

## ISSUE BRIEF

# Renewing Transatlantic Strategy on Iran

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In the lead-up to the US presidential election in November, international crises have deepened, including over Iran's expanding nuclear program. The Trump administration's maximum pressure campaign has not only resulted in Tehran stepping back from its commitments under the nuclear deal, but also led to intense transatlantic divides. With a new US administration on the horizon, Iran policy requires new activism that reunites the United States with its closest traditional allies in Europe.

President-elect Joseph R. Biden, Jr., will no doubt prioritize other issues, especially the human and economic catastrophes caused by the COVID-19 pandemic. Nevertheless, one of his major campaign promises was to repair relations with US allies and to recommit the United States to multilateral agreements. During the campaign, Biden vowed to reenter the 2015 nuclear deal with Iran, the Joint Comprehensive Plan of Action (JCPOA), if Iran returns to full compliance.<sup>1</sup> Indeed, the 2020 Democratic Party platform highlighted the "urgent" need for mutual compliance by both the United States and Iran to pave the way for further diplomacy.<sup>2</sup>

While the Biden administration cannot take this step until after Inauguration Day—January 20, 2021—European governments and Iran can start considering how a return to full JCPOA compliance could happen in practice. This will be no easy endeavor. European governments will have to continue the hard work of preserving the JCPOA until January. The Trump administration is likely to double down on its maximum pressure policy in its remaining time in office—possibly through military escalation—to make future diplomacy with Tehran more difficult. Once in office, Biden is likely to face opposition to reentering the JCPOA from Israel, Saudi Arabia, and some domestic US political opponents. Given these realities, European allies that have strived to maintain nuclear diplomacy with Iran since the United States ceased participation in the JCPOA in May 2018 can play an important bridging role.

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- 1 Joe Biden, "Joe Biden: There's a Smarter Way to Be Tough on Iran," CNN, September 13, 2020, <https://edition.cnn.com/2020/09/13/opinions/smarter-way-to-be-tough-on-iran-joe-biden/index.html>.
- 2 Democratic Party of the United States, *2020 Democratic Party Platform*, July 31, 2020, <https://www.demconvention.com/wp-content/uploads/2020/08/2020-07-31-Democratic-Party-Platform-For-Distribution.pdf>.



Iranian Foreign Minister Javad Zarif shakes hands with High Representative of the EU for Foreign Affairs and Security Policy and Vice-President of European Commission Josep Borrell in Tehran, Iran, February 3, 2020. *Photo credit: Tasnim News Agency/REUTERS.*

When the United States unilaterally quit the JCPOA, it lost a channel for direct conversation with Iran through the agreement's Joint Commission, which is chaired by the European Union's high representative for foreign policy. The so-called E3—the United Kingdom, France, and Germany—retain seats on the commission as well as diplomatic links with Iran and have sought to preserve the JCPOA despite steps from the Trump administration and Iranian countermeasures. Following the US election, the E3 is now in a position to again fill the breach alongside the European Union (EU). History has shown that when the United States and Europe coordinate policies toward Iran, real progress is more achievable.

Over the past few months, a group of analysts from the Atlantic Council, the European Leadership Network (ELN), and the European Council on Foreign Relations

(ECFR), among others, have proposed a new transatlantic framework that takes into account concerns about the unraveling of the JCPOA and other sources of regional instability as well as the welfare of the ordinary peoples of the Middle East. With both US and Iranian politics in flux because of elections—Iran holds its presidential elections in June 2021—and leaders preoccupied with the consequences of COVID-19, these recommendations aim to highlight the role Europe can play in helping preserve the JCPOA, promote regional peace and development, and boost people-to-people contacts with Iran. Taken together, these amount to a renewed transatlantic diplomatic agenda through which the United States and its European allies can stabilize the nuclear file and then build on the resulting diplomatic momentum to address other concerns with Iran.

