The July 2015 nuclear agreement with Iran is not only a victory for diplomacy, but also very much a transatlantic success. The deal that hides its groundbreaking qualities in the non-descript title “Joint Comprehensive Plan of Action” (JCPOA)\(^1\) represents the conclusion—and validation—of a process that three European states began in 2003. As a sign of transatlantic interdependence, U.S. opposition to engage Iran post-9/11 required the Europeans to begin a process that, ultimately, could only conclude with the United States at the table, which joined the talks alongside China and Russia in 2006. Throughout these years, the transatlantic alliance has been critical to driving the negotiation process forward, combining diplomatic and economic pressure with the right incentives to nudge Tehran toward accepting serious limitations on its purportedly civilian nuclear program.\(^2\) In other words, only because the United States and Europe worked so closely on this file could they rally the international support that was necessary to first isolate Iran and then successfully conclude the negotiations.

However, transatlantic cooperation is likely to become more difficult going forward. The U.S. government faces continued domestic resistance to even accepting the limited cooperation this agreement stipulates with Iran, a 36-year-long U.S. adversary. In this climate, it is questionable how much Washington can play a proactive role in implementing the JCPOA over the coming years. Europe—referring to the European Union and/or more specifically France, Germany, and the United Kingdom (also known as the E3/EU)—as the initiators of this process, may be less hampered by internal politics. Yet, they are absorbed

---

Dr. Cornelius Adebahr is an associate in the Europe Program at the Carnegie Endowment for International Peace, an adjunct assistant professor at Georgetown University, and an associate fellow at the Research Institute of the German Council on Foreign Relations (DGAP), Berlin. He can be reached at cornelius@adebahr.eu.

Copyright © 2016 The Elliott School of International Affairs

The Washington Quarterly • 38:4 pp. 115–131

http://dx.doi.org/10.1080/0163660X.2015.1125833
with crises closer to home including Russia’s war and the resulting instability in Ukraine, continued uncertainty about the viability of the Eurozone, and the recent influx of refugees from the Middle East and North Africa, to name but the most pressing three.

Still, Europe has an enormous interest in seeing the deal through for objective security reasons (preventing Iran from getting a nuclear bomb) as much as for its ownership of the JCPOA. At the same time, it lacks the domestic opposition present in the United States that could prevent it from engaging Iran beyond the agreement. This is why Europe can and should take the Iran deal forward, and enlist U.S. support to do so as a natural extension of the close cooperation during the negotiations.

This article looks at how European actors should take the initiative not only to implement the deal itself but also to help create an environment, both regionally in the Middle East and politically, that supports such implementation. It outlines how the European Union should actively seek support from the United States to continue to work together on and beyond the nuclear file. In particular, the transatlantic partners should:

- Strictly police the implementation of the deal: this includes strengthening the International Atomic Energy Agency (IAEA) while building up their own capacities within the EU’s diplomatic wing (the European External Action Service, or EEAS), at the U.S. State Department, and in the respective intelligence organizations;
- Use the direct channels of cooperation with Iran, established through the multilateral negotiations, for further engagement on stabilizing a volatile and conflict-ridden Middle East;
- Broaden their support for the nonproliferation regime, e.g. by setting clear benchmarks for the universalization of the Additional Protocol of the Non-Proliferation Treaty (NPT), to ascertain that the deal sets a positive global precedent despite allowing for the spread of enrichment technology.

A European Success

As much as the deal itself was a transatlantic success, the immediate aftermath of the negotiations concluded on July 14, 2015, showed how differently both sides of the Atlantic viewed the results. In Washington, the agreement’s opponents came out quickly and forcefully to denounce what they regarded as an essentially “bad deal.” While many of the JCPOA’s eventual supporters claimed they had to study its details before passing a verdict, critics had an easier stance. They could simply decry that the agreement was a negotiated compromise, not the imposed ultimatum they would have favored.
In Europe, in contrast, the JCPOA did not elicit much reaction at all, neither positive nor negative. While governments lauded the diplomatic achievement and newspapers duly reported on the facts, the wider public remained unmoved. This obviously had to do with the fact that, a mere 48 hours before the conclusion of the talks in Vienna, EU heads of state and government in another emergency summit had just about succeeded in preventing Greek bankruptcy and, with it, the country’s likely exit from the Eurozone. In a telling illustration of where the EU’s and national priorities lie, the JCPOA was only mentioned once during a plenary debate of the German Bundestag that took place three days after the deal—and has not been debated since.

