

# The International Order and Nuclear Negotiations with Iran



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## The international order is not just an abstract concept, but rather is of concrete value to U.S. national security, as exemplified by America's policy toward Iran.

When scholars discuss the contemporary international order, they tend to do so in abstract terms. Older forms of international order — the balance of power between great states and shifts in that balance — could be measured in concrete terms by counting men under arms, factories, artillery pieces, and so on. Today, however, the composition of the U.S.-led liberal international order is more difficult to articulate. Richard Fontaine has characterized today's world order as a “web of norms, institutions, rules, and relationships”<sup>1</sup> that “range from maritime rules and trade regimes to norms against forcible conquest and in support of state sovereignty” and “institutions like the United Nations and the World Trade Organization, as well as a variety of key alliances and arrangements.”<sup>2</sup> In a similar vein, Robin Niblett has defined the liberal international order in terms of principles — “open markets, democracy, and individual human rights” — undergirded by institutions such as those forged at Bretton Woods in 1944.<sup>3</sup>

Such descriptions make the liberal international order sound profoundly important, which is not surprising since they are generally provided as predicates for arguments that this order is fraying and in need of reinvigoration or repair.<sup>4</sup> Yet the descriptions of what, precisely, the international order is — and, for that matter, the laments over its uncertain state — are also undeniably amorphous. That vagueness has fueled accusations by newly resurgent nationalists that the liberal international order is at best a fanciful notion or, more sinister, a scheme perpetrated by a “globalist” elite to advance parochial interests at the expense of the national interest.<sup>5</sup> This charge

has in turn been rebutted by scholars such as John Bew, who observes that notions of world order, far from a latter-day globalist innovation, have preoccupied policymakers from across the ideological spectrum for more than a century.<sup>6</sup>

Yet another objection to notions of international order could be posed: that however noble such ideas may be, they are of little practical use to the policymaker engaged in the daily business of international relations. Indeed, even some defenders of the international order characterize it as “a work of abstract art”<sup>7</sup> and note that “the link between the pursuit of world order and American security and prosperity has always been “hard to sustain when subjected to s[k]eptical questioning.”<sup>8</sup> A complete argument in defense of the liberal international order requires demonstrating that this order is not merely abstract or vaguely laudable but of concrete value to the national security of the United States and its allies.

This essay seeks to make that case by examining American policy toward Iran as an example of the international order in action. The essay draws upon my experience as director for Iran at the National Security Council from 2006 to 2007 and as the council's senior director for the Middle East from 2007 to 2008. At its best, U.S. policy toward Iran melded the unilateral exercise of American power with utilization of the norms, institutions, and relationships that make up the international order to advance a vital national security interest — namely, preventing Iran from obtaining a nuclear weapon. Yet an examination of American policy toward Iran also sheds light on practical problems the international order faces and how those

1 Richard Fontaine, “Salvaging Global Order,” *National Interest* online, March 10, 2015, <http://nationalinterest.org/feature/salvaging-the-global-order-12390>.

2 Richard Fontaine, “The U.S. Response to Today's Global Order and Tomorrow's Threats,” *Journal of International Affairs* online, March 15, 2017, <https://jia.sipa.columbia.edu/us-response-global-order>.

3 Robin Niblett, “Liberalism in Retreat,” *Foreign Affairs*, January/February 2017, <https://www.foreignaffairs.com/articles/2016-12-12/liberalism-retreat>.

4 See, for example, Richard N. Haass, “World Order 2.0,” *Foreign Affairs*, January/February 2017, <https://www.foreignaffairs.com/articles/2016-12-12/world-order-20>.

5 See Michael Anton, “America and the Liberal International Order,” *American Affairs*, no. 1 (Spring 2017), <https://americanaffairsjournal.org/2017/02/america-liberal-international-order/>.

6 John Bew, “World Order: Many-Headed Monster or Noble Pursuit?” *Texas National Security Review* 1, no. 1 (October 2017): 14–35.

7 Bew, “World Order.”

8 John A. Thompson as quoted by Bew in “World Order.”

**That Iran should provide a case study in how the international order works to advance American security is no doubt ironic given that it is a classic revisionist state, railing against and seeking to undermine that very order, skillfully and not without some success.**

problems might be addressed. That Iran should provide a case study in how the international order works to advance American security is no doubt ironic given that it is a classic revisionist state, railing against and seeking to undermine that very order, skillfully and not without some success.

## **Iran Policy Under George W. Bush**

Iran's nuclear activities were a preoccupation of the President George W. Bush administration nearly from its outset. This was most memorably illustrated by the 2002 State of the Union address, in which the president decried Iran's support for terrorism, its pursuit of weapons of mass destruction, and its domestic repression. He famously described Iran as part of an "axis of evil."<sup>9</sup> Within the Bush administration, however, Iran's nuclear program came to be seen as a subset of the broader array of threats posed by Tehran, which included terrorism and attempts to stymie American efforts in Iraq and Afghanistan. The Bush administration internally debated different approaches for dealing with these various dangers, from regime change to sanctions to diplomacy.<sup>10</sup> What ultimately became U.S. policy for addressing Iran's nuclear program — leading directly, if distantly, to the conclusion of a nuclear agreement in 2015 — was less the product of U.S. initiative than a reaction to external developments.