## Salvage and build on the JCPOA

The JCPOA is in dire straits. The Trump administration has strenuously sought to destroy the deal. As a consequence, almost all the economic benefits of the agreement for Iran have ceased to exist. Tehran remained fully compliant with the JCPOA for a year following the US exit—in part to assess the full impact of US sanctions and to see if remaining JCPOA parties could fill the gap. The proverbial last straw was the Trump administration’s move in May 2019 to impose a total oil embargo on Iran. In response, Iran began to periodically reduce implementation of the JCPOA.<sup>3</sup>

Overall, the deal is now in many ways a zombie accord, barely shambling forward. Iran has increased by more than tenfold its stockpile of low-enriched uranium, added to its uranium centrifuge and overall enrichment capacity, and taken other steps that harmed US and European interests in the Middle East.<sup>4</sup> This “less-for-less” approach was meant in part to push the Europeans to provide more economic benefits. Despite this, key components of the deal remain—such as the significant access and unprecedented monitoring of Iranian nuclear facilities by the International Atomic Energy Agency (IAEA). Moreover, Iran has said that its nuclear actions can be reversed if it receives the economic dividends it was promised under the JCPOA. Iran has repeatedly called for a US return to the agreement, with Iranian officials privately acknowledging that the United States easing sanctions is the best way to ensure Iran’s own return to full compliance.

Following Iran’s announcement in January 2020 that it was no longer bound by the limitations in the JCPOA, the E3 invoked the agreement’s Dispute Resolution Mechanism (DRM).<sup>5</sup> This was primarily a tool to buy time and create political space to justify continued diplomacy to sustain the JCPOA. The E3 also pushed back against the Trump administration’s recent gambit to “snap back” UN sanctions against Iran and in August abstained on a separate US-backed UN Security Council resolution

that would have indefinitely extended a conventional arms embargo on Iran. The E3 has also sought, with limited success, to enhance at least humanitarian trade with Iran in the face of US secondary sanctions using the novel Instrument in Support of Trade Exchanges (INSTEX) mechanism that has completed a small number of transactions. Given the state of play, urgent action is required from the E3/EU to preserve the JCPOA and bring Iran and the United States back into full compliance.

## Recommendations on the nuclear file

- Europe’s first job is to keep the JCPOA alive while the United States is in political transition. The E3/EU should start a process within the Joint Commission, ideally at the foreign minister level, to explore how to best sequence a restoration of the agreement. These talks should aim to identify the parameters of an interim deal that Iran and a Biden administration could accept shortly after the new US administration takes office. During the transition phase in the United States, the E3 can outline what is necessary for Iran to freeze nuclear activities that exceed the JCPOA’s limits. This is likely to be heavily tied to a sanctions relief package from the Biden administration.
- After Inauguration Day in the United States, E3/EU representatives should jointly visit Washington to secure US buy-in for an interim agreement that synchronizes US and Iranian steps.<sup>6</sup> By the time this deal is reached, the Biden administration could also formally submit to the Joint Commission its intention to reenter the JCPOA.
- Once the risk of Iran’s nuclear expansion becomes more manageable, the E3/EU must quickly work with Tehran and Washington on a timetable for Iran to reverse the operational changes made to its nuclear program to be back within JCPOA limits, and for the United States to synchronize its commitment to lift sanctions. Europeans should seek clarity on US plans for sanctions relief, including on the potential

