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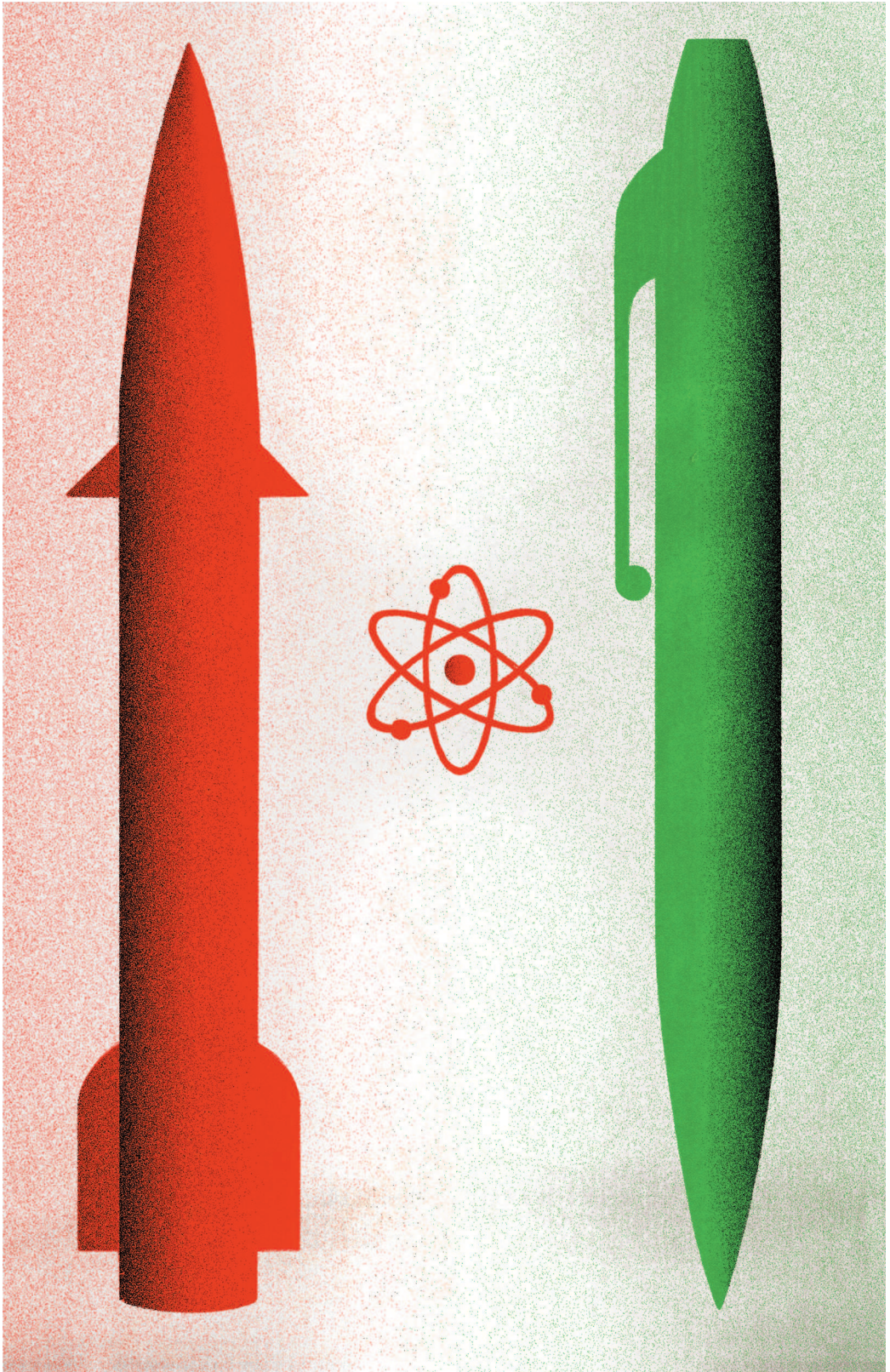
After the Iran Deal

