

USE OF FORCE, ARMS CONTROL, AND NONPROLIFERATION

President Trump Withdraws the United States from the Iran Deal and Announces the Reimposition of Sanctions

doi:10.1017/ajil.2018.67

As a candidate, Donald Trump made clear that, if elected, he would “dismantle the disastrous deal with Iran.”¹ Nonetheless, the Joint Comprehensive Plan of Action (JCPOA) remained in place throughout 2017, and all four International Atomic Energy Agency (IAEA) reports that year verified Iran’s compliance with its nuclear commitments under it.² On January 12, 2018, President Trump warned that he would withdraw from the JCPOA by mid-May unless he “secure[d] our European allies’ agreement to fix [its] terrible flaws.”³ No such agreement materialized and, on May 8, Trump announced his decision to withdraw. He also ordered the reimposition of robust primary and secondary sanctions that had been previously waived pursuant to the JCPOA.

Under the JCPOA, the five permanent members of the UN Security Council, Germany, and the European Union agreed to relieve Iran from nuclear-related sanctions in exchange for its agreement to place verifiable limits on its nuclear program.⁴ Shortly after the JCPOA was reached in July 2015, the Security Council passed Resolution 2231 endorsing the deal.⁵ This resolution “[c]alls upon all Members States, regional organizations and international organizations to take such actions as may be appropriate to support the implementation of the JCPOA, including by . . . refraining from actions that undermine implementation of commitments under the JCPOA.”⁶ Also by the terms of Resolution 2231, “[a]ll states . . . are called upon to comply” with a statement made by all parties to the JCPOA except Iran, which in turn provides that “Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons” for an eight-year period.⁷ Pursuant

¹ Sarah Begley, *Read Donald Trump’s Speech to AIPAC*, TIME (Mar. 21, 2016), at <http://time.com/4267058/donald-trump-aipac-speech-transcript> (providing the transcript of a Trump campaign speech in which he called this his “number-one priority”).

² IAEA Director General Press Release, Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231 (2015) (Nov. 13, 2017), available at <https://www.iaea.org/sites/default/files/17/11/gov2017-48.pdf>; IAEA Director General Press Release, Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231 (2015) (Aug. 31, 2017), available at <https://www.iaea.org/sites/default/files/gov2017-35.pdf>; IAEA Director General Press Release, Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231 (2015) (June 2, 2017), available at <https://www.iaea.org/sites/default/files/gov2017-24.pdf>; IAEA Director General Press Release, Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231 (2015) (Feb. 24, 2017), available at <https://www.iaea.org/sites/default/files/gov2017-10.pdf>.

³ Donald J. Trump, Statement on the Joint Comprehensive Plan of Action to Prevent Iran From Obtaining a Nuclear Weapon, 2018 DAILY COMP. PRES. DOC. 25 (Jan. 12, 2018) [hereinafter Trump Statement].

⁴ Joint Comprehensive Plan of Action, July 14, 2015, 55 ILM 98, 108 (2016) [hereinafter JCPOA]. For further context, see Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 110 AJIL 789 (2016); Kristina Daugirdas & Julian Davis Mortenson, Contemporary Practice of the United States, 109 AJIL 649 (2015).

⁵ SC Res. 2231, para. 1 (July 20, 2015).

⁶ *Id.*, para. 2.

⁷ *Id.*, para. 7(b); Annex B, para. 3.

to the JCPOA, Resolution 2231 also lifted previous Security Council resolutions that had imposed sanctions on Iran.⁸

Over the course of 2017, Trump continued to waive U.S. sanctions pursuant to the JCPOA but expressed ongoing dissatisfaction with its terms and more generally with Iranian behavior. One concern involved the sunset provisions of the JCPOA, which included time limits on certain Iranian commitments to reduce its uranium enrichment.⁹ Another concern related to Iran's ballistic missile testing. Notwithstanding the provision in Resolution 2231 calling upon it to do otherwise, Iran continued to engage in testing, including by launching a medium range ballistic missile test within a few days of Trump's inauguration.¹⁰ More generally, Trump signaled disapproval of the JCPOA's narrow focus on Iran's nuclear program, noting that "the Iranian regime continues to fuel conflict, terror, and turmoil throughout the Middle East and beyond."¹¹ Starting in October 2017, President Trump declined to certify to Congress that Iran was taking "appropriate and proportionate" measures to end its nuclear program—a decision that, under the 2015 Iran Nuclear Review Act, provided Congress with the option of reimposing sanctions on Iran through an expedited legislative procedure.¹²

