

Reengaging Iran

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Security

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The Middle East Security Program conducts cutting-edge research on the most pressing issues in this turbulent region. The program focuses on the sources of instability in the region, maintaining key U.S. strategic partnerships, and generating solutions that help policymakers respond to both fast-moving events and long-term trends. The Middle East Security Program draws on a team with deep government and nongovernment experience in regional studies, U.S. foreign policy, and international security. It analyzes trends and generates practical and implementable policy solutions that defend and advance U.S. interests.

Table of Contents

EXECUTIVE SUMMARY4

LESSONS OF THE JOINT COMPREHENSIVE PLAN OF ACTION (JCPAO)7

AN EARLY DE-ESCALATORY DEAL9

A LONGER-TERM COMPREHENSIVE NEGOTIATION ALONG TWO TRACKS13

ENGAGING INTERNATIONAL PARTNERS AND CONGRESS17

ADAPTING THIS APPROACH FOR A SECOND TRUMP TERM21

Executive Summary

It appears unlikely that Iran will engage in diplomatic negotiations with President Donald Trump's administration before the U.S. elections. However, the international community may find Iran ready to consider a return to negotiations in 2021—regardless of the results in November—either because of Iran's interest in engaging a Biden administration or in an effort to avoid four more years of the Trump administration's maximum pressure campaign.

This report lays out potential options for a new U.S. administration to engage Iran in 2021. Many of the ideas also can be adapted for a second term Trump administration as described at the end of this report.

A U.S. diplomatic strategy should focus on the following key objectives with regard to Iran policy:

1. Prevent Iran from obtaining nuclear weapons.
2. Contain the impact of Iranian regional policies that are damaging to U.S. interests.
3. De-escalate regional tensions that perpetuate instability and proxy-fueled competition in the Middle East.

Based on these objectives, the United States should pursue the following phased approach starting in early 2021. Critically, from the start such an approach must take into account both regional and nuclear issues and be clear it values and will include both in its diplomatic efforts in a *simultaneous*, rather than sequential approach.

Phase 1: De-escalation. The United States should move early to de-escalate regional conflict and freeze or roll back Iran's nuclear program. The administration should start with immediate, modest unilateral confidence-building measures, including abolishing the travel ban from Iran, relaxing symbolic sanctions on officials such as Iranian Foreign Minister Mohammad Javad Zarif, supporting a post-COVID-19 International Monetary Fund (IMF) package, and taking additional, tangible steps to ensure sanctions do not interfere with medical supplies associated with addressing the COVID-19 crisis. From Inauguration Day through the spring of 2021 when Iran holds its presidential election, the administration should focus on an initial arrangement that agrees on "calm for calm" in the region and arrests Iran's nuclear progress. It must make clear to Iran that proxy attacks on U.S. forces and attacks on Gulf oil and critical infrastructure must stop. In addition, this initial arrangement would require Iran to reduce provocative naval actions in the Gulf, while the United States would exercise restraint in publicly discussing its military deployments to the region. In the nuclear arena, such a deal could be structured in one of three possible ways: (1) a quick reentry of the United States and Iran into the Joint Comprehensive Plan of Action (JCPOA) with mutual rollback of steps taken in contravention of the JCPOA's terms; (2) some limited relief of U.S. sanctions in exchange for a freeze or moderate rollback of Iran's nuclear program, short of full resumption of JCPOA, similar to what various interlocutors—including the French and Japanese—have tried to negotiate with the Trump administration; or (3) a return to the JCPOA with a simple amendment for longer sunsets in exchange for some greater sanctions relief (though this option seems less likely).¹ In early discussions, negotiators should be empowered to test multiple options, but the administration should have a sense of which path it prefers. This first phase would take an immediate crisis off of the agenda and buy time for a new administration to deal with this issue over the course of a first (or second) term. It avoids getting mired in the complicated details of new agreements at a time when the Iranian and American systems will not be in position to engage in a complex, drawn-out negotiation.

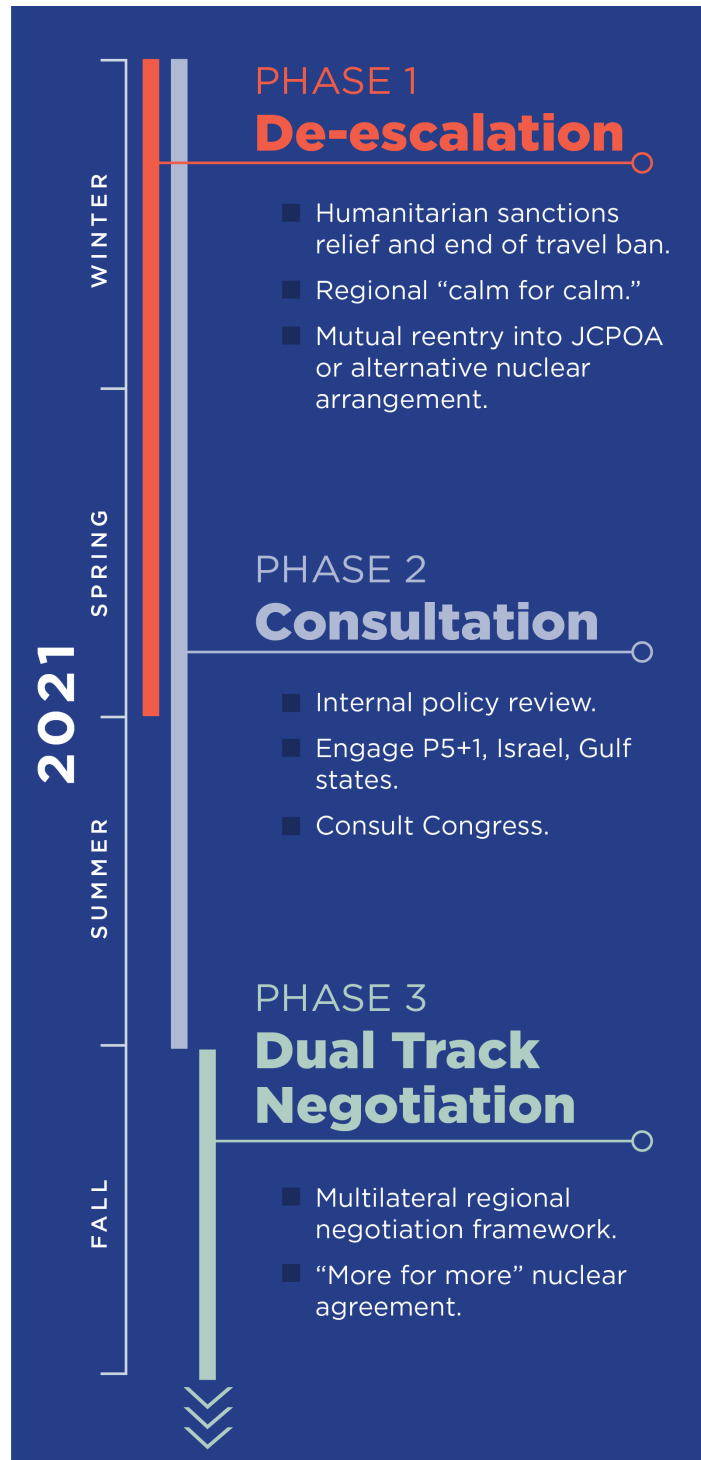
Phase 2: Consultation. The United States should engage simultaneously, in an internal review and consultative process with international partners and Congress on the objectives and strategy on addressing long-term nuclear concerns and regional dynamics with Iran. This second phase would also

