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**THE JOINT COMPREHENSIVE PLAN OF ACTION ON NUCLEAR DEVELOPMENT
AS A MECHANISM OF AMERICAN HEGEMONY OVER IRAN**

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DEDICATION

To my younger self, who wanted to
be a nuclear physicist

To the change agent, who I desire
to become one day

I hope I made them both proud.

DEDICATORIA

A mi yo más joven, que quería
ser física nuclear

Al agente de cambio que un
día aspiro ser

Espero no haberlas
defraudado.

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I. TOPIC

THE JOINT COMPREHENSIVE PLAN OF ACTION ON NUCLEAR DEVELOPMENT AS A MECHANISM OF AMERICAN HEGEMONY OVER IRAN

II. ABSTRACT

The Joint Comprehensive Plan of Action is a legal instrument signed on June 2015 that allows international monitoring to all uranium enrichment plants in Iranian territory in exchange of lifting the sanctions imposed to the development of the Iranian nuclear program. By studying the document itself and the foreign policy of Iran and The United States, this dissertation aims to analyze the influence of American foreign policy in the signing of the Joint Comprehensive Plan Of Action (JCPOA) to remain a hegemon over Iran in nuclear issues. In order to verify that the modification of the American foreign policy in nuclear issues towards Iran, would have been caused by the preponderant role of the United States in the international community and the Iranian need to end the sanctions, which would be evidenced by the signing of Joint Comprehensive Plan of Action (JCPOA) that maintains the current hegemonic system, this dissertation will use a neorealist also referred as structural neorealism as theoretical framework. Additionally, a qualitative methodology through an inductive approach will be used to develop this dissertation. After determining the motivations of the United States to change the strategy of sanctions and start negotiating with Iran and identifying the reasons why Iran decided to negotiate the limits of its nuclear program with the United States, this dissertation recognizes the elements within the JCPOA that show evidence of a hegemonic dynamic. Finally, this dissertation concludes that international law instruments are a reproduction of the underlying power distribution of the system and therefore the JCPOA does represent a mechanism of American hegemony over Iran.

Key Words: Nuclear security, International Law, Hegemony, United States, Iranian nuclear program.

III. RESUMEN

El Plan de Acción Integral Conjunto es un instrumento legal firmado en junio de 2015 que permite el monitoreo de todas las plantas de enriquecimiento de uranio en Irán a cambio de eliminar las sanciones impuestas a este país por el desarrollo de su programa nuclear. Por medio del estudio de la política exterior de Irán y Estados Unidos, esta investigación pretende analizar la influencia de la política exterior estadounidense en la firma del Plan de Acción Integral Conjunto para mantener a Estados Unidos como hegemón sobre Irán en asuntos nucleares. Con el propósito de verificar que la modificación de la política exterior norteamericana hacia Irán en material nuclear haya sido causada por el rol preponderante de Estados Unidos en la comunidad internacional y la necesidad iraní de terminar con las sanciones impuestas, lo cual se verificaría en la firma del Plan de Acción Integral Conjunta que perpetúa el sistema hegemónico, la presente investigación utilizará como marco teórico el realismo estructural también conocido como neorealismo. Adicionalmente, se utilizará una metodología cualitativa complementada con una metodología inductivo para desarrollar la presente investigación. Tras determinar las motivaciones estadounidenses para cambiar su estrategia de sanciones e iniciar negociaciones con Irán e identificar las razones por las cuales Irán decidió negociar los límites de su programa nuclear con Estados Unidos, esta investigación reconoce los elementos del Tratado evidencian una dinámica hegemónica entre ambos países. Finalmente, esta disertación concluye que los instrumentos de Derecho Internacional son una reproducción de la distribución de poder preexistente en el sistema y por lo tanto el Tratado representa efectivamente un mecanismo de hegemonía estadounidense sobre Irán.

Palabras Claves: Seguridad nuclear, Derecho Internacional, hegemonía, Estados Unidos, programa nuclear iraní.

IV. RESUMÉ

Le Plan d'Action Global Conjoint est un instrument juridique signé en Juin 2015, qui permet la surveillance de toutes les usines d'enrichissement d'uranium en Iran, en échange de l'élimination des sanctions imposées à ce pays pour le développement de son programme nucléaire. Grâce à l'étude de la politique étrangère de l'Iran et les Etats-Unis, cette recherche vise à analyser l'influence de la politique étrangère des États-Unis à la signature du Plan d'Action Global Conjoint pour maintenir les Etats-Unis comme hégémon sur les questions nucléaires iraniennes. Afin de vérifier que le changement dans la politique étrangère américaine envers l'Iran en matière nucléaire a été causé par le rôle dominant des États-Unis dans la communauté internationale et le besoin de l'Iran de mettre fin aux sanctions, qui seraient vérifiées à l'entreprise le Plan d'Action Global Conjoint qui perpétué le système hégémonique, le cadre théorique de recherche sera le réalisme structurel, aussi connu comme néoréalisme. En plus, la méthodologie qualitative, complétée par une méthode inductive sera utilisée pour développer cette recherche. Après déterminer les motivations des États-Unis pour changer sa stratégie de sanctions et établir des négociations avec l'Iran et d'identifier les raisons pur lesquelles l'Iran a décidé négocier les limites de son programme nucléaire avec les États-Unis, cette recherche reconnaît les éléments du Traité qui montrent une dynamique hégémonique entre les deux pays. Finalement, cette thèse conclut que les instruments du droit international sont une reproduction de la répartition actuelle du pouvoir dans le système et par conséquence le Traité représente un mécanisme d'hégémonie américaine sur l'Iran.

Mots Clés: sécurité nucléaire, droit international, hégémonie, États-Unis, programme nucléaire iranienne

V. ZUSAMENFASSUNG

Der Joint Comprehensive Plan of Action ist ein Vertrag, der im Juni 2015 unterzeichnet wurde. Dieser Vertrag erlaubt die Überwachung der Aufhebung der Sanktionen gegen die Entwicklung des iranischen Atomprogramms. Durch das Studium des Dokuments selbst und die Außenpolitik des Irans und den Vereinigten Staaten, diese Untersuchung zielt darauf ab, den Einfluss der amerikanischen Außenpolitik in der Unterzeichnung des Joint Comprehensive Plan of Action (JCPOA) um zu bleiben ein Hegemon über Iran in Nuklearfragen, zu analysieren. Diese Forschung versucht zu überprüfen die Änderung der amerikanischen Außenpolitik gegenüber Iran, die durch die wichtige Rolle der Vereinigten Staaten in der internationalen Gemeinschaft und der iranische Notwendigkeit von der Ende den Sanktionen verursacht worden wäre; die durch die Unterzeichnung des JCPOA, der den aktuellen hegemoniale System unterhält nachgewiesen werden würde. Dafür, die Forschung benutzt Neorealismus, genannt strukturelle Realismus auch, als theoretischen Rahmen. Zusätzlich, eine qualitative Methode wird verwendet, um diese Forschung zu entwickeln. Nach die Analyse von die Motivationen der Vereinigten Staaten um die Sanktionen Strategie zu ändern und die Identifizierung von die Iranischen Gründe zu beginnen Verhandlungen mit dem Vereinigten Staaten, um zu der Atomprogramm zu begrenzen; diese Untersuchung erkennt die Elemente innerhalb der JCPOA, die Beweise zeigen einer hegemonialen dynamisch. Endlich, schließt diese Dissertation, dass die internationalen Rechtsinstrumente eine Wiedergabe der zugrundeliegenden Machtverteilung des Systems sind, und daher vertrat der JCPOA einen Mechanismus der amerikanischen Hegemonie über Iran.

Schlüsselwörter: nukleare Sicherheit, internationales Recht, Hegemonie, die Vereinigten Staaten, das iranische Atomprogramm

VI. INTRODUCTION

The atomic bombings of Hiroshima and Nagasaki marked a milestone in the development of weaponries in the history of the world. Nearly four decades later, nuclear energy is still a synonym of power in the international system and the United States has recognized the importance of Non-Nuclear States in nuclear security dynamics of the system. Thus, the general objective for this dissertation is to analyze the influence of American foreign policy in the signing of Joint Comprehensive Plan of Action (JCPOA) to remain a hegemon over Iran in nuclear issues, in the following manner.

First, is important to understand the evolution of nuclear foreign policy of the United States towards Iran in order to grant security in the international community. Thus, this dissertation makes an emphasis on the two U.S. latest governments in order to have a clear view of the vast changes that the current administration has implemented: from sanctions to negotiations. The specific objective for this first chapter is to determine the motivations of the United States to change the strategy of sanctions and start negotiating with Iran. Firstly, the construction of Policy Making until Bush's Administration will be studied through the study of the context for the American understanding of Nuclear Security; Bush' policy of zero tolerance towards nuclear proliferation and the American role within the United Nations Security Council as the organ in charge of maintaining international peace and security. Secondly, the policy making during the Obama Administration will be approached through the study of the new pillars for international nuclear security presented by the President during his speech in Prague in 2009. The divergence between non-proliferation -used before the Obama Administration- and counter-proliferation -used during the Obama Administration- and how this new concepts of threat are approached. Finally, the last section analyzes external actors influencing the American foreign policy-making by studying JCPOA allies, impact of the JCPOA in American-Israeli relations and American-Iranian relations.

A similar analysis of Iranian foreign policy is carried out in the second chapter. The specific objective for this chapter is to identify the reasons why Iran decided to negotiate the limits of its nuclear program with the United States. In order to achieve the objective, the chapter will study the modification of Iranian foreign policy to leave its pariah status through the study of three main aspects,

similarly to the analysis done in the previous chapter. Firstly, the chapter will focus on the construction of foreign policy until the Ahmadinejad Administration by studying the political background since the time of the Shah until the Islamic Revolution, the structure and internal actors of foreign policy decision-making and Ahmadinejad's severe speech against the Western World. Secondly, foreign policy during the Rouhani Administration will be understood through the study of the Iranian context leading Hassan Rouhani to the Presidency, Hassan Rouhani's Campaign Promises and the resulting conciliation with the Western World. Finally, the last section analyzes the external actors influencing Iranian foreign policy by examining Israel, other States in the region and the JCPOA signatories.

Once the motivations for both States to negotiate are understood, the objective for the third chapter is to verify if a hegemonic dynamic exists between the United States and Iran through the clauses established in the Joint Comprehensive Plan of Action (JCPOA). In order to study how the JCPOA makes hegemony prevail, the chapter will firstly detail the general legal framework for Nuclear Security including the ideals of Nuclear Frameworks in the Public International Law, how these ideals are materialized on the Treaty on the Non-Proliferation of Nuclear Weapons, and additional Treaties regarding the nuclear matter. Secondly, a documentary analysis of the JCPOA will be performed by analyzing the historical background, classifying the document and its purposes, analyzing the Treaty in a literal and logical manner, and explaining the content of the Treaty. It must be clarified that this is not a legal analysis and it will not venture to do a deep analysis of technical enrichment limitations imposed to Iran, it will rather conceive all restrictions as equivalent tools for Iranian-American dispute of power. Finally, the last section seeks to identify the JCPOA as means to grant hegemony, for which the origins of the concept will be initially explained, followed by the neorealist approach to the term, and finally, how hegemony is materialized in International Law.

This dissertation is territorially delimited to Iran and the United States, because the Foreign Policies of both countries are the objects of study to explain the achievement of the JCPOA. The time period to be considered is between 2013, when the new administrations took power and 2015, when the JCPOA was signed.

For the purpose of developing the following dissertation the stated hypothesis is that: the modification of the American foreign policy in nuclear issues towards Iran would have been caused by the preponderant role of the United States in the international community and the Iranian need to end the sanctions, which would be evidenced by the signing of Joint Comprehensive Plan of Action (JCPOA) that maintains the current hegemonic system.

In order to perform this dissertation structural realism, also known as neorealism is used. Structural realism or neorealism seeks to explain the dynamics of States -particularly the more powerful ones compared to others in the structure of the international community- conceiving their actions as motivated by a struggle for power and limited to its survival in the structure (Powell, 1994). This theoretical framework is considered the theorization of classical realism formulated by Hans Morgenthau and others (Schroeder, 1994). The most recognizable attempts to reformulate classical realism (Solomon, 2002) are evident in the work of authors such as Kenneth Waltz and John Mearsheimer from 1979 to 2001 (Mearsheimer, 2006). Moreover, neorealism considers that the anarchic structure of the system encourages States to safeguard their security through the accumulation of power. Nevertheless, two streams of neorealism respond differently to the dilemma over how much power is needed (Mearsheimer, 2006).

On one side, the defensive neorealism -as Grieco (Kramer 1998) and Waltz- argues that despite being ineffective, States seek to maximize their share of power and the anarchic system will take care of stopping this ambition eventually (Mearsheimer, 2006). Waltz limits the elements of analysis to the following three: definition of the political structure in terms of its principle order, the distribution of skills between units of analysis, and the differentiated function of each unit (Powell, 1994). According to Bieler (2014), for defensive neorealism, the balance of power ensures peaceful stability. Therefore, power should be distributed. Consistent with this, Waltz (1988) that the only mechanism through which the security dilemma is solved is through self-help. However, the author stresses that the possibilities to maintain peace increase when States can obtain their major objectives without the use of force, thus differentiating this theory from classical realism. Additionally, the author determines the potential importance of the specific power characteristics of each State to understand their actions.

On the other side, offensive neorealism States that it is strategically beneficial for States to acquire as much power as possible, and if possible, to achieve hegemony. According to Mearsheimer (2006) and Bieler (2014), this branch of neorealism has five postulates; but one is particularly important to highlight: States may never know with certainty the intentions of other States. According to one's intentions, States can be categorized into revisionists, when they attempt to alter the balance of power by force, and traditionalists, who are satisfied with the established status quo and have no interest in modifying it (Mearsheimer, 2006).

Generally, the problem is that one cannot identify with certainty any element evidencing empirically whether or not a State intended to alter the balance of power. Yet, in a situation of interdependence, the actions of one actor certainly depend on the actions of others around. Hence, the importance of the distribution and categorization capabilities of States can't be taken for granted (Powell, 1994). Therefore, the study of system-level interaction and unity builds a theory of international politics but also creates a theory relative to foreign policy (Waltz, 2010). As the State is the unit of study, neorealism assumes motivations are common to all (Powell, 1994), leaving aside cultural specificity in the States (Mearsheimer, 2006). Neorealism is a theory that primarily seeks to deduce the actions of States in the international arena (Waltz, 1990), assuming its generalized preferences. However, the determining factor of the behavior of a State is the distribution of economic and military capabilities. This distribution is understood as a systemic phenomenon that explains the development of events in the international system because of its close relations to power distribution within the system (Bieler, 2014; Mearsheimer, 2006).

Having dealt with the basic precepts of the theory, it is important to emphasize that neorealism gives the nuclear race considerable importance. For theorists of structural realism, the existence of nuclear weapons discourages entrepreneurship of war much more than conventional weapons because a nuclear war is potentially inviting retaliation and the risk of destruction is too costly (Waltz, 1988). With the end of the Cold War, John Mearsheimer warned that the new world order would be more dangerous than the recently finalized bipolar system, because the new structure creates incentives for proliferation (Kramer, 1998). While States do not reach the level in which nuclear deterrence is such, where additional nuclear weapons do not provide additional safety,

there's a motivation to acquire them (Waltz, 1988). Therefore, to recover the concept of a close relationship between international politics and foreign policy, analysis of the latter is essential to understand the dynamics of current nuclear proliferation (Kramer, 1998). Kramer (1998) as well as Mearsheimer (2006) agree that it is unlikely a conventional conflict between two nuclear weapon States, due to the possibility of escalation. Mearsheimer States that a global hegemony can only be achieved in the case of a State from obtaining a nuclear monopoly, but increasing the existence of conflict for the possible retaliation by other States (Tofta, 2005).

Additionally, structural realism explained by Kramer (1998) States that cooperation only exists when States form alliances against a common threat or when a hegemon is able to induce cooperation practices through positive or negative motivations (Kramer, 1998). Some neorealists as Stephen Krasner (Steinbeck, 2013) attach importance to international institutions, diplomacy, international law and regimes as guidelines of behavior (Kramer, 1998), taking these as epiphenomena of anarchic structure (Steinbeck, 2013). Meaning, according to Waltz (2000), these are not "*a change of the system but a change in the system*". According to this author, there are system changes that have drastically altered the interaction of agents in the system, but Waltz (2000) says that the biggest change so far has been nuclear development, again, although this has changed the anarchic system of self-help per se. Study of international law making, according to Steinbeck (2013), asserts that structural realism is useful for understanding the positivism of matter that satisfactorily explains and predicts the actions of States in the system. Given that International law cannot contradict the international system and the dynamics within it, law is the embodiment of the status quo. In this logic, the author concludes that although treaties benefit the parties, these create an asymmetric coordination through military or economic pressure, which are categories that structural realism considers determinant for acquiring power.

The elements of structural realism properly explain the dynamics of public international lawmaking. In this manner, the most powerful States impose the conditions. Thereby, perpetuating the existing status quo (Steinbeck, 2013). Ideas of Krasner and other authors are important to relate hegemony and structural realism within International Public Law.

Throughout the three chapters, neorealist concepts established by Waltz, Mearsheimer and Kramer are used. Along the first chapter Mearsheimer's approach to power is largely appropriate to explain American foreign policy. According to neorealism, modification of American foreign policy reflects the fact that the distribution of capabilities in the international system has also changed. The United States intends to maintain the status quo, thereby maintaining its dominant position within it. The sanctions established by the United Nations respond to the use of international institutions as places where the most influential States in the system can exercise their power. This is evident based on the American behavior within the Security Council through the exercise of veto power given to the five permanent powers. Maintaining power -as a hegemon- is a clear interest of the United States as a mean to keep international security, according to American standards. Nuclear security is especially significant, due to the high costs in case of direct confrontation with a nuclear State. Even if at first sight the JCPOA might look like a sympathetic strategy, it clearly shows the use of negative motivations to control the system, which offensive neorealism specifies as means to exercise power over weaker States in the system. This accumulation of various actions intended to safeguard the survival of the United States as a hegemon in the system. Therefore, promoting a partnership to sign the Treaty of joint action with the Islamic Republic of Iran is a sign of an offensive realist policy.

Along the second chapter the ideas presented by Waltz are of extreme importance to approach Iran's nuclear policies. Iran, in the structure of the international community, is a State that has many capabilities such as natural resources and geostrategic location. Nevertheless, this country has little decision-making power in the dynamics of the system. After the fall of the Shah, and the establishment of the new regime, the Iranian government proposed to enlarge its military capabilities, or make it appear so, which would have given it power within the structure. Iranian foreign policy generated suspicions and feelings of insecurity, as a revisionist State system would. This situation has caused retaliations from other States in the system. The first example of retaliation, based on the presumption of nuclear warfare, was not a direct confrontation, but the limitation of capabilities. That is, economic sanctions and blockades to the country's oil exports, its main source of income. However, this action had two effects on Iranian foreign policy; on the one hand, it maintained its position as a revisionist State, challenging the status quo through the speeches of its

representatives, and on the other hand, it functioned as a negative motivation to force them to negotiate and sign a Treaty with the P5 countries and Germany. Therefore, Iranian attempts to change the system have been fruitless and have brought dissatisfaction from inside the country. In sum, the government has seen the need of changing the strategy to avoid more economic sanctions and thereby reduce the discomfort of the Iranian society.

Finally, Krasner's ideas regarding hegemony and realism in International Law are useful to explain that regardless of how the treaties are handled - whether bilaterally or multilaterally- they all aim at maintaining power, as it is a means to safeguard international security. Therefore, treaties do not change the system; they are legal frameworks that have been created to be functional to the system; a system that is controlled by one hegemon. The fact that the mechanisms of coercion evidenced in binding UN Security Council resolutions are decided by the P5, where the United States plays a leading role, exemplifies the asymmetric coordination capabilities that treaties preserve. Identifying the punitive elements of the Joint Comprehensive Plan of Action might be a key approach to visualize the asymmetric conditions of the signatories.

In order to develop the following dissertation a qualitative methodology will be used as an effort to understand the uniqueness of a situation as part of the greater interaction (Patton, 1990) between the United States and Iran. In unison with this nature of dissertation methodology, the researcher will be the principal collector of data. This dissertation will be carried out through the analysis of primary sources, mainly legal documentation, speeches, and an interview to the Embassy of Iran in Ecuador and other secondary sources. The precepts, assumptions, principles and categories determined by the theory will be used to explain and interpret the Joint Comprehensive Plan Of Action in order to ratify the hypothesis.

It is of interest to those who live in other regions of the world –as it is the case for us Ecuadorians- to know what happens when certain States develop nuclear weapons, because we are not excluded from the consequences in case a crisis unleashes. According to neorealism, the possibility of detonating a nuclear bomb today is much greater than during the Cold War, and therefore it is of global concern to maintain peace by all means. This dissertation provides valuable information to academia because the signing of the JCPOA in mid-2015

marked a precedent to see the nuclear security matter from the perspective of negotiations with Non-Nuclear-Weapon States. In addition, this work may shed light on students interested in the subject, through a clear deductive analysis that will give way to expanding the study of the subject from similar approaches or critical ones. The following dissertation is, therefore, closely related to the field of study of the Multilingual Bachelor in Business and International Relations, specifically with the international relations branch. Herein, foreign policy and International Public Law issues are also to be considered.

CHAPTER I

NUCLEAR FOREIGN POLICY OF THE UNITED STATES: FROM SANCTIONS TO NEGOTIATIONS

“The United States has a moral responsibility to act. We cannot succeed in this endeavor alone, but we can lead it, we can start it.”¹

Barack Obama, 2009

The study of the American Nuclear foreign policy is of extreme importance for this dissertation for the understanding of the evolution of mechanisms and approaches used by the American government to grant nuclear security to the international community. The milestones of the American Nuclear Policy throughout history and its characteristics will be identified, making an emphasis on the two latest governments in order to have a clear view of the vast changes that the current administration has implemented regarding the approach to new actors in the matter.

1.1. The Construction of Policy Making Until Bush’s Administration

Throughout the Administration of George W. Bush, the Nuclear Policy of the United States was clear: a tailored deterrent strategy (Woolf, 2008: 1). Nevertheless in a global context States have considered the use of nuclear weapons unthinkable (Perry, Scowcroft, & Ferguson, 2009: 3) based on the historical compilation of events such as the Hiroshima and Nagasaki bombings and the detonation of Soviet and Chinese test bombs. Therefore it is of interest for this section of the present dissertation to understand the internal and external factors that helped shape the American nuclear foreign policy during Bush and Obama Administrations and the role of the United States on the United Nations Security Council regarding nuclear issues.

¹ “Remarks by President Barack Obama,” April 5, 2009.

1.1.1. Context for the American Understanding of Nuclear Security

At this point it is important to highlight that security itself doesn't have a standard definition since it varies according to different theories of international relations (Baldwin, 2011). As Baldwin (2011) explains, neorealism understands security as the main goal a State has, and each State competes one another to obtain it. In this manner, according to neorealism, States would be *better* at managing international relations than others when acquiring security. Therefore making it an achievement-related concept, which might not be shared by the constructivist or the liberal approach. Here, the definition for security given by Arnold Wolfers will be used, presented as follows: "*absence of threats to acquired values*" (Baldwin, 2011). This definition, as highlighted by Baldwin (2011) leaves a wide spectrum of ambiguity, but ratifies the neorealist approach to the meaning of security in the matters related to: Security for whom? Security for which values? How much security? From what threat? By what means? At what cost? And in what time period? All of these factors have a subjective dimension that in the case of American foreign policy will always look out for America, the values Americans embrace, the amount of security American leaders consider appropriate against threats identified by American leaders, through the means available in the United States, sacrificing other goals that aren't a priority for the United States government, as short-term or long-term objectives according to U.S. governmental priorities. It is of substantial importance to understand American non-proliferation initiatives before Bush's Administration in order to recognize patterns in the American foreign policy regarding the elements mentioned above.

For approximately forty years, since the first Soviet detonation of their own nuclear bomb in 1949 until the end of the Cold War in 1991, the American nuclear security policy was based on the use of deterrence² to avoid an outburst of nuclear conflict (Woolf, 2008: 1). During the first decade of the Cold War the American doctrine was known as "*massive retaliation*", which turned out to be strongly questioned since the Soviet Union proved to be capable of responding (Woolf, 2008: 5). Nevertheless, the evidence of this doctrine is available on the frameworks that the United States proposed at the time, such as the Baruch Plan

² Deterrence is a strategy intended to dissuade an adversary from taking an action not yet started, or to prevent them from doing something that another State desires. A credible nuclear deterrent, Bernard Brodie wrote in 1959, must be always at the ready, yet never used. This concept will be further explained in the end of this section.

(Nuclear Threat Initiative, 2011; Buck, 1983: 9) that called for the creation of an international atomic development authority automatically. Its approval by the United Nations Atomic energy Commission rejected automatically the Soviet proposal, which aimed for American nuclear disarmament before any international agency was created (Nuclear Threat Initiative, 2011).

The strong critics towards the probability of success led the Secretary of Defense at the time, Robert McNamara, to outline the new doctrine of “*damage limitation*”, which counter-forced all Soviet conventional and nuclear military capabilities (Woolf, 2008: 6). The manifestation of this new doctrine is evident when taking into consideration that the Union of Soviet Socialist Republics (USSR) and the United States, respectively, resumed their nuclear tests after an informal moratorium of November 1958, only fifteen days apart from each other (Nuclear Threat Initiative, 2011).

During the following decade Secretary McNamara revived the precedent nuclear foreign policy through an “*assured destruction*” doctrine, where the United States was supposed to convince the Soviet leadership about the destruction of Soviet society in case of an attack against the United States or any of its allies (Woolf, 2008: 6). This doctrine is evident, for example on the Treaty of Tlateloco, opened for signature on February 14, 1967 (Nuclear Threat Initiative, 2011), which created a regional non-proliferation regime. On Protocol II of this binding legal instrument, the United States guaranteed negative security³ for the first time, as a response to any attack against the denuclearized Latin American States (Nuclear Threat Initiative, 2015).

Throughout the 1970's the United States transformed its doctrine to a “*Flexible Response*” and later, in the same decade, to a “*Countervailing Strategy*”; these two were supposed to target retaliations on strategic war-making capabilities within the USSR area of influence and on the political field as an integral part of the U.S. strategy (Woolf, 2008: 6). This is evident on the several bilateral Treaties that the USSR and the U.S. signed such as the Vladivostok Accord (1974) and the Strategic Arms Limitation Talks I (SALT I) (1970), which aimed to reduce the nuclear capability of both States (Nuclear Threat Initiative, 2011). In summary,

³ Negative Security: Realists establish a negative interpretation of security that makes reference exclusively to a lack of direct military risk, thereby citizens are protected against foreign threats

these strategies, even if adapted to the reality at the time, are all based on a forceful deterrence strategy favoring the US. At the beginning the US accomplished this by threatening the USSR with attacking back and later by adding international regimes and sanctions to the precedent formula.

