

Forum: General assembly 1 - Disarmament and International Security

Issue: Maintaining the Iran Nuclear Deal Framework

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Introduction

The Joint Comprehensive Plan of Action (JCPOA), more commonly known as the Iran Nuclear Deal, is an agreement that regulates Iran's nuclear capacity to prevent it from obtaining weapons of this nature. It was negotiated and created by the P5+1 (United States, United Kingdom, France, China, Russia, Germany), the European Union, and Iran, on July 24th 2015. It was later adopted on October 18 of the same year and implemented on January 16, 2016. The deal addresses five key details: the amount of centrifuges Iran is allowed to own, the size of its uranium stockpile, the maximum level of Uranium enrichment permitted, the need for strict inspections and, most importantly, sanctions relief for Iran.

The JCPOA has proven to be effective in the past four years, with several reports confirming Iran's compliance with the restrictions established in the agreement. Thanks to it, Iran was able to reconstruct an economy that was seriously damaged by foreign sanctions, and many members from the international community were able to once again trade freely with Iran.

Recently, the United States has decided to withdraw from the deal, harming the original framework and the overall future of the agreement. This is the reason why this topic has once again become relevant in the international community. The rest of the signatory members of the agreement are scrambling to find a solution to the lack of participation from the United States. The decision by President Trump's administration has quickly damaged Iran's economy, which in turn has prompted Iran to threaten the rest of the members with its departure from the 2015 deal.

Definition of Key Terms

Uranium enrichment

Uranium enrichment is a process through which the proportion of the isotope U-235 or uranium-235 found in uranium is increased from its natural 0.7% level. The result is enriched uranium, an element that can be used for a range of purposes including energy production and atomic weapons

Weapons Grade uranium

Refers to a specific type of uranium that has been enriched up to a 90% concentration of the U-235 isotope. In comparison, uranium used in civilian reactors is enriched to 3%-4% and medical research uranium is enriched to 20%¹.

Centrifuges

Centrifuges are a central part of obtaining enriched uranium. They are machines used to spin the gas uranium hexafluoride with great force to separate the uranium 238 and uranium 235 isotope. Centrifuges are used in chains to produce better and richer results, this means that a uranium enrichment plant needs many centrifuges to produce uranium highly concentrated in U-235.

Middle East Cold War

The conflict for influence in the Middle East between Iran and Saudi Arabia has often been called the Middle East Cold War. Mainly, it arose from the religious conflict between the Sunnis, majorly located in countries like Saudi Arabia and Egypt, and the Shiites, which generally reside in Iran and Iraq. The religious aspect is accompanied by an economic factor, due to Iran and Saudi Arabia's dispute over the Strait of Hormuz, a seaway through which the majority of global oil exports pass through. This "Cold War" has resulted in both countries participating in several conflicts in the region, such as the war in Syria and the one in Yemen.

Although none of the parties have formally declared war on the other, the conflict has created tension all through the Middle East. The introduction of nuclear weapons in this setting could be disastrous.

¹How the Iran nuclear deal works, explained in 3 minutes (2015, July 15). Retrieved January 27, 2019, from <https://www.youtube.com/watch?v=oqvghou5m3U&t=107s>

Sunset clause

It's a provision in a resolution or document that is set to expire after a certain period of time. These are included in such documents when the negotiators of a deal or law feel that a particular point needs to be reviewed in the future.

Sanctions

Restriction directed towards a country or group of people that targets trade or economy. "The international community can use sanctions to change the behaviour of a country or regime, in cases where that country or regime is violating human rights, waging war or endangering international peace and security"²

Special Purpose Vehicle (SPV)

The Special Purpose Vehicle or Special Purpose Entity is a independent legal entity that is created to fulfill a specific purpose. Generally, it's used to diminish financial risks, but in an international context, it can be used to facilitate legal trade between different countries, with the support of diplomacy.

Background Information

Iran from 1951-1979

The efforts of the two world powers at the time (the Soviet Union and the United States) became apparent as soon as 1951 in Iran. During this time Soviet interests in the Middle East turned Iran into a key point in the region, alongside Turkey. Soviet interference was countered by the United States, that offered political and economic help to Iran in exchange for them accepting and applying the democratic Western ideology. The deal was accepted by Iran and the first democratically elected prime minister was chosen in 1951, Mohammad Mosaddeq.

