



# Diplomacy Can Work: The Iran Deal and Its Consequences for a Nuclear-Weapon-Free World

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After 12 years of negotiations, diplomats concluded a deal on Iran's nuclear program in this city on July 14. Originally a European initiative in 2003, the negotiations were overtaken in 2005 by the P5+1, the five permanent Security Council members and Germany, along with the European Union. While multilateral from the start, the final result was an achievement of bilateral negotiations between Iran and the US.

There are many explanations for why this deal, officially named the Joint Comprehensive Plan of Action or the JCPOA, was possible today and not 12 years ago. The main reason, without any doubt, is the political will, created first by the presidential election of Barack Obama in 2009 and in 2013 by Hassan Rouhani. The Obama administration's determination to find a diplomatic compromise overruled the regime change policy of his predecessor, and a newfound primacy of negotiations overshadowed the drive toward a military option. The promise of President Rouhani to solve his country's economic problems through creating an opening toward the West paved the way toward overcoming Iran's animosity towards the US.

### *Not Everybody Supports the Deal*

The European Union, Russia, and China all support the deal, as strong voices in favor of its rejection are virtually absent. In Iran, the Supreme Leader, Ali Khamenei, and the Speaker of the parliament, Ari Larijani, both hardliners, support the deal. Cautious opposition comes from the Revolutionary Guard Corps. The United States is divided. Congress has fought for a say in the matter and the deal will be brought to a vote on September 17. Congressional Republicans are against it; the Democrats are divided. If Congress rejects the deal, Obama will veto it. His veto can be overruled if two thirds of both houses in a final vote reject the deal. Right now, the odds are in Obama's favor. While US scientists have come out in support of the deal, the Jewish organizations in the US are divided. In a recent Quinnipiac poll, 55 percent of Americans were in favor of the deal.<sup>1</sup>

In the Middle East, the situation is tense. Iran and Saudi Arabia have been vocally adversarial. Nevertheless, the Gulf Cooperation Council, which includes Saudi Arabia, supports the deal. Israel's prime minister is still a fierce opponent, but both the intelligence services and the army have cautiously spoken in favor of the deal, which they view is a net increase to Israel's security. Wendy Sherman, the head US negotiator, has gone as far as to claim that the deal will bring peace to the Middle East. There are, indeed, those that see the rapprochement between Iran and the US as a step towards a solution of the Syrian crisis.

### *A Success for Nuclear Diplomacy*

Nuclear diplomacy is carried out on the basis of the Nuclear Non-Proliferation Treaty, the NPT. Overall, the Iran case has strengthened the treaty. Proliferation can be contained by peaceful means. The continued negotiations have effectively hindered the use of the military option, which has been on the table—by both Israel and the United States—since at least the 1990s.

In the long term, the success or failure of NPT-diplomacy will depend on what happens to the deal itself. The best proof will be a successful implementation of the restrictions and agreed-upon verification measures. A smooth implementation will build confidence and certify that Iran respects the requirements of the international community. In this respect, Iran becomes a test-case for nuclear non-proliferation diplomacy, the final results of which we will first know after fifteen years.

### *The JCPOA: A New Norm?*

The deal imposes a number of restrictions on Iran's nuclear sector. The number of centrifuges will be radically reduced and their modernization through research and development restricted. A ceiling will

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<sup>1</sup> [http://vop.org/wp-content/uploads/2015/08/Assessing\\_the\\_Iran\\_Deal\\_Report.pdf](http://vop.org/wp-content/uploads/2015/08/Assessing_the_Iran_Deal_Report.pdf)

be imposed on uranium enrichment, both in terms of degree and of quantity. Surplus nuclear material above the ceiling will be exported to Russia. The plutonium route to nuclear weapons will be closed as the Arak heavy water reactor will be redesigned. Underground enrichment facilities at Fordow will become a non-nuclear research facility.

The first consequence of these restrictions has been the fear by some non-nuclear NPT-states that the restrictions on uranium enrichment or plutonium reprocessing will create a new standard. These fears were strongly voiced at the first IAEA Board of Governors' meeting that took place after the deal had been concluded, on the 25<sup>th</sup> of August. While the JCPOA actually states that it has no prejudicing effect, these states fear that in the long run, this may be the case. If this happens, the deal would enhance the non-proliferation regime by tightening the control on those that already enrich uranium.

Iran could also be used as a model for future proliferators. The Iran case documents all the problems with clandestine activities. Nevertheless, it is also a model for how peaceful nuclear programs approach military dimensions. Consequently, potential proliferators could use Iran as a model for, if not for accessing nuclear weapons, at least on how to become a threshold state.

### *The Right to Enrich*

The core issue in the negotiations has been the right to enrich. Iran claims that this is its right according to the NPT and has fought for this right, both for itself and for other countries. Historically, the US has been opposed to any enrichment by Iran. The Europeans, particularly the Germans, have been more flexible. The negotiations have, consequently, been about this right, whether it exists independently of the safeguard provision of the IAEA and how it is to be defined.

The NPT 's provision of the signatories' inalienable right to peaceful uses of nuclear technology is generally interpreted to include the whole fuel cycle, i.e enrichment. The EU countries had been very firm on this position in the early negotiations of the NPT. The US maintains that there is no inherent right to enrich, as enrichment is not explicitly mentioned in the treaty. On the other hand, experts maintain that what is not explicitly prohibited is allowed. Due to this conflict, the JCPOA only talks about the right to peaceful uses, not about the right to enrichment.

