



*The IAEA's Resolution Provides a New Window
of Opportunity for Direct US-Iran Negotiations*

Hooshang Amirahmadi
hooshang@amirahmadi.com

On September 24, the Board of Governors of the International Atomic Energy Agency (IAEA) adopted a tough resolution on Iran's nuclear programs. It declares Iran in non-compliance with the Non-Proliferation Treaty (NPT) and calls on the country to either change course to the satisfaction of IAEA or face the United Nations Security Council for even tougher measures. Although the "trigger" resolution has no set date, Iran is told to comply by the next Board meeting in November in order to avoid such an eventuality. Iran characterized the resolution as "political" and said that it will not give in to pressure, but at the same time officials are calm, trying to keep doors open. It must be noted that referral of Iran to the Security Council will require another round of voting by the Board.

Of the 35 members of the Board, 22 voted for and one against the resolution. The remaining 12 abstained, including Russia, China, and South Africa. The vote for the resolution by India, who is not even a signatory to the NPT, surprised and dismayed Iran the most. Traditionally, the Board has adopted most of its resolutions by consensus rather than by vote. Unable to arrive at a common position, the US-EU coalition forced the Board into a divided vote that is guaranteed to reduce the Agency's effectiveness. It is almost certain that the next time, too, there will be no consensus and the Board will vote. Although by then the Board's composition will slightly change in Iran's favor, the resolution makes it hard, if not impossible, for Iran to satisfy the majority.

In drafting the resolution, the US-EU coalition does not seem to have been interested in giving Iran an opportunity to resolve the remaining issues with the Agency. Rather, the language used suggests that the resolution is designed as a trap so that Iran will have no option but to meet its opponents in the Security Council, and perhaps beyond. The trap is anticipated to work because the "hard line" government in Tehran is not expected to back down from its position as set forth in the speech by President Ahmadinejad at the UN two weeks ago. The US has for long hoped to see Iran reported to the UN not because the IAEA's authority to deal with Iran is limited, but because the UN could authorize sanctions and allow for the use of force.

After paying lip service to Iran's "inalienable right" to peaceful nuclear technology, and to the "good progress" made in "Iran's correction of the breaches," the resolution deplors "Iran's many failures and breaches of its obligations to comply with its NPT Safeguards Agreement," and declares the country in "non-compliance" with the Safeguard Agreement of the NPT. It also finds that "the history of concealment of Iran's nuclear activities" and "the resulting absence of confidence that Iran's nuclear programme is exclusively for peaceful purposes have given rise to questions that are within the competence of the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security." The UN path is further justified because "the Agency's legal authority to pursue the verification of possible nuclear weapons-related activity is limited."

The resolution then proceeds to make stringent, and significantly, unprecedented demands from Iran, which Iran must comply with under duress. More than a year ago, President George W. Bush suggested that "rogue" states should not be allowed to enrich uranium even for peaceful purposes, although the NPT currently gives them that right. Last August, during the NPT Review Conference in New York City, the EU joined the US in the effort to make the NPT and the IAEA's Safeguard Agreements more intrusive and change it along the line suggested by President Bush. They failed after the Non-Aligned group put up a fierce resistance to the idea. Those same US-EU demands are now incorporated in the resolution against Iran. The West found a back door to implement its idea.

Specifically, the resolution demands that Iran: (1) implement transparency measures “which extend beyond the formal requirements of the Safeguards Agreement and Additional Protocol, and include access to individuals, documentation relating to procurement, dual use equipment, certain military owned workshops and research and development locations;” (2) “re-establish full and sustained suspension of all enrichment-related activity;” (3) “promptly ratify and implement in full the Additional Protocol;” and (4) “return to the negotiating process that has made good progress in the last two years (with England, France, and Germany) to build confidence. Iran does not deserve this colonial-era resolution. Even if it did conceal some of its nuclear activities in the past, such “breaches” did not amount to “diversion” from the NPT. Iran, as evidenced by the various IAEA reports, has also cooperated with the Agency in the last 30 months to address the crisis of confidence in its nuclear programs and intentions.

While Iran should comply with demands that do not clash with its rights, accepting the package will not be possible for the Ahmadinejad Government, particularly now that he has raised the preservation of Iran’s nuclear technology to the level of Iran’s oil-nationalization struggle in the 1950s. Iran could follow the wishes of its radical elements and ignore the “unacceptable” demands of the resolution, threaten retaliatory measures such as withdrawing from NPT or not implementing the Additional Protocol, agitate the Non-Aligned nations whose rights are similarly threatened, lobby friendly countries for support, and then take its chance with the next Board vote. Alternatively, it could listen to the moderates and return to the negotiation table with the EU trio, twist arms, buy time, and implement some of the demands incrementally, and others conditionally to avoid the UN. Iran is expected to adopt a mix of the two approaches, but none of the options would send the ball to the court of Iran’s opponents, or resolve the crisis.

