

Forum: International Court of Justice

Case: Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America)

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Introduction

On July 16 2018, Iran filed a lawsuit against the United States with the International Court of Justice. The grounds on which the lawsuit was made pertain to the 1955 Treaty of Amity between the US and Iran, a document agreed upon to establish diplomatic trade relations and mutually beneficial nuclear dealings whilst regulating Iran's missile program. Though the two parties were not official allies nor enemies, the upholding of the values outlined in the treaty sustained itself years into the future, maintaining the symbiotic relationship shared between Iran and the US in regards to nuclear capacity and otherwise

The joint effort to emphasize friendly and constructive ties were made evident on July 14, 2015, as the P5+1 and European Union became party to the Joint Comprehensive Plan of Action (JCPOA), commonly known as the Iran nuclear deal. The agreement aimed to diminish and restrict Iran's nuclear program, reducing their stockpiles and dismantling its resources and production capacity in exchange for sanctions relief. The relief had allowed Iran to enrich its facilities and weapons systems without the threat of halted trade or embargoes, ultimately achieving nuclear peace that was abided by all members of the JCPOA and Iran themselves.

The integrity of this agreement, however, plummeted on May 8, 2018, when former President of the US, Donald Trump, withdrew the country from the JCPOA. After abandoning the agreement, the US went on to reimpose sanctions on Iran's energy, petrochemical, and financial sectors, restarting previously diminished tensions.

Reimposing the sanctions, as per Iran's arguments, had infringed the guidelines of the Treaty of Amity. This aggravated Iran, causing them to take the US to court and open the case of Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights.

As time progressed and events had occurred, the Biden administration insinuates a possibility of reinstating their role as a member of the JCPOA, but with particular adjustments to Iran's nuclear dealing regimes and current methods. However, further news remains to be seen.

Definition of Key Terms

Sanctions relief

Relief from sanctions occur to the country who had been imposed by the sanction. A sanction is defined as a penalty usually implemented by countries for disobeying laws and rules. An example of a sanction would be an economic sanction that can be in many different forms such as trade barriers, restriction on financial transactions and tariffs.

Joint Comprehensive Plan of Action

One of the few and most important agreements between Iran and the west since 1979 is the 2015 accord, also known as the Joint Comprehensive Plan of Action. Deal's primary goal was to address Iran's nuclear program. The deal was signed in Vienna on 14th July 2015, however the United States withdrew from the accord on 18th May 2018 due to President Trump's orders.

1955 Treaty of Amity

Established in 1955, the Treaty of Amity Economic Relations, and Consular Rights represents the diplomatic trade and nuclear relations between the United States and Iran. It possesses specifics on how responsible nuclear usage can prosper amongst the two nations, supporting each others' nuclear and economic programmes whilst maintaining the interest of international peace and security. The Treaty was signed in Tehran on August 15, 1955 by President Eisenhower of the US and Hossein Ala, after which it was often invoked to set jurisdictional order between the future clashes of the

countries. Both countries frequently took the other to higher authorities on the basis of the Treaty, the most recent and apparent allegation being this case of Iran's lawsuit filed to the ICJ against the US on their violations of the Treaty.

Uranium enrichment

Uranium enrichment is an extremely critical component for nuclear power generation and the use of military nuclear weapons. The process of enriching uranium is done by increasing the amount of Uranium-235 in natural uranium from 0.7 percent to between 3 and 5 percent for use as nuclear reactor fuel. Gaseous diffusion, gas centrifuges, or laser isotope separation can all be used for enrichment.

Political Instability

Political instability is the potential for a significant and unanticipated change in a country's leadership, policies, and overall situation. Policymakers are likely to make decisions with shorter time horizons as a result of political instability, which will harm their short-term macroeconomic objectives. Political instability is influenced by a number of causes, including the growth in oil prices and shifts in political power in the nation or the government.

Assets

Any resource that is owned by a firm or other economic entity is referred to as an asset in financial accounting. Basically, an asset is anything that can be controlled, possessed, or used to create value. Any economic entity that possesses assets also generates positive economic value.

Liabilities

Liabilities are debts owed by individuals, businesses, or governments. Most liabilities consist of a monetary amount. A defined time period can be used to satisfy liabilities through economic rewards such as cash, products, and services.

Coup

A coup can be defined as the sudden removal of an already present government from power.

Proxy War

A proxy war is a conflict in which major superpowers that are not party to the fight have a significant influence. The conflict between the US and the USSR was the most well-known of the cold war conflicts. Many people believe that currently there is a cold war being fought between Saudi Arabia and Iran

Security Council

The security council is one of the most powerful committees in the world and has 5 permanent members of the United Nations with Germany being a temporary member due to the country's political and economic influence.

