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Solving the Nuclear Conflict with Iran

- The breakthrough in the negotiations with regard to the Iranian nuclear program was reached because the parameters of the negotiations have changed. This enabled rapprochement between Iran and the United States. The willingness of the P5+1 to accept limited enrichment and provide sanctions relief was key to securing Iranian consent.
- A sustainable solution to the nuclear conflict with Iran can be agreed upon only on the basis of the NPT and necessitates an end to the discrimination of Iran compared to other member states. Measures that go beyond the provisions of the NPT can be complied with for a specified period of time as a confidence building measure.
- A final deal can be reached if US-Iran relations are further improved to guarantee domestic US support for an agreement.

The Iranian nuclear program has been a top priority for the Western nations over the past decade. Since 2006 a draconian sanctions regime had been in place. On 24 November 2013, the permanent members of the United Nations Security Council plus Germany (P5+1) escaped repeating past mistakes and reached the most significant agreement with regard to the nuclear dossier through real and genuine diplomacy. Based on this agreement

Iran will stop enriching uranium beyond five per cent, limit its stockpile of enriched uranium and give greater access to the International Atomic Energy Agency (IAEA) inspectors to its nuclear sites. Additionally, Iran will refrain from engaging in reprocessing activities and cease further development of the heavy water facility in Arak. In return, the P5+1 will not adopt new sanctions and provide limited sanctions relief. Despite this historic break-

through, the question remains, whether the negotiation partners and Iran will use this historic momentum to reach a sustainable and comprehensive solution within the next six to twelve months.

What were the reasons for the breakthrough in Geneva? Four factors can be identified that made a preliminary deal possible:

Reasons for breakthrough

(1) *The parameters of the negotiations have changed.* The presidential election in Iran brought president Rouhani to power. His more moderate and balanced approach is also reflected in other new appointments in Iran's senior leadership. Foreign Minister Javad Zarif and Ali Akbar Salehi, the President of Iran's Atomic Energy Organization, were both educated in the United States. The new Secretary of the Supreme National Security Council, Ali Shamkhani, is a moderate revolutionary guard commander.

THE US DEPARTED FROM ITS PREVIOUS POSITION, A STRICT REJECTION OF IRAN'S ENRICHMENT, TOWARDS ENSURING IRAN WOULD NOT DIVERT TOWARD BUILDING A NUCLEAR BOMB.

All of them are supporting a possible détente with the US and with regional actors.

At the same time Barack Obama's re-election secured his domestic position, while the appointment of Foreign Minister John Kerry and Defense Minister Chuck Hagel breathed new life into the negotiation process.

(2) *The US policy has shifted from "No Enrichment" to "No Nuclear Bomb".* The largest concession to the Iranians in securing the November deal concerns the question of enrichment. Despite the fact that the US representatives hastened to explain that the preliminary agreement did not recognize an 'inalienable

right' for enrichment under the Non-Proliferation Treaty (NPT) for Iran, the text of the interim agreement states that the permanent deal will "involve a mutually defined enrichment program with mutually agreed parameters." The US departed from its previous position, a strict rejection of Iran's enrichment, towards ensuring Iran would not divert toward building a nuclear bomb.

THE INTERIM AGREEMENT COULD NOT HAVE BEEN REACHED IN THE ABSENCE OF DIRECT TALKS BETWEEN IRAN AND THE US.

(3) *Direct talks between Iran and the US.* Recent develop-

ments have shown that there is appetite on both sides to mend their differences. US Secretary of State John Kerry and his Iranian counterpart Javad Zarif engaged in high-level talks and the American and the Iranian President held the first telephone conversation since 1979 in the last week of October 2013. Previously, Iran was talking to all P5+1 members except the US. As US support is key in the negotiation process, improved communication cut the Gordian knot and helped overcome the stalemate in the proceedings. The interim agreement could not have been reached in the absence of direct talks between Iran and the US.

(4) *Preliminary lifting of sanctions.* It can be argued that the West finally recognized that more sanctions resulted in more enrichment rather than in containing the Iranian nuclear program. The desired effect of forcing Iran to negotiating an agreement that would hamper Iran's peaceful use of nuclear technology could not be achieved by imposing sanctions. Hawks in Israel and the US were escalating their efforts to block the preliminary deal. They argued that with the Iranian economy in free fall, the sanctions should be kept in place, or even strengthened, until Iran agreed

to fully dismantle its nuclear program. Shortly prior to the nuclear talks in November, ten US senators – including the chairman of the Senate Foreign Relations Committee Robert Menendez and Democrat Charles Schumer as well as Republicans John McCain and Lindsey Graham, two of their party’s most influential foreign policy voices – signed a letter to President Obama reaffirming that “a credible military threat” should remain on the table and current sanctions must be maintained aggressively. The willingness to discuss the lifting of sanctions – even to a limited degree – changed the dynamic of the negotiation process.

