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POLICY NOTES FOR THE BIDEN ADMINISTRATION

The Coming Iran Nuclear Talks Openings and Obstacles

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The Middle East will not be a priority in the Biden administration's approach to foreign policy. But the Iranian nuclear program will require a response.*

With the Iranian parliament having adopted legislation mandating uranium enrichment to 20 percent and suspension of International Atomic Energy Agency (IAEA) inspections if sanctions are not lifted by February 2020 in response to the targeted killing of Iranian scientist Mohsen Fakhrizadeh—and with Iran now having accumulated twelve times the low-enriched uranium permitted under the Joint Comprehensive Plan of Action—the administration will have to deal with the Iranian challenge.¹ To be sure, the nuclear program and its potential to make Iran a nuclear weapons state are not the only challenges the Islamic Republic poses: the regime's ballistic missile program and destabilizing and aggressive behavior in the region threaten conflicts that can escalate both vertically and horizontally. But it is the nuclear program that is most pressing.

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Then-candidate Joe Biden took account of the challenges posed by Iran and spelled out his plans for addressing them in September 2019, declaring:

First, I will make an unshakable commitment to prevent Iran from acquiring a nuclear weapon. Second, I will offer Tehran a credible path back to diplomacy. If Iran returns to strict compliance with the nuclear deal, the U.S. would rejoin the agreement as a starting point for follow-on negotiations... Third, we will continue to push back against Iran's destabilizing activities... We will use targeted sanctions against its human rights abuses, its support for terrorism and ballistic missile program.²

Can Biden's administration achieve these objectives?

There are those who see little prospect of achieving these or any other objectives with the Islamic Republic; they argue that it is inherently aggressive and irredeemable, and believe regime change is the only answer. For them, unrelenting pressure will eventually force the regime to collapse. Maybe—but no one knows how long this would take; what would replace the current regime; how many Iranians the regime would be prepared to kill, brutalize, and imprison to preserve itself; or even whether it might seek to divert attention and mobilize nationalist passions by provoking wider conflicts in the region. Moreover, the U.S. and international track record on regime change in the region—e.g., in Iraq, Libya, and Syria—is not a good one, having left vacuums that produced sectarian and tribal conflicts and the rise of Islamist extremist groups such as the Islamic State.

If regime change is not a realistic or advisable goal, the objective must be one of changing the Islamic Republic's behavior. While this would be difficult, history shows that the regime will make tactical adjustments with strategic consequences when it considers the price of its policies to be too high. In

the late 1980s, though Ayatollah Ruhollah Khomeini had repeatedly vowed that the Islamic Republic would fight for as long as it took to win the war with Iraq, he did ultimately agree to end that war when the toll became too great. In the 1990s, the regime stopped assassinating dissidents in Europe when threatened with economic sanctions and the severing of diplomatic ties. In 2003, after the United States defeated the Iraqi military in three weeks—a military Iran could not defeat in eight-and-a-half years—Ayatollah Ali Khamenei and the leadership feared Iran was next and became willing to reach an agreement with the EU-3 (Britain, France, and Germany) on suspending uranium enrichment. And after saying it would never negotiate on its nuclear program so long as it was under sanctions, Iran did precisely that with the Obama administration after the United States sanctioned the Central Bank of Iran and crippled Iran's oil sales.

Yet if pressure alone worked, then the Trump administration's policies should have produced fundamental changes in Iran's policies. They failed to do so. Yes, the Trump administration's "maximum pressure" policy imposed a terrible price on the Iranian economy and reduced the resources available to Iran for financing its Shia proxy militias throughout the region. But it did not stop such support. Nor did it stop advances in Iran's missile program. Even if the Islamic Republic could no longer provide roughly \$800 million a year to Lebanese Hezbollah, it has provided at least half of that. Moreover, elements of Iran's Islamic Revolutionary Guard Corps (IRGC) Qods Force have remained very active throughout the region, funding, supporting, training, arming, and guiding militias in Iraq and Syria and providing weapons and know-how to the Houthis in Yemen.

So what is the right mix of pressure—economic, political, intelligence, and military—and inducements? And what are the most critical and realistic objectives? One way to assess this is to examine some of the lessons of both the Obama and Trump eras.

