Democracy Promotion, Sanctions and Iran: Obama’s Policy Trade Off

by

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Abstract

Over the past ten years U.S., policymakers have focused on ending the alleged Iranian nuclear weapon program. The Obama administration intensified this focus, hoping to enter negotiations that could end the Iranian nuclear program through a trade-off in democracy promotion. When mass protests broke out in Iran following the announcement of the results of the 2009 presidential election, the Obama administration was presented with an opportunity to support democracy in Iran. Protestors, using the Internet to communicate and organize, challenged the ruling regime with the largest protests seen in the country since the 1979 revolution. The Iranian regime took steps to further restrict the use of the Internet to express dissent, obtaining surveillance technology developed in the U.S. In response, the Obama administration has continued to engage in a policy trade off, failing to comprehensively address the use of the Internet to promote democracy abroad.

Keywords: U.S. Democracy Promotion; Iran; Information Communication Technologies; Sanctions; Barack Obama foreign policy; U.S. Congress
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<td>AIPAC</td>
<td>American Israel Public Affairs Commission</td>
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<tr>
<td>ARPANET</td>
<td>Advanced Research Projects Agency Network</td>
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<td>CIA</td>
<td>Central Intelligence Agency</td>
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<td>DPI</td>
<td>Deep Packet Inspection</td>
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<td>DRL</td>
<td>State Department Bureau of Democracy and Labor</td>
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<td>EMF</td>
<td>Iran Electronic Media Fund</td>
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<td>EU-3</td>
<td>United Kingdom, France and Germany</td>
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<td>FBI</td>
<td>Federal Bureau of Investigation</td>
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<td>GNI</td>
<td>Global Network Initiative</td>
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<td>GOFA</td>
<td>Global Online Freedom Act</td>
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<td>HRDF</td>
<td>Human Rights Democracy Fund</td>
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<td>IAEA</td>
<td>International Atomic Energy Agency</td>
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<td>ICTs</td>
<td>Information Communication Technologies</td>
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<td>IDF</td>
<td>Iran Democracy Fund</td>
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<td>IEEPA</td>
<td>International Emergency Economic Powers Act</td>
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<td>IHRDC</td>
<td>International Human Rights Documentation Center</td>
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<td>IP</td>
<td>Internet Protocol</td>
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<td>IPM</td>
<td>Institute for Studies in Theoretical Physics and Mathematics</td>
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<td>MEK</td>
<td>Mujahideen-e-Khalq</td>
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<td>MCCCI</td>
<td>Mobile Communication Company of Iran</td>
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<td>NIAC</td>
<td>National Iranian American Council</td>
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<td>NPT</td>
<td>Nuclear Proliferation Treaty</td>
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<td>NEA</td>
<td>National Emergency Act</td>
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<td>NERD</td>
<td>Near East Regional Democracy Program</td>
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<td>PJAK</td>
<td>Party for a Free Life in Kurdistan</td>
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<td>PNN</td>
<td>Persian News Network</td>
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<td>RFE/RL</td>
<td>Radio Free Europe / Radio Liberty</td>
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<td>SPI</td>
<td>Shallow Packet Inspection</td>
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<td>TCP</td>
<td>Transmission Control Protocol</td>
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<td>VOA</td>
<td>Voice of America</td>
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<td>U.N.</td>
<td>United Nations</td>
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<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>U.S.</td>
<td>United States</td>
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<td>WTO</td>
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1. Introduction

In the following research project, I will examine the Obama administration’s policy approach to Iran in relation to democracy promotion. The Obama administration’s approach has resulted in a trade off, as ending the Iranian regime’s alleged nuclear weapons program has taken precedence over promoting democracy.\(^1\) I argue a gap exists in the Obama administration’s approach to democracy promotion policy regarding the sale of Information Communication Technologies\(^2\) (ICTs) to repressive regimes. The Obama administration’s lack of a comprehensive policy on ICTs and democracy promotion has provided Iran with a backdoor around U.S. sanctions allowing the Iranian regime to enhance its capabilities to repress its citizens.

In 2009, shortly after President Obama took office, his administration sought to restart relations with Iran and to “extend an open hand” to the Iranian regime.\(^3\) By the summer of 2009, this attempt at engagement was thrown off track. Following the 2009 Iranian presidential election, protesting took place that was violently oppressed. As a result, the Obama administration was confronted with what it perceived as a choice: to continue its pursuit of engagement with Iran, or to force the regime to change its behaviour using sanctions and promoting democracy. At first, the Obama administration opted for the latter taking a cautious tone, avoiding directly condemning the Iranian regime, so as not to jeopardize the success of its attempted outreach.\(^4\) In doing so, I

\(^1\) U.S. democracy promotion in this case refers to actions undertaken to ensure Iranians are free from oppression and to able exercise political liberties such as freedom of speech and to organize which are in turn facilitated by Information Communication Technologies.

\(^2\) ICTs encompass devices such as personal computers and mobile cellular devices that are able to engage in Internet-based communication through a variety of online platforms such as social media and social networks, blogs, instant messaging, email, and text messaging. For more information see the Appendices.


argue the Obama administration traded off democracy promotion for a possible settlement on the nuclear issue.

In contrast, the U.S. Congress moved quickly to condemn the Iranian regime and to craft legislation to support democracy promotion in Iran. In particular, the use of ICTs gained a new focus in U.S. democracy promotion. The Iranian unrest resulted in pushing democracy promotion higher on the agendas of both the Obama administration and the U.S. Congress. This was at least in part due to widespread media coverage as videos of regime violence were uploaded to the Internet through the use of ICTs. Concurrently in this case, ICTs were also used by the Iranian regime to monitor the organization and movements of dissidents. It is important to note that ICT use in Iran has played a role in civil discourse in the country and faced regime repression since the early 2000s.6

First introduced in 2007, the Global Online Freedom Act (GOFA) is a legislative attempt to prevent the continued access to surveillance technology by repressive regimes. The act is designed in part to prevent authoritarian regimes from accessing advances in surveillance technologies.7 GOFA failed to pass in 2007 and faced resistance from U.S.-based tech firms. Giving the bill significant opponents. In 2007 Microsoft stated its preference to avoid the creation of new laws such as GOFA, arguing that companies should police themselves.8 The Computer and Communications Industry Association (of which Google, Microsoft and Yahoo are members) also opposed the act claiming that it would lead to an:

...exodus of U.S. business from the Chinese market...by ensuring our unilateral withdrawal from the battle for the hearts and minds of the Chinese people, GOFA will forfeit this critical frontier for spreading

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5 Civil discourse, for the purposes of this project, will be defined as encompassing both the online discussion and organizational efforts of those using ICTs to communicate. This does not necessarily mean that all parties engaging in a discussion are in agreement, as any functioning democracy can be described as having a marketplace of ideas.

6 For more information on ICT use in Iran see appendix B.


democracy to state-run and state-influenced Chinese enterprises with no interest in promoting American values.\(^9\)

In the case of Iran, as will be described in detail later, Chinese companies who have access to U.S. technology have provided the Iranian regime with a backdoor around U.S. sanctions. Despite this outcome, the dual threat of the loss of business opportunities for U.S. companies in China and tying economic freedom to the fight for democracy appears to have gained enough influence within the Congress to stall the bill’s progress several times. Though it has been once again reintroduced as of this writing. In addition to this opposition, as will be described in detail later, the Obama administration even in the wake of the Iranian unrest of 2009 has been unsupportive of this course of legislative action.

The combined failure to address existing out-dated policies and to create new legislation to deal with the expanding role of ICTs in authoritarian regimes also had an unforeseen impact during the Iranian unrest of the summer of 2009. For example, in 2009 Microsoft directly referenced the Berman Amendment\(^10\) in its justification for not making its instant messenger chat available to Iranians during the time of unrest.\(^11\) Microsoft is a founding member of the Global Network Initiative (GNI)\(^12\), an organization committed to protecting human rights online and the organization that Microsoft believed would allow tech companies to police themselves.\(^13\) Rather than assisting dissidents and

\(^9\) Ibid.
\(^10\) An update to the IEEPA to make an exception for “information and informational materials.” Microsoft’s argument in this case was based on the issue that the amendment has not been updated to include these newer forms of information communication technologies. Source: Yahya R. Kamalipour, Media, Power, and Politics in the Digital Age: The 2009 Presidential Election Uprising in Iran. (Lanham, MD: Rowman & Littlefield, 2010) 165.
\(^11\) Ibid.
\(^12\) Set up in 2008 to help protect freedom of expression and the privacy of end users and customers, the GNI was the non-legislative alternative that Microsoft referred to in its 2007 statement against GOFA. Source: Rebecca MacKinnon, Consent of the Networked: The World-wide Struggle for Internet Freedom. (New York: Basic, 2012) 180.
\(^13\) The Global Network Initiative was founded by Microsoft, Google and Yahoo, and various civil society organizations such as Human Rights Watch to provide an operating framework for ICT companies to ensure that ICT companies protect human rights, such as the right to privacy and freedom of expression. Microsoft and Google block their respective chat features in countries considered to be state sponsors of terrorism. More information is available from the GNI website located at http://www.globalnetworkinitiative.org/about/index.php.
helping protect human rights, Microsoft avoided action as a result of out-dated U.S. policies and due to the fear of receiving penalties for violating sanctions. Incidents such as these highlight the issues involved and the need for legislative action. Companies such as Microsoft appear to be on one hand committed to protecting human rights abroad, but not at the cost of violating U.S. law in order to do so.

Iranian nuclear proliferation has been the primary concern of American policy on Iran since the public exposure of Iran’s nuclear program in 2003. Over the course of the past decade, rather than directly aiming to influence regime change, U.S. promotion of democracy in Iran has focused on broadcasting information to Iranians via its Persian language Voice of America (VOA) services. To attain the primary policy goal of ending the alleged Iranian nuclear weapons program, the Bush Administration (much like previous U.S. administrations) preferred to use sanctions to pressure the regime to come to the bargaining table.

In 2008, Obama’s electoral campaign attempted to veer away from what it saw as the failure of the Bush administration’s policy of imposing sanctions and its refusal to negotiate without preconditions. After winning the election, Obama and his administration focused on promoting diplomatic engagement with Iran. The new administration was caught unprepared for the unrest that followed the disputed Iranian election of 2009. Initially appearing unsure of how to respond, the Obama administration did not want to jeopardize the perceived progress of its “extended hand” policy.\textsuperscript{14} Reports of human rights abuses and the questionable results of the 2009 Iranian election forced the Obama administration to adapt its policies.\textsuperscript{15}

Over the course of the next three years, both the Obama administration and the U.S. Congress pursued actions to address the role of ICTs in Iranian dissidence. At the same time, the Obama administration pivoted back to the Bush administration’s policy of

\textsuperscript{14} Trita Parsi, 93-94.

\textsuperscript{15} To “adapt,” as defined by Michael E. Smith means “…either a change of an existing position or the creation of a new position on an unsettled policy problem.” In this context, the U.S. has both adapted existing policies of democracy promotion and created new positions on ICTs, which will be discussed later. Source: Michael E. Smith, "Institutionalization, Policy Adaptation and European Foreign Policy Cooperation." \textit{European Journal of International Relations} 10.1 (2004): 95-136. Print.
seeking international sanctions against the Iranian regime’s continued pursuit of its alleged nuclear weapons program. President Obama has also made use of executive orders to both punish the Iranian regime and to promote democracy. While the U.S. Congress has enacted sanctions against the Iranian regime, democracy promotion and ICTs were also addressed in legislation that was passed by the Congress during this period.

The recent disclosure of widespread spying on U.S. domestic and international communications by the National Security Agency (NSA) has provided authoritarian regimes with evidence to argue that they are merely using the same methods as the United States. The prospects for an international cyberwar convention have become even more unlikely in light of these developments. The public disclosure of the NSA’s PRISM program may accelerate what is already becoming an entrenched cyberarms race, as other countries may feel the need to catch up to the U.S. in terms of capabilities. The disclosure of the scope of the NSA program may also increase the growing perception for the need to domestically manufacture equipment as countries seek to avoid backdoors built into devices or software in countries. For example, in a recent interview, ex-CIA and NSA head General Michael Hayden claimed that Huawei, a Chinese tech firm, has been manufacturing ‘backdoors’ into the equipment it produces to aid the Chinese government in espionage. Furthermore, there is evidence that the recent leaks by ex-CIA contractor Eric Snowden may have impacted the ability of the


17 Ronald Diebert, a Political Science professor and Director of the Canada Centre for Global Security Studies and the Citizen Lab at the Munk School of Global Affairs at the University of Toronto and co-founder of the OpenNet Initiative. Diebert recently wrote on the impact of the Stuxnet virus and the consequences of it being attributed to the U.S. and Israel. Raising the concern that it has led other countries to develop their own capabilities for cyber attack, citing a 2011 study that found that at least 33 states now include cyberwar as part of their military planning as evidence of its growing role as part of military preparations. Source: Ronald Deibert, Black Code: Inside the Battle for Cyberspace. Toronto: McClelland & Stewart, 2013. Print. 180-183.

U.S. and China to come to an agreement. At the fifth annual Strategic and Economic Dialogue in July 2013, cyber security was set to be a main area of discussion during the meeting. Vice-President Joe Biden remarked on the theft of intellectual property by Chinese hackers, while the Chinese cited the NSA spying program as evidence of U.S. hacking. The meeting concluded with no discernable progress made on coming to an agreement over how to address these issues.