Indeed, over the years of nuclear negotiations involving the six world powers (France, Britain, and Germany plus the EU as well as the United States, China, and Russia to form the E3/EU+3; or P5+1 in U.S. parlance), the average European had shown little interest in the nuclear file. While European efforts to defuse the crisis over Iran’s nuclear program for more than a decade undoubtedly showcase EU foreign policy, few people in Europe share the U.S. (or Israeli) threat perception of Iran. This attitude concurs with a more sober view in European policy circles that Iran is a difficult country to deal with, though not “evil.” This in turn gives more room for interpretations of Iranian ambiguity that can allow for less threatening conclusions—such as an appreciation of Iranian ambitions to master the fuel cycle—that do not necessarily include building the bomb. With this mindset, foolproof ways to prevent any subsequent “dash for the bomb” become more important than the normative idea of destroying an evil enemy.

This context is important to understand why, from a European perspective, the JCPOA is very different from other international agreements. For one, some of the deal’s opponents likened it to the United States’ bilateral disarmament treaties with the then-Soviet Union, using this as an argument in favor of formal ratification by the U.S. Senate. For Europe, however—and without making a point in the U.S. internal debate—the current negotiations represented not bilateral superpower arms talks but a formal process involving seven countries (including Iran), facilitated by the European Union and in coordination with the IAEA. In this multilateral setting, Washington was a primus inter pares at most—and Europe sat squarely in the middle of the table. It is also this innovative E3/EU+3 format that distinguishes the JCPOA from the 1994 “Agreed Framework” between the United States and North Korea to end the latter’s nuclear advances. This (eventually failed) deal not only fell short of spelling out specific verification provisions, but it also did not include regional powers or international organizations.
The successful conclusion of this process initiated and chaired by the E3/EU also vindicates, in Europe’s mind, the European preference of diplomacy over military intervention, albeit considerably beefed up by U.S. toughness in creating an international sanctions regime. The final product is a compromise that appears to be in the interest of all actors involved.

Indeed, Europe has had strong interests throughout to seek a negotiated outcome to the nuclear standoff. First of all, Iran affects European security by mere proximity. Whether through the threat of a nuclear device or because of Iran’s larger role in the Middle East, European states are on the frontline of any possible conflict with Iran (at least much more than the United States, though obviously much less than Israel). The nuclear deal naturally addresses only the first of those two security concerns, yet European actors are hopeful—if also sanguine—about the prospects that a deal could affect Iran’s regional posture, too.

Secondly, the Iran talks have come to be seen as an indicator of whether the EU can act, decisively and in a united way, on the international scene. It was no coincidence that the E3 started their initiative shortly after the 2003 invasion of Iraq, an event which displayed a gaping division within Europe and among the three countries in particular. Bringing the talks to a successful close, and avoiding their “bilateralization” as negotiations between Iran and the United States intensified, was thus a way to prove the EU’s global role.

Thirdly, European countries have preserved diplomatic, business, and societal ties with Iran, which induce them to see the country in a different light than the United States does. EU member states by and large maintained official relations with Iran despite the Islamic Revolution, for practical reasons as much as for the diplomatic custom of talking with one’s opponents. Thus, while appreciating the United States’ different historical experience, Europeans maintain that having diplomatic relations with difficult countries is a necessity, not a reward.

