

Nuclear Negotiations Revisited: Challenges and Prospects toward a Final Deal with Iran

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Strategic Overview

The deal on Iran's nuclear program reached by the P5+1 and Iran in Geneva in November 2013 was never meant to reflect cooperation based on mutual trust, but was rather almost a unilateral good will gesture by the West comprising strict verification measures that will be guaranteed by the IAEA. At the same time, the interim deal is regarded by some as probably the most visible effort on the matter undertaken through a diplomatic campaign since President Obama took office. The so-called Joint Plan of Action that was adopted in November 2013 and went into effect in January 2014 was intended to create the right atmosphere for halting Iran's efforts to gain nuclear weapons. No sooner was the deal sealed, however, than counter arguments against it began to be sounded. Among the most hawkish were those claiming that continued enrichment should not be permitted in any agreement, and that only harsh sanctions and the eventual dismantlement of Iran's nuclear infrastructure would bring peace for those who are most directly involved, particularly the West and its ally Israel. Prime Minister Netanyahu even reiterated that such a bad deal might lead to war and advocated tightening sanctions, not relaxing them.¹

More broadly, the roots of the well-publicized attempt toward another US-Iranian détente lie in the current state of affairs of the broader Middle East milieu. Put differently, Iran's ongoing quest for nuclear weapons and its grim past of breaching the rules concerning its nuclear program is not

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the only concern. Several other themes must be taken into consideration for a more comprehensive picture. Among the most immediate are the civil war in Syria, the Israeli-Palestinian political process, sectarian insurgency in Iraq, and last but not least the (in)stability of Afghanistan post-2014. Indeed, Afghanistan with its rampant corruption and inability to sustain the Afghan National Security Forces without foreign subsidies, provided mainly by the US Congress, might sooner or later be easy prey for extremist groups, with the Taliban in their lead.

Iran's strategic geopolitical position is very important despite the fact that its ideological sovereignty as an Islamic republic is challenged by religious and ethno-tribal incongruence.² Shaky and unreliable prospects of such a regime notwithstanding, a post-Ahmadinejad Iran might be a viable prospective partner for cooperation with the second Obama administration. Iran matters in all the aforementioned Middle Eastern issues, and the Obama policy in the region is aimed to rebalance the US regional axis toward the Persians, and the Shiites in general, offsetting the US previous geopolitical dependency on Saudi Arabia.³ Washington, it seems, is aware of the momentum the Rouhani presidency has provided, and will therefore be reluctant not to benefit from a unique chance for the long-awaited and authentic détente with Tehran. The road to Geneva is the first result of the diplomatic endeavor undertaken by the sides.

Today, with the benefit of hindsight, the time is ripe to assess the results of the interim deal thus far, debate what constitute reasonable expectations for the future, and propose recommendations for a more comprehensive final agreement.

Remaining Gaps

According to one proverbial saying, diplomacy is considered the art of the possible. Yet while the Joint Plan of Action clearly falls within the scope of such a definition, sometimes even the most noble diplomatic effort may not be sufficient. Moreover, it may easily become ground for overblown – if not frustrated – expectations. Such was the case of the interim deal, and in a sense this was clear from the outset, especially given that the Islamic Republic has proved to be an arch-foe of the West rather than a reliable partner. The interim deal is therefore merely a provisional, if courageous, step that has yet to prove its added value.

Of much concern, for instance, is a gap between what Iran deems it is fully entitled to and what the other side regards as having been successfully

addressed in the Joint Plan of Action – the country’s right to enrich uranium. While UN Security Council Resolution 1696 of 2006 clearly demands that Iran suspend all enrichment-related and reprocessing activities,⁴ the interim deal omits all mention of the Iranian right to enrich, thus implicitly acknowledging it. What one might regard as an eloquent and useful play of words of diplomatic parlance might be interpreted in a totally different fashion by the other side, whose adoption of such logic as an operative mindset might be very dangerous. The point was underscored sharply by Senator Robert Menendez, chairman of the Committee on Foreign Relations, during his introductory remarks at the February 4, 2014 committee hearing on the Iranian nuclear program.⁵

What also merits consideration is the clause about 20 percent enrichment. The current deal allows Iran to retain half of the existing stockpile of uranium enriched to that level for fuel for the Tehran Research Reactor.⁶ According to the White House “Summary,” Iran committed to complete the reduction of half of its stockpile of near-20 percent UF₆ in three months, and complete the conversion of the rest of that material to oxide in six months.⁷ The amount of nuclear material that remained in the form of UF₆ enriched up to 20 percent U-235 on January 20, 2014 constituted some 209.1 kilograms. As of March 15, 2014 Iran reduced 74.6 kilograms of UF₆ enriched up to 20 percent U-235 down to an enrichment level of no more than 5 percent U-235 at the Pilot Fuel Enrichment Plant.⁸ However, a generous time span of six months means that Iran will still keep possession of some amount of near-20 percent enriched uranium that will remain in various oxide forms.

