# aff – iran secondary sanctions

## 1ac

### plan – 1ac

#### The United States ought to remove nearly all of its secondary sanctions on the Islamic Republic of Iran.

### eu – 1ac

#### Advantage one is the EU:

#### Maximum pressure from secondary sanctions isolates the EU from the US. It’s the only country that does this.

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In parallel, France, Germany, and the United Kingdom made demands for a blanket sanctions exemption for European companies operating in Iran. The United States flatly denied the request.38 In a letter to European governments, Secretary of State Mike Pompeo and Treasury Secretary Steven Mnuchin wrote that the United States would “seek to provide unprecedented financial pressure on the Iranian regime.”39 As a result, Pompeo and Mnuchin continued, the United States is “not in a position to make exceptions to this policy except in very specific circumstances where it clearly benefits [U.S.] national security.” Paris, Berlin, and London, which had all been cautiously hopeful that a compromise with Washington could be found, were flabbergasted.

Pompeo and Mnuchin’s letter sent a clear signal that the United States had no intention of allowing Total—or any other European company—to remain in Iran. After two months, the French firm notified the Iranian government that it had no choice but to exit from South Pars.40 Ironically, Total’s share in South Pars was initially transferred to China’s CNPC.41 The Trump administration had just started the trade war with Beijing, and U.S. secondary sanctions against Iran were benefiting a state-owned Chinese company, at the expense of a European one. However, after only a few weeks CNPC also stopped working on the project owing to the threat of U.S. secondary sanctions.42

In the end, the South Pars project went back under the control of Iran’s Islamic Revolutionary Guard Corps (IRGC), which U.S. sanctions were meant to weaken. The long-sanctioned paramilitary group further strengthened its grip over the Iranian energy sector; gas forms the backbone of Iran’s economy and is a crucial commodity for Iran’s cement, steel, or petrochemical industries. The prediction that Pouyanné had made at Davos turned out to be accurate. Because of U.S. sanctions, the influence of hardliners over Iran’s economy increased and that of reformers decreased.43

Throughout the Total saga, **European governments did not hide their frustration with U.S. secondary sanctions**. As a European diplomat put it, “We have a situation where there is a will to impose sanctions on Europeans and a resentment towards **European companies who are now being accused of supporting a terrorist state**.”44 European governments recalled that in 1986 the United States had quickly lifted an oil embargo against Libya for fear that the ban might hurt the interests of U.S. energy companies.45 This time, however, no such relief was in sight for European firms caught in the sanctions crossfire in Iran.

The reasons that Trump gave to explain why the United States had left the nuclear deal were hard to stomach for European firms and governments. In the eyes of the U.S. president, the agreement was not benefiting American companies enough to represent a sound investment for Washington; as opposed to secondary sanctions, which were lifted, U.S. primary sanctions against Iran remained in place even after sanctions relief started in 2016, preventing American firms from reentering the Iranian market. Instead of trying to hold negotiations with Iran so the nuclear deal could benefit American companies, Trump rejected the agreement altogether so that no firm, U.S. or foreign, could benefit from the deal.

European capitals maintained that the United States had every right to leave the nuclear deal (although they insisted that Iran had complied with the terms of the agreement). However, they objected that threatening EU firms with secondary sanctions was taking things too far. The United States is the only country that imposes secondary penalties. This means **American companies do not have to worry about European sanctions, but European firms need to comply with both EU and U.S.** penalties. Washington’s refusal to consider European requests for sanctions exemptions for European companies was also hard to swallow. Even when the economic interests of its allies were at stake, the United States was not prepared to make a single exception to its policy of exerting maximum pressure on Iran.

EU governments privately remarked that U.S. companies seem to fare better than international ones when they do business with sanctioned countries. While Total was leaving Iran, on the other side of the globe, Chevron, Halliburton, and several other U.S. oil services companies continued to operate in Venezuela even after the United States imposed stringent sanctions on Caracas’s energy sector.46 The U.S. Treasury had granted the American energy companies a string of supposedly temporary, three-month sanctions waivers. These waivers lasted for two years. By contrast, European companies had to unwind their operations in Iran within six months of the United States exiting the nuclear deal.

The Venezuelan example reinforces the widespread feeling among European policy makers that U.S. companies do not seem to have much to fear from sanctions. In their view, Exxon’s Russian saga is a telling example of Washington’s double standards between American and foreign firms with respect to sanctions. In 2011 Exxon signed a partnership with Rosneft, Russia’s state-owned oil company. In return for the promise of several joint ventures in Russia, the U.S. energy major agreed to give Rosneft shares in six oilfields in Texas and the Gulf of Mexico.47 For Rosneft, the deal represented a unique opportunity to get access to American oil-drilling technology and know-how.

Two years later, in 2013, Rosneft made good on its promise to give Exxon access to joint ventures in Russia. The projects were massive ones. The U.S. oil major planned to invest up to US$500 billion to develop Russian energy fields located deep under the Black Sea, in the Arctic, and in Siberia. Rex Tillerson, who was then Exxon’s CEO, enthusiastically signed the deals. In recognition of Exxon and Rosneft’s fruitful partnership, Russia’s president Vladimir Putin went as far as awarding Tillerson the prestigious Russian Order of Friendship.48

A few months afterward, the United States started to impose sanctions against Moscow following Russia’s annexation of Crimea and support for separatist rebels in Ukraine. Undeterred, Exxon pressed ahead with its megaprojects in Russia. At the company’s annual meeting, Tillerson declared that “We do not support sanctions, generally, because we don’t find them to be effective unless they are very well implemented comprehensively and that’s a very hard thing to do.”49 This was an interesting comment to make for someone who, three years later, would become U.S. secretary of state (and a staunch supporter of sanctions).50

In spring 2014, while fighting was raging in eastern Ukraine, the American oil major doubled down on Russia and signed up for further joint ventures with Rosneft. The CEO of the Russian oil company, Igor Sechin, personally inked the deals even though he had just been placed under U.S. penalties. The transaction was legal, but it raised eyebrows.51 Exxon was undeterred. The company continued to explore oil fields in the Russian Arctic. In September 2014 Exxon and Rosneft discovered a giant field, which they called Pobeda (“victory” in Russian). Exxon contributed US$600 million to Pobeda’s drilling costs.52

It took Exxon seven months to put its partnership with Rosneft on hold after the United States started to impose sanctions on Russia.53 Throughout this period, the American oil major begged the U.S. administration to water down sanctions on Russia’s energy sector. However, Exxon’s lobbying efforts backfired. OFAC started to investigate Exxon’s deals with Rosneft to check whether they complied with sanctions. After three years of investigation, Exxon was fined US$2 million—exactly the average fine for U.S. companies that are caught busting sanctions—for what the U.S. Treasury called a “reckless disregard”54 for sanctions.

The fine was the equivalent of an accounting rounding error for Exxon (in 2014 the oil giant’s revenue amounted to US$412 billion55). Exxon nonetheless appealed the decision, arguing that the fine was “capricious”56 and “fundamentally unfair.”57 Exxon’s lawyers maintained that OFAC’s guidance on Russia sanctions had been unclear, even though all other companies seemed to have got the message loud and clear that doing business with Russia had become a no-no. Exxon sued the U.S. government. The company won and never had to pay the US$2 million fine. Exxon finally pulled out of its partnership with Rosneft in 2018.

When it comes to secondary sanctions, European companies are asked to cancel their investments immediately or face the risk of being targeted by secondary sanctions. Intense lobbying from European governments is usually of no use, as foreign firms cannot even apply for sanctions waivers. By contrast, it took Exxon four years to exit its high-profile projects in Russia. In fact, Exxon finished ditching all of its Russian assets only in March 2022, after Russia invaded Ukraine. Until then, the company had continued to operate an oil and gas field in a joint venture alongside Rosneft on Sakhalin, an island in Russia’s far east.58

The Exxon example is galling for America’s European allies. The company’s success in maintaining extensive operations in Russia for several years despite sanctions has convinced many in **Europe that Washington applies double standards** between U.S. and non-U.S. companies. Yet the impact of U.S. secondary sanctions goes well beyond forcing foreign companies to ditch investment projects. The penalties may also have far-reaching ripple effects on global energy and commodities markets.

#### Secondary sanctions create a rift between US and EU policy.

Halis Mermertas 24 [(Halis Mermertas, M.A., The Department of Middle East Studies) "THE EXTRATERRITORIAL AND SECONDARY SANCTIONS OF THE UNITED STATES AGAINST IRAN, THEIR EFFECTS AND IRAN’S REACTIONS," MIDDLE EAST TECHNICAL UNIVERSITY, https://hdl.handle.net/11511/109517, May 2024] TDI

4.4.2.2. To Set Up a New Financial Channel Between Iran and Europe EU is the largest economic bloc on the world and an important actor in the international arena. The EU is also among the actors that most frequently uses sanctions as foreign policy tools (Giumelli, 2019, p. 117). However, it should be noted that EU and US are also the world's largest trading partners and have the most integrated economic relations in the world. The interdependence of these two economies makes EU countries more **vulnerable** to the US secondary sanctions that restrict their trade with third countries such as Iran. For example, after the US reimposed sanctions on Iran in 2018, European investments and transactions with Iran **worth 13 billion** dollars had to be **canceled** (Ruys and Ryngaert, 2020, p.5). Therefore, any steps taken between Iran and the EU to frustrate US sanctions must be considered in light of this reality. And the failure of efforts to establish an alternative payment system to SWIFT between Iran and the EU after 2018 is partly related to this. There have been times when **EU** countries have **resolutely opposed and frustrated US secondary sanctions against Iran**. The 1996 Iran and Libya Sanctions Act is an example. Such actions showed that the **EU was able to protect itself from** US **secondary sanctions** by using its global power. However, despite this example, there are also criticisms that EU countries fell into line with US policy regarding Iran after 2010. For example, in the period between 2010 and 2012, instead of raising a strong objection against the secondary sanctions imposed by the US on Iran, EU countries followed the US policies and imposed sanctions on Iran as well (Meagher, 2020, p.1013-1014). However, generally, there was no conflict between the EU and US at the time over the sanctions against Iran because the respective foreign policies these two sides of the Atlantic were parallel (Meagher, 2020, p. 1014). If the EU institutions resisted the measures of the US in the context of Iran sanctions, the US sanctions would not be able to target them and be successful (Geranmayeh and Rapnouil, 2019, p. 2). Following the UNSC Resolution 1929 (2010) on Iran's enrichment of uranium and one month after US President **Obama signed** the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (**CISADA**), **which includes secondary sanctions** on financial institutions, the **EU** expanded the scope of its sanctions on Iran beyond the UN sanctions. Accordingly, EU Regulation 267/2012 **prohibited** financial messaging service providers such as the Society for Worldwide Interbank Financial Telecommunications (**SWIFT**) from providing services to Iranian banks subject to EU sanctions (Sossai, 2020, p. 69-70). SWIFT, which until then had not excluded any country from the system, under pressure from the EU, cut off the access of several sanctioned Iranian banks, including Mellat, Saderat and Sepah (Blenkinsop and Younglai, 2012). Thus, Europe set a dangerous precedent by allowing the US secondary sanctions to directly deprive European companies of their business partners (Meagher, 2020, p.1014). Therefore, the secondary sanctions of the US against Iran were part of a foreign policy more or less coordinated with that of the EU during Obama administration. In the following period, during Trump Administration, the US will be seen to take the example of depriving European companies of their business partners even further. The **EU was affected by US** sanctions decisions, especially **secondary sanctions, significantly**. And European governments have, for the first time, begun to think seriously about how to escape or even counter the US measures (Geranmayeh and Rapnouil, 2019, p. 2). On May 8, 2018, the **Trump** administration announced the US **withdrawal from** the nuclear deal with Iran, the **JCPOA**, **and** on the same day, a number of **secondary sanctions** in the Iranian context were decided to be **adopted** or reimposed in the specified dates indicated in the OFAC announcement. These sanctions included sanctions which were removed under the JCPOA such as transactions related to purchase or sale of Iranian rial, transactions related to significant Iranian rial accounts held outside Iran, and transactions related to financial messaging services provided to the Central Bank of Iran and other listed Iranian financial institutions. **The EU, on the other hand, declared that the JCPOA nuclear deal would be fully** and completely **valid as long as Iran complies** with its commitments regarding nuclear deal (Sossai, 2020, p. 62). Besides, in order to protect EU-based companies from the reimposes US secondary sanctions, EU foreign policy makers took several measures (Lohmann, 2019, p. 2). One of the EU's response to the US sanctions was **reviving** the **blocking statute** in the 90s (European Union, 2018). In the same vein, the EU **prohibited European companies from complying with US sanctions while introducing a clawback provision to recover incurred damages in European courts** (Lohmann, 2019, p. 3). This regulation was seen more as a political tool, as its rules were unclear and difficult to enforce (Emmott and Carbonnell, 2018). However, the global dimension of the US financial system and the fact that many EU companies also operate in the US raised questions about the effectiveness of the EU regulation. On the other hand, this regulation provides for an exception, which can be enjoyed by obtaining a license from EU. In order to obtain a license, the applicant must prove that they or the EU will suffer serious harm if they fail to comply with the US sanction. However, this method of obtaining licenses has proven to be useless as they are rarely granted (Meagher, 2020, p.1015-1016). However, blocking regulations have the following benefit for EU companies: First, **US court decisions against these companies are not recognized by EU courts**. Second, the regulation authorizes European individuals who have suffered losses due to an individual or company complying with US sanctions to apply for compensation to these individuals or companies. After the US withdrawal from the JCPOA, the EU's updated blocking statute in support of the nuclear deal with Iran entered into force on August 7, 2018. Despite the EU's apparent efforts, experts doubt the ability of the blocking statute to influence private companies' decisions on compliance with the reimposed US sanctions (Bogdanova, 2022, p. 92-93). In support of this view, information on the impact of these sanctions on **EU-Iran bilateral trade** immediately **began to emerge**: Iranian imports to the EU fell by 92.8% in 2019, while exports to Iran fell by 50%. Mineral products took the biggest blow, with imports falling by 99.7%, while imports of general industrial products fell by 95.5%. (Stoll et al, 2020, p. 31-32). In addition, many European Companies lost revenue due to post-2018 US sanctions against Iran. For example, Airbus lost 17 billion euros, Total 4.25 billion euros, PSA Group and Renault 850 million euros and Quercus 550 million euros (Stoll et al, 2020, p. 92)

#### EU autonomy and partnership requires multilateralism. Unilateral, secondary sanctions aren’t compatible.

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In today’s context, after the end of the Trump era, one might have thought this problem would disappear from the radar; unfortunately, it is still there, and remains one of the most difficult in the transatlantic agenda. Indeed, even if, hopefully, the Biden administration manages to find an agreement with the other members of the ‘5+1’ to re-engage in the JCPOA, the issue of extraterritorial sanctions as such continues to need close scrutiny. This was not a Trump extravaganza: it is a bipartisan policy which was passed as law in 1996 and seems to continue to be a choice foreign policy tool by the US Congress.

This was unfortunately confirmed recently, with European companies continuing to face US sanctions for their participation in the construction of the Nord Stream 2 pipeline between Russia and Germany. One might have thought that, with the new honeymoon transatlantic relations have enjoyed in the last months, the US administration would moderate the ardor of the Senate on the issue. On the contrary, the new administration itself continues to use the threat of secondary sanctions as a way to press the German government to **abide by the US approach**.

This also happens at a time when the European Union is trying to reinforce its ‘strategic autonomy’, partly as a result of the profound distrust of the United States policies developed during the Trump administration. From an EU point of view, the transatlantic **relationship should definitely be revived**, based on our shared democratic values, but **no longer with Europe being dependent on decisions made in Washington** without its agreement. Europe is not prepared to deal with China as the Atlantic Alliance dealt with the Soviet Union during the cold war. We aim at reorganizing international relations based on multilateralism; **unilateral sanctions with ‘secondary’ effects, are obviously not compatible with this.**

The **Iran case was already a step too far**, the American administration not hesitating to conduct a foreign policy which we considered contrary to our interests. Interfering with the Nord Stream 2 project with secondary sanctions goes even further, since this pipeline does not create any direct threat to American security. The geopolitical implications of its construction should only be addressed from the global and energy security perspective - and for that purpose dealt with through the multilateral system and not unilaterally.

#### The impact’s extinction---risk is high, there’s many scenarios, and only the EU solves

Mikael Barfod 19, Visiting Professor at the University of Huddersfield, Master of Arts Degree (Distinction) in Government from Essex University, Advanced Degree in Political Science and Economics from the University of Aarhus, “Can the European Union Save Multilateralism?”, American Diplomacy, May, http://americandiplomacy.web.unc.edu/2019/05/can-the-european-union-save-multilateralism/ [language modified]

Science increasingly claims that that we will hardly survive on this planet unless we can agree on a set of common solutions to its main problems. ~~Mankind~~ [Humanity] has basically got its back against the wall when it comes to climate, energy, water and other resources, pandemics, pollution, regulation of technology, numerous socio-economic challenges such as growing inequality and migration. Without multilateral organizations seeking global solutions, it will be almost impossible for the countries of the world to find common solutions to international or planet-wide problems, which no country can handle on its own.

Donald Trump entered the international scene in 2017. His electoral promise of “America First” is now supported by a philosophy that “national sovereignty rules”. He sees international relations not as sustained international cooperation for mutual benefit but rather as a zero-sum game.

Mr Trump has threatened Europe, China, and other countries with trade wars and has shown little concern for human right abuses by authoritarian regimes around the world. He has also shown contempt and disregard for the institutions and principles of both NATO and the EU. He has directed US withdrawal from a host of multilateral institutions and programmes, including:

* The Paris climate deal
* The Trans-Pacific Partnership
* UN female reproduction programmes
* The Iran nuclear deal
* The UN Global Compact for Migration.
* The Universal Postal Union (UPU) (dating from 1874)

Trump has also cut back US aid to the UN High Commissioner for Refugees and support to the Relief and Works Agency for Palestine. There will probably be more to come.

The UN founding fathers started during the chaos of World War II to rebuild multilateralism into the shape of the UN. But today, who can effectively replace a USA withdrawing from its multilateral commitments? There is in my opinion only one actor that can aspire to fill the vacuum currently left by the US, the European Union. There are several reasons why:

1. The EU is committed to effective multilateralism. Support for the UN remains a cornerstone of European Union policy. The Union’s unwavering political support of the UN is an expression of its commitment to effective multilateralism.
2. The EU is the only fully participant non-state actor in the UN.
3. The EU is the largest financial contributor to the UN. Collectively, the European Union and its Member States remain by far the largest financial contributor to the UN, providing 30% of all contributions to the budget and 31% of peace-keeping activities in addition to substantial contributions towards voluntary funding.
4. The EU supports the UN reform agenda. The European Union has actively supported UN reform with the idea that the UN should be better equipped to face such modern threats as irregular conflicts, global pandemics, climate etc. The reform debate, which is still ongoing, shows a clear tendency towards regional/sub-regional representation to boost the legitimacy of the UN and provide broader input to the organization. Some may object that the European Union has been hampered by the lack of a common position among EU Member States on the future of the UN Security Council (UNSC), where two member-states, UK and France, currently have permanent seats and one, Germany, is desperate to get one. There is an obvious solution: the European Union is the best choice for representing its member states on the UNSC and the European region in accordance with well-defined coordination procedures.

For all its flaws, the UN remains a representative, legitimate, and global structure, uniquely suited to serve as a forum for mitigating the world’s problems. The European Union understands this and, due to its self-interest, is likely to continue exerting significant pressure on the UN to reform. The European Union could in turn be trusted to encourage the US to return to its traditional international role in the future. The EU might have its own internal squabbles at times. But which other international actor could aspire to keep multilateralism on track when we need it the most?

#### Secondary sanctions violate CIL. The US exaggerates threats to expand policy goals.

Terry 20 [(Patrick C. R. Terry, University of Public Administration) "Enforcing U.S. Foreign policy by Imposing Unilateral Secondary Sanctions: Is Might Right in Public International Law?," Washington International Law Journal, https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1854&context=wilj, 12-] TDI

Under the more expansive "subjective territoriality principle," a state's jurisdiction may also extend to a set of events that occurred partially abroad, if a substantial portion of the events took place on the state's territory. 75 Nevertheless, United States' sanctions laws go beyond **even the most generous interpretation** of the territoriality principle. The United States invokes the territoriality principle if its financial system is involved solely in the clearing process. 76 However, neither the use of U.S. correspondent banks by foreign banks during the course of complicated transactions taking place abroad nor the sale of U.S. products abroad provide a sufficient link to U.S. territory to justify territorial jurisdiction. 77 Under the "effects doctrine," 78 a state can lawfully assert its jurisdiction if an action has direct and substantial effects on that state, irrespective of where it occurs. 79 Originally developed in the context of antitrust law in the United States, 80 the doctrine is now often accepted as a means of justifying a state's jurisdiction. 81 However, it remains controversial whether the effects doctrine in fact has developed into a valid basis for claiming jurisdiction **under customary international law**.8 2

Irrespective of whether states can successfully invoke the effects doctrine, it **fails to justify** the wide reach of United States' sanctions laws. According to the United States' expansive interpretation, its sanctions laws are already violated when two U.S. correspondent banks unknowingly enable the electronic transfer of monies as part of a sanctioned commercial transaction taking place abroad.83 However, such an electronic transfer has negligible, if any effect at all on the United States. 84 This is, even more, the case when evaluating the sale of U.S. products abroad.85 Judge Meyer 6 has correctly claimed that the United States is thus "prone to exaggerated claims that secondary sanctions measures can be justified by the protective or effects jurisdictional principles, even when these measures aim to redress ... conduct that occurs in distant lands and that has no real prospect of jeopardizing the safety or of causing any substantial effect in the United States."87

As the quote from Judge Meyer suggests, some argue that U.S. sanctions laws, including their extraterritorial reach, are justified under the protective principle,88 a principle that is also viewed as related to the territoriality principle. 89 Under the protective principle, a state can claim jurisdiction over matters that pose a substantial threat to its national security. 90 This, however, does not justify jurisdiction based solely on **divergent foreign policy goals**. 91 In 1982, this was confirmed by a Dutch court when addressing U.S. sanctions laws. 92 While the court agreed that the protective principle allowed States "to exercise jurisdiction over acts wheresoever and by whomsoever performed-that jeopardize the security or creditworthiness of that State or other State interests,"93 it emphasized that "[s]uch other State interests do not include the foreign policy interest that the U.S. measure seeks to protect." 94 When invoking the protective principle, a state must be able to show how specific actions by others affect its security. 95 As the ICJ stressed in Nicaragua v. United States, a mere claim that this is the case is insufficient. 96 Furthermore, the protective principle **does not justify the imposition of blanket secondary sanctions** that ban all trade with the target state. 97 Instead, under the protective principle, a state can only target those transactions that are actually related to the **perceived national security threat**.98

Both the exact scope of the protective principle and whether customary international law recognizes it as a valid justification for claiming jurisdiction is still disputed. 99 Regardless, U.S. sanctions laws often do not meet even the necessary **minimum requirements**. 100 For example, the United States' contention that Cuba is a meaningful threat to the United States' national security is, far-fetched by any objective standard.101 The national security argument is also **strained in the Iran case**. Iran's alleged attempts to acquire nuclear weapons pose a significant threat to U.S. national security, but this can **only justify** sanctions that target transactions that are linked to the **Weapons of Mass Destruction** program (WMD).10 2 The United States' sanctions against Iran that affect third states **are undoubtedly much broader**.10 3 Not even the United States has claimed that there is a link between the transactions prohibited under U.S. sanctions laws and the alleged attempts by Iran to acquire nuclear weapons. 104 In fact, the United States withdrew from the JCPOA and re-imposed sanctions against Iran, targeting third states, at a time when the International Atomic Energy Agency had already repeatedly certified that Iran was adhering to the agreement and **not pursuing nuclear weapons**.105

Customary international law recognizes a state's right to exert jurisdiction over its nationals even when acting abroad ("active personality principle").10 6 This form of extraterritorial jurisdiction similarly fails to justify U.S. sanctions laws. The definition of persons under the United States' jurisdiction, which includes permanent (foreign) residents in the United States, even when they are acting abroad,107 evidences an overly expansive view of the principle.108 Furthermore, the United States views foreign legal persons as bound by U.S. sanctions laws, if they are "controlled" by persons under the United States' jurisdiction. 109 This presumption, however, cannot be reconciled with the "active personality principle." There is widespread agreement within the international community that its registered head office or the laws under which it is organized determines the "nationality" of a legal person, and not the nationality of the persons controlling it.11 0 Similarly, the United States extends sanctions to products of U.S. origin, "I thereby presumably attempting to invoke the active personality principle based on the products' U.S. "nationality." 112 However, the international community does not assign nationality to goods and rejects attempts at exercising jurisdiction on that basis."1 3 It remains controversial whether the so-called "passive personality principle," whereby a state may assert extraterritorial jurisdiction in cases when its nationals have been harmed, even if the relevant event occurred abroad, 114 has been accepted within the international community as a lawful exercise of jurisdiction.1 1 5 In any case, the principle would not justify the sweeping nature of the United States' sanctions laws as they evidently apply to transactions that do not harm U.S. persons, as the Zarrab and Wanzhou cases illustrate.l 6 The "universality principle" has been emerging as a new justification for extraterritorial jurisdiction, although not yet in the economic sphere. 17 According to the universality principle, a state can claim jurisdiction even for cases that have no connection to the state, if crimes were committed which the international community regards as particularly heinous, e.g., genocide, 11 or which are considered "universal crimes," e.g., piracy.1 19 **When the United States applies its sanctions laws, in most cases, it provides no evidence that the penalized transactions were related to heinous or universally accepted crimes**.1 2o

#### This is the official EU position.

**Ruys 20** – [Tom Ruys Professor of Public International Law, Ghent University, Ghent Rolin-Jaequemyns International Law Institute, Cedric Ryngaert, Secondary Sanctions: A Weapon out of Control? The International Legality of, and European Responses to, US Secondary Sanctions, British Yearbook of International Law, braa007, https://doi.org/10.1093/bybil/braa007, September 22, 2020] TDI

Secondary sanctions do not only raise difficult **questions in terms of their legality under general** **international law**, specifically with regard to the restrictions on the exercise of state jurisdiction under customary international law. They are also difficult to reconcile with a range of **multilateral and bilateral instruments**. Some of these instruments, such as the OECD Code of Liberalisation of Capital Movements,142 **belong to the realm of ‘soft law’**. More relevant for present purposes, however, are those instruments of a legally binding nature, specifically those that apply in the relationship between the US, on the one hand, and the EU and/or individual EU Member States, on the other, and whose provisions may be breached by (US) secondary sanctions. It is these instruments which this part focuses on.

In terms of multilateral instruments, worth mentioning are the WTO Agreements, to which both the US and the EU, as well as individual EU Member States, are party. Importantly, the EU has repeatedly taken the position that **US secondary sanctions breach US obligations vis-à-vis the EU under the WTO Agreements**.143 Following the adoption of the Helms-Burton Act in 1996, the (then) European Communities (EC) effectively requested the creation of a WTO panel to scrutinize a range of measures introduced by the Act.144 The EC claimed, in particular, that the measures concerned were inconsistent with articles V, XI, and XIII of the General Agreement on Tariffs and Trade (GATT); with articles II, III, VI, XI, XVI, and XVII of the General Agreement on Trade in Services (GATS), as well as with paragraphs 3 and 4 of the GATS Annex on the Movement of Natural Persons.145 Eventually, however, when a political agreement was reached whereby the US agreed not to enforce the Helms-Burton Act against EC persons, the EC suspended their complaint.146 As such, the compatibility of secondary sanctions with WTO law—and, more generally, with international trade and international investment law147—remains as yet largely ‘untested’.148

The WTO Agreements are not the only conventional instruments that are relevant in the present context. Equally important at the multilateral level, for instance, are the restrictions imposed by the International Monetary Fund’s (IMF) Articles of Agreement. Turning to the bilateral level, one can identify two sets of (largely analogous) treaties whose substance potentially imposes limits on the adoption of secondary sanctions. The first set encompasses the so-called FCN treaties, many of which were concluded in the early UN Charter era between the US, on the one hand, and individual Western European countries on the other.149 The second category—which is more recent and which can, to some extent, be seen as the successor to the traditional FCN treaties—are the BITs. While no such treaties exist between the US and individual Western European countries, the US has concluded BITs with various Central and Eastern European countries since the end of the Cold War, including Bulgaria, Croatia, the Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, and Slovakia.150

Notwithstanding the absence of a judicial ruling on the matter, at the time of adoption of the Helms-Burton Act there was a widespread feeling that the US sanctions ‘had to be’ violating some international obligations.151 A similar ‘gut feeling’ is frequently voiced with respect **to current secondary sanctions, in particular those targeting Iran**.152 Nonetheless, analyses of the compatibility of secondary sanctions with multilateral or bilateral conventional law, including the substantive rules of WTO law, have remained few and far between, and have mostly focused on the Helms-Burton Act, with only scant scrutiny of the legality of, for instance, the US sanctions against Iran.153 Against this background, this article seeks to contribute to the debate by mapping and tentatively examining potential breaches of conventional law. A number of preliminary observations are, however, due at the outset.

First, while the abovementioned treaty instruments contain rights and obligations that prima facie exclude the adoption of primary sanctions, such as direct trade restrictions, between the respective parties,154 this does not ipso facto imply that secondary sanctions will similarly contravene those same treaty provisions.

Second, and on a related note, notwithstanding common assumptions that secondary sanctions ‘have to be’ violating WTO law or other manifestations of conventional law, the reality is that the compatibility test is no straightforward and monolithic exercise. Thus, neither the WTO Agreements nor, it would seem, other bilateral or multilateral instruments contain a clause expressly prohibiting secondary sanctions.155 Conversely, save perhaps for the North American Free Trade Agreement, these agreements generally do not contain a clause providing an express exception for certain secondary trade restrictions.156 As with the analysis in relation to the customary rules on jurisdiction above, a proper analysis under treaty law requires unpacking the various sanctions triggers and concomitant consequences in case of breach.

Below, we look at some of the main scenarios without in any way claiming exhaustivity. We will address, in turn, the application of the IMF Articles of Agreement (Section A), the WTO Agreements (Section B), and BITs and FCN treaties (Section C), before arriving at a provisional conclusion (Section D). Having identified potential violations, the next section (Section E) tackles the impact of the so-called ‘security exception’, which is found both in the WTO Agreements and in virtually all relevant bilateral instruments and which provides leeway for measures ‘necessary’ to protect the state’s ‘essential security interests’. These sections deal only with the substantive legality assessment. The (procedural) question of whether potential breaches can be challenged through judicial remedies is explored separately in Part V.B.

#### Ecological collapse, emerging tech, and nuclear war cause extinction. Revitalized international law is necessary, but at a tipping point.

Shany ’21 — Yuval; Hersch Lauterpacht Chair in Public International Law. 2021; “The COVID-19 Pandemic Crisis and International Law: A Constitutional Moment, A Tipping Point or More of the Same”; *Hebrew University of Jerusalem Legal Studies Research Paper Series*; Number 21-9

Significantly, these two narratives of historical development of international law are not mutually exclusive. First, certain developments can be understood as clean breaks from the past, whereas others are the product of a long-term process. Second, identifying historical trajectories depends on the focal length of the historical lenses used: What is viewed as a major shift in direction at the time in which events take place, might be regarded decades or centuries later as a minor course correction, a short period of instability, or a mere point on a pattern showing the overall trajectory. And third, the two narratives may merge to generate processes of change, accelerating in particular moments in time due to ‘tipping points’ generated by certain dramatic events.5 Indeed, it would appear that certain important developments in international law can be described as part of long-running trends punctured by sudden fluctuations correlating to dramatic events. For example, the evolution of IHL norms governing non-international armed conflicts can be narrated as stemming from a gradual process of restraining violence in and around the battlefield that started picking up momentum in the mid- 19th century, with certain regulatory peaks occurring after and in connection with major international crises such as World War Two, Vietnam and the Global War on Terror (e.g., Common article 3 in 1949, the 1977 Additional Protocols, and the development of laws governing transnational or asymmetric armed conflicts in the 2000s).

The COVID-19 Pandemic as the Harbinger of a Constitutional Moment

The question before us is whether COVID-19 has the potential for generating a constitutional moment or a tipping point for the development of international law separating between epochs or significantly accelerating already-occurring trends? Discounting serendipitous changes in the course of history (the ‘unknown unknowns’ of historical change), such a question invites an assessment of whether a structural change in international law can be envisioned or required in the near future, or whether the current crisis might facilitate such a change or accelerate existing trends going in this or the other direction. If the answers to these questions are in the negative, then the reaction to the COVID crisis is likely to showcase ‘more of the same’ for international law.

One possible vision of a percolating crisis that might lead to a new epoch in international law is found in the writing of my Hebrew University colleague, the historian Yuval Noah Harari. Among the major challenges confronting humanity in the 21st century, which he has identified, are nuclear war, ecological collapse and technological disruption (e.g., dangerous applications of AI and biotechnology).6 What’s common to these challenges is their potential for catastrophic consequences, and the need for close global cooperation in order to effectively address them. In addition, they all fit into a Frankensteinian crisis narrative: Scientific, technological and economic progress getting out of control and creating a threat to the survival of human civilization (at least in its current form). Noah Harari advocates in response to the looming threats a change of paradigm of international relations, a new epoch perhaps, which is based not only on tight global cooperation,7 but also on giving a prominent role for scientific knowledge in policy debates.8 Arguably, such a new international relations paradigm would also require a corresponding new international law paradigm.

#### And mitigates every conflict.

**Tiney 21** – Patrick Gill-Tiney is from the department of Politics and International Relations, University of Oxford, United Kingdom, "A Liberal Peace?: The Growth of Liberal Norms and the Decline of Interstate Violence," Sage Journals, https://journals.sagepub.com/doi/full/10.1177/, 9-29-2021, TDI

A comparatively small subset of the literature has examined norms as an explanation for the democratic peace. For Deutsch (1957), though NATO is understood as a structure, a security community is more crucially formed around shared values (norms). Kahl argues that the basis of the democratic peace is collective identity rooted in liberal democracy interlinked by intergovernmental organizations (1998). For Risse, the influence of NATO allies upon the foreign policy of the United States demonstrates the importance of liberal norms, through a mechanism which relies upon the similarity of domestic political institutions in these liberal democracies and coalition-building (1995). Though valuable additions to the literature, and in Deutsch’s case systematic in its treatment of the subject, these works fail to tackle the question of whether the democratic peace is structural or norm based since the two are entwined throughout. The difficulty in conceptualizing, isolating and operationalizing norms is a clear problem. Broadly, it is hard to isolate a norm from either the structure in which it exists or from other norms for analysis. It is also a challenge to show that any norm is truly intersubjective in understanding or to measure its effect upon some outcome of interest. Yet, without attempts to do so we are left with a partial picture, particularly for those emphasizing the importance of structures—be these domestic or international—for reducing interstate conflict. In short, the existence of a domestic legislature, independent judiciary, or interstate treaties, is only relevant if the individuals which employ them do so appropriately. To understand this necessitates exploring the ideas in the heads of these individuals, and particularly, how these ideas are shared.

In contrast to the large, predominantly quantitative, literature which has examined the democratic peace and wider questions linking regime type to the onset, conduct and termination of interstate disputes and wars, the broader literature on interstate norms has tended to be qualitative and highly focused. This has resulted in detailed work on human rights (Risse, Ropp, and Sikkink 1999), humanitarian intervention (Wheeler 2000), and nuclear weapons (Rublee and Cohen 2018; Tannenwald 1999). There is no doubt that this has contributed to our understanding of interstate relations, yet the clear shortcoming is generalizability. That is, the specificity of these approaches, necessary to make any form of causal claim, is in a sense also the undoing.

In this article I focus on the reinterpretation of the sovereignty norm by powerful states. I argue that they have a dominant role in shaping the normative landscape of the international system by being tasked with the interpretation of norms and the maintenance of international society (Hurrell 2007; Wight 1978; Saunders 2006). Operationalizing this, I utilize UN Security Council resolutions as a means of assessing what the consensus position of the permanent members is. Content analysis is used to examine the normative framing of resolutions, allowing both an exploration of change over time, and quantitative measures of the relative strength of these ideas to be derived which can then be used in regression analysis.

The Constraining Effect of Liberal Interpretations of Sovereignty

Norms are dynamic, and undergo processes of evolution, creation, and destruction. Change may occur gradually as actors shift their understandings towards an alternative, or suddenly through systemic, and thereby social, change. In international relations, the latter is tightly linked to sudden shifts in great power authority, which has typically occurred due to defeat and a subsequent realignment of international order. War, and its aftermath, can lead to substantial rearrangements of international order, meaning both a new distribution of power, but also a re-interpretation of international society. In examining change in understandings of sovereignty I term gradual change “evolution” and sudden change “tectonic.”

Interpretations of Sovereignty

The post-World War Two era allows examination of both evolutionary and tectonic change in understandings of sovereignty. Evolution occurs during relative peace, whilst tectonic change is part of major realignments of international order. The end of the Cold War, though non-violent certainly led to significant power shifts, resulting in a tectonic change. The pre- and post-Cold War eras are eras of evolution. Assessing rivalrous interpretation of norms is crucial to understanding these changes. I outline a divergence between traditional and liberal interpretations which are used to examine change in norms, and the effect upon international conflict.

Over the post-World War Two period two interpretations of sovereignty have existed, firstly, that emphasizing territorial sovereignty and non-interference in the domestic affairs of others, and secondly, that emphasizing international law, interdependence, free trade, democracy and individual rights and freedoms in international affairs. I term the former approach to sovereignty “traditional,” and the latter “liberal.” A liberal interpretation of sovereignty, therefore, is one which places emphasis upon the actions of states, particularly those between a government and its citizens. Sovereignty in this understanding implies not only the exercise of power over a territory and people (as in the traditional understanding), but also that there are **limits to the exercise of power** and duties to a people (Sandholtz and Stiles 2008, 287-88).3 This has been most clearly stated in the Responsibility to Protect doctrine. I examine the relative balance between these two interpretations over time, arguing that this balance alters how sovereignty is understood, and thereby is related to the likelihood of escalation in interstate disputes.

My expectation is that the relative balance between these two modes of interpretation has shifted over the post-World War Two period to favor a liberal interpretation. This does not mean that traditional interpretations are irrelevant, rather, that they have been de-emphasized in international discourse relative to the latter. A spectrum in which purely traditional and purely liberal interpretations mark the poles is conceived of as existing, with great powers occupying positions between the two. The effect that this shift toward a liberal interpretation of sovereignty has occurred on international conflict escalation is now examined.

