

Iran's Nuclear Program Is Still Growing, and America's Fist Is Shrinking

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

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ABOUT THE AUTHORS



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

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



Articles & Testimony

Israel may feel compelled to act if the Obama administration does not follow the Geneva deal with robust implementation, strict sanctions enforcement, and speedy negotiation of an even stronger final arrangement with Iran.

The [blockbuster nuclear deal reached early Sunday morning in Geneva](http://www.washingtoninstitute.org/policy-analysis/view/document-november-24-joint-plan-of-action) (<http://www.washingtoninstitute.org/policy-analysis/view/document-november-24-joint-plan-of-action>) between Iran and the U.S.-led coalition is both less and more consequential than early reports suggest. And there is a good chance that its real value -- whether it prevents Iran's nuclear ambitions or inadvertently opens the door to an Iranian bomb -- may not be known until President Barack Obama turns into the home stretch for his second term, after the 2014 midterms.

The deal's major achievement doesn't match many of the breathless newspaper accounts written on tight deadlines since the Geneva breakthrough. "Major Powers Reach Deal with Iran to Freeze Nuclear Program," ran a headline in the *Wall Street Journal*; "Accord Reached with Iran to Halt Nuclear Program," proclaimed the *New York Times*; "Deal Freezes Iranian Nuclear Program for 6 Months," declared the *Boston Globe*. Wrong, wrong, and wrong.

Journalists and headline writers who characterized Geneva as a "freeze" or "halt" of Iran's nuclear program have a strange definition of these words. When Jack Lord or Telly Savalas caught up with a bad guy, pulled a revolver and yelled "freeze" or "halt," the culprit wasn't being told to "keep moving, just more slowly"; he was being told to stop -- or else. Geneva, however, does not stop Iran's nuclear program. Under the agreement, thousands of centrifuges -- including many of the advanced IR-2 version -- will continue to spin and produce enriched uranium, though within defined limits. Among the many moving parts of Iran's complex, multifaceted program, the term "freeze" applies to two components -- the accumulation of 20 percent enriched uranium (which will be converted into another form) and the nuclear-related progress of the Arak heavy-water reactor project. Both achievements are substantial and important but the program itself is not, by any stretch, frozen.

To their credit, both Obama and Secretary of State John Kerry never made such extravagant claims. Instead, in their separate remarks announcing the deal, they characterized the main achievement of Geneva as "limiting progress" or "impeding progress" of Iran's nuclear program. From the outset, they admitted that even with this deal, Iran's nuclear program will continue to grow and develop, just more slowly and under much more intrusive inspections than before.

If the deal's major success is less consequential than many portray it, few commentators have focused on what may be its most consequential aspect -- an apparent promise that, at the end of the process, Iran may eventually be able to enrich as much uranium as it wants, to whatever level it wants. That emerges from language buried in the paragraphs of the Joint Plan of Action, the formal name of the Geneva deal, that concern the parameters of a final agreement that is supposed to be negotiated over the next six months. The specific terms state, "The final step of a comprehensive solution...would involve a mutually defined enrichment programme with mutually agreed parameters consistent with practical needs, with agreed limits on scope and level of enrichment activities, capacity, where it is carried out, and stocks of enriched uranium, for a period to be agreed upon."

There appear to be two huge elements in this sentence: that Washington and its partners are on record now agreeing that the final accord will allow Iran to enrich uranium, putting the last nail in the coffin of six United Nations Security Council resolutions calling on Iran to suspend its enrichment activities, even temporarily; and that any limitations the final agreement may impose will not be final at all but only for "a period to be agreed upon." This paragraph trumps the faux argument over whether Iran has a "right to enrich"; in practice, it could have an international stamp of approval to enrich. In this, this paragraph could be read as saying that if Iran acts like a Boy Scout long enough -- one expects the "agreed period" to be measured in years, not months -- Iran's ayatollahs may receive formal international blessing for nuclear activities that, for a long time, have flouted the will of the international community.

Taking the long view, therefore, the final deal contains a potentially huge payoff for Iran. Kicking the problem down the road -- usually phrased more diplomatically as "stretching Iran's potential breakout time" -- is a key element of the Obama administration's approach. And from two other overlooked lines in the Geneva deal, there is a real possibility that the two sides won't reach agreement on the actual terms of that final deal until after the midterms in November 2014.

