

Diplomatic Means of Resolving the International Dispute: Case of Iranian Nuclear Program

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Abstract

The purpose of this article is to explain the necessity of resolving the conflict with Iran through diplomatic means and avoiding military confrontation, as much as possible and start cooperation with the state as other important regional issues concerns, which in turn is the most effective track for resolving the conflict. Moreover the article aims to serve as an example of resolving the future potential conflicts by diplomatic means as proposed in "Resolved Iranian Dispute". The main goal of this article is conceptual exploration and identification of concepts theoretically applicable in the field of international relations, as mean of building peaceful resolution on international disputes. Furthermore the enforcement of theoretical concepts to a specific and generally complex cases such as the Iranian nuclear program.

Keywords: Diplomatic Means, Iran Nuclear Program, Peaceful Resolution

1. Introduction

For more than three decades, the United States (as a leader of western countries) has relied more heavily on the pressure track than on the diplomatic track of its "dual-track" Iran policy. After the presidential election in Iran is a right time for a reexamination of the United States' policy approach, even while Iran continues to expand its nuclear program.

Although by their nature, negotiations take time, the US should make clear to Iran to understand that the time for diplomacy is nearing its end. Stopping in progress more quickly toward making Iran a de facto state with nuclear weapons requires important diplomatic action, quick and without interruptions.

This paper explains and analyzes the steps of resolving the case of Iran nuclear program, the proposals of the parties and the failure to reach a resolution. Moreover this paper explains and analyzes the step by step Russian proposal and silence on these proposals by the Western countries. In this article will be discussed the impact and effectiveness of the Security Council Resolutions against Iran who has approved six resolutions as part of international efforts to address Iran's nuclear program.

2. The Steps toward Resolution

Diplomatic initiatives to resolve the Iranian nuclear issue have produced several proposals for a negotiated settlement, or to build confidence between Iran and the international community. So far, none of these proposals have not been accepted by all parties involved (except the last agreement), so efforts to address Iran nuclear program still are ongoing.¹

One of the reason to reject the proposals by interested parties is that the multilateral negotiations are more difficult to reach agreement when it comes to deal with many subjects, values and interests, which with their diversity of consensus or agreement it makes very difficult to be accepted generally by all parties involved in negotiations.²

¹ Devenport, Kelsey, History of Official Proposals on the Iranian Nuclear Issue, Arms Control Association, January 2014, http://www.armscontrol.org/factsheets/Iran_Nuclear_Proposals, 19.03.2014.

² Bashkurti, Lisen, Negociatat, Historia, Teoria, Praktika, Tetovë, 2010, pg. 7.

While Iran progressed continuously in its nuclear program, the difficulties in finding a compromise to the parties involved, which would prevent Iran to possess nuclear weapons as something unacceptable for Israel as well for US were increased obviously. Teheran in the interval time 2003-2005 had drafted a number of proposals, some of which included provisions to limit nuclear operations at its main facilities and the implementation of transparency measures for its nuclear activities.¹

While other negotiating party (France, Germany and the United Kingdom- EU3) in the same time interval mentioned above, had offered to Iran some proposals to resolve the nuclear issue during the negotiations. Later the diplomatic game had joined China, Russia and United States as part of a format known as the "P5 +1", whose at the same time are the permanent members of the UN Security Council, plus Germany, which provided approximately similar comprehensive proposals for Iran. This truck P5 +1 negotiations with Tehran regarding these proposals is perceived as a way of a "dual strategy" to address Iran's nuclear program. The second way, which had been followed by the P5 +1 consists of Security Council Resolutions that impose sanctions on Iran and demand to suspend all activities related to uranium enrichment and reprocessing and building heavy water reactor. But it can be said that recent initiatives are more focused on short-term measures of building the confidence and not in the solution of the nuclear issue, in order to overcome the deficit of trust between the two parties before entering into the more difficult and long-term negotiations.²

Very important in resolving the issue through diplomatic means it is which party takes the diplomatic initiative, as parties often reluctant to take such a step in order to maintain the prestige and failure to submit. In Iran's case referred to Karl Rove (White House deputy chief of staff to President George W. Bush), who had received a copy of a secret proposal by Iran to negotiate with the United States in early May of the year 2003.³

This is also confirmed by Tim Guldemann, former Swiss ambassador to Tehran, where he said that Iran made a proposal to the United States in May 2003 calling for negotiations on a range of contentious issues between the two countries. This document contained a number of points on the agenda that the two countries will negotiate and, simultaneously, the proposal to establish three parallel working groups to carry out negotiations on disarmament, regional security and economic cooperation.⁴

Among the key points of this proposal was the removal of all US sanctions against Iran, banning US hostile behavior against Iran, the lifting of the status of Iran in the relationship to the US as the "axis of evil ", cooperation to stabilize Iraq, full transparency on the Iranian nuclear program, including the Additional Protocol, cooperation against terrorist organizations, acceptance by Iran of the Arab League Declaration constituted as " Land for Peace ", in 2002, dedicated to Israel and Palestine, full access to Iran-nuclear peaceful technology, chemical and bio-technology, prevention of any material to support the Palestinian opposition groups (Hamas, Jihad etc.) from Iranian territory, pressure on these organizations to stop violent actions against civilians within borders of 1967, conversion of Hezbollah in a simple political organization.

