

AMERICAN UNIVERSITY OF BEIRUT

IRAN AND THE UNITED NATIONS' SECURITY COUNCIL
RELATIONS:
THE CASE OF THE IRANIAN NUCLEAR PROGRAM

by
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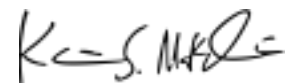
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ABSTRACT OF THE THESIS OF

Laila Louay Charafeddine for Master of Arts
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Title: Iran And the United Nations' Security Council Relations: The Case of The Iranian Nuclear Program

This thesis will explore the nature of the relations between Iran and the United Nations' Security Council (UNSC) with a special focus on the Iranian nuclear program and its effect on the nature of this relationship. While exploring the relation of this International Organization and Iran, dominant roles that any of the Permanent Five members of the UNSC have had on this relationship will also be demonstrated.

Using the historical study as a research method helps shed light on all the events that took place between Iran and the UNSC or its member nations since 1941 up until today. This method will highlight specific key instances within the timeline that are essential to explore through the case study approach and that will further help unravel this complex political phenomenon. The events pertaining to this study belong to three stages of the timeline:

The first stage is 1941-1978, which explores the period after World War II and the partitioning the world among world powers, the establishment of the UN, the Cold War, the Pahlavi dynasty, and the UK, US, USSR involvement in Iran.

The second stage is 1979-2006, which is the period after the Islamic Revolution, the Iran-Iraq war, and the relaunch of the Iranian nuclear program under the new anti-Western regime and UNSC sanctions on Iran.

The third and final stage is 2007- Present, which goes from the rise of the tension between Iran and mainly the US out of the P5 members all the way to negotiations towards the Joint Comprehensive Plan of Action (JCPOA) and signing the deal, back to the US's withdrawal from the deal, Iran's response to US infringements and the UNSC's position of Iran's reassumed endeavors.

Iran has been a field of geostrategic confrontations by world powers through different stages of international turmoil. Hence, its political endeavors have always been a reaction to the situation going on within the dominant international sphere who is mainly the UNSC today. This was the situation before the UNSC was established and continued to be the case after as well, meaning that the political endeavor on Iran's end never just aimed at the UNSC as a whole, but rather at specific member nations such as the US. The same can be said for the US who uses its unipolarity to steer the UNSC and other P4 members to a foreign policy decision that benefits it as an independent state as well.

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ABBREVIATIONS

AEOI	Atomic Energy Organization of Iran
AIOC	Anglo-Iranian oil Company
GA	General Assembly
IAEA	International Atomic Energy Agency
IRGC	Islamic/ Iranian Revolutionary Guard Corps
JCPOA	Joint Comprehensive Plan of Action
LEU	Low Enriched Uranium
NNWS	Non-nuclear Weapon States
NPT	Non-Proliferation Treaty
P5	Permanent five members of the UNSC (US, UK, Russia, China, France)
P5+1	P5 members and Germany (Signatories of the JCPOA with Iran)
SC	Security Council
UNGA	United Nations' General Assembly
UNSC	United Nations' Security Council
U-235	Uranium 235

CHAPTER I

INTRODUCTION

The study of the relationship between Iran and the UN Security Council (UNSC) is an interesting study that sheds light on the limits of the United Nations and whether or not it is able to be a neutral entity as it aimed to be. This is especially the case because the main nations who are leading it are powerful and highly political states, the permanent five (P5) members (USA, UK, Russia, China, France). The United Nations' driving entity that is the Security Council gives an example of what the limits and the conditions are for the promotion of a middle country to reach a specific regional position in the current circumstances especially after the end of the cold war. It is important to look at the UN as an institution in that light because today, the US has a very dominant position compared to the other permanent 4 members in the UN Security Council and its veto power is a game changer. This slow shift of power to mainly one state causes certain contradictions especially because the US is a UNSC member.

In the case of Iran for example, Iran attempts to become fully autonomous but that aim is only achievable if it is formally translated by the UN. However, it is the P5 members who have to recognize such attempts to allow its achievement. Just as Iran is using the UN as a stage to achieve its autonomy, the US is using the UN as stage to make sure Iran does not achieve that by marginalizing it in different ways.

On the pathway to power, elites often extend their influences and assert agency (Maclean, 2014). The UNSC's P5 members are among the major world powers that are considered "elites", leading members, major decision makers, powerful states. Nonetheless, Iran has proven that it will not surrender when faced with unjust pressure

and instead it can tolerate hardship and further strengthen itself as it has for the past 40 years (Movahed, 2019). However, Iran tends to show a regard for the United Nations and the Security Council's terms and restrictions.

In the field of global politics, law and security, it is important to study such controversial matters because it leads to studying the policies among their makers, translators, and unmakers. It is important to look at the fact that policies are formed by dynamics that have to do with policy actors and depoliticizing highly political issues as in the case of global nuclear programs (Stepputat, 2015).

In order to understand the relation between Iran and the United Nations' Security Council, especially when it comes to the case of the Iranian nuclear program, it is important to look at key moments that involved the two since the establishment of the UN in 1945 up until present times.

A. Research Design & Methodology

1. Research Question

This thesis will be addressing the following research question: "What is the nature of the relationship between Iran and the United Nations' Security Council, especially when it comes to the Iranian nuclear program"?

2. Research Methods & Clarification of Concepts

In order to answer the above research question, the research methods used for the preparation of this thesis are a combination of historical study and case study.

The Historical study is a method that helps understand the timeline of events regarding the issue at hand. It is important to enrich this study with the historical

background of Iran before and after the revolution up until today and its relation with the United Nations Security Council and its leading permanent five nations as an international body throughout all these years. This is especially necessary because the establishment of the United Nations took place during a very critical time period in history which was right after World war II and the dividing of nations and right before the Cold War. It is important to look at the UNSC-Iran relations from a historical lens as well since powerful nations such as the USSR, UK and the US saw Iran as an optimal field for geostrategic confrontations in such international unrest before the revolution due to its geographical context and its natural resources such as major oil reserves, and also after the revolution up until today due to its nuclear program.

The historical study sheds light on specific events that would be beneficial to look into, making the case study method a second research method. This method is an examination of a specific instance that took place between the two entities. For the purposes of this research, the events that led to the UNSC passing resolutions on Iran will be examined in order to better understand the nature of their relationship since 1945-present times. This includes pre-revolutionary incidents such as the conflicts Iran faced with the USSR, and Western country interventions, as well as post-revolutionary resolutions such as the Iran-Iraq War and mainly, the Iranian nuclear program. Since the focus of this thesis is on the relationship between the UNSC and Iran and mainly on the Iranian nuclear program, the case study method will especially be used in better understanding the UNSC's standpoint regarding Iran's nuclear program, the sanctions it set on Iran and finally the Joint Comprehensive Plan of Actions (JCPOA) deal that the UNSC members, Germany (P5+1) and Iran reached after years of negotiations.

The evolution of their long relationship is best understood through a historical context coupled with the analysis of specific cases where both the UNSC and Iran were directly involved.

3. Literature Review & Collecting Information

The topic of this thesis has an ongoing nature as the relation between the UNSC and Iran will not be stopped nor is currently stagnant. Hence the information collected for the purpose of this research is extracted from existing and ongoing material such as articles, daily news from international sources and Persian sources, newspapers, related studies and historical timelines. In addition, relevant course material, class lectures and seminars pertaining to professionals who worked in this field have been made use of in the process of gathering information for this thesis. Furthermore, signed documents such as the JCPOA and UN resolutions dating back from 1946 until present times, year 2021, have been drawn up from the United Nations' website in order to better analyze their relation, the past and present situation that both entities dealt or are dealing with, and its evolution.

CHAPTER II

INTRODUCTION TO THE UNITED NATIONS SECURITY COUNCIL

The creation of the United Nations happened during a period after WWII when major powers were partitioning the world. In theory the aim of the UN was to be an international organization for all nations equally to maintain international peace and security, but in reality, it serves the interest of powerful nations through a diplomatic loophole, hence the existence of the permanent five nations in the Security Council.

By 1943 all the principal allied nations were committed to outright victory to create a world in which “men in all lands may live out their lives in freedom from fear and want.” However, the basis for a world organization was still not defined, until the Foreign Ministers of Great Britain, the United States and the Soviet Union met in October 1943 for discussion. On December 1, 1943, two months after the four-power Declaration, Roosevelt, Stalin and Churchill, met for the first time at Teheran, where they declared that they worked out concerted plans for this international institution (UN, 1943).

In 1940, the United States and Great Britain started the talks that led to the development of an international organization that aimed to ensure world peace and security after the end of World War II. As a starting point, the Atlantic Charter which was a statement issued in 1941 containing US and UK’s goals for the world after World War II. It served as a key ideological base for the norms that were to be created for this international organization and it was initially signed by Prime Minister Winston Churchill and US President Roosevelt. Although the Charter was not a formal treaty, it

did call for the abandonment of the use of force and soon after its initiation representatives from other nations also signed the treaty, starting with the Russians and the Chinese (Parker, 2011, p. 4).

The first four signatories were known as the Big Three (USA, UK, Russia) and China who are the four permanent members out of the five members at the United Nations Security Council (UNSC) up until today. The four nations recognized the necessity to establish this international organization as soon as possible, based on sovereign equality of all “peace-loving” nations and maintenance of international peace and security. Given that all members agreed with this base, a conference was held in Washington D.C in 1944 to allow all sponsors to present a unified front for the basic principles of what is now known today as the United Nations Charter. It was at that point when the modes for establishing the Security Council was set as well. It was also decided that the UNSC would consist of permanent five (P5) members (USA, UK, USSR, China, France) that would hold veto power (Parker, 2011, p. 5).

The approval of the UN Charter draft was to be discussed in 1945 in San Francisco. Fifty countries were represented at the conference and shared their amendments with the mentioned leading member. A concern that smaller nations have up until today was raised with permanent members to-be. In comparison to the powers that the permanent members hold in the UNSC, smaller states feared that the P5’s veto power would run as an obstacle whenever a motion is to be passed for issues related to smaller countries and that they wouldn't have enough power to vote for its passing in their favor. For that reason, an agenda for smaller powers was outlined where the objective was to strengthen the power of the UN General Assembly (UNGA) which was seen as the entity having more of an equal representation for the intentional community

(Parker, 2011, p. 6). However, it was unfortunate that two years after the UN establishment the Cold War took place making the UN a battleground between Communist and non-communist members that strained the ties between the newly established P5 members.

A. The UN Security Council During the Cold War Period

The establishment of the UN Charter was a huge international milestone but like many other endeavors it faced limitations and tensions among its members due to political reasons. The P5 members began to fade a year after the ratification of the UN Charter due to ideological differences between the Western members and that of Russia which was the Soviet Union (USSR) back then. All these tensions were steps that were initiating the unsettling and long-lasting effects of the Cold War that lasted from 1947-1991 which was when the USSR itself dissolved into separate republics. The alliance between major state powers after World War II was uneasy and the fear of the emergence of nuclear weapons and also having Communist Soviets dominating Western countries caused enough tension to create the pathway for the Cold War. These tensions took a toll on the relationship between the P5 members and their initial duty to preserve international peace and security (Parker, 2011, p. 9).

The USSR and Iran were also facing problems due to the unlawful occupation of Soviet troops within the Iranian Monarchy's borders. Hence in 1946, Iran asked the Security Council to investigate this Soviet interference and offer a solution which was a difficult situation given that the Soviets were members as well and the pre-existing conflicts between the UNSC members and the Soviets were ongoing. It was decided that the USSR and Iran can settle it bilaterally and that the Security Council would only

draft resolutions to call for the settlement of the dispute as an international organization. However, the problem between Iran and the USSR troops remained unresolved and in the next UNSC meeting regarding this issue the members thought it was best if they interfered rather than let the Soviets resolve it with the Iranians. In return, the Soviet Union boycotted its participation as a P5 members in the council as an objection. The USSR representative did not want to participate because his motion was defeated (Parker, 2011, p. 9).

