



NEGOTIATIONS ON IRAN'S NUCLEAR DEAL: A NEED OF STUDY

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Introduction

International negotiations usually involve multiple parties acting in specific contexts with divergent objectives, priorities, cultures, and personalities. The complexity and ambiguity generated by the potential number of interacting variables, including parties, roles, relationships, goals, interests, alternatives and constraints, are the key challenges in understanding international multiparty negotiations and developing a coherent theory. The current paper investigates the negotiations between Iran and the UN Security Council's five permanent members (US, France, UK, China, Russia) plus Germany (P5+1) to limit Iran's nuclear program for the next decade in exchange for gradual sanctions relief. The main purpose of this study is to define and validate a framework that integrates and expands previous theoretical models, based on four basic elements and three contextual factors, for understanding and analysing the negotiations between Iran and the P5+1 on Iran's nuclear program. The second aim is to assess whether the framework can be generally applied to identify and isolate the potential number of interactive variables involved in most multiparty international negotiations.

This study is motivated by the fact that more than a decade of nuclear gridlock between Iran and the West that seemed to be unchangeable, ended with a successful agreement. This utilizes the uniqueness of the case and importance to understand what factors determines when this type of deal is, or is not, agreed upon. Iran had pursued a nuclear program for decades and the ambition for nuclear energy and weapons had, as a result, continually challenged the international community. This sets out to address the areas related to Iran's nuclear preferences and the responses from the international community together with the views from different scholars on the field of Political Science. It further presents an overview

of what has been written on the topic and what different perspectives and approaches that exist on the nuclear deal itself and the reasons behind it.

Keywords: Multiparty Negotiations, International Negotiations, Negotiation Process, Negotiation Outcome, Iran, US, Middle East.

Background

Iran has nuclear programs that could potentially provide Tehran with the capability to produce both weapons-grade highly enriched uranium (HEU) and plutonium—the two types of fissile material used in nuclear weapons. (In addition to the production of weapons-grade nuclear material, a nuclear weapons program requires other key elements, such as warhead design and reliable delivery systems. Statements from the U.S. intelligence community indicate that Iran has the technological and industrial capacity to produce nuclear weapons at some point but the U.S. government assesses that Tehran has not mastered all of the necessary technologies for building a nuclear weapon.¹

A November 2007 National Intelligence Estimate assessed that Iran “halted its nuclear weapons program” in 2003, ⁸ but the estimate and subsequent statements by the intelligence community also assessed that Tehran was keeping open the “option” to develop nuclear weapons. Then Under Secretary of State for Political Affairs Wendy Sherman explained during an October 3, 2013, Senate Foreign Relations Committee hearing that Iran would need as much as one year to produce a nuclear weapon if the government made the decision to do so. Tehran would have needed two to three months of this time to produce enough weapons-grade HEU for a nuclear weapon.

Safeguards under IAEA

IAEA Safeguards The IAEA’s ability to inspect and monitor nuclear facilities in, as well as to obtain information from, a particular country pursuant to that government’s comprehensive safeguards agreement has been limited to facilities and activities that have been declared by the government. Additional Protocols to IAEA comprehensive safeguards agreements increase the agency’s ability to investigate undeclared nuclear facilities and activities by increasing the IAEA’s authority to inspect certain nuclear-related facilities and demand information from member states. Iran signed such a protocol in December 2003 and agreed to implement the agreement pending ratification. However, following the 2005 breakdown of limited agreements with the European countries to suspend uranium enrichment, Tehran stopped adhering to its Additional Protocol in 2006. Subsidiary arrangements to IAEA safeguards agreements describe the “technical and administrative

procedures for specifying how the provisions laid down in a safeguards agreement are to be applied.”² Code 3.1 of Iran’s subsidiary arrangement to its IAEA safeguards agreement requires Tehran to provide design

information for new nuclear facilities “as soon as the decision to construct, or to authorize construction, of such a facility has been taken, whichever is earlier.”

