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Rebutting Sino-Russian Political Discourse and Getting Rights Right

Christopher A. Ford
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Though both the Russian Federation and the People's Republic of China (PRC) engage in aggressive information warfare against the United States and other countries of the West, they tend to do so in different ways. Russia inclines toward a "[firehose of falsehood](#)" approach – which seeks more to disorient, confuse, and destabilize more than actually to convince – while China traditionally prefers to offer what has been called a "[replacement narrative](#)" that it seeks to persuade others to believe as an *alternative* to what is actually the case.¹

Yet both of these authoritarian revisionists have also come in recent years to agree upon a broad and (more or less) consistent narrative that critiques Western conceptions of universal human rights and democratic governance, and that counterposes against those conceptions a value-discourse rooted in "non-interference" with the "internal affairs" of sovereign nations. This emergent Sino-Russian discourse is flagrantly self-interested, of course, for it amounts in practice to an argument by unelected dictators for avoiding meaningful electoral accountability to the peoples to the populations they oppress. Yet this discourse has also proven surprisingly attractive to some audiences in the international environment, even while Western leaders have shown themselves to be perhaps equally surprisingly *ineffective* at offering compelling responses to the ethical claims it makes.

This essay explores and critiques these modern Russian and Chinese arguments. Herein, we try to take those arguments seriously enough to grasp that they make at least *some* interesting points about the genuine tension between the value-claims of individualist rights-

based universalism and those of national sovereignty – at least as both are conventionally understood. But we also –attempt to point the way toward a conceptual resolution of this tension.

“Democracy” and Legitimacy

One relevant element of Russia’s and China’s contemporary anti-Western discourse relates to the idea of what counts as “democracy” in the first place. Simply put, those two authoritarian regimes criticize Western democratic practice and suggest that they themselves have found a qualitatively better way to be “democratic.”

One should not make too much of this, of course, for it is hardly a new phenomenon for dictators and would-be dictators to dress up their self-justificatory ideologies of power as somehow being more faithful to “democracy” than is *actual* democracy. It is perhaps part of the tribute that vice pays to virtue – or perhaps, if you will, a demonstration that at the rhetorical level, at least, history *has* indeed “ended” in the triumph of “democracy” as the only acceptable cloak in which to wrap political power – that so many dictators have made fidelity to “true” democracy such an important part of their legitimacy narratives.

It is quite common for dictators to *claim* democratic legitimacy. Even the reclusive brutes who rule North Korea announce periodic “elections” in which Kim Jong-Un is said to win between 99 percent and 100 percent of the vote. And the regime of Vladimir Putin in Russia goes to a fair amount of trouble to establish “Kremlin-friendly parties co-opted to provide a veneer of legitimacy” – that is, pseudo-parties real enough to create a simulacrum of political contestation and attract at least some anti-government votes, yet without any danger of their presenting any real challenge to the kleptocratic security service oligarchy Putin heads.

Even the purportedly modern and “scientific” as the former Soviet Union, after all, claimed to represent “genuinely popular socialist democracy”² – namely, what was said to be “directed democracy, *i.e.*, democracy directed by the party and the state in the interest of the further development of socialism and the building of

communism.”³ “Communism alone,” Lenin contended, “is capable of giving really complete democracy.”⁴

It is actually quite rare in the modern world to come across unapologetic royal absolutists – of whom Hassanal Bolkiah of Brunei, Haitham bin Tariq of Oman, Mswati III of Eswatini, and Salman of Saudi Arabia would appear to be the only ones left – while theocrats such as Iranian Supreme Leader Ali Khamenei or Pope Francis are rarer still. Most other rulers, even dictators, prefer to claim some kind of “democratic” authenticity for themselves.

Indeed, it is a common rhetorical device for the populist strongman to claim that *he* – and often he alone⁵ – is the true vehicle through which the voice of the authentic people expresses itself, thus in effect claiming the ultimate democratic legitimacy. (This also allows those who disagree with such a leader to be branded “enemies of the people.”) As George Packer noted not long ago, “[populism seeks and thrills to the authentic voice of the people.](#)” All in all, it is difficult to find any locus of political power that does not lay claim to some sort of “democratic” foundation.

So there is nothing new about dictators wrapping their power in the cloak of “democracy.”⁶ Yet there is something different, and arguably more interesting – or at least more novel – about contemporary Russian and Chinese propaganda discourse about rights and values and how they connect to the concept of democracy. While most autocrats eager to claim “democratic” legitimacy for themselves impliedly concede the validity of Western concepts by organizing shambolic and stage-managed “elections” that produce pre-determined results, today’s emerging Sino-Russian discourse tries to offer what aspires to be an alternative underlying theory.

How Autocrats Define Democracy

As many scholars have noted in recent years, authoritarian governments in the modern global information environment have devoted considerable time and effort to promoting their own distorted and self-justificatory versions of concepts such as “human rights” and “sovereignty.”⁷ And indeed both the Chinese Communist Party (CCP)

and Putin's government in Russia claim to be paragons of a form of "democracy" truer than that of the Western liberal variety. The CCP has been especially vocal in this respect, professing itself to have found a form of democracy that is – as Xi Jinping claims – "higher and more effective ... than [in] capitalist countries."⁸ This is only one piece of a broader narrative in which Beijing claims to have developed a form of modernity and governance superior to Western liberal democracy:

China's leaders believe they have arrived at a new form of human civilization – one based on a strong state with surveillance at its core – that is more efficient, stable, and responsive than [Western] democracy. They also sense that the time is ripe to sell its virtues.⁹

This modern vision of how "democracy" fits into this schema is of a vintage even older than the traditional Communist claim to offer what Mao Zedong called "freedom with leadership and ... democracy under centralized guidance, [rather than] anarchy."¹⁰ In a conceptual thread that runs at least as far back as the Chinese nationalist writer Liang Qichao (1873-1929), "democracy" is not said to be about allowing the people to choose their rulers, but rather merely consists of ensuring that there exists a *channel of communication* between the people and those who rule.¹¹

This conception itself, moreover, draws upon ideas even more deeply rooted in Chinese history, perhaps most of all the Confucian belief that it is the obligation of a benevolent Emperor to listen to the voices of the people and use the resulting insights to inform his governance. (As Confucius put it in the [Analects](#), "the man of distinction ... examines people's words.") The Liangist idea of a channel of communication was how that listening was to occur: Confucianism created "'a bilateral moral contract between the ruler and his subjects' – to be aware of and responsive to 'the needs of the people.'"¹²

This framing has persisted into modern times. As John Garver has observed,

From a Chinese populists' perspective, 'democracy' meant serving the people, benefiting and helping the people, *not* the people's choosing and perhaps changing their rulers. Popular election of leaders and strong protection of individual rights might actually stand in the way of a strong but benevolent state.¹³

Similarly, PRC President Hu Jintao declared on the 90th anniversary of the Party's founding that the CCP must

consult the people on policies, learn about their needs, and seek suggestions from them. We must listen to their views, truthfully reflect their wishes, help alleviate their hardships, and protect their economic, political, cultural, and social rights and interests in accordance with the law. ... In this way, we can learn more about the actual conditions of the people, address their concerns, and give them a warm feeling that we care about them.¹⁴

CCP officials [vilify Western democracy](#), while declaring their one-Party system to represent a better form, which they term "whole-process people's democracy." According to the PRC's [State Council Information Office](#) (SCIO),

[d]emocratic consultation is a special feature of democracy in China. ... Democratic consultation ... derives from the best of traditional Chinese culture In China, the standard practice is to hear people's voices, act on their needs, and pool their ideas and strength.

Like the benevolent Emperor of old, the CCP is said to listen to the people, and *this* – the Party alleges – is the highest form of "democracy."

Whole-process people's democracy is a comprehensive and coordinated system involving extensive and regular participation, ensuring that the people's voices are heard and their wishes are represented in every aspect of China's political and social life.

Make no mistake, of course: for all its invocation of the noble people, this vision is fundamentally authoritarian, for there can be no doubt about who is *actually* calling the shots. The CCP's leadership is declared to be "the fundamental guarantee for whole-process people's democracy," for it is "the governing party" and all others must "accept its leadership." "Governance by the Communist Party," Hu noted, means that the Party "leads and supports the people in acting as the masters of the country[,] and mobilizes and organizes them."¹⁵

Nevertheless, this discourse *does* represent at least a *claim* to democratic legitimacy - and Moscow has joined Beijing in singing this tune. Today, [Russian and Chinese leaders](#) define democracy as "a means of citizens' participation in the government of their country with the view to improving the well-being of population and implementing the principle of popular government." Through this lens, there is nothing wrong with dictatorship, provided that the ruler informs his decision-making by listening to the people's voices.¹⁶

And this discourse, too, is not entirely wrong that there is a sort of legitimacy that a ruler - even an authoritarian one - can acquire by attending to the needs and legitimate desires of the ruled and seeking to meet them as far as he can. A leader of any sort is unquestionably *more* legitimate if he does this than if he does not.

By itself, however, that observation cannot get us to a satisfactory solution to the challenge of establishing a sound operating system for governance, for it cannot intelligibly answer questions about why *that* ruler (as opposed to someone else) gets the chance to choose between benevolence and wickedness, and about what is to be done if he chooses the latter. Hearing such discourse from mouthpieces for Russian and Chinese autocrats, moreover, underlines the ways in which - absent some form of rights-based guardrails - such a discourse of benevolence serves to protect and to privilege those who have opted for wickedness and wish to avoid accountability for their choice. We need something more.

Sovereignty, Democracy, and Non-Interference

Notably, the Sino-Russian theory of “democracy” does not stop at the water’s edge, as it were for it offers a values-discourse that speaks to international affairs as well – where Russian and Chinese propagandists talk emphatically about the importance of national “sovereignty” and the need to avoid infringing upon it. They advance a concept of sovereignty the absolutism of which is central to their rejection of the concept of universal human rights.

As explained in a Sino-Russian [“Joint Statement of the Russian Federation and the People’s Republic of China on the International Relations Entering a New Era and the Global Sustainable Development,”](#) it is said to be “only up to the people of the country to decide whether their State is a democratic one” in the Western sense. If the people “decide” that their country will be a dictatorship, that’s their own business, and it is “interference” in that country’s “internal affairs” – and thus a violation of national sovereignty and an offense against its “democratic” self-government – for outsiders to second-guess such “choices.”

Such argumentation is used to explain their antipathy both to international efforts to promote Western-style electoral democracy and to the idea of universal human rights in the first place. Chinese and Russian officials also say that countries should enjoy “information sovereignty” – that is, that governments have the right to control what information their populations are permitted to see and what views they are permitted to express.¹⁷ (This includes the right to [“cyber-sovereignty,”](#) which Xi Jinping has described as each country’s [“right to choose its own Internet development path, its own Internet management model, and its own public policies on the Internet.”](#)) All such things are strictly “internal” matters, to be left to the unfettered discretion of national rulers and safeguarded against outside influences in the name of protecting sovereignty.

As Russian and Chinese officials describe things, therefore, the idea of universal individual human rights is basically a category mistake. For them, in effect, the fundamental rights-holder is the nation itself – or, more specifically, the national people in the collective

sense – rather than the individual human being. According to the Sino-Russian communiqué of the [2022 Joint Statement](#), it is a “universal human value” – and apparently the *only* truly universal one – that the rest of the world must “respect the rights of peoples to independently determine the development paths of their countries and the sovereignty and the security and development interests of States.”

[Because] every nation has its own unique national features, history, culture, social system[,] and level of social and economic development, [the] universal nature of human rights should be seen through the prism of the real situation in every particular country, and human rights should be protected in accordance with the specific situation in each country and the needs of its population.

In the Russian telling, this is sometimes referred to as the principle of “sovereign democracy,” a term apparently coined in 2006 by Putin’s then-deputy chief of staff, Vladislav Surkov.¹⁸ This phrasing makes clear that making choices about a country’s political “operating system” is the prerogative not of the mass of actual, living, individual humans who live in that country, but rather of the sovereign people as some kind of an abstract and collective whole – represented by the ruling regime, *in loco parentis*, as it were, for the citizenry.

To be sure, Russian discourse is less clear about an autocrat’s moral duty to listen to the needs of the people than is the CCP’s quasi-Confucian theorizing about benevolently listening to the voices of the people. Nevertheless, Russian folk tradition does have a concept of the *tsar-batiushka* – the “benevolent little-father tsar”¹⁹ – who, it is felt, will naturally do the right thing for his beloved people if only their entreaties can make their way past his bad ministers and nobles. And Vladimir Putin himself makes rather a show of sometimes seeming to listen – such as by participating in his annual ritual of a [news conference during which he takes live and phone-in-audience questions](#).

Both Russian and Chinese officials, however, clearly believe that “democracy” need not necessarily involve anyone actually voting in ways that might matter. In effect, it is each country’s sovereign right to choose for itself how to extend rights to individual citizens – or apparently whether to do so at all – and they are emphatic that it is an offense against national sovereignty for outsiders to question such choices. According to the Joint Statement, it is wrong for “[c]ertain States” to “impose their own ‘democratic standards’ on other countries.”

Arguments about the importance of “non-interference” in “internal affairs” have been central to Russian and (especially) Chinese international discourse for years,²⁰ but it is only relatively recently that Kremlin and CCP propagandists have attempted to build out such a theory to this degree, and together. This discourse thus represents a qualitatively new step in these regimes’ revisionist challenge to prevailing international norms.

Real Tensions and Challenges

As noted, the Sino-Russian discourse on sovereignty, rights, and democracy is obviously intended to rationalize both dictatorship at home and international rules that would voice no objection to those regimes’ myriad human rights violations, while yet claiming some purported degree of “democratic” legitimacy for such abusive rule. However cynically and self-interestedly they are advanced, however, the arguments employed in service of such self-exculpatory special pleading are nonetheless given some credence and indeed deserve additional attention in part because they do actually highlight a genuine conceptual tension between individual and communal agency that we ignore at our peril.

It does follow from the concept of national sovereignty, for instance, that there must indeed be *some* decisions that are the prerogative of a sovereign people to make for themselves, and upon which they have the right to insist even if outsiders find such choices disagreeable. Not for nothing, for instance, did so many of the countries of the world demand, struggle for, and then eventually obtain their independence during the era of decolonization in the 20th

Century. Modern humanity clearly places great stock in a people's ability to make its own choices in the world. That certainly seems "democratic," too.

At the same time, however, it would seem equally to follow from the idea of democracy – even from the conveniently attenuated "channel of communication" version promoted by Russian and Chinese propagandists, and *especially* from any stronger version that actually seeks to give citizens a meaningful role in choosing their leaders – that *some* rights of individual humans must be protected against infringement by ruling elites. One can hardly claim, for example, that Kim Jong-Un is either accountable or even *listens* to the people of North Korea while his grand-familial dynasty oppresses them, and that is surely a great injustice indeed.

The rights of sovereignty are intended to protect the collective agency of the sovereign people as a whole, while individual human rights aim to protect individual citizens precisely *against* actions taken by such a collective. Each makes value-claims upon modern international society that seem ethically compelling. How balance these values against each other, however, is less clear. The Sino-Russian answer to this question – namely that an autocratic ruler can do anything he wishes – seems grotesquely inadequate, but to over-privilege individual rights would risk doing injustice to the value-claims of sovereignty, which cannot intelligibly be served if every country were *required* to interpret and protect an expansive bundle of rights in precisely the same way.

The tension between collective and individual rights, to the degree that there is one, is often met in domestic jurisprudence through concepts of constitutionalism – that is, the delineation and privileging of fundamental rights in some foundational document that makes them resistant to abridgement even by majoritarian democratic processes. Most obviously, in the United States, this is accomplished by the [Bill of Rights](#) set forth as the first ten amendments to the U.S. Constitution.

(A system of [parliamentary sovereignty](#) such as that of the United Kingdom approaches this differently, inasmuch as – in

principle – Parliament can make or unmake any law it chooses, even if this involves running roughshod over the individual rights of some citizens. In that sense, at least, the British system actually *does* tend to accept some of the Sino-Russian value-claims of sovereigntist absolutism, in privileging sovereignty over individual rights. In practice, however, parliamentary sovereignty is constrained by a thick web of custom and precedent – and of course by the legislature’s accountability to voters through periodic elections. This last is a crucial point, and we shall return later to the need to ensure that any privileging of sovereignty rests upon a foundation in meaningful popular choice in determining how and when the sovereign collective rights-bearer is constituted, authenticated, and maintained.)

When it comes to managing the tension between collective agency and protections for individual agency, a constitutionalist solution works tolerably well in practice. Even constitutionalism, however, arguably doesn’t *quite* answer the conceptual mail, because even a constitution can be amended and – in principle – might with effort be made to say just about anything. Legal scholars have debated whether it is possible to pass an “[unamendable amendment](#)” to a constitution, for example, and [whether a constitutional amendment could itself be unconstitutional](#). It remains difficult, however, to imagine a coherent foundation for such an effort without reference to a value discourse that is essentially exogenous to the democratic process (*e.g.*, Natural Law, religious authority, or some foundational philosophical logic), for it would need to make claims *against* democracy by disallowing certain types of enactment even if *everyone* voted for them.

When it comes to the international arena, tension between the privilege given to individual human autonomy and that given to collective autonomy manifests itself in precisely the natural-sovereignty-versus-human-rights problem highlighted – however self-interestedly – by modern Sino-Russian discourse. As noted earlier, the question of just what the rights and parameters of sovereignty actually are in this respect is particularly important here, inasmuch as the sovereign state – and, impliedly, the sovereign people, the presumed existence of which gives the state its moral foundation – is hugely consequential in international politics and legality.

As its name suggests, “international affairs” is, first and foremost, *a system of states*. In the positivist tradition, the state is the foundational unit of the system, and despite the growth of international human rights law in recent decades, states’ consent to be bound remains the most fundamental source of international legal legitimacy. This is most obvious in the contractual mechanisms of treaty law, but even customary international law grounds itself in sovereign consent, as evidenced by state practice accompanied by *opinio juris* (states’ belief that such behavior is required by law).

This emphasis upon state sovereignty – epitomized in the famous Lotus case at the Permanent Court of International Justice in 1927, which articulated the understanding that states are, as a sort of baseline default setting, subject to *no* legal rules, and can thus act in any way they wish so long as their behavior does not contravene an explicit prohibition – has for years made it legally challenging to argue for any qualification on the prerogatives of state sovereignty beyond simply what states have themselves explicitly (by treaty) or implicitly (in customary law) *agreed* to accept. The idea voiced in recent years that there exists (or should exist) an international “Responsibility to Protect” (R2P) populations against genocide, war crimes, crimes against humanity, and other such ills, for example – under which interventions would be justified even without permission from and against the will of the state where such evils were occurring – has accordingly been subject to much debate and criticism.

At the doctrinal level, treaty law suggests the possibility of inherently invalid contracts in its concept of jus cogens doctrine, pursuant to which *certain* things – presumably the very worst sorts of wrongs the international community can imagine a state might seek to undertake – cannot validly be agreed by treaty. As it is said in Article 53 of the Vienna Convention on the Law of Treaties, “[a] treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law.” (A treaty to commit genocide, for instance, would presumably thus be a nonstarter.) *Jus cogens* doctrine remains troublingly unsatisfying and vague in its practical contours, however, and even then still cannot bring itself to claim that its own meta-rules are *truly* invariant, for they are still said to be subject to replacement

“by a subsequent norm of general international law having the same character.” (If the community of states comes to agree that what was previously a *jus cogens* prohibition has been replaced by an alternative super-rule that now *permits* – or obliges? – what the prior rule prohibited, in other words, then the replacement version is the new rule.) Peremptory norms thus clearly do *not* have the sort of status antecedent and exogenous to state consent that might be claimed by Natural Law or by religious commandment.

These issues might perhaps matter less if two of the three most powerful states on earth were not ruled by regimes that now advance arguments strongly privileging state sovereignty over individual human rights, and that make such claims a cornerstone both of their approach to international law and politics and of their agendas of destabilizing geopolitical revisionism. As we have seen, both Moscow and Beijing, in effect, now openly argue that (a) Western approaches to international propriety based in universal values such as human rights and democratic civil rights are actually infringements upon the sovereignty and autonomy of other peoples who may have other values, that (b) Russia and China have the right to determine their own political systems without being lectured or stigmatized by the rights-focused imperialism of Western values, that therefore (c) we in the West should shut up about human rights and recognize that the “democracy” in which we also place such value is in truth valueless. In an age of information confrontation, these narratives thus present a major challenge to the United States, the United Kingdom, and all our likeminded allies, friends, and partners.

An Inadequate Response ... So Far

In large part in response to such challenges, the Biden Administration organized “Summits for Democracy” in 2021, 2023, and 2024, and has “set out to support democracy globally as a major foreign policy priority.” In terms of actually directly addressing and rebutting the *arguments* made by Russian and Chinese propagandists, however, most Western leaders have done remarkably little – usually offering little more than a re-assertion of the contested proposition that individual human rights *are* indeed universal and must be enforceable against tyrannical governments, coupled with the (quite accurate)

observation that Russia and China make the claims they do precisely in order to avoid accountability for their regimes' systematic abuse of these rights.

The "[Summit for Democracy Declaration](#)" issued in connection with the Summits for Democracy is a case in point. It calls for holding accountable "those responsible for human rights violations and abuses," and it decries "repression ... of human rights defenders." But on the conceptual challenge actually raised by Russian and Chinese anti-democratic discourse – the seeming tension between the universalism of individual rights and the prerogatives of state sovereignty, which Moscow and Beijing would emphatically resolve in favor of the latter – the Declaration says literally nothing. In effect, it just talks past the Sino-Russian narrative, preaching smugly to the converted rather than making any serious effort to convert.

At best the Declaration merely *implies* that state sovereignty cannot be raised as a counterweight to individual rights. At worst, it evades the issue entirely, pretending that there is no tension there that need to be addressed at all. Such an approach represents neither an intellectually compelling answer nor one likely to be persuasive to many countries, especially in the Global South, with whom the United States shares an interest in pushing back against Russian and Chinese revisionism, but which are nonetheless at least *somewhat* sympathetic to arguments stressing the importance of the national sovereignty they struggled for so long to obtain during the era of decolonization.