The Bush administration rejected the proposal in favor of placing additional pressure on Iran.⁵

If we analyze the proposals above in detail, and if same proposals it would be treated more seriously by the United States for sure the case of Iran it will take another direction from what it is today; and other tools will be probably unnecessary to turn Iran in the right direction in that the west wanted. China, Russia and the United States along with the three countries in June 2006 EU3 offered another proposal for comprehensive negotiations with Iran. The proposal reflects some of the previous offers for negotiations⁶ but Tehran rejected the terms of the proposal because the proposal demand that Iran to

¹ Devenport, Kelsey, History of Official Proposals on the Iranian Nuclear Issue, Arms Control Association, January 2014, fq,3-5, http://www.armscontrol.org/factsheets/Iran_Nuclear_Proposals?page=54ros,19.03.2014.

² Ibid, pg. 7.

³ Porter, Gareth, Rove Said to Have Received 2003 Iranian Proposal, 17.02, 2007. <http://www.antiwar.com/orig/porter.php?articleid=10535>, 16.03. 2014.

⁴ Devenport, Kelsey, History of Official Proposals on the Iranian Nuclear Issue, Arms Control Association, January 2014, http://www.armscontrol.org/factsheets/Iran_Nuclear_Proposals,19.03.2014.

⁵ 2003_Spring, Iran Proposal, google.search, 02.02. 2014.

⁶ Elements of a proposal to Iran, as approved on 1 June 2006 at the meeting in Vienna of China, France, Germany, the Russian Federation, the United Kingdom, the Unites States of America and the European Union, European, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/reports/90569.pdf, Council, Council of European Union, S202, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/reports/90569.pdf 26. 03.2014.

suspend its uranium enrichment activities, but he noted that the proposal contained some "useful elements for a constructive approach".¹

If Western Countries had had accepted Iranian proposals, Iran will certainly cooperate in point, which had declined, and certainly that Khomeini's regime would be returned politically from the West and that it will cooperate in point, which had been rejected before. One of the reasons why Iran would cooperate even at this point has to do with it exactly the after military intervention by the US- United Kingdom coalition in Iraq, Iran had expressed willingness to reestablish the relations with the United States indirectly intentionally to be supported by USA to remain major regional power. After the election of US President Barack Obama, he began abandoning the previous policy of the United States, asking Iran for fulfilling the requirements of the UN Security Council to suspend nuclear fuel cycle, and urged the P5 + 1 to issue a statement that five other countries welcomed "the new truck of US policy towards Iran", calling for the resumption of talks officially once again.²

3. Step by step Russian Proposals

During a speech in Washington, Russian Foreign Minister Sergei Lavrov publicly proposed a "road map", which will need to be followed by the 5 + 1, those proposals have not contained details, but its main elements are described by former head deputy of Iran's top nuclear negotiator Hossein Mousavian. According to him:

First step- Iran should limit uranium enrichment in Natanz, will not install any additional centrifuge and prevents production of advanced centrifuges, while the P5 + 1 will suspend some of the sanctions imposed by the UN, including financial sanctions shipping inspections.

Step 2- Iran will give design information to the IAEA concerning its enrichment levels up to 5% and should allow greater monitoring of the IAEA on its centrifuges, while the P5 + 1 will suspend UN sanctions and gradually unilaterally will lift sanctions.

Step 3- Iran must implement the Additional Protocol adopted by the IAEA, while the P5 + 1 will suspend all UN sanctions in further stages.

Step 4- Iran shall suspend all activities related to uranium enrichment for the next three months, while the P5 + 1 will remove all sanctions and begin to implement a program to stimulate the cooperation proposed by the P5 + 1 group.³

P5 + 1 have not expressed public opposition, to the Russian proposal, but some of them do not even have supported it publicly.⁴

Analysis of this diplomatic truck suggested that has often this way had given proper results in settling international disputes. Example we can mention diplomatic way of practicing step by step diplomacy by Kissinger after the war of 1973, which has had positive results not only in terms of tactical positive result but as well as strategic one. Through this way has reached bilateral agreements with Egypt, which has changed drastically regional politics for 25 years and the other, where the Arab countries and Israel have maintained in a cold peace, which we can say that there has been success in this direction.⁵

The truck and methods followed in the resolution of the Iran case, based on the logic of the proposal gives to understand that the intensity and Russian diplomatic strategy relies more on "giving carrot" than in "the use of the stick".

