



European Diplomacy in the Iran Nuclear Negotiations: What Impact Did It Have? Erik Jessen



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What Impact Did It Have?

By Erik Jessen

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About the author

Erik Jessen currently works as a Junior Professional at the EU's Delegation to Israel. He holds a B.A. and an MSc degree in Political Science from the University of Southern Denmark. Furthermore, he has completed an M.A. in European Political and Administrative Studies at the College of Europe in Bruges.

This paper is based on his Master's thesis at the College of Europe, supervised by Honorary Professor Dieter Mahncke.

Contact details

erik.jessen@coleurope.eu

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Michele Chang, Ariane Aumaitre Balado, Dimitria Chrysomallis, Frederik Mesdag, Ernestas Oldyrevas, Thijs Vandenbussche, Samuel Verschraegen, and Olivier Costa Dijver 11, B-8000 Bruges, Belgium | Tel. +32 (0) 50 477 281 | Fax +32 (0) 50 477 280 email michele.chang@coleurope.eu | website www.coleurope.eu/pol

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Abstract

This study explores the EU's role in reaching the Joint Comprehensive Plan of Action (JCPOA) with Iran on 14 July 2015. More specifically, the paper examines the validity of a statement made by High Representative Federica Mogherini, which suggests that it "mainly" was due to the EU that it was possible to settle the historic nuclear deal. This topic is particularly interesting because most recent studies have focused on the provisions of the JCPOA and its geostrategic impact rather than the political process behind the deal. In particular, the last stage of negotiations from November 2013 – July 2015 is under-investigated. The paper hypothesizes that the EU managed to sustain dialogue and initiate the major diplomatic breakthroughs. However, the paper finds that the Europeans did not provide the main impetus to reach the deal. Nevertheless, the EU played an important role in a promising negotiating format that perhaps can be applied to other cases in the future.

1. Setting the scene

Yesterday the European Union wrote one of the best pages of its history: the Iranian nuclear deal has been reached thanks to the facilitation of the EU. It has been a difficult, complex, long process. What we have achieved is the result of the strong political will of all parties, and the combined commitment of many. But it is mainly thanks to the extraordinary work of an extraordinary team, the European one, that we made it.

EU High Representative Federica Mogherini¹

On 14 July 2015 the EU's High Representative Federica Mogherini presented a groundbreaking nuclear deal (Joint Comprehensive Plan of Action, hereafter JCPOA) between Iran and the international community. As a case of diplomacy at the highest level, the Iran negotiations had become a matter of more than conflict resolution in itself; it was a fundamental test of the EU's Common Foreign and Security Policy.² Nevertheless, it remains unclear how much added value the EU managed to bring into the process. The statement above was published on the EEAS' website the day after the JCPOA had been signed, and the formulation is striking. According to Mogherini, it was "mainly" because of "the extraordinary work" of the European team that the parties made it in the end. This statement suggests that the EU's role not merely was positive and constructive but even indispensable. Thus, this study will put Mogherini's claim to the test through the following research question: "*Was it mainly due to the EU's efforts that it was possible to reach the JCPOA*?"

The topic is interesting for several reasons. Firstly, it is a rare case of the EU engaging in security policy at the highest international level. Secondly, the close cooperation with the United Nations Security Council (hereafter UNSC) led to a double representation of the EU. After all, two of its members (France and the UK) hold permanent seats in the UNSC. It is interesting to examine what impact this special dynamic had on the diplomatic process. Thirdly, most publications since fall 2015

¹ F. Mogherini cited in *Mogherini proud of EU contribution to Iranian deal*, EEAS, 15 July 2015, retrieved 15 February 2016, <u>http://eeas.europa.eu/top_stories/2015/150715_iran-deal_en.htm</u>

² S. Everts, 'Engaging Iran: A test case for EU foreign policy', *Centre for European Reform: Working paper*, March 2004.

have focused on the provisions of the JCPOA and its wider geostrategic implications rather than the political path leading to the compromise. The last stage of the so-called 'E3+3' talks (comprising Iran, the EU, France, the U.K., Germany, the U.S., Russia and China) from 2013 until July 2015, is particularly under-investigated. For these reasons, there is a clear need to conduct research that takes the full course of the negotiations from 2003-2015 into account in order to assess the diplomatic performance of the European Union.

The paper will proceed in seven parts. Part 1 will establish a hypothesis. Part 2 will present the methodology. Parts 3-6 will analyze the diplomatic process distinguishing between the periods 2003-2006, 2006-2008, 2008-2012 and 2012-2015. Finally, part 7 will evaluate the EU's influence on reaching the JCPOA.

1.1. Establishing the hypothesis: The EU as a diplomatic actor

Already in the early 1970's François Duchêne stated that Europe was "long on economic power and relatively short on armed forces".³ Ian Manners (2002) took this perspective one step further by claiming that the EU is a 'normative power' that often weighs respect for universal values over potential military and financial gains.⁴ Along somewhat similar lines, Joseph Nye has characterized the EU as a major 'soft power', owing to its multiple sources of attraction such as

³ F. Duchêne, 'The European Community and the Uncertainties of Interdependence', in: M. Kohnstamm & W. Hager (eds.), *A Nation Writ Large?: Foreign Policy Problems before the European Community*, Basingstoke, Palgrave Macmillan, 1973, p. 19, cited in I. Manners, 'Normative power Europe: a contradiction in terms?', *Journal of Common Market Studies*, vol. 40, no. 2, 2002, p. 236.

⁴ I. Manners, 'Normative power Europe: a contradiction in terms?', *Journal of Common Market Studies*, vol. 40, no. 2, 2002, pp. 235-258.

science, culture and high living standards. Furthermore, it has a positive external image as a successful political entity united through peaceful means.⁵ Allegedly, these things give the EU legitimacy and credibility as a "positive force for solving global problems".⁶

Similar views are reflected in official EU documents. For example, in 2003, the European Council adopted a security strategy entitled 'A Secure Europe in a Better World'. This document emphasized the EU's commitment to address problems within a multilateral framework and to bring isolated states back into the international community.⁷ It also stressed the need to develop a strategic culture.⁸ To this end, cooperation with the UN was described as a cornerstone in responding to security issues, of which "proliferation of Weapons of Mass Destruction is potentially the greatest threat".⁹ Thus, it appears that the EU attaches much importance to diplomacy and peaceful conflict resolution. This leads me to hypothesize that,

"By acting as an effective diplomatic actor, the EU was able to sustain dialogue and initiate the most significant breakthroughs in the process of reaching an agreement with Iran."

2. Methodology

In order to investigate whether it "mainly"¹⁰ was due to the EU that it was possible to reach the JCPOA, it is necessary to operationalize the word 'mainly'. This word implies that the EU managed to sustain dialogue and initiate the major diplomatic breakthroughs towards the JCPOA.

⁵ J. Nye Jr., Soft Power: The Means to Success in World Politics, New York, Public Affairs, 2002, pp. 75-83.

⁶ *Ibid.*, p. 78.

⁷ The European Council, A Secure Europe in a Better World, Brussels, 12 December 2003, p. 10.

⁸ *Ibid.*, p. 11.

⁹ *Ibid.*, p. 3.

¹⁰ F. Mogherini, *loc. cit.*

The hypothesis assumes that it was because of the EU's willingness and ability to act as an 'effective' diplomatic actor that it was capable of playing a key role in the processes. 'Diplomatic effectiveness' will be operationalized with the four indicators 'context', 'strategy', 'leverage' and 'coherence'. 'Major diplomatic breakthroughs' are to be understood as critical junctures providing new impetus for diplomatic efforts to reach an agreement.

'The EU' is operationalized as the team led by the High Representative and the socalled 'E3 group' encompassing France, the UK and Germany. From October 2003 to September 2004, the E3 acted on behalf of the EU. After this point, the High Representative joined the E3 in order to create a direct link with the remaining member states. It thereby became an 'EU-3' format.

The paper seeks to assess what impact the independent variable 'EU engagement', moderated by 'diplomatic effectiveness', had on the dependent variables 'sustaining dialogue' and 'reaching the JCPOA'. To this end, the study employs a process-tracing approach based some assumed central indicators of effective diplomatic engagement. The analysis will examine variations for the mentioned variables in the periods 2003-2006, 2006-2008, 2008-2012 and 2012-2015. The empirical basis of the thesis encompasses a wide range of sources including expert interviews, books, newspapers, academic journals, online articles and, to a wide extent, WikiLeaks documents.

The first indicator is 'context'. In this paper it refers to the historical, political and economic circumstances, at domestic and international level, which surround a diplomatic crisis. Changes in these broad background factors may either open or close windows of opportunity for bringing diplomatic engagement forward. Specific examples are domestic political games, elections and economic crises. 'Coherence' is the second indicator. It refers to the level of "co-ordination and substantive agreement between individual Member States' policies towards a conflict" and towards engagement carried out by the EU institutions.¹¹ When the EU acts with a high degree of unity, it is difficult for other parties to exploit the different national interests among the 28 member states. This gives weight behind the EU's diplomatic tactics. Conversely, disunity reduces the credibility and presumably the effectiveness of the EU's diplomatic engagement.¹²

The third indicator of diplomatic effectiveness is 'strategy'. As illustrated by table 1, the study will distinguish between four ideal types of strategies derived from Bergmann and Niemann (2015)¹³ and the EU's Concept on Strengthening EU Mediation and Dialogue Capacities.¹⁴ Moving from left to right in the typology, actions become increasingly direct and demanding, thus requiring bigger commitments from the engaged actor. It is important to note that the categories often overlap in practice.