The revelation of a massive NSA spying program may suggest that the Obama administration does not want true 'Internet Freedom'. The Obama administration’s argument for the program’s existence as a significant tool for identifying and stopping terrorist threats, rather than a tool of mass domestic surveillance that threatens Americans freedoms, is buoyed by the fact that the administration has not used the information it has obtained to persecute individuals as is seen under authoritarian regimes. Critics might argue the U.S. has persecuted various individuals over Internet related issues and attempted to make examples of those who violate U.S. laws. Authoritarian governments across the globe, including Iran, have used advanced surveillance techniques to identify and arrest those accused of merely making a


22 For example, the prosecution of Aaron Swartz who was charged with the crime of downloading of millions files illegally from JSTOR; it is thought by critics that the prosecution may have been a contributing factor in Swartz’s suicide in January 2013. U.S. attorneys decided to pursue the case, even as JSTOR declined to press charges, in addition to a plea-bargain offer from Swartz’s attorneys that would have avoided jail time, instead the U.S. attorney sought a 35-year prison sentence for Swartz. Swartz was an Internet activist in addition to being known for several important contributions to the development of ICTs. Critics of Swartz’s prosecution argue, that Swartz was being made an example of by the U.S. government. Similarly, Iran has made examples of high profile Internet activists. See appendix B for more information on Iran. Source: Elizabeth Day, "Aaron Swartz: Hacker, Genius... Martyr?" The Guardian. Guardian News and Media, 01 June 2013. Web. 19 July 2013. <http://www.guardian.co.uk/technology/2013/jun/02/aaron-swartz-hacker-genius-martyr-girlfriend-interview>.
comment interpreted as being against the ruling regime. In the case of Iran, at least 18 bloggers have died in police custody in the past decade. The need for more comprehensive action in the area of 'Internet Freedom' and democracy promotion is evident by gaps in U.S. laws that have allowed the Iranian regime to gain access to U.S. designed equipment through a Chinese intermediary to continue its persecution of dissidents.

That said, the power of ICTs should not be overinflated nor should they be underestimated when assessing their potential role in democracy promotion. Writing on the role of ICTs during the Arab Spring, Philip N. Howard and Muzammil M. Hussain conclude:

“It is a mistake to build a theory of democratization around a particular software, a single website, or a piece of hardware...Nor does it make sense to argue that digital media can cause either dictators or their opponents to achieve or fall short of their goals. Technological tools and the people who use them must together make or break a political uprising.”

Therefore, the role for ICTs is not to topple dictators with the simple click of a mouse. Instead, ICTs should be viewed from a policy perspective as a means through which individuals living within authoritarian regimes can potentially have a safe space to share grievances and organize themselves. The long-term role of U.S. democracy promotion in this respect should be to ensure that this activity could occur with minimal risk to those individuals. This will be an ongoing struggle as both authoritarian regimes react to new circumvention techniques and dissidents attempt to find new ways to safely avoid surveillance by the state.

The focus of this project is an exploration of Obama’s policy trade off when faced with the issue of pursuing an end to Iran’s alleged nuclear program versus supporting

23 For more information, see Appendix B.
democracy promotion efforts in Iran. In light of this, the project has been divided into one background chapter that provides a brief overview of U.S. policy toward Iran since the 1979 revolution, as well as the progression of U.S. democracy promotion since President Wilson. The three main chapters that follow provide a description of U.S. policy toward Iran as it has developed in the post 9/11 era, beginning with the Bush administration’s approach to Iran. The next chapter focuses on the first months of the Obama administration, specifically how the new Obama administration sought to take a policy track different from the Bush administration and how this new track of engagement was threatened by the political unrest in Iran. The next chapter focuses on the period following the Iranian unrest and how the Obama administration addressed democracy promotion and dealt with the Iranian regime’s continued pursuit of its nuclear program. The final chapters provide an analysis of the key issues that remain in the Obama administration’s approach to ICTs and democracy promotion, and how the response has fallen short.
2. Background

A case study of U.S. democracy promotion policy in Iran is important, as it is one of the policy tools used by the U.S. to combat the threat that the Iranian regime poses to U.S. interests in the region.\textsuperscript{26} Since the Iranian revolution in 1979, relations between the U.S. and Iran have remained hostile. In the ensuing decades, the U.S. has used sanctions as its primary strategy through which to alter the behaviour of the Iranian regime. This strategy was initiated when President Carter invoked the International Emergency Economic Powers Act (IEEPA)\textsuperscript{27} in 1979 during the Iranian hostage crisis.\textsuperscript{28} The renewal of this national emergency has taken place every two years since 1979.\textsuperscript{29} This has provided the President with the power to take action against the Iranian regime through executive orders, such as freezing Iranian assets.\textsuperscript{30} The U.S. Congress has also used legislation as a means of putting pressure on the Iranian regime to change its behaviour. In 1985, the International Security and Development Cooperation Act (ISDCA) provided the President with the power to ban the trade of goods and services

\textsuperscript{26} In particular, control over the access to oil and gas resources in the region and the protection of Israel in addition to the Iranian regime’s links to terrorist organizations have played a role in forming the basis of U.S. - Iranian policy and relations over the past thirty years. Source: Saeid Naji, and Jayum A. Jawan. "US-Iran Relations in the Post-Cold War Geopolitical Order." \textit{Asian Social Science} 7.9 (2011) 96-99.

\textsuperscript{27} The 1977 IEEPA is a provision of the National Emergencies Act (NEA), and must be renewed by the U.S. Congress every two years. For more information on the IEEPA see http://www.treasury.gov/resource-center/sanctions/Documents/ieepa.pdf

\textsuperscript{28} Donette Murray, 31.


with states that are considered to be supporters of terrorism. In 1988, the Berman Amendment was passed to update the IEEPA to make an exception for “information and informational materials.” The amendment was updated again in 1994, taking electronic media such as compact discs into account; however, it did not mention the Internet. The Internet, which at the time was just becoming widely available to the public, did not figure into these updates and thus put ICTs in a legal grey zone. The ban on the export of circumvention technology along with hardware and software has complicated accessibility for those living under repressive regimes such as Iran and has impacted their usefulness as tools of democracy promotion.

The promotion of democracy across the globe has been a central goal of U.S. foreign policy since 1917, though not often a priority. Following the end of the WWII, during the Cold War era, U.S. democracy promotion focused primarily on stopping and

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32 The amendment was named for the now former U.S. House Rep. Howard Berman (D-Calif.) who sponsored the legislation. Source: http://www.govtrack.us/congress/members/howard_berman/400025


35 In his 'War Message' to the U.S. Congress made four days before the Congress voted to enter WWI, President Woodrow Wilson stated, “The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them.” This statement would become part of the basis for U.S. democracy promotion policy in the ensuing decades. Source: Woodrow Wilson, 'War Message" Woodrow Wilson Presidential Library, 2 Apr. 1917. Web. 08 May 2013. <http://wwl2.dataformat.com/PDF/D04363.pdf>. 7.
containing the spread of communism. \(^{36}\) The history of U.S. democracy promotion shows a mixture of motives and outcomes. The U.S.’s efforts to stop the spread of communism during the Cold War, at times resulted in U.S. administration’s supporting undemocratic governments across South America, South East Asia and the Middle East. \(^{37}\) It might argued that the U.S. has not always lived up to the rhetoric of democracy promotion that has been used by many U.S. presidents over the past several decades when speaking on foreign policy. In the Iranian case, the role of the Central Intelligence Agency (CIA) in the overthrow of the democratically elected Prime Minister Mohammed Mossadegh in 1953 played a significant role in entrenching opposition to the last Shah of Iran Reza Pahlavi and anti-Americanism within Iran. \(^{38}\)

In the post-Cold War era, as part of its support for democracy abroad, the U.S. took on peacekeeping missions under U.N. and NATO mandates, and has supported various other nation-building initiatives. \(^{39}\) In the post-9/11 era, democracy promotion


\(^{37}\) The history of U.S. intervention particularly with its direct military role in the case of Vietnam indicate that in terms of continuity of U.S. foreign policy interests, U.S. administrations have prioritized military security, followed by economic objectives and then democracy. In the case of Iran since the 1979 revolution, the security of Israel, and access to energy supplies in the region have held the greatest importance for U.S. policy-makers.


policy has taken two distinct forms.\textsuperscript{40} The first involves a traditional approach that includes support for civil society organizations which in turn support political rights. This kind of support can be undertaken in a variety of ways, including through the provision of funding for their activities. For example, this approach was used by the Bush administration in the early 2000s to support the successful colour revolutions in the former Soviet Bloc countries.\textsuperscript{41} In March 2003, a second distinct and short-lived form of democracy promotion emerged. The U.S. invasion of Iraq under the Bush Doctrine was based on a logic of pre-emptive military strike. Named ‘Operation Iraqi Freedom’ this course of action was seen by the administration in part as a method through which to promote democracy in the region. First referenced in President George Bush’s January 2002 State of the Union address, pre-emptive strikes were presented to the public as a way of handling security threats and as a means of freeing repressed people from repressive and abusive regimes. During the same address, Bush referred to the Axis of Evil, which included Iran, North Korea and Iraq. Bush threatened the members of this ‘axis’ with the use of force if they continued to support terrorism and threaten world peace through nuclear proliferation.\textsuperscript{42} Iraq’s long history of animosity toward Israel also played a role in the Bush administration’s internal arguments for pre-emptively attacking Iraq in 2003.\textsuperscript{43}

\textsuperscript{40} Future Bush administration official Condoleezza Rice laid out the rationale for this approach in her pre 9/11 statements. Pivoting away from the Clinton administration’s democratic peace theory-influenced ‘humanitarian intervention’ approach, Rice stated that in addition to promoting political openness, U.S. foreign policy should be based on national interests which included dealing with the threat of international terrorism and the spread of weapons of mass destruction. Source: Condoleezza Rice, "Campaign 2000: Promoting the National Interest." \textit{Foreign Affairs}. Council on Foreign Relations, Jan.-Feb. 2000. Web. 08 May 2013. <http://www.foreignaffairs.com/articles/55630/condoleezza-rice/campaign-2000-promoting-the-national-interest>.

\textsuperscript{41} In 2003, student activists spearheaded the Rose Revolution in Georgia. Some of the funding for this revolution came from the United States. U.S. democracy promotion funding was also used to assist the Orange Revolution in the Ukraine in 2004. Source: Shahran Akbarzadeh, "Democracy Promotion versus Engagement with Iran." \textit{Journal of Contemporary Asia} 41.3 (2011) 470-471.

\textsuperscript{42} Donette Murray, \textit{US Foreign Policy and Iran: American–Iranian Relations since the Islamic Revolution}. (Taylor & Francis, 2009) 123.

In comparison, the Obama administration’s lack of a meaningful intervention in the ongoing Syrian civil war, or in Egypt, could be interpreted as the administration doing what is necessary to maintain current U.S. security interests in regards to Israel. In the case of Iran, rather than pursuing a policy of regime change through military force as they had done with Iraq, the U.S. has opted to pursue policies (short of the use of overt force) aimed at changing the behaviour of the existing Iranian regime to protect U.S. security and economic interests in the region.\(^{44}\)

3. The Bush Administration

With respect to its foreign policy on Iran, the Bush administration focused on two primary goals. The first goal was concentrated on putting an end to the Iranian nuclear program, a goal which dates back to at least the Clinton administration. The second goal focused on promoting democracy within Iran. In the wake of both 9/11 and the U.S. invasion of Iraq which in part was due to the threat of Iraqi nuclear proliferation, the Bush administration viewed Iran as a threat both regionally and internationally. Due to its historical ties to terrorism and hostility towards the U.S. since the 1979 revolution, the Bush administration therefore crafted its policies to respond to this threat.

In 2002, the first step toward the Bush administration’s goal of promoting democracy was undertaken when Voice of America (VOA) partnered with Radio Free Europe and Radio Liberty (RFE/RL) to establish Radio Farda, a Persian language radio station broadcasting to listeners in Iran. Since the Cold War, RFE/RL has been used to spread the U.S. point of view on current events. RFE/RL relies on traditional media such as radio and television to achieve its goal of reaching as many individuals as

45 The Clinton administration’s Iranian policy was defined by its attempt at a wide strategy in the region of ‘dual containment’ of both Iraq and Iran, in an effort to stabilize the region. In the case of Iran, the Clinton administration sought to isolate the Iranian regime and stop its alleged pursuit of nuclear weapons, this was highlighted by its support for the passage of the Iran and Libya Sanctions Act which targeted U.S. companies with sanctions for investing more than $40 million a year in Iran’s energy sector. Source: Zbigniew Brzezinski, Bret Scowcroft, and Richard Murphy. "Differentiated Containment." Foreign Affairs 76.3 (1997) Council on Foreign Relations. Web. 13 June 2013. <http://www.jstor.org.proxy.lib.sfu.ca/stable/20048029>. 22-23.


The expansion of its broadcasting in Persian to the Iranian people was one part of the Bush administration’s democracy promotion policy.