This was the start of a more complicated setting for the UNSC which was not so great given that the establishment of the Charter to avoid such scenarios was still so recent. One of the limitations that the Council was facing was that the veto power was being used as a political tool between Eastern and Western ideologies instead of serving its initial purpose which was to maintain international peace and security. Since the General Assembly was set to be the entity that dealt more equally with the international community, it called upon the permanent five members to restrain their use of the veto power in order to allow the Security Council to do its job effectively for the sake of international peace and security, which is much needed at the time. Under Resolution 377, the General Assembly would be allowed to intervene should the Security Council fail due to the P5's veto powers used as a political weapon at this point (Parker, 2011, p. 11).

The first real battleground of the Cold War was the war between North and South Korea in 1950 after the Communist victory in China, which was the first attempt for the Security Council to uphold its duty and maintain international peace and security. It was unfortunate that the P5 members' ideological differences took precedent on their initial pledge to perform their duty within the UNSC. The US and its major

allies responded to contain the situation and what they thought was the spread of communism and a violation of the UN Charter which was ironic because the members themselves weren't upholding their council duties either. On the other hand, being the face of Communism, the USSR supported the Communist North Korean State (Parker, 2011, p. 12). The tactical plans concerning the Korean conflict may have held the UN name, but in reality, the decisions were made in Washington by the Americans because of the challenges the USSR was causing as a rival. Hence, the Korean war maybe labeled as an incident where the UNSC took measures for collective security, but it is not the best example because the UN was mainly used by the US as a means to an end. The US used this international legal framework to fight the opposition for its own benefit, which shows how the UNSC was not successful in stepping up for its established purpose (Hardwick, 2021).

Such overstepping of the UNSC by its members during the Cold War is also notable in the case of the Suez Canal crisis when France, Britain and Israel claimed the right to use force to re-open the Canal against the US's will, after President Nasser nationalized it. Egypt was backed by the USSR at the time in 1956 and the UNSC's action to control the crisis was blocked by the French and British member states' vetoes. However, the UN managed to send Emergency Forces to act as a buffer which marked the first use of the UN's Peacekeeping Force (Hardwick, 2021).

The P5 members of the Security Council did not completely comply with the promise to maintain international peace and security, and they were also guilty of taking sides when war actually broke out defying the whole purpose of their institution. Instead of being a neutral entity for all nations equally, the power of decision making within the UNSC and the diffusion of power was divided among that of the USSR mainly and also

the Western powers, specifically the US. They did not separate their state as a sovereign entity from their state being represented as one of the permanent faces of a mediating entity of international peace and security among all nations.

Although the Cold War has long ended today, such shortcomings and failures by the UNSC to fulfill their duties as an international neutral entity is still evident in some cases today as well. This is especially true in situations of disputes with other nations that the US is involved in. One of the most notable examples is the coercive approach the UNSC had with Iran regarding its nuclear program after the regime change, and the recent tensions that the P5 members have been facing within the Council over their difference of approach regarding the recent policies on Iran.

B. The UN Security Council After the Cold War Period

The end of the Cold war is often regarded as a turning point in history where the beginning of a new world order commenced. This was especially because the Security Council had a developed spirit of cooperation that was particularly evident in the number of resolutions they unanimously voted on and started passing. The UNSC passed 185 resolutions in three years after the cold war as opposed to 685 in the previous 46 years. The UNSC evolved in three ways since the end of the Cold War. The first being a development in the P5 member's more cooperative approach. The second is the redefinition of the concept of sovereignty when it comes to the Security Council's involvement of their member's domestic affairs. Finally, the third being the incorporation of human rights discourse to evolve norms in the international community and as a result of the end of the long Cold War (Hageboutros, 2016, p.10).

With the collapse of the USSR, the playing field on which the UN used to operate on changed which meant that the UNSC was no longer debilitated by being caught in between two of its members, the US and the USSR, at least not in its previous form. It still faced similar limitations but in more subtle ways and from one state instead of two this time, which is still a shortcoming. This is because the US took on a powerful leadership role at the SC and assuming a position of complete non-involvement in regional crises is not a realistic policy option for the United States. The unipolarity that the US solely assumed after the Cold War may have even debilitated the UNSC more than the period of the Cold War as wars and other unrests increased. For example, the invasion of Afghanistan and Iraq in 2001 and 2003 respectively, and foreign policy tensions between Iran and the US and the EU countries assuming a position that would keep them on the US's good side. This unipolarity gave room for the politics, economy and military of the US to expand and develop so much that their citizens, firms, projects, soldiers, and diplomats have become dispersed with a notable presence all around the world. This has slowly caused the United States' veto power within the Security Council to hold a certain weight that affect the dynamics of the voting formulas when it comes to how and when the UN should respond to a perceived crisis and critical situations. Such powerful and biased influences of the US is subject of considerable debate among other nations, especially by those who are negatively affected by this current biased decision-making mechanism of the UNSC (Luck and Brinbank, 1994).

The veto power is an essential aspect to look into when it comes to the Security Council because of the power it holds in decision making but also because it introduces the principle of "reverse veto". The Security Council's voting procedures makes the

passing of a resolution somewhat difficult, and when passed, hard to undo. In an article published not too long after the Cold War, David Caron, a Professor of Public International Law, noted that based on the UNSC's post-Cold War decision making trend, they have come up with a mechanism that would make it easier for a done resolution to be undone. This would also mean that the challenges of passing a resolution may be slightly eased now that the option of a reversal exists. One way to leave room for a resolution to be undone is by putting a specific time limit on it, but another alternative is the reverse veto mechanism. By this it is meant that when the UNSC is passing a resolution, it will be stated that the passing of another resolution is needed in order to terminate the current one and all P5 members should vote on it unanimously in favor of termination (Galbraith, 2015). The flexibility that the application of this mechanism provides the UNSC resolutions with is favorable, for example in case of the nations where the UNSC passed coercive Chapter VII resolutions on especially after the Cold War. Nevertheless, it is equally unfavorable to impose on resolutions that are passed to settle highly politicized and controversial situations that have been causing tension, such as in the case of Iran. However, the possibility of having certain and more dominant P5 members leading other members into agreeing to apply such mechanisms for political purposes disguised as diplomatic and international security concerns should not be belittled.

The expenses that the UN bears are shared by different countries, however, the US pays an estimate of 25 percent of the regular budget and around 30 percent of peacekeeping costs. Although the US has an arrear of around \$1 billion owed to the UN, more than any other state, it still continues to play a leadership role. The US has used its current position in a cost-effective way with the UN to advance its interests abroad. It

can use its influence and veto power in the Security Council to guide the UN in building international coalitions and applying a mandate without having to take the sole responsibility on its own since it would be considered a multilateral act. However, it is also an established fact that the US can act unilaterally when it is the only way to promote and protect its national interests (Luck and Brinbank, 1994). This situation is especially represented in the case of Iran and its nuclear program.

The UN Charter established in 1945 in San Francisco serves as the UN's foundational treaty containing provisions for decision-making and collective military action. However, it does not represent a perfect system of collective security because it is combined with the roles and influences of great power nations. States in the UN collective security system make decisions based on their self-interests, which is due to the lack of solid uncontradictory rules. For example, the United Nations Security Council (UNSC) cannot adopt resolutions against its P5 permanent members that are China, France, Russia, UK and USA. Those states can act unilaterally violate or ignore resolutions of the Security Council whose job is maintaining international peace and security. In addition, the lack of geographical spread of members in the Security Council causes an imbalance in the role of maintaining global peace and security. The voices of small countries can be heard, but policies are not adopted in response to them unless they serve the interest of the great powers.

In extreme cases of acts of aggression, threat to, and breach of peace the UNSC may enforce coercive measures such as sanctions under a title called Chapter VII of the UN Charter. However, before such extreme measures, the security council may follow the chapter VI measures "Pacific Settlements and Disputes" that warns the breaching nation and encourages peaceful settlement by the ICJ or others, makes

recommendations, and investigates. And if for whatever reason the security council fails the general assembly (UNGA) backs it up in uniting for peace.

Chapter VII takes “Actions with respect to threats to the peace, breaches of peace and acts of aggressions”. There are 13 Articles in this chapter (39-51) that recommend provisional measure, sanctions and boycotts, which are non-military coercion, and also military coercions as last resort where armed forces are made available to the UNSC.

Chapter VII Article 39 states that the UN Security Council (UNSC) shall determine if there is the existence of any threats to peace and make recommendations. Moreover, Article 40 allows the UNSC to ask the concerned parties to comply with the provisional measures recommended, hence making the mentioned two articles consent-based rather than coercive. If the concerned nation did not comply with the UNSC’s consent-based provisions then Article 41 maybe applied where the UNSC may use non-military coercion which includes sanctions, boycotts, interruption of economic relations and severance of international relations. If the measures from Article 41 proved to be inadequate, the UNSC may use military coercion as part of Article 42. Strategic and tactical oversight of armed forces is made available to the UNSC and military operations such as demonstrations and blockades can be executed by air, land or sea to restore international peace and security. As opposed to Articles 39 and 40 that are noncoercive yet but do serve as setting stones for coercive measures, that of 41 and 42 are the direct coercive measures applied by the UNSC (United Nations, 2020).

The UNSC imposed Chapter VII measure mostly after the Cold War and has imposed it around 16 times. Iran after the revolution was one of them due to its nuclear program and activities, and tensions concerning it are still ongoing (McMahon, 2006).

CHAPTER III

IRAN, THE UNITED NATIONS SECURITY COUNCIL AND MEMBER NATIONS (1941- 1978)

In order to better understand the dynamics of the relationship between Iran and the UNSC up until today, it is important to shed on some historical context as well through a timeline of events, the first of which is 1941-1978.

Iran was one of the main countries that was at the frontline in geostrategic confrontations by the bigger world powers who were mainly the P5 members of the UN Security Council to-be, specifically the USSR, UK and USA. Iran seems to have always been under a political spotlight due to its location and resources and due to its political endeavors that that were shaped in response to the political situation of the world powers.

The UK and the USSR became allies in 1941 after the German invasion during World War II. Reza Shah Pahlavi who was the Persian Monarch at the time ensured that Iran remains a neutral state, however he was closer to the Nazis than the British. This is an example of a political endeavor that was a form of response to the amount of control the British had assumed over Iran's natural resources and the conflict it was causing. The Anglo-Iranian oil Company (AIOC), currently known as The British Petroleum Company (BP), had been drilling oil in Iran since 1913. During the British colonization of India, a British venture capitalist found oil in Southern Iran in the early 1900s. India is towards the South of Iran making its location an optimal entry point of control over the natural reserves by the British. Throughout time, the Persian Pahlavi Monarchs made concessions with the British that gave the UK certain control over Iran's

economy. It was during that period that the British feared that the oil refinery in Southwest of Iran, Abadan, would fall into German hands. It was the UK's over involvement in Iran that gave Reza Shah the motive to be more on the German's side than the British in hopes to rid his country of them. In addition, UK's ally at the time, the USSR also hoped to have benefits from Iran because Iran represented a vital channel for them as they share a border and given the raid of German submarines in WWII it was complicated to move their own convoys. Hence, Iran was a route for transporting equipment to the USSR from the Persian Gulf. These interventions by the UK and the USSR pressured Reza Shah and Iran, which triggered pro-German rallies, the enemy of the enemy that could possibly help Iran. This led to the British and Soviet invasion of Iran on August 1941 (Iran Review, 2016).

