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## **EU Normative Foreign Policy Actorness on Iran's Nuclear Profile Capability and Limits**

### **Abstract**

Some scholars suggest that the European Union (EU) is a global actor, and its foreign policy is based on the norms and principles that have shaped and consolidated the EU itself. Reviewing the current literature on the Normative Power Europe notion and using Natalie Tocci's framework to assess normativity in foreign policy, this paper investigates to what extent the EU has been capable of independently formulating and effectively implementing its normative foreign policy on the case of the Iranian nuclear program since 2003, where the EU has sought to make Iran abide by the international law norm of non-proliferation of nuclear weapons. The research identifies that the formation and implementation of EU normative policies have been mainly challenged by the Realpolitik of the US, driving the EU to adopt non-normative policies or leading to embarrassing instances of inaction in the EU foreign policy for which normative power approaches offer less explanatory power. Concomitantly, the research illustrates how over time, the EU has shown greater determination to act autonomously on the Iranian nuclear profile.

*Keywords:* EU foreign policy, normative actorness, US foreign policy, Iran's nuclear dossier, power politics

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## Introduction

The dominant approach in foreign and security policy of the European states throughout the post-World War II era, especially on issues with broader international security aspects, has been influenced mostly by transatlantic ties, i.e. allowing Washington to lead and following it. The collapse of the USSR and the establishment of the European Union (EU) affected this framework of EU-US relations. There have been moments of divergence in transatlantic relations in the perception of interests and adoption of policies, for instance, in the US Iraq war of 2003. With the commencement of the Common Security and Foreign Policy (CFSP), the EU has been trying to shape and consolidate its foreign policy (FP) based on European norms, values, and interests, aspiring to become an independent FP actor with global reach. This has so far resulted in numerous debates about the existence and nature of the EU foreign policy (EUIFP).

The EU objectives in the international area include "the development of a stronger international society, well-functioning international institutions and a rule-based international order". It strives for upholding and strengthening international law as well as maintaining peace and security and, in following these objectives, remains committed to multilateralism (ESS, 2003, p. 11). Going more into the specifications of the EUIFP, one would also notice the central role of the European and universal norms, values, and principles in the formation of the EUIFP (TEU, Article 21) to the extent that some scholars suggest the EU is a "Normative Power" and its foreign policy is based on the norms and principles which have shaped and consolidated the EU itself (Manners, 2002, p. 240). On the contrary, others have noticed the gap between the EUIFP discourse, which builds heavily on the power of norms and values on the one hand, and the current foreign policies of the EU and its Member States concerning their periphery and neighbours that seem to be geared to secure the European economic and security interests while providing a basis for European identity, on the other hand (Del Sarto, 2017, p. 215).

This paper aims to investigate to what extent the EU has been capable of (a) cohesively formulating its FP based on its normative objectives and principles and (b) implementing its normative approach independently from other major FP actors on major FP instances with multilateral nature. Therefore, normativity and effectiveness are the two variables analysed in the study of the EU actorness on the Iranian nuclear profile since 2003. More specifically, going beyond the ideal type of the normative EUIFP, the paper tries to evaluate the capabilities and limitations of the EU normative approach theoretically as well as empirically through analysing the EU policy responses to the incidents in international politics within which they confront non-normative or realpolitik policies. This could be best researched empirically in the study of the actual EU policy responses to the foreign policy incidents with multilateral nature, where other influential FP players are also present and follow their interests.

Accordingly, EU actorness on the Iranian Nuclear Deal (the Deal) since 2003 offers an interesting case to explore the development of EU independent actorness. In *Europe*

*and Iran, the Nuclear Deal and Beyond* (2017), Adebahr investigates the capabilities as well as the limitations of the EU effective multilateralism till the conclusion of the JCPOA in 2015. He concludes that the EU actorness on the Iranian nuclear profile leading to the 2015 nuclear agreement brought a victory to the EU and enhanced its matureness as a foreign policy actor. Yet, the later developments of the case leading to the 2018 US withdrawal from the Deal and the EU responses to it, such as the introduction of the Instrument for Supporting Trade Exchange (INSTEX) in 2019, have remained rather under-researched. Hence, scrutinising the later developments of the case, the paper tries to depict an updated profile of the EUFP based on its actorness in the Iranian nuclear case.

