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FLAME HOTLINE

Facts & Logic About the Middle East

October 17, 2017

President Trump decertifies the Iran Deal: What does it mean and what's our next step?

Dear Friend of FLAME:

Before we jump into the Iran Deal—certainly the biggest news of the last week—we should note two other momentous developments:

- 1) Hamas (Gaza) and Fatah (West Bank) signed their third reconciliation deal in the last six years—this one perhaps more credible (and desperate) than the last two. However, the agreement has tons of problems, which we'll address next week.
- 2) The U.S. and Israel both decided to leave UNESCO, whose initials stand for United Nations Educational, Scientific and Cultural Organization—though the organization has nothing to do with any of those things. Rather it's dedicated to Israel bashing—such as declaring millennia-old Jewish sites to be Arab. Kudos to Ambassador Nikki Haley (and PM Netanyahu) for washing their hands of this tainted organization.

Now to the week's major event: President Trump decertified the JCPOA, the formal agreement behind the Iran Deal. While this move does not *kill* the Deal, it throws further decisions back into Congress's lap.

Let's quickly review why the Iran Deal badly needs fixing, if not nixing.

First, despite all the reports in your friendly mainstream media that Iran is in compliance with the JCPOA, the head of the U.N.'s international atomic energy agency—the IAEA—admitted last week that its inspectors have been unable to verify Iran's compliance with Section T of the JCPOA, which prohibits the Islamic Republic from activities that could contribute to the

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YOU DESERVE TO KNOW THE TRUTH...

Exit the U.N. Human Rights Council

The U.S. should leave this anti-Semitic group, which denounces every meeting to condemning Israel, while ignoring the world's most heinous human rights crimes

The United Nations Human Rights Council (UNHRC) is composed of 47 nations, nearly 20% of which, like Saudi Arabia, China, Cuba, Egypt and Jordan, are oppressive dictatorships. In 2013, the Middle East only democracy, after new democratic elections, was the only one to be led by Palestinian terrorists who looted a law firm of innocent children. Later, the same firm was purchased by Palestinian President Mahmoud Abbas. The U.S. Human Rights Council never condemned Lahn's looting or the Palestinian Authority (PA)—yet has it condemned hundreds of other terror attacks against Israel or the PA's acts of incitement that poison lives.

Given the misstatement of millions of people by dozens of countries worldwide, why is Israel consistently and unfairly singled out for the vilification?

Democracy is what Israel is—oppression ignored, Israel is a champion of freedom, governing its citizens—including its 20 percent Arab population, women, LGBTQ and religious minorities—all rights of speech, assembly, the vote and government services, including its military. For other nations on earth, after such Israel freedoms, and in the Middle East, only Israel does.

Yet since its founding in 1948, the United Nations Human Rights Council has condemned Israel 81 times—more condemnations than those of all other countries combined, including Syria, Sudan, North Korea and Iran. In 2016 alone, UNHRC Council voted on nearly resolutions against Israel (over North Korea and Syria combined). The number of Israel in the only nation that has a standing UNHRC speaker has declined to its lowest point.

What explains this injustice? First, there is the predominant religion in more than 120 UNHRC member nations, which is neither Jewish nor Christian, but Muslim. In addition, though the Jewish nation of Israel pre-dates Muslims in Palestine by more than 1,300 years. These states openly oppress Muslims—the fundamental tenet of the region's indigenous Jewish people. What's more, Muslims make up large voting minorities in many other member countries, such as India, China and the U.S., which also almost always support claims of Israel's enemies to Palestine's territory. Second, while India maintains the world's largest military occupation in Kashmir, Turkey illegally occupies half of Cyprus, and Russia has brutally oppressed Chechens from Ukraine, these countries' occupations are rarely mentioned by UNHRC.

Today Israel would thereby be removed from Arab lands in 1948—had that not part of the original Kingdom of Israel and had never followed a similar state—yet Israel's nation

is not a democracy, respect for its citizens, its progress in the region, and its peaceful relations with its neighbors. UNHRC is an illegitimate organization that supports the rights of the oppressor, and not the victim. The UNHRC is a tool of the oppressor, not the victim.

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development of nuclear weapons. You read that right: *Unable to verify*.

Indeed, in all the IAEA reports since 2015 pursuant to the JCPOA, none states that Iran has complied with the Deal's provisions. *None*. Among many reasons, that's in large part because inspectors are unable to visit Iranian military installations—a restriction unfortunately supported by Russia in the U.N. Rather, certification is left to the JCPOA signatories, who must make a "judgment" on whether or not Iran is in compliance.

What's more, several weeks ago, three German intelligence reports revealed that Iran in 2016 *alone* attempted 32 times to obtain illicit technology that could be used for military and ballistic missile programs, a virtually certain violation of the JCPOA.

Finally, of course, the terms of the JCPOA were flawed from the beginning, and the Deal was based on the hope that if Iran were welcomed into the international community, it would cease its belligerence and other destabilizing activities in the Middle East and beyond.