Understandings of Sovereignty and Conflict Escalation

How understandings of sovereignty impact international disputes may be explored in terms of the conflict life cycle, that is, why a dispute emerges, why violent conflict breaks out, and how the conflict ends, or in terms of participant conduct during war. Here, I examine the effect of change in the collective understanding of sovereignty upon escalation, meaning that I assume the prior existence of international disputes. Whilst the effect of norms upon the onset of disputes is an important question, very few disputes result in the use of violence, that is, though onset is a necessary condition for violence, it is far from sufficient. I examine escalation from a non-violent dispute to a violent dispute—the use of armed force in international relations—because this is of greater substantive significance to state leaders and their citizens. Moreover, whilst reducing the likelihood of dispute onset would likely result in less international violence, the more normatively important question is how to avoid escalation, as this reduces the costs of war: human death and economic destruction.

This is not to trivialize dispute onset, and logically we might expect the growth of liberal understandings of sovereignty to also reduce onset rates as well as escalation likelihood. However, there are two reasons why we may doubt the substantive significance of this, firstly, dispute onset is a relatively low threshold, and secondly, onset is often triggered by events beyond the direct control of a state. To this first point, a dispute simply means that two or more actors disagree over something, oftentimes the behavior of the other side or the distribution of some good (for instance, territory). This article utilizes Militarized Interstate Disputes as the operationalization of dispute, and many disputes are comparatively minor events, with the threshold being that one of the two parties has a minimum level of militarization as part of the dispute (for example, the issuance of a deterrent, or compellent, threat). A focus on onset, therefore, would prevent observation of substantively more important actions, that is, the actual use of force against another. Secondly, many disputes begin due to accident and/or the decision making of low-level military commanders or political officials who are neither in the position to consider national interests nor strategic interactions. This means that onset may essentially be an apolitical decision which takes little or no account of the broader strategic landscape nor the structural and normative context. It is after onset, that is, when escalation is considered by policymakers, that the stakes are higher and when causal mechanisms common to this topic are most active.

Escalation then, is a political decision. In making the choice to escalate, or not, policymakers are impacted by a range of strategic factors, but crucially, are also constrained by norms. The **use of force in international relations must be justified**, and since 1945 the UN Charter specifies just two: self-defense and collective peace enforcement. To this, we might also add humanitarian intervention, though this remains contested. As a baseline, therefore, when faced with dispute onset, policymakers must justify their actions with reference to one of these reasons. Moreover, in making the decision to escalate, policymakers are also constrained by liberal **values which emphasize diplomacy, cooperation, international law, international organizations**, the rights of the individual, **and to question the legitimacy of the march to war**. Taken together, this slows the decision to escalate, since legal justification is needed, diplomacy is necessary, and potential economic and human costs understood, calculated, and defended. A shift toward liberal interpretations thereby **means a reduced probability of escalation to violence**, tacitly assuming that the risk of a dispute arising in the first place is unchanged. This leads me to my first hypothesis, which relates to the evolution mechanism of change:

#### The plan reverse causally solves.

**Ruys 20** – [Tom Ruys Professor of Public International Law, Ghent University, Ghent Rolin-Jaequemyns International Law Institute, Cedric Ryngaert, Secondary Sanctions: A Weapon out of Control? The International Legality of, and European Responses to, US Secondary Sanctions, British Yearbook of International Law, braa007, https://doi.org/10.1093/bybil/braa007, September 22, 2020] TDI

The wide extraterritorial reach of US secondary sanctions legislation is a well-known phenomenon that has increasingly left its mark on international trade, foreign investment, and global finance. It has long been a thorn in the side of the EU and its Member States, as well as various non-EU countries. In previous decades, US sanctions against communist China (in the 1960s) and the Soviet Union (in the 1980s) already caused tension between the US and Europe. In 1982, for instance, the EC denounced the US’s ‘Soviet Pipeline Regulations’ as running counter to the generally accepted bases of jurisdiction under international law.566 Tension resurfaced with renewed vigor in the mid-1990s with the adoption of ever more far-reaching sanctions instruments, in particular the Helms-Burton Act and the Iran and Libya Sanctions Act. In the end, however, a political compromise was reached between the US and Europe, as the US agreed not to enforce secondary sanctions and to suspend some of its most controversial sanctions provisions.

The agreement signaled a return to normality and, in 2008, one of the present authors observed how ‘[t]he last decade has been remarkably quiet on the secondary boycott front’.567 In hindsight, this period may rather have been the proverbial lull before the storm. The subsequent adoption of sweeping secondary sanctions, particularly targeting Iran, has indeed resulted in a **deep rift between the US and the rest of the international community, including Europe.** The situation remained under control as long as the EU had in place far-reaching import and export restrictions of its own targeting Iran and its petroleum industry, as well as in the subsequent period (2015–18) when the US and the EU both agreed to suspend their respective sanctions against Iran in accordance with the JCPOA (the so-called ‘Iran nuclear deal’). Yet the Trump administration’s decision to unilaterally pull out of the nuclear deal and reactivate the full panoply of its sanctions arsenal has again put it at loggerheads with the EU; all the more since the Trump administration has consistently refused pleas to exclude European companies from the scope of the US sanctions regime.

The reality today is that **European companies are increasingly caught in the cross-fire of US sanctions**, as is illustrated by the many settlements with the notorious US OFAC, in which European banks have agreed to pay enormous amounts, as well as by the fact that many European companies have unwound transactions with, or investments in, Iran, including several billion-dollar deals. Even if the exact economic cost to European companies remains unknown, it is clear that the US has successfully weaponized access to its market and currency to pursue its foreign policy agenda. By forcing foreign companies to either trade with the US or with the state subject to primary US sanctions, the US has succeeded in imposing its foreign policy agenda on non-nationals at the expense of the economic sovereignty of third states.

**The assertive use of secondary sanctions has also eroded the political sovereignty of third states, and of the EU**. Back in 2015, the adoption of the JCPOA, in which the US and Europe agreed to sanctions relief in return for Iranian concessions in respect of its nuclear program, was hailed as a major tour de force and a rare success for European diplomacy. Yet the US withdrawal from the (political) agreement and the reactivation of harsh secondary sanctions have fundamentally crippled Europe’s leverage to use the promise of investment and trade with Iran as a ‘carrot’ to keep Iran’s nuclear program in check. As a result, at the time of writing, the future of the JCPOA hangs in the balance, in spite of European attempts to save it from oblivion.568

The resort to secondary sanctions will not disappear in the near future. The 2020 US presidential elections are unlikely to make a difference, as the use of secondary sanctions appears to enjoy widespread bipartisan support in the US Congress. Furthermore, while US secondary sanctions have hitherto been focused on smaller countries of limited importance in global trade and finance, the next target could well be a country with which Europe has much closer trade relations, such as China or Russia. This may potentially result in far greater economic damage for the EU. The signing into law of a US act seeking to impose sanctions on persons involved in the construction of a new pipeline to transport Russian gas into Europe does not bode well for the future.569 Meanwhile, other states such as China are becoming increasingly active in the sanctions domain as well, and may be tempted to employ similar forms of economic statecraft to achieve foreign policy goals in the future.570

Against this background, this article has sought to tentatively answer two pressing questions. First, are secondary sanctions compatible with international law? Second, how can third states, and in particular EU Member States, respond to secondary sanctions, whether through judicial or non-judicial means?

With regard to the first question, a complex picture emerges. We argued that sanctions taking the form of ‘denials of access’ normally fall within the sanctioning state’s sovereignty and are thus incapable of breaching the customary international law rules on the exercise of state jurisdiction. By contrast, the application of prohibitive norms triggered by the involvement of non-US companies owned or controlled by US persons, the re-exportation of US items, or the mere use of US dollars, would seem hard to justify from a jurisdictional angle, given the tenuous nexus to the US. What is more, irrespective of the compatibility with established jurisdictional principles, specific **secondary sanctions would appear to be at odds with conventional obligations under a range of multilateral and bilateral treaty instruments**. Sanctions resulting in a restriction on international payments will not breach the IMF Articles of Agreement as long as the relevant measures are notified to the IMF and are not objected to. Under WTO law, secondary sanctions are unlikely to contravene the national treatment or MFN principles, but may entail breaches of specific WTO rules, including article XI(1) GATT, the revised GPA, or the GATS ‘mode 4’ commitments pertaining to the movement of persons. Specific secondary sanctions may equally contravene obligations under FCN treaties or BITs, although, in the latter context, this presupposes that there is a link with a covered investment. Even if virtually all of these bilateral treaties, as well as the WTO Agreements, contain a so-called ‘security exception’, recent case law nonetheless confirms that the invocation of the security exception is subject to judicial review. Moreover, even in situations where primary sanctions could hypothetically be justified on the basis of a security exception, it is doubtful whether secondary sanctions could also be so justified.

Given the doubtful legality of various secondary sanctions, this article subsequently examined what room exists for challenging them at the judicial level. Domestic proceedings before European courts do not offer a meaningful route, given US immunity from jurisdiction in respect of acta jure imperii. Challenges before US courts may be a more promising alternative, albeit one that is relevant only for (the minority of) sanctions instruments that leave room for interpretation as to their geographical reach. Interestingly, the US Supreme Court has yet to pronounce on whether the mere clearing of dollars through a US correspondent bank provides a sufficient jurisdictional nexus in the sanctions context. At the international level, a plausible démarche would be for the EU to initiate proceedings at the WTO (just as it did in 1996), even if such a step may put some additional strain on the already frail Dispute Settlement Body. Alternatively, individual states or foreign investors could employ the dispute settlement clauses in applicable FCN treaties or BITs. An important limitation here is that proceedings would remain limited to possible breaches of the treaty concerned, while the applicant would additionally have to overcome the omnipresent security exception. To circumvent these limitations, European states might alternatively seek to trigger advisory proceedings before the ICJ—although it is possible that such effort could backfire—or they could explore the dispute settlement potential of the post-WWII Economic Cooperation Agreements. Reliance on compromissory clauses in bilateral treaties presupposes that individual states or foreign investors will take the initiative to confront the US sanctions regime. In turn, the advantage of commencing WTO proceedings or advisory proceedings at the ICJ level would be that this would constitute a more collective effort,571 signaling broad disapproval amongst states of the use of far-reaching secondary sanctions. ICJ proceedings—possibly targeted against the Helms-Burton Act—would have the further benefit of ensuring full transparency, and therewith maximizing pressure on the US.

While the launching of judicial proceedings at the international level would be a welcome step towards much-needed clarity with respect to the legality of secondary sanctions, it is evident that the wheels of justice move slowly and that states do not always comply with adverse rulings. That leaves the question as to what possible ‘non-judicial’ means are at the EU’s disposal to confront secondary sanctions. Until now, the EU has essentially placed its hopes in the reactivation of the 1996 EU Blocking Statute. While this tactic may have worked in the mid-1990s, the Statute has not produced any meaningful deterrent effect post-2018. The flaws of the Statute’s central provision—the prohibition for EU companies to comply with secondary sanctions—are manifold. Apart from the obvious fact that the prohibition unfairly places EU companies between a rock and a hard place (**forcing some to choose between breaching either US law or EU law**), it leaves much to be desired in terms of legal clarity, comes with a nigh on impossible evidentiary burden, and is unevenly implemented in EU Member States (who have little interest in enforcing it). Still, in contractual disputes, some Member State courts have proved willing to give effect to the Blocking Statute, and have ordered parties to comply with contractual obligations, even if compliance might expose them to US sanctions.572

If the Blocking Statute has proved to be mostly a paper tiger—a mere symbol of the EU’s disagreement with the wide reach of US sanctions—this begs the question of what other options remain for the EU. The EU’s efforts to create an SPV to allow for the bartering of goods, thereby facilitating trade with Iran without getting caught in the net of US sanctions, have hitherto hardly been impressive. Setting up the INSTEX mechanism has proved cumbersome, and its scope remains modest, as it is limited to goods that are not covered by US sanctions in the first place. More importantly, INSTEX and its customers could be directly subjected to US sanctions with a single stroke of the pen. **That leaves the specter of EU retorsions or countermeasures to raise the cost to the US of imposing secondary sanctions**. One possible course of action would be for the EU to impose financial sanctions on natural or legal persons benefitting from US secondary sanctions, in particular those seeking to obtain damages from EU companies on the basis of the contested Title III of the Helms-Burton Act. All in all, however, confronting sanctions with more sanctions is not a particularly alluring prospect for an organization supposedly committed to ‘effective multilateralism’ and the rule of law. The establishment of an EU-style OFAC has also been mooted as a possible counterweight to the US OFAC, but it is not obvious that EU Member States would transfer a part of their sanctions powers to the EU. In addition, EU Member States may wish to reconsider their position within the IMF, specifically with regard to the IMF’s tacit approval procedure for payment restrictions based on security grounds.

Even if there is no easy, one-size-fits-all solution at hand, some steps are nonetheless conceivable. For one thing, reliance on INSTEX or similar bartering mechanisms may expand in the future573 as states and economic operators adapt to US secondary sanctions574 and look for alternative mechanisms to continue trade with sanctions targets.575 More fundamentally, US aggression may encourage states to avoid economic contact with the US altogether, and the attendant exposure to US sanctions, thereby undermining the latter’s effectiveness.576 There is some evidence that such avoidance moves have already proved effective.577 At some point, it is possible that the US may realize that its aggressive use of secondary sanctions may harm, rather than further, US interests, particularly if economic operators pivot away from the US financial system or third states retaliate.578 **Ultimately, perhaps what is needed most is an international dialogue on the role of, and limits to, unilateral sanctions,** so as **to prevent further escalation to the detriment of the international legal order.**

### china – 1ac

#### Advantage two is China:

#### Maximum sanction campaign on Iran is strengthening an Iran-China-Russia trilateral, upsetting cooperation.

Sultanli 7/18 [(Huseyn Sultanli, Analyst - Geopolitical Risk, European Cooperation, Azerbaijani foreign policy, MSc International Relations, LSE London, United Kingdom) "The forthcoming spell in Iran-US relations: between further hostility and cautious restraint," Trend.Az, https://en.trend.az/iran/3924846.html, 7-18-2024] TDI

In parallel to the withdrawal from the ‘Iran deal’, the Trump administration initiated a campaign of ‘maximum pressure’ on Tehran which had been designed to ‘punish’ the country’s leadership for supposedly failing to comply with the terms of the JCPOA. Moreover, the Administration proceeded to label the Islamic Revolutionary Guards Corps (IRGC), essentially the country’s principal military organisation, as a terrorist one. Suddenly, it felt like what was a promising agreement designed to overcome a major international security threat had failed to survive into the next decade. The arrival of President Biden had, in theory, signalled to positive change with the President heavily critical of Trump’s decision to withdraw. However, through Biden’s first term, it never truly felt like the Iran deal was a foreign policy ‘priority’. As mentioned, the instability that followed on from the global pandemic and the beginning of the Ukraine war, in addition to challenge of balancing the deep-rooted partnership with Israel and conciliation with Iran, all prevented the Iran deal from being at the forefront of political conversations in Washington. The relationship continues to be shaped by fluctuating levels of tension and détente, with numerous instances of either strengthened sanctions or acts of political goodwill such as the exchange of prisoners and the unfreezing of Iranian revenues affected by decades of sanctions.

Iranian and American elections – will the electorate have a major say?

The election of reformist candidate Masoud Pezeshkian as Iran’s next president, following the untimely death of President Raisi, provides interesting room for thought with regards to the future development of US-Iran relations. Pezeshkian, 69 years old, has a career full of public service, having previously run for president twice and also served as the Minister of Health. He has represented the Tabriz, Osku and Azarshahr electoral districts and served as the Iranian parliament’s Deputy Speaker from 2016 to 2020. In principle, the more centrist candidate is expected to be more tolerant towards the idea of working closer with the West and stopping the further isolation of Tehran from the international community. The vote for a more centrist and ‘socially liberal’ candidate may indicate a willingness among the Iranian population to pursue an agenda of change in both domestic affairs and the foreign policy domain. Nevertheless, given the highly complex nature of the Iranian political system and, ultimately, the role of the Supreme Leader, it is almost certain that major decisions on foreign affairs will remain outside Pezeshkian’s list of responsibilities. Therefore, even if there might be appetite among voters for reform and potential realignment with the West, the extent to which this will be possible remains extremely uncertain. Moreover, given the recent escalation between Iran and Israel and the on-going hostility over Gaza and the broader Middle Eastern security landscape, there is little a newly elected president in a system like Iran’s can do to radically change the geopolitical reality on the ground. Although Pezeshkian is naturally more willing to engage in negotiations with American leadership and radically differs in this to his hard-line alternative Saeed Jalili, a lot will depend on the way the US approaches the Iranian nuclear challenge and whether this approach will be deemed satisfactory enough by the Iranian side.

Elsewhere, US presidential elections represent another potential array of opportunities for the future unfolding of Iran’s relationship with the West. The Iranian political class is certain that in the case of a Trump victory, relations will continue to be marked by mutual distrust. Nevertheless, there is no particular sense of optimism surrounding the prospect of a second Biden term. The current president, despite voicing support for the deal, is in no way as passionate of an advocate of the deal as his Democratic predecessor, Barack Obama. Donald Trump has repeatedly stated that the current situation in Gaza would have been avoided if he had been president, often pointing the blame exclusively at Tehran and its role in establishing and diffusing the 'axis of resistance’ of which, crucially, Hamas is a part of. His now famous categorisation of his enemies and opponents as “bad guys” or “bad people” is likely to be applied to the likes of Iran more forcefully as ever before, should he return as president. This, rightly so, places in question the extent to which an individual president or administration can, in the present regional environment, considerably influence the course of the relationship. The presence of armed confrontation, of which Iran, albeit indirectly, is an integral part, and the potential for further escalation, has undoubtedly overshadowed diplomatic efforts to manage and alleviate what is a deep-rooted and multi-faceted hostility.

Most recently, it was announced that James David Vance, an American senator from Ohio, was chosen as Donald Trump’s ‘running mate’ (Vice-President) for the upcoming election. Vance’s international outlook, and more specifically his derogatory remarks about Islam and its role in international affairs will only further exacerbate a strained relationship between Trump and the Iranian political class. Vance has followed Trump in classifying the Iran Deal as a ’disaster’, describing Israel as America’s closest ally and labelling several countries, including Iran, as ‘Islamist’ countries. Along with criticising the Western effort to uphold Ukraine’s war effort, Vance is unlikely to be willing to compromise on issues politicians like him tend to label as being counter to American self-interest.

Broader lessons for the global order

There is profound concern in the West that an increasing number of states, historically open in their rejection of a ‘Western-oriented’ international system, are leaning towards more fragmented cooperation in different alliance blocs. This undoubtedly includes Iran, who in addition to being a powerful player in the Middle East that prioritises countering Israeli influence is also consistently developing closer ties with powers like Russia. Hence, there are genuine concerns about the establishment of an alternative global alliance that seeks to counteract Western influence and instead formulate a common approach to cooperation that prioritises the immediate interests of those states and those of their respective regions. Many in the West are appreciative of this dynamic and have in fact resorted to self-criticism when recognizing the inability of relevant institutions to consolidate and sustain the diffusion of a rules based international order they believe should serve as the guiding principle for all nations. The European Union, for example, has not yet succeeded in its pledge of becoming a powerful force in security and defence. In this case, internal disputes, and the inability to reach consensus on key policy areas tend to further undermine the trust of many in the power of European and Western institutions to act as global leaders. This is further exacerbated by the emergence of far-right nationalism in various European capitals, something several Western leaders appear determined to confront immediately. Nevertheless, despite the consistent framing of the likes of Iran, Russia, and China as ‘them’ in the ‘us versus them’ dichotomy, it appears the spread and consolidation of such ‘alternative alliances’ is now inevitable as they openly deepen and institutionalize their cooperation whilst criticising the ‘West’ and its international conduct.

What should be expected?

Despite its divisive nature, with many questioning its utility in the first place, the Iran deal did achieve a level of ‘restraint’ in US-Iran relations. However, the deal did not succeed in removing the inherent sense of distrust between the sides. Moreover, Iran’s position within the Middle East’s dynamic and its relationship with other key actors is an additional element to consider. The escalation of the Israeli-Palestinian conflict, and the unprecedented exchange of strikes between Iran and Israel in April 2024 demonstrates that the sides are certainly not headed for peace and mutual co-existence. Given its status as the leader of the free world, a status that requires both practical and moral leadership, the US will be expected to play a fundamental role in keeping a tap on further armed escalation. However, it will almost certainly be the American electorate that will dictate in what capacity this role will be. Given the considerable weight of the challenge Iran poses, it will undoubtedly be among the leading foreign policy factors voters consider before deciding on the ‘next leader of the free world’.

#### That’s a key facet of ‘axis’ cooperation.

**Donovan and Nikoladze 24** - [Kimberly Donovan is the director of the Economic Statecraft Initiative within the Atlantic Council’s GeoEconomics Center. Maia Nikoladze is the assistant director at the Economic Statecraft Initiative within the Atlantic Council’s GeoEconomics Center. ”The axis of evasion: Behind China’s oil trade with Iran and Russia”, Atlantic Council, https://www.atlanticcouncil.org/blogs/new-atlanticist/the-axis-of-evasion-behind-chinas-oil-trade-with-iran-and-russia/, March 28, 2024] TDI

Oil revenue is a lifeline for the Iranian and Russian economies, but Western sanctions have jeopardized both countries’ ability to ship oil and receive payments. In response, Iran and Russia have redirected oil shipments to China—the world’s largest importer of crude oil. In 2023, China saved a reported ten billion dollars by purchasing crude oil from sanctioned countries such as Iran and Russia.

Over the years, Beijing and Tehran have developed an oil trade system that bypasses Western banks and shipping services. Russia adopted Iran’s methods for exporting sanctioned oil after the Group of Seven (G7) allies capped the price of Russian crude oil at sixty dollars per barrel in December 2022.

As a result, Iran, Russia, and China have created an alternative market of sanctioned oil, wherein payments are denominated in Chinese currency. This oil is often carried by “dark fleet” tankers that operate outside of maritime regulations and take steps to obscure their operations.

Oil revenue from China is propping up the Iranian and Russian economies and is undermining Western sanctions. Meanwhile, the use of Chinese currency and payment systems in this market restricts Western jurisdictions’ access to financial transactions data and weakens their sanctions enforcement efforts.

China has developed a way to import Iranian oil while bypassing the Western financial system and shipping services. Iran ships oil to China using dark fleet tankers and receives payments in renminbi through small Chinese banks. The dark fleet tankers operate without transponders to avoid detection. Once oil shipments reach China, they are rebranded as Malaysian or Middle Eastern oil, and bought by “teapots” in China. “Teapots” are small independent refineries that have been absorbing 90 percent of Iran’s total oil exports since Chinese state-owned refiners stopped transacting with Iran due to the fear of sanctions.

“Teapots” are believed to be paying Iran in renminbi using smaller US-sanctioned financial institutions like the Bank of Kunlun. This strategy allows China to avoid exposing its large international banks to the risk of US financial sanctions.

Once Iran gets paid in renminbi, it has two options for using Chinese currency: It can either buy Chinese goods or park assets in a Chinese bank. Iran cannot spend much in renminbi outside of China because the currency is not entirely freely tradeable, and is therefore less desired by other countries as a store of value or unit of account. The role of the renminbi in international trade has increased in the past few years, but it’s driven by China’s renminbi-denominated trade with its partners. The currency is rarely used for transactions by two countries when one is not China.

Consequently, in 2022, Iran bought $2.12 billion worth of machinery from China, as well as $1.43 billion worth of electronics. While data on financial transactions between Iran and China is not accessible, there is a high probability that Iran’s imports of Chinese technology are denominated in renminbi.

Another use Iran could find for the Chinese currency is building up foreign exchange reserves in renminbi. In October 2023, the deputy chief of the Central Bank of Iran said that Iran’s foreign reserves are increasing because of the growth in oil and non-oil exports. If oil revenues are a significant contributor to the growth of Iran’s foreign exchange reserves, and if China is buying Iranian oil in renminbi (trade data indicate that around 90 percent of Iran’s oil exports are going to China), then a considerable share of Iran’s reserves could be denominated in renminbi.

Additionally, Iran’s willingness to find alternative currencies and diversify away from the US dollar is coinciding with Beijing’s internationalization ambitions for its currency. Thus, Beijing may also have an interest in paying Iran in renminbi and building Iran’s renminbi reserves. (The Central Bank of Iran does not publish data on the currency composition of its international reserves. The absence of data makes it difficult to confirm this theory.)

#### China-Iran cooperation causes emergent cyberthreats.

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"The Islamic Republic of Iran and China are standing in a united front," claimed Iran’s ICT Minister Mohammad Javad Azari Jahromi last week, "to confront U.S. unilateralism and hegemony in the field of IT." For confront read "offensive actions," and for IT read "cyber." Jahromi followed this with similar comments in Beijing a few days later, when he met his opposite number Miao Wei. The ministers discussed "common challenges" in the face of "U.S. unilateralism," of which Jahromi said, “we are facing similar challenges, so we need to find common solutions." The Iranian minister accused the U.S. of "spreading its hegemony on new strategic technologies such as artificial intelligence," and criticized Washington's actions against Huawei and ZTE. Miao Wei reportedly stressed that cooperation between the two countries would help tackle "such threats and pressures." According to Iran's state media, the ministers "discussed ways to boost cooperation in the field of information technology and countering threats in cyberspace—and agreed to establish a joint workgroup to survey and counter those threats." Today In: Innovation In May, Chinese Foreign Minister Wang Yi told the media after meeting his Iranian counterpart Mohammad Javad Zarif, that "China is strongly opposed to U.S. unilateral sanctions and its prejudgments. China understands Iran’s conditions and concerns and safeguards its legitimate interests." Although some of the language can be interpreted as referencing mainstream, non-military IT interests, the context is entirely cybersecurity related and comes as tensions continue to intensify and the cyber domain becomes ever more important. Putting any theoretical risk from North Korea—handshakes included—to one side, the greatest threats to the security of the U.S. and its allies come from Russia, China and Iran. The same is true when it comes to cybersecurity—China and Russia have long been the world's greatest villains, but Iran fancies a seat at that table. From a military perspective, there are clear links. Russia supplies weapons and proxy sponsorship to the Middle East, and China is now reportedly eyeing a more significant military role in the region. China and Russia have also both blamed the U.S. for its escalating tensions with Iran. Meanwhile, the continued integration of cyber and conventional warfare has been thrust into the headlines this year, also in the Middle East. Israel launched a missile strike to retaliate for an offensive cyber strike, while the U.S. did the opposite, responding to Teheran's downing of a surveillance drone with a cyber strike against the country's missile control systems. In the conventional domain, spillover from the battlefield into the real world comes in the form of insurgency and terrorism. It is difficult to plan and execute and it usually fails. In the cyber domain, attacks can be mounted on soft targets worldwide with relative ease. Iran is learning this fast. The warning issued by U.S. Cyber Command in the wake of its strike on Iran was to Outlook users that a (likely) Iranian hack was targeting millions of unpatched systems. Iran doesn't need to counter hard targets to hit back. Last month, the Cybersecurity and Infrastructure Security Agency (CISA) within the DHS issued a blanket warning about a"recent rise in malicious cyber activity directed at United States industries and government agencies by Iranian regime actors and proxies... using destructive ‘wiper’ attacks, looking to do much more than just steal data and money." CISA warned that "these efforts are often enabled through common tactics like spear phishing, password spraying, and credential stuffing. What might start as an account compromise, where you think you might just lose data, can quickly become a situation where you’ve lost your whole network." Also last month, the National Security Agency confirmed that "there have been serious issues with malicious Iranian cyber actions in the past. In these times of heightened tensions, it is appropriate for everyone to be alert to signs of Iranian aggression in cyberspace and ensure appropriate defenses are in place." And it's not just the U.S. The U.K. blamed Iran for a concerted cyber attack last December on major government and commercial organizations. Iran's ability to retaliate against the U.S. government is limited, but Teheran has proven to be ultimate pragmatists when it comes to finding ways to tackle the threat of the U.S. Lining up China's cyber support would certainly fit that bill. Offensive cyber capabilities have long been the most sensitive and nationalistic of government activities, clouded in secrecy and deniability. If Iran finds Beijing open for business, beyond rhetoric and public support, and can genuinely tap into China's expertise to become the ultimate cyber proxy against the U.S., the dynamics of that particular conflict will change significantly.

#### Cyberattacks spread between interlinked systems---nuclear war.

Acton ’20 [James; March 23; Jessica T. Mathews Chair and is Co-Director of the Nuclear Policy Program at the Carnegie Endowment for International Peace; Daedalus, “Cyber Warfare and Inadvertent Escalation,” vol. 149]

The vulnerability of nuclear forces and C3I systems creates the risk of inadvertent escalation: that is, escalation resulting from military operations or threats that are not intended to be escalatory. So-called crisis instability, for example, could arise if a state were afraid of being disarmed more or less completely in a preemptive strike by an adversary, whether or not such fears were well founded.4 In the most extreme case, “use-’em-or-lose-’em” pressures could lead the state to employ nuclear weapons, conceivably in its own preemptive attempt to disarm its adversary, but more likely in a limited way to try to terrify the opponent into backing down. In less extreme scenarios, a state afraid of being disarmed might take steps–issuing nuclear threats, for example, or dispersing mobile nuclear forces– that raised the likelihood of nuclear use later.

This danger is likely to be exacerbated by any cyber vulnerabilities affecting nuclear forces and C3I systems. Most directly, the existence of such vulnerabilities could intensify existing fears of being disarmed–fears that are already acute in China and Russia (as well as in Pakistan and, most likely, North Korea).5 However, because of their unique characteristics and effects, cyber threats could create at least three qualitatively new mechanisms by which a nuclear-armed state might come to the incorrect conclusion that its nuclear deterrent was under threat. First, the purpose of cyber interference could be misinterpreted. In particular, espionage could be mistaken for an attack. Second, a cyberattack could have a more significant effect than intended. Malware implanted into information technology (IT) systems associated with non-nuclear weapons could accidentally spread into more sensitive nuclear-related systems, for instance. Third, the initiator of a cyber operation could be misidentified. An operation carried out by a third party, for example, could be misattributed by one state in a bilateral confrontation to its opponent. What makes these pathways so pernicious is that the catalyst for escalation could appear to its initiator to be a relatively benign action.

To make matters worse, such pathways could lead to inadvertent escalation even if the target of the cyber interference were not afraid of being completely disarmed. Today at least, this description fits the United States. If, in a conflict against Russia, say, the United States wrongly concluded that its strategic early-warning system was under cyberattack, it might reason that Moscow was seeking to undermine U.S. missile defenses, which use early-warning data, prior to launching a nuclear attack.6 Given that U.S. declaratory policy explicitly highlights the option of a nuclear response to non-nuclear attacks on nuclear C3I assets, such a “misinterpreted warning” might lead Washington to use nuclear weapons.7 But even if it did not, its response, which might include nuclear threats, could still be escalatory.

My focus here is narrowly limited to inadvertent cyber threats against, or interference with, one state’s nuclear forces or C3I systems by another nuclear-armed state (C3I systems encompass not only communication capabilities, but also the intelligence, surveillance, and reconnaissance capabilities, including early warning, that would be critical to decision-making). To be sure, cyber vulnerabilities probably create other escalation risks too, though, in my judgment, they are less serious.8 For example, while no state would likely try to detonate another’s nuclear weapons, a nihilistic terrorist group might (though it is unclear whether such a group could obtain the requisite cyber capabilities). Separately, vulnerabilities associated with conventional forces or their C3I systems could increase the likelihood of a conventional war’s escalating to a higher level of violence, thus making nuclear use more credible.9

Cyber interference with nuclear forces and C3I systems can involve two (not mutually exclusive) types of operations: espionage and attack. Cyber espionage involves collecting data from a target IT system without otherwise damaging it. A cyberattack involves undermining the operations of the target system, typically by compromising the integrity or availability of data. Cyber tools suitable for surveilling or attacking nuclear forces or C3I systems have innumerable differences from noncyber tools, which are themselves quite varied. Six of these differences are particularly salient to the risk of inadvertent nuclear escalation.

First, cyber espionage offers the potential to obtain information about an adversary’s military forces and operations that cannot plausibly be obtained in any other way. By accessing an adversary’s C3I systems directly, cyber tools may be capable of exfiltrating exceptionally sensitive information, such as the locations of mobile delivery systems. This is not to suggest that cyber surveillance is infallible. As a security measure, for example, a state could choose not to track the movements of its mobile delivery systems (or it could do so only approximately). Alternatively or additionally, it could try to use a cyber intrusion in its networks to feed misinformation to the adversary. In spite of these and other limitations, however, cyber espionage almost certainly offers unique advantages. For example, no practical constellation of high-resolution surveillance satellites in low Earth orbit could provide continuous coverage of a given location on Earth’s surface.10 Cyber surveillance, by contrast, may allow for continuous monitoring of an adversary’s military posture.

Second, cyber weapons offer an unparalleled capability to manipulate the data that go into decision-making. Other types of weapons, by destroying or disabling sensors or communication systems, can also deny data to decision-makers. However, their use generally alerts the target to the fact it is under attack. By contrast, if a well-designed cyber weapon is used, a loss of data may appear to be, say, the result of a malfunction, potentially allowing the attacker to conduct surprise follow-on attacks. Even more significant, cyber weapons can be used to feed false information to decision-makers. For example, the Stuxnet virus, which was reportedly developed by the United States and Israel, was designed not only to destroy centrifuges at Iran’s Natanz enrichment plant, but also to hinder plant operators from discovering the cause of these failures by producing falsely reassuring readings on monitoring equipment.11 In a similar vein, sophisticated cyber weapons offer a unique capability to shape an adversary’s perception of a battlefield by feeding misinformation into C3I systems.12 To be sure, information operations have always been a part of warfare. However, cyber weapons represent a sea change because their effects can be tailored with great precision in real time, and because they could be used to directly influence the perceptions of high-level decision-makers.

Third, cyber operations–whether conducted for espionage or offensive purposes–can present particularly significant risks of unanticipated collateral effects, that is, of affecting IT systems other than the intended target.13 Noncyber weapons can, of course, lead to collateral damage. Yet such effects are inherently constrained by geography. Moreover, the likelihood of physical collateral damage can be often quantified, at least to some extent (military planners may be able to estimate, for example, the probability of an incoming weapon missing its military target and hitting a nearby civilian facility).14 The risks of collateral effects in cyberspace are much more difficult to estimate. Minimizing such effects relies, in part, on detailed intelligence about the target network and on connections between it and other networks. Obtaining the requisite intelligence is potentially much more difficult than identifying what surrounds a target in physical space (as is verifying that the resulting picture is complete). To complicate matters further, sophisticated malware must generally be tailored to each target and, if revealed, will become ineffective once the adversary can clean its networks and fix whatever exploit was used to gain access. As a result, the effects of cyber weapons cannot usually be understood through testing, further increasing the likelihood of unanticipated collateral damage (simulations can be used but they are only as good as the available intelligence on the target).

Fourth, in peacetime, malware used to enable a cyberattack may often be inserted into an enemy’s networks–but not activated–in the hope that it will remain undetected and thus can be used in a potential future crisis or conflict. (In theory, not only can a vulnerability in an operational IT system be exploited in this way, but so too could security weaknesses in the supply chain for the system’s components.) Noncyber weapons, by contrast, are generally used as and when the decision to authorize a strike on a particular target is taken.15 One consequence of this difference is that, if a state discovers dormant malware in its networks, it can be faced with the challenge of attributing it–that is, identifying which entity is responsible for its implantation–before activation. The equivalent challenge rarely arises with the kinds of noncyber weapons typically used in interstate warfare (though it does arise in irregular warfare or counterterrorism with unexploded ordnance).

Fifth, and relatedly, cyberattacks are generally easier to conceal than other forms of attack. As a result, decision-makers may be more inclined to authorize them. In fact, if the goal is for a cyber weapon to have either a persistent effect or an effect when triggered at some future time, the malware used in the attack must remain hidden to be effective because exposure could enable the adversary to take countermeasures.

Sixth, and finally, distinguishing between offensive operations and espionage is significantly more challenging in cyberspace than in other domains.16 To be sure, the line dividing espionage and offensive operations in physical space is not always entirely clear. Aircraft–unmanned aerial vehicles (UAVs), in particular –are used for both surveillance and offensive operations. But the distinction is much murkier in cyberspace. One challenge is that identifying the purpose of a piece of malware–understanding whether it can be used for espionage, offensive purposes, or both–can be time-consuming. In a fast-moving conflict or crisis, this process might move slower than decision-making. Moreover, even if a state quickly and confidently established that a piece of malware could be used solely for espionage, it could not be confident that whatever vulnerability was used to introduce the malware would not also be exploited for offensive purposes–at least until it had identified and fixed the vulnerability.

States can threaten each other’s nuclear forces through a combination of offensive “counterforce” operations to target nuclear-weapon delivery systems preemptively, and air and missile defense operations to intercept whatever remained. The United States openly acknowledges it would seek to limit the damage it would suffer in a nuclear war.17 Russian doctrine is believed to embrace a similar concept.18 India may be moving in the same direction.19

The question of whether, in practice, a state could actually succeed in limiting the damage it would suffer in a nuclear war to an extent that decision-makers would consider meaningful is currently a subject of considerable debate.20 However, from the perspective of inadvertent escalation, what matters is not whether damage-limitation operations would actually prove effective, but whether a potential target believes they might. In this context, Chinese and Russian fears that the United States is seeking the capabilities–non-nuclear capabilities, in particular–to negate their nuclear deterrents could prove escalatory in a crisis or conflict by generating “crisis instability,” that is, pressures to use nuclear weapons before losing the capability to do so.21 And even though the United States is not concerned today about the possibility of being disarmed, Washington appears to be less sanguine about the future, given growing threats to its C3I assets, in particular.

Cyber capabilities could contribute to damage-limitation operations in two distinct ways. First, cyber espionage could prove useful in collecting intelligence that might increase the effectiveness of counterforce attacks and air and missile defenses, especially if complemented by effective analytic tools for synthesizing large amounts of data from multiple sources.22 If cyber espionage helped reveal the locations of mobile weapons, for example, it could enable preemptive attacks against them. And if it helped to reveal targeting data, it could assist defenses in intercepting missiles and aircraft after launch.

Second, cyber weapons could be used, alongside other capabilities, to conduct counterforce strikes. A hypothetical cyber “kill switch” that could permanently shut down an adversary’s nuclear C3I systems would certainly be attractive to any state with a damage-limitation doctrine. In practice, this kind of perfect capability seems fanciful, not least because a state could find analog or even nonelectronic ways to use its own nuclear forces given enough time (in fact, some states may even prepare such means in advance). At best, therefore, a cyberattack could be a “pause button” that delayed an adversary’s ability to use its nuclear weapons. Real cyber weapons are likely to be still less effective, however. All nuclear-armed states likely operate multiple C3I systems with some degree of redundancy between them. Cyber operations would probably not prove equally effective against these different systems, potentially delaying the target from using some elements of its nuclear forces for longer periods of time than others.

Even given these limitations, however, cyberattacks could still assist with damage limitation. They could buy more time for counterforce operations to attrite an opponent’s nuclear forces and reduce the coherence of any retaliatory attacks, somewhat simplifying the task of air and missile defenses. Moreover, the potential for cyberattacks to shape an adversary’s perceptions could prove valuable. For example, an attacker might try to “blind” its adversary’s early-warning system just before launching counterforce strikes on its nuclear forces.

