



To: President Donald J. Trump

From: Matthew Kroenig

Date: September 14, 2017

Re: **Renegotiate, Pressure, and Abide: A New Policy for the Iran Nuclear Deal**

BACKGROUND: THE IRAN NUCLEAR DEAL IS FLAWED AND SHOULD BE RENEGOTIATED

- In 2015, the P5+1 (the United States, Britain, France, Russia, China, and Germany) along with the European Union, negotiated and signed with Iran the Joint Comprehensive Plan of Action (JCPOA), better known as the Iran nuclear deal.
- The deal put temporary limits on Iran's nuclear program in exchange for sanctions relief.
- From the outset, the deal was controversial and opposed by US allies in the Middle East and Republicans in the US Congress, despite support from the US' European allies.
- The deal has many flaws that should be addressed in follow-on negotiations:
 - By allowing Iran a uranium enrichment capability with limits that expire in ten to fifteen years (i.e., eight to thirteen years from now), the deal parks—but does not eliminate—the Iranian nuclear threat.
 - If the deal is allowed to run its course and then expire, Iran will have a rapid path to a nuclear weapon.
 - The deal does not cover Iran's other threatening behavior, including its destabilizing actions across the Middle East and its expanding ballistic missile program.
 - The deal risks setting a new precedent: Iran's *de facto* right to enrich uranium encourages other countries to demand similar rights, which weakens global nonproliferation efforts.
- Even proponents of the deal, including Democrats in Washington and European diplomats, agree on the need for follow-on negotiations to address its shortcomings.
- The next ninety-day deadline for you to recertify Iran's compliance with the deal to Congress is in October. Certifying Iranian compliance would temporarily sustain this flawed deal, but failing to certify could lead to the rapid unraveling of the accord before a clear "Plan B" is in place.

RECOMMENDATION: RENEGOTIATE, PRESSURE, AND ABIDE

I. RENEGOTIATE

- During the campaign, you emphasized the need to renegotiate the flawed Iranian nuclear deal. Now, in a major policy address to the nation, you could make your objectives clear.
 - The goal of this US policy on Iran should be to dismantle their uranium enrichment capability, while allowing Iran to maintain a truly peaceful nuclear energy program—not merely to punish Iran.
 - This compromise is consistent with established nonproliferation standards; the vast majority of countries with peaceful nuclear programs do not enrich uranium.
 - Preventing Iran from obtaining an intercontinental-range ballistic missile (i.e., a missile with ranges greater than 5,500 km) should be an integral part of the United States' Iran policy.
 - If necessary, a fallback position would be to extend the expiration dates in the sunset clauses to delay Iran from resuming its nuclear program while introducing caps on Iran's growing ballistic missile capabilities.

II. PRESSURE

- To achieve these goals, the United States must return to pressuring Iran, as this has proven to be the most effective tactic.
- The United States should push Iran on all the issues not explicitly prohibited by the deal, with the goal of forcing negotiations toward a better deal. This can be achieved by ratcheting up pressure, while still abiding by the terms of the deal, in the following ways:
 - Enforce the most exacting interpretation of the terms of the JCPOA.
 - Levy new sanctions based on Iran's ballistic missile program, support for terrorism, and human rights abuses.
 - Work closely with regional partners to develop a country-by-country strategy to counter Iran's destabilizing activities in Iraq, Syria, Yemen, Bahrain, and Lebanon.
 - Make clear that a credible military option remains on the table and that the United States will do whatever it takes to prevent Iran from developing enough weapons-grade uranium for even a single nuclear weapon.
 - Ask Congress for an authorization on the use of military force to dismantle Iran's nuclear infrastructure—if necessary—as a last resort to prevent Iran from building nuclear weapons.
 - In the new US Nuclear Posture Review, declare that the United States will not rule out nuclear use in response to an Iranian biological or chemical weapons attack or large-scale ballistic missile barrages on US forces or allies in the Middle East.
 - Disrupt Iran's ballistic missile program with "left of launch" (i.e., cyber and electronic warfare) attacks. Announce that the United States reserves the right to preempt or shoot down ballistic missile launches aimed toward US partners or allies.

III. ABIDE

- Abide by the terms of the JCPOA, as decertification of the JCPOA at this stage could undermine the pressure track.
 - Iran's violations to date have been minor, and therefore the case for decertification would not be persuasive.
 - Decertification would place blame for the deal's collapse on Washington, not Tehran, isolating the United States and giving Iran more options to advance its hostile interests.
 - Support from Democrats in Congress along with international allies and partners would strengthen the US position. Both have been helpful with sanctions pressure in the past, but neither would support decertification on the basis of current violations.
- The threat of future decertification, held in reserve, may be more powerful than immediate decertification.

CONCLUSION: WORKING TOWARD A BETTER DEAL

Sustained escalation of pressure on Iran can result in three possible outcomes, all of which are superior to the status quo. First, Iran's leaders may be compelled back to the negotiating table to address the flaws in the agreement. Second, Iran might decide to withdraw from the agreement, allowing the United States and its international partners to "snap back" nuclear-related sanctions, with even more intense pressure. Tehran would bear responsibility for the agreement's end, and Washington would garner more domestic and international support for tougher measures. Moreover, per the terms of the deal, the international community would be obligated under international law to enforce the sanctions. Third, the current deal might remain in place, but Iran's other destabilizing activities are constrained. The United States would retain the option of pulling out of the deal in the future.

This new approach will impose a sharp choice on its leaders. They can keep uranium enrichment and long-range ballistic missile programs only at the cost of remaining under intense economic and military pressure. Or they can rejoin the international community, enjoy the benefits of a truly peaceful nuclear program, and dismantle their nuclear fuel-making capability. In the latter case, you will have fulfilled your promise of renegotiating a better Iranian nuclear deal, and the international community will have prevented—not merely delayed—Iran's nuclear acquisition.

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