

# **In the Aftermath of the JCPOA: Restoring Balance in the US-Iran Deterrent Relationship**

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## **The Obama Administration and Iran, post-JCPOA: Deterrence Lost**

The Joint Comprehensive Plan of Action (JCPOA, otherwise known as the Iran nuclear deal) was presented to the world in July 2015; implementation began in January 2016. In the 18 months that the Obama administration remained in power following the July 2015 announcement, US deterrence vis-à-vis Iran was significantly diminished.

During these months, the Iranian regime tested the limits of the administration on issues directly related to the nuclear deal and with regard to its activities in the missile realm, as well as in the regional arena. In addition to its ballistic missile tests, which defied UN Security Council resolutions, steps taken by Iran in this period included continued harsh rhetoric against the US, and ongoing imprisonment of dual US-Iranian citizens held on bogus charges, even after the release of four such prisoners in early 2016 in exchange for \$400 million in cash. Iran significantly stepped up its military campaign in Syria, including participation in and/or facilitation of war crimes against Syrian civilians, and attempts to set up a new military presence near Israel's border – all the while continuing its efforts to transfer prohibited weaponry to Hezbollah via Syria, in violation of UN Security Council Resolution 1701. Iran became involved in the civil war in Yemen, armed and trained Shiite rebels in Bahrain, and harassed US naval vessels in the Gulf on a regular basis.

Regarding the JCPOA specifically, Iran was guilty of minor violations during 2016, including twice exceeding the limit of the heavy water stockpile allowed by the deal, and engaging in activities regarding advanced centrifuges that are of questionable legitimacy.<sup>1</sup> One reason for the lack of certainty regarding advanced centrifuge work is that the IAEA reports on Iran that have been released since implementation began in January 2016 have been highly cursory, no longer including critical details and data that were cited in the past.

In addition, over the course of 2016 it was reported that the P5+1 had apparently acquiesced to Iran's demand for confidentiality in its dealings with the IAEA, despite the fact that Iran is a known violator of the NPT.<sup>2</sup> Having lost the trust of the international community by violating the treaty, Iran should have lost these confidentiality privileges, certainly in the initial stage. But because confidentiality was granted, the exact provisions that were concluded with the IAEA are not known and cannot be publicly reviewed. Even the deliberations of the Joint Commission (which monitors implementation of the JCPOA) are not made public, adding to the troubling lack of transparency surrounding implementation of the deal, despite the fact that the JCPOA was presented to the public as a deal that significantly increases transparency on Iran. Iran is also suspected of making attempts to circumvent the Procurement Working Group set up by the nuclear deal, in order to illicitly procure components and technologies that can be used in a nuclear weapons program.<sup>3</sup>

The Obama administration refused to respond, even at the rhetorical level, to these provocative Iranian positions and activities. Indeed, with regard to the different challenges it presented, Iran found US limits of tolerance to be quite lax. During this period, the Obama administration was focused mainly on painting a picture of Iranian compliance, to "prove" the worthiness of the nuclear deal it concluded. The insistence that Iran was fully complying with its JCPOA commitments continued to the exclusion of all other developments – including the violations of the deal itself, and Iran's own (false) accusations of US non-compliance with the deal. The sense was that the administration was loath to admit that Iran was not behaving properly, either per the deal or with regard to Iran's regional behavior. There was no impetus to push back against Iran's bad behavior, which the administration feared might upset Iran, leading to an Iranian decision to exit the JCPOA. The administration bolstered its proclivity not to react to

Iran's regional provocations by emphasizing that the nuclear deal was never meant to tackle anything beyond the nuclear realm.

However, Iran did not read the administration's behavior as a cooperative approach, to be answered in kind. Rather, Iran seems to have interpreted the lack of response – and the US willingness to go so far as to actually defend Iran's stance – as a green light to continue. Iran saw that the Obama administration was not prepared to try to stop the regime. The upshot of this evolving dynamic was that the Islamic Republic was emboldened to pursue even more aggressive regional behavior – in Syria in particular (in cooperation with Russia), but also in the other respects mentioned above. Indeed, it became clear that Iran was effectively deterring the US, mainly by means of its implicit threat to leave the deal if the US took a more forceful stance, rather than the other way around.

