

Iran and the US

Too Early to Celebrate

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The framework agreement that Iran has signed with the members of the United Nations Security Council and Germany opens the door to ending the stand-off over Tehran's nuclear programme. But there are many obstacles standing in the way of a final solution that would be acceptable to all. United States' domestic politics, the International Atomic Energy Agency's old and unresolved demands on "possible military dimensions" of Iran's nuclear activities and differences in interpretations of the reversibility/irreversibility of actions to be taken, together form a tangled knot that still needs to be untied.

Western policy towards Iran over the past decade has been driven by a singular obsession—that the Islamic Republic intends to become a nuclear weapon state—and a singular belief—that it will achieve this goal if its civil nuclear energy programme is not drastically curtailed. Tehran, on the other hand, has always denied the charge that it is seeking nuclear weapons, accusing the United States (us) and its allies of using the nuclear-related sanctions to undermine the Iranian economy and political system.

In principle, the framework agreement unveiled on 2 April in Lausanne by Iran and representatives of the five permanent members of the United Nations Security Council (UNSC) and Germany (the P5+1) allows both sides to move away from the current impasse by demonstrating their bona fides and addressing each other's concerns. Iran has agreed to scale back or eliminate those elements of its nuclear programme that carry the greatest proliferation risk, and provide greater scope for international verification of its civilian facilities. In return, the us and the European Union (EU) have undertaken to lift all national and international nuclear-related sanctions imposed in the wake of the 2006 referral of the Iran nuclear file to the UNSC.

The very fact that the fine print of the "Solutions on Key Parameters of a Joint Comprehensive Plan of Action (JCPOA)" has not been made public suggests there are still differences between the two sides on not just the meaning of their precise commitments, but also their sequencing and especially the speed with which sanctions are to be lifted. Certainly, the harsh exchange of words between Washington and Tehran immediately following the Lausanne deal is testimony to this gulf. At the same time, the Iranian and us administrations—both of whom must

contend with the opposition of difficult domestic lobbies—have been careful not to allow their competing interpretations to derail the diplomatic process.

Based on the 2 April joint statement, we know the Iranian side has made the following set of commitments. First, it has agreed to limit for specified durations its enrichment capacity, enrichment level and stockpile of enriched uranium. Second, it will no longer conduct enrichment at any national facility other than Natanz, thus agreeing to repurpose its highly fortified Fordow facility—constructed originally to ensure the survival of Iranian enrichment capabilities in the event of American or Israeli bombardment—so that no fissile material will ever be produced or stored there. Third, it has agreed to limit the scope and speed of its research and development programme on centrifuges—the equipment used for enriching uranium.

Fourth, the heavy water research reactor currently under construction at Arak will be redesigned and rebuilt with international assistance so that it will be incapable of producing weapons grade plutonium. Moreover, the plutonium that is generated will be exported and not re-processed within Iran. Fifth, Iran has agreed to implement the modified Code 3.1 of the International Atomic Energy Agency (IAEA) safeguards agreement (which requires a signatory to promptly notify the IAEA about the creation of any new nuclear facilities rather than only before nuclear material is to be introduced there) as well as the Additional Protocol, which gives the IAEA an enhanced mandate to monitor and verify nuclear activities. In addition, the IAEA "will be permitted the use of modern technologies and will have enhanced access through agreed procedures, including to clarify past and present issues."

Addressing Fears of US

Taken together, Iran's commitments fully address the three principal fears the us and its allies have made an issue of in the past. These are (1) that the IAEA has not enjoyed the kind of access necessary to verify that all Iranian nuclear activities are

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indeed peaceful; (2) that in the event of Iran quitting the Nuclear Nonproliferation Treaty and expelling the IAEA, it could use the Arak reactor to quickly create a nuclear weapon via the plutonium route; and (3) that its stockpile of low-enriched uranium (LEU) could also be used to generate highly-enriched uranium (HEU) for nuclear bombs. Though Western and Israeli intelligence assessments have varied, often depending on political and geopolitical convenience, the time required for Iran to acquire a “breakout” nuclear weapons capability has variously been estimated at anywhere from three months to two years. What the key parameters of the JCPOA do is effectively neutralise the “breakout” scenario, thus ending the nuclear threat that Iran supposedly poses to its neighbours, especially Israel.

If Iran has demonstrated its willingness to go the extra mile in providing assurances to the West about the peaceful nature of its nuclear programme, the Lausanne agreement says:

the EU will terminate the implementation of all nuclear-related economic and financial sanctions and the US will cease the application of all nuclear-related secondary economic and financial sanctions, simultaneously with the IAEA-verified implementation by Iran of its key nuclear commitments.

As for those sanctions imposed via the UN, the P5+1 have agreed that a

new UN Security Council Resolution will endorse the JCPOA, terminate all previous nuclear-related resolutions and incorporate certain restrictive measures for a mutually agreed period of time.