Just how effective cyber-enabled damage-limitation operations might prove in an actual conflict is far from clear, not least because of the difficulty of testing cyber weapons. That said, any state that has made the enormous investments necessary to develop damage-limitation capabilities is likely to spend relatively modest additional sums on developing complementary cyber tools, and it might reach a different conclusion about their potential efficacy. Even more important, from the perspective of inadvertent escalation, its potential adversaries might do so too.

China, in particular, appears to be concerned about cyber-enabled damage limitation. Summarizing the thinking of their peers on this subject, two Chinese scholars, Tong Zhao and Li Bin, have concluded that “Chinese analysts have demonstrated an acute awareness of the potential vulnerabilities of the country’s nuclear C3I system, particularly against cyber infiltrations.”23 Russian views have been less aired. In fact, a dichotomy has emerged in what little public discussion there has been. For example, three respected experts, including a former general officer in Russia’s Strategic Rocket Forces, have recently played down the threat, arguing that “because the command-and-control systems of strategic nuclear forces are isolated and highly protected, they are, in all probability, not vulnerable to cyber attacks.”24 At about the same time, however, another influential Russian scholar argued that, among the emerging non-nuclear technologies that could threaten nuclear forces, “probably the most dangerous development is cyber weapons, which could be used for non-nuclear disarming and decapitating attack by completely paralysing the entire command-and-control system.”25 News reports that Russia has created cyber defense units for its nuclear forces suggest that the Russian military may be less than sanguine about the cyber threat.26

Fears about cyber-enabled damage limitation may be particularly pernicious because of the potential difficulty of detecting a cyberattack. A sophisticated cyberattack on nuclear forces or C3I systems could conceivably occur without being detected. In the extreme case, a state might only find out that it had been attacked when it attempted to launch nuclear weapons and discovered that its ability to do so had been impeded in some way. If a state believed that it would be unlikely to detect an ongoing cyberattack, then it could rationally conclude that it might be under attack even in the absence of attack indicators. The simple belief that an opponent had highly sophisticated cyber capabilities could, therefore, precipitate a false positive–the incorrect assessment that an attack was underway–by itself. By contrast, if a state’s nuclear forces were under assault from kinetic strikes, the target would likely be aware. To be sure, it is still not entirely impossible that a state could wrongly come to believe it was under kinetic attack. Early-warning systems, for example, have produced false warnings of incoming ballistic missile strikes.27 But mistakes of this kind could be identified once the incoming weapons ceased to exist (though the window of time before they disappeared could be particularly dangerous).

To make matters worse, a state that was concerned about its nuclear forces and C3I systems coming under cyberattack might be inclined, especially in a crisis or conflict, to interpret ambiguous indicators in the worst possible light. For example, if one of its nuclear C3I systems malfunctioned because of, say, bad design or aging components, it might wrongly attribute the failure to a cyberattack (in fact, the temptation among operators to do so might be particularly strong if they would otherwise be held responsible for an internal failure). Regardless of precisely how it arose, however, a false positive that occurred in a crisis or conflict could generate significant escalation pressures.

Concerns about the potential for cyber operations to enhance the effectiveness of damage limitation can have effects beyond generating crisis instability at a time of heightened tensions or during a conflict. In peacetime, such concerns may induce nuclear-armed states to take steps to try to ensure that nuclear weapons could be employed when duly ordered in a crisis or conflict, even at the expense of exacerbating the danger of inadvertent or unauthorized use. Concerned states, for example, could remove permissive action links–electronic “locks” designed to prevent the unauthorized use of nuclear weapons–because of the perceived danger that they could be hacked and thus subverted to prevent authorized use.28

Alternatively or additionally, states could make plans to predelegate the authority to use nuclear weapons down the chain of command to guard against the possibility of the communication links serving national leaders being severed. The dangers of predelegation depend, in part, on the degree of flexibility afforded to commanders in determining whether and how to use nuclear weapons. Nevertheless, certain risks are inherent in any model. A localized communications failure might be mistaken for an attack, for example, leading to inadvertent use.29 Predelegation also increases the risk of unauthorized use because a field commander could order the use of nuclear weapons in a scenario in which he or she was not permitted to do so. This danger becomes greater as more people are granted launch authority. In this respect, cyber threats could promote a particularly dangerous form of predelegation by inducing a state to entrust launch authority to the relatively large number of lower-level officers who are capable of issuing a launch order without electronic communications.

Surveillance operations in cyberspace, even if conducted exclusively for defensive purposes, pose unique risks of escalation. Cyber surveillance of an adversary’s nuclear forces can serve purposes besides damage limitation. In any dyad involving two nuclear-armed states, each has a strong incentive to monitor the status of the other’s nuclear forces at all times–and particularly during a crisis or conflict–including for the exclusively defensive purpose of spotting any preparations for nuclear use. Several intelligence collection techniques, including overhead imagery and signals intelligence, are likely used for this purpose. Given the potentially unique advantages of surveillance in cyberspace, however, states may see good reason to adopt it alongside these other approaches, especially if they judge that the likelihood of cyber espionage being detected is small.

Depending on the sophistication of the malware used and the target’s defenses, the true likelihood of being detected may or may not be small, but the consequences of being caught could be significant. In fact, if the target detected ongoing cyber espionage of networks associated with its nuclear forces or C3I systems, inadvertent escalation could result from either of two concerns that are distinct from those that might plausibly be generated by other forms of surveillance.

First, even if the target of cyber interference were convinced that the operation was being conducted exclusively for the purpose of espionage, it might worry that the data being collected could be used against it in damage-limitation operations. Intelligence collection in physical space could also enable damage limitation, but it differs from cyber surveillance in one critical respect. In a crisis or conflict, a state would generally have no way of knowing whether or not countermeasures against physical surveillance (such as camouflage or concealment) had proved effective–unless its nuclear forces were successfully attacked. By contrast, if it detected an ongoing effort to collect intelligence through its C3I networks, it would know definitively that at least some of its cyber defenses had failed. This realization might lead the state to fear that attacks on its nuclear forces were imminent.

Second, because of the difficulty of rapidly distinguishing cyber espionage from a cyberattack, espionage against nuclear forces or C3I systems would risk being misinterpreted as an attack. In theory, the use of armed UAVs for surveillance of an adversary’s nuclear forces could generate a similar risk. However, a state motivated by purely defensive considerations would have strong and obvious reasons not to use armed UAVs in this way.

The risks resulting from cyber espionage being mistaken as an attack would depend on who had initiated the operation and who was the target. China or Russia might assess that U.S. cyber surveillance was actually an offensive effort intended to undermine–or, more likely, give Washington the option of undermining– Beijing’s or Moscow’s ability to launch nuclear weapons, thus potentially generating crisis instability. By contrast, because Washington is apparently more confident in the survivability of its nuclear deterrent, cyber espionage directed against U.S. nuclear forces or C3I systems would be less likely to have the same result. Nonetheless, such operations would likely be of real concern to Washington and could, for example, be misinterpreted as a prelude to nuclear use by China or Russia.

Even if the two states involved in a crisis or conflict did not engage in any kind of deliberate cyber interference with one another’s nuclear forces or C3I systems, one of them might wrongly conclude that the other had. Such a misperception, which could be the result of collateral effects or third-party action, could also induce escalation through crisis instability or misinterpreted warning.

A state that eschewed cyber operations of any kind against an opponent’s nuclear forces or C3I systems might still launch such operations against adversary military networks involved exclusively in non-nuclear operations. If, because of design flaws, imperfect intelligence, or mistakes in execution, the malware used in such attacks spread and infected networks that were involved in nuclear operations, the target might conclude that its nuclear forces or C3I systems were under deliberate cyberattack or cyber surveillance.

There could be collateral effects even if a state’s networks for nuclear operations were entirely isolated; air-gapping (physically isolating one particular network from others) is, after all, not a cyber security panacea.30 Moreover, achieving perfect isolation could prove difficult in practice.31 To give but one reason, every nuclear-armed state, apart from the United Kingdom, has dual-use delivery systems, which can be used to deliver nuclear or non-nuclear weapons. Such delivery systems represent a potential point of contact between the C3I systems supporting nuclear operations and those supporting non-nuclear operations.

In practice, some nuclear-armed states–perhaps many or even all of them– have not tried to isolate their nuclear C3I systems. The United States, for example, has a number of dual-use C3I assets for communications and early warning that support both nuclear and non-nuclear operations.32 Other nuclear-armed states, including China and Russia, may as well, but are less transparent.33 Because the networks supporting dual-use C3I assets are likely to be connected directly to others involved in non-nuclear operations, there may be a particularly high risk of their being subject to collateral effects.

#### Independently, Iran’s attractive energy exports are key to fund China’s BRI expasion.

Chaziza 20 [(Mordechai Chaziza, Department of Politics and Governance) "Environmental Implications Of The Belt And Road Initiative: Geopolitics And Climate Change," Yale Review of International Studies, https://yris.yira.org/column/environmental-implications-of-the-belt-and-road-initiative/, 11-10-2022] TDI

Energy cooperation constitutes one of the key elements of the BRI framework and lays out extensive Chinese investment in the Iranian energy industry. Beijing offers Tehran a market for its energy ex- ports and Chinese investment in its energy infrastructure; Iran, in turn, enables China to diversify its energy sources, so as not to be overly reliant on Saudi Arabia or Russia.

Iran has some of the world's largest proven deposits of oil and natural gas. Tehran deposits contain an estimated 157 billion barrels of crude oil and a further 1,193 trillion cubic feet of natural gas depos- its, making those the fourth- and second-largest deposits in the world, respectively (Hughes, 2015). The abundance of energy reserves, Iran's relative proximity to China, and its geopolitical location in the Middle East make Iran—one of the world's most important oil producers—an attractive partner for China, the world's largest energy consumer (Garver, 2006).

Iran is the only country in the Middle East with the potential to meet part of China's oil and gas needs through both land and sea. Currently, all Iranian oil exports to China are conducted by sea, but Central Asia and Pakistan are two potential land routes that could connect Iran's energy resources to the Chinese market. Furthermore, Iran's location enables it to connect its energy infrastructure of the Middle East countries involved in the BRI. Tehran has already connected parts of its energy infrastructure to some of the other important Silk Road countries such as Turkmenistan, Turkey, and Pakistan. Development of the ties between Tehran and these countries in the form of separate trilateral cooperation initiatives with the participation and investment of Chinese companies could be regarded as another potential area for cooperation (Shariatinia & Azizi, 2017).

In 2013, China was the most important buyer of Iranian oil and received about one-third of Iranian oil exports (Zhao, 2014). In the post-JCPOA era, almost all of Iran's oil exports go to China and Syria. According to Chinese Ambassador to Iran, Chang Hua, China is the only country that buys Iranian oil now (Reuters, 2019c). Iran, a close ally of Damascus, is heavily involved in the Syrian conflict and uses the country to continue the oil flow to its customers and bypass U.S. sanctions (Zalayat, 2019).

In the first quarter of 2020, according to the latest data by tanker tracking companies, Iran exports just 170,000 barrels a day, with China taking 82,000 barrels and the rest going to Syria (Radio Farda, 2020). China is predicted to remain the world's largest energy consumer until approximately 2030. By then, its consumption growth rate is expected to decline due to its stringent fuel economy standards and the increased presence of electric cars on China's highways. In the meantime, China is wasting no time in availing itself of Iran's energy resources. China's demand for oil imports is expected to grow from 6 million barrels per day (bpd) to 13 million bpd by 2035, and Iran is considered a reliable supplier (Ghoshal, 2016). Iran needs to attract $105 billion investment to replace the old technology and raise the oil production to 5 million barrels of oil per day by 2020 (GOV.UK, 2020). The National Iranian Oil Company (NIOC) currently has 515 projects as well as 88 megaprojects and 2000 subproj- ects on its agenda (Iranian Petro-Energy Information Network, 2017).

#### Expanding the BRI multiples existential risks: sand dredging, biodiversity loss, conflict, terrorism, and 3 degrees of warming.

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Furthermore, given how infrastructure expansion has historically correlated with significant biodiversity loss (Hughes 2018), the Polar Silk Road will also lead to many species becoming extinct. Even worse, the BRI does not implement the best practices to prevent biodiversity loss and actually increases alien species invasions by overlapping global diversity hotspots with high invasive potentials within BRI economic corridors. Ominously, the repercussions of this biodiversity loss will be as severe as those from climate change or nuclear conflicts (Liu 2019). As its cascading effects devastate entire regional food chains, biodiversity loss is a “threat multiplier” that will exacerbate existing conflicts and introduce entirely new struggles between state and non-state actors. Ultimately, biodiversity loss could even fuel the rise of terrorism, as climate change has been linked to the emergence of ISIS in Syria (Torres 2016). The United Nations Security Council corroborates the linkage between climate change and terrorism, highlighting the multiplier effect of climate change and biodiversity loss on poverty, weak governance, and terrorist activity. In fact, of the 15 countries that are most exposed to climate risks, eight have United Nations peacekeeping missions to address terrorism, including Mali, Iraq, and Syria (United Nations 2019).

Sand Storm In addition to the inimical implications of the Polar Silk Road, BRI projects often also involve cement production and sand dredging, which is terrible for the environment. Cement requires extensive amounts of sand, stone, and energy, and is extensively used in construction (Spiegel 2020). China has been the biggest concrete producer in the world. In fact, if it were a country, the concrete industry would be the world’s third-largest carbon dioxide emitter, responsible for 4-8% of the world’s CO2 emissions (Watts 2019). However, to create concrete, China has been digging up excessive amounts of sand for the past few years, destroying coastline and fishing breeding areas (Apostolopoulou 2021). Now, China is closing its domestic cement plants under new pollution guidelines (Goh 2019) while creating hundreds of heavily polluting cement production lines in BRI countries (McNeice 2017). Furthermore, China is targeting countries with weak emissions and environmental standards and enforcement (Goh 2019). While host countries are responsible for approving high-polluting projects, governments may be lured by the economic benefits posited by Chinese state-owned enterprises (Lelyveld 2019). In fact, countries like Pakistan, which historically have suffered from climate change impacts, actually saw their CO2 emissions increase fourfold after joining the BRI (Zeb 2017). As such, massive infrastructure projects lacking sufficient environmental regulation and international oversight are extremely minacious for developing nations to undertake.

The Pernicious Implications of the Belt and Road Initiative

Ultimately, increasing production of coal, oil, and cement, climate change and melting ice caps will result in devastating heatwaves, decreased air quality, and drastically increased sea levels, leading to deaths, destruction of infrastructure, crops, and dramatically decreased quality of life (The Climate Reality Project 2019). In the long term, BRI projects are estimated to lead to 3 degrees Celsius of global warming (Hicks 19), which puts 4.6 billion people, more than 50% of the world, at risk of poverty (Byers 2018). By eliminating the BRI’s extremely polluting projects, even by only 0.5 degrees Celsius, 153 million lives would be saved by reducing air pollution alone, notwithstanding other factors (Shindell 2018). Therefore, by stopping 3 degrees Celsius of global warming, at least 918 million lives would be saved from the devastating human toll exacted by air pollution.

Besides just the human impact, BRI initiatives result in geopolitical tension with the United States and other Western powers, accelerating Western attempts to expand in BRI regions with their own initiatives like the Blue Dot Network, Build Back Better World, International Development Finance Corporation, and the Quad’s Asia-Africa Growth Corridor. Thus, the BRI could be a threat multiplier, causing disproportionate amounts of environmental devastation given its cheaper sticker tag pressuring Western initiatives to overlook onerous ecological regulations in developing countries to catch up with the BRI.

#### Extinction.

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Climate change is an existential threat to humans and global biodiversity, as was reinforced in the sixth assessment report (1) of the Intergovernmental Panel on Climate Change (IPCC), as well as Conferences of the Parties of the IPCC (Glasgow, UK; November 2021) and the UN Convention on Biological Diversity (Montreal, Canada; December 2022). But these gatherings also implicitly highlight severe shortcomings in how conservation scientists and policymakers are addressing the climate change threat.

Research in climate change ecology and conservation is still dominated by attempts to understand how species are vulnerable to the altered abiotic conditions driven by climate change alone (e.g., rising temperature) (2). This threat is undoubtedly important. But we argue that other facets of climate disruption could have vastly greater impacts—in particular, the ways in which climate-altered human societies, demographics, and economies interact with natural ecosystems and species. Unfortunately, these human dimensions of climate change ecology have received scant attention. Broad-scale assessment of the scale of biodiversity responses to climate change (3) are therefore underestimating the problem—potentially on a massive scale—when only incorporating direct, abiotic impacts.

Climate change is often considered to be one of the threats facing biodiversity, distinct from other threats and not considered—at least currently—to have as strong an impact as habitat loss and overexploitation (4, 5). But rather than being a separate factor, climate change magnifies these other threats and is now exacerbating all of the pathways by which humans directly cause species endangerment (Fig. 1). Policymakers and planners still do not recognize this combined impact when considering how to abate climate disruption and biodiversity loss. Indeed, it is these synergies, along with the pace of change, that make the current extinction crisis unique in Earth’s history. Although global climate change of about 6 °C caused Earth's biggest mass extinction event to date (at the end of the Permian), this phenomenon likely occurred an order of magnitude more slowly than what we are inducing today—and in a world without significant habitat loss, degradation, and other biodiversity threats from the actions of a single species.

Appreciating the Complexity

Although conservation efforts have been key to slowing recent losses of biodiversity, scientists and decision makers need to stop viewing climate change as just another separate threat to Earth’s biosphere. Climate change magnifies the intensity of the other drivers of biodiversity decline, such as habitat loss, overexploitation, and invasive species. Regional drying is making formerly remote areas of tropical rainforests accessible, thereby increasing hunting, fishing, and logging pressure (6). Warming can expand the cultivation zone of cold-intolerant crops upwards in elevation, threatening montane areas with deforestation and land conversion (7). Climate-facilitated expansion of oil palm (Elaeis guineensis) cultivation in Southeast Asia, for example, would threaten native species in these hyperdiverse systems much more than either habitat loss or climate change alone (7). Rising ocean temperatures can increase the spread of invasive species (8) and make environmental pollutants more toxic (9) (Fig. 1). Evidence increasingly shows that the destruction of coral reefs is particularly acute when warming waters act in combination with other stressors; plastic pollution, overfishing, and crown-of-thorns starfish (Acanthaster planci) outbreaks all interact synergistically with rising ocean temperatures to inhibit coral fertilization and larval recruitment (10). Loss of coral reefs can then cascade to harm at least two of the other highly diverse (and economically important) marine ecosystems, mangroves and seagrasses, through altered pH buffering, sediment capture, and abundance of shared animal species (11).

In turn, non-climatic biodiversity threats can intensify climate change impacts. Nutrient loading and turbidity from agricultural runoff and logging-induced erosion render corals more susceptible to mortality in the face of warmer temperatures and more-frequent storms (10). Fear of introducing potentially invasive species is slowing or preventing the widespread adoption of assisted colonization as a strategy to ameliorate climate change impacts (12); the bramble cay melomys (Melomys rubicola) is among the first documented extinctions from contemporary climate change—a loss that was preventable. Although ecologists have done a thorough job of addressing the direct impacts of changing abiotic conditions on organisms (e.g., 3), synergies between climate and other anthropogenic impacts have received much less attention.

#### Independently, Chinese illicit oil trade with Iran is increasing financing Houthi destabilization of the Red Sea.

Karnitschnig 24 [(Matthew Karnitschnig, POLITICO’s chief Europe correspondent, based in Berlin. He joined the publication in 2015 from the Wall Street Journal, where he spent 15 years in a variety of positions as a reporter and editor in the U.S. and Europe.) "How China ended up financing the Houthis’ Red Sea attacks," POLITICO, https://www.politico.eu/article/china-finance-houthi-red-sea-attacks-iran-oil/, 3-28-2024] TDI

China is unwittingly helping Iran choke off ship traffic in the Red Sea, impairing global trade flows and damaging Beijing’s own interests in the process, Western intelligence officials say.

**China’s illicit purchases of Iranian oil are** indirectly **financing the recent string of attacks by Yemen’s Houthi rebels** in the Red Sea and have had a chilling effect on shipping. About 15 percent of global trade flows through the corridor that leads from the Gulf Aden through the Red Sea and the Suez Canal, linking Asia and Europe.

China buys about 90 percent of Iran’s oil, including crude sold by the Quds Force, the paramilitary arm of the Islamic Revolutionary Guard Corps (IRGC) that is responsible for Tehran’s foreign military operations. Quds Force trains and funds Iran’s terror proxies across the Middle East, for example, including both Hezbollah in Lebanon and Yemen’s Houthi rebels.

The Houthis “are attacking international routes, and the first country hurt by it is China itself,” one of the officials said. “I’m not sure they’re aware they’re cutting off the branch their sitting on.”=

A spokesperson for the Chinese government did not respond to a request for comment.

Though the Houthis have reportedly vowed not to attack Chinese ships, the rebels fired several missiles earlier this week at the Chinese-owned Huang Pu. The ship, which is registered in Panama, sustained only minor damage. It’s not clear if the Houthis were aware of the ship’s origins.

Nonetheless, the attack underscores the degree to which China’s illicit oil purchases have begun to backfire.

International sanctions have left the Iranian regime strapped for cash. To fund its terror proxies, it grants the Quds Force an annual allotment of oil, which the group then sells abroad through a complicated network of front companies, a practice that has been documented in detail by POLITICO and others.

Most countries won’t touch Iranian oil for fear of running afoul of the sanctions, especially those imposed by Washington in connection with Iran’s nuclear weapons program. China, which draws about 10 percent of its oil from Iran and opposes the sanctions, has benefited for years from Iran’s isolation, which enables Chinese firms to buy the crude at a steep discount.

Yet the situation in the Red Sea has complicated that calculus.

Houthi militia have attacked dozens of ships in the Gulf of Aden and Red Sea since October, triggering a more 60 percent drop in traffic, according to the Kiel Institute for the World Economy, a German-based think tank. The U.S. and some European countries have bolstered their naval presence in the Red Sea, but that hasn’t been enough to deter the attacks.

The Houthis have carried out the attacks using drones and missiles supplied to them by Iran, the intelligence officials said.

Major Western shipping companies, such as Maersk, say the Red Sea is now too risky and have been rerouting their vessels around Africa’s Cape of Good Hope. | William West/AFP via Getty Images

Earlier this month, Houthi rebels killed three crew members aboard the Liberian-owned True Confidence, which they hit with an anti-ship ballistic missile about 100 kilometers off the Yemeni coast. In February, the Houthis launched a missile attack on the U.K.-owned Rubymar, which sank in the southern Red Sea carrying more than 40,000 tons of fertilizer.

Major Western shipping companies, such as Denmark-based Maersk, say the Red Sea is now too risky and have been rerouting their vessels around Africa’s Cape of Good Hope, which adds up to 14 days to the journey. Though taking the longer route doesn’t make that much of a difference in price, thanks to the high cost of plying the Suez Canal, the additional time can gum up the supply chains on which China’s export sector depends.

“The main effect is the longer time at sea,” said Julian Hinz, a trade policy analyst with the Kiel Institute. “It’s very important for China that global trade routes function without interruption.”

The Houthis claim to have undertaken the attacks out of solidarity with the Palestinians in Gaza, which Israel has invaded in response to the Oct. 7 massacre of 1,200 people and kidnapping of another 250 by Hamas militants. But the vast majority of the vessels they have attacked are neither Israeli nor destined for the country.

That has drawn the ire of countries in the Indian Ocean, including India and Sri Lanka, which have borne the brunt of the Red Sea disruption. At a conference on trade through the region in Sri Lanka last month, Iran faced sharp criticism with some representatives calling on the U.N.’s International Maritime Organization, which also sent a senior official to the meeting, to take legal action against Tehran, according to people familiar with the meeting.

“From the Asian point of view, no one cares about the war in Israel,” one of these people said. “It’s not a pretext to damage the global economy.”

#### Surging Red Sea attacks reignites global market shocks and increases miliary tension.

Tran 23 [(Hung Tran, nonresident senior fellow) "What attacks in the Red Sea could mean for the global economy," Atlantic Council, https://www.atlanticcouncil.org/blogs/econographics/shipping-disrupted-by-attacks-in-the-red-sea/, 12-18-2023] TDI

In the past week, Iran-backed Houthi rebels in Yemen have fired missiles at container ships in the Red Sea in addition to attacking US and allied warships. Houthi representatives have said that those attacks will continue against ships related to Israel in any way, to support Hamas and as a protest against Israel’s war in Gaza. The attacks have raised geopolitical and military tension in the region and disrupted trade flows—adding headwinds to a fragile global economy and threatening to expand the already extensive war with rising civilian casualties launched in response to Hamas’ brutal terrorist attacks on October 7.

While no real damage has been done, top shipping companies such as Maersk, Hapag Lloyd, and MSC have decided not to use the Red Sea, pausing their ships before traversing the Bab-el-Mandab strait on their way to the Suez canal. Some ships have been diverted around Africa’s Cape of Good Hope—adding significant delays and costs. For example, voyages to Europe could be extended by up to two weeks, raising fuel and operating costs as well as delay costs for exporters, importers, and end users. Since 12 percent of global trade passes though the Red Sea, including 30 percent of global container traffic, accounting for one trillion dollars of trade each year, delay and diversion there would cause significant disruption to world trade. Oil and gas prices have already jumped following news of the attacks. Shipping insurance premiums have nearly doubled for some carriers over the past week.

The disruption to Red Sea shipping would create a strong headwind to the global economy which is still recovering from various shocks since 2020, such as the Covid-19 pandemic, Russia’s invasion of Ukraine, and the significant monetary tightening by major central banks. Energy importing regions will suffer the most; in particular low-income countries and Europe which is teetering on the verge of a recession. While the Israel-Hamas war has not yet had an impact on energy prices, the disruption in the Red Sea might. Rising oil and gas prices would keep headline inflation high, complicating central banks’ efforts to pivot to easing.

More importantly, the Houthi attacks have visibly raised the military tension in the region, threatening a spreading of the war in Gaza. The United States is about to launch a maritime protection force called “Operation Prosperity Guardian” including Western and Arab countries to protect shipping in the Red Sea. However, it is difficult to see how that can completely protect commercial ships from missile attacks or the threat of them. Bombing missile sites on Yemeni soil would expand the scope of the conflict and likely cause civilian casualties, further inflaming and dividing international public opinion.

In short, the longer the war in Gaza lasts, the longer shipping disruptions caused by missile attacks in the Red Sea will go on. The risk is that a widening conflict further destabilizes the regional economy, and in turn spills over into the global economy.

#### That escalates to nuclear war.

Heath ’20 [Nathanael; September 9; MALD Candidate at the Fletcher School of Law and Diplomacy at Tufts University; The Fares Center, “A Red Sea Geopolitics Primer,” <https://sites.tufts.edu/farescenter/a-red-sea-geopolitics-primer/>]

One of the world’s oldest waterways is becoming increasingly relevant in geopolitics. The Red Sea is positioned between two continents, bordering six countries in Africa and four in the Middle East, and approximately 10% of all global trade passes through its waters. It also serves as a strategic zone for both regional and Great Powers projecting their military might or openly engaging in conflict. There is the potential for either reward or disaster in the Red Sea, as increasing economic and military competition in its waters raises the possibility of intense economic growth while simultaneously foreshadowing potential conflicts between rival powers. High levels of trade, energy production, and innovation forecast significant economic opportunity in the Red Sea, but this prosperity is threatened by regional rivalries and the ongoing Great Power competition between the U.S. and China.

The Red Sea’s global importance is rooted largely in its role as a key waterway for trade. By 2050, Red Sea GDP is projected to more than triple, increasing from $1.8 trillion to $6.1 trillion, and trade is expected to grow more than five times, from $881 billion to $4.7 trillion. This enormous wealth will be driven by trade agreements encouraging countries with substantial Red Sea interests to increase exports, particularly in key sectors such as energy, infrastructure, and technology. Moreover, the construction of new ports and military bases to protect trade and investment interests will lead to even higher levels of trade throughout the Red Sea.

The geographical positioning of the Red Sea, proximate to numerous top energy producers, both explains the area’s current wealth and forecasts continuing economic growth. On the African side, Egypt and Sudan alone produce a combined 500,000+ barrels per day (bpd) of oil. On the Middle East side, Saudi Arabia and Oman produce more than 12 million bpd of oil. In total, more than 50 million bpd of oil from producers as diverse as the U.S., Russia, China, Libya, and Iran pass through the Red Sea on a daily basis, along with approximately 3.5 billion cubic feet per day in liquid natural gas. In the future, renewable energy will add even more value to this waterway, given the current interest in hydro, wind, and solar initiatives in numerous bordering states.

In addition to serving as a leading trade route and home to multiple leading energy producers, the Red Sea is also becoming relevant as a hub of innovation. Saudi Arabia’s megacity projects such as Neom, The Red Sea Project, and the Amalaa Project present an opportunity for the region to participate in sustainable urbanization through massive, renewables-focused initiatives integrating robotics and smart services into new economies designed to thrive on innovation and tourism alike. Saudi Arabia’s megacities are projected to bring in hundreds of billions of dollars by 2050, but more importantly, Neom and its sister cities highlight the tremendous opportunity for innovation and economic diversification in a region where many countries have historically been dependent on homogenous or semi-homogenous revenue streams such as fossil fuels. The UAE, Bahrain, and Qatar, all of which heavily traffic their goods in the Red Sea, have unveiled similar visions for sustainable innovation to be completed in the next decade. In short, this crucial waterway may soon be home to innovation driving regional prosperity forward even faster.

These terrific opportunities for prosperity rooted in trade, energy, and innovation face risks posed by complex economic and military competition among both regional and global owners. For one, African rivalries stretching from Egypt to Djibouti are adding to the Red Sea region’s volatility. Egyptian and Ethiopian relations, although somewhat improved since the transitions to the al-Sisi and Abiy regimes, respectively, remain tense over the Grand Ethiopian Renaissance Dam (GERD). Ethiopia views the dam as a strategic necessity, while Egypt fears the dam will deplete its water resources. Although Ethiopia’s relations with Somalia and Eritrea have improved from Addis’s historically hostile positions towards Asmara and Mogadishu, Ethiopia’s access to the Red Sea ports remains a point of negotiation between the three countries. Sudan has also become increasingly problematic for its neighbors, as its resources, access to the sea, and ongoing political violence have attracted the attention of Turkey and the Gulf Nations, frustrating Egypt given Cairo and Khartoum’s historically close relationship. And Djibouti remains caught in a tug of war between an ever-growing number of regional and global powers.

The Middle East is home to its own set of conflicts fueling military and economic competition in the Red Sea. The primary regional rivalry continues to be between Iran and Saudi Arabia, who are each vying for regional supremacy via either direct or proxy engagement in conflicts. Iran’s allies are Syria, Lebanon, and the Houthi rebels in Yemen (and also Qatar to a limited extent). Saudi Arabi is allied with the UAE, Bahrain, and Egypt, and the Qataris have historically been Saudi allies but have in recent years struck a more independent foreign policy that resulted in their blockade by Saudi Arabia, Egypt, Bahrain, and the UAE. The conflict between Riyadh and Tehran presents the most probable risk of a regional conflagration that could threaten the political and economic stability of the Red Sea region. At the moment, the risk of a tanker war or all-out military conflict between the U.S. and Iran is quite high, and the closure of the Strait of Hormuz or even the disruption of trade through the Gulf of Oman is a troubling and possible outcome of such an event.

The formation of Middle East-African alliances has added a further risk of conflict to the region. In addition to its relationship with Sudan (where Saudi Arabia and Iran have competed with Eritrea), Turkey has poured significant aid and investment into Somalia, and Istanbul now owns all of the country’s major ports. Saudi Arabia and the UAE have sparred with Ethiopia over influence in Eritrea. Additionally, Qatar’s alignment with the Turks, Saudis, and Emiratis at different times has increased Doha’s influence in nations along the Horn of Africa. It is in Djibouti, however, that the greatest risk to the Red Sea itself lies, as the city-state has drawn the attention of the great powers.

In addition to a slew of Middle Eastern and African powers including Qatar, the UAE, Saudi Arabia, Turkey, Ethiopia, Somalia, Eritrea, and Egypt, a number of global powers have set their sights on Djibouti as a strategic asset. The U.S., China, Russia, Japan, France, and Italy have all secured or pursued military bases in Djibouti, which is situated close to the critical Strait of Bab-el-Mandeb. China’s first overseas military base, positioned in Djibouti, is situated just miles from Camp Lemonnier, the only significant U.S. military base in Africa. Russia failed to secure a base in Djibouti and has looked further inland for African military partnerships; France, Italy, and Japan maintain smaller operations. The U.S.-China base rivalry in Djibouti (if it could be thought of as such), is symptomatic of the larger continental rivalry between two Great Powers, as both Washington and Beijing continue to vie for influence in Africa with rival political ideologies and systems of economic development. Djibouti is thus a true powder keg, not merely for regional rivalries but also for the larger Great Power game between the U.S. and China. An economic and military conflict between Washington and Beijing would impact Djibouti, threatening to disrupt trade routes passing through the Red Sea.

In the near future we can expect to see increasing economic competition in the Red Sea as both traditional fossil fuels and renewable energy sources bolster already-significant levels of trade and innovative projects such as Neom and the GERD. The struggle for economic power will fuel increased investment by developed or middle-income regional powers such as Egypt, Turkey, or Saudi Arabia, Qatar, or the UAE into developing countries such as Sudan, Somalia, and Eritrea. Furthermore, global powers such as the U.S., China, EU, and Japan will be increasingly drawn to key Djibouti and other key ports to protect access to key trade routes. With shifting alliances and economic competition, however, comes increased risk of conflict in a region already home to numerous zones of instability. To minimize risk to the global supply chain, powers with military, economic, or political interests in the Red Sea region will have to work together to ensure that conflicts are contained or prevented altogether in the interest of stabilizing both regional and global markets.

#### Independently, oil pressure on China gets circumvented BUT the plan opens US-Chinese cooperation.

Downs and Fishman 7/10 [(Erica Downs, a Senior Research Scholar at the Center on Global Energy Policy at Columbia University SIPA, focusing on Chinese energy markets and geopolitics. Edward Fishman, a foreign-policy expert, business operator, and investor with experience spanning government service, technology startups, media, and think tanks.) "Q&A," Center on Global Energy Policy at Columbia University SIPA | CGEP, https://www.energypolicy.columbia.edu/qa-potential-impacts-of-new-us-sanctions-on-irans-oil-exports-to-china/, 7-10-2024] TDI

Probably not. While some refineries and banks may end their participation, it’s likely others will decide that participating in the Iranian oil trade is worth it, even if they come under US sanctions, especially if Beijing supports them. China’s Iranian oil imports increased despite previous sanctions on Chinese refineries and banks.[19]

China’s teapot refineries are less concerned about US sanctions than China’s national oil companies. CNPC and Sinopec stopped importing Iranian oil after Washington decided not to renew sanctions exemptions for Iranian crude buyers in May 2019, due to concerns about losing access to the US financial system.[20] By contrast, many teapots have minimal exposure to the dollar-based financial system.[21] Teapots that use US technology, on the other hand, have not purchased Iranian oil.[22]

Beijing is unlikely to prevent Chinese entities from buying Iranian oil. It opposes unilateral sanctions and attempts by third countries to interfere in China’s energy trade, which officials reiterated after President Biden signed the new sanctions.[23] Additionally, discounts on Iranian crude have benefitted China’s refining industry as China faces economic headwinds. In January–September 2023, the teapots saved about $4.2 billion on their Iranian crude imports due to discounts as steep as $17 per barrel versus Brent crude, the global benchmark.[24] The spot price of Brent averaged $81 per barrel over the same period.[25]

Moreover, the teapots’ private ownership provides Beijing with an excuse for not stopping their Iranian oil purchases. After all, the teapots have a history of advancing corporate interests at the expense of national ones.[26]

Are there any geopolitical tradeoffs for the US in imposing Iran sanctions?

Washington will need to decide how to prioritize Chinese purchases of Iranian oil against other US policy objectives, including hampering China’s support of Russia’s war in Ukraine. Sanctioning Chinese entities for involvement in Iran’s oil trade might make it more difficult to secure Chinese cooperation on other issues. Beijing has warned that the threat sanctions pose to China’s trade with Iran “creates serious obstacles for China-US cooperation in relevant areas.”[27] Additionally, if the teapots were to stop buying Iranian oil, they would likely purchase more from another sanctioned country: Russia.[28]

#### International cooperation is essential to fight existential risks and diffuse nuclear scenarios.

Zabelin 7/19 [(Dimitri Zabelin, Geopolitical Strategist, Pantheon Insights) "Sanctions and security-first policies hamper global cooperation," https://www.weforum.org/agenda/2024/07/sanctions-security-first-policies-global-cooperation/, 7-19-2024] TDI

Embedded in a security-first paradigm are a set of policy tools that are inflationary by nature. These tools primarily include sanctions, secondary sanctions and export controls.

Over the past 20 years, the United States has imposed more sanctions than the United Nations, European Union and Canada combined. This trend is not slowing down; in fact, it’s accelerating.

Between 2017 and 2020, US President Donald Trump placed more than 3,900 people and companies under sanctions. This starkly contrasts US President George W. Bush, who imposed 3,484 sanctions on entities and people in eight years. But this is not unique to party lines. US President Joe Biden has also imposed a series of export controls and sanctions during his tenure – and he could still sign more.

As author and geoeconomics expert Agathe Demaris writes: “Sanctions are a low-cost policy with high political dividends: public officials who impose them tend to boost their approval ratings. Furthermore, the burden of sanctions does not fall on policymakers but on multinationals and banks who have to adhere to them.”

These measures are implemented under a security-first policy framework for nation-states seeking to enforce sovereign safeguards in a new political climate of elevated hostility and distrust. Inflationary spikes across regions and sectors are, therefore, a natural byproduct and the internationalization of geopolitical tension means it has global ripple effects.

“As the new global paradigm of security-first frameworks is implemented, the cascading effects will hamper multilateral cooperation, especially in areas where global cooperation is fundamental.”

Balkanized power means standardization; cross-border protocols for trade and data become fragmented as each state competes to implement and maintain its model first.

However, despite these risks, export controls and primary and secondary sanctions will entrench themselves as the modus operandi of policymakers. This is notwithstanding compelling evidence that historically, sanctions have not been very effective and in some instances, have done more harm than good.

A comprehensive analysis of US sanctions programmes from 1970 onwards reveals that only 13% of targeted nations adjusted their actions in the manner the United States intended.

Reluctant cooperation

Balancing legitimate national security concerns on a national basis cannot be disregarded, though a more flexible framework may be needed to achieve global objectives. Two themes of great consequence are the energy transition and the governance of AI. Both require global cooperation, for a lack of it will almost certainly result in macroeconomic or political insecurity.