A Plan B to Contain the Islamic Republic

SUZANNE MALONEY

When U.S. President Joe Biden assumed office, he was determined to resuscitate the 2015 nuclear deal with Iran, known as the Joint Comprehensive Plan of Action (JCPOA), from which his predecessor, Donald Trump, had unilaterally withdrawn the United States in 2018. Biden quickly appointed a special envoy to begin negotiations with Tehran and the five great powers that remain party to the agreement: China, France, Germany, Russia, and the United Kingdom. In his first speech before the United Nations, he declared that his administration was “prepared to return to full compliance” and was engaged in diplomacy to persuade Iran to do the same. Reaching a new agreement would be difficult. Senior Biden administration officials and many outside experts hoped for a “longer and stronger” deal. But Tehran had advanced its nuclear program since the Trump administration’s withdrawal and demanded a stiff price to roll that progress back.

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Biden nonetheless hoped his team could create a new understanding that would lower the risk of nuclear proliferation.

Despite the challenges, trying to salvage the deal made tremendous sense for Biden. The president was eager to shake off the United States' post-9/11 entanglements in the Middle East, and he wanted to show the world that after the tumultuous Trump era, Washington was again committed to diplomacy. Resurrecting the deal was central to Biden's plan for restoring U.S. leadership in the world—a tangible step toward undoing the reputational damage incurred by Trump's abandonment of the agreement.

But as the boxer Mike Tyson once said, "Everyone has a plan until you get punched in the face." And Biden's Iran aspirations have suffered from multiple blows. The first came in February 2022, when Russia invaded Ukraine and irrevocably shattered the great-power coordination that had enabled the nuclear deal to take place. A second punch landed in August, when Iran began shipping drones to Russia, making Tehran an even more prominent and harmful nemesis. And a third blow arrived in September, when protests erupted across Iran against the government's brutality, captivating the world, undermining the regime's control, and making any agreement that would send Tehran massive new resources both dangerous and unsavory. By itself, each of these jolts was enough to keep JCPOA on the ropes. Together, they constituted a knockout.

Yet so far, the Biden administration has not seriously rethought its Iran policies. Consumed by the war in Ukraine and competition with China, the government has instead sought to navigate this new environment with purposeful ambiguity, offering symbolic support to the protesters while soft-pedaling (but not publicly disavowing) the prospect of a new nuclear accord. This strategy may temporarily prevent a crisis over Iran, but it cannot indefinitely stave off disaster. Indeed, the stalling may invite a crisis by encouraging Iranian brinkmanship or Israeli impatience.

The time has come for the Biden administration to acknowledge that the JCPOA cannot be reinstated and to craft a new strategy that addresses the totality of the Iran challenge, not just the nuclear issue. The demise of the nuclear deal marks more than the end of a particular diplomatic initiative: it represents the final failure of decades of American efforts to engage the Islamic Republic. U.S. policy toward Iran has long been predicated on the conviction that Washington can work with many other states—including adversaries—to reduce Tehran's antagonism, that the Iranian leadership is willing to seriously talk with the United States, and that the regime's grip on power is unshakable. Whatever validity those

assumptions once had, they clearly no longer apply. The moment when Washington and Europe might have tempted Tehran to moderate its behavior is lost to history. Today, the states with the most leverage over Iran are Russia and China, and they have little incentive to upset the status quo. The Iranian government may have once sought a limited truce with the United States, but the regime has now forsaken access to the West and staked Iran's future on relationships with other authoritarian states. Meanwhile, the ordinary Iranians who have confronted the regime in street protests for months despite incalculable risks are paving the way for a different future for their country.

Changing course is never easy, and Biden's political and diplomatic investment in the JCPOA makes it especially difficult to abandon the deal. But the agreement no longer offers a realistic pathway for mitigating the threats posed by Tehran. If Biden wants to secure international visibility for Iran's nuclear activities, he must rally like-minded states to ensure that the country abides by its obligations under the Nuclear Nonproliferation Treaty. And if Washington wants to stop Iran's malevolent behavior at home and abroad, it must preserve space for the protests. The mobilization of the Iranian people represents the world's best shot at bringing about positive and lasting change in the country's role in the world.

