

# IRAN AND THE DISPUTE RESOLUTION MECHANISM: DIPLOMACY OR REVISIONISM?

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*Abstract:* The assassination of Major General Qasem Soleimani by the US, followed by the downing of the Ukrainian passenger jet by the Iranian forces have raised several questions on the credibility of Iranian claims over its nuclear program once again. Amid the provocation, the declaration of suspension of all limits to uranium enrichment under the 2015 nuclear deal has been the major bargaining point for Iran to retain its position. In response, the E3 (France, Germany and the UK) has triggered the *Dispute Resolution Mechanism* under paragraph 36 of the 2015 nuclear deal. The mechanism offers a 60-day window to Iran to seek a mutually beneficial resolution aiming to resume its conformation to the deal. Failure to secure the resolution shall resume UNSC sanctions. This article deals with the strategy of coercive diplomacy between the West and Iran through the recent episodes of violent exchanges as well as diplomatic discourses along the lines of their historical relevance. It argues that the West has shifted its focus from clear coercive diplomacy to coercive revisionism, which entails a consistent effort to defy mutuality of the outcome. Perhaps, it seeks an arbitrary outcome in favor of the West. It attempts to address the plausibility of the Dispute Resolution Mechanism.

*Keywords:* Dispute Resolution Mechanism, JCPoA, NPT, coercive diplomacy, coercive revisionism.

## INTRODUCTION

The provisions for dispute resolution in the JCPoA (Joint Comprehensive Plan of Action, 2015) might have been thought by its proponents to produce superior control over Iran's nuclear affairs. Apparently, the provisions call for dispute resolution among the parties, but deny the freedom of decision-making to its least benefitted participant: Iran. On January 14, 2020, the Foreign Ministers of France, Germany and the UK issued a joint statement invoking the provisions of

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the Dispute Resolution Mechanism prescribed in paragraph 36 of the JCPoA against Iran (Federal Foreign Office Germany 2020). The decision came in the wake of Iran's declaration of complete suspension of all the limits on uranium enrichment after it lost its most influential military commander: Major-General Qasem Soleimani.

Iran viewed this loss as a betrayal vis-à-vis the compliance over and above the NPT (Nuclear Non-Proliferation Treaty) adding a considerably significant loss to its defense capabilities. In addition, paragraph 36 of the nuclear deal has granted the E3 (France, Germany and the UK) the power to seize the sovereign rights of Iran so that the former has a better hand at negotiations. The major issue surrounding the exercise of this provision is its credibility in the absence of US participation. The credibility of the provision has been technically nullified in terms of its applicability and capacity since May 2018 after the US withdrawal. In other words, there would not be any need of exercising such a provision if the deal would be maintained in its original form and capacity. The most interesting yet warping part of exercising the provision is that the E3 wanted a resolution within more or less 60 days from the date of its invocation. Otherwise, the UNSC (United Nations Security Council) sanctions will resume in addition to unilaterally placed US sanctions (Erlanger 2020). The capability of Iran's negotiation has been reduced to the lowest level despite being a signatory of the NPT.

The situation underscores the implications of coercive diplomacy in International Relations once again. But this time, it appears within a broader aspect of coercive revisionism. It may be understood as an organized strategy comprised of a number of coercive diplomatic strategies in order to achieve an objective. A revisionist coercion is capable of overriding any political achievement by past or present policies with a completely new direction without changing the objective. The article deals with the perspectives of coercive diplomacy and puts the Dispute Resolution Mechanism as the case study. It aims to define the concept of coercive revisionism and its difference from coercive diplomacy. The article aims to find out the credibility of the provisions against Iran's position.

## COERCIVE DIPLOMACY TO COERCIVE REVISIONISM

Numerous literatures have dealt with the concept of coercive diplomacy, but only a few could explain its fundamentals (George 1991: 3-14; Jakobsen 1998: 11-24; Schultz 2004: 23-72). Jakobsen argued that people make common mistake of confusing coercive diplomacy with deterrence. Coercive diplomacy is defined by the issuance of threats by a state against its adversary state in order to reverse an action already taken by the latter. The threats may include punishment or application of limited force. On the other hand, deterrence is understood as containment of the adversary state by the deterring state using threats so that the former could be prevented from taking undesirable actions. The source of these two elements is called: "Strategic Coercion"<sup>1</sup>. It has two sub-divisions: "Deterrence" and "Compellence" (Freedman 2013: 163; Schelling 2008: 69-78). Compellence is defined by an act of a coercing state aiming to secure compliance of an adversary state through an impression that non-compliance would be too expensive to ignore. The act includes use of threats and/or limited exercise of power. Compliance involves drawing the adversary state to surrender to the will of the coercing state and act according to the latter's wish. Jakobsen's illustration in figure 1 is an ideal projection of the relationship among these elements.

Figure 1 depicts a hierarchy wherein coercive diplomacy is a sub-division of compellence alongside "Blackmail". Blackmail refers to a proactive action of a coercing state that is provocative enough to compel its adversary state to comply (give up/take steps) to its will. On the contrary, coercive diplomacy involves no prior action of a coercing state against its adversary state. The adversary state is issued with a threat in order to reverse a detrimental action already taken by it.

