



Yuval Ne'eman Workshop
for Science, Technology and Security
Tel Aviv University



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The United States, Germany, and the Iran Nuclear File

**The policies of the United States and Germany towards
Iran's nuclear program between 2012 and 2020**

A thesis submitted for the M.A. degree in Security Studies
By Yael Katharina Ehrhardt

This study was carried out under the supervision of
Prof. Azar Gat and Prof. Meir Litvak

Tel Aviv University
The Gershon H. Gordon Faculty of Social Sciences
The Security Studies Program

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ABSTRACT

Iran has posed, and still poses, a serious challenge to the current world order, in particular but not only because of its nuclear ambitions. This study deals with the policies of the United States and Germany towards the Iranian nuclear program between the tightening of sanctions in 2012, just before Barack Obama's second term as US president, and the time of writing in December 2020, shortly before the end Donald J. Trump's presidency. The tightening of sanctions opened up a new phase in the previously unsuccessful confrontation of the Iran's program. This period also includes the conclusion of engagement in the JCPOA and the subsequent shift in US policy with the transition from Obama to Trump. The US has been, and remains, the key actor in relation to the Iran nuclear file. Germany is the only non-nuclear weapons state and the only state without a permanent seat on the UN Security Council that was included in the P5+1 group negotiating with Iran. This was due to its position within Europe and unique economic and political ties with the Islamic Republic. In many respects, it is here treated as an extreme example of the European approach. Iran's nuclear program has long been a point of major friction between the US and the EU.

For both the United States and Germany, the Iran nuclear file gained importance at a time of internal struggles over their role in the world. It turned into an issue of contention over foreign policy priorities, identity, and worldview. These struggles are carried out both within the foreign policy establishments and in relation to the other. Their policies towards Iran's nuclear program were affected by their possession or lack of power and nuclear weapons, their bilateral relationships with Iran and interests in the Middle East. Moreover, their respective national historical experience, ideology, and worldview played an important role, complemented by domestic constraints and the personal qualities of leaders. These factors influenced each country's threat perception, definition of goals, and choice of means.

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LIST OF ABBREVIATIONS

AA	Auswärtiges Amt (German Federal Foreign Office)
AfD	Alternative für Deutschland (Alternative for Germany)
BFCO	British Foreign and Commonwealth Office
BPMO	British Prime Minister's Office
BRICS	Five major emerging economies: Brasil, Russia, India, China, South Africa
CDU	Christlich-Demokratische Union Deutschlands (Christian Democratic Union of Germany)
CSU	Christlich-Soziale Union in Bayern (Christian-Social Union in Barvaria)
DNI	Director of National Intelligence
E3	France, Germany, UK
E3+3	France, Germany, UK, US, Russia, China (the same countries as the P5+1)
EEAS	European Union External Action Service
FDP	Freie Demokratische Partei (Free Democratic Party)
HEU	High enriched uranium
IAEA	International Atomic Energy Agency
IISS	International Institute for Strategic Studies
INARA	Iran Nuclear Agreement Review Act of 2015
JPOA	Joint Plan of Action
JCPOA	Joint Comprehensive Plan of Action
LEU	Low enriched uranium
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
P5+1	The five nuclear powers, United States, Russia, China, France, United Kingdom, plus Germany
PMD	Possible Military Dimension
SPD	Sozialdemokratische Partei Deutschlands (Social Democratic Party of Germany)
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
US DoD	US Department of Defense
US DoS	US Department of State
WH	White House

ACKNOWLEDGEMENTS

It is my pleasure to thank my supervisors Prof. Azar Gat and Prof. Meir Litvak who have guided and supported me with great expertise and understanding throughout my work. I am grateful for the time and energy they have invested in this study and my learning. Furthermore, I would like to thank my teachers from the Security Studies Program at Tel Aviv University, from whom I have learned immensely during the past two years. I have also strongly benefited from conversations with Dr. Dan Schueftan.

Finally, I am grateful for the patience and loving support of my family during this challenging time.

INTRODUCTION

As the unipolar post-Cold War international system is becoming more multipolar, emerging powers challenge the current world order (Frankopan 2018; Lieber 2014; Kissinger 2014; Zakaria 2008). Iran has emerged as a particularly determined and skilled challenger, first and foremost, though not only, due to its nuclear program (Connable et al. 2016; Kissinger 2014; Pieper 2017). This study aims at understanding the policies of the United States and of Germany towards the Iranian nuclear program.

The United States is the most important actor in confronting Iran due to its position and power as the creator and sustainer of the current world order and an architect and enforcer of the nuclear nonproliferation regime. The policies of other actors towards the Iranian nuclear program have often been determined in reaction to its actions. These roles make it central to any attempt to understand international approaches towards the Iranian nuclear program. Germany has been chosen as a case study both as an individual state and as a representative of Europe. As an individual state, it occupied a unique position in the P5+1 format. It was the only non-nuclear weapons state in the group and not a permanent member of the UNSC. It used to be Iran's most important trading partner until sanctions severed many business ties and, until today, maintains a friendly political relationship with Iran, the closest of any Western country. Over the decades, it has often pursued Iran policies that ran counter to those of the US (Küntzel 2014a, vii; Rudolf 1997, 1). Nevertheless, there has been relatively little in-depth research on Germany's policy toward Iran, especially regarding the last two decades.¹ Furthermore, Germany has emerged as the de facto economic and political hegemon within the EU (Stelzenmüller 2016, 53) and a decisive actor in its CFSP (Gegout 2010; Stelzenmüller 2016, 58). It has become "Europe's 'indispensable power'" (Wright 2019, 113). In this capacity, it today is America's key European partner in virtually all policy fields (Szabo 2016, 111). This position highlights Germany's relevance both as a nation-state and as a case to understand European policies and their roots. In Lieber's words, "[t]he situation of Germany, the most populous and economically powerful of the European countries, is central to any understanding of Europe's dilemmas and limits" (Lieber 2016, 32). Importantly, what makes Germany a fitting example for Europe is not that it is a 'typical' European country representing some sort of 'average' but rather that it is what one could call an 'extreme case' of phenomena that may be less pronounced in other European countries.

For both the United States and Germany, the Iran nuclear file gained importance at a time of internal struggles over their role in the world. It turned into an issue of contention over questions of foreign policy identity, worldview, and basic

¹ For notable exceptions see, e.g., Bösch 2015; Küntzel 2014a; Mousavian 2008; Wright 2019. There has been more research on Europe's or the EU's policy towards Iran and its nuclear program (e.g. Adebahr 2017; Cronberg 2017a; Kausler 2012; Meier 2013; Shirvani/Vukovic 2015). However, that research rarely differentiates between E3/EU/European policies and positions and those of individual states.

principles. In both cases, national traumas were – and are being – projected unto the Iranian nuclear file. In the case of the US, 9/11 and the Iraq war have resulted in a new sense of vulnerability and a fundamental tension between its traditional self-perception as the guardian of a liberal world order and a desire for retrenchment, between a foreign policy based on assertive – if need be military – action and one with multilateralism, mutual understanding, and compromise at its center. The policies of the Obama and Trump administrations highlight these tensions that touch the heart of US foreign policy identity.

In the case of Germany, its traditional ‘strategic restraint’ – a result of its role as the aggressor of World War II and the perpetrator of the Holocaust – clashes with its economic and political weight, its strategic vulnerability, and the expectations of its allies and partners. Regarding the Iran nuclear file, economic interests, traditional ties with Iran, and its worldview seemingly clash with its commitment to Israel’s security, its ties with the US, and its nonproliferation interests. The de facto collapse of the JCPOA, which had seemingly provided a solution to these tensions, opened up these questions anew.

I have chosen to focus on the time period between 2012 and 2020, beginning just before the beginning of Obama’s second term with the tightening of sanctions by the US, the EU, and the international community. This step opened up a new phase in the previously unsuccessful confrontation of the Iranian nuclear program. This period also includes the conclusion of engagement in the JCPOA and the subsequent shift in US policy towards Iran with the transition from Obama to Trump. With this shift came the intensification of rifts between Germany (and Europe) and the United States in which the Iranian nuclear program became a major issue of contention.

As the time period researched here is relatively recent as well as highly sensitive, most official documents are not openly accessible. This limits the amount and variety of primary source material available for analysis. In addition to openly available official documents and statements as well as speeches of and interviews with officials, this study, therefore, heavily relies on newspaper reports and personal accounts of former and current officials.

Regarding the US, most official material originated from the White House, the State and Defense Departments, and Congress as well as, to a lesser extent, the US Treasury as well as their respective officials. These institutions are the most relevant to US policy towards the Iranian nuclear program (Cancian et al, 2017, Oct. 6; Gates 2014; Pfiffner 2011; Zarate 2013). Regarding the Trump administration, many warn against taking Trump’s public remarks and social media posts too seriously (Ettinger 2020, 412). However, most of the material taken into account here is based on scripted ideas that are likely the product of systematic drafting and interagency processes rather than spontaneous remarks (Cancian et al. 2017, Oct. 6).

In Germany, the chancellery, the foreign office, and, to a lesser extent, the ministry of defense constitute the core network of bodies involved in foreign

policy decision-making. While the foreign office manages day-to-day decisions, the chancellor sets the overall strategic direction, also specifically on the Iran issue (Wright 2019, 145, 151). Most primary sources analyzed in this study are, therefore, documents from those institutions as well as statements, speeches, and interviews of their officials. Furthermore, the EU and CFSP play an important role in Germany’s foreign policy in terms of input and as tools of expression (ibid. 166, 208). Towards Iran, Germany has acted both as a nation-state and as part of European multilateral frameworks, i.e. the E3 and the EU. Due to the scarcity of sources regarding deliberations between EU member states on the Iran nuclear issue during the last decade, it is often difficult to differentiate between EU policy, which represents the lowest common denominator, and Germany’s own stance. Moreover, official open source material does not necessarily reflect the real positions and policies of officials or the government as it is produced in specific contexts for specific audiences and sometimes originated in a multilateral context. Such material necessarily reflects a variety of “political, policy and bureaucratic interests” (Ettinger 2020, 412). Furthermore, public statements often have a force of their own as they pose constraints on the freedom of action and affect the actions of others (Walker/Schafer 2011, 223; Wendt 1992). Newspaper reports and retrospect personal accounts can be equally problematic. In my analysis, I have taken these factors into account and either cross-checked information or, where this has proven impossible, highlighted uncertainties. Stated positions and academic and journalistic analyses were weighed against specific policies and foreign policy patterns to complement the textual approach.

The study is structured in three parts. The first part deals with general trends in the foreign policies of the two countries and their basic perspectives on Iran’s nuclear program. It provides the background for a deeper understanding of US and German foreign policy towards the Iranian nuclear program. The second part deals with their policies towards the nuclear program during the Obama era beginning with the tightening of sanctions in 2012. Cooperation between both countries was relatively high during this period justifying a partially integrated analysis. The third part deals with their policies during the Trump era up until the time of writing in December 2020. Because US and German policies were largely opposed during these four years, they are analyzed separately. I have chosen to structure the study according to US administrations because the US was the key international actor regarding the Iran nuclear file and Germany’s (as well as other P5+1 partners’) Iran policy was largely configured in reaction to it. Furthermore, Germany did not experience far-reaching changes with regards to its government as the CDU with Merkel as chancellor dominated all coalitions during this period. Within the two parts, chapters are structured according to policy tracks and options, including engagement, economic pressure, the military option, covert action, and regime change, while taking into account the specifics of each country and period.

A deeper understanding of US and German policies towards the Iranian nuclear

program during the last decade will offer insights into the factors influencing their Iran and nonproliferation policies and the dynamics surrounding the controversial nuclear program. Furthermore, it will help understand the role foreign policy plays in the struggles of the US and Germany to redefine their role in the world which to date remain inconclusive.

NATIONAL FOREIGN POLICY TRENDS AND THE IRANIAN NUCLEAR PROGRAM

In his 2003 essay *Of Paradise and Power*, Kagan described Europe as a “post-historical paradise” whose members have moved beyond history and reject power as a means of foreign policy. The US, on the other hand, remained very much in history where it had the capability and the will to use its power to defend and promote its interests (Kagan 2003). Both look at the other with contempt as the position of the other seem neither rationally acceptable nor morally justifiable. Before the two World Wars, however, the European approach had emphasized competition and power politics whereas Americans considered people inherently inclined toward common sense, compromise, and fairness (Kissinger 2014). Over the course of the 20th century, the Europeans abandoned power politics – England and France did so before Germany opting for misplaced appeasement as a result of the new aversion to the use of force (Kagan 2003; 2014, Sep. 5; Lieber 2016). At the same time, the US began embracing power politics (Kagan 2014, Sep. 5). Since the costly and prolonged wars in Iraq and Afghanistan, significant parts of the American public and foreign policy establishment are inclined to shift to the European approach (see below). These fundamental attitudes toward “the all-important question of power – the efficacy of power, the morality of power, the desirability of power” (ibid. 2003, 3), are highly relevant to the way countries perceive themselves and how they deal with challenges from the outside, such as Iran’s nuclear program.

There is long-standing, broad international agreement that Iran may not develop nuclear weapons (Abrams 2012, 25). However, nations differ in their assessment of the threat emanating from a nuclear-armed Iran, the red lines Iran may not cross, and the means to be employed to prevent such a scenario. These differences go beyond differences in the danger Iran poses to various actors but, rather, touch upon questions of worldview and foreign policy identity.

The American perspective

After World War II and until the early years of the 21st century, the US dominated world affairs, created and sustained international institutions, and, indeed, the world order (Lieber 2016, 6). After the Cold War, it became the sole superpower in a unipolar international system (Huntington 1999; Mastanduno 1997). It “supported regional stability, provided deterrence and reassurance for allies, led efforts at nonproliferation, underwrote much of the world economy, fostered trade liberalization, and often (though not always) encouraged human rights and democratization” (Lieber 2016, 6). As part of US efforts to consolidate its success, President George W. Bush pursued after 9/11 and well into his second term an “interventionist grand strategy of ‘primacy,’ which rested on the assumption that the United States could maintain its dominance [...] though an assertive, and relatively unilateral, approach” (Inbar/Rynhold 2016, 3). The policy of the US administration reflected Kagan’s description of a typically American approach and worldview.

New trends of US foreign policy

Since 9/11 US foreign policy has undergone profound changes. Among the factors which contributed to these changes are the Afghanistan and Iraq wars and declining US dependence on Middle Eastern oil, the 2008/9 financial crisis and its aftermath, the diffusion of power in the international system, the rise of the BRICS and the relative demise of traditional US allies, growing global disorder and threats to global order by revisionist state and non-state actors. Disillusionment with foreign intervention, domestic constraints and priorities, as well as decision-maker beliefs have contributed to the rise of retrenchment as an increasingly prominent approach in the US foreign policy debate and its practice (Lieber 2016, 6-9). With this change came a change in the attitude towards power and military force. Proponents of retrenchment² argue that the US lacks the capability for a more active foreign policy, must avoid entanglements and prioritize domestic investment, and protect its interests by offshore balancing as regional powers will balance against threats in its absence (Lieber 2016, 9-11). This brought Kagan to cast doubt on the current applicability of his differentiation between the US and the European approach. According to Kagan, US leaders and public had "accepted the inescapable and tragic reality of power" after the failure of appeasement in the 1930s and adopted "armed liberalism" based on the idea "that failure to act against aggressors would only invite further aggression" (Kagan 2014, Sep. 5). A cornerstone of this approach was coercive diplomacy which, according to Alexander George, means "to back a demand on an adversary with a threat of punishment for noncompliance that will be credible and potent enough to persuade him that it is in his interest to comply with the demand" (George/Simons 1994, 2). Capability and the will to use it are both necessary components of a credibly military threat (Delpech 2012, 45). Strategic coercion may take the form of deterrence – the demand of inaction – and compellence – the demand of action (Schelling 1966). Both play on the fear and rational cost-benefit calculations of the opponent (Nye 2000, 113). Importantly, in this view diplomacy and military power are not two opposing means. Rather, diplomacy is reinforced "by power and the will to use it. The combination of these tools of foreign policy strengthens the effectiveness of deterrence, reassures allies, and can lessen the need to utilize military power" (Lieber 2016, 16). Theodore Roosevelt summarized this approach in a West African proverb: "Speak softly and carry a big stick; you will go far" (Encyclopaedia Britannica 2019). Importantly, however, deterrence (and compellence) may also provoke the use of force (Lebow 1985, 217). Robert Jervis proposed the distinction between the "spiral model" and the "deterrence model" of conflict. In the former, the use of force provokes the use of counterforce leading to a spiral of escalation. In the latter, the use of force or the show of strength causes the opponent to back down leading to de-escalation (Jervis 1968). In the second half of the 20th century, the US has largely operated on the deterrence model of conflict, emphasizing power and credibility as important foreign policy considerations.

² See, e.g., Kupchan 2012; Posen 2014; Rachman 2011, Jan. 3; Zakaria 2008.

However, during the second decade of the 21st century, this no longer seems to be the prevalent American position. Rather, the US seemed to be "yearning for an escape from the burdens of power" (Kagan 2014, Sep. 5). While some cast doubt on whether the proclaimed 'war fatigue' of the American public is really reflected in the positions and attitudes of the population (Gilboa 2016), it is believed to exist by policymakers and has a significant impact on their positions (Kagan 2014, Sep. 5). Moreover, Obama's promise to end the wars in Afghanistan and Iraq likely helped get him elected (Gilboa 2016, 71; Levite/Feldman 2015, Jul. 21). Obama chose a foreign policy strategy of retrenchment and disengagement because, first, he wanted to focus on domestic affairs due to the inherited economic and financial crisis, major reform plans, and his lack of foreign policy experience (Gilboa 2016, 66). Second, he believed that retrenchment was the best strategy to manage the decline of US power and restore the international standing of the US, damaged during the Bush presidency, through restraint and multilateralism, soft power and a non-interventionist approach (ibid.; Inbar/Rynhold 2016, 3; Lieber 2016, 15). His senior advisor Ben Rhodes summarized Obama's foreign policy goals: "Wind down these two wars, reestablish American standing and leadership in the world, and focus on a broader set of priorities, from Asia and the global economy to a nuclear-nonproliferation regime" (Drezner 2011). This also included conciliatory policies towards adversaries, an emphasis on the BRICS and international institutions, reconciliation with the Muslim world, and distancing from traditional allies (Gilboa 2016, 66; Lieber 2016, 15). While Trump differed from Obama in his approach to foreign policy, both presidents sought to shed the long-standing US role as the 'world's policeman' symbolized by the experience of the Iraq invasion (Ross 2019, Oct. 28). The US continues to struggle, however, to find a new foreign policy identity balancing various priorities and imperatives. In 2014, Kagan warned that while the US may seek an "escape from power," others, who do not share its "hierarchy of values" are moving to fill the vacuum and the effectiveness of power (Kagan 2014, Sep. 5). Iran is one of the most often cited examples.

US Middle East policy and the Iranian nuclear program

In the Middle East, the US is concerned with preventing any single country from achieving dominance and preventing nuclear proliferation (as in other regions) and maintaining stability for global energy security (Mandelbaum 2016, Apr. 14). While the latter point – and therefore the region – has lost some relevance with US energy independency (Laipson 2016, Apr. 14; Levite/Feldman 2015, Jul. 21), it remains important to the US due to its impact on energy supplies to allies and global markets (Mandelbaum 2016, Apr. 14). Other US interests in the Middle East include the fight against terrorism and the security of its allies, especially Israel (Kam 2013, 62; Wolf 2018, 23). While Obama announced a "Pivot to Asia," his ambition to redefine the relationship of the US with the Muslim world, announced in his 2009 Cairo speech, showed that the Middle East still played an important role in the mind of the president (Laipson 2016, Apr. 14).

By the time Obama assumed office, Iran had become "the most dangerous

state actor” in the Middle East (Lieber 2016, 8). Until today, it threatens US interests due to its aggressive regional activities and hegemonic ambitions, its support for terrorism and its nuclear ambitions (ibid.; Mandelbaum 2016, Apr. 14). During the East-West confrontation, US nuclear thinking focused on this divide. Its end led to the “return” of the South and of small and medium sized states looking for recognition, power, and sometimes an open challenge to the existing international system.” Iran is one such a state (Delpech 2012, 96). The 2003 Iraq invasion greatly strengthened Iran and left it without its traditional buffer (Levite/Feldman 2015, Jul. 21; Litvak 2018, 42). At the same time, the wars in Iraq and Afghanistan led to a (perceived) war weariness in the US and a preference for “[r]estraint and a light footprint in the Middle East” (Cohen 2016, 23), which affected US policy towards Iran.

US intelligence assessed in 2012 and early 2013 that Iran was building a nuclear infrastructure and enriching uranium to acquire the capacity for a quick nuclear breakout. It assessed that Iran had “the scientific, technical, and industrial capacity to eventually produce nuclear weapons” but that it had not yet made the political decision to do so (Clapper 2013, Mar. 12). There was broad agreement that Iran “may also be furthering its nuclear weaponization capabilities” but had not “restarted a structured nuclear weaponization program [as existed prior to 2003], which is a collection of activities aimed at developing and building the nuclear weapon itself” (Albright/Brannan 2012, Apr. 9).³ There also seems to have been a broad but disputed consensus that years ago Iran made a strategic decision to acquire nuclear weapons (ibid.; Kam 2013, 62).

An Iranian nuclear weapon would undermine key US interests in the region and beyond. It would provide an umbrella to Iran’s support for terrorism and regional activities and those of its allies, thus increasing their aggression against the US presence in the Middle East and US regional allies, especially Israel, which Iran calls to eliminate which Iran regularly threatens to obliterate (Abrams 2012, 26-27; Kam 2013, 62). It would lead to a regional nuclear arms race,⁴ reinforce Iran’s leadership status in the radical camp, and increase the pressure on moderate countries to band-wagon (Kam 2013, 62). This would increase regional instability in line with the stability-instability paradox (Wolf 2018, 23) with consequences for the oil market and undermine the US policy of preventing any single country from dominating the Middle East. Additionally, an Iranian nuclear weapon would damage US credibility and extended deterrence in the Middle East, as the US had repeatedly declared that it would not let Iran obtain nuclear weapons (Kissinger 2014, 204-205).⁵ Furthermore, it would deal a critical blow to the global nuclear nonproliferation regime (Abrams 2012, 27; David 2016, 48; Kam 2013, 62). New nuclear weapons states may also “adopt ‘new rules of the game,’ leaving aside the complex doctrine of deterrence for *simpliciter*

doctrines of use” (Delpech 2012, 97). There is, thus, reason to suspect that the deterrence dynamic of the Cold War would not apply after the breakdown of the nonproliferation regime in the Middle East (and, potentially, beyond).⁶ Kissinger summarizes the high stakes: “the issue is at heart about international order – about the ability of the international community to enforce its demands against sophisticated forms of rejections, the permeability of the global nonproliferation regime, and the prospects for a nuclear arms race in the world’s most volatile region” (Kissinger 2014, 159).

The nuclear nonproliferation regime and US nonproliferation policy more specifically are based on the NPT. The treaty, of which the US was a major architect, contains a structural inequality as it allows only those countries which had developed and exploded a nuclear weapon or nuclear device before January 1, 1967, to possess nuclear weapons while prohibiting other signatories from acquiring such weapons. This inequality arouses great resentment among some countries, including Iran (*NPT* 1970; Popp 2017, 1). provides the international community with legitimacy in dealing with proliferators (Landau 2016, 198) but also presents a “serious *constrain*” to such efforts. Article IV allows non-nuclear weapons states the peaceful use of nuclear energy to incentivize participation in the treaty (ibid., 199, emphasis in original). The US has long maintained that this does not include a “right to enrich” (Dahl 2013, Nov. 23; Davenport 2014, Sep. 18). The NPT, however, is ambiguous on this issue. Davenport explains that “[w]hile the NPT clearly affords non-nuclear weapons states access to nuclear technology for peaceful purposes in return for pledging not to pursue nuclear weapons and having IAEA safeguards in place, it does not specifically afford or deny enrichment and reprocessing rights to member states.” Countries like Germany, Japan, Argentina, and Brazil interpret the NPT as granting them the right to enrich and have, thus, pursued enrichment and/or plutonium reprocessing (Davenport 2014, Sep. 18).⁷ This dual-use technology, however, offers a loophole to proliferators who can disguise a military nuclear program as a civilian one, a possibility that the architects of the NPT had not taken into account. The dual-use nature of enrichment also renders the case that a given nuclear program has military purposes more difficult. Iran has proven very adept in using this to its advantage based on the claim that its nuclear program was entirely for peaceful purposes (Landau 2016, 199-200). The US is particularly committed to non-proliferation because it threatens its “dominant strategic position” by limiting its ability to project military power and coerce weaker states (Kroenig 2014, 33).⁸ However, it has become more cautious in assessments of other states’ proliferation activities and intentions after its assessment of Iraqi WMD, which provided the justification for the Iraq invasion in 2003, had proven wrong. This experience had also led to more caution with

3 Secretary of Defense Robert Gates and his successor Leon Panetta confirmed this assessment (Dwyer 2013, Mar. 15; Sanger 2012, 185).

4 For a discussion of this possibility see Yadlin/Golov 2012.

5 For a discussion of the effects of an Iranian nuclear weapon on US extended deterrence in the Middle East see Doyle 2013.

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6 While nuclear proliferation to additional states increases the risk that such weapons will end up in the hands of terrorists and despite Iran’s support for terrorism, it is considered very unlikely that Iran would transfer nuclear weapons to terrorists (Byman 2008; Nader 2013).

7 See also Dahl 2013, Nov. 23.

8 Others may even see an advantage in nuclear proliferation as it constrains and weakens the

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regards to military force as a non-proliferation tool, thus making diplomacy the preferred way to deal with proliferation threats (Landau 2016, 200).

The US backed, but did not join, the negotiations initiated by the E3 in 2003. After the issue was referred to the UNSC in 2006, the US offered to participate in negotiations on the condition that Iran suspend uranium enrichment activities first. The Europeans later adopted this precondition which precluded negotiations until Obama became president in January 2009 and announced engagement with Iran without preconditions (Landau 2012, 40–43). It thereby took the lead position in engagement with Iran. By that point, its red line had shifted from 'no access to nuclear technology' during Clinton's presidency to 'no enrichment' in the Bush era (Küntzel 2014b, 27). In the interim agreement of 2013, the Obama administration would agree to independent uranium enrichment by Iran. After the conclusion of those negotiations in 2015 with the JCPOA, the Trump administration would take another, very different approach to Iran.

Over the years, the Iran nuclear file has become an issue of contention over deeper questions regarding America's role in the world and its foreign policy priorities at a time when the US is struggling with answering these questions. It was perceived as such by policymakers and advisors. Obama's senior aide Ben Rhodes, for example, remarked that the Iranian nuclear program had become a "battleground in terms of American foreign policy" (Solomon 2016, 174). US commitments to allies and particularly Israel, its Middle East strategy and prioritization of different world regions, its relationship with Europe, nonproliferation and disarmament strategies, its role in the world, including multilateral and unilateral tendencies, the relationship between diplomacy and military force, the question of power as posed by Kagan, and other issues all played into its policy towards the Iranian nuclear program.

The German perspective

For Germany, too, the Iran nuclear file turned into a testing ground of alternative foreign policy directions in a time of national and European-wide identity crisis. At the same time, Germany suffers from a lack of strategy (Bindenagel/Ackermann 2018, Oct. 15; Kluth 2017, Oct. 5) and "intellectual laziness" (Dempsey 2013, 14) in questions of security and foreign policy strategy. Germany does not have a regularly published comprehensive national foreign and security policy strategy (Schulz/van den Woldenberg 2018, 9) or even a strategic debate on security due to its culture of pacifism and dependence on the United States during the Cold War (Dempsey 2013, 14). During the past fifteen years, Merkel's personal tendency to build on ambiguity (Speck 2013, Jul. 3; Stelzenmüller 2016, 53) has added to this.

Characteristics and trends of Germany's foreign policy

During the Cold War, the foreign policy of the Federal Republic of Germany was characterized by 'historic responsibility' (*historische Verantwortung*) as the aggressor of World War II and the perpetrator of the Holocaust and, thus,

by a culture of strategic restraint (*Kultur der strategischen Zurückhaltung*), a unique reluctance to deploy hard power (Stelzenmüller 2016, 68). Since the 1990s and German reunification, this tradition has increasingly come into conflict with its economic power, potential as a global actor, and national interests as Germany fails to act in proportion to its vulnerability to global disorder and the expectations of allies (ibid., 55–57). This is exemplified by the ongoing dispute with the US over its failure to live up to the NATO commitment to spend 2 percent of its GDP on defense (Deutsche Welle 2019, Nov. 27). This phenomenon is largely a European one, though Germany's specific historic experience and economic power exacerbate it. Other European countries, such as Britain and France, developed an aversion to power already after World War I, which led to their attempt to appease Nazi Germany. World War II strengthened their conviction. After the end of the Cold War and with the reduction of US military presence in Europe, the united Europe was expected to emerge as a global power. The rise of China and the BRICS, but more importantly structural and political divisions as well as a lack of capability and will inhibited the realization of this expectation (Lieber 2016, 17, 20).⁹ A growing awareness of this gap is part of Europe's ongoing identity search.

The German leadership, too, has expressed growing awareness of the need to become a 'shaping power' (*Gestaltungsmacht*) and take on international responsibility (Giegerich/Terhalle 2016, 156; Wright 2019, 112), e.g. in speeches at the Munich Security Conference 2014 (AA 2014, Feb. 1; Bundesministerium für Verteidigung 2014, Jan. 31; Bundespräsident 2014, Jan. 31). Foreign policy and defense reviews¹⁰ came with a greater willingness to frame foreign policy actions in terms of 'national interest,' e.g. during the Euro-Crisis (Speck 2013, Jul. 3), and provide lethal military aid to active conflict zones (Giegerich/Terhalle 2016, 160–161). Germany has also been more willing to upset the expectations of allies and particularly the USA (Oppermann 2012, 505), in particular when fulfilling those expectations required the use of military force, e.g. in Libya in 2011 (Kundnani 2011, 31) and earlier in Iraq in 2003¹¹ (Speck 2013, Jul. 3). Note also that the common usage of the term "responsibility" instead of "power" points to German decision-makers' continued discomfort with German power.¹² These seemingly paradoxical developments reflect a growing ambivalence in Germany's attitude towards the use of military power.

⁹ Other European countries, too, fail to fulfill their NATO defense budget commitment. American disappointment is particularly great with Germany due to its economic strength (Lieber 2016, 28).

¹⁰ See the federal foreign office's Review 2014 (AA 2015) and the 2016 White Paper on Germany's security policy and the future of the Bundeswehr, the first such document in 10 years (Bundesregierung 2016, 22). The security policy guidelines published by the defense ministry stressed assertiveness already in 2011 (Bundesministerium für Verteidigung 2011).

¹¹ This led to a low point in US-German relations and personal enmity between George W. Bush and Gerhard Schröder. Domestic considerations seem to have been the main reason for Schröder's vocal opposition to the Iraq invasion, which played an important role in his election victory in late 2002 (Steiniger 2019, 154).

¹² Katzenstein remarked this in 1998 (Katzenstein 1998, 2). Despite later developments, German politicians still prefer "responsibility" as the above mentioned speeches at the Munich Security Conference 2014 show.

Germany still shows a preference for international cooperation and has firmly embedded itself in supranational structures (Bundesministerium für Verteidigung 2011, 16; Kauder 2017). In the academic debate, Maull's 'civilian power' concept (Maull 1990; 2000; 2018) is still the most prominent theory dealing with Germany's foreign policy (Belkin 2009; Harnisch 2001; Overhaus 2006) and remains Germany's self-image (Koenig 2020, 80). The main objective of civilian powers is to 'civilize' international relations by replacing military power with the international rule of law to ensure stability in a world of increasing interdependence. They stress international cooperation, promote supranational structures to address international issues, and focus on non-military means for the promotion of national interests with military power as a last resort (Maull 1990, 92-93). Welsh proposes a similar list of foreign policy pillars including multilateralism – "never alone" –, soft power – persuasion rather than coercion –, and civilian power – the primacy of politics over force and the promotion of democracy, human rights, and the rule of law (Welsh 2010, 218). Germany, therefore, stresses *Moralpolitik* (politics based on moral and ethical maxims) and has retained a legalist view of foreign policy due to the conviction that an international order based on law is more stable, secure, and effective than one based on power. This view is nurtured by the dominance of lawyers in its foreign service (Müller 2016, 27). Moreover, until today, a European identity appeals to many as a way to submerge "[t]he heavy burden of Germany's identity [...] within a European context" (Lieber 2016, 35).

Within Europe, Germany acts as a "reluctant hegemon" (Bulmer/Paterson 2013). While Germany gives up power to the EU as a supranational institution, Germany has become an economic and political hegemon with a decisive role in the EU's foreign and security policy since the Euro Crisis (Helwig/Siddi 2020; Stelzenmüller 2016, 53, 58). Like Germany,¹³ the EU is viewed as a civilian power whose primary foreign policy tool is *effective multilateralism* (Cronberg 2017a). In his 2003 essay *Of Paradise and Power*,¹⁴ Kagan argues that Europe's and, by extension, Germany's commitment to multilateralism is self-interested, a result of Europe's incapacity to act unilaterally (Kagan 2003, 38).¹⁵ Foreign Minister Heiko Maas confirmed this in 2018 saying that countries like Germany were "too small to be able to call the shots on their own on the global stage" (AA 2018, Jul. 25). The EU has been described as "Germany's principal source of power and leverage" and "a maximizer of its global strategic ambitions" (Stelzenmüller 2016, 58). Germany increasingly uses multilateral formats to pursue its own national interests (Wright 2019, 111) and politicians have begun to openly emphasize multilateralism as an effective while morally acceptable tool to promote German interests. In an op-ed in the *New York Times* in March 2015, Steinmeier argued

that "[f]or Germany, the response to the dual challenges of crises and order will always be framed within a European approach [...] because we profit from Europe's strength. Only firmly anchored and integrated in Europe will we be able to shape the rules and norms of globalization" (Steinmeier 2015, Mar. 12).¹⁶ However, Kagan acknowledges that Europe's commitment to multilateralism is also ideological (Kagan 2003, 38). In Cooper's words, "[t]he gap between Europe and the United States is not just about capability: it is also about will" (Cooper 2003, 165). "Multilateralism – for which the European Union stands and which is in some way inherent in its construction – is more than the refuge of the weak. It embodies at a global level the ideas of democracy and community that all civilized states stand for on the domestic level" (ibid., 168). This projection of the inside unto the outside means that Europe has "a new *mission civilisatrice*" (Kagan 2016, 61, emphasis in the original), the export of Europe's "post-historical paradise" (ibid., 3) – what Maull calls 'civilizing' international relations. This new mission is born out of historical experience and a certain mix of altruism and self-interest: "Just as Americans have always believed that they had discovered the secret to human happiness and wished to export it to the rest of the world, so Europeans have a new mission born of their own discovery of perpetual peace" (ibid., 61). However, as Cooper recognizes, "multilateralism, if it is to be effective, needs to be backed by strength, including armed strength" (Cooper 2003, 168). In Europe's "postmodern paradise (as Robert Kagan calls it) it has been easy to forget that force matters. Unfortunately it matters more than anything else" (ibid., 162). The Federal Republic's traditional aversion to military force is an extreme example of this European dilemma.

Scholars have tried to describe Germany's new assertiveness as 'normalization',¹⁷ "the gradual attenuation of the particular restrictions that have influenced and constrained Germany's international actions since, and because of, World War II" (Gordon 1994, 225). Kundnani rejects this idea as 'normal' foreign policy cannot be defined meaningfully and Germany does not use military force similarly to its allies (Kundnani 2011, 37-39). He also rejects the idea of a return to geo-politics due to Germany's continued aversion to military force and friendliness towards China as well as its economically rather than strategically motivated assertiveness within Europe. Regarding Russia, its support for sanctions over the Ukraine crisis is an exception to the dominance of economic interests, e.g. Nord Stream 2¹⁸ (ibid. 2016, May 4).

Instead, Kundnani proposes the concept of Germany as a geo-economic power (ibid. 2011).¹⁹ Szabo describes geo-economics as "an economic form of realism"

13 As "Europe's 'chief facilitating officer'" (Steinmeier 2015, Mar. 12), it "upload[ed]" its own governance preferences to the EU (Hillebrand 2019, Sep. 22). For a discussion of the institutional parallels between Germany and the EU see Katzenstein 1998, 33-45.

14 Kagan's *Of Paradise and Power* has been criticized for being "too German-centered" (Ikenberry 2003). This makes the essay all the more relevant for this study.

15 "For Europeans, the UN Security Council is a substitute for the power they lack" (Kagan 2003, 40). For a more detailed discussion of factors in Europe's weakness see Lieber 2016, 23-31.

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16 For another example see Kauder 2017.

17 See, e.g. Haftendorn 2006, 412; Hellmann 2011, 49; Kappel 2014, 349; Wagener 2006, 79.

18 The Nord Stream 2 pipeline under the Baltic Sea is to connect Russia directly with Germany. German officials argue that the pipeline will moderate Russia's behavior by making it dependent on gas exports to Germany and is necessary for Germany's energy transition (Energiewende). Critics, including the US and most European countries, mainly fear that the pipeline will increase European and especially German dependence on Russian gas (Kramer 2020, Sep. 14).

19 He based this idea on Luttwak's concept of geo-economics (Luttwak 1990).

which gives "priority to stable economic relationships over other considerations" (Szabo 2015, 8). The German model comprises five characteristics: First, national interests are defined in economic terms; second, a shift to a more selective multilateralism; third, business, especially exporters, significantly shape foreign policy; fourth, economic interests are prioritized over non-economic interests, including the promotion of human rights and democracy (*Moralpolitik*); fifth, economic power is used as a tool to impose national preferences (ibid., 10). The central role of the economy in German foreign policy is a result of its historic importance for Germany's identity²⁰ and its particular characteristics. Almost 28 percent of jobs and 56 percent of manufacturing jobs are linked to exports (Bundesministerium für Wirtschaft und Energie 2019, 1), its growth relies on exports, and its manufacturing sector depends on the import of raw materials (Szabo 2015, 4-8). This renders the economy vulnerable to disruptions (ibid., 90) and gives German business a vetted interest in foreign policy (ibid., 6). Moreover, exporters depend on the government for trade with countries such as China and Russia. Business lobbies are strengthened by the importance of employment rates and the state of the economy for elections (Kundnani 2011, 41; Szabo 2015, 11) and, thus, maintain a relationship of "reciprocal manipulation" with the government (Luttwak 1990, 185). More importantly, however, the primacy of geo-economics in Germany's foreign policy was enabled by the US security umbrella which ensured a stable world order (Kefferpütz 2020, Sep. 3).

