

Masters in International Affairs (MIA)

Academic year 2018 - 2019

The Nuclear Negotiation with Iran IA086 - Spring - 6 ECTS

Course Description

The discussion of Iran's nuclear file presents the most complex and iterative cycle of deliberations on the future of the nuclear nonproliferation regime and the regime of sanctions. The class will offer perspective on this complex cycle of negotiations from various academic perspectives and from the perspective of diplomatic practice by drawing on the experience of the longest serving EU negotiator on the EU team: Stephan Klement, who has participated in the diplomatic negotiations with Iran from 2004 up until the July 2015 JCPOA. Three main aspects of the negotiation will be assessed. First, we will review the changing organization of the negotiation team itself, as the deliberation moved from the IAEA Board of Governors to the EU3+3 and then to the UNSC and the P5+1, so as to assess how these organizational changes weighted on the process and outcomes. Second, we will contextualize Iran's violations of its IAEA's Agreement within the longer history of the NPT regime, so as to consider whether Iran's case was treated differently by the institutions in charge of monitoring the regime, the IAEA and the UN Security Council in particular. Third, the class will present insights on how the issue of sanctions designation and implementation was addressed during the deliberations, so as to assess the zones of complementarity and conflict between the nonproliferation regime institutions and the institutions in charge of monitoring flows of financial assets that may be related to nuclear proliferation (US Treasury, UNSC Iran sanction committee; financial intelligence units, the FATF).

> PROFESSOR

Gregoire Mallard and
Stephan Klement
gregoire.mallard@graduateinstitute.ch

Office : MdP-P1-531
Phone : +41 22 908 44 62

Evaluation

Students will be evaluated based on class participation (20%) and their performance in a group scenario-making exercise (40%), as well as a final paper (40%).

Syllabus

Classes :

WEEK 1: Friday February, 22, 2019 : Introduction

2:15 pm-4 pm : Introduction of class objectives, schedule of classes and syllabus

Friday March 1: The Origins of the Iranian Nuclear Program

2:15 pm-4 pm : class with Farzan Sabet

William Burr. 2009. "A Brief History of U.S.Iranian Nuclear Negotiations." *Bulletin of the Atomic Scientists* 65(1):21-34.

Jacob Darwin Hamblin. 2014. "The Nuclearization of Iran in the Seventies." *Diplomatic History*, Volume 38, Issue 5, 1 November 2014, Pages 1114–1135.

Leopoldo Nuti. 2017. "The Making of the Nuclear Order and the Historiography on the 1970s," *The International History Review*.

Farzan Sabet. 2017. "The April 1977 Persepolis Conference on the Transfer of Nuclear Technology: A Third World Revolt Against US Non-Proliferation Policy?," *The International History Review*.

WEEK 2: Friday March 8, 2019 : The Making of the Nuclear Nonproliferation Order and the Definition of Non-Compliance

2:15 pm-2:15 pm :

Mallard, Grégoire. 2014. *Fallout : Nuclear Diplomacy in Age of Global Fracture*. Chicago : University of Chicago Press. Skim it, and read especially Chapters 1 and 8.

Dupont, Pierre-Emmanuel. 2013. "Compliance with Treaties in the Context of Nuclear Non-Proliferation: Assessing Claims in the Case of Iran." *Journal of Conflict and Security Law*. 1-50.

Read primary materials:

State Department. 2010. The Non-Proliferation Treaty with Comments.

WEEK 3: Friday March 15, 2019 : The Making of Sanctions in the Iran Nuclear Negotiation : Defining What Works

12:15 pm-2 pm :

Esfandiary, D. and M. Fitzpatrick. 2011. "Sanctions on Iran: Defining and Enabling Success." *Survival* 53(5): 143-156.

Miller, N. 2014. "The Secret Success of Nonproliferation Sanctions." *International Organization*. 68(4): 913-944.

Parsi, Trita. 2017. *Losing an Enemy - Obama, Iran and the Triumph of Diplomacy*. Yale University Press. Chapters 7, 10, 11 and 12.

And read debate about the book here : https://issforum.org/roundtables/10-7-iran?utm_source=Trita+Parsi+Email+List&utm_campaign=2088f7b8c2-EMAIL_CAMPAIGN_2019_02_12&utm_medium=email&utm_term=0_f8832a7e78-2088f7b8c2-256499857

Read primary materials:

UNSCRs 1737, 1747, 1803, 1835, 1929

Recommended

Giumelli, F. 2013. "How EU sanctions work: A New Narrative." *Chaillot Papers*, 129.

