



Representatives of Iran and the P5+1 countries, Palais des Nations, Geneva, Nov. 24, 2013. Denis Balibouse/Reuters

After the Iran Nuclear Deal

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Overcoming a decade of failed nuclear negotiations, Iran and the P5+1 (the five permanent members of the United Nations Security Council plus Germany) signed an interim nuclear deal, the Joint Plan of Action (JPA), in Geneva on November 24, 2013. The agreement put into motion talks to reach a mutually agreed long-term comprehensive solution that would ensure Iran's nuclear program would be exclusively peaceful. In a broader sense, the outcome of the nuclear negotiations with Iran will have a profound impact on nuclear non-proliferation. It could be a significant step toward a Nuclear-Weapon-Free Zone and a Weapons of Mass Destruction-Free Zone in the Middle East.

According to the interim agreement, Tehran "reaffirms that under no circumstances will Iran ever seek or develop any nuclear weapons." The comprehensive solution will build on interim steps and aims to resolve the decades-long nuclear dispute between Iran and world powers. It also paves the way for Iran "to fully enjoy its right to nuclear energy for peaceful purposes under the relevant articles of the Nuclear Non-Proliferation Treaty (NPT) in conformity with its obligations therein." To ensure the peaceful nature of Iran's nuclear program, the comprehensive agreement seeks to define a mutually agreed enrichment program with stringent transparency and verification mechanisms in place. The implementation of the agreement will be based on a mutually reciprocal, step-by-step process, to result ultimately in the comprehensive lifting of all unilateral, multilateral and UN Security Council sanctions related to Iran's nuclear program.

A Dangerous Dispute

The hopeful efforts contrast with the series of failed negotiations between world powers and Iran. While the United States laid the foundation of a nuclear Iran in the 1960s as part of President Eisenhower's Atoms for Peace program, the 1979 Islamic Revolution brought that cooperation to an end. During the rule of Shah Mohammad Reza Pahlavi, the United States encouraged Iran in the 1970s to build twenty-three nuclear power plants over twenty years. In 1967, the United States constructed the first Iranian nuclear facility, the Tehran Research Reactor. During this period, Europeans were fiercely competing with the Americans to win lucrative projects to nuclearize Iran. Following the 1979 revolution, however, Iran decided to forego the ambitious nuclear and military projects of the United States and the shah. In its response to Iran's revolution, the West withdrew from agreements and contracts—costing Iran billions of dollars—in violation of the NPT. Unfortunately, this helped plant the seeds of the Iranian nuclear crisis. The United States and European countries opposed Iran having even civilian nuclear energy and pressed Germany to abrogate its contractual agreement to complete the only Iranian civilian nuclear plant, at Bushehr. Moreover, Western powers prevented Iran from having access to the international market for nuclear fuel, at a time when Iran had no plans to conduct uranium-

enrichment activities on its own soil.

The West's denial of Iran's right to a peaceful nuclear program provided the greatest impetus for Iran to press for self-sufficiency in the nuclear field by completing unfinished projects and ensuring future supply of reactor fuel. By 2002, Iran mastered enrichment and the West once again began challenging the legal and legitimate rights of Iran under the NPT. In September 2003, the International Atomic Energy Agency (IAEA) adopted a resolution that called on Iran to accelerate cooperation with the IAEA and provide the full transparency needed for the agency to complete its verification job. The following month, the government of President Mohammed Khatami entered into nuclear talks with France, Germany and the United Kingdom, the so-called EU3. During these negotiations from 2003 to August 2005, Tehran made far-reaching overtures on transparency and confidence-building measures, to ensure that Iran's nuclear program would not be diverted toward producing nuclear weapons. Tehran implemented the NPT Safeguards Agreement Subsidiary Arrangement Code 3.1, signed the Safeguards Agreement Additional Protocol, voluntarily suspended enrichment for almost two years, limited enrichment at 5 percent, and maintained a meager stockpile of enriched uranium. Such moves failed to resolve the crisis because the United States continued to deny Iran's right to uranium enrichment under the NPT.

During the presidency of Mahmoud Ahmadinejad (2005-2013), the nuclear negotiations continued with the P5+1 countries, but throughout this period, the talks failed due to the absence of a realistic package of agreements. Once again, the main reason for the failure was the West's reluctance to recognize the legitimate right of Iran to enrichment under Article IV of the NPT despite Iran's willingness to commit to maximum transparency and confidence-building measures under the NPT.