Another area that was not spelled out explicitly in the interim deal, let alone resolved for good, is Iran’s centrifuge R&D program. Not only is Iran able to replace damaged centrifuges at will during the six month period, but it can also continue its development of the IR-2m centrifuges at the Pilot Fuel Enrichment Plant in Natanz. Moreover, it can also enrich uranium in a production-scale cascade of 164 IR-2m centrifuges. Once the enriched uranium product is mixed with the waste, obtaining natural uranium, no enriched uranium is deposited into the product tanks. Such a set-up is in accordance with the interim deal. Since the IAEA only has access to the product tank or the natural uranium and does not see the enrichments measurements, it might be easy for Iran to hide results of its progress. Thus, by July 20, when the interim deal reaches its operative deadline, Iran might be likely to be far better positioned either to deploy reliable IR-2m

centrifuges on a mass scale in the enrichment plants at Natanz or to use them in its underground enrichment facility in Fordow.⁹

The six month period has also given Iran precious time, thus giving it an opportunity to advance in the fields where it yet has what to perfect and pause in those where it has already achieved proficiency. Put differently, the current deal does not mandate dismantlement of the centrifuges, an area in which Iran achieved significant success in the past. Moreover, the interim deal does not explicitly address military delivery means, a field necessary for a country to make its nuclear warheads deliverable. Today, Iran and its various prototypes of advanced Shehab ballistic missiles pose a significant threat to Israel. The Shehab 4 and Shehab 5 series under development are especially disturbing since their theoretical range is allegedly approximately 2,000 kilometers, thus capable of reaching even the southernmost parts of Europe. None of these capabilities has proved to be operational so far, and might therefore be only official aspirations or bravado. Yet the US intelligence community has indicated that Iran will likely continue development of intermediate range and even intercontinental ballistic missile systems by initially testing them as space launch vehicle programs.¹⁰

Even a short list of measures for a final deal should include at least the following items. First, the P5+1 should consider close cooperation with Israel and start pondering the possibility that despite efforts, there will be no final deal at all. Moreover, given that creating reliable communication channels is always a sine qua non for further developments, the US should consider being an intermediary between Jerusalem and Tehran and offering Israel a confidence inspiring environment. Of great importance are also strict verification measures accompanied by official re-declarations that Iran will never seek nuclear weapons. Such declarations should be re-stipulated in official documents and voiced by ayatollahs and executive officials, as well as representatives of the Revolutionary Guards. In any event, a final deal should necessarily address the possible military dimensions of Iran's nuclear program. Iran should have to adhere to the requirements of the Additional Protocol and allow access to the Parchin military complex, and any final deal should focus on making the heavy reactor in Arak a light water reactor that cannot be used for military purposes. Iran should embrace strict limitation of the stockpiles of enriched uranium to a level and quantity that is insufficient for creating a nuclear device. Another crucial issue is dismantlement of the uranium enrichment facility near Qom. Last

but not least, the negotiating process should end with presentation of the bill to the UN Security Council where it can be passed under Chapter VII as a binding resolution.

Recommendations

Even a cursory look at the above list gives an impression that adopting the requisite measures will not be an easy task. What follows is a proposal for a final deal that can prove its viability and long term reliability.

First, Iran's ability to deliver nuclear warheads via ballistic missiles should be significantly curtailed, thus observing the stipulations of UNSC Resolution 1929 on Iran in that regard.¹¹ Furthermore, a clear-cut definition of a nuclear capable ballistic missile should be updated and implemented in a final deal. Today, the demarcation between missiles that are nuclear-capable and those that are not is imprecise. In general, the ability of a missile to deliver a nuclear warhead depends on the size and weight of the weapon's physics package, which is determined in large part by the technological sophistication of the nuclear weapon design, and the power of the missile's engine in propelling the warhead a sufficient distance. Such a definition is rather vague. According to the Missile Technology Control Regime, all ballistic missiles with the capability of delivering a 500-kilogram payload 300 kilometers or more are considered nuclear capable.¹² Such might be the red line for Iran in the final deal. Iran should also subscribe to the Hague Code of Conduct against Ballistic Missile Proliferation. The charge that none of Iran's key Arab neighbors have yet subscribed to the Code is irrelevant, since none of these neighbors are developing a clandestine nuclear program. According to one of the most famous offensive realism dictums about relative gains, Iran will probably never voluntarily cease its ambition to be militarily more powerful than its allegedly threatening neighbors. But given its unfortunate nuclear program track record and constant enhancement of ballistic missiles, a final deal should thoroughly address the issue of delivery mechanisms.

