

МЕЖДУНАРОДНЫЕ ОТНОШЕНИЯ INTERNATIONAL RELATIONS

research article

DOI: 10.48612/RG/RGW.26.4.1

The Iran Nuclear Deal Fallout: Test of the United Nations Security Council Credibility

Mohammadmahdi Hassani
Peter the Great Saint Petersburg Polytechnic University, Saint Petersburg, Russia
note10.1.mahdi@gmail.com

Aleksei V. Vovenda ✉
Peter the Great Saint Petersburg Polytechnic University, Saint Petersburg, Russia
✉ vovenda_av@spbstu.ru; <https://orcid.org/0000-0002-9511-8655>

Abstract. *This article provides a historical account of the U.S.-Iran nuclear cooperation, spanning from its inception during President Eisenhower's "Atoms for Peace" initiative in 1957 to the contemporary diplomatic challenges centered around the Joint Comprehensive Plan of Action. The Joint Comprehensive Plan of Action, often referred to as the Iran Nuclear Deal, is a landmark international agreement aimed at addressing concerns about Iran's nuclear program. The Plan was negotiated and signed on July 14, 2015, between Iran and the P5+1 group of countries, which includes the United States, the United Kingdom, France, Germany, China, and Russia, plus the European Union. The article critically assesses the objectives of the Plan and the robust dispute resolution mechanism embedded within it, with a particular focus on the pivotal role of the United Nations Security Council in endorsing, enforcing, and safeguarding the JCPOA. Furthermore, it scrutinizes the Security Council's limited ability to respond to the unilateral withdrawal of the US, highlighting the challenges in enforcing international agreements when influential nations act independently. The complexities and implications of the Security Council's functions in upholding international norms are central to this analysis.*

Keywords: United Nations security council; American-Iran nuclear cooperation; atom for peace; international cooperation; nuclear deal

For citation: Hassani, M., Vovenda, A.V. The Iran Nuclear Deal Fallout: Test of the United Nations Security Council Credibility. *Russia in the Global World*. 2023. Vol. 26. Iss. 4. P. 7–25. DOI: 10.48612/rg/RGW.26.4.1.

© Hassani, M., Vovenda, A.V., 2023. Published by Peter the Great St. Petersburg Polytechnic University.

научная статья

УДК: 327

DOI: 10.48612/rg/RGW.26.4.1

Последствия ядерной сделки с Ираном: проверка авторитета Совета безопасности ООН

Хассани Мохаммадмахди
Санкт-Петербургский политехнический университет Петра Великого,
Санкт-Петербург, Россия
note10.1.mahdi@gmail.com

Вовенда Алексей Викторович ✉
Санкт-Петербургский политехнический университет Петра Великого,
Санкт-Петербург, Россия
✉ vovenda_av@spbstu.ru; <https://orcid.org/0000-0002-9511-8655>

***Аннотация.** В статье представлен исторический обзор американо-иранского ядерного взаимодействия, охватывающий период с момента его зарождения в рамках инициативы президента Эйзенхауэра "Атом во имя мира" в 1957 году до современных дипломатических вызовов, связанных с Совместным всеобъемлющим планом действий (СВДП). Этот документ, часто называемый "Иранской ядерной сделкой", является ключевым международным соглашением, направленным на устранение "переживаний" по поводу ядерной программы Ирана. Договор был согласован и подписан 14 июля 2015 года между Ираном и группой стран "5+1", в которую входят Соединенные Штаты, Соединенное Королевство, Франция, Германия, Китай и Россия, а также Европейский союз. В предложенной статье критически оцениваются цели Плана действий и встроенный в него надежный механизм разрешения споров, с особым акцентом на ключевую роль Совета Безопасности Организации Объединенных Наций в одобрении, обеспечении соблюдения и гарантиях Совместного всеобъемлющего план действий. Кроме того, в нем тщательно анализируется ограниченная способность Совета Безопасности отреагировать на односторонний выход США, подчеркиваются проблемы с обеспечением соблюдения международных соглашений, когда "ведущие" страны действуют независимо. Сложности и последствия реализации функций Совета Безопасности по поддержанию международных норм занимают центральное место в представленном анализе.*

Ключевые слова: Совет безопасности ООН; американо-иранское ядерное взаимодействие; мирный атом; международные отношения; ядерная сделка

Для цитирования: Хассани М., Вовенда А.В. Последствия ядерной сделки с Ираном: проверка авторитета Совета безопасности ООН // Россия в глобальном мире. 2023. Т. 26. Вып. 4. С. 7–25. DOI: 10.48612/rg/RGW.26.4.1.

© Хассани М., Вовенда А.В., 2023. Издатель: Санкт-Петербургский политехнический университет Петра Великого.