Most news stories cite Obama and Kerry as saying Geneva is a six-month arrangement. However, the text of the agreement notes that the deal is "renewable by mutual consent." And lest that line is viewed as a throwaway to placate Tehran, the text specifically notes that the parties "aim to conclude negotiating and commence implementing" the final agreement "no more than one year after the adoption of this document." In other words, negotiators did not agree on a hard deadline to reaching agreement on the final deal, approving just an aspirational goal that it will be achieved a year from now. The administration probably welcomed this additional wiggle room to avoid a situation in which negotiations are deadlocked and it is cornered into admitting that the diplomacy had failed, forcing the White House to consider unattractive alternatives.

On the surface, it stands to reason that Iran has an interest in getting a final deal as quickly as possible. After all, the most punishing economic sanctions remain in place under the "first step" deal and Obama promised renewed vigilance in sanctions enforcement when he announced the Geneva accord. But with the signing of this deal, the perception of leverage will begin to tilt away from Washington and toward Iran, which may want to see how this deal improves its regional standing before it heads into talks for a final agreement.

When viewed in combination with the outcome of the Syria chemical weapons episode, for example, there is little doubt that America's threat of force has lost much of its credibility. The most Geneva portends for Iranian violation is the end of sanctions relief and perhaps additional sanctions; though Obama made a passing reference to his role as

commander-in-chief in his weekend remarks, he quickly followed that he has "a profound responsibility to try to resolve our differences peacefully, rather than rush towards conflict."

This will have an effect in two ways. First, countries around the world that followed Washington's lead on sanctions as an alternative to having the crazy Americans bomb Iran may now restrain their enthusiasm for obeying rules that cost them billions of dollars. And second, regional powers that deferred to the Obama administration's strategy for dealing with the Iran problem may begin to take matters into their own hands.

With Saudi Arabia likely to take its own defensive measures, in terms of deepening its nuclear partnership with Pakistan, all eyes are on Israel. Kerry bluntly said the Geneva deal "will make our ally Israel safer," but Israel's prime minister begged to differ. Instead, Benjamin Netanyahu denounced the Geneva deal as an "historic mistake" to which Israel is not bound. The U.S.-Israel rupture that burst into the open in early November is now routinized; as long as the Geneva deal is in force, a cold war between Washington and Jerusalem will be a permanent feature of a relationship that, until a few weeks ago, was celebrated for its unprecedented closeness.

The key question is whether Netanyahu is so incensed that he will turn the cold war hot by sending Israel's F-16s to do what Obama decided not to do -- derail Iran's nuclear program by force. While Israel has twice before bombed Arab nuclear sites -- in Iraq in 1981; in Syria in 2007 -- such a move would, in effect, not just blow up Iran's nuclear facilities but also Obama's most noteworthy diplomatic achievement. When the dust clears, no one can know for certain whether the U.S.-Israel relationship will still be intact.

Against this background, the chances that Israel acts militarily against Iran over the next six months are, for all practical purposes, nil. The political risks are just too great. Instead, Israel is likely to focus its efforts on urging friends on Capitol Hill to approve legislative measures that clarify and tighten aspects of the Geneva deal -- additional sanctions that only go into effect in the event Tehran violates the terms of the agreement, and limitations on the administration's ability to extend the period of the deal beyond its original six-month term. Some legislators will also try to exploit a loophole in the Geneva deal to expand non-nuclear sanctions, focusing on Iran's continued support of terrorism and worsening human rights record. The administration can be expected to oppose all these measures as contrary to the spirit of good faith promised in the Geneva text. A fight is coming.

But if no final agreement is reached within six months and the administration opts to extend the "first step" deal beyond its initial term, all bets are off. Israel may take that as a sign that the temporary is becoming permanent, a common Middle East occurrence, and consider itself free from the constraint of acting against a strategic partner. If Netanyahu regrets that he didn't act against Iran's nuclear program during the 2012 election season, as many commentators suggest, a decision to renew the first-step deal may give him another chance to act in the 2014 election cycle.

Hopefully, such speculation will amount to no more than a bad dream. But that will require the Obama administration to follow on the most important achievements of the Geneva deal with robust implementation, strict sanctions enforcement, and speedy, time-limited negotiation for an even stronger, tighter, firmer final arrangement with Iran. In other words, the really tough part is yet to come.

Robert Satloff is executive director of The Washington Institute. ❖

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