This reality changed drastically when the USSR collapsed, because it seemed as the milestone that would diminish the importance of nuclear weapons in American security policies (Norris, Kristensen, & Paine, 2004: iv). This unsurprisingly didn't happen, because as the Clinton Administration stated, "*nuclear weapons remained important to deter the range of threats faced by the United States*" (Woolf, 2008: 7). By 1998, the Administration had already identified new States that would threaten American interests through the enlargement of their offensive capabilities by acquiring nuclear, biological and chemical weapons as it was stated on the National Security Strategy for a New Century (1998). Iran -as one of these States- will be studied in the following chapter.

Even if bilateral agreements and American participation in international nuclear security programs flourished after the USSR fell, much was done to secure the nuclear material (Boureston & Ogilvie-White, 2010: 10) from these "*latent proliferators*" (Simpson, 1997) as they are identified as threats even before the end of the Cold War. For example, the Cooperative Threat Reduction Program (CTR) signed on November 1991 (Nuclear Threat Initiative, 2011), which ought to reduce American exposure concerning the former Soviet Union countries by promoting denuclearization and demilitarization (Boureston & Ogilvie-White, 2010: 11).

During this period, the conceptualization of non-proliferation had to be changed and extended so that it included the "*ambiguous*" nuclear States, known to possess nuclear material, which weren't subject of international monitoring at the time (Simpson, 1997: 18). Nevertheless, the core long-lasting policy of reserving the right to use nuclear weapons wasn't altered. On the contrary, it was endorsed because it used the Nuclear-Nonproliferation Treaty to find a legal umbrella to justify a first move against "*States in good standing under NPT or an equivalent international convention*" (Woolf, 2008: 8).

Further, in response to emerging threats to U.S. national security, the Bush Administration has argued that the United States must alter its deterrence

strategy from *'one size fits all'* deterrence, to *'tailored deterrence'* for rogue powers, terrorist networks, and near-peer competitors (Woolf, 2008). However, one event spurred a radical change in the American foreign policy and its evaluation of threats. After the terrorist attacks of September 11th 2001, George Bush declared the 'War on Terror' (Central Intelligence Agency, 2003), which created new strategies, doctrines, and structures to confront the new security environment (Woolf, 2008: 9) where non-State groups needed to be on the spotlight (Levine & Levine, 2006: 14). This so-called *'tailored deterrence'* was based on a new approach towards the threat that included the recognition of the threat objectives and necessities (Woolf, 2008: 10), which made tailored deterrence more difficult to achieve in comparison to the one used during the Cold War (Levine & Levine, 2006: 14). Still, this doctrine was materialized in the International Convention for the Suppression of Acts of Nuclear Terrorism of 2005, which defined what nuclear terrorism is and established obligations for the signatory States in case a civilian incurred in an act of nuclear terrorism (United Nations, 2005).

As evidenced above, deterrence has been a recurrent strategy on American Nuclear foreign policy. Therefore, it is important to define what deterrence is, meaning a relationship in which one or both actors try to persuade the other to abstain from executing threatening actions by intimidating or reassuring the other that the costs of an attack will far exceed the benefits (Woolf, 2008). According to Levine & Levine (2006: 13-15), in the case of the United States, the strategy is still applied mainly to Iran, Pakistan, North Korea and Syria because the States are thought to be the ones providing shelter, financial resources with nuclear materials or weapons to terrorist groups.

1.1.2. Zero-tolerance towards Proliferation

The 9/11 events served to establish the most important characteristics of what came to be known as the “*Bush Doctrine*” (Tannous, 2008: 5), the former President himself described it as:

“A strategy to protect the country that (...) make[s] no distinction between the terrorists and the nations that harbor them (...) take[s] the fight to the enemy overseas before they can attack us (...) And (...) advance[s] liberty and hope as an alternative to the enemy’s ideology (...)”

(Steeman, 2012: 8)

These specific events gave the United States a facilitator to implement an assertive doctrine to achieve the everlasting goal of American hegemony (Clark, 2003: 89). The attacks gave the United States an justification to continue implementing strategies in order to shape the world according to U.S. interest -as throughout all of American History- in a completely upfront manner (Steeman, 2012: 8).

The Bush Doctrine aimed specifically at rogue States and what America considered terrorist groups (Delahunty & Yoo, 2009); and established one main strategy of preventive war to fight them back (Dowd, 2008). The ultimate objective of this strategy was to dissuade adversaries from taking actions that would give the United States abilities to react with all its strength (Norris et al, 2004: 27); meaning, the Bush doctrine, as all of the ones before, is basically a deterrent Doctrine.

As James Pfiffer (2003) explains in his study “*George Bush: Policy, Politics and Personality*”, the Bush Doctrine is characterized by four elements (Jervis, 2003: 365), which are strongly related to the President’s personality and have had positive and negative effects on the execution of it (Dowd, 2008). Jervis (2003:365) identifies also these elements, as the following: close relation between the domestic needs and the international agenda; the preventive war as the only means to defeat new threats; the use of unilateral action; and need to emphasize American hegemony in world politics (Jervis, 2003: 365). These elements combined haven’t changed the Cold-War Doctrine of deterrence; on the contrary they have ratified it under the label of ‘*counter-proliferation*’ (Norris et al, 2004: v). These four elements will be described in order to understand their impact on the American Nuclear foreign policy.

Unilateral action is considered a vital aspect of foreign policy after the 9/11 terrorists attacks (Steeman, 2012: 8). This unilateralism involves not only willingness to undergo unaccompanied military action -or any other unilateral measure- but it also means that the U.S. was not going to expect approval from the international community, through the United Nations Security Council as empowered organism, to do so (Steeman, 2012: 10). One example of this solitary action was the withdrawal from the Anti-Ballistic Missile Treaty in 2002 (Norris et al, 2004: 26). This brought a feeling of mistrust among the international community because it opened the possibility of planes carrying both, conventional weapons or missiles, therefore rising the risk of miscalculation and intensification of the conflict (Norris et al, 2004: 7).

Preemption was almost the autograph of the Bush Doctrine, meaning that the U.S. could decide over attacking -before the threat materializes- any country that, based on expectations, could incur on aggressive conduct (Steeman, 2012: 11). Even if American military has always had the possibility of firing first, thereby acting preemptively (Norris et al, 2004: 26). The difference lies on the fact that preemption is now emphasized as a fundamental piece of foreign policy, in opposition to how the usage and development of weapons of mass destruction (WMD) as backup strategies in former Administrations (Norris et al, 2004: 27).

Even if preemption doesn't infringe International Public Law, based on the right of self-defense (Steeman, 2012: 12), it is clearly established that it is only admissible in case of an imminent threat (Clark, 2003: 89). As Clark (2003: 89) explains, the adjusted concept of imminent threat is a -somehow- distorted requirement because "*the greater the threat, the more compelling the case for taking anticipatory action to defend*" but the U.S. uses its right to fight back even when no such '*imminent threat*' to security exists (Steeman, 2012: 12).

According to the Proliferation Security Initiative of the United States (2003), the security systems created during the Bush Administration aim to directly impede production weapons of mass destruction, their delivery systems, and related materials from reaching rouge States and non-States actors in terms of global cooperation. Even though the proliferation concern might be a higher

priority for nuclear States, based on the fact that their monopoly might be endangered.

The United States has always thought they are the nation '*destined*' to spread freedom through democracy; based on the liberal rhetoric that (Waltz, 2000) democratic States do not conflict with each other (Steeman, 2012: 12) According to Pfiffer (2004), the spread of universal values (Pfiffner, 2004: 176) through diplomatic and financial means, customs, law enforcement, and other security systems (U.S. Department of State, 2003) to all countries, sometimes even through war (Pfiffner, 2004: 176) was set as priority in the Administration.

The main targets of this explicit intolerance towards proliferation were a group of countries, which President George W. Bush baptized as "*The Axis of Evil*" because they probably were backing terrorist groups up (Tannous, 2008: 6). Even if it cannot be denied that, States and terrorist groups have a strong relation because the latter needs funds, training camps and other resources that can only be found on the territory that belongs necessarily to a State (Tannous, 2008: 25). On the other hand, the United States took advantage of this situation to articulate the feeling that Evil, e.g. terrorism, was indivisible but at the same time distributed all over different geographic locations (Heradstveit & Bonham, 2007: 423). In this manner, the government could defend American interests in these rouge States by occupying their territories (Steeman, 2012: 11), as it did in Iraq.

It is important to identify the reasons that lead the United States to catalog under such terms three specific States: Iraq, Iran and North Korea (Heradstveit & Bonham, 2007: 421). First the United States alleged Iraq was developing biological weapons because the United Nations didn't inspect the territory for a three-year period (Bolton, 2002: 98). This can be explained through the President's preference for visceral reaction and action (Pfiffner, 2004), reflected on shifting the focus of attention from the results of the "*War on Terror*" against Osama Bin Laden, to Weapons of Mass Destruction (Heradstveit & Bonham, 2007: 423).

Iran was part of this alliance based on the thought that the country had an interest on developing nuclear weapons and missiles (Bolton, 2002: 95), the American antagonism to theocratic regimes, and Iranian declarations supporting *terrorist groups* such as Hezbollah (Heradstveit & Bonham, 2007: 424). Finally,

North Korea was considered a member of the Axis of Evil because, from the American perspective, the country gave priority to investment in nuclear and chemical research, not cooperating with the IAEA, instead of prioritizing the needs of its population (Bolton, 2002: 94).

It is important to highlight that there were several other countries such as Libya, Syria and Cuba that were considered possible future participants of this coalition, based on their aggressive declarations against the United States (Bolton, 2002: 95), ballistic missile development (Bolton, 2002: 96), and sheltering fugitives from the United States (Bolton, 2002: 97), respectively. Nevertheless, within this same list countries like Pakistan, with proven nuclear development were never considered to be part of the *"Axis of Evil"* (Norris et al, 2004: 33). These double standards were not unusual during the Bush Administration. A clear evidence of this statement regarding nuclear issues is the prerequisite of extensive verification of nuclear plants in Iranian or North Korean territories before considering any negotiation in contrast to the permissiveness on the same matter of the Moscow Treaty signed with the Russian Federation (Norris et al, 2004: 33).

Conclusively, it can be determined that American Nuclear foreign policy during the Bush Administration awarded nuclear weapons a major role in security, thereby encouraging other States to award importance to them too (Norris et al, 2004: 40). This was primarily achieved through the use of rhetoric; qualified enough to contribute to a new view of the world (Heradstveit & Bonham, 2007: 421), which was a bipolar one (Heradstveit & Bonham, 2007: 426) because the Axis of Evil is supposed to be defeated by the *"Forces of Good"* (Heradstveit & Bonham, 2007: 422), the United States in this case. This American strategy to maintain power within the international system, encapsulates the approach of *"status quo States"*, which are satisfied with the current distribution of power and are not willing to change it (Mearsheimer, 2006: 76).

1.1.3. United States position on the United Nations Security Council

After World War II, the international community, represented by 51 delegations, felt the need of creating a new and globally recognized organization to establish a normative order, motivation that created the United Nations System (Clark, 2003: 5). Within this international regime, the United Nations Security Council (UNSC) is the organ in charge of the safeguarding of international peace and security (United Nations, 2016).

The UN Charter (1945), on its Article 39, awards the UNSC the responsibility of determining the existence of a threat towards international security, and the possibility to make recommendations to the States in case of dispute in order to restore order in the international community. Additionally, the United Nations System ratifies that UNSC resolutions are binding to all States (Adams, 2012: 5), allowing this organ to sanction States according to Chapter VII of the UN Charter (1945). These sanctions, according to Article 41 of the same Charter, may include *"complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations"* (United Nations Charter, 1945).

It is important to understand these wide range of attributions, from recommendations to coercive measures (Norris, Kristensen, & Paine, 2004: 27), in addition to the UNSC organization, to explain the power that the United States has over the most important security organ in the only *"global organization"* (Adams, 2012). The United Nations Security Council is formed by 15 members, five of whom are permanent (Adams, 2012: 6) and awarded veto power⁴, and ten are assigned or two-year periods according to a geographical distribution (United Nations, 2016).

More than 30 resolutions have been approved on the Security Council regarding nuclear proliferation (UNSC, 2016), and frequently these have been the result of American efforts to increase the political support and legality of initiatives to satisfy its goals (McDonald & Patrick, 2010: 16). Many resolutions have acted on a preventive manner, like Security Council Resolution 1540, which compels all members of the United Nations to improve trade controls for nuclear

⁴ Veto Power: wielded solely by the five permanent members of the United Nations enables them to prevent the adoption of any "substantive" resolution, as well as decide which issues fall under "substantive" title.

related materials and criminalize proliferation (Rademaker, 2005). But there have also been coercive resolutions, specially aimed to the “*Axis of Evil*”, attributing sanctions based on violations to the Nuclear Non Proliferation Treaty, consenting inspection missions and endorsing intimidation of terrorist organizations (McDonald & Patrick, 2010: 16).

In the case of North Korea, the Security Council has established sanctions on resolutions such as SC 1828/2010 were specific North-Korean citizens are banned from traveling and their assets were frozen (James Martin Center for Nonproliferation Studies, 2015). Since 2006, through the power of the Security Council, the United States was able to establish an embargo on Iran when Resolutions 1737, 1747, 1803 and 1949 were, on its majority unanimously approved, preventing the trade of nuclear-related material to Iranian citizens, and the asset freezing of Iranian individuals in 2006 (Clawson, 2015; Davenport K. , 2015)

1.2. Policy Making during the Obama Administration

Barack Obama’s election professed a dramatic change on American foreign policy (Steeman, 2012: 34). Obama’s Doctrine proposal has been baptized a “*smart strategy*”, “*opened hand policy*”, and “*strategic listening*” (Hoop, 2009: 1) all to describe the shift of American Diplomacy towards a cooperative leadership, through the creation of partnerships around the globe based on shared interests (Steeman, 2012: 45), which differ largely from the Bush Doctrine explained above. Nevertheless, the strategy presented by Obama still ratifies a neorealist dynamic based on the coalition of sovereign States united by a common goal or enemy (Kramer, 1998; Steeman, 2012: 44), in this case counter proliferation against rouge States and extremist groups. Nevertheless, the policy has been presented in a way that tries to show a multipolar approach by re-reading the international system and the reintegration of the United States to international institutions (Hoop, 2009: 2). That is why the following sections will explain Obama’s approach to nuclear security by identifying the differences and similarities with the Administration that came before him, with special emphasis on the new approach to nuclear threats.

1.2.1. New Pillars for International Nuclear Security

Just months after Barack Obama took office, the elected President addressed the nuclear matter in Prague, where he highlighted the main points of his nuclear policy, which can be summarized into the pursue of peace and security within a world without nuclear armament (Department of Defense, 2015: 1). The new policy acknowledges that the conditions existing during the Cold War are not present now-a-days but it also emphasizes that the defense systems haven't changed much since then; this combination has reduced the threat of nuclear confrontation but has increased the risk of nuclear attack (Obama, 2009). Consequently, Obama proposed a *“well-structured, broadly understandable and supported policy”* based on multilateral solutions to major international problems, which will grant the U.S. legitimacy and ultimately power (Obama in Steeman, 2012: 35).

During his speech in Prague, Obama (2009) ratified that in order to achieve a nuclear weapon free world the strengthening of the Nuclear Non-Proliferation Treaty is crucial through international cooperation, embracing the State Interdiction Principles, resource assignment to international inspectors i.e. IAEA, and consequences for defiant States accordingly to the international nuclear framework. Regarding Iranian Nuclear Program, specifically, the President emphasized the importance of bringing Iran to its right place in the international community, meaning normalizing political and economic relations, to safeguard security for its neighbors, American allies and the United States itself (Obama, 2009).

The strategy to materialize these words is clearly described on the Nuclear Posture Review of 2010 where the United States shifts the responsiveness towards nuclear proliferation and nuclear terrorism, but continues to deter with land, air, and naval forces (Department of Defense, 2015: 33; Department of Defense, 2015: 5). Through this strategy the United States wants to refuse terrorists protective shelter (Steeman, 2012: 38), based on regional security mechanisms against regimes likely to host threats (Steeman, 2012: 38).

Regarding proliferation States, American foreign policy aims to make them understand that attacks against the U.S. or any ally would be responded efficiently and devastatingly (Department of Defense, 2015: 33); therefore the American policy remains a deterrent and coercive one similar to that of his

predecessor, requiring a unipolar regime in order to provide common security. (Steeman, 2012: 44). A case for this unilateralism could be the Middle East, specifically the Israel-Palestine Conflict, translated in the tripartite discussions with the United States (Hoop, 2009: 4) and the multilateral negotiations between the G5+1 and Iran.

The lack of enough capabilities to identify, forbid, and defeat trafficking efforts of nuclear related material (Department of Defense, 2015: 3 - 9) is the reason that guides the United States attempts to give the International Atomic Energy Agency (IAEA) enough resources and rights necessary to carry out its mission successfully (Department of Defense, 2015: 4). Naturally, this can't be achieved exclusively by the U.S (Department of Defense, 2015: 10), on the contrary it can only be done by sharing interests with other great powers. This reality conditions the Obama Administration to keep an impartial position towards its allies, what has been difficult to achieve in the Middle East (Steeman, 2012: 39). In summary, the strategy tries to balance a multipolar cooperation; extended deterrence to State and non-State actors; and strengthening of the nuclear regime (Department of Defense, 2015: 31) while looking to prevail American ideals around the globe.

Many forums have been developed by President Obama to bring to the spotlight of the international community the steps needed to improve international security. The first, and most important until now, was the Nuclear Security Summit that took place in 2010 in Washington D.C. (Obama, 2015), because it was the conference where the international community determined that a lack of non-proliferation guarantee could lead non-nuclear States to undertake nuclear deterrent strategies on their own, what would result on disentanglement from the NPT regime, and therefore higher possibility of nuclear weapon use (Department of Defense, 2015: 1). Anyhow, the American initiatives can be summarized as: the ratification of the Nuclear Test Ban Treaty, negotiations to compose a treaty to end the production of fissile material for military purposes, a fuel depository for peaceful uses under international control, the continuity of a World Summit regarding nuclear weapons and components storing, and finally, and most importantly, the consolidation of a much powerful NPT regime (Ayala, 2009: 15).

Other conferences have followed, in Seoul in 2012 and in The Hague in 2014; which have also been important because the concrete steps to achieve the

American “*nuclear-weapon free world*” have been pointed out (Obama, 2015). Two actors of the international arena have been identified as a concern: new nuclear States and non-State actors. Even if the channels to sanction nuclear terrorism are still unclear, this policy takes advantage of the lack of resources, based on the strong relation between economics and security (Delange, 2009: 74), to limit the acquisition of nuclear-related material, equipment and technology even within the black market. Many threats can be considered to be a nuclear threat from a sub-State group that could construct a small-yield nuclear weapon to other groups that might take or buy a nuclear weapon from a “*rogue State*” (Mauroni, 2012: 4). Nevertheless, the Obama Administration has established as a global goal to award top priority and create systems to stop terrorist groups from acquiring these, profoundly challenging current status quo of nuclear affairs (Department of Defense, 2015: 6). In this context, the United States in coordination with its allies specially from Europe, in the counter-proliferation quest have partnered to safeguard their common interests (Department of Defense, 2015: 31), and established sanctions to Iran and North Korea in order to pressure them to change their nuclear policies (Hoop, 2009: 5). This strategy ratifies American power by redefining the dynamics in the international system (Delange, 2009: 73).

1.2.2. Comparison and Contrast between Counter - Proliferation and Non – Proliferation

The ideas of non-proliferation and counter-proliferation are used nowadays as synonyms. Nevertheless they both have different origins, goals and means to achieve them, reason why it is worth dedicating the following section to highlight these differences.

Nuclear weapons are not a recent invention; therefore the notion of non-proliferation is not new either (Ellis, 2003). This concept was materialized for the first time on the Resolution 2028 of the United Nations General Assembly and it refers to what Homi Bhabha classified as vertical and horizontal proliferation (Garrido, 2005: 97). The first type of proliferation indicates the augmenting number of nuclear weapons, whereas the second one refers to the non-nuclear States acquiring them (Garrido, 2005: 95). The Treaty and its adherence hasn't stopped States from developing military nuclear programs (Garrido, 2005: 97).

The Treaty on Non Proliferation of Nuclear Weapons is the foundation of the whole non-proliferation regime because it establishes, on its 5th Article, the commitment for the Nuclear Weapon States (NWS) to develop a process of disarmament (Non Proliferation on Nuclear Weapons Treaty, 1970); thereby avoiding vertical proliferation. Additionally, it requires the Non Nuclear States to sidestep from the development of nuclear weapons (Non Proliferation on Nuclear Weapons Treaty, 1970); thus preventing horizontal proliferation. Though, after more than five decades after its entry in force, its goals haven't been achieved (Lara, 2007:94). On the contrary, the regime seems weak because vertical and horizontal-proliferation have occurred and continue to happen.

More recent examples of non-proliferation regimes include the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which, as many other multilateral nuclear Treaties, has almost universal adherence but hasn't been ratified specifically by those States considered a nuclear threat: Pakistan, India, North Korea, China, Israel and Iran (de la Torre, 2008: 23). This condition raises the question of how efficient this new regime, which allows a system to detect seismic movement and noble gas emissions around the world to determine the existence of nuclear testing (de la Torre, 2008: 23), is truly effective or not.

On the contrary, counter-proliferation began as a response to illegal development of nuclear programs started in Israel, Pakistan and North Korea during the 80's (Fortuna, 2011: 157). Nevertheless, the concept was further developed throughout the first Bush administration and formally executed for the first time under Clinton administration (Ellis, 2003: 116).

The new conditions presented after the end of the Cold War, such as the appearance of new Nuclear States, the slow reduction of nuclear arsenals and terrorist groups have motivated the international community to strengthen the nuclear regime (Cirincione & Bell, 2010) in order to revert the effect of the already proliferated threat.

In Prague, Obama (2009) explained the changes in the foreign policy, from non-proliferation to counter-proliferation. This can be evidenced on the resolution of stopping the manufacturing of new weapons and reduce the role of nuclear weapon in the American Defense Strategy (Obama, 2009). The signing of the most recent START agreement, in 2010, includes the reduction of

weapons (Cirincione & Bell, 2010: 56); therefore it is a mechanism of counter-proliferation. Still, all these efforts aren't enough and much it is needed to actually stop non-State actors and Non-Nuclear States from acquiring a nuclear bomb, that means also stopping the flow of the know how, technology and resources (Cirincione & Bell, 2010: 57).

Atomic weapons are political weapons. They enable States to become a Nuclear Weapon State -according to the NPT only 5 of these are supposed to exist- and creates the need to recognize more Nuclear Weapons States under the NPT. This recognition would mean losing the monopoly of nuclear power for the G5 and placing the Nuclear Weapon Free Zones in a disadvantaged position. Thus, risking the international peace and security that has been established until now.

1.2.3. Approach to Nuclear Threats

To understand the new approach towards nuclear threats, proposed by President Barack Obama, it is necessary to first identify what the United States during this Administration has conceived as a threat (Department of Defense, 2015: iv). On 2010, President Barack Obama announced that the only real risk to American security in long and short term is the possibility of terrorist organizations procurement a nuclear weapon (Mauroni, 2012: 3). This phenomenon is called "*nuclear terrorism*" and involves any individual that commits an illicit and deliberate offence against the International Convention for the Suppression of Acts of Nuclear Terrorism by fulfilling one or more of the following conditions:

- 1) *Possesses radioactive material or makes or possesses a device:*
 - a) *With the intent to cause death or serious bodily injury; or with the intent to cause substantial damage to property or to the environment;*
 - b) *Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:*
 - i) *With the intent to cause death or serious bodily injury; or*
 - ii) *With the intent to cause substantial damage to property or to the environment;*
or;
 - iii) *With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act*

(International Convention for the Suppression of Acts of Nuclear Terrorism, 2005)

Even though the current international law instruments don't tackle directly the issue of nuclear terrorism (Clark, 2003: 99) and it hasn't been

confirmed that these groups already have a nuclear weapon or enough resources to acquire one yet (Department of Defense, 2015: 7), the international community - guided by the United States- has developed different State-oriented initiatives to create conditions that will build stronger mechanisms to address this threat (Department of Defense, 2015: 7).

Iran, and North Korea remain categorized as “*Rouge States*” because of their non-compliance with non-proliferation obligations; their confronted rulings against the UNSC and resistance to resolve disagreements through diplomatic. This categorization lies on the fact that their actions have weakened the NPT regime and brought incertitude into the international community as a whole (Department of Defense, 2015: 3), and their respective regions (Department of Defense, 2015: 4). Still, these two, as countries, share many attributes, being the violation of the NPT just one among others, but these two societies diverge notably (Perkovich, 2015).

On the one hand, Iran is the most populated country in the Middle East and has enough human and financial resources to grant security and stability for the theocratic regime without nuclear weapons (Perkovich, 2015). This might be one reason to understand why the United States proposes a new holistic approach to the Middle East and especially to Iran (Hoop, 2009: 6). The strategy involves establishing new relations, preserving opposition to Iranian possessing nuclear weapons, through a *dual track* strategy, which Europeans support entirely (Delange, 2009: 15). This double track means the combination of the highest diplomatic elite out into action to negotiate without preconditions, and the application of the most severe sanctions in case of incompliance (Lara, 2009:137)

This strategy is particularly efficient given the fact that Iran does not live as an autarkic State, which means that the economy itself and social aspects of life can be and have been strongly affected by the sanctions imposed until now (Ehteshami, 2009). This actually has a historical reason, because the whole economic system in Iran is based on the exploitation of oil reserves, which the United States helped to introduce (McEachern, 2011: 8). It is also important to mention that, even if Iran has an questionable democratic regime; the election of Hassan Rouhani, to substitute Mahmoud Ahmadinejad, drastically changed the approach of Iran towards the United States since 2013.

On the other hand North Korea has a weak economy. As a matter of fact it is recognized as one of the poorest in the Northeast Asian region (McEachern, 2011: 4), and this reduces the effectiveness of any economic sanction the United States might apply. Therefore, the United States maintains its old strategy of ensuring a confirmable closure of North-Korean nuclear weapon program and the destruction of all of its arsenals through diplomatic dialogues within the six party talks (Lara, 2009: 138) which wasn't achieved though the Agreed Framework of 1994 (Perkovich, 2015).

The North Korean nuclear development history is also entirely different from the Iranian one. All petitions that North Korea did to obtain a nuclear plant were denied by China, the USSR, and then Russian Federation, and ultimately the United States, contrary to the Iranian nuclear program (García, 2008: 15). This fact, led the North Korean government to develop a nuclear reactor on its own, which triggered the international community alarms for nuclear weapons in the 80's (García, 2008: 16).

