

What Will Biden Do on Iran?



Featuring Frederick Kagan and Nicholas Heras

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*Tensions between the United States and Iran are high as a transition in administrations has happened in Washington, DC. President Joe Biden and his top national security advisers want to get back into the nuclear deal with Iran and make it stronger if Iran is willing to get back into compliance with the terms of the deal. In this episode of *Overwatch*, Nicholas Heras, Director of Government Relations at ISW, and Frederick Kagan, Director of the Critical Threats Project at the American Enterprise Institute, discuss what we can expect in the looming delicate diplomatic dance between the United States and Iran.*

Jacob Taylor:

This is *Overwatch* a podcast presented by the Institute for the Study of War. This is the first episode in our mini-series on US policy on Iran. Iran is set to be one of the Biden administration's top foreign and national security policy efforts in 2021, and likely beyond. On this episode of *Overwatch*, Nick Heras, ISW's Director of Government Relations and Fred Kagan, the director of the Critical Threats Project at the American Enterprise Institute, discuss the current positions of the Biden administration's Iran policy and how they may change over time.

Nick Heras:

Hi, this is Nick Heras, Director of Government Relations at ISW.

Fred Kagan:

I'm Fred Kagan, Director of the Critical Threats Project at the American Enterprise Institute. It's very important to understand as objectively as we can, what this incoming administration is going to try to do, what their theory of the case is, what they might be willing to do, what we think they will not likely be willing to do, and how they might respond to various of the exigencies that they will inevitably encounter as they attempt to pursue their policy. We are doing that without, ourselves, at this point, attempting to evaluate whether their policy is a good one or a bad one, whether this is a good idea or not, whether or not it will work. Right now our purpose is simply to try to understand what we think their policy will be. I think that that's an incredibly important undertaking.

I thank you very much for coming on the program to help us understand where they're coming from and where they think they're going. Nick, it's great to be with you today and talking about the policy that the incoming administration is going to be pursuing toward Iran. The Biden team has made it very clear that Iran is going to be a top priority for their Middle East agenda. Tell us a little bit about what you think they're going to be trying to achieve in their policy toward Iran.

Nick:

Well, Fred, that is the billion dollar question and, fundamentally, the Biden team from President-elect Joe Biden himself, his National Security Advisor, Jake Sullivan, his Secretary of State nominee Antony Blinken, and other people who are close to their team have made it very clear, that in their perspective, Iran policy begins with getting back into the Joint Comprehensive Plan of Action, the JCPOA. That means that, from their viewpoint, Iran has to come back into compliance in the deal. It means Iran has to reduce its enrichments of uranium. Iran has to agree to abide in by the terms JCPOA before the United States will then come back into the deal.

Then what they want you to do is, once both United States and Iran are back in the JCPOA, to then have a follow-on discussion. They want to use the JCPOA as a springboard for, as they say, lengthening and strengthening the deal to address some of the sunset clauses in the original JCPOA regarding Iran's enrichments of uranium, types of centrifuges it can have access to, and also, potentially, the conventional arms embargo on Iran that technically expired in October 2020, but which has essentially been kept in place through US sanctions. I think that's

their main point of view, is that without the JCPOA, you can't have a comprehensive strategy on Iran.

Because of the potential for Iran having a nuclear weapon and then the nuclear weapons proliferation issues that can come from that, where other regional actors such as Saudi Arabia, the United Arab Emirates or Turkey might feel compelled to go for their own nuclear weapons to respond to an Iranian nuclear weapon, that there is no effective Middle East policy that also works towards global stability and peace and conflict at the regions, many different issues of which Iran is embedded in several of them, without first going after the nuclear issue.

Fred:

Thanks Nick. So their approach to the Middle East places, keeping the Iranians from developing nuclear weapons at the heart of everything and proceeds from the assumption that, without doing that, we can't achieve anything positive in the region and things might get very very bad indeed, but that if we do that, we could see some improvements more generally in the region. Is that right or is this really primarily aimed at just preventing the Iranians from getting nuclear weapons and having very bad things happen? Do they see an upside, do you think? A possible series of benefits that could result from getting a nuclear deal beyond just stopping bad things from happening?

