

THE JERUSALEM POST

A deal with gaping failures

By Yaakov Lappin

July 18, 2015

The sunset clause is the biggest flaw in the agreement with Iran, but there are many others, says arms control expert Emily Landau.



Dr. **Emily Landau**, head of the arms control and regional security program at the **Institute for National Security Studies** in Tel Aviv, is one of Israel's keenest expert observers of the Iranian nuclear program.

For years, she has studied, tracked, and warned about Iran's systematic and successful efforts to dodge the International Atomic Energy Agency's questions about military dimensions in Iran's large-scale nuclear program.

Landau has documented in detail a disturbing story, in which world powers have grown ever more compliant with Iran's demand that its narrative, based on a refusal to concede any past nuclear wrongdoing, be adopted by the international community and serve as the basis for negotiations.

This week, those negotiations matured into a deal between Iran and the P5+1 countries, and Landau told The Jerusalem Post she was at a loss to understand Washington's enthusiasm to conclude a deal with such gaping failures in it, shortcomings that can be traced back to the original sin of the negotiators – accepting Iran's ongoing evasion of the truth.

“What's important is to focus on the big issues that are problematic here,” Landau told Post on Wednesday.

And the first of those big problems, she said, is the deal's built-in sunset clause, making restrictions placed on Iran's nuclear program temporary.

“This is something I've never understood, from the beginning. In the Nuclear Non-Proliferation Treaty, there's no limit. It goes on forever,” she said.

While in theory Iran, as a signatory to the NPT, remains bound to the NPT after the nuclear deal expires, in reality Iran has already violated the NPT, and is likely to do so again after the current arrangement expires.

Hence, Landau said, there is no logic in agreeing to a sunset clause from the get go.

“The whole negotiations were meant to deal with Iranian violations of the NPT,” she said. “This deal was supposed to add very strict verification measures that should have lasted forever. That should have been the basis for this deal.”

Instead, Landau said, US-led negotiators have agreed to a sunset clause “without any strategic indication that Iran has backed away from nuclear weapons, like Libya did 10 years ago. Why in the world would they lift restrictions in such conditions? Iran lies about lying. Its narrative is that it has done no wrong. If you accept that, you get to the odd situation where you're trying to stop Iran from doing something that it never admitted to trying to do.”

Only a clear strategic U-turn by the Islamic Republic could justify a sunset clause, Landau stated. “But we don't have that. We have restrictions for 10 years, and after that, Obama tells Iran that it can go back to being a regular member of the NPT. Well, Iran cheated as a regular member.”

In the coming decade, Iran is likely to show continued aggressive behavior in the Middle East, but when the nuclear deal expires, Iran will be entitled to turn to the international community and say, “This was the deal. Now it's over.”

In the meantime, the arrangement allows Iran to advance with its nuclear infrastructure, by carrying out research and development into future generations of uranium enrichment centrifuge systems, ones that could speed up the entire process of nuclear weapons production in the future.

“That's the kind of dynamic that can unfold. This deal has no provisions to deal with that,” Landau said.

She described the verification mechanism in the deal as being “totally ambiguous” and a far cry from the “any time, any place” ideal that would make inspections effective.

In reality, negotiators went from “any time any place” to a concept called “managed access to military facilities. This is exactly the kind of ambiguous concept that the Iranians love,” she said.

A committee to discuss potential violations will include Iran as a member, Landau said. “Iran will be a member of the committee – it is playing a game as if it has never been proven to be a bad player. Why wouldn’t Iran be on the committee? If their position is accepted, they have a right to be there. So a player that is a known violator, cheater, deceiver, and liar, for years, is on the committee.”

Ultimately, Landau said, the deal “keeps coming back to the warped situation where they [negotiators] have not confronted Iran with evidence for wrongdoing. Why does America not press the issue? Why does the international community not press it? When people like me ask these questions, we hear that the US does not want to humiliate Iran or force confession. But this has nothing to do with humiliation. It has to do with creating a common basis for conducting negotiations.”

Iran has understood, “from day one,” Landau said, the need to hang on to its narrative.

“It did not budge from this, and repeated it all the time. As recently as the Munich Security Conference last February, Iranian Foreign Minister Mohammad Javad Zarif was interviewed and gave his fairy tale – that Iran never did anything wrong, that there is no evidence against it, that it is wrongly accused, that all the sanctions were baseless. And no one challenged him.”

So what does the international community actually have on Iran that it is so reluctant to use? Landau referred to the IAEA’s “12 outstanding questions” on past Iranian military nuclear production work. This is a file based on the intelligence input submitted by 10 different countries, all documenting Iranian activities linked to suspicions of nuclear weaponization.

It includes research into building a nuclear warhead, evidence of plans for an implosion device, detonators – “all the stuff that has no civilian explanation but obviously is purely military in nature,” said Landau.

The Vienna nuclear deal stipulates that Iran must provide answers to these questions by mid-December, and IAEA director-general Yukiya Amano is due to meet with Iranian President Hassan Rouhani to discuss the issue.

But Landau expressed the utmost wariness over prospects that these steps would add up to anything meaningful.

“We’ve been there,” she said.

“Iran will agree to a one-time visit to Parchin [a military complex where suspected Iranian nuclear weapons research has occurred]. Since 2012, the IAEA has tried to get

into Parchin, and Iran stonewalled these efforts. Obviously, Iran has not been sitting on its hands in Parchin. There is satellite imagery of its cleanup operations there. When it finally allows one inspection, there is very little chance inspectors will find anything. So much time has gone by. Then Iran can present the inspection as a vindication. It will say, 'Look, the IAEA has just been on our case for no reason.'" Iran has skillfully exploited the fact that the IAEA cannot expose its sources of sensitive intelligence. It has never issued an "absolute no" to the IAEA's probing. "They always played for time. They said, 'Tomorrow; we'll see,'" Landau said.

In 10 years, Landau said, she can envisage Iran with "a vast nuclear project, working on a breakout capability in whatever aspect they can, like research and development into advanced centrifuges. They will safeguard that capability. I don't know if, or when, Iran will make the decision to go into actual production of nuclear weapons."

The situation "we don't want to be in" is where Iran can break out to nuclear weapons whenever it wants, and the international community cannot stop it, she warned. "We don't want to be in a place where no one can stop Iran. That's the source of concern, that we don't know what Iran is doing, and are powerless to stop it. Then, we'd have to deal with whatever comes next."

<http://www.jpost.com/Middle-East/A-deal-with-gaping-failures-409287>