Introduction

Within the complex landscape of international relations, the collaboration between the United States and Iran in the mid-20th century laid the groundwork for a sophisticated relationship that would evolve and face unprecedented challenges. From the formative years of nuclear cooperation to the establishment of the Joint Comprehensive Plan of Action (JCPOA), the trajectory of this association has been marked by diplomatic intricacies, geopolitical shifts, and, ultimately, the quest for global peace.

The early chapters of collaboration saw the United States actively supporting Iran's nuclear endeavors, cementing its role as a Western proponent of the imperial government's nuclear program. However, as the Islamic Revolution unfolded, Western pressures, particularly from the United States, intensified, leading to a contentious period marked by suspicions of nuclear weapons development. The subsequent decades witnessed a dynamic interplay of diplomatic initiatives, coercive measures, and strategic shifts, ultimately culminating in the historic JCPOA.

Materials and Methods

The research is based on the systematic approach of U.S.-Iran nuclear relations, scrutinizing pivotal moments such as the inception of nuclear collaborations, the complexities surrounding the Iranian nuclear program post-revolution and the role of the United Nations Security Council in endorsing and safeguarding the JCPOA.

The following research methods have been used:

- source analysis, which involves a comprehensive study of fundamental multilateral and program documents: The Joint Plan of Action (JPOA) also known as the Geneva interim agreement, The Joint Comprehensive Plan of Action (JCPOA), commonly referred to as the Iran nuclear deal, UN Security Council Resolution 2231;
- historical-genetic method has made it possible to identify and trace the key changes in the evolution of the U.S.-Iran nuclear relations;
- case study method allows to examine the JCPOA's dispute resolution mechanism and the role of Security Council in critical insights into the efficacy of international collaboration and safeguarding global peace and security.

Discussion

The Evolution of U.S.-Iran Nuclear Cooperation: From Atoms for Peace to Diplomatic Challenges

On March 5, 1957, as part of President Eisenhower's "Atoms for Peace" initiative, a pivotal civil nuclear cooperation agreement was formalized between the United States and Iran. Under this accord, the United States provided Iran with a limited quantity of enriched uranium, specifically intended for research purposes. Simultaneously, the Institute of Nuclear Sciences, under the auspices of the Central Treaty Organization (CENTO Treaty), underwent a significant relocation from Baghdad to Tehran. Moreover, the University of Tehran inaugurated the "Atomic Center of the University of Tehran" with a principal focus on nuclear education and research. Subsequently, the United States embarked on a series of initiatives designed to support and bolster Iran's burgeoning nuclear program. This enduring commitment persisted from 1957 until the triumph of the Islamic Revolution, solidifying the United States' position as a prominent Western proponent of Iran's imperial government's nuclear program [1].

In 1974, Iran and the United States collaborated to establish a joint commission with the overarching objective of fostering cooperation across various domains, with a particular emphasis on the sphere of nuclear science, notably the production of nuclear energy. Concurrently, a preliminary agreement was reached, outlining a commitment by the United States to supply enriched fuel intended for nuclear power reactors to be constructed in Iran under American supervision. Furthermore, it was proposed that nuclear cooperation between Iran and the United States be integrated into the Iran-U.S. Joint Commission initiative, while entrusting the oversight of nuclear energy to the US Energy Research and Development Administration.

The year 1975 witnessed the achievement of a comprehensive economic agreement between Iran and the United States, a pivotal component of which involved the sale of eight reactors to Iran, with an estimated value of \$6.4 billion. The United States Atomic Energy Commission formally sanctioned the provision of a 1200-megawatt light water reactor, complete with fuel supply, to Iran. Moreover, a preliminary agreement was reached to facilitate fuel supply for other Iranian reactors. Notably, during discussions held within the

framework of the Iran-U.S. Joint Commission, then-U.S. Secretary of State, Henry Kissinger, articulated Iran's aspiration to have at least four power reactors and desalination plants constructed by the United States on Iranian soil. Simultaneously, Iranian authorities actively pursued U.S. consent for the establishment of reprocessing facilities within Iran. Furthermore, Iran conveyed its preparedness to invest a substantial \$2.75 billion for the construction of a privately-operated enrichment plant within the United States.

Following the inauguration of Jimmy Carter as the President of the United States, negotiations with the Shah of Iran effectively resolved lingering issues, leading to the establishment of a fresh accord for nuclear cooperation. The Atomic Energy Organization of Iran and the U.S. Department of Energy formalized an agreement that pertained to the training of Iranian personnel in the domain of nuclear science and engineering. Within the framework of this agreement, the participating parties committed to jointly training personnel at the Isfahan Nuclear Technology Center in a diverse array of subjects related to nuclear engineering and science. Article 3 of this agreement specified the areas of the educational program, encompassing areas such as reactor design and engineering, reactor operation and safety, data processing, experimental neutron physics, environmental sciences, reactor materials, electronics and instrumentation, hot cell management, radioactive waste management, nuclear decontamination, sodium technology, and general laboratory management. Furthermore, in 1976, an additional set of five contracts were formally concluded with the American General Atomic Company, specifying the distinct tasks and spheres of collaboration in connection with the conversion and operation of the Tehran research reactor, as an integral facet of the broader U.S.-Iran nuclear cooperation [2, p. 70–80].

