco Rubio. Whereas the Security Council requested Iran to do no ballistic missile-related activity, therefore, such actions are contrary to the Security Council resolution and will be a severe matter for consideration by the UN Security Council. He says the resolution does not allow Iran's ballistic missile program to be comfortable (Kayhan newspaper, 2015 AD/1394 SH, 1). Some JCPOA supporters considered Resolution 2231 to be its strength. However, paragraph 3, the ban on ballistic missiles, provided for the design of a nuclear warhead, which included the phrase "Designed to Carry a Nuclear Warhead," caused different interpretations by the West. Every time Iran missile tests US and Europe, citing it introduce Iran as violating the resolution. In addition, the imposition of a five-year restriction on Iran's arms imports and exports has directly affected Iran's deterrence capability. Thus, according to West, JCPOA was an entrance to other areas, including defence. Trump withdrew from JCPOA on the same pretext because he claimed that it is incomplete and should also cover Iran's spheres of regional influence and defensive deterrence; now, the Biden government is making the same demand in other literature.

6.2. Validity

JCPOA has harmed Iran's deterrence capacity in terms of "Validity." By accepting its commitments - which were clear and explicit, and the International Energy Agency is verifying its implementation - Iran, in return for the duties of the West without the necessary executive guarantees, indirectly sent the opposite message that it is ready to accept the unilateral commitment. This unilateral acceptance of obligations was also objected to by the

Special Commission of JCPOA (Report of the Special Commission of JCPOA. 2015 AD/1394 SH: Section (b), paragraph 6). Acceptance of the restrictions imposed by JCPOA, despite the experience of non-fulfilment of obligations by the West, indicates "Validity Weakness" among Iranian decision-makers and caused more pressure. However, according to the investigations carried out in the Special Commission of JCPOA in the Iranian Parliament, the threat of aggression and military confrontation with it in case of non-acceptance of JCPOA was a baseless and prominent bluff. Because according to the text of JCPOA and the additional protocol, access to Iran's military facilities as possible, and Iran was obliged to provide access to any facility, including military and security, within a maximum of 24 days (ibid., section (D), paragraph 3).

Accepting the Additional Protocol voluntarily and allowing the Agency access to any claimed location (Report of the JCPOA Special Commission, 1394: Section (d), paragraph 3), partially neutralized the positive effect of the abolition of PMD^۷.

On the one hand, by accepting the announcement of the PMD, the West abandoned its previous claims in this regard. Still, according to the Additional Protocol, it paved the way for monitoring and inspecting Iran's military bases. Therefore, JCPOA had significant gaps and weaknesses in the military and security fields, which caused the weakening of Iran's deterrence power by accepting inspections of the military, defensive and security centres, both psychologically and objectively. Paragraphs 11 and 12 of Resolution 2231, as approved JCPOA by the Security Council, based on JCPOA text, each of the five permanent members of the UN Security Council can refuse to fulfil obligations and return sanctions to normal by resorting to any "Excuse" and without providing documents that show their dissatisfaction with the JCPOA process (<https://mfa.gov.ir/portal/newsview/31178>: Paragraphs 11&12). Does the Security Council minus Iran's verification criterion mean that the Islamic Republic of Iran has accepted that the Western parties, especially the Americans, are "Plaintiff," "Accused," "Witness," "Judge," and "Arbitrator" in the execution process of JCPOA? According to the Resolution 2231 and paragraphs 36 and 37 of JCPOA, if one of the parties (Iran or a member of the P5 + 1) believes that the other

۷. Possible Military Dimensions.

۸. The PMD, or "Claim Study," is a Western claim that Iran's nuclear program is militarized, dating back to previous years (2003). The US and Western intelligence services have repeatedly accused Iran of being involved in a large-scale covert nuclear weapons project in the years before 2003. According to the JCPOA agreement and then the resolution of the Board of Governors of the International Atomic Energy Agency, this case was closed in December 2015.