Overview

Iran's nuclear program

Iran's nuclear status was kickstarted with aid from the United States and the Atoms for Peace program of 1953. The program offered support to Iranian resources and strategy that ultimately introduced the country to the peaceful use of nuclear power. To accelerate this, Iran soon discovered its richness in natural material, including the most notable: uranium. With this abundance of uranium, Iran saw vast potential in the development of their nuclear program, particularly so once technology enabled the nation to enrich the substance as fuel.

Rapidly, Iran saw the jump in their nuclear superiority. The diplomatic and mutually beneficial ties with the United States were strengthened after the signing of the 1955 Treaty of Amity that ensured fruitful and friendly nuclear comradery. Years later ,in 1970, the Iranian Parliament ratified the nuclear Non-Proliferation Treaty and named itself with the responsible use of nuclear power. In 1967, with aid from the US, Iran had built the Tehran Research Reactor (TRR), their first nuclear reactor. The nation saw its peak in nuclear strategy after forming the Atomic Energy Organization of Iran.

Consultancy and support from the US halted, however, in 1978 after clashes amidst the Iranian Revolution. Iran was left to independant carry out their operations,

engaging in nuclear trade and back-and-forth with other leading nations, in spite of the sanctions the United States would often impose on Iran through the 1990's.

In the 20th century, Iran faced regular inspection and repeated investigation from the International Atomic Energy Organization of Iran as their uranium enrichment program grew exponentially. Iran held negotiations with other large nuclear exporters like Russia and the UK during this time, settling on methods to regulate Iranian nuclear power. This led to Iran growing capable of producing nuclear weaponry with ease between 2010-2015. Iran finally became a party to the JCPOA after a year of exchange with the P5+1 and the IAEA.

Later years saw rising concern from other states on Iran's ballistic missile capacity, though the IAEA would repeatedly report Iran's meeting of obligations to the JCPOA. Eventually, the US removed itself from the agreement and began reimposing sanctions on Iran. As time passed, Iran began being accused of noncompliance with certain arms embargoes, whilst still committing to the Iran Nuclear Deal.

Iran and US

Iran and the US share no formal diplomatic relations, though their interactions have extended into early ages. The US, alongside the UK, played a large part in the overthrowing of Iran's democratically appointed prime minister Mohammed Mossadeq in the 1953 Iranian coup d'état. The new Shah, Mohammad Reza Pahlavi, was pro-Western, and relied on support from the US in the preceding years.

The friendly ties of the two nations strengthened, the US often conferring with Iran for agreements on the import and export of various of Iran's natural resources, especially so after Iran became a party to the Organization of the Petroleum Exporting Countries (OPEC), where having the States as an ally. The US had also initiated the Atoms for Peace Agreement in 1957 that laid the framework for Iran's nuclear development. President Nixon famously visited Tehran in 1972, reinforcing diplomatic relations and reinforcing Iran as a prospering region with a steadily growing economy.

Things took a drastic turn, however, after the Islamic Revolution in 1979. The Shah had fled to the US amidst the chaos and violent army mutiny to receive cancer treatment. The country, having disliking the Shah's rule and now being supremely led by Ayatollah Ruhollah Khomeini, who opposed the Western view, began disconnecting from the US entirely. Matters were aggravated during the Iranian Hostage Crisis, where 66 American civilians and numerous parliamentary members were held by Iranian captors, who demanded that the United States extradite the Shah. The US retaliated by freezing Iranian assets and imposing sanctions on oil imports. Though the crisis concluded in 1981 after negotiations with Algerian diplomats, ties between the US and Iran were severed.

Sanctions on Iran were heightened over the 80s and 90s as conflict between the two countries increased in military contexts. Friction persisted to great extents, with openly stated backlash between both nations' leaders and attacks of multiple forms being directed to both sides, until discussions of the Joint Comprehensive Plan of Action began. The US became a party to the agreement in light of controlling Iran's nuclear arms.

After Trump's administration, the States reverted to their past opinions on the Iranian nuclear force and pulled out of the JCPOA in 2018. The US revoked the sanctions relief, inciting Iran to take the US to court in the ICJ on the grounds of the United State's violation of the original 1955 Treaty of Amity.

Current President of the US Joe Biden had recently spoken out on the conflict with Iran, claiming that they would rejoin the JCPOA if the appropriate adjustments were made to the agreement as per their discretion.