Despite extensive collaboration prior to the establishment of the Islamic Republic, substantial amount of pressure from Western nations, particularly the United States, intensified following the revolution. This escalation was primarily justified on the grounds of suspected nuclear weapons development and received the support of the International Atomic Energy Agency (IAEA). In 2003 The crisis deepened further in the wake of the U.S. occupation of Afghanistan and Iraq, amid growing concerns that Iran might be the next target. During this period, reports of covert activities regarding enriched uranium and potential

nuclear weapons development in Iran further exacerbated the situation. The adoption of two resolutions by the IAEA Board of Governors intensified the crisis [3]. Iran found itself faced with a difficult decision, contemplating withdrawal from the IAEA or succumbing to mounting pressures, which included the acceptance of the Additional Protocol and constraints on the peaceful use of nuclear energy.

In this challenging, intricate decision-making environment, Iranian leaders implemented various measures to mitigate global pressures:

a) While a psychological warfare campaign by the western media targeted Iran, the nation actively engaged in diplomatic initiatives, such as extending invitations to the IAEA Secretary-General, conducting simultaneous discussions with foreign ministers from three European nations (France, Great Britain, Germany). In the negotiations that followed an agreement was reached. Iran agreed to several restrictions on its nuclear program in exchange France and Britain pledged to prevent Iran's case from being referred to UN security council. These diplomatic efforts not only showcased Iran's unity but also caused some ambiguity within Western media regarding Iran's stance. This approach contrasted with the United States' unilateralism and reliance on coercive methods, leading to a division between Europe and America, thereby highlighting Iran's adept utilization of soft diplomacy [4].

b) The United States sought to bring Iran's case to the United Nations Security Council, but Iran steadfastly resisted this resolution from the outset. By agreeing to Additional Protocol, (a supplemental agreement to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which affords the International Atomic Energy Agency (IAEA) enhanced access and inspection privileges.) [5]. Iran's commitment to transparency and the implementation of confidence-building measures culminated in the signing the aforementioned protocol. As a result, not only did European countries align themselves with Iran, but non-aligned nations within the IAEA also lent their support to Iran to some extent Iran deployed a sophisticated form of soft diplomacy and effectively shifted the momentum in its favor.

c) The advent of President Ahmadinejad's leadership was characterized by a pivotal turning point: the formal referral of Iran's nuclear program to the United Nations Security Council (the Resolution 1929) [6]. This move was

triggered by Iran's decision to recommence uranium enrichment activities at the Isfahan Uranium Conversion Facility (UCF), that aligned with Ahmadinejad's campaign promises. On October 24, 2005, the Ahmadinejad administration approved regulations allowing foreign countries to participate in Iran's nuclear fuel production process, provided they maintained friendly relations with Iran. Iran's diplomatic approach witnessed a notable evolution, transitioning from a primarily reactive posture to one characterized by proactive measures that instigated reactions from Western nations, rather than merely responding to Western-led initiatives.

Over the course of Mahmoud Ahmadinejad's eight-year presidency, the Islamic Republic implemented three significant policy adjustments concerning its nuclear program:

1. The suspension of the Additional Protocol.
2. The suspension of additional voluntary collaboration with the IAEA, contributing to an escalated state of international scrutiny and scrutiny.
3. A noticeable shift towards framing the pursuit of nuclear energy as a core national goal, aligning with the sentiments of the Iranian population.

Efforts to change this trajectory began during Hassan Rouhani's government in 2013. Within the context of the United States, the Democratic administration led by President Barack Obama encountered formidable challenges in the sphere of foreign policy. The pressing need for tangible achievements in this domain became glaringly apparent, with particular emphasis on issues surrounding counterterrorism and the complex Syrian conflict. In this context, the prospect of engaging in diplomatic negotiations with Iran emerged as a promising avenue for potential diplomatic successes. Importantly, the Obama administration took the initiative to initiate discreet, behind-the-scenes dialogues with the Iranian government, signaling a willingness to address Iran's security concerns. A notable departure from prior administrations, President Obama articulated a strategic perspective that acknowledged Iran's potential to wield regional influence as a significant power. This recognition underscored the belief that the nuclear agreement between Iran and the P5+1 group, composed of the five permanent members of the United Nations Security Council and Germany, held the promise of yielding mutual benefits for Iran, the United States, and the broader Middle East.