### **Trump Charts a New Course: Putting Iran on Notice**

Initial rhetoric from the Trump administration indicated its desire to change this dynamic, and shift the US-Iran deterrence equation back in favor of the United States. Trump himself had referred to the JCPOA as the worst deal ever negotiated, and several key appointments in his new administration were people known for advocating a strong no-nonsense stance on Iran. They included CIA Director Michael Pompeo, Secretary of Defense James Mattis, and National Security Advisor Michael Flynn (who resigned after just a few weeks).

The first test of the new administration's intent to shift course on Iran came within 10 days of its inauguration: after Iran tested a new ballistic missile in late January, with a range of 3000-4000 km, and capable of carrying a nuclear warhead. The response was swift – Flynn issued a statement “putting Iran on notice” and clarified that the United States would no longer be turning a blind eye to Iran's provocations.<sup>4</sup> Following that, sanctions were placed on 25 companies and individuals involved in Iran's ballistic missile program and terrorist activities.<sup>5</sup>

The immediate reaction of skeptics was that what Trump did was actually not that different from the approach of the Obama administration, which also slapped sanctions on Iran following missile tests in October-November 2015. Moreover, some critics warned that issuing a deterrent threat can be dangerous because if the Iranians challenge the United States with another test and there are no consequences, deterrence will be damaged. Others

claimed there were more immediate escalatory risks to putting Iran on notice, and castigated Flynn for what they viewed as inflammatory bluster.

In examining these claims, it is worth recalling that any policy option is a question of choice among alternatives. In this case, the year and a half of the Obama administration doing very little in the face of repeated Iranian provocations only resulted in an increase in Iranian deterrent power vis-à-vis the United States. Indeed, refraining from responding to an aggressive opponent for fear of short term escalation can prove to be a very problematic choice over the long term.<sup>6</sup> Moreover, the deterrent message that the administration delivered was a measured one – it did not set specific red lines that might force the US to respond militarily if Iran crossed them. Finally, the Trump administration’s approach was different in two important respects from Obama’s reaction in 2015-2016, despite the fact that sanctions were imposed in both cases: the Trump administration responded within days (whereas in Obama’s case it took months), and there was a sharp shift in the rhetoric, especially as far as putting Iran on notice, which set in motion a new deterrent relationship.

### **Message Received in Tehran**

The most interesting result of the US deterrent message following the missile test is that initial Iranian reactions suggest that Iran received the message and that it had an effect. According to commentary in *al-Arabiya* from early March 2017, Iran was terrified of the Trump administration and adhered more meticulously to the JCPOA red lines: “The mullahs very well understand the language of force.”<sup>7</sup> The piece clarified that the changes in Iran should not be understood as a change of heart, rather as a response to a more forceful approach from Trump. As such, an approach that conveyed greater determination and resoluteness achieved the desired result.

A more direct indication that the new approach had an effect can be found in an Associated Press article quoting the Iranian press following a successful sea-launched ballistic missile test in early March: the Hormuz 2, with a range of 300 km. In this regard, Fars News Agency quoted the chief of the IRGC aerospace division, Gen. Amir Ali Hajizadeh, as saying that Iran had prepared a ballistic missile for carrying a satellite for civilian purposes (technology that is also relevant to ICBM capabilities), but that “some people” had removed the missile from the launch pad “after a threat by the Americans” – something he viewed as “humiliating.” It is significant

that the missile that *was* finally tested was short range, and not likely to elicit the same response from the US.<sup>8</sup> Significantly, when Iran reacted to an Islamic State terror attack in the heart of Tehran by firing missiles into Syria in mid-June 2017, the missiles used had a range of only 1200 km, and could not carry a nuclear payload.<sup>9</sup> However, in late July, Iran did launch a missile into space with a satellite, a step that the US administration deemed a violation of UNSC Resolution 2231.<sup>10</sup>

### **The Trump Administration on Iran: Nuclear and Regional Linkage**

In mid-April 2017, in accordance with its obligation to report to Congress every 90 days on certification of the deal, the Trump administration submitted a letter that deemed Iran had complied with the JCPOA. But in the same letter, the administration noted it was highly concerned with Iran's continued support for terrorism. Moreover, the President instructed Secretary of State Rex Tillerson to issue a statement the following day explaining the administration's position on Iran.

