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## IRAN NUCLEAR DEAL

### IMPLICATIONS OF THE FRAMEWORK AGREEMENT

Editors:  
Rajeswari Pillai Rajagopalan  
Arka Biswas



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## Chapter IV

### From Lausanne to June 30th: Some New Messages from Israel

Emily B. Landau

On the horizon is the June 30 deadline for achieving a comprehensive nuclear deal with Iran, and it is noteworthy that the months since 24 November 2014 have produced nothing more than a joint statement by the EU foreign policy chief and Iran, issued on 2 April 2015. The White House factsheet that was released almost immediately is exactly that: a factsheet, and not a framework deal with Iran. While there may be some elements in the document that reflect actual agreement with Iran, it is evident from Iran's statements over the past two months that crucial issues remain in dispute, including: the rate of sanctions relief; the nature of inspections and the verification regime; and Iran's work on the military aspects of its nuclear program. It is not clear what kind of agreement was reached regarding Iran's ability to proceed with R&D into advanced generations of centrifuges, but it appears that these activities will continue at some level as yet undefined. Other issues that are highly problematic but not in dispute relate to Iran's ballistic missile capability, which the P5+1 have agreed to leave outside this negotiation, and the 'sunset provision' which US President Barack Obama has admitted could enable Iran in "year 13, 14, or 15" to use advanced centrifuges to reduce its breakout time to near zero.

There are also problems outside the framework of the negotiations. For example, the UK recently reported to a UN panel on sanctions about illegal nuclear procurement activities that Iran has carried out in violation of the sanctions that are in place, and this was included in a UN report.<sup>(54)</sup> For the past years—including during the months of negotiations over a final deal—Iran has been stonewalling the IAEA investigation into what it calls the Possible Military Dimensions (PMD) of Iran's nuclear programme. This blatant lack of cooperation on the part of Iran, relates to a set of 12 questions that the IAEA has regarding information in its hands that create suspicions about Iran's nuclear weaponisation activities. The latest reports note that the IAEA investigation is stalled. Another recent issue relates to the fate of the 20-percent-enriched uranium left in Iran in oxide form, under the terms of the JPOA. According to a report of the Institute for Science and International Security, this stockpile could be used to enrich to weapons-grade uranium, which could reduce breakout potential from the one year that the P5+1 are striving for, to about eight months.<sup>(55)</sup>

#### **The Pesky 'Sunset Provision'**

From the weaknesses and loopholes apparent in the US factsheet, there is a strong case to be made that the greatest concern—beyond the imperative of Iran accepting a verification regime that included "anywhere, anytime" inspections—is on the so-called 'sunset provision'. The sunset provision grants Iran the option of upholding the agreement for 10 years, and then moving relatively unhindered to a breakout to nuclear weapons. Iran's nuclear infrastructure will have remained largely intact, and Iran will have continued R&D into advanced centrifuges that it can then install and operate to shorten the time to breakout. Moreover, after 10 years, the international community will very likely have become less vigilant with regard to Iran's nuclear activities,

because they would have already secured a deal and moved on. This will only reinforce Iran's ability to act at a time of its own choosing.

In this regard, a major source of concern is the dangerous line that stretches from the decision that the P5+1 seem to have made not to press Iran on its weaponisation activities—which enables Iran to continue with its 'nuclear fairytale' according to which the international powers never demonstrated that Iran did anything wrong in the nuclear realm—to the sunset provision. After 10 years, Iran will be able to say that it was never found guilty of any wrongdoing; and after upholding the deal for years, it may press for the immediate lifting of all restrictions. This would put Iran right back where it started from, a regular member of the NPT, with no cloud over its head, and with a vast and advanced infrastructure that would enable this dangerous proliferator to move to nuclear production. And there would be no verification measures that go beyond NPT requirements.

No doubt, some would argue that such a perspective translates to an unjustified proclivity to focus on worst-case scenarios that do not leave any room for the possibility that Iran might change. Indeed, there is a possibility that Iran might change, but there are no indications that it is looking to do so. On the contrary, Iran's record is one of ongoing deception and falsehood, and there is no reason to believe that it will change its spots now or in the future. In any case, the assumption must be that the negative scenario is unfortunately a likely one, and accordingly, preparations must be made. Not to do so would be tantamount to providing Iran with the means to cheat; indeed it would even grant it implicit—albeit unintended—legitimacy to do so, because Iran would have adhered to the deal that the international community agreed to.

