

What's the Big Deal?

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Of course Congress should endorse the Iran deal. The renunciation of the agreement by Congress would have disastrous consequences for the Middle East, empowering warmongers everywhere, but especially in Washington, Tel Aviv, and Tehran.

There are three motives driving opponents of the deal.

The first is the desire to maintain the neocons' hegemonic vision of a New American Century, even if this risks war, and in some cases because it means war. Thus Joshua Muravchik declares that war is "our only option." And Norman Podhoretz, writing in the *Wall Street Journal*, explains:

"I remain convinced that containment is impossible, from which it follows that the two choices before us are not war vs. containment but a conventional war now or a nuclear war later."

The second motive is partisan opposition: Republicans oppose on principle anything President Barack Obama does — some denouncing the deal even before they had read it. Even Rand Paul, who claims to reject foreign interventionism, toes the GOP party line. It doesn't matter that President George W. Bush offered Iran what was in some respects a better deal or that some key Bush administration diplomats have endorsed the current agreement: if Obama's for it, today's Republican politicians are against it.

The third motive is to support Israeli Prime Minister Benjamin Netanyahu's regional hegemonic designs and his efforts to distract from his government's failure to address the occupation and Israel's domestic problems. Iran has been an obstacle to Israeli domination, supporting Hezbollah and Hamas. Anything that weakens Iran, thereby gives Israel a freer hand to pursue the occupation. Even without nuclear weapons, Israel wants a weak Iran. As former CIA analyst Paul Pillar explained, if Netanyahu were concerned about an Iranian nuclear weapon, he would be supporting this agreement, which makes an Iranian weapon less likely. "Clearly he has other motivations." His career has been based on fearmongering about Iran, which he has used to great effect against his domestic political opponents. "[R]epeatedly invoking Iran as the 'real threat' in the Middle East serves to divert attention and change the subject whenever people start to talk about things, such as the occupation of Palestinian territory, that Netanyahu's government would rather not talk about."

As always, supporting the Israeli government is not the same as "supporting Israel." Not all Israelis oppose the Iran deal. Aside from the Israeli peace movement, the deal is backed by many Israeli national security experts, not to mention the overwhelming majority of Palestinian Israelis.

The deal is widely supported within Iran, but in particular by Iranian dissidents and human rights activists, and who — apart from welcoming the reduced risk of war and the end to the economic suffering that the sanctions have caused — have always viewed the sanctions as strengthening regime hardliners and undermining their own democratic struggle.

In the United States, polls initially showed that the public, and especially Jews, backed the

agreement. But vast amounts of money are being poured into blocking the deal. The major groups opposing the agreement have at least five times the resources of the groups in favor. The rightwing Israel Lobby led by AIPAC and the Zionist Organization of America, has hugely more funds than the smaller, liberal pro-Israel pro-deal groups J-Street and Americans for Peace Now. The intense advertising blitz has led to much more mixed poll results (though Jewish support seems to be holding).

But the opponents of the deal have a very tough road. They need to not only pass a bill opposing the agreement in both houses. But then they need a two-thirds vote in both houses to override Obama's promised veto. To do that they need to get lots of Democrats to cast a vote against the president, against the views of Democratic voters, and against the political prospects of their party, let alone against common sense and the views of many experts and diplomats. (These diplomats are not anti-imperialists, but they understand the realistic limits of U.S. power.) Many business interests also stand to gain from the agreement (including the arms industry). The bookies think the deal will survive.

For AIPAC, Iran has served for years as its major foil for fundraising, and it is going all in on its opposition to the deal. This could have a silver lining. As Philip Weiss of Mondoweiss put it, "the great thing about the Iran deal going through over the opposition of AIPAC and the feverish Jewish community is that it is going to lead to open and vocal opposition to the lobby inside the Establishment." In particular, if the deal's opponents fail to derail it in Congress that will represent a decisive defeat for the rightwing Israel lobby and will weaken its clout among liberal Democrats. The lobby's image of invincibility (often exaggerated) will be dealt a strong blow.

