



Nuclear Negotiations with Iran Reach a Decision Point

By Shlomo Brom

March 18, 2015

Negotiations on Iran's nuclear program are approaching a March 24 deadline for a political agreement on principles that will govern a later comprehensive deal. If the P5+1—the permanent five members of the U.N. Security Council plus Germany—and Iran reach this agreement, they will then have an additional three months to conclude a detailed final agreement.

The proximity of this deadline sharpens the dilemma facing both sides of the negotiating table. As Secretary of State John Kerry acknowledged following three days of negotiations with Iranian Foreign Minister Mohammad Javad Zarif in Lousanne, Switzerland, “We have made some progress but there are still gaps, important gaps, and important choices that need to be made by Iran in order to move forward.”¹

The deadline also increases the pressure that the negotiating parties face from both opponents and proponents of a possible agreement. Two highly visible and controversial examples of such pressure are Israeli Prime Minister Benjamin Netanyahu's speech before the U.S. Congress on March 3, in which he fiercely attacked what he has perceived as the coming agreement,² and the open letter to Iran signed by 47 Republican senators on March 9, which advised the Iranian regime not to rely on any agreement with President Barack Obama without the approval of Congress.³ However, other U.S. allies are applying pressure in less obvious ways. Secretary Kerry flew after a previous negotiations meeting directly from Montreux, Switzerland, to Riyadh, Saudi Arabia, in an effort to reassure the new Saudi King Salman that any nuclear deal with Iran will be in Saudi interests,⁴ indicating just how concerned this significant Middle Eastern partner is about the content of the talks with Iran.

The two sides are keeping their cards close to their chests, and very little detail about a potential agreement has leaked from the talks. The Obama administration briefed opinion-makers on the negotiations to preempt Netanyahu's speech and to generate support for a possible agreement that will likely be opposed by some U.S. allies in the region—and even more importantly, by many members of Congress, both Republicans and Democrats. However, these briefings lacked specifics on issues such as centrifuge numbers and verification mechanisms, offering instead only the broad contours of a deal.

Putting aside the controversy around Prime Minister Netanyahu's address to Congress and its partisan nature, the speech was important because Netanyahu gave up his traditional position that Iran should not be allowed to enrich uranium at all. Despite his bluster, Netanyahu's specific references to different elements of the agreement conveyed the message that Israel could live with an agreement that includes limited Iranian enrichment capabilities as long as some other limitations are strengthened.⁵

Consequently, the real question as the talks wrap up is what sort of limitations Iran's nuclear infrastructure will have, how robust the monitoring regime that oversees it will be, and the timeframe of these special arrangements—which are in addition to the usual safeguards put in place by the International Atomic Energy Agency, or IAEA. An additional major hurdle is the timing and sequence of the possible lifting of sanctions on Iran, which has been hurt by both the sanctions and the recent declines in global oil prices. The Obama administration's challenge is concluding an agreement that is good enough to prevent an Iranian nuclear breakout but is also acceptable to both the U.S. and Iranian domestic constituencies—as well as U.S. allies in the Middle East, especially Israel and the Arab Gulf states that feel threatened by Iran and its nuclear capabilities.

Key ingredients to an agreement

The provisions of the negotiated agreement are supposed to be influenced by a number of key considerations that will determine the agreement's effectiveness. These considerations include the following.

Breakout time

Currently, it would only take Iran a few months to acquire a nuclear weapon once it decided to do so, according to both U.S. and other intelligence agencies.⁶ The P5+1, which consists of the permanent five members of the U.N. Security Council—the United States, Russia, China, the United Kingdom, and France—plus Germany, has a goal to extend this timeframe to at least one year.⁷ This extended breakout time can be achieved through a combination of restrictions, including limitations on the number of centrifuges allowed to operate and produce low-enriched uranium, the type of centrifuges, and the amount of low-enriched uranium that Iran will be allowed to keep in a form that could be enriched further. In addition, the agreement will limit the capability of the Arak nuclear reactor to produce plutonium, which is used to produce nuclear weapons, along with uranium. The way that these various restrictions are combined is more important to increasing the breakout time than the restriction of any individual component of Iran's nuclear infrastructure.

Monitoring

A one-year breakout time is designed to provide the international community with sufficient time to determine whether Iran is attempting to develop a nuclear weapon by producing military grade fissile material or beginning to design and produce nuclear weapons; make the diplomatic, economic, and military decisions necessary to stop Iran from actually making a nuclear weapon; and implement these decisions. Past experience demonstrates that the original monitoring regime employed by the IAEA was not strong enough to ensure detection of an Iranian military nuclear program with enough time for the international community to respond. The agreement under discussion is supposed to include a stronger, more intrusive monitoring regime that—combined with the intelligence capabilities of the United States and its allies—would ensure that the international community detects an Iranian breakout with enough time to act.