The case study portrays the EU's determination to follow its announced normative goal of making Iran comply with the international law norm of non-proliferation. Yet, in some cases, such as during the 2003-2005 period, the E3/EU actorness was closer to the Imperial style of FP making, as their position was more to serve the US position than an internationally justifiable interpretation of Iran's obligations under the Non-Proliferation Treaty regime. In the wake of the US withdrawal from the JCPOA in 2018, the EU showed greater political resolve to formulate its independent policy from the US. Yet, when it came to internalise the costs of this political decision, the EU could not use its economic power and leverage it effectively to implement its intended policy. Identifying the causes of *inaction*, when action is required, the paper recognises a major obstacle that negatively affects the EU capability to follow its normative approach, i.e. the United States unilateral or non-normative policies that stand in contrast with the EU normative approach.

The paper proceeds in three sections: The next one, building on Tucci's work (2007, 2008), conceptualises normative foreign policy actorness and sets an analytical framework to assess normativity in foreign policy. Then, the EU will be depicted as a normative foreign policy actor relying on the "Normative Power Europe" (NPE) literature. It also forms a theoretical critique of the NPE, which falls short of accounting for *power* as the major variable in international relations, specifically in the international security arena. The third section examines the normativity and effectiveness of the EU actorness on the Iranian nuclear profile since 2003 and follows its developments until today. The paper concludes with some critical considerations about the applicability of the normative conceptions of the EU actorness.

## **Normative Foreign Policy**

The distinction between three sources of power in the international sphere, i.e. military power, economic power, and the power of ideas, is widely discussed and accepted by many scholars. The idea of normative power in foreign policy is mostly associated with the power of ideas and opinions (Manners, 2002) or soft power (Nye, 2004). Manners (2002) defines normative power as the one which works through the power of ideas and opinions and is able to shape what is "normal" (p. 240). Normative power is a kind of

hegemonic power with particular norms that utilises specific means, mainly civilian means, to shape others' values and make them do what they would not do otherwise, without resorting to coercion and force (Diez, 2005, p. 616).

Normative power could be understood in two ways: neutral and non-neutral. While the former is mostly associated with having the capacity of shaping norms in foreign policy without attaching moral-ethical attributes to them, the latter is linked to certain moral-ethical values that are supposed to have an acceptable level of universality and legitimacy. All major and even regional powers like China or India would be, in different levels, normative foreign policy actors in the second sense, while the EU could be considered as an example of the non-neutral normative power. In order to distinguish a non-neutral normative power in foreign policy from a self-serving expression and imposition of power, some external standards or reference points would be necessary.

Searching for standards to define normative power in foreign policy to distinguish it from a sheer expression of power, Tocci (2007) suggests a framework, distinguishing between three dimensions of normativity in foreign policy. They are respectively "what an actor wants" or **goals**, "how it acts", i.e. the **deployment of the means**, and finally "what it actually achieves" the **impacts** (p. 3). Normative goals in foreign policy are those that try to go beyond the realm of national concerns and interests or "possession goals" and deal with the wider environment or "milieu goals". In this sense, international law, international institutions, and international regimes are very crucial as they set the normative framework to structure the relations of the actors in the milieu to pursue their possession goals. Again law, in general, serves as a protecting shield against the sheer imposition of will or power and provides a normative boundary for the actors to interpret and pursue their codified norms. In short, "normative foreign policy goals are those which aim to shape the milieu by regulating it through international regimes, organizations, and law" (Tocci, 2007, p. 4).

Normative goals in foreign policy could be followed by normative and non-normative means. For instance, preventing the third country from the use of weapons of mass destruction (WMD) could be pursued through non-normative means like bombarding the arsenals of the weapons as a military response or through normative means like diplomacy, financial-technical assistance, or economic sanctions. A normative foreign policy actor would necessarily pursue its normative goals through normative means, i.e. those associated with civil means rather than military ones and include economic, cultural, social, and diplomatic instruments.

Nonetheless, for Tocci, the main question regarding the normative means pertains to *how* to use them instead of *what* means to use them. She mainly focuses on the notion of "legality". As long as an instrument remains in the confinements of law, internally, i.e. meeting the standards of democracy, transparency, and accountability, and externally, i.e. meeting the standards of international law, it would be considered as normative means of foreign policy (Tocci, 2007, p 6).

And finally, to become a normative foreign policy actor, the actual results or impacts also matter as it would not be enough only to declare normative intents and goals. Accordingly, a normative power should be *effective* in fulfilling its normative goals. To assess the effectiveness, *actions* as well as *inactions* matter. In this regard, a "normative impact is one where a traceable path can be drawn between an international player's direct or indirect actions and inactions (or series of actions) on the one hand and the effective building and entrenchment of an international rule-bound environment on the other" (Tocci, 2007, p. 7).

