

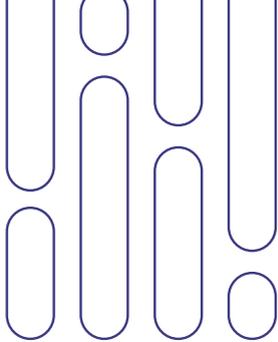
Report

Iran at a Crossroads: International Pressure Over Suspected Nuclear Sites Limits Iran's Room for Maneuver

24 June 2020



RASANAHA
المعهد الدولي للدراسات الإيرانية
International Institute for Iranian Studies



Contents

The European Move: Timing and Motivations	4
The Merits of the IAEA's Resolution.....	6
The Iranian Response to the IAEA Resolution.....	6
The Russian and Chinese Position on the Agreement	7
Conclusion	8



In an unprecedented step since the signing of the nuclear agreement, the International Atomic Energy Agency's (IAEA) board of governors called on Iran to immediately allow IAEA inspectors access to two suspected sites mentioned in previous IAEA reports. The two sites are suspected to house undeclared nuclear material and were subject to the requirements of the nuclear agreement signed in May 2015. The board adopted a resolution stating that it "calls on Iran to cooperate fully with the Agency, and to satisfy the Agency's requests without further delay, including by providing prompt access to the sites specified by the Agency." IAEA Director General Rafael Grossi said, "I think the pronouncement has been [...] I intend to sit down with Iran very soon and to try to solve this as soon as possible. I start with the ambassador here [...] and then we will see." The resolution was passed by 25 of IAEA's 35-nation board of governors. China and Russia objected, while South Africa, India, Pakistan, Thailand, Mongolia, Azerbaijan, and Nigeria abstained.

The European Move: Timing and Motivations

The resolution was based on a memorandum submitted by the three European countries that signed the nuclear agreement – Britain, France and Germany (the E3). These three countries are entitled to resort to the dispute settlement mechanism (DSM), if the signatories violate the terms of the agreement. The three countries announced on January 20, 2020 the activation of the DSM in the nuclear deal with Iran, and said that they took this step because Iran did not meet its commitments under the nuclear agreement. As set out in the nuclear agreement (in paragraphs 36 and 37 commonly known as the snapback provision), in the event of a dispute between the parties to the agreement, the DMS outlines six gradual steps to resolve the dispute.

With regard to the Joint Comprehensive Plan of Action (JCPOA) the E3 issued a [joint statement](#) via their foreign ministries. In this joint statement they reiterated their commitment to the nuclear non-proliferation regime, and to ensure that Iran does not develop a nuclear weapon. The E3 emphasized that upholding the JCPOA is critical in preventing Iran from developing a nuclear weapon. Iran has violated its JCPOA commitments in spite of European efforts to uphold the agreement, and reduce sanctions on Iran via activating INSTEX to facilitate trade between Europe and Iran. The joint statement highlighted the E3's concern over Iran's violations of its commitments under the JCPOA, and included the demand that Iran cooperate with the IAEA and comply with the IAEA resolution passed by a majority of its board of governors.

The joint statement also highlighted that the plan to lift the UN arms embargo on Iran, due to expire in October 2020, according to UN Security Council Resolution 2231, will have major implications for regional security and stability. The E3 reiterated that the European Union (EU) embargo on conventional arms and missile technology exports will remain in force until 2023.

The joint statement pointed out that the EU will not support the reimposition of sanctions (snapback), because this would be incompatible with the current efforts in coordination with China and Russia to preserve the JCPOA. However, the Europeans are convinced that they must address mutual concerns about Iran's nuclear program, its ballistic missile program,

and its destabilizing activities in the long term. The joint statement did reflect the European view that the US maximum pressure strategy is not effective, and that diplomacy is the most appropriate course, along with holding Iran accountable. At the same time, the joint statement urged Iran to preserve the success of the JCPOA by fully complying with its provisions without delay.

Although the joint statement did not support the reimposition of sanctions, it is undeniable that the Europeans contemplated invoking the DSM in January when Iran reached the fifth and final breach of its nuclear obligations. Iran violating its nuclear obligations means that it is now storing more heavy water than stipulated in the nuclear agreement, its rate of uranium enrichment and storage has increased, more than what was agreed upon, and its centrifuge number has increased. Nonetheless, the Europeans prefer simply to activate the DSM without completing the six steps, which could lead to the restoration of all UN sanctions on Iran, and the end of all benefits to Tehran arising from the nuclear agreement.

As the time to lift the UN arms embargo on Iran approaches (this October), Europeans, perhaps under American pressure, believe that there is not sufficient time to complete the DSM's steps. It is likely that the remaining steps of the DSM will take two months and five days to complete and then the Security Council will need to vote in order to restore all sanctions on Iran. This period is barely sufficient to get the Security Council's vote before the lifting of the arms embargo on Iran, which is what the United States is seeking to extend. It intends to win nine Security Council votes out of 15. In this case, the veto becomes useless.

Accordingly, the joint statement issued by the E3 as well as the resolution of the IAEA board of governors to inspect Iranian sites at this time represents a critical juncture for Iran as these developments hinder the lifting of the UN arms embargo on it, and precede the US presidential elections. Therefore, Iran either allows the inspection of its sites, thus hindering the activation of the DSM or refuses, thereby giving the Europeans a strong reason to activate the DSM. However, under the first option, Iran faces the risk that the IAEA's report will conclude that it violated the nuclear agreement. As a result, the DSM will be activated.