start in January and ideally be completed by the summer of 2021 when a new Iranian president and government are in place after the Iranian elections in the spring of 2021. This process would outline what a “more for more” agreement could look like and what U.S. objectives, substance, tradeoffs, and mechanics would be in pursuing such a deal. It would have to look at and balance the nuclear and geopolitical files. This review would require intensive consultation with other members of the P5+1 (UK, France, Germany, Russia, and China), Saudi Arabia, Israel, and other Middle Eastern players, as well as Congress. This phase would confront the critique that the JCPOA, for all its merits, did not address regional issues. Consultations would include discussion of how to demonstrate U.S. commitment to diplomatic efforts toward the region, and ideas on how to frame such efforts, recognizing that a regional framework is much less straightforward than the nuclear file and will be confronted by a number of challenges and competing interests.

Phase 3: Dual Track Negotiation. The United States should implement a strategy that includes activity on two parallel tracks—one focused on a “more for more” deal on the nuclear program and the other on regional de-escalation. This third phase could begin after a new Iranian president is in place in the summer of 2021 or any time after. The nuclear track would include Iran and the P5+1, while a regional framework could include Iran, key regional actors, and the P5+1 (or some other outside-the-region representation). This approach acknowledges that U.S. interests span the nuclear and nonnuclear files, and U.S. leverage will need to be considered with both sets of interests in mind. Care would need to be taken to ensure that progress on one track is not entirely dependent on progress on the other, and that addressing entrenched and complicated regional disagreements does not prevent progress on the nuclear track. At the same time, this approach recognizes that a nuclear-only focus would lack the support necessary for a sustainable negotiation and result.

This paper first reviews some key lessons of the past few years. It then explores what an early de-escalation agreement with Iran would look like, offering four potential paths and the pros and cons of each. A new administration should take office with a sense of which path it prefers to pursue, but be open to testing multiple options depending on the state of Iran’s nuclear program and the results of initial diplomatic engagements with Iran and other key international players. By the summer of 2021, the United States should have developed a long-term strategy for both regional and nuclear issues with a special focus on a regional diplomatic framework, which it could pursue over several years. Finally, the paper addresses how a new administration could engage with Congress and key international actors and looks at how a second-term Trump administration could utilize the ideas in this paper.

Figure: A Strategy for Reengaging Iran



Lessons of the Joint Comprehensive Plan of Action (JCPOA)

A new U.S. administration seeking diplomatic engagement with Iran will be forced to deal with a number of complicated challenges including: the technical complexities associated with Iran's nuclear program; the ability to unwind or reimpose a complex sanctions regime; the challenge of countering and containing both Iran's nuclear and regional advancements and policies; the difficulties imposed by both Iranian and American domestic politics; and the interests and concerns of key U.S. partners including Israel, Saudi Arabia, and the P5+1. There is no strategic roadmap currently for how to balance these complicated issues. But there are valuable lessons to be learned from all of these dimensions from negotiation of the JCPOA as well as its collapse:

A nuclear arms control deal with Iran is possible. The JCPOA demonstrates that an agreement between the United States and Iran on nuclear issues is reachable and paints a clear picture of the elements up for negotiation. Even if none of the parties is still in compliance with the JCPOA by 2021, the deal still outlines what worked, as well as areas for improvement. The agreement had sufficient breakout timelines, limitations on various pathways to the bomb, and a strong verification regime that can be replicated or marginally improved upon.² The main concern with the content of the JCPOA was the sunset provisions.³ The question for future negotiators is whether there is a formula that can provide Iran with more positive incentives in exchange for a longer-term agreement or one with no sunsets.

The United States is capable of unilaterally relieving and expanding economic pressure, giving it greater flexibility to make concessions and leverage to apply pressure in future negotiations. The Trump administration's maximum pressure campaign has demonstrated that the United States has the ability to unilaterally deter international trade with and investment in Iran.⁴ This gives the United States greater leverage in any future negotiation with Iran. However, it also means that the United States can be more flexible, knowing it has the capacity to unilaterally snap back sanctions. Moreover, the sanctions relief experience from the JCPOA demonstrated that space exists for a "more for more" agreement. Even before President Trump walked away from the nuclear deal, Iran was deeply disappointed in the level of sanctions relief it received from the JCPOA.⁵ The United States arguably has more maneuver space than initially believed, so long as Washington can stick to its bottom lines in any future agreement.

Much will depend on where Iran's nuclear program is in January 2021 and where regional tensions stand. If Iran's dash time has shrunk to weeks and the JCPOA has entirely collapsed as a result of a confrontation at the UN Security Council over the expiring arms embargo or other development in the maximum pressure campaign, this will call for a different type of early step than if Iran has only ventured marginally outside the deal and still remains months away from having enough enriched uranium for a bomb if it were to dash.

There would likely be a narrow and limited window of opportunity for a new American president in early 2021 to make some progress. A new U.S. administration would likely look for an early breakthrough with Iran to take advantage of the brief honeymoon period with greater support from the American public after the presidential inauguration. The aim would be to halt Iran's nuclear program, which by January 2021 may be reaching levels of activity observed before the JCPOA's predecessor agreement, the Joint Plan of Action (JPOA).⁶ But this impulse will be complicated by Iran's presidential election in May 2021, meaning the window for initial negotiations may be small or nonexistent. There also may be significant differences in expectations between a new U.S. administration and Iran on how to start negotiations. The Iranians may insist on sanctions being lifted *first* (and also demand as a starting position compensation for U.S. violations of the JCPOA), while the United States would likely view itself as in a strong negotiating position given the effectiveness of its sanctions regime, though also inclined to undo some of the damage created by Trump. Any major breakthrough would require socialization and

coordination within Washington, and with regional players and other members of the P5+1, which would take time and necessitate having staff in place. All of these limitations argue for a more straightforward and limited breakthrough in the early months of an administration, followed by a more comprehensive negotiation after the Iranian presidential election in mid-2021. Once Iran's nuclear program is contained and the immediate tension averted there would be less urgency for a new U.S. administration to address mid- to long-term issues right away. It would have more time, as some of the most concerning sunsets on the nuclear elements of the JCPOA would not expire until the second term of a new administration.⁷

