

ONE YEAR ON: THE VIEW FROM VIENNA

Laura Rockwood

Executive Director of the Vienna Center for Disarmament and Non-proliferation (VCDNP)

The Road-Map and PMD

One very important prerequisite for the JCPOA to move forward was the resolution of concerns regarding Iran's past nuclear activities. To this end, Iran and the International Atomic Energy Agency (IAEA) agreed on a road map of activities to help resolve, by the end of 2015, all past and present outstanding issues. The roadmap required the Director General to submit a report, by 15 December 2015, to the Agency's Board of Governors on the IAEA's "final assessment" of the issues relating to possible military dimensions to Iran's nuclear programme.

On 2 December 2015, the Director General issued his report, entitled "Final Assessment on Past and Present Outstanding Issues regarding Iran's Nuclear Programme" (GOV/2015/68). In its summary, the Agency assessed that "a range of activities relevant to the development of a nuclear explosive device were conducted in Iran prior to the end of 2003 as a coordinated effort, and some activities took place after 2003." It also assessed that "these activities did not advance beyond feasibility and scientific studies, and the acquisition of certain relevant technical competences and capabilities." It also noted that it had "no credible indications" of activities in Iran relevant to the development of a nuclear explosive device after 2009" and that it had found "no credible indications of the

diversion of nuclear material in connection with the possible military dimensions to Iran's nuclear programme."

What the report did *not* do, however, is *resolve* any or all of those outstanding issues. It simply provided the IAEA's assessment of the 12 areas of concern identified in the November 2011 Annex, taking into account the apparently limited additional clarification, information and access provided by Iran.

Nor did the report trigger the "closure" of the Iran file, or removal of Iran from the agenda of the Board of Governors. In the resolution it adopted in December (GOV/2015/72, 15 December 2015), the Board noted that all of the activities in the Road-map had been "implemented in accordance with the agreed schedule" and that "this closes the Board's consideration of this item." However, this was an excellent example of creative diplomatic drafting: "this item" referred simply to the agenda item under the heading "Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran". The practical effect of "closing this item" was simply that, after Implementation Day, the Board would discuss Iran matters under a *new* agenda item.

Verification and Monitoring

The Director General has established a dedicated unit within the Department of Safeguards to implement the IAEA's monitoring and verification activities in Iran, which will ultimately consist of some 70 to 80 professional staff, 45 of which will be inspectors. The IAEA has also achieved agreement with the Board on a budget for Iran-related activities – no mean feat, given the balancing act that the budget process has become in the last two decades. The budget will run to 9.2 million euros (\$10.4 million) a year for the 10 years of the JCPOA: 5.2 million of which, from the regular budget, for activities under Iran's Safeguards Agreement and Additional Protocol, and 4 million of which for the extra transparency measures contemplated under the JCPOA.

On 16 January 2016, the Director General announced that the IAEA had verified that Iran had taken the actions specified in paragraphs 15.1-15.11 of Annex V to the JCPOA, thereby triggering "Implementation Day," and the lifting of sanctions, under the JCPOA (GOV/INF/2016/1).

The IAEA has issued two quarterly reports since Implementation Day under the new agenda item "Verification and Monitoring in the Islamic Republic of Iran in light of United Nations Security Council Resolution 2231 (2015)." The degree of detail in the post-Implementation Day reports differs considerably from that of the previous extensively detailed reports. There has been some criticism leveled at the IAEA for this relative lack of detail. The Director General has stated that he feels he has struck the right balance, considering Iran is no longer in violation

of U.N. and Agency demands to curb its nuclear program, and that his reports will remain "factual, impartial and include the information which the agency considers necessary."

As noted in the past two implementation reports, the Agency continues to verify the non-diversion of declared nuclear material and that evaluations regarding the absence of undeclared nuclear material and activities for Iran remain ongoing.

The next significant deadline coincides with the first anniversary of the JCPOA. On 14 July, Iran is due to submit its initial declaration under its Additional Protocol.

The Broader Conclusion

Once a year, the IAEA draws a safeguards conclusion for each State that has a safeguards agreement in force. If the IAEA is able to conclude that it has seen no indications of the diversion of declared nuclear material and no indications of undeclared nuclear material and activities in the State, and any anomalies detected in the course of its verification activities have been satisfactorily resolved, the IAEA is in a position to draw a "broader conclusion," i.e. that all nuclear material in the State remained in peaceful activities.

In resolution 2231, the Security Council requested that, as soon as the IAEA has reached the broader conclusion for Iran, the Director General submit a report confirming this conclusion to the Agency's Board and in parallel to the Security Council.

The IAEA is not yet in a position to draw a broader conclusion for Iran. How long this will take is not yet clear, though the process can take years in the

case of a State with significant nuclear activities. The prevailing question is whether, in drawing such a conclusion for Iran, the IAEA will seek further clarification of some or any of the PMD issues, particularly if new information relevant to those issues comes to light which gives rise to doubts about the correctness or completeness of Iran's declarations.

The IAEA cannot *prevent* breakout, cheating or the development of a nuclear weapons programme by Iran: that is not the IAEA's job. Nor is it the IAEA's job to verify intentions. What its role *is*, however, is to detect deviations by Iran from its safeguards and JCPOA obligations, and deterrence of such deviations through the risk of detection. The IAEA can only do that with the right resources and the unified support of its Member States.

LAURA ROCKWOOD

Executive Director of the Vienna Center for Disarmament and Non-proliferation (VCDNP)



@laura_rockwood

lrockwood@vcdnp.org