party has not complied with its obligations, it must first inform the "Joint Commission" and request a dispute resolution process. Examination of the commission members shows that the western side always has the majority (Habibi and Amiri, 2020 AD/1399 SH: 1218). There are two crucial points about the joint commission; the composition of the members and the need to obtain the plaintiff "Consent." The majority of the commission is in the other party's hands, and using the word "Satisfaction" is very broad and interpretable. The plaintiff must obtain the consent of the plaintiff within 30 days. Otherwise, the matter is recognized as an example of non-compliance to JCPOA and will be referred to the UN Security Council within five days. The West can lift all sanctions in a short period, provided that Iran has fulfilled all its obligations and is free from negotiation benefits. Acceptance of such conditions indicates that Iranians have no will to counter the West's extravagances in the form of (validity) as one of the deterrence principles. In the end, the function of this resolution is: "To limit the military and defensive power of the country," "to endanger the independence and security of the country" and "to expel legal institutions and structures, including the parliament and the Supreme National Security Council." Simultaneously with resolution adoption, the country accepted the obligation that some of its clauses were contrary to its stability and independence and had no authority to repeal it.

6.3. Communication

Instead of sending strengths, the signals sent by Iran to the West during and after the JCPOA negotiations showed confusion and conflicting positions to the West. For example, during the negotiations and when no agreement had been reached yet, the highest influential official in Iran's foreign policy said: "We will reach an agreement" (http://rouhani.ir/event.php?event_id=648). This sentence was repeated many times by the First Vice President, Foreign Minister, Deputy Foreign Minister etc.

Continuation of negotiations between Iran and the great powers manifested optimism for cooperation and negotiation from Iran (Rostami and Nadari, 2016 AD/1395 SH: 211).

This one-sided optimism continues after the initial violation of JCPOA under Obama up to now (2021 AD/1400 SH). When the first sanctions were imposed by the United States and the European Union after implementing JCPOA, regardless of commitment, Iran's response and its decision-making credibility were so weak that the West continued its behaviour without any fear of reaction. After the US withdrawal from the UN Security Council, the Iranian president gave Europe a few weeks to

fill the US vacancy in the JCPOA. After a year later (until implementing the reduction commitments began), Iran did not react. While the JCPOA should be sent to the Parliament as a bill, but the government avoided this (Report of the Special Commission of JCPOA. 2015 AD/1394 SH: section (z) paragraph 1). At the same time, it did not condition its approval like the US Congress in the Iranian Parliament. The JCPOA Commission evaluated the issuance of Resolution 2231 before JCPOA passed the Islamic Consultative Assembly or removed its legal obstacles to the voluntary acceptance of the Additional Protocol as severe weakness in the course of the nuclear negotiations in the past two years.

In contrast, government officials declared that they would not adhere to some critical parts of Resolution 2231 that undermine defence and security. It does not diminish the legal burden of the requirements of this resolution for the country. Violation of this resolution, on the other hand, will have additional consequences. It has sent a negative message in terms of (communication) and reveals that Iran, on the one hand, is in the process of negotiating and giving concessions; on the other hand, it officially sends a message that it will not implement the resolution. It has committed to implement the Additional Protocol voluntarily from the day of implementation of the agreement. In contrast, it has committed to implement the Additional Protocol voluntarily from the day of agreement execution. This situation contradicts the principle of "Communication" in the deterrence strategy that the messages should be clear, unambiguous and without contradiction.

6.4. Stability

The last important and influential factor in deterrence is "Stability." Stability means that the parties, in addition to being aware of each other, do not act drastically and unforeseen for small and insignificant issues (Amir Moeini, 1977 AD/1356 SH: 26). The principle of deterrence stability is closely related to the (doctrine of faithfulness to the covenant). On the other hand, we can discuss proving the commitments of both parties. Iran, without exception, has already fulfilled all its obligations to the West, and the International Atomic Energy Agency has repeatedly confirmed it.

