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Israeli Policy on Iran vis-à-vis the Biden Administration

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Once President-elect Biden enters the White House, Israel will have to work with a president whose policy on Iran is expected to differ from that of the Trump administration. Both the incoming and outgoing administrations have made an identical fundamental commitment: to prevent Iran from obtaining nuclear weapons. Beyond this, however, they disagree about how to achieve the goal, and how to deal with the Iranian missile program and other negative elements of Iranian conduct in the region, which were not addressed in the JCPOA. For the President-elect, the initial step is a return to the JCPOA and the lifting of sanctions on Iran, to be followed by negotiations on other issues, while leveraging the possibility of renewing sanctions and even taking military action. Instead of souring relations with the new administration and plunging into a confrontation that is bound to fail (as occurred during the Obama administration), Israel should not oppose the Biden administration's policy. Rather, it should engage in dialogue with the administration to influence the agenda of the negotiations following the US return to the deal, while insisting that the highest priority is on preventing Iran from obtaining nuclear weapons, even at the expense of other issues.

Once Joe Biden enters the White House, Israel will have to work with a United States president whose policy on Iran is expected to differ from that of the Trump administration. Both the incoming and outgoing administrations share an avowed fundamental obligation (and in the words of the President-elect: "an unshakeable commitment"): to prevent Iran from obtaining nuclear weapons. Beyond this, however, they disagree about how to achieve this goal, and how to deal with the Iranian missile program and other negative elements of Iranian conduct in the region, which were not addressed in the JCPOA. Biden vehemently criticized Trump's Iran policy. He has made clear that the United States plans to return to the JCPOA, which it left in 2018, and lift sanctions that were imposed on Iran as part of the outgoing administration's "maximum pressure" policy, in exchange for Iran's returning to the framework of the deal and faithfully meeting all its obligations. The United States return to the JCPOA is meant to be a starting point for resuming negotiations with Iran on a range of issues, some of which relate to the existing deal, and others, such as surface-to-surface missiles and Iran's regional conduct, are issues that were not addressed in the agreement.

The incoming president's position enjoys broad international support, particularly among the powers who were parties to the JCPOA. Germany, France, and the United Kingdom welcome Biden's intention to return to the deal; after Trump's 2018 decision to withdraw from the JCPOA, they made unsuccessful efforts to uphold their commitments under the deal and leave it intact. The European Western powers even hope to coordinate positions with the new administration beyond the decision-in-principle to return to the deal. Indeed, the German Foreign Minister clarified that a return to the deal will not suffice, and Iran's regional conduct and its missile program, which threatens Europe, will need to be addressed. Russia and China, which had criticized Trump's decision, are likewise pleased with Biden's intention.

The anticipated change in US policy demands the formulation of an appropriate Israeli policy toward the new administration.

The Iranian challenge, and particularly the nuclear program, is a key component of Israeli security policy and a flagship issue for Prime Minister Benjamin Netanyahu. The Prime Minister clashed more than once with the previous Democratic administration on this issue, and Netanyahu did not shy away from measures designed to foil President Obama's efforts to reach a deal with Iran. Obama believed that the deal would prevent Iranian progress toward a nuclear weapon, or at least delay it for many years. Netanyahu's efforts against the Obama administration failed, but his view was accepted by the Trump administration.

The key question now is whether Israel should return to the policy it pursued vis-à-vis the Obama administration. Israel must certainly consider the likely prospect of failing to thwart the new administration's policy – and the price of such failure – particularly in light of the broad international support for returning to the deal. This is a critical consideration, even if the Biden administration is subsequently succeeded by an administration whose policy matches that of Israel. On the other hand, Israel's main interest is in preventing Iran from achieving military nuclear capability. This interest might be better served through a return to the nuclear deal followed by negotiations with Iran concerning the period beyond the expiration of key restrictions on the Iranian program and other issues – Iran's missile program and regional behavior. Presumably, during such negotiations, when Israel wants to influence the stances of the United States, it will also have to articulate its positions about its own set of priorities and conditions on various issues.