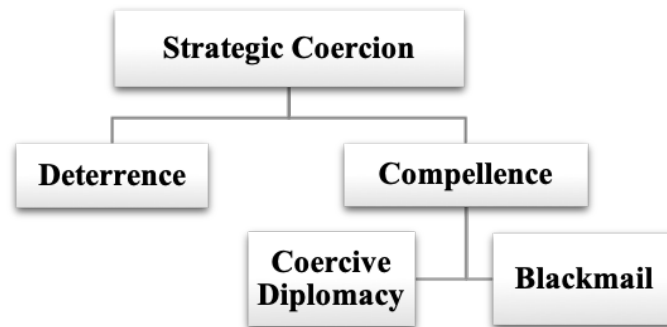


Fig. 1. *Strategic Coercion hierarchy.*

Source: *Jakobsen 1998.*

### *Dilemma of Defensive and Offensive Coercion*

There are ambiguities with respect to defensive and offensive coercion in strategic coercion domain. Freedman finds deterrence to be defensive and compellence to be offensive. He opined that deterrence is triggered by persuading the adversary state to refrain from attacking. Compellence is exercised for unquestioned compliance of the adversary state (Freedman 2013: 163). Jakobsen, however, strongly disagreed with Alexandar L. George who opined that coercive diplomacy is defensive and blackmail is offensive. He (Jakobsen) highlighted the provision of pre-emptive strikes in the International law (as coercive diplomacy) that justifies self-defense on an anticipation of existential or security threats from an adversary state. He cited examples of: *a*) naval escorts' deployment by US in the Persian Gulf to protect oil tankers from Iranian attack (1987-88); *b*) ultimatum by NATO (North Atlantic Treaty Organization) to Bosnian Serbs to refrain from attacking the UN-listed safe areas (1994-95); *c*) US airstrikes in Libya to compel its leaders to cease terror sponsorship (1986) etc. as ideal cases of coercive diplomacy (Jakobsen 1998: 13-14).

The cruxes of deterrence and compellence are deeply rooted in “assurances” (Schelling 2008: 74-75; Lai 2018: 172-173). Assurances are implicit conditions coupled with threats issued to an adversary state. For example, economic sanctions imposed on India in 1998 by US for the successful tests of five nuclear devices (Jha 1999: 1-3, 5-9; Ganguly 1999: 148-177; Gopalaswamy 2010: 2-3). The sanctions included withdrawal of cooperation and aids (except humanitarian aids). They would not be imposed if India would desist conducting the tests. Moreover, the sanctions conveyed a strong message that harsh consequences will be triggered against India for its repetition in future. In the case of Iran, the 2015 agreement had proposed the cooperation of the US and E3 in civil nuclear development, which worked as the condition to discontinue Iran’s nuclear enrichment activity. The assurance was the removal of all sanctions on Iran in the event of rolling back all uranium enrichment activities. A threat equipped with an implicit assurance extends a choice to the adversary state (Goldenberg 2015: 4-8; Trope 2015: 1-5; Viaud 2016: 4-5; Davenport 2018: 27-28; Landau 2018: 23-29). The component of getting the adversary state with choice works best in a time bound scenario. The time schedule is imperative for the compellent action. Without the time limits, the threats lose their credibility to the adversary state. Together, they make a threat more credible and effective (Sauer 2007: 614-615; Schelling 2008: 72; Maher 2019: 7-11).

### *How Credible the Coercive Diplomacy Is*

Many scholars, however, raised doubts on the credibility of coercive diplomacy (which is a part of compellence) as a most successful diplomatic tool (Siddiqui 1997: 74-76; Byman et.al. 1999: 29-30, 49-51; Levy 2008: 539-543; Manulak 2011: 352-355; Alam 2011: 47; Jervis 2013: 106-109). Notably, the coercive diplomacy of the Reagan administration was a grand failure. It failed to reflect on the internal political affairs compared to foreign policy restraints on the other states viz. Afghanistan, Iran, Lebanon and Libya. The responsible constraints were the

availability of military options, claim to international legitimacy, and internal political resistance (Jentleson 1991: 57-59, 69-79). With the help of US sponsored Stinger missiles, Afghan mujahidin could bring down Soviet airpower, leading Soviets to withdraw (Khalilzad 1988: 104; Galster 1988: 1528-1537; Kuperman 1999: 242-258). However, the limited military support proved insufficient in the mujahidin's attempt to remove Najibullah government due to lack of experience in conventional warfare. In Lebanon, the US claimed that the Lebanese Army was being trained by the US forces during 1983 only to help them acquire professional capability. It had nothing to do with consolidating the factional politics in Lebanon. The tactic went horribly wrong leading to a punitive terrorist attack on the Multinational Peacekeeping Forces on October 23 1983<sup>2</sup>. Ideally, the incident marked the denial of international legitimacy to US action and highlighted significant domestic political resistance. US support to Iraq during Iran-Iraq war was drawing results under all three constraints<sup>3</sup>, but later the Iran-Contra scandal<sup>4</sup> brought a huge domestic opposition to the Reagan administration. However, the reflagging of the Kuwaiti tankers in Persian Gulf brought some international legitimacy and limited military options at work.

Referring to the Indo-Pakistan crisis during 2001-2002, Ganguly and Kraig (2005: 298-311) argued that the aggressive mobilization of Indian troops in response to the Parliament attack in 2001 and the suicide bombing at Kaluchak Army base in 2002 failed to achieve the targeted goals of coercive diplomacy. One may argue, the diplomatic success such as Pakistan's acknowledgement of complicity in terrorist activities in Kashmir, US acknowledgement of Kashmir violence as terrorism than mere insurgency, and the international recognition of Pakistan as an exporter of terrorism, justified the success of coercive diplomacy. The success positively addressed the three constraints – military usability, international legitimacy, and internal political resistance. This way Pakistan could be coerced to restrain its foreign policy. Internal political affairs could be influenced too. However, Ganguly and Kraig opine that the Indian strategy of coercive diplomacy could not materialize into a successful compellence or even willingness or motivation to



comply by the Pakistani side. Further, India as a coercing state had no assurances to offer in the event of compliance by Pakistan<sup>5</sup>. India's demobilization in the face of those diplomatic success has failed its coercive diplomacy to secure a conclusive cessation of Pakistani complicity in terrorism against India.