Lessons from the Obama and Trump Policies

Several key assumptions guided the Obama policy:

1. The nuclear issue was so urgent that the administration separated it from all other Iran-related issues. Believing that negotiations that included Iran's behavior in the region would become mired in basic disagreements, the decision was made to focus talks exclusively on rolling back the nuclear program. (A key driver here was the fear that Israel would launch military strikes against Iran's nuclear infrastructure if the administration could not demonstrate that it could stop or alter the program.)
2. The administration thought that developing a common front with Europe and others internationally would isolate Tehran politically, build U.S. leverage, and make Iran more responsive once Washington could establish serious negotiations—which the administration essentially treated as being bilateral.
3. The administration believed that Iran would never accept a zero-enrichment outcome, but could accept time-bound reductions and intrusive monitoring—including of all parts of the nuclear supply chain—and that such an inspection regime would provide the warning needed to respond if the Islamic Republic tried to cheat or sneak out to a bomb.
4. It was thought that sanctions relief and integration into the international financial system would give Iran a significant incentive to avoid jeopardizing those gains and would, over time, moderate Iran's behavior in the region. A corollary to this assumption was that Iran's leaders recognized their overriding

domestic needs and would invest the roughly \$100 billion held in blocked accounts in domestic endeavors, not in foreign adventures.

5. The administration assessed that international weariness with the sanctions regime against Iran meant the sanctions were not sustainable forever, and that it made sense to strike a deal while Washington retained economic leverage on Tehran.
6. Given Republican reflexive opposition to the talks, the administration was convinced that no treaty with Iran would be approved by the Senate and that congressional support was thus not attainable or ultimately necessary.
7. There was a sense that after the JCPOA was reached, the administration should be cautious about calling out or moving to sanction Iran's regional interventionism for fear that this would give the regime an excuse not to implement the deal.

A number of these assumptions proved to be wrong. First, for example, it turned out that even if others were weary of sanctions, the international banking and business sectors would not risk doing business with Iran if it meant losing access to the American financial system. Second, rather than moderating Iran's behavior, the deal prompted Iran's leaders—and especially Supreme Leader Khamenei—to demonstrate that they had not surrendered their ideology by agreeing to the JCPOA, leading to even greater Iranian interventionism in the region, particularly when conflicts in Syria and Yemen gave them opportunities to do so. (And having access to billions of dollars in formerly frozen accounts meant more money to back Iranian activism in the region; Hezbollah, other Shia militias, and Syria's Assad regime were all the beneficiaries of Iran's additional resources.) Finally, the belief that Iran might look for an excuse not to implement the deal was belied by what drove the regime in the first place—getting and preserving sanctions relief.

But many of the assumptions that underpinned the Obama administration's policy were right. There was a risk that Israel would take military action, fearing it would lose the window when its kinetic strikes could set back the Iranian nuclear program for an extended period. Aside from possibly triggering an escalating conflict in the region and uncertainty about how long the program would actually be delayed, Israeli action at that point would have made Iran the victim internationally and made any diplomatic isolation of the Islamic Republic far more difficult to achieve. In fact, diplomatic and political isolation of Iran is an important lever because the Iranians do not want to see themselves becoming a Middle Eastern North Korea. And that proved to be one of the Trump administration's mistaken assumptions.

While the Trump administration correctly assumed that a go-it-alone approach would succeed in squeezing the Iranians economically, it ignored the consequences of politically isolating the United States, rather than Iran. It may have been right, when it walked away from the JCPOA in May 2018, that the deal would not be sustainable, but it ignored the stake that the other P5+1 members (Britain, China, France, Russia, and Germany) had in preserving it. The fear of a JCPOA collapse—and the danger this might lead to force being used to set back Iran's nuclear program—prompted the British, French, and Germans to oppose the Trump administration's approach to extending the conventional arms embargo on Iran when it lapsed in October 2020. This stance came despite the three countries' opposition to Iran buying arms or exporting weapons throughout the region, actions that are now no longer illegal. For its part, the U.S. administration either naively assumed that Iran would cave to the pressure and agree to a better nuclear deal or that the Islamic Republic and its regime would simply collapse under the severe economic strain. Either way, the Trump administration had no plan for what would replace the JCPOA or for Iranian responses to the administration's maximum pressure policy.

