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Chances and challenges for the use of secret back-channels: the case of US-Iranian negotiations – by Stefan Maetz

June 10, 2014

This paper aims to show the role that secret back-channels can play in negotiations. After a theoretical analysis of back-channel negotiations, it will examine what factors contribute to the failure of initiating negotiations, with particular reference to a proposal made by Iran in 2003 which offered the U.S. the possibility to negotiate a comprehensive agreement with Tehran. This paper then aims to take a closer look at the history of the recent diplomatic breakthrough regarding Tehran's nuclear program and the role of secret negotiations in this case.



1. Secret back-channels between the US and Iran: a story of success and failure

The diplomatic relations of the United States of America and the Islamic Republic of Iran have, since the revolution in 1979, seldom been friendly and often in a state of breakdown. To this date, both nations do not maintain official relations, but instead rely on other countries to act as intermediaries.[1] This makes negotiations between them especially difficult. Nevertheless, there are and have been attempts at reaching an agreement between the two countries on various topics, especially the perceived threat of Iran's nuclear program. Secret back-channel negotiations (BCNs[2]) have been used to a great extent in efforts to prepare and negotiate those agreements, with widely varied levels of success. The latest agreement on Iran's nuclear program, reached in November 2013 in Geneva, represents a stunning success replacing the previous impasse. Not much later, it became public that the U.S. had conducted secret negotiations on different official levels with the Iranians since 2011, and that these supposedly led to a breakthrough in the P5+1 talks.[3]

This paper aims to show the role that secret back-channels can play in negotiations. It will begin with a theoretical analysis of BCNs. Then, it will examine what factors contribute to the failure of initiating negotiations, with particular reference to a proposal made by Iran in 2003 which offered the U.S. the possibility to negotiate a comprehensive agreement with Tehran. This paper then aims to take a closer look at the history of the recent diplomatic breakthrough regarding Tehran's nuclear program and the role of secret negotiations in this case.

Given that the crucial events have not been known to the general public for very long, it is only possible to draw conclusions from the past. Thus, the latter part of the paper will be more speculative, trying to apply the lessons from past experience to the most recent events. In terms of theory, this paper will be based on the findings of Dean Pruitt and Anthony Wanis-St. John, who have dealt at length with the implications of back-channel communication for negotiations. Their conclusions and hypotheses will then be applied to



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both instances of U.S.-Iranian diplomacy.

2. State of current research

As Niall Ó Dochartaigh states, “[t]here has been a marked increase in academic attention to the use of back-channel communication in recent years”[4]. He attributes this upsurge of publications to the results of the Oslo Process, where secret negotiations led to an interim agreement between the Palestinian Liberation Organization (PLO) and the state of Israel. A large part of the recent literature[5] on the topic also focuses on the peace process in Northern Ireland. A third topic of interest in the literature is the secret communication between the African National Congress (ANC) and the government of South Africa, beginning from the 1980s that finally led to the end of the Apartheid system.[6] Among theorists on this subject, Pruitt (2008) sets his focus mainly on the flexibility resulting from secrecy, the provision of political cover, and the role of intermediaries in such negotiations. Wanis-St. John (2006) proposes four sources of uncertainty that BCNs can possibly mitigate: internal and external spoilers, the cost of entry into negotiations, uncertainties about the outcome, and the underlying motives of each party. The 2003 Iranian proposal to the U.S. is particularly well documented. Trita Parsi (2007) has conducted a number of interviews with officials and other persons involved for her book on the secret relations between the U.S., Israel and Iran. A whole chapter is devoted to the circumstances of the 2003 proposal. Furthermore, Hossein Mousavian (2012), former spokesman of the Iranian nuclear negotiating team, provides a non-Western perspective on the proceedings in his book on the Iranian nuclear crisis.[7] Also, the original proposal handed over to the U.S. by Tim Guldimmann, former Swiss ambassador to Iran, has been publicized by the press.[8] In the case of the recent diplomatic breakthrough in Geneva, on the other hand, little information about the nature and proceedings of preceding secret negotiations is available; however, there are a number of newspaper reports and background articles that describe the negotiations beginning from 2011.[9]

3. Secret back-channels and their theoretical implications for negotiations

The following section of the paper will deal with BCNs in theory. Back-channel negotiations will be defined, and their possible usage will be explained. After that, this part of the paper deals with advantages and disadvantages of BCNs.

