





Policy Paper


Iran: the jeopardized flagship of the European diplomacy

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1. Background: a long series of scuffles between US and Iran since 8 May 2019

The assassination of Qassem Soleimani came in the wake of a long series of scuffles between the United States and Iran since 8 May 2019. A year after the US unilateral withdrawal from the Nuclear Agreement, Iran took a new step by suspending two of its major commitments to the Joint Comprehensive Plan of Action (JCPOA).

The Director of the Iranian National Atomic Energy Organization, M. Ali Akbar Salehi, stated: “We will no longer be obliged to comply with the 300-kilogram limit for the production of uranium enriched up to a level of 3.67-percent purity as well as the 130-tonne limit for the production of heavy water”.¹

Then after, Iran issued a 60-day ultimatum to the Europeans, China, and Russia. Tehran called upon them to compensate for the Iranian economic loss incurred in the oil-, and banking sectors under US sanctions. After the mentioned deadline, Iran announced reserving itself the right to suspend further commitments under the Agreement, such as the reconstruction of the Arak nuclear power plant. ““After 60 days, we will make a decision on whether we press ahead with our own plans for Arak that we had already put in place before the JCPOA agreement was reached to complete the reconstruction of Arak,” President Hassan Rohani declared”².

The maneuver was delicate and has increasingly complexified the diplomatic equation of the Iranian nuclear issue. Iran did not withdraw but exerted a more nuanced and progressive pressure on the international community to protect its domestic economic interests and its security priority. The decision by Iran came after twelve months of increased economic pressure from Washington.

As of May 2018, the US withdrawal from JCPOA caused economic instability for global investors. The 2015 Agreement proposed lifting of international sanctions and a resumption of trade with Iran, in exchange for the control and regulation of the Iranian nuclear programme. The United States reversed the virtuous circle proposed by the deal when Washington adopted new secondary and extraterritorial sanctions to prohibit any trade with Iran.

This decision was made under the conviction of the US Administration to see Iran again becoming a major player in setting oil and gas prices, rebuilding economic strength through the JCPOA. In August and November 2018, Washington adopted two waves of extraterritorial and secondary economic sanctions technically and legally preventing large groups as well as small and medium-sized global and European enterprises from resettling in Iran³.

Since May 2018, Washington confronted the EU with the extraterritoriality of American sanctions, a problem of a purely economic and legal matters. US economic pressure on Iran (since 8 May 2018) and the Iranian suspension of its commitments under the Agreement (since 8 May 2019) led to an extension of the challenge including now a military escalation of Iranian-American tensions. Washington deployed to the Strait of Hormuz the USS Abraham Lincoln aircraft carrier on 5 May 2019⁴, and B-52 Stratofortress long-range strategic subsonic bomber aircraft on 7 May⁵.

¹ <https://ifpnews.com/exclusive/iran-can-snap-back-to-20-uranium-enrichment-in-4-days/>

² https://youtu.be/J_V167K8RAA

³ <https://www.swp-berlin.org/10.18449/2019C05/>

⁴ <https://navaltoday.com/2019/05/10/uss-abraham-lincoln-arrives-in-middle-east-after-suez-canal-transit/>

⁵ <https://fr.sputniknews.com/defense/201905091041043889-les-usa-deploient-des-bombardiers-nucleaires-dans-legolfe-face-a-liran-images/>

On 11 May 2019, Washington reinforced its action with the dispatch of a warship armed with a Patriot missile battery, USS Arlington, in the Arabian Gulf⁶. President Donald Trump also deployed two thousand American soldiers in the Gulf region on 25 May⁷ and 18 June 2019⁸.

On 13 May 2019, the then High Representative of the European Union, Federica Mogherini, declared: “We are living in a crucial, delicate moment where the most relevant and responsible attitude to take is that of maximum restraint and avoiding any escalation on a military side”.⁹ The European Union faced a skein with security, geopolitical, economic, and diplomatic implications. The two tanker attacks in the Strait of Hormuz, blamed on Iran by the United States despite the lack of proven findings continue to escalate the pressure.

On 21 June 2019, an American drone RQ-4 was destroyed by “a SAM HQ-2 solitary missile from Bandar Abbas in southern Iran”.¹⁰ This recent escalation was on edge to switch to an early conflict between the United States and Iran. President Trump called off at the last minute a military strike against Iran on 27 June 2019. The death of General Soleimani paves the way to an ever more dangerous escalation of tensions, jeopardising the nuclear deal signed in 2015.