Furthermore, the new mandate of Kim Jong Il didn't change much the North Korean role within the international community; on the contrary the regime uses a brutal leadership inside and outside its borders (Chanlett-Avery, 2016: 4). This style of leadership can be explained based on the fact that the ideology of North Korea's State shortfalls the theoretical and theological foundation of a religion or belief on which to stand (McEachern, 2011: 3). Clear evidence of this is that on the exact same day in which Obama gave his nuclear-arms free world speech in Prague, North Korea responded by shooting its forbidden large-range missiles (Ojeda, 2009: 8). Therefore, to understand the reason why North Korea relies on nuclear weapons to deter any potential coercion from its neighbors, it must be clearly stated that the Democratic People's Republic of Korea is weak (Ehteshami, The foreign policy of Iran, 2009). This statement must be understood through the neorealist perspective, in which a weak State is that one which lacks a variety of resources to compete in the international arena (Mearsheimer, 2006). These differences have motivated the U.S. to step aside and avoid establishing official diplomatic relations with North Korea. On the contrary, the U.S. uses a "*Strategic Patience*" approach that pressures China to be the active promoter for North Korea to re-join the Six Party Talks (Chanlett-Avery, 2016).

Finally, even if Iran and North Korea lack decision-making power within the international system, they do confront American hegemony inside highly valued regions. Therefore, they have both been a focus of attention for American policy-makers (McEachern, 2011), especially because of their nuclear development programs. Nevertheless, there are radical differences between these two States, and even if they are commonly related as one proliferation danger, these differences generate much clearer motivations for Iran to meet a nuclear deal with the United States than the Democratic People's Republic of Korea (Perkovich, 2015). These differences, both inside the country and outside of it, are the reason why the JCPOA was signed with Iran and not with North Korea; these characteristics are though to be discussed on the second chapter of the present dissertation.

1.3. External Actors Making an Impact on American Foreign Policy

Policy-making, especially Foreign Policy, involves taking into consideration external factors that contribute to build the reality a certain State is facing. This is the reason why this section is dedicated to describe the most important external actors of the American Nuclear Foreign Policy at the time of the JCPOA adoption.

1.3.1. American-Israeli Relations

After the United Nations General Assembly provided the Jewish people with a territory, the United States of America turned out to be the first country to provide de facto recognition to the State of Israel (Zanotti, 2014:34). Since then, U.S.-Israeli relations of all kinds, including defense, diplomatic, economic and security elements have developed enough to make the international community believe that Israel is the main American partner in the region (Zanotti, 2015, pg.36).

History and data corroborate the fact that the United States and Israel share a significant relation. Until 2004, Israel was the major growing recipient of U.S. overseas cooperation programs since World War II (Zanotti, 2014: 40). Much of this assistance is military; consequently Israeli Army became one of the most technologically refined forces in the world (Zanotti, 2014: 36).

At the political level, the United States has also had special handling of Israel. In 1987 Israel was entitled “*major non-NATO ally*”, which gave privileges to Israeli investors in the United States, and in 2007 potential power to do research to help the Department of Homeland Security on its mandate regarding counterterrorism (Zanotti, 2015:36). This dissertation only reaffirms the tolerant attitude that the United States has had towards nuclear ambiguity since 1969 (Zanotti, 2014: 54). Another milestone in this relation is the U.S.-Israel Strategic Partnership Act of 2014 that gave Israel the same Strategic Trade Authorization (STA) as the U.S. in order to acquire certain weapons that only 36 other countries currently have (Zanotti, 2014:37).

Yet, much of these conditions have changed since the Obama Administration came to power. Obama chose former Senator Mitchell as special delegate for Middle East, which spotted the end of Israeli majoritarian influence on American policy in the region given Mitchell’s personal background (Birnbaum, 2009: 46; Baker & Rudoren, 2015). In the nuclear matter, Obama has stated his intention to establish the Middle East as a Nuclear-Weapon-Free-Zone (Zanotti, 2015:54), which certainly has implications for Israel (Zanotti, 2014: 8).

The object of study of this dissertation is one example of this new dynamic. For many decades Israel has spotted Iran as an imminent threat to its security (Zanotti, 2014: 8; Herzog, 2015: 2), because Iran is a regional influence based on its ideology, which denies Israel its right to exist at all (Zanotti, 2013).

Historically, Israel has asked for increasingly sanctionary measures at the multilateral and bilateral spheres, which the United States has supported (Zanotti, 2014: 8) but as negotiations between Iran and the P5+1 continued, Israel saw itself on a vulnerable position and its Prime Minister, Netanyahu, gave a controversial speech asking to change the conditions to obtain a “*better deal*” with stronger sanctions to Iran (Zanotti, 2015: 11). From the Israeli point of view, if Iran succeeds on the development of nuclear weapons, even if Iran doesn’t use these, the intimidation to its neighbor States would create and generate a pro-Iranian block in the region (Zanotti, 2015: 12). Additionally, Netanyahu announced strong opposition to any final agreement with Iran, unless Iran recognizes Israeli right to exist (Zanotti, 2014: 18).

Finally, Israel believes a trustworthy and stable diplomatic outcome must include powerful sanctions together with a likely military option (Herzog, 2015: 4). This is based on the suspicion of Hassan Rouhani's real intentions, calling him a wolf on sheep clothes, who is accused of using a more indulgent rhetoric but the interests remain the same (Herzog, 2015: 8). It is important to highlight this perception of the negotiations because Israelis see the Obama Administration as lacking of assertiveness towards the volatile situation in the Middle East (Herzog, 2015: 4).

1.3.2. American Relations with JCPOA allies

According to structural realism dynamics of States are explained by associating the actions of the powerful ones, in this case the P5+1, and their effect on others in the structure (Powell, 1994). On a regular basis, structural realism analyzes States as competitors, but in the case of JCPOA agreement it is clear that a coalition stands as the powerful part. Kramer (1998), on his explanation apropos of cooperation, justifies the dynamic with the existence of a common threat or when a hegemon is able to induce cooperation practices through positive or negative motivations to cooperate (Kramer, 1998). Therefore it is important to establish the reasons why these five countries, all consider Iran a nuclear threat because, according to Kramer, that would be the reason for their cooperation with the U.S.

The United Kingdom of Great Britain and Northern Ireland

Since nuclear weapons appeared, the Atlantic nations, predominantly the United States, France, and the United Kingdom, have complied with a shared security relationship that is mostly dependent on the American commitment to grant success (Pierre, 1971). In this context, the for a long time, the United States maintained nuclear weapons in strategic European countries, but since Obama took office most these have been retired to comply with the new American proposal (Department of Defense, 2015: 32). With the changing environment and the new actors in the international community, the P5 has unified to overcome the nuclear threat, but still, subtle differences among each particular relation with the United States remain, and are worth describing.

The United States and the United Kingdom relation can be traced back for centuries. They both share a wide background resulting from a combination of common history, and long-term cooperation in several issues including security as evidence in their active participation within the United Nations Security Council and the North Atlantic Treaty Organization (Mix, 2015: 1). Therefore, it is said that the United Kingdom is the worthiest ally of the U.S. in the region (Mix, 2015: 3).

Although it was said that during the Obama Administration, relations between these two separated a little, it was demonstrated on the British Security Agenda of 2010 that they both honor their long time partnership (Her Majesty Government, 2015). Their shared view on the role of nuclear weapons as means to deter threats and their assurance to preserving only the minimum deterrent required (Defense, 2015) have shaped an approach based on defense and security between both countries (Her Majesty Government, 2015).

Regarding the threat of Iran, since 2010 the United Kingdom prioritized the need of strengthening bilateral relations with traditional allies, emerging economies and key regional States (Her Majesty Government, 2015) i.e. Iran. This strategy was already being executed since 2002 when the United Kingdom along with France and Germany initiated negotiations about the Iranian nuclear program (Nuclear Threat Initiative, 2016). Since 2013, the United States, the Russian Federation and China joined the negotiations but the United Kingdom is still the country that has supported President Obama the most on achieving a global lock-down of exposed nuclear material, as it was proposed in Prague (Her Majesty Government, 2015).

The French Republic

France is another important actor within the JCPOA negotiations because within the three European actors it is the only one that throughout history has had opposed standpoints with the United States and has acted strongly about it. Still, fundamental issues are still shared, such as terrorism and nuclear proliferation as the greatest threats for security nowadays (Gallis, 2006: 2).

In this context it is important to highlight that the Bush Administration was often criticized for its unilateralism, what certainly changed after Obama took

office, bringing France and the United States closer together. This, because the French Republic follows three principles: liberty, equality and fraternity; that are materialized on its foreign policy through multilateral cooperation in international matters, especially cooperation with the European Union (Gallis, 2006: 2).

Regarding the Iranian nuclear threat France has proposed a harder approach than many other European countries (Belkin, 2011), which matches the American double track strategy proposed by Obama. During the negotiations, France positioned itself as an impetuous defender of the non-proliferation principles (Nicoullaud, 2015) by proposing strong sanctions such as a ban of Iranian oil and refined petroleum, and intents to cease business with Iranian companies (Belkin, 2011). This behavior has been strongly questioned based on possible French political debts with Israel and other Arab countries, which can't be at all dismissed taking into consideration that diplomacy itself means balancing the defense of principles and interests (Nicoullaud, 2015). A clear example of this was the French withdrawal from a major Iranian natural gas project (Belkin, 2011), when France looked for international approval as an indicator of success even if that meant losing a vast advantage, just like the JCPOA negotiations. On the specific negotiations of the JCPOA France supports lifting the sanctions, even if this can also mean the development of nuclear activities in Iran, but also supports a strong retroactive sanctions for responsibility, both that award international approval (Nicoullaud, 2015)

The People's Democratic Republic of China

Throughout history Sino-American Relations have changed from uneasy impasses to a highly dependent combination of political and economic relations (Council on Foreign Relations, 2015). This interdependence appears to expand into other matters along with a shared responsibility for concentrating on global security hazards, such as Weapons of Mass Destruction, proliferation and terrorism (Department of Defense, 2015: 5; Lawrence, 2013: 3).

Since 1993, when China signed the Non-Proliferation Treaty, the concern towards the non-proliferation regime has increased to maintain nuclear weapons as part of the Chinese Grand Strategy to stabilize the region (Blackwill & Tellis, 2015: 30). The United States has approached this country in a very particular manner, since there are no multilateral alliance structures, like in

Europe for example; the United States has extended a deterrent policy based on bilateral alliances and security relation with China and other Asian actors (Department of Defense, 2015: 35). This has, in a way, required China to be an active participant of American initiatives against Iranian proliferation, at the expense of not being the second largest trade partner of the United States in the context of evident financial crisis in the global economy (Council on Foreign Relations, 2015).

In this context, China has positioned itself as an impartial and positive actor skillful enough to balance between the parties, primarily between Washington and Tehran (Lawrence, 2013: 26). China is an actor that has strong relation with both the U.S. and Iran, when taking into consideration the important contributions that China made to the Iranian nuclear program, is the only one able to accomplish this mediation based on its neutral relations with all parties. Therefore, China's opinion relates the Iranian program inside an international security question but at the same time, within the UNSC and the P5+1 negotiations directing the Iranian nuclear matter towards a new security model based on mutual trust, mutual benefit, equality and coordination that could also be applied on Asian risky areas (Scott, 2015).

The Russian Federation

After the Cold War ended, with the collapse of the Soviet Union, relations between the United States and the Russian Federation have struggled to be cooperative (Nichol, 2014). Engaging with Russia does not represent a central concern to the United States anymore (Nichol, 2014: 3), but it remains the only Nuclear State that could present itself as a nuclear adversary to the United States; therefore the U.S. has increased cooperation to avoid and oppose nuclear proliferation and terrorism (Department of Defense, 2015: 4), to have the Russian Federation as an ally.

One of the main consequences that the 9/11 had on Russian-American relations was that the tensions of the 1990's ceased to increase in order to reshape their relation on the basis of having terrorism as a common enemy (Nichol, 2014: 49). Since then, both countries have deployed their nuclear capabilities by more than 70%, to exclusively retain the arsenal required to form a firm deterrence (Department of Defense, 2015: 5). The Obama administration

has 'reset' relations to be based on trust, through the signing of a new "*Strategic Arms Reduction Treaty*" in 2010 (Nichol, 2014) and the implementation of the Moscow Treaty (Department of Defense, 2015: 12).

Regarding, the specific actions taken against Iran and its nuclear program, Russia has supported the sanctions against the Islamic Republic of Iran within the context of the United Nations Security Council (Nichol, 2014). In spite of the discrepancies between both countries on the implementation plans to manage essential topics (Department of State, 2014); specifically disarmament, non-proliferation regimes, the Iranian nuclear program, terrorism and others (Hoop, 2009: 7), the Obama Administration has successfully managed to find common interests to begin an alliance. In the case of Iran, it is clear that none of these two countries want Iran to develop nuclear weapons, which leads Russia to support American initiatives of economic sanctions to setback Iranian violations to the NPT regime (Department of State, 2014).

The Federal Republic of Germany

Relations between Germany and the United States have experienced a transformation, from patronage to interdependence in the past 70 years (Silberfeld, Stanton, & Sutton, 2015). The strong economic, political and security bonds created after World War II, the German Reconstruction and the Reunification continue to be the epicenter of a major intercontinental partnership that seeks to strengthen the progressively fragile status quo in the international system concerning the threats of nuclear proliferation and terrorism (The German Marshall Fund of the United States, 2015: 3).

This interdependence has gone beyond traditional for its historic background, to become fundamental (Silberfeld, Stanton, & Sutton, 2015), as Angela Merkel and Barack Obama have highlighted (The German Marshall Fund of the United States, 2015: 4). Beyond the significant trade between both countries, the pursue of security and prosperity the agreement to maintain the world order against terrorism and revisionist States is the foundation of their alliance (The German Marshall Fund of the United States, 2015: 10).

Nevertheless, it is remarkable and even questionable the participation of Germany in the negotiation rounds and signature of the JCPOA. Germany is the

only counterpart of Iran that is not considered neither a Nuclear State nor a permanent member of the United Nations Security Council, what certainly raises questions about its motivations to participate in such active way within the new regime. On the one hand it might look like Germany stands in the name of transparency in the context of the negotiations, as an interested third-party actor (Stiftung Wissenschaft und Politik, 2015). On the other hand, by looking deeper into German current conditions as first economy within the European Union, it is clear that Germany expects revenue from this Treaty, specifically 5 billion euros in the short-term and multiplying that number in the long-term according to the German Chamber of Commerce due to all the investments in infrastructure that Iran will need to fulfill its requirements (Deutsche Welle, 2016). Therefore, the German participation can be easily explained on neorealist terms.

1.3.3. American Relations with its JCPOA counterpart: The Islamic Republic of Iran

After World War I, when the Iranian territory was acknowledged, Iranian-American relations remained friendly. During the 20th century Iran government was a monarchy, supported by the United States, which gave in to Western interests becoming an important regional player for many years during the Cold War (Ehteshami, 2009: 284). Still, it was after the Islamic Revolution of 1979 that the country became a center of attention because it was perceived as a rebellious; religious conducted, and unallied State (Ehteshami, 2009: 283). This major change of sides generated a profound mistrust on the Iranian nuclear program that was once supported by the United States.

Based on the strong anti-Americanism feeling that the Revolution initiated, which led to heartless treatment of the American delegation in Iran, the United States terminated all official diplomatic relations with the country. Until the present day, after more than 30 years, the United States remained unrepresented in Iranian territory (Beemun, 2013: 196), but this hasn't inhibited the U.S. from pressuring the country in many ways. It is important to highlight that Iran, in general, has an anti-interference policy not exclusively to the United States but also to Russia and any other actor in the system because of its long tradition of subjugation that concluded with the British protectorate during the 19th century (Beemun, 2013: 197).

The Iranian rhetoric required the United States to implement policies that would stop the country from becoming a threat to international security, especially regarding nuclear issues. These included several Congress Acts, like the "*Iran-Iraq Arms Nonproliferation Act of 1992*" and the "*Iran-Libya Sanctions Act*", which forbids the assignment of merchandises or technology that could provide knowledge or materials to Iran's proliferation of advanced conventional weapons and fines any foreign and U.S. venture in Iran's energy sector surpassing \$20 million (Davenport K. , 2015: 2). These are only two examples of the several sanctions that the United States has arranged unilaterally and within the United Nations Security Council to prevent in a political and economic manner, the expansion of Iranian threat (Beemun, 2013: 199), what has left Iran isolated.

Nonetheless, the Obama Administration acknowledges the indispensable role of the Islamic Republic of Iran in the stabilization of the Middle East because of the shared interests on drug banning, natural resources management and nuclear energy (Beemun, 2013: 196). In this context, President Obama has had the challenge of breaking the precedent policy towards the "*Axis of Evil*" and establishing a more balanced policy that favors the normalization of relations between Washington and Teheran (Hoop, 2009: 6). This policy has been well received by the current President Hassan Rouhani, who wants to participate more actively in the international system (Liebich, 2015), and has been materialized through the negotiations and the deal signed on 2015 between the P5+1 and Iran that discharges the sanctions imposed, if Iran allows the IAEA to monitor the nuclear program (Davenport, 2015: 1). This first approach doesn't necessarily mean that Iran has completely changed its policy and will permit Western influence, on the contrary the several sanctions created conditions that put Iran on a vulnerable condition and created a negative motivation for the country to cooperate.

At the end of this chapter the first objective of this dissertation, which was to determine the motivations of the United States to change the strategy of sanctions and negotiate with Iran, has been achieved. First, the study of different American doctrines to grant relative security in terms of Baldwin throughout time has shown the evolution of the concept of threat to the United States. The analysis has displayed that even nowadays the nuclear foreign policy of the United States is based on deterrence. Deterrence, as a strategy is applied to both Nuclear-Weapon States and Non-Nuclear-Weapon States. These two types of

actors are important to American foreign policy. Nevertheless, since the Bush Administration, the American government has increased its attention to the latter. Specifically, the Bush Administration catalogued Iran, North Korea and Iraq -in the context of the War on Terror- as the Axis of Evil that must be defeated. The deterrence strategy extends to the Obama Administration but with a so-called "*opened hand*" policy towards Iran. The difference lies on creating international law instruments that tackle nuclear terrorism in a cooperative manner. Furthermore, this cooperation fulfills the parameters of cooperation according to neorealist theorists. Meaning that cooperation only exists when States form alliances against a common threat or when a hegemon is able to induce cooperation practices through positive or negative motivations. The alliance with the rest of the JCPOA Parties is based on eliminating the common threat of a nuclear Iran, while the United States negatively encourages Iran to cooperate.

CHAPTER II

THE MODIFICATION OF IRANIAN FOREIGN POLICY TO LEAVE ITS PARIAH STATUS

“The deal can and should herald a new era and lead to positive outcomes regarding the establishment of sustainable peace and stability in the region⁵ (Rouhani, 2015).

It is crucial for this dissertation to study the evolution of Iranian Nuclear foreign policy in order to understand the radical transformation of the Iranian government towards the United States in nuclear issues since the Rouhani Administration. Throughout the following chapter some milestones of Iranian History and significant political motivations will be emphasized -stressing on the differences between the two latest governments - in order to have a proper understanding of the motivations leading to the changes in the Nuclear foreign policy of Iran.

2.1. The Construction of Iran’s Foreign Policy Until the Ahmadinejad Administration

The fact that Iran was one of the greatest empires during the 5th and 6th centuries BC, the invasion of foreign powers (Haji-Yousefi, 2010: 18-19), the introduction of Islam as the official religion (Boroujerdi, 2005: 4), and its geographic characteristics, are just examples of the elements that have shaped a complex Iranian foreign policy (Boroujerdi, 2005: 10). Iran’s foreign policy can be understood from a defensive realist perspective since 1979, when the country begun questioning the established international status quo and its leaders (Haji-Yousefi, 2010). During the Ahmadinejad Administration the concern to keep Iran influential in the Middle East and independent –critical to the status quo- was evident. Nevertheless, it proved to have a high cost of opportunity for Iranian citizens.

⁵ Official United Nations Iranian Translation into English

2.1.1. Political Background: what the Shah and the Islamic Revolution left behind

The importance of Iran in the international community is not a result of recent American interest. On the contrary, the region has historically been of global concern. Iran stands in the center of the world economy's most essential region because the Middle East is still a stock of natural resources i.e. oil and gas (FATHOLLAH-NEJAD, 2007: 9). Additionally, Iran turns out to be an inevitable for the transport of goods because of its multiple borders with the Caspian Sea, the Sea of Oman, countries in Asia Minor, Middle East and Eurasia (Novillo, 2012), establishing Iran as an indispensable player in the world economy (Brzezinski & Gates, 2004: 11).

Even though Iran holds nearly 11% of the world's oil reserves (Brzezinski & Gates, 2004: 11), and owns the Strait of Hormuz⁶ (Addis, et al., 2010: 2), its importance doesn't limit to an economic component. Iran has great political influence in the region and the world (Centre for the Study of National Defense, 2010) because of its established connection with opposition movement in neighbor countries, religious revolution in a modern world (Brzezinski & Gates, 2004: 11), persistent incitement among Shiites, and internal instability. All these aspects together have brought Iran several supporters and adversaries around the world (Roshandel, 2011: 79-80).

In the context of a complex, unpredictable, and enormously important region to the United States, Iranian behavior has extensive consequences for the Middle East and American interests therein (Brzezinski & Gates, 2004: 10). The religious and political mentality, including the radical anti-Americanism, that the Islamic regime has inflicted are seen as irreconcilable with the contemporary organization of the international system (Roshandel, 2011: 14). Several analysts have interpreted the political alliances and hostilities in the region as a power struggle between Sunni and Shiite-ruled States (Addis, et al., 2010: 1). These elements have heavily influenced policy examinations regarding Islamic governance and jurisprudence (Brzezinski & Gates, 2004: 11) applied in Egypt, Saudi Arabia and Iran (Addis, et al., 2010: 1) and their policy-making.

⁶ A narrow chokepoint through which more than 40% of the world's traded oil transits.

The Islamic Republic of Iran, former Persia, was founded in 1935 and it continued to be ruled by a Shah⁷ until 1979 when the Islamic Revolution brought the monarchy down and rejected Western Influence. Riza Pahveli, the first Shah of Iran, was a military leader who ruled the country with a nationalist ideology. The Shah looked towards the integration of the economy by building infrastructure (Zayar, 2010: 12) and developing the oil industry that was established in 1908 across the region of the South West Khuzistan (Zayar, 2010: 12; Boroujerdi, 2005: 4). According to Zayar (2010: 12), Iranian population could be recognized as one of the largest employed in the industrial production across the Middle East because of the growing figure that represented 20.000 workers in 1920 and increased to 31.500 employees in 1940. During the Shah's regime, the governmental budget was mainly used to modernize the country, and was mostly financed by oil revenues and taxes.

This modernization was largely implemented thanks to German machinery, which posed a problem after the outburst of World War II. As a consequence of the perceived favorable positions and alignment with Germany (Katzman, 2016: 1; Novillo, 2012: 63), Great Britain and Russia decided to invade the country (Zayar, 2010: 7) in order to force the Shah to renounce the throne in favor of his son (Novillo, 2012: 63). Mohammad Reza Pahlevi, who became the last Shah of Iran (Novillo, 2012: 64), had a strong anti-communist ideology that led the United States to identify an ally in the region (Katzman, 2016: 1). This collaboration aimed to protect the Persian Gulf from direct Soviet influence and to counterweigh pro-Soviet Arab regimes by allowing the United States and its allies to use and keep troops within national infrastructure i.e. roads, buildings, ports, etc. until the end of the Cold War (Zayar, 2010: 7).

In the hope that the pressure of nationalists in the Parliament against the previously mentioned policies would reduce, the Shah chose Dr. Mohammad Mossadeq, a popular left-orientated parliamentarian, as Prime Minister in 1951 (Katzman, Iran, 2016: 1). Only two years passed, when the Prime Minister attempted to nationalize the oil industry (Fernández 1953:45 in Novillo, 2012:63), which had been managed by the Anglo-Iranian Oil Company since 1913 (Katzman, 2016: 1). Logically, the Shah opposed this decision because it jeopardized Iranian relations with the Western World. For this reason instability in

⁷ Equivalent to an Emperor in Persian Empire

the country surged up, resulting of the dismissal of the Prime Minister and the departure of the Shah because of riots led by the nationalists (Katzman, 2016: 1; Novillo, 2012: 63). In essence, the return of the Shah from his exile and restoring him to power was given by the implementation of the “*Operation Ajax*”⁸ (Katzman, 2016: 1) what clearly intensified the Shah’s alliance with the United States.

After the Shah returned to power he implemented the “*White Revolution*” -a set of economic, education and health measures- that granted moderate political and economic stability to the country until 1973 (Zayar, 2010: 10). Despite this policy, Iranian economy was still strongly reliant on oil (Katzman, 2016: 3). By 1974 when the petroleum prices quadrupled, Iranian oil revenues also increased (Zayar, 2010: 10). However, according to Zayar (2010: 10), this phenomenon was complemented with: growing inflation, enormous internal migration to metropolitan areas, resulting in lack of housing, infrastructure, utilities efficient distribution, and other conditions necessary to grant satisfactory standards of living.

The uneven living conditions -due to the foreign investment unequal diffusion- were evident in the conjunction of sophisticated and simple forms of economy and the vast distortions in the economy (Zayar, 2010: 14). The rural areas didn’t appreciate any fundamental change in their social structure because all the wealth was accumulated in a few hands in the cities (Zayar, 2010: 12). With this perception in mind, the arrival of people from the countryside to the towns increased, resulting in an influx of an average of 380.000 farmworkers moving annually to the cities by mid 1970s (Zayar, 2010: 14). The consequent fall of food production and rise of prices forced the Shah to discontinue his \$69 billion worth development program, causing general violent strikes led by the Communist Party that paralyzed the system (Zayar, 2010: 10-13), which were responded with even more violent military reactions.

The Shah’s efforts to develop the country ended up articulating his own gravediggers, because the Iranian proletariat acquired immense power. The Gross National Product (GNP) augmentation of almost 10% was portrayed in roughly three million young industrial laborers only in the oil sector by 1978 (Zayar, 2010: 34). Their strikes represented a losses of at least \$74 million per day,

⁸ The Operation Ajax was the first American undercover operation to be implemented in the so-called Third World (Novillo, 2012: 63).

and soon their complaints became a political demand to overthrow the Shah (Zayar, 2010: 34; Farzamnia, 2009: 155). The dynasty system, which had lasted approximately 2500 years, collapsed on February the 10th, 1979, with the biggest mass mobilization in Iranian history (Farzamnia, 2009: 147).