Tillerson's statement was released on April 19, 2017.<sup>11</sup> The Secretary of State explained that the administration was conducting a full and comprehensive review of its Iran policy. He emphasized Iran's "alarming and ongoing provocations," and stressed that as a leading state sponsor of terrorism, Iran was intensifying regional conflicts, and undermining US interests in Syria, Yemen, Iraq, and Lebanon, as well as continuing to support attacks against Israel. He made a direct link to North Korea, claiming that if Iran continued "unchecked," it had the potential to travel the same path as North Korea. On the JCPOA specifically, Tillerson warned that the deal fails to achieve its objective of a non-nuclear Iran; it only delays the problem, while "passing the buck" to a future administration.

What emerged from this statement is that the different threats that Iran poses – in the nuclear and regional arenas – cannot be separated, and the developments in North Korea underscore the dangerous implications of merely delaying a state's nuclear capability. Several times Tillerson noted that the administration did not want its policy on Iran to follow the same failed approach that resulted in the current situation in North Korea, which ostensibly resulted from buying off North Korea's nuclear advances for a short amount of time, only for the problem to reemerge for a later administration to grapple with.

Critics of the Trump administration's approach immediately accused the administration of a confused and conflicting message on Iran – if Iran was complying with the deal, why was the administration so negative the next day? In considering whether there is a contradiction in Trump's approach, the answer turns on the assessment of the JCPOA itself. For deal supporters, if Iran was found to be in compliance with its obligations, this was tantamount to validation of the deal; moreover, it was considered a major blow to critics of the deal, who (deal supporters claimed) expected Iran to cheat.

But the Trump administration has a different assessment of the nuclear deal: it views the JCPOA as severely flawed. Because of the significant P5+1 concessions that were made to Iran over the course of the prolonged negotiation, the JCPOA was weakened to the degree that it does not achieve its goal of stopping Iran in the nuclear realm.<sup>12</sup> Provisions in the deal that enable R&D on advanced centrifuges and the 5000 centrifuges left spinning at Natanz amount to legitimization of Iran's problematic uranium enrichment program. Moreover, the most problematic aspect of the deal is that it has an arbitrary expiration date that was not made conditional on any required changes either in Iran's behavior or its perceived interests. What that means is that when the significant provisions of the deal expire, Iran will have its breakout capability intact. And with advanced centrifuges installed and operating, Iran will be capable of moving forward to a weapons capability if it so chooses, in a very short timeframe. Of further help to Iran in this regard is its ongoing work on the delivery mechanism for nuclear weapons, namely, its advanced ballistic missile program.

The upshot of this assessment is that the nuclear deal – a far cry from the original P5+1 goal of dismantlement – is actually not a bad deal from Iran's point of view, and therein lies the problem. It means that the fact that Iran is complying with minimal nuclear concessions – and it is noteworthy that there have even been some violations, as described above – does not denote that the deal “is working,” at least from the point of view of stopping Iran's nuclear advances. The more relevant question is why Iran would *not* comply with a deal that the regime ensured would not undermine its ability to break out to nuclear weapons down the road, especially when critical sanctions relief depended on concluding a deal.

Building on its critique that the deal did not achieve its goal of a non-nuclear Iran, and coupled with its assessment that Iran was getting even more aggressive due to previous US acquiescence with its bad behavior, the new

administration is in the process of carving out a different approach – one that links the nuclear dimension in Iran’s profile to the rest of its actions in the Middle East, and incorporates the imperative of restoring US deterrence vis-à-vis this dangerous proliferator.

### **A Broader Deterrent Message: To Syria and North Korea**

The Trump administration has expressed its new determination and resolve to deter WMD proliferators in messages to North Korea and Syria as well. In response to the wave of North Korean nuclear threats and posturing in March-April 2017, both Secretary of State Tillerson and Vice President Pence sent clear messages of warning, in an effort to deter and prevent nuclear weapons use. Tillerson clarified that while the US would try to work with China to prompt North Korea to reverse course in the nuclear realm, if this stubborn proliferator continued to escalate its nuclear threats, America could have no choice but to take preemptive action. Similarly, Pence sternly warned North Korea not to test US resolve, and the use of a MOAB in Afghanistan shortly before his visit to the region was widely interpreted as a message to North Korea as well.<sup>13</sup>

In Syria, the message was delivered by means of the very quick US decision to respond to Assad’s chemical weapons (sarin) attack on Syrian civilians in early April 2017 by striking the airfield used by Assad forces to launch the chemical attack. The use of 59 Tomahawk cruise missiles to strike the air base – damaging aircraft and infrastructure – was a limited and measured use of military force, to deliver the message that using chemical weapons is a breach of a well-established international norm that Assad ostensibly accepted when he joined the CWC in 2013 and forswore chemical weapons possession and use.

