

# Iran Is Repeating Its Past Errors with the IAEA

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## ABOUT THE AUTHORS

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Brief Analysis

**To prevent the agency from issuing a noncompliance resolution, Tehran has been threatening to impede inspections, but this approach could easily backfire on the regime.**

One of the major weaknesses of the 2015 Joint Comprehensive Plan of Action with Iran is its various “sunset” clauses, including the provision that limits the international arms embargo to five years—an expiration date [that arrives this October \(https://www.washingtoninstitute.org/policy-analysis/view/lifting-the-arms-restrictions-on-iran-what-will-and-wont-change\)](https://www.washingtoninstitute.org/policy-analysis/view/lifting-the-arms-restrictions-on-iran-what-will-and-wont-change). Over the past few months, Washington has repeatedly indicated its desire to extend the embargo via the UN Security Council (UNSC), even threatening to use the JCPOA’s snapback mechanism if U.S. demands are not met (a complicated proposition given the Trump administration’s 2018 withdrawal from the nuclear deal).

This week, the International Atomic Energy Agency’s Board of Governors convened remotely for its quarterly meeting, with an agenda that included discussion of the IAEA director-general’s latest reports on Iran. According to [one of these reports \(https://armscontrollaw.files.wordpress.com/2020/06/gov-2020-30-npt-sg-report.pdf\)](https://armscontrollaw.files.wordpress.com/2020/06/gov-2020-30-npt-sg-report.pdf), “For over four months, Iran has denied access...to two locations, and for almost a year, has not engaged in substantive discussions to clarify [the] Agency’s questions.” In response, the E3 (Britain, France, and Germany) have drafted a resolution that reportedly expresses “serious concern” about Iran’s decision to bar access. Earlier today, U.S. officials in Vienna [issued a statement \(https://vienna.usmission.gov/iaea-bog-u-s-on-npt-safeguards-agreement-in-iran/\)](https://vienna.usmission.gov/iaea-bog-u-s-on-npt-safeguards-agreement-in-iran/) backing this “balanced and fair” E3 resolution: “While we firmly believe the text could be strengthened to underscore the essential nature of the IAEA’s outstanding requests, the United States accepts and fully supports this resolution and urges all other Board members to do the same.”

To be sure, the European resolution will have minor practical implications for Iran compared to more stringent measures (e.g., a safeguards noncompliance resolution). Yet the current situation calls to mind the traumatic diplomatic setbacks Tehran suffered in the mid-2000s, which ultimately resulted in an IAEA referral to the UNSC

and the imposition of major sanctions.

## REFERRAL REDUX?

In 2002, Iran was forced to enter negotiations with the international community after it was caught building a clandestine uranium enrichment site in Natanz and a heavy water production plant in Arak. By 2005, several interim Iranian agreements with the E3 had failed despite U.S. backing, so the regime decided to restart its halted nuclear program in the hope of breaking the deadlock. At the time, the Iranian side of the process was conducted by Supreme Leader Ali Khamenei (the main decisionmaker), Hassan Rouhani (then the chief nuclear negotiator, years before he would become president), Mohammad Javad Zarif (ambassador to the UN, and now foreign minister), and Ali Akbar Salehi (representative to the IAEA, who has since been elevated to head of the Atomic Energy Organization of Iran).

Instead of advancing the talks, however, this brinkmanship pushed the IAEA to adopt a resolution finding Iran in noncompliance with its safeguards agreements. And in early 2006, a special IAEA board meeting referred the Iranian nuclear dossier to the UNSC. Tehran further escalated the situation by halting implementation of the Additional Protocol, an IAEA measure that extends the scope of member commitments and increases the agency's ability to investigate undeclared nuclear facilities and activities. The regime also began enriching uranium in its Natanz facility. In the end, the UNSC adopted Resolutions 1696 (July 2006) and 1737 (December 2006), leading to drastic economic and political pressure on Tehran.

According to President Rouhani's past accounts of these events, the Iranian leadership decided at the beginning of the crisis to embrace a "patient and cautious" approach, hoping to postpone UNSC referral as long as it could. Indeed, this time-wasting strategy won the regime a few years of grace before full pressure was brought to bear, with the international community initially favoring prolonged negotiations rather than a referral that might stoke escalation in the Middle East. Although the IAEA is a technical organization, its board consists of member states, each with its own political agenda. Thus it came as little surprise that UNSC referral took a few years to happen, and only after major Iranian escalation. But it did happen, with deep consequences for Iran that are still being felt today.

## CURRENT SIGNALS FROM TEHRAN

The IAEA board will probably take a minimal, careful approach to the latest dispute with Iran, balancing its desire to avoid being perceived as a tool of U.S. pressure with its need to take action against Tehran's **repeated defiance** (<https://www.washingtoninstitute.org/policy-analysis/view/the-pandemics-implications-for-irans-nuclear-program>) of agency requests. Thus, it will almost certainly refrain from a formal declaration of noncompliance, let alone a UNSC referral, instead emphasizing Iran's lack of cooperation and continuing to pursue investigations.

