



National Security Program

Foreign Policy Project

Principles for Negotiating With Iran

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Introduction

For the third time in three years, the United States and its international partners are preparing to negotiate with Iran over its nuclear program that poses a pressing threat to U.S. national security. History counsels skepticism toward Iran's newly rediscovered willingness to negotiate. Tehran has time and again used such negotiations to stall and defuse pressure before international consensus for more drastic action can be reached.

There is a chance that this time could be different. Ever stricter sanctions have been imposed on Iran by the United Nations, United States and European Union, resulting in increasing pressure on and isolation for the regime in Tehran. Yet, this time the stakes are also higher than ever. President Obama has urged Iran to understand that "the window to solving [this] diplomatically is shrinking."

Indeed, there is little time left to expend on diplomacy. Since the last talks ended in failure over a year ago, IAEA reports indicate Iran has advanced its nuclear program dramatically: enriching uranium faster than ever and to ever higher levels, testing more effective centrifuge models, beginning operations at a previously undisclosed underground facility, and continuing its weaponization activities.

On February 1, 2012, the Bipartisan Policy Center Task Force on Iran issued a report, *Meeting the Challenge: Stopping the Clock*, laying out a comprehensive strategy that offers the best hope for a peaceful resolution of Iran's nuclear challenge. The report reinforces prior BPC studies calling for a triple-track strategy to prevent a nuclear weapons-capable Iran: the simultaneous pursuit of diplomacy, sanctions and visible, credible preparations for a military option. This would exert the utmost pressure on Iran's leadership to negotiate a diplomatic settlement.

This paper draws on that study to outline principles that should guide U.S. negotiations with Iran. Those principles are: (1) extend an open hand; (2) negotiate from a position of strength; (3) set and enforce deadlines; and (4) uphold United Nations Security Council resolutions. These principles are broadly in line with a bipartisan consensus articulated in a letter to President Obama from a group of a dozen senators. Following these principles will maximize the chances for reaching a diplomatic settlement that addresses U.S. concerns about Iran's nuclear program or, should such an agreement prove elusive, will ensure that Iran does not succeed in, yet again, diluting international resolve.

The Issues

President Obama recently stated that preventing a nuclear Iran is “profoundly in the security interests of the United States.” The upcoming negotiations, tentatively scheduled for April 2012, between Iran and an international coalition (consisting of the five permanent members of the United Nations Security Council – the United States, Great Britain, France, Russia and China – and Germany, collectively referred to as the P5+1) will likely focus on attempts to limit Iran’s enrichment activities. However important, enrichment is not the only issue that must be addressed to reach a deal that addresses U.S. security concerns. International apprehension about Iran’s nuclear program stems from three areas: that Iran is producing and stockpiling growing quantities of enriched uranium, including uranium enriched to levels higher than required for use in electricity generating reactors; that Iran has consistently denied international inspectors unfettered access to its nuclear facilities; and that it steadfastly refuses to answer questions regarding the mounting evidence that it continues to have a nuclear weapons program.

Principles for Negotiation

1. Extend an Open Hand

Despite well-founded reservations about Iran's willingness to negotiate, these talks should be taken seriously. President Obama entered office promising to extend his hand to Iran, if only they would unclench their fist. His success in building international consensus for greater sanctions against Iran has been partly based on the sincerity of that approach. By showing himself ready to negotiate in good faith, President Obama has been able to focus attention on Iran's intransigence and portray its continually clenched fist as the obstacle to a peaceful resolution. That continues to be the right attitude.

Entering into these latest talks further demonstrates the United States' commitment to diplomacy and presents an important opportunity to reveal Tehran's intentions. If Iran is sincere, these talks could open the way to a negotiated settlement that fully addresses U.S. security concerns while taking steps to welcome Iran back into the international community, the best possible outcome to this standoff. However, should Iran prove less than sincere, President Obama will have good grounds on which to convince other nations of the need for more robust measures to prevent a nuclear Iran.

Thus, these talks are, regardless of their result, an important step in preventing a nuclear Iran. We can strengthen our negotiating position if partisanship ends at the water's edge and all sides support President Obama's attempts to convince Iran to sincerely unclench its fist.

