During negotiations over the Iranian nuclear programme the High Representative for the CFSP favoured the creation of coalitions that enabled the EU to maintain a coherent approach. By contrast, he played only a limited role in the public debate on the Iranian programme. Specific conditions within the EU and in the international arena led him to play this role: lack of powers vis-à-vis Member States, the need for international legitimacy on the part of France, Germany and the United Kingdom, the subsequent involvement of China, Russia and the United States in the talks. Even though not promoting autonomous policy lines, the High Representative contributed to build a common approach within the EU and to enhance the role of the EU in the international arena.

Introduction

The appointment of the High Representative for Foreign Affairs and Security Policy was hailed as one of the major innovations introduced by the Lisbon Treaty in December 2009. Expectations resulted from the fact that the new High Representative would chair the External Relations Council and at the same time be the Vice-President of the Commission in charge for External Relations. By contrast, a certain disappointment was generated by the choice for this new position of a person with a low political profile and little experience in foreign policy: the former Trade Commissioner Catherine Ashton.

The new position of High Representative for Foreign Affairs and Security Policy succeeded the previous one of High Representative for the CFSP, which was created in 1999 following the entry into force of the Amsterdam Treaty. Even though ten years have passed since this post was first established, little research has been conducted into the role of the High Representative in EU foreign policy-making. According to many commentators, the original compromise reached in Amsterdam gave birth to an institution with little power and a merely administrative profile (Grevi, Manca, and Quille 2005; Buchet de Neuilly 2002). Indeed, the High Representative was simply given the task of assisting the Council with the formulation and implementation of foreign policy decisions; upon request of the Presidency, the High Representative could play a role in the external

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representation of the EU, together with the Commissioner for External Relations and the President of the Council. Yet, two years after the Amsterdam compromise, the appointment of Javier Solana, the former Secretary General of NATO, made clear that the position of High Representative was to be not only administrative but also political figure. Indeed, many commentators have suggested that Solana played a fundamental role in shaping EU foreign policy and enhancing the role of the EU in the international arena (Buchet de Neuilly 2002); yet, when it comes to specifying his contribution to this policy and defining the position of the High Representative, little clarification has generally been offered.2

The negotiation with Iran over the nuclear programme is an issue in which the High Representative gained great visibility and played an important role for many years during Solana’s first (1999-2004) and second mandate (2004-2009). It provides a good example of the contribution of this institution to a more coherent and proactive EU foreign policy. An in-depth examination of the role of Solana in this negotiation shows that the High Representative participated in EU foreign policy-making mainly by favouring the creation of coalitions among the Member States. This outcome was favoured by the need for greater international support on the part of the initial group of mediators and by the weak powers of the High Representative vis-à-vis the EU Member States. Only the extension of the initial group of negotiators expanded the institution’s authority, leading it to play a limited role also in the definition of the policy towards Iran. Even though Solana did not act as a policy entrepreneur, he did contribute to strengthen the EU common approach.

In order to analyse the role of the High Representative for the CFSP, this research draws on the concept of *leadership* developed by Ernst Haas (2008) and Robert Cox (1969) in the study of international organisations. This framework is proposed as an alternative to the prevailing new-institutionalist literature (March and Olsen 1984). The following section presents this theoretical framework and clarifies the research questions and methodology adopted.

**Theoretical framework**

This research proposes to look at the role of the High Representative in EU foreign policy through the conceptual lens of *leadership*. This concept was initially developed by scholars in comparative politics for studying the role of Heads of States and Governments (Kaarbo 1997; Edinger 1975). Subsequently the concept was used by scholars of international relations to address a lack of

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2 Fraser Cameron, “Solana’s baby prepares for adolescence”, *EuropeanVoice*, 6 November 2003;
conceptual tools in the study of international organisations (Young 1991; Hendrickson 2006; Scully 2003; Schechter 1987; Knight 1970).³

In this context, Cox has provided some elements of what he thought could become a “theory of leadership” (Cox, 1969: 205). The approach of Cox is based on the assumption that the head of international organisations can play a fundamental role in transforming the world order. Following Ernst Haas (2008), Cox (1969) views international organisations as systems placed within a complex environment from which they receive inputs and demands for their action. The role of the head of the organisation (or the executive head, as it is referred to by Cox) is to interpret the opportunities offered by the environment in such a way to as to bring an expansion of the tasks and of the authority of the organisation. For this reason, the model of Cox has been identified with that of “transformative leadership”, which aims to the institutionalisation of world order. In fact, for Haas (2008: 138) growth of an organisation is demonstrated not only by an increased institutional autonomy, but also by what he calls “peaceful change”, which occurs when “Member States implement decisions without necessarily agreeing that the decision is just and right” (Haas, 2008: 141).