In reality, it is more likely to come across cases where some elements of normative FP exist and some do not. Exploring different combinations of existence or non-existence of the three elements of normative foreign policy, i.e. normative goals, normative means, and normative impact, Tocci (2007) suggests a set of stylised FP types. The combination of the first two elements, normative goals and means, produces four FP styles; **normative, realpolitik, imperial, and status quo**.

		Legitimisation of foreign policy goals	
		Normative	Non-Normative
Foreign policy means	Normative	<b>Normative</b>	<b>Status Quo</b>
	Non-normative	<b>Imperial</b>	<b>Realpolitik</b>

**Figure 1:** Foreign Policy Types (Tocci, 2007, p. 7)

This framework, going beyond an ideal definition of normative FP, would help us understand which of the three requirements of normative foreign policy is met. Considering the EU as a normative FP actor implies that the actual foreign policies of the EU in each case should be defined normatively, followed by normative means, and bring about some normative impact to be received as effective. The next section seeks the grounds of considering the EU as a normative actor in the literature as well as in the EU constitutive and strategic documents and reviews the implications of considering the EU as a normative FP actor.

## EU as a Normative Foreign Policy Actor

"A number of countries have placed themselves outside the bounds of international society. Some have sought isolation; others persistently violate international norms. It is desirable that such countries should rejoin the international community, and the EU should be ready to provide assistance. Those who are unwilling to do so should understand that there is a price to be

paid, including in their relationship with the European Union." (ESS, 2003, p. 12)

Scholars with different theoretical approaches have discussed the EUFP building on the normative power in a non-neutral sense (Manners, 2002, Diez, 2005, Lucarelli and Manners 2006, Whitmann, 2011, Thomas, 2011). Manners (2002) suggests that "Normative Power Europe" (NPE) is a theoretical framework to understand what kind of construction the EU *is*, a description of what it *does* beyond its borders, alongside with a normative aspect, i.e. what the EU *should do* accordingly in the international system. Whitman (2011) suggests that NPE seeks a "collective purpose and legitimacy" for the EU and links it to the foreign policy of the Union, which should be understood alongside a plethora of similar theoretical concepts such as "post-modern" or "ethical" power", "power for good", "peacebuilder in the world" etc. that resort to a "discourse of universal ethics" (p. 25).

Diez (2005) suggests that the perception of the EU as a normative actor is preceded by François Duchêne's discussion on the European Community (EC) as a "civilian power" in contrast with the military one, in the early 1970s, asserting that the EC had developed as a non-military or civilian form of power. (Diez, 2005, pp. 616). The three key features of a civilian power are "centrality of economic power to achieve national goals", "the primacy of diplomatic co-operation to solve international problems", and "the willingness to use legally-binding supranational institutions to achieve international progress" (Manners, 2002, p. 236). Conversely, critics such as Kagan (2003) describe NPE as a point of weakness that has been opted for as an outcome of the EU's incoherent foreign policy apparatus and lack of hard power means and resources.

Yet, numerous studies have observed a great gap between the normative discourse of the EUFP and the EU's interest-based policies in its external relations (Del Sarto, 2015, 216), prompting others to elaborate on the notion and meaning of normativity in EUFP against the backdrop of a broader debate in international relations (IR) literature between constructivist approaches building on ideational matters and norms on the one hand, and realist or rationalist accounts that put more emphasis on instrumental rationality and interests. For instance, Diez (2005) argues that "strategic interests and norms cannot be easily distinguished, and that the assumption of a normative sphere without interests is in itself nonsensical" (p. 625). Del Sarto (2015), similarly, puts aside the instrumental-normative dispute and conceptualises the EU as an *empire* and argues that "the EU's exporting of rules and practices to neighbouring states" furthers its own security and economic interests, agreeing implicitly with Diez that it also serves the construction of European identity (p. 216).

In contrast, Manners argues that, unlike other FP actors, the EU *is* itself a normative construction, namely that the normative basis of Europe has been shaped throughout its post-World War II history with the five core norms of *Peace, Liberty, Democracy, the Rule of Law*, and respect for *Human rights and Fundamental Freedom*. The first two are the immediate post-War norms necessary to the formation of European society,

and the rest were developed mostly during the Cold War to distinguish the west from east Europe. There are also four minor norms, i.e. social solidarity, anti-discrimination, sustainable development, and good governance (Manners, 2002, p. 242). Accordingly, NPE has to do with 'ideological power' that desires to move beyond the debate over state-like features through an understanding of the EU's international identity" (Manners, 2002, p.239).

