

The ‘Snapback Mechanism’ Bedevils Iran - OpEd



Flag of Iran. Photo by Farzaaad2000, Wikipedia Commons.

The blueprint presented by the US to the UN Security Council to re-impose the arms embargo on Iran was ruled out, having 2 ayes, 2 nays, and 11 abstentions as its vote. This led the US to move to plan B, the snapback of all UN sanctions, to prevent weapons from reaching Iran and to prevent Iran from becoming a nuclear state.

Those opposing this move laid out legal issues and, referring to them, say that as the US withdrew from the JCPOA in May 2018 it has lost its place as a participant.

As EuroNews put it, on August 16, 2020, the head of the EU policy-making organ, Josep Burrell, believes that as the US ‘unilaterally’ withdrew from the JCPOA in 2018 and has not been a participant in any of its events ever since it ‘is not in a position’ to use its mechanisms.

Those opposing the US and sticking to the consequence of its unilateral

withdrawal from the JCPOA, neglect Iran's violation of the UN resolution 2231. In a letter dated July 7, 2019, Iran announced that an objection to the violation of the JCPOA by the US and intense sanctions against Iran, the country will increase the level of its uranium enrichment. This was a blatant violation of the UN 2231 resolution. In fact, it was Iran itself that laid the ground for the possibility of using the 'snapback mechanism' to restrain its violations, by announcing the violation of its obligations in accordance with the JCPOA; refraining to accept any limitation in Uranium enrichment, increasing the level and amount of its enriched Uranium stockpile, as well as increasing its activity in related research and development fields.

Following this obvious violation of the JCPOA by Iran, a committee, including France, England, and Germany, met on January 27, 2020, without the US, participating and announced that in a case where Iran's nuclear dossier is referred to the UN, the possibility of using the 'snapback mechanism' to revive all UN sanctions against Iran exists.

And, according to the International legal viewpoints for those in favor of the US actions, the US leaving the JCPOA does not de-categorize it as a signatory of the deal. Thus the US can legally trigger the 'snapback mechanism'; this is embedded in the deal too. Both Obama and John Kerry when signing the deal had emphasized the US's right to trigger the mechanism. There is nowhere within the JCPOA that says that a signatory leaving the deal will be deprived of such a right.

If we observe the issue from the prospect, and the goal, of providing stability and security for the region, then the US has the upper hand, and its argument is far stronger than that of the EU. It relies on the importance of global security and controlling Iran's ambitions, which was the essence of the JCPOA. It targets the Iranian regime's missile activities and its destabilizing acts in the region. It is the answer to the devilish act of this regime. But, on the European side of this equation, there is no answer to the Iranian regime's destabilizing acts, and no attention is paid to global peace and security.

The visit paid by Rafael Grossi, the Head of the International Atomic Energy Agency (IAEA), to Iran, on Monday, August 24, is one of the positive effects of activating the 'snapback mechanism' by the US. During the past years, the agency's inspectors have found high levels of enriched Uranium in the regime's atomic sites while taking samples; enriched to a degree suitable for making a

nuclear bomb. The Iranian regime has not been able to explain, logically and convincingly, the source of these samples.

Now, in reaction to the 'snapback mechanism', as Kazem Gharib-Abadi, the head of Iran Atomic Energy has put it, he has to take the agency into his confidence and explain that level of enrichment. Speaking in this way, as opposed to the regime's previous behavior of denying any inspection of its sites, is an important change and a hasty one which is undoubtedly Iran's reaction to the issue of the 'snapback mechanism' being introduced by the US. Without that introduction, the Iranian regime would never have yielded to such negotiations. It was for a long time that it denied the IAEA access to some of its sites.

In the end, one must point to a historic lesson; who weaponized Hitler?

In pursuing the appeasement policy towards Hitler, after signing the Munich Agreement on September 30, 1938, Neville Chamberlain, Britain's then prime minister, on returning to England made his now infamous speech at Heston airport in which he expressed his optimism in supporting Adolf Hitler, read a signed agreement and said that it was the second time in their history that they have returned from Germany achieving an honorable peace. He said: "I believe this is the peace of our time. So I suggest that you go home and sleep in peace in your bed." As a result of the agreement, the German army marched into Czechoslovakia in the "peaceful conquest" of the Sudetenland. The bombers did not roar over London that night, but they would come. In less than a year, on 1 September 1939, England and France would declare war on Germany for their invasion of Poland, and in less than two years, on 7 September 1940, as World War II, one of the most lethal wars in human history, took a firm grip, those bombers reached England. Chamberlain's naivety and empty words of peace which proved a great historic irony became a source of mockery and gave second thoughts to both artists and politicians.

It was a bitter lesson for the generation to come. We must not let such history repeat itself.

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