The Downside

But despite all these benefits of the agreement, it is important to understand what's wrong with it.

First, most of the sanctions against Iran that are currently in place and scheduled for lifting under the terms of the agreement are sanctions that should never have been imposed in the first place. Thus, to cheer Obama's having achieved this deal is to endorse the use of deeply unjust means. We don't endorse agreements reached by using torture on an individual; so too we shouldn't endorse agreements reached by torturing a whole society.

The administration has frequently claimed that the sanctions aimed only at Iran's leaders and its nuclear program and were "not intended to hurt the people of Iran." In fact, however, the impact of the sanctions on ordinary Iranians has been devastating. In the words of a leading expert on sanctions, Joy Gordon, the measures "affect Iran's economy, infrastructure, and civilian population in a way that is deeply damaging and indiscriminate, affecting even food security, access to health care and education." (Gordon, "Crippling Iran: The U.N. Security Council and the Tactic of Deliberate Ambiguity," 44 *Geo. J. Int'l L.*, 973, 975.) (Hillary Clinton told Congress back in 2009 that she would seek "crippling" Iran sanctions.) By asserting that the oil industry supports the Iranian nuclear program, U.S. officials rationalized cutting off the country's main source of revenue, its banking system, and its international commerce. This has undermined Iran's health care system, access to medicines, airplane safety, and so much else that affects the well-being of the population.

Obama of course was under strong pressure from Republicans in Congress to impose these harsh sanctions. But he was hardly dragged along kicking and screaming. When he signed the 2010 "Iran Sanctions Act," Obama did not express any reservations or criticize legislators for overzealousness. In fact he said,

"I'm pleased to sign into law the toughest sanctions against Iran ever passed by the

United States Congress — the Comprehensive Iran Sanctions, Accountability, and Divestment Act.

"I want to thank all the members of Congress who worked on behalf of this legislation, including another tireless person, but who never seems to break a sweat — the Speaker of the House, Nancy Pelosi. I want to thank Representatives Steny Hoyer and Eric Cantor for doing outstanding work. Although they weren't able to join us, I want to acknowledge Senators Harry Reid, Jon Kyl and Richard Shelby. And I want to thank those who led the effort to forge a final bill that received overwhelming bipartisan support — Senator Chris Dodd and Representative Howard Berman. Thank you for your good work."

In 2011, early 2012, mid 2012, and in 2013, Obama issued executive orders — meaning on his own authority — tightening the sanctions in ways not focused on Iran's nuclear program. The 2011 executive order imposed "penalties on foreign companies with sales to Iran of more than \$1 million for equipment and services related to its oil industry, or sales of more than \$ 250,000 of goods or services for Iran's petrochemical production." (Gordon, p. 984) The July 2012 order placed "extensive sanctions on any company that purchases oil or petrochemical products from Iran." (Gordon, p. 984)

There is nothing wrong with blocking the sale to Iran of items that are actually part of a nuclear weapons program. Nor should we object to the imposing of various diplomatic sanctions against Tehran's leaders for their gross violations of human rights — which Iranian dissidents have supported. (Though of course, U.S. officials do these things for their own reasons, and hypocritically — only penalizing leaders of enemy states while giving friendly human rights abusers a free pass.) But the dissidents have strongly objected — and we should as well — to those sanctions that, in violation of international humanitarian law, impose collective punishment on the Iranian people.

In addition to the sanctions being unjust, they were also unnecessary. In 2010, Brazil and Turkey negotiated a deal with Tehran whereby Iran would send most of its enriched uranium out of the country. Rather than welcome this confidence building measure and building on it, the Obama administration pressed forward with sanctions. Both the head of the IAEA and experts from the Federation of American Scientists assess that this was a missed opportunity to settle the dispute without any need for sanctions.

