

What's Really Wrong with the Iran Nuclear Deal

by [Robert Satloff \(/experts/robert-satloff\)](#)

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ABOUT THE AUTHORS



[Robert Satloff \(/experts/robert-satloff\)](#)

Robert Satloff is executive director of The Washington Institute, a post he assumed in January 1993.



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Tactically, the impressively detailed Iran nuclear accord masks major flaws; strategically, it heralds a profound shift in U.S. regional strategy.

I have read every mind-numbing page of the Iran nuclear agreement. It is a serious document, negotiated by serious people. It includes a series of impressive restrictions on all aspects of Iran's nuclear program for many years, some lasting a quarter century.

But it is much more than just a technical accord. It is a strategy paper that maps Iran's emergence as a regional power, with the full blessing -- even support -- of the United States and the international community.

To start, it is important to note how far the Iran issue has evolved from the days when far-sighted lawmakers first pressed past administrations to impose sanctions on the Islamic Republic for its destabilizing nuclear program. Originally, diplomacy with Iran was supposed to be based on a straight trade-off: America (and its partners) would end nuclear-related sanctions while Iran would end its domestic nuclear program.

Then, the United States conceded to Iran the right to have its own nuclear reactors but not to develop indigenous capacity to enrich nuclear fuel, which doubles as the core element of nuclear weapons. Then, the United States conceded to Iran the right to enrich but under strict limitations. Then, the United States conceded to Iran that the strict limitations on enrichment would expire at a certain point in the future.

The result was that a deal originally conceived as trading sanctions relief for Iran's nuclear program evolved, over time, into a deal trading sanctions relief for time-limited restrictions on Iran's ambitious nuclear plans, enforced through a vigorous monitoring, verification and consequences regime. Perhaps that new, lesser deal -- one that kicks Iran's potential to be a nuclear weapons threshold state into the future -- is still in America's interest, but one should begin any analysis by recalling how far we have come from the original intent of sanctions and U.S. diplomacy.

A close reading of the text suggests that there are potentially significant gaps even in the vigor of the new regime defined by the agreement. Here are three:

When will inspectors get into suspect sites? According to my read of the agreement, Iran has a total of 24 days to delay any set of inspections. While it may take more than 24 days to scrub clean a massive underground enrichment facility, there is a lot of illicit activity that Iran can hide with 24 days notice.

What are the consequences for Iranian violations? According to my read of the agreement, there is only one penalty for any infraction, big or small -- taking Iran to the UN Security Council for the "snapback" of international sanctions. That is like saying that for any crime -- whether a misdemeanor or a felony -- the punishment is the death penalty. In the real world, that means there will be no punishments for anything less than a capital crime.

What does "snapback" mean in practice? Let's say that the UN Security Council does order the reimposition of sanctions. According to my read of the agreement, all contracts signed by Iran up until that point are grandfathered in and immune from sanctions. That means one can expect a stampede of state-to-state and private sector contracts -- some real, many hypothetical -- all designed to shield Iran from the impact of possible reimposition of sanctions, thereby weakening the impact of the punishment.

But the problem with snapback gets worse. The agreement includes a statement that Iran considers a reimposition of sanctions as freeing it from all commitments and restrictions under the deal. In other words, the violation would have to be really big for the Security Council to blow up the agreement and reimpose sanctions. That effectively gives Iran a free pass on all manner of small to mid-level violations.

These and other gaps are substantial. They deserve close scrutiny by lawmakers and clear answers from the Administration. But concerns about the agreement are much broader.

The Iran deal also includes a dramatic rollback of all "nuclear-related" sanctions -- whether imposed by the United Nations, the European Union or the United States. This includes all energy, financial, transportation and trade sanctions. Indeed, the agreement includes page after page of names of people and companies whose assets will be "unfrozen." In addition, sanctions relief includes, in year five, the lifting of the conventional arms embargo on Iran and, in year eight, the lifting of limits on delivery of ballistic missile components to Iran.

Moreover, there is a key commitment in the agreement that signatories are prohibited from "re-introducing or re-imposing the sanctions" and, later in the text, are banned from "imposing discriminatory regulatory and procedural requirements in lieu of the sanctions and restrictive measures covered by the [agreement]." Does this mean the U.S. has tied its hands on applying these sanctions against Iran for other nefarious activity, from terrorism to human rights violations? At the very least, it appears that the United States did not make clear enough its intent to preserve sanctions for these non-nuclear purposes. Indeed, Iran may believe it is the only country in the world against whom a long list of penalties can never be applied for any crime it may do. That will only invite the bad behavior we hope to prevent.

The Iran accord goes further. On top of refraining from penalizing Iran for bad behavior, the U.S. and its partners commit to assist Iran to develop in energy, finance, technology and trade. The idea that America and its allies will actually help Iran grow stronger in these areas will sound a discordant note around the Middle East, where the Tehran regime is viewed as the eminence grise behind Bashar Assad's brutal suppression of his people, the Houthi rebellion against state authority in Yemen, the creeping expansion of radical Shiite influence in Iraq and the activities of some of the most extreme Palestinian terrorist groups.

In that vein, this agreement is truly historic. It marks a potential turning point in America's engagement in the Middle East, a pivot from building regional security on a team of longtime allies who were themselves former adversaries of each other -- Israel and the Sunni Arab states -- in favor of a balance between those allies and our own

longtime nemesis, Iran.

This deal does not mean that America and Iran are now partners; far from it. But it sends tremors throughout the region in laying out the potential for that partnership. And Iran doesn't have to pay for this huge strategic gain by giving up its use of terror, subversion or other problematic policies. The only payment Iran makes for this huge strategic gain is postponement of its nuclear ambitions.

Perhaps, even with all these problems, the deal will achieve what the Obama administration promised it would achieve -- to block Iran's multiple pathways to the bomb for at least the next decade. And perhaps achieving that goal is worth the many sacrifices and concessions Washington made along the way.

Before that judgment can be rendered, the administration needs to explain the apparent flaws and complications in the agreement. No less important is the need for the administration to spell out the logic of strategic balance -- or perhaps, strategic competition -- between our old allies and our potential new one that this agreement seems to imply.

Robert Satloff is executive director of The Washington Institute. ❖

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