

# LECTURE

DELIVERED JULY 7, 2015

No. 1263 | JULY 16, 2015

## The Iran Nuclear Negotiations: U.S. Concession After U.S. Concession

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**Abstract:** *The Obama Administration is negotiating a bad deal in the Iran nuclear negotiations. It has violated every rule of good negotiating practice, making concession after concession on both major and minor issues. With each abandoned redline—whether enrichment, ballistic missiles, verification, or sanctions relief—the Administration has resorted to twisted logic and intellectually disingenuous explanations to justify its concessions. A good deal would deny Iran a nuclear weapons capability, prevent Iran from building a nuclear weapon in a short amount of time, extend the breakout time, be verifiable, include phased relief of sanctions and guaranteed snap-back provisions. The Administration’s proposed deal fails on all counts.*

Good afternoon. It’s always great to be back at Heritage. Let me begin by thanking the organizers for the invitation to speak on the very important and timely topic of the Iran nuclear negotiations.

I have been speaking and writing on this subject for more than two years and have watched our negotiating position evolve in one direction. This has not been a matter of compromise—the give and take of diplomatic negotiations. This is a matter of concession after concession on both the major and minor issues being negotiated.

Since the Joint Plan of Action (JPOA) was announced in November 2013, the outcome was clear: Iran would be recognized and accepted as a nuclear weapons threshold state. Of course, Iran’s ballistic missile force—the largest in the region—would not be limited in any way. These were explicit concessions acknowledged by the White House, but explained away in the most convoluted fashion.

No longer would Iran be compelled to abandon its enrichment program. It would only be constrained so as to extend the breakout

### KEY POINTS

- In the Iran nuclear negotiations, the Obama Administration has violated every rule of good negotiating practice.
- Since the Joint Plan of Action was announced in November 2013, the Obama Administration has made concession after concession on both the major and minor issues.
- Iran has stuck to its redlines, while the U.S. has not.
- As negotiations currently stand, Iran will not be compelled to abandon its enrichment program and the U.S. demand for unfettered, anywhere, anytime inspections has been replaced with managed access and a dispute resolution mechanism that invite delay and obstruction.
- The Administration has emphasized spin over substance, resorting to twisted logic and intellectually disingenuous explanations to justify its concessions.
- The American people deserve the truth.

This paper, in its entirety, can be found at <http://report.heritage.org/hl1263>

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time for the mullahs to build the bomb that they could then deliver by ballistic missile. And even these constraints would be removed after the agreement expires.

In the subsequent rounds of nuclear talks, other concessions on key issues have been signaled in the media by Secretary John Kerry and other named and anonymous Administration officials, most often through friendly reporters.

You are likely familiar with most of these:

- Relegating what the International Atomic Energy Agency (IAEA) calls possible military activities to an implementation detail. No longer would Iran have to come clean on these activities before an agreement goes into effect. Remember, Mr. Yukiya Amano, head of the IAEA, described these 12 weaponization activities as “alarming.”
- Abandoning the demand for unfettered, anywhere, anytime inspections once considered essential for effective verification. Instead, there will be managed access and a dispute resolution mechanism that will allow Iran to delay inspections of suspect sites and permit Russia and China to obstruct action in the Security Council.
- The phasing of sanctions relief and the so-called snap-back provisions that the Administration emphasized as a guard against Iranian cheating have been shown to be more words than substance. The President has talked about a huge signing bonus of up to \$150 billion, and Moscow has been very direct: There will be no automatic reimposition of sanctions.

I could go on, but let me just say that the only real barrier to an agreement is the yet to be determined willingness of Iran to take yes for an answer.

Yes, the Iranians will agree to certain conditions, such as not building buildings that they have never intended to build. Instead of no enrichment, Iran will be limited to operating 5 or 6 thousand centrifuges under the agreement, but they will also be allowed to maintain in storage thousands of other machines that could be brought on line relatively quickly. And R&D and designing ever more advanced centrifuges will go on.

Yes, it is better that these centrifuges are not going to be connected during the tenure of the agreement,

but that doesn't make this a good deal. In fact, this is unquestionably a bad deal. And this important distinction sometimes gets lost in the rhetoric.

Everyone wants a negotiated outcome, including—and perhaps more than anyone—Israel's leaders. Polls cited by the Administration show that a large majority of Americans want a diplomatic outcome. Of course they do. But the next question is would the same majority support a bad deal. The answer is likely a resounding NO.

So what are the metrics to judge the outcome—to judge whether this is a good or bad deal. I think they are straightforward. Here are five:

1. Does the agreement deny Iran a nuclear weapons capability—the longstanding declared goal of the United States and the international community?
2. Does the agreement, once the constraints expire, prevent Iran from building a nuclear weapon in a short amount of time?
3. Does the agreement extend the breakout time in a meaningful way?
4. Is the agreement effectively verifiable?
5. And is there a meaningful phased relief of sanctions and are there guaranteed snap-back provisions?

The answer to each of these questions is NO—a reality that is becoming apparent across party lines.

So how did we get into this mess? The answer is clear:

- The Administration has violated every rule of good negotiating practice—the basic tenets of negotiating 101.
- Instead of increasing pressure on Tehran through more sanctions, they relieved sanctions to, in their words, keep Iran at the table, but it was these very sanctions that brought them to the table.
- Instead of making clear to Iran that Iran needed an agreement more than we, the Administration has demonstrated just the opposite: that it is desperate for an agreement—a desperation that Iran's negotiators have exploited to the fullest, as

seen today with Iran's last minute insistence on ending the arms embargo.

- Instead of insisting that a deadline actually means a deadline, the Administration has allowed Iran to squeeze further concessions each time the latest deadline approaches and passes.
- Most important, instead of holding the line on those key issues that would determine whether the agreement is good or bad—whether it advances our security interests or undermines them—the Administration made concession after concession.

Let me conclude by saying that one didn't need to be prescient to know even two years ago how this would turn out. The Administration still clings to its talking points: that it will not accept a bad deal, that it will walk away if Iran doesn't meet its demands, and of course that no one yet knows how this will turn out because nothing is agreed until all is agreed.

But if you find these statements credible given all we now know, I think you are living in the Bizarro World. In fact, for me, I long ago concluded sadly that the Supreme Leader was less likely to distort the status of the negotiations to his public than was our own White House to the American public. This is due to the fact that Iran sticks to its redlines while the U.S. does not. And each time the Administration abandons another redline—whether it's to allow enrichment or conceding on ballistic missiles or verification or sanctions relief—it resorts to twisted logic and intellectually disingenuous explanations that simply don't make sense. The result is spin over substance.

The American people—as President Barack Obama says—deserve the truth. Let's ensure they get it.

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