Without support from regional actors and some element of domestic bipartisan support, the sustainability of any agreement would be questionable. The reason the JCPOA ultimately collapsed has less to do with the nuclear provisions of the agreement than with the objections from Israel, the Gulf States, and Capitol Hill about the willingness of the P5+1 to provide significant sanctions relief without addressing Iran's regional policies and missile program (in addition to concerns about the sunset provisions).⁸ A diplomatic process that does not take these issues into account and focuses exclusively on nuclear concerns risks generating the same type of opposition in Congress and with the key players in the Middle East. Moreover, having been burned by the experience of the JCPOA, if Iran sees that these supporting elements are lacking in the negotiation process, it will be less likely to agree to a deal. The JCPOA experience has illustrated to Iran that compartmentalized agreements will not deliver on its expectations. And regional players have learned that a nuclear deal may not constrain Iran's other aggressive policies and activities.⁹

It may be impossible to persuade partners or a large number of Republicans to support any diplomatic initiative toward Iran undertaken by a Democrat. Even if an administration pursues a good faith effort of consultation and coordination, political pressure and the partisan environment may make bipartisan support for diplomacy with Iran impossible. Indeed, during JCPOA negotiations a number of Republican members were quietly supportive in the run-up to the deal but ultimately opposed it. This may be offset by the desire for Hill Democrats to support the efforts of a new administration, winning over those Democrats who offered lukewarm support or even opposition in 2015. The political dynamic will be further complicated by the new Israeli government.¹⁰ It is hard to imagine Bibi Netanyahu going along with a new diplomatic effort and not vigorously lobbying against any agreement with Iran. There is a danger that a new U.S. administration would waste political capital trying to placate the Hill, Israel, and a number of the Gulf States; fail to win them over; and in the process lose the opportunity to engage and constrain the Iranians.

Any kind of diplomatic process around regional disagreements with Iran is likely to be much more complicated and take much longer than a negotiation on nuclear issues. The concerns regarding Iran's nuclear program are well known, but even developing an agenda for a regional dialogue that includes Iran, key regional actors, and some international players will be a complicated and time-consuming affair. Thus, hinging any nuclear agreement on a deal with Iran on Hezbollah's status, for example, would be a recipe for no agreement at all. On the other hand, giving Iran major sanctions relief without any progress on regional issues would be a recipe for a repeat of the JCPOA experience. Therefore, a key challenge remains how to consider U.S. and international leverage—mostly economic—in a negotiation with Iran as a shared pie from which both nuclear and regional concessions must be extracted. Any strategy will need to consider how to tie benefit/sanctions relief to not only improvements on the nuclear issue but also to Iran's other policies that undermine stability and U.S. interests in the region. The nature of this link will need to be thought out carefully so that it aids in reaching agreements without unnecessarily inhibiting all progress.

Taken together, these lessons were the basis for the strategy the authors developed. The first phase consists of an early de-escalatory agreement to reduce tensions in the region and halt the nuclear program, and then seeks a longer term strategy to address the fundamental underlying disagreements between the United States and Iran.

An Early De-Escalatory Deal

An early de-escalatory deal would include three central elements: (1) immediate positive unilateral steps taken by the United States on day one of a new administration; (2) an agreement on regional “calm for calm” and (3) a deal that involves some freeze, suspension, or roll back of Iran’s nuclear program for some sanctions relief—either the JCPOA or some similar arrangement. A new administration should immediately abolish the travel ban from Iran, relax symbolic sanctions on officials such as Iranian Foreign Minister Mohammad Jarad Zarif, and take tangible steps to ensure that sanctions do not interfere with medical supplies associated with COVID-19. These unilateral gestures would signal good faith and interest in diplomatic measures; other signaling might be required. The new administration should then seek an early agreement with Iran to freeze or roll back the nuclear program and de-escalate tensions in the region.

A deal on regional de-escalation between the United States and Iran would be straightforward and amount to a “calm for calm” approach. It would entail a return to the dynamics pre-May 2019 in Iraq and the Gulf. In such an arrangement, Iranian proxies in Iraq would cease attacks on U.S. forces and the United States would not conduct military operations against these groups. There would be no more attacks by Iran or its proxies on shipping or oil infrastructure in the Gulf and there would be a reduction in provocative actions by Iranian fast-boats against U.S. or other ships. Both sides would tone down hostile rhetoric. Including a “calm for calm” agreement in an early step would make clear to both the Iranians and regional players that regional dynamics will not be ignored in an effort to resume nuclear talks and that regional issues will be part of future diplomatic efforts. It would also reflect the reality that the driver of U.S.-Iran and intraregional tensions over the past few years has as much if not more to do with regional disagreements as with the nuclear program. The “calm for calm” agreement would be mostly private diplomacy and would not require more than simple statements referencing regional de-escalation. Iran was willing to include such a statement in negotiations with the Trump administration that the French facilitated over the summer and fall of 2019.

The most challenging element of an early de-escalatory agreement would be the nuclear component. Options include: (1) mutual reentrance into and full compliance with the JCPOA; (2) a more modest set of confidence-building steps that would freeze any further developments in Iran’s nuclear program, or a return to the Joint Plan of Action, in exchange for more limited sanctions relief; (3) a return to a slightly amended JCPOA with longer sunsets in exchange for some greater sanctions relief; or (4) immediate negotiation on a more comprehensive “big for big” deal.

The first two options are the simplest and most likely. The third may be possible but is less likely to be negotiated in a short time frame in the early months, while moving directly to the fourth option would almost certainly mean no agreements between the United States and Iran in the first half of 2021. Moreover, this choice of which option to pursue would also depend on the Iranian negotiating position. In early discussions, negotiators should be empowered to test multiple options, but a new administration should have a sense of which path it prefers. If none of these are possible the United States should wait until after the Iranian elections to test serious engagement.

OPTION 1. REENTERING THE JCPOA

A first option would be for the United States to immediately, on day one, offer Iran mutual reentry into the JCPOA within 30 or 60 days. If Iran agrees, the U.S. president could reenter the deal unilaterally through an executive order. If necessary, this could also involve adapting Annex V Section C of the JCPOA, which describes the steps necessary by all parties to get to implementation day dependent on where Iran’s nuclear program, as well as U.S. and European sanctions, regime stand.¹¹ The United States would make

clear that as part of this move it expects Iran to reenter negotiation after its elections on a “more for more” agreement that addresses outstanding issues on sunsets, policies in the region, and ballistic missiles but also provides for greater sanctions relief and economic opportunity.