In order to strengthen the organisation, the executive head has different instruments at his disposal. According to Haas, he can contribute to: 1) developing an ideology that gives clear goals to the organisation; 2) building a bureaucracy committed to this ideology; 3) making coalitions and alliances to ensure support from a sufficient proportion of constituents (Haas, 2008: 136). Haas’s work has been complemented by Cox, who has studied three key relations that, by contrast, may constrain international leadership: the relation with the international bureaucracy, with the Member States and with the international environment. De facto, the analysis of these elements is in line with the work of the scholars who have investigated structural determinants of leadership (Schechter 1987; Tallberg 2000).

Unlike dominant approaches in the literature—in particular rational choice and sociological variances of new-institutionalism (Christiansen, Jørgensen, and Wiener 2001; Moravcsik 1998; Wagner 2003)—the framework of Haas and Cox encompasses various aspects of the role of executive heads, from launching ideas to building coalitions among Member States.⁴ In addition, it provides preliminary hypotheses on the key factors affecting leadership. For these reasons, drawing

³ With regard to the EU see: Mazzucelli, 2008; Kleine 2007; Tallberg 2006; Cini 1996.
⁴ So far, rational choice and sociological institutionalisms (Melis 2001) and sociological institutionalism (Kurowska 2009) have been the main approaches used to analyse the role of the High Representative for the CFSP. An attempt to use the concept of leadership to overcome the divide between intergovernmentalism and new-institutionalism has been made by Mazzucelli and Beach (2006).
on this approach, this study considers the role of the EU High Representative as a political adaptive function, and analyses his contribution to strengthen the role of the EU in foreign policy. Indeed, the post of the High Representative was created to enhance the role of the EU in international politics by creating a coherent and effective foreign policy (Buchet de Neuilly 2002). By referring to the three instruments identified by Haas—developing an organisational ideology, creating a committed bureaucracy and building coalitions—the research asks how the High Representative contributed to this goal with regard to the case study of Iran. In addition, by focusing on the key relations identified by Cox—with Member States, the international environment, and the international bureaucracy—the study analyses how the political context affected the role of the High Representative.

The negotiation over Iran’s nuclear programme

The first phase: the E3

In August 2002 the National Council of Resistance on Iran (NCRI), an Iranian exile group, claimed that the Iranian government had built new nuclear related-facilities near Natanz and in Arak, which had failed to reveal to the international community. After denying it on a first occasion, the Iranian government admitted it was building two facilities for the uranium enrichment during a visit of the IAEA Director General El-Baradei in Iran in February 2003. Further investigations by the IAEA concluded that Iran failed to provide adequate information about its nuclear programme. Because of this failure, the country was considered in violation of the obligations undertaken under the Non-Proliferation Treaty (NPT). This violation generated fear in the international community that Iran aimed to build nuclear weapons in explicit violation of the NPT. This suspicion was generated not only by the fact that Iran had hidden its programme but also by the contemporary international situation (Takeyh 2006; Harnisch 2007).

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5 According to the Non-Proliferation-Treaty the undertakings shall share information about their nuclear related activities. In particular, the Safeguards Agreement to the Non-Proliferation Treaty requires Iran to provide the Agency with information “concerning nuclear material subject to safeguards under the Agreement and the features of facilities relevant to safeguarding such material.” IAEA, Board of Governors, Report by the Director General Implementation of the NPT safeguards agreement in the Islamic Republic of Iran Report by the Director General, GOV/2003/40 of 6 June 2003. On Iran’s violations see also GOV/2003/63 and GOV/2003/75, p. 3. http://www.iaea.org/Publications/Documents/Board/2003/gov2003-40.pdf

6 IAEA, Board of Governors, Report by the Director General Implementation of the NPT safeguards agreement in the Islamic Republic of Iran Report by the Director General, GOV/2003/40 of 6 June 2003. On Iran’s violations see also GOV/2003/63 and GOV/2003/75

7 Ibid. More precisely, Iran was found in violation of the Safeguards Agreement to the Non-Proliferation Treaty.

The issue generated different reactions. The US had suspended its diplomatic relations with Iran in 1979; in 2002 the top levels of the US administration did not rule out a military intervention against the country. China and Russia, by contrast, were opposed to any move against Iran and were cooperating with it on nuclear technology. Finally, the EU had just upgraded its relations with Iran; yet, the Iranian issue emerged in a moment of strong tension among EU Member States. In 2003, while IAEA was conducting its inspections in the country, the US acted militarily against Iraq generating opposing reactions in European capitals. US unilateralism proved an insurmountable obstacle for the EU diplomacy, undermining the credibility of EU foreign policy. As the Iranian issue was gaining momentum, therefore, European foreign ministers were keen to avoid the emergence of new divergences within the EU.

