

Israel Journal of Foreign Affairs

ISSN: 2373-9770 (Print) 2373-9789 (Online) Journal homepage: http://www.tandfonline.com/loi/rifa20

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To cite this article: Emily B. Landau (2017): Iran in North Korea's Footsteps: Can Anything Be Done?, Israel Journal of Foreign Affairs, DOI: 10.1080/23739770.2017.1418352

To link to this article: https://doi.org/10.1080/23739770.2017.1418352

Published online: 29 Dec 2017.

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Israel Journal of Foreign Affairs, 2017
https://doi.org/10.1080/23739770.2017.1418352

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Emily B. Landau

Emily B. Landau *is a senior research fellow at the Institute for National Security Studies (INSS) in Tel Aviv, and heads its Arms Control and Regional Security program. She specializes in nuclear proliferation, regional security, and WMD arms control efforts. Dr. Landau is the author of, among other books,* Decade of Diplomacy: Negotiations with Iran and North Korea and the Future of Nuclear Non-Proliferation *(2012). Her most recent publications include two co-edited volumes:* Arms Control and Strategic Stability in the Middle East and Europe *(2016), and the forthcoming* Iran in a New Strategic Era in the Middle East. *In recognition of her work on security issues, in particular her public profile regarding the Iranian nuclear crisis,* Forbes *chose Dr. Landau as one of Israel's fifty most influential women for 2015.*

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The Common Nuclear Challenge of North Korea and Iran

The stark failure of twenty-five years of diplomatic efforts to prevent North Korea from becoming a nuclear state underscores the importance of questioning the wisdom of relying on negotiations as a strategy to stop Iran's nuclear quest as well. In assessing how best to proceed vis-à-vis Iran's ongoing nuclear ambitions —following conclusion of the Joint Comprehensive Plan of Action (JCPOA)— it is important to establish that any parallels drawn between the North Korean case and current efforts to deal with Iran are not based on the assumption that the two states are identical, or even quite similar. In fact, they are very different in many important respects.

However, the comparison is justified due to the similarities in the structure of the nuclear nonproliferation challenge both states present, and with which international negotiators have been grappling: North Korea and Iran are both determined proliferators that began their military nuclear programs while members of the Nuclear Nonproliferation Treaty (NPT). Both states have disregarded their commitment per the treaty not to work on a military capability, and have followed a similar path of deception that has entailed abuse of the loopholes in the NPT in order to advance a military nuclear program under the guise of a civilian one.

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This commonality implies that the strong international actors that have attempted to curb these states' nuclear ambitions have found themselves up against a very similar nonproliferation challenge: to reveal and then stop a determined NPT violator that is hiding its program. In their attempt to expose the deception and bring these states back to the fold of the NPT, the self-appointed negotiators have had to rely on limited and imperfect tools, ranging from diplomacy and economic pressure to threats of military force. Past experience demonstrates that despite the overwhelming collective military, economic, and political strength of the strong international powers, when facing a nuclear proliferator at the negotiating table, it is the proliferator that tends to gain the upper hand, especially when the international powers indicate that they are loath to employ military force. So unless (and until) these powers are able to demonstrate their willingness and ability to apply massive economic and/or diplomatic pressure, the task of the proliferators has turned out to be the easier one: basically to sit tight, display minimal (not necessarily genuine) signs of cooperation from time to time to ward off harsh consequences, and, most importantly, use the time gained by the slow pace of the international community to continue moving their programs forward—with the goal of establishing irreversible facts on the ground.

What accorded both North Korea and Iran a further boost in facing the international community in late 2003 (after both had been caught "red handed" with clear evidence of wrongdoing) was the fact that the use of military force as an option had been severely discredited due to the results of the Iraq War. That war had ostensibly been fought for nonproliferation goals, but weapons of mass destruction (WMD) were not found. Indeed, by the time the strong actors were seriously contemplating how to approach both proliferators—and after a brief period in the first half of 2003 when Iran actually feared that the US might undertake a military campaign against it in the wake of Iraq—negotiations and diplomacy emerged as the virtually unchallenged "strategy of choice" to curb the nuclear ambitions of both. Although Presidents Bush and later Obama held on to the rhetoric of "all options on the table," the threat of war was not taken very seriously by the proliferators.

Looking back on the negotiations since 2003—and in the case of North Korea, the first round took place in the early 1990s—the picture that emerges regarding their effectiveness as a strategy of nuclear prevention is quite bleak. North Korea presents a clear example of the failure of diplomacy, as it is today a nuclear state with increasingly sophisticated nuclear and missile capabilities. For its part, Iran has shown no indication of backing down from its military nuclear ambitions, despite the JCPOA presented in July 2015. While the jury is still out on the long-term implications of the Iran nuclear deal, there are certainly severe problems with the JCPOA,[1] and the coming years will be critical for what ultimately unfolds when its key provisions expire. Meanwhile, the years-long failure of negotiations with North Korea looms large.