Back-channel communication can be defined in different ways. Pruitt (2008) offers a very broad characterization as general secret communication, not limited to negotiation, taking place between “leaders of opposing groups [...] designed to foster settlement of a conflict between them”[10]. Wanis-St. John explicitly uses the term “back-channel negotiations” and narrows down this broad account to “officially sanctioned negotiations conducted in secret between the parties to a dispute”[11]. This latter definition will be used for the remainder of this paper; as both practical instances treated in this paper were dealt with mainly on the official level, the choice seems all the more fitting.

Wanis-St. John bases his arguments primarily on cases of peace talks, but there is no reason why the general logic of back-channels in the cases chosen by him should not apply as well to negotiations that do not deal (exclusively) with matters of peace and war. He also mentions the failed EU-Iran negotiations of 2004 and 2005 as an example, which dealt with a topic very similar to the talks in 2013.[12]

BCNs can be conducted in parallel with, as well as in replacement of, official or front-channel negotiations (FCNs). They may be conducted by a third party, or used to exclude such parties from influencing the negotiation outcome.[13] Furthermore, secret back-channels can be used in the phase of negotiation itself as well as in pre-negotiation, as deliberation “on the conditions for entry to front-channel talks”[14].

While secret negotiations may be conducted only bilaterally, one or more intermediaries can be employed to facilitate contact between the conflict parties and to mediate, especially in cases where the disputants are unable or unwilling to meet directly.[15] Middlemen should possess certain qualities, such as a trusted relationship with both conflict parties, high-level access to each side, and the ability to keep the channel secret, which present unique problems. Depending on the length of the communication chain, there is a danger that information gets distorted or interpreted wrongly, for instance if an intermediary is “engaging in wishful thinking about the flexibility at one or both ends of the chain”[16]. Hence, a party to the conflict may not trust the information that it receives. Since it is the aim of back-channel negotiations to create an atmosphere suitable for “frank discussion of motives and concerns”[17], a lack of trustworthy information about another party to the conflict might prove detrimental to the very goal of secret communication. Back-channel negotiations could fail because of false expectations about the other side’s stance on the issues in question.

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3.1. Advantages of secret back-channel communications

A general advantage of BCNs is the exclusion of any audience. The attention of the media and the public often leads to the conflict parties adopting positions that might generate “public approval rather than focusing on the achievement of a negotiated settlement”[18]. This is not to say that only press and public opinion can act as audiences. The respective constituents of the negotiating parties and sub-parties, their own negotiating team, and many more can fulfill this function.[19] In an example from practice, Jan Egeland, co-initiator of the Oslo talks, describes the adverse effect of an audience on official negotiations between the PLO and Israel, which were held in parallel to the secret talks in Oslo: “The parties in the official and public sessions in Washington appeared to spend almost 100 percent of their time blaming one another”[20]. He states that the parties to the conflict held “speeches to the gallery”[21], trying to achieve the approval of their respective constituencies instead of working towards a solution. Eliminating these “audience effects”[22] guarantees a certain degree of independence; it seems to increase the amount of time dedicated to substantive negotiation[23], a finding that Egeland confirms from a practical perspective.[24]

3.1.1. Mitigating costs of entering talks

Certain parties could articulate preconditions to be met by their adversaries before substantial talks can be started. If a party allows negotiations to commence before its conditions have been met, they could appear to be giving up crucial demands to their own constituency or audience. It may also be the case that the requirements to fulfill might remain unclear, since each side may not outline exact conditions for negotiations to begin. Alternately, preconditions might, whether on purpose or not, be set so high that they effectively prevent negotiations. BCNs can eliminate this barrier almost completely, by enabling the parties to “maintain an adversarial public posture while secretly seeking ways to de-escalate the conflict”[25]. Given that negotiations with adversaries can be seen as conceding legitimacy to their cause and as a demonstration of weakness or willingness to sacrifice principles, secret negotiations endanger leaders’ positions far less than official ones. It can also be politically damaging to walk out of formal negotiations without any results. BCNs can be more or less plausibly disavowed in case of them becoming public; whereas their failure will largely go unnoticed, hence limiting the possible political damage greatly.[26]