The tension between the civilian power and the geo-economic imperative had been mediated by Germany's strategic dependence on the US and its orientation towards Western markets. With increasing distance from the past and perceived lesser need for the US, the geo-economic imperative is becoming dominant (Kundnani 2011, 35; Szabo 2015, 6, 10).²¹

Nevertheless, the civilian power imperative is not obsolete (Kundnani 2011, 41-42). German public discourse is still oriented towards *Moralpolitik* and multilateralism. There is a widening gap between the leadership and public opinion on the means and ends of foreign policy and the role of national interests (Belkin 2009, 16) reflected, e.g., in the opposition to the acquisition of armed drones (Dempsey 2013, 13) and the public outrage over Horst Köhler's comments in 2010²² (Szabo 2015, 8). Second, Merkel occasionally subordinated economic interests to political considerations she deemed important despite her generally business-friendly policies (Karnitschnig 2020, Jul. 8; Packer 2014, Nov. 24), e.g. Russia sanctions over the Ukraine crisis against the opposition of the German business sector (Kundnani 2016, May 4; Szabo 2015, 39). In January 2015, she said that especially those voices in the German economy which cast

20 The economy was a symbol of national pride and legitimate source of influence after World War II (Szabo 2015, 4).

21 Joschka Fischer said in 2010, "[t]he current foreign policy is essentially foreign economic policy and follows almost exclusively domestic political considerations" (Szabo 2015, 12).

22 In 2010, Horst Köhler was forced to resign as federal president after suggesting that military means may sometimes be needed to protect German economic interests (Fischer/Meldick 2010, May 27).

doubt on the necessity of sanctions must understand that economic success depended on stable political conditions (Kohler/Merkel 2015, Jan. 16). In light of the many inconsistencies, Eberle argues against viewing actorness as "coherent and unfolding linearly over time" and instead proposes conceptualizes Germany as a "dividual actor" whose foreign "policy is not driven by a singular coherent identity, but constantly renegotiated between different, often conflictual logics" (Eberle 2019, 12). Civilian and geo-economic power identities may thus be simultaneously present (ibid., 11) and be used to describe two sides of a tension between different ideas and priorities.

The German foreign policy tradition of *Ostpolitik* seems to serve both the civilian power and geo-economic imperative and constitutes a recurring theme in its policy towards adversaries of the West during the Cold War and afterwards. A closer look may help understand Germany's policy towards Iran. *Ostpolitik* was developed as a policy of engagement and trade with Eastern Europe, East Germany, and the Soviet Union in the 1960s and 70s by SPD politicians Willy Brandt and Egon Bahr, who called for "change through rapprochement" (*Wandel durch Annäherung*) (Cassier 2020, Jul. 28). Change would not come through pressure but "continual and nonthreatening interaction and interdependence" would bring change from within (Szabo 2015, 25). *Ostpolitik* is credited by Germans as an important factor for the fall of the Soviet Union while Americans emphasize Western strength (ibid., 113).²³ They concluded that multilateral engagement and mutual trust "were the best approach for dealing with seemingly intractable opponents" (ibid., 11). Despite the failure of this approach in relation to post-Cold War Russia – some argue that Germany's policy even helped the Kremlin (Shevtsova 2016, 20) – it is still prevalent among members of the German foreign policy establishment and especially the SPD (Meister 2019, 31-32).²⁴ They assume that interdependence is a win-win leading to more cooperation and trust (ibid., 28) but ignore that interdependence also means vulnerability (Keohane/Nye 2001, 7). This difference partially explains disagreements between Germany and its Western allies over the Nord Stream 2 pipeline.²⁵ While Germany's support for the pipeline is primarily economically motivated, it is rooted in *Ostpolitik* (Meister 2019, 26). Today more strongly than ever, the *Ostpolitik* tradition serves as a rationale to justify German geo-economics. Germany is particularly receptive of "the allure of trade with emerging non-Western powers, some of whom can provide high growth rates, above-average returns on investment, and privileged access to scarce resources" (Stelzenmüller 2016, 62). Its self-perception as an emerging power and a natural mediator in new multipolar world order contribute to this orientation towards emerging powers (Gotkowska 2015, 12; Küntzel 2014a, 269; Stelzenmüller 2016, 62). Historically, Germany has repeatedly found itself in a

23 Condoleezza Rice and Steinmeier had an argument about this in 2009 (Szabo 2016, 113).

24 For example, Steinmeier called for mutually beneficial Russian-German economic and social interweavement in a speech in 2008 (AA 2014, May 13) and in 2013, Westerwelle proposed "change through trade" as Germany's Russia policy (ibid. 2013, Jun. 29).

25 Merkel described the project as "commercial" rather than political (Dempsey 2018, Apr. 17).

"geopolitical middle position" (Seibel 2011, Oct. 24) presenting itself as an 'honest broker' (*ehrlicher Makler*), a term coined by Bismarck to define Germany's role in the Congress of Berlin in 1878 (Garland/Garland 2005). *Ostpolitik* is one example for this approach which is accompanied by a reluctance to pick sides²⁶ and the attempt to create the reputation that Germany has "limited interests beyond supporting the multilateral process itself" (Belkin 2009, 3). In a speech in 2016, Steinmeier stated that Germany was an international mediator because it had chosen mutual understanding ("*Verstehen und Verständigung*") as the basis of its foreign policy (AA 2016, Jun. 27). While Germany's mediation has never been selfless, it is now more inclined to use this function for the promotion of national interests (Seibel 2011, Oct. 24).

Germany's "perceived softness on Russia, its ties with Iran, and its close economic relations with China" have led to "a great deal of US mistrust in Germany" (Spiegel 2013, Oct. 25).²⁷ Because Germany's policy towards the Iranian nuclear program has been closely connected and often a reaction to US policy, a closer look at Germany's perspective on their bilateral relationship will be helpful in understanding it.

US-German relations were intimate during the Cold War but disagreements came to the forefront after its end as Germany's perceived need for US support decreased. The Iraq invasion of 2003, reports on US treatment of prisoners at Abu Ghraib and Guantanamo Bay, and Edward Snowden's revelations, among others, contributed to the worsening of German public opinion about the US and damaged the bilateral relationship. Anti-Americanism increased and there was also an erosion of favorable attitudes even among mainstream parties. Disillusion with the once-admired US and particularly with Obama's presidency plays an important role (Lieber 2016, 34-35). The German essayist and screenwriter Peter Schneider expressed this feeling in the words, "[y]ou have created a model of a savior, and now we find by looking at you that you are not perfect at all – much less you are actually corrupt, you are terrible businessmen, you have no ideals anymore" (Packer 2014, Nov. 24). While Merkel made efforts to improve US-German relations (Belkin 2009, 1), they remain troubled.

Germany's turn away from the US should not be reduced to economic interests, also because it is shared by other European countries. The French were particularly vocal in their position as Foreign Minister Hubert Vedrine criticized American "hyperpuissance" (hyperpower) (The New York Times 1999, Feb. 5) and President Jacques Chirac called for a "multipolar world" against "American hegemony" in 2003 under the impression of the Iraq invasion (Graff/Crumley 2003, Feb. 24). The Europeans saw an opportunity for a European global role, perhaps even in the form of balancing against the US (Lieber 2016, 22).

²⁶ For example, Germany has thus far avoided picking sides in the struggle between China and the US (Kefferpütz 2020, Sep. 3). Merkel herself has shied away from criticizing China while German exports to China reached almost €100 billion in 2019 (Karnitschnig 2020, Jul. 8). Volker Perthes, the head of one of Germany's most important think tanks, recently suggested that China could be a more reliable partner than the US (Böhme/Herold 2020, Aug. 9).

²⁷ See also Grigat/von Billerback 2018, May 15; Reuters 2018, May 10.

These rifts are not the result of a particular US administration's world view and policy. Kagan argues that the US and Europe have different perspectives on the use of power and the conduct of foreign policy as a result of a disparity of power and an ideological gap which are mutually reinforcing (Kagan 2003, 3, 11). The ideological gap is the result of Europe's historic experience of the 20th century which has led Europeans to shed *Machtpolitik* in favor of diplomacy, commercial ties, international law, multilateralism, and a preference for seduction over coercion (ibid., 55). While Europe has entered "a post-historical paradise," the US still acts in "an anarchic Hobbesian world" (ibid., 3). As a result of the disparity of power, they increasingly disagree over the assessment of threats (ibid. 27). The German commitment to the concept of change through rapprochement, trade, and interdependence as a way to overcome hostility and mistrust is shared by Europe as a whole. In many ways, it is the story of European integration and the character of Europe's new *mission civilisatrice*, an alternative approach to US military interventionism. Kagan captures the difference in the words, "[w]hen you have a hammer, all problems start to look like nails." This is true. But nations without great military power face the opposite danger: When you don't have a hammer, you don't want anything to look like a nail" (ibid., 27-28). At the same time, it is often overlooked in German and European discourse that Europe's "passage into post-history has depended on the United States not making the same passage" (ibid., 73). Presenting the European miracle merely as change through rapprochement misses this crucial precondition and may lead to problematic applications of the concept in foreign policy. Chirac's comments illustrate that, after the Iraq invasion, Europe has come to see the US as an impediment to rather than a primary promoter of a 'civilized' world order.

According to Lieber, Germany today faces a choice between three alternative foreign policy directions. First, "Atlantic partnership and a close relationship with the United States;" second, building "on Western and Central Europe through the EU" – which may accompany the first option or be separate from it –; and, third, looking East towards Russia and beyond or striving towards "a major global role through international institutions" (Lieber 2016, 33). In relation to the Iran nuclear file, Germany has been torn between these options while trying to reconcile its different priorities and convictions in a coherent policy.

Germany's Middle East policy and the Iranian nuclear program

Germany's main interests in the Middle East are stability for the implementation of its economic and energy interests and the prevention of migration to Europe, Israel's security and the fight against Islamist terrorism (Fakoussa 2017, 31). Despite the normalization debate in relation to German-Israeli relations²⁸ and domestic protest, the support of successive German governments for Israel's security has been relatively stable (Stein 2011, 17; De Vita 2015, 848). In 2008, Merkel called Israel's right to exist Germany's *raison d'état* immediately

²⁸ See, e.g., Stein 2011, 8-14.

after stressing the "disastrous consequences"²⁹ of an Iranian nuclear weapon (Bundesregierung 2008, Mar. 18) and has shown commitment to protect its security (Belkin 2009, 21). Israel's security has also constituted a red line in Germany's consensus oriented EU policy (Wright 2019, 181) and played a role in its policy towards the Iranian nuclear program from the start (Borchard 2015, Jul. 7). The commitment to Israel's security has long clashed with Germany's interest in new markets in the region (Szabo 2015, 10). Additional interests regarding Iran include stability in the Persian Gulf region due to its significance for the oil market, access to the Iranian gas sector for the diversification of energy sources to reduce dependence on Russia, the expansion of economic relations, and the resolution of regional conflicts to prevent further migration flows (Fathollah-Nejad 2017, 37; 2018, Oct. 22). Those interests are shared by Germany's EU partners but are even more significant for Germany as one of the main destinations for refugees and due to its plans to exit from nuclear and carbon energy production (Gotkowska 2009, Aug. 12).

German intelligence reportedly considered the existence of an Iranian nuclear weapons program likely between 2007 and 2009 when the controversial US National Intelligence Estimate concluded otherwise (Albright/Shire 2009; Albright/Walrond 2009, Sep. 16). Germany's Annual Disarmament Report (*Jahresabrüstungsbericht*) mentioned the Iranian nuclear program as a threat for the first time in 2004. Subsequent reports showed growing concern (Wright 2019, 209-210). German decision-makers perceive the main threat to be the possible use of a nuclear weapon by Iran and the regional arms race an Iranian breakout would cause. An Iranian nuclear weapons arsenal would undermine Israel's security and regional stability, i.e. key German interest in the region (Bannas/Kohler 2009, Aug. 21; di Lorenzo/Ulrich 2006, Mar. 23). In an interview in 2009, Merkel said that "[t]here must not be a nuclear bomb in the hands of Iran whose president constantly questions Israel's right to exist"³⁰ (Bannas/Kohler 2009, Aug. 21). Furthermore, as a non-nuclear weapon state with threshold capabilities, Germany has a strong interest in maintaining the nuclear non-proliferation regime globally, an interest that would be undermined by an Iranian breakout. On other hand it wants to preserve the rights of nuclear 'have-nots' (di Lorenzo/Ulrich 2006, Mar. 23; Küntzel 2014a, 212-213; Szabo 2015, 9; Wright 2019, 196). Then-Foreign Minister Joschka Fischer expressed this in 2004, stating that "[w]e do not want to question the sovereign right to the civilian use of nuclear energy, which every country has in the framework of existing international commitments [...]. It is clear, however, that a nuclear armament of Iran would lead to a dangerous development in [...] one of the most dangerous regions" (Bundestag 2004, Nov. 11). This ambiguity increases Germany's stake in a satisfactory solution to the Iran nuclear file.

The threat that the Iranian nuclear program poses to German interests in the region and more broadly is moderated by the traditionally friendly bilateral ties

²⁹ Author's translation. German original: "verheerende Konsequenzen."

³⁰ Author's translation. German original: "Es darf keine Atombombe in der Hand Irans geben, dessen Präsident ständig die Existenz Israels in Frage stellt."

with Iran. Those relations go back to Imperial Germany, which Iranian leaders viewed as a counterweight to the intrusive policies of Russia and Britain, and were maintained by Shah Reza Pahlavi and Nazi Germany (Gorges 2016, 39; Kiani 2012, 117; Klein 2019, May 9). Diplomatic relations between the Federal Republic and Iran began in 1952 and were accompanied by close relations in a variety of fields. Germany became Iran's largest trading partner and played an important role in its industrialization, including its nuclear program. Iran became the most important 'Third World' importer of German goods (Bösch 2015, 322-323; Gorges 2016, 41; Klein 2019, May 9).

In 1979, Germany was the only Western country that wanted friendly relations with the new regime (Küntzel 2014a, ix). This was reciprocated by Khomeini³¹ and enabled Germany to function as a mediator during the hostage crisis (Bösch 2015, 341-347; Wiegrefe 2015, Jul. 25). In the tradition of *Ostpolitik*, it continued to be the Western country with the closest relations to the regime³² and maintained economic ties (Gorges 2016, 41-43). The 'critical dialogue' with Iran in the 1990s was born out of the German desire to keep up a political dialogue (Behrendt 1997, 257; Bundesregierung 1996, Jan. 16; Heinrich 1996, 541). Even after the fatwa against Salman Rushdie, the Mykonos scandal, and the suspension of the "critical dialogue" (Gorges 2016, 43; Struwe 1998, 17), Germany did not join the US policy of isolating Iran (Küntzel 2014a, 174). The renewal of engagement after the Khatami's election came with a rise in German exports to Iran (Gorges 2016, 45). Schröder's government continued the policy of change through rapprochement and refused the US request to support sanctions regime (Gotkowska 2009, Aug. 12). It also convinced France and Britain E3 to begin negotiations with Iran over its nuclear program in 2003 (Borchard 2015, Jul. 7).

Joffe described the German-Iranian relationship as a "mysterious romance [...] that has survived every war, every upheaval, every revolution"³³ (Joffe 1996, Mar. 8). This historic, almost emotional connection has been repeatedly emphasized by German officials.³⁴ Possibly, a mutual resentment of the US – open in the

³¹ Gerhard Ritzel, the German ambassador to Iran at the time, reported on a friendly offer by Khomeini to continue good relations and his own positive response (Bösch 2015, 343).

³² In 1984, German Foreign Minister Hans-Dietrich Genscher, a key architect of *Ostpolitik*, was the first Western official to visit Iran after the revolution (Bösch, 348-349; Szabo 2009, 24). He explicitly stated, "[i]t would be a mistake [...] 'to isolate regimes just because one did not agree with them, especially when the country in question is a major economic partner'" (Nacken 1984, Jul. 13).

³³ Author's translation. German original: "rätselhafte Liebesbeziehung, ... die jeden Krieg, jeden Umbruch, jede Revolution überstanden hat."

³⁴ Genscher justified his visit to Iran by pointing to the an affinity between the two peoples based on "'reliable and long-lasting relations between Germans and Persians that had always' existed" (Archiv der Gegenwart 1984, 27906, cited in Küntzel 2014a, 141). In a 1997 debate in the German Bundestag, Foreign Minister Kinkel expressed the view that "the German and Iranian people are bound together by a century-long tradition of good relations [...]. what has been built over many years should not needlessly be torn down in troubled times" ([author's translation. German original: "daß das deutsche und das iranische Volk durch eine hundertjährige Tradition guter Beziehungen miteinander verbunden sind ... Was in vielen Jahren aufgebaut wurde, sollte auch in Zeiten schwersten Sturms ... nicht ohne Not völlig

Iranian case, unconscious in the German case – played a role in this connection even before Trump’s presidency (Litvak 2020, Oct. 20). Some observers consider this to be at least as important for Germany’s relative friendliness towards Iran as its economic interests since exports to Iran constitute only a small part of its total exports (Küntzel 2014a, 174; Rudolf 1997, 4). When taking into account the *potential* of the Iranian market for exports, particularly machines, equipment, and technologies, and its energy resources, economic interests may seem more significant. No less important, however, is the belief in change through rapprochement and trade (Rudolf 1997, 3). In a 2008 book titled *Partner, nicht Gegner* (“Partner, not adversary”), the former director of one of Germany’s most important think tanks, Christoph Bertram, argued that Iran should be viewed as a partner rather than an adversary as it had the right to enrich uranium and the international community should build on its assurances that its nuclear program was entirely peaceful (Bertram 2008). The book is a blunt example for a line of thought that is still wide-spread in the German foreign policy establishment as this study will show.

Since 2005, German Iran policy has been gradually revised. Ahmadinejad’s anti-Semitic rhetoric led to a public dissociation of political elites from the previous policy. The failure of E3 diplomacy contributed to this. Furthermore, Merkel’s government favored a tougher stance to improve relations with the US and soften Israeli criticism (Adebahr 2017, 78; Gotkowska 2009, Aug. 12). In 2007, Germany was replaced by China as Iran’s most important trading partner (Gorges 2016, 8). This was, however, due to an increase in Chinese trade with Iran rather than a decrease in German-Iranian trade which began to decline only in 2010 (Rudnicka 2020, Nov. 25). According to Fitzpatrick, it nevertheless retained significant leverage over Iran as two thirds of the country’s industry were based on German machines and products which required spare parts that China could not provide (Halper 2010, Sep. 28). However, ideology, economic interests, and traditional affinity remained strong and weakened this leverage. Its reluctance to participate in sanctions outside the UNSC before 2010 (Jones 2007; Meier 2013, 9) undermined the efficacy of the sanctions regime (European Affairs 2012; Kam/Even 2013, 72). Even minor economic measures were met by sharp criticism from the German business sector³⁵ as well as politicians. During her first term, Merkel tried to balance the conflicting interests by publicly criticizing Iran’s policy and lowering state guarantees for exports to Iran while resisting decisive economic measures and supporting political cooperation with Iran (Gotkowska 2009, Aug. 12). Importantly, even as Germans became more critical of Iran, they viewed Iran as “a difficult country to deal with” but not as “evil” like many Americans (Adebahr 2017, 144).

From the beginning, Germany had a strong interest in a diplomatic solution to the Iranian nuclear file. The E3 had initiated negotiations in 2003 to prevent a US intervention against Iran, restore European solidarity after the dispute

eingeringissen werden“] Bundestag 1997, Apr. 17).

³⁵ Most prominent among them is the German Near and Middle East Association (NUMOV), an association of companies operating in the Middle East (Gotkowska 2009, Aug. 12).

over Iraq, to prove the effectiveness of ‘effective multilateralism,’³⁶ and to avert the dangers of a nuclear Iran including regional instability and nuclear coercion³⁷ (Delpech 2012, 36, 49; Adebahr 2017, 4, 43, 139). Germany also perceived a solution to the nuclear file as an opportunity to turn Iran into a partner for stability in the Middle East, access its energy resources,³⁸ and boost exports following sanctions relief (Gotkowska 2009, Aug. 12; Shirvani/Vukovic 2015, 81-84). Furthermore, improved relations with Iran hold high geopolitical potential for Germany that desires to increase its weight in the international arena and improve its standing and influence in the Middle East. Germany’s political and economic relations with Iran have already contributed greatly to its international prestige as they, together with its de facto EU leadership, allowed it to join the permanent members of the UNSC in their negotiations with Iran (Cronberg 2017a, 38; Gotkowska 2009, Aug. 12; Hellmann 2011, 47). In its increasing political engagement in the Middle East, it presents itself “as a neutral mediator between the competing actors in the region” (Gotkowska/Frymark 2016, Jan. 25).

During the period from 2012 to 2020, Germany’s policy towards the Iranian nuclear program tried to reconcile its economic interests and traditional affinity for Iran with its commitment to Israel’s security and other interests in the Middle East, its ambiguous approach to nuclear non-proliferation and relationship with the US. There was a tension between its traditional strategic restraint and new ambitions to shape world events. More broadly, Germany was – and still is – stirring between Lieber’s three foreign policy directions.

³⁶ As laid out in the EU strategy against proliferation of WMD (Council of the EU 2003a).

³⁷ The European Security Strategy of 2003 lists WMD proliferation as one of five key threats to European security (Council of the EU 2003b, 11). The timing of this document as well as the European strategy against proliferation of WMD – right after concerns about Iran’s nuclear program became public – suggests that the concern European states were was also security related and not merely a matter of averting a US invasion.

³⁸ Iran is considered to possess the largest natural gas resources worldwide (Pflüger 2016, 181-182).

THE OBAMA ERA – FROM ECONOMIC STRANGULATION TO THE JCPOA

The phase from 2012 to the JPOA in late 2013 was characterized by efforts to tighten sanctions and, until mid 2013, unsuccessful engagement. This changed with the election of Hasan Rouhani. In November 2013, the negotiations resulted in an interim agreement between the P5+1 and Iran that constituted the basis for the JCPOA of 2015. During this period, the US and Germany pursued a dual-track strategy combining economic pressure and diplomacy. The US also stated that the military option remained on the table and reportedly carried out covert operations against Iran's nuclear program. I will first analyze and discuss the sanctions track and military action as well as covert operations and regime change as policy options. Then, I will analyze in detail the engagement track and discuss the JCPOA as its conclusion and the (temporary) conclusion of US and German efforts against the Iranian nuclear program.

The sanctions track

By the time Obama assumed office, it had become clear that his predecessor's uncompromising stance had been as unsuccessful as the European dialogue with Iran. He, therefore, chose a more accommodating US policy in the hope that this would suffice to break the deadlock. This policy was part of a general outreach to US adversaries, including Russia and Cuba, (Landau 2012, 43; Lieber 2016, 15) as well as a new approach to disarmament (Landau 2016, 43) set out in Obama's 2009 speech in Prague. In that speech, he expressed his desire for a "world without nuclear weapons" (WH 2009, Apr. 5) and proposed concrete steps towards that goal including reducing the role of nuclear weapons in the US National Security Strategy and the arsenals of nuclear-weapons states, a test ban treaty, and improvements of the NPT to close its loopholes (ibid.). This position was reiterated in the National Security Strategies of 2010 and 2015 (WH 2010; 2015) and served as the basis for the Obama administration's non-proliferation efforts against Iran.

At this point, Obama seemed to view financial pressure as ineffective and harmful to diplomacy (Zarate 2013, 322-324). The Obama administration argued that stricter sanctions would strengthen conservative elements in Iran pushing for an expansion of the nuclear program whereas US engagement would divide the Iranian elite and strengthen moderates (Looney 2018, 169; Ross 2016, 366). This line of thinking would define large parts of Obama's Iran policy. Like the German concept of change through rapprochement, it was based on the assumption that positive incentives and dialogue would bring change from within while pressure would be harmful. This thinking differs from the view of international bargaining that sees military power as leverage which can prevent the actual use of military force by strengthening deterrence and diplomacy. Furthermore, it assumes that the regime included moderates opposed to the militarized nuclear program. These assumptions had raised Western hopes for

reform and a more constructive foreign policy after the elections of Rafsanjani in 1989 and Khatami in 1997 (Dai 2017, Feb. 28; Siegmund 2001, 43). Eventually, neither had delivered on those hopes. However, in 2003, during Khatami's presidency, the Iranians did propose limiting uranium enrichment to a level far lower than the P5+1 proposals a decade later. The proposal was rejected by Bush who insisted on zero enrichment. It is unclear whether the proposal was genuine or merely an attempt to buy time (Kessler 2013, Dec. 9; Kristof 2007, Apr. 28). While some members of the regime probably oppose a nuclear *breakout*, there appears to be a consensus that Iran should be obtain a nuclear weapons *capacity*³⁹ enabling a quick breakout at a time of Iran's choosing (Landau 2016, 203; Litvak 2020, Aug. 27). Critics argue that in assuming that Iranian policy was primarily a reaction to US policy, Obama overestimated the importance of US policy and underestimated the significance of ideology and regional dynamics for Iran's foreign policy (Dai 2017, Feb 28; Lieber 2016, 68). Others doubt that Obama's initial engagement reflected true optimism and point to covert action and preparations for additional sanctions which were already under way (Sanger 2012, 157). Whether or not Obama had been genuinely optimistic about this initial attempt, the failure of engagement in 2009 and the discovery of the secret enrichment plant near Fordow in September the same year led to the realization that expressions of goodwill would not suffice and pressure was required (Zarate 2013, 328). In 2010, the Obama administration turned to a dual-track approach that combined sanctions⁴⁰ with continued engagement. Initially, however, Obama remained reluctant to accelerate sanctions due to his continued concern that they could undermine diplomacy (IISS 2013, 230). According to Joe Lieberman, a Democrat Senator until 2013, "senior Obama administration officials worked to block congressional efforts [at sanctions], warning that they were unnecessary, counterproductive and even dangerous" and "would isolate the United States and alienate our allies" (Lieberman 2015, Aug. 14). This changed in 2012.

An unprecedented sanctions regime

In 2012, the US shifted from "[f]inancial constriction" to "economic strangulation" (Zarate 2013, 337-338). Previous 'smart' sanctions targeted international activities supporting Iran's nuclear and missile programs were based on UNSC decisions. The new sanctions targeted the basis of Iran's economy as such, including oil, gas, banking, and shipping sectors (IISS 2012, 253). In addition to unilateral US sanctions, the Obama administration launched an intensive campaign to build international support for sanctions. These efforts were aimed especially at Russia, China, and Germany, who had thus far undermined the sanctions regime (Sanger et al. 2010, Nov. 28). Obama called the campaign "a classic example of American leadership" (Obama/Inskip 2014, Dec. 29). The result was a sanctions regime of unprecedented proportions, which combined three

39 Iran may seek to be in "strategic decision making distance from nuclear [weapons]" to avoid the negative repercussions of a breakout, including a possible military attack on the country, while nonetheless strengthening its deterrence and prestige (Yadlin/Guzansky 2012, 14).

40 For a comprehensive list of Iran sanctions see Katzman 2020.

goals: (1) disrupting the supply for Iran's missile and nuclear programs, (2) changing its cost-benefit balance in favor of negotiations, and (3) building leverage for the talks (Albright/Shire 2009; Looney 2018, 17). Additionally, the sanctions were to set a deterrent precedent for other potential proliferators (Mousavian 2012, 20).

Observers mention four main motivations behind Obama's decision to tighten sanctions. First, existing sanctions had proven ineffective in breaking the diplomatic deadlock (Kam/Even 2013, 72), an impression confirmed by US intelligence (Clapper 2011, Feb. 16). At the same time, Iran was making progress on enrichment⁴¹ and the IAEA report from November 2011 presented alarming conclusions regarding a PMD (IAEA 2011, Nov. 8). This threatened to leave the US with a choice between military action and a nuclear Iran, a choice Obama was determined to avoid (see below). Second, Obama faced domestic pressure from the Treasury and Congress that developed and actively pushed for new sanctions (Solomon 2016, 142-166). An earlier example for such a dynamic is the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 which, according to Doran, Obama had opposed but then signed into law because of the unanimous Senate vote in favor of the bill (Doran 2015, Feb. 2).

Third, fear of an Israeli attack added urgency to the matter. From 2010 onward, Israeli Prime Minister Benjamin Netanyahu and Defense Minister Ehud Barak repeatedly threatened a military attack should international diplomatic efforts remain fruitless. In November 2011, they began indicating that an attack was imminent and the US might not receive advance warning. The administration assessed that an Israeli attack would lead to military escalation which draw it into another Middle East war, including chaos on the oil market and anti-American unrest in the Muslim world undermining Obama's 'new beginning' (Ross 2016, 367). The administration took the threats seriously. For example, Panetta warned in early 2012 of "a strong likelihood" of an Israeli attack in spring or summer (Ignatius 2012, Feb. 2). According to Sobelman, Israeli threats augmented fears of entrapment by the junior ally, especially in light of the coming presidential elections November 2012 (Sobelman 2018, 16-18). In order to buy time and prepare for an attack scenario, the administration issued public and private warnings to Israel, organized frequent visits by senior officials, increased intelligence-gathering on Israel, and updated contingency military planning in the region (ibid., 23, 29-30). Former administration officials emphasize the importance Obama attached to this mission. In his autobiography, Panetta writes that Obama's two main foreign policy objectives for 2012 were preventing Iran from acquiring a nuclear weapon and avoiding another war in the Middle East (Panetta 2015, 404). In an interview, Gary Samore, Obama's Coordinator for Arms Control and WMD, even claimed that "[m]uch of U.S. strategy at that time was built around 'how do we stop the Israelis from attacking.' In some ways, that became the more immediate objective than stopping Iran" (Sobelman 2018, 29). Many observers agree that Israeli threats brought Obama to accelerate

sanctions at a time he had not chosen otherwise (ibid., 31; Solomon 2016, 194-195; Ross 2016, 367; Zarate 2013, 337-338). Israeli threats were also used in and contributed to the success of Obama's international campaign for sanctions (Goldberg 2014, Oct. 28) as they created "a useful sense of urgency" according to his former senior advisor Ben Rhodes (Ignatius 2015, Sep. 15).

Fourth, Obama's policy was affected by public opinion, especially in light of the upcoming presidential elections. Sanctions were an opportunity to raise support among Jewish and pro-Israel voters as well as the wider American public which saw the Iranian nuclear program as a major threat to the US (Gilboa 2016, 76-80). Ahmadinejad's rhetoric and Netanyahu's emotional public diplomacy campaign contributed to this attitude (Dangoor 2019, 197; Doran 2015, Feb. 2).⁴² Republican candidates advocated for a tougher stance on Iran and new sanctions were to prevent them from turning the issue into an advantage (Ignatius 2012, Feb. 2).

It is unclear to what extent Obama had begun to see economic pressure as an effective tool and how important domestic pressure, public opinion, and Israeli threats were for his decision to tighten sanctions. However, the diplomatic efforts the administration invested to gain international support for sanctions suggest that the decision cannot be reduced to domestic factors.

While the sanctions probably contributed to the necessary conditions of Rouhani's election⁴³ and Iran's return to the negotiating table,⁴⁴ the Obama administration did not believe that economic pressure alone would convince Iran to abandon its nuclear ambitions. Obama's deputy national security advisor Ben Rhodes reportedly said, "if you close the diplomatic option, you're left with a difficult choice of waiting to see if sanctions cause Iran to capitulate, which we don't think will happen, or considering military action" (Landler/Weisman 2014, Jan. 13). This skepticism was shared also by fervent proponents of financial warfare such as Zarate who expressed doubt whether "economic pressure can alter the calculus of a regime committed to nuclear capability as a central element of national power and regional influence" (Zarate 2013, 352). As we shall see, Obama's wariness of military action and his reluctance to use the threat of military force as leverage made Rhodes' "difficult choice" impossible.

Germany and the sanctions track

Before 2010, Germany had largely opposed the imposition of sanctions, in particular outside the UNSC. From 2010 onward, the E3 created a more united front for sanctions and, with Germany's approval, imposed several rounds of autonomous Iran sanctions (European Affairs 2012; Patterson 2013, 135; Sanger et al. 2010, Nov. 28).⁴⁵ However, Germany remained Iran's most important Western

41 By May 2012, Iran had enough LEU for four nuclear weapons (IISS 2012, 246).

42 While Netanyahu's and AIPAC's efforts helped build support, they were not the sole reason behind public and congressional support for a tougher line against Iran, contrary to the claims of some observers (e.g. Parsi 2017).

43 The economy and sanctions relief became a major issue in the elections (Khalaji 2013, Jun. 17).

44 For varying views see Litvak 2014, 42; Terhalle 2015, 603; Cronberg 2017a, 27.

45 The first round was announced on July 26, 2010, following the UNSCR 1929, the second round

trading partner also during the height of sanctions in 2012 and 2013 (Gorges 2016, 8) undermining their effectiveness (European Affairs 2012; Kam/Even 2013, 72). German exports to Iran dropped from €3.8 billion in 2010 to €2.5 billion in 2012 and €1.8 billion in 2013 but did not fall below this mark until 2018 (Farzanegan 2020, Mar. 5; Kiewel 2013, Dec. 8).⁴⁶ German companies were also repeatedly accused of selling dual use technologies to Iran (Knight 2013, Jul. 16; Kiewel 2013, Dec. 8).

The German government, too, remained more reluctant than its E3 partners to pass stricter sanctions. In November 2011, it stated that it was in favor of a "considerable tightening"⁴⁷ of sanctions but refused to support the French plan to block all accounts of Iran's Central Bank in the EU fearing damage to its trade with Iran (Ross/Busse 2011, Nov. 22).⁴⁸ These mixed messages reflected a fundamental tension between the civilian power imperative and the geo-economic imperative. The former called for a policy consistent with that of Western allies, multilateralism, and *Moralpolitik*. On this side of the scales, Germany's stake in a functioning nonproliferation regime as a nonnuclear power and Middle East stability and its commitment to Israel's security weighed in. From a geo-economic perspective, sanctions closed off a promising market for German exports and energy resources (Szabo 2015, 8-10). Here, also traditional German affinities for Iran and its belief in change through rapprochement and trade weighed in. Additionally, Germany's general preference for persuasion over coercion played a role in its reluctance to employ pressure.

On Iran sanctions, the chancellery under Merkel tended towards the first side more often than the foreign office. Patterson argues that the election of Merkel in 2005 was important for the gradual hardening of Germany's position on Iran (Patterson 2013, 140). Merkel called for tougher Iran sanctions on multiple occasions. In a speech in September 2011, she expressed her support for new, tough sanctions against Iran "in light of the progress of the Iranian nuclear program whose allegedly civilian nature is only a pretext. [...] The close cooperation between President Ahmadinejad and Assad speaks volumes"⁴⁹ (Bundesregierung 2011, Sep. 10).⁵⁰ It seems that her orientation towards the US (Patterson 2013, 140) and strong personal support for Israel (Packer 2014, Nov. 24) as well as Germany's stake in the nuclear nonproliferation regime played

on January 23, 2012, and the third on October 15, 2012 (Patterson 2013, 135-136)

⁴⁶ Trade was sustained by medium-sized companies less interested in the American market (Tockuss/Heinemann 2018, Aug. 7).

⁴⁷ Author's translation. German original: "deutliche Verschärfung."

⁴⁸ See also Germany's reluctant consent in summer 2011 to include the Europäisch-Iranische Handelsbank into the list of EU sanctions against the opposition of many businesses and politicians (Ross/Busse 2011, Nov. 22; Solomon 2016, 150-151).

⁴⁹ Author's translation. German original: "Im Übrigen bin ich der Auffassung, dass die Staatengemeinschaft angesichts der Weiterentwicklung des iranischen Nuklearprogramms, dessen angeblich zivile Natur nur vorgeschoben ist, weitere Sanktionen ins Auge fassen sollte. Die enge Zusammenarbeit zwischen den Präsidenten Ahmadinedschad und Assad spricht Bände."

⁵⁰ Merkel also called for sanctions in January 2010 after a meeting with Israeli President Shimon Peres (ZEIT Online 2010, Jan. 26) and urged China to support Iran sanctions during a visit in February 2012 (Deutsche Welle 2012, Feb. 2).

an role in her prioritizing political objectives and multilateralism over short-term economic interests in the case of Iran (Adebahr 2017, 60; Szabo 2015, 9). In an interview in 2009, she argued that despite the concerns of the German economy Iran sanctions would be justified if no diplomatic progress was made due to Germany's responsibility as part of the international community and the dangerous consequences of an Iranian nuclear weapon for the Middle East, the non-proliferation regime, and Israel's security (Bannas/Kohler 2009, Aug. 21).

The foreign office was more reluctant to support Iran sanctions. Differences between the chancellery and the foreign office are common in Germany as they are usually held by different parties and their relationship is cooperative and competitive at the same time (Wright 2019, 146, 151). Steinmeier, foreign minister from 2005 to 2009 and again from 2013 to 2017, was from the same party of Merkel's predecessor Schröder whose government had been especially lax on Iran and Russia and had broken with the US over Iraq (Szabo 2015, 36-37). Following the foreign policy legacy of Willy Brandt, the SPD was particularly committed to the *Ostpolitik* tradition and Steinmeier himself developed the concept of "modernization through interdependence" vis-à-vis Russia (ibid., 37). His replacement in 2009 by Guido Westerwelle of the FDP was important for Germany's Iran policy as it weakened the federal ministry relative to the chancellery. The FDP was a much smaller party and Westerwelle was preoccupied with inner-party issues. According to a former German diplomat, this rebalancing led to a hardening of Germany's position on Iran (Patterson 2013, 141). Furthermore, the FDP had a stronger transatlantic orientation and, in 2012, Westerwelle himself repeatedly called for tougher sanctions on Iran despite his party's business-friendly line.⁵¹ Disappointment over the failure of engagement with Iran within the ministry added to this development (ibid.). According to newspaper reports, a French and British sanctions proposal in January 2009 had failed despite Merkel's support because Steinmeier's opposition prevented full governmental support from Germany (Nougayrède 2009, Jan. 19). After Westerwelle became foreign minister, the EU (and Germany) agreed to a sanctions package similar to the one Steinmeier had opposed in 2009 (Patterson 2013, 141).

