

America Confronts Iran: History of US-Iran Relations and the Rule of Law

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It is said that maybe Iran was behind a recent attack on Saudi Arabia's oil facilities.

The Iranian Government denies that any attack was launched from Iranian territory.

Houthi rebels in Yemen have claimed responsibility for the attack; other accusations have been made, inclusive of, but not limited to, a possible launch from Iraqi territory without any complicity from the Government of Iraq.

In an adumbrated way, that is the essence of the problem; yet, there has not been, so far, any historical context placed on the issue.

Saudi Arabia has indeed been the source of much bombing and killing in Yemen in a war killing many Yemeni civilians now with loss of life estimated to be in the region of seventy thousand people. No doubt, from a Houthi perspective there would be much motive, willingness and perceived justifiable cause to attack Saudi Arabia. However, the US has primarily shone the spotlight on Iran - so let's start there.

Historical and legal facts

Between 1917 and 1919 Iran suffered a great famine claiming some eighth to ten million lives. How did it happen? Simply stated, there was a British presence in Persia (subsequently changing the country's name to Iran in 1935) and a commandeering of food from Persia for the feeding of British troops during World War 1. Britain invaded Persia in 1916 and thereafter confiscated the country's harvests, one reason Iranians, to this day, look suspiciously at Britain in particular and the West in general.

In 1953 Iran had a freely and fairly elected democratic leader in the personage of Mohammad Mosaddegh. The CIA overthrew Mosaddegh in a CIA staged coup in 1953 (the first of its kind post World War 11 with many to follow thereafter for the installation of leaders supportive of US policies). The issue concerned the nationalisation of Iranian oil interests (i.e. with compensation to be paid) as was tested and upheld as lawful under international law by the then World Court. However, yet again, Anglo-American interests saw it fit to impose their will on Iran. By reference to the 1953 coup one can trace and note the seeds for the 1979 Iranian revolution having been sown by way of the installation of a leader who was more supported by the West than being credible with his own people.

The US also backed the Iraqi war against Iran of 1980-1988.

There is a resolution in the United Nations numbered UN Resolution 2231. By way of Article 25 of the UN Charter and as lucidly as can be stated:-

“Article 25. “The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”

There was an extensive process of negotiations with a number of powerful Western countries, inclusive of the US, and also Russia and China and Iran agreed to comply with terms under the Joint Comprehensive Plan of Action (JCPOA). The UN Security Council unanimously had approved that plan. That Resolution 2231 ended other Resolutions on other Iranian nuclear issues and became binding upon Iran, as duly and legally agreed under international law per UN Charter Article 25. The International Atomic Agency as well as the EU was involved in monitoring the agreement. Up to the point of a unilateral withdrawal from the JCOPA, under the Trump Presidency, Iran had been found to be in compliance. Since there is an extant UN Resolution in place that had not been violated by Iran, then the unilateral withdrawal by the US quite clearly is in violation of international law. So, as of 2018 President Trump unilaterally pronounced:-

In his January 2018 speech on the JCPOA. President Trump said, “the United States will not again waive sanctions in order to stay in the Iran nuclear deal.” and he went on and said “will withdraw from the deal immediately” unless the JCPOA is renegotiated.

By contrast to the US withdrawal, it is quite evident and logical that if Iran had violated the terms of the JCPOA, then the international community would logically have concluded that UN Resolution 2231 had been breached. Thus, unilateral action by the US ought not to be judged by the same standards of International Law, by which Iran is judged?

Yet, legalities for some who think it prudent to abide by the Rule of Law both domestically and internationally is one level of rationality; US foreign policy, however, works on another level of power. There are specific procedures within the UN system intended to apply to all nations and thus such nations are governed by the rules for any withdrawal from international agreements falling within the purview of the UN. Yes - “apply to all nations” - but, in this as in other acts of international unilateralism and/or aggression - not to the US.

Let us stop there and think for a moment.

Breaches and non-compliance

Was there any material breach of the JCPOA by Iran?

Which country complied with the JCPOA?

Which country unilaterally withdrew from the JCPOA?

Which country has shown disregard for UN Resolution 2231 and the procedures applicable thereto?

Conclusion

Four simple questions; four easy answers.

So who is/was lawful; and – which country is a law unto itself?

The questions, it appear, shall be answered primarily in the arena of realpolitik more so than in a civilized dispute resolution, Tribunal, Court or International agency. Sad, but true. However, do consider that Iran is not Iraq and Iran is definitely not the Iran of 1953.

That is the lawless world in which we live!

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