

Surrender in Vienna

Why We Need A

BETTER

Nuclear Deal With Iran

A special briefing from the Editors of The Tower

Ephraim Asculai • Ben Cohen • James Kirchick • Peter Kohanloo • Allan Myer Emanuele Ottolenghi • Michael Pregent • Oubai Shahbandar

Surrender in Vienna: Why We Need A Better Nuclear Deal With Iran

A special briefing by The Tower.

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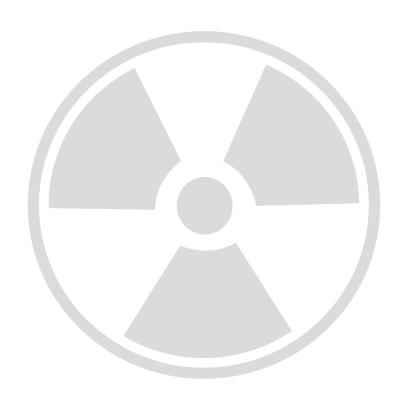


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COULD THERE BE A BETTER **NUCLEAR DEAL WITH IRAN?**

Ben Cohen



Tn January 2010, a few weeks before France Lassumed the chairmanship of the UN Security Council, I interviewed Gerard Araud—today France's Ambassador to the United States, but at the time its envoy to the UN-about Iran's nuclear program. "The Iranian nuclear program has no civilian explanation whatsoever," he told me. "You don't start a civilian nuclear program by enriching uranium. It's like buying the gas before the car."1

With hindsight, Araud's fears seem remarkably prescient. Under the terms of the Joint Comprehensive Plan of Action (JCPOA) agreed with Iran in Vienna on July 14, 2015,2 Iran will be able to continue enriching uranium within certain limits—a major concession that completely reverses the negotiating position of the major western powers over the last decade, which was to demand an end to its enrichment program. As the Institute for Science and International Security

pointed out in a recent briefing, "Iran has the tools to immediately avoid any violation, either by down blending or halting Low-Enriched Uranium (LEU) production... Based on Iran's long history of violations of its safeguards violations and non-cooperation with the International Atomic Energy Agency (IAEA), any overage over the cap should be treated as Iran testing the limits of the agreement."3

As the contributions to this collection make clear, Iran is ideally placed to violate the JCPOA-not just in terms of uranium enrichment, but on other critical aspects of its nuclear program as well. As Emanuele Ottolenghi points out in his chapter on the dismantling of the sanctions regime against Iran, the most important tool for exerting pressure over the Iranian regime until now, has been effectively dispensed with.

Nor can we overstate the negative regional impact of the JCPOA on the general security situation in the Middle East. As both Michael Pregent's chapter on Iran's regional ambitions and James Kirchick's chapter on Iranian backing for terrorism make clear, the United States and its allies have effectively legitimized the foreign policy goals of one of the world's most dangerous and aggressive regimes—goals that extend not only to its active interventions in Syria and Yemen, its takeover of Southern Lebanon through Hezbollah and the Gaza Strip through Hamas, and its plans for other countries from Bahrain to Azerbaijan. Moreover, our ability to police Iran's nuclear program, as Ephraim Asculai explains in his chapter on the deeply flawed inspections regime, has been critically compromised by the JCPOA.

The cause of human rights, too, has been dramatically set back, as Peter Kohanloo and Oubai Shahbandar point out in their respective chapters on the domestic situation in Iran and the Iranian regime's continuing support for the bloodstained dictatorship of Bashar al Assad in neighboring Syria.

In his introduction to this collection, Allan Myer asks the pertinent question: "Does the President's

conclusion match up to the world as it is, or is the conclusion based on series of profoundly false assumptions?" Regrettably, and despite President Obama's insistence that the agreement with Iran is grounded on empirical verification rather than plain trust, the assumptions of the current administration concerning Iran and its future behavior have, as Myer asserts, created an outcome whereby research on advanced centrifuges is permitted and, at the same time, the bans on Iranian weapons imports and ballistic missile programs are removed. All in all, this provides "a significant boost to the legitimacy of a regime with a truly despicable human rights record." In the coming weeks, the United States Congress will be faced with a decision of truly historic proportions. This briefing aims to provide legislators, opinionformers and the general public with the arguments and perspectives that will transform the present feeble deal into a more robust one—a deal that will guarantee not just our security, but that of future generations who may otherwise be condemned to a world where Iran's desire for a nuclear weapon is achieved, and where the states around it launch their own nuclear programs is a desperate bid to prevent the regime in Tehran from achieving regional hegemony. **T**

^{1.} The interview with Araud can be viewed here: https://www.youtube.com/watch?v=2VG8Aq69v2c

 $^{2. \} See \ http://ee as.europa.eu/statements-ee as/docs/iran_agreement/iran_joint-comprehensive-plan-of-action_en.pdf$

^{3.} See http://isis-online.org/uploads/isis-reports/documents/Reconciling_the_300_kg_Cap_with_Iran%E2%80%99s_Monthly_Production_of_LEU_Final.pdf

SURRENDER IN VIENNA: THE FALSE ASSUMPTIONS OF THE OBAMA ADMINISTRATION

Allan Myer



The Iran nuclear deal agreed in Vienna on July 14, 2015, known as the Joint Comprehensive Plan of Action (JCPOA), will be the focus of furious debate for the remainder of President Barack Obama's term in office and beyond. The White House and other proponents will argue its merits and proclaim it to be a "good deal" in the best interests of the United States and our allies and friends. They will also warn that the only alternative to the Vienna deal is war. Opponents will claim that if the deal goes into effect as it is currently structured, it will prove to be a catastrophic mistake and will make the Middle East and the world at large a far more dangerous place. They will argue that the alternative to this deal is a better deal.

Perhaps the underlying reason for this glaring disparity can be found in a phrase that often afflicts strategic thinkers and political decision-makers: We don't believe the world we see; we see the world we believe. As the great liberal philosopher Karl Popper argued, the always-difficult search for truth is guided in part by "the gradual discovery of our prejudices."1

The Obama Administration has avoided such a voyage of discovery, signing a nuclear deal based on a belief system and a series of assumptions that, in the President's own words, provide "a historic chance to pursue a safer and more secure world." Hence, the fundamental question is this: "Does the President's conclusion match up to the world as it is, or is the conclusion based on series of profoundly false assumptions?"

Assumptions always play a huge part in the way decisions are made. Failure to address, understand, and then heed the truth or fallacy of underlying assumptions provide the best forecast of whether the outcome will be successful or not. When it comes to forecasting the outcome of this deal, testing the validity of the Administration's underlying assumptions should be an essential starting point for any rational debate. If the assumptions are valid, it's probably a good deal; if invalid, it is probably a horrific deal.

Assumption: Iran should be and will be a stabilizing regional power in the Middle East. Really? The day after Secretary of State John Kerry announced the deal in Vienna, President Obama said "this deal... makes our country and the world safer and more secure." Valid or invalid? Is there any evidence whatsoever of any Iranian trend toward moderation? Is there any indication of an Iranian decision to turn away from its terror network; to pull back from its support of Hezbollah; to end its efforts to consolidate the conquest of the non-Kurdish regions of Iraq; to back away from its propping up of the vicious Assad regime in Syria; or to stop its constant threats to annihilate Israel?

Assumption: The deal with Iran lowers the risk of war in the Middle East. In opening remarks at his press conference on July 15th, President unequivocally Obama stated. "Without a deal we risk even more war in the Middle East." Valid or invalid? With Iran set to receive a \$150 billion windfall. President Obama's national security adviser Susan Rice has expressed confidence that "for the most part," the money will be spent "on the Iranian people and their economy. Valid or invalid? Will not the Islamic Revolutionary Guard Corps, the Qods Force and its commander General Qassem Soleimani – who was removed from the U.S. list of sanctioned individuals under the Vienna deal² – have an influential say in how the money is allocated? Is there not a near-certain likelihood that this agreement will lead to a significant expansion in the capabilities and military activities of

the Iranian military, and increased support to terrorist organizations like Hezbollah and Hamas? To more violence, not less?

Assumption: The only alternative to the Vienna deal is war. In other words, there is no chance for a better deal. Valid or invalid? Serious sanctions were

imposed on Iran in November 2011. Two years later, Iran was six months away from a severe balance-of-payments crisis, the value of the Iranian Rial was collapsing, and Iran's inflation rate soared to 60 percent. Oil exports had been cut in half at a time when prices were in freefall and Iran was shut off from the world banking system. The Iranians badly needed sanctions relief. They came to the negotiating table. Yes, the United States has extraordinary leverage in the global economic system and used it well for two years with a clear and positive result. Then we gave it up. Make no mistake: we can turn up the sanctions regime once again, and make it

even tougher. We can present China and our other trading partners with a choice – do business with Iran or with us. Tougher sanctions are a real option, which makes the talk of war needless, other than to underline the fact that "all options" really are on the table.