At the heart of these two themes is the US-China rivalry. As the world’s two largest economies, bilateral relations do not remain a narrow dichotomous dynamic but ripple out globally. China plays a key role in the global supply chain for critical minerals, specifically rare-earth resources. The Asian giant is also a major contributor to the energy transition.

China dominates the market for electric vehicles (EVs) – in 2023, the Asian giant accounted for approximately 60% of total global EV sales, with approximately 11.5 million units sold annually. In comparison, the United States sold about 1.4 million units, a more than 40% increase from the previous year but still only about 10.2% of global EV sales.

Equally for solar panels, the sun shines bright on Beijing. In 2023, China installed 170 gigawatts (GW) of new solar capacity, which accounted for around 43% of the global total of approximately 400 GW. The United States, on the other hand, added about 20 GW of new solar capacity in the same year, accounting for about 5% of global solar installations.

US officials have cited security risks with Chinese EVs and until those are investigated and resolved, integrating them into the US economy is not likely. Both countries are deploying targeted industrial policies to make their EV products more competitive globally. Asymmetric state subsidies and support are also being incorporated into the economic security model, leaving policymakers at a standstill.

But equally as important – if not more so – is the global regulation of AI governance. While there may be a difference in domestic deployment with varying regulatory parameters, there are areas where international consensus can – and should – be reached. Primarily, this applies in the military domain when the fog of war or the prospect of it should not be delegated to AI.

Like the Geneva Conventions, a global framework for using AI in military contexts would likely help states avoid falling into a type of "Thucydides Trap," yet, in the context of technological advancement and AI – what I call a “Promethean Trap.”

Specifically, countries with strategic rivalries engage in a technological arms race that is highly likely to lead to conflict. A parallel here can be drawn with the Cold War and the resulting proliferation of nuclear weapons.

Before relations began to deteriorate, China and the United States worked closer together on AI than any other group of countries. While security concerns must be considered and strategic information preserved, there are areas of cooperation that are ripe for collaboration – specifically, AI governance as it relates to war and its usage in nuclear scenarios.

War is not inevitable but if tensions continue to rise, technological guardrails must be established to avoid a terrible conflict – one in which humans are the primary controllers and not an algorithm.

#### Lifting secondary sanctions reverses Iran’s ‘Look East’ policy—solves Chinese alignment.

Halis Mermertas 24 [(Halis Mermertas, M.A., The Department of Middle East Studies) "THE EXTRATERRITORIAL AND SECONDARY SANCTIONS OF THE UNITED STATES AGAINST IRAN, THEIR EFFECTS AND IRAN’S REACTIONS," MIDDLE EAST TECHNICAL UNIVERSITY, https://hdl.handle.net/11511/109517, May 2024] TDI

As mentioned above in the section on the effects of sanctions on Iran, Iran's trade relations with some countries have increased considerably after the recent **secondary sanctions** imposed **by** the **US**. Eastern countries such as **China** are **at the forefront** of these countries. The others are Russia and India. Iran's political and economic rapprochement with these countries dates back to the past as a necessity of its geography and being a cusp state (Akder, 2014, p. 88). However, especially after the US sanctions, this policy has imposed itself. This is also in line with the **"Look East" policy** that started in 2005 under Ahmadinejad. This policy, which seeks to balance US pressure through cooperation with Eastern countries, has become more meaningful with the increasing sanctions pressure. On the other hand, the **easing of sanctions by the US** and other Western countries **negatively effect this policy**. Iran’s status as a cusp state allows it maneuver in this way (Altunışık and Göçer, 2023, p. 141) China's historical position on sanctions has been to oppose unilateral sanctions like those of the US and to recognize only sanctions imposed by the UN. However, China reduced its investments in Iran oil during the Obama administration **thanks to successful negotiations** with the US. However, the negative US attitude towards China during the Trump Administration has weakened the US position when it comes to any cooperation with China on Iranian oil sanctions. Following the re-imposition of sanctions, Iranian Foreign Minister Javad Zarif met with foreign leaders for support and his first visit was to Beijing. Following the visit, the Chinese state news agency Xinhua announced the launch of a new rail link between Bayannur in China's Inner Mongolia Autonomous Region and Iran (Lavietes, 2018). Iran's "look East" policy started to reach its peak after 2018, when US sanctions increased. In 2021, a **25-year Comprehensive Strategic Partnership Agreement** with China and the beginning of Iran’s accession process to the **Shanghai Cooperation Organization**. But there is also a political message in Iran's efforts to improve its relations with eastern countries like China and Russia. **Iran** has been **negotiating with the US to lift sanctions and return to the nuclear deal and has been using the "Look East" policy as a bargaining tool in these negotiation**s (Altunışık and Göçer, 2023, p. 141-142). Recent disputes have brought Russia and Iran closer together, but Iran is also trying to get closer to Russia and develop trade after the tightening of US sanctions. However, it is argued that despite their political and military cooperation on Middle Eastern affairs, their trade cooperation remains limited and it would not be at the expense of Russian interests and its big companies (Shamsaldin, 2018, p.8). On the other hand, Russia's conflict with Ukraine and the severe Western sanctions imposed on it also prevent Iran from receiving the support it expects from Russia. Another important country for Iran is India. Iran has been signing major projects with this country for a long time. US sanctions not only increase the importance of these projects, but also prevent their realization. India's stance on the US sanctions against Iran has been quite cautious given its strategic relations with the country (Shamsaldin, 2018, p. 9). One of the major investment projects between Iran and India is the construction of the Chabahar port. However, it seems that this project continues despite the US sanctions. It is reported that India has received an exemption from Washington for the continuation of this project (Gilani, 2020).

## t

### on = focus

#### ‘On’ means the focus of the action.

Meriam Webster ’ND [“on.” https://www.merriam-webster.com/dictionary/on] TDI

used as a function word to indicate destination or the focus of some action, movement, or directed effort

### es = secondary

#### Secondary sanctions are economic sanctions.

Halis Mermertas 24 [(Halis Mermertas, M.A., The Department of Middle East Studies) "THE EXTRATERRITORIAL AND SECONDARY SANCTIONS OF THE UNITED STATES AGAINST IRAN, THEIR EFFECTS AND IRAN’S REACTIONS," MIDDLE EAST TECHNICAL UNIVERSITY, https://hdl.handle.net/11511/109517, May 2024] TDI

Apart from this much acclaimed definition, there are many other definitions regarding economic sanctions. **However**, beyond serving to better understand the concept, the **definitions carry the risk of excluding some sanction practices as they become more specific**. For example, most definitions based on the objectives of sanctions risk being **incomplete or inaccurate**. This is because the objectives of sanctions may be too broad to be described in a few sentences and, as Gordon (2019, p. 2) points out, their ultimate objectives may be unclear. Malloy's definition can be cited here as an example (Malloy, 1990, p. 13):

Any country-specific economic or financial prohibition imposed upon a target country or its nationals with the intended effect of creating dysfunction in commercial and financial transactions with respect to the specified target, in the service of specified foreign policy purposes.

First, this definition associates economic sanctions only with “foreign policy purposes”. However, economic sanctions can have objectives other than foreign policy. Sometimes economic sanctions are adopted just for appeasing domestic uneasiness about a particular state, person or situation. Second, as noted above, **the target of sanctions is no longer only specific countries or their citizens**. And third, **this definition does not cover the secondary sanctions** (Bechky, 2018, p. 3).

Moreover, as briefly mentioned above, viewing sanctions as measures imposed by one state on another remains an **outdated** view given modern sanctions practices. The past decade has witnessed a proliferation of measures targeting non-state entities and individuals" (Gordon et al., 2019, p. 2). With the emergence and development of smart (targeted) sanctions and increased measures against crimes such as terrorism, money laundering and drug trafficking, sanctions are also being imposed against an increasing number of individuals and organizations, regardless of their nationality. Therefore, Koutrakos' (2001, p. 50) definition of "the exercise of pressure by one state or coalition of states to produce a change in the political behaviour of another state or group of states" is far from comprehensive given recent developments. Similarly, Lowenfeld's (2008, p. 850) definition of "induce that state to change some policy or practice or even its governmental structure " is problematic. This is because sometimes sanctions decisions are taken by governments to avoid pressure from their own public opinion, to send a message to other countries, or for human rights violations (Bechky, 2018, p. 4). The most comprehensive definition of economic sanctions can be given by referring to Acar (2015, p. 29):

Economic sanctions are positive and/or negative economic (commercial and/or financial) measures imposed by one or more states or international organizations (the sender) against the target and/or third parties and with the political goals such as changing behavior, and/or weakening, and/or punishing one or more states, groups, organizations and/or associated persons (the target), and/or giving a message (to the target and/or others).

Accordingly, the basis of **economic sanctions is** the refusal of states or organizations to provide economic benefits such as state aid to the target, trade measures regarding imports and exports, and financial restrictions. In addition, freezing or confiscating assets of the target state and its citizens, withholding aid, including military aid, voting against granting loans or credits to the target, **placing persons having business relations with the target on sanctions lists**, etc. **are** also **considered economic sanctions**.

## qpq

### at: qpq

#### Easing secondary sanctions is the first step to the normalization of US-Iran relations.

Lederer 23 [(Edith M. Lederer, correspondent for the Associated Press) "Iran's president says US should ease sanctions to demonstrate it wants to return to nuclear deal," AP News, https://apnews.com/article/iran-un-nuclear-sanctions-us-talks-1b5d5f3ab4fc39390a7876dfb09418ac, 9-21-2023] TDI – edited for ableist language

UNITED NATIONS (AP) — Iranian President Ebrahim Raisi said Wednesday that relations with the United States can move forward if the Biden administration demonstrates it wants to return to the 2015 nuclear deal, and a first step should be easing sanctions.

He told a news conference that the Americans have reached out through several channels “saying they wish to have a dialogue, but we do believe that it must be accompanied by action.” Action on sanctions can be “a solid foundation for continuing” discussions, he said.

The Iranian leader added: “We have not left the table of negotiations.”

Raisi said the American withdrawal from the 2015 agreement, aimed at reining in Iran’s nuclear program, trampled on U.S. commitments including sanctions.

Then-President Donald Trump pulled the U.S. out of the accord in 2018, restoring ~~crippling~~ [impactful] sanctions. Iran began breaking the terms a year later, including by enriching uranium to higher levels, and formal talks in Vienna to try to restart the deal collapsed in August 2022.

U.N. nuclear chief Rafael Grossi said in an interview Monday with The Associated Press that the Iranian government’s removal of many cameras and electronic monitoring systems installed by the International Atomic Energy Agency make it impossible to give assurances about the country’s nuclear program.

The International Atomic Energy Agency, which Grossi leads, reported earlier this month that Iran had slowed the pace of enriching uranium to nearly weapons-grade levels. That was seen as a sign that Tehran was trying to ease tensions after years of strain with the United States. It took place as the rivals were negotiating a prisoner swap and the release of billions in frozen Iranian assets, which all took place Monday.

Grossi has previously warned that Tehran has enough enriched uranium for “several” nuclear bombs if it chose to build them.

Raisi reiterated Wednesday that Iran’s nuclear program is solely for peaceful purposes, pointing to its use in agriculture, oil and gas infrastructure, and saying “we have enrichment to satisfy those needs.” He said reports that Iran has increased its enrichment levels “are not based in fact.”

The IAEA director general told the AP on Monday that he asked to meet Raisi on the sidelines of this week’s annual gathering of world leaders at the U.N. General Assembly, which both were attending, to try to reverse Tehran’s ban on “a very sizable chunk” of the agency’s nuclear inspectors.

When asked whether he had met Grossi, Raisi responded that he had talked to him in Tehran, in early March — not this week, adding that Iran has had “very good cooperation” with the IAEA.

As for denying future entry to many of the most experienced nuclear inspectors, Raisi said the government was only taking aim at individuals “who may undertake actions aimed at undermining the level of trust” Iran has in them — “not inspections themselves.”

“The inspectors who haven’t shown any reason for a lack of trust, they can certainly continue their pursuits,” he said.

## deterrence

### at: ice ship cp

#### Additional US secondary sanctions enforcement in Iran fails – multiple warrants.

Thomas et al 5/8 [(Clayton Thomas, Coordinator Specialist in Middle Eastern Affairs, Liana W. Rosen, Specialist in International Sanctions and Financial Crimes, Jennifer K. Elsea, Legislative Attorney) "Iran’s Petroleum Exports to China and U.S. Sanctions," Congressional Research Service, https://crsreports.congress.gov/product/pdf/IN/IN12267, 05-08-2024] TDI

In light of reports of increased Iranian petroleum exports, and the resulting accrual of billions in revenue for the Iranian government in accounts held abroad, some Members of Congress have accused the Biden Administration of “not enforcing petroleum sanctions.” All sanctions related to Iranian petroleum remain in place. Some observers have speculated that competing global interests, a desire not to escalate tensions with China, or the pursuit of lower petroleum prices may also inform the Biden Administration’s Iran sanctions policy in a way that de-prioritizes the enforcement of sanctions. Biden Administration officials reject those charges, pointing to the Administration’s designation of hundreds of entities for sanctions for their involvement in Iran-related activities, though they concede that Iran “is continuing to export some oil,” as Treasury Secretary Janet Yellen said in April, adding, “There may be more that we could do.” In February 2024, the Justice Department unsealed three federal cases related to the Iranian petroleum trafficking, including one related to the sale of Iranian petroleum to “government-affiliated buyers in China” and another charging a director of a PRC oil refinery. Later that month, the Department of the Treasury invoked terrorism-related authorities to sanction a Hong Kongregistered shipping company for its role in “having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of” a shipment from Iran to China valued at more than $100 million. The Biden Administration also forfeited and sold nearly a million barrels of Iranian petroleum from the tanker Suez Rajan, in what the Justice Department called “the first-ever criminal resolution involving a company that violated sanctions” related to trade in Iranian petroleum. The Suez Rajan case illustrates the complexities in enforcing U.S. sanctions against shipments of Iranian petroleum. The Suez Rajan was owned by a U.S.-based entity, which likely helped enable its seizure. Without a direct connection to U.S. jurisdiction, the United States may face more limited options. U.S. efforts in mid-2022 to confiscate the cargo of a tanker carrying Iranian petroleum that had docked in Greece were blocked by Greek courts. During the Trump Administration, U.S. officials reportedly emailed the captains of tankers carrying Iranian petroleum to offer rewards for them to pilot their vessels to countries that would impound them for the United States. The law of the sea limits U.S. jurisdiction to enforce its sanctions laws at sea by interdicting vessels suspected of smuggling. In January 2024, Iranian forces reportedly seized the re-named Suez Rajan in retaliation for the U.S. confiscation.

### uniqueness

#### US secondary sanctions fail – Chinese circumvention and economic brinksmanship is spiking Iran’s oil exports at record highs.

Thomas et al 5/8 [(Clayton Thomas, Coordinator Specialist in Middle Eastern Affairs, Liana W. Rosen, Specialist in International Sanctions and Financial Crimes, Jennifer K. Elsea, Legislative Attorney) "Iran’s Petroleum Exports to China and U.S. Sanctions," Congressional Research Service, https://crsreports.congress.gov/product/pdf/IN/IN12267, 05-08-2024] TDI

U.S. secondary sanctions are intended to impose financial or other costs to dissuade foreign persons (third parties) from participating in activities that U.S. persons cannot engage in—all with the intention of denying revenue to the primary malign actor. Iranian petroleum exports reportedly hit a record in the first quarter of 2024, with “almost all” going to China (Figure 1). China’s increasing imports of Iranian petroleum may demonstrate that PRC-based buyers have concluded that the economic benefits of continuing to buy Iranian petroleum exceed the risks of potential U.S. sanctions for several potential reasons. Iranian petroleum is often sold below prevailing market prices: Iran has reportedly sold its petroleum at a discount compared to Persian Gulf or price-capped Russian suppliers to entice foreign traders and buyers. Moreover, most reported PRC-based buyers of Iranian petroleum are small, semi-independent refineries known as “teapots.” According to one advocacy group, these refineries are “both hard to uncover and not exposed to the U.S. financial system,” constraining the effect of U.S. sanctions. Actors involved in the trade reportedly use a range of deceptive techniques, including relabeling Iranian-origin petroleum and broadcasting fake tanker route information (“spoofing”). Figure 1. Reported Iranian Petroleum Exports Source: United Against Nuclear Iran, data available here. Notes: “Rest of World” includes some exports to unknown destinations, which may include exports that eventually reach China.

#### Iran sanctions lock in international hurdles and reduces US legitimacy.

Simon 24 [(Delaney Simon, Senior Analyst, U.S. Program) "America’s Sanctions Habit is Hurting Peacemaking," International Crisis Group, https://www.crisisgroup.org/united-states/americas-sanctions-habit-hurting-peacemaking, 4-24-2024] TDI

Sanctions can pose major hurdles for non-governmental peace organizations that do the behind-the-scenes work of nudging parties toward conflict resolution. Such work often involves facilitating conversations between conflict parties, but the U.S. government sometimes deems these conversations illegal. Take a dialogue that was meant to take place in Lebanon with the participation of political leaders, several of whom were sanctioned by the United States, with the aim of forging deeper understanding of the motivations of prominent actors in the region. The U.S. Treasury told the organizers that facilitating the dialogue was a violation of federal law, and that going ahead could subject them to criminal and civil liability. Because of legal risks such as these – and also because of the administrative burdens and operating challenges involved in navigating economic restrictions – non-governmental peace organizations often pull out of, or reduce their activities in, sanctioned countries.

At the negotiation table, U.S. officials complain of being hamstrung from using sanctions as leverage. Some have found that they cannot promise effective or sustainable sanctions relief — at least not credibly. This was a problem when the Biden administration tried to re-enter the 2015 nuclear deal with Iran. Iranian negotiators sought guarantees that sanctions, once eased, would not be re-imposed. After all, the last time the U.S. lifted sanctions in step with Iranian significant nuclear concessions, then-President Donald Trump pulled out of the deal and reimposed them despite Iran’s full and verified compliance with its nuclear commitments. American diplomats had no way to guarantee that any deal involving sanctions relief would be long-lasting.

U.S. negotiators also find it difficult to encourage behavior change when sanctions targets know little of why they are sanctioned or what they can do to get off the lists. This happens surprisingly often. Members of Venezuela’s electoral authority who were sanctioned in 2020 were unsure of why they had been placed on U.S. blacklists and left in the dark as to how they could get off them. Others only hear of their designations from the newspaper, as one former Congolese official did after his 2019 listing. Without knowing the steps they can take to get delisted, sanctions targets are not incentivized to change course and cease their destabilizing activities.

Sanctions can also lock in the perception that peaceful relations are impossible with an adversary, even if that adversary has changed significantly since sanctions were imposed. Conflict resolution requires both sides to move beyond their grievances. But sanctions – especially terrorism sanctions – tend to reinforce stigmas, making engagement with hostile parties an even more bitter pill to swallow.

At the far end of the spectrum, sanctions can pave the way toward military action. The Trump administration’s designation of the Iranian Revolutionary Guard Corps as a foreign terrorist organization did not authorize the use of force, but it did condition parts of the U.S. bureaucracy to think of the Guards as terrorists like al-Qaeda. The designation thus led American policymakers to see military means as a legitimate way to counter them.

## oil

### sanctions fail

#### Sanctions are ineffective – Chinese imports and evasion tactics

Reuters 24 [(Reuters, news agency owned by Thomson Reuters. It employs around 2,500 journalists and 600 photojournalists in about 200 locations worldwide writing in 16 languages. Reuters is one of the largest and most trusted news agencies in the world), “Iran's oil exports and tensions with the West,” Reuters, https://www.reuters.com/markets/commodities/irans-oil-exports-tensions-with-west-2024-04-16/, 4/16/24] TDI

April 16 (Reuters) - Iran, the third largest producer in the Organization of the Petroleum Exporting Countries (OPEC), produces about 3 million barrels of oil per day (bpd), or around 3% of total world output.

Following are some facts on Iran's oil industry as anxiety mounts its supply could be disrupted and cause a surge in international oil prices because of extreme tension in the Middle East.

SANCTIONS AND OPEC

Iran's oil production has been the target of successive waves of sanctions.

The United States has sought to limit Iran's oil exports since President Donald Trump exited a 2015 nuclear accord between Western powers and Iran in 2018 and re-imposed sanctions aimed at curbing Iran's revenue.

During Trump's term, Iran's oil exports slowed to a trickle.

They have risen during President Joe Biden's tenure as analysts say sanctions have been less rigorously enforced, Iran has succeeded in evading them, and as China has become a major buyer, according to industry trackers.

Although a member of OPEC and OPEC+ - which brings together OPEC and allies, including Russia - Iran, because of the sanctions imposed on it, is exempt from the group's output restrictions that are designed to support the oil market.

RISING OUTPUT

Driven by strong Chinese demand last year and continuing into 2024, Iran's crude exports in March averaged 1.61 million bpd according to industry analysts Kpler, the highest since May 2023 when they were 1.68 million bpd, the highest since 2018.

NUCLEAR DEAL AND ITS IMPACT

The peaks of 2018 reflected the easing of sanctions that followed the 2015 nuclear deal with Iran.

Iranian crude and condensate exports reached 2.8 million bpd in May 2018, the highest since at least 2013 according to industry analysts Kpler.

In May 2018, the crude oil portion of Iran's exports was 2.51 million bpd, Kpler found. According to OPEC data, that was the most since 2011 when Iran exported 2.54 million bpd on average.

Iran's oil production reached all-time highs in the 1970s with a peak of 6.02 million bpd in 1974, according to OPEC data. That amounted to over 10% of world output at the time.

TRUMP AND BIDEN

Also in May 2018, the United States under Trump's presidency unilaterally withdrew from the 2015 deal and re-imposed sanctions, aiming to cut Iran's oil sales to zero.

Iran stopped providing data on its oil exports, but assessments based on tanker tracking show they fell sharply in the next two years to below 200,000 bpd in some months of 2020, the lowest since at least 1980 according to OPEC data.

In late 2020 Joe Biden won the U.S. presidential election.

In January-March 2021, China increased its imports of Iranian oil to almost 800,000 bpd in January and almost 1 million bpd in March, although imports dropped again in April of that year.

In 2021, Iran and the United States began indirect talks meant to bring both countries back into full compliance with the 2015 nuclear deal. Iranian exports rose during 2022, ending the year above 1 million bpd.

Analysts have said the higher exports appear to be partly a result of Iran's success in evading U.S. sanctions.

Iran has for years evaded sanctions through ship-to-ship transfers and "spoofing" - or manipulating GPS transponders so that ships show up in different positions - and the country is getting better at such tactics, analysts have said.

Analysts have also said the rise in exports appears to be the result of U.S. discretion in enforcing the sanctions.

A State Department spokesman said the Biden administration had not lifted any sanctions on Iran and continued to increase pressure on the Islamic Republic, Reuters reported on Tuesday.

### iran can’t

#### Iran doesn’t have the capability to flood the oil market even without sanctions

Rosenberg 20 [(Eric, finance, travel, and technology writer, MBA in finance from the University of Denver), “How Iran Impacts The Price and Supply of Oil,” Investopedia,, 1/6/20] TDI

In 2015, the United States and its allies negotiated a deal with Iran that would lift many of the economic sanctions that have been placed on the country to curb its nuclear program. Congress approved the deal, but in 2018, President Trump backed out of it and resumed economic sanctions on the Islamic Republic of Iran.

Then, on Jan. 2, 2020, U.S. forces killed a top Iranian military general with a done strike, igniting concerns about how and when Iran and its allies might retaliate. Oil prices spiked in response given Iran's massive oil reserves and its role in the global petro-economy.

IRAN'S OIL PRODUCTION CAPACITY HAS DIMINISHED IN RECENT YEARS

In 2018, Iran accounted for only 4% of total daily oil production, producing just over four million barrels per day, according to the Energy Information Administration (EIA).

Iran, which is a member of the cartel, sits upon 13% of global oil reserves.1﻿ It produces over four million barrels per day, accounting for 4% of total global production.2﻿ However, economic sanctions by the U.S. and other countries have diminished the Republic's exports in recent years.

Iran Oil Exports

Chart courtesy FRED.

World Oil Supply and Demand

According to the International Energy Agency (IEA), total production, measured in barrels of oil produced daily, is around 94.7 million barrels. That's slightly lower than the 96.3 million barrels per day in 2015. Total global consumption is around 99 million barrels per day. Iran is the seventh largest producer if crude oil in the world.

When supply surpasses demand, the price of oil falls. When demand is higher than supply, prices rise. Each country and producer decides how much oil to produce, which is why alliances like the Organization of Petroleum Exporting Countries, or OPEC, can change the price of a barrel of oil by deciding to increase or limit production. In 2019, OPEC members and its allies, OPEC+, agreed to cut production by 500,000 barrels per day to boost prices, which had been on a downward trend since October of 2018.

Iranian Production Capacity

Due to the sanctions, Iran's ability to produce oil has declined over time. Oil production requires expensive equipment that is slow to deploy and expensive to maintain, and the aging oil infrastructure in Iran has severely limited production capacity.

Iran is believed to have stored around 25 million barrels of oil, but that amount is not enough to flood the market and drive a steep decrease in prices. If the sanctions are lifted, production will slowly ramp up to pre-sanction levels, which by itself still will not cause a significant change in the market.

One expert estimates that it will take a full year to add 500,000 barrels per day to current production. Iran does have large oil reserves, but it will take some time to access them.

Influence on Oil Prices

When the nuclear deal with Iran was announced in 2015, oil prices fell about 2%, but the decline was only temporary. While traders initially feared that Iran could flood the market, we now know that it simply does not have the ability to do so immediately.

Furthermore, countries like the U.S. and China have become more efficient producers of their own oil. In 2018, the U.S. became a net exporter of oil given the increase in shale production and other methods.

The Bottom Line

Iran does not have the global influence on oil prices it once had in the 1970s and 1980s. Economic sanctions have hurt its ability to produce at capacity just as other developed countries have improved and increased their own oil production. Recent tensions between Iran and the U.S. are also likely to put more pressure on Iran's production capabilities despite the recent rise in the price of crude oil.

## hr

### link turn

#### Secondary sanctions a human rights atrocity—poverty, healthcare, and emissions.

--CE = comprehensive extraterritorial
Jacob Batinga 24 [(Jacob Batinga, Dr. Jacob Batinga received his J.D. (Doctor of Jurisprudence) from Berkeley Law School in 2023 and now works as a Humanitarian Policy Fellow with Oxfam) " RECONCILING THE GLOBAL NORTH-SOUTH DIVIDE ON THE USE OF FORCE: ECONOMIC COERCION AND THE EVOLVING INTERPRETATION OF ARTICLE 2(4)," HeinOnline Service, https://doi.org/10.59015/wilj.RTPT8407, January 2024] TDI

Furthermore, the scale and effects of CE sanctions not only resemble pacific blockades, but are also comparable to certain cyberattacks, which scholars now qualify as a use of force. Scholars argue that cyberattacks could qualify as an unlawful use of force under an effects-based framework when they result in (1) an economic crash in the targeted state, (2) interference with vital infrastructure, or (3) death or significant property destruction. **The case of Iran**, for example, **demonstrates how the imposition of CE sanctions can directly lead to all three of these effects**.

Though the United States imposed CE sanctions on Iran in 2011, much of Europe also followed suit; therefore, isolating the effects of American sanctions alone is difficult.227 However, when the Trump administration pulled out of the Joint Comprehensive Plan of Action (JCPOA) and reimposed the Obama-era CE sanctions, **the European Union did not reimpose its sanctions**.228 For this reason, human rights organizations and scholars have attributed Iran’s 2018 economic collapse to American secondary sanctions.229 According to a Congressional Research Service report, the reimposition of secondary sanctions “caused Iran’s economy to fall into **recession** as its sales of oil declined and Iran was again largely cut off from the **international financial system**.”230 Though Iran’s economy steadily grew following the signing of the JCPOA, the World Bank reported that, due to the reimposition of CE sanctions, Iran’s GDP declined by 4.9 percent in 2018 and 8.7 percent in 2019 for a twoyear total decline of 13.6 percent, the **sharpest drop in the world**231 (a decline of 10 percent in GDP is typically considered a depression)232. Similarly, the International Monetary Fund reported that Iran’s **inflation skyrocketed** from 9 percent to 35 percent following the reimposition of sanctions,233 and **poverty** rates in Iran have consequently drastically **increased**. This economic collapse is comparable—or even more severe— than the economic impact of the cyberattack on Estonia described in Part I.

**As h**uman **r**ights **reports**, **U**nited **N**ations communications, and studies in medical journals have shown, the reimposition of CE sanctions significantly disrupted Iran’s vital infrastructure. According to Human Rights Watch, Iran depends on imports for at least 240 of the 433 medicines listed by the World Health Organization as “essential medicines.”234 The United States’ CE sanctions have either totally blocked or significantly impeded Iran’s ability to **import** these **medications**. For example, CE sanctions have generated a scarcity of life-saving pharmaceuticals for common ailments **such as cancer**, multiple sclerosis, HIV/AIDS, epilepsy, hypertension, and diabetes.235 Furthermore, Iran depends on imports for over 70 percent of **crucial medical tech**nologies.236 As such, CE sanctions have also deprived Iran of access to MRIs, x-ray machines, and even basic instruments like hospital beds.237

Furthermore, CE sanctions on Iran have also directly resulted in “death or significant property destruction” on a scale certainly comparable to the effects of a hypothetical cyberattack considered by scholars to violate Article 2(4). Putting aside the hard-to-quantify deaths resulting from Iran’s significant increase in poverty, experts have estimated that the reimposition of American secondary sanctions have caused **tens of thousands of Iranian deaths**.238 For example, US sanctions force Iranians to prolong the use of older vehicles that burn fuel less efficiently, while making it impossible for Iran to obtain equipment and technology to reduce vehicle emissions. This sanctions-**induced environmental degradation** (combined with Iran’s crippling healthcare infrastructure) contributes to **forty thousand premature deaths annually** across the country.239 Furthermore, the effects of American sanctions on Iran’s healthcare infrastructure during the start of the COVID-19 pandemic resulted in an excess death rate of between thirteen thousand and **twenty-five thousand people in** the first half of 2020 alone.240 Sanctions are also estimated to have contributed to the deaths of sixteen thousand people from the H1N1 virus in fall 2019.241

# neg – iran secondary sanctions

## t

### es = primary sanctions

#### ‘Economic sanctions’ are primary sanctions.

Dow Jones nd [(Dow Jones, Dow Jones has been finding new ways to bring information to the world’s top business entities. Beginning as a niche news agency in an obscure Wall Street basement, Dow Jones has grown to be a worldwide news and information powerhouse, with prestigious brands including The Wall Street Journal, Dow Jones Newswires, Factiva, Barron’s, MarketWatch and Financial News.,) “What are Secondary Sanctions?”, Dow Jones Professional, <https://www.dowjones.com/professional/risk/glossary/sanctions/secondary-sanctions/>, nd] TDI

Outside of the United States, all economic sanctions imposed by a country are primary sanctions. In contrast, secondary sanctions impose penalties on persons and organizations not subject to the sanctioning country’s legal jurisdiction and are applied against entities engaged in the same dealings prohibited under primary sanctions.

For example, because the Islamic Revolutionary Guard Corps, or IRGC, is subject to secondary sanctions imposed by the Office of Foreign Assets Control (OFAC), a person who is not a “U.S. person” who deals in assets linked to the IRGC (e.g., donating to the IRGC’s charitable organization) may be penalized by OFAC. This is true even when there is nothing in the dealings that involve the U.S., such as the use of its currency or the export or import of its goods.

### violation

#### ‘Secondary sanctions’ are NOT economic.

**Megirisi 18** [(Tarek Megerisi, policy fellow at the European Council on Foreign Relations specializing in Middle Eastern politics and security)" Do secondary sanctions work?" World Economic Forum, <https://www.weforum.org/agenda/2018/08/are-secondary-sanctions-effective/>, 8-31-2018] TDI

The term “secondary sanctions” is itself confusing and confused. It suggests that a class of economic sanctions exists that could be added to the original, “primary,” sanctions, **but secondary sanctions involve more than introducing additional economic sanctions to intensify the consequences on the sanctioned country**. There are several ways a sanctioning country can attempt to increase sanctions’ effects after they have been imposed, including the adoption of secondary sanctions. The sanctioning country can prohibit firms and individuals in other countries from conducting commercial transactions with US citizens and businesses, to inhibit their economic relationship with the country targeted with “primary” economic sanctions. A contemporary example is the secondary sanctions the United States has placed on Chinese firms and individuals for undertaking financial transactions with North Korea. On June 19, 2017, the United States imposed sanctions on a Chinese bank (Bank of Dandong), a Chinese firm (Dalian Global Unity Shipping Co.), and two Chinese citizens (Sun Wei and Li Hong Ri). The Bank of Dandong is banned from conducting any banking with US-based firms. Dalian Global is banned from commercial transactions with US firms and citizens. For Wei and Ri, the sanctions froze their assets and banned them from any business with US-based firms or individuals.

### limits – secondary sanctions

#### Secondary sanctions explode the topic

ComplyAdvantage 23 [(ComplyAdvantage, ComplyAdvantage is an industry-leading and trusted SaaS-based risk intelligence platform that unites global intelligence to beat financial crime,) “What are Primary and Secondary Sanctions?”, <https://complyadvantage.com/insights/primary-secondary-sanctions/>, 11-06-2023] MF

What are Secondary Sanctions?

Secondary sanctions are economic sanctions issued against foreign companies or individuals that are trading with countries subjected to primary sanctions. Essentially, this means that third parties that are not based in or citizens of an issuing country face penalties for doing business with the targets of the issuing country’s sanctions regime.

Secondary sanctions are intended to enhance the effects of primary sanctions but also serve to protect the national security interests of the issuing country on a global basis by discouraging third parties from engaging in harmful actions. Penalties for noncompliance with secondary sanctions generally manifest as a prohibition on doing business with the issuing country or a restriction of access to the issuing country’s financial system.

OFAC secondary sanctions: In the US, OFAC secondary sanctions support the objectives of primary sanctions programs against countries such as Iran and North Korea. The secondary sanctions regime functions to protect US national security interests by preventing non-US third parties from engaging in a range of specified trade activities with those targeted countries.

Examples of Secondary Sanctions

Examples of US secondary sanctions imposed against non-US persons include:

Bank of Dandong: In 2017, the US took action against the Chinese-based Bank of Dandong for its participation in a money-laundering operation for the North Korean government. The US Treasury penalized the Bank of Dandong by prohibiting it from trading with US financial institutions.

Naftiran Intertrade Company: In 2010, a Swiss-based subsidiary of the National Iranian Oil Company became subject to US secondary sanctions in response to growing concern over Iran’s nuclear program. However, following the adoption of the Joint Comprehensive Plan of Action (JCPOA) in 2015, the US lifted most secondary sanctions on Iran.

Iranian sanctions reimposed: In 2018, the US reinstated its sanctions program against Iran after withdrawing from the JCPOA. It also reinstated secondary sanctions for non-US persons trading with Iran in a range of sectors including energy, precious metals, financial services, software, and food imports. Thousands of Iranian citizens were also added to the SDN list.

#### Removal of Secondary Sanctions explodes the topic to any number of secondary sanctions that remotely affect the Iranian economy

Swedish Club 21 [(Swedish Club, Reed Smith LLP, Swedish Club is a marine insurance provider since 1872, Reed Smith LLP is a dynamic international law firm, dedicated to helping clients move their businesses forward,) “Iran: US Sanctions”, The Swedish Club, <https://www.swedishclub.com/uploads/2024/01/US-Sanctions-Iran-September-2021.pdf>, 9-2021] MF

The U.S. has also imposed secondary sanctions on Iran. This means that non-U.S. persons can be sanctioned for engaging in certain transactions with Iran, even when those transactions do not have a U.S. nexus.

The following is a non-exhaustive list of activities targeted by U.S. secondary sanctions:

• the purchase or transport of petroleum, petroleum products, or petrochemical products from Iran;

• transactions with Iranian petroleum companies including National Iranian Oil Company (NIOC) and Naftiran Intertrade (NICO), even if the entity with which you are dealing is not incorporated in Iran;

• the provision of bunkers to Iranian vessels and vessels conducting certain Iranian trades;

• the purchase, acquisition, sale, transport, or marketing of iron, iron products, aluminum, aluminum products, steel, steel products, copper, or copper products from Iran;

• certain transactions with Iran’s automotive sector;

• certain transactions with Iran’s construction, mining, manufacturing and textiles sectors;

• certain transactions with Iran’s port operators, and shipping and shipbuilding sectors, including on the Islamic Republic of Iran Shipping Lines, South Shipping Line Iran, or their affiliates, including providing bunkering services for their vessels;

• certain transactions with Iran’s energy sector;

• trade in gold or precious metals; and

• certain transactions and dealing in, raw, or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

Non-U.S. persons engaged in transactions without a U.S. nexus that involve or benefit SDNs may also risk sanctions if the transactions provided financial, material or technological support to the SDN. Additionally, non-U.S. financial institutions that engage in “significant transactions” with or on behalf of SDNs will also risk sanctions.

### on = object

#### ‘On’ means the object of the action.

Meriam Webster ’ND [“on.” https://www.merriam-webster.com/dictionary/on] TDI

used as a function word to indicate the object of collision, opposition, or hostile action

#### Secondary sanctions are extraterritorial sanctions

Masters 6/24 [(Jonathan Masters, has a BA in political science from Emory University and an MA in social theory from the New School. He is a term member of CFR and a member of the Overseas Press Club, he writes on foreign policy and national security), “What Are Economic Sanctions?,” Council on Foreign Relations, <https://www.cfr.org/backgrounder/what-are-economic-sanctions#:~:text=However%2C%20extraterritorial%20sanctions%20(sometimes%20called,and%20nationals%20of%20third%20countries>., 6/24/2024] TDI

Traditionally, sanctions prohibit only a country or region’s corporations and citizens from doing business with a blacklisted entity (unlike UN sanctions, which are global by nature). However, extraterritorial sanctions (sometimes called secondary sanctions or a secondary boycott) are designed to restrict the economic activity of governments, businesses, and nationals of third countries. As a result, many governments have considered these sanctions a violation of their sovereignty and of international law.

## oil

### oil – 1nc

#### Secondary sanctions curb Iranian oil production now

Salzman 24 [(Avi, senior writer at Barron's, covering stocks, the economy, and the impact of new technology on financial markets. He has also written for the New York Times, WSJ.com, Businessweek.com, the Hartford Courant, and several other newspaper), “Oil Markets Are on Edge Over Iran and Venezuela Sanctions. What Comes Next.,” Barron’s, https://www.barrons.com/articles/oil-markets-are-on-edge-over-iran-and-venezuela-sanctions-what-comes-next-ff033690, 4/20/24] TDI

Iran, however, is a much bigger player than Venezuela in oil markets today, pumping out about 3.1 million barrels daily. Iran is already subject to U.S. sanctions on oil exports, because of former President Donald Trump’s decision to pull out of the nuclear deal that President Barack Obama had signed with the country. Biden tried to restore the nuclear deal, but talks fell apart. Biden’s critics say his administration isn’t enforcing the sanctions strongly enough, allowing Iran to keep making money off oil sales even as the country has attacked Israel directly and through proxy groups.