Instead, Iran has continued headlong to develop intercontinental ballistic missiles and has increased its support of Shiite Houthi rebels in Yemen and Hizbollah and Hamas terror groups in Lebanon and Gaza respectively. It also helped rogue Syrian dictator Assad slaughter millions of his citizens. And let's not forget Iran's regular threats to destroy Israel, the United States' most steadfast and valuable ally in the Middle East.

The problem with Mr. Trump's action to decertify is that for it to have serious effect, two specific actions will need to be taken to repair the Deal, slow down Iran's bellicose activities, and prevent Iran from acquiring nuclear technology and the bomb in the long term.

First, the U.S. Congress must now take control and create new inspection rules, sanctions and other punishments to level against Iran in case of its continued bad behavior, both related to the JCPOA *and* beyond it. Given Congress's legislative track record in 2017 so far, this seems unlikely.

Second, the U.S. must rally co-signers of the JCPOA—the EU, Germany, France, and the U.K., as well as Russia and China—to support such new measures to tighten restrictions on Iran. Given President Trump's lack of rapport with these countries' leaders and virtually no notable success in international diplomacy so far, this

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possibility seems far-fetched.

To put the President's decertification move in sharper perspective—since it is clearly a huge advance in the right direction—I commend you to this week's *Hotline* (below), a concise, masterful article by Robert Satloff, executive director of the Washington Institute for Near East Policy.

Satloff explains specifically what steps the U.S. will need to take to capitalize on this welcome new direction in our foreign policy. If you review only one article on the President's decertification, please make it this one. Satloff prepares us to explain this critical issue to our friends and family—as well as to any hold-out supporters of the original, tragically flawed Iran Deal.

Finally, please take a quick minute also to review the P.S. below and click on the link to review FLAME's latest *hasbarah* effort, if you haven't done so yet. It discusses the most villainous of U.N. agencies, the UNHRC.

Best regards,

Jim Sinkinson
President, Facts and Logic About the Middle East (FLAME)

P.S. Did you know: While the U.N. discriminates against Israel in many ways, the organization's most outrageously unjust agency is the U.N. Human Rights Council, long a harbor for oppressive regimes to pass judgments on other nations, and above all against Israel. The Middle East's only democracy and truly a light unto nations in so many ways, Israel suffers more condemnations by the UNHRC than all other nations together. In just the last year, the UNHRC passed twice as many resolutions against Israel as against North Korea and Syria combined. In order to make Americans—especially college and university students—aware of this injustice, FLAME has just produced and will soon publish a new position paper: "[Exit the U.N. Human Rights Council](#)." This paid editorial will appear in magazines and newspapers, including college newspapers, with a combined readership of some 10 million people. In addition, it is being sent to every member of the U.S. Congress and President Trump. If you agree that this kind of public relations effort on Israel's behalf is critical, I urge you to support us. Remember: FLAME's powerful ability to influence public opinion—and U.S. support of Israel—comes from individuals like you, one by one. I hope you'll consider giving a donation now, as you're able—with \$500, \$250, \$100, or even \$18. (Remember, your donation to FLAME is tax deductible.) To donate online, just go to [donate now](#). Now more than ever we need your support to ensure that the American people and the U.S. Congress end our support of blatantly anti-Semitic, global jihadist organizations.

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Here's how to fix but not nix the Iran deal

After decertifying the JCPOA, President Trump now has leverage to negotiate a better agreement.

By Robert Satloff, *The Atlantic*, October 13, 2017

Two years ago, I urged senators to vote "no" on the Iran nuclear deal. My goal was not to have them scrap the accord,

which had numerous positive benefits, but to give President Barack Obama leverage to repair its serious flaws. "No," I argued, "doesn't necessarily mean 'no, never.' It can also mean 'not now, not this way.' It may be the best way to get to 'yes.'"

The idea of "nix to fix"—not to be confused with Israeli Prime Minister Benjamin Netanyahu's "nix or fix" slogan—didn't win a lot of support in 2015 but it's back, thanks to President Trump's decision not to certify the deal under the terms of the Iran Nuclear Agreement Review Act and to seek INARA's revision by Congress. Now, his administration may have the standing to win from other signatories, especially the Europeans, support for correcting many of its faults. Such improvements would give the president a strong rationale to recertify the agreement down the road.

Achieving this outcome won't be easy but it's doable. Here are three core problems of the original Joint Comprehensive Plan of Action (JCPOA), and how President Trump could correct them, without requiring Iran to renegotiate any terms of the deal.

DETERRENCE

The JCPOA was sold, in part, as a way for Iran to recoup billions of dollars in lost sanctions revenue and win billions more in new commercial investments to improve its economy and thereby increase the standard of living of its people. All of this would, so the theory went, tie the Iranians to global norms and institutions and make them more moderate actors.