2. Negotiate from a Position of Strength

An extended hand, however, is not the only means for communicating the importance of cooperation to Tehran. The United States and its allies have already imposed significant sanctions targeting Iran's banks, oil exports and gasoline imports. Success in negotiations will require maintaining and increasing this pressure. By ratcheting up pressure on Iran before we sit down, Western negotiators would gain both sticks (additional measures) and carrots (rescinding sanctions) with which to compel Iranian cooperation toward a peaceful resolution.

President Obama took an important step to increase leverage over Iran ahead of the talks by making clear on March 30 that he would proceed with sanctions against foreign firms that purchase oil from Iran. Another way of applying pressure, on both Iran and any other countries to support more robust sanctions, is credible and visible preparation for the military option. As we describe in a previous white paper, these measures would include economic prepositioning, military readiness activities and an informational campaign.ⁱ

All governments must understand the seriousness of the president's commitment to prevent Iran from gaining nuclear weapons capability. Across the policy spectrum, U.S. officials should accept that there needs to be an effort to talk to the Iranian regime before Washington resorts to stronger measures to deny Iran nuclear weapons capacity. However, both Tehran and other countries should be convinced that Washington will embark upon more robust strategies should it become evident that diplomacy will not achieve its aims or if the Iranian government will use such engagement as a mechanism to stall while its technicians master nuclear enrichment. Demonstrating such ironclad resolve to prevent a nuclear weapons-capable Iran presents the best opportunity for a peaceful, diplomatic resolution to this challenge.

3. Set, and Enforce, Deadlines

Discussing North Korea, President Obama recently declared, "Bad behavior will not be rewarded." The same approach is needed with Iran. The United States' primary objective needs to be ensuring that Iran does not emerge from these talks in a stronger position than it entered them. That will require preventing Iran from running out the clock without penalty.

In April 2009, shortly after his inauguration, President Obama and the other P5+1 leaders offered Iran a package of proposals as an overture for negotiations. Iran did not respond until September. When negotiations did finally take place in October, Iran suggested it was willing to accept a deal. But a December 31 deadline to reach agreement came and went. It was not until almost three weeks afterwards that Iran officially rejected the deal, 111 days after negotiations took place. During that time no additional sanctions or other actions were taken against Iran. Today, if Iran drags out negotiations for 111 days it can be expected to produce during that period, according to the IAEA data, 422 kilograms of 3.5 percent enriched uranium and almost 25 kilograms of 19.7 percent enriched uranium. Iran cannot be allowed again to continue advancing its nuclear program under the guise of diplomatic cooperation.

For this reason, Western negotiators should not only impose deadlines for negotiations to yield results but clearly define what the consequences of not meeting those deadlines will be. One option would be to require Iran to agree to a final, acceptable deal by July 1, roughly 10 weeks after negotiations begin. During that time period, if negotiations persist, the United States and other countries could commit to stay the imposition of additional sanctions. But if there is no agreeable settlement by July 1, or if talks break down before then, the United States and other countries should impose new economic sanctions and take additional steps to ratchet up the pressure on Tehran.

4. Uphold United Nations Security Council Resolutions

Some members of the coalition negotiating with Iran might feel tempted to accept slight concessions from Iran and portray them as a diplomatic victory. Some are facing electoral

campaigns this year (France), some have strong economic ties to Iran (China), and others are just wary of too great a shift in the international balance of power (Russia). Indeed, there are plausible reasons for the United States to consider such an interim deal. Some have argued that an agreement to remove the most highly enriched uranium from Iran while allowing Tehran to continue enriching uranium at a lower level could be an important confidence-building measure. It could also address the most pressing proliferation risk, satisfying the United States in the short-term without requiring Iran to completely forsake a nuclear program that it regards as a matter of national pride. It could then lay the foundation for reaching a more comprehensive deal at a later date, and mark a measure of progress on an issue that has frustrated multiple administrations from both parties.ⁱⁱ

A short-term arrangement, however, risks undermining the chances for enabling a comprehensive long-term deal, without doing much to constrain Iran's ultimate ability to achieve nuclear weapons capability. U.S. negotiators must be mindful that a short-term arrangement may well become the long-term deal, particularly if the price of achieving the short-term arrangement is relaxation of the very diplomatic and economic pressures that helped bring Iran to the negotiating table. For this reason, any short-term arrangement that does not fully address U.S. concerns should itself be time-limited, with the clear understanding that if an acceptable long-term deal is not concluded by the deadline, all existing sanctions will be re-imposed and additional measures imposed. A peaceful, diplomatic resolution to this crisis is highly desirable, but only if it fully addresses the United States' legitimate security concerns in preventing a nuclear weapons-capable Iran.

