

UACES 45th Annual Conference

Bilbao, 7-9 September 2015

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Facilitator and constrainer: How the EU shaped E3 diplomacy in responding to Iran's nuclear programme

Paper prepared for the 45th UACES Annual Conference, University of Deusto, Bilbao, 7th – 9th September 2015

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Abstract:

The disclosure in 2002 that Iran was in breach of its commitments under the Non-Proliferation Treaty began an international crisis that only now appears to be nearing resolution. In 2003, the so-called 'E3' of Britain, Germany and France claimed leadership of the international response, thereby also assuming the prerogative of speaking for the EU as a whole. Although unsuccessful in resolving the crisis, and despite being superseded by the 'E3+3' (including the US, Russia and China), they continued to claim leadership of the European component of the negotiations. This paper examines E3 diplomacy and leadership in responding to Iran, focusing particularly on Germany and Britain. Drawing on evidence from policy documents and official interviews, it argues that while the E3 sought to instrumentalise the EU in developing the international response, their credibility as international actors became increasingly reliant on the EU, thus both facilitating and constraining their policy approaches. This in turn raises important questions about the ability of individual states to exercise leadership in the context of complex multilateral organisations, and how such organisations shape and influence the practice of foreign policy.

KEY WORDS: Britain, Germany, CFSP, proliferation, Iran, E3, E3+3

I – Introduction:

‘We launched our diplomatic initiative because we wanted to offer an opportunity to Iran to address international concerns... Iran’s decision to restart enrichment activity is a clear rejection of the process the E3/EU and Iran have been engaged in...with the support of the international community’ – *Statement by Germany, United Kingdom, France and the EU High Representative on the Iran nuclear issue, January 2006* (Consilium, 2006a).

The revelations about potential Iranian nuclear proliferation that emerged at the end of 2002 sparked an international crisis that only now appears to be approaching resolution. So protracted has it been that Shashank Joshi (2013: 1) has characterised it as a ‘permanent crisis’. The decision by the foreign ministers of Britain, France and Germany – the so-called E3 – to fly to Tehran in October 2003 marked the beginning of a bold but ultimately unsuccessful attempt by Europe’s traditional ‘Big 3’ foreign policy powers to seize the diplomatic initiative and achieve a peaceful resolution to a problem that had added further instability to an already highly unstable region. The subsequent expansion of the E3 in 2006 to incorporate Russia, China and the United States into the negotiating process – the E3+3 (or P5+1) – reflected this failure, and even with the involvement of these additional states, negotiations would drag on for another nine years before agreement was reached. Indeed, David Miliband, UK Foreign Secretary from 2007 to 2010, suggests the process spent ‘more time in stasis...than in action’ over the whole period.¹

What is interesting about this negotiating process is what it reveals about how the E3 states have sought to utilise the resources, tools and normative power of the EU to pursue a particular set of diplomatic objectives. In launching their diplomatic *démarche* as the E3, they claimed leadership of the international response more broadly, and the European response more specifically. On the face of it, the establishment of this ad hoc *directoire* went against the principals and practices of consensus-based foreign policy-making that have underpinned the EU’s *Common Foreign and Security Policy* (CFSP). Certainly – and as will be discussed – this caused tensions with the other member states. And yet, and as this paper argues, the ability of the E3 states to act as they have done throughout the negotiating process has rested on the foundation the CFSP (and the EU more broadly) has provided for a twin-track diplomatic strategy that has combined the ‘stick’ of sanctions with the

¹ Interview, London, December 2010.

‘carrot’ of improved economic and diplomatic relations. Moreover, the institutionalisation of the involvement of the High Representatives for CFSP since 2006, supported by the institutional resources of the Council Secretariat and latterly the European External Action Service (EEAS), has served to structure E3 diplomacy, facilitating it in some ways whilst constraining it in others.

This paper looks particularly at how Britain and Germany sought to pursue their diplomatic strategies through the E3 both in terms of dealing with the Iranian proliferation threat, and managing and leading a unified European response. Drawing on evidence from policy documents, parliamentary statements and interviews with officials in London, Berlin and Brussels, it examines how these states sought to instrumentalise the EU in developing the international response. It argues that in doing so, their credibility as international actors became increasingly reliant on the EU, thus both facilitating and constraining their policy approaches. The paper is divided into six sections. It begins with a brief examination of the crisis before moving on to discuss how the E3 process emerged in response. Parts four and five then analyse the national foreign policy approaches of Britain and Germany before the final section investigates how the EU and its structures acted to both facilitate and ultimately constrain E3 diplomacy.

II – The origins of the Iran nuclear crisis

There is an extensive literature on the development of Iran’s nuclear programme and the challenge it poses to international non-proliferation efforts (e.g. Ansari, 2006; Bowen and Moran, 2015; Bowen and Brewer, 2011; Denza, 2005; Posch, 2006; Sauer, 2007). This focuses particularly on its troubled relationship with the US, and the attempts by Britain, Germany and France as the E3 to lead an effective European (and international) response. The brief discussion here offers some context for E3 efforts and the subsequent assessment of E3 diplomacy, and the extent to which the EU has acted to facilitate and constrain this.

The *Treaty on the Non-Proliferation of Nuclear Weapons* (NPT), which came into force in 1970, provides the foundation for international efforts to prevent proliferation. Both Britain and Germany were original signatories (France only

acceded to the treaty in 1992), their commitments thus pre-dating EU efforts to address proliferation. The importance they attach to ensuring non-proliferation – and their obligations in this regard – can be seen in their official pronouncements. For example, responding to a House of Commons’ report on Weapons of Mass Destruction (WMD) in 2000, the UK government declared that:

‘Britain as a nuclear weapon state, a permanent member of the Security Council, a leading member of NATO, and a member of the G8 and EU has a key role and a key responsibility in trying to put all [WMD] under international arms control regimes...’ (FCO, 2000: 9).