In June 2019, Supreme Leader Khamenei explicitly stated that the Trump administration was seeking to force Iran to negotiate from a weakened position but that it would not do so. To the contrary, he asserted that the Islamic Republic had “leverage.” And it exercised that leverage in a number of ways: violating the limits in the JCPOA, knowing that doing so would play on European fears; attaching limpet mines to oil tankers transiting the Gulf, expecting (mistakenly) that such actions might cause a spike in oil prices; directing missile strikes by Iraqi proxy militias on the U.S. embassy in Baghdad and on bases where American forces were deployed as a way of building pressure on Trump; and attacking directly (not through proxies) Saudi Arabia's Abqaiq oil processing facility (responsible for 5% of the world's daily oil production), while also facilitating ongoing Houthi missile and drone strikes deep into Saudi Arabia as a means of pressuring Riyadh. True, the U.S. response of killing IRGC Qods Force commander Qasem Soleimani shocked the Iranian leadership; however, it did not stop all proxy attacks on the U.S. presence in Iraq or the Iranian effort to compel the Iraqi leadership to boot American forces from the country.

So the Trump administration will leave a mixed legacy when it comes to Iran. On the negative side, Iran is now closer to a nuclear weapons capability than it was when Trump took office. Similarly, Iran continues to pursue its destabilizing regional agenda. Moreover, in Syria and Lebanon, it continues to locally build the means to improve the precision of the missiles and rockets it has already provided to Hezbollah—and it is also embedding Hezbollah forces in Syrian military units near the Golan Heights. Both policies run the risk of triggering a wider Israel-Iran war that could engulf the region. On the positive side, Iran is facing a series of considerable pressures: it needs sanctions relief to stop its serious economic decline, a decline compounded by Covid-19; for the first time, it faces Shia demonstrations in Iraq and Lebanon, as Iran is blamed for the corruption, the mismanagement, the woeful economic conditions, and the seemingly

hopeless future in these countries. And, paradoxically, Washington's European allies, to show that the divisions over Iran were a function of Trump's policies and not real distance from America, will have a strong interest in being responsive to Biden's approach on Iran.

The Biden administration should recognize the need to learn from the legacy of the Trump and Obama administrations alike. The exclusive focus on the nuclear issue with Iran during the Obama years, and the resulting alienation and mistrust of Israel, Saudi Arabia, and the United Arab Emirates, came with a price. In the U.S. Congress, Israeli concerns helped to provoke significant opposition to and questioning of the Obama administration's approach. And the Saudis and the Emiratis, believing Washington would do little or nothing to counter Tehran's regional threats, decided they had to stop Iranian expansion by intervening themselves, with costly consequences in Yemen. As for Iran, there must be no illusions about either its nuclear-program or regional aims. On the former, the Iranians will seek to preserve their nuclear weapons option, perhaps again deferring it but not giving it up. (The proof of that: why else would Iran preserve its extensive nuclear archive with nuclear weapons schematics, as well as documents and photos of the facilities and tests necessary to develop and produce a bomb?³) On the latter, even as it has faced a severe economic downturn, loss of the Qods Force leader, and a terrible toll from the pandemic, Iran has pressed on in the region.

The past eight years provide lessons not just for the United States but for the Iranians as well. From the Iranian standpoint, the JCPOA failed to deliver the full range of expected economic benefits, and then the Trump administration simply walked away from the deal and its sanctions-relief obligations. Thus, in new negotiations, while trying to protect their nuclear and regional prerogatives, the Iranians will seek

guarantees on what they will receive economically and also on the continuation of any agreement after 2024 should Republicans reclaim the White House. At a minimum, both sets of guarantees are likely to require buy-in from Congress even as Iran will have to adjust its expectations about economic outcomes.⁴