US and Israel have deployed many tactics to stop or delay Iran's nuclear program. The tactics involved killing a key Iranian scientist, sabotaging the nuclear supply chain of Iran through sanctions and embargoes, and attacking nuclear infrastructure through fatal computer virus (Roscini 2014: 133-140; Ricci 2014: 93-96; Meisels 2014: 207-218). Maher (2019: 11-15) argues, over the years, those tactics made Iran more knowledgeable about the potential sabotages, attacks and threats in order to develop protection mechanisms against them. Moreover, Iran has been able to devise a sophisticated network in the world to smuggle nuclear technology.

It can be argued that coercive diplomacies applied by US and Israel backfired themselves. Faced with attacks and sabotages, Iran continued to look for alternatives to proceed with its nuclear program steadily. Iranian persistence and determination ultimately compelled the US to arrive at the nuclear deal in 2015 along with the E3, Russia and China. How to counter an adversary state when coercive diplomacy fails? Or even if it works? The adversary state remains an adversary despite either of the conditions.

### *Turning to Coercive Revisionism*

When all options of coercive diplomacy are exhausted, the only solution remains is to bring an alteration in the fundamental approach without changing the objective. The pattern of attacks remains the same but the coercive strategy makes a shift to deploy the entire process from the beginning once again. Further, critics and analysts failed to identify the multilateral effect of a coercive strategy. The target of a coercive strategy does not necessarily have to be in dyadic form of state relations. When applied, the coercing state combines a bundle of other states to enforce the strategy on the target

state. It means, in the process to compel the target state, the coercing state indirectly compels other states (ally or economic partners or non-partners) to join the course. Every other state is coerced to address the coercing state's concern as the prime objective. Other states accede despite their unwillingness and incur high cost to its relations with the target state. Together, such condition may be termed as Coercive Revisionism.

In case of coercive revisionism, the point of departure is the perceived success or failure of coercive diplomacy. It depends completely on the perception of a coercing state. The demobilization of Indian Army during 2001-2002 Indo-Pakistan crisis<sup>6</sup> after the achievement of diplomatic success may be considered to be coercive revisionism. After getting the US and Pakistan to acknowledge Pakistani complicity in terrorism, Indian Army's rollback signified that an immediate retaliation would spoil future possibilities of pre-emptive attacks on terrorist camps on Pakistani soil. The acknowledgement gave Indian authorities a reason in the eyes of the international community to attack pre-emptively against any future events like that. The US, as a third party, was also coerced into accepting the Indian position and future possibilities of unquestionable retaliation (Nayak, Krepon 2006: 33-47). The motion further expanded the horizon of India's foreign policy to be more coercive geopolitically. India's surgical strikes against Pakistan in response to the attack in Uri brigade by Jaish-e-Mohammed exhibited the exercise of the changed provisions under Modi government (Sahoo 2017: 122-124, 125-127; Kumar 2017: 132-134). According to critics, the action not only changed the Indian position against Pakistan based terrorism, but also substantially altered the strategic outlook of India's defense in the eyes of international community by quashing Pakistan's nuclear pretense (Pandya 2019: 65-68). In contrast, India's position was bound to change because coercive revisionism cannot accommodate strategic restraint for long if/once applied. One may argue that decisions may differ on party lines. However, international legitimacy and internal resistance, that include population support, are the major elements needed to convert strategic restraint into





decisive action and commence the corrections in a geopolitical course.

In the same line of argument, the Obama administration took the course of coercive revisionism in the form of adopting JCPoA. In fact, it robustly qualified all three constraints – limited military options, international legitimacy and internal political resistance. Previous US diplomatic courses of coercion were unable to restrain Iran from pursuing a nuclear program. Hence, it failed to secure both foreign policy restraint and internal political opposition in Iran (Nejad 2014: 49-61). Adopting the deal may be viewed as an attempt to exhibit the Democratic Party's resolve and a landmark achievement in the eyes of the US population and polity. This would immensely enhance the credibility of the Obama administration and increase chances of the Democratic Party's to return to power (in the 2016 general elections).

In May 2018, the course was changed once again when the Trump administration withdrew from the deal, unilaterally seeking a more robust and comprehensive nuclear deal. Afterwards, Iran faced a series of severe economic sanctions. The US again applied coercive revisionism in action. Most of the decisions this time were pro-Israel. On May 8, the US withdrew from JCPoA, followed by the shifting of US embassy from Tel-Aviv to West Jerusalem on May 14 (*The New York Times*, May 2018; *Haaretz*, May 2018). The withdrawal was probably meant to serve a dual purpose for the Republicans. Firstly, to show it was a political direction that the Obama administration took to enhance the chances of Democrats; and secondly, to reinforce the stronghold in the Middle East by ensuring Israeli pre-eminence in the region (Ashford, Glaser 2017: 2-10; Peczeli 2017: 88-89).

### *Coercive Revisionism may be Counterproductive*

The policy of coercive revisionism seemed to backfire this time. Critics highlighted the Iranian position to be ambiguous in dealing with the US. However, Iran could be seen at an advantageous vantage point as a signatory to NPT and JCPoA.