Even if it was clear that only the active participation of the working class could lead to the victory of the Revolution, the absenteeism of a leader presented itself as a main obstruction to achieve it (Zayar, 2010: 39). Ayatollah Jomeini, a fundamentalist Shiite religious and political leader, hijacked the revolution and directed it from his exile in France (Farzamnia, 2009: 155; Zayar, 2010: 68), turning Paris into the headquarters of the Shiite propaganda against the Iranian regime (Farzamnia, 2009: 157). As the only organized, unyielding, and assertive leader, Ayatollah Jomeini managed to unite nationalists, socialists, communists and religious forces (Farzamnia, 2009: 152) to finally establish a conservative theocratic State (Zayar, 2010: 68).

According to Farzamnia (2009: 161), Ayatollah Jomeini's first declarations weren't passionate. On the contrary, this exact absence of excitement and gratefulness towards the people that supported him foretold the severe, harsh and relentless regime that the Revolution was going to establish (Farzamnia, 2009: 161). The first symbol of the new Iran was approved less than a year after the Revolution, a new Constitution that established the Islamic ideals (Novillo, 2012: 64) through the concept of "*velayat-e-faqih*"⁹ (Katzman, 2016: 1) that shifted the foreign policy radically under the influence of religious ideas. The Khomeini regime had little control over the Iranian population at first. The violent environment and easy access to conventional weapons lead to situations like the hostage crisis in the American Embassy (Farzamnia, 2009: 163 – 164), causing the rupture of diplomatic relations with the United States (Novillo, 2012: 64), and thereby defying the customary order and antagonizing the status quo (Arghavani, 2013: 82).

The Islamic Revolution is certainly a crucial event that left a mark on Iranian social, political, economic, and predominantly foreign policy dynamics (Mohammad, 2011: 279; Haji-Yousefi, 2010). Iranian foreign and security policies have been subjugated to a set of revolutionary values and rhetoric (Mohammad,

⁹ Concept used to refer a regime ruled by a "Supreme Leader" according to an Islamic jurisprudence.

2011: 279) that are specified in Article 3 of the Constitution of the Islamic Republic of Iran (1979). These principles include “*prevention of the foreigners’ domination*”, “*the complete elimination of imperialism and the prevention of foreign influence*”, “*all round strengthening of the foundations of national defense [...] for the sake of safeguarding the independence, territorial integrity, and the Islamic order of the country*”, and “*framing the foreign policy of the country on the basis of Islamic criteria [...]*”. These principles clearly demonstrate Iran’s will to keep itself inaccessible from international influence (Haji-Yousefi, 2010).

2.1.2. Decision-making structure and internal actors of Iran’s Foreign Policy

Internal structures and their actors play strategic roles on the mechanisms used to create foreign policy in compliance with the principles mentioned above. These principles are the result of a unique combination of Iranian culture of pride and –according to the author- victimization, embedded in individual feelings of the decision-makers (Ramazani, 2009: 11). The structures within Iran are not an exception to this blend because it conceals parallel lines of religion and parliamentary democracy (Maleki, 2012). The foreign policy, has acted according to these religious principles but it has been characterized as provocative, agitating, subversive and sometimes terrorist by the international community, especially after the Islamic Revolution (Ramazani, 2009: 13).

Even if Iran recognizes itself as a democratic Republic (Dastjani, 2016), and has a democratic elected President and Parliament (Boer, 2009: 36), according to Boer, Linz and Rakel, the Iranian political system qualifies as a non-democratic regime because the religious branch dominates the making of foreign policy proposals, approve the fitness of all candidates running for any popular voting positions (Boer, 2009: 35), and other attributions that award more power to the clerical branch, which will be explained in the forth coming pages.

In this sense, the policy making in foreign affairs brings together the most important administrative bodies of both the government and the religious branches (Maleki, 2012), and reformists and conservatives (Salehzadeh, 2013) as actors in the political scene. The bodies responsible of policy making are: the Supreme Leader, the President, the Head of the Expediency Council, and the Foreign Minister (Maleki, 2012). Each office will be described.

According to the Constitution of 1979, the Supreme Leader incarnates all authority and power in the State (Dastjani, 2016). Besides commanding the Armed Forces, the Supreme Leader establishes the guidelines of general policy making in Iran (Boer, 2009: 35). Consequently, the Supreme Leader's final word accepting or rejecting is decisive for every foreign policy initiative (Maleki, 2012). Following, the second most powerful office is held by the President (Rakel, 2008: 56) as part of the customary Republican governmental branches. Contrary to the Supreme leader, the President is elected by popular suffrage (Boroujerdi, 2005: 20) and this office is not responsible for the foreign policy decision (Rakel, 2008: 56 in Boer, 2009:38) because the executive power is somehow shared with the Supreme Leader (Boroujerdi, 2005: 20).

The Expediency Council, which belongs to the third most powerful institution in Iran, is the religious supervisory foundation (Boer, 2009: 35). All three religious supervisory bodies have as common aim to safeguard the implementation of Islamic principles in all public activities that take place in the Islamic Republic (Boer, 2009: 35). The Expediency Council is appointed by the Supreme Leader and has the precise mandate of arbitration and mediation between the majlis¹⁰ and the Guardian Council over suitability of laws with the Islamic law (Moslem, 2002: 32; Rakel, 2008: 54 in Boer, 2009: 36). Finally, the Ministry of Foreign Affairs is –on paper- the office in charge of all issues related to international relations. However, because of the constant overlapping of activities between different bodies within the State, the Minister is almost exclusively the Iranian delegate to the United Nations (International Campaign for Human Rights in Iran, 2013).

Having a clear view of the offices involved in foreign policy decision in Iran it is not enough to understand the Iranian decision-making processes, because they are greatly manipulated by personal relations, also known as informal structures of power (Boer, 2009: 40) that haven't yet been described. Decision-making processes in Iran result from a complicated, multi-dimensional interaction of governmental and non-governmental partakers. Several issues such as family ties, personal relationships, overlapping of authority, and religiously influenced politics (Byman, et al., 2001: 21-22) contribute to conflicting goals (Maleki, 2012)

¹⁰ Members of the Parliament

and difficulty to identify decision-makers (Byman, et al., 2001:21-22). Because people are frequently tempted to skip regular bureaucracy to achieve consensus (Byman, et al., 2001: 23), personal networks are considered even more important than institutional power (Byman, et al., 2001: 25).

As general guideline, Iranian foreign policy has four groups of countries that are considered a priority, these are: countries that share borders with Iran, Muslim States, the so-called Third World and others that supply resources to Iran (Maleki, 2012). Nuclear issues are not the exception to this canon. In fact the nuclear program, as centerpiece of nuclear policies in these dynamics, plays a key role to determine the Iranian position within the international system. Throughout the years after the Islamic Revolution, the nuclear matter turned out to be a controversial issue until 2005 when all actors agreed that the costs couldn't match the benefits of developing a nuclear program (Chubin, 2015).

In 2002, Iran faced a crucial moment that determined its relation in nuclear matters with the entire world. The disclosure about its undeclared nuclear enrichment facility in Natanz led the Khatami Administration to an uncomfortable situation because of negotiations with the United States and certain European countries to invest in nuclear power plants (Brzezinski & Gates, 2004). The government and the Supreme National Security Council agreed to meet international requests as an ineffective attempt to avoid worsening the incident (Chubin, 2015). As a result, the entire relationships between Iran and the West broke apart out of distrust (Dastjani, 2016).

2.1.3. Ahmadinejad's severe speech against the Western World

In the following section the victory of Mahmoud Ahmadinejad in 2005 will be analyzed by taking for granted that his triumph was given, almost entirely, by his charismatic personality and his almost personal rivalry with the international community (Farzamnia, 2009: 223). Additionally, the provocative policy against the United States and Israel will be analyzed in depth. On the contrary, the support to groups such as Hezbollah and Hamas (Haji-Yousefi, 2010: 16) will be approached in the next sub-chapter.

The elections of 2005 were decisive for Iranian foreign policy, with Mahmoud Ahmadinejad's victory (Arghavani, 2013: 83). The personal

characteristics of President Ahmadinejad helped to shape the Iranian foreign policy in actions and speech (Haji-Yousefi, 2010: 16). As an active revolutionary, Ahmadinejad personified a leader mainly for low class people based on his distrust of the Western countries (Haji-Yousefi, 2010: 17). Ahmadinejad's imprudent rhetoric about international injustice and hate speech against the existence of Israel (Ramazani, 2009: 13 in Boer, 2009: 41) and Iranian policy of ignoring prohibitions to enrich uranium established by the IAEA (Novillo, 2012: 68) contributed to a hostile relation with the international community and isolated Iran from the international community. Thus, the Ahmadinejad Administration, through its policies, created a suspicious environment about the real intentions of the Iranian Nuclear Program.

It is important to highlight that the nuclear program didn't start in 2005 with Ahmadinejad, nor is the result of the Islamic Revolution of 1979. On the contrary, the Nuclear Program begun during the Shah's regime (Novillo, 2012: 64) and it was not questioned until Iran changed its ideology to contest the American leadership in the international community (Dastjani, 2016). Moreover, the situation worsened when President Ahmadinejad announced a proposal to wipe off Israel from the map and refused to recognize the existence of the Holocaust in 2006 (Gharibabadi, 2009; Haji-Yousefi, 2010: 12). These declarations framed Iran as number one threat to Israeli and international security because they showed direct confrontation with the Western World. These Iranian motivations to develop nuclear weapons brought drastic opposition, which was materialized into the several urgent sessions the IAEA held, and the various resolutions the United Nations Security Council established to sanction all Iranian nuclear activity (IAEA News Center, February 2006).

The applied sanctions proved Ahmadinejad that even if Iranian relations with China and the Russian Federation were close, none of these countries would sacrifice their monopoly of nuclear weapons to let Iran continue its nuclear activities, even within the NPT framework (Haji-Yousefi, 2010: 10). Instead they both supported American initiatives to apply unilateral and multilateral sanctions to the Islamic country, resulting in an even more aggressive Iranian discourse.

The Iranian foreign policy during this period was mainly aimed to balance power against the United States within the region (Haji-Yousefi, 2010: 13). The strategy was executed through the support given to Hezbollah, Syria,

rebel groups in Afghanistan and Iraq (Gharibabadi, 2009). Simultaneously, the nuclear development worked as a means to denote progress, sense of distinctiveness, and raising respect in comparison with other States (Clarke, 2013: 495). The Chinese and Russian presence in the region encouraged Iran to implement this policy (Haji-Yousefi, 2010: 13). Consequently, American hegemony was challenged by Iran playing an important part in shaping global developments, as a destabilizing actor in the surrounding region (Sharma, 2013).

According to a former deputy of Iranian foreign Minister in Ahmadinejad first cabinet and professor of international relations at Tehran University, Iran shaped the world into “*domination*” and “*anti-domination*” inverted mirror dynamic (Haji-Yousefi, 2010: 7). This phenomenon can also be enclosed in the use of a dual-speech by the regime: “*the discourse of independence and the discourse of resistance*”, both that provided meaning to Iran’s nuclear policy during Ahmadinejad’s regime (Clark, 2003: 498). By emphasizing the peaceful use of nuclear energy, Iran victimized itself towards the eyes of other Middle Eastern countries that felt the American presence as alien. But at the same time, Ahmadinejad’s committed to the nuclear program can be understood as a result of the dichotomy of a long-lasting sense of susceptibility to both local and global enemies, a permanent feeling of nationwide degradation by external powers, and the prevailing confidence in the superiority of Persian society (Clarke, 2013: 493). These two examples demonstrate the dual-speech and inverted mirror concepts, which were mentioned before. Additionally, the Iranian government explained its incapacity to develop nuclear weapons due to Islamic religious principles but these declarations were not coherent with the aggressive speech and dangerous alliances that Iran had at the moment, like Hamas and Hezbollah (Chatham House, 2006; Haji-Yousefi, 2010: 9).

By this period, the foreign policy of Iran could be summarized into developing relations with the nearby States, undermining the emerging concerns regarding its nuclear activities, opposing allegations based on Iranian hegemony within the region, and finally reaching an asymmetrical balance against the United States through coalitions with the Syria, for example (Haji-Yousefi, 2010: 11). All which resulted threatening to the international security and encouraged even harder sanctions to the Islamic Republic of Iran. The Iranian nuclear program -in this case- exemplifies Waltz’ defensive realist phenomenon. Nuclear development contributes to boosting Iranian power in the system –by increasing

the effectiveness of self-help operations— but such pursue is heavily punished by the system (Clarke, 2013: 498).

2.2. Foreign Policy During the Rouhani Administration

Hassan Rouhani's surprising victory in the Presidential elections of 2013 brought expectations of a drastic change on Iran's foreign policy (International Campaign for Human Rights in Iran, 2013). Rouhani's campaign promises portrayed a new approach to the international community, one that differs dramatically from the one established by Mahmoud Ahmadinejad (Coville, 2013) in terms of a cooperative approach to the economic, political and nuclear matters with the Western World (International Crisis Group, 2013: 9) However, Rouhani's tactic to re-integrate Iran to the international community responds to the need of mending the social unrest caused by the destructive impact on living conditions that the isolation brought to the country (Sharma, 2013). The signing of the Joint Comprehensive Plan of Action (JCPOA) implies the cease of Iran as a pariah State in the international community at a high cost for traditional Iranian policy-makers. This is why the following sections will attempt to explain why Iran couldn't afford to be a pariah State any longer.

2.2.1. Iranian Context for the Victory of Hassan Rouhani

Iranian population is active when it comes to elections. Iranian streets were filled with protestors demanding to know what had happened to their votes after Mahmoud Ahmadinejad was reelected in 2009, and were also crowded in 2013 to celebrate Hassan Rouhani's victory (Maloney, 2013). This outcome appears to be the result of a political growth within Iranian population that looked for a new balance between all parties in the political arena (Coville, 2013), a complete opposition to the Ahmadinejad's regime.

Rouhani has a large political background, as part of the centrist cleric party since the revolution (Maloney, 2013) and holding different offices related to security, nuclear development, and diplomacy for more than forty years (Flichy, 2013) he positioned himself as the only capable of reforming and reopening Iranian relations to the world (Maloney, 2013). Nevertheless, his main advantage was the bitter discontent of the Iranian population (Maloney, 2013), as the result of eight years of poor use of diplomacy. The precedent Administration led to deep

tensions in economic, political, social and international issues (Coville, 2013), witnessed by the population through the austerity measures, the vast damage to basic Human Rights, and the increasing inflation (Maloney, 2013).

According to the Iranian Central Bank, the inflation growth by 2013 was around 54,1%, which raised prices in food nearly 64,7% (Coville, 2013). Clearly, the Iranian Economy was facing a never-seen before crisis that was worsened by the international sanctions and directly promoting social conflicts inside the territory (Kian, 2014). In this context, the population wanted to see an improvement of the economic situation to avoid the on going impoverishment of the lower social classes, which was only achievable through the lift of international economic sanctions (Coville, 2013). This internal socio- economic context in addition to the regional and international situation was unfavorable to the Islamic Republic but extremely useful to Rouhani, who promised to take the Iranian leadership and seek a way to end international sanctions and isolation without losing face (Kian, 2014). Iran's population expected more rational and less politicized management of economic issues (Coville, 2013), and this moderation was embodied in President Rouhani (Kian, 2014).

Rouhani's image wasn't build on one day. On the contrary it is the result of almost twenty years of work at the country's highest national security body, the Supreme National Security Council, as part of the Expediency Council's research branch, and a variety of governmental offices including the parliamentary branch (Ditto , 2013: 1; Shanahan, 2015). Hassan Rouhani -as a man who started his religious studies at a very young age, studied Judicial Law and obtained a doctorate in 1999- personifies a complete different background as that of Ahmadinejad (Funke, 2013). Even if they both can be closely related to the revolution, Rouhani is more of an ideologue who turned into politician and academic (Ditto , 2013), making out of Rouhani a regime insider (Shanahan, 2015) rather than a beneficiary from it.

In his position, Rouhani is concerned with resolving the nuclear issue, strengthening the economy, ending Iran's isolation from the international community with a sophisticated set of strategies (Shanahan, 2015) that face challenges such as modernity, globalization, civil liberties while reconciling his identity as a Muslim and part of a theocratic regime (Ditto, 2013). Despite his vast experience, Hassan Rouhani became widely known mostly because he was

chosen to be the chief negotiator on Iran's nuclear program (Ditto, 2013: 1; Funke, 2013). Nevertheless, this exact experience makes the current President realize the importance of resolving the nuclear issue to witness the end of Iranian economic isolation (Shanahan, 2015), which reflects the requests of the vast majority of Iranian population for the conciliation of the political field to improve their living conditions and right for peace (Kian, 2014).

Regardless of his experience and recognition, Rouhani appeared among the least likely to win among the eight candidates that the Guardian Council authorized to run for office (International Crisis Group, 2013). At first shine, his direct criticism to previous Administrations, especially on the nuclear issue, didn't portray him as an imminent victor (International Crisis Group, 2013). Nevertheless, he continued to address Iranians' worries and arising their expectations (Funke, 2013) by telling his supporters that his promises of a peaceful, prosperous and dignifying lifestyle would be noticeable within a year (Funke, 2013). These promises raised expectations both, within Iran, and the international community to begin a process of normalizing relations with other countries in the Middle Eastern region and the world (Rizvi, 2014).

2.2.2. Hassan Rouhani's Campaign Promises

As explained before, Hassan Rouhani's win was mainly given because of the Iranian expectation of change. During his campaign Rouhani spoke about "*the rights of people*" cataloged in Article 20 of the Iranian Constitution, which include political, social, cultural and other human rights in compliance with Islam, but until the present day not all promises have been fulfilled (International Campaign for Human Rights in Iran, 2013). Rouhani has been characterized as a pragmatist (Przeczek, 2013: 69-70). In that context, the campaign promises that have been accomplished are strongly related to create a proactive foreign policy that looks cooperative and open to establish relations with the West (Przeczek, 2013: 69-70).

While the Iranian population still hopes for guarantees to defend the rights of women (International Campaign for Human Rights in Iran, 2013), other promises, such as the new economic policies have already been executed. Since the beginning of this Administration, unemployment –especially among the youngest population- has been a priority, and Rouhani has focused himself on a

private investment approach (Chantam House, 2013) that can only be carried out through foreign investment. This strategy has been useful but not determining to end recession, decreasing unemployment or reforming the exchange market (Rouhani Meter, 2015).

Before Hassan Rouhani, Iranian policies -especially foreign policy - had been wrapped in a strict anti-Imperialist, Islamic, system challenging dogma masked in revolution that is actually managed by a rigid elite (Sadjadpour & Ben-Taleblu, 2015: 5-6) that owns 1/3 of the country's wealth (Clemens, 2014: 53-54). Thereby, leaving Iranian population isolated in economic privation and political insecurity (Sadjadpour & Ben-Taleblu, 2015: 1). Between 2012 and 2013, rising prices (inflation rate of 27%), high unemployment levels (nearly a quarter of Iranian young people were unemployed) and high rates of inflation were typical conditions in Iranian daily life (Clemens, 2014: 53-54). Even though Iranian population wishes to be flourishing and comprehensively incorporated in the international community (Sadjadpour & Ben-Taleblu, 2015: 5-6), sanctions have contributed to create unpromising conditions for Iranian society that are evident in different indicators. As in many other pariah States –like North Korea– life expectancy rate in Iran is approximately 70 years, which is abnormally lower than those in neighboring States (Clemens, 2014: 53-54). This information is supported through a report of the Global Research that outlines the '*destructive impact*' of international sanctions on Iran's healthcare system, especially due to the shortage and rising prices of medications (Sharma, 2013). These singularities can be explained by the international sanctions to the private sector to Iran, that lead to an inefficient economy in terms of lack of free market. This situation only worsened by markers such as the high infant mortality rates as high as 60 per 1000, and ¼ of adult illiteracy (Clemens, 2014: 53-54).

In order to find a way out of the described situation, Rouhani saw the need of changing the Iranian approach towards the Western World. In first place he presented himself as a peaceful leader, heralding the new era of moderation and justice in Iran, as the only one able to combine the ideological precepts of the State with the real needs of the population (Sharma, 2013). In this manner, Rouhani shows himself as a rescuer of the Islamic Republic of Iran towards the international community by looking for possible solutions to the nuclear situation in recognition of the importance of this issue to re-integrate Iran to the international community (International Crisis Group, 2013: 9).

This context brings Hassan Rouhani to power in 2013. As President of the Islamic Republic of Iran, he promised to resolve the situation that the Ahmadinejad nuclear policy brought to the country within six months (Kasra, 2015). Although it has taken him more than two years, agreements between the P5 + 1¹¹ and Iran were signed in June 2015 (Iranian Diplomacy, 2015), which promises to be the start of an economic upturn for Iran in order to counterbalance the sanctions that have cost the country almost 160 billion dollars a year in oil exports and more than 100 billion dollars of frozen assets in foreign banks (BBC News, 2015).

2.2.3. Conciliation with the Western World

Hassan-Yari (2013), Sharma (2013) and Katzman (2016) State that Rouhani's strategy has a direct and positive impact at the international level. A more sophisticated political and diplomatic language shows that Iran looks for constructive engagement and urges the West to respond properly to a mutually beneficial cooperation (Sharma, 2013). In summary, there is no incentive to continue sanctioning Iran when it shows itself flexible and moderate in its perspectives (Sharma, 2013).

However, it is suitable to explain the concept of Pariah State in the first place to understand the reasons why the Iranian community couldn't afford conserving this status by 2015 before the conciliation issue is tackled. According to Harkarvy's (1981: 2) "*pariahhood*" is a premise related to the nonexistence or deficiency of obedience to international conventions, which consequently leads to global "*ostracization*" (Lawal, 2012: 232). The concept given by Harkarvy opportunely implies that power alliances determine if a State is Pariah or not, which empowers this same structure to compensate or punish States according to their wishes and impulses (Lawal, 2012: 229). Consequently, one can infer that Pariah status is a biased categorization. The categorization of Pariah State not only isolates a country, but the international community also deeply questions the aptness of its leaders, its legitimacy, its policies and its ideology (Lawal, 2012: 229). Nevertheless Lawal (2012: 238) asserts that one situation specifically has been recognized as an objective criterion to recognize a Pariah State, illegal

¹¹ The P5 is the group of countries with veto power at the United Nations Security Council (United States, China, France, United Kingdom and Russian Federation); the +1 refers to Germany in this context.

acquisition of nuclear weapons. In the context of the Non-Proliferation Treaty, new contenders of nuclear expertise are isolated from the international community as a response to the inattention to the nuclear monopoly (Lawal, 2012: 238).

According to the same author, even though the terms "*rogue State*" and "*Pariah State*" are nowadays swapped in the speech, there is a great difference between these two concepts that is worth mentioning to understand the Iranian situation. A rogue State -correctly said- denotes leadership of an unreasonable, corrupt, dishonest, problematic, and malicious State. Hence, the two notions aren't mutually exclusive but this doesn't mean they are always linked together.

Iran, in the structure of the international community, is a State that has many capabilities such as natural resources and geostrategic location, which according to structural realism would give the State power within the system. Nevertheless, this country has little decision-making power in the dynamics of the system because it has been identified as a rouge State by the hegemonic powers in the structure. Additionally, the United States, Britain and France have designated Iran as a Pariah State because of its relentless determination to acquire nuclear arsenal (Lawal, 2012: 232). Iran is both a rogue and a Pariah State because it is powerful and disregards the international regime based on the Nuclear Non-Proliferation Treaty, of which Iran is part.

Since the nuclear issue is so important to Iran, Western negative reaction towards the reformist agenda would have incited Iran to have a more obstinated and isolated policy (Sharma, 2013). Consequently, the Western powers took advantage of the situation and managed to open opportunities for commercial agreements (Hamidi, 2013) in order to reintegrate Iran in the international community.

This openness is clearly present in the framework of Iranian nuclear agenda through the Lausanne negotiations and finally drafting the JCPOA (Bazoobandi, 2014). Even if it didn't change its negotiation style with the new Administration combining a variety of tactics that include: assessment, probing, delaying, exaggerating, and counter-threatening when endangered (Ramazani, 2009); the implications of the JCPOA are beneficial for both parties

(Beheshtipour, 2016). President Rouhani, describes his nuclear policy as constructive, meaning, balancing between ideas and chances, selecting proper discourse, sidestepping a role of differentiating itself from other regional actors, reassuring international cooperation, evading acts that make Iran look as a security hazard to other, and joining into the global economy (Bazoobandi, 2014), in this way the JCPOA helps both sides to find a shared line without eluding their main interests and reaching a pact which is actually plausible (Beheshtipour, 2016).

After Rouhani's announcement that he wanted to change methods, end unnecessary aggressive speech, and to be transparent; his image as an experienced negotiator, project initiator, and a credible interlocutor (Makinsky, 2013) gave the Western powers no reason to question the Iranian leader true intentions. Nevertheless, he has also stated clearly that he will insist on continuing the country's nuclear program, on recognition of its "*inalienable right to enrichment*" (International Crisis Group, 2013), which was kept until the end of the JCPOA negotiations. The pragmatism that characterizes him led the Iranian delegation to agree limitations to the uranium enrichment, along with the verification mechanisms, that are crucial in preventing Iran from building a nuclear weapon (Hamidi, 2013).

When Lawal (2012: 234) analyzes political power, he highlights the influence of international economic relations as a technique to determine the influence of a country in the system. As complicated as they are, economic relations are given by the influence of trade, monetary policies, global interdependence and international economic institutions in the political structures of each country (Spero, 1985 p. 263 in Lawal, 2012: 234). Since international relations are a fundamental source of power according to neorealist theory, economic sanctions have been identified as a means to grant compliance or isolate States in the system through international institutions. (Lawal, 2012: 235-236). This has been the case for Iran that has faced a Jekyll and Hyde situation because it is sanctioned as a State but the real victims are the citizens in the country. The risk of civil insurgence because of the life conditions in the country and the economic crisis caused by the sanctions were the motivations that lead Iranian politicians to commit to the JCPOA negotiations and signature (Dastjani, 2016).

2.3. External Factors Influencing Iranian Foreign Policy

Even if Iran's policy-making is almost completely concentrated in the Supreme Leader and extremely individual-centered, foreign policy is still influenced by external dynamics that build the reality Iran faced during the period of study, and are heavily rooted in history. For this reason the following section is dedicated to describe some of most important external actors of the Iranian foreign policy and their reactions to the JCPOA adoption.

2.3.1. Iranian-Israeli Relations

Since Israel was first funded as a State until the Iranian Islamic Revolution, between 1948 and 1979, both countries shared good relations (Addis, et al., 2010: 39). The relation was relatively normal (Katzman, 2015: 15), to the point that de facto embassies (Dassa, et al., 2011: 11) were held in each other's capitals, and had wide-ranging network of collaboration ties (Katzman, 2015: 15). However, the military, economic, and intelligence cooperation implied during this period was based on shared geopolitical interests and suspicions like the Pan-Arabism and Soviet threats (Dassa, et al., 2011: 9).