SORDID HISTORY

Iran has occupied a central place in U.S. foreign policy since Mohammad Reza Pahlavi, the country's last shah and a strategic partner to Washington, was ousted in a 1979 revolution. The government forged in the aftermath, which refashioned itself as an "Islamic Republic," sought to upend the regional order through terror and subversion and was steeped in hostility toward the United States. As if to announce Iran's newfound animosity toward Washington and the norms of international relations, a group of militant students seized the country's embassy in November 1979. They then took 66 U.S. government personnel hostage, demanding a variety of economic and political concessions from Washington in exchange for their release.

It would take 15 months of false starts and a failed rescue mission before the United States negotiated the release of all the hostages. But almost immediately after the embassy attack, the administration of U.S. President Jimmy Carter created a two-track strategy that would come to define Washington's Iran policy for decades. The United States would, on the one hand, penalize Iran for its destabilizing behavior.

On the other hand, it would keep the door open for negotiations. For the next 40 years, every U.S. president followed this dual path, sanctioning and threatening Iran while also offering to speak with the country's leaders. Even Trump, who authorized the killing of a senior Iranian military official in 2020, floated the possibility of meeting with Iranian President Hassan Rouhani in 2019.

All this has been to little avail; the American track record on Iran has been modest at best. Washington and its partners have slowed Tehran's 30-year endeavor to gain the resources needed to build nuclear weapons, and they have blunted the reach of some Iranian proxies. But there have been few meaningful breakthroughs or sustained reversals in Iran's most problematic policies, and Washington's closest partners have typically proved reluctant to jeopardize their trade or diplomatic ties with Tehran. At times, U.S. actions have even helped the Islamic Republic. By eliminating Iran's principal adversary, the 2003 U.S. invasion of Iraq significantly amplified the regime's capacity and readiness to stoke instability and violence at home and abroad.

The seeming intractability of the Iran challenge has made the country a perennial object of partisan U.S. contention, culminating with the pitched battle over the Obama administration's 2015 nuclear deal, which loosened sanctions on Iran in exchange for limits to the country's nuclear program. For its proponents, that agreement vindicated multilateral diplomacy as a tool for resolving even the toughest challenges posed by Tehran. But for critics, the fact that the deal's restrictions eventually expired represented an unthinkable capitulation. After Trump withdrew from the deal in 2018, Iran increased its regional aggression and violated many of the agreement's tenets.

The Biden administration sought to undo Trump's actions, but its efforts to resurrect the JCPOA quickly ran into trouble. Tehran refused to engage directly with U.S. diplomats, forcing Washington to negotiate through its European partners. Iran insisted that the Biden administration guarantee that no future president could withdraw from the agreement, a requirement that Biden had no power to fulfill. And whenever the two sides came close to a deal, Tehran threw up demands for additional concessions, continually postponing any settlement.

Still, for the first year of Biden's presidency, U.S. diplomats hoped that they would eventually break the logjam. The original deal, after all, had taken nearly two years to hammer out. Then came Russia's invasion of Ukraine in February 2022, upending the international

ecosystem in which the deal had survived. The original nuclear agreement depended on Western cooperation with Moscow, which had cultivated a stake in Iran's expanding nuclear infrastructure and therefore had the power to nudge, cajole, and occasionally extort Tehran to come to terms with the West. The war not only quashed Russia's appetite for coordination with the United States; it also gave Moscow an incentive to end the deal altogether. Any sanctions relief for Iran would permit the country to again sell oil on world markets, lowering Russia's oil revenue. By contrast, prolonging the Iranian nuclear crisis helps nudge Tehran more firmly into the Kremlin's orbit.

Iran's leadership appears to have made a similar calculation. Iran's president, Ebrahim Raisi, traveled to Moscow a few weeks before the invasion, a visit that he and other officials described as a "turning point" in the bilateral relationship. Iran has since sold Moscow thousands of unmanned aerial vehicles that Russia has used to degrade Ukraine's critical infrastructure. Iran is also helping to train Russian soldiers and transfer drone production systems to Russia, and according to the Biden administration, it may start sending Russia ballistic missiles next. In return, Moscow has promised Iran helicopters, newer air defense systems, and fighter jets. Iranian pilots are already training to operate Russian Sukhoi Su-35 combat aircraft headed to their country. Moscow has also said it will invest \$40 billion in Iran's oil and gas development (although that pledge remains speculative), and it has promised to create sanctions-proof trade corridors and financial mechanisms between the two countries.