A review of the main EC/EU constitutive document, i.e. the preambles to the European Coal and Steel Treaty (1951), the Treaty Establishing the European Community (1957), and the amended Treaty on European Union (2007) confirms the core of Manners ideal perception that the EU is founded on certain norms and does accordingly in its foreign relations. Article 2 of the Lisbon Treaty expresses that the fundamental constitutive basis of the EU is founded on the "values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights". This, together with Article 21.1 on *General Provisions on the Union's External Action*, which expresses that the "Union's action on the international scene" is based on the pursuit of the same values in the international arena, constitutes the cornerstone of the EUFP discourse. Moreover, the major EU strategic documents underscore the importance of rule-based international order and the centrality of the UN for international security and emphasise the EU's commitment to upholding International Law (ESS, 2003, p. 11, EUGS, 2016, p. 32).

One may, however, wonder which FP principle(s), norm(s), or value(s) should be prioritised in case of a conflict between different principles, norms, and values that inform the EUFP. Moreover, when a normative component of the EUFP contradicts the EU economic and security interests, which one should be served with priority? Neither the constitutive or strategic documents of the EU nor the ENP narrative of the EUFP elaborate on such cases and situations. More specifically, the NPE approach does not elaborate on such instances in international politics, in which the competitive or confrontational features occasionally play a substantial role, most notably in international security issues. Such instances that are outcomes of competition, conflict of interests, and power relations have remained outside the explanatory power of the NPE, and the given examples have been so far confined to non-confrontational ones such as diffusion of human rights norms as well as economic and development cooperation. Nonetheless, as some scholars have noticed, cooperative solutions in international security issues do not necessarily realise, and power politics is more decisive for the final solution of the conflicts (Harnisch, 2007).

In short, the ideal type of the EUFP, with its reliance on the normative power of some presumably universal norms, values, and principles, is more self-centred and less sensitive to the intersubjective/interactional feature of politics as well as the realities of power relations and power politics. The case study of the EU policies on Iranian nuclear profile investigates with more detail the effect of international power politics as a limiting factor on the implementation and effectiveness of the normative EUFP. The case study will focus on the moments in which the EU policies have been subjected to

and affected by the effects of power relations and not-necessarily-normative policies of other FP actors to showcase some limitations of the normative approach of the EUFP. Concomitantly, the case study depicts the gradual improvements of the EUFP as well as the salience of the strategic autonomy for the consolidation of the EUFP.

#### The EU and Iran's Nuclear Program

In this section, the paper qualitatively assesses the EU policies on the Iranian nuclear program throughout its different stages, from 2003 when the dossier was officially opened to the 2015 Deal, and from then to the US withdrawal from the Deal under the Trump administration and the latest developments to restore the Deal under the Biden administration. The paper seeks to understand to what extent the EU's goals, means, and the created impacts have been normative, according to the established framework, and investigates the effective variables that hindered the EU's capability to follow its normative foreign policy on the Iranian nuclear program.

### Iran's Nuclear Dossier

Iran launched its nuclear program in the 1950s under the auspices of the US under the Atom for Peace program. Iran signed the Nuclear Non-Proliferation Treaty (NPT) and ratified it in 1970. European countries like France and Germany also started nuclear cooperation with Iran till the 1979 revolution in the country, when most international nuclear cooperation was cut off. By that time, Iran had developed its program to some extent, including the Bushehr nuclear project constructed by a joint venture of Siemens AG and AEG, with two reactors being 50 per cent and 85 per cent complete. After the revolution, Iran's efforts to get the Western contractors to resume the work or to find new ones were not successful, in some cases due to the US pressures. Later in the 1990s, Iran began to cooperate with Russia on its nuclear program, including resuming Bushehr nuclear project (Vaez & Sajjadpour, 2013).

In 2003, after the International Atomic Energy Agency (IAEA) reported that Iran had not declared its enrichment and processing activities, including enrichment facilities in Natanz and heavy water reactor of Arak, *Iran's nuclear dossier* came into existence. From 2003 to 2005, first the E3 and from 2004, the E3/EU became active to peacefully resolve the case, against the backdrop of the US invasion of Iraq and the increased risk of a US military intervention in Iran. This initiative finally amounted to the Tehran Declaration followed by the Paris Agreement in 2004 under which Iran agreed to cooperate fully with the IAEA, sign the Additional Protocol, and temporarily suspend all uranium enrichment activities voluntarily as a confidence-building step to find a comprehensive solution in exchange for civil nuclear cooperation and a deferral of the UN Security Council action (Adebahr, 2017, p. 119).