Pros: A return to the JCPOA would achieve significant rollback of Iran’s nuclear program without reopening a complex negotiation. Any effort to negotiate new terms in the early months could stall and cost the United States its greatest opportunity to contain Iran’s nuclear program before a more hard-line Iranian government likely takes over in the summer of 2021. If the United States returns to the JCPOA, and there is no follow-on deal and sunsets begin to expire, the United States will retain leverage and can reimpose sanctions unilaterally if it must. A return to the JCPOA would also be part of a broader effort to repair transatlantic ties and would allow a President Joe Biden to fulfill a campaign promise of returning to the JCPOA. Returning would require no congressional action since the JCPOA was already approved in 2015, while any other agreement could trigger a congressional review period.¹² It is true that Republicans, Israel, and the Gulf States would strongly object, but it may be impossible to persuade them to support realistic and immediate negotiations with Iran.

Cons: Going back to the JCPOA as the agreement stands would be an incredibly hard sell to regional partners and to Republicans and some Democrats in Congress, harming potential future cooperation on the Iran issue and making a sustainable long-term deal impossible. Their objections to the original deal—sunsets, missiles, etc.—would be six years further along and considered against the backdrop of all that has transpired on the nuclear file as well as outside it since 2015. Depending on how far outside the agreement Iran has ventured, this option may be too complex to negotiate in only a couple of months if the steps required to unwind sanctions back to 2017 and bring the nuclear program into compliance have become irreversible. The United States may also lose significant leverage by removing all of the sanctions, especially since certain provisions of the agreement start to sunset as early as 2025, though the most significant do not sunset until 2030, if ever.¹³ Jumping back into the JCPOA would also require revisiting sanctions relief implementation and how it would be different in the current context, particularly undoing the Trump administration’s redesignation of entities under counterterrorism authorities. And Iran may demand more, having found the sanctions relief associated with the JCPOA insufficient.

OPTION 2. CONFIDENCE-BUILDING AGREEMENT SHORT OF THE JCPOA

A second option would be to pursue a more limited first step that freezes Iran’s nuclear program or rolls it back slightly in exchange for some partial sanctions relief. The deal could be similar to some of the proposals presented to the Iranians and the Trump administration, such as the one French President Emmanuel Macron attempted to broker in 2019.¹⁴ Alternatively, it could also be based on a return to JPOA conditions in which the United States would provide waivers allowing the purchase of roughly 1 million barrels a day of Iranian oil and access to some foreign-held funds in exchange for Iran keeping the size of its low-enriched uranium (LEU) stockpile and spinning centrifuges at current levels or reduced to a level that provides an appropriate dash time and also puts restrictions on any new research and development (R&D).¹⁵ In terms of sanctions, the technical and political lift would not differ greatly from Option 1. Such an agreement may require congressional approval under the Iran Nuclear Agreement Review Act (INARA) of 2015 if the agreement is materially different from the JPOA.¹⁶

Pros: An initial deal short of the JCPOA—in which Iran would get some sanctions relief for freezing or partially rolling back its program—would allow the United States to maintain much of the economic leverage that it has built up over the past four years. A new administration could also try to get the Israelis and Saudis not to object and could build bipartisan support for such an agreement, as it would not be as polarizing as a status quo ante return to the JCPOA and could be framed as simply a continuation of some of the diplomatic engagement efforts during the Trump administration to start with a small confidence-building deal. The lack of bipartisan support was the key reason the JCPOA did not survive, so building that support must be a priority. A more limited arrangement that does not involve a full return

to the JCPOA may be more acceptable for Iran and provide time and space to build confidence toward continued diplomatic engagement after the experience with the Trump administration. And while the P5+1 would certainly prefer a full return to the deal, they would welcome this move towards de-escalation after four years of tensions. This option may be the simplest and most straightforward to negotiate, especially since Iran has been in talks on similar proposals for the past year.¹⁷

Cons: The agreement would do less to roll back Iran's nuclear program than a full return to the JCPOA. It could launch the United States into a new negotiation with the Iranians that may not be concluded by the Iranian elections. And if a hard-line government less willing to negotiate takes power in the summer of 2021, not going further with President Hassan Rouhani and Javad Zarif, Iran's foreign minister, may end up being a mistake. It would also mean passing over an opportunity for a new Democratic administration to take advantage of an early honeymoon period and keep an electoral commitment to returning all the way to the JCPOA. Moreover, the JCPOA is particularly important to the United States' European allies, and not going all the way back in would miss an opportunity to tangibly demonstrate a new administration's commitment to reset and strengthen ties with them. Finally, such an agreement may trigger INARA, which could lead to an early political fight on Iran if Republicans control the Senate, though their ability to have a two-thirds blocking majority would be highly unlikely.

OPTION 3. JCPOA WITH RESET SUNSETS

This option would embrace the framework of a JCPOA return in Option 1 but with a critical new commitment in which Iran would reset the clock on the sunset provisions to begin anew on the date of agreement. In exchange, the United States would provide a more significant and tangible economic incentive, such as access to dollar-denominated U-turn transactions—a meaningful economic concession that Iran has long desired.

Pros: This option would get the highest level of restraint on Iran's nuclear program in the shortest time. It would put off any nuclear crisis with Iran for years to come. It would allow a new administration to defuse the most salient of the deal's critiques—particularly sunsets—by successfully making the point that nuclear deals with Iran can be renewable. It may have greater support from regional players and the Hill than simply a return to the JCPOA, though opponents may resist it because of the lack of any progress on regional issues or ballistic missiles.

Cons: It is unlikely that Iran would be willing to go this far so quickly early in a new administration given the lack of trust and skepticism after the collapse of the JCPOA. This deal would give Iran the greatest amount of immediate sanctions relief. It would also create the least urgency to negotiate any follow-on arrangements to deal with other issues of concern outside the JCPOA. Such a negotiation could become quite complicated in a relatively compressed time frame. It would almost certainly require congressional review under INARA.¹⁸

OPTION 4. GO DIRECT “BIG FOR BIG” WITHOUT AN EARLY CONFIDENCE-BUILDING MEASURE

The United States could skip the interim steps and immediately move to discussions on a broader agreement and process described later in this paper that addresses outstanding issues on sunsets, missiles, and regional dynamics. In reality, this would mean no agreement in the months before the Iranian elections, as there would not be time to negotiate something this complex. Such an agreement would also require intensive consultations with all of the international players and Congress, which could not be sufficiently executed in such a short time.

Pros: This option would maximize the sanctions leverage the Trump administration developed. It would also be the option that congressional Republicans, Israel, and the Gulf States may find most appealing. And it would generate immediate focus on a long-term deal.

Cons: Without any kind of arrangement, Iran's nuclear program would remain unconstrained and regional tensions would remain high. Such an approach would also confirm for the Iranians their view that there is little difference between a Trump or Biden administration. If a hard-line Iranian president is elected, the United States may lose the opportunity for any progress for years. And this option would also likely be quite frustrating for other members of the P5+1. It may be seen as a potential broken promise to the American public by a new U.S. president.¹⁹ And finally, it may only become harder and harder politically at home to come to any diplomatic deal with Iran as time goes on.