Iran's decision to align itself with Russia's war reflects more than short-term opportunism: it is evidence of a dramatic evolution in the attitudes and interests of the Islamic Republic's ruling elite. Ten years ago, the Iranian regime considered access to Western markets and systems, such as the European-based SWIFT financial messaging service, so vital to the country's economy and the regime's stability that they overcame more than 30 years of aversion to direct negotiations with Washington. As Iranian Supreme Leader Ayatollah Ali Khamenei himself said in 2015, "The reason why we entered into negotiations and made some concessions was to lift sanctions." But today, the regime no longer sees the West as a necessary—or even viable—conduit for economic benefits. "Today, the U.S. is not the world's dominant power,"

Today's Iranian protesters are less afraid.

Khamenei proclaimed in a speech last November commemorating the embassy seizure. “Many of the world’s political analysts believe that the U.S. is declining,” he continued. “It is gradually melting away.” He and other Iranian leaders instead see the new global locus of power shifting eastward. “Asia will become the center of knowledge, the center of economics, as well as the center of political power, and the center of military power,” Khamenei exulted. He added: “We are in Asia.”

Iranian policymakers have tried to operationalize Khamenei’s vision by forging closer ties with multiple Asian countries, especially China. Beijing and Tehran concluded a blockbuster economic deal in July 2021 valued at \$400 billion. The following year, Tehran agreed to join the Shanghai Cooperation Organization, a group that links China, India, Russia, and several Central Asian and South Asian countries. The influential Iranian newspaper *Kayhan* celebrated this step by describing it as a newfound convergence among “the three great powers”—that is, China, Russia, and Iran. Although it’s hard to imagine that Beijing or Moscow views Iran as anything close to a peer, they see some economic and strategic benefits in tactical cooperation. Unlike the United States or Europe, Beijing and Moscow rarely condition trade or diplomatic ties on liberal norms of domestic or foreign policy. For Iranian theocrats, these are much more convenient relationships.

Emboldened by having stronger patrons, Iranian leaders have demonstrated a greater readiness to engage in malign behavior. The Iranian regime and its proxies have terrorized neighbors, especially Iraq and the Gulf states, with missiles and drones and have helped fuel insurgencies and civil wars in Syria and Yemen. According to reporting by *The New York Times* and *The Washington Post*, Iran has sought to assassinate dissidents and government officials in the United States. Such actions speak even louder than Tehran’s pugnacious rhetoric, and they do not suggest that Iran’s leadership is prepared to make a historic accommodation with its oldest adversary.

UNDER PRESSURE

In September 2022, Mahsa Amini, a 22-year-old Kurdish Iranian, was arrested by the country’s morality police for supposedly wearing her legally mandated headscarf improperly. According to multiple reports, she was then beaten and tortured by government security forces until she lost consciousness. She was taken to a hospital in Tehran, where she spent two days in a coma before she died.

Amini's family courageously went public with the truth despite government pressure to accept an official cover-up.

Protests erupted almost immediately, and within a week the unrest had spread to 80 cities across the country. Many of the demonstrators demanded that Iran's dress code for women be abolished and the morality police disbanded. But the protests quickly escalated into calling for the downfall of the regime. As with past protests, security forces responded with a brutal crackdown, arresting more than 19,000 protesters and killing more than 500, including in a string of horrifically unjust executions meant to terrorize a deeply disaffected population. But the repression has not stopped the uprising. Since Amini's death, Iran has experienced a steady tempo of small-scale demonstrations, labor strikes, and confrontations between ordinary people and senior officials.

Longtime observers of Iran tend to be cynical about the prospects for meaningful political change. The Islamic Republic has endured seemingly every imaginable crisis—civil war, invasion, terrorism, earthquakes, drought, a pandemic, and routine episodes of internal unrest—but still, the *nezam*, or ruling system, has survived. And there are plenty of reasons why this round of unrest could fizzle out, including the lack of any defined leader, central organization, or affirmative vision for the future.