Additionally, political leaders fear to associate themselves with any negotiation, unless it is very likely that the outcome provides no political disadvantage for them. Wanis-St. John attributes this problem especially to democracies at the end of an election cycle. BCNs offer a way out of this dilemma since they dissolve the immediate connection of negotiations and political consequences. Due to secrecy, talks can be held without having to fear a direct consequence for “prestige, popularity, reputation or political office”[27].

3.1.2. Managing spoilers [28]

In any negotiation situation, there is a chance that spoilers[29] – whether within or outside a party to the conflict – may seek to influence the outcome or the decision to negotiate or not. Managing these spoilers is possible by keeping them uninformed, e.g. excluding them from back-channel talks. When kept out of the loop, spoilers have no chance to mobilize their powers and cannot influence the negotiation process. On the other hand, when groups seeking to spoil an agreement realize that they are being bypassed, they may intensify their efforts. Keeping negotiations secret from such groups can thus be a short-term solution, but may cause problems later on.[30] Indeed, this argument is one of the most persuasive points in the context of U.S.-Iran negotiations, as will be shown in the analysis of the 2003 Iranian proposal. Spoilers, especially those within a party to the conflict, can have direct influence on whether talks can commence, or if a negotiation attempt fails before any further communication can happen. As seen in 2003, spoilers can manage to block negotiations at a very early stage and effectively prevent any progress on an agreement.

3.1.3. Ascertaining underlying interests

A factor often hindering negotiations is the lack of knowledge about the adversary’s true interests and priorities, which may be quite different from its public declarations. Furthermore, it is seldom known prior to talks how flexible the parties can be on certain positions. Using BCNs, the disputants can freely talk about these topics with a lesser sense of commitment to any ideas that are developed. This would be impossible with an audience watching the negotiation process. This makes it possible to talk about creative solutions to seemingly intractable problems.[31]

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3.2. Disadvantages of secret back-channel negotiations

Several of the positive aspects mentioned above can also turn into the opposite, especially if secret talks are made public. Then, the outcome of back-channel negotiations faces the same scrutiny from the public and also the same constraints and problems that public negotiations and agreements face.

If, for example, a head of state had decided against official negotiations with an adversary since he or she feared a loss of political image since negotiation outcomes might anger certain constituents, it is likely that the revelation of secret talks or an agreement based thereof that have dealt with the same sensitive topic will lead to a loss of credibility and political image for the mentioned head of state.^[32] Today, with an increased likelihood that secret government information may be leaked to the public through various channels, e.g. whistleblowers or attacks on digital infrastructure, the conducting of secret negotiations seems all the more dangerous.

Another problem is that BCNs tend to exclude certain sub-groups and may not tackle issues that are hard to resolve. Such intractable problems might be directly associated to sub-groups and may be avoided when those groups are not involved in the negotiations. On the one hand, this might be used as a deliberate strategy. Excluding certain sub-groups that insist on the implementation of hard-to-resolve issues, which might be a deal-breaker for another party to the conflict, could make an agreement possible in the first place. On the other hand, if an agreement excluding such issues materializes and is made public, the implementation could meet resistance from sub-groups. Pruitt (2008) brings up the Oslo agreement in this regard. He states that the Israeli settler issue had not been included in the accord due to the absence of West Bank Palestinians at the table, a fact that later contributed to the failure of the agreement.^[33]

Wanis-St. John (2006) identifies another important drawback of BCNs. As goes for public negotiations, “in the context of peace processes under conditions of incremental negotiations and slow or faulty implementation”, secret talks can get stuck in endless renegotiations without ever achieving something. Also, Wanis-St. John describes feedback effects that can plague longer, incremental negotiation processes. When secret talks lead to official negotiations or agreements that are followed by further rounds of secret talks and the process becomes increasingly technical and harder to sell to internal skeptics and adversaries of the respective parties to the conflict, spoilers have time to shore up their efforts. The longer such a process takes, the stronger they can become, which in the end might enable them to “derail the process entirely” ^[34].