Engagement intensity	Less intense		> More intense	
Strategy	Dialogue	Facilitation	Formulation	Manipulation
Actor role	To engage in an open-ended process which aims to estab- lish a culture of communi- cation that may serve to prevent or ease conflicts.	To act as chan- nel of commu- nication be- tween dispu- tants. The fa- cilitator may also assist in defining dead- lines and benchmarks.	To mediate by formulating compromise proposals or to engage as a ne- gotiator seeking to advance own interests.	To employ positive or negative conditionality as a means to alter the cost-benefit calculations of one or more actors. E.g. to issue trade pref- erences in return for ne- gotiating concessions or to punish non-compli- ance with sanctions.

Table 1: Strategies of engagement

Sources: Based on Bergmann & Niemann (2015) and Council of the European Union, *Concept on Strengthening EU Mediation and Dialogue Capacities* (2009).

 ¹¹ J. Bergmann & A. Niemann, 'Mediating International Conflicts: The European Union as an Effective Peacemaker?' *Journal of Common Market Studies*, vol. 53, no. 5, 2015, pp. 962-963.
¹² *Ibid*.

¹³ *Ibid*.

¹⁴ Council of the European Union, *Concept on Strengthening EU Mediation and Dialogue Capacities*, Brussels, 15779/09, 10 November 2009, p. 2.

The fourth indicator is 'leverage'. The *Concept on Strengthening EU Mediation and Dialogue Capacities* states that "given its political weight and financial resources, the EU can, as appropriate, provide diplomatic leverage (e.g. as part of a group of friends) and/or economic credence to mediation processes".¹⁵ On a practical level, 'issue linkage' is a means to translate political weight and economic resources into leverage. For instance, actor A may offer benefits in one or more domains, such as trade and visa facilitation, in return for actor B's concessions on an unrelated issue such a non-proliferation. In this way, issue-linkage may alter B's cost-benefit calculations and make B more inclined to cooperate.

3. 2002-2006: The breakdown of 'constructive dialogue'

Most of this period was marked by diverging transatlantic positions towards Iran which were influenced by the context of the war in Iraq. While the U.S. preferred to have the nuclear case referred to the UNSC, the EU sought Iranian cooperation through its already-existing 'constructive dialogue' with the country. However, the effort to foster compliance through positive incentives even-tually broke down for various reasons. Firstly, the EU struggled to find carrots that would provide enough leverage to persuade Iran into lasting cooperation. Secondly, Tehran firmly held that it had a legitimate right to develop a nuclear programme for peaceful purposes under the Non-Proliferation Treaty (NPT). Thirdly, the victory of Mahmoud Ahmajinedad in the 2005 Presidential election of Iran lowered the prospect of reconciliation.

¹⁵ Council of the European Union, *loc. cit.*

3.1 Context

On 15 August 2002, the exiled opposition group The National Council of Resistance of Iran exposed the construction of two top-secret Iranian nuclear facilities in Natanz and Arak.¹⁶ Formally, Iran did have a right to develop nuclear energy for peaceful purposes under the NPT. However, the secrecy surrounding the building activity and the subsequent postponement of an inspection by the International Atomic Energy Agency (IAEA) raised doubts about the regime's intentions.

In June 2003, the IAEA concluded that Iran had failed to meet its obligation of reporting nuclear material, its use and the facilities where it was stored and processed.¹⁷ In response, Iran agreed to modify its 'Safeguards Agreement' with the IAEA. This meant that any plans to construct nuclear facilities in the future would have to be declared immediately.¹⁸ However, this was not enough to calm decision-makers in Washington and several EU member states.

The revelation of the nuclear facilities came a few months after President Bush's infamous State of the Union speech in which he had described Iran as belonging to an "axis of evil".¹⁹ The prospects of reconciliation did not improve as intelligence suggested that Iran had allowed Al-Qaeda members to enter its territory.²⁰ Although Iran offered a grand bargain involving full cooperation with the IAEA and support for regional stabilization, the Bush administration turned down the offer.²¹

¹⁶ A. Jafarzadeh, *Remarks by Alireza Jafarzadeh on New Information on Top Secret Projects of the Iranian Regime's Nuclear Program*, Iran Watch, 14 August 2002, retrieved 20 February 2016, <u>http://www.iranwatch.org/library/ncri-new-information-top-secret-nuclear-projects-8-14-02</u>

¹⁷ International Atomic Energy Agency, Board of Governors, *Implementation of the NPT safeguards agreement in the Islamic Republic of Iran: Report by Director General*, GOV/2003/40, 6 June 2013, p. 2. ¹⁸ *Ibid.* p. 4.

¹⁹ G. W. Bush, *Bush State of the Union address*, CNN, 29 January 2002, retrieved 8 April 2016, <u>http://edi-tion.cnn.com/2002/ALLPOLITICS/01/29/bush.speech.txt/</u>

²⁰ J. Muir, Analysis: Iran-US rift widens, BBC, 25 May 2003, retrieved 10 April 2016, <u>http://news.bbc.co.uk/2/hi/mid-dle_east/2936016.stm</u>

²¹ B. Kaussler, Iran's nuclear diplomacy: Power politics and conflict resolution, Oxon, Routledge, 2014, pp. 23-24.

Under American pressure, the IAEA Board of Governors (BOG) adopted a resolution on 12 September 2003. It stopped short of referring Iran to the UNSC but demanded full compliance with the Safeguards Agreement. This implied that all past and future imports related to enrichment activities had to be declared. Furthermore, Iran had to provide all necessary information, accept unrestricted access for inspectors, and implement the 'Additional Protocol' that increases obligations to provide information and access for the IAEA.²²

However, Iran's credibility was about to be undermined even further. Samples from the Natanz facility revealed traces of highly enriched uranium (HEU) that may be used in nuclear weapons.²³ The Iranians argued that this was due to contaminated imported centrifuge components.²⁴ However, despite the risk of being referred to the UNSC, Tehran was not prepared to fulfill the BOG's demands unconditionally.

At home, the Reformist government faced a political crisis as many Iranians had become frustrated with its failure to deliver domestic reforms. This resulted in a low turnout at the 2003 local-council elections.²⁵ Hard-pressed by conservative forces, the government desperately needed a way to save face in the nuclear negotiations.²⁶ The EU attempted to persuade Tehran with incentive packages but failed to satisfy the Iranian decision-makers. In the end, voter apathy and the disquali-

²² International Atomic Energy Agency, Board of Governors, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran: Resolution adopted by the Board on 12 September 2003*, GOV/2003/69, 12 September 2003, pp. 2-3.

 ²³ Ibid.
²⁴ Ibid.

²⁵ The Economist, *Dark Days for the Reformists*, 10 February 2004, retrieved 12 October 2017, <u>http://www.econo-mist.com/node/2421331</u>

²⁶ Kaussler, *op. cit.*, p. 33.

fication of more than 3,500 Reformists candidates helped the conservative hardliner Mahmoud Ahmadinejad win the Presidential elections in June 2005.²⁷ This severely complicated the prospects of finding a solution to the nuclear crisis.

3.2 Coherence

A few days before the BOG meeting in September 2003, Dutch non-proliferation chief Paul Wilke claimed that there was "no unity within the EU on Iran", and that even if Iran had nuclear weapons, Germany might not perceive it as a threat.²⁸ In addition, economic interests were likely to influence Italy's position, while France probably would support a "quiet approach".²⁹ These divisions threatened to undermine the EU's principle of consensus at a time when the war in Iraq had led to frictions within the Union.

It was against this background that France, Germany and the UK surprisingly announced a joint diplomatic effort to prevent the situation from getting out of hand. Thus, on 23 October 2003, the E3's foreign ministers went to Tehran upon an invitation from the Iranian government. This visit led to the signing of the Tehran Declaration. In this document, Iran committed to implementing the Additional Protocol and to settling all outstanding issues with the IAEA. In return, the E3 recognized Iran's right to "to enjoy peaceful use of nuclear energy in accordance with the nuclear Non-Proliferation Treaty".³⁰

Although the EU members generally supported the diplomatic outreach to Iran, the E3 initiative was highly controversial for reasons of principle. Spanish Foreign Minister Ana Palacio told

²⁷ Ibid. p. 29.