Nick:

Fred, that's one of the hearts of the matter when it comes to how the incoming Biden administration will be able to actually take the JCPOA and expand it and have it addressing these other challenges, such as ballistic missiles, Iran's ballistic missile program, and Iran's regional activities that really concern US allies and partners. The incoming Biden teams' theory of the case has been best articulated by officials, such as Jake Sullivan, who believe that there is room for the JCPOA process to also include follow on discussions about Iran's ballistic missiles, because Iran's ballistic missile program is tied in a way to the idea of nuclear proliferation that you'd have to get Iran back into what they call, the nuclear box, the JCPOA.

You have to then use the JCPOA for springboard. The reference that they use is from SALT to SALT II. That's sort of the model that they have in places is where you have the SALT treaty with nuclear arms limitations between the United States and Soviet Union, and then Russia, assessor state. Then you had a SALT II treaty, and that they can use JCPOA in the same way. You have the JCPOA and then you try to have perhaps a JCPOA 2 that addresses some of these sunset clause challenges that have been pointed out not only by US allies and partners but also by non-proliferation experts who are concerned that there are some limitations over time with the JCPOA. Their conception though, is that when it comes to issues beyond the nuclear portfolio and potentially ballistic missiles, say Iran's regional activities, they get a lot of attention and, in fact, drive up a lot of concern among US allies and partners, as well as threat in the United States, US military forces in the region, as well as US interests.

That type of discussion needs to be, in a way parallel to, but separate from, the discussions on Iran's nuclear program. In particular, the vision that they've laid out for us as they prepared to come into office is that regional actors should lead the regional negotiations and that the US and the other states that are concerned with Iran's nuclear program, such as Russia, China, Germany, the United Kingdom, and France, the P5+1, that's been engaged in the JCPOA process, that they can have a facilitative role and can be there to support these types of slow-building confidence measure type negotiations or regional issues. But really their focus, at least from the get-go is on the nuclear deal.

Fred:

Thank you, Nick. I want to talk with you more about some of the assumptions that underlie this approach, because I think it's very important to understand exactly where they're coming from and how they're seeing things, so that we can evaluate what they're doing and trying to do within their own framework, as well as within an objective

framework. You may not know the answer to this, but I wonder to what extent they have articulated their understanding of why the Iranians seem so determined to retain the capability to pursue a nuclear weapon. Have they talked recently about what they think is causing the Iranians to pursue this issue so hard on their side?

Nick:

We haven't had a clear answer specifically related to that question. We've had sort of bits and pieces on the campaign trail, typically over the course of 2020 from sort of senior members of the Biden team. Their perspective is that, Iran essentially responded to the joint plan of action and the predecessor to the JCPOA because of sanctions pressure, and that because of the sanctions pressure that, through sanctions that the US built with international partners that got around into the JCPOA, negotiating process, that as a result of that, the Iranians saw that there were benefits to acting as a responsible member state of the global community, for lack of a better phrase. I think their viewpoint is that there are more incentives for Iran to be part of the JCPOA and a follow-on process than there aren't, that because fundamentally you have a consensus from their viewpoint of leading global actors, which includes Russia and China and some of the strongest nations in Europe, that it's unacceptable for Iran to have nuclear weapon. That nuclear proliferation in the region is also similarly unacceptable.

And that if Iran wants to be considered a serious and welcome actor in the international community, it has to not go for nuclear weapons and that there are incentives in the JCPOA process, such as blanches provisions for a fuel for the plants that Iran has for their own nuclear power generation and the prospect to have Russia support. The Iranians are building a few other nuclear power plants, as well as the opportunity to do medical research at a smaller research centrifuge and facility that Iran shouldn't want a weapon. I think the bigger question that they are going to have to deal with, and we've seen the incoming national security advisor, Jake Sullivan referenced this in recent public discussions that have happened earlier this year, is what you do about ballistic missiles? Because you can't have a complete nonproliferation strategy without also addressing Iran's ballistic missiles.

My sense is in a discourse is, that although the regional activities piece of concern with Iran is going to continue to be a strong current that the Biden team will have to engage with, the ballistic missile piece, which they've come now on the record and said they want to address as part of the follow on say, JCPOA, JCPOA 2-process. I think that's going to be the biggest for them, because it's not entirely clear what type of incentives they can give to Iran to limit its ballistic missiles program. I think that's going to require a lot of creative thinking on their part.

