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Abstract

With the 2015 nuclear deal dead in all but name, Iran is getting closer to Russia and more repressive at home, while EU member states' priorities about the Islamic Republic now extend beyond nuclear proliferation to human rights and European security. This shift in priorities cements a re-orientation of the EU's approach to Iran from conditional engagement to confrontation. EU member states' options are limited, however. Pressure worked prior to the nuclear agreement because the EU cut off significant trade with Iran. But US extraterritorial sanctions, re-imposed after the United States left the deal in 2018, have rendered EU-Iran trade so modest that cutting it would have little impact. The EU could get more leverage by providing incentives, yet the political inexpediency of rewarding Iran at a time of rising belligerence of the Islamic Republic greatly restricts the range of benefits potentially on offer. Still, in the mid- to longer term, the EU and its member states will need to combine pressure with some form of incentives if they want to defend their interests in non-proliferation, European security and the protection of human rights in Iran. They also need to resort to a variety of international partnerships in order to maximise their residual leverage.

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Introduction

The Islamic Republic of Iran (IRI) has occupied a top slot in the foreign policy agenda of the European Union for twenty years. It has absorbed time and energy of senior diplomats (and many mid-level aides), ministers and even political leaders of such large member states as France and Germany – as well as the United Kingdom (UK), before and after it left the Union in early 2020. Likewise, no other third country has arguably seen as much personal investment by successive High Representatives (HR) for EU foreign and security policy, who also relied on a dedicated “Iran Task Force” inside the European External Action Service (EEAS), the EU’s diplomatic corps.¹

Iran has captured so much EU attention because of its controversial nuclear programme, ostensibly peaceful in nature but generally believed to serve military purposes.² The E3 of France, Germany and the UK, along with the HR and with the support of the EU Council (E3/EU), engaged in the multilateral talks that culminated in a 2015 agreement between them, China, Russia, the United States and Iran, the Joint Comprehensive Plan of Action (JCPOA), which curtailed Iran’s ability to acquire a nuclear weapons capacity. The E3/EU remained committed to the deal even after the United States unilaterally withdrew in 2018. A normative interest in upholding the principles of nuclear non-proliferation and a concern about regional security – both of which would be severely harmed by Iran’s crossing the nuclear threshold – sustained European commitment. Only recently has this set of interests shifted, as the Iranian government’s crackdown on popular protests and military assistance to Russia in its war against Ukraine have brought human rights and European security to the fore.

EU policy towards Iran has been the result of continuous course corrections that EU institutions and member states have made to dodge internal disagreements

¹ Cornelius Adebahr, *Europe and Iran. The Nuclear Deal and Beyond*, London/New York, Routledge, 2017; Tarja Cronberg, “No EU, No Iran Deal: The EU’s Choice between Multilateralism and the Transatlantic Link”, in *The Nonproliferation Review*, Vol. 24, No. 3-4 (2017), p. 243-259, <https://doi.org/10.1080/10736700.2018.1432321>; Riccardo Alcaro, “Europe’s Defence of the Iran Nuclear Deal: Less than a Success, More than a Failure”, in *The International Spectator*, Vol. 56, No. 1 (March 2021), p. 55-72, <https://doi.org/10.1080/03932729.2021.1876861>.

² For a detailed account of the history of Iran’s nuclear programme, see Michele Gaietta, *The Trajectory of Iran’s Nuclear Program*, New York, Palgrave Macmillan, 2015.



and navigate the agitated waters of a region – the Middle East and the Gulf – mired in multipolar competition and beset by fragmented (or inexistent) international governance arrangements. At the presumed end of the JCPOA era (2003–2022), the course of EU policy towards Iran can be exhaustively assessed, and potentially improved upon, only if the constraints imposed on it by multipolar competition and its interplay with regional fragmentation and intra-EU contestation are mitigated.

This paper will map the constraining factors on EU policy on Iran before charting the evolutionary course of the design and implementation of the EU's Iran strategy over the past two decades and assessing the latter's strengths and limits. On the basis of comprehensive review of official documents, relevant literature, and eighteen semi-structured interviews conducted with Iranian, European and Turkish stakeholders (officials, external advisers to policymakers and experts),³ the paper finds that a combination of prioritisation, compartmentalisation and multilateralisation has kept EU foreign and security policy (EUFSP) towards Iran on track for almost twenty years. In spite of recurring internal divergences and an exceedingly difficult regional and international environment, the EU and its member states have managed to define, shape and adapt a mostly proactive, and not entirely ineffective, Iran policy. Arguably, this finding is testament to the fact that, despite the additional constraining factors that complicate the multi-layered landscape that the EU faces, the Union's focus on mitigating the major constraint of the burgeoning multipolarity has yielded results. That said, the forces that have been unleashed by the US withdrawal from the nuclear deal and more recently by Iran's collusion in Russia's war on Ukraine and the domestic turmoil over women's rights show the limits of the EU's mitigation strategies. The paper will deconstruct these issues and offer recommendations how to adjust the EU's policy on Iran accordingly.

³ All interviews are anonymised in line with the ethical requirements of the JOINT research project.

1. The context of EU policy towards Iran

1.1 The constraints on EU foreign and security policy

This paper makes ample use of the notions of multipolar competition, regional fragmentation and intra-EU contestation to articulate the context in which EU policy towards Iran has unfolded. A brief elaboration of how these concepts are construed as constraints on EU foreign and security policy (EUFSP) is therefore in order.⁴

Multipolar competition entails a multiplicity of power centres espousing diverging understandings of how order – at the global but also regional level – should look like. Global and regional powers consequently construe international crises as arenas of strategic confrontation rather than transnational problems to address through multilateral institutions, hindering effective crisis management.⁵ Multipolar competition compels EU member states to factor in their relationship with external powers when they handle a crisis or conflict, which gives such powers an opening to influence EU decision-making.⁶ *Regional fragmentation* refers to the erosion of state capacity to set and enforce laws as well as to the dysfunctionality of regional governance arrangements. When multilateral governance mechanisms are absent or struggle to function, regional powers are drawn into conflicts, as are global players, with the frequent result of blurring the distinction between civil

⁴ For a lengthier discussion of the three concepts of multipolar competition, regional fragmentation and internal contestation and the ways in which they affect the governance structures of EU foreign and security policy, see Riccardo Alcaro et al., “A Joined-Up Union, a Stronger Europe. A Conceptual Framework to Investigate EU Foreign and Security Policy in a Complex and Contested World”, in *JOINT Research Papers*, No. 8 (August 2022), <https://www.jointproject.eu/?p=969>.

⁵ Graeme P. Herd (ed.), *Great Powers and Strategic Stability in the 21st Century. Competing Visions of World Order*, London/New York, Routledge, 2010; Ian Bremmer, *Every Nation for Itself. Winners and Losers in a G-Zero World*, London, Portfolio/Penguin, 2012; Charles A. Kupchan, *No One's World. The West, the Rising Rest, and the Coming Global Turn*, Oxford, Oxford University Press, 2012; Walter Russell Mead, “The Return of Geopolitics”, in *Foreign Affairs*, Vol. 93, No. 3 (May/June 2014), p. 69-79; Riccardo Alcaro, John Peterson and Ettore Greco (eds), *The West and the Global Power Shift. Transatlantic Relations and Global Governance*, Basingstoke/New York, Palgrave Macmillan, 2016; Riccardo Alcaro (ed.), *The Liberal Order and its Contestations. Great Powers and Regions Transiting in a Multipolar Era*, London/New York, Routledge, 2018; Paul J. Bolt and Sharyl N. Cross, *China, Russia, and Twenty-First Century Global Geopolitics*, Oxford, Oxford University Press, 2018.

⁶ Assem Dandashly et al, “Multipolarity and EU Foreign and Security Policy: Divergent Approaches to Conflict and Crisis Response”, in *JOINT Research Papers*, No. 6 (December 2021), <https://www.jointproject.eu/?p=697>.

conflict and proxy war.⁷ EU member states struggle to meet the requirements for effectively addressing regional fragmentation: joint conflict analysis, integration of different policy tools, as well as coordination between EU institutions and member states and the EU and third actors.⁸ Finally, *internal contestation* involves the process by which EU governments question established EU policies because they have domestic incentives not to invest political capital on EUFSP.⁹

Depending on the case at hand, mitigation of the effects of these constraints involve a variety of forms of coordination between EU institutions and member states, different blends of security and non-security policy tools, and multiple formats of external engagements (bilateral and multilateral, formal and informal).¹⁰ The Iran case perfectly illustrates the point.

1.2 The constraints on EU Iran policy

The one factor that has arguably weighed the heaviest on the EUFSP towards Iran is multipolar competition and in particular the ideological and geopolitical confrontation between Iran and the United States (and its allies), which view the regional order in fundamentally opposing terms. The ouster of the shah in 1979 replaced a difficult but valuable US ally with a clerical regime imbued with anti-

⁷ Kristin M. Bakke, Kathleen Gallagher Cunningham and Lee J.M. Seymour, “A Plague of Initials: Fragmentation, Cohesion, and Infighting in Civil Wars”, in *Perspectives on Politics*, Vol. 10, No. 2 (June 2012), p. 265-283, DOI 10.1017/S1537592712000667; Kathleen Gallagher Cunningham, “Understanding Fragmentation in Conflict and its Impact on Prospects for Peace”, in *Oslo Forum Papers*, No. 6 (December 2016), <https://hdcentre.org/insights/understanding-fragmentation-in-conflict>; Ana E. Juncos and Steven Blockmans, “The EU’s Role in Conflict Prevention and Peacebuilding: Four Key Challenges”, in *Global Affairs*, Vol. 4, No. 2-3 (2018), p. 131-140, <https://doi.org/10.1080/23340460.2018.1502619>; Tanja A. Börzel and Thomas Risse, *Effective Governance Under Anarchy. Institutions, Legitimacy, and Social Trust in Areas of Limited Statehood*, Cambridge, Cambridge University Press, 2021.

⁸ Agnes Levallois et al., “Regional Fragmentation and EU Foreign and Security Policy”, in *JOINT Research Papers*, No. 3 (November 2021), <https://www.jointproject.eu/?p=639>.

⁹ Mitchell A. Orenstein and R. Daniel and Kelemen, “Trojan Horses in EU Foreign Policy”, in *Journal of Common Market Studies*, Vol. 55, No. 1 (January 2017), p. 87-102, DOI 10.1111/jcms.12441; Bertjan Verbeek and Andrej Zaslove, “Populism and Foreign Policy”, in Cristóbal Rovira Kaltwasser et al. (eds), *The Oxford Handbook of Populism*, Oxford, Oxford University Press, 2017, p. 384-405; Rosa Balfour et al., “Divide and Obstruct: Populist Parties and EU Foreign Policy”, in *GMF Policy Papers*, May 2019, <https://www.gmfus.org/news/divide-and-obstruct-populist-parties-and-eu-foreign-policy>. See also Marianna Lovato et al., “The Internal Contestation of EU Foreign and Security Policy”, in *JOINT Research Papers*, No. 1 (September 2021), <https://www.jointproject.eu/?p=516>.

¹⁰ Riccardo Alcaro et al., “A Joined-Up Union, a Stronger Europe”, cit.