White House National Security Council spokesman Eduardo Maia Silva tells Barron’s “we continue to enforce all of our sanctions on Iran, which include oil sanctions.”

The House of Representatives, however, is ramping up pressure on the administration to crack down harder.

Speaker of the House Mike Johnson has included two bills affecting in Iranian oil exports in a multifaceted foreign-aid package being considered in the House. One bill is the “Iran-China Energy Sanctions Act of 2023,” which would expand secondary sanctions enforcement to target Chinese financial institutions that transact with Iranian banks to facilitate purchases of Iranian oil. It passed the House this week. China is Iran’s most important customer for oil, so aggressive secondary sanctions could curb Iranian supplies.

In November, the House passed the “Stop Harboring Iranian Petroleum Act” (SHIP Act), which would bar shipping companies and others from knowingly transporting or processing Iranian oil. ClearView Energy Partners estimates that the sanctions—if they pass and are enforced—could reduce Iranian exports by about 770,000 barrels a day, enough to raise oil prices by as much as $8.40 per barrel and gasoline prices by about 20 cents per gallon.

There’s more uncertainty ahead. Even if these bills pass the House “it is far from certain that any of these bills will be brought to the Senate floor,” wrote Croft. If they pass the Senate, she says, Biden might be compelled to sign them, “given Iran’s main character role in the current conflict. The White House didn’t comment on whether Biden supports the bills.

What’s clear is that international relations are complicating the administration’s push to keep energy prices down ahead of the election.

“We cannot imagine that the White House is eager to contend with strengthened oil sanctions architecture given the current state of the market and potential for retail gasoline prices to exceed $4/gallon this summer,” Croft wrote.

#### Sanctions shred Iranian oil production—Easing reverses the trend.

Halis Mermertas 24 [(Halis Mermertas, M.A., The Department of Middle East Studies) "THE EXTRATERRITORIAL AND SECONDARY SANCTIONS OF THE UNITED STATES AGAINST IRAN, THEIR EFFECTS AND IRAN’S REACTIONS," MIDDLE EAST TECHNICAL UNIVERSITY, https://hdl.handle.net/11511/109517, May 2024] TDI

Until 2010, unilateral sanctions on Iran were mainly imposed by the US. After this period, however, Iran's oil production declined sharply as many international actors imposed sanctions on Iran and the US designated many Iranian institutions, including the Central Bank of Iran, and adopted **secondary sanctions** for third party persons and entities that handle oil exports from Iran. Until 2012, when sanctions tightened, Iran's crude oil production was between 3.5 million and 4 million barrels per day.

However, these figures **declined** after 2012 and hovered around 2.5 million barrels until 2015. Iranian oil exports also fell below 1 million barrels per day during this period. With these figures, revenues also fell sharply. In 2011, Iran's oil export revenues amounted to 95 billion dollars, while in 2012 they dropped significantly to 69 billion dollars (EIA, 2013). As a result, Iran's market share both globally and within the OPEC has contracted accordingly (Abdelbary and ALshawa, 2023, p. 11).

After the start of the nuclear negotiations, this trend started to reverse. At that time, Iran's oil exports exceeded 1 million barrels per day for the first time in almost three years (Lawler, 2022). **After the implementation of the JCPOA and the lifting of sanctions, Iran has successfully rehabilitated its crude oil production and** regained some of its lost share in the international oil market and **became the world's fourth largest oil producer** in 2017, after the US, Saudi Arabia, and Russia (Abdelbary and ALshawa, 2023, p. 12). As shown in Figure 4, crude oil and condensate production peaked at **4.8 million barrels per day** (mbpd) in January 2018. This production figure was even higher than the peak before the wave of comprehensive sanctions imposed in 2011 (Khajehpour, 2019, p. 12).

This positive picture in the oil sector entered a new downward trend with a new wave of **secondary sanctions** adopted in May 2018. This decline continued until 2021. Iran managed to increase exports in 2021 despite the US sanctions and Iran's oil exports exceed 1 million barrels per day for the first time in almost three years. However, those figures remain well below the 2.5 million barrels per day shipped before the reimposition of sanctions (Lawler, 2022). The oil production of Iran still remains around **1.1 million** barrels per day (the World Bank, 2023). In 2023, Iran's oil sales increased and it is reported that this was due to unrecorded oil sales with China, the largest buyer (Xu, 2023).

#### The “Act’s” provisions evade Iranian oil trade

Smith 3/3 [(Herbert Smith Freehills (HSF) is an international law firm with headquarters in London, England and Sydney, Australia. HSF has been widely acknowledged as one of the world's most elite and selective law firms,[5][6][7] and, as of 2021, was the 33rd largest by revenue. It was formed on 1 October 2012 by a merger between the United Kingdom-based Herbert Smith, then a member of the Silver Circle of leading UK law firms, and Freehills, one of the Big Six Australian law firms.) “US Congress Enacts Major New Sanctions Provisions, Including New Russia and Iran Related Sanctions“, 4-24-2024. https://www.herbertsmithfreehills.com/notes/sanctions/2024-05/us-congress-enacts-major-new-sanctions-provisions-including-new-russia-and-iran-related-sanctions] TDI

On April 24, 2024, President Biden signed into law H.R. 815, which includes the 21st Century Peace through Strength Act (the “Act”). Notably, the Act amends the International Emergency Economic Powers Act and the Trading with The Enemy Act to extend the statute of limitations period applicable to sanctions violations from five years to ten years. The Act also authorizes expansive new sanctions and other measures related to Russia and Iran, which we discuss in further detail below.

New Iran-Related Sanctions

**The Act contains four provisions related to Iran: (i) the Stop Harboring Iranian Petroleum Act (the “SHIP Act”); (ii) the Fight and Combat Rampant Iranian Missile Exports Act (the “Fight CRIME Act”); (iii) Iran-China energy Sanctions Act of 2023 (the “Iran-China Energy Sanctions Act”); and (iv) the No Technology for Terror Act. The relevant portions of these Acts are summarized below.**

Sanctions related to Iranian-origin petroleum products. **The SHIP Act requires the President to impose sanctions on any person who the President determines knowingly engaged in certain transactions involving Iranian-origin petroleum products,** including persons who own or operate certain foreign ports, vessels that transport Iranian-origin petroleum products, or refineries that process Iranian-origin petroleum products.

Sanctions related to the facilitation of Iran’s missile production. **The Fight CRIME Act requires the President to impose sanctions on any person who the President determines knowingly engaged in certain missile-related activities involving the Government of Iran or Iran-aligned entities, including, inter alia, possessing, developing, importing, or exporting almost anything related to missile technology** (e.g., complete rocket systems, target drones, and missile related components) or importing or exporting certain arms or related materiel to or from Iran. Notably, non-US persons would also risk liability by providing significant support to a person subject to sanctions for engaging in such activities.

Sanctions related to certain non-US financial institutions that facilitate Iranian oil and drone sales. **The Iran-China Energy Sanctions Act authorizes sanctions against Chinese financial institutions that facilitate transactions involving Iranian-origin petroleum products,** or against foreign financial institution (i.e., any non-US financial institution) that facilitates the purchase of Iranian unmanned aerial vehicles (“UAVs”), UAV parts, or related systems. Unlike other OFAC sanctions authorities, liability pursuant to the Iran-China Energy Sanctions Act does not require that the underlying transaction be “significant” or “material.”

Expansion of foreign direct product rules to certain items destined to Iran or involving the Government of Iran. Generally, foreign direct product (“FDP”) rules provide that certain foreign-manufactured items that are the “direct products” of certain US-origin technology or software or are produced by a plant or component of a plant that is itself a “direct product,” are subject to US export controls. The No Technology for Terror Act expands the scope of these existing FDP rules to certain foreign-manufactured items that are exported, reexported, or in-country transferred to Iran from abroad or involve the Government of Iran.

**The Act’s Iran oil sanctions provisions will likely result in** decreased Iranian oil exports. By way of background, in May 2018, the US withdrew from Iran the Joint Comprehensive Plan of Action (“JCPOA”), reimposing stringent primary and secondary sanctions, including on Iran’s petroleum exports. These sanctions resulted in the designation of hundreds of individuals, entities, vessels, and aircraft on OFAC sanctions lists, including major Iranian banks, oil exporters, and shipping companies**. Further sanctions were imposed on certain transactions with the Central Bank of Iran. This resulted in** decreased export **of Iranian oil,** as illustrated by the following graph, based upon data from the Federal Reserve Bank of St. Louis for the time period between 2000 to October 2023.

**The Act is likely to lead to increased enforcement and secondary sanctions designation activity, increasing the sanctions risks for parties involved in the purchase and sale of Iranian oil**. For example, Congress will receive a report with a description of companies, ports, and ships involved in the export and sale of Iranian-origin petroleum products. This could result in even further designations and other sanctions measures related to Iranian-origin petroleum products.

#### Sanctions relief increases Iran’s oil revenue

Ghasseminejad 23 [(Saeed, Senior Iran and Financial Economics Advisor), “The Monetary Value of Relaxed Oil Sanctions Enforcement by the Biden Administration,” Foundation For Defense of Democrats, https://www.fdd.org/analysis/2023/09/28/the-monetary-value-of-relaxed-oil-sanctions-enforcement-by-the-biden-administration/, 9/28/23] TDI

“U.S. officials privately acknowledge they’ve gradually relaxed some enforcement of sanctions on Iranian oil sales,” Bloomberg News revealed last month. The dollar value of this sanctions relief can be calculated by estimating how much Iranian exports increased due to lighter enforcement, then projecting how much these additional sales have been worth. In August, Iran reported exports of 1.7 million barrels of crude oil per day (mbpd), a level not seen since March 2019. Others put the figure even higher, at 2.2 mbpd, although this memo will use the UANI Tanker Tracker database, which uses publicly available data going back to April 2018. By contrast, Tehran exported an average of 0.775 mbpd while facing the “maximum pressure” campaign waged by the Trump administration. Depending on the discount Iran offered to incentivize purchases from a sanctioned government, the estimated value of Tehran’s additional oil sales — the difference between its realized revenue and what it would have earned had its exports remained at the maximum pressure period’s average level — was $26.3 to $29.5 billion dollars, a number that will continue growing while enforcement remains lax.

Iran’s Oil Exports

In May 2018, the Trump administration declared its exit from the 2015 nuclear deal, formally known as the Joint Comprehensive Plan of Action (JCPOA), paving the way for the revival of American oil sanctions on Iran in November of that year. To ease the consequent shock to global oil markets, the administration issued a six-month waiver that permitted select countries to import up to a million barrels of Iranian oil daily. This waiver expired in May 2019 without an extension.

Data from the UANI Tanker Trackers, which monitors global oil shipments, reveal that Iran’s exports stood at 2.9 mbpd in April 2018, just before Washington’s JCPOA withdrawal. By October 2018, this figure dwindled to 1.8 mbpd as buyers sought to minimize their dependency on Iranian oil. During the six months in which the waiver was in effect, exports averaged 1.39 mbpd. After the waiver’s expiration, Iranian exports averaged 0.775 mbpd for the remainder of Trump’s tenure although there were significant fluctuations month-to-month, as seen in Table 1.

Table 1 – Source: UANI Tanker Tracker Database

Tehran’s exports began growing as soon as Biden took office. They reached 1.14 mbpd in 2021, a 32 percent increase from the year prior. This level of sales persisted in 2022 before another significant leap this year. The average export rate from January to August 2023 has been 1.38 mbpd, a 21 percent increase from the year prior and 59 percent greater than the last year of Trump’s tenure. This steady ascent hints at a sustainable upward trajectory in Tehran’s exports.

To estimate how much Iranian exports increased each month because of lax sanctions enforcement, this analysis subtracts the average daily export in the “maximum pressure” era (0.775 mbpd) from Iran’s export level in each month of Biden’s tenure, as shown in Table 1. In effect, the analysis posits that Biden could have held Iranian exports constant had he chosen to enforce sanctions vigorously.

Assessing the Worth of Iran’s Oil Exports

Tehran’s efforts to obscure its export activities and sidestep sanctions make it harder to determine both the quantity of exports and their likely price. This analysis assumes that Iran offers its buyers a discount for purchasing oil from a sanctioned entity. Since Tehran’s discount offerings likely fluctuate based on time and clientele, this analysis posits three scenarios in which Iran’s oil is priced at 5, 10, and 15 percent below the Brent rate, respectively. For each month of Biden’s tenure (February 2021-August 2023), this analysis takes the estimated increase in Iranian exports as calculated in the previous section and multiplies it by the average monthly Brent price, less the discount for that scenario.

Depending on the scenario, Iran’s total revenue during Biden’s tenure ranges from $81 billion to $90.7 billion. Had Iranian exports remained at the baseline “maximum pressure” level of 0.775 mbpd, revenues would only have been $54.7 billion to $61 billion. The differences between these two sets of figures indicates an Iranian gain of $26.3 billion to $29.5 billion, depending on the discount.

To simplify the calculations, the analysis assumes that a dip in Tehran’s export volume would leave global oil prices unaffected, a plausible premise given the historically minimal price impact of sanctions against Tehran. In other words, had the Biden administration kept Iranian exports to the “maximum pressure” level of 0.775 mbpd, the reduction in global supply would not have pushed prices upwards, partially compensating Tehran for the lower volume of sales.

The spike in Iranian export levels last month may turn out to be transitory, yet the upward trend in 2023 has proven to be resilient. Tehran’s exports will likely remain above the 2021 and 2022 levels and continue to grow as the sanctions wall crumbles. This trend further erodes U.S. financial leverage over Tehran, leaving Washington with fewer means to pressure Iran to restrain the rapid advance of its nuclear program.

#### High oil production and revenue allows Iran to fund terror and escalate attacks – Middle East war

Sonnenfeld and Tian 23 [(Jeffrey, Professor in the Practice of Leadership at the Yale School of Management as well as founder and president of the Yale Chief Executive Leadership Institute. He helped catalyze the retreat of 1,200 global corporations from Russia and has served as a personal, informal advisor to four U.S. presidents, two Democrats and two Republicans), (Steven, director of research at the Yale Chief Executive Leadership Institute), “Why Middle East Peace Requires Turning Off Iran’s Oil and Increasing Saudi’s,” Time, https://time.com/6327378/israel-iran-oil-sanctions/, 10/23/23] TDI

Amid heightened fears of a wider conflict in the Middle East, our focus must turn to deterring and punishing terrorist aggressors in the region, led by Iran, instead of trying to appease the terrorists by making dangerous concessions. Oil represents the best leverage over Iran, even though it has been overlooked by media commentators, and strengthening sanctions on Iranian oil can help preserve peace.

Iran is driving the Middle East towards a wider war, provoking an escalating series of attacks from its proxies across the region. Iran-backed Hezbollah is firing anti-tank missiles and drones at Israel while threatening to invade Israel from Lebanon in the north; U.S. warships intercepted missiles fired from Iran-backed Houthis in Yemen; Katyusha rockets and drones are targeting U.S. airbases in Iraq; and Islamic Jihad continues to fire missiles and rockets into Israel from Gaza alongside Hamas, among other provocations. U.S. Secretary of State Antony Blinken acknowledged a “likelihood of escalation” of “Iran proxies escalating their attacks against our own U.S. personnel” in the region.

What all these terrorist groups have in common is that they are funded and backed by the same primary benefactor—Iran. Some military experts say that Iran is likely coordinating these attacks.

We have more leverage over Iran than we think to put an end to this reckless aggression. Oil sales are a critical choke point for Iran, with oil exports representing up to 70% of Iranian government revenues by some estimates. Iran is riding high right now thanks to the fact Iran is on pace for near-record oil production this year, with production doubling from less than 2 million barrels per day in 2019 to 3.5 million barrels per day now. This represents an over $40 billion increase in revenues, seven times more than the $6 billion in frozen ransom money which has received so much attention.

Iran has been able to export near-record amount of oil despite technically being under continuing U.S. economic sanctions, the imposition of which had originally brought Iranian oil exports close to zero in 2019. The U.S. government’s lax approach to enforcement over the last few years is partially responsible for the rebound in Iranian oil production. In addition, the Iranians have found ways around sanctions, building their own “shadow fleet” of oil tankers facilitated by sanctions-evading Chinese purchasers.

Fortunately, as we’ve learned from helping advise the U.S. Treasury Department continually over the last two years on setting up and strengthening sanctions on Russian oil, there are ways to strengthen sanctions on Iranian oil to make them work again.

We’d advocate pursuing the following tactics:

Step up lax enforcement and more severe public punishment of rampant sanctions evaders, including threatening to enforce secondary sanctions on Chinese buyers.

Engage China diplomatically to warn off the largest Chinese buyers of Iranian oil.

Create a cap price for Iranian oil. MIT Professor and former Treasury Assistant Secretary Catherine Wolfram has proposed imposing a price cap on Iranian oil, similar to the price cap on Russian oil. We would suggest an even lower cap price than the proposed $60 considering the breakeven production cost for Iranian oil is two times less than that of Russian oil, giving Iran a 75% profit margin at current prices.

Leverage geographic choke points; especially the Strait of Hormuz through which 90 percent of Iran’s oil exports pass.

Impose sanctions on the European sellers of ships contributing to Iran’s shadow fleet

Create additional sanctions on Iranian oil field service companies, as proposed by energy expert Craig Kennedy.

These enhanced measures would choke Iranian oil production and reduce the funds Iran has available to fund its terrorist proxies.

Courtesy of Yale School of Management

However, one of the primary obstacles of stronger sanctions on Iranian oil has long been President Biden’s understandable concerns that strengthening sanctions on Iranian oil would send global oil prices skyrocketing. These fears are misplaced and easily mitigatable. Iranian oil is a small fraction of Middle East oil production—only around 12.5%, nearly 4 times smaller than the largest producer, Saudi Arabia. Additionally, there is record “spare capacity” sitting on the sidelines, and not only from the U.S.. In particular, Saudi Arabia has the opportunity to tip the scales meaningfully if it is truly committed to standing up to Iranian influence. Saudi is now pumping a third less oil than it did during the Trump era, with its daily oil production down from around 13 million barrels a day at its peak to now only around 9 million barrels a day after several voluntary production cuts. If Saudi would only restore its oil production to full capacity, that would bring a possible 4 million barrels a day of oil to the global marketplace, more than enough to make up for any drop in Iranian exports from strengthened sanctions.

Saudi has shown a willingness to do this before. In 2018, Saudi Crown Prince Mohammed Bin Salman promised that Saudi would fully backstop any loss in Iranian production from sanctions, a pledge which he fulfilled, with global oil prices dropping despite the loss of over 2 million barrels of Iranian oil during the Trump years. That was a boon for MBS, as not only did Saudi seize market share from Iran, but the Saudi coffers overflowed with record revenues fueling MBS’s spending spree. It is in MBS’s strategic and economic interest to pledge to backstop any loss of Iranian oil once again. MBS will surely be tempted to take no action and avoid being seen as siding with Israel against the Palestinian people amidst inflamed domestic populations, but that would be to the detriment of his own long-term interests. The Saudis may also oppose a price cap strengthening a nascent buyer’s cartel, which could challenge the power of OPEC as a seller’s cartel, but the price cap would hurt its nemesis Iran far more.

Amidst concerns over a wider war expanding across the Middle East, or even attacks on U.S. forces in the region, Stronger deterrence is desperately needed against Iran. Iran must understand that if they continue to escalate, they will be in for a world of pain. By strengthening sanctions on Iranian oil, we can cut off the windfall profits funding Iran, and in turn its terrorist proxies; deter and punish Iranian aggression, and de-escalate regional tensions.

#### That draws in great powers & goes nuclear.

Bernie V. Lopez 10-27. Professor in the Master’s program of the Ateneo Graduate School of Business and the undergraduate programs of several other schools, Communications Consultant for Philippine development projects funded by the USAID, AUSAID, ADB, and World Bank, Bachelor of Arts degree in Mathematics from the Ateneo de Manila University, documentary film maker, freelance training consultant for corporations and government institutions, “Gaza genocide may trigger nuke war,” Daily Tribune, 10/27/23, https://tribune.net.ph/2023/10/gaza-genocide-may-trigger-nuke-war/

Rocket attacks on U.S. bases immediately ensued — two in Saudi Arabia and one in Syria. Also, Iran and Saudi Arabia, historically arch enemies, are now talking to each other. The genocide may unite all Islamic splinters into one scary solid mass.

Now, the U.S. is as much a target of Islamic anger as the Israelis. It was a knee-jerk diplomatic blunder by Biden, who could have played more of a referee by openly warning Israel to stop the genocide. Now, the U.S. is part of that genocide, the critical ingredient to a possible nuclear war.

As the reality of genocide emerges, it is inevitable for Iran and the Arabs to make a vicious response.

There are protests in Israel against Netanyahu’s war moves, but the peacemakers are overwhelmed by the screams of the bloodthirsty. The genocide is virtually unstoppable. The Arab-Iran response may trigger a nuclear war if Israel is “cornered.”

The U.S. will use its carriers to attack Iran. These carriers can quickly be taken out by a massive rain of Iranian hypersonic missiles from underground silos if these missiles are long-range enough to reach the carriers, which they will not hesitate to use in the name of survival.

Existential survival is the catalyst to a nuclear holocaust. Once Iran is “cornered” by a U.S. counter-response, Russia will come into the picture, completing the elements for a full-blown proxy war beyond imagination.

Russia will never permit Iran to fall into the hands of the U.S. The fall of Iran will mean the fall of Russia. The Russian response may be nuclear. China may now take the opportunity to launch the Taiwan war to weaken the U.S. in a “war on two fronts.”

Many may think this scenario is an exaggeration. But this may be a valid warning if you put it side by side with the prophecies of Fatima, Medjugorje, and the Book of Revelation. There is total fear of a nuclear holocaust among the big powers — U.S.-NATO, Russia, China, and even lesser nuclear-capable nations such as Iran and India — which has been a deterrent to a nuclear war. But these prophecies may become a reality once fear evolves into anger or survival.

There are violent street protests worldwide, especially in EU and U.S. cities, for and against Israel. Nations are uniting for or against Israel, a seeming new biblical event. This ongoing rapid intensifying polarization is the preview to World War III, as it was for World Wars I and II. But this new one is ten-fold in size.

### at: china

#### Secondary sanctions circumvent Chinese teapots

Fishman 7/10 [(Edward Fishman is a foreign-policy expert, business operator, and investor with experience spanning government service, technology startups, media, and think tanks. An expert on the intersection of business, economics, and national security, Mr. Fishman is a Senior Research Scholar at the Center on Global Energy Policy and an Adjunct Professor of International and Public Affairs at Columbia University, where he teaches a graduate-level course on economic statecraft and strategy. He is concurrently an Adjunct Senior Fellow at the Center for a New American Security and a Nonresident Senior Fellow at the Atlantic Council.) “Q&A“, Center on Global Energy Policy at Columbia University SIPA | CGEP, 7-10-2024. https://www.energypolicy.columbia.edu/qa-potential-impacts-of-new-us-sanctions-on-irans-oil-exports-to-china/] TDI

Last month, **US President Joe Biden signed into law new sanctions aimed at reducing the flow of Iranian oil to China,** which purchases about 90 percent of Iran’s oil exports.[1] In this Q&A, the authors discuss the new sanctions and their likely impact.

What do the new US sanctions entail?

As part of last month’s Ukraine aid bill, **President Biden signed into law two new pieces of legislation targeting Iran’s oil exports. The Stop Harboring Iranian Petroleum Act (SHIP Act) requires the US government to impose sanctions on port operators, shipowners, and refineries that participate in Iran’s oil trade**.[2] Potential targets include ports that dock vessels carrying Iranian petroleum, the vessels themselves, and refineries that purchase Iranian oil.

Even before the SHIP Act became law, the US government possessed the authority to impose sanctions on any of these targets. From a technical perspective, therefore, the SHIP Act contains nothing new. But it will give the White House more incentive to implement the sanctions vigorously, as the administration is now required to do so by law.[3]

**The second piece of legislation is the Iran-China Energy Sanctions Act of 2023.[4] It clarifies that any transaction made by a “Chinese financial institution” involving the purchase of Iranian oil is sanctionable.** The US already possessed the authority to sanction banks involved in Iran’s oil trade, but this act levies an unambiguous threat to Chinese banks, and could coax many of them to avoid refineries that buy Iranian oil.

The new laws require the Biden administration to annually produce detailed reports on Iran’s oil trade and the involvement of Chinese entities. The first report is due by August, and the administration is legally required to start enforcing the SHIP Act sanctions in October. In the coming months, **pressure will mount on Chinese entities to quit the Iranian oil trade and on the Biden administration to impose sanctions on them if they do not.**

What sanctions on Iran’s oil exports are already in effect?

Since 2012, the United States has imposed wide-ranging sanctions on Iran’s oil exports. **Two sanctions have been particularly impactful. The first—codified in Section 1245 of the National Defense Authorization Act for Fiscal Year 2012—threatens secondary sanctions on buyers of Iranian oil unless their home countries significantly reduce their total purchases every six months.[5] Between 2012 and the signing of the Iran nuclear deal in 2015, this sanction resulted in a 60 decline in Iran’s oil exports.[6] The second—codified in Section 504 of the Iran Threat Reduction and Syria Human Rights Act of 2012—uses the threat of secondary sanctions to require importers to make payments for Iranian oil into restricted bank accounts, which Iran can only use to finance bilateral trade.[7] By 2015, this sanction led to more than $100 billion in Iranian oil proceeds accruing in restricted bank accounts.[8]**

#### China circumvents economic sanctions proving ineffectiveness

Sharifi 5/2 [(Kian Sharifi is a feature writer specializing in Iranian affairs in RFE/RL's Central Newsroom in Prague. He got his start in journalism at the Financial Tribune, an English-language newspaper published in Tehran, where he worked as an editor. He then moved to BBC Monitoring, where he led a team of journalists who closely watched media trends and analyzed key developments in Iran and the wider region.) “Why Are U.S. Sanctions Against Iran's Oil Exports Ineffective?“, RadioFreeEurope/RadioLiberty, 5-2-2024. <https://www.rferl.org/a/iran-oil-sanctions-china/32930848.html>] TDI

Iran is one of the most sanctioned countries in the world. But restrictions imposed by the United States have largely failed to stymie Iran's oil exports, the backbone of its flailing economy.

**U.S. sanctions have cut off Iran from most of its traditional customers, forcing Tehran to find new buyers and sell its oil at discounted prices.**

**But China’s willingness to buy record amounts of Iranian oil, Tehran's mastery of sanctions-evading tactics, and Washington's reluctance to strictly enforce sanctions have made U.S. measures against Iran’s** energy exports ineffective**,** analysts say.

'Dark' Fleet Of Tankers

**The lifting of U.S. sanctions as part of the 2015 nuclear deal with world powers allowed Iran to sell its oil to customers in Europe and East Asia. Oil exports reached a peak in 2018.**

The Iranian tanker Arman (right), which was seized in Indonesian waters in 2023 while transferring oil to a foreign tanker. (file photo)

SEE ALSO:

Iranian Economy Buoyed By 'Dark Fleet' Oil Shipments To China

But exports plummeted after then-President Donald Trump reneged on the nuclear agreement later that year.

**Iran has boosted its sales in recent years by circumventing sanctions, including using its "dark fleet" of tankers to illegally transport oil shipments to China.**

**The tactic involves ship-to-ship operations to offload the oil, middlemen, hidden money transfers, and rebranding the oil to mask its Iranian origin and make it appear to come from a third country.**

**"Iran is continuously developing and expanding not just the network of middlemen and trading companies involved in the sale of its oil, but also its own fleet of tankers that it predominantly uses to move its crude,"** said Nader Itayim, the Middle East editor at the U.K.-based Argus Media.

Chinese Appetite

**Growing demand for Iranian oil in China has been key to the surge in Iran's oil sales.**

Ship tracking data collected by Argus shows Iran’s oil exports currently hovering at 1.5 million barrels per day, with around 85 to **90 percent going to China.**

Tehran gives China a steep discount to take its banned oil, taking up to 15 percent off the price of each barrel to make it worthwhile for Beijing to take on the liability of skirting sanctions.

A laborer walking the platform of an oil facility in Khark, an Iranian island in the Persian Gulf (file photo)

A laborer walking the platform of an oil facility in Khark, an Iranian island in the Persian Gulf (file photo)

The discounts have raised questions about the long-term profitability of Iran’s business with China. But experts said that Tehran still stands to gain.

**"Even at heavy discounts, selling Iranian oil is extremely profitable and sustainable,"** said Steve Hanke, a professor of applied economics at Johns Hopkins University. "That’s because the marginal cost of production in Iran is roughly $15 or less per barrel."

Gregory Brew, an Iran and energy analyst at the U.S.-based Eurasia Group, says **U.S. sanctions were once effective at blocking oil exports to China, but that is no longer the case.**

"China's rising stature as a new global power lends it greater freedom to defy U.S. sanctions," Brew said.

Reluctance To Enforce Sanctions

Some analysts said Washington has been reluctant to strictly enforce sanctions, while others maintain that sanctions in general have failed.

Resources are required to enforce restrictions while new sectors would need to be sanctioned to keep up the pressure, according to Itayim of Argus Media.

**"Otherwise, the target finds ways to evade the sanctions, while at the same time the buyer becomes more complacent as it sees enforcement waning.** In the case of Iran and China, I think we have seen a bit of both," Itayim said.

Analysts also argue that Washington is reluctant to strictly enforce sanctions due to the risks associated with forcing Iranian oil off the world market.

"Apart from the impact such action would have on the price of oil, which carries political and economic importance to [U.S. President Joe] Biden in an election year, **aggressive enforcement would provoke both Iran and China, at a time when the United States is trying to manage escalatory risk both in the Middle East and East Asia,"** Brew said.

The lax enforcement of oil sanctions also extends to Venezuela and Russia, Itayim says, noting that it "has been key to keeping a lid" on oil prices.

**U.S. Congress last month passed a security package that included the Iran-China Energy Sanctions Act, giving the government the authority to further restrict Iran's oil exports.**

But experts are not convinced that more sanctions will have an impact.

Hanke said any new measures "will join the long list of failed Western sanctions" on the Islamic republic.

"Sanctions are always subject to workarounds that render the enforcement of sanctions futile," he added.

## deterrence

### link

#### Secondary sanctions are key to regime effectiveness.

OFAC Sanctions Attorney nd [(OFAC Sanctions Attorney, The Office of Foreign Assets Control (OFAC), an agency of the United States Department of the Treasury, is tasked with the regulation and enforcement of U.S. economic sanctions and trade embargoes involving foreign countries and targeted persons. The agency takes action in an effort to achieve the national security goals and foreign policy objectives of the United States. Its legal authority is derived from different places, ranging from executive orders to legislation to international agreements,) “Iran Related Secondary Sanctions”, <https://ofaclawyer.net/economic-sanctions-programs/iran/related-secondary-sanctions/>, nd] TDI

Secondary sanctions are a recent type of economic sanction that have become a part of the U.S. government’s economic statecraft through which foreign persons who support targeted bad actors can be subject to a number of restricted measures that, in effect, cut-off these businesses from the United States financial system and make them unpalatable as business partners, customers, and suppliers to other foreign parties. A secondary sanction is a bit different from the typical economic sanctions that have been historically used.

The most commonly known and used in the past sanctions are called primary sanctions and apply to United States persons or in situations where there is a nexus with the United States. This can include any involvement by U.S. person, any involvement of the U.S.-origin goods or any transaction which is taking place on U.S. soil or United States jurisdiction. Secondary sanctions are a little bit different. This is a way to target people who are doing business with sanctioned parties. One way to think about this is that secondary sanctions provide the U.S. government with an extra set of lists where they can designate foreign parties who are doing business with people who are on the specially designated national’s and person’s list.

When a person gets put on a secondary sanctions list, the United States government can choose from a range of different restricted measures to be put in place depending on the secondary sanctions programs or underlying executive orders issuing the secondary sanctions, as well as the discretion of the secretary of state and the secretary of the treasury. These assertive measures can range from limiting the amount of activity a business can have with United States accounts to prohibiting all United States parties from doing business with these foreign businesses.

Secondary sanctions are a powerful tool and they work best in concert with a multilateral sanctions’ effort. The international sanctions programs against Iran were, to a large extent, so successful because there was a multilateral effort and because secondary sanctions were used so that the United States could isolate and prevent foreign parties doing business with Iran.

Sanctions Still in Place

Secondary sanctions were initially created to isolate Iran from the global financial system and from the international global economy. The heaviest secondary sanctions were nuclear-related and the authorities for the sanctions were derived from executive orders and legislation focusing on Iran’s efforts to develop nuclear capabilities. On the Implementation Day (January 16, 2016), the United States lifted those secondary sanctions in place. For instance, after Implementation Day, secondary sanctions no longer applied to foreign parties who wanted to invest, engage in a business with, or otherwise conduct any type of transaction related to the energy and petrochemical sectors of Iran. These secondary sanctions are now coming back into place due to the United States withdrawal from the JCPOA

The secondary sanctions in place are derived from sanctions for:

Supportive Terrorism, Executive Order 13224Human Rights Abuses, Executive Orders 13553, 13628, and 13606Proliferation of Weapons of Mass destruction and their means of delivery including Ballistic Missiles, Executive Order 12938 and 13382Support for Persons Involved in Human Rights Abuses in Syria or for the Government of Syria, Executive Order 13572 and 13582Support for Persons Threatening the Peace, Security or Stability of Yemen, Executive Order 13611; the Iran Freedom and Counter-Proliferation Act of 2012 (IFCA)The Comprehensive Iran Sanctions Accountability and Divestment Act of 2010 (CISADA)Sanctions on the Islamic Revolutionary Guard Corps

The use of secondary sanctions was recently in the news when the new administration on February 3, 2017, designated a number of parties related to Iran’s ballistic missile program test. Those designations were not in violation of the JCPOA, but rather part of other existing secondary sanction reports.

#### They create crucial diplomatic leverage.

Forrer 18 [(John, Associate Director of GW's Institute for Corporate Responsibility and Associate Research Professor of Strategic Management and Public Policy. Prior to that he was Director of GW's Center for the Study of Globalization and Executive Director of the Institute for Global Management and Research), “Secondary economic sanctions: Effective policy or risky business?,” Atlantic Council, <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/secondary-economic-sanctions-effective-policy-or-risky-business/>, 5/21/18] TDI

Despite the limited scholarly support for secondary sanctions, public officials continue to consider them a viable—and, at times, effective—foreign policy tool.18 A good example are the claims made by President Obama, Secretary Hillary Clinton, and several foreign policy experts regarding Iran’s agreement to negotiate establishing limits on its nuclear-enrichment program. In September 2014, Iranian President Hassan Rouhani agreed to conduct international negotiations, with the intended outcome of a curtailed and inspected Iranian nuclear program, in exchange for the relaxation, and ultimate elimination, of US- and UN-mandated economic sanctions. The negotiation culminated in the Joint Comprehensive Plan of Action (JCPOA), signed by Iran, China, France, Russia, the United Kingdom, the United States, Germany, and the European Union in July 2015.19

What role did secondary sanctions play in this diplomatic breakthrough? Based on a review of analyses and assessments of the conditions and events that led to the agreement, an aggressive US diplomatic offensive was instrumental in securing and implementing secondary sanctions that targeted banks and other companies doing business with Iran.20 These secondary sanctions were deemed the key factor persuading Iran to negotiate an agreement to limit its nuclear program, including international inspection, and the sanctions were most consequential from 2010–2014. A significant amount of business between other countries and Iran was halted by the imposition of US sanctions against increasingly broader categories of commercial transactions. As the United States gradually expanded those categories, through both legislation and executive orders, “foreign companies and governments wound down their investments in Iran’s energy sector, halted financial transactions with designated Iranian banks, and, eventually, reduced their oil purchases from Iran and withheld Iranian [funds] in their domestic banks. Those secondary sanctions were effective, not only because of the threat of restrictions on access to the US market for foreign companies doing covered business with Iran, but also because of the acceptance of those threats by foreign governments which gave their companies no cover. Indeed, many of these countries, especially in Europe, followed the US measures with outright prohibitions on the activities themselves.”21

#### Empirics prove effectiveness.

**Megirisi 18** [(Tarek Megerisi, policy fellow at the European Council on Foreign Relations specializing in Middle Eastern politics and security)" Do secondary sanctions work?" World Economic Forum, <https://www.weforum.org/agenda/2018/08/are-secondary-sanctions-effective/>, 8-31-2018] TDI

Despite the limited scholarly support for secondary sanctions, public officials continue to consider them a viable—and, at times, effective—foreign policy tool. A good example are the claims made by President Obama, Secretary Hillary Clinton, and several foreign policy experts regarding Iran’s agreement to negotiate establishing limits on its nuclear-enrichment programme. In September 2014, Iranian President Hassan Rouhani agreed to conduct international negotiations, with the intended outcome of a curtailed and inspected Iranian nuclear program, in exchange for the relaxation, and ultimate elimination, of US- and UN-mandated economic sanctions. The negotiation culminated in the Joint Comprehensive Plan of Action (JCPOA), signed by Iran, China, France, Russia, the United Kingdom, the United States, Germany, and the European Union in July 2015. What role did secondary sanctions play in this diplomatic breakthrough? **Based on a review of analyses and assessments of the conditions and events that led to the agreement, an aggressive US diplomatic offensive was instrumental** in securing and implementing secondary sanctions that targeted banks and other companies doing business with Iran. **These secondary sanctions were deemed the key factor persuading Iran to negotiate an agreement to limit its nuclear programme,** including international inspection, and the sanctions were most consequential from 2010–2014. A significant amount of business between other countries and Iran was halted by the imposition of US sanctions against increasingly broader categories of commercial transactions. As the United States gradually expanded those categories, through both legislation and executive orders, “foreign companies and governments wound down their investments in Iran’s energy sector, halted financial transactions with designated Iranian banks, and, eventually, reduced their oil purchases from Iran and withheld Iranian [funds] in their domestic banks. “Those secondary sanctions were effective, not only because of the threat of restrictions on access to the US market for foreign companies doing covered business with Iran, but also because of the acceptance of those threats by foreign governments which gave their companies no cover. Indeed, many of these countries, especially in Europe, followed the US measures with outright prohibitions on the activities themselves.”1 As with all economic sanctions, firms and individuals pay a price when secondary sanctions are deployed. When secondary sanctions are deemed effective, the commercial losses by firms and individuals in the sanctioning, sanctioned, and targeted countries may be easily judged as necessary, part of the cost of achieving the foreign policy goal. In addition, firms and individuals conducting business with the sanctioned regime might be considered to have ill-gotten gains—at least from the perspective of the sanctioning country. When the effect of secondary sanctions is uncertain, an economic hardship occurs—often for innocents—to no purpose. It is a disruption in business practices and relationships that can be difficult to re-establish, even after the economic sanctions regime has ended. Secondary sanctions should not be cast as merely a prop to give the appearance of taking meaningful actions against an ally or adversary. Despite the overwhelming research that finds secondary sanctions largely ineffective, they are likely to remain a popular foreign policy tool. Governments that invoke secondary sanctions have a self-serving interest in claiming their success (just as sanctioned countries have for dismissing their importance), muddying assessments of their true effects. Also, secondary sanctions are a very public way to demonstrate a re-energized commitment to achieving the sanctioning country’s foreign policy goals. The controversy over the effectiveness of secondary sanctions is unlikely to be resolved in a definitive way, and **the merits of their past and future deployment will be judged on a case-by-case basis.**

#### Secondary sanctions contains Iranian nuclear proliferation and terminates its support to terrorist groups

Mandel 18 [(Dr. Eric Mandel is the founder and Director of MEPIN™, the Middle East Political and Information Network™. MEPIN is a private Middle East research analysis read by members of Congress, their foreign policy advisors, members of the Knesset, journalists, and organizational leaders. Dr. Mandel regularly briefs members of Congress and their staffs about the current geo-political situation in the Middle East, and meets with members of the Israeli leadership and their advisors.) “The importance of secondary sanctions to rein in Iran” The Jerusalem Post | JPost, 10-13-2018. <https://www.jpost.com/Opinion/The-importance-of-secondary-sanctions-to-rein-in-Iran-553589>] TDI

There is a lack of understanding of what secondary sanctions are, why they are an indispensable tool for advancing diplomacy in the Middle East and what the true nature of the Iran agreement is.