Diplomatic efforts gained momentum in 2013, leading to the resumption of talks in Geneva between Iran and the P5+1. The negotiations aimed at finding a diplomatic solution to address concerns about Iran's nuclear program [7, p. 9].

Rounds of negotiations resulted in the Joint Plan of Action (JPOA) also known as the Geneva interim agreement, which was signed in November 2013. The JPOA was a preliminary step that aimed to build confidence and create a conducive atmosphere for more comprehensive negotiations. The JPOA included provisions for Iran to freeze certain aspects of its nuclear program in exchange for limited sanctions relief. The agreement set the stage for further discussions leading to the Joint Comprehensive Plan of Action (JCPOA) [8].

On July 14, 2015, a historic milestone in international diplomacy was achieved when Iran and the P5+1 group signed the Joint Comprehensive Plan of Action (JCPOA), commonly referred to as the Iran nuclear deal. This momentous agreement marked the culmination of arduous negotiations and represented a crucial step in addressing concerns about Iran's nuclear program [9].

President Hassan Rouhani's approach to negotiations revolves around the notion that acknowledging and addressing existing issues between Iran and certain countries paved the way for the establishment of a temporary agreement in Geneva. This initial accord serves as a test of commitment when both parties fulfill their obligations within the agreement. The successful implementation of a two-year agreement signifies the potential for a joint realization of a ten-year agreement. Contrary to the belief that Iran must choose between capitulation to the world or confrontation, Rouhani argues that a third path, characterized by engagement and interaction with the international community, is both viable and rational.

President Rouhani places a strong emphasis on the importance of constructive interaction driven by national interests, ultimately leading to mutually beneficial agreements. He asserts that agreements based on a win-lose framework are unsustainable, advocating instead for win-win agreements where both parties achieve their primary objectives. The Geneva Interim Agreement, for instance, saw Iran accomplishing three key objectives while the other party also claimed to achieve a significant goal, making it a win-win agreement. Mechanisms can be explored to ensure that neither party suffers losses in the long run. Drawing from the experience with the Geneva Interim Agreement,

there is a sense of optimism regarding the success of the ongoing agreement, which involves specific steps and stages.

The Objectives of the JCPOA

The JCPOA incorporates several sections where it explicitly portrays itself as an initiative designed to advance peace. The preamble of the JCPOA particularly underscores the endorsement of this plan by multiple parties, The E3/EU+3 (China, France, Germany), the Russian Federation, the United Kingdom and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy) and the Islamic Republic of Iran. Collectively, they extend a warm welcome to the JCPOA as a mechanism to ensure that Iran's nuclear program remains exclusively peaceful and marks a significant departure from Iran's previous approach to this issue. Their collective conviction is that the complete implementation of the JCPOA will make significant contributions to both regional and global peace and security.

As such, the chief objective of the JCPOA, as perceived from the Western standpoint, is to avert Iran's acquisition of nuclear weapons. The prevention of Iran from attaining nuclear weapons is regarded as an action aimed at safeguarding worldwide peace and security, and is therefore addressed within the framework of the United Nations Security Council.

Paragraph 1 of the introduction and general provisions of the JCPOA underscores its comprehensive scope, which has received the endorsement of the United Nations Security Council. The JCPOA's preamble expressly declares that the agreement leads to the complete removal of all UN Security Council-related sanctions, as well as multilateral and national sanctions pertaining to Iran's nuclear program. This entails facilitating Iran's access to international trade, technology, financial resources, and energy sectors.

Paragraph 8 of the introduction and general provisions places further emphasis on the commitment of the P5+1 countries (comprising the United States, United Kingdom, France, Germany, China, and Russia) and Iran to faithfully implement the JCPOA with a spirit of cooperation rooted in mutual respect. They pledge not to partake in activities that would undermine the JCPOA's text, principles, and goals. Moreover, the P5+1 countries commit to refraining from imposing discriminatory regulatory requirements and statutes as a substitute for the sanctions and restrictive measures outlined in the JCPOA [10].

The fundamental objective of the JCPOA remains the preservation of global peace and security. Within the United Nations framework, the primary responsibility for upholding international peace and security resides with the Security Council. Article 24 of the UN Charter designates the Security Council as the principal entity charged with this responsibility, and Article 25 obliges its member states to execute the Security Council's decisions, thereby ensuring the enforcement of the Council's resolutions. Article 39 of the Charter authorizes the Security Council to identify threats to peace, breaches of peace, or acts of aggression, and to recommend or decide upon measures to maintain or restore international peace and security [11].

United Nations Security Council Role in the JCPOA

Paragraph 1 of the introduction and general provisions of the JCPOA underscores its comprehensive scope, which shall receive the endorsement of the United Nations Security Council. The JCPOA's preamble expressly declares that the agreement leads to the complete removal of all UN Security Council-related sanctions, as well as multilateral and national sanctions pertaining to Iran's nuclear program. This entails facilitating Iran's access to international trade, technology, financial resources, and energy sectors.