Reza Shah called the U.S. President Franklin Roosevelt to address this act of invasion. However, the Shah did not receive Roosevelt's support, on the contrary, the US president stated that Hitler's conquest is expanding and aims to take over Europe, Asia, America and Africa unless a military force stops it, and for that they must support each other against Germany. He also assured the Shah that the USSR and the UK have no intentions to harm the integrity or independence of the country. However, the Anglo-Soviet invasion of Iran forced the abdication of Reza Shah and brought his son, Mohammad Reza, to power in 1941 (Iran Review, 2016).

However, over the years the Soviets introduced a separate state in the north, while the US and the UK helped overthrow the Iranian Prime Minister Mohammad Mossadegh in 1953. This coup d'état was because Mossadegh nationalized Iran's oil, which was a valuable resource that the UK and the US had control over. President Dwight Eisenhower and his advisers concluded that Mosaddeq was the problem to the

crisis and because this crisis was during the Cold War in the midst of the US-USSR tensions, Eisenhower organized a covert operation to oust Mosaddeq before Moscow might have an opportunity to do so or act in a way that would affect the US's plans. After the coup they were able to bring back the foreign oil companies in 1954 under the Consortium agreement that the Western oil companies will have 40% ownership of Iranian oil production. However, after their joint effort, the US sought to gain more control in Iran and take over the position and control that the UK had in Iran, shooting two birds with one stone (Iran Review, 2016).

This attempt brought back Mohamad Reza Shah's throne to safety as he had fled the country during the turmoil. He ruled for the next twenty-five years and made many contributions that interested the superpower nations, especially the west. The Coup offered the Western countries an opportunity to strengthen their presence in the East through Iran This gave the US also reason and trust to be able to initiate the *Atoms for Peace* program for nuclear technology in Iran in 1957 under President Eisenhower. This was a benefit for Iran that would help further establish the nuclear program that was initiated under the Shah's rule (Iran Review, 2016).

However, the US interventions in Mossadegh's overthrow became apparent to the Iranian people and so they started to view the American conduct through a more skeptical lens. This view of the United States gaining more currency in Iran made the people question the Shah's decisions which caused tension and was being addressed by arbitrary power by the regime. Due to such resentments, the situation in Iran was not optimal during the 1970's which served as the stepping stone for the revolution to-come.

Today, the US continues to have such mixed positioning, an overlap between what its role is as a P5 member and what its independent state wants politically. The fact that the US had a hand in taking the Iranian nuclear program to a new level shows how politicized this issue is. It was only because of the pro-western policies of the Shah that the US and the UNSC did not treat Iran's nuclear program as they do today. It is not about Iran having a nuclear program, it's about who is the regime controlling it. The US, UK, and USSR as P5 members must maintain international peace and security, which also means not create domestic turmoil in other countries. The coup, partial control over Iran's oil, and trespassing on the country's borders done by each of the members respectively, are they exact opposite of that. Given that they are the same members conducting these acts, any resolution passed by the UNSC to resolve any issue at hand would be more of a diplomatic formality rather than an effective order. An example would be the UNSC's Resolutions on the conflicts between the USSR and Iran.

A. UNSC Resolutions for Conflict Between Iran & Soviet Troops

In 1946 when the Security Council passed its first resolutions on Iran, the country was still under Mohammad Reza Shah Pahlavi's reign, the last king of the Persian Monarchy before the Islamic Revolution in 1979. The first batch of the resolutions were in regards to Iran's insistence on the UNSC to do something about the unlawful Soviet troops on its borders. However, the UNSC's interventions didn't add up to much given that the USSR was a P5 member and a strong force. It led to tensions leaving the UNSC in turmoil.

- Resolution 2 (January 30, 1946) served to encourage Iran and the Soviet Union (USSR) to resolve their issues regarding the Soviet troops occupying Iranian territory and provide the Security Council with updates regarding their negotiations (UNSC, 1946).
- Resolution 3 (April 4, 1946) was passed in order to request the USSR to remove its troops as fast as possible from Iran (UNSC, 1946).
- Resolution 5 (May 8, 1946) delayed the decision regarding the Soviet troops in Iran until the Iranian government conferred with the USSR and submitted a report to the UN containing all the necessary information regarding the USSR troops in their country (UNSC, 1946).

CHAPTER IV

IRAN, THE UNITED NATIONS SECURITY COUNCIL AND MEMBER NATIONS (1979 - 2006)

The second period of the timeline that gives a more modern historical context regarding Iran and the UNSC and member nations is the period dating from 1979-2006.

Ayatollah Ruhollah Khomeini, a public critic of Iran's reliance on American backing had been exiled for years for his views regarding Iran's anti-Shah sentiments. His movement and the dissatisfaction of the public regarding the Shah's decisions brought on the Islamic Iranian Revolution in 1978–1979, forming of a theocratic state with anti-American implications (Byrne, 2012).

The US's increased position in Iran made the US one of the few countries that had more at stake in the evolution of Iran's political situation. Iran was one of the important nations during the Cold War even though it was not a direct player. This was because of Iran's major oil reserves and its location between the USSR and the Persian Gulf. Furthermore, even before the end of World War II, the global military and ideological competition between the United States and the Soviet Union started, which led to the developed tensions during the Cold War. This emergence motivated much of American foreign policy for the next several decades because they fear losing influence in a vital part of the world, namely Iran, to Soviet-led Communism. Hence, in the context of the Cold War, when the Iranian Revolution actually took place, the Americans saw this as "loss" of Iran to Soviet influence, a loss that was magnified by the USSR's invasion of Afghanistan in December 1979. However, it is important to mention that because of the Islamic Republic's suspicion of Russia's history of

aggressive behavior and communist leadership, it was not able to gain a foothold in Iran (Byrne, 2012).

During this period when Iran and the United States had a major shift in the nature of their relationship, the United States sided with Baghdad during the Iran-Iraq War that started from 1980 through 1988, and was initiated by Saddam Hussein. America chose the “lesser of two evils” to side with and so provided political, economic and military support, including a “silent” consent to Iraq’s use of chemical weapons and missile attacks on Iran. This was especially ironic given the fact that the US was a P5 member of the UNSC who passed resolutions repeatedly condemning this war and the use of chemical weapons. Washington’s actions also aimed to protect the flow of oil from the Persian Gulf and a determination to block the Soviets from gaining influence in the region (Byrne, 2012). Although the Iran-Iraq war was not directly the result of the Cold War, the USSR-USA competitions and rivalry was the driving force of any decisions the two opposing nations made and the mindset that they had adopted since the beginning of the Cold War. An example of those decisions is the US’s backing of Iraq against Iran during the war. Having a P5 member (US) fund and take sides in such a brutal war defied its position as a P5 member and questioned the UNSC’s actual power yet again.

A. UNSC Resolutions for Iran-Iraq War

The second batch of the UNSC Resolutions, after those pertaining to the Iran-USSR conflicts, concerned the Iran-Iraq war after the Iranian Revolution. It was a brutal 8-year war between the two countries that costed many lives. Even though the UNSC passed around 10 Resolutions pertaining to this unrest, it was disregarded by both states

as the UNSC passed the same ineffective and repetitive resolutions over the 8 years without any coercive measures as penalty. Resolution 4790 was the first resolution to be passed on Iran, more than 30 years after the last resolution passed on the country by the UNSC which was as old as Resolution 5. This shows how diplomatically detached the UNSC was as a formal international entity with Iran before the revolution took place when its own members were interfering in Iran's affairs. The Resolutions that were passed were repetitive statements calling for the same unattended subject.

- Resolution 479 (September 28, 1980) was passed to appeal to the Iranian and Iraqi governments as a first step towards solving the conflict in a peaceful manner and ceasing all armed activities (UNSC, 1980).
- Resolution 514 (July 12, 1982) called for an end to the Iran-Iraq war ceasing all military operations and urged the continuation of mediations between the two countries through the Secretary General (UNSC, 1982).
- Resolution 522 (October 4, 1982) was similar to the previous resolution from 3 months prior to this one, it calls for an end to the Iran-Iraq war (UNSC 1982).
- Resolution 540 (October 31, 1983) was passed when the members of the Security Council expressed deep concerns about the serious situation between Iran and Iraq that endangered International Peace and Security. Furthermore, it noted that Resolutions 479, 514 and 522 have not yet been implemented (UNSC, 1983).
- Resolution 582 (February 24, 1986) was passed in to deplore the use of chemical weapons in the war, cease the initial acts that initiated the war, observe immediate cease-fire and observe a mutual exchange of prisoners (UNSC, 1986).

- Resolution 588 (October 8, 1986) called for the implementation of Resolution 582, yet again another resolution that had not been implemented during this time (UNSC, 1986).
- Resolution 598 (July 20, 1987) attempted to demand an immediate cease-fire once again and requested that the UN Secretary General investigate how the conflict started (UNSC, 1987).
- Resolution 612 (May 9, 1988) condemned the use of chemical weapons once again during the Iran-Iraq war (UNSC, 1988)
- Resolution 619 (August 9, 1988) recalled the unimplemented Resolution 598 (UNSC, 1988).
- Resolution 620 (August 26, 1988) once again condemns the use of chemical weapons, encourages the Secretary-General to carry out the investigation that has been called for a number of times in previous resolutions, and called upon states to strengthen their strict control over the export of chemical weapons (UNSC, 1988)

Although the Cold War came to an end around three decades ago, the United States still confronts circumstances in Iran that emerged during that crucial period. Some are unchanged like Iran's oil, and other challenges have been altered or eliminated, but new ones take their place such as the tensions regarding Iran's nuclear program, post-revolution. This is because a new threat has taken rise in the eyes of the Americans. Although the Communist threat has disappeared, but the fear of international terrorism has strengthened. The threat of Communist spread, the Nazis and later on the terrorist attacks of 9/11 have made the US who has gained unipolarity

determined not to permit the emergence of another rival power to threaten American interests, hence their invasion of Afghanistan and Iraq for terrorists and weapons of mass destruction. This attempt was also translated later on to antagonism on the Islamic Republic of Iran for its now independent nuclear program (Byrne, 2012).

B. UNSC Resolutions on Iran for its Nuclear Program

The UNSC Resolutions make it quite evident that the Security Council's effective involvement with Iranian affairs that was not merely based on diplomatic protocols commenced when the regime shift took place after the revolution. Instead of having the Shah who was somewhat of a Western ally control the program, the Islamic Republic's government who opposed the Shah and his allies governed such a controversial and politicized program. The actual more serious affairs between Iran and the United Nations Security Council began as of 2005 and 2006 when Ex-President Mahmoud Ahmadinejad was elected president. Ahmadinejad belongs to the conservative party or "Principlists", translated exactly from its Persian terminology *Osul-gara*. This party believes in the Islamic System of government under the rule of *Velayat-e- Faghih*, which is the "Guardianship of the Jurist" who is the current Supreme Leader, Ayatollah Ali Khamenei. Other than his polarizing effect on the nation that divided the "Conservatives" and the "Reformists" even further in aggravation, Ahmadinejad had a certain disregard for Western nations, mainly the US. The "Reformist" party in Iran also known as, *Eslah-Talab*, is a party that is still under the wing of the Islamic Republic, but it has a slightly more liberal approach in dealing with matters such as religious, local and foreign policy making. Ahmadinejad's conservative ideologies led the UNSC, namely the US to be more concerned regarding the fate and

outcome of the Iranian nuclear program, which caused tensions. It is noteworthy to mention that the official declaration regarding Iran's noncompliance did not come directly after Iran's actual noncompliance, but only after Ahmadinejad's announced that Iran will resume Uranium enrichment. The Conservative Ahmadinejad's campaign focused even more on protecting Iran's nuclear ambitions from foreign powers and also his Reformist running mates. For example, the Reformist President Khatami agreed to voluntarily suspend Uranium enrichment and implement the Additional Protocol. However, in the eyes of the Supreme Leader, Ali Khamenei who is a Conservative, these modifications were not serving as an olive branch and the concessions were one sided. Conservatives such as Ayatollah Khamenei, Ahmadinejad, and their supporters saw these concessions as a national shame and treason. While other politicians were viewed as bringing shame to the country based on their nuclear related decisions, the Conservatives felt that Ahmadinejad was going to bring back dignity and that basically explains his so called "nuclear folly" which agitated and threatened the UNSC, namely the US leading to more problems between with Iran as of 2005 (Farhi, 2009).