Joint Plan of Action (JPA)

The JPA, also widely known as the JPOA, essentially froze most aspects of Iran’s nuclear program to allow time to negotiate the JCPOA. When the JPA went into effect in January 2014, Iran had enough uranium hexafluoride containing up to 5% uranium-235, which, if further enriched, would have yielded enough weapons-grade HEU for as many as eight nuclear weapons.³ The total amount of Iranian LEU containing 20% uranium-235 would, if it had been further enriched, have been sufficient for a nuclear weapon. After the JPA went into effect, Iran either converted much of that material for use as fuel in a research reactor located in Tehran (called the Tehran Research Reactor), or prepared it for that purpose. Iran diluted the rest of that stockpile so that it contained no more than 5% uranium-235. Tehran’s uranium conversion facility is not set up to reconvert the reactor fuel to uranium hexafluoride.⁴ According to a November 14, 2013, IAEA report, Iran had generally stopped expanding its enrichment and heavy water reactor programs during the negotiations leading up to the JPA.

Negotiations under JPA

Round	Time & Place	Remarks
1st	18–20 February 2014 Vienna	The first round of negotiations was held at the UN's centre in Vienna from 18 to 20 February 2014. A timetable and framework for negotiating a comprehensive agreement was achieved. ⁵
2nd	17–20 March 2014 Vienna	Diplomats from the six nations, Ashton and Zarif met again in Vienna on 17 March 2014. A series of further negotiations were to be held before the July deadline. ⁶
3rd	7–9 April 2014 Vienna	"World powers and Iran have agreed to hold a new round of nuclear talks in Vienna on April 7–9 after two days of "substantive" discussions in Vienna on Tehran's contested work. ⁷

4th	13–16 May 2014 Vienna	Both sides intended to begin drafting a final agreement, but made little progress. A senior U.S. official said "We are just at the beginning of the drafting process and we have a significant way to go," while Iranian Deputy
5th	16–20 June 2014 Vienna	"with substantial differences still remaining" The negotiating parties will meet in Vienna on 2 July 2014. Under Secretary Sherman noted after the talks that it was "still unclear" whether Iran would act "to ensure the world that its nuclear program was strictly meant for peaceful purposes." ⁹
6th Final Round	2–20 July 2014 Vienna	Nuclear negotiations between Iran and the P5+1 group started in Vienna on 2 July 2014, to break a deadlock in the nuclear talks with Iran, but their joint efforts failed to advance the negotiations as "There has been no breakthrough". ¹⁰

Joint Comprehensive Plan of Action

The JPA stated that a JCPOA would include a “mutually defined [Iranian] enrichment programme with practical limits and transparency measures to ensure the peaceful nature of the programme.” Specifically, Iran and the P5+1 would, in a JCPOA, reach agreement on permanent, comprehensive sanctions relief in exchange for restrictions- “for a period to be agreed upon”—on the “scope and level” of Iran’s enrichment activities, the capacity and location of Iranian enrichment facilities, and the size and composition of Tehran’s enriched uranium stocks.

The JPA acknowledged that Iran’s right to the peaceful use of nuclear energy under the nuclear Non-Proliferation Treaty (NPT) would be part of a comprehensive solution, but shied away from stating that uranium enrichment is part of this right. The JPA stipulated that an enrichment program in Iran would have defined limits and transparency measures. The Obama Administration applied to Iran its interpretation that the NPT does not contain an explicit right to enrichment. A senior Administration official explained on November 24,

2013, that “the United States has not recognized a right to enrich for the Iranian government, nor do we intend to. The document does not say anything about recognizing a right to enrich uranium.”¹¹

Nuclear Program Provisions under JPA12

Under the JPA, Iran agreed to refrain from “any further advances of its activities” at the Natanz commercial-scale facility, Fordow facility, and Arak reactor. Tehran was also required to provide the IAEA with additional information about its nuclear program, as well as access to some nuclear-related facilities to which Iran’s IAEA safeguards agreement does not require access. The JPA required Iran:

Centrifuge Limits: To refrain from feeding uranium hexafluoride into its installed centrifuges that were not previously enriching uranium, to replace existing centrifuges only with “centrifuges of the same type,” and to produce centrifuges only to replace damaged centrifuges. Tehran was also required to refrain from installing additional centrifuges at the Natanz facility. Iran was permitted to use its previously operating centrifuges in the Natanz commercial facility and the Fordow facility to produce enriched uranium containing as much as 5% uranium-235.