Iran's clandestine nuclear activities were publicly exposed in 2002 by the National Council of Resistance of Iran and shortly thereafter acknowledged by Iran.<sup>11</sup> Threatened with referral to the U.N. Security Council over having violated its 1974 nuclear safeguards agreement with the International Atomic Energy Agency (IAEA), Iran had entered into negotiations with the "EU-3" — the United Kingdom, France, and Germany. Those talks, likely reinforced by Iranian worries of U.S. military action in the wake of Washington's interventions in Iraq and Afghanistan, produced two successive agreements: the Tehran Statement in 2003 and the Paris Agreement of 2004. Neither deal stuck, however. The EU-3's efforts to negotiate a long-term replacement foundered in August

2005 when, after Mahmoud Ahmadinejad was elected president, Tehran rejected the EU-3's latest proposal and removed U.N. seals from its uranium conversion equipment. The IAEA Board of Governors, in turn, condemned Iran's violations of its safeguards agreement and referred it to the U.N. Security Council in February 2006.

While by no means the starting point for the Bush administration's Iran policy, this was a meaningful turning point. Events of 2005 and 2006 inaugurated a prolonged, steady escalation in Iran's nuclear activities, and they marked the beginning of an American strategy of looking to the international order to address the threat posed by those activities. Institutions both formal and informal, political and economic, were at the heart of this effort. The first component of the new strategy consisted of an attempt to secure U.N. Security Council resolutions condemning Iran and imposing international sanctions. From 2006 to 2008, five were adopted: Resolutions 1696, 1737, 1747, 1803, and 1835. All but two of these resolutions passed unanimously; Qatar cast the sole vote against Resolution 1696, and Indonesia abstained from voting on Resolution 1803.<sup>12</sup>

The strategy's second component consisted of a U.S.-led effort to isolate Iran's financial system; this was later expanded to target other sectors of the Iranian economy. Unlike the first leg of the strategy, this one relied on international arrangements that had a lower profile than the U.N. Security Council and, in some cases, were outright ad hoc. Utilizing extraterritorial sanctions adopted by Congress and executive orders promulgated by President Bush, American officials were able to threaten overseas banks with exclusion from the U.S. financial system — and, later, the ability even to utilize U.S. dollars — should they continue their relationships with Iranian banks designated under American or U.N. sanctions. The resulting economic pressure on Iran was possible only because of American dominance of the international financial system — and the related preeminence of the U.S. dollar — and the degree to which that system had, over the course of decades, become integrated across national boundaries.<sup>13</sup>

It would be tempting to see the latter effort's

9 George W. Bush, State of the Union Address, Washington DC, Jan. 29, 2002, <https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>.

10 For further detail, see David Crist, *Twilight War* (New York: Penguin Books, 2012), 442–460.

11 Paul Kerr, "IAEA to Visit Two 'Secret' Nuclear Sites in Iran," *Arms Control Today*, Jan. 1, 2003, [https://www.armscontrol.org/act/2003\\_01-02/irannuclear\\_janfeb03](https://www.armscontrol.org/act/2003_01-02/irannuclear_janfeb03).

12 The texts and voting tallies for all of these resolutions can be accessed at <http://www.un.org/en/sc/documents/>.

13 See Juan Zarate, *Treasury's War: The Unleashing of a New Era of Financial Warfare* (New York: PublicAffairs, 2013).

success as evidence of the efficacy of the unilateral exercise of American power.<sup>14</sup> In reality, however, the two policy initiatives depended on each other for success. The U.N. sanctions, while impressive on paper, were unlikely on their own to have made a significant impact on Iran's economy or that government's decision-making. The ad hoc financial sanctions, in turn, would not have succeeded without the U.N. resolutions to undergird them. Those resolutions provided international legitimacy to what was otherwise the naked exercise of unilateral power by Washington, an important consideration in the wake of the ongoing war in Iraq. U.S. allies in Europe, Asia, and elsewhere could argue with American tactics (and did so vociferously) but not with the objective or even the broader strategy, both of which were tacitly endorsed by the Security Council. The resolutions also laid a foundation for likeminded states to impose their own sanctions on Iran, by providing both political cover and a legal basis for doing so — which was a necessity for some states.