Instead of a mutually defined agreement with Iran, the Western powers led by the United States relied overwhelmingly on a coercive policy of pressuring Iran to abandon its nuclear program. They applied far-reaching and comprehensive sanctions on Iran. There is no doubt that the unilateral, multilateral and UN Security Council sanctions had a negative impact on the Iranian economy. During Ahmadinejad's presidency, due to sanctions as well as mismanagement, Iran's currency lost more than half its value, with inflation reaching more than 40 percent in 2013.

Yet, instead of rolling back Iran's nuclear program, the sanctions made Tehran more determined than ever to expand its nuclear efforts. The IAEA reported that prior to the intensified pressure, Iran had one uranium enrichment site consisting of a pilot plant of 164 centrifuges enriching uranium at a level of 3.5 percent, one generation of centrifuges and an approximately 100 kilogram stockpile of enriched uranium. Today, despite the draconian unilateral and multilateral sanctions, Iran maintains two enrichment sites with roughly 19,000 centrifuges, possesses a stockpile of uranium enriched up to 20 percent, operates a new generation of centrifuges, produces fuel rods for Tehran Research Reactor and holds a stockpile of more than 11,000 kilograms of low-enriched uranium. Such an outcome helped convince world powers to negotiate a comprehensive deal after the election of President Hassan Rowhani in 2013.

Negotiations in Vienna

As part of the first phase of the JPA, both sides would commit to a series of voluntary measures for a duration of six months, commencing on January 20, 2014. Following three rounds of technical talks, Iran and the P5+1 detailed the specific steps to be implemented, with an option to extend the timeframe by mutual agreement.

A second round of talks concluded in Vienna on February 20. The world powers and Iran agreed on a framework, a plan of action and a timetable to conduct negotiations on a comprehensive agreement for the next four months. Both sides negotiated seriously and in good faith, overcoming substantial problems while achieving important progress. The third round of talks on April 8 ended on a high note as talks shifted into the next phase with the drafting of a final accord starting at the following meeting in mid-May. "We have now held substantive and detailed discussions covering all the issues which will need to be part of a Comprehensive Agreement," said European Union foreign policy chief Catherine Ashton following the talks. "A lot of intensive work will be required to overcome the differences which naturally still exist at this stage in the process."

The first three rounds of talks progressed relatively smoothly as they focused primarily on setting the agenda and airing individual positions and concerns. The high-level talks on May 16, however, proved far more difficult as the parties began drafting the comprehensive nuclear deal. Afterwards, all sides expressed their frustration at the lack of progress but remained hopeful to continue their discussions toward a fruitful end. There was no tangible progress in writing the draft text due to the unreasonable and excessive demands of the West. The day after the talks, Foreign Minister Mohammad Javad Zarif, Iran's lead negotiator, tweeted: "Back from Vienna after tough discussions. Agreement is possible. But illusions need to go. Opportunity shouldn't be missed again like in 2005 [a reference to the nuclear talks between Iran and the EU3 from 2003-2005, which failed primarily due to U.S. opposition]."

President Barack Obama, addressing graduating West Point cadets on May 28, referred to the Iran nuclear talks. "The

odds of success are still long... but for the first time in a decade, we have a very real chance of achieving a breakthrough agreement—one that is more effective and durable than what we could have achieved through the use of force,” he said.

Since the signing of the interim agreement in November, both sides have taken serious steps to uphold their end of the bargain. Under the JPA, Iran has:

- Suspended enrichment above 5 percent everywhere in Iran for the six-month period.
- Halted production of 20 percent enriched uranium.
- Halted installation of new centrifuges.
- Reduced significantly the stockpile of enriched uranium.
- Halted construction of additional enrichment facilities.
- Provided managed access at centrifuge assembly, rotor production and storage facilities.
- Provided access to uranium mines and mills.
- Suspended further advances in the development of the heavy water reactor at Arak.
- Committed to no reprocessing or construction of a facility capable of reprocessing.
- Allowed enhanced monitoring and verification measures that go beyond the previous level of cooperation with the IAEA.