Fred:

Thank you, Nick. What I'm hearing you say is that they think that the Iranians desire to become a more normal member of the international community and see the incentives, or should see the incentives that were in the JCPOA way as sufficient to give up the elements of their nuclear program that are banned by that agreement, and that if they offer the Iranians to restore full US compliance with the JCPOA, that should be a sufficient incentive to persuade the Iranians to return to compliance on their side. Is that correct?

Nick:

Yes. I think that sums it up well. The Biden team has been very careful when it comes to explaining what the timeline for reducing sanctions pressure on Iran that have been imposed by the Trump administration would be. They've also been very careful about not being sort of hemmed in or cornered over a timeline. They've sort of reflected on their experience under the Obama administration and sort of engaging in the JCPOA process that fundamentally the Iranians, from what they observed, were most concerned in the negotiating table over the timetable for sanctions relief. I think one of the levers that they anticipate using with the Iranians and to keep the Iranian's compliance is that the United States, doesn't have to just go in and reproduce sanctions overnight.

The Iranians are out of compliance with the JCPOA and the Iranians will need to show that they are going to

reduce and remove they're highly enriched uranium, that they are not going to go from 20% enrichment to 90% enrichment, that they're going to reduce the number of centrifuges they're using, and that they are going to continue to allow the international Atomic Energy Agency access in a way that indicates that they are in compliance with the deal. I think this is also going to be an interesting dynamic that will unfold when the Biden team comes in and tries to reenergize its JCPOA process is, how do they conceptualize the timetable for sanctions relief? Where will they allow the sanctions lift to occur, and will that sanctions relief combined with a dialogue with the Iranians lead to a sort of follow-on JCPOA 2-type agreements. Those are still open questions.

Fred:

Thank you, Nick. We've been tossing around the term Iran a lot here, and that's very common in the American discourse about Iran and the nuclear program and the missiles and so on. But Iran is a very complicated place and it's also not an entirely unitary actor and the governing structure of Iran, as you know, and as the administration knows, is very complicated. You have a supreme leader who is effectively all powerful, but who generally chooses not to be directly and obviously making decisions and isn't the person that one can never negotiate with. Then you have an Iranian president whose powers are much more trammled than you would expect in someone with that title, but who is the person with whom the US and other countries has to negotiate.

I think it's worth reflecting on that a little bit, because of course, the Iranians have a presidential election coming up in a few months into president Biden's term. The one thing we know for sure is that president Hassan Rouhani, the person with whom the Obama administration negotiated the nuclear deal, will not be able to run because Iran has hard and fast term limits. He will not be president anymore after June of this year. To what extent is that issue, the fact that there will definitely be a transition in the Iranian presidency affecting the incoming Biden team's thinking about timelines and how they should approach this policy?

Nick:

Well, that's a very important issue because fundamentally you hear from folks close to the Biden camp, as well as European allies, a bit engaged in quietly with experts who engage with the Biden camp, that there is a sense that there is a six month window, if you will, between the Biden team taking over and when the Iranian elections occur in June of this year, where momentum can be gained in getting Iran back in the compliance with the deal, being able to sort of roll out sanctions relief in a substantive enough manner, whereby you have a follow-on discussion that may be engaged and being able to show whomever happens to be the successor to Rouhani, that there are benefits to continue to engage in diplomatic track. The sense that I've gotten from the Biden camp is that they know the world as it is, and they know that there is no guarantee.

In fact, it may not be even a likelihood that you will have in Rouhani-like figure who is elected president in Iran in June and that they may have to deal with a real hardliner. They may also have to deal with the Supreme leader who, after the last four years of maximum pressure, may decide to let the Americans wait and, you know, might not want to re-engage and may have made the calculation that the US relationship with Russia and China has continued to deteriorate over two administrations to the point where the Iranians can try to hedge their bets with actors like Russia and China and wait out the Americans. I think there is a very delicate diplomatic dance tied to the six month window that we will have to watch closely because there is no guarantee that the world, as it is from January to June, will be conducive to a long running diplomatic process that gets a more comprehensive JCPOA 2-type agreement, and can even touch on Iran's ballistic missiles programs.

