

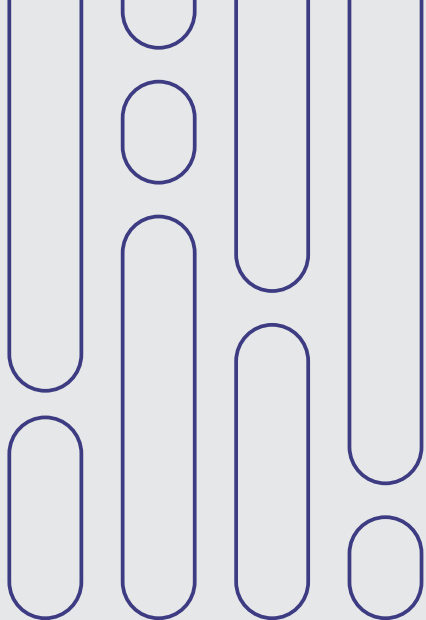
Report

IRAN CAUGHT BETWEEN THE IAEA AND THE SNAPBACK CLAUSE

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RASANAHA
المعهد الدولي للدراسات الإيرانية
International Institute for Iranian Studies



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Introduction

The International Atomic Energy Agency (IAEA) has concluded that Iran is in violation of the Joint Comprehensive Plan of Action (JCPOA) as its enriched **uranium stockpiles** continue to increase. The speculative analysis of stakeholders and experts has turned out to be correct. On May 29, the IAEA had noted that Iran's stockpile of low-enriched uranium (LEU) weighed 1,571.6 kilograms registering an increase of 550.7 kilograms in its stockpile until February 19. The JCPOA limits Iran's LEU stockpile to 202.8 kilograms. Besides, Tehran has been deliberately violating the qualitative threshold as well, by enriching **uranium** to 4.5 percent, thus exceeding the 3.67 percent limit.

The Rouhani government blames the United States for suspending the JCPOA in May 2018, forcing Iran to commit gradual **violations of the JCPOA** so that it can bargain with the United States to remove the sanctions imposed on it.

Iran's 4.5 percent LEU is not sufficient to permit it to produce a nuclear weapon unless it is increased to 90 percent. There are alleged unreported, secret enrichment sites that provide Tehran with the infrastructure to boost its LEU to meet its strategic ambitions. In March, the IAEA resumed its probe into

Iran's alleged undeclared sites, which are not mentioned in the 2015 nuclear deal. The UN watchdog reported the discovery of anthropogenic, or man-made, uranium particles in **a secret facility** built to store enriched uranium. It is situated in Turqzabad, south of Tehran.

Tehran, unequivocally, declared in January that it would disregard all JCPOA-imposed restrictions on its **enrichment activities**. However, it opted to continue to cooperate with the IAEA. While the entire world is under lockdown due to COVID-19, Iran has not banned foreigners travelling to the country. IAEA inspectors can visit Iran to **inspect sites** and return.

The new IAEA Director General , Rafael Mariano Grossi, released two **reports** on March 3, 2020. One report mentioned Iran's non-compliance was blocking IAEA investigations into sites where Iran may have engaged in undeclared nuclear activities nearly 20 years ago.

Iran wrote back to the IAEA with a strong rebuttal. It emphasized that the IAEA's information was based on **Israeli fabrications**. Iran has consistently denied **accusations** of it having such clandestine facilities.

With pressure growing on Iran to permit investigations into unaccounted suspected secret facilities, there is risk that Iran may deny the IAEA online access to its unattended but sealed enrichment monitors installed within nuclear sites for measurement recordings. As per the IAEA's last released **Safe-**

guards Implementation Report, it had 1,563 cameras connected to 940 systems operating or ready to use at 277 facilities, including Iran. Tehran to stall IAEA investigations further could use the pretext of the COVID-19 pandemic to ban foreign visitors, including IAEA inspectors.

In its recent report, the IAEA made three specific and **damning findings**:

- “Natural uranium ... had been used in particular activities at an unspecified location, and where any such material is currently located,”
- “Iran had used or stored nuclear material and/or conducted nuclear related activities ... at a location specified by the Agency,” and
- “Iran had used or stored nuclear material at another location specified by the Agency ... where activities had been observed by the Agency ... from early July 2019 onwards, that were consistent with efforts to sanitize part of the location.”

However, Iran responded to the IAEA report by referring to the JCPOA text, “the Islamic Republic of Iran will not recognize any allegation on past activities and does not consider itself obliged to respond to such allegations.”

Is the Snapback of UNSC Sanctions

Inevitable?



Tehran's violations of its JCPOA obligations are intended to create a deeper wedge between the United States and its western allies while having the support of China and Russia. With Washington's status in the JCPOA still up in the air, its unison with three other western stakeholders also known as the E-3 i.e. the United Kingdom, Germany and France, is vitally important to deny Iran access to weapons. To add insult to injury, the successful launch of the Noor-1 military satellite in April has heightened regional and global concerns about Tehran's technological capabilities and aspirations. Before complying with the JCPOA timeline to remove the UN arms embargo on Iran in October 2020, the UNSC will have to review the IAEA reports.

In addition to, the IAEA'S inquiry into the Turqzabad site, its reports about whether Iran has complied with JCPOA agreed enrichment levels or not, will be a key factor in the UNSC's eventual decision. The Rouhani government believes that Washington is no more a party to the JCPOA, thus it doesn't have the right to invoke the snapback clause, which revives all pre-2015 curbs against Tehran. There is bipartisan consensus within the US Congress to extend

the arms embargo on Iran beyond October.

The stand-off between the IAEA and Iran poses a serious diplomatic challenge, and comes at a time when the United States is embroiled in its upcoming presidential elections. Even if all the remaining five members of the JCPOA agree not to invoke the snap-back clause, the White House won't stand down. There is a likelihood that the UK will back the US and object to the complete or even partial removal of the arms embargo on Iran. However, as per the nuclear deal, none of the parties will be armed with veto power against the re-imposition of sanctions under UN Resolution 2231.

Not only will Iran quit the JCPOA if UNSC curbs are re-imposed but it is likely also to quit the Nuclear Non-Proliferation Treaty (NPT) as it has threatened on many occasions. Already, as reported by the IAEA, Tehran possesses LEU stockpiles five times more than the prescribed limit. The mistrust between Iran and the West will peak, leaving little prospect for meaningful and result-oriented negotiations.

With the IAEA taking more proactive actions ahead of the October milestone, the E-3 as well as Russia and China will have to adjust their respective policy positions. Iran, nonetheless, will play the victim card while defying JCPOA obligations. So far, it has been increasing pressure on the West by engaging in reckless behavior in the region to avert the snap-back clause.

The hawks in the United States must weigh the costs and benefits of extending the arms embargo on Iran. If it is lifted, it will not change the balance of power equations in any significant way. However, it would be a victory for Iran and a defeat for Trump while he is in the middle of his presidential campaign. .

There does exist some space for a compromise: The arms embargo could be extended for a year, and the US accepted back as a compliant JCPOA party in return for Washington lifting its unilateral sanctions on Iran. Tehran for its part would have to agree to fully comply with the JCPOA's enrichment-related clauses and hand over access to its LEU and heavy water to Russia, China or an E-3 state for a mutually-agreed timeframe. Meanwhile, the dispute resolution mechanism process should be frozen as well. Such a compromise can be a precursor to a long-term solution especially if Trump loses in the upcoming US presidential elections.



✉ info@rasanahiiis.com

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