The US and Israel may have chartered on a coercive revisionism in anticipation of a better coercive diplomacy. But it is meant to override the efforts made or progress achieved with a previous coercive diplomacy. It is more like a correctional strategy in the hands of a coercing state which treats an earlier diplomatic coercion to be unsuccessful. The relations among the elements of strategic coercion can be restructured as in figure 2.

The difference between coercive diplomacy and coercive revisionism is: the former plays only a part in the later. In other words, it can be described as a unit of a larger coercive plan. There are alternatives to fulfill an objective. Alternative approaches are decided at the discretion of the leadership of a coercing state. Units of coercive diplomacy follow the approaches of the leadership. When leaders change, the characteristics of the units change too. For example, the Obama administration overturned the prolonged sanctions' policy by engaging Iran in the deal. It was supposed to provide a deep control of Iran's nuclear program without changing the objective. The deal was designed to employ a number of strategies viz. maximum disclosure, International Atomic Energy Agency's access to nuclear plants, sensitive material transactions, stringent enrichment limitations, etc. They may be considered as the units of coercive diplomacy instead of sanctions and embargoes. When the Trump administration assumed authority, the deal was abandoned and the relation was revised to the old pattern in an anticipation of a new deal. The sanctions and embargoes followed as an integral part of coercive revisionism more strenuously.

Qasem Soleimani's assassination<sup>7</sup> exhibited the use of limited force in addition to unilateral sanctions by US. It exercised limited military options in order to secure international legitimacy and domestic support for its actions. This action came amid serious concerns over Iran's compliance on nuclear deal following US withdrawal. Soleimani played a key role in executing Iran's foreign policies including the nuclear agenda since the revolution. Removing Soleimani from Iran's armed forces means hitting Iran's spine. Its implied cost is damaging regional stronghold and global influence. Soleimani not only

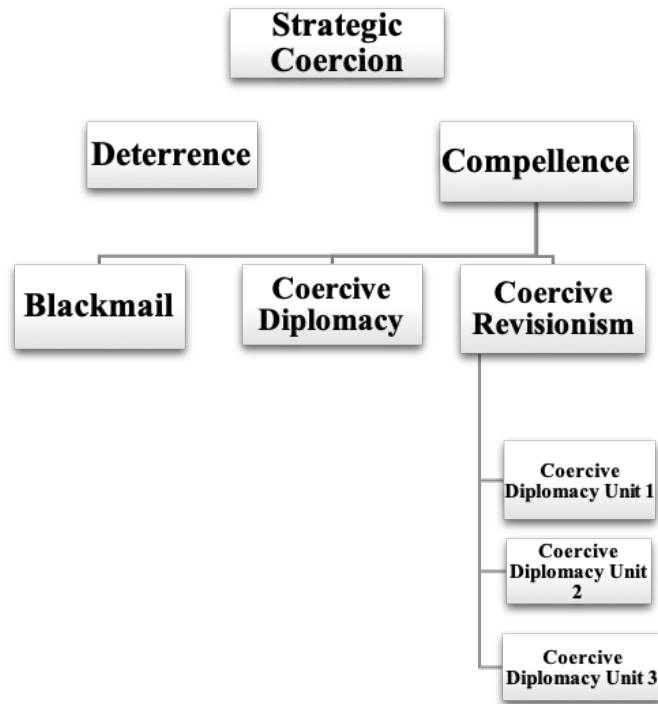


Fig. 2. Proposed Strategic Coercion Hierarchy.

led the most lethal counteractive operations against ISIS (Islamic State of Iraq and Syria) but also preserved an unmatched stronghold in both political and military fronts in the region. Hezbollah in Lebanon, PMF (Popular Mobilization Forces) in Iraq and the elite Quds Forces of IRGC (Islamic Revolutionary Guards Corps) ran under his supervision.

Soleimani's absence increased pressure on Iran in all military, geopolitical and internal political fronts. Iran faces a challenge to bring an equivalent capacity to that of Soleimani's compelling, influential and widely admired capabilities. Conversely, restructuring military components in present circumstances will reduce Iran's bargaining ability and propositions in the nuclear domain. It is evident when a Ukrainian passen-

ger jet was mistakenly hit by Iran's military while in pursuit to retaliate for Soleimani's assassination. It led to a widespread condemnation of Iranian leadership by Iran's population and the international community. The US might have calculated the move anticipating Iran to acquiesce to the demands of ceasing entire enrichment activities and full disclosure with or without compliance to the nuclear deal. Iran would be compelled to negotiate another deal to the complete advantage of the US. Both sides of the coin will allow addressing the concerns previously left by the Obama administration in its NPR (Nuclear Posture Review 2010). As Peczeli (2017: 88-89) cited, the concerns include: *a*) role of US allies in support of reliance on conventional deterrence; *b*) option of applying nuclear weapons in preventing or preempting a non-nuclear state under the purview of NPT<sup>8</sup>; and *c*) clarification on applicability of nuclear weapons against non-nuclear states who use and proliferate biological weapons<sup>9</sup>.

In the process, US foreign policy in the Middle East became far more vulnerable. In an attempt to restrain Iran's foreign policy, the US removed a significant deterrence against Sunni extremism by assassinating Soleimani. Moreover, continued pro-Israeli policies have garnered mixed reactions from the Arab states except in cases of economic dealings<sup>10</sup>.