Difference in Interpretation

The first sounds of dissonance became audible almost immediately when the White House issued a “fact sheet” spinning the sanctions aspect of the Lausanne deal for its domestic audience. “In return for [Iran’s] steps,” the White House said, “the P5+1 is to provide limited, temporary, targeted, and reversible relief while maintaining the vast bulk of our sanctions, including the oil, finance, and banking sanctions architecture.” This prompted an angry but measured response from Iranian Foreign Minister Javad Zarif. “The solutions are good for all, as they stand. There is no need to spin using ‘fact sheets’ so early on,” he

said in the first of three tweets, adding: “Iran/5+1 Statement: ‘us will cease the application of ALL nuclear-related secondary economic and financial sanctions.’ Is this gradual? ...‘The EU will TERMINATE the implementation of ALL nuclear-related economic and financial sanctions’. How about this?”

Assuming both sides are correct in their assessment of what has been agreed to, the only common interpretation possible is that while the Europeans will *terminate*, i.e., lift, all their sanctions, the US intends merely to *cease* (for a finite period of time) the application of its sanctions. In other words, President Barack Obama will only grant a waiver of existing US sanctions rather than permanently dismantling them through legislative action. If this strategy is essentially driven by the opposition Obama is likely to face on Capitol Hill for any permanent deal with Iran, it may well be politically expedient. But even if the Obama administration is acting in good faith, Iran can hardly be expected to implement commitments that are either irreversible (such as the redesign of the Arak reactor) or difficult to reverse (such as drawing down its LEU stockpile) when the US administration insists on reserving the right to restart the application of sanctions. As Iran and the P5+1 move towards finalising their agreement, ensuring strict reciprocity as far as the irreversibility of commitments will have to be ensured.

US Domestic Politics

The second obstacle to the finalisation of an acceptable agreement is the irrational attitude of Republican and even some conservative Democrat legislators in Congress. Driven by a pathological aversion to any diplomacy with Iran and by the scare-mongering that Israeli Prime Minister Benjamin Netanyahu has indulged in, a majority in the US Senate is likely to bitterly oppose the emerging deal with Tehran. In recent days, the war of words has sharpened with Obama accusing his Republican opponents of breaching a new low in partisanship. At stake is not just the optics of a bruising internal fight but the prospect of a hostile Congress inserting itself into the foreign policymaking process. Senate

Foreign Relations Committee Chairman Bob Corker is piloting a bill that would make it mandatory for Congress to approve the Iran agreement but the Republicans need to win over enough Democrats in both houses to arm themselves with a “supermajority” that can override the veto Obama has threatened. If Corker succeeds, the Lausanne process will have effectively been sabotaged.

‘Possible Military Dimensions’

There is also a third obstacle, one that from the Iranian perspective is potentially the most plausible and dangerous. The lifting of sanctions by the US, EU and UNSC is predicated on the IAEA certifying that Iran has “taken all of its key nuclear-related steps.” The problem here is twofold. First, the danger that a politicised IAEA, acting under Washington’s pressure, might seek to draw out this process of certification so as to keep up the pressure on Iran. Moreover, some of the demands that the IAEA has made in the past—especially that Iran provide more information on the “possible military dimensions” (PMD) of its nuclear programme—cannot easily be resolved. The PMD question arose as the result of second-hand documentation of questionable provenance provided to the IAEA by Israeli and Western intelligence agencies purporting to show how the Iranian military had worked on nuclear weaponisation and delivery vehicles. Iran insists these documents are forgeries and that it has not carried out the studies the IAEA says it might have. Despite protracted engagement over several years, this file, therefore, has remained open.

For the US and its allies, the PMD issue plays a crucial role in the maintenance of a sanctions regime because all the nuclear discrepancies which prompted the IAEA Board of Governors to declare Iran in non-compliance of its safeguards agreement in 2005 have since been successfully resolved. The only major outstanding question remaining is the PMD one; that is why the IAEA has repeatedly said, as it did again in its November 2014 Safeguards Implementation report, that while it

continues to certify the non-diversion of declared nuclear material at the nuclear facilities... declared by Iran under its safeguards

agreement, the Agency is not in a position to provide credible assurance about the absence of undeclared nuclear material and facilities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities (IAEA 2014).

A final obstacle to the deal could also emerge within Iran, though the impact of the sanctions has weakened the clout of political factions opposed to the administration of President Hassan Rouhani. Iran's Supreme Leader, Ayatollah Khamenei has spoken critically but not dismissively of the Lausanne framework (Cole 2015). The key issue for him, as for most Iranians, is that sanctions be lifted in tandem with Iran delivering on its side of any bargain. "Otherwise," he said in his Friday sermon, "what was the point of engaging in all these negotiations?" The

more the Obama administration seeks to stagger the withdrawal of sanctions, the harder will be Rouhani's ability to sell a final agreement to Khamenei and the wider Iranian political establishment.

As of this writing, the emerging situation in West Asia—Israel's attitude, the Syrian civil war, the fight against the "Islamic State", and the civil war in Yemen that has seen Saudi Arabia intervene militarily as the head of a so-called "Sunni Coalition" in the Yemen civil war—will also have a bearing on the Lausanne outcome as well as the future course of relations between Iran and the us. If Iran sees its external security environment sharply deteriorating, it will never agree to make irreversible concessions in exchange for reversible sanctions relief.

True, a fair settlement of the nuclear issue could well open the door for a wider rapprochement between Washington and Tehran but there are too many imponderables thrown up by these regional rivalries to make that process a smooth one. If Obama is serious about Iran, he has just about enough time and goodwill on his side to pilot a win-win nuclear agreement through.

REFERENCES

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