This strategy was not without costs and compromise. The decision to work around allied governments and directly warn their financial and commercial communities caused frictions that Iran sought to exploit. The need to secure Russian and Chinese agreement, along with that of various other reluctant states in the European Union and elsewhere, meant that U.N. resolutions were frequently delayed and diluted. It also required the United States to participate in the sort of nuclear diplomacy with Iran that Washington had previously resisted. The first U.N. resolution on Iran, Resolution 1696, was preceded by the first offer to Tehran by the "P5+1" (the U.N. Security Council's five permanent members, plus Germany), in the form of an "incentives package" delivered on the group's behalf by the EU's foreign policy chief — then Javier Solana — in June 2006. (This was subsequently revised and presented again in mid-2008.)

Furthermore, what was primarily a multilateral strategy nevertheless depended on the threat or actual use of unilateral American power to succeed. For Iran, refusal to comply with the U.N. resolutions carried the risk of further sanctions or

even a U.S.-led military attack, of which the Bush administration explicitly and repeatedly warned. This threat likely also explained, in part, Moscow and Beijing's willingness to endorse U.N. sanctions, though both pointedly refused to accept American secondary sanctions, even as they quietly took steps to comply with them. While this sort of unilateral warning enjoyed no international endorsement, it was nevertheless employed in support of what was essentially a multilateral effort. That also probably dampened other states' anger at the U.S. use of extraterritorial sanctions, which are often seen as violating state sovereignty, a key international norm.<sup>15</sup>

The Bush administration's success in bringing international pressure to bear against Iran's nuclear program was largely the product of two major factors. The first was a perceived threat — shared by the United States and allies in Europe, Asia, the Middle East, and elsewhere — stemming from Iran's clandestine nuclear activities. This view was sharpened by Iran's behavior on the nuclear front — keeping its facilities secret and reportedly engaging in research related to nuclear weapons<sup>16</sup> — and beyond, such as its threats toward Israel.<sup>17</sup>

The second factor was Washington's ability to leverage the web of norms, institutions, and relationships that make up the international order. This also helps to explain why the United States has been far less successful in rallying international support to confront other issues emanating from Iran. U.S. allies in Europe and Asia simply do not share the American assessment of the gravity of the risks posed by Iran's non-nuclear activities, and the international norms and institutions that deal with those matters are far less developed than those that exist to address proliferation. In the Middle East, where U.S. allies tend to strongly share Washington's estimation of Iran, there was little in the way of a "regional order" — even an informal one — upon which to fall back in the absence of international action.

By the time of the 2008 presidential election, U.S. strategy toward Iran had lost its momentum. Security Council Resolution 1835, adopted in September 2008 in response to IAEA reports of continued Iranian obstructionism, was the weakest

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14 See, for example, Jana Winter and Dan De Luce, "Iran Nuclear Deal Critics Push Plan for 'Global Economic Embargo,'" *Foreign Policy*, Sept. 14, 2017, <http://foreignpolicy.com/2017/09/14/iran-sanctions-memo/>.

15 This view was enshrined in the European Union's "blocking statute" of Nov. 22, 1996, adopted in response to the first U.S. extraterritorial sanctions on Iran. Text of the statute can be found at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996R2271:EN:HTML>.

16 For more information, see the annex to the report by the International Atomic Energy Agency Director General, "Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran," International Atomic Energy Agency, November 18, 2011, <https://www.iaea.org/sites/default/files/gov2011-65.pdf>.

17 Louis Charbonneau, "In New York, Defiant Ahmadinejad says Israel will be 'Eliminated,'" *Reuters*, Sept. 24, 2012, <https://www.reuters.com/article/us-un-assembly-ahmadinejad/in-new-york-defiant-ahmadinejad-says-israel-will-be-eliminated-idUSBRE88N0HF20120924>.

of the U.N. resolutions regarding Iran adopted to that point; it imposed no new sanctions. This faltering in the pressure campaign is often attributed to the publication of a *National Intelligence Estimate*<sup>18</sup> in 2007 that asserted Iran had suspended its nuclear weapons programs in 2003 and had not restarted them as of 2007.<sup>19</sup> The document was widely interpreted as contradicting Bush administration assertions that Iran harbored ambitions to obtain nuclear weapons, even though the suspension it referred to related only to “weaponization” work, not to Iran’s uranium enrichment activities, which were ongoing. As Bush administration National Security Adviser Stephen Hadley later noted, the *National Intelligence Estimate* “was misinterpreted as an all-clear when it wasn’t that at all.”<sup>20</sup>

While the estimate was undoubtedly a hindrance to U.S. diplomacy — and a political millstone around the necks of European leaders facing constituencies skeptical of sanctions against Iran — the document’s role has been exaggerated. Even if Iran had suspended its weaponization efforts, as the document asserted, that did not make the expansion of its nuclear infrastructure, nor its record of proliferation and of threatening neighbors, less concerning to the U.S. and allied governments, whatever the consequences for public messaging. What’s more, U.S. allies largely did not accept the *NIE*’s conclusions.<sup>21</sup>

Instead, the loss of diplomatic momentum has two other roots. The first was that the strategy had simply failed to achieve its intended result. Iran continued to expand its nuclear activities despite the mounting sanctions. Second, and perhaps more important, the international context was especially inauspicious. The United States and Russia were in a tense standoff over Moscow’s military campaign in Georgia. Opposition to the Iraq War, then in its sixth year, was pronounced abroad and increasingly bitter in the United States itself amid the

presidential campaign. The global financial crisis, meanwhile, dampened enthusiasm for further use of economic weapons against Iran, which was in turn buoyed by sky-high oil prices.