Less for Less

Even with Ali Khamenei now saying that he will support efforts to lift U.S. sanctions—seemingly authorizing President Hassan Rouhani and Foreign Minister Mohammad Javad Zarif to engage with the United States before Iran's June 2021 presidential election—no negotiations with the Islamic Republic will be easy. In fact, President-Elect Biden's readiness to return to the JCPOA based on a resumption of compliance-for-compliance could trigger time-consuming talks. In the best case, it would likely take Iran several months to come back into compliance, and Biden has implied that sanctions relief is not possible so long as Iran is not fulfilling its obligations in the JCPOA. Iranian leaders see it very differently, insisting they are first owed compensation for the high costs imposed on them by the Trump administration sanctions. Similarly, they put the onus on their U.S. counterparts to take the initial steps. Note Zarif's words in a November interview: "If the U.S. implements its obligations under UNSCR 2231, we'll implement ours under the JCPOA. This can be done automatically and needs no negotiations. But if the U.S. wants to re-join the JCPOA then we'll be ready to negotiate how the U.S. can re-enter the deal."⁵

Even if maneuvering tactically, the Iranians will press hard for sanctions relief before taking steps to get back into compliance. Any such move, unless it can be shown simply to be related to facilitating humanitarian trade—which has been unnecessarily complicated by the Trump sanctions—would get



the Biden administration off on the wrong foot with Congress and the region. This is a reminder that in shaping its approach to Iran, the new administration must balance a number of competing pressures and objectives:

1. It wants to establish a coordinated approach with Washington's British, French, and German allies, all of whom favor, at least initially, a return to the JCPOA. But it also wants to restore a bipartisan posture on foreign policy in general and on Iran in particular, in no small part to get congressional buy-in. The Republicans, however, are unlikely to embrace a return to the JCPOA.
2. It wants to limit the Iranian nuclear program even as it constrains Iran's missile and regional behavior, yet it does not want the achievement of nuclear program limitations to be held hostage to progress on either of the other issues.
3. It wants U.S. regional allies and partners—Israel, the UAE, and Saudi Arabia—to accept Washington's negotiations with Tehran, even as these partners worry that leverage will be lost, their fears will not be taken into account, and Iran's means for troublemaking will be enhanced by sanctions relief and the Biden team's desire for a deal.
4. It wants to exploit leverage produced by sanctions and the associated economic pain in Iran, even as it holds out incentives to do a deal.

Consultations with domestic stakeholders, as well as allies and partners, may not be a panacea, but they will be necessary if the administration is to reconcile various conflicting aims. Early discussions with Britain, France, and Germany, with key leaders and the relevant committees in Congress, and with Israel, Saudi Arabia, and the Emirates must take place and occur in a way that demonstrates the administration's appreciation for their concerns. The administration's long-term objectives will likely be accepted by most, and can

be used to create a framework for the discussions. The tension will come when discussing the tactics and near-term objectives. On the nuclear issue, congressional Republicans and U.S. regional partners will not be reassured by the administration lifting sanctions to get Iran to return to the JCPOA. But here, the administration can make a virtue of necessity, particularly because reentry would itself take time and difficult negotiations.

Thus, while continuing to express a willingness to return to the JCPOA publicly, the administration could convey that it is open to other approaches as well, including an interim agreement. Such a posture could reconcile U.S. needs to regain the initiative diplomatically, forge a common approach with the Europeans, gain sufficient bipartisan support in Congress, and reassure regional partners. Following the logic of the first understanding with Iran in November 2013 (the Joint Plan of Action), an interim agreement could aim, for example, to freeze or scale back Iran's stockpile of low-enriched uranium and dismantle the cascades of advanced centrifuges in return for allowing Iran access to some of the monies in their frozen accounts or, depending on the scale of the rollback, reissuing waivers to a limited number of countries to buy Iranian oil. Again, for this to work, the administration must keep Congress and Washington's regional partners in the picture regarding U.S. actions and explanations—and show how the administration has responded to some of their suggestions.⁶

Such an interim deal would likewise have the virtue of buying time to pursue President-Elect Biden's broader objective of, in his words, working "to strengthen and extend the [JCPOA's] provisions while also addressing other issues of concern."⁷ "Strengthening and extending" refers to lengthening the sunset provisions that currently end in 2030: limitations on numbers and types of centrifuges, amounts of enriched uranium that can be accumulated, the level of enrichment (now capped at 3.67%), and the size of the nuclear infrastructure.