In early 2003, the EU had at its disposal various instruments to deal with the Iranian issue. Since December 2002, it had been negotiating a Trade and Cooperation Agreement (TCA) with Iran. In parallel with that, the EU and Iran had opened a political dialogue which aimed to consider four political issues: violation of human rights, the political situation in Middle East, fight against terrorism, and non-proliferation. With reference non-proliferation, the EU was asking Iran to sign the Additional Protocol to the NPT allowing further inspections by IAEA. While the negotiation on the TCA was led by the Commission, the Troika was in charge for the political dialogue; the EU considered progresses in the two dossiers as connected. At the same time, in spring 2003 the EU was also developing the Strategy Against the Proliferation of Weapons of Mass Destruction (adopted in December 2003).

Despite these instruments at the EU’s disposal, in the spring of 2003 France, Germany and the United Kingdom—later known as the E3—started to discuss how to deal with the Iranian issue outside the EU institutional framework. A pro-active rather than a reactive attitude appeared the best approach in this regard. During the summer of 2003, representatives of the three Member States established contacts with the Iranian counterparts on the possibility of a negotiation on the nuclear programme. Both preventing Iran from acquiring the feared capability to produce nuclear

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9 Yet, at times the lower level of the administration gave contradictory signals. See for example: Agence Europe: Bulletin Quotidien Europe 2003: UE/ETATS-UNIS/Nucléaire: John Wolf souhaite qu’EU et Etats-Unis travailent étroitement contre la proliferation nucléaire et insiste sur le problème iranien, 3 May 2003, p. 7.
10 David R. Sands, “Powell says EU tough to persuade on Iran issue; Brussels not receptive to ‘trigger’ violations of nuclear uses “, The Washington Times, November 19, 2003 p. 15?.
11 The decision to launch the negotiation was taken by the EU Council on 17 June 2002. As usual, the decision gave mandate to the Commission to start the negotiation.
weapons and restoring the credibility of the EU foreign policy were the goals of this initiative. Following the move, the E3 reached a preliminary accord with Iran in October 2003—the Tehran Agreement—scoring an important success in the international arena. In the following months, nevertheless, divergences on the interpretation of the text hindered further talks; in June 2004 the Iranian government openly violated it putting negotiations to an end.

The initiative of the E3 generated significant tensions within the EU. Member States protested about having been excluded from the talks or not consulted on them. Particular remonstrations came from Italy: as this country aspires to maintain the status of a big Member State, it is keen to avoid exclusion from any initiative of the other “big” countries. Yet, discontent emerged also in other Member States. Tensions showed in the public declarations of the Council, which never openly supported the initiative of the E3. By contrast, in January 2004 the body sent the High Representative Solana to Tehran to evaluate relations between the EU and the country. This decision did not help strengthen the credibility and legitimacy of an initiative that was already lacking support of another key player: the US.

The second phase: the E3/EU

Following the emergence of disagreements over the Tehran Agreement, the IAEA threatened to refer the dossier to the UN Security Council (UNSC). At this point, the E3 tried to reinvigorate the talks by looking for the support of other EU Member States. The backing of the entire EU was necessary to reinforce the international legitimacy of the initiative and to give the negotiators wider room for manoeuvre in the economic field. The participation of the High Representative Solana

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13 The so called Tehran Agreement was in reality an agreed statement of E3 with Iran. For the text see http://www.iaea.org/NewsCenter/Focus/IaeaIran/statement_iran21102003.shtml
14 In the Tehran Agreement Iran committed itself to suspend “all uranium enrichment and reprocessing activities as defined by the IAEA”. In spring 2004 Iran started manufacturing centrifuges for uranium enrichment, though not actually enriching uranium: while for Iran this activity was not prohibited by IAEA, for the E3 this represented a violation of the agreement. IISS Strategic Comments, Iran’s nuclear programme - Volume 10, Issue 9 - November 2004
19 IAEA, Board of Governors, resolution adopted on 18 September 2004, GOV/2004/79
20 In particular the negotiation of the EU-Iran Trade and Cooperation Agreement was mentioned in the subsequent Paris Agreement.
into the talks was deemed the best way to obtain this goal. Not only had Solana been previously involved in the political dialogue with Iran, but he had significant international contacts and could guarantee continuity of action. In addition, in light of the weak powers granted to the post by the Amsterdam Treaty, the High representative could not interfere with the decisions of the Member States and could not be a threat to the leadership of the E3. Since the autumn of 2004, negotiations with Iran were then conducted by France, Germany, and United Kingdom together with the participation of High Representative for the CFSP.