Americanism.¹¹ Iran is regularly portrayed by the US foreign policy establishment as a “malign” and destabilising force. Of all US presidents since 1979, only Barack Obama (2009–17) was open to recalibrate US-Iran relations along a non-confrontational pattern on the basis of the 2015 nuclear deal.¹² Before and after him, antagonism was and has remained the prevailing theme of US-Iranian relations.¹³ Likewise, Iranian attempts to seek détente with the United States – notably by Presidents Mohammed Khatami (1997–2005) and Hassan Rouhani (2013–21) – met the opposition of the Islamic Republic’s most conservative power centres, such as Supreme Leader Ali Khamenei (in power since 1989) and the Islamic Revolutionary Guards Corps (IRGC), the overly influential military organisation responsible (amongst others) for Iran’s regional policy.¹⁴

Iran’s hostility with Israel mirrors the one with the United States. Iranian leaders view Israel – which they refuse to recognise – alternatively as America’s “attack dog” or the “hidden force” behind US policy in the region.¹⁵ Indeed, the US-Israeli alliance is the most potent source of legitimation for the Islamic Republic’s narrative of resistance against Western hegemony. Israel, for its part, considers Iran the most serious threat to its security, engendered by Tehran’s support for Palestinian groups and Hezbollah in Lebanon. Israel has championed an uncompromising approach, especially after Iran got a foothold in Syria following the outbreak of the civil war there in 2011. Israel dreads a nuclear-armed Iran (indeed even a nuclear-capable Iran) because that would end its nuclear monopoly in the region and embolden the Iranian leadership to pursue hostile actions. Successive Israeli governments

¹¹ Kenneth M. Pollack, *The Persian Puzzle. The Conflict Between Iran and America*, New York, Random House, 2004.

¹² White House, *National Security Strategy*, May 2010, <https://history.defense.gov/Portals/70/Documents/nss/NSS2010.pdf>; see also Trita Parsi, *Losing an Enemy. Obama, Iran and the Triumph of Diplomacy*, New Haven, Yale University Press, 2017.

¹³ See, for instance, how Iran is construed in the strategic documents of Obama’s predecessor and successors: George W. Bush, *The National Security Strategy of the United States of America*, March 2006, <https://history.defense.gov/Portals/70/Documents/nss/nss2006.pdf>; Donald J. Trump, *The National Security Strategy of the United States of America*, December 2017, <https://history.defense.gov/Portals/70/Documents/nss/NSS2017.pdf>; Joseph R. Biden, *National Security Strategy*, October 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf>.

¹⁴ Barbara Slavin, *Bitter Friends, Bosom Enemies. Iran, the U.S., and the Twisted Path to Confrontation*, New York, St. Martin’s Press, 2007.

¹⁵ Dalia Dassa Kaye, Alireza Nader and Parisa Roshan, *Israel and Iran. A Dangerous Rivalry*, Santa Monica, RAND Corporation, 2011, p. 55-80, <https://doi.org/10.7249/MG1143>.

have consequently issued military threats and engaged in sabotage campaigns of Iran's nuclear plans, including through assassinations of Iranian nuclear scientists.¹⁶

Almost as strong is Iran's antagonism with its Arab neighbours. Arab leaders claim that the Islamic Republic has added to Iran's historic pursuit of regional hegemony the revolutionary flavour of Shia fundamentalism, thus fomenting interconfessional divisions in Lebanon, Iraq, Yemen and elsewhere and challenging the legitimacy of dynastic rule in most Arab monarchies.¹⁷ Saudi Arabia and the United Arab Emirates (UAE) have been vocal in advocating pressure on Tehran, and have opposed any nuclear deal that would not rein in Iran's regional influence. The antagonism with Iran has been the single most important driver (though certainly not the only one) for the normalisation agreements (the Abraham Accords) between Israel a handful of Arab countries, including the UAE. Notably, neither the Saudis nor the UAE are opposed to diplomacy with Iran.

Not all of Iran's relations are purely antagonistic. Turkey has pursued working arrangements with Tehran, most notably in Syria where the two countries support opposite sides but share an interest in stability and on checking Kurdish forces in Syria and Iraq.¹⁸ Syria has been a main platform also for Russia's engagement with Iran, which has grown in depth and scope in parallel to the deterioration of West-Russia relations. A similar trajectory is observable in China's ties with Iran. Chinese oil purchases have kept the Iranian economy afloat amidst draconian US sanctions, which is one reason why Iran has embraced China's infrastructure development plans under the Belt and Road Initiative. However, there are limits to China and Russia's partnership with Iran. Both have good ties with Israel and the Arab Gulf states and – just as Turkey does – they share the West's concern about an Iranian nuclear bomb.¹⁹

¹⁶ Ibid., p.19-54; Jonathan G. Leslie, *Fear and Insecurity. Israel and the Iran Threat Narrative*, London, Hurst, 2022.

¹⁷ Maaïke Warnaar, Luciano Zaccara and Paul Aarts, *Iran's Relations with the Arab States of the Gulf. Common Interests over Historic Rivalry*, Berlin, Gerlach Press, 2016.

¹⁸ As put by a senior Turkish official, "Turkey's Iran policy is [about] balancing" (interview, 19 November 2022). See also Marianna Charountaki, *Iran and Turkey. International and Regional Engagement in the Middle East*, London/New York, I.B. Tauris, 2018.

¹⁹ Ariane Tabatabai and Dina Esfandiary, *Triple-Axis. Iran's Relations with Russia and China*, London/New York, I.B. Tauris, 2018.

Completing the picture of competitive dynamics revolving around Iran is the transatlantic relationship itself. The EU has gone through periods of severe divergences with the United States over how to approach Iran.²⁰ In fact, US readiness to disregard European concerns about Iran and even punish it with extra-territorial sanctions – a trend painfully on display during the presidency of Donald Trump (2017–21) – has contributed to fuelling the ambition in some EU quarters to pursue “strategic autonomy”, namely the reduction of EU vulnerability to external pressure, including from across the Atlantic.

Iran and its international interlocutors have woven this intricate web of cross-rivalries across a region, the Middle East and the Gulf, that has experienced severe social, economic and political turmoil and extensive violence in the 21st century. The US-led invasion of Iraq in 2003 jolted the fragile equilibrium that had taken roots in the previous decade, exacerbating sectarian and ethnic violence and indirectly causing a proliferation of extremist Islamist groups. The region was further shaken by the great Arab uprisings of 2011, which descended into civil wars in Libya, Syria and Yemen.²¹

While antagonism with Iran is often a central aspect of conflict dynamics, it is not the only one. An eloquent example is the parallel campaigns that Iran and a US-led coalition have waged against the Islamic State (ISIS) in Syria and Iraq. The intermittent overlay of (mostly tactical) goals is not enough for the establishment of inclusive regional governance arrangements, however. To the contrary, whatever regional mechanism there is, is either partial – the Astana framework for Syria, for instance, include just Iran, Russia and Turkey – or is about deepening strategic alignments rather than regional governance, as is the case of the Abraham Accords. Proposals for a regional architecture, including by Iran, have done little to nothing to dent the wall of mutual mistrust.²²

²⁰ Riccardo Alcaro, *Europe and Iran's Nuclear Crisis. Lead Groups and EU Foreign Policy Making*, Cham, Palgrave Macmillan, 2018, p. 181-202.

²¹ Bülent Aras and Emirhan Yorulmazlar, “State, Region and Order: Geopolitics of the Arab Spring”, in *Third World Quarterly*, Vol. 37, No. 12 (2016), p. 2259-2273, DOI 10.1080/01436597.2016.1205442.

²² Andrea Dessì and Silvia Colombo (eds), *Fostering a New Security Architecture in the Middle East*, Brussels and Rome, Foundation of European Progressive Studies and IAI, 2020, <https://www.iai.it/en/node/12507>.

Competition and fragmentation dynamics weigh heavily, and irregularly, on EU member states' policy choices. However, until recently the EU refrained from characterising relations with the Islamic Republic exclusively in antagonistic terms.²³ Supporters of nuclear non-proliferation successfully advocated giving priority to preventing an Iranian nuclear breakout.²⁴ Business operators – large energy and shipping companies in the beginning, later mid-size exporters – in such countries as Germany, Italy or Greece wanted to expand (or keep) trade with Iran.²⁵

On the other hand, constituencies in most EU states were receptive to pressure from the United States even during periods of transatlantic disagreements, paid heed to Israel's security perceptions (especially in Germany) and showed a growing interest in expanding economic and military ties with Saudi Arabia and the UAE (in particular France).²⁶ In 2022, following the public uproar about the repression of protesters demanding women's rights and political change, as well as Russia's use of Iranian-made drones to hit civilian targets in Ukraine, regime change proponents gained in visibility and influence, especially in Berlin and Paris.²⁷ The context of EU FSP towards Iran, summarised in table 1, is indeed complex and challenging.

²³ Council of the European Union, *Iran: Council Adopts Conclusions*, 4 February 2019, <https://europa.eu/!YQ77Yd>.

²⁴ Shannon N. Kile (ed.), *Europe and Iran. Perspectives on Non-Proliferation*, Oxford, Oxford University Press, 2005, <https://www.sipri.org/node/1633>; Riccardo Alcaro, *Europe and Iran's Nuclear Crisis*, cit.

²⁵ Michal Onderco, "Money Can't Buy You Love: The European Union Member States and Iranian Nuclear Programme 2002–2009", in *European Security*, Vol. 24, No. 1 (2015), p. 56-76, DOI 10.1080/09662839.2014.948865.

²⁶ Matthias Küntzel, *Germany and Iran. From the Aryan Axis to the Nuclear Threshold*, Candor, Telos Press, 2014; Tarja Cronberg, "No EU, No Iran Deal", cit.; Michel Makinsky, "Relations Between France and Iran in the Biden Era", in *Bourse & Bazaar*, 2 March 2021, <https://www.bourseandbazaar.com/articles/2021/2/23/relations-between-france-and-iran-in-the-biden-era>.

²⁷ Interviews with a German official, 14 October 2022 and a French official, 28 October 2022.

Table 1 | Constraining factors on EUFSP towards Iran

| EUFSP constraint | Operationalisation | Explanation |
|-------------------------------|--|---|
| <i>Multipolar competition</i> | <i>Scope and nature of competition:</i> both wide and narrow, zero-sum and limited | <ul style="list-style-type: none"> · US-Iran competition (wide, mostly zero-sum) · Israel-Iran competition (wide, zero-sum) · Saudi-Iran competition (wide, mostly zero-sum) · UAE-Iran competition (narrow, mostly zero-sum) · Turkey-Iran competition (narrow, limited) · West-Russia competition on Iran (narrow, limited) · West-China competition on Iran (narrow, limited) |
| <i>Regional fragmentation</i> | <i>Level of fragmentation:</i> sub-national, state and regional | <ul style="list-style-type: none"> · Limited statehood in Lebanon, Iraq, Syria, Yemen · Non-existence of comprehensive regional governance architecture |
| | <i>Phase of fragmentation:</i> conflict prevention, ongoing conflict, post-conflict | <ul style="list-style-type: none"> · Conflict prevention (Iran) · Ongoing conflict (Palestine, Syria, Yemen) · Post-conflict (Lebanon, Iraq) |
| <i>Intra-EU contestation</i> | <i>Contesting actors:</i> governments and domestic actors | <ul style="list-style-type: none"> · Non-proliferation champions (all EU countries) · Economic operators (esp. Germany, Italy, Greece) · Preference accorded to relations with US (most EU countries) · Need to defend Israel (several EU states, esp. Germany) · Interest in economic-military ties with Saudi Arabia, UAE (esp. France) · Need to confront Russia (most EU countries) · Human rights advocacy (most EU states) · Iranian diaspora campaigns (France, Germany) |
| | <i>Object of contestation:</i> overall relationship with Iran | <ul style="list-style-type: none"> · Selective and conditional engagement with Iran vs opposition to Islamic Republic |

2. EU policy towards Iran: Strategy and execution

2.1 The guiding principles of EU Iran policy

At first glance, it is hard to figure how EU member states could find a point of equilibrium between all factors affecting their decisions on Iran. Yet, for almost twenty years EUFSP towards Iran was not just (relatively) unified, but also proactive. Three guiding principles ensured this outcome: prioritisation, compartmentalisation and multilateralisation.