The German government made a similar statement in its 2006 defence policy *Weissbuch*:

‘[T]he Federal Government is strongly engaged in the pertinent international institutions and forums, in particular in the [UN]...[S]pecial importance has to be attached to the universalisation and reinforcement of the treaties...particularly the [NPT]... In the EU, Germany supports arms control policy efforts within the scope of the EU strategy against the proliferation of [WMD].’ (BVMg, 2006: 45)

At the same time, the NPT also provides the basis for the EU’s approach to non-proliferation, particularly through the CFSP, which provides the institutional framework for foreign policy co-operation by member states. For example, the *EU strategy against proliferation of Weapons of Mass Destruction* declares the NPT regime a key element in the broader system of ‘existing disarmament and non-proliferation’ and in unambiguous language highlights the ‘collective responsibility’ of member states and institutions in meeting the risks:

‘[The] EU must act with resolve, using all instruments and policies at its disposal. Our objective is to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide’ (Consilium, 2003b: 2-6).

Several key points emerge from this. First, by providing a clear framework through which member states should – and agree to – address potential proliferation, it necessitates action where this is identified. This is reflected in the nature of the EU sanctions regime imposed on Iran which has been more punitive than that imposed at UN level.² Second, EU action must also take account of the ‘real and legitimate security concerns’ of third countries (Consilium, 2003b: 7). This foreshadows the

² Interview, German Permanent Representation to the EU, November 2010.

‘twin-track’ approach adopted by the E3/E3+3 towards Iran, whereby incentives for cooperation have been as important as penalties for non-cooperation (e.g. House of Commons, 2008d: 44). This highlights the importance of the CFSP as an forum through which member states can pool their efforts to pursue and promote non-proliferation, and consequently why it provided the foundation for the European response to the Iran nuclear crisis.

Although one of the original signatories of the NPT, Iran has never hidden its desire to develop its nuclear programme, although always maintaining it is for civilian purposes only. The origins of the current tensions lie in the failure of the *International Atomic Energy Agency* (IAEA) in the early 1990s to detect clandestine efforts to develop nuclear weapons programmes, particularly in North Korea. As a consequence, the IAEA agreed a strengthened control regime in 1997 (Jones, 2009: 109). However, although Iran signed the protocol introducing these stricter controls, it had yet to ratify this by August 2002 when an Iranian opposition group published information regarding two undeclared nuclear facilities, strengthening ‘long-held suspicions’ in the international community about Iran’s ultimate nuclear ambitions (ICG, 2006: 1; Ansari, 2006: 198). An official involved in EU Iran policy was blunter, declaring that ‘in 2003, Iran was caught red-handed’.³ Its subsequent failure – or refusal – to ‘provide assurance to those who doubt its intentions’ (House of Commons, 2004b: 19) thus lies at the heart of the problem. Achieving such assurances has been a primary objective of the E3/E3+3 process. In short, there was a need to respond to Iran if the non-proliferation regime was not to be (perhaps fatally) weakened.

³ Interview, European External Action Service, Brussels, April 2012.

III – The emergence of the E3

The diplomatic crisis that developed over Iran's nuclear programme coincided with the build-up to the US-led invasion of Iraq in 2003. Kienzle (2009) highlights the stark contrasts in the approaches pursued by the 'big 3' EU states towards the two countries. Iraq was the cause of the most serious foreign policy division to date among EU states, with France and Germany on one side opposing intervention, while Britain was among those siding with Washington. One official recalls that prior to the invasion of Iraq the chief problem was the lack of discussion. At the Barcelona European Council in March 2002, for example, Iraq was discussed for 'approximately 1½ minutes' because member states 'did not want to talk about it'.⁴ By contrast, the absence of any kind of US leadership towards Iran by the Bush Administration made the same kind of European divisions 'virtually impossible' (Kienzle, 2009: 15). Indeed, on Iran a leadership vacuum existed, with Washington having little to offer beyond the perpetuation of the 'tough rhetoric and economic sanctions' that had represented US policy for so long, but which had produced few if any concessions (Takeyh and Maloney, 2011: 1297).

The origins of this vacuum lie in the nature of US strategy towards Iran. Ansari characterises this as essentially 'one of neglect': Iran could do what it wished 'as long as it didn't bother anyone else' (2006: 136). However, he argues that it was ideologically driven rather than either rational or realist, increasingly placing Washington at odds with its European allies (although the continuing absence of US competition to European companies in Iran was not something they were anxious to change) (ibid: 137). By contrast, the EU approach towards Iran has emphasised engagement, albeit conditional on political and economic reform (e.g. Commission, 2001; 2009b). However, although approaching questions of proliferation with no less seriousness, the EU has sought to highlight its support for multilateral solutions. Thus, it emphasises its efforts since 1998 to 'seek possibilities for co-operation' with Iran (Consilium, 2009b: 1). Overall, the EU's objective has been 'a durable and positive relationship' with Iran, even as it seeks a resolution to the crisis (Consilium, 2012b: 1).

⁴ Interview, DG RELEX, Brussels, November 2010.

When the crisis developed, there was ‘a clear decision’ between Britain, France and Germany that the E3 format was the most appropriate way to respond.⁵ Indeed, that they felt ‘it was natural...that the three of us should be doing something together’ on the issue.⁶ This consensus – or at least lack of division – was demonstrated most strikingly on 21 October 2003 when the E3 foreign ministers, Dominique de Villepin, Joschka Fischer and Jack Straw, seized the diplomatic initiative. Flying to Tehran, they agreed an accord that would see the Iranians re-engage in co-operation with the IAEA, ratify the additional NPT protocols and suspend voluntarily its enrichment activity (IAEA, 2003; ICG, 2006: 1). In return, the way was open to dialogue ‘as the basis for longer-term co-operation’ (ICG, 2006: 1).