Assumption: The inspection regime contained in the agreement will ensure effective and rapid detection of any cheating. Valid or invalid? We know Iran cheats. The International Atomic Energy Agency (IAEA) has reported that Iran cheated as far back as 2001 and as recently as June 2015. Therefore, the U.S. needs an airtight system of monitoring and verification. That's why U.S. negotiators sought "anywhere, anytime" unfettered access to Iran's nuclear facilities. In other words, clear transparency. That simply didn't happen. Instead, the deal calls for "managed" access, a process that gives Iran up to 24 days or more to hide any evidence

of cheating. As Olli Heinonen, the former Deputy Director General for Safeguards at the IAEA explained, much of the equipment is easy to move, and if there is a dispute over cheating, "Iran will use that time to sanitize the place, make new floors, new tiles on the wall, paint the ceiling and take out the ventilation and all the equipment."³

When it comes to forecasting the outcome of this deal, testing the validity of the Administration's underlying assumptions should be the starting point for any rational debate.

Assumption: The penalty provisions will be of such immediate and severe magnitude to keep Iran from cheating. What are the consequences of any cheating? Only one - taking Iran to the UN Security Council for the imposition of "snap-back" sanctions. But there will be extreme reluctance to engage in such an action when the JCPOA explicitly declares that "Iran has stated that if sanctions are reinstated in whole or in part, Iran will treat that as grounds to cease performing its commitments under this JCPOA in whole or in part." In other words, punishing Iran for violating the deal permits the Iranian regime to kill the deal in response. Where is the logic in that?

Building on a foundation of false assumptions in exchange for a lukewarm, non-verifiable, non-enforceable commitment from Iran, the West is giving Iran's mullahs \$150 billion to do with as they wish, while allowing the entirety of their nuclear infrastructure to remain intact. This means permitting continued research on advanced centrifuges; lifting the bans on its weapons imports and ballistic missile

programs; and giving a significant boost to the legitimacy of a regime with a truly despicable human rights record. Since the violent repression of mass democracy protests in 2009, the regime's active persecution of women, the LGBT community, religious minorities, and others has become more brutal than ever.

This special briefing on Iran is being published to coincide with the ongoing debate in the United States Congress over whether to vote down the deal. The moral burden upon the shoulders of federal legislators is an enormous one, but the right decision - one that eschews considerations of partisanship or career prospects for the greater good of American and global security - is clear. Unless Congress acts, Iran is set, within 15 years if not sooner, to become a nuclear-armed power that dominates the Middle East, likely dragging American troops back into the region and setting off conditions that could precipitate the kind of horrendous war that President Obama says, with genuine sincerity, he wants to avoid.

^{1.} Karl Popper, "Conjectures and Refutations," (Routledge, Oxford,1963) p.2. See http://www.thedailybeast.com/articles/2015/07/14/nuke-deal-helps-qasemsoleimani-the-top-iranian-general-with-american-blood-on-his-hands.html

^{3.} See http://freebeacon.com/national-security/ex-iaea-leader-24-day-inspection-delay-will-boost-iranian-nuclear-cheating/

^{4.} See Joint Comprehensive Plan of Action (JCPOA) http://eeas.europa.eu/statements-eeas/docs/iran_agreement/iran_joint-comprehensive-plan-of-action_ en.pdf, paragraph 37, pps.17-18

IRAN'S DRIVE FOR **REGIONAL HEGEMONY**

Michael Pregent

The Obama administration has all the evidence it needs to prove beyond doubt that Iran's immediate ambition is to become the dominant power in the Middle East. President Obama has even described Iran as a state that makes "rational" decisions in order for its Islamist regime to remain in power – but what that fails to appreciate is that the mullahs' strategy for retaining power, whether "rational" or not, depends on fomenting unrest across the region.

Iran is accelerating its "Fractured State Strategy" in Iraq, Syria, and Yemen, whereby states collapse through internal civil conflicts while maintaining a semblance of external sovereignty. The regime continues to use proxies to stimulate insecurity and instability across the Middle East and North Africa. The U.S.'s current alignment with Iran is alienating Sunnis across the Arab world, and the Vienna deal cements the belief that Iran and the United States are now formally allied in fighting the terrorists of Islamic State - in essence, joining forces with Shi'a Islamism against its Sunni variant.

In terms of military power and political influence, Iran and its proxies are more of a destabilizing force in the region than is Islamic State. In the vast ungoverned spaces of the northern portion of the Middle East, 20 million Sunnis are weighing their options as the U.S. rapprochement with Iran leaves them, at best, on the sidelines. If anything, that will push them, often out of desperation, further into the arms of Islamic State's barbarism.

Iran's longstanding strategy to expand its reach beyond the region will accelerate as well under the JCPOA. Iran now has an unprecendented ability to ally with anti-Western and anti-Zionist state and non-state actors across the Middle East and North Africa, Eastern Europe, Southwest Asia, and Central and South America.



• Iran's Fractured State Policy. Iran will simply have more resources to spread its influence in the Middle East. Iran currently controls four Arab capitals through its influence and proxies: Baghdad, Damascus, Beirut and Sana'a are now run to varying degress by Tehran. The JCPOA will bolster Iran's prowess and accelerate its ability to further entrench Iran's hold on the so-called "Shi'a Crescent" which curves from Lebanon in the north down to the Persian Gulf in the south. While it is impossible to ignore Iran's active role in Iraq, Syria, Lebanon, and Yemen, its Qods Force, which is responsible for operations outside Iran, is also focused - in its behind-the-shadows work - on undermining Bahrain by exploiting the disquiet among its overwhelming majority Shi'a population, which suffers from apartheid-like discrimination, against the Saudi-aligned minority Sunni government. Simultaneously, Iran is breeding insecurity in the Eastern Province of Saudi Arabia, where Shi'a Muslims compose around 15 percent of the population.

- Asymmetrical Warfare with Iran. Sunni regional powers are worried about ongoing asymmetrical warfare with Iran. Iran continues to provide sophisticated and advanced weaponry to its own Islamic Revolutionary Guards Corps (IRGC), along with Iranian-backed Shia militias in Iraq, the Assad regime in Syria, Hezbollah in Lebanon, and the Houthi rebels in Yemen. The lifting of sanctions and military restrictions will only worsen this situation. It also means that Israel, Saudi Arabia, and other American allies will need an immediate military build-up to counter the new threat. By design, Damascus and Baghdad are now more dependent than ever on the Islamic Republic. This is one important reason why Iran has no intention of defeating Islamic State in the northern Middle East - it needs the threat of Islamic State to justify its military presence in neighboring countries.
- Where Does Iran Stand Now After This Deal? General Qassem Soleimani's Qods Force is set to have a budget windfall. Its current \$6.5 billion budget will double, if not triple, with just a fraction of the \$150 billion Iran is set to receive in sanctions relief. No longer designated by sanctions, Soleimani, who has been regularly spotted in Iraq and

Syria over the last two years, can now be even more brazen. Hassan Nasrallah, the head of the Lebanese Shi'a terrorist organization Hezbollah, succintly expressed the military benefits that Iran's regional allies will reap: "If Iran gets back this money, what will it do with it? A rich and strong Iran will be able to stand by its allies and friends, and the peoples of the region, especially the resistance in Palestine, more than in any time in the past."

• What Will a Stronger Iran Do? Iran, as a leading member of OPEC, which houses the majority of the world's petroleum exporters, is now free to leverage its influence over the world's supply of oil and its price point, which has fallen to dramatic levels in recent years. Iran will certainly use funds from its oil exports to modernize its military and increase its capability to export its Islamic Revolution strategy

in the region and globally. Iran will use its leverage as a nuclear threshold state to intimidate OPEC into boosting oil prices to the benefit of Tehran, while at the same time working to supplant Saudi Arabia as the largest oil producer and most influential member of OPEC. Iran will convey the threat of using its proxies to destabilize Kuwait, Bahrain, and the UAE to pressure them to turn away from Saudi Arabia and towards Tehran. Of all the Gulf states, Qatar – per capita, the world's wealthiest country – has already shown itself as the most amenable to cooperating with the Iranians.

• Where Does Iran See Itself in the Next Ten Years? Iran envisions a future with a robust economy, modernized military, and an eventual nuclear capability

to shape and influence the region and counter the West and Israel. Iran will also enjoy an expanded capability to defend its nuclear sites against an aerial attack by the U.S. and Israel with the latest in Russian and Chinese air defense assets. With the ability to fund and arm its battle-hardened and entrenched proxy forces across the region with advanced munitions, equipment, and shoulder-fired ground-to-air missiles – including those capable of shooting down

American, Israeli, and Gulf Cooperation Council (GCC) – purchased U.S. aircraft – Iran will have the ability to reach across borders and retaliate against or preemptively attack U.S. and Israeli interests. Iran sees itself as the dominant world power aligned with Russia and China against Western interests in the region and beyond.

• Iran Will Be the Most Powerful Country in the Middle East. The JCPOA is already tipping the balance of power in the Middle East, North Africa, and Southwest Asia in Iran's favor. The Vienna deal is forcing Sunni regional powers to sprint to catch up with Iran, and are likely to pursue their own nuclear programs, causing further dangerous nuclear proliferation. Sunni powers may escalate to preemptively using force if they judge that the Iranian threat is becoming greater. An Iran with nuclear weapons

fundamentally transforms the balance of power in the Middle East and enables Iran to do more from a position of strength: A nuclear deterrent will shield Iran from attack while it exports its Islamic Revolution through proxies and direct military action.