On the dangers surrounding the sunset provision, President Obama's above-mentioned interview to NPR is a puzzle. In that interview Obama clearly demonstrated that he is aware of the danger that Iran will be left without many of the restrictions (that might ultimately be achieved through a deal) after ten years, and that by operating advanced centrifuges that it developed in the meantime, Iran could reduce breakout time to near zero. Why would the US administration purposely include such a problematic provision? Could it be a legacy issue? That Obama is focused only on the next year and a half, and in ten years so much will have happened that no one will trace negative developments back to his mistaken decision?

In a more recent interview, when trying to convince that he would not go for a bad nuclear deal, Obama emphasised that if Iran goes nuclear in ten years it will be on his head, so to speak, thus he is unlikely to take risks. Another possibility, which is unlikely, is that the US president believes that if Iran cheats after ten years, the US would actually take military action. As Secretary of State John Kerry has said, "in ten years we will still have the options that are available to us now."

A final option—and the most likely one—is that the US President is the kind of optimist referred to above, who is betting on a change in Iran, a different, more moderate regime that might even lose interest in pursuing nuclear weapons development. There are indications that the administration believes that the nuclear deal itself will elicit change for the better in Iran, and that with sanctions lifted, resources will be directed to improving the economy and opening up to the world. The question remains: What basis is there to believe that when Iran gets sanctions relief, the tens of billions of dollars will be directed inward, rather than to military build-up and to continued support of Iran's

regional hegemonic plans and aspirations, its terrorist proxies, and Assad? Moreover, if the optimists turn out to be wrong, they have opened the field to Iran acquiring nuclear weapons: an irreversible scenario with all its attendant dangers.

### **What Next?**

Although time is running short ahead of the June 30 deadline, there are already the by-now familiar initial statements that have raised the possibility of an extension. In the past, similar dynamics started a process that twice ended in actual extensions: in July and November 2014. In whatever time remains, and assuming the White House factsheet is indeed the basis for a comprehensive deal, its lacunas and severe weaknesses must be dealt with. The P5+1 must stand firm regarding its interpretation of sanctions relief and the verification regime, close the loopholes in the document, and ensure that any prospective deal will be as unambiguous as possible in its language and formulations. Everything must be clearly spelled out, otherwise the deal will be open for Iran to misinterpret and abuse. Moreover, Iran is likely to abuse or violate the deal in a manner that is not blatant; Iran can move forward by means of a series of smaller violations that change reality incrementally. This will make it most difficult for the IAEA and the state actors with the decision-making mandate—when facing each relatively minor violation, it will be a challenge to make the call that in and of itself this violation is significant enough to sound the alarms and elicit a determined confrontation of Iran.

The actors in charge of ensuring Iran upholds its end of the deal must also prepare for how they will confront it, taking into account how they will overcome the challenge of Iran's likely mode of violation/defection for the initial ten-year restriction period.

Quick-response mechanisms must be devised and put in place for violations.

Furthermore, the idea of 'snapback' sanctions in the face of an Iranian violation must be revisited; the idea that sanctions will somehow 'snap back' is highly problematic, and Russia has already indicated that it will not be on board in this respect.

### **Moving to the Region: Where Does Netanyahu Stand?**

Israeli Prime Minister Benjamin Netanyahu could now return to the fore, after the flurry of the election dynamics in Israel has ended, and the lengthy process of forming a new government which created a distraction from the debate over negotiations with Iran. Not that Netanyahu disappeared, though. After all, he delivered a highly controversial speech to the US Congress in early March.

It is worth taking a closer look at how Netanyahu has approached the P5+1-Iran negotiations dynamic since 2014, because some interesting, perhaps surprising emphases and nuances have come to characterise his rhetoric. Because Netanyahu's high profile and negative approach is often the centre of attention—due in large part to his own rhetoric—the nuances have had a tendency to get lost in the clamour. Yet they provide insight into what might be expected from the Israeli government in the near future.

Of particular interest is the question of Israel's options for affecting the dynamic that is unfolding, and especially whether Israel might contemplate military action as a "last resort". For some time now it had seemed that Netanyahu was signalling that if all else failed, Israel would take its security into its own hands, and thereafter take military action. Thinly veiled threats were issued on occasion, and in early 2012 there was a strong sense that actual preparations for an attack were being made. A closer look at

statements in the past year, however, and culminating in Netanyahu's speech to Congress, tells a different story.

In what many will no doubt perceive as a counter-intuitive position for Netanyahu, especially in light of his confrontational approach toward the Obama administration on Iran, what Netanyahu has been seeking more than anything over the past year is the ability to influence negotiations in order to secure a better deal. Indeed, although Netanyahu has often been portrayed in the media over the past few years as someone who altogether rejects negotiations with Iran, his evolving rhetoric reveals that what he wants most is to have an influence on those very negotiations.