The new format—the E3/EU—eased existing tensions within the EU, removing fears of a directoire acting without the support of the other partners. Even though the E3 first proposed the involvement of the High Representative, the decision met the requests of the other Member States. Through the involvement of High Representative, the E3 committed themselves to discuss the Iranian issue within the Council talks following the practice developed within the EU. This facilitated the exchange of information among EU Member States, granting access to sensitive information especially to small Member States which would otherwise have been excluded. In addition, the E3 accepted to let the interests of the other Member States to be physically represented in the talks by Solana. Following this decision, rumours about the discontent generated by the E3 ended and the Council issued public statements in support of their initiative.21

In light of the involvement of the EU, the maintenance of a coherent and common approach by all Member States became more important for the success of the negotiation. At the time, Member States had different interests vis-à-vis Iran. Some countries (such as Italy, Germany, Austria, and Greece) had strong economic relations with Iran and were wary of any move that could undermine them. Others had major security concerns or were cultivating strong ties with the US (The Netherlands, Denmark and Poland). In addition, Member States had different perceptions of the Iranian programme. Some considered the Iranian issue as a fundamental threat for its implications for the non-proliferation regime or because it could undermine their standing in the international community. Others did not see their strategic interests in competition with those of Iran and, even though not declaring it openly, were less concerned about the failure of the negotiation. For neutral Member States (Austria, Ireland and Sweden), finally, it was hard to accept three big Members, two of which had nuclear weapons themselves, negotiating an agreement on nuclear issues on their behalf.22

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Despite these differences, all Member States agreed to launch a dialogue with Iran for the suspension of its nuclear programme. Even though at times their leaders used different tones in their public interventions, they managed to avoid a fiasco like that of Iraq and maintain their commitment to a common approach. In October 2004 the E3/EU formulated a proposal to Iran, which led to the signature of the “Paris Agreement” in the following November.23 Iran committed itself to suspend “on a voluntary basis” a series of nuclear-related activities and to permit IAEA’s inspections to its facilities “while negotiations over a long-term agreement are underway”.24 The EU committed itself to a long term negotiation on “nuclear, technological and economic cooperation”, including “firm commitments on security issues.” Accordingly, negotiations prosecuted around three baskets: transfer of nuclear technology, economic cooperation, and security. Following the agreement reached within the EU, the European negotiators strengthened their offer in the economic field by introducing in the deal the negotiation of an EU-Iran Trade and Cooperation Agreement.

Despite progresses in the economic dossier, during the spring of 2005 negotiation reached another stalemate.25 In order to strengthen their position, in February 2005 the E3/EU looked for the support of the US. Indeed, following a visit of President Bush in Europe, the US announced that it would lift its objections to Iran’s entry into the World Trade Organisation (WTO) and to the sale to Iran of parts for commercial planes.26 Yet, the US still refused to enter into direct talks with Iran and made conditional its support for the negotiation to the request to Iran to suspend its nuclear programme. Even if the move corresponded to the adoption of softer tones on the part of the US administration, it was accompanied by a certain ambiguity. While the Secretary of State supported the E3/EU initiatives, the President and the Pentagon remained wary of it.27

Yet, before the E3/EU could present their proposal national elections brought to power in Iran a new conservative coalition. Immediately after the vote, President Mahmoud Ahmadinejad declared

23 The so called Paris Agreement, http://www.iaea.org/NewsCenter/Focus/IaeaIran/eu_iran14112004.shtml
24 The latter were foreseen under Iran’s commitment to implement, on a voluntary basis, an Additional Protocol to the NPT, pending ratification. In general, following the divergences between Iran and the E3 on the interpretation of the Tehran Agreement, the Paris Agreement extended and specified better the list of activities Iran was to suspend. A major divergence between E3/EU and Iran in this phase was the length of the suspension: while EU/E3 wanted an indefinite suspension Iran proposed a six months deadline. The compromise finally reached foresaw that Iran would suspend its programme as long as negotiations were going on.
25 In the Spring of 2005 the E3/EU rejected a proposal formulated by Iran. Yet, they lacked convincing arguments to formulate a convincing counter-proposal. In particular, as the US law prohibited American nuclear technology to be exported to Iran, any transferral of European nuclear products with American components was de facto prevented. “Iran Says Nuclear Plans on Hold; Leaders Are Frustrated, but Still Hope for Progress in Talks,” The Washington Post, May 5, 2005, p.22.
26 “US Agrees to negotiate with Iran on nuclear programme,” The Independent, March 12, 2005, p. 29.
27 “Iran scoffs at warnings of U.S. attack,” The Toronto Star, January 19, 2005, p. 17. European leaders constantly refused to provide support to this initiative.
that Iran would not renounce its nuclear programme. When the E3/EU presented their offer in August 2005, Iran rejected it in few days without taking the time to examine it in depth.\(^\text{28}\) The move stressed the new course of the government; shortly later Iran restarted uranium conversion.\(^\text{29}\) The change of government seemed to undermine significantly the possibilities for a diplomatic resolution, de facto ending the window of opportunity opened in the autumn of 2003.