A Longer-Term Comprehensive Negotiation Along Two Tracks

Ideally, by the summer of 2021 the United States will have developed a longer-term strategy on Iran and also will have completed initial intensive consultations with key partners and Congress. At the same time, the Iranian elections will be complete, and a new government will have formed. The United States would now be well positioned to embark on a more comprehensive effort to address the range of outstanding issues with Iran. If efforts to secure some agreement in Phase 1 succeed, the United States should not feel pressed into a new negotiation if there is little interest or seriousness on the Iranian side. This comprehensive approach would be split into two parallel tracks. The first would focus on de-escalating regional tensions and would need to be framed and structured to accommodate different membership, concerns, and agendas. The second would involve the P5+1 and Iran and be more narrowly targeted on nuclear issues.

A REGIONAL DIPLOMATIC FRAMEWORK

U.S. policy toward the region over the last three years has left partners and adversaries alike unsure of U.S. intentions and staying power. Against this backdrop, actors in the region increasingly have seized their own agency and pushed limits of what may have been considered unacceptable to the United States in the past. But as tensions between the United States and Iran rose in 2019 and 2020, actors in the region have confronted the reality of escalating conflict on their doorstep.

This has led to greater openness in dealing directly with Iran on discrete issues.²⁰ This openness has resulted in some quiet and narrowly focused engagements between Iran and some of the Gulf States; these types of engagements will remain essential for de-escalation and the United States should encourage them to continue. However, most of the truly complex problems in the region require solutions that work for multiple states. At some point, an effective multilateral arrangement will need to be part of the equation.

The United States can offer support for and involvement in a forum where regional actors, including Iran, are present and prepared to engage on issues of shared interests. For U.S. partners, American efforts to facilitate, support, and even participate in a regional framework to address aggression and instability would signal an important U.S. commitment to use its diplomatic tools to such effect.

While Iran could view the U.S. role in any such framework as inimical to its desire for the United States to be less involved in the region, the fact that Iran would have a seat at the table and be treated as an equal participant might be attractive. And Iran's concerns with U.S. inclusion might also be assuaged if other external powers also participate.

The ability to launch such a forum would be an accomplishment in and of itself, given that multilateral fora in the Middle East have rarely produced results. But the overall objective should be to de-escalate regional tensions in the short term and sustain a process that over time might produce durable solutions. The key considerations should be how to balance inclusivity with function, and providing a serious environment for diplomacy. A highly structured forum with lengthy agendas would be less likely to succeed than a more flexible structure.

The membership should be broad and could include Iran and the Gulf Cooperation Council (GCC) states, as well as the members of the P5+1. An argument could be made to include Iraq as well. While it could be even broader and include other Arab players, Turkey, or even Israel, such an expansive group at the onset would make it challenging to get it off the ground. There would be a great benefit to forming various contact groups, such as one wherein the United States and perhaps Russia along with several Arab

states engage with the Israelis throughout the process. The format could include some broad multilateral meetings but should focus on smaller formats for working group exchanges and negotiations.

Progress in this track would be much more complicated than in the nuclear track and so the two may not necessarily proceed on the same time frame. But it should be made clear to Iran that sanctions relief and the willingness of the United States would be dependent on constructive Iranian behavior in both tracks. There would need to be credible signaling to Iran and others that escalatory actions in the region would make progress on nuclear diplomacy difficult to achieve or sustain.

Some topics that could be explored as areas of focus/agenda items include:

Agreement on noninterference in internal affairs: A central element of the regional dynamic is, oversimplified, the threat of Iran's expeditionary foreign policy and its use of proxy groups to foment instability in other states and exert its influence. An effort to enshrine a commitment to noninterference may set a useful precedent for how regional actors can deal with one another. While it may be symbolic, it can serve to recognize and signal the kinds of activities that are most problematic for regional states. Such an agreement could be modeled after existing principles of noninterference, building off the U.N. Charter and loosely following the example of the Bangkok Declaration, for instance.²¹ Iran and the GCC states could agree to stop supporting separatist or violent groups inside each other's territory. The benefit of this agenda item is that the non-state groups involved are relatively ineffective and are not major threats to the governments in question. However, these groups create deep bitterness and suspicion. For example, the Mujahedin-e Khalq (MEK) has little chance of playing a meaningful role in destabilizing or overthrowing the Islamic Republic, but international support for it absolutely infuriates Iran's leadership.²² Militants in Bahrain are not sophisticated enough to pose a real threat to the monarchy, but Iranian support to them results in Bahraini casualties and is a perpetual reminder of Iran's claims to Bahrain as the so-called 14th province. Such an agreement could also extend to Israel ending support for these groups inside Iran if, in exchange, Iran were willing to stop supporting the Palestinian Islamic Jihad—another relatively low value proxy for Iran.²³ Moving beyond that to some of Iran's higher value proxies, such as Hezbollah, would be unrealistic. It would be challenging to verify any such agreement because all of the countries involved deny that they conduct these activities. But the goal is less about specific groups and more about the nature of the activity—a common understanding and statement on noninterference in each other's domestic affairs.

Health, natural disasters, and climate issues: Global leadership to address the current pandemic would be a priority for a new U.S. administration. For the region, confronting the COVID-19 crisis is exacerbated by long-standing issues of water scarcity, food security, and other climate-related and natural disasters. An early willingness to explore areas of technical and other assistance on such issues could demonstrate the value of such a forum and stand as an illustration of U.S. commitment, particularly if the United States takes early actions on providing reliable access to humanitarian relief for Iran. There are examples of modest progress over the years on such topics in a variety of fora that can be built upon; but none had this targeted membership nor produced sustainable results.

Naval de-escalation in the Gulf: One possible agenda item could be a dialogue to reduce tensions inside and outside the littoral boundaries of the Gulf, especially after recent escalations and Iranian attacks on shipping in the United Arab Emirates and Gulf of Oman.²⁴ This could involve an incidents-at-sea agreement among key players in the Gulf or establishment of more channels of communication. The United States has long tried to establish such a hotline with Iran, but aversion in the Islamic Revolutionary Guard Corps (IRGC) to direct military-to-military engagement with the United States has prevented progress. The most viable option may be a multilateral model of naval security like the one that exists in the South China Sea or the counterpiracy task force in the Horn of Africa.²⁵ This would have the benefit of having international precedent and would not force Iran into a bilateral arrangement with the United States, making it easier for Tehran to join.