### **Iran Policy Under the Obama Administration**

This was the context in which Barack Obama inherited the unresolved Iran nuclear file. Yet for all of the divisiveness of the 2008 presidential campaign on matters of foreign policy, the Obama administration largely kept in place the strategy pursued by the Bush administration. Engagement with Iran was a centerpiece of Obama’s campaign, but some of Obama’s efforts continued initiatives begun during the Bush administration. For example, the Bush administration dispatched Undersecretary of State Bill Burns to participate in a P5+1 meeting with Iran for the first time in August 2008.<sup>22</sup> There were also discontinuities: Obama and other U.S. officials engaged in repeated, direct outreach to Iranian officials.<sup>23</sup> Indeed, European officials worried in the summer of 2008 that Obama’s seeming readiness to engage directly with Iran without preconditions would undermine the P5+1’s approach on the nuclear issue.<sup>24</sup> In addition, the Obama administration is widely perceived to have deemphasized efforts to counter Iran’s non-nuclear activities in the Middle East. Obama was skeptical of U.S. military commitments in the region, emphasizing, for

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18 “Iran: Nuclear Intentions and Capabilities,” *National Intelligence Estimate* (Washington: National Intelligence Council, November 2007), [https://www.dni.gov/files/documents/Newsroom/Press Releases/2007 Press Releases/20071203\\_release.pdf](https://www.dni.gov/files/documents/Newsroom/Press%20Releases/2007%20Press%20Releases/20071203_release.pdf).

19 George W. Bush, *Decision Points* (New York: Random House, 2010), 419.

20 Stephen Hadley as quoted in Tabassum Zakaria and Mark Hosenball, “Special Report: Intel Shows Iran Nuclear Threat Not Imminent,” *Reuters*, March 23, 2012, <https://www.reuters.com/article/us-iran-usa-nuclear/special-report-intel-shows-iran-nuclear-threat-not-imminent-idUSBRE82M0G020120323>.

21 Condoleezza Rice, *No Higher Honor* (New York: Random House, 2011), 618.

22 “U.S. Reverses Course, Will Send Envoy to Talks with Iran,” *CNN*, July 16, 2008, <http://www.cnn.com/2008/POLITICS/07/16/us.iran/index.html>.

23 Trita Parsi, *Losing an Enemy: Obama, Iran, and the Triumph of Diplomacy* (Yale University Press: 2017).

24 Glenn Kessler, “Europe Fears Obama Might Undercut Progress With Iran,” *Washington Post*, June 22, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/06/21/AR2008062101658.html>.

example, the need to withdraw combat forces from Iraq and shift resources to Afghanistan.<sup>25</sup> The precise impact of all of these changes is unclear. Obama and his aides often argued that American outreach to Iran was vital to securing support for subsequent sanctions.<sup>26</sup> Others have observed that these sanctions built incrementally on those adopted during the Bush presidency.<sup>27</sup> Likewise, Obama viewed his restraint in the Middle East as serving U.S. interests,<sup>28</sup> whereas critics saw his focus on the nuclear issue to the exclusion of Iran's regional behavior as undermining American leverage.<sup>29</sup> Whatever one's view of events, some external developments were consequential. One such development was the discovery in September 2009 that Iran was building yet another clandestine uranium enrichment facility, at Fordow. This news undermined the narrative that Iran had abandoned its nuclear ambitions and showed that it was not acting in good faith on its obligations under the

Nuclear Non-Proliferation Treaty, as Tehran had consistently claimed.

Another external development that proved critical came in February 2010, when Iran commenced production of more highly enriched uranium.<sup>30</sup> This followed the failure in October 2009 of the "fuel swap" proposal, under which Iran would have exported its low-enriched uranium to a third country to be further enriched and fabricated into fuel rods for its Tehran Research Reactor.<sup>31</sup> The unsuccessful fuel-swap proposal had not sought to enforce existing U.N. resolutions, as it did not require Iran to halt the enrichment of uranium, but neither did it contradict them, as it offered no sanctions relief. More nettlesome to international diplomacy was the Obama administration's apparent encouragement of a last-ditch effort by Turkey and Brazil to revive the proposal, an ad hoc initiative that ran contrary to Washington's parallel pursuit, via the P5+1, of a new U.N. sanctions resolution against Iran.<sup>32</sup>

