

INSS Insight No. 1366, August 18, 2020

United States vs. Iran: The Failure to Extend the Arms Embargo

Eldad Shavit and Sima Shine

The rejection by the Security Council of a US draft resolution to extend the embargo on arms sales to Iran, scheduled to expire on October 18, 2020, is evidence of the administration's isolation, which is largely a result of the displeasure with its unilateral steps and the deep rift with its traditional allies in Europe. The administration now intends to demand that the Council invoke a clause for a snapback of all sanctions and curbs that were previously imposed on Iran and lifted after the nuclear agreement was reached. Implementation of the US demand would essentially be a political rather than a legal matter, as Russia and China, which contend that the United States does not have the authority to seek this measure once it quit the nuclear deal, are expected to continue – regardless of any discussion of the demand – to look out for their own interests vis-à-vis Iran. For Iran, which has threatened a fierce response should the Security Council renew sanctions, the embargo's removal marks a significant achievement, as it gains legitimacy for procuring weapons and transferring weapons to its allies in the Middle East. For Israel, the US failure is a blow to their common interests on Iran. In concrete terms, even if it is still unclear to what extent Russia and China will hasten to sell advanced weaponry to Iran, preparations should be made for direct dialogue with them in order to limit this eventuality as much as possible.

The UN Security Council rejected a draft resolution submitted by the United States to extend the embargo on arms sales to Iran, scheduled to expire on October 18, 2020. Though it was known in advance that Russia and China would veto the resolution, the results of the vote – two in favor (the United States and Dominican Republic), 11 abstentions, and two opposed – is clear evidence of the US administration's isolation following its decision (May 2018) to withdraw from the nuclear deal ([JCPOA](#)) reached with Iran in 2015, ideally toward collapse of the deal.

The date for the embargo's removal was stipulated in [Security Council Resolution 2231](#), which strengthened the nuclear deal and defined sequences of relevant ensuing actions, including the timeline for removing curbs imposed on Iran in previous years. US allies – Britain, France, and Germany – which are also parties to the deal and which abstained on the US draft resolution, have clarified that they, too, worry about possible consequences

of the embargo's lapse, but given the anticipated Russian and Chinese veto, prefer to abstain in voting and pursue dialogue with Iran on future limits. The European powers have also repeatedly emphasized their commitment to both the nuclear deal and the need to prevent Iran from achieving nuclear weapons.

US Secretary of State Mike Pompeo [denounced the resolution's failure](#) and stated that the United States was committed to further efforts to prevent Iranian arms purchases and sales liable to threaten its allies in the region. Even before the Security Council vote, the administration relayed that should the embargo not be extended, the United States intends to invoke the clause in Security Council Resolution 2231 allowing any party to the nuclear deal to announce that given its violation, there should be a snapback of all sanctions and curbs previously imposed on Iran by the Security Council that were lifted after the deal was reached. The resolution is meant to go into effect automatically (upon the conclusion of a process lasting around 30 days), unless the Security Council passes a new resolution keeping the sanctions lifted (because the United States has veto power, such a resolution would not be expected to pass). President Trump has already pledged that Washington will take action in this direction in the coming days.

The argument that will arise if the administration decides to make good on the snapback threat will hinge on the question of whether the United States, which left the nuclear deal, has the legal right to demand enactment of the process. The US State Department produced a memorandum contending that despite the withdrawal, the United States has legal standing to demand the process be enacted per Security Council Resolution 2231, which mentions it by name and does not revoke the participation rights of those who quit the deal (a scenario no one anticipated). By contrast, Russia, China, and of course Iran have already affirmed that the administration has no legal standing allowing this, and European allies of the United States have made known that they would not support a snapback decision. In parallel, the United States is expected to press efforts to ensure that bilateral sanctions the administration has already imposed on Iran are implemented, and presumably will be followed by further sanctions.

Responding to the Security Council resolution, Iranian President Hassan Rouhani asserted that "the United States has never been so isolated and humiliated." He claimed that the administration failed in its attempt to kill off the "half-alive" deal and the resolution's outcomes "will go down in history as an Iranian success in the fight against global arrogance." Ahead of the vote, Iran threatened to respond fiercely if the embargo were extended and/or the Security Council restores sanctions that were previously imposed on Iran. Inter alia, threats were made to significantly compromise IAEA monitoring on the nuclear program, and potentially even to withdraw from the NPT.