As part of this process, Iran would have to sign the IAEA's Additional Protocol, which allows monitoring of undeclared sites if the IAEA has reasonable suspicion that they are involved in illicit nuclear work, as well as continuous monitoring of all elements of Iran's nuclear infrastructure.⁸ The IAEA's monitoring regime would include sites not traditionally monitored by the IAEA in other states, such as uranium mines, uranium conversion facilities, and centrifuge manufacturing locations. Striking a balance between an intrusive monitoring regime that satisfies international suspicion of Iran's nuclear program with Iran's claims of sovereignty will be a significant obstacle to any negotiated agreement.

Sunset clause

Iran consistently refuses to be singled out indefinitely as a state with special limitations and monitoring arrangements compared with the other member states of the Nuclear Proliferation Treaty, or NPT. As a result, the agreement will include a timeframe for the increased limitations and monitoring regime to be in effect. According to news reports, Iran wants a timeframe of 10 years, while the P5+1 are pushing for at least 15 years, after which the IAEA's standard monitoring and inspections process will replace the more intrusive process.⁹

Sanctions relief

Iran demands immediate lifting of most sanctions. These include U.N. Security Council sanctions and U.S./EU sanctions. The most painful ones are the financial sanctions and limitations on export of oil. The P5+1 are pushing for gradual removal of sanctions over time if Iran complies with the agreement.

Criticisms of a negotiated agreement

The Netanyahu government and most Republicans in Congress are criticizing several elements of the potential agreement outlined above, as well as insisting that other elements must be included in any negotiated settlement.

Insufficient breakout time

Critics argue that one year is not sufficient time to determine whether Iran is acting in pursuit of a nuclear weapon.¹⁰ The agreement under discussion tries to respond to this problem through an intrusive monitoring process of the full nuclear cycle. If Iran were to try and hide a nuclear breakout, it would have to build a parallel full nuclear cycle, including mines, centrifuge manufacturing plants, and weapons fabrication facilities. This would in turn increase the probability that at least one of these parallel elements would be uncovered.

No limitations on ballistic missiles

The agreement being negotiated does not appear to include limitations on platforms that could be used to carry a nuclear warhead, particularly ballistic missiles. Ballistic missiles have never been part of the P5+1 negotiations process. Moreover, ballistic missiles with conventional warheads are an important part of Iran's military capabilities and, from Iran's perspective, are a force equalizer against adversaries that have much stronger air power. It is not realistic to expect that Iran would ever accept curbing its missile program, and the other members of the P5+1 would have considered raising this subject a deal-breaker for the negotiations that showed the United States was not negotiating in good faith.

Inadequate sunset time

Prime Minister Netanyahu suggested that there should not be a specific expiration date to any agreement. Instead, the agreement should be performance or conduct based—meaning that the agreement's limitations could only be lifted once Iran stops aggressive and expansionist behavior that threatens other states, as well as support for terrorist organizations and any efforts to subvert other governments.¹¹ But Iran would not accept an agreement that indefinitely singles it out conditioned on its perceived enemies' judgment of its behavior. Iran would perceive such conditions as dependent on regime change in Tehran, and it would support suspicions among Iranian hardliners that the whole nuclear deal is a tool to weaken Iran and bring about regime change.

While a sunset provision is, in fact, necessary for any sort of deal, 10 years is a relatively short timeframe. The P5+1 should push for the longest timeframe possible, but they must remain vigilant so that Iran does not use the expiration of any nuclear deal to resume its military nuclear ambitions. The P5+1 should also be prepared with a package of appropriate diplomatic, economic, and military responses if Iran does so.

Possible military dimensions

The IAEA's Iran file contains a list of past activities that are probably part of an Iranian military nuclear program, and accordingly, the IAEA requires Iran to expose and explain these activities. Iran's response has been halfhearted, and it has not come clean on these possible military dimensions of many aspects of its nuclear program. The Joint Plan of Action, or JPOA—signed by Iran and the P5+1 in late 2013—agreed to defer this issue for the IAEA to deal with later. It is not clear how this subject is addressed in the current talks.

Development of more advanced centrifuges

It is not yet clear whether the negotiated agreement will contain a prohibition on the development of more advanced and efficient centrifuges. Operation of newer generation centrifuges that can enrich higher quantities of uranium at the same period of time would make the agreement's limitations on the number of operating centrifuges meaningless, which could shorten Iran's potential breakout time.