Limited conventional arms in the region, including missiles: Iran has refused to engage on the question of limiting its missile arsenal and supply of missiles and rockets to its proxies, to include but not limited to its ballistic missile development, within the context of the nuclear dialogue. Iran's main argument has been that these missiles are central to its defensive military doctrine, especially because of the overwhelming conventional military advantage enjoyed by the Gulf States through arms sales from the United States and others.²⁶ However, a broader dialogue that sets forth parameters of offensive and defensive doctrine could be a way to address this issue. Discussions could also include Iranian agreement to ban launches of long-range rockets or nuclear capable rockets for limits on particular offensive platforms. An agenda could prioritize ending Iran's missile exports to its regional proxies—especially highly precise missiles and kits to Hezbollah or less precise missiles to the Houthis and Iraqi militias. Any such discussion would require concessions on the part of other governments in the region, or incentives that would be attractive to Iran. It would also need to consider viable means of monitoring and enforcement of any agreement reached. For a more comprehensive discussion of the options, see Bob Einhorn and Vann Van Diepen's report on "Constraining Iran's Missile Capabilities."²⁷

Regional nuclear arrangement: Developing a region-wide (or subregional) agreement that limits Iran's fuel cycle capability as well as those of many of the other players in the region has been a point of discussion for quite some time, and usually in unproductive contexts such as the weapons of mass destruction (WMD)-free zone agenda item in regional and multilateral fora. Taking on a more practical approach to regional states' pursuit of civilian nuclear power, with shared fuel banks and other limitations to full fuel cycle capabilities, may be a good way to stabilize future nuclear competition without singling out Iran. The United States may consider how it might leverage the United Arab Emirates model in civilian nuclear program development. Another option, proposed by former Energy Secretary Ernie Moniz, would involve allowing some domestic enrichment for players in the region, but agreeing on highly intrusive inspections and monitoring mechanisms for all the regional players.²⁸ These approaches have the benefit of "normalizing" elements of the JCPOA into broader nonproliferation doctrine, making certain provisions of the JCPOA less a one-off and more a standard of practice.

Yemen, Syria, and Afghanistan: Perhaps the most challenging issue would be addressing some of the festering civil wars in the region. All of these involve numerous players and therefore would benefit from a regional approach. Yemen may be most ripe as the United Arab Emirates has withdrawn its forces, Saudi Arabia appears interested in ending the conflict, and Iran's interests are not that engaged as it views the situation mostly as an opportunity to increase costs for Saudi Arabia.²⁹ Syria is more complicated and would need engagement from, at a minimum, Turkey, Iran, Russia, and the United States. There could also be opportunities for de-escalatory steps to be taken by both Iran and Israel to reduce the temperature in their ongoing conflict in Syria. There are some tradeoffs to be made between the Gulf States and Iran when it comes to Syria and Yemen as Iran's interests are much more engaged in Syria while Saudi Arabia's clear priority is Yemen. Afghanistan is another area where the United States and Iran have some history of cooperation and shared interests.³⁰ A new dialogue on the future of Afghanistan, especially as the United States is drawing down its forces in the aftermath of an agreement with the Taliban, could be an area for cooperation. Discussion of any of these conflicts will be a heavy lift and may be possible down the line, after a framework and initial discussions take root, rather than as an early agenda item. But consideration should be given to how the United States signals—or does not—that these are topics of interest.

U.S.-Iran Dialogue on Iraq: Iraq does not belong in the same category as other regional conflicts because of the particularly sharp and complex U.S.-Iran dynamics in Iraq since 2003. Iraq, too, has its own relationships to balance with regional and foreign players. Despite these difficulties, the stability of Iraq nonetheless remains an important aspect of the kind of regional de-escalation addressed in this regional framework. To the greatest extent possible, it would be in a new U.S. administration's interest to consider how a constructive regional framework could support Iraq's stability and prosperity and identify the right opportunities for U.S.-Iran de-escalation in Iraq.

FOLLOW-ON NUCLEAR NEGOTIATIONS

At the same time that it establishes a regional dialogue, the United States should also start negotiations on a new nuclear agreement that addresses outstanding concerns. This negotiation should be conducted within the context of the P5+1 as already established. However, regional partners should be consulted from the very beginning and engaged on issues of concern to them in the nuclear file. Importantly, if an initial freeze is already in place, there is no immediate time horizon to agree to a comprehensive deal, so negotiators should not be under undue pressure. Should both sides return to the JCPOA early in Phase 1, then there may be a need to negotiate an agreement on a follow-on by Transition Day in October 2023 when all sides are supposed to take additional significant steps under the JCPOA. Moreover, the balancing act of keeping a “dotted line” link between nuclear and nonnuclear issues so that they are not dependent but are not entirely divorced will be a constant challenge to manage.

The details of what such a new nuclear agreement could entail have been spelled out comprehensively by Richard Nephew and Bob Einhorn in their report “Constraining Iran’s Future Nuclear Capabilities.”³¹ Key elements of such a deal would include nuclear provisions similar to those that were in the JCPOA, with comparable or longer time frames and some more explicit language in certain areas on inspections and access. The United States could also consider trading greater access and monitoring for a shorter dash time on Iran’s known facilities since preventing a covert “sneak out” is the single most important element of any future deal. The United States may also make it easier for Iran to accept long-term limitations on its nuclear program if some of those restrictions can be regionalized to the broader region and do not single out Iran, as discussed in the regional framework.

In the context of progress in some regional framework of de-escalation, as well as an expanded nuclear renegotiation, the United States would have to be prepared to go further in its economic incentives. Such relief would necessitate more than sanctions waivers or delisting of particular entities, and acknowledge the key interest of an Iranian government would be symbolic as well as tangible manifestation of an economic “thaw” or even economic “normalization.” Such options could include:

- Establishing a “white channel” for humanitarian trade directly through a cleared U.S. bank;
- Normalizing trade with Iran on medical devices and food such that repeated licensing and regulatory actions are no longer required;
- Providing much clearer and politically reinforced guidance from the Office of Foreign Assets Control (OFAC) to companies looking to do business in Iran;
- Providing licenses for and asking the International Monetary Fund (IMF) to lead technical and legal assistance efforts for Iranian legal and financial services sector reform;
- Permitting U-turn transactions to clear through U.S. banks;
- Allowing a partial rollback of the U.S. embargo;
- Licensing and encouraging U.S. oil and services companies to work with Iran; and
- Providing greater assistance for Iran’s civil nuclear program while avoiding assistance that could help Iran in any future pursuit of a weapons capability.

Engaging International Partners and Congress

Engagement with key international as well as congressional stakeholders should begin immediately at the start of a new administration as the United States pursues an initial de-escalatory agreement on the nuclear question. But engagement will need to continue and deepen afterward with intensive consultations through the spring and summer of 2021 as the United States develops a detailed proposal for a diplomatic path forward. Such engagement will need to factor in the sometimes competing interests of the P5+1 and regional actors, as well as the political realities of U.S. domestic debate on Iran.

THE PERSPECTIVE OF INTERNATIONAL PARTNERS

The United States will have to manage the wariness of key Middle Eastern players towards engagement with Iran—most notably from Israel and some Gulf States. It should find overwhelming support from the P5+1 for reengagement—especially from Europe. China and Russia will welcome a renewed diplomatic efforts by the United States and in the past the United States has found ways to work with both on Iran even as there were more severe tensions in other parts of the U.S. bilateral relationship with each.