- Expanding Territory and Influence. Iran will use the threat of its nuclear capability to take disputed territory from the UAE and Iraq. Iran believes it has the right to expand its empire. Ali Younusi, one of Supreme Leader Ayatollah Ali Khamenei's top advisers, has said, "Iran is an empire once again at last and its capital is Baghdad. It is the center of our civilization, culture and identity, as it always was along the course of history." The IRGC and its Qods Force has directorates operating in Turkey, India, Pakistan, Afghanistan, the Western Balkans, France, Germany, and the Netherlands, with liaison and advisory operations in Bosnia, Chechnya, Somalia, and Ethiopia. These efforts exist now and are operational - the increase of funding and the lifting of restrictions on capable and effective Iranian operatives, businessmen, and technocrats bodes well for Iran's expansionist goals.
- Influence Operations in Southeastern Europe. Iran continues to boost its influence with pro-Iranian, pro-Shi'a factions within the Bosnian Muslim religious establishment. Iran has at its disposal disparate cells and pro-Iranian factions capable of being activated to attack Western and Israeli interests should Iran feel threatened, or should a crisis in the Middle East provoke Iran to take action. Iran is also concerned about the flow of foreign fighters from the Balkans into Syria to join Sunni terrorist organizations like Jabhat al-Nusra and Islamic State. Iran will seek to counter such recruitment by using pro-Iranian factions to fight on the side of Assad and Hezbollah.
- Influence Operations in Southwest Asia. Iran is increasing its support to the Taliban in Pakistan and Afghanistan to both defend against a nascent Islamic State presence and to provide funding and lethal aid to use against Americans and Afghan government forces. Iran is recruiting and training Taliban fighters to fight against Islamic State in areas on Iran's border. Iran considers the Islamic State threat to Iran from Afghanistan as a significant one, and it will dedicate resources to counter this threat. This is part of Iran's strategy to counter U.S. influence in Pakistan and Afghanistan. We can expect Iran to increase its influence with India as Tehran leverages the JCPOA boost to its oil exports and the lifting of sanctions allowing entry of select foreign companies into its economy. Iranian support to the Afghan Taliban has increased concern in India about greater Taliban influence in Afghanistan. Iran's actions may force India to incentivize its relationship with Tehran in order to benefit from Iran's growing economic status and oil exports.
- Influence Operations in Central and South America. Iran is increasing its diplomatic and economic ties with state actors in Latin America while it increases its influence with non-state actors.² Iran's relations with Venezuela, Bolivia, Argentina, and Ecuador demonstrate Tehran's reach in the Western Hemisphere and the willingness of its corrupt and authoritarian states to promote Iran's nuclear program, defy sanctions on Iranian oil, and facilitate relationships with Colombian and Mexican drug cartels. Venezuela even went so far as to allow Hezbollah to set up a terrorist training camp.

 $^{1. \ \} See \ https://www.whitehouse.gov/the-press-office/2015/07/15/press-conference-president$

 $^{2. \} See \ http://cnnpressroom.blogs.cnn.com/2015/07/15/does-the-deal-restrict-irans-ability-to-buy-weapons/2015/07/15$

IRAN AND ITS TERROR PROXIES: A CLEAR AND PRESENT DANGER

James Kirchick

The deal reached in July 2015 by the five permanent members of the UN Security Council and Germany – the P5+1 – and Iran, ostensibly to curb the latter's nuclear program, will have far-reaching consequences beyond the scope of Tehran's nuclear ambitions. One key realm in which the world can anticipate a deeply negative impact concerns the support for international terrorism provided by the Iranian regime.

In exchange for accepting major Western concessions on its nuclear research activities, the Iranian regime will receive significant sanctions relief, readmission to the international financial system, and the gradual easing of a United Nations-imposed arms embargo. Collectively, these steps amount to the lifting of punitive measures levied against Iran over the past decade by the United Nations, the European Union, and a variety of national governments – including the United States – in response to Iranian obstruction over its clandestine nuclear activities. Whether the deal struck in Vienna in July 2015, known as the Joint Comprehensive Plan of Action (JCPOA), will actually prevent Iran from obtaining a nuclear bomb is examined elsewhere in this book. What is indisputable, given the nature of the regime, is that Iran - the world's leading state sponsor of terrorism – will continue and likely increase its support for such nefarious activities.

Senior administration officials, all the way up to the president himself, have conceded this point, which is remarkable given their obfuscations about many other, smaller details of the agreement. At a press conference soon after the JCPOA was announced, President Barack Obama himself acknowledged¹ that the United States and Iran "will continue to have profound differences," namely over the latter's



"support for terrorism" and "its use of proxies to destabilize parts of the Middle East." Asked by CNN's Wolf Blitzer if Iran's newfound windfall may lead to increased "support [for] international terrorism," National Security Adviser Susan Rice responded, "We should expect that some portion of that money would go to the Iranian military and could potentially be used for the kinds of bad behavior that we have seen in the region up until now." ² As sanctions ease, there is every reason to believe that such "bad behavior" will not only continue, but that it will increase substantially.

Below are ten points highlighting the adverse effects of the pending deal with respect to terrorism:

• Sanctions Relief. As a result of the JCPOA, Iran is expected to receive some \$150 billion in sanctions relief. That Tehran chose to obstruct and obfuscate over its nuclear program over the past nine years, when UN sanctions were first implemented, enduring international isolation and an economic crisis as

a result, suggests that the Iranian regime places a priority on the pursuit of illicit activity in general, even to the detriment of the welfare of its own citizens. Given the sacrifices Iran has been willing to endure on behalf of its covert nuclear program, there is no telling how much of the \$150 billion it will devote to terrorism, for which it has hardly been punished, but even a small portion would be significant.

• SWIFT Banking System. In 2012, the world's biggest electronic payments system (known as SWIFT), barred 15 Iranian banks. This resulted in an annual loss of \$35 billion worth of trade with Europe alone. A provision of the nuclear deal stipulates that once the International Atomic Energy Agency

verifies that Iran has implemented certain measures of the JCPOA. however, the European Union must authorize SWIFT to readmit Iran, regardless of its continuing support for terror. This flies in the face of a recent warning by the Financial Action Task Force that Iran's "failure" to address the risk of terrorist financing" poses a "serious threat...to the integrity of the international financial system."

- Iran's Central Bank. In 2012, President Obama signed into law punishing sanctions against Iran's Central Bank, following a Treasury Department finding³ that Iran's "support for terrorism," "pursuit of weapons of mass destruction," and "deceptive financial practices" rendered the entire country a "Jurisdiction of Primary Money Laundering Concern." The JCPOA calls on the United States to delist the Central Bank, along with over twenty other banks sanctioned by the United States for their involvement in terrorism. This, combined with the aforementioned readmission of Iran into SWIFT, will make it much easier for Tehran to transmit money around the world - money that could very easily be used to fund terrorist and other illicit activities.
- Islamic Revolutionary Guards Corps. Among the over 800 individuals and entities listed

sanctions relief is Qassem Soleimani. Commander of the Qods Force, the elite, expeditionary regiment of the Islamic Revolutionary Guards Corps (IRGC), designated as a terrorist organization by the U.S. Soleimani has been at the forefront of organizing Shi'a sectarian militias in Irag responsible for the deaths of American soldiers. Several other IRGC senior officers and front groups will also be delisted as a result of the JCPOA.

• Arms Embargo. Five years after the JCPOA is formally agreed, the United Nations conventional arms embargo on Iran will be lifted, regardless of whether or not Tehran alters its support for terrorism. Iran had long argued for a revocation of the embargo in exchange for its agreement to a nuclear deal, stating

What is indisputable is

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that the two issues are not linked, and only increased over

that the embargo was being used unfairly to pressure Tehran into succumbing to the P5+1 demands. By that very logic, it is unclear why the P5+1 would concede this point to the Iranians, given the fact that their support for terrorist groups and insurgencies across the Middle East has the past several years.

- Conflict in Yemen. As recently as April, Secretary of State John Kerry acknowledged that Iran has been sending "a number of flights every single week" to supply arms to Houthi rebels -Shi'a Muslims - fighting an insurgency against the government of Yemen, in spite of a United Nations Security Council resolution calling for an arms embargo against the uprising. A month earlier, an Iranian cargo ship is reported to have unloaded some 180 tons of weaponry to the Houthis. Military support has included such sophisticated weaponry as surface-to-air missiles, explosives, and rocketpropelled grenades.
- Conflict in Iraq. Iran, through its IRGC, has long been the most significant sponsor of Shi'a militias in Iraq. In the years following the overthrow of the Saddam Hussein regime, Iranian proxies fueled a sectarian civil war and targeted American and

Coalition forces, killing at least 1,100 American soldiers, according to former U.S. Ambassador to Iraq James Jeffrey. The IRGC's presence in Iraq, though officially welcomed by the Iraqi government over a year ago out of desperation in fighting the Islamic State group, has only fueled the country's confessional divide.

