

To move or not to move

Will the US return to the Iran nuclear deal?

A CLOSER LOOK



TASNEEM TAYEB

FOR those who had expected a quick rapprochement initiative from the Biden administration with regard to Iran, especially a return to the 2015 landmark Iran nuclear deal, the recent comments by the new US top diplomat, Antony Blinken, may have perhaps been a little disappointing.

In his first public comment on Iran, the new Secretary of State Blinken stated that "if Iran comes back into full compliance with its obligations under the JCPOA, the United States would do the same thing." This means that while the Biden administration has shown interest in coming back to the nuclear deal—also known as the Joint Comprehensive Plan of Action (JCPOA)—for this to happen, Iran will have to make the first move. Iran is unlikely to do this, and for various reasons.

First of all, Iran was compliant with its obligations under the JCPOA, including staying within the limits of uranium enrichment and enriched uranium stocks, as reported by the International Atomic Energy Agency in a report in 2018, and also confirmed by US intelligence agencies, as suggested by Blinken in a January 8, 2020 interview with the CNN, "It [JCPOA] put in the most intrusive inspections regime in arms control history, and, by every account, Iran was abiding by the agreement... And our own intelligence agencies confirmed that. That was a very strong foundation upon which to build."

Despite this, and in complete disregard to the requests from the other signatories of the JCPOA—namely the P4+1 countries: China, France, Russia, the United Kingdom plus Germany—the US under the Trump administration unilaterally pulled out of the multilateral deal. The US then unleashed a "maximum pressure" campaign against Iran to force it to negotiate a new deal with the US. This move was also in sync with the interests of Trump's regional allies: Israel, Saudi Arabia and UAE, some of whom had vehemently opposed the JCPOA in the first place.

A bevy of harsh sanctions were imposed on

Iran, even when the nation was reeling from the shocks of the pandemic and the common people were having to bear the brunt of it. The other signatories of the JCPOA could not do much to help Iran either, although the US pulling out of the JCPOA had been due to no fault of Iran. In the context of this reality, one can understand Iran's distrust towards the US and its unwillingness to make the first move in the return to the JCPOA.

Moreover, the US does not only want Iran to meet its JCPOA obligations for it to consider lifting the sanctions and gradually return to the agreement, they also want to add more elements to the negotiations to have a "longer and stronger agreement", which would include Iran's missiles programme and "destabilising activities" in the region. And there have been suggestions that other regional players might be included in the negotiations this time, including the Saudis.

Iran has responded in the negative to both suggestions. The country's foreign minister, Javad Zarif, has clearly stated on multiple occasions that Iran will not renegotiate the current deal, nor will it discuss its missile programme. Moreover, Iran has rejected a recent French suggestion that the Saudis be included in any new talks to apparently avoid the mistake of not having involved regional countries in the negotiations last time. Iran's response has been to the point: "The nuclear accord is a multilateral international agreement ratified by UN Security Council Resolution 2231, which is non-negotiable and parties to it are clear and unchangeable," Iranian Foreign Ministry spokesman Saeed Khatibzadeh said.

And even if the current Iran regime wants, it cannot sit at the negotiating table and accept all these new demands. Given the weakened position of Hasan Rouhani's party in the February 2020 parliamentary elections, this would be unlikely.

The backstabbing by the US in launching a maximum pressure campaign against Iran with the harshest possible sanctions, along with the unlawful assassination of Iran's top military general Qasem Soleimani in January 2020, has only solidified the anti-US narrative of the conservative hardliners. And they are in a strong position in the Iranian parliament now—occupying 230 of the 290 seats.



The ministers of foreign affairs and other officials of the P5+1 and ministers of foreign affairs of Iran and EU in Lausanne in 2015, when the framework for the JCPOA was created.

PHOTO: WIKIMEDIA COMMONS

If the US is contemplating triggering negotiations post the presidential elections scheduled for June 18, 2021, it might be too little too late. For one, the Iranian parliament, dominated by the hardliners, is making swift moves to expand and strengthen its nuclear programme. In November last year, the parliament approved a bill that requires the production of 120 kg of 20 percent enriched uranium at the Fordow nuclear site on an annual basis by the Atomic Energy Organisation of Iran (AEOI).

Last month, the speaker of Iran's parliament, Mohammad Baqer Qalibaf, visited the Fordow nuclear site himself to be briefed on the uranium enrichment stockpiles and related matters. The country also plans to install additional IR2m gas centrifuges in the coming months to further facilitate production of enriched uranium.

And with the US not coming up with any concrete stance regarding their country's possible return to the JCPOA, one cannot blame Iran for prioritising its military strength, especially in the context of Israel suggesting that military actions against Iran is an option on the table. "Iran can decide that

it wants to advance to a bomb, either covertly or in a provocative way. In light of this basic analysis, I have ordered the IDF to prepare a number of operational plans, in addition to the existing ones. We are studying these plans and we will develop them over the next year," the Israel Defence Forces Chief of Staff Aviv Kohavi said recently.