While thus not offering nearly enough in terms of philosophical argument, moreover, the Democracy Declaration says too much in other respects. To be sure, it does not start off too badly, observing that the "common characteristics" of all democracy include

free and fair elections that are inclusive and accessible; separation of powers; checks and balances; peaceful transitions of power; an independent media and safety of journalists; transparency; access to information; accountability; inclusion; gender equality; civic participation; equal protection of the law; and respect for

human rights, including freedoms of expression, peaceful assembly, and association.

Yet the temptation to compile a laundry list of political desiderata was apparently too great for its drafters to resist. The attentive reader will already have noted that the abovementioned list of the “common characteristics” of *all* democracies includes adherence to progressive norms on gender equality.²¹ In the paragraphs that follow, moreover, the Democracy Declaration box-checks a great range of additional causes that would seem to be only tangentially, if at all, related to democracy promotion. These include “strengthened labor laws and enforcement,” and “economic inclusion,” as well as the need to fight “discriminatory structures, social norms, and gender stereotypes, and sexual and gender-based violence” – not to mention “pollution, climate change, and environmental degradation, including loss of biodiversity, and their adverse effects.”

The net effect is to import an entire political agenda into the concept of democratic governance. If a government does not make these causes central to its policy agenda, the reader might thus infer, it cannot truly be considered “democratic.”²² (No doubt for this reason, and rather awkwardly, 12 of the 74 countries who signed the Democracy Declaration felt compelled to note their “reservations or dissociation from the text” of one or more of seven of the document’s 21 paragraphs – fully a third of the document.) The declaration promulgated in connection with the Biden Administration’s Democracy Summits, one might thus say, conflates democratic with a “d” with democratic with a “D.” Its overall credibility and persuasiveness suffer accordingly.²³

As a response to the challenge of Sino-Russian discourse, such pronouncements are wholly inadequate. If the major Western states and their friends and partners are really to rebut Russian and Chinese contentions, and if we hope to engage persuasively in narrative combat with Moscow and Beijing over such matters – especially vis-à-vis third parties we are trying to win to our side in such struggles – we need to do better.

A Better Answer?

It is not too difficult to imagine a more coherent response, however – and one, moreover, that does not simply *ignore* but rather *addresses* the vexed question of how to reconcile our ethical commitments to the vindication both of human rights *and* of national sovereignty. So can we protect the autonomy of the individual as a rights-bearing subject *and* protect that of the “[imagined community](#)” of the *collective* rights-bearing national “self”? We think so.

One approach would be to treat these competing narratives in an essentially dialectical fashion – as a conflict between thesis and antithesis, as it were, for which a potential synthesis is to be sought that draws upon the insights and value propositions of each while reconciling them in a way that can be defended in terms that make sense *within* each of the competing frames. The key to such a synthesis can perhaps be found in remembering what should in some sense be obvious: namely, that the national “self” whose prerogatives in the choice of governmental “operating system” it is the objective of Sino-Russian sovereignty discourse to protect is a collectivity that is *made up* of individual persons. Accordingly, in order for *it* to enjoy rights of sovereign choice, there needs to be some protection for the rights of the individual constituent humans whose aggregated volitional internalization of collective identity is necessary in order for there to be a “nation” in the first place. (A population of people not permitted to think and act for themselves cannot legitimize functional nationhood precisely because, in such circumstances, one cannot know what mode of governance they desire – or even whether they truly feel themselves or desire to be a nation at all.)

This suggests the need to return, in some sense, to a more classically liberal idea that focuses upon delineating a “minimum package” of rights capable of protecting the integrity of choice-making in both the individualist *and* the sovereigntist paradigms – and of some conception of rights that requires the ruler to pay attention to and be accountable to the ruled. The key here lies with the abovementioned point that protecting the right of any sovereign national people to act *as* a collective sovereign “self” requires that the process of identifying

that “self” and articulating its interests be protected against usurpation or coercion.

If one takes sovereignty seriously, in other words, one needs a way of knowing that *this* particular collectivity is indeed a genuine national “self,” and that whomever claims to speak on its behalf actually does so. (A mere aggregation of prisoners acting under duress and dancing to the command of their jailer, for instance, cannot count.) In order to know this, even the sovereigntist discourse thus requires some recourse to democracy in the *Western* (not Sino-Russian!) sense of free and fair individual involvement in collective political choice-making. And this, in turn, requires some concept of protected individual rights – and on a universal basis, no less, not subject to abridgement even *by* collective choice. Simply put, the imperative of protecting the rights of national sovereignty requires that individual humans have enough enforceable rights claims *against* the collective that they are capable of constituting that collective in the first place.

This answer to the problem, of course, requires that the individual rights in question not be *too* extensive. If this bundle of rights is not kept to a genuinely “minimum” package, one risks overly constraining the scope of the governance and collective lifeways choices available to the sovereign whole. (If every arguably desirable thing is given the status of an inalienable “right,” the sovereign whole loses its autonomy, for there would be very little left to choose. That really would be akin to the sort of values-imperialism that Sino-Russian propagandists decry.

For sovereignty to be meaningful, the sovereign entity must be able to decide significant things for itself *as a self*, not merely perform ministerial functions on behalf of a crowd.) This suggests the need to restrict the inalienable “core” of protections to what is minimally necessary in order for humans to constitute and participate as citizens in a sovereign polity – that is, a bundle of rights not reaching much (if at all) beyond universal adult suffrage with the secret ballot, coupled with freedom of speech, expression, and belief, and freedom from arbitrary arrest, detention, and coercion by the government.

Such a vision would not preclude giving citizens *additional* rights, of course. Such further protections, however, would not be “core” rights that should be protected even against collective sovereign choice-making itself, but rather – in effect – “statutory” rights, created by and protected within a framework of law authored by and subject to adjustment by the community acting *as* sovereign. These additional rights could be as extensive (or as narrow) as the community wishes, but the structural core of rules needed to protect the integrity of sovereign constitution would have a special, privileged status within the overall framework.

To be sure, this approach of delineating a privileged but minimalist “core” of rights would not reach – and indeed would actively resist – the promiscuous proliferation of fundamental “rights” one sees in much 20th and 21st Century [Western jurisprudence](#) and [international human rights thinking](#), and in [some countries’ constitutions](#). At the same time, however, this system would still represent a *vindication* of the individual rights discourse against which Russian and Chinese regime propagandists have pitted themselves. It would emphatically insist that there *are* some individual rights that are indeed fundamental and universal, and these would be precisely those protections (*e.g.*, citizens’ freedom of speech and right to choose their leaders in free and fair elections) that the authoritarian regimes of Vladimir Putin and Xi Jinping most fear.

Both of the competing value claims here, in other words, would be in some deep sense both honored and vindicated, for this approach dissolves the seeming tension between sovereign rights and individual ones. At least with respect to such a “minimum package” of protections, the two discourses turn out to be, in fact, symbiotic.

And There’s More ...

Indeed, such a vision might also offer additional benefits, such as perhaps in helping point the way toward a more genuinely “democratic” vision of international rulemaking. A clear understanding of the role of protected individual agency in sovereign constitution and in legitimating the acts of the sovereign collectivity *as such*, for example, could help solve what one of us has called

the *origins problem* of conventional internationalism – that is, its positivist roots in the decisions of functionaries many of whom lack any right to speak for such purposes on behalf of the sovereign populations whose will and consent necessarily represent the fundamental source of legitimacy for *anything* done in the international arena.²⁴

Through this lens, it is perhaps ironic that Chinese propagandists promote what they call “[democratic relations between nations](#),” for they might not like the *actual* importation of democratic legitimacy into global rulemaking. For international legal rules to be valid as resulting from the chosen self-constraint of sovereign nations, after all, one would need to be confident that each sovereign actually really *was* one, and that the entity that claims to speak for it really does so – which, as we have seen, requires reference to some kind of rights-protected collective choosing by the population thereof.

Nevertheless, democratic politics and international legitimacy are indeed closely linked. They are tied together, moreover, not *despite* national sovereignty, but rather precisely *because* such sovereignty is so important. Precisely to the degree that one values national sovereignty and takes it seriously, in other words, one must ensure its authenticity – which means protecting the freedoms of individual humans enough that they are able, freely and meaningfully, to come together and to act *as* a nation.

Moreover – and with further irony – this approach to articulating and defending a “minimum package” of core individual rights could *also* serve to protect the conceptual and moral integrity even of the kind of essentially autocratic governance system that Chinese traditions of Confucian ethics claim to embody.²⁵ As noted earlier, it is quite central to Confucian concepts of authority that while filial piety requires the people to obey their Emperor, the Son of Heaven also has the obligation, in return, to listen to the people’s needs and to rule benevolently. If he does not do so, he risks losing the Mandate of Heaven, being thereby overthrown and (hopefully) replaced by a *properly* virtuous ruler.²⁶ As Confucius himself reputedly said, the lord

of the realm is like a boat, and the people are like the water: ordinarily, the water supports the boat, but it can also overturn it.²⁷

So far so good, at least in theory. But if the good of the people is truly the objective – as Confucian ethics surely demands that it be – is not waiting for the cataclysmic dynastic denouement of outright revolution after years of corruption and abuse rather *late* in the game to start thinking about corrective mechanisms? In the real world of human fallibility in which no ruler can be expected to be *entirely* virtuous, cannot a genuinely benevolent notion of governance ensure that some kind of guardrails exist to protect the people’s interests long before things deteriorate into such misery, hardship, and bloodshed?

It is in this context, that modern scholars such as Chih-Yu Shih have tried to apply a “Foucauldian notion of governmentality” to understanding Chinese conceptions of governance. In this view, *counter-governmentality* is the mechanism used to “discipline an enlightened autocrat,” whose obligation it is to show “self-restraint and benevolence” and to be guided by idea of serving the people. Counter-governmentality thus works to “compel[] the autocrat back onto the track of benevolence.”²⁸

The crucial point here, however, is that this mechanism cannot work if the autocrat uses his power to short-circuit the feedback mechanism that gives him insight into the *needs* of the people whom he is expected to serve benevolently in order to retain the Mandate of Heaven. In theory, Confucian governance relies upon the people’s ability to [address memorials to the Emperor](#) making him aware of their distress. It is also part of the ethical obligation of dutifully loyal Confucian officials to offer “counsels and admonishments” to their ruler to help him keep on the path of virtue.

According to the great Confucian sage Mencius, “[h]e who restrains his prince, loves his prince.”²⁹ The philosopher Xunzi (3rd Century B.C.E.) agreed, noting that enlightened lords honor and reward officials who “engage in remonstrating, contesting, guiding, and restraining” in this fashion, and it is only “a benighted lord” who punishes such candid counsel.³⁰ There is even ancient precedent from the Zhou Dynasty (1046-246 B.C.E.) for employing an official called the

xiaoshi, who played “a sort of devil’s advocate function, criticizing the ruler’s policy choices, and working to remedy his political mistakes.”³¹

Such feedback mechanisms are thus structurally essential to the Confucian schema. Where they are blocked off, and the system thus “keep[s] wrongs hidden,” the state faces – as Xunzi declared – “catastrophe.”³² And this returns us, perhaps incongruously, to the enduring power of rights discourse. Simply put, it would appear that even China’s *own* ancient traditions of autocratic governance cannot themselves really work without at least some reliance upon notions of protected individual rights – that is, rights enforceable *against* the government – because without them such feedback cannot be ensured.

The “minimum package” of such rights that would be needed within such a Confucian context to prevent the short-circuiting of such mechanisms might perhaps be even “thinner” even than the package required in order to vindicate the authenticity of national sovereign constitution discussed earlier, but even here autocratic governance must perforce give at least *some* grounds to universal human rights. A ruler’s blindness to the realities of his realm largely precludes his benevolence, with the result that without inalienable protections for the people’s ability to voice distress and discontent – thereby providing *opportunity* for such benevolence – the legitimacy of Confucian governance collapses even on its own terms. As Shih has observed, the “blind spot of Confucianism” is “inattention to the idea of rights as a normative option in the case of abusive autocracy.”³³

Conclusion

Our point here is not fundamentally about either international rulemaking or ancient Confucian governance, of course. It is a broader one, focused more specifically upon the tension that modern Russian and Chinese regime narratives suggest exists between the prerogatives of national sovereignty and the universality of individual human rights. We believe this tension, however, is illusory, or at least that can be successfully resolved through the delineation of a “minimum package” of individual rights capable of protecting the authenticity and integrity of sovereignty itself. If international lawyers and ancient Confucians can learn from this, so much the better – but our main point

is simply that modern rights discourse need not founder on the shoals as Russian and Chinese propagandists claim that it does. We believe there is a sound and defensible way forward that allows us to be faithful to the ethical commitments of individual liberty and to those of national sovereignty *at the same time*.

This is not to suggest, of course, that even *this* conception of a “minimum package” of “core” rights would necessarily be an infallible safeguard against the sorts of wrongs that deny individuals their ability to constitute themselves into a socio-political community capable of sovereignty. Schemas of legal restraint, even “minimum ones,” cannot reliably work entirely in a vacuum, and it is hard to see how they can survive without at least some basis in moral and political tradition, incarnated in customs and social institutions. (This is why, even as the American Founders worked to design a governance model that tried to rely upon such virtue as little as possible by maximizing the use – as James Madison put it – of “[ambition ... to counteract ambition](#),” their ranks still included thinkers like John Adams, who once wrote that “[\[p\]ublic virtue cannot exist in a Nation without private, and public Virtue is the only Foundation of Republics.](#)”) Law cannot wholly substitute for such culture, and we do not pretend here that it can – merely that there are better and worse approaches to articulating approaches to the protecting of legal rights, and we offer what we think is a pretty good one.

Nor, when advocating for a “minimum package” approach, do we mean to suggest that there is necessarily only one specific way to articulate or to protect “core” rights in a fashion faithful to our vision. One of the authors of this essay, in fact, has argued extensively elsewhere³⁴ that there may be different ways in which the same good can be protected by a legal right, and that the specifics of how that right is formulated and enforced will be shaped by the historical, cultural, and other circumstances of the society in which this effort is being undertaken. It is possible, in other words, to imagine a degree of variation in the details without impugning the legitimacy and integrity of the resulting protections.³⁵ Some basic conception of right thus may be universal – or at least the good that such a right is intended to *protect* – but that is not to say that any given specific syntactical or juridical

formulation always has to be treated as if brought down from Mt. Sinai chiseled into stone.

Yet we remain convinced that rights discourse can still do far more than Russian and Chinese propagandists would have one believe to protect the integrity of political communities, the ability of individual humans to form and live meaningfully in them, and the genuine benevolence of governance. And it can do so more coherently and effectively when it sticks to the irreducible basics of this undertaking than when it is forced to navigate the promiscuity of casual “rights” proliferation that one too often sees in Western political culture. In a world of challenges both practical and principled, there is, we believe, a *via media* here that can help rights discourse find its footing once more.

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The views expressed by the authors herein are entirely their own, and do not necessarily represent those of anyone else.

NOTES:

- (1) This contrast is perhaps less sharp today than it once was, for Chinese campaigns on the Internet seem increasingly to have been promulgating Russian-style disinformation as well as more traditional varieties of Sino-promotional narrative. (According to [one expert](#), the object of much recent Chinese activity “is not necessarily to change hearts and minds but to muddy the discourse to the degree that it’s impossible to form an anti-China narrative.”) On the whole, however, the distinction still seems sound.
- (2) *Radio Moscow Broadcast* (March 8, 1957) (quoted in Raymond S. Sleeper, *A Lexicon of Marxist-Leninist Semantics* (Western Goals, 1983), 121).

- (3) Sleeper, *A Lexicon of Marxist-Leninist Semantics*, 80 (quoting *Scientific Communism, A Glossary* (1975), 56-57, and *Fundamentals of Marxism-Leninism* (1961), 738).
- (4) Sleeper, *A Lexicon of Marxist-Leninist Semantics*, 80 (quoting V.I. Lenin, "State and Revolution" (1917), in *Selected Works*, vol. 7 (International Publishers, 1937): 82). Not that this "democracy" really meant very much, of course. According to Lenin, such "the more complete it is the more quickly will it become unnecessary of itself."
- (5) And they *are* generally male.
- (6) Historically, however, it is a fairly reliable rule of thumb that if a country has the word "democratic" in its official name – e.g., the Democratic People's Republic of Korea or the German People's Democratic Republic, or even the Democratic Republic of the Congo – it is nothing of the sort.
- (7) See, e.g., Anne Applebaum, *Autocracy, Inc.* (Random House 2024), 120-21 (noting tendency to define "human rights" as "the right to development, which is something that can be defined and measured only by governments," and use of term "sovereignty" as "the word that dictators use when they want to push back against criticism of their policies").
- (8) William C. Hannas & Huey-Meei Chang, "Chinese Technology Transfer," in *China's Quest for Foreign Technology: Beyond Espionage*, eds. William C. Hannas & Didi Kirsten Tatlow (Routledge, 2021), 5.
- (9) Josh Chin & Liza Lin, *Surveillance State: Inside China's Quest to Launch a New Era of Social Control* (St. Martin's Press, 2022), 254.
- (10) Mao Zedong, "On the Correct Handling of Contradictions Among the People" (February 27, 1957), in Mao Zedong, *Selected Readings from the Works of Mao Tsetung* (Languages Press, 1971), 437.
- (11) Christopher A. Ford, *China Looks at the West: Identity, Global Ambitions, and the Future of Sino-American Relations* (University Press of Kentucky, 2015), at 276 (citing Andrew J. Nathan, *Chinese Democracy* (University of California Press, 1985), 46, 49, & 57-58).
- (12) Ford, *China Looks at the West*, 271 (quoting Wanfang Tang, *Public Opinion and Political Change in China* (Stanford University Press, 2005), 4-5).
- (13) John W. Garver, *China's Quest: The History of the Foreign Relations of the People's Republic of China* (Oxford University Press, 2016), 789.
- (14) Ford, *supra*, at 276-77 (quoting Chinese President Hu Jintao Delivers a Speech at CPC Anniversary Gathering (Full Text), *Caijing.com*, July 2, 2011, <http://english.caijing.com.cn/templates/inc/webcontentens.jsp?id=110762255&time=2011-07-01&cl=104&page=all>).
- (15) Hu Jintao, *Report to the Seventeenth Party Congress*, October 15, 2007, http://news.xinhuanet.com/english/2007-10/24/content_6938749.htm.
- (16) Even in Mao Zedong's day, it was claimed that the CCP doctrine of the "mass line" allowed Party leaders to learn from the people about reality as a means to inform policymaking. See Chih-Yu Shih, *Confucian Governmentality and Socialist Autocracy in Contemporary China* (Bristol University Press, 2024), 49.
- (17) See, e.g., Peter Pomerantsev, *This is Not Propaganda: Adventures in the War Against Reality* (Public Affairs, 2019), at 82; Jonathan E. Hillman, *The Digital Silk Road: China's Quest to Wire the World and Win the Future* (Harper Business, 2021), 7.

- (18) See Orlando Figes, *The Story of Russia* (Metropolitan, 2022), 275; Fiona Hill & Clifford G. Gaddy, *Mr. Putin: Operative in the Kremlin* (Brookings, 2015), 67-68; see generally Alfred B. Evans, Jr., "Power and Ideology: Vladimir Putin and the Russian Political System," *Carl Beck Papers in Russian and East European Studies*, no. 1902, January 2008, 15-18 & 25; Walter Laqueur, *Putinism: Russia and Its Future with the West* (Thomas Dunne, 2015), 190; Deborah Welch Larson & Alexei Shevchenko, *Quest for Status: Chinese and Russian Foreign Policy* (Yale University Press, 2019), 201.
- (19) See Figes, *The Story of Russia*, 191.
- (20) See, e.g., Zhongying Pang, "The Evolution of China's Soft-Power Quest from the Late 1980s to the 2010s," in Burcu Baykurt & Victoria de Grazia, eds, *Soft-Power Internationalism: Competing for Cultural Influence in the 21st-Century Global Order* (Columbia University Press, 2021), 211-12; Shin-Hwa Lee, "The Theory and Reality of Soft Power: Practical Approaches in East Asia," in Sook Jong Lee & Jan Melissen, eds., *Public Diplomacy and Soft Power in East Asia* (2011), 25. Such statements have been given particular emphasis in China's dealings with the countries of the Global South ever since the [Bandung Conference](#) of 1955.
- (21) It is worth noting that the Biden Administration issued a "[national strategy](#)" document on this topic, suggesting its prioritization by promulgating it in 2021, before publishing their [National Security Strategy](#), [National Defense Strategy](#), and [Nuclear Posture Review](#).
- (22) Somewhat awkwardly – and no doubt for this reason – 12 of the 74 countries who signed the Democracy Declaration felt compelled to note their "reservations or dissociation from the text" of one or more of seven of the document's 21 paragraphs.
- (23) This is a temptation to which the Biden Administration has succumbed on other occasions as well. The October 2022 U.S. *National Security Strategy*, for instance, lists a remarkable range of progressive political priorities as "national security" issues – among them promoting voting rights, "advance[ing] equity and root[ing] out systemic disparities in our laws," "invest[ing] in women and girls," and "be[ing] responsive to the voices and focus on the needs of the most marginalized, including the LGBTQI+ community," see The White House, *National Security Strategy*, October 2022, 16-20, available at <https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf> – making it sound as if it must be a "national security" imperative for the United States to implement the entire domestic policy agenda of the progressive wing of the Democrat Party. Cf., Christopher A. Ford, "Assessing the Biden Administration's 'Big Four' National Security Guidance Documents," National Institute for Public Policy *Occasional Papers*, vol. 3, no. 1, January 2023, <https://nipp.org/wp-content/uploads/2022/12/OP-Vol.-3-No.-1.pdf>. President Biden has also described anyone who fails to endorse his domestic policy agenda – specifically, Republicans who do not support the right to choose [abortion], [the] right to privacy, [the] right to contraception, [and the] right to marry whom you love" – as being "a threat to our personal rights, to the pursuit of justice, to the rule of law, to the very soul of this country," and even "to democracy itself." The White House, "Remarks by President Biden on the Continued Battle for the Soul of the Nation," September 1, 2022, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/09/01/remarks-by-president-bidenon-the-continued-battle-for-the-soul-of-the-nation/>.
- (24) Christopher A. Ford, "Democratic Legitimacy and International Society: Debating a 'League of Democracies,'" in Saul Takahashi, ed., *Human Rights, Human Security, and State Security, Volume 3* (Praeger, 2014), 27-28. There, it was also observed that "[f]or anyone who takes these scholars seriously on the legitimacy benefits of democratic process, the international community clearly does not need more 'democracy' among nations, for such mere all-comers majoritarianism is actually not genuinely democratic to the degree that it involves and empowers nondemocratic players. Rather, real reform of international institutions – and indeed the legitimacy of international law more broadly – would seem to require democracy *within* participating polities ... [which may in turn require us] to reconceptualize norm-creation and institutional operations in international society, by giving some kind of privileged status to the choices made by democratic polities and devaluing (or at least sharply bounding) the legitimacy of those made by processes involving other types of states."