²⁸ Wikileaks, 03THEHAGUE2220, 4 September 2003, retrieved 10 April 2016, <u>http://wikileaks.org/plusd/cables/03THEHAGUE2220_a.html</u>

²⁹ Wikileaks, 03THEHAGUE2173, 28 August 2003, retrieved 10 April 2016, <u>http://wikileaks.org/plusd/cables/03THEHAGUE2173 a.html</u>

³⁰ BBC, *Full text: Iran declaration*, 21 October 2003, retrieved 11 April 2016, <u>http://news.bbc.co.uk/2/hi/middle_east/</u> 3211036.stm

U.S. Undersecretary of State John Bolton that Poland and her country would "stand firm" against this "directoire of three". In her view, the E3 was a non-existent group without any right to stamp agreements on behalf of the EU.³¹ According to a later cable from Bolton, the Italians also expressed "displeasure over 'EU Three' attempts to arrogate EU policy on this issue".³² A Dutch official described the E3 as being very secretive in their dealings with Iran and wondered if the group was struggling to find an internal consensus.³³

Nevertheless, in September 2004, the member states decided to reaffirm their consent to the E3's lead. The precondition was that EU High Representative Javier Solana would take part in the negotiations. By placing the initiative more squarely under the EU's Common Foreign and Security Policy, the E3 sought to increase its legitimacy within the Union.³⁴ Thus, Solana would effectively act as bridge between the E3 and the rest of the EU members. It thereby became an 'EU-3' constellation.³⁵

3.3 Strategy and leverage

The EU-3 used its already-existing 'Constructive Dialogue' with Iran to leverage its diplomatic outreach. By linking this dialogue with the nuclear issue, they sought to persuade Iran into compliance. Thus, the Europeans made clear to Iran that further negotiations on a possible Trade and

³² Wikileaks, *04ROME1966*, 20 May 2004, retrieved 11 April 2016, <u>http://wikileaks.org/plusd/cables/</u> <u>04ROME1966 a.html</u>

³¹ A. Palacio cited in Wikileaks, *03ROME4585*, 7 October 2003, retrieved 10 April 2016, <u>http://wikileaks.org/plusd/ca-bles/03ROME4585_a.html</u>

³³ Wikileaks, *04THEHAGUE2138*, 26 August 2004, retrieved 10 April 2016, <u>http://wikileaks.org/plusd/cables/04THEHAGUE2138_a.html</u>

 ³⁴ F. Zanon, *The High Representative for the CFSP and EU security culture: mediator or policy entrepreneur?*, PhD Dissertation, University of Trento, 2012, pp. 124-126, retrieved 29 April 2016, <u>http://eprints-phd.biblio.unitn.it/785/</u>
³⁵ Wikileaks, *04ROME3989*, 15 October 2004, retrieved 11 Aril 2016, <u>http://wikileaks.org/plusd/cables/04ROME3989</u> a.html; Telephone interview with EU official 1, 11 April 2016.

Cooperation Agreement (TCA) would depend on Iranian adherence to the ongoing bilateral dialogue on terrorism, human rights, the Middle East peace process and on cooperation with the IAEA.³⁶

Under the Tehran Declaration, the Iranians did take some positive steps, but their cooperation was ambiguous. In December 2003, the government voluntarily halted the manufacturing and assembling of gas centrifuges for six months. After this period had passed, it resumed the activities.³⁷ The IAEA criticized Iran for failing to provide full information on research activities, including on P-2 centrifuge drawings and experiments with polonium-210.³⁸ According to the head of the Italian Disarmament Office, it was a "joke" to claim that these experiments were only for peaceful purposes, as polonium was used to for triggering an explosion.³⁹ Moreover, Iran refused to bring enrichment activities to a complete halt and insisted on its right to operate 20 centrifuges for research purposes.

According to EU officials, "significant carrots", supported by the U.S., were needed in order for the Khatami administration to "save face" at home. They hoped for a G8 package of incentives including "some kind of security guarantee".⁴⁰ However, such a package did not materialize. Instead the EU-3 went ahead and signed the Paris Agreement with Iran on 15 November 2004. The most important concession given in this deal was an EU-3 promise not to refer the case to the UNSC at the next BOG meeting.⁴¹ Moreover, the Iranian chief negotiator, Hassan Rouhani, insisted that cessation of enrichment should never be demanded again. The EU-3 agreed to this requirement stating

³⁶ R. Beeston, 'EU warns Iran nuclear program threatens trade: Ministers demand more inspection visits after uranium traces found at two sites', *Ottawa Citizen*, 30 September 2003, section A, p. 14.

³⁷ House of Commons, Foreign Affairs Committee, *Global Security: Iran: Fifth Report of Session 2007-08*, London, House of Commons, 2008, p. 137.

³⁸ International Atomic Energy Agency, Board of Governors, Implementation of the NPT safeguards agreement in the Islamic Republic of Iran: Report by Director General, GOV/2004/34, 18 June 2004.

³⁹ Wikileaks, *04ROME792*, 2 March 2004, retrieved 11 April 2016, <u>http://wikileaks.org/plusd/cables/</u>04ROME792_a.html

⁴⁰ Wikileaks, *04BRUSSELS4335*, 8 October 2004, retrieved 11 April 2016, <u>http://wikileaks.org/plusd/cables/04BRUS-SELS4335_a.html</u>

⁴¹ CNN, *Iran agrees to suspend uranium enrichment*, 15 November 2004, retrieved 12 April 2016, <u>http://edi-tion.cnn.com/2004/WORLD/meast/11/14/iran.nuclear/</u>

that a permanent suspension was not on the table. All they wanted was guarantees of the program's peaceful nature.⁴²

In accordance with the Paris Agreement, Tehran ordered a complete halt of all nuclear activity including uranium enrichment, gas centrifuge manufacturing and separation of plutonium. Steps were also taken to provide full information and implementing corrective measures.⁴³ Nevertheless, the initial optimism was soon replaced with intense discussions on guarantees of the program's non-military nature. The agreement did not contain any clear definition of such a guarantee and thereby no clear benchmark for when the voluntary suspension could be lifted.⁴⁴ The Iranians increasingly felt like they were being manipulated without receiving anything in return for their efforts. Hassan Rouhani, complained that the EU-3 was "incapable of keeping promises", such as aircraft sales and lifting U.S. objections to Iranian WTO membership.⁴⁵

The EU-3 had anticipated that they had insufficient leverage for their strategy of positive manipulation. For this reason, they tried to convince the U.S. of lifting its opposition to Iranian WTO membership.⁴⁶ However, once the Bush administration finally agreed to these calls in March 2005, the Khatami administration had come under heavy pressure from domestic hardline opposition

⁴² W. Van Kemenade, 'Cooperation and competition on the Iran nuclear dispute: The role of the European Union and China', in F.-P. Van der Putten & C. Shulong (eds.), *China, Europe and International Security: Interests, Roles and Prospects*, Oxon, Routledge, 2011, p. 141.

 ⁴³ Ibid., ; International Atomic Energy Agency, Board of Governors, Implementation of the NPT safeguards agreement in the Islamic Republic of Iran: Report by Director General, GOV/2005/67, 2 September 2005.
⁴⁴ Ibid.

⁴⁵ Wikileaks, *05PARIS1225*, 25 February 2005, retrieved 11 April 2016, <u>http://wikileaks.org/plusd/cables/05PARIS1225</u> <u>a.html</u>

⁴⁶ Wikileaks, *05BRUSSELS212*, 19 February 2005, retrieved 11 April 2016, <u>http://wikileaks.org/plusd/cables/05BRUS-</u> <u>SELS212 a.html</u>

and Ayatollah Khamenei. The Supreme Leader would not compromise on what he regarded as Iran's legitimate right to conduct enrichment activities.⁴⁷

The dialogue between the EU-3 and Iran became even more difficult after the conservative hardliner Mahmoud Ahmadinejad became President. The EU-3 offered a new incentive package, but it did not include a consent to Iranian enrichment activities. Instead, Iran would have to stop fuel production activities for 10 years, use guaranteed imports of low-enriched uranium (LEU), and return spent nuclear fuel to the supplying countries.⁴⁸ This offer was not sufficiently attractive for the Iranians. They soon resumed uranium conversion, dropped the voluntary suspension of nuclear R&D activities, and stopped the implementation of the Additional Protocol.⁴⁹

It was now finally clear to the Europeans that there was no real alternative to a UNSC referral, but they argued that the best course of action would be to refrain from imposing immediate sanctions.⁵⁰ The U.S. eventually agreed to this advice.⁵¹ At the BOG meeting in February 2006, Iran was finally referred to the UNSC with an EU-drafted resolution supported by Russia and China.⁵² This event marked the end of 'constructive dialogue' and the beginning of a phase with 'E3+3'discussions (involving Iran, the EU, Germany, France, the UK, the U.S., China and Russia).

⁴⁷ CNN, *Iran: No Move towards Nuclear Arms*, 13 March 2005, retrieved 7 October 2017, <u>http://edition.cnn.com/</u>2005/WORLD/meast/03/12/us.iran/; Wikileaks, 05PARIS1834, 18 March 2005, retrieved 11 April 2016, <u>http://wikileaks.org/plusd/cables/05PARIS1834</u> a.html; S. H. Mousavian, *The Iranian Nuclear Crisis: A Memoir*, Brookings Institution Press, 2012, ebook version, p. 171.

⁴⁸ Kaussler, *op. cit.*, p. 43.

⁴⁹ *Ibid.*; International Atomic Energy Agency, *Board of Governors, Implementation of the NPT safeguards agreement in the Islamic Republic of Iran: Report by Director General*, GOV/2006/15, 27 February 2006.

⁵⁰ Wikileaks, 05PARIS6113, 9 September 2005, retrieved 12 April 2016, <u>http://wikileaks.org/plusd/cables/</u>05PARIS6113_a.html

⁵¹ N. Fathi, 'Iran Faults Russian Nuclear Proposal but Offers to Keep Talking', *The New York Times*, 28 January 2006, section A, p. 5.

⁵² T. Sauer, 'Coercive Diplomacy by the EU: The Case of Iran', *Discussion Papers in Diplomacy*, Netherlands Institute of International Relations 'Clingendael', 2007, p. 12.