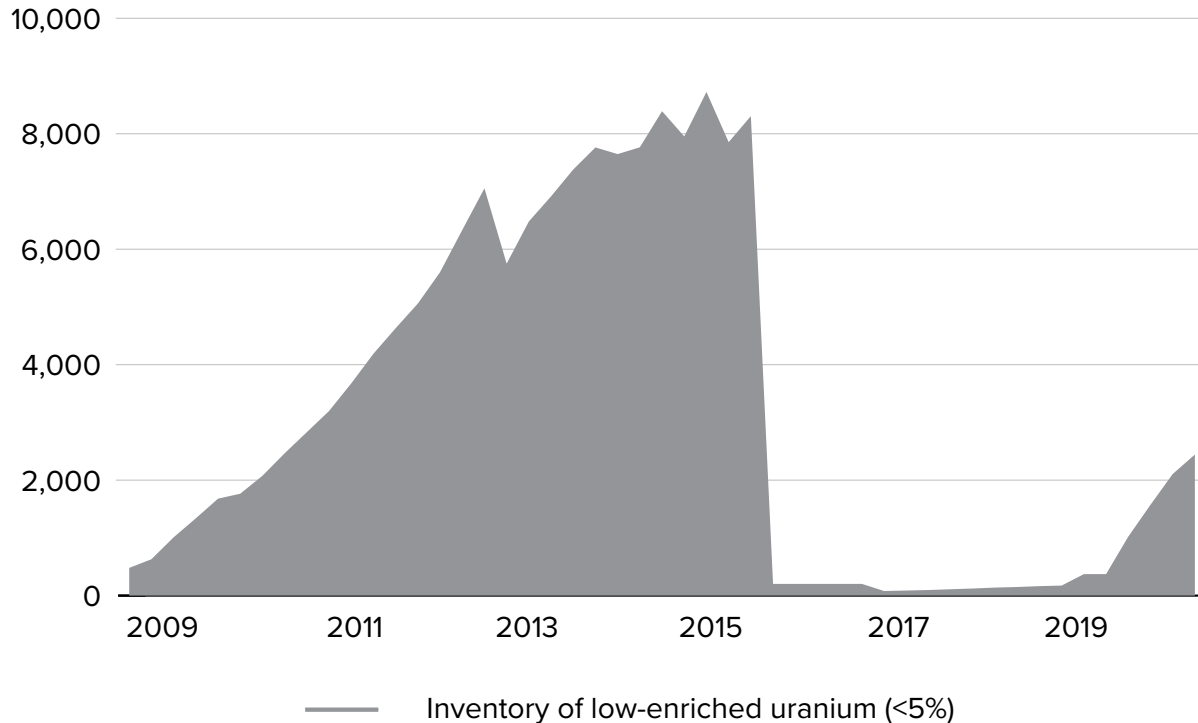
3 Iran asserts that it is still in full compliance with the JCPOA. It has interpreted paragraphs 26 and 36 of the deal to say that it can reduce its implementation in the face of reimposed US sanctions.

4 IAEA (International Atomic Energy Commission) Director General, *Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231 (2015)*, IAEA Board of Governors, September 4, 2020, <https://www.iaea.org/sites/default/files/20/09/govinf2020-41.pdf>.

5 France’s Ministry for Europe and Foreign Affairs, Joint statement by the Foreign Ministers of France, Germany and the United Kingdom on the Joint Comprehensive Plan of Action, joint statement, January 14, 2020, <https://www.diplomatie.gouv.fr/en/country-files/iran/news/article/joint-statement-by-the-foreign-ministers-of-france-germany-and-the-united>.

6 Ellie Geranmayeh, *Reviving the Revolutionaries: How Trump’s Maximum Pressure Is Shifting Iran’s Domestic Politics*, European Council on Foreign Relations, June 23, 2020, [https://www.ecfr.eu/publications/summary/reviving\\_the\\_revolutionaries\\_how\\_trumps\\_maximum\\_pressure\\_is\\_shifting\\_irans](https://www.ecfr.eu/publications/summary/reviving_the_revolutionaries_how_trumps_maximum_pressure_is_shifting_irans).

Figure 1. Iranian inventory of low-enriched uranium as of November 2020



Source: Sahil Shah, see report on the European Leadership Network, <https://www.europeanleadershipnetwork.org/commentary/four-graphs-explaining-current-and-historical-iaea-iran-data/>.

hurdles posed by Trump-era sanctions imposed on Iran under US counterterrorism authorities. The E3/EU should press both parties to agree to come into full compliance prior to the Iranian elections, due in mid-June 2021, after which the political space for movement in Tehran becomes severely restricted at least until a new administration is in office. The mid-June timing will also coincide with the second 2021 IAEA quarterly report on JCPOA implementation and convening of the Board of Governors.

- As in 2016, it is highly likely that international banks will remain leery of facilitating trade with Iran even if US sanctions are eased. The E3 and the United States should revitalize the JCPOA Joint Commission Sanctions Working Group and coordinate a major outreach plan alongside the US Departments of State and Treasury with European banks to alleviate concerns regarding US sanctions posture and enforcement. While neither the US nor European

governments can force private companies to return to the Iranian market, they can provide investment and export credits and development assistance. The latter should be geared toward bolstering the Iranian private sector and enhancing the transparency of Iranian financial institutions by tying such support to progress on Iran meeting the requirements of the Financial Action Task Force (FATF).