- (25) We do not mean to suggest here that the modern CCP regime actually *does* represent a system coherently faithful to Confucian notions of virtue and paternalistic benevolence, of course, merely that it seems increasingly to invoke the vocabulary of Confucian morality to justify itself.
- (26) See, e.g., Ford, *China Looks at the West*, 271. For the origins of the Mandate of Heaven, see, e.g., Yuri Pines, *Foundations of Confucian Thought: Intellectual Life in the Chunqiu Period, 722-453 B.C.E.* (University of Hawai'i Press, 2002), 56-59, 62, 71, & 207. For a very general overview of Confucian conceptions of order, see Christopher A. Ford, *The Mind of Empire: China's History and Modern Foreign Relations* (University Press of Kentucky, 2010), 29-38.
- (27) *Xunzi: The Complete Text*, trans. Eric L. Hutton (Princeton University Press, 2014), 70 & 336.
- (28) Chih-Yu Shih, *Confucian Governmentality and Socialist Autocracy in Contemporary China* (Bristol University Press, 2024), 17-19 & 37.
- (29) Quoted in Ford, *China Looks at the West*, 273.
- (30) *Xunzi*, at 39 & 134-35.
- (31) Ford, *China Looks at the West*, 272 (citing Chen Shengyong of Zhenjiang University).
- (32) *Xunzi*, 262-63.
- (33) Shih, *Confucian Governmentality*, 146.
- (34) See, e.g., Nigel Biggar, *What's Wrong with Rights?* (Oxford University Press, 2020).
- (35) To offer a simple example, Americans, Canadians, and Dutchmen live under systems that approach these challenges somewhat differently, and they might well disagree on exactly what is the best way to protect the most important rights humans have. Yet none, surely, could credibly argue that the others live under a lawless tyranny. (Nor would any of them presumably disagree that Russians, Chinese, and North Koreans *do*.) There is surely room for different human communities to find answers that accomplish the great goal – provided, of course, that they do indeed accomplish it – but in a manner whose varying inflections suit their particular characters.

The Strategic Culture of the Islamic Revolutionary Guard Corps (IRGC)

Morteza Safari

On April 8, 2019, President Donald Trump's administration designated Iran's Islamic Revolutionary Guard Corps (IRGC) as a terrorist group. After almost 40 years since the Islamic Revolution of 1979 in Iran – a period of time that included [the seizure of hostages from the U.S. Embassy in Tehran](#), [IRGC support for Hezbollah terrorists](#) who have [killed numerous Americans](#), [assistance to insurgents fighting American soldiers in Iraq](#), [support for Bashar al-Assad's regime in Syria](#), [sponsorship of Shi'ite militia movements across the Middle East](#), and support for terrorist attacks in [Europe](#) and [Latin America](#) – U.S. officials decided it was time to officially signify that the IRGC's malign activities against the United States and its allies were not to be tolerated any longer. More recently, IRGC forces played a key role in [Iran's drone and missile attacks against Israel](#), in [arming Houthi insurgents](#) who have steadily attacked shipping in the Red Sea, and in reportedly trying to organize [assassination attempts against various former U.S. officials](#) associated with the American drone strike upon IRGC commander Qasem Suleimani in January 2020.

The IRGC is thus not merely a key bulwark of the Iranian regime but clearly a dangerous and destabilizing force in the Middle East and beyond. With Iran having assume such a prominent antagonistic role against the United States, it is imperative that Americans – and others in the West – understand the organization better. As Sun Tzu contends, after all,

[h]e who knows the enemy and himself [w]ill never in a hundred battles be at risk; He who does not know the enemy but knows himself [w]ill sometimes win and sometimes lose.¹

To help provide insight into these issues, this essay will draw upon strategic cultural analysis. Kerry Kartchner, Jeffrey Larsen, and Jeannie Johnson have defined strategic culture as a

set of shared beliefs, assumptions, and modes of behavior, derived from common experiences and accepted narratives, (both oral and written), that shape collective identity and relationships to other groups, and which determine appropriate ends and means for achieving security objectives.²

In the pages that follow, I will employ this definition, along with four perspectives or functions and their conceptual definitions that Kartchner proposes in his chapter on nuclear thresholds - identity, values, norms, and perceptual lens³ - to investigate the strategic culture of the Revolutionary Guard.

Before exploring those four perspectives, however, it is useful first to outline the cultural sources of the IRGC's strategic mindset, drawing upon history, religion, geography, and the keeper of strategic culture.

Sources of IRGC Strategic Culture

History

According to one of the founding figures of the Revolutionary Guard, Mohsen Rafiqdoust, the Revolutionary Guard was created after the Islamic Revolution of Iran in 1979 specifically in order to protect that revolution.⁴ Since the ruling clerics and their Islamist commissars did not trust the monarchical organizational structure, including the *Artesh-e-Shahanshahi-e-Iran* (the Imperial Armed Forces of Iran) - that is, Iran's regular armed forces, previously loyal to the Shah - immediately after the revolution those clerics and commissars founded parallel organizations whose ideological tendencies could be assured. These parallel organizations were intended to defend the revolution and guarantee the clerics' own hold on power.

Ever since, the existence of such multiple power centers in Iran “renders the functioning of the regime opaque – even to many of its own members – making it especially difficult for outsiders to understand what is going on.”⁵ Today, there are in effect two militaries in Iran: the IRGC, an ideological military organization associated with the ruling regime, and the *Artesh-e Jomhuri-e Eslami-e-Iran*, the Islamic Republic of Iran’s Armed Forces, a government force devoid of revolutionary ideology. Together, these two distinct military organizations exist in parallel within the Islamic Republic of Iran (IRI).

Structurally, the IRGC is divided into five branches: the IRGC Ground Force (IRGCCGF); the IRGC Navy (IRGCN); the IRGC Aerospace Force (IRGCASF); the IRGC Quds Force (IRGC-QF) focused on external subversive and paramilitary operations; and the Basij Organization of the Oppressed (BOO) focused upon domestic ideological policing.⁶ The main impetus for the IRGC’s transformation came as a result of the Iran-Iraq war. Immediately after the revolution, the IRGC had only been involved in purging counterrevolutionary enemies inside Iran and facilitating liberation movements outside. The IRGC’s transformation into a fully-fledged military organization, however, occurred during the Iran-Iraq war, when “on a direct order from Ayatollah Khomeini, the IRGC was given the task of setting up its own army, navy, and air force units” in 1985.⁷

Religion

The influence of Islam in general – and the Shia denomination in particular – as the ideological engine for the IRGC can be seen in two ways: through the concept of jihad or war, and through those principles that IRGC members have been taught as an institution.

One important concept here is that of *jihad* – literally “struggle” – which can have multiple meanings, but which in the modern world is often associated with religiously-inspired violence or war. As Davood Feirahi has noted, “[t]he Shiite [*sic*] jurists believe that *jihad* is one of the major religious obligations [to be discharged by the Muslims].”⁸ However, who would decide on war is a matter of lengthy discussions. A *jihad* could be offensive or defensive, but some scholars

believe that in Shia Islam only a defensive *jihad* could be declared by a jurist (a learned Shi'ite scholar-judge) since a decision to wage offensive *jihad* only rests with the infallible Imam, that ultimate successor to the Prophet Muhammad who – according to Shi'ite tradition – is currently in a state of Greater Occultation and not present in the mundane world.⁹ Nonetheless, as the theoretical interpretations and actual practices of *jihad* in Shia Islam suggest both offensive and defensive *jihad*s could be declared by jurists even in the absence of that infallible Shia Imam.¹⁰

As an institution, members of the IRGC have been indoctrinated by the IRGC 's educational programs to believe in ten ideological principles that grow out of these traditions – namely, belief in: God (Allah); the Supreme Leader; the righteousness of warriors of Islam; resurrection; leadership of the infallible Shia Imam; divine victory; *jihad*; heavenly obligations; divine intervention; and fate¹² Militarily, under the influence of such Islamic traditions, emphasis is placed on five principles:

- Mobilization of the Public (*Basij omoomi*): the whole population should take part in war against the enemy;
- Military command: the commander should be trusted by his inferiors and should make a personal bond with them;
- Military Preparedness: the Islamic regime is under constant threat military preparedness at all times is essential;
- Retaliation: Retaliation should be contingent on permissibility by Islamic laws;¹³ and
- Surprise: secrecy should be ensured so that the enemy is kept in ignorance of any military operations, and that enemy should be kept under surveillance until surprise can be achieved by one's own forces.¹⁴

Geography

Strategically, geography could be interpreted as a source of the IRGC's mindset. As Colin S. Gray has noted, "the evidence of the influence of geography can be located not only in the physical environment within which all strategy must be 'done,'" but also "in the ideas, which may inspire strategic behaviour, [and may be] invented to explain spatial relationships" such as heartland and rimland.¹⁵

The IRGC has inherited an Iranian geography whose feature of great significance for this organization is its access to the Persian Gulf. However, the geography of the imagination of the IRGC is very much influenced by the Iranian regime's geopolitical grand design and geopolitical ambitions, and is thus of broader scope. The regime's grand design is part of its revolutionary inheritance and draws upon Shi'ite religious eschatology, and relates to the way in which the Muslim population has spread across the Middle East, with special focus upon areas of Shi'ite habitation.

This means that the IRI aspires, through the IRGC, to expand its influence and lead the region and even the broader Islamic world, even though such Shi'ite messianism often leads to conflict with Sunni Muslim populations, and hence frequently undermines that goals by fueling unwanted sectarian conflict.¹⁶ Perhaps more importantly, the IRI perceives its regional ambitions in ways that not only put the regime competition against other regional powers for regional leadership, but also against what are perceived as invasive outside powers, in a battle against the United States and Israel as well. Such thinking manifests itself in the IRI's proclaimed leadership role in an "Axis of Resistance" denoting an alliance between Iran, Hezbollah, Iraqi Shia militias, the Houthis, some Palestinian militants, and previously Syria against the United States and U.S. allies and partners.¹⁷

The Keeper of Strategic Culture

Also central to understanding the strategic culture of the IRGC is understanding the role of the person or persons who have shaped

and propagated key narratives about the culture's identity and values, in this case, the clerical leadership in Iran. The IRI's original Supreme Leader, Ayatollah Ruhollah Khomeini (1902-1989), who led the country after the revolution from 1979 until 1989, claimed for himself a special position as the interpreter of Islamic law and the central figure in a clerical regime in which all governmental institutions depended upon – and were subject to check and revision by – spiritual authority. Khomeini was, therefore,

not simply one decision-maker amongst many. As the religious, political, and military leader of the country, he set ideological guidelines that influenced military decisions at various levels of command and in different areas of military activity.¹⁸

There are five ways in which Khomeini's ideas have helped shape the IRGC.

First, at a broad level, Khomeini's worldview was that the essence of the international system was a conflict between good and evil. He saw great powers, in particular the West and the United States, as well as their client states, as being evil, arrogant, and Satanic,¹⁹ and as being fundamentally at war with the forces of good exemplified by Shi'a Islam and the IRI.

Second, and as a result of that first factor, Khomeini defined Iran's role as aiding Islamic and liberation movements against those evil powers,²⁰ extending the clerical regime's struggle and victory against the U.S.-backed Shah of Iran into the international arena in an ongoing revolutionary conflict. Third, it was assumed that making peace with the aggressor would only invite future aggression. No peace being possible, the only solution is for the armies of the perceived aggressors to be defeated and the evil foreign regimes responsible overthrown.²¹

Fourth, at a strategic level, Khomeini's perception of victory was not conventional and did not necessarily involve defeating the enemy on the battlefield. Rather, from his perspective, victory was about fulfilling the responsibility to fight God's enemies on earth,

irrespective of the outcome.²² In order to improve the odds of victory, however, he advocated development of nuclear weapons. In a letter to Iran's military and political leaders soon after he agreed to the cease-fire that ended the war with Iraq, Khomeini gave his approval for acquisition of any weapons that would boost Iran's military power – including “nuclear weapons.” Khomeini asserted:

If we have 350 infantry brigades, 2,500 tanks, 3,000 artillery units, 300 fighter jets, 300 helicopters, and the ability to create noticeable quantities of laser and atomic weapons which are the requirements of war in this day and age, I can say that by God's will we could carry out an offensive operation.²³

Perspectives or Functions of IRGC Strategic Culture

Proceeding from those ideological foundations, the strategic culture of the Revolutionary Guard can be understood through the four perspectives upon strategic culture as outlined by Kerry Kartchner. He defines those four perspectives as follows:

- *Identity*: These are character traits that a group assigns to itself, including the reputation it pursues, the individual roles and statuses it assigns to members,; and the distinctions it draws between group itself (us) and others.
- *Values*: These are deeply held beliefs about what is right, proper, and good, which serve as broad guidelines for social life. Such values include material or ideational goods, which are honored, or which confer status to members of group; values are secular and sacred.
- *Norms*: These are accepted, expected, or customary behaviors. They may be implicit or explicit, proscriptive or prescriptive, but they form the rules or laws that govern proper behavior, and can constrain

elite behavior, delimiting range of behavior necessary to maintain ruling legitimacy.

- *Perceptual Lens*: This factor refers to conceptual filters through which groups perceive or assess the relevance of facts about others.²⁴

Identity

The IRGC is an ideological military force.²⁵ Therefore, the character traits that the Guard assigns to itself derive from what its ideology, rooting in revolution, religion, and Khomeinist thinking encourage. Accordingly, the IRGC sees itself as the guardian of the revolution, an unconventional military force, an organization which fights for the oppressed against the oppressors, and a military body that challenges Western influences and imperialism.

What makes the IRGC distinct from the other military forces – the *Artesh*, or the regular armed forces – is the Revolutionary Guard's special role in *guardianship of the revolution*. The *Artesh's* primary role as a regular force is to counter external territorial threats. However, the IRGC is seen as being responsible for guardianship of the revolution and, by implication, the entire system of the IRI government. This is explicit in Article 1 of the IRGC's charter:

The Revolutionary Guards [sic] is an institution under the Leader's supreme command. Its goal is to *protect Iran's Islamic Revolution and its achievements* and persistently struggle to achieve the divine aims, spread the rule of the law of God in accordance with the Islamic Republic of Iran's laws, and to fully strengthen the Islamic Republic's defensive foundations through cooperation with other armed forces and through the military training and organizing of popular forces.²⁶

This identity trait of regime guardianship is so important to the members of the IRGC that it could be considered by IRGC members as their own personal predominant value as well. The members of the IRGC are generally recruited from Basij organization, which is

supposed to train students at a young age to protect the regime and the Ayatollah (*Vali-e-Faghih*). The indoctrination process starts before the military service actually starts at the age of 18, and recruitment is very rigid, making sure that new recruits fully support the regime. (Talents and other credentials are less important than full support for the Ayatollah and the regime: the main requirement is complete loyalty.) Its responsibilities are not solely external nor solely internal, but rather political and ideological. When the Revolutionary Guard senses that there is a threat to the system of government by any movement or faction, it assumes a political character and intervenes.²⁷

The IRGC is also unique in that it “sees itself as an unconventional and revolutionary force, and has developed tactics and operational strategies to match.”²⁸ Before the revolution, the early founders of the IRGC were trained by the Lebanese and Palestinians guerrilla fighters.²⁹ Still today, the Revolutionary Guard places a premium on

asymmetrical, guerrilla-like tactics; the cultural and political role of the Basij; and the IRGC’s close camaraderie with like-minded irregular armed forces outside of Iran.³⁰

This focus upon unconventional methods has been a constant since the early days.

The idea of siding with the underprivileged and with victims of oppression receives immense attention in Shia Islam. This is because, first, the Shi’ites lived during much of their history under the shadow of the Sunnis, and second, the martyrdom of the third Imam Husayn, killed at the Battle of Karbala (630 C.E.) by those in power in the formative incident of the Shia tradition, has given Shi’ites a powerful reason to generally sympathize with the victim.³¹ Influenced by this idea, the IRGC’s image as an advocate of the oppressed is manifest, for example, in the membership of IRGC’s internal branch known as *Sazman-e- Basij-e Mostazafan*, meaning “Basij Organization of the Oppressed.”

The creation of the Basij militia was decreed by Khomeini in 1979, and it was officially founded in 1980. The prime objectives of its creation were

participating in homeland defense against any foreign aggression; protecting the Revolution and its achievements by countering internal enemies; participating in disaster relief; and maintaining the moral order of the country.³²

Although the Basij was created as an independent militia, it was incorporated into the IRGC by the end of 1980. Today, the Basij “has the specific goal of confronting internal and external threats to the revolutionary regime.”³³ However, the IRI mainly uses it “to tighten its control over Iranian society” by establishing “bases in every corner of society” to monitor and suppress the “others.”³⁴

Ralph Peters, an expert in irregular warfare, sees the threat from such combatants coming from the combination of warriors drawn from five pools. Three of those pools of irregulars are opportunists who benefit financially or otherwise from participation in war, patriots attracted to whatever nationalist struggle happens to be underway, and failed military men who cannot function in a traditional military environment but who nonetheless bring with them into such militias at least “the rudiments of the military art.” However, the first two recruitment pools are the underclass and uneducated, who may be radicalized and drawn in to support irregular formations.³⁵ The Basij, in a similar vein, “relies on the inclusion of the lower social and economic classes as the major source of its membership.”³⁶

The Revolutionary Guard views itself as a revisionist military organization which opposes the West in a broad ideological and even spiritual struggle. From the beginning, “[t]he notion of combating imperialism, in all its forms, was central to the operations of the IRGC.”³⁷ Today, a manifestation of this characteristic feeling of ideological mission are the political demonstrations that are regularly deployed by the members of the Basij and other like-minded groups either “in response to perceived foreign insults or to mark important events such as the anniversary of the revolution.”³⁸

Values

Of all the IRGC's values, the protection and defense of the Supreme Leader of the Revolution³⁹ – first Khomeini, and now Ayatollah Ali Khamenei – stands above the rest. Under Article 110 of the Islamic Republic, the Supreme Leader, who is also the chief commander of the military forces, retains the constitutional right to declare war and call for general troop mobilization. Additionally, he represents the Islamic system of clerical rule as it is personally embodied in a supreme religious jurist (*velayat-e-faqih*). Therefore, he is “both a political authority and a spiritual guide.”⁴⁰

Thus, the Supreme Leader is the central figure of the Islamic Republic. However, what makes the IRGC's devotion to the Supreme Leader different from, for example, the North Korean Army's devotion to Kim Jong-Un, is that this dedication stems from the organization's *raison d'être* which is the protection of the revolution; the leader is the embodiment of that revolution.⁴¹ Hence, this devotion is an ideological devotion rather than a personal one.

Because the Supreme Leader is also the *velayat-e-faqih*, moreover, this ideological devotion also has overtones of religious duty. The Revolutionary Guard, being an ideological military organization, is founded on Islamic values. As the Article 11 of the charter of the Revolutionary Guard reads: “The training and education of members of the Revolutionary Guards [*sic*] [shall be] in accordance with Islamic teachings and values.” However, as the article continues, it asserts “Islamic teachings and values” should be “based on the guidance of the *Velayat-e Faqih*.”⁴²

In other words, from the IRGC's perspective, the true interpretation of Islam is what the Supreme Leader endorses. Also, members of the IRGC are exposed to indoctrination with Shia beliefs through clerical supervision of the mullahs chosen by the leader and the educational courses these mullahs have set for the members.⁴³ Members of the Basij are also taught, through educational programs, that Shia Islam is superior “over other religious practices, especially Sunni Islam.”⁴⁴

The IRI and its ruling clerics have attempted to instill in their military forces the notion that martyrdom for the sake of Islam – an ideal that draws on the martyrdom of the Imam Husayn – is a religious duty.⁴⁵ During the Iran-Iraq war, clerical leadership and the IRGC command shared the view that

technology, hardware, skills or training by itself are not sufficient enough to guarantee military success, if being used without proper implementation of human factor, decisively shaped by the *Islamic faith and ideology*.⁴⁶

Therefore, they used members of the Basij, who believed that a martyr's death would give them the keys to heaven, as "human waves" to charge through Iraqi minefields, conducting "human demining" operations at terrible cost.⁴⁷

Today, the value of martyrdom is constantly promoted by the IRGC and its domestic militia, the Basij, in an effort to weave their culture of war and culture of self-sacrifice into the very fabric of Iranian society. One example of such advocacy is a project called *Farhan-e-Isar*, or "Culture of Self-Sacrifice." Through this project, the "Council of Coordination and Supervision of the Promotion of the Culture of Martyrdom and Self-Sacrifice" – which is affiliated with the Basij – publishes news, monthly magazines, and books, and runs a website to promote those values.⁴⁸

Although the IRGC is a military organization, it is not purely a military one, but also an increasingly powerful economic force in Iran. Indeed, the Revolutionary Guard's "growing economic clout" has become "both an end in itself and a tool to advance its other agendas."⁴⁹ At least three factors have contributed to making economic expansionism important to the IRGC. First, many of its economic activities broaden the IRGC's social popularity and support among people, especially among the rural population.⁵⁰ Second, economic activities enable the IRGC to increase its control over the Iranian economy and influence over Iranian society.⁵¹ Third, such engagements often advance the financial interests of the organization,

providing a source of funding⁵² – both for its official activities and (most likely) for the personal wealth of its leaders.