These events were the basis for passage of U.N. Security Council Resolution 1929, the last of the six resolutions the council adopted regarding Iran's nuclear program. Meanwhile, the Obama administration, with increasingly vigorous prodding from Congress, continued to expand the campaign of ad hoc financial sanctions against Iran.<sup>33</sup> Once again, these sanctions leaned heavily on institutions of the international order, such as the U.S. dollar's role in oil transactions, the relative concentration of the international shipping insurance industry, and the tight integration of global financial transaction networks, the latter of which were instrumental to the "SWIFT" sanctions.<sup>34</sup> The United States was joined in these efforts by the European Union, which in July 2010 adopted a wide-ranging package



25 Barack Obama, interview by Michael Gordon and Jeff Zeleny, *New York Times*, Nov. 1, 2007, <http://www.nytimes.com/2007/11/01/us/politics/02obama-transcript.html>.

26 Remarks by the President at the United States Military Academy Commencement Ceremony, West Point, NY, May 28, 2014, <https://obamawhitehouse.archives.gov/the-press-office/2014/05/28/remarks-president-united-states-military-academy-commencement-ceremony>.

27 Glenn Kessler, "Fact Checker: Obama's Claim That His Administration 'Built a Coalition That Imposed Sanctions on the Iranian Economy,'" *Washington Post*, June 2, 2014, <https://www.washingtonpost.com/news/fact-checker/wp/2014/06/02/obamas-claim-that-his-administration-built-a-coalition-that-imposed-sanctions-on-the-iranian-economy/>.

28 David Samuels, "The Aspiring Novelist Who Became Obama's Foreign-Policy Guru," *New York Times*, May 5, 2016, <https://www.nytimes.com/2016/05/08/magazine/the-aspiring-novelist-who-became-obamas-foreign-policy-guru.html>.

29 Michael Doran, "Obama's Secret Iran Strategy," *Mosaic*, Feb. 2, 2015, <https://mosaicmagazine.com/essay/2015/02/obamas-secret-iran-strategy/>.

30 International Atomic Energy Agency Director General, "Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran," International Atomic Energy Agency, Feb. 18, 2010, [http://isis-online.org/uploads/isis-reports/documents/IAEA\\_Report\\_Iran\\_18Feb2010.pdf](http://isis-online.org/uploads/isis-reports/documents/IAEA_Report_Iran_18Feb2010.pdf).

31 "Official Proposals on the Iranian Nuclear Issue, 2003-2013," *Arms Control Association*, July 2015, [https://www.armscontrol.org/factsheets/Iran\\_Nuclear\\_Proposals](https://www.armscontrol.org/factsheets/Iran_Nuclear_Proposals).

32 Laura Rozen, "W.H. Pushes Back on Letter Leak," *Politico*, May 28, 2010, <https://www.politico.com/story/2010/05/wh-pushes-back-on-letter-leak-037938>.

33 Jay Solomon, *The Iran Wars: Spy Games, Bank Battles, and the Secret Deals That Reshaped the Middle East* (New York: Random House, 2016), 142-67.

34 Solomon, *Iran Wars*, 202-04.

of sanctions against Iran.<sup>35</sup> In January 2012 an oil embargo followed.<sup>36</sup> Like the U.S. sanctions, these powerful EU measures capitalized on the integrated nature of the global economy.

In 2012, however, the United States abruptly shifted its diplomatic strategy, pivoting from the multilateral process that had dominated from 2006 to 2011 to one that was, in essence, unilateral. The Obama administration had developed a channel to Iran via Oman that it used to secure the release of three American hikers detained by Iranian authorities.<sup>37</sup> It then utilized that channel to begin a bilateral nuclear negotiating track with Tehran without informing other members of the P5+1.<sup>38</sup> It was these negotiations, rather than the P5+1 talks that continued in parallel, that ultimately produced, in November 2013, what became known as the “Joint Plan of Action” (JPOA).<sup>39</sup> This interim accord was the blueprint for the document — formally the “Joint Comprehensive Plan of Action” (JCPOA) — endorsed by the U.N. Security Council in Resolution 2231 in July 2015.<sup>40</sup>

Negotiating an accord bilaterally with Iran in this manner was expedient. Whether it was effective is debatable. The United States made major concessions in the bilateral talks, foremost among them dropping any insistence that Iran permanently suspend its enrichment and reprocessing-related activities. Had these concessions been offered in the P5+1 talks, it is not clear that the channel would have made a difference to Iran’s willingness to reach a deal. To the extent that the more restricted channel did have an effect on the talks, it was most likely in providing a level of secrecy that made the parties more comfortable discussing their negotiating positions without fear that they

would be publicly exposed. Even this is debatable, however, as the talks that led from the JPOA to the JCPOA were conducted in the P5+1 format without significant leaks.