BCNs seem to have paradoxical effects, by making spoilers stronger instead of bypassing them under certain conditions. While there is a general understanding that secret talks are necessary to make progress against the will of hostile sub-groups, they “may actually exacerbate the very dilemmas”^[35] that they are trying to solve. The talks with Iran have been going back and forth for more than a decade now.^[36] Looking at BCNs in light of this argument might produce new insights on their effects on negotiations. It would be especially interesting to take a look at potential spoilers over time, and see if the length of negotiations and the increased use of BCNs change their strategy towards unwelcome negotiations or agreements.

4. The role of back-channels in practice: the case of U.S.-Iranian negotiations

On two different occasions, secrecy played a role in the conduct of negotiations between the U.S. and Iran. The first case is the very well documented Iranian proposal to the United States from 2003. It had been transmitted using a secret back-channel. The second case this paper will be dealing with is the major breakthrough in the nuclear program negotiations with Iran in Geneva in November 2013. The focus will be on the circumstances of the secret negotiation, and on how the theoretical implications relate to reality. The latter case will, for a lack of publicly available information, not be discussed in full detail, but conclusions will be attempted based on what may be learned from the earlier developments.

4.1. The 2003 Iranian proposal

On May 4, 2003, the U.S. State Department received a fax from the Swiss ambassador to Tehran, Tim Guldinann. It contained detailed information about the possibility that Iran could be interested in a comprehensive dialogue “with just about everything on the table, including full cooperation on nuclear programs, acceptance of Israel and the termination of Iranian support for Palestinian militant groups”.^[37] Guldinann included a cover letter where he stated that the proposal in the fax had the support even of Ayatollah Khamenei.^[38] The Supreme Leader is the final supervisor of the Islamic Republic’s foreign

policy. That would have meant that the proposal had a green light from the highest authority on the matter in Iran.[39] However, the Bush administration finally decided not to respond to this offer, and even reprimanded ambassador Guldemann for supposedly transgressing his powers.[40]

If this occasion, among other advantages, might have led to full Iranian cooperation on nuclear issues, why would the U.S. forego the chance of a comprehensive agreement?

Colin Powell, head of the State Department at that time, and Condoleezza Rice, Bush's National Security Advisor from 2001 to 2005, "favored a positive response to the Iranians". However, Defense Secretary Rumsfeld and Vice President Cheney, who were much closer to the president at that time, refused the proposal without giving it further consideration. Keeping in mind the distribution of power and influence within the administration, Rice and Powell had no chance to get the proposal even looked at.[41]

On the Iranian side, there was early awareness of "infighting and turf wars" that were characteristic for the Bush administration. Keeping this fact in mind, they used several channels to get the attention of the White House on that issue.[42] This indicates that Iranian officials already realized that there might be sub-groups on the U.S. side that could act as spoilers for the whole operation.

In this case, there was no chance to circumvent spoilers in the U.S. administration since the internal power structures dictated that they had to be informed. This reveals a fundamental weakness of this particular advantage of BCNs. When spoilers cannot be kept out of the loop and no other ways to integrate them are available, they can very easily block any proposal for an agreement. In this particular instance, it seems merely premature to talk of real negotiations, since only the transmission of a proposal had happened, but yet nonetheless this case can serve as a clear example of how the challenges of failing to maintain an appropriate level of secrecy can prevent progress.

