A new nuclear crisis?
Consequences arising from the US-Iranian collision course over the Iran Nuclear Agreement

Driving towards the cliff

On 5 May 2019, National Security Adviser John Bolton announced the deployment of an US aircraft-carrier strike group, led by flag ship USS Abraham Lincoln to the Persian Gulf. This carrier group would be accompanied by B-52 bombers and Mr. Bolton stated that any attack on the United States or its allies would be met with “unrelenting force.” The Iranian response, as expected, was defiant. Tehran has repeatedly threatened to close the Straits of Hormuz, a region which contains approximately 20 percent of the world’s annual consumption of oil. Furthermore, Iranian President Hassan Rouhani announced he would only negotiate with the United States should Washington re-instate the Joint Comprehensive Plan of Action (JCPOA), or commonly known as the Iranian Nuclear Agreement.

Precisely one year after US President Donald J. Trump announced the USA’s withdrawal from the JCPOA, it was foreseeable that tensions between Iran and the United States would escalate. Any US Navy military presence in the Persian Gulf bears the potential for further conflict, as any incident with the Iranian navy could potentially lead to military confrontation between those two states. Such an incident would not be the first between the US Navy and the navy of the Iranian Revolutionary Guards Corps (IRGC). In 2016, two US Navy riverine command boats entered Iranian waters due to a navigational error and, as a consequence, were captured by the IRGC. As a matter of fact, the IRGC “[…] had a history of provoking the U.S. side with reckless maneuvers that on many occasions could easily have led to a military confrontation.”

The sabotage acts against oil tankers near the strategically important Strait of Hormuz have to be seen in light of these events. Whether the United States sabotaged the tankers themselves in order to have a pretence to attack Iran, as Tehran implied, or Iran sabotaged the tankers in order to hinder oil transporting through the Strait of Hormuz, has remained unclear at the moment. However, these events clearly demonstrate the role hybrid tactics play in this situation. The question is whether these measures will ease the international pressure or will further escalate the tensions under these volatile circumstances.

Historical review

The origins of the conflict between the United States and Iran began in 1953, the year of the US-backed coup against former Iranian prime minister Mohammad Mossadegh. The coup against Mr. Mossadegh and the subsequent Iranian rule under Mohammad Reza Shah Pahlavi led to the perception of the late Shah as a mere puppet of the West. The Shah ruled as a deeply unpopular monarch, and as a result he was overthrown in the Iranian revolution 1979, and fled to the United States. The subsequent Iran hostage crisis lasted for 444 days, which brought about the profound mistrust between the USA and Iran.

At this point in time, the Iranian nuclear programme had just entered its third decade. Originally launched under the Shah in 1957 with US support, the nuclear programme gained momentum during the 1960s. The post-revolutionary Islamic Republic originally decided to abandon the enrichment facility at Natanz and the clandestine nuclear programme, including the enrichment facility at Natanz and the heavy-water reactor at Arak. Iran had not disclosed the existence of their nuclear facilities to the IAEA, though it was obliged to do so under the 1974 comprehensive Safeguards Agreement.

On 14 August 2002, Alireza Jafarzadeh, the spokesperson for the Mujahedeen-e Khalq (MEK), an Islamist-Communist opposition group, revealed the extent of Iran’s military presence in the Persian Gulf. This led to an international outcry and the IAEA attempted to gain access to the Iranian nuclear sites.

After an IAEA inspection in February 2003, the IAEA concluded in June 2003 that Iran had failed to comply with its comprehensive Safeguards Agreement. After intense negotiations in the IAEA framework, the Board of Governors passed a resolution that included a passage about a potential referral of the Iranian nuclear file to the UN Security Council in September 2003. Should Iran be found noncompliant, the file would be submitted to New York.

In October 2003, the Iranians reached an agreement with the foreign ministers of France, Britain, and Germany (E3 or EU3). The Tehran Agreement obliged Iran to suspend enrichment for the duration of negotiations. Furthermore, the Islamic Republic agreed to allow the IAEA to inspect its nuclear sites. Moreover, Iran signed an additional protocol with the IAEA on 18 December 2003, thereby allowing IAEA inspectors to conduct “snap inspections” of Iranian nuclear sites.
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However, the E3 were unable to build on the success of the Tehran Agreement due to the inability of circumventing the US sanctions on Iran and due to the fact that both the USA and Iran refused to negotiate directly with one another. In February 2004, the IAEA discovered Iranian experiments with Polonium-210, which is used in the production of nuclear weapons. While the USA pressed to refer the Iranian nuclear file to the UN Security Council, the E3 stalled these attempts. At the same time, the Iranians pressed for further negotiations with the E3 in order to be able to resume enrichment as soon as possible.