Finally, the EU has had a long-standing interest in strengthening the global nonproliferation regime. 2003 proved to be a critical year in this regard: based on the concept of “effective multilateralism” developed in its first security strategy (drafted by June 2003) and the “Tehran Agreement” on Iran’s nuclear program of the E3 (concluded in October 2003), the EU adopted a Strategy against Proliferation of Weapons of Mass Destruction in December 2003. This strategy outlined steps to counter the proliferation of what the security strategy had called “potentially the greatest threat to our society.” Without actually referencing Iran, let alone providing a pathway to deal with that country’s nuclear dossier, the
WMD strategy referred to both being “committed to the multilateral treaty regime” and “finding political solutions” as well as to “co-operation with the [United States] and other key partners such as the Russian Federation.” These elements were realized in the current negotiations through the strong involvement of both the UN and the IAEA as well as by the multilateral nature of the E3/EU process, respectively.

Obviously, preventing Iran from acquiring a nuclear bomb is also in the U.S. interest, which is why the deal can be called a transatlantic success. This is especially true when you compare the JCPOA to other deals that Europeans achieved in the past (like the 2004 Paris Agreement, which lacked the JCPOA’s detailed verification system including intrusive inspections), rather than hypothetical deals that could have occurred under very different circumstances (the “better deal” that some opponents maintained was possible). Despite this joint achievement and Europe’s own distraction by the many crises surrounding their continent, it likely remains very much up to the Europeans to actively see the deal through to completion.

U.S. Complications to the Deal

A number of commentators and even some White House officials have called the Iran deal the “Obamacare of foreign policy.” This is telling because it reveals both the administration’s legacy-creating ambition (which helped drive negotiations in the first place) and the resistance one can expect from a polarized and dysfunctional U.S. political system. Those contestations will not disappear just because the deal is now adopted. In particular, the U.S. presidential election of November 2016 already looms large, and with it come promises from candidates (so far only Republican) to kill the deal on day one of a new administration.

Legal Challenges

Just as the Affordable Care Act—the official term of the ‘Obamacare’ legislation passed in 2010—had to wait five years before its final confirmation by a Supreme Court verdict, a number of conceivable legal challenges could cloud JCPOA implementation. The central argument of the opponents has become the complaint that President Obama violated the Iran Nuclear Agreement Review Act (casually known as the Corker–Cardin Bill) by not submitting to Congress all relevant agreements pertaining to the JCPOA. In particular, in parallel to the conclusion of the E3/EU+3 negotiations, the IAEA and Iran reached a
separate agreement on how to clarify past nuclear activities with a so-called possible military dimension, or PMD. Such bilateral agreements between the international nuclear watchdog and members of the NPT are standard procedure and regularly kept confidential due to the sensitive information about nuclear facilities divulged therein. This notwithstanding, a minority of the deal’s opponents have used this secrecy as an argument before the final votes in Congress, claiming that the required 60-day review period had in fact not even begun. When the vote on a resolution of disapproval was scheduled regardless, it was 42 democratic senators who successfully filibustered it so that the U.S. Congress could not stop the deal within the 90-day review period prescribed by the Iran Review Act.

Others have argued that sanctions at the U.S. state level should be used to undermine a resumption of business ties with Iran. More than two dozen U.S. states have created their own sanctions regimes, such as banning state-owned pension funds from investing in companies that have business ties with Iran. Some—but not all—of this legislation is tied to federal sanctions, meaning it is slated to expire once congressional sanctions slacken. In turn, keeping these autonomous sanctions in place or even reinforcing them despite the implementation of the deal would make any resumption of business difficult not only for U.S. but also for European and other companies. (The JCPOA recognizes this dilemma in U.S. implementation efforts, but can only acknowledge the division of powers in the U.S. system by asking the U.S. government to “take appropriate steps, taking into account all available authorities, with a view to achieving such implementation” as well as to actively encourage officials at the state or local level to take into account the U.S. policy changes reflected in lifting sanctions under the JCPOA, and to refrain from actions inconsistent with this change in policy.)