Mosaddeq's National Front government addressed the worries regarding the division of profit from Iran's oil production. At the time, Iran was recovering 20% of oil profits. Under Mossadeq, Iran nationalized a previously British-owned oil company. However, this instigated a

² Zaken, M. V. (2014, June 20). Sanctions. Retrieved January 8, 2019, from <https://www.government.nl/topics/international-peace-and-security/compliance-with-international-sanctions>

reaction from the United States and the British government, who later in 1953 collaborated in a coup that effectively replaced Mosaddeq and helped the Shah, Mohammad Reza Pahlevi, regain power of the country.

The above mentioned had a great impact on Iranian society, that felt that American political and cultural scenarios were being forced onto the population.

This feeling intensified when the Shah started demonstrating autocratic behaviour. Serious censorship and repression generated a feeling of resentment from the Iranian people that started to manifest their discomfort against the government.

Pre-revolutionary nuclear program

Iran's nuclear program started during the 1950s, when the Shah's interest and US support, under the Atoms for Peace initiative, allowed the country to start exchanging information on the use of nuclear energy for peaceful purposes. In 1967 the US supplied Iran with its first research reactor, the Tehran Research Reactor (TRR), and even equipped them with the uranium necessary for it to function.

The use of nuclear technology at this time served pacific purposes. Iran even ratified the Treaty of Non-Proliferation of Nuclear Weapons in 1970. Furthermore, in 1974, the Shah established the Atomic Energy Organization of Iran (AEOI), with the hope of using nuclear technology to create over 20,000 megawatts of energy before 1994.

During the 5 years after the creation of the AEOI, Iran worked on creating a base for the development of their own nuclear program, through the education of professionals on the field and major investments. The former manifested through their venture into foreign uranium enrichment facilities and the purchase of uranium yellowcake, and the migration of several nuclear technicians that were sent abroad to develop their expertise on nuclear technology.

Iranian revolution

In the years prior to 1979, Iran experienced a series of uprisings led by multiple groups. Whilst physical and violent demonstrations were held by militant groups such as Fadayan-e Khalq, persistent efforts were made by religious groups led by Ayatollah Khomeini and intellectual circles led by Ali Shari'at. However, according to Shari'ati himself, Iran was

submerged in a “political quietism” as he described it. This was definitely extinguished when Ayatollah Khomeini started publicly denouncing the Shah’s government, earning him the exile.

In 1979 the Iranian people rose up against the government, that was described as “an absolute and arbitrary system that lacked political legitimacy and a social base virtually across the whole of the society”³, and finally overthrew the Shah. On February 1st Khomeini returned from his exile in France. He was welcomed with a national referendum that earned him his proclamation as Iran’s religious and political leader for life, after establishing the Islamic Republic. Ayatollah Khomeini remained as Iran’s absolute leader until his death in 1989.

Post-revolutionary nuclear program

The Iranian Revolution and the proclamation of Khomeini as political and religious leader dwindled the momentum gained by Iran’s nuclear program during the Shah’s government. Khomeini’s strong opposition to nuclear technology was the main cause for the former. Many Shah-era projects, such as the construction of the Bushehr Nuclear Power Plant, nearly disintegrated after Khomeini’s rise.⁴

Khomeini’s opposition, however, was short-lived, since in 1984 the Islamic leader “expressed a renewed Iranian interest”⁵ on nuclear development. In the following years, the government established agreements for the exchange of nuclear technology with different nations, such as China and Pakistan. However, many of these efforts were blocked by the United States, which recognized Iran as a sponsor of terrorism in 1984.

Nevertheless, many countries achieved bilateral nuclear relations with Iran. The most prominent case of this success was Russia, country that in 1992 signed a Bilateral Nuclear Cooperation Agreement. Many of the promises expressed in this document were damped by the United State’s concerns which they voiced to Russia, who in turn decided to scale back on their intervention on Iran’s nuclear development.