Norms

Since the early days of the revolution, Ayatollah Khomeini believed that his Islamic message had to be heard not just in Iran but in the wider world. He maintained that “God’s vision was not to be confined to a single nation” and that “the notion of nationalism and territorial demarcation were relics of a discredited past.”⁵³ At the same time, the early founders of the IRGC contended that liberation movements in *other* lands had to be aided in their fights against imperialism and Israel.⁵⁴ Therefore, the IRGC has since then seen its mission as being to “export the revolution,” which Afshon Ostovar defines as “a form of revolutionary or radical internationalism, which, unlike other forms of internationalism (such as liberal or imperialist), sees international relations through the lens of conflict.”⁵⁵

This revolutionary internationalism can even be found in the Constitution of the Islamic Republic. As it reads in the Constitution:

In establishing and equipping the defense forces of the country, it shall be taken into consideration that faith and ideology are the basis and criterion. Therefore, the Army of the Islamic Republic of Iran and the Revolutionary Guards [*sic*] Corps will be formed in conformity with the above objective, and will be *responsible not only for protecting and safeguarding the frontiers but also for the ideological mission, that is, Jihad, for God’s sake and struggle for promoting the rule of God’s law in the world.*⁵⁶

The IRGC arm particularly charged with this mission is the “Quds Force” whose commander reports, not to the IRGC’s Commander in Chief, but directly to the Supreme Leader of the Revolution himself, and whose single aim is to project the Islamic Republic’s power outside Iran.⁵⁷

The Revolutionary Guard not only perceives and approves of conflict as a norm but also uses violence to achieve political and

economic goals, and routinely draws upon “killing, kidnapping, and intimidation” to maintain power and advance its objectives.⁵⁸ For example, in December 2009, the Basij used violence in the streets to suppress protesters who objected to fraudulent results in the presidential election.⁵⁹ Outside Iran, in Iraq, moreover, over the first two years since the US invasion in 2003, the Quds Force assassinated a number of senior Iraqi officers and Iraqi Air Force pilots as retribution for their participation in the Iran-Iraq War and as an effort to neutralize future Iraqi military capability.⁶⁰

Also, the IRGC has shown a tendency to cooperate with Sunni groups when such groups and the IRI form a relationship that is based on “shared enemies, common threats, and mutually beneficial goals.”⁶¹ Other cases in point include Iran’s support for groups such as the Taliban to counter U.S. and Western influence, as well as ISIS-Khorasan in Afghanistan since 2007,⁶² collaboration with Salafi-jihadist groups such as Ansar al-Islam against erstwhile Kurdish allies in Iraq, and cooperation with al Qaeda in Iraq during the U.S. occupation to keep “sectarian violence at a roil” and bloody American forces there.⁶³ These groups may have varying ideological and religious perspectives, but the IRGC is happy to support them out of convenience, against their shared opponents.

Economically, after the end of the Iran-Iraq War in 1988 and as a result of the presidency of Hashemi Rafsanjani (between 1989 and 1997) –who encouraged the IRGC to have its own independent source of income by being involved in economic activities – the Revolutionary Guard started to establish its vast economic empire in the 1990s. Since then, the IRGC’s economic activities have developed in several respects.

The IRGC has become involved in commercial and business activities which range from chain stores to telecommunications, and from real estate to the Tehran Stock Exchange.⁶⁴ In another arena, the IRGC’s Khatam al-Anbiya Construction Headquarters, which is the IRGC’s engineering division, undertakes industrial and agricultural construction projects. Khatam Headquarters is also the body which acts as the nexus to connect the IRGC and Iran’s oil industry by

securing contracts with Iran's Oil Ministry in different industrial and construction fields.⁶⁵

The IRGC also benefits financially from a close cooperation with the *Bonyads* (Islamic charity Foundations), which are economically powerful trusts and are controlled directly by the Supreme Leader.⁶⁶ In addition, the IRGC can rely on funds allocated by these trusts when needed.⁶⁷ Lastly, the Revolutionary Guard is heavily involved in Iran's underground economy and black market activities because of its control over Iran's borders and airports⁶⁸ and its access to countless jetties.⁶⁹

Further, the IRGC has become involved in drug smuggling from Afghanistan to South America, as illegal narcotic activities have become important as a source of funding for the Islamic Republic and the IRGC, with the emergence of a "growing crime-terror nexus" helping support the IRGC - particularly the Quds Force and Basiji.⁷⁰ For example, Iran's control of the so-called Balkan Route facilitates the provision of Afghan opiates to Western and central Europe.⁷¹ In another instance, the Quds Force - operating alongside the IRGC's satellite organization, Hezbollah - is involved in drug smuggling in the Tri-Border Area (TBA) in South America where the Brazilian, Argentinian, and Paraguayan borders meet.⁷² The chief reason as to why the IRGC is involved in such narcotic activities is that these activities provide the IRGC with the financial and organizational ability to carry out its various activities, including terrorism.⁷³

Considering the IRGC's involvement in economic activities and its comingling of economic activity, domestic political policing, and illicit commercial activity, some speculate that the IRGC has been able to increase its hold on the economy as a result of the dislocations caused by U.S. and other international economic sanctions.⁷⁴ This, however, is contested, and recent research by Foundation for Defense of Democracies on the impact of economic sanctions indicates that because of its coercive hold upon much of the Iranian economy, any *relief* from sanctions would yield economic and political benefits that empower the IRGC.⁷⁵ In either case, the IRGC clearly feels itself to have a special sense of ideological mission that permits it to use essentially any tools or methods it deems necessary.

Perceptual Lens

The Revolutionary Guard's perceptual lens as a military organization and an ideological entity as well, revolves around images of the Enemy. Animosity towards three enemies in particular – namely, the West, especially the United States (as the “Great Satan”), Israel (the “Little Satan”), and counterrevolutionaries inside Iran – has colored the worldview of the IRGC in important but varying ways.

The IRGC members view Western values as a threat, and consider Islamic and Western values to be diametrically opposed. For this reason, the IRGC works towards psychological indoctrination of its members against the West. For example, its Ideological-Political Training (IPT) programs, designed for the educational purpose of the members of the Basij – the IRGC's internal branch and the main source of future recruitments into other branches of the IRGC – “work to present Islam, particularly Shiism [*sic*], as not just a religion but also an ideology that stands in contrast to Western ideologies like liberalism.”⁷⁶ Outside Iran, the Quds Force also provides “training, funding, and equipment for militias and political groups with common anti-Western ideologies and objectives.”⁷⁷ Beyond just a generalized anti-Western viewpoint, however, the IRGC is particularly focused upon the United States, seeing U.S. interests as its main target in the Middle East, where it draws upon asymmetric warfare techniques to enable it to act while avoiding direct confrontation.⁷⁸

There are also powerful anti-Semitic and anti-Israeli elements in the IRGC worldview. As the leader of the revolution, “a distinct strand of anti-Semitism characterized Khomeini's perspective,” as is clearly visible in his various writings.⁷⁹ Khomeini believed that Israel was “an *artificial Western construct* whose aim was to oppress Muslims, and he seems to have desired the annihilation of Israel not merely a political agenda but as a deep-seated anxiety.”⁸⁰

The destruction of Israel constitutes an official objective of the Islamic Republic's foreign policy to this day, and the IRGC and

Hezbollah are in charge of implementing that policy.⁸¹ Specifically, it has been the duty of the Quds Force to support all militias (including both Shia and Sunni groups) which “share a common goal—the elimination of Israel and the punishment of its supporter, the United States.”⁸² Deep hostility towards Israel is explicit and persistent, such as phrasing that described Israel the “Cancerous Tumor” of the region.⁸³

The idea of counterrevolutionary movements – that is, the enemy within – has also been important to the IRGC, providing a lens through which the Revolutionary Guard has viewed any act inside Iran disapproved of by the regime. The Revolutionary Council in the initial stages of the revolution tasked the IRGC with “assisting police and security forces in the apprehension or liquidation of counterrevolutionary elements.”⁸⁴ Today, any activity, including cultural activities, which may result in diminishing the Islamic Republic or IRGC’s power, or influence, or prestige will be considered as a counterrevolutionary act or movement. To this end, principally, the Basij is tasked with opposing perceived allegedly counterrevolutionary acts.⁸⁵

Manifestations of IRGC Strategic Culture

Beyond simply its role within Iran, the IRGC has adopted different approaches to exert and expand its influence in the Middle East in particular, and around world more generally. In the following pages, I examine five main areas of military activities through which the Revolutionary Guard strategic culture manifests itself. These areas are: (1) creation and/or support for proxy paramilitary groups in the Middle East; (2) terrorism around the world; (3) pursuit of nuclear weapons; (4) employment of ballistic missiles; and (5) engagement in naval guerrilla warfare against perceived enemies.

The IRGC has given a great deal of military and financial support to paramilitary groups throughout the so-called Axis of Resistance, starting with Hezbollah in the 1980s. The most important of such groups founded by the Quds Force in this axis include the Badr organization, Asaib Ahl-al-Haqq, Kataib Hizballah, and ‘Popular Mobilization Units’ in Iraq; “National Defense Forces” and Afghan

and Pakistani Shia militias, who fought to defend Bashar al-Assad's regime in Syria. The Quds Force has also supported Hamas and Palestinian Islamic Jihad in the Palestinian territories.⁸⁶ The Houthi group in Yemen, which has received considerable Iranian support – including in the form of long-range missiles it has fired against Red Sea shipping and against Israel – might also be considered part of the Axis.⁸⁷

Iran has shown its willingness and ability “to use terrorism to strike at its adversaries in the region and globally.”⁸⁸ The organization in charge of supporting (or carrying out) terrorist acts is the IRGC, especially its Quds Force,⁸⁹ and the primary target of the IRGC's terrorist attacks has been the United States.⁹⁰ Furthermore, the IRI has carried out terrorism via Hezbollah against Israel and America.

Among other things, the Quds Force carried out terrorist attacks on many occasions, including: “strikes on the Israeli Embassy (1992) and a Jewish community center (1994) in Argentina, as well as the 1996 Khobar Towers attack [against American forces based in Saudi Arabia.”⁹¹ In April 1983, the IRGC and Hezbollah also worked together spearheading a deadly attack against the U.S. Embassy in Beirut that killed 63 people. In October of the same year, they also led the bombing of the U.S. Marine encampment at the Beirut airport that killed 241 U.S. Marines, sailors, and soldiers serving as peacekeepers. Virtually simultaneously, the IRGC and Hezbollah bombed the French paratroopers' headquarters located in the West Beirut performing the same mission that resulted in 58 French deaths.⁹² Therefore, as one account summarized things, as “[t]he epitome of state-sponsored terrorism, the Qods [sic] Force will relentlessly seek opportunities to undermine or strike the USA.”⁹³ The IRGC executes such assaults against the United States and Israel through its proxies wherever it is able to do so,⁹⁴ and there has as yet been no sign of moderation.

As a powerful organization and the “chief custodian of sensitive weapons system,” the IRGC exerts its influence in national security and nuclear-related decision-making in Iran.⁹⁵ It is not, however, an entirely independent one, and the stance of the IRGC generally accords with that of the Supreme Leader to whom the organization

reports. The IRGC publicly supports an unconstrained nuclear program, however, which is seen “to promote an image of strength and deter Iran’s regional adversaries.”⁹⁶ The IRI leadership seems to view the acquisition of nuclear weapons as being desirable for four reasons:

- [It will enable clerical leaders] to solidify their hold on power and stall the fortunes of those [who] would liberalize [*sic*] Iranian society and economy.
- It will fulfil the leadership’s ambition to make Iran the Islamic world’s preeminent power and its role as regional hegemon [will be satisfied].
- It secures the continued existence of a legitimate Islamic government until the return of the hidden twelfth Imam Mahdi.
- [It] would prevent meaningful U.S. opposition to their domestic and foreign policy agendas.⁹⁷

The IRGC is also important to nuclear-related issues because of its role in Iran’s missile capabilities, which are run by the Revolutionary Guard’s Aerospace Force (IRGCASF). (The Islamic Republic of Iran Air Force [IRIAF] and the Islamic Republic of Iran Air Defense Force [IRIADF], both under *Artesh*, operate Iran’s air defense and combat aircraft, but the IRGC monopolizes the missile force.) As a primarily unconventional military organization, the IRGC has attempted to expand its missile capability, which comprises “Iran’s primary means of conventional power projection.”⁹⁸ Since Iran lacks a modern air force, ballistic missiles are used as a means of deterrence to dissuade Iran’s adversary in the region from attacking Iran.⁹⁹ Moreover, in a conflict, it is the IRGC that would be able to “launch salvos of missiles against large-area targets such as military bases and population centers, throughout the region to inflict damage, complicate adversary military operations, and weaken enemy morale,”¹⁰⁰ as well as attacking energy infrastructure and other critical economic targets.

Aspects of the IRGC's strategic culture can also be seen in its naval presence in the Persian Gulf. The IRGC's approach to naval warfare is unconventional, in that "[it] emphasizes speed, mobility, large numbers, surprise, and survivability and takes advantage of Iran's geography with the shallow and confined waterways of the Persian Gulf and Strait of Hormuz."¹⁰¹ The IRGC avoids becoming engaged in large conventional confrontations against any blue-water navy, seeking instead to threaten conventionally superior adversaries through its asymmetric approach to naval warfare by using small, fast boats armed with guns, rockets, torpedoes, and missiles. (The Revolutionary Guard has also taken measures to build up its coastal defense by using cruise missiles, mines and other counter naval platforms.¹⁰²)

These tactics can be very costly to the boat crews involved, of course, but the IRGC uses ideological and religious indoctrination to prepare its sea warriors in advance – even to the point of martyrdom. For example, while recruiting students into its naval forces, "the IRGC encourages these students to prepare themselves for suicide attacks in potential naval warfare."¹⁰³ In this way, the organization's revolutionary and religious strategic culture acts as a facilitating factor for its irregular, asymmetric tactics.

Conclusion

The most important components of the IRGC strategic culture can be summarized in five points.

First, the IRGC's *raison d'être* has always been the protection of the revolution – its ideas, its leadership, and its expansion – but *not* of Iran as a country, nor even the Iranian people. Because the revolution is itself expansionist in its ideology and feels itself to have a *world* mission not merely a national or even a regional one, this inclines the IRGC to have an expansive notion of security in that threats to the revolution are perceived to be ubiquitous which, in turn, induces the Revolutionary Guard to act aggressively to eradicate such perceived threats.

Second, the IRGC, born out of the Islamic Revolution, is a revisionist military organization whose identity and values are seen as opposed to those of the West. Therefore, its guiding principle is enmity towards the West, above all the United States and Israel, as well as the proponents of Western culture and values cultures inside Iran.

Third, the IRGC has adopted an unconventional character in its approach towards warfare. Since throughout its history, the IRGC has been fighting as a perceived underdog and because the enemies it has set for itself have been militarily superior, it has drawn upon unconventional tactics to accomplish its agenda.

Finally, there is no divide between war and peace in the IRGC's strategic culture: there is only war. The Revolutionary Guard has been continuously involved in a combat against one perceived enemy or another from the very beginning of its creation, both at home and abroad. This can be seen in IRGC's establishment of the Quds Force for external adventures and the Basij militia for internal combats, illustrating that the IRGC strategic culture is deeply wedded to an essentially borderless concept of armed struggle.

In 2012, Stephen O'Hern once asked whether America would continue to "sleep while the supreme leader and his Revolutionary Guard plan its destruction."¹⁰⁴ President Trump's designation of the IRGC as a terrorist organization in 2019 provided a partial answer to that question, making clear that the United States understood the nature of the IRGC and was determined to stand up to it. In light of what we have seen about the Revolutionary Guard's strategic culture, it is perhaps surprising that this U.S. response took as long as it did.

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Notes:

- (1) Sun Tzu, *Art of Warfare*, trans. Roger T. Jones (Ballantine Books, 2013), 80-81.
- (2) Jeannie L. Johnson, Kerry M. Kartchner, & Jeffrey A. Larsen, "Introduction," in *Strategic Culture and Weapons of Mass Destruction: Culturally Based Insights into Comparative National Security Policymaking*, eds. Jeannie L. Johnson, Kerry M. Kartchner, & Jeffrey A. Larsen, (Palgrave Macmillan, 2009), 9.
- (3) See Kerry M. Kartchner, "Introduction: Sociocultural Approaches to Understanding Nuclear Thresholds," in *Crossing Nuclear Thresholds: Leveraging Sociocultural Insights into Nuclear Decisionmaking*, eds. Jeannie L. Johnson, Kerry M. Kartchner, and Maily J. Maines (Palgrave Macmillan, 2018), 9-16.
- (4) Saeed Alamian, ed., *Baraye Tarikh Migouyam: Khaterat-e-Mohsen Rafiqdoust* [I say it for History: A Memoir by Mohsen Rafiqdoust] (Entesharat-e-Soureh Mehr, 1398/2019), 63-64.
- (5) Michael Eisenstadt. "The Strategic Culture of the Islamic Republic of Iran: Religion, Expediency, and Soft Power in an Era of Disruptive Change," *MES Monographs*, No.7 (November 2015): 3.
- (6) Defense Intelligence Agency (DIA), *Iran Military Power: Ensuring Regime Survival and Securing Regional Dominance* (U.S. Government Publishing Office, 2019), 27.
- (7) Daniel Byman et al., *Iran's Security Policy in the Post-Revolutionary Era* (RAND Corporation, 2001), 35.
- (8) Davood Feirahi, "Norms of War in Shia Islam," in *World Religions and Norms of War*, eds. Vesselin Popovski, Gregory M. Reichberg and Nicholas Turner (United Nations University Press, 2009), 259.
- (9) Feirahi, 259.
- (10) See Assaf Moghadam, "The Shi'a Perception of Jihad," *Al Nakhlah*, no. 2 (Fall 2003): 1-8.
- (11) The Twelve Imams are those individuals that are considered as the rightful spiritual and political successors to the Islamic prophet Muhammad in the Twelver branch of Shia Islam. Apart from Ali, the first one, they never succeeded in obtaining political leadership, despite their spiritual leadership. The twelfth Imam, the Mahdi, will return at the end of times to spread justice in the world by conquering evil forces.
- (12) Mohammad Raoufi Nejad, *Naghshe Amouzeh haye Eteghadi va Nezami Eslam dar Doctorin Amaliati Sepah Pasdaran Enghelabe Eslami dar hasht sal defa Moghadas* [The Role of Islamic beliefs and military teachings in Operational Doctrine of the IRGC over eight years of the holy defence] (Markaze Entesharate Rahbordi, 1398/2019), 203-4.
- (13) Nejad, *Neghshe Amouzeh*, 213-14.
- (14) Nejad, 215, 144.
- (15) Colin S. Gray, "Inescapable Geography," in *Geopolitics, Geography and Strategy*, eds. Colin S. Gray, and Geoffrey Sloan (Routledge, 2013), 161-65.
- (16) J. Matthew McInnis, *The Future of Iran's Security Policy: Inside Tehran's Strategic Thinking* (American Enterprise Institute, May 2017), 8.
- (17) Defense Intelligence Agency (DIA), *Iran Military Power*, 15 & 16.
- (18) Kamran Taremi, "Iranian Strategic Culture: The Impact of Ayatollah Khomeini's Interpretation of Shiite Islam," *Contemporary Security Policy* 35, no. 1 (March 2014): 5.

- (19) Taremi, "Iranian Strategic Culture," 7.
- (20) Taremi, 7-8.
- (21) Taremi, 14.
- (22) Taremi, 18.
- (23) Quoted in Steven O'Hern, *Iran's Revolutionary Guard: The Threat that Grows While America Sleeps* (Potomac Books, 2012), 166.
- (24) See Kerry M. Kartchner, "Introduction," 9-16.
- (25) Ali Alfoneh, *Iran Unveiled: How the Revolutionary Guard Is Turning Theocracy into Military Dictatorship* (Washington, DC: American International Institute, 2013), 150.
- (26) "Constitution of the Revolutionary Guards," last modified September 7, 1982 (emphasis added), available at <https://irandataportal.syr.edu/constitution-of-the-revolutionary-guards>.
- (27) Daniel Byman et al., *Iran's Security Policy*, Xiii.
- (28) Afshon Ostovar, *Vanguard of the Imam: Religion, Politics, and Iran's Revolutionary Guards* (New York, NY: Oxford University Press, 2016), 15.
- (29) Ray Takeyh, *Guardians of the Revolution: Iran and the World in the Age of the Ayatollahs* (Oxford: Oxford University Press, 2009), 70.
- (30) Ostovar, *Vanguard*, 15.
- (31) See Moghadam, "The Shi'a Perception of Jihad," 1-8.
- (32) Quoted in Saeid Golkar, *Captive Society: The Basij Militia and Social Control in Iran* (Washington, DC, and New York: Woodrow Wilson Center Press and Columbia University Press, 2015), 14.
- (33) Golkar, *Captive Society*, 13.
- (34) Golkar, 193.
- (35) Ralph Peters, *Fighting for the Future: Will America Triumph?* (Stackpole Books, 1999), 34-37.
- (36) Golkar, *Captive Society*, 179.
- (37) Ostovar, *Vanguard*, 60.
- (38) Golkar, *Captive Society*, 3-4.
- (39) The title which is used for the leader by the academics and the media in the West is the "Supreme Leader of Iran". This use of this title is seriously misleading as the Iranian media use the "Supreme Leader of the (Islamic) Revolution" to refer to the leader. This difference in the meanings is consequential in that title the "Supreme Leader of the (Islamic) Revolution" points to the ideological aspect of the leadership, the revolutionary ideology that can be exported beyond Iran's border whereas the "Supreme Leader of Iran" does not refer to the Islamic Revolution implying that the leadership has a role confined to Iran with its geographical boundaries.
- (40) Ostovar, *Vanguard*, 11-12.

- (41) Ostovar, 11.
- (42) Iran Data Portal, "Constitution of the Revolutionary Guards."
- (43) Alfoneh, *Iran Unveiled*, 152-56.
- (44) Golkar, *Captive Society*, 64.
- (45) Jahangir Arasli. "Obsolete Weapons, Unconventional Tactics, and Martyrdom Zeal: How Iran would Apply its Asymmetric Naval Warfare Doctrine in a Future Conflict," *The Marshall Center Occasional Paper Series*, no. 10 (April 2007): 14.
- (46) Arasli, "Obsolete Weapons," 14 (emphasis in the original).
- (47) Arasli, 14.
- (48) Frederic Wehrey et al., *The Rise of the Pasdaran: Assessing the Domestic Roles of Iran's Islamic Revolutionary Guards Corps* (RAND Corporation, 2009): 51, 101.
- (49) Emanuele Ottolenghi et al., *How the Nuclear Deal Enriches Iran's Revolutionary Guard Corps* (Foundation for Defense of Democracies, 2016), 7.
- (50) Wehrey et al., *The Rise of the Pasdaran*, 55.
- (51) Wehrey et. al., 71; also Golkar, *Captive Society*, 155.
- (52) Ostovar, *Vanguard*, 147.
- (53) Takeyh, *Guardians*, 18.
- (54) O'Hern, *Iran's Revolutionary Guard*, 44.
- (55) Ostovar, *Vanguard*, 103.
- (56) Quoted in Defense Intelligence Agency (DIA), *Iran Military Power*, 4 (emphasis added).
- (57) O'Hern, *Iran's Revolutionary Guard*, 85.
- (58) O'Hern, 42.
- (59) Golkar, *Captive Society*, 189.
- (60) O'Hern, *Iran's Revolutionary Guard*, 98.
- (61) Defense Intelligence Agency (DIA), *Iran Military Power*, 33.
- (62) DIA, *Iran Military Power*, 63.
- (63) Eisenstadt, "The Strategic Culture," 17.
- (64) Alfoneh, *Iran Unveiled*, 169-75, and 179-89.
- (65) Wehrey et al., *The Rise of the Pasdaran*, 60-63.