Paragraph 8 of the introduction and general provisions places further emphasis on the commitment of the P5+1 countries (comprising the United States, United Kingdom, France, Germany, China, and Russia) and Iran to faithfully implement the JCPOA with a spirit of cooperation rooted in mutual respect. They pledge not to partake in activities that would undermine the JCPOA's text, principles, and goals. Moreover, the P5+1 countries commit to refraining from imposing discriminatory regulatory requirements and statutes as a substitute for the sanctions and restrictive measures outlined in the JCPOA.

The fundamental objective of the JCPOA remains the preservation of global peace and security. Within the United Nations framework, the primary responsibility for upholding international peace and security resides with the Security Council. Article 24 of the UN Charter designates the Security Council as the principal entity charged with this responsibility, and Article 25 obliges its member states to execute the Security Council's decisions, thereby ensuring the enforcement of the Council's resolutions. Article 39 of the Charter authorizes the Security Council to identify threats to peace, breaches of peace, or acts of

aggression, and to recommend or decide upon measures to maintain or restore international peace and security [11; 12].

The Security Council operates in two main ways when addressing threats to international peace: firstly, through diplomatic and non-coercive interventions aimed at resolving conflicts peacefully, and secondly, by resorting to coercive or enforcement measures when diplomatic efforts have been exhausted. These coercive measures can encompass both non-military actions, such as economic sanctions, and, in more severe cases, military interventions. The choice between these approaches is guided by the assessment of whether peaceful means alone are sufficient to resolve the crisis, in alignment with the United Nations' overarching goal of peaceful dispute resolution, justice, and adherence to international law [12].

The coercive or enforcement measures outlined in Chapter VII of the Charter encompass both non-military and military actions. Prior to the signing of the JCPOA, the International Atomic Energy Agency had referred Iran's nuclear dossier to the Security Council as a threat to international peace, resulting in the adoption of resolutions against Iran. These resolutions primarily featured economic sanctions. Furthermore, the Security Council's punitive measures included the addition of unilateral economic sanctions imposed by the United States and European powers [6].

United Nation`s Resolution 2231 and Key Elements

Security Council Resolution 2231, adopted on July 20, 2015, stands as a paramount diplomatic achievement within the United Nations Security Council due to distinctive attributes underscoring its significance:

Unprecedented Sanctions Removal: This resolution simultaneously nullifies six sanctions resolutions established under the seventh chapter of the UN Charter. These previous resolutions played a central role in addressing concerns related to Iran's nuclear program.

Detailed and Comprehensive: Resolution 2231 is an extensive document, spanning nearly 17 pages with detailed appendices extending over 160 pages. Its comprehensiveness has made it a subject of scholarly analysis and discussion in the fields of international law and international relations.

Incorporation of the JCPOA: Resolution 2231 integrates the complete 159-page text of the Joint Comprehensive Plan of Action (JCPOA) as an annex.

The JCPOA, endorsed by the P5+1 nations and submitted to the Security Council, constitutes the cornerstone of Resolution 2231.

Dual-Use Goods: The resolution imposes restrictions on the acquisition of dual-use goods, items potentially serving both civilian and military purposes. Unlike previous resolutions that enforced complete bans, Resolution 2231 permits the acquisition of these goods for industrial applications through authorized legal entities

Arms trade: Restrictions on the purchase and sale of defense weapons were extended, replacing an outright ban with a 5-year limitation. Any such transactions require case-by-case approval by the Security Council. Consequently, transactions involving armaments necessitate case-by-case approval by the Security Council.

Missile Activity: Under Resolution 1929, Iran faced a sweeping ban on all its missile activities, even granting other nations the authority to use force against Iran for enforcement purposes. However, in the Security Council resolution, Iran is urged not to pursue missile activities intended for nuclear warhead delivery, another significant point is that the Security Council refrains from delineating Iran's missile activity restrictions under Chapter VII of the United Nations Charter and instead frames it as a mere request. The critical aspect lies in the introduction of limitations on Iran's development of long-range missiles.

Sanctions Reversibility: Notably, Resolution 2231 features a unique "snapback" mechanism, enabling the rapid reinstatement of sanctions in cases of Iranian non-compliance. In the event that the Security Council enacts new sanctions, previous sanctions are automatically re-imposed, unless the Council determines otherwise. This distinctive provision ensures the potential reversibility of sanctions in instances where the agreement's signatories perceive Iran's non-adherence to its commitments [13].

Shifting Away from Chapter 7: Unlike the previous six resolutions passed by the United Nations Security Council under Chapter 7 of the UN Charter, this resolution no longer regards Iran's peaceful activities as a global threat to peace and security. While the resolution does include references to Chapter 7, it suggests that Iran is transitioning out of the Chapter 7 framework. However, this status remains in effect until the Director General of the International Atomic

Energy Agency (IAEA) certifies the complete peaceful nature of Iran's nuclear program. This process is expected to extend over the next ten years unless the IAEA Director General issues a report confirming the peaceful nature of Iran's nuclear program sooner.