³ Katouzian, H. (2009, January 29). The Iranian Revolution of February 1979. Retrieved January 18, 2019, from <https://www.mei.edu/publications/iranian-revolution-february-1979>

⁴ N. (2018, May). Iran. Retrieved January 26, 2019, from <https://www.nti.org/learn/countries/iran/nuclear/>

⁵ N. (2018, May). Iran. Retrieved January 26, 2019, from <https://www.nti.org/learn/countries/iran/nuclear/>

In 2002 the National Council Of Resistance on Iran exposed the existence and location of several secret nuclear plants. This created new worries in the international community, prompting the International Atomic Energy Agency (IAEA) to pass a resolution calling for the suspension of enrichment, among other things. The efforts made by the agency later translated into facility inspections during the end of 2003. The agency later voiced concerns regarding the different means of concealment used by the Iranian government.

Towards the end of 2003, Iran started negotiations with the EU-3. As a result, the Islamic State agreed to comply and work with the IAEA in implementing the limitations this agency deemed necessary. The following couple of years were reigned by many talks and negotiations between Iran, the EU-3 and the IAEA. However in August 2005 diplomatic efforts stopped abruptly after Iran notified the IAEA that it would restart enrichment activities given that Tehran felt that the agreement reached with the EU-3 countries didn't offer enough incentive for Iran to comply.

In 2006, the situation intensified after the IAEA Board of Governors refers Iran's case to the United Nations Security Council (UNSC), the UN organ that can impose sanctions on countries and establish legally binding resolutions. This year was tension-filled as Iran later announced that it had enriched uranium for the first time, and the UNSC passed two resolutions, that demanded that Iran comply with the IAEA's limitations and imposed sanctions on the transfer, sale or supply of nuclear weapon-related materials.

Two years later, the P5+1 along with the EU, offered Iran a new incentives package to complement the framework presented and rejected by Tehran in 2006. The lack of reaction from the Iranian government to the offer and the statement made by Ayatollah Ali Khamenei⁶ who said that Iran would continue on its path of nuclear development made the offer fall through unused.

During the year 2009, two main concerns arose in the international community. First of all, Iran announced it had launched its first satellite, causing concerns that the country's ballistic program was advancing at a rapid pace. Secondly, during September, the United States, United

⁶ Supreme leader of Iran since 1989, designated after Ayatollah Khomeini's death.

Kingdom and France announced that Iran was building a second enrichment facility, which Iran only disclosed to the IAEA after the announcement by the 3 countries.

Hassan Rouhani's victory in the 2013 presidential election signified a shift in nuclear politics. After years of increased sanctions from the UNSC and several failed talks between the P5+1 members and Iran, these countries signed a first-phase agreement on November 2013 called the Joint Plan of Action (JPOA). The JPOA outlined an immediate set of actions for the following 6 months, plus, it created a cooperation bond between Iran and the IAEA called the Framework for Cooperation (FFC) and a Joint Commission to evaluate the implementation of the deal.

Iran complied with IAEA inspections for the time the JPOA was in action and participated in talks in Geneva and Vienna, along with the P5+1 members and the EU, to reach a comprehensive agreement.

Overview of the Deal

To understand the framework of the deal it's necessary to comprehend the main details that the JCPOA addresses.

Uranium Stockpile

According to the JCPOA, Iran has to decrease its stockpile of Uranium for 15 years. Clause 7 of the deal states that the uranium stockpile needs to be decreased to only 300 kg of uranium enriched to 3,67% concentration. The remaining enriched uranium must be sold and delivered in exchange for natural uranium.

Centrifuges

The use and development of centrifuges is seriously restricted under the JCPOA. Iran committed to phasing out the IR-1 centrifuges, which are used mainly for enrichment. Centrifuges of such nature were decreased to just 5,000 in the country, which are all located in the Natanz facility.

The remaining centrifuges in the territory where to be equipped with more basic technology and used only for the separation of isotopes, activity used for medical and scientific research.

Uranium enrichment

The agreement establishes 3,67% as the maximum level of enrichment and further restricts research and development (R&D) activities on this area.

Under these restrictions, the only facility allowed to enrich uranium for the next 15 years is the Natanz Enrichment facility. Iran's other research facility, Fordow, is set to be transformed into a nuclear, physics and technology centre.

The modifications made to the Arak Heavy Water Research reactor are also relevant to this topic. These modifications consisted mainly of the removal and destruction of the reactor's core. With this, the members of the JCPOA can prevent Iran from enriching uranium and plutonium.