Germany thus became more open to the imposition of strict unilateral sanctions. The shift in Germany's position, in turn, seems to have been crucial for the imposition of crippling EU unilateral sanctions in 2012⁵² (ibid.).⁵³ The new sanctions were based on a December 2011 decision of the EU member states to

⁵¹ For example, Westerwelle said in September 2012 that "[s]anctions are necessary and soon. I can't see there is really a constructive will on the Iranian side for substantial talks" (Pawlak/Moffett 2012, Sep. 7) and reiterated this position in October 2012 (AA 2012, Oct. 14).

⁵² EU unilateral sanctions of 2012 included a total oil boycott, Iran's disconnection from the SWIFT system (essentially blocking Iran from international financial transactions), and sanctions on Europe-based insurers and re-insurers of oil tankers serving the Iranian oil sector (Terhalle 2015, 600). For an overview of EU sanctions until January 2012 see Council of the EU 2012, Mar. 23.

⁵³ In an interview, Richard Dalton said in 2012, "I suspect Germany was key. Germany way always the front marker as regards addressing Iranian concerns when the EU3 were meeting on Iran nuclear issues" (Patterson 2013, 141).

extent the scope of the sanctions in light of Iran's violations of UNSC and IAEA resolutions, progress at the Fordow facility and in enrichment generally, and the lack of constructive engagement.⁵⁴ Like US sanctions, they had the dual purpose of constraining Iran's nuclear and missile programs and of changing Iran's cost-benefit calculation to persuade it to comply with international obligations (Council of the EU 2011; *ibid.* 2012, Mar. 23).⁵⁵ In a joint statement, Merkel, Cameron, and Sarkozy confirmed that the sanctions were designed "to undermine the regime's ability, to fund its nuclear programme, and to demonstrate the cost of a path that threatens the peace and security of us all" (BPOM 2012, Jan. 23). Underlying was a genuine concern that a nuclear Iran would undermine nonproliferation regime (Slavin 2012, Jan. 25).

Apart from these concerns shared by Germany's partners, pressure from the US administration and E3 peers played an important role in its decision to support tougher sanctions. The extensive diplomatic campaign for sanctions launched by the Obama administration certainly influenced Germany's decision, especially since the government coalition parties at the time all shared a more transatlantic orientation (de Galbert 2016, 10). Schmitt argues that Germany joined the sanctions effort due to its multilateral orientation ("never alone") and to maintain European solidarity at a time when this solidarity was strained by the Euro Crisis and Germany's refusal to support the Libya intervention (Schmitt 2017, 264). With German consent, the EU as a whole changed its stance regarding US secondary sanctions which it had thus far opposed. While member states continued to express their concerns to the US in private, the EU publicly accepted US secondary sanctions in an unprecedented shift of policy (Patterson 2013, 138). The EU may have become more receptive to US pressure also due to the deterioration of the investment environment in Iran, thereby lowering the economic costs of additional sanctions (*ibid.*, 142).

Some in the German foreign policy establishment seem to have perceived the cooperation with the US on Iran as a frustrating compromise rather than cooperation with an ally on a matter of common interest. This was due to a strong belief in change through rapprochement and the resulting view that sanctions were ineffective and harmful. Even Obama's mild course did not eliminate the feeling that Europeans were "steering between effective multilateralism and transatlantic relations" (Cronberg 2017b, 243).

Finally, Israel was a factor in Germany's decision to support new sanctions in 2012. First, like the Obama administration, Germany feared that a continued diplomatic deadlock could lead to an Israeli attack on Iran which would undermine regional stability and, thus, key German interests in the Middle East. According to a former German diplomat, this fear was the main reason

54 The storming of the British Embassy in Tehran by a mob after the UK followed the US Treasury decision of November 21, 2011, to block entire Iranian banking sector also contributed to the EU decision (IISS 2012, 253). Cronberg claims that the EU sanctions were mostly a response to US pressure and Israeli threats rather than Iranian progress and diplomatic deadlock (Cronberg 2017b, 250). Her own account of France's and the UK's stance (*ibid.* 2017a) contradicts this assessment.

55 The latter argument entered the official rationale of the EU only in 2010 (Meier 2013, 15).

for tightening sanctions (Patterson 2013, 144). In 2009, Merkel herself named the prevention of an Israeli attack as one of the reasons for her willingness to consider sanctions (Bannas/Kohler 2009, Aug. 21). European and US experts on Iran have confirmed this view (Slavin 2012, Jan. 25). Second, many in the German foreign policy establishment and especially the chancellor herself were genuinely concerned for Israel's security (Szabo 2015, 9) which they believed would be undermined by both an Israeli attack and an Iranian nuclear weapon. Their policy diverged from that advocated by the Israeli government not due to a disregard for Israel's security but rather due to fundamental disagreements on the right way to ensure that security (see below).

Sanctions after the interim agreement

After the election of Rouhani and the interim deal, the focus of the international community shifted to the engagement track. Contrary to fears that the sanctions regime would collapse after the JPOA, sanctions relief remained very limited (Ottolenghi 2014). Nevertheless, the willingness to take action against continued Iranian efforts to circumvent sanctions declined (UNSC 2014, Jun. 11). There were few new designations of Iranian entities by the US and none by Europe as they were considered "impolitic while negotiations continue" (Ottolenghi 2014, 31). The Obama administration feared that new sanctions would be viewed by Iran as a violation of the JPOA and undermine engagement in a revival of the position Obama had taken at the beginning of his presidency. Landau criticizes this position arguing that Iran had responded to pressure in the past, including in the talks that produced the JPOA, by taking a more cooperative position (Landau 2016, 204-205).

The Europeans shared the position of the Obama administration leading to greater consensus between the European and US governments with regard to sanctions policy. In a joint *Washington Post* op-ed, the E3 foreign ministers and Mogherini stated that "we must demonstrate our commitment to diplomacy" instead of strengthening Iranian hardliners and causing splits in the international coalition behind the current sanctions regime by imposing new sanctions (Fabius et al. 2015, Jan. 22). Again, Merkel chose a somewhat different tone than the foreign office. In May 2015, she said at a US Chamber of Commerce event that "[i]f Iran does not meet its obligations, or does not meet them adequately, we remain ready to take back the current limited suspension of sanctions" (Hughes 2014, May 2). However, she, too, agreed that new sanctions would endanger the negotiations as she added that "[f]irst of all, we have to give the negotiations a chance" (*ibid.*).

Members of Congress, however, felt that new sanctions could serve as leverage in the negotiations and a "diplomatic insurance policy" in case the talks would fail. They also believed Iran's threats to walk away from the talks to be a bluff (Landler/Weisman 2014, Jan. 13). By April 2014, 59 senators, including 16 Democrats, supported a bill – introduced only a month after the JPOA – that threatened new sanctions in case of a violation of the JPOA, set demands for a final deal,

and expressed support for Israeli military action (*Nuclear Weapon Free Iran Act of 2013*). The White House publicly equated the bill with a vote for war (IISS 2014, 220; Landler/Weisman 2014, Jan. 13; Landler 2014, Jan. 16) and threatened to veto it (Zengerle 2014, Jan. 28). The bill stalled in early 2014 (IISS 2014, 220). Equating new sanctions with a vote for war is another strong indication that Obama's weariness of pressure gained the upper hand again after the JPOA. This view narrowed his options for preventing a nuclear Iran considerably as a diplomatic agreement (without the leverage of additional pressure) became the only alternative to full-scale war. Disagreements between the Obama administration and Congress over the relationship between diplomacy and pressure developed into a heated argument as the negotiators came closer to a final agreement (see below).

The military option – leverage and prevention

In the debate over the Iranian nuclear program, the military option had two potential functions. It could, first, serve as a last resort to prevent an Iranian nuclear weapon and, second, as leverage in the negotiations in form of a credible military threat. A credible military threat comprises the two dimensions of capability and resolve (Delpech 2012, 45) and may serve as deterrence and leverage to avoid having to actually use military force. It is in this spirit that George Washington said in his first address to Congress, "[t]o be prepared for war is one of the most effectual means of preserving peace" (Washington 1790, Jan. 8). However, only the US and Israel have taken the option of military action into consideration (Samore/Kam 2015, Sep. 29).

Germany and the military option

Germany has categorically rejected military action both as a practical option and as a bargaining tool. In fact, the E3 engagement initiative of 2003 was a direct response to the US-led invasion of Iraq to prove that multilateralism was indeed a more effective alternative to US interventionism (Delpech 2012, 36). Military action or even successful diplomacy as a result of military pressure would have meant that those efforts and the broader *mission civilisatrice* had (temporarily) failed. Kagan observed in 2003 that leading European officials seemed to be more worried about US unilateral military action than about Saddam Hussein's weapons of mass destruction. US action was "an assault on the essence of 'postmodern' Europe [...] an assault on Europe's new ideals, a denial of their universal validity" (Kagan 2003, 61-62). This observation could be applied to German policy towards the Iranian nuclear program and, in this case, was shared by its E3 partners. With Kagan, this opposition was born out of ideological conviction – change would come through rapprochement rather than pressure – as well as powerlessness summarized in the hammer-nail metaphor. Furthermore, Germany opposed military action against Iran due to the expected practical ramifications, warning it would involve "incalculable risks" (Naumann 2012, Apr. 1), including a disruption of supply chains of raw materials, an increase in migration flows to Europe, and a war that would

undermine Israel's security as perceived by Germany. All three are German key interests in the Middle East (Fakoussa 2017, 31).

Keller observes that "[t]he German debate about the use of military means for crisis management suffers from a strange bipolarity." Instead of appreciating the variety of military options and the potential of a credible military threat to prevent the need military action, "[m]ilitary intervention is usually equated to massive combat action and uncontrollable escalation" (Keller 2015, Apr. 24). As a result, showing support for military action is usually met with sharp opposition from decision-makers and the public. The Transatlantic Trends Survey 2013 found that only 27 percent of Germans agreed that "under some conditions war is necessary to obtain justice" compared to 68 percent of Americans. Other Europeans showed positions similar to the Germany with the exception of the UK (Stelzenmueller et al. 2014, Q. 34.2). The survey results are telling with regard to the political feasibility of even verbal support for a military option by another country.

Merkel's own position on military action seems to be less clear-cut. In a 2003 op-ed for the Washington Post, Merkel all but called for German support for the Iraq war (Merkel 2003, Feb. 20), an article that almost cost her political career. She has since been much more careful in her statements on sensitive matters (Packer 2014, Nov. 24). Nevertheless, she approved tank exports to Saudi Arabia in 2011 citing Israel's approval and the need to counterbalance Iran in addition to the goal of increasing German exports (Stark 2011, Oct. 14). Germany also delivered three nuclear-capable submarines to Israel during Merkel's tenure and agreed to the subsidized sale of another three in (Handelsblatt 2017, Oct. 23; Times of Israel 2017, Jun. 30). In a speech in September 2011, she clarified her rationale stating that if NATO was reluctant to intervene in conflicts itself, other states that are willing to intervene must be supported also with through weapons exports (which also benefit the German economy) but added that "no conflict we are confronted with today can be solved with military means alone"⁵⁶ (Bundesregierung 2011, Sep. 10). These instances indicate that some in the German political establishment do not entirely reject the notion of deterrence but are unwilling to support it openly or implement it themselves.

The United States and the military option

Obama has repeatedly stressed that "all options are on the table." For example, he stated after meeting Netanyahu in March 2012 "I reserve all options, [...] when I say all options are at the table, I mean it" (WH 2012, Mar. 5).⁵⁷ Other administration officials reiterated this stance.⁵⁸ Obama also took practical

⁵⁶ Author's translation. German original: "Der Einsatz militärischer Mittel als ultima ratio kann und darf nicht ausgeschlossen werden, aber kein Konflikt, mit dem wir heute konfrontiert sind, kann allein mit militärischen Mitteln gelöst werden."

⁵⁷ He also stated at the AIPAC Policy Conference 2012, "I will not hesitate to use force when it is necessary to defend the United States and its interests" (WH 2012, Mar. 4). For a comprehensive list of such comments before his reelection see Goldberg 2012, Oct. 2.

⁵⁸ For example, Biden stated at the AIPAC conference in March 2013 that "all options, including military options, are on the table" (Hughes 2013, Mar. 5). Secretary of State John Kerry pointed

steps towards a military option instructing the Pentagon early on to prepare the military means for an attack on Iran's nuclear sites (Ross 2016, 367). The Massive Ordnance Penetrator, the only bunker buster bomb able to penetrate the solid rock above the Fordow enrichment halls, had already been under development but became available during his first term (Sanger 2012, 152). Obama also strengthened US forces in the Gulf area (Bergman/Mazzetti 2019, Sep. 4).

Nevertheless, by 2015, it seemed that nobody believed Obama's threats to use military force, including the Iranians (Dershowitz 2015, 17; Friedman 2015, Jul. 22; Mandelbaum 2015, Apr. 22). According to Bergman and Mazzetti, even the buildup in the Gulf area was in preparation for Iranian retaliation after an Israeli attack rather than in preparation for a US strike (Bergman/Mazzetti 2019, Sep. 4). According to Dershowitz, this impression was primarily due to a change in Obama's rhetoric regarding the military option after his reelection in 2012 and the midterm elections in 2014 (Dershowitz 2015, 18-19).⁵⁹ The message became "that our military option was, for all practical purposes, off the table" (ibid., 16). Officials repeatedly announced that military force was incapable of stopping the nuclear program. For example, Obama told Israeli television on May 2, 2015, that "[a] military solution will not fix it. Even if the United States participates, it would temporarily slow down an Iranian nuclear program but it will not eliminate it" (Pileggi 2015, Jun. 1). However, already prior to Obama's second term the credibility of US military threats had been undermined as senior administration officials had repeatedly stated that the time was not ripe for military action (Kam 2013, 65)⁶⁰ and publicly shared their doubts in the effectiveness of a military attack as well as their fears of its hazardous consequences (Sanger et al. 2010, Nov. 28; Katzman 2015, 39). Such statements undermined the credibility of the military option from early on. Most importantly, Obama's decision in August 2013 not to punish Bashar al-Assad for the use of chemical weapons despite having previously declared this to be a red line convinced Middle East actors, including Iran, that Obama would never resort to the military option against Iran's nuclear program (Goldberg 2016, Apr.; Litvak 2020, Oct. 20).

Obama feared that a credible military threat would undermine diplomacy, the only chance at a solution, even more than sanctions. After a series of interviews with Obama, Goldberg wrote in 2016 that "Obama generally believes that the Washington foreign-policy establishment, which he secretly disdains, makes a fetish of 'credibility' – particularly the sort of credibility purchased with force. The preservation of credibility, he says, led to Vietnam" (Goldberg 2016, Apr.). He, to the possibility of military means at his confirmation hearing in January 2013 (Cassata 2013, Jan. 24).

⁵⁹ For a list of comments on the military option after Obama's reelection see Dershowitz 2015, 19-25.

⁶⁰ In 2012, Anne-Marie Slaughter, a former State Department official, said, "I don't know any security expert who is recommending a military strike on Iran at this point" and Michèle Flournoy, a former senior Pentagon official, said, "[m]ost security expert agree that it's premature to go to the military option" (Kristof 2012, Mar. 24). Lang confirms that it had become the consensus of the non-neoconservative establishment that attacking Iran was "a bad idea" (ibid.).

therefore, looked back with pride at his decision not to enforce the red line he had drawn on the use of chemical weapons in Syria (ibid.).⁶¹ Declarations that "all options remain on the table" may, therefore, have been meant to garner support among domestic audiences⁶² and to reassure the Israelis rather than build leverage vis-à-vis the Iranians (Shalom 2016, 23). This is supported by the context of Obama's most prominent such statements made in an interview with Goldberg published in early March 2012 (Goldberg 2012, Mar. 2) and Obama's speech two days later at the annual AIPAC Policy Conference (WH 2012, Mar. 4). That was the height of Israeli threats, days before a visit by Netanyahu to Washington, and the run-up to the 2012 presidential elections. Ross confirms that these considerations were central for Obama's comments (Ross 2016, 369). That the Obama administration chose to openly voice its doubts and fears suggests that it did not intend to use the military option as leverage. According to Lieber, "a lack of appreciation for the fact that diplomacy is far more effective when it is backed by power" was one of the defining characteristics of Obama's foreign policy (Lieber 2016, 102).⁶³ I will return to the roots of this thinking below.

This leaves the question if Obama seriously considered military action to be a last resort he would opt for if he had to choose between military action and an Iranian nuclear weapon. Obama himself and administration officials have repeatedly rejected containment as Iran policy.⁶⁴ Behind closed doors, however, there was profound disagreement within the administration over whether Iran should be prevented from acquiring a nuclear weapon, if necessary by force, or whether the US should ultimately be prepared to contain a nuclear Iran. Ross, a former senior advisor to Obama, names Secretary of Defense Robert Gates and Chairman of the Joint Chiefs Mike Mullen as two senior officials opposed to a military attack. The countervailing view, supported by Secretary of State Hillary Clinton, National Security Advisor Tom Donilon, Deputy Secretary of State Jim Steinberg, and Ross himself, was that containment would inevitably fail resulting in a regional nuclear arms race and that, therefore, the US will need to use military force should all other means fail (Ross 2016, 368; Solomon 2016, 172). In 2013, Obama nominated Chuck Hagel as secretary of defense who

⁶¹ Not all members of the administration shared this view of credibility and this particular episode, including Joe Biden, Susan Rice, Hillary Clinton, and Leon Panetta (Goldberg 2016, Apr.).

⁶² According to the Gallup Poll conducted in February 2012, 32 percent of Americans and 30 percent of Democrats said they considered Iran to be the greatest enemy of the US (Newport 2012, Feb. 20).

⁶³ According to Ross, this view of the relationship between diplomacy and power was not shared by all senior administration officials. Clinton, National Security Advisor Tom Donilon, Deputy Secretary of State Jim Steinberg, and himself also proposed supporting diplomacy by a credible military threat and obviate the need for a military attack (Ross 2016, 368).

⁶⁴ For example, Obama stated at the AIPAC Policy Conference 2012, "I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon" (WH 2012, Mar. 4). A year later, Biden stated at the AIPAC conference that the administration was committed "to prevent Iran from acquiring a nuclear weapon. Period. End of discussion. Prevent – not contain – prevent" (Dwyer 2013, Mar. 15). Secretary of State John Kerry rejected containment in his confirmation hearing (Cassata 2013, Jan. 24) and Secretary of Defense Chuck Hagel said at a news conference with Israeli Defense Minister Moshe Ya'alon: "Iran will not be allowed to develop a nuclear weapon. Period" (Shanker/Sanger 2013, Apr. 22).

was known for his opposition to Iran sanctions and the military option, even as a last resort (Dershowitz 2013, Jan. 7).⁶⁵

While the administration avoided declaring a clear red line (Guzansky 2013, 28) and even rejected the very idea,⁶⁶ vague statements suggest that it drew its red line at an Iranian nuclear breakout (and not a nuclear capability like the Bush administration and Israel). In January 2012, Secretary of Defense Leon Panetta stated that “[o]ur red line to Iran is: do not develop a nuclear weapon” (Sanger 2012, Jan. 8) and Obama himself has made similar statements multiple times.⁶⁷ In a testimony in the House of Representatives in March 2012, Clinton stated that the objective of the US was to prevent an Iranian “nuclear weapons capability,” where after “[a]dministration officials said she misspoke” (Landler 2012, Mar. 2). Drawing a red line at nuclear breakout rather than at an Iranian nuclear capability raises practical questions of breakout time and detection capabilities. Obama optimistically claimed that there would be “a pretty long lead time in which we will know that they are making that attempt” (Goldberg 2012, Mar. 2) and a senior administration official said he had “zero doubt that if Iran attempted a breakout, we’d see it” (Sanger 2012, Mar. 6). However, Obama’s then-Secretary of Defense Robert Gates himself stated in 2010 that it was virtually impossible to verify that Iran was not breaking out (ibid.). Furthermore, some observers voiced concern whether Obama would ultimately take military action even if there were clear signs of an Iranian breakout attempt and all other means had been exhausted. For example, Kam suggests that “an important question is whether the US administration will change its position by switching from a policy of prevention to one of containment if it reaches the conclusion that only an attack will stop Iran on its road to nuclear weapons, and it is unwilling to risk such an attack” (Kam 2013, 64–65).

In the interview with Goldberg in 2016, Obama claimed that the pattern of the Syria red line affair would not have repeated itself with Iran as the Iran nuclear issue was on a different level of national interest and warranted military action (Goldberg 2016, Apr.). Some may also argue that in the Syria issue, Obama had found another way to solve the problem of Syrian chemical weapons⁶⁸ while in the hypothetical situation of Iranian breakout activities all alternatives would have been exhausted and a redline drawn at nuclear breakout could not be

⁶⁵ In 2012 as senator, he had signed a report by the Iran Project recommending against such a decision (Iran Project 2012). The report was criticized by Yadlin et al. for comparing “the cost and benefit of an attack in the context of current international efforts to stop Iran” instead of a comparison “between the cost of a military option and the cost of Iran’s acquisition of a military nuclear capability, and the threat that it would then pose to the Middle East and world order (Yadlin et al. 2013, 97).

⁶⁶ Such statements have been made by Obama, Clinton, and Panetta in September 2012 (Davidovich/Times of Israel 2012, Sep. 16).

⁶⁷ E.g. in his speech at the AIPAC conference in March 2012 (WH 2012, Mar. 4) and during the third presidential debate in 2012 (ibid. 2012, Oct. 23).

⁶⁸ With the help of Russia, an agreement was reached that required Assad to surrender all his chemical weapons. It was clear that the agreement had failed when in April 2017 Assad again used chemical weapons against his own people, killing at least 70 people (Baker 2017, Apr. 9).

shifted the way previous redlines had been (Küntzel 2013, 40). On the other hand, it emerges from the Goldberg interview that Obama thought that in retreating from the red line in Syria, he had saved the US, the Middle East, and the world from another terrible and unnecessary war by sacrificing an inadequate idea of credibility (Goldberg 2016, Apr.). In an attack on Iran, the risk would be much higher (Litvak 2020, Apr. 7) and the international support possibly much lower as most European allies were strictly opposed to a military strike (Katzman 2015, 39). US assessments focused on the option of a single military attack and concluded that it would delay the program by only a few years. The expected costs, on the other hand, were enormous. Iranian retaliation against Israel, US targets in the Gulf, and allies in the region was expected to lead to military escalation and chaos with consequences for the oil market as well as anti-American unrest in the region. Administration officials also expressed fear that an attack would motivate Iran to accelerate its nuclear program and decide to break out when, without an attack, it might have been satisfied with the status of a threshold state. Furthermore, the Obama administration feared that an attack could provide international legitimacy for an Iranian withdrawal from the NPT and end Iran’s isolation as well as strengthen popular support for the regime (Kam 2013, 66; Samore/Kam 2015, Sep. 29). Shalom even doubts whether Obama indeed considered the Iranian nuclear threat a US interest that warranted military action (Shalom 2016, 24). With increasing US energy independence, the Middle East had lost relevance for the US and Obama may not have found the risks of a military escalation justified even in a breakout scenario (Levite/Feldman 2015, Jul. 21).

Obama’s view that in Syria he had saved the world from a terrible war reflects the broader tendency of the administration to present a dichotomous choice between full-scale war including boots on the ground and inaction (Lieber 2016, 67; Rothkopf 2014, Jun. 4),⁶⁹ a view set out, for example, in Obama’s West Point speech in May 2014 (WH 2014, May 28). In Syria, a wide range of military means had been available for punishing Assad, including firing Tomahawk missiles from afar, that would not necessarily have led to a terrible war with US involvement. A dichotomous approach, however, “risks devoting insufficient attention to the enormous range of choices and foreign policy tools available to American policymakers” including a variety of military means that do not require the commitment of troops (Lieber 2016, 68). Again, there is a certain similarity between Obama’s view and the German debate that Keller criticized for its binary view of military action. Like in the case of Germany, this dichotomy sustained and augmented an existing aversion to military force.

In the case of the US, the defining trauma are the wars in Iraq and Afghanistan. The trauma of Iraq and Afghanistan gave the US a historic experience that turned American public opinion against military interventions abroad (Dershowitz 2006, Apr. 22) and many liberals to a general aversion against power. Gilboa, however,

⁶⁹ Similarly, Rothkopf argues that the administration had a “binary worldview,” presenting as the alternative to inaction an option “that was clearly egregiously wrong” (Rothkopf 2014, Jun. 4).

argues based on a detailed analysis of public opinion surveys that Obama's policies were not motivated by public opinion which supported an active US role in world affairs and was dissatisfied with Obama's policy of retrenchment and his handling of the Iran nuclear file. While the majority of Americans preferred diplomacy, it was ready to support force as a last resort (Gilboa 2016). Cohen holds against this view that whether or not "war weariness" exists, it is "believed to exist" and, therefore, influences presidential decision-making (Cohen 2016, 23). Whatever the influence of public opinion, Obama's personal background as a social worker, worldview, and lack of foreign policy experience probably played a decisive role (Drezner 2011; Joffe 2015, Feb. 2). Obama had built his political career on his opposition to the Iraq war and his emphasis on diplomacy for which he had received the Nobel Peace Prize. He had elevated "Don't do stupid shit"⁷⁰ (like George W. Bush) to his foreign policy maxim (Lieber 2016, 91; Rothkopf 2014, Jun. 4) and another intervention in the Middle East was exactly what he wanted to avoid. Lieber asserts that Obama's foreign policy was based on "an overly pessimistic view of America's strength" (Lieber 2016, 102). His "admission" that US military action could not stop the Iranian nuclear program did not reflect US military capability but rather Obama's policy (Dershowitz 2015, 17). While one military strike would bring only a limited delay in the program, repeated strikes whenever Iran would rebuild its program were within the *capability* of the US and had a real chance of eventually convincing the Iranians that the economic hardship was not worth a program that would never succeed. This not only rendered the US less willing to eventually use military force, it also undermined Obama's ability to project a credible military threat: "we told the Iranian leaders that because *one* military strike could not permanently stop their nuclear weapons program, they do not have to worry about *any* military action by the US" (ibid., 18, emphasis in original).

Coming back to Kagan, this view of US military strength may partially explain why the Obama administration seemed closer to the German model. While Europe lacks the power to use military force against the Iranian nuclear problem, the Obama administration *perceived* the US to lack that power as well. Much like the Europeans, Obama wanted to implement his vision of a new American place in the international community based on multilateralism and engagement (ibid., 27) because of his pessimistic view of American strength and an ideologically motivated aversion against the use of force.

During the period analyzed here, Congress took, in Kagan's terms, a more 'American' stance on Iran insisting that a credible military option was necessary as leverage in the negotiations and as a last resort. In September 2012, the Senate passed a 'sense of Congress' resolution by a vote of 99 to 0 which recognized Israel's right to rely on the principle of self-defense if it decided to attack Iranian nuclear sites and demanded the US to support Israel diplomatically, economically, and militarily in such a scenario (*Strongly Supporting the Full*

Implementation 2013). In addition to a declaration of support for Israel, the resolution likely aimed at using the threat of an Israeli attack with US backing as leverage at a time when a US military option lacked credibility. In June 2012, 44 Senators had urged the president in a bipartisan letter to establish a credible military option (Rogin 2012, Jun. 15). The administration, however, repeatedly and publicly warned Israel against an attack, clearly rejecting the view that Israeli threats could be used as leverage. According to Looney, "on Iran, many in the US Administration (particularly in the Department of Defense) regard Israel and its belligerent attitude towards Iran and its allies as a risk variable rather than an asset" (Looney 2018, 16). While the Obama administration boosted US military aid to Israel to unprecedented levels,⁷¹ it refused to give the Massive Ordinance Penetrator needed for a successful strike on the Fordow facility (IISS 2012, 259; Magid/Gross 2020, Oct. 27). Its fear of Israeli military action even drove it to accelerate sanctions and engagement.

The negotiations from 2013 onwards rendered a military attack by Israel very unlikely while the administration avoided mentioning the military option altogether, likely not to upset the Iranians. In the run-up to the final agreement and afterwards, Obama, Biden, and Kerry emphasized with increasing frequency that military action would be ineffective and harmful (Samore/Kam 2015, Sep. 29). For example, Obama remarked on April 2, 2015, that a military attack would mean "starting another war in the Middle East [while] setting back Iran's program by a few years [...]. Meanwhile we'd ensure that Iran would race ahead to try and build a bomb" (WH 2015, Apr. 2). Days later he stated that stopping the Iranian nuclear program was "not achievable through sanctions; it's not achievable through military means" (ibid. 2015, April 11).⁷² These statements were made in an effort to justify the (emerging) agreement and to convince Congress to let the deal pass. At the same time, they added to the erosion of the credibility of the military option. The Obama administration also made it clear that military action on Israel's part would not be received positively by the US (Samore/Kam 2015, Sep. 29). In October 2014, Goldberg seemingly received permission to quote two senior officials who called Netanyahu "chickenshit" and "coward" and pointed out that it was "too late" for an Israeli military strike: "Two, three years ago, this was a possibility. But ultimately he couldn't bring himself to pull the trigger. It was a combination of our pressure and his own unwillingness to do anything dramatic. Now it's too late." One official added, "[t]he feeling now is that Bibi's [Netanyahu] bluffing" (Goldberg 2014, Oct. 28). These comments undermined the credibility of the Israeli military threat (Dershowitz 2014, Nov. 6) as they were based into real fears on the part of the Israelis and, thereby, weakened a significant source of leverage.

⁷¹ In September 2016, the US and Israel finalized a military aid package of \$38 billion over ten years (Baker/Hirschfeld Davis 2016, Sep. 13).

⁷² Later that month, Biden stressed that the military option could provide only very limited delay and would lead to an unpredictable war with Iran. He also pointed out that the US would take this risk if required (WH 2015, Apr. 30). See also Obama's comments on Israeli television (Pileggi 2015, Jun. 1).

⁷⁰ The phrase was originally quoted by Parsons at al. as "Don't do stupid stuff" (Parsons et al. 2014, Apr. 28).

The conclusion of the JCPOA, then, suspended the military option altogether. The presentation of the agreement as Obama's great achievement in the Middle East and a solution to the Iran nuclear file suggest, according to Kam, that it was unlikely that anything less than a gross violation of the agreement would be answered by military force (Kam 2018, 72). At the same time, the administration tried to produce a credible military option to counter criticism and reassure Congress and Middle Eastern allies that the agreement would be enforced. For example, Secretary of Defense Ashton Carter and senior military officials stressed that the US possessed the capability to destroy Iranian nuclear sites in case Iran violate the JCPOA (Sa'ar/Shalom 2015, 2; Samore/Kam 2015, Sep. 29).⁷³ A White House spokesperson even claimed that the agreement strengthened the military option as an Iranian violation would serve as justification. It was not specified, however, which violations would justify a military strike and whether, in the case of a gross violation, the process of trying other means of pressure and building international support would not take too long to stop Iran (Samore/Kam 2015, Sep. 29). Furthermore, Sa'ar and Shalom suggest that the Obama administration's statements regarding the ineffectiveness of the military option cast doubt on its determination to eventually carry it out (Sa'ar/Shalom 2015, 2). Considering Obama's narrow view of the military option and the role his aversion to it played in his policy towards Iran, such doubts may not be unjustified. In retrospect, Dershowitz writes that it "seems likely that Obama never really considered [...] preventing Iran from developing nuclear weapons by the use, or credible threat, of military means" as he presented an alternative between the JCPOA and a quick Iranian breakout (Dershowitz 2015, 25). As a result, he voiced the fear that Obama "might be satisfied by kicking the can to make sure that Iran doesn't develop a nuclear weapon on President Obama's watch" (ibid., 99). Critics saw their doubts confirmed in Obama's concessions on the engagement track.

Abandoned alternatives? – Cyber-attacks, covert action, regime change

Short of a military attack, the US and Israel reportedly used cyber-attacks and covert operations against the Iranian nuclear program. These actions constitute violent measures that are less risky, politically and materially, than a kinetic attack but still have the potential to delay the nuclear program through sabotage and discouragement.

Perhaps the most famous covert operation against the nuclear program was the Stuxnet cyber-attack aimed at destroying centrifuges at the Natanz facility.⁷⁴ Discovered in 2010, it is widely believed to be the result of a US-Israeli intelligence cooperation called Olympic Games and considered the first destructive cyberattack in history (Fruhlinger 2017, Aug. 22; Tabansky 2018, 124). The idea was to slow down Iran's uranium enrichment and, additionally,

⁷³ Similar statements were made by General James Mattis, former commander of the US Central Command, and senior Air Force officials (Sa'ar/Shalom 2015, 2)

⁷⁴ For details see Sanger 2012, 188–225.

confuse Iran's scientists and military personnel. Indeed, the operation caused damage to their self-confidence as the Iranians closed down many more centrifuges than had actually failed for checking and fired people they thought were responsible for what looked like a technical failure (Sanger 2012, 199–200; Tabansky 2018, 124). IAEA reports show a significant drop in the number of centrifuges at Natanz between May 2009 and August 2010 (Albright et al. 2010) but their number had more than doubled to about 8,000 centrifuges by August 2011 (IAEA 2011, Sep. 2). The worm, thus, did not significantly delay the program. Operation Olympic Games had begun during the Bush era but was intensified under Obama (Sanger 2010, Sep. 25). Obama has generally shown a strong preference for covert operations to avoid boots on the ground, including drone strikes and targeted assassinations (ibid. 2012). Additionally, the joint operation is seen as another attempt to prevent Israel from striking (ibid., xiii). Whatever its value may have been, Stuxnet did not establish cyber-attacks as an effective alternative. Instead, it seemed to confirm Obama's assessment that the only non-diplomatic option to stop Iran would be a larger-scale military attack. It, thus, added to Obama's determination to obtain a diplomatic agreement.

The US and Israel have also been accused of killings of Iranian nuclear scientists between 2010 and 2012 (Katzman 2015, 26) and a number of explosions in Iran. The largest explosion killed seventeen people, including the designer of Iran's ballistic missile program, Gen. Hassan Tehrani Moghaddam, at a missile development site near Tehran in November 2011. Both countries have denied any involvement in the killings and explosions (Sanger 2012, 144–145). According to Sanger, there is a certain plausibility in the denial of the US as such assassinations are illegal under US law. He also quotes a White House official who stated that "[w]e simply have drawn a line and don't do kinetic activity inside Iran." It seems more likely that the assassinations and explosions are the result of the Mossad's work (ibid., 145) as they fit well with Israel's strategy of employing every means available to delay the program (Schueftan 2020, May 20).

Another option discussed by scholars is the active promotion of regime change in Iran. According to proponents of this option, the Islamic regime could not be stopped in its nuclear ambitions by diplomatic or economic means and a military attack against its nuclear sites would be either ineffective or too harmful or too immoral to pose a realistic option. They assume that regime change can, in fact, be brought about or effectively encouraged from without and that the new regime would pursue a more accommodating (nuclear) policy (e.g. Gold 2009; Kagan 2010, Jan. 27; Semnani 2012). Some members of Congress, too, have advocated overthrowing the regime in Tehran⁷⁵ and some believed that sanctions could promote regime change (Zarate 2013, 327). While the US and Germany would certainly welcome regime change in Iran towards a more pro-Western regime, regime change as a policy has been rejected by both the Obama administration and the German government (Katzman 2015, 47). They did not believe that regime change can come from without or that a

⁷⁵ See, e.g., Iran Democratic Transition Act of 2010.

new regime would necessarily be more accommodating. Instead, they feared that foreign interference would do more harm than good. Attempts at regime change from without have been carried out in the past and often failed or proved to be harmful in the long run.⁷⁶ The 1953 coup in Iran, orchestrated by US and British intelligence services to reinstate the Shah, is considered one of the major reasons for anti-American sentiment in Iran (Gordon 2020, 25-45) and for the rise of Islamism there. Obama thought that a policy of regime change would provide ammunition to conservative elements in Iran and sought to allay suspicions of the Iranian regime that the US were pursuing regime change. At the beginning of his presidency, he accepted the regime by calling Iran "the Islamic Republic of Iran" in his Nowruz speech in March 2009 (WH 2009, Mar. 20), rejected regime change as a policy goal in his Cairo speech the same year, and recognized Iran's right to a civilian nuclear program under the NPT (ibid. 2009, Jun. 4). Two unprecedented letters directly to Khamenei conveyed a similar message (Solomon 2016, 168). These reassurances prepared the ground for his engagement policy.

The engagement track

Engagement was at the center of both Obama's and Germany's policy towards Iran. As shown in the first part, in the case of the Federal Republic of Germany, the preference for engagement was a matter of national identity and a fundamental conviction shared by all consecutive governments. In the case of the Obama administration, the preference for engagement and wariness of pressure was the product of newer trends as well as Obama's personal convictions and views.