The Iranian enrichment facilities at Natanz and Fordo are now subject to daily IAEA inspector access, both scheduled and unannounced. The Arak reactor and associated facilities are also open to monthly inspections by the IAEA instead of approximately once every three months. The latest IAEA report released on May 23 reaffirms Iran’s serious commitments undertaken since the JPA. It noted that “Iran has implemented the seven practical measures that it agreed with the agency in February 2014 in relation to the Framework for Cooperation,” namely that Iran has not enriched uranium above 5 percent “at any of its declared facilities”; Iran’s stock of uranium enriched up to 20 percent “has decreased from 209.1 kilograms to 38.4 kilograms”; and “all of the enrichment related activities at Iran’s declared facilities are under agency safeguards, and all of the nuclear material, installed cascades, and feed and withdrawal stations at those facilities are subject to Agency containment and surveillance.”

Under the terms of the JPA, the P5+1 countries are committed to providing temporary and targeted sanctions relief to Iran, including permitting Iran to gain access to \$4.2 billion in restricted funds (representing a small fraction of the \$100 billion in Iranian foreign exchange reserves currently blocked) on a set schedule at regular intervals throughout the six-month interim period. The relief package is, however, limited and structured in a way to ensure the overwhelming majority of the comprehensive sanctions remain intact—primarily sanctions placed on oil, banking and financial sectors. The P5+1 commitments include:

- Pausing efforts to further reduce purchase of crude oil from Iran.
- Suspending further nuclear-related UN Security Council sanctions.
- Suspending further EU-U.S. nuclear-related sanctions.
- Suspending sanctions on the import, purchase or transport of Iranian petrochemical products and on the provision of all associated services such as financing, financial assistance, insurance and reinsurance, including for third states.
- Suspending sanctions on Iran’s import and export of gold and other precious metals, including associated services.
- Permitting the supply of spare parts and services, including inspection services, for Iran’s civil aviation sector.
- Suspending implementation of sanctions on Iran’s automotive manufacturing sector and associated services.
- Facilitating financial transfers for non-sanctioned trade, including payments for UN obligations, tuition payments for students studying abroad and for humanitarian purposes such as food and medicine.
- Permitting the provision of insurance and transport in relation to Iranian crude oil.

Reciprocating Iran’s concrete steps as confirmed by an IAEA report on January 20, the P5+1 countries began to follow through on their commitments and provided modest sanctions relief to Iran. The first installment from the \$4.2 billion of Iranian revenue held abroad was released as scheduled on February 1, with further installments scheduled for the duration of the interim deal. Iranian Deputy Foreign Minister Abbas Araqchi confirmed that “the first tranche of \$500 million was deposited in a Swiss bank account, and everything was done in accordance with the agreement.” In terms of sanctions relief, on January 20 the White House announced the suspension of U.S. sanctions on Iran’s petrochemical, precious metals and automotive sectors. On April 4, Boeing, the world’s largest manufacturer of airplanes, and General Electric, an engine manufacturer, confirmed that they had received licenses from the Treasury Department for exporting spare parts and services for Iranian civil aviation and associated services. In concert, the European Union announced on January 20 that it would also suspend sanctions, including lifting the prohibition on the provision of insurance and transport in relation to Iranian crude oil sales to its current customers. These actions represented the first time in nearly a decade that Iran and the world powers had adhered to their reciprocal commitments.

A final comprehensive agreement is meant to be concluded within a year of the interim deal. For its part, Iran would accept limitations on its enrichment program and submit to intrusive inspections. In return, world powers would remove sanctions, respect the country's right to the peaceful use of nuclear technology (including enrichment) and normalize Iran's nuclear file. The components would include a specified and mutually agreed long-term duration for the interim confidence-building measures, which reflect the rights and obligations of parties under the NPT and Safeguards Agreement. They would also include the comprehensive lifting of "UN Security Council, multilateral and national nuclear-related sanctions, including steps on access in areas of trade, technology, finance, and energy, on a schedule to be agreed upon."

