

Fulfilling a campaign promise, on May 8, 2018, President Trump announced the United States will withdraw from the 2015 Iran nuclear deal and begin reinstating economic sanctions on Tehran. As the UK and NATO await visits from the President, Joseph E Fallon explains on the next page what's going on.

Numerous legal precedents, spanning several decades, exist for President Trump's action. In its report, "Withdrawal from International Agreements: Legal Framework, the Paris Agreement, and the Iran Nuclear Agreement", May 4, 2018, the Congressional Research Service noted: *"At the turn of the 20th century, however, historical practices began to change, and the fifth form of treaty termination emerged: unilateral termination by the President without approval by the legislative branch. During the Franklin Roosevelt Administration and World War II, unilateral presidential termination increased markedly. Although Congress occasionally enacted legislation authorizing or instructing the President to terminate treaties during the 20th century, unilateral presidential termination eventually became the norm."*

Recent precedents are two executive orders by President George W. Bush. On December 13, 2001, he unilaterally withdrew the United States from the 1972 Anti-Ballistic Missile (ABM) Treaty. Six months later, on June 6, 2002, President Bush "unsigned" the United States from the international treaty establishing the International Criminal Court, (the [Rome Statute of the International Criminal Court](#) ).

By withdrawing from the Iran nuclear deal, what is President Trump trying to achieve?

It is a first step in a policy to "roll back", then a "contain" Iranian influence in the Middle East.

This objective was introduced in his statement withdrawing the United States from that agreement. President Trump declared: "The deal lifted crippling economic sanctions on Iran in exchange for very weak limits on the regime's nuclear activity, and no limits at all on its other malign behavior, including its sinister activities in Syria, Yemen, and other places all around the world."

Opposition to Iran's expanding influence in the Middle East was repeated in the fourth of his four objections to the Iran nuclear agreement.

1. The agreement's "inspection lack adequate mechanisms to prevent, detect, and punish cheating and don't even have the unqualified right to inspect many important locations, including military facilities."

2. The provisions of the agreement allowing Iran to resume its nuclear enrichment program after 2030 are "totally unacceptable". Trump stated such terms would spark a nuclear arms race in the region, adding "Everyone would want their weapons ready by the time Iran had theirs".

(In a March 15, 2018 interview with CBS News, Saudi Arabia's Crown Prince Mohammed bin Salman said: "But without a doubt, if Iran developed a nuclear bomb, we would follow suit as soon as possible.")

3. The agreement "fails to address the regime's development of ballistic missiles that could deliver nuclear warheads"

4. The agreement "does nothing to constrain Iran's destabilizing activities, including its support for terrorism"

Two weeks later, May 21, 2018, in a speech before The Heritage Foundation in Washington, DC, Secretary of State Pompeo listed the issues a renegotiated deal with Iran must address. Among these are "rolling back" Iranian activities in the Middle East.

*"...Iran must end support to Middle East terrorist groups, including Lebanese Hizballah, Hamas, and the Palestinian Islamic Jihad.*

*Iran must respect the sovereignty of the Iraqi Government and permit the disarming, demobilization, and reintegration of Shia militias.*

*Iran must also end its military support for the Houthi militia and work towards a peaceful political settlement in Yemen.*

*Iran must withdraw all forces under Iranian command throughout the entirety of Syria.*

*Iran, too, must end support for the Taliban and other terrorists in Afghanistan and the region, and cease harboring senior al-Qaida leaders.*

*Iran, too, must end the IRG Qods Force's support for terrorists and militant partners around the world."*

Secretary Pompeo's list reflects the Trump Administration's National Security Strategy: "*The United States must marshal the will and capabilities to compete and prevent unfavorable shifts in the Indo-Pacific, Europe, and the Middle East.*"

This strategy is a continuation of the official national security strategies proclaimed and pursued by the two previous administrations, George W. Bush and Barack Obama.

The George W. Bush Administration asserted in 2006: the foreign policy objective of the United States government would be to "*dissuade any hostile military competitor from challenging the United States, its allies, and partners.*"

Four years later, the Barack Obama Administration released its National Security Strategy, 2010, which affirmed "*[t]his Administration has no greater responsibility than the safety and security of the American people. And there is no greater threat to the American people than weapons of mass destruction, particularly the danger posed by the pursuit of nuclear weapons by violent extremists and their proliferation to additional states* ."

And “[t]he United States must reserve the right to act unilaterally if necessary to defend our nation and our interests.”

President Trump’s opposition to Tehran’s foreign policy reflects a bi-partisan consensus within the U.S. political establishment that has not changed since the 1979 Islamic Revolution overthrew Washington’s ally, the Shah of Iran, and transformed Iran from friend to adversary.