In 2003, the inherent animosity of U.S. – Iranian relations intensified largely due to the emergence of the previously covert Iranian nuclear program. In response to this and to fears generated by the U.S. invasion of Iraq, Iran presented the U.S. with a letter outlining a ‘Grand Bargain’ on a number of issues. In the letter, Iran offered to cooperate with the International Atomic Energy Agency (IAEA) to ensure its “full transparency” with regard to its nuclear ambitions. In return, the Iranian regime demanded the U.S. lift all sanctions, remove Iran from its 'Axis of Evil' list, and acknowledge Iran’s right to a peaceful nuclear program. Delivered through the Swiss ambassador, the ‘Grand Bargain’ contained in this letter failed to initiate a discussion between the two countries and was dismissed by the U.S. The U.S. remained skeptical of the Iranian regime’s commitment to resolving long-standing issues between the two countries due to its previous concealment of its nuclear program. This skepticism was also based on other factors including Iran’s continued links to terrorism such as in the May 2003 Riyadh terrorist attack. According to some accounts, members of the Bush administration saw the offer of a bargain itself as a sign of weakness and that the U.S. could simply remove the Iranian regime just as it had months before removed the regime of Saddam Hussein in Iraq.

48 The Persian News Network (PNN) would establish PNN as a 24 hours news channel in 2007, the first of its kind for VOA, though the service is not without its critics and issues. For more information see http://www.heritage.org/research/reports/2012/03/why-america-has-trouble-reaching-iran-voas-persian-news-network-in-dire-need-of-reform
50 Ibid.
51 Donette Murray, 126-127.
The perception of the weakness of the Iranian regime was supported in the summer of 2003, as student protests broke out in Iran. The protests began as a demonstration against plans to privatize the University of Tehran and then were expanded to include other grievances such as living conditions in the country. The student protests were viewed optimistically in public statements by the administration, with President Bush stating that, "This is the beginning of people expressing themselves toward a free Iran, which I think is positive." In reference to the protests at the time, Senator Richard Lugar (R-IN), then chairman of the Foreign Relations Committee said that, “…change in Iran should come through the democratic processes of Iran, through the students and the young people taking charge…but I think it has to be an Iranian process, which we can assist.” The Iranian regime meanwhile blamed the protests on U.S. interference, with regime representatives also stating that the U.S was exaggerating the significance of the protests.

In late 2003, seeing no progress following its attempt at a ‘Grand Bargain’ with the U.S., Iran began to engage diplomatically on the nuclear issue with the United Kingdom, France and Germany (the EU-3). The Iranian regime was able to reach an agreement with the EU-3 regarding its nuclear program in October of 2003. The ensuing Tehran Declaration called for Iran to suspend its enrichment activities during negotiations with the IAEA concerning the monitoring of its nuclear program. Prior to this, in June 2003, the IAEA had reported that Iran had failed to meet its obligations

58 Ibid.
59 Shirin Vossoughi, and Ian Traynor.
60 Ibid. 5-6.
regarding the Nuclear Proliferation Treaty (NPT) Safeguards agreement.62 The IAEA was unable to definitively conclude whether or not the Iranian regime was working towards the weaponization of its nuclear program.63 The prior concealment of Iran’s nuclear program appears to have fed the Bush Administration’s suspicion that Iran was negotiating in bad faith. In response to the revelations in the June IAEA report, the U.S. as a member of the IAEA Board of Governors demanded that Iran be referred to the U.N. Security Council for sanctions. The EU-3 opposed this, and the Bush administration backed down from its demand for sanctions in late 2003. Instead, the IAEA adopted a resolution ‘deploring’ the Iranians concealment of its nuclear program.64 At the time, Dr. Mohamed ElBaradei who was then Director General of the IAEA argued that Iran’s announced discontinuation of enrichment activities justified this toned-down resolution and was preferable to referral to the Security Council. ElBaradei believed that the language of the resolution provided him with a good position from which to continue negotiations with Iran.65

In a testimony before the Senate Foreign Relations Committee in October 2003, then Deputy Secretary of State Richard Armitage reiterated the Bush Administration’s position. Armitage stated that there was evidence that “…a tremendous transformation…” was going on in Iran and that it was challenging the ruling regime.66 Furthermore, Armitage confirmed before the committee that the administration preferred to resolve the Iranian nuclear issue through diplomacy and did not believe that “…every issue needs to be dealt with by force…we do not seek conflict with Iran.”67 This reasoning was based in part on the belief within the Bush administration that Iran was

63 Ibid. 7.
65 Ibid.
67 Ibid.
weak, and therefore the U.S. did not need to accept a bargain that would further support the ruling regime.68

In 2004, the Bush administration intensified its efforts to deal with Iranian nuclear proliferation and the promotion of democracy through diplomacy. Speaking before the World Economic Forum, then Vice President Dick Cheney called on European countries to assist the U.S. in promoting democracy movements in Iran.69 In addition, in 2004 reports began to emerge that the Iranian regime was blocking websites and arresting bloggers.70 In the early 2000s following the closure of independent newspapers, Persian language blogs71 became increasingly more popular. As these blogs evolved into popular sites through which people could criticize the ruling regime, those in power sought to exercise more control over their use. Despite these reports, the Bush administration did not begin to address the rise of ICTs in Iran until 2006.72

Following the election of Mahmoud Ahmadinejad in June 2005, President Bush made it clear that the U.S. was not happy with the outcome of the Iranian election, stating that “Power is in the hands of an unelected few who have retained power through an electoral process that ignores the basic requirements of democracy. The June 17th presidential elections are sadly consistent with this oppressive record [of the Iranian

68 Donette Murray, 127.
71 For more information on the popularity of Persian blogs, see Appendix B.
regime].” The election of Ahmadinejad marked a further intensification in both the pursuit of sanctions, and in the funding of democracy promotion efforts by the Bush administration and the U.S. Congress, as the rhetoric used by Ahmadinejad indicated that the Iranian regime would continue its pursuit of nuclear capabilities.

U.S. fears concerning the lack of commitment the Iranians had to the NPT were confirmed on January 10, 2006 when the Iranians broke IAEA seals on enrichment-related equipment at several nuclear facilities. On April 11, 2006, the Iranian regime announced that it had successfully enriched its own uranium. In June of the same year, the U.S., Russia, China and the EU-3 (P5+1) made a new joint offer to the Iranians in another attempt to get the country to end its nuclear enrichment program. Though the offer was made by the P5+1, the talks continued to be headed by Javier Solana, the EU’s High Representative for Foreign Affairs and Security. The addition of support from the U.S., Russia and China for the E.U. led diplomatic effort included the threat of potential UN Security Sanctions and gave negotiators new leverage over the Iranians. The offer included membership in the World Trade Organization (WTO) and a confirmation of Iran’s right to a peaceful nuclear program. The Iranian response failed to meet the expectations of the P5+1. As a result, the U.N. Security Council passed a motion giving Iran an August 31, 2006 deadline by which to put a halt to its enrichment activities. In December, after the deadline elapsed, the U.N. Security Council passed


76 Ibid. 6.


78 Ibid. 8.

79 Ibid. 6.
resolution 1737, which placed multiple sanctions on Iran for its failure to comply.⁸⁰ These sanctions included the monitoring of the international travel of members of the regime and the freezing of assets of those involved with the Iranian nuclear program.⁸¹ The Bush administration had unsuccessfully lobbied the U.N. Security Council that any sanctions on Iran should include a full travel ban.⁸² Travel was instead restricted and limited to those with operational involvement and included high ranking officials who worked in Iran’s nuclear and ballistic weapons programs.⁸³

At the same time, the U.S. Congress became involved in the effort of targeting the Iranian nuclear program with sanctions and the support of democracy promotion in Iran. This can be connected to two concerns in the region. First, the threat of the Iranian nuclear program under newly elected Iranian President Mahmoud Ahmadinejad. For example, in debating the passage of H.R. 6189⁸⁴, known as the Iran Freedom Support Act, then Rep. Mike Pence (R-IND) stated “We are not just dealing with nuclear proliferation within a country that has a long and profound history of association with terrorism, but one that desires to export nuclear technologies.”⁸⁵ Secondly, the focus on

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⁸¹ Ibid.


⁸³ There were a total of twelve individuals included in this list, including Mohammad Qannadi Vice President for Research and Development at the Atomic Energy Organization of Iran (AEOI), and General Hosein Salimi, Commander of the Air Force of the Iranian Revolutionary Guard Council. The former was involved with Iran’s nuclear program and the latter with Iran’s ballistic weapons program. A full list of the individuals and entities sanctioned can be found here: http://www.un.org/News/Press/docs/2006/sc8928.doc.htm


the Iranian threat was also tied to Hamas winning the 2006 Palestinian election.\textsuperscript{86} Rep. Ileana Ros-Lehtinen (R-FL) cited the rise of Hamas, which receives support from Iran, to power in the West Bank and Gaza in 2006 as a part of the reasoning for the increased focus on Iran by the U.S. Congress during this time as part of a strategy to confront Iran’s destabilizing role in the region.\textsuperscript{87}

To this end, during Bush’s second term in office, the U.S. Congress became significantly more active in the area of democracy promotion in Iran. As seen in Figure 1, the majority of this support came in the form of funding increases in 2006 and 2008. The inflammatory rhetoric of the Iranian President also generated fears, within both the Bush Administration and the U.S. Congress, that Iran sought to exert itself in the region and threaten U.S. interests.


Figure 1. U.S. Congress Funding for Democracy Promotion in Iran 2004-11

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
<th>Purpose of Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2004</td>
<td>$1.5m</td>
<td>To advance democracy promotion and human rights in Iran</td>
</tr>
<tr>
<td>FY 2005</td>
<td>$3m</td>
<td>For democracy promotion, priority areas: political party development, media, labour rights, civil society and human rights</td>
</tr>
<tr>
<td>FY 2006</td>
<td>$11.15m</td>
<td>Earmarked for democracy promotion in Iran from the regular FY 2006 foreign aid appropriation</td>
</tr>
<tr>
<td>FY 2006 supp.</td>
<td>$66.1m</td>
<td>For democracy promotion earmarked for Voice of America and Radio Farda broadcasting, cultural exchange and public diplomacy</td>
</tr>
<tr>
<td>FY 2007</td>
<td>No funds requested</td>
<td></td>
</tr>
<tr>
<td>FY 2008</td>
<td>$33.6m</td>
<td>For Persian language broadcasting via VOA and Radio Farda</td>
</tr>
<tr>
<td>FY 2009</td>
<td>No specific funds for democracy promotion in Iran, but $25m for the Near East Democracy programme</td>
<td></td>
</tr>
<tr>
<td>FY 2010</td>
<td>No specific funds for democracy promotion in Iran, but $40m for the Near East Democracy programme</td>
<td></td>
</tr>
<tr>
<td>FY 2011</td>
<td>No specific funds for democracy promotion in Iran, but $40m for the Near East Democracy programme</td>
<td></td>
</tr>
</tbody>
</table>

Taken from Akbarzadeh, Shahram. “Democracy versus Engagement with Iran.” Journal of Contemporary Asia 41.3 (2011) 473. (All funds in U.S. dollars, in addition all funds specified for the NERD may include funding for Iranian democracy promotion).

The Iran Freedom Support Act was passed and signed into law by President Bush in September 2006.\(^{88}\) The act addressed the two most important issues of U.S. interest in Iran - the regime’s continued pursuit of nuclear weapons and democracy promotion in the country.\(^{89}\) The bill did not endorse funding for the use of force in Iran, nor did it provide for specific initiatives with regard to the role of ICTs in the promotion of democracy. The bill continued support for traditional means of democracy promotion. For example the bill states, “Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.”\(^{90}\) Therefore it is clear from the wording of the bill that ICTs were not

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\(^{89}\) Ibid.

\(^{90}\) Ibid.
one of the policy alternatives being considered by Congress at the time. The bill included explicit support for the imposition of sanctions upon Iran in relation to its nuclear program, and also continued the parallel policies of supporting existing democracy promotion efforts while at the same time imposing sanctions on the regime.\(^91\)

In February 2006, speaking before the Senate Foreign Relations committee, then Secretary of State Condoleezza Rice requested an increase in funding from $10 million to $85 million for democracy promotion in Iran.\(^92\) As seen in Figure 1, the final amount allocated was later reduced to $66.1 million. This funding would be used for the Bush administration’s Iran Democracy Fund (IDF) at the U.S. Department of State.\(^93\) Senior adviser to the State Department’s Bureau of Near Eastern Affairs, David Denehy, oversaw the IDF.\(^94\) In addition to this funding, the State Department Bureau of Democracy and Labor (DRL) would manage a $15 million grant program to support anticensorship and Internet freedom in Iran, Syria and China.\(^95\) As addressed above, this funding was put into place nearly two years after the first reports of bloggers being arrested by the Iranian regime came to light.

In 2007, the National Intelligence Estimate (NIE) on Iran did not indicate that the Iranian regime was any closer to fulfilling its nuclear ambitions.\(^96\) The Bush administration’s public statements regarding the immediacy of the Iranian nuclear threat contradicted the NIE.\(^97\) The Bush administration may have been justified in their suspicions since the Iranians had limited their cooperation with IAEA inspectors earlier in

\(^91\) Ibid.
\(^95\) Ibid.
\(^97\) Ibid.
the same year. From the Iranian perspective, this refusal had been in response to sanctions which had been imposed following a vote by the U.N. Security Council in March 2007\textsuperscript{98}, the passage of U.N. Security Council resolution 1747 which expanded the freezing of Iranian assets and included an embargo on arms sales to Iran.\textsuperscript{99} This marked the continuation of the Iranian regime’s trend of refusing to cooperate with the IAEA in response to U.N. sanctions, an approach taken during the Bush administration by the regime since late 2006.