**As we approach President Trump’s self-imposed deadline to end secondary sanction waivers on Iranian compliance with the Joint Comprehensive Plan of Action (JCPOA), it has become clear that amid all the hyper-partisan rhetoric, there is a lack of understanding of what secondary sanctions are, why they are an indispensable tool for advancing American diplomacy in the Middle East and what the true nature of the Iran agreement is.**

Before we dive into sanctions, it is necessary to understand what the agreement actually entails. According to former secretary of state John Kerry, “We’ve been clear from the beginning: We’re not negotiating a ‘legally binding plan.’”

During a recent NPR interview, the State Department’s policy planning director, Brian Hook, disabused anyone from believing the agreement is a sacrosanct document. The “JCPOA is not a treaty... it’s not an executive agreement. It has no signatures. It has no legal status.”

Which brings us to sanctions. **Sanctions are a non-military, diplomatic tool to put pressure on international entities, nations and persons which undermine American national security interests**. They are targeted against nations and entities that participate in things like narco-terrorism, or undermine American interests by seeking to acquire nuclear, biologic or chemical weapons. **America’s use of sanctions has been an integral part of its strategy to** contain Iranian nuclear weapons **capabilities, as well as other malign behaviors.**

**Primary sanctions target only American companies and individuals who would do business with sanctioned entities. Whereas the goal of secondary sanctions is to target non-American businesses and individuals who would otherwise trade with regimes that defy American national security interests.** This is all the more important after Secretary of State Mike Pompeo on his inaugural Middle East trip this week called for new Iranian sanctions. Meanwhile, the European Union, led by Italy, refuses to reinstate or add any meaningful non-nuclear related sanctions. President Obama invited the Europeans to resume lucrative business with Iran, and they don’t want to stop.

**The goal of secondary sanctions is to penalize non-US companies and persons who commercially transact with Iran by limiting their access to the American financial network and economy.**

As Ole Moehr said, writing for the Atlantic Council, “Secondary sanctions amplify [the effect] of primary sanctions... [They] put pressure on third parties to stop their activities with the sanctioned country by threatening to cut off the third party’s access to the sanctioning country.” The JCPOA affected only secondary sanction waivers regarding Iran’s nuclear capabilities.

Since the summer of 2015 when the JCPOA was agreed to, there has been underwhelming enforcement of sanctions that were not waived as part of the agreement.

**THIS IS in part because the international community and American supporters of the Iran deal have claimed that significant enforcement of non-nuclear secondary sanctions is really a subterfuge to scuttle the JCPOA**. According to The Wall Street Journal, the State Department has been trying but has been unable to convince the international community to sanction even those entities that are obviously associated with Iran’s missile program.

During the Obama administration, the United States deferred to the United Nations and to members of the UN Security Council, in effect allowing China and Russia to undermine American interests by the power of their veto. President Obama’s Wilsonian view of the world turned a blind eye to the 21st-century reality of global Shi’ite Islamic hegemonic aspirations and to Iran’s religiously sanctioned deception (taqiyya). **As a result, the chance for future Middle Eastern wars has only increased, the exact opposite of the international community’s goal for stability.**

**If America judges its foreign policy interests are being undermined by international organizations – particularly the UN and EU – it must act independently to take charge with its own targeted secondary sanctions.** As the world’s economic leader, other nations will be forced to comply with the US or lose access to its financial system.

My conversations with former Treasury Department officials have clearly indicated that **without the implementation and enforcement of secondary sanctions against foreign businesses and countries transacting with Iran, America will be spinning its wheels. This is true only in regard to** nuclear proliferation, **but also regarding the reining in of Iran’s organization, training and** funding of terrorist proxies, **missile development and** human rights abuses.

Congress was promised that the US waivers of secondary sanctions in the JCPOA were to be related only to the Iranian nuclear program. In reality what happened is we have allowed the JCPOA to hold hostage the imposition of legitimate and promised sanctions for Iran’s other offensive in-our-face hostile acts.

The Trump administration now has the opportunity to fix the JCPOA, using the leverage of non-nuclear secondary sanctions. The “Countering America’s Adversaries Through Sanctions Act” signed last August by **President Trump was a good start, but it** is not enough.

The Iranian economy is on the ropes**. Enforced secondary sanctions on companies doing business with Iran can have a real impact on Iran’s footprint in Syria;** affect its support of Hezbollah and Hamas; **curtail its missile development; and bring it back to the table to fix the flaws in the JCPOA.** Among those flaws are getting rid of the agreement’s sunset provisions and obtaining effective access to Iran’s weapons development sites.

### at: circumvention

#### Secondary sanctions induce third party cooperation – empirically contributes to improving negotiatons.

Han 18 [(Baran Han, Senior Economist at the World Bank (Strategy, Results and Risk team in the OPCS)" The role and welfare rationale of secondary sanctions: A theory and a case study of the US sanctions targeting Iran”, No Publication, https://journals.sagepub.com/doi/pdf/10.1177/0738894216650836, 09-xx-2018] TDI

Increasing economic isolation seems to have affected Iran’s willingness to negotiate. Crude oil exports used to take up more than 80% of total oil exports and more than 60% of government revenues in Iran: a sharp drop in oil revenues and its isolation in the international financial system significantly reduced Iran’s foreign exchange reserves, leading to a collapse of Iranian Riyals and inflation. Under economic duress, Iranians elected the most moderate candidate, Hassan Rouhani, as the president in 2013 who pledged dialogue with the USA and the rest of the world.21,22 On 24 November 2013, Iran and P5 þ 123 signed the ‘‘Joint Plan of Action’’ in Geneva, which required Iran to freeze or reverse progress at all of Iran’s major nuclear facilities as well as to allow a marked increase in monitoring by the IAEA. In return, Iran was to receive temporary relief on some economic sanctions.24 In July 2015, the P5 þ 1 and Iran reached a Joint Comprehensive Plan of Action that obligates Iran to fully cooperate with the international community regarding its nuclear programs and the EU and the USA to terminate the implementation of all nuclear-related economic and financial sanctions.25 How does the Multilateral Sanction Equilibrium26 developed in the previous section map to what we have seen after the CISADA? Increasing concerns of Iran developing the capability of producing a nuclear weapon can be translated to increased valuations of target compliance for the USA as well as the third parties (higher g, b). With much concern about Iran’s alleged nuclear proliferation activities, the USA was committed in having a strong multilateral coalition. If there were third party states that ignored the secondary sanctions, they could substitute for those that participated and effectively reduce the cost of the multilateral sanctions for Iran. If so, not only would it be hard for the multilateral coalition to pressure Iran into greater compliance, but also the USA itself may not be able to afford the costly secondary sanctions, which in effect would reduce the credibility of the sanction threats. Visiting Iran’s major trade partners before and after the passage of CISADA, the USA communicated its commitment. It also institutionalized the monitoring and enforcement processes that raised the domestic audience costs and pushed the US government to commit to punish non-cooperation. In the CISADA, the scope was extended to include petroleum products and later on crude oil trade expanding the set of sanctionable third parties: if the secondary sanctions were to be effective in coercing them, Iran would be under greater pressure to comply at a significantly higher level than before. Even though the expected cost that would have to be incurred by the USA for punishing non-cooperation was greater since more third parties were subjected to secondary sanctions (greater aSR), Iran’s reliance on the goods subject to punishment was substantial (much greater aTR); countries such as China, Japan, South Korea, and India that Iran conducted trade with were important economic partners of the USA but the levels of dependency on trade of petroleum and petroleum products were so high for Iran that the expected gain (a higher level of compliance by Iran) from a successful sanction campaign was much greater than the cost that the USA would have to incur if it were to punish non-cooperation. The USA could now credibly raise the level of punishment threats against the third parties. The USA also tried to lower the third party cost of joining in the multilateral sanctions by brokering deals between oil producing states in the Gulf and the states that had to reduce oil imports from Iran. Such reduction of cost of secondary sanctions for third parties lowered the minimum secondary punishment threats to coerce them to join the multilateral sanction campaign, inducing more third parties to participate Almost all of the third parties of concern joined in the sanction campaign against Iran after 2010. Not only were the secondary sanction threats credible, but they were high enough to induce third parties to cooperate, ultimately contributing to pressuring Iran to come to the negotiation table and agree on an accord, reaching a Multilateral Cooperation Equilibrium. What can we say about the welfare impacts of CISADA? The welfare of the third parties such as the EU that were very much concerned with Iran’s alleged nuclear proliferation activities and voluntarily participated in the sanction campaign since 2010 (higher b) is likely to have improved owing to CISADA because without it coercing the other states to join the campaign, it might have taken a longer time for Iran to come to the negotiation table or Iran might not have accepted an agreement with such rigid restrictions on its nuclear activities. The welfare of the third party states such as India, Japan, South Korea that were moderately concerned with Iran’s compliance is likely to have improved as well. These are the states that would not have voluntarily participated in the multilateral sanction campaign without a biting secondary sanction threat even though they would have been better off with a higher level of compliance by Iran. This is because once Iran offers a suboptimal compliance level and the US initiates a sanction campaign, as a follower, the best response for them 490 Conflict Management and Peace Science 35(5) is to continue their trade with Iran and to backfill for the participating states. Knowing this, Iran will not comply at a higher level. With CISADA imposed, however, the cost of trading with Iran significantly increased for them: the returns were no longer great enough to make up for being sanctioned by the USA as well as for the loss of utility from a suboptimal level of Iran’s compliance. Owing to secondary sanctions, the third party states could credibly threaten Iran with their participation in the multilateral sanction campaign and Iran’s costs of low compliance were effectively raised. CISADA resulted in a higher compliance level and led to improved welfare for the third parties that were coerced into participating in the sanction campaign.

### at: plan solves

#### Unilateral removal fails.

Robinson 23 [(Kali, covers the Middle East and North Africa for CFR), “What Is the Iran Nuclear Deal?,” Council on Foreign Relations, https://www.cfr.org/backgrounder/what-iran-nuclear-deal, 10/27/23] TDI

If any signatory suspects Iran is violating the deal, the UN Security Council can vote on whether to continue sanctions relief. This “snapback” mechanism remains in effect for ten years, after which the UN sanctions are set to be permanently removed.

In April 2020, the United States announced its intention to snap back sanctions. The other P5 members objected to the move, saying the United States could not unilaterally implement the mechanism because it left the nuclear deal in 2018.

## qpq

### qpq – 1nc

#### The US should condition removal of secondary sanctions on the Iranian government on cessation of support of international terrorism and nuclear proliferation

#### Only a conditional removal checks back against Iranian support on terrorism and increased proliferation

CRS 23 [(CRS, CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress,) “U.S. Sanctions on Iran”, Congressional Research Service, <https://crsreports.congress.gov/product/pdf/IF/IF12452>, 7-20-2023] TDI

Congressional action has been critical in the development and expansion of U.S. sanctions on Iran. Congress authorized sanctions targeting Iran’s proliferation activities beginning in 1992 and, in 1996, enacted landmark legislation mandating the first secondary sanctions on Iran on foreign firms involved in the development of Iran’s oil resources (Iran has the world’s third largest proven oil reserves). After the Iranian government’s violent crackdown on mass protests over its disputed 2009 presidential election, Congress authorized sanctions on officials responsible for the crackdown and other human rights abuses. As international concern about Iran’s nuclear program increased, Congress, beginning in 2010, increased the scope of U.S. sanctions, targeting Iran’s oil exports and other economic sectors in a bid to deny the Iranian government financial resources and compel it to make policy changes. In enacting these authorities, Congress mandated that to waive or lift sanctions, the President must certify that Iran is meeting certain conditions, including that the Iranian government has ceased its support of international terrorism and its proliferation activities.

## eu advantage

### eu advantage cp – 1nc

#### CP: the US ought to encourage the EU to:

#### - Improve the Instrument in Support of Trade Exchanges

#### - Nationalize SWIFT

#### Solves EU unity.

**Geranmayeh 19** [(Ellie Geranmayeh, Deputy Director, Middle East and North Africa programme Senior Policy Fellow)" Meeting the challenge of secondary sanctions" ECFR, <https://ecfr.eu/publication/meeting_the_challenge_of_secondary_sanctions/>, 6-25-2019] TDI

In this context, it is important for the EU to build up its deterrence and resilience against secondary sanctions, including by developing countermeasures that can act as a deterrent against them. This is necessary to minimise the impact of US secondary sanctions on Europe’s security and commercial interests. In the Iran case, EU governments have responded with firm statements that oppose US sanctions and reiterate their support for the JCPOA. They have also revived the 1996 Blocking Regulation to cover US secondary sanctions on Iran. EU unity on the issue, along with the launch of INSTEX, has frustrated the US administration, prompting it to attempt to divide member states. Yet all these steps have failed to affect the calculations of major European companies and banks. Overall, the measures EU countries have taken so far have not definitively protected European interests, nor been quick enough to suggest bold determination. From the perspective of European policy, perhaps the most important effect of Washington’s increasing use of secondary sanctions has been to awaken the EU to the dangers of such measures. As such, European countries are devoting greater resources than they once did to responding to US secondary sanctions. But while they all acknowledge the need to formulate a better response to the measures, they disagree on how much they are ready to pay for doing so, and on how to absorb these costs. If the EU wants to be a global player on security and economic issues, member states must – in pursuing their strategic objectives – establish a process for sharing these costs and proving they have the will to resist secondary sanctions. Part of this involves sharing the costs across member states, to ensure that the US does not see, and therefore target, any one European country as confronting secondary sanctions alone. European decision-making on INSTEX demonstrates how this risk-sharing process can work: established in Paris, the mechanism is headed by a German and includes senior German, French, and British diplomats on its supervisory board. As part of this effort, European countries must implement a road map that will eventually be credible enough to change the behaviour of European commercial actors. This will involve supporting European firms with clear measures that are sustainable in the medium term, to nullify the current impact of the asymmetries the US government exploits. Such measures should also seek to persuade the US administration to change the way it enforces secondary sanctions – making this an intergovernmental issue rather than leaving individual EU companies to face OFAC directly. In responding to secondary sanctions, European governments and the EU should work with the kind of unity and purpose they displayed in resisting the Trump administration’s trade tariffs. Over time, familiarity with the process will ease European governments’ concerns about the risks of angering Washington. This will gradually socialise the risk associated with secondary sanctions among European capitals. The EU and its member states should focus their medium-term responses to US secondary sanctions on the courses of action discussed below. 1) Enforce EU sanctions more stringently There are some important differences between the ways in which the US and the EU use sanctions. The US takes a more expansive approach and adopts a more aggressive enforcement policy. The EU generally resorts to relatively limited sanctions – fewer regimes, comprehensive provisions, and designations – and, in parallel, usually sustains its diplomatic efforts for more than just coercive purposes. While Europe considers its sanctions to be more politically minded, targeted, and reactive, the US regards them as ineffectual. In particular, the US administration considers Europeans to be weak on enforcement. Some US officials have commented that they struggle to find a major case in which European governments or courts have enforced EU sanctions on European companies.[10] It is true that, on the whole, Europe’s systems for implementing and enforcing the measures are less developed than their US counterparts, and this is not just because of the division of labour between the EU and national levels. Indeed, the EU system for implementing and enforcing sanctions relies on member states: the European Commission is tasked with monitoring the uniform implementation of sanctions in the EU and supervising their enforcement. And, as officials are quick to point out, the EU has a different culture in punishing entities that breach its sanctions. In Europe, enforcement action takes places in a more restricted and less public manner than in the US – which usually seeks to name and shame sanctions-evaders.[11] Still, as ECFR has confirmed in interviews on both sides of the Atlantic, the US believes that Europeans are not properly enforcing their own sanctions. The EU will not be able to address the challenge of secondary sanctions without tackling this deeper transatlantic credibility problem. Some European leaders, such as the French finance minister, have recognised this and suggested that the EU should establish a European equivalent to OFAC. In theory, such an organisation could significantly improve oversight of sanctions enforcement in Europe, while acting as OFAC’s main interlocutor on secondary sanctions. But it will be very difficult for the EU to create its own version of OFAC. The EU is built on the subsidiarity principle, which makes national governments rather than the union responsible for the enforcement of sanctions. And, politically, member states are unlikely to relinquish what they see as a core function of national sovereignty. However, EU member states could develop their own version of OFAC along the lines of the pan-European enforcement authority to combat money laundering that some of them recently called for. Member states could also create a pan-European organisation to help European companies respond to secondary sanctions imposed by third countries. In any case, there is a need to build more consistent and credible EU mechanisms for sanctions implementation and enforcement: member states could authorise the European Commission to improve coordination between national authorities on this. This effort could help the union deal with the implementation of US sanctions when it affects European companies. It could also provide EU institutions with a more comprehensive overview of the measures and help them put the union’s combined political and economic weight behind exchanges with the US authorities, thereby lending credibility to the deterrent Europeans should aim to establish (as discussed below). A similar approach proved effective in pressing the Trump administration to lift congressional sanctions on Rusal.[12] 2) Develop mechanisms to minimise the impact of US secondary sanctions Improve the credibility of INSTEX In response to Washington’s secondary sanctions, European countries have looked to establish an SPV that circumvents the traditional financial networks the US uses to establish its jurisdiction for enforcing sanctions. INSTEX has been created to be that vehicle. If it proves to be a viable mechanism for trade with Iran, **INSTEX could eventually act as the keystone of a European trading system that runs in parallel to conventional, US-connected routes – thereby providing an alternative for European companies that wish to remain in markets targeted by US sanctions.** Much hard work is still needed to ensure that INSTEX works in the long term, which implies an operational counterpart structure on the Iranian side (one that abides by international financial norms on money laundering and terrorist financing). The mechanism will only be workable if European banks are willing to cooperate with it to move funds in European territory. Moreover, there must be a sufficient number of European trading actors that are willing to use it. Unlike China and Russia, Europe does not want to force its companies to use these facilities but rather to provide them with greater freedom to decide which markets they operate in. For now, INSTEX has narrow ambitions, with an initial focus on what European officials call “the sectors most essential to the Iranian population – such as pharmaceutical, medical devices and agri-food goods”. Widening its scope beyond trade permissible under the US sanctions framework would run the risk of placing INSTEX on the United States’ SDN list. And there is already a threat of designation given that the US could find fault with European due diligence on, for instance, the nature or final beneficiary of these transactions. Still, the scope of trade under INSTEX is too narrow. Therefore, European leaders should view the current version of the mechanism as a base on which to expand. European governments must be prepared to take the risk that the US will target INSTEX, as well as companies that will be connected to it, with sanctions. Although national governments’ support for INSTEX provides a high degree of protection, the US could still apply sanctions to traded goods as much as to the financial flows used to pay for them.[13] One important factor in avoiding this, and in INSTEX establishing its international credibility, will be whether most, if not all, EU member states join the mechanism. Pan-European involvement in INSTEX would help socialise the risks associated with it. Eventually, companies from other nations could also use it. States such as Russia and China – as well as India, Turkey, South Korea, and Japan – have expressed interest in collaborating on such a mechanism. Create other parallel financial channels with limited exposure to the US Beyond expanding INSTEX, EU countries should consult one another on the costs and benefits of creating a new financial system that runs in parallel to existing frameworks. So far, there has been no such initiative in Europe. Despite receiving the support of the European Commission, the European Investment Bank also declined to deal with Iranian business, out of concern that this would hamper its ability to access US capital markets. Similarly, French state-owned bank Bpifrance initially declared that it would establish this type of financial mechanism, but eventually decided not to proceed with its plan. According to one Bpifrance representative, it was possible to insulate the bank’s transactions from US primary sanctions, but companies engaged in a specific transaction involving Iran would find it much more difficult to eliminate their exposure to the US, and Bpifrance itself could have been shut out of US financial markets. The Chinese have essentially developed a dual banking system, which allows them to direct one set of banks to work with the US and another to deal with countries subject to US secondary sanctions. But, even in China, the deterrent effect of the latest US secondary sanctions can be felt, and Chinese banks and other companies act with caution given the prudent approach Beijing takes to the issue, to avoid damaging sensitive trade negotiations with the US. Regardless of whether such a dual system had been established, parallel payment channels – which might involve a fully developed INSTEX – could at least give companies the option of choosing between markets. This approach would also provide protection to individuals who are currently exposed to the effect of US secondary sanctions through US-owned credit card and other electronic payments systems. Protect SWIFT SWIFT has quickly become so important that disconnection from it is, as Joanna Diane Caytas argues, “the financial market equivalent of crossing the nuclear threshold, due to the vital importance of the embargoed services and near-complete lack of alternatives with comparable efficiency”. In the context of US sanctions, there is much talk in Europe (both among experts and within government circles) about creating an independent replica of SWIFT. As a European entity operating under Belgian law, the organisation has some independence. But the Iran case has shown that US policy retains an overriding influence on it and its staff and board members. European countries have frequently discussed the idea of establishing an alternative to SWIFT that benefits from the same kind of governmental backing provided to INSTEX. But creating an alternative to SWIFT would be a lengthy process; the time would be better spent devising ways to protect the existing system. As a relatively soft step towards protecting SWIFT, European countries could push for an agreement between members of the International Monetary Fund to preserve the independence and political neutrality of financial messaging services such as SWIFT. European governments should make the case that SWIFT’s systemic importance to global trade makes it worthy of special protection. Such an international pact should state that SWIFT will not be restricted by any unilateral measures, even justified on the basis of national security. An exception could be made for banks subject to UN Security Council sanctions. Another measure would be for Belgium to use the Blocking Regulation in relation to SWIFT by insisting that banks subject to US secondary sanctions remain connected to the system. But a more effective use of the regulatory provisions would be for the European Commission to draft a new iteration of the Blocking Regulation that prevents financial mechanisms in Europe from complying with a third country’s secondary sanctions. This would leave no room for doubt about EU legislation, forcing European entities to comply with it. Such an approach would be an effective form of ex ante financial regulation. For example, it could pre-empt Washington’s introduction of further restrictions on SWIFT vis-à-vis connections with Russian or Chinese banks. Here, Europeans could leverage SWIFT’s central role in global banking to, essentially, test the United States’ willingness to sanction the organisation and its board members. Given the importance of the services SWIFT provides, the prospect of severe harm to the US banking sector could act as a powerful deterrent. By taking up such a defiant position, the EU would make it much more difficult for the US to implement secondary sanctions on SWIFT. A more aggressive approach would be for the EU to press Belgium to nationalise SWIFT – or, at least, to threaten to do so should the US impose draconian sanctions on the organisation. As it stands, the EU is reluctant to make the threat because of the likely political fallout in transatlantic relations, the possible need to compensate banks affected by nationalisation, and the damage the process would do to confidence in European markets and the rule of law. Moreover, such a threat might prompt the US to create its own alternative to SWIFT. Nonetheless, the centrality of the organisation to European economic interests justifies a healthy debate on various options.

### eu unity internal – 1nc

#### EU unity is inevitable, even with secondary sanctions.

**Barlett and Ophel 21** [(Jason Barlett, former Research Associate for the Energy, Economics, and Security Program at CNAS and Megan Ophel, former Joseph S. Nye, Jr. Intern for the Energy, Economics, and Security Program at the Center for a New American Security with a B.A. in International Studies and Economics)" Sanctions by the Numbers: U.S. Secondary Sanctions" No Publication, <https://www.cnas.org/publications/reports/sanctions-by-the-numbers-u-s-secondary-sanctions>, 8-26-2021] TDI

Iran, the JCPOA, and Friction with Europe

While secondary sanctions have existed for over two decades, the U.S. government implemented them on a relatively infrequent basis (25 in total) prior to former President Donald Trump’s administration. The 1996 Iran and Libya Sanctions Act, later retitled the Iran Sanctions Act (ISA), was an early example of a secondary sanctions authority that imposed secondary sanctions on investments in Iran’s energy sector. But the U.S. government waived enforcement against these violations until the implementation of the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) in 2010, which marked the start of secondary sanctions as a tool in active use. CISADA was a major milestone in the secondary sanctions regime on Iran since it expanded the range of energy-related activities subject to ISA secondary sanctions—most importantly to refined petroleum imports—and prohibited U.S. banks from opening new correspondent accounts for foreign financial institutions that facilitated transactions with the Iranian Revolutionary Guard. It also authorized secondary sanctions on designated Iranian banks and other entities implicated in weapon of mass destruction proliferation and terrorism, demonstrating the breadth of this new legislation and leading to an uptick in secondary sanctions enforcement. In response to growing concern over Iran’s nuclear program, the State Department under former President Barack Obama’s administration first enforced ISA/CISADA secondary sanctions in 2010 on the Naftiran Intertrade Company, a Swiss-based subsidiary of the National Iranian Oil Company, and on Belarus-based Belarusneft in 2011. However, these European companies were already subject to primary sanctions due to their relationships with the Iranian and Belarusian governments. The first use of secondary sanctions on entities not already designated under primary sanctions authorities occurred in 2011 on seven companies, including Venezuela’s Petróleos de Venezuela, S.A. (PdVSA), for prohibited activities within Iran’s energy sector. Additionally, the Obama administration enforced secondary sanctions on 25 entities involved in transactions with sanctioned Iranian energy and petrochemicals, shipping, and banking entities. However, following the adoption of the JCPOA in 2015, the United States lifted most secondary sanctions on Iran and did not enforce any additional secondary sanctions on Tehran for the remainder of the Obama administration, which allowed non-U.S. persons to resume certain economic activities with their Iranian partners without fear of U.S. sanctions.

U.S. government posture on Iran changed significantly after the Trump administration unilaterally withdrew from the JCPOA in 2018 and failed to garner international support for its “maximum pressure” campaign against Tehran. Under the Trump administration, the U.S. government deployed unilateral secondary sanctions on Iran as a substitute for coordinating multilateral sanctions with the international community, a necessary approach due to objections from Europe and the United Nations to the U.S. withdrawal from the JCPOA. Secondary sanctions on foreign businesses increased exponentially, rising from two in 2018 to 13 in 2019 and peaking at 78 in 2020. By the end of the Trump administration, the total was 104. The initial executive order implementing the withdrawal from the JCPOA reimposed secondary sanctions on the Iranian energy, oil, petrochemicals, shipping, and banking sectors and was followed by further executive orders throughout 2019 and 2020 that expanded secondary sanctions to transactions with the Iranian metals sector and later the construction, mining, manufacturing, and textiles sectors. As a result, secondary sanctions became a major economic coercive tool for Washington against Tehran during the Trump administration.

The extraterritorial nature of secondary sanctions has sparked criticism from European allies, which became pronounced after the U.S. withdrawal from the JCPOA when EU and U.S. sanctions policies on Iran diverged drastically. Despite this difference, very few secondary sanctions have been enforced on European companies due to the high level of compliance by European firms. This is because access to the U.S. correspondent banking and dollar clearing systems is critical for their operations. Additionally, many European banks maintain American operations, such as branches in New York City, that fall directly under U.S. jurisdiction and therefore are subject to U.S. law enforcement. Together, these factors lead European financial institutions to comply with U.S. sanctions, regardless of their governments’ policies. The high level of compliance by European financial institutions means it would be difficult for non-financial European firms interested in doing business with Iran to find a bank to process their transactions, and if subjected to U.S. sanctions, would be swiftly cut off from banking services in their own countries. While enforcement action against European firms has become more rare as the secondary sanctions have had their intended effect of disincentivizing transactions with entities designated under primary sanctions, the extraterritorial nature of the U.S. secondary sanctions program remains controversial in Europe.

#### It’s inevitable.

EMI 24 [(European Movement International, lobbying association that coordinates the efforts of associations and national councils with the goal of promoting European integration, and disseminating information about it), “Our Common Challenges Require Greater European Unity,” European Movement International, https://europeanmovement.eu/policy-focus/our-common-challenges-require-greater-european-unity/#, 3/20/24] TDI

On 21 and 22 March 2024, the European Union (EU)’s heads of state and government will take part in the European Council in Brussels. They will discuss the EU’s support for Ukraine, recent developments with regards to the accession of new Member States, as well as security and defence, including the recently launched European Defence Industry Strategy (EDIS) and the European Defence Industry Programme (EDIP).

Since Russia’s war of aggression against Ukraine, the EU and its Member States have been providing Ukraine with military, financial and humanitarian aid. Moreover, the European Council decided to open accession talks with Ukraine and Moldova in December 2023, while on Wednesday, 20 March 2024, the European Commission unveiled a communication on pre-enlargement reforms and policy review aimed at assessing how EU policies would be affected by a larger Union and how the European institutions would work. At the same time, several initiatives have been put in place to increase the EU’s defence readiness and make its industry more resilient.

Additionally, on 29 February 2024, the European Parliament passed a report signalling a firm commitment to deepen EU integration in anticipation of future enlargements. Recognising the evolving geopolitical landscape and the imperative for a more cohesive Union, the resolution emphasised the need for proactive measures to enhance the EU’s capacity to accommodate new Member States while maintaining unity and solidarity.

European Movement International’s Position

As we argue in our policy position on the Future of European Security and Defence Cooperation, the EU needs to show strong political will to keep supporting Ukraine and advance its security and defence capabilities. A more uniform security and defence policy is key to further protecting EU citizens, as well as Ukraine, and contributing to international peace and security.

Our recommendation is to develop a fully-fledged European Defence Union (EDU) through the harmonisation of European armed forces, under full control of national parliaments and the European Parliament. This measure, alongside increased investments in defence capabilities through initiatives like the European Peace Facility (EPF) and the European Defence Fund (EDF), is crucial for maintaining peace across the continent.

Furthermore, we stress the necessity of reforming the EU’s decision-making process. Transitioning from unanimity to qualified majority voting (QMV) is imperative to overcome Member States’ vetoes and enable more efficient responses to emerging challenges and external threats. Institutional reform is essential for a credible enlargement perspective and enhancing democratic legitimacy. The current geopolitical landscape underscores the pressing need for institutional reform to prevent deadlocks in the EU’s decision-making and facilitate strategic responses to external influences.

#### EU Unity can endure disagreements.

Balfour 22 [(Rosa Balfour, Rosa Balfour is director of Carnegie Europe. Her fields of expertise include European politics, institutions, and foreign and security policy. Her current research focuses on the relationship between domestic politics and Europe’s global role,) “European Unity Can Endure the Winter of Discontent”, Carnegie Europe, 9-8-2022. https://carnegieendowment.org/europe/strategic-europe/2022/09/european-unity-can-endure-the-winter-of-discontent?lang=en¢er=europe] TDI

Aside from strategic perceptions, there are some very concrete reasons why EU unity can endure.

Firstly, as the Ukraine Support Tracker of the Kiel Institute for the World Economy shows, the military and financial support still relies heavily on the United States in terms of leadership and material support. This will not end in the foreseeable future.

Within the EU, the countries most invested in supporting Ukraine—Estonia, Poland, Latvia, Lithuania, in this order—are not going to buckle in a cost of living crisis. For them, this war is existential. So there is a disconnect between the countries driving the EU’s support and those that fear social unrest.

This week, EU diplomats staved off yet another Hungarian threat to the continuation of sanctions. This is a familiar pattern since 2014, when Russia first invaded Ukraine, but Brussels has never reversed its sanctions policy. Insofar as supporting Ukraine is concerned, Europe as a whole looks set to remain committed.

Secondly, the type of whole-of-government response that the EU has adopted entails locking in interdependence between policies and among EU members. Policymakers are, as I write, engaged in highly complicated negotiations over the complex and so far insufficiently integrated energy market. The solutions they will find are likely to strengthen mutual solidarity in the energy field, potentially laying the foundations of a belated energy union of sorts. Weaning Europe off Russian gas and accelerating the transition towards green energy cannot be reversed at the obstruction of one member state. These are structural and material shifts.

Thirdly, these policy choices are whole-of-government because of their spillover into other policy areas. The war has prompted a series of interconnected responses—energy and climate, migration and temporary protection of refugees, security and defense, food security and agriculture. In and of themselves, they may not be “game changers,” but they each contribute to locking in cooperation, making it harder to press the rewind button. This follows similar interdependencies that the EU’s response to the coronavirus pandemic underscored.

Without tracking the progress of each of these areas of EU activity, there is one common denominator that could sustain cooperation by necessity: footing the bill. The costs of the pandemic, the war effort, and the reconstruction of Ukraine will be exorbitant, and public debt is suddenly no longer a taboo. If the EU institutions and member states can use the opportunity to address the disjuncture between its monetary union and fiscal policies, it is even possible to imagine a strengthened EU emerging from the horrors of this war.

### eu unity impact – 1nc

#### EU’s useless.

**Vohra 24** [(Anchal Vohra, Anchal Vohra is a Brussels-based columnist at Foreign Policy who writes about Europe, the Middle East, and South Asia. She has covered the Middle East for the Times of London and has been a TV correspondent for Al Jazeera English and Deutsche Welle. She was previously based in Beirut and Delhi and has reported on conflict and politics from over two dozen countries.)"EU Parliament Elections: Populism and the Far Right." Foreign Policy, <https://foreignpolicy.com/2024/03/13/eu-parliament-elections-populism-far-right/>, 03-13-2024] TDI

Experts say any such shift will have major implications for the EU as a whole, tainting its recent promises to pursue a humane migration policy and to establish rule of law at home that encourages democratic checks and balances. An empowered far-right may also keep coordination on a common defense policy to the bare minimum in the face of a looming threat from Russian President Vladimir Putin. The EU’s flagship Green Deal climate framework, which has set a goal of net-zero carbon emissions by 2050, is also at stake, as the populists try to push the EU to erode its commitment to renewable energy development and other climate policies. Charlie Weimers, a member of the far-right Sweden Democrats that supports Sweden’s minority center-right government, said, his party’s priority is to push for a “Migration Pact 2.0,” with more stringent measures to stop the influx of immigrants than already listed in the new migration pact. “We need to stop asylum,” he told FP over the phone. “We need breathing space to deal with the immigrants already here otherwise we can never catch up.” Lega’s Campomenosi said, “it’s not about the money” but about the “trouble” immigrants make. (Under the new migration pact an EU member state which refuses to accept an asylum seeker should pay a sum of 20,000 euros to an EU fund.) “If there are too many immigrants they can’t be integrated,” he added. Three far-right parliamentarians told FP that with bigger numbers in Parliament they will be able to apply more pressure on the EU commissioner to throw out or dilute the green deal. It “needs to go away,” Joachim Kuhs, the acting head of the AfD delegation in EU which is polling as the second strongest party in Germany, told FP in his office in the parliament. “It should be repealed and replaced,” Weimers added. The liberal groups say the center-right has strengthened the far-right by co-opting its policies and forming alliances in individual member states. Pedro Marques, a vice president of the S&D group, said the EPP parties have been “eroding the Cordon Sanitaire,” erected to keep the far-right out of governments and important positions. “The EPP is dancing with the far right,” he added, **with grave consequences for the future of the union.** The cordon sanitaire is crumbling in many European nations. In Italy, the far-right is in power, in Sweden the center-right government is backed by the far-right. In Austria, center-right and far-right have been in a coalition, and the latter is polling ahead of all others in the run up to national elections. In France, Marine Le Pen is leading the polls, and in Germany, the conservatives have hinted at future cooperation at a regional level with the far-right AfD. The legitimization of the far-right isn’t limited to member states. Ursula Von Der Leyen, a member of the EPP and EU commissioner, has alluded to Meloni’s inclusion in her grouping. She said it wasn’t clear [which parties](https://www.politico.eu/article/von-der-leyen-wont-rule-out-working-with-right-wing-parties/) will remain in the ECR after the elections and which will leave, and “join EPP.” Hans Kundnani, writer of a book called Eurowhiteness, said the boundaries between the ID, ECR and the EPP have always been “very fluid.” “As soon as Meloni indicated she won’t be disruptive in the Eurozone, that she won’t be pro-Russian, centrist pro-European EPP said that’s great, we don’t mind,” Kundnani said. “The center right has no problem with far-right at all, they just have a problem with those who are Eurosceptic.” Experts say Von Der Leyen has often backed off on key policies to appease the far-right. Just over the last few months as the farmers protested against the provisions of the green deal, the far-right found another issue to mobilize against mainstream parties. During election season, Von Der Leyen quickly conceded and granted several concessions to the agriculture sector that will affect the 2050 net zero target. The best example of how the EU commissioner validated the far-right’s worldview, Kundnani argued, was when she created a post for an EU commissioner to promote a European way of life. “The big theme of the European far-right is that the immigrants threaten European civilization,” he said. When Von Der Leyen created the position, she framed “immigration as a threat to the European way of life,” and in doing so legitimized the far-right. It is unclear if co-opting the far-right’s talking points benefits the center right in keeping their traditional voters from moving towards populists, but there is an emerging consensus that it strengthens the radical right in the longer run. For its part, the far-right has moderated its own positions on many issues to appeal to the voters more to the center. The far-right parties say they are no longer calling for an exit from the EU, but merely to reform it from within. They say they back Ukraine and not Putin. Many parties on the far-right advocate return of border controls in violation of the EU’s founding principle of free movement of people and goods. Last year, the AfD described the EU as a “[failed project](https://www.euractiv.com/section/politics/news/german-far-right-party-calls-eu-a-failed-project/),’’ while [Sweden Democrats](https://www.reuters.com/world/europe/head-swedens-no-2-party-calls-rethink-relations-with-eu-2023-05-02/) said they had “good reasons to seriously reevaluate our membership in the union.” There is still a lingering suspicion that the rank-and-file members of the far-right parties harbor sympathy for Putin. Last month, Lega’s leader Matteo Salvini deflected when asked if he blamed Putin for Russian opposition leader Alexei Navalny’s sudden death. The parliamentarians of the ID and ECR with whom FP spoke expressly rejected Von Der Leyen’s proposal to appoint a dedicated defense commissioner to improve coordination among member states on matters of defense. “We say that we want to manage immigration in a humane way, we can do better to manage the borders,” added Marques of the S&D. In response to the far-right’s demand to externalize the screening of asylum seekers, he said it was difficult to find credible partners. “We did this agreement with the Tunisian authorities, but when we tried to go there to check the conditions, to see how European money will be spent, they said we don’t want your agreement anymore. These have to be credible partnerships.” The center-left S&D party simply dismisses the moderated stances of far-right parties as a charade. They believe the far-right simply wants the benefits of being in the union, not the costs that sometimes come with upholding its values. “They want an EU without the rule of law, without humanity,” Marques said. “That’s not what we built after the Second World War. They want to change the EU into something that it isn’t. Their values are not European.”