Inspections

These are set to happen in several nuclear plants and research facilities around the country. Natanz, Fordow and the Tehran Research Reactor are set to be periodically inspected for any violation of the restrictions set in the JCPOA.

All inspections are managed by the IAEA. Iran, by signing the JCPOA agreed to facilitate IAEA presence in the territory and to increase the number of nuclear inspectors in the country. Iran also agrees to “fully implement the ‘Roadmap for Clarification of Past and Present Outstanding Issues’⁷, a document negotiated with the IAEA which permits the agency to address concerns regarding Iran's nuclear program.

⁷ United States, Russian Federation, United Kingdom, France, China, Germany, . . . Islamic Republic of Iran. (2015, July 14). JCPOA: Iran Nuclear Deal Text. Retrieved January 27, 2019, from <https://www.documentcloud.org/documents/2165573-271540447-iran-nuclear-deal-text.html>

Sanction Relief

The JCPOA highly benefits Iran because the general provisions of the agreement determine that a majority of sanctions are lifted, including multilateral and national sanctions, as well as those imposed by the UN security council. Most importantly, it lifted the sanction established by the United States. These targeted several areas of Iran's economy, including strong restrictions on oil production and exportation, trade, the banking and financial sector and the shipping industry. The reason why this action was so significant was that Iran's economy is fairly centred around oil and petroleum, and being sanctioned by such a significant economic exponent seriously crippled Iran's economy.

Major Countries and Organizations Involved

United States of America

The Trump Administration has always been a firm opposer of the Joint Comprehensive Plan of Action, which led to the United States pulling out of the Obama-era agreement on May 2018. Trump and his advisers believe that it's a "horrible" deal because many of the clauses expire after a 10-15 year period, it does not address the development of ballistic missiles, and the administration considers that Iran has violated the essence of the deal because it continues to participate in conflicts in the region against US interests. Since May the government has re-established sanctions on Iran, hitting shipping, banking and oil sectors. These actions were poorly received by the rest of the members of the deal and by the International Court of Justice, who unsuccessfully ordered the US to lift the sanctions, that resulted in the later threatening to end the Treaty of Amity negotiated in 1955 between the US and Iran.

Clearly, the USA won't be fond of maintaining the deal unless there are serious reconfigurations of the original framework and won't accept any actions that will limit their capabilities of imposing sanctions on Iran.

Islamic Republic of Iran

The JCPOA was highly beneficial for Iran. Thanks to the sanctions relief established in said document Iran received a major boost to its economy, mainly due to the fact that it was

easier for it to start exporting oil again. Iran's gross domestic product (GDP) grew from a modest \$434.5 billion in 2014 to \$1.63 trillion in 2017. The former not only permits the Iranian population to have a higher living standard, but it also allows the Islamic Republic of Iran to have a bigger role in political and economic matters on an international level.

Iran argues firmly that they have in no way violated the JCPOA, so any effort to sanction it's economy is uncalled for and they won't accept it. Understandable resentment has been flourishing since May 2018 and the Iranian government has threatened to walk away from the deal. It's important to note that all this puts Iran in a very delicate negotiating position, ultimately, the deal is much better than nothing, but they can't agree to more restrictions that will only cripple the economy even more and will create a weak image of the country and the government.

European Union (EU)

This organization participated in the creation and implementation of the deal. They have repeatedly expressed their support for the agreement. One of the last manifestation of their support came as a "Joint Statement on the re-imposition of US sanctions due to its withdrawal from the JCPOA made by the members of the European Union" in which they stated that they believe the deal allowed better economic and trade relations and improved the living situation for the Iranian people.

The EU further threatened to use its blocking statute against the United States sanctions on Iran. The statute is a "1996 regulation that forbids companies from the EU to go along with foreign sanctions"⁸. However, there are several EU based companies that already have ceased trading and business with Iran in fear of the repercussions on US relations.

This organization will want to keep the deal for the previously mentioned reasons. However, it's important to understand that many countries that are part of the EU also hold strong economic and political relations with the US, meaning that in the negotiating table they

⁸ EU To Use 'Blocking Statute' Against US Sanctions On Iran (2018, May 18). Retrieved February 09, 2019, from <https://www.newsly.com/stories/eu-to-use-blocking-statute-against-us-sanctions-on-iran/>

may not want to attack the US as much as give it incentives to collaborate with the remaining members of the agreement.

