

# No Room for Improvement

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## ABOUT THE AUTHORS



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Articles & Testimony

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**There are several potential reasons why the Obama administration is still insisting that the nuclear deal is perfect as is, and most of them are deeply problematic.**

**W**hy has the Obama Administration -- in public, at least -- rejected all suggestions to improve the Iran nuclear agreement? Last week, I proposed [five specific improvements \(http://www.washingtoninstitute.org/policy-analysis/view/there-is-a-path-to-a-better-deal-with-iran\)](http://www.washingtoninstitute.org/policy-analysis/view/there-is-a-path-to-a-better-deal-with-iran) to the Iran deal. These included ways to repair flaws in the process of penalizing Iran for possible violations; to raise the cost to Iran of transferring sanctions relief funds to terrorist proxies; and to strengthen deterrence so Iran thinks twice before exploiting sunset clauses in the deal to sprint toward a nuclear weapon at a later date. Every one of these suggestions could be achieved either by unilateral U.S. action or coordination with our European allies. In other words, I argued that the agreement can be substantially improved without reopening its contents for renegotiation.

I don't claim originality for these ideas. Many were included in two statements issued weeks ago by members of The Washington Institute's bipartisan Iran Study Group (see [here \(http://www.washingtoninstitute.org/policy-analysis/view/public-statement-on-u.s.-policy-toward-the-iran-nuclear-negotiations\)](http://www.washingtoninstitute.org/policy-analysis/view/public-statement-on-u.s.-policy-toward-the-iran-nuclear-negotiations) and [here \(http://www.washingtoninstitute.org/policy-analysis/view/assessing-the-iran-nuclear-agreement-and-the-institutes-iran-study-group-ju\)](http://www.washingtoninstitute.org/policy-analysis/view/assessing-the-iran-nuclear-agreement-and-the-institutes-iran-study-group-ju)). My contribution was to pull them together and present them as evidence that one does not have to believe in unicorns, as Secretary of State Kerry suggested, to believe there are legitimate ways to improve the Iran deal.

So far, however, the Obama Administration has doubled-down on the proposition that any improvement is a "fantasy." With less than a month to the congressional vote, and public skepticism about the agreement growing, there has been no public recognition that the President considers any improvements possible, let alone preferable. On the face of it, this is understandable. After all, the White House does not need to win votes in either the House or

the Senate; it merely needs to lose votes by less-than-landslide margins. With the yardstick for victory so low, success may come solely with solidifying core supporters. This was most likely the reason for the President's rouse-the-base, my-way-or-the-highway speech at American University.

But this approach doesn't really take account of the substantial number of senators and congressmen who remain uneasy about the deal, despite efforts by advocates to lock up "yes" votes as early as possible. For many of these still-undecideds, a comprehensive set of improvements would likely push them into the "approval" camp. Conversely, the more time that passes with the Administration circling the wagons and refusing to pursue sensible correctives, the more likely some will just say "no."

So, why hasn't the Administration taken any serious steps to address constructive critics of the agreement? In my view, there are seven possible reasons.

**1. The Administration really does believe its own rhetoric.** If this is the case, then, by definition, no critic can be constructive and no improvements are possible or necessary. Given the gravity of the issues, one has to hope that the Administration has not deluded itself into thinking it has achieved the diplomatic equivalent of the divine and immutable message Moses brought down from Mt. Sinai.

**2. The Administration privately accepts the need for improvements but finds itself up a tree without a ladder.** Having spent the month since the announcement of the Vienna accord arguing that improvements are fanciful, the White House may feel boxed in by its own rhetoric and fearful of the political fallout of admitting that fixes are both worthwhile and doable. The result is simply to wish the idea away. In this situation, political discretion sadly trumps strategic interest.

**3. The Administration is concerned about spooking Iran.** This theory holds that taking any additional measures now to bolster deterrence will be evidence to Iran of America's bad faith, triggering the unraveling of the entire agreement. This even extends to a presidential declaration to use "all means necessary" to prevent Iran's accumulation of highly enriched uranium, whose only practical use is for a nuclear weapon -- a declaration that would have no practical effect until 2030, when restrictions on enrichment and centrifuges expire. The problem with this is twofold: first, none of the proposed improvements violates any terms of the agreement, so the Administration would be holding itself to an unreachable standard of deference to Iranian sensibilities. Second, and more importantly, if the Administration restrains itself from bolstering deterrence against Iran now, before the deal has even gone into effect, this is a horrible sign of the deep reluctance it will have to take any effective measures in the months and years ahead. If this is the reason for Administration inaction, Iran really is in the driver's seat.