Fred:

Thank you, Nick. One of the things that's happened recently is that the Iranians, as you mentioned, announced that they were going to begin enriching to 20% levels, which is very concerning in the nuclear proliferation world, because the difference in the time that it takes to enrich a weapon's worth of uranium from the three and

a half percent to 20% is much much longer than the time it takes to enrich from 20% to 90%, which is weapons grade, for a variety of technical reasons. So once you have amassed the necessary amount of 20% enriched uranium, it's usually a very short period of time that would be required to get from there to a weapons worth of weapons grade. It was a big step to take. And the Iranians took it knowing that Biden was going to be president and knowing that he's going to undertake this approach of trying to re-enter the agreement.

Now they announced that more or less on the anniversary of the killing of Qasem Soleimani, it clearly was a part of the vengeance that they have promised for that killing. But I think we also need to take it at least in part as a negotiating tactic and an attempt to gain leverage of their own on the US and these in the upcoming discussions. It suggests that the Iranians may want to try to use that leverage and possibly other leverage that they might be seeking to gain to get more than simple US return to the deal as it was. They might perhaps, and I think we should at least consider the possibility that they will demand in return for their own compliance or their own return to compliance, that they will demand some kind of penalty from the US for the US having pulled out of the deal, and that they will demand more from the US than just the US returning to the deal. Do you think that the Biden team is open to the possibility of renegotiating on those terms, if that is what is required to get the Iranians back into compliance?

Nick:

This has been a concern that I've seen expressed more and more in the discourse around the Biden team's Iran policy. There is no indicator that we've had from the Biden camp that they will be held hostage in a way by the past, that they will cede to demands by Iran for what is effectively considered to be compensation if you will, for lost economic opportunity and potential from the Iranian point of view, stress and suffering, that they may have suffered, been caused by US sanctions policy. I think the Biden team has been very careful to not go down that pathway and said that they would accept that type of engagement with Iran. In fact, I would say that there's actually been a hardening in terms of how the Biden team has expressed its Iran policy.

It is interesting that the Biden team over the course of 2020 was non-committal about the issue on ballistic missiles on the table. It is now put ballistic missiles as an objective for a follow-on deal. So I think that's one indicator that they are aware of the fact that they may not have initially a enthusiastic partner, but they have been very very on point in their engagements in saying that, "look, we need compliance. Iran has to come back in compliance. Iran has to stop this additional regimen. It has to get rid of this 20% of its enriched uranium. This is unacceptable. You had an agreement that we hammered out with an international global consensus that it was going to, and it was effective and it was providing the Iranians with the opportunities that they would not have had otherwise and we're not going to be held hostage by that."

So I do think this is an interesting point that you raise, which is if the Iranians decide, okay, we're going to come out with maximal demands and we're going to use the enrichment of 20% uranium to be one type of negotiating tactic. We're also going to use our demands that we have compensation for the last four years, another negotiation tactic. There is this sort of, I think politics piece to this too, that doesn't often get raised, which is that fundamentally I don't see that there is a bipartisan appetite to be held hostage by Iranian demands.

There seems to be an appetite within the Democratic caucus to get back into the JCPOA. That's been very clearly stated both in terms of the Democratic party's, 2020 platform, as well as letters that have come out of senior congressional leaders, particularly in the House of Representatives to get back into the deal. But you also have sense coming from the Hill that get back in the deal doesn't mean also, get back in the deal with the US being bent over a barrel, so to speak by Iranian demands. And that is a very important dynamic that we'll have to follow.

Fred:

Nick, I need to ask you then an obvious question that you can't possibly answer. So forgive me for being unfair about this. But I'd love to have what your instinct tells you the answer might be. So, at the end of the day, this is a really tough undertaking that the Biden administration has set itself, and the Iranians may choose to make it even harder depending on what they want, what they're willing to accept, what the Supreme Leader wants and what the Supreme Leader is willing to accept, and how they go about the negotiation. Do you think that the Biden team is willing to walk away from this discussion and willing to walk away from getting back into the deal, at least for a while, if the Iranians make it just too hard or make demands that they just don't think they can meet?

Nick:

I think that question is in the back of the minds of the Biden team. I think it's going to be a very real factor. It's going to be a very real factor in the calculations that they make. The sense that I get is that they are very clear that it has to be compliance for compliance. The types of quiet arguments that they're making both in Europe, as well as to the Iranians is, there is no other team that the Iranians are going to engage with that are going to be as willing to walk down the path of diplomacy as this incumbent team. You have as many alumni of the Obama Biden administration that worked on the JPOA, the JCPCOA, that believe in the deal as a nuclear weapons nonproliferation treaty.