State-level sanctions and legal action could be combined if one of the U.S. states that linked their individual sanctions to federal ones refused to waive or lift them under the deal, supporting the claim of the illegality of the whole review process. This would result in a legal challenge that likely only the U.S. Supreme Court could resolve— justices would have to determine whether the administration acted on the basis of the Iran Review Act when it began to waive statutory sanctions.

Finally, individuals who have suffered personal or family losses from the government of the Islamic Republic (for example, relatives of the victims of the 1983 attack on U.S.—and French—troops in Beirut, which Iran purportedly carried out) could claim parts of the Iranian assets to be unfrozen under the deal in order to receive the monetary compensation they were granted by U.S. courts but so far have been unable to retrieve. Any serious legal challenge in this regard is likely to delay the agreed process of repatriation of Iranian funds under
the JCPOA, which Tehran will use to accuse Washington of not living up to its commitments.

Just like the deal itself is not the end of the task but only the beginning of a potentially equally difficult implementation phase, the fact that the U.S. Congress failed to stop the JCPOA, despite opposing majorities in both chambers, does not signal the end of domestic resistance to its implementation. Instead, that resistance will live on both in Congress and in the wider public discourse.

The U.S. Role in the World
At a different level, the U.S. domestic conflict over the Iran deal centers on the role of the legislature in U.S. foreign policy in general and the Iran file in particular. The Iran Nuclear Agreement Review Act, passed in April 2015, received support from 98 out of 100 senators, making sure that Congress “has a say” on the eventual deal. By that time, the original Corker–Cardin Bill had turned from a hawkish draft likely to derail the ongoing negotiations into a bipartisan piece of legislation aimed at reconfirming the role of Congress vis-à-vis the administration. Congress claimed (with some justification) that it was congressional sanctions, passed against White House opposition, that had “brought Iran to the negotiation table.” Therefore, the president ought not undo this political and economic corset—even within his waiver authority stemming from precisely such legislation—without prior consent from the legislature where those sanctions originated.

Those 42 democratic senators supporting the deal by preventing a resolution of disapproval will have to defend their decision throughout the upcoming electoral season and beyond. This puts them in a dilemma: on one hand, they are likely to feel the need to be tough on Iran, if only to prove that they didn’t give in on U.S. interests too easily; on the other hand, they have a real and personal interest in seeing the deal successfully implemented, lest they devalue their own vote on this important matter. Moreover, at a more systemic level, they are likely to seek to strengthen the role of Congress after having voted with the administration in this tightly fought (and near-partisan) political battle.

Already, there is some talk in Congress of re-imposing sanctions against Iran after they have been removed. Essentially, Congress would re-introduce part of the substance of the relevant legislation that President Obama will waive under the deal, but would do so on non-nuclear-related issues, e.g. Iran’s regional power projection. Senator Ben Cardin’s (D-Md.) draft legislation, purportedly to support implementation of the Iran deal, contains a number of such “poison pills.” While the administration has maintained that the deal does not curtail the ability of the United States to levy sanctions for the support of terrorism or for human rights violations, a direct and undisguised re-imposition of pre-deal sanctions would indeed violate the JCPOA.
Lawmakers seem to assume that new sanctions legislation would continue to have secondary—or extra-territorial—effects, i.e. force companies in third countries to refrain from trading with Iran. However, a reintroduction of sanctions against the Central Bank of Iran or of measures forcing Iran’s customers to reduce their oil purchases—both critical elements of the joint transatlantic sanctions effort from 2011 to 2013—would lack the international legitimacy that the nuclear sanctions enjoyed. Without accompanying UN sanctions, third countries such as China, India, Japan, or South Korea are unlikely to support new extra-territorial U.S. sanctions. Even the Europeans would be reluctant to go down the route of increasing pressure unless Iran clearly violated the deal—or otherwise clearly and repeatedly violated international norms, which would lead to referral to the UN Security Council.