- (66) Wehrey et al., 57-59.; also Ostovar, *Vanguard*, 146-47.
- (67) McInnis, *The Future of Iran*, 118.
- (68) Alfoneh, *Iran Unveiled*, 189-191.
- (69) Wehrey et al., *The Rise of the Pasdaran*, 64-66.
- (70) See Paulo Casaca, and Siegfried O. Wolf, "Waging Jihad by Other Means: Iran's Drug Business and its Role within the International Crime-Terror Nexus." *South Asia Democratic Forum*, no. 5 (Jun 2017): 1-26.
- (71) Casaca & Wolf, 9.
- (72) Michael Wigginton et al., "Al-Qods Force: Iran's weapon of choice to export terrorism," *Journal of Policing, Intelligence and Counter Terrorism* 10, no. 2 (November 2015): 157.
- (73) Casaca & Wolf, "Waging Jihad by Other Means," 1,20.
- (74) Casaca & Wolf, 71.
- (75) Ottolenghi et al., "How the Nuclear Deal," 34.
- (76) Golkar, *Captive Society*, 64.
- (77) DIA, *Iran Military Power*, 8.
- (78) O'Hern, *Iran 's Revolutionary Guard*, 194.
- (79) Takeyh, *Guardians*, 63.
- (80) Takeyh, 63-4 (emphasis added).
- (81) McInnis, *The Future of Iran*, 9.
- (82) O'Hern, *Iran 's Revolutionary Guard*, 74.
- (83) Takeyh, *Guardians*, 64 & 154.
- (84) Wehrey et al., *The Rise of the Pasdaran*, 21.
- (85) Golkar, *Captive Society*, 79.
- (86) Eisenstadt, "The Strategic Culture," 9.
- (87) McInnis, *The Future of Iran*, 21.
- (88) Willis Stanley, "Iranian Strategic Culture and its Persian Origins," in *Strategic Culture and Weapons of Mass Destruction: Culturally Based Insights into Comparative National Security Policymaking*, eds. Jeannie L. Johnson, Kerry M. Kartchner, and Jeffrey A. Larsen (Palgrave Macmillan, 2009), 139-40.
- (89) Wigginton, "Al Qods Force," 155.
- (90) O'Hern, *Iran 's Revolutionary Guard*, 43.
- (91) Alfoneh, *Iran Unveiled*, 232.

- (92) For detailed account of the attacks and the role of IRGC and Hezbollah, see O'Hern, *Iran's Revolutionary Guard*, 51-59.
- (93) Wigginton, "Al Qods Force," 163.
- (94) See Wigginton, "Al Qods Force."
- (95) Nima Gerami, "Iran's Strategic Culture: Implications for Nuclear Policy," in *Crossing Nuclear Thresholds: Leveraging Sociocultural Insights into Nuclear Decisionmaking*, eds. Jeannie L. Johnson, Kerry M. Kartchner, and Maily J. Maines (New York: Palgrave Macmillan, 2018), 71.
- (96) Gerami, "Iran's Strategic Culture."
- (97) Stanley, "Iranian Strategic Culture," 153.
- (98) McInnis, *The Future of Iran*, 14.
- (99) DIA, *Iran Military Power*, 30.
- (100) DIA, 31 & 32.
- (101) DIA, 51.
- (102) McInnis, *The Future of Iran*, 66; also Arasli, "Obsolete Weapons," 22.
- (103) Golkar, *Captive Society*, 128.
- (104) O'Hern, *Iran's Revolutionary Guard*, 186

Snapping Back and Looking Forward: A New Old Approach to the Iran Nuclear Crisis

Christopher Ford

The days of early optimism among U.S. officials about using diplomacy to rein in Iran's nuclear weapons program are long past, and the Iranian nuclear crisis feared by nonproliferation experts for so many years is now upon us. The "Joint Comprehensive Plan of Action" (JCPOA) nuclear deal signed in 2015 between Iran, the United States, Britain, France, Russia, China, and the European Union (EU) now lies in tatters nearly a decade later. Even the temporary nuclear restraint Iran showed in those years is also a thing of the past.

As has been confirmed with depressing regularity by the International Atomic Energy Agency (IAEA), Iran remains in the process of rapidly expanding its fissile material production capacity and its stockpile of enriched uranium. According to IAEA Director-General Rafael Grossi, for example, writing in his May 2024 report to the Agency's Board of Governors,

From 8 May 2019 onwards ... Iran stopped implementing its nuclear-related commitments under the JCPOA on a step-by-step basis until, on 23 February 2021, it stopped implementing them altogether, including the Additional Protocol.¹

In June 2022, moreover, Iran removed all IAEA equipment related to JCPOA-mandated surveillance and monitoring of the Iranian nuclear program.² It also prohibited some IAEA inspectors from visiting Iran.³

With the regime in Tehran thus now systematically preventing a whole range of IAEA monitoring activities, the Director-General reported, "The Agency has lost continuity of knowledge in relation to

the production and inventory of centrifuges, rotors and bellows, heavy water[,] and UOC [uranium ore concentrate].”⁴ Indeed, by early 2024, it had been fully *three years* since the IAEA had been able to exercise its investigative authorities under the Additional Protocol⁵ that Iran had agreed to comply with under the JCPOA, thus raising grave questions about what undeclared facilities might exist or what undeclared nuclear activities might be going on in Iran.

Nevertheless, despite this Iranian obstruction, there was little question that Iran was in the process of rapidly expanding its capability to produce fissile materials and its stockpile of such materials, including uranium enriched at levels very nearly usable in a nuclear weapon – of which, because of the physics of uranium enrichment, could be further enriched to optimal weapons-grade level with extraordinary rapidity.⁶ As of late May 2024, Iran had fully 62 operating arrays (“cascades”) of uranium-enrichment centrifuges at three different nuclear facilities,⁷ with work ongoing on additional cascades.⁸

Iran was at that point continuing to enrich more uranium, with more than 2,200 kilograms of such material – at levels of enrichment ranging from 2 percent U-235 to 60 percent – produced in early 2024 alone.⁹ Iranian obstruction prevented the IAEA from verifying Iran’s total stockpile of enriched uranium, but the IAEA estimated that figure at upwards of 6,200 kilograms, including more than 751 kilograms enriched to 20 percent and more than 142 kilograms enriched to 60 percent.¹⁰ Indeed, by June 2024, Iran was preparing to accelerate its production of enriched uranium even more, installing new centrifuge cascades in the deeply-buried bunker complex of the enrichment plant at Fordow.¹¹

Iran, it would seem, is now on the cusp of becoming, and perhaps should already be considered, a so-called “virtual” or “latent” nuclear weapons state,¹² poised to sprint to weaponization by raising its stock of 20% and 60% enriched uranium to weapons grade and incorporating such material into a nuclear weapon. According to analyses conducted by the Institute for Science and International Security using IAEA data, Iran by early 2024 was able to make enough weapons-grade uranium (WGU) for seven nuclear weapons in one

month, enough for nine weapons in two months, enough for 11 in three months, enough for 12 or 13 in four months, and enough for 13 in five months.¹³

In response to all this, the Biden administration did little more than hope that ordinary Americans do not notice the problem. Apparently afraid of people recognizing the extent of the crisis and realizing the failure of the Biden Administration's Iran policy, U.S. diplomats actually tried to *discourage* their European counterparts at the IAEA Board of Governors from offering a resolution censuring Iran for its obstruction of IAEA monitoring.¹⁴ (This Biden effort seems to have ensured that the Board would not directly criticize Iran, but that body did pass a resolution in early June 2024 calling upon Iran to resolve outstanding safeguards questions and permit the IAEA to do its work in Iran unimpeded.¹⁵)

Hiding one's head in the sand, however, is not a policy, and the Iranian nuclear crisis will not go away. This paper aims to draw attention to one potential way forward that the Biden administration was unwilling to discuss. The following pages will first walk the reader through the history of nuclear diplomacy with Iran, and will then offer an approach that may be able to provide the Western powers with real leverage vis-à-vis Iran and give President Trump an opportunity to restart long-stalled negotiations aimed at imposing enduring constraints upon Tehran's nuclear capabilities.

How We Got Here

Early History of the Program

Iran's nuclear program dates from the 1960s. The country first sought to develop nuclear power generation under the rule of Mohammed Reza Pahlevi, the Shah of Iran, whom the United States supplied with a research reactor in 1967. Despite his country's oil riches, the Shah began an ambitious effort to create a nuclear power capability during the 1970s, striking deals with a number of foreign suppliers, such as in West Germany and France.¹⁶ He did not openly seek nuclear weaponry – and indeed, Iran was one of the original signatories of the Nuclear Nonproliferation Treaty (NPT)¹⁷ – but he

also spoke about Iran's "rights" to nuclear technology loudly enough, and sought an uranium enrichment capability assiduously enough that U.S. officials worried he might at some point wish to develop weapons. Accordingly, the Americans made nonproliferation issues a central piece of their diplomatic engagement with his government.¹⁸

The Iranian Revolution of 1979 threw the country's nuclear power development effort into disarray, but before long Tehran began to explore such work again – this time with a mix of overt and clandestine activities, and very much with weaponization in mind.

By the early 1990s, ... its nuclear program was once again moving forward, based on assistance from Russia, China, and Pakistan. With China, Iran signed two nuclear cooperation protocols, in 1985 and again in 1990. And in 1995, Iran concluded a protocol of cooperation with Russia to complete the construction of the reactor at Bushehr and possibly supply a uranium enrichment plant. Some of the items originally contemplated in these deals, like the enrichment plant, were never delivered as a result of pressure from the United States. Others, like Bushehr, served as a justification for Iran's acquisition of sensitive equipment that would not be sold on its own because of its bomb-making potential. Throughout the 1990s, entities in Russia and China continued to help Iran, despite occasional pledges from their governments to curtail nuclear assistance. Iran is also believed to have received uranium enrichment technology through the black-market network run by Pakistani scientist A. Q. Khan during this period. In the late 1990s, senior Iranian officials approved a plan, called the Amad Plan, to build an arsenal of five nuclear weapons by 2004.¹⁹

As noted above, some of Iran's efforts to acquire nuclear technology came through the nuclear weapons proliferation network run by Pakistani scientist Abdul Qadeer (A.Q.) Khan. Khan was an infamous nuclear smuggler who had stolen centrifuge enrichment technology from the European consortium EURATOM, and who subsequently went on to become the so-called "father" of Pakistan's

nuclear weapons program, as well as a supplier of enrichment technology and nuclear weapons designs to various international clients, including Muammar Qaddafi's Libya.²⁰

Iran has admitted, for instance, that as early as 1987 it had been offered centrifuge designs and "materials for 2,000 centrifuge machines." By the mid-1990s, such a deal had actually been reached, pursuant to which the "supply network" offered "the delivery of [Pakistani] P-1 centrifuge documentation and components for 500 centrifuges." The "first deliveries of the P-1 components started in January 1994." (These transactions involved centrifuges for enriching uranium, a crucial material for many nuclear weapons designs, but in 1998 Iran also began its own experiments with separating plutonium, another possible material "pathway" to a nuclear weapon.)²¹

The United States was aware of the Iranian regime's nuclear ambitions, and quickly understood that they included the eventual development of nuclear weapons. As early as January 1993, for instance, the U.S. Arms Control and Disarmament Agency (ACDA) assessed that Iran was in the early stages of developing a nuclear weapons program, and American officials warned publicly and repeatedly during the 1990s that Iran's nuclear intentions were "suspect" or "highly questionable." In 2003, in fact, the United States declared explicitly that Iran "is pursuing a program to develop nuclear weapons."²² In 2005, the United States formally found Iran to be in violation both of its IAEA safeguards obligations and of Article II of the NPT.²³

There was little or no publicly available evidence about secret Iranian nuclear work until August 2002, when the National Council of Resistance of Iran (NCRI) - an Iranian dissident group formed by the leftist Islamists of the *Mujahideen i-Khalq* (MEK) group - announced that Iran was secretly constructing a nuclear material production facility at Natanz and a heavy water moderated nuclear power reactor at Arak.²⁴ (This type of reactor design is highly useful for producing plutonium out of spent reactor fuel.) It is suspected that NCRI did not actually originate this information, and it has been reported that U.S. officials learned of these projects through their own intelligence sources and had briefed the IAEA about their concerns in advance of

the NCRI's public revelations.²⁵ But whatever the case, August 2002 marked the *public* beginning of the Iran nuclear crisis – setting off a long succession of acrimonious debates, first at the IAEA and thereafter at the United Nations Security Council (UNSC).

Contestation and Pressure

Partial Suspension of Iran's Weapons Program

On the positive side, the public revelation that Iran had a secret nuclear program, and the international debates that thereby ensued in late 2002 and into 2003, had a material effect in slowing progress in the Iranian program itself. The discovery that Iran might have a secret nuclear weapons program raised the international stakes considerably, as it came at a time when the United States had already invaded and occupied the entire country of Afghanistan in response to the Taliban regime's harboring of the international terrorists responsible for the atrocities of September 11, 2001, and also when Washington was clearly considering whether to invade Iraq over the weapons of mass destruction (WMD) the United States and its allies believed Saddam Hussein's regime possessed. While this context made the *international* politics of trying to hold Iran to account for its nuclear violations far more contentious, it also offered an important lesson.

U.S. intelligence officials assessed with "high confidence" in a National Intelligence Estimate (NIE) in 2007, for instance, that in the fall of 2003, Iran suspended its "nuclear weapon design and weaponization work and covert uranium conversion-related and uranium enrichment-related work."²⁶ This assessment was contentious, not merely on its own direct merits – *i.e.*, whether or not Iran actually *had* stopped those specific activities (as will be discussed further below) – but also because of the disingenuous phrasing used in that assessment's "Key Judgments," which misleadingly seemed to say that Iran had halted *all* of the work it had previously been doing as part of the government's effort to develop nuclear weapons.

The previously secret enrichment facility at Natanz and the plutonium-production reactor at Arak had been part of the secret

weapons effort as well, of course: they were to be the *sources* of fissile material for the bombmaking effort. (After all, one cannot make nuclear explosives without a supply of fissile material, primarily uranium or plutonium.) Fissile material production, moreover, is generally acknowledged to be the most difficult and expensive part of any nuclear weapons program.²⁷ From this perspective, therefore, Natanz and Arak were arguably *more* important and problematic than the aspects of Iran's work that the NIE assessed to have been "halted."

Hence the problem with the NIE's phrasing. Its drafters expressly defined Iran's "nuclear weapons program" for the purposes of that document to include only the elements of Iran's nuclear weapons program that were by that point still secret, noting that their phrasing did not include "Iran's *declared* civil work related to uranium conversion and enrichment."²⁸ Notably, Natanz and Arak were by 2003 no longer "covert," as they had been the subject of public debate for months, having been revealed to the world by NCRI in August 2002. The NIE's idiosyncratic definition thus allowed its drafters to say that Iran's "nuclear weapons program" had been "halted," even though Iran was still briskly moving forward with the fissile material production effort it had begun to provide the material for nuclear weapons.²⁹

One should remember, the NIE was publicly released in late 2007, at a time of widespread recriminations against the U.S. Intelligence Community for having contributed to a disastrous Middle Eastern war by grievously overestimating the nature and extent of Iraq's WMD stockpile – perhaps explaining the disingenuous phrasing in the NIE's "Key Judgments," which could have represented an effort to deliberately *downplay* threats in Iran so as to insulate the drafters from suspicion of further threat inflation. Nevertheless, it was hugely significant that Iran had halted at least *some* of its nuclear weapons work out of apparent fear of international sanctions or even direct U.S. attack. It demonstrated that it was *not* impossible to pressure Iran into making significant nuclear concessions. As we shall see below, this is a lesson that would subsequently be reinforced by the world's experience with nuclear sanctions against Iran in the mid-2010s, and it bears importantly upon the recommendations in this paper.

Early Diplomatic Efforts

The threat of such potential penalties seems to have led to some aspects of Iran's nuclear weapons program being suspended in the fall of 2003, but such pressures began to ebb quickly. Even as Iran was secretly making this decision to suspend some elements of its nuclear weapons effort, in fact, European diplomats – feeling aggrieved over Washington's prosecution of the Iraq war – were already making concessions to Iran in order to undermine U.S. efforts to bring the Iran issue to the UNSC.

In October 2003, the foreign ministers of Britain, France, and Germany (the so-called “EU-3” countries) traveled to Tehran and announced that they had reached a deal with the Iranian regime pursuant to which Iran would agree to answer the IAEA's questions about its apparent violations of nuclear safeguards agreements, to sign the Additional Protocol, and to “suspend its uranium-enrichment and reprocessing activities.”³⁰ Iran did not fully honor these promises, not least by continuing to produce components for uranium enrichment centrifuges. (At first, Iran simply continued to manufacture such components under “existing contracts,”³¹ but later it announced in June 2004 that it would resume full-scale production either way.)³²

Officials in Tehran also struggled to explain results from IAEA environmental sampling that were inconsistent with Iran's claim not to have conducted any undeclared enrichment activity, such as inspectors' discovery of particles of enriched uranium on centrifuge components and at certain locations.³³ But the Europeans followed through on *their* implicit side of the bargain, and American diplomacy promptly stalled at the IAEA, with Washington now lacking support at the Board of Governors to find Iran in violation of nuclear safeguards and thus to forward the “Iran file” to the UNSC.

The EU-3 tried to salvage the *Iran* side of their Iran diplomacy in late 2004 with what became known as the Paris Agreement. Under its terms, Iran agreed to

continue and extend its suspension to include all enrichment related and reprocessing activities, and specifically: the manufacture and import of gas centrifuges and their components; the assembly, installation, testing or operation of gas centrifuges; work to undertake any plutonium separation, or to construct or operate any plutonium separation installation; and all tests or production at any uranium conversion installation.³⁴

Tehran, however, continued to press forward with aspects of its nuclear program, and also continued to drag its feet in giving IAEA inspectors the information they needed in order to verify Iranian compliance with safeguards obligations. As a later account of this period summarized,

Iran did not follow through on these commitments. Its declarations to the IAEA in 2004 and 2005 were incomplete and at times inconsistent, preventing the Agency from developing a full picture of the nuclear program and Iran's past activities. Iran also resumed or continued activities that the IAEA considered to be related to enrichment.³⁵

Iran failed repeatedly to declare relevant information about nuclear facilities and activities to the IAEA, including underground excavations in late December 2004 for a nuclear facility at Esfahan,³⁶ and in August 2005, it "started to feed uranium ore concentrate (UOC) into the first part of the process line at the Uranium Conversion Facility (UCF),"³⁷ thus beginning the process of preparing uranium hexafluoride (UF₆) feedstock for the centrifuge cascades it had also been assembling. Unsurprisingly, a month later, the IAEA found it remained unable to "verify the correctness and completeness of Iran's statements concerning those programmes."³⁸

On to New York

The EU-3's diplomacy with Tehran had succeeded in derailing American diplomatic efforts to hold Iran accountable at the IAEA Board of Governors for a time, but Iranian intransigence eventually made IAEA action inevitable. By February 2006, the Board - the

chastened Europeans included – had finally reached the limits of patience. In a resolution that month, it insisted that Iran “re-establish full and sustained suspension of all enrichment-related and reprocessing activities, including research and development.” And the Board finally directed the IAEA Director-General to refer Iran to the UNSC.³⁹

At the end of July 2006, the UNSC itself demanded that Iran “suspend all enrichment-related and reprocessing activities, including research and development, to be verified by the IAEA.”⁴⁰ When Tehran did not comply, the UNSC acted to mandate this under Article 41 of the UN Charter, thus making that requirement obligatory under international law.⁴¹ In December 2006, UN Security Council Resolution (UNSCR) 1736 required Iran to suspend “all enrichment-related and reprocessing activities, including research and development,” as well as “work on all heavy water-related projects, including the construction of a research reactor moderated by heavy water.”⁴² It also prohibited any country from providing “items, materials, equipment, goods and technology which could contribute to Iran’s enrichment-related, reprocessing or heavy water-related activities, or to the development of nuclear weapon delivery systems,” and (of course) it required Iran to cooperate with the IAEA.⁴³ UNSCR 1736 also imposed international sanctions on a number of entities associated with the Iranian nuclear program.⁴⁴

The public revelations about Iran’s various violations of its safeguards obligations that had begun in August 2002 had now reached a formal climax, with the IAEA having found Iran in breach and the UNSC having both agreed and moved to punish Iran for the violation. December 2006, however, was grievously late, as this author later noted somewhat bitterly,

chances to put significant pressure on Iran had evaporated earlier, being quite deliberately undercut by the EU-3 in the concessionary side deal they reached with Tehran in the autumn of 2003. In return for an Iranian ‘suspension’ that the IAEA has documented that Tehran never fully honored, the Europeans drove the U.S.-led multilateral effort at the IAEA into a ditch, making clear to Tehran that

their new deal precluded Security Council action. It took *years* for Iran's continued deceit and provocations to exhaust the Europeans' patience, so that by the time the IAEA finally got around to complying with its own statute to report Iran to the Security Council and the first tentative sanctions were applied in 2006, Tehran had come a long way in making its enrichment program into a *fait accompli*. Natanz had been a hole in the ground in August 2002, but with European complicity, Iran was able to get its first centrifuges spinning by the time any sanctions started to bite.⁴⁵

The Scope of Iran's Effort Becomes More Clear

And still Iran continued to press forward with its nuclear ambitions. In the autumn of 2009, for instance, U.S., British, and French officials released sensitive intelligence information revealing "a multiyear Iranian effort, tracked by spies on the ground and satellites above, to build a secret uranium enrichment plant deep inside a mountain" at a place known as Fordow.⁴⁶ In 2010, Iran began enriching uranium to the 20% level,⁴⁷ thus beginning to produce material capable of being quickly and easily enriched further to optimal weapons-grade levels. A year after that, a Russian-built and -operated nuclear reactor at Bushehr began operations,⁴⁸ thus also - at least potentially - offering Iran the option, in extremis, to seize and appropriate that facility's partially-burned or spent fuel remnants as a source for plutonium.

