

UNITED AGAINST NUCLEAR IRAN

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President Joe Biden, his Administration, and our allies in the P5+1 are confronting a very different set of challenges and circumstances from what existed four years ago. It is likely that no foreign policy decisions will be as easy as they once were...

Iran's constraints for policy makers. On the one hand, the President said he would return to the JCPOA if Iran returned to compliance. On the other hand, the President and our allies will have to clear eyes about the regime in Tehran.

* Nobody doubts that truly free elections would return a more moderate Iranian government. Nonetheless, we have to deal with the world as it is, not as we might wish it to be. The Iranian government is deeply unpopular. It is a brutal abuser of human rights within Iran, menacing its opposition, kidnapping and executing its detractors, and impeding civil society activities.

* Iran will lead the world in state-sponsored terrorism. It will funders money, regularly plots assassinations abroad, poses other international threats with Black trawls, and fuels devastating proxy wars in the Middle East that endanger our allies' security while protecting dictators that deploy barrel bombs and chemical weapons against civilians.

* Iran is committed to the United States with the blood of American servicemen and women on its hands. Iran clearly has provided sanctuary to our most wanted enemies, including Al Qaeda. It continues to hold American hostages. It directs proxies that serve as its own surrogate US military and diplomatic personnel.

* The Iranian regime has threatened repeatedly to eradicate and annihilate Israel's 9.3 million people, including 6.8 million Jews, a threat that must be taken seriously as it advances a program specifically intended to develop a nuclear weapons capability, and boasts of high precision guided munitions that are targeted on Tel Aviv.

* Iran could end with one telephone call the devastating war that it provokes started in Yemen, but chooses not to do so, instead raising Iranian made missiles and drones through proxies as well as directly from their own territory – as our friends in the region.

* Iran is, finally, a state that still and, most monotonously, commits nuclear extortion to its residents and expands its nuclear program.

But some things about Iran have changed. The Iranian people and those under the control of its proxies and partners have demonstrated their intense desire for an end to oppression. Iran has also been hit by an increasing wave of economic sanctions, imposed over the course of decades via bipartisan cooperation in Washington. The sanctions have resulted in important leverage for the United States and the P5+1 in any future negotiations with Iran.

We therefore call first and foremost for common sense. There have been calls for President Biden to lift US sanctions and reenter the JCPOA without preconditions. We respectfully urge him instead to develop a bipartisan strategy on Iran with Congress in conjunction with US allies and partners in Europe in the Middle East that reflects the regional realities of 2021, not 2015 when the original deal was agreed to.

While some of us are skeptical that Tehran's current regime will ever behave responsibly, we hope the President will apply the following common-sense standards to his Iran strategy:

No re-entry into the JCPOA along previous parameters. We must accept the fact that automatic re-entry by the United States into the JCPOA would mean renegeing an agreement that has already been agreed to expire. Indeed, the majority of the US Security Council believes that the UN arms embargo on Iran lapsed in October 2020 under the terms of the JCPOA. It would also mean agreeing to the expiration of the UN restriction on ballistic missile related transfers and activities, which under UN Security Council Resolution UNSC 1803 in 2008 – which expires in 2023, and in October 2008 UNSC 1874 expires along with any international legal basis for sanctioning Iran over its nuclear program. We are concerned that the expiration of some of these restrictions could lead to Iran's development of more precise medium range ballistic missiles and even the development of an intercontinental ballistic missile that could reach the United States. Re-entry through the JCPOA without addressing the sea settings of these restrictions would undermine international peace and security.

Sanctions relief should not be provided in exchange for mere negotiations. To receive sanctions relief, Iran must cease its verifiably ongoing military buildup, including ending the war in Yemen, its attempts to establish a permanent military presence in Syria, and its regular assaults on US troops in the region either directly or through proxies. US would be completely unprepared for the Administration to indirectly receive funds that simply fund and fund Iran's destabilizing activities, any such unilateral concessions could mean broad-based opposition to the Administration policies.