And Israel's former national security adviser, Major General (res) Yaakov Amidror, who is known to have close ties with the Israeli Prime Minister Benjamin Netanyahu, went so far as to threaten the US with striking Iran if the US reenters the JCPOA, "In a situation where the United States returns to the old nuclear agreement with Iran, Israel will have no choice but to act militarily against Iran to prevent it from manufacturing a nuclear weapon".

This coming from someone like Yaakov Amidror could not have been a slip of tongue, but a deliberate and calculated threat to the US and Iran.

While it is understandable that the US has made many foreign policy mistakes under the Trump regime, which might have led other nations to undermine its command as

a leading world power, allowing Israel and the regional allies to dictate its Middle East policy would not be desirable from the new US administration.

The appointment of Robert Malley as envoy for Iran—an Obama administration official who had played an instrumental role in cracking the 2015 nuclear deal—comes as a welcome move to end this deliberately created deadlock over the JCPOA. One hopes that his experience of having walked the slippery rope with Iran and his understanding of the complexities involved in this would facilitate Malley's efforts to come to a peaceful resolution to curbing Iran's nuclear ambitions. However, in view of the aggressive approach of the conservatives in the Iranian parliament, the highly provocative statements of Israel, and the sluggish response from the new US administration, Malley will have little room to make his moves.

While the US approach of consulting various parties with regard to how the country should respond to the JCPOA is a wise decision, it however must not spend too much time in deliberations, especially in view of the urgencies. Could the Blinken-Malley duo crack another solution to this stalemate? Only time will tell.

The Middle East is a complex maze: there are multiple parties—regional and global—with vested interests in the region. And all are jostling for hegemony and greater control over this fragmented landscape. However, a nuclear war—or a war or any sort—in this already volatile region could further push it to the brink of collapse. This is an outcome that is absolutely not desirable. The US being a world power must do all it can to come to a peaceful resolution with regard to Iran's nuclear ambitions. The US cannot allow Israel or other allies to dictate its foreign policy. It has lost a lot of its credibility under the Trump administration. Now, it is time for the US to do the right thing, and in the wake of the prevailing realities in the Middle East, that would be to restore the JCPOA and then perhaps take it forward from there, in order to reach a meaningful "longer and stronger agreement".

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Ensure access to justice for Bangladeshi migrant workers

Institutional mechanisms must make the labour recruitment process more transparent and accountable



HOSSAIN MOHAMMAD FAZLE JAHID

BANGLADESH is one of the top labour sending countries of the world. In the last decade, the number of Bangladeshis migrating abroad for employment has increased almost 100 times since the mid-1970s, when labour migration to the Gulf region commenced. Migrant workers have not only been contributing to the country's foreign exchange reserves, they alleviate the pressure to create local employment opportunities for the tens of thousands of people that enter the job market in Bangladesh each year. A number of studies have highlighted how migration not only contributes to the economic wellbeing of the members of migrant households, it also develops their human potential through access to nutrition, healthcare and education. With increases in purchasing power, migrant households also generate demand for goods and services at the local market. Therefore, migration triggers a range of positive outcomes for migrant households, local communities and the nation at large.

The complex process of migration involves a range of actors, including government agencies and the private sector of both origin and destination countries. Being a state party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990, Bangladesh had already enacted a law—the Overseas Employment and Migrants Act in 2013—and later framed the Overseas Employment Policy and Rule in 2016 and 2017 subsequently.

The major objectives of those instruments are to uphold the dignity and protect the rights of migrants and the members of their families. The Overseas Employment and Migrants Act, 2013 contains some important provisions that accord migrants the right to file criminal and civil suits for compensation simultaneously. The aggrieved migrants are given further right to lodge written complaints to relevant government authorities. The scope for lodging written complaints with the Ministry of Expatriates' Welfare and Overseas Employment and Bureau of Manpower, Employment and Training (BMET) appears to be more convenient for migrants who have been cheated, as it is less time and money consuming than taking recourse to courts. Moreover, often migrants do not preserve or cannot retain necessary documents that are deemed

essential for criminal prosecution. Absence of documents is a major hindrance in proving a criminal offence beyond reasonable doubt.

The number of cases lodged in the courts for violation of the Overseas Employment and Migrants Act, 2013 is minimal, while a total of 905 complaints were registered with the BMET in 2020. Among the latter, 481 complaints were solved, which led to the recovery of around Tk 24 million for migrant workers, who in a majority of cases are

Court Division ordered the cancellation of the license of the recruiting agency and instructed the authorities to distribute the deposit money of the agency as compensation, Jashim Uddin and his associates are yet to receive it.

The existing arbitration cell of BMET is comprised of officials who have other responsibilities to perform. This creates a major workload on them and delays the process. To dispose of the complaints within the stipulated time frame, BMET needs to have a separate

It is also time to determine the responsibilities and liabilities of recruiting agencies, particularly their relationship with the middlemen.



