



# EUROPEAN LEADERSHIP NETWORK

## ELN JCPOA DELEGATION TO WASHINGTON D.C.

9-11 JANUARY 2018

### Summary

The Iran nuclear deal – the Joint Comprehensive Plan of Action (JCPOA) - is now a touchstone of transatlantic security relations, a vital component in international nuclear non-proliferation and an important instrument for Europe's security and EU strategy towards Iran.

The ELN took a very senior non-governmental European delegation to Washington D.C. at a crucial moment in US decision-making and US-Europe negotiation over the JCPOA.

The delegation believe that in their public and private interactions in Washington they were able to complement and reinforce EU+E3 access and arguments. The ELN was asked by US congressional interlocutors to continue to feed in European arguments and material. There is still all to play for over the next 120-day period before the deadline set by President Trump for a US-Europe supplemental agreement on the JCPOA and associated bipartisan US legislation. The key will be to find clearly JCPOA-compliant ways of expressing united US-EU determination never to allow Iran to revert to an opaque, inexplicably large nuclear programme capable of manufacturing nuclear weapons over short lead times - and then to turn to full implementation of the JCPOA by all parties, including the US.

### Detail

Supported by a Ploughshares Fund rapid response grant, the European Leadership Network (ELN) brought a very senior delegation to Washington D.C. on 9-11<sup>th</sup> January to engage the US Senate on the Iran nuclear deal – the Joint Comprehensive Plan of Action (JCPOA).

## Meetings

The delegation held meetings with: a number of Senators; staffers of Senators; staffers for the Minority side of the Senate from the Foreign Relations Committee, the Armed Services Committee, the Committee on Banking, Housing and Urban Affairs and the Select Committee on Intelligence; key US Administration officials; senior experts and representatives of think tanks; and representatives (Ambassadors or DHMs plus supporting staff) of the EU+E3 in Washington DC- the EU, France, Germany and the United Kingdom.

## Media

Two members of the delegation, Professor Angela Kane (former UN High Representative for Disarmament Affairs and Under-Secretary-General for Management) and Sir Simon Gass (former Political Director at the British Foreign and Commonwealth Office and the senior civil servant negotiating the deal), also held a well-attended, on-the-record press briefing, organised and presided over by *Diplomacy Works* with the participation of journalists from, among others CNN, Al Jazeera, the BBC, the Guardian, the Financial Times, Huffington Post, ABC News, AFP, Axios, and US News & World Report. They also both met subsequent further media requests for interviews immediately following the end of the visit.

*Links to some of the resulting media reports are here:*

- [Iran nuclear deal: Trump to make a final decision, says Rex Tillerson](#), **The Guardian**. European diplomats and US analysts predict that Trump would continue to waive sanctions on Iran, but could also take the US closer to non-compliance ...
- [Trump to make Iran deal decision today](#), **ABC News**. “We could’ve had by now actually a nuclear-armed Iran if not for the JCPOA... which would’ve added tremendously to the instability” in the Middle East, said Angela Kane ...
- [Iran nuclear deal: sanctions waived as Trump begins countdown to keep US in](#), **The Guardian**. “It is going to be very challenging to find a sweet spot which could address [Trump’s] concerns but still remain consistent with the JCPOA – and that in my view has to be the goal,” Gass said ...
- [Opinion: The Iran deal is a good deal, not a bad one](#), **China Global Television Network**. “If you walk away, you have to look at what’s next”, said Simon Gass, a former British ambassador to Tehran ...
- [Donald Trump waives Iran Nuclear Sanctions](#), **Financial Times**. “To try to insert yourself into the middle by too overt and too activist an approach really plays into the hand of hardliners”, Gass said ...
- [Iran nuclear deal: Trump demands a renegotiation](#), **Al Jazeera International**. ELN delegation members speak to Al Jazeera International.
- [Trumplomacy: Has Trump made the world more dangerous?](#), **BBC News**. If the Iran deal unravels, it could also undermine the Nuclear Non-Proliferation Treaty on which the Iran deal was built, says Angela Kane.

## Context

As a generalisation, the mind-set that American grassroots opinion and leaderships apply to Iran policy is very different from that of Europeans. As a further generalisation, Europeans are currently pursuing win/win solutions towards Iran that they believe are the best means to bring Iran back into the international community as a more responsible actor, whereas a number of important US policy makers currently believe that the only possible or sensible approaches are win/lose policies designed to coerce Iran.