During the 1950's and the 1960's, Israel provided the Islamic Republic of Iran with arsenal and training for its scandalous intelligence group, SAVAK, while Iran sold oil at reasonable prices to Israel in comparison to other providers in the Gulf region (Addis, et al., 2010: 39). This strategy was mainly motivated by rationale collaboration against the common threat of Pan-Arabism led by Gamal Abdel Nasser, which forced Iran and Israel, along with other non-Arab States like Turkey and Ethiopia to look for a counterbalance in the region (Dassa, et al., 2011: 10).

Several other issues were addressed by Iran and Israel during the Shah's regime. For example, the support to Iraqi-Kurds against the central Iraqi government by the 1960s showed evidence of realist motivations to collaborate between Mossad¹² and SAVAK to support Kurds in their battle (Dassa, et al, 2011: 11) against a common regional threat (Dassa, et al, 2011: 1). This strategy aimed to draw Iran closer to the United States, thanks to strong ties with Israel,

¹² The national intelligence agency of Israel: Institute for Intelligence and Special Operations

until the Islamic Revolution (Dassa, et al, 2011: 11) when Iran was seen as an ideological threat to Israel (Addis, et al., 2010: 39).

On the one hand, one might say that confrontation between Israel and Iran is by all means avoidable since they lack border conflicts (Addis, et al., 2010: 39), nor do they strive economically (Dassa, et al., 2011: x), and they differ zones of interest, the Levant and the Persian Gulf respectively (Dassa, Nader, & Roshan, 2011: 1). On the other hand, Iranian military support and financing to Hezbollah (Addis, et al., 2010: 39) offers a mistrustful image that can make the conflict escalate based on a threat to Israeli existence as a State. Therefore, the relations between these two countries can be easily understood from the neorealist point of view, as they were once allied against a common enemy but now they are confronted due to an atomic hazard to the existence of one actor.

In spite of the strong anti-Semitic speech, during the years after the Revolution, some Iranian Presidents -i.e. Rafsanjani and Khatami- made efforts to pursue pragmatic policies to cooperate with Israel (Dassa, et al., 2011: x). As a consequence of these efforts, rational relations through economic, social and political cooperation between both countries (Dassa, et al., 2011: x) prolonged until the 1980s (Dassa, Nader, & Roshan, 2011: 9). Nevertheless, these attempts to lessen Iranian isolation were developed in a much more restricted manner in comparison to the Shah's regime (Dassa, Nader, & Roshan, 2011: 9)

The strengthening tension of the Arab-Israeli conflict led Iranian authorities to support Palestinians by Islamizing the Arab and gave Iran a way to get over the legacy of the former close cooperation with Israel and therefore with the Western World (Ehteshami, 2002: 298; Dassa, et al., 2011: x). Although Iran could set aside its relation with Israel to perform a new foreign policy in the region the cost was a new Arab identity within the region, which was not broadly accepted by the Iranian population (Ehteshami, 2002: 298). As was the case in 1987, when Iran maintained relations with Algeria, Turkey and Pakistan –Arab populated States- during to counterbalance Iraq, Kuwait, Saudi Arabia, Sudan, Egypt, and Israel. Jordan. Morocco, Tunisia. North Yemen, and Afghanistan (Ehteshami, 2002: 297).

Under the Administration of President Mahmoud Ahmadinejad, the perceived ideological threat intensified to a point only seen at the time of the

Islamic Revolution (Dassa, et al., 2011: xi). The severe anti-Semite speech escalated to the point in which Ahmadinejad called for Israel to be erased from the map; Israeli leaders suspiciousness regarding the Iranian possession of nuclear weapons arose (Addis, et al., 2010: 41). In this context, Iran framed Israel as its geopolitical and military rival (Dassa, et al., 2011: 3). Nevertheless, it is considered that Israeli-Iranian cooperation was developed to confront the Iranian ambitions threatening Israeli security and existence during between 1980 and 1990 (Addis, et al., 2010: 41).

This dynamic resulted in a mutual deterrence between Israel and Iran, in which each country developed a military and industrial strategy to shape a perception of domination over regional allies (Dassa, et al., 2011: 3). Both leaders constantly used repellant speeches against the other to show the imminent existential threat that the nuclear weapons represent for each other in case of using them (Addis, et al., 2010: 39). In this scenario Israel counts with the advantage of sharing close relations with the Western World and therefore having strong leverage to impose sanctions to Iran and its nuclear program, while avoiding any penalties or consequences for presumably possessing nuclear weapons and not being part of the Nuclear Non-Proliferation Treaty (Katzman, 2015: 15).

The unexpected victory of Hassan Rouhani as President in 2013 didn't represent a dramatic change in Iranian approach to Israel. The countries still lack of economic affairs (Addis, et al., 2010: 41) largely because Iran continues not to recognize Israel as a sovereign State (Chantam House, 2013: 9). Even if it was implausible for Rouhani to adopt a similar rhetoric to Ahmadinejad's, the current regime has adopted a model to avoid antagonizing Israel, but still not establishing any relations with it (Chantam House, 2013: 9). In this manner, Iran's antagonism to Israel keeps backing the Israeli leaders declarations (Katzman, 2015: 15) that it would be a "*historic mistake*" to lift economic sanctions for Iran (Sharma, 2013) because it represents an existential threat due to nuclear development and support for insurgent armed forces (Katzman, 2015: 15).

Finally, this tension between both countries can't be described as a sustainable deterrence because an increase of the scenarios in which Iran could develop nuclear weapons means that Israel can choose to act in a preemptive manner, leading to the escalation of the crisis to an explicit confrontation of

asymmetrical parties (Dassa, et al., 2011: ix) due to the lack of diplomatic relations, civilian control or emergency communication means (Dassa, et al., 2011: 4). Clearly, the recently signed JCPOA is not a tool that will ease the relation between the two countries since Prime Minister Netanyahu alerted the international community of the global problem that Iran represents (Addis, et al., 2010: 40). Nevertheless, the United States is in a position of dominance over Israel too, which means that any decision that Iran makes must be carefully calculated. Iranian retaliation in case of Israeli preemptive action may lead to the obstruction of oil shipments going through the Straits of Hormuz (Addis, et al., 2010: 41). In this case Waltz' explains that the Western powers would rather have a verifiable commitment with Iran to solve the security dilemma than to satisfy Israeli suggested constraints (Waltz, 2012: 3)

2.3.2. Iranian Relations with other States in the Region

It is important to understand Iran's relations with other States because - as described in the precedent sections- no other country in the Middle East has the combination of large dimensions, geo-strategic position, enormous and well-informed population, long history and immeasurable natural resources; being Saudi Arabia the only comparable country in the region (Sadjadpour & Ben-Taleblu, 2015: 1). Given these conditions most of Iran's neighboring States face a struggle when it comes to establish their relations with the country. Prioritizing possible profit to compensate security distresses is a common strategy in the Middle East (Addis, et al., 2010: 2). Nevertheless, Middle Eastern States have identified ambition of regional dominance in Iran, no matter who rules the country (Sadjadpour & Ben-Taleblu, 2015: 1).

This perception is rooted in a long-term hostility between Sunni and Shiite Islam existing in the region (Kuwait Times, 2016). Since Shiites represent a small proportion of the mostly Sunni Muslim population in the region (Sadjadpour & Ben-Taleblu, 2015: 5), it is the center of a sectarian tension in the region to limit the power yielded to a Shiite majoritarian State, as is the case of Iran (Sadjadpour & Ben-Taleblu, 2015: 5; Kuwait Times, 2016). Consequently, the Iranian nuclear program –as means to acquire power in the realist paradigm- is a key issue in the region (Addis, et al., 2010: 2). All of Iran's neighbors share the view that a nuclear Iran is undesirable because it may lead to an arms race that

complicates the relations between States inside and outside the region (Addis, et al., 2010: 4).

Almost all of Iran's neighbors share the primary concern that uncertainty over Iran's nuclear program could lead to a regional arms race or war that could spill over into their territories, complicate their relationships with the United States, and/or badly damage their economies (Addis, et al., 2010: 2). While almost all of Iran's neighbors share the view that a nuclear Iran is not desirable - especially if its development leads to a regional arms race or military conflict - almost none is willing to publicly challenge Iran on the issue because of their economic dependence on or relationships with Iran (Addis, et al., 2010: 2).

In this religiously influenced context, the Islamic Republic of Iran has practically no real allies in the region other than Syria and Iraq (Sadjadpour & Ben-Taleblu, 2015: 3). Other countries with which Iran currently cooperates are Lebanon and Yemen (Kuwait Times, 2016). All these States have unstable governments, are filled with civil discord (Sadjadpour & Ben-Taleblu, 2015: 2), and face a de-facto division (Kuwait Times, 2016). These conditions help Iran to establish itself a pivotal State capable of influencing its allies.

It is said that Iran uses mainly four strategies to expand its influence area. These strategies include: the creation of non-State actors and militant groups in other countries, manipulation of Shiite population, promoting rage against the Western World, and influencing voting processes to warrant its supporters in power (Sadjadpour & Ben-Taleblu, 2015: 2); all these have been corroborated in the previously mentioned States. For example, after the fall of Saddam Hussein in Iraq, Iran helped to stabilize the country while backing up the factional conflict of Islam fractions (Katzman, 2016: 41).

Regarding Iran's association with non-State actors the U.S. Department Country Reports on Terrorism highlights the support to Lebanese Hezbollah, Hamas, Iraqi paramilitary, Taliban troops in Afghanistan, and Palestinian radicals (Addis, et al., 2010: 3). In this case, alliances with these groups mean both, expansion of the area of influence and opposition to Israel and the western powers. However, these relations aren't static; they are equally fragile as any other, and are heavily religiously influenced. According to an analyst of the Congressional Research Service (2016) for example, since 2012 Iran and Hamas

have had divergent views on the current Syrian conflict based on the regime's lack of action against Sunni rebels in the country. These divergent opinions have originated a fracture in the association that has downgraded Iranian sponsorship to the terrorist group (Katzman, 2016: 16).

According to the U.S. State Department Country Reports on Terrorism, Iran supports an array of U.S.-designated terrorist organizations and militant groups, including Lebanese Hezbollah, Hamas, Palestinian terrorist groups, Iraqi militants, and Taliban fighters in Afghanistan. By creating internal divisions, exploiting existing political and sectarian discord in places like the Palestinian territories and Lebanon, and maintaining a Hezbollah's proxy military presence on Israel's northern border, Iran can perpetuate conflict without directly involving its own troops while using continued Arab-Israeli strife to justify its own militant, revolutionary rhetoric at home to shore up domestic support (Addis, et al., 2010: 3). A clear example of this strategy is available when analyzing Hezbollah's major part in decision-making and control in Lebanon, where the group has developed acts of terrorism and armed action to back Iran and their own interests up on numerous occasions (Katzman, 2016: 16).

In this environment of distrust, the Gulf Cooperation Council (GCC) was created during the Iran-Iraq War to achieve unity among Arab States in the region i.e. Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, and the United Arab Emirates (Katzman, 2016: 7). Still, this objective was never totally fulfilled because members don't share similar geopolitical conditions, resources or motivations (Ottaway, 2009: 8). The only shared opinion among the Sunni members is that Shiite domination means Iranian power (Ottaway, 2009: 8), which creates an unclear and vastly dubious idea of Iranian supremacy (Ottaway, 2009: 8). This concept is especially ambiguous when taking into consideration that even within Shiites there are factions, like the Iraqi Arab Shiites and the Iranian Persian Shiites (Ottaway, 2009: 8).

Due to its lack of cohesion in its policies, the GCC has been an outsider in the negotiation process of the JCPOA (Ottaway, 2009: 19). Despite the division of the GCC members based on matters of State interests as boundaries, nautical borders, access to natural resources, and others (Ottaway, 2009: 20); the GCC could execute a significant function in the process of reintegrating Iran into the international community fulfilling Iran's expectations of the Treaty (Ottaway, 2009:

19).

As part of the GCC and equally influential as Iran in the political and religious matters, Saudi Arabia has been the dualistic counterbalance to Iranian power in the region (Addis, et al., 2010: 4). It is important to highlight this country over other members of the Council because of the religious, racial, political and geopolitical rivalry with Iran (Sadjadpour & Ben-Taleblu, 2015: 3). Despite their close work during the Cold War, as regional American allies (Addis, et al., 2010: 5), both countries understand themselves as expected heads of the larger Muslim world (Sadjadpour & Ben-Taleblu, 2015: 3). The rise of the new regime –after the Islamic Revolution- accentuated the already present antagonism between both countries (Addis, et al., 2010: 5) because Saudi Arabia desires Iran's position as pivotal State (Ottaway, 2009: 10).

Subsequently, Saudi Arabia sees Iran as an opponent, and Iran's nuclear program as a destabilizer in the region (Kuwait Times, 2016). A potential conflict can be identified (Addis, et al., 2010: 5) if the Saudi Arabian policy continues to provoke Iran; hence it creates a vicious circle of mistrust and hostility that worsens regional antagonism (Sadjadpour & Ben-Taleblu, 2015). Nevertheless, Saudi Arabia does not yet offer the other GCC members credible headship or protection to oppose Iran (Ottaway, 2009: 10). For this reason, cooperation to achieve common goals and interests like regional security could be a better strategy for Saudi Arabia to acquire power, influence and avoiding atomic danger at the same time (Kuwait Times, 2016).

It is not the purpose of this dissertation to diminish the role of other members in the GCC regarding Iran, but to highlight with these examples that the country's main allies and antagonists respond to a neorealist dynamic in which the motivation for alliance is always a common threat. However, in the end every actor wants to acquire the maximum amount of power through neorealist mechanisms, as is the case of Turkey that uses economic ties with Iran to achieve protagonism towards the United States in the dialogues with the Middle East (Delange, 2009: 16; Sadjadpour & Ben-Taleblu, 2015: 5).

2.3.3. Iranian Relations with the P5 + 1

Many expectations have risen since the signature of the JCPOA in 2015,

especially among the signatory States (Dastjani, 2016). Without the sanctions Iran can expand its oil trade, which is an important commodity for at least two of the other signatory States, and expect strong investment of circa 79 million to the country that represents revenue for the other four countries (Kuwait Times, 2016). Yet, benefits do not only exist in the form of economic revenues, this Treaty could suggest an additional regional ally in the fight against Islamic State and the termination of the civil war in Syria (Kuwait Times, 2016), although these are topics that are still a draft on the Iranian agenda (Dastjani, 2016).

United States

Several events have marked Iranian-American relations, some of which have been already mentioned as the American intercession to re-position the Shah in power after the coup d'état in the 1950's, and the discover of secret nuclear facilities in 2002. Nevertheless, the events of November 4th, 1979 heavily defied their relation. On this date, around 400 Iranian radical students took the US Embassy in Tehran and held prisoners 63 Americans for 444 days, with consent of the regime (Ballesteros, 2010: 66). Just like the American overthrow of Musaddeq was imprinted into the Iranian mentality, the hostage crisis in 1979 was engraved into the American collective consciousness (Ramazani, 2009: 12). Since then, relations between both countries have been conditioned by a reciprocal suspicion (Dastjani, 2016).

Rouhani and Obama, as newcomers into the American-Iranian relations, gave a fresh start and a sense of trustworthiness, giving the opportunity for the JCPOA negotiations to begin (Dastjani, 2016). Openness to negotiate with Iran is also easier in comparison to other rouge States -like North Korea- because of linguistic resemblance and knowledge of Iranian citizens of Western culture (Clemens, 2014: 55). The United States took advantage of these conditions to establish a new bond built upon the recognition of Iran as pivotal State that could be a positive ally to stabilize the region (Kuwait Times, 2016). Nevertheless, Obama's antagonists question the effectiveness of the deal by saying that it fails to guarantee that Iran will never obtain nuclear arsenal (Kuwait Times, 2016).

On the one hand, these suspicions have been ratified in a way. Even though Iran acknowledges the latent economic advantages that a deal means for the country, it still considers the United States its main security threat (Clemens,

2014: 55). Additionally, after the nuclear deal was signed and the hopes of wider compromise raised, the Iranian Supreme Leader made it clear that Iran still mistrusts the United States and therefore it resists a political normalization (Sadjadpour & Ben-Taleblu, 2015: 2). On the other hand, it is important to remember that the American Grand Strategy –the document that specifies the principles for American foreign policy - wouldn't allow losing control of the situation. During his speech at the United Nations General Assembly, Obama himself highlighted that the United States wouldn't have agreed on a bad deal with Iran (Obama, 2015).

Russian Federation

Relations between Russia and Iran have always had a dash of conflict, and seem to linger so (Katz, 2015). Russia – just like the United States- has represented an alien dominant nation. Since the beginning of the XIX century, a series of territorial occupation has characterized their relation. Nevertheless, since 1989 Iran and the former Soviet Union showed hints of cooperation through the conclusion of the nuclear reactor at Bushehr thanks to Soviet aid (Katz, 2015). Yet, as a secular, the Soviet Union remained an ideological abomination to the Iranian leaders.

In this century, after the dissolution of the Soviet Union and the election of Mahmoud Ahmadinejad as President, anti-Americanism positioned itself as the perfect ideological coincidence. By this time Vladimir Putin supplied uranium to Iran as a mechanism to show support for Iranian foreign policy (Katz, 2015). Since 2013, after the election of Hassan Rouhani, Iranian-Russian relations have been characterized by the normalization of diplomatic relations. At this moment, Russian relations with the West are highly deteriorated while Iran tries to approach these powers, thereby losing the ideological bond held before (Katz, 2015).

As exposed in the JCPOA, Russia and Iran aim to improve the current strategic partnership in the management of energy resources (Ballesteros, 2010: 71-72). As main exporters in the region, both countries share the interest of controlling the gas supply -allowing their influence on market prices- what is only achievable with the lifting of the international sanctions. Additionally, Russia is still the main provider of nuclear technology for civilian purposes to Iran

(Ballesteros, 2010: 71-72), which makes Russia especially concerned about the prevention of the negative use of nuclear technology in the regions of the Caucasus, Trans-Caucasus and Central Asia because it could be a threat to Russian security in the future (Waltz, 2012).

The People's Republic of China

China and Iran are the prevailing beneficiaries of a common background. Both countries share the background of lingering and powerful civilizations, what definitely conditions both their social constructions, sense of individuality, and relations with others in the system (Harold & Nader, 2012). In this manner, China and Iran coincide on their perceptions of themselves within the system, as victims of the Western powers. This perception has been perpetuated in both States through the acknowledgment of historical chronicles portraying the international system as biased and controlled by Western powers (Harold & Nader, 2012).

Iran and China came to collaborate -more profoundly on arms and energy issues- as a consequence of both countries changing its foreign and domestic policies to be more pragmatic since 1989 (Harold & Nader, 2012). Since the two countries stayed isolated by the United States and its allies in the system, China has demonstrated its loyalty to Iran by being unenthusiastic to encourage sanctions against Iran. Notwithstanding, its efforts to be independent from external influence, Iran has become deeply dependent on China at a commercial, political, and, to some degree, militarily level (Harold & Nader, 2012). It is important to highlight that the commercial factor has the most meaningful importance in their relationship, because China is the biggest purchaser of Iranian embargoed oil (Ballesteros, 2010: 73).

Finally, China has participated as a key diplomatic representative in the JCPOA negotiations because it adopted a mediator role between Iran and the United States (Garver, 2016). In the context of these negotiation rounds, Russia and China have been moderate with the requirements established to Iran permanently looking to safeguard harmonic bilateral relations (Ballesteros, 2010: 71). At the same time, China convinced the Iranian delegation of the numerous benefits that the country would receive by coming to terms with the international community about the nuclear development program (Garver, 2016).

Consequently, it can be understood that China wants to achieve recognition and influence in the Middle East as a way to expand its power at the international level.

The United Kingdom of Great Britain and Northern Ireland, the French Republic and Germany

Iran's relations with Europe in general have been hostile because of its strong relation with colonialism and domination. After the Islamic Revolution, the Iranian nuclear program has been a cause of alarm for the United Kingdom and France as the only two European countries allowed to develop nuclear weaponry in Europe according to the general legal framework on nuclear matters. Based on this threat, France and the United Kingdom have a lengthy record of unsuccessful nuclear negotiations with Iran, all of which left almost no ground for optimism (Bensch, 2015). Nevertheless, the new Iranian leaders have created the conditions for European States to find ways for Iran to develop nuclear energy for peaceful purposes in 2015 (Bensch, 2015), it is important to understand the individual performances and motivations of each State to support the deal.

Britain and Iran have maintained uneasy relations as consequence of the colonial past they share (Ballesteros, 2010). Nevertheless, certain episodes of their relation have worsened the cooperation between these two, especially after the Islamic Revolution. After the 2010 election of Prime Minister, David Cameron tried to ease affairs with Iran, which marked a historical configuration for this relation (Behraves, 2013). However, British interest to reconcile with Iran must be understood as part of a wider policy of geopolitical alliances. This was exemplified during the JCPOA negotiations when the United Kingdom suggested in a conciliatory manner the lift of financial penalties against Iran because "*a deal is on the table and it can be done*" (Behraves, 2013).

Germany is an interesting State worth mentioning because even though it shares a common background of communist rejection -as a result of the Cold War- its policy is pragmatic, which has constrained relations with Iran because of its close ties with the United States (Kiani, 2012: 140-143). Although at the beginning of the JCPOA negotiation rounds, the Iranian delegates misinterpreted German motivations and interests regarding the nuclear program because it

doesn't have nuclear weapons (Perthes, 2006). However, it was this exact condition that allowed Germany to play a more active role than the other two European countries in the negotiating group because its arguments weren't considered double standard. This European country had comparatively greater level of trust, which allowed it to provide constructive ideas for a solution. Specifically, the opening up of new suggestions in the field of energy partnership and regional security could contribute considerably (Perthes, 2006).

Finally, France and Iran have had a succession of crisis after crisis since the advent of the Islamic Revolution. The arrival of the populist Mahmoud Ahmadinejad to power in Iran in 2005, strained relations between Paris and Tehran because of Ahmadinejad's severe speech and eclectic policies (Rotivel, 2015). One event that complicated diplomatic relations the most in the last years was the Clothilde Reiss affair. The problem was that this French researcher was arrested in Isfahan in July 2009, while attending the demonstrations that followed the re-election of Mahmoud Ahmadinejad (Rotivel, 2015). Consequently, she asked the French Embassy in Tehran to help safeguard her rights, which led to 10 months of house arrest at the Embassy before being allowed to return to Paris (Rotivel, 2015). Fortunately, Hassan Rouhani has established a policy that tries conciliating the country with the rest of the world. This approach has brought a good reaction from the French Republic that has increased French investment in Iran since 2013 even though the sanctions aren't lifted yet (Le Monde, 2016).

Conclusively, one can determine that the second specific objective for this dissertation, which was to identify the reasons why Iran decided to negotiate the limits of its nuclear program with the United States, was fulfilled. The recapitulation of historical events that helped shape Iranian foreign policy was needed to characterize Iran as a pariah State before Hassan Rouhani came to power. In fact, this classification aided to identify the assets that yield power to Iran within the region, the motivations for the country to challenge the distribution of power in the international community and the cost of Iranian lust for power. As could be appreciated, Iranian ambition to acquire additional power was blocked by the international community – as Waltz explains in the defensive realist dynamic – in the form of sanctions. Obviously ratifying that until Ahmadinejad's regime, Iran could be categorized as a revolutionary State.

Moreover, the motivations for Iranian government to negotiate a deal with the United States are clear from the neorealist perspective. Since power is conditioned by the amount of resources a country has –especially economic ones- the sanctions applied to Iran largely limit its power, creating a rational incentive for Iran to quit its antagonistic behavior. Iran is therefore, a powerful actor in the international system, which is not worth confronting militarily because of the high costs that would mean the escalation of the conflict. But, it is not powerful enough to counterbalance the sanctions that the United States and the international community have established.

CHAPTER III

THE JOINT COMPREHENSIVE PLAN OF ACTION MAKING HEGEMONY PREVAIL

It is fundamental for the present dissertation to make evident the use of Public International Law as an instrument to perpetuate hegemony of the ruling powers. The following chapter will firstly present a teleological approach to the general legal framework on the nuclear matter, namely the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Secondly, a subjective analysis of Articles established in the Joint Comprehensive Plan of Action (JCPOA), using a combination of verbatim and logic methods of documentary analysis. Finally, the chapter will describe the concept of hegemony to be used for the understanding of the JCPOA as a tool of American hegemony over Iran.

3.1. General Legal Framework for Nuclear Security

From the time when the Westphalia Peace Treaty of 1648 was signed, international law has developed as an apparatus to normalize international relations (Lawal, 2012: 229). This machinery works around the consensus between States through treaties and custom (Clark, 2003: 97). The present dissertation will focus on treaties, which are written agreements between sovereign States (Clark, 2003: 90). International Treaties -as the JCPOA- are part of the international system as a method to classify those States working within from those outside the accepted patterns of the global community (Lawal, 2012: 229). In the case of nuclear security, the key commitment of the law is to tackle unusual threats presented by conventional actors i.e. States (Clark, 2003: 97). It is of interest for this section to identify the ideals and principles that motivate the making of instruments regarding the nuclear matter.

3.1.1. Ideals of Nuclear Frameworks in the Public International Law

According to the neorealist theorist Stephen Krasner (1982), an international regime can be defined as the *“the set of principles, norms and decision-making procedures, around which actors’ expectations converge in a given area”*. The creation of the International Non-Proliferation regime emerges out of the need for the construction of a solid and structured structure. This structure -with strong international entailment- is accountable for solutions to both Nuclear States and

all humanity, in the latent problem of the proliferation of nuclear weapons (Novillo, 2011: 12). This regime institutes compulsory rules that emphasize the broadly accepted rule that the increase of nuclear weapons jeopardizes the security of all nations (Lettow, 2010: 8).

The International Nuclear Non-Proliferation regime is patched together by the Nuclear Non-Proliferation Treaty (NPT), the International Atomic Energy Agency and its safeguards system, export control measures for nuclear material, that include the Nuclear Suppliers Group, UN Security Council resolutions, multilateral and bilateral agreements, e.g. the Proliferation Security Initiative (PSI), and bilateral nuclear cooperation deals between supplier and purchaser States of nuclear material (Lettow, 2010: 6), meaning that all nuclear weapons and the acceptability of their testing, production, and stockpiling are determined by disarmament law. As a regime, these mechanisms are much more than short-term understandings. On the contrary, these commitments cross the barriers of jurisdictional boundaries in sovereign States and keep static even if the direction of power or the interests of the actors on the international scene are changed (Krasner, 1982: 93).