The United States and engagement with Iran

As mentioned at the beginning of this part, Obama attached great importance to US policy for the behavior of the Iranian regime and its nuclear ambitions. He thought that a more accommodating US policy could strengthen moderates and significantly affect the behavior of the regime along the lines of the German *Ostpolitik*. In an interview to ABC News before his inauguration, Obama stated that "a new approach" was needed with "a new emphasis on respect and a new willingness on being willing to talk" (Knowlton 2009, Jan. 11). He thereby deliberately set himself apart from his predecessor whose policies he had long opposed (Landau 2012, 43). Furthermore, he believed that a diplomatic solution would be most sustainable (Dwyer 2013, Mar. 15). Later in 2014, Obama confirmed this stance: "I was asked very early in my presidential race back in 2007, would I meet with these various rogue regimes? And what I said then remains true: If I thought it advances American interests, yes; I believe in diplomacy, I believe in dialogue, I believe in engagement" (Obama/Inskeep 2014, Dec. 29). This credo indicates that to Obama, engagement was, as for the Germans, not only a means but a matter of ideology. His emphasis on engagement – and, thus, that he was supposed to be the opposite of his predecessor – was the reason

he had been awarded the Nobel Peace Prize before having accomplished any diplomatic success.⁷⁷ Successful engagement with Iran was, thus, a matter of principle, a pragmatic step from the perspective of his worldview, and a matter of legacy, including a retroactive justification of the Nobel Peace Prize. On a practical level, he broke with Bush's policy, which had failed to stop the Iranian nuclear program, and removed all preconditions for diplomacy. Obama chose to emphasize engagement and sought to allay Iranian fears of regime change. As mentioned before, it is unclear whether Obama was genuinely optimistic that the removal of preconditions and reassurances would convince Iran of accommodation as some observers claim (Gold 2009, 264; Katzman 2015, 3; Zarate 2013, 322-324). In any case, Obama was prepared for the failure of this initial attempt at a diplomatic solution. New sanctions and covert operations were already under preparation (Sanger 2012, 157). However, he did not believe that sanctions or covert action could stop the Iranian regime and, therefore, perceived engagement to be the only way to avoid a situation in which he would have to choose between military action and a nuclear Iran. His view of the interplay between (military) power and diplomacy left the US to negotiate with Iran without its strongest leverage, essentially as equals (Dershowitz 2015, 18).

This view was reflected in the shift of the P5+1 position towards substantial concessions which ultimately crossed red lines set by themselves and the UNSC. The P5+1 proposals of 2012 demanded Iran 'stop' uranium enrichment to 20 percent, 'ship' its existing stockpile of uranium enriched to 20 percent abroad, and 'shut' the Fordow facility. In return, Iran would be allowed to enrich uranium to 3.5%-5%, be guaranteed a supply of medical isotopes (Katzman 2015, 21-22), and receive "full political and technological support for a peaceful nuclear programme, and the normalization of economic relations" (Council of the EU 2012, Mar. 23). However, Iran refused to accept any limits on its program while demanding immediate sanctions relief and recognition of its perceived alleged right to enrichment (IISS 2012, 251-253). The US, on the other hand, retained its long standing position that the NPT does not grant a "right to enrich" (Dahl 2013, Nov. 23; Davenport 2014, Sep. 18). Negotiations then rested for nine months and were taken up again only after the US presidential elections in February 2013. According to the *New York Times*, Obama preferred to show a tough stance on Iran in the run-up to the presidential elections 2012 and only afterwards felt free to return to his preferred course of engagement (The New York Times 2013, Mar. 1).⁷⁸ In the meantime, several members of the administration who favored sanctions, such as Secretary of Defense Robert Gates, had been replaced (Looney 2018, 17). Importantly, Secretary of State Hillary Clinton⁷⁹ was replaced

⁷⁷ The Nobel Committee awarded the prize to Obama "for his extraordinary efforts to strengthen international diplomacy and cooperation between peoples. The Committee has attached special importance to Obama's vision of and work for a world without nuclear weapons" (Norwegian Nobel Committee 2009).

⁷⁸ Republican presidential nominee Mitt Romney advocated a tough stance on Iran. During the last presidential debate before the elections, he called "a nuclear Iran" the greatest future threat to US national security (WH 2012, Oct. 23).

⁷⁹ On her position see Landler 2016, Apr. 21.

⁷⁶ For a recently published book on regime change as a policy in the Middle East see Gordon 2020.

by John Kerry who had played a lead role in the secret outreach (see below). In addition, Israeli threats of an imminent attack abated in late 2012 and seemed to give room for engagement (Kaye 2016). Finally, Obama felt that the time to fulfill his foreign policy legacy was running out. He, thus, made the achievement of a lasting solution to the Iran nuclear file his highest foreign policy priority during his second term (Looney 2018, 16). His skepticism regarding the effectiveness of sanctions and his aversion against military pressure left him with significant concessions by the US as the only option. Accordingly, the P5+1 proposal in April 2013 no longer demanded Iran to dismantle the Fordow plant but instead to suspend enrichment work there and allowed it to keep a store of uranium enriched to 20 percent. Iran was now offered limited sanctions relief and a stop to new proliferation related sanctions (Arms Control Association 2017). It can be assumed that the P5+1 proposals at least partly reflected Obama's position as they required US consent. Furthermore, the *New York Times* had reported already in October 2012 that administration officials considered permitting enrichment in Iran under certain conditions (Cooper/Landler 2012, Oct. 20).

The strongest domestic opposition to Obama's engagement policy came from Congress. In June 2012, 44 senators urged Obama in a bipartisan letter mentioned before to cut off negotiations unless Iran agreed to three demands similar to the stop-ship-shut proposal to convince the world that their nuclear program is indeed peaceful. Otherwise, the senators demanded additional sanctions and a credible military threat (Rogin 2012, Jun. 15). Only hours after the unsuccessful talks in February 2013, a bipartisan group of members of Congress announced intentions to expand sanctions (The New York Times 2013, Mar. 1). The domestic opposition to concessions combined with the sense of urgency instilled by the fear of an Israeli attack contributed to the decision to establish a secret bilateral channel (Solomon 2016, 250). This is confirmed by Dennis Ross and Ilan Goldberg, a former Pentagon official handling Iran issues (Bergman/Mazzetti 2019, Sep. 4). The Israeli campaign, thus, also contributed to the intensification of engagement efforts as well as sanctions.

The secret contacts began in late 2011, when Kerry, then chairman of the Senate Foreign Relations Committee, reached out to the Iranian government through the Omani sultan in coordination with Obama (Cronberg 2017a, 45; Rozen 2015, Aug. 11). With Khamenei's permission, a preliminary meeting was held in Oman in early 2012. The practical purpose of this outreach was, first, to avoid the complications of multilateral talks, and second, according to Philip Gordon, a former White House Middle East official, to test if the US and Iran could reach an understanding regarding enrichment (Rozen 2015, Aug. 11). Kerry indicated from the start that the US was willing to accept uranium enrichment on Iranian soil under strict monitoring (Solomon 2016, 5).⁸⁰ According to Ben Rhodes, Kerry deviated from the position of Obama who was against concessions before beginning talks (ibid., 243). However, Gordon's claim is supported by the

⁸⁰ Statements by Iranian officials, to be taken with caution, indicate that the secret bilateral negotiations began only after the US had been perceived to accept the Iranian precondition of recognizing its alleged right to uranium enrichment (Carmon et al. 2015).

secret nature of the talks. The secrecy enabled the White House to propose concessions which other members of the P5+1, mostly France, rejected and avoid protest from Israel⁸¹ (Amidror 2015; Bergman/Mazzetti 2019, Sep. 4). Indeed, then-Deputy Secretary of State William Burns is reported to have conveyed already in the first official meeting held in March 2013 that Obama was willing to accept limited domestic enrichment (Cronberg 2017a, 45-46). The disagreement is limited to the question when exactly Obama accepted Iranian enrichment, not if he accepted during those secret talks, as the resulting draft agreement included this concession. The fact that secret talks began before the election of Rouhani in June 2013 led Doran to conclude that the turning point in the US-Iranian relationship was the reelection of Obama in November 2012 rather than Rouhani's election as the official narrative has it (Doran 2015, Feb. 2). Against this assertion stands the fact that by 2013, the relationship between Ahmadinejad and Khamenei had deteriorated to a point where Khamenei would not have allowed Ahmadinejad the achievement of successful negotiations (Hurst 2016; MacFarquhar 2011, Jun. 22). In this regard, Rouhani's election was, in fact, the turning point *in the negotiations*. However, Obama's reelection did constitute a turning point *in US policy towards Iran*, both in terms of the P5+1 proposals and the backchannel.

The election of Rouhani in June 2013 raised hopes among the P5+1 for a diplomatic solution (IISS 2013, 222). Obama saw an opportunity to officially shift the emphasis to engagement and sell concessions to partners and domestic actors (Katzman 2015, 38; Solomon 2016, 248). Open contacts at the highest level began during the UN General Assembly in late September 2013 (IISS 2014, 221) where Obama affirmed that the US was "not seeking regime change" (WH 2013, Sep. 24). The perception of Rouhani as a moderate was based on the before mentioned premises that the Iranian leadership was heterogenous, with a significant moderate faction, and that this heterogeneity was an indication for the possibility of reforming the regime (Siegmond 2001, 43). Rouhani is certainly more pragmatic than his predecessor and may have had a moderating influence on Khamenei (Litvak 2020, Aug. 27). However, the heterogeneity of the regime is limited and Rouhani is a regime loyalist committed to its goals (Menashri 2013; Rubin 2016, Sep. 8; Solomon 2016, 247). There was a debate among Iranian officials whether Iran should acquire nuclear weapons or be satisfied with the status of a threshold state (Litvak 2020, Oct. 20). While Rouhani may not favor a nuclear breakout, he does seek to advance its nuclear program "to achieve and maintain a breakout capability that will enable [Iran] to move quickly to nuclear weapons at a time of its choosing" (Landau 2016, 203). Furthermore, under Ahmadinejad, an imbalance had emerged between Iran's nuclear ambitions and the price it paid in terms of economic and other pressure. Rouhani was

⁸¹ Keeping the talks secret from Israel and denying them when Israel found out through intelligence is considered a great betrayal by Israeli officials. While administration officials assured Israel that Iran would be left with no enriched uranium and no centrifuges, Obama had already decided to give in to Iranian demands to continue with uranium enrichment (שכטר 13 מאי 2013, ואחרים 2020).

to adjust the balance through a more pragmatic approach (ibid., 204).

Secret bilateral talks gained momentum after Rouhani's election and, on November 8, 2013, the P5+1 were presented with a draft agreement in which Iran would keep parts of its nuclear infrastructure, including centrifuges, but begin to get sanctions relief. Despite vocal French opposition,⁸² the interim deal of late November remained very close to the draft (Solomon 2016, 255-258). Western demands of the previous year – stop, ship, and shut – were reduced to a mere “stop” in the JPOA, which provided Iran with limited sanctions relief and left it with enrichment capabilities, thus implicitly legitimizing its enrichment program (IISS 2014, 216).⁸³ I will discuss this key concession in the context of the JCPOA. From Obama's perspective the deal froze Iran's nuclear advancement (Katzman 2015, 23) and, thus, rendered an Iranian breakout and an Israeli military attack unlikely at least for as long as negotiations based on the JPOA were under way and, potentially, for the duration of his presidency. According to senior administration officials the JPOA “reflected the belief that Rouhani was a moderate and could, in time, do the kind of deal we needed. But he could not do it without gaining some limited sanctions relief, which would show the supreme leader, Ali Khamenei, that Rouhani could affect our behavior – and thus build his authority” (Ross 2016, 370).⁸⁴ This view is very much consistent with the German concept of change through rapprochement, trade, and interdependence.

Reactions to the deal from Congress were mixed. Some viewed it as a positive step in the right direction (e.g. House Minority Leader Nancy Pelosi (D-Calif)), others were skeptical (e.g. House Speaker John Boehner (R-Ohio), Robert Menendez (D-NJ)) or criticized the deal sharply (e.g. House Majority Leader Eric Cantor (R-VA) and Charles Schumer (D-NY)). However, many favorable members of Congress supportive of the administration emphasized the need for more economic pressure as leverage to reach an acceptable final deal (O'Keefe 2013, Nov. 24). Many members of Congress held a different view of the interplay between engagement and pressure, economic or military, than the administration. They believed that the Iranians would abandon their nuclear aspirations only under high pressure. In this view, the JPOA eroded the leverage of the West and legitimized Iran's status as a nuclear threshold state whose breakout, if decided on, could no longer be prevented (Ross 2016, 370).

The JPOA served as the basis for the P5+1 and bilateral negotiations in the following one and a half years.⁸⁵ While the bilateral talks between the US and Iran were decisive, the other P5+1 members functioned as facilitator

and provided legitimacy (Cronberg 2017a, 110). By the end of 2014, the biggest disagreements were on the extent of the enrichment capacity Iran could retain and the timeline for sanctions relief (Sanger/Broad 2014, Nov. 22). The P5+1 were not interested in prolonging the negotiations indefinitely out of the fear that the situation could deteriorate and lead to an Iranian breakout. In the final agreement, the P5+1 wanted to preclude the possibility of a quick breakout (Asculai 2014, 22-23). In a speech on April 30, 2015, Biden laid out Obama's requirements: it must block Iran's uranium, plutonium, and covert tracks to a nuclear weapon, “ensure a breakout timeline of at least one year for at least a decade or more,” phase sanctions relief tied to meaningful steps on Iran's part, and, finally, “provide verifiable assurances” that Iran's nuclear program will remain exclusively peaceful (WH 2015, Apr. 30). The JCPOA was concluded on July 14, 2015.

US engagement and the final deal

In the opinion of the Obama administration, the JCPOA provided a satisfactory solution to the Iran nuclear issue.⁸⁶ Kerry said that “Iran's path to actually building a bomb has been closed off” and that due to improved verification and monitoring, “we will know what is going on” (US DoS 2016, Jun. 28). In an interview, Obama stated that criticism that the US did not use all its leverage was “misguided” and that the JCPOA verifiably “cut off every pathway for Iran to develop a nuclear weapon” (Friedman 2015, Jul. 14). According to US assessments, the JCPOA lengthened the time Iran would need to produce enough weapons-grade HEU for a nuclear weapon from a few months to one year and, thus, fulfilled one of its key requirements.⁸⁷ Furthermore, the JCPOA limits uranium enrichment to 3.67 percent uranium-235 and storage to 300 kg of 3.67 percent enriched uranium. There would be no enrichment at Fordow for 15 years. The denial of access to inspectors will be considered a violation of the agreement.⁸⁸ Zarate had argued in 2013 that the Obama administration thought that economic pressure could be increased and decreased at will and that this belief is unfounded as the sanctions regime had been put together under enormous efforts (Zarate 2013, 325). After the JCPOA, foreign companies would also be reluctant to cut trade ties established after the JCPOA and make it even more difficult to gain international support (Kroenig 2018, 95). However, this problem was seemingly solved by allowing any JCPOA participant to call a resolution to continue sanctions relief which could then be vetoed by any permanent member of the UNSC. This “snapback” mechanism was to prevent a scenario in which a permanent UNSC member could veto the re-imposition of sanctions (Arms Control Association 2020, Oct.).

⁸² The French envoy Laurent Fabius publicly called the draft “a sucker's deal” (Solomon 2016, 257).

⁸³ For more details regarding the contents of the JPOA see Katzman 2015, 22.

⁸⁴ According to Ross, Obama viewed the JPOA as a test of Rouhani's ability to deliver a deal that would roll back the program. If it failed, economic and military pressure were still available (Ross 2016, 370).

⁸⁵ The talks were extended twice when the July and November deadlines passed without a deal. A framework agreement was reached on April 2, 2015 (for a summary see Katzman 2015, 23-25).

⁸⁶ For a summary of the provisions of the JCPOA see Kerr/Katzman 2018, 7-20.

⁸⁷ Prior to the JCPOA, the White House had assessed that it would take Iran two to three months to produce (WH 2015, Apr. 2). On February 9, 2016, then-Director of National Intelligence James Clapper testified before Congress that the JCPOA lengthened Iran's breakout time to one year (Clapper 2016, Feb. 9). Director of National Intelligence Daniel Coats confirmed this assessment in May 2017 and February 2018 (Coats 2017, May 11; 2018, Feb. 13).

⁸⁸ For a summary of the JCPOA provisions see Arms Control Association 2020, Oct.

International reactions to the JCPOA have been largely positive (Hafezi et al. 2015, Jul. 14). However, sharp criticism came from Israel. Netanyahu was particularly vocal in his criticism⁸⁹ while some members of Israel's security establishment found positive words for the deal (Eisenkot 2016; Tharoor 2015, Jul. 22). The Obama administration was convinced that the deal enhanced Israel's security by stopping Iran. In an interview in April 2015, Obama said, "[t]his is our best bet by far to make sure Iran doesn't get a nuclear weapon, and [...] what we will be doing even as we enter into this deal is sending a very clear message to the Iranians and to the entire region that if anybody messes with Israel, America will be there" (Friedman 2015, Apr. 5). He added, "I would consider it a failure on my part, a fundamental failure of my presidency, if on my watch, or as a consequence of work that I had done, Israel was rendered more vulnerable" (ibid.). Whether or not this is true,⁹⁰ the sharp Israeli criticism seemed to deepen the conviction, reflected in both Obama's and Germany's policy towards Israel, that they knew better than Israel what benefited its security.⁹¹

Netanyahu's March 2015 speech to the US Congress, in which he vehemently criticized the emerging deal (Israel Ministry of Foreign Affairs 2015, Mar. 3), also became a symbol for the tensions between the Obama administration and Congress. Netanyahu came to Congress on invitation of Republican House Speaker John Boehner without coordination with the White House. This was considered an affront to the president and turned the Iran nuclear file into a partisan issue (Gilboa 2016, 79; Rogers 2015, Mar. 3; Times of Israel 2015, Sep. 3). The tensions became particularly relevant after the conclusion of the JCPOA as Congress had the chance to disapprove the JCPOA.⁹² The *Iran Nuclear Agreement Review Act of 2015* required a 30 day congressional review period from the date of submission to Congress (within five days of finalizing the accord). This period was extended to 60 days because the agreement was reached after July 10 (*INARA of 2015*). In an effort to prevent a vote of disapproval, Kerry warned on September 2, 2015, that a rejection of the JCPOA would lead to the international isolation of the US due to the broad international backing of the agreement; to the collapse of the international sanctions regime as economic interests would take precedence over political ones; and to the rise of Iran's hardliners with a high likelihood of war. It would therefore constitute a "self-destructive blow to our nation's credibility and leadership" and lead to "national paralysis" (US DoS 2015, Sep. 2). The Obama administration, thus, presented Congress with a choice between the JCPOA and a foreign policy disaster, including another war in the Middle East (Doran 2015, Feb. 2). While joint resolutions of disapproval were

introduced both in the House of Representatives and in the Senate, Congress did not pass a resolution of disapproval (or approval) by the September 17, 2015, deadline (Kerr/Katzman 2018, 21). All Republican lawmakers opposed the deal. They were joined by some Democrats, but the majority of Democratic lawmakers supported the deal (Parlapiano 2015, Sep. 10). Those lawmakers opposed to the JCPOA shared the concerns of other critics (Berman 2015, Jul. 7). With regard to Iran, Obama spent the rest of his presidency making efforts to protect the nuclear deal (IISS 2017, 180). As these concerns would be central to the policy of Obama's successor, I will discuss their main points in detail.

One major concern is that the JCPOA deals exclusively with Iran's nuclear program. In addition to the production of fissile material, weaponization and the delivery component are central to the production of nuclear weapons (Kuperwasser 2015, 12). The JCPOA focuses mainly on the first element. The Obama administration had decided to deal with the nuclear program as separate from Iran's ballistic missiles program and its destabilizing regional activity to avoid further complicating the bargaining while dealing with the most pressing issue. Israel had shared this position but later fiercely criticized the separation (Evental 2019, May 19; Litvak 2020, Aug. 27).⁹³ Ballistic missiles capable of carrying a nuclear warhead are an integral part of a nuclear arsenal⁹⁴ and, conversely, such missiles are of little advantage without a nuclear warhead. Focusing exclusively on fissile material misses this inherent connection (Gerecht 2018, May 4; Krause 2018, May 15; Kuperwasser 2015, 12; Rezaei 2019, Mar. 12; Schwammenthal 2018, 222). At the same time, the JCPOA prescribes the lifting of UN sanctions on Iranian missile technology imports after eight years. This creates an irritating imbalance (Kroenig 2018, 96). The JCPOA also ignores Iran's regional activity. Simon, who served on Obama's National Security Council, argued that the nuclear agreement and Iran's regional activity were not connected (Simon 2018, 15).⁹⁵ However, many consider Iran's strife towards a nuclear weapons capability as part of its pursuit of Middle East hegemony (21 ספט., 2020, שיפטן). One may still claim that demanding a stop to Iran's meddling in its neighbor's domestic affairs does nothing to block Iran's nuclear ambitions, the declared goal of the JCPOA, and add that similar demands were not raised against other actors, e.g. Saudi Arabia and Turkey (Litvak 2021, Jan. 19). Furthermore, including Iran's regional activity in a comprehensive agreement – as the Iranians themselves had proposed – would have enabled Iran to trade concessions in this field for Western concessions in the nuclear realm (Evental 2019, May 19). While left unrestricted by the agreement, Iran's regional activity (and Iran's missiles program), critics argued, would be boosted by sanctions relief and the immediate repatriation of unfrozen Iranian assets and oil-sale proceeds in cash (IISS 2015, 226; \$400 מרץ 2020, שכטר ואחרים).

⁸⁹ He called the deal a "historic mistake" as said that it would pave the way to an Iranian nuclear weapons arsenal and sanctions relief would boost its regional aggression and support for terrorism (Kershner 2015, Jul. 14)

⁹⁰ For different opinions see, e.g., Baker 2016, Dec. 23; Bloomberg Opinion Editorial Board 2016, Dec. 27; Feldman 2017, Jan. 17; Ross 2016; Saltzman 2017.

⁹¹ I will discuss this when dealing with Germany's policy.

⁹² Only the US and Iran required some degree of domestic ratification of the JCPOA (Adebahr 2017, 140).

⁹³ Israel had initially supported a focus on the nuclear program and focused its cognitive campaign on this issue (Dangoor 2019, 182).

⁹⁴ Although delivery by plane would be another, less efficient option.

⁹⁵ Simon also argued that talk of "'land corridors' [...] evoke[s] interwar geopolitics; this exaggerates the stakes" (Simon 2018, 17).

million were transferred to Iran in cash in multiple currencies after the release of US hostages, an act that was perceived as ransom by the Iranians despite the denial of the Obama administration. Rubin asserts that the remaining \$1.3 billion were likely also paid in cash. Cash, particularly in multiple currencies, is especially suited for terror-sponsoring as it enables payment without detection (Rubin 2016, Sep. 8). Kerry played down this danger stating that Iran would have to invest the freed assets to fulfill its economic needs before being free to spend them in its regional activities (US DoS 2015, Sep. 2). This ignores both that the Iranian leadership may have a different approach to budget allocation than the US and that the IRGC comprises a significant part of the Iranian economy (Rubin 2016, Sep. 8). Obama himself said that Iran's regional activities were "low-cost" and, thus, a bigger budget would not make a large difference (WH 2015, May 14), after all, "Iran has always found a way to fund these efforts" (ibid. 2015, Aug. 5). One may interpret these comments as a mere attempt to sell the deal to Congress. However, Obama reportedly "told his aides that he expect relatively little to be spent to finance terrorism or the emerging corps of Iranian cyberwarriors (Sanger 2015, Jul. 14). Iran did become more aggressive after the sanctions were lifted.⁹⁶ Through sanctions relief Iran's regional activity and ballistic missiles program, therefore, profited from the JCPOA while it did not have to make concessions regarding these issues.

The JCPOA does deal with the second component of a nuclear arsenal, weaponization, by blocking Iran from activities applicable to the development of a nuclear explosive device (Davenport et al. 2015, 20). It did not, however, clarify Iran's past work on weaponization, i.e. the PMD of Iran's nuclear program. According to Landau, this would have been critical for a comprehensive deal as this constitutes Iran's "clearest violation of the NPT" and the main source of legitimacy for the international community's demands. The failure to do so was "tantamount to enabling Iran to continue with its deceitful narrative according to which it 'has done no wrong in the nuclear realm': that no evidence has been produced of Iran's wrongdoing, and therefore all the measures that have been taken against it, first and foremost the sanctions, are illegal and unjust" (Landau 2016, 206). Einhorn, on the other hand, argues that full disclosure of past nuclear activities would have been an unrealistic demand and unnecessary for an effective nuclear agreement (Einhorn 2015, Dec. 1).

There were also substantial concerns with what the agreement was supposed to tackle, the production of fissile material. Landau argues that the agreement should be judged on its effect on "Iran's *breakout ability*, because this is what matters to Iran" (Landau 2016, 203, emphasis in original). While the demand for zero enrichment is widely considered unrealistic,⁹⁷ including by the Obama administration (WH 2013, Dec. 7), leaving Iran with independent enrichment capabilities legitimized Iran's nuclear program and, thus, the basis for its

breakout ability (Doran 2015, Feb. 2; IISS 2014, 216; Kissinger 2014, 164; שכטר 13 מרץ 2020, ואחרים 2020). This was "the key American concession" (Ignatius 2015, Sep. 15). It left Iran with a key capability for the production of nuclear weapons that, in the case of Iran, lacked a civilian justification and went against UNSC resolutions demanding Iran to dismantle its nuclear infrastructure (Schueftan 2020, May 20; שכטר ואחרים 13 מרץ 2020). Gaining international legitimacy for their nuclear program had been the main Iranian priority in the talks (Amidror 2015). While the deal did not grant an explicit "right to enrich" (Kerr/Katzman 2018, 7), a point US officials stressed (WH 2013, Nov. 24), accepting independent enrichment provided the legitimacy the Iranians sought. This concession, made already in the interim deal in late 2013, represented the factual transition from a policy of prevention to a one of containment (Schueftan 2020, May 20) at a time when Iran was struggling under crippling sanctions. Furthermore, leaving the Fordow facility open and allowing Iran to continue R&D on advanced centrifuges raised fears that Iran may use them for cheating or a quick breakout after the sunset clauses take effect (Landau 2019, Nov. 25; Levite 2015, Jul. 17). According to Landau, advanced centrifuges and 20 percent enriched uranium are "*functional equivalents*" when it comes to Iran's breakout capability (Landau 2016, 204, emphasis in original). While the JCPOA minimizes the latter, it largely ignored the former. This may partly be due to practical difficulties in verification and effectively preventing a country from carrying out R&D. On the other hand, one may claim that strong restrictions in the JCPOA could have at least rendered it more difficult for Iran to carry out R&D on advanced centrifuges and legitimized international measures against such efforts.

Legitimizing Iranian enrichment also threatened to undermine US nonproliferation policy in general. After 50 years of efforts to prohibit non-nuclear weapons states from enriching uranium, the JCPOA set a dangerous precedent (Kroenig 2018, 96). Iran gained legitimacy for its enrichment program by defying US red lines and UNSC resolutions while continuing to be openly hostile to the US (Mandelbaum 2015, Apr. 22). On a regional level, other actors will want to catch up to prepare for a potential future Iranian breakout. Netanyahu had warned Congress in March 2015 that instead of preventing nuclear proliferation, the deal would "spark a nuclear arms race in the most dangerous part of the planet" as Iran's neighbors will make efforts to obtain the same capabilities that Iran received under the agreement (Israel Ministry of Foreign Affairs 2015, Mar. 3). The growing mistrust of America's commitment to its Middle East allies and the sunset clauses contribute to this concern.

Combined with continued enrichment capabilities, those sunset clauses would allow Iran's breakout time to shrink from 2025 reaching weeks by 2030 (Schwammenthal 2018, 223; שכטר ואחרים 13 מרץ 2020). This means that even if Iran keeps all the provisions of the agreement meticulously – and it has a strong interest to do so as the agreement gives it what it wanted – it will emerge as a nuclear threshold state with a breakout time near zero. Supporters of the deal argue that monitoring and verification measures were permanent

⁹⁶ I will discuss this in the next part.

⁹⁷ For example, Fathollah-Nejad writes that the nuclear negotiations after Rouhani's elections were made possible by the US dropping "its unrealistic and therefore counterproductive demand for 'zero enrichment'" (Fathollah-Nejad 2016, 61).

and that “certain activities relevant to developing a nuclear explosive device” would remain prohibited (Davenport 2018, Mar. 22). However, Obama himself admitted in an NPR interview in April 2015 that “a more relevant fear would be that in year 13, 14, 15, they have advanced centrifuges that enrich uranium fairly rapidly, and at that point the breakout times would have shrunk almost down to zero” (Inskeep 2015, Apr. 7). At another point, Obama said that he should be judged on whether the JCPOA prevents an Iranian nuclear breakout “for the next 10 years” (Friedman 2015, Jul. 14). These comments suggests that Obama was aware that the JCPOA may just postpone the problem rather than solve it. Kissinger warned in 2014 that Iran might opt for “a strategy of relaxing tensions just enough to break the sanctions regime but retaining a substantial nuclear infrastructure and a maximum freedom of action to turn it into a weapons program later” (Kissinger 2014, 163). Kroenig concludes that “[t]he primary problem with the Iran nuclear deal is that it does not address the problem it was supposed to solve” (Kroenig 2018, 95).

Proponents of the deal argue that the monitoring and verification measures, many of them permanent, would enable inspectors to detect an Iranian breakout attempt, a case in which sanctions could be reimposed and the military option remained available. For example, Obama argued “if 15 or 20 years from now, Iran tries to build a bomb, this deal ensures that the United States will have better tools to detect it, a stronger basis under international law to respond, and the same options available to stop a weapons program as we have today, including -- if necessary -- military options” (WH 2015, Aug. 5). DNI Clapper stated that “the international community is well postured to quickly detect changes to Iran’s declared nuclear facilities designed to shorten the time Iran would need to produce fissile material” (Clapper 2016, Feb. 9). He also said that in the more likely case that Iran would use clandestine facilities to produce weapons-grade HEU (Charlie Rose 2015, Mar. 2). But US intelligence officials had long expressed their confidence in their ability to detect such activity as well (US DoS 2013, Nov. 6). Critics, on the other hand, point out that this assessment was unrealistic because the strict provisions regarding declared nuclear sites did not apply to undeclared sites, materials, and activities. Asculai, thus, described the verification mechanism as “lacking” (Kershner 2015, Jul. 14). Moreover, military sites were explicitly excluded from the strict monitoring regime through a “managed access” approach (Alterman 2016; Mandelbaum 2015, Apr. 22; Schwammenthal 2018, 223). If, nonetheless, significant violations or even preparations for breakout were detected, the reimposition of sanctions and other effective counter-proliferation measures may prove difficult due to the extent of the nuclear program, procedural requirements, and the political context of international decisions. A breakout time of one year may not be sufficient for such measures to take effect (Landau 2016, 207; Mandelbaum 2015, Apr. 22). Moreover, there is “an inherent asymmetry between an expanding Iranian nuclear program and diminishing economic leverage” as sanctions relief will give Iran the opportunity to immunize its economy against future sanctions. The US will be left with diminishing economic leverage as snapback

loses effectiveness (Dubowitz/Fixler 2015, Jun. 18).⁹⁸ This would leave the military option which, proponents argued, would even be strengthened by the deal as it improves the political position of the US for an attack (WH 2015, Aug. 5). Obama himself pointed out that the military option remained available in case Iran tried to acquire nuclear weapons (Inskeep 2015, Apr. 7). However, Obama himself considered the military option ineffective under pre-JCPOA conditions. Sanctions relief enabled Iran to improve its defenses against an attack as the example of Russian sales of the advanced S-300 surface-to-air defense system after the JCPOA shows (Kroenig 2018, 95-96). If anything, the military option would become less effective and less attractive. This is supported by the lack of any discussion in the Obama administration about consequences after Iranian breaches of UN resolutions after the JCPOA, including firing ballistic missiles (Satloff 2015, Nov. 5). That the US would be willing to use force in the scenario of significant Iranian JCPOA violations is doubtful in light of its policy thus far (Mandelbaum 2015, Apr. 22). The concessions also reduced the credibility of the military option (Ross 2016, 364-365) as they underlined Obama’s aversion to military action (Lieber 2016, 68). The US, thus, continued to lack a credible military threat to deter Iran from JCPOA violations in the first place (Mandelbaum 2015).

In light of these concerns, critics argue that the concessions on the part of the P5+1 and particularly the US were disproportionate to the disparity of power between the two sides, especially considering the state of the Iranian economy after years of crippling sanctions (Shalom 2016, 20). In a column published shortly before the deal was concluded, Friedman voiced concern that the US had not used all its leverage against Iran and had given in on key issues “as if it’s always our side looking to accommodate Iran’s needs” (Friedman 2015, Jul. 1). The concessions allowed Iran, by standards Obama presented in December 2013, to remain with capabilities that have no use in a civilian nuclear program (Sa’ar/Shalom 2015, 3). The US accepted a deal that it had been “clearly unwilling to even consider over the past decade” (Levite/Feldman 2015, Jul. 21). It seemed that Obama had “traded permanent American concessions for Iranian gestures of temporary restraint” (Doran 2015, Feb. 2). In Levite’s and Feldman’s words, concessions were inevitable but “their precise nature could have been better managed” (Levite/Feldman 2015, Jul. 21).⁹⁹ Why, then, did the US not obtain a better deal?

In negotiations of this kind, the proliferator often gains the upper hand due to his strategic determination and tactical game in bargaining (Landau 2012,

⁹⁸ See also Kroenig 2018, 95.

⁹⁹ For example, critics have proposed linking the sunset clauses to a broader conclusion by IAEA that no undeclared nuclear activities, program peaceful, a common IAEA tool (Dubowitz/Fixler 2015, Jun. 18). Netanyahu himself said before Congress, “[i]f the world powers are not prepared to insist that Iran change its behavior before a deal is signed, at the very least they should insist that Iran change its behavior before a deal expires,” including that it stop export of terrorism, intrusion in other countries’ affairs, and threatening Israel’s existence (Israel Ministry of Foreign Affairs 2015, Mar. 3).

89). If the other side is comprised of multiple state actors, the political context and economic and geopolitical interests can lead to disunity and weaken the resolve of the group, as happened in the P5+1 format. This weakened the group's negotiating position. The continuous advancement of Iran's program made roll back increasingly hard while the experience of the Iraq war rendered the case that Iran's nuclear program was indeed military in nature more difficult to make for the US – both to the world and to itself (ibid. 2016, 198–202). The negotiating dynamic, therefore, put the US at a certain disadvantage. However, considering the great disparity of power between the two sides, it seems unlikely that the US could not have used its leverage to tip the scales in its favor. This, however, was undermined by a number of factors.

The Obama administration believed that a deal, to be reached as quickly as possible, was its only option. Kerry spoke of "the utter absence of a viable alternative" (US DoS 2015, Sep. 2). The Iraq invasion of 2003 had strengthened Iran leaving it in the position of a regional power without its long-time strategic rival (Litvak 2018, 42). Thus, the Obama administration correctly assessed that sanctions may have brought Iran to the table but were not enough to force it into the dismantlement of its nuclear program (Levite/Feldman 2015, Jul. 21; Shalom 2016, 25–26; US DoS 2015, Sep. 2). Covert operations, too, had proven unable to significantly delay the program leaving the US with a choice between engagement and military action. However, Obama's aversion to force and his administration's particular view of military action against Iran and its consequences seem to have disqualified military force as a practical option, perhaps even as a last resort. This left a diplomatic agreement as the only option. Mutual concessions were inevitable (Landau 2012, 89; Levite/Feldman 2015, Jul. 21). Their nature, however, depended on the bargaining between the two sides.

In this bargaining situation, the Obama administration was unable and seemingly unwilling to project a credible military threat and actively undermined the credibility of Israel's military threat (see above). This left the US to negotiate with Iran without its greatest leverage, essentially as equals (Dershowitz 2015, 17). At the same time, the international negotiators seem to have misinterpreted the character of the negotiating situation. They assumed that there was a shared interest in a deal and willingness to compromise for the sake of "a mutually desirable agreement" (Landau 2016, 203). For example, Obama stated in 2009, "[m]y administration will seek engagement with Iran based on mutual interests and mutual respect" (WH 2009, Apr. 5). Biden reiterated this stance in December 2014 at the Saban Forum (ibid. 2014, Dec. 7). Iran, on the other hand, believed that a deal that would fulfil both its interest in maintaining a short nuclear breakout time and gaining sanctions relief was possible because of messages sent by the US and the significant P5+1 concessions in the interim deal and in late 2014 without substantial Iranian concessions (Landau 2016, 211). Mousavian's earlier accounts of the negotiations shows the Iranian view of the talks as a zero-sum game (Mousavian 2008; 2012). Doran argues that this misunderstanding

is part of a broader failure of the Obama administration to understand that other actors may not share the American view that "safeguarding the national interest in the Middle East means making the region a better place" (Doran 2020, Sep. 23),¹⁰⁰ defined in terms of a universally shared value hierarchy. Even more broadly, the US seemed to assume, much like the Europeans, that its desire to avoid the use of force and power politics must be shared by all rational nations and that countries threatening aggression must suffer from significant grievances that need to be, and can be, accommodated (Kagan 2014, Sep. 5). This misinterpretation of the negotiating position combined with the lack of a credible military threat undermined the negotiating position of the US.

Dershowitz argues that while "*this* deal may be less bad than the alternatives currently 'on the table,'" Obama "should be judged on whether this is the best deal the administration could have achieved" (Dershowitz 2015, 16, emphasis in original). While under the conditions of Obama's policy, an agreement may not have been possible without abandoning the demand for zero enrichment, a credible military threat may have enabled a different agreement. Iran had suspended its nuclear weapons program and made its most far-reaching offer in 2003¹⁰¹ after the Iraq invasion when it feared that it would be next (Litvak 2018, 42; Sinha/Campbell Beachy 2015, Apr. 2). Nau points out that if you choose to negotiate with regime like Iran's, there is a special need to back diplomacy with force to help it succeed (Nau 2016, 33). Obama, on the other hand, downplayed the use of military leverage in his engagement with US adversaries, including Iran (Lieber 2016, 102; Nau 2018, 30). This meant that Congress was left to choose between a highly problematic deal and a potentially worse alternative (Dershowitz 2015, 16).