This difference is compounded by President Trump's concerns about the 2015 JCPOA, which he has repeatedly characterised as "the worst deal ever".

In keeping with this, President Trump announced on 13<sup>th</sup> October 2017 that he could no longer certify to the US Congress that the JCPOA was in US national security interests or that Iran's behaviour was in accord with the deal. He set out a new US strategy towards Iran, called on the US Congress to legislate unilaterally to make the JCPOA's restrictions permanent in US law and to prevent Iran acquiring intercontinental missiles, and directed the US Administration to work with US allies to counter Iran.

US political concern about Iran was further aggravated by the anti-government protests that broke out in many Iranian cities at the end of December and their suppression, making human rights in Iran an even higher profile factor in the US-Iran calculus than it was already and a further element of US Administration criticism of the EU for being insufficiently robust towards the Iranian government.

In response, EU and European leaders have made clear that while they are prepared to act against many aspects of Iran's behaviour, the JCPOA remains a valued, viable, central element in their strategy towards Iran and that unilateral US moves to undermine it are very unwelcome. This has not prevented the EU+E3 from engaging with the US Administration and US Congress to see whether any formula can be found that would deliver sustained, predictable US compliance with the JCPOA without losing Iranian compliance in the process.

As the ELN delegation arrived, there was a sense in Washington that progress had privately been made in the EU+E3 negotiations with the US Administration and that European ministers would support the sort of legislation under consideration by Senator Corker (holding the legislative pen). Talks had taken place between US National Security Adviser McMaster, Senator Corker (R-TN) and Senator Cardin (D-MD), a key figure for any bi-partisan way forward in Congress. But the toxic partisanship of the congressional debate was nevertheless making it difficult for European embassies to engage on the Hill; negotiations were paused, waiting to see whether or not on 12 January President Trump would give the 120-day waiver of US nuclear sanctions required to keep the United States in the deal; and EU+E3 ministers were scheduled to meet the Iranian foreign minister in Brussels on 11 January.

The JCPOA and the related US-Europe negotiations had thus become a touchstone in transatlantic relations, a point of collision for very different foreign policy philosophies, and a potential watershed in the US-Europe security relationship. Yet the scope for European ministers and officials to speak publicly, to reach out to US decisionmakers and to float ideas was becoming increasingly constrained.

The ELN considered that in this context there was a role for experienced, authoritative, non-governmental European engagement in Washington to complement EU+E3 governmental efforts.

Precisely because it was not formally representing governments or government positions, the ELN delegation could engage more widely and speak more freely than European officials or ministers, both in private and in public.

### **Substance: delegation arguments**

The delegation advanced three main lines of argument.

First, the JCPOA played a vital role in any wider Western strategy towards Iran. Europeans were more than willing to address the Iranian missile programme, or Iran's support for proxies across the Middle East or Iranian human rights violations; but doing any of this successfully would be infinitely harder if the even more troubling issue of an Iranian nuclear programme was still also in play. The JCPOA was merely the first step in a process: the Iran nuclear obstacle had to be removed from the pathway before other concerning aspects of Iran's behaviour could be successfully addressed. And against the expectations in Prime Minister Netanyahu's dire warnings to the UN General Assembly in September 2012, this obstacle had indeed been moved aside. It made no sense to put it back again.

Second, the JCPOA operated in a wider nuclear context. On the one hand, it delivered the most stringent nuclear inspection regime ever negotiated, including Iran's indefinite adherence to the Additional Protocol (due to be ratified by the Majlis once the IAEA reaches its broader conclusion or 8 years after adopting the deal). It thus made an important contribution to bolstering the Non-Proliferation Treaty – a regime to which the United States rightly attached the greatest importance. On the other hand, US confrontation with the JCPOA was taking place against the backdrop of a grave international nuclear crisis with North Korea. Did it really make sense to seek two nuclear crises in parallel? And what signals about the value of a negotiated solution would be sent to Pyongyang if the US were to renege on a US-negotiated nuclear agreement with Tehran?