What’s more, the shift in U.S. strategy carried

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costs. The revelation of the secret bilateral channel roiled the P5+1, creating friction between the United States and France and pushing Britain and Germany to “the sidelines,” according to then-French Foreign Minister Laurent Fabius.<sup>41</sup> The agreement reached between the United States and Iran did not comply with the six earlier U.N. resolutions, for which Washington had previously invested significant time and effort to secure Russian and Chinese backing. Instead, Washington unilaterally changed the terms offered to Iran by the international community. The shift in negotiating format, together with skillful Iranian diplomacy, affected the discussion itself; instead of grappling over what Iran had to do to meet its international obligations and be re-integrated into the global order, the talks became about what infringement of purported Iranian “rights” could be imposed by the United States and, in turn, what level of nuclear activity the United States could tolerate in Iran.

Security Council Resolution 2231 not only departed significantly from the terms of previous U.N. resolutions on Iran but also represented

35 “Council Decision of 26 July 2010 Concerning Restrictive Measures Against Iran and Repealing Common Position 2007/140/CFSP,” *Official Journal of the European Union* 53 (July 27, 2010): 25, [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2010.195.01.0025.01.ENG&toc=OJ.L:2010.195:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2010.195.01.0025.01.ENG&toc=OJ.L:2010.195:TOC).

36 “Council Decision 2012/35/CFSP of 23 January 2012 Amending Decision 2010/413/CFSP Concerning Restrictive Measures Against Iran,” *Official Journal of the European Union* 55 (Jan. 24, 2012): 22, [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2012.019.01.0022.01.ENG&toc=OJ.L:2012.019:TOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2012.019.01.0022.01.ENG&toc=OJ.L:2012.019:TOC).

37 Parsi, *Losing an Enemy*, 217.

38 Laurent Fabius, “Inside the Iran Deal: A French Perspective,” *Washington Quarterly* 39, no. 3 (Fall 2016): 7-38, <http://dx.doi.org/10.1080/0163660X.2016.1232630>.

39 “The Iran Nuclear Deal: Full Text,” *CNN*, Nov. 24, 2013, <http://www.cnn.com/2013/11/24/world/meast/iran-deal-text/index.html>.

40 United Nations Security Council, “Resolution 2231 (2015),” S/Res/2231, July 20, 2015, [https://www.iaea.org/sites/default/files/unsc\\_resolution2231-2015.pdf](https://www.iaea.org/sites/default/files/unsc_resolution2231-2015.pdf).

41 Fabius, “Inside the Iran Deal.”

a *fait accompli* in Washington. Congress was generally wary of Iran and had played a key role in pushing some of the most powerful sanctions against that country. It had adopted legislation requiring the Obama administration to submit any nuclear agreement for congressional review. By first securing Security Council endorsement of the JCPOA, however, the administration effectively rendered congressional review moot. The Obama administration's argument — that because the agreement had already been codified by the Security Council, it could not be unilaterally changed by the United States — presented the broader U.S. government with a binary option to accept the deal as it was or reject altogether a diplomatic resolution to the crisis and consider other options, such as a military operation. The irony was that the agreement had, in broad strokes, not been the product of an international negotiation but of bilateral discussions between the United States and Iran, regarding which Congress had been kept in the dark. Ultimately, congressional opponents were unable to muster the votes needed to overturn the agreement, and it moved ahead.<sup>42</sup>

At first blush, the JCPOA is a victory for multilateralism. Indeed, even Fabius praised the agreement as a “historic success” for all parties involved and said it demonstrated that “diplomatic action can yield spectacular results.”<sup>43</sup> But that perception of success obscures how the international order was damaged by the methods used to reach the agreement. First, the United States unilaterally put aside six U.N. resolutions on Iran, all measures it had negotiated, without first coordinating with its allies — just as those allies had worried Washington might do in 2008.<sup>44</sup> This arguably weakened the authority of the U.N. Security Council and risked lending credence to arguments that the Security Council is merely an instrument of American power. That no doubt pleased the Iranian government, which had long decried the resolutions as “illegal.”<sup>45</sup>

Second, by using Security Council endorsement against domestic opponents, the Obama administration risked further delegitimizing the United Nations specifically and internationalism in general among already-skeptical American conservatives. Pew Research Center has found a growing partisan gap in U.S. perceptions of the United Nations in recent decades. In 1990, Pew polling found, 68 percent of Republicans and 73 percent of Democrats viewed the United Nations favorably. By 2016, Democratic support for the United Nations had climbed to 80 percent while Republican support had dropped to 43 percent.<sup>46</sup> The perception that the United Nations can be used to circumvent conservative political views at home further erodes internationalist sentiments among Republicans. And neglecting to build a domestic consensus, however expedient it may have been to reach agreement, meant that the nuclear deal was not placed on a footing that would weather political changes in the United States.

