[Don’t Believe the UN’s Promises on Iran Deal](http://www.algemeiner.com/2015/06/17/bolton-dont-believe-the-uns-promises-on-iran-deal/%22%20%5Co%20%22Permanent%20Link%20to%20Bolton%3A%20Don%E2%80%99t%20Believe%20the%20UN%E2%80%99s%20Promises%20on%20Iran%20Deal)

June 17, 2015

By John Bolton

Algemeiner

http://www.algemeiner.com/2015/06/17/bolton-dont-believe-the-uns-promises-on-iran-deal/

The Security Council’s five permanent members and Germany, discussing Iran’s nuclear-weapons program, have reportedly agreed on a mechanism intended to reactivate United Nations economic sanctions if Tehran breaches the deal currently under negotiation. Iran now is apparently reviewing the proposal.

If what is publicly known about this so-called “snapback” formula is even vaguely accurate, it is an act of consummate folly. Allegations of Iranian violations would be referred to a committee of the Perm Five, Germany and (surprise!) Iran. This committee (which might also include other nations) would, through an as-yet-undisclosed process, decide whether Iran had breached the final agreement, and, therefore, whether the sanctions would come back into effect.

Unfortunately, intent on thwarting Russia or China from vetoing Security Council resolutions re-imposing sanctions, President Obama’s diplomats have instead devised an utterly toothless alternative. Their approach does not defuse the threat of sanctions vetoes by Moscow or Beijing (a threat which alone underlines the deal’s fundamental fragility) but simply defaults to predicate question whether Iran is in violation in the first place.

That doesn’t make any ultimate agreement more enforceable; it simply hides the fatal defect under a different walnut shell.

Deciding what constitutes a violation — and who gets to make that decision — obviously are the critical preconditions to tee up a decision on restoring sanctions. It is almost inconceivable that any permanent member would delegate that authority to an international bureaucracy, such as the IAEA, even if the prospective deal’s verification and compliance provisions were adequate, which they manifestly are not.

Instead, given the U.N.-sanctions focus of the Perm Five and Germany, every likelihood is that this new committee will proceed by “consensus,” which in U.N.-speak means every member will have a veto. If breaches were to be decided merely by majority vote of a committee, Russia and China simply would have given away their vetoes. Do we really believe they are that gullible?

Allowing Tehran any say in a U.N.-style committee reviewing its own alleged violations is roughly equivalent to providing Al Capone a seat in the jury room. At a bare minimum, formally involving Iran greatly enhances the prospects for inordinate delays, the obvious benefits of which will accrue to Iran.

The next hurdle in establishing Iranian violations is our State Department’s institutional bias against ever finding breaches of arms-control agreements. To identify a violation would, in significant ways, mean confessing that the underlying agreement itself was flawed. Obviously, a “violation” means that the deal is in jeopardy, thus effectively erasing the thousands of hours of diplomatic efforts required to reach the underlying agreement. Thus, State’s reflex reaction will be not to declare a violation, but to express “concern” and seek (what else?) more negotiations to resolve the “ambiguity” or “discrepancy” raised by inculpatory evidence about Iran’s behavior.

President Obama obviously also has considerable political interest in not admitting that Iran had traduced what officials already hail as the second-term equivalent of ObamaCare. Indeed, with time running out for Obama, simply kicking the can down the road past Jan. 20, 2017, will increasingly be the White House’s path of least resistance.

Moreover, Iran’s advocates Russia and China could easily gridlock the committee. Moscow and Beijing could contest the evidence of a “violation”; argue that any violation was not really material to the underlying agreement; or accept Iranian explanations that violations were “accidental,” or already “corrected.” Moscow and Beijing could also argue to our own ready-to-be-persuaded State Department that even proof positive of a violation should only lead to more talks with Iran before 15 years of diplomacy are consigned to failure.

Finally, if Obama’s negotiators have truly found a way around potential Russian and Chinese vetoes in the context of Iran’s nuclear program, they also have found a way around America’s veto in other contexts in the future. This is not a precedent we should create, as when Dean Acheson erred by formulating his “Uniting for Peace” resolution in late 1950 during the Korean War. The Soviet Union had realized that boycotting the Security Council to protest China’s seat being held by Taiwan rather than Mao’s government in Beijing was a mistake. Moscow returned to the council and immediately begun frustrating U.S. efforts to oppose North Korea’s aggression.

In response, Acheson proposed “Uniting for Peace,” allowing the General Assembly to pre-empt the Security Council’s responsibility for international peace and security when the council was hopelessly deadlocked. That is the very paradigm of “seemed like a good idea at the time,” when Washington, before the decolonization era, had a fairly dependable General Assembly majority. Not so thereafter. Acheson understood the risk but said in his memoirs he thought it a problem for his successors. We should not make that mistake again.

The purported snapback mechanism is no such thing. It is just as favorable to Iran as almost every other aspect of the emerging deal and yet another reason to reject it.