- Against the backdrop of these high-level negotiations, especially concerning is how the United States will synchronize easing sanctions in conjunction with Iran's steps to reverse its nuclear expansion. European countries can work on confidence-building measures with Iran. For example, European governments that are stakeholders in INSTEX should encourage its leadership to make more frequent visits to Tehran to conduct outreach directly to importers affected by sanctions. This will help Europeans assess how humanitarian trade can be improved, particularly

with respect to containing the COVID-19 outbreak in Iran. The Biden administration should help facilitate such activities and enlarge the scope of humanitarian trade under Office of Foreign Assets Control (OFAC) guidance.<sup>7</sup> It will also be helpful for the EU to encourage the Neighborhood, Development and International Cooperation Instrument proposed under the EU Multiannual Financial Framework 2021-27 to fund joint projects in Iran.<sup>8</sup> This would facilitate European technical assistance in sectors such as agriculture. European governments and the United States should also do more to facilitate COVID-19 assistance to Iran from global lending institutions such as the World Bank and the International Monetary Fund. For its part, Europe could offer to channel such loans through INSTEX, which would require at least tacit US approval.

- European governments and the United States should find ways to increase civil nuclear cooperation projects with Iran, as foreseen under Annex III of the JCPOA, alongside other participants to the deal. This is particularly important to maintain a relationship with Iran's nuclear enterprise and mitigate foreseeable proliferation concerns. An EU envoy could also engage in discussions with Iran and the Gulf Cooperation Council (GCC) on nuclear security, safety, and safeguards provisions that they might embrace in tandem. These include ratifying the Additional Protocol of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), international conventions on nuclear safety, limits on the percentage and stockpiles of enriched uranium, and a ban on reprocessing plutonium.<sup>9</sup>
- Once the United States and Iran return to compliance with the JCPOA, all participants should work to identify elements that could lend themselves to follow-on talks within the context of “more-for-more” negotiations. On the US and European side, this will primarily involve extending timelines for so-called sunset provisions with regard to critical nuclear activities that begin to lapse with respect to Iranian

commitments from 2023. For such talks to be sellable to Iran, the United States and the E3 will need to propose more creative economic relief, such as easing restrictions on Iran's access to the US dollar. Such follow-on talks are extremely unlikely to start under the current Iranian presidency. The United States and the E3 will need to prepare for talks with a successor that may well entail an Iranian demand that any new agreement be codified by the US Congress to reduce the risk of a future US president again reversing course.

## Address the deficit in regional security

A major disappointment with the JCPOA was that it did not have enough time to begin a new phase of regional diplomacy with Iran as the agreement's preamble envisaged. The JCPOA was implemented in January 2016 and by November of that year Donald J. Trump was elected president of the United States—having run on a campaign to quit the JCPOA. The deterioration in relations that followed provided few avenues to stem escalation between Tehran and Washington, particularly in Iraq. A series of tit-for-tat escalatory steps culminated in the United States assassinating Iranian Quds Force commander Gen. Qasem Soleimani on Iraqi soil on January 3, 2020. Iran retaliated, striking an Iraqi base that hosted US forces, and reportedly injuring more than 100 Americans.<sup>10</sup> There have been further attacks on US and Western personnel, as well as sabotage of Iranian missile and nuclear facilities.

Following this military escalation, the main aim for US and European regional diplomacy should be to achieve a sustained period of calm in the Middle East. This would serve to decrease the perceived need of Iran and its neighbors to continue to build up conventional arsenals at a time of low oil prices and economic decline caused in part by the COVID-19 pandemic. Moreover, there are indications that Arab regional players may slowly be preparing for a thaw in tensions with Iran even as some establish a more overt relationship with Israel. While

7 European Leadership Network and the Iran Project, *Transatlantic call to ease humanitarian trade with Iran due to the COVID-19 pandemic*, group statement, April 5, 2020, [https://www.europeanleadershipnetwork.org/group-statement/elntip\\_iran\\_april2020/](https://www.europeanleadershipnetwork.org/group-statement/elntip_iran_april2020/).

8 Sir Adam Thomson and Sahil Shah, *Iran, Europe and the United States: A Roadmap for 2020*, European Leadership Network, January 2020, [https://www.europeanleadershipnetwork.org/wp-content/uploads/2020/01/27012020\\_ELN-Iran-2020-Roadmap-Meeting-Report-1.pdf](https://www.europeanleadershipnetwork.org/wp-content/uploads/2020/01/27012020_ELN-Iran-2020-Roadmap-Meeting-Report-1.pdf).