But there is something different about this latest outbreak of internal turmoil. Perhaps it's the extraordinary courage of Iranian women in challenging mandatory veiling and in galvanizing a movement, or the extraordinary participation of a wide array of ethnic groups and social classes, or the newfound unity among ideologically divergent segments of the population. Perhaps it is the protesters' nascent efforts to deploy tactics beyond demonstrations, including labor strikes and cyberattacks on state banks and media. What is clear is that today's protesters are less afraid than those of the past, returning to the streets again and again despite the certain knowledge that they risk arrest and death. Famous Iranian athletes, film directors, actors, and other cultural luminaries have also defied threats to voice support for the uprisings, even after some of their colleagues were imprisoned.

The grassroots movement has captured attention and support around the world. In November, the UN Human Rights Council launched an independent investigation into the regime's actions, and in December, the UN Economic and Social Council took the unusual step of removing Iran from the UN Commission on the Status of Women. Governments on every continent have spoken out in favor

of the demonstrations. This support is necessary and important, but it has further undermined the JCPOA. Iran's regime is more embattled than ever, and it could see its nuclear infrastructure as increasingly essential to withstanding domestic and international pressure. Overwhelmingly focused on survival, the government is unlikely to conduct much diplomacy, especially with the West. Khamenei recently said the demonstrations were "designed by the U.S., the usurping fake Zionist regime, and their mercenaries." It is difficult to see how

The facts are the facts: the nuclear deal cannot be rescued.

a regime that blames Washington for its existential crisis would endorse any kind of agreement with U.S. policymakers.

Some U.S. and European analysts believe otherwise. In their view, Iran's domestic turmoil could actually prompt new flexibility at the negotiating table because reviving the nuclear deal would alleviate economic

pressures and could therefore buoy the government. They point to Iran's 2009 demonstrations, when people took to the streets en masse over the contested reelection of Iranian President Mahmoud Ahmadinejad. Then, as now, the world rallied around the Iranians' cry for freedom. Then, as now, the Iranian government blamed the United States. In the months that followed, government repression and the opposition's exhaustion won out, but the specter of popular turmoil and the intense economic pressure generated by multilateral sanctions helped persuade Iran's leaders to grudgingly embrace previously unimaginable negotiations with Washington.

The appeal of another pragmatic Iranian pivot under pressure is understandable, but the shifts within Iran and in the international system rule it out. In the past decade, factional divisions within the regime have narrowed; a hard-line consensus has ossified. The government's claim to legitimacy has been attenuated by corruption and nepotism, and its promises of a better future have been revealed as hollow. Ordinary Iranians no longer harbor any illusions of gradual reform bringing about meaningful progress. A decade ago, negotiations with the West offered Tehran the only way out of catastrophic sanctions; today, Tehran sees China and Russia as offering an attractive alternative. And without the cooperation of Beijing and Moscow, Washington cannot apply sufficient pressure on Tehran to persuade its leaders to compromise.

The protests have also raised new questions about the value of a nuclear agreement. Even if diplomacy could succeed at reviving the JCPOA, it is far from clear that the benefits of doing so would outweigh the costs. Resuscitating the deal would generate a substantial influx of resources for the regime, strengthening Iran's ruling system at the expense of its challengers in the streets. It would be viewed as a betrayal by the courageous Iranians who have risked their lives and livelihoods in the hope of effecting change. As the Iranian American human rights advocate Roya Hakkakian said in October, "the most awful thing we—the United States—can possibly do at the moment is to sit beside the very people who are shooting at the demonstrators, peaceful demonstrators, on the streets."

Indeed, reviving the JCPOA now would undermine one of the deal's own original purposes: inducing Tehran to relinquish its most malevolent policies. U.S. President Barack Obama insisted that the 2015 agreement "doesn't bet on Iran changing," but he also declared that change in Iran "is something that may end up being an important byproduct of this deal." Others were more explicit about this hope. According to Philip Hammond, the United Kingdom's foreign secretary during the final stages of the nuclear-deal negotiations, "The prize was not just the end of this nuclear arms race or any nuclear ambition by Iran. The prize was a much wider rehabilitation of the relationship between Iran and the West." An agreement today—when the regime is engaged in mass atrocities at home and helping Russia carry out a brutal assault on Ukraine by supplying Moscow with drones—would reward Tehran's transgressions and make it much harder to prevent more of them.

