Iran and a Comprehensive Settlement

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I. Introduction

Pickering explains the mistrust between the negotiating parties working towards a lasting Iran deal. He then illustrates the progress made to date and articulates future steps. “The depth of misunderstanding is significant enough that reassurances given, even at the highest levels, will not be sufficient to overcome differences. It will only be through: (1) clear intent by the parties, and particularly Iran and the United States, to address the full range of areas of difference; (2) agreements on how to move forward on these questions over time; and (3) faithful, full and complete implementation of commitments made by each side in the course of such negotiations under appropriate, full measures of international inspection, monitoring and control, that the issues can be fully resolved and a new course of action bringing about full mutual respect for sovereignty, independence and the territorial integrity of all parties can be achieved.” Despite differences in context, perhaps some lessons can be used in reaching a comprehensive settlement with North Korea.

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II. Policy Forum by Thomas Pickering

Background

Iran and the world powers have been negotiating on and off for at least a decade. These negotiations have concentrated on the nuclear question. However, many other issues divide them and have served to isolate Iran as an outcast in the international community.

Fundamentally, each party sees the problem not in terms of the nuclear question, at present the most salient issue between them, but in a larger or more extensive context, despite the special and peculiar interest of each side in negotiating the nuclear issue first and exclusively.

Iran, and reportedly its Supreme Leader, have over the years, as a result of accumulated mistrust of the United States and others (including the EU) and fueled by misunderstanding, remained firmly convinced that the real objective of the United States - and to some extent those other parties who have joined in the negotiations with Iran - is to pursue a policy of regime change in Iran. The conviction among many Iranian leaders is that the nuclear talks serve only as a cover for and distraction from the full and final intent of destroying the Iranian Revolution of 1979 and substituting for it an as yet un-chosen and certainly undeclared new leadership. That new leadership group would have no commitment to the theological underpinnings of the current Iranian leadership, its Shi’ite Islamic guiding principles and the close relationship between religious ideas and the form of governance and political direction that the current leaders pursue in the country.

On the other side, the United States and the other members of the P5+ 1 group currently negotiating a nuclear arrangement with Iran (China, France, Russia the United Kingdom – all permanent members of the UN Security Council – and Germany) harbor a similar, perhaps also potential distortion, that Iran is committed to building a nuclear weapon. This view of the P5+1 is prevalent despite frequent and fervent Iranian professions to the contrary. This view is based in large part on some of the same factors as the Iranian conception regarding the intentions of their

negotiating partners – mistrust fueled by misunderstanding -- at least in the eyes of the Iranian leadership close to the Supreme Leader. Indeed, his religious *fatwas (*a *fatwa* is a religious, political declaration of an authoritative figure in Shi'ia Islam) call upon Muslims to treat nuclear weapons, their creation and use, as a heinous sin and not in any way allowed to be undertaken.

In both cases then, despite some of the differences in the conclusions of many on both sides of the negotiation, for reasons which seem to be part of an uncanny parallel, the process of finding an answer to these and other issues related to them have, until 2013 apparently eluded the grasp of the parties and even more any traction in the negotiations. Now, however, that negotiations seem to be profitably engaged, it is worth looking at why that has taken place and even more importantly where the present set of negotiations, and those which success might facilitate to follow, could lead for Iran particularly.

Over time, and for good reason linked to their most extreme vision of the other side, both sides have come to the conclusion that an early and full agreement on the nuclear question would now be in their interest.

On the Iranian side, this conclusion about the need for an early agreement is a calculation based on the evolution of its continued and growing isolation; the impact of economic factors, including poor economic management by Tehran, general sanctions and the recent fall in oil prices; and perhaps its own commitment both to scientific and technical development on one hand and the lack of a national goal of creating a nuclear weapon on the other. With the United States in the lead, and driven by deep concern regarding an Iranian effort to develop nuclear weapons, a number of measures short of the use of military force have been taken. Their central purpose has been to encourage Iranian engagement in fruitful negotiations where a win-win solution might emerge. That in turn, while less widely shared, is nevertheless seen as the necessary initial step in the creation of a broader regime of agreement devoted to dealing with and resolving through negotiations the wide range of issues between Iran and the others. This latter view, although it is not yet a commitment on either side because of the early stage of agreement on the nuclear question, nevertheless opens up a real possibility of ending Iran's isolation and creating a comprehensive security settlement in the region.

One characteristic of the diplomatic process so far is the application of the negotiating parameter "nothing is agreed until everything is agreed". The maxim however is being applied to each of the steps toward full nuclear agreement. It could well be also applied to subsequent steps to deal with a wider set of agreements extending beyond the nuclear to political, economic and regional security issues. Rather than adopt an approach of creating a Grand Bargain that would attempt to encompass all of the major issues separating the parties and then attempting to negotiate every facet of such a bargain in detail, it has been agreed to deal with the nuclear issue first. The agreement also is to do it "comprehensively", but in at least two stages – an interim agreement called the Joint Plan of Action (JPOA) formulated and agreed on November 24, 2013 to be followed by a longer-term comprehensive agreement that would inhibit or make it much harder for Iran to obtain a nuclear weapon (as formulated in the JPOA) and now currently under negotiation. Other agreements might follow in what is a kind of "Grand Agenda."