We must return to the principle of zero-enrichment or reprocessing or risk a nuclear arms race in the Middle East. The JCPOA represented a departure from the previous international demand of zero uranium enrichment or plutonium reprocessing. These conditions are recognized in the United States as "the gold standard" for the international licensing of US nuclear technology for peaceful purposes. It is currently applied to US partners in the region and should be applied to Iran as well. Currently, Iran's ability to quickly ramp up its enrichment from the level that was demonstrated the danger of that conversion to the ability of the regime to continue to covert the international community. There remains no compelling basis for Iran to enrich uranium other than for nuclear extortion or weapons development. Negotiations in 2021 should reiterate the demand for zero enrichment or risk when will certainly be an understandable decision by our allies in the region, already the victims of attacks by Iran, to achieve parity. This move will surely prompt others like Turkey and Egypt to demand the same, inevitably creating a cascade of nuclear tension in the region.

Insist on Full Inspections and Verification. The Obama Administration promised that "under this deal, you will have anywhere, anytime 24/7 access as it relates to the nuclear facilities that Iran has." US Deputy National Security Advisor Ben Rhodes, CNN, April 6, 2016. Instead, the JCPOA has allowed Iran to sidestep inspections for 24 days before the IAEA can visit a suspected site. Given the regime's decades long history of delaying inspections while sanitizing sites, any new agreement must mandate true "anywhere, anytime" access, require Iran to permanently adopt the Additional Protocol, and expressly recognize that Iran's failure to adhere to verification and compliance procedures shall be subject for expedited consideration by the UN Security Council, without any predicate requirements for consultation.

Resolve Possible Military Dimensions (PMD) and Undeclared Nuclear Activity. During the Obama Administration, US officials promised that the PMD file would be resolved in order to establish a baseline of knowledge of Iran's previous nuclear activity, knowledge, and capability. Instead, Iran and the International Atomic Energy Agency (IAEA) agreed to an ambiguously worded "Roadmap for Clarification of Past and Present Outstanding Issues" to resolve PMD concerns in order to implement the JCPOA. Iran's 2018 uncovering of Iran's nuclear archives underscored the premature closure of the PMD file. To date, Iran has continued to stonewall the IAEA inquiry into Targuiabad, an undeclared site where uranium traces were found and which might have served as a warehouse for nuclear equipment and material. There are other such matters must be fully resolved before any new agreement with Iran can be reached. Also, when the IAEA seeks to visit a site, Iran cannot be allowed to claim it was part of a previous program or simply deny access to it.

Iran's unacceptable non-nuclear behavior must be addressed in parallel to the new agreement if it is to have a chance to succeed. We now know that, by providing nuclear-related sanctions relief up front, Iran was able to double down on its malign non-nuclear behavior in ways that were contrary to American interests and regional security. Iran's missile program is its support for terrorist proxies and partners to wage war on its neighbors and smuggle drugs in cyberwarfare; and its aggressive conventional military activity throughout the Middle East were left unaddressed under the JCPOA framework. Whereas its authors asserted that the nuclear deal was meant to be an autonomous first step leading to a more expanded array of understandings, America's "no nuclear deal without" has been met with contempt. For Iran being so intransigent and uncooperative, Iran was engaged in various foreign adventures. Before the ink was dry on the JCPOA, Qassem Soleimani went to Moscow to secure Russia's agreement to support Iran's Syrian adventure and to prep up the savage regime of Bashar Al Assad. The war in Yemen, triggered by Iran's proxies' taking the capital, Sana'a, was made worse by the violation Iran received from sanctions relief after the JCPOA. Iran has engaged in multiple missile tests clearly threatening its neighbors and American allies.

The critical flaw of "decoupling" allowed the regime to further its hegemonic ambitions, hostage diplomacy, and the brutal repression of the Iranian people. It also limited the international community's willingness to hold the regime accountable for these abuses out of desperation to preserve the JCPOA. Some European leaders, like French President Emmanuel Macron, have consistently recognized the need to deal with the full scope of Tehran's unacceptable behavior. America and our other allies must do the same.