The case

Iran filed the lawsuit Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Iran v. United States) against the United States on July 16 2018 on the grounds that the US's withdrawal from the Joint Comprehensive Plan of Action and subsequent reimposition of sanctions had been without cause, given that the International Atomic Energy Agency had reported Iran's obligation to the JCPOA and thereby the regulation of their nuclear deadlings. This hence led Iran to believe that the

US had infringed on the 1955 Treaty of Amity, namely Articles IV(1), IV(2), V(1), VII(1), VIII(1), VIII(2), IX(2), IX(3) and X(1), that aimed to preserve the rights of the two nations and their mutually beneficial nuclear relations. The ICJ partly granted Iran's request for provisional measures on October 3, 2018.

In their preliminary objects, the United States argued that the reimposition of the aforementioned sanctions suggested that their implementation in the past went undebated by Iran, but are being contested in court only now once they are reintroduced- then discouraging the legitimacy of the lawsuit. In addition, the US restated how the main reasons for Iran's agitation involve USA's removal from the JCPOA, though the JCPOA was non-legally binding. Finally, the States argued that their interests to protect themselves from the radicalization of Iran's nuclear power had little to do with the original Treaty of Amity, but with the JCPOA, which is not the basis of discussion.

This case is pending and open, as of October 2022.

Major Parties Involved and Their Views

Iran

Following the Islamic revolution in Iran, the nation has been completely against the West as it aims to protect its own sovereignty with their own methods. Iran has continuously claimed that their nuclear program was meant for energy and not nuclear weaponization. However this was not taken into consideration by the West as they aimed to control this nuclear program through the JCPOA, which lifted sanctions on Iran. When the sanctions on Iran were lifted, the country experienced strong economic growth. However in 2018, President Trump had withdrawn from the JCPOA as Iran was consistently involved in conflicts across the middle east. This involved the Yemen War as they supported the Houthis or their increased involvement in Iraq due to the power gap.

Iran has always acted in its personal interests and continues to operate their nuclear program. They have also been accused of funding terrorist and militia groups across the Middle East, although they deny it. Iran has many human rights problems as

well, as the country implements strict measures in accordance with Sharia law. Iran's economy however continues to fall due to the increased sanctions implemented by then US president, Trump.

United States

The United States of America has established itself as a country that is either directly or indirectly interested in events in the Middle East. Every ongoing conflict in the Middle East has been somewhat influenced by the United States of America. Iran has developed into a politically unstable environment as a result of persistent foreign intervention. Following an effort to nationalize Iran's oil industry, the US orchestrated a coup to depose Mohammed Mossadegh, the country's democratically elected prime minister. As the US supported the Shah of Iran, a secular leader who ruled Iran, there would be no repercussions from this action for about ten years.

But in 1979, there was a revolution against the Shah, who was driven from the nation and exiled after months of unrest against his secular rule and his opponents, who were frequently religious. Iran has considered the United States to be its greatest adversary ever since the regime came to power in 1979. To make matters worse, after the hostage crisis in 1979, which prevented American diplomats and officials from leaving the embassy in Tehran, Tensions between the two countries would last for a decade and set off a number of other problems, mostly in Iran.

The conflict between the US and Iran has also involved covert interactions, such as when Iran provided funding to organizations that actively opposed US forces throughout the middle east. For instance, Iran supported organizations that opposed US forces in Iraq. Tensions between the two countries have risen as a result of this. Iran, Iraq, and North Korea are together known as the "Axis of Evil," according to former US President George W. Bush. As a result of this speech, anger increased throughout Iran, and tensions between the two countries increased. The United States has made it a priority to counter Iran's influence. This is so because the US considers the Iranian

government to be particularly hostile and unreliable. The United States has made it clear that it will not try to repair diplomatic ties. Because the 2015 Iran nuclear deal has a deadline and there has been no progress on the larger issue of Iran sponsoring terrorism, the US under President Trump took the initiative to withdraw from the pact.

Saudi Arabia

Along with Iran, Saudi Arabia is the primary superpower in the Middle East. These superpowers have various programs and have supported various organizations in the middle east. To put things into perspective, Saudi Arabia practices Sunni Islam in its purest form, whereas Iran's government embraces Shia Islam. In Islam, there are 10 to 15 percent Shias, compared to 40 percent Sunnis in Iran. The majority of the Middle East's proxy wars are caused by these nations. Due to the fact that both nations influence proxy conflicts rather than engaging in direct combat, this rivalry has also been described to as the Middle East's "Cold War." The conflicts include the Iraqi Civil War, the Syrian Civil War, and the Yemeni Civil War.