If talk of re-imposing sanctions is indeed more bluster than substance, it reveals part of the debate: Can the United States, or any country, still independently conduct its foreign policy in today’s globalized world? Or, even on an important issue of national interest such as the Iran nuclear file, must it rely on partners, some of which it feels closer to (the Europeans) than others (Russia, China, etc.)? While some Washington insiders have come to understand that interdependence is often the new norm—from dealing with Iran to solving violent conflicts in the Middle East to conducting climate negotiations—other policymakers and in particular the wider public still believe in a genuine independence of foreign policymaking.

**Future Iran Relations**

The compartmentalization that proved successful in achieving an agreement in the first place—focus on the nuclear issue, don’t let other conflicts distract the negotiations—will be difficult but crucial to maintain throughout the implementation phase. Now that the deal will move from the negotiating tables to the real world, it is also much more prone to being highjacked by events. On one hand, both the United States and Europe will want to respond to Iran’s regional policies, sometimes in a more confrontational way and other times by co-opting Tehran. On the other, they will want to be firm on the details of implementation, all while maintaining a constructive atmosphere among the JCPOA partners. And this is true even before one takes into consideration the deal’s potential, as some see it, as a first step to improving broader relations with Iran. Or indeed the need, which others feel, to push back at Iran’s regional policies precisely because of the concessions agreed to under the JCPOA.

That is why an additional level of possible implementation conflicts—such as between Congress and the administration or between Washington and its allies—would only complicate matters. Whether the administration manages to prevent potentially deal-killing sanctions by pressuring (Democratic) lawmakers, as it did successfully during the negotiations, is an open question, particularly in an...
election year. Deliberate provocations of Iran by some U.S. legislators are just as likely as are hardliners’ attempts in Tehran to torpedo the deal. Should the president have to use his veto to prevent such legislation, this would only worsen the inter-institutional conflict, further feeding Iran’s angry anti-American sentiment.

This general—and mutual—unwillingness to embark on a more constructive path in U.S.–Iranian relations does not preclude cooperation at the operational level, such as in the fight against the so-called Islamic State (IS). In addition, any serious diplomatic initiative to end the fighting in Syria is predicated on some kind of cooperation with Iran, as the recently begun Vienna talks, which for the first time included Iran, indicated. However, as much as even a lasting ceasefire there would be a major success, the political concessions to Tehran it would imply—in addition to validating both Iran and Russia as international power brokers—would provide ammunition to the opponents of the nuclear deal. They would argue that, just like with the JCPOA in the nuclear field, the United States would again be “fleeced” by not achieving an outright victory of the Syrian opposition over President Bashar al-Assad.

In this political climate, it will be difficult for Washington to create a positive environment for implementation of the JCPOA. Going even beyond mere implementation to embark on a constructive initiative improving bilateral relations would of course depend on Iran’s own future actions. However, the domestic debate in the United States makes any such proactive engagement unlikely. Therefore, it falls to the European partners to take this deal further.

How Europeans can Move the Deal Forward

Europe and the United States must closely cooperate on all aspects of the JCPOA’s implementation. Past transatlantic role-sharing has not always been neatly divided between “hawkish” Washington and “feeblish” European capitals eager to do business with Iran. To the contrary, it was the Europeans who more than once held their ground in the negotiations when the United States was willing to compromise—for example France on the inclusion of the Arak heavy-water reactor, and Germany and the United Kingdom with regard to limiting centrifuge research and development. Using each country’s particular relationship with Iran as an advantage rather than a source of internal frictions is key for the successful implementation of the deal.
To support implementation, the United States and Europe should explore going beyond the JCPOA and look for ways to engage Iran in other spheres. This has nothing to do with a naïve belief that Iran is merely waiting to cooperate and open up to the West. It is rather about creating an enabling environment for the very implementation to which all negotiation partners have subscribed. In that sense, it is an optional but useful addition to the strict implementation of what has been agreed under the JCPOA.

