

The methodology for a US return to the Iran nuclear deal



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INTRODUCTION

US policy on the Iranian nuclear threat is marked by inconsistency and a lack of continuity. There is almost a policy reset with the arrival of each new president, which emboldens foes and renders allies suspicious.

Some might argue that successive US administrations have been consistently successful in preventing Iran from acquiring a nuclear bomb, but they have differed in the means adopted to deliver that goal. While talks with Iran about its nuclear program began under President George W. Bush in 2006, it was not until 2015, under the Obama administration, that they resulted in the Joint Comprehensive Plan of Action (JCPOA), also known as the Iran nuclear deal, which had more modest goals. President Donald Trump withdrew the US from the agreement in 2018.

The Iranians are endowed with strategic patience. Unlike US presidential administrations, which need to score achievements within four-year time frames, the supreme leader in Tehran is in power for life.

While the George W. Bush, Obama and Trump administrations had different approaches to dealing with Iran, Supreme

Leader Ali Khamenei has been consistent in his approach to the US.

The US-led invasion of Iraq in 2003 proved to be the main enabler of Iran. It broke the isolation imposed on Iran since the start of the Iranian revolution and gave Tehran an opportunity to prove itself and to hold the US hostage.

Previously, the Iraqi regime of Saddam Hussein — despite internal weaknesses after the embargo imposed by the UN Security Council following Iraq's invasion of Kuwait in 1990 — had been a dam against Iranian expansionism.

Iran was a refuge for persecuted Shiite scholars and other prominent figures who fled Saddam's Iraq but, following the collapse of the regime, these Shiite refugees returned home and began organizing pro-Iranian parties and militias. The US, as the late Saudi foreign minister Saud Al-Faisal once put it, had handed Iraq to Iran on a silver platter¹.

With Iran empowered inside Iraq, isolation of Iran was no longer an option for the US. Washington had to deal with Tehran, which met the US call for negotiation with strategic patience. As the Iranian regime negotiated, it used the time this provided to enrich uranium and keep raising the bar.



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OBAMA'S APPROACH AND ARAB DISCONTENT

US President Barack Obama, who was unable to make any headway on the Israeli-Palestinian conflict, turned his attention to Iran to create his legacy. While he was eager to seal a deal, the regime in Tehran was content to exercise strategic patience until it landed the deal it wanted.

The JCPOA agreement, reached between Iran and the US, UK, China, France, Russia, Germany and the EU in July 2015, fell short of a grand bargain and merely reined in Iran's nuclear ambitions for a while. The deal contained a sunset clause that set three deadlines, after which Iran would be free to increase its uranium-enrichment capabilities.

Even if Tehran did not go back to enriching uranium once the clauses expired — after eight, 10 and 15 years — it would have a bargaining chip with which it could extract more concessions from the US or its allies in return for promising not to do so. It is a scenario that would repeat every few years, with Iran winning more concessions and more benefits during every round of negotiations.

As for Washington's Arab Gulf allies, the deal was sealed behind their backs and they were not excited at the prospect of Iran's nuclear ambitions being curbed only for a

Iran's Supreme Leader Ayatollah Ali Khamenei on September 21, 2020 shows him giving a speech in the capital Tehran. AFP

while. The immediate threat they faced was not the Islamic Republic's nuclear capability but the malignant behavior of Iranian-backed non-state actors operating in countries across the region, particularly Yemen and Iraq, and armed with missiles supplied by Tehran.

Even now, Arab nations will not be overly enthusiastic about their role in any negotiations that follow the lifting of sanctions by the Biden administration and a return to the JCPOA. They do not expect Tehran to make any concessions once it gets what it wants: the lifting of the sanctions imposed by Trump.

After that happens, the US will have given up an important bargaining chip and it will weaken the leverage of Arab Gulf states. If there are no sanctions, what kind of bargaining power will the Arabs have? Arab nations are worried that after the US returns to compliance with the JCPOA, Iran will no longer have any incentive to make concessions on the issue of non-state actors.

Despite the fact that Iranian President Hassan Rouhani has hinted previously at the possibility of accepting a wider deal if the US "pays more²," Khamenei, who as supreme leader is the main authority in the country, has stated very clearly that the issue of Iranian interference in the region is not up for negotiation³.