Israel

Israel and Iran have had a complicated relationship for decades. Many Iranian leaders have called for the dismantlement of Israel. Considering this rough past, the current leader of Israel, Prime Minister Benjamin Netanyahu has repeatedly accused Iran of violating the nuclear deal. In fact, he has stated that Israel's intelligence service has gathered evidence on the former. All this was presented in a video published in May 2018 where the prime minister himself explained the findings.

Grand developments have been made recently in the relations between the US and Israel, so Israel has become a key figure when talking about the JCPOA, although they do not participate in the deal. Many have speculated that Israel's harsh opposition to the Islamic Republic was, in part, what prompted president Trump to retract from the deal.

The behaviour of this country will be linked to US decisions when discussing this topic. Clearly, Israel won't be pleased with the US lifting sanctions or re-joining the deal, so it will try to stop any efforts to do so.

International Atomic Energy Agency (IAEA)

An intergovernmental forum that works for the peaceful implementation of nuclear technology. They work in collaboration with many countries all around the globe and are part of the United Nations. As an independent agency, they are used to achieve objectivity.

The role of the IAEA in the Iran Nuclear Deal is very straightforward, under the JCPOA they are the agency appointed to conduct the mandatory inspections.

In 2012 the IAEA was accused of pro-Western bias by several former senior officials. The accusations were directed towards the director general Yukiya Amano, a Japanese diplomat who has overlooked the work of the agency since 2009. Robert Kelley, a former US weapons scientist, was one of the authors of the criticism. Kelley was among the group of specialist that

criticized the IAEA for using a reduced group of people to analyse the delicate situation of Iran's nuclear program.⁹

Russia

Their participation in Iran's nuclear program has caused friction between Russia and both Iran and the United States. Russia has participated in the proliferation of Iran's nuclear program for many decades. Since 1994 they have aided the construction of the Bushehr Nuclear Plant, providing Iran with their own technology. However, Russia's participation angered the US which led to the former to retrieve some of its efforts as a way to appease the United States. This in return, caused new problems with Tehran that were disappointed that they were not receiving the help they would've gotten from the Russian government if it wasn't for US intervention.

Russia is a firm believer that US sanctions are illegal and has chosen to support the efforts made by the EU and EU-3 to keep the deal alive. However, Russia's stance against the US is much harsher, they seem ready to retaliate to US sanctions with a stronger hand than any other member of the deal.

Timeline of Events

Date	Description of event
1957	Iran joins the "Atoms for Peace" initiative, conducted by the Eisenhower government
1967	First research reactor starts functioning in Tehran, it's called the Tehran Research Reactor (TRR)
February 1970	The Iranian government ratifies the Treaty for the Non-Proliferation of Nuclear Weapons

⁹ Borger, J. (2012, March 22). Nuclear watchdog chief accused of pro-Western bias over Iran. Retrieved February 11, 2019, from <https://www.theguardian.com/world/2012/mar/22/nuclear-watchdog-iran-iaea>

1974	The Shah establishes the Atomic Energy Organization of Iran (AEOI), which holds as the main objective to produce 20000 megawatts of energy in 20 years
1979	Iranian revolution marks the severing of US-Iran relations
January 19 th , 1984	The country is added to the United States list of sponsors of terrorism, which allows the US to impose sanctions
August 2002	The National Council of resistance in Iran announces that a Nuclear facility has been built inside the country
September 12 th , 2003	The IAEA board of governors establishes a resolution regarding the implementation of the NPT in Iran
April 11 th , 2006	Iran announces that it has enriched uranium for the first time
September 25 th , 2009	The leaders of the US, France and Britain announced that Iran has opened a new uranium enrichment facility
July 2012	The embargo on Iranian oil from the European Union goes into effect, damaging Iran's key exports
November 24 th , 2013	The Joint Plan of Action, also known as the Geneva Interim Agreement, a deal between Iran and the P5+1 countries is negotiated that illustrates the actions of the participating parties for six months, with the option of extending said period for another six months
July 24 th , 2015	Iran, the P5+1 and the EU reach the Joint Comprehensive Plan of Action
May 8 th , 2018	The Trump Presidency announces it's withdrawal from the JCPOA

September 12 th , 2018	The IAEA reports for the 12th consecutive time that Iran has been complying with the regulations established in the JCPOA
January 31 st , 2019	France, Germany and the United Kingdom announce the implementation of Instrument for Supporting Trade Exchanges (INSTEX), “a Special Purpose Vehicle aimed at facilitating legitimate trade between European economic operators and Iran” ¹⁰
2020	U.N. ban on Iranian arms exports and imports will lift.

