



WASHINGTON AND THE WORLD

The Iran Deal Turned Out Pretty Well

And if anyone has a better idea they've yet to say what it is.

By PHILIP GORDON | July 15, 2015

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It will likely be many days, or even weeks, before anyone not holed up in Vienna for the past 18 days can make a proper assessment of the detailed, 109-page comprehensive nuclear agreement reached yesterday between the United States and its partners and Iran. It's probably not a good idea to make snap judgements about byzantine dispute resolution mechanisms, schedules for different types of centrifuge research and development or terms for sanctions relief—let alone provisions regarding things like “UF6 pipework including sub headers, valves and pressure transducers at cascade level, and frequency inverters.”

That said, an initial reading of the Joint Comprehensive Plan of Action suggests that warnings (many of which notably came from people not privy to what was being discussed in Vienna) that the P5+1 negotiators were making a “parade of concessions,” as Israeli Prime Minister Benjamin Netanyahu put it last week, appear

to have been misplaced. On the difficult, outstanding issues that prevented a final deal from being agreed at the end of March, the administration and its partners appear to have stood firm enough to get what they needed, consistent with the framework announced three months ago in Lausanne. Indeed, fighting to get satisfaction on these key points is why the endgame in Vienna took nearly three weeks, and it is more than a little insulting to negotiators who endured that travail—and the four other “endgames” over the past two years—to suggest that they were over-eager for a deal.

In an article for POLITICO MAGAZINE on June 26, four days before the ostensible “final” deadline, I identified [five key areas](#) where I thought it would be necessary for negotiators to hold the line for the comprehensive deal to be fully defensible before Congress and key partners in the region. Around the same time, under the auspices of the Washington Institute for Near East Policy, a bipartisan group of experts and distinguished former U.S. officials, including some of my former colleagues from the administration’s Iran team, put forward a similar list. It will be interesting to see whether the signatories of the Washington Institute letter conclude the outcome in Vienna meets the necessary bar.

On balance I think it does.

Take, for example, the particularly critical provisions on monitoring and verification. We already knew the deal would allow for unprecedented monitoring of Iran’s nuclear facilities, including the entire nuclear supply chain, and that Iran would implement the IAEA’s “Additional Protocol,” requiring that it provide access to inspectors whenever and wherever they had concerns. What was unclear was what would happen in cases where there were disputes over access, which the Additional Protocol does not adequately address.

The result agreed in Vienna was a dispute resolution mechanism that enables the United States—or any other P5+1 member—to ensure that not just U.S. but international sanctions will be re-imposed if Iran fails to fully implement the agreement. The mechanism is certainly more complex and convoluted than any of us would have liked, requiring that a dispute first be brought to a “Joint Commission,” a group of foreign ministers, and then an “Advisory Board” before it even gets to the U.N. Security Council. But once there, the Council would have to vote to “continue the

sanctions lifting,” a process the veto-wielding United States, if not satisfied, could block. And the Joint Commission, consisting of the United States, United Kingdom, France, Germany, Russia, China, Iran and the European Union, can reach conclusions on the basis of five votes, meaning that even Iran, Russia and China together cannot stand in the way. Bottom line: if the United States does not believe Iran is abiding by the agreement—including by providing inspectors timely and effective access to the sites it feels the IAEA needs to see—it can ensure the re-imposition of Security Council sanctions, without being subject to a veto by Russia or anyone else.

The schedule for lifting those sanctions in the first place was another outstanding issue that proved very difficult to resolve. Indeed just before the June deadline, Iran’s Supreme Leader Ayatollah Khamenei doubled down on Iran’s push for early sanctions relief by insisting that “all sanctions” would have to be lifted “immediately when a deal is signed,” an Iranian redline that led many to conclude the U.S. would have to cave or there would be no deal. On this issue, however, it was Iran that caved. The JCPA states that sanctions will be terminated “simultaneously with”—i.e. “not before”—“the IAEA-verified implementation of agreed nuclear related measures by Iran.” Those nuclear related measures include the elimination of two-thirds of Iran’s installed centrifuges, the destruction or export of the core of the heavy-water reactor at Arak, the reduction of Iran’s stockpile of low enriched uranium by 98 percent and the provision of information about Iran’s past nuclear work—in other words steps that will not be taken for some time (U.S. experts estimate it could take at least several months). So much for Iran’s “redline” on this issue, and for all those predictions by U.S. skeptics like Senators Tom Cotton and Ted Cruz that Iran would receive a multi-billion dollar “signing bonus” before it had implemented the deal.