Just as Reza Shah's political endeavor to side with the Germans against the British in his country, or that of Mossadegh's to nationalize his country's oil as a response to the attempts of the powerful nations at the time, the Islamic Republic sought to relaunch its nuclear program independent of Western nations to prove its autonomous position on the international stage, which was the start of a heavy price to be paid.

Unlike the other resolutions passed in regards to the Iranian and USSR conflicts or the Iran-Iraq war that were disregarded for the most part without having any consequences to face due to noncompliance, the nuclear related resolutions were not held lightly by the UNSC and had a coercive nature from the start.

- Resolution 1696 (July 31, 2006) demanded that Iran suspends all enrichment and reprocessing activities and started to threaten the country with Chapter VII UN sanctions to make the demand legally binding (UNSC, 2006).
- Resolution 1737 (December 23, 2006) was in response to the risks of proliferation that the Iranian nuclear program presented. It was seen as though Iran had failed to meet the IAEA requirements and comply with the Resolution 1696 provisions. This Resolution made it mandatory for Iran to suspend enrichment and reprocessing related activities again, cooperate with the IAEA, imposed sanctions banning the supply of nuclear material and technology and froze the assets of key companies and individuals related to the Iranian nuclear program (UNSC, 2006).
- Resolution 1747 (March 24, 2007) was passed to impose an arms embargo and freeze further Iranian assets (UNSC, 2007).
- Resolution 1803 (March 3, 2008) further extended the freezing of assets and called upon states to monitor the activities of Iranian banks, inspect ships and aircrafts and monitor the activities of the individuals involved with the Iranian nuclear program. This resolution also imposed travel restrictions and sanctions on individuals and the exporting of nuclear related goods was also banned (UNSC, 2008).
- Resolution 1835 (September 27, 2008) reaffirmed all the past resolutions imposed on Iran which were the 4 Resolutions passed since 2006 when the Islamic Republic's nuclear program was put under the spotlight (UNSC, 2008).
- Resolution 1929 (June 9, 2010) passed by the Security Council banned Iran from participating in any activity related to ballistic missiles. The travel bans on

related individuals to the program were ongoing and this time the freezing of funds and assets extended to the Iranian Revolutionary Guard Corps (IRGC) and the Islamic Republic of Iran's Shipping Lines. Iran was also prohibited from financial services and any banking related activities with other countries causing it to become further isolated (UNSC, 2010).

- Resolution 1984 (June 9, 2011) extended the mandate of the panel of experts established by Resolution 1929 which supports the Iran Sanctions Committee for one year (UNSC, 2011).
- Resolution 2049 (June 7, 2012) renewed the mandate of the Iran Sanctions Committee Panel of experts for one year again (UNSC, 2012).
- Resolution 2105 (June 5, 2013) was similar to that of the prior two Resolutions renewing the mandate for another year (UNSC, 2013).
- Resolution 2159 (June 9, 2014) the same mandate in regards to the sanctions was still adopted for another year again (UNSC, 2014).
- Resolution 2231 (July 20, 2015) of the United Nations Security Council finally endorsed the Joint Comprehensive Plan of Action (JCPOA) which caused the sanctions to be lifted upon Iran's compliance with the terms of the deal regarding the nuclear program (UNSC, 2015). It was unanimously adopted by the members until 2020 when the United States, under the presidency of former President Donald Trump, announced its withdrawal from the resolution and demanded the sanctions to be re-imposed. Although the sanctions were not reimposed but the deal did fall through due to their withdrawal.

The mentioned resolutions, no matter how coercive or discriminatory in nature followed by UN's Charter that gave the UNSC reason and power to apply such forces on Iran. Chapter VII measures were one of those extreme steps that the UNSC took to impose on Iran because in their view, Iran was a threat to international peace and security. It is ironic that the same rising concern was not held by the UNSC when the Iraqis attacked Iran with lethal chemical bombs for 8 years and Iran had to aggressively retaliate. This can further prove the notion that the UNSC is being led and still has little control over when and how it should react to certain state activities, as it did during the Cold War period, with the difference that there were less wars and political turmoil with single states then as oppose to now.

C. Iran Placed Under Chapter VII Sanctions

Iran was one of the countries exposed to the Chapter VII sanctions by the UN as of 2006 under resolution 1737 when the council perceived Iran's nuclear program as a threat and had to suspend the proliferation sensitive nuclear activities (UNSC, 2006).

Iran had signed the Nonproliferation treaty (NPT) in 1968 along with 191 other states who joined the agreement over the years, agreeing to prevent the spread of nuclear weapons and weapons technology, promote cooperation in the peaceful uses of nuclear energy, and to achieve nuclear disarmament (European Leadership Network, 2018). However, it is theoretically able to withdraw on three months' notice. This unilateral commitment holds Iran accountable but is not deemed strong enough and is nearly impossible to formally amend. Hence, the strongest and most durable legal prohibition on Iran regarding its nuclear program was presented by resolutions by the

UN Security Council under Chapter VII that would also challenge the regime's power (Hindawi, 2011, p. 420).

The "threat" to peace could not be addressed by improving the existing treaty as mentioned, and the perceived risk of the Iranian regime by the Security Council made them directly and unilaterally go for 'coercive diplomacy' (Hindawi, 2011, p. 422). The consent-based approach before enforcing coercive measures is not belittled. However, in certain cases as such, the UNSC sees that with the "threats" that the Iranian regime and nuclear program are enforcing, the use of direct coercion is unavoidable.

In 2002, an opposition group leaked information that Iran has nuclear facilities that were undeclared to the International Atomic Energy Agency (IAEA). Less than a year later the IAEA confirmed that Iran had breached several of the safeguard agreements although the breaches were not major (Davenport, 2020). However, their fear of Iran possibly having a hidden military program could not be disregarded. Hence, Iran made amends and complied with the regulations and corrective measures that the IAEA had set for it. Nevertheless, it seemed that the corrective measures were more focused on suspending the enrichment and reprocessing activities rather than modifying them to stick to the terms. So, by 2005 the IAEA declared Iran's 'noncompliance' with the safeguard agreements which opened the door for the UN Security Council's interventions regarding Iran's nuclear program and the initiation of Chapter VII coercive measures as of 2006. These steps turned the voluntary confidence-building measures into coercive mandatory ones, creating a legal status and obligations for Iran that no other non-nuclear weapon state had to abide by (Hindawi, 2011, p. 438).

In 2006, the first prohibition was issued after Iran was referred to the UNSC by the IAEA due to alleged non-compliance with the NPT. The UNSC demanded that Iran

stops all reprocessing, enrichments and research and development related activities and to be verified by the IAEA in accordance with the provisions of the Additional Protocol and transparency measures under Resolution 1696 passed under Chapter VII. The Resolutions did not stop there. Over the course of the next four years five other resolutions were released to further restrict the nuclear activities of Iran and place other restrictions on concerned Iranian officials. Resolution 1737 that was passed in 2006, unanimously by the UNSC, was based on Article 41 of Chapter VII which includes non-military coercion by the UNSC including sanctions. This resolution under Chapter VII meant that Iran should immediately suspend its proliferation sensitive nuclear activities that included enrichment and reprocessing for Uranium fissile material, research and development, construction and work of the heavy water reactor plants that produces Plutonium fissile material also for nuclear weapons. These measures were to be verified by the IAEA as part of the sanctions (UNSC, 2006).

It is noteworthy to mention that it seems that Russia and China oppose sanctions. Two of the permanent members of the Security Council, Russia and China have close commercial contacts with Iran. Russia sought to broker a deal with Iran for its Uranium enrichment that would benefit them both, and China usually imports large amounts of oil from Iran. In addition, both countries have also been important arms suppliers to Iran. Mainly because of such ties and their slightly different perspective regarding the treatment of such issues, experts worry that Iran can raise a conflict between the P5 members, which is a strategy that Iraq used during the final years of the Security Council's Chapter VII sanction and monitoring of its weapons of mass destruction programs (McMahon, 2006).

The reason why the case of Iraq is brought up is because of certain similarities seen between the two countries when faced with Chapter VII. In the case of Iraq, Chapter VII sanctions were imposed and were perhaps the first case of “reverse veto” that was practiced. This meant that because of the lack of unanimity among the P5 members, the Security Council won’t be restricted from ordering a measure but would rather be restricted from blocking or terminating an action that has been already authorized. The reluctance to lift sanctions by any one of the member states, in Iraq’s case UK and US, meant the prevention of the termination of coercive measures. The UNSC’s inability to lift such sanctions was regarded as a human rights violation (Hindawi, 2017, p. 204). It is important to keep this case study in mind when speaking about Iran under Chapter VII because similar to Iraq, the US is the most adamant state that objects to the Iranian nuclear program whereas two other members such as China and Russia are more flexible with their position on Iran. The break in the collective security system of the Security Council is what led to the reverse veto of the Iraqi case, and although Iran has withheld severe sanctions and economic distress, the inability or supposed inability to terminate coercive measures is quite extreme. Moreover, Iran under the regime of the Islamic Republic may never be ‘fully’ in compliance with the UNSC’s demands as long as there is unimproved political tension between it and major Western states like the US. Perhaps, as in the case of Iraq, a series of non-conventional arms control approaches are being taken through such coercive traps (Hindawi, 2011, p. 421).

However, nine years later, Iran and the same UNSC members that imposed such sanctions on Iran signed the Joint Comprehensive Plan of Action (JCPOA), also known as the Iran deal. This is an agreement between Iran and the P5+1 countries that include

the United States of America, the United Kingdom, France, Russia, China, and Germany, who are also nuclear weapon states (European Leadership Network, 2018). It is a benchmark of transatlantic security relations which is a vital component in international nuclear non-proliferation and an important instrument for the United States, Europe's security and EU strategy towards Iran.

CHAPTER V

IRAN, THE UNITED NATIONS SECURITY COUNCIL AND MEMBER NATIONS (2007-PRESENT)

A. The Way into Negotiations for the Joint Comprehensive Plan of Action

The third and final phase of the timeline that sheds light on the relationship between Iran and the UNSC and member nations is the most recent phase dating from 2007 up until the present.

Despite the fact that Iran has signed the NPT to prevent the spread of nuclear weapons and weapons technology, promote cooperation in the peaceful uses of nuclear energy, and achieve nuclear disarmament, Iran's nuclear program is still seen as a threat to the key powers especially to the United States leading to the sanctions. However, after years of suffocation under sanctions, the way towards cooperation has been opened. In July 2015 Iran and the P5+1 countries that include the United States of America, the United Kingdom, France, Russia, China, and Germany signed the Joint Comprehensive Plan of Action (JCPOA), also known as "The Iran Deal". The deal was concluded after more than a decade of negotiations and was labeled as historic, for it permitted western countries to regulate Iran's nuclear program. Indeed in 2018 president Trump withdrew from the deal deeming it as not 'harsh enough' on Iran. Despite that, the JCPOA was a helpful tool for Iran to escape the Chapter VII sanctions because of the of its terms and nature of negotiations within the political process that helped ratify it.