The JCPOA is an essential wheelwork in the maintenance of the international nuclear non-proliferation regime established in 1968. The economic and geopolitical standoff between the United States and Iran put at risk the safeguarding of the Agreement “which continues to be a corner stone of the global nuclear non-proliferation architecture and instrumental for the security of the region and the world”¹¹.

2. State of play: the death of Soleimani: a counterattack of an overly strong Iranian presence in the Middle East

2.1. An increasingly complex internal diplomatic equation

On 3 January 2020, an American air raid on Baghdad targeted to death the Iranian General Qassem Soleimani, commander of the Al-Quds Force of the Islamic Revolutionary Guard Corps, an elite unit of the Revolutionary Guards. The same day, President Trump stated: “last night, at my direction, the United States military successfully executed a flawless precision strike that killed the number-one terrorist anywhere in the world, Qassem Soleimani”.¹²

The Iranian General was none other than the architect of the Tehran’s expansion in Iraq, Syria, and Lebanon. Qassem Soleimani militarily supported the Alawite regime of the Syrian President Bashar al-Assad and participated to the formation of Hezbollah’s Shiite militia in Lebanon¹³. The assassination of him translated the determination of the United States to counter the presence of Iran in the Middle East.

⁶ <http://www.leparisien.fr/international/les-etats-unis-envoient-un-autre-navire-de-guerre-au-large-de-l-iran-11-05-2019-8069841.php>

⁷ <https://time.com/5595850/trump-iran-troops/>

⁸ <https://www.ft.com/content/7a100e72-9150-11e9-b7ea-60e35ef678d2>

⁹ https://eeas.europa.eu/headquarters/headquarters-homepage/62266/iran-maximum-restraint-and-avoiding-anyescalation-military-side-mogherini-says_en

¹⁰ <http://www.lefigaro.fr/international/golfe-l-iran-a-abattu-un-drone-militaire-americain-20190620>

¹¹ https://eeas.europa.eu/headquarters/headquarters-homepage/72675/iran-high-representative-josep-borrell-spoke-foreign-minister-javad-zarif_en

¹² <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-killing-qasem-soleimani/>

¹³ https://www.lemonde.fr/idees/article/2020/01/04/iran-l-accord-sur-le-nucleaire-victime-collaterale-des-raids-americaains_6024782_3232.html

IRAN: THE JEOPARDIZED FLAGSHIP OF THE EUROPEAN DIPLOMACY

On 6 January 2020, President Trump stated: “We took action last night to stop a war, said the President of the United States. We did not act to start a war. I have deep respect for the Iranian people. They are a remarkable people, with an incredible heritage and unlimited potential. We are not seeking regime change, however, the aggression of the Iranian regime in the region, including the use of proxy fighters to destabilize its neighbours, must stop and must stop now”¹⁴.

Washington honoured its regional protection commitments to Saudi Arabia and Israel. The White House is confronted with Iran’s desire to export its Islamic Revolution model. Iran proposes the instauration of a political regime based on a theocratic republic. This fundamental objective of Iran’s foreign policy and regional influence aims at influencing its neighbourhood to abolish monarchic and Sunni political regimes to adopt the one invented and advocated by the founder of the Islamic Republic of Iran and first Supreme Leader of Iran, Ayatollah Ruhollah Khomeini (1979-1989).

Iran desires to establish a religious and territorial unification among all the Shiites at the regional level. Iran aims at extending the reign of the so-called God and to free the oppressed from the tutelage of foreign powers. Thus, it creates political and military tensions with its neighbours and particularly with Iraq. Indeed, the Iraqi-Syrian border witnessed American retaliatory raids against Iraqi factions supported by Iran on 29 December 2019 after rocket salvos fell on an area where the Americans were based¹⁵. In addition, on 31 December 2019, “thousands of Iraqis, supporters of pro-Iranian paramilitaries, stormed the US Embassy in Baghdad to protest against the American raids”¹⁶.

The death of General Soleimani is of strategic consequences on a regional and international scale. The US military raid on Baghdad weakened the armed struggle against ISIS. During the war against ISIS, the pro-Iran factions fought on the same side as the American soldiers. Henceforth, the United States must beware of the pro-Iranian militias which have called for revenge on Soleimani”¹⁷. The death of General Soleimani also impacted the oil sector which is experiencing an increase in black gold prices. “A barrel of Brent, the European benchmark for oil, crossed the \$70 mark during the session for the first time since September 2019”¹⁸.