Prioritisation originated from the assessment that preventing the nuclear dispute with Iran from escalating was paramount. *Compartmentalisation* involved insulating the nuclear issue from other matters of concern regarding Iran, namely its ballistic arsenal, regional role and human rights record. Finally, *multilateralisation* entailed that the E3/EU would handle Iran's nuclear issue not as a bilateral concern but as a matter of Iran's compliance with its obligation under the Non-Proliferation Treaty (NPT) to cooperate with the International Atomic Energy Agency (IAEA), the UN nuclear watchdog. Multilateralisation also involved anchoring nuclear diplomacy with Iran to the United Nations Security Council (UNSC). To this end, the E3/EU worked within an ad hoc format for nuclear negotiation with Iran involving all permanent UNSC members (plus Germany and the EU itself), the so-called P5+1 or, as it was formally known, the E3/EU+3 (in acknowledgment of the European origin of the format; it became the P4+1 or E3/EU+2 after the US withdrawal).

Underlying this approach was the European concern that Iran's nuclear ambitions could deal a fatal blow to the international non-proliferation regime and destabilise the Middle East, with severe consequences for international, regional and European security. An Iranian nuclear bomb would gravely diminish the authority of the NPT, which bars Iran from acquiring a nuclear explosive device. Even a nuclear-capable Iran – namely an Iran in possession of the know-how and industrial capacity to produce a nuclear arsenal – could engender an irresistible temptation to emulation in Saudi Arabia and other neighbours (all non-nuclear parties to the NPT with the exception of Israel). As troubling a scenario as a nuclear arms race in the Gulf was the possibility that the United States and Israel would take military action in an attempt to stop or slow down Iran's nuclear progress. With Iran expected to retaliate against US and US allies' targets, including by activating its allies in the region, a regional conflict was not a far-fetched prospect.

2.2 EU Iran policy 2003–2022

In summer 2003, the E3 first reached out to Iran to soothe international concerns about the latter's nuclear activities. EUFSP towards Iran has since gone through six distinct adaptation phases.

E3/EU-Iran nuclear negotiation (2003–5). In 2003, when the IAEA confirmed that Iran's nuclear programme was far more advanced than known hitherto, the E3

were hardly the natural candidates to handle such a sensitive file. They lacked the power and regional clout of the United States as well as the international authority of the Security Council. However, then US President George W. Bush (2001–9) was opposed to diplomacy with Tehran and the Security Council was reeling from the bitter divisions over the US-led invasion of Iraq. The E3, which had sensed Iran's readiness to make the nuclear programme a matter of negotiation, capitalised on these permissive conditions to fill a dangerous diplomatic vacuum. HR Javier Solana (1999–2009) was associated to talks in September 2004 in the special E3/EU format. Eventually the negotiations foundered on Iran's refusal to accept the European demand for an indefinite suspension of uranium enrichment, which is the most sensitive part of a nuclear programme because it can be diverted to military use, depending on the level of enrichment.²⁸

Growing confrontation (2006–12). Following their failed talks with Iran, in January 2006 the E3/EU group enlarged to the United States, Russia and China in an enlarged E3/EU+3 group in the hope that Iran could be lured again into a negotiation. However, even after the more flexible Obama replaced Bush as US president in 2009, diplomacy struggled to take off. Under hard-line President Mahmoud Ahmadinejad (2005–13), Iran clashed with the United States in Iraq, cracked down on demonstrators contesting the regularity of Ahmadinejad's re-election in 2009, and steadily advanced its nuclear activities, eventually mastering the capacity to enrich uranium. In response, the E3 successfully tabled a series of UNSC resolutions that imposed incremental sanctions on Iran. In 2010–12 the EU expanded its own sanctions regime, targeting Iran's energy sector, export of hydrocarbons (especially through bans on insurance and reinsurance services) and access to international financial markets. Combined with US restrictions, EU sanctions created a formidable barrier to Iran's international economic relations.

²⁸ While low-enriched uranium (LEU) or uranium containing 3–4 per cent of U235 (where U235 is the uranium isotope susceptible to nuclear fission) is sufficient for fuel used in reactors, the core of a nuclear device consists of HEU, which is 90 per cent made up of U235. The same goes for plutonium, which is a by-product of the enrichment process. For an analysis of E3/EU–Iran negotiation in 2003–5, see Shannon N. Kile, “Final Thoughts on Iran, the EU and the Limits of Conditionality”, in Shannon N. Kile (ed.), *Europe and Iran. Perspectives on Non-Proliferation*, Oxford, Oxford University Press, 2005, p. 122–135, <https://www.sipri.org/node/1633>; International Crisis Group, “Dealing with Iran's Nuclear Programme”, in *Middle East Reports*, No. 18 (27 October 2003), <https://www.crisisgroup.org/node/1873>; “Iran: Where Next on the Nuclear Standoff?”, in *Middle East Briefings*, No. 15 (24 November 2004), <https://www.crisisgroup.org/node/1703>; and “Iran: Is There a Way out of the Nuclear Impasse?”, in *Middle East Reports*, No. 51 (23 February 2006), <https://www.crisisgroup.org/node/1486>.

Eventually, secret US-Iranian talks in Oman in 2012–13 created the conditions for a breakthrough. After the election as president of a pragmatic regime insider such as Rouhani, who had campaigned on the promise to break Iran’s isolation, E3/EU+3-Iran talks resumed in earnest.²⁹

E3/EU+3-Iran nuclear negotiation (2013–15). The E3/EU contributed significantly to the negotiation, where HRs Catherine Ashton (2009–14) and Federica Mogherini (2014–19) stood out in their capacity as official coordinators of the E3/EU+3 format. In the meantime, the E3/EU defended nuclear diplomacy with Iran from its many opponents. The US Republican party, which controlled Congress, channelled Israeli, Saudi and Emirati dissatisfaction and tried to undermine the nuclear talks at every turn. The E3/EU made both public and private appeals to US audiences in defence of the prospective nuclear agreement, thus strengthening Obama’s hand.³⁰

Even if the Europeans played a secondary role compared to the United States, they were nonetheless instrumental to the success of the diplomatic process.³¹ The JCPOA was concluded in July 2015 and given international authority through its incorporation into UNSC Resolution 2231. Operational since January 2016, the deal set severe (though temporary) limits to Iran’s nuclear activities and greatly expanded the IAEA’s inspection authority, while providing Iran with extensive sanctions relief in return.³² HR Mogherini publicly construed the deal as a first step towards a relationship with Iran that would extend beyond trade and investment into selective cooperation and political dialogue.³³

²⁹ For an account of the E3/EU+3’s growing confrontation with Iran, see International Crisis Group, “The P5+1, Iran, and the Perils of Nuclear Brinkmanship”, in *Middle East Briefings*, No. 34 (15 June 2012), <https://www.crisisgroup.org/node/351>; and “Spider Web: The Making and Unmaking of Iran Sanctions”, in *Middle East Reports*, No. 138 (25 February 2013), <https://www.crisisgroup.org/node/352>.

³⁰ For an analysis of the E3/EU+3-Iran negotiation in 2013–15, see International Crisis Group, “Iran Nuclear Talks: The Fog Recedes”, in *Middle East Briefings*, No. 43 (10 December 2014), <https://www.crisisgroup.org/node/725>.

³¹ Riccardo Alcaro, *Europe and Iran’s Nuclear Crisis*, cit., p. 203 and ff; Steven Blockmans, “The Nuclear Deal with Iran: le moment suprême?”, in *CEPS Commentaries*, 16 July 2015, <http://aei.pitt.edu/66059>.

³² E3/EU+3 and Iran, *Joint Comprehensive Plan of Action*, Vienna, 14 July 2015, <https://2009-2017.state.gov/e/eb/tfs/spi/iran/jcpoa/index.htm>.

³³ EU and Iran, *Joint Statement by EU High Representative Federica Mogherini and Iranian Foreign Minister Javad Zarif*, 14 July 2015, https://www.eeas.europa.eu/node/3244_en. For a review of what a comprehensive EU strategy towards Iran might have looked like, see Steven Blockmans, Anoushiravan Ehteshami and Gawdat Bahgat (eds), *EU-Iran Relations After the Nuclear Deal*, Brussels, CEPS 2016, <https://www.ceps.eu/?p=9460>.

Defence of nuclear deal (2017–20). It was not to be, however. In November 2016, the election of an avowed critic of the JCPOA such as Trump as US president created massive uncertainty about the deal's sustainability. Initially, the E3/EU tried to address Trump's concerns about the supposed flaws of the nuclear deal, namely the temporary nature of the limits on Iran's nuclear programme and the fact that it did not cover Iran's expanding ballistic arsenal and regional policies. The E3 were unwilling though to extend the nuclear limits set by the JCPOA unilaterally as these would amount to a modification of the deal that Iran could never accept. European efforts were dismissed as utterly insignificant by the Trump Administration, which on 8 May 2018 proceeded to pull out and re-impose all US restrictions.³⁴ While remaining committed to the JCPOA, the E3/EU failed to devise effective legal and political mechanisms to protect their own banks and companies from the extra-territorial reach of US "secondary" sanctions.³⁵

Further complicating E3/EU efforts was the severe deterioration of the Middle Eastern security landscape that followed the US withdrawal from the nuclear deal. Frustrated with the EU's failures to guarantee legitimate EU-Iran trade, from May 2019 onward the Iranian government started to reduce its compliance with the JCPOA. Meanwhile, the IRGC engaged in a series of escalatory incidents in summer 2019: sabotage of oil shipments in the Gulf of Oman, a tit-for-tat with the US in downing drones, an alleged missile attack against Saudi oil fields, and increased violence against US forces through proxies in Iraq. Tensions peaked after Trump in early 2020 ordered the assassination in Iraq of General Qassem Soleimani, the main strategist of Iran's regional policies, to which Tehran responded with a barrage of missiles against a US base in Iraq.³⁶ The political conditions for the E3/EU to keep Iran engaged were shrinking by the day, especially after the Iranian government brutally cracked down on the widespread protests that followed the lifting of

³⁴ For an analysis of E3/EU's attempts to manage Trump's confrontational attitude towards Iran, see International Crisis Group, "How Europe Can Save the Iran Nuclear Deal", in *Middle East Reports*, No. 185 (2 May 2018), <https://www.crisisgroup.org/node/5722>.

³⁵ Tobias Stoll et al., "Extraterritorial Sanctions on Trade and Investments and European Responses", in *EPRS Studies*, November 2020, [https://www.europarl.europa.eu/thinktank/en/document/EXPO_STU\(2020\)653618](https://www.europarl.europa.eu/thinktank/en/document/EXPO_STU(2020)653618).

³⁶ For an analysis of the deteriorating security landscape in the Middle East following the US withdrawal, see International Crisis Group, "Flattening the Curve of U.S.-Iran Tensions", in *Middle East Briefings*, No. 76 (2 April 2020), <https://www.crisisgroup.org/node/13242>.

energy subsidies (itself an indirect consequence of US sanctions) in autumn 2019. In the end, E3/EU efforts were barely sufficient to keep a substantively hollowed out JCPOA formally in place, in the hope that the United States would eventually change policy.³⁷

Support for nuclear deal restoration (2021–August 2022). Trump's November 2020 loss to Joe Biden, who had been Obama's vice-president and was supportive of a US re-entry into the deal, opened up new opportunities for the Europeans. But contrary to EU hopes, Biden wanted to trade US re-entry with concessions from Iran, which had in the meantime acquired significant, even irreversible, gains by moving the nuclear programme beyond the limits of the JCPOA. Talks resumed only in April 2021 and continued on and off for over a year in an atmosphere fraught with animosity and mistrust. The assassination of Iran's chief nuclear scientist in November 2020 and sabotages of Iranian nuclear facilities in spring 2021 – both ostensibly orchestrated by Israel – led Iran to step up enrichment activities and reduce IAEA access to its nuclear facilities.³⁸ The Iranian position hardened further after the conservative Ibrahim Raisi replaced Rouhani as president in summer 2021.