The final agreement would define, for a period to be agreed upon, parameters consistent with practical needs, limits on scope, level of enrichment activities and stockpile. Iran would also fully resolve concerns related to the heavy water reactor at Arak, including commitments to refrain from constructing a facility capable of reprocessing. To ensure the peaceful nature of the Iranian nuclear program, Tehran would commit to fully implement the agreed transparency measures and enhanced monitoring, including ratifying and implementing the Additional Protocol. The agreement will also make provisions for Iran to receive international civil nuclear cooperation. This cooperation will include among others, "acquiring modern light water power and research reactors and associated equipment, and the supply of modern nuclear fuel as well as agreed R&D practices." Finally, upon the implementation of the final step of the comprehensive agreement, the Iranian nuclear program will be treated in accordance to any non-nuclear weapon state party to the NPT.

War and Peace

If diplomacy fails and the interim deal reached in November 2013 does not produce a permanent solution, it will ultimately lead to heightened tensions, a possible all-out war, and force Iran to withdraw from the NPT. Now that against all odds, the United States and European Union have made a deal with Iran, skeptics and opponents have started mobilizing again—in both Tehran as well as in many other capitals, including Washington. In Iran, internal opposition to the deal is driven by concerns related to the hostile policies followed during Obama's first term and by Israel's continued challenge of Iran's right to enrich its nuclear stockpile for energy use. In the United States, internal opposition to the deal and concern about Iranian behavior have been reinforced by two of its closest allies, Israel and Saudi Arabia. The deep uneasiness in those countries is tangible and immediate, for both see Iran as a mortal enemy, bent on Israel's destruction and regional hegemony.

WikiLeaks provided a great deal of insight into the secret discussions on a possible military strike against Iran. The king of Saudi Arabia was cited urging the United States to "cut off the head of the snake"—that is, encouraging Washington to attack Iran and put an end to its nuclear program. The message was clear and well understood—the Saudis and their allies want to fight the Iranians to the last American standing. Threatening Iran has proved counterproductive to date and will continue to be the case as long as Tehran refuses to compromise under threat. There is a need now to convince Arab states of this, so that they do not continue to lobby against a deal over Iran's nuclear program or engage in nuclear proliferation steps themselves.

Finalizing a deal will require compromise by all parties. One of the key challenges will be the likely American insistence that Tehran make concessions far beyond the NPT requirements. Such demands to curb Iran's nuclear program include dismantling a significant portion of existing centrifuges and low-enriched uranium stockpiles; closure of Fordo, Iran's second enrichment site near the city of Qom; dismantling of the Arak heavy water research reactor; and intrusive inspections and monitoring that go beyond the NPT and the Additional Protocol. As an NPT member state, Iran would not accept targeted discrimination.

A realistic solution should distinguish between demands within the framework of the NPT and those that go beyond it. Demands based on the NPT can be agreed upon permanently. Based on the NPT and international regulations, a member state would demonstrate the maximum level of transparency by implementing the Nuclear Safeguards Agreement, Additional Protocol and Subsidiary Arrangement Code 3.1. These three arrangements are the maximum transparency measures the world powers can expect. On demands beyond NPT and to guarantee no breakout toward weaponization, the P5+1 and Iranian negotiators could agree on a realistic limitation but for a specified period as a confidence-building measure. Such realistic limits could include Iran's agreement not to carry out weapons grade enrichment at the Natanz facility, or to reduce plutonium production at the Arak heavy water reactor.

The road to a comprehensive solution is strewn with specific obstacles. First, there is the challenge of the Heavy Water Reactor at Arak. The key concern of the world powers is that once the Arak reactor becomes operational, it could produce enough weapons-grade plutonium (five to ten kilograms) per year for one nuclear weapon. The P5+1, therefore, would like to see Iran abandon the unfinished Arak reactor, a notion Tehran adamantly opposes. The Arak reactor was originally scheduled to start operating in the first quarter of 2014, but according to the head of the IAEA, Yukiya Amano, Iran still has "quite a lot to do" to complete the project and it is unclear when it will come into

operation. Iranian officials, however, insisted that there are no intentions to build a reprocessing facility to extract plutonium from spent fuel for a weaponized program.

As a compromise, Ali Akbar Salehi, head of the Atomic Energy Organization of Iran, declared Tehran's willingness to make some design changes "to produce less plutonium in this reactor and in this way allay the worries and mitigate the concerns." A possible modification to reduce the Arak reactor's output of plutonium could include replacing natural uranium fuel with 3.5 percent or 19.75 percent low-enriched uranium, which decreases the design power from 40 MWt to 20 or 10 MWt. Even with the reduced power output, the reactor has the capacity to produce neutrons for medical isotopes and scientific research as the current 40 MWt design fueled by natural uranium. To ensure the spent fuel does not become a source of plutonium for nuclear weapons, it can be verifiably removed to a third country. Russia could be the most viable destination as it is already responsible for removing spent fuel from the Bushehr reactor.