A number of elements of the comprehensive nuclear agreement were prefigured in the JPOA – notably, that it would be based on the fact that the parties would mutually agree on the parameters of an Iranian civil nuclear program which would be the centerpiece of the deal, that no new sanctions would be introduced during negotiations, and that limitations on Iran's nuclear program would be a part of the arrangement along with some level of permitted uranium enrichment linked to the defined civil nuclear program.

A number of actions have been taken to encourage the parties to agree that the nuclear negotiation

makes good sense as the beginning of a process leading to a general security settlement of which the nuclear agreement would be the first and perhaps most important step.

From the Iranian side, through the good offices of Oman, this process to date has included acceptance of a confidential agreement to conduct unpublicized, bilateral talks with the United States beginning in early 2013, on the nuclear question. According to some reports, a dozen such meetings took place leading to the introduction of ideas and work which helped shape the final JPOA. Indeed, they constitute a diplomatic device for the resolution of other remaining questions where it is essential to develop out of the public eye early agreement between the United States and Iran.

On the non-Iranian side, a combination of actions has brought the negotiations closer to agreement. For over 30 years, the United States and others have followed programs of economic sanctions against Iran, both unilateral and through the United Nations Security Council. They have been complemented by a program of political isolation which also had the impact of reducing Iranian influence in the international community. Iran during the period of the administration of President Ahmedinejad also pursued misguided economic policies which served later to heighten the impact of the external sanctions. The sanctions were based on multiple objectives, including changing Iran's internal policies impacting the civil and human rights of its own population, attitudes and actions taken by Iran in the region related to the Arab-Israeli peace process and support for organizations deemed by the United States and others as terrorist. Some had professed to believe or hoped that the sanctions alone would produce changes in Iran's nuclear program; others strongly doubted that would happen and looked to the negotiations brought about in part by the sanctions and other steps noted above to achieve that end.

Throughout the period of the last five years, there has been discussion of the potential use of military force against Iran, particularly should it actually develop a nuclear weapon. Israel has figured prominently among the states discussing such actions based on conclusions in Israel that Iranian hostile attitudes toward Israel would lead to the use of such weapons against Israel, posing an existential threat. The United States has clearly preferred negotiations to treat with the issue, but has made clear that "all options are on the table", indicating that it would be prepared in the final analysis to use force to block acquisition of a nuclear weapon by Iran. Undoubtedly, all of these factors in some combination have had an influence on Iran and its decisions regarding negotiations.

According to annual reports to the Congress by the US Director of National Intelligence based on "high confidence", beginning in 2007 and continuing, Iran has *not* made a decision to make a nuclear weapon. What is clear, however, is that in the course of pursuing its civilian nuclear program, Iran has been able to develop the technology, personnel, knowledge and capacity to build a nuclear weapon should such a decision be made in the future.

In Iran, this series of developments regarding its isolation and pressures against it as well as in its nuclear program were complemented by an electoral process in the summer of 2013. The Supreme Leader accepted the nomination of six candidates, one of whom, Mullah Rouhani, ran on a platform of negotiating on the nuclear question with the objective of bringing Iran back into the international community, ending the sanctions and reforming economic policies. He won on the first ballot with over 50 percent of the popular vote and has received support from the Supreme Leader for his policies, including nuclear negotiations, since his election and as recently as December 2014. There is no doubt that part of the commitment on the Iran side to an early conclusion is based on the critical factor that an agreement on limitations on Iran's nuclear activity – consistent with its civil program and intentions – would bring sanctions relief and the benefits to Iran of moving back into the international community and perhaps to a larger role in the region.

The Negotiating Process

The JPOA included a series of steps regarding sensitive areas of Iran's nuclear program and limitations on them for an initial period of six months beginning on January 20, 2014 and ending on July 20, 2014. Associated sanctions relief was also provided. This paper will not go into detail on these issues, but they constituted a mutually acceptable first step to deal with the most immediate issues from the perspective of both sides. These steps have been open to extension and indeed two extensions have taken place so far as a result of a failure to reach full agreement on a comprehensive nuclear arrangement, but also in light of considerable progress made. The latest extension is formulated with two goals: March 2015 for the arrival at agreement of all major issues and July 2015 for the completion of a treaty text incorporating those major agreements. Beginning almost immediately following January 20, 2014, the parties have met at various levels – Foreign Ministers, political directors and technical experts - to work out a comprehensive agreement. Early agreement was reached on the scope of the arrangement and the issues to be addressed. The parties then set out their views on these questions. In May 2014, they began the more difficult part of addressing how the agreement should be set out in detail. Most observers see five or six major subject areas for the negotiations – limitations on uranium enrichment, dealing with plutonium, monitoring and inspection, past actions of Iran to be dealt with by the UN's International Atomic Energy Agency (IAEA) under the rubric of Possible Military developments (PMD), sanctions relief and the duration of the agreement. By November 24, 2014, at the end of a second extension, a third extension was agreed and the issues had been narrowed down the questions of how much enrichment of uranium would be permitted and which and how rapidly the sanctions would be removed and how long the agreement would last.

