



# Defending The Indefensible

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Like an all-too-proud father rejecting a teacher's legitimate criticism of his child, former Secretary of State John Kerry is defending the U.S.-led global nuclear agreement with Iran that he engineered from the legitimate concerns of Iran-watchers in the Trump administration, Congress and the private sector.

President Donald Trump and his top foreign policy advisers are signaling that he'll likely declare by the Oct. 15 deadline that Iran hasn't fully complied with the agreement. So Kerry defended the deal the other day on The Washington Post's op-ed page and urged Congress not to follow such a declaration by re-imposing sanctions on Iran.

Kerry's defense isn't convincing, however. He splits hairs, disregards facts and lowers the bar for judging the controversial agreement, to which the P5+1 (the United States, Russia, China, Britain, France and Germany) and Iran agreed in July of 2015 and which took effect the following January.

Under the 2015 Iran Nuclear Agreement Review Act, which Congress passed overwhelmingly as Kerry was completing his negotiations, the administration must report to Congress every 90 days about whether Iran is fully complying. If the administration declares that it's not, Congress would likely consider re-imposing sanctions.

"The agreement the world forged to stop Iran from ever acquiring a nuclear weapon," Kerry wrote, "reflected our best judgment about achieving that solitary goal. It was not a wish list we could impose, but the result of a negotiation. We based our conclusions on verification, not trust. In every way the world can measure, it is working."

Ah, very clever. Read his words closely, for in defending the deal, Kerry unwittingly removes the emperor's clothing. "In every way the world can measure..." he writes. As recent events make clear, the world cannot really "measure" that Iran is complying with restrictions on its nuclear pursuits.

That's because Yukiya Amano, the International Atomic Energy Agency's director general, confirmed last week that his agency lacks the tools to verify that Iran is complying with "Annex I, Section T," which prohibits the Islamic Republic from "activities which could contribute to the design and development of a nuclear explosive device."

"Our tools are limited," Amano told reporters. "In other sections, for example, Iran has committed to submit declarations, place their activities under safeguards or ensure access by us. But in Section T I don't see any."

The Obama administration had promised a far more robust inspections regime to guarantee Iranian compliance. As Kerry was negotiating in the spring of 2015 with Iranian officials, consulting with the other P5+1 nations, and reassuring skeptical U.S. allies in Jerusalem, Riyadh and elsewhere that the agreement would serve them well, then-deputy national security adviser Ben Rhodes told CNN's Jake Tapper that "you will have anywhere, anytime, 24/7 access as it relates to the nuclear facilities that Iran has." Pressed about whether the agreement would allow for inspecting "military facilities," Rhodes said, "if we see a site that we need to inspect on a military facility, we can get access to that site and inspect it." Rhodes repeated his assurances later the same day on Israeli TV.

His promises proved vacuous, however, which is why the IAEA finds itself bereft of the tools to verify Iranian compliance. Rather than "anytime, anywhere" inspections, the agreement gives Tehran 24 days to respond to an IAEA request to inspect a site, and it provides no path to resolving a dispute in case Tehran rejects the request.

Just as troubling, top Iranian officials have repeatedly insisted that they will never give international inspectors access to military sites. That means that however much or little Tehran complies with other provisions, nobody can be certain that it's not conducting clandestine nuclear-related work.

Though Annex I, Section T has received much attention of late, it's just part of a larger picture of Obama administration assurances about the emerging agreement that fell victim to Kerry's later concessions.

An agreement that was supposed to focus solely on Iran's nuclear program eased restrictions on its ballistic missile program, as well. An agreement that was supposed to close all Iranian paths to nuclear weaponry expires in stages over the next 15 years. An agreement that was supposed to provide for "snap-back" sanctions in response to Iranian cheating declares that Iran will walk away from the agreement if the P5+1 were to pursue that option.

The agreement may be "working," in Kerry's words, "in every way the world can measure." Unfortunately, the world lacks the means to adequately measure or fully enforce Iranian compliance.

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