Nonetheless, these initiatives were aborted. The parties, having different legal interpretations of the Paris Agreement specifically regarding the right of Iran under the NPT to enrich uranium on its soil, accused each other of breaching the agreement and with Ahmadinejad in power in Iran in 2005 and the change of leadership in Europe the



Paris Agreement framework was left aside. Iran removed its voluntary measures and resumed enriching uranium. During this period, the UN Security Council adopted seven resolutions against Iran's nuclear activities and imposed sanctions on Iran, being accompanied by the US and the EU bilateral sanctions on Iran, including an oil embargo, sanctions on a large number of Iranian banks and insurance companies, and denied Iranian banks' access to SWIFT (Coville, 2014).

Parallel to the sanctions and restrictive actions, the E3/EU+3 (the UK, France, Germany/EU + the US, China, and Russia) negotiations were going on from 2006 and lasting inconclusive till 2012. During this period, the EU engaged with Iran through leveraging its Trade Cooperation Agreement as an incentive to persuade Iran to cooperate and imposed several rounds of autonomous economic and financial sanctions on Iran, including **restriction on trade in goods; restrictions in the financial sector; restrictions in the transport sector; and travel restrictions and asset freeze** (European Council, 9.4.2019). Promising to de-escalate the conflict and remove sanctions through negotiations in his presidential campaign, Hassan Rouhani took office in August 2013 in Iran. Subsequently, in November, the negotiations between Iran and the E3/EU+3 resulted in the conclusion of the Joint Plan of Action (JPA), also known as the Geneva interim agreement, as a roadmap for further negotiations to reach a comprehensive agreement.

### *The Conclusion of the JCPOA*

After almost 20 months of intense negotiations, in July 2015, Iran and the E3/EU+3 confirmed an agreement on the Joint Comprehensive Plan of Action (JCPOA) along with the "Roadmap Agreement" between Iran and the IAEA. The JCPOA, commonly known as **Iran nuclear deal** or **Iran deal**, set a framework to resolve all the disputes regarding the Iranian nuclear dossier. Iran assumed some restrictions on its nuclear program, and the IAEA verified and reported on Iran's abiding by its commitments. The UN Security Council unanimously adopted resolution 2231 endorsing the JCPOA with all member states obligated to accept and carry it out under Article 25 of the Charter of the UN. It provided for the termination of the provisions of previous Security Council resolutions on the Iranian nuclear issue (UNSC, 2015, background).

The JCPOA's main purpose was to ensure the exclusively peaceful nature of the Iranian nuclear program in exchange for the lifting of UN, US, and EU nuclear-related sanctions against Iran. Under the terms of the JCPOA, Iran reaffirms not to develop, seek or acquire nuclear weapons. It also agrees to sell its stockpile of medium-enriched uranium and reduce the volume of low-enriched uranium stockpile to a certain level; phase out its heavy water reactor and not build any new one and follow transparency and confidence-building measures on a step-by-step basis. The parties agreed that Iran has the right to enrich uranium up to 3.67 per cent for its nuclear program inside Iran, keep the necessary amount adequate for its nuclear needs up to 300 kilograms, and sell the extra to other countries. The IAEA will have regular access to Iranian facilities to

monitor and verify the implementation of the steps as well as the peaceful nature of the program (E3/EU+3 & Iran, 2015).

On the other hand, the JCPOA required the lifting of nuclear-related sanctions against Iran and the removal of limitations on finance, trade, and investment. Two major limitations that had imposed crippling pressure on the Iranian economy, i.e. sanctions on the Iranian oil industry and sanctions against the Iranian financial and banking system, among others, were supposed to be terminated under the JCPOA regime. Subsequently, enthusiasm about doing business with and accessing the Iranian market grew, especially for the European businesses that used to have a presence in Iran. It was also welcomed by Iranian businesses and the long-time isolated economy. However, it gradually turned out that the lifting of nuclear-related sanctions was not successful in kick-starting business with Iran. One year after the implementation, the Iranian banking system still lacked normal international ties, and major financial institutions remained circumspect, mainly due to the effect of the US primary sanctions in non-nuclear areas such as money-laundering and terrorist financing, as well as the political uncertainty under the Trump administration. (Adebahr, 2018, p. 3, International Crisis Group, 2017).