Ideally, a legal framework must also seize susceptibility to evolve as to admit adjustments in the face of fluctuating conditions. The elaboration of a legal framework has reflected the following specific characteristics according to Herbach (2012). First, States must become part of the relevant treaties in the matter. Second, they must additionally take action in agreement with the procedures and patterns recognized in the instruments. Third, the legal framework must be adequate to accomplish the goals for which it was created (Herbach, 2012). In compliance with the latter description it is important then to highlight the principal objective of the regime. According to Lettow (2010), the International Nuclear Non-Proliferation regime aims mainly at preventing the spread of nuclear weapons. Nevertheless it is important to highlight, the efforts to prevent horizontal proliferation that have been more evident and recurrent than those preventing vertical proliferation (ILPI, 2014).

3.1.2. The Treaty on the Non-Proliferation of Nuclear Weapons

Preliminary efforts to design an international system allowing States to have access to nuclear equipment for peaceful purposes started in 1946 (United Nations, 2015). The first formal proposal was created in the United States as the Baruch Plan, that wanted all nuclear material to be handed to a new United Nations organ, and that all nations in the world should be banned from owning nuclear weapons (Bunn & Rhineland, 2008). Even though this proposal couldn't materialize based on political differences mainly between the United States and the former Soviet Union (United Nations, 2015), the United States embraced a unilateral statute outlawing the allocation of its nuclear weaponries to any other State (Bunn & Rhineland, 2008). Further attempts to stop Nuclear Proliferation established in 1957 the International Atomic Energy Agency (IAEA), which was given the triple duty of monitoring, delivering information and aid to States pursuing the use nuclear energy for peaceful purposes, and for executing examinations of nuclear plants to ensure that they haven't deflected from peaceful use of enriched uranium and plutonium created in such reactors (United Nations, 2015; Bunn & Rhineland, 2008).

It can be said that the NPT negotiations officially begun after the common agreement of the United Nations General Assembly (UNGA) on a resolution to negotiate a treaty, which would prohibit countries without nuclear weapons from obtaining them and authorized IAEA inspections, in 1961 (Bunn & Rhineland, 2008; Siracusa, 2012). Yet, only after 23 years of different initiatives a serious Treaty proposal was signed by the United States, the Soviet Union, and the United Kingdom (Bunn & Rhineland, 2008). What it came to be the Treaty on Nuclear Non-Proliferation was first signed by 93 countries (UNODA, 2015), and later signed and ratified by other 100 States (Bunn & Rhineland, 2008), making it the most universal Treaty of all but at the same time an odd example of institutionalized discrimination in Public International Law (Garrido, 2005: 97). This discrimination –that will be explained more profoundly later in this section– can be briefly explained through the bipolar historical context in need of legitimacy of both coalitions (Bunn & Rhineland, 2008), similarly to the distribution of veto power in the UN Security Council (Novillo, 2012).

As a multilateral Treaty, the author of this legal instrument is ineludibly a collective author. Nevertheless, there are certain States that were more diligent in the construction of the document and thereby were more influential on its content,

for example the United States, the current Russian Federation (former USSR). Therefore, the NPT converges a wide variety of interests from Nuclear States to Non-Nuclear States (Novillo, 2012). A clear example for this conjuncture was the Indian proposal to include a more rigorous mechanism to avoid vertical proliferation, contrary to what the United States and the Soviet Union were proposing.

Consequently, the NPT has been considered a “*grand bargain*” in which Non-Nuclear States quit nuclear development in swap for a binding agreement from Nuclear States to eliminate their arsenals (ILPI, 2014). Thus, one can determine that the Treaty is mostly addressed to Non-Nuclear States. Additionally, one can establish as main intention of the NPT to prevent additional proliferation of nuclear weapons, limit nuclear arsenals in the world, and to limit the number of States with access to nuclear weapons (ILPI, 2014). This objective and Treaty was thought to be unconcealed, official, public and international; to categorize the Treaty on its objective and addressees.

Twelve pre-ambulatory clauses and eleven articles constitute the Treaty. Throughout the text there are several concepts that are worth pointing out, as the following:

- Parties to the Treaty: according to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, “*party*” is any State or an international organization that has agreed to be compelled by the Treaty in question and for which the Treaty is in active (United Nations, 2015).

- Proliferation of Nuclear Weapons: according to the United Nations, proliferation is when additional States or non-State actors of the system i.e. terrorist groups, can acquire or produce nuclear weapons or material that could be used to produce such arms (United Nations, 2015).

- Nuclear Disarmament: according to the United Nations and Disarmament Yearbook of 1945-1970, disarmament is the discontinuance of nuclear test through the elimination of all nuclear weapons (UNODA, 1970).

- International Peace and Security: as de OEDC (2010) explains, this expression is broad and imprecise enough to allow practically infinite possible interpretations (OECD, 2010). In absence of a definition proposed by the United Nations this dissertation will use the neorealist approach to describe the term, meaning that international peace and security is the temporary balance of power in the system (Bieler, 2015; Waltz, 2000; Mearcheimer, 2006).

- Nuclear-weapon State Party: according to the definition given in the NPT itself, these States are those that produced and detonated a nuclear device before January 1st, 1967 (NPT, 1970). These are the United States of America, the Russian Federation, the French Republic, the United Kingdom and China (United Nations, 2015).

- Non-Nuclear-Weapon State Party: according to the same Treaty all those nations that did not explode a nuclear gadget by January, 1967, are considered Non-Nuclear-Weapon States Parties, and as such, they consent the obligation of international nuclear safeguards on every civilian nuclear activity and materials to avoid their military deviation to making bombs (Greenberg, 2010).

- Safeguards: according to the International Agency of Atomic Energy, safeguards are a set of undertakings through which the IAEA corroborates that a State is not exploiting its nuclear materials -such as uranium and plutonium- in a military manner (IAEA, 2002).

- International Atomic Energy Agency: in its mission statement, the IAEA establishes that it is an autonomous international organization -within the in the United Nations system- that works as for nuclear cooperation by assisting Member States to use nuclear technology for peaceful purposes, creating nuclear risk management criteria and verifying compliance to the NPT (IAEA, 2014).

Having understood these terms it is also important to categorize the Articles by thematic foci. Many authors agree that the NPT is built upon three pillars: non-proliferation, peaceful uses of nuclear energy, and disarmament (Lodgaard, 2011; Novillo, 2012; Kerry, 2015). Therefore, the following section will clutch the Articles in the NPT in one of these three pillars to later explain historical cause-effect relationships and ideological motivations. Non-proliferation is the first topic addressed in the NPT in its Articles I, II and III. In Article I, the Treaty categorizes certain States as Nuclear-Weapon States, and requires these States not to transfer nuclear un-finished or finished material to any other, including other Nuclear-Weapon State. Additionally, this first Article establishes a prohibition for these nations to *“assist, encourage, or induce any Non-Nuclear-Weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices”*, which to this analysis appears to emphasize the importance of horizontal over vertical non-proliferation. Following, Article II is entirely devoted to highlight the commitment of Non-Nuclear States not to *“receive”* nor *“manufacture”* or *“acquire”* nuclear arsenals, including not looking for aid to develop these kind of weapons. Finally, Article III makes Non-Nuclear-Weapon States consent IAEA in situ safeguard inspections to verify the compliance of these States to the obligations acquired in the previous Articles. Regarding this first pillar, it is important to highlight that much is specified about the obligations and restrictions that Non-Nuclear-Weapon States have regarding non-proliferation. Nevertheless, once one realizes that there are only five Nuclear-Weapon States it is noticeable that a sort of a monopoly is established, and its responsibilities and obligations are not as specific and emphasized as those of the Non-Nuclear-Weapon States. This uneven description of responsibilities and larger explanation of restrictions to Non-Nuclear-Weapon States have resulted in an unbalanced distribution of rights, which disfavors Non-Nuclear-Weapon States.

The second pillar -peaceful use of nuclear energy- is materialized in Articles III, IV and V. In Article III the Treaty declares the IAEA the legitimate body to execute a safeguard system – according to the Agency’s pre-established mechanisms – specifically in Non-Nuclear-Weapon States. These safeguards are intended to confirm the use of nuclear material for peaceful purposes, which generally include nuclear energy for civilian use and medical research (Novillo, 2012). In Article IV the Treaty enunciates an *“inalienable right [...] to develop research,*

production and use of nuclear energy for peaceful purposes without discrimination [...]”, which is considered the great giveaway to Non-Nuclear-Weapon States in exchange of quitting any ambitions of nuclear weapons development (Greenberg, 2010: 106). Nevertheless, Greenberg (2010: 106) points out that a deeper understanding of this Article discloses the complete opposite intention. The same author highlights that even if at the beginning the Treaty seems to grant all States equal rights, by adding the expression “[...] and in conformity with Articles I and II [...]” the “right to participate in the fullest possible exchange of equipment, materials and scientific and technological information” this is subordinated to the restrictions remaining in Articles I and II as if all transfer of material or know how were thought to lead to proliferation of nuclear weapons (Greenberg, 2010: 107). Consequently, it can be said that Article is coherent and reinforces the main purpose of Non-Proliferation of the Treaty. Finally, Article V reinforces the possibility for Non-Nuclear-Weapon States to have access to information related to possible peaceful benefits of nuclear explosions. Nonetheless, Non-Nuclear-Weapon States must acquire this assistance through special international deals or through the suitable international body i.e. IAEA.

Lastly, the pillar of disarmament is handled in Article VI and Article VII. On the one hand, Article VI establishes the need to pursue negotiations in “*good faith*” to conclude the arms race between States. Despite the importance of this pillar to contribute to vertical non-proliferation, this Article is not as precise and rigorous when describing a specific deadline or timeframe to achieve this goal and execute the actions to achieve it. Consequently, more than forty years have passed and there’s almost inexistent evidence of advances to achieve this ambition, including Nuclear-Weapon States (Novillo, 2012). Additionally, because of such vague description of obligations Nuclear-Weapon States have acknowledged Article I as political vows, worrying little about mechanisms to implement them (Greenberg, 2010: 102). On the other hand, Article VII highlights the possibility for States to develop regional legal instruments to grant complete lack of nuclear weapons. Once again, the Article emphasizes the mechanism available to prevent horizontal proliferation.

Considering the three thematic foci and to which extend each one of these are disaggregated in the NPT, it is considered that the Treaty makes a special emphasis on preventing horizontal proliferation as intentional approach of the Treaty. Severe discrimination between the rights and obligations of Non-

Nuclear-Weapon States and Nuclear-Weapon States is evident; vague descriptions of Nuclear-Weapon States makes difficult for Non-Nuclear-Weapon States to identify –and therefore report- incompliance of the former. In this context, several cause-effect relations have been evident –and some have been explained before- but the most important one is the legitimization of a nuclear monopoly in five countries (Siracusa, 2012). This is the most important cause-effect relation because these five countries are the same States owning a veto power within the United Nations Security Council (UNSC), which causes a conflict of interests between maintaining the monopoly and execute the UNSC mandate of preserving international peace and security. Consequently, the Nuclear-Weapon States have focused their attention; and what is more, their power on Non-Nuclear-Weapon States and prevention of horizontal proliferation.

3.1.3. Additional Treaties

This dissertation has made special emphasis on the documentary analysis of the NPT because is the Treaty with the widest adhesion within the nuclear nonproliferation regime. Nevertheless, the regime itself is build thanks to a wide international structure of deals and institutions designed to avoid the propagation of this kind of weapons and promoting disarmament (NTI, 2015). As part of this regime there are Partial Test Ban Treaties (PTBT), Limited Test Ban Treaty (PTBT or LTBT), and Comprehensive Nuclear Test Ban Treaties (CTBT) that restrict detonation of nuclear weapons in areas such as outer space, specific underwater locations; and all nuclear weapons test, respectively (NTI, 2015).

Additionally, there are Nuclear-Weapon-Free Zone Treaties that forbid the elaboration, engineering, control, ownership, hosting, examination, location, and carrying of nuclear weapons within specific geographical regions (NTI, 2015). For the purposes of the present dissertation the Nuclear-Weapon-Free Zones (NWFZs) are specially interesting to overview because, contrary to the other set of legal frameworks NWFZs include rights and responsibilities of Non-Nuclear-Weapon States, which is similar to the case of the Parties in the JCPOA. Nowadays, there are five active regional NWFZs: Treaty of Tlatelolco for Latin America and the Caribbean, Treaty of Rarotonga for the South Pacific, Treaty of Bangkok for South East Asia, Treaty of Pelindaba for the African Continent, and Treaty of Semipalatinsk for Central Asia (NPT, 1970).

The Treaty of Tlatelolco (1967) highlights in its Article 3 the zone of application of the Treaty in the following words

“Upon fulfillment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there directly southward to a point 60° south latitude, 20° west longitude; from there, directly west-ward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.”

(Treaty of Tlatelolco, 1967).

It is interesting to notice that this Article excludes in its definition the only Nuclear-Weapon State –the United States of America- from any responsibility related to disarmament. The use of geographic-coordinate system results to be attention grabbing because it creates a double-edged situation. On the one hand, it isn't flexible on the geographical extension for the application of the Treaty, including all countries in Latin America. On the other hand, this rigidity leaves the possibility open for military nuclear development in any overseas territories that the countries may have outside these specifications. The chosen mechanism to define the territory results interesting when considering that the American delegation for the United Nations General Assembly voted in favor on November 1963 of creating this legal instrument. Since the only State with overseas territories in America is the United States of America, the use of such territorial definition could be considered an American provision in case the U.S. may somehow acquire responsibilities and obligations in the context of this Treaty, as it happened in 1968. The United States signed Protocol I of the Treaty, which binds de jure or de facto territories that are internationally responsible in the nuclear matter to the Treaty (Department of State, 2015). This means Puerto Rico, Guantanamo Bay and Virgin Islands as American territory within the geographical description ceased to be Third Parties in the Treaty, but not other extra-continental territories of the U.S. Additionally, Article 20 of the Treaty highlights that any violation to the Treaty shall be reported to the United Nations Security Council so that sanctions can be applied. It is not necessary to highlight again that this condition creates a conflict of interests and it was already explained before.

The Treaty of Rarotonga (1985) compromises all countries located in the extensive area of the South Pacific not to produce, acquire or hold any nuclear

explosive device “anywhere inside or outside the Treaty zone”, which is basically the gained obligation in all Nuclear-Weapon-Free-Zones. Nevertheless what is important to highlight here is the lack of adherence of the United States to all of the three Protocols to this day. Likewise, Protocol I of the Treaty of Tlatelolco, Protocol I of this Treaty also demands all Nuclear-Weapon States to apply the prohibitions of the Treaty in territories they own in the region (Treaty of Rarotonga, 1985). Lack of adherence to this Protocol ratifies –in a way- the strategic definition of territory given in the Treaty of Tlatelolco and absent in the Treaty of Rarotonga because the United States owns several Islands in the region.

The Treaty of Bangkok (1995) establishes basically the same commitments as the other NWFZs Treaties. As a special characteristic this Treaty prohibits the release of radioactive trash and other radioactive material at sea anywhere within the region (Treaty of Bangkok, 1995). Regarding this Treaty, it is interesting to highlight that no Nuclear-Weapon State has signed its Protocols mostly because the United States and France criticize the definitions of territory (James Martin Center for Nonproliferation Studies, 2013) that is included in section b) of Article I in the following terms “*land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof and the airspace above*” of all Parties. Once again, territory -as a source of power for neorealism- is the centerpiece of debate for Nuclear-Weapon States as most powerful States in the International Nuclear System to decide whether or not to become part of Nuclear-Weapon-Free-Zone Treaties.

Like other NWFZ Treaties, the Treaty of Pelindaba (1996) and the Treaty of Semiplastnik include a Protocol for the five Nuclear-Weapon States to sign and ratify—and consequently respect—the status of the zone, by providing negative security guarantees. The obligations are essentially the same as in the other NWFZ Treaties mentioned above and both Treaties rely on the United Nations Security Council to be the legitimate organ to sanction any inobservance to the Treaty (Treaty of Pelindaba, 1996).

As seen in all previous examples of nuclear-related Treaties in which Non-Nuclear-Weapon States are participants, Nuclear-Weapon States support the creation of these instruments but fail to compromise themselves in a concrete disarmament process. In some cases, like the Treaty of Rarotonga and the

Treaty of Bangkok, this lack of commitment becomes clearer as the United States fails to sign and ratify the Protocols. Presumably, the American absence in these legal documents can be explained in its interest to develop nuclear weapons in its geostrategically located extra-continental territories.

3.2. JCPOA Documentary Analysis

At this point it is crucial to devote a section to analyze the Joint Comprehensive Plan of Action since it is believed that it exemplifies the American intentions of American hegemony regarding the nuclear matter in the international system. The subsequent section will follow a method of documentary analysis in which the Treaty will be placed within a historical background, classified by type of document and purposes. Secondly, the text of the Treaty will be analyzed in a literal and logical manner and finally, the content of the Treaty will be explained. It must be clarified that this is not a legal analysis and it will not venture to do a deep analysis of technical enrichment limitations imposed to Iran, it will rather conceive all restrictions as equivalent tools, specifically Iranian-American dispute of power.

3.2.1. Background and Documentary Classification

July 14th, 2015 was the official date in which the P5+1 (United States, Russian Federation, China, France, the United Kingdom, and Germany) closed a deal with Iran to warrant Iranian nuclear program peaceful purposes (U.S. Department of State, 2016). Nevertheless, it must be acknowledged that the Treaty is the result of almost 20 months of nerve-wracking negotiations and previous temporary agreements (Gibson, 2015: 4). By 2012, the international economic sanctions applied to Iran started to show effects: currency depreciated leading to high levels of inflation and civil complaints (Gibson, 2015: 14). Fortunately, the 2013 elections in the United States and Iran opened new opportunities of communication and trust to begin new dialogues for a prospective nuclear deal. These negotiation rounds took place in Geneva in October 2013, and by November 24th a provisional nuclear agreement was proclaimed (Gibson, 2015: 16). This arrangement momentarily suspended sanctions to Iran and made compulsory the need of negotiations to get a comprehensive resolution to the Iranian status within the international community (Killick, Forwood, Nordin, Van-Haute, Vermeeren, & Burke, 2015). Six months

after the interim deal became effective, Iran had already reduced the vast majority of its 20% of enriched uranium available in the country (Gibson, 2015: 17).

In mid 2014, the negotiations taking place in Vienna faced a drastic twist (Rozen, 2015). In that period, ISIS rebels took control of sizeable sections of Iraqi and Syrian territories, including Mosul (Iraq's 3rd largest city; Gibson, 2015). The Islamic State quickly impersonated a sharp and common danger to the Shi'a-dominated -Iranian-aligned Iraqi regime-, Iran and the United States (Rozen, 2015; Gibson, 2015). This particular event changed Iranian initial behavior in the Geneva meetings, which included more open Iranian leaders, saying that they expect respect, reject threats and look for solutions (Ramazani, 2009: 14). The Iranian and P5+1 negotiators met in Vienna in November again but no progress was reached because of the distance between the parties on the core concerns of the Treaty (Rozen, 2015), which lead to a temporary break in the meetings. On March, 2015 the talks were resumed in Laussane, Switzerland; nuclear negotiators from all sides worked tirelessly, at all hours of the day, where negotiators worked hardly to establish all aspects of what became the Joint Comprehensive Plan of Action (JCPOA) as a framework laying out the foundation the nuclear agreement (Gibson, 2015: 24). In April, the P5+1 and the Iranian representants announced that they have agreed on the JCPOA main guidelines. Nevertheless, much work was left to do, until mid-July 2015 specific conditions of the Treaty were discussed (Gibson, 2015: 26). Finally, on July 14th, 2015 the agreement was signed by all six Parties.

Since six States signed the Treaty, this source of law must be identified as the result of a collective authorship. Yet, because of the descriptions and sanctions imposed by the European Union and the United States there was much more negotiation opportunities for these two than China or Russia. In this manner, the JCPOA congregates a wide variety of interests but those of the United States and the European Union are more evident in the text. The main purpose of the Treaty is clearly stated as to *"ensure that Iran's nuclear programme will be exclusively peaceful, and mark a fundamental shift in their approach to this issue"* (JCPOA, 2015). This Treaty is a public, official, international instrument specifically created for Iran's situation. Additionally, it is meant to be recognized by all the international community.

3.2.2. Literal and Logical Documentary Analysis

The Treaty is composed by six sections that include: Preface, Preamble and General Provisions, Voluntary Measures regarding: Enrichment, Research and Development, Stockpiles, Arak, Heavy Water, Reprocessing, and Transparency and Confidence Building Measures, Sanctions; Implementation Plan, and the Dispute Resolution Mechanism.

Throughout the Treaty there are several concepts that are worth explaining to have a clear interpretation of the Articles, such as:

- E3/EU+3: China, France, Germany, the Russian Federation, the United Kingdom, the United States and a Representative of the European Union for Foreign Affairs and Security Policy.

- Enrichment activities: according to the United States Nuclear Regulatory Commission (U.S. NRC), these are activities that rise the proportion of atoms by dividing them in order to release energy (U.S. NRC, 2014).

- Right to nuclear energy for peaceful purposes: is one of the three basic pillars of the NTP, still there is a lack of a clear definition of what peaceful purposes are (CNND, 2013). Nevertheless, in the NTP this is an inalienable right of all Parties, including Iran (TNP, 1970)

- Implementation Day: the day in which at the United Nations Level it is recognized that Iran has fulfilled all technical requirements stated in the JCPOA and simultaneously that the EU and the U.S. have terminated all provisions detailed in the JCPOA (JCPOA, 2015).

- Adoption Day: 90 days after the ratification of the Treaty through a UNSC resolution, to make the JCPOA come to effect (JCPOA, 2015).

- Enrichment capacity: it indicates the amount of intensification in the concentration of the U-235 isotope relative to the energy input and the amount uranium processed. The measurement unit is the separative work units (SWU) and it represents the quantity of separative job executed to enrich a

particular amount of uranium, all conveyed to kilograms (World Nuclear Association, 2016).

- Enriched uranium: according to the U.S. NRC (2014) uranium atoms differ once they have been enriched in the number of protons in comparison to neutrons in the original atom (U.S. NRC, 2014).

- Isotope separation technologies: mechanisms to modify mass configuration of an element without sacrificing chemical properties (De-Wolf-Smyth, 2015). Despite the impossibility of separating molecules through mechanical forces, molecules are still subject to gravitational, electric, and magnetic fields (De-Wolf-Smyth, 2015). Thus, a variety of mechanisms such as gas centrifuge, laser separation, distillation, thermal diffusion, and electrolysis (De-Wolf-Smyth, 2015; U.S. NRC, 2014) are used to alter the energy levels by dimly modifying molecules, according to quantum-mechanical laws (De-Wolf-Smyth, 2015).

- Natural uranium level: Natural uranium at the mine consists of 92 protons within the atom's core or nucleus and different amounts of neutrons revolving around it (U.S. NRC, 2014). The total amount of protons plus neutrons gives the name of each possible isotope of uranium, meaning U238 holds 146 neutrons, U235 holds 143 neutrons, and U234 holds 142 neutrons, in the nature (U.S. NRC, 2014).

- Joint Commission: is the organ in charge of reviewing and approving all Iranian requests regarding development, acquirement of any nuclear material for current or new centrifuges (Albright & Stricker, 2015).

- Tehran Research Reactor: light water research reactor provided by the United States in 1967 (ISIS, 2014). It could provide enriched weapon-grade uranium if it is not overseen by the AIEA (JCPOA, 2015; ISIS, 2014).

- Light water reactor: According to the International Atomic Energy Agency (2002) this kind of reactor that involves pressurized water reactors and regular boiling water reactors. Light water is used as both moderator for the uranium and coolant for the whole system (IAEA, 2002).

- Heavy water reactor: according to the IAEA (2002) a heavy water reactor uses a strange isotope of hydrogen - one proton and one neutron - to form water. This isotope can avoid the need of enriching uranium for fuel, and using uranium ore instead (IAEA, 2002).

- Fuel reprocessing: according to the World Nuclear Association (2016), reprocessing fuel is largely based on the transformation of "*fertile U-238 to fissile plutonium*", which allows to gain about 25% to 30% additional energy in comparison to the original uranium used in the process (World Nuclear Association, 2016).

- SDN List: Specially Designed Nationals and Blocked Persons List published by the Office of Foreign Assets Control (OFAC), to register those countries and other bodies who are imposed economic and trade sanctions as part of American foreign policy and national security ambitions (University of Washington, 2013).

- Finalisation Day: the day when negotiations between all JCPOA Parties are completed (JCPOA, 2015).

- Transition Day: 8 years after Adoption Day, when a report stating that all Iranian nuclear material remains peaceful is made public (JCPOA, 2015).

The Treaty approaches four main topics, and in all of the sections it is exceptionally detailed (The White House, 2015). Firstly, the Preface establishes the Parties in the Treaty, which include representatives of China, Russian Federation, the United Kingdom, the United States and the High Representative for the European Union for Foreign Affairs and Security Policy on the one side; and the Islamic Republic of Iran (JCPOA, 2015). Furthermore, this section explicitly describes the teleological objective of the Treaty, in the form of a specific objective as to certify that the nuclear program of the Middle Eastern country will be exclusively peaceful, but also an objective with international impact range as to certainly promote "*regional and international peace and security*". Moreover, this preface specifies that all content included in the JCPOA is the result of mutually agreed restrictions and requirements between the Parties and it specifies that there will be a gradual development –reliant on international non-

proliferation norms- of the program to enable the country to have undergo enrichment activities and commercial interchange of uranium.

The Preamble and General Provisions section -in its item i- establishes the timeframe of legality of the Treaty as “*long-term*” without giving further information about the extinction of the Treaty. Items ii and iii reaffirm the JCPOA as a mean to warrant Iran’s nuclear program to be peaceful in the present and future. Additionally, in terms of peace item vi compels –implicitly- all the Parties involved to the purposes and principles of the United Nations and the UN Charter. Finally, in item xiii the Treaty highlights the need of cooperation to develop peaceful applications of nuclear energy (JCPOA, 2015).

Furthermore, the Parties considered important to highlight in item iv of the section in question that the correct implementation of the Treaty will grant Iran’s right to nuclear energy for peaceful purposes as established in the NPT for any other Non-Nuclear-Weapon State (JCPOA, 2015). Even though in item xiv it is recognized that the JCPOA represents an important modification to the traditional approach to Iran and its nuclear program, in items iv and xi it is made crystal clear that the Treaty should not be misinterpreted as any kind of exception to the internationally acknowledged principles of international law and customary practices (JCPOA, 2015). For instance, it is made explicit in item vii that the NPT remains to be the keystone of the nuclear regime as a whole (JCPOA, 2015).

This section also to refers to sanction lifting and monitoring of compliance. In items v and viii, the JCPOA clarifies the commitment of E3/EU+3 to lift all UNSC, unilateral, and multilateral sanctions related to trade, technology, finance and energy to Iran (JCPOA, 2015). Furthermore, it resolves that the E3/EU+1 will abstain from establishing additional sanctions that could destabilize the reached agreements in the Treaty. Nevertheless, these guidelines depend on the Iranian compliance to the voluntary adopted measures in the JCPOA, which according to the Treaty are subject to IAEA monitoring as specified in items ix and x of the Treaty (JCPOA, 2015).

