

A weak start, but not too late for U.S. to assert itself in Iran negotiations.

July 9, 2021



Secretary Kerry, National Security Council Senior Director for Iran, Iraq, Syria and the Gulf States Robert Malley, and State Department Chief of Staff Finer pictured on July 6, 2015 at a meeting in the Secretary's holding room at the Palais Coburg with Iranian Foreign Minister Zarif and some of his top advisers. (Photo: Courtesy of [State Department/WikiCommons](#))

By Raphael Benaroya

In 2018, President Trump withdrew the U.S. from the Joint Comprehensive Plan of Action (JCPOA) — the Obama administration's 2015 compromise deal with Iran on nuclear arms. President Trump called it a “giant fiction” and a “one-sided deal” under which Iran, even if it fully complied, could “still be on the verge of a nuclear breakout in just a short time.”

Instead, the Trump administration introduced new sanctions against Iran with a campaign termed “Maximum Pressure.” The goals of this strategy were to deny Iran economic resources to develop new weapons and expand its regional influence, and to incite Iranians to rise up against their theocratic regime. These new sanctions curtailed Iran’s oil exports, all but shut down its imports, reduced its foreign currency reserves by 90%, and triggered high domestic inflation.

With its economy tanking and civil unrest growing, Iran was desperate to see these crippling sanctions lifted. And with more time and pressure, it might have paid a hefty price to reduce or remove them. But the pressure eased, and Iran did not have to make sacrifices to enter new negotiations with the U.S.

Why?

Because early in his presidency, President Biden publicly declared his strong desire to re-enter the JCPOA. By making this outcome an overt priority and a cornerstone of his administration’s foreign policy, President Biden effectively showed the U.S.’s hand before negotiations even started.

I have spent many hours haggling with business people in the Middle East. I know the cardinal rules of negotiating there: do not appear over eager, do not take a “must-buy” position, be patient (there are no quick deals in the Middle East), and never give away your final position prematurely.

I believe Iranians are among the best merchants and most formidable negotiators in the world. And as any shrewd merchant would, Iran seized the opportunity the U.S. handed to it. Iran conveyed sharp “reluctance” to every aspect of the proposed negotiations: the “product,” the price, the timing, and the terms of payment. Iran even demanded that the U.S. negotiate through brokers, not directly.

Imagine this scenario: An American tourist in Teheran sees a Persian rug in a shop window and instantly decides he “must” buy it. Noting the buyer’s eagerness, the shopkeeper says that to finalize the deal, a large down payment is required, which must be handled through a broker (who happens to be the shopkeeper’s cousin). The tourist agrees to these terms.

And they have not even discussed the price!

This is how I see the U.S.’s behavior leading up to its current negotiations with Iran. The U.S. appears to be an over-eager buyer, prematurely committed to achieving one goal at seemingly any price. And Iran is a clever shopkeeper, taking full advantage. The U.S. is being outmaneuvered, even humiliated, by Iran.

Yes, President Biden has said that he wants a “longer and stronger” nuclear pact, and that Iran should come back into compliance with JCPOA before the U.S. lifts President Trump’s sanctions. But there is good reason to believe that these words are intended to placate Biden’s critics in the U.S.

In truth, America’s actions (and inactions) reveal a softer stance of appeasement:

- The Biden administration expressed an explicit willingness to talk with Iran, despite Iran’s continuing efforts to develop nuclear capability and reduce inspections by the International Atomic Energy Agency (IAEA).
- For the current talks, the U.S. chose the same negotiators who compromised on the JCPOA in 2015, including Secretary of State Antony Blinken, national security adviser Jake Sullivan, special envoy for Iran Rob Malley, and Deputy Secretary of State Wendy Sherman. These officials seem to have turned a blind eye to Iran’s violations of the JCPOA. No doubt Iran thinks these people have personal stakes

in restoring the deal. And no doubt Iran expects to extract concessions from the U.S., just as it did in 2015.