The agreement accepts that Iran has an enrichment capacity. Although limited and only applicable to Iran, this, undoubtedly, will be a proliferation concern. As a consequence, the focus of the NPT in the coming years will be to prevent the spread of enrichment technologies to countries aspiring to an indigenous nuclear power capability. President George W. Bush suggested that enrichment technologies could be accessed only by those countries that already have it. This would be in line with the historic NPT decision to allow the right to nuclear weapons to all those that already had these weapons, but not to others. The Nuclear Suppliers Group, which sets the rules for the export of nuclear technologies, never accepted this principle.

### *A Stronger IAEA*

The verification regime is strict. Iran will sign the Additional Protocol but the inspections far exceed Additional Protocol requirements. The nuclear facilities will be under surveillance on a 24-hour basis. There will be " managed access" to military facilities, one of the most sensitive and contested points of the deal.

If Iran does not agree to an inspection, a Joint Commission will deal with the IAEA request. The Commission has a total of 24 days to solve the problem, a fact many have interpreted as giving the Iranians a possibility to clean the premises. The sampling in some sensitive facilities will be done by Iranians, a fact that has raised many eyebrows, especially among the US opposition. The IAEA

inspectors underline that if nuclear material is involved, it will be detected and sampling by Iranians will be under IAEA's control.

The verification regime of the JCPOA will be a veritable challenge to the IAEA. It can be exploited to increase awareness of the Additional Protocol. If more signatory countries sign and ratify the protocol, proliferation activities will be easier to detect. The protocol was developed after the failure to detect the Iraqi nuclear program—with only the comprehensive safeguard agreement in place—in the late 80s. Investigating “possible military dimensions” in the future will require new approaches at an organization traditionally only engaged in whether declared nuclear material has been transferred to military uses.

### *Nuclear Prestige*

The problem with nuclear technology is not only its military use in nuclear weapons and the role the weapons play in national security strategies; it is also a question of national pride and international prestige, an element that one could even refer to as “nuclear nationalism.” This is no insignificant aspect when looking at nuclear proliferation.

The prestige attached to nuclear weapons and nuclear technology is an unfortunate fact of life for all non-proliferation efforts. There have been proposals on how to change the situation, all of them so far unsuccessful. Delegitimizing nuclear weapons has been one line of thought. The International Red Cross has declared the weapons as contrary to humanitarian law and has been instrumental in focusing attention to the humanitarian consequences, not only of the use of these weapons but also to the deleterious health effects on millions of people due to nuclear testing.

On the institutional level, there are proposals to add non-nuclear states, such as Germany, to the permanent membership of the Security Council in order to dilute the power image of nuclear weapon states.

A further policy has been to ignore or to keep silent on the prestige aspects of the weapons. For example, the State Department, when anticipating Chinese tests, tried to promote the view that developing nuclear weapons was technically unimpressive. The policy President Clinton followed in the aftermath of the Indian and Pakistani tests was to avoid public statements that the countries' motives was prestige.

Iran has no doubt reached its prestige goals. The early proposals from the West did not allow for any enrichment, not even a singular centrifuge. During the 12 years of negotiations, the number and quality of the centrifuges has gradually increased, in spite of international pressure and sanctions. Iran has shown that it can master the most advanced technologies, a reality perhaps best reflected in the exclamation of the Iranian Science Minister that “The West has accepted [a] nuclear Iran.”

It is difficult to estimate how many more nuclear non-weapon states might aspire to the prestige of nuclear technologies. But the Iran case makes it very clear that one of the factors preventing the abolition of nuclear weapons is the privilege of belonging to this exclusive technology club.

### *The Middle East Nuclear Weapon-Free Zone*

In 1995, the NPT became a permanent institution with the precondition that there would be efforts toward creating a weapons-of-mass-destruction-free zone (WMDFZ) in the Middle East. At the NPT Review Conference in 2010, it was agreed that a conference on the topic would be held before the end of 2012. When this did not take place, the 2015 Review Conference considered a resolution to hold a conference by March 2016, though this proposal was rejected and the conference ended without a document.

Despite negotiations for a WMD-free zone are independent from the Iran negotiations, there is a connection. A successfully implemented Iran deal might build significant confidence in diplomatic

nonproliferation measures, which then creates new space for foreign policy initiatives, as traditional patterns of alliances are challenged. If this transpires, the JCPOA would have a great impact on regional security, as existing nuclear-weapon-free zones are effective counterproliferation means.

### *A World Free of Nuclear Weapons*

The Joint Comprehensive Plan of Action is a small step towards a world free of nuclear weapons. It has, until further notice, reduced the risk of proliferation in the Middle East. The alternative—no deal—would have carried with it a much greater risk of proliferation. It is also an example of how nuclear diplomacy can work in a multilateral context. States do change their behavior, when regime change is not on the table.

The fear of the US Congress and the Israeli prime minister is that the end of the deal will mean increased risk of proliferation, as all nuclear infrastructure in Iran will not be destroyed. Instead of focusing on “after the deal,” one should focus on “during the deal.” What happens during the next fifteen years will have a great impact on the after-perspective. Iran has, according to the IAEA, followed the rules of the Interim Deal approved of in November 2013. There is so far no reason to believe this would not be the case with the JCPOA.