

# **The Impact of the Joint Comprehensive Plan of Action on the Relations between Europe and Israel**

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## Abstract

The 2015 nuclear deal (known as the Joint Comprehensive Plan of Action) between Iran and the five permanent U.N Security Council joined by Germany and the European Union High Representative, has become a divisive instrument between the United States under President Trump on the one hand and the other partners. Israel which opposed the JCPOA as faulty and invested a massive diplomatic effort to prevent it has been supportive of President Trump's decision to pull the U.S out of the arrangement and resume sanctions on Iran. In doing so its relations with the E.U. which continues to adhere to the JCPOA will further worsen.

Iran's nuclear activity is not the only issue driving Israel and Europe. The difference between the two on the Israeli-Palestinian conflict and the ways to solve it are probably more influential on the future of these relations. Nonetheless, the Iran issue touches very sensitive issues evoking past experiences.

## A Gap in Approaches

There are historical, psychological and economic reasons to the deep gap in the European and Israeli approach to Iran's nuclear activity. The 1979 revolution in Iran had abruptly cut off years of strategic cooperation between Israel and Iran. As a non-Arab state, Iran was a key state in the Israeli Periphery Concept which also included Turkey and Ethiopia forming an informal coalition of non-Arab states with which Israel had common strategic interests. The Islamic regime in Iran has made Israel an arch enemy second only to the United States. The mobilization of all of Iran's resources in the 1980-88 protracted war with Iraq had prevented Iran from concrete anti-Israeli actions during this period but once this war had ended, Iran has become deeply involved in activities posing threats to Israel.

Leaders of the Lebanese Shiite organization Hezbollah were trained in Iran and influenced by its leader who initiated the 1979 revolution, Ayatollah Khomeini. The organization established in the mid-1980's turned into a state within a state controlling its own military power built and trained by Iran, declares openly its opposition to Israel's existence and calls for its annulment. Yet it was only in 2013 that the E.U put the Hezbollah on its black list not the entire movement but just its military wing. The decision taken 33 years after the official Hezbollah anti-Israeli agenda was published, had probably to do more with Hezbollah's active military engagement in the Syrian civil war in support of the Assad regime, than its anti-Israel stand.

The Hezbollah presence in Syria was part of an Iranian effort to keep President Assad in power. His survival is essential to Iran's strategy of turning Syria into a key base and a launching pad for its operations in the Middle East. These Iranian activities as well as Iran's

support for movements which are involved in terror activities elsewhere in the Middle East are well known to the E.U and its individual members but are disregarded.

The major difference though between the E.U and Israel on Iran is on the nuclear issue. Ever since the beginning of the talks between Iran and the 5+1 headed by the E.U High Representative Israel made its position on the major issues clear and called for a total ban on enrichment ,eliminating capabilities including delivery ones. In fairness to the E.U side it ought to be recorded that during the negotiations it maintained a tougher line than the positions adopted by the U.S negotiators led by Secretary of State John Kerry. Indeed, Israel's irr at the soft attitude shown by the negotiators was directed mainly at the U.S administration. Following Prime Minister Netanyahu direct approach to a joint U.S Senate and House session on March 2015 relations between the U.S and Israel, deteriorated to one of their lowest points. Eventually though the E.U adopted the JCPOA with its loopholes and shortcomings. Furthermore, the E.U and especially the High Representative came to view it as one of its major diplomatic achievements.

The Israeli government's negative view of the JCPOA and hopes of its annulment were boosted by Donald Trump's election as president of the U.S. The latter heavily criticized the JCPOA and vowed to pull the U.S out if it is not changed which he did in May 2018 after giving a narrow window of time for efforts, mostly by President Macron, to amend the JCPOA. That has clearly demarcated the line between Europe (plus Russia and China) on the one side, the U.S and Israel (possibly some of the Gulf states too) on the other.

