Obama Dashes to the United Nations, Circumvents Congress, on Iran Deal

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As part of their attempt to sell the Iran deal as something other than a catastrophe for American and international peace and security, President Obama and John Kerry are now invoking the United Nations. The Obama administration raced straight from Vienna to the Security Council, awaiting nothing from Capitol Hill. What’s going on?

It has now been 4,397 days – dating to June 2003 – since the International Atomic Energy Agency (IAEA) [first reported](http://www.iranfactfile.org/wp-content/uploads/2014/02/gov2003-40.pdf) that Iran was in breach of its legal obligations under the Nuclear Non-Proliferation Treaty (NPT).

It took another three years for the United States to get the matter before the Security Council. What followed between 2006 and 2010 were six hard-fought Council [resolutions](https://www.iaea.org/newscenter/focus/iran/iaea-and-iran-un-security-council-resolutions-and-statements) that managed to avoid a Russian and Chinese veto. Four of those resolutions contained sanctions provisions.

These resolutions did not stop Iran from proceeding apace with its plan to acquire nuclear weapons. But they were a universal statement that Iran was a pariah state. It was in breach of fundamental international law – duties essential for preventing nuclear war – and legitimately subject to sanctions until such time as there was independent, reliable verification that it fully complied.

Obama’s Iran deal changes all that. Why?

On July 14, the president [explained](https://www.whitehouse.gov/blog/2015/07/14/email-president-obama-iran-deal), "Without this deal there would be no agreed-upon limitations for the Iranian nuclear program.” And the next day, he [ridiculed](https://www.whitehouse.gov/the-press-office/2015/07/15/press-conference-president) “the alternative, no limits on Iran's nuclear program, no inspections.”

This is patently false. The last council Iran sanctions resolution, 1929, adopted on June 9, 2010, requires the IAEA to report “on whether Iran has established full and sustained suspension of all activities” that were set out in prior sanctions resolutions.

After receiving a report, [Resolution 1929](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1929%282010%29) set up the following scenario for lifting sanctions, temporarily or permanently. It says, the council:

shall review Iran’s actions in light of the report… and: (a) …it shall suspend the implementation of measures ***if***…Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, … (b)…it shall terminate the [sanction] measures…***as soon as*** it determines… that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors…”

So has Iran satisfied the conditions for suspending or terminating the Security Council resolutions? The answer is a resounding no – from the mouth of the IAEA itself.

On May 29, 2015, the IAEA produced a [report](https://www.iaea.org/sites/default/files/gov-2015-34.pdf) on Iran that lays out – for the umpteenth time – “Iran is conducting a number of activities…which are in contravention of its obligations to suspend all enrichment related activities and heavy water related projects.”

Why would the Security Council sanctions resolutions suddenly disappear when they specifically require Iranian compliance that has not been forthcoming? The answer is: they wouldn’t. The council sanctions only disintegrate if the Obama administration does the leg work for Iran and has them rescinded.

And yet Secretary Kerry [lectured](http://www.state.gov/secretary/remarks/2015/07/244885.htm) the deal’s non-believers in Vienna: “United Nations Resolution 1929…says specifically that if Iran comes to negotiate – not even get a deal, but comes to negotiate – sanctions would be lifted.”

Sanctions Resolution 1929 says no such thing. Sanctions get lifted if, and only if, the IAEA verifies Iran has suspended all enrichment-related and other activities – which the IAEA has not done (and will never do under the agreement).

But the misinformation campaign went on. Kerry [told](http://www.state.gov/secretary/remarks/2015/07/244902.htm) NBC following the deal that the Obama administration had no choice: “the alternative is what, perpetual state of sanctions? Not going to happen. Our European and the Chinese and Russian friends are not going to do that.”

Actually, they already did. They adopted the Security Council sanctions resolutions and, given the veto power, those laws can’t be overridden without U.S. approval. The bottom line is that the United States held the cards. The Obama administration has just decided to throw them away.