The Raisi administration continued Rouhani's policy of refusing to meet with US officials, thus forcing the E3/EU to an unwieldy, literal exercise in shuttle diplomacy. HR Josep Borrell (in office since 2019) and his main aide, Enrique Mora, worked tirelessly to bridge the gap. By March 2022 the parties produced a text on the reactivation of the JCPOA that the E3/EU, at least, saw as definitive.³⁹ Yet, the Iranian government never closed the file, repeatedly putting forward demands for stronger guarantees in case of a second US withdrawal from the deal and for the IAEA to close an investigation on unaccounted nuclear particles detected in four facilities (so-called "safeguard probe"). A final round of talks facilitated by HR Borrell in summer 2022 introduced amendments that seemed to satisfy all parties⁴⁰ and

³⁷ Riccardo Alcaro, "Europe's Defence of the Iran Nuclear Deal", cit.

³⁸ A list of IAEA's verification findings about Iran's nuclear programme, as well as its concerns about undeclared nuclear particles detected in Iranian facilities, is available on the agency's website: see IAEA website: *Verification and Monitoring in Iran*, <https://www.iaea.org/newscenter/focus/iran>.

³⁹ Online interview with a German official, 11 November 2022.

⁴⁰ Josep Borrell, "Now Is the Time to Save the Iran Nuclear Deal", in *Financial Times*, 26 July 2022, <https://www.ft.com/content/e759d274-7dba-4e78-851f-2775972f4c31>.

by September there were expectations that the JCPOA would be restored.⁴¹ Once again, however, the parties failed to cross the finish line, each blaming each other of excessive rigidity.⁴²

Growing confrontation (late 2022–present). Whatever hopes remained of restoring the JCPOA were further dashed when two unrelated events happened almost simultaneously in late September 2022. The first was the repression of the anti-regime demonstrations that spread like wildfire across Iran after a young woman of Kurdish origin died while in police custody for improperly wearing the mandatory veil. Second was Russia's use of Iranian-made drones to hit civilian targets in Ukraine, and Iran's apparent determination to deepen military ties with Moscow.⁴³ EU member states unequivocally condemned Iran and sanctioned Iranian officials responsible for human rights violations and weapons sales to Russia.⁴⁴ A wave of public antipathy towards the Iranian leadership swept through Europe, whereby the political appeal of any engagement with Iran considerably diminished. Germany downgraded its bilateral relationship with Iran⁴⁵ and declared that the reactivation of the JCPOA was no longer a priority, a line borrowed from Biden administration officials.⁴⁶ However, neither the United States nor EU countries called off nuclear diplomacy with Tehran.⁴⁷ While human rights and European security seemed to have become more powerful factors shaping EU Iran policy than non-proliferation

⁴¹ Online interview with a senior EU official, 11 November 2022.

⁴² For an analysis of the JCPOA 'restoration' talks, see International Crisis Group, "Is Restoring the Iran Nuclear Deal Still Possible?", in *Middle East Briefings*, No. 87 (12 September 2022), <https://www.crisisgroup.org/node/19560>.

⁴³ Laura Rozen, "US: Iran 'Now Directly Engaged' in Russian War on Ukraine through Drone Shipments, Military Trainers in Crimea", in *Diplomatic*, 21 October 2022, <https://diplomatic.substack.com/p/us-iran-now-directly-engaged-in-russian>.

⁴⁴ Josep Borrell, *Iran: Declaration by the High Representative on behalf of the EU*, 25 September 2022, <https://europa.eu/!Bwy6W3>; Council of the European Union, *Iran: EU Sanctions Perpetrators of Serious Human Rights Violations*, 17 October 2022, <https://europa.eu/!JcDGMM>; *Iran: EU Adopts Council Conclusions and Additional Restrictive Measures*, 12 December 2022, <https://europa.eu/!FK7j4F>.

⁴⁵ German Federal Foreign Office, *Foreign Minister Annalena Baerbock on the Situation in Iran*, 26 October 2022, <https://www.auswaertiges-amt.de/en/2560416>.

⁴⁶ "U.S. Says Iran Nuclear Deal Is 'Not Our Focus Right Now'", in *Reuters*, 13 October 2022, <https://www.reuters.com/world/middle-east/us-says-iran-nuclear-deal-is-not-our-focus-right-now-2022-10-12>; Oliver Towfigh Nia, "Germany Says It Sees No Reason to Resume Iran Nuclear Talks", in *Anadolu Agency*, 28 December 2022, <http://v.aa.com.tr/2774743>.

⁴⁷ "EU and Iran to Continue Working on Nuclear Deal, Borrell Says", in *Reuters*, 20 December 2022, <https://www.reuters.com/world/europe/eu-iran-continue-working-nuclear-deal-borrell-says-2022-12-20>. As put by an European official, "we don't want a North Korea in the Persian Gulf" (interview, 17 October 2022).

and Middle Eastern stability, they did not give it a clear direction.⁴⁸ As a result, by the end of 2022 EU Iran policy was in a state of flux.

3. The strengths of EU mitigation strategies

Before recent developments, the EU and its member states managed to define, shape and adapt a mostly proactive, and relatively effective, Iran policy for about twenty years. As mentioned above, the EU could mitigate the effects of internal differences, Middle eastern fragmentation and geopolitical rivalries through a combination of prioritisation, compartmentalisation and multilateralisation.

3.1 Mitigating the effects of intra-EU contestation

Prioritisation was essential in mitigating internal contestation. The focus on the nuclear issue derived from a set of interests – notably non-proliferation and regional security – that all EU member states shared. EU member states set a simple, measurable outcome – a negotiated guarantee against an Iranian nuclear weapons capacity – that they could all support despite the varying degree of importance they attached to relations with Iran. For EU member states in Central and Eastern Europe the Islamic Republic was a distant country that barely featured in their economic or security policy calculations. But for others the IRI was an important interlocutor because of its influence across the Middle East (a key area of interest for France and Britain), its role as energy provider (Austria, Greece, Spain) and export market destination (Sweden), or all these things combined (Germany, Italy). Agreement on the need to address the nuclear issue superseded any disagreement that emanated from these specific national interests.

The fact that the nuclear issue came to occupy almost the full spectrum of the EU-Iran agenda lent the EU actors directly involved in the nuclear talks – the E3 (E2 after Brexit, which however did not diminish British commitment to the effort) – much leeway. The E3/EU format was never universally popular in the EU given that the E3 were calling the shots, but was never seriously challenged, thanks in particular

⁴⁸ Interview with a senior EU official, 22 November 2022.

to the involvement of the HR.⁴⁹ The E3 and the HR could thus use their privileged access to Iran, China, Russia and the United States to steer intra-EU consensus.⁵⁰

Sanctions are a powerful case in point. Until the early 2010s, the adoption of restrictive measures that would hit whole sectors of the Iranian economy was a controversial issue inside the EU.⁵¹ The E3 and HR persuaded other member states to cut trade and energy ties with Iran because they could credibly argue that by 2010-12 the prospect of an Iranian bomb or of a US-Israeli attack to prevent it was likely to materialise.⁵² As avoiding either scenario was the reason for which the EU had prioritised the nuclear dispute, even the most reluctant EU country could not oppose sanctions (energy importers were nonetheless given time to secure alternative supplies).

Prioritisation of the nuclear issue also helped also in other ways. The E3/EU were in a strong position to prevent other member states from taking action that ran counter to their efforts on the nuclear front. Sweden put aside its plans for greater engagement with Iranian civil society during its stint as chairholder of the EU Council in the first half of 2009 because the E3/EU (but also the Obama Administration) feared that the Iranian government would see it as interference in domestic affairs.⁵³ In spring 2009, the Italian foreign minister cancelled a visit to Tehran – ostensibly to discuss Afghanistan-related matters – due to E3's insistence that high-level contacts with Iran would be limited to HR Solana.⁵⁴

⁴⁹ Interview with a European official, 17 October 2022.

⁵⁰ Riccardo Alcaro, *Europe and Iran's Nuclear Crisis*, cit., p. 93 and ff.

⁵¹ Guy Dinmore, Najmeh Bozorgmehr and Alex Barker, "EU Trio Targets Tougher Iran Sanctions", in *Financial Times*, 25 February 2009, <https://www.ft.com/content/84dee0b6-0363-11de-b405-000077b07658>. Carl Bildt and Meghan O'Sullivan, *Assessing the Efficacy of Sanctions for Nonproliferation*, Washington, Carnegie Endowment for International Peace, 9 April 2013, <https://carnegieendowment.org/publications/51288>.

⁵² Laurent Fabius, "Inside the Iran Deal: A French Perspective", in *The Washington Quarterly*, Vol. 39, No. 3 (2016), p. 7-38, DOI 10.1080/0163660X.2016.1232630.

⁵³ US diplomats reported as such to Washington in confidential cables dated 7 January 2009 published by WikiLeaks and available at https://wikileaks.org/plusd/cables/09STOCKHOLM5_a.html.

⁵⁴ Guy Dinmore, "Italy Cancels Minister's Iran Visit", in *Financial Times*, 20 May 2009, <https://www.ft.com/content/c513819c-4557-11de-b6c8-00144feabdc0>.

A corollary of prioritisation, *compartmentalisation* also mitigated the effects of intra-EU disagreements. The E3 resorted to this practice themselves. The UK established no link between nuclear diplomacy and its recurring clashes with Tehran (such as Iran's temporary capture of a handful of British sailors in 2007 or the seizure of a British vessel in the Strait of Hormuz in 2019 in retaliation for the interception of an Iranian tanker by British forces off the coast of Gibraltar).⁵⁵ France, alongside Denmark, was careful to respond to alleged Iranian attempts to carry out attacks against dissidents in France and Denmark in 2018 through limited EU sanctions that could not be interpreted as violations of the JCPOA.⁵⁶ Another, significant example of compartmentalisation was the separate handling of the several cases of European nationals detained in Iran on spurious charges.

Multilateralisation was an equally powerful inhibitor of intra-EU divisions. First, it contributed to strengthening the legitimacy of the E3's leadership role on Iran.⁵⁷ With countries of the calibre of China, Russia and especially the United States recognising the E3 as crisis management partners, and with the HR elevated to chief interlocutor of the Iranians on behalf of all E3+3 countries, the room for other EU member states to challenge the E3 format shrank.⁵⁸ Thus, multilateralisation indirectly preserved the E3 and the HR's capacity to articulate a proactive policy.

Second, the formation of the E3/EU+3 ensured that the Security Council endorsed their choices. Between 2006 and 2010 E3/EU+3's demands on Iran for uranium enrichment suspension and greater cooperation with the IAEA were codified in six legally binding UNSCR resolutions, four of which containing sanctions.⁵⁹ With

⁵⁵ Thomas Harding, George Jones and David Blair, "Freed British Hostages Leave Iran", in *The Telegraph*, 5 April 2007, <https://www.telegraph.co.uk/news/uknews/1547726/Freed-British-hostages-leave-Iran.html>; Michael Wolgelenter, "British-Flagged Tanker Leaves Iran, Two Months After It Was Seized", in *The New York Times*, 27 September 2019, <https://www.nytimes.com/2019/09/27/world/middleeast/iran-uk-oil-tanker-stena-impero.html>.