In September 2007, as the Bush administration faced continued Iranian resistance on the nuclear issue, as stated the administration requested $85-million for operations aimed at democracy promotion in Iran for the coming fiscal year of 2008. The Senate Subcommittee on Foreign Relations Appropriations reduced the amount allocated for democracy promotion in Iran to $25 million.\textsuperscript{100} The final total amount allocated for democracy promotion was $66.1 million, with an additional $33.6 million going towards VOA and Radio Farda’s Persian language broadcasting station (Figure 1).

The $66.1 million in funding for democracy promotion was directed to the U.S. State Department rather than to the IDF. When this was announced in 2007, Scott Carpenter, the former head of the Middle East Partnership Initiative (MEPI)\textsuperscript{101}, was critical of the move, stating “In my view, this pretty much kills the Iran democracy program…there is not the expertise, there is not the energy for it. The Iran office [at the State Dept.] is worried about the bilateral policy [sanctions]. I think [the administration is]


\textsuperscript{101} The Middle East Partnership Initiative (MEPI) seeks to foster partnerships between governments, the private sector, and civil society organizations in the Middle East and Northern Africa and the U.S. It provides financial support for a number of areas including civic engagement and advocacy. More information available from http://mepi.state.gov/about-faq.html#a1
Carpenter was also critical of the funds that were being directed toward Radio Farda and was skeptical regarding their impact on democracy promotion in Iran. The Bush administration was at this time also ramping up support for covert activities against the Iranian regime. News reports of the time suggested that, alongside other covert Central Intelligence Agency (CIA) programs, the CIA had hired a Pakistani-backed group to carry out sabotage operations in Iran. According to Seymour Hersh of *The New Yorker*, up to $400 million in funding was approved by the U.S. Congress, though it is difficult to ascertain exactly which groups received the funding, and for what purposes. It was reported by Hersh that groups such as Jundallah (also known as the Iranian People’s Resistance Movement), the Party for a Free Life in Kurdistan (PJAK) and Mujahideen-e-Khalq (also known as MEK) had received funds. In comparison to the funding of democracy promotion, the amount allocated with the intent of undermining the Iranian regime greatly exceeded the amount the Bush Administration had sought from Congress. Determining whether or not this funding had been aimed at specifically targeting the alleged Iranian nuclear weapons program is difficult to confirm.

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105 Seymour Hersh.  
106 MEK had been on the State Department’s list of Foreign Terrorist Organizations since 1997, and was removed by President Obama in September of 2012. More information available from http://www.state.gov/j/ct/rls/other/des/123085.htm  
107 Seymour Hersh.
due to the covert nature of such operations. However, reporting by journalists has indicated that this might have been the case.108

As the Bush administration completed its final year in office, the Iranian regime’s behaviour had not changed in response to U.S. efforts on either the nuclear issue or on democracy promotion. In March 2008, the U.N. Security Council passed another resolution calling on Iran to end its enrichment of nuclear materials and included provisions calling on U.N. member states to monitor Iranian shipping and banking activity.109 Following another IAEA report regarding the failure of Iran to end enrichment activities, the U.N. Security Council passed a resolution reaffirming resolutions that had been passed in 2006 and 2007.110 The resolution also continued to offer the possibility of negotiations with the Iranian regime should they decide to comply with U.N. Security Council demands for ending their nuclear enrichment activities. As such, the U.N. Security Council attempted to leave the door open for a diplomatic solution.111

According to some critics, the Bush administration’s policy of non-negotiation was a failure and required a new course of action.112 This viewpoint was shared by then

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110 Ibid.

111 Ibid.

Democratic Presidential candidate Barack Obama. In his 2008 acceptance speech to become the Democratic nominee for President Obama stated “…I will also renew the tough, direct diplomacy that can prevent Iran from obtaining nuclear weapons…” The characterization of the Bush administration policy towards Iran as being one of non-negotiation is only a partial portrayal of the Bush administration’s effort to end the Iranian nuclear program and is more focused on the perceived tone of Bush diplomacy than on the reality of its actions. Over the course of several years, the Bush administration made numerous offers that could be viewed as major concessions, including its offer of WTO membership to Iran and the allowance of a peaceful Iranian nuclear program. The Iranian regime’s continual failure to meet its obligations to the NPT and to its agreement to the Advanced Protocols that were signed in 2003 necessitated a response by the international community. The failure of the Bush administration’s policies regarding the promotion of democracy is in part due to the failure to recognize the growing role of ICTs in Iran. In its legislative role, the U.S. Congress also overlooked the increasingly significant area of opportunity ICTs presented for democracy promotion efforts. The focus of both branches of the U.S. government on the Iranian nuclear issue during this period is understandable given the still salient threat of terrorism. In addition to this, at the time ICTs had not yet been shown to be an effective tool of free democratic expression in Iran on a wide scale.

4. The Obama Administration 2008-2009

In 2008, as Barack Obama travelled the campaign trail, he outlined what would become his administration’s approach to the Iranian nuclear issue. Obama frequently stated that sanctions had not worked and that the U.S. should take a new approach toward Iran by engaging in direct talks without preconditions.\textsuperscript{114} As a candidate, he promised “to turn a page on Washington’s conventional wisdom,” and after winning the election he stated that if “countries like Iran are willing to unclench their fist, they will find an extended hand from us.”\textsuperscript{115} Offering the carrot of negotiations without wielding the stick of sanctions, Obama had hoped to change the way that the U.S. pursued its foreign policy objectives in the years following 9/11 under the Bush administration.

Once elected, Obama sought to reset U.S. international relations, and on March 20, 2009 as a part of this effort, he released a special message to the Iranian people. Marking the Persian New Year of Nowruz, Obama acknowledged that relations had been tense between the two countries and suggested that the beginning of the New Year would bring about a new opportunity for the U.S. and Iran to repair their relations. Obama went on to state that “My administration is now committed to diplomacy that addresses the full range of issues before us, and to pursuing constructive ties among the United States, Iran and the international community. This process will not be advanced by threats. We seek instead engagement that is honest and grounded in mutual respect.”\textsuperscript{116}

With this statement, the Obama administration set a high bar towards integrating Iran back into the international community after decades of hostilities. In early May 2009,

\textsuperscript{115} \textit{Ibid}. 162.
just a month before the Iranian presidential election, the Obama administration sent a letter to the Iranian Supreme Leader Ayatollah Ali Khamenei calling for a rapprochement with the Iranian regime on the nuclear issue. The message was rebuffed by the Ayatollah, who would later refer to the letter during a sermon following the period of post-election unrest and use it as evidence to support accusations that foreign powers were conspiring to delegitimize the results of the election.

During the early months of the Obama administration, in an effort to lay the groundwork for this letter, the administration changed the way it pursued the promotion of democracy in Iran. Wanting to appease Iranian concerns that the U.S. sought a change in regime, the Obama administration decided not to request special funding for democracy promotion efforts in Iran. Instead, in an effort to make U.S. support for democracy promotion appear less threatening to the regime, funding for democracy promotion was redirected to the newly-created Near East Democracy Program (NERD). As seen in Figure 1 the Obama administration requested $25 million in funding for this program for 2009, as well as requesting the same amount in the following two years. According to assessments of NERD, its mission statement only specified the use of ‘soft power’ programs to support Iranian democracy promotion. These assessments also point out the overall weaknesses of the program goal and methods, evidenced by the fact that the Obama administration has been free to use the funding allocated for NERD in any way it sees fit, as its operation was not established by an act of law. All mention of democracy promotion was avoided in public statements


119 Shahram Akbarzadeh, 473-476.


121 J. Scott Carpenter.
given by President Obama and other officials in the early months of the Obama administration.\footnote{122}

On June 4, 2009, President Obama gave a landmark speech at Cairo University in which he attempted to reset relations with the Muslim world. In the speech, Obama acknowledged the controversy surrounding the U.S. promotion of democracy in Iraq, and he stated that the U.S. would no longer seek to impose a democratic government on other nations by force.\footnote{123} Obama linked U.S. democracy promotion to the ideal of universal human rights, “…the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn’t steal from the people; the freedom to live as you choose. These are not just American ideas; they are human rights. And that is why we will support them everywhere.”\footnote{124} The Obama administration’s commitment to upholding these ideals in the region would soon be tested by the disputed results of the 2009 Iranian presidential election.

The conflict between the regime and protestors who made up what was called the Green Movement emerged in response to the 2009 elections. A number of irregularities, including the speed at which the results were tabulated and then quickly endorsed by the Supreme Leader, led many to suspect that the regime had fixed the results in favour of its preferred candidate Mahmoud Ahmadinejad.\footnote{125} The mass protests, the subsequent crackdown, and the questionable results placed the Obama administration in an awkward position given its efforts to pivot U.S. foreign policy towards engagement with the Iranian regime.


\footnote{124} Ibid.

President Obama attempted to take a measured tone in the week following the election and during the ensuing unrest. In an interview with CBS News on June 19, 2009 the President stated “…we [the U.S.] respect Iran’s sovereignty. And we respect the fact that ultimately the Iranian people have to make these decisions. But I hope that the world understands that this is not something that has to do with the outside world. This has to do with what's happening in Iran. And, I think ultimately the Iranian people, will obtain justice.” In response to a question about how the President would respond to those who believe that not enough was being done to support the protestors. President Obama maintained that if the U.S. would become more involved, it would be used by the regime as evidence to support the regime’s claim that the protests were coming from foreign meddling in Iranian affairs, and not the result of the valid claims of those taking part in the protests.

Members of the President’s own party as well as Republicans within Congress did not share the President’s assessment of the situation. Those critical of the administration’s response believed that it was now time to pressure the Iranian regime to stop the violence. On the same day that President Obama gave the interview to CBS News, the House of Representatives passed resolution 560, titled “Expressing support for all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and rule of law, and for other purposes.” Sponsored by Rep. Howard Berman (D-CA), the resolution criticized the Iranian regime and its response to the protestors, but did not include any sanctions. The resolution, according to reporting at the time, was toned down after negotiations between Rep. Berman (D-CA) and Republican Rep. Mike Pence (R-IN), who was head of the House Republican Conference. Following this resolution and continued regime violence, prominent Republican Senator John McCain of Arizona was openly critical of what he viewed as the administration’s weak response to the

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127 Ibid.
regime's attacks against the protestors. Appearing on Face the Nation on June 21, 2009, McCain stated that "I'd like to see the president be stronger than he has been...I think we have to have America lead. I think the president ought to expand this issue beyond those demonstrators." During this time, the National Iranian American Council (NIAC) was also lobbying President Obama to take action against Iran through the press.

The growing criticism of the President and his administration’s response was compounded by the emergence of videos of regime violence against protestors on social media sites. In particular, the video of the death of Neda Agha-Soltan, who was shot and killed on June 20, 2009, drew a significant amount of attention as the video spread quickly across social media and was picked up by mainstream news outlets. During a June 23, 2009 press conference, President Obama responded to the death of Neda stating, "It's heartbreaking. And anybody who sees it knows that there is something fundamentally unjust about that." During the same press conference, Obama stated that "I strongly condemn these unjust actions, and I join with the American people in mourning each and every innocent life that is lost..."

Despite the growing evidence of the Iranian regime’s willingness to brutally repress basic democratic and human rights, the Obama administration remained invested in pursuing diplomacy with the Iranian regime. In an interview with The New York Times on July 5 2009, the President restated his administration’s commitment to reintegrating the Iranian regime into the international community and settling the nuclear


134 Ibid.
issue through diplomacy. At the time, reporting indicated that the Obama administration had been notified through back channels prior to the Iranian election that the Ayatollah would be receptive to Obama’s attempts at engagement during the summer. That July as the President departed to visit Moscow, the administration would begin to lay the groundwork to gain Russian support for sanctions should the Iranian regime continue to reject a solution to the nuclear issue. In its initial response to the Iranian protests, the Obama administration tried to maintain its two-track approach to dealing with the Iranian nuclear issue. The President had set the end of 2009 as the deadline for the initiation of Iranian cooperation, and had prepared to pursue sanctions against the regime if no progress became apparent by the deadline. With regard to this issue, as early as May 2009, the Israeli Prime Minister Benjamin Netanyahu had lobbied President Obama to set a year-end deadline for the Iranians.

The U.S. Congress during the summer of 2009 began initiating its own actions to deal with the Iranian regime. On July 24 2009, the Senate passed the Victims of Iranian Censorship Act (VOICE Act). The law was enacted on October 28, 2009 as part of the National Defense Authorization Act 2010. Co-sponsored by Senate Republicans and Democrats, the bill authorized $30 million in funding for the Broadcasting Board of Governors in order to expand Persian language services at Radio Farda and the Persian News Network. Additionally, it also provided $20 million in funding for an “Iranian Electronic Education, Exchange, and Media Fund” which would be designed to aid in

136 Ibid.
137 Ibid.
140 The VOICE Act was sponsored by Senators John McCain (R-AZ), Joseph Lieberman (ID-CT), Ted Kaufman (D-DE), Lindsey Graham (R-SC), and Robert Casey (D-PA) and was introduced as an amendment to the National Defense Authorization Act. Source http://mountainrunner.us/2010/03/voiceact/#.UXsSmiv70WU
circumventing the Iranian regime’s strict Internet censorship. Another key provision required the President to report on private companies that were aiding Iranian censorship. In addition to this, $5 million in funding was given to the Secretary of State to report on human rights abuses in Iran since the 2009 election.

