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US Policy on Iran Unveiled: Getting Tough without Leaving the Nuclear Deal

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On October 13, 2017, President Trump announced his decision not to certify the JCPOA, in contrast to his previous two decisions to certify the deal. Instead, he declared, the administration would work with Congress and US global and Middle East allies to address the flaws surrounding the deal, as well as other aspects of Iran's behavior, widely perceived to be threatening and destabilizing. This position was reached following the administration's policy review on Iran, underway over the past nine months, and outlines a new approach that began to emerge already with the statement in April 2017 by Secretary of State Rex Tillerson – delivered the day after Trump certified the JCPOA for the first time – which sketched in broad strokes the direction of US policy on Iran.

Perhaps the most notable feature of the new policy is that it covers the entirety of Iran's behavior that is viewed negatively by the US, beyond the nuclear program: Iran's missile program, support for terror, and regional aspirations that threaten the national security interests of the US and its allies in the Middle East. In so doing, the administration has ended the approach of the Obama administration that sought to create a divide between the nuclear and regional manifestations of Iran's conduct, claiming that the nuclear deal "was working," and that it was never meant to address other issues. In contrast, the Trump administration has emphasized that the JCPOA did not achieve its objective of a non-nuclear Iran, and that the deal is only one component of overall US policy toward Iran. The message is that there is a connection between the different manifestations of Tehran's nuclear and foreign policies, and that all must be dealt with in tandem in order to confront effectively the threats and regional challenges posed by Iran.

Also of significance is that Trump signaled that the US administration will no longer refrain from pushing back against Iran's aggressions and provocations for fear of Iran exiting the nuclear deal. In fact – in a somewhat surprising move – Trump included his

own threat of leaving the deal. He stated that if in cooperation with Congress and US allies the administration cannot reach a satisfactory solution to the problems he delineated, he would cancel US participation in the deal. The specific context seems to direct the threat primarily to Congress and US allies in an effort to urge them to work with the administration to amend the deal. However, it is also clearly a message to Iran that the administration is no longer deterred by Iran's threats of leaving the deal.

What are the main problems that Trump raised, and how will the administration attempt to fix them?

The leading problems raised by the President have to do with the regime's sponsorship of terrorism, continued regional aggression, and use of proxies, and the radical nature of the regime and its Supreme Leader. He mentioned Iran's ballistic missile program, hostility to the US and Israel, and its threat to navigation in the Gulf. While the opening of Trump's speech reviewed Iran's deadly actions since 1979 and was unnecessarily detailed, this might have been aimed to underscore that Iran has targeted the US repeatedly, rendering dealing with Iran a clear US national security interest.

As for the nuclear deal, Trump warned that in a few years Iran will be able to "sprint" to nuclear weapons. What, he asked, is the purpose of a deal that at best only delays Iran's nuclear plans? He noted multiple violations of the deal, although most points on his list were not violations per se, but rather problems with the deal. In addition to twice exceeding the limit on the stockpile of heavy water, he pointed out that Iran failed to meet US expectations with regard to research and development of advanced centrifuges. To be sure, the precise nature of Iran's work on advanced centrifuges is an issue that independent analysts can only study from such official statements due to the problematic lack of transparency in IAEA reports since implementation of the deal, and the confidentiality that was granted to deliberations of the Joint Commission (that oversees the JCPOA). Trump also accused Iran of intimidating IAEA inspectors, and highlighted Iran's repeated statements that it would refuse entry of IAEA inspectors into its military sites. Of particular note was Trump's mention of suspicions regarding cooperation between Iran and North Korea; he said that he will instruct intelligence agencies to conduct a thorough analysis of these connections.

In dealing with these problems, Trump's major constraint is lack of leverage to compel Iran to agree to a strengthened nuclear deal. The administration's hands are tied given that it has partners to the JCPOA that are not on the same page, and that the biting sanctions that had pressured Iran to negotiate in the first place were lifted when implementation of the deal began. Clearly it will be difficult for the US to change matters directly related to the deal without the help of Congress and European allies, and Trump

stated repeatedly that he will seek their cooperation. In Europe there is fierce opposition to Trump's decision not to certify the deal, and it is questionable whether and to what degree Europe will be willing to cooperate with the US. It is noteworthy, however, that before the speech was delivered, some European leaders – including France's Macron – signaled a new willingness to address issues outside the JCPOA, in particular Iran's missile program and regional aggression. Trump hopes they will go along with new sanctions against the Islamic Revolutionary Guard Corps (IRGC). There is currently no basis for expecting cooperation from Russia and China.

The administration is also pinning hopes on Congress. With decertification, decision making on the JCPOA moves to Congress, and this is where the Trump administration hopes to introduce changes. Tillerson has explained that the administration will not be asking Congress to move to sanctions at this stage, a step that could lead to the collapse of the deal. Rather, the hope is to pass new legislation that will amend the Iran Nuclear Agreement Review Act (INARA). The White House would like to establish a series of benchmarks that would automatically restore sanctions if Iran crosses one of the red lines – or “trigger points”; these would likely relate to Iran's missile program and the sunset clauses in the JCPOA.

The area where the administration can most easily move forward on its own relates to its approach to the Iranian regime, particularly the regime's support for terror and other destabilizing regional activities. This explains the strong emphasis in Trump's speech – and in the document released in parallel entitled “President Donald J. Trump's New Strategy on Iran” – on the IRGC, and on the need to confront it squarely for its support of terror, fanning of sectarianism, and perpetuation of regional conflict. Trump announced that he was authorizing the Treasury Department to sanction the IRGC as an entity, and to apply sanctions to its officials, agents, and affiliates.

Overall, there are important elements in the administration's new policy that have the potential to reverse some of the negative aspects of the JCPOA, and set the stage for pushing back on Iran's regional provocations and aggression. Much will depend on the ability to cooperate with allies and with Congress in advancing these goals. Tillerson's clarifications were important in explaining that contrary to much media analysis, Trump is not seeking to do away with the deal, at least in the short term, or to go to war. The stated aim is to strengthen the deal, and restore US deterrence vis-à-vis the Iranian regime and the IRGC. The outcome, however, is far from guaranteed. This is due to inherent constraints, and the fact that while the policy makes sense, it is nevertheless a huge undertaking for a very controversial administration, and this in turn can further weaken Trump's hand.