It also includes shortening the timelines on IAEA access to non-declared sites so that Iran does not have twenty-four days before the JCPOA-created Joint Commission can press for access. The “other issues” refer to Iran’s ballistic missiles and regional behavior. And here, an interim approach might also be applied. Indeed, rather than pushing now for a larger deal on missiles and restricting Iran’s malign activities in the region, why not tie the two issues together, with an eye toward reducing the potential for a much wider regional conflict between Israel and Iran?

To be sure, Iran will not give up its ballistic missiles or withdraw from Syria. But there may be a more limited set of common interests that could be used to forge an agreement on the non-transfer of missiles, missile components, and plants for fabricating and installing advanced guidance on missiles. The Iranian effort to put precision guidance on missiles it has provided to Hezbollah and transported to Syria and Lebanon represents a strategic threat to Israel and could trigger a much wider conflict. Yet Hezbollah, Israel, and Iran currently share a key common interest: they do not want to fight a war. Hezbollah knows that most of its military infrastructure, fighters, and even leaders will not survive such a war with Israel. And Israel’s leaders know that while Israel can inflict terrible losses on Hezbollah (and Lebanon), they cannot: stop Hezbollah from saturating Israel’s missile defense network; avoid the need for Israeli ground forces to root out Hezbollah fighters, rocket launchers, and weapons depots in urban areas; and prevent Israelis nationwide from being forced into bomb shelters for as long as a month while the campaign grinds on. But this would be no win for Iran either, because Hezbollah’s stranglehold over Lebanon could be threatened if its forces and weaponry are largely destroyed; moreover, Israel would not absorb 1,500–2000 Iranian-provided Hezbollah rockets a day while allowing Iran itself to remain untouched. Israel would very likely strike high-value targets and infrastructure in Iran. It is not hard to see how such a war might start, but it is not easy to see how it might end.

The logic of arms control has always been about reducing the risk that conflicts will erupt and creating a basis for ameliorating that risk over time. Both an interim deal and understandings that freeze or scale back Iran’s noncompliance with the JCPOA and reduce the risk of an Israel-Hezbollah-Iran war can defuse the Iranian threat and buy time to pursue longer-term understandings. And both could gain wider support, not only domestically and with U.S. allies but also with Russia and China.

One should have no illusions about Russian and Chinese willingness to support Iran. Moscow, Beijing, and Tehran all share the same basic interest in rolling back American power around the world. Nonetheless, even if Russia-U.S. and China-U.S. relations are defined by competition, there are potential areas of cooperation and this is one of them. Given their presence in Syria, the Russians have little interest in being caught in the middle of a wider war. And Chinese interests in the region give its leaders an interest in stability, since they have little interest in a disruptive war. Thus, both Moscow and Beijing could see the benefits of such an interim approach, and each possesses real leverage on Iran. If the Biden administration is to have any chance of strengthening and lengthening the JCPOA (or creating a JCPOA 2.0), not to mention dealing with the other issues, it will need to maximize American leverage by enlisting Russian and Chinese support and also by providing Iran with additional incentives.

More for More

Iran’s leaders can obviously determine whether any new deals or understandings are possible. They will always retain the power to say no—even as they may decide to use negotiations to preserve an environment that makes it hard for the United States to adopt tougher policies against them. While the regime may be more stable than its harshest critics believe, it is not indifferent to its severe

economic decline and the way the ravages of Covid-19 have compounded its challenges. The Supreme Leader's repeated calls to develop a "resistance economy" cannot change the fact that sanctions are very painful to the Iranian economy. And despite defiant talk, the Iranians will, at some point, look for a way to get sanctions relief. But they must not get it for free.

Interim steps may pave the way for achieving U.S. goals over time, but the relief provided should be limited in a way that requires Iran to negotiate more far-reaching agreements. For America's part, a reworking of the current JCPOA or a JCPOA 2.0 must provide limits on Iran's fissile production facilities and sufficient monitoring of its entire nuclear supply chain to ensure inspectors can detect any move to break out in sufficient time to prevent it. A successor agreement to the JCPOA must also extend the sunset provisions on limiting Iranian enrichment capabilities and nuclear-related infrastructure. So long as the Islamic Republic poses a threat within and outside the region, the United States should not be legitimizing a large nuclear industrial base in Iran—something the JCPOA effectively does as of 2030. Beyond that, the prohibitions on seeking, acquiring, or developing nuclear weapons must not only remain very strong but must also ensure timely access for inspectors to all suspect sites. There must be no questions about the IAEA having access to the people, locations, and equipment identified in the nuclear archive.