When Trump decided to waive sanctions again on January 12, 2018, he announced that he would withdraw from the JCPOA unless a unified stance aimed at toughening it was reached with European allies before the next waiver deadline on May 12, 2018:

Despite my strong inclination, I have not yet withdrawn the United States from the Iran nuclear deal. Instead, I have outlined two possible paths forward: either fix the deal's disastrous flaws, or the United States will withdraw.

...

In 2015, the Obama Administration foolishly traded away strong multilateral sanctions to get its weak nuclear deal. By contrast, my Administration has engaged with key European allies in seeking to secure a new supplemental agreement that would impose new multilateral sanctions if Iran develops or tests long-range missiles, thwarts inspections, or makes progress toward a nuclear weapon—requirements that should have been in the nuclear deal in the first place. And, like the bill I expect from Congress, these provisions of a supplemental agreement must never expire.

⁸ *Id.*, para. 7(a); see also Jean Galbraith, *Ending Security Council Resolutions*, 109 AJIL 806, 808–09 (2015) (detailing how Resolution 2231 contains a snapback provision that effectively allows any single permanent member of the Security Council to reimpose the prior Security Council sanctions under certain conditions).

⁹ See JCPOA, *supra* note 4, at para. 15.

¹⁰ Idrees Ali, *Iran Tested Medium-Range Ballistic Missile: U.S. Official*, REUTERS (Jan. 30, 2017), at <https://www.reuters.com/article/us-usa-iran-missiles-idUSKBN15E2EZ>; see also Kristina Daugirdas & Julian Davis Mortenson, *Contemporary Practice of the United States*, 111 AJIL 776, 777 (2017) (providing further details). In response, the Trump administration imposed non-nuclear sanctions on certain Iranian individuals and entities. *Id.*

¹¹ Donald J. Trump, Remarks on United States Strategy Towards Iran, 2017 DAILY COMP. PRES. DOC. 749 (Oct. 13, 2017).

¹² Jean Galbraith, *Contemporary Practice of the United States*, 112 AJIL 120, 125 (2017) (discussing the certification process and Trump's decision to withhold certification). In January and April of 2018, Trump again refused to make a certification to Congress. KENNETH KATZMAN, PAUL K. KERR & VALERIE HEITSHUSEN, CONG. RESEARCH SERV., U.S. DECISION TO CEASE IMPLEMENTING THE IRAN NUCLEAR AGREEMENT 7 (2018), available at <https://fas.org/sgp/crs/nuke/R44942.pdf>. Congress did not make use of the expedited procedures set forth in the Iran Nuclear Review Act, thus leaving it to the president to decide whether or not to continue to waive sanctions.

I also call on all our allies to take stronger steps with us to confront Iran's other malign activities. Among other actions, our allies should cut off funding to the Islamic Revolutionary Guard Corps, its militant proxies, and anyone else who contributes to Iran's support for terrorism. They should designate Hezbollah—in its entirety—as a terrorist organization. They should join us in constraining Iran's missile development and stopping its proliferation of missiles, especially to Yemen. They should join us in countering Iran's cyber threats. They should help us deter Iran's aggression against international shipping. They should pressure the Iranian regime to stop violating its citizens' rights. And they should not do business with groups that enrich Iran's dictatorship or fund the Revolutionary Guard and its terrorist proxies.

Today, I am waiving the application of certain nuclear sanctions, but only in order to secure our European allies' agreement to fix the terrible flaws of the Iran nuclear deal. This is a last chance. In the absence of such an agreement, the United States will not again waive sanctions in order to stay in the Iran nuclear deal. And if at any time I judge that such an agreement is not within reach, I will withdraw from the deal immediately.¹³