3.4 Preliminary conclusions

During this period, the EU was the main reason why it was possible to keep Iran engaged in dialogue. No other actors were in a position to launch a diplomatic initiative at the time, and the U.S. was fixated on referring the case to the UNSC. Although the EU members respected the principle of consensus and generally favored outreach, some of them were very skeptic about the E3's lead. The inclusion of Javier Solana served to keep internal coherence on the issue.

In effect, Solana mostly acted as a facilitator between EU member states, the negotiating parties and Iran. While the E3 was successful in reaching the Tehran Declaration and the Paris Agreement, they were cautious of losing leverage too quickly. At the same time, they needed full U.S. support of their strategy. Once the U.S. finally dropped its opposition to Iranian WTO membership in March 2005, the diplomatic window had narrowed. Hard-liners had gained a momentum in Iran and the nuclear program was perceived as an undeniable right under the NPT.

4. 2006-2008: From positive to negative manipulation

The change of venue from BOG to the UNSC marked a new phase in the diplomatic engagement with Iran. Initially the EU-3 attempted to assemble a new incentive package and facilitate a resumption of negotiations. However, as Iran declined, the American preference for 'stickism' gradually took predominance in the international approach. By aligning itself closely with the U.S., the EU-3 could hardly be regarded as a neutral broker. Instead it followed the American lead and tried to force Iran back to the table with negative manipulation in the form of sanctions. By June 2008, the Iranian problem had only grown worse. Against this background, the EU-3 again tried to persuade Iran into dialogue with a UNSC-backed package of incentives. However, once more Iran would not accept the precondition of enrichment cessation.

4.1 Context

The UNSC session on 29 March 2006 ended with a non-legally binding statement calling on Iran to comply with past conditions before the end of April.⁵³ Nevertheless, President Ahmadinejad soon announced that Iranian scientists successfully had enriched uranium to 3,5% U-235 and in June the IAEA was notified that a 5% level had been reached.⁵⁴

Tension between the West and Tehran grew over the summer as war broke out between the Iranian-backed Hezbollah organization and Israel in Southern Lebanon. Furthermore, Iran fought a proxy war against the U.S.-led coalition in Iraq that also contributed to cooling down relations.⁵⁵ Nevertheless, the Europeans were still inclined to find a diplomatic solution and received backing from the UNSC for a new incentive package to de-escalate the emerging conflict.

There was apparently some uncertainty within the Iranian regime about how to respond to this proposal. The contrasting views may have reflected a deeper division between the Supreme National Security Council under the control of Ayatollah Khamenei and the Ahmadinejad government. In June 2006, Khamenei appointed a five-man foreign policy council headed by the former Foreign Minister Kamal Kharrazi. Its task was to ensure consistent macro foreign policy strategies.⁵⁶

Dutch diplomats suspected that Foreign Minister Manouchehr Mottaki and his staff had been sidelined.⁵⁷ In the view of an Egyptian official, there were ideological and nationalistic reasons for the internal rifts in Iran. Enrichment had become a matter of national pride, regime survival and

⁵³ Saur, *op. cit.*, p. 13.

 ⁵⁴ Y. Alexander & M. Hoenig, *The New Iranian Leadership: Ahmadinejad, Terrorism, Nuclear Ambition, and the Middle East*, Westport, Praeger Security International, 2008, p. 128.
⁵⁵ Kaussler, *op. cit.*, p. 52.

⁵⁶ Wikileaks, 06DUBAI4109, 3 July 2006, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/06DU-</u>BAI4109 a.html

⁵⁷ Wikileaks, 06THEHAGUE2661, 12 July 2006, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/</u>06THEHAGUE2661 a.html

international legitimacy.⁵⁸ In October 2007, Iran's lead negotiator Ali Larijani resigned due to "unsolvable differences" with Ahmadinejad.⁵⁹ The negotiations were now to be led by one of the President's ideological allies – the former deputy foreign minister for European and American affairs, Saeed Jalili.⁶⁰

4.2 Coherence

On 25 January 2006, the Political Director of the Italian MFA requested an urgent meeting with the U.S. Ambassador to Rome. The purpose was to express Italy's dissatisfaction with its role in the nuclear negotiations. The same day in COREPER, Italy had insisted that a draft communication on Iran would be made so to better reflect the views of all member states. The EU-3 had objected to this demand, and Italy responded by blocking the draft. Allegedly, the UK was the main opponent to including Italy in the Iran discussions.⁶¹

While other EU members by now had accepted the EU-3's lead, some of them remained skeptic about the level of transparency. According to the Czechs, the Council meetings on Iran merely had the form of simple briefings rather than an exchange of opinions.⁶² At the EU foreign ministers' 'Gymnich meeting' in 2006, several states, including the Netherlands, Spain, Greece and Italy, criticized the E3 for a lack of transparency. This criticism was caused by the 'big three's' failure to share Iran's response to a negotiating proposal sponsored by the High Representative.⁶³

⁵⁸ Wikileaks, *06CAIRO3419*, 4 June 2006, retrieved 16 April 2016, <u>http://wikileaks.org/plusd/cables/</u>06CAIRO3419 a.html

⁵⁹ A. Larijani cited in D. Patrikarakos, *Nuclear Iran: The Birth of an Atomic State*, New York, I.B. Tauris, 2012, p. 234. ⁶⁰ *Ibid*.

⁶¹ Wikileaks, 06ROME241, 26 January 2006, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/</u>06ROME241 a.html

⁶² Wikileaks, 06PRAGUE747, 1 July 2006, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/06PRA-GUE747_a.html</u>

⁶³ Sauer, *op. cit.*, p. 14.

In the face of continued Iranian enrichment activities, the Council of the EU was somewhat divided on where to draw a red line. Some of the countries that supported the U.S.'s hard approach were the UK, Czech Republic and Portugal. According to the Czech MFA Security Policy Director, Poland, the Netherlands and Slovakia also played assertive and constructive roles on the issue.⁶⁴ Conversely, Germany and France represented a wing of countries that questioned the sense of preconditioning negotiations on Iranian cessation of enrichment activities.⁶⁵ Despite these differences, the parties managed to find common ground on a set of UN resolutions that mandated economic sanctions.

In addition to the UN sanctions, the U.S. sought to convince its European allies of taking unilateral steps towards halting Iran's access to export credit guarantees. Once again, some EU members had reservations. Italy was cautious of upsetting its historically important business relations with Iran,⁶⁶ the Netherlands wanted to avoid measures that would hit Shell,⁶⁷ and Austria was worried of losing access to the Iranian energy sector. Nevertheless, the EU members gradually started to decrease their credit exposure to Iran.⁶⁸

4.3 Strategy and leverage

The EU initially tried to persuade Iran with a strategy of manipulation through positive incentives. High Representative Solana stated that the EU would be ready to offer Iran "the most sophisticated technology" for energy purposes.⁶⁹ Moreover, he emphasized that "we want to prove to

⁶⁴ Wikileaks, 06PRAGUE747, loc. cit.

⁶⁵ Wikileaks, 06LISBON2407, 25 October 2006, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/06LIS-BON2407 a.html</u>

⁶⁶ Wikileaks, 07ROME122, 18 January 2007, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/</u>07ROME122 a.html

⁶⁷ Wikileaks, 07THEHAGUE246, 9 February 2007, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/07THEHAGUE246_a.html</u>

⁶⁸ Wikileaks, 07PARIS544, 9 February 2007, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/ca-bles/07PARIS544 a.html</u>; Wikileaks, 07BERLIN335, 16 February 2007, retrieved 14 April 2016, <u>http://wik-ileaks.org/plusd/cables/07BERLIN335 a.html</u>

⁶⁹ J. Solana, cited in D. Bilefsky, 'Europe to Offer Iran Conditional Incentives', *The New York Times*, 16 May 2006, retrieved 16 April 2016, <u>http://www.nytimes.com/2006/05/16/world/middleeast/16iran.html? r=0</u>

the Iranians clearly and loudly that we have nothing against Iran using nuclear power for peaceful means...[however,] we do not have proof that this is the case, and Iranian demands to be able to conduct enrichment for research purposes is something we can't accept".⁷⁰

Some of the elements in Solana's May 2006 offer were a potential membership in the WTO, along with improved university ties to Europe and nuclear fuel supplies from an international entity in Russia. There was no formal deadline for the answer, but the Iranians stated that they would reply in August. It was an offer backed by all members of the UNSC and, most importantly, the Americans linked it to a request from President Ahmadinejad for direct talks with the U.S. Thus, if Iran replied positively to the proposal, Washington would be ready to accept Ahmadinejad's invitation.⁷¹

The prospect of being able to speak directly with the Americans seems to have divided the Iranian decision-makers. While Foreign Minister Mottaki spoke positively of the package, lead negotiator Ali Larijani described it as "unacceptable" and "irrational", since it was contingent on suspending enrichment.⁷² According to a Turkish diplomat, Larijani was losing his patience with the Europeans, whom he felt had cheated Iran.⁷³ Thus, instead of accepting the offered terms, the regime responded with a lengthy counter proposal that did not provide for enrichment cessation.⁷⁴

On 31 July 2006, the UNSC adopted resolution 1696, which gave Iran one month to stop enrichment activities and meet the IAEA requirements or possibly face sanctions.⁷⁵ As the dead-line expired, Iran had neither suspended enrichment nor its ongoing construction of a heavy water

⁷⁰ Ibid.