- Palestinian Territories. Iran is the most significant sponsor of Hamas, the Palestinian terrorist group that adamantly rejects a two-state solution with Israel, calls for the murder of Jews worldwide, and controls the Gaza Strip by brutal force. Hamas' Sunni Arab profile attests to the protean nature of Iran's support for terrorism; the mullahs are perfectly willing to provide aid and succor to organizations that are not Shi'a should such support further the Islamic Republic's stated goals of destroying the Jewish State and forcing the United States out of the Middle East. The Hamas-Tehran alliance has continued despite differences triggered by the war in Syria, where Iran has helped prop up a minority Alawite regime that has murdered over 100,000 Sunnis and displaced millions more. Over the past year, Iran has sent tens of millions of dollars to Hamas to help the terror group repair the tunnels it had constructed to smuggle weapons into Gaza; many of these passageways were exposed and destroyed by Israel during Operation Protective Edge last summer.
- Lebanon. Iran extends its influence into Lebanon via the Shi'a militia Hezbollah, whose 1982 founding, and continued sustenance, is largely attributable to Tehran. Through the self-described "Party of God," which has never disarmed despite repeated United Nations Security Council resolutions demanding that it do so, Iran effectively exercises a veto over Lebanese politics. Hezbollah's de facto control over the southern part of the country means that Iran has essentially created a terror-statelet on Israel's northern border. Today, it is feared that Hezbollah has stationed over 100,000 rockets in southern Lebanon - many, if not most, of Iranian provenance - nearly

ten times as many as it had at its disposal during the 2006 war it launched against Israel. Five members of Hezbollah have been charged with the 2005 assassination of former Lebanese Prime Minister Rafik Hariri; they are currently being tried, in abstentia, for the crime by a UN Special Tribunal.

• Latin America and International Terrorism. Iranian support for terrorism spreads beyond the Middle East, most alarmingly in Latin America. In 1992, Hezbollah bombed the Israeli Embassy in Buenos Aires, killing 29 people. Argentine prosecutors have accused Iran of planning the 1994 attack on the AMIA Jewish center, also in Buenos Aires, in which 85 people were murdered in the worst single anti-semitic atrocity since the Second World War. Last October, a Hezbollah operative was arrested in Lima, Peru⁴ on terrorism charges after police found detonators and TNT in the man's home. They believe he was planning to attack Israeli and Jewish targets. In 2011, the United States Justice Department alleged Iranian involvement in a bomb plot to assinate Adel al-Jubair, the Saudi Arabian Ambassador to the United States, at a café in Washington, D.C. an attack that, had it been successful, would have resulted in a bloodbath. In July 2012, Hezbollah, again with Iranian backing, launched a bomb attack upon a busload of Israeli tourists in the Bulgarian resort of Burgas, murdering five of them along with the bus driver, a Bulgarian national.

In selling his Iran deal to the American people, President Obama has waived away complaints that it will embolden Iranian sponsorship for terrorism, stating that a curb to the country's nuclear ambitions is paramount. "This deal is not contingent on Iran changing its behavior," he has said. Should this agreement become official, Iran will be let out of its cage, one that was painstakingly erected to contain its malignant and destructive influence on the region and the world.

^{1.} See https://www.whitehouse.gov/the-press-office/2015/07/15/press-conference-president

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GOLD RUSH: THE DISMANTLING OF THE SANCTIONS REGIME AGAINST IRAN

Emanuele Ottolenghi



Tith most sanctions scheduled to be lifted on Implementation Day of the Joint Comprehensive Plan of Action (JCPOA), the deal signed in Vienna by Iran with the six world powers charged with negotiating over its nuclear program will inaugurate the rapid revival of Iran's economy. More sanctions and designations are being lifted by the European Union than by the United States. European companies will thus be able to quickly tap into Iran's vast energy sector and its growing consumer market. By the first week of August 2015, delegations from Germany, Italy, and France - formerly Iran's first, second, and third-largest economic partners in Europe - will have visited Tehran, alongside the EU High Representative for Foreign Policy, Federica Mogherini. More are sure to follow. Iran is, arguably the last untapped emerging market. The gold rush has begun.

Yet the Obama Administration assures critics that in the event of Iranian violations, the U.S. and its allies will be able to re-impose sanctions - the "snap-back" option. For the administration, nothing would be lost because sanctions would rapidly restore the status quo ante. The agreement details such a scenario, but in section 37 of the agreement, at the end of the discussion concerning the possible re-imposition of UN sanctions in the event of non-compliance, the JCPOA presents this following bizarre formulation: "Iran has stated that if sanctions are reinstated in whole or in part, Iran will treat that as grounds to cease performing its commitments under this JCPOA in whole or in part." A similar clause appears at the end of section 26 when the possibility of reimposed U.S. sanctions is addressed.

In practice, Iran can bank on the demise of

sanctions to rebuild its battered economy; it can benefit from the JCPOA nuclear trade-offs that provide Western assistance, know-how, and access to dual-use technology, among other things, until it wishes to walk away. When it does so, sanctions, even if they are re-imposed, will not affect existing contracts. Considering that the Iranian regime has already identified energy projects worth \$185 billion² until 2020, one can only wonder how much better off Iran will be the day it rescinds its obligations.

With the dismantling of the existing sanctions regime, Iran will reap great benefits from the deal. Here are eight reasons that explain why this is the case; who stands to gain most; and why this outcome is potentially disastrous for Western interests.

• With the exception of a handful of senior officials involved in human rights violations during the 2009 post-elections repression and/or in charge of transferring weapons to Syria, the European Union will delist all Islamic Revolutionary Guards Corps (IRGC) officials under sanctions by year eight of the JCPOA. The EU has also undertaken to delist their companies in the same year. The U.S. is, for the time being, keeping them under sanctions.

Though the IRGC and their commanders, for now, remain under sanctions, the IRGC business empire will participate in the post-sanctions gold rush as a major contractor. The UN, the U.S. and the EU never designated most of the companies owned or controlled by the IRGC. They even authorized one IRGC company, Pardis Petrochemical,³ to sell petrochemical products under the interim agreements sanctions relief, from November 2013 to the present.

The IRGC's dominant role in Iran's economy – exemplified by their ownership⁴ of 20 percent of companies traded on the Tehran Stock Exchange – is now bound to grow. As sanctions are lifted from virtually all sectors of Iran's economy, the IRGC stands to benefit from energy sector contracts, sales of petrochemicals, the coming boom of Iran's automotive sector, and infrastructure projects.

The EU will permanently keep eight IRGC officers

and the Qods Force – the IRGC's overseas operations Special Forces – under sanctions for their current role in support of Syrian dictator Bashar al-Assad and for their past role in crushing popular demonstrations across Iran during the post-2009 elections protests.

Clearly, the EU, alongside the United States, is under no illusion that the IRGC will now morph into a more benign player. It defies reason, therefore, that the same IRGC that supplies arms to Bashar al-Assad and foments other conflicts in the region should partake in the post-sanctions boom that Iran's economy will now experience. Equally, it is remarkable that most IRGC entities and individuals sanctioned by the European Union will be delisted eight years from now.

Yet, that is precisely what is going to happen. It is a horrific irony: The cash bonanza that the lifting of sanctions will provide to IRGC companies will finance activities that both the EU and the U.S. consider sanctionable.

• On implementation day, the U.S. will lift sanctions against the financial empire of Iran's Supreme Leader, making sure that the highest authority in the Islamic Republic's power structure will continue to dominate Iran's economy.

The U.S. Treasury sanctioned⁵ the Execution of Imam Khomeini's Order (EIKO) - a body controlled by Iran Supreme Leader, Ayatollah Ali Khamanei - and 37 companies it controlled, both in Iran and overseas, on June 4, 2013, pursuant to Executive Order 13599,6 which targets Iranian governmentowned assets on account of their deceptive financial practices and the risk they pose to the integrity of the international financial system. Subsequent investigative work⁷ conducted by the Reuters news agency led to the dramatic expose of the financial empire controlled by Iran's Supreme Leader. Reuters put its value at \$95 billion. That figure has no doubt mushroomed since the deal was signed, given the rise of the Tehran Stock Exchange and the appreciation of the Rial, Iran's currency. Later on, evidence emerged8 showing that EIKO's subsidiaries and emissaries were involved in a number of illicit activities, including arms procurement in violation of the arms embargo that will remain in place for another five years.

According to the JCPOA, the U.S. will still restrict U.S. persons from engaging in financial transactions with EIKO and its subsidiaries. Those restrictions do not apply to non-U.S. persons. No European entity engaged in business with EIKO can now fear retribution from the U.S. Among its assets, EIKO counted a factory in Germany⁹ with advanced dual use technology that Iran needed for the indigenous production of centrifuges. EIKO's subsidiaries also sought to purchase strategic industrial assets¹⁰ in Europe. The

lifting of U.S. sanctions against EIKO and its subsidiaries means that the Supreme Leaders' holdings can now seek to invest in securities overseas. All these activities will now be permitted.

EO 13599, unlike other proliferation-related executive orders, remains in the law books and is not mentioned in the JCPOA. None of the companies linked to the Supreme Leader were targeted for proliferation of WMD, the rationale for lifting U.S. sanctions against other Iranian entities. This is President Obama's personal gift to the Supreme Leader.

• Thanks to the deal, Iran stands to enjoy a \$185 billion windfall¹¹ in energy projects in the coming years. All European energy giants will rush back to Iran's energy industry in order to modernize its aging oil sector and develop its vastly untapped gas sector.

Although energy sector sanctions will only be lifted on Implementation Day, months after the approval of UN Security Council Resolution 2231,¹² Reuters reported that European companies were already lining up to revamp projects and contracts they were forced to abandon in 2010, following the imposition of energy sector sanctions by the European Union. Europe will shortly resume the purchase of Iranian

oil, which in 2012, prior to the imposition of the EU embargo on Iranian oil exports, stood at 600,000 barrels a day,¹³ or roughly one fourth¹⁴ of all Iranian exports.