In the interim, the Obama administration remained focused on the nuclear issue. In September 2009, the Obama administration had gained Russian support for imposing sanctions on the Iranian regime through the U.N. Security Council. However, the Chinese remained reluctant to sanction the Iranian regime for its failure to meet its previous nuclear program agreements. On September 24 2009, the U.N. Security Council passed Resolution 1887. Although this resolution did not specifically mention Iran, it did address the issue of nuclear proliferation and confirmed the U.N. Security Council’s support for the NPT as well as the need for signatory states to meet their NPT requirements.

This proved to be a significant step in the Obama administration's pivoting back toward the Bush administration’s approach of pursuing international sanctions against Iran. The timing of this resolution coincided with reports claiming that the Iranian regime had been hiding a nuclear facility in the area of Qom. In addition to this, reports at the time claimed the Obama administration had known about the facility prior to the news release. The Iranian regime had contacted the IAEA in an effort to head off any attempts on the part of the U.S. or the EU-3 to use the secret existence of the facility as evidence of Iranian intransigence on the nuclear issue. Despite the new awareness of the existence of this facility and efforts by the administration, it would take until 2010 for the U.N. Security Council to move forward on implementing sanctions on the Iranian regime. At issue was China’s lack of willingness to agree to impose further sanctions on Iran.

Towards the end of 2009, the U.S. Senate passed a resolution condemning the Iranian regime’s use of censorship against its citizens. The resolution also urged the implementation of the VOICE Act, a process that the Obama administration would

142 Ibid.
143 Ibid.
 initiate in January of 2010. Over the course of its first year in office, the Obama administration faced increasing pressure to toughen its stance towards the Iranian regime. The initial policy of engagement and the subsequent dialing back of democracy promotion efforts in Iran would undergo changes as the administration entered its second year in office. The Obama administration by the end of the year started to adapt to the reality that the Iranian regime would neither enter into serious negotiations addressing its nuclear program, nor would it respect the rights of its citizens to engage in free public discourse regarding democratic rights.

5. The Obama Administration 2010-2012

In January 2010, then Secretary of State Hilary Clinton gave a landmark speech regarding Internet freedom. This speech marked the first step by the Obama administration in adapting its democracy promotion policy to the use of ICTs. Referring to the unrest that had occurred following the 2009 Iranian presidential election, Secretary Clinton stated, “...the Iranian people have inspired the world. And their courage is redefining how technology is used to spread truth and expose injustice.”145 In the speech, the Secretary detailed how, working through the U.S. State department, the Obama administration would pursue Internet freedom as a means of promoting democracy. Clinton outlined that, working in conjunction with the private sector, the administration would aim to provide those living within countries controlled by repressive regimes with the means to safely circumvent regime Internet censorship. The speech also made reference to the VOICE act which had been passed in the previous year by the U.S. Congress.

In the ensuing months, the Obama administration would work to fulfill its requirements under the provisions of the VOICE act. In March of 2010, President Obama again used the Persian New Year Nowruz to release a message directed at the Iranian people and the country’s regime. Ayatollah Ali Khamenei rebuffed this message and accused the U.S. of attempting to dispose of the Iranian regime.146 In April 2010, in fulfillment of its requirement under the VOICE act to report on censorship in Iran, the Obama administration released a report on the Iranian peoples’ capability to access uncensored information. Despite consistent efforts by the Iranian regime to block access

to broadcasts by jamming satellite signals, the report revealed the impact of the Persian News Network and Radio Farda in providing Iranians with information they would not otherwise have access to from sources within the country. The report went on to reveal that, at the time of the report’s release, the Iran Electronic Media Fund (EMF), which had been created by the VOICE act, had not yet received funding. Instead, the funding from the previous year was directed to the Human Rights Democracy Fund (HRDF), which according to the administration was being used for similar purposes as those which the EMF fund would have addressed. The goal of the EMF was to aid in the development of technologies, including websites that allow Iranians to communicate and access information free from regime censorship and surveillance. According to the report, free access to information from the Internet would be supported by “developing virtual platforms, improving user security, providing anti-censorship technologies, and facilitating peer-to-peer sharing…” It did not however, detail specifically how this policy goal would be achieved.

During the Nuclear Security Summit that took place on the 12th and 13th of April 2010, the Obama administration was able to secure a commitment from the Chinese government that it would work within the U.N. Security Council with the U.S. on establishing another round of sanctions against Iran. Shortly following this summit, a memo written by the (then) Secretary of Defense Robert Gates outlining his concerns regarding the administration’s lack of a long-term strategy in dealing with Iran’s nuclear

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147 Ibid. 3-4.
149 Ibid. 7-8.
151 Barack Obama, Report to Congress Pursuant to The VOICE Act. 8.
capability was leaked.\textsuperscript{153} Despite these concerns, the Obama administration continued working towards its goal of imposing sanctions on the Iranian regime for its continued development of its nuclear program. In May 2010, the Obama administration secured Russian support for U.N. Security Council sanctions by making concessions which allowed for the sale of Russian anti-aircraft armaments to Iran.\textsuperscript{154}

After having secured support from China and Russia, on June 9, 2010 the U.N. Security Council passed Resolution 1929 which reaffirmed U.N. Security Council resolutions against Iran that had been passed between 2006 and 2009. The resolution further expanded efforts to freeze the assets of individuals associated with the Iranian regime, and reaffirmed the travel ban imposed on travel by Iranian officials. Interestingly, the resolution also banned Iranian activities associated with the acquisition of ballistic missiles and the sale of military weaponry to the country.\textsuperscript{155} The Obama administration received criticism for its concession to Russia regarding the sale of an anti-aircraft S-300 system to Iran.\textsuperscript{156} However, shortly after the U.N. Security Council resolution was passed, the (then) Russian Prime Minister Vladimir Putin advised France that it would freeze the controversial sale of the S-300 system to Iran.\textsuperscript{157} As international efforts to impose sanctions on the Iranian regime progressed, the U.S. Congress also undertook legislative actions against Iran.


\textsuperscript{156}Peter Baker, and David E. Sanger.

The Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010\textsuperscript{158} was passed in June of 2010 and signed into law on July 1, 2010 by President Obama. During the signing ceremony, Obama commended the bipartisan effort to pass the bill which he described as the toughest sanctions on Iran to date.\textsuperscript{159} The act imposed sanctions on the Iranian regime and included provisions designed to support the promotion of democracy in the country. In particular, Section 106 of the act focused on banning the export of sensitive technology to Iran. The act defined sensitive technology as any technology that may be used to censor information or could be used to monitor communications.\textsuperscript{160}

It was also in June 2010 that Stuxnet, a malicious computer worm was discovered to be part of a covert operation intended to sabotage the development of the Iranian nuclear program.\textsuperscript{161} It was later reported by The New York Times that this operation was of joint Israeli – U.S. undertaking.\textsuperscript{162} The full extent of the effectiveness of the virus in disrupting the Iranian nuclear program has not been officially confirmed by the Iranian regime. Stuxnet is thought to have been successful in destroying a number of centrifuges by causing them to spin out of control.\textsuperscript{163} The incident indicated that the Obama administration was willing to adopt the use of ICTs for its policy goals in this covert action against the alleged Iranian nuclear weapon program. However, such a full embrace for the role of ICTs in Iran did not yet extend into the administration’s approach to Iranian democracy promotion policies.

\textsuperscript{158} The act was sponsored by former U.S. House Rep. Howard Berman (D-CA) and had 343 co-sponsors made up of Representatives from both parties. Source: http://www.govtrack.us/congress/bills/111/hr2194
\textsuperscript{163} David Kushner, 50.
In September 2010, an executive order, signed by President Obama, imposed sanctions on eight members of the Iranian regime for their connections to human rights abuses in Iran.\footnote{Exec. Order No. 13553, 3 C.F.R. 60567 (2010). <http://www.treasury.gov/resource-center/sanctions/Documents/13553.pdf>}. It was reported at the time that the Obama administration intended these sanctions as symbolic measures, as several of the individuals included on the list had already been targeted by previous sanctions.\footnote{Mark Landler, "U.S. Sanctions 8 Iran Officials for Crackdown." The New York Times. The New York Times Company, 29 Sept. 2010. Web. 28 Apr. 2013. <http://www.nytimes.com/2010/09/30/world/middleeast/30sanctions.html>}. Then in December 2010, the Iranian regime blamed U.S. funding of a group known as Jundollah for a suicide attack that killed 39 people.\footnote{William Yong, "Bombings Kill Dozens Near Mosque in Iran." The New York Times. The New York Times Company, 16 Dec. 2010. Web. 29 Apr. 2013. <http://www.nytimes.com/2010/12/16/world/middleeast/16iran.html>} Before this event occurred, in November 2010, the Obama administration added Jundollah to the list of foreign terrorist organizations\footnote{"Foreign Terrorist Organizations." U.S. Department of State. U.S. Department of State, 28 Sept. 2012. Web. 29 Apr. 2013. <http://www.state.gov/j/ct/rls/other/des/123085.htm>}, thus cutting ties with the group the Bush administration had supported, as previously noted. Despite this break with the Bush administration, by the end of 2010, the Obama administration policy approach more and more mirrored that of the previous Bush administration. The Obama administration was undertaking a policy approach that embraced seeking international consensus with regard to imposing sanctions. The administration also supported efforts initiated by Congress for both sanctions on Iran and the promotion of democracy in the country. With the beginning of a new Middle East uprising in January 2011, the issue of democracy in the region would again rise to the top of the agenda - though this time, the uprising was not in Iran.

The Arab Spring resulted in great change in several Middle Eastern and North African countries, and these revolutions were in part supported by the use of ICTs by citizens who sought to create more democratic and free societies. Partly as a result of its experience in 2009, the regime in Iran was well prepared to deal with protests as they spread across the region. The Obama administration, as it did in 2009, took a cautious approach to the uprisings throughout the region. As the Arab Spring continued, in March 2011, as he had done in previous years, President Obama again released a Nowruz
message to the Iranian people. This time however, the President reached out specifically to Iranian youth, stating that the future of the country belonged to them and he said, “I want you to know that I am with you.”168 This was one of the President’s strongest appeals to date with regard to directly reaching out to the Iranian people. A significant change from previous statements, but not surprising considering the Arab Spring was ongoing at the time and was primarily initiated by the large youth population in the region who used ICTs to challenge longstanding authoritarian regimes. Apart from this outreach the statement did not signal that the Obama administration again deviate from its approach to deal with the Iranian nuclear issue using sanctions and treating democracy promotion as a secondary objective. For the Obama administration would continue to punish the Iranian regime for its continued failure to adhere to its requirements under the NPT and Additional Protocols in the coming months.

In an executive order signed in May of 2011, the President Obama authorized the implementation of sanctions that had been part of the Iran Sanctions Act of 1996. These sanctions were targeted at the financial transactions of those associated with the Iranian regime.169 Additionally, the Iran Human Rights and Democracy Promotion Act (H.R. 1714) was introduced in the House of Representatives in May.170 The act was sponsored by Rep. Robert Dold (R-IL) and had four co-sponsors: three fellow Republicans and Democrat Theodore Deutch (D-FL).171

The act required the creation of a comprehensive Internet freedom strategy for Iran by the Obama administration.\footnote{Patricia Moloney Figliola, \textit{Promoting Global Internet Freedom: Policy and Technology}. Rep. no. 41837, Congressional Research Service (May 26, 2011) 8.} The act would have also given the President the power to appoint a Special Representative on Human Rights and Democracy in Iran. This person would have worked within the State Department to oversee the implementation of the strategy.\footnote{Iran Human Rights and Democracy Promotion Act, H.R. Res. 1714, 112 Cong., 18 (2011). <http://www.gpo.gov/fdsys/pkg/BILLS-112hr1714ih/pdf/BILLS-112hr1714ih.pdf>. 15.} The act also included sanctions against those responsible for human rights abuses and against those who sold technology that could be used to abuse human rights in the future.\footnote{Ibid. 2.} The act was sent to four different committees\footnote{The other committees included the House Committee on Ways and Means, on Financial Services and the Judiciary. Source: http://www.govtrack.us/congress/bills/112/hr1714} including the House Committee on Foreign Affairs.\footnote{Iran Human Rights and Democracy Promotion Act, H.R. Res. 1714. 1.} The act failed to make it out of these committees and has not been reintroduced in any subsequent sessions of Congress. Though Obama at the time did not give any specific statements on the bill when it was introduced, the president when speaking at the annual American Israel Public Affairs Committee (AIPAC) policy conference that same month reiterated his administration’s commitment to stopping Iran from gaining nuclear weapons and criticized the regime’s hypocrisy when it came to human rights.\footnote{Barack Obama, "Remarks by the President at the AIPAC Policy Conference 2011." \textit{The White House}. N.p., 22 May 2011. Web. 1 June 2013. <http://www.whitehouse.gov/the-press-office/2011/05/22/remarks-president-aipac-policy-conference-2011>.}