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Why Negotiating with a Determined Proliferator is so Hard

The lack of success so far in bringing about a strategic reversal (Iran) or denuclearization (North Korea) places a question mark on the viability of diplomacy and negotiations as a strategy for effectively stopping a determined nuclear proliferator. Some of the difficulties stem from the negotiations setup itself. One of the most debilitating problems that has emerged is the tendency of international actors that have attempted to deal with both North Korea and Iran to misconstrue the nature of the negotiation. They acted as if both sides must make concessions to reach a common/mutual goal, when the two sides were in reality working at cross purposes. Curbing an NPT violator involves maneuvering within a zero-sum-type negotiation framework in which there is no common interest or goal: The proliferator wants to keep its nuclear capability and the international negotiators want the proliferator to give it up.

Moreover, negotiating with an NPT-violating proliferator implies that the international negotiators are actually negotiating as guardians of the NPT. As such—and in stark contrast to a so-called "normal" political negotiation—they have no responsibility to make concessions to the violator. The states they face have violated an international treaty and the task of the strong powers is to safeguard the global community's interest in the continued viability of the treaty by bringing the violator back to the fold of the treaty.

Stated differently, the setup of this type of negotiation is inherently a game of compellence. What this means is that despite the use of the word "diplomacy" to describe this exercise, there is nothing soft or win-win about it. It is rather about trying to compel the determined nuclear proliferator to change course through a process that does not involve the employment of military force. But if the international negotiators are to succeed in compelling the proliferator to reverse course, the negotiation itself will necessarily entail a forceful approach; it will look more like an exercise in tough pressure-based bargaining than a process of tension-reduction or confidence-building between the two sides.

The most important ingredient for the international negotiators in this situation is leverage, without which they will be powerless to compel the proliferator to change course. From 2003–12, leverage was lacking in the Iranian context—the pressure on Iran was not strong enough to bring it to the table for serious talks. Iran viewed the negotiations framework in these years as something unjustly imposed on it; however, Iran also quickly learned that it could tactically use the framework to avoid harsh economic or military consequences, without any intention of bringing negotiations to a successful outcome. Indeed, Iran's goal in those years was to create a semblance of cooperation without actually cooperating, and during that time, it used different techniques to perfect this negotiating tactic. What helped Tehran play for time in this period was the fact that the international negotiators

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were dependent on a negotiated outcome to achieve their goal. This dependence weakened their hand when facing Iran, especially as Iran was in a very different place. Not only was Iran *not* dependent on a negotiated deal to achieve its goal, but it regarded an effective nonproliferation agreement as something to be avoided at all costs.

The biting sanctions of 2012 altered this dynamic. The cumulative effect of US financial sanctions, the EU oil embargo, and the severance of Iran from the SWIFT banking system succeeded in convincing the regime that the resulting dire economic situation could pose a threat to its continued survival, and that it should come to the table seeking to cut a deal. Armed with leverage for the first time, the international negotiators in 2013 hoped to level the playing field—to give the proliferator an "interest" in acquiescing to the effort to compel it to change course.

When negotiations with Iran began in earnest in 2013, Tehran recognized that it would have to drive a hard bargain in order to avoid making more than minimal nuclear concessions, but still secure maximum sanctions relief. The challenge for the P5+1 was to use their leverage wisely, and not lose sight of the basic structure of the negotiation: namely, that it was fundamentally a game of compellence, and that success depended on their use of sophisticated bargaining techniques. What happened at the negotiation table, however, is that Iran indeed held out for the deal it sought, but the P5+1 powers began offering concessions. Washington, in particular, apparently believed that by showing Tehran a cooperative face, the Iranians would appreciate that there were benefits to their own cooperation as well. But Iran viewed the concessions as a sign of weakness in a tough bargaining situation, indicating that the P5+1 were succumbing to their demands, and that more concessions were in the pipeline.

The result was that Iran held its ground, and took advantage of the demonstrated eagerness of the P5+1 to reach a deal. The fact that the P5+1 comprised a group of states that did not see eye to eye on almost anything regarding Iran's nuclear program, activities, and motivation further weakened their hand. The various economic and regional interests of these states also diminished their collective determination to insist on nonproliferation as their top priority at every moment during the negotiation. The end result was a deal that was a far cry from their originally stated goal.

What about North Korea?

Negotiations with Pyongyang followed a different course than with Tehran, but the fundamental problems inherent in efforts to compel a determined NPT-violating proliferator to reverse course through negotiations are similar. North Korea tended to display crisis-making behavior over the years, whereas Iran favored crisis-avoidance mechanisms; however, in both cases, the strong powers were

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unable to force their will on a noncompliant proliferator without massive leverage. They were not able to effectively accumulate this leverage in North Korea's case, and they squandered it in the negotiations with Iran. As with Iran, negotiations with North Korea also suffered from incongruence between how international negotiators were behaving at the table, and the hard-bargain situation in which they were actually involved. In the North Korean experience, the international powers (first the United States alone, later together with Russia, China, South Korea, and Japan) repeatedly celebrated partial concessions made by Pyongyang, for which North Korea would be rewarded with economic assistance, only to have this proliferator subsequently break the agreements, or carry out a provocative nuclear or missile test.