Israel: Israel's concerns regarding Iran, in order of priority, will be: (1) the nuclear program; (2) Iranian policies in the Levant, especially Syria and Lebanon; and (3) Iran's support for Palestinian Islamic Jihad and Hamas.³² With a new coalition agreement, Netanyahu will almost certainly still be in office in early 2021. There is a good chance he will oppose any diplomatic effort with Iran and also make his case on Capitol Hill, resulting, again, in U.S.-Israel tensions. Still, he will be under significant political and legal pressure at home in the midst of an ongoing corruption trial and a weak governing coalition. Because Netanyahu was so invested in Trump and took a partisan position in U.S. politics, a Biden victory may hurt the Israeli leader's political standing at home. It may be to Netanyahu's advantage to not seek a repeat of the confrontation of the Obama years. The Israeli security establishment may support U.S.-Iran diplomatic engagement—especially a limited one that takes the United States back to the days of the JPOA. There is unanimity in Israel that a simple and immediate return to the JCPOA would be a mistake, and any administration should take advantage of the leverage created by Trump's maximum pressure campaign.³³ A new administration should test the proposition of cooperating with Netanyahu on Iran. A new administration should offer to work closely with Israel on shared concerns about Iran but also make clear that if Netanyahu chooses early on to confront a new administration, he will be frozen out of American strategizing on this issue and will have little access to the Oval Office.

Saudi Arabia, the United Arab Emirates, and the Gulf States: For Saudi Arabia and the United Arab Emirates, the priority issue remains Iran's ability to exploit regional instability and grievances with policies that support increasingly capable surrogates and proxies across the region. Iran also has taken more blatant offensive actions against critical infrastructure and regional assets on their respective soil. Iran's ability to influence dynamics inside the borders of neighboring states is a shared concern among Gulf States, not just the United Arab Emirates and Saudi Arabia. While these two governments did not have significant issues with many of the technical provisions, the treatment of ballistic missiles and the arms embargo in the context of the JCPOA encroached on what they believed to be their own security interests. They view the JCPOA as a suboptimal deal in which Iran got too much sanctions relief upfront, and like Israel, they failed to see the long sunset provisions as providing space and time because they ultimately believe Iran incapable of full compliance. They fear today, as they did at the time JCPOA was negotiated, that a Democratic administration would forgo the leverage of U.S. economic sanctions strictly for nuclear concessions without demanding any Iranian concessions in its aggressive regional policies of interference and influence.³⁴ Despite these concerns, these same states have become uncomfortable with the unpredictability and mercurial nature of the Trump administration toward them individually and the U.S. role in the region, particularly as direct conflict and Iranian aggression have escalated.³⁵ As they

did toward the end of the Obama administration, these states have continued to take more agency in their own affairs to protect their security interests (for good and for bad) and have been more open to direct engagement with Iran to lower the temperatures. The Rouhani government has maintained its public stance of being open to direct talks with its neighbors after its proposed Hormuz Peace Endeavor (HOPE) initiative last fall. A new U.S. administration would need to be clear with partners in the region—including others beyond Saudi Arabia and the United Arab Emirates—that it is willing to pursue a comprehensive diplomatic strategy and signal clearly that while the nuclear issue is still an American priority, Washington will put greater emphasis on the regional issues than it did in the past and will not offer wholesale sanctions relief without regional de-escalation. However, Washington must also be clear that regional states must be open to diplomacy with Iran together with the United States and that because the United States puts a premium on the nuclear issue, these states will have to be more flexible in how such consultations proceed.³⁶ Washington should also communicate to the Gulf States that it is not aiming naively to transform Iran or the region, but instead is looking to pragmatic hard-nosed diplomacy to cut limited deals that de-escalate tensions.

Europe: The nuclear issue will remain the priority for Europeans. They would most likely be highly cooperative and supportive of a new U.S. approach to Iran, having been deeply frustrated by the Trump administration. They would prefer that both sides return early to the JCPOA, but after the Trump years would also be open to other options short of a full return.³⁷ But they also witnessed the domestic political dynamics in the United States around the JCPOA, as well as the regional dynamics, and are not unsympathetic to the need to address shortcomings in the JCPOA itself as well as the increased regional tensions. They also assess increased risk in the combination of Iran's nuclear non-compliance and its more aggressive tactics toward deploying its regional policies. They share concerns that a regional effort would prove difficult to construct and manage, but they recognize and would welcome a U.S. focus on diplomatic tools to deal with the increased tensions.

Russia: Russia can be an important player in new negotiations with Iran, especially on the nuclear issue, where its interests converge with U.S. interests in preventing an Iranian nuclear weapon. And historically when the United States and Russia are able to agree on something, Russia can play a constructive role in pressing Iran to agree. Russia would also have to be involved in any regional dialogue given its increasing role not just in Syria but across the Mideast. This would be more challenging given that Russia and the United States have long been at loggerheads in Syria and increasingly in Libya and elsewhere, with broader strains on bilateral engagements between the two nations on issues outside the Middle East file. However, the Russians can be pragmatic dealmakers. If the United States scales back its ambitions in Syria, there may be opportunities for negotiated agreements that the Russians can then press Iran to accept. Russia and the United States could also help mediate Israeli-Iranian tensions in Syria.

China: China has generally taken a quiet role when it comes to diplomacy with Iran, while siding with Russia in the P5+1 context. The Chinese are an important trading partner for Iran and a major purchaser of Iranian oil. They are most likely to support any effort that gives them greater economic access into Iran and avoids either regional conflict or Iranian pursuit of a nuclear weapon. When the Trump administration chose to unilaterally reimpose sanctions, expectations were that the Chinese would step in to fill much of the economic gap; while they did to some extent, they were also surprisingly restrained. Meanwhile, inside Iran there is a recognition that China is an important economic partner, but also frustration with low quality Chinese products and the perception that China takes advantage of Iran's isolated economic position to drive tough bargains.

BUILDING SUPPORT IN CONGRESS

The lack of bipartisan support for the JCPOA ultimately created the environment in which Trump chose to withdraw from the deal. A future agreement that has some bipartisan support would be much more sustainable. However, such an agreement may not be possible given the entrenched positions on Iran

and the broader political polarization in the United States. A Biden administration would have to balance these imperatives.

A new administration would also have to contend with the Iran Nuclear Agreement Review Act of 2015, which outlines Congress's role in any new U.S.-Iran agreement. A 30-day congressional review period would be triggered by any new deal between Iran and the United States, during which both houses of Congress would have to pass a joint resolution of disapproval to block the deal.³⁸ If the United States went back into the JCPOA, there would be no congressional review period as the deal already passed through review in 2015, which would avoid any early public legislative fights on Iran. A return to the JPOA may or may not trigger a review, depending on whether the new agreement is materially different from the initial JPOA and on how members of Congress choose to interpret the law.

