

THE ATLANTIC ONLINE (OCT. 3, 2018)

GLOBAL.....

The U.S. Just Tore Up a Six-Decade-Old Treaty with Iran

Iran used the 1955 Treaty of Amity to take the U.S. to the International Court of Justice over its decision to leave the nuclear deal.

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VIDEO— ICJ PRELIMINARY DECISION (OCT. 3, 2018)

ICJ IRAN-US RULING (OCT. 3, 2018)

The Trump administration has been tightening the screws on Iran ever since the U.S. withdrew in May from the nuclear deal. It has imposed sanctions, increased its hostile rhetoric, and threatened its own allies for working with Tehran. Now comes one more item on that list: **On Wednesday, the Trump administration tore up a little-known, Eisenhower-era treaty of amity with the Islamic Republic on the same day the International Court of Justice ruled that U.S. sanctions on Iran must exempt humanitarian items.**

In announcing the decision concerning the 1955 treaty, Mike Pompeo, the U.S. secretary of state, said at the State Department. “This is a decision, frankly, that is 39 years overdue.”

The more than six-decade-old accord survived the 1979 Islamic revolution in Iran that was followed by the takeover of the U.S. Embassy, and the hostage-taking of 52 Americans, including diplomats, for 444 days. It also survived what has mostly been low after low in the intervening decades, including near weekly chants of “death to America” in the Islamic Republic, round after round of crippling U.S. sanctions, and even the shooting down of by the U.S. military of an Iranian airliner with 290 people on board. As Farshad Kashani wrote in *National Interest*, the two countries have used the treaty’s dispute-resolution mechanism, which relies on the ICJ, at various times since 1988 when the Iran Air flight was shot down—most recently in July.

That’s when Iran brought a case at The Hague-based court alleging violations of the Treaty of Amity, challenging, among other things, the U.S. withdrawal from the multilateral nuclear

agreement with the Islamic Republic. But the court’s ruling Wednesday was much narrower in scope, dealing only with the sale of “humanitarian” goods to Iran, which the court said the U.S. should not sanction. Pompeo said that “existing exceptions, authorizations and licensing policies for humanitarian-related transactions and safety of flight will remain in effect.” But, he added: “We’re disappointed that the court failed to recognize that it has no jurisdiction to issue any orders related to these sanctions measures with the United States.” The ICJ’s orders are legally binding but not enforceable.