This was a high-risk strategy. While necessitated by the lack of a meaningful US response to the revelations about Iran’s nuclear programme, at the same time it presented Europe with an opportunity. As Ansari (2006) notes, the fall of Saddam Hussein’s regime in Iraq in February 2003 and an IAEA report critical of Iran for violating its NPT obligations increased significantly the pressure on Tehran. The E3 states could therefore ‘prove the merits and efficacy of diplomacy, bring Iran to heel, restrain the United States, and heal trans-Atlantic wounds’ (ibid). In short, this was a diplomatic opportunity too good to miss.

Despite initial success, however, the negotiations quickly became bogged down. The IAEA claimed aspects of Iranian declarations on its nuclear programme were missing, while Iran was ‘unhappy with the ‘carrots’ obtained from the EU’ (Sauer, 2007: 10). This has led to criticism of the value of the E3 process. Harnisch (2007) argues, for example, that it was in essence a ‘buffer’, serving as a tool to resolve the domestic disputes that had emerged in the post-Iraq setting (2007: 2). He goes on to suggest, though, that anyone who believes that the E3 initiative demonstrates they had overcome their differences following Iraq and ‘finally got their act together’ is misguided or ‘in a state of denial’ (ibid). Rather, he contends that the diplomatic *démarche* of October 2003 relied on implicit recognition by the Bush Administration, the IAEA, fellow EU member states and ultimately the Iranian government to have any validity.

⁵ Interview, Foreign and Commonwealth Office, London, January 2012.

⁶ Interview, former Foreign and Commonwealth Office official, September 2011; interview, German Foreign Ministry, January 2011.

Such criticism is perhaps over-stated, though. For example, an FCO official disagrees with this analysis, suggesting that while it ‘may have had that effect...it wasn’t the primary purpose’.⁷ Certainly the apparent failure of the E3 process was demonstrated when it was superseded by the E3+3 in 2006, when Russia, China and the US formally joined the group. However, the fact remains that in October 2003 the US was not in a position to act, therefore negating the possibility of a meaningful Security Council response. Meanwhile as important members of the UN and IAEA as well as the EU, the E3 states could each legitimately claim to be acting to support their principles and living up to their international responsibilities.

Questions can be asked about the relationship between the E3 and their fellow member states over the longer term, however. Although the E3 received support from their EU partners, the other states nonetheless asked Javier Solana, then High Representative for the CFSP, to act as a go-between to ensure they were not left out of the process (Sauer, 2007: 10). Indeed, as a consequence of his involvement, Solana’s successors – Catherine Ashton and most recently Federica Mogherini – have played crucial roles in driving the negotiations forward. The E3 format was apparently ‘extremely antagonising for some’, notably Italy which always felt uncomfortable with the concept, while for smaller states there was the feeling that they ‘are always in the hands of the bigger’.⁸ This is interesting given that both British and German officials made clear their desire not to be seen as dominating their smaller partners.⁹ That said, an EEAS official involved in the Iran dossier believes that apart from their involvement in decision-making on sanctions, the other 24 member states have made ‘very little positive contribution’.¹⁰ That EU sanctions have been consistently tougher than those imposed by the UN House of Commons, (2008d), indicates, moreover, that the E3 have been able to maintain a consensus in support of strong action, however unhappy some partners may have been.¹¹

⁷ Interview with former Foreign and Commonwealth official, September 2011.

⁸ Interviews: Foreign and Commonwealth Office, London, January 2012; European External Action Service, Brussels, April 2012.

⁹ Interviews: German Permanent Representation to the EU, Brussels, November 2010; German Federal Foreign Ministry, Berlin, January 2011; Foreign and Commonwealth Office, London, January 2011.

¹⁰ Interview, European External Action Service, Brussels, April 2012.

¹¹ Interviews: German Permanent Representation to the EU, Brussels, November 2010; European External Action Service, Brussels, April 2012.

The evolving role of the High Representative in the E3/E3+3 negotiations has been a key aspect of this process. Prior to 2006, the High Representative's function – and that of the Council Secretariat before it was subsumed into the EEAS – was primarily to provide support to the E3 (Consilium, 2004a). Indeed, at first it was essentially 'a kind of postman assignment'; however, once the E3 had expanded to become the E3+3 in 2006, the High Representative's role 'completely changed'.¹² He became in essence their joint representative, a role formally recognised in Security Council Resolution 1929 (UN, 2010).¹³ It is unsurprising that the importance of the E3 states has been eclipsed with the involvement of the US, Russia and China. What is perhaps more so is that the High Representative has not only remained involved, but has become so important to the process, and that the non-EU '+3' are willing to be represented in this way, rather than asking, for example, the UN Secretary-General to perform this task. In the view of one official, the change in 2006 reflected the fact that none of the six states wanted to take the lead: Solana 'basically was just the only person who was ready to go to Tehran'.¹⁴ Furthermore, he suggests that one of the big achievements of Solana's successor, Catherine Ashton, was to maintain the unity of the E3+3 in dealing with Iran, facilitating the initial agreement reached in November 2014 and the final deal agreed in July 2015.¹⁵

The overall success of the E3 process and the engagement with Iran that it initiated is certainly questionable. (One EEAS official contends that the E3 essentially failed.¹⁶) Indeed, the complexity of the negotiations has been matched only by the repeated impasses and delays. However, of interest here is what this tells us about how the E3 states sought to utilise the CFSP to respond to Iranian nuclear proliferation. They decided to create what was essentially a 3-state contact group – or *directoire* – and through this to lead the EU response to Iran, even after the '+3' states became involved. Moreover, whilst there have been sometimes strong disagreements

¹² Interview, European External Action Service, Brussels, April 2012.