Iran policy should once again be conducted in a bipartisan manner. It will be important for President Biden to reestablish a bipartisan consensus on Iran policy. Presidents of both parties have agreed that Iran must not be allowed to obtain a nuclear weapon. Until the JCPOA, US actions to contain Iran's nuclear program and its efforts to destabilize the region routinely received bipartisan support. That bipartisanship broke down during the debate over the JCPOA in 2015, but it can and must be restored now. The experience of the JCPOA has shown the risk of relying on agreements that lack the support of both Democrats and Republicans. We urge President Biden to seek bipartisan congressional support as a prerequisite for any agreement with Iran. We further urge that any significant new agreement with Iran be derived a treaty, and submitted to the US Senate for ratification.

Iran policy must be conducted in consultation with US regional allies and partners most threatened by Iran's malign behavior. America's allies and partners in the Middle East, who are most threatened by Iran's behavior, left betrayed by the JCPOA. These countries are still under routine attack by Iran and its proxies. No one can ignore their security concerns if collective security is to remain a foundation of the international community. Moreover, the Middle East is home to thousands of Americans and commercial interests involving billions of dollars of American assets.

Release the Hostages. No deal should be consummated with Iran unless and until every American and foreign hostage it has imprisoned is released. Additionally, Iran must cooperate with the investigation into the probable death of Robert Levinson in Iranian custody.

President Biden can be a bridge-builder. He has a historic opportunity to restore bipartisanship in US foreign policy and to build a coalition with international allies and partners that could result in meaningful and durable changes in Iran's international and domestic posture. This, in turn, leads to genuine peace in the region. The JCPOA of 2015 is dead and then applied to 2021 is the flood. Yet there remains, in our minds, the possibility of a new agreement that advances America's security and the security of our allies and partners, and now is the time to pursue them together. We look forward to working with him, his Administration, and our allies to achieve these ends.

AN OPEN LETTER TO THE BIDEN ADMINISTRATION: A PATH FORWARD FOR THE P5+1 AND IRAN

President Joe Biden, his Administration, and our allies in the P5+1 are confronting a very different set of challenges and circumstances than what existed four years ago regarding Iran and the nuclear deal known as the Joint Comprehensive Plan of Action (JCPOA). We would like to offer a thoughtful way forward, one that can create a broad consensus regarding how the United States confronts Iran.

We respectfully urge President Biden to develop a bipartisan strategy on Iran with Congress in conjunction with U.S. allies and partners in Europe and the Middle East that reflects the regional realities of 2021, not 2015 when the original deal was agreed to. We hope the President will apply the following common-sense standards to his Iran strategy:

THE STANDARDS:

- No re-entry into the JCPOA along previous parameters.
- Sanctions relief should not be provided in exchange for mere negotiations.
- We must return to the principle of zero enrichment or reprocessing or risk a nuclear arms race in the Middle East.
- Insist on Full Inspections and Verification.
- Resolve Possible Military Dimensions (PMD) and Undeclared Nuclear Activity.
- Iran's unacceptable non-nuclear behavior must be addressed in parallel to the new agreement if it is to have a chance to succeed.
- Iran policy should once again be conducted in a bipartisan manner.
- Iran policy must be conducted in consultation with U.S. regional allies and partners most threatened by Iran's malign behavior.
- Release the Hostages.

President Biden has a historic opportunity to restore bipartisanship in U.S. foreign policy and to build a coalition with international allies and partners that could result in meaningful and durable changes in Iran's international and domestic posture – including alternatives beyond the JCPOA that advance America's security and the security of our allies and partners. We look forward to working with President Biden, his Administration, members of both parties in Congress, and our allies to achieve these ends.

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Former U.S. National Security Advisor

Governor Jeb Bush
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