⁷¹ *Ibid.;* Kaussler, *op. cit.*, pp. 47-48.

⁷² The News International, *Larijani seeks new ideas to resolve nuclear crisis*, 26 April 2007, retrieved 8 July 2017 at: <u>https://www.thenews.com.pk/archive/print/52572-daska-city-news</u>

⁷³ Wikileaks, 06ANKARA3006, 25 May 2006, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/06AN-KARA3006 a.html</u>

⁷⁴ Sauer, *op. cit.*, p. 14.

⁷⁵ United Nations Security Council, *Resolution 1696 (2006)*, S/RES/1696 (2006), 31 July 2006, p. 3.

reactor. On request from IAEA Director General Mohamed El Baradei, Javier Solana undertook to maintain dialogue with Larijani. However, this attempt soon faltered. The U.S. had lost its patience with positive incentives and considered Larijani to be marginalized within the regime.⁷⁶ With Larijani's resignation in October 2007, this assessment turned out to hold true.

However, once more the U.S. preference for coercive diplomacy would be held back by its partners. French President Jacques Chirac tried to persuade George W. Bush to consider a three-stage proposal. This plan would keep the enrichment question off the agenda until a dialogue with Iran had been established.⁷⁷ In this way, Iran could be drawn back to the table and gradually led towards compliance.⁷⁸

However, while the U.S. stood firm on the precondition of enrichment suspension, Iran continued to defy the UNSC. This gradually led the E3 toward the position of the U.S. Thus, from December 2006 to March 2008, the UNSC adopted three resolutions (1737, 1747, 1803) leading to an embargo on nuclear-related trade, as well as sanctions on entities and individuals involved in the nuclear and ballistic missiles programme. In the first two resolutions, the great powers sought to protect their most significant national interests, such as arms exports and trade in oil and dual-use items.⁷⁹ However, the third resolution did ban exports of dual-use items to Iran unless such items were intended for use in a light water reactor or to support cooperation with IAEA.⁸⁰

⁷⁶ Kaussler, *op. cit.*, p. 50.

⁷⁷ Sauer, *loc. cit.*

⁷⁸ Wikileaks, 06BEIJING23933, 20 November 2006, retrieved 14 April 2016, <u>http://wikileaks.org/plusd/cables/06BEI-JING23933_a.html</u>

⁷⁹ K. Katzman, Iran: U.S. Concerns and Policy Responses, Congressional Research Service, 22 June 2009, p. 22.

⁸⁰ Wikileaks, *08STATE21770*, 4 March 2008, retrieved 19 April 2016, <u>https://www.wikileaks.org/plusd/cables/</u>08STATE21770 a.html

Meanwhile, the EU had not given totally up on soft diplomacy, and Javier Solana continued to arrange meetings with Ali Larijani.⁸¹ Furthermore, the full E3+3 group invited Larijani to an informal meeting on the auspices of the UN General Assembly in New York. However, Larijani did not show up and resigned a few months later.⁸² Nevertheless, the EU managed to get support from the UNSC for a new updated package of incentives. A few of the key elements in the proposal were a recognition of Iran's right to a peaceful nuclear program, technical and political cooperation as well as normalization of trade relations. Despite the long list of positive incentives, Iran declined the offer for the usual reason: the precondition of enrichment suspension was considered unacceptable.⁸³

4.4 Preliminary conclusions

Despite new attempts by the EU-3 to give soft diplomacy a chance, Iran remained firm in its assertion that it had a right to enrich and process uranium under the NPT. For this reason, Tehran refused to negotiate based on a precondition of enrichment suspension. Within the EU, opinions varied on whether to maintain the requirement of enrichment suspension. However, the U.S. was firm on this point and had support from a group of EU member states. Since the EU again failed to create sufficient leverage through positive incentives, negative manipulation with sanctions was the logical next step to take.

Thus, gradually the E3+3 moved ahead with a sanctions-based approach. However, these sanctions allowed the parties to preserve some of their most sensitive trade interest. Although the U.S. pushed its European partners to go further with unilateral measures, Iran continued to develop its nuclear program. Moreover, Tehran's indirect involvement in the Iraq war and divisions within Iranian regime contributed to making rapprochement difficult. In sum, the EU-3 generally

⁸¹ *Ibid*.

⁸² D. Patrikarakos, *loc. cit.*

⁸³ B. Kaussler, *op. cit.*, pp. 65-73.

followed the lead of the U.S. in this period. Javier Solana did try to bring the parties back to negotiations but inflexible bargaining positions ultimately made it impossible to create progress.

5. 2008-2012: Dual-track diplomacy

As the George W. Bush era approached its end, the EU hoped for new impetus in the diplomatic engagement with Iran. However, the Obama administration's 'Dual-Track' strategy created a paradox: Until this point, the EU-3 had struggled to facilitate reconciliation between the U.S. and Iran. However, now the UK and especially France voiced their opposition to American plans of abandoning the former precondition of enrichment cessation. A renewed dialogue with Tehran led to several attempts to open formal negotiations. However, domestic pressure in Iran was again a contributing factor to a lack of significant progress. The Ahmadinejad administration was willing to talk but it needed quick, tangible concessions from the E3+3 to legitimize an opening of negotiations. The new Dual-Track strategy did not provide sufficient leverage in terms of attractive and early benefits that could help the Iranian government to save face at home.

5.1 Context

Despite several unsuccessful attempts at bringing Iran to the negotiating table, the EU-3 awaited a new window of opportunity for diplomatic efforts. After a period shaped by uncompromising political positions of the George W. Bush and Mahmoud Ahmadinejad administrations, it was expected that the upcoming presidential elections in the U.S. and Iran would have a fundamental impact on the prospects of rapprochement. Initially this assessment seemed to hold true. The new U.S. President, Barack Obama, signaled his willingness to enter into a dialogue that would "not be advanced by threats" but by honesty and "mutual respect".⁸⁴ However, contrary to expectations, Ahmadinejad managed to stay in power after a heavily disputed election. The allegations of fraud spurred the largest protests in Iran since the revolution and put Ahmadinejad under pressure to address the underlying dissatisfaction with the economy and corruption.⁸⁵ This crisis of legitimacy helped pushing the Iranian government toward renewed negotiations with a view to achieve sanctions relief and international recognition.

President Obama managed to launch a new dialogue by dropping the precondition of enrichment cessation. Nevertheless, getting to terms on an actual agreement turned out to be very difficult. One important reason was arguably the discourse in Iran. Several influential voices hammered the approach for lacking guaranteed commitments from the E3+3 while demanding too big concessions from Iran.⁸⁶ Rapprochement became even more difficult toward the end of this period. Tehran decided to cut diplomatic ties with the UK in response to sanctions on its financial institutions. The deterioration of relations with the UK led an angry crowd to attack the British Embassy in Tehran in November 2011.

At the diplomatic level, the U.S.' tried to push its European partners to adopt unilateral sanctions outside of the UNSC framework. Initially, there was some loose speculation on whether the EU's treaty revision process would affect these efforts. According to EU Political Director Robert Cooper, the Irish rejection of the Lisbon Treaty had led to discussions on a 'multi-speed Europe'. It

⁸⁴ B. Obama cited in S. Stein, *Obama Sends Iran Direct Message On Nowruz: It's Time For A New Beginning*, The Huffington Post, 19 March 2009, retrieved 19 April 2016, <u>http://www.huffingtonpost.com/2009/03/19/obama-addresses-iran-dire_n_177202.html</u>

⁸⁵ S. Chubin, *The Politics of Iran's Nuclear Program*, United States Institute of Peace: Iran Primer, 2010, retrieved 20 April 2016, <u>http://iranprimer.usip.org/resource/politics-irans-nuclear-program</u>

⁸⁶ Wikileaks, 09RPODUBAI459, 26 October 2009, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/cables/09RPODU-BAI459_a.html</u>

was unclear whether such a principle would be legally possible to follow in the sphere of sanctions. Nevertheless, Cooper estimated that there were strong prospects of the EU moving ahead via a coalition of the willing.⁸⁷ Despite these speculations, the EU retained its consensus and erected a common embargo on Iranian oil in June 2012.⁸⁸

5.2 Coherence

While awaiting the outcomes of the Presidential elections in 2008, the EU worked on implementing UNSC resolution 1803. However, the U.S. was not impressed with the pace of its partners. In July 2008, an American official updated Washington on the transposition of sanctions that the U.S had urged the Europeans to implement for several months.⁸⁹ At this point, the EU had only implemented parts of resolution 1803 and was likely to postpone further discussions on sanctions to a later Council meeting. The U.S. encouraged a quick transposition of the resolution and pressed for further autonomous measures, such as bans on exports credits and on investing in Iranian oil and gas.⁹⁰

The EU was particularly divided on the latter request. Austria kept referring to the strategic need of energy diversification, which had been illustrated by the Russia-Ukraine gas dispute in 2006.⁹¹ Moreover, Croatia and Poland had recently undertaken initiatives to develop natural gas resources from Iran.⁹² According to the Political Director of the Portuguese MFA, the EU's primary

⁸⁷ Wikileaks, 08BRUSSELS1008, 2 July 2008, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/cables/08BRUS-SELS1008 a.html</u>

⁸⁸ Kaussler, *op. cit.*, p. 90.