The president has used the same sleight of hand on reversing the arms embargo and ballistic missile sanctions currently in effect. He [told](https://www.whitehouse.gov/the-press-office/2015/07/15/press-conference-president) reporters on July 15, 2015:

*“…under the terms of the original U.N. resolution, the fact is that once an agreement was arrived at that gave the international community assurance Iran didn't have a nuclear weapon, you could argue just looking at the text that those arms and ballistic missiles prohibition should immediately go away. But what I said to our negotiators was…let's press for a longer extension of the arms embargo and the ballistic missile prohibitions. And we got that.”*

The original UN Council resolution governing arms and ballistic missile related activities, “[1747](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1747%282007%29),” adopted March 24, 2007, uses the same formula as resolution 1929 – the sanctions get lifted only “if” or “as soon as” Iran suspends all enrichment-related and other activities and has “fully complied” with its obligations.

And as IAEA director general Yukiya Amano [told](https://www.iaea.org/newscenter/statements/introductory-statement-board-governors-63) his governing board on June 8, 2015, “the Agency is not in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities.”

Obviously, arriving at an agreement doesn’t give anybody any assurance about anything. One could argue “just looking at the text that those arms and ballistic missiles prohibition should immediately go away,” but then one would be a con artist.

Sanctions Resolution 1747 and the Security Council’s open-ended arms embargo weren’t going anywhere. Five and eight year “limits” are a give-away in the Iran column, not an accomplishment for the United States.

To put this another way, when a state violates the law, the usual reaction is not to abolish the law, but to enforce it.

Shredding existing law has required the Obama administration to tie up one more loose end – the inconvenient fact that the IAEA has never concluded that all nuclear material in Iran is for peaceful purposes. On the contrary, the May 2015 [report](https://www.iaea.org/sites/default/files/gov-2015-34.pdf) reaffirms the that the agency has “credible” evidence to conclude that “Iran has carried out activities that are relevant to the development of a nuclear explosive device.”

Consequently, in the [agreement](https://s3.amazonaws.com/s3.documentcloud.org/documents/2165399/full-text-of-the-iran-nuclear-deal.pdf), President Obama has decided to wipe the slate clean – of the world’s leading state sponsor of terrorism seeking the world’s most dangerous weapon. Notwithstanding decades of having been stymied and lied to by Iran, the IAEA now has until December 15, 2015 to produce “the final assessment on the resolution of all past and present outstanding issues...” and the IAEA Board of Governors (upon which the US sits) will take “necessary action with a view to closing the issue.”

As former head of the IAEA’s verification office, Tariq Rauf, [told](http://www.theguardian.com/world/2015/jul/14/iran-nuclear-deal-international-atomic-energy-agency) the *Guardian* on July 14, this process is not “normal” IAEA procedure, there will be no “conclusion” only “an assessment of the clarification of the issues,” and the “fix is in.”

The president is therefore making a mad dash to the United Nations for the following reasons:

First, the agreement the administration just made with Iran violates the existing Security Council resolutions. Second, the administration hopes to subordinate U.S. lawmakers to the lawmakers at the U.N.

The direct inconsistency between the agreement and the U.N. laws is clear. The sanctions resolutions say [Iran must suspend](http://abcnews.go.com/blogs/politics/2013/11/sec-john-kerry-no-daylight-between-israel-and-united-states/) “***all*** enrichment-related and reprocessing activities…” And the agreement gives Iran a right to enrich – notwithstanding Secretary Kerry’s fake-out in November 2013 that the administration had “no right to enrich” in mind.

Hence, the agreement cannot come into effect without rescinding the current obligations imposed on Iran.

Secondly, the council resolution is to be adopted under the U.N. charter section demanding U.N. members “agree to accept and carry out the decisions of the Security Council.” If Congress balks, Obama’s threat goes, it will bring the .U.S into violation of its legal duties.

After failing to hold Iran to its legal duties by revoking them, the President will create new ones with which to blackmail the representatives of the American people.

It is time to stop saying the rub is that Iran can’t be trusted. It is the Obama administration that can’t be trusted to put America first.