4. Impact of Security Council Resolution on Iran

¹ Devenport, Kelsey, (202) 463-8270 x102, *Timeline of Nuclear Diplomacy With Iran*, January 2014, 202) 463-8270 x102, <http://www.armscontrol.org/factsheet/Timeline-of-Nuclear-Diplomacy-With-Iran>, 22.02. 2014.

² Arms Control Association, Fact Sheets & Briefs, http://www.armscontrol.org/factsheets/Iran_Nuclear, 13/02/2014.

³ Kei, Helen&Bryan Lee, G8 or SCO, *Which Way to Go?, NTI, Building a safer world*, 06.07. 2012, <http://www.nti.org/analysis/articles/g8-or-sco-which-way-go/>, 02.02. 2014.

⁴ Sadri, Mohammad, Iran – P5+1: *What Happened from Moscow to Almaty?*, Iran Riview, Saturday, 23.02. 2013, <http://www.iranreview.org/content/Documents/Iran-P5-1-What-Happened-from-Moscow-to-Almaty-htm>, 02.02. 2014.

⁵ Bordeaux Parke, Richard, *The October War: A Retrospective*, University Press of Florida, 2001, pq.301.

An International Monetary Fund mission led by Mr. Abdelali Jbili, Assistant Director in the Department of the Middle East, completed a review of economic developments in Iran and held discussions with the authorities policies under the IMF's annual consultations with Iran. The mission noted that during the past three years, Iran has achieved one of the highest rates of growth in Eastern Region East-North Africa against the background of increasing openness to international trade and investment, economic reforms and stable prices oil. General economic situation in 2002/03 has been favorable, with high growth and broad-based real GDP, a drop in the unemployment rate for the first time in recent years, lowering international debt, and increasing international reserves. The mission welcomed progress in economic reform in some areas, including trade liberalization, establishment of private banks, the adoption of the law of foreign direct investment, amendment of the tax law and the preparation of the reforms underway in some other areas.

Security Council of the United Nations adopted six resolutions as part of international efforts to address Iran's nuclear program. The key demand of the Council was that Iran must suspend its program of uranium enrichment, as well as to take some concrete measures affecting confidence building by the International Atomic Energy Agency (IAEA), including the review of its building, heavy water reactor and ratification of the Additional Protocol to the IAEA. Council initially filed these calls with a non-binding statement of the Security Council adopted in March 2006. Almost all resolutions were adopted under Chapter VII of the Charter of the United Nations, making provisions legally binding resolutions against Iran, and that all resolutions were adopted as a result of the failure of previous resolutions. Four of them include a series of progressive sanctions on Iran, Iranian individuals and legal entities. Sanctions represent a track with a "dual approach", followed by the five permanent members of the Council and Germany (P5 + 1) to address Iran's nuclear program. Another way involves the proposal for comprehensive negotiations with Iran, which is updated on June 2008's.¹

Council Resolution 1696 calls on Tehran to suspend its enrichment program and to verify its compliance with the requirements of the IAEA Board of Governors. The resolution expresses "the intention to adopt appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations", if Iran does not cooperate the resolution warns Iran that its failure could result in sanctions of the Security Council not excluding the application of economic sanctions.²

Resolution 1737 was adopted in response to Iran's failure to comply with Resolution 1696. This resolution requires Iran to suspend uranium enrichment and to take other measures to build confidence. It also calls on Iran to ratify the Additional Protocol to the IAEA. The resolution impose sanctions on Iran, Iranian individuals and legal entities that are considered to provide support for proliferation activities of Iran. Firstly, the resolution calls upon states to exercise vigilance regarding the entry into their territories of persons engaged in nuclear activities or Iran's ballistic missiles. Second, states should freeze funds, financial assets and economic resources of certain individuals who are involved with Iran's nuclear programs. Thirdly, the resolution calls upon states to prevent the specialization and training of Iranian nationals to boost the ambitions of Iran's nuclear purposes.³

Resolution 1747 of the Security Council-this resolution was adopted as a result of Iran's failure to meet the two previous resolutions. The resolution reiterates and enhances some of the key sanctions Resolution 1737 and introduces some new measures. It requires states to prevent the entry or transit into their territories of certain individuals involved group of persons on Iran's nuclear ambitions.⁴

Unlike his predecessor, **Resolution 1835** has not been approved under Chapter VII of the UN Charter, nor envisages new provisions for Tehran must meet. Instead, he merely reaffirms four previous resolutions. It reaffirms the Council's commitment to a negotiated solution to the Iranian nuclear issue. This resolution would not describe the new sanctions against Iran or new monitoring mechanisms.⁵

Resolution 1929 imposed sixth round of sanctions on Iran. It forbids Iran to invest in nuclear and missile technology abroad, including investments in uranium mines. It creates a comprehensive arms embargo against Iran, banning the sale of tanks-

¹ Davenport, Kelsey, 202-463-8270 x.102 , 2012, http://www.armscontrol.org/factsheets/Iran_Nuclear_Proposals, 05.02. 2014.