Europe is also interested in Iran's natural gas. Europe's energy security remains vulnerable, due to its heavy reliance on Russia for energy supplies, especially in Central and Eastern Europe. Prior to 2007, Iran's natural gas reserves were considered as an affordable and attractive alternative. The viability of the EU supported pipeline project Nabucco¹⁵ relied on Iranian gas. Talks between Iran and Bulgaria – an EU member state and key transit country for Nabucco

- were reported¹⁶ shortly after the Lausanne Framework was reached in April 2015. Were Iran to become a key supplier of natural gas to Europe, Europe would reduce its dependency on Russia only at the price of increasing its reliance on Iran, thereby trading one form of energy insecurity for another.
- The EU and the U.S. will immediately delist Iranian banks formerly involved in financing nuclear proliferation-related transactions, including their bank branches and subsidiaries overseas, despite their support role for Iran's ballistic missile program.

As sanctions are lifted from virtually all sectors of Iran's economy, the Islamic Revolutionary Guards Corps stands to benefit from energy sector contracts, sales of petrochemicals, the coming boom of Iran's automotive sector,

and infrastructure

projects.

For over a decade, Iranian banks have helped Tehran evade sanctions, facilitating procurement payments, money laundering, front companies, and even entering joint ventures with the oil sector to process oil sales that circumvented the oil embargo. In one fell swoop, banks that engaged in opaque and deceitful behavior will be reintegrated into the global financial system, as if the past had simply been wiped clean.

A primary beneficiary of this step will be Bank Sepah and its chairman, Ahmad Derakhshandeh,¹⁷ both slated to be removed from the Specially Designated Nationals (SDN) list maintained by the Office of

Foreign Assets Control (OFAC). This, too, will occur on Implementation Day. In 2007, then Undersecretary of Treasury for Terrorism and Financial Intelligence, Stuart Levey, described18 Bank Sepah as "the financial linchpin of Iran's missile procurement network", accusing it of having "actively assisted Iran's pursuit of missiles capable of carrying weapons of mass destruction." The U.S. designation cited Bank Sepah's assistance to Shahid Bagheri Industrial Group¹⁹ (SBIG) and Shahid Hemmat Industrial Group²⁰ (SHIG), two Iranian entities involved in missile proliferation, as one of the reasons for the designation of the bank and its chairman, Mr. Derakhshandeh. Though both SBIG and SHIG will remain under U.S. sanctions until Transition Day, the bank involved in facilitating their illicit financial transactions will be delisted immediately.

Banks that benefit from early delisting include Dey Bank, Karafarin Bank, Parsian Bank, and Sina Bank, all controlled by the Supreme Leader's financial empire. They also include the Banco Internacional de Desarrollo, C.A.²¹ and the Iranian-Venezuelan Binational Bank,²² two institutions that Iran established in Venezuela at the height of the strategic cooperation between former Iranian President Mahmoud Ahmadinejad and the late Venezuelan dictator, Hugo Chávez, in order to circumvent financial sanctions and finance Iranian activities in South America. Eghtesad-e Novin Bank, 23 another financial institution linked to Iranian activities in Venezuela through its parent holding, Stratus Holding, 24 will be delisted. Iran's strategic relation with Venezuela and, by extension, Iran's activities in Latin America, can now breathe more easily: banking, for them, just got easier.

• The JCPOA will immediately lift both EU sanctions and U.S. designations against the Islamic Republic of Iran Shipping Lines (IRISL), a government company involved²⁵ in more than a decade of supporting Iran's proliferation efforts and weapons' deliveries to terror groups like Hamas. Dozens of subsidiaries and front companies of IRISL are also being delisted.

For years, IRISL engaged in fraudulent practices,26

in blatant violation of international shipping norms, to support Tehran's efforts to procure and transport missile technology to Iran and Iranian weapons to Iranian proxies across the Middle East. 27 IRISL was also responsible for illicit shipments to and from North Korea. A State Department secret cable discussing implementation of UN Security Council Resolution 1803 noted28 that "In mid-2003 an IRISL vessel departed from North Korea carrying missile-related and other military items destined for Iran." It also described two instances in 2007 where IRISL loaded military equipment destined for Syria's Defense Industries. Despite its proven record of involvement in these types of activities - which include logistical support for Iran's still-sanctioned ballistic missile program and for Iran's sponsorship of terrorist groups - IRISL will now be able to operate freely.

 Not only will the EU delist Iranian nuclear scientists immediately; eventually all of Iran's procurement agents and front companies, which over the years were involved in Iran's procurement and development of nuclear weapons delivery systems and ballistic missile technology, will be forgiven too.

The European Union will immediately delist all senior executives and scientists from the Atomic Energy Organization of Iran (AEOI), including those who, over the years, were involved in nuclear weapons-related projects. Among their number is Ali Reza Khanchi,²⁹ who as the head of the AEOI's Tehran Nuclear Research Center oversaw plutonium separation experiments.

The EU is also set to immediately delist Modern Industries Technique Company³⁰ (MITEC), which was responsible for procurement efforts for the Arak heavy water reactor; and Mesbah Energy Company,³¹ a subsidiary of the AEOI, which was listed by the U.S. Department of Treasury in July 2007 out of concern that its activities posed "a risk of diverting exported and re-exported items into programs related to weapons of mass destruction."

• All Iranian airlines under U.S. sanctions, except Mahan Air, will now be delisted, and Iran will be able to buy commercial aircraft, irrespective of the airline. Iranian aircraft have been carrying weapons and ferrying military personnel to Syria and Yemen since the beginning of the so-called "Arab Spring" in 2011. Weapons deliveries from Iran to Hezbollah continue by air through regime-controlled airfields in Syria. The civilian aircraft involved in these transports will now be off sanctions. The lifting of a U.S. ban on sales of aircraft to Iran means that the very same airlines that are accessories to terrorism, mass murder, and crimes against humanity will now be able to buy better, bigger, and more fuel efficient planes to deliver their deadly cargoes.

The agreement's small print seeks to prevent Iran from misusing acquired planes for the wrong purposes. The U.S. Treasury, in June 2011, accused Iran Air of transporting rockets and missiles via passenger aircraft to Syria. It accused the IRGC of disguising dangerous cargo shipments "as medicine and generic spare parts" with the airline's collusion. The U.S. has now agreed to issue licenses for the sale of passenger aircraft to Iran Air and other Iranian

airlines, provided they use them for the sole purpose of transporting passengers. If the past is prologue, this is not going to end well.

• The United States will eventually remove a ban on Iranian graduate students applying for advanced degrees in nuclear sciences at American universities.

According to the agreement, the United States will end the "Exclusion of Iranian citizens from higher education coursework related to careers in nuclear science, nuclear engineering or the energy sector" by year eight of the agreement. That means that as restrictions on Iran's nuclear program begin to fade, young Iranian scientists will be free to pursue nuclear studies at institutions like CalTech or MIT. They will return to Iran with their degrees just in time for the nuclear deal to sunset. On that day, Iran will have American-trained scientists to work on its nuclear program.

What could go wrong?

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VERIFICATION, NOT TRUST? ASSESSING THE WEAKNESSES OF THE INSPECTIONS REGIME

Ephraim Asculai

Since the start of negotiations with Iran, more than a decade ago, it was evident that the issue of verification would be one of the main stumbling blocks on the road to an agreement. The main reason for this was because it was never Iran's intention to be completely open and frank about its nuclear program and its aims. The evidence that slowly emerged was that of a regime determined to master the technology and achieve the potential to produce nuclear weapons within a short time-frame, if and when the order to do so came. The one way to prevent this was to deploy a sound and thorough verification and inspection system that could raise a timely alarm if and when needed.

The aim of the Joint Comprehensive Plan of Action (JCPOA) that was announced on July 14, 2015 was to "ensure that Iran's nuclear program will be exclusively peaceful."1 The verification mechanism denoted by the JCPOA intends to guarantee that, firstly, Iran has fulfilled all its commitments, and secondly, that its activities, material inventories, and facilities conform to its mandatory declaration according to its Safeguards Agreement with the IAEA and the subsidiary arrangement's Code 3.1. This was specified by the agreement between Iran and the IAEA through "The Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons" (INFCIRC/214), which entered into force on 15 May 1974,2 as well as the Additional Protocol, which was signed by Iran in 2003.

Can the verification mechanism be effective? That is perhaps the key question between the present time and the "sunset clause" which ends the agreement fifteen years from now.

Following Iraq's invasion of Kuwait in 1990 and the



first Gulf War of 1991, the UN Security Council forced Saddam Hussein's regime to accept a verification mechanism that was the most thorough and wideranging system ever for revealing Iraq's past WMD development activities and assuring their demise. This system has not been replicated since, and the JCPOA certainly does not emulate the methods adopted over Iraq. The following analysis draws on lessons learned from that episode and notes the differences and consequences that could evolve in the application of the JCPOA.

