

EU, UN and IAEA need to take a leadership role in preserving the JCPOA

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IRTHINK.com: IAEA former official believes that the IAEA, the EU and the UN need to step up and take a leadership role in preserving the JCPOA. It is important to recall that the JCPOA does not contain any “withdrawal clause”, and UN Security Council resolution 2231 endorses the JCPOA, hence both the JCPOA and UNSCR 2231 are binding on all the JCPOA parties.

Tariq Rauf former Head of Verification and Security Policy Coordination at the IAEA, in an interview with **IRTHINK** said that “Contrary to US views, China, France, Germany, Russia and the UK maintain that Iran is implementing the JCPOA and that this has been confirmed by the IAEA in 10 successive reports.”

Here is the full interview:

IRTHINK: President Trump has announced that removing time limitations for Iran’s nuclear activities, unrestricted inspections and relating Iran’s missile program to the JCPOA are necessary for the US not to withdraw from the JCPOA. Will the Europe accept these conditions? What about Iran?

On 13 October 2017 the US laid out a “new strategy” strategy on Iran and US President Donald Trump stated that the JCPOA was deficient as it did

not address the full range of threats posed by Iran and did not ensure that Iran could never develop nuclear weapons.

On 12 January this year, President Trump asserted that unless the US Congress and the other JCPOA parties substantively addressed US concerns about the agreement, the US would withdraw from the agreement and implement its own countermeasures.

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France has been making some efforts to move in the US' direction by encouraging additional constraints on Iran but as yet there is no agreement and China and Russia, in particular, have emphasized the importance of not jeopardizing the JCPOA.

With the recent tensions with Russia over allegations of chemical weapon use by Syria and the poisoning of two Russians in Salisbury (UK), impending military strikes against Syria by France, UK and the US; the challenge of maintaining the JCPOA has become even more urgent. Iran's reported threats to resume large-scale uranium enrichment have only added fuel to the fire.

First and foremost, Iran needs to continue its strict implementation of the JCPOA and refrain from statements that may be perceived as provocative and restrain conservative elements from doing so as well. Furthermore, Iran has carried out several ballistic missile tests since 15 July 2015 and many believe that these are against the spirit of Security Council resolution 2231.

The IAEA, the EU and the UN need to step up and take a leadership role in preserving the JCPOA. It is important to recall that the JCPOA does not contain any “withdrawal clause”, and UN Security Council resolution 2231 endorses the JCPOA, hence both the JCPOA and UNSCR 2231 are binding on all the JCPOA parties.

IRTHINK: Over the past 3 month the European states have made lots of efforts to convince the US congress and administration that a better agreement with Iran cannot be possible made on the ruins of the JCPOA. Will the EU and the US congress be able to reach an agreement on the JCPOA that can meet Trump’s demands? What can be like such a possible agreement?

The JCPOA matter is now also caught up in the regional tensions between Saudi Arabia and Israel on the one side, and Iran on the other, over regional security matters in Iraq, Syria and Yemen – the JCPOA unfortunately now is no longer a singular nuclear verification matter.

Also, Saudi Arabia has announced an ambitious plan to build 16 nuclear power reactors and is discussing a nuclear cooperation (123) agreement with the US in which it is insisting on the right to enrich uranium.

This is in contrast to the UAE which wisely established a “gold standard” of relying solely on the market for nuclear fuel and not enriching uranium. Furthermore, the US Congress and political establishment is firmly pro-Israel and against Iran – parades in Iran that carry anti-US messages and signs further strengthen opposition to Iran in the US.

At present, the situation looks bleak as the Trump administration seems set to decertify Iran under the US Iran Nuclear Agreement Review Act (INARA, P.L. 114-17)—which amended Section 135(d)(6) of the Atomic Energy Act of 1954 (42 U.S.C. 2160(e)).

Sanctions imposed against Iran by the US likely will drive Western companies and banks out of Iran to preserve their global business and avoid US penalties.

IRTHINK: Iran has strongly said that it will not accept any changes to the JCPOA and will not accept any limitation on its missile program. And from the other side EU is under Trump's pressure. How can EU meet Trump's demands so that at the same time allow Iran to get benefit from the JCPOA?

While Iran can credibly maintain its position and implementation of the JCPOA, it might be advisable to announce or put in place a moratorium on further ballistic missile tests until 2020 and hope that Trump will be replaced by another president in 2021.

This would give President Trump a victory, something he likes and could buy time for the JCPOA.

IRTHINK: What can be the EU alternative, if the US withdraws from the JCPOA? If the US withdraws, the situation for investment and working in Iran will worsen. In this case what real guarantees can be offered to Iran by the EU?

The EU will be unable to stand up to US pressure and economic penalties for long, Bank and companies in the EU and elsewhere will seek to avoid US penalties and may well limit or end their business interactions with Iran.

No guarantees can be expected by Iran. Just as North Korea has turned the tables by clever diplomacy and is working for a North-Korea-US presidential summit meeting, Iran might consider smart diplomacy that leads to a meeting between Presidents Rouhani and Trump at the United Nations during the General Assembly session?

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