Subsequently, the E3/EU came under an increasing pressure by the US to adopt sanctions against Iran. Again, even though Member States downplayed their divergences in public, they had different positions on the subject. France and the United Kingdom were prone to adopt sanctions even without the support of the UN. Other countries were ready to do it only within the framework of the UN (Malta, Cyprus and Austria). A third group of Member States (Italy, Check Republic, and Hungary) opposed the move, as it would have affected their economic relations with Iran. An agreement was reached around two different tracks: in the following months the E3/EU cooperated with the US to convince the Members of the IAEA Board to refer the issue to the UNSC; at the same time, they left open the possibility of resuming talks with Iran.\(^\text{30}\) Indeed, informal contacts between Iran and the E3/EU continued in the following months.\(^\text{31}\)

In general, in this phase negotiation was characterised by the association of the EU High Representative to the talks. The involvement of this institution represented a fundamental term of exchange between the E3 and the rest of the EU. By involving the High Representative into the talks, the E3 agreed to place their initiative within the multilateral framework of the EU Council of Ministers and to let the interests of the other Member States to be physically represented in the talks. At the same time, by accepting the new format, EU Member States recognised the major role

\(^{28}\) Iran urged to avert nuke row, *Weekend Australian*, September 17, 2005 p. 11. With regard to nuclear issues, the E3/EU offered to guarantee fuel supply and management for Iran’s nuclear power programme if Iran ended its fuel-cycle programme and help Iran to acquire a light water research reactor if Iran cancels its current plans to build a heavy water research reactor. In the area of economic cooperation, the Europeans offered to make progress on an EU–Iran Trade and Cooperation Agreement, support Iranian accession to the World Trade Organisation, and relax restrictions on exports of various dual-use technologies to Iran. Finally, in the area of regional security, the E3/EU offered positive and negative security assurances, cooperation against terrorist organisations, a comprehensive security dialogue with Iran, and pursuit of the objective of a Middle East free of chemical, biological and nuclear weapons.

\(^{29}\) Before becoming usable, the uranium extracted from a mine has to go through a series of transformation. The conversion is the most important of these and permits to transform the uranium oxide into uranium hexafluoride (UF6). Once converted, UF6 can go through the process of enrichment.


\(^{31}\) In late 2005 rumours referred of a Russian proposal for nuclear technology cooperation with Iran. Accordingly, Iran would maintain most of its nuclear programme, while enrichment activities which would be moved to Russia. Jeremy Page “Russians hope to persuade Iran,” *The Times*, February 20, 2006, p. 34. Even though an official test of the proposal is not available, various reports suggest that it would permit Iran to maintain most of its nuclear programme, apart from the enrichment activities which would be moved to Russia.
of the E3 in foreign policy. In this way, the High Representative made a fundamental contribution expanding the role of the EU in foreign policy.

Solana’s participation in the talks increased his visibility as well as the visibility of the EU in the international arena. The Iranian issue was soon considered a fundamental test case for the EU foreign policy, and evaluated in comparison with the case of Iraq (Everts 2004). The visibility acquired by the EU is likely to have decreased the willingness of Member States to adopt or to render public autonomous or different stances. Indeed, despite different interests and perceptions, all EU Member States acknowledged that the dialogue with Iran was an important test for the credibility of EU foreign policy and, therefore, were sensitive to the need to show cohesion. Despite continuous tensions, in the period under consideration the EU was able to maintain a coherent and common line. The press reported little divergence on the substance of the negotiation and complaints, when rendered public, regarded more the format of the talks or the lack of information than the substance of it. This kind of coherence could be labelled as one of “converging parallels” (Musu 2003), where, behind the façade of a common approach, there lied a much more complex reality.

With reference to the EU policy towards Iran, Solana avoided using public diplomacy to publicise his opinions on the Iranian nuclear programme. In the few public interventions in which he addressed the issue, he made sure he had the support of the Member States and spoke in favour of policy lines common to all negotiators and EU Member States. In particular, Solana stressed the need to prevent Iran from developing nuclear weapons and the support for a diplomatic solution.32

Within the EU, Solana and his collaborators acted as a focal point for all the Member States. This task was performed with a high level of informality and confidentiality. Solana referred periodically before the General Affairs and External relations Council;33 on few occasions, he took part in informal meetings with the Ambassadors of the Political and Security Committee.34 His interventions aimed more to ensure political coordination among the Member States than to

32 Javier Solana, “A partnership for action”, Article on EU-US relations on the occasion of the visit by President Bush in Europe, 21/02/05.
34 According to the agenda published in the Council’s website, between November 2004 and December 2005 Solana had two informal meetings with members of Coreper and three informal meetings with the Members of PSC. Ibid. Despite requests of some Member States for more frequent contacts, Solana always refused to chair the PSC and to take part in its official meetings (allegedly, he considered his role should be played at the ministerial level). In most cases, the duty to speak on his behalf on the Iranian dossier before the PSC was given to the Director General of the Council Secretariat Robert Cooper.
guarantee an adequate exchange of information. This latter task was performed by Solana’s staff formally, through the participation in the Political and Security Committee (PSC), or informally through contacts with representatives of single Member States. In addition, following a long established practice within the EU, information was exchanged through direct contacts between foreign ministries or between the ambassadors of the E3 in Brussels and in European capitals.