This enabling environment has two dimensions. One is about promoting regional cooperation in order to mitigate fears of a resurgent Iran that Arab countries in particular harbor. From tackling “low policy” issues such as environmental protection or maritime security to establishing a regional security architecture, there is a whole range of issues that states could address at the regional level. Another dimension is strengthening the global nonproliferation regime by building on the deal’s innovations for safeguards and verification. This would direct the world’s focus from policing the “compliance case” of Iran to strengthening the underlying web of regulations globally governing the civilian use of nuclear energy.

Yet, in order to convince their U.S. partners of the value of this approach, any proposals from the E3/EU would have to be robust and realistic in and of themselves. Only then can they hope to receive support, which for domestic U.S. reasons may sometimes come tacitly rather than openly. After all, integrating Iran into regional mechanisms ultimately also restrains the Islamic Republic’s room to maneuver. The difficulty for the E3/EU will be to balance toughness on the JCPOA while broadening their overall (political and, yes, economic) relations with Iran.

Going forward, Europe should propose initiatives on three different—though interlinked—levels: the actual implementation of the deal, the regional power dimension, and strengthening the global nonproliferation regime.

Europe should propose initiatives on three different levels.

Policing Implementation

Even though the JCPOA is very detailed on a number of verification and monitoring measures, numerous potential obstacles loom at every turn of the implementation. The first came up on Adoption Day—October 18, 2015—when UN Security Council Resolution 2231 went into effect. On that day, Iran began the preparatory work it agreed to carry out before Implementation Day (which will come possibly in early 2016 and is dependent on whether the IAEA confirms this work’s completion). The work includes the dismantling of the Arak research reactor; the safe storage of more than 10,000 centrifuges and the removal of
relevant pipework and electrical infrastructure at the relevant nuclear facilities (Natanz and Fordow); the shipment of a large part of its enriched uranium outside the country; and finally preparing the increased transparency measures in coordination with the IAEA. Similar to the period after the signing of the interim agreement in November 2013 and the start of its implementation only three months later, the Joint Commission—which the JCPOA created and which the EU will chair—will have a lot of tasks to oversee in this process.

The latter point implies considerable internal preparations by the EU. Given its chairmanship of the Joint Commission, the EU’s foreign policy body (the EEAS) will have to provide the necessary resources for this function, both in terms of personnel (experts, working group chairs) and funds. While the EEAS has already established its own Iran Task Force (similar to the function taken on by the new U.S. Lead Coordinator for Iran Nuclear Implementation, Ambassador Stephen D. Mull), it is by no means certain that it will have enough resources or even whether all relevant units (sanctions, human rights, trade) will be represented on it.

At a more substantial level, Americans and Europeans have to discuss how to detect and handle possible violations of the agreement by Iran. This points to two requirements: first of all, gathering reliable intelligence will be key to detecting any breaches of the agreement, purposeful or otherwise. Both the United States and the E3 member states need to continue their intelligence sharing, including with the IAEA, while the EU focuses on economic and political engagement with Iran.

Secondly, if a breach is detected, and in particular if it is determined to be minor, the question arises how to adequately respond to it. The so-called ‘snap back’ provision is an innovative instrument that in effect takes away the veto power of the five permanent members of the UN Security Council in case the Joint Commission decides with a simple majority that past UN sanctions against Iran ought to be reinstated due to a gross violation of the JCPOA. Powerful as this threat is in theory, it can only be used once—and this would end the agreement. That’s also why, very much like a ‘nuclear option,’ it works best as a deterrent, not in actual use.

While some, probably unavoidable, disagreements about implementation may be solved at the technical level (i.e. in the Joint Commission), others are likely to rise to the political level (i.e. a meeting of E3/EU+3 political directors or foreign ministers). The EU and the United States should have an understanding of which kind of reactions they might jointly envisage below the level of full snap back, so that they can keep the JCPOA intact all while signaling to Iran that they will not turn a blind eye to any possible (even lower-level) violation of the deal.