Executive Assurance for the Vienna Agreement: The resolution bolsters the binding character of Security Council resolutions by invoking Article 25 of the UN Charter. This imposes an obligation on all UN members to uphold the implementation of Resolution 2232, providing an international executive assurance for the Vienna Agreement.

Mitigation of Violations: Resolution 2231 delineates a structured framework that sets out specific actions and predefined timelines for both parties. This minimizes the margin for non-compliance and ensures the gradual removal of all provisions within specified timeframes.

Exclusive Acknowledgment of Iran's Enrichment: In contrast to earlier resolutions that demanded the immediate halt of Iran's enrichment activities, Resolution 2231 acknowledges and endorses Iran's enrichment efforts.

Dismantling the Basis of Sanctions: Over time, the resolution dismantles the foundation of the sanction's regime and the Security Council's sanctions committee. This constitutes a significant accomplishment, eliminating the pretext for maintaining sanctions beyond Security Council resolutions.

Dispute Resolution Mechanism in the JCPOA and the Role of the United Nations Security Council

The Joint Comprehensive Plan of Action (JCPOA) incorporates a robust dispute resolution mechanism aimed at addressing potential violations or disagreements among the signatory parties. This mechanism is underpinned by a structured process designed to address disputes while upholding the integrity of the agreement.

The JCPOA's Dispute Resolution Mechanism is administered through the Joint Commission, an entity established in the agreement's initial provisions. This commission is composed of representatives from the 5+1 group of the European Union (comprising the United States, United Kingdom, France, Germany, Russia, and China) and Iran. The commission plays a pivotal role in overseeing the JCPOA's implementation and possesses the authority to address issues that may arise during the execution of the agreement.

Transparency and accountability are the cornerstones of the dispute resolution mechanism. For instance, if Iran suspects that any of the 5+1 group members have failed to meet their obligations as outlined in the JCPOA, it can refer the matter to the Joint Commission for resolution. Likewise, any of the 4+1 group members (consisting of the European Union, Germany, and Iran) can take similar action if they believe that Iran is not adhering to its commitments.

This dispute resolution process is characterized by an emphasis on diplomatic solutions and cooperation. If the Joint Commission is unable to reach a satisfactory conclusion regarding a dispute, and one of the involved parties still believes that the JCPOA is being violated, the matter is elevated to the foreign ministers of the JCPOA member states. These foreign ministers are tasked with conducting a comprehensive investigation and striving to resolve the issue through dialogue and negotiation.

Importantly, the JCPOA acknowledges the potential for disputes that may prove challenging to resolve at this stage. To address this, the agreement introduces the concept of an advisory board. This advisory board comprises three members, two of whom are nominated by the directly involved parties, and the third member serves as an independent entity. The advisory board furnishes non-binding recommendations aimed at guiding the resolution process, and these recommendations are subsequently reviewed by the Joint Commission.

However, if, after this exhaustive process involving foreign ministers, the Joint Commission, and the advisory board, the aggrieved party remains unsatisfied and deems the issue an instance of "fundamental non-compliance," the JCPOA provides a more decisive course of action. As per the dispute resolution mechanism, in such a scenario, the aggrieved party can opt to either partially or completely suspend its obligations under the JCPOA. Alternatively, it can escalate the matter to the United Nations Security Council, asserting that it constitutes a case of "fundamental non-compliance."

The United Nations Security Council's role in this context is of paramount significance. Upon receiving the communication from the aggrieved party, along with a detailed explanation of their earnest efforts to navigate the dispute resolution process stipulated in the JCPOA, the Security Council is mandated to conduct a vote following its established procedures. The subject of this vote is to

decide whether to continue the suspension of sanctions, a critical component of the JCPOA that supports Iran's compliance with the agreement.

Should the Security Council not endorse this resolution within 30 days from the date of notification, the JCPOA specifies that the provisions of prior United Nations Security Council resolutions will be reinstated. Consequently, previously suspended sanctions, as part of the agreement, could be reinstated.

Crucially, the JCPOA underscores the Security Council's intention to avert the re-imposition of sanctions if the issue leading to the dispute notification is resolved within the designated timeframe. In this regard, the Security Council takes into account the perspectives of the parties involved in the dispute and considers any recommendations presented by the advisory board. The JCPOA incorporates a provision wherein Iran explicitly states that if sanctions are re-imposed, whether partially or in full, it reserves the right to potentially suspend some or all of its obligations under the JCPOA.