Third, the JCPOA was now a major factor in the transatlantic security relationship. Iranian nuclear and other threats were much more immediate for Europe's security than for America's. Europeans had negotiated and 'owned' the JCPOA just as much as Washington did. And Europeans depended on their US NATO Ally. Yet they had been discomfited by President Trump's uncertainty over the NATO Article 5 security guarantee and were now even more deeply questioning US dependability in light of the apparent US readiness to put at risk the Iran nuclear deal. The EU and its member states did not want to find themselves on the Russian and Chinese side of any JCPOA debate and not the American.

### **Substance: US responses**

In response, in varying terms and to varying degrees, US interlocutors largely accepted these arguments. Even US interlocutors who considered the JCPOA deeply flawed, showed no disposition to undermine it – still less to destroy it – now that it was in place, although they noted that others in Congress still wanted the deal terminated. Instead, the main arguments concerned fixing problems in US domestic politics, using the JCPOA to fix other problems with Iranian behaviour, and fixing shortcomings in the JCPOA itself.

On US domestic politics, the delegation were reminded that the JCPOA and Iran are but one among a host of complex political issues for US lawmakers. The delegation heard how the strength of US grassroots hostility towards Iran weighed with US decisionmakers. They heard Republican concern to put the JCPOA into US law after President Obama had shirked making it a proper treaty (despite the transparent probability that Republican majorities would have torpedoed any such attempt). And they heard from both sides of the debate of the need to find a formula that allowed President Trump to accept the JCPOA (although no one could predict what formula would achieve this).

On other aspects of Iran's behaviour, most US interlocutors seemed to agree, when pressed, that these could be tackled with Europeans in parallel to and outside the JCPOA, rather than introducing unilateral US conditions to the JCPOA that would make the United States non-compliant. But the delegation sensed an undertow of outrage among some Republicans that Iran should somehow 'benefit' from the JCPOA (despite the destruction of Iran's nuclear programme that the JCPOA had brought about) when the Iranian regime was perceived to be crushing democracy at home, spreading instability abroad and supporting international terrorism. US interlocutors were certainly aware that pressure on the JCPOA was a tool with which to secure greater European attention to these concerns.

But by far the greatest US focus was on 'fixing' the JCPOA. There seemed to be some confidence that ways forward could be found outside the JCPOA on Iran's missile programme. There was a concern that international inspectors should be able to inspect any site they wished, unconditionally and immediately. But the main preoccupation was with finding ways to make the JCPOA's provisions permanent and not subject to any 'sunsetting'.

The delegation strongly and repeatedly made the case for pursuing 'permanence' in ways that were not merely legally but visibly compliant with the JCPOA. They expressed scepticism whether this could be done. Key US interlocutors were confident that it could be. This will be the crux of further US – Europe and Administration-Congress negotiations.

The delegation also underlined the importance of the US meeting its responsibilities under the JCPOA, including the lifting of trade sanctions and, thus, for example, the granting of licences for Boeing's proposed sales to Iran. Ideally, the international community should already be starting to engage Iran on life after the sunset elements of the JCPOA. But it was hard to engage Iran if its government felt constantly provoked. US pressure – for example over human rights and democracy – could be counter-productive.

The delegation voiced doubt about the present path of negotiating European acquiescence (not support) for unilateral US provisions about Iranian break out times after JCPOA provisions lapse, with associated punitive US sanctions should Iran, in US eyes, transgress. They speculated that a possible alternative and more productive path might be to seek European support for a joint US-EU statement of fact about the international realities that would apply to any Iranian nuclear programme once the JCPOA limitations on centrifuges and enrichment ended. But they were left with a sense that this was not the American way.

## Conclusion

The visit was particularly well timed. It was welcomed by EU+E3 officials. The delegation were received and heard with courtesy and attention. They believe their weight, seriousness and arguments resonated privately with US interlocutors. Interlocutors on Capitol Hill asked the ELN to continue to feed in European arguments and material. The case made by delegation members to the media usefully reinforced the positions of European governments.

The day after the visit ended (12<sup>th</sup> January), President Trump announced that he was extending the US waiver of nuclear sanctions one last time. This was to give Congress time to agree bi-partisan legislation and to give European Allies a final chance to negotiate not amendments to the JCPOA itself but a “supplemental agreement”. Essential components to address in such an agreement included inspections, break-out, permanence and missiles. Over the next 120 days all is still to play for.

*The European Leadership Network*

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