



Why Trump Will Not Allow The Iran Deal To Stand

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Those who support the Obama administration's landmark nuclear deal with Iran are nervous, and for good reason. In his Sept. 19 address to the United Nations General Assembly, President Trump gave what was perhaps the clearest signal to date that he has no plans to recertify the agreement (formally known as the Joint Comprehensive Plan of Action, or JCPOA) next month, as mandated by Congress.

Certification of the agreement isn't a condition of the nuclear deal itself. Rather, it's a provision of the Iran Nuclear Agreement Review Act (INARA) passed by Congress in 2015 in an effort to gain some leverage over the Obama administration's opaque negotiating process with Iran. INARA - or Corker-Cardin, as the legislation is more popularly known - stipulates that the president must confirm to Congress every ninety days that 1) Iran is fully implementing the terms of the JCPOA; 2) the Islamic Republic has not committed a material breach of that agreement; 3) that Iran has not done anything to materially advance its nuclear weapons program; and 4) that continued suspension of nuclear-related sanctions against Iran remains in the national security interests of the United States.

Currently, none of these criteria are being satisfied.

First, the administration is not able to certify that Iran is fully implementing the JCPOA because the United States simply doesn't have access to the totality of Iran's nuclear program. Numerous sites that are connected to Iran's atomic effort remain off-limits to international inspectors. Those facilities that are being actively monitored by the UN's International Atomic Energy Agency, meanwhile, have only provided the international community with a partial picture of Iran's current nuclear work, as U.S. Ambassador to the UN Nikki Haley pointed out in her recent speech before the American Enterprise Institute in Washington, DC.

Second, the international community cannot currently judge if Iran is in "material breach" of the accord because, paradoxically, no settled definition of such a breach exists between the United States and its partners in the P5+1 (Russia, China, France, Great Britain, and Germany). This state of affairs has created what can be called a "consensus conundrum," in which every report of a potential Iranian breach of the JCPOA has led to acrimonious bickering - not between Iran and the P5+1, but among the P5+1 countries themselves - over the extent and severity of the violation in question.

Third, a credible case can be made that Iran is in fact continuing to advance its nuclear weapons program through its associated work on ballistic missiles. This aspect of Iranian capabilities was largely ignored by the Obama administration, which early on caved to Iranian pressure and removed ballistic missiles from the scope of the agreement then being negotiated with Tehran. Nevertheless, ballistic missiles are widely understood to be the most likely delivery system for any conceivable Iranian nuclear weapon, and recent months have seen the Islamic Republic make significant strides in the range, sophistication and capabilities of its strategic arsenal.

Finally, the Iran nuclear deal has enabled the regime in Tehran to expand both its military spending and its regional activism, much to the detriment of the United States and its allies in the Middle East. Iran's new activism owes much to the JCPOA, which has conferred major economic benefits to the Islamic Republic. Containing an emboldened Iranian regime makes the re-imposition of a full range of economic sanctions nothing short of a vital American interest.

For all these reasons, "decertification" of the JCPOA likely isn't a matter of "if," but of "when." As President Trump told the U.N. this month, the United States "cannot let a murderous regime continue [its] destabilizing activities while building dangerous missiles, and we cannot abide by an agreement if it provides cover for the eventual construction of a nuclear program."

The Iran deal, as currently structured, both enables Iran's malign activities and brings the Iranian regime closer to nuclear weapons and the means to deliver them. That is why, at least from this president's perspective, it cannot stand.

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