In contrast, the Western side has not (stability) in any of its obligations, and Iran has acted passively opposite this Western instability. In addition, the JCPOA agreement has no legal guarantees other than non-binding Security Council Resolution 2231, and any party to the agreement can suspend its implementation at any time and reinstate sanctions against Iran. While the United States quickly withdrew from the JCPOA at no cost and reinstated all the sanctions, which had not been lifted in practice. Europe

also did not want to fulfil its obligations or fill the American vacancy in the JCPOA. For example, despite the removal of the Swift sanction on entities removed from the list of asset freezes, on the day of implementation, the legal infrastructure of the Swift embargo will remain until the day of the transfer - eight years after the approval of Resolution 2231 - and on that date will be suspended - not lifted. It means that adding any natural or legal person to the list of asset freezes during this time will automatically be subject to Swift's embargo. Something that happened between the JCPOA approval until the US withdrawal and more intensely after the US withdrawal! Here, if we mean stability in fulfilling obligations, its function is reversed, and stability has been in maintaining sanctions.

On the other hand, the fulfilment of the two sides' commitments in the JCPOA was inconsistent, and the Western side's actions in suspending sanctions (not the promised lifting) were postponed to fulfilling Iran's commitments and verification by the IAEA; which was not implemented to the same extent! In this case, if the International Atomic Energy Agency, as an international arbiter responsible for overseeing Iran's commitments, does not approve Iran's obligations, the other party is not obliged to lift sanctions. When the IAEA submits a report on Iran's non-compliance, it will trigger sanctions. However, no third party arbitrator or international institution body has been appointed to oversee the fulfilment of the other party's obligations, i.e. the lifting of sanctions. Therefore, despite fifteen times the IAEA confirmation that Iran has fulfilled its obligations, the West has not fulfilled its obligations! So, there is no element (stability) as one of the basic deterrence principles in qualitative correspondence of the duties of both parties. Because in implementing Iran's commitments, the sanctions of the Congress and the United States and the European Union were not lifted and were suspended.

Regarding the lifting of US congressional sanctions is not in the hands of the US government; there was no guarantee that the next US administration would not repeal the executive order of the former president. The European Union, on the other hand, refused to lift the sanctions and suspended them. The Iranian government could not take any reciprocal action here. According to the provisions of articles 36 and 37 of the JCPOA, the negotiating countries can return their sanctions and complain to the Security Council, claiming that Iran has not fulfilled its obligations in the JCPOA. They can complain to the Security Council re-impose Security Council sanctions within 30 days.

These materials caused Iran to refuse to complain to the Joint Commission after repeated violations by the West. These reasons caused Iran to decline

to complain to the Joint Commission after repeated violations by the West. It is the first time we have seen the establishment of such a complex, multi-layered, multi-step mechanism in international law. An instrument in which the first layer is the Joint Commission and the last is the Security Council (Habibi and Amiri, 2020AD/1399 SH: 1221).

Although apparently, Iran is a partner in the mechanism before the complaint is referred to the Security Council and, like other members, can vote. But if the plaintiff is Iran itself and the case eventually goes to the Security Council, Iran has no right to vote in that council. Since the "Continuation of the Sanctions Lifting" is voted on, not to sanction Iran, the veto of the committee one member is enough to cause returning all sanctions. Hence, despite the non-implementation of the JCPOA and the U.S withdrawal, Iran has not used this mechanism because the result is already known. In contrast, the US goal of pressuring Iran is to postpone Iran's nuclear program and show it as a security threat to justify its presence in the Middle East. It wants to make the region insecure about selling weapons and imposing economic costs on Iran, and prevent Iran from infiltrating the area as much as possible (Rostami and Nadri, 2016 AD/1395 SH: 214).