In response to Trump's warning, European allies engaged in dialogue regarding his concerns and sought to discourage him from withdrawing from the JCPOA. In February during a visit with German Chancellor Angela Merkel, British Prime Minister Theresa May stated that they were both "ready to take further appropriate measures" regarding Trump's concerns about Iranian behavior.¹⁴ By the end of March, U.S. officials had met three times with officials from the United Kingdom, Germany, and France (the E3) in an unsuccessful attempt to negotiate the supplemental agreement called for by Trump.¹⁵ These meetings focused on "the sunset of restrictions on Iran's nuclear program, the omission of [intercontinental ballistic missiles] from the original Iran nuclear agreement, and a stronger inspections regime."¹⁶ Near the end of April, President Emmanuel Macron of France visited the United States and indicated his support in principle for a supplemental agreement, while disagreeing with Trump that withdrawal was an appropriate alternative. He stated, "I believe we can both combine our common views and our differences, because we are not in a vacuum. I always said we should not tear apart the JCPOA and have nothing else[,] . . . that would not be the good solution."¹⁷

¹³ Trump Statement, *supra* note 3. Trump also outlined his support for possible congressional legislation relating to Iran's nuclear program if this legislation contained four specified components. *Id.*

¹⁴ Karen DeYoung, *Europeans Look for a Way to Preserve Nuclear Deal While Punishing Iran and Satisfying Trump*, WASH. POST (Feb. 23, 2018), at https://www.washingtonpost.com/world/national-security/europeans-look-for-a-way-to-preserve-nuclear-deal-while-punishing-iran-and-satisfying-trump/2018/02/22/2bc89b8e-129f-11e8-9065-e55346f6de81_story.html?utm_term=.803f70b0c8a0.

¹⁵ See U.S. Dep't of State Press Release, Briefing on the Joint Comprehensive Plan of Action Joint Commission and E3 Meetings in Vienna and Berlin (Mar. 21, 2018), at <https://www.state.gov/r/pa/prs/ps/2018/03/279441.htm> [<https://perma.cc/2SKU-YPU4>].

¹⁶ *Id.*

¹⁷ White House Press Release, Remarks by President Trump and President Macron of France in Joint Press Conference (Apr. 24, 2018), at <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-macron-france-joint-press-conference> [<https://perma.cc/QR3H-FHEU>].

On May 8, 2018, Trump announced that the United States would end its participation in the JCPOA and reimpose the lifted sanctions:

In theory, the so-called “Iran deal” was supposed to protect the United States and our allies from the lunacy of an Iranian nuclear bomb

. . .

The agreement was so poorly negotiated that even if Iran fully complies, the regime can still be on the verge of a nuclear breakout in just a short period of time. The deal’s sunset provisions are totally unacceptable

Making matters worse, the deal’s inspection provisions lack adequate mechanisms to prevent, detect, and punish cheating, and don’t even have the unqualified right to inspect many important locations, including military facilities.

Not only does the deal fail to halt Iran’s nuclear ambitions, but it also fails to address the regime’s development of ballistic missiles that could deliver nuclear warheads.

. . .

Therefore, I am announcing today that the United States will withdraw from the Iran nuclear deal.

. . .

As we exit the Iran deal, we will be working with our allies to find a real, comprehensive, and lasting solution to the Iranian nuclear threat. . . . In the meantime, powerful sanctions will go into full effect. If the regime continues its nuclear aspirations, it will have bigger problems than it has ever had before.

. . .

Iran’s leaders will naturally say that they refuse to negotiate a new deal; they refuse. And that’s fine. I’d probably say the same thing if I was in their position. But the fact is, they are going to want to make a new and lasting deal, one that benefits all of Iran and the Iranian people. When they do, I am ready, willing, and able.¹⁸

In conjunction with his remarks, Trump signed a presidential memorandum with five main sections explaining the decision to withdraw from the JCPOA and providing directions to administration officials for reimposing sanctions:

Section 1. Policy. It is the policy of the United States that Iran be denied a nuclear weapon and intercontinental ballistic missiles; that Iran’s network and campaign of regional aggression be neutralized; to disrupt, degrade, or deny the Islamic Revolutionary Guards Corps and its surrogates access to the resources that sustain their destabilizing activities; and to counter Iran’s aggressive development of missiles and other asymmetric and conventional weapons capabilities. . . .

¹⁸ Donald J. Trump, Remarks on the Joint Comprehensive Plan of Action to Prevent Iran from Obtaining a Nuclear Weapon and an Exchange with Reporters, 2018 DAILY COMP. PRES. DOC. 310 (May 8, 2018) [hereinafter Trump Remarks].