Level of Enrichment Limits: To only enrich uranium up to 5% uranium-235. Tehran was also to dilute half of its stockpile of uranium hexafluoride containing 20% uranium-235 to no more than 5% uranium-235. The rest of the uranium hexafluoride containing 20% uranium-235 was to be converted to uranium oxide for use as fuel for the Tehran Research Reactor. Iran also agreed to refrain from building a line in its uranium conversion facility for reconvertng the uranium oxide back to uranium hexafluoride.

LEU Stockpile Limits: To, in effect, freeze the amount of stocks of enriched uranium hexafluoride containing up to 5% uranium-235.

Centrifuge R&D: To continue its “current enrichment R&D Practices” under IAEA safeguards, “which are not designed for accumulation of the enriched uranium.” This provision prohibited Tehran from producing enriched uranium hexafluoride containing more than 5% uranium-235.

Additional Monitoring: The JPA provided for additional IAEA monitoring of the enrichment facilities by allowing IAEA inspectors to access video records from those facilities on a daily basis. Previously, inspectors did not access such records daily (and the video is not streamed in real time to the agency).

Arak Reactor: Iran pledged to refrain from commissioning the reactor, transferring fuel or heavy water to the reactor site, testing and producing additional reactor fuel, and installing remaining reactor components. Tehran was permitted to continue some construction at the reactor site and to produce some reactor components off-site. Iran also agreed to refrain from reprocessing spent nuclear material and building a reprocessing facility.

Additional Pledges/Information: The JPA reiterated previous Iranian statements “reaffirming that under no circumstances will Iran ever seek or develop any nuclear weapons.” In addition, Iran was to provide the IAEA with other information, such as plans for future nuclear facilities, even though Iran was already required to provide some of this information by code 3.1 of Iran’s subsidiary arrangement to its IAEA safeguards agreement. Iran also provided IAEA inspectors with “managed access” to its centrifuge assembly workshops, centrifuge rotor production workshops, centrifuge storage facilities, and uranium mines and mills.

R & D and the Nuclear Weapons

In addition to addressing Iran’s ability to produce fissile material, the JCPOA contains other provisions intended to render Iran unable to produce a nuclear weapon. For example, the agreement indefinitely prohibits specific activities “which could contribute to the design and development of a nuclear explosive device.”¹² Neither Iran’s comprehensive safeguards agreement nor its additional protocol explicitly prohibit these activities. As noted, the U.S. government assesses that Tehran has not mastered all of the necessary technologies for building a nuclear weapon. In addition, for 15 years Iran is to refrain from “producing or acquiring plutonium or uranium metals or their alloys” and “conducting R&D on plutonium or uranium (or their alloys) metallurgy, or casting, forming, or machining plutonium or uranium metal.” Producing uranium or plutonium metals is a key step in producing nuclear weapons.

Related Research- Resolving Questions of Past Nuclear Weapons

The IAEA has concluded its investigation of the outstanding issues concerning Iran’s nuclear program. According to IAEA reports, the agency has evidence that Iran may have conducted work relevant to nuclear weapons, such as research about a nuclear payload for missiles. U.N. Security Council resolutions required Iran to resolve these questions by providing full information to the IAEA, and the agency has held regular talks with Iran to chart a path forward. But past reports from Amano to the agency’s Board of Governors said that, although the IAEA could verify that there was no diversion of nuclear material from

Iran's declared nuclear facilities, it could not conclude that no nuclear weapons-related activity was taking place in the country.

The significance of resolving these issues for ensuring that Iran's current program is for purely peaceful purposes is unclear. Former IAEA Deputy Director General Olli Heinonen argued during a July 2014 Senate hearing that gaining full understanding of Iran's past suspected nuclear weapons program is important for determining that Iran is not reconstituting that program and also for determining the probability that Iran will use a future centrifuge program to produce nuclear weapons.¹³

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- Listed in Annex I of the JCPOA, these activities are designing, developing, acquiring, or using computer models to simulate nuclear explosive devices
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