BEST-LAID PLANS

Canceling the full-court press to restore the Iran nuclear deal will not be easy for the Biden administration, in part because some of its most senior foreign policy officials were key architects of the original agreement. These officials know that at the time it was finalized, the JCPOA represented a historic achievement: the first instance of sustained, direct, high-level negotiations between U.S. and Iranian officials in decades and a rare case in which the two states came to an understanding on a vital national security issue. And to secure the deal, U.S. officials had to win a multiyear battle against opponents in Washington and several of the United States' most influential partners in the Middle East, including Israel and Saudi Arabia. For these policymakers, the fight was worth it

because the agreement promised to resolve one of the world's greatest challenges while underscoring the power of peaceful engagement.

The value of the agreement was increased by the absence of any better alternative. A military strike on Iran's nuclear facilities would risk an immensely costly regional escalation and at best offer only temporary respite from the threat of a nuclear Iran. The Iranian nuclear program is too far advanced to eliminate conclusively through air strikes, with crucial facilities designed for invulnerability and situated close to major population centers. "There is no long-term sustainable solution other than a diplomatic one," Robert Malley, a National Security Council official under Obama and the current U.S. special envoy to Iran, remarked in October 2022. In December, Malley told Radio Free Europe, "Whatever happened in the last few months, we still believe that the best way to ensure that Iran can't acquire a nuclear weapon is through a nuclear deal." These sentiments are shared and echoed by Washington's European partners.

But the lack of an obvious alternative does not mean the present course is feasible. The facts are the facts: between the protests, the war in Ukraine, and Iran's general intransigence, the deal cannot be rescued. Biden has promised that Iran will not get a nuclear weapon under his watch, and if he intends to fulfill that pledge, his administration will have to find another solution.

The administration can begin by developing a consensus with France, Germany, the United Kingdom, and other like-minded states on preventing Tehran from taking steps that would bring it to the brink of nuclear weaponization. These include enriching uranium to 90 percent purity, ending or seriously impeding International Atomic Energy Agency inspections of Iranian facilities, withdrawing from the Nuclear Nonproliferation Treaty, and resuming weaponization or weaponization-related activities, such as expanding its production of uranium metal. Together with European partners, the Biden administration should outline the compelling economic, political, and military consequences that await Iran if it goes over these lines. Those repercussions should include even more punishing trade and financial measures and the readiness of the United States and its allies and partners to use force to debilitate Iran's nuclear infrastructure. These redlines and consequences must be communicated to Tehran quietly, at the highest levels, and through multiple trusted interlocutors to reinforce this coalition's unity of purpose in preventing Iranian nuclear proliferation.

This message should be bolstered with a stepped-up pace of joint military exercises in the region involving Israel, the United States, and Arab countries that would signal a capability to strike Iran's nuclear facilities, similar to those that U.S. forces conducted with Israel in November 2022 and again in January 2023. The Pentagon should continue to bolster the nascent multilateral security planning and coordination that Israel and the Gulf states have undertaken and invest in strengthening an integrated regional air defense system as a means of underscoring the United States' readiness and willingness to follow through on Biden's stated commitment to ensure that Iran does not acquire nuclear weapons.

Germany, France, the United Kingdom, and the United States should also plan how and when to deploy the so-called snapback provision of the JCPOA, which enabled any party to the deal to reimpose UN sanctions on Iran that were suspended after the agreement came into force. A snapback risks Iranian escalation, but it would end the ambiguity over the possibility of any return to the deal, reimpose the symbolic force of UN sanctions, and prevent the scheduled expiration of the UN embargo on Iranian ballistic missile sales later this year.

The snapback provisions are not the only economic leverage these countries have over Tehran. Many other countries have viewed trade and investment in Iran as an important lever of influence and have mostly resisted sanctioning the country except during the run-up to the nuclear negotiations. The Islamic Republic has always relied heavily on trade and banking relationships with Dubai, and until late 2022, Germany retained a program of export credits and other trade promotions to incentivize, at least in theory, economic cooperation with Tehran. But Iran's destructive role in Ukraine has hardened European views of the regime, as demonstrated by the European Parliament's decision in January to declare the Iranian Revolutionary Guard Corps a terrorist organization. European countries could also, for example, target the assets of Iran's *aghazadeh* class of regime crony capitalists, much as they targeted the assets of Russian oligarchs.