At the same time, providing sanctions relief is the critical requirement on the side of the transatlantic partners. Iran will very much scrutinize whether this takes
place effectively or merely on paper. This means that Tehran will not only want Chinese and Korean companies to be freed from any secondary restrictions, but will also demand that European companies return to the country.

Undoubtedly, any resumption of trade ties will be slow, not least because all primary U.S. sanctions—including against the Revolutionary Guards, or IRGC, which control large parts of the Iranian economy—will remain in place. Moreover, the Iranian economy is full of administrative hurdles and riddled with corruption. However, to the extent that the deal ought to lift sanctions, governments on both sides of the Atlantic should encourage companies to engage in trade with Iran. In order to overcome any such hesitation, the U.S. administration should provide assurances to European companies that they will not be prosecuted, even after a potential snap back, for their legitimate business activities conducted within the limitations of the remaining sanctions.

Promoting Regional Cooperation

There are two dimensions to the regional picture, the dominating one involving the Saudi–Iranian rivalry that manifests itself in Middle Eastern conflicts such as Syria and Yemen. The other is less violent and largely situated in Iran’s North and East, specifically its relations with Turkey, the Central Asian countries, and Afghanistan.

In the Middle East, Europeans should try to use the diplomatic opening that the deal provides for a resolution to the war in Syria or the fighting in Yemen. The Syria talks in Vienna are only a first step in this direction. Fighting IS, or more generally terrorism, in the region could be the lowest common denominator for joint—or at least coordinated—action, but is not a strategy in itself. Admittedly, conflict resolution in both cases heavily depends on the United States: can it reach an understanding with Russia, and can it prod Saudi Arabia to cooperate with Iran (as it has initially done with getting Riyadh to agree to sit at a table with Tehran during the Syria talks)? The Europeans have little leverage over either actor, but can facilitate talks and provide the necessary resources to implement any understanding reached.

With a view to the long term, the EU should reinvigorate the idea of a security community around the Persian Gulf. This may seem far-fetched given the overwhelming hostility between Shia Iran and its mostly Sunni neighbors. However, it has become obvious that only small-scale cooperation on practical concerns can alleviate the
persisting fears of the other, so a bottom-up approach should help bring about a security community in the mid-term. One practical point of departure would be to establish a Persian Gulf Charter on Maritime Security among littoral states reiterating the basic principles of the UN Convention on Laws of the Sea (UNCLOS), which neither Iran nor the United Arab Emirates (nor Israel or the United States) have ratified. A broader security dialogue should bring together the six countries of the Gulf Cooperation Council (GCC) and Iraq and Iran, plus a number of concerned neighbors (Yemen, Egypt, and Turkey come to mind) with international powers as mediators. While both the EU and the United States would have to underwrite such an endeavor, they should aim for a light footprint in both the design and implementation of this initiative, so as to not taint it with perceptions of outside meddling.

Toward Minor and Central Asia, Europeans should come up with initiatives to promote regional cooperation on politically less explosive issues. Increasing international efforts to curb drug trafficking from Afghanistan, establishing new energy links with Turkey and the Central Asian countries, or fighting environmental degradation across the region are just three examples for useful collaboration between Iran and its neighbors. Increasing such cooperation can help defuse neighborly tensions and thus strengthen overall acceptance of the deal.

**Strengthening Nonproliferation**

The JCPOA is ambiguous in terms of the nonproliferation precedent it sets. While it imposes stringent conditions on Iran, including through a procurement channel to monitor Iran’s purchases of specific nuclear and dual-use items as well as an explicit prohibition of certain possible nuclear weapons-related activities, it also legitimizes the country’s nuclear enrichment program—despite past wrongdoings. As much as it embodies the price that Iran had to pay for the latter (expressed in economic prosperity lost through years of international sanctions), it also holds the promise of unrestricted and legitimate nuclear activities once its core elements expire in 15 to 25 years.