Second, there is the question of the capacity and level of Iran's enrichment program. Under the terms of the interim nuclear deal, Iran's enrichment capacity should be consistent with its civilian practical needs. This includes fuel supply for its research reactor and nuclear power plants, with plans to expand the program to include four research reactors and sixteen new nuclear power plants. The negotiations will have to address practical limits on the scope of the enrichment program and additional safeguards on ongoing Iranian enrichment activities. Ultimately, a practical resolution would involve limiting Iran's enrichment activities to below 5 percent (addressing concerns of weapons-grade uranium) and tailoring enrichment capacity to the needs of Iran's civilian nuclear activity. These measures, in combination with intrusive inspections and monitoring, will ensure that Iran can verifiably maintain a peaceful nuclear program with a prolonged timeframe without a breakout capability for a nuclear weapon.

Third, the Fordo enrichment site poses a major challenge. For the Iranians, shutting down Fordo is out of the question. The construction of this enrichment site beneath the mountains was Iran's response to the U.S.-Israeli "all options on the table" bombing threat to stop Iran's nuclear program. In order to move forward, the parties could agree that Fordo will be under full IAEA surveillance and serve as the main center for research and development for all nuclear-related civilian peaceful technologies including enrichment and different generations of centrifuges that Iran is working on.

Fourth, transparency measures required by the IAEA are essential to a final deal. The maximum level of transparency required under the NPT includes the Safeguards Agreement and its Subsidiary Arrangement Code 3.1 plus the Additional Protocol—measures that Iran should sign, ratify and implement. For the first time, on February 8, 2014, Iran and the IAEA signed an agreement to address the nuclear agency's suspicions that Iran may have worked on designing a nuclear weapon. To resolve the IAEA's concerns about a possible military dimension to Iran's nuclear program, Iran could agree to a specified timeframe to give the IAEA managed access beyond the Additional Protocol.

All these obstacles will be overcome only if the world powers agree, in return for Iran's offer of interim limitations and extra transparency, to respect Iran's legitimate right to peaceful nuclear technology including enrichment, lift all sanctions related to Iran's nuclear program, withdraw Iran's nuclear file from the UN Security Council and normalize its relationship with the IAEA.

A Region without WMDs

A comprehensive agreement with Iran will give impetus toward creating a Weapons of Mass Destruction-Free-Zone in the Middle East. The seeds for this were already planted on December 9, 1974, when the UN General Assembly adopted Resolution 3263 sponsored by Iran and Egypt calling for a Nuclear-Weapon-Free Zone. The zone would remain in force indefinitely and commit regional countries not to manufacture, acquire, test or possess nuclear weapons.

It was only at the 2010 NPT Review Conference that practical steps were agreed to progress toward establishing the zone. Specifically, it was agreed that, in consultation with regional countries, the UN secretary-general would convene a conference in 2012 to be attended by all states in the Middle East on "the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction." Finnish diplomat Jaakko Laajava was named as facilitator.

In November 2012, however, the United States called off the conference "because of present conditions in the Middle East and the fact that states in the region have not reached agreement on acceptable conditions for a conference." The primary reason was the reluctance of Israel to participate, while all other regional countries, including Iran, had confirmed their intention to attend. The conference has not yet been rescheduled nor a new timeline set.

To actualize a Nuclear-Weapon-Free Zone in the Middle East, the world powers should seek an agreement with Iran on the limits acceptable to other regional powers, and use the final deal with Iran as a model for the entire region. The measures proposed by the International Panel for Fissile Material, a team of independent nuclear experts from fifteen countries, would be:

- Ban on the separation and/or use of plutonium and highly enriched uranium (HEU) as a reactor fuel.
- Switching heavy water reactors from natural uranium fuel to low-enriched uranium fuel.
- Limitation on uranium enrichment to less than 6 percent.
- Limit power of research reactors to 20MWt.
- Ship out the spent fuel with its contained plutonium.
- Limit enrichment capacity to levels that do not provoke fear of a breakout (below 5 percent).
- Regional verification system in addition to the IAEA safeguards.
- Robust inspections with the adoption of the Additional Protocol and Subsidiary Arrangement Code 3.1.
- An agreement with countries that do not stockpile enriched uranium but rather adopt a “just-in-time” system of production would be the most feasible course of action.