If Iran cannot comply with the resolution in full, in which case its opponents will not rest the case, then only a bold move that addresses the root cause of the dispute could help Iran avoid confrontation at the next IAEA meeting, at the UN in subsequent months, and directly with the opponents if the problem persists. In my humble opinion, the problem lies in the conflict between the US and Iran, and as such, it is a political problem in the first place. In the absence of that conflict, the Iran nuclear crisis would not have arisen, certainly not in its present narrow form. Consider the Islamic Republic of Pakistan, a country that has developed the nuclear bomb, propagated and supported the Taliban, harbored Al-Qaeda, and is a hotbed of Islamic radicalism and drug traffickers from Afghanistan. Yet, the Pakistani Government is one of the closest US allies in the region and receives significant US aid money. One wonders why?

Iran could indeed also be a friend of the US if it was not perceived as a threat to the American interest and to the US friends in the region, including Israel. It does not matter if the threat perception is real; as long as that perception remains, no permanent solution can be found to the nuclear crisis, and confrontation between Iran and the US will intensify. However, and as is popularly known, the nuclear issue is only one among the many non-dissectible factors that trouble US-Iran relations. As such, there is only one and only one permanent solution to the crisis: America’s direct involvement in the nuclear negotiations with Iran. It is only unfortunate that the countries and organizations involved, including Europe and the UN, are ignorant of this fact, or unwilling to seriously mediate between Washington and Tehran.

The direct talk approach is particularly called for in a situation where Iran’s intentions are more at dispute than its actions. Iran has the right to uranium conversion and enrichment for peaceful applications, but its past behavior has given rise to suspicion about its ultimate intention, which the US claims is to build nuclear weapons. There are three possibilities: the suspicion is real, the suspicion is misperception, or the suspicion is political. As things stand, the true nature of the suspicion remains unknown to the international community, and given that no mechanism exists to detect Iran’s intention, the dispute will persist. The only real solution is, therefore, to adopt a mechanism that ensures good intentions as opposed to an approach that is set to verify intentions or punish a suspected intention.

From the perspective of Iran's opponents, the only sure way for Iran to prove that its intentions are honest is to forego its inalienable right to conversion and enrichment, in which case it can receive fuel from outside world for its nuclear energy plants. Iran rightly views this demand as excessive and is not willing to pay the heavy price it is being asked, for a suspected intention. Iran is particularly dismayed that the demand comes without significant incentives. The last time that the EU trio provided Iran with an "incentive package," it was so minimal that Tehran considered it as an "insult." Iran also points out the fact that it cannot rely on the outside world for fuel, as there is no international treaty or any guarantee that the fuel will be permanently supplied. The American proposal to create an international nuclear fuel bank is a welcome step in the right direction. However, the current nuclear crisis with Iran cannot wait on its implementation.

Objectively speaking, neither Iran nor the US has better options than direct talk in a situation where their armies are in stone-throwing distance from each other. The strategic imperative for Washington arises from the fact that the regime in Tehran is relatively stable, oil prices are high and volatile, US problems in Iraq and Afghanistan persist, and the American domestic situation requires immediate attention following the Katrina and Rita hurricanes. The growing anti-war sentiment in the US is another constraint on the Bush Administration for waging another preemptive war. Iran is also a bigger country with powerful weight in the oil market, Iraq, and Afghanistan. The Iranian people will also support a US-Iran dialogue while they will be naturally against a US military operation against their country. Similarly, powerful American circles have expressed support, even after the adoption of the resolution, for a US-Iran engagement.

Tehran has also reasons to consider direct negotiations with the US. It must be clear to the Islamic regime by now that as long as the tension with the US exists, it cannot make major advances in economic development or international relations. American sanctions and diplomatic pressures have already cost Iran dearly, and it is possible that the UN Security Council can be convinced to expand such sanctions in a multilateral direction. Unless reversed, US-Iran relations are moving toward confrontation, an eventuality that will not serve Iran's interests. While America is under stress from the situations in Iraq, Afghanistan and elsewhere in the Muslim world, as well as from domestic problems, the US still has the most awesome military power ever existed and a resolute determination to confront enemies hardly matched by any nation. A confrontation with the US will further isolate Iran as the vote this week in Vienna indicated. While wars cannot build, they surely can destroy!

The US-Iran talk could take bilateral or multilateral formats, and must engage the key players, including Europe, Russia, India, and China. The North Korean model could be duplicated with of course due attention to the specific nature of the dispute between the US and Iran. The talks must address the key concerns of both parties and beyond. However, as in the case of North Korea, it must initially focus on making sure that Iran will not proliferate. Because intentions are not verifiable, there has to be a mechanism that ensures good intentions. Assuring Tehran that the US will not adopt a policy of regime change, providing Iran with security guarantees, and opening the road to economic cooperation are aspects of such mechanism. If this framework is successfully utilized, the crisis over Iran's fuel cycle will become a secondary issue, and Tehran could be allowed to exercise its inalienable right to peaceful nuclear technology. However, the time is of the essence, and to ignite the process, the key is in the US hand, now that the tough resolution has made it impossible for Iran to make a negotiation gesture to the US.

Hooshang Amirahmadi is a Professor and Director of the Center for Middle Eastern Studies at Rutgers University, and President of the American Iranian Council. www.amirahmadi.com