The policy of coercive revisionism has brought the US and EU to a crossroads. The approach of the US is offensive and that of EU is defensive while applying coercive diplomacy to Iran's nuclear program. The US finds harshest economic sanctions and trade embargoes appropriate for Iran. Conversely, the EU tries to bypass such impediments through alternative arrangements such as INSTEX (Instrument in Support of Trade Exchanges) – a barter system to enable trade with Iran (National Public Radio Washington DC, Jul 2019; Financial Times, Aug 2019; Tehran Times, Apr 2019; Iran News, Jun 2019)<sup>11</sup>. The US undertook more rigid and robust plans to choke the finances of Iran. The EU wants to keep a check on Iran's nuclear activity by making the latter comply with the nuclear deal in full capacity. US withdrawal has reduced the value of the nuclear deal to almost zero for Iran. However, the EU continues to pursue Iran to bring its full

compliance on the nuclear deal without having any chance of US resumption. Efforts are further reinforced by triggering the Dispute Resolution Mechanism laid down in paragraph 36 of the nuclear deal on January 14, 2020 arguing that

we do not accept the argument that Iran is entitled to reduce compliance with the JCPoA. Contrary to its statements, Iran has never triggered the JCPoA Dispute Resolution Mechanism and has no legal grounds to cease implementing the provisions of the agreement (Federal Foreign Office 2020)<sup>12</sup>.

The *New York Times* reported on January 14 2020 that the mechanism was set to provide around 60 days to Iran to return to negotiations for full compliance. Failure to secure a resolution would lead to resuming UNSC sanctions and an arms embargo. In order to understand the system of Dispute Resolution Mechanism, it is imperative to look into the provision set out in paragraph 36 of the nuclear deal.

#### *What does paragraph 36 of the JCPoA say?*

Paragraph 36 explains a part of the Dispute Resolution Mechanism attempting to form a resolution before referring to UNSC<sup>13</sup>. It mentions about a Joint Commission which is responsible to address a dispute between the E3/EU+3 and Iran. The Joint Commission is supplemented by the Ministers of Foreign Affairs and an Advisory Board. The time limit to arrive at a resolution is 30 days. The first 15 days will be dedicated to form a resolution by the Joint Commission. If no resolution is found, the issue will be referred to the Ministers of Foreign Affairs who have to come out with a resolution by the next 15 days. The role of the Advisory Board is reserved within the second 15 days period. The Ministers, at their discretion, can seek an opinion from the Advisory Board. It consists of three members; one each is from the disputing parties and an independent member. A non-binding opinion will be offered by the Advisory Board. It may be exercised by the Joint Commission for not more than 5 days after the expiry of

the total 30 days process without generating any viable outcome. If the issue still remains unresolved, the complaining party could cease its commitment and may notify the UNSC of the same. Paragraph 37 explains the procedure to be followed by UNSC upon being notified.

#### *Why is paragraph 37 important?*

The role of paragraph 37 is reinforced only when the process under paragraph 36 is exhausted. Intervention of UNSC is sought under this paragraph by complaining parties. It votes on a resolution upon being notified of exhausting all available options under paragraph 36. The said resolution will have another 30 days for implementation by the parties. If not implemented, then the old sanction provisions of the UNSC will resume without retroactive effect.

### INCONSISTENCIES IN THE DISPUTE RESOLUTION MECHANISM

The Dispute Resolution Mechanism was designed for keeping all reservations over nuclear security parameters in the mind by its makers. Under no circumstances they could afford to lose control of what they have long been struggling for. No wonder, that the US participation in the mechanism is missing. It was perhaps developed keeping the US aside which categorically made it easier to withdraw from the nuclear deal at any point in the future. Iran's dispute is basically with regard to the unjustified and unreasonable withdrawal of the US from the agreement. Three major concerns are associated with the withdrawal. Firstly, a possible attempt of weaponization of the program; secondly, provoking a nuclear arms race in the region; and finally, the possible channelization of funds received from trade toward terrorism. While the first and second concerns suffer from lack of evidence, the third one is proven with Iran's history of supporting militants in Syria, Iraq, Lebanon and recently in Yemen (Rezaei 2018: 169-191).

In fact, the third concern is the main cause of anxiety of the US administration and perhaps the international community. The nuclear deal was considered to provide the best possible insight to Iran's nuclear program, compared to no access at all. The international community understood that US withdrawal failed the momentum of the agreement (Davenport 2018: 27-28). The withdrawal made the US return to the old strategy of imposing the harshest unilateral sanctions which ultimately declined the benefits of the agreement to Iran (Gass 2018: 3-10). Moreover, when the dispute is with the US, no efforts had been made in the agreement to hold it accountable for non-compliance of obligations. After failing to convince US, the E3/EU+3 tried to show the alternative course of actions, such as INSTEX, to pacify Iran.

The mechanism overlooks the US as the party to it. Consequently, it is not referred to as non-compliant to the agreement. Needless to say, the US was not triggered with invoking paragraph 36 and 37 for its non-compliance. The mechanism has been applied probably with dual purpose. First, to make Iran maintain the suspension of uranium enrichment – the key restriction under the agreement; and second, to keep the agreement alive even without US participation. But the agreement would still render no value for Iran if the sanction regimes continue to stay (be it US unilateral sanctions or UNSC sanctions). Perhaps, it further lowered the trustworthiness and credibility of US before Iran (Geranmayeh 2017: 1-4; Arms Control Association, Jun 2018: 36). The chances of a new deal as per the Trump administration demands is likely to be impossible and highly questionable for commitment issues.