From the beginning, however, there was a real fear that the Iranians would divert large sums to their destabilizing regional ambitions and their terrorist proxies. Over the past two years, that has certainly been the case, with Tehran expanding its provocative ballistic-missile program and extending its regional influence by channeling funds and weapons to Hezbollah, the Houthis in Yemen, and thousands of Shia militiamen traveling from as far away as Afghanistan to fight in Syria and Iraq.

The ballistic-missile program is particularly problematic.

Given that the Iranians are exploiting a loophole that the Obama administration permitted in the relevant UN Security Council resolution to plow ahead with developing missiles potentially capable of delivering nuclear weapons, it is wholly false for advocates of the deal to argue that the JCPOA has halted, frozen, or suspended Iran's nuclear-weapons program. Such a program has three main parts—development, weaponization, and delivery—and ballistic missiles are an integral part of that. In

other words, critical aspects of the program are moving ahead, deal or no deal.

To address these problems, the administration could seek understandings now with European and other international partners about penalties to be imposed on Iran for continued investment in its ballistic-missile program and for its provocative regional activities. To be effective, these new multilateral sanctions should impose disproportionate penalties on Iran for every dollar spent on ballistic missiles, Hezbollah, the Houthis, or other negative actors. Since these sanctions are outside the bounds of the JCPOA, their implementation does not violate any promise made to Iran. Pursuing this path would also begin to repair the Obama administration's error of having an "Iran nuclear policy" but no broader "Iran policy."

CONSEQUENCES

The JCPOA has no agreed-upon penalties for Iranian violations of the deal's terms, short of the last-resort punishment of a "snapback" of UN sanctions. This is akin to having a legal code with only one punishment—the death penalty—for every crime; the result is that virtually all crimes will go unpunished.

Again, as the record of the past two years shows, this has been the case. Contrary to press reports, there have been numerous violations of the terms of the deal, but on each occasion, Iran has been given the opportunity to correct its error. That's a logical outcome of a situation in which there are no agreed-upon penalties for violations other than the threat to scrap the deal altogether.

The solution is for the Trump administration to reach understandings now with America's European partners, the core elements of which should be made public, on the appropriate penalties to be imposed for a broad spectrum of Iranian violations. The Iran deal gives the UN Security Council wide berth to define such penalties at a later date, but the penalties have no value in deterring Iran from violating the accord unless they are clarified now.

SUNSET

One of the biggest flaws in the JCPOA was the expiration of all restrictions on Iran's enrichment of nuclear material 15 years into the agreement. To be sure, Iran argues that it remains forever bound by its commitment not to produce a nuclear weapon under the Nuclear Nonproliferation Treaty. But if anyone believed that

promise, there would have been little reason to negotiate the JCPOA in the first place.

As the leader who negotiated the Iran nuclear deal, President Obama would have helped correct this problem if he had issued a declaration making it the policy of the United States, then and in the future, to use all means necessary to prevent Iran's accumulation of fissile material (highly enriched uranium), given that its sole useful purpose is for a nuclear weapon. Such a statement, to be endorsed by a congressional resolution, would have gone beyond the "all options are on the table" formulation that, regrettably, has lost so much of its credibility in the Middle East.

Two years into the agreement, Iran's relentless pursuit of more effective ballistic missiles—one leg of a nuclear-weapons program—underscores its strategic decision to pursue the weapons option. Repairing the sunset clause is, therefore, more urgent than ever. President Trump could achieve this by reaching an agreement with the five other JCPOA signatories—or, if Russia and China balked, at least the three European countries who negotiated the deal, Britain, France, and Germany—on a joint declaration binding themselves to a promise to take whatever action is necessary to prevent Iran's accumulation of fissile material. To give that declaration real weight, signatories could begin a joint-planning process for executing their commitment, if necessary. America's allies may even welcome this declaratory approach, since it might assuage private concerns some of them have about Iran's rapidly expanding nuclear program down the road. And President Trump could repair a major drawback in the original JCPOA negotiations by bringing into those consultations the parties most directly threatened by Iran's pursuit of nuclear weapons: Israel and the Arab states of the Gulf, especially Saudi Arabia.

None of this will be easy. Even in the hands of an agile, well-oiled administration, one that had invested in partnerships with U.S. allies and had a track record of adroit, creative diplomacy, winning agreement to this lengthy "fix Iran deal" agenda would be heavy-lifting, especially with the North Korea crisis looming. And whatever one's view of the Trump team's achievements, it's fair to say that it has been far from an agile, well-oiled administration.

But if the president does go down this path, working in his favor is the simple argument that "the alternative is worse"—namely, the immediate collapse of the Iran nuclear deal and with it all constraints on Iran's nuclear program. While I don't believe this alternative leads to war, as the Obama administration argued

when it made the case for the JCPOA, many in Berlin, Paris, and London may think so, which the administration can use to its advantage.

It is not often that governments get a second chance to do the right thing. If handled properly—with purposeful leadership and adroit diplomacy, admittedly very big "ifs"—the Trump administration has the opportunity to correct its predecessor's flawed deal. In my view, better late than never.

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Facts and Logic

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