On March 6, 2018, Daniel R. Coats, Director of National Intelligence, testified before the U.S. Senate. He briefed Senators on the U.S. Intelligence Community’s [\[i\]](#) threat assessment of Iran, corroborating the Trump Administration’s statements on Tehran’s expanding influence in the Middle East.

*“We assess that Iran will continue working to penetrate US and Allied networks for espionage and to position itself for potential future cyber attacks, although its intelligence services primarily focus on Middle Eastern adversaries - especially Saudi Arabia and Israel.*

*Iran’s ballistic missile programs give it the potential to hold targets at risk across the region, and Tehran already has the largest inventory of ballistic missiles in the Middle East. Tehran’s desire to deter the United States might drive it to field an ICBM. Progress on Iran’s space program, such as the launch of the Simorgh SLV in July 2017, could shorten a pathway to an ICBM because space launch vehicles use similar technologies.*

*Iran remains the most prominent state sponsor of terrorism, providing financial aid, advanced weapons and tactics, and direction to militant and terrorist groups across the Middle East and cultivating a network of operatives across the globe as a contingency to enable potential terrorist attacks.*

*Iran will seek to expand its influence in Iraq, Syria, and Yemen, where it sees conflicts generally trending in Tehran’s favor, and it will exploit the fight against ISIS to solidify partnerships and translate its battlefield gains into political, security, and economic agreements.*

*Iran will develop military capabilities that threaten US forces and US allies in the region, and its*

*unsafe and unprofessional interactions will pose a risk to US Navy operations in the Persian Gulf."*

But it must be remembered the expansion of Iranian influence in the Middle East was the unintended consequence of policies pursued by the two previous Administrations of George W. Bush and Barack Obama

Prior to 911, Iran was effectively contained by three, hostile, Sunni powers - Afghanistan under the Taliban to the east, Iraq under Saddam Hussein to the west, and Saudi Arabia to the south..

In response to 911, President Bush launched wars that overthrew the Taliban and Saddam Hussein. This freed Iran from two decades of Sunni encirclement enabling Tehran to expand its influence into Afghanistan and Iraq to a degree previously unthinkable.

Iran expanded its influence in Syria in response to President Obama's support of Syrian opposition forces seeking to overthrow President Assad, forces that included the terrorist organization al-Qaeda in Iraq (AQI) under the name Jaish al Nusra. The objective of the U.S. in attempting to remove Syrian President Assad from power was to break Iran's "land bridge" to Lebanon.

The policies of the Bush and Obama Administrations are classic examples of "blowback"; defined as "an unforeseen and unwanted effect, result, or set of repercussions." Their policies made Iran more powerful and more influential in the region.

This must be kept in mind by President Trump. Attempting to eliminate Iranian influence in Lebanon, Syria, Iraq, and Yemen, could result in a comparable "blowback". It could prevent the United States from achieving a successful resolution of Iran's nuclear and ballistic missile program.

Washington risks being perceived as "at war" not with the government of Iran, or terrorist organizations Tehran supports, but "at war" with the Shia religious community in the Middle East.

These geopolitical aspects must be considered another time.

This is an edited version of an article by U K Defence Forum Research Associate Joseph E Fallon for Geopolitica: Revista de Geografie Politica Geopolitica si Geostrategie entitled “U.S. Withdraws from Iran nuclear deal: Legal Precedents, Geopolitical Implications”, which was posted on the Geopolitica website July 2, 2018,

<https://www.geopolitic.ro/15335/u-s-withdraws-iran-nuclear-deal-legal-precedents-geopolitical-implications/>

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End Note

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[i] The U.S. Intelligence Community is composed of the following 17 organizations:

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Two independent agencies—the Office of the Director of National Intelligence (ODNI) and the Central Intelligence Agency (CIA);

Eight Department of Defense elements—the Defense Intelligence Agency (DIA), the National Security Agency (NSA), the National Geospatial- Intelligence Agency (NGA), the National Reconnaissance Office (NRO), and intelligence elements of the four DoD services; the

Army, Navy, Marine Corps, and Air Force.

Seven elements of other departments and agencies—the Department of Energy’s Office of Intelligence and Counter-Intelligence; the Department of Homeland Security’s Office of Intelligence and Analysis and U.S. Coast Guard Intelligence; the Department of Justice’s Federal Bureau of Investigation and the Drug Enforcement Agency’s Office of National Security Intelligence; the Department of State’s Bureau of Intelligence and Research; and the Department of the Treasury’s Office of Intelligence and Analysis.

“Members of the IC”, Office of the Director of National Intelligence, <https://www.dni.gov/index.php/what-we-do/members-of-the-ic>

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