The threat posed to Arab Gulf states by Iran is different from the threat faced by Israel, which Tehran has threatened with annihilation and for which the nuclear question is the central issue. The threat posed by non-state actors is a secondary concern.

Hamas rockets do not originate in Iran they are locally produced⁴, and Hezbollah has been kept at bay, more or less, by UN Security Council Resolution 1701 which prohibits the operation of armed militias throughout

US President Donald Trump announces his decision on the Iran nuclear deal.
AFP

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Lebanon, and by the buffer zone created by the UN mission in southern Lebanon. Of course, there remains the danger of high-precision missiles; however Israel has been targeting ammunition stockpiles as it did in Ain Qana⁵.

As for the Syrian front, the Golan Heights offers Israel a geographic advantage, allowing it to control the dangers posed by non-state actors.

For Arab Gulf states, however, the nuclear

issue is not as much of a concern as the threat from non-state actors, specifically the Shiite militias threatening Saudi Arabia from the north and the south. It is believed that the attacks on Aramco's Abqaiq and Khurais facilities in September 2019 were launched from an Iranian base near Iraq⁶. Riyadh is targeted by Houthi missiles on a daily basis.

In other words, any deal that might satisfy Israel by extending sunset clauses — or even removing them altogether, barring Iran indefinitely from enriching uranium — might not satisfy Saudi Arabia. This is why it is essential for the US to convene direct negotiations between Saudi Arabia and Iran, ideally moderated by a neutral country.

TRUMP'S APPROACH

In 2018, President Trump withdrew the US from the JCPOA, arguing that the economic incentives it offered had failed to persuade Iran to change its behavior. On the contrary, to avoid losing face in front of its supporters — by appearing to bow to US demands in return for economic rewards — Tehran compensated on other fronts, expanding the activities of its proxies in the region even as it reduced its enrichment of uranium.

Trump reversed the course set by Obama and imposed a campaign of maximum pressure on Iran but, despite the return of biting sanctions, Tehran did not budge.

Trump's approach was not coherent. The 12 conditions⁷ set in May 2018 by US Secretary of State Mike Pompeo, with which Iran was ordered to comply before Washington would review its sanctions, were a nonstarter. He expected Iran to call him and negotiate him down, which did not happen.

In addition, the US decision to withdraw from the nuclear deal was made without consulting the other stakeholders in the JCPOA. Indeed, instead of coordinating with European allies Trump threatened to impose sanctions on any who continued to deal with Iran.

In the face of Trump's belligerence, Iran displayed cautious defiance. When the US assassinated Quds Force commander Qassem Soleimani in January 2020, for example, Tehran's response was measured and calculated to ensure no American lives were lost.

The Iranian regime's tactic has been to



The starting point should be the direct threats that Iran poses to countries in the region

keep raising the stakes, stopping only when it receives a slap on the wrist. After lying low while waiting out Donald Trump, and faced now with a Biden regime that is promising a return to Obama-era policies, Iran has once again raised the bar. It announced in January that it had resumed 20 percent uranium enrichment, a level that was banned for 15 years under the terms of the JCPOA, but suggested that the move would be reversed if the US returns to the nuclear deal.

HOW SHOULD THE BIDEN ADMINISTRATION PROCEED?

Biden has promised a return to the JCPOA. If this happens, however, it will be presented by Iran and its proxies as a victory over the Americans. This would damage Washington's standing in the world and create tensions between the US and its allies, eroding trust that is already shaky.

At first, Biden did not spell out exactly how Washington would re-engage with the JCPOA but on Jan. 27 Secretary of State Blinken said the US would fulfill its commitment to the deal if Iran returned to full compliance with the original terms. He added that the return to the deal would be used as a platform for further negotiations, which would involve Arab states and Israel, to make the deal "stronger and longer," hinting at a revision of the sunset clauses and a determination to address the security concerns of US allies in the region.

While Blinken stressed that the US will live up to its commitments if Iran does the same, he said the new administration will not rush back into the deal before assessing whether Tehran is prepared to return to full compliance.