Tim Guldemann acted as an intermediary in this case, providing a chain of communication when no direct talks were possible.[43] He seemingly fulfilled all the criteria an intermediary needed according to Pruitt.[44] As "the caretaker of U.S. interests in Iran"[45], he had a trustful relationship with both parties, additional to high-level access. His position as an ambassador and trustee of both sides also qualified him for keeping secrecy about the endeavor. His qualities as a mediator proved useless, however, as soon as the proposal was blocked by sub-groups on the U.S. side. This shows that even an ideal intermediary cannot always mitigate the influence of spoilers when they are in a powerful position.

4.2. Secret negotiations as a precursor to the successful 2013 nuclear agreement [46]

On November 24, 2013, an interim agreement of Iran and the P5+1 was struck in Geneva, granting Iran relief from sanctions in return for concessions regarding Uranium enrichment and nuclear technology. The deal will be valid for six months, in which time the P5+1 agreed not to impose any new sanctions. In the meantime, negotiations for a permanent deal are underway.[47] Not after the agreement was struck, it became public knowledge that the U.S. had held secret negotiations with Iran in Oman before the official talks took place, led by its second-highest ranking diplomat, Deputy Secretary of State William Burns.[48] It is assumed that those BCNs laid the groundwork for the success of the Geneva talks.[49]

Spoilers within the administration seem to be no problem in this case. All of the top positions within the Obama administration dealing with the issue are on the same side regarding negotiations; this is why spoilers are not expected to appear from within the government. Vice President Dick Cheney and Secretary of Defense Donald Rumsfeld have by now been replaced by Joe Biden and Chuck Hagel, whose stances on negotiations with Iran are completely different. The Vice President is one of Obama's top advisors, keeping up the pressure on Congress so that no new sanctions are passed.[50] The Defense Secretary has a history of statements indicating that he favors negotiations.[51] Also, John Kerry, now Secretary of State, traveled to Oman in 2011 to help keep the secret channel open. President Obama has already shown his willingness to negotiate in his inaugural speech in 2009.[52]

Outside of the administration, however, there are other actors who might reject a deal with Iran. The role of the U.S. Congress is very problematic in this case. Among the proponents of further sanctions, which would clearly be a violation of the Geneva agreement, are not only Republicans, but also high-ranking Democrats. Among them are Steny Hoyer, Democratic House Whip, and Robert Menendez, Chairman of the Senate Foreign Affairs committee.[53] The issue seems to be so important that the White House has threatened to veto any bill containing additional sanctions.[54] Much of the success of the current agreement with Iran and the negotiations to follow will probably depend on the Obama administration's ability to engage with and integrate Congress as being a possible spoiler. This is especially important as the Iranians seem to be very sensitive for any move coming from Washington; in December 2013, Iran's

negotiating team in Vienna temporarily left the table following a U.S. announcement to blacklist companies bypassing the sanctions.[55]

All of Congress had been supposedly kept out of the loop, according to the secret negotiating team, and some politicians expressed deep concern about this fact.[56] It cannot be ruled out that keeping Congress uninformed might have detrimental effects on the agreement in the long term. Certain senators or members of the House of Representatives could feel compelled to step up their efforts against an agreement they do not favor, hence generating the kind of negative feedback effects that Wanis-St. John postulates: the adversaries of the agreement could grow stronger and the chances of cooperation might dwindle as spoilers have time to mobilize their forces.[57]

What would have happened if the possible spoiler had known about the talks earlier? It is impossible to say that for sure, but chances are that it would have diminished the probability of coming to an agreement with Iran. Congress might have pushed for actions that would have destroyed the Iranian faith in negotiations, like the adoption of additional sanctions. Given the fact that the group of proponents of tougher restrictions on Iran in Congress is still bipartisan, even after the interim agreement was brokered, the ability of the Obama administration to keep Congress engaged and prevent it from derailing an agreement in the long run must be doubted.