But, the significant consequence concerns the preservation of the 2015 Agreement which slowly has been dismantled when Iran decided to gradually disengage since 8 May 2019, a year after the US withdrawal. In July 2019, Iran declared that it would no longer comply with the uranium enrichment rate set at 3.67% by the Agreement as well as the uranium stock limit set to 300 kg by the JCPOA. In September 2019, Tehran announced that it had “started up advanced centrifuges capable of increasing its stock of enriched uranium, in a further reduction of its nuclear commitments”¹⁹. After announcing that it started to produce “5 kg of low-enriched uranium per day” in early November 2019, Iran announced “[...] that production of enriched uranium in the Fordo underground plant would start from midnight”²⁰.

Like a negative correlation, each American action directed against Iran involves a new stage in the progressive disengagement of Iran vis-à-vis the Agreement. On 5 January 2020, Iran announced its fifth stage of disengagement by which Tehran will no longer be “bound by no limit” on the number of its centrifuges”²¹. Some consider that this is an exit from the deal of 2015. This is the Iranian

¹⁴ <https://fr.euronews.com/2020/01/04/apres-la-mort-de-son-general-l-iran-appelle-a-la-vengeance-trump-calme-le-jeu>

¹⁵ <https://www.cnews.fr/monde/2020-01-03/tensions-entre-les-etats-unis-et-liran-la-chronologie-des-evenements-913892>

¹⁶ *Op. cit.*

¹⁷ <https://www.lejdd.fr/International/3-consequences-de-loperation-de-trump-contre-le-general-soleimani-3941382>

¹⁸ <https://www.lesechos.fr/finance-marches/marches-financiers/les-tensions-en-iran-font-remonter-le-petrole-a-70-dollars-1160553>

¹⁹ <https://www.cnews.fr/monde/2019-09-07/nucleaire-teheran-mis-en-route-des-centrifugeuses-avancees-876677>

²⁰ <https://www.cnews.fr/monde/2019-11-06/iran-la-production-duranium-enrichi-commencera-minuit-896840>

²¹ <https://www.i24news.tv/fr/actu/international/moyen-orient/1578248815-nucleaire-l-iran-dit-s-affranchir-de-toute-limite-sur-le-nombre-de-ses-centrifugeuses>

response to the Americans, putting more pressure on European mediators who firmly intend to preserve the Agreement. However, Iran will continue to cooperate with the International Atomic Energy Agency, thus leaving the way open to dialogue, adding that “all 5 stages are reversible if mutual obligations are effectively implemented”²².

2.2.EU: the legal limits of a discrete coordinating role

The EU faces an increasingly complex diplomatic equation faced with the rising tensions between Iran and the United States. One may recall the discrete but existent role of the EU as the coordinator of the Joint Commission which legally oversees the implementation of the JCPOA, as written in the UNSC Resolution 2231 which endorsed the JCPOA in 2015. “The role of the EU as the chief guarantor of the JCPOA becomes clear with regard to the preservation of the deal from contamination by external issues, such as questions about the role of Iran in regional conflicts and the adoption of US sanctions on the Iranian ballistic missile programme”²³.

On 6 December 2019, a meeting of the Joint Commission took place in Vienna. It was chaired by the EEAS Secretary General Helga Schmid and was attended by China, France, Germany, Russia, and the United Kingdom as well as by Iran at the level of Political Directors/Deputy Foreign Ministers.²⁴

This meeting takes place at a critical moment. Participants acknowledged Iran's compliance with its nuclear commitments for 14 months following the regrettable withdrawal of the United States from the agreement, and the re-imposition of US sanctions that did not allow Iran to reap the full benefits arising from sanctions lifting. Participants recalled that the JCPOA is a multilateral achievement and key element of the global nuclear non-proliferation architecture. In this respect, serious concerns were expressed about a series of developments, in particular the recent steps with regard to the implementation of Iran's nuclear commitments under the JCPOA²⁵.

The fact that Tehran accepts the IAEA to still carry out its verification and conduct monitoring in Iran proves that the country remains committed to the Agreement. “Despite reduced commitments on the international nuclear deal, Iran continues to cooperate with the International Atomic Energy Agency (IAEA), said [Abbas] Araghchi [Deputy Minister of Foreign Affairs of Iran], underlying Iran would be ready to resume the previous process whenever the other parties to the agreement would meet the country's demands and honor their commitments”²⁶. The Iranian gradual disengagement from the deal aims at exerting a pressure on its American and European interlocutors.

Confronted with the preservation of the flagship of European diplomacy as soon as he took office as High Representative of the European Union, Josep Borrell calls for the easing of tensions by announcing: “The current cycle of violence in Iraq must be stopped before it spirals out of control. The EU calls on all the actors involved and on those partners, who can have an influence to exercise maximum restraint and show responsibility in this crucial moment. [...] The EU stands ready to continue its engagement with all sides in order to contribute to defusing tensions and reverse the dynamics of the conflict”²⁷.

