

# How to Counter Iranian Foot-Dragging (While Not Circumventing Congress)

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**W**ith reports suggesting that the June 30 deadline for a deal on Iran’s nuclear will be missed, just as previous negotiating deadlines were, we’re on the brink of not an end but a new phase in this diplomatic saga.

After July 9, the Iran Nuclear Agreement Review Act—which President Barack Obama signed into law last month—mandates that Congress gets an additional 30 days to review the accord, or 60 total. During this period, the president would not be permitted to extend Iran any sanctions relief beyond that stipulated by the November 2013 Joint Plan of Action.

By the standards of the Middle East today, two months is an eternity—and the Obama administration is surely wary of leaving an accord in diplomatic limbo for that long. Such a period would give Iranian opponents of a deal time to appeal to Iran’s supreme leader, Ayatollah Ali Khamenei; give time for events in Syria, Iraq, or elsewhere to disrupt diplomacy; and/or allow critics in the U.S. to organize opposition to an agreement.

Such fears could tempt negotiators on both sides to consider a diplomatic gambit that would lock the accord in place before Congress has its say.

Per the framework parameters the U.S. announced April 2, the U.N. Security Council resolutions penalizing Iran for its nuclear activities will be replaced as part of a final deal. This new resolution would formally endorse the agreement and establish mechanisms such as a new International Atomic Energy Agency inspection regime and a “procurement channel” governing Iranian imports of sensitive technology. It would also re-impose sanctions on “conventional arms and ballistic missiles, as well as provisions that allow for related cargo inspections and asset freezes.”

Taking such action at the U.N. before or during the congressional review period could, however, render Congress moot. Even if lawmakers disapproved of the deal, it will have been granted legitimacy by the U.N. Security Council’s action and international sanctions against Iran will have been lifted. Other countries would judge that they had sufficient basis to proceed according to the deal’s provisions with or without U.S. participation, though some might hesitate if the administration declared its intention to abide by Congress’s decision and continue enforcing U.S.

sanctions. Whatever the administration's preference, the president signed the Iran Nuclear Agreement Review Act into law; accordingly, he should not cast a vote at the Security Council until Congress has had its chance to weigh in.

It is, of course, possible that no deal will be reached. In that case, the options include both sides walking away from the talks and repudiating the limits imposed by the Joint Plan of Action; formally extending the November 2013 Joint Plan, perhaps in modified form to reflect developments of the last six months; or refraining from renewing the Joint Plan while continuing to adhere to its limits.

The first and second scenarios are both problematic.

President Obama has touted the Joint Plan as a major achievement that short-circuited the previous cycle of tit-for-tat escalation; presumably, he would not be eager to resume that escalation. Nor would our European allies; even the French, who have taken a harder-line position in the talks than the Obama administration, do not advocate a return to the pre-Joint Plan status quo.

But formally extending the Joint Plan for a third time is unlikely to generate much enthusiasm in Washington, Europe, or among U.S. allies in the Middle East. Ayatollah Khamenei recently laid out negotiating "red lines" that seemed to backtrack on what had been agreed to in Lausanne; Tehran appears increasingly wary of finalizing a deal and perhaps comfortable with the status quo established in 2013. And since Iran has gone from severe economic contraction to modest growth, Iranian officials might expect that further concessions can be wrung by holding out. Or Ayatollah Khamenei might simply be reluctant to make the hard decisions that were put off in 2013.

All this means that the best course of action for the U.S. and its European allies would be to present Iran with a take-it-or-leave-it offer, walk away without committing to renew negotiations, and continue unilaterally adhering to the Joint Plan's limits, as long as the Iranians do likewise. At the same time, Washington should visibly prepare its backup options—new and resumed sanctions or even a military strike—in coordination with allies to convey to Tehran that the status quo can only deteriorate, not improve, should its intransigence continue.

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*Wall Street Journal*

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