² United Nations, Security Council, Resolution, 1696, 31.07. 2006.

³ United Nations, Security Council, Resolution 1737 31.07. 2006.

⁴ United Nations, Security Council, Resolution 1803, 03.03. 2006.

⁵ United Nations, Security Council, Resolution 1835, 27.09. 2008.

combat, armored combat vehicles, artillery systems, large-caliber, combat aircraft, attack helicopters, battleships, missiles or missile systems to Iran. Also it is forbidden undertaking any activity related to ballistic missiles at the same time it requires states to take the necessary measures to prevent relevant to ballistic missile technology to Iran. Resolution 1929 requires the Secretary General to establish a panel of eight experts who will assist the Commission in carrying out its mandate, which will make recommendations for action to the Council, the Committee or State, may also take to improve implementation appropriate measures.¹

Although most of the above Resolutions provide sanctions against Iran, where significant number of them are aimed at damaging the economy of this state, and almost successful implemented these sanctions, this path followed did not give expected results, has postponed Iran's nuclear program ahead, which the latter has bought time by long-term application of these sanctions² Fundamentally number of sanctions against individuals and legal entities against Iran has increased in much greater if we compare with North Korea. In this aspect, even though North Korea had tested a second time its nuclear weapons, however, sanctions have grown much more to Iran than on North Korea.³

Conclusions

Implementation of coercive diplomacy means like sanctions, pressure and threats of military intervention although given their positive effects have not given the expected results as to halt the progress of Iran's nuclear program and have not forced the state to decrease to the negotiating table. It may be argued that:

- a) Military threat against Iran cannot intimidate this country to sit at the negotiating table, because Iran's supreme leader knowing the pressure on his regime, has created such circumstances that the cost of military intervention is much greater than the benefits, especially because one in every five barrels of oil that flow into international markets, passing through the Strait of Hormuz, where any military action against Iran, may be block the trade in this strait, where the same time will have enormous increase of oil prices, which can quickly affect higher prices for Americans, undermining economic recovery of America's poor and the global economic crisis.
- b) Military attack on Iran would provoke a violent counterattack from Iran and Muslims in the Middle East. Iran possesses ballistic missiles with medium range, which can be filled with chemical weapons, where the first target is Israel. Iran could destabilize Iraq and also its impact on Hamas and Hezbollah, may require the latter to act militarily. Also do not cooperate on the Syria and Afghanistan case. Will be increased Russian and Chinese influence in the region. And from all these above mentioned policy makers in Iran are not afraid of a possible US attack on Iran.

The most favorite alternatives to resolve the Iranian crisis is active diplomacy. Iran must agree to limit its uranium enrichment program. The US and its negotiating partners must agree to accept Iran's peaceful nuclear program (including enrichment) and lift some of the most severe sanctions (including sanctions for trading in precious metals, European restrictions on imports oil and some banking restrictions). The US and its negotiating partners should agree on a process for the removal step by step of all UN sanctions in response to further progress.

Iran and the P5 + 1 must be agreed to a settlement under which Iran will adhere to all international nuclear conventions and safeguards agreements on nuclear program set by the IAEA. Moreover, Iran should be flexible in uranium enrichment, below 5% (percent), and this will boost the confidence of the international community that its nuclear program is only for peaceful purposes and that the state will remain free of nuclear weapons in the future. This would ensure the peaceful nature of Iran's nuclear activity. In response, the United States and other members of the P5 + 1 must agree to recognize the legitimate right of Iran to enrich uranium in accordance with the Nuclear Nonproliferation Treaty and gradually remove all sanctions. This framework can be realized in the upcoming talks through a plan step-by-step to build mutual trust between the negotiating parties.

¹ United Nations, Security Council, Resolution 1929, 09.09.2010, <http://www.armscontrol.org/factsheets/Security-Council-Resolutions-on-Iran>.

² Borszik, Olive, International Sanctions against Iran under President Ahmadinejad: Explaining Regime Persistence, GIGA German Institute of Global and Area Studies Leibniz-Institut für Globale und Regionale Studien, 260/2014, pg 20.

³ Myong-Hyun, Go, North Korea as Iran's Counterfactual: a Comparison of Iran and North Korea Sanctions, Nov. 30, no 82, Asan Institute for Policy Studies, 2013. pg 6,7.

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