The negotiations that led to the JCPOA involved different individuals, nations, and interest groups that brought their personal interests to the table. Formally the P5+1

and Iran were the parties that signed the deal. The talks lasted over a decade and can be divided into two rounds. The first period of talk lasted from 2003 until 2005. This round didn't realize any substantial achievement. The main question was "how much nuclear enrichment is enough for Iran to produce?". The position of the P5+1 mainly advanced by the United States was zero enrichment closing this way to any negotiated solution. Iran invoked in response the right to enrichment interpreted under the article IV of the Non-Proliferation Treaty (NPT) (Tabatabai and Pease, 2019). Another factor that closed the negotiations is the arrival to power of the conservative party president, Mahmoud Ahmadinejad, in Iran which was opposed to cooperation with the West that would specifically change Iran's nuclear program. Sanctions started building up from the international community further isolating Iran from the international market and financial infrastructure (Tabatabai and Pease, 2019). In the US, naming the 2006 sanctions the "Iran Freedom Act", portrays how there is an ongoing campaign in the west shaping the regime in Iran as a threat to democracy with the freedom rhetoric. In return, this act fuels the idea in Iran that the nuclear crisis was only a cover for regime change (Tabatabai and Pease, 2019). Both parties expressing mutual mistrust have worked on communicating a narrative that portrayed the other as an internal threat.

In 2013, the second round of talks formally started when the Iranian president Hasan Rouhani was elected along with his foreign minister and chief nuclear negotiator Mohammad Javad Zarif. Both were from the so-called "Reformist" political party that was in favor of making the JCPOA happened as oppose to the hardliners from the "Conservative" political party, as Dr. Rouhi¹ mentioned in an online seminar (Rouhi,

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2020). At this point, the Iranian administration under President Rouhani was ready to make reasonable concessions on the nuclear program through the negotiation process to lift certain sanctions, but there were two reasons why they were more open than before. The first was the readiness for the negotiations that was also shown by the P5+1 whose position changed by not requiring from Iran a complete termination of all enrichment anymore. The second reason was that the economic sanctions were continuously increasing and taking a serious toll on Iran's economy, and now that the zero-enrichment requirement was off the table, Iran was ready to negotiate. Particularly, President Barak Obama being a liberal Democrat believed in cooperation and marked a shift with the neoconservative approach of former Republican President George Bush's administration. President Obama as well as President Rouhani saw the deal as their chief foreign policy legacy (Tabatabai and Pease 2019). This common goal with the adoption of an approach to negotiations based on reciprocity and the willingness to make concessions enabled official diplomatic channels between Iran and the US. The P5+1 and Iran reached an interim agreement, the Joint Plan of Action (JPOA) in 2013. Tabatabai and Pease (2019) argue that this agreement was a turning point as it increased the cost of failure of not reaching a deal. This interim agreement along with the Framework of Cooperation agreement with the IAEA established groundwork parameters of a "Zone of Possible Agreement" (ZOPA). The IAEA's reports showed Iran's compliance with the provisions of the two agreements which worked as supporting evidence in concluding a deal.

At the last stage of the negotiations two actors entered the scene: Ali Akbar Salehi, chairman of the Atomic Energy Organization of Iran and Ernest Moniz, US Secretary of Energy and nuclear physicist. Both were portrayed as technicians that

could therefore settle the disagreements on the technical dimensions of the agreement (Davenport, 2020). This technical channel is said to have permitted the conclusion of a deal. But wasn't this a strategy towards the public to render the issue at stake a technical one? Indeed, this could be understood as a communication strategy to present the deal that is being negotiated as one that is founded in technical arrangements rather than political ones. Since there is resentment amongst the American and the Islamic Republic's political leaders' opinions towards each other, rendering the issue a technical one where a highly political issue became depoliticized making the deal more acceptable. Indeed, Obama noted in his declaration at the occasion of the conclusion of the deal that this deal is not based on trust but on verification.

At this stage it is interesting to note that Iran's redlines were the tangible aspects of its nuclear program. The terms of Iran's nuclear program were not quite well received by several members of the Iranian parliament because of their stringent nature that would hinder its advancement, developments and capacity, as it is meant to. Out of the 256 MPs: 139 voted in favor (mainly Reformists); 100 voted against (mainly Conservatives); 12 were in-between and 5 did not participate. For these internal disagreements Tehran wanted to make the more politicized components less defining. The P5+1 worked on the evidence that would be communicated in order to reframe the issue and establish a ZOPA. Western nuclear physicists played a key role in switching the focal point that were on the number and kind of centrifuges that Iran could operate, to the time that would be necessary for Iran to produce a single weapon instead. Under this framing the deal would allow the Iranians to preserve more centrifuges than what the US previously preferred, but under the condition that Iran exports/gets rid of a significant quantity of its enriched uranium stockpile. This way Iran could preserve

some of its centrifuges that function as a symbol for its nuclear program, while also lengthening the breakout time. Tehran could announce that its nuclear program was preserved, while Washington would assert that Iran's capability to produce weapons was significantly delayed. The communication was clear at the conclusion of the deal in 2015 when Obama declared "every single path Iran could have used to build a bomb was cut off" (NYT Editor board, 2016).

According to the Obama administration, the JCPOA adds "nothing" in a legal sense because the administration, as they said "was not negotiating a legally binding plan" but rather "urge its implementation" that the UNSC will be endorsing (Klinger, 2015). The success is not determined by it being legally binding but rather by it actually taking place and building a legacy for the American and Iranian administrations who negotiated it. As all concerned actors know, the truth of the matter is that whether or not the JCPOA is legally binding or needs additional legal terms for it to become binding on the side of Iran, as it has been clearly restrictive on one side more than the other, many of Iran's core commitments under the agreement do not pose anything new because Iran is already heavily restricted under international law, perhaps even harder than the JCPOA. Not only is it prohibited from acquiring nuclear weapons or engaging in enrichment activities, but it must still undergo extensive monitoring and reporting obligations under its NPT safeguards agreement and Additional Protocol, indirectly through Security Council resolutions (Klinger, 2015).

The fact that the negotiations and the deal were finally finalized in 2015 make it possible to link it to the relatively calmer situation of the Middle Eastern region and the type of relationship that Iran had with the US, given that it is the most dominant member of the UNSC. The JCPOA came during the Obama administration when

tensions and interest in the Middle East, such as in Iraq and Afghanistan, was decreasing perhaps due to the US's increasing interest in China due to its rising economy. The US having a new focal point and also knowing it has leverage due to its unipolarity and international influence, played a role in its cooperation with Iran and the P5+1 to sign the deal. Iran who's political endeavors usually rise as a form of reaction to the actions of the international sphere also saw this positive change in foreign relations as a window of opportunity to see through. However, the US's interest with Iran's nuclear program did not happen overnight, it started when Iran was under the Shah's reign, but now the dynamics are different.

B. Historicizing the JCPOA & US Involvement in Iran's Nuclear Program

Iran has been under the international spotlight and that of sanctions ever since word got out of its undeclared nuclear program developments that was leaked by certain Iranian exiles opposing the current regime. The United Nations' Security Council (UNSC) made it their duty to follow protocol and impose sanctions on Iran according to the measures needed to be taken in light of international threats and security breaches. Almost 2 decades later and this issue still seems to be an international focal point. Although the negotiations and diplomatic build-up over the years enhanced ties between Iran and the UNSC that include the permanent 5 members (UK, USA, France, China, Russia), it is difficult to believe that the issues will ever be resolved between the Islamic Republic's regime and the "great power" nations, especially the West.

Iran is not the first country to develop a nuclear program. In fact, as the regime claims they do not have nuclear weapons as the use of it is banned in the Islamic religion that they claim to follow. Regardless of that, they are still the focal point due to

their so-called independent endeavors in this pathway. The nuclear proliferation topic is of importance because of the reason why states build nuclear weapons, which are many: for security reasons, domestic purposes, and the sovereignty of the state. This reflects the concept of materiality because states assert their significance, power, modernity, knowledge, skills and technology through the high-quality nuclear weapon material they produce further attaining power, agency, and alliances through the quality of networks achievable with this kind of breakthrough. Since the beginning of the nuclear age debates around its control have emerged. This discourse of nonproliferation has been institutionalized in various international bodies and most prominently in the 1968 NPT. This treaty materialized the nonproliferation regime that makes control and stabilization of nuclear power an unequally applied matter. Iran's nuclear plan has been a source of controversy for the western powers because it pursued the development of its program in the 1990s independently of western powers, since it was after the Islamic Revolution which put an end to the Shah's reign, a Western ally.

Iran's nuclear program began in 1957 by US President Dwight Eisenhower during the Shah's reign, Mohammad Reza Pahlavi, under the name "Atoms for Peace" for general use (today known as International Atomic Energy Agency - IAEA). It seeks to promote the peaceful use of nuclear energy, and inhibit its use for any military purpose (nuclear weapons). Mohammad Reza Shah worked closely with Akbar Etemad "The father of Iran's Nuclear Program" who created the Atomic Energy organization of Iran (AEOI). The organization was created to expand the domestic nuclear power: nuclear reactors, educational and training programs in partnership with MIT on nuclear energy.

In 1979, Iran's nuclear program was halted due to the Islamic Revolution and the Iran/Iraq war that damaged targeted Iranian nuclear sites. Khomeini came to power and was not so keen on the nuclear program. Furthermore, American companies also left the Islamic Republic but countries like Pakistan, China and Russia continued supporting it through the 1990s when the Islamic Republic decided to relaunch its nuclear program again. However, in the 2000s sanctions were imposed affecting the oil industry and thus investments. Iran had one of the most robust and technologically advanced nuclear programs in the world before the sanctions. Today Iran is on the road again further advancing its nuclear program.

What is revealed by this brief history of Iran's nuclear program is that western powers more specifically the US manifested different positions throughout time different positions towards Iran's nuclear program. The US first initiated Iran's nuclear program as the regime in place was in complete compliance with US's policies. Once the regime changed and started developing its nuclear program in the 1990s once again, the US strongly held a discourse of nonproliferation.

Since the NPT's entry into force in 1970 and in the midst of the nuclear arms race between the US and the Soviet Union the world witnessed a shift from the nuclear abolition narrative to one of control and stabilization (Cortright and Väyrynen 2009a, p.14). In a state of mutual deterrence or mutually assured destruction, the nonproliferation narrative, usually unequally and solely applied to non-nuclear weapons states (NNWS), was common language.

The JCPOA is to be understood in light of this history of nonproliferation narratives. In line with the nonproliferation regime, the JCPOA is a cooperative framework to push a NNWS to renounce to the acquisition of nuclear weapon. If Iran

encountered much hostility and sanctions it is precisely because it has developed its nuclear industry independently and therefore challenged the nonproliferation regime embodied in the discriminatory NPT. Therefore, the path towards autonomous nuclear program is long and costly as Iran has experienced it with the UNSC measures before, and with the US's attempt to marginalize it now.

The eventual cessation of the JCPOA with Trump's withdrawal is a coming back to business as usual with the use of consequent sanctions as a way to gain power. Trump's narrative is not of control nor stabilization but of neutralization of Iran's nuclear power. This once again embodies the inherently discriminatory character of the nonproliferation regime. Indeed, the NPT makes a distinction between nuclear weapons states (NWS) and NNWS. The latter agree to renounce to the acquisition of nuclear weapon. While, the former is called to negotiate disarmament through a 'grand bargain'. NWS risk no sanctions if they fail in their disarmament obligations. What's more many nuclear activities are permitted based on national decisions rather than international supervision that NNWS have to undergo.

The JCPOA is just part of a cycle of narratives of nonproliferation unequally applied to states. If Iran encountered much hostility and sanctions it is precisely because it has developed its nuclear industry independently and therefore challenged the nonproliferation regime embodied in the discriminatory NPT. Iran has developed its program outside of the provisions of the article IV of the NPT based on an inherent inequality between technological haves and have-nots (Cortright and Väyrynen 2009b, p.37). Therefore, the path towards autonomous nuclear program is long and costly as Iran has experienced through UNSC and other sanctions, as well as years of ongoing negotiations trying to lift those sanctions while staying relatively autonomous.