Nevertheless, Obama was not dissatisfied by the agreement because of his "personal faith in the transformative power of exposure to the global economy" (Mandelbaum 2015, Apr. 22.), i.e. the German concept of change through rapprochement and trade. Doran argues that "[a]s a matter of ideology as much as strategy, Obama believes that integrating Iran into the international diplomatic and economic system is a much more effective method of moderating its aggressive behavior than applying more pressure" (Doran 2015, Feb. 2). Obama expected that greater exposure to the outside world would weaken the regime (Mandelbaum 2015, Apr. 22; Nau 2018, 30), thus bringing change from within. Obama's former Secretary of Defense, Robert Gates, said in an interview in 2015,

I think that the pursuit of the agreement is based on the President's hope that over a ten-year period with the sanctions being lifted that the Iranians will

¹⁰⁰ According to Doran, "[w]hen Obama the schoolmarm scolded Putin the wayward pupil over Syria, counseling him that his effort to prop up Assad 'won't work,' he assumed, quaintly, that the Russian leader was trying to 'solve' the 'Syria crisis.' Nothing could have been further from Putin's mind, of course: Putin sent troops to Syria to make Russia top dog" (Doran 2020, Sep. 23)

¹⁰¹ Hurst argues that even in this offer under the real threat of military action by Bush, the Iranians had refused to compromise on this (Hurst 2016, 563). He bases this argument on Parsi 2007, 246–251.

become a constructive stakeholder in the international community. That [...] they will abandon their ideology, their theology, their revolutionary principles, their meddling in various parts of the region (CBS News 2015, May 17).

Obama himself seemed to confirm this view in an interview in March 2014, stating that

if, in fact, as a consequence of a deal on their nuclear program those voices and trends inside of Iran are strengthened, and their economy becomes more integrated into the international community, and there's more travel and greater openness, even if that takes a decade or 15 years or 20 years, then that's very much an outcome we should desire (Goldberg 2014, Mar. 2).

While this hope is to a certain extent supported by Khamenei's fear of a Gorbachev scenario (Litvak 2020, Oct. 20), the JCPOA was, nonetheless, based on a major gamble.¹⁰² "Because the restrictions on Iranian nuclear activities will have time limits, unless the regime does undergo substantial change the expiration of the accord will bring exactly the result that it is the declared aim of the administration to prevent: an expansionist, anti-American Iran confronting no barriers at all to the acquisition of nuclear weapons" (Mandelbaum 2015, Apr. 22). In his 2015 interview, Gates called Obama's hope "very unrealistic" (CBS News 2015, May 17). Indeed, after the JCPOA, Iran continued its hostility to the US and to call for Israel's destruction, its regional activity became more aggressive (שכטר ואחרים 2020, מרץ 13) and domestic political repression "intensified under the umbrella of rapprochement with the West" (Fathollah-Nejad 2016, 63). Fathollah-Nejad and Naeni even argued that the division between conservatives and moderates in the Iranian regime presented to the West often serves "a utilitarian purpose of foreign policy." They cite an "outgoing moderate member of parliament" who acknowledged that the sharp protests of hardliners against Rouhani's policy were meant to help obtain greater concessions from the US, playing on Obama's conviction of change through rapprochement in a game of "good cop, bad cop" (Fathollah-Nejad/Naeni 2020, Jun. 15). While there is a chance that this gamble may have worked in the long-run (cut short by Trump's presidency), it certainly did not work in the short-run.

Hand in hand with the idea of change through rapprochement in Iran is the idea of a détente with Iran that would turn Iran into a partner. Observers have argued that the Obama administration had begun to perceive Iran as a potential partner in the Middle East, a region that was spiraling more and more out of control, and that this played a role in its decision to soften its position in the negotiations (Doran 2015, Feb. 2; Landau 2016, 201; Litvak 2018, 45; Samuels 2016, May 5). In April 2015, Obama himself had expressed hope that a final deal would usher "in a new era in U.S.-Iranian relations" (Cohen 2015, Apr. 6). However, in August 2015, Obama said that the JCPOA "does not represent a strategic rapprochement between the United States and Iran" (Wright 2015, Aug. 7). Furthermore, Ben Rhodes denies that the Iran deal was meant to position the

US "in some kind of partnership with Iran" in his autobiography (Rhodes 2018, 368). However, the rise of Sunni anti-American fanaticism at least partially transformed US-Iranian relations through the discovery of shared interests while regional realities complicated the differentiation between friends and enemies. Combined with dissatisfaction with traditional allies, primarily Israel and Saudi Arabia, Iran appeared as a stable and rational player that could play a critical role in fighting Sunni extremism, stabilizing Iraq, and finding a political arrangement in the Middle East (Doran 2015, Feb. 2; Fathollah-Nejad 2016, 61; Joffe 2015, Oct. 1; Levite/Feldman 2015, Jul. 21; Litvak 2018, 45).¹⁰³ After ISIS had rapidly conquered territory in Syria and Iraq in the first half of 2014, Iran and a US-led anti-ISIS coalition started to intervene. While US officials denied any coordination with Iranian forces and proxies, the US profited from Iranian ground activities which complemented US-led air strikes (Arango/Ahmed 2014, Aug. 31; Krieg 2016, 106). In December 2014, Kerry said that "the net effect is positive" (Lamothe 2014, Dec. 3) and confirmed in 2016, that "Iran in Iraq has been in certain ways helpful, and they clearly are focused on ISISL/Daesh. And so we have a common interest, actually" (US DoS 2016, Jun. 28). The threat of ISIS, thus, "created a partial confluence of interests between Iran and the US, and even some indirect cooperation" (Litvak 2018, 45) in parallel to the evolving negotiations. This indirect delegation of the burden of warfare fits well with the Obama administration's retrenchment policy and preference for the use of surrogate warfare to protect vital interests (Krieg 2016, 106). If not a partner, Iran could at least become a party with whom an accommodation could be found (Doran 2019, Nov. 10). To this end, Obama treated Syria and Iraq as a legitimate Iranian sphere of interest and influence, believing that such indirect approval would contribute to moderating Iran (ibid. 2015, Feb. 2; 2019, May 8; Litvak 2018, 49). In a January 2014 interview with Remnick, Obama stated that, on a regional level, his goal was, in Remnick's words, "a new geopolitical equilibrium" between the predominantly Sunni Gulf states and Iran (Remnick 2014, Jan. 20). A nuclear agreement was considered a necessary condition for a détente and effective cooperation in stabilizing the region (De Luce 2015, Aug. 10; Solomon 2015, Jun. 28).

For the scenario that change through rapprochement would fail, Obama administration seemingly assuming that in such a case, if Iran made the decision, a breakout was inevitable. Iran would after fifteen years emerge as a threshold state with a minimal breakout time and, perhaps, as a nuclear-weapons state. This concession suggests that Obama had shifted to a de facto policy of containment prioritizing reaching an agreement over a policy of prevention (Dershowitz 2015, 55; Shalom 2016, 20). This assertion is supported by Obama's repeated emphasis on the military aid he awarded Israel¹⁰⁴ and security guarantees and arms deals with US Middle East allies after the JCPOA (BBC News 2015, Aug. 3; Bolton 2015, Aug. 24). In an interview in *Foreign Policy*

¹⁰² Sanger called the JCPOA a "bet," "leap of faith," and a "roll of the dice" (Sanger 2015, Jul. 14).

¹⁰³ Israel had been worried for some time that ISIS would distract Europe and the US from Iran and turn the latter from an adversary into a partner in their eyes (Kaye 2016, 13).

¹⁰⁴ See, e.g., WH 2015, Aug. 5.

in December 2015, Hagel stated that Obama's policy was to "contain" Iran. The interviewer interpreted this as a misstatement (De Luce 2015, Dec. 18) but it may, really, have been correct (Shalom 2016, 23). Obama repeatedly stated that Iran must not obtain a nuclear weapon "on my watch"¹⁰⁵ and suggested that if Iran tried to obtain nuclear weapons, "the option of a future president to take action [...] is undiminished" (Inskeep 2015, Apr. 7). This suggests that he may have preferred "to kick the can down the road to preserve his legacy" (Dershowitz 2015, 109) over a long-term solution to the Iran nuclear file (Litvak 2020, Aug. 27).

With the end of his presidency nearing, a diplomatic agreement with Iran was also a matter of personal legacy to Obama (Mandelbaum 2015, Apr. 22). The JCPOA has been described as "the centerpiece of his foreign-policy legacy" (Bergman/Mazzetti 2019, Sep. 4) and "the most ambitious foreign-policy initiative of [Obama's] Presidency" (Wright 2015, Aug. 7). Obama himself saw it as a way to prove, at the end of his presidency, that he deserved the Nobel Peace Prize (ibid.). He also thought that the JCPOA was the basis for stability in the Middle East (Bergman/Mazzetti 2019, Sep. 4) and a cornerstone of a new US foreign policy, one based on diplomacy rather than military force, a thought he expressed in a meeting with journalists at the White House in early August 2015 (Wright 2015, Aug. 7). In his defense of the JCPOA in August 2015, he explained that in the case of Iran, the US must not make the same mistakes as with Iraq:

when I ran for President eight years ago as a candidate who had opposed the decision to go to war in Iraq, I said that America didn't just have to end that war – we had to end the mindset that got us there in the first place. It was a mindset characterized by a preference for military action over diplomacy; a mindset that put a premium on unilateral U.S. action over the painstaking work of building international consensus; a mindset that exaggerated threats beyond what the intelligence supported (WH 2015, Aug. 5).

Obama perceived the Iran nuclear file to be part of his mission to redefine America's role in the world and demonstrate the effectiveness of engagement and multilateralism over the assertive foreign policy of his predecessor. In other words, he wanted to shift America to a more European approach in Kagan's terms. This, however, required a diplomatic agreement that could be presented as the solution to the Iran nuclear file. Reaching a diplomatic agreement with Iran, without the coercion of a credible military threat, was, thus, also matter of legacy for which time was running out.

Germany and the P5+1 negotiations

During the period of tightened sanctions, the Europeans were considered to take a tougher stance on Iran than the US in a reversal of their roles during the Bush era. However, this impression was based on French and to some extent British policy (Fabius 2016; Solomon/Norman 2015, Mar. 20) and was less fitting regarding Germany.

Like Obama, Germany viewed multilateral engagement as the only viable option to stop Iran from acquiring nuclear weapons. It categorically rejected military action against Iran, saw limited benefits in covert action, and shared Obama's skepticism of the effectiveness of sanctions. In Germany's case, this skepticism was reinforced by economic interests, traditionally friendly ties with Iran, and the *Ostpolitik* tradition. Germany also welcomed the opportunity to act at the same time in a multilateral context and in accordance with its economic and other regional interests. It was convinced that a solution to Iran nuclear question required multilateralism as Merkel explicitly stated in a speech in September 2011 (Bundesregierung 2011, Sep. 10). Germany was thus able to at least partially reconcile the civilian power and the geo-economic imperative in the P5+1 negotiations with Iran. Moreover, could present itself as a 'Shaping Power,' boost its international status as a member of the P5+1 (despite its preference for the abbreviation E3+3), and find German-US consensus in times of many disagreements (Stelzenmüller 2016, 62). Germany's eagerness to establish the format as a framework for future crisis resolution efforts reflects its desire to cement the distinct role it had required in the negotiations P5+1 negotiations. For example, Steinmeier said in September 2016 that the E3+3 should serve as a format to find a solution to the Syria crisis (AA 2016, Sep. 9). Lacking military capability and will, multilateral engagement to Germany was also a way to establish itself as a more influential global actor. According to Decottignies, "the P5+1 format fostered the advent of a more prominent German diplomatic role in Europe and beyond, on par with Berlin's economic clout" (Decottignies 2016, Jul. 13).

Within the P5+1 framework, Germany perceived itself in the tradition of the 'honest broker' as the ideal mediator and balancer. This role was reinforced by the additional representation of Germany through the EU's lead negotiator and German diplomat, Helga Schmidt. Schmidt was also present at some of the bilateral US-Iranian negotiations (US DoS 2014, Jun. 16). It took this role both within the P5+1 and vis-à-vis Iran by focusing on the search of a middle ground. In November 2014, Steinmeier said that "the search for the 'common ground,' for common interests and goals" was at the center of diplomacy and "Germany is prepared to work to ensure that any agreement is broadly accepted"¹⁰⁶ (AA 2014, Nov. 11). Within the P5+1 it mediated between France, the UK, and the US. According to a German diplomat, "Germany had sort of kept the middle ground and was often able to bridge gaps or bridge differences between partners. [...] There's France even harder than the US. The UK in between and it's more difficult" (Wright 2019, 179). Furthermore, it worked to keep Russia and China on board drawing on its status as the de facto leader of the EU. In this regard, its caution in relation to Iran sanctions and its generally more cautious policy towards Russia and China made it a more acceptable mediator (Borchard 2015, Jul. 7; Helwig 2012, 33). Merkel seemed to hint at such

¹⁰⁶ Author's translation. German original: "Die Suche nach dem 'Common Ground', nach gemeinsamen Interessen und Zielen [...]: sie gehört zum Kerngeschäft der Diplomatie! [...] Deutschland ist bereit, sich für eine breite Akzeptanz einer Vereinbarung einzusetzen."

¹⁰⁵ See, e.g., Friedman 2015, Apr. 5; WH 2015, Aug. 5.

a role in a press conference in February 2014 (Bundesregierung 2014, Feb. 25). Vis-à-vis Iran, Germany was in a special position as a country with traditionally friendly political and close economic ties with Iran. Its status as one of Iran's most important trading partners gave it special economic leverage (Helwig 2012, 33). Furthermore, it considered itself to possess critical and exclusive technical knowledge of Iran's nuclear program as much of the technology used in Iranian plants had been provided by German companies (Jones 2007; Müller 2016, 30).

Additionally, its status as the only non-nuclear weapons state in the P5+1 format strengthened its mediator role (Helwig 2012, 33). A non-nuclear weapons state with threshold capabilities, Germany has historically promoted enrichment as a right and argued for decades that its own advanced enrichment capabilities were necessary for it to maintain its scientific edge (Nuclear Threat Initiative 2019, Jul. 1).¹⁰⁷ It eventually agreed that Iran had forfeited this right by its failure to report all of its nuclear activities (Cronberg 2017a, 54).¹⁰⁸ However, Germany's insistence on its right to enrich rendered its legal argument for denying Iran similar rights somewhat awkward, an important point for a country with a legalist view of foreign policy. On the other hand, being the only negotiating state without nuclear weapons placed it in a better position for mediation as its opposition to an Iranian nuclear weapon may have been perceived as less hypocritical than that of a state that itself possessed such weapons (Helwig 2012, 33). In parallel to the multilateral negotiations, it held bilateral talks with Iran like the other P5+1 countries (US DoS 2014, Jun. 16). While many of the decisive negotiations after the JPOA took place bilaterally between the US and Iran, it seems that Germany continued to play a role as a facilitator (Borchard 2015, Jul. 7).

Beyond mediation, Germany's approach to the negotiation emphasized positive incentives over pressure as leverage, even though both aspects – its political ties and economic leverage – had played an important role in its inclusion in the talks. Such positive incentives included economic benefits as well as political and technological support for a civilian, peaceful nuclear program (Council of the EU 2012, Mar. 23). While it had agreed to impose tough sanctions on Iran, it remained skeptical of the potential of economic pressure to force a political solution based on the conviction that coercion was less effective and more harmful than persuasion (Wright 2019, 210). This approach, too, reflected the tradition of *Ostpolitik* and the concept of change through rapprochement.

Even though they played an active part in the talks, the Germans largely refrained from publicly stating any specific requirements for an agreement. Rather, they called for "a political solution" that would fulfill "the clear aim of preventing Iran from arming itself with nuclear weapons" (AA 2012, Oct. 14). Like

the Obama administration and its other P5+1 partners, Germany focused on the nuclear question and pursued the limited goal of restrictions on Iran's nuclear program in exchange for sanctions relief (Decottignies 2016, Jul. 13). After the interim deal, Merkel rejected the previous demand for "zero enrichment" as unrealistic (Bundesregierung 2014, Feb. 25) and later stated that an acceptable agreement must preclude the possibility of an Iranian nuclear breakout (ZEIT Online 2015, Mar. 31). Also joint statements of the E3 remained vague. In a January 2015 *Washington Post* op-ed, the E3 foreign and Mogherini stated that the goal was "a comprehensive solution that both recognizes the Iranian people's right to access peaceful nuclear energy and allows the international community to verify that Iran cannot obtain a nuclear weapon. Any agreement must provide concrete, verifiable and long-lasting assurances that Iran's nuclear program is and will remain exclusively peaceful. Nothing less will do" (Fabius et al. 2015, Jan. 22). Publicly stating concrete demands would have limited German options regarding an agreement and potentially hurt its position as a neutral 'honest broker.' According to former French Foreign Minister Laurent Fabius, the Germans were "ready to accept any results that satisfied both the Americans and the Iranians" (Fabius 2016, 15). This reflected an awareness that, ultimately, the US and Iran were the decisive parties.

Furthermore, this openness connects with Germany's impatience for a final deal. Its concern for Israel's security played a role in this impatience. The protection of Israel's right to exist is one of the main pillars of Merkel's Middle East policy (Belkin 2009, 21) and one of the reasons for its dialogue initiative in 2003 (Borchard 2015, Jul. 7). This concern has remained an important aspect of Germany's efforts against the Iranian nuclear program. This does not mean that Germany supported the tough Israeli position in relation to Iran. Rather, it pursued its own assessment of what would contribute to Israel's security and tried to convince Israel of its approach (Fathollah-Nejad 2016, 61). In a joint press conference with Netanyahu in 2014, Merkel said that continued waiting would not improve the situation and Germany had therefore chosen to pursue negotiations (Bundesregierung 2014, Feb. 25). Leuschke called this a "parental" approach to Israel's security (Leuschke 2017, 28).

Another important reason for Germany's impatience were its economic interests. German companies had lost profits due to sanctions and were eager to rebuild and develop their business ties in Iran. Business lobbies pressured the government for a quick deal to profit from the Iranian export market (Borchard 2015, Jul. 2; Mihm 2015, Apr. 3). Their enthusiastic response to the JCPOA (see below) indicates that the German government was under great pressure from powerful business lobbies to push for a deal and an end to Iran sanctions.

Germany and the JCPOA

When the JCPOA was concluded, the German foreign office was similarly enthusiastic as the Obama administration. After the conclusion of the talks in Vienna, Steinmeier described the agreement as "watertight and without

¹⁰⁷ Germany currently retains one reactor that uses weapons-grade HEU fuel, the controversial FRM-II in Garching (Nuclear Threat Initiative 2019, Jul. 1). The real reason for Germany's insistence on such capabilities is probably prestige (Dayman 2013, 131).

¹⁰⁸ This debate did not concern the right to the peaceful use of nuclear energy under the NPT but the right to master the whole fuel cycle.

loopholes" (Bundesregierung 2015, Jul. 14). Half a year later, Steinmeier called the agreement a "historic success for diplomacy" (AA 2016, Jan. 16). The Annual Disarmament Report 2016 called it "a rare success of diplomacy in the Middle East"¹⁰⁹ which "ensures that Iran's nuclear program verifiably serves only civilian purposes"¹¹⁰ (AA 2016, 19). The reaction of the chancellery was more cautious. Merkel said that the JCPOA

brings us much closer to the goal of ensuring [...] that Iran does not use nuclear power for military purposes. We aim to rule out the possibility of Iran obtaining nuclear weapons. [...] Now, the agreement must be implemented within the agreed timescale. I call on all sides to do all they can to ensure swift implementation. Then we have a realistic chance of overcoming one of the most difficult international conflicts through diplomatic channels (Bundesregierung 2015, Jul. 14).

Considering that the agreement was pending implementation, this reaction may have been more appropriate.

Motivated by economic interests, the Ministry for Economic Affairs and Energy was as enthusiastic as the foreign office. Its head Siegmund Gabriel became the first senior Western politician to visit Iran after the conclusion of the JCPOA accompanied by a high-profile business delegation (Klein 2019, May 9). By February 2016, ten German delegations had visited Iran and the German Chamber of Industry and Commerce was expecting a fourfold increase to €10 billion in German exports to Iran within four years (ZEIT Online 2016, Feb. 3). The German *Handelsblatt* reported in January 2016 on the enthusiasm of German business, including giants like Daimler, ThyssenKrupp, and Siemens, to profit from the Iranian market. The article titled *Reopening the Silk Road to Iran* described Iran as "one of the few guaranteed growth markets for 2016, especially while China's growth is slowing down and demand in Russia and Brazil has decreased" (Fasse et al. 2016, Jan. 19). German businesses were expecting high demand for German products, especially machinery, after a decade of sanctions. The head of Daimler's truck division flew to Tehran within hours of sanctions relief and the head of foreign trade at the VDMA German Engineering Federation, Ulrich Ackermann, said that "Iran is the only country in the region with a broad industrial base. It's got demand for everything" (ibid.).

In addition to business interests, Germany waited impatiently to access the Iranian energy market and reduce its dependence on Russian energy supplies. In 2015, 40 percent of Germany's natural gas supplies came from Russia, a figure that is bound to rise with the completion of Nord Stream 2 and Germany's energy transition (Shirvani/Vukovic 2015, 82). The JCPOA opened up Iran's enormous potential as a natural gas producer (Pflüger 2016, 181-182). German decision-makers thus pushed for quick sanctions relief. In the run-up to the JCPOA, the deputy head of the CDU/CSU faction, Michael Fuchs, said that sanctions should

be relieved "as fast as possible"¹¹¹ to revive historically good economic relations, boost exports, and profit from Iranian energy resources to reduce dependence on Russian energy supplies (Mihm 2015, Apr. 3). The economic enthusiasm was not limited to Germany. Mogherini told EU policymakers one day after the JCPOA to start high-level talks with Iran on energy and trade (Reuters 2015, Jul. 31). However, as a result of Germany's previously close economic relations with Iran and Iran's demand for German products, including replacement parts, this enthusiasm was particularly great in Germany.

Gabriel's visit to Iran after the JCPOA was framed as "change through rapprochement and trade" (Klein 2019, May 9). He even tied good economic relations to discussions on human rights in Iran and the recognition of Israel right to exist. Gabriel told a gathering of German and Iranian business people in Tehran that "[y]ou can't have a good economic relationship with Germany in the long-term if we don't discuss such issues too and try to move them along. Questioning this state's (Israel's) right to existence is something that we Germans cannot accept" (Heller 2015, Jul. 19). However, the Iran expert Fathollah-Nejad complained in 2019 that Germany had failed to use its economic and political influence on Iranian leaders for positive changes but focused on its economic interests (Klein 2019, May 9). The geo-economic imperative had trumped civilian power concerns and *Moralpolitik*.

In addition to economic interests, the Germany's foreign office hoped that the JCPOA would allow a reinvigoration of Germany's political and cultural relations with Iran to extend the change through rapprochement policy beyond the nuclear realm. In an interview with Iran's official news agency IRNA in June 2015, Steinmeier emphasized Germany's and Iran's long-standing cultural relations and expressed his hope to renew this "vibrant exchange" calling for "more cooperation" in a variety of areas (AA 2015, Jun. 30). One year later, in a meeting with Zarif, Steinmeier said that Germany wants to revive its relations with Iran "at the political and economic levels, it goes without saying – but we also want our relations to inhabit the social and intercultural spheres" (ibid. 2016, Jun. 17). These comments suggest that German decision-makers saw Iran as a potential partner in a variety of areas beyond mere trade and the JCPOA as a possible foundation for such a development. Those areas included security as Germany viewed Iran as a potential partner for peace in Syria (Gotkowska/Frymark 2016, Jan. 25), the fight against ISIS, and Middle East stability. Foreign Minister Steinmeier repeatedly expressed this view in the run-up to the JCPOA (AA 2015, Jun. 30). In his meeting with Zarif in June 2016, he stressed the "shared concern" of both countries stability in the region, especially in Syria and Iraq (ibid. 2016, Jun. 17). In the coalition treaty of 2013, CDU/CSU and SPD stated that "[o]ur goal is to win back Iran as a trustworthy partner on the international stage" (CDU/CSU/SPD 2013, 120).¹¹² These statements reiterated the idea laid out by Bertram in 2008 (see above). The JCPOA was seen as a way to integrate Iran

¹⁰⁹ Author's translation. German original: "ein seltener Erfolg der Diplomatie im Nahen Osten."

¹¹⁰ Author's translation. German original: "Dadurch ist sichergestellt, dass Irans Nuklearprogramm nachprüfbar ausschließlich zivilen Zwecken dient."

¹¹¹ Author's translation. German original: "schnellstmöglich."

¹¹² Non-official translation to English by Konrad-Adenauer-Stiftung 2014, 111.

into the international community and thereby reduce Iran's interest in nuclear weapons and moderate the regime generally in the tradition of *Ostpolitik*. The German ambassador to the US, Peter Wittig, explained in an interview that "[t]he deal carried a lot of potential for what this means for Iran and for the region, but also what it will mean for Iran internally. This is a tremendously important aspect of this deal" (Parsi 2017, 436). As a result of its commitment to diplomacy, the foreign office "continually lobbied for the deal in public as well as behind closed doors and positioned itself against any potential spoilers of the deal, including its close ally Israel" (Fathollah-Nejad 2016, 61). Again, Merkel seemed more cautious in her views than the foreign office. In a press conference in August 2015, she said that while the JCPOA was progress, she was "saddened"¹¹³ and disappointed by Iran's continued "unacceptable"¹¹⁴ attitude towards Israel and thus skeptical of Iran's potential as a constructive partner in Syria (Bundesregierung 2015, Aug. 31). This is consistent with the exceptional emphasis she personally put on Israel's security.

Fathollah-Nejad criticizes the German foreign-policy establishment for its tendency "to extrapolate Tehran's 'constructive engagement' with the West on the nuclear issue onto other foreign policy fields, above all Syria and Iraq, where Iran seeks to maintain hegemony" (Fathollah-Nejad 2016, 64). He cites the Munich Security Conference Meeting on the Syria war in Tehran in October 2015¹¹⁵ as a case in point since the event itself and its composition – the lack of important actors – showed Germany's misconception of Iran's foreign policy agenda in Syria (ibid., 66). Like in the case of the US, a major reason for this misconception was the exaggeration of the threat posed by ISIS while Iran was considered the only force that could contain it. He sees a general imbalance in the German perception of Iran since 2015 where an overestimation of the change through Rouhani and short-term economic interests prevent Germany from using its leverage to moderate Iran's policy (ibid. 2017, 38). In relation to the idea of change through rapprochement, Fathollah-Nejad wrote in 2016 that in the short-term, the rapprochement with the West had led to an intensification of political repression in Iran rather than moderation (ibid. 2016, 62–63). In 2017, he declared the policy a failure in terms of both Iran's domestic and foreign policy (ibid. 2017, 37–38). Neither was the enthusiasm reduced when in 2015 German intelligence reported on persisting Iranian "illegal proliferation-sensitive procurement activities in Germany [...] at what is, even by international standards, a quantitatively high level [...] in particular with regard to items which can be used in the field of nuclear technology." It also registered "a further increase in the already considerable procurement efforts in connection with Iran's ambitious missile technology program which could among other things potential serve to deliver nuclear weapons" (Bundesministerium des Innern 2015, 30). The German foreign and security policy establishment continues to

view the JCPOA as the only effective solution to the Iran nuclear file.¹¹⁶

This insistence has to do with the symbolic significance of the JCPOA as a success and justification of Europe's new *mission civilisatrice*. The agreement seemed to prove the effectiveness of engagement and multilateralism for security issues. The EU Global Strategy describes the JCPOA as "a clear illustration" of how the EU "can promote agreed rules to contain power politics and contribute to a peaceful, fair and prosperous world. [...] A multilateral order grounded in international law [...] is the only guarantee for peace and security at home and abroad" (EEAS 2016, 15–16). After the conclusion of the JCPOA, Steinmeier declared "a historic day [...] because we have shown that major international conflicts can be resolved through dialogue and perseverance. And that this is also possible where mistrust and even open hostility initially appeared to be insurmountable" (Bundesregierung 2015, Jul. 14). Change through rapprochement seemed to have succeeded again. Furthermore, the diplomatic success legitimized its inclusion in the P5+1 circle and served as a basis for German claims regarding the future use of the format (AA 2016, Sep. 9; Bundesregierung 2015, Aug. 31; Steinmeier 2015, Jul. 15). Thereby, the JCPOA seemed to validate Germany's aversion to military force, preference for soft power, and role as a mediator. It also legitimized its inclusion in the P5+1 circle retroactively and boosted its international standing while serving all three of Lieber's foreign policy directions as an example of transatlantic and European unity on Iran in cooperation with Russia and China. The nuclear agreement, therefore, can be seen as a rare case in which Germany at least subjectively succeeded in balancing its various interests and foreign policy imperatives.

¹¹³ Author's translation. German original: "betrübt."

¹¹⁴ Author's translation. German original: "nicht akzeptabel."

¹¹⁵ See Munich Security Conference 2015, Oct. 14.

¹¹⁶ This will be the topic of the next part.

THE TRUMP ERA – MAXIMUM PRESSURE AND TRANSATLANTIC DIVIDE

During the Obama era, transatlantic disagreements over Iran were largely solved in the nuclear agreement. Germany continued to be led by the same coalition that had negotiated the JCPOA and, thus, retained its basic views and ideas underlying its Iran policy. The transatlantic divide deepened when Trump took office. On some issues, this was due to specific policies and the rhetoric of the Trump administration, e.g. in the case of the US withdrawal from the Paris accords. In other instances, the Trump administration merely accentuated disagreements that had already existed, e.g. over German defense spending. Germany and Europe more generally had gotten used to a US president that in many ways shared their worldview and were now confronted with one whose policy reflected a very different worldview and an emphasis on power that they resented. The Iran nuclear file turned into a particular point of friction.

US Policy Towards Iran's Nuclear Program in the Trump Era

Many observers argue that Trump's foreign policy in general and his policy toward Iran in particular lacked any strategic coherence (Feierstein 2018, Mar. 1). Indeed, Trump did not formulate a comprehensive Iran strategy and his administration's actions often stood in contrast to his rhetoric. Furthermore, administration officials frequently contradicted the president and each other. Abrams pointed out that this may partly "be the result of an intentional ploy by a president who thrives on chaos" and partly "the result of an effort by some within the government [...] to blunt [Trump's] initiatives" (Abrams 2019, 129). Another possibility is that the Trump administration never had a coherent policy (Cassidy 2019, Jun. 21; McGurk 2020, Jan. 22), although the following analysis seems to contradict this assertion at least in relation to its Iran policy. The result is uncertainty as to the actual position of the US (ibid., 130). As documents regarding decision-making processes behind the current administration's policies remain classified, it is often impossible to differentiate between the positions of specific officials and groupings. Most of the following analysis, therefore, refrains from such differentiations. When it does, it largely relies on newspaper reporting. Furthermore, it heeds to the advice of former Australian Prime Minister John Howard and examines "the substance of the outcome of all the things [Trump] does" rather than his tweets (Tan 2017, Jul. 3). The goal is to focus on actual policy and not get entangled in the interpretation of often impulsive and contradictory messages. With this approach, some patterns in the Trump administration's foreign policy emerge.

There were three constants in Trump's foreign policy that were highly relevant to his Middle East and Iran policy. First, he saw international relations as a competition where sovereignty and national interest are to be emphasized over multilateralism.¹¹⁷ Second, the Trump administration returned to a more

¹¹⁷ See, e.g., the National Security Strategy 2017 (WH 2017), Trump's address to the UN General

traditionally American policy in Kagan's terms – and the Republican consensus (Doran 2020, Sep. 23) – stressing the idea of peace through deterrence rather than through engagement. It, thus, chose "Preserve Peace Through Strength" as one pillar of its National Security Strategy asserting that "[j]ust as American weakness invites strength, American strength and confidence deters war and promotes peace" (WH 2017, 3). Third, Trump seemed to approach international relations (as well as business and personal situations) as a zero-sum game where "winning is everything" (Doran 2020, Sep. 23).¹¹⁸ This approach included a certain obsession with proving that he was better than Obama (Baker/Haberman 2019, Jul. 5) and a determination to 'win' against allies and adversaries alike regarding a variety of issues.¹¹⁹ Globally, the results of this approach are mixed. However, some observers have argued that in the Middle East, this approach may be "a net positive" as the Middle East itself (including important foreign actors like Russia) operates according to these principles (ibid.).

Regarding the Middle East, Trump shared Obama's desire to avoid major military engagements and reduce US military presence (ibid. 2019, Nov. 10). He viewed such engagements as costly and ineffective¹²⁰ and tried to withdraw troops from some regional theaters.¹²¹ He announced further withdrawals in the run-up to the 2020 presidential elections.¹²² This reflected the skepticism of the American public of such engagements and the decreasing importance of the Middle East as a result of US energy independence and the rise of China.¹²³ However, the US still has vital interests in the region and it has become clear that simply pulling out endangers those interests (Lieber 2016, 130-131). The Obama and Trump administrations attempted to solve this tension in different ways. The former tried to moderate Iran, make it a partner in stabilizing the region, and create a balance between Iran and Saudi Arabia. The latter sought to weaken US enemies, strengthen regional allies, and create a regional alliance to contain Iran in a return to a more traditional US Middle East policy (Doran 2020, Sep.

Assembly 2018 (ibid. 2018, Sep. 25).

¹¹⁸ See, e.g., WH 2017, 25.

¹¹⁹ See, e.g., Trump's "trade wars" with China and Europe (Johnson 2020, Jan. 23).

¹²⁰ During his election campaign 2016, Trump pledged to bring US troops home from "endless wars" (The Hill 2016, Sep. 7). As president, he repeated this pledge, e.g. in his annual State of the Union address to Congress 2019 (WH 2019, Feb. 5) and reportedly called US generals "losers" for being unable to win in Afghanistan (Loennig/Rucker 2020, Jan. 17).

¹²¹ E.g. the controversial announcement of the withdrawal from Northern Syria (Barnes/Schmitt 2019, Oct. 13). In July 2020, also the withdrawal 12,000 US troops from Germany was announced amid tensions over the latter's defense budget which has remained below the NATO commitment of 2 percent of its GDP (Stewart/Ali 2020, Jul. 29). Most announcements of withdrawal were either not implemented or followed by limited troop reductions. This may have been due to the intervention of national security officials rather than a lack of will to disengage on Trump's part (Schmitt et al. 2020, Nov. 16a). Similarly, a bipartisan bill – the National Defense Authorization Act for Fiscal Year 2021 – aimed at preventing Trump's planned withdrawal of troops from Germany (Deutsche Welle 2020, Dec. 4).

¹²² See, e.g., in October 2020, Trump announced the partial withdrawal of US troops from Afghanistan (Ryan et al. 2020, Oct. 8) after having repeatedly expressed his desire to do so (Gibbons-Neff/Barnes 2020, May 26).

¹²³ See Obama's "Pivot to Asia" and Trump's focus on China as the main threat 5 .י"ו, 2020 (אבונטל)).

23). Contrary to Obama, Trump viewed Iran as the primary source of the evil that has befallen the region (Kam 2018, 73) and “the most significant threat to US interests in the region” (Looney 2018, 17). He frequently described Iran as “a fanatical regime” (WH 2017, Oct. 13) and “the world’s leading state sponsor of terrorism” (ibid. 2018, May 8a) that sows violence and destruction throughout the Middle East and threatens international shipping with its missiles. The Trump administration stressed the Iranian regime’s declared hostility to the US and its allies, especially its calls for the destruction of the US and Israel as well as the killing and detention of US citizens without due process (ibid.; 2017, May 21; 2017, Oct. 13; 2017, 7). It viewed Iran as one of America’s main challengers (ibid. 2017, 25) based on the assumption that the shift of regional balances against the US would threaten its national security (ibid., 45). This signified a return to a balance of power thinking.

At the same time, the Trump administration rejected the idea that engagement could moderate Iran (Kam 2018, 73). The National Security Strategy of 2017 rejects “policies based on the assumption that engagement with rivals and their inclusion in international institutions and global commerce would turn them into benign actors and trustworthy partners” as proven false by past experience (WH 2017). More specifically regarding Iran policy, Secretary of State Pompeo called Obama’s bet that the JCPOA would moderate Iran and stabilize the region “a loser with massive repercussions” (US DoS 2018, May 21). Rather, peace is to be preserved through deterrence and pressure. This assessment is based on the assumption that, first, the Iranian regime is homogenous in every relevant aspect, particularly in its drive for hegemony at the expense of the US and its allies and that, second, the regime is rational enough to yield to pressure based on cost-benefit calculations.¹²⁴ Strengthening the moderates of the regime, in this view, still means strengthening the same radical regime in the regional struggle.

Finally, while Obama dealt with the Iranian nuclear program separately from other fields of destabilizing Iranian activity, the Trump administration chose to treat all Iranian activities, including its nuclear and missile programs, its regional activity and support for terrorism, as one. The nuclear program is the most dangerous component but was still viewed as part of Iran’s hegemonic ambitions which is considered a national security threat to the US.¹²⁵ Its demands of Iran for a new deal, therefore, addressed all areas of destabilizing Iranian behavior,¹²⁶ as did its maximum pressure policy (Kam 2018, 74).

Summing up, while some of the Trump administration’s policies were marked by continuity with Obama’s, its Iran policy was very different from that of its

¹²⁴ See, e.g., US DoS 2018, May 21.

¹²⁵ Schueftan argues that a nuclear arsenal is to serve as a shield for Iran’s hegemonization of the Middle East (Schueftan 2020, Sep. 14) which, in turn, would change the strategic balance beyond the Middle East through the Iran’s control over the region’s oil, its strategic junctions, and possibly the Islamic holy places (21. שיפטן, 2020, ספט.).

¹²⁶ The most comprehensive list of demands was put forth by Pompeo in a speech in May 2018 (US DoS 2018, May 21). I will discuss those demands below.

predecessor. At the root of those differences lies a different perception of the Iranian regime and but also, on a deeper level, a different worldview. The balance of power approach, once considered European and looked down on by Americans, was embraced by the US during the last century and has experienced a revival in the Trump era after eight years of the US following what has come to be seen after World War II as a more European approach of multilateralism and dialogue. The results of Trump’s Iran policies are at least as controversial as Obama’s and remain largely unclear due to the lack of temporal distance. The following is an attempt to identify patterns and the strategic logic of his administration’s policy towards the Iranian nuclear program while offering tentative assessments of its results.