And that, from their perspective, this is a nuclear weapons nonproliferation treaty. There are some side benefits to it, for example, a potential open channel of communication between the United States and Iran that may allow for other types of deescalatory measures, or other types of conversations to happen on other issues. But, fundamentally, the Iranians are the ones that have to show the world that they are committed to being a responsible state in this community of nations, and that there is no better team for them to deal with, and that there is no calvary riding out before the sunset for them. But I think this is important factor too, that there's a sort of psychology at play here in the negotiation process that'd be important for us to follow.

Because in a manner it is the Biden team, because of many of the team members' backgrounds, the engaging with the Iranians, engaging with other global actors, such as Russia and China and our European allies on the JCPOA, that they have potentially the most subtle power available, which is there is no other option for the Iranians. So I do think that, fundamentally, they are willing to wait it out. They are willing to say to the Iranians, here's what you're going to get, is the best you're going to get. If you don't take it, then we will have to consider that you are going to move towards the path of a nuclear weapon. And then that puts us in a totally different policy trajectory.

Fred:

Just to draw out explicitly of what I think is implicit in there, one of the things this means is that the Biden team intends to leave in place, the maximum pressure campaign or elements of it while waiting for the Iranians at least to agree to come into compliance? Do you think that's right? Or do you think that they will begin to dismantle elements of the maximum pressure campaign right up front?

Nick:

I think the pressure itself, there's actually more commonality in regard to the idea of, you need to build up pressure between the Biden team and the Trump team. The Biden team members have twistedly referred to the pressure that they used by sanctions to get the Iranians into the JPOA and the JCPOA. I think what will change on day one is the 12 demands that have been laid out by Secretary of State Mike Pompeo. These demands were beyond the nuclear program, but also included Iran's activities and places such as Iraq, Syria, Gaza, et cetera, as well as ballistic missiles. Those 12 demands will probably be put aside. And the Biden team will likely say, "look, pressure. You know what we want? You comply, you come into compliance and we can verify that you've come into compliance, we will come into compliance and what we want is this follow-on discussion that leads us to, for lack of a better

phrase to the JCPOA 2, that will include some other issues, potentially ballistic missiles.” With that process, there is a pressure that the United States will be willing to continue to apply on the Iranians.

They will continue to be pressured because of Iran’s human rights violations. There’ll continue to be pressure because of Iran’s destabilizing activities in the region. Biden’s team has been very clear, they’re not going to remove sanctions because of Iran’s human rights abuses. They’re not going to remove sanctions that they find to be applicable and right for Iran’s regional activities. What they will change is the objective. Rather than have pressure for the sake of achieving, say the 12 demands, they’ll have pressure to get back to the JCPOA and back to a nuclear non-proliferation treaty with some of these other issues, particularly the regional issues put on a longer timeline.

Fred:

We’ve talked in this program about the fact that there will be a presidential election in Iran in June and there is increasing speculation that this current Supreme leader, Ali Khamenei may either die or become unable to continue in the role of Supreme leader soon. There is the issue of succession to the Supreme leader, which has been simmering in Iran for quite some time, maybe coming toward a boil. Because of those two facts and because of the complexity of the Iranian regime, I look forward to the next couple of iterations of this series, where we will be joined by Nicholas Carl, the Iran team lead at the Critical Threats Project to discuss the Iranian presidency and the presidential election and that process.

Then to discuss the Iranian Supreme leadership, that position, its succession process, and some many of the complexities around that. I look forward also to continuing the discussion with you, Nick, about how the Biden administration continues to shape its policy and how it reacts as its policy and its ideas begin to hit against the reality of the world as it is, as you say, and Iran as it is, today, in 2021. So thank you very much.

Nick:

Thank you very much, Fred, for a great discussion. And I look forward to the follow-on discussions that we’ll have on Iran and US policy on Iran. All the best.

Kim Kagan:

Thank you for listening to this episode of Overwatch. We look forward to your feedback on this episode and previous ones. Visit www.understandingwar.org to learn about ISW’s work and to sign up for our mailing-list.

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