In each of the three cases – Iran, Syria, and North Korea – there is a similar deterrent message being delivered by the Trump administration, by different means. Each response has been tailored to the specifics of the case in question. One of the most important features of the new Trump approach is quick reaction time. Rather than getting into lengthy deliberations and debates, the administration has acted swiftly and decisively, which helps to get across a message of determination – a key requirement in these situations. On the other hand, overly hasty messages to North Korea – especially when delivered via Twitter – can risk undermining the very deterrence that Trump seeks to establish.

## Conclusion

The initial months of the Trump administration indicate that it is not only charting a new course on Iran, but that it is building up its deterrence vis-à-vis two additional problematic WMD proliferators: North Korea and the Assad regime. For deterrence purposes, there could be a synergetic effect among the three cases; in other words, the enhanced deterrent posture toward North Korea and Syria can help bolster deterrence toward Iran as well. In addition to direct messages to the proliferators, the Trump administration has signaled its desire to work together with regional allies – pragmatic Arab states and Israel – in confronting Iran. This came out very clearly in his May 2017 visit to Saudi Arabia and Israel, when he placed Iran squarely in the crosshairs.

While all of these developments indicate a changed US approach, the results are far from ensured. North Korea is so far along in its nuclear program that it can probably only be deterred from actual use of nuclear weapons. Moreover, since July 2017, when Kim Jong-Un demonstrated his ability to fire an ICBM that can reach the US mainland, the “deterrence dialogue” escalated, with many fearing that it can escalate out of control. On the other hand, when facing an aggressive proliferator like North Korea – one that achieves the ability to strike the US with a nuclear missile – the new deterrent messages from the administration were hardly a surprise. Due to North Korea’s reckless advances, the relationship will likely witness additional turbulence before a more stable deterrent relationship can emerge.

In mid October 2017, President Trump outlined the new United States policy toward Iran, reinforcing Secretary Tillerson’s message of the previous April: a comprehensive approach to Iran that takes into account both Iran’s nuclear aspirations and its overall aggressive activity and hegemonic ambitions in the Middle East. The question is whether the administration will have the stamina to follow through on this new approach over the long term. To succeed, the Trump administration will need to be consistent in its messaging over time. The fact that Iran did launch a missile with a satellite in late July indicates that Iran continues to provoke, and it is a setback as far as the new and more determined approach expressed by the Trump administration upon coming into office, and its ability to deter Iran.

However, it is too early to determine whether the setback indicates that the administration will not succeed in its more forceful approach.<sup>14</sup> The President’s speech of mid October indicates that at least on the rhetorical

level, the Trump administration will pursue a more forceful approach to Iran in order to regain its power of deterrence.