A comprehensive set of concerns about the so called Possible Military Dimensions of the Iranian Nuclear Program has been stressed in an annex of the November 2011 Report by the Director General of the IAEA. The issues addressed in the Annex remain the core elements of concern vis-à-vis the Iranian nuclear program, primarily its clandestine military aspects.¹³ Especially disturbing is the part of the Annex concerning integration of a nuclear device into a missile delivery vehicle. The so called Project 111

appears to have consisted of a structured and comprehensive program of engineering studies to examine how to integrate a new spherical payload into the existing payload chamber that would be mounted into the Shehab 3 missiles.¹⁴ The Shehab 3 series represents the most advanced operative Iranian ballistic rockets capable of reaching Israel so far. Thus, an Iran possessing the technology to use nuclear warheads and ballistic missiles at the same time is of national concern to Israel, and this fact should be reflected in a final deal.

A second crucial area where Iran must relax its inflexible positions comprises its ongoing activities at the Parchin military site. Parchin represents a key outstanding issue to the IAEA in resolving its concerns about Iran's past and possibly ongoing nuclear weapons work and military fuel cycle activities. To be more precise, Iran should allow far broader access to the military complex to IAEA inspectors and stop permanent reconstruction of the site in an apparent effort to disguise its past activities related to high explosive tests.¹⁵ In fact, there has been a lot of clean-up there to cover up such activities.¹⁶ Moreover, under no circumstances are Iran's ongoing efforts to prevent the IAEA from inspecting the site legally justifiable. Once the IAEA is prevented from inspecting the sites, the adoption of a final agreement might be seriously jeopardized. Any thinkable comprehensive agreement that would be tolerable for Israel should therefore ask for broader Iranian cooperation and more IAEA resolve in addressing the Parchin issue.

Third, production of plutonium should be notably reduced in the Arak heavy water reactor near Tehran, and no further installations should be built on the site. According to Iran the reactor is only intended to produce isotopes for cancer and other medical treatments. The truth is that under ideal conditions its annual production of plutonium can even exceed the amount necessary for one atomic bomb. Iran has pledged to cooperate on the Arak issue, and the cooperation between Iran and the six main powers has already achieved certain results, such as halting the construction work on the site.¹⁷ Another promising aspect might be the switch from enriched uranium fuel to natural uranium fuel. While differences remain on the necessary design changes, the two sides' positions on this issue have begun to converge.¹⁸ But given that the final deal aims, at least officially, to produce long term and tangible results, measures should be adopted that would secure that the Arak power capacity be lowered, its plutonium production be cut to less than one kilogram a year, and further construction enhancements be stopped for good. Such measures, once adopted, can

significantly diminish Iran's breakout capacity to use plutonium as weapons-grade material in the future.

Fourth, a final deal should be taken for a vote in the UN Security Council and adopted there under Chapter VII as legally binding. Some important UNSC resolutions concerning the Iranian nuclear program, such as Resolutions 1696, 1737, 1747, 1803, 1835, and 1929, were all adopted. Given the remarkable track record of relatively smooth adoption with only a small number of countries voting either against or abstaining from the vote, the momentum should not be underestimated by those who draft resolutions; quite to the contrary, the fact that all the permanent members have been unanimous in that regard lends a certain hope. Put differently, the interim agreement has demonstrated that the US and Iran are capable of holding sustained and effective high level talks and establishing an ambitious timeline for resolving the dispute as a whole.¹⁹ Such a hope should be translated into a resolved stance with one clear objective in mind – to prevent Iran from gaining nuclear weapons. It is incumbent on the actors to learn from the past and push for as acceptable an outcome for Israel and the West as possible.

Fifth, the US and its allies should be prepared for a Plan B if the talks fail. In such a grim scenario, the international community with the US in the lead should consider drafting more severe sanctions that would, if needed, wreak havoc on the Iranian economy and its political representation. The Obama administration should already start canvassing the US Congress, especially in its lower chamber, where it lacks a majority, and must prepare for a prolongation of the talks at best or an Iranian volte face in crucial matters at worst.

If the latter prevails, there is a last resort option that has not been excluded either by the US or Israel. Yet a military attack, either under US or Israeli auspices, bears certain risks that cannot be underestimated.²⁰ First of all, a profound assessment of the extent of damage should be done by the US and Israeli intelligence services. That there would be a response by Iran is a matter of course; the nature of the possible response should be addressed. Provided that the talks do not deliver and a subsequent military intervention fails, the US and Israel should be prepared for waging a protracted proxy war that would imperil allies of the US and Israel. Whether the risk is worth taking deserves further analysis that goes beyond the scope of this article.