Amid these developments, President Putin is trying to convene a Zoom-based summit of the P5+1 and Iran, the original parties to the deal. For his part, President Trump said that he does not intend to participate in this discussion.

Significance

- a. The rejection of the US draft resolution by the Security Council highlights that despite the administration's intensive drive to pressure Security Council members – most of all, its European partners to the nuclear deal – it did not score even a symbolic achievement in this vote. While vetoes by Russia and China were expected, the administration had sought to isolate them by garnering the support of other members. Its failure reflects the displeasure of the international community with the Trump administration's unilateral steps and the deep rift between the US and its traditional allies in Europe.
- b. The adamant opposition of Russia and China, which was known all along, reflects both their direct interest in securing new contracts to supply arms to Iran, which the administration will be hard-pressed to prevent, and the troubled bilateral relations of each with the United States. In any event, European powers do not plan to sell Iran weapons – both because they are concerned by Tehran's policy in the Middle East and also due to European legislation preventing arms sales to Iran in the coming years.
- c. For Iran, this is a significant achievement resulting from the nuclear deal, which lends legitimacy to its procurement of weaponry and transfer of weaponry to allies in the region. This is also a personal victory for Hassan Rouhani, who had cited such gains as justification for insisting Iran abide by the deal. Also on the future agenda (2023) is the expiration of the clause in the Security Council resolution barring the sale of equipment or offers of assistance of any kind to Iran in the missile realm.
- d. At the end of the day, the administration's capacity to effect a snapback is a question that is more political than legal. In the absence of a tribunal that could rule whether the administration has or lacks legal standing allowing it to enact the process, discussions over the coming weeks will be held mainly between the US administration – which is interested in bringing about a total collapse of the nuclear deal and perhaps thereby to prevent the prospect of a Democratic administration, if elected, returning to the deal – and the other international actors, which are waging an all-out battle against a collapse of the deal. Presumably the effort will focus on ways of holding up procedures so as to extend the time allotted for bringing the matter to the Security Council beyond the 30 days stipulated in the resolution. It is also likely that Russia and China will not heed the US demands and will pursue deals with Iran, even if the administration launches the process in Security Council.

- e. The European parties to the nuclear deal have already made clear that they do not intend to support a snapback process and that their abstention on the resolution to extend the embargo presages their continued distance from any US efforts to bring about a collapse of the nuclear deal. It is likely that some harbor the assessment/hope that a new US administration would, in short order, embark on a change in US policy, including with increased coordination with them and a renewal of dialogue with Iran.
- f. In Iran, too, a dispute is underway between those who continue to give the deal a chance – hoping that, indeed, the presidential election will bring with it a new administration policy – and those who seek to quash it. The US failure to extend the embargo grants breathing room to those interested in avoiding extreme measures. In parallel, Iran has continued to move proactively on its nuclear program, auguring an ongoing erosion of its commitments under the deal. Inter alia, it was reported recently that advanced centrifuges were installed in the underground bunker in Natanz, apparently in response to the explosion in the facility's upper area.

Thus the US failure at the Security Council, like its lack of success in forcing Tehran back to the negotiating table through sanctions, heightens the tension between the United States and Iran. The administration has no alternative strategy, and it is mired in maneuvers ahead of a presidential election, whose outcome is also awaited by Iran. The two sides are not interested in the situation deteriorating, and certainly not leading to military confrontations, and this should be preventable unless Iran or its allies, mainly the Shiite militias in Iraq, take steps that cause American casualties.

Considerations for Israel

- a. The US failure is a blow to joint interests vis-a-vis Iran.
- b. In concrete terms, even if it is not yet clear to what extent Russia and China might hasten to sell weapons to Iran, preparations should be made for direct dialogue with them in order to reduce the prospects of sales of highly advanced weapons.
- c. A response should be coordinated with the US administration in the very possible event that Iran will continue eroding its commitments under the nuclear deal and increase stockpiles of enriched uranium, including through the operation of advanced centrifuges.
- d. The possibility of a new US administration demands that Israel find appropriate ways of coordination and means to influence preparations already underway by advisory teams regarding Iran and the challenges it poses.