The situation reminds us that the fundamentals of the US regime remained unchanged since 1953. The coup on the first democratically elected government in Iran characterized the central attitude of US regimes toward Iran ever since (Gasiorowski 1987: 270-278; Abrahamian 2001: 197-211). The 1979 revolution just reinforced the momentum of coercion to a harsher degree. It can be argued that the US wanted to take corrective measures against what it might have considered a flawed decision. The decision to extend nuclear technology to the Shah during 1970s. Though there were signals of the fu-

ture adoption of nuclear arms from the Shah lately, the US would overlook it because of the unpredictability of the revolution (Kibaroglu 2006: 213-218). The US would be comfortable with Iran having nuclear arms as long as the Shah would be in power and it would do everything to maintain the status quo (Tarock 2006: 651-656). In fact, the US is leaving no stone unturned to keep Iran contained within the bounds of its limited exposure to nuclear technology. Trump administration's strategy of "Maximum Pressure" is employed to secure that objective with extreme prejudice. Thus, the episode of coercive revisionism prevailed since before the revolution. Khomeini's government was about to help the US secure the objective by rejecting nuclear weapons as forbidden in Islam. But sooner the need arose during the Iran-Iraq war.

The purpose of paragraph 36 and 37 is not to propel any positive progress in order to secure a successful implementation of the agreement. Rather, it is there to ensure that in the event of failure, controlling parties of the agreement should not be deprived of the ability to thwart and, if possible, eliminate Iran's nuclear program. They are perfectly aligned to strengthen the momentum of coercive revisionism.

## NO LESSONS LEARNED

The lessons are for US and E3 for their repeated failures to stabilize the resolutions taken and commit to them. The rectification of error cannot be done in the form of depriving a state from its legitimate entitlements. The major issue perhaps is the converging security concerns. It is well-known that the US and E3 consider a nuclear Iran may cease their access to the Middle East and change the equation of the regional order. Contrarily, Iran considers itself vulnerable to Western nuclear proxies such as Israel, Pakistan and Saudi Arabia (Evron 1979: 59-67; Sayed 1997: 31-38; Fair, Ganguly 2015: 162-165; UPI, Nov 2004; Daily Times, Nov 2013; Mehr News Agency, Nov 2018)<sup>14</sup>. The situation turns more vulnerable when the Western states are reluctant to dispose of their own nuclear weapons stockpiles. Many analysts hold that the NPT



has directions for nuclear states to gradually get rid of their nuclear stockpiles. In reality, original text of the treaty provides no clear directions to dispose of the nuclear stockpiles (Sugie 2003: 124-129; Kraus 2007: 486-495). Article VI of the treaty states:

each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control (INFCIRC/140, Apr 22, 1970: 4).

The goal of disarmament is insufficient to be equated with the complete removal of nuclear arms. The obscurity of the treaty has paved way for the nuclear states to produce arguments in support of retaining their nuclear stockpiles, especially in the name of national security. The non-nuclear states are, therefore, intrigued to acquire safeguard (against insecurity) that could be assured only with nuclear deterrence. This chain reaction creates the cause of seeking nuclear armament. In other words, the treaty has managed to become a major source of nuclear proliferation itself.

Before proceeding to the Dispute Resolution Mechanism, a major amendment and transparency should be brought to NPT first. As a predecessor, it has yet to equip itself with more certainty and unambiguity. Article VIII of the treaty sets out the procedure to make amendments to the treaty.

Article X of the treaty is pivotal since it provides for the right to withdraw by establishing the priority of sovereignty and the supreme national interest of a state. By setting them as a priority over the non-proliferation agenda, the treaty bred contradiction in its fundamentals. The norm requires for production of an extraordinary event which may prove detrimental to the supreme interest of any participant state. Withdrawal from the treaty would deprive a participant state from the benefits of civil nuclear application. But new or existing participation would augment dilution of sovereignty, especially for non-nuclear states. Issues regarding sovereignty affects defense and security aspects the most. In fact, the dilution of

sovereignty tends to make the non-nuclear states dependent on the nuclear states for security, which is a vulnerability in itself. So, national interest per se intertwines the civil benefits with defense needs for the states in order to determine a priority between the two. However, both are considered equally important to be of supreme interest. Thus, the production of an extraordinary event to justify a withdrawal remains confined within the space between civil usage and defense application.

Implication of Article X appears to be more ambiguous when read with the provisions of Chapter VII of United Nations Charter<sup>15</sup>. In contrast to paragraphs 36 and 37 of the nuclear deal, upon referring the extraordinary detrimental event to UNSC, it will determine the status of the event in the categories of – threat to the peace, breach of peace or an act of aggression – under Article 39 of the Chapter. Article 40 directs concerned parties to comply with the same arrangements that may have been the origin of extraordinary detrimental events or any new one deemed necessary before UNSC categorizes the event under Article 39. The compliance of Article 40 needs to be done without any bias to particular rights, claims or positions of the parties involved. Perhaps, Article 40 proves insignificant and bias itself as it presses on the compliance of the same measures treated to be the root cause of extraordinary event. The rest of the provisions in the chapter deal with the measures to counter an adversary state after such categorization is done. Thus, Article X refuses to be a transparent measure of withdrawal as it apparently promises, and in fact, leads to termination rather than withdrawal of the state concerned no matter how rightfully it presents its case.

Rights of the signatories and non-signatories are determined based on the same philosophy. There is no fundamental difference between signatories and non-signatories despite citing the benefits and privileges of being a signatory apparently. The violation of the norms would attract equal level of penalties for both. It should be noted that each of the lists of signatories and non-signatories include both nuclear and non-nuclear states. This way non-signatories are also brought into the fold of the treaty indirectly. But the situation is tougher for the signatories.