This is the context for examining not only Netanyahu's speech to the US Congress which was a continuation of a trend that began to find expression in his rhetoric, but also that of Minister Yuval Steinitz, in the latter half of 2014. According to the new emphasis that was gaining traction in the dominant rhetoric, the threat of military action in the face of failed negotiations or a bad deal was no longer emphasised, if indeed it was at all apparent. What replaced this theme was a new emphasis on Israel's role in influencing positions of the P5+1 states in a direction that took Israel's security concerns into account. In this regard, Netanyahu's response to the November 24 decision to extend the talks was telling: he expressed satisfaction that Israel had succeeded in influencing the P5+1 to go for an extension of the talks, rather than agree to a bad deal with Iran.

In his speech to Congress in early March 2015, Netanyahu sent a message about the dangerous pitfalls to a deal, and advised the P5+1 on how to avoid them. The only statements that could possibly be construed as hinting at a military threat from Israel came toward the end of the speech, after Netanyahu noted that Israel is strong and can defend itself. He went on to declare: "Even if Israel has to stand alone, Israel will stand." In continuation, though, Netanyahu filled "standing alone" with different meaning, virtually emptying it of any connotation of Israel taking unilateral military action, and making it about US-Israel solidarity instead: "But I know that Israel does not stand alone. I know that America stands with Israel. I know that you stand with Israel....My friends, may Israel and America always stand together, strong and resolute."(56)

In the past, Netanyahu had a standard manner of making the threat, usually with mention of his responsibility not to allow Israel to return to the situation that the Jews faced in the time of Nazi Germany. This time his formulation was different, and seemed to be hinting at a different kind of standing alone: one that refers to the fact that Israel will voice its concerns, strongly and controversially if necessary, but together with the US.

On Holocaust Remembrance Day on 15 April 2015—a mere two weeks after Lausanne—Netanyahu devoted a considerable portion of his speech to the Iranian threat, and although his disappointment with what was achieved in the talks was considerable, his solution remained decidedly non-military. His complaint was addressed to the international community, who he believed were refusing to see how dangerous and unrelenting the Iranian regime is. He said: "We will continue to insist on the truth and we will do everything we can to open the eyes that have closed." He added, "Even if we are compelled to stand alone, we will not be afraid. In any scenario, in any situation, we will safeguard our right, we will maintain our ability, we will keep our resolve to defend ourselves. Seventy years ago we were a people of war refugees, powerless and

voiceless. Today we express what we have to say, and we are determined to guarantee our existence and our future.”(57)

It is revealing to compare these new emphases with what Netanyahu chose to say about the Iranian nuclear threat on Holocaust Remembrance Day three years earlier. At that time, he reminded people that 70 years ago the Jewish people did not have the military might to defend itself. “But today things are different. Today we have an army. We have the ability, the duty, and the determination to defend ourselves.”(58)

Netanyahu ceasing to make threats that hint at the possible use of military force is a more accurate reflection of Israel’s true role in the overall dynamic of confronting Iran, and its limited unilateral capability to have a real effect. His new approach is an admission of Israel’s limitations, and a shift to trying to convince others of the dangers ahead, “to open the eyes that have closed.” One could argue that Netanyahu is undermining his own message, because he seems to be doing everything possible to end the conversation with Obama, and there is without doubt a contradiction here. Nevertheless, his inability, for whatever reason, to proceed constructively with Obama should not be understood as negating the new message whereby Israel’s self-reliance will likely take the form of rhetoric rather than force. As an aside, it is important to note that the fact that the US has ceased to make a credible military threat is a different story altogether. For the US to threaten military consequences for Iran’s lack of seriousness at the negotiations would make perfect sense because the US is indeed leading the P5+1 in the negotiations with Iran, and a credible threat of force could boost their leverage at the negotiations table. Israel, by contrast, is not at the table, and thus has no formal role.