Fayazmanesh, S. 2003. "The Politics of U.S. Economic Sanctions Against Iran." *Review of Radical Political Economics* 35: 221-240.

Solingen, E. (ed.). 2012. *Sanctions, Statecraft and Nuclear Proliferation*. Cambridge: Cambridge University Press.

Mueller, John and Karl Mueller. 1999. "Sanctions of Mass Destruction." *Foreign Affairs*.

2:15 pm-4 pm : Presentation of the SanctionsApp by Thomas Biersteker

Case study: analysing what the SanctionsApp says about Iran sanctions: did they work or not?

Download the SanctionsApp:

[http://graduateinstitute.ch/home/research/centresandprogrammes/international-governance/research-projects/UN Targeted Sanctions/sanctionsapp.html](http://graduateinstitute.ch/home/research/centresandprogrammes/international-governance/research-projects/UN_Targeted_Sanctions/sanctionsapp.html)

WEEK 4: Friday March 22, 2019 : The Iranian Negotiation: Narratives from Insiders

2:15 pm-4 pm :

Sherman, Wendy. 2018. *Not for the Faint of Heart: Lessons in Courage, Power, and Persistence*. Washington : Public Affairs.
Selection of Chapters.

EI Baradei, Mohammed. 2011. *The Age of Deception : Nuclear Diplomacy in Treacherous Times*. New York : Metropolitan Books. Extracts from Chapters 5 and 9.

Mousavian, Seyed Hossein. 2012. *The Iranian Nuclear Crisis : A Memoir*. Washington: Carnegie Endowment for International Peace. Extracts from Chapters 2 and 4.

Also watch the documentary: Iran's Nuclear Deal:

<https://www.youtube.com/watch?v=KbWEfWcSgu8>

WEEK 5: Friday March 29, 2019 : Before and After Sanctions: From 2003 to 2006 and from 2013 to 2015

2 classes with Stephan Klement

2:15 pm- 4 pm : The Beginning and Growth of EU nuclear diplomacy

Pouponneau, Florent and Frédéric Mérand. 2017. « Diplomatic Practices, Domestic Fields, and the International System: Explaining France's Shift on Nuclear Non-Proliferation », *International Studies Quarterly*.

Read primary materials:

Paris Agreement of November 2004 (INFCIRC 637)

IAEA Board of Governors Report (February 2006)

Communication by the French resident to the IAEA (July 2006)

UNSCR 1696 (2006)

4:15 pm-6 pm : The Successful End: The JCPOA, continuity or departure with the NPT?

Samore, Gary et al. 2015. *The Iran Nuclear Deal: The Definitive Guide*. Harvard University: Belfer Center.

Read primary materials:

Joint Plan of Action (November 2013)

United Nations Security Council Resolution (UNSCR) 2231, which includes the JCPOA, with Annex 1 on restrictions in nuclear activities & monitoring, Annex 2 on sanctions', Annex 3 on nuclear cooperation.

IAEA Board of Governors Report (February 2017)

Other resources here: <https://www.iaea.org/newscenter/focus/iran>

Questions: Try to identify differences between the NPT and the restrictions in Annex 1? And the benefits offered in the JCPOA in Annex 3 compared to the NPT?

April 5, 2019 : NO CLASS

WEEK 6: Friday April 12, 2019: Negotiating Styles in the Iranian Nuclear Negotiation (Date TBC, it may be Saturday May 4)

2 classes with Stephan Klement

2:15 pm-4 pm : Negotiating styles or why the EU was a capable consensus-builder

Limbert, John. 2009. *Negotiating with Iran: Wrestling the Ghost of History*. NY: US Institute for Peace. Chapters 1, 3, 4, 6.

Jervis, Robert. 2013. "Getting to Yes with Iran: The Challenges of Coercive Diplomacy." *Foreign Affairs*.

Bipartisan Policy Center. Principles for *Negotiating with Iran*. http://bipartisanpolicy.org/wp-content/uploads/sites/default/files/BPC%20Iran%20Paper%20Negotiating%20Principles_4-9.pdf

4:15 pm-6 pm : Future perspectives for the JCPOA : Worst-case scenario planning

Planning different shades of trouble : What are the worst cases scenario for the JCPOA ?