To block implementation of an agreement, Congress would need a veto-proof majority, which it is unlikely to secure.³⁹ If Democrats control one of the two houses of Congress and support the agreement, a joint resolution would likely not make it to the president's desk. However, a vote in the Senate could spark an early political fight on Iran for a new administration. If Democrats control both houses, any 30-day congressional review period would likely proceed with no votes on the matter.

Iran will also care much more about bipartisan U.S. support for any deal than it did during JCPOA negotiations. After the experience of the past few years, it is hard to imagine Iran taking irreversible positive steps on its nuclear program without having strong assurances of bipartisan support that can last beyond one presidential term. Iran may be willing to negotiate short-term reversible deals that are in its interests without bipartisan support.

Given these constraints, a new administration should take steps to reverse the pattern of no consultation between the Hill and the White House established by the Trump administration and seek ways to cultivate bipartisan support during the early months of 2021 as it pursues an initial step to achieve “calm for calm” in the region and halt Iran's progress on its nuclear program. It can do so by taking the following approach with Congress:

- **Engage early and often.** A new administration should start immediately explaining to Congress the initial approach and soliciting input on the United States' Iran policy on Day One—perhaps as much as any other foreign policy issue.
- **Make clear to members of Congress that early steps with Iran are consistent with the Trump administration's effort with European partners to get a confidence-building deal that involved sanctions relief for nuclear rollback before engaging in a broader negotiation.** Senators Lindsey Graham and Bob Menendez have discussed various options of sanctions relief in exchange for Iranian nuclear concessions as a way back to negotiations and JCPOA compliance.⁴⁰ If any of those ideas are viable, it could be one way to frame an early first-step agreement. In private conversations a new administration should still frame this step in the context of the negotiation facilitated by French President Macron during the Trump administration—essentially a return of both sides to the JCPOA without actually acknowledging a return to the JCPOA. This would at least increase the possibility of not permanently closing the door on bipartisan support for a long-term negotiation.
- **Emphasize that even if a first step focuses on the nuclear issue and regional de-escalation, there is a strategy that prioritizes dealing with sunsets, missiles, and regional issues over the long term.** The debate in Congress with both Republicans and centrist Democrats has focused on these issues. Even if an administration chooses to reenter the JCPOA at the outset, it should clarify early for Congress how this approach will ultimately result in addressing the more comprehensive set of issues in the long term. In addition, the Trump

administration has clearly demonstrated that while unilaterally imposing sanctions on Iran is far from ideal, the United States has the ability to do so. A new administration should make clear to members of Congress that it is willing to unilaterally impose sanctions if any early deal does not eventually lead to progress.

- **Make clear to Congress that time is on the U.S. side if the United States can get an initial interim deal.** If the United States can freeze Iran's nuclear program, Washington should be able to negotiate from a position of strength as long as Congress does not undercut that leverage. In some respects, congressional opposition to the JPOA inadvertently pressured the Obama administration toward a comprehensive agreement earlier than would have occurred otherwise.

The merits of an effort to chart a bipartisan approach are clear, as are the inherent challenges of changing the views of most Republicans in the aftermath of a Democrat winning the White House. If it decides to pursue a bipartisan strategy, a new administration should consider the following ideas:

- **Develop a bipartisan “gang” of members on Iran policy.** This should include Democrats as well as Republicans who are leaders on national security, whom the administration would engage jointly on Iran early on to solicit views and share strategies before it has gone too far into negotiations. Members would serve as sounding-boards and validators to help articulate the administration's approach to colleagues. This group could over time become similar to the Arms Control Working Group (later renamed the National Security Working Group), which attended as an observer entity in arms control negotiations in the past.⁴¹ These members could also be invited to participate in dialogues with some of the United States' key regional partners jointly with the executive branch on Iran.
- **Propose legislative amendments to INARA to raise the threshold for a new comprehensive agreement to be a congressional-executive agreement.** A new president could be open to early changes to INARA that would require a 50-vote threshold instead of 34 to support any future long-term agreement (though not short-term freezes).⁴² Such a move would send an early signal that a new president wants bipartisan congressional backing on matters of national security. This would put Republicans in a position where their vote would determine whether an international agreement is achieved as opposed to giving them a free pass to oppose politically while knowing the agreement will still happen. However, such a move would be risky and could significantly limit U.S. flexibility in any future negotiations with Iran. It also would open a Pandora's box as, depending on the legislative process and how this amendment was enacted, it could expose such legislation to all kinds of votes on amendments on the floor of the U.S. Senate intended to make it impossible to negotiate a future agreement.

Adapting This Approach for a Second Trump Term

Much of the process proposed here could also work for a second Trump term with some adjustments. If Trump wins, his administration could begin engagement with Iran in November 2020. Faced with four more years of maximum pressure the Iranians may be more open to negotiations in advance of their own presidential election.

In such a scenario the best first step would remain for the United States to seek a limited de-escalatory deal involving sanctions relief for a nuclear freeze or rollback paired with “calm for calm” in the region. The administration could pick up on the Macron initiative of 2019 or seek another interlocutor.⁴³ An agreement should be possible if Trump is willing to walk back from his desire for a public meeting with Rouhani, which is a strategically unnecessary U.S. demand and an impossible give for Rouhani considering the domestic dynamics leading up to Iranian elections. It would be critical to try to get some kind of partial de-escalation agreement before the Iranian elections as there would be even less space for any serious engagement if an Iranian hard-liner took the presidency, as seems to be the trajectory at this stage a year out.

The United States could then try to pursue a negotiating structure similar to the one previously described with parallel nuclear and regional tracks. The United States would maintain the flexibility to go for a new nuclear deal with longer sunsets or consider a larger comprehensive nuclear arrangement that also included progress on regional disagreements. Importantly, the administration would have to balance any efforts to reassure regional partners with a process that deals with topics that could include Iran and other international actors. To facilitate this, the administration would need back down from some of its absolutist demands of Iran’s policies in the region, which would be nonstarters for Iran regarding a framework involving regional actors.

The biggest challenge that a Trump administration would face is skepticism from Iran, which after the U.S. withdrawal from the JCPOA, maximum pressure campaign, and killing of Qassim Soleimani would be wary of any engagement with Trump. Iranian officials may be willing to do a smaller deal that puts the nuclear program in a box in exchange for some sanctions relief, but it would be much more challenging for Trump to negotiate successfully a “more for more” agreement or make major progress in the region given the bad blood of the past few years.

At the same time, Trump would face less pressure from Congress, Israel, or Saudi Arabia if he pursues negotiations with Iran. Democrats would not oppose new negotiations that de-escalate tensions and have some hope of restraining Iran’s nuclear progress, and most Republicans would get behind the leader of their party even if they had some reservations about the contents of a deal.

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