Although the House of Representatives would take up the issue of Iranian sanctions again before the end of the year, it did not, in its latest action, address issues surrounding the use of ICTs Iran. In its annual defense-spending bill, Congress included provisions that targeted sanctions against the Iranian oil industry. In late 2011, the U.S. House of Representatives also attempted to address an important issue regarding democracy promotion and the use of ICTs. The Global Online Freedom Act of 2011 was reintroduced by Rep. Chris Smith (R-NJ) and referred to committee.\footnote{"H.R. 3605 (112th): Global Online Freedom Act of 2011." \textit{GovTrack.us}. Civic Impulse, LLC., n.d. Web. 09 May 2013. <http://www.govtrack.us/congress/bills/112/hr3605>.} The act was designed to ensure that U.S. companies would no longer be able to assist repressive
governments in improving their Internet surveillance and censorship capabilities.\textsuperscript{179} The act included provisions that required private companies operating in countries with restrictions on Internet access to report on these activities. Additionally, it also required annual reporting, by the U.S. Department of State, on the Internet restriction activities of countries.\textsuperscript{180} As well, the act required the maintenance of a list of technologies that could be used to help countries restrict access. A ban on these technologies was also put in place for Internet restricting countries, unless a Presidential waiver was granted, which would be obtainable only on a per case basis and only when it was determined to be in the U.S. national interest.\textsuperscript{181} Although the bill did not specifically mention Iran by name, because of its active filtering of Internet content, it would be considered an Internet restricting country according to the language of the bill.\textsuperscript{182}

The day before the bill was introduced, Secretary of State Hilary Clinton while speaking at the Freedom Online Conference at The Hague in the Netherlands, indicated that sanctions in the case of private companies doing business with repressive regimes had a place but were not the only answer. She further stated that "Making good decisions about how and whether to do business in various parts of the world, particularly where the laws are applied haphazardly or they are opaque, takes critical thinking and deliberation and asking hard questions."\textsuperscript{183} From this statement it appears the administration was willing to leave at least some of the decision making in this area up to the private sector rather than implementing new requirements such as those that are included in GOFA. The bill would die in committee in March 2012, but was eventually reintroduced in the 2013 session of Congress.\textsuperscript{184}

At the end of 2011, despite voicing some reservations about the sanctions on the Iranian oil industry which had been included by the Congress, President Obama signed

\begin{thebibliography}{99}
\bibitem{180} \textit{Ibid.} 14-19.
\bibitem{181} \textit{Ibid.} 26.
\bibitem{182} See the Appendix A for more information on Iranian censorship practices.
\end{thebibliography}
the annual defense-spending bill. The Obama administration was concerned that
these sanctions could affect Europe and Asia’s oil supply and risk organized
international pressure on Iran, in addition to driving up oil prices which would benefit
Iran. To counter the potential impact of sanctions on the Iranian oil sector on the world
market, the Obama administration sent U.S. Treasury Undersecretary David Cohen to
speak with Saudi officials on the matter. In March 2011, Saudi Arabian Oil Minister Ali
al-Naim stated the country could increase its output by 2.5 billion barrels a day, going
from 10 billion to 12.5 billion.

In order to place further strain on the Iranian economy, the U.S. Congress
passed a bill whose provisions included blocking financial transactions between foreign
banks and Iranian oil companies. As with previous sanctions, the goal of these
sanctions was to put pressure on the Iranian regime to change its behavior regarding its
attempt to develop nuclear capabilities by taking away access to revenue. Earlier in
the year, the U.N. Security Council had passed a resolution extending the mandate of a
panel that monitors sanctions on Iran and reports to the Security Council each June.

Notwithstanding these efforts no progress was achieved in 2011 with regard to bringing
the Iranian regime to the negotiating table or in advancing efforts to promote democracy
within the country.

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185 Indira A.R. Lakshmanan, and Asjylyn Loder. "U.S. Senate Approves Sanctions Aimed at
186 Ibid.
187 Indira A.R. Lakshmanan, and Asjylyn Loder. "U.S. Joins EU Push to Embargo Iran oil."
190 India A.R. Lakshmanan, and Asjylyn Loder.
191 "Security Council Authorizes Expert Panel Helping to Monitor Sanctions On Iran to Continue
Work Until June 2012, by Vote of 14 in Favour with 1 Abstention." UN News Center. UN, 09
This was evident on the first day of 2012, when the Iranian regime announced it had produced its first nuclear fuel rod.\textsuperscript{192} The growing sophistication of the Iranian nuclear program as well as Israel’s increasingly vocal support for a military solution led to suspicions that Israel would strike Iranian nuclear facilities. Secretary of Defense Leon Panetta voiced his concern that Israel would strike Iran sometime that spring before Iran entered a “zone of immunity” in which it would not be able to be stopped from weaponization of its nuclear program.\textsuperscript{193} The public speculation of the Secretary of Defense is not surprising considering that in 2007 during the Bush administration the Israeli air force had struck a suspected Syrian nuclear plant that was under construction at the time and nearing completion. Thus, continuing an Israeli precedent for undertaking unilateral action against regional nuclear threats.\textsuperscript{194} Although, the Bush administration did not believe there was enough evidence at the time to support a strike on the Syrian nuclear plant, it did not openly attempt to stop the Israelis from proceeding with their own attack.\textsuperscript{195} With regard to a potential Israeli strike on Iranian nuclear facilities, the Obama administration made explicit public statements discouraging the Israelis from pursuing unilateral military action. Speaking before the American Israel Public Affairs Committee (AIPAC) in early March, President Obama stated that, although a military option to stop Iran from developing a nuclear weapon was not off the table, a military strike at the current time was not in the best interests of either the U.S. or Israel.\textsuperscript{196}


\textsuperscript{195} Ibid.

In his annual Nowruz message to the Iranian people, President Obama took the opportunity to criticize the Iranian regime’s censorship of information and announced that U.S.-based companies that make anti-censorship software would be exempt from sanctions that prohibit sales in Iran. In late April, President Obama signed Executive Order 13606 which was targeted at stopping companies or individuals within the U.S. from providing surveillance technology to the Iranian and Syrian regimes. In a speech given the day after the order was signed, the President discussed this latest effort, stating that “…these technologies should be in place to empower citizens, not to repress them.” Shortly before President Obama made this statement, it was reported by Reuters in March that the Chinese-based ZTE Corporation had completed a sale of surveillance equipment to the Iranian regime. The sale of this equipment included technologies originally acquired by ZTE from U.S.-based companies. The surveillance technology included in the sale was reported as being capable of monitoring landline, mobile and Internet communications. This technology, according to a former telecommunications project manager in Iran, is extremely advanced when comparing it to the capabilities of the technology the regime had used previously:


198 The full title of the Executive Order is as follows "Blocking the Property and Suspending Entry Into the United States of Certain Persons With Respect to Grave Human Rights Abuses by the Governments of Iran and Syria via Information Technology” Source: http://www.gpo.gov/fdsys/pkg/FR-2012-04-24/pdf/2012-10034.pdf.


the ZTE system supplied to TCI was 'country-wide' and was 'far more capable of monitoring citizens than I have ever seen in other equipment' sold by other companies to Iran. He said its capabilities included being able to 'locate users, intercept their voice, text messaging...emails, chat conversations or web access.'\(^{204}\)

President Obama did not reference this sale directly in his speech, shortly after this news became public in March. It was reported that the U.S. Department of Commerce had opened an investigation into the sale, and that it had subpoenaed U.S. companies in its attempt to obtain information about their dealings with ZTE.\(^{205}\) Although the Commerce Department suggested that there was no evidence indicating that U.S. companies were complicit in the sale, by the summer of 2012, it was reported that the Federal Bureau of Investigation (FBI) had began its own inquiry into the sale.\(^{206}\) According to reports, Ashley Kyle Yablon an attorney who was working as general counsel for a ZTE subsidiary based in Texas had informed the FBI that the contracts signed between ZTE and Iran outlined how the company would evade U.S. embargos on Iran from receiving technologies from U.S.-based companies.\(^{207}\) In July, members of the House of Representatives sent a letter to Treasury Secretary Tim Geithner suggesting he investigate the ZTE sale to Iran to determine if its U.S. subsidiaries were involved.\(^{208}\)

By October 2012, Cisco, one of the U.S. companies involved, had announced that it would cut its ties with ZTE and no longer allow the company to resell its technology to the Iranian regime.\(^{209}\) For some in Iran, this would come too late. For

\(^{204}\) Ibid.
\(^{206}\) Ibid.
example, at the end of October 2012, Sattar Beheshti, an Iranian blogger was arrested for a blog post he made which was considered by the Iranian Cyber Police to be critical of the regime. A few days later, in early November, Beheshti died while in police custody. His death caused a great deal of outrage both within Iran and internationally, prompting the regime to arrest several officers in connection with his death. The head of the Iranian Cyber Police was also fired as a result. Despite this seemingly swift movement in dealing with those responsible, Iran has a history of granting impunity for those responsible for the deaths of people in custody. Additionally, recent reports have surfaced that Beheshti’s family members have been threatened for continuing to speak about his case to the press. As of this writing, the case against Beheshti’s captors has not moved forward in the Iranian courts.210

As the above ZTE story developed, in May 2012, as part of the P5+1211, the U.S. joined the so-called Baghdad negotiations in hopes of resolving the outstanding Iranian nuclear issue. Obama administration officials were optimistic as they headed into the talks, believing that Iran’s willingness to negotiate was a sign that sanctions were becoming successful in terms of pressuring the regime.212 However, other than agreeing to resume talks in Moscow in June, no fruitful agreements were reached.213 Negotiations in Moscow again failed to generate agreement since Iran refused to meet the P5+1 demand that it stop its enrichment of uranium at 20%, an amount just short of the grade needed to produce a nuclear weapon. It further refused to close its nuclear facility at


211 The P5+1 refers to the five permanent members of the U.N. Security Council and Germany, that have been involved in multiple rounds of negotiations on the nuclear issue with the Iranian regime since 2006. Source: Andrew Parasiliti, "Closing the Deal with Iran." Survival 54.4 (2012) 33-42.


Qom and to ship its stockpile of enriched uranium out of the country. Following the failure of the latest round of negotiations, in late July 2012 President Obama signed Executive Order 13622 targeting the Iranian oil industry and placing prohibitions on financial transactions with regard to conducting business with associated entities.

During the summer of 2012, the U.S. Congress continued its legislative efforts to deal with the Iranian regime. H.R. 1905, the Iran Threat Reduction and Syrian Human Rights Act of 2012, was passed in the U.S. Senate in early August. This act was originally introduced in May 2011, and passed by House of Representatives in December 2011. The act imposed additional sanctions on the Iranian regime, and included further support for democracy promotion efforts in Iran. The act called on the U.S. State Department to develop, in accordance with Section 106 of the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010, a mechanism to keep track of technological developments in Iran. This periodic overview outlined that focus should be on “…guidelines on the basis of technological developments and new information regarding transfers of technologies to Iran and the development of Iran’s indigenous capabilities to disrupt and monitor information and communications in Iran.” The establishment of this State Department position meant that, three years following the 2009 Iranian election unrest, U.S. democracy promotion strategy would now have a supervisory position dedicated to monitoring and reporting on Iranian surveillance capabilities.

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215 The full title of the order is as follows “Authorizing Additional Sanctions With Respect to Iran” Source: http://www.gpo.gov/fdsys/pkg/FR-2012-08-02/pdf/2012-19055.pdf


218 Ibid.


220 Ibid. 43.

224 \textit{Ibid}. 36.
225 \textit{Ibid}. 12.

Earlier in the month, the \textit{New York Times} reported that President Obama, during a conversation with Prime Minister Netanyahu, had refused to set a “red line” across which Iran would not be allowed to go in its nuclear development and military action would be taken.\footnote{Ibid. 36.}

As this public battle regarding a potential Israeli strike on Iran was playing out in the press, in October 2012 the House Permanent Select Committee on Intelligence released a report concluding that ZTE and another Chinese-based technology company named Huawei both posed a threat to U.S. national security.\footnote{Ibid. 12.} With regard to ZTE’s dealings with Iran, the report found that the company had failed to provide detailed information on its dealings with the Iranian regime. This information thus raised the committee’s concerns regarding the exact extent of ZTE’s business with the regime in avoiding sanctions.\footnote{Ibid. 36.} The report stated that the failure to disclose the requested information on ZTE and Huawei’s business dealings was justified by each company claiming that the information being sought was protected as being Chinese state secrets.\footnote{Ibid. 12.} This claim was made because the Chinese government maintains part ownership in both companies, and each keeps a Communist Party committee within the
company. As a result, the report was not able to make definitive public conclusions regarding the operations of each company. The information gleaned through the research of the House Intelligence committee into both companies was troubling enough that the committee recommended that both the U.S. government and U.S.-based private businesses discontinue their ties with both companies.

By the end of 2012, President Obama had won a second term in office, and coupled with the success of the U.S. missile defense system during the latest Israeli–Palestinian conflict, relations between the leaders of the U.S. and Israel appeared to have improved. Still, as Iran approached the final months before its next presidential election, the Israeli leader had to back away from openly agitating for a military strike on Iran. The administration’s use of sanctions on the Iranian oil industry has had a significant impact on the Iranian economy. Iran’s Gross Domestic Product (GDP) shrunk by 1.9 percent in 2012, and the International Monetary Fund (IMF) has projected that it could shrink by another 1.3 percent in 2013. IMF forecasting suggests that the Iranian economy will be the worst performing economy in the region for the next three years.