Given the pressure from the IAEA Board of Governors, which had passed a resolution threatening UN Security Council referral of the Iranian nuclear file, the Iranians agreed to further negotiations with the E3 in Paris in November 2004. In the resulting Paris Agreement (not to be confused with the Paris Climate Accord), Iran reiterated that it was not seeking nuclear weapons capacity, and agreed to continue the suspension of enrichment. The Paris Agreement, furthermore, obliged the E3 to begin negotiations with Iran in the near future.

In 2005, the principlist Mahmoud Ahmadinejad was elected President of Iran. The country then restarted uranium enrichment activities on 8 August 2005 due to a lack of progress in negotiations with the E3 and an United States who refused to negotiate directly with Iran. In fact, Iran would have likely changed its policy in this respect even if Mr. Ahmadinejad had not been elected President as Supreme Leader Ali Khamenei favoured re-starting enrichment. One of the key decisions by Mr. Ahmadinejad in relation to the nuclear crisis was the replacement of chief nuclear negotiator Hassan Rouhani with Ali Larijani.

After the controversial September 2005 speech by then-President Ahmadinejad before the UN General Assembly, the E3 were less reluctant to refer the nuclear file to the UN Security Council. In January 2006, in an “[…] outrageous refutation of everything the UN stood for [...]

President Ahmadinejad was re-elected. In an election that was generally seen as being rigged, Mr. Ahmadinejad defeated his opponent Mir-Hussein Moussavi 66 to 33 percent. “In the following weeks millions took to the streets, swathes in green (the colour of Moussavi’s election campaign), to protest against the government and the election result; in response, the regime shut down the internet, threw out foreign journalists, killed and imprisoned demonstrators, and generally demonstrated its rogue status.”

On 21 September 2009, Iran informed the IAEA about a hitherto secret enrichment facility at Fordow, near Qom. Given the fact that the Fordow site was located close to an IRGC base and that it was too small in scale to serve as a backup for the Natanz plant, as Iran claimed, the international community generally suspected Fordow to be of military purpose. In Geneva, the P5+1 and Iran started negotiations on an agreement on the Iranian nuclear programme which ultimately failed. On 9 June 2010, the Security Council passed Resolution 1929, thereby imposing another round of sanctions on Iran, in addition to newly imposed US sanctions.

During this phase, the Iranian nuclear programme was targeted, likely by Western intelligence services. Not only were leading nuclear scientists assassinated in Iran but in June 2010, malware was detected in Iranian nuclear sites that manipulated Iranian centrifuges. This computer virus, named “Stuxnet”, likely set back Iran’s nuclear programme for years.

In 2013, Iran elected Hassan Rouhani, who had previously served as chief nuclear negotiator, as the new president. In September 2013, in the wake of the UN General Assembly, US President Obama and Iranian President Rouhani had a phone call. This was interpreted by the public as a sign that the two heads of state would be serious in attempting to reach a comprehensive agreement on the Iranian nuclear programme.

In the same year, the USA and Iran began secret negotiations about a potential
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agreement concerning the Iranian nuclear programme. On 24 November 2013, Iran and the P5+1 agreed on a preliminary framework agreement, also known as the “Geneva Interim Framework Agreement” or “Joint Plan of Action” which served as precursor for negotiations for the Joint Comprehensive Plan of Action (JCPOA). Within the Joint Plan of Action, Iran agreed to roll back some activities of its nuclear programme provided that certain sanctions were lifted.

Within the Joint Plan of Action, the P5+1 and Iran agreed to negotiate a follow-up agreement until July 2014. The deadline for these negotiations was extended several times. During this phase of negotiations, both sides, in particular US Secretary of State John F. Kerry and Iranian Foreign Minister Javad Zarif, publicly stated negotiations were constructive. On 14 July 2015, Iran and the P5+1 reached a ground-breaking agreement: The Joint Comprehensive Plan of Action (JCPOA).

This agreement aimed at curbing Iran’s capacity to construct a nuclear weapon in limiting its enrichment and research capabilities. In turn, the sanctions against Iran would be lifted. Briefly thereafter, on 8 May 2018, Donald J. Trump, in fulfilling one of his presidential campaign promises, announced that the USA would unilaterally withdraw from the JCPOA.