Sec. 2. Ending United States Participation in the JCPOA. The Secretary of State shall, in consultation with the Secretary of the Treasury and the Secretary of Energy, take all appropriate steps to cease the participation of the United States in the JCPOA.

Sec. 3. Restoring United States Sanctions. The Secretary of State and the Secretary of the Treasury shall immediately begin taking steps to re-impose all United States sanctions lifted or waived in connection with the JCPOA

Sec. 4. Preparing for Regional Contingencies. The Secretary of Defense and heads of any other relevant agencies shall prepare to meet, swiftly and decisively, all possible modes of Iranian aggression against the United States, our allies, and our partners. . . .

Sec. 5. Monitoring Iran's Nuclear Conduct and Consultation with Allies and Partners. Agencies shall take appropriate steps to enable the United States to continue to monitor Iran's nuclear conduct. I am open to consultations with allies and partners on future international agreements to counter the full range of Iran's threats¹⁹

Trump's memorandum provided the Secretary of State and Secretary of the Treasury with specific guidance for the reimposition of sanctions within 180 days from the date of his memorandum.²⁰ Trump directed the reimposition of sanctions under the National Defense Authorization Act for Fiscal Year 2012 and the Iran Threat Reduction and Syria Human Rights Act of 2012.²¹ Trump also instructed the departments to reimpose sanctions lifted by Executive Order 13716, which had been issued by President Obama in implementing the JCPOA.²² The sanctions resulting from Trump's memorandum are a robust combination of primary and secondary sanctions on domestic and foreign entities, including companies that do business with various Iranian industries, including energy, and on banks that do business with the Central Bank of Iran.²³

In a press briefing, an official from the State Department explained how the United States would begin to implement Trump's order:

[T]he sanctions reimposition that the President talked about is going to come in two phases. There's going to be one period for wind down that lasts about—that lasts 90 days, and one period of wind down that lasts six months. The six-month wind down—wind downs are, by the way, pretty standard across sanctions programs. . . .

¹⁹ Presidential Memorandum, Ceasing U.S. Participation in the JCPOA and Taking Additional Action to Counter Iran's Malign Influence and Deny Iran All Paths to a Nuclear Weapon (May 8, 2018), at <https://www.whitehouse.gov/presidential-actions/ceasing-u-s-participation-jcpoa-taking-additional-action-counter-irans-malign-influence-deny-iran-paths-nuclear-weapon> [<https://perma.cc/5MTH-GG9F>] [hereinafter Trump Memorandum]. While the memorandum also noted that “[i]n 2016, Iran also twice violated the JCPOA's heavy water stockpile limits,” neither it nor Trump's remarks identified any Iranian non-compliance with the JCPOA since the beginning of the Trump administration. See *id.*; Trump Remarks, *supra* note 18.

²⁰ Trump Memorandum, *supra* note 19.

²¹ *Id.*

²² Exec. Order No. 13,716, 81 Fed. Reg. 3693, 3693–94 (Jan. 16, 2016).

²³ For an overview, see U.S. Dep't of Treasury, *Frequently Asked Questions Regarding the Re-imposition of Sanctions Pursuant to May 8, 2018 National Security Presidential Memorandum Relating to the Joint Comprehensive Plan of Action (JCPOA)* (May 8, 2018), available at https://www.treasury.gov/resource-center/sanctions/Programs/Documents/jcpoa_winddown_faqs.pdf.

In this case, we're providing a six-month wind down for energy-related sanctions. So that's oil, petroleum, petrochemicals, and then all of the ancillary sanctions that are associated with that. So, for example, banking; sanctions on the CBI in particular, because the Central Bank of Iran is involved in Iran's export of oil and the receipt of revenues. Shipping, shipbuilding, ports—all of those sanctions that are related to both the energy sector and then the banking and the shipping or transportation of that energy will all have a six-month wind down. Everything else is going to have a 90-day wind down. So that's—the architecture of the Iranian sanctions program was quite complex, but everything else includes things like dealing in the rial, providing metal—precious metals and gold to the Iranian regime, providing U.S. banknotes.²⁴