In both cases, there is the possibility that the nuclear agreement will collapse completely, whether the European parties withdraw from it or Iran does so in objection to the inspections under the IAEA resolution. The potential middle ground would be to avoid activating the DSM in exchange for a deal to ensure the UN arms embargo is lifted on Iran.

The Merits of the IAEA's Resolution

On June 15, 2020, the IAEA director general submitted [his report](#) to the IAEA board of governors regarding Iran's activities in light of Security Council Resolution 2231. Iran announced in January 2020 that its nuclear program "will no longer be subject to any restrictions in the operational sphere" and that it would continue to cooperate with the IAEA "as in the past." The IAEA has not observed any changes in Iran's implementation of its nuclear obligations, in connection to this particular declaration, or in the level of Iran's cooperation to in its verification and monitoring activities, under the JCPOA. The IAEA continues to verify the non-diversion of nuclear material declared by Iran under its Safeguards Agreement.

The IAEA director general also added that the Agency's investigations into undeclared nuclear material and activities are ongoing. He also expressed his concern that Iran for over four months denied the IAEA access to two locations and for almost a year, it has not engaged in substantive discussions to clarify the Agency's questions related to suspected undeclared nuclear material and nuclear-related activities at the sites. This Iranian obstruction adversely affects the IAEA's ability to resolve the questions it has and to provide a credible guarantee about the non-existence of undeclared nuclear material and activities at the two sites in question. The IAEA director general called on Iran to cooperate immediately and fully with the Agency, and to provide prompt access to the two sites specified by the Agency.

The Iranian Response to the IAEA Resolution

In a Twitter thread, Iran's Permanent Representative to International Organizations in Vienna [Kazem Gharib Abadi](#) said, "It is a deep regret that this resolution was presented by the three European States which have not taken

any concrete practical step in the implementation of their obligations under the JCPOA. This lack of willingness or inability to take practical actions in this regard, along with the unilateral, illegal and destructive measures by the US caused the future of the JCPOA to remain gloomy.” He added, “Iran voluntarily and temporarily implements the Additional Protocol on the basis of its political commitment under the #JCPOA, and since it (AP) has not been ratified, Iran does not in any way regard it as a legal obligation.” Also, he confirmed that “Iran fully rejects the resolution and will respond by appropriate actions, the responsibility and consequences of which will be borne by the initiators of such a resolution.”

On his Twitter account, Iranian Foreign [Minister Mohammad Javad Zarif](#) stated that, “We have nothing to hide,” and attached a table showing the number of IAEA inspectors granted permission to enter Iran and inspection times. He called on the E3 to prevent “the JCPOA’s enemies [from] jeopardizing it.” Zarif said that an agreeable solution is still possible, although passing such a resolution could undermine it.

The Russian and Chinese Position on the Agreement

The Chinese and Russian opposition to the IAEA’s resolution is indicative of their different position to America on how to deal with the JCPOA. They are not convinced that the European position towards the JCPOA is not influenced by US pressure.

Russia and China represent Iran’s most important partners and are the biggest supporters of Tehran’s position. Russia and China are also the largest arms exporters to Iran. Russia has previously expressed [its understanding of Tehran’s decision](#) to reduce some of its obligations under the nuclear agreement. At the same time, it encourages Iran to remain in the nuclear agreement.

To maintain Russia’s support , and in anticipation of a possible decision passed by the Security Council under US pressure, an [agreement](#) was signed between Russia and Iran to enhance their bilateral relations. The [Russian Foreign Ministry](#) has previously underlined that the signatories to the JCPOA must undertake serious efforts to preserve the nuclear agreement.

The ministry said the decisions taken by the Iranian side are “the result of the contradictions that have accumulated inside the agreements.” The ministry also reiterated that all states concerned must continue to work hard to overcome these contradictions and Russia will remain fully committed to the agreement. It is ready to continue to work with Tehran.

Russia and China have sought to oppose Washington’s endeavor to reinstate all sanctions on Iran at the Security Council, with Moscow invoking [a 50-year-old international legal opinion](#) to argue against American moves to reimpose sanctions on Iran. Addressing the Security Council, China and Russia believe that the United States has no right to demand the reimposition of sanctions on Iran after it withdrew from the nuclear pact.

Conclusion

The IAEA’s resolution was issued in light of an unprecedented crisis of international confidence in the JCPOA, and it confirmed that every country shall pay the price for its deeds. Although the IAEA report condemns Iran’s practices for violating the JCPOA, China and Russia anticipated the resolution by indicating that they will reject any further sanctions on Iran. Perhaps this is to put pressure on Washington to compromise on other files — that are the subject of dispute and strained relations with Washington.

All parties are waiting for the US position and response to Europe’s recent decision. Iran is aware of US electoral conditions, the politically strained situation in the United States and its current relations with globally influential parties. It will seek to use these realities to strengthen its negotiating position with regard to the nuclear file. However, it will probably agree to return to consultation in order to remain in the agreement through participating in the DSM’s committees to prevent the imposition of new sanctions according to US objectives. It seems that Washington’s mission to reimpose sanctions on Tehran is very difficult to achieve due to the E3’s view that sanctions are ineffective and because of the obdurate stance adopted by Russia and China as both countries maintain that the United States has no right to do so.



✉ info@rasanahiiis.com

🐦 📺 📺 @rasanahiiis

🌐 www.rasanah-iiis.org