A tarnished alliance

Despite being stressed, it is highly unlikely that the Western alliance will fall apart by opposing views on the Iran nuclear deal. The United States, in what was clearly a unilateral move, decided to abandon the nuclear agreement. This move runs counter to and undermines the European position. While President Trump decided to withdraw from the accord, it is in the EU’s interest to curb the Iranian nuclear programme and to prevent as thoroughly as possible an Iranian nuclear weapon. The JCPOA, from a non-proliferation perspective, accomplished precisely this. In curtailing the quantity and the quality of Iranian centrifuges and other nuclear sites, the JCPOA managed to stop short Iran’s nuclear programme.

The US cancellation of the JCPOA now forces the EU to decide whether to confront the USA directly in supporting Iran and its anemic economy. This decision, however, is not entirely the EU’s to make. The EU neither controls each European company, nor does it control its member states in a way that could force them to trade with Iran on a G2G basis. As a consequence, it is a private-business decision whether or not to use the newly-established “Instrument in Support of Trade Exchanges” (INSTEX) in order to circumvent US sanctions and still trade with Iran. However, it is unlikely that the EU could compensate Iran’s losses due to the sanctions, as European firms who would be willing to trade with Iran fear fines by the US for circumventing its sanctions.

A similar view has been taken by Germany’s Foreign Minister Maas:

“It will be difficult to protect German businesses that continue doing business in Iran after the US reimposes sanctions, Foreign Minister Heiko Maas said on Sunday, I don’t see any simple solution to shield companies from all the risks of American sanctions,’ Maas told the German newspaper Bild am Sonntag.”

Furthermore, in his visit to Tehran, the German Foreign Minister emphasised the importance of the nuclear agreement for European security. This visit highlighted the intense pressure lasting on the EU but also on Iran. The EU is unable to meet Iranian interests in any significant way and in turn, the Iranians put into question their adherence to a deal they do not benefit from.

The fundamental question in the first place was whether the EU could trade enough with Iran to convince Tehran to continue adhering to JCPOA provisions. At the same time, the EU needed to make sure not to trade as much with Iran as to openly affront their closest partner, the United States. Taking into account the Iranian dissatisfaction with the European performance, it is ever more likely that Iran will, as the USA did, withdraw from the nuclear agreement. As a consequence, it is way more likely that the JCPOA is abandoned than the EU giving up the North Atlantic Alliance. At the end, the stress-test for the transatlantic partnership was the EU’s capacity to compensate for and circumvent US sanctions and its performance in trade with Iran.

In the larger picture however, the cancellation of the JCPOA by the USA further complicated the transatlantic situation. The JCPOA is not the first agreement President Trump unilaterally withdraw from. The Paris Climate Accords and the Trans-Pacific Partnership (TPP) are just two agreements that Mr. Trump already cancelled. Others, which he publicly contemplates about withdrawing from, include NAFTA and the US-Korean Free Trade Agreement (KORUS). This is signalling not only a rejection of multilateralism on the US side but increasing isolationism and potentially even abandoning long-standing US allies.

Defiance under pressure

Immediately after the announcement of President Trump that the United States would withdraw from the JCPOA, conservative members of the Iranian parliament, the Majles, set ablaze an US paper flag within the parliamentary chamber. The Iranian conservatives were allegedly proven correct by Mr. Trump that the “Great Satan” could not be trusted. As a consequence, Hassan Rouhani’s moderates came under pressure to explain why exactly they thought that the United States could be trusted and therefore, started negotiations about curbing the Iranian nuclear programme in the first place.

Indeed, moderates will most likely remain under constant pressure until the next Iranian presidential elections, which are scheduled for 2021. The main challenge for moderates is to explain why they chose to trust and negotiate with the United States and Europe in the first place. With each new escalatory step taken by the United States, the pressure on the moderates will increase. In addition to this, the sanctions are causing further domestic pressure on the Rouhani administration stemming
from major economic problems such as rising prices and shortages in consumer goods. This situation will arguably hit the younger, more urban population the most since they are likely to vote for a more moderate president.

Furthermore, the recent floodings in Iran, in wake of which the government has been criticised for not reacting quickly enough, as well as the 2018-9 economic protests should also be taken into account. These crises only heightened pressure on Mr. Rouhani’s government. Fortunately, Mr. Rouhani is the chief nuclear negotiator and Secretary of the Supreme National Security Council and has a strong background in security establishment. This is the main reason for him being supported by Supreme Leader Khamenei and for being able to compromise with the conservatives.