Those concerns, and what it would take to address them, are captured in the five United Nations Security Council resolutionsⁱⁱⁱ calling on Iran to "suspend all enrichment-related and reprocessing activities," "act in accordance with the provisions of the Additional Protocol and to implement without delay all transparency measures as the IAEA may request in support of its ongoing investigations,"^{iv} as well as cooperate "with the IAEA in connection with the remaining issues of concern, which need to be clarified to exclude the possibility of military dimensions of Iran's nuclear programme."^v Any diplomatic deal must address all three of these issues: enrichment, inspections and weaponization. An agreement imposing no meaningful constraints on Iran's ability to continue enriching uranium, or addressing only one of these issues, would undermine the credibility and legitimacy of the international legal consensus against Iran without resolving our concerns about Iran's nuclear ambitions.

Iran's enrichment of uranium to levels of 20 percent at the fortified underground Fordow facility is certainly the gravest proliferation risk that is publicly known. Because enriching uranium to levels of 20 percent consumes about three-quarters of the time and effort needed to produce weapons-grade (90-percent-enriched) uranium from a feedstock 3.5 percent enriched uranium, production of 20-percent-enriched uranium at Fordow allows Iran to make significant progress towards a nuclear weapon under the watchful eye of the international community at a site immune from all but the most devastating military action.

But Fordow is not the only proliferation risk about which the United States should be concerned. Iran has already stockpiled enough 3.5-percent-enriched uranium at its Natanz

facility for more than one nuclear weapon, with additional enrichment. Moreover, the latest IAEA report indicates that Iran has more centrifuges spinning more effectively than ever at Natanz, which translates into a significantly accelerated ability to turn those stores of 3.5-percent-enriched uranium into fissile material for a nuclear device.

And those are just the facilities we know about; there might well be plenty that remain unknown. Are there other enrichment facilities Iran is operating covertly (the Fordow site was not revealed until 2009)? Does it have additional stockpiles of nuclear materials? What sort of weaponization research is taking place at Iran's military laboratories?

In addition to suspending its enrichment activities, Iran must make its nuclear program much more transparent to the international community and satisfactorily answer the concerns raised by the IAEA in its far-reaching November 8, 2011 report, which detailed intelligence it has gathered and received about Iran's work on designing a nuclear weapon.

In short, Iran must be held to the standards laid out in successive UN Security Council resolutions. Doing so, as described in the last resolution, "would contribute to a diplomatic, negotiated solution that guarantees Iran's nuclear programme is for exclusively peaceful purposes."^{vi} Until then, however, the United States and its international partners will have legitimate security concerns.

Conclusion

U.S. participation in potential April talks is further testament to its commitment to a diplomatic solution. President Obama has made it clear that preventing a nuclear Iran is "profoundly in the security interests of the United States." Doing so diplomatically is in the best interests of the United States and our allies. By extending his hand in good faith and increasing pressure on Iran through new sanctions, President Obama has done much to increase the chance of successful negotiations. The additional principles outlined above – setting and enforcing deadlines as well as upholding the basic conditions set forth in five United Nations Security Council resolutions – will only increase the chances of a peaceful resolution that addresses the United States' legitimate security concerns about Iran's nuclear program.

Endnotes

ⁱ See *Establishing a Credible Threat Against Iran's Nuclear Program*, Bipartisan Policy Center, March 2012.

ⁱⁱ Allison, Graham. "Will Iran be Obama's Cuban Missile Crisis?" *Washington Post*, March 8, 2012.

ⁱⁱⁱ United Nations Security Council Resolutions 1696 [2006], 1737 [2006], 1747 [2007], 1803 [2008] and 1929 [2010].

^{iv} United Nations Security Council Resolution 1696, July 31, 2006.

^v United Nations Security Council Resolution 1929, June 9, 2010.

^{vi} *Ibid.*