¹³ Paragraph 33 states that the Security Council "[e]ncourages the High Representative of the European Union for Foreign Affairs and Security Policy to continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution..." (UN, 2010).

¹⁴ Interview, European External Action Service, Brussels, April 2012.

¹⁵ A German official involved in the PSC also praised her contribution, declaring she "is doing a very good job". Interview, Federal Foreign Ministry, Berlin, April 2012.

¹⁶ Interview, European External Action Service, Brussels, April 2012.

between member states over the extent and severity of EU sanctions,¹⁷ not only have these been maintained, they have even been strengthened. This demonstrates a determination on behalf of the E3 to utilise the CFSP first to pursue international security goals in the absence of meaningful action by the UN Security Council, and then to ensure their objectives remain the basis of EU policy in the longer-term. This is perhaps not unusual for Britain, given its generally more pragmatic and instrumentalist view of the CFSP; it is interesting to note the willingness of Germany, which identifies itself as much more *communautaire*, to do the same. The respective approaches of each will therefore be examined in turn before we consider how the EU and CFSP impacted on their pursuit of their diplomatic objectives.

IV – British policy towards Iran

British policy towards Iran over the last decade reflects both pragmatism and a determination to play a leadership role in addressing Iran’s nuclear programme. Two national preferences have remained central to British policy throughout: first, the desire for improved bilateral relations with Iran; second, the demand that Iran recognise and live up to its international responsibilities and obligations under the NPT and other WMD treaties (e.g. FCO, 2004a, 2005b). Successive governments have seen in the achievement of the former a means of promoting the latter, which is reflected in the two key principles which have formed the basis of British policy: ‘constructive engagement’ (e.g. House of Commons, 2000d; FCO, 2004a,b), and ‘conditionality’ (e.g. FCO, 2004: 1). Both have been crucial components in how Britain has engaged in all multilateral contexts dealing with Iran, including the E3/E3+3 process and the CFSP, and so provide a useful framework to analyse this engagement.

Like the US, Britain’s relationship with Iran has historically been complex and at times difficult. Following significantly increased tension after the 1979 revolution, there were signs of a gradual rapprochement from 1985 onwards, and particularly during the late 1990s (House of Commons, 2004b: 7). The policy of ‘constructive engagement’ pursued over the last 15 years reflects the strategic importance British

¹⁷ Interviews: German Permanent Representation to the EU, Brussels, November 2010; European External Action Service, Brussels, April 2012; Swedish Permanent Representation to the EU, Brussels, May 2012.

governments continue to assign to Iran, and the guarded optimism with which the election in 1997 of the reformist Mohammed Khatami as President was viewed. In 2000, for example, the government highlighted the advantages for Britain not only from improved economic relations, but also as a consequence of Iran's 'central strategic position, and its key role in regional security', including the possibility it could play a positive role in the Middle East Peace Process (House of Commons, 2000d). Indeed, in 2004 Jack Straw described Iran as 'a crucial player in a region central to the challenges which the UK and the international community face' (FCO, 2004a: iii). Moreover, even after the revelations about Iran's nuclear programme, London remained positive about the possibilities for bilateral relations. Thus, the government concurred with the Foreign Affairs Committee's conclusion that 'the prospects for longer-term improvements in the [Anglo-Iranian] relationship remain good' (House of Commons, 2004b: 13), even if difficult in the short term (FCO, 2004a). In other words, constructive engagement would remain the basis for interaction with Iran.

Conditionality, the second principle, is directly linked to Britain's support for the international non-proliferation regime which Britain has pursued through a range of multilateral structures such as the UN, IAEA, etc. Indeed, the government makes clear that anti-proliferation 'require[s] a collective international response' (FCO, 2004b: 23). For the UK, maintaining the integrity of this regime requires Iran to satisfy the concerns of the international community about its nuclear programme. As successive governments have been at pains to emphasise, Britain is not seeking to prevent Iran exercising its right to develop a civilian nuclear programme – even if some question whether it actually needs to (e.g. House of Commons, 2006a). Rather, they are demanding that Iran follow the same rules as other members of the international community.

Conditionality should not be understood only in terms of Britain's bilateral response, however. It has also been important in how this response has been internationalised, something Britain has consistently sought and encouraged (e.g. FCO, 2003a; 2004a; 2005b; 2006e; 2008f). In particular, it has provided an essential means of attaining and maintaining consensus first with Britain's E3 and EU partners, but also in the E3+3 format and at the UN and IAEA. Thus, while Britain has

followed a policy of constructive engagement, it has been with the proviso that such engagement is contingent on Iran recognising and living up to its international responsibilities and obligations (e.g. FCO, 2003a; 2004a; 2005b). It should be noted that there was disagreement between Britain and the US over the constructive engagement policy, particularly once President Bush identified Iran as part of the ‘axis of evil’ in 2002. Jack Straw played this down as an ‘honest disagreement’ and a ‘difference of emphasis’ (House of Commons, 2003a), but on 2 April 2003 made clear that Britain would have ‘nothing whatsoever’ to do with any military action against Iran (FCO, 2003a: 14). In so doing, he reiterated Britain’s preference for a diplomatic approach, an important point of consensus with Germany, France and other EU states.

