

IRAN DEAL COULD BE RESCUED BY THE IAEA

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

Rafael Grossi, Director General of the International Atomic Energy Agency, arrives to open the IAEA Board of Governors meeting at the agency's headquarters in Vienna, Austria on March 1, 2021.

Even as the chicken-and-egg game is being played between the U.S. and Iran on the Joint Comprehensive Plan of Action (JCPOA) as to whether Iranian compliance comes first or the lifting of sanctions by the U.S., the International Atomic Energy Agency (IAEA) is back on the stage to rescue the JCPOA. The U.S. tried to pressurise Iran by proposing a resolution in the IAEA Board of Governors (March 1-5) meeting criticising Iranian non-compliance with the JCPOA and its alleged IAEA safeguards violations amidst rumours that Iran might withdraw from the Non-Proliferation Treaty (NPT) and proceed to develop nuclear weapons. Iranian Intelligence Minister Mahmoud Alavi had hinted at it in an interview with Iranian State television in February. Mr. Alavi's widely reported remark — that “a cornered cat may behave differently from when the cat is free” — was interpreted as a warning that Iran might abandon the JCPOA and proceed with unbridled nuclear activities.

Having sat in the alphabetical order next to Iranian Ambassadors and top nuclear negotiators on the IAEA Board of Governors for about four years, I know they looked at India with admiration for the way India had handled the NPT. They often wished that they had not signed the NPT, developed a capability like India did, and then negotiated a deal. I did not have to remind them that such an option was not available and that the United Nations Security Council would not give them permission to leave the NPT even if they wished to do so.

Even though the Supreme Leader Ayatollah Ali Khamenei's fatwa against nuclear weapons still stands, *Foreign Policy* recently noted: “Wide swaths of Iranian society, among the public and policymakers alike, seem to increasingly see the weapon not just as an ultimate deterrent but as a panacea for Iran's chronic security problems and challenges to its sovereignty by foreign powers.” If the stalemate continues on JCPOA, because of the U.S. pressure, public opinion may shift towards the Indian model of creating a deterrent and then seeking a special dispensation to avoid severe sanctions. But the risks involved in such a policy will be grave, including the possibility of military action by Israel.

The Iranian elections in June make it imperative for the country to have at least an initial breakthrough before the polls. If not, the new government, which might be more radical than the present one, would be tempted to adopt a policy of creating a de facto deterrent as the only option for survival.

A technical ‘understanding’ reached on February 21 by IAEA Director General Rafael Grossi allowing monitoring by the IAEA to continue in Iran for three months augured well for a possible IAEA effort in case the JCPOA talks broke down. Iranians had also agreed to an early April visit to Iran by an IAEA technical team to discuss outstanding safeguard matters. It was against this backdrop that Mr. Grossi persuaded the Americans not to move a resolution in the IAEA Board, so that the IAEA did not get entangled in the U.S. position on Iran. It was important for the IAEA to pursue its non-proliferation efforts with Iran outside the JCPOA.

Perhaps, Mr. Grossi expects that in the event of the present efforts to renew the JCPOA failing altogether, it should be possible to consider a fresh initiative by the IAEA to deal with the issue.

The IAEA is neither the Secretariat of the NPT nor is it empowered to request States to adhere to it. It does, however, have formal responsibility in the context of implementing Article III of the Treaty. The IAEA's mandate, expertise, and experience also equip it well to assist in the implementation of other Articles. At the broadest level, the IAEA provides two service functions under the NPT. It facilitates and provides a channel for endeavours aimed at the "further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world." Its other major function is to administer international nuclear safeguards, in accordance with Article III of the Treaty, to verify fulfilment of the non-proliferation commitment assumed by non-nuclear-weapon States party to the Treaty.

The NPT assigns to the IAEA the responsibility for verifying, at the global level, through its safeguards system, that non-nuclear weapon States fulfil their obligations not to use their peaceful nuclear activities to develop any nuclear explosive devices of any kind. Accordingly, the Iranian file could go back to the IAEA to start fresh negotiations to restrain Iran to remain within the permissible level of enrichment of uranium. In effect, this may mean going back to the pre-six nation initiative, when the IAEA could not certify that Iran was not engaged in weapon activities. With the experience of the JCPOA, any new arrangement has to ensure that Iran must have sanctions relief, the stockpile of enriched uranium should not exceed the limits established, and there should be iron clad guarantees that Iran will not violate the safeguards agreement. The test is whether these can be accomplished within the framework of the IAEA.

Since the IAEA is a technical body, its deliberations may be kept at the technical level. At the same time, since it is open for the IAEA to report to the Security Council for necessary action, the IAEA will have the necessary clout to insist on the implementation of the NPT and its additional protocol. A new avenue may open for Iran to continue its peaceful nuclear activities as permitted in the NPT. Iran may have a certain comfort level in the IAEA as some members of the Board will be supportive of Iran's aspirations to develop nuclear power for peaceful purposes without unnecessary restraints.

If the beginning of the new negotiations on the JCPOA drag on in the new circumstances in West Asia, particularly the interest of Saudi Arabia and the UAE to be part of any arrangement with Iran, which the U.S. supports, the IAEA may provide an alternative venue to open discussions on Iran's obligations under the NPT, which do not have a time limit.

T.P.Sreenivasan is a former Ambassador and the Governor for India of the IAEA from 2001 to 2004

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To reassure Indian Muslims, the PM needs to state that the govt. will not conduct an exercise like NRC

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