We will divide the class into five groups, representing the EU, the US, Iran, Russia and Israel. Each group will try to organize worst-case scenario planning and define a range of bad options from which to choose from. Then, they will start planning negotiating positions.

Friday April 19, 2019 (NO CLASS)

April 26, 2019: NO CLASS (SPRING BREAK)

WEEK 7: May 3, 2019: A New Regime Protecting the Integrity of the Global Financial System

2:15 pm-4 pm :

Grégoire Mallard. 2019. "Governing Proliferation Finance: Multilateralism, Transgovernmentalism and Hegemony in the Case of Sanctions Against Iran." *Oxford Handbook on International Economic Governance*, edited by Eric Brousseau, Jean-Michel Glachant and Jérôme Sgard.

Zarate, J. 2013. *Treasury's Wars: The Unleashing of a New Era of Financial Warfare*. New York: Public Affairs. Extracts.

Szubin, Adam. 2015. "Beyond the Vote: Implications for the Sanctions Regime in Iran." Address at the Washington Institute for Near East Policy, September 16.

Financial Action Task Force. 2008. Typologies Report on Proliferation Financing. <http://www.fatf-gafi.org/media/fatf/documents/reports/Typologies%20Report%20on%20Proliferation%20Financing.pdf>

US State Department. 2015. Frequently asked questions about the JCPOA, August 7.

US State Department. 2015. Guidance relating to the continuation of sanctions relief pursuant to JCPOA, August 7.

Recommended

Serrano, Monica and Paul Kenny. 2003. "The International Regulation of Money Laundering." *Global Governance*. 9(4): 433-439.

Mitsilegas, Valsamis and Bill Gilmore. 2007. "The EU Legislative Framework against Money Laundering and Terrorist Finance: A Critical Analysis in Light of Evolving Global Standards." *The International and Comparative Law Quarterly*, 56(1): 119-140.

WEEK 8: May 10, 2019: The Aftermath of Trump's Decision to leave the JCPOA: Investing in and trading with Iran, a Necessary but Complicated Task for the Europeans?

2:15 pm-4 pm : Presentation by Farzan Sabet

Esfandiyar Batmanghelifj and Axel Hellman "Mitigating US sanctions on Iran: the Case for a Humanitarian Special Purpose Vehicle." https://www.europeanleadershipnetwork.org/policy-brief/mitigating-us-sanctions-on-iran-the-case-for-a-humanitarian-special-purpose-vehicle/?mc_cid=bcbabeaf34&mc_eid=5b1392af17

Grégoire Mallard, Farzan Sabet and Jin Sun. 2019. "The Future of the International Trade of Vital Goods in Sanctioned Jurisdictions: A FinTech Solution to the Current Problem of Payments." Under Review. Graduate Institute, Geneva.

Jonathan Brewer, "The Financing of Nuclear and other Weapons of Mass Destruction Proliferation," Report published by CNAS. <https://www.cnas.org/publications/reports/the-financing-of-nuclear-and-other-weapons-of-mass-destruction-proliferation>

WEEK 9: Friday May 17, 2019: The US Exit from the JCPOA and Its Aftermath : Dealing with Uncertainty in the Age of Trump (Date TBC, it may be Saturday May 18)

2 classes with Stephan Klement

2:15 pm-4 pm : Delivery of Worst-Case Scenario Planning and conclusion (Group Work)

Five groups : US / EU / Iran / Russia / Israel (15 minutes each)

4:15 pm-6 pm : The difficult position of the EU in the post-JCPOA Era, what next?

WEEK 10: Friday May 24, 2019: Lessons Learnt from Iran to Address other Issues : The DPRK Case

2:15 pm-4 pm : Presentation by Jin Sun.

See the documents and UNSCRs sanctioning the DPRK:
<https://www.un.org/securitycouncil/sanctions/1718>

Read three out of nine reports published by the DPRK panel of experts:
https://www.un.org/securitycouncil/sanctions/1718/panel_experts/reports

Stephan Haggard and Marcus Noland. 2017. *Hard Target: Sanctions, Inducements, and the Case of North Korea*. Stanford : Stanford University Press. Read selection of chapters.

4 :15pm-6pm : Discussion of Student Paper Topics

Friday May 31, 2019. No Class.