Because ballistic missiles are, by definition, potential delivery vehicles for nuclear weapons, they need to be part of the JCPOA 2.0 discussions, and Iran's inventory should be limited in number, accuracy, and range. Banning missiles with a range beyond 2,000 kilometers could be a feasible objective, especially since the Supreme Leader has already indicated that these missiles are not necessary. Perhaps Iran would also agree to freeze the number of certain types of missiles or curtail the number of flight tests. To be sure, even if testing is limited, it will be difficult to stop improvements in accuracy over time.

Nonetheless, Iranian leaders should know that the United States will be prepared to impose a cost on their missile development, including by providing intelligence support for Israeli military strikes against their precision guidance project in Syria and Lebanon. While Iran sees ballistic missiles as its counterweight to the conventional arms advantages of its neighbors, there is no compelling defensive reason to extend these missiles' range or build facilities and plants for missile development in Syria, Lebanon, and Yemen; rather, those existing facilities should be dismantled. Clearly, the Iranian export of missiles, cruise missiles, and drones—all of which violate Security Council Resolution 2231—is a major element of Iran's regional threat and must be addressed as part of discussions parallel to the nuclear program talks.

Some suggest a regional forum for such talks, but even if one were possible, it is highly doubtful that it could address any of the issues that fundamentally divide the parties and constitute a threat. If there were an effort to create regional discussions, it might make more sense at least initially to focus the conversations on common functional challenges such as the pandemic and other health, environmental, seismic, and water problems. Unfortunately, such an approach has rarely worked in the Middle East, where mutual suspicions run so deep that even limited cooperation is regarded as naive. Perhaps the most promising area for dialogue would strive for improved Iranian-Saudi arrangements for the Hajj, which is important to both governments. Of course, if the Saudis, Emiratis and others want, on their own, to defuse the potential for conflict and escalation by pursuing, for example, maritime security talks with the Iranians, the Biden administration—unlike the Trump administration—should support such efforts. (The prospects that the IRGC and its Qods Force will have much interest in such talks remain low, but that is not an argument for opposing them.)

It should come as no surprise that Iran will resist the achievement of American objectives, even as the regime will insist that if it is asked to give more, it

must get more. This will be a challenge. The Iranian leadership's expectations about the economic benefits it would derive from the JCPOA were wildly exaggerated by Iranian and U.S. officials alike, with both parties seriously underestimating the problems of getting international business back into Iran. To be sure, many of the problems were related to the legislatively mandated sanctions on terrorism and human rights that the United States did not lift as part of its JCPOA obligations and which created uncertainty and a chilling effect on multinational businesses and banks seeking to invest in Iran. But so did Iran's rampant corruption—and the lack of transparency and reforms to its banking system, which made (and continue to make) it difficult for large international financial institutions to deal with Iranian banks.⁸

Explaining this situation to Iranian leaders will not reduce their demands to get more in return for more, but it may put them on notice as to what will be required from them and make the United States less defensive on Iranian charges of bad faith.

Notwithstanding the existing constraints, a number of possibilities can be offered as part of a “more for more” arrangement. First and foremost, the United States could allow Iran qualified access for U.S.-dollar-clearing operations: this alone would ease trade with Iran given the dominant role of the dollar as an international trading currency. Second, the administration could cooperate with the Europeans and others to create and facilitate special-purpose vehicles in which licenses are granted for an array of products. Third, the United States could permit technical support for Iranian light industry not on multilateral control lists. And fourth, Washington could allow Iranian access to American consumer goods.

Of course, Washington could take some early steps to signal its intent and also demonstrate to international audiences and the Iranian public a good-faith effort to overcome its differences with the Islamic Republic. For example, the administration could provide Covid-related equipment and medicines to

Iran and also facilitate the delivery of humanitarian aid provided by others. Similarly, the administration could immediately drop the broad-based travel or visa ban; in fact, lifting the visa ban and facilitating educational exchanges would be very popular with the Iranian public—and send a favorable signal internationally—but would therefore put more pressure on the Iranian regime, especially because Khamenei sees people-to-people exchanges as threatening a cultural invasion and part of a plan to engineer the soft overthrow of the regime.