9 Cornelius Adebahr, *Europe Needs a Regional Strategy on Iran*, Carnegie Europe, May 13, 2020, <https://carnegieeurope.eu/2020/05/13/europe-needs-regional-strategy-on-iran-pub-81769>.

10 Idrees Ali and Phil Stewart, “More than 100 U.S. Troops Diagnosed with Brain Injuries from Iran Attack,” Reuters, February 10, 2020, <https://www.reuters.com/article/us-usa-pentagon-tbi-exclusive/exclusive-more-than-100-u-s-troops-diagnosed-with-brain-injuries-from-iran-attack-officials-idUSKBN2041ZK>.

the fierce animosity between Iran and Saudi Arabia, as well as the rift between Saudi Arabia and Qatar, has made progress toward regional concord difficult, there is a growing sense in Arab capitals that the Trump administration may have overplayed its maximum pressure campaign against Iran with direct costs for the Arab world. This is compounded by the increasing perception that the United States cannot be trusted to be a security guarantor for GCC countries—a fear that was intensified by the US failure to protect Emirati tankers and Saudi oil infrastructure from attacks in 2019. Following these incidents, the United Arab Emirates began to make its own diplomatic overtures toward Tehran to ring-fence itself against further damage. This context provides a ripe opening for the United States and Europe to intensify diplomatic outreach with regional actors to find a more sustainable security dynamic vis-à-vis Iran.

## Recommendations on regional de-escalation

- Based on the EU Foreign Affairs Council Conclusions in January 2020, at which the high representative for foreign policy was given a mandate to pursue regional de-escalation, the EU should appoint a special envoy to work with Iran, Iraq, and the GCC—as well as the United Nations—on diplomatic pathways for reducing tensions in the Middle East.<sup>11</sup> There are currently a number of proposals circulating regarding regional security dialogue. For example, the EU and E3 could support the UN secretary-general and the five permanent members of the Security Council (P5) in launching a process based on paragraph eight of UN Security Council Resolution 598, which ended the 1980-88 Iran-Iraq War and which Iran has cited in its 2019 Hormuz Peace Endeavor (HOPE).<sup>12</sup>
- In addition, three existing tracks of dialogue between Iran and Saudi Arabia—led by Oman, Kuwait, and the UAE, respectively—should be further energized by Europe. Crucially, the EU and European countries must urge the United States to green light these moves and to press its traditional regional partners to

engage constructively with the process. The concerns of Israel, Turkey, and other interested parties can also be addressed under a UN or P5 umbrella.

- The maritime domain is a much-needed area for regional confidence building. One possibility of achieving this is a Charter for the Persian Gulf based on United Nations Convention on the Law of the Sea (UNCLOS) principles.<sup>13</sup> It could include early warning, notification of exercises, and nuclear accident crisis management. Governments partaking in the European Mission for Maritime Awareness mission in the Strait of Hormuz (EMASoH), which was launched by France in response to military escalations in the region, should double down on the political track of this effort to bring Iran and the GCC states together for a dialogue on shared areas of concern in maritime security.
- The E3/EU, together with the United States, should begin a process of consultation with regional states on the role in conflict of artillery rockets, ballistic missiles, cruise missiles, strike aircraft, and armed drones with the aim of forming a set of multilateral confidence-building measures, such as advanced warning of missile tests and possible constraints on the range and type of ballistic missiles. Eleven countries in the region possess long-range missiles. If Europe and the United States solely focus on Iran's missile capabilities, without a broader discussion on the regional military balance of power, these efforts are likely to make little progress.<sup>14</sup>
- The E3/EU and the United States should encourage confidence-building measures to facilitate a lessening of tensions and more support for a UN-mediated settlement in Yemen. A reduction in violence in Yemen can contribute to a thaw in relations between Saudi Arabia and Iran.

11 "Foreign Affairs Council, 10 January 2020," European Council, Council of the European Union, accessed October 13, 2020, <https://www.consilium.europa.eu/en/meetings/fac/2020/01/10/>.

