

In Iran Nuclear Talks, Sharpening Consequences of Failure Is Critical

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While many observers focus on what would constitute an acceptable deal with Iran, just as important is how to arrive at such an agreement.

Iranian negotiators appear determined to once again postpone decisions required to finalize a deal. Tactically speaking, they could be seeking to gridlock discussions at the experts' level in an effort to transfer outstanding issues to the ministerial level, where they may expect the pressure of the June 30 deadline to produce more flexibility from the West. It's also possible that Iran is reluctant to sign off on a deal that is explicit on the issues; Iranian negotiators were skeptical about negotiating too precise a technical implementation plan to the 2013 interim Joint Plan of Action that would constrain their margin for maneuver.

Alternatively, Iran's behavior could reflect more strategic considerations. The 2013 action plan reduced the severity and urgency of the threats to Iran's regime, effectively creating a zone of comfort. Western negotiating countries—the five permanent members of the U.N. Security Council and Germany, or "P5+1"—also benefited, primarily by halting progress of most elements of Iran's nuclear program.

But from Tehran's standpoint, the November 2013 deal achieved two strategic objectives:

First, it managed to stop the momentum of increasing pressure on Iran's economy and to eliminate the prospect of further sanctions. In this more predictable environment, the government of President Hasan Rouhani—far more capable than its predecessor—was able to stabilize Iran's economy and deliver some of the growth that Iran's large consumer market should have experienced long ago. And as long as diplomatic discussions continued, the 2013 plan made the possibility of a military strike against Iranian nuclear facilities remote.

That agreement also shifted the objectives of negotiations, which had long been to establish that Iran's nuclear program was peaceful and exclusively civilian. Instead, Iran was permitted to retain its capacity to enrich uranium

and, eventually, to expand it without limits after a certain period to be negotiated (10 to 15 years, according to the parameters the U.S. made public April 2). In other words, the 2013 plan legitimized Iran's technical ability to break out of its obligations under the Non-Proliferation Treaty and shifted Western focus to the amount of time needed to prevent a successful breakout.

It is possible that Iran's supreme leader, Ayatollah Ali Khamenei, would not oppose an agreement were it to prevent the International Atomic Energy Agency from conducting effective verification, reduce the level of transparency Iran is required to maintain about past and present military nuclear activities (and not make such transparency a precondition for suspending sanctions), and places weak constraints on Iran's research and development of uranium enrichment.

But if the West insists on stronger provisions, Ayatollah Khamenei may settle for a Plan B. After all, failure to reach an agreement by June 30 or shortly thereafter would not yield immediate military action or new sanctions. Were those real threats, Iran would have greater incentive to negotiate more seriously. Instead, if past trends hold, talks are likely to continue after the deadline passes unmet, maintaining Iran's comfort zone even without a formal extension of the 2013 Joint Plan of Action.

Iran's sanguinity toward failure means that negotiators must focus not only on the substance of a deal but also on sharpening the consequences should Tehran fail to accept the P5+1 proposals.

Iran could be confronted with a "take it or leave it" proposal, a tactic employed by Western negotiators in Lausanne when talks were on the brink of failure. If Iran fails to respond positively, the P5+1 need not immediately cease honoring the Joint Plan of Action but also would not need to promise any continuation of talks; rather, they would reserve the right to ramp up sanctions and to stake out more stringent positions on matters such as Iran's uranium enrichment. Tehran would face a choice: to accept the sort of nuclear restrictions required to obtain sanctions relief, to continue honoring the 2013 limits without such relief, or to abrogate those limits and endure even tougher penalties.

The fate of nuclear talks with Iran will not be determined by the nature of relations between negotiators or their goodwill but by a cost-benefit analysis for the countries involved. The P5+1 strategy needs to reflect that to increase the chances of a peaceful resolution.

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