The EU is trying to find a diplomatic path to strengthen the preservation of the diplomatic flagship of its foreign policy, the JCPOA. The EU has only limited room for manoeuvre and means of action.

²² https://parstoday.com/fr/news/iran-i84409-accord_de_vienne_est_mort...

²³ <https://www.ceps.eu/ceps-publications/eu-diplomacy-and-iran-nuclear-deal-staying-power/>

²⁴ https://eeas.europa.eu/headquarters/headquarters-homepage/71644/chairs-statement-following-6-december-meeting-joint-commission-jcpoa_en

²⁵ *Op. cit.*

²⁶ <https://fr.irna.ir/news/83624904/La-cinquième-étape-ne-signifie-pas-une-sortie-de-l-accord-nucléaire>

²⁷ https://eeas.europa.eu/headquarters/headquarters-homepage/72663/statement-high-representative-josep-borrell-recent-developments-iraq_en

Brussels has neither the means nor the coercive levers since the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) of 2009 do not confer it. Consequently, one may see an evolution in the role the EU has played since 2003 vis-à-vis Tehran. The EU no longer acts as a single actor but as a receptacle for the expertise of two nuclear nations, France and Great Britain, and Germany.

The P5+1²⁸ (without the United States) reappears and the EU is fading. From 2003 to 2015, the role of the European Union's political referent strengthened and then diminished during the negotiations with Tehran. Nevertheless, the EU never let its diplomatic partners taking the lead in the negotiation game. As a matter of fact, the United States, Russia as well as Brazil and Turkey tried to compete the diplomatic activity of the P5+1.

The very presence of the European Union, not only within the negotiating group, but at the head of it²⁹, enabled the EU to demonstrate its capacity for external action. Faced with escalating Iranian-American tensions, the European Union has only legal instruments limited by the treaties which regulate its functioning.

3. Recommendations: rely, ally and dialogue

3.1. Rely on the E3

Hence, the first recommendation to be addressed to the European Union would be to rely on the strength of the three of its Member States which constitute its contact group with Iran, since 2003. France, Germany and the United Kingdom (E3) started from an *ad hoc* intergovernmental initiative developed outside the Council of the European Union, and strengthened the Union on the international stage.

These three Member States were aware of the difficulties of consensus in the Council. France, Germany and the United Kingdom opened the negotiation process in 2003 before letting the EU enter the game through the High Representative of the Union in 2004. The latter subsequently informed the Union's institutions and contributed to the consensus. The European Union offered a platform for cooperation, increasing the political power of each Member State by taking advantage of the Union's economic weight on the international scene.

The European diplomacy recalls that the European foreign policy is an intergovernmental process, not a supranational one. France, Germany and the United Kingdom are supporting the European Union's diplomatic efforts, thereby enabling it to maintain its presence in the negotiations and to impose itself as an international player. Since then, Paris, London (despite Brexit) and Berlin assume once again their role as mediators with Iran. Each member of the E3 adopts the necessary diplomatic arrangements to work for the alleviation of military tensions in the Middle East. On 5 January 2020, French President Emmanuel Macron held talks with the President Donald Trump.

Faced with the recent increase in tensions in Iraq and in the region, the President of the Republic underlined his total solidarity with our allies in the face of the attacks perpetrated in recent weeks against the hold of the Coalition in Iraq. He expressed concern about the destabilizing activities of the Al Quds force under the authority of General Qassem Soleimani, recalled the need for Iran to put an end to it now and to refrain from

²⁸ The P5+1 refers to the five nuclear and permanent UNSC Member States, France, the United Kingdom, China, and Russia plus Germany in the case of Iran.

²⁹ The title of spokesperson of the P5+1 was conferred to the High Representative for the common foreign and security policy.

any military escalation likely to aggravate it still regional instability. It marked France's determination to work alongside its regional and international partners to ease tensions³⁰.

More recently, Germany "called for an urgent meeting of EU foreign ministers [...] to discuss the escalation of tensions in the Middle East after the death of Iranian general Qassem Soleimani"³¹. The United Kingdom supports its European counterparts. On 6 January 2019, the British First Secretary of State stated: "A war is in no one's interest,' [...] Only Daesh and the terrorists could profit from it, by exploiting the vacuum thus created. We will therefore work very hard through diplomatic networks, with all our partners - in the United States, in Europe and in the region - to get our message out loud and clear"³².