Engagement and the withdrawal from the JCPOA

To Trump the deal-maker, the JCPOA was “the single worst deal I’ve ever seen” as he declared during the 2016 presidential campaign (Abramson 2017, Jul. 26). As a candidate, he pledged to renegotiate the deal, strictly enforce its terms, or tear it up.¹²⁷

Seven main points of criticism emerge from statements by Trump and US officials as well as official documents.¹²⁸ First, the JCPOA failed to address Iran’s destabilizing regional activity and its ballistic missile program which Trump perceived as closely connected with Iran’s nuclear program. Second, sanctions relief and the delivery of cash, the Trump administration argued, led to a financial boost for Iran’s regional activity and missiles program and thus an intensification of those activities. Third, regarding the nuclear program itself, the Trump administration criticized the JCPOA for leaving Iran with an enrichment capability while allowing it to continue R&D on advanced centrifuges. Fourth, the Trump administration deemed the inspections regime insufficient to detect potential clandestine efforts by Iran. Fifth, even if Iran were to fully comply with the agreement, the argument went, the time limits on most of the deal’s provisions undermined the JCPOA’s goal of blocking Iran’s path to nuclear weapons. It only delayed a nuclear breakout but did not prevent it in case Iran chose that path. Sixth, on a regional and global level the JCPOA, administration officials pointed out, undermined the nonproliferation regime as Iran had succeeded in retaining enrichment capabilities against the traditional position of the US which had always argued – and still argues – that the NPT did not grant a right to enrich.¹²⁹ Finally, in a broader context, the Trump administration considered US credibility undermined by the JCPOA because the US agreed

¹²⁷ See, e.g., an op-ed published in USA Today (Trump 2015, Sep. 8); an interview with the New York Times (Haberman/Sanger 2016, Mar. 26); a campaign rally speech in Youngstown, Ohio (Abramson 2016, Jul. 26).

¹²⁸ The following points are found in many statements, speeches, interviews, documents etc. More comprehensive lists are found in Trump’s announcement of his new Iran strategy (WH, Oct. 13, 2017) and of the withdrawal from the JCPOA (WH 2018, May 8a) and the corresponding presidential memorandum (ibid. 2018, May 8b) as well as Pompeo’s remarks on the administration’s new Iran strategy (US DoS 2018, May 21).

¹²⁹ I discussed this issue in the previous part.

to a “disastrous deal” which Trump called “a great embarrassment to me as a citizen and to all citizens of the United States” (WH 2018, May 8a).

Trump’s personal grudge against Obama probably played an important role in his eagerness to scrap the deal which was considered Obama’s foreign policy legacy (Kaplan 2020, 263). However, these concerns have a factual basis and many are widely shared, also by those who want to preserve the JCPOA (Evental 2019, May 19; ZEIT Online 2019, Sep. 24). I have discussed these concerns in detail in the previous part. The following is a short summary that focuses on Trump’s criticism and takes into account developments after 2015.

The JCPOA’s focus on fissile material, indeed, misses the inherent connection between this component and weaponization and the development of a delivery system, primarily ballistic missiles capable of carrying a nuclear warhead, in a nuclear weapons program (Gerecht 2018, May 4; Krause 2018, May 15; Kuperwasser 2015, 12; Rezaei 2019, Mar. 12; Schwammenthal 2018, 222). Furthermore, against Obama’s hope that the agreement would have a moderating effect on Iran, the regime became more aggressive in its behavior before Trump withdrew from the JCPOA, used freed assets to increase its defense budget by 30–40 percent and boost its support for terror groups, continued its missile program, and built a continuous presence of IRGC forces in Syria which threatens Israel (שכטר ואחרים 13 מרץ 2020). There is, however, disagreement over the long-term effects of the JCPOA had Trump stayed in the deal, an argument that cannot be resolved.¹³⁰ Regarding the nuclear program itself, the demand for zero enrichment is widely considered unrealistic, but Iranian enrichment capabilities, insufficient restrictions on R&D on advanced centrifuges, and leaving the Fordow facility open raise fears that Iran may use them for cheating or a quick breakout after the sunset clauses take effect (Landau 2019, Nov. 25; Levite 2015, Jul. 17). Those fears are augmented by legitimate concerns over gaps in the inspections and monitoring regime, in particular the “managed access” approach to military sites (Alterman 2016; Schwammenthal 2018, 223), which have recently been fueled by Iranian refusals to grant IAEA inspectors access to suspected nuclear sites (Jakes 2020, Aug. 26; Landau 2019, Nov. 25). Perhaps of most concern are the sunset clauses, a view shared by many observers (Kroenig 2018, 95; Schwammenthal 2018, 223) and, seemingly, Obama himself (Inskeep 2015, Apr. 7). Those concerns seem to be confirmed by material documenting past Iranian work on nuclear weapons which were stolen by the Mossad in January 2018 (the Tehran “nuclear archive”) as they seem to prove Iranian efforts to preserve and hide their knowledge from inspectors (Sanger/Bergman 2018, Jul. 15).

From a nonproliferation perspective, the JCPOA sets a dangerous precedent by leaving Iran with an independent enrichment program despite (or because

of) its destabilizing behavior (Kroenig 2018, 96). On a regional level, this is combined with fear of a lack of US commitment to its allies, leading various regional players to consider acquiring the same capabilities Iran has been allowed to prepare for a potential Iranian breakout. Some have interpreted the increased interest of some countries in nuclear energy as the beginnings of a regional nuclear arms race as a result of the JCPOA (מרץ 2020, שכטר ואחרים 13).¹³¹ Considering this background to Trump’s criticism, his opposition to the agreement should not be dismissed as mere hostility to Obama.¹³²

Until well into his presidency, it remained unclear which policy Trump would pursue in relation to the JCPOA. Administration officials indicated support for the deal on the diplomatic level (Wroughton 2017, Feb. 10) and in congressional hearings. While many of his advisors were critical of the JCPOA, they preferred to stay in the agreement as long as Iran complied with the JCPOA. They argued that a unilateral withdrawal would undermine confidence in agreements with the US¹³³ and that there was no viable alternative to address the Iranian nuclear program (Kaplan 2020, 263).

In line with the advice of his aides, Trump agreed to certify Iran’s compliance with the deal in both April and July 2017, as required every 90 days under the INARA. Many observers argue that this decision was the result of his advisors’ insistence rather than Trump’s own views who resented the need to certify Iran’s compliance (Bergen 2020; Bergman/Mazzetti 2019, Sep. 4; Kaplan 2020, 263). According to reports, both in April and July 2017, Trump only agreed to do so after long arguments with his advisors who recommended certifying Iran’s compliance. Secretary of State Rex Tillerson, National Security Advisor H.R. McMaster, Secretary of Defense James Mattis, and Chairman of the Joint Chiefs of Staff Gen. Joseph Dunford in particular opposed a withdrawal (Baker 2017, Jul. 17; De Luce/Johnson 2018, Mar. 13; Gerecht 2018, May 4). They convinced Trump by promising to present a new Iran strategy and put more pressure on Iran in the meantime (Baker 2017, Jul. 17).¹³⁴ One day after the certification in April,

131 Statements and efforts in the nuclear realm by other regional players, especially Saudi Arabia and the UAE, seem to suggest this possibility (Burkhard et al. 2017, Mar. 30; CBS News 2018, Mar. 15; Mazzetti et al. 2020, Aug. 5; Plett Usher 2015, Mar. 16; Yee 2020, Aug. 1). For a different assessment see Einhorn/Nephew 2016, May 31.

132 Steven Simon, a former National Security Council official under Clinton and Obama, argues that this was the main reason for Trump’s opposition to the JCPOA (Simon 2018, 13–14).

133 In his confirmation hearing, Trump’s pick for secretary of defense, James Mattis, expressed his support for staying in the deal because “when America gives her word, we have to live up to it and work with our allies” (Wright/Herb 2017, Jan. 12). In October, Mattis stated that “[i]f we can confirm that Iran is living by the agreement, if we can determine that this is in our best interest, then clearly, we should stay with it. I believe, at this point in time, absent indications to the contrary, it is something the president should consider staying with” (McLaughlin 2017, Oct. 3). Gen. Dunford, chair of the Joint Chiefs of Staff, added that “Iran is not in material breach of the agreement” after having stated in his confirmation hearing a week prior that “holding up agreements that we have signed, unless there’s a material breach” was important to maintain “others’ willingness to sign agreements” (ibid.). The head of Central Command, Gen. Joseph Votel, too, expressed support for staying in the JCPOA (ibid. 2018, Mar. 13).

134 Other accounts of such meetings seem to confirm this (Rucker/Leonnig 2020, 94).

130 Proponents of the idea that Iran might have become more moderate through the JCPOA had it been given more time point to the fall of the USSR partially as a result of opening up to international markets and foreign influence, Khamenei’s fear of this scenario in Iran, the conservative opposition in Iran to the JCPOA, and the conservative backlash in Iran following the US withdrawal from the JCPOA (Litvak 2020, Oct. 20).

Tillerson told reporters in a change of tone that the administration would “review completely the JCPOA itself” as the “JCPOA fails to achieve the objective of a non-nuclear Iran; it only delays their goal of becoming a nuclear state” (Kerr/Katzman 2018, 22). One day after the July certification, officials stated that the administration intended “to interpret the agreement more stringently against Iran” (ibid., 23) and additional non-nuclear sanctions on Iran were issued (US DoS 2017, Jul. 18). It seems likely that the Trump administration’s restraint during its first year was a product of the moderating voice of Trump’s advisors rather than his own intentions.

The ultimate withdrawal of the US from the JCPOA in May 2018 was preceded by a number of steps seemingly aimed at renegotiating the deal or arriving at a “supplement agreement” that would address Trump’s main concerns.

On October 13, 2017, Trump announced his new Iran strategy which would address all of Iran’s destabilizing behavior, including its nuclear and missile programs, regional activity and support for terrorism. He also announced that his administration would not issue the compliance certification required by the INARA due to the agreement’s flaws and Iranian violations.¹³⁵ Instead it would “work closely with Congress and our allies to address the deal’s many serious flaws” (WH2017, Oct. 13). Withholding the certification permitted Congress to consider, under expedited procedures, the reimposition of sanctions suspended by the president (*INARA of 2015*). Congress, however, did not take action (Kerr/Katzman 2018, 23). On January 12, 2018, Trump waived sanctions as required by the JCPOA but stated that he would not do so again if the Europeans did not agree to “fix the terrible flaws” of the JCPOA (WH 2018, Jan. 12a). He also demanded Congress amend the INARA to address inspections, sunset clauses, and missiles, and to “explicitly state in United States law [...] that long-range missile and nuclear weapons programs are inseparable” (ibid.).¹³⁶ While Congress again declined to take action, the Trump administration intensified efforts to reach an agreement with the E3 (Arms Control Association 2020; US DoS 2018, May 21) resulting, in April, in a broadly worded five-page draft (Bergman/Mazzetti 2019, Sep. 4). Nevertheless, Trump informed the French president, Emmanuel Macron, during a state visit on April 24 that he would leave the JCPOA (Bolton 2020, 69).¹³⁷ Whereas some European officials now consider those talks a charade, the Trump administration insisted that they had simply not made enough progress (Bergman/Mazzetti 2019, Sep. 4).

135 I will discuss those claims below. Until that point, all official reports from the UN, the EU, the IAEA, and the P5+1 member states had confirmed Iranian compliance (Kerr/Katzman 2018, 19). Secretary of State Rex Tillerson the same day sent a letter to Congress saying that he was “unable to certify” that “continued suspension of [U.S.] sanctions” is “appropriate and proportionate to the specific and verifiable measures taken by Iran with respect to terminating its illicit nuclear program” but avoided referring to questions of Iranian compliance with the deal (cited in Kerr/Katzman 2018, 23).

136 Senior administration officials reiterated the demands during a briefing (WH 2018, Jan. 12b).

137 Macron said after the meeting that they had agreed to work on a “new deal” on the basis of the JCPOA that would address Iran’s ballistic missiles program and regional activity (Reuters 2018, Apr. 24).

It is clear from Trump’s announcements and actions that he grew increasingly impatient (Landler 2015, May 8) as it became clear that the E3 would not agree to his demands.¹³⁸ He was unwilling, it seems, to compromise on a deal he considered embarrassing and insufficient to preserve vital US interests. This is consistent the pattern, described by Doran, that “Trump’s instinct is to win in the Middle East – and to win on his terms – or to quit the game entirely and to proclaim the quitting victory” (Doran 2020, Sep. 23). Moreover, the replacements of Tillerson in March 2018 and McMaster in April with the Iran hawks Mike Pompeo and John Bolton left the circle of his advisors more supportive a withdrawal although those changes were a result rather than a cause of Trump’s desire to leave the deal. Regarding Tillerson, Trump explicitly stated that disagreements over the JCPOA had contributed to the decision (McLaughlin 2018, Mar. 13; Sanger/Erlanger 2018, May 7). Furthermore, in late April Netanyahu had publicly revealed findings from the Tehran “nuclear archive” stolen by the Mossad in January 2018. He had met with Trump already in March to go over the main findings which he said exposed Iran’s lies about the purpose of its nuclear program (Bergman/Mazzetti 2019, Sep. 4).¹³⁹ While new intelligence may have contributed to Trump’s decision – he referenced the archive in his announcement of withdrawal (WH 2018, May 8a) –, Trump had made his intentions clear prior to these revelations which seemed to simply confirm his views.¹⁴⁰

In the presidential memorandum to the withdrawal, Trump justified his decision by, firstly, pointing to the agreement’s flaws and the failure to fix them. In particular, he argued that sanctions relief had led to more aggressive Iranian behavior rather than moderation. Secondly, he stated that Iran had violated its Comprehensive Safeguards Agreement with the IAEA by declaring to refuse the IAEA access to military sites and violated the JCPOA’s heavy water stockpile limits twice in 2016 (WH 2018, May 8b). Claims regarding Iranian violations, made also during earlier statements, were contrary to all official reports from the UN, the EU, the IAEA, and the P5+1 member states, including the US intelligence community, Iran has complied with the provisions of the JCPOA (Kerr/Katzman

138 National Security Advisor John Bolton confirmed this in a press briefing after Trump’s announcement of the US withdrawal from the JCPOA (WH 2018, May 8c).

139 The documents, which US and British intelligence said were probably authentic, related to the Iranian nuclear program before 2003 and were the subject of heated debate between proponents and critics of the JCPOA. Proponents argue that they prove the necessity of the JCPOA. Critics argue that they prove Iran’s bad faith as it still insists that its program was for peaceful purposes despite proof that it “had worked in the past to systematically assemble everything it needed to produce atomic weapons” (Sanger/Bergman 2018, Jul. 15). Netanyahu claims that they confirm that the sunset clauses had been naïve because the Iranians made great efforts to preserve their knowledge and hide it from inspectors (ibid.). According to Olli Heinonen, a former leader of IAEA inspection teams into Iran in the mid 2000s, Iran should have been required to destroy databases related to past nuclear research under the agreement like Iraq and Libya (Warrick 2018, Jul. 15).

140 Furthermore, according to reports Trump did not hold much appreciation for intelligence findings (Doran 2020, Sep. 23).

2018, 19).¹⁴¹ Iran did exceed limits on its heavy water stockpile twice in 2016 but the difference was minor and irrelevant in terms of its breakout time.¹⁴² Moreover, Iran was operating 15 advanced IR6 centrifuges rather than the “roughly 10” allowed under the JCPOA. Whereas this may be a perversion of the wording, those additional machines did not significantly enhance its capabilities. Kroenig, a JCPOA critic, concluded that those “annoying but fairly minor” violations could not justify a withdrawal (Kroenig 2018, 98–99). He also pointed out that claims regarding violations of the “spirit” of the JCPOA – by both Iran and Trump – were baseless as “international legal agreements do not have ‘spirits’” and no side was legally obligated “to behave in ways not explicitly covered in the deal” (ibid., 99). Thus, Iranian violations did not justify ending US participation in the JCPOA and rather served as a straw man. Trump’s concerns regarding the inherent flaws of the JCPOA and its effect on Iran’s foreign policy behavior were more relevant reasons.

Critics argue in line with Obama that the withdrawal strengthened Iranian hardliners by undermining the authority of Rouhani and his relatively moderate government (Frankopan 2018, 82). The Trump administration, on the other hand, saw Rouhani as part of a radical regime, homogenous in every relevant aspect, which strives for regional hegemony at the expense of the US and its allies. Strengthening the moderates of the regime, in this view, still means strengthening the same radical regime (US DoS 2018, May 21). It also rejected Obama’s bet, decisive for the long-term success of the JCPOA, that dialogue and accommodation with the current Iranian regime could turn Iran into a more moderate actor (Kam 2018, 73) – Pompeo called this “a loser with massive repercussions” (US DoS 2018, May 21). Instead, it viewed the nuclear program as part of Iran’s hegemonic strife which it considered a national security threat to the US (Kam 2018, 74; 21. סיפטן, 2020). The withdrawal from the JCPOA was to prepare the ground for its maximum pressure policy and aimed at reestablishing US credibility and deterrence by sending “a critical message: The United States no longer makes empty threats” (WH 2018, May 8a). While the withdrawal may also have been part of a systematic effort by Trump to dismantle Obama’s domestic and foreign policy legacy as critics argue (Frankopan 2018, 192), reducing the decision to this motivation misses both real concerns with the JCPOA – shared to some extent by the Europeans – and the underlying worldview and perception of Iran.¹⁴³

141 See, e.g., the latest quarterly report of the IAEA (IAEA 2018, Feb. 22), the latest biannual report issued by the UN secretary-general (UNSC 2017, Dec. 11), and the World Wide Threat Assessment of the US intelligence community 2018 (Coats 2018, Feb. 13).

142 Iran surpassed the limit of 130 metric tons of heavy water in February 2016 when it possessed 130.9 metric tons and in November with 130.1 metric tons of heavy water according to IAEA reports (IAEA 2016, Nov. 9; 2016, Feb. 26).

143 Critics, including the E3, also argued that the withdrawal was illegal under international law as UNSCR 2231 had made the deal binding (BPMO 2018, May 8; Granoff 2018, May 9). The German ambassador to the UN made that point in an address to the UNSC in June 2020 (AA 2020, Jun. 30). However, others argue that “there is no clear answer to whether Resolution 2231 creates an obligation to comply with the JCPOA that is binding as a matter of international law” (Mulligan 2018, May 17). This question will thus remain a matter of dispute between jurists.

The decision to end US participation in the JCPOA constituted a departure from the idea to renegotiate the deal itself and “fix” its flaws. In his announcement, Trump called the deal “defective at its core” (WH 2018, May 8a). In a speech two weeks later, Secretary of State Mike Pompeo clarified that “[a]ny new agreement will make sure Iran never acquires a nuclear weapon, and will deter the regime’s malign behavior in a way that the JCPOA never could. We will not repeat the mistakes of past administrations, and we will not renegotiate the JCPOA itself” (US DoS 2018, May 21). Pompeo also presented a list of twelve requirements for a new agreement which is worth quoting in full.

First, Iran must declare to the IAEA a full account of the prior military dimensions of its nuclear program, and permanently and verifiably abandon such work in perpetuity. Second, Iran must stop enrichment and never pursue plutonium reprocessing. This includes closing its heavy water reactor. Third, Iran must also provide the IAEA with unqualified access to all sites throughout the entire country. Iran must end its proliferation of ballistic missiles and halt further launching or development of nuclear-capable missile systems. Iran must release all U.S. citizens, as well as citizens of our partners and allies, each of them detained on spurious charges. Iran must end support to Middle East terrorist groups, including Lebanese Hizballah, Hamas, and the Palestinian Islamic Jihad. Iran must respect the sovereignty of the Iraqi Government and permit the disarming, demobilization, and reintegration of Shia militias. Iran must also end its military support for the Houthi militia and work towards a peaceful political settlement in Yemen. Iran must withdraw all forces under Iranian command throughout the entirety of Syria. Iran, too, must end support for the Taliban and other terrorists in Afghanistan and the region, and cease harboring senior al-Qaida leaders. Iran, too, must end the IRG Qods Force’s support for terrorists and militant partners around the world. And too, Iran must end its threatening behavior against its neighbors – many of whom are U.S. allies. This certainly includes its threats to destroy Israel, and its firing of missiles into Saudi Arabia and the United Arab Emirates. It also includes threats to international shipping and destructive – and destructive cyberattacks (ibid.).

If Iran fulfilled these demands, the US would relieve sanctions, reestablish diplomatic and commercial relations between the two countries, and “support the modernization and reintegration of the Iranian economy into the international economic system” (ibid.). Kerr and Katzman point out that most observers considered it unthinkable that the current Iranian regime would have complied with these requirements (Kerr/Katzman 2018, 25). Therefore, Pompeo’s speech has been interpreted by some as confirmation that the US has decided to fully abandon diplomacy and instead escalate the conflict with Iran to justify a military attack or an active push for regime change.¹⁴⁴ The Iranians themselves considered the demands a pretext for the underlying objective of regime change (Evental 2019, May 19). I will discuss the Trump administration’s

144 Trita Parsi said that “[t]his will only lead to one thing: confrontation. And one cannot but think that is the strategy and the goal” (Morello 2018, May 21). See also Gordon 2019; Rezaian 2018, May 22; Simon 2018.

policy regarding the military option and regime change in more detail below. It should be mentioned here, however, that the Trump administration in four years neither attacked Iran despite Iranian violations of the JCPOA nor actively pursued regime change. Among other factors, the idea of military confrontation contradicted Trump's declared desire to reduce US commitments overseas (see below). Instead, Trump and administration officials repeatedly stressed their desire to negotiate a better deal. For example, US Secretary of State Mike Pompeo stated in June 2019 that the US was prepared to engage with Iran with "no preconditions" (Wong 2019, Jun. 2) and reiterated this offer in September the same year announcing Trump's willingness to meet with Rouhani at the UN General Assembly, again with no preconditions (Reuters 2019, Sep. 10).¹⁴⁵ Trump himself stated in August 2019 that there was "a really good chance" of a meeting between him and Rouhani or Zarif (Hinnant et al. 2019, Aug. 26) and called on the Iranians to "make the Big deal" in June 2020 (Sanger et al. 2020, Jun. 5). Similarly, Trump promised during his presidential campaign 2020 that if reelected he would reach a new agreement with Iran "within four weeks" (Birenbaum 2020, Aug. 10).¹⁴⁶ Edelman and Takyeh, themselves in favor of a policy of regime change, thus conclude that Trump "wants to make a deal" rather than actively push for regime change (Edelman/Takyeh 2020, 132). However, these statements may also simply reflect the possibility that the Trump administration never thought through any of its policies confirming the claims of those that view its Iran policy as fully incoherent (see above). Kam, on the other hand, proposes that while the Trump administration may have hoped that pressure would lead to regime change, it would have been satisfied if Iran fully capitulated under economic pressure and agreed to a deal that would meet its demands (Kam 2018, 74). From the perspective of the diplomacy track, a more convincing interpretation of Trump's policy is therefore that, while regime change would be a desirable outcome, the withdrawal from the JCPOA and the subsequent pressure campaign were meant primarily to build leverage and clarify the power discrepancy between the two parties in order to, ultimately, negotiate a better deal. This rationale was based on a conception of the interplay between diplomacy and pressure that is different from that of his predecessor but more traditionally American according to Robert Kagan's characterization (Kagan 2003). However, the Trump administration was criticized for not clarifying its objectives as it limited itself to stating its demands from Iran only in broad terms (Brewer/Nephew 2019). This could complicate negotiations – as could its decision to combine the nuclear issue with Iran's regional activity by complicating and prolonging bargaining and offering Iran an opportunity to trade concessions in one realm for advantages in the other. This is the reason Israel originally told Obama to separate the two issues even though it later regretted it (Evental 2019, May 19). Furthermore, the Trump administration failed to take into account the humiliation factor. Authoritarian governments

in general fear humiliation as this would undermine them domestically. In the case of Iran, honor and humiliation also occupy an important place in the country's culture and the repeated historical experience of humiliation at the hands of foreigners has engraved itself in Iranian political culture. The regime itself is obsessed with the issue (Pollack 2004). Since accepting the far-reaching demands of the US administration would have been a great humiliation for the Iranian regime, setting such requirements undermined the chances of success of negotiations. Indeed, there were no negotiations between the Trump administration and Iran. While the maximum pressure campaign may have forced the Iranians back to the negotiating table had Trump been reelected, Biden has announced that he will end of the maximum pressure campaign and return to the JCPOA (Tabatabai/Rome 2020, Sep. 15; 24 ספט, 2020 אבנטל).

Importantly, however, the Trump administration did not pursue a new deal as the ultimate goal.¹⁴⁷ Pompeo stressed that "the deal is not the objective. Our goal is to protect the American people" (US DoS 2018, May 21). A new deal would have to fulfill this objective. If no such deal could be reached, the maximum pressure policy would weaken Iran and strengthened US allies in the region so that, in the view of the Trump administration, US interests would be preserved nonetheless (21 ספט, 2020 שיפטן). One could conclude based on the material presented in this section that the Trump administration did not completely abandon the diplomacy track but was less fixated on reaching an agreement than the Obama administration.

The maximum pressure campaign

The withdrawal from the JCPOA was the first major step of the Trump administration's "maximum pressure" policy. In his policy announcement speech on May 21, 2018, Pompeo outlined its main characteristics. It would not be limited to dealing with Iran's nuclear program but "counter the regime's destabilizing activities in the region, block their financing of terror, and address Iran's proliferation of missiles and other advanced weapons systems that threaten peace and stability. We will also ensure Iran has no path to a nuclear weapon – not now, not ever" (US DoS 2018, May 21). To this end, the US would employ a variety of instruments including "unprecedented financial pressure," close cooperation with regional allies and deployment of armed forces "to deter Iranian aggression." The latter would comprise ensuring freedom of navigation in the gulf, countering malign cyber activity, and targeting Iranian operatives and proxies. The message was: "No more cost-free expansions of Iranian power" (ibid.). The declared goal of this policy was, first, to weaken Iran and, second, to pressure the regime into changing its behavior and negotiating a new agreement (Mazzetti et al. 2020, Mar. 21). In his remarks on May 8, 2018, Trump stated that "they are going to want to make a new and lasting deal, one that benefits all of Iran and the Iranian people. When they do, I am ready,

¹⁴⁵ It is unclear whether this means that the US has dropped its twelve requirements.

¹⁴⁶ On another occasion, in June 2019, Trump said "I think they [the Iranians] want to negotiate. And I think they want to make a deal. And my deal is nuclear" (Kumar 2019, Jun. 27).

¹⁴⁷ Evental argued that, if reelected, Trump may have compromised on a deal similarly flawed as the JCPOA in order to prove that he was able to make a better deal with Iran than Obama (24 ספט, 2020 אבנטל).

willing, and able” (WH 2018, May 8a).¹⁴⁸ I will discuss the question of regime change as a potential goal of this policy separately.

Returning to the sanctions track

The first component of the maximum pressure campaign was the reimposition of sanctions suspended under the JCPOA after 90 day and 180 day “wind-down periods” (US Department of the Treasury 2018, May 8) followed the gradual imposition of new sanctions.¹⁴⁹ The aim was to force the Iranian regime to choose between the domestic need to support its population and its expansionist policy, including its ballistic missile program, support for terrorism, and regional activities (Bergman/Mazzetti 2019, Sep. 4; US DoS 2018, May 21). The sanctions applied to American as well as foreign companies. In May 2019, the Trump administration cancelled waivers granted to a number of countries to import oil from Iran (Kheel 2019, Apr. 22) after having designated the Iranian Revolutionary Guards Corps (IRGC) as a terrorist organization one month prior (WH 2019, Apr. 8).¹⁵⁰

The Trump administration ended waivers allowing nuclear cooperation projects in Iran mandated by the JCPOA to continue, including the Arak reactor and Fordow facility conversions, the transfer of uranium enriched to 20 percent for the Tehran Research Reactor, and the removal of spent fuel from the Bushehr reactor. In May 2019, the Trump administration ended waivers for the export of enriched uranium out of Iran, the transfer and storage of heavy water outside of the country, and the construction of additional reactor units at Bushehr. In November, it announced that it would issue no more waivers related to the Fordow facility with existing waivers expiring in December 2019 (Arms Control Association 2020). On May 27, 2020, Pompeo announced the end of all remaining waivers for continued nonproliferation cooperation projects in Iran after a wind down period of 60 days, including the Arak reactor conversion, the provision of 20 percent enriched uranium fuel for the Tehran Research Reactor, and the export of spent fuel with the exception of support for the Bushehr reactor (US DoS 2020, May 27). Pompeo justified the decision to end all nuclear waivers by pointing to Iran’s “unacceptable” nuclear escalation. He added that “[t]he regime’s nuclear extortion will lead to increased pressure on Iran and further isolate the regime from the international community” (ibid. 2020, May 29). Other proponents of this step argued that the nuclear waivers legitimized Iran’s nuclear program and allowed the Iranians “to build their nuclear program and buy time until the nuclear deal expires” (Cruz 2019, Nov. 15). The ending of nuclear waivers has been sharply criticized. The UN Secretary General’s biannual report called them “contrary to the goals” of the JCPOA and expressed

¹⁴⁸ Similarly, National Security Advisor Robert O’Brien said in January 2020 that “the maximum pressure campaign is working [...] Iran is going to have no other choice but to come to the table” (Blitzer 2020, Jan. 12).

¹⁴⁹ For details see Arms Control Association 2020, and Katzman 2020.

¹⁵⁰ According to reports, the IRGC was designated as a terrorist organization on Pompeo’s initiative against the advice of intelligence and Pentagon officials warning of Iranian retaliation against US troops (Hassan et al. 2019, May 7).

concern that they may impede Iran’s ability to meet JCPOA obligations (UNSC 2019, Dec. 15). Some observers also voiced concern that ending nuclear waivers to import uranium enriched to 20 percent for research purposes would serve as a justification for Iran to start enrichment to 20 percent itself, something it had not done until then (6 .711 ,2020 אבננטל). Iran took this step in early January 2021 as it announced the resumption of uranium enrichment to 20 percent at the highly protected Fordow facility (Santora 2021, Jan. 4). The decision may also “strengthen the argument of those within Iran who have long contended that the country should not make any part of its nuclear-fuel cycle dependent on external sources” (Rouhi 2020, Jun. 5). The Trump administration, however, prioritized maximum pressure over such concerns.

The imposition of economic sanctions was accompanied by a diplomatic campaign to convince others, in particular the Europeans, to support sanctions and to isolate Iran internationally. In addition to behind-the-scenes efforts, the campaign was taken to the public. For example, at a summit on the Middle East in Warsaw in mid-February 2019, Vice President Mike Pence explicitly called on “our European partners to withdraw from the Iran nuclear deal” (WH 2019, Feb. 14). However, many have argued that the maximum pressure campaign has led to international isolation of the US rather than Iran’s.¹⁵¹ This impression was particularly strong during the dispute over the extension of the arms embargo in Iran and the US decision to trigger the “snapback” process of UNSCR 2231 in the second half of 2020. The UN arms embargo imposed by UNSCR 2231 expired on October 18, 2020, despite US efforts to extend it. The US contends that Iran remains a threat to regional stability, especially due to its continued armament of militias and terror groups. Its proposal to extend the embargo indefinitely was voted down in the UNSC in mid-August with Russia and China voting against and only the Dominican Republic with the US in favor. The E3, along with the other UNSC members, abstained despite their own concerns about the end of the arms embargo for fear of undermining the JCPOA (Morello 2020, Aug. 15). The opposition of Russia and China was also a result of their interest to sell arms to Iran. The E3, on the other hand, remain bound by a EU arms embargo set to last until at least 2023 (Singh 2020, Jun. 29). Evental asserts that while legally controversial, an extension of the UN arms embargo would have been right in principle as UNSC resolutions must be binding for both sides and the expiration of the embargo does not fit Iran’s violations of UNSC resolutions, including the arms embargo of UNSCR 2231 (29 אבננטל ,2020 אוק).¹⁵²

In response, the US triggered the snapback process of UNSCR 2231 to reimpose UN Iran sanctions which existed prior to the JCPOA, including the arms embargo. It considered the snapback to be effective from September 19.¹⁵² The decision

¹⁵¹ The Trump administration’s foreign policy led to US isolation on many issues, not only regarding Iran. Trump expected other to cooperate with the US on issues important to America while refusing to cooperate on issues important to its allies. This undermined effective international cooperation on a variety of issues, including the Iran nuclear program (McTague/Nicholas 2020, Oct. 29).

¹⁵² Under UNSCR 2231, “(1) any ‘JCPOA participant State’ could require the Security Council to

was justified by Iranian violations of the JCPOA and the expiration of the arms embargo (US DoS 2020, Sep. 19). Thereby, the US declared the JCPOA no longer in force (Jakes/Sanger 2020, Sep. 19). Pompeo emphasized in his announcement that "the United States will never allow the world's largest state sponsor of terrorism to freely buy and sell planes, tanks, missiles, and other kinds of conventional weapons. These UN sanctions will continue the arms embargo [and] reimpose accountability for other forms of Iranian malign activity" (US DoS 2020, Sep. 20). In addition to denying Iran the import and export of arms, the sanctions were meant to again increase pressure on "Iran to behave like a normal country, and to come back to the bargaining table" (ibid.).

All other P5+1 members opposed snapback (Singh 2020, Jun. 29). The E3 argued that the decision was "incapable of having legal effect" and affirmed their continued commitment to the JCPOA (Ministère de l'Europe et des affaires étrangères 2020, Sep. 20). The US claims that it has the right to take such an action as it remains an original "JCPOA participant" despite its withdrawal (Morello 2020, Aug. 15). Contrary to this view, then-National Security Advisor John Bolton had said in 2018 that the US would not be using JCPOA provisions "because we're out of the deal" (WH 2018, May 8c). In an op-ed in August 2020, he reiterated this position saying that "[i]t's too cute by half to say we're in the nuclear deal for purposes we want but not for those we don't" (Bolton 2020, Aug. 16). Despite the refusal of the UNSC to recognize the snapback (Jakes et al. 2020, Sep. 21), the US considers the snapback effective. On September 21, Trump issued an executive order sanctioning every entity or individual involved in conventional arms transfers to or from Iran (WH 2020, Sep. 21).

Beyond the legal question, some critics assert that Trump merely sought "a pretext for killing the JCPOA" and undermining the possibility of a future US administration to rejoin the deal (Davenport 2020, Aug. 17). The latter argument should not, however, be used to dismiss real concerns with the expiration of the arms embargo which are shared also by the E3. Others argued that the step would isolate the US internationally and would be ineffective in terms of its declared goal as it was not supported by other powers (Washington Post Editorial Board 2020, Sep. 21). Like previous unilateral US sanctions, the new sanctions may, however, prove more effective than expected due to the interest of companies in the US market. Others again argued that unilaterally triggering snapback could have dangerous consequences – perhaps an increase in enrichment, the curtailing of IAEA inspections, or a withdrawal from the JCPOA or the NPT – after Iran had already violated its various nuclear provisions of the JCPOA in response to US pressure.¹⁵³ Additional steps, they argued, may lead to a new nuclear crisis without international monitoring of Iran's program and diminished US credibility. Critics also fear that the step may undermine

affirmatively adopt a resolution that would keep the sanctions relief in place, so that (2) the United States, or any other permanent member, could veto such a resolution, and (3) if the resolution was not adopted, then all the early 2015 international sanctions would come back into force" (Warrick, Jun. 9, 2020).

¹⁵³ I will deal with Iran's nuclear violations in more detail below.

the legitimacy of the UNSC (Davenport 2020, Aug. 17) and US authority and international standing (Jakes/Sanger 2020, Aug. 20). Bolton's main argument against unilaterally triggering snapback was that it "would weaken the Security Council veto, which serves U.S. interests" while adding little value to the already crippling Iran sanctions (Bolton 2020, Aug. 16). Despite the legal question and concerns over broader consequences, Israeli national security expert Schueftan applauded the decision as another important step to increase pressure on Iran and demonstrate US determination to weaken the regime and fight its hegemonic ambitions (שייטן 2020, 21 ספט.).

The level of economic pressure imposed by the US exceeded the expectations of the Iranians who had hoped that the Europeans would compensate for US sanctions (Yadlin 2019, May 14). Iran's untypically imprudent behavior in some instances, including its attacks on oil tankers, seemed to confirm that the policy succeeded in building immense pressure (Evental 2019, May 19). Many observers assumed that the sanctions had wrecked Iran's economy to a point where it would not have a choice but to return to the negotiating table after the US presidential elections (Tabatabai/Rome 2020, Sep. 15; אבנטל 2020, 24 ספט.). However, Iran's decision to wait for Trump to lose in the US presidential elections in November 2020 and then negotiate from an enhanced position has proven correct.

US allies in the Middle East as a tool for maximum pressure

In addition to economic pressure, the Trump administration tried to strengthen US regional allies and build a regional alliance against Iran (Schueftan 2020, Sep. 14). Since the Trump administration viewed the Iranian nuclear program as part of Iranian efforts to hegemonize the Middle East, this effort can be considered a part of the maximum pressure policy. From the onset of his presidency, Trump pursued a realignment with Saudi Arabia, to whom he paid his first state visit abroad, and stressed his support for Israel. In his first address to Congress, Trump declared in one sentence that "I have also imposed new sanctions on entities and individuals who support Iran's ballistic missile program, and reaffirmed our unbreakable alliance with the State of Israel" (WH 2017, Feb. 28). His administration has also given full verbal support to Israeli strikes on Iranian targets in Syria (Kam 2018, 74)¹⁵⁴ and demonstrated his support for Israeli positions in the context of the Israeli-Palestinian conflict¹⁵⁵ thereby indirectly strengthening Israel's position vis-à-vis Iran.

Additionally, the Trump administration went to great lengths to build an alliance

¹⁵⁴ See, e.g. Baker 2017, Jul 17; Keinon 2018, Aug. 23; US DoS 2018, May 21. This verbal support sometimes even undermined Israel's policy of ambiguity regarding its role in the attacks. The Trump administration was less supportive when Israel reportedly expanded the geographical area of its strikes to include Iraq because it feared that the strikes would sour US-Iraqi relations (Evental 2019, Aug. 28).