Finally, Solana handled his involvement in the negotiation with the support of only a small group of collaborators. The latter were carefully selected among members of his cabinet, the Policy Unit, officials working at the Iran’s desk, and for Solana’s Personal Representative for Weapons of Mass Destruction.\(^{35}\) This small group of people, the “Solana milieu” (Kurowska 2009), worked separately and with little formal contacts with the rest of the Council. Separation was due to the confidentiality and informality of the High Representative’s policy-making, and to the enhanced role of national components in his milieu. On this and other issues, this attitude generated tensions with the Council Secretariat (Christiansen and Vanhoonacker 2008; Dijkstra 2008).

**The Third Phase: the E3+3**

In January 2006 Iran restarted uranium enrichment at Natanz and announced that it would have suspended the voluntary implementation of the Additional Protocol to the NPT.\(^{36}\) Following this decision, the EU/E3 got closer to the US and publicly asserted they were ready to approve sanctions against Iran.\(^{37}\) In reality, small differences still existed within the group: while France and the United Kingdom were convinced that all diplomatic efforts had been exhausted, Germany was inclined to support further diplomatic talks, probably on the so-called “Russian proposal”.\(^{38}\) These divergences, however, were not widely publicised in an attempt to display public unity and cohesion.\(^{39}\) In addition, an important difference still distinguished the EU from the US: while the

\(^{35}\) At meetings at the political director level, he was represented by Robert Cooper, the Council Secretariat’s Director General for External Relations.

\(^{36}\) Uranium enrichment consists of separating the UF6 (produced by conversion) into two different hysotopes (U235 and U238). Through reprocessing (which can be obtained with different procedures) U235 can be enriched to a low percentage (3-7 percent Uranium 235) and used in modern nuclear reactors to produce electricity, or it can be enriched over 20 percent, which then makes it usable in nuclear weapons.


US wanted to impose sanctions on Iran even without the support of the international community, the majority of EU Member States would do it only after the approval of the UNSC. De facto, this stance led to a progressive change of the central locus of decision-making. From the beginning of 2006, the E3/EU intensified their dialogue with the Members of the UNSC and particularly with the US, Russia, and China. Although in the following months talks formally continued in the E3/EU format, a new group was emerging, composed of the E3 plus the other permanent members of the UNSC—the E3+3.40

At the beginning of 2006 the E3/EU achieved an important result when the IAEA approved a resolution referring the issue to the UNSC.41 Yet, within the UNSC, the EU and the US found the opposition of China and Russia, which rejected sanctions against Iran.42 Subsequently, in June 2006 the group agreed to present to Tehran a new joint proposal.43 Following requests of their partners, the US agreed to recognise the right of Iran to develop nuclear energy on its soil and to sit at the same table to negotiate a long term agreement. Yet, the US continued to ask for the suspension of the nuclear programme as preconditions for the talks; in addition, in case of rejection the proposal contained the threat for retaliation through the approval of sanctions by the UNSC (for this reason it was called “take-or-break”).44

Iran’s response did not amount to a rejection or to a full acceptance. Reserves were expressed concerning the request to suspend any enrichment related activity, which was assimilated

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40 See Declaration of The Foreign Ministers of China, France, Germany, Russia, the United Kingdom, the United States of America and the High Representative of the European Union, London, 30 January 2006, S032/06. This group is also known as the UN5+1.
43 Elements of a proposal to Iran as approved on 1 June 2006 at the meeting in Vienna of China, France, Germany, the Russian Federation, the United Kingdom, the Unites States of America and the European Union http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/reports/90569.pdf (S202/06). The main difference between the previous and the new plan would be a proposal for the creation of an international consortium to construct civilian nuclear power plants in Iran. For some this proposal was made to push Iranians to come open about their intentions about the nuclear programme, as it would have permitted them to produce nuclear power without acquiring the capability to produce fuel that could be used for military purposes. “Europe to Offer Iran Conditional Incentives”, The New York Times, May 16, 2006 Pg. 3.
44 Although disincentives are not mentioned in the text, they were probably reported orally to Iran. See also Secretary Condoleezza Rice, Press Conference on Iran, May 31, 2006 available at http://2001-2009.state.gov/secretary/rm/2006/67103.htm.
to waiving a sovereign right; most likely, also the perceived lack of adequate security guarantee played a role and determined certain reluctance on the Iranian side.\textsuperscript{45}

Even though maintaining the diplomatic channels with Iran open, in the following months the E3+3 began an internal negotiation on the adoption of sanctions against the country.\textsuperscript{46} These talks led to the adoption of a first package of sanctions by the UNSC in December 2006; a second package was approved the following March.\textsuperscript{47} Yet, the EU maintained its “double track approach”: it implemented the measures imposed by the UNSC but at the same time continued to support efforts to find a diplomatic solution. Accordingly, throughout 2007, the High Representative maintained frequent contacts with the Iranian counterparts on behalf of E3+3.\textsuperscript{48} Iran continued to ask for a negotiation addressing its security concerns and wider political issues (in particular Middle East) without preconditions, while the US remained sceptical about Iran’s commitment to a diplomatic solution and required the suspension of any enrichment related activity. This deadlock increased tensions and frustration within the EU. At various moments some Member States (Germany, Austria, and Italy) proposed to soften the preconditions imposed on Iran to open negotiations.\textsuperscript{49} This line encountered the firm disagreement of the US.\textsuperscript{50}