### *The US Withdrawal from Iran Deal*

While it seemed that the international community had finally found a peaceful mechanism to resolve the protracted Iranian nuclear conflict despite its limitations to normalise Iran's economic relations with the world, Washington's policy towards Iran changed under the new administration since early 2017 to a more aggressive one. In October 2017, the US president refused to certify to the US Congress that relieving Iran's nuclear sanctions was in the US interest and argued that Iran violated the deal, contrary to the IAEA's thirteen reports issued by then confirming Iran's commitment to the deal. Finally, on 8 May 2018, Donald Trump fulfilled his campaign promise to withdraw the US from the Iran deal, disregarding the concerns of the EU and other parties to the Deal. The US re-imposed all the previous sanctions in full force and started a "maximum pressure campaign" on Iran. As a result, major European businesses left Iran to protect themselves against US sanctions (Adebahr, 2018, p. 8).

The EU condemned the US unilateral withdrawal and re-stated its commitment to the deal without offering any remedies to the EU businesses that had already started to leave Iran. As an example, the national Iranian airline "Iran Air" ordered 100 passenger aircraft to Airbus and 80 to Boeing to upgrade its long-time sanctioned fleet. The US Treasury revoked licenses for the American Boeing and Europe's Airbus to sell commercial planes to Iran Air. The EU could not convince the Office of Foreign Assets Control (OFAC) to issue licenses for the delivery of purchased Airbus planes (Reuters, 17.12.2018). Under the "unprecedented financial pressure" of the US sanctions, which were intended to be "the strongest sanctions in history", Iran demanded the EU and other European JCPOA parties to fulfil their role as the remaining parties to the Deal.

In September 2018, expressing that that "the lifting of sanctions is an essential dimension of the JCPOA", the E3/EU promised to install an EU-Iran trade channel to facilitate legitimate financial transactions of the European businesses with Iran "to ensure the full and effective implementation of the Iran deal". After months of waiting, the establishment of the Instrument for Supporting Trade Exchange (INSTEX) was announced by Germany, France, and the UK as the shareholders, with the long-term aim of being "open to economic operators from third countries who wish to trade with Iran" and promising to "explore how to achieve this objective" (EEAS, 31.1.2019). Despite early optimism, the INSTEX failed to fulfil its objectives to offset the impact of the sanctions on Iran or even to serve as a banking channel for humanitarian transfers (Sauerbrey, 2020).

In response, criticising the Europeans' inaction against the US pressure while insisting Iran abide by its commitments, Iran started a policy of "remedial measures" and expressed that it would "immediately reverse" them after the US rejoins the Deal. On the first anniversary of the US withdrawal, Iran announced its non-commitment by certain commitments such as the volume of enriched uranium and urged the remaining parties to fulfil their commitments under the JCPOA to protect Iran's interests against the US sanctions (Radio Farda, 8.5.2019). In January 2020, Iran abandoned all limitations on the uranium enrichment cap imposed by the JCPOA, and one year later, it started to enrich uranium to 20 per cent purity (BBC, 4.1.2021). In response, acknowledging the issues arising from the US unilateral withdrawal from the Deal, the EU announced its deep concern about the steps taken by Iran over the last two years, urged Iran to reverse all the actions inconsistent with the JCPOA, and supported diplomatic efforts to preserve the Deal (European Council, 11, 1.2021).

While the US maximum pressure campaign on Iran continued till the very last days of the Trump administration, President Biden followed his promised policy of rejoining the JCPOA. The EU welcomed it and expressed its support for diplomatic efforts facilitating a US return to the Deal (European Council, 11, 1.2021). In early April 2021, the Joint Commission of the JCPOA held a meeting in Vienna to discuss the full and effective implementation of the JCPOA, given the possible return of the US to the agreement. Iran and the US started indirect talks during the meeting.

### *Assessing EUFP Actorness on Iran's Nuclear Program: Capability and Limits*

It should be noted that despite early hope for the final settlement of the case after the conclusion of the JCPOA in 2015, at the time of writing, the dossier is still open, and a final assessment of each party's role is not yet possible. The EU's announced goal has been to make Iran abide by the non-proliferation commitment as a norm of a rule-based international order and international law. During the assessment period, the EU has been engaged closely with Iran and other major international players, following its effective multilateralism approach. It has applied different means to reach its goals, such as several rounds of negotiations, putting pressure on Iran through restrictive measures as well as proposing economic incentives.