A Comprehensive Security Settlement

While a nuclear agreement covering the scope and permitted activities within Iran's civil nuclear program in return for sanctions relief is now seen as both a pre-requisite for and a path toward a more comprehensive settlement of all or most of the other outstanding non-nuclear issues, significant uncertainties remain regarding how such might proceed.

At this stage, it might be useful to set forward some general ideas of the scope of such a challenge and ways to address dealing with it.

One of the immediate issues has to do with whether the parties will also address other issues in the comprehensive nuclear agreement. The United States has for many years been committed to keeping the negotiations exclusively focused on the nuclear question. One concern was that if other issues had been joined, the agreement could have taken the form of trading off concessions on the nuclear questions for gains in other areas, something to which the United States has been opposed. With growing pressure from Israel and the Congress to deal with ballistic missile activities in Iran, this opposition has been reduced. On the Iranian side leading up to 2013, there was clearly an interest in including other issues in the nuclear negotiations, perhaps under the impression that a better deal for Iran on a wide set of issues could be achieved that way. This changed in 2013. Iran has made it clear it seeks early sanctions relief and does not want to broaden the negotiations, presumably on the basis that more time will be required if the negotiations are complicated by the addition of other questions.

The catalogue of additional questions is long. How to address these numerous questions – set out below- and in what format and order remains unknown. Also, some of them are bilateral between Iran and the US and will require the revival or re-use of the bilateral approach used in 2013.One approach is to consider as the next priority some of the regional questions on which there is an assumption about or real indications of areas of potential common agreement – such as in

Afghanistan and Iraq – or on which both parties could play a very significant role in reaching a conclusion in an urgent matter such as Syria.

Less likely as a beginning point for discussions are a series of steps that might both build confidence and lead to a resumption of more continuing and direct diplomatic contacts. These include communications arrangements for de-conflicting naval forces in the Persian Gulf and northern Indian Ocean, an "Incidents at Sea" type agreement on naval sailing practices in meeting situations such as were negotiated in the 1970s between the Soviet Union and the US, hot lines, enhanced cultural and sports exchanges, direct civil aircraft connections, improved visa regimes, and the setting up of a US Interests Section in the Swiss Embassy in Tehran to complement the Iranian Interests Section in the Pakistan Embassy in Washington.

There are long-standing differences between both parties in seeking resolution of the financial and other consequences of the changes in Iran in 1979 which might be expedited and brought hopefully to an early, if necessary, negotiated conclusion. There is a bilateral US and Iranian forum established in the Netherlands as a result of the Algiers Accords of 1960 for this purpose and there have been some accomplishments in this regard in the past.

Behind all of these challenges and many more - the above list is only a short illustration - are the major issues related to the attitudes and approaches of the parties to each other and how they can begin through actions to satisfy each other that their worst fears regarding regime change and nuclear intentions are misplaced and can be dealt with. While direct negotiations and discussions of these central underlying areas of difference or mistrust have not been posited yet, it is clear they will need to take place. The depth of misunderstanding is significant enough that reassurances given, even at the highest levels, will not be sufficient to overcome differences. It will only be through: (1) clear intent by the parties, and particularly Iran and the United States, to address the full range of areas of difference; (2) agreements on how to move forward on these questions over time; and (3) faithful, full and complete implementation of commitments made by each side in the course of such negotiations under appropriate, full measures of international inspection, monitoring and control, that the issues can be fully resolved and a new course of action bringing about full mutual respect for sovereignty, independence and the territorial integrity of all parties can be achieved.

Beyond the bilateral concerns, there is an urgent need as well for regional involvement. Many tensions have grown up regarding the role and place of Iran in the future of the region. Saudi Arabia and the other states of the Gulf Cooperation Council (GCC) as well as Israel harbor deep suspicions about Iran and whether it will seek a hegemonic role in the region; and whether the United States is inadvertently or otherwise facilitating this development of part of its current strategy of seeking to close off any nuclear weapons threat. In the end, they should all be participants in broad negotiations on these issues, along with Iran and a number of states from the wider region. One can envisage an OSCE- type organization and one in the region perhaps devoted to mutual security. Proposals have been made and are being pursued to create a Middle East Weapons of Mass Destruction Free Zone in and through the United Nations across the entire area and for reductions in conventional weapons to build security and stability in the area.

Each of these developments could, while engaging different parties and pursuing different objectives, contribute to building confidence in the security of the region, reducing suspicions and tensions, and at the same time involve the parties in a wider degree of cooperative development, institutionally and substantively. No one believes that they must wait until absolutely everything is agreed before all can be agreed. On the other hand, making progress through increasing numbers of steps could well apply the idea that all must be agreed at each step or stage before anything is agreed. And whether in the future larger combinations of actions could be included in a single

negotiating format also remains to be worked out by the appropriate parties and should at least be left on the table for consideration.

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