

OPINION | Iran, The IAEA And The Security Council: A Referral At Last, But Does It Matter?

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The purpose of the non-proliferation regime is not to permanently exclude states that violate it. It is to create conditions under which they return to compliance. Iran should be held accountable, but the door back into the non-proliferation fold must remain open.

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On 9 September 2026, the International Atomic Energy Agency's Board of Governors did something it had not done in twenty years: it voted, 23 to three with eight abstentions, to report Iran's non-compliance with its safeguards obligations to the United Nations Security Council and General Assembly. The last time the Board took that step was in the run-up to the first round of Security Council sanctions against Tehran in 2006. The vote, sponsored by Britain, France, Germany and the United States and opposed by Russia, China and Niger, formally activates a mechanism that had sat dormant since the Board first found Iran in non-compliance in June 2025.

The International Atomic Energy Agency's latest action against Iran has once again placed the country's nuclear programme at the centre of international security politics. The immediate controversy, however, is not simply whether Iran is moving towards a nuclear weapon. The more fundamental question concerns the functioning of the non-proliferation

regime when a state is found to be non-compliant with its safeguards obligations. The referral finally happened, after more than a year of resolutions deferring it, is the immediate news.

The more consequential question is whether it will do anything at all.

The statutory route, and why it differs from what has already happened Article XII.C of the IAEA Statute provides that where the Board finds non-compliance with a safeguards agreement, it “shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. The word is not may, though the Board retains considerable discretion over when a violation rises to reportable non-compliance, and evidently over how long it can defer the report once made. Iran's case illustrates both features. The Board found non-compliance in June 2025, over Tehran's failure to explain uranium traces at undeclared sites under investigation since 2018. It then deferred the reporting step three times, in September and November 2025 and again in March 2026, before finally acting this September.

The procedural architecture matters because an IAEA finding does not automatically translate into Security Council sanctions. The IAEA Board of Governors operates within the Agency's statutory and safeguards framework. Under Article XII.C of the IAEA Statute, where the Agency determines that there has been non-compliance with a safeguard undertaking, the Board may report the matter to the UN Security Council and the UN General Assembly. The Security Council then considers the matter within its own institutional authority under the UN Charter. Any binding decision requires nine affirmative votes and no veto by a permanent member. Given that Russia and China voted against the referral at the Board, there is little reason to expect their support for coercive measures at the Council. Analysts have already described the referral as largely symbolic, with Western pressure likely to stall once it reaches New York.

The central objective should be to bring Iran back into the effective jurisdiction of the NPT and IAEA safeguards system. This requires a shift in the Western narrative form.

How can Iran be punished? What combination of pressure and incentives will make verified compliance strategically preferable to non-compliance?

This approach would also preserve the authority of the IAEA. The Agency should not become merely an instrument through which geopolitical powers justify predetermined policies. Its technical findings must remain independent and evidence-based. Western governments should support the Agency's verification mandate while avoiding the politicisation of its technical assessments.

A year of escalation the procedural story omits

The Board's initial non-compliance finding in June 2025 was followed within days by a twelve-day war: Israeli strikes on Iranian nuclear and military sites, followed by American strikes on the Fordow, Natanz and Isfahan facilities. Iran suspended cooperation with the Agency in the aftermath, later permitting inspections to resume at unaffected sites such as Bushehr while continuing to deny access to the bombed facilities. By November 2025, the Agency reported

that it had lost continuity of knowledge over Iran's stockpiles of nuclear material, meaning inspectors can no longer independently verify what Iran holds or where it is. That loss of verification, more than any single procedural vote, is the crux of the present crisis, and it is not obviously remedied by adding another layer of Council involvement to a dispute the Council has limited capacity to resolve.

What an effective strategy requires

The Iranian nuclear crisis is ultimately a test of whether the international community can distinguish between accountability and permanent confrontation. The IAEA's finding of non-compliance is significant because it activates an established institutional process through which a safeguards dispute can reach the Security Council. However, the referral itself cannot solve the underlying problem. The objective should not be an Iran stripped of every peaceful nuclear capability, nor should it be an Iran permanently isolated from the international system. The objective should be an Iran whose nuclear activities can once again be independently verified.

The success of the international system will ultimately not be measured by how many sanctions are imposed on Iran or how strongly governments condemn Tehran. It will be measured by whether inspectors can return, whether nuclear material can be accounted for, whether outstanding questions can be resolved, and whether Iran can once again operate within a credible system of international verification. The purpose of the non-proliferation regime is not to permanently exclude states that violate it. It is to create conditions under which they return to compliance. Iran should be held accountable, but the door back into the non-proliferation fold must remain open.

The door back into the non-proliferation fold remains, in principle, open. Keeping it open in practice will depend far less on the vote just taken in Vienna than on what happens next on the ground at Natanz, Fordow and Isfahan.

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