## Notes

- 1 See David Albright and Andrea Stricker, “Analysis of the IAEA’s Fourth Iran Deal Report: Time of Change,” Institute for Science and International Security (ISIS), November 15, 2016, <http://isis-online.org/isis-reports/detail/analysis-of-the-iaeas-fourth-iran-deal-report-time-of-change>, and David Albright and Andrea Stricker, “Analysis of the IAEA’s Fifth Iran Nuclear Deal Report,” ISIS, March 3, 2017, <http://isis-online.org/isis-reports/detail/analysis-of-the-iaeas-fifth-iran-nuclear-deal-report/8>.
- 2 See for example George Jahn, “AP Exclusive: Document Shows Less Limits on Iran Nuke Work,” *AP*, July 18, 2016, <http://bigstory.ap.org/article/140ca41aba7a42cda13792f07df4b8d3/ap-exclusive-secret-document-lifts-iran-nuke-constraints>.
- 3 On transparency issues see Valerie Lincy, “Increasing Transparency under the JCPOA,” Wisconsin Project on Nuclear Arms Control, May 3, 2017, <http://www.wisconsinproject.org/increasing-transparency-under-the-jcpoa/>; and Valerie Lincy and Gary Milhollin, “Iran’s Nuclear Veil,” Wisconsin Project, February 1, 2017.
- 4 Statement by the National Security Advisor, February 1, 2017, <https://www.whitehouse.gov/the-press-office/2017/02/01/statement-national-security-advisor>.
- 5 Statement by National Security Advisor Michael T. Flynn on Iran, February 3, 2017, <https://www.whitehouse.gov/the-press-office/2017/02/03/statement-national-security-advisor-michael-t-flynn-iran>.
- 6 Emily B. Landau, “Without Deterrence, America Can’t Confront Nuclear Mavericks,” *National Interest*, April 9, 2017, <http://nationalinterest.org/feature/without-deterrence-america-cant-confront-nuclear-mavericks-20087?page=2>.
- 7 See Heshmat Alavi, “Iran Honestly Abiding by Nuclear Deal or Terrified of Changing Times?” *al-Arabiya*, March 7, 2017, <http://english.alarabiya.net/en/perspective/features/2017/03/07/Iran-honestly-abiding-by-nuclear-deal-or-terrified-of-changing-times-.html>.
- 8 The full statement is quoted in in a *Defense News* article: Associated Press, “Iran Successfully Tests Ballistic Missile,” March 9, 2017, <http://www.defensenews.com/articles/iran-successfully-tests-ballistic-missile>. For a fuller review of Iran generally taking a more cautious approach due to fears of the Trump administration policy, see MEMRI article: A. Savyon et al., “Facing Trump Administration, Iran Shows Fear and Military Self-Restraint,” *Inquiry and Analysis Series*, No. 1305, March 20, 2017, The authors maintain Iran is displaying more restrained behavior in a number of respects.
- 9 AP and ToI, “Iran Launches Missile Strike into Syria in Response to Tehran Attacks,” *Times of Israel*, June 18, 2017, <http://www.timesofisrael.com/iran-launches-missile-strike-into-syria-for-tehran-attacks/>.

- 10 Reuters, "US Issues Sanctions after Iran Rocket Test," *Voice of America*, July 28, 2017, <https://www.voanews.com/a/us-sanctions-after-iran-rocket-test/3964003.html>.
- 11 See YouTube clip via *Washington Post*, <https://goo.gl/rhVFH5>.
- 12 For analysis of the problems of the deal and the negotiation that produced it, see, for example, Emily B. Landau, "Obama's Legacy, A Nuclear Iran?" *Middle East Quarterly*, 24, no. 2 (2017), <http://www.meforum.org/6561/obama-legacy-a-nuclear-iran>.
- 13 On Tillerson see Matt Stiles and Tracy Wilkinson, "Tillerson Warns of Possible Military Strike on North Korea," *Los Angeles Times*, March 17, 2017, <http://www.latimes.com/nation/la-fg-tillerson-asia-20170317-story.html>; and on Pence, see Roberta Rampton and Sue-Lin Wong, "Pence Warns North Korea of U.S. Resolve Shown in Syria, Afghan Strikes," *Reuters*, April 16, 2017, <http://www.reuters.com/article/us-northkorea-usa-missile-idUSKBN17H0NL>, and AP, "Mike Pence Asia Trip: US Vice President Warns North Korea 'Era of Strategic Patience is Over,'" *First Post*, April 17, 2017, <http://www.firstpost.com/world/mike-pence-asia-trip-us-vice-president-warns-north-korea-era-of-strategic-patience-is-over-3389164.html>.
- 14 An analysis published by MEMRI on August 28, 2017, argues that the approach of the Trump administration to Iran shifted after the first three months from one of "might and deterrence" to "weakness and retreat." See A. Savyon, Yigal Carmon, and U. Kafash, "The Great Reversal: The U.S. vs. Iran – From Might and Deterrence to Weakness and Retreat," *Inquiry and Analysis Series*, No. 1333, August 28, 2017, <https://memri.org/reports/iran-first-year-trump-administration-second-year-historic-nuclear-deal-regional-expansion>.