The way forward

The agreement reached in Geneva lays the ground for a final agreement that can be beneficial for all parties concerned. For a successful final deal five essentials need to be observed:

(1) *Depoliticize the nuclear dossier.* In 2007 and 2011, the US National Intelligence Estimate confirmed that Iran does not possess a nuclear bomb, that there is no evidence of diversion towards weaponization and that no decision has been made by Iranian authorities to actually build a nuclear bomb. Moreover, the IAEA

has conducted more than 5000 man-day inspections of Iranian nuclear facilities in a decade, with consistent confirmation that there is no evidence of weaponization. Attempts to use the Iranian nuclear

program to force regime change under this guise should be rejected. It is clear that the Iranian nuclear question has become over-

ly politicized. To reach a sustainable solution, all parties need to depoliticize the issue and focus on removing current ambiguities over the nature of the Iranian nuclear program.

(2) *Lifting of all sanctions imposed.* A former member of the Iranian nuclear negotiating team explained the reason for failed negotiations during the Ahmadinejad administration with the P5+1 seeking Iranian compliance in key questions without adequate reciprocation, such as lifting substantive sanctions. The P5+1 were demanding Iran to stop enrichment at twenty per cent and cap at five per cent, limit its stockpile of enriched uranium and also to accept limiting its enrichment capabilities, namely the number and type of centrifuges, to prevent “breakout capability”. In return, the P5+1 insisted that all major unilateral and multilateral sanctions would remain enforced. This position has changed during the recent negotiations. However, it remains essential for the nuclear negotiators to define a comprehensive package and implement it with proportionate reciprocation. All sanctions have to be lifted in return for Iranian compliance with the provisions of the NPT, the Safeguards Agreement, transparency measures required by the IAEA, and the provision of “no breakout measures”.

(3) *A final deal based on the NPT.* Despite the negotiating parties’ commitment to finding a deal based on the Non-Proliferation Treaty, the fact is that the demands of the P5+1 to Iran thus far go beyond the provisions of the treaty. A durable and sustainable solution necessitates an end to the discrimination of Iran compared to other member states of the NPT. A sustainable solution

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A DURABLE AND SUSTAINABLE SOLUTION NECESSITATES AN END TO THE DISCRIMINATION OF IRAN COMPARED TO OTHER MEMBER STATES OF THE NPT.

should distinguish between demands within the framework of NPT and those that go beyond it. Demands based on the NPT can be agreed upon permanently, while those that go beyond it can be implemented for a specified period of time as a confidence building measure.

(4) *Control the spoilers.* The US side underlined that Iran has been a constructive partner in the negotiations for an initial agreement in November. However, as earlier proceedings have indicated, other members of the P5+1 have significant potential to disrupt the negotiations. France has voiced reservations with regard to a deal during the early November negotiations. Disunity among the P5+1 should be avoided to find a long-term solution that is beneficial for all parties involved.

(5) *Further improve relations between Iran and the US.* The recent breakthrough in the nuclear dilemma enables rapprochement between the US and Iran, bringing an end to decades of animosity. A recent poll requested by Rouhani to gauge public sentiment showed that

IRAN AND THE US SHOULD ENGAGE INTO INTENSIFIED DIPLOMACY BEYOND THE NUCLEAR ISSUE TO PAVE THE WAY FOR A FINAL SOLUTION.

80 – 90 per cent of respondents are in favor of Iran having a better relationship with the US. Reduced hostility between the United States and Iran could

potentially have a constructive influence on virtually every major issue in the Middle East – ranging from security in Syria, Afghanistan and Iraq, to cooperation in the fight against extremism and terrorism. However, major obstacles toward normalization of bilateral relations remain. A final agreement would have to pass through Congress and in general US domestic opposition against any concessions towards Iran remains large. Iran

and the US should engage into intensified diplomacy beyond the nuclear issue to pave the way for a final solution.

The November agreement between Iran and the P5+1 constitutes a win-win situation for all parties concerned. The deal proved that only diplomacy could resolve the deadlock. To reach a final agreement, putting together a comprehensive package based on the five principles introduced above is the essential task for the negotiators. A long-term solution to the Iranian nuclear dilemma would pave the way for constructive engagement with Iran in the region and contribute to realizing the initiative for “a Middle East free from all weapons of mass destruction”. This opportunity should not be missed.

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© Körper Foundation, Hamburg, December 2013

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