• The Additional Protocol. The IAEA Additional Protocol (AP) was developed as a result of the shortcomings of the "Full-Scope" IAEA safeguards identified through the experience of the first Gulf War in Iraq.³ The Additional Protocol is to serve as the basis for the verification activities in Iran, but has yet to be ratified by the Majlis (the Iranian Parliament) and the Iranian President.⁴ Although wide-ranging

Only inspections

based on the

'anywhere, anytime'

principle would

enable IAEA

inspectors to

perform their duties

satisfactorily.

in its prerogatives, the AP is still rather limited in what it can do during inspections: it pertains almost exclusively to declared sites, activities, and materials. In the JCPOA, the IAEA is entrusted with additional duties – the verification that all prohibited activities have ceased and equipment dismantled or rendered inoperable, and the removal or neutralization of materials. The IAEA could request access to other sites, through Special Inspections, but these requests can be turned down, as has been the case with North Korea. According to the AP, the IAEA can get close to any site and any location specified by the Agency "to carry out location-specific envi-

ronmental sampling." This could be satisfactory in cases where the environmental signature of the facility in question is significant, but not so in other cases; where, for example, work on the development of a nuclear explosive mechanism is taking place. It is especially inapplicable when the exact location of the suspect activity is not known. It should be noted that Iran had signed (but not ratified) the AP in 2003, but in 2006 it announced

that it would no longer implement the agreement.7

- The Shortcomings of the JCPOA Verification System
- a. Although the JCPOA refers to the AP, it should be noted that the verification of the JCPOA must extend beyond the boundaries and capabilities of the AP.
- b. There are quite a few shortcomings of the AP which could be crucial when it comes to verification of Iran's activities. The AP language denotes permissions, but it does not denote prohibitions. By inference, whatever is not permitted is prohibited. Thus, the IAEA, through the AP, is not permitted to carry out activities such as accessing documentation, scientists, and technical personnel, or sampling inside undeclared facilities, unless the Iranian authorities would be willing to allow this.
- c. The IAEA activities are confined to nuclear activities, facilities, and materials. The JCPOA mentions

other activities that are prohibited - but no verification assets and activities are mentioned in this respect.

- d. The verification mechanism cannot, by inference, search for undeclared facilities, activities, and materials in hitherto uninspected areas. When it is recalled that the underground enrichment facility at Fordow was unmasked by Western leaders, led by President Barack Obama, in 2009, the significance of this restriction is dramatically underlined.
 - e. The JCPOA ignores possible applications of

dual-use machines that are not part of the nuclear setup. It states: "Iran will declare all locations and equipment, namely flow-forming machines, filament-winding machines and mandrels that are used for production of centrifuge rotor tubes or bellows, and will permit the IAEA to implement continuous monitoring, including through containment and surveillance on this equipment".8 The possible presence of such machines

elsewhere in Iran is ignored; they do not have to be declared and they are not monitored.

- f. The JCPOA states that "Iran will not engage in activities, including at the R&D level, that could contribute to the development of a nuclear explosive device..." Moreover, there is a whole section devoted to a list of what Iran is obligated not to do concerning activities which could contribute to the design and development of a nuclear explosive device. Verifying this aspect should be the responsibility of the IAEA, but no means and permissions are allocated to the IAEA for carrying out this assignment.
- Requests For Access. The JCPOA states: "In furtherance of implementation of the JCPOA, if the IAEA has concerns regarding undeclared nuclear materials or activities, or activities inconsistent with the JCPOA, at locations that have not been declared under the comprehensive safeguards agreement or Additional Protocol, the IAEA will provide Iran the basis for such concerns and request clarification."¹¹

What it says here in effect is that only the IAEA can ask for access, and that it must provide the reasons for this request. Although perhaps not immediately visible, both conditions pose serious problems. As an example, let us assume that the U.S. intelligence community receives sensitive-source verified information that Iran is setting up a Fordow-like installation at a hitherto unknown site. The U.S. would then need to convince the IAEA, which would in turn need to divulge this information to Iran. The Iranians would then deny the entire claim and refuse entry to IAEA inspectors at the suspect site and the area around it. In addition, one must remember that the IAEA is not above politics, and there have been past occurrences when its Director-General did not act according to the evidence and refused to indict Iran for incidents of non-compliance.12

Another hurdle that must be passed is the timeframe for the deployment of a mission to inspect sites that have been requested. Given the nature of the consulation process, Iran would have 24 days to prepare for the IAEA's arrival. 13 This would be insufficient time for hiding or removing large-scale facilities such as nuclear reactors and reprocessing plants, uranium conversion facilities, enrichment facilities, or specialized auxiliary facilities. However, smallerscale prohibited facilities and activities, such as those listed as contributing to the design and development of a nuclear explosive device, can be removed and/or hidden from sight within this period. 14 These could include small-scale experimental setups, or computers with relevant software, which could be easily removed before an inspection. For the Iranians this would constitute a cat-and-mouse exercise, but for the inspectors this would be a predestined failure. Only inspections based on the "anywhere, anytime" principle would be able to enable IAEA inspectors to perform their duties satisfactorily.

• The PMD Issue. The Possible Military Dimensions (PMDs) is the name given by the IAEA to a list of eleven issues that were presented to Iran in 2011 as part of the IAEA verification activities there, indicating that Iran was involved in the design and development of nuclear explosive devices. Although Iran promised to reply to these concerns, it never did so.

The PMDs were separately discussed between the IAEA and Iran, and a "roadmap" that includes a timetable for the resolution of the issues was agreed to. ¹⁶ This roadmap is referred to in the JCPOA, but there is some doubt whether there is a binding commitment on the part of Iran to resolve these issues before the sanctions are lifted on "Implementation Day." ¹⁷

• Oversight. One of the lessons learned in the case of Iraq was this: The oversight of the professional activities carried out by the inspection regimes is essential in ensuring that the mission of the inspectors is carried out with the utmost professionalism, and that their findings will receive close scrutiny and evaluation. For that reason, the UNSC set up a "College of Commissioners" to oversee the work of the verification organization. These 18 commissioners were experts from various nations who met regularly, from 2000 to 2007.

In a similar way, oversight of the IAEA verification activities should be established, in much in the same way that the College of Commissioners was established. This College should report on its work both to the IAEA Board of Governors and to the JCPOA Commission. The fact that Iran is a member of this Commission, and could prevent a consensual agreement, is one of the more bizarre and troubling elements of the JCPOA.

- What Is To Be Done? In order to achieve the best possible results in carrying out verification in Iran, several basic conditions should be met. The main tasks that will affect the capability of the IAEA to verify that Iran is fulfilling its obligations, in the broadest sense, under the JCPOA are to:
 - Assure that Iran is adhering to the requirements of the Additional Protocol, whether it ratifies it or not
 - Verify, through the IAEA, that all installations, facilities, activities and material inventories conform to JCPOA requirements
 - Verify that the Road Map dealing with the issue of PMDs has been completed, to the satisfaction of the IAEA

- Assure that the IAEA gains all access it requires for fulfilling its mandate, including to sites that are suspected of harboring explosive mechanisms and R&D work, and including access to personnel and documentation
- Assure that the IAEA has all material support it needs in order to meet its obligations under the JCPOA, including personnel, equipment and means of communications
- Make available to the verification organization the support of the best available international technical laboratories
- Establish, under the auspices of the IAEA, an
 international oversight mechanism, composed
 of outside professional experts, from IAEA
 Member States, to oversee the work and assess
 the results achieved by the verification mechanism. This will provide the world with additional assurances of the competence and professionalism of the verification organization.

Although one must strive for the achievement of the above list, this will probably be very difficult to achieve under the terms of the Vienna deal, since Iran will do its utmost to thwart international efforts to delve into its secrets, as it has done consistently in the past.

• The Aim Of Verification - An Endnote. The very ambitious statement in the Preamble and General Provisions of the JCPOA states that "The full implementation of this JCPOA will ensure the exclusively peaceful nature of Iran's nuclear programme."19 Unfortunately, given Iran's past history and given the holes in the JCPOA, the "exclusively peaceful nature" of Iran's nuclear program cannot be assured. The inherent inability to search for undeclared facilities, activities, or materials, the PMD limitations to the existing 11 issues denoted by the IAEA to the exclusion of other possible issues that are as yet unknown, the cumbersome procedure for requesting access to locations, and the limitations on viewing documents and interviewing personnel make this statement little more than wishful thinking.

Moreover, only by being completely open about its past activities and intentions – including the development of the nuclear explosive device and the development of missile and other carriers of nuclear warheads – can Iran begin to gain the world's goodwill and trust. Unless this is achieved, the world will continue to view Iran with suspicion, which will grow as the time for the reduction of limitations on its nuclear program approaches.

^{1.} Joint Comprehensive Plan of Action, (JCPOA) Vienna, 14 July, 2015. Preface. http://apps.washingtonpost.com/g/documents/world/full-text-of-the-iran-nuclear-deal/1651/

^{2.} See https://www.iaea.org/sites/default/files/publications/documents/infcircs/1974/infcirc214.pdf

^{3.} Model Protocol Additional to the Agreement(s) Between State(s) and the International Atomic Energy Agency for the Application of Safeguards (AP), INFCIRC/540, Printed by the IAEA in Austria, September 1997. https://www.iaea.org/sites/default/files/infcirc540.pdf

^{4.} JCPOA, Para. 13.

^{5.} JCPOA, Para. 15.

^{6.} The AP, Article 5.c.