¹⁵⁵ Important were the recognition of Jerusalem as Israel's capital and of the Golan Heights as part of the State of Israel, moving the US embassy to Jerusalem, and proposing a peace plan for the Israeli-Palestinian conflict that emphasized Israeli demands (Landler 2017, Dec. 6; WH 2019, Mar. 25; 2020).

between Israel and its other regional allies. While the Iranian-led camp has shown relative cohesiveness, the anti-Iran camp, including Israel and the relatively moderate Sunni states, has thus far failed to establish a cohesive alliance (Feuer 2020, Sep. 26). The Abraham Accords, the peace agreement between Israel and the United Arab Emirates and Bahrain (and perhaps others, in the future), is the latest and most significant result of the diplomatic efforts led by Jared Kushner. They serve to halt Chinese and Russian attempts to fill the vacuum left by the US withdrawal from the region, boost US weapons sales, and bolster Israel's position in the region thereby serving the domestic purpose of increasing voter support among Evangelicals and segments of the Jewish population (Ben-Yishai 2020, Oct. 25). Their primary goal, however, is to weaken Iran's position in the region and create an alliance against Iran which can deal with Iranian threats while the US reduces its military presence in the Middle East (ibid.; Doran 2020, Sep. 23). This US initiative can, therefore, be considered part of the Trump administration's maximum pressure campaign.

A credible military threat?

Like the Obama administration, the Trump administration found it difficult to establish a credible military threat against Iran (Bergman/Mazzetti 2019, Sep. 4; Landler et al. 2019, May 16). Credibility, as mentioned before, is comprised of capability and the will to use this capability (Delpech 2012, 45). The US certainly possesses the capability to attack Iran, including the capability for surgical strikes against its nuclear sites and all-out war. However, during Trump's presidency, too, doubt was cast on whether it also possessed the resolve despite its recognition of the necessity of a credible military threat.¹⁵⁶

The Trump administration largely avoided the explicit threat to resort to military action (Kam 2018, 76). Some statements have been interpreted as threats of military action. For example, Pompeo reiterated Trump's threat (WH 2018, May 8a) that a restart of Iran's nuclear problem would mean that the Iranians would have "bigger problems than they'd ever had before" (US DoS 2018, May 21). In response to Rouhani's threat that "war with Iran is the mother of all wars" (Macias 2018, Jul. 23) Trump tweeted: "NEVER, EVER THREATEN THE UNITED STATES AGAIN OR YOU WILL SUFFER CONSEQUENCES THE LIKES OF WHICH FEW THROUGHOUT HISTORY HAVE EVER SUFFERED BEFORE" (Trump 2018, Jul. 23). This tweet has been interpreted by some as a reference to a nuclear strike (Frankopan 2018, 197). However, Trump is known for his grandiose and impulsive tweets which are not necessarily followed by action. Additionally, administration officials made similar statements on other occasions and emphasized that they were referring to unprecedented pressure rather than a military attack. Pompeo stated in June 2018 "if they begin to ramp up their nuclear program, the wrath of the entire world will fall upon them" but immediately clarified that "[w]hen I say wrath, don't confuse that with military action [...] I mean

the moral opprobrium and economic power that fell upon them. [...] I'm not talking to military action here. I truly hope that that's never the case. It's in anyone's best interests for that" (Times of Israel 2018, Jun. 23). Furthermore, Trump repeatedly shied away from using significant military force¹⁵⁷ and clearly shared the desire of his predecessor to reduce US military presence and avoid another war in the Middle East. He even criticized his predecessors, particularly George W. Bush, for sending US soldiers to fight in endless wars in the region. This as well as openly voiced concerns with the safety of US troops in the region were interpreted by Iran as signs of weakness and a lack of resolve (Evental 2019, May 19). However, more explicit warnings were reportedly delivered in private (Ryan et al. 2019, Jun. 19) and some observers expressed the fear that the threats by the Trump administration were credible enough to push Iran into accelerating its nuclear program to defend itself (Bandow 2020, Oct. 22).

On a practical level, the Trump administration tried to establish a credible military threat and reassure allies by carrying out exercises and deploying additional troops in the Gulf region.¹⁵⁸ For example, the US responded to Iranian threats to disrupt shipments through the Gulf in September 2018 by carrying out major US Navy exercises across the region and declared that it was "ready to ensure the freedom of navigation and the free flow of commerce" (US Naval Forces Central Command 2018, Sep. 9). Two months later, in December 2018, it moved the USS John C. Stennis aircraft carrier to the Gulf breaking the longest carrier absence in the region since the 9/11 attacks (Gambrell 2018, Dec. 21). When in May 2019 the Iranians began responding to US pressure by carrying out price tag actions in the nuclear and military realms and threatening oil exports and freedom of shipping in the Strait of Hormuz, the US moved additional forces to the area, including the USS Lincoln aircraft carrier, B-52 bombers – capable of carrying nuclear weaponry –, and a Patriot battery. Those forces have symbolic value but do not suffice for a broad military campaign (Yadlin 2019, May 14). The US sent B-52 bombers to the region also after Soleimani's killing and in late November 2020 to strengthen deterrence and reassure allies amid escalating tensions (Gross 2020, Nov. 23; Sonne 2020, Dec. 10). In May, Bolton explicitly stated that the deployment was to "send a clear and unmistakable message to the Iranian regime that any attack on United States interests or on those of our allies will be met with unrelenting force" (WH 2019, May 5).¹⁵⁹ Two weeks later, Trump tweeted, "[i]f Iran wants to fight, that will be the official end of Iran. Never threaten the United States again!" (Trump 2019, May 19). Contrary to the tone of his tweet, in May 2019, Trump made a point of emphasizing his desire to avoid war and for a dialogue with Iran (Landler et al. 2019, May 16; Yadlin 2019, May 14). Some, including Obama's former ambassador to Israel, Dan Shapiro, have claimed that Trump's support for Israel increased the likelihood

¹⁵⁷ For examples see the section "The return of a practical military option?".

¹⁵⁸ According to reports, around 14,000 troops were deployed to that region in 2020 (Schmitt 2020, Sep. 9).

¹⁵⁹ Similarly, Pompeo said that "[t]he regime in Tehran should understand that any attacks by them or their proxies of any identity against US interests or citizens will be answered with a swift and decisive US response" (Reuters 2019, May 10).

¹⁵⁶ E.g., in an op-ed from 2015, John Bolton, who was to become Trump's national security advisor, stated that sanctions must be accompanied by "a truly credible threat of military force" (Bolton 2015, Aug. 24).

of a green light by the US for an Israeli strike, thus establishing an indirect military threat (Bergman/Mazzetti 2019, Sep. 4).

In light of these statements and actions, Doran concluded that Trump's Middle East doctrine lacked a "ground game" (Doran 2019, Nov. 10) to demonstrate its resolve. This changed to a certain extent when Trump enforced the red line his administration had previously drawn by killing Qasem Soleimani, the leader of the IRGC's Quds Force and the architect of Iran's regional militia activities, after the death of an American through the actions of Iranian proxies (Winnefeld 2020, Jan. 9; Thiessen 2020, Jan. 3).¹⁶⁰ However, this red line and its enforcement relate to Iranian regional activities rather than its nuclear program. Here, it remains unclear whether the Trump administration succeeded in establishing a direct or indirect military threat. On one hand, the Iranians were undoubtedly aware of Trump's wariness of major military action. On the other hand, their mostly cautious behavior (Thiessen 2019, Jun. 25) and their conscious efforts to deescalate during times of tension¹⁶¹ suggest that they did not dismiss the possibility of US military action.

Covert operations – force short of war

The Trump administration reportedly made extensive use of cyberattacks against Iran as part of its maximum pressure campaign and as a less risky alternative to military action. The Trump administration promoted a more aggressive cyber strategy that some argue is necessary to respond to the actions of its adversaries in cyber space (Brands 2020, Oct. 27). As part of this strategy, the US accelerated cyber operations and conducted multiple retaliatory cyberattacks against Iranian targets, e.g. in June 2019 after the downing of an American drone and in September 2019 after Iran's alleged drone and cruise missile attacks on two Saudi oil facilities (Hanna 2020, Oct. 9). Contrary to Stuxnet, those attacks were conducted against non-nuclear infrastructure. The attack in June wiped clear a IRGC database used to plan attacks on tankers in the Gulf (Barnes 2019, Aug. 28); the attack in September targeted "physical hardware" used to spread "propaganda" (Ali/Stewart 2019, Oct. 16). According to a senior administration official, Trump preferred to demonstrate his resolve through covert CIA operations and cyber operations (Barnes et al. 2019, Jun. 23) in an attempt to avoid broader military escalation (Ali/Stewart 2019, Oct. 16; Barnes 2019, Aug. 28).

However, cyber operations could not dispel Doran's concern that Trump's Middle East doctrine lacked a "ground game" (Doran 2019, Nov. 10). Many argue that the killing of Qasem Soleimani closed this weak spot (Brands 2020, Jan. 3; Doran 2020, Jan. 3). Doran called the event a "tectonic shift in Middle Eastern

politics" as it constituted a "strong and visible response" to Iran's regional activity and escalation (Doran 2020, Jan. 3). The killing of Soleimani meant that the US "decided to deal with the source of the terrorism, not its emissaries" so that Iran itself would suffer the consequences of its actions and not only its proxies (Cornell/Shaffer 2020). More broadly, it signified an at least temporary shift from Jervis' "spiral model" of conflict to his "deterrence model" (Jervis 1968). Instead of acting on the assumption that hitting the opponent causes escalation – reflected in Trump's weariness of military action –, the Trump administration seemed to calculate that a hard hit would shock Iran and lead to de-escalation based on the observation that Iran, too, is not interested in major military escalation (Brands 2020, Jan. 3).

While the attack has been criticized as too risky in terms of its potential for escalation – both Bush and Obama had rejected killing Soleimani for fear of war with Iran (Crowley et al. 2020, Jan. 2) – Trump emphasized that the goal was "to stop a war" (WH 2020, Jan. 3). Indeed, the killing did not lead to escalation as the Iranians limited themselves ballistic missile attacks on US bases in western Iraq a few days later¹⁶² which ended without casualties.¹⁶³ The Iranian response "seemed intended to save face rather than inflict casualties" (Baker 2020, Jan. 8) and Trump chose not to respond militarily (Rubin/Schmitt 2020, Mar. 11). The elimination of Soleimani, Iran's most important general, is another example of an attempt of the Trump administration to weaken Iran, build US deterrence, and preserve US credibility while avoiding a broader military confrontation (Crowley et al. 2020, Jan. 2; Doran 2020, Jan. 3; US DoD 2020, Jan. 2).

Furthermore, the US and Israel have been blamed for a series of fires and explosions at various sites in Iran in June and July 2020 (Fassihi et al. 2020, Jul. 5; Harel 2020, Jul. 8). The sites included power plants, military bases, and a nuclear facility. The first explosion occurred at a missile production facility near the Parchin military base. Observers note that if it was caused by deliberate sabotage, the minimal damage suggests that it was designed to avoid retaliation but create fear of foreign infiltration of Iran's military programs (Sanger et al. 2020, Jun. 29). The most significant explosion destroyed most of the Iran Centrifuge Assembly Center at the Natanz nuclear facility, which was central to the mass production of more advanced centrifuges.¹⁶⁴ The explosion probably delayed the Iranian nuclear program by one to two years (Albright et al. 2020, Jul. 8).¹⁶⁵ Both US and Israeli officials insisted that their countries were not involved (Sanger et al. 2020, Jul. 10). However, the explosions do fit patterns of their previous covert operations against the Iranian nuclear program.

¹⁶² Zarif tweeted after the attacks that "Iran took & concluded proportionate measure in self-defense under Article 51 of UN Charter targeting base from which cowardly armed attack against our citizens & senior officials were launched. We do not seek escalation or war but will defend ourselves against any aggression" (Cooper/Schmitt 2020, Jan. 8).

¹⁶³ Secretary of Defense Mark Esper said that the damage was "[n]othing that I would describe as major" (Baker 2020, Jan. 8).

¹⁶⁴ Experts believe that the explosion was caused by an explosive device planted near a gas line or by a cyberattack on the gas supply (Sanger et al. 2020, Jul. 10).

¹⁶⁵ Iran itself has admitted that the incident caused significant damage (Fassihi et al. 2020, Jul. 5).

¹⁶⁰ The immediate context of the strike were the death of a US contractor in Iraq through an Kataib Hezbollah rocket and the siege of the US Embassy in Baghdad a few days before (Rubin/Schmitt 2020, Mar. 11).

¹⁶¹ For example, they limited the response to the killing of their "indispensable man" (Exum 2020, Jan. 2), Qasem Soleimani, in January 2020 to missile attacks on US bases in Iraq seemingly designed for minimal damage (Winnefeld 2020, Jan. 9).

Moreover, the issue of R&D of advanced centrifuges is considered a significant flaw of the JCPOA as even a relatively small number of such centrifuges allows significantly accelerated uranium enrichment (6.71, 2020 אבננט). The center at the Natanz facility thus constituted a highly relevant target for covert action to delay the nuclear program. If Israel and possibly the US were involved, the explosions signaled their determination to undermine Iran's nuclear program in any way possible and capability to reach well-guarded sites anywhere in Iran (Ofek 2020, Jul. 24). If the US was not directly involved, it was likely informed by the Israelis and did not oppose the actions as they complement its maximum pressure campaign while staying below the threshold of war (Katzman 2020, Jul. 22). Fittingly, the State Department's envoy for Iran, Brian Hook, had stated shortly before the explosions that "timidity and weakness invites more Iranian aggression" (US DoS 2020, Jun. 5). Later, the *New York Times* reported that, according to officials, "a joint American-Israeli strategy was evolving [...] to a series of short-of-war clandestine strikes, aimed at taking out the most prominent generals of the Islamic Revolutionary Guards Corps and setting back Iran's nuclear facilities" (Sanger et al. 2020, Jul. 10). If the explosion at the Natanz nuclear facility was indeed orchestrated or at least green lighted by the US, it was also part of a trend towards renewed attention on the nuclear program in 2020. Iran's announcement in January 2020 that it would suspend its final commitment regarding uranium enrichment limiting the number of centrifuges contributed to this (Evental 2020, Jan. 21). Probably a part of this shift was also the assassination of Iran's most prominent nuclear scientist, Mohsen Fakhrizadeh, in late November 2020. The scientist reportedly headed Iran's nuclear weapons program. The killing was attributed to Israel (Fahim et al. 2020, Nov. 28), an assessment that is consistent with the characteristics of Mossad operations in Iran (Sanger 2020, Nov. 28). However, the Trump administration may have been informed prior to the attack or even okayed it. It would not have been the first US-Israeli cooperation in such a case. Only in August, Israel had killed senior al-Qaida official al-Masri in Tehran on behalf of the US (Fahim et al. 2020, Nov. 28). Some observers concluded that the killing was primarily aimed at undermining the efforts by the Biden administration to return to the JCPOA as Iran's nuclear weapons program is said to have ended in 2003 (ibid.). Considering Netanyahu's belief that the program is ongoing, the goal of setting back those efforts may also have played a role (Sanger 2020, Nov. 28). The killing was of psychological and symbolic importance as it again exposed holes in Iran's security and intelligence apparatus but it is doubtful whether it had a significant impact on Iran's nuclear program (Fahim et al. 2020, Nov. 28). During Trump's presidency, no other covert action with potential US involvement aimed directly at the Iranian nuclear program has been reported to date.

Congress and maximum pressure

Both Republicans and Democrats shared some of Trump's concerns regarding Iran's missile program, its regional activity, and the JCPOA.¹⁶⁶ Congress continued

to impose new sanctions on Iran while taking care to comply with the terms of the JCPOA. In March 2017, Senator Bob Corker (R-Tenn.) introduced the *Countering Iran's Destabilizing Activities Act of 2017*, a new Iran sanctions bill targeting its missile program and support for terrorism (*Countering Iran's Destabilizing Activities Act of 2017*). After some amendments to avoid violating the JCPOA, the deal passed the Senate by a vote of 98-2 (Davenport 2017, Jun. 15). In June 2017, the House of Representatives passed the *Countering Adversarial Nations Through Sanctions Act* to impose new sanctions on Iran, North Korea, and Russia (Royce 2017).

When Trump ended US participation in the JCPOA, the issue turned more partisan. Democrats were highly critical of the decision, even those who had previously opposed the JCPOA. The Republicans were split with some supporting the withdrawal while others said it was a "mistake" to withdraw while Iran was in compliance and that more efforts should have been made to fix the deal's flaws (Diaz/Fox 2018, May 8; The New York Times 2018, May 8). After the withdrawal, the Trump administration received support from Republican lawmakers for its maximum pressure policy. For example, in August 2018, 16 Republican senators sent a letter to Secretary of the Treasury Mnuchin urging him to ensure that SWIFT would disconnect Iran's Central Bank and other financial institutions (Cruz 2018, Aug. 23). In June 2020, the Republican Study Committee, the conservative caucus of the House of Representatives, issued a report recommending action by the Trump administration to strengthen its maximum pressure campaign and apply additional sanctions (Republican Study Committee 2020, Jun. 11). Republican lawmakers also tried to support the maximum pressure policy on the diplomatic level. In July 2018, 10 Republican senators sent a letter to the E3 ambassadors to the US urging compliance with US sanctions. They stated that it would be "particularly troubling if you sought to evade or undermine American statutes" and doing so "could well prompt Congressional action" (Cruz 2018, Jul. 27). In November 2019, the Republican lawmakers Sens. Ted Cruz (R-Texas), Lindsey Graham (R-S.C.), and Rep. Liz Cheney (R-Wyo.) also introduced a bill to end Iran nuclear waivers (ibid. 2019, Nov. 15), months before the Trump administration did so itself.

Many Democrats have been highly critical of the maximum pressure campaign. Sen. Tim Kaine (D-VA) said in early 2020 that "Trump's decision to tear up a diplomatic deal that was working and resume escalating aggression with Iran has brought us to the brink of another war in the Middle East" (Bolton 2020, Jan. 3). While Republicans praised Soleimani's elimination, Democrats criticized the decision as "reckless" and leading to more escalation. Rep. Jim McGovern (D-Mass.) argued that it would "embolden hardliners in Iran" (McGovern cited in Bolton 2020, Jan. 3). In response to the killing, the House of Representatives passed a resolution curtailing Trump's powers to use military force against Iran (*Directing the President* 2020).

There was more agreement on the issue of the UN arms embargo on Iran. In May 2020, 387 House Members had signed a letter urging Pompeo to increase

¹⁶⁶ See e.g. Nancy Pelosi quoted in Shear et al. 2019, Jun. 20; Schumer 2015, Aug. 7.

diplomatic efforts to renew the embargo (Katzman 2020, Oct. 16; Zengerle 2020, Apr. 30). Some Republican lawmakers also supported invoking the snapback of UN sanctions after the failure to extend the arms embargo (Cruz 2020, Aug. 16) which even Trump's former hawkish advisor John Bolton rejected. Democrat lawmakers, on the other hand, were vehemently opposed to the step (Price 2020, Aug. 24). During Trump's presidency, the extension of the UN arms embargo remained a rare case of bipartisanship.

The return of a practical military option?

Some observers have argued that the ultimate goal of the maximum pressure policy was escalation to justify a military attack.¹⁶⁷ Advocates of this understanding have advanced three main arguments. First, Trump appointed known Iran hawks, first and foremost Jon Bolton and Mike Pompeo, into important positions. In March 2015 as a private citizen, Bolton had argued in an op-ed titled "To Stop Iran's Bomb, Bomb Iran" that "only military action" could stop Iran's nuclear program (Bolton 2015, Mar. 26).¹⁶⁸ Second, statements by administration officials and Trump himself, often via twitter, have been interpreted as threats of military action.¹⁶⁹ Third, Pompeo's twelve requirements for a new deal announced, it has been argued, are unrealistic demands and suggest that "the real goal" is "to break the regime or force it to resume the nuclear program, thus giving the United States and Israel an excuse for military action" (Giacomo 2018, May 21).

The conduct of the Trump administration seems to suggest otherwise. During Trump's presidency, there have been many instances of great tension between the US and Iran. Each time both sides seemed interested in staying clear of broader military escalation. In fact, Trump has been criticized by some observers for not using enough military force (Brands et al. 2020). In May 2019 amid mounting tensions and reports of aggressive Iranian activity against international shipping in the Persian Gulf, Trump was presented with military options against Iran but reportedly insisted that he did not want a military confrontation (Landler et al. 2019, May 16; Schmitt/Barnes 2019, May 13).¹⁷⁰ When Iran downed a US drone in June 2019, Trump called off a military strike and instead opted for a cyberattack (Barnes 2019, Aug. 28). In January 2020, Trump declined to respond to Iranian missile attacks on US bases in Iraq in retaliation for Soleimani's elimination (Baker 2020, Jan. 8). When rocket attacks by Iranian proxies killed two US troops and one British soldier at a base north of Baghdad in March 2020 (Rubin/Schmitt 2020, Mar. 11), Trump's advisors debated whether

a military response was in order. Pompeo, National Security Advisor Robert C. O'Brien, and acting Director of National Intelligence Richard Grenell were in favor of a direct strike on Iranian targets, e.g. its naval vessels, arguing that in combination with the coronavirus such an attack could constitute the final push into direct negotiations. Secretary of Defense Mark Esper and Gen. Mark Milley, chairman of the Joint Chiefs of Staff, by contrast, warned of the danger of a wider war and a rupture in US-Iraqi relations. Trump decided against a direct attack and instead ordered airstrikes against five militia weapons depots in Iraq at night to minimize casualties. According to US officials, he had "little appetite" for escalation (Mazzetti et al. 2020, Mar. 21). A Pentagon official confirmed that the strikes were "designed to be punishing and retaliatory – but not to escalate into a conflict with Iran" (Schmitt/Gibbons-Neff 2020, Mar. 12).

These instances, which occurred after Iran itself started violating the JCPOA, suggest that Trump was not interested in using military action. Trump repeatedly expressed his desire to negotiate a deal with Iran (see above). To this end, his administration apparently preferred to exhaust economic pressure before turning to the military option (Kam 2018, 74). Reports that those in favor of a direct strike used the argument of its potential to bring Iran to the negotiating table further support the claim that Trump's goal was, in fact, a new deal. He seemed eager to avoid a major military confrontation with Iran which would also violate his campaign promise to keep the US out of major military adventures in the Middle East (Barnes et al. 2019, Jun. 23). While he chose a different Iran strategy, Trump, like Obama, did not want to be drawn into another Middle East war. In any case, it remains unclear if Trump viewed a military attack on Iranian nuclear sites as a last resort should maximum pressure fail to yield positive results in this realm or if he ultimately prioritized reaching an agreement with Iran as Evental has suggested (24. אבננטל 2020, ספנט). Reports that he considered military action¹⁷¹ after the election of Joe Biden and reports of a substantial increase in Iran's uranium stockpile, suggest that, once the option of a deal during his presidency became unrealistic, Trump gave military action another thought. However, his advisors persuaded him not to take military action by presenting the potential risks of such a step (Schmitt et al. 2020, Nov. 16b). His desire not to start another Middle East war dominated.

Regime change: a desirable outcome or a goal to be put into practice?

While Obama rejected regime change in Iran as an option for US policy and explicitly sought accommodation with the current regime, Trump's election brought the possibility of regime change as a policy goal back on the table. Some of his advisors had previously argued in favor of regime change, especially John Bolton who spoke out in favor of a military attack combined with support for the Iranian opposition "aimed at regime change in Tehran" (Bolton 2015,

¹⁶⁷ See, as cited above, Trita Parsi who said that "[t]his will only lead to one thing: confrontation. And one cannot but think that is the strategy and the goal" (Morello 2018, May 21). See also Rezaian 2018, May 22; Simon 2018.

¹⁶⁸ Bolton reiterated this position multiple times since, e.g. Bolton 2015, Aug. 24.

¹⁶⁹ For examples, see the section "A credible military threat?"

¹⁷⁰ Sen. Mitt Romney (R-UT) commented, "I don't believe for a minute that either the president or John Bolton or anyone else in a serious senior position of leadership in the White House has any interest in going to the Middle East and going to war. That's just not going to happen ... barring some kind of attack from Iran or something of that nature which I don't think anyone anticipates" (Pilkington/Pengelly 2019, May 19).

¹⁷¹ Trump reportedly asked his senior aides on November 12, 2020, after Joe Biden had won the presidential elections and reports of a substantial increase in Iran's uranium stockpiles, "whether he had options to take action against Iran's main nuclear site in the coming weeks" (Schmitt et al. 2020, Nov. 16b).

Mar. 26). Moreover, Trump's attorney Rudy Giuliani told reporters in 2018 that Trump was "committed to regime change" (Griffiths 2018, May 5).

For more clarity, it seems useful to differentiate between a policy of regime change as a result of US military or major covert action – an active effort to oust the current regime by force – and a policy of weakening the current regime by means of economic pressure while verbally encouraging and, to a limited degree, covertly supporting the Iranian opposition in the hope that such efforts would lead to regime change.¹⁷² The discussion of the previous section suggests that the Trump administration rejected a military option for the purpose of regime change and there have been no reports of significant covert action with such an objective. It is in this context that David Petraeus stated that it was "pretty clear" that Trump "doesn't want to go to war with Iran. He's not after regime change" (Pilkington/Pengelly 2019, May 19). Regarding the latter, Trump and administration officials repeatedly stressed that the maximum pressure campaign was not aimed at regime change.¹⁷³ However, explicitly stating that the policy was regime change would be unwise even if that was the truth (Schueftan 2020, Sep. 14). Furthermore, in light of Pompeo's twelve requirements for a new deal "most observers assert that it would be inconceivable for the current regime in Iran to change its behavior to comport with the requirements" and that the administration's ultimate goals, thus, must be regime change (Kerr/Katzman 2018, 25).¹⁷⁴ The Iranians themselves consider US demands a pretext for the underlying objective of regime change (Evental 2019, May 19), as do some observers (Simon 2018, 7). The tendency of administration officials, including Trump, to frame their policy as supporting the struggle of the Iranian people against oppression has contributed to this impression. In the discussion following Pompeo's policy announcement speech in May 2018, he said "the Iranian people will get to make a choice about their leadership. If they make the decision quickly, that would be wonderful. If they choose not to do so, we will stay hard at this until we achieve the outcomes that I set forward today" (US DoS 2018, May 21).¹⁷⁵ As far as is known today, efforts by the Trump administration to strengthen the Iranian opposition were largely limited to such (potentially harmful) declarations of support.

Nevertheless, it has been argued that, in light of the Trump administration's

¹⁷² For example, Edelman and Takyeh, proponents of regime change in Iran, favor a US policy of using "every instrument at its disposal to undermine Iran's clerical state, including covert assistance to dissidents" in order to "contribute to condition that would make [an overthrow of the regime] possible" (Edelman/Takeyh 2020).

¹⁷³ For example, State Department Director for Policy Planning Brian Hook stated during a July 2, 2018, press briefing that the administration's policy "is not about changing the regime, it is about changing the behavior of the leadership in Iran" (US DoS 2018, Jul. 2). After the killing of Soleimani, Trump stated that "[w]e do not seek regime change" (WH 2020, Jan. 3).

¹⁷⁴ Edelman and Takyeh base their argument on the assumption that the current regime will not change its behavior because it "remains a revolutionary movement that will never accommodate the United States" (Edelman/Takyeh 2020, 131).

¹⁷⁵ See also Trump's announcement of the withdrawal from the JCPOA (WH 2018, May 8a), his remarks after the killing of Soleimani (ibid., Jan. 3, 2020), a press briefing by Brian Hook in July 2018 (US DoS 2018, Jul. 2), and Pompeo's Iran policy speech (ibid. 2018, May 21).

perception of the Iranian regime, it must have regarded regime change as the only sustainable solution (Schueftan 2020, Sep. 14). While this may be true in terms of the Trump administration's vision or hopes, it may have been more pragmatically inclined in terms of practical policy. Kam writes that

the Trump administration seems to feel that only intense pressure on Iran in a range of fields can change the regime's nature and policy, and perhaps strengthen the opposition that can topple the regime. [...] Even if the additional pressure and Iran's worsening economic situation do not lead to regime change, the administration hopes that these will at least spur Iran to agree to revisit the nuclear agreement and change it to meet US and Israeli demands (Kam 2018, 74).

In other words, the Trump administration hoped that its maximum pressure policy and encouragement of the opposition would lead to regime change but was willing to pursue a more pragmatic path. This line of argument is convincing in that it is consistent with Trump's great desire for a deal and the policy of his administration outlined in the previous chapters.

The Trump administration certainly succeeded in putting the Iranian regime under immense pressure through sanctions. It may have been largely due to the possibility that Trump would be replaced by a more accommodating US president that Iran did not return to the negotiating table. The policy was, however, successful in that Iran was forced to significantly reduce its military spending (Ghasseminejad/Kahn 2019, Jan. 8). On the other hand, many critics hold the Trump administration and its maximum pressure campaign responsible for Iran's nuclear violations arguing that they strengthened hardliners and provided a justification for Iran's noncompliance (Pollack 2019, Sep. 17). It may have even boosted popular support for the regime as Iranians felt needlessly humiliated by the US (Litvak 2020, Dec. 14).¹⁷⁶ Indeed, Iran has stepped up its nuclear program and is closer to acquiring nuclear weapons than it had been when Trump took office (IAEA 2020, Sep. 4; Sherman 2020, Jul. 31) and its regional aggression remains undiminished (Tabatabai/Rome 2020, Sep. 15). It did not make any concessions, much less agreed to the deal envisioned by the Trump administration, and despite the additional pressure through the Covid-19 pandemic, there are no signs of imminent regime change (Washington Post Editorial Board 2020, Sep. 21). Landau argues, however, that "if the deal indeed suffers from dangerous flaws – most importantly its unconditional sunset clauses – Iran's breaches would come at some point down the line. A counter argument is that it is preferable to confront Iran's violations now, when it is relatively weak, than in 5–10 years when the country could have become much stronger, while doing what it could to prepare the way for a quick breakout when the deal expired" (Landau 2019, 4). This confrontation, however, remained unsuccessful. Schechter et al.'s observation of Iran's more aggressive regional

¹⁷⁶ Fathollah-Nejad and Naeni argue that "the decline of Iran's moderates" is due to domestic factors, such as their failure to fulfill reformist hopes and support civil society and popular protests (Fathollah-Nejad/Naeni 2020, Jun. 15).

activity after the JCPOA, already before Trump's election, the beginnings of a nuclear arms race in the Middle East, and Obama's own admission that the deal only delayed rather than solved the problem support this assertion (שכטר ואחרים 2020, מרץ 13). The discovery of the Tehran nuclear archive and the subsequent dispute between Iran and the IAEA over the inspection of suspected nuclear sites has brought up the possibility of previously unknown aspects of the Iranian nuclear program which may decisively effect the future evaluation of the JCPOA.

On a regional strategic level, Doran assesses the Trump administration's view of the regional dynamics and its conclusion that the US needs to contain Iran by weakening it and building an alliance of regional allies as "a net positive" since it allows the US to disengage militarily and ensure its national security interests at the same time (Doran 2020, Sep. 23).¹⁷⁷ On the other hand, some steps, such as Pompeo's threat to close the US embassy in Baghdad, have been interpreted as victories for Iran (Stroul et al. 2020, Oct. 9; Wong et al. 2020, Sep. 29). Others argue that the embassy anyway should have been closed long ago (Cook 2020, Oct. 12). Critics also see the success of Trump's realignment with Saudi Arabia called into question by its cooperation with China in such important matters as its nuclear program (Mazzetti et al. 2020, Aug. 5). This may reflect weariness of the policies of future US administrations as well as uncertainty over the policy of a president known for policy U-turns and an administration whose policies were often inconsistent with the verbal statements of its officials (Abrams 2019).

While the long-term consequences of the Trump administration's Iran policy are still unknown, the E3 remain opposed to a maximum pressure policy and are largely in agreement that it jeopardized their great diplomatic victory. Germany's Iran policy during the Trump era is a case in point.

Germany's Policy Towards Iran's Nuclear Program in the Trump Era

The rift between the US and Europe during the Trump era was particularly deep between the US and Germany due to disagreements in relation to Germany's aversion to military force,¹⁷⁸ its geo-economics,¹⁷⁹ and fundamental ideological differences. After the NATO and G7 summits in early 2017, Merkel concluded at a campaign rally in May that "the times in which we could completely depend on others are, to a certain extent, over [...]. We Europeans truly have to take our fate into our own hands [...] for Europe, for our values and interests"¹⁸⁰ (Bundeskanzlerin 2017, May 29).¹⁸¹ This statement suggests movement into the second foreign policy direction proposed by Lieber, an emphasis on Europe as separate from the US. In the bilateral relationship between the US and Germany, too, the Iran nuclear file turned into a major issue of contention.

Germany and the effort to keep the JCPOA alive

The Germans shared some of the Trump administration's main concerns with the JCPOA, especially its failure to address Iran's ballistic missile program and Iran's regional activity (ZEIT Online 2019, Sep. 24). In September 2019, Merkel described those points as part of "a long list of burdens coming from Iran" (Reuters 2019, Sep. 17). Foreign Minister Siegmund Gabriel stated on multiple occasions that "we Europeans, like our American allies, have a critical view of and share the concerns regarding Iran's highly problematic role in the region and its missile programme" (AA 2018, Feb. 22). His successor Heiko Maas voiced similar concerns (Rising 2020, Aug. 27). For Merkel, the need to address Iran's regional activity was, like the nuclear program, closely connected to the question of Israel's security. In a meeting with Netanyahu in June 2018, she said that those activities were "concerning, especially for the Israel's security"¹⁸² promising strong diplomatic efforts (Bundeskanzlerin 2018, Jun. 4). On another occasion, she expressed her support for Israeli airstrikes against Iranian targets in Syria (Pearson 2019, Jan. 28).

However, the Europeans preferred to separate those issues from the nuclear file. Germany's foreign office stated that "[p]olitically, they are fields of action which are distinct from one another" (AA 2018, Jan. 11). This suggests a very different

¹⁷⁸ E.g. the dispute over German defense spending and the reduction of US troop numbers in Germany (Cohen 2020, Jun. 15).

¹⁷⁹ One major criticism of the Trump administration is Germany's trade surplus (McHugh 2017, May 31).

¹⁸⁰ Author's translation. German original: "Die letzten Tage haben mir jedoch auch gezeigt, dass die Zeiten, in denen wir uns auf andere völlig verlassen konnten, ein Stück weit vorbei sind. [...] Wir sind und bleiben überzeugte Transatlantiker. Aber wir wissen auch, dass wir Europäer unser Schicksal wirklich in die eigene Hand nehmen müssen [...] für Europa, für unsere Werte und Interessen."

¹⁸¹ The coalition treaty of 2018 between CDU/CSU and SPD included similar conclusions (CDU/CSU/SPD 2018, 6, 144, 147).

¹⁸² Author's translation. German original: "besorgniserregend [...], insbesondere auch für die Sicherheit Israel [sic]."

¹⁷⁷ See also 2020, ינו. 6, ש.יפ.טן.

perception of the place of the nuclear program in Iran's strategy than that of the Trump administration. Instead of renegotiating the JCPOA, the Europeans chose to continue to approach Iran's ballistic missile program and regional activity separately by intensifying engagement (Schwammenthal 2018, 224). In this context, Gabriel called dialogue with Iran (AA 2018, Jan. 11) and Merkel stated that "long-term solutions are only possible through a political process" (Reuters 2019, Sep. 17). The foreign office argued in favor of this approach that the 15-years long E3 dialogue with Iran had eventually led to the JCPOA (AA 2018, Feb. 22). German officials expressed their concerns to Iran in bilateral and multilateral settings.¹⁸³ Furthermore, they initiated a new dialogue format with Iran – "structured dialogue" – focusing on regional issues. The format was agreed upon in January 2018 and the first meeting was held on the margins of the Munich Security Conference one month later and focused on Yemen (ibid.).

Regarding the nuclear realm, the Europeans expressed some concern over the sunset clauses of the agreement (BPMO 2018, May 8) but, again, did not see this as a reason to renegotiate the JCPOA itself. Rather, they wanted to negotiate a "long-term framework for Iran's nuclear programme after some of the provisions of the JCPOA expire, after 2025" (ibid.). Nevertheless, they repeatedly stated that the JCPOA effectively prevented Iran from acquiring nuclear weapons (AA 2016, Jan. 16; 2017, Nov. 30; Bundesregierung 2015, Jul. 14). Maas reiterated this in August 2020 (Rising 2020, Aug. 27).

With Trump's election, it became the E3's shared priority to keep the JCPOA alive. Before the US withdrawal, the E3 made public and private diplomatic efforts to convince the US to stay in the deal (Arms Control Association 2020; BBC News 2018, Apr. 27). In a joint statement in January 2018, the foreign ministers of the E3 and the EU high representative said "[w]e want to protect the JCPOA against every possible undermining decision" (Wintour 2018, Jan. 11). One month later, Gabriel reported "we have advised our American friends not to let this agreement fail, but to work with us at the same time to develop and launch strategies that will help us to limit and reduce the destabilising influence of Iran's policy in the region to a considerable degree" (AA 2018, Feb. 17). These public declarations were also meant to reassure Iran that the E3 were committed to the agreement. To this end, Gabriel stated after a meeting with Zarif in June 2017 that "we would oppose any attempts to call [the JCPOA] into question" (Chase 2017, Jun. 27). In addition to government-level talks, 500 parliamentarians from the E3 sent a letter urging US members of Congress to help "keep the JCPOA alive." The German signatories included members of the SPD, Greens, FDP, and Die Linke, but not from Merkel's CDU/CSU and the AfD (House of Commons et al. 2018, Apr. 19). In January 2018, the German *SPIEGEL* reported based on information from diplomats that Germany was lobbying in

¹⁸³ During a meeting between the foreign ministers of Germany and Iran on June 27, 2017, Gabriel: "Iran needs to adopt a constructive role, as do the region's neighbours" (AA 2017, Jun. 27). Prior to a meeting with Zarif on January 11, 2018, Gabriel said that "Iran's role in the region and the country's missile programme" constituted "major serious problems which we need to tackle" (ibid. 2018, Jan. 11).