5. Conclusion: The importance of being at the right time at the right place

The two cases show that the success of secret back-channel negotiations strongly depends on the circumstances. In the former case, Iran offered the U.S. a very comprehensive deal, which could arguably have avoided a lot of the tensions caused by the Iranian nuclear program today.[58] However, the proposal did not find a friendly ear in the White House. Compared to the wide range of concessions Iran offered in 2003, the 2013 deal seems rather small, but still, in this case, back-channel negotiations contributed to its success. In both cases, a strong influence of potential spoilers on the respective agreements can be seen. In secret negotiations with Iran from 2011 to 2013, internal adversaries on the U.S. side were weak enough to be circumvented precisely by keeping the negotiations secret. In addition, the internal structure of at least one of the disputants, namely the U.S., is completely different, since a new administration is in power. In 2003, not even the assistance of a trusted intermediary could help bring about a deal; internal spoilers were in such a strong position to prevent any negotiations. This tells us that the success of BCNs depends on timing and internal constitution of the parties to the conflict. Any foreign policy building upon BCNs should take that into account.

It would further be interesting to analyze the role of other possible spoilers. The Israeli government under Prime Minister Netanyahu, who had repeatedly expressed concerns about the agreement reached in Geneva, might be one such actor. Israel seems to feel betrayed by the fact that lifting sanctions was included in the interim agreement. Its demands go much further than what was actually brokered with Iran in Geneva.[59] Netanyahu may well have a reason to try and torpedo this or any future agreement. A unilateral military attack on Iran's nuclear facilities by Israel might seem unlikely, but cannot be ruled out. The effects of such an operation could very well have disruptive effects on any diplomatic effort with Iran. The question is how deep the allegiance of Israel to the U.S. is, and if Israel is willing to risk a major strain on its partnership with Washington over the issue.

Wanis-St. John (2006) developed propositions about the future of BCNs and their implications. One of them is the assumption that secret talks will lead to early breakthrough agreements. This prognosis came true with the success of the Geneva talks in November 2013. For further research, however, it would be worthwhile to take a look at the behavior of potential spoilers and see if the continued use of BCNs has any effect on it. Wanis-St. John postulated that "BCN has particular drawbacks for incrementalist peace processes". As described above, parties excluded from the talks may be able to mobilize enough resistance over time to finally derail a comprehensive agreement or to prevent its implementation.[60] Whether this will hold true for the ongoing negotiations with Iran remains to be seen.

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[1] Federal Department of Foreign Affairs, "Bilateral relations between Switzerland and Iran," accessed December 14, 2013, <http://www.eda.admin.ch/eda/en/home/reps/asia/virn/bilim.html>.

[2] The term "secret negotiations" and similar expressions are used as a synonym for BCNs in this paper.

[3] Hugh Carnegie and Geoff Dyer, "Iran deal has its roots in secret talks with the US," *FT.com*, accessed December 14, 2013, <http://www.ft.com/cms/s/0/4fc9e936-55fa-11e3-96f5-00144feabdc0.html#axzz2nU4cIKlp>.

[4] Neil Ó Dochartaigh, "Together in the middle: Back-channel negotiation in the Irish peace process," *Journal of Peace Research* 48, no. 6 (2011): 768.

[5] There have been several authors dealing with the topic earlier on. However, a focus on recent literature seems reasonable in this case. For earlier examinations of the topic, see Wanis-St. John 2006, 123.

[6] Among others, Ó Dochartaigh (2011), Pruitt (2008) and Wanis-St. John (2006) mainly work with the examples mentioned above. Carcasson and Putnam (1997) focus first and foremost on the process of negotiating the Oslo agreement.

[7] For a different point of view more in favor of the Bush administration, see IRD (2013).

[8] Tim Guldemann, "U.S.-Iran roadmap," accessed December 14, 2013, http://www.washingtonpost.com/wp-srv/world/documents/us_iran_1roadmap.pdf.

[9] See (among others) Rozen 2013) and Massoumi 2013).

[10] Pruitt, "Back-channel Communication in the Settlement of Conflict," 37; cf. also Ó Dochartaigh,

Follow

"Together in the middle: Back-channel negotiation in the Irish peace process," 769.

[11] Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 119.

[12] *Ibid.*, 127.

[13] *Ibid.*, 120f.

[14] Ó Dochartaigh, "Together in the middle: Back-channel negotiation in the Irish peace process," 768; cf. Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 123.