The focus on engagement and conditionality does not mean British policy has been monolithic. The key change, though, has been one of emphasis, with a shift away from engagement towards conditionality as negotiations with Iran became progressively harder, particularly following the election in 2005 of the conservative Mahmoud Ahmadinejad as President. This is reflected in a change in rhetoric in official government pronouncements during this period. In 2000, the UK recognised Iran’s ‘legitimate security concerns’ (House of Commons, 2000c) while improved bilateral relations that facilitated domestic political reform were ‘the best means’ of ensuring Iran lived up to its NPT responsibilities (FCO, 2000: 3). Following Iranian agreement to suspend uranium enrichment after in October 2003, Straw noted that this ‘represents a good start...[but] the real test will be full and early implementation of the [Iranian] commitments’ (Hansard, 2003). In 2004, however, while engagement ‘should remain our policy’, Iran would ‘need to address our political concerns’ (FCO, 2004a: 3-4). Later that year, the talk was of ‘critical’ rather than constructive engagement (FCO, 2004b: 14). Meanwhile, in 2006 Straw declared that ‘we are absolutely sure...Iran [has] failed to meet its very clear obligations’ under the NPT (House of Commons, 2006a), and an FCO report stated it was ‘failing to cooperate adequately with the IAEA’ (FCO, 2006e). In 2007, David Miliband chastised Iran, demanding ‘it accept that it has responsibilities to the...international community. It cannot violate the [NPT]’ (Hansard, 2007). In 2008, an FCO report was even more explicit, declaring that Iran ‘must not be allowed to develop a nuclear weapon. This is the primary goal of UK, and E3+3, policy’ (FCO, 2008f: 5). The tone remained the

same under the Coalition government with statements by William Hague, Philip Hammond and David Lidington all emphasising the importance of the ‘twin-track’ approach and the need for Iran to live up to its responsibilities (Lidington, 2012, FCO, 2012, 2014).

If engagement and conditionality have been the basis of British policy towards Iran, the objectives have been to forge and maintain a collective international response to uphold the integrity of the NPT regime. Consequently, for Britain the UN and IAEA as the source of authority for the NPT regime are the primary institutions, while the role of the EU and CFSP is to support them. One British official describes the CFSP as ‘essential’ to this, and the fact that a European consensus around a tough sanctions regime has been maintained for so long suggests that Britain has ‘successfully Europeanized’ its policies.¹⁸ For Britain, the CFSP has thus played an important instrumental role vis-à-vis Iran, while the E3 has been a means of galvanising other member states and ensuring their response remains suitably robust.

V – German policy towards Iran

The comments of two Foreign Ministry officials encompass how German policy towards Iran’s nuclear programme has been constructed. One declared: ‘we can’t allow Iran to escape nuclear control. They can’t just go about and create an atomic weapon’; meanwhile, another described it as ‘unthinkable’ that Germany and its E3 partners would do anything on Iran ‘without the backing of the other member states’.¹⁹ It is within these parameters that German policy has developed since the crisis began in 2002.

In many ways the basis for German policy is the analogue of Britain’s. It focuses on political, economic and social engagement (e.g. Bundesregierung, 2001) while employing diplomatic pressure and sanctions to prevent Iran developing nuclear weapons – i.e. the same ‘dual approach’ as its partners (e.g. AA, 2007a). This policy in turn fits into a wider objective of preventing proliferation, with a clear, long-standing and vital national interest identified as preventing either state or non-state actors from acquiring nuclear weapons (e.g. AA and BVMg, 2009). Again, like

¹⁸ Interview, Foreign and Commonwealth Office, London, February 2011.

¹⁹ Interviews, Federal Foreign Ministry, Berlin, January 2011 and April 2012.

Britain, Germany considers this objective achievable only multilaterally and in partnership with others (e.g. Bundestag, 2005b). There are, though, some important ideational differences, discussed below, in terms of how Germany conceptualises the problem of proliferation itself, and therefore how it identifies its own role within the multilateral environment it believes essential to resolving this. However, it has been as committed as Britain to achieving an effective, comprehensive and sustained European position as an essential component in the international response.

As noted, Germany has strongly supported the international non-proliferation regime. It is committed to the 'values and objectives' of a system that is 'treaty-based, transparent and verifiable' (AA, 2006: v). The NPT represents the 'cornerstone' of this system and a 'key task' of the international community is to uphold and strengthen it (AA, 2011e). Non-proliferation and disarmament represent important components of a German security policy geared first and foremost to conflict prevention (BMVg, 2006), and the emphasis it places on linking these agendas represents a small but important area of difference from Britain. Germany sees them as mutually supportive or mutually undermining: nuclear disarmament requires 'an efficient non-proliferation regime' but this is unsustainable in the absence of nuclear disarmament, making them 'two sides of the same coin' (Westerwelle, 2012b). This inter-linkage of disarmament and non-proliferation indicates a different ideational basis to how Germany approaches proliferation compared to London, which in turn reflects Germany's status as a non-nuclear weapons state. This is not to suggest that Britain does not also pursue nuclear disarmament – rather, that for German this aim is more explicit and fits into its role conception as a civilian or 'pacifist' power (see Maull, 2000).

Like Britain, Germany considers an effective international response essential to achieving non-proliferation. Crucial to regional and global security, non-proliferation can only be achieved through a 'co-operative security policy' (AA, 2000: 69). In this, the UN must 'play a central role' in the framework of broader security cooperation (Bundesregierung, 2002: 4) and be the 'central institution if multilateralism is to be effective' (Bundesregierung, 2007c: 23). Germany has also called for a 'new strategic consensus' on international measures to combat proliferation (Bundesregierung, 2004b: 5) and has pursued this within the UN system.

It also promoted these objectives during its 2011-12 Security Council membership (AA, 2011c). Beyond the UN, Germany used its 2007 Presidencies of the G8 and European Council to prioritise non-proliferation. Thus, it led its G8 partners in committing to ‘counter[ing] the global proliferation challenge’ and to supporting the UN and Security Council in achieving this (Bundesregierung, 2007a,b), while pushing EU partners to do the same (Bundesregierung, 2008).