The third section of the Treaty refers to voluntary measures that the Islamic Republic of Iran agreed to meet during the negotiations. This section strictly refers to nuclear issues and it approaches separately three sub-sections. This section, as established before, will not be analyzed in depth because all

restrictions to nuclear enrichment –independently of their technical characteristics- will be considered equally effective as part of a political strategy.

The fourth section of the Treaty approaches sanction lifting in 16 Articles. Because this dissertation focuses in the American-Iranian relations, Articles 19, 20, and 26 will not be taken into consideration since they refer exclusively to sanctions to be lifted by the European Union. On the contrary, sanctions imposed by the UNSC, are going to be considered in this dissertation based on the influence that the United States has in this forum. Initially, Articles 18, 28, 30 and 31 of the JCPOA establishes the termination of all 7 sanctioning resolutions issued by the UNSC (JCPOA, 2015). Regarding specifically American restrictions, the Treaty in its Article 21 clarifies that the United States will cease to apply sanctions to:

“Financial and banking transactions [...]; transactions in Iranian Rial; provisions of U.S. banknotes to the Iranian Government; bilateral trade of Iranian revenues [...]; purchase, subscription or facilitation of insurance of Iranian sovereign debt [...]; financial messaging services to the Central Bank of Iran and Iranian financial institutions [...]; underwriting services [...]; Iran’s crude oil sales [...]; investment in [...] goods, services, information, technology and technical expertise and support for Iran’s oil, gas and petrochemical sectors; purchase, acquisition, sale, transportation or marketing of petroleum, petrochemical products and natural gas from Iran; export, sale or provision of refined petroleum products and petrochemical products to Iran; transactions with Iran’s energy sector, transactions with Iran’s shipping and shipbuilding sectors and port operators; trade in gold and other precious metals; trade with Iran in graphite, raw or semi-finished metals such [...] for integrating industrial processes; sale, supply or transfer of goods and services used in connection with Iran’s automotive sector; [...] services for each of the categories above; [...] individuals and entities set out in [...] the SDN List, the Foreign Sanctions Evaders List, and/or the Non-SDN Iran Sanctions Act List; [...] Executive Orders 13574, 13590, 13622, and 13645, and Sections 5 – 7 and 15 of Executive Order 13628”. (JCPOA, 2015)

Additionally, Article 22 of the Treaty refers to the commercial passenger aircraft sanctions that the United States unilaterally applied to Iran, as mandatory to be lifted; as well as any local law inside the United States by encouraging officials to avoid actions against the spirit of the JCPOA, as Article 25 establishes. Nevertheless, even if the listing of sanctions to be lifted appears to be extensive and all-inclusive, Article 23 of the JCPOA highlights that certain sanctions are extent of this list and will only be lifted eight years after the Adoption Day or when the IAEA concludes that all nuclear material in Iran exist for peaceful purposes (JCPOA, 2015).

As Article 27 clarifies, all lifted sanctions must be publicly announced after the Iranian revision of matter and procedures of such declarations (JCPOA,

2015). This Article appears to entitle Iran the possibility of defending its rights, the same way Article 24 does. The latter, provides Iran the opportunity of protest against any restrictive measure that any E3/EU+1 might take that could compromise the implementation of the deal (JCPOA, 2015). Finally, Articles 32 and 33 ratify that additionally to the sanctions lifting, all Parties will cooperate to develop projects supporting peaceful use of nuclear energy. These projects will mainly focus on trade, technology, finance and energy but could diversify later in time (JCPOA, 2015).

The next section in the Treaty corresponds to the *“Implementation Plan”* that is basically the moment in which the international community, through the IAEA and the UNSC, confirms that Iran had fulfill all technical requirements to put all JCPOA commitments into effect. On this date, the United States officially lifts the sanctions listed on Sections 15.1 to 15.11 of Annex V to Iran (JCPOA, 2015). Implementation Day was on January 16th, 2016 –while this dissertation was being developed– and was officialized without any setback (European Commission, 2016). The IAEA published an official report that was submitted to the IAEA Board of Governors and the United Nations Security Council. From this moment, the way is clear for the United States for the lifting of nuclear-related economic sanctions imposed against Iran. In accordance with the Annex V of the JCPOA, Iran has reduced its uranium enrichment activities, eliminated its stockpile what could be highly enriched uranium and limited its stockpile of low enriched uranium (JCPOA, 2015). These technical characteristics enable Iran to apply the IAEA Additional Protocol regarding safeguard, as stipulated in the first section of the JCPOA (2015).

Finally, the Treaty establishes a *“Dispute Resolution Mechanism”*, which consist of a Joint Commission as first instance, the Ministers of Foreign Affairs as second instance, and an Advisory Board as a parallel non-binding arbitration instance. According to Article 36 of the JCPOA this mechanism should solve any dispute in a period of 30 days, which is a considerably shorter timeframe than it would take to expose the matter to the ICJ, for example. A representative of each JCPOA Party, including the High Representative of the Union for Foreign Affairs and Security Policy -as specified in Annex IV of the JCPOA- constitute the Joint Commission. This Joint Commission will not only hear disputes brought up by the Parties, it will also revise and approve any Iranian request to execute differently the JCPOA voluntary measures. In case of incompliance to the Joint Commission

decisions the Security Council is empowered to reconsider the sanction lifting to Iran, including their re-imposing as explained in Article 37. Nevertheless, this Article highlights the Iranian opposing position to the re-institution of the sanctions as reason to terminate the Treaty unilaterally.

3.2.3. Content Explanation

After highlighting the main points agreed in the Treaty it is imperative - even more important than listing the agreements- to understand how these deal yields power to the United States over Iran. The JCPOA postulates a 'never seen before' set of supervision requirements that haven't been imposed to any other Non-Nuclear-Weapon State (Sick, 2015). According to President Obama, the JCPOA includes the most comprehensive and intense authentication mechanism ever conveyed (The White House, 2015). The Treaty establishes that the Islamic Republic of Iran will not be subject to any additional sanctions. Yet, this condition is subject to the Iranian compliance to a set of co-dependent measures, as a Rubic's Cube- (Sick, 2015). This means that in case of violation the sanctions will snap back (The White House, 2015).

As an official White House declaration (2015) stipulates, the government of the United States was not open to take a bad deal as a result of these negotiations. Therefore, the JCPOA meets all particular conditions they needed to avoid acting based on the best alternative to a negotiated agreement (BATNA) (The White House, 2015). Nevertheless, the JCPOA shouldn't be erroneously understood as an end in itself; on the contrary, it is the means through which the United States is granted control over the Iranian nuclear program. Firstly, the Treaty establishes deadlines to Iran for certain enrichment-limitation requirements while the IAEA permission to oversee all nuclear installations in Iran last indeterminately (JCPOA, 2015). In this manner, the Middle Eastern country has an everlasting prohibition to develop nuclear weapons. Consequently, rejecting this Treaty would lead Iran to outbreak a regional nuclear arms race (The White House, 2015).

Sanction lifting and the risk of re-imposing them are the main tools that the United States has used to grant Iranian compliance to the Treaty. The sanction lifting will happen –accordingly to the JCPOA- only after Iran concludes the nuclear stages as established in the Treaty. Even though some Parties of the

JCPOA proposed to lift the sanctions immediately, the United States insisted on preserving these for a time frame of 5 to 8 years unless the IAEA concludes the peaceful uses of the nuclear material before (JCPOA, 2015). Just then, the country will be able to recover partly of its confiscated money, which sums up circa 50 billion U.S. Dollars (The White House, 2015). This amount of money is highly representative when considering that Iran needs around 170 billion U.S. Dollars to develop its oil and gas industry, 100 billion U.S. Dollars to invest on agricultural projects, 100 billion U.S. Dollars to end infrastructure tasks, and about 100 billion U.S. Dollars to content the unyielding governmental duties (The White House, 2015).

The United States is extremely aware of its immense influence and power within the international community to impose restraints on Iranian missile and arms, or any other economic activities. As recognized in the official statement of the White House (2015) regarding the JCPOA, the size of the American economy is evident on the influence of its financial system, and the impact of American unilateral agencies. In this context, Obama has held that Iran can't be allowed to acquire a nuclear weapon and therefore the U.S. will exercise its right to undertake any necessary mechanisms to shield America's safety (The White House, 2015). The JCPOA clearly evidences this when it allows the United States to organize the international community to take abrupt action -including re-imposing sanctions - in case of Iranian incompliance (JCPOA, 2015).

Among these mechanisms the United States has decided to keep in place various sanctions associated to non-nuclear matters, as backing up terrorism and human rights violations. Iran is still recognized by the U.S. as a State that has frequently supported international terrorism; accordingly, restrictions on foreign assistance, arms auctions, transfer of different sensitive technology and dual-use items, nuclear cooperation, and various financial restrictions are still effective. These include prohibitions to all U.S. individuals from endeavoring in commercial activities with Iranian financial institutions, including clearing U.S. dollars. A list of more than 130 persons, the SDN List, is made public in the Annexes of the Treaty to clarify that these are still considered threats to international and American security (JCPOA, 2015). Therefore, anyone who negotiates with or backs up these persons or organizations are penalized by being left out of the American financial system on the basis of American perception of Iranian support for terrorism or development of weapons of mass

destruction (The White House, 2015). The United States wants to make sure that the international community makes Iran pay a high price in case of non-compliance.

Furthermore, the Dispute Resolution Mechanism is another example of American faculty to influence decisions within the established systems. In the official statement made by The White House (2015) it is said that processes requiring full 24 days are not expected, as Iran recognizes that non-cooperation with the IAEA will foster substantial distrust among the P5+1 and carry a snapback of sanctions. This possibility is made substantially real since the JCPOA allows any member of the P5+1 to unilaterally re-impose the UNSC sanctions in the case of a violation for the initial 10 years of the Treaty without prejudice of the veto power of other members of the Council (The White House, 2015). Additionally, the conformation of the Joint Commission that could appear to be impartial based on the representation of all Parties, in reality leaves open room for the United States to use stimuli –positive or negative- to acquire adhesion to its position. The conformation of the Advisory Board does not grant the American presence in it; hence, one could understand the grounds for the non-binding condition of its resolutions.

3.3. JCPOA As Means to Grant Hegemony

Hegemony is a widespread concept among international relations and political science; it is often used to describe an unequal distribution of power that allows States to be more influential than others in the international arena. Nevertheless, there are several approaches to this term that are worth mentioning in order to determine if the JCPOA can be categorized as a mean to grant hegemony. The following section will firstly revise the origins of the concept to understand basic assumptions. Secondly, the neorealist approach of the concept will be studied in order to specify the kind of hegemony under which the JCPOA will be categorized. Finally, this section will introduce the concept of hegemony according to neorealism in the field of International Law.

3.3.1. Origins of the Concept

The word hegemony has its origins in the antique Greek term '*hegemonia*', which alludes to the prevailing and repressive position of one actor within the structure over others (Yilmaz, 2010). In 1926, the biggest contribution to the

Marxist thought and international studies was made by Antonio Gramsci - confined to prison by the Italian Fascism- known as the theory of hegemony (Bates, 1975: 351). As the theory is based on the Marxist thought, its foundation lies on the fact that both forces and ideas rule the man (Bates, 1975: 352). This means that according to Gramsci, hegemony is only accomplished by a fusion of force and the voluntary approval of the individuals for the system (Mattei, 2003). Thus, ideas aren't able to eliminate the power struggle but are able to perpetuate the imaginary that makes the society work in differentiated classes (Bates, 1975: 351). Even though Gramsci didn't finish his work to establish a structured model for international relations, he set the foundations for other theoreticians to do it (Litowitz, 2000).

The most representative author of this development is Robert Cox, who approaches hegemony as a *"structure of values and understandings about the nature of order that infuse a whole system of States and non-State entities"* (Cox, 1992 in Özçelik, 2005: 99). Neo-Gramscian thought explains that at the international level, concepts related to hegemony involve relations, tactics, behaviors, organizations, and assets (Antoniades, 2008). According to Cox, in a hegemonic order, standards and concepts are fairly static and unchallenged (Özçelik, 2005: 99). The analysis of hegemony includes consensus, common dogmas and rational choice without lessening the significance of hard material power and dominance over material resources (Antoniades, 2008). Consequently, even if hegemony is sustained in a structure of power, State's dominance –within this structure- in itself is not sufficient to create hegemony (Özçelik, 2005: 99).

Even if the Gramscian approach is considered to be the conceptual basis of hegemony it is not the most commonly used in most International relations literature (Antoniades, 2008). Still it is important to mention the origins of this concept because the mainstream usage of the word came from Antonio Gramsci's notion of hegemony (Antoniades, 2008). The common use of the notion is related to a circumstance of disequilibrium of power in the international system, specifically one State exercising leadership or dominance over others based on its accumulation of power (Antoniades, 2008). Antoniades (2008) clearly explains the concept of hegemony as used in international relations by considering the use of force and/or an excessive degree of authority within the structures of the international system as well as on the behavior of its elements.

Finally, but the author clarifies that the concept excludes circumstances where relations are established under “*direct and official control*” of governmental institutions or territories (Antoniades, 2008). This means, establishing differences with other forms of dominance such as empires and colonies.

Despite the fact that the Gramscian approach to hegemony is used by Marxism to criticize these power asymmetries, neorealism coins the concept to justify power distribution in the international system. As Hans Morgenthau (1966, in Özçelik, 2005: 91) summarizes, States aim to safeguard their power by saying that: “*International politics, like all politics, is a struggle for power*”. Therefore, power and hegemony -from this perspective- are strongly related to domination, force, and influence (Özçelik, 2005: 91). In this manner, the cornerstones upon which the supremacy of the hegemon recline might include geographical characteristics, natural resources, industrial capacity, financial resources, economic performance, military capability, population, demographic characteristics, respected diplomacy, efficient government, technological modernization, etc. (Morgenthau, 1965 in Antoniades, 2008).

3.3.2. Neorealist approach to Hegemony

The realist approach to hegemony commonly used in international relations is further developed by structural realists, and particularly convenient for the purposes of this dissertation based on the explicit reference of the theorists to the nuclear issue. The basic understanding of hegemony from the neorealist perspective can be evidenced in the work of Kenneth Waltz and John Mearsheimer. Even if they disagree on the means to achieve it, they both agree on crucial characteristics including that hegemony is the unipolar hold of power resources (Özçelic, 2005: 92); it is a fragile situation because anarchy of the system encourages States to equalize the hegemon; and that international institutions as well as international frameworks are tools that reflect and institutionalize the underlying power distribution in the system; and power is the competence of the State to use material resources for imposing its will over others (Rajendram, 2010: 7-10). These characteristics, gathered together are important because, as Gilpin specifies (1991: 28 in Özçelic K, 2005: 92), a hegemon “*unites the other States into a single international system*”. In general, all neorealist theories of hegemony imply that international stability is a

consequence of the accumulation of power capabilities in a single State, which uses its authoritative position to maintain order (Özçelîc, 2005: 92).

The conceptual difference between defensive realism and offensive realism also applies to the concept and the *raison-d'etre* of hegemony. On the one hand, Kenneth Waltz -as a representative of defensive realists- argues that pursuing hegemony is imprudent because the system will penalize the State (Mearsheimer, 2006). According to Waltz the system is created through modifications in the distribution of capabilities between their elements, making the international system change when the distribution of power is modified (Özçelîc, 2005: 92). The system itself provides motivations to pursue power; nevertheless, according to the same author the acquisition of power is not a goal in itself but rather a means to grant the survival of the State (Mearsheimer, 2006). Over enlargement of power capacities could also risk the survival of the State; thus, States should only maximize their power to what Kenneth Waltz identifies as '*appropriate amount of power*' (Waltz, 1979: 40 in Mearsheimer, 2006). Defensive realists consider that the offense–defense balance is usually heavily biased in favor of the defender, and any State that endeavors to expand its power is likely to lose (Mearsheimer, 2006). According to defensive realism, if all actors in the system acknowledge this reasoning –and they should since they act rationally– there should not exist disagreements involving great powers (Mearsheimer, 2006).

On the other hand, offensive realists as John Mearsheimer argue that the primary purpose of the State is to maximize all relative power to the point of hegemony (Toft, 2005). Additional to this instinctive goal, States deal with an unreliable international environment in which any other actor may damage another (Mearsheimer, 2001). Therefore, according to the author there is an added motivation to gain as much power as possible, in comparison to other States. Offensive realism maintains that expanding power resources can increase security without prompting a response from other actors because of a large power asymmetry (Mearsheimer, 2001). Mearsheimer (2001) explains all possible interaction results of the system, which include: bipolarity as two great powers opposing in different regions with low probability of direct confrontation; unbalanced multi-polarity as a system with several great powers but one with the latent possibility of becoming a hegemon; and balanced multi-polarity as a system without asymmetries to encourage a hegemon (Mearsheimer, 2001). In

this conceptualization -as all others based in structural realism- hegemony is the domination of the system (Toft, 2005; Mearsheimer, 2001) and it is virtually impossible to achieve based on geographical limitations (Mearsheimer, 2001). Nevertheless, the author recognizes that the concept can also be applied to regions or matters of jurisdiction, and in fact this type of hegemony is often the principal objective of States (Toft, 2005). To exemplify this condition the author mentions that the United States is currently the hegemon in the Western Hemisphere and even if there is a lack other regional hegemon in the world, the United States can't be considered a global hegemon (Mearsheimer, 2001).

Nevertheless, it is important to highlight that both streams of neorealism agree that nuclear hegemony –specifically– is achievable when one side of a conflict holds nuclear capability while the other one doesn't (Mearsheimer, 2006). This means that nuclear weapons have low offensive capacity if both sides have an equivalent punitive capability; neither gets any benefit from striking first (Mearsheimer, 2001). However, both inclinations coincide that non-nuclear war between Nuclear-States is possible but not likely, due to the risk of escalation to the nuclear level; but the equilibrium of conventional forces becomes irrelevant if a nuclear hegemon is the counterpart (Mearsheimer, 2001). Additionally, Waltz argues that there are three possible outcomes to the Iranian situation: the sanctions force Iran to renounce its quest; Iran stops its testing by guaranteeing compliance to hard restrictions to enjoy the benefits of civil nuclear development without the international isolation; or Iran continues to test nuclear material and publicly becomes a nuclear State (Waltz, 2012). Even though Waltz argues that the best possible outcome is for Iran to acquire a nuclear weapon to achieve security, on the light of the JCPOA signing the second scenario appears to be the culmination.

3.3.3. Hegemony in International Law

Even if it appears to be artificial to correlate concepts like law and hegemony because Gramsci never did an insightful analysis of this relation, the basic statements of this theory are helpful to understand any legal system (Kennedy, 1982). This 'unnatural' relation is also the result of an unrealistic contrast between international law and international politics, one echoing justice and the other egoism and supremacy (Krisch, 2005). The importance that Gramsci gives to consent is worth of analysis because it means that leading

elites can legitimize their actions in an accepted web of domination (Benney M. , 1983). Therefore, it can be determined that legal systems are hegemonic systems operating at diverse levels, which are recognized by all actors in the system, due to the prestige of the ruling class that creates them (Kennedy, 1982; Litowitz, 2000). According to Litowitz (2000), the legal system is by itself hegemonic, based on three structural and formal aspects that stimulate obedience and acceptance. Firstly, the State is the one owning complete control of law-enforcement, capable of imposing codes at the individual and collective levels (Litowitz, 2000). Secondly, law is a tool of social conditioning that creates the reality according to what the elites consider and punish all inconsistent behaviors (Litowitz, 2000). Thirdly, the legal system is a restricted set of possibilities, as a conceptual scheme that doesn't offer alternatives (Litowitz, 2000). Therefore, it completely owns justice, as a monopoly. Since the ruling elite gives all these characteristics -accordingly to its specialized knowledge, technical impositions, and intellectual notions- the legal system preserves the social structure (Kennedy, 1982). This can be evidenced in the JCPOA on the limitations to the uranium enrichment, that the IAEA will verify because these are based on Western standards. Additionally, all mechanisms to solve disputes include American participation, which eventually could compromise the objectivity of its work.

Again, as in the use of the term 'hegemony' in international relations, hegemony in international law is more easily explained when using the basic precepts of the Gramscian perspective adapted to a neorealist understanding of the international arena. Even though, international legal systems appear to detach themselves from politics by recognizing sovereign equality and are reluctant to grant formal recognition to supremacy structures (Krisch, 2005), this is obviously a naïveté according to structural realism. As realism is considered almost entirely positivist (Steinberg, 2013), it is considered that international law is positive law, and its fundamental sources are treaties (Mattei, 2003: 400). In this manner, according to structural realism, international law can be described as a process of conveying political interests into legal entitlements, thus these cannot be isolated from the pursue of power out of which they are created (Koskenniemi, 2004). This treaty can be understood from a classic international positivism point of view. This approach considers States as the original, pre-legal subjects of international law and that international law must have its origin on the will of sovereign States. This combination of state-centrism and

compliance to the principle of *pacta sunt servanda* perfectly match the conditions to recognize a hegemonic dynamic: voluntary acceptance of the unquestioned system.

Consequently, international law becomes instrumental to the interest of great powers, becoming a hegemonic technique of stabilization (Krisch, 2005; Koskenniemi, 2004). In the case study, the United States as a status-quo State uses the JCPOA as a mechanism of stabilization of the Iranian actions regarding nuclear development because it is considered a revisionist State, as explained in Chapter 2.

According to structural realism, States negotiate Treaties to accomplish individual interests, but powerful States are capable to impose international law on weaker States (Steinberg, 2013) because of the distribution of power resources and costs of isolation that enables them to impose their visualizations of world order (Steinberg, 2013; Koskenniemi, 2004). Therefore, International Law becomes an arena where States get involved in hegemonic endeavors by trying to impose rules, principles and institutions that will look after their own interests (Koskenniemi, 2004). In this context, unequal power distribution becomes essential to develop legal strategies because powerful States can stabilize the system by dominating it through the legitimacy that other States have granted them in previous legal forms, through hegemony in Gramscian terms (Krisch, 2005). Stephen Krasner –based on neorealist guidelines- proposed a vastly schematized theory establishing that international law can't oppose the structure of the international system. In summary, the neorealist theory States that International Law is the result of the struggle of power between States, and that powerful States can force weaker States to acknowledge international conventions they would not customarily agree upon (Krasner 1999). This can be evidenced in Iranian acceptance of the negotiation process itself and the signing of the JCPOA, because these both were done on Western territories and with the participation of institutions created by the United States and other powerful States of the system e.g. the UNSC and the IAEA. Additionally, the open possibility of re-introducing sanctions imposes American interests –through negative motivation- to Iran, as explained in Chapter 1.

According to neorealism, there are two types of international law instruments: “*non-political international law*” and “*political international law*” (Steinberg, 2013). Morgenthau (1940) establishes that the former consists of all Treaties that benefit States unrelatedly to international distribution of power sources as Law of Treaties, and the latter involves all Treaties benefiting States according to particular power holding as Treaties of Alliance (Steinberg, 2013). In this manner Krasner concludes that hard law is made through decision-making processes that typically reflect underlying power structures, and consent may or may not be coerced based on divergent or convergent self-interests (Steinberg, 2013). Furthermore, Krisch (2005) explains that it is commonly harder to achieve consent in multilateral Treaties because of limited influence of the powerful State in all Parties and the possibility of unity to counterbalance such State. On the contrary, bilateral negotiations are more susceptible to be negotiated based on direct reciprocity, unequal commitments of the Parties and lack of formal equality; which is the result of the more powerful State influence on the other Party (Krisch, 2005). Nevertheless, the author highlights that even though these inequalities are more often found in bilateral agreements, these are generally accepted and therefore less obvious (Krisch, 2005).

Still, dominance of States does not limit itself to the formulation of the Treaties. It can also be identified in their interpretation process and compliance. For neorealism, interpretation cannot profoundly change the balance of power throughout which the legal instrument was created, meaning the international political situation represented in the Treaty (Steinberg, 2013). Nevertheless, hegemonic reassurance appears as the situation where States confront one another by referring to legal agreements with their own individualistic meaning for the term to encourage their own visions of the ideal world order (Koskeniemi, 2004). At this moment, powerful States will only back and obey tribunal verdicts if the interpretation does not overrule against the interests of powerful States. Consequently, interpretation reproduces status quo. Regarding compliance, Krasner specifies that States commonly comply with both non-political Treaties and political Treaties, mainly because it is of interest of the signatories to avoid coercive measures (Steinberg, 2013). Therefore, imposition by negotiation to accept a legal instrument is part of hegemonic strategy in the form of blackmail (Mattei, 2003). This, as mentioned before, is clearly evident in the mechanisms of resolution of disputes because the American presence in

this instance will ensure a favorable interpretation of terms and concepts for the United States.

This final chapter has had a high level of theoretical content. However, we can say that the third specific objective of this work has been accomplished by verifying the existence of a hegemonic dynamic between the United States and Iran through the clauses established in the Joint Comprehensive Plan of Action (JCPOA). By analyzing the general nuclear legal framework through a teleological perspective and the JCPOA through a much detailed literally and logical document analysis, the elements that draw the most attention is the possibility for the United States of reintroducing the sanctions to Iran in case of incompliance for the sake of international security. Additionally, it is clear that Iran had to accept the constant verification of the IAEA to not risk the possibility of recovering these sanctions or additional ones.

Additionally, the conceptualization of hegemony and structural realism in International Public Law has displayed the importance of the before described Articles in the hegemonic dynamics between both countries. The JCPOA according to Krasner can be considered a political international law instrument and thus the conditions stated in this instrument were largely influenced by the most powerful State. Finally, the JCPOA constitutes a prodigious example of hegemony in legal instruments as Krasner and Steinberg conceptualize, as a perpetuation of the underlying power distribution of the system.

VII. ANALYSIS

At the end of this dissertation, it can be said that the general objective: to analyze the influence of American foreign policy in the signing of the Joint Comprehensive Plan Of Action (JCPOA) to remain a hegemon over Iran in nuclear issues was achieved. According to structural realism, the existence of nuclear weapons discourages entrepreneurship of any form of war because of its high potential of retaliation and the costly risk of destruction, which in fact explains the creation of a legally binding document between the United States and Iran. To understand the negotiations between a Nuclear-Weapon State and a Non-Nuclear-Weapon State, Waltz suggests that the biggest change of the system so far has been nuclear development and its evolution has incorporated new actors in the nuclear relations. These non-traditional nuclear actors –like Iran– have determined changes in the American foreign policy until the present day. These modifications, according to neorealism, reflect the fact that the distribution of capabilities in the international system has also changed as it was detailed in the historical review of American foreign policy during and after the Cold War. According to John Mearsheimer, this temporality is important because since then States are now motivated to acquire nuclear weapons to provide themselves additional safety. For instance, Iran -as a Shiite State in a Sunni populated region and anti-western State in a primarily western-dominated system- would have reason to feel the need of developing nuclear weapons to grant its existence in the system.