### **Broader Regional Dynamics: Possible Regional Cooperation with Israel**

It is well known that Israel is not the only state in the Middle East that is fearful of Iran’s nuclear ambitions and the emerging nuclear deal between Iran and the US/P5+1. For the Gulf states—with Saudi Arabia at the forefront—the main concern is slightly different than Israel’s. From their perspective, nuclear Iran is a threat in and of itself, but there is no less concern about what the deal signifies in terms of America’s relations with states in the region. For the US to forge such an agreement with Iran raises acute fears about the future direction of US policy, especially a possible shift away from the traditional Sunni Arab state allies, and toward Iran. There is certainly evidence that they can draw upon—especially over the past year—that Obama regards a nuclear deal as a likely gateway to some kind of US-Iranian détente, and this has further fueled the fears that the administration is indeed contemplating a shift in policy. The Saudis have been less shy than in the past about voicing their concerns, and have clarified that capabilities that Iran achieves will be matched by Saudi Arabia. Moreover, many expect that there is some form of a deal already in place with Pakistan to provide nuclear assistance to the Kingdom.

The US is quite aware of the fears. In mid-May 2015 it invited the leaders of the Gulf states to Camp David to attempt to assuage their concerns. Four of the six Gulf states did not send their heads of state to the meeting; they wanted to send a message of scepticism to the US. It seems this decision was taken when they realised that their demands for a defence pact with the US, and the supply of some advanced military equipment in the framework of a new deal with the US, would not be met. If Obama was hoping to secure agreement on the part of the Gulf states to support a deal with Iran, his attempt failed. While the monarchies said in a joint communiqué that a comprehensive

and verifiable deal with Iran would be in their security interests—a statement that Israel could also adhere to—the Saudis clarified that their current position was to withhold judgment. As such, the messages in both directions were not what each side wanted to hear from the other.

A final issue regards the question of regional dynamics and options. In Netanyahu's Holocaust Day speech in April, he also made an interesting reference to Israel's regional neighbours. He noted that perhaps the partnership that Israel had with its neighbours in identifying common threats will be the foundation of a partnership for forging a better, safer, and more peaceful future for the Middle East. The common interests that exist between Israel and many of the Arab states vis-à-vis Iran are well known, but so far they have not been able to act on them in any meaningful way. The Arab states are wary of any open cooperation with Israel, in view of their longstanding reluctance to pursue normalisation with Israel until the Palestinian conflict is resolved. Nevertheless, while there is no firm information about more recent moves in the direction of cooperation, Netanyahu's statement, which joins others that he has made in recent months in a similar vein, could indicate that cooperation is percolating beneath the surface.

Egypt poses the greatest puzzle with regard to forging a common regional stance vis-à-vis Iran. Egypt and Israel pretty much see eye-to-eye with regard to the Iranian nuclear threat; moreover, Egypt's bilateral security relations with Israel are currently at an all-time high. Yet at the same time, Egypt has been pursuing an intense campaign to pressure Israel on the nuclear front, and to advance this goal in the framework of the Nuclear Non-Proliferation Treaty (NPT). At the NPT Review Conference (RevCon) in April-May 2015, Egypt submitted a particularly harsh proposal against Israel, after the latter had been cooperating with the mandate of the 2010 RevCon to carve out an agenda for a regional WMD/FZ conference. Israel had taken part in five meetings with Arab representatives to work on this via direct talks, but Egypt evidently felt that the facilitator, Ambassador Jaakko Laajava, was showing too much acceptance of Israel's security concerns and its desire to discuss regional security on a broader range of issues, not limited to WMD.

Egypt is therefore pursuing different policies that are working at cross-purposes, when its true interests seem to be clear. With all of the fanfare directed toward Israel, Egypt is not threatened by the capabilities that it has attributed to Israel for years. Indeed, then President Anwar Sadat forged peace with Israel without making this contingent on Israel joining the NPT. By contrast, nuclearising Iran is a clear challenge and threat to Egypt, and to its regional leadership role. With the NPT RevCon behind us—and the Egyptian proposal rejected—perhaps it will be easier to cooperate against the real threat: Iran. Time will tell.

## **Conclusion**

The upshot of this analysis is that the issues at stake regarding a nuclear deal with Iran are very serious. Action must be taken to close the loopholes and the P5+1 must remain firm on the issues in dispute with Iran – especially regarding the rate of sanctions relief and the verification regime.

On the regional front, amidst all the bluster, Netanyahu has actually been pursuing a new message for close to a year now, whereby he has been defining Israel's self-reliance ("Israel will know how to defend itself") in terms of its ability to convince others of its

concerns rather than the prospect of taking unilateral action. This is a truer reflection of Israel's real capability to have an effect on the final outcome. This does not mean that Israel's concerns are less real or less valid, rather that the dynamic is such that Israel does not have a role or seat at the table. The only way it can have an impact is through other stakeholders.

Other regional players are as concerned as Israel, albeit much less vocal, especially the Gulf states. A lingering question is whether they can find their way to cooperate with Israel in creating at least some regional understandings in the face of the emerging threat.