#### The U.S-Israeli Camp vs. the European

The American and Israeli "anti-Europe coalition" is predicated on a much wider platform. For the U.S the questions about its relations with Europe appeared long before Trump. The collapse of the Soviet Union ended the Cold War and removed some of the glue between the two sides of the Atlantic Ocean. Europe and the U.S (while belonging to NATO) developed different perceptions of global threats and different doctrines to deal with them. In the heart of this philosophical debate was the role of military power in national strategies. Having been devastated by two world wars in the first half of the 20<sup>th</sup> century Europe became averse to military power and came to rely on the U.S to deter the U.S.S.R. Trump only brought to the surface the long existing American dissatisfaction from the European relative small investment in their own security.

For Israel the current E.U position on the JCPOA is just another proof that Europe is a very important trading partner but very little beyond that. The European willingness to acquiesce to Iranian continued development of its missile arsenal, support of terror and a short-life JCPOA and eagerness to continue to do business with this regime come on a deep residue of Jewish and Israeli European-made existential traumas. There is a long chain of these traumas beginning with blood libels and expulsions in the early second millennium, continuing with the 15<sup>th</sup> century inquisition and expulsions, the physical and political "ghettoization" of Jews culminating in the Holocaust. The abandonment of Israel by two of its then main arms suppliers, France in 1967 and Britain in 1973 ,was the final blow to any prospect of Israel

treating seriously European statements about standing by Israel's security (with the exception of Germany).

The Israeli-Palestinian conflict is another dividing factor between the two camps, certainly as long as Trump is president. Before him it was difficult to discern any meaningful differences between the U.S and the E.U positions on the key issues in the conflict. Nuances could be described as merely linguistic. The major differences were in the willingness of Europe to announce its positions in great frequency, and linking the progress in its bilateral relations with Israel to the progress in the peace making process between the Israelis and Palestinians. When issues related to the conflict are discussed in the international fora European states often side with the Palestinians and very rarely support Israel while the U.S has vetoed anti-Israeli draft resolutions in the U.N Security Council and consistently voted against them in other bodies.

On two key issues in the Israeli-Palestinian conflict i.e. Jerusalem and refugees ,recent U.S actions serve to illustrate the differences, not necessarily in the positions on the substance, but in the way of dealing with them The E.U and U.S positions on the future of Jerusalem do not differ much. They certainly do not recognize the annexation of East Jerusalem beyond the 1967 lines by Israel and the U.S., even under Trump, is closer to the European than to the Israeli position on East Jerusalem becoming the capital of the future Palestinian state. In his statement on 6 December 2017 on moving the U.S embassy from Tel Aviv to Jerusalem President Trump made it clear: "We are not taking a position of any final status issue including the specific boundaries if the Israeli sovereignty in Jerusalem ,or the resolution of contested borders." He added that Jerusalem is Israel's capital, a fact recognized de facto by the E.U. and that the U.S. calls for the maintenance of the status quo on the Temple Mount. In their 2002 Peace Initiative the Arab states called for the establishment of the Palestinian state with East Jerusalem as its capital. The U.S move is therefore not in contradiction to the Arab League position let alone that of the E.U. In statement on the very same day the E.U High Representative expressed concern by the U.S decision and declared that E.U members will abide by the Security Council Resolution 478 of 20.8. 1980 which censured Israel for adopting the 'basic law' on Jerusalem and called on states which maintained their embassies in Jerusalem to move them out of the city. The U.S, under President Carter, abstained. Indeed, all foreign embassies situated in Jerusalem had been moved but the Israeli government has not learnt the lesson and passed another unnecessary basic law in 2018. In both cases the initiative for the legislation which just declaratory in nature, not changing any existing reality, came from right-wing Knesset members who cornered the Likud led coalition government into adopting their initiatives.