According to Mearsheimer, neorealism responds to the five following assumptions. First, great powers are the main actors in the anarchic system. For instance, this materializes in the case study through the protagonist role of the United States over Iran in the system. Second, all States have the military capability to inflict harm other States. Here, the importance of how these artilleries vary over time in the United States and Iran will determine which country can inflict the greatest damage. Third, it is almost impossible to discern another State's intentions with a high degree of certainty. These intentions can be divided in two: States that ultimately want to know whether other States are determined to use force to alter the balance of power are known as revisionist States and those satisfied enough with it that they have no interest in using force to change it are known as status quo States. On the one hand, Iran could be categorized as a revisionist State -from the American perspective- between the

Islamic Revolution and the Ahmadinejad Administration because it challenged the dominant actor in the system. Fourth, the main goal of States is survival, which is verified through Iran's efforts to defend itself in a malevolent environment and the American mechanisms to tackle any potential threat through deterrence. Fifth, States are rational actors, capable of coming up with comprehensive strategies to maximize their prospects for survival. This assumption can be identified in the decision of negotiating a Treaty instead of direct confrontation, as a result of evaluating alternatives.

Neorealism considers that the anarchic structure of the system encourages States to safeguard their security through the accumulation of power, in this case the United States has seen the need to prevent Iran from accumulating an excessive amount of power, materialized in the form of nuclear weapons. Here, the two different responses of neorealism to the dilemma over how much power is needed are evident in the foreign policy of each State studied.

Offensive realism catalogues power capabilities into two: latent and actual. The former constitutes economy and population, while the latter is represented by military capabilities. As mentioned before, the United States can be considered a status quo State based on its ambition to prevent any shift in the distribution of Iranian nuclear capabilities. The American strategy to achieve this goal is the use of latent power –economic sanctions– to grant its supremacy on actual power capabilities. This strategy lines up perfectly with the offensive neorealist thought that emphasizes the importance of actual power over latent power capabilities. This branch of neorealism argues that maximizing relative power to the point of hegemony is the ultimate aim of every State. Even though global hegemony is hard to achieve, structural realism explains that a State can –exceptionally- attain a nuclear monopoly. Therefore creating a global hegemony in this matter, as the United States attempts to preserve with the JCPOA. Mearsheimer distinguishes two overall strategies for States to gain power. The first involves direct attempts to gain relative power, while the second type is indirect and aims to check other aggressors from making gains. As both countries in question signed a Treaty that openly allows the IAEA to monitor all enrichment plant in Iran and sanctions in case of any Iranian incompliance, it can be considered a direct American attempt to gain relative power.

The United States intends to maintain the status quo, in which for decades it has been the hegemon. The sanctions established by the United Nations respond to the use of international institutions as places to exercise power for the most influential States in the system. This is evident based on the American behavior within the Security Council through the exercise of veto power given to the five permanent powers. Maintaining power -as a hegemon- is a clear interest of the United States as means to keep international security, especially nuclear security. Even if at first sight the JCPOA might look like a sympathetic strategy, it clearly shows the use of negative motivations to control the system, which offensive neorealism specifies as means to exercise power over weaker States in the system. Deterrence –even with the modifications introduced to nuclear foreign policy during the Obama Administration- has been the strategy chosen by the United States to safeguard its survival as a hegemon in the system.

On the contrary, defensive realism -as explained by Grieco and Waltz- argues that States seek to maximize their share of power and this pursue is ineffective because the anarchic system will take care of stopping it. The sanctions imposed to Iran by the international community after the undeclared enrichment plants were discovered, exemplify precisely this dynamic. Bieler proposes that in defensive neorealism the balance of power ensures peaceful stability. Ideally, power should be distributed. As this is not the case, Waltz confirms that the only mechanism through which the security dilemma is solved is through self-help. The development of an indigenous enrichment plant in Iran can be understood as the first steps to grant the effectiveness of a self-help operation by Iran. However, Waltz also stresses that the possibilities to maintain peace increase when States can obtain their major objectives without the use of force, which is exemplified in the signing of the JCPOA as means for Iran to find its way out of the international isolation.

As States can never identify with certainty whether or not a State intended to alter the balance of power, thus the JCPOA is a temporary solution to the power dispute. In the case of Iran, even if the current intentions could be identified, there is no way to be certain about the revisionist goals that this State might have in the future. Accordingly, neorealism States that intentions are in the minds of decision-makers, who may or may not disclose their real intentions in speeches and policy documents. This is especially important because of the

Iranian policy-making structure studied in this dissertation. Additionally to the overlapped decision-making structure and the little participation that the Minister of Foreign Affairs and the President have in comparison to the dominant participation that the Ayatollah has on foreign policy should demonstrate the unsteadiness that the international community and the United States face. Therefore, the JCPOA leaves the possibility for the United States to re-apply sanctions in case of non-compliance.

According to neorealism, power within the international structure is given through capabilities that each State has. Iran has many capabilities such as natural resources and geostrategic location. After the Islamic Revolution, Iranian foreign policy generated suspiciousness and feelings of insecurity in the international community, which caused retaliations from other States –including the United States- in the system. This retaliation was constructed on the limitation of capabilities. That is, economic sanctions and blockades to the country's main source of income, oil exports. Consequently, Iran's attempts to change the system have been fruitless and have high discomfort to the country. In sum, the government has seen the need of changing the strategy to avoid more economic sanctions and thereby re-possessing its capabilities (economy and population) to re-introduce itself in the system.

The JCPOA constitutes a legal document of great importance to analyze American attempts to display hegemonic power. Itself, the conformation of the parties in the JCPOA –the P5+1 and Iran– reflects what neorealism explains about cooperation. This form of interrelation only exists when States form alliances against a common threat or when a hegemon is able to induce cooperation practices through positive or negative motivations. On the one hand, the United States with the rest of the P5+1 have a common threat to fight – Iranian acquisition of nuclear weapons– and that is the primary reason why they unite. On the other hand, the United States induces Iranian cooperation through sanctions.

Furthermore, Kramer describes neorealism through the eyes of international institutions, diplomacy, international law and regimes as guidelines of behavior because all these explain and predict the actions of States, as the reflection of power distribution in the system. This means that, the United Nations Security Council, the IAEA, and the JCPOA including its mechanism of solution of

controversies are highly influenced by those States that are powerful at the larger scale, i.e. the United States. Consequently, the JCPOA is the embodiment of the status quo. The same author States that Treaties create an asymmetric coordination through military or economic pressure, which are categories that structural realism considers determinant for acquiring power and are present in the JCPOA in the form of lifting sanctions and the threat of re-introducing them.

Structural realism categorizes two types of international law instruments: “*non-political international law*” and “*political international law*”. The former consists of all Treaties that benefit States unrelatedly to international distribution of power sources as Law of Treaties and the latter involves all Treaties benefiting States according to particular power holding as Treaties of Alliance. Through the teleological analysis it can be said that TNP is a political international law instrument because its power capabilities are directly affected, while for Iran it was a non-political international law instrument because of its adherence to the ideal to achieve international peace and security as a Non-Nuclear-State. This disparity can be extended to the regional nuclear Treaties analyzed in this dissertation because American adherence is highly political, while the other Non-Nuclear-Weapon States obtain nothing in return but the satisfaction of contributing to international peace and security in exchange of sanctions in case of incompliance. Therefore, Krasner’s conclusions are verified as he States that hard law is made through decision-making processes that typically reflect underlying power structures, and consent may or may not be coerced based on divergent or convergent self-interests.

Regarding hegemony, even if the classic Gramscian approach to the concept is not entirely suitable in the field of International relations, its basic statements are useful to understand the dynamic. According to Gramsci, hegemony is only accomplished by a fusion of force and the voluntarily approval of the individuals for the system, which is evident in the Iranian-American relations around the JCPOA. The recognition of the representatives in the negotiations of Lausanne and Vienna and the explicit agreement of the content of the JCPOA demonstrate the voluntary Iranian approval of the American role in the situation. Furthermore, the use of sanctions as motivators by the United States ratifies all the elements of Gramsci’s concept. According to neorealism, hegemony is materialized through international institutions because a hegemon is able to unite other States into a single international system. In this case, the

United States was capable of re-introducing Iran to the system, without disturbing the status quo that the NPT establishes. Furthermore, as specified before, all neorealist theories of nuclear hegemony imply that one State accumulates the sources of power (nuclear capabilities) and uses its authoritative position to maintain order, what is clearly evidenced in the JCPOA. The United States does play a hegemonic role over Iran because the Treaty limits Iranian capability of developing nuclear weapons, while the United States has no restriction to do so. Moreover, the Treaty explicitly allows the United States to re-introduce sanctions in case of perceived non-compliance and allows it to keep certain sanctions in force after the ratification of the JCPOA, therefore institutionalizing the dominant role of the United States.

VIII. CONCLUSIONS

The hypothesis specified for the present dissertation aspired to verify the following statement: the modification of the American foreign policy in nuclear issues towards Iran would have been caused by the preponderant role of the United States in the international community and Iranian need to end the sanctions, which would be evidenced by the signing of the Joint Comprehensive Plan Of Action (JCPOA) that maintains the current hegemonic system. It has been found that the hypothesis is verified, according to the following conclusions:

- The American Grand Strategy fosters an ambiguous concept of security, which allows the United States to create foreign policy that will look for: American safety, American values, the amount of security American leaders consider appropriate, the extermination of threats identified by American leaders, using the means available in the United States. Nevertheless, as a rational State, the United States evaluates the possibilities of best strategy. In the case study, the United States avoided military confrontation due to the high costs that escalation would bring.
- Deterrence has been an unceasing strategy in American foreign policy regarding nuclear issues. Nevertheless, the deterrent strategy has scattered since the Cold War until the Obama Administration. While during the Cold War the USSR concentrated all the nuclear threats to America, after the 9/11 attacks the nuclear potential proliferators have multiplied and diversified.
- For both Iranian and American citizens the conjuncture around the Iranian nuclear program was of great importance. The new –more open– approaches to the topic given by Hassan Rouhani and Barack Obama were influential for their victories. The importance of the topic is given by the fact that nuclear weaponries represent political and factual tools in the security strategy of the States in the system. Furthermore, the strategies that both candidates presented and later executed created trust in the counterpart, which was determinant for the JCPOA to develop.
- The American dual track strategy used with Iran is particularly efficient. Iranian active dependency on the international economy -especially the oil market- enables the United States to powerfully limit the Iranian power capabilities in the form of sanctions. Additionally, Iranian population interaction with other States, cultures and information around the world allows the United States to perform an

effective partnership from the less to the most powerful circles in the country. Therefore, the JCPOA as a result of the dual track strategy can hardly be adapted to other proliferator States e.g. North Korea.

- Iranian geostrategic location, natural resources and political influence in the region that may cause high costs in case of direct confrontation is the reason why States avoid direct confrontation with this Middle Eastern State.
- The nuclear program is not an indiscriminate concern –per se– for the United States, the concern lies on the interests of the government developing it. The Iranian nuclear program begun during the Shah’s regime that was a monarchic pro-American regime and had full support from the American government. After the Islamic Revolution -even if a democratic regime was established and the nuclear program was stopped for a period of time- the United States considered Iran a threat based on ideological differences that could risk political alliances. This phenomenon is also evident on the sanctions applied to North Korea and the blind eye to the Israeli and Pakistani nuclear development.
- During Ahmadinejad’s regime, the Iranian policy to balance power against the United States by denoting progress, sense of distinctiveness and raising respect through the commitment to the nuclear program carried a high price to pay. Iran faced social conflicts based on the elevated inflation growth, impoverishment of lower social classes, unemployment, and austerity policies caused by the international sanctions applied to the main economic sectors of Iran. Therefore, the motivations for Iranian government to undergo the JCPOA negotiations are clearly rooted on the economic cost of ideological opposition to the United States.
- Contrary to the NPT, the JCPOA as a law instrument is a mechanism to tackle unconventional threats presented by conventional actors i.e. States to the status quo in the international system. The status quo reflected in the various legal instruments regarding nuclear proliferation focus on preventing horizontal proliferation while leaving legal loopholes concerning vertical proliferation. Additionally, they aim to prevent spread of nuclear weapons and fail to target nuclear terrorism directly.
- Nuclear-Weapon States support the creation of NFZT but fail to compromise themselves in a concrete disarmament process. The lack of commitment becomes clearer as the United States fails to sign and ratify the Protocols of the Treaty of Rarotonga and the Treaty of Bangkok. Presumably, the American absence in these legal documents can be explained in its interest to develop nuclear weapons in its geostrategically located extra-continental territories.

- The JCPOA can be considered a tool of American hegemony because it fulfills both conditions to determine a relation as hegemonic, the fusion of force and the voluntarily approval of the individuals for the system. First, force is evident on the latent possibility of re-introduction of sanctions, explicitly explained in the JCPOA. Second, it is made crystal clear that the Treaty should not be misinterpreted as any kind of exception to the internationally acknowledged principles of international law and customary practices. Voluntary approval is also proven through the Iranian recognition of these customary practices and the deliberate signing of the JCPOA.

IX. RECOMMENDATIONS

Having conducted the preliminary analysis and having obtained the findings presented above, the following recommendations are made:

- As status quo States can never be sure about the real intentions of other States in the system, policy makers should focus on creating positive motivations to cooperate because these are less probable to create retaliation. These positive motivations might include rewards for States that share common objectives, such as support for their initiatives in international organizations or strengthening of commercial relations. In sum, even if negative motivations may show results in the short term for powerful States, positive motivations increase the possibilities of long-term feeling of security.
- Due to the great tragedy that a nuclear outbreak would mean, American policy-makers should focus on creating strategies –similar to the one developed for Iran– to approach other potential proliferators. Such strategy should be ideally constructed on the basis of trust as it was done with Iran. A first step to seem trustworthy to the counterpart might include the reduction of nuclear arsenals, as a concrete action to reduce vertical proliferation. This action could show real commitment to work in favor of international peace and security.
- Revisionists States in the system should consider that the cost of opportunity of challenging the structure might exceed the benefits and lead to situations that can threaten the very existence of the State. On the contrary, by considering the creation of alliances with powerful States in the system against a common threat, these might more efficiently grant security in the long term.
- All legal instruments, especially political ones, perpetuate the power distribution given in the system. Therefore, citizens within States should be fully conscious of this reality to avoid misinterpretations of any signed Treaty. Furthermore, instead of being defiant to the system, States should get to know in depth all constants in the structure to use them in their favor to grant their security.
- To other researchers in the field that might be interested in developing this topic, a more detailed analysis of the technical limitations that Iran agreed on the JCPOA might be elucidating to understand to what extent the limitations affect Iran.

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ANNEXES

INTERVIEW “IRANIAN PERSPECTIVES ON THE JCPOA”

Date of the interview: March 3th, 2016.

Name: Yaser Dastjani Farahani

Private Contractor since 1977.

Nationality: Iranian

The following interview was conducted at the Iranian Embassy in Quito, Ecuador. Due to security policies and diplomatic protocols this interview could not be recorded. The set of questions to the diplomatic representatives are presented in this document. The answers to this interview have not been transcribed by request of the Iranian Embassy in Quito.

1. After decades of tense relations, why did Iran decide to come to an agreement on its nuclear program? Which were the motivations?
2. How would you define Iranian negotiation style for the JCPOA?
3. How did you build trust and make connections with the US, what was the determinant factor?
4. Do you think this deal has established a milestone for future nuclear agreements with other nations?
5. How do current agreed limitations on infrastructure affect Iran's capability to generate nuclear energy for peaceful use?
6. Ayatollah Khomeini said that the deal wouldn't change relations with the United States how can this be understood?
7. How does the Iranian population see the deal?

LIST OF SANCTIONS APPLIED TO IRAN

U.S. sanctions:

-- As a result of the hostage crisis in 1979, the U.S. government froze Iranian government assets in the United States and U.S. banks overseas, totaling \$12 billion, according to the U.S. Treasury. That freeze was eventually expanded to a full trade embargo until an accord was signed with Iran in 1981. Most assets were unblocked and the embargo was lifted.

-- In 1987, the United States imposed a new embargo on Iranian goods and services, "as a result of Iran's support for international terrorism and its aggressive actions against non-belligerent shipping in the Persian Gulf," the U.S. Treasury says.

-- In 1995, the United States banned "involvement with petroleum development in Iran," the U.S. Treasury says. Two years later, the United States banned "virtually all trade and investment activities with Iran by U.S. persons, wherever located."

-- In 2010, the United States passed the Comprehensive Iran Sanctions, Accountability, and Divestment Act. It revoked, for example, permission to import "certain foodstuffs and carpets of Iranian origin," the U.S. Treasury says. Those who violated the law could face a fine of up to \$1 million and 20 years imprisonment.

-- The law established that Iranian goods or services may not be imported unless they are gifts valued \$100 or less; informational materials, or personal property of someone coming into the United States.

-- U.S. citizens may not export goods or services to Iran or, in general, to a third country knowing it is intended for Iran. There are exceptions for "donations of articles intended to relieve human suffering," gifts valued at \$100 or less, certain agricultural products, medicines, and informational

materials, the Treasury says.

-- The U.S. government prohibits "servicing accounts of the government of Iran," including the country's central bank.

-- In 2011, the United States added further sanctions, including tightening restrictions on companies that provide Iran with equipment and expertise to run its oil and chemical industry. It prohibited groups that do business with financial institutions in Iran from holding accounts in the United States.

-- U.S. sanctions also targeted groups in Iran -- such as the Islamic Revolutionary Guard Corps, the Basij Resistance Force, and Iran's Law Enforcement Forces -- as well as several individuals in Iran.

U.N. Sanctions:

-- Current U.N. sanctions against Iran are the result of a series of resolutions dating back to 2006.

-- Material related to Iran's "proliferation-sensitive nuclear and ballistic missile programs" are embargoed, the United Nations says.

-- One of the resolutions bans the export or procurement "of any arms and related material from Iran," the U.N. Security Council says.

-- A long list of individuals and entities are subject to a travel ban and assets freeze. "The assets freeze also applies to any individuals or entities acting on behalf of, or at the direction of, the designated persons and entities, and to entities owned or controlled by them," the council says on its website.

EU Sanctions:

-- The European Union announced Monday it will ban the import of Iranian crude oil and petroleum products.

-- Assets of Iran's central bank in the European Union will be frozen, and trade with Iran in gold, diamonds, and precious metals will be blocked, the union said.

-- The export to Iran of "key" petrochemical equipment and technology from the European Union will be blocked, the it said.

-- The European Union already had in place a series of

sanctions as well, targeting the oil and gas industry, nuclear industry, financial sector and more.

-- Measures put in place in 2010 include restrictions on "equipment which might be used for internal repression," the official text said.

Retrieved from: <http://edition.cnn.com/2012/01/23/world/meast/iran-sanctions-facts/>

Key Excerpts of the Joint Comprehensive Plan of Action (JCPOA)

Preamble and General Provisions

Preamble and General Provisions

- The full implementation of this JCPOA will ensure the exclusively peaceful nature of Iran's nuclear program.
- Iran reaffirms that under no circumstances will Iran ever seek, develop, or acquire any nuclear weapons.
- This JCPOA will produce the comprehensive lifting of all UN Security Council sanctions as well as multilateral and national sanctions related to Iran's nuclear program.
- A Joint Commission consisting of the E3/EU+3 and Iran will be established to monitor the implementation of this JCPOA and will carry out the functions provided for in this JCPOA.
- The IAEA will be requested to monitor and verify the voluntary nuclear-related measures as detailed in this JCPOA. The IAEA will be requested to provide regular updates to the Board of Governors, and as provided for in this JCPOA, to the UN Security Council.
- The E3+3 will submit a draft resolution to the UN Security Council endorsing this JCPOA affirming that conclusion of this JCPOA marks a fundamental shift in its consideration of this issue and expressing its desire to build a new relationship with Iran.

Nuclear

Enrichment, Enrichment R&D, Stockpiles

- Iran's long term plan includes certain agreed limitations on all uranium enrichment and uranium enrichment-related activities including certain limitations on specific research and development (R&D) activities for the first 8 years, to be followed by gradual evolution, at a reasonable pace, to the next stage of its enrichment activities for exclusively peaceful purposes.

- Iran will begin phasing out its IR-1 centrifuges in 10 years. During this period, Iran will keep its enrichment capacity at Natanz at up to a total installed uranium enrichment capacity of 5060 IR-1 centrifuges. Excess centrifuges and enrichment-related infrastructure at Natanz will be stored under IAEA continuous monitoring.
(Note: Iran currently has about 19,000 IR-1 and advanced IR-2M centrifuges installed)

-- Based on its long-term plan, for 15 years, Iran will keep its level of uranium enrichment at up to 3.67%.

(Note: Prior to the Joint Plan of Action, Iran enriched uranium to near 20%)

-- Iran will refrain from any uranium enrichment and uranium enrichment R&D and from keeping any nuclear material at Fordow for 15 years.

(Note: Iran currently has about 2,700 IR-1 centrifuges installed at Fordow of which about 700 are enriching uranium)

- Iran will convert the Fordow facility into a nuclear, physics and technology center.

- 1044 IR-I machines in six cascades will remain in one wing at Fordow. Two of those six cascades will spin without uranium and will be transitioned, including through

appropriate infrastructure modification, for stable isotope production. The other four cascades with all associated infrastructure will remain idle.

- During the 15 year period, Iran will keep its uranium stockpile under 300 kg of up to 3.67% enriched UF₆ or the equivalent in other chemical forms.

(Note: Iran currently maintains a stockpile of about 10,000 kg of low-enriched UF₆)

-- All other centrifuges and enrichment-related infrastructure will be removed and stored under IAEA continuous monitoring.

Arak, Heavy Water, Reprocessing

- Iran will design and rebuild a modernized heavy water research reactor in Arak, based on an agreed conceptual design, using fuel enrichment up to 3.67%, in the form of an international partnership which will certify the final design. The reactor will support peaceful nuclear research and radioisotope production for medical and instructional purposes. The redesigned and rebuilt Arak reactor will not produce weapons grade plutonium.

- Iran plans to keep pace with the trend of international technological advancement in relying on light water for its future power and research with enhanced international cooperation including assurance of supply of necessary fuel.

- There will be no additional heavy water reactors or accumulation of heavy water in Iran for 15 years.

- Iran intends to ship out all spent fuel for all future and

present power and research nuclear reactors.

Transparency and Confidence Building Measures

- Iran will provisionally apply the Additional Protocol to its Comprehensive Safeguards Agreement in accordance with Article 17 b) of the Additional Protocol.
- Iran will fully implement the “Roadmap for Clarification of Past and Present Outstanding Issues” agreed with the IAEA, containing arrangements to address past and present issues of concern relating to its nuclear program.
- Iran will allow the IAEA to monitor the implementation of the above voluntary measures for their respective durations, as well as to implement transparency measures, as set out by the JCPOA and its Annexes. These measures include: a long-term presence in Iran; IAEA monitoring of uranium ore concentrate produced by Iran from all uranium ore concentrate plants for 25 years; containment and surveillance of centrifuge rotors and bellows for 20 years; use of IAEA approved and certified modern technologies including on-line enrichment measure and electronic seals; and a reliable mechanism to ensure speedy resolution of IAEA access concerns for 15 years, as defined in Annex I.
- Iran will not engage in activities, including at the R&D level, that could contribute to the development of a nuclear explosive device, including uranium or plutonium metallurgy activities.
- Iran will cooperate and act in accordance with the procurement channel in this JCPOA, as detailed in Annex IV, endorsed by the UN Security Council resolution.

Sanctions

- The UN Security Council resolution endorsing the JCPOA will terminate all the provisions of the previous UN Security Council resolutions on the Iranian nuclear issue simultaneously with the IAEA-verified implementation of agreed nuclear-related measures by Iran and will establish specific restrictions.
- The EU will terminate all provisions of the EU Regulation, as subsequently amended, implementing all the nuclear related economic and financial sanctions, including related designations, simultaneously with IAEA-verified implementation of agreed nuclear-related measures by Iran as specified in Annex V.
- The United States will cease the application, and will continue to do so, in accordance with the JCPOA, of the sanctions specified in Annex II, to take effect simultaneously with the IAEA-verified implementation of the agreed upon related measures by Iran as specified in Appendix V.
(Note: U.S. statutory sanctions focused on Iran's support for terrorism, human rights abuses, and missile activities will remain in effect and continue to be enforced.)

-- Eight years after Adoption Day or when the IAEA has reached the Broader Conclusion that all the nuclear material in Iran remains in peaceful activities, whichever is earlier, the United States will seek such legislative action as may be appropriate to terminate or modify to effectuate the termination of sanctions specified in Annex II.

Implementation Plan

- Finalization Day is the date on which negotiations of this JCPOA are concluded among the E3/EU+3 and Iran, to

be followed promptly by submission of the resolution endorsing this JCPOA to the UN Security Council for adoption without delay.

- Adoption Day is the date 90 days after the endorsement of this JCPOA by the UN Security Council, or such earlier date as may be determined by mutual consent of the JCPOA participants, at which time this JCPOA and the commitments in this JCPOA come into effect.
- Implementation Day is the date on which, simultaneously with the IAEA report verifying implementation by Iran of the nuclear-related measures described in Sections 15.1 to 15.11 of Annex V, the EU and the United States takes the actions described in Sections 16 and 17 of Annex V.
- Transition Day is day 8 years after Adoption Day or the date on which the Director General of the IAEA submits a report stating that the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, whichever is earlier.
- UN Security Council resolution termination day is the date on which the UN Security Council resolution endorsing this JCPOA terminates according to its terms, which is to be 10 years from Adoption Day.

Dispute Resolution Mechanism

- If Iran believed that any or all of the E3/EU+3 were not meeting their commitments under this JCPOA, Iran could refer the issue to the Joint Commission for resolution; similarly, if any of the E3/EU+3 believed that Iran was not meeting its commitments under the JCPOA, any of the E3/EU+3 can do the same. The Joint Commission would

have 15 days to resolve the issue, unless the time period was extended by consensus.

- After Joint Commission consideration, any participant could refer the issue to ministers of foreign affairs, if it believed the compliance issue had not been resolved. Ministers would have 15 days to resolve the issue, unless the time period was extended by consensus.
- If the issue has still not been resolved to the satisfaction of the complaining participant, and if the complaining participant deems the issue to constitute significant nonperformance, then that participant could treat the unresolved issue as grounds to cease performing its commitments under this JCPOA in whole or in part and / or notify the UN Security Council that it believes the issue constitutes significant non-performance.

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Retrieved from: <https://www.whitehouse.gov/the-press-office/2015/07/14/key-excerpts-joint-comprehensive-plan-action-jcpoa>