In November 2011, with Director-General Mohammed El-Baradei having been replaced by the Japanese diplomat Yukiya Amano in December 2009, the IAEA was finally willing publicly to release a compendium of the extensive information about the specifically weaponization-related aspects of Iran's nuclear program that it had acquired over several years. In addition to reporting on Iran's continuing range of fissile-material activities - including the production of low-enriched uranium (LEU) - Amano published a lengthy compilation of IAEA concerns about what became known as the "possible military dimensions" of Iran's nuclear program (a.k.a. the "PMD issue").

According to Amano's report, the Agency had acquired "a large volume of documentation" about Iran's nuclear weapons program, including:

... correspondence, reports, view graphs from presentations, videos and engineering drawings ... amounting to over a thousand pages. The information reflected in that documentation is of a technically complex and interconnected nature, showing research, development[,] and testing activities over time. It also contains working level correspondence consistent with the day to day implementation of a formal programme.⁴⁹

The IAEA had also received information about Iran's nuclear work from "more than ten Member States," as well as acquiring information from its own investigations.⁵⁰ Tellingly, Amano made clear that "the Agency finds the information to be, overall, credible."⁵¹

On the basis of this information and its own analysis, the IAEA said, it had become "increasingly concerned about the possible existence in Iran of undisclosed nuclear related activities involving military related organizations, including activities related to the development of a nuclear payload for a missile."⁵² Specifically, the November 2011 report described "[e]fforts, some successful, to procure nuclear related and dual use equipment and materials by military related individuals and entities," as well as "[e]fforts to develop undeclared pathways for the production of nuclear material," "[t]he acquisition of nuclear weapons development information and documentation from a clandestine nuclear supply network," and "[w]ork on the development of an indigenous design of a nuclear weapon including the testing of components."⁵³

While some of the Iranian work described was dual-use - that is, it could theoretically be applied to either civilian or military applications of nuclear energy - much of it, Amano noted, was "specific to nuclear weapons." Moreover, "prior to the end of 2003 the above activities took place under a structured programme" - that is, a nuclear weapons program. Worryingly, despite the seemingly

sanguine conclusion of the 2007 U.S. NIE that Iran had “halted” its “nuclear weapons program” in 2003, the November 2011 IAEA report made clear that “[t]here are also indications that some activities relevant to the development of a nuclear explosive device continued after 2003, and that some may still be ongoing.”⁵⁴

Further insight into Iran’s nuclear weapons work – or at least into Iran’s efforts to conceal this work – emerged in connection with an IAEA visit to a suspect facility at Parchin in September 2015. Iran refused to allow an IAEA team to visit until after extensive renovations and alterations had been made at the specific building the IAEA sought to inspect, and even during their eventual visit the Iranians excluded the inspectors from the room where they supposedly took environmental samples at the IAEA’s request.⁵⁵

That building at Parchin was believed to have been the location of a huge metal containment vessel used for testing implosion detonator systems, and associated with a former Soviet nuclear weapons scientist named Vyacheslav Danilenko – who had helped Iran during the 1990s with warhead designs and technology,⁵⁶ particularly “the design and testing of an unusual, half-sphere-shaped detonator.”⁵⁷ (This was associated with the detonation system for what was unmistakably a spherical nuclear warhead, sized to fit into the idiosyncratically “tri-conic” warhead of an Iranian Shahab-3 ballistic missile.⁵⁸) By the time the IAEA inspectors were permitted into the building, however, the large metal device had apparently been cut to pieces and removed.⁵⁹

Pressure Builds

Iran’s continuing refusal to comply with the UNSC’s legal requirement that it suspend its nuclear activities, the growing amount of information publicly available about Iran’s now glaringly obvious nuclear weapons ambitions, and Tehran’s continuing gamesmanship with the inspectors as they sought to determine the nature, scope, and status of this program led to a progressive strengthening of sanctions against the Iranian regime. Even before the revelations about the uranium enrichment bunker complex at Fordow, for instance, UNSCR 1801 had expanded sanctions in 2008,⁶⁰ and in 2010 additional

sanctions were added – including a prohibition on testing of nuclear-capable ballistic missiles, and the imposition of an embargo on the transfer of major weapons systems to Iran.⁶¹

The year 2010 also saw the EU step up sanctions against Iran.⁶² In 2012, EU sanctions were expanded further, now banning imports of Iranian oil and freezing Iranian Central Bank assets in Europe.⁶³ Over the next several years, the U.S. Congress also enthusiastically expanded American sanctions. In 2010, Congress passed the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA), which targeted firms investing in Iran’s energy sector or selling refined petroleum to Iran, as well as foreign banks doing business with designated Iranian banks.⁶⁴ In 2011, Congress passed new penalties on Iran’s Central Bank over the Obama Administration’s objections.⁶⁵ U.S. sanctions expanded further in 2012 and 2013, with the Iran Threat Reduction and Syria Human Rights Act (ITRSHRA)⁶⁶ and then the Iran Freedom and Counter-Proliferation Act (IFCA).⁶⁷

These various measures unquestionably imposed significant costs on Iran. Nonetheless, the Iranian program continued to expand rapidly.

By the summer of 2013, Iran had installed more than 18,000 of its first-generation IR-1 centrifuges and 1,300 more advanced centrifuges, mostly of the IR-2m model, across its enrichment sites. It had also amassed a stockpile of about 9,700 kg of uranium enriched up to 5 percent and 370 kg enriched up to 20 percent. According to the U.S. government in 2016, this amount would yield enough weapons-grade fissile material for a nuclear weapon, with further enrichment, within two or three months.⁶⁸

Moving Toward an Agreement

The pain inflicted by these combined international, U.S., and European sanctions, however, apparently *did* wear on the Iranian leadership, giving them incentives to explore diplomatic alternatives once more. In November 2014, Iranian officials met in Geneva with

representatives of the United States, the EU-3, Russia, and China – together referred to as the “P5+1” powers, since this group represented all five permanent members of the UNSC plus Germany. (The EU itself, represented by EU High Representative Catherine Ashton, also played a key role.)

Together, these officials announced their agreement upon a “Joint Plan of Action” (JPOA) intended to point the way toward a more comprehensive nuclear deal. Under its terms, Iran agreed to dilute its uranium stockpile, temporarily stop enriching above 5% levels, refrain from “further advances” at various listed nuclear facilities, and allow some additional IAEA monitoring. In return, the Europeans would stop trying to restrict Iranian oil sales, would suspend sanctions on petrochemical exports, sales of gold and precious metals, and the auto industry, and would forswear new sanctions.⁶⁹ Iran would also be permitted to repatriate some of its assets that had been frozen abroad, and the Americans would stop sanctioning foreign companies involved with Iran’s automotive sector or involved in purchasing Iranian petrochemicals.⁷⁰

The JPOA was an expressly provisional step, intended to create diplomatic space for further negotiations, and indeed by the summer of 2015, the Iranians and the P5+1 announced they had reached a more enduring agreement. This deal was the more elaborately acronymic “Joint Comprehensive Plan of Action” (JCPOA), which will be discussed in the following pages.

The JCPOA

Basic Provisions

The architecture of the JCPOA is at times numbingly complex, but its basic conception is simple. As with the JPOA, Iran undertook to abide by certain obligations in restraining aspects of its nuclear program for a certain period of time, in return for which the P5+1 powers agreed to lift a broad range of sanctions against Iran that had been imposed upon it for its nuclear activities.

The details are of little concern here, but for present purposes the key point is that the restrictions on Iran were only temporary. The duration of various provisions restricting specific aspects of Iran’s nuclear work varied considerably, but none of the significant ones were permanent. **Figure 1** below provides an account of limitations imposed on Iran by the JCPOA and UNSCR 2231.

Figure 1: JCPOA Limits on Iran and their Duration⁷¹

Limit on Iran	Duration	Date
<ul style="list-style-type: none"> UN heavy arms embargo 	5 years	October 18, 2020
<ul style="list-style-type: none"> UN ballistic missile restrictions Manufacture of IR-6 and IR-8 centrifuge rotors prohibited (but after 8 years up to 200 of each are allowed) 	8 years	October 18, 2023
<ul style="list-style-type: none"> Research with uranium on IR-4, IR-5, IR-6, and IR-8 centrifuges is prohibited (but after 8.5 years it is allowed for a single IR-4, IR-5, IR-6 and IR-8 machine at Natanz, and up to 30 IR-6s and 30 IR-8s may be tested) 	8.5 years	April 18, 2024
<ul style="list-style-type: none"> Operating centrifuges reduced to 5,060 IR-1 machines, with a total centrifuge numbers capped at 6,104 IR-1s and no new introduction of IR-1s JCPOA Joint Commission must review and approve approval of changes to centrifuge research and development plan Joint Commission working group must approve purchase of dual-use materials 	10 years	October 18, 2025
<ul style="list-style-type: none"> Iran can replace IR-1 centrifuges with the equivalent capacity of IR-6 and IR-8 machines 	11-15 years	2026-2030
<ul style="list-style-type: none"> Uranium enrichment level cannot exceed 3.67% uranium-235 Uranium enrichment only permitted at Natanz Uranium may not be introduced to centrifuge cascades at the Fordow facility Uranium stockpile limited to 300 kilograms of 3.67% enriched material No heavy water moderated nuclear power reactors permitted in Iran, and no accumulation of heavy water Reprocessing of spent nuclear fuel (to separate plutonium) is prohibited Joint Commission oversees IAEA access requests to inspect undeclared sites 	15 years	October 18, 2030
<ul style="list-style-type: none"> Continuous monitoring of centrifuge production facilities 	20 years	October 18, 2035
<ul style="list-style-type: none"> Continuous monitoring of uranium mines and mills Joint Commission (of P5+1, EU, & Iran) to hold quarterly meetings, or by request, to oversee the JCPOA implementation (with dispute resolution mechanism) 	25 years	October 18, 2040

<ul style="list-style-type: none"> • Iran will ship spent nuclear fuel (<i>e.g.</i>, from the Bushehr reactor) out of Iran. • Nuclear weaponization work prohibited [note that this duplicates requirements of NPT Article II] • Implementation of modified Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement [requiring prior submission of nuclear facility design information to the IAEA] 	Permanent	N/A
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Figure 2 below provides a corresponding table of obligations for the P5+1 with regard to relaxing sanctions on Iran in return for the limitations described in **Figure 1**. The reader will note that such relief is *not* time-limited, but rather permanent.

Figure 2: JCPOA Requirements for Sanctions Relief⁷²

Sanctions Relief for Iran	Duration
United States	
<ul style="list-style-type: none"> • Cease application of economic sanctions against Iran’s oil and banking sectors, allowing Iranian banks and companies to reconnect with international systems • Remove designation of certain entities and individuals • Allow licensed non-U.S. entities owned or controlled by a U.S. person to engage in activities with Iran permitted under JCPOA • Allows sale of commercial passenger aircraft to Iran • Allow import licenses for Iranian-origin carpets and foodstuffs • Address state or local laws preventing full implementation of JCPOA by encouraging officials to adhere to JCPOA policy • From 8 years after “Adoption Day” (October 18, 2015), seek legislative action to terminate/modify nuclear related sanctions 	Permanent
European Union	
<ul style="list-style-type: none"> • Terminate all provisions of EU Regulation related to Iran’s nuclear program (<i>i.e.</i>, sanctions on financial and banking transactions; transactions in Iranian Rial; provision of U.S. banknotes to Iranian government; access to SWIFT messaging systems; insurance services; Iranian crude oil and petrochemical product sales; investment; transactions with Iranian energy and shipping sector; trade in gold and other precious metals; trade with automotive sector) • Remove sanctions designations on specific individuals and entities • Refrain from re-introducing sanctions terminated under JCPOA 	Permanent

Source: Arms Control Association

Sanctions “Snapback”

Though the JCPOA undertook to delay the progress of Iran’s march toward the possession of a large fissile material production capability and a large stock of uranium or plutonium, the drafters of

the JCPOA generally refused to place *permanent* limits on Iran's nuclear capacity. As set forth above, the most meaningful restrictions the JCPOA imposed upon Iran's nuclear program were subject to so-called "sunset" provisions, whereby these restraints would expire in time, thereafter, leaving Iran facing no legal constraint upon its uses of nuclear materials and technology. (The JCPOA did contain a permanent provision whereby Tehran promised not to develop nuclear weapons, but this simply duplicated the basic obligation already imposed upon Iran by Article II of the NPT "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices"⁷³ – a restraint that Iran had clearly felt free to disregard for many years.)

Under the JCPOA, however, the P5+1 powers were not subject to merely transitory obligations. If they wished to remain faithful to the JCPOA, they would have to *continue* to avoid sanctioning Iran for its nuclear activity indefinitely: no "sunset" time limits were put on the sanctions relief provisions in the deal. The JCPOA, therefore, was a structurally asymmetric arrangement strongly favoring Iran, amounting to the P5+1 promising *permanent* nuclear sanctions relief to Iran in return merely for a *temporary* suspension of the destabilizing activity to which those very sanctions had been a response. Eventually, Iran would be entirely free to do all that it had done before 2015 in terms of building up its fissile material capabilities, and more.

Yet there was one sole safeguard built into the structure of the JCPOA and the accompanying UNSCR: the so-called "snapback" provisions. Specifically, UNSCR 2231 of 2015 provided that 10 years after "Adoption Day" – a date defined as 90 days after the passage of that resolution on October 18, 2015⁷⁴ – all the provisions of the resolution:

shall be terminated, and none of the previous resolutions described in paragraph 7(a) shall be applied, the Security Council will have concluded its consideration of the Iranian nuclear issue, and the item 'Non-proliferation' will be removed from the list of matters of which the Council is seized.⁷⁵

The reference to paragraph 7(a) above ensured that this provision covered all prior Security Council sanctions resolutions on Iran: UNSCRs 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015).⁷⁶ Should termination occur, therefore, all UN sanctions against Iran's nuclear program would evaporate completely. Without any further intervening action, this would occur on October 18, 2025 (a.k.a. "Termination Day.")⁷⁷

This was not *necessarily* to be the end of the matter, however, for UNSCR 2231 also provided that under one specific set of circumstances, such termination of prior UN sanctions would *not* take place.⁷⁸ To wit, termination of UNSCR 2231 and prior UN sanctions on Iran would fail to occur if:

...within 30 days of receiving a notification by a JCPOA participant State of an issue that the JCPOA participant State believes constitutes significant non-performance of commitments under the JCPOA, it shall vote on a draft resolution to continue in effect the terminations in paragraph 7(a) of this resolution ... [and] if the Security Council does not adopt a resolution under paragraph 11 to continue in effect the terminations in paragraph 7(a), then effective midnight Greenwich Mean Time after the thirtieth day after the notification to the Security Council described in paragraph 11, all of the provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010) that have been terminated pursuant to paragraph 7(a) shall apply in the same manner as they applied before the adoption of this resolution⁷⁹

This phrasing is convoluted, but it is clear enough – and indeed, arguably, quite ingenious. More simply put, this provision says that if any JCPOA participant State were not happy with Iran's conduct under the deal, it could invoke its right to hold a UNSC vote on a resolution continuing UNSCR 2231's termination of sanctions. If this resolution failed to pass, Iran sanctions would continue in place as before. Significantly, therefore, because permanent members of the UNSC enjoy the power to veto Council resolutions,⁸⁰ any JCPOA

participant State which was a permanent member could move to keep UN sanctions in place by invoking its right to such a vote and then *vetoing* the continuation resolution.

This remarkable set of provisions is known as Iran sanctions “snapback.” Under its terms, it was thus entirely within the discretion of Britain, China, France, Russia, or the United States – the five permanent members of the UNSC, who were all JCPOA participant States upon adoption of UNSCR 2231 – to keep sanctions in place against Iran after October 15, 2025, entirely *unilaterally*.

The Collapse of the JCPOA

The Obama administration seems to have hoped that securing the JCPOA would help catalyze better behavior from Iran more generally. As this author summarized things when still in government,

President Obama ... – picking up themes he had earlier voiced upon coming into office, when he famously offered an “extended hand” to Iran and in a Farsi-subtitled video on the occasion of the Persian New Year expressed his desire for “renewed exchanges among our people and opportunities for partnership and commerce”⁸¹ – declared upon finalizing the JCPOA that the deal would give Iran a chance to “move in a different, less provocative direction.”⁸² Indeed, the JCPOA itself declared that the participants anticipated that “full implementation of this JCPOA will positively contribute to regional and international peace and security.”⁸³

Unfortunately, this did not happen, and Obama’s “extended hand” was spurned by the clerical regime in Tehran. If anything, its behavior became worse, with Iran evidently being made more aggressively self-confident by the sanctions relief that accompanied the JCPOA, thus becoming an even more dangerous regional actor than before.

Iran did much better economically as a result of JCPOA sanctions relief, particularly with regard to oil sanctions, and

as former Secretary of State John Kerry embarked upon a sort of diplomatic world tour to encourage business ties with Iran.⁸⁴ According to the Central Bank of Iran, the country's economy grew 12.5 percent over the 2016-17 period, compared to the nearly 6 percent shrinkage it had suffered over 2014-15 under international sanctions before the JCPOA.⁸⁵

Unfortunately, that wealthier and more confident Iran also felt freer to act out dangerously. Iran's defense budget rose significantly, for instance, and its malign activities in the Middle East increased. Iran expanded its practice of unlawful detentions of Americans and Europeans. The Iranian Revolutionary Guard Corps' Qods Force expeditionary arm deepened its involvement in Syria, and became the headquarters cadre for Iran's proxy militia forces in Iraq. Iran funded an expansion in the development of a huge arsenal of ever more sophisticated ballistic and cruise missile and explosive drone capabilities.

Unfortunately [too], simply developing this destructive technology was not enough. Iran chose to proliferate missiles and missile production technology to clients such as Lebanese Hizbollah terrorists and the Houthis in Yemen to attack critical civilian infrastructure and energy facilities alike. Iran's broader support for international terrorism also continued, and even accelerated, to include directing a bomb plot in the heart of Europe that was foiled by French, Belgian, and German authorities in 2018.⁸⁶ By early 2018, in fact, an empowered and emboldened Iran seemed to be on the verge of consolidating an axis of malevolent influence or control that stretched from the Mediterranean to the Indian Ocean.

Iran's financial support for regional destabilization accelerated after the JCPOA. Billions of dollars went to prop up the Assad regime in Syria, for instance, with more than \$700 million or so annually to Lebanese Hizbollah, and perhaps \$100 million a year to Palestinian groups such as Hamas and Palestinian Islamic Jihad.⁸⁷

Despite the Obama administration's hopes, Iran was only "empowered and emboldened in its malign activities."⁸⁸

Thus was the stage set for the eventual collapse of the JCPOA, particularly after Donald Trump's victory in the 2016 U.S. presidential election. On the campaign trail, Trump had been unremittingly hostile to the JCPOA, describing it as having been "incompetently negotiated"⁸⁹ and decrying the sanctions relief given to Iran under the deal. ("We should have kept the money.")⁹⁰

In office, President Trump continued such themes, now with what he said was the intention of fixing the deal or negotiating a better one. One of his main arguments against the JCPOA related to the merely temporary nature of the restrictions on Iran's nuclear development - that is, its "sunset" clauses, which have been described above. In October 2017, Trump declared that:

I am directing my administration to work closely with Congress and our allies to address the deal's many serious flaws so that the Iranian regime can never threaten the world with nuclear weapons. These include the deal's sunset clauses that, in just a few years, will eliminate key restrictions on Iran's nuclear program.⁹¹

This direction was the basis for a U.S. diplomatic effort in late 2017 and early 2018 to develop a solution to the problem working with the EU-3 powers of Britain, France, and Germany. Central to those discussions, which were led by State Department official Brian Hook and by the author of this paper,⁹² was the question of Iran's "breakout time" to nuclear weaponization.

Nuclear weapons "breakout time" is a complicated and in some respects problematic concept. As one expert has attempted to explain it,

[i]n technical terms, breakout refers to when a state achieves nuclear weapons capability as a *fait accompli* before it can be stopped by diplomatic pressure or military

action. Opinions differ on what constitutes “nuclear weapons capability,” but it is generally accepted as the moment when a country has enough fissile material to make one nuclear device.⁹³

The definition of how much nuclear material this means is also somewhat contested. The IAEA defines a “Significant Quantity” (SQ) of weapon-usable fissile material as “the approximate amount of nuclear material for which the possibility of manufacturing a nuclear explosive device cannot be excluded.”⁹⁴ In terms of direct use nuclear material, one SQ is defined as 25 kilograms of enriched uranium or eight kilograms of separated plutonium,⁹⁵ though most experts believe the IAEA’s figures to be overestimates (*i.e.*, that one can actually make a workable nuclear weapon with smaller quantities of those materials).⁹⁶

“Breakout time” is conventionally used to refer to the amount of time it would take for a country (*e.g.*, Iran) to produce enough weapons-grade material for its first weapon. Inasmuch as having enough *fissile material* for a weapon is not the same thing as having actually turned that material *into* a weapon, of course, the total amount of time to reach “weapon in hand” status will be somewhat longer, depending upon a variety of factors related to the complexity of one’s weapon design and how much pre-preparation of relevant components one has undertaken. Nevertheless, “breakout time” defined as “the time until one has enough material for a weapon” has long been an important measure of assessing a country’s proximity to nuclear weapons status.

This “breakout time” metric became an important part of U.S. nuclear diplomacy in the last months of the JCPOA. As of 2018, Iran’s estimated timeline to being able to produce enough fissile material for a nuclear weapon stood at about 12 months.⁹⁷ The Trump Administration did not *like* this fact – believing, of course, that the best answer for an Iranian breakout period was to push it toward infinity – but it was willing to explore the possibility of a diplomatic *modus vivendi* that would at least prevent the problem from getting worse, as continued adherence to the JCPOA would otherwise inevitably ensure

that it did as restrictions on Iran's nuclear capabilities gradually expired.

