

IRAN NUCLEAR DEAL: A PACT IN JEOPARDY

Relevant for: International Relations | Topic: Effect of policies and politics of developed & developing countries on India's interests

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The Joint Comprehensive Plan of Action (JCPOA) — the Iran nuclear deal — came into being after more than a decade of tortuous negotiations between Iran and its P5+1 interlocutors, the five permanent members of the United Nations Security Council (UNSC) and Germany. The JCPOA, slated to be implemented over 10 years, suffered a setback when the Donald Trump administration withdrew from the agreement in May 2018. Iran's interactions with the International Atomic Energy Agency (IAEA) — the agency tasked with monitoring Iran's compliance with JCPOA and its nuclear safeguards agreements — have subsequently acquired a critical edge.

From May 2019 — a year after the US withdrawal — Iran began to gradually desist from abiding by its JCPOA commitments. It has, for instance, started enriching uranium beyond its commitments and has also undertaken research and development (R&D) activities prohibited by the JCPOA.

Even as Iran's interlocutors have expressed concern over its actions, the IAEA's Board of Governors (BoG) adopted a resolution on June 19 calling on Iran to cooperate with the agency. The resolution asked Iran to provide the IAEA access to two facilities to carry out environmental sampling for examining questions related to possible undeclared nuclear activities. Twenty-five members voted in favour of the resolution and seven members, including India, abstained. Russia and [China](#) voted against the resolution. Crucially, the resolution was tabled by France, Germany and the UK, the three European nations at the forefront of efforts to salvage the nuclear deal.

This is the first time since the JCPOA began to be implemented in January 2016 that the BoG passed a resolution targeting Iran. It was back in September 2012 that the BoG passed a resolution expressing similar concerns over Iran not providing access to military sites. In January, the IAEA requested access invoking Article 4 of Iran's Additional Protocol (AP) agreement with the agency. The IAEA gives 24 hours notice before requesting such access.

One point of contention is Lavisan-Shian, where Iran's Physics Research Centre (PRC) was located. The IAEA had visited the site in June 2004. The site was razed by Iran in 2003 after it was identified by the IAEA as a location where it wanted to undertake environmental sampling. Iran had then insisted that the site was razed due to dispute between the Tehran municipality and the Ministry of Defence (under whose authority the PRC functioned). The IAEA now wants to re-visit the site to clarify issues raised by documents ferreted out by Israel out of a Tehran warehouse in April 2018.

US administration officials point out that this was the first case of the BoG passing a resolution on a state related to the non-implementation of its AP commitments, which, if not dealt with seriously, will undermine the very essence of the IAEA safeguards system. The IAEA Director General (DG), Rafael Grossi, continues to report to the BoG that there is no diversion of nuclear material at nuclear facilities and locations declared by Iran. However, Grossi also notes that Iran is not acceding to IAEA requests to provide access to Lavisan-Shian. This, according to the director-general, is seriously hampering the agency's efforts to "provide credible assurance of the absence of undeclared nuclear material and activities at these locations".

Iran, on its part, points out that in 2015, the IAEA had acknowledged that Iran and the agency had satisfactorily implemented the road map to address questions related to possible military dimensions (PMD) of Iran's past nuclear activities. Tehran, therefore, contends that the agency is re-opening issues which were considered closed, based on "safeguards irrelevant information" provided by "third parties", which are not even members of the NPT. Iran also points out that it is subject to a robust and extensive inspections regime. Since January 2016, Iran accounted for almost 80 per cent of the agency's Complementary Access requests worldwide.

The current nature of the Iran-IAEA dispute closely mirrors those prevalent in the pre-JCPOA era. Past contentions only began to be addressed as progress was made in the nuclear negotiations between Iran and its P5+1 interlocutors. Domestic political changes eased the process.

Parchin, a military site, for instance, was a key point of contention between Iran and the IAEA since November 2011. The IAEA eventually visited Parchin in September 2015, before the IAEA DG's December 2015 final assessment on past issues of concern.

The coming to power of President Hassan Rouhani in July 2013, seen as a "victory of the forces of moderation", coincided with the Obama administration's "dual-track policy" (made up of "sanctions" and "engagement"). Crucially, the end game of the dual-track approach was a negotiated solution. It is no surprise then that Iran-IAEA contentions are ascendant again after Trump's unilateral withdrawal.

The US has meanwhile hit the top gear in its diplomatic efforts to prevent the lifting of the arms embargo on Iran in October 2020, as promised by UNSC Resolution 2231 of July 20, 2015. Iran has warned of grave consequences if the arms embargo is not lifted.

If the contentious issues between Iran and the IAEA do not get resolved soon, and as Iran's nuclear stockpile continues to grow, Israel will advocate punitive actions to set back Iranian nuclear capabilities. Natanz, a key Iranian enrichment facility under IAEA safeguards, suffered damage on July 2, in an explosion, with reports noting that Israel was possibly behind the development. Iran could further restrict cooperation with the IAEA or even quit the NPT — as it has threatened — in the face of increased pressure on its nuclear programme. The rapid unravelling of the JCPOA will negatively impact the strategic stability of India's extended neighbourhood.

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