CHAPTER VI

AFTERMATH OF THE JOINT COMPREHENSIVE PLAN OF ACTION ON IRAN

A. The Communication

On July 14, 2015 the US president Barak Obama declared “today, after two years of negotiations, the United States, together with our international partners, has achieved something that decades of animosity has not -- a comprehensive, long-term deal with Iran that will prevent it from obtaining a nuclear weapon” (Obama, 2015). This is how president Obama chose to communicate the conclusion of a decade of negotiations with Iran reaching what has been commonly referred to as the “Iran deal”. Several points can be noted here. The president chooses to put the United States at the forefront of the negotiations in a position of a leader of the negotiations. The deal is referred to as a historical one, unprecedented, successful. What’s more is how and what the deal said in order to achieve what interests the American public: the deal is said to prevent Iran from obtaining a nuclear weapon. What this framing nourishes is the idea that the deal is a way to end international threat and foster security, therefore being freed of coercive measures such as those of UNSC’s Chapter VII. It nourishes the prevalent idea amongst western countries that Iran constitutes a risk and therefore this deal addresses the destructive power of Tehran. How this deal is framed appears to be a diplomatic success that serves western political power mostly.

B. The Policy

The Joint Comprehensive Plan of Action is a benchmark of transatlantic security relations which is a vital component in international nuclear non-proliferation and an important instrument for the UNSC, United States, Europe's security and EU strategy towards Iran (European Leadership Network, 2018). This nuclear deal was endorsed by the United Nation's

Security Council on July 20, 2015 under Resolution 2231. Iran's compliance with the nuclear-related provisions of the JCPOA is verified by the International Atomic Energy Agency (IAEA) (Davenport, 2018). Unlike the United States, Russia, China, and Iran, the European governments did not have to make any major concessions; they were well positioned to strengthen their presence on the promising Iranian market, and did not have the political considerations of Tehran and Washington (Tabatabai et. Al, 2019). Furthermore, having *trigger terminations* as an option kept hesitant signatories from instantly vetoing the resolution before even trying by making sure to add a "snap back" option as reassurance to reinstate earlier voted sanctions on Iran should Iran breach the terms, and the new votes to reinstate sanctions do not receive the majority of the members' votes (Galbraith, 2015).

As part of the JCPOA agreement that took place under President Barak Obama's administration, Iran was required to give up 97% of its enriched Uranium; Keep Uranium 235 (U-235) enrichment at 3.67% only; Reduce centrifuges that enrich U-235; have onsite inspection of nuclear sites; and in return be relieved of most economical sanctions, none of which were reportedly breached as per the IAEA's inspections (Laub, 2020).

C. The Evidence

There are two ways to produce nuclear weapons. One includes a heavy water reactor, the other includes centrifuges. The Nuclear programs require the use of Uranium 235, Natural Uranium is composed of 99.3% U-238 and only 0.7% U-235. Heavy water reactors make use of natural Uranium 235 at 0.7% and as a result produce high levels of high-quality plutonium which is deemed more threatening than enriched Uranium. Although this method produces a strong fissile material, it is expensive and excess Plutonium is an issue from an International peace perspective. Iran's Arak reactor is a heavy water reactor that was to be modified under the JCPOA to pose less of a threat.

The second pathway to produce fissile material is the use of centrifuges which is less expensive and less of a common concern because it does not produce Plutonium. However, limited levels of production are allowed from an International peace perspective. Iran's notable centrifuges are Bushehr, Natanz, and Fordow. In order to get ahold of enough U-235, Uranium must be enriched to separate U-238 from U-235 through centrifuges (Ahmad, 2020).

URANIUM 235 ENRICHMENT SCALE:

- 0.7% = Natural
- 3-5% = Average (Fuel production to keep the nuclear facility running)
- 20% = Weapon Usable/ Limit (Manufacturing fuel for research reactors)
- 90% = Weapon Grade (Capacity to make nuclear weapons)

Iran had almost reached the weapon usable limit which was deemed as a threat because enrichment level is not linear and once 20% is reached the country can easily reach 90% within weeks which is weapon grade. Iran claims that based on the Sharia laws it forbids the use of Mass Destruction, hence there being no use in the production of nuclear weapons. On October 2003 the Supreme Leader of Iran, Ayatollah Ali Khamenei announced an official religious statement, *fatwa*, against the acquisition, development and use of nuclear weapons. This was also mentioned at the IAEA meeting in Vienna on August 2005. However, mainstream theories and countries such as the US and P5+1 still feel threatened by its nuclear program because they are skeptical about the influence of religion in the security policy of the state (Shameer & Mousavian, 2019). The limit the JCPOA has put on its enrichment limits it to 3.67% only which is for fuel production to keep the facilities running and not more.

The signing of the JCPOA meant that the P5+1 oblige Iran to comply with the following terms (Ahmad, 2020):

1. STOCKPILE

Iran should give up 97% of its enriched Uranium leading to a decline from 10,000 kg to 300kg of U-235 which is much less than what is needed to fuel 1 nuclear weapon.

2. ENRICHMENT

Keep U-235 enrichment at 3.67% only used as power plant fuel (Iran had almost reached 20%).

3. CENTRIFUGES

Reduction of centrifuges that enrich U-235, which means reduce 19000 centrifuge machines to only 5000 (2/3) and allows 1000 centrifuges for research and development.

4. INSPECTIONS

Onsite inspection of nuclear sites and other inspections if a valid reason exists to believe that there are undeclared sites needed to be inspected.

5. SANCTION

Sanctions relief by the US (energy, economic and financial).

Agreeing to these terms meant that the JCPOA has put several limits on Iran's nuclear program described in figure 1 (Ahmad, 2020). It meant that Iran:

1. Would not reprocess Plutonium (fissile material that would directly yield weapon grade material, faster than Uranium) for the next 25 years and more.
2. Will have continuous surveillance on Uranium mines and mills (uranium is another form of fissile material that can yield weapon grade material if enriched up to 90% by centrifuges) for the next 25 years.
3. Will have continuous surveillance on centrifuge production areas for the next 20 years.
4. Would keep the low enriched Uranium (LEU) stockpile capped at 300Kg. (meaning no enrichment at 'Fordow' fuel enrichment plant for Uranium and no new heavy water reactors because they produce Plutonium) for the next 15 years.
5. Would only test centrifuges with Uranium at Natanz Pilot Fuel Enrichment Plant for the next 15 years.
6. Would have a limit of 5,060 IR-1 operating centrifuges (1st generation of centrifuges that are much less efficient in Uranium enrichment compared to the more advanced generation that Iran had made) for the next 10 years.
7. Would limit advanced R&D on advanced centrifuges for the next 10 years.

JCPOA - Limitations

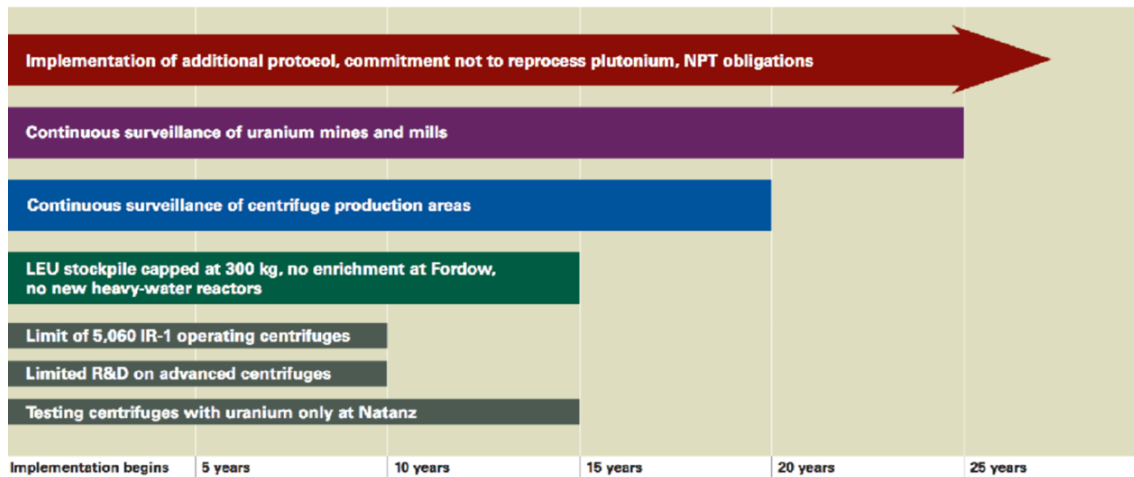


Figure 1- The JCPOA's limitations on Iran based on year and nuclear activity (Ahmad, 2020)

To understand how the P5+1 and Iran reached the JCPOA and why certain evidence was preferred over others in order to reach such terms, one has to look into the negotiations that led to it. The JCPOA as a deal, and the evidence leading to the negotiation terms, as well as the communication of those terms, are only the material and visible parts of the iceberg. Looking into the negotiations between different stakeholders helps identify what are the dynamics that lead to a given policy, in this case the JCPOA. In order to better understand the dynamics of the JCPOA in regards to its ratification and cessation, it is important to trace associations linked with the dynamics that helped ratify it and make the escape of Chapter VII easier.

It is equally important to trace associations linked with the dynamics that caused the cessation of the deal but didn't cause the return of UNSC sanctions, but only that of individual nation's such as the US's economic sanctions.

CHAPTER VII

IRAN'S ESCALATORY MEASURES AS A RESPONSE TO US INFRINGEMENTS

A. United States' Withdrawal From the JCPOA

What seemed like a done deal in 2015 and relatively, a fair negotiation, was terminated in 2018 after the Republican US President Donald Trump held office. US foreign policy took a steep turn in general as President Trump assumed office, so did its relations with other nations and their previously signed agreements. However, US-Iran relations and the JCPOA were a dominant issue throughout these four years in office. Despite, Iran's compliance with the signed terms and the IAEA's certification stating that Iran has met the nuclear agreements requirements in 2016, the Trump administration withdrew from the deal in May 2018 upon Donald Trump's election. He claimed that it is "defective" and "not harsh enough" and constantly makes sure to mention this allegation on twitter. Foreign Minister Zarif also tweeted in response to Donald Trump's allegation that *"We Have NOT Violated the #JCPOA. Para 36 of the Accord Illustrates Why: We Triggered & Exhausted Para 36 after US Withdrawal. We Gave E3+2 a Few Weeks While Reserving Our Right. We Finally Took Action after 60 Weeks. As Soon as E3 Abide by Their Obligations, We'll Reverse"* (Zarif, 2019). Once again, Iran's political endeavor was triggered as a response to the actions of a big international player, the US who had now shifted sides in regards to the deal.

Furthermore, President Trump's concerns are based on the fact that the JCPOA ignores the essential Islamic nature of the Islamic republic's regime (Lopez, 2017). This withdrawal meant that harsher sanctions were to be re-imposed and oil exports which

the country relies on to invest in the nuclear program are threatened to be brought down to zero. In response to the US's violation of the agreement, Iran breached some of the JCPOA provisions as well in 2019 by exceeding the Uranium enrichment limit, developing new centrifuges, and Plutonium production. Following the U.S. killing of Iranian military commander Qasem Soleimani in Iran's Islamic Revolutionary Guard Corps (IRGC) along with Iraqi forces in January 2020, Iran announced plans to halt most of its commitments to the deal (Laub, 2020). However, these new sanctions have nothing to do with that of the UN's Chapter VII measures that respond to international peace threats.

Time and time again, Iran has proven that it will not surrender to pressure and can tolerate hardship no matter what. After nearly two years of "maximum pressure" on the Islamic Republic of Iran by the United States of America, the sanctions have yielded little strategic gain for the U.S. The Iranian nuclear program that was supposed to be impeded by the sanctions has grown rather than stopped. The strategy that intended to curb Tehran's regional influence has instead led to tensions and repeatedly brought the two sides to open conflict (Vaez, 2019). Although the U.S. does fear the Iranian nuclear program, the implementation of sanctions on Iran are not just for its nuclear program but rather a wishful thinking of regime changes which has been proven ineffective up until now.

