

Don't Let the Deadline Drive the Deal

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To get the best nuclear pact with Iran, Washington might have to let the June 30 target slide.

As both a practitioner and also a student of high stakes negotiations, I am well-acquainted with the use of deadlines to push toward agreements in difficult talks. With the June 30 date for concluding an agreement looming in the negotiations with Iran, there are those who argue that the deadline is important and must be met. Others see it differently. They worry that it creates pressures on us, with the Iranians prone to use the deadline as a lever to gain concessions given what they may see as our desire for the deal. Both arguments have merit.

Often times in difficult negotiations, it makes sense to impose a date by which a decision must be made -- or in other words, to create an action-forcing event. When I mediated between the Israelis and Palestinians on redeployment in Hebron, a highly controversial issue for the Likud-led government at the time, I imposed a deadline for two reasons: First, I felt there was a danger that an extraneous event or an act of violence would sink the negotiating process at a point when we were close to an agreement. Second, I could see how to resolve the remaining issues and the real challenge was to get each leader -- Yasser Arafat and Benjamin Netanyahu -- to make the final decisions and not try to hold out for what might be marginal gains. At the time, I knew each leader would face criticism for doing the deal and there was a natural instinct on both sides to postpone facing a likely backlash even as they tested to see if they could concede less.

It is rare for any national leader to seek out criticism. Putting off difficult or painful decisions is natural and it is one of the reasons deadlines in negotiations are so often employed. But to be credible, they have to be real. Each side has to see that failing to reach the agreement by a deadline truly threatens the possibility of having an agreement. If there is a balance of interest in reaching the agreement, and a comparable fear about the consequences of failing to do so, the deadline can work. Some may question whether the U.S. and Iran have a balance of interest and fear when it comes to reaching or failing to reach an agreement on the Iranian nuclear program.

Certainly, if one pays attention to public pronouncements, Iran's supreme leader, Ali Khamenei, has gone out of his way to suggest that his country does not need a deal. He speaks of not giving into the "bullying" of the "arrogant powers"; of not providing access to Iran's military sites or permitting inspectors to "interrogate" its nuclear scientists; of the Islamic Republic's need to develop a "resistance economy" to ensure it can tolerate sanctions; and that there are "no commitments" that Iran has made in the framework understanding. The tone of the Obama administration has obviously been different -- with the president calling the framework understanding a "historic opportunity" and other leading officials saying that there is no alternative to an agreement -- with some conjuring up the fear that war may be the only way to prevent Iran from becoming a nuclear weapons state if the deal is blocked.

To be fair, President Barack Obama and Secretary of State John Kerry have both also said that "no deal is better than a bad deal" and that the military option remains on the table. But those words seem to carry less weight than the emphasis given to the dire consequences of the alternative to turning the framework understanding into an agreement. From a negotiator's standpoint you never want to signal that you need an agreement more than your partner or adversary at the table, and the conventional wisdom at this point is that the administration has not only positioned itself that way but that the Iranians also perceive that to be the case.

While the Iranians may have such a view, we should not discount that whatever their public posturing, their stake in reaching an agreement is high. Why else do the Iranians so insist on trying to get all sanctions lifted immediately -- notwithstanding Khamenei's call for a resistance economy? Moreover, the announcement of the framework understanding triggered spontaneous celebrations on the streets of Tehran. The Iranian public clearly wants an end to sanctions, the prospect of a better economy and less isolation internationally. No doubt the supreme leader's initial silence and subsequent downplaying of what had been achieved and announced in Lausanne, Switzerland -- saying there were no commitments and there was no deal -- were designed to lower expectations lest those become an increasing pressure on Iran to take steps to conclude the deal.

Moreover, as Mehdi Khalaji has pointed out, there seems to be a difference between the supreme leader's public pronouncements and his private instructions to his negotiators. Notwithstanding his declarations that there would be no access to military sites, the Islamic Republic's foreign minister and his deputy told the Iranian parliament that there would be "managed access" to military facilities under the rubric of the Additional Protocol of the Nuclear Nonproliferation Treaty -- and they explained, when criticized for negotiating such understandings, that they had done so under "instructions." Only Khamenei could give such authoritative orders.

The Iranians clearly understand that they have much to gain by reaching an agreement, and there is probably much more of a balance of interest in reaching a deal than their public posture would suggest. While that could argue for sticking to the June 30 date to force decisions, there are two reasons not to do so: First, there is a pattern to the negotiations in which the Iranians hold out until the deadline, offer minimal concessions and count on us to creatively overcome the gaps. That creates too much pressure on us if there is a deadline. Second, the sanctions clearly are a pressure on them, so why relieve them if they are not prepared to meet our essential minimums for the deal?

Precisely because the framework understanding offers the Iranians a lot -- it is essentially a roll-back of sanctions in return for transparency, not a roll-back of sanctions for a roll-back of their nuclear infrastructure -- we should not let the deadline push us toward any softening of what we need both on transparency and the high consequences that must be imposed if that transparency reveals that the Iranians are cheating. That Iran will be permitted to have a large nuclear infrastructure, and after 15 years not be limited in expanding it, creates a premium not just on thorough visibility into Iran's nuclear activities but also on ensuring unmistakable consequences for any transgressions. As such, it is the content of transparency and the agreed, meaningful costs for cheating -- not the deadline itself -- that matter. The administration would be wise to make that clear both to the Iranians and members of Congress.

Ironically, for those members of Congress who might be inclined to seize on the failure to meet the June 30 date to try to adopt new sanctions, this might be a reassuring message. It would certainly signal that the administration is holding out and won't be driven to accept something less than it needs -- and that could be used to get Congress to hold off on pressing immediately for new sanctions at a time when the other members of the P5+1 (the five permanent members of the U.N. Security Council as well as Germany) are likely to oppose such action. In other words, if fear of congressional action is creating a pressure on the administration to try to meet the June 30 date, there ought to be a way to manage this concern.

For now is not the time for the administration to treat June 30 as an inviolable deadline. As Yitzhak Rabin once said about the timetable of the Oslo process, there are no "sacred dates." And, certainly, while June 30 might be a target, we should not regard it as a sacred date, particularly if we are to avoid it becoming a point of pressure on us and not the Iranians.

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