The second problem with Obama's Iran deal is that it represents the wrong way to go about reducing the danger of nuclear weapons. Iran does not have nuclear weapons, says it does not intend to acquire nuclear weapons, and is believed by the U.S. intelligence community not to be engaged in a nuclear weapons program. Nevertheless, the United States has continually declared, despite the clear obligation under the UN Charter to refrain from using or threatening force, that "all options are on the table" — a not very subtle way to threaten military action.

In 2006, Pres. George W. Bush was asked explicitly whether the United States might use nuclear weapons against Iran. He replied "All options were on the table." In the words of two experts writing in *The Bulletin of the Atomic Scientists*, Bush "directly threatened Iran with a preemptive nuclear strike. It is hard to read his reply in any other way." In 2010, the Obama administration issued its U.S. Nuclear Posture Statement, which, while maintaining the U.S. position that Washington reserves the right to be the first to use nuclear weapons in a conflict against other nuclear powers, declared that it would henceforth not use them first against non-nuclear powers that were parties to the Nuclear Non-Proliferation Treaty (NPT) and in full compliance with their NPT obligations. However, since the International Atomic Energy Agency has said that Iran has violated some of the safeguard agreements it had reached with the agency, the United States considers Iran not to be in

full compliance, and thus the Nuclear Posture Statement explicitly indicated that its no-first use policy does not apply to Iran. Note that if the United States had wanted to create an exception to cover the possibility that Iran (or some other country) was a member of the NPT but had illicitly developed nuclear weapons nonetheless, it could easily have worded its policy as allowing nuclear first use against any country possessing nuclear weapons. To threaten Iran with military attack contrary to the UN Charter is bad enough; but to threaten nuclear attack against a country that doesn't have nuclear weapons is simply outrageous.

U.S. intelligence believes that while Iran is not developing nuclear weapons, it seeks the *ability* to build nuclear weapons, "if it chooses to do so." That is, it wants to have peaceful nuclear technology — as permitted by the NPT — that in the future could be quickly redirected to military purposes if it becomes necessary. This is a plausible assessment of Tehran's thinking. (It may be the thinking of some other countries as well: for example, Japan.) U.S. intelligence estimates that "Iran does not face any insurmountable technical barriers to producing a nuclear weapon, making Iran's political will the central issue." But if one wants to influence Iran's political will, then threatening a military strike, aside from being morally and legally unjustified, provides exactly the wrong kind of incentive, encouraging rather than discouraging the development of a nuclear deterrent.

The United States has not just threatened Iran with the use of force; it has also used force. The Stuxnet cyberattack, almost certainly developed by the United States and Israel, was, in the words of a legal study commissioned by NATO and authored by a broad spectrum of international law experts, an act of force and of intervention. Presumably if the Chinese government deployed malware that destroyed scientific facilities in the United States, we would not restrict our commentary to admiration for the technical expertise involved. (Israel, of course, probably went further than computer viruses, running an assassination program against Iranian nuclear scientists, despite the fact that — again, according to U.S. intelligence — there is no nuclear weapons program.)

The NPT is a treaty that sets up two classes of states, privileging those that already have nuclear weapons. According to the Congressional Reference Service, "Whether Iran has violated the NPT is unclear." Moreover, the "U.N. Security Council has never declared Iran to be in violation of the NPT." However, the IAEA Board of Governors has issued a "determination that Iran has violated its safeguards agreement." This doesn't mean, however, that Iran is building nuclear weapons. The 2007 U.S. National Intelligence Estimate "assessed that Iran halted its nuclear weapons program in 2003; subsequent U.S. official statements have consistently reiterated that Tehran has not yet decided to build nuclear weapons."

But if Iran has failed to live up to its NPT obligations, it is not the only one. One obligation that the treaty imposes on the nuclear-weapon states (Article VI) requires those countries to make good faith efforts to move toward nuclear disarmament. But, as noted above, the United States still refuses to declare a no-first-use policy and explicitly threatens to use nuclear weapons against some nonnuclear states. Washington continues to modernize its nuclear forces, adding new military capabilities. At an international conference on the humanitarian impact of nuclear weapons in December 2014, the U.S. representative stated that his government "does not support efforts to move to a nuclear weapons convention, a ban, or a fixed timetable for elimination of all nuclear weapons."