Even after imposing these sanctions, the U.S. defense officials fear the possibility of further attacks by Iran or its allies especially after the COVID-19 pandemic. Hence, the US officials assume that it is possible that Tehran will decide to try raising the cost of the U.S. "maximum pressure" strategy by resorting to greater provocation in the region through its allies. With a worldwide pandemic, Covid-19, and

a political tension that has been reinstated causing further disorder and taking both nations' relationship backwards rather than forward, it is obvious that both countries feel the need to reconsider negotiation options to mitigate the risks that have risen due to the rising tensions of both nations. Finally, as part of the maximum sanctions on Iran, the Trump administration tried to push Iran's oil exports to zero which is unlikely to succeed for the following three main reasons (Vaez, 2019):

1. Tehran won't raise the white flag as seen in the past 40 years.
2. Tehran feels compelled to prove to the US policy makers that their approach of imposing severe pressure on Iran will break them is a false hypothesis that will never work.
3. Iran will not negotiate unless it knows it has a relatively strong hand as it did during the JCPOA negotiations. Iran began negotiations when it had leverage like uranium enrichment facilities, centrifuges, enriched uranium, and heavy water reactors that would give it a strong hand when faced with the opposition who consider this leverage as a threat.

In contrast to what the Trump administration aimed as a result of these maximum pressure sanctions, it created great risks. For instance, it has increased the threat of a nuclear escalation because if Iran backs out on its obligations under the nuclear deal, the US and Israel will respond by targeting Iran's nuclear program, and Iran's allies might target the West as well (Vaez, 2019). Hence, sanctions imposed by the Trump administration to curb Iran's nuclear program have proven to cause more harm than good, making them inefficient and causing further tension. Perhaps if things stayed as they were by the end of the Obama administration when the JCPOA was

signed and Iran was relieved of sanctions, the curbing power would have been more efficient, fairer and more effective for all parties involved.

US's withdrawal from the JCPOA proves time and time again that nuclear deals are not a matter of technical arrangements but highly political issues and depoliticizing a highly political issue for the public did not quite succeed. The JCPOA is a part of a cycle of nuclearization and denuclearization.

B. Iran Challenges the JCPOA

On June 2019, a year after former US President Trump withdrew from the JCPOA, Iran announced that it will no longer comply with certain limits that were agreed upon in 2015 regarding the nuclear deal. However, Iranian President Rouhani made sure to mention that Iran will not withdraw from the JCPOA deal itself that was signed by Iran and the UNSC and Germany (P5+1) because it does not want to wage war but will not “give in to the US's bullying” either. The Supreme National Security Council of Iran said that Tehran will start to store more heavy water and low-enriched Uranium (LEU) exceeding what the JCPOA allows. The deal itself allows Iran to have a stockpile of 130 metric tons of heavy water and 300Kg of Uranium hexafluoride gas which can only be enriched to 3.67 percent when speaking of Uranium-235. Given that the US sanctions were coming Iran's way and the country was facing an economic crisis, Iran threatened that additional steps towards breaches will be taken if the JCPOA parties were not able to facilitate more oil sales or establish banking relations for Iran. The steps Iran threatened to take were restarting work on the heavy-water reactor that was halted for the time being, renewing enrichment at Fordow underground enrichment

facility, operating advanced centrifuges of higher capacity, and enriching Uranium-235 to 4.5% which is higher than the 3.67% limit set in the agreement (Davenport, 2019).

On January 2, 2020 when the US assassinated Iranian Major General Qassem Soleimani who led the Islamic Revolutionary Guard Corps-Quds Force the Iranian government decided to announce further nuclear breaches. On January 5, 2020 they released a statement saying that they will not adhere to the JCPOA terms on enrichment any longer and will be going forward based on “technical needs”. Iran even threatened to withdraw from the 1970 Non-Proliferation Treaty since the Western countries and especially the US do not consider Iran being part of the treaty gives much reassurance for non-proliferation (Masterson, 2021). Furthermore, towards the end of 2020, Mohsen Fakhrizadeh who was an Iranian General of the IRGC and an academic physicist who was a senior official in the Iranian nuclear program was killed. The Iranians believed that the assassination was done by Israeli forces which was neither confirmed nor denied by them. Regardless of whether or not the US was directly involved, this attack urged the Iranian parliament to have more reason to pass a law that requires President Hasan Rouhani to end cooperation with the IAEA by February 2021 if the Biden administration does not lift the Iranian sanctions imposed by the US until then. The assassination of Fakhrizadeh certainly made any attempts for future negotiations by the Biden administration with Iran much more difficult (Sabet, 2020).

On January 1, 2021 the head of the Atomic Energy Organization of Iran, Ali Akbar Salehi, announced that Iran will even further enrich its Uranium 235 and resume to the 20% that it had been enriching towards before the deal. This is to take place at the Fordow facility (Davenport, 2021). On this note, the IAEA released a new report that detailed Iran’s plan to have a research and development activity regarding Uranium

metal production to design an improved fuel for the Tehran Research Reactor. This project needs the 20% enriched fuel Iran is seeking to return to. This step is a definite violation of the JCPOA because Iran is prohibited from producing or acquiring such uranium metals for another 15 years (Masterson, 2021).

In summary, these violations consist of 5 main steps which can be recapped into the following (Ofek, 2020):

1. Enriching Uranium above permitted quantity of 300Kg of Uranium enriched at 3.67%
2. Raising the enrichment level to 4.5% above the permitted 3.67%
3. Producing their heavy water inventory beyond the 130-ton limit
4. Operating advanced centrifuges with higher enrichment capacities
5. Resuming Uranium enrichment at Fordow underground enrichment facility and engaging in Uranium metal production

C. UNSC-Iran Relations After Iran's Nuclear Defilements

In light of such violations to the JCPOA that Iran claims to still be within the deal's parameters, it is likely to expect that the UN Security Council would reinstate the previous sanctions it had on Iran like that of Chapter VII. However, the violations started as of 2019 and there are no signs of UNSC sanctions yet.

This is largely because the permanent five members of the Security Council have taken sides after the United States' withdrawal and Iran's JCPOA violations. The five members did urge Iran to continue complying with the agreement but Russian Foreign Minister Sergey Lavrov also blamed this "unacceptable situation" on the US's "irresponsible behavior". Furthermore, the EU Foreign Policy Chief Federica

Mogherini and the foreign ministers of the three European countries who were party to the JCPOA deal rejected “any ultimatums” from Iran and continue to see if it is in compliance with the deal. However, whether this statement was made only out of diplomatic formalities or not is not known because it only expressed rejections for Iran’s decisions and did not indicate what actions the European Union and the three European countries might take if Iran does breach the deal. It is noteworthy to mention that the EU does care about its relation with Iran due to the trade and business opportunities present between them, but it also has to show its support to the US to avoid further political tension especially among the P5 members themselves which makes taking sides a challenging task (Davenport, 2019).

When the Trump administration decided to call for the reimposing of all international sanctions against Iran, the UN blocked this controversial bid due to the lack of consensus among the members. The Security Council members’ lack of recognition of the US’s move and its rejection caused tension with the US where the envoy to the UN even accused other members including the UK, France, Germany, Russia and China of supporting “terrorists”, as they put it. The UN’s Secretary-General, Antonio Guterres even said that the UN will not support the reimposing of the sanctions unless it gets a greenlight from the Security Council, which until now has seemed unlikely. Furthermore, EU Foreign Policy Chief and JCPOA Commission Coordinator, Josep Borrell, denied the US as a current participant of the Iran Deal, therefore denying its motion to initiate the sanction reinstatement process. However, the US still considers itself a participant since it was involved from the start regardless of its withdrawal (VOA, 2020). However, the French deputy UN Ambassador also mentioned that since the US decided to no longer be part of the 2015 agreement, a motion in favor of

“snapback” sanctions can have no affect coming from the Americans at this point, and that any non-compliance on the Iranian’s end should initially be addressed through talks in Vienna (Deutsche Welle, 2020). It is no surprise that due to their business ties with Iran, Russia and China even play a more active role in terms of backing up Iran at this point. They even called out the US’s move as being “illegitimate” and “incompatible” with the efforts made towards the “fragile nuclear deal”. China and Russia are seeking a realistic path forward to secure the support of the other council members, and until now the Europeans have shown the will to keep cooperating. Furthermore, former Secretary of State during the Trump administration, Mike Pompeo, threatened US sanctions on the Russia and China if they continue such endeavors in favor of Iran and refuse to reimpose the UN measure (Nicholas & Hafezi, 2020).

However, the Russian’s outward support is all that is publicly seen from a diplomatic perspective. What has been going on behind closed doors during the negotiations cannot be known for sure, however in late April 2021, leaked audiotapes of Zarif were passed on revealing friction within the Iranian government over the nuclear deal. The late IRGC Commander Soleimani was said to have collaborated with the Russians to “sabotage” the JCPOA deal. Russia seemed to have worried that the deal would negatively affect it and undermine its role as a great power as a result of normalizing relations with the West. Similarly, this is what the Conservative Iranian political party also felt, such as members of the IRGC. Russian Deputy Foreign Minister Sergei Ryabkov said that whether or not Russia would have agreed, the JCPOA would have been achieved. Tehran wanted it for sanction relief and so did China for oil and gas business purposes, hence it would have been counterproductive for Russia to oppose it especially since it is somewhat reliant on China for financing. This is why, with the

talks of the revival of the deal happening now, Russia shows outward support as it has but it seems to not be sad if the efforts fail. This is especially because it fears that Iran's main ties would mainly be with the West and China, who also seems to have recently engaged in further partnerships with Iran (Katz, 2021).

Nevertheless, it is quite obvious that each of the P5 members had their own reasons for supporting the JCPOA, or outwardly pretending to, or even be unwilling to support after a certain point. However, the only member that outwardly opposed it after the administration changed was the US. Given the tension and the obvious divide between the US's view and the other Council members' during the Trump Administration, it was assessed that the US lacked standing to trigger the mechanism needed for the snapbacks. However, this was not going to stop the administration's endeavors because they planned to get the support of Middle Eastern allies, to make sure the UN sanctions were going to be resorted and binding and recognized by all member states. Pompeo spoke on behalf of the UNSC and claimed that if any of the member states did otherwise it would "undermine the Security Council's authority and credibility, and could normalise selective enforcement of UNSC resolutions". However, no substantial changes in opinion took place among the remaining P4+1 members, but the tension between them and the US rose making the November 2020 US elections and the possibility of a new administration an anticipation towards a turning point from such extreme political measures (Crisis Group, 2020).

Although any breach of the JCPOA limits would violate the deal, the initial steps that Iran announced do not pose an immediate proliferation risk. For example, the heavy water that Iran threatened to resume is for certain types of reactors that can produce Plutonium for nuclear weapons. Although Plutonium is even more

controversial and international concern than Uranium, Iran is far from completing such a reactor. Hence, although resuming such an activity is a JCPOA violation, it is not an immediate proliferation risk which was actually one of the main concerns the UNSC initially had regarding the Iranian nuclear program which led to the deal with the P5+1 (Davenport, 2019).

Iran also threatened to start and has started to enrich Uranium more than the 3.67% limit which is an obvious breach. However, before the deal Iran had the capacity to enrich at 20% which could easily reach to the weapons grade 90% level at a breakout time estimated at about two to three months, which they actually claim to not wanting to reach., As of 2015 when the deal was signed, the enrichment level was set at 3.67% which is significantly below 90% with a breakout time estimated at about 12 months which is a full year. Similar to the case of resuming the heavy water activities for the Plutonium reactor, both of these breaches are violations to the JCPOA but not an immediate threat to proliferation or getting close to weapon grade levels of enrichment. Even if they were getting closer the regular IAEA inspections would certainly notice. This also serves as a reassurance for the UNSC (Davenport, 2019).