12 UN Security Council Resolution 598 also "requests the Secretary-General to examine, in consultation with Iran and Iraq and with other States of the region, measures to enhance the security and stability of the region." UN Security Council, Resolution 598, Iraq-Islamic Republic of Iran, S/RES/598, July 20, 1987, <http://unscr.com/en/resolutions/598>.

13 Thomson and Shah, "Europe."

14 Fabian Hinz, *A Roadmap to Pragmatic Dialogue on the Iranian Missile Programme*, European Leadership Network, March 6, 2019, <https://www.europeanleadershipnetwork.org/policy-brief/a-roadmap-to-pragmatic-dialogue-on-the-iranian-missile-program/>.

## Renew support for civil society and people-to-people engagement

Another casualty of the JCPOA's travails has been people-to-people ties and support for civil society inside Iran. This has especially been the case for the United States and Iran: the Trump administration, through its travel bans and sanctions policies, curtailed a number of fruitful exchange programs, including one that brought together one thousand five hundred US and Iranian scientists from one hundred and twenty institutions to take part in more than thirty workshops from 2010 to 2016.<sup>15</sup> Contacts among Iranian Americans and their relatives in Iran have also been disrupted.

While Europe has its own outreach programs to Iran, these have been severely reduced in recent years given the sensitivity toward US sanctions and the human rights situation inside Iran. Support for civil society and people-to-people engagement should receive more financial and political support as part of renewed transatlantic cooperation on Iran policy.

## Recommendations to advance civil society and engagement

- European governments should press for additional mutual release of detainees by Iran and Western countries. There are a number of Europeans and Americans (in many instances dual nationals) held in Iran on charges of espionage, while Iranian nationals have been imprisoned in the United States and its allies for breaching unilateral US sanctions. The mutual release of such detainees would build confidence and facilitate the resumption of broader exchanges.
- Europe should continue its focus on human rights more generally, working with the UN and international NGOs to press Iran to open space for a peaceful expression of views and activism.
- European governments should support renewed Track 1.5 dialogue among European and Iranian officials and experts, as well as nongovernmental US representatives, to restore dialogue interrupted by the pandemic. During the transition before the US presidential inauguration, there could be scope for

increased policy-oriented Track 1.5 discussions to ensure that sanctions relief is pursued in a way that is fit-for-purpose for the Iranian economy.

- European governments attending the G20 meetings in Riyadh in late November should actively encourage Saudi Arabia to invite Iran as a symbol of regional diplomacy, especially as much of the focus will be on COVID-19 recovery.
- The EU and European governments and civil society groups should also find ways to engage with the next generation of Iranian policy and scientific/technical minds, offering peer-to-peer platforms for them to engage with their counterparts in European, and hopefully US, academic institutions. This could focus on pressing areas of mutual concern such as cooperation on research to fight COVID-19 and climate change. Iran needs support in renewable energy and can engage on this issue with Europeans at the 26<sup>th</sup> United Nations Climate Change Conference of the Parties, also known as COP26, to be held in Glasgow in November 2021.

## Conclusion

Forty-one years after the Iranian Revolution, the Islamic Republic of Iran remains estranged from the United States and has complicated relations with many US allies. Europe and Iran have had their difficulties but have largely been able to maintain diplomatic ties. European countries have a long history of pressing Tehran and Washington toward diplomacy to avoid confrontation. The 2015 JCPOA was a high point of European diplomacy with Iran, with the E3 beginning the process that led to the agreement and the EU continuing to serve as the chair and convener for the Joint Commission.

This piece outlines a number of steps Europe can take on its own to shore up the JCPOA, launch or support a multilateral process for regional conflict resolution, help Iran rehabilitate from the devastating toll of US economic sanctions, and support people-to-people engagement. With both the United States and Iran embroiled in domestic politics—and a short window to salvage the JCPOA before Iranians choose a new president—Europe can once again play a vital role and serve as a bridge to keep diplomacy alive.

<sup>15</sup> Glenn E. Schweitzer, *U.S.-Iran Engagement in Science, Engineering, and Health (2010-2016): A Resilient Program but an Uncertain Future* (Washington, DC: National Academies Press, 2017), <https://www.nap.edu/catalog/24861/us-iran-engagement-in-science-engineering-and-health-2010-2016>.

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