The JCPOA confers the ultimate decision-making authority for dispute resolution upon the United Nations Security Council. In the event that a party continues to assert that another party is fundamentally non-compliant, they can either bring the matter before the Security Council or utilize non-compliance as grounds for the suspension of their own obligations. The dispute resolution mechanism of the JCPOA carries considerable weight and underscores the pivotal role of the United Nations Security Council in upholding the integrity of the agreement [10].

UN Failure to Protect the JCPOA

The efficacy of international collective security, a core tenet of the United Nations, hinges on the notion that all nations must adhere to and respect international rules. However, the unilateral withdrawal of the United States from the Joint Comprehensive Plan of Action (JCPOA) under the leadership of then-President Donald Trump raised profound questions about the competence of the Security Council and the broader international order in addressing such actions [14].

One of the fundamental principles of international law is the equality of nations in terms of their rights and responsibilities. This principle stipulates that all nations have a consistent duty to refrain from interfering in the internal

affairs of other nations, honor their contractual obligations, and abstain from employing threats or force in their international interactions.

The USA's exit from the JCPOA constituted a palpable violation of international norms, particularly the principle of upholding contractual commitments and the commitment to avoiding threats or the use of force in international relations. The JCPOA, as a multilateral international accord, necessitated compliance from all parties, not exclusively Iran.

The unilateral withdrawal of the United States from the JCPOA, without valid justifications, while other signatory nations remained committed, not only flouted the principle of equal rights and duties among nations but also projected a message of power politics. This action essentially conveyed that, relying on its strength, the United States was willing to disregard international obligations and act independently, thereby undercutting the global order.

It is noteworthy that, while the USA had previously expressed skepticism about international obligations in theory, it had not previously acted unilaterally in such a manner. This departure from established norms prompted inquiries about the efficacy of the United Nations and, particularly, the Security Council.

Traditionally, the inefficacy of the Security Council was predominantly linked to decision-making, primarily due to the veto power wielded by its permanent members. However, in the context of the JCPOA, this inefficiency took on a different dimension. Here, one of the permanent members of the Security Council, the very nation that had played a pivotal role in the adoption of the resolution approving the JCPOA, was now infringing on that very resolution.

The sanctioning of the JCPOA within the Security Council, at the time of its formulation, hinged on U.S. support. Nevertheless, the USA's withdrawal from the JCPOA marked a significant departure from this stance, disregarding the international commitment embodied by the JCPOA.

The JCPOA was not a mere recommendation but a collection of binding resolutions of the United Nations Security Council. Consequently, all nations, including permanent members of the Security Council were expected to adhere to its stipulations.

The U.S. withdrawal from the JCPOA brought forth a critical query: Could the United Nations Security Council enforce the JCPOA and, more

broadly, take punitive measures against a permanent member found to be in violation of its resolutions?

In principle, international law, particularly Article 25 of the UN Charter, dictates that the United States must adhere to the JCPOA. Additionally, Article 41 of Chapter VII of the Charter empowers the Security Council to levy sanctions and penalties on nations failing to uphold their international commitments. Nevertheless, the practical application of these provisions is impeded by the U.S.'s veto power [15, p. 10].

In practice, other major powers exhibited reluctance to draft resolutions against the United States, fearing potential repercussions. Even if such a resolution were to be adopted and the U.S. chose not to exercise its veto, the execution of the Security Council's decision would still encounter obstacles. None of the other major powers appeared inclined to take action to penalize the USA, revealing a lack of collective will to uphold international norms in such circumstances.

Conclusion

In tracing the intricate trajectory of American-Iran nuclear relations from collaborative beginnings to the establishment of the JCPOA, it becomes evident that the pursuit of a peaceful and cooperative global order requires continuous diplomatic efforts and international commitment.

The JCPOA stands as a testament to the potential of diplomatic negotiations in addressing complex international challenges. Its comprehensive framework, endorsed by the United Nations Security Council, provided a structured mechanism for resolving disputes and upholding the commitment to global peace.

The unilateral withdrawal of the United States from the JCPOA, led by President Donald Trump, not only raised questions about the USA's commitment to international agreements but also cast a shadow on the effectiveness of the United Nations Security Council in upholding the principles of international law. It challenged the core principle of equal rights and responsibilities among nations and sent a message of power politics, undermining the global order.

The Security Council's role in addressing the JCPOA crisis showcased the limitations of international institutions when confronted with the unilateral

actions of powerful nations. Despite the theoretical framework within the UN Charter for enforcing international commitments and sanctions, practical implementation was hindered by the U.S.'s veto power and the reluctance of other major powers to take punitive measures against the USA.

The effectiveness and credibility of the United Nations and the Security Council were subjected to scrutiny as the JCPOA, an agreement that had initially garnered extensive international backing, confronted threats and breaches by a key participant. The incapacity to respond effectively to such actions unveiled the constraints and complications in ensuring the enforcement of international agreements and the repercussions for global peace and security.