A signatory to the treaty, Iran, falls under a peculiar deadlock which ultimately supports its position for nuclear entitlements. Article X gives Iran the right to withdraw from the treaty. This will motivate Iran to pursue its nuclear goal independently (e.g. North Korea). It perhaps views and values its membership in the treaty to be a legitimate way to secure its national interest through global recognition. Clauses of full cooperation and transparency are the subject matters of bilateral relations. Mousavian (2013: 58-59) in his memoir argued, the suspicion formed over Iran's failure to report the construction of nuclear facility at Natanz and import of materials and equipment related to it was not a failure at all. In fact, they were not required to be reported. During 2002-2003, Iran was being pressured to be a signatory to IAEA's (International Atomic Energy Agency) 93+2 Additional Protocol and subsidiary arrangements (Code 3.1). These are voluntary in nature and would necessitate the reporting in advance. It would mean to dilute sovereignty beyond the globally accepted conditions under NPT. However, Iran would finally implement the same. Iran's viewpoint presented, the secrecy maintained while importing equipment and material was the measure against Western sanctions and pressures. Informing the agency in advance, which was not required, would alert the West and ultimately prevent Iran from acquiring them. Thus, the West continued to violate the treaty by blocking nuclear cooperation with Iran.

The IAEA Board of Governors further demanded full declaration of all imports of nuclear related materials, equipment and suspension of enrichment activities as confidence building measure and transparency. Mousavian argued that the demands were arbitrary and coercive. According to him, Iran viewed the demands as unnecessary and were placed without citing a legitimacy. Iran opposed the demands on the grounds they were not international obligations but mere indications of confidence building measure and goodwill. Therefore, demanding suspension of legitimate nuclear enrichment activity and full declaration from a NPT signatory state would be equivalent to coercive measures. A sovereign state is inde-

pendent to decide whether to join an agreement or a treaty especially if it is detrimental to national interest.

The Dispute Resolution Mechanism is bound to draw Iran on the same line of action. Time and again, Iran was compelled to revise its foreign policy. It is set to ensure prevention of Iran's nuclear progress and restore its status to pre-2015 arena. Both the Dispute Resolution Mechanism and Additional Protocol may be considered identical in terms of their emphasis on unquestionable compliance and harsh penalties. Perhaps, the mechanism (which is a pearl in the string of coercive strategies) plays a crucial part in reinforcing the efforts made in the past by the West to prevent Iran from becoming a potential nuclear state. The states in the West might have realized that a number of revisions through coercive diplomacy ultimately exhausted their chances to gain Iran's confidence. Conversely, their conducts are pushing Iran away from their control. Coercive revisionism is an outlook to shift from one strategy of coercive diplomacy to another. However, it does not necessarily involve a purpose to reach a fruitful mutual goal. Iran is perhaps on the brink of realizing this fact and the mechanism does little to nothing in order to repair such damage.

## CONCLUSION

In the process of extracting a favorable outcome through diplomacy, the states' role can shift from coercing to coerced before a state can realize. It may sound strange that a coercing state can turn into a coerced state due to complications in the process of strategic coercion, but it is not impossible. The fact is there is no limit to diplomacy. Perhaps this limitlessness leads the states to get the impression that there is no limit to coercion if the power is overwhelming. Whether successful or unsuccessful, it does not really matter to the coercing state as long as it does not gain its satisfactory results. Such satisfactory results do not necessarily have to be mutually beneficial ones. Repeated strikes of diplomatic coercion in different forms to achieve concrete and cumulative outcomes result in

the decay of constructive efforts. This is when coercive revisionism fails to garner expected results in accumulation. The identification of the saturation point in the process of coercive revisionism is imperative. In other words, the coercing state needs to know when to stop. If the decay starts to appear, then possibilities are there that the coercing state may lose momentum and the coerced state may occupy its place. Despite having superior power to a coerced state, a coercing state shall have no legitimate grounds to demand compliance from the coerced state due to lack of positive intention to meet commitments. In this situation, the coerced state shall gain enough momentum to become the coercing state, whereas the coercer state gets trapped in its own diplomatic web.

Despite both Iran and the US getting dragged to such a situation, it draws attention to the scenario if Iran really deserves to acquire nuclear deterrence. Understandably, if Iran acquires nuclear deterrence, the Middle Eastern equation will change and the order will lean in its court. It has to be understood while considering this scenario that Iran is one of those countries which has links to terrorist networks, black market arrangements, smuggling activities, and a radically competitive Islamic outlook. Though Iran tries to justify the acquisition of nuclear materials and equipment through the black market against crippling Western sanctions, it does signify Iran having covert exposure to global criminal and terrorist outfits. It reinforces the possibility and Western doubts that Iran's gain of nuclear deterrence would amplify Islamic radicalism. It may not necessarily have to be through transfer of tactical or mass destruction weapons. It can be done with a rejuvenated sense of aggressiveness backed by an ultimate deterrence capability. In other words, an arms race is possible. But truth is that the arms race is already in place in the region and Iran is a contender. Coercive revisionism is translating the "maximum pressure" strategy into giving priority to allies of the West and thwarting enemies in the region. Unfortunately, the arguments of links to terrorism and criminal networks do not suffice because a few of the allies of West (e.g. Saudi Arabia) are also infected with those. Yet they enjoy nuclear privileges. If the West really intends to eliminate an arms race in progress in the

region, it needs to attain a genuine neutrality and refrain from using the Dispute Resolution Mechanism or NPT as an excuse. Otherwise, the likelihood of Iran's progress to a holistic nuclear approach might be a possibility one day.