The international community continued to alternate the adoption of further sanctions, with the maintenance of a diplomatic dialogue also in 2008.\textsuperscript{51} In June the High Representative Solana handed over to Iran a further proposal formulated by the group of negotiators.\textsuperscript{52} The Iranian

\textsuperscript{45} “Iran Pushes For Talks Without Conditions”, The Washington Post, August 23, 2006; U.N. Demand for Freeze On Nuclear Work Rejected; Flynt Leverett, Dealing with Tehran, www.tcf.org To some, Iran’s ambiguous response expressly aimed to divide the international community, by putting the blame on the group of negotiators. For others, it generated little surprise as the US “more or less clandestine regime change policy” was undermining the talks and the negotiation could hardly succeed if EU carrots and US sticks were not coordinated (Harnisch 2007).

\textsuperscript{46} In October, the EU Council of Ministers backed the move. European Union, Council of Ministers, Conclusions, 16-17/10/2006, 13340/06.

\textsuperscript{47} UN Resolutions 1737 of 23 December 2006 and 1747 of 24 March 2007. The nuclear programme was not stopped and in April 2007 Iran announced it had managed to complete the enrichment cycle. Iran declares key nuclear advance, 11 April 2007, BBCNews online, http://news.bbc.co.uk/2/hi/middle_east/4900260.stm

\textsuperscript{48} Solana meets Larijani in Ankara on the 25/7; in Madrid on the 31/5 and in Lisbon on the 23/6. Also Robert Cooper meets Iranian negotiators in Wien on June. Similarly, contacts go on during the second semester of the year.

\textsuperscript{49} They proposed to loosen the pre-conditions posed to Iran to open the negotiations. Daniel Domber and Stephen Findler, “Strains Grow over Strategy to Rein in Iran”, Financial Times, 4 June 2007; Lucia Kubeska, “EU to avoid extra Iran sanctions”, Eubserver.com, 12 October 2007; “Split widens over Iran’s nuclear plans,” The Daily Telegraph November 23, 2007 Pg. 21.

\textsuperscript{50} “Rice slams U.N. nuke watchdog on Iran; Agency director suggests allowing enrichment and ending suspension effort,” The Washington Times, May 30, 2007 p. 13. Divisions emerged also in the Iranian leadership, and in October 2007 the chief of Iranian negotiators Larijani resigned leaving the place to Saeed Jalili, a negotiator closer to the President Mahmoud Ahmadinejad.

\textsuperscript{51} UNSC Resolution 1803 of March 2008.

\textsuperscript{52} In the proposal, known as the “freeze to freeze”, the E3+2 promised to suspend the adoption of further sanctions against Iran in exchange for the suspension of its nuclear programme, for the time of negotiating a long term agreement. For the first time the Secretary of State Rice signed the letter handed over to the Iranian negotiators; in addition, in July
negotiators maintained their ambiguous approach: they deemed the proposal interesting but not completely satisfactory, asking for further clarifications on its content. Only the election of Barack Obama as new President of the US in the autumn of 2008 seemed to have the potential to change the course of the negotiation. Yet, the window of opportunity open in 2003 was already closed. While Iran wanted to address broad political issues involving Middle East and the US policy in the Gulf, the US were not ready to publicly engage with Iran on this kind of dialogue. These divergences were rendered evident by the failure of the last round of negotiations occurred in October 2009 in Geneva.

De facto, from 2006 to 2008 the talks were characterised by a repetitive game between Iran and the US that was played to gain the support and legitimacy of the international community. While the US played it to gain support for sanctions in the UNSC, Iran did it to support its argument that the purpose of the nuclear programme was peaceful. Yet, this situation amounted to a deadlock in the negotiation. Consequently, the international community and the EU slowly abandoned their initial reticence and accepted the US approach in favour of sanctions against Iran.

Paradoxically, this stalemate strengthened the chief negotiator, the EU High Representative. Indeed, Solana’s role and visibility was confirmed by the desire of Iran and the US to continue the talks, and even enhanced by the extension of the group of negotiators from E3 to E3+3. In 2006 and 2008, for example, Solana alone handed over the E3+3 proposals to Iran; unlike on previous occasions, he was not accompanied by the foreign minister of the E3. More generally, from 2005 Solana intensified his personal contacts with the Iranian counterparts. This situation enhanced his authority in giving policy advice and identifying a negotiating strategy towards Iran and at times, he was asked to prepare policy options or formulate policy recommendations.