Nevertheless, the Iranian leadership is still traumatized by the events of the past and may perceive even a minor agency rebuke—the first in around a decade—as a U.S. attempt to build the foundations for referring the case to the UNSC and extending the arms embargo. Similar to past instances, Tehran has already responded to the brewing dispute with threats of severe retaliation. Zarif warned on June 14 that UNSC referral could spur the country to withdraw from the JCPOA and the Nuclear Nonproliferation Treaty (NPT). Likewise, his envoy to the IAEA, Kazem Gharib Abadi, warned the board to be cautious in order to protect "constructive cooperation between Iran and the IAEA," vowing that Tehran will resort to a "proportionate reaction" if need be. Earlier today, he added that the European draft resolution is a "regrettable and completely nonconstructive action."

More specific threats have been outlined in Iranian press outlets affiliated with the Islamic Revolutionary Guard Corps. The day before the IAEA board meetings opened, an editorial published by Mehr News Agency listed various options for retaliating against any extension of the arms embargo, such as limiting IAEA inspections, halting implementation of the Additional Protocol, withdrawing from the NPT, terminating the JCPOA, and **increasing the**

level of uranium enrichment (<https://www.washingtoninstitute.org/policy-analysis/view/iaea-reports-renew-questions-about-irans-nuclear-ambitions>) to 20 percent or higher (for explanations of this and other technical issues, see The Washington Institute’s [Iran Nuclear Glossary \(https://www.washingtoninstitute.org/policy-analysis/view/nuclear-iran-a-glossary-of-terms\)](https://www.washingtoninstitute.org/policy-analysis/view/nuclear-iran-a-glossary-of-terms)). Mehr concluded by quoting a May speech by President Rouhani, who vowed that extending the embargo by “even one day, under any pretext, and via any mechanism” would have severe consequences.

## “PROPORTIONATE” MEASURES WITH UNPREDICTABLE RESULTS

Iran’s recent messaging suggests that it will opt for limited retaliation against the IAEA, following in the footsteps of its 2005-2006 brinkmanship strategy. For example, it might halt implementation of the Additional Protocol or change its interpretation of “Code 3.1.” This code is part of the IAEA arrangements that specify when a member state must report a new facility to the agency. Under the original version that Iran agreed to in 1976, a country was obligated to report a new facility no later than 180 days before introducing nuclear material. In 2003, however, Tehran agreed to implement the modified Code 3.1, which requires that design information be submitted to the IAEA as soon as a new facility is planned. Iran stopped following the modified code in 2006 as one of its retaliatory measures, then reactivated it once the JCPOA came into force.

Suspending Code 3.1 again today may seem like a nitty-gritty technicality, but such measures can substantially hinder the IAEA’s ability to monitor Iran’s nuclear program, investigate suspected clandestine activity, and address the many nuclear-weapons-related concerns raised in the U.S. government’s [previously mentioned Vienna statement \(https://vienna.usmission.gov/iaea-bog-u-s-on-npt-safeguards-agreement-in-iran/\)](https://vienna.usmission.gov/iaea-bog-u-s-on-npt-safeguards-agreement-in-iran/). At the same time, this type of retaliation may prove to be a double-edged sword for Tehran. As Rouhani noted in 2007, “If Tehran had acted appropriately” during past standoffs, “the case would not have been at the Security Council.” Today, he surely understands that now is hardly the time to provoke the West and alienate Russia and China, since his country is still grappling with [coronavirus fallout \(https://www.washingtoninstitute.org/policy-analysis/view/coronavirus-could-change-irans-model-of-supreme-leadership-forever\)](https://www.washingtoninstitute.org/policy-analysis/view/coronavirus-could-change-irans-model-of-supreme-leadership-forever), an ongoing [risk of protests \(https://www.washingtoninstitute.org/policy-analysis/view/taking-back-the-neighborhood-the-irgc-provincial-guards-mission-to-re-islam\)](https://www.washingtoninstitute.org/policy-analysis/view/taking-back-the-neighborhood-the-irgc-provincial-guards-mission-to-re-islam), and increasing [economic pressures \(https://www.washingtoninstitute.org/policy-analysis/view/fatfs-approach-to-iran-should-mix-engagement-with-pressure\)](https://www.washingtoninstitute.org/policy-analysis/view/fatfs-approach-to-iran-should-mix-engagement-with-pressure). Changing or hindering any of its commitments to the IAEA—even if perceived by the regime as a “proportionate response”—would likely create more damage than value for Iran, pushing it closer to a noncompliance resolution or UNSC referral. The question is whether less pragmatic decisionmakers in Iran’s conservative camp and the IRGC understand this as well, and who will win this internal debate.

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