Accordingly, under President Trump's abovementioned mandate in October 2017 to fix the JCPOA's "many serious flaws," Brian Hook and this author traveled to a number of European capitals⁹⁸ for discussions⁹⁹ on whether it might be possible to agree upon a way forward with the EU-3.¹⁰⁰

We proposed to lock in place what was then a 12-month Iranian "breakout" period for having enough fissile material for a nuclear weapon by securing a commitment from the EU-3 that if Iran built up nuclear capabilities that shrunk that period to *less* than 12 months, they would join us in imposing powerful sanctions on Tehran. If we could thus lock in a permanent commitment to the then-*status quo* of a 12-month period, in other words – as well, ideally, as a European commitment to sanction Iran if it pressed ahead with its missile program, which at that point was indeed starting to worry the Europeans greatly – we would have something to bring back to President Trump so that he could say he had fixed what he himself had identified as the biggest flaws of the JCPOA."¹⁰¹

The Europeans, however, rejected this idea. They agreed that they did not *wish* Iran to build up its nuclear capabilities further and thus cause the 12-month "breakout period" to shrink, but they weren't actually willing to do anything about it. They had agreed in the JCPOA itself to permit Iran to build up such capabilities after a few years' delay, and the American proposal – to impose sanctions on Iran should that period fall below 12 months – was to them politically unacceptable, amounting to at least a partial repudiation of the JCPOA. As this author later summarized, "it would be a violation of the JCPOA to sanction Iran for doing what the JCPOA permitted it to do,"¹⁰² and the Europeans could not bring themselves to depart from any provision of the JCPOA even at the cost of blessing Iran's emergence as a "virtual" nuclear weapons possessor.

Accordingly, the Trump administration achieved no breakthrough in fixing the “sunset” problem. Making matters worse, in an extraordinary and hugely successful covert operation, Israel had by that point stolen an enormous collection of documents and other records from Iran that offered unprecedented insight into Iran’s prior nuclear weapons work under the so-called “Amad” program up until around 2003.

This “nuclear archive” detailed the Amad Plan’s effort to manufacture no fewer than five 10-kiloton nuclear weapons, build a missile suitable for delivering them, and to conduct an underground nuclear test. The treasure trove of documents exfiltrated to Israel also detailed Iran’s abovementioned decision in the fall of 2003 to reduce the size of its nuclear weapons program and restructure it, halting the formal Amad effort itself but not ceasing all weapons-relevant work. Instead, some of the dual-use aspects of this work had been transitioned to a variety of limited successor activities – presumably in order to help protect them from scrutiny and shield Iran from accountability.¹⁰³

Significantly, the Israelis are reported to have briefed their American counterparts on this nuclear archive at some point in early 2018.¹⁰⁴ Between the EU-3’s rejection of the U.S. proposal to cap Iran’s nuclear capacities at the 12-month “breakout” level and these new revelations about Iran’s continuing dishonesty and obvious nuclear weapons ambitions, there was thereafter no chance of Washington remaining in the JCPOA. President Trump duly announced in May 2018 that the United States was pulling out.¹⁰⁵

The American “Maximum Pressure” Campaign

Having left the JCPOA in search of a way to press Iran to accept more meaningful and enduring restrictions on its nuclear program – and hopefully also restrictions on its aggressive missile development efforts and support for destabilizing proxy militia groups and terrorist organizations in the Middle East – the Trump administration moved rapidly to step up pressures against the Iranian regime. As Secretary of State Mike Pompeo laid out in a major policy speech after President Trump had withdrawn from the JCPOA, the United States sought a

new and better agreement with Iran. In those remarks, Pompeo made clear that the new U.S. policy on Iran had 12 key objectives in such a future agreement:

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 cyberattacks.¹⁰⁶

To give Iran incentives to engage in discussions that might result in such a deal, the nuclear sanctions that President Obama had lifted were promptly restored, and a whole campaign of additional pressures was developed, all under the rubric of what came to be known as the Trump Administration's "maximum pressure" campaign.

Between 2018 and 2021, the Trump administration imposed more than 1,500 sanctions on Iran or on foreign companies or individuals who did business with Iran. They targeted big institutions, such as the supreme leader's office, the Revolutionary Guards and the Central Bank, as well as individuals. Among those sanctions were government and judicial officials, members of the military and proxy militias, scientists and manufacturers of military equipment, banks and businesses, foundations, and shipping and trading companies.¹⁰⁷

Not surprisingly, in addition to inflicting considerable harm and pain upon its Iranian targets, this campaign was enormously aggravating and frustrating to the EU-3 governments, which now had to endure not merely Washington's repudiation of their prized JCPOA but also the hardships of restricting their *own* commercial and financial dealings with Iran to stay clear of U.S. sanctions penalties. In an effort to get around this latter problem, several European governments¹⁰⁸

tried to establish a mechanism for trade between Europe and Iran that was not subject to restriction by U.S. sanctions.

This “Instrument in Support of Trade Exchanges” (INSTEX)¹⁰⁹ aimed to create an alternative commercial mechanism based around non-dollar-denominated transactions.¹¹⁰ Conducted entirely independently of the U.S.-dominated hub-and-spoke global financial system, these INSTEX transactions – *e.g.*, in the form of commodity barter arrangements – would in principle be immune to American sanctions pressures, which have broad reach because so much of the activity of the international financial system involves, passes through, or in some other way touches U.S. banking institutions.

INSTEX was not a success, however, as its European architects had underestimated the degree to which it was at that point even *possible* for Iranians both to (a) conduct trade in ways that did not touch *any* institution subject to U.S. Treasury Department jurisdiction and (b) to do so with a European partner which itself had no *other* financial interests or activity that did so.

As it turned out ... the topography of that U.S.-dominated financial network was *so* compelling that it was very hard to find European companies willing to participate. Even though their specific transactions with Iran might not *themselves* involve U.S. dollars or pathways through U.S. banks, European firms could only truly immunize themselves against potential U.S. sanctions for trading with Iran by entirely severing *all* their ties to *all* U.S. financial networks or anyone who used them – and this was something that no sane European company was willing to do.¹¹¹

Accordingly, Iran bristled at the Europeans’ inability to offer more than merely humanitarian goods¹¹² – which the Americans were expressly willing to permit,¹¹³ and transactions for which were thus not subject to U.S. sanctions in the first place. INSTEX was eventually disbanded after having processed only one single transaction.¹¹⁴

Meanwhile, the Trump “maximum pressure” campaign produced very real pain in its Iranian targets, resulting in the clerical regime cutting back some of the financial support it had previously been giving to terrorists and other proxy groups in the Middle East during the period of Obama sanctions relief. As the *New York Times* recounted nearly a year into the U.S. campaign,

Syrian militiamen paid by Iran have seen their salaries slashed. Projects Iran promised to help Syria’s ailing economy have stalled. Even employees of Hezbollah, the Lebanese group that has long served as Iran’s closest Arab ally, say they have missed paychecks and lost other perks.

Iran’s financial crisis, exacerbated by American sanctions, appears to be undermining its support for militant groups and political allies who bolster Iranian influence in Iraq, Syria, Lebanon and elsewhere.

“The golden days are gone and will never return,” said a fighter with an Iranian-backed militia in Syria who recently lost a third of his salary and other benefits. “Iran doesn’t have enough money to give us.”¹¹⁵

The “maximum pressure” campaign did not dissuade Iran from its nuclear ambitions – and indeed by at least mid-2019, Tehran had begun to violate the terms of the JCPOA by beginning to exceed limits on the size of Iran’s enriched uranium stockpile and the purity of the enriched uranium it possessed.¹¹⁶ Nevertheless, the campaign clearly did have an effect upon Iran’s efforts to destabilize the Middle East. Adding to Iran’s pain, moreover, a U.S. airstrike in early 2020 killed Qasem Soleimani, the feared head of the Iranian Revolutionary Guard Corps (IRGC) “Qods Force,” which for years had supported and sponsored radical foreign militias and terrorist groups in the region.¹¹⁷

Less successfully, the United States also attempted to step up international pressures on Iran in 2020 by invoking the abovementioned “snapback” provisions of UNSCR 2231,¹¹⁸ thereafter claiming that all UN sanctions on Iran – specifically, UNSCRs 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010),

and 2224 (2015)¹¹⁹ - had been reinstated. In the heat of foreign diplomatic irritation with President Trump for pulling out of the JCPOA, however, most countries refused to acknowledge the legitimacy of this move, arguing that because the Americans had pulled out of the JCPOA, the United States no longer had the right as a “participant State” under UNSCR 2231 to invoke “snapback.”

In this debate, the Trump administration probably had the stronger legal argument, for UNSCR 2231 had expressly defined the “JCPOA participants” as “China, France, Germany, the Russian Federation, the United Kingdom, the United States, the European Union, and Iran” without any other qualification, and no alteration to the text of that Resolution had subsequently occurred.¹²⁰ Yet the international politics of the moment ran very much against Washington, and no other major powers joined the United States in viewing UNSC sanctions against Iran as having been restored.¹²¹ This was where things lay when Donald Trump lost the 2020 election and Joe Biden succeeded him as president.

The Current Stalemate – and a Possible Way Forward

The Biden Administration came into office eager to restart negotiations with Iran¹²² to restore the JCPOA and perhaps to layer some additional new agreement on top of it. Unfortunately, however, the Biden administration’s desperate effort to engage with the Iran nuclear issue accomplished precisely nothing, and the ensuing years have seen only a litany of continued Iranian nuclear expansion, patently unacceptable demands, and worsening regional provocations by Tehran.¹²³ By early 2023, in fact, U.S. officials believed Tehran’s “breakout time” had shrunk to “about 12 days.”¹²⁴

That said, all may not yet be lost, for there remains at least one diplomatic gambit that has still to be tried, and which might perhaps offer the basis for a viable way forward now that Donald Trump has taken office once more. The following pages will explain this approach, which for now, relies upon the continued availability of a full restoration of international sanctions against Iran under UNSCR 2231.

This Critical Year of 2025

The opportunity in question, however, has its own form of “sunset,” as UNSCR 2231 will expire on October 18, 2025.¹²⁵ When it does, so also will the UN sanctions “snapback” mechanism for re-imposing global, legally-binding sanctions on Iran pursuant to the seven UNSCRs passed between 2006 and 2015. After that,

... the only way to place further UN sanctions pressures on Iran to restrain or punish its behavior would be through an entirely new Security Council vote – passage of which would all but inevitably be vetoed by the now essentially pro-proliferation revisionist regimes of Russia and China. That means Iran has only to wait a bit longer until it is given a sort of “get out of jail free card” from the United Nations, pretty much no matter what it does in building up its nuclear program.¹²⁶

Nonetheless, the impending “Termination Day” deadline also means that at least a little time still remains in which to use the threat of “snapback” – or, more likely, the actual *imposition* of restored international sanctions – to catalyze agreement upon new and more enduring restrictions on Iran’s nuclear program.

Implications of the JCPOA “Sunsets”

As the reader will recall, the “sunset” provisions of the JCPOA begin to expire in 2025, and most of them are to disappear by 2030. As described above, the JCPOA thus condoned the eventual emergence of Iran as a sort of “virtual” nuclear weapons state – one able, *in complete conformity with the JCPOA*, to employ as many sophisticated centrifuges at it desires, to enrich uranium to whatever level it wants, and to hold as large a stockpile of enriched uranium it wishes. There is nothing good about that scenario, and it is certainly the case that President Trump’s withdrawal from the deal has forced us to confront an Iran that possesses a large and rapidly expanding fissile material program much sooner than would have been the case under the JCPOA.

Yet precisely *because* of this accelerated timetable, the international community faces this nuclear Iran while “snapback” sanctions still remain available as a diplomatic tool. Had everyone complied with the JCPOA, Iran would only have begun building nuclear capacity as it is currently doing long *after* Termination Day, and hence long after the UN sanctions “snapback” provisions of UNSCR 2231 had also evaporated. Moreover, continued adherence to the JCPOA would have prevented either the United States or European countries from employing their *own* national sanctions to put extra pressure on Tehran, for under that deal they had forsworn imposing any more nuclear sanctions on Iran.

As it is, however, the early U.S. withdrawal allows us a powerful tool that we would not otherwise have had under the JCPOA when faced with an expanding nuclear Iran. As this author put it in remarks in May 2024 at the Lawrence Livermore National Laboratory (LLNL), “since this is ... not 2035, the responsible countries of the world still have options – and *better* options than we would have had if the United States had not pulled out and it were today 2035.”¹²⁷

The “Snapback” Option that Still Remains

What might such a “snapback”-based approach look like? The basic idea would be fairly simple. The United States and the EU-3 countries – joined by the EU itself, which is also defined as a JCPOA participant State by UNSCR 2231 – would propose the substantive framework for a JCPOA successor deal and give Iran the chance either to accept it or to face the resumption of full UN sanctions.

With some luck, Iran would accept this proposal, and a successor agreement would be worked out and brought into force – backed by a UNSCR – prior to October 18, 2025. (This might even take the form of a legally-binding treaty, subject in the United States to Senate advice and consent.) Much more likely, however, one or more of these elements would not occur in time. Iran might well reject such a deal, for instance, and even if a framework agreement were reached, a fully fleshed-out replacement agreement might not be ready in time. (Such an approach might also face a veto at the UNSC from the increasingly truculent and disruptive Russian and Chinese regimes.) In such

circumstances, however, one or more of the EU-3 states, or the EU itself, would invoke “snapback” pursuant to the terms of UNSCR 2231, thereby restoring full pre-JCPOA, UN sanctions on Iran.

The point of these sanctions would not be to punish Iran *per se*, at least not initially, but rather to create an incentive structure conducive to successful diplomacy. The United States and its European partners would seek to continue negotiations with Iran, and were Tehran to approach such talks constructively and accept reasonable terms, those Western states would move to ensure appropriate sanctions relief at the UNSC. (Sanctions *relief* for Iran, at least, would be unlikely to face a Russian or Chinese veto!) To be sure, “this relief would have to be bargained for and win support of the Security Council” and would thus “need to be earned on the merits of a new agreement.”¹²⁸ But that is precisely what diplomacy is for.

If Iran remained intransigent, of course, no such relief from “snapped-back” UN sanctions would be sought, and such sanctions would therefore remain in place indefinitely. In that eventuality, the purpose of these sanctions would expand to include outright punishment, for the objective would then be to replicate (or to exceed) the pressure Iran faced from the Trump administration, in order to cut back the resources that would thereafter be available to the regime in Tehran for its nuclear program, its development of long-range missile and drone capabilities, and its sponsorship of terrorism and proxy militias in the Middle East and farther afield. Not incidentally, moreover, such pressures would send a powerful signal to other would-be nuclear weapons-seekers and violators of international law that such destabilizing misbehavior entails tremendous costs and risks, thus helping buttress the tottering global nuclear nonproliferation regime and helping deter such actions elsewhere.

The Europeans Begin to See the Light?

Notably, it is the *Europeans* who control the most important diplomatic tool. As described earlier, the United States has *already* invoked UNSCR 2231 “snapback,” – thus, in theory, UN sanctions are *already* back in place. Since the world largely ignores that or pretends otherwise, however, the crucial step now will have to be the invocation

of “snapback” by one or more of the JCPOA’s European participants. If they are willing to take this step, diplomacy still has at least some opportunity to try to negotiate a solution to the Iranian nuclear crisis.

And, promisingly, there may in fact be some chance of them doing so. Given the continuing massive expansion of Iran’s fissile material program and its obstruction of IAEA inspection activities – as well as Tehran’s reckless and destabilizing support for proxy Shi’ite militias in Iraq, its alliance with the brutal Assad regime in Damascus, its continued sponsorship of Hezbollah terrorists in Lebanon, its encouragement of genocidal Hamas violence against Israel, its supply of drones and cruise and ballistic missiles that Houthi forces in Yemen have been using against international shipping, and its direct use of long-range missiles and drones against Israel – it is perhaps not surprising that European officials now look upon diplomatic engagement with Iran through more jaundiced eyes than they did some years ago. Indeed, as this author has pointed out, European diplomats today are starting to say things that sound remarkably like the talking points that *U.S.* officials made *to them* back in 2017-18.¹²⁹

Specifically, European officials involved in the Iran matter seem to be starting to recognize several critical things about the Iran problem today that they refused to acknowledge before:

- First, they now increasingly understand that we must avoid squandering the opportunity to use sanctions to pressure Iran to limit its nuclear program. Back then, that meant *not* sticking to the JCPOA’s forswearing of all such sanctions into the future. Today, it means not letting October 2025 pass without triggering UN sanctions “snapback” in the event that there’s not a new and better deal with Iran in place by that point.
- Second, the Europeans seem increasingly now to understand that it really does make no sense to try to isolate the “Iran nuclear file” from other hugely problematic aspects of Iran’s behavior, such as its continuing missile provocations, its destabilization of

its neighbors, and its penchant for conducting subversive operations on foreign soil, even in Europe.

- Third, the Europeans seem to understand that we need to replace and extend the JCPOA sunset clauses with more enduring limitations on Iranian nuclear capabilities. They didn't seem to care much back in 2017 that key JCPOA restrictions would evaporate eventually, but they apparently care now – and they realize that it's actually a *terrible* idea to condone, as the JCPOA did, eventually allowing Iran to enrich as much weapons-grade uranium as it wants.
- Fourth and finally, in order to achieve the abovementioned objectives, the Europeans also now seem to understand that the international community needs to increase pressure on Iran as quickly as possible.¹³⁰

One can only regret that it took seven years for European diplomats to come to these realizations, but it does appear that at least *some* consideration is being given to invocation of the “snapback” remedy. The British ambassador to the United Nations, for instance, has said that “we will continue to keep all diplomatic options on the table, including triggering UN snap back before October 2025, if necessary.”¹³¹

Conclusion

This paper has outlined the basis of a new diplomatic and sanctions push to negotiate an end to the Iranian nuclear crisis. It may, in fact, be the only real chance that remains.

The author, of course, makes no claim that such a “snapback”-based effort would be any kind of a miracle cure. There are, as the old English proverb has it, many possible “slips ‘twixt the cup and the lip,” and recognizing the need for such an approach is not the same thing as being able to adopt one. Nor is adopting such an approach the same thing as getting Iran to agree to a new deal, nor ensuring that

implementation of a new agreement is sustained and successful. The recent slippage of both China and (especially) Russia into a more “pro-proliferation” modes,¹³² not least as supporters and – in Russia’s case – quasi-allies of the Iranian regime, also lessens the odds of success, both by making UNSC cooperation less likely and by surely making Iran more inclined toward defiance.

Indeed, in Western diplomatic terms, judging from recent reports that Biden administration officials attempted to persuade Europe *not* to censure Iran at the IAEA Board of Governors,¹³³ it may be that in a historic role reversal, the Americans under his administration had become a bigger obstacle to diplomatic effectiveness right now than the Europeans. Nevertheless, with President Trump again in charge of American policy toward Iran, it may be that a new “snapback”-based Iran diplomatic push can yet be mounted – with U.S. and European officials working closely together – to help address the Iranian crisis and improve international peace and security in the Middle East.

If officials can bring themselves to act before the “snapback” opportunity *itself* “sunsets” in October 2025, there remains a chance that a bold new Euro-American initiative can use UNSCR 2231 as a tool to support negotiations with Iran. Time, however, is very short.

* * *

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The opinions expressed herein are entirely the author’s own, and do not necessarily reflect the views of anyone else.

Notes

- (1) IAEA Director-General Rafael Grossi, *Verification and monitoring in the Islamic Republic of Iran in light of United Nations Security Council Resolution 2231 (2015)*, GOV/2024/26, May 27, 2024, 2, 5.

<https://www.iaea.org/sites/default/files/24/06/gov2024-26.pdf>. Accessed September 18, 2024. For more on the Additional Protocol, see note 6 below.

- (2) Grossi, *Verification and monitoring in the Islamic Republic of Iran*, 3, 20.
- (3) Grossi, *Verification and monitoring in the Islamic Republic of Iran*, 6, 21.
- (4) Grossi, *Verification and monitoring in the Islamic Republic of Iran*, 3, 6.
- (5) The Additional Protocol (AP) is an agreement that supplements baseline IAEA nuclear safeguards in any given country, providing IAEA inspectors with more robust authorities to verify that no undeclared nuclear materials or facilities exist there. It was developed after revelations about Iraq's nuclear weapons program after 1991 made clear the limitations of traditional safeguards agreements. In this regard, the AP "significantly increases the IAEA's ability to verify the peaceful use of all nuclear material in States with comprehensive safeguards agreements." As of March 2024, Additional Protocols were in place with 141 states, as well as the European uranium enrichment consortium EURATOM. See IAEA, "Additional Protocol," <https://www.iaea.org/topics/additional-protocol>; For the model terms the IAEA provides for the negotiation of such protocols, see IAEA, *Model Protocol Additional to the Agreement(s) Between State(s) and the International Atomic Energy Agency for the Application of Safeguards*, INFCIRC/540, September 1997, <https://www.iaea.org/sites/default/files/infcirc540.pdf>.

There is little question that the AP provides vital investigative authorities for the IAEA, and its universalization as the new global safeguards standard is a high priority goal for U.S. officials and other likeminded nonproliferation leaders. Nevertheless, there is irony in the fact that even the AP proved demonstrably inadequate in the face of denial and deception on Iran's scale. This was explicitly recognized even by IAEA Director-General El-Baradei in 2005: "Given Iran's past concealment efforts over many years, such transparency measures should extend beyond the formal requirements of the Safeguards Agreement and Additional Protocol and include access to individuals, documentation related to procurement, dual use equipment, certain military owned workshops and research and development locations." See IAEA Director-General Mohammed El-Baradei, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, GOV/2006/67, September 2, 2005, 11, 50. <https://www.iaea.org/sites/default/files/documents/gov2005-67.pdf>. Accessed September 18, 2024.