Of course the irony of the NPT is that the treaty only binds those states that have ratified it. Three countries that have not done so have acquired nuclear weapons — India, Pakistan, Israel, and North Korea — and North Korea withdrew from the treaty, as the treaty permits in Article X. But even though these nations are not in violation of the NPT, there is a U.S. law (the Symington amendment) which prohibits most U.S. economic and military aid to countries that develop nuclear weapons. When India and Pakistan went forward and built nuclear arsenals, the United States imposed

sanctions, but offered frequent waivers and exemptions. When the Bush administration signed a civil nuclear cooperation agreement with India in 2006, India — and then Pakistan — were able to increase their unsafeguarded uranium- and plutonium-production capability, with obvious military applications.

In the case of Israel — which obtained its arsenal with a combination of theft and deception — the United States hasn't formally waived the Symington amendment. It has simply pretended that Israel doesn't have nuclear weapons, though in fact U.S. officials have known about Israel's nuclear arsenal for many decades. As the debate rages about whether Iran might obtain enough fissile material for several atom bombs, Israel is thought to have between 80-100 nuclear warheads, with fissile material for up to 200. And, of course, the planes that might deliver those Israeli nukes are provided by the United States (violating at least the spirit of the NPT's prohibition on assisting other countries' nuclear weapons programs).

The Alternative

So if Obama's approach was not the proper way to address the possibility of Iran's developing nuclear weapons, and if going to war or continued sanctions was not the way either, what is the alternative?

Some commentators have suggested that *if* Iran developed a nuclear weapon, it wouldn't matter very much: nuclear deterrence would kick in and there would simply be a stand-off between Iran and Israel, with neither party seriously thinking of using their nuclear weapons. After all, the argument continues, mutually assured destruction kept the United States and the Soviet Union from a nuclear war throughout the Cold War.

It is certainly true that an Iranian nuclear weapon does not mean an automatic Iranian attack on Israel (just as Israeli weapons have not led to nuclear strikes on Iran). But the fact that we survived the Cold War should give us very little comfort. As Seth Baum, executive director of the Global Catastrophic Risk Institute, has pointed out, "The historical record contains several near-misses in which nuclear war was narrowly avoided due in no small part to luck." Alan F. Philips has listed "20 Mishaps That Might Have Started Accidental Nuclear War." No, more nukes is not the way to protect us from nuclear war.

Here is a far more just (and fruitful) approach to addressing Iran's potential nuclear program:

- Stop threatening Iran with attack, which encourages it to acquire a means of deterrence. As Israeli military analyst Martin van Creveld wrote back in 2004, after the United States attacked Iraq for no good reason, "Had the Iranians not tried to build nuclear weapons, they would be crazy." And, of course, the same goes for Israeli threats.
- Support a nuclear-weapon-free zone in the Middle East that includes all states, including Israel. No one anywhere should have nuclear weapons, but least of all in such a volatile area of the world.
- Make real progress toward disarmament, rather than trying to lock in U.S. military dominance.

The international conference to review the NPT that was held this past spring illustrates how far we are from this better approach. The conference ended without issuing a consensus document. As Cesar Jaramillo of Project Ploughshares reported, the nuclear weapons states insisted on removing "any language alluding to specific and effective measures to implement nuclear disarmament." And the call for a conference to pursue a nuclear free zone in the Middle East was blocked by the United States, Britain, and Canada on the grounds that Israel didn't agree — and Israel wasn't even a participant at the review conference because it is not a party to the NPT.

So by all means, let us urge Congress to support the Iran agreement: it will reduce the risk of war and make the world safer, benefit the Iranian people and especially Iranian dissidents, and defang the Israel lobby to some degree. But let us also make clear that we need a fundamentally new U.S. foreign policy, one that doesn't seek to protect Washington's nuclear arsenal and that of its ally Israel, and one that doesn't use crippling sanctions and military threats to get its way.