### **Iran Policy Under the Trump Administration**

Few Republicans criticized the Iran deal — or internationalism, for that matter — as harshly as Donald Trump. As a candidate and in the early days of his presidency, Trump swore at times that he would “dismantle” the agreement.<sup>47</sup> At other times he adopted a milder line, arguing that it should be rigorously enforced despite its flaws.<sup>48</sup> Ultimately, the Iran policy that his administration announced after several months of review reflected a compromise between these positions. He asserted in October 2017 that he sought to nest the JCPOA in a strengthened, comprehensive Iran strategy. But he also said that he would walk away from the agreement if an understanding could not be reached with allies on addressing what he perceived as its shortcomings and if Congress did not adopt new

42 Jennifer Steinhauer, “Democrats Hand Victory to Obama on Iran Nuclear Deal,” *New York Times*, Sept. 10, 2015, <https://www.nytimes.com/2015/09/11/us/politics/iran-nuclear-deal-senate.html>.

43 Fabius, “Inside the Iran Deal.”

44 Glenn Kessler, “Europe Fears Obama Might Undercut Progress with Iran,” *Washington Post*, June 22, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/06/21/AR2008062101658.html>.

45 “Iran Calls New UNSC Resolution Illegal and Unfortunate,” *Payvand News*, Sept. 28, 2008, <http://www.payvand.com/news/08/sep/1311.html>.

46 “Favorable Views of the UN Prevail in Europe, Asia, and U.S.,” *Pew Research Center*, Sept. 20, 2016, <http://www.pewresearch.org/fact-tank/2016/09/20/favorable-views-of-the-un-prevail-in-europe-asia-and-u-s/>.

47 Transcript of Donald Trump's Speech to the American Israel Public Affairs Committee, Washington DC, March 22, 2016, <http://www.timesofisrael.com/donald-trumps-full-speech-to-aipac/>.

48 Eric Cortellessa, “In Call With Riyadh, Trump Vows to ‘Rigorously Enforce’ Iran Deal,” *Times of Israel*, Jan. 30, 2017, <https://www.timesofisrael.com/in-call-with-riyadh-trump-commits-to-rigorously-enforce-iran-deal/>.

legislation overseeing implementation.<sup>49</sup>

Trump's decision not to unilaterally withdraw was well-founded, whatever his concerns about the deal's substance. American withdrawal, especially if followed by an effort to reimpose secondary sanctions punishing European and other international firms for business dealings with Iran, would have been galling to U.S. partners in Europe and Asia. Whatever their concerns about the agreement's negotiation, those allies by and large support the deal and perceive it as serving not only their commercial interests but also their national security interests by forestalling Iran's nuclear progress as well as potential military conflict. Precisely because of their concerns about the deal's negotiation, they would find a U.S. effort to force their hands through punitive sanctions especially unfair — it would amount to Washington punishing its allies for adhering to an agreement that the United States and Iran had negotiated bilaterally.

Nor should it be presumed, however, that U.S. allies are naïve. Congressional debate over the JCPOA in 2015 played out in public view; few predictions about U.S. foreign policy during the 2016 election campaign were surer bets than the presumption that a Republican administration would be unenthusiastic about the deal. Furthermore, the historical record does not support the notion that diplomatic agreements are sacrosanct. Indeed, they often face pressure or dissolve when circumstances or governments change. While abrupt swings are far from the norm in U.S. foreign policy, neither are they rare. After Obama took office, his administration quickly repudiated the Bush administration's plans for missile defenses in Europe, angering Poland but pleasing Russia.<sup>50</sup> Obama also abandoned the Bush administration's understandings<sup>51</sup> with the Israeli government regarding settlements.<sup>52</sup> U.S. officials denied that any "enforceable agreements" existed<sup>53</sup> and moved ahead with a new policy.<sup>54</sup> Reactions to these decisions appeared to be rooted more in whether a person agreed or disagreed with them

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than in principled beliefs that administrations should honor their predecessors' commitments. American credibility is not, of course, irrelevant. But U.S. policymakers are unlikely to advocate adhering to policies they consider bad simply to sustain credibility. Preserving this sort of credibility internationally requires more concerted efforts to build domestic coalitions that will sustain policies beyond an administration's term.

Whatever one's opinion of the JCPOA's merits and flaws, there is good reason to think that U.S. withdrawal from the agreement would chiefly benefit Iran. Such a step would open a rift between the United States and its allies in Europe and Asia. If the agreement survived America's pullout, enforcement would likely be weaker without U.S. oversight. Whatever pressure Washington managed to generate through renewed sanctions enforcement would be impaired by resistance from Iran and from European and Asian states, which would be its proximate targets. The U.S.-led campaign for secondary sanctions against Iran in the mid-2000s demonstrates that such measures can be effective despite allies' objections if there is strategic convergence among allies and if the measures are undergirded, at least in theory, by U.N. action. But when there is strategic divergence and no effort at the United Nations, any economic effect of such measures is difficult to sustain and must be weighed against serious diplomatic costs; the Clinton administration's experience seeking to

49 Remarks by President Trump on Iran Strategy, Washington DC, Oct. 13, 2017, <https://www.whitehouse.gov/the-press-office/2017/10/13/remarks-president-trump-iran-strategy>.