The EU has been active on the Iranian nuclear profile from the very early stages of it and during the different phases of negotiations. It was right after the EU introduced its ESS in 2003 to establish itself as an autonomous FP actor, and some observers have considered Iran's nuclear dossier as a test for the effectiveness of the EUFP. The E3/EU played as a major actor in the pre-US withdrawal stages of the dossier, specifically in the negotiations between 2003 to 2005 leading to the Paris agreement. After the US invasion of Iraq and under the shadow of increased risk of a US military intervention, the EU showed commitment to its norms of negotiation, engagement, multilateralism, and conformity with international law in conflict management. Yet, after the US left the deal in 2018, the EU was not able to play a major role, benefitting from its multilateral approach. The uncertainty in the transatlantic relations throughout the Trump administration, observable in the EU-US divergent approach to the settlement of Iran's nuclear case, reveals a limitation of the EU's autonomous actorness on the global scene.

Despite the E3/EU's bolder actorness during the 2003-2005 negotiations, this initiative finally failed to fulfil its purpose. One of the reasons for its failure that is important from the viewpoint of this research was the different interpretations the parties had on the rights and obligations of the parties under the NPT, specifically regarding whether Iran had the right to enrich uranium on its soil for peaceful purposes or not. The EU was insisting on an "indefinite cessation of enrichment activities" and even "dismantlement of enrichment facilities" while Iran was invoking its right to enrich uranium after giving objective guarantees about the peacefulness of its nuclear program through transparency and full cooperation with the IAEA. Yet, as some observers have expressed, the EU's strict interpretation was influenced by the US pressure than conforming to the international law norm of non-proliferation. (Adebahr, 2017, 119).

The EU's strict position on implementing the Paris Agreement was based on a legal interpretation that could never gain international authorisation and support, neither by the IAEA nor by the NPT community including in the NPT Review Conference held in May 2005. The EU's position was closer to the US's, which held Iran to be denied of developing full fuel cycle activities, including the uranium enrichment, than an internationally acceptable legal interpretation of the NPT (Harnisch, 2007, 11, Adebahr, 2017, 119). This position was left aside in the later negotiations concluding to the 2013 JPA and the 2015 JCPOA. According to a former Iranian diplomat and negotiator in the 2003-2005 period, the agreed-upon principles in the JCPOA to resolve the crisis "were exactly the same principles that Iran had proposed in March 2005, and which the United States had rejected due to its insistence on zero enrichment." (Mousavian & Mousavian, 2018, p. 179).

According to Harnisch (2007), minilateral cooperation in security affairs, unlike in the trade and economic realm, does not necessarily translate into multilateral cooperation. Assessing the E3/EU actorness on Iran's profile in the 2003-2005 period, he sees the recognition and support of the E3/EU actorness by the US "as the single most important factor that influenced the course of the initiative". (p. 19). Not surprisingly, the E3/EU's interpretation of the Paris Agreement, among others, revealed a limitation of the EU normative FP actorness, which arises out of the realities of power relations in

international politics. Nonetheless, the conceptualisation of the EUFP actorness in NPE, which is built upon the power of norms, values, and images, falls short of explaining the outcomes that are influenced by such power relations in international politics, specifically in the realm of international security.

To sum up, though the announced goal of the EU actorness on Iran's nuclear profile, i.e. making Iran abide by the non-proliferation commitment corresponds to a norm of a rule-based international order and international law, the E3/EU position and interpretation of the Paris Agreement does not conform to Tocci's normative goals criterion and should be considered a deviation from the EU's normative approach. The E3/EU policy in this period rather approaches the imperialist style of FP, i.e. pretending to pursue normative goals and occasionally developing new norms to be followed by all means at the disposal (Tocci, 2007, p. 7). The policy was followed temporarily, and the EU did not insist on it throughout the later stages of the negotiations, in line with a change in the US position that accepted Iran's right to develop full-cycle nuclear activities.

Throughout the next years, from 2006 to 2015, the EU showed its resolve to peacefully settle the conflict via the E3/EU+3 format and consolidated its actorness employing a range of policy means compatible with Tocci's normativity criterion of legality. Parallel to negotiations, the EU implemented the UN sanctions, imposed several rounds of autonomous economic sanctions, and leveraged its Trade Cooperation Agreement as an incentive to persuade Iran to cooperate. The conclusion of the JCPOA recorded a great success story of the EU's "effective multilateralism" approach. The EU approach to conflict management seemingly accomplished real FP impacts as Iran was finally convinced to change its behaviour and accept limitations on its nuclear program. The risk of a probable US military intervention was removed, and diplomacy proved effective to address and solve proliferation risks.