To this point, little has been accomplished by the Obama administration in the way of actually stopping Iranian nuclear development or promoting democracy in Iran, and as a result, these issues will continue to be at the forefront during the Obama administration’s second term in office.

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226 Ibid. 22-24, 40-42.
227 Ibid. 45.
6. Analysis

The policies of the Obama administration have exposed several issues in its approach to addressing the use of ICTs by both the Iranian regime and dissidents in Iran. At the outset of its first term in office, the Obama administration sought to moderate its democracy promotion efforts in Iran so as to appear less threatening to the Iranian regime. It did so by not requesting special funding specifically for the promotion of democracy in Iran (see: Figure 1), and instead redirecting funding for its democracy promotion efforts to NERD. The reasoning for such a decision can be seen in the analysis of a number of experts on Iran, who saw the Bush administration's direct funding of NGOs in Iran via the IDF as counterproductive\(^{230}\), as NGOs became targets of the regime and accused of attempting to overthrow the government, making it difficult for them to continue operating freely.\(^{231}\) Removing the threat of regime change by reshaping the IDF into NERD, and changing NERD’s focus away from supporting institutions operating in Iran.\(^{232}\) The Obama administration’s actions in this case can be seen as an attempt to take a less threatening stance toward the regime, in the hope of drawing the regime into nuclear negotiations.

The Obama administration essentially sacrificed established Iranian democracy promotion policy in hopes of drawing the Iranian regime into substantial negotiations on the nuclear issue. Further evidence of this strategy can be found in President Obama’s speech, given on June 9\(^{th}\) 2009 at Cairo University, that signalled an end to the Bush

\(^{231}\) *Ibid.* 2403.
\(^{232}\) NERD distributes grants for the purposes of promoting democracy in the Middle East region. Additionally, NERD provides assistance through cooperative agreements with governments, non-profits, and for-profit organizations to support democracy working with the MEPI. Source: "Near East Regional Democracy." *Catalog of Federal Domestic Assistance.* N.p., n.d. Web. 06 June 2013. <https://www.cfda.gov/?s=program&amp;mode=form&amp;tab=step1&amp;id=8d867d82f8b0bf58f7f001c757989548>. 
doctrine, removing with it the threat of a potential the use of force to dispose of authoritarian regimes accused of human rights abuses. This softer stance was intended to demonstrate the Obama administration’s intention to use diplomatic means rather than force to the Iranian regime, a point that was further evident by the president in his public statements regarding the unrest that followed the 2009 Iranian Presidential election.

The Iranian regime, aware that the official American position was now against the use of force, realized that it could continue to abuse human rights uncontested for the foreseeable future, and thus it could also further solidify its monopoly on power in the country. In contrast to this weakening of the Obama administration’s support for the promotion of democracy, the VOICE Act, which was the legislative response to the 2009 Iranian unrest, relied on increasing funding for Radio Farda and the Persian News Network rather than providing comprehensive support for the use of ICTs. This meant pursuing old methods of communication while new ones emerged. At the same time, when dealing with the nuclear issue, while the Obama administration gained Chinese and Russian support for imposing new sanctions on Iran, the sanctions never included a component for promoting democracy.

In fact, as reviewed above, it was not until May 2011 that legislative action included a comprehensive overview component for Internet freedom as a means of democracy promotion in Iran. In light of the significant role of ICTs in Iran in 2009, the Obama administration failed to pressure U.S. Congress to pass GOFA in 2011. Although the review of the ZTE sale was initiated in 2010, it was not completed until 2012 despite it being precisely the type of sensitive technology sale GOFA was designed to address. In particular Sec. 301 of the 2011 version of the act called on the Secretary of the Treasurer to work with the Secretary of State and other heads of federal agencies to maintain a list of surveillance technologies that would be banned from being transferred to countries such as Iran that are designated as restricting the use of the Internet.233 It was not until March 2012 that President Obama used an executive order to announce that the government would exempt anti-censorship software from sanctions. As this was

an action that was taken through executive order, it could have been signed much earlier. The gap between 2009 when the full weight of the issue emerged and 2011/2012 when the issue was addressed created a window in which the Iranian regime was able to dramatically improve its domestic surveillance capabilities.

The slow U.S. response to the Iranian regime’s use of ICTs to repress dissidence is further evidenced in the inclusion of the periodic overview component in accordance with Section 106 of Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010, which was not passed until 2012 as part of the Iran Threat Reduction and Syrian Human Rights Act. These previous two actions would only be enacted almost a full three years after the unrest in Iran broke out, and long after the dissidents of the Green Movement had been silenced by the regime.

The Obama administration’s approach to democracy promotion and the use of ICTs in Iran resulted in inadvertently providing the Iranian regime a three-year head start for solidifying its ICT surveillance mechanisms. Accordingly, two prognoses can be put forward with regard to the weaknesses in the Obama administration’s approach to democracy promotion and the use of ICTs. The first is that support and success regarding circumvention has been modest at best. While some components of legislation and executive orders have addressed the need to support these efforts, these actions have been undermined by the capacity of the Iranian regime in continuing to gain access to sophisticated surveillance technology. Due in large part to the nature of the technology, since its objective is to work undetected by those using it, a problem arises concerning the difficulty involved in gauging exactly how successful circumvention has been. That said, according to reports issued by The Berkman Center which specializes in monitoring the use of such technology, on a regional basis in the Middle East, the reported use of circumvention technology is at an estimated 3% of Internet users.234 This means that the impact of such technology in the region at the time is limited at best.

Additionally, despite the availability of such tools, the Iranian regime has persisted in harassing, arresting and abusing those who post material critical of the regime online.\textsuperscript{235}

The second prognosis is that the Obama administration’s actions to date have failed to adequately address the role of private actors. The primary example of this involves the sale, by ZTE, of U.S.-made surveillance technologies to the Iranian regime. The issue regarding private actors and the sale of surveillance technology has already been recognized by the E.U. as being of importance in supporting the Iranian fight for democracy and ensuring human rights are protected. Following the 2008 sale of censorship and monitoring technologies to the Iranian regime by Nokia-Siemens, in early 2012 the E.U. passed legislation banning the further sale of such technologies to the regime.\textsuperscript{236} However, as in the case of the ZTE sale, this legislation passed only after the sale of the technology had already been completed. Furthermore, even this recent action by the E.U. has not been without its own issues since Sweden has been accused of weakening its effectiveness.\textsuperscript{237} Critics accuse Sweden of having done so in order to protect the business of Ericsson, a Swedish-based telecommunications equipment manufacturer.\textsuperscript{238} Ericsson has contracts to supply equipment for the expansion of its mobile phone network with the Mobile Communication Company of Iran (MCCI).\textsuperscript{239} Ericsson claims that telecommunication is a humanitarian service and therefore its contract with MCCI does not equate to supporting the surveillance of Iranian citizens.\textsuperscript{240} The Swedish government had stepped in to oppose the E.U. sanctions on the grounds that such sanctions only harm Iranian citizens, in addition to the risk posed to future

\textsuperscript{235} For more information, see Appendix B.
\textsuperscript{238} Ibid.
\textsuperscript{240} Ibid.
business of Swedish based Ericsson. Careful scrutiny of the technology sold in this particular case however indicates that it could be used to monitor the activities and movements of Iranian citizens. The resulting E.U. sanctions suggest that an international precedent has been set for placing an embargo on this type of technology being made available to the Iranian regime.

In the case of GOFA, in light of U.S. businesses being opposed, it is important to note that in the E.U. case, action occurred despite the protests of private actors who have a financial motivation for continuing to conduct business with the Iranian regime. As in the case of E.U. sanctions that were opposed by the Swedish-based company Ericsson, as stated previously GOFA has met with major opposition from U.S.-based technology businesses. Microsoft has opposed GOFA since 2007 and has stated its objections to the creation of new laws. It was during this period that Microsoft was working with Google and Yahoo to create the Global Network Initiative (GNI) which would deal with these types of issues, therefore forgoing the need for additional legislation in their view. The dual threat, according to these parties, involves not only the loss of business opportunities for American companies, but additionally, and much like the objections voiced by Ericsson’s and the Swedish government, that these business opportunities are tied to the global fight for democracy.


244 Yahoo, Google, and Microsoft founded the GNI to provide a framework through which ICT companies could learn and share best practices on technology issues that impact human rights. The goal of the organization is to both respect these rights and provide a level of accountability, while engaging in policy discussions at both the local and international level. Source: Global Network Initiative. Who We Are. What We Do. Why It Matters. N.p.: Global Network Initiative, n.d. Global Network Initiative. Global Network Initiative. Web. 30 June 2013. <https://globalnetworkinitiative.org/sites/default/files/GNI_brochure.pdf>.

245 Anne Broach.
GOFA was reintroduced in 2013, and contains the same provisions as the version introduced in 2012. The 2013 version of the act in Section 101 lays out the policy goals of the legislation. It states that the U.S. should use its available policy instruments, including diplomacy and sanctions, to promote the free flow of information within countries that restrict the use of the Internet, while preventing U.S. businesses from doing business with these same countries. The act defines Internet-restricting countries as those that deliberately block access to online political content, and persecute individuals and organizations that post political content online. The act also places the responsibility for the creation and maintenance of a list of Internet-restricting countries and sensitive surveillance technologies primarily with the Secretary of State.

The prospect of GOFA becoming law appears to be limited, given that the bill has made it to committee several times, and has failed to pass over the past seven years. Since the reintroduction of GOFA in 2012 and again in 2013, a number of interest groups have stated positions on the latest version of the bill. The Electronic Frontier Foundation (EEF) a U.S. based non-profit organization which is concerned about free speech issues that relate to cyberspace, has expressed concern that GOFA could limit activists access to technology. The Center for Democracy and Technology is another U.S. advocacy group that has expressed equivalent concerns. GOFA contains a presidential waiver provision that could be used both to make available technology to dissidents. However, there are also concerns that these technologies could also be made available to repressive regimes through the use of waivers. Thus, to be effective,
careful consideration of the implications of each transfer of technology or sale would need to be considered before being completed.

The sale of sensitive technology to Iran by ZTE acted as a backdoor, allowing the Iranian regime to acquire technology it otherwise might not have been able to obtain. In this case, it is reasonable to assume that GOFA would have impacted the ability for such a sale to go through. The administration’s tepid response articulated by then Secretary of State Clinton to additional sanctions the day before GOFA was reintroduced in 2012 indicates apathy toward a legislative response to the issue within the administration. Though GOFA has existed since at least 2006, this specific sale was initiated in 2010, and was not completed until 2012, as of the time this of writing, GOFA has been resubmitted during the 2013 session of Congress and it has been referred to the Committees on Foreign Affairs, Ways and Means, and Financial Services.252

Once it came into the open, the ZTE sale has not been met with silence in the U.S. Congress, as members of House pressured for action on the matter and investigations were launched into the sale. In addition, some of the American companies involved stated that they would cut their ties with ZTE to ensure that their technology would no longer end up in the hands of the Iranian regime. Although ZTE has recently announced that it has stopped new sales of technology to Iran, it continues to provide support for the Iranian regime in the form of servicing existing equipment.253 Additionally, as reviewed above, the U.S. House Permanent Select Committee on Intelligence has issued recommendations that U.S. businesses end their relationships with ZTE and Huawei. Whether this recommendation will be sufficient to ensure action is taken by companies that transfer technology to Chinese firms remains to be seen. The Obama administration has not commented specifically on the ZTE case; however an administration official was quoted in The New York Times as stating: “We have a process that is not aimed at one specific company but using all the assets and parts of U.S. government aimed at protecting our telecommunications and critical


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infrastructure.” In light of the above developments in ensuring that legislation such as GOFA is put in place, there is hope that such measures will help ensure that the Iranian regime can no longer gain access to U.S. surveillance technology through an intermediary.

Additionally, a greater level of partnership between the public and private sectors might assist in ensuring that a stronger response can be enacted when addressing both prognoses. Although the Iranian regime currently has the capability of filtering and blocking encrypted web traffic, groups such as TOR specifically develop methods to circumvent Iranian filtering. Enabling these groups to keep pace with Iranian censorship capabilities is an important component of current American policy efforts. Circumvention alone is not enough to ensure that Iranians are free to engage in a civil discourse that will allow them to challenge the ruling regime. As reviewed above, to the extent that their use has been tracked, it appears that the use of circumvention tools is not widespread, and therefore may have little long-term impact. There is also the issue of ensuring that circumvention tools are effective and that they protect end users.


255 TOR, also known as The Onion Router, was initially developed as part of the onion routing project of the U.S. Naval Research Laboratory, though it has transitioned from its original military to private use. Onion routing was developed as a means of avoiding “traffic analysis” which is used to infer and monitor who is using a public network to communicate. TOR protects its users by routing their traffic through a number of different points and encrypting the data, thus making it difficult for traffic analysis to pinpoint its origin and destination. Source: "Tor." Project: Overview. The Tor Project Inc., 13 Feb. 2013. <https://www.torproject.org/about/overview.html.en>.