⁵⁶ EU sanctions targeted two Iranian officials and a unit within Iran's ministry of intelligence. See Jacob Gronholt-Pedersen, Robin Emmott and Anthony Deutsch, "In Shift, EU Sanctions Iran over Planned Europe Attacks", in *Reuters*, 8 January 2019, <https://www.reuters.com/article/uk-iran-sanctions-idUKKCN1P20SQ>.

⁵⁷ Aniseh Bassiri Tabrizi and Benjamin Kienzle, "Legitimation Strategies of Informal Groups of States: The Case of the E3 Directoire in the Nuclear Negotiations with Iran", in *Cooperation and Conflict*, Vol. 55, No. 3 (September 2020), p. 388-405, <https://doi.org/10.1177/0010836720907630>.

⁵⁸ Riccardo Alcaro, *Europe and Iran's Nuclear Crisis*, cit., p. 172-174.

⁵⁹ UNSC resolutions on Iran's nuclear programme are: S/RES/1696 of 31 July 2006; S/RES/1737 of 23 December 2006; S/RES/1747 of 24 March 2007; S/RES/1803 of 3 March 2008; S/RES/1835 of 27

coercion formally mandated by the UN, the E3 got the legal basis for the expanded EU sanctions regime that became operational between July 2010 and 2012.⁶⁰

Third, multilateralisation was key to securing continued support for the JCPOA inside the EU after Trump withdrew the United States from the deal in 2018. The multilateral nature of the nuclear agreement, signed by six world powers and incorporated into UNSCR 2231, provided EU countries with a powerful argument not to follow the US's path. Even member states traditionally wary of foreign policy misalignment with the United States, such as those in Central and Eastern Europe, were not ready to yield to the Trump Administration's expectation that they jettison the deal. In January 2019, for instance, Poland agreed to host a US-organised international conference on the Middle East that was widely perceived as an attempt to muster support for Trump's policy of maximum pressure on Iran.⁶¹ However, the conference failed on this account, as neither Poland nor any other EU country could be persuaded to give up on the JCPOA, and EU leaders openly renewed their commitment around the same time the conference was held.⁶²

3.2 Mitigating the effects of Middle Eastern fragmentation

The E3/EU's action on the nuclear dispute unfolded during a period in which the Middle East and the Gulf region experienced massive turbulence. Resorting to *compartmentalisation*, the EU and its member states – collectively and individually – did not condition progress on the nuclear talks on demands for concessions by Iran on other issues.

The UK, for example, agreed to the nuclear talks when its troops deployed in Iraq faced Iran-backed armed groups, and Iran's influence on Baghdad remained a matter of

September 2008; S/RES/1929 of 9 June 2010; S/RES/2231 of 20 July 2015. UNSC resolutions 1737, 1747, 1803 and 1929 introduced and gradually expanded the UN sanctions regime. UNSC resolution 2231, which incorporated the JCPOA, annulled all previous resolutions.

⁶⁰ The EU first started to expand on UN sanctions in 2007, but the bulk of the restrictions came after June 2010, on the basis of UNSC resolution 1929 (2010). Nuclear-related EU sanctions on Iran were included in the following EU regulations: EU Regulation 423/2007 of 19 April 2007; EU Regulation 668/2010 of 26 July 2010; EU Regulation 961/2010 of 25 October 2010; EU Regulation 503/2011 of 23 May 2011; EU Regulation 267/2012 of 23 March 2012. These sanctions were later lifted pursuant to the JCPOA.

⁶¹ Jan Smolenski and Virginia Pietromarchi, "US-led Middle East Conference in Warsaw: All You Need to Know", in *Al Jazeera*, 13 February 2019, <https://aje.io/fdac9>.

⁶² Council of the European Union, *Iran: Council Adopts Conclusions*, cit.

contention in the years thereafter.⁶³ So was Syria, where Iran sent militias, arms and military advisors in support of President Assad, whose regime the Europeans had put under sanctions.⁶⁴ After 2015 tensions extended to Yemen, as the Europeans, especially France and the UK, condemned Iran's support for the Houthi rebels (themselves the target of an inconclusive Saudi-UAE military campaign).⁶⁵ Maritime security became a concern after Iran responded to Trump's maximum pressure policy by threatening safe passage through the Gulf of Oman, including through the seizure of European vessels (the British one mentioned above in 2019 and two Greek ships in 2022, in retaliation against the temporary confiscation of an Iranian cargo).

Upon the initiative of HR Mogherini, in 2018–19 the E3 engaged the Iranians in regional talks in a new E4/EU format that also included Italy. The rationale of these “political consultations”, which focused mostly on Yemen, was to keep communication channels with Tehran open during a phase of acute US-Iranian confrontation under Trump.⁶⁶ For the Europeans, putting some distance with the United States was necessary for the compartmentalisation approach to keep working, as Trump was opposed to handling the nuclear dispute separately from regional issues. This was also the reason why, in 2020, France and other eight European countries opted to set up a separate maritime surveillance naval force in the Strait of Hormuz rather than joining a similar US-led mission (the UK, at the time already on its way out of the EU, did accept the US invitation though).⁶⁷

3.3 Mitigating the effects of multipolar competition

The greatest threat to the sustainability of EUFSP towards Iran was the web of interstate rivalries woven around the Islamic Republic, especially the one with the

⁶³ Andrea Ellner, “British Nuclear Non-Proliferation Policies towards Iran and the Middle East”, in *Cambridge Review of International Affairs*, Vol. 26, No. 1 (2013), p. 225-251, DOI 10.1080/09557571.2012.734780.

⁶⁴ A summary of EU sanctions on Syria is available on the EU Council's website: see Council of the European Union, *Syria: Council Extends Sanctions against the Regime for Another Year*, 31 May 2022, <https://europa.eu/QcPQ7v>.

⁶⁵ “US, UK, France and Iran ‘Perpetuate’ Yemen Conflict with Arms Transfers: UN”, in *Middle East Eye*, 9 September 2020, <https://www.middleeasteye.net/node/184751>.

⁶⁶ Riccardo Alcaro, “On Speaking Terms: Europe-Iran Dialogue on Regional Flashpoints”, in *IAI Commentaries*, No. 19|21 (March 2019), <https://www.iai.it/en/node/10109>.

⁶⁷ Alexandra Brzozowski, “Eight Member States Back European-Led Naval Mission in Strait of Hormuz”, in *Euractiv*, 20 January 2020, <https://www.euractiv.com/?p=1420537>.

United States. The E3 were always aware that no nuclear arrangement could endure without support from the United States, Iran's most powerful rival. Consequently, they relentlessly pursued the facilitation of US-Iran nuclear diplomacy,⁶⁸ and *multilateralisation* was central to their efforts.

Under Bush, the United States was initially opposed to diplomacy with Iran in 2003. When he eventually agreed to join the E3/EU efforts, he probably did so to win international legitimacy to the policy of coercion he was advocating. However, UNSC involvement also meant that the US government would accept to frame the nuclear dispute with Iran in normative rather than geopolitical terms, whereby the problem was Iran's breach of its non-proliferation obligations and not its ideological and geopolitical competition with the United States. Multilateralisation greatly reduced the constraints imposed on the EU's Iran policy by the US-Iranian rivalry because it established a normative framework to which both Washington and Tehran could relate without prejudice to their lingering hostility.

Multilateralisation had other advantages for the Europeans. While open to applying coercion on Iran, the E3/EU maintained that the harsh sanctions President Bush advocated would be counterproductive as long as Bush's veto on direct US-Iranian talks persisted. The problem faded away under Obama, who did not just commit to nuclear diplomacy but also authorised the Omani backchannel with Iran. The breakthrough was possible because Obama opted for abandoning Bush's insistence on zero enrichment, a demand that was legally tenuous (and impractical given Iran's accumulated progress). However sensible, the concession gave ammunition to US opponents of the deal, who extended to sections of Obama's Democratic party. Once the JCPOA was concluded, Democrats in Congress took no action to undermine it, however. Undoubtedly the main reason for that was a desire not to harm the president, but their case was strengthened by the fact that the JCPOA was a multilateral deal attained in close coordination with European allies and incorporated into UNSCR 2231.⁶⁹

⁶⁸ Sebastian Harnisch, "Preventing Crisis Militarization: The European Union, the United States, and the Iranian Nuclear Program", in Gordon Friedrichs, Sebastian Harnisch and Cameron G. Thies (eds), *The Politics of Resilience and Transatlantic Order. Enduring Crisis?*, London/New York, Routledge, 2019, p. 90-107; Riccardo Alcaro, "The Transatlantic Dimension of Europe's Nuclear Diplomacy with Iran: 2003–21", in *IAI Papers*, No. 21|21 (May 2021), <https://www.iai.it/en/node/13346>.

⁶⁹ Carl Hulse and David M. Herszenhorn, "Coordinated Strategy Brings Obama Victory on Iran Nuclear Deal", in *The New York Times*, 2 September 2015, <https://www.nytimes.com/2015/09/03/>

Multilateralisation did not stop delivering for the Europeans after Trump abandoned the JCPOA (but its efficacy was greatly reduced, as discussed below). The multilateral, UNSC-sanctioned nature of the deal contributed to Trump's failure to win any new adepts for his maximum pressure policy (which was forced upon EU countries by way of extraterritorial sanctions).⁷⁰ In addition, the E3 could frustrate a US attempt in summer 2020 to re-impose UN sanctions on Iran because they could argue that the US's withdrawal from the JCPOA had deprived it of the right to activate a special mechanism, included in UNSCR 2231, that would have "snapped back" all UN sanctions.⁷¹

The continued existence of a UNSC-endorsed multilateral framework proved its value after Biden re-committed the United States to nuclear diplomacy, as US officials could use the E3/EU+2 framework (which had remained in place after the US withdrawal) to negotiate with Iran, albeit indirectly. The clumsy mechanism of EU shuttle diplomacy between US and Iranian officials could be established because HR Borrell, in his capacity as the coordinator of the JCPOA process, was the natural candidate to facilitate US-Iranian talks over the conditions to restore the agreement.⁷²

Multilateralisation extended its mitigating effect to EU and US competition with China and Russia. Through their early association to the negotiation team, Moscow and Beijing acquired ownership of the nuclear talks with Iran, whereby they were disincentivised to act as spoilers. China's will (and ability) to purchase Iranian oil, albeit in lower quantities, was arguably the most important factor behind Iran's decision not to quit the deal after the US pull-out, which also coincided with the worsening of US-China ties under Trump.⁷³ For its part, Russia was a proactive diplomatic force in the JCPOA negotiation of 2013–15 in spite of the fact that these

world/obama-clinches-vote-to-secure-iran-nuclear-deal.html.

⁷⁰ International Crisis Group, "The Failure of U.S. 'Maximum Pressure' against Iran", in *Middle East & North Africa Commentaries*, 8 March 2021, <https://www.crisisgroup.org/node/15998>.

⁷¹ International Crisis Group, "Behind the Snapback Debate at the UN", in *Q&A*, 17 September 2020, <https://www.crisisgroup.org/node/14537>.

⁷² Interview with a senior EU official, 22 November 2022.

⁷³ Craig Singleton, "How Beijing Benefits from a New Iran Deal", in *Foreign Policy*, 7 September 2022, <https://bit.ly/3RoGM5l>.

largely overlapped with the major rift with the United States and Europe that followed its first military intervention in Ukraine in spring 2014.⁷⁴ Russia remained cooperative until February 2022, when its second, large-scale invasion of Ukraine compelled the United States and Europe to retaliate with draconian sanctions. After an initial attempt to use the re-activation of the JCPOA to nullify Western sanctions failed, Russia became broadly unsupportive, however.⁷⁵ The limits of multilateralisation, which we discuss in the next section, could no longer be papered over.