The conservative and hard-line elements in Iran now have a critical advantage due to the cancellation of the JCPOA. As hard-liners often reiterated that the USA could not be trusted, their beliefs were seemingly proven correct by President Trump’s recent actions. In their eyes, Iran should never have negotiated with the United States in the first place. “From the outset, Iran’s hard-liners rejected the 2015 nuclear deal, lamenting it as a series of humiliating concessions to the West in exchange for nothing. They repeatedly demanded that Iran quit the agreement. With Rouhani’s stance now marking a significant shift toward their argument, hard-liners no longer find themselves isolated. The idea of suspending nuclear commitments, in fact, now dominates Iran’s political sphere and has become the mainstream attitude among political elites.” This means that President Rouhani now has to justify his actions.

Therefore, it hardly comes as surprise that moderates shifted their position from deliberately inaction to deliberate and gradual action. Though Iran continued to adhere to JCPOA provisions, they believe that little has been done by the Europeans. In order to increase the pressure on Europe and to likely ease the pressure on the Rouhani administration, Iran now gradually starts ramping up the nuclear programme.

This comes at a time when Iran faces a double strategy by the USA. On the one hand, US National Security Adviser John Bolton, a known hawk on Iran, and Secretary of State Mike Pompeo argue for robust action regarding Iran. President Trump, on the other hand, while reiterating bellicose rhetoric, is explicitly passive and does not appear to be willing to go to war with Iran. Therefore, Iran does not have much choice when it comes to foreign policy. If it wants to exert pressure on Europe, gradually restarting the nuclear programme seems to be the right choice. This is even more so as Iran no longer benefits from adhering to the JCPOA given the unilateral sanctions by Washington.

Iran’s strategic options are limited. They will most likely not negotiate directly with the US President as this would mean a loss of face. This stance has been publicly stated by Supreme Leader Khamenei and repeated by officials of the Islamic Republic. In reckoning that the United States will not directly attack Iran, their best options are to exert pressure on Europe in ramping up its nuclear programme, shift its foreign policy focus to Russia and China, ensure that it can affect US allies, and hope that President Trump is not re-elected in 2020.

Shifting Iran’s foreign policy focus towards Russia and China is not too far-fetched. Russia, as a permanent member of the UN Security Council, is certainly capable of easing some of the international pressure on Iran and it might not be too reluctant when it comes to assisting Iran. This even more so, as there is no international consensus on imposing sanctions on the Islamic Republic. On the other hand, it is clear that Russia’s and Iran’s interests might diverge when it comes to establishing a post-war order in Syria. Furthermore, China is also one of Iran’s main trading partners.

Keeping their attack capacity vis-à-vis US troops in the Middle East and Israel might be a second strategic step. In ramping up its defences through Iran’s allies Hezbollah and Hamas and further escalating the conflict in Yemen, Iran could easily not only have Israel attacked by pinprick tactics but also US troops in the Middle East, should the situation escalate further. The rationale behind such a move would clearly be demonstrating that the price of escalation for the United States would be too high. However, such a tactic might very well lead to further internal pressure as many Iranians are no longer willing to follow with Iran’s regional policy.

Conclusion

The unilateral decision to withdraw from the JCPOA by US President Trump adds another aspect to his campaign slogan “America first”. Trump’s actions have resulted in a distinct unilateralism and isolationism that is in stark contrast to the alliance system the United States have built since the end of World War II. The cancellation of the JCPOA will contribute significantly to the straining of the North Atlantic Alliance. However, it will not serve as the reason for the alliance to fall apart. One explanation for this is that the EU still heavily relies on the United States as its main security provider within the NATO framework.

Given Iran’s geopolitical position and its significance for stability in the Middle East, Tehran is of course highly important for the EU’s security interests. Nonetheless, the United States serves as the most important European ally whose assistance is needed in various geopolitical challenges. As long as the EU is not “strategically autonomous”, it will continue to rely on the USA for military protection, hence not counter US interests significantly.

This makes the position of the EU as difficult as it could possibly be. As it cannot confront the USA openly but clearly has significant security interests in the Middle East, the only possible path for European decision makers is diplomacy. The two most important preconditions in this respect are unity among all EU member states and the potential to emphasise the EU’s position, if necessary, by military force. These two preconditions are virtually unfulfilled. Recent examples of European disunity are the disagreement over appointments for the EU leadership positions and the withdrawal of the United Kingdom from the EU. In addition
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Endnotes

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