[15] Pruitt, "Back-channel Communication in the Settlement of Conflict," 45f.

[16] *Ibid.*

[17] *Ibid.*, 41.

[18] Ó Dochartaigh, "Together in the middle: Back-channel negotiation in the Irish peace process," 768.

[19] Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 41; Pruitt, "Back-channel Communication in the Settlement of Conflict," 123f.

[20] Jan Egeland, "The Oslo Accord: Multiparty facilitation through the Norwegian channel," in *Herding cats: Multiparty mediation in a complex world*, ed. Chester A. Crocker, Fen O. Hampson and Pamela R. All (Washington, D.C.: United States Institute of Peace Press, 1999), 527–46, 538.

[21] Pruitt, "Back-channel Communication in the Settlement of Conflict," 41.

[22] *Ibid.*

[23] *Ibid.*

[24] Jan Egeland, "The Oslo Accord: Multiparty facilitation through the Norwegian channel," in *Herding cats: Multiparty mediation in a complex world*, ed. Chester A. Crocker, Fen O. Hampson and Pamela R. All (Washington, D.C.: United States Institute of Peace Press, 1999), 527–46, 538.

[25] Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 125f; cf. Pruitt, "Back-channel Communication in the Settlement of Conflict," 43f.

[26] Pruitt, "Back-channel Communication in the Settlement of Conflict," 43f.

[27] Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 129.

[28] For the origin of the term "spoiler", see Stephen J. Stedman, "Spoiler Problems in Peace Processes," *International Security* 22, no. 2 (1997). Pruitt (2008, 48) credits Stedman (2000) with coining the term.

[29] According to Stedman, spoilers are "leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interest, and use violence to undermine attempts to achieve it" (1997, 5). The definition can be extended and applied to other fields as well; also, a restriction to force as means to prevent unwanted negotiation outcomes is not necessary. Negotiation results can also be prevented using non-violent means, for example withdrawing support for parliamentary votes.

[30] Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 127–9.

[31] Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 128; Pruitt, "Back-channel Communication in the Settlement of Conflict," 41.

[32] Pruitt, "Back-channel Communication in the Settlement of Conflict," 48.

[33] *Ibid.*

[34] Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 136.

[35] *Ibid.*, 138.

[36] For a comprehensive timeline of negotiations with Iran, see ACA, "Timeline of Nuclear Diplomacy With Iran," Arms Control Association, accessed December 18, 2013, <http://www.armscontrol.org/factsheet/Timeline-of-Nuclear-Diplomacy-With-Iran>.

[37]IRD, "Kerry's claim that Iran offered Bush a nuclear deal in 2003"; Seyyed Hossein Mousavian, *The Iranian nuclear crisis: A memoir* (Washington, D.C.: Carnegie Endowment for International Peace, 2012), 63; Trita Parsi, *Treacherous alliance: The secret dealings of Israel, Iran, and the United States* (New Haven: Yale University Press, 2007), 243.

There are three different versions of the proposal available: One is the document sent by Guldemann (2003), another is the supposed original from the Iranian side (*New York Times* 2007) written by Sadegh Kharrazi, Iranian ambassador to France at that point in time (Parsi 2007, 243), and the third is filled with annotations allegedly made by Mohammad Javad Zarif, then Iran's ambassador to the United Nations (cf. *Scribd.com* 2013; Parsi 2007, 243). The focus on this paper is not on the content of the proposal; hence the differences in the versions will not be given further consideration.

[38]IRD, "Kerry's claim that Iran offered Bush a nuclear deal in 2003"; Parsi, *Treacherous alliance*, 243f.

A report on the website *Irاندپلماسی.ir* (cf. IRD 2013) casts doubts on the honesty of the Iranian proposition. However, Parsi's research (cf. Parsi 2007, 243–57) indicates the opposite. Since the purpose of this paper is not to determine the actual value of the proposal but rather what it says about back-channel negotiations, these doubts will not be treated any further.