 ⁸⁹ Wikileaks, 08STATE75702, 15 July 2008, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/ca-bles/08STATE75702_a.html</u>
⁹⁰ Ibid.

⁹¹ Wikileaks, 08USUNNEWYORK920, 9 October 2008, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/ca-bles/08USUNNEWYORK920 a.html</u>

⁹² Wikileaks, 08BERLIN1285, 18 September 2008, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/cables/08BER-LIN1285_a.html</u>

concern was a spike in oil prices caused by a potential Israeli attack on Iran.⁹³ Moreover, Germany insisted on agreement among all EU member states as well as several non-EU states with regard to sanctions.⁹⁴ Against such concerns, the UK and France led a wing of member states that wanted to push forward with unilateral sanctions. These divisions among the big member states complicated the prospects of them forming a united 'coalition of the willing'.⁹⁵

Despite the change of U.S. administrations, the sanctions policy continued under President Obama. In 2009, Washington proposed the adoption of a new set of UN-mandated sanctions. Once more, some EU members expressed their concern over this policy. According to Swedish Foreign Minister Carl Bildt, sanctions were an ineffective tool. They would be impossible to enforce in the energy sector and possible to bypass in the financial sector.⁹⁶ However, Sweden evidently had significant economic interests at stake. According to the U.S. Embassy in Stockholm, Sweden had doubled its exports to Iran while other EU members were cutting back.⁹⁷ Nevertheless, the Europeans did manage to overcome their contrasting views and found common ground on tightening the screw.

5.3 Strategy and leverage

The Obama strategy seemed much like old wine in a new bottle. Even its label, 'dualtrack diplomacy', had sometimes been used by diplomats to describe the approach under President

⁹³ Wikileaks, 08LISBON1655, 11 July 2008, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/cables/08LIS-BON1655 a.html</u>

 ⁹⁴ Wikileaks, 08LONDON2600, 14 October 2008, 18 April 2016, <u>http://wikileaks.org/plusd/cables/08LON-DON2600_a.html</u>
⁹⁵ Kaussler, op. cit., p. 72.

⁹⁶ C. Bildt cited in Wikileaks, 09STOCKHOLM738, 25 November 2009, retrieved 18 April 2016, <u>http://wik-ileaks.org/plusd/cables/09STOCKHOLM738_a.html</u>

⁹⁷ Wikileaks, 09STOCKHOLM793, 22 December 2009, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/ca-bles/09STOCKHOLM793 a.html</u>

Bush.⁹⁸ As in the past, this strategy implied a mixture of outreach on one hand and continuous sanctions on the other one. However, the strategy did contain two important elements. First, enrichment suspension would no longer be a precondition for engaging in confidence-building steps but would feature at a later stage in the diplomatic process. Secondly, the negotiations would focus strictly on the nuclear program and leave out issues such as human rights and regional stabilization.⁹⁹

Paradoxically, now that the U.S. finally was ready to drop the precondition of enrichment cessation, the UK and France wanted to stay with the red line from the Bush era.¹⁰⁰ French foreign minister Bernard Kouchner cautioned that too much reliance on soft dialogue over sanctions could "ruin the dual-track approach".¹⁰¹ Even after the successful launch of new talks with Iran in October 2009, France remained skeptic of the strategy. The French MFA Deputy Director for Strategic Affairs even conveyed to his American counterparts that France was waiting for the U.S. to take leadership on Iran.¹⁰²

Tehran accepted the offer to engage in talks without preconditions. However, once more it turned out that Iran was working on a secret facility. An underground enrichment plant was being constructed below a military base near the city of Qom; the Americans later claimed that they had known about the existence of the Fordow Fuel Enrichment Plant. Allegedly, the U.S. had been waiting for the right time to use this intelligence as a bargaining chip. However, the Iranians moved first

⁹⁸ Wikileaks, 08MADRID1142, 3 November 2008, retrieved 16 April 2016 <u>http://wikileaks.org/plusd/cables/08MA-DRID1142 a.html</u>; Wikileaks, 08VIENNA1058, 25 July 2008, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/cables/08VIENNA1058 a.html</u>

⁹⁹ T. Parsi, A Single Roll of the Dice: Obama's Diplomacy with Iran, New Haven, Yale University Press, 2012, pp. 54-58.

¹⁰⁰ Wikileaks, 09BERLIN1235, 2 October 2009, retrieved 18 April 2016, <u>http://wikileaks.org/plusd/cables/09BER-LIN1235 a.html</u>

¹⁰¹ B. Kouchner cited in T. Parsi, op. cit., p. 11.

¹⁰² Wikileaks, *09PARIS1401*, 16 October 2009 retrieved 18 April 2016, <u>http://wikileaks.org/plusd/ca-bles/09PARIS1401 a.html</u>

by declaring the existence of the plant to the IAEA. They claimed that the purpose of the facility had been to shield the nuclear program from a possible military strike by the U.S. or Israel.¹⁰³

Nevertheless, in October 2009, the parties agreed on a deal whereby Iran would ship 75% of its LEU to Russia. It would then be enriched to below weapons grade level before being converted to fuel in France. Finally, the fuel would be returned to Iran for use in a research reactor.¹⁰⁴ The EU would be responsible for facilitating the next steps by setting up a specific agenda together with the Iranians. To this end, Solana's Personal Representative for non-proliferation of WMD, Annalisa Giannella, and Robert Cooper met with Deputy Secretary of the Supreme National Security Council Ali Bagheri in Geneva.¹⁰⁵

However, the Geneva plan was not popular among several influential voices in Iran. Critics argued that Iran would be giving away more LEU than the amount of fuel it would receive in return after a long waiting period of one-two years.¹⁰⁶ As a result, Tehran started to roll back on the agreement. As the outreach track was entering a stalemate, the U.S. shifted its focus to sanctions by pushing for a new UNSC resolution.

The West's renewed focus on coercion opened the outreach track to other actors. Surprisingly, Turkey and Brazil launched joined talks with Iran in spring 2010. The three parties found common ground on a proposal whereby Iran would deposit 1,200 kg LEU in Turkey and receive 120 kg of 20% enriched fuel in return. However, the U.S. and the EU-3 dismissed the proposal for both technical and political reasons. The framework did not take into account that Iran's LEU stockpile

¹⁰³ T. Parsi, op. cit., pp. 121-123.

¹⁰⁴ Kaussler, *op. cit.*, pp. 83-84.

¹⁰⁵ T. Parsi, op. cit., p. 132.

¹⁰⁶ Wikileaks, 09RPODUBAI459, loc. cit.; Kaussler, loc. cit.

had increased since Geneva. At the same time, it would not prevent Iran from producing more.¹⁰⁷ In addition, the U.S., the UK and France worried that the Turkish-Brazilian intervention would complicate the adoption of a new UNSC resolution. However, resolution 1929 did pass, and this effectively marked the breakdown of the Turkish-Brazilian initiative.¹⁰⁸

Interestingly, UNSC resolution 1929 explicitly recognized the key role of the EU's new High Representative Catherine Ashton to,

...continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution, including relevant proposals by China, France, Germany, the Russian Federation, the United Kingdom and the United States with a view to create necessary conditions for resuming talks.¹⁰⁹

Thus, the HR now had a formal mandate to act in a facilitating / formulating role. Throughout 2011-2012, Ashton engaged in bilateral discussions with Saeed Jalili in which they tried to find common ground on a new version of the fuel swap proposal. To this end, the parties met in Istanbul, Baghdad and Moscow.

Russian Foreign Minister Sergey Lavrov presented a 'step-by-step' plan implying reciprocal confidence-building actions to verify the peaceful nature of Iran's program. The final aim would be to allow for small-scale enrichment under international supervision.¹¹⁰ Although Tehran accepted this approach, the parties could not agree on a specific 'package' allowing Iran to save face while guaranteeing the peaceful nature of the nuclear programme. In the meantime, Iran began to enrich uranium to 20% (HEU level).¹¹¹

¹⁰⁷ J. Borger, *Cool response to Iran's nuclear fuel swap with Turkey*, The Guardian, 18 May 2010, retrieved 21 April 2016, <u>http://www.theguardian.com/world/2010/may/17/iran-nuclear-fuel-swap-turkey</u>

¹⁰⁸ *Ibid.*, p. 181.

¹⁰⁹ United Nations Security Council, *Resolution 1929 (2010)*, S/RES/1929 (2010), 9 June 2010, art. 33.

¹¹⁰ N. Entessar & K. L. Afrasiabi, *Iran Nuclear Negotiations: Accord and Détente since the Geneva Agreement of 2013*, London, Rowman & Littlefield, 2015, Ebook edition, pp. 47-48.

¹¹¹ Kaussler, *op. cit.*, p. 91.

Tehran wanted sanctions relief and a recognized right to enrich as a precondition for negotiating. These demands were against the dual-track strategy of pressuring Iran with sanctions during the bargaining phase. At the same time, enrichment was to be suspended in the phase of "serious negotiations".¹¹² Once more, the dialogue stalled due to Presidential elections in the U.S.

5.4 Preliminary conclusions

Obama's 'dual-track strategy' was meant to give impetus to soft diplomacy. However, at the same time, the second track implied negative manipulation with sanctions to pressure Iran into compliance. Paradoxically, inside the EU, the UK and France now argued in favour of a hardline approach while some other member states were highly skeptical of sanctions. Nevertheless, they did not want to break the EU's principle of consensus and agreed to erect an embargo on .Iranian oil.