^{7.} http://armscontrolcenter.org/factsheet-iran-and-the-additional-protocol/

^{8.} JCPOA Annex I, para 80.

^{9.} JCPOA, para. 16.

^{10.} JCPOA, Annex I, T. paragraph 82.

^{11.} JCPOA, Annex I, Q. paragraph 75.

^{12.} Former IAEA Director-General Mohammed ElBaradei refused to report both Iran and Syria for non-compliance. See http://www.washingtoninstitute.org/policy-analysis/view/breaking-stalemates-on-iran-and-syria-at-the-iaea

^{13.} JCPOA, Annex I, Q. paragraphs 74-79.

^{14.} JCPOA, Annex I, T. paragraph 82.

^{15.} Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran, IAEA Report GOV/2011/65, 8 November 2011, Annex, C.2-C.12 https://www.iaea.org/sites/default/files/gov2011-65.pdf

^{16.} IAEA Director General's Statement and Road-map for the Clarification of Past & Present Outstanding Issues regarding Iran's Nuclear Program, Tuesday 14 July 2015 8:30 CEST https://www.iaea.org/newscenter/pressreleases/iaea-director-generals-statement-and-road-map-clarification-past-present-outstanding-issues-regarding-irans-nuclear-program

^{17. &}quot;Possible Military Dimensions", Institute for Science and International Security, July 21, 2015, http://isis-online.org/uploads/isis-reports/documents/Possible_Military_Dimensions_
Final.pdf

^{18.} United Nations Monitoring, Verification and Inspection Commission – UNMOVIC, College of Commissioners, http://www.un.org/Depts/unmovic/new/pages/commissioners.asp 19. JCPOA, Preamble and General Provisions, ii

SYRIA: THE MOST IMMEDIATE VICTIM

Oubai Shahbandar



The most immediate victims of the Iranian nuclear deal agreed to in Vienna in July 2015 are the people of neighboring Syria, whose country has been destroyed by a four year civil war widely regarded as the gravest humanitarian crisis since the Second World War. Around 300,000 civilians have been killed during the conflict, and more than four million refugees have fled the country, living in makeshift camps in countries like Turkey, Jordan, Iraq, and Lebanon. Inside Syria, close to eight million people have been displaced from their homes. When you remember that the pre-war population of Syria was twenty two million, you come to the staggering realization that more than half of its people have lost their homes and livelihoods.

While to the untrained eye the war looks like a bewildering matrix composed of Islamist terror groups like Islamic State and Jabhat al-Nusra, the Syrian armed forces, Iranian troops, and foreign Shi'a militias, at the heart of the conflict lies the brutal regime of Bashar al-Assad – the main ally and the principal tool in Iran's bid for regional hegemony.

The following points explain why the Iranian nuclear deal will leave Syria's battered citizens in an even more exposed position, unless more pressure is brought to bear upon the Iranian regime through a more robust nuclear deal.

• Iran Needs Assad to Threaten Israel and Conduct Terror Operations. The Alawite clique that controls Syria is a longtime ally of the Islamic Republic of Iran. The primary manifestation of this relationship is the pipeline of weapons and funds from Iran to Hezbollah, the Shi'a militia that has hijacked Lebanese politics and regularly launches provocative attacks along Israel's northern border, resulting in a full-scale war in 2006. Iran uses Hezbollah as a deterrent and a proxy to carry out Iran's more adventurous

foreign policy, including global terrorism stretching from Africa to Latin America.

• Iran is a Vital Participant in Assad's War Against the Syrian People. Iran has gone "all in" to support President Bashar al-Assad in order to protect his strategic pipeline. Iran is not concerned that the people of Syria have turned against the regime, first peacefully, and then through the armed uprising that began in 2011. In addition to their patronage of Hezbollah, Iran views itself as the patron of Shi'a throughout the region, including the Alawite Shi'a sub-sect

from which the Assad family originates. This patronage has led to disastrous results for the region, turning reformist protests into bloody sectarian wars.

- Iran Supplies the Assad Regime With Money, Equipment and Men. According to the UN's Envoy to Syria, Staffan de Mistura, the Iranian regime has supported¹ the Syrian regime with an estimated \$6 billion per year, to say nothing of the Islamic Revolutionary Guard Corps (IRGC) and Hezbollah's occupying presence in the country.
- The Assad Regime Cannot Survive Without the Patronage of Iran. Four years into the war, the governments in Damascus and Tehran are inseparable –no significant decision is made in Syria without Iranian direction or approval. Iran has been the Syrian regime's most dedicated sponsor, extending massive lines of credit, providing fuel and parts for the helicopters that drop barrel bombs on civilians,

and giving political support to a government with few international defenders.

• Iran Sends Foreign Fighters to Syria. Iran has facilitated the transportation of massive numbers of troops from foreign countries into Syria. In addition to the IRGC-Qods Force personnel commanding Syrian pro-regime militias, Iran has facilitated the travel of Afghan Shi'a fighters, Iraqi Shi'a militias, and Lebanese Hezbollah into Syria.

Iran's support of the Assad regime has also empowered its most brutal practices...
Once the armaments sanctions on Iran are lifted, the flow of deadly weapons into Syria will become practically unstoppable

• Iran Aids and Abets Syria's War Crimes. Iran's support of the Assad regime has also empowered its most brutal practices. The Assad regime is now infamous for its indiscriminate targeting of civilian areas, including schools and hospitals, relying on both fuel and spare parts from Iran to fly the helicopters and planes that engage in these attacks. These helicopters, also carry chlorine bombs that have gassed civilian areas. Iranian-made Falaq-1 and Falaq-2 missiles have been modified by the regime to carry chemical warheads, as was witnessed during the August

21, 2013 attack on East Ghouta.2 The Assad regime continues to covertly maintain the ability to produce VX and Sarin gas, despite the so-called "deal brokered in 2013, in which the regime was obligated to submit its chemical weapon stockpiles for destruction under international inspections. The advanced denial and deception tactics and procedures employed by the Assad regime to evade inspections were borrowed from Iranian advisors. This is a prelude for the maneuvers that Iran will use to dissemble, distract, and divert nuclear inspectors. The Damascus regime maintains the ability to quickly and covertly produce VX and Sarin and attach them to warheads that can be attached to Falaq-1 and Falaq-2 missiles.³ Once the armaments sanctions on Iran are lifted, the flow of deadly weapons into Syria will become practically unstoppable.

• Iranians Command Both Hezbollah and Syrian Army Forces. The Syrian Army has been severly

weakened by the war and would likely lose control of its remaining territory if not for the support of Iranian-directed Hezbollah personnel. The most recent regime-backed counteroffensive in Zabadani was almost entirely controlled by Lebanese Hezbollah fighters, who have cited Zabadani as a new launching ground for attacks against Israel. Iran and Hezbollah, its Lebanese proxy, are building a network of militias inside Syria to preserve and protect their interests in the event that Assad's government falls or is forced to retreat from Damascus - an outcome that Assad himself hinted at during a speech on July 26, 2015.4 The Assad regime is increasingly dependent on Hezbollah foreign fighters and IRGC officers to lead Assad-backed militias in the field. Lately, IRGC and Hezbollah officers have even been responsible for arming and directly paying the salaries of Alawite militias.5

• Iran Could Be Pried Away From Assad. Iran's occupation of Syria is relatively unpopular domestically, in particular because the Iranian population views actions in Syria as the type of provocative behavior likely to prolong international sanctions. With a nuclear deal that forces more concessions from Tehran, both the expense and unpopularity of the Iranian efforts in Syria would present an opening for the Iranians to give up the Assad regime, or at least play a more productive role in political negotiations.

However:

• The Nuclear Deal Removes Pressure for Iran to Abandon Assad. The conclusion of nuclear negotiations, negotiations that did not even attempt to modify Iran's regional behavior, have missed an opportunity to temper Iranian influence in Syria. Additionally, the \$150 billion in sanctions relief, coupled with Iran's reintroduction into the international banking system, will give the mullahs in Tehran the political space to continue their unpopular and costly war in Syria.

• Sanctions Relief Will Help Fund Iran's Terrorist Allies for Decades to Come. Even if Iran spends only a small portion of its economic windfall on the conflict in Syria, the effects will be felt intensely on the battlefield. Flagging regime units will be reinforced by re-energized Iranian, Lebanese, Iraqi, and Afghan fighters. Additional credit lines and fuel shipments are likely to be extended, and Iran may even play a direct role in assaults on the moderate New Syrian Force, trained and equipped by the United States, and recently inserted into northern Syria to fight the Islamic State. Iran's own proxies have lauded the deal, specifically citing sanctions relief as a boon to their cause. "We are confident that the Islamic Republic of Iran will support, with greater drive, just causes of nations and work for peace and stability in the region and the world," said Assad on the day that the deal was announced. Meanwhile, Hezbollah Secretary General Hassan Nasrallah has been even more blunt: "If Iran gets back this money, what will it do with it? [...] A rich and strong Iran ... will be able to stand by its allies and friends, and the peoples of the region, especially the resistance in Palestine, more than in any time in the past."