Given all these developments and tensions regarding the breaches, Iranian Foreign Minister Javad Zarif tweeted on January 5, 2020 that *“As 5th & final REMEDIAL step under paragraph 36 of JCPOA, there will no longer be any restriction on number of centrifuges This step is within JCPOA & all 5 steps are reversible upon EFFECTIVE implementation of reciprocal obligations Iran's full cooperation w/IAEA will continue”* (Zarif, 2020). The Permanent Russian Representative to the IAEA, Mikhail Ulyanov, in response tweeted that Iran’s compliance with the IAEA was of “paramount importance”. This reassurance that the breaches are conditionally reversible

and Iran will still cooperate with the IAEA is an important guarantee for the UNSC. Not to hold it lightly that the Russians as one of the P5 members are on the Iranians side as they have expressed (Masterson, 2021).

The French President Macron, German Chancellor Merkel, and British Prime Minister Johnson released a joint statement condemning Iran's breaches especially the latest one concerning the use of metals and urges a reversal of all the steps. This dismay also caused the French Foreign Minister, Le Diran, to state that the EU members of the deal are considering to launch the deal's dispute resolution mechanism which would include snapbacks of the UN sanctions that were initially only lifted because the Iran was to be in compliance with the deal. Similarly, the EU Foreign Policy Chief Joseph Fontelles urges the preservation of the JCPOA for the sake of global security but unlike Le Diran he urges for full implementation by all parties. Geng Shuang, Spokesperson for the Chinese Foreign Ministry also advocated for the preservation of the JCPOA especially because it is an important multilateral diplomacy outcome adopted by the UN Security Council. However, he strongly reminds that Iran has not violated its obligations under the NPT, meaning it shouldn't be the only party held accountable for the fate of this deal (Masterson, 2021).

The situation is a work in progress especially now that the US has elected their new democratic President, Joe Biden. The Biden administration is left with a chaotic situation to deal with regarding the deal with Iran and the UNSC. On this note, the local Iranian reformist newspaper, *Hamshahri*, published Foreign Minister Zarif's interview with British-Iranian CNN journalist Christiane Amanpour on February 2 regarding the fate of the JCPOA under the Biden administration. Zarif explicitly said that the time for the US is limited and if the Americans want to do something to salvage what is left of

the deal, they must hurry. Zarif also calls for the EU Minister of Foreign Affairs, Josep Borell to make the necessary first steps towards mediating the talks (Hamshahri, 2020). This is to show that although Iran has violated the terms of the JCPOA within certain parameters, it is ready to engage in discourse with the Biden administration if they reach out as well, which reassures the leading international entities. Furthermore, *Shargh* newspaper which is another local reformist paper published that in response to Zarif's calling for Borrell, the EU Minister himself showed enthusiasm in this step stating that it is especially important to the EU because the JCPOA help Europe gain more financial opportunities with Iran being liberated from sanctions (Shargh, 2020). Needless to say, that the most conservative local paper, *Kayhan*, did not release any such news nor promote such suggestions because the conservative party did not like the limitations of the JCPOA on Iran. In fact, reformist President Rouhani is being pushed by conservative parliament members to stop cooperating with the IAEA if President Biden does not remove the US sanctions by February 2021 (Sabet, 2020).

The editor in Chief of *Kayhan* newspaper is Hossein Shariatmadari whose official position is representative of the Supreme leader, Ali Khamenei, making this news source the direct voice of the extremist conservative party. Shariatmadari published an article in *Kayhan* in November claiming that treason is not only found in streets protests against the regime. By that he was referring to the reformist parties who celebrated the Biden presidency saying that only "infiltrators" would talk with Biden because negotiating with America is "sedition". On behalf of the conservative party and Supreme Leader, he condemns any discourse with Washington because of the four decades of damages that the Islamic Republic managed to withstand. With that said, he opposed the JCPOA and ridiculed the reformists newspapers for celebrating "the return

of the architect of the 2015 deal”, referring to President Biden. He contrasted the statement by President Rouhani regarding the joy over the outcome of the election, and Trump’ deserved defeat, with that of the Supreme Leader’s statement (Iran International, 2020). Ali Khamenei stated that Iran’s previous method to address the sanctions through negotiations did not serve them greatly, hence Iran should find a way and use its resources to show the Americans that their sanctions have become ineffective and that would be the tactic that would lead to them being lifted (Kayhan, 2020).

This defensive tactic compared to the resumption of negotiations that Rouhani and Zarif are looking forward to, maybe regarded as unsettling for the concerned leading nations. However, it is a mutual self-defense tactic used by both sides since the Trump presidency for the past 4 years. Until a new decision is released by the Biden administration it is unlikely that Iran, the UNSC or the US would engage in an extreme act, however the coming stages will be very critical given the built-up tensions.

The Vienna meetings were reinstated as of early April with the JCPOA signatories except for the US who is not directly engaging due to its withdrawal but is in the loop with the help of the Europeans and a special envoy to President Biden. The meetings continued to take place even after the recent Natanz nuclear facility sabotage in Iran that is being blamed on Israel. American and Israeli intelligence officials have described it as “a classified Israeli operation” (Nasr, 2021). Tehran has increased its nuclear enrichment levels threefold to around 20%, months away from breakout time or weapon grade enrichment. Neither the Iranians nor the Americans are willing to make the first steps towards concessions because the Iranians need the US to reduce sanctions so that they would reduce enrichment. The Americans are unwilling to make the first

move which is also partly because the sanctions imposed by the Trump era are linked to fighting terrorism and cannot be easily removed. This diplomatic process is crucial to be resolved in order to avoid further conflict in the Middle East. If it does not succeed, it is likely that the US would fall into a dangerous crisis in the Middle East (Nasr, 2021).

Furthermore, one of the discriminatory factors of the deal set by the UNSC states and Germany was that the consequences that were to come as a result of any form of breach only concerned Iran and none of the P5+1 signatories. This is why the US's withdrawal was only frowned upon but not penalized. This loophole is a result of another form of limitation that the UNSC faces as a result of having a more domineering member. This as result, affects the UNSC's decision making mechanisms and relations with other nations, especially the ones rival to the US.

CHAPTER VIII

CONCLUDING REMARKS

Since the date of the United Nations' establishment up until today, Iran has shown that it respects the UN due to its international recognition and legitimacy. Iran was the first country ever to receive a resolution passed by the UNSC in 1946. This was because after the establishment of the UN as an international organization for international peace and security Iran asked for their help to deal with the unlawful Soviet troops in its country instead of taking matters into its own hands, though the resolution did not seem to be effective due to the USSR's power at the time as an entity and a P5 member. The UNSC's interventions during the Iran-Iraq war were much needed as well but they were only in the form of repetitive noncoercive resolutions until the 8-year war came to an end on the Iranians and the Iraqis' terms. It wasn't until the restarting of the Iranian nuclear program after the Iranian revolution that the UNSC started to pass coercive resolutions out of concern to control the Iranian program. This concern was ironically not evident during the Iran-Iraq war when the Iraqi troops were ordered by Saddam Hussein to bomb Iran with lethal chemical weapons. The Iranian nuclear program that was started with the help of the Americans under the Shah's reign was now in the hands of a new regime that opposed the US, making the UNSC members, especially the US skeptical and concerned. This put Iran in tough position due to sanctions and Chapter VII measures, but its regard for the UN was not challenged as much as its regard for individual states such as the US were. This regard of legitimacy, economic hardships, and most importantly having the upper hand in terms of nuclear technology allowed Iran to open up for negotiations with the leading members of the

international, the P5+1 of the UN Security Council to pursue the necessary talks for the Joint Comprehensive Plan of Action (JCPOA).

The JCPOA or “Iran Deal” brought together different parties who had conflicting interests. Studying the political process of the JCPOA only reveals a final product and doesn’t tell much about the conflicting interests. Dynamics behind the JCPOA reveal different strategies that led to the conclusion of the deal. Cooperation of countries, political will, economic incentives played a role, however from analyzing the political process of the JCPOA domestic politics seems key. The communication strategies were tailored according to local realities. Depoliticizing the issue was a key strategy so as to make the deal acceptable for the P5 members but especially the western, mainly US, and Iranian public. Domestic politics explains the confidentiality of the talks held during the last two rounds of the second period of negotiations, which little to no research was done about. Communication was controlled to manage anticipation internally and ensure support for the negotiations. Not much is known about the last round of negotiations as it was intentionally pursued in complete secrecy. As researchers, accessibility is limited to this, however, confidentiality is a tool to manage anticipation. This case proves time and time again that the discourse on transparency is just a communication tool that can easily be forgotten in the blink of an eye. The political process behind the conclusion of the JCPOA and the way out of it are brought to attention. To make sense of it all historicizing the JCPOA helped to understand it as part of a cycle of proliferation and nonproliferation narratives. Trump’s withdrawal from the JCPOA marks the shift within the nonproliferation regime from a narrative of control and stabilization to one of neutralization of nuclear power. A narrative discriminatorily applied to a regional power that has developed its nuclear

program since the 1990s independently from western powers. Furthermore, *Trigger Terminations* aim to build more procedural fairness and efficiency in passing resolutions more easily to facilitate diplomatic relations. However, in the case of the JCPOA, Resolution 2231, it looked more like a political deal to further benefit the interest of greater powers, a messy overlap between power and law. Activators of this trigger always pose a threat of possibly acting arbitrarily, which needs a standard to address this inadequacy. If done well, it would be a desirable risk management tool for council practices.

Iran diplomatically being eased from the UNSC Chapter VII measures for now is certainly a tough and unique incident making the JCPOA an exceptional agreement. However, the JCPOA is one tool acting towards reducing certain measures. Even when “symbolic” UN sanctions such as Chapter VII measures may be mitigated off of Iran due to its compliance to the terms of the nuclear agreements and monitoring by the IAEA, it will always be paradoxical. This is because the UN Security Council will never issue a resolution to lift all sanctions against Iran because then it cannot monitor and restrict its nuclear activity and its alleged threat to proliferation. Hence, Iran is not and perhaps would never be completely liberated from that coercive diplomatic measure but would be marginally eased. The situation will have reduced tension and diminished measures but it will not be resolved with the current perspective of the concerned political actors on either side.

However, it is important to acknowledge that the actual relation between Iran and the UNSC commenced after the nuclear program restarted under the Islamic regime, before that there wasn't much of a relation. In light of that, it can be considered that the JCPOA, Resolution 2231, is the turning point of the relationship between Iran

and the UN Security Council especially regarding its nuclear program. This is because before Resolution 2231, the UNSC's resolutions badgered Iran with coercive diplomacy which led to more tensions and concerns and after the signing of the deal sanctions were conditionally lifted and compliance was sought. With the US being a separate entity in opposition with Iran and also being a leading P5 UNSC member it is a challenge for Iran to have an easy relation with the UNSC. However, this step taken with the P5+1 somewhat strengthened the relation enough that even after Iran's reversible violations of the terms due to the US's withdrawal from the deal and other infringements, the prior coercive diplomacy tools and sanctions were not reinstated because the UNSC could not only blame Iran.

Iran has been used as a field for geostrategic confrontations of powerful nations even before the establishment of the United Nations and its Security Council. Its optimal location close to the USSR border and colonized lands by the British Empire as well as its natural oil reserves were reason enough to have it under the spotlight by nations such as the UK, US and the USSR. However, Iran's political endeavors as a result of the actions and interventions of this international sphere was what shaped the nature of relations it has had with them throughout time until today. Even though the UNSC consists of five members, who are supposed to be nonpartial, there were always one or more members leading the way that the UNSC had to go based on the political situation of the time. Whether it was the USSR and the US or the US alone, it is challenging to know for sure what type of relation a country has with UNSC because the answer mainly lies in the nature of relationship that country has with the UNSC's most dominant member.

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