ILLUSTRATION: KAZI TAHSEEN AGAZ APURBO

cheated by recruiting agencies. Therefore, securing redress through institutional mechanisms other than formal courts appears to be a viable and affordable redress method for migrant workers. However, despite the resolution of a number of complaints, 47 percent of complaints remained unsolved last year. The law stipulates that investigations must be completed within 30 days and complaints should be disposed of within three months following the investigation. The process sometimes gets delayed due to the unwillingness of the recruiting agencies to timely respond to the notices issued by BMET. Needless to say, delay in dispensing justice only increases the suffering of the migrants and their families. For example, Jashim Uddin, along with eight others, lodged a complaint with BMET against one registered recruiting agency that took Tk 24,00,000 in total from them to facilitate their migration to different countries but failed to deliver in facilitating their migration. Although in 2017, the High

Arbitration Cell that would be tasked with resolving the grievances. In addition to the officials, the proposed Arbitration Cell may be composed of persons who have necessary expertise in arbitration, legal matters and migration issues. Information on the availability of online complaint mechanisms at BMET and the Ministry of Expatriates' Welfare and Overseas Employment needs to be widely distributed. The mechanisms also need to be made more functional. Its remit should be enhanced, from complaint submission and tracking the updates to holding of online complaint hearing sessions with the opportunity for the respondents to attend those from a distance. This will ensure participation of migrants currently staying abroad and also those staying outside the capital. It will also facilitate female migrants' active engagement with the arbitration process, who often fail to attend in-person hearings due to other obstacles.

One of the major drawbacks of the grievance management mechanism is that

the middlemen, the X-factor of migration, remain unrecognised. Non-recognition of the role of this important actor makes it extremely difficult to ensure the accountability of the middlemen for offences they commit. Since 2001, the Refugee and Migratory Movements Research Unit (RMMRU) of the University of Dhaka has been advocating for regularisation of the middlemen to ensure a transparent and accountable recruitment process. Over the last few months, some positive developments have taken place, with the Parliamentary Standing Committee on the concerned ministry making strong recommendations for setting up procedures for regularising the middlemen, with the Prime Minister giving instructions for the issuance of identity cards to the middlemen and with the concerned ministry announcing the setting up of a committee to bring middlemen within legal frameworks. The Parliamentary Caucus on Migration and Development has also called for regularising the middlemen.

It is also time to determine the responsibilities and liabilities of recruiting agencies, particularly their relationship with the middlemen. RMMRU has suggested three methods for registration of middlemen—with BMET, with the Bangladesh Association of International Recruiting Agencies (BAIRA) and with individual recruiting agencies. The matter requires detailed deliberation among migration stakeholders, including government, the private sector, NGOs, intermediaries and migrant workers.

Despite the severity of Covid-19, it is Bangladesh's migrants who kept the national economy stable. It is time that we pay due respect and value the contribution of remittance earners by ensuring their access to justice and minimising the problems they encounter during recruitment. Regularising intermediaries, making the recruiting agencies accountable and strengthening the arbitration mechanism of BMET are essential elements of that process.

Advocate Hossain Mohammad Fazle Jahid is a Senior Programme Officer (Legal) of RMMRU.

QUOTABLE Quote

AYN RAND (1905-1982) Russian-American writer and philosopher.

We can evade reality, but we cannot evade the consequences of evading reality.

CROSSWORD BY THOMAS JOSEPH

ACROSS

- 1 Rum-soaked cake
- 5 Captivated
- 9 Chris of "The Avengers"
- 11 "To repeat ..."
- 13 Barista's creation
- 14 Move like a crab
- 15 Set fire to
- 16 Sewing machine part
- 18 Elite athlete
- 20 Went ahead
- 21 Did some tailoring
- 22 Towel word
- 23 Lot buy
- 24 Shop tool
- 25 Unyielding
- 27 Spa features
- 29 Outback runner
- 30 Romantic sights
- 32 Series show
- 34 Important time
- 35 Surgical tool
- 36 Light fare
- 38 Was out
- 39 Letter before iota
- 40 Newspaper section
- 41 "I smell —!"

DOWN

- 1 "Twilight" heroine
- 2 Takes advantage
- 3 Speedy warship
- 4 Termite's kin
- 5 Stair part
- 6 Tibet setting
- 7 Riverboat
- 8 Boat part
- 10 Game dog
- 12 Title papers
- 17 "Gnarly!"
- 19 Did laps, maybe
- 22 Toppers
- 24 Most rational
- 25 Believes
- 26 Gazelle's kin
- 27 Unopened rose
- 28 Layers
- 30 Categorizes
- 31 Egypt's Anwar
- 33 Fall mo.
- 37 Cry of insight

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YESTERDAY'S ANSWERS

G	E	T	S	S	A	B	E	R
A	X	I	O	M	I	R	E	N
B	I	B	L	E	L	I	L	T
O	L	E	N	A	T	A	L	I
N	E	T	P	A	Y	I	C	E
H	I	D	E	S	N	E	D	
H	E	N	S	U	M	O		
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N	O	T	C	O	O	L	E	R
T	I	A	R	A	A	W	A	K
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