To provide additional context Saudi Arabia has stated that they are spending a staggering 100.4 billion dollars on their military in response to the threat posed by Iran. A large portion of Saudi Arabia's equipment has been bought from the US and other nations. Iran, on the other hand, has made significant military investments as well, primarily through the purchase of Russian and Chinese-made gear. The two countries' relations have become even more strained as a result, and a large portion of the overall budget now goes to the army rather than the general populace. There is a recession in the economy as a result of this.

In recent years, there has been no economic or diplomatic collaboration between the two nations. Due to the strained diplomatic and economic connections between the two nations, there are also no negotiations. Iran is willing to negotiate diplomatically with Saudi Arabia, but this may never happen.

China

One of the few countries that has remained supportive of and committed to having good relations with Iran is China. China has developed a reputation for assisting countries with a bad relationship with the US. China has backed nations like North Korea, and it intends to maintain its close diplomatic and economic ties with Iran in the near future. Following the implementation of the Joint Comprehensive Plan of Action, China pledged to increase its trade with Iran to \$600 billion over a ten-year period beginning in January 2016. 17 agreements in total had been inked, some of which had a direct bearing on Iran's nuclear program.

Unofficial trade ties between Iran and China were progressively improving during the Cold War. Between the 1980s and 2007, trade increased dramatically, from 1.627 billion dollars to 15 billion dollars. Iran's deputy business minister, Mehdi Ghazanfari, predicted that in 2008, trade between China and Iran would have surpassed \$25 billion. Iran had recently joined the One Belt, One Road initiative. Iran has played a crucial role in China's Middle East geopolitical aspirations.

Oil and gas continue to be one of the most important trades and agreements between the two countries. Iran accounted for nearly 10% of China's total oil imports in 2011. In addition, Iran supplied around 80% of China's total imports, which included oil. Due to this increase in commerce, China's government is now investing in the modernization of Iran's oil and gas industries in order to ensure safe access to the resources.

International Atomic Energy Agency

An arm of the UN tasked with regulating and ensuring that nuclear energy is used to the benefit of international stability is the International Atomic Agency. Iran's nuclear program has been regulated and observed by the International Atomic Energy Agency. The International Atomic Energy Institution, a UN agency, is crucial in determining and ensuring that international countries and intergovernmental organizations take the necessary measures.

The IAEA's principal objective under the Joint Comprehensive Plan of Action is to make that Iran is only using its nuclear program for peaceful reasons. Regular inspections are used to accomplish this.

Development of Issue/Timeline

Date	Event	Outcome
08/1953	1953 Iranian coup d'état	Tensions between the United Kingdom, the United States, and Iran, escalated to great extents as the UK and US funded and executed a coup to remove Mohammad Mosaddegh from power and restore Mohammad Reza Shah Pahlavi, a pro-western leader. It was during this calamity that the United States and Iran began discussing the Treaty of Amity, sowing the seeds for future nuclear dealings.
12/1953	Atoms for Peace	“Atoms for Peace” was a speech proposed by former US President Eisenhower, discussing the liberty of the States’ non-military nuclear

		<p>technology and expertise in order to secure themselves as a leader in the nuclear market. Iran's participation in the program was said to have laid the groundwork for Iran's nuclear proliferation, after which close communication and conference with the US ensued with regards to developing trade relations.</p>
<p>16/06/1957</p>	<p>1955 Treaty of Amity goes into force</p>	<p>After being signed in Tehran two years prior, the Treaty of Amity between the US and Iran goes into force. This established diplomatic nuclear trade relations between the two states, additionally ensuring that both maintain high-status as nuclear exporters with prospering economies. It had regulated their economic and nuclear affairs with one another as well as other dominating countries. The Treaty would, as time passed, often be used on jurisdictional</p>

		bases, as done with the given case.
05/03/1970	Iran ratifies the Non-Proliferation Treaty	The Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is an international effort to control the use of nuclear weaponry, with an ultimate aim of achieving complete disarmament. Iran became a party to this treaty with similar intentions of maintaining international security, though recently being under investigation for alleged violations.
1974	Atomic Energy Organization of Iran	The Atomic Energy Organization of Iran (AEOI) is formed, a governmental agency responsible for operating all Iranian nuclear activities in the future.
07/01/1978	Iranian revolution and the Iranian hostage crisis	The Iranian revolution, also called the Islamic revolution, resulted in the overthrow of the Pahlavi dynasty and the