When questioned about secondary sanctions, the official confirmed that the administration wants to reimpose sanctions on foreign entities that do business with Iran in a way that was similar to the United States' pre-JCPOA structure.²⁵ The official acknowledged uncertainty as to how European countries would respond to the secondary sanctions, explaining that prior to Trump's withdrawal they had been “focused on negotiating a supplemental agreement, so we did not—we did not talk about a Plan B.”²⁶

The European Union issued a press release “deeply regretting” the announced U.S. withdrawal.²⁷ It emphasized that “[a]s long as Iran continues to implement its nuclear related commitments, as it has been doing so far . . . the EU will remain committed to the continued full and effective implementation of the nuclear deal.”²⁸ Similarly, Macron tweeted that “France, Germany, and the UK regret the U.S. decision to leave the JCPOA. The nuclear non-proliferation regime is at stake.”²⁹ He also noted that France will continue to “work collectively on a broader framework, covering nuclear activity, the post-2025 period, ballistic activity, and stability in the Middle-East, notably Syria, Yemen, and Iraq.”³⁰ UN Secretary-General António Guterres was “deeply concerned” by Trump's announcement and called on other JCPOA participants “to abide fully by their respective commitments under the JCPOA,” which he described as “a major achievement in nuclear non-proliferation and diplomacy.”³¹

²⁴ U.S. Dep't of State Press Release, Background Briefing on President Trump's Decision To Withdraw From the JCPOA (May 8, 2018), at <https://www.state.gov/r/pa/prs/ps/2018/05/281959.htm> [<https://perma.cc/B2CE-4P63>].

²⁵ *Id.* (expressing the expectation that few if any penalties would end up being imposed because foreign entities would choose not to violate these sanctions).

²⁶ *Id.*

²⁷ Council of the European Union Press Release, Declaration by the High Representative on behalf of the EU Following US President Trump's Announcement on the Iran Nuclear Deal (JCPOA) (May 9, 2018), at <http://www.consilium.europa.eu/en/press/press-releases/2018/05/09/declaration-by-the-high-representative-on-behalf-of-the-eu-following-us-president-trump-s-announcement-on-the-iran-nuclear-deal-jcpoa>.

²⁸ *Id.*

²⁹ Emmanuel Macron (@EmmanuelMacron), TWITTER (May 8, 2018, 11:29 AM), at <https://twitter.com/EmmanuelMacron/status/993920765060878336>.

³⁰ Emmanuel Macron (@EmmanuelMacron), TWITTER (May 8, 2018, 11:25 AM), at <https://twitter.com/EmmanuelMacron/status/993919803835539463>.

³¹ United Nations Press Release, Secretary-General ‘Deeply Concerned’ by United States Announcement on Withdrawing from Iran Nuclear Agreement, Calls on Other Parties to Fulfil Commitments (May 8, 2018), at <https://www.un.org/press/en/2018/sgsmn19022.doc.htm>.

In Tehran, rallies were held against Trump's decision, and the Iranian government issued a statement denouncing the "new extremist administration."³² The Iranian foreign minister stated that Trump's decision and memorandum were "in clear non-compliance with Security Council Resolution 2231" and "constitute a complete disregard for international law and the United Nations Charter, undermine the principle of peaceful settlement of disputes, endanger multilateralism and its institutions, . . . and encourage intransigence and illegality."³³ The Russian Foreign Ministry was "deeply disappointed" by the decision to withdraw and indicated it may be a possible violation of international law.³⁴

Although most reactions to Trump's decision were made in regret or in stark opposition, some foreign officials offered their support. Prime Minister Benjamin Netanyahu of Israel and Khalid bin Salman, Saudi Arabia's ambassador to the United States, both made statements backing Trump's decision to withdraw from the JCPOA and reimpose sanctions.³⁵

Leaders of E3 issued a joint statement pointing to Resolution 2231 as a binding framework for addressing the Iranian nuclear program:

Together, we emphasise our continuing commitment to the JCPOA. This agreement remains important for our shared security. We recall that the JCPOA was unanimously endorsed by the UN Security Council in resolution 2231. This resolution remains the binding international legal framework for the resolution of the dispute about the Iranian nuclear programme. . . .³⁶

Among scholars and practitioners, there is some debate over whether the language in Resolution 2231 endorsing the JCPOA and calling upon member states to support the JCPOA's implementation creates a legally binding obligation.³⁷ The unsigned JCPOA is not itself a legally binding agreement, or at least this was the strong assumption of its U.S.