From the perspective of Arab states, however, compliance is not the issue; while the deal remained intact, Iran was compliant. The problem was the activities of the non-state actors it sponsors that cause havoc in the region.

Nevertheless, the word "full" gives the US some room to maneuver and to time its return to the JCPOA. Iran responded on Feb. 1 to Blinken's proposal by saying that the US should take the first step by lifting sanctions and then Iran will reciprocate proportionally.

In this respect if Washington wants to start lifting sanctions gradually, it should agree before-hand on what it wants in return for each incremental step of relief. It should also publicize this, so that if the Iranian government refuses to comply, the Iranian people will know how much the stubbornness of their leaders is costing them.

Despite a deadline of Feb. 21 for the lifting of sanctions, set in an ultimatum by Tehran in January, Blinken should exercise strategic patience to avoid the perception that he is bowing to Iranian pressure.

Although there is a strong determination in the new US administration to reverse Trump's policies on Iran, Biden should nevertheless attempt to benefit from the bargaining chips the previous administration left behind. In addition to restoring the sanctions on Tehran lifted by Obama, the Trump administration imposed biting sanctions on Iranian allies: Assad in Syria, Hezbollah in Lebanon, the Popular Mobilization Forces in Iraq, and the Houthis in Yemen.

The sanctions that Trump imposed on Iran, and on its proxies and allies, are an important pressure point the Biden administration should use carefully. Even if the US ends up lifting the sanctions imposed on Iran, the sanctions on its proxies should remain in place to allow for separate negotiations.

In fact it is in the best interests of the Biden administration to diligently enforce the sanctions and so increase the pressure on these allies and proxies to generate leverage on Iran regarding the behavior of its non-state actors.

How Biden proceeds in the coming months will send signals not only to Tehran but also to US allies in the Gulf. Any appearance of unreliability on the part of Washington might push them closer toward Russia. In addition, the increased insecurity that might result could lead to fresh tensions and violence. A sound balance is called for.

As Iran insists on decoupling the regional issues from the nuclear portfolio, so Biden should insist on parallel negotiating tracks: one for the nuclear portfolio and another for a direct dialogue between Iran and Saudi Arabia, which can negotiate on behalf of the other Gulf states.

A previous Iranian initiative⁸, the Hormoz Peace Endeavor (HOPE), was rejected by Arab Gulf states on the grounds that they

had no cause to trust Tehran. The call for talks between Saudi Arabia and Iran could therefore be branded as the presentation by Riyadh of a HOPE counter-offer.

Either way, it is important the two issues — Iran's nuclear program and its regional activities — be discussed separately and in parallel so that communication is not shut down entirely when points of contention arise in one of them.

The starting point should be the direct threats that Iran poses to countries in the region. Even if no agreement is reached during the first round of talks — facilitated by a neutral country such as Switzerland, which has a relationship with both Iran and Saudi Arabia — at least the tabling of the concerns and demands of both sides would be a good start.

To prevent Tehran from using the platform to waste time and give the erroneous impression that the regime is acting with goodwill, the basis for the discussions should be clear, as should its goals. These should not be presented as preconditions but as general principles for positive and productive dialogue.

The talks should be underpinned by a mutual respect for the security and territorial sovereignty of each country. This is important because it will push Tehran, indirectly, to clarify its position on several issues that have troubled Arab states for decades, such as contesting the jurisdiction of the House of the Saud over the two holy mosques, and a refusal to recognize the sovereignty of Bahrain⁹. This would have a calming effect that encourages Gulf states to engage in dialogue with Iran, which is something they have been reluctant to do.

The regime in Tehran has been successful in imposing its own conditions by responding to US eagerness with strategic patience. The US should adopt a similar patient approach to negotiations and not rush into an agreement at the expense of Washington's prestige or the trust of its allies.

Sanctions on Iranian proxies and allies should be eased gradually as Iran agrees to concessions on the activities of the non-state actors it supports. They should also be used to establish a preliminary understanding during direct negotiations between Iran and Saudi Arabia, which could contribute greatly to stability in the region.

Newly recruited Houthi militants chant slogans as they ride a military vehicle during a gathering in the capital Sanaa. AFP



NOTES

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