However, after the US unilateral withdrawal from the JCPOA followed by its policy of "maximum pressure on Iran", the EU's normative approach was put to the test again, this time a harder one, and exhibited both strength and vulnerability. The EU, along with other remaining parties to the Deal, condemned the US withdrawal and decided to save the agreement. This decision in itself could be interpreted as an achievement for the EUFP autonomous. The EU faced a situation of divergence between its norms and interests and the US FP choice and showed political determination to formulate and follow its own policy, as it meant more than a mere disagreement on the Iranian nuclear case and had to do with the "European strategic autonomy".

It seems, however, that the EU could not entirely internalise the costs of its political decision. Despite Iran's abiding by its nuclear commitments under the JCPOA and expecting to benefit from the Deal's economic advantages or at least getting some economic remedies to offset the adverse effects of the US sanctions on its hard-hit economy, the main European initiative, INSTEX, never fulfilled its announced objectives even in facilitating trade between Iran and European businesses that left the country after the re-imposition of the US sanctions. This is an interesting instance as it

falls within the scope of what is widely considered as the established strength of the EUFP, i.e. economic policy and external trade.

Unlike the 2006-2015 period when the EU could leverage its economic strength to persuade Iran to cooperate on its nuclear program and punished it with restrictive measures for non-cooperative behaviour, this time the EU faced difficulty to support its political will with economic instruments in the wake of the US withdrawal from the Deal, even after Iran started a policy of gradual suspension of its JCPOA commitments and the agreement was under the threat of a total collapse. The EU's *inaction* continued until the end of Trump's presidency and seriously questioned the EU's capability to act autonomously and effectively on the international scene in case of divergence between EU and US interests.

To properly assess the EUFP actorness, taking such inactions into account would be of great importance. Yet, neither the normative theoretical perspectives such as the NPE nor Tocci's normativity assessment framework offer insights into such complex situations of EU inaction. Regarding Tocci's framework, one may imply that its incapability of explaining the phenomenal inactions of the EUFP may partly refer to the fact that it is a general framework to conceptualise normative power and is not specifically calibrated to explain the EUFP, which is considered by many EU scholars as a *sui generis* system of policymaking. Yet, the NPE as a conceptual framework to explain the EUFP actorness, which claims that the EU is a normative construction that "predisposes it to act in a normative way in world politics" (Manners, 2002, p. 252), does not meet the due expectation to shed some light on the EUFP cases of inaction such as the discussed one. Therefore, explaining the pathways and causes of the EUFP inaction, which has important implications for the current debate on "European strategic autonomy", could be a relevant subject for further research.

## Conclusion

Perceiving the EU as a normative FP actor has strong support, both in the EU treaties and strategy documents, as well as in the EU theoretical perspectives such as the NPE notion. Promoting peace, democracy and the rule of law, respecting human rights and fundamental freedoms are among the major norms the EU follows inside the Union and in its relations with the broader world. Respecting international law with the central role of the UN, the EU has sought to attract international cooperation through its effective multilateralism doctrine. The assessment of the EU normative FP actorness on the Iranian nuclear profile based on Tocci's FP normativity framework showed that the EU's announced goal was mainly a normative one, i.e. making Iran comply with the international law norm of non-proliferation, followed by employing legally justifiable means compatible with the international law principles and the EU's multilateral approach. Yet, specifically during the 2003-2005 period, the E3/EU insistence on a legal interpretation that was closer to the US position than a legally justifiable interpretation compatible with the international community's reading of the NPT brought the EU actorness closer to the Imperial style of FP making. In the wake of the

US withdrawal from the JCPOA in 2018, the EU continued diplomatic efforts together with the other parties to the JCPOA to save the agreement and showed political resolve to formulate its independent policy from the US on a major international security case. This was a great achievement for the normative EUFP actorness. Yet, when it came to internalise the costs of this political decision, the EU could not use its economic power and instruments to offset the effects of the US sanctions on Iran and keep it abiding by its commitments under the JCPOA, even when the whole agreement was on the brink of collapse. Such instances that reflect the influence of the US leadership on the EUFP showcase the salience of power relations in adopting foreign policies, as well as the limitations of the NPE notion to explain such outcomes in EUFP. In sum, the EU actorness on the Iranian nuclear profile since 2003 shows the capabilities and effectiveness of the EUFP on the one hand and reveals its vulnerability and weakness, most notably its *inaction* when action was required on the other hand. Seemingly, the US non-normative policies, including Realpolitik or Imperial styles of FP that stand in contrast with the EU normative ones, have so far functioned as an insurmountable obstacle in front of the normative EUFP actorness. Over time, the EU has shown greater determination to overcome such an obstacle and act more autonomously, without which solidifying European strategic autonomy would remain a far goal to reach.

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