Relevant UN Treaties and Events

- Comprehensive Safeguards Agreement, agreement between Iran and the Agency for the Application of Safeguard, 13 December 1974 (**INFCIRC/214**)
- Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran, 12 September 2003 (**GOV/2003/69**) (Resolution by the IAEA Board of Governors)
- Joint Plan of Action negotiated in Geneva by Iran and the P5+1 countries regarding Iran’s nuclear weapons, 24 November 2013
- Resolution 2231, Security Council resolution that expresses the council’s support and commitment to the JCPOA, 20 July 2015 (**S/RES/2231**)

Previous Attempts to solve the Issue

Since the United States decided to leave the Iran Nuclear deal three main attempts have been made to solve the issues of its absence.

In the first place, the representatives from the EU, Germany, France and the United Kingdom have met and decided to establish expert discussions to address key points that will ensure that Iran can maintain economic ties with the rest of the participants of the deal.

¹⁰ Commonwealth Office. (2019, January 31). New mechanism to facilitate trade with Iran: Joint statement. Retrieved February 10, 2019, from <https://www.gov.uk/government/news/joint-statement-on-the-new-mechanism-to-facilitate-trade-with-iran>

However, the lack of the US and its oil consumption has deeply affected the Iranian people since sanctions were re-established.

Another attempt came from the International Court of Justice (ICJ), that heard arguments from Iran, a country that accused the US of breaking the 1955 Treaty of Amity because they re-imposed sanctions. Anyways, this ambition was short-lived as the United States declared that the ICJ had no jurisdiction on the topic and furthermore threatened to end the Treaty of Amity.

The last attempt to solve the issue came early this year, when the EU-3 members announced the newly created Special Purpose Vehicle (SPV), called INSTEX. This SPV is directed towards satisfying the crucial needs of the country such as medical devices, humanitarian and agricultural goods. INSTEX avoids a direct clash between the creating members and the US as it avoids the transfer of any item under US sanctions.

Possible Solutions

Maintaining the framework of the Deal after the circumstances that surfaced from the US withdrawal is a very delicate subject. When thinking about possible solutions for this predicament one needs to consider that Iran is one of the negotiators of the deal and probably won't comply to very severe or unfair restrictions that debilitate the country.

A good objective is trying to get the United States to participate once again in the deal. One possible path towards this goal could be the instauration of new talks in which the members of the Deal along with the US could address the later main issues, such as the expiration of clauses and the lack of restriction towards Iran's missile program. However, regulations need to be considered to make sure that Iran is receiving a fair treatment. Many may argue that this is unnecessary due to the existence of the Joint Commission of the JCPOA, that meets regularly to discuss the implementation of the deal. But, new circumstances have led to the lack of participation from the US in the Joint Commission meetings, which subsequently means that the US has no direct link of communication that assures the government of the correct implementation of the JCPOA. Another solution would be simply to incorporate the US as a non-participant or non-active member to the meetings of the Joint Commission, but this may cause revolt from Iran.

Considering that the US will be very reluctant to approve any kind of resolution that calls for their participation on the deal, another possible solution could be incorporating member states that are willing to negotiate treaties with Iran to amount for the gap the US will leave in Iranian exports and imports. That way, the United States can remain independent from the deal and Iran can assure better living standards for its population. However, it's important to consider that such an action could have repercussions on the relations between the member states that are willing to comply and the US, risks that many countries are not prepared to undertake.

Another resort would be to incorporate the use of Special Purpose Vehicles (SPV). This has been implemented by the EU-3 members, as it was mentioned previously. But, if this method proves to be effective it could be implemented to other sectors of Iran's economy, However, the creation of such a vessel will need serious thought and investigation as to not establish anything that would damage a country's relation with the US by overlooking their sanctions.

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