In the last part of this period, the new High Representative, Catherine Ashton, tried to create a breakthrough. She acted in the nexus between facilitation and formulation by discussing on the basis of pre-agreed positions. Hard-pressed in the domestic arena, the Ahmadinejad administration needed a compromise that would allow it to save face at home. However, the dual-track principles did not provide the necessary room to give such concessions.

6. 2012-2015: The end game

The election of the new Reformist president Hassan Rouhani, marked a turning point in the E3+3 talks with Iran. This event combined with secret back channel talks between American and Iranian officials created the basis for launching formal negotiations. The result was a compromise on an interim framework agreement (the JPOA) and further negotiations on a long-term settlement of the dispute culminating with the JCPOA in July 2015. The intensified talks increased the need for effective coordination and communication. To this end the High Representative and her team played a key

¹¹² Western diplomat cited in: S. Erlanger, *Little Progress Is Seen in Iran Talks*, The New York Times, 21 January 2011, retrieved 22 April 2016, <u>http://www.nytimes.com/2011/01/22/world/middleeast/22nuke.html</u>

role in maintaining continuity via facilitation and formulation. Within the E3, France continued to pursue a hard line. While it is difficult to assess the precise impact of this bargaining position, it does not seem to have endangered the overall progress towards a final deal.

6.1 Context

Within Iran, the extensive sanctions had taken their toll. In August 2013, inflation stood at 45% up from 32% earlier in the summer, oil exports had decreased by more than 40% compared to the previous year, and foreign currency holdings were shrinking at a rate of \$15 billion per year.¹¹³ Public debt had not been served for more than half a year.¹¹⁴ During the presidential elections in June 2013, the Reformists used the deteriorating economic climate as a main argument for reopening the nuclear negotiations. This tactic helped bringing about the victory of Iran's former lead negotiator, Hassan Rouhani.¹¹⁵

With the confrontational Ahmadinejad out of office and Barack Obama beginning his second Presidential term, "all the stars were now finally aligned" for new attempts to make a break-through.¹¹⁶ Previous constellations of leaders had largely negated what the EU-3 could do.¹¹⁷ Rouhani started out by signaling his willingness to bring the nuclear negotiations forward. Moreover, he transferred the responsibility of the negotiations from the conservative National Security Council and back to the MFA and appointed moderate allies to administrative key positions. The Foreign Minister Javad Zarif became the new lead negotiator.¹¹⁸

¹¹³ J. Warrick & J. Rezaian, 'Economic crisis deepens in Iran', *The Washington Post*, 3 August 2013, A-section, p. 1. ¹¹⁴ Editoral Board, 'Next Steps With Iran', *The New York Times*, 21 July 2013, section SR, p. 10.

¹¹⁵ S. Kamali, *Iranian cleric Hassan Rouhani elected as president,* The Guardian, 15 June 2013, retrieved 24 April 2016, <u>http://www.theguardian.com/world/2013/jun/15/iranian-cleric-hassan-rouhani-lead-presidency</u>

¹¹⁶ Inteview, EU official 2, 14 March 2016.

¹¹⁷ *Ibid*.

¹¹⁸ N. Entessar & K. L. Afrasiabi, op. cit., pp. 17-21.

In fact, it only took a few months from Rouhani's inauguration until a landmark 'interim agreement' had been reached which provided a framework for renewed formal negotiations. However, it was later revealed that significant ground had been covered in secret bilateral meetings between the U.S. and Iran in Oman during the Ahmadinejad years. From 2011, these contacts took place at lower political levels, but they turned into high-level discussions by March 2013 when delegations headed by the two Deputy Foreign Ministers William Burns and Ali Asghar Khaji met in the Omani capital, Muscat.¹¹⁹

Apparently, these highly secretive meetings took place without the knowledge of the U.S.' partners, including the 'lead negotiator' Catherine Ashton. It was during these bilateral meetings that a common understanding was reached that resulted in the U.S. accepting Iranian enrichment capacity. In June 2013, right before the election of Rouhani, the two parties met for a third round of discussions where they drafted a framework for formal negotiations.¹²⁰ This compromise formed the basis for later meetings in Vienna and Geneva culminating with an interim agreement.

6.2 Coherence

According to EU officials, there was a remarkable degree of unity within the E3+3 despite the Russian annexation of Crimea in early 2014.¹²¹ Nevertheless, upon learning of the secret backchannel in Oman, France's Foreign Minister Laurent Fabius was clearly displeased about having been left out. Moreover, he complained that the U.S-Iranian bargaining proposal was weak on issues

¹¹⁹ M. A. Shabani, *Salehi reveals new details of secret US, Iran back channel,* Al-Monitor, Iran Pulse, 23 December 2015, retrieved 24 April 2016, <u>http://www.al-monitor.com/pulse/originals/2015/12/salehi-interview-conveys-new-details-of-secret-backchannel.html</u>

¹²⁰ A. Savyon *et al.*, *Iranian Officials Reveal That Secret Negotiations With U.S. Began In 2011 – Only After U.S. Complied With Tehran's Precondition To Recognize In Advance Iran's Nuclear Status*, The Middle East Media Research Institute, Inquiry & Analysis Series Report No. 1185, 16 September 2015; Phone interview with American journalist, 17 March 2016.

¹²¹ Interview, EU official 3, Brussels, 9 March 2016. ; Interview EU official 2, loc. cit.

such as the heavy water reactor in Arak, the acceptance of enrichment, and an offer to unfreeze Iranian assets in foreign banks.¹²²

This tough stance was also evident during the ensuing negotiations. For example, France bargained for an agreement which would ensure a breakout time (the estimated time that Iran would need to develop a nuclear weapon) of 12 months for a period of 15 years.¹²³ Conversely, the U.S. was ready to accept a 12-month breakout time to remain in place for a minimum of 10 years. According to Fabius, France wanted stricter targets concerning the "volume, checks and duration of the envisaged commitments".¹²⁴ His views suggest that France was taking a more tough stance than its European partners due to a mixture of national pride and relations with Gulf States and Israel.¹²⁵

6.3 Strategy and leverage

Contrary to the expectations of many observers, it seemed like the sanctions part of 'dual-track diplomacy' had succeeded in creating leverage for the second track of dialogue. According to an EU official, it was the European sanctions that made the difference. After all, American trade with Iran had already been severely limited for decades.¹²⁶

However, at the negotiating table, it was Russia and not Europe that came up with the fundamental idea behind the new framework for negotiations. More specifically, the parties discussed different versions of Sergey Lavrov's 'step-by-step plan', both prior to and after the elections in the

¹²² A. Rettman, *France blocks Iran nuclear deal*, euobserver, 11 November 2013, retrieved 23 April 2016, <u>https://eu-observer.com/foreign/122056</u>

¹²³ A. J. Rubin, 'Israeli Officials Talk With French to Try to Influence Iran Nuclear Deal', *The New York Times*, 24 March 2015, section A, p. 8.

¹²⁴ L. Fabius cited in M. R. Gordon, 'After talks, nuclear agreement with Iran is seen as close;

But Kerry faces array of challenges in push to complete potential accord', *International New York Times*, 9 March 2015. ¹²⁵ BBC Monitoring Europe, 'Italy views US, French "role-playing" in Iran nuclear talks', 13 November 2013, *transcript from La Stampa*, 10 November 2013

¹²⁶ Inteview, EU official 2, *loc. cit.*

U.S. and Iran. Two unsuccessful meetings took place in Kazakhstan during spring 2013 before the election of Rouhani turned things around.¹²⁷

A new round of talks in Geneva led to an interim agreement called the Joint Plan of Action (JPOA) being reached on 24 November 2013. This framework made it possible to move beyond the stage of dialogue and into regular negotiations. Similar to the Lavrov Plan, this document stated that the parties, while negotiating a long-term solution, would undertake a number of reciprocal steps during two phases.

The first six-month phase would be extendable by mutual consent. Iran would commit to freeze building and enrichment activities and cooperate fully with the IAEA. In return, the E3+3 would suspend existing sanctions on gold, precious metals, petrochemicals and the auto industry, refrain from imposing new sanctions, and facilitate trade in food and medicine.¹²⁸ After no more than one year, the second phase should begin, during which a negotiated long-term solution would start being implemented.

Such a solution would include: a specification of the duration of the deal; a definition of the scope of enrichment; resolution of concerns about Iran's heavy water reactor; cooperation on a civilian nuclear program; implementation of transparency measures, including the Additional Protocol; and a comprehensive lift of remaining nuclear-related sanctions. In addition, the Europeans would keep a close eye on implementation of near-term measures via a joint EU-3 + Iran committee for monitoring and dispute settlement.¹²⁹

¹²⁷ BBC Monitoring Middle East, 'Academic recommends acceptance of P5+1's proposal for Iran's Fordo nuclear site', 21 February 2013, *Transcript from Tehran-e Emruz website*, 20 February 2013; Entessar & Afrasiabi, *op. cit.*, p. 49.

¹²⁸ E3+3 and Iran, *Joint Plan of Action*, Geneva, 24 November 2013, retrieved 25 April 2016, <u>http://eeas.europa.eu/state-ments/docs/2013/131124_03_en.pdf</u>

¹²⁹ Ibid.