On the other hand, an over-optimism in the Iranian government caused the JCPOA to be basically founded on the premise that the United States would no longer seek to continue hostile action against Iran. At the same time, Westerners based their work on distrust. According to the text of JCPOA, Iran has been excluded from the NPT until the international community gains confidence in its program. One of the mistakes of the Iranian government was that it considered JCPOA as a model for reaching an agreement on other areas of dispute with the West and spoke of JCPOA 2 and 3. In comparison, the West considered the achievement of JCPOA as the first step and an entry for direct entrance into the Iranian defensive field. According to mentioned above, the Iranian government began negotiations with the slogan of lifting sanctions in exchange for accepting some restrictions on nuclear activities but eventually agreed to suspend the sanctions instead of raising them. In the end, even the suspension of sanctions did not materialize.

Conclusion

The Joint Comprehensive Plan of Action, abbreviated as "JCPOA," was signed between Iran, the European Union and the P5 + 1 Group on Tuesday, Tir 23, 1394 (June 14, 2015) after lengthy negotiations in Vienna,

Austria. Among the various political, economic, cultural and legal aspects of JCPOA, the focus of this paper was on the direct and indirect effects of JCPOA on the country's defensive capability. Therefore, in this study, we tried to evaluate JCPOA regarding the direct and indirect impact that it may have on the country's defensive ability. The main question was 'What effect did JCPOA have on Iran's defensive capabilities?' The research hypothesis is JCPOA has hurt Iran's defensive capability.

The deterrence theory was chosen as a theoretical framework. Therefore, first, a summary of deterrence theory was presented, and the negotiation process leading to JCPOA was read. Then, focusing on the main elements of deterrence such as "Capability," "Validity," "Communication" and "Stability," we evaluated JCPOA based on the above factors. As a result, JCPOA harmed defensive power and Iran in the above four dimensions. In terms of "Capability," it was concluded that although JCPOA did not directly address the military capabilities of Iran's armed forces, by limiting Iran's nuclear power, it provided a political, psychological and social ground for reducing Iran's defensive ability. With JCPOA negative effect on the economy and the living conditions of the people conveyed the message to the society that achieving JCPOA benefits depends on Iran taking the following steps to accept the limitation of missile power and the influence of Iran's regions! On the other hand, according to Resolution 2231, as a confirmation of JCPOA, Iran will not even be allowed to test its ballistic and strategic missiles for eight years, which provide a significant part of its current deterrence power. Therefore, JCPOA is a ground for reducing Iran's deterrence capability.

Accepting the restrictions imposed by JCPOA, despite the West's previous promises to fulfil its obligations, was seen as a sign of a lack of "Validity" (which in deterrence means the will to reciprocate) among Iranian decision-makers and caused further pressure. Passive reaction to Western actions, according to the Western strategists, is interpreted that Iran's threats to react to the other side activities do not have the necessary validity and should not be taken seriously.

Another principle of deterrence is "Communication." The deterrence force must inform the other party. In compliance with this principle with JCPOA, the signals sent by Iran to the West during and after the JCPOA negotiations showed confusion and conflicting positions to the West. On the other hand, JCPOA had pledged to implement the Additional Protocol voluntarily. Although it had accepted the principle and generality of JCPOA, it had its interpretation of JCPOA and Resolution 2231, which the West interpreted as an incomplete implementation of JCPOA.

The concept of "Stability" in deterrence is based on both deterrence parties will. It is a kind of commitment to the principle of fulfilling the covenant. Here, stability means consistency of JCPOA parties in implementing its provisions. Hence, Iran fulfilled all its obligations without exception and before the West, and the International Atomic Energy Agency has repeatedly endorsed it. Still, the West has not been consistent in any of its commitments. Eventually, with Donald Trump's decision, all the sanctions that had been suspended on paper were reinstated.

In comparison, no rule of international law restricts the number of conventional arms of a country and is based on the right of legitimate defence. Strengthening the defensive capability in any country is directly related to its sovereignty and survival. But JCPOA, as a particular treaty and only for Iran, has been a ground for limiting Iran's deterrence power. JCPOA limited the achievement of peaceful nuclear energy technology, which was a vital deterrence capability without achieving from the West in return. In addition to losing these essential deterrence capabilities, it also sent messages to the West in the form of "Stability," "Credibility," which gave rise to further pressures.

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