³² Thomas Erdbrink & Rick Gladstone, *Iran Rallies Against U.S. and Warns Europe Over Endangered Nuclear Deal*, N.Y. TIMES (May 11, 2018), at https://www.nytimes.com/2018/05/11/world/middleeast/iran-nuclear-deal.html?rref=collection%2Fsectioncollection%2Fmiddleeast&action=click&contentCollection=middleeast®ion=stream&module=stream_unit&version=latest&contentPlacement=20&pgtype=section.

³³ Letter from M. Javad Zarif, Iranian Foreign Minister, to António Guterres, UN Secretary General (May 10, 2018), at <http://en.mfa.ir/index.aspx?fkeyid=&siteid=3&pageid=36409&newsview=514551>.

³⁴ *Russian FM: Moscow Regrets US Decision to Withdraw from Iran Nuclear Deal*, SPUTNIK (May 9, 2018), at <https://sputniknews.com/russia/201805091064271245-russia-iran-nuclear-deal-usa>.

³⁵ *Trump Withdrew from the Iran Deal. Here's How Republicans, Democrats and the World Reacted*, N.Y. TIMES (May 8, 2018), at https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-deal-republicans-democrats-world-reactions.html?rref=collection%2Fsectioncollection%2Fmiddleeast&action=click&contentCollection=middleeast®ion=stream&module=stream_unit&version=late. Some initial reactions from leading members of Congress were mixed, splitting largely on partisan lines. See *id.*

³⁶ United Kingdom Press Release, Joint Statement from Prime Minister May, Chancellor Merkel and President Macron Following President Trump's Statement on Iran (May 8, 2018), at <https://www.gov.uk/government/news/joint-statement-from-prime-minister-may-chancellor-merkel-and-president-macron-following-president-trumps-statement-on-iran>.

³⁷ Compare Katayoun Hosseinnejad & Pouria Askary, *The International Community and the Challenge to the Rule of Law: The Future of Iran Nuclear Deal*, OPINIO JURIS (May 21, 2018), at <http://opiniojuris.org/2018/05/21/the-international-community-and-the-challenge-to-the-rule-of-law-the-future-of-iran-nuclear-deal> (arguing that it is a binding obligation) with John Bellinger, *The New UNSCR on Iran: Does It Bind the United States (and Future Presidents)?*, LAWFARE (July 18, 2015), at <https://www.lawfareblog.com/new-unscr-iran-does-it-bind-united-states-and-future-presidents> (arguing that it is not a binding obligation).

negotiators.³⁸ The Security Council Resolution is binding to the extent that it gives a legally binding directive and triggers the obligations of member states under the UN Charter.³⁹ Resolution 2231 simply “calls upon” states to implement the JCPOA⁴⁰—it does not, for example, “decide” that they shall do so. But in its Namibia Advisory Opinion, the International Court of Justice found, through a case-specific analysis, that a provision of a resolution that “calls upon” states to take various actions was binding.⁴¹ Notably, a similar analysis could be undertaken with respect to the provision of Resolution 2231 in which Iran is “called upon” to refrain from “any activity related to ballistic missiles designed to be capable of delivering nuclear weapons.”⁴²

In the wake of Trump’s decision to withdraw, Secretary of State Mike Pompeo announced that the administration will apply “unprecedented financial pressure on the Iranian regime.”⁴³ Pompeo also outlined twelve demands that the United States has for Iran in any negotiations for a new agreement.⁴⁴ These include that Iran must

permanently and verifiably abandon [military dimensions of its nuclear program,] . . . stop enrichment[,] . . . provide the IAEA with unqualified access to all sites throughout the entire country[,] . . . end proliferation of ballistic missiles[,] . . . end support to Middle East terrorist groups[,] . . . [and] withdraw all forces under Iranian command throughout the entirety of Syria.⁴⁵

When asked how he would work with allies with respect to these objectives, he stated that “[t]he United States intends to work hard at the diplomatic piece of working alongside all of our partners. We focus on the Europeans, but there are scores of countries around the world who share our concerns and are equally threatened by the Iranian regime.”⁴⁶

The European Commission recently initiated the activation of its 1996 blocking statute, which “forbids EU persons from complying with US extraterritorial sanctions, allows companies to recover damages arising from such sanctions from the person causing them, and nullifies the effect in the EU of any foreign court judgements based on them.”⁴⁷ The commission seeks to have the statute activated by August 6, 2018 and thus before the U.S. sanctions

³⁸ Matthew Weybrecht, *State Department Affirms That Iran Deal Is Only a Political Commitment*, LAWFARE (Nov. 28, 2015), at <https://www.lawfareblog.com/state-department-affirms-iran-deal-only-political-commitment>.