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#### NOTES

<sup>1</sup> Sir Lawrence Freedman in his book *Strategy: A History* (2013) has beautifully defined the notion and implications of strategic coercion in order to convince and adversary without the need of war. He defined strategic coercion as the sum total of all the threats and application of limited power to convince the adversary to act upon the will of the coercing. He incorporated the understanding of strategic coercion through the analysis of the Exodus event in the Bible. He illuminated on the aspects of power exhibition in the dealings between Moses' God and the Pharaoh where the former adopted the 'turning of the screw' approach through his ten plagues to compel the latter to let the Israeli slaves leave Egypt. He emphasized the story was more concerned for depicting Gods superiority to the Pharaoh than liberating the Israelis. The series of plagues represented escalation of threats and limited use of power to convince the adversary to accept the superiority and will of Moses' God compared to the God worshipped by the Pharaoh. It signified that the threats have to be credible and time bound to become effective and result oriented (pp. 12-17).

<sup>2</sup> 192 military personnel were confirmed dead and an unofficial report cited 32 soldiers were missing according to Pentagon. 75 marines were found wounded of which 18 were taken to hospitals Cyprus, Italy and West Germany. The US congress had immediately demanded withdrawal of the US marines from peacekeeping roles in Beirut (United Press International Archives 1983).

<sup>3</sup> 45,000 Iranian casualties during Basra offensive, Crude exports brought down to less than one million b/d, national income slumped to \$6.5 bn in 1985 from \$15 bn. Iran's economy was crumbled with the sanctions. US supported Iran with limited military options and US domestic support was prominent in the aftermath of the Iranian Revolution in 1979 (Jentleson, 1991).

<sup>4</sup> Several officials of Reagan Administration were found guilty of violating the US law banning sale of arms to Iran and ransom demanded for any type of hostages. The revelation reported that the Reagan Administration agreed to supply arms to Iran in exchange of American hostages kept in Lebanon. The proceedings of sale in excess would be transferred to the US backed Contras fighting against the Sandinista regime in Nicaragua. The then US National Security Adviser, Adm. John Pointdexter and Lt. Col. Oliver North were the main convicts (*Washington Post* Archive 1998).



<sup>5</sup> India demanded stern actions against the terrorists operating in Pakistani soil against India. Under the pressure from Indian military and the US, Pakistani government had arrested Maulana Masood Azhar, the Jaish-e-Mohammed chief and Hafiz Saeed, the Lashkar-e-Taiba leader. It was more like a formality in the eyes of international community. Then Pakistan had received a list of twenty accused terrorist with the demand to arrest them and hand over to India. But, India received a refusal to extradite the accused terrorists from Pakistani authorities.

<sup>6</sup> For further information on Indo-Pak crisis during 2001-2002: Alexander 2002.

<sup>7</sup> For further information on Soleimani's death: Borger, Chulov 2020.

<sup>8</sup> The option of prevention or preemption is related to the negative security assurance in which a nuclear state promises not to use or threat to use nuclear weapons against non-nuclear weapon states. The negative security assurance specifically applies to NPT compliant non-nuclear states, but remains silent on non-NPT compliant non-nuclear states. Whether prevention or preemption through nuclear weapons could be initiated against the second form of non-nuclear states and for NPT complaint non-nuclear states that may choose to opt for nuclear option remained unclear in Obama administration's NPR in 2010.

<sup>9</sup> The biological weapons proliferation is a concern that led the NPR (2010) reserve the right to make necessary adjustments to the negative security assurance provisions. The ambiguity is whether the biological weapons proliferation can be countered with nuclear weapons. In such a case, the propositions to adjust the negative security assurance might include usage of nuclear weapons to all non-nuclear states who possess, use and proliferate biological weapons.

<sup>10</sup> Donald Trump repeats the two-state solution stating it to be a historical resolution meant to bring long-lasting peace in the region (Business Standard 2020).

<sup>11</sup> The system was developed in 2018 on the backdrop of unilateral withdrawal the US from JCPOA. The founder members were France, Germany and United Kingdom. They later welcomed Belgium, Denmark, Finland, the Netherlands, Norway and Sweden. INSTEX is operated from Paris and acts as a clearing house which enables Iran to continue selling oil to other states and import necessary goods and services (The Guardian online 2019).

<sup>12</sup> See "Introduction" for the link to retrieve the full version of the joint statement from the official site of the Federal Foreign Office.

<sup>13</sup> See *The Washington Post* online for the original JCPOA text, <https://apps.washingtonpost.com/g/documents/world/full-text-of-the-iran-nuclear-deal/1651>.

<sup>14</sup> While Pakistan is known for its nuclear arsenal, it is widely believed in the international community that Israel possesses nuclear arms too. Evron and Seyed give a detailed account on the nuclear pursuit of those two NPT non-signatory states. The new entrance in the league is expected from Saudi Arabia. The acquisition of Chinese made C22 missile by Saudi Arabia led many to draw a conclusion that it is in preparation against its archenemy Iran. Saudi leaders are determined that they would not hesitate to obtain nuclear arms if Iran finally manages to become a nuclear power in the region. In fact, the ever-expanding tension between Iran and Israel provoke the Saudis to urge for nuclear deterrence. Both Iran and Saudi Arabia are the signatories of NPT. The suspicion on Saudi Arabia increases since it enjoys a privileged to access the nuclear technology with much ease and has equal potential to develop nuclear weapons. Not surprisingly, a country like Saudi Arabia, which is believed to have supported many Sunni extremist groups in the region, is not suspected for its desire, financial and political capability and potential for developing nuclear arms. Turning a blind eye to the allies has been an essence of the US administration over the years.

<sup>15</sup> See Chapter VII of the United Nations Charter, <https://www.un.org/en/sections/un-charter/chapter-vii/index.html>.



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