[39]For a description of the Supreme Leader's powers, see PBS Frontline, "Inside Iran – The Structure Of Power In Iran," PBS Frontline, accessed December 15, 2013, <http://www.pbs.org/wgbh/pages/frontline/shows/tehran/inside/govt.html>; Karim Sadjadpour, "The Supreme Leader," in *The Iran primer: Power, politics, and U.S. policy*, ed. Robin B. Wright (Washington, D.C.: United States Institute of Peace, 2011).

[40]Parsi, *Treacherous alliance*, 249; Mousavian, *The Iranian nuclear crisis*, 65.

[41]Parsi, *Treacherous alliance*, 248.

[42]*Ibid.*, 246f.

[43]*Ibid.*, 246.

[44]Pruitt, "Back-channel Communication in the Settlement of Conflict," 47.

[45]Parsi, *Treacherous alliance*, 246.

[46]For information about indications that Oman is acting as an intermediary in these BCNs, see Mitch Ginsburg, "US freed top Iranian scientist as part of secret talks ahead of Geneva deal," *The Times of Israel*, November 29, 2013, accessed December 15, 2013, <http://www.timesofisrael.com/us-freed-top-iranian-scientist-as-part-of-secret-talks-ahead-of-geneva-deal/>. Due to the fact that too little is known about the role of Oman, this will not be dealt with further.

[47]BBC.co.uk, "Iran agrees to curb nuclear activity," BBC.co.uk, accessed December 15, 2013, <http://www.bbc.co.uk/news/world-middle-east-25074729>.

[48]Rozen, "Exclusive: Burns led secret US back channel to Iran".

[49]Carnegie and Dyer, "Iran deal has its roots in secret talks with the US"; Massoumi, "Back Channel US-Iran Talks Contributed To Successful Negotiation".

[50]John Bresnahan and Manu Raju, "Joe Biden presses Senate Dems on Iran," *Politico.com*, October 21, 2013, accessed December 15, 2013, <http://www.politico.com/story/2013/10/biden-presses-senate-dems-on-iran-99168.html>.

[51]Max Fisher, "Chuck Hagel's ambiguous stance on dealing with Iran," *The Washington Post*, December 13, 2012, accessed December 15, 2013, <http://www.washingtonpost.com/blogs/worldviews/wp/2012/12/13/chuck-hagels-ambiguous-stance-on-dealing-with-iran/>.

[52]Carnegie and Dyer, "Iran deal has its roots in secret talks with the US"

[53]John Hudson and Jamila Trindle, "Key Democrat Caves to White House on Iran Sanctions," *Foreign Policy*, December 12, 2013, accessed December 15, 2013, http://thecable.foreignpolicy.com/posts/2013/12/12/key_democrat_caves_to_white_house_on_iran_san

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[54]Josh Gerstein, "Obama speaks out against more Iran sanctions," Politico.com, December 20, 2013, accessed December 21, 2013, <http://www.politico.com/politico44/2013/12/obama-speaks-out-against-more-iran-sanctions-180036.html?hp=l5>.

[55]Ynetnews, "Iran says to continue nuclear talks despite US blacklist," Ynetnews.com, December 15, 2013, accessed December 15, 2013, <http://www.ynetnews.com/articles/0,7340,L-4465632,00.html>.

[56]Bradley Klapper, "Congress raises questions about secret Iran talks," Associated Press, accessed December 21, 2013, http://hosted.ap.org/dynamic/stories/U/US_IRAN_SECRET_TALKS?SECTION=HOME&SITE=AP&TEMPLATE=DEFAULT.

[57]Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 136.

[58]Mousavian, *The Iranian nuclear crisis*, 65; Parsi, *Treacherous alliance*, 249.

[59]Ben Caspit, "Netanyahu rejects 'deal of the century for Iran'," Al-Monitor, November 8, 2013, accessed December 15, 2013, <http://www.al-monitor.com/pulse/originals/2013/11/benjamin-netanyahu-john-kerry-iran-agreement-nuke-liberman.html>.

[60]Wanis-St. John, "Back-Channel Negotiation: International Bargaining in the Shadows," 138-40.

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