The above analysis demonstrates that understanding the difficulty of negotiating with Iran can be achieved without necessarily learning the North Korean experience. But what North Korea—a state that is further along the route of nuclear development—adds to the equation is that it provides the opportunity to look into the future as it were, and to see how things might unfold for Iran as well. This is because the failed negotiations with North Korea have resulted in its emergence as a de facto nuclear state, with the capability of threatening its immediate neighbors with nuclear attack. In light of the advances it has made in long-range ballistic missile development, and its demonstrated capability to fire a missile that can reach the US mainland, according to most assessments, North Korea will be able to threaten the US with a nuclear-tipped Intercontinental Ballistic Missile (ICBM) in the near future. At this point, despite continued talk in the Trump administration about possible diplomacy and the goal of denuclearization, the dynamics that are playing out vis-à-vis North Korea demonstrate no realistic diplomatic option. As difficult as negotiations are before a state crosses the nuclear threshold, once it does so, the situation is rendered virtually irreversible, with all the dire implications that entails.

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Can Anything Be Done to Stop Iran?

Changing course on Iran will not be easy. First, it will mean recognizing that the JCPOA is not "working"—Tehran's compliance with the deal is explained not by its cooperation with the nonproliferation goals of the US, but rather by the fact that the deal is not a bad outcome from Iran's point of view. Tehran not only maintains its breakout capability, but can improve its nuclear infrastructure under the terms of the deal, and inspections at military facilities will not be immediate, if they occur at all. Best of all for Iran is the fact that key limitations on its program will sunset without this being conditioned on any change in its behavior.

To change course on Iran means relating to the stark failure of negotiations with North Korea, and the failing situation regarding Iran, with the utmost seriousness.

While it is too late to renegotiate the Iran deal—the leverage it took so long to create has been squandered—there are ways to strengthen some of its most problematic provisions, if there is political will among like-minded states to do so. Moreover, the conciliatory approach of the Obama administration in the eighteen months it remained in power after the JCPOA was presented must be understood for what it was: a signal to Iran that with the deal, it gained new power over the US, and a de facto green/yellow light to step up its regional provocations and missile tests. The Obama administration would not push back against Iran's provocations for fear it would leave the deal. It is imperative to take steps to restore deterrence and strong pressure against this defiant proliferator, a process that the Trump administration has begun, and has codified in its Iran policy.

When the Trump administration unveiled that new policy in mid-October 2017, the president pointed to the main weaknesses of the deal, and determined that Iran's regional moves of late, its support for terror, and vast and varied missile program are all not only reasons for concern, but directly related to the nuclear challenge as well. Indeed, there is no doubt that the stronger Iran gets—in economic, regional, and nuclear terms—the better positioned it will be to cross the nuclear threshold down the line. What this means is that the JCPOA is not working, and if left alone, the situation the deal created could actually help Iran move toward a military nuclear capability in some ten years' time, if not earlier.

When assessing current policies toward Iran, analysts must be careful to draw a distinction between what they might think about Trump the man, and their assessments of the Trump administration's foreign policy goals. Ironically perhaps, it was this very controversial president who signaled US intent to change course on Iran. This has already initiated some movement in the direction of greater willingness on the part of strong supporters of the deal to recognize that there are problems and weaknesses that must be addressed. This is apparent in recent statements issued by France's president, Emmanuel Macron, about the need to address Iran's missile program, the situation in 2025 when provisions begin to sunset, and Iran's destabilizing regional activities.[2] Nevertheless, it will not be easy for the president to gain wider cooperation in changing course on Iran—the European Union as a whole remains staunchly behind the deal, as do Russia and China. It will take steadfast and ongoing determination on the part of the Trump administration, and only time will tell whether it is up to the task.

What This Means for Israel

As far as Israel is concerned, the lessons gleaned from the North Korean and Iranian experiences only serve to strengthen its hesitancy with regard to international treaties in the arms control realm. Four of the five known states that have moved to develop nuclear weapons while members of the NPT are in the

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Middle East: Iran, Iraq, Syria, and Libya. The fifth is North Korea, which has had strong connections with both Iran and Syria in the fields of missile technology and nuclear weapons. Therefore, the implications of the violations themselves, as well as the demonstrated helplessness of the international community to effectively rein in the defiant states, hit very close to home. Israel has long maintained that its security, and indeed its very survival, cannot be entrusted to such international organs.

Iran remains a determined proliferator, and with a deal that might render its nuclear path even smoother than before the deal, Israel must retain its own options—if it cannot prevent Tehran from going nuclear, then it must deter it from posing an existential threat down the line. Meanwhile, Israel would also be wise to cooperate closely with the Trump administration to put in place new understandings with regard to possible means of strengthening the JCPOA, intelligence gathering regarding Iranian violations, and thinking about responses. Israel should also take every opportunity to work with like-minded regional states in facing the hegemonic aspirations of the Iranian regime.

Notes

[1] Emily B. Landau, "Obama's Legacy, A Nuclear Iran?" *Middle East Quarterly,* XXIV:2 (Spring, 2017), www.meforum.org/6561/obama-legacy-a-nuclear-iran.

[2] John Irish, "Iran regional behavior means nuclear deal not enough: Macron," *Reuters,* September 20, 2017.

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