**4. The Administration tried to reach understandings with the Europeans and failed.** Two of the five proposals to improve the deal focus on fleshing out details of cooperation with our allies. These include a commonly agreed-upon set of punishments for various Iranian violations of the agreement and a commonly agreed-upon approach to penalizing Iran for transferring sanctions-relief funds to its terrorist proxies. In this scenario, the Administration has quietly tried to reach understandings with London, Paris and Berlin but has been rebuffed; eager for the end of sanctions, the Euros will entertain no serious discussion of punishments, penalties, or other strategies that could validate the reintroduction of sanctions through some new format. If this is the case, the Administration would want to keep mum about European rejection of American overtures as word of such a trans-Atlantic divide could tilt the congressional vote toward disapproval.

**5. The Administration is too angry at Israel to give it independent means to undermine the deal.** One idea proposed by members of the Iran Study Group and championed by my colleague Dennis Ross, former White House advisor on Iran policy, is to complement America's own enhanced deterrence against Iran by ensuring that Israel retains its own non-nuclear deterrent capability. This could be achieved by transferring to Israel the one

conventional weapon in the U.S. arsenal that could do substantial damage to Iran's underground nuclear facilities, the Massive Ordnance Penetrator. In this scenario, Israel's direct and public opposition to the nuclear deal soured the Administration on any serious consideration of the idea. There is simply too much ill will between the leaderships of the two countries to contemplate providing Israel with the tools it could use to act on its own against Iran. Again, politics trumps interest.

**6. The Administration considers the fact of the deal more important than its content, because the President genuinely sees it as transformative.** According to this view, the transactional aspects of the deal -- such as details of monitoring, verification, and consequences for violations -- aren't really important compared to the meta-change it triggers: the re-entry of Shi'ite Iran into the international system as a regional power to whom the United States can turn to resolve local problems and balance the dysfunction of America's traditional Sunni allies. Since the announcement of the Vienna accord, Administration advocates have soft-pedaled these "transformational" arguments, but it is not difficult to connect the dots from statements by the President and his top aides to see this goal emerge as a key animating rationale for the agreement. If this is the case, then the White House has little reason to worry much about what happens when restrictions on Iran's enrichment and centrifuges expire in year ten or fifteen. By then, this argument goes, the Islamic Republic will already be a status quo partner cooperating with America on a broad range of regional issue.

**7. The Administration is quietly pursuing a comprehensive set of improvements and only needs more time to present them to Congress and the American people.** There are two variations of this explanation for the Administration's public posture -- one promising, the other worrisome. The promising scenario is that the White House does recognize the necessity and urgency of devising a comprehensive set of fixes to some of the problems raised in and by the agreement and is working diligently toward that goal. In this scenario, the enemy is time. The most important fixes for near-term problems need U.S.-European cooperation, but negotiating with the Europeans is only slightly less vexing than negotiating with the Iranians. There may just not be enough time before the congressional vote to work out the necessary details.

In that case, one hopes the Administration approaches responsible leaders in Congress -- such as Senators Bob Corker and Ben Cardin, chairman and ranking member of the Senate Foreign Relations Committee, for example -- and asks for an extension of the 60-day review period so it can complete the task. The alternative may be for legislators to disapprove the agreement, signaling their willingness to reconsider if the Administration produces the improvements that would merit a new vote.

The worrisome alternative is that the White House is waiting until the last minute to offer one or two grudging concessions to its critics, in the hope that will mollify lingering undecided legislators thirsting for anything to justify a "yes" vote. The most likely of these would be a shift in declaratory policy that commits the U.S. to take action, including military force, to prevent Iran's accumulation of fissile material for a bomb 15 years from now. After all, it's pretty easy for the incumbent president to promise something that only binds a future president three elections from now. This eleventh-hour approach would fall short of a comprehensive set of improvements that would constitute a "better deal," but for the White House it would have the benefit of coming so late in the day as to limit demands to concede more.

Taken together, the odds aren't great. Out of seven possible scenarios, six and a half are deeply problematic; only one version of one explanation holds promise. For the sake of an improved proposal that truly advances American interests in the Middle East, let's hope that's the one that describes what is really going on.

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