Table 2 | Strengths of mitigation strategies

| Strategy | Mitigation of intra-EU divisions | Mitigation of Middle Eastern fragmentation | Mitigation of multipolar competition |
|-----------------------------|---|---|---|
| <i>Prioritisation</i> | (a) superseded any disagreement that emanated from national interests (b) allowed for proactive policy driven and controlled by E3/EU group | | |
| <i>Compartmentalisation</i> | allowed individual EU states to handle bilateral tensions without prejudice to the E3/EU's nuclear diplomacy | allowed EU member states not to condition progress on the nuclear talks on arrangements with Iran on regional conflicts | |
| <i>Multilateralisation</i> | (a) strengthened E3 leadership on Iran (b) provided legal basis for EU sanctions on Iran, thus neutering diverging views of individual EU member states (c) ensured EU-wide support for the JCPOA after US pull-out | | (a) contributed decisively to facilitating US-Iranian nuclear diplomacy (b) helped E3/EU sustain transatlantic disagreements (c) gave Russia and China ownership of nuclear talks, which were thus sheltered from competition between the West and Russia/China |

⁷⁴ Hamidreza Azizi, "Russia's Role in Brokering a Comprehensive Agreement between the United States and Iran", in *LSE Blogs*, 1 August 2021, <https://wp.me/p3Kxhv-2Yi>.

⁷⁵ Hanna Notte, "Don't Expect Any More Russian Help on the Iran Nuclear Deal", in *War on the Rocks*, 3 November 2022, <https://warontherocks.com/?p=27813>. This notwithstanding, a senior Iranian official contended that for Iran "keeping Russia committed to the JCPOA after the brief impasse this April was a significant diplomatic achievement" (interview, 11 September 2022).

4. The limits of EU mitigation strategies

Whatever their merits, the mitigation strategies have suffered from significant shortcomings. After all, the EU's ultimate goal – a working nuclear agreement – remains elusive to this day, and European ability to influence Iran's choices on other matters of concerns, from regional conflicts to domestic issues, has shrunk considerably.

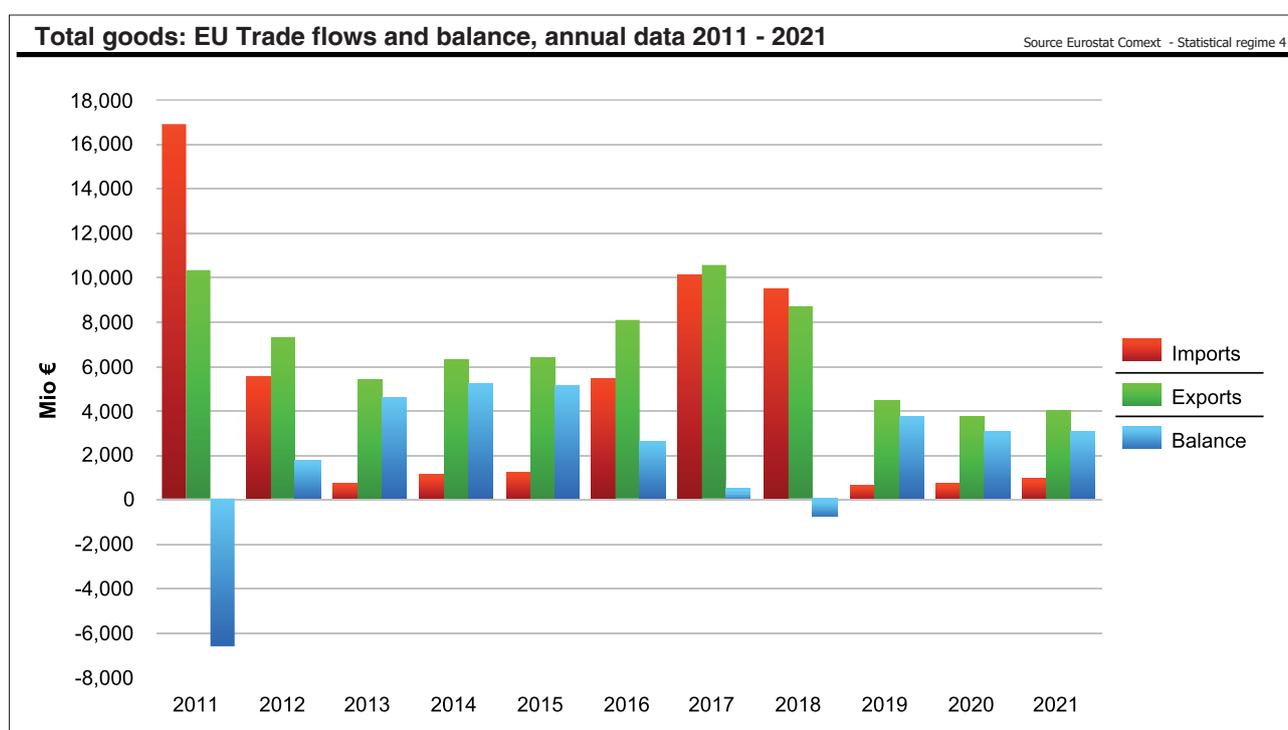
The single most important factor that has reduced the efficacy of the EU's Iran policy is evidently Trump's decision to leave the JCPOA. The US pull-out caused a recrudescence of geopolitical competition between the United States (and its regional allies) and Iran, but also between the United States and the EU, which was not just ignored but threatened with extraterritorial sanctions. Both dynamics had grave consequences. The former resulted in more regional insecurity following Iran's retaliatory actions in Iraq, the Gulf and against Saudi Arabia. The latter increased the political costs of delivering the economic benefits enshrined in the JCPOA and put EU member states on a collision course with Washington. In other words, the interplay between geopolitical competition, Middle Eastern fragmentation and intra-EU disagreements intensified because of the US withdrawal. The EU mitigation strategies gradually frayed under the combined weight of such constraints, with all three components losing their edge.

4.1 The limits of multilateralisation

The US withdrawal from the JCPOA, technically a massive violation of UNSCR 2231, indicated that the United States would not feel constrained by international law, multilateral institutions and alliance bonds. With Trump subordinating the nuclear issue to the US-Iranian geopolitical contest, the Europeans lost a powerful instrument to influence US choices – and, in time, Iran's too. Neither the JCPOA nor UNSCR 2231 included legal devices to sanction non-compliance from any other party than Iran itself. As argued above, multilateralisation was not rendered wholly ineffective, but it could only serve the damage limitation tactics to which the Europeans were forced to revert because of their inability to make the deal work without US consent.

It was not for lack of trying. After the US withdrawal, the EU activated a 1990s piece of legislation – the Blocking Regulation⁷⁶ – that made it illegal for EU companies to comply with extraterritorial sanctions and expanded the mandate of the European Investment Bank (EIB) to operations in Iran.⁷⁷ Both measures failed to achieve the desired effect. Most EU banks and companies – as well as the EIB – were unwilling to risk potentially massive penalties on their US activities and left the Iranian economy in droves. EU-Iran trade collapsed to 4.5 billion euro in 2021, down from over 20 billion in 2017 (it had been over 27 billion at its peak in 2011; see Figure 1).⁷⁸

Figure 1 | EU-Iran trade, 2011-2021



Source: European Commission Directorate General for Trade, *European Union, Trade in Goods with Iran*, updated 2 August 2022, p. 3, https://webgate.ec.europa.eu/isdb_results/factsheets/country/details_iran_en.pdf.

⁷⁶ Council of the European Union, *Regulation (EC) No 2271/96 of 22 November 1996 Protecting against the Effects of the Extra-Territorial Application of Legislation Adopted by a Third Country...*, <http://data.europa.eu/eli/reg/1996/2271/oj>.

⁷⁷ European External Action Service (EEAS), *Remarks by HR/VP Mogherini at the Press Conference Following Ministerial Meetings of the EU/E3 and EU/E3 and Iran*, 15 May 2018, https://www.eeas.europa.eu/node/44599_en.

⁷⁸ Data on EU-Iran trade are available on the European Commission website: *EU Trade Relations with Iran*, <https://europa.eu/IJ8fwCC>.

Despite the immense frustration this caused in Brussels, the Europeans could not bring themselves to pursue direct forms of retaliation against the United States. The practical difficulty to devise legally viable retaliatory mechanisms was hardly the origin of such reluctance.⁷⁹ The main reason was that most EU member states did not see any advantage in antagonising their most important ally, even if the United States was not behaving as such at the time. The Europeans were left with the unappealing option of fighting to just preserve the minimal conditions for US-Iran nuclear diplomacy to restart eventually.

For damage limitation to work, the E3 and the EU were to remain relevant actors for US Iran policy even under Trump. The E3 avoided confronting the United States for its decision to ditch the JCPOA, which they “regretted” but never condemned.⁸⁰ Instead, the E3 de-emphasised transatlantic differences, often insisting that these were more about how best to handle the nuclear issue than anything else. The E3/EU also offered a muted reaction to the assassination of General Soleimani, in spite of it being a flagrant violation of international law.⁸¹ Meanwhile, their efforts to facilitate legitimate trade with Iran – Tehran’s key expectation to continue respecting the JCPOA – fell short even accounting for the effect of US secondary sanctions. The E3 (later joined by five other EU countries and Norway) sent an important political signal with the creation in 2019 of the Instrument in Support of Trade Exchanges (Instex), an innovative barter system devised to insulate EU firms from US regulators, and yet the mechanism only operated a single transaction (in March 2020). Adding insult to injury, Instex failed even though it was initially meant to facilitate trade in goods not sanctioned by the United States, such as food, medicines and medical equipment.⁸² With EU banks reluctant to lend credit to EU

⁷⁹ Ellie Geranmayeh and Manuel Lafont Rapnouil, “Meeting the Challenge of Secondary Sanctions”, in *ECFR Policy Briefs*, 25 June 2019, <https://ecfr.eu/?p=4426>.

⁸⁰ The E3 leaders used the word “regret” in their first reaction to the US withdrawal and never changed it afterwards. See France, Germany and UK, *Joint Statement from Prime Minister May, Chancellor Merkel and President Macron following President Trump’s Statement on Iran*, 8 May 2018, <https://www.gov.uk/government/news/joint-statement-from-prime-minister-may-chancellor-merkel-and-president-macron-following-president-trumps-statement-on-iran>.

⁸¹ An Iranian official bitterly noted that the E3 had nothing to say on the assassination of a senior Iranian official but insisted that Iran, not the United States, go back in compliance with the JCPOA (interview, 12 September 2022). For the E3 statement after Soleimani’s assassination, see France, Germany and UK, *Joint Statement from President Macron, Chancellor Merkel and Prime Minister Johnson*, 6 January 2020, <https://www.elysee.fr/en/emmanuel-macron/2020/01/06/joint-statement-from-president-macron-chancellor-merkel-and-prime-minister-johnson>.

⁸² Anna Sauerbrey, “The Failure of Europe’s Feeble Muscle Flexing”, in *The New York Times*, 10

exporters for fear of being targeted by US regulators, EU transfers of these basic goods to Iran was largely limited to official humanitarian aid channels, generally unimpressive in scale (111 million euro in 2016–21). Meanwhile, the E3 reacted with increased condemnation of Iran's incremental breaches of the JCPOA, whereby reciprocal trust between the E3/EU and Iran eroded further.⁸³

4.2 The limits of compartmentalisation

The US withdrawal from the JCPOA also showed the limits of compartmentalisation. The argument that Iran could be encouraged to show self-restraint on the range of its ballistic missiles became weaker as Iran doubled down on the arsenal. Similarly, the notion that Iran's regional policies could be handled in a series of incremental arrangements, facilitated by the trust built upon years of good faith implementation of the JCPOA, was harder to entertain. With Iran upping the ante across the Middle East, the actual gains of compartmentalising nuclear diplomacy diminished by the day, while doubts about it increased inside the EU.⁸⁴

Condemnations of Iran because of its ballistic programme and regional policies became ever more frequent in E3 statements and found their way into EU-wide documents. In fact, the E3's rhetoric often borrowed from the US antagonistic discourse.⁸⁵ The Europeans thus found themselves in the hardly tenable position of condemning Iran at a time in which they also sought to incentivise it to comply with the JCPOA.⁸⁶ This ambivalence, which almost short-circuited

February 2020, <https://www.nytimes.com/2020/02/10/opinion/europe-iran-nuclear-deal.html>.