Iran may not be moved by the West alone, given its belief that the United States and its allies are in decline. As a result, Washington and its partners should push hard to get China, one of Tehran's self-proclaimed partners and a major buyer of Iranian oil, to cooperate. This will be uniquely challenging. Historically, Beijing has mostly

played a free-rider role in nuclear diplomacy with Tehran, and there is no reason to believe that Chinese leaders are prepared to assume greater responsibility for preventing Iran from acquiring nuclear weapons, especially as tensions between Beijing and Washington reach new heights. But China is not Russia; it can still make deals with the West. And China's economy is dependent on energy from the Persian Gulf, giving Chinese President Xi Jinping a strong incentive to cooperate on any initiatives that would prevent a crisis in the region—which an Iranian nuclear weapon would likely precipitate. Beijing has played a hugely important role in sustaining the Iranian economy by importing more than a million barrels of Iranian oil per day over the last several years, in direct defiance of the JCPOA, to which China was a party. The Biden administration should persuade China to curtail those imports by making clear that Washington will enforce sanctions on Chinese companies that continue to buy Iranian oil—a step the United States has taken only sporadically and selectively.

A world without a diplomatic path toward stymieing Iran's nuclear ambitions will require much higher vigilance from the United States and its partners in Europe, the Middle East, and beyond. The new reality will frustrate the Biden administration's desire to extract the United States from the ruinous conflicts of the Middle East in order to focus on the urgent strategic challenge posed by China. But presidents don't have the luxury of disregarding brewing crises. And as the war in Ukraine shows, with foresight, skilled coordination, and leadership, even a polarized world can rally in surprisingly effective ways to confront aggression.

KNOW YOUR LIMITS

There is one more way the United States can help stop Iran's nuclear ambitions—and the rest of the regime's malevolence. The current Iranian government may never agree to forfeit its nuclear program or stop fueling conflicts across the world. But the Iranian demonstrators have made it clear they want a democratic government focused on the needs of its people rather than on adventurism abroad. Such a government would almost certainly be far less interested in acquiring nuclear weapons or promoting insurgencies, so Washington should do what it can to help the protesters achieve their aims.

To be sure, there are serious limits to Washington's power. The United States has only the most tangential reach into the halls of power in Iran and holds little sway in the streets. The future of Iran will ultimately

depend on Iranians themselves. But U.S. policymakers can work with allies and partners to ensure that the international community shines a spotlight on the heroic efforts of Iranian protesters, exposes Tehran's repression, and finds ways to hold the Iranian government accountable by working closely with a fact-finding mission established by the UN in November to investigate the crackdown and by pressing partners around the world to downgrade diplomatic relations with Tehran.

The United States can also assist the Iranian people by expanding their access to information and communications. The Biden administration has already stepped up its engagement with technology companies to help Iranians communicate with one another and with the outside world. It should also work with service providers to create and distribute, with U.S. government funding where necessary, a wider array of communications tools and to expand Iranians' access to virtual private networks that can keep them connected to the open Internet. Washington can similarly help by investing in Persian-language broadcasting capabilities to erode the regime's media monopoly.

Supporting the protesters does not mean the United States should close off all avenues of engagement with Iran, as some activists have suggested. Nor should walking away from the JCPOA foreclose any diplomatic contact. The Biden administration should keep talking with Iran about discrete issues on which the two countries can achieve some traction, including by continuing quiet efforts to free dual and foreign nationals held by Tehran as hostages. The United States should also do nothing to discourage the ongoing discussions between Iran and its Gulf neighbors. It is unlikely that these talks will lead to anything other than a cold peace, but the direct diplomacy might help prevent any friction from escalating into a crisis.

Ultimately, preventing crises may be the best the United States can do at this moment. For the foreseeable future, there are no transformative solutions that the West can invent or impose on Iran, and the country will remain a profound and unpredictable threat to regional stability, U.S. interests, and its own citizenry. The protests should give the world hope: for the first time in a generation, the theocracy appears to be in jeopardy. But until the regime falls, there will be no silver bullets to stop Iran's bad behavior. 🌐

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