Compared to Britain, there are small if significant differences in how Germany approaches the international structures, particularly in how it views the role of the EU and CFSP. Both states recognise their instrumental importance. However, whereas Britain is more pragmatic, Germany could be characterised as more ideational and absolutist in the sense that German foreign and security policy are ‘largely defined’ through the EU and CFSP (AA and BVMg, 2009: 11). Indeed, it describes itself as being ‘committed to serving world peace’ by being a strong partner in Europe (BMVg, 2011: 3). Consequently, while for Britain the CFSP may have *become* an essential channel in resolving the Iranian crisis, for Germany it was *always* so. One explanation is Germany not having P-5 status in the Security Council. Consequently, while it may be influential in the UN, the EU represents an important formal international framework through which it can pursue its objectives vis-à-vis Iran. (Indeed, one British official suggested this is a reason Germany favours a stronger EU role in other international organisations more generally.²⁰)

German-Iranian relations over the last decade have followed a similar path to those of Britain, with a focus on engagement and negotiation giving way to growing frustration and support for stricter international sanctions. As in Britain, prior to 2002 Iran was seen as a potentially important strategic partner (Bundesregierung, 2001: 1). From 2002 onwards, however, Iran is mentioned in the official retrospective government assessments of global disarmament (*Jahresabrüstungsbericht*). Initially concerns focus the importation and exportation of rocket technology (Bundesregierung, 2002). However, following the E3 visit to Tehran, failure to comply with IAEA demands for full and transparent declarations about its nuclear programme are highlighted, along with increased concern over the impact of its nuclear intentions on regional security (Bundesregierung, 2004b). The same year,

²⁰ Interview, UK Permanent Representation to the EU, Brussels, April 2012.

Foreign Minister Fischer declared that a nuclear-armed Iran would be ‘a dangerous development in...one of the most dangerous regions’ (Bundestag, 2004).

Subsequent assessments paint a similar picture, while demonstrating growing concern and frustration at perceived Iranian intransigence. By 2007, the assessment focuses particularly on the efforts of Germany’s EU Presidency to promote support for Security Council Resolution 1737, which strongly censured Iran, and re-iterated the risks to Iran of ‘self-isolation’ and ‘confrontation’ (Bundesregierung, 2008: 15). Then, in 2010 the government re-stated its objective that Iran return to negotiations, noting that sanctions are just one part of the ‘double-track’ strategy (*Doppelstrategie*), with the possibility of resolving the crisis remaining in Iranian hands (Bundesregierung, 2010b: 2-3).

This brief discussion illustrates a number of key points. First, like Britain, the German government has pursued a consistent policy of demanding cooperation and transparency from Iran over its nuclear programme, in return for which it will enjoy improved political and economic relations. Second, Germany remains entirely committed to achieving a diplomatic solution to the crisis, for which the UN and EU are vital and mutually supportive. Thus, while it does not enjoy Security Council membership, Germany has nonetheless sought to support and promote UN efforts to compel Iran to comply with Security Council Resolutions. To do this, it has operated individually, but also through its Presidencies of the EU and G8. Of particular importance, then, have been Germany’s efforts through the E3 to set the policy direction on Iran within the EU and CFSP.

VI – The impact of the EU: structured facilitation, structured constraint

Given the importance both Britain and Germany have attached to the EU and CFSP as the basis for their ability to operate as an ‘E3’, how then have the EU’s structures impacted on their diplomacy? That these have facilitated E3 leadership seems clear from the obvious wish of both states to instrumentalise the CFSP (and EU) to achieve a clear and specific diplomatic goal: the prevention of Iranian nuclear proliferation. But have these same institutional structures also constrained their freedom to act? The argument made here is that they have.

Of interest here are the consequences of British and German conceptualisations of the E3/E3+3, and how they have sought to use it to operationalise the CFSP (and EU) in the international response to Iran. Both wished to employ the CFSP as in efforts to ensure Iran live up to its international responsibilities, something that can only be achieved in a multilateral context – a ‘multifaceted system and architecture’.²¹ In this architecture, the international institutions that matter most are the UN – particularly the Security Council – and IAEA as these provide the legal basis and authority for any international action against Iran over its nuclear programme. For Britain, therefore, the function of the CFSP and EU has been to contribute to the enforcement of these resolutions, not to achieve a particular EU objective *per se*. Germany takes the same view of the importance of upholding and even strengthening the international non-proliferation regime. Moreover, while it may be more comfortable in identifying its foreign policy within a European framework, the desire to instrumentalise the CFSP is as strong as it is for Britain, and perhaps even stronger. For Germany, the E3/E3+3 format has been an important instrument for achieving this.

For both, the role of the EU is to operate within this larger international framework. This is not to suggest that the EU is not an important actor in its own right, but rather that it forms part of a wider approach, and that ensuring Iranian non-proliferation has far greater ramifications, involving as it does the enforcement of UN and IAEA resolutions. The EU matters in terms of its ability to deploy foreign policy instruments (legal, economic, etc) in pursuit of this objective. EU sanctions, as well as their corollary in terms of potential political, economic and trade links – the ‘carrot for Iran’ – give the organisation weight and influence.²² Moreover, not only do these instruments enable it to play a meaningful role, their availability *requires* it to do so. Along with the consensus among member states in support of non-proliferation, they have provided the basis for the sanctions regime constructed over the last ten years. Equally that consensus, exemplified by the *EU strategy against proliferation of Weapons of Mass Destruction*, as well as the interdependence and membership cross-over between the EU, UN and IAEA, mean that the E3 expected nothing less than the maintenance of a robust sanctions regime and, moreover, one that would be tougher

²¹ Interview, Foreign and Commonwealth Office, London, February 2011.

