



The International Inspectors Hold the Key to Truly Bringing Iran into Compliance with the Nuclear Deal's Key Peaceful Pledge

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A major goal of the Biden Administration is to sculpt a return to the Joint Comprehensive Plan of Action (JCPOA) where Iran comes into full compliance with the deal in exchange for lifting all U.S. nuclear sanctions. While this deal is largely portrayed as a set of temporary, albeit important, limits on sensitive nuclear activities, missing in the discussion so far is Iran's lack of compliance with its fundamental commitment in the JCPOA, namely "under no circumstances will Iran ever seek, develop or acquire any nuclear weapons."

Director General Rafael Grossi of the International Atomic Energy Agency (IAEA) issued a scathing report in late May on Iran's lack of cooperation in explaining nuclear materials at four undeclared sites linked to a previous nuclear weapons effort, stating Iran's action "seriously affects the ability of the Agency to provide assurance of the peaceful nature of Iran's nuclear program."

If that statement were not enough to show non-compliance, the discovery of a secret Iranian archive¹ of nuclear weapons documents in 2018 is a further violation of Iran's pledge under the JCPOA that it would not seek nuclear weapons in any way. The secret possession of this curated archive also exposes a violation of Iran's binding nuclear nonproliferation commitments under the Nuclear Non-Proliferation Treaty (NPT). It is the IAEA's analysis of this very archive, under authorities granted under the NPT, that led it to its current confrontation with Iran.

While the IAEA's findings and the archive show Iran is not in compliance with this key JCPOA pledge, Iran so far shows no intention of coming into compliance, exploiting the seeming inattention to this important matter in the JCPOA negotiations, even undertaking a campaign to undermine the IAEA. Instead of answering the IAEA's questions and concerns, Iran has stonewalled for months, sometimes trying to conflate the issue with Iran's suspension of a supplementary safeguards agreement called the Additional Protocol and several JCPOA monitoring arrangements, important considerations tied to the re-establishment of the JCPOA, but independent of the more critical question of whether Iran has fully and completely declared

¹ For more on the archive, see: David Albright with Sarah Burkhard and the Good ISIS Team, *Iran's Perilous Pursuit of Nuclear Weapons* (Washington, D.C.: Institute for Science and International Security Press, 2021) <https://isis-online.org/books/detail/irans-perilous-pursuit-of-nuclear-weapons>. Available at: https://www.amazon.com/irans-Perilous-Pursuit-Nuclear-Weapons-ebook/dp/B094DTRJFL/ref=cm_cr_arp_d_product_top?ie=UTF8.

its nuclear program. Iran has tried to make a show of meeting with the IAEA, while providing no substantive or credible response to the IAEA's concerns about undeclared nuclear material, equipment, or activities. Grossi has said enough. In a recent media interview,² he emphasized, "They have to answer."

As the confrontation became more overt, Iran's representative to the IAEA in Vienna tweeted that the IAEA's "approach could turn into an obstacle for future good-will interactions between the two sides." As the IAEA raises the alarm, Iran's response is to threaten.

Alone, the IAEA is unlikely to prevail because of division in its Board of Governors between Western powers and Russia, which acts as Iran's protector. Not surprisingly, the most recent IAEA Board of Governors meeting failed to pass a resolution condemning Iran and even was having trouble passing a consensus statement on the situation. But the JCPOA negotiations under U.S. leadership provide a productive way forward that offer far more likely prospects of success.

The Biden administration wants to make the return to the JCPOA a centerpiece of its Iran policy. However, how can Iran come into compliance with the JCPOA by ignoring the fundamental article committing Iran to not seek nuclear weapons in any way, a condition more important to the viability of the nuclear deal than individual nuclear limitations or a particular breakout estimate?

The administration and the major European powers need to prioritize negotiating Iran's coming into full compliance with its important commitment to the exclusively peaceful use of nuclear energy. As a start, US negotiators should simply tell Iran that unless and until the IAEA's concerns are met, sanctions relief is not possible. Next, negotiations should establish a timetable for achieving compliance tied to the IAEA's substantive progress, not just Iran showing up at meetings, and linked to the removal of a set of important US. sanctions.

To do otherwise is to risk undermining the prospects of a resuscitated JCPOA and the integrity of the IAEA and the Nuclear Non-Proliferation Treaty, while creating dangerous precedents sure to be imitated by other states seeking to defy IAEA access or resist providing the IAEA with complete nuclear declarations. It would also signal to other states that after months of nuclear stonewalling, Iran gets sanctions relief and is permitted to maintain its enrichment activities, while the international community fails to redress Iran's nuclear safeguards breaches. The IAEA's integrity is at stake in a very tangible manner if this issue is not addressed as part of resuming the JCPOA.

Any re-establishment of the JCPOA that ignores this issue will be under a very dark cloud, signaling that the Biden Administration favors temporary nuclear limits on Iran's nuclear

² Patrick Wintour, "Iran's failure to explain uranium traces is 'big problem', says IAEA chief," *The Guardian*, May 26, 2021, <https://www.theguardian.com/world/2021/may/26/iran-failure-explain-uranium-traces-big-problem-iaea-un>.

program more than preventing the erosion of IAEA inspections or insisting on Iran providing the necessary cooperation for the IAEA to determine if Iran is hiding a nuclear weapons program. This is hardly a way to start the administration's professed effort to bring back the deal and make it longer and stronger.