^{1.} See http://www.bloombergview.com/articles/2015-06-09/iran-spends-billions-to-prop-up-assad

^{2.} See http://www.bloombergview.com/articles/2015-06-09/iran-spends-billions-to-prop-up-assad

^{3.} See http://www.wsj.com/articles/mission-to-purge-syria-of-chemical-weapons-comes-up-short-1437687744

^{4.} See http://www.bbc.com/news/world-middle-east-33669069

 $^{5.} See \ https://www.washingtonpost.com/world/national-security/iran-hezbollah-build-militia-networks-in-syria-in-event-that-assad-falls-officials-say/2013/02/10/257a41c8-720a-11e2-ac36-3d8d9dcaa2e2_story.html$

IRAN: THE HUMAN RIGHTS **NIGHTMARE CONTINUES**

Peter Kohanloo

 T n its bid to secure the Vienna deal on Iran's nuclear $oldsymbol{oldsymbol{\bot}}$ program, the Obama Administration relegated Tehran's abysmal human rights record to a nonissue. When pressed, White House officials will say that the deal will encourage Iran to respect international human rights norms and conventions. But that is simply not true; here are ten reasons why.

- Iran under President Hassan Rouhani remains a human rights nightmare. That's not surprising given Rouhani's history. Having served as secretary of Iran's Supreme National Security Council for 16 years beginning in 1989, Rouhani led the violent crackdown against the 1999 student uprising, threatening to "crush mercilessly and monumentally any move of these opportunist elements." A decade later, he cheered the crackdown against the Green Movement, whose leaders, Mir Hossein Mousavi and Mehdi Karroubi, remain under house arrest to this day.
- · Iran ranks second in the world in the total number of executions carried out by the state, but it leads all nations in the execution of minors. Executions have increased since Rouhani was inaugurated in August 2013. The total in 2014 was 753, up from 580 in 2012 - the biggest number in a single year in more than a decade. The list of offenses punishable by death includes homosexuality and "waging war against God."
- More than 1,000 political prisoners languish in Iranian prisons. Last year, a particularly vicious attack on jailed dissidents occurred in Ward 350 of Tehran's notorious Evin Prison. On April 17, 2014, security forces brutally beat political prisoners with batons until the floor was drenched with their blood. The most prominent advocate for the



separation of mosque and state in Iran, the ailing dissident Shi'a cleric Ayatollah Hossein Kazemeyni Boroujerdi, remains jailed and is routinely tortured.

- The status of Iranian women has been diminished since Rouhani became president. Women's rights were already severely restricted in Iran, where a woman's testimony and her inheritance are worth half a man's. Under Rouhani, perpetrators of acid attacks against women have gone unpunished for their crimes. Female university students have been excluded from more than 70 academic subjects. Iran's parliament passed legislation permitting marriage to female minors in certain cases. Women are still not allowed to enter sporting events as spectators alongside men.
- Religious and ethnic minorities in Iran continue to be treated unjustly and discriminated against under the law. Apostasy is punishable by death, and targeted groups include Muslim converts to Christianity, adherents of the Baha'i faith, Sufis, Sunni Muslims, Azeris, Jews, Kurds and Baluchis. At least 100 Baha'is are jailed for their faith. Evangelical Christian pastors Saeed Abedini and Farshid Fathi are currently serving sentences for "undermining national security."

- The LGBT community has also been targeted in Iran, where homosexuality is a crime punishable by flogging and even death. One example of the regime's persecution of gay men involved a raid conducted by the Revolutionary Guards on a private party outside Kermanshah in October 2013. Witnesses claimed that electric batons and pepper spray were used on many of those present. Earlier this year, Iran rejected the recommendations of several countries, including Canada, Italy and Argentina, to stop targeting, punishing and discriminating against Iranians based on their sexual orientation.
- President Barack Obama's pursuit of a nuclear deal with the Iranian regime has dominated his foreign policy agenda since the start of his presidency in 2009. Obama mostly ignored pro-democracy protestors during the 2009 pro-democracy uprising, and his administration has de-emphasized human rights ever since. The White House's desire to avoid linking human rights to a potential nuclear deal eventually became apparent to Iranian dissidents, such

as human rights lawyer Nasrin Sotoudeh, who concluded that "it is wishful thinking to imagine that this nuclear agreement will automatically result in better human rights policies in Iran." Unsurprisingly, the current deal makes no real demands on human rights improvements by the Tehran regime. Despite the announcement of the deal, the unjust detention of three Americans of Iranian descent - Washington Post reporter Jason Rezaian, former U.S. Marine Amir Hekmati, and Pastor Abedini - continues.

• The lifting of economic sanctions on Iran, as enabled by the Vienna deal, will rejuvenate the country's political and economic elite, who stand to gain the most from sanctions relief. Because business and political interests are often intertwined in Iran, the ability to pressure the Iranian

regime when so many international economic interests are at play will be greatly diminished. Indeed, with the announcement of the JCPOA. one major source of leverage for improving the human rights situation in Iran has been eliminated.

• What, then, should be included in a better deal to improve Iran's awful human rights record? First and foremost, the three Americans being held in Iran should be immediately released without any preconditions. The current deal, which did not include a final resolution on their status, shows us what can happen when the U.S. government chooses to weaken its

commitment to human rights abroad.

With the announcement of the JCPOA, one major source of leverage for improving the human rights situation in Iran has been eliminated.

III

- Gender equality issues should be at the forefront of U.S. policy toward Iran. Washington should take every opportunity to denounce the Iranian regime's misogynistic policies in international forums (e.g. the United Nations). Publicly shaming Iran's discrimination against women will push its leaders to reconsider their positions, given the regime's sensitivity about its image internationally.
- The U.S. should also ensure that Iranian officials who engage in human rights violations face the consequences of their actions. Possible options include asset freezes and travel bans on such individuals. Washington should also take every chance to publicize the regime's oppression of religious minorities, dissidents, and the LGBT community. Spotlighting Iran's poor human rights record will encourage dissidents inside the country who feel neglected. It will also serve as a poignant reminder to the international community as to how much worse the human rights situation will become now that the Iranian regime is on an established path to a nuclear bomb.

Contributors



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Kirchick has previously worked for The New York Sun, the New York Daily News, and The Hill. A leading voice on American gay politics and international gay rights, he is a recipient of the National Lesbian and Gay Journalists Association Journalist of the Year Award. He was a 2012-2013 Robert Bosch Foundation Fellow in Berlin, and has previously been a Hoover Institution Media Fellow and Phillips Foundation Journalism Fellow.



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Shahbandar served as a senior civilian advisor to the Combined Forces Special Operations Command-Afghanistan in 2010-2011, working on the critical Village Stability Operations program.

In 2013, Shahbandar left government service and entered the private sector where he advised the Syrian Coalition in strategic communications and public relations. In 2014, he served as an advisor during the UN-hosted Syria peace talks in Geneva.

Additional Resources

Learn More About Why We Need a Better Nuclear Deal With Iran

Want more on the implications of the JCPOA for both Iran's nuclear program and the wider issues addressed in this briefing book?

The Tower has published extensively on Iran, including the following articles, which can be accessed by visiting **thetower.org/magazine**:

- The Central Pillar Supporting the Iran Deal Has a Big Crack in It
 In the July 2015 edition of The Tower, Emanuele Ottolenghi questions the viability of the "snap-back" mechanism on sanctions.
- Alberto Nisman's Secret Recordings, Revealed
 In an exclusive for the July 2015 edition of The Tower, Eamonn MacDonagh explains how the suspicious death of Alberto Nisman, the Argentine prosecutor investigating the Iranian-backed bombing of the AMIA Jewish Center in Buenos Aires in 1994, released a flood of recordings highlighting the alleged role of the Argentine government in covering up Tehran's responsibility for the atrocity.
- Iran Has a Serious Human Rights Problem
 In the April 2015 edition of The Tower, **Ben Cohen** conducted an exclusive and candid interview with Ahmed Shaheed, the UN Human Rights Council's Special Rapporteur on the situation of human rights in the Islamic Republic of Iran.
- In the February 2015 edition of *The Tower*, **David Daoud** explored the burgeoning Iranian empire across the Middle East, as expressed through terrorist proxies from Lebanon to Yemen.
- The U.S. Let Iran Take Over Iraq. Are Nukes Next?
 In the February 2015 edition of The Tower, Michael Pregent gave an eyewitness account of how Iran acquired control over the government of Iraq.
- How the Weak Iran Deal Makes War More Likely
 In the January 2014 edition of The Tower, Emanuele Ottolenghi examined how concessions made to Iran in earlier rounds of negotiations were increasing the risk of a pre-emptive strike on its nuclear facilities.
- Iran is *Really* Good at Evading Sanctions
 In the September 2013 edition of The Tower, Emanuele Ottolenghi exposed how the Iranian regime was developing sophisticated techniques to avoid the sanctions regime.

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FURTHER RESOURCES

• The Rise of the Iranian Empire

The following are a selection of organizations that provide important sources of timely, insightful analysis on Iran and the Middle East in general.

- Foreign Policy Initiative foreignpolicyi.org
- Foundation for the Defense of Democracies **defenddemocracy.org**
- Institute for National Security Studies inss.org.il
- Jewish Institute for National Security Affairs jinsa.org
- Washington Institute for Near East Policy washingtoninstitute.org

ADMINISTRATION RESOURCES

To get the perspective of President Barack Obama's Administration on the Iran deal, visit the following Administration resources:

- · whitehouse.gov/issues/foreign-policy/iran-deal
- twitter.com/TheIranDeal



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