- (6) The amount of work done in the process of enriching uranium is measured in "separative work units" (SWU), a unit of measurement that "indicates the energy input relative to the amount of uranium processed, the degree to which it is enriched (*i.e.*, the extent of increase in the concentration of the U-235 isotope relative to the remainder) and the level of depletion of the remainder - called the 'tails.' The [SWU] unit ... measures the quantity of separative work performed to enrich a given amount of uranium a certain amount when feed and product quantities are expressed in kilograms." For present purposes, the key point about the number of SWUs it takes to enrich uranium is that most of the work is done at *lower* levels of enrichment. By the time material is enriched even to 20 percent U-235, the vast majority of the work of getting that material to an optimal weapons-grade level of around 90 percent has already been accomplished. Remarkably few additional SWUs - and hence very little time - are needed to push uranium from 20 percent to 90 percent, and very few indeed to bring uranium already at the 60 percent level up to weapons grade. "The curve flattens out so much because the mass of material being enriched progressively diminishes to these amounts, ... so [it] requires less effort relative to what has already been applied to progress a lot further in percentage enrichment. The relatively small increment of effort needed to achieve the increase from normal levels is the reason why enrichment plants are considered a sensitive technology in relation to preventing weapons proliferation" See World Nuclear Association, "Uranium Enrichment," October 11, 2022, <https://world-nuclear.org/information-library/nuclear-fuel-cycle/conversion-enrichment-and-fabrication/uranium-enrichment>.
- (7) Grossi, *Verification and monitoring in the Islamic Republic of Iran*, 5.
- (8) Grossi, *Verification and monitoring in the Islamic Republic of Iran*, 5-6.

- (9) Grossi, *Verification and monitoring in the Islamic Republic of Iran*, 7 & 14-16.
- (10) Grossi, *Verification and monitoring in the Islamic Republic of Iran*, 7 & 17.
- (11) See, e.g., Francois Murphy, "IAEA Report: Iran installs more centrifuges at Fordow enrichment plant," Reuters, June 13, 2024, <https://www.reuters.com/world/middle-east/iaea-report-iran-installs-more-centrifuges-fordow-enrichment-plant-2024-06-13/>.
- (12) For more on the complexities and challenges of "virtual" nuclear weapons status, see, e.g., Christopher A. Ford, "Nuclear Weapons Reconstitution and its Discontents: Challenges of 'Weaponless Deterrence,'" in *Deterrence: Its Past and Future*, George P. Shultz, Sidney D. Drell, & James E. Goodby, eds. (Hoover Institution Press, 2011), 131-215.
- (13) See David Albright, Sarah Burkhard, Spencer Faragasso, and Andrea Stricker, *Analysis of IAEA Verification and Monitoring Report – February 2024*, Institute for Science and International Security, March 4, 2024, 1 & 16, https://isis-online.org/uploads/isis-reports/documents/Analysis_of_February_2024_IAEA_Iran_Verification_Report_March_4_2024_Final.pdf.
- (14) See Laurence Norman, "Biden Administration Presses Allies Not to Confront Iran on Nuclear Program," *Wall Street Journal*, May 27, 2024, <https://www.wsj.com/world/middle-east/u-s-opposes-european-plan-to-censure-iran-over-nuclear-work-85ad7fc6>.
- (15) IAEA Board of Governors, "NPT Safeguards Agreement with the Islamic Republic of Iran," GOV/2024/39, June 5, 2024, 2-6. <https://www.iaea.org/sites/default/files/documents/gov2024-39.pdf>.
- (16) See generally, e.g., Kelsey Davenport, "Timeline of Nuclear Diplomacy with Iran, 1967-2023," Arms Control Association, <https://www.armscontrol.org/factsheets/Timeline-of-Nuclear-Diplomacy-With-Iran>. Accessed September 18, 2024; Iran Watch, "A History of Iran's Nuclear Program," Wisconsin Project on Nuclear Arms Control, December 19, 2023, <https://www.iranwatch.org/our-publications/weapon-program-background-report/history-irans-nuclear-program>.
- (17) See, e.g., U.S. Institute of Peace, "The Iran Primer," January 22, 2020, <https://iranprimer.usip.org/blog/2020/jan/22/iran-and-npt/>
- (18) See William Burr, "U.S.-Iran Nuclear Negotiations in 1970s Featured Shah's Nationalism and U.S. Weapons Worries," *National Security Archive*, Electronic Briefing Book No. 268, January 13, 2009, <https://nsarchive2.gwu.edu/nukevault/ebb268/>.
- (19) Iran Watch, "A History of Iran's Nuclear Program."
- (20) See generally, e.g., Gordon Carera, "AQ Khan: the most dangerous man in the world?" BBC, October 10, 2021, <https://www.bbc.co.uk/news/world-asia-58857827>.
- (21) See IAEA Director-General Mohammed El-Baradei, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, GOV/2005/67, September 2, 2005, 5-7, 14, 16, 18, & 21. <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Iran%20GOV200567.pdf>.
- (22) See U.S. Department of State, *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*, August 2005, 72-73. <https://2009-2017.state.gov/documents/organization/52113.pdf>.
- (23) *Ibid.*, p. 80. Article II of the NPT provides that "Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other

nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices." See United Nations, *Treaty on the Non-Proliferation of Nuclear Weapons*, (signed July 1, 1968) (entered into force March 5, 1970) [hereinafter "NPT"], at Art. II, <https://disarmament.unoda.org/wmd/nuclear/npt/text/>.

- (24) Iran Watch, "Remarks by Alireza Jafarzadeh on New Information on Top Secret Projects of the Iranian Regime's Nuclear Program," Wisconsin Project on Nuclear Arms Control (August 14, 2002), <https://www.iranwatch.org/library/ncri-new-information-top-secret-nuclear-projects-8-14-02>.
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- (26) U.S. National Intelligence Council, *Iran: Nuclear Intentions and Capabilities*, National Intelligence Estimate, November 2007, https://www.dni.gov/files/documents/Newsroom/Reports%20and%20Pubs/20071203_release.pdf.
- (27) See, e.g., Steve Fetter and Frank von Hippel, "A Step-by-Step Approach to a Global Fissile Materials Cutoff," *Arms Control Today* 25, no. 8, October 1995, <https://cissm.umd.edu/research-impact/publications/step-step-approach-global-fissile-materials-cutoff>.
- (28) U.S. National Intelligence Council, "Iran: Nuclear Intentions and Capabilities," 5.
- (29) U.S. National Intelligence Council, "Iran: Nuclear Intentions and Capabilities," 5. Oddly, and in a seeming self-contradiction, after having said that they assessed with "high confidence" that Iran had "halted its nuclear weapons program," the NIE's drafters also declared later that the Department of Energy and the National Intelligence Council assessed "with only moderate confidence that the halt to those activities represents a halt to Iran's entire nuclear weapons program." (Perhaps those two organizations had seen through the disingenuousness of the NIE's top-line phrasing seeming to suggest, falsely, that after the autumn of 2003 Iran was not still making progress along the road to a nuclear weapons capability.)
- (30) Ewen Macaskil, Dan De Luce, and Julian Borger, "EU ministers strike Iran deal," *The Guardian*, October 22, 2003, <https://www.theguardian.com/world/2003/oct/22/iran.politics1>.
- (31) See, e.g., IAEA Director-General Mohammed El-Baradei, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, GOV/2004/11, February 24, 2004, 11 & 69, <https://www.iaea.org/sites/default/files/documents/gov2004-11.pdf>.
- (32) See, e.g., IAEA Director-General Mohammed El-Baradei, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, GOV/2004/60, September 1, 2004, 3 & 7. <https://www.iaea.org/sites/default/files/documents/gov2004-60.pdf>.
- (33) Samples taken at something called the Kalaye Electric Company in August 2003, for instance, "revealed the presence of high enriched uranium (HEU) particles and low enriched uranium (LEU) particles which were not consistent with the nuclear material in the declared inventory of Iran." See IAEA Director-General Mohammed El-Baradei, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, GOV/2003/75, November 10, 2003, 3 & 9, <https://www.iaea.org/sites/default/files/documents/gov2003-75.pdf>. Reportedly, some of this contamination reached enrichment levels of 36% U-235. See Iran Watch, "Farayand Technique," Wisconsin Project on Nuclear Arms Control, December 21, 2003, <https://www.iranwatch.org/iranian-entities/farayand-technique>.
- (34) IAEA, *Communication dated 26 November 2004 received from the Permanent Representatives of France, Germany, the Islamic Republic of Iran and the United Kingdom concerning the agreement signed in Paris on 15 November 2004*, INFCIRC/637, November 26, 2004, 3. <https://www.iaea.org/sites/default/files/publications/documents/infcircs/2004/infcirc637.pdf>.

- (35) Iran Watch, "A History of Iran's Nuclear Program."
- (36) IAEA Director-General Mohammed El-Baradei, "Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran," 3 & 7.
- (37) IAEA "Iran Starts Feeding Uranium Ore Concentrate at Uranium Conversion Facility," August 8, 2005, <https://www.iaea.org/newscenter/pressreleases/iran-starts-feeding-uranium-ore-concentrate-uranium-conversion-facility>.
- (38) IAEA Director-General Mohammed El-Baradei, "Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran," 11 & 45.
- (39) IAEA Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, GOV/2006/14, February 4, 2006, 1-2, <https://www.iaea.org/sites/default/files/documents/gov2006-14.pdf>.
- (40) UN Security Council, *Resolution 1696 (2006)*, S/RES/1696 (2006), 2, <https://documents.un.org/doc/undoc/gen/n06/450/22/pdf/n0645022.pdf>.
- (41) Article 41 of the UN Charter authorizes the UNSC to "decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." Charter of the United Nations (signed June 26, 1945) (entered into force October 24, 1945) [hereinafter "UN Charter"], Art. 41, <https://www.un.org/en/about-us/un-charter/full-text>.
- (42) UN Security Council, *Resolution 1736 (2006)*, S/RES/1736, December 27, 2006, 2, <http://unscr.com/en/resolutions/doc/1736>.
- (43) *Resolution 1736*, 2-4 & 3-8.
- (44) *Resolution 1736*, 4-5 & 12. An annex to Resolution 1737 listed these several entities. *Resolution 1736*, 8-9.
- (45) Christopher A. Ford, "Law, Iran and the Bomb," New Paradigms Forum, October 7, 2009), <https://www.newparadigmsforum.com/p110>.
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- (47) See, e.g., Robin Pomeroy, "Iran says has enriched 17 kg uranium to 20 percent purity," *Reuters*, June 23, 2010, <https://www.reuters.com/article/idUSTRE65M1CS/>.
- (48) See, e.g., "Iran's Bushehr nuclear plant begins operation," BBC, May 10, 2011, <https://www.bbc.co.uk/news/world-middle-east-13351134>.
- (49) IAEA Director-General Yukiya Amano, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran*, GOV/2011/65 (November 8, 2011), [in Annex] 3 & 12, <https://www.iaea.org/sites/default/files/documents/gov2011-65.pdf>.
- (50) Amano, *Implementation of the NPT Safeguards Agreement*, [in Annex] 3 & 13-14.
- (51) Amano, *Implementation of the NPT Safeguards Agreement*, 10 & 50 [main body of report].
- (52) Amano, *Implementation of the NPT Safeguards Agreement*, 7 & 38.

- (53) Amano, *Implementation of the NPT Safeguards Agreement*, 8 & 43. The interested reader will find Iran's efforts related to procuring nuclear related and dual use equipment and materials by military related individuals and entities discussed in more detail in Sections C.1 and C.2 of the November 2011 report's Annex. Amano, *Implementation of the NPT Safeguards Agreement*, [in Annex] 4-6 & 18-26. Undeclared pathways for producing nuclear material are covered in Amano, *Implementation of the NPT Safeguards Agreement* [in Annex] 7 & 27-30. Nuclear weapons development information and documentation from a clandestine nuclear supply network is discussed in Amano, *Implementation of the NPT Safeguards Agreement*, [in Annex] 7-8 & 31-37. Finally, development of and component testing for an indigenous nuclear weapon design are discussed in Amano, *Implementation of the NPT Safeguards Agreement*, [in Annex] 8-12 & 38-65.
- (54) Amano, *Implementation of the NPT Safeguards Agreement*, 8 & 44.
- (55) David Albright, Olli Heinonen, & Serena Kelleher-Vergantini, *IAEA Visit to the Parchin Site*, Institute for Science and International Security, September 22, 2015, https://isis-online.org/uploads/isis-reports/documents/IAEA_Visit_to_the_Parchin_Site_September_22_2015_Final.pdf.
- (56) David Albright, Paul Brannan, Mark Gorwitz, & Andrea Stricker, "ISIS Analysis of IAEA Iran Safeguards Report: Part II – Iran's Work and Foreign Assistance on a Multipoint Initiation System for a Nuclear Weapon," Institute for Science and International Security, November 13, 2011, 5-6, https://isis-online.org/uploads/isis-reports/documents/Foreign_Assistance_Multipoint_Initiation_System_14Nov2011.pdf.
- (57) Joby Warrick, "Russian scientist Vyacheslav Danilenko's aid to Iran offers peek at nuclear program," *Washington Post*, November 13, 2011, https://www.washingtonpost.com/world/national-security/russian-scientist-vyacheslav-danilenkos-aid-to-iran-offers-peek-at-nuclear-program/2011/11/12/gIQAeuiCJN_story.html.
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- (59) David Albright, Olli Heinonen, & Serena Kelleher-Vergantini, "IAEA Visit to the Parchin Site," Institute for Science and International Security, September 22, 2015, https://isis-online.org/uploads/isis-reports/documents/IAEA_Visit_to_the_Parchin_Site_September_22_2015_Final_1.pdf. Stolen Iranian photographs released by Israel in 2018 show what is said to be the large implosion chamber at Parchin before it was dismantled. See David E. Sanger and Ronen Bergman, "How Israel, in Dark of Night, Torched Its Way to Iran's Nuclear Secrets," *New York Times*, July 15, 2018, <https://www.nytimes.com/2018/07/15/us/politics/iran-israel-mossad-nuclear.html>.
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- (74) Kelsey Davenport, "The Joint Comprehensive Plan of Action (JCPOA) at a Glance."
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BOOK REVIEW:

A Republic, If You Can Keep It: A Review of Barbara Walter's "How Civil Wars Start"

Michael Brown

Barbara F. Walter, *How Civil Wars Start: And How to Stop Them* (Penguin, 2023).

As I was threading through the most recent book by Barbara F. Walter, which focuses on the harbingers of modern civil war in the United States, I couldn't help but think that I had seen her vision of America before. Walter – the Rohr Professor of International Relations at the University of California, San Diego, and who should not be mistaken for the late journalist Barbara Walters (1929-2022) – describes “anocracy,” factionalism, loss of status, and hopelessness as harbingers of Civil War. Her primary case studies involve conflicts in Yugoslavia, the Philippines, and Iraq, which she uses for comparison purposes in order to discuss modern American politics.

Yet it was hard not to notice parallels between the modern United States and Reconstruction-era, late-19th Century North Carolina that Walter omitted in her case studies. It was striking how much of what Walter sees in America's possible future was once our reality – a reality, moreover, that resulted in the only successful overthrow of an elected government in U.S. history, the Wilmington Insurrection of 1898.

Time and time again the reader is brought back to the primary theme circulating through-out *How Civil Wars Start*: the concept of “anocracy.” Walter describes anocracy as a political state that displays both authoritarian *and* democratic political characteristics, such as by permitting voting rights yet also failing to protect legal due process. Anocracy, she suggests, usually exists in the context of rapid democratization, such as in Iraq during and after the U.S. occupation, or in “back-sliding” strongman-democracies such as Viktor Orbán's

Hungary or Recep Tayyip Erdoğan's Turkey. Walter argues that as such decay spreads, the risk of civil war rises.¹

Not content to just define anocracy, Walter provides convincing modern examples of anocratic states that are experiencing democratic deterioration. This deterioration results from authoritarian leaders such as Orbán and Erdoğan consolidating their power by eroding democratic norms and the rights and procedural protections associated with liberal democracy, which is also what Walter argues is also beginning to happen in the United States, United Kingdom, and elsewhere in the West.² This occurs precisely because democratic and authoritarian values are in tension with each other. They coexist within an anocratic system as a result of deliberate strategies by strongman-politicians who come to power in a democracy and thereafter erode democratic values in favor of authoritarian ones for their own political benefit. This can lead to the creation of what Orbán himself has proudly called a "[new state concept, this illiberal state concept.](#)"

Where Walter really excels is in her exploration of the relationship between factionalism and the loss of power or status by an in-group. A once-dominant in-group facing such slippage can develop a powerful factionalism, which can ultimately result in the growth of militia-like movements increasingly inclined toward domestic socio-political violence. Walter, in fact, believes that the United States itself has already entered the late stages of what she provocatively calls a "pre-genocide cycle," in which such militias begin to "formulate plans to eradicate other groups."³

However, Walter's analysis suffers from two problems. One is her clear bias; Walter largely approaches the issue of a potential civil war in America with her eye firmly focused upon the far-Right as the proximate cause of the problem. Her book largely if not entirely omits mention of leftist-oriented violence in cities such as Minneapolis and Portland during 2020, or polling results suggesting that significant majorities of voters from *both* U.S. political parties [view members of the other party as "evil" and as a threat to the country](#), and that if not stopped, [their political opponents will destroy America as we know it.](#)

When she addresses other potential threats, such as the [Socialist Rifle Association](#), or the [Not F*cking Around Coalition](#), their rise is largely framed as no more than a presumably non-blameworthy security dilemma response to rightist groups such as the [Proud Boys](#) and [Three Percenters](#). Walter is unequivocal about this, declaring that “it won’t be left-wing groups that instigate this ultimate clash [of civil war].”⁴ Her eagerness to assign responsibility to the rightists she despises, however, leads her to overlook the dynamic of reciprocally-inciting polarization in play in modern America – a process in which there is depressingly much blame to go around. (Indeed, Walter’s own rhetoric perhaps unwittingly parallels the abovementioned polling in which citizens of each political hue tend to believe that *the other side* is intent upon destroying American democracy and must be resisted at all costs. There is much to credit in Walter’s analysis, but her one-sidedness arguably also makes her part of the problem.)

A second challenge is that the book provides no new recommendations on how to prevent a civil war in modern America. One of her suggestions is to eliminate the Electoral College used for U.S. presidential elections in favor of a system tied only to the popular vote – and which, she says, would “make each citizen’s vote count equally rather giving preferential treatment to the white, rural vote.”⁵ Here again, however, there is some irony in her analysis, in that Walter warns against one alleged source of factionalism (*e.g.*, an Electoral College that gives disproportionate power to less populous rural areas) while simultaneously supporting a voting system that might encourage factionalism and extremism in other ways (*e.g.*, by allowing large, highly-concentrated masses of voters in major metropolitan areas to dictate terms to a rural minority by majoritarian *fiat*). It is for such reasons, for instance, that Berkeley Professor John Yoo argues that a national popular vote to decide the presidency could “deepen [candidates’] ideological commitment to the positions that most appeal to their voters ... and ignore regions where they have to moderate their views.”⁶

The American Founders were hardly ignorant of the trade-offs involved in creating the Electoral College, yet they opted deliberately against strict majoritarianism, which they felt capable of giving rise to oppressive governance by a triumphant faction just as easily as might

a selection mechanism insulated from democratic accountability at all. Walter might have been on stronger ground if she had merely quarreled with where they drew the line rather than rejecting it entirely.

Just as with the Senate filibuster, however - which Senate Democrats hated when it got in the way of their political agenda in the majority, but which may now seem much more attractive with Republicans having taken over the Senate under the second presidency of Donald Trump - where you stand on supermajority requirements and other mechanisms that check the ability of a majority to run roughshod over a minority can depend on where you sit. Nor should one forget that the phenomenon of constitutionalism itself is intended to provide such a check: one of the main reasons to have constitutional rights in a democracy in the first place is precisely to keep the majority from being able to just *anything* it wants to anybody.

Most importantly, for all her useful exploration of case study comparisons, Walter also arguably missed an opportunity to learn from the only successful domestic insurrection that ever occurred in United States history - the uprising that occurred in the anocratic and factionalized (politically polarized) state of North Carolina during Reconstruction. There, newfound democratic freedoms enjoyed by African Americans and protected in theory by Federal occupation forces presented a threat to a social system rooted in the antebellum years of chattel slavery.

In postbellum North Carolina, white Democrats, terrified of the new socio-political alliance between Republicans and Populists that threatened their domination of North Carolina state government, sought to prevent their social and political diminishment with politically motivated violence - that is, terrorism. Democratic politicians and media figures of the time capitalized on a perceived loss of status and honor by a once dominant in-group. This loss of status - and the weaponization of this grievance by populist agitators - was the proximate cause to the growth of Democratic-aligned militias that on two occasions tried to lynch the Governor of North Carolina.⁷

These events near the close of the 19th Century thus offer a strange and striking parallel to the 2020 plot to kidnap Michigan Governor Gretchen Whitmer that Walter covers in her book. In the chaos of the withdrawal of Federal occupation forces, these militias engaged in attacks on the electoral process, resulting in the disenfranchisement and suppression of African American and White Republican voters ensuring Democratic consolidation of power in North Carolina. These actions – and the lack of an effective response by the Federal government – eventually emboldened an insurrectionist mob to overthrow the elected government in Wilmington, N.C.

This piece of history – which Walter never mentions – is important, and in some sense a precedent for election disruption efforts by some actors in the January 6, 2021, attack on the United States’ Capitol in an attempt to interfere with the electoral college certification vote of President-Elect Joe Biden. It is thus puzzling why, time and time again, Walter – in John Quincy Adam’s famous phrase – goes “abroad in search of monsters to destroy” instead of examining the more analogous case of postbellum North Carolina.⁸

In fairness, *How Civil Wars Start* provides important context for understanding civil unrest through Walter’s valuable exploration of foreign examples of civil wars. Her case studies are evidence-based and important insights into current American socio-political trends – including the growth of militias and the security dilemmas that can develop in a polarizing society. These phenomena are clearly dangerous challenges that we must understand and try to manage. But Walter falls short of producing a comprehensive picture of modern threats in America by her hyper-focus on the Right, and by missing the opportunity to examine a fascinating example right here at home. Despite these failings, however, hers is an important book.

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The views expressed herein are entirely those of the author, and do not necessarily represent those of anyone else.

Notes

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- (2) Walter, *How Civil Wars Start*, 13, 19.
- (3) Walter, 174.
- (4) Walter, 190.
- (5) Walter, 203.
- (6) John Yoo, "A Defense of the Electoral College in the Age of Trump," *Pepperdine Law Review*, vol. 46, no. 4, May 15, 2019, 833, <https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=2571&context=plr>.
- (7) Brown, Michael S. "Tell Me How This Begins: Insurgency in the United States." Master's thesis, Naval Postgraduate School, 2023.
- (8) Secretary of State John Quincy Adams, "Speech to the U.S. House of Representatives on Foreign Policy" (July 4, 1821), available at <https://loveman.sdsu.edu/docs/1821secofstateJQAdmas.pdf>.

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