As we reflect on the journey outlined in this analysis, it becomes clear that the nuances of international relations demand not only robust agreements but also a shared commitment to upholding them. The intricacies of the JCPOA's dispute resolution mechanism and the role of the Security Council highlight the challenges faced by the international community in maintaining the integrity of multilateral agreements.

REFERENCES

1. Bruno, G. Iran's Nuclear Program. 10 March 2010. *Council on Foreign Relations*. Available at <https://web.archive.org/web/20120220182315/http://www.cfr.org/iran/irans-nuclear-program/p16811> (accessed: 10.11.2023).
2. Tarakh anrjea hsth aa dr aaran w jhan جهان و ایران در ای هسته انرژی تاریخ [The History of Nuclear Energy in Iran and the World]. *Mrkez asnad w tarakh dapelmasa* تاریخ و اسناد مرکز دیپلماسی [Center for Documents and History of Diplomacy]. 2008. 706 p.
3. Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran. 26 November 2003. *International Atomic Energy Agency's Board of Governors*. Available at <https://www.iaea.org/sites/default/files/gov2003-81.pdf> (accessed: 10.11.2023).
4. Statement by the Iranian Government and visiting EU Foreign Ministers. 21 October 2003. Available at https://www.bits.de/public/documents/iran/Tehran_EU_Iran_Agreement03.pdf (accessed: 10.11.2023).
5. Iran Signs Additional Protocol on Nuclear Safeguards. 18 December 2003. *International Atomic Energy Agency*. Available at <https://www.iaea.org/newscenter/news/iran-signs-additional-protocol-nuclear-safeguards> (accessed: 10.11.2023).
6. Resolution 1929. (2010). *United Nations Security Council*. Available at <https://www.un.org/securitycouncil/s/res/1929-%282010%29> (accessed: 09.11.2023).
7. Entessar, N., Afrasiabi, K.L. Iran Nuclear Negotiations: Accord and Détente since the Geneva Agreement of 2013. Rowman & Littlefield Publishers. 2015. 232 p.
8. The Interim Nuclear Deal. 11 June 2015. *United States Institute of Peace. The Iran Primer*. Available at <https://iranprimer.usip.org/resource/interim-nuclear-deal> (accessed: 10.11.2023).

9. Robinson, K. What Is the Iran Nuclear Deal? 27 October 2023. *Council on Foreign Relations*. Available at <https://www.cfr.org/backgrounder/what-iran-nuclear-deal> (accessed: 10.11.2023).
10. Full text of Iran`s nuclear deal. Available at <https://www.europarl.europa.eu/cmsdata/122460/full-text-of-the-iran-nuclear-deal.pdf> (accessed: 10.11.2023).
11. United Nations Charter. *United Nations*. Available at: <https://www.un.org/en/about-us/un-charter> (accessed: 10.11.2023).
12. Luck, E.C. UN Security Council: Practice and Promise. Routledge. 2006. 208 p.
13. Resolution 2231 (2015) on Iran Nuclear Issue. *United Nations Security Council*. Available at <https://www.un.org/securitycouncil/content/2231/background> (accessed: 10.11.2023).
14. Landler, M. Trump Abandons Iran Nuclear Deal He Long Scorned. 8 May 2018. *The New York Times*. Available at: <https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-nuclear-deal.html> (accessed: 13.11.2023).
15. Sievers, L., Daws, S. Procedure of the UN Security Council. Oxford University Press, Oxford. 2014. 725 p.

Сведения об авторах / Information about authors

Hassani Mohammadmahdi – Student, Higher School of International Relations, Institute of Humanities. Peter the Great Saint Petersburg Polytechnic University.

E-mail: note10.1.mahdi@gmail.com

Vovenda Aleksei V. – Associate Professor, Candidate of Political Sciences, Higher School of International Relations, Institute of Humanities. Peter the Great Saint Petersburg Polytechnic University.

E-mail: vovenda_av@spbstu.ru; ORCID: 0000-0002-9511-8655

The authors declare no conflict of interests.

Хассани Мохаммадмахди – студент Высшей школы международных отношений Гуманитарного института. Санкт-Петербургский политехнический Университет Петра Великого.

E-mail: note10.1.mahdi@gmail.com

Вовенда Алексей Викторович – кандидат политических наук, доцент Высшей школы международных отношений Гуманитарного института. Санкт-Петербургский политехнический Университет Петра Великого.

E-mail: vovenda_av@spbstu.ru; ORCID: 0000-0002-9511-8655

Авторы заявляют об отсутствии конфликта интересов.

*Статья поступила в редакцию 14.11.2023. Одобрена после рецензирования 22.11.2023. Принята 23.11.2023.
Received 14.11.2023. Approved after reviewing 22.11.2023. Accepted 23.11.2023.*