⁸³ According to a senior Iranian official, "The E3 are widely perceived [in Iran] as lacking trustworthiness, courage and strength. Their opposition to [Trump's] maximum pressure has been rhetorical rather than practical" (interview, 11 September 2022). Another Iranian official was blunter: the E3's "interests in Iran's nuclear issue are non-proliferation and transatlantic relations, not the possibility of laying the ground for a partnership with Iran based on normalised economic and political relations" (interview, 12 September 2022).

⁸⁴ According to a senior EU official, Germany and the UK increasingly doubted the need for compartmentalisation in fall 2022, whereas the HR, France and the United States wanted to keep it (interview, 22 November 2022).

⁸⁵ An Iranian expert interviewed for this report said: "The discourse, in particular, has become hardly indistinguishable from that of the United States" (interview with a senior Iranian expert, 11 September 2022).

⁸⁶ A French official acknowledged that, following the US pull-out, France was confronted with a "nearly impossible task: responding to Iran's destabilising activities which in turn were a consequence of the US pull-out" (interview, 7 November 2022).

compartmentalisation, reflected a deeper shift. As tensions with and over Iran grew, EU member states gradually stopped seeing the Islamic Republic as a potentially constructive interlocutor, but rather as a source of problems only.

4.3 The limits of prioritisation

The main legacy of the Trump years was that the promise of a more mature EU-Iran relationship, entailed in the JCPOA, faded away.⁸⁷ This is why multilateralisation and compartmentalisation struggled to deliver even after Trump left office. The much more competitive edge that Trump had given to US-Iran relations constrained Biden's choices and, consequently, those of the E3 and the HR. The E3 had hoped for quick action that would signal to Iran that the United States was serious about rejoining the nuclear deal. Yet, when the Biden Administration gently rebuffed their proposals, they did not put up any resistance.⁸⁸ Underlying European acquiescence were France and Germany's much worsened view of Iran⁸⁹ and a desire not to spoil the renewal of transatlantic relations promised by Biden.⁹⁰ European dependence on transatlantic relations solidified further after Russia's invasion of Ukraine re-affirmed the existential nature of US security guarantees for most EU states.

The E3/EU's bet that the JCPOA could be restored through a new round of negotiations, as Biden wanted, was not groundless. However, the talks faced a much more challenging environment than before. In Iran, hard-liners were on the ascendancy. Raisi's orchestrated election as president in June 2021 completed their takeover of all power centres in the Islamic Republic. Moreover, the appeal of the JCPOA had diminished for Iran.⁹¹ In 2015 the deal was expected to generate the

⁸⁷ Interview with a German official, 11 November 2022. The official said: "Germany's approach to Iran has changed fundamentally since the start of the protests. Germany is losing hopes that establishing a constructive relationship with Iran is possible or even desirable". According to a French official, "Originally France was willing to invest political and economic capital in the relationship with Iran, but now Paris is set on a more confrontational approach" (interview, 28 October 2022).

⁸⁸ Colum Lynch, "Europeans Fear Iran Nuclear Window Closing", in *Foreign Policy*, 26 March 2021, <https://bit.ly/3m3oQyR>.

⁸⁹ A senior Italian official described Germany's attitude towards Iran as increasingly "dogmatic" (interview, 4 November 2022). By contrast, a former French official complained that most EU countries had a "naive view" of Iran (interview, 16 November 2022).

⁹⁰ As an Iranian official put it, the E3 "opposed Trump, not the US" (interview, 12 September 2022).

⁹¹ Two Iranian officials recalled that the JCPOA struggled to deliver economic benefits even prior to the US withdrawal (interviews, 11 and 12 September 2022). An Iranian expert contended that Iran had achieved nothing from the JCPOA (reply delivered in writing on 19 September 2022).

strategic benefit of a long-term truce with the United States and of a normalised economic relationship with Europe. In 2021-22 neither reward was in the cards. Trump's maximum pressure and Iran's response to it made sure that US-Iran relations would remain tense even with a re-activated JCPOA. In this climate of uncertainty, most EU companies, especially large corporations, would shy away from big investment plans in Iran. The economic benefit of the deal barely went beyond the possibility for Iran to return to sell hydrocarbons in large quantities.⁹²

Weighing heavily on the JCPOA revival talks were also the growing tensions between the West and China and especially Russia. Iran's hard-liners calculated that closer political and economic ties with two major powers would give the Islamic Republic a stronger hand in the negotiation with Europe and the United States because of the reduced cost of a no-deal scenario.⁹³ Part of the Iranian leadership also entertained the mistaken notion that Russia's war against Ukraine would play to Iran's advantage because it would create a European demand for Iranian gas and oil.⁹⁴ Considerations of this sort must have prevented the Iranian leadership from forging a national consensus on reactivating the JCPOA in late summer 2022. For hard-liners, it was not just that an economic normalisation of relations with Europe was not no longer a priority. It was not even seen as that advantageous, at least under the conditions set forth by the Biden Administration, and endorsed by the E3, which rejected Iran's demand to end the IAEA's safeguard probe.⁹⁵

⁹² Esfandiyar Batmanghelidj, "Sharp Relief: Automatic Benefits and the Iran Nuclear Deal", in *ECFR Commentaries*, 11 November 2021, <https://ecfr.eu/?p=80050>.

⁹³ Three Iranian experts working as advisors to the foreign ministry concurred that "the partnership with Russia and China is particularly important because it gives Iran strategic depth. But this was not Iran's initial preference. If Iran becomes part of a sort of coalition with Russia and China, it will be because the US and Europe have given it no choice" (interview, 12 September 2022). Another expert explained the conundrum about arms sales to Russia as follows: "The problem for Iran is that, after the war in Ukraine, Iran had to choose between the West and Russia, and opting for the West was extremely complicated ideologically, domestically and foreign policy-wise" (online interview, 14 November 2022). According to a European official, "Iran sees itself as potentially part of the [anti-US] China-Russia-Iran axis" (interview, 17 October 2022).

⁹⁴ This assessment was largely, though not universally, shared by the thirteen Iranian experts and officials we interviewed for this report. According to a senior Italian official, the Iranians badly miscalculated that the "they could extract more from the US and the E3/EU" following the Ukraine war; "demand for Iranian oil [in Europe] was in fact non-existent" (interview, 4 November 2022).

⁹⁵ Two Iranian officials interviewed on 11 and 12 September insisted that Iran feared that the IAEA probe would be used to put pressure on it even after the restoration of the JCPOA. A senior Iranian expert did acknowledge, however, that the JCPOA talks stalled "for political and not technical reasons" (interview, 11 September 2022).

Iran's refusal to sign off on the re-activation of the JCPOA did not diminish the E3/EU's strategic need to restore some limits to and verification of Iran's nuclear programme.⁹⁶ Therefore, it was not unreasonable to expect *prioritisation* (of the nuclear issue) to keep driving EU Iran policy, were it not for the Iranian government's crackdown on protesters and weapons transfers to Russia. The repression of anti-regime demonstrators, especially women demanding equality, changed the EU domestic discourse about Iran in a way that the equally brutal crackdown on larger protests in 2009 and 2019 had failed to do. The arms sales to Russia turned Iran into a source of European insecurity. All across Europe, a shadow of illegitimacy stretched over engagement with Iran. The pursuit of a nuclear deal ceased to be the key to unlock EU-Iran relations.⁹⁷

Table 3 | Limits of mitigation strategies

| Constraint | Strategy | Limits of mitigation strategies |
|---|-----------------------------|---|
| Intensified interplay between multipolar competition, Middle Eastern fragmentation and intra-EU division following US pull-out from JCPOA | <i>Prioritisation</i> | Nuclear non-proliferation no longer EU main priority after (a) Iran's rejection of HR-mediated text on reactivation of JCPOA (b) repression of protesters (c) arms sales to Russia |
| | <i>Compartmentalisation</i> | Iran's more aggressive behaviour and expansion of ballistic arsenal post-US pull-out led E3/EU to criticise Iran while at the same time seeking to incentivise it not to abandon JCPOA |
| | <i>Multilateralisation</i> | Lack of mechanism to sanction US withdrawal from JCPOA Political inexpediency of EU retaliation against US secondary sanctions EU inability to deliver JCPOA economic benefits led to erosion of Iran's trust in EU and diminished economic benefits accruing Iran from return to compliance with JCPOA |

⁹⁶ Interviews with a European official, 17 October 2022; a German official, 11 November 2022; a senior EU official, 22 November 2022. However, the latter argued: "the nuclear track is dying on its own, not because of other issues".

⁹⁷ The EU made it clear that the JCPOA was no longer its no. 1 priority in a long statement released in December 2022, in which much greater emphasis was put on Iran's repression of protesters and military assistance to Russia. See Council of the European Union, *Iran: Council Approves Conclusions*, 12 December 2022, <https://europa.eu/!3bw7G3>.

5. The challenge of adjustment: EU Iran policy post-JCPOA

With the JCPOA dead in all but name, Iran is getting closer to Russia and more repressive at home, while EU member states' concerns about the Islamic Republic now extend beyond nuclear proliferation. This shift in priorities cements the gradual re-orientation of the EU approach to Iran from conditional engagement to confrontation, and consequently warrants an adjustment of the configuration of actors, policy tools and external engagement that EUFSP towards Iran has thus far comprised. France and Germany, as parties to the JCPOA, still have a role to play in the handling of the nuclear issue, as does the HR in his capacity as coordinator of the JCPOA process. However, the contribution of other EU actors has also become relevant with the broadening of the issues on which the EU deals with Iran. The policy mix of diplomacy and pressure is destined to tilt towards the latter, as there is no longer a single policy outcome (the nuclear deal) to which other matters are subordinated; still, a combination of the two is needed. As for external engagements, tensions with Russia have reduced the potential for consensus within the E3/EU+2, which augments the need to seek alternative partnerships.

EU and its member states are adjusting their Iran policy in a context in which their strategic options are constrained and the expected impact of their choices is modest. With EU-Iran relations unfolding along a more confrontational pattern, the room for intra-EU consensus on Iran is mostly defined by diplomatic pressure and other forms of restrictions. However, the impact of coercion has significantly diminished.⁹⁸ Pressure worked during the early 2010s because the EU cut off significant commercial and investment relations with Iran.⁹⁹ But US extraterritorial sanctions have rendered EU-Iran trade so small that cutting it would have little impact. The EU could get more leverage by providing incentives, but the political inexpediency of rewarding Iran greatly restricts the range of EU benefits potentially on offer.

⁹⁸ According to a European official, “the Europeans have no longer real coercive measures” (interview, 17 October 2022).

⁹⁹ Paulina Matera and Rafał Matera, “Why Does Cooperation Work or Fail? The Case of EU-US Sanction Policy against Iran”, in *Croatian International Relations Review*, Vol. 25, No. 85 (2019), p. 30-62, DOI 10.2478/cirr-2019-0005, <https://hrcak.srce.hr/228145>; Mahdi Ghodsi and Hüseyin Karamelikli, “The Impact of Sanctions Imposed by the European Union against Iran on their Bilateral Trade: General versus Targeted Sanctions”, in *World Trade Review*, Vol. 21, No. 1 (February 2022), p. 33-58, DOI 10.1017/S1474745621000318.