3.2. Ally with Chinese and Russian diplomatic partners

The second recommendation to be addressed to the EU is to continue to establish a strong diplomatic alliance with China and Russia. Moscow and Beijing oppose the recent US military actions in the Middle East. "Beijing and Moscow 'must strengthen their communication' and 'play a responsible role in responding to the current situation in the Middle East,'" said Wang Yi, the Chinese Minister of Foreign Affairs³³. China and Russia have always supported the diplomatic action of the United European vis-à-vis Tehran to better regulate the Iranian nuclear programme. Neither country wants to be within the Iranian ballistic missile range. Moscow and Beijing support Brussels in working for a de-escalation in the Middle East.

Beijing does not hide its divided opinion on the disappearance of General Soleimani and its strategic consequences. "I don't know if killing General Soleimani is a mistake, but it is a real challenge. On the one hand, his death will strengthen the conservatives in Iran and on the other hand it will make certain Shiite militia leaders in the region less controllable," analyses Wang Jin, associate professor at the Institute for Middle East Studies at the University of Northwest China"³⁴.

On the other hand, Beijing has never favoured for economic reprisals against Tehran as the American secondary and extraterritorial sanctions have been doing since 2018. China is currently Iran's one of the largest trade partners and does not intend to see its economic interests compromised in Iran by escalating tensions in the region.

3.3. Dialogue with all parties

The third recommendation to address to the EU is to conduct bilateral diplomacy with both the United States and Iran before to reunite them at the same table of negotiation. It is not a question of castigating one or the other. In this regard, Josep Borrell stated: "The EU calls on all the actors involved and on those partners, who can have an influence to exercise maximum restraint and show responsibility in this crucial moment"³⁵. It is a question of maintaining dialogue with each party by reminding the interests not to break the Agreement which was signed after twelve years of diplomatic marathon.

³⁰ <https://www.elysee.fr/emmanuel-macron/2020/01/05/entretien-du-president-de-la-republique-avec-le-president-des-etats-unis-damerique>

³¹ <https://www.mediapart.fr/journal/fil-dactualites/060120/berlin-prone-une-reunion-durgence-des-ministres-des-affaires-etrangeres-de-lue?onglet=full>

³² <https://fr.euronews.com/2020/01/05/crise-au-moyen-orient-les-appels-insistants-des-europeens>

³³ <https://www.ouest-france.fr/monde/iran/tensions-iran-usa-la-chine-se-coordonne-avec-france-et-russie-6677490>

³⁴ https://www.lemonde.fr/international/article/2020/01/03/premier-partenaire-commercial-de-l-iran-la-chine-veut-eviter-une-escalade-de-la-tension_6024728_3210.html

³⁵ https://eeas.europa.eu/headquarters/headquarters-homepage/72663/statement-high-representative-josep-borrell-recent-developments-iraq_en

Thus, an EEAS Communique stated: “Josep Borrell invited the Iranian Foreign Minister to Brussels to continue their engagement on these matters. The conversation with Minister Zarif took place in the context of phone calls High Representative Borrell has had since Friday [3 January 2020] with Foreign Ministers of a number of EU member states and of the region to discuss the recent events and steps to de-escalate the tensions”³⁶.

The EU should recall that “an unrestricted Iranian nuclear programme is not in European or Iranian interest”³⁷. Indeed, on 10 January 2020, the head of French diplomacy, Jean-Yves Le Drian stated that: “Iran could access nuclear weapons in a year or two if it continues to “unravel” the agreement on its nuclear program concluded in 2015 in Vienna”.³⁸ The French president’s approach to President Trump demonstrates the willingness of the E3 and the European Union to include all parties in the dialogue to stem the escalation of tensions. It is about finding a breach in the regular cycle of reprisals between the United States and Iran to defuse a delicate geopolitical situation.

4. Conclusions

The EU, the E3 and its Chinese and Russian allies intend to establish a common ground between the United States and Iran. The first wants to include the control of the Iranian ballistic missiles in the JCPOA and the second refuses this option. Thus, the EU should rely on the strength of its Member States, deepens its alliance with China and Russia, maintain bilateral dialogue with the US and Iran. The aim is to defuse a geopolitical situation weakened by a cycle of reprisals between Washington and Tehran to preserve the JCPOA from any breaking.

³⁶ https://eeas.europa.eu/headquarters/headquarters-homepage/72675/iran-high-representative-josep-borrell-spoke-foreign-minister-javad-zarif_en

³⁷ https://www.europeanleadershipnetwork.org/wp-content/uploads/2020/01/200109_ELN_Policy_Intervention_Iran_FINAL-1-1.pdf

³⁸ <https://fr.reuters.com/article/topNews/idFRKBN1Z90OY>

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