- When Secretary Blinken presented the U.S. State Department's 2020 Human Rights Report in March 2021, he failed to mention Iran. (Though of course Iran was featured in the text of the report, since it is one of the world's leading abusers of human rights.)
- During the recent conflict in Israel, the Biden administration refrained from pointing out Iran's critical role in supplying Hamas with a new generation of weapons.
- The U.S. granted Iran significant unilateral concessions, as recently reported by The Wall Street Journal, in an apparent effort to grease the wheels of the nuclear negotiations. The concessions include: lifting sanctions on "three former Iranian officials and several energy companies"; ending support for Saudi "offensive operations" in Yemen; removing the "terrorist" designation of Yemen's Iran-backed Houthis; and cancelling UN "snapback" sanctions on Iran.
- The U.S. has been steadily shrinking its footprint in the Middle East, including a "sharp reduction" in air defense systems, despite repeated attacks by Iran's proxies on U.S. facilities and allies. Tehran surely sees this as a victory — and justification to continue, or amplify, its regional aggression. (Iran doubtlessly sees a parallel with Afghanistan, where the U.S. withdrawal is effectively telling the Taliban that they have won, freeing them to wage an even bloodier insurrection against civilians and the Afghan government.)
- The U.S. accepted Iran's demand to conduct indirect negotiations, brokered through the other signatories to the 2015 deal — including China and Russia, the U.S.'s most dangerous political, economic, and ideological nemeses. To many observers, this is a humiliating concession. China and Russia, intent on expanding their influence in the Middle East (filling the vacuum created by the U.S.'s departure), have clear conflicts of interest. In "helping" the U.S., they will surely try to serve their own agendas with Iran, which include trading in oil, military materiel, and other goods.

The role of America's adversaries in the negotiations with Iran raises interesting questions: Will the U.S. bargain with China and Russia on the side to secure their cooperation? For example, why did the US drop its resistance to Nordstream II, the Russian gas pipeline directly to Germany, which destabilizes the security of several European countries? Has the U.S. gone easy on China with respect to Hong Kong and Taiwan, its new hypersonic weapons, and its space ambitions? Or perhaps the U.S. will ease its confrontations with both China and Russia over their ongoing cyber warfare? The U.S. seems to be taking a surprisingly low-intensity approach in its response to the significant cyberattacks from Russian soil against American infrastructure and other assets.

Another broker, Germany, has expressed interest in opening trade with Iran. France is the only intermediary that has expressed a desire for more stringent inspections of Iran's nuclear facilities. (It is not yet clear if the U.K. is perfectly aligned with the U.S. on the negotiations.)

Whatever may be going on behind the scenes, it is most perturbing that the U.S. is letting the Chinese and Russians, among others, act as brokers. On a deal so vital to the national security of the U.S. and its allies, the U.S. should be sitting at the head of the negotiating table.

In addition to pursuing its priority mission, to restore the JCPOA, the U.S. has signaled that it is under pressure to close a deal with Iran quickly. Why the rush?

- Iran has threatened to cut back further on international monitoring of its nuclear activities, including removing cameras at nuclear sites and destroying stored video recordings.
- The longer it takes to finalize a new nuclear agreement, the longer it will take the IAEA to fill the gap between its last inspections and Iran's recent nuclear developments. Iran has been stalling the IAEA's

attempts to gather evidence of Iran's nuclear activities for two years. And the IAEA and Iran agreed to try to reach a resolution under a June 2021 deadline.

- Iran's progress on its nuclear capability is concerning. It is enriching uranium beyond the 3.67% percent limit mandated by the 2015 deal, routinely achieving 20% (and as high as 60% in small quantities). Iran is also exceeding limits on its stockpile of nuclear materials, and operating centrifuges in violation of the 2015 agreement. Some experts believe Iran could produce a nuclear weapon in as little as three months. Secretary of State Blinken acknowledged this in early June: "What we do know, unfortunately, is that [Iran's nuclear] program is galloping forward."

But does President Biden really believe that getting Iran to re-enter JCPOA will somehow convince it to cease working on nuclear arms and stop exporting terrorism and its rogue ideology? Judging from recent events, Iran has no intention of ending its pursuit of nuclear weapons, stopping its regional expansion efforts, or curtailing its ideological mission to drive the U.S. out of the Middle East and wipe Israel off the map.

Quite the opposite. Iran clearly perceives the U.S. position on the nuclear talks — and Middle East policy in general — as weak. So it has doubled down on its proxies' aggression: Hamas has attacked Israel from Gaza; Hezbollah has attacked Israel from Lebanon; the Houthis in Yemen have launched missiles at Saudi Arabia; and Iran-backed militias have conducted operations in Syria and Iraq, including attacks on U.S. bases with Iran-supplied drones and other airborne weapons. (JINSA, a non-profit think-tank, documented in detail that "Iranian-linked rocket, drone, missile, and mortar attacks on U.S. personnel and allies" in the Middle East have roughly doubled in each of the last two years.)