The Biden administration will also need to demonstrate that it will act to ease conditions on Iran and provide “more for more” when it comes to the nuclear deal—but simultaneously that it will compete. It will have to make it clear that: the United States *will* raise human rights issues and maintain public pressure to release dual citizens such as Iranian-American businessman Siamak Namazi and his father, Baquer Namazi, Morad Tahbaz, an Iranian-American environmentalist, as well as Nazanin Zaghari-Ratcliffe, a British-Iranian with the Thomson Reuters Foundation, and others; it *will* work to support the Iraqi government and military as they seek to promote national institutions and elections and fight corruption and the actions of Iran-supported militias; it *will* support U.S. partners in the region with additional enhanced, integrated missile defenses to protect them from Iranian ballistic missile threats; it *will* also work with the Israelis, Emiratis, Saudis, and others to provide better defenses against Iranian cruise missiles, drones, and cyberattacks; it *will* conduct contingency planning with Washington's regional partners to produce options for countering Iranian proxy threats; it *will* encourage more normalization between the Arab states and Israel; and it *will* make clear in U.S. declaratory policy that the administration will prevent Iran from ever becoming a nuclear weapons state, noting explicitly that the United States will be prepared to use force should Iran walk away from its commitment in the JCPOA—and under the Nuclear Nonproliferation Treaty—to not seek, acquire, or develop nuclear weapons.

The Biden administration's readiness to compete in this fashion will reassure skeptical countries in the region and doubters in Congress about any moves to relieve pressure on Iran. And it will make it far easier to gain subsequent congressional support for any agreements and enhance deterrence of the Iranians even as it signals that, depending on Iran's

behavior, the United States can raise or lower the pressure on the regime.

Effective policy for Iran has always required the ability to apply both positive and negative leverage. After Trump, the Biden administration is well positioned to do both. ❖

NOTES

1. Jon Gambrell, "Iran Plans 20% Uranium Enrichment as Soon as Possible," *Washington Post*, January 1, 2021, https://www.washingtonpost.com/world/middle_east/iran-tells-inspectors-it-plans-up-to-20percent-enrichment-at-fordo/2021/01/01/7e6f3d18-4ca6-11eb-97b6-4eb9f72ff46b_story.html.
2. Joe Biden, "There's a Smarter Way to Be Tough on Iran," CNN, September 13, 2020, <https://edition.cnn.com/2020/09/13/opinions/smarter-way-to-be-tough-on-iran-joe-biden/index.html>.
3. See David Halbfinger, David E. Sanger, and Ronen Bergman, "Israel Says Secret Files Detail Iran's Nuclear Subterfuge," *New York Times*, April 30, 2018, <https://www.nytimes.com/2018/04/30/world/middleeast/israel-iran-nuclear-netanyahu.html?login=smartlock&auth=login-smartlock>.
4. Congressional buy-in would probably mean going for a congressionally supported executive agreement rather than a congressionally approved treaty: the former requires a simple majority in the U.S. House of Representatives and Senate, while the latter requires a two-thirds favorable vote in the Senate, which is almost certainly beyond reach.
5. See, e.g., Reuters, "Iran's Zarif Says Biden Can Lift Sanctions with 'Three Executive Orders,'" November 17, 2020, <https://www.reuters.com/article/us-iran-usa-zarif-idUSKBN27X34C>.
6. Because sanctions relief provided for in the JCPOA is grandfathered in the outcome of the 2015 Iran Nuclear Agreement Review Act, INARA would not be triggered by a Biden administration reentry into the deal. That said, a new interim agreement probably would trigger an INARA review.
7. Biden, "There's a Smarter Way," <https://edition.cnn.com/2020/09/13/opinions/smarter-way-to-be-tough-on-iran-joe-biden/index.html>.
8. Both the anti-money laundering provisions of the intergovernmental Financial Action Task Force and the Basel III and Basel IV regulations on bank structure, resiliency, and capital adequacy make it hard for international banks to deal with the Iranian banking system. In addition, there clearly are reputational risks to doing business with the Islamic Republic, particularly when it is kidnapping dissident journalists and executing them.

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