Publicly, Solana handled this role with diplomacy. He never publicised his personal positions and avoided taking an open stance on the most divisive issues. In his interventions, he stressed only two political priorities: the need to stop Iran’s nuclear programme and the support for

53 The new administration adopted a new approach based on full participation in the E3+3 framework, readiness for direct engagement with Iran and increased flexibility on freeze-for-freeze parameters.

54 On 10 April 2006, for example, EU foreign ministers discussed paper drawn up by Solana with options for sanctions. In March 2008, Solana sent a memo to EU member States highlighting that sanction would probably not solve the issue. Lucia Kubosova, “EU sanctions cannot stop Iran bomb, memo says”, 13/2/2007, http://euobserver.com/?aid=23479
a diplomatic solution.\textsuperscript{55} By stressing these two elements, Solana was indirectly asking for a unified approach of all the Member States (as only this could have led to the desired goal) and was securing the support for his mediating role.

Finally, also in this phase Solana continued to manage carefully the distribution of the sensitive information, granting it through oral reports at the meetings of Foreign Ministers. A part from that, information was given in an informal way with the possibility to differentiate the scope and depth of information given to each country. This way of distributing information was not a novelty in the CFSP framework and permitted the creation of different circles of countries, with levels of information depending on their interests and power.\textsuperscript{56} At times, this situation raised complaints among the Member States.\textsuperscript{57}

### Conclusion

During negotiations over the Iranian nuclear programme, the High Representative facilitated the creation and maintenance of coalitions among Member States. First, when the E3 looked for greater support and legitimacy in the international community, the involvement of Solana in the negotiations represented a key term of exchange between them and the other EU Member States. By associating him with the negotiations, the E3 agreed to place their initiative within the EU multilateral framework; by accepting the format, the other Member States recognised the major role of the E3 in EU foreign policy. The involvement of Solana was facilitated by the fact that, given the High Representative’s weak powers under the Amsterdam Treaty, the E3 did not feel that his involvement was a threat to their major role in EU foreign policy. It is very unlikely that a similar role could have been played by the Commission, which was already negotiating a TCA with Iran, or by the Presidency.

Second, Solana’s participation in the talks increased his visibility as well as the visibility of the EU in the international arena. This visibility contributed to decrease the willingness of Member States to render public divergences and pushed them to maintain a common approach. Indeed, the Iranian issue was soon considered a fundamental test case for the EU foreign policy and evaluated in comparison with the case of Iraq (Everts 2004). Despite different interests, Member States

\textsuperscript{55} See Remarks by Javier Solana, on the latest developments concerning Iran to the European Parliament Foreign Affairs Committee Brussels, 4 October 2006; Summary of the speech by Javier Solana, to the plenary of the European Parliament on the current international situation and the role of the EU, Brussels, 29 March 2007 (S114/07); Javier Solana, Statement to the European Parliament on Iran, 30 January 2008 (S036/08).

\textsuperscript{56} For example, after long pressure, since 2008 the Italian government has been constantly associated to the talks.

\textsuperscript{57} Solana under fire for lack of transparency over Iran plan, 15.06.2006, European Voice.
maintained a coherent approach, solving their divergences behind the closed doors of diplomacy. As a result, the EU was able to maintain a credible stance in the international arena, even though through what could be defined a policy of “converging parallels” (Musu 2003).

Apart from his involvement in the negotiation, the High Representative had a limited role in the formulation of the policy towards Iran. Although it is difficult to examine the role he played behind the closed door of diplomacy, it is unlikely that Solana could have a major role vis-à-vis big Member States. Even in the public debate, Solana limited his interventions on the Iranian nuclear programme. This choice was probably due to the weak power conferred to his position by the Amsterdam Treaty which, does not give him any power of initiative and submit foreign policy decisions to the unanimity of the Member States. Probably, also the limited role Europe could play in a negotiation fundamentally led by American and Iranian interests contributed to diminish his room for manoeuvre in this regard. In his interventions, Solana highlighted his support for two basic policy lines: preventing Iran from developing nuclear weapons and reaching a diplomatic solution. De facto, this policy legitimised his role ad the continuation of the mediation. At the same time, by defining a precise goal for EU foreign policy, it helped develop a common perception of it and increase responsibility among Member States. Only the involvement in the talks of the US, Russia, and China gave Solana a wider room for manoeuvre. Yet, also in this phase, Solana played this role behind the closed doors of diplomacy, never entering in open contradiction with any major player and carefully preserving the credibility of his role.

Although the role played by the High Representative did not translate into further institutionalisation of EU policy-making, in the short term it contributed to strengthen the role of the EU in the foreign policy domain. The comparison of these findings with those of other case studies will permit to investigate how the Solana’s interaction with the surrounding environment led him to shape the role of the High Representative and enhanced or undermined his capacity to strengthen EU foreign policy.

References


N.B. primary sources and newspaper articles are cited in the notes.