EU member states can no longer rely on the mitigation strategies that worked for twenty years. Prioritisation has been deliberately abandoned. Its corollary, compartmentalisation, has also run its course, as EU member states retain that addressing Iran's military assistance to Russia and improve ordinary Iranians' lives is as important as preventing nuclear proliferation risks. Multilateralisation has some residual value, however. While its potential for mitigating geopolitical competition has greatly diminished, it retains advantages in terms of lending greater legitimacy to EU action on the nuclear front and sharing management of the challenges emanating from Iran with allies and partners. Bearing all aforementioned limits in mind, we recommend that EUFSP towards Iran take the following actions.¹⁰⁰

(1) *Avoid breaking ties with Iran.* The persistence of anti-regime protests creates uncertainty about the endurance of the Islamic Republic. Some form of political change, even revolutionary change, cannot be ruled out. However, this outcome is not supported by the available evidence. The government retains control of all repressive instruments, no crack has emerged in the security establishment, and protests remain numerically small and leaderless.¹⁰¹ Barring the idea of externally engineered regime change – which finds no support in the EU and which would entail massive risks of backfiring – EU member states should predicate their policies on the need to interact with the Islamic Republic. In fact, the Iranian leadership may be more receptive to diplomacy at a time in which it prepares to manage the succession to the octogenarian Supreme Leader Khamenei.

(2) *Keep engaging in diplomacy based on the JCPOA.* The nuclear standoff is partly frozen in a “no deal, no crisis” situation, as both the United States (and its allies) and Iran are wary of taking action that could lead to uncontrollable escalation. EU institutions and member states can contribute to the sustainability of this “no deal, no crisis” situation by sticking to the JCPOA as the multilateral framework for their demands and actions.

¹⁰⁰ The recommendations derive from our own analysis but also reflect our exchanges with European and Iranian officials during in later summer-autumn 2022.

¹⁰¹ US and Israeli intelligence concur that the Islamic Republic is in no immediate danger: Laura Rozen, “US Intel Chief: Iran Protests ‘Not Imminent Threat’ to Regime, but Portend ‘Greater Risk of Unrest and Instability over Time’”, in *Diplomatic*, 5 December 2022, <https://diplomatic.substack.com/p/us-intel-chief-iran-protests-not>.

- *Deter escalation.* As parties to the JCPOA, Germany and France hold the key to unlock the so-called “snapback” mechanism contained in UNSCR 2231, which would result in the re-imposition of UN sanctions on Iran with no chance for Russia or China to block it. UN sanctions would have little practical impact on Iran’s economy, yet they would not be useless. They would reinstate universal prohibitions of weapons transfers to Iran and of Iranian arms exports, prevent the expiration of widespread restrictions on ballistic missile and drone transfers to and from Iran, reimpose export controls and restrictions on a number of Iranian entities and individuals, as well as make most of Iran’s nuclear activities illegal again. Because the activation of snapback would most likely lead Iran to leave the NPT, France and Germany should trigger the snapback mechanism only to deter Iran from taking action that can be construed as similar in kind to a withdrawal from the NPT, namely producing weapons-grade uranium or ejecting IAEA inspectors.
- *Involve China.* France and Germany can get leverage on Iran also through coordination with fellow JCPOA member China. The latter has a security interest in avoiding nuclear escalation and preserving economic and energy ties with Iran, which have thrived since the US pull-out. The Biden Administration, which has avoided hitting Chinese imports of Iranian oil to facilitate the restoration talks, could now revert to stricter enforcement of sanctions to harm Iran. Instead, France and Germany, along with the HR, should advocate the continuation of the current approach on the condition that China clarifies to Iran that its energy imports would diminish if the IRI were to take unacceptable escalatory measures on the nuclear front. France should use its strong ties with the UAE and Saudi Arabia, which are increasingly central to China’s Middle East policy, to coordinate the outreach to Beijing.
- *Restart humanitarian trade.* Other limited benefits could also give some more leverage to EU countries. Trade in medicines, medical equipment and food is uncontroversial, as it can hardly help Iran’s nuclear or ballistic advancements while it is of great benefit to the general population. The HR, France and Germany should extract a firm pledge by the Biden Administration that no US penalty will be levied on EU firms engaged in this kind of trade. Should the US government not be forthcoming either for political or bureaucratic reasons, then EU member states should be ready to use Instex again.

- *Explore feasibility of “side agreements” on gas.* A more complicated and controversial option to keep Iran from escalating would be to let it export gas through unofficial swap deals, according to which Iran would import gas from Turkmenistan and then sell an equivalent of its own gas to Turkey, which would be free to consume or re-export it (including to Europe). Turkey, which has resented being left out of the JCPOA loop,¹⁰² could well be interested in facilitating this kind of deals, given its scepticism about the efficacy of economic pressure.¹⁰³ Another potential deal would have EU countries provide Qatar with technology to produce and export liquified natural gas for the development of joint Qatari-Iranian gas reserves in the Persian Gulf. These deals (once financially vetted) would require cooperation with Turkey and Qatar (and coordination with Washington) and should be envisaged as steps further down the line, something Iran should expect if it eases domestic repression and refrains from further assisting Russia.

(3) *Raise costs of arms transfers to Russia.* The HR should point to drone sales as a clear violation of UNSCR 2231 to prompt EU international partners to consider reinstating or keeping restrictions on weapon and missile trade with Iran. EU member states that have relevant intelligence about Iranian drones being used in Ukraine should disseminate it to increase the reputational damage for Tehran. In the meantime, the EU should continue to update the blacklists of Iranian individuals and entities involved in military assistance to Russia and target them with visa bans, asset freezes and other restrictions. The combined effect of these measures, carried out in cooperation with the United States, the UK and other like-minded states, can influence the debate inside the Iranian leadership, where the wisdom of aligning more closely to Russia is debated.

¹⁰² Turkish officials interviewed for this report complained about the Europeans showing no interest in coordinating policy towards Iran. A senior diplomat contended: “Turkey’s ‘active mediation’ role was never given a real chance by the US or the EU” (interview, 22 November 2002). Another pointed out that Europe’s Iran policy had been so erratic that Turkey would have struggled to coordinate. One said: “European negotiators who come to Ankara for discussions on the JCPOA and those that come to discuss integrating Iranian gas into [the] TANAP [gas pipeline] are different teams that do not talk to each other regularly. When we introduce them to the issue linkages, they are very much surprised, but we can’t communicate beyond this surprise” (interview, 19 November 2022).

¹⁰³ As put by a senior Turkish diplomat: “sanctions on Iran do not work” (interview, 25 November 2022).

(4) *Support regional talks.* The HR and the member states with the greatest stake in Middle Eastern security should support regionally-owned talks involving Iran and its Arab rivals and neighbours.¹⁰⁴ They should consult with Iraq, Kuwait, Oman and Qatar about how best to support limited arrangements (especially on maritime security) in the Gulf and with Turkey with regard to Nagorno-Karabakh and Syria.¹⁰⁵

(5) *Tailor human rights sanctions to the need of supporting civil society.* EU sanctions on government officials send a political message but do not improve the situation on the ground.¹⁰⁶ The EU should aim to support ordinary Iranians through greater outreach to civil society and local governments.

- *Expand, align human rights sanctions with partner countries.* The EU should expand the lists of individuals and entities in Iran hit with visa bans, asset freezes and other restrictions for bearing responsibility for violations of human rights. It should also work with the United States and the UK to align their respective sanction regimes. The EU should also coordinate with key regional countries, in particular Turkey, Qatar and the UAE. Iranian officials may shrug off prohibitions to travel to Europe or hold EU assets, but the cost would be higher if restrictions extended to their own region, where they do travel and may hold significant assets.
- *Increase humanitarian aid and facilitate other forms of assistance.* The European Commission and individual EU member states should consider increasing humanitarian aid to Iran, including through UN agencies, including to help manage migration flows from Afghanistan. They should also facilitate assistance, including by EU nongovernmental actors, to municipal authorities and local communities on such issues as water management,¹⁰⁷ environmental degradation, natural disaster response.

¹⁰⁴ See, for instance, Joost R. Hiltermann, “What European Mediation in the Persian Gulf Should Look Like”, in Luigi Narbone and Abdolrasool Divsallar (eds), *Stepping Away from the Abyss. A Gradual Approach Towards a New Security System in the Persian Gulf*, San Domenico di Fiesole, European University Institute, June 2021, p. 49-56, <https://hdl.handle.net/1814/71221>.

¹⁰⁵ Interview with senior Turkish official, 25 November 2022.

¹⁰⁶ See, for instance, Raz Zimmit, “‘Woman, Life, Freedom’: From Protest to Revolution?”, in *Strategic Assessment*, Vol. 25, No. 3 (November 2022), p. 103-112, <https://www.inss.org.il/?p=111034>.

¹⁰⁷ Cornelius Adebahr and Olivia Lazard, “How the EU Can Help Iran Tackle Water Scarcity”, in *Carnegie Articles*, 7 July 2022, <https://carnegieendowment.org/publications/87281>.

- *Keep focus on vulnerable groups' rights and representation.* EU member states should emphasise the Iranian government's obligations, under the Islamic Republic's constitution, to uphold equal rights for men and women and ensure representation to all Iranian citizens. At the same time, EU member states should instruct their embassies in Tehran to reach out to civil society organisations to gauge what their needs, including in term of improving women's position, are, and conduct regular exchange to agree on supportive actions that could not be construed as anti-government measures, ranging from the provision of material support to travel facilitation (see below) to student exchanges and assistance (including by tapping EU funds allocated for gender-sensitive and minority-support actions).¹⁰⁸ European officials should also engage their Iranian counterparts in a principled, yet respectful, debate about such issues, building on the difficult but not entirely fruitless experience of the EU-Iran human dialogue of the early 2000s.¹⁰⁹
- *Facilitate travel, uphold academic cooperation and expert exchanges.* EU member states, especially Germany, should reverse the trend towards the downgrading of ties with Iranian civil society organisations and academic institutions.¹¹⁰ Instead, they should explore ways to facilitate travel to Europe for Iranian citizens, including through special visa arrangements. Both the EU and individual member states should uphold and actually facilitate academic cooperation, including through funding for visiting fellowships and joint research programmes. EU governments should welcome exchanges between EU experts and Iranian scholars and officials. Iran's political establishment is neither monolithic nor incapable of internal debate, and Iranian experts and officials can be receptive to ideas from foreign, including EU, experts.

¹⁰⁸ Cornelius Adebahr and Barbara Mittelhammer, "Sketching a Feminist EU Response to the Revolt in Iran", in *Carnegie Articles*, 5 December 2012, <https://carnegieendowment.org/publications/88526>.

¹⁰⁹ Benjamin Kaussler, "European Union Constructive Engagement with Iran (2000–2004): An Exercise in Conditional Human Rights Diplomacy", in *Iranian Studies*, Vol. 41, No. 3 (June 2008), p. 269-295, DOI 10.1080/00210860801981237.

¹¹⁰ According to an Iranian expert, "European Studies are still very much present in Iranian academic institutions but they suffer from a lack of systemic exchanges, which is also a reflection of EU sanctions or the effect of US sanctions on European banks" (interview, 11 September 2022).



We conclude on a sober note. None of the recommendations above, even if collectively adopted, guarantees that the EU and its member states can safeguard their interest in nuclear proliferation, European security and protection of human rights. If given no reason for moderation, a beleaguered Islamic Republic can lash out internally and externally, not least due to the uncertainty surrounding the succession to the Supreme Leader Khamenei. The capacity of the EU and its member states to prevent that is modest, as its leverage on Iran has almost dried up. EU policy can only be complementary to that of its main ally, the United States. Still, it needs to be predicated on the long-term possibility of change in Iran, of leaders and policies if not of polity.

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