

Building on the Joint Plan of Action: Toward a Sustainable Nuclear Deal with Iran

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Brief Analysis

A viable comprehensive solution will need to resolve concerns about possible military dimensions, eliminate an automatic sunset clause, and define clear-cut incentives for compliance and disincentives for noncompliance.

Diplomats from Iran and the P5+1 meet next week in Vienna to discuss implementation of the first-step nuclear agreement reached in Geneva on November 24. The challenge for the P5+1 (i.e., Britain, China, France, Russia, the United States, and Germany) will be to build on the strengths of the Joint Plan of Action while addressing its flaws and potential loopholes, thereby paving the way for another interim agreement or a comprehensive solution.

The Joint Plan's main focus is on increasing the international community's warning time regarding a potential Iranian breakout, extending the regime's breakout timeline, and halting its nuclear progress. These are all essential goals, but subsequent negotiations must address a number of elements dealt with only obliquely or in a cursory manner in the Joint Plan.

DUELING NARRATIVES

While the White House fact sheet on the "first-step understandings" with Tehran mentions the regime's "acknowledgement" that it must resolve "questions concerning the possible military dimensions of [its] nuclear program," including "activities at Parchin," the actual text of the agreement does not go as far. The Joint Plan requires the establishment of a Joint Commission consisting of the P5+1 and Iran that will work with the International Atomic Energy Agency "to facilitate resolution of past and present issues of concern" -- an apparent reference to possible military dimensions.

Clarifying this issue is crucial because Iran's leaders hold that the moral and psychological dimensions of statecraft and strategy trump the technological and material, as they have shown repeatedly over the past thirty years.

Believing that perception is reality, Tehran tends to focus on spin and image management, investing great effort in imposing its narrative in order to cultivate support at home and a more conducive environment abroad for its foreign policy objectives. In the past decade, the nuclear issue has become the lynchpin of this narrative.

Tehran's most important goal in negotiating with the P5+1, then, is to win the war of the narratives. From the regime's perspective, this means emphasizing that Iran has an inalienable right to enrich; that it has not sought to develop nuclear weapons and will not in the future; that allegations about a nuclear weapons program are part of an American-Zionist conspiracy to unjustly smear the Islamic Republic, keep it weak and isolated, and impede the scientific development of the Muslim world; and that demands for intrusive inspections and restrictions on its nuclear program reflect a discriminatory double standard. Washington has done little so far to publicly counter this narrative.

Getting Tehran to acknowledge that it had a nuclear weapons program would dramatically alter the negotiating dynamic by puncturing this carefully constructed narrative and proving that international concerns are justified. Specifically, such an admission would strengthen the P5+1's case for protracted special monitoring arrangements and restrictions while making it very hard for Tehran to credibly claim that these measures are discriminatory. It might also keep Tehran from leaving the negotiating table, since many Iranians would otherwise blame their leaders for failing to obtain sanctions relief. In fact, this is probably the main reason why Tehran has rebuffed all efforts to investigate the program's possible military dimensions thus far. If it continues to do so, Washington should take its case directly to the Iranian people.

Conversely, failure to adequately deal with possible past violations of the Nuclear Nonproliferation Treaty (NPT) might encourage Iran to violate future agreements. For this reason, a sustainable deal requires resolution of these concerns.

NO AUTOMATIC SUNSET CLAUSE

The Joint Plan foresees a comprehensive solution that would allow for a "mutually defined enrichment program...consistent with practical needs...for a period to be agreed on." The acknowledgement that Iran will be able to enrich on its own soil based on its "practical needs" is a major concession, opening the door to industrial-scale enrichment if the regime ever acts on its longstanding plans to build additional nuclear power plants.

Furthermore, the plan includes a sunset clause for special monitoring arrangements and restrictions that will presumably extend to future agreements, as well as language calling for civil nuclear cooperation (e.g., provision of light-water research reactors and power plants to Iran). Tehran reportedly wants monitoring and restrictions to last no longer than three to five years. Yet such measures should not expire automatically on some specific date -- they should be lifted based on Iran's performance, and only with the P5+1's unanimous consent. That decision should also be linked to major changes in Iran's behavior abroad, particularly its support for violent extremist and terrorist groups. Although it is appropriate to hold out the possibility of Iran someday being treated as a normal NPT member state eligible for nuclear assistance per Article IV of the treaty, this status should be conferred only when Tehran ceases to support terrorism and seek the destruction of other states. Until then, the principle guiding international policy should be rollback of sanctions in exchange for rollback of Iran's nuclear infrastructure.

MAKING A DEAL STICK

Washington has invested a great deal of effort in reaching a deal with Tehran, but it does not seem to have devoted as much thought to ensuring that Iran's leaders will honor the deal. Having come to the negotiating table under the pressure of sanctions, will they continue to observe any future accord once the pressure is relieved? This is a major unknown, and while positive incentives should be part of any effort to make a deal stick, an agreement is more likely to endure if the negative consequences of breaching it are clear. In particular, Washington

should convince Tehran that if it reneges on its obligations or attempts to break out of the NPT, three things would happen: (1) it would get caught, (2) tough sanctions would be reimposed, and (3) it would risk provoking a military response. This is why long-term monitoring arrangements are necessary. And because it may not be possible to effectively reimpose tough sanctions once they have been lifted, the credible threat of force will be more important than ever.

Direct, overt threats are not the way to influence Tehran, though, since they would only make the regime dig in its heels to avoid losing face -- and at any rate, the Obama administration is not inclined to go this route. The best way to alter Tehran's calculus, then, is by subtle moves and implied threats that play on its fears, including measures that demonstrate America's readiness for military confrontation, its ability to disrupt the activities of Iran's operatives and proxies abroad, and its willingness to roll back Iran's influence in the region. Washington has much work to do in this regard. Administration statements highlighting the risks of military action and accusing critics of stoking a "march to war" send the wrong message to Tehran. Notwithstanding ongoing U.S. efforts to improve ties with Iran, the threat of military action in the event of noncompliance is a key element in any attempt to create a sustainable deal, deter Iran from breaking out of the NPT, and reassure anxious allies whose confidence in the United States has been shaken by recent American actions.

A FINAL THOUGHT

A deal that can stand the test of time must take account of eventualities that could arise decades from now. It must avoid ambiguities such as those inherent in the 1968 Nuclear Nonproliferation Treaty that allowed Tehran to claim a "right to enrich." It must also avoid the kind of wishful thinking that caused those who negotiated the 1994 Agreed Framework with North Korea to neglect its implementation -- ultimately leading to the agreement's collapse -- because they assumed the regime would not survive much longer.

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