As Michael Oren, Israel's former ambassador to the U.S., observed: "It begs the question why the [Biden] administration wants to renew the JCPOA when it is beyond clear that all of the assumptions on which the [2015] JCPOA were based were disproven. It did not transform Iran into a responsible regional actor. It did not convince Iran to cease supporting terror or stop undermining governments in the Middle East. [And] it is clear the Iranians are still working on a nuclear warhead."

In short, Iran has capitalized on the U.S.'s soft stance to push an even more aggressive agenda, further cementing its leadership among Islamist allies and undermining U.S. influence in the Middle East. Israel has grounds to worry that the U.S. position is weakening its national security. So does Saudi Arabia; it is looking strategically to Beijing, and Crown Prince Mohammed bin Salman recently announced an effort to improve relations directly with Tehran. In addition, Egypt has been buying weapons from Europe (primarily France) and Russia (including advanced Russian military aircraft) to augment its U.S.-supplied arsenal.

All of this puts even more pressure on the U.S. to compromise on a new agreement with Iran.

But the consequences could not be graver. Yossi Cohen, the former head of Mossad, Israel's intelligence agency, thinks that if the U.S. goes easy on Iran, it will destabilize the Middle East. Former ambassador Oren goes even further, stating that if the JCPOA is renewed, "it will lead to regional war."

So what should America do?

First, the U.S. should walk away from its predetermination that it must renew the JCPOA at any cost. As former Secretary of State John Kerry declared while leading the 2015 negotiations, "No deal is better than a bad deal." And as current Secretary of State Blinken recently expressed to the House Foreign Affairs Committee, Iran's willingness to come back into verifiable compliance is doubtful. While every effort

should be made to counter Iran's threats with diplomacy and negotiations, other options — including the use of military force — should remain on the table.

Second, the U.S. should not concede billions of dollars to Iran in sanction relief (and perhaps it should even intensify sanctions) unless and until Iran first meets strict conditions aimed at assuring that:

1. Iran does not develop or possess a nuclear weapon. Further, Iran must not be allowed to use advanced centrifuges for nuclear enrichment exceeding the limits permitted by the JCPOA. Indeed, the U.S. should insist that these advanced devices be destroyed.
2. Physical observation and verification of Iran's compliance with nuclear restrictions — by overt and covert means — are in place. If Iran limits inspections or stonewalls probes into the state of its nuclear development, that should be deemed a material violation of the agreement, with severe consequences.
3. Iran's development of long-range ballistic missiles (e.g., the Shahab-3) ceases.
4. Iran stops arming (indeed, even disarms) its proxies: Hamas, Hezbollah, the Houthis, and other Islamist groups in Syria and Iraq. These actors are working aggressively at Iran's direction to destabilize the region.
5. Iran stops financing and supporting terrorism in any form.

(Sadly, for the last three items on this list to come to fruition, it is likely that Iran's leadership and core ideology will have to change. This makes it even more urgent and imperative that the U.S. fully achieve items 1 and 2.)

Finally, the U.S. must build a stronger coalition with its allies in the region, coordinating a unified response to confront Iran's destabilizing actions. For example, participants in the Abraham Accords could join the U.S. to form a strong bloc of deterrence, with shared intelligence as well as coordinated defensive and offensive capabilities. When the U.S. and its allies are fragmented, Iran feels emboldened. If the U.S. continues removing military assets from the Middle East, as it has been doing, it needs to develop a cohesive strategy to support its regional partners. Absent a clear U.S. commitment and no Israeli actions, some Gulf States could decide to hitch their wagons to Iran.

If the U.S. walks away from its indirect participation in the Vienna talks without such an agreement, it should consider regime change in Iran as an alternative objective. However, "Political Engineering" to force regime change has not met much success in the past (e.g., Cuba, Venezuela, and Iran itself). Accordingly, if all else fails, the destruction of Iran's key nuclear facilities should be considered. The dire consequences of a failure to address Iran's rogue regime — for the world, for the Middle East, and for the U.S.'s own interests — cannot be overstated.

Mr. Benaroya is an American businessman and philanthropist who has been engaged in national security and foreign policy matters for over thirty years.