

Editorial

Legal and Geopolitical Implications of US Unilateral Withdrawal from the Nuclear Agreement

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After several years of negotiations, and almost five years of sanctions imposed on Iran, the Joint Comprehensive Plan of Action (JCPOA) was signed between the USA, Iran, China, Russia, the UK, France, Germany and EU on 14 July 2015, which was intended to lift the economic sanctions against Iran. The multilateral agreement was sanctioned legally and enforced by a United Nations Security Council resolution.

The JCPOA, commonly known as the Iran Nuclear Deal, followed an “Iran Nuclear Deal framework for the Final Agreement” that was reached on 10 April 2015 in Lausanne, Switzerland, which in turn followed a preliminary agreement on a Joint Plan of Action reached in November 2013 in Geneva, Switzerland. However, on 8 May 2018 US President Donald Trump announced that the USA withdrew from the deal.

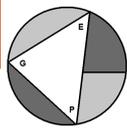
The other parties to the agreement have subsequently announced they would remain committed to the deal, even though the EU countries had not yet lifted all sanctions imposed on Iran (see figure 1). However, the USA announced that it would impose sanctions on those companies that trade with Iran; they will be fined in the USA and may not trade with the USA. Legally a unilateral withdrawal from a United Nations Security Council resolution is not even possible.

The USA may get lawsuits if it imposes secondary sanctions on companies. Although the US unilateral withdrawal from the deal is a violation of international law as it violates a multilateral agreement confirmed by a United Nation Security Council resolution, the geopolitical reality in the world is different and may predict many problems.

In reality, even before their withdrawal, the Iran Nuclear Deal was not honored by the USA as it proceeded with sanctions against Iran even after the deal. However, after their unilateral withdrawal from the deal it is not certain what the consequences will be for international trade with Iran.

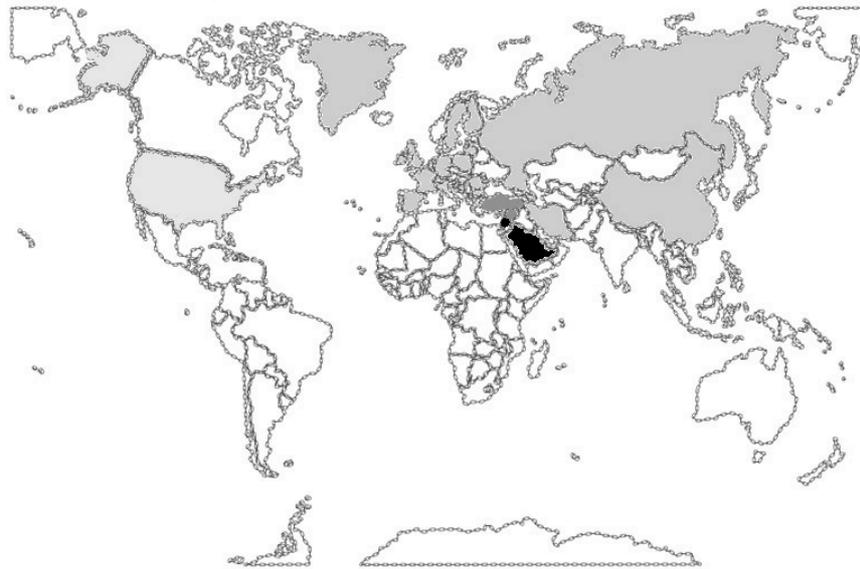
By accepting the JCPOA Iran gave up its 20 percent and 5 percent enriched uranium and heavy water, destroyed its heavy water reactor in Arak and reduced and agreed upon a 3.5 percent upper limit for uranium enrichment. In order to make a nuclear warhead one needs a substantial amount of around 90 percent enriched uranium. Iran had spent a lot in order to build up its nuclear technology, which the International Atomic Energy Agency (IAEA) confirmed was designed for civilian purposes. Yet Iran has wasted so much money and given up almost all in return for the deal. From the beginning, the USA did not fully honor its agreement and imposed new or renewed the existing sanctions.

Nevertheless, it will be very difficult, and perhaps impossible, to impose secondary sanctions

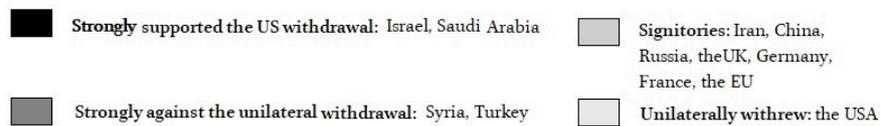


on *all* companies. The sanctions cannot target the Iranian military as its technology is mainly domestic, and as it may buy also from Russia and China. The military industry of China and Russia do not sell primarily to the USA, and therefore secondary sanctions on them is meaningless.

Figure 1: The JCPOA and World Powers ¹



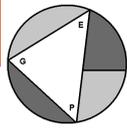
The JCPOA and World Powers



All the other parties to the Iran nuclear agreement have maintained that they will remain a party to this agreement which is the result of years of negotiation and therefore do not wish to replace it by a new deal. The fact that there is no credible commitment from the Trump Administration does not invite the other signatory parties to make a new deal. Six countries plus the European Union made a deal with Iran. A deal, by which Iran gave away almost all of its nuclear (enrichment) technology, yet the sanctions were not relieved fully and at the end Trump unilaterally withdrew its support.

However, given the fact that the Iranian market is smaller than the American market, many companies may exit the Iranian market in order not to get steep fines or legal procedures from or against the US government.

Thus the new American sanctions will mainly, and perhaps even only, target civilians. A lot of people will die due to a renewed shortage of medicines. Aircrafts will crash once again due to their surpassed longevity and lack of (spare) parts. And probably bad food full of palm oil will be sold with high prices to Iran, and people will get cancer. Briefly, it is to be expected that these sanctions will have hardly if any impact on the Iranian military industry and will target civilians in an inhumane way, even much worse than the previous sanctions did.



Already before the final deal of JCPOA, our journal (2014 Vol.2, No.1) has dedicated a special section on discussions about it in which experts with diverging views wrote about a possible future deal and its geopolitical implications. We invite now everyone to contribute for a prospective special section on the US withdrawal from the Nuclear Deal and its possible humanitarian and geopolitical implications.

Babak Rezvani, Editor-in-Chief August 2018

Endnote

1. The unedited outline map is from: https://commons.wikimedia.org/wiki/File:World_map_-_low_resolution_chain_test.svg.

NB: do you have any comments on the editorial? Please send these to info@ethnogeopolitics.org, or through the contact form at www.ethnogeopolitics.org.