Based on his public statements, it appears that Prime Minister Netanyahu intends to persist in his unyielding opposition to the JCPOA. He repeats his consistent and uncompromising position, declares that there must be no return to the previous nuclear deal, and insists that President Trump's "maximum pressure" policy must continue to be implemented to ensure

that Iran does not develop nuclear weapons. Different tones have been heard from Foreign Minister Gabi Ashkenazi, who stressed that “we don’t want to be left outside again,” meaning there is a need for ongoing dialogue with the Biden administration, in order to influence the negotiating agenda in a way that will serve Israeli interests. However, Israel’s desire for ongoing dialogue with the administration about its policies may be empty rhetoric if it is not accompanied by clear priorities and conditions that allow for flexibility and the formulation of shared positions with the new administration.

And indeed, there are reports from the Israeli media indicating that beyond these public statements, contacts between Israeli and US officials suggest that Israel does not reject and will not publicly oppose President-elect Biden and his team in their efforts to return to the nuclear deal. However, Jerusalem will strongly recommend that the new administration not return to the old deal signed between Iran and the P5+1, which Trump withdrew from, but rather reach a new agreement – which would also include restrictions on the development and production of missiles and other means capable of bearing a nuclear warhead to targets at all ranges. Moreover, Israel wants an additional agreement, to restrict Iran’s use of proxies in subversive activities across the Middle East. If these reports are true, they bear one important piece of good news, which is that Israel has decided to maintain its traditional priorities, whereby the first priority is preventing the acquisition of nuclear weapons by Iran, and it must be separated from issues of secondary priority – Iran’s missiles and regional conduct. It is still not altogether clear whether Israel is making any kind of conditional connection between the issues, that is, whether a failure to reach an agreement about Iranian regional conduct and its missile program should, in its view, lead to a withdrawal from the nuclear agreement.

In any case, there is virtually no chance that at the initial stage the Biden administration will adopt the Israeli government’s position toward a new and expanded nuclear deal with Iran, and there is zero prospect of Iran agreeing to negotiate a new nuclear deal without returning to the prior agreement. Accordingly, the question remains whether Israel can agree to the US returning to the existing agreement, after which the US will negotiate further on issues relevant to the nuclear program, particularly an agreement concerning the sunset clauses, surface-to-surface missiles, and other issues – especially Iran’s regional conduct. It also seems that the “maximum pressure” policy has failed. Although it has indeed taken a heavy toll on the Iranian economy, the policy has not only failed to harm the Iranian nuclear program, but has also halted Iranian fulfillment of key commitments under the deal and has even contributed to the acceleration of production and accumulation of fissile material needed for nuclear weapons production.

A return to the existing deal, which will restrict the Iranian program again, is preferable, in the hope that further agreements on outstanding issues can be reached through subsequent

negotiations. These negotiations will rely on a clear threat of withdrawal from the agreement, followed by renewal of sanctions, alongside a threat of employing a military option. Israel must make a clear separation between the Iranian nuclear program (and its offshoots) and the other issues. It should support the US perspective that seeks to exhaust, as far as possible, all the diplomatic options at its disposal, backed by economic and military threats before implementing them. If there is a diplomatic solution that provides a good response to the nuclear issue, it should not be contingent upon the resolution of other issues.

In all preparations for negotiations following the US return to the agreement, the priority of the nuclear issue must be maintained, and in this context the focus must be on agreements concerning the period after the main restrictions of the current nuclear deal expire. Regarding other issues it will also be necessary to take into account the positions of the Iranian side and its room for flexibility. For instance, given the significance of conventional surface-to-surface missiles in the Iranian security concept (an asset that counterbalances the aerial superiority of its rivals), it seems unlikely that Iran will agree to substantive concessions. Instead, Israel must consider the proposals from Biden and others to establish a framework for regional discussion, which would include countries from the region (including Israel), along with the parties to the nuclear agreement. Such a framework would work to formulate a comprehensive agenda intended to build regional security structures. Inter alia this would make it possible to reach regional arrangements on placing limits on surface-to-surface missiles and the regional behavior of participants. To a large extent, the likelihood of achieving these objectives depends on the ability of the parties to the nuclear agreement – the US, Russia, China, UK, France, and Germany – to reach a mutual agreement on strategy and objectives, as well as their implementation.

This approach offers better prospects for serving Israel's security interests by working with the new US administration, while not affecting Israel's freedom of action if it feels that its essential interests are not addressed and it must therefore act independently.