Taking uranium enrichment as well as plutonium separation (reprocessing) facilities out of national control and placing them instead under the management of an independent international organization dates back to a 1946 study called Report on the International Control of Atomic Energy prepared for the U.S. State Department. The report recognized that both uranium enrichment and reprocessing of irradiated uranium to recover plutonium are inherently “dangerous activities” in that they provide easy routes to nuclear weapons.

In 2003, international and regional concern about Iran’s decision to build a national uranium enrichment program led Mohamed ElBaradei, then director general of the IAEA, to revive a proposal for multinational control of all enrichment facilities, including in the nuclear-weapon states. Iran has voiced its support for an international consortium for enrichment; President Ahmadinejad, addressing the United Nations General Assembly in 2005, stated that Iran was “prepared to engage in serious partnership with private and public sectors of other countries in the implementation of a uranium enrichment program in Iran.”

With fourteen countries now operating or building enrichment plants, boosting interest in nuclear energy among Middle East countries, a successful resolution of the Iranian nuclear crisis could provide a model for dealing with other countries with breakout capability and contribute positively to non-proliferation. It is clear that a final deal with Iran would ensure the maximum level of transparency and all necessary confidence-building measures assuring that the Iranian nuclear program would remain peaceful forever. This could be an example for all other Middle East countries to follow as the first big step toward realization of a Middle East free of weapons of mass destruction.

As the only country in the region with a civilian enrichment program, Iran could play a pioneering role by embracing concepts like a regional or international consortium, multinational partnerships for control of enrichment, and multilateral fuel arrangements in the Middle East.

Cooperation in the nuclear field as prescribed in Article IV of the NPT can serve as confidence-building measures among regional states. Such cooperation can include joint ventures to build nuclear power plants, regional electricity infrastructure to transport electricity generated, regionalization of current nuclear structures with incentives to host nations both in economic terms and transfer of advanced technologies in the field of nuclear energy. There can also be expansion and strengthening of joint research initiatives that foster scholarly cooperation. The Synchrotron-Light for Experimental Science and Applications in the Middle East, hosted by Jordan, is a prime example. The program is under the auspices of the European Organization for Nuclear Research (CERN) and the UN Educational, Scientific and Cultural Organization and to date has hosted scientists and scholars from throughout region.

The countries of a Middle East Nuclear-Weapon-Free Zone could establish a Regional Nuclear Fuel Cycle Organization to monitor the operations of any regional fuel-cycle facility and also the mining and purification and import of uranium. Its purpose would be to ensure all nuclear materials used in the regional multinational enrichment facility would be subject to regional monitoring, transparency and improved safeguards.

Given the mutual distrust growing out of the region’s history of wars and proliferation, there will be a need for establishing a robust regional verification structure. Such a measure will be in addition to all regional countries ratifying the IAEA’s Additional Protocol and Subsidiary Arrangement Code 3.1. The regional verification structure can be based on past initiatives such as the Euratom Treaty, which covers peaceful nuclear activities in Europe and shares safeguards responsibilities with the IAEA.

Brazil and Argentina have created an important precedent. After they ended their nuclear weapon programs in 1990, the first step they took on verification was to establish in July 1991 a bilateral inspection system, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (ABACC), which undertook its first inspections in July 1992. Only in 1994 did Argentina and Brazil agree to place all of their nuclear facilities under IAEA safeguards in the Quadripartite Agreement involving Argentina, Brazil, ABACC and the IAEA. ABACC was modeled on

organizational arrangements established in the Euratom Treaty.

A comprehensive nuclear deal with Iran could be a model for future talks with regional countries and others who are on the verge of entering the nuclear arena. The international community has the moral responsibility to settle the differences with Tehran in an amicable and sustainable manner. It must then force Israel to join the NPT and dismantle its nuclear arsenal. The future of non-proliferation in the region and beyond is at stake.

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