### ilaw internal – 1nc

#### No ilaw internal link – secondary sanctions don’t violate.

Fellmouth 23 [(Aaron Fellmouth, Dennis S. Karjala Professor of Law, Science, and Technology at the Sandra Day O'Connor College of Law) “Unilateral Sanctions Under International Human Rights Law: Correcting the Record”, <https://www.yjil.yale.edu/unilateral-sanctions-under-international-human-rights-law-correcting-the-record/#_ftn1>, 09-06-23] TDI

Thoughtful arguments have been made that international human rights law should be interpreted to regulate state activities that affect the human rights of persons in certain other situations,[59] which might include cases in which a state exercises an important influence over the human rights of persons outside of its territory and jurisdiction, without strictly controlling that person or the person’s immediate environment. Such arguments merit consideration, particularly in light of the increasing ability of states to exercise power and influence far beyond their borders. At present, however, they remain claims de lege ferenda, advanced by scholars, treaty monitoring bodies, and U.N. special rapporteurs in the hope of expanding the reach of state obligations to the point at which the obligations are commensurate with that state’s ability to project distant power. They are not statements of the prevailing lex lata. In any event, the Douhan Report advances no argument that such obligations would apply in any specific situation involving secondary sanctions, especially considering that the human rights effects of the sanctions on which the Report focuses are mediated by the decisions of autonomous private actors. The Douhan Report also asserts that customary international “prohibits a State from allowing its territory to be used to cause damage on the territory of another State.”[60] From the sic utere tuum principle, the Report appears to conclude that states are obligated to prevent private business organizations based in their territory from refraining from doing business in sanctioned countries. To support this unusual interpretation of international law, the Report cites only the International Covenant on Economic, Social, and Cultural Rights (“ICESCR”) and General Comment No. 24 of the Committee on Economic, Social and Cultural Rights (“GC24”). Assuming arguendo the General Comment’s advocacy of state extraterritorial obligations to prevent negative human rights by private corporations accurately reflects customary international law—an assumption that is not universally shared and that would entail extensive state obligations to foreign populations—GC24 in no way supports the conclusion drawn by the Report. In the first place, GC24 relates solely to the Committee’s interpretation of the Convention on Economic, Social and Cultural Rights, to which the United States—the main (indeed, nearly exclusive) target of the Douhan Report—is not a party. It is therefore irrelevant to a key focus of the Report. Second, the Douhan Report’s reliance on GC24 creates a potential self-contradiction. GC24 asserts that the extraterritorial obligations of states respecting economic, social, and cultural rights include taking “the steps necessary to prevent human rights violations abroad by corporations” in their territories.[61] It nowhere states that “human rights violations” by private enterprises encompass refusing to do business in a sanctioned state. Indeed, in interpreting GC24 in this manner, the Douhan Report faces an antinomy. If all states are obligated to ensure that their business organizations in no way contribute to human rights violations in foreign states, then that interpretation would equally encompass the obligation not to collaborate with state governments pursuing policies that pervasively violate the human rights of their nationals. Yet, the Douhan Report also claims that sanctioning states “negatively impact” human rights by blocking private firms from doing business in the sanctioned states, without reference to the human rights practices of the latter.[62] The Alleged Problem of Overcompliance The Douhan Report focuses primarily on what it terms overcompliance with unilateral sanctions, primarily by private actors such as banks, equipment exporters, and nongovernmental organizations with a humanitarian mission. Overclaiming about Overcompliance Although the Douhan Report asserts that overcompliance is “a widespread practice on a global scale,”[63] it does not cite actual evidence to support this assertion. As noted, there is evidence that overcompliance does occur and affects some humanitarian organizations. Whether it is “widespread” and “on a global scale” is less certain. All of the general sources the Report cites are other, equally unsupported assertions by third parties. The Report’s support consists primarily of bare assertions by a researcher[64]; a team of lawyers representing the regulated industries[65]; a single French legislator, to the effect that “all European businesses with economic and commercial interests in the United States had chosen to withdraw from” business with Iran[66]; and the Rapporteur herself.[67] These are not reliable and valid sources of evidence. Aside from an alleged confidential submission,[68] the Report cites a few anecdotal examples for empirical support. The first example relates to the Portuguese bank Novo Banco, which allegedly “declined to process payments for vital medicines and medical supplies ordered by the Bolivarian Republic of Venezuela as a result of sanctions imposed by the United States.”[69] The Report cites only a letter written by the Rapporteur herself, as well as other U.N. rapporteurs and experts, to third parties alleging that the bank had rejected payments. It cites no reply by the Venezuelan government nor any direct evidence. The letter mentions no evidence that (a) the denial of payment actually occurred as alleged, (b) unilateral sanctions motivated any such denial of payment, or (c) any such denial of payment was the result of overcompliance with the sanctions, as opposed to actual compliance. Nor does the Report or the letter provide any evidence that the alleged payments were actually intended for medicines or medical supplies. Indeed, the letter itself denies any certainty in the accuracy of its own allegations: “we do not wish to prejudge the accuracy of these allegations.”[70] In short, the anecdote is the Rapporteur’s own ipse dixit that, in turn, relies on what the Rapporteur herself admits are unverified allegations. The Report then cites a second example relating to the Swedish medical products manufacturer, Mölnlycke Health Care, which allegedly ceased selling difficult-to-source medical products to Iran due to overcompliance by banks unwilling to process payments to Iran.[71] The Report cites no firm evidence of these events, but instead relies on claims by the Iranian Center for International Criminal Law. The accuracy of anecdotal hearsay of this kind is impossible to judge, and the Report provides no reason for accepting its credibility. A third example is the widespread boycott of Russia and to some extent Belarus following the Russian invasion of Ukraine.[72] Although the Report’s allegation that “many large foreign companies” ceased business in Russia as a result of overcompliance with the rapidly imposed sanctions regime is plausible, the Report does not offer evidence showing that this change was caused by overcompliance rather than a voluntary desire not to commercially support an international aggressor, given the widespread public condemnation of Russia’s aggression and the evidence of its war crimes in Ukraine.[73] Nor does the Report explain how such boycotts violate human rights, aside from two alleged examples of Russian citizens in France who temporarily could not access funds due to sanctions. These two examples were drawn from a French weekly magazine self-described as satirical.[74] The remaining examples are of similar character and reliability, depending heavily on claims made by the sanctioned government and never making out a specific, authenticated case of human rights violations. At its most specific, the Report claims that unilateral sanctions sometimes make it difficult for individuals or companies in sanctioned countries, or having the nationality of a sanctioned country, to carry out certain financial transactions[75]—not itself a violation of any internationally protected human right—or to obtain food, water, and medical supplies, which assuredly could have some negative effect on the human rights of persons living in sanctioned countries. But there is a difference between a state having a negative obligation not to interfere with such human rights as sustenance or health care of persons in a foreign jurisdiction, and states having a positive obligation to protect the rights of persons in a foreign jurisdiction from privately-imposed obstacles, even those that indirectly result from the state’s own policies. Of course, there is widespread agreement among international human rights authorities that all human rights are positive.[76] Moreover, article 22 of the Universal Declaration of Human Rights can be read to recognize that all states have an obligation to cooperate in the fulfillment of economic, social, and cultural rights on a global level. Yet, even accepting this position, states are obligated only to take reasonable and proportional measures to protect these rights. Aside from the lack of support for the Report’s broad claims, as discussed above, alleging that unilateral sanctions indirectly and unintentionally make it more difficult for the sanctioned country to provide food and medicine to its population is not equivalent to alleging that the sanctioning state has violated international human rights law, even accepting that international human rights law imposes extraterritorial obligations of this nature. It is only when the state measure is disproportionate to a legitimate aim that the measure can be deemed to violate international human rights law, and that can be assessed only on a case-by-case basis for each sanction regime. A legal analysis of specific sanctions regimes and their effects on human rights would have been a worthwhile project, had the Report attempted it. The Connection Between Overcompliance and International Human Rights Law To argue that secondary sanctions violate international human rights law, the Douhan Report needed to show not only that the alleged negative effects on human rights actually occurred, but that they are attributable to the sanctions. It is difficult to see how this could be the case. According to the Report’s own definition and sole source of authority about overcompliance, a private entity’s decision to cease business with sanctioned countries and their nationals is a voluntary act, not one mandated by the sanctioning state. Notwithstanding some unsupported claims in the Report, it is not as if compliance with sanctions programs were impossible. The Report suggests that compliance, specifically with U.S. sanctions, is too difficult for “many institutions”: “the due diligence necessary to address risks with precision can be labour-intensive, time-consuming, costly and demand investigative expertise that many institutions lack,”[77] It is a fair point that some sanctions regimes are either detailed and require extensive internal compliance procedures, or are vague and leave some uncertainty. Yet, an “institution” wishing to comply with sanctions generally can reduce risks sufficiently by obtaining competent export counsel to comply with the applicable regulations.[78] Moreover, the “institutions” to which the Douhan Report refers are almost exclusively multinational enterprises, such as major banks. Although the Report claims that unilateral sanctions “entail prohibitive costs,”[79] it produces no evidence to support the claim that the costs are prohibitive to the typical regulated business organization. The idea that a multinational enterprise immersed in international trade or investment can comply with the complex tax laws and securities regulations of multiple countries, often enforced by criminal penalties, but complying with export controls is beyond its capabilities, is implausible. As noted, sanctions regimes may be complex or vague, but, writing as a former export regulatory lawyer who has represented both banking institutions and humanitarian relief organizations, overcompliance is a product of flawed decisionmaking by private actors, not generally something forced upon them by a government. Conclusion It is of course possible to critique coherently the consistency with customary international law of specific unilateral sanctions programs, as many have done. It is also possible that some such programs have sufficiently direct, negative effects on human rights to justify a well-formulated criticism of a specific program, or specific aspects of a program. Unfortunately, the Douhan Report does neither. It is based on selective and unreliable evidence to support arguments that are vague and speculative. Much of the report does not relate to human rights and is, therefore, irrelevant to the mandate itself. But its most damning shortcomings—aside from its mistaken claim about the consistency of unilateral sanctions with international law in general—is the basis of the report in the claims that states have extensive, positive, extraterritorial obligations under international human rights law toward non-nationals in foreign countries indirectly affected by the state’s policies. Such an aggressive interpretation of international law is unsupported by the relevant treaties, and the international community has never endorsed it with regard to customary international law in such broad terms. A carefully researched and written report based firmly on international law could have contributed usefully to the debate about unilateral sanctions. To be worthwhile, such a report would have to analyze the policies of the world public order to which unilateral primary and secondary sanctions contribute or detract, and it would draw its conclusions with specificity with regard to actual national sanctions programs and valid data about their effects on the enjoyment of human rights. A tremendous volume of research has been published about the inefficacy, or even counterproductivity, of certain sanctions regimes at achieving their stated purpose.[80] which suggests that even indirect and sporadic negative effects on human rights would be difficult to justify, if a strong case can be made for extraterritorial human rights obligations by the sanctioning state. Such careful analyses of specific sanctions regimes in light of international human rights law remains a project for the future.

#### Secondary sanctions violating the CIL is arbitrary.

Ruys and Ryngaert 20 [(Tom Ruys, Cedric Ryngaert, Tom Ruys is a professor of public international law at the Ghent University, Cedric Ryngaert is a professor of public international law at the Utrecht University,) “SECONDARY SANCTIONS: A WEAPON OUT OF CONTROL? THE INTERNATIONAL LEGALITY OF, AND EUROPEAN RESPONSES TO, US SECONDARY SANCTIONS,” Oxford University Press, <https://academic.oup.com/bybil/advance-article-abstract/doi/10.1093/bybil/braa007/5909823>, 5-2020] TDI

The analysis in this part is based on the concept of (state) jurisdiction under customary international law. The extent to which secondary sanctions engage, and possibly violate, more specific obligations under international law, in particular as laid down in WTO Agreements and bilateral trade and investment agreements, are addressed in Part IV. Secondary sanctions may also violate some general principles of international law, in particular the principle of non-intervention31 and the principle (or prohibition) of abuse of rights (abus de droit).32 These principles are vague, however, and it is unclear exactly how they might be applied in respect of secondary sanctions. For instance, precisely when an intervention unlawfully impinges on a foreign state’s sovereignty is notoriously difficult to define.33 Moreover, the principles of jurisdiction already constitute a specific manifestation of the principle of nonintervention. Insofar as secondary sanctions may potentially constitute an abuse of rights,34 in particular in cases of arbitrary or disproportionate application of sanctions legislation,35 it remains in the eye of the beholder what is arbitrary or disproportionate in a given case—an issue which has long dogged the related principle of jurisdictional reasonableness.36

### cil impact – 1nc

#### No CIL impact.

Joyner ’19 [Daniel; Professor of Law, University of Alabama Law School; J.D., Duke University School of Law; M.A. in political science, University of Georgia; Ph.D. in law, University of Warwick School of Law. “Why I Stopped Believing in Customary International Law.” Asian Journal of International Law, Volume 9] TDI

The problem is that we simply do not currently have a structural framework within the international legal system that can support this method of law creation in a manner that satisfies concerns about objectivity and empirical verifiability of that positivistic manifestation of affirmation and consent. And without this institutional structure, the black magic that stands in for identification of CIL in practice undermines the credibility of every assertion of CIL. It also, by extension, undermines the credibility of the international legal system itself.

#### Empirics clearly prove.

Payne ’15 [Keith; PhD, Professor and Head of the Graduate Department of Defense and Strategic Studies at Missouri State University. “US Nuclear Weapons and Deterrence.” https://www.airuniversity.af.mil/Portals/10/ASPJ/journals/Volume-29\_Issue-4/V-Payne.pdf] TDI

Realists in this regard are from Missouri, the “show me” state, and ask utopians to explain how, why, and when a powerful new cooperative international norm with corresponding international institutions will become a reality. Realists point to the unhappy history of the unmet claims and dashed hopes of the 1928 Kellogg-Briand Pact (intended to prevent offensive war by global legal agreement), the League of Nations, and the United Nations. To be sure, the future does not have to be bound by the past, but before moving further toward nuclear disarmament, realists want to see some clear evidence of the emerging transformation of the global order — not just the claim that it can occur if all key leaders are so willing, faithful, and visionary and can “embrace a politics of impossibility.”12 As the old English proverb says, “If wishes were horses, then beggars would ride.”

But has not everything changed in the twenty-first century? Has not the end of the Cold War ushered in a new global commitment to cooperation, the rule of law globally, and benign conflict resolution? The unarguable answer is no. Russian military actions against Georgia in 2008 and Ukraine since 2014 (the latter in direct violation of the 1994 Budapest Memorandum signed by Russia, Great Britain, and the United States) are sufficient empirical evidence to demonstrate that Thucydides’ stark description of reality is alive and well. China’s expansionist claims and military pressure against its neighbors in the East and South China Seas teach the same lesson.

Why is this reality significant in the consideration of nuclear weapons? Because in the absence of reliably overturning the powerful norm of raison d’État and Thucydides’ explanation of international relations, states with the capability and felt need will continue to demand nuclear capabilities for their own protection and, in some cases, to provide cover for their expansionist plans. To wit, if Ukraine had retained nuclear weapons, would it now fear for its survival at the hands of Russian aggression? Former Ukrainian defense minister Valeriy Heletey and members of the Ukrainian parliament have made this point explicitly, lamenting Ukraine’s transfer of its nuclear forces to Russia in return for now-broken security promises of the Budapest Memorandum.13

This lesson cannot have been lost on other leaders considering the value of nuclear weapons. Nor is it a coincidence that US allies in Central Europe and Asia are becoming ever more explicit about their need for US nuclear assurances under the US extended nuclear deterrent (i.e., the nuclear umbrella). They see no new emerging, powerful global collective security regime or cooperative norms that will preserve their security; thus, they understandably seek the assurance of power, including nuclear power. The Polish Foreign Ministry observed in a recent press release that “the current situation reaffirms the importance of NATO’s nuclear deterrence policy.”14 This reality stands in stark contrast to utopian claims that powerful new global norms and international institutions will reorder the international system, overturn Thucydides, and allow individual states to dispense with nuclear weapons or the nuclear protection of a powerful ally. As the Socialist French president Francois Hollande has said, “The international context does not allow for any weakness. . . . The era of nuclear deterrence is therefore not over. . . . In a dangerous world—and it is dangerous—France does not want to let down its guard. . . . The possibility of future state conflicts concerning us directly or indirectly cannot be excluded.”15 There could be no clearer expression of Thucydides’ description of international relations and its contemporary implications for nuclear weapons.

Opponents of the administration’s plan to modernize the US triad now double down on the utopian narrative by insisting that the United States instead lead the way in establishing the new global norm by showing that Washington no longer relies on nuclear weapons and does not seek new ones. Washington cannot expect others to forgo nuclear weapons if it retains them, they say, and thus it must lead in creation of the new norm against nuclear weapons by providing an example to the world. For instance, “by unilaterally reducing its arsenal to a total of 1,000 warheads, the United States would encourage Russia to similarly reduce its nuclear forces without waiting for arms control negotiations.”16 A good US example supposedly can help “induce parallel” behavior in others.17 If, however, the United States attributes continuing value to nuclear weapons by maintaining its arsenal, “other countries will be more inclined to seek” them.18

Nuclear realists respond, however, that the United States already has reduced its nuclear forces deeply over the last 25 years. America cut its tactical nuclear weapons from a few thousand in 1991 to a “few hundred” today.19 Moreover, US-deployed strategic nuclear weapons have been cut from an estimated 9,000 in 1992 to roughly 1,600 accountable warheads today, with still more reductions planned under the New START Treaty.20 The United States has even decided to be highly revealing of its nuclear capabilities to encourage others to do so, with no apparent effect on Russia, China, or North Korea.21 America has adhered fully to the reductions and restrictions of the 1987 Intermediate-Range Nuclear Forces Treaty — the “centerpiece of arms control” — but the Russians now are in open violation. As former undersecretary of state Robert Joseph stated recently, decades of deep US reductions “appear to have had no moderating effect on Russian, Chinese or North Korean nuclear programs. Neither have U.S. reductions led to any effective strengthening of international nonproliferation efforts.”22 Utopians want the United States to lead the world toward nuclear disarmament by its good example, but no one is following.

The basic reason, realists point out, is that foreign leaders make decisions about nuclear weaponry based largely on their countries’ strategic needs, raison d’État, not in deference to America’s penchant for nuclear disarmament or some sense of global fairness. A close review of India by S. Paul Kapur, for example, concluded that “Indian leaders do not seek to emulate US nuclear behavior; they formulate policy based primarily on their assessment of the security threats facing India.”23 The same self-interested calculation is true for other nuclear and aspiring nuclear states.

Nations that are a security concern to the United States seek nuclear weapons to intimidate their neighbors (including US allies), to counter US conventional forces, and to gain a free hand to press their regional military ambitions. They see nuclear weapons as their trump cards and do not follow the US lead in nuclear disarmament. A bipartisan expert working group at the Center for Strategic and International Studies concluded accordingly that “U.S. nuclear reductions have no impact on the calculus of Iran and North Korea.”24

## china advantage

### iran-china coop internal – 1nc

#### The fear of secondary sanctions makes Iran-China cooperation impossible.

Chaziza 20 [(Mordechai, Department of Politics and Governance, Division of Multidisciplinary Studies in Social Science, Ashkelon Academic College, Bar-Ilan University, Ashkelon, Israel) "The impact of US sanctions on Iran’s engagement and integration in the Belt and Road Initiative," Digest of Middle East Studies 29.2 (2020): 167-182, <https://onlinelibrary.wiley.com/doi/full/10.1111/dome.12215>, 10/23/2020] TDI

Following the U.S. withdrawal from the JCPOA, many major European companies ceased their activities in Iran and ended their cooperation with the country (Wald, 2019). This makes China the only major foreign investor in the country, and consequently, Tehran is expected to focus more on Beijing to attract foreign investment. Nevertheless, the Trump Administration's maximum pressure policy on Iran and the reimposed **secondary sanctions** since November 2018 have negatively **impacted Beijing's investments** and trade with Tehran. Officially, China announced that it will maintain normal economic and trade exchanges with Tehran despite Trump's decisions on withdrawing from the nuclear agreement and reimposing sanctions on Iran. Chinese President Xi Jinping declared in February 2019, “No matter how the international and regional situation changes, China's resolve to develop a comprehensive strategic partnership with Iran will remain unchanged” (Xinhua, 2019a). However, given the potential risk of being targeted by the American sanctions, only those **small- and medium-sized Chinese companies** with no presence in the Western markets and fewer ties with the global financial system are active in Iran.

According to the International Monetary Fund (IMF), from November 2018 to April 2019, Iran's export to China averaged $3.75 billion a month. From May 2019 to January 2020, Iran's export to China averaged $4.35 billion a month in that period, while China's imports from Iran, mainly crude oil, averaged $3.3 billion a month (International Monetary Fund, 2020). The trade data of 2018–2019 demonstrate a new **negative dynamic** in China-Iran trade under U.S. sanctions (from $35.9 billion in 2018 to $23 billion in 2019), and it is not yet conclusive as to whether these restrictions primarily reflect the decision to limit commerce to humanitarian trade. Ultimately, if **China remains** unwillingor **unable to sustain its investments** (which dropped between 2018 and 2019 to $3.6 billion compared 2016–2017 with $7.1 billion) and trade ties with Tehran in the face of U.S. sanctions, the **consequences will prove significant** to Iran's economic rehabilitation. More importantly, in the post-JCPOA era, the prospects for Iran's contribution to the BRI have become further complicated. The Trump Administration's maximum pressure policy and the reimposition of sanctions on Iran have increased the risks of economic interactions with Tehran for China. While the Chinese government is still committed to the JCPOA and the continuation of economic relations with Iran, **Chinese companies** that have considerable benefits in the United States are afraid of being punished by Washington. For instance, in April 2018, two major Chinese telecommunication companies, ZTE and Huawei, faced severe penalties from the United States over their trade ties with Iran (Zhong, 2018). The **U.S. sanctions have created new complexities in Iran-China commercial interactions** in general and particularly in their cooperation in the BRI.

2.4 | Energy cooperation Energy cooperation constitutes one of the key elements of the BRI framework and lays out extensive Chinese investment in the Iranian energy industry. Beijing offers Tehran a market for its energy exports and Chinese investment in its energy infrastructure; Iran, in turn, enables China to diversify its energy sources, so as not to be overly reliant on Saudi Arabia or Russia. Iran has some of the world's largest proven deposits of oil and natural gas. Tehran deposits contain an estimated 157 billion barrels of crude oil and a further 1,193 trillion cubic feet of natural gas deposits, making those the fourth- and second-largest deposits in the world, respectively (Hughes, 2015). The abundance of energy reserves, Iran's relative proximity to China, and its geopolitical location in the Middle East make Iran—one of the world's most important oil producers—an attractive partner for China, the world's largest energy consumer (Garver, 2006). Iran is the only country in the Middle East with the potential to meet part of China's oil and gas needs through both land and sea. Currently, all Iranian oil exports to China are conducted by sea, but Central Asia and Pakistan are two potential land routes that could connect Iran's energy resources to the Chinese market. Furthermore, Iran's location enables it to connect its energy infrastructure of the Middle East countries involved in the BRI. Tehran has already connected parts of its energy infrastructure to some of the other important Silk Road countries such as Turkmenistan, Turkey, and Pakistan. Development of the ties between Tehran and these countries in the form of separate trilateral cooperation initiatives with the participation and investment of Chinese companies could be regarded as another potential area for cooperation (Shariatinia & Azizi, 2017). In 2013, China was the most important buyer of Iranian oil and received about one-third of Iranian oil exports (Zhao, 2014). In the post-JCPOA era, almost all of Iran's oil exports go to China and Syria. According to Chinese Ambassador to Iran, Chang Hua, China is the only country that buys Iranian oil now (Reuters, 2019c). Iran, a close ally of Damascus, is heavily involved in the Syrian conflict and uses the country to continue the oil flow to its customers and bypass U.S. sanctions (Zalayat, 2019). In the first quarter of 2020, according to the latest data by tanker tracking companies, Iran exports just 170,000 barrels a day, with China taking 82,000 barrels and the rest going to Syria (Radio Farda, 2020). China is predicted to remain the world's largest energy consumer until approximately 2030. By then, its consumption growth rate is expected to decline due to its stringent fuel economy standards and the increased presence of electric cars on China's highways. In the meantime, China is wasting no time in availing itself of Iran's energy resources. China's demand for oil imports is expected to grow from 6 million barrels per day (bpd) to 13 million bpd by 2035, and Iran is considered a reliable supplier (Ghoshal, 2016). Iran needs to attract $105 billion investment to replace the old technology and raise the oil production to 5 million barrels of oil per day by 2020 (GOV.UK, 2020). The National Iranian Oil Company (NIOC) currently has 515 projects as well as 88 megaprojects and 2000 subprojects on its agenda (Iranian Petro-Energy Information Network, 2017). The most important Chinese investment in the Iranian energy sector was made in the JCPOA era, when a $4.879 billion contract was signed between the NIOC, and a consortium consisted of Total (a French multinational integrated oil and gas company), CNPC, and Iran's Petropars, for the development of phase 11 of South Pars Gas Field, the world's largest gas field. The project will have a production capacity of 400,000 bpd. The contract provisioned a 50.1% and a 30% share for Total and CNPC, respectively, with Petropars enjoying the remaining 19% (Total, 2017). However, shortly after the U.S. withdrawal from the JCPOA, total announced its continuation in the project would depend on whether it could secure a sanctions waiver from Washington. As a result, the Iranian oil ministry announced that Total's share in the contract would be handed over to CNPC (Press TV, 2018). President Trump's decision to withdraw from the JCPOA and to reimpose sanctions includes measures meant to punish any international company that does business with Iran's oil sector. The idea, according to Secretary of State Mike Pompeo, is to eventually reduce Iranian oil exports to zero. Just a few days before the reimposition of secondary sanctions in November 2018, China was among eight countries that received a Significant Reduction Exemption (SRE) from the U.S. government. The SRE permitted the continued importation of Iranian oil, if the proceeds of Tehran's sales were exclusively used for the purchase of humanitarian goods, such as foodstuffs and medicine (Bourse & Bazaar, 2019). The Chinese response to the new round of unilateral sanctions has been tepid and, to some extent, unsatisfactory to both the United States and Iran. Beijing partially filled the vacuum left by European companies forced to abandon Iran but suspended its operations at the South Pars gas field project and minimized support and services to North Azadegan and Masjid-i-Sulaiman (Calabrese et al., 2018). From January 2017 through September 2018, Beijing imported at least 630,000 bpd from the Islamic Republic. In anticipation of the U.S. sanctions on Iran's oil sector in November 2018, China reduced its purchases of Iranian oil by about two thirds in October 2018. China was one of the eight countries that received waivers allowing them to purchase Iranian oil for 180 days. Beijing's waiver allowed it to import 360,000 bpd, but China resumed imports of at least 390,000 bpd in November. By March 2019, China was importing over 613,000 bpd, and in April its imports reached 800,000 bpd or more as the waiver period drew to a close. By May 2019, the U.S. waiver ended; Beijing at first stopped importing Iranian oil, but soon resumed taking shipments. Reports suggest that China imported between 163,000 and 186,000 bpd in June, 101,000 and 226,000 bpd in July, and 105,000 and 186,000 bpd in August 2019 (Katz, 2020).

CNPC convinced the U.S. administration that it needed to continue investing in the North Azadegan and Masjid-i-Suleiman (MIS) oilfields to recoup the billions of dollars spent under buyback contracts signed years ago. In December 2018, however, CNPC decided to **suspend its investment in Iran's South Pars** natural gas project in response to U.S. pressure and to minimize tensions amid trade negotiations between Beijing and Washington. South Pars is the world's largest gas field, and CNPC’s investment freeze is **a blow to Tehran's efforts** to maintain financing for energy projects. Iran had 120 days to review CNPC’s role in South Pars and decide whether to keep the Chinese firm as a dormant investor or cancel the deal, but so far, no decision has been made (Chen, 2018). Prior to the expiration of the SREs, China had stockpiled 20 million barrels of Iranian oil at its Dalian port, and importation of that oil apparently is not counted until it clears customs checkpoints. The Islamic Republic sent the oil to Dalian ahead of the reintroduction of U.S. sanctions last November 2018, as it looked for alternative storage for a backlog of crude at home. The oil is being held in bonded storage tanks at the port, which means it has yet to clear Chinese customs (Chen & Tan, 2019). Chinese officials have publicly stated that they have no intention of following Washington's demands to stop importing Iranian oil completely, and also agreed to refrain from increasing its oil purchases from Iran. Chinese oil companies (e.g., Sinopec) have made arrangements to keep Iranian oil flowing after U.S. sanctions come into force (Paraskova, 2018). For example, they have switched to using Iranian tankers to deliver the oil, to sidestep sanctions and **reduce their own risk** (Tan, 2018). Meanwhile, the reimposition of U.S. sanctions helped China secure deep discounts on Iranian oil, while selling Chinese goods to Tehran at inflated prices paid from the restricted Iranian oil funds sitting in escrow accounts at Chinese banks (Rogin, 2018). The Trump administration has begun to sanction Chinese economic entities more frequently for transactions with Iran. In July 2019, the U.S. imposed economic sanctions on Chinese stateowned Zhuhai Zhenrong oil trading company and its chief executive, Li Youmin, for buying Iranian oil in violation of an American ban. Zhuhai Zhenrong and Sinopec are the two main Chinese companies that import Iranian oil. This was the first time the Trump administration has penalized a Chinese company and executive for defying U.S. sanctions (Wong,  2019). In September 2019, the Trump administration further imposed sanctions on five Chinese individuals and two Chinese COSCO Shipping Corp subsidiaries, accusing them of shipping Iranian crude oil. In October 2019, U.S. officials were concerned that Chinese ships were turning off their automatic identification systems, used by vessels to transmit their location, so that their movements to and from Iran were hidden. The Trump administration warned carriers that they faced punishment if caught violating sanctions on Iranian oil. COSCO Shipping Tanker (Dalian) drew U.S. attention after nearly a third of its fleet stopped transmitting locations via the automatic identification system (Al-Jazeera, 2019). In the previous sanctions period between 2008 and 2016, Chinese businesses and companies significantly expanded their commercial presence in Iran, stepping in as Western companies exited the market (Scita, 2019). Chinese policy on the sanctions against Iran changed from the first to the second round of sanctions. China's decision was informed, at least in part, by the shift in the nature of the sanctions; the first round of sanctions was under the United Nations mandate, whereas the second round of sanctions is unilateral American.

In the face of U.S. **maximum pressure** policy, Iran's government had hopes that China would continue to purchase crude oil in high volumes and invest in energy development projects as a mechanism to “offset” pressure from the United States as Iran typically aims to do (Shahvar, 2020). However, the Bank of Kunlun, the state-owned bank and the key Chinese conduit for transactions with Iran, decided in October 2018 to **suspend most financial transactions** with Iran. Even before the sanctions came into effect, the Bank of Kunlun had stopped handling euro-dominated payments from Tehran. The bank, a subsidiary of the CNPC, is the main channel for money flows between the two countries; in 2012, **it faced U.S. sanctions** for doing business with Iran and for transferring money to an Islamic Revolutionary Guard Corps (IRGC) linked group (Chen & Shu, 2018).

Although the Bank of Kunlun resumed trade in January 2019, the bank announced a new policy that it would only service trade which was exempt from U.S. secondary sanctions. This means to trade in food, medicine, and consumer goods, for which China is **not Iran's leading source of imports**. The Bank of Kunlun's move is consistent with the terms of the oil waiver, which requires Iran's earnings to be paid into an escrow account and to be used exclusively for non-sanctioned bilateral trade (Bourse & Bazaar, 2019).

China is a **major factor** in the effectiveness of any U.S. sanctions regime on Iran because it remains Iran's **largest oil customer**. Europe has made efforts (mostly rhetoric) to assert its economic sovereignty and preserve the nuclear deal. It even went so far as establishing a new state-owned trade financial intermediary, INSTEX, to avoid violating U.S. sanctions, yet, it has **only been able to make one transfer**. China has made no overt, legal effort to shield its oil trade from the long arm of American law. **The extent to which China and Iran further develop their economic ties and energy cooperation will have important enduring consequences for the BRI**. In the face of U.S. maximum pressure policy and sanctions, **Iran cannot play a central role** in the economic and geostrategic objectives that China seeks to achieve through the BRI.

Thus, while European oil companies have explored ways to circumvent U.S. sanctions or seek waivers**, the threat of sanctions** is likely to scare away many foreign companies from doing business in Iran. This will leave a void that Chinese oil companies are likely to fill and gain a near monopoly in the Iranian energy sector. This can also cause Tehran to become more amenable to China's BRI. While these moves follow the common pattern of Chinese foreign policy, most notably Beijing's willingness to take more significant risks and conduct business in shunned nations, they have wider implications for its relations with the U.S. Beijing seems to lack the political will to fully challenge the U.S. sanctions on Iran by increasing the quantity and quality of its presence in the Iranian energy sector (Scita, 2019).

### cooperation impact – 1nc

#### No axis – ideological differences, lack of focus, Ukraine, and India make it conceptually illegible.

Winter 24 [(Lucas Winter, Lucas Winter is the senior Middle East analyst at the U.S. Army’s Foreign Military Studies Office, part of the U.S. Army’s Training and Doctrine Command G-2)" The Axis Off-Kilter: Why an Iran-Russia-China “Axis” Is Shakier than Meets the Eye" War on the Rocks, https://warontherocks.com/2024/04/the-axis-off-kilter-why-an-iran-russia-china-axis-is-shakier-than-meets-the-eye/, 4-19-2024] TDI

The Limits of Naval Cooperation While the ideological bases for a trilateral axis are theoretically in place, in practice, the most frequently invoked example of the axis’ existence is less than the sum of its parts. Specifically, the trilateral naval drills in the Arabian Sea — the sole public instance of trilateral military coordination — remain largely performative. Alone, they are unlikely to increase trilateral interoperability in any meaningful way. Still, the fact that these exercises have occurred with some regularity is indicative of a desire by all three parties, even if symbolic, to project an image of trilateral coordination. Militarily, there is no indication that these exercises — or past editions — are intended to simulate a complex coordinated operation. Instead, they involve fairly standard tactical-level maritime exercise activities and have hardly changed in this focus over the years. The 2024 edition, called “Security Bond–2024” (or alternatively “Maritime Security Belt 2024”) was focused primarily on “firing at sea and armed rescue of hijacked merchant vessels.” Previous iterations of the exercises were similarly focused on simulated hijacked vessel rescue operationsand nighttime target shooting. The types of Russian and Chinese vessels involved in these exercises have changed little over the years. In addition to the limited nature of what the exercises are, it is also instructive where they are. It is noteworthy that the Arabian Sea remains the sole area of operations where this “trilateralism” comes to life. This is no coincidence: The Arabian Sea is one of the few spaces where all three core elements of a potential axis mentioned above — challenging the U.S.-led order, facilitating economic partnerships, and shoring up security — converge in one place. In this particular environment, each country prioritizes these elements to different degrees. Russia sees the exercises as a means of moving forward its “Collective Security in the Persian Gulf” agenda, which was unveiled a few months before the first edition of trilateral exercises occurred in 2019. The exercises also play a role in furthering Moscow’s goal of becoming a “great maritime power,” which, as detailed in its 2022 naval doctrine, involves establishing a naval presence in the Persian Gulf. For Iran, the host nation, security is at the forefront, and the exercises respond to a desire for strengthened naval projection capabilities in the increasingly contested Indian Ocean region. For China, the exercises enhance the projection of its naval escort taskforce in the Gulf of Aden, which, along with a naval base in Djibouti, give Beijing a limited but permanent naval presence in this strategic corridor through which the majority of its oil is transported. In short, while the exercises are of limited relevance to strengthening interoperability between the three navies, each participant has specific, if limited, needs met through participating. Individual Challenges Beyond the fact that the naval exercises themselves are weaker as a means of trilateral cooperation than are often portrayed, a closer inspection reveals that each state brings to the table its own distinct issues that hinder the formation of such a more formalized trilateral axis. One of the greatest impediments from the Iranian side is the fact that Tehran is pushing for a broader security cooperation coalition than the other two seemingly feel comfortable with. Although it is the newest member of the Shanghai Cooperation Organization, Tehran has been an ardent proponent of fundamentally refocusing the organization to serve as a conduit for greater military cooperation amongst all states. Immediately after Iran became a full member, Minister of Defense Brigadier General Mohammad-Reza Ashtiani declared that the “[Shanghai Cooperation Organization] member states share the responsibility for designing a new world order.” He called for the establishment of a “Shanghai Maritime Security Belt” — a new military zone that would protect trade between members. Though this has not materialized, the proclamation, if embraced, would have been indicative of a fundamental shift of the organization’s raison d’être,reorienting it from its founding focus on combating what China describes as “the Three Evils” — terrorism, separatism, and extremism — and toward protection against external state threats. Tellingly, neither Russia nor China has addressed this proposal publicly. Indeed, for China, one of the biggest stumbling blocks to the creation of a formal alliance with Iran and Russia is, quite simply, it does not want one, at least in the way desired by Iran. First, Iran’s bravado in likening its cooperation with Russia and China to “a new NATO” is diametrically opposed to China’s preferred approach. Successive Chinese leaders, including Xi Jinping, have eschewed deep, binding security alliances. Second, for China, membership in an overtly anti-Western bloc with two global pariahs would fly in the face of its desire to explicitly avoid pursuing (or being perceived as pursuing) a full break with the United States. Given its significant “equities in the current international system,” China is likely reluctant to engage in an explicit counter-order that leads to a more severe rupture with Washington. After all, it was Beijing’s desire to avoid being perceived as part of an overtly anti-U.S. bloc that caused China to hesitate granting Iran full membership in the Shanghai Cooperation Organization for over a decade. Russia’s challenge to the emergence of such a trilateral axis is not a lack of interest, but rather a lack of focus. Since its full-scale invasion of Ukraine, Moscow has been too overwhelmed to be a reliable partner. An illustrative example is Russia’s repeated failure to deliver the Su-35s that Iran had purchased. Another challenge that Russia brings to a would-be trilateral alliance is its reluctance to step in on Iran’s behalf in all circumstances. For instance, Russia has shown a limited willingness to push back against Israel’s ongoing attacks on Iranian facilities and personnel in Syria. There are, in other words, already clear limits to how far Russia is willing to extend its support for Iran. A final challenge is that China diverges from Russia and Iran on its perspective on India’s role in all this. Indeed, both Iran and Russia appear to want something more than a trilateral alliance with China: Instead, they arguably seek a quadrilateral alliance that would include India and that would theoretically exert overwhelming influence throughout Eurasia. The Primakov doctrine, for example, names China and India explicitly as the powers with which Russia cooperates against the United States through a “strategic triangle.” Iran, meanwhile, looks favorably on both Russia and India as providing the means to bolster its economy, via participation in the International North-South Transport Corridor, in the face of Western sanctions. A trilateral alliance that excludes or antagonizes India, in short, is unlikely to gain much traction in Moscow or Tehran. Beijing, by contrast, is not on board with inviting India into this tenuous axis. At present, China and India are increasingly competing for influence in South Asia. India has begun “flexing its naval power” in the Indian Ocean, deploying ships to its backyard to demonstrate to China that it does not have a monopoly on patrolling the region. The tensions extend to the naval exercises themselves: Following the first Russia-China-Iran trilateral in December 2019, a deadly border skirmish in 2020 led China and India to refuse invitations to participate in the second edition in early 2021. (In the end, only Russia and Iran participated in the 2021 exercises, which proved to be largely inconsequential.) Tellingly, India hosted multilateral naval exercises in February 2024, which included, among others, Russia and Iran, as well as the United States. China was not invited. Finally, the ongoing Israel-Hamas war underscores the fact that where there does appear to be trilateral coordination, it is often limited to rhetorical alignment and nonmilitary diplomacy that is not exclusive to the trilateral grouping. Russian and Chinese narratives on Gaza, for instance, largely mirror those of Iran — critical of Israel and supportive of Hamas. Russian and Chinese officials have both met with Hamas leaders. When it comes to Gaza-related resolutions, the two countries have voted in tandem at the United Nations Security Council. Yet these rhetorical and diplomatic positions are hardly limited to members of the purported trilateral axis, but rather reflect a deeper global divide from which Russia and China seek to capitalize. Although ties between Israel and both Russiaand China have frayed as a result of these positions, both countries seek to preserve their positive relations with Israel, and neither has assisted Hamas on the battlefield. The strengths and limits of trilateral coordination have also been on display in the Red Sea. In late January, China reportedly expressed its displeasure with Houthi anti-ship attacks and asked Iran to help rein them in. In mid-March, the Houthis purportedly struck a formal deal to not target Russian or Chinese vessels off Yemen’s coast. Days later, though, Houthi anti-ship ballistic missiles struck a Chinese merchant vessel, likely by mistake.