²² Interview with former Foreign and Commonwealth official, September 2011.

than that of the UN. For example, a German official declared that with sanctions, Germany's 'national objective, together with the E3 partners, was...to make sure that the EU sends a very clear and strong message to Iran'.²³ Similarly, a British official suggested that having 'worked very closely' to develop the sanctions package, they 'want all member states to respect [it]...and do what they can to make sure they're implemented'.²⁴ At the same time, their credibility and even legitimacy as actors in this process has required that the EU response remains robust. One EEAS official even suggested that the E3 continued to be involved simply for 'historical reasons. But in practical terms...if the exercise would be starting now, I'm not so sure [they] would be involved. But this is almost a heretical thing [to say]'.²⁵

The E3 format has served two important functions in this. It has been a tool for Britain, Germany and France to galvanise action at European level and ensure the EU continues to live up to its commitments vis-à-vis support for non-proliferation. It has also provided a means of engaging with global partners, as well as Iran, and in the absence of meaningful US involvement initially, to provide leadership in the international response. As a consequence, the E3 is thus both part of but separate from the EU. Its authority (as well as that of the High Representative as the E3+3 envoy) is underpinned and reinforced by the EU by virtue of the sanctions the latter can deploy or improved economic links it can offer. But equally, E3 diplomacy operates beyond the EU, engaging with the '+3' at the global level and in other multilateral contexts. In support of this, the intention of the E3 states has been to instrumentalise the EU to achieve a very particular goal as part of the wider non-proliferation architecture.

This is demonstrated by the manner in which E3 leadership was presented to the other EU states – i.e. as a *fait accompli*. Although one German diplomat notes that achieving E3 policy on Iran 'would be unthinkable' without the backing of the other members, no agreement was ever formally negotiated among the whole membership delegating power to them.²⁶ Indeed, the other states 'didn't have any choice'.²⁷ Despite this, according to both British and German official, they were generally

²³ Interview, German Permanent Representation to the EU, Brussels, November 2010.

²⁴ Interview, Foreign and Commonwealth Office, London, February 2011.

²⁵ Interview, European External Action Service, Brussels, April 2012.

²⁶ Interview, German Federal Foreign Ministry, Berlin, April 2012.

²⁷ Interview, Foreign and Commonwealth Office, London, January 2012.

willing to accept – or at least acquiesce in – E3 leadership.²⁸ What is interesting, though, is that despite their anxiety to avoid being seen as one of ‘the big ones trying to bully the small ones’, Germany had no objection to creating this *directoire*.²⁹ Indeed, as one senior official demonstrated, there is a definite realism in the German stance towards its shared leadership role on Iran:

‘[I]t has to do with...economic weight and the weight we can throw in when it comes to sanctions, because most of the business with Iran inside the EU is done by Germany, the UK and France... And the other aspect obviously was the set-up in the Security Council...That’s why we could convince our partners...to hold still and let the *Directorium* lead the way...[I]t’s too serious and threatening a situation that we can just bicker about who has better mediating qualities...[T]hat was fairly quickly accepted.’³⁰

It is also shown by the fact that key decisions on Iran have been taken within the E3+3 and/or UN Security Council (plus Germany), not by the EU. Perhaps the clearest evidence for this is the fact that Iran policy has remained predominantly a matter for Political Directors.³¹ Within the FCO, for example, the Political Director deals directly with the department’s Iran experts, with the CFSP department only becoming involved in terms of briefing other states and ‘handling Italy’ which, as noted above, struggled to accept the predominance of the E3.³² Similarly, an EEAS official noted that in a real sense the E3+3 process is not ‘a Brussels-driven exercise’ despite the importance of the High Representative, with the key meetings and discussions, particularly with the ‘+3’ going through capitals.³³

The role of the CFSP, then, has been to perform a number of important functions to facilitate E3 leadership. First, it is the arena in which the political agreements are made to institute and strengthen sanctions on Iran. Thus, although their legal and financial frameworks are negotiated and finalised in the RELEX working group, the political mandate comes from the *Political and Security Committee* (PSC) (AA, 2008: 32). The process for turning this mandate into an agreed set of measures requires, in turn, often intense negotiations that can involve meetings

²⁸ Interviews: former Foreign and Commonwealth Office official, September 2011; German Federal Foreign Ministry, Berlin, January 2011.

²⁹ Interview, German Permanent Representation to the EU, November 2010.

³⁰ Interview, German Federal Foreign Ministry, Berlin, January 2011.

³¹ Interviews, Foreign and Commonwealth Office, London, January 2011 and January 2012.

³² Interview, Foreign and Commonwealth Office, London, January 2012.

³³ Interview, European External Action Service, Brussels, April 2012.

lasting 12+ hours a day, three to four times per week.³⁴ Beyond this, the CFSP has also facilitated the diplomatic interactions between the E3 and their EU partners. Thus, it provides a vital framework within which the E3 communicate with the other member states about the status of the negotiation process with Iran, the thinking of the ‘+3’ states, etc. As part of this, within the PSC the efforts of the E3 have been aimed at ensuring a level of transparency in their briefings that is sufficient to ‘reduce the level of discomfort’ caused by their leadership.³⁵ In general, the FAC and PSC have received formal briefings prior to and de-briefings following meetings of the E3+3, although these do not take place at working group level.³⁶

As noted, the role of the High Representative has been important throughout the process and has evolved significantly from that of diplomatic ‘postman’. The decision quite early on to involve Javier Solana, the then-High Representative, was made with the aim of making the management of the E3/EU dynamic easier. It also served the essential practical purpose of ensuring that the Council Secretariat was closely involved in drafting the relevant papers relating to the offer of a strategic relationship between the EU and Iran – a key element in any solution. Indeed, it provided ‘the supporting structure’ and while this role has now been taken on by the EEAS, the team of officials directly involved with the dossier has remained very small throughout.³⁷ It also meant that to some extent the other member states were represented. For one senior British official, Solana’s ‘very sensible’ involvement enabled him to act almost as the ‘conscience’ of the other states, ‘representing the interests of the rest’.³⁸ A Swedish PSC official also noted the importance of the High Representative in ‘balancing’ the process as the other member states ‘don’t have to turn to the EU3’ to find out what is happening.³⁹ Following Solana, Catherine Ashton’s stewardship of the negotiations proved to be perhaps the one major success during her tenure as High Representative, enabling her successor, Federica Mogherini, to bring the negotiations to an apparently successful conclusion in 2015.