Against this background, Europe should strengthen the NPT and the IAEA’s work on safeguards beyond the Iran file. It should substantially increase IAEA funding (which runs the risk of becoming the victim of Congressional infighting), both for the JCPOA implementation work and for broadening the nonproliferation agenda. The latter point includes pushing for regional nonproliferation agreements, such as a nuclear-weapons-free zone in the Persian Gulf or a chemical-weapons-free zone in the Middle East. These should be regarded as feasible steps to the more elusive—and highly politicized—nuclear-weapons-free zone in the Middle East.
In addition, Europe should step up its efforts to promote global disarmament, including a return to the topics discussed during the failed NPT review conference of May 2015. The aim should be to enhance, over the next ten years, the global nonproliferation regime so that Iran’s post-2025 nuclear activities continue to be restrained by general principles once the specific limitations of the deal expire. This ‘universalized Additional Protocol plus’ regime would apply to all NPT signatories—and thus serve as a positive legacy of the Iran deal itself.

Conclusion

The measures outlined above amount to a broad engagement strategy with Iran that is clearly focused on the transatlantic partners’ immediate interests: to meticulously implement the JCPOA; to restrain Iran’s power projection through regional cooperation; and to broaden the application of newly developed nonproliferation standards. This is a far cry from any starry-eyed, overly positive rapprochement with the Islamic Republic. Still, given Washington’s domestic constraints, responsibility for advancing even this limited agenda falls to Europe.

The good news is that, unlike in 2003 when Europeans took the initiative on their own to negotiate with Tehran, they can do this now in coordination with the United States. The agreement that the transatlantic partners achieved after nearly a decade of joint negotiations binds Americans and Europeans together on this particular issue for at least another decade—if they want the deal to be successful in the long run. However, because the United States remains constrained by domestic politics, particularly with a presidential election coming in 2016, it is up to Europe to take a proactive approach vis-à-vis Iran. The EU and leading European member states need to see beyond the security crises in their immediate neighborhood and take the lead in pursuing the strict implementation of the JCPOA, engaging Iran in regional cooperation, and strengthening global nonproliferation.

Notes


7. While the full negotiation format included all eight parties, many “trilateral” meetings brought together the United States, Iran, and the European Union to hammer out the details of the agreement, in addition to bilateral talks between U.S. Secretary of State John Kerry and Iran’s foreign minister Javad Zarif.

8. The Transatlantic Trends surveys of the German Marshall Fund consistently found that similar majorities in Europe and the United States opposed a nuclear Iran and tended to favor economic sanctions as reaction to the nuclear program. However, the two publics differed over the use of force, both as a first choice and as a last resort. “Transatlantic Trends: Key Findings 2014,” German Marshall Fund, http://trends.gmfus.org/files/2012/09/Trends_2014_complete.pdf.


15. As foreseen in UN Security Council Resolution 2231, the JCPOA was formally adopted on October 18, 2015—after the U.S. Congress failed to stop it and the Iranian Majles approved it; cf. Sam Wilkin and Bozorgmehr Sharafedin, “Iran parliament approves nuclear deal bill in victory for Rouhani,” Reuters, October 13, 2015, http://www.reuters.com/article/2015/10/13/us-iran-nuclear-parliament-idUSKCN0S70F220151013#SHytPEWLZrRF7wlr.97.


21. See the JCPOA, Footnote 1, section D, paragraph 25, p. 13.


24. See the “Sense of Congress” expressed in the Iran Nuclear Agreement Review Act: “It is the sense of Congress that—(A) the sanctions regime imposed on Iran by Congress is primarily responsible for bringing Iran to the table to negotiate on its nuclear program …”: Iran Nuclear Agreement Review Act of 2015 (H.R.1191), Sec. 135 (c).


The Linchpin to the Iran Deal’s Future: Europe


29. This means five out of eight votes, as the EU votes alongside France, Germany, the United Kingdom (the E3), China, Russia, the United States, and Iran. The Western powers thus have a built-in majority in the commission.