³⁹ See UN Charter Art. 25 (“The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.”).

⁴⁰ SC Res. 2231, *supra* note 5, at para. 2.

⁴¹ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, 1971 ICJ Rep. 16, 51–53 (June 21) (finding paragraph 5 of Resolution 276—which “calls upon all states” to refrain from certain dealings with South Africa—to bindingly give rise to an “obligation to accept and carry [it] out”).

⁴² See SC Res. 2231, *supra* note 5, para. 7(b); Annex B, para. 3.

⁴³ Secretary of State Mike Pompeo, Remarks, After the Deal: A New Iran Strategy (May 21, 2018), at <https://www.state.gov/secretary/remarks/2018/05/282301.htm> [<https://perma.cc/3C7G-RE5J>].

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ European Commission Press Release, European Commission Acts to Protect the Interests of EU Companies Investing in Iran as Part of the EU’s Continued Commitment to the Joint Comprehensive Plan of Action (May 18, 2018), at http://europa.eu/rapid/press-release_IP-18-3861_en.htm.

take effect.⁴⁸ On May 24, the IAEA reported that Iran had again complied with limits on uranium enrichment, and, the next day, Iranian officials met in Vienna with officials from Britain, France, Germany, China, and Russia.⁴⁹ These countries reaffirmed to Iran their commitment to the deal, but an Iranian official told reporters that “[w]e are still complying but we have not decided whether . . . to stay in the deal or not.”⁵⁰

United States Bombs Syrian Government Facilities in Response to Chemical Weapons Use
doi:10.1017/ajil.2018.58

On April 13, 2018, President Trump ordered the launch of air strikes against Syria in response to the Syrian government’s apparent use of chemical weapons on civilians in the Syrian town of Douma a few days earlier.¹ The air strikes, which targeted several weapons-related facilities of the Syrian government,² were carried out in conjunction with the United Kingdom and France.³

In announcing the strikes, Trump stated in a televised address:

One year ago, [Assad] launched a savage chemical weapons attack against his own innocent people. The United States responded with 58 missile strikes that destroyed 20 percent of the Syrian Air Force.

Last Saturday, the [Assad] regime again deployed chemical weapons to slaughter innocent civilians—this time, in the town of Douma, near the Syrian capital of Damascus. This massacre was a significant escalation in a pattern of chemical weapons use by that very terrible regime.

...

The purpose of our actions tonight is to establish a strong deterrent against the production, spread, and use of chemical weapons. Establishing this deterrent is a vital national security interest of the United States. The combined American, British, and French response to these atrocities will integrate all instruments of our national power—military, economic, and diplomatic. We are prepared to sustain this response until the Syrian regime stops its use of prohibited chemical agents.

...

⁴⁸ *Id.*

⁴⁹ *Iran Seeks Assurances on Nuclear Deal After US Pullout*, N.Y. DAILY NEWS (May 25, 2018), at <http://www.nydailynews.com/news/wires/news/world/iran-seeks-assurances-nuclear-deal-pullout-article-1.4009017>.

⁵⁰ *Id.*

¹ Donald J. Trump, Remarks on United States Military Operations in Syria, 2018 DAILY COMP. PRES. DOC. 242 (Apr. 13, 2018) [hereinafter Trump Remarks].

² Donald J. Trump, Letter to Congressional Leaders on United States Military Operations in Syria, 2018 DAILY COMP. PRES. DOC. 243 (Apr. 15, 2018) [hereinafter Trump Letter].

³ White House Press Release, *Joined by Allies, President Trump Takes Action to End Syria’s Chemical Weapons Attacks* (Apr. 14, 2018), at <https://www.whitehouse.gov/articles/joined-allies-president-trump-takes-action-end-syrias-chemical-weapons-attacks> [<https://perma.cc/7D2J-NWFG>].