Even the U.N. Security Council’s arms embargo on Iran, which only existed because of Iran’s nuclear violations, will not go away when Iran implements the “nuclear measures.” Instead—notwithstanding a strong push by Iran, Russia and China to lift it immediately—the embargo will remain in place for five years. The only way that timeline can be shortened is if the IAEA is able to confirm before then that Iran’s nuclear program is exclusively peaceful, a confirmation which is highly unlikely. I would prefer to see an international arms embargo on Iran indefinitely, so long as it’s a threat to the region, but it was always unrealistic to maintain the embargo forever even if Iran implements its nuclear commitments without support from the rest of

the Security Council. And there are other ways the United States can and should make sure its security partners in the region—whose collective defense budgets dwarf that of Iran—can defend themselves and their interests, with U.S. support.

Clarification of Iran's past work on nuclear weapons research—known as possible military dimensions or PMD—was another particular concern about the endgame, given Iran's longstanding refusal to answer the IAEA's questions in this regard. Recognizing that Iran's leaders were never going to step forward and publicly admit such past work—an admission that their previous denials were not truthful—U.S. and European members of the P5+1 focused instead on getting Iran to provide the IAEA with access to sites, documents and scientists so that it could reach its own conclusions. The JCPA made progress in this regard by committing Iran to fully implement previous agreements with the IAEA to address all “past and present issues of concern” by October 2015. IAEA Director-General Yukio Amano believes the work can be completed by that time. Perhaps more significant, given that the more important objective is to prevent Iran from doing weapons work in future, the document includes a new section spelling out prohibitions on a range of activities that could contribute to the design and development of a nuclear explosive device. In an ideal world where the United States could simply write up the outcome it wanted, the specific PMD provisions would be more detailed and complete. But once again, the progress made at Vienna was important and real. And sanctions will not be lifted until the IAEA gets what it needs.

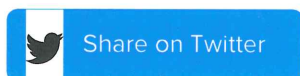
Finally, in the face of the Iranian leadership's strong insistence that any agreement not restrict what it considers to be legitimate scientific research, the JCPA ended up including strict limits on Iran's research and development of advanced centrifuges. The U.S. concern here was that if Iran could conduct unconstrained research and experimentation of its most advanced machines, it might be able to deploy them in advance of the ten-year restriction on enrichment capacity, and be in a position to shorten the time it would take to enrich enough uranium for a nuclear weapon. I will not claim here based on 24 hours to read the document to know precisely where the agreed schedule for research will leave Iran's centrifuge program in 2025 (or that I could do so even if given an infinite amount of time). But given what we know about centrifuge development in Iran and elsewhere, it takes several years of phased experiments with single machines, cascades, mechanical tests and finally the introduction of gas before the centrifuges can actually be used to enrich uranium.

This means that whereas Iran might well make progress on centrifuge knowledge in the coming years, it will not be able to reduce the “breakout timelines” from the agreed period of one year during the next decade, and will only gradually be able to do so in the years that follow.

In each of these cases, the agreements reached in Vienna were not ideal. In a perfect world we would be able to ban Iranian enrichment entirely and forever—but we don’t live in that world. Given the strength of Iranian feeling about these issues, and the lack of a good alternative to a diplomatic deal, it appears that the P5+1 played a pretty good hand in Vienna, and the agreement is one that is in the interest of the United States. A military strike that would set back Iran’s program only temporarily and almost certainly leave it determined to develop a nuclear deterrent would not be a good alternative to a diplomatic deal.

Members of Congress now have 60 days to review the text. I hope they will use the time to read it carefully, rigorously examine all these arguments, and hear from experts on all sides—no one should pretend this is an easy issue or that there are not risks either way. I know from my own engagement with Members of Congress—in the course of dozens or even hundreds of congressional calls on Iran when I was still in the administration—that many of them are extremely knowledgeable about the issue and take their responsibility seriously regarding such a critical issue.

I also hope, though, that they will not take the easy way out and vote against the agreement, secure in the knowledge that President Barack Obama will veto their resolution of disapproval, a minority of members will prevent a veto override and the agreement will still go into effect. Instead I hope they will vote as if the outcome depended on their vote and they had to take responsibility for that outcome. Here are just two questions I hope they will ask: If we kill this agreement now, would we ever get a better one? And if not, would we be better off with no constraints on Iran at all?



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