50 Peter Baker, "White House Scraps Bush's Approach to Missile Shield," *New York Times*, Sept. 17, 2009, <http://www.nytimes.com/2009/09/18/world/europe/18shield.html>.

51 Elliott Abrams, "Hillary Is Wrong About the Settlements," *Wall Street Journal*, June 26, 2009, <https://www.wsj.com/articles/SB124588743827950599>.

52 Letter From President Bush to Israeli Prime Minister Ariel Sharon, April 14, 2004, <https://georgewbush-whitehouse.archives.gov/news/releases/2004/04/20040414-3.html>.

53 Hillary Clinton, "Remarks With Israeli Foreign Minister Avigdor Lieberman," State Department, June 17, 2009, <https://2009-2017.state.gov/secretary/20092013clinton/rm/2009a/06/125044.htm>.

54 Daniel Dombey, "Clinton Clashes With Israelis Over Settlers," *Financial Times*, June 17, 2009, <https://www.ft.com/content/614c98a4-5b98-11de-be3f-00144feabdc0>.

enforce the Iran-Libya Sanctions Act in the 1990s demonstrates this.<sup>55</sup>

For all of these reasons, the Trump administration's decision appears sound — namely, to leverage other states' desire for the United States to remain within the JCPOA to win those states' cooperation with strict enforcement and a broader effort to challenge Iran. Such bargaining is not incompatible with the ideas of internationalism and global order; that interests are shared does not imply that states will not seek to shift the burden of securing them on to the United States, and American policymakers are right to resist. What is vital, however, is that Washington's diplomacy not only advances U.S. interests but also preserves and strengthens the international system, lest short-term gains be outweighed by long-term costs.

To be successful, the United States must not only articulate a clear policy toward Iran but also explain how it serves U.S. and partners' interests and rally allies in support. This strategy should be implemented across multiple policy tools — economic, diplomatic, and military — not in sequence but as a single, concerted campaign. The history of U.S. policy toward Iran suggests that this will require patience and compromise but may ultimately be rewarding. A united international front has the twin benefits of spreading a policy's costs and amplifying its effectiveness.

## **Conclusion**

The international order may be a web of norms, institutions, and relationships, but an understanding lies at its core. American leadership of the international order is largely embraced by allies, giving the United States tremendous global influence. But U.S. allies do not subordinate their interests any more than the United States does. Rather, this enduring dynamic reflects confidence that the United States will advance shared interests, even if it ultimately does so to serve its own. And it reflects a mutual agreement that the international order generates outcomes that serve shared interests better than purely transactional relationships could, and that these outcomes justify the compromises required to maintain that order.

The recent history of U.S. policy toward Iran demonstrates how the international order works in action and how it can provide Washington with tremendous leverage to accomplish policy goals,

especially when utilized in concert with other instruments of American power. That history also demonstrates the mutual dependence at the heart of the international order. After all, European powers made little headway against Iran in the early 2000s absent American involvement, just as the United States could not have imposed the pressure it brought to bear against Iran without the (sometimes reluctant) support of allies and the use of international institutions.

Yet that history also illustrates a temptation for U.S. officials, confronted with a preeminent role and outside influence, to use these resources not as assets to be assiduously preserved and nurtured but as mere tools of U.S. foreign policy — or domestic politics — like any others. As the American appetite for global leadership and internationalist spirit have waned in the wake of the Iraq and Afghanistan wars and the global financial crisis, this tendency seems to have grown. It was on display when the Obama administration pivoted from the P5+1 process to a bilateral one and used the U.N. Security Council as a domestic political cudgel. It was similarly exhibited by those who wish to use international sanctions to coerce allies absent any effort to bridge diverging aims and strategies with respect to Iran. Treating the international order in this manner risks eroding it.

Every state acts out of self-interest. If a state perceives that its economic or political dependence on the United States is a liability rather than the price of an international order that ultimately advances its security and prosperity, that state will inevitably develop workarounds and hedging strategies. The international order is not fixed or predictable like a domestic legal system. Rather, it is dynamic and relies on the balance of self-interest among allies. Iran and its fellow revisionists take gratification from friction between the United States and its allies, and they share the overarching goal of diminishing U.S. influence in global affairs. Should the United States and allied policymakers fail to defend the international order, they will discover to their dismay that the loss is not at all abstract but has concrete consequences for their states' prosperity and security. 🇺🇸

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55 Kenneth M. Pollack, *The Persian Puzzle: The Conflict Between Iran and America*, (Random House, 2005), 286-89.