Strategic Forecast

The abovementioned recommendations represent critical measures that must be tackled when drafting a final deal. The delicacy of the issue and various interests of the protagonists will, however, have serious impact on the final wording of a more comprehensive agreement. Whereas it might be true that the supreme goal of the six powers during negotiations is preventing Iran from gaining nuclear weapons, it is not their only goal. The EU, for one, is pursuing its own agenda, namely, to achieve regional stability and engage Iran more in the security of the Middle East. Brussels believes that few of the numerous security issues that blight the region can be solved without such a key stakeholder.²¹ Combating al-Qaeda and insurgents in Iraq and Afghanistan as a joint venture of the West and Iran might be the game changer of the talks. Such a trade-off might well serve as a base for a broader package and subsequently for a more tolerant deal for Iran. Moreover, the EU looks forward to normalization of economic relations with Iran. In order to avoid the collapse of energy markets and to diversify its energy dependency on Russia, especially after the Crimean crisis, Brussels will look for other suppliers; Iran might be one of them. Nowadays, Iran still suffers from US crippling sanctions imposed on the regime in the Comprehensive Iran Sanctions, Accountability, and Divestment Act in 2010,²² as well as from Europe's oil embargo. Iran will therefore surely try to ask for at least more tangible relief against its energy sector in a final deal.

It is highly likely that a final deal will accept the idea of Iran's "inalienable" right to enrich uranium, even if the level of such enrichment is kept to a minimum, in exchange for Iran's help in stabilizing the region. As for ballistic rockets and their use as nuclear missiles, Iran will be very reluctant to limit this dimension of its existing capacity. Such limits, if adopted, would significantly curtail its conventional military capacity. The missile problem will therefore not be closed during the talks. More promising is the Arak issue and adoption of a final deal under Chapter VII in the UN Security Council. Prospects for further enhancement in that regard might give at least some hope. Achieving some progress in certain issues notwithstanding, a final deal that would circumvent any of the recommendations in significant fashion would be a bad deal for Israel.

Provided that the negotiating sides will finally come to terms and sign the deal, there is still a serious risk that the US Congress might block it. If this happens, the EU will probably try to salvage diplomacy and the momentum

of the talks. Put differently, the EU will give President Obama enough time to canvass the House of Representatives where it lacks a majority at the moment, or wait until a new House is convened in November. The Europeans also have enormous interest in keeping the TTIP agreement with the US alive. Thus, the EU will probably not act unilaterally, and will coordinate the next phase of the talks with the US.

There too, some might argue that it will be enormously difficult to imagine the current Iranian regime focusing on something else other than the nuclear issue at the moment, especially due to the persistent grip of potential hardliners from the Majlis on some current burning issues in Iran, particularly political freedom. Of special interest is also Iran's patronage in Assad's Syria, where according to various UNTSO reports thousands of well-motivated and Iran-financed mujahidin soldiers fight for the regime. Such a state of affairs does not boost Iranian credibility as a reliable partner, and any final agreement should bear that in mind. Nonetheless, this will probably not prevent the negotiating sides from signing a final deal.

Conclusion

The purpose of this article is to underscore that the interim deal adopted by the six world powers and Iran about the Iranian nuclear program is far from an ideal agreement. Quite to the contrary, a lot of remaining gaps, if not intentional loopholes, as well as a lack of resolve punctuate it. An Iran under ayatollahs with hegemonic ambitions should never be trusted, and the West along with Israel should stay alert and ask for more in a final deal. Indeed, negotiations now should encompass comprehensive and visible red lines based on the recommendations provided in the article. There will be no place for any naivete in a final agreement. Its adoption, if it occurs at all, will very probably be marked by difficult and lengthy negotiations, back-channelling, tactical maneuvers, and concessions on both sides. Israel should be given assurances that any concessions adopted by the West will never imperil its security or endanger it in any fashion. Iran should never become a nuclear threshold power. To achieve this objective, enormous resolve and political will should be showed.

Coming to terms with Iran over its controversial nuclear program is a risky business. That any such endeavor always comes at price hardly needs saying. The West should, nonetheless, incur the risk and guarantee for once and all that nuclear weapons in the hands of ayatollahs and in Israel's proximity is an unacceptable danger that will never be tolerated.

The Joint Plan of Action aimed to pave the right path in order to reach that goal. Diplomacy, yet again, was given a chance. But at the end of the day, unless Iran abandons its military nuclear ambitions, the lack of resolve present in the interim deal will very probably prove to no avail.

A long term strategic perspective must frame such a crucial issue. Any final agreement must bear that in mind, and the West should always be prepared to adjust its calculus accordingly.

Notes

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