Brussels for new Iran sanctions to address Iran's destabilizing regional activities and missiles program. This, too, was an attempt to keep the US in the JCPOA by showing Trump that the E3 were taking his criticism seriously and were willing to act against Iran (Schult 2018, Jan. 20). Merkel herself defended the JCPOA but, again, in more cautious terms than the foreign office. In an interview with an Israeli TV channel in April 2018, she stated, "[w]e believe it is better to have this agreement, even if it is not perfect, than to have no agreement" (Deutsche Welle 2018, Apr. 22). At a joint press conference with Trump, she even stated that while the JCPOA was "a first step that has contributed to slowing down [Iran's] activities in this particular respect [...] we also think from a German perspective that this is not sufficient in order to see to it that Iran's ambitions are curbed and contained" (Times of Israel 2018, Apr. 27). Considering Merkel's caution reaction to the JCPOA in 2015 and disappointment with Iran's behavior after the deal, especially in relation to Israel (see above), this change of tone does not seem to be a mere show to satisfy the US president but may correctly reflect her view of the deal. However, Trump had reportedly informed Macron on April 24 of his decision to exit the JCPOA. In the joint press conference stated his desire to negotiate a "new deal" with the JCPOA as its primary pillar that would address Iran's ballistic missile program and Iran's regional activities, further curb its enrichment program and include a longer timeline for the nuclear restrictions (Sen 2018, Apr. 24). Macron's and Merkel's statements may, therefore, have been last attempts to salvage the deal or an indication that they had already proceeded to work on the premise that the JCPOA must be significantly amended for the US to return to the diplomacy track. The effort to keep the JCPOA alive had been reciprocated to some extent by efforts by US administration officials to fix the flaws of the JCPOA in negotiations with the E3 (see above). Days before the withdrawal, the E3 agreed to reimpose sanctions if Iran's nuclear breakout time was determined to have shortened to less than 12 months (Landler 2018, May 8). Some European officials today consider those talks a charade (Bergman/Mazzetti 2019, Sep. 4).

In reaction to the US withdrawal from the JCPOA, the German political establishment presented a relatively united front opposing the step. Merkel issued a statement together with Theresa May and Macron expressing "regret and concern" over the US decision and their "continuing commitment to the JCPOA" (BPMO 2018, May 8). Maas said that Germany should do whatever it can to preserve the JCPOA as it increased security and stability (AA 2018, May 16). The head of the Greens faction in the Bundestag, Katrin Göring-Eckard, called the decision a "terrible mistake."¹⁸⁴ The deputy head of the FDP faction voiced similar concerns (Breyton 2018, May 8). SPD politician Rolf Mützenich even called the transatlantic partnership into question (Süddeutsche Zeitung 2018, May 9). Furthermore, the foreign office assessed the withdrawal to be illegal under international law due to the binding UNSCR 2231 (AA 2020, Jun. 30). As a result, there was broad domestic agreement that Europe needed to make every effort to keep the JCPOA alive (Süddeutsche Zeitung 2018, May 9).

¹⁸⁴ Author's translation. German original: "verheerenden Fehler."

Importantly, substantial differences that had existed among the E3 partners on Iran policy before the JCPOA had now been replaced by what Merkel called “a very uniform opinion”¹⁸⁵ in a Bundestag testimony (Bundeskanzlerin 2018, Jun. 6).¹⁸⁶ The JCPOA was European consensus (Schwammenthal 2018, 218) strengthened by the common opposition to the new US approach to Iran and its foreign policy in general.¹⁸⁷

After the US withdrawal, Germany worked closely with the remaining JCPOA participants to maintain the agreement. It publicly and repeatedly declared its commitment to the JCPOA and kept up the dialogue with Iran to reassure the Iranians, work out ways to provide Iran with the expected economic benefits, and generally moderate Iran. It thereby continued to follow the concept of change through rapprochement and trade. The first meeting between Iranian and European representatives was held only one week after Trump’s announcement. In the same meeting, Maas stated that “[o]ur message is this: as long as Iran stands by the agreement, Europe will do so too, regardless of the US decision” (AA 2018, May 16). The E3 also continued to express “regret” over further US sanctions, e.g. the end of the remaining nuclear waivers in May 2020 (EEAS 2020, May 30).

In the diplomatic struggle to keep the JCPOA alive, Germany returned to its familiar mediator role, this time focusing on mediation between the US and Iran. These efforts intensified after Iran began violating its own JCPOA commitments in the nuclear realm. For example, Maas visited Tehran as well as Jordan, Iraq, and the UAE in June 2019 in an effort to ease tensions (Shams 2019, Jun. 10) and Merkel met with Trump and Rouhani at the sidelines of the UN General Assembly in New York in September 2019 expressing her desire for direct talks between their countries (ZEIT Online 2019, Sep. 24). After the killing of Soleimani in January 2020, Maas stated that Germany would use its “well-established and durable communication channels with all the sides” to help deescalate (Tagesschau 2020, Jan. 6). He held phone calls with the US and Iran (AA 2020, Jan. 6; Braun et al. 2020, Jan. 6) and traveled with Merkel to Moscow to meet Putin and Lavrov for discussions on the situation in the Middle East (Deutsche Welle 2020, Jan. 6; ZEIT Online 2020, Jan. 11).¹⁸⁸ Sigmund criticized the efforts at mediating as half-hearted and lacking credibility (Sigmund 2020, Jan. 14). Nevertheless, they show how Germany at least pro forma tried to fulfill its traditional role as mediator.

¹⁸⁵ Author’s translation. German original: “eine sehr einheitliche Meinung.”

¹⁸⁶ The French foreign minister stated in January 2018 that Iran must be pressured on its missile project and its regional activities but pressure on these issues must be separate from the JCPOA (Ministère de l’Europe et des affaires étrangères 2018, Jan. 11).

¹⁸⁷ This is exemplified by the many E3 joint statements on Iran policy during the Trump era. See, e.g., AA 2020, Jan. 14; BFCO 2018, Aug. 6; 2019, Jan. 31; 2019, Nov. 11; BPMP 2018, May 8; 2019, Sep. 23; 2020, Jan. 6; EEAS 2019, May 9; May et al. 2017, Oct. 13; Ministère de l’Europe et des affaires étrangères 2020, Sep. 20.

¹⁸⁸ Macron, too, tried to mediate between the two sides, e.g. when tensions ran high in August 2019 (Hinnant et al. 2019, Aug. 26).

At the center of the European endeavor to save the JCPOA was the effort to ensure Iran’s expected economic benefits. In their meetings on May 15, the European and Iranian representatives agreed to “launch intensive expert discussions” to find practical solutions to fulfil Iran’s economic expectations (EEAS 2018, May 15). The E3 foreign ministers reiterated this intention in a joint statement a day before the first round of US sanctions went back into effect on August 7, 2018 (BFCO 2018, Aug. 6). Two days later, the European Commission announced that it would “activate the Blocking Statute” which “forbids EU persons from complying with US extraterritorial sanctions, allows companies to recover damages arising from such sanctions from the person causing them, and nullifies the effect in the EU of any foreign court judgements based on them” to include new US sanctions on Iran (European Commission 2018, May 18). This was the first in a list of measures to enable trade with Iran despite US sanctions.¹⁸⁹ One of the most significant measures was the creation of the Instrument for Supporting Trade Exchanges (INSTEX) in January 2019 to circumvent US secondary sanctions.¹⁹⁰ In a joint statement, the E3 foreign ministers said that the instrument was “aimed at facilitating legitimate trade between European economic operators and Iran” (BFCO 2019, Jan. 31). Delayed by Iranian technical issues and US threats, INSTEX was first used in March 2020 by a German exporter for the sale of medication to an Iranian private sector importer. By then, the Europeans had decided to limit INSTEX to humanitarian goods not subject to US sanctions¹⁹¹ (Immenkamp 2020, Jul.).

Despite these efforts, European companies largely complied with US sanctions. The US had refused a request by the E3 and the EU to exempt entities doing legitimate business with Iran from US penalties (EEAS 2018, Jul. 16). Forced to choose between the US and the Iranian market, most companies chose the former (Schwammenthal 2018, 219). Many German and European companies suspended or terminated their trade relations with Iranian entities, including the giants Siemens, Daimler, Total, and Telekom¹⁹² (Dahlenkamp et al. 2019, Mar. 15; Delamaide 2018, Aug. 9; Harris 2018, May 21). Furthermore, most European banks chose not to engage in financial transactions with Iranian entities (Brüggmann 2019, Nov. 4). While the JCPOA had been followed by a 83.9 percent increase of EU imports from Iran and 31.5 percent increase in exports in 2017, the reimposition of sanctions by the US led to a slight decrease in trade volume in 2018 followed by a sharp decline in 2019. EU exports to Iran fell by 50 percent and imports by 92

¹⁸⁹ For a list of additional measures see Arms Control Association 2020.

¹⁹⁰ “INSTEX was designed as a barter system, using a credit account or ‘virtual ledger’ for EU companies to offset balances, allowing them to exchange goods with Iran in a way that does not involve the direct transfer of money. Established as a private limited company under French law, the idea was that INSTEX would provide European banks and companies with a trade channel for Iran-related business insulated from US sanction” (Immenkamp 2020, Jul.).

¹⁹¹ Despite this limitation, the Europeans figured that the instrument would bring banks that had previously refused to engage in financial transactions with Iran, including those not subject to US sanctions, to reconsider their position (Immenkamp 2020, Jul.).

¹⁹² The German Telekom terminated telephone and internet contracts with Iranian banks operating in Germany without prior notice in late 2018 for which the company was sued by the bank Melli (Dahlenkamp et al. 2019, Mar. 15).

percent (Immenkamp 2020, Jul.). The negative economic effect of US sanctions on Europe caused additional anger in Germany and other EU countries over US policy (Cronberg 2017b, 257; Schwammenthal 2018, 219). Europe was fighting an economic power struggle against the US without its major companies. German government officials were aware of their lack of leverage. For example, German Economy Minister Peter Altmaier said that Germany was unable to shield German companies against US sanctions (Handelsblatt 2018, May 11) and Maas acknowledged that the Europeans would have difficulty to help Iran without the US (Shams 2019, Jun. 10). According to Harris, "Europe's relative powerlessness in preserving a deal in which it is deeply invested has only increased its leaders' fury at the Trump administration's decision to scrap the accord" (Harris 2018, May 21).

Iran had hoped that Europe would compensate for US sanctions. Its nuclear violations beginning in 2019 were intended to increase European efforts to uphold its economic benefits and pressure the US (Shams 2019, Jun. 10). When Iran's hopes were proven false, Iran's ambassador to Germany explicitly criticized the country for having promised too much (Stuchlik 2020, Jan. 12).

The insistence of the Europeans on the JCPOA and the US maximum pressure campaign meant that Europe and the US were actively trying to undermine each other's Iran policy. This divide reflected two very different approaches to dealing with adversaries or 'difficult countries.' While the Trump administration wanted to deter and isolate Iran to coerce it into accepting its conditions, the Europeans wanted to integrate Iran into the international community and persuade it through positive incentives and interdependence of the benefits of more constructive behavior. While arguments have been made for either approach, the transatlantic disunity threatened undermining both (Schwammenthal 2018, 219). Iran itself did its best to pit the two sides against each other.¹⁹³ More than that, Germany, having given up its neutral position, found itself working with Iran, Russia, and China against the US (Grigat/von Billerbeck 2018, May 15; Reuters 2018, May 10). This situation of Germany working with adversaries of the US against its ally is part of a broader phenomenon that has been exacerbated in the Trump era (Karnitschnig 2020, Oct. 20). Disagreements over the Nord Stream 2 pipeline led the US in December 2019 to impose sanctions targeting firms involved in the construction. The decision drew angry reactions from Germany and Russia (BBC News 2019, Dec. 21). The rift over Germany's China policy has also intensified during Trump's presidency (Karnitschnig 2020, Jul. 8; Kefferpütz 2020, Sep. 3), leading the head of one of Germany's most important think tanks, Volker Perthes, to suggest that China had become more reliable than the US (Böhme/Herold 2020, Aug. 9). Similarly, Wolfgang Ischinger, chairman of the Munich Security Conference, cautioned against canceling Nord Stream 2 after the suspected poisoning of Russian

¹⁹³ For example, Iran has often called on the remaining JCPOA participants to undermine US initiatives, e.g. its efforts to extend the UN arms embargo (Reuters 2020, Jun. 10) and used threats to exit the JCPOA and/or the NPT to pit the Europeans against the US (Dehghanpisheh 2020, Jan. 20; Reuters 2019, Apr. 28).

opposition leader Alexei Navalny on the grounds that such a step would damage German companies and "lead to victory howls in the Trump administration"¹⁹⁴ (Will 2020, Sep. 6). German policy regarding Russia and China continued to be guided by economic interests and *Ostpolitik*. Germany's dispute with the US over Iran can, therefore, be considered part of a broader foreign policy of "Looking East" at the expense of the US, the third option described by Lieber. In the case of the Iran nuclear issue, however, Germany's position received stronger support from European partners than its positions on Russia and China. It also became increasingly difficult for Germany to maintain close relations with Saudi Arabia and Israel while at the same time getting closer to Iran (Fathollah-Nejad 2017, 37).

According to observers and official documents, the determined German and European commitment to the JCPOA was motivated by economic interests, a belief in the benefits of agreement itself and its positive effect on Iran, as well as a general commitment to a rules-based international order. First, the return of US sanctions had a negative impact on the ability of European companies to do business with Iran. US Ambassador to Germany Richard Grenell tweeted only hours after his accreditation on May 8, 2018, that "German companies doing business in Iran should wind down operations immediately" (Grenell 2019, May 8) causing anger in Berlin (Die Welt 2018, May 9). German companies in particular have suffered from US Iran sanctions (Brüggmann/Stratmann 2020, Jan. 6; Graupner 2019, Jun. 27). The volume of German-Iranian trade decreased slightly between 2017 and 2018 (Bundestag 2019, Mar. 22) but then dropped sharply by 45% in 2019 with imports falling to €206 million and exports to €1.5 billion (AA 2020, Mar. 4). Even during the height of international sanctions in 2012 and 2013, German exports to Iran had not reached such a low point (Farzanegan 2020, Mar. 5; Kiewel 2013, Dec. 8). Keeping the JCPOA alive and trying to hold up Iran's expected economic benefits was also motivated by Germany's geo-economics.

Second, despite their own concerns with the deal, German officials believed that the JCPOA prevented Iran from acquiring nuclear weapons and, therefore, enhanced regional and global security (AA 2017, Nov. 30). A collapse of the agreement would mean growing insecurity both narrowly with regard to the Iranian nuclear program and in terms of the signal it would send to other (potential) proliferators. In a meeting with the French foreign minister on May 7, 2018, Maas said that there was "no real alternative to the control mechanisms and restrictions regarding the Iranian nuclear programme as set down in the Vienna agreement. And we fear that its failure would lead to escalation and a return to the pre-2013 situation. That cannot be in anyone's interest" (ibid. 2018, May 8). His predecessor Gabriel had previously stated that a collapse "would send a disastrous message with regard to rearmament" (ibid.) encouraging regional nuclear proliferation and lowering the chances of a nuclear deal with

¹⁹⁴ Author's translation. German original: "bei der Trump Administration [...] zu einem Triumphgeheul führen würden."

North Korea (ibid. 2018, Jan. 11).¹⁹⁵ Based on the assumption that the agreement strengthened moderates within the Iranian regime, Germany feared that the collapse of the JCPOA and a reversal of Iran's integration into the 'international community' would strengthen Iranian radicals reviving Iran's interest in nuclear weapons.¹⁹⁶

Third, it has been argued that the European approach to the JCPOA was based mainly on "legal concerns and a commitment to a rules-based international order" which the US endangered by not respecting the agreements it had signed (Duclos 2020, Jun. 9). Accepting the US position would mean breaking with the EU's *raison-d'être*, the UNSC consensus and losing one of the few successes of multilateral engagement (Cronberg 2017b, 258-259). Cronberg, therefore, sees Europe before the "fundamental choice between a rules-based multilateral order and the transatlantic link" (ibid., 244). For Europe, the Iranian nuclear question from the start was a struggle between the two approaches to international relations outlined by Kagan. This struggle became more fierce during the Trump era. For Germany, a failure of the JCPOA and a return to power politics would be a major setback to its shaping power ambitions as the JCPOA had established it as a global security actor by virtue of its inclusion in the P5+1 format. Furthermore, it was forced to choose at least temporarily between Lieber's three foreign policy directions. In a speech in June 2018, Maas declared like Merkel in 2017 that "our common response to 'America First' today must be 'Europe United!'" (AA 2018, Jun. 13). Its transatlantic connection was significantly weakened. Krause commented on Germany's reaction to the US withdrawal from the JCPOA that since there was no change in Iran's policy, its ballistic missile program made only sense with nuclear warheads, and it was still working to annihilate Israel, Germany seemed to have lost sight of what the real problem is – in his view Tehran and not Trump (Krause 2018, May 15). This position became more difficult as Iran began violating its own JCPOA commitments.

Germany and the question of Iranian non-compliance

The E3 had repeatedly conditioned their commitment to the JCPOA upon Iran's compliance.¹⁹⁷ When Iran began announcing and implementing violations to the JCPOA, EU and E3 officials started criticizing Iran as well as the US. In May 2019, Iran announced that it would begin to violate its JCPOA commitments in a series of steps to be announced every 60 days in response to the US withdrawal (Landau 2019, Nov. 25). As its first step, it announced that it would no longer be bound by the enriched uranium stockpile and heavy water limitations of the JCPOA (Arms Control Association 2020). In July 2019, Iran exceeded the 300 kg limit on its stockpile of LEU (IAEA 2019, Jul. 1) and proceeded to enrich uranium

beyond the 3.67 percent level prescribed by the deal to 4.5 percent (ibid. 2019, Jul. 8). In September, it announced that it would no longer consider itself bound by JCPOA limitations on R&D and moved to invest in centrifuge technology R&D against IAEA monitoring and safeguards (ibid. 2019, Sep. 8; 2019, Sep. 26). Two months later, it announced that it would begin uranium enrichment at the Fordow facility (Landau 2019, Nov. 25) and notified the IAEA that it had exceeded the 130 metric tons JCPOA limitation on heavy water (IAEA 2019, Nov. 18). On January 5, Iran announced its final step, abandoning all JCPOA limits on centrifuges while confirm (Tasnim News Agency 2019, Jan. 6). Iran said that its violations were reversible and that further steps would depend on whether the P5+1 would deliver on sanctions relief (Arms Control Association 2020). It also threatened to leave the NPT (Reuters 2019, Apr. 28). In response, Mogherini and the E3 foreign ministers urged Iran to continue implementing the JCPOA and rejected "any ultimatums" while calling on "countries not party to the JCPOA to refrain from taking any actions that impede the remaining parties' ability to fully perform their commitments" (EEAS 2019, May 9). Similarly, Maas said on a visit to Tehran in June 2019 that Germany would not accept a "less-for-less" agreement regarding the JCPOA's implementation (Arms Control Association 2020). Furthermore, Germany's political director Jens Plötner flew to Tehran in order to preserve the JCPOA and keep up the dialogue (Deutsche Welle 2019, May 23). This was part of an increase in Germany's mediation activities after Iran began violating its JCPOA commitments (see above).

At the same time, Germany's tone towards Iran became more critical. For example, the E3 accused Iran in a joint statement of attacking oil facilities in Saudi Arabia in September 2019 and in the same month Merkel called Iran's precondition for negotiations, the reversal of US sanctions, "unrealistic" (ZEIT Online 2019, Sep. 24). In November 2019, Maas said that Iran's "unacceptable" decision to operate more advanced centrifuges was "putting the entire nuclear agreement at risk" (Associated Press 2019, Nov. 4). After the killing of Soleimani, the E3 called "specifically [...] on Iran to refrain from further violent action" (BPMO 2020, Jan. 6). The latter statement was reiterated by a German government spokesperson (Tagesschau 2020, Jan. 6). However, this stance was not shared by all parties. Rolf Mützenich of the SPD described the incident as "the targeted killing of a state representative by a western democracy"¹⁹⁸ indicating that this would deepen the transatlantic rift (Braun et al. 2020, Jan. 6). The Left party filed a criminal complaint against Merkel and some of her cabinet ministers based on the possibility that the US Ramstein military base may have played a role in the killing. The complaint was rejected by prosecutors (Knight 2020, Apr. 22).¹⁹⁹ The AfD was equally opposed to the government's policy arguing that Germany should have taken up Trump's criticism and worked with the Americans. In light of the escalation, FDP politician Bijan Djir-Sarai

¹⁹⁵ Similarly, a joint statement of the E3 foreign ministers in January 2018 said that "[i]t would send a very dangerous signal to the rest of the world if the only agreement that prevents the proliferation of nuclear weapons was negatively affected" (Wintour 2018, Jan. 11).

¹⁹⁶ See, e.g., Gabriel's UN General Assembly address 2017 (AA 2017, Sep. 21).

¹⁹⁷ See, e.g., BFCO 2019, Jan. 31.

¹⁹⁸ Author's translation. German original: "der gezielten Tötung eines staatlichen Repräsentanten durch eine westliche Demokratie."

¹⁹⁹ The government denied any knowledge of involvement of the Ramstein military base (AA 2020, Jan. 6).

said that the JCPOA was disconnected from reality and there was a need for a supplement agreement that would address Iran's missile program and Iran's regional activity (Scholz 2020, Jan. 9). Already in November 2018, the FDP had introduced a motion calling on the federal government to negotiate additional agreements addressing sunset clauses and Iran's ballistic missiles program (Bundestag 2018, Jun. 5). The motion was rejected by all other factions (ibid. 2019, Jun. 27). These disagreements are consistent with the rise of Anti-Americanism on the German left and the conservatives' more transatlantic orientation.

Despite this change in tone, Germany still largely avoided picking sides even in light of Iranian violations in order to preserve its middle position and avoid hardening the stance of the US and Iran. According to Hilgers, for Germany, "this is not a matter of ambivalence of the avoidance of making hard decisions, but a matter of sticking to its foreign policy roots," in particular the *Ostpolitik* tradition (Davis 2020, Jan. 6).

In 2020, the Iranian violations drove the E3 to take two more practical steps. They had warned Iran after its violations in September and November 2019 that another violation would prompt them to trigger the Dispute Resolution Mechanism of the JCPOA²⁰⁰ (BBC News 2019, Sep. 27; BFCO 2019, Nov. 11). After condemning Iran's final breach in January 2020 (BPMO 2020, Jan. 6), the E3 triggered the Dispute Resolution Mechanism on January 14 with the aim of preserving the JCPOA. They argued that Iran's violations had "increasingly severe and non-reversible proliferation implications" (AA 2020, Jan. 14) and, in Maas' words, could "no longer be left unanswered"²⁰¹ (Welland et al. 2020, Jan. 17).²⁰² However, the E3 explicitly rejected the "maximum pressure against Iran" (AA 2020, Jan. 14). Within Germany, this step was criticized by politicians of the Left party on the grounds that it would lead to escalation and the Greens argued that Germany should have worked harder against US policy (Scholz 2020, Jan. 9). The E3 extended the 15-day period of the mechanism on January 24 (Reuters 2020, Jan. 24) and later agreed to "continuously postponing the dates and time limits" of the mechanism to avoid UNSC referral (EEAS 2020, Feb. 4). Zarif had threatened in late January that Iran would withdraw from the NPT if such a referral took place (Dehghanpisheh 2020, Jan. 20). This announcement left little leverage for the ongoing negotiations with Iran regarding its nuclear violations. In the E3 explicitly rejected the "maximum pressure against Iran" (AA 2020, Jan. 14). Observers concluded that while triggering the mechanism was

200 If the dispute is not resolved at the level of the Joint Commission within a consultation period of 35 days or more, the complaining JCPOA participant may notify the UNSC of a "significant non-performance." The UNSC will then vote within 30 days on a resolution to continue sanctions relief which any permanent member of the UNSC can veto. This would activate the snapback mechanism in which all previous UNSC sanctions resolution would be reimposed (Hickey 2020, Jan. 22).

201 Author's translation. German original: "nicht länger unbeantwortet lassen."

202 Days before the decision, the Trump administration had reportedly threatened the E3 with 25 percent tariff on European automobiles if they failed to invoke the Dispute Resolution Mechanism (Hudson/Mekhennet 2020, Jan. 15). The threat does not, however, seem to have played a role in the decision which had already been taken (ibid.; Welland et al. 2020, Jan. 17).

intended to show some resolve towards Iran, it was mainly meant to buy time with the US until the presidential elections in November 2020 (Adebahr 2020, May 13). More serious negotiations would be held after the future position of the US would be clearer (Jakes/Sanger 2020, Aug. 20).

The second step came in June 2020 when the IAEA reported that Iran had denied its inspectors access to two suspected nuclear sites, "sanitized" a site inspectors had requested to visit since in July 2019, and failed to answer questions pertaining to the use of potential undeclared nuclear material before 2003 and what happened to it thereafter. The investigation was based on data provided by the Israelis from the Tehran nuclear archive seized in early 2018 (Norman 2020, Jun. 5; Sanger/Jakes 2020, Jun. 19). This prompted the E3 to put in a IAEA Board of Governors resolution, passed on June 19 against Russian and Chinese opposition, calling Iran to fully cooperate with the IAEA investigation into possible undeclared nuclear materials and activities before 2003 (Davenport/Masterson 2020, Jun. 19; IAEA 2020, Jun. 19). This was the first such resolution since 2012 and the first time the E3 took the side of the US on a major Iran issue since its exit from the JCPOA (Sanger/Jakes 2020, Jun 19). The two measures, however, did not have a significant impact beyond their declaratory purpose.

The Europeans again found themselves in an awkward situation when the US decided to pursue the extension of the UN arms embargo on Iran. It was expected that Russia and China would veto such an extension. Agreeing that the extension was important, Germany again tried to mediate "to reach a diplomatic solution that there will be an arms embargo on Iran in the future," in the words of Maas (Rising 2020, Aug. 27). According to reports, the E3 proposed a compromise to temporarily restrict arms trade with Iran – initially for 12 months – to accommodate all UNSC veto powers. By reaching a compromise, they wanted to avoid rewarding Iran's violations and a clash in the UNSC which could turn Iran into an important issue in the coming US elections (Norman/Gordon 2020, Jun. 17). When the US brought the extension to a vote, the E3 abstained. In an official explanation, Germany argued that the draft would not have received the UNSC support and "more consultations" were required to find an adequate solution (AA 2020, Aug. 14). Again, Germany declined to officially pick sides but, as a result, de facto positioned itself against the US. Importantly, this decision was not motivated by economic interests in German arms exports to Iran. In a joint statement in June 2020, the E3 confirmed that the separate EU arms embargo would remain in place until 2023 (Ministère de l'Europe et des affaires étrangères 2020, Jun. 19).

The subsequent US effort to invoke sanctions snapback against the stance of the other P5+1 members (Singh 2020, Jun. 29) was considered by Germany as both counterproductive and lacking a legal basis. Maas said in his UN General Assembly address 2020 that "the destruction of the JCPOA doesn't get us any closer to an arms embargo. On the contrary, at best, the JCPOA's demise brings Iran closer to getting the atomic bomb" (AA 2020, Sep. 29). Germany's "overarching goal" therefore remained "the preservation, continuation, and

full implementation of Resolution 2231 and the JCPOA” in the words of its permanent representative to the UN (ibid. 2020, Jun. 30). Moreover, the E3 stated that the decision was “incapable of having legal effect” JCPOA (Ministère de l’Europe et des affaires étrangères 2020, Sep. 20). The German permanent UN representative had argued already in June 2020 that Germany considered the US to have ceased to be a JCPOA participant with its withdrawal and was not qualified to invoke snapback (AA 2020, Jun. 30). Therefore, Germany, like the other remaining P5+1 members, did not recognize the snapback (Jakes et al. 2020, Sep. 21). Despite Iran’s substantial violations, the Europeans remained wary of any step that could endanger the JCPOA and held on to the idea that only dialogue, not pressure, could lead to a solution to the Iran nuclear file. The election of Joe Biden, thus, raised hopes in Germany of a “return to a joint transatlantic approach” to the Iranian nuclear program (Reuters 2020, Nov. 23). However, in recognition of the deeper rifts between Europe and America, Maas has called for a redefinition of the transatlantic partnership, independent of a particular US administration’s character (Maas 2018, Aug. 21). It remains to be seen how those rifts will affect the Germany’s policy towards the Iranian nuclear program during Biden’s presidency.

CONCLUSION

Since the Islamic Revolution in 1979 and even more so since 2003, Iran has presented itself as a significant challenger to US hegemony and the current world order, in particular through its nuclear program. Its challenge was augmented by frequent disunity between the US and Europe – and Germany more specifically – as well as their respective internal struggles over their role in a changing world. In the context of these struggles, the Iran nuclear file has been, and continues to be, an issue of contention over basic foreign policy principles and worldviews. The policies of the Western powers towards the Iranian nuclear program were influenced by material factors such as their possession or lack of power and nuclear weapons, as well as pragmatic interests and their bilateral relations with Iran. Connected to these factors is a second, perhaps more important set that includes historical experience, ideology, and worldviews, and is complemented by domestic constraints and the personal views of leaders. Here, also the countries’ *perceived* power played a role. These factors have influenced the their threat perceptions, definition of goals, and choice of means.

There is considerable disagreement over the evaluation of the policies of the US and Germany towards the Iranian nuclear program during the period analyzed here. Importantly, neither Obama’s (and Europe’s) nor Trump’s approach had the chance to prove itself in the long-term as their successors chose or are expected to choose very different approaches to the Iran nuclear file. At the time of writing, it seems like the policies of both presidents as well as Germany’s have failed.

Obama chose to focus on engagement backed by sanctions with the goal of reaching an international agreement with Iran that would place verifiable restrictions on its nuclear program in exchange for sanctions relief. It seems plausible that he considered such an agreement the basis for turning Iran into a partner for stability in the Middle East and the creation of a strategic balance between Iran and Saudi Arabia. This policy was based on the assumption that Iran ultimately shared the desire of the US for peace and stability in the region and that rapprochement would moderate Iran. Obama seems to have attached relatively little importance to the role of ideology in the behavior of the Iranian regime and the definition of its long-term goals. His administration put together an international sanctions regime of unprecedented strength that forced Iran to return to the negotiating table. However, ultimately, Obama viewed a diplomatic agreement as the only viable option to stop Iran’s nuclear program as it (probably correctly) assessed that economic sanctions would not suffice to stop the program. Moreover, it believed that both covert and military action could bring only limited delay. The military option – both as leverage and a means of prevention – was further weakened by Obama’s wariness of the use of military action and his objective to redefine America’s role in the world by emphasizing engagement and multilateralism over military force.

The result of this approach was the JCPOA, which, had it been implemented as agreed by both sides, could have prevented an Iranian breakout for 15 years. However, the agreement contained significant flaws in the nuclear realm and in terms of its effect on other areas of destabilizing Iranian activity not included in the agreement. These flaws could have been minimized by better negotiation on the part of the Western powers that did not exploit the full leverage of the P5+1 over Iran, first and foremost by failing to establish a credible military threat. The desperation of the Obama administration for a diplomatic agreement further weakened its bargaining position. While one may argue that the domestic political climate and (perceived) US public opinion prevented the US administration from establishing a credible military threat, the Obama administration's words and actions seem to have undermined whatever potential was left. Its bet that the JCPOA would moderate Iran was proven wrong in the short-term while we may never know what would have happened had the agreement's timeframe not been cut short by Trump's withdrawal.

The Trump administration emphasized the JCPOA's flaws and viewed Iran as the primary source of evil in the Middle East. It chose to employ maximum pressure, primarily sanctions and deterrent measures, to either bring regime change from within or reach a new, better agreement with Iran. While it did succeed in putting enormous pressure on Iran and laying the foundations for a regional anti-Iran coalition, it, too, failed to establish a credible military threat. Moreover, Trump's policy of going it alone and refusal to cooperate with allies on issues important to them undermined the establishment of an international coalition against Iran. The Trump administration failed to achieve either regime change or a new agreement. Instances of domestic instability in Iran were brutally suppressed by the regime which seems to remain stable despite the additional pressure due to the Covid-19 pandemic. There were no negotiations between the Trump administration and Iran, much less a new agreement. This was also due to the maximalist demands of the Trump administration and its disregard for the role of humiliation in the mind of the Iranian regime. Instead, Iran reacted to US pressure by gradually abandoning its JCPOA obligations and has recently begun to enrich uranium to 20 percent. At the end of Trump's presidency, it is closer to acquiring a nuclear weapon than it was when Trump took office. On a broader level, the US withdrawal from the JCPOA has reduced international trust in agreements with the US.

Germany based its policy on assumptions similar to those of the Obama administration following the tradition of *Ostpolitik* with its concept of change through rapprochement. During the Obama era, it eventually chose to support tough sanctions but remained concerned with minimizing losses for the German economy and keeping up its friendly diplomatic relations with Iran. It could, therefore, function as a mediator between the US and Iran. Being the only country without a permanent seat on the UNSC that was included in the P5+1 format, Germany also successfully exploited the Iran nuclear issue to promote itself as a global actor. The conclusion of engagement in the JCPOA seemed

to confirm the correctness of its foreign policy approach and worldview and created a moment of transatlantic unity. The celebrations were cut short by Trump's presidency. During the Trump era, Germany and its E3 partners did not succeed in keeping the JCPOA alive – due to a lack of power – and failed to act decisively against Iranian violations of the nuclear agreement. This was due to European and German misconceptions as well as Trump's foreign policy which alienated the Europeans in general and the Germans in particular. The result was a situation in which Europe found itself working with Iran, Russia, and China against the US begging the question whether Europe has lost track of who the real villain in the Iran nuclear file is.

The evaluation of US and German policies towards the Iranian nuclear program is inhibited by a lack of temporal distance and restrictions on the access to primary material. Once more documents will become accessible and information will be declassified, further research may come to different conclusions than the ones presented here and answer open questions.

A return of the US to the JCPOA, if agreed to by Iran, may lead to renewed transatlantic cooperation on this issue. However, as Maas remarked, such changes should not be interpreted as a return to a golden era of transatlantic unity. There are substantial disagreements between the US and Europe that go far deeper than the views and policies of a particular US administration, as Kagan argued at the beginning of the century. There is little doubt, however, that America's and Europe's ongoing struggles to redefine their respective role in the world and their results will continue to greatly affect their policies towards challengers of the current world order and Iran in particular.

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איראן מהווה אתגר רציני לסדר העולמי הנוכחי במיוחד בשל שאיפותיה הגרעיניות. עבודה זו עוסקת במדיניות ארה"ב וגרמניה מול תוכנית הגרעין האיראנית בין החמרת הסנקציות בשנת 2012, זמן קצר לפני תחילת הקדנציה השנייה של ברק אובמה, לזמן כתיבת עבודה זו בדצמבר 2020, זמן קצר לפני סוף נשיאות דונלד ג'. טראמפ. החמרת הסנקציות פתחה שלב חדש במאמצים נגד תוכנית הגרעין האיראנית שקודם לכן לא הניבו פירות. שלב זה הסתיים בהסכם הגרעין בין ה-P5+1 לאיראן ב-2015. לאחר מכן, מדיניות ארה"ב מול איראן עברה שינוי מהותי תחת ממשל טראמפ. ארה"ב הייתה ונשארה שחקנית המפתח ביחס לגרעין האיראני. גרמניה היא המדינה היחידה בקבוצת ה-P5+1 שהיא לא בעלת נשק גרעיני ולא חברת קבע במועצת הביטחון של האו"ם. היא נכללה בשל מעמדה באירופה ויחסיה הכלכליים והפוליטיים הייחודיים עם הרפובליקה האסלאמית. מבחינות רבות, היא משמשת בעבודה זו כדוגמא קיצונית לגישה האירופאית. תוכנית הגרעין האיראנית מזמן הפכה לנקודת חיכוך בין ארה"ב לאיחוד האירופי.

גם מבחינת ארה"ב וגם מבחינת גרמניה, הגרעין האיראני צבר חשיבות בתקופה של מאבקים פנימיים מתמשכים על תפקידן בעולם. נושא זה הפך לסוגיית מחלוקת על עדיפויות מדיניות חוץ, זהות והשקפת עולם. מאבקים אלה מתקיימים בממסדי מדיניות החוץ וביחסים בין שתי המדינות. מדיניותן מול הגרעין האיראני הושפעה מהכוח הצבאי והסטטוס הגרעיני של כל אחת, יחסיהן הביטוראליים עם איראן והאינטרסים שלהן במזרח התיכון. יתרה מכך, הניסיון ההיסטורי הלאומי, האידיאולוגיה והשקפת העולם היוו גורמים חשובים בנוסף לאילוצים פנימיים ולמאפיינים האישיים של המנהיגים. גורמים אלו השפיעו על תפיסת האיום, הגדרת היעדים ובחירת האמצעים של כל אחת מהמדינות.

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התכנית ללימודי ביטחון

ארה"ב, גרמניה והגרעין האיראני

מדיניות ארה"ב וגרמניה מול תכנית הגרעין האיראנית

בין 2012 ל-2020

חיבור זה הוגש כעבודת גמר לקראת התואר
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על ידי יעל קטרינה ארהרד

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דצמבר 2020



ABSTRACT

In an increasingly multipolar international system, Iran has emerged as a determined challenger of the current world order. Its nuclear program is a point of major friction between the US and Europe. While the US remains the key actor in dealing with this challenge, Germany, too, has played a unique but understudied role, which is examined here as an extreme case of the European approach. For both the US and Germany, the Iran nuclear file has turned into an issue of contention over foreign policy priorities, identity, and worldview both within these countries and in their relations with one another.

A deeper understanding of their policies towards the Iranian nuclear program will offer insights into the factors influencing their broader Iran and nonproliferation policies and the dynamics surrounding the controversial nuclear program. Furthermore, it will help understand the role of foreign policy in the struggles of both countries to redefine their role in the world, which to date remain inconclusive.

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was launched in 2002 by Prof. Isaac Ben-Israel in conjunction with the Harold Hartog School of Policy and Government and the Security Studies Program with the intention of exploring the link among security policy, technology and science. For this reason the workshop holds annual series of conferences and conducts research. The workshop covers various topics such as international relations and strategy, missiles and guided weapons, robotics, space policy and security, cyberspace and cyber warfare, the interplay between society and security, nuclear energy, homeland security, force build-up policy, government decision-making processes, and more.



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