257 Support for these efforts has been included within provisions of legislation reviewed previously, specifically the VOICE Act of 2009, and the Iran Threat Reduction and Syrian Human Rights Act 2012, which was signed into law on August 12, 2013 several months after passing the House of Representatives. Source: "Iran Sanctions Contained in the Iran Threat Reduction and Syria Human Rights Act (ITRSHRA)." U.S. Department of State. U.S. Department of State, 28 Sept. 2012. Web. 2 July 2013. <http://www.state.gov/e/eb/rls/fs/2012/198393.htm>. However, as stated previously, the Obama administration response to these provisions has lacked detail in how this policy goal of supporting circumvention technology development would be achieved.
Furthermore, in times of crisis, such as recently during the Arab Spring in Egypt and most recently in Syria, the ruling regime can simply turn off Internet access, further impacting the effectiveness of these tools. In the more recent case of Syria, however, the Assad regime has primarily left the country connected to the Internet, presumably to aid in tracking the movement and communications of rebel forces. This indicates that despite the potential for a complete shut down, circumvention will still play a role in future conflicts.

Whether supporting circumvention efforts and the passage of GOFA will prove to be too little too late for the people of Iran will depend upon the commitment of both the Obama administration and private actors to support the efforts of the U.S. Congress to ensure that advanced surveillance technology is kept out of the hands of the Iranian regime. Much like the way that sanctions left Iranian airplanes without necessary parts for repairs, legislation can be designed to halt the advancement of the Iranian surveillance state. Freezing this advancement will limit the tools that the regime has at its disposal to keep up with advancing techniques of circumvention and communication via ICTs.

7. Conclusion

During the first months of the Obama administration, the new president and his cabinet stepped back from the Bush administration’s policy approach of funding democracy promotion in Iran. The Obama administration took this different approach as part of an effort to gain the trust of the Supreme Leader and the Iranian regime. During this period, the Obama administration focused primarily on offering “an extended hand”, bringing the Iranian regime to the negotiating table in order to deal with the continued development of its nuclear program. The policy trade-off, which exchanged democracy promotion for potential results in nuclear negotiations with Iran, was an attempt by the Obama administration to be more pragmatic and diplomatic than the Bush administration, in its dealings with the Iranian regime.

The negative effects of neglecting to maintain democracy promotion were first felt in the summer of 2009 during the Iranian political unrest. The administration, not wanting to jeopardize potential gains with the Iranian regime. Did not openly support the protests, leaving the U.S. Congress to step in and fill the void. The resulting legislation recognized the role that ICTs played in the protests, yet mainly focused on continuing funding for traditional methods of democracy promotion in the region, such as for Persian language VOA programming. Over the next several years this trend would continue, with little to no comprehensive efforts by the Obama administration to use its power to address the use of ICTs in Iran, outside of statements in support for what the administration referred to as Internet freedom. While the U.S. Congress passed several bills addressing ICTs in Iran, the focus of both the Obama administration and the Congress remained on the Iranian nuclear program. The result has been the continued ability of the Iranian regime to improve its methods of surveillance over its citizen’s online activities, using the Chinese company ZTE as an intermediary to gain access to technologies developed by U.S. companies. Those who are critical of the regime continue to be persecuted in various ways.
In the wake of the sale by ZTE to Iran sensitive technologies, the Obama administration will need to work with the U.S. Congress to ensure that GOFA becomes law. This legislation will impede, but not necessarily stop the Iranian regime from acquiring parts in the future for its surveillance apparatus, just as recent sanctions on the oil industry have impacted the Iranian economy but has not stopped Iranian nuclear development. In addition, rather than merely lifting restrictions on the transfer of circumvention technology to Iran, the Obama administration should pursue a long-term strategy of public-private partnerships, to ensure that technologies that are made available to Iranians are both safe and effective for use. As part of its democracy promotion strategy for Iran, the use of financial incentives to draw the attention of software developers can be used as an effective tool to spur the development of circumvention solutions for the Iranian people.

The Obama administration has an opportunity to lay the foundation for establishing a long-term strategy of incorporating ICTs into U.S. democracy promotion policy. The administration will need to oversee transitioning away from traditional media such as VOA and Radio Farda, both of which received tens of millions of dollars in funding following the 2009 protests in Iran as a means of democracy promotion. Democracy promotion efforts instead should focus on ensuring that those living under authoritarian regimes are able to communicate with each other freely, though this alone will not topple governments. ICTs can play a role in the organization efforts of those opposed to authoritarian rule. Much like Radio Free Europe before it, this action ought to be considered part of a larger goodwill effort on the part of the U.S. government to reach out those living under these regimes.

Finally, international consensus will be needed moving forward. This will be necessary mainly in the case of China to deprive the Iranian regime the resources it will need to maintain its surveillance capabilities. The Obama administration has been successful in gaining Chinese support for sanctioning Iran through the U.N. Security Council regarding its nuclear program. The administration will need to find a diplomatic solution that both China and the U.S. can agree with in order to effectively freeze Iranian surveillance capabilities.
The U.S. and Chinese governments have exchanged accusations of hacking against each other in increasing frequency over the past decade. This includes accusations of intellectual property theft from U.S. companies by Chinese hackers. Combined with the disclosure of NSA spying on Chinese communications, these revelations have further highlighted the need for an agreement between the two countries on issues related to cyberspace. Without an agreement on these issues, such as the transfer of sensitive technologies to countries like Iran, the probability of a cyberarms race that could threaten the stability of U.S.-Chinese relations becomes a more credible threat. Such a situation could create a discord between the two countries that trickles down into other areas. For example, there could be less international cooperation on preventing the development of the Iranian regime’s alleged nuclear weapons program. Additionally, failing to reach an agreement on issues related to ICTs and cyberspace maintains open channels through which Iran has access to sensitive technologies.

A democratic transition in Iran will not come about solely through the free use of ICTs by the Iranian people. It will be a battle that is won on the streets and in ballot boxes, by the Iranians who oppose the authoritarian regime that currently rules the country. But as seen during the Arab Spring and the 2009 Iranian protests and other recent democratic movements across the globe, ICTs can play a significant role in helping people communicate and organize opposition to authoritarian rule. As technology changes and brings about change itself, so too should U.S. democracy promotion policy change to embrace the important role of ICTs in furthering democracy around the world. Though technology can be used quite effectively to suppress dissent, recent events have shown that it can help liberate the oppressed. It is important that U.S. policies keep pace with this reality.
References


Appendices
Appendix A.

The Basics of the Internet and Censorship

The origins of the modern Internet have their roots in a project known as the Advanced Research Projects Agency Network (ARPANET), which was jointly developed by the U.S. Defense Advanced Research Projects Agency (DARPA) and the Massachusetts Institute of Technology (MIT) in the late 1960s. The Internet began as a project aimed at linking computers in various universities across the U.S., and developing their ability to communicate with each other.

The next important step in the development of the Internet in relation to ICTs took place in 1982. It was at this time that the basic rules of the Internet were formed and the standardization of the Internet protocol suite (also referred to as TCP/IP) was established. Transmission Control Protocol (TCP) handles what is commonly referred to as host-to-host communication. A network host, in this case, refers to a computer that is connected to a network of computers. A host offers various types of services to other computers connected to the network, for example, a webpage.

In most cases, a host will supply the content that a PC or mobile device is able to access when it is connected to the Internet. It does this by breaking the content up into what is referred to as packets, which are transmitted from one device to another over the network. The second half of TCP/IP, Internet Protocol (IP) handles the connections between local networks. It does this by providing the address that the packet of information is being sent to and from. This agreed-upon standard has allowed for the proliferation of ICTs by creating a standard language of communication between these devices. However, it also contains vulnerabilities that have been exploited by those seeking to manipulate networks to their advantage.

The standardization of the Internet, has also led to the standardization of a number of techniques which have been used by authoritarian regimes to exercise censorship and surveillance over their users. The following includes a listing of various methods of Internet surveillance and censorship that the Iranian government has employed to monitor the use of ICTs.

One method of censorship simply involves slowing Internet connection speeds, thus making it difficult to transmit large files, including videos. The Iranian regime employed this method of control during the 2009 period of election unrest.

Another simple method of control is through the use of key-word filtering to limit access to banned content. An additional strategy involves the blocking of specific IP addresses, making it difficult for users to access certain websites.


260 Ibid.

261 Ibid.


263 Patricia Moloney Figliola, 10.
order to ensure that the content that is available to Iranian Internet users meets its strict Islamic standards, the Iranian government has employed these techniques since the mid-2000s.\footnote{264}

To counter the circumvention techniques which are often used by more computer-savvy dissidents, authoritarian governments, including the Iranian government, engage in both Shallow Packet Inspection (SPI) and Deep Packet Inspection (DPI) surveillance techniques. As the name would indicate, SPIs are surface level surveillance techniques, checking only the header of the packet, but not the content. This allows for a greater degree of internet traffic monitoring. SPI, however, can be circumvented. DPI goes further, and scrutinizes the content of the packet that is being transferred. This type of surveillance can be used to monitor emails for key words, and allows the intercepting party to change the content of the email or to block it from reaching its intended receiver completely.\footnote{265} The Iranian government as recently as 2012 has started implementing DPI to limit access to sites such as Google’s Gmail service.\footnote{266}


\footnote{265}Patricia Moloney Figliola, 11.

\footnote{266}“Freedom on the Net 2012.” 270.
Appendix B.

Internet and ICT use in Iran

Internet use began in Iran in 1993 when The Director of the Institute for Studies in Theoretical Physics and Mathematics (IPM) sent the first outgoing email from Iran to the University of Vienna. Since 1994, IPM has been responsible for granting the right to use the .ir domain name, which is used for Iranian-based websites. Twenty years later, Iran currently has the largest Internet population in the Middle East region, with over 33 million users. Iran also ranks among the countries with the highest Internet growth rates in the world. Furthermore, there are also an estimated 50 million mobile phones in the country which has a population of roughly 78 million people.

The high numbers of both Internet and mobile phone users provide a strong indicator that a significant portion of the Iranian population is making use of ICTs. Another important fact to consider in relation to the widespread use of ICTs in Iran is that a majority of the Iranian population is under the age of 30, and the country has a literacy rate over 79 percent. Thus, Iran’s population is primarily urban, young, educated and unemployed at rate of 23% for 15-24 year olds.

A significant feature of the Iranian Internet experience has been the prominent role of blogs (also referred to as weblogs) which function as online journals where an author can hypothetically write on any topic. Blogs also have an important function in the facilitation of civil discourse as they can be set up to allow readers to comment on the author’s posts, generating a forum for discussion. This form of communication gained a great deal of popularity with Persian language Internet users in the early 2000s, and was (in great part) attributed to the Iranian regime’s crackdown on independent newspapers over this same period. In recent years, Iranians have been limited to pre-approved blogging services, as the regime steadily works towards its goal of restricting discourse only to approved subject matter. Even in the case of approved services such as Blogfa, which is a popular Iranian blogging service, there have been incidents where users have unwittingly run afoul of the regime, leading to harsh punishment.

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267 The Institute was founded in 1989 and is sponsored by the Iranian government. Source: http://www.ipm.ac.ir/about-IPM.jsp
269 More information available from: http://www.ipm.ac.ir/about-IPM.jsp
270 Saeid Golkar, 53.
272 Ibid.
273 Ibid.
Freedom House reports that Blogfa receives shut down requests from the regime at an average of 50 blogs a week, with a reported high of 10,000 which were once shut down in the span of a single week.\textsuperscript{276} With such strict controls over what constitutes acceptable speech, this medium of communication will most likely suffer the same fate as did Iranian independent newspapers in the late 1990’s and early 2000’s. The difference now is that there will be nowhere else for these dissenting voices to turn.

Given that bloggers have been a target of the regime for the past decade, the Iranian regime’s fear of blogs is evident. A number of well-known bloggers have received lengthy jail sentences in recent years. One of the most popular Persian bloggers, Hossein Derakhashan started as a journalist and began blogging in late 2001 following the closure of the Reformist newspaper(s) where he had worked.\textsuperscript{277} Hossein produced a guide to creating blogs in Persian which is credited in part with helping to spread their use. By 2003, there were an estimated thirteen thousand Persian blogs.\textsuperscript{278} Hossein moved to Canada in 2000, in part because of the risks involved with staying in Iran while openly criticizing the ruling regime.\textsuperscript{279} When Hossein returned to Iran in 2008, he was arrested, fined $45,000 and sentenced to 19 ½ years in prison.\textsuperscript{280} Because it is illegal for Iranian citizens to visit Israel, and because Hossein had visited Israel twice, the regime justified the severity of the sentence claiming that Hossein was a spy for Israel. These trips were, according to Hossein, made in an effort to improve relations between Israel and Iran.\textsuperscript{281}

The targeting of bloggers and the imposition of severe sentences upon them has been used as a tool by the regime to make examples out those who might dare to criticize the regime online. Freedom House reports that between 2009 and 2010, close to 50 bloggers and other online activists were arrested. Many of these were subjected to torture and other forms of mistreatment during their incarceration.\textsuperscript{282} As such, the regime has tried to curb the online activities of ordinary Iranians through the threat of harsh punishment and by creating a climate of fear.\textsuperscript{283}

\textsuperscript{276} Ibid. 267.  
\textsuperscript{277} Ibid. 364.  
\textsuperscript{278} Ibid. 364.  
\textsuperscript{281} Ibid.  
\textsuperscript{282} "Freedom on the Net 2012." 273.  
\textsuperscript{283} Ibid. 275.