³⁴ Interview, German Permanent Representation to the EU, November 2010.

³⁵ Interview, Foreign and Commonwealth Office, London, January 2012.

³⁶ Interview, Swedish Permanent Representation to the EU, May 2012 (telephone).

³⁷ Interview, European External Action Service, Brussels, April 2012.

³⁸ Interview, former Foreign and Commonwealth Office official, September 2011.

³⁹ Interview, Swedish Permanent Representation to the EU, May 2012 (telephone).

The other major constraint has been the need to achieve and, more importantly maintain, agreement at 27 (latterly 28) on EU policy towards Iran. Although not always straightforward, this has been the E3 states' chief concern and objective within CFSP. In this sense, therefore the processes, structures and norms of the CFSP have both facilitated and constrained the E3. The nature of decision-making through unanimity and the 'consensus bias' that has developed over many years of interactions (e.g. Juncos and Pomorska, 2008) demands careful and continuous diplomacy. No state, no matter how big or 'important', can force the issue. Thus, while there has been a 'basic agreement' on the need for the two-track approach of negotiations and sanctions, beyond that there have been 'different views'.⁴⁰

One of the most significant challenges has been to maintain the consensus within the PSC on the robustness of EU sanctions. For Britain and France as P-5 states especially, it has been vital that the *European* response has not only remained in lock-step with that of the Security Council, but that its sanctions regime has been even more stringent – or, as a senior Iranian diplomat put it, 'more Catholic than the pope' (Mousavian et al., 2013). However, there is a range of attitudes towards sanctions among the member states, with some less convinced about their effectiveness, and others of the need for them to be so tough.⁴¹ Examples include Greece, which was felt by some to be strongly influenced by its commercial relationship with Iran; and Sweden, which has been regarded as 'more idealistic', preferring engagement and cooperation.⁴² The challenge of achieving unanimity is not limited to the PSC, moreover, but also extends to decisions taken in the RELEX group. While decisions on the regulations underpinning sanctions taken here could technically be agreed by QMV, a German official declared that 'I think very many colleagues would rather be shot than to allow for that, because it would absolutely change the way that the game works'.⁴³ This hints at strong normative as well as institutional constraints on action, discussed within the literature on socialization. It also reminds us of the importance placed on good arguments and an awareness of the needs and positions of others if a particular policy is to be agreed and implemented successfully.

⁴⁰ Interview, Swedish Permanent Representation to the EU, May 2012 (telephone).

⁴¹ Interview, German Permanent Representation to the EU, November 2010. There was anxiety among some, for example, that tough EU sanctions on Iranian oil would be undercut by other states such as India, Japan and China keen to take advantage of the availability of cheaper oil.

⁴² Interview, European External Action Service, Brussels, April 2012.

⁴³ Interview, German Permanent Representation to the EU, November 2010.

Conclusion

This paper has examined the nature of E3 diplomacy in response to the Iranian nuclear crisis. In particular, it has discussed the extent to which the EU and CFSP, particularly its institutional structures, processes and norms, have facilitated and constrained E3 attempts to provide international leadership. The argument made here is that they have done both. Having launched their bold diplomatic initiative in October 2003 in the absence of US leadership, the credibility of Britain, Germany and France as interlocutors rested in large part on their ability to develop a dual strategy combining both ‘carrot and stick’ that would persuade Iran to respond satisfactorily to international demands over its nuclear programme. The EU and the CFSP were essential to this, providing the resources and policy instruments to make this dual strategy a reality. The E3 could certainly expect their fellow EU members to follow their lead in responding meaningfully to the risks posed by Iranian nuclear proliferation given the long-standing international norms and treaty obligations they share and support. However, such support could not be taken for granted, and has required careful management to maintain the integrity and robustness of the sanctions regime.

The importance of the central EU institutions – particularly the Council Secretariat and latterly the EEAS – should not be underestimated in this. Moreover, the role of the High Representative has been essential both as a channel of communication between the E3 and their EU partners, and subsequently as one of the key actors in bringing the process to an apparently successful conclusion. This has been particularly true since the E3 were superseded by the E3+3. Once it became clear that the E3 could not achieve their diplomatic objectives alone, their credibility and arguably their continuing legitimacy as participants in the negotiations rested on the significant diplomatic weight that the EU could bring to bear on Iran in terms both of continuing sanctions and economic benefits from any future agreement. This was reflected in the participation of the High Representative. In this sense, while the E3/E3+3 format may for much of the time have produced few tangible results, it has been an important device for demonstrating the capacity of the High Representative to provide leadership in developing and maintaining a meaningful European response to Iran, something the E3 deemed vital for the maintenance of the international non-proliferation regime.

In the 13+ years of the Iran nuclear crisis, perhaps the most significant achievement in the context of the EU has been the maintenance of consensus among the member states both over the policy approach Europe should take and in then implementing this. The decision by the E3 to act in concert and ahead of their partners reflected their determination to respond swiftly rather than risk a potentially protracted debate with their partners. That they were able to persuade their partners to support this action – and maintain a united front subsequently – highlights both the general acceptance of the need to address proliferation risks, but also the capacity of the three to build a consensus around a particularly course of action. That they *needed* to do this – and to work hard subsequently to maintain this consensus – highlights both the capacity of the EU in turn to magnify the foreign policy and diplomatic capacities of individual member states, and thereby facilitate their objectives; and the structural constraints it imposes as a consequence. The actions of the E3 in an institutional environment based around consensus and unanimity reminds us that while some states may be more equal than others, they remain equal nonetheless.

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