Opinion



World leaders take part in a press conference July 14, 2015, after reaching a nuclear deal with Iran. From left are Chinese Foreign Minister Wang Yi; French Foreign Minister Laurent Fabius; German Foreign Minister Frank-Walter Steinmeier; Federica Mogherini, high representative of the European Union for foreign affairs and security policy; Iranian Foreign Minister Mohammad Javad Zarif; British Foreign Secretary Philip Hammond; and U.S. Secretary of State John Kerry. (CNS/EPA/Herbert Neubauer)

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There has been voluminous analysis regarding President Donald Trump's Oct. 13, 2017, White House speech on the Iran nuclear deal. Much of the analysis has confused and lumped together two different things, the Iran nuclear deal itself, officially known as the JCPOA (Joint Comprehensive Plan of Action) and a Congressional Act, INARA (the Iran Nuclear Agreement Review Act).

The Joint Comprehensive Plan of Action is a multilateral agreement of which the United States is *only one of many signatories* that include the U.K., Germany, France, Russia, China, the EU and Iran. It has been endorsed by the U.N. Security Council in a unanimous resolution and basically provides verification Iran is blocked from developing a nuclear weapon through what is described by the International Atomic Energy Agency as "the toughest and most technologically advanced inspections regime put in place to prevent a country from developing an atomic bomb."

The Iran Nuclear Agreement Review Act, passed by Congress and signed into law by President Barack Obama after Joint Comprehensive Plan was signed in 2015, tasks the sitting U.S. president with issuing a certification every 90 days to Congress that Iran is in compliance with the international agreement. There are four conditions for issuing certification: Iran fully implementing JCPOA; Iran not committing a material breach of JCPOA; Iran not taking action that significantly advances a nuclear weapons program; and suspension of sanctions against Iran being in the U.S. national interest.

On Oct. 13, Trump declined to issue certification, not based on the first three conditions, since Iran has verifiably been adhering to them, but for the fourth condition, that suspension of Iranian sanctions is no longer in the national interests of the U.S.

By not certifying the "national interests" condition of the review act, Trump has punted the Joint Comprehensive Plan of Action issue to Congress, which now has 90 days has to decide whether to "snap back" into place nuclear-related sanctions against Iran. This, despite the verified fact of Iran's continued compliance with the comprehensive plan, public statements by Trump's own national security establishment that this plan is in fact in the U.S. national interest, opposition from the United States' closest allies, and the opinion of a majority of the American public

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Congress is not required to take any action, even with Trump's decision not to certify the provision on national security. The problem is that Trump is applying political pressure on Congress to automatically re-impose severe sanctions on Iran if certain "trigger points" were tripped by Iran, all of them unrelated to continued Iranian compliance with the Joint Comprehensive Plan of Action. These trigger points likely include issues such as Iranian support for Hezbollah and development of intercontinental ballistic missiles.

Should Congress fail to act on re-imposing sanctions, Trump has threatened to unilaterally cancel U.S. participation in the Joint Comprehensive Plan of Action "in the event we are not able to reach a solution working with Congress and our allies."

Attempting to unilaterally renegotiate a functioning multilateral international agreement through domestic legislation, when none of the other parties to the agreement support the renegotiation, is doomed to fail, with serious consequences if Trump were to then pull the U.S. out of the JCPOA.

One immediate result would be the isolation of the U.S. on the world stage and serious damage to American credibility to adhere to a signed agreement. The European Union reaffirmed on Oct. 16 that "The EU is committed to the continued full and effective implementation of all parts of the JCPOA" and it urged Congress not to re-impose sanctions on Iran.

European Union foreign ministers stressed that a failure to adhere to an international agreement endorsed by the U.N. Security Council would have serious consequences for regional peace and the global proliferation of nuclear weapons, particularly in undermining efforts to check North Korea's nuclear ambitions. European Union foreign ministers added that the accord was crucial in opening up Iran's $400-billion economy to European investors.

Major U.S. multinational companies have lobbied Congress to ease restrictions on doing business with Iran, including ExxonMobil, Time Warner, Caterpillar, GE and Mastercard. So far, Boeing is the only U.S. company that has been allowed to do business with Iran and has signed a $20-billion deal to sell 110 planes to two

Iranian carriers. This deal could fall victim to a re-imposition of U.S. sanctions against Iran.

A second result would be the freeing up of Iran to produce as much enriched uranium or plutonium as it wishes. North Korea provides a stark example of how quickly a country can acquire a nuclear arsenal in the absence of restraint and negotiation. This is precisely why Secretary of State Rex Tillerson and National Security Adviser H.R. McMaster, have argued against withdrawing from JCPOA.

The two countries that have vocally supported Trump's JCPOA sabotage efforts are Saudi Arabia and Israel. The Israeli position is interesting because it reveals a split between Israeli Prime Minister Benjamin Netanyahu and Israeli Foreign Minister Avigdor Lieberman on the one hand, and Israeli experts in military intelligence and in the Israeli Defense Force's Planning Directorate, the Mossad, Foreign Ministry, and the Atomic Energy Committee on the other.

As noted in the Israeli daily Haaretz, "professional ranks of Israeli statecraft think that if America withdraws from the agreement, the other world powers will not follow through, and thus Iran will not become isolated nor face new international sanctions. Instead, the international community will be divided and the monitoring of Iran's nuclear program could suffer a setback."

As things stand today, Iran is verifiably prevented from building a nuclear weapon for the duration of the nuclear deal. In addition, the stringent monitoring and access provisions imposed by the deal's inspection system ensure that inspectors would quickly know if Iran ever tried to do so in violation of its commitments.

Should that happen, the U.S. would have all the options it currently has to stop Tehran from doing so *with the full support* of the international community.

The Iran nuclear deal was strictly meant to completely prevent Iran from acquiring nuclear weapons now and in the future. This is made clear in the preamble to the agreement which states that "Iran reaffirms that under no circumstances will Iran ever seek, develop or acquire any nuclear weapons."

This is a remarkable achievement in itself and should be preserved. If the U.S. has issues with malign activities Iran is engaged in *separate* from its nuclear commitments, then the U.S. has the right to address and sanction those but not by recreating a problem that has already been addressed.

Trump has embarked the U.S. on a dangerous isolationist path. If Congress succumbs to his pressure and re-imposes sanctions on Iran, it will have violated the deal and isolated itself internationally — as the other signatories to the deal have indicated they will remain true to it. If Congress fails to act and Trump follows through on pulling the U.S. out of the Joint Comprehensive Plan of Action, Iran will likely resume its nuclear weapons program and join North Korea on the list of nuclear-armed adversaries of the United States.

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