The JPOA marked the beginning of the most intense period of diplomatic engagement with Iran. The negotiating parties met in all kinds of different formats such as bilaterals, trilaterals and full group plenaries.¹³⁰ The EU team, led by the High Representative, was at the center of all these meetings. Catherine Ashton and later Federica Mogherini chaired the main Foreign Ministers meetings, while Deputy Secretary General of EEAS Helga Schmidt led talks between the political directors. Two EEAS Senior Advisors coordinated technical discussions at expert level.¹³¹ The specific role of the EU was to keep continuity between the different discussion levels, take note of all the inputs, and "make sure that everything was put together and mediated".¹³²

Thus, the EU's responsibility was not merely to facilitate meetings and act as channel of communication. It also had a more active role that entailed to formulate various drafts and compromise proposals.¹³³ In 2015 alone, the meeting activity exceeded 120 days. According to an EU official, the high meeting frequency, the relatively small negotiating teams and their rather stable composition generated a sense of confidentiality. This helps to explain why no documents leaked, in spite of the fact that many papers were floating around.¹³⁴

Catherine Ashton has been described as a skillful diplomat in the talks with Iran.¹³⁵ According to Professor Ali Bigdeli from Tehran's Beheshti University, Ashton was "the most suitable individual as far as Iran's nuclear case is concerned".¹³⁶ She managed to be perceived as a credible mediator who was "able to act more impartially than other Western officials"; this is not least the

¹³⁰ Interview, EU official 3, *loc. cit.*; Interview, EU official 2, *loc. cit.*

¹³¹ L. Rozen, *Iran, P5+1 meet on implementing nuclear accord,* Al-Monitor: The Back Channel, 9 December 2013, retrieved 25 April 2016, <u>http://backchannel.al-monitor.com/index.php/tag/eeas/</u>

¹³² Interview, EU official 2, *loc. cit.*

¹³³ *Ibid*.

¹³⁴ Interview, EU official 3, *loc. cit.*

¹³⁵ L. V. d'Imécourt & B. Beary, 'EU/Iran: Ashton Garner Praise for "ground breaking" deal with Iran', *Europolitics: Monthly*, 16 December 2013, No. 0308.

¹³⁶ Bigdeli, Ali, cited in BBC Monitoring Middle East, 'Academic recommends acceptance of P5+1's proposal for Iran's Fordo nuclear site', 21 February 2013, *transcript from Tehran-e Emruz website*, 20 February 2013.

case because the EU never threatened to use the military option.¹³⁷ However, since Ashton's mandate was to act in the nexus between facilitation and formulation, her limits were also very clear as described by an Iranian official,

She knows how to create a pleasant and practical atmosphere ... [But] it's quite clear that there is no genuine political power behind her. She has to go to consult with the representatives of the world powers on every minor detail [...] She is no more than a liaison, and at that she is very effective.¹³⁸

Due the expertise and confidence she had had built with the Iranians throughout her years in office, Ashton continued to act as a special advisor to her successor, Federica Mogherini.¹³⁹

The negotiations were very complex because the goal of ensuring the peaceful nature of the Iranian program could be reached through different paths. Various elements could be adjusted in different ways and combinations that had to be checked for viability and impact.¹⁴⁰ Iran wanted to be able use its heavy water reactor and have sanctions phased-out.¹⁴¹ Conversely, for the U.S., the critical point was to limit Iran's 'breakout time' (the time it would take for Iran to develop a nuclear weapon) to at least one year.¹⁴² By June 2015, the breakout time was estimated to just around two months.¹⁴³ In addition, the talks centered on formulating a 'snap-back' mechanism for reactivating sanctions in case of violations.¹⁴⁴

¹³⁷ *Ibid*.

¹³⁸ Iranian official cited in A. Rettman, *From Solana to Mogherini: What did Ashton really do?, euobserver,* 1 December 2014, retrieved 26 April 2016, <u>https://euobserver.com/foreign/126734</u>, original quotation in A. Pfeffer, *Profile // Ashton, Activist Turned Diplomat at Center of Nuclear Talks,* Haaretz, 24 November 2013, retrieved 26 April 2016, <u>http://www.haaretz.com/israel-news/.premium-1.559762</u>

¹³⁹ Euobserver, Ashton becomes Mogherini's advisor on Iran, 6 December 2014, retrieved 25 April 2016, <u>https://eu-observer.com/tickers/126811</u>

¹⁴⁰ U.S. Senior Administration Official cited in US Official News delivered by Plus Media Solutions, 'Washington: Background Briefing on EU Coordinated P5+1-Iran Negotiations', Washington, 20 March 2014.

¹⁴¹ Interview, EU official 3, *loc. cit.*

¹⁴² M. R. Gordon, 'U.S. Lays Out Limits It Seeks in Iran Nuclear Talks', *The New York Times*, 21 November 2014, section A, p. 3.

¹⁴³ D. E. Sanger & M. R. Gordon, 'Sticking Points as Iran Nuclear Talks Near Deadline', *The New York Times*, 29 June 2015, section A, p. 3.

¹⁴⁴ D. E. Sanger & M. R. Gordon, *loc. cit.*

Given the complexity of the discussions, it was necessary to extend the duration of the JPOA twice. Eventually, the parties decided to split up the political and technical negotiations. After additional rounds of hard bargaining, the JCPOA was finally reached within an extended deadline in July 2015.¹⁴⁵ Among other things, the agreement stipulates that Iran has to reduce its number of centrifuges by two-thirds and provide enhanced access to IAEA inspectors for 20 years. Enrichment will be restricted to a maximum level of 3,67% for 15 years, and the LEU stockpile has to be reduced by 98%.¹⁴⁶

In return, the nuclear-related multilateral sanctions and the EU's economic, financial and energy-related sanctions, including on oil, were lifted on 16 January 2016 (Implementation Day). Additional relief will be given in 2023 (Transition Day) and in 2025 (Termination Day) at the latest, provided that Iran continues to fulfill its obligations.¹⁴⁷

7. Conclusions

The EU's ability to influence the process was indeed moderated by changing conditions for diplomacy in the form of context, leverage, strategy, and coherence. In the beginning, the Europeans managed to keep Iran at the table and prevented the situation from escalating. This was important at a time when President George W. Bush had declared Iran to be part of an 'axis of evil' and the U.S. had invaded neighboring Iraq.

However, the EU had insufficient leverage from the beginning of the process, which partly was due to the U.S.' hesitation to support packages of incentives. Meanwhile the Iranians grew

¹⁴⁵ Entessar & Afrasiabi, op. cit., p. 102.

¹⁴⁶ J. Borger & P. Lewis, *Iran nuclear deal: negotiators announce 'framework' agreement,* 3 April 2015, retrieved 26 April 2016, <u>http://www.theguardian.com/world/2015/apr/02/iran-nuclear-deal-negotiators-announce-framework-agreement</u>

¹⁴⁷ For more info see: Joint Comprehensive Plan of Action, *thediplomat.com*, 14 July 2015, retrieved 21 August 2017, <u>http://thediplomat.com/wp-content/uploads/2015/07/thediplomat_2015-07-14_13-53-41.pdf</u>; EEAS, *Information Note on EU sanctions to be lifted under the Joint Comprehensive Plan of Action (JCPOA)*,23 January 2016, retrieved 21 August 2017, <u>http://eeas.europa.eu/archives/docs/top_stories/pdf/iran_implementation/information_note_eu_sanctions_jcpoa_en.pdf</u>

impatient and criticized the lack of direct reciprocity in the dialogue with the Europeans. Nevertheless, the EU's leverage was also insufficient because the Iranian interest in enrichment capacity outranked the uncertain perspectives of concluding a TCA and becoming a WTO member. Thus, the strategy of positive manipulation based on the 'Constructive Dialogue' did not alter the Iranian costbenefit calculations sufficiently. This frustrated the Europeans and led them to support sanctions in the UNSC.

Interestingly, once the U.S. finally presented a strategy that would make it easier to enter into dialogue with Tehran, France and the UK did not want to abolish the old red line of enrichment suspension. Thus, the European commitment to sustain dialogue was ambiguous. Within the EU, there were some friction over the lead of the E3. Nevertheless, the principle of consensus served to keep a fundamental coherence on the policy toward Iran.

After some years, the impact of the European sanctions did provide much-needed leverage for the E3+3. At the same time, the election of Hassan Rouhani created a window of opportunity for negotiations. However, the evidence does not support the hypothesis. Even when the four indicators created a favorable diplomatic climate, the EU did not provide the main impetus to move forward. Secret bilateral meetings between the U.S. and Iran created an opening for diplomacy and the general negotiating approach was based on a Russian framework proposal.

One can claim that the European sanctions were one of the main reasons why it was possible to make a diplomatic breakthrough. However, the sanctions were to a wide extent initiated by the U.S. and erected under American guidance and pressure. Nevertheless, EU's role was still significant. The High Representative and her team had the vital responsibility of facilitating continuity between the different negotiating levels and formulating compromise proposals. In conclusion, although the EU played an important role, it was not 'the main reason' why it was possible to reach the JCPOA. Nevertheless, the diplomatic process illustrates that a UNSC format with the EU High Representative, as a facilitator and formulator, may be a promising way to address international disputes in the future. Such a mediating role is consistent with the EU's image as a peaceful, credible actor and could help it filling out a niche at the highest level in global politics.

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