Possible scenarios

It is unclear whether the negotiating parties will manage to stay on schedule and conclude a political agreement of principles by March 24.¹² Heading into the last few days of the negotiating period, there are three potential scenarios:

1. The P5+1 and Iran successfully conclude an agreement of principles, and negotiations on the full technical agreement move forward toward a June 24 deadline. In this scenario, the United States and Iran have to deal with criticism of the agreement and domestic attempts in both countries to derail the process and prevent further talks.
2. The P5+1 and Iran do not reach a full agreement of principles but manage to make substantial progress. They agree to continue talks based on the November 2014 agreement and extend the discussions until the June 24 deadline. All parties, including President Obama, have denied the viability of this option,¹³ but both sides also made similar claims before the previous extension of talks.
3. The negotiations on the agreement of principles end without any agreement on extension, resulting in the collapse of negotiations with Iran as a whole.

Weighing the alternatives to an agreement

At this stage of the negotiations, the general contours of the possible agreement are becoming clearer, with the understanding that any agreement will not be perfect. It certainly would be better if, for instance, the breakout time were longer, the limitations on Iran's nuclear program were indefinite, and Iran's ballistic missile inventory were restricted as well. However, as with every negotiation, the two sides have to decide whether the deal on the table is good enough. A central element of the decision-making process should be a comparison with alternative options to prevent Iran from obtaining a nuclear weapon, taking into account the feasibility, cost, and potential benefits of these options. For the purpose of this comparison, the full package must be considered, rather than just its weakest elements.

When this approach is adopted, the current possible deal with Iran appears to be an acceptable package that gives the United States enough confidence that Iran would be deterred from breaking out during the time the agreement is valid. Indeed, the main weakness of the agreement is the limited time in which it is in force.

However, there is no better alternative to this agreement. Past experience shows that a collapse of the negotiations would strengthen the elements of the Iranian regime that believe the West's real intention is to weaken Iran and eventually bring about a regime change. According to these hardliners, Iran would therefore have no other alternative but to adopt a "resistance economy"¹⁴ in response to sanctions and withstand all external pressure. These moves, in turn, would mean that Iran would resume its full nuclear program, operate more and more advanced centrifuges, and accumulate a larger quantity of low-enriched uranium. It does not necessarily mean that Iran would immediately start work toward a military nuclear capability, but rather that Iran's breakout time would become shorter and shorter—eventually becoming a one-screw rotation away from a nuclear weapon.

The resumption of full sanctions would not have the desired effect because Iran would adjust to the sanctions. Additionally, there would be a perception that the United States derailed the talks—a perception reinforced by the letter to Iran organized by Sen. Tom Cotton (R-AR)—hurting cooperation with the P5+1 and the international community as a whole and making sanctions much less effective. Moreover, military intervention is not a viable option when the United States is already preoccupied with military campaigns in Iraq, Syria, and Afghanistan and is not convinced that Iran has started breaking out. Alternatively, overloading the negotiations with other aspects of Iran's general policies and behavior would only derail the talks and split the P5+1, making the resumption of sanctions after a failure of negotiations even more difficult.

The interim agreement with Iran—the JPOA—worked despite dire predictions from those now warning that an allegedly bad deal is coming. The JPOA froze the Iranian nuclear program and partially rolled back some of its elements, and this was better than the alternative of continuing the full sanctions while Iran is continuously shortening the breakout time. A new agreement would further roll back the program.

Recommendations

If the parties are close to a political agreement but do not actually reach one before the March 24 deadline, it makes sense to extend this stage of the negotiations and use the remaining time in the agreed full extension. Negotiations should stop only if there are still vast disagreements between the two sides and it does not seem that an agreement will be concluded even with an extension.

Before and when an agreement is concluded, the United States should take steps to reassure its allies in the Middle East, listen to their security concerns, and address them if possible. These steps should include a discussion of Iranian breakout scenarios and possible U.S. reactions, as well as steps to tighten intelligence cooperation and improve intelligence coverage of Iran and its nuclear program.

The United States should invest effort in keeping the P5+1 united both during and after the negotiations in order to maximize the probability of success and enable joint action after a potential failure. That implies the United States should be cautious and not take any unilateral steps—including actions taken by the U.S. Congress—during the negotiations without consulting the other P5+1 members.

No matter what happens, the United States should remain vigilant about the threat Iran continues to pose on other fronts, including its support for dangerous terrorist groups such as Hezbollah, and the United States should work with American allies in the Middle East to contain Iran's dangerous policies. Although an agreement with Tehran over its nuclear program is necessary, the United States needs to recognize that Iran is not going to change its tack overnight simply because a nuclear agreement was concluded.

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Endnotes

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- 12 President Obama has said, "I would say that it is probably still more likely than not that Iran doesn't get to 'yes.'" See Jeff Mason, "Exclusive: Obama says Iran must halt key nuclear work for at least a decade," Reuters, March 2, 2015, available at <http://www.reuters.com/article/2015/03/03/us-usa-obama-idUSKBN0LY2GA20150303>.
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