		<p>beginnings of Iran as an Islamic Republic. This had also initiated, however, the Iranian hostage crisis, wherein employees of the US embassy as well as 66 American civilians were held captive in Tehran after the US had taken in the ousted Shah for medical treatment. The clash of the US and Iran ended up severing their ties as diplomatic allies, though their nuclear programs continued to prosper.</p>
<p>14/07/2015</p>	<p>Joint Comprehensive Plan of Action</p>	<p>Usually referred to as the Iranian Nuclear Deal, the JCPOA was created involving the P5+1 nations, China, France, Russia, the United Kingdom, the United States; and Germany, and Iran. The agreement, made effective in Vienna, aimed to ensure nuclear regulation on Iran and their capacity to manufacture and trade arms in exchange for sanctions relief. Though this</p>

		had scaled down Iran’s nuclear operations, it had brought about economic wellness for Iran in all other sectors.
08/05/2018	US withdraws from JCPOA and reimposes sanctions on Iran	President of the US Donald J. Trump announced their withdrawal from the JCPOA. In tandem, the US called for a “snapback”, where communication between the National Security Presidential Memorandum and the Secretaries of State and Treasury led to the US reimposing previously lifted sanctions that were stopped due to their former commitment to the agreement. Iran is displeased by this and struggles to meet all requirements.
16/07/2018	Lawsuit filed	Iran takes the US to court and opens the case “Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular

		Rights (Islamic Republic of Iran v. United States of America)”. The case is currently open.
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U.N. Resolutions

- Resolution 2231 (2015) on Iran Nuclear Issue, 20 July 2015 (S/RES/2231)
- Resolution 1747 (2007), 24 March 2007 (S/RES/1747)
- Resolution 1835 (2008), 27 September 2008 (S/RES/1835)
- Resolution 1929 (2010), 09 June 2010 (S/RES/1929)
- Resolution 1737 (2006), 23 December 2006 (S/RES/1737)
- Resolution 1696 (2006), 31 July 2006 (S/RES/1696)

Bibliography

1. “1953 Coup in Iran.” *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/event/1953-coup-in-Iran>.
2. “Fact Sheets & Briefs.” *Timeline of Nuclear Diplomacy With Iran | Arms Control Association*, <https://www.armscontrol.org/factsheets/Timeline-of-Nuclear-Diplomacy-With-Iran#2018>.
3. “From ‘Atoms for Peace’ to ‘JCPOA’: History of Iranian Nuclear Development.” *Project*, <https://k1project.columbia.edu/content/atoms-peace-jcpoa-history-iranian-nuclear-development>.
4. “Latest Developments: Alleged Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America): International Court of Justice.” *Latest Developments | Alleged*

Violations of the 1955 Treaty of Amity, Economic Relations, and Consular Rights (Islamic Republic of Iran v. United States of America) | International Court of Justice, <https://www.icj-cij.org/en/case/175>.

5. “May 2018 Guidance on Reimposing Certain Sanctions with Respect to Iran.” *U.S. Department of the Treasury*, 31 Aug. 2022, <https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/iran-sanctions/may-2018-guidance-on-reimposing-certain-sanctions-with-respect-to-iran>
6. *National Archives and Records Administration*, National Archives and Records Administration, <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-ending-united-states-participation-unacceptable-iran-deal/>.
7. Rowberry, Ariana. “Sixty Years of ‘Atoms for Peace’ and Iran's Nuclear Program.” *Brookings*, Brookings, 29 July 2016, <https://www.brookings.edu/blog/up-front/2013/12/18/sixty-years-of-atoms-for-peace-and-irans-nuclear-program/>.
8. “U.S. Relations with Iran, 1953–2022.” *Council on Foreign Relations*, Council on Foreign Relations, <https://www.cfr.org/timeline/us-relations-iran-1953-2022>.
9. “United States Exits Iran Nuclear Deal Reinstating Sanctions.” *Knowledge | United States | Global Law Firm | Norton Rose Fulbright*, <https://www.nortonrosefulbright.com/en/knowledge/publications/3e8f50cb/united-states-exits-iran-nuclear-deal-reinstating-sanctions>.
10. “Us to End Treaty of Amity with Iran after ICJ Ruling.” *BBC News*, BBC, 3 Oct. 2018, <https://www.bbc.com/news/world-middle-east-45741270>.
11. “The US Withdrawal from the Iran Deal: One Year On.” *SIPRI*, <https://www.sipri.org/commentary/expert-comment/2019/us-withdrawal-iran-deal-one-year>.
12. “What Is the Iran Nuclear Deal?” *Council on Foreign Relations*, Council on Foreign Relations, <https://www.cfr.org/background/what-iran-nuclear-deal>.

Appendix