#### Domestic politics overwhelm.

Rossoukh 24 [(Ramyar D. Rossoukh interviewing Gary Samore, Professor of the Practice of Politics, Department of Politics, Brandeis University)" Iran’s Eastward Turn to Russia and China" No Publication, https://www.brandeis.edu/crown/publications/crown-conversations/cc-22.html, 5-20-2024] TDI

What do you see as the biggest challenges to the Iran-Russia and Iran-China partnerships moving forward? Habibi: Iran’s domestic politics could pose a challenge. I’m sure both China and Russia are monitoring domestic politics in Iran because there is a very strong divide between the sentiments of the ruling elite and ordinary people towards relations with China and Russia. This divide is visible whenever there is news of an agreement between the two countries. For example, in 2021, when Iran and China signed a 25-year comprehensive strategic partnership, the government and its supporters were very vocal in pointing out the benefits of this agreement for Iran. On the other hand, ordinary people were skeptical and expressed concerns that the agreement would allow China to exploit Iran and compromise its sovereignty. In addition, there was even pushback from some factions within the regime who claimed that the agreement was biased in favor of China. Although China and Russia have close relations with the Iranian government at present, a significant shift of power within the regime or a major political upheaval can lead to a reversal or significant revision in these relations. Since both Russia and China are fully aware of this divide, even if they remain neutral in Iran’s external conflicts, Russia, in particular, might have an incentive to help preserve the Iranian regime in the same way that it has helped preserve Bashar al-Assad in Syria. The reason for this is that Russia’s long-term strategy in the Middle East requires the continuation of its strategic cooperation with Iran, or at least with an Iran that does not have good relations with the United States. Samore: The other sort of immediate challenge to the relationship that Nader referred to is that both Russia and China want to maintain good relations with other countries in the region, especially Saudi Arabia and the UAE. So, Russia and China have to be careful not to provide things to Iran or cooperate with Iran in ways that antagonize Abu Dhabi and Riyadh. This limits their freedom of maneuver in terms of what they are prepared to do, and that may leave Iran dissatisfied that they’re not getting as much as they want. Russian military sales to Iran are a good example because the weapons that Russia provides to Iran for self-defense can also be used offensively against the Arab states of the Gulf. Grajewski: Russia doesn’t have a strong economic partnership with Iran. That’s partly because they export and import similar products. As a result, the countries haven’t really been able to fulfill some of their economic proposals. A lot of their bilateral economic dealings just result in memoranda of understanding (MOUs), which don’t go anywhere. And one other thing that is actually quite interesting from the perspective of the war in Ukraine is that Russia is now competing with Iran on the black market for oil exports and actually using former Iranian illicit tankers to compete for markets in China and also in India, which introduces a new competitive dynamic that may intensify existing tensions. Samore: I agree with that. I just have one thing to add. I don’t think Iran expects Russia to help defend them. If it did come to a conflict, the Iranians would be on their own. The Russians are in no position to intervene in another conflict. They have their hands full in Ukraine. From the Iranian standpoint, what they are looking for from Russia is weapons and military technology. They don’t expect a mutual defense pact. I also think it’s extremely unlikely that the Iranians are going to give Russia military bases in their country, but I would be interested to hear Nicole’s view on this. Grajewski: There have been rumors coming from the Iranians that in some of the negotiations for the renewal of the Russia-Iran treaty on bilateral relations, which is an updated version of an old treaty meant to serve as an analog to the 25-year partnership between China and Iran, the Iranians might offer Russia a base. But that’s a big sore spot for Iran domestically and is forbidden in its constitution. When the Russians were using an air base for refueling during the Syrian civil war, the Iranians were so upset that Iran’s Parliament essentially kicked the Russians out. So, I don’t see the Iranians offering Russia any kind of military presence, but they might be willing to accept Russia’s covert support on some of these issues or technological transfers.

### cyber impact – 1nc

#### No catastrophic cyberattacks.

Lewis ’20 [James; Senior vice president & director of the Technology Policy Program, Center for Strategic and International Studies. “Dismissing Cyber Catastrophe.” https://www.csis.org/analysis/dismissing-cyber-catastrophe] TDI

A catastrophic cyberattack was first predicted in the mid-1990s. Since then, predictions of a catastrophe have appeared regularly and have entered the popular consciousness. As a trope, a cyber catastrophe captures our imagination, but as analysis, it remains entirely imaginary and is of dubious value as a basis for policymaking. There has never been a catastrophic cyberattack.

To qualify as a catastrophe, an event must produce damaging mass effect, including casualties and destruction. The fires that swept across California last summer were a catastrophe. Covid-19 has been a catastrophe, especially in countries with inadequate responses. With man-made actions, however, a catastrophe is harder to produce than it may seem, and for cyberattacks a catastrophe requires organizational and technical skills most actors still do not possess. It requires planning, reconnaissance to find vulnerabilities, and then acquiring or building attack tools — things that require resources and experience. To achieve mass effect, either a few central targets (like an electrical grid) need to be hit or multiple targets would have to be hit simultaneously (as is the case with urban water systems), something that is itself an operational challenge.

It is easier to imagine a catastrophe than to produce it. The 2003 East Coast blackout is the archetype for an attack on the U.S. electrical grid. No one died in this blackout, and services were restored in a few days. As electric production is digitized, vulnerability increases, but many electrical companies have made cybersecurity a priority. Similarly, at water treatment plants, the chemicals used to purify water are controlled in ways that make mass releases difficult. In any case, it would take a massive amount of chemicals to poison large rivers or lakes, more than most companies keep on hand, and any release would quickly be diluted.

More importantly, there are powerful strategic constraints on those who have the ability to launch catastrophe attacks. We have more than two decades of experience with the use of cyber techniques and operations for coercive and criminal purposes and have a clear understanding of motives, capabilities, and intentions. We can be guided by the methods of the Strategic Bombing Survey, which used interviews and observation (rather than hypotheses) to determine effect. These methods apply equally to cyberattacks. The conclusions we can draw from this are:

* Nonstate actors and most states lack the capability to launch attacks that cause physical damage at any level, much less a catastrophe. There have been regular predictions every year for over a decade that nonstate actors will acquire these high-end cyber capabilities in two or three years in what has become a cycle of repetition. The monetary return is negligible, which dissuades the skilled cybercriminals (mostly Russian speaking) who might have the necessary skills. One mystery is why these groups have not been used as mercenaries, and this may reflect either a degree of control by the Russian state (if it has forbidden mercenary acts) or a degree of caution by criminals.
* There is enough uncertainty among potential attackers about the United States’ ability to attribute that they are unwilling to risk massive retaliation in response to a catastrophic attack. (They are perfectly willing to take the risk of attribution for espionage and coercive cyber actions.)
* No one has ever died from a cyberattack, and only a handful of these attacks have produced physical damage. A cyberattack is not a nuclear weapon, and it is intellectually lazy to equate them to nuclear weapons. Using a tactical nuclear weapon against an urban center would produce several hundred thousand casualties, while a strategic nuclear exchange would cause tens of millions of casualties and immense physical destruction. These are catastrophes that some hack cannot duplicate. The shadow of nuclear war distorts discussion of cyber warfare.
* State use of cyber operations is consistent with their broad national strategies and interests. Their primary emphasis is on espionage and political coercion. The United States has opponents and is in conflict with them, but they have no interest in launching a catastrophic cyberattack since it would certainly produce an equally catastrophic retaliation. Their goal is to stay below the “use-of-force” threshold and undertake damaging cyber actions against the United States, not start a war.

This has implications for the discussion of inadvertent escalation, something that has also never occurred. The concern over escalation deserves a longer discussion, as there are both technological and strategic constraints that shape and limit risk in cyber operations, and the absence of inadvertent escalation suggests a high degree of control for cyber capabilities by advanced states. Attackers, particularly among the United States’ major opponents for whom cyber is just one of the tools for confrontation, seek to avoid actions that could trigger escalation.

The United States has two opponents (China and Russia) who are capable of damaging cyberattacks. Russia has demonstrated its attack skills on the Ukrainian power grid, but neither Russia nor China would be well served by a similar attack on the United States. Iran is improving and may reach the point where it could use cyberattacks to cause major damage, but it would only do so when it has decided to engage in a major armed conflict with the United States. Iran might attack targets outside the United States and its allies with less risk and continues to experiment with cyberattacks against Israeli critical infrastructure. North Korea has not yet developed this kind of capability.

One major failing of catastrophe scenarios is that they discount the robustness and resilience of modern economies. These economies present multiple targets and configurations; they are harder to damage through cyberattack than they look, given the growing (albeit incomplete) attention to cybersecurity; and experience shows that people compensate for damage and quickly repair or rebuild. This was one of the counterintuitive lessons of the Strategic Bombing Survey. Pre-war planning assumed that civilian morale and production would crumple under aerial bombardment. In fact, the opposite occurred. Resistance hardened and production was restored.1

This is a short overview of why catastrophe is unlikely. Several longer CSIS reports go into the reasons in some detail. Past performance may not necessarily predict the future, but after 25 years without a single catastrophic cyberattack, we should invoke the concept cautiously, if at all. Why then, it is raised so often?

Some of the explanation for the emphasis on cyber catastrophe is hortatory. When the author of one of the first reports (in the 1990s) to sound the alarm over cyber catastrophe was asked later why he had warned of a cyber Pearl Harbor when it was clear this was not going to happen, his reply was that he hoped to scare people into action. "Catastrophe is nigh; we must act" was possibly a reasonable strategy 22 years ago, but no longer.

### red sea impact – 1nc

#### No impact to the Red Sea

**Brew 24** – [Gregory Brew is a Henry A. Kissinger Postdoctoral Fellow at International Security Studies and the Jackson Institute for Global Affairs at Yale University, “RED SEA SHOCKS AND THE NEW MORE STABLE NORMAL”, War on the Rocks, https://warontherocks.com/2024/02/red-sea-shocks-and-the-new-more-stable-normal/, February 23, 2024] TDI

Though the Red Sea crisis has disrupted the shipping of goods and increased costs for some companies, **it has not produced a meaningful shock to energy prices or disrupted the available supply of energy products.**

When the Houthis began attacking commercial maritime traffic in mid-December, the response from container **shipping was near instantaneous**. Within a month, three-quarters of container traffic was avoiding the Red Sea, opting for the longer, pricier, but safer route around Africa. Before long, however, energy companies began to follow suit, though they did not do so in unison. While Middle East and Russian oil continued to transit the Red Sea, Western firms feared attack from the Houthis and opted for the Africa route — or, in some cases, chose different markets for their products. By February, tanker traffic through the Bab al-Mandeb had fallen by roughly 50 percent.

Despite this, the reaction from oil markets — and from the energy industry in general — **has been muted**. There are several reasons for this. First, it’s important to note that while the Red Sea is a conduit for energy supplies, it is far from the most important. Crises in the Middle East are often presumed to affect oil, but most of the region’s energy flows out of the Persian Gulf and through the Strait of Hormuz, an area which has remained outside the regional crisis.

Part of this is down to market dynamics. The Persian Gulf, which still accounts for a third of global production and half of proven oil reserves, sends the majority of its supply east, to China and the energy-starved industrial economies of northeast Asia. This channel, which accounts for a third of all the seaborne oil trade in the world, is likely to become more important. India and other emerging markets in the eastern hemisphere are expected to provide most of the world’s remaining oil demand growth, at least before the energy transition and market maturation bring peak oil demand at some point in the next 10 to 20 years. Middle East producers feel confidant that the Houthis won’t target their ships, but they also don’t care as much about the Red Sea as much as, say, the Taiwan Strait.

### bri internal – 1nc

#### The BRI is terminally dead and unsustainable.

Lu 23 [(Christina Lu, a reporter at Foreign Policy) "Xi's Belt and Road Is Running Out of Steam," archive.is, https://archive.is/20230806163857/https://foreignpolicy.com/2023/02/13/china-belt-and-road-initiative-infrastructure-development-geopolitics/, 8-5-2018] TDI

Nearly a decade after its inception, momentum behind China’s sweeping Belt and Road Initiative (BRI) appears to be slowing as lending slumps and projects stall—forcing Chinese President Xi Jinping to again rethink a floundering initiative that he once hailed as his “project of the century.”

After doling out hundreds of billions of dollars, experts say China’s lending for BRI projects has plummeted, largely a casualty of the COVID-19 pandemic and the country’s own economic slowdown. Support has also waned as partner countries drown in debt and fractures emerge—literally—in projects, fueling usncertainty about the future of the sprawling initiative. In 2022, 60 percent of China’s overseas lending went to borrowers in financial distress, compared to just 5 percent in 2010, said Bradley Parks, the executive director of the AidData research group at the College of William and Mary.

“At its peak, it was really looked at as the centerpiece of China’s economic engagement with the rest of the world,” said Scott Kennedy, an expert in Chinese business and economics at the Center for Strategic and International Studies. Now, he said, it is a “shadow of its former self.”

Xi launched the BRI in 2013 as an ambitious infrastructure development campaign that would span more than 140 countries and export China’s industrial overcapacity, boosting China’s diplomatic clout and enhancing its global influence. Given its sheer scale and scope, many referred to it as China’s version of the Marshall Plan—only bigger and bolder. But Beijing’s vision has also been murky, intensifying scrutiny and controversy over the initiative and the contracts involved.

“No one really knows for sure what Beijing is trying to get out of it,” said Michael Kugelman, the deputy director of the Asia program at the Wilson Center and the writer of Foreign Policy’s South Asia Brief. “That sort of has lent this mystique to it that has led to a significant amount of suspicion, particularly from those governments that worry about China’s rise.”

Instead of a sleek geopolitical campaign, researchers describe the BRI as a decentralized jumble of deals and projects that all loosely fall under the same banner of infrastructure development. Hong Zhang, who researches Chinese public policy at the Harvard Kennedy School, said that the BRI should be seen as a slogan, not a single program. “A lot of things were happening in the name of Belt and Road,” she said, adding: “Beijing has little control over things going on on the ground.”

China’s lending had already slipped before COVID-19 hit, a trend that was accelerated by the pandemic’s fallout and then China’s own economic slowdown. For many countries, taking on Chinese loans also quickly became unsustainable—particularly after Russia’s invasion of Ukraine drove up prices in the global marketplace—stoking backlash against Beijing’s lending habits.

One of the most glaring examples is Sri Lanka, which defaulted on a mountain of debt last year as it grappled with a spiraling economic crisis. But cracks emerged far earlier: After struggling to cough up enough money to Beijing in 2017, it signed over the rights to a strategic port, fueling alarm of the dangers of China’s lending practices. In Pakistan, which owes nearly one-third of its foreign debt to China, protests have erupted around a major port project. And in recent weeks, debt-laden Zambia has been tensely wrangling a restructuring plan with China, its biggest bilateral creditor.

The BRI has “fallen on hard times,” Kugelman said. “I think that many, many countries have realized that they simply don’t have the luxury of an economic structure that can withstand the type of loans that have been coming in from China for so long.”

Some of that can be attributed to the haphazard way in which the BRI was executed. To advance the initiative, many Chinese firms were so focused on administering projects that issues of economic feasibility and risk were not prioritized, said Yun Sun, the director of the China program at the Stimson Center.

“The Chinese did not think through the economic viability of a lot of these loan projects because their priority was [to] glorify BRI, to implement projects to ensure that BRI materializes and is happening all over the world,” she said.

As Sri Lanka buckled under its debt, China officially gave it a two-year debt moratorium in early February—and it’s just one of dozens of countries that have now been offered at least a partial reprieve. In 2020, China delayed debt repayments for 77 nations. But that has also left Chinese lenders swimming in risk, Parks said, leaving Beijing in a precarious economic position.

“They’re in a kind of firefighting mode,” Parks said. “They are frankly ill-equipped for the challenge that they’re up against right now because they don’t have a long history of being an overseas lender in times of crisis.”

Still, for many countries with few other options, Beijing has a lot to offer. Bangladesh, for instance, has been on a Chinese-funded infrastructure investment spree that has been quite popular, Kugelman said. In Latin America in particular, China has made new inroads and ramped up investments, according to the Wall Street Journal.

In an effort to contest China’s expanding influence through the BRI, many Western nations have been scrambling to offer up their own alternative development initiatives—with little success. By 2027, the United States and G-7 aim to funnel some $600 billion into their Partnership for Global Infrastructure and Investment—a revamp of the Build Back Better World campaign that they unveiled in 2021. Despite being launched more than a year ago, the European Union’s 300-billion-euro answer to BRI, called the Global Gateway, has failed to make much of a splash on the global stage.

“To be quite candid, I don’t think any country, whether the U.S. or any other nation, can hold a candle to what China has been able to do with its infrastructure investments,” Kugelman said. “It has such a deep footprint in so many parts of the world.”

Beijing now appears to be recalibrating its approach, softening its rhetoric around the BRI’s capabilities, focusing on smaller projects, and shifting course to offering debt-ridden countries emergency loans. In 2021, Xi also announced a Global Development Initiative (GDI), a small and vaguely defined program that emphasizes China’s position as one of the world’s developing countries, while focusing on education, clean energy, and poverty—all in conjunction with the United Nations. To further the GDI, Chinese Foreign Minister Wang Yi has urged cooperation with the World Bank and the Asian Development Bank. The GDI reflects a more multilateral approach to development—potentially signaling Beijing’s effort to diversify its strategy in the long run, said Sun of the Stimson Center.

Parks said that the GDI could simply be an effort to rebrand the BRI amid mounting criticism. “I think it’s mostly smoke and mirrors,” he ssaid.

But for all of its problems, don’t expect Beijing to abandon the BRI—or its underlying goals—given how deeply intertwined it is with Xi himself. In 2017, the initiative was even enshrined in the party constitution.

“Officially, you would never hear the Chinese government admitting that the Belt and Road was a mistake, or the way we approached Belt and Road was a mistake,” Zhang said. “That would not happen because Belt and Road is so closely tied to Xi Jinping’s personal political legacy.”

### climate impact – 1nc

#### No existential climate impact.

Scafetta ’24 [Nicola; Ph.D.; Associate Professor, Department of Earth Sciences, University of Naples Federico II. "Impacts and Risks of ‘Realistic’ Global Warming Projections for the 21st Century." Geoscience Frontiers, Volume 15, Issue 2.] TDI

The ECS of the CMIP6 GCMs ranges between 1.8 °C and 5.7 °C, but the IPCC AR6 acknowledged the existence of a “hot” model problem and claimed that the actual ECS may likely range between 2.5 °C and 4.0 °C, with a best estimate of around 3.0 °C (Sherwood et al., 2020, Hausfather et al., 2022). However, recent research suggests that the expected ECS range should vary within lower values between 1.5 °C and 3 °C (Nijsse et al., 2020, Scafetta, 2022, Scafetta, 2023a, Lewis, 2023, Spencer and Christy, 2023). Furthermore, according to a number of empirical studies, the actual ECS values could even be significantly lower, ranging between 1 °C and 2 °C (Lindzen and Choi, 2011, Scafetta, 2013, Scafetta, 2023c, Bates, 2016, McKitrick and Christy, 2020, Stefani, 2021).

The IPCC AR6 investigates a range of SSP scenarios for the 21st-century without assigning a probability to their plausibility. In any case, despite the questionable visibility given to SSP5-8.5 (the worst-case scenario), which yields the largest and most alarming projected global warming of up to 4–8 °C (66%) by 2080–2100, table 12.12 of the IPCC AR6 (Masson-Delmotte et al., 2021, p. 1856) already reports for the entire 21st century low confidence in the direction of any change in the frequency, severity or extent of frost, river floods, landslides, aridity, hydrological drought, agricultural and ecological drought, fire weather, mean wind speed, severe wind storms, tropical cyclones, sand and dust storms, heavy snowfall and ice storms, hail, snow avalanche, coastal floods, coastal erosion, marine heatwaves, air pollution weather or radiation at earth’s surface. Medium and high confidence of changes are mostly expected in climatic impact-driver types more directly associated with increasing atmospheric CO2 concentration at surface and global warming such as increasing mean air temperature, extreme heat, sea level, mean ocean temperature, ocean salinity and ocean acidity; with decreasing cold spell, snow, glacier and ice sheet, permafrost, lake, river and sea ice, and dissolved oxygen; mean precipitation will increase in some regions and decrease in others.

However, recent research argued that the alarmistic SSP3-7.0 and SSP5-8.5 scenarios are likely and very likely unrealistic, respectively (Burgess et al., 2020, Hausfather and Peters, 2020, Pielke and Ritchie, 2021a). These studies indicate that the radiative forcing functions derived from the SSP2-4.5 (or even SSP2-3.4) scenario are the most plausible. The SSP2-4.5 is a moderate scenario; it projects about half of the 21st-century warming than what the SSP5-8.5 scenario does (Fig. 1) and is thus far less alarming.

With the aforementioned factors in mind, it was proposed here to use only the SSP2-4.5 scenario and the GCMs with ECS ≤ 3 °C to more precisely assess “realistic” global and regional impacts and risks that could be associated with climate changes that are expected to occur in the 21st century, and to compare them with the Paris Agreement warming target of keeping global surface temperature < 2 °C above the pre-industrial levels throughout the 21st century. To optimize the result even more, the simulation ensembles containing the low, medium, and high-ECS macro-GCMs were linearly scaled to best reflect the real global surface warming recorded from 1980–1990 to 2012–2022.

According to the IPCC, if there is little-to-no adaptation, the impacts and risks of projected climate change will be moderate-high (orange-red flag) by 2040–2060, and the situation might worsen considerably by 2100 even if the SSP2-4.5 moderate scenario is implemented. In fact, according to the analysis reported in Table 3, the GCMs within the IPCC’s preferred ECS range of 2.5–4.0 °C project a warming of 1.98–3.82 °C by 2080–2100. Thus, the IPCC (Masson-Delmotte et al., 2018) analysis suggests that only net-zero-emission scenarios like the SSP1-2.6 (which could produce a warming of 1.26–2.82 °C by 2080–2100) should be adopted to avoid too dangerous climatic changes, which are expected to begin if global surface temperatures rise more than 2–2.5 °C above the 1850–1900 level in a few decades (Gao et al., 2017, Tol, 2015). Climate-change alarmism and world-wide proposals for prompt implementations of net-zero emission policies are only based on such claims.

However, using only the low-ECS models (ECS ≤ 3.0 °C) and the SSP2-4.5 scenario, Table 3 suggests that global warming in the 21st century will be moderate, ranging from 1.36 °C to 2.25 °C (median 1.77 °C) by 2050 and from 1.96 °C to 2.83 °C (median 2.28 °C) by 2080–2100, which partially overlaps with the upper warmer half of the climate projection obtained using the SSP1-2.6 scenario and the GCMs with ECS of 2.5–4.0 °C. Thus, climate change impacts and risks will worsen by the end of the 21st-century, albeit at a slower rate than predicted by the IPCC using the same SSP2-4.5 scenario. As a result, the SSP2-4.5 scenario, which is moderate and affordable, may be close enough to roughly meet the Paris Agreement warming target, whereas the SSP2-3.4 scenario, which could be even more realistic (Pielke et al., 2022), should even more likely fully meet it.

I also proposed an alternative methodology for estimating “realistic” 21st-century climate projections and assessing their respective impacts and risks. In fact, the low-ECS macro-GCM appears to be slightly warmer than global surface temperature records and there are serious concerns about the reliability of the global surface temperature records, which cannot be ignored. In fact, their warming appears to be excessive in comparison to alternative temperature records, such as satellite-based ones relative to the lower troposphere (Spencer et al., 2017, Zou et al., 2023), and there are various evidences suggesting their contamination from urban heat islands and other non-climatic surface factors (Connolly et al., 2021, Scafetta, 2021a, Scafetta, 2023b, Soon et al., 2023, Spencer, 2023). There are also concerns regarding the ability of the GCMs to properly reconstruct decadal to millennial natural climate oscillations (e.g.: Scafetta, 2013, Scafetta, 2021b, Scafetta, 2023c). As a result, all GCMs may be grossly inadequate for estimating climate change in the 21st century, as also McKitrick and Christy (2020) concluded. Thus, the models likely need to be corrected and upgraded with new relevant physical mechanisms. It is possible to agree with McCarthy and Caesar (2023) who recently showed the inability of the CMIP5 and CMIP6 GCMs in properly hindcasting the Atlantic Meridional Overturning Circulation and concluded “if these models cannot reproduce past variations, why should we be so confident about their ability to predict the future?”.

To address the above issues, I have proposed an alternative methodology that uses empirical modifications of the actual GCM projection ensembles via appropriate linear scaling in such a way to simulate the outputs of hypothetical climate models that could accurately represent the warming observed from 1980 to 2022. The 1980–2022 period was selected because it is covered by a variety of temperature records with low statistical errors. This methodology would essentially simulate hypothetical GCMs that are supposed to optimally reproduce the data. Simple testing validates the proposed methodology because scaling the projection ensembles of the three macro-GCMs to a similar level from 1080–1990 to 2011–2022 results in projection ensembles that approximately overlap throughout the 21st century.

The proposed methodology may also be justified by considering that the GCMs are extremely sensitive to small modifications of their internal free parameters, in particular to those regarding cloud formation, and even GCM modelers adopt complex tuning approaches to explicitly calibrating them to better match historical data (Mauritsen and Roeckner, 2020, Mignot et al., 2021). Section 4 proposes and investigates several of these modeling approaches, the results of which are depicted in Fig. 5, Fig. 7.

If the warming of the HadCRUT5 record from 1980 to 1990–2011–2022 is assumed correct, it is found that the SSP2-4.5 scenario produces climate projections similar to those produced by the low-ECS macro-GCM. In fact, the projected warming ranged from 1.65 °C to 3.03 °C by 2080–2100, with a median of 2.28 °C (Table 4, case #1). This conclusion is unsurprising given that the low-ECS macro-GCM has already successfully recreated the HadCRUT5 warming.

However, if the reference warming is that reported by lower troposphere satellite temperature data (Spencer et al., 2017, Zou et al., 2023), the warming of the low-ECS macro-GCM simulations must be lowered by about 30%. As a result, global warming by 2080–2100 is projected to range from 1.18 °C to 2.16 °C (median 1.63 °C) above pre-industrial levels using the SSP2-4.5 scenario (Table 4, case #2), which is well below the (safe) threshold of 2.0 °C and is even cooler than the 1.26–2.82 °C estimate obtained with the GCMs with ECS within the IPCC likely range of 2.5 °C and 4.0 °C using the SSP1-2.6 net-zero emission scenario.

A similar result was obtained with an empirical climate model that assumes that the global surface temperature record is sufficiently accurate, but also takes into account temperature changes caused by empirically identified large climate cycles and/or solar effects that the CMIP6 GCMs do not replicate (Scafetta, 2010, Scafetta, 2013, Scafetta, 2021b); this case projects a warming ranging from 1.15 °C to 2.52 °C with median 1.78 °C by 2080–2100 (Table 4, case #3). Unfortunately, the IPCC ignores such semi-empirical modeling of the climate system although it has been developed and discussed in the scientific literature, and it should not be dismissed lightly given that the GCMs fail to reproduce the natural oscillations observed throughout the Holocene. They do not, for example, reproduce any of the Holocene warm periods, such as the Roman and Medieval warm periods, which indicate a quasi-millennial oscillation, a quasi-60-year oscillation, and many other natural climate oscillations. Also this kind of empirical modeling predicts very modest ECS values, ranging at least between 1 and 3 °C, but more likely between 1 °C and 2 °C (Lindzen and Choi, 2011, Scafetta, 2013, Scafetta, 2021b, Scafetta, 2023c, Bates, 2016, Stefani, 2021).

In conclusion, as Hausfather and Peters (2020) pointed out, it is past time to stop treating the worst-case climate change scenarios (e.g., SSP3-7.0 and SSP5-8.5) as the most likely outcomes, because only realistic and pragmatic scenarios, such as SSP2-4.5 or SSP2-3.4, can lead to sound policies that can be accepted by all nations. Furthermore, net-zero scenarios such as SSP1-2.6 look to be equally unattainable, as the depletion of crucial metals required for low-carbon solar and wind technologies, as well as electric vehicles and their chargers, appears to make low-carbon technology production impossible on the very large scale required to substitute fossil fuels (Groves et al., 2023). In fact, despite the IPCC AR6 reports are rather alarming because global surface temperatures were projected to rise by up to 4–8 °C above pre-industrial levels according to unrealistic shared socioeconomic pathways (see Fig. 1 and Masson-Delmotte et al., 2021), with catastrophic consequences in many situations (Pörtner et al., 2022), Fig. 5, Fig. 7, Fig. 8 show that “realistic” climate change impacts and risks for the 21st century will likely be much more moderate than what the IPCC claims. This is because there is a growing body of evidence that the actual ECS may be rather low (1.5–3.0 °C, or even 1–2 °C) for a variety of reasons derived from direct CMIP6 GCM assessments, likely warming biases affecting global surface temperature records, and a (likely solar induced) natural variability that the current climate models do not reproduce. According to the semi-empirical climate modeling proposed above, the climate system will likely warm by less than 2.0–2.5 °C by 2080–2100, and on average less than 2.0 °C, also if the moderate SSP2-4.5 scenario is implemented. As a result, rapid decarbonization and net-zero emission scenarios such as the SSP1-2.6 are shown to be unnecessary to maintain global surface temperature < 2 °C throughout the 21st century.

Fig. 9 employs the climate “thermometer” proposed by Climate Action Tracker (2022) to summarize the above findings by contrasting the projections derived from the IPCC climate assumptions, where only the SSP1-2.6 net-zero emission scenario could satisfy the 2.0 °C target, with the new proposed assessments of “realistic” global warming impacts and risks obtained using the three semi-empirical models discussed above with the pragmatic SSP2-4.5 scenario that approximately agrees with the real world action based on current policies (Tables 3B and 4).

As a result, despite predictions that the climate system would continue to warm throughout the 21st century, there is no compelling evidence of an impending global disaster caused by manmade greenhouse gas emissions. The 2.0 °C Paris-agreement warming target for the 21st century can likely be met even under the feasible and moderate SSP2-4.5 emission scenario because future climate change is expected to be modest enough that any potential related hazards can be addressed efficiently through effective and low-cost adaptation strategies, without the need for implementing rapid, expensive, and technologically likely impossible net-zero decarbonization policies.

### biod impact – 1nc

#### No biodiversity impact.

Jeremy Hance citing José Montoya et al. 18. \*Wildlife journalist. \*\*Executive Director, International Lasallian Institute for Sustainability of the Environment; Lecturer, Loyola University Chicago; Ph.D., University of Valencia, M.B.A., Sustainability, Strategic Vision, and Communication, Lewis University, M.S.c & B.S.c, Environmental Sciences, Polytechnic University of Valencia. Ian Donohue & Stuart Pimm. “Could biodiversity destruction lead to a global tipping point?” https://www.theguardian.com/environment/radical-conservation/2018/jan/16/biodiversity-extinction-tipping-point-planetary-boundary

But what’s arguably most fascinating about this event — known as the Permian-Triassic extinction or more poetically, the Great Dying — is the fact that anything survived at all. Life, it seems, is so ridiculously adaptable that not only did thousands of species make it through whatever killed off nearly everything (no one knows for certain though theories abound) but, somehow, after millions of years life even recovered and went on to write new tales.

Even as the Permian-Triassic extinction event shows the fragility of life, it also proves its resilience in the long-term. The lessons of such mass extinctions — five to date and arguably a sixth happening as I write — inform science today. Given that extinction levels are currently 1,000 (some even say 10,000) times the background rate, researchers have long worried about our current destruction of biodiversity — and what that may mean for our future Earth and ourselves.

In 2009, a group of researchers identified nine global boundaries for the planet that if passed could theoretically push the Earth into an uninhabitable state for our species. These global boundaries include climate change, freshwater use, ocean acidification and, yes, biodiversity loss (among others). The group has since updated the terminology surrounding biodiversity, now calling it “biosphere integrity,” but that hasn’t spared it from critique. A paper last year in Trends in Ecology & Evolution scathingly attacked the idea of any global biodiversity boundary. “It makes no sense that there exists a tipping point of biodiversity loss beyond which the Earth will collapse,” said co-author and ecologist, José Montoya, with Paul Sabatier Univeristy in France. “There is no rationale for this.”

Montoya wrote the paper along with Ian Donohue, an ecologist at Trinity College in Ireland and Stuart Pimm, one of the world’s leading experts on extinctions, with Duke University in the US. Montoya, Donohue and Pimm argue that there isn’t evidence of a point at which loss of species leads to ecosystem collapse, globally or even locally. If the planet didn’t collapse after the Permian-Triassic extinction event, it won’t collapse now — though our descendants may well curse us for the damage we’ve done.

Instead, according to the researchers, every loss of species counts. But the damage is gradual and incremental, not a sudden plunge. Ecosystems, according to them, slowly degrade but never fail outright. “Of more than 600 experiments of biodiversity effects on various functions, none showed a collapse,” Montoya said. “In general, the loss of species has a detrimental effect on ecosystem functions...We progressively lose pollination services, water quality, plant biomass, and many other important functions as we lose species. But we never observe a critical level of biodiversity over which functions collapse.”

### china coop impact – 1nc

#### U.S.-China cooperation is irrelevant.

Chin ’21 [Gregory; Associate Professor of the Department of Political Science, York University; Non-Resident Senior Fellow of the Global China Initiative, Boston University; Ph.D. in Political Science, York University. “US-China Relations and Remaking Global Governance: From Stalemate and Progress to Crisis to Resolutions.” Asian Perspective, Volume 45, Number 1.]

The four years of Trump-Xi have had a major impact on global governance, with the Trump administration bringing major global institutions to the point of legal or political crisis and Beijing moving to fill the leadership void. There is little if any reason to believe that US-China relations might see improvement, including via global governance if Donald Trump is re-elected. Official statements by Trump as well as other senior members of his administration, including Vice President Mike Pence and Secretary of State Mike Pompeo, all suggest more confrontation with China (now being called the "Communist Party of China") lies ahead. Beijing, for its part, has given no indication that it is shifting its hardening approach. In September 2019, at a presentation to young and mid-level leading cadres and officials at the Central Party School, President Xi called for a tougher edge to the way that China conducts itself in the world, summoning China's diplomats to "firm up their will to fight" and "when faced with difficult situations and tasks, dare to fight and win." Xi called for "resolute struggles" against risks and challenges "harming the leadership of the Party and the socialist system, China's sovereignty, security and development interests" and the "country's core interests and major principles" (quoted in Wei 2019). Outside observers tie such instructions to the rise of a newly assertive "wolf warrior" brand of Chinese diplomacy. So far, Beijing has kept its wolf warrior-type diplomacy confined to the bilateral track; it has yet to spread to the multilateral arena. But if Trump is re-elected, then such a shift can be expected.

Amid this crisis in US-China relations and global governance, are there any reasons for optimism? Some early green shoots of crisis resolution and significant institutional modification are starting to emerge in the realm of world trade governance. Realizing the risk to stable and predictable trade and commerce worldwide, and the potential of the legal void to further stoke trade protectionism, other WTO member states [End Page 103] believe some sort of alternative resolution is needed. In July 2019, the EU and Canada became the first to step up, agreeing to a workaround to avoid the US blockage. They signed a deal for an interim appeal mechanism that would take effect immediately when the WTO's Appellate Body ceased to operate in December 2019 (EURACTIV.com with Reuters 2019). Canada had already initiated the "Ottawa Group," in October 2018, a collection of thirteen nations to address problems of the troubled global trading regime, and to reform the rules-based WTO, with the hope of "setting the table" for a larger effort involving the world's two largest economies.

When the expanded discussion did not happen, the Ottawa Group then committed to resolving the appellate body impasse. Canada and the EU worked on bringing other nations into the fold, and by January 2020, fifteen nations or entities, including China, had signed on to the interim appeals mechanism.7 The fact that China joined was particularly salient not only to the United States but also to Canada, the European Union, and other nations. According to a law professor at Queen's University (Kingston, Canada), Nicolas Lamp, by joining the interim mechanism, China is showing that it is "not opportunistically taking advantage of the fact" that the Trump administration has decided to impair the WTO's ruling mechanism; China is "sending a message that for the time being, it is committed to preserving a rules-based trading system and the rule of law over the rule of the jungle" (Naomi Powell 2020). Lamp finds that the United States is increasingly "isolated" among major trading nations.