The second move by the current U.S administration which has pitted both the U.S and Israel against the E.U (and others) is the decision to stop the U.S funding of the United Nations Relief and Works Agency for the Palestinian refugees (UNRWA). The State Department statement on 31.8.2018 can be interpreted as expressing criticism of a "flawed operation" in a need of "new models" and reform pending which the U.S suspends its contribution. A different sentence about the "endlessly and exponentially expanding community of entitled

beneficiaries" comes nearer to Israel's criticism of the agency that it by its very existence perpetuates the Palestinian refugees problem and gives support to the Palestinian argument that every Palestinian child born in 2018 in a family that in 1948 became refugees is automatically a refugee .Whatever explanation is given, the decision will hurt UNRWA. The U.S contributed in 2017 \$ 364 million out of \$ 1.127 billion to the body's budget while the E.U and separately its individual members contributed \$ 410 million. In spite of the E.U decision to increase its contribution it will be very difficult to replace the U.S financial contribution.

While Israel hailed and praised the U.S and its president for the decision, the E.U called it regrettable and expressed the hope for it to be reconsidered. As to make the distinction between the U.S and the E.U clearer the E.U High Representative issued a statement on 27 September 2018, after the UNRWA Ministerial together with the Ad Hoc Liaison Committee (an informal international form which coordinates assistance to the Palestinians in the West Bank and Gaza) that the E.U will add 40 million Euro to its contribution to UNRWA.

### Iran in the Triangular Relations

As said the Prime Minister of Israel main argument on the JCPOA and its components was initially and primarily with the U.S. In his much controversial speech in the U.S Congress on 3.3.2015 Netanyahu elaborated on the shortcomings of the proposed deal. He claimed that the deal will not prevent Iran from developing nuclear weapons, that it will leave Iran with a vast nuclear infrastructure providing it with a short breakout time, about a year, that virtually all the restrictions stipulated in the proposed still will automatically expire after a decade and that Iran's ballistic missile program is not part of the deal.

Neither the speech nor the diplomatic efforts in Europe's major capitals prevented the deal from being concluded but in less than two years the new president of the U.S expressed similar objections to deal thus re-opening the possibility of its being renegotiated or walked away from .In a reversal of roles, the E.U became the main defender of the deal while the U.S has adopted a much harder line. For the Israeli Prime Minister that was a much more politically convenient situation. The rift with President Obama, albeit not only on the Iran deal, has caused damage to Israel in the U.S and some will argue that it also cost Israel in a smaller than expected annual security grant. Turning the E.U and its institutions into the scapegoats is a more familiar pattern for the current Israeli prime minister. Iran's' activities after 2015 in Syria and Yemen and its continued development of missiles are "evidence" that it "plays" the role assigned to it in this pattern and widen the differences between Europe on the one hand, the U.S and Israel on the other.

In a document issued on by the E.U European External Action Service, symbolically on the day the U.S pulled out of the JCPOA (8.5.2018) the renewal of broader relations between the E.U and Iran based on the "full and continued and full implementation of the JCPOA by Iran and the other parties" was highlighted. Iranian exports to the E.U in 2016, the year after the deal had been reached, had tripled and the E.U declared its support for Iran membership in the World Trade Organization. Two days later the E.U High Representative expressed deep

regret caused by the re-imposition of sanctions by the U.S, saying: "The JCPOA is the culmination of 12 years of diplomacy which has been working and delivering its main goal. The EU is determined to work with the international community to preserve it".

On 6 .8.2018 the High Representative met the Foreign Ministers of France, Germany and the United Kingdom and they announced the E.U determination to protect it's economic with Iran and added that the other parties to the JCPOA are committed to preserve the financial channels with Iran and continued export of oil and gas from Iran. On 25 .9.2018 the same four joined by the Foreign Ministers of China and Russia met and the setting up by the E.U of a legal mechanism, a "Special Purpose Vehicle" open to other partners was announced. The participants in this meeting announced their determination to protect the freedom of their legitimate business with Iran.

### Conclusions

It is clear that the E.U and the U.S are on a collision course on several issues but mostly on the Iran nuclear deal and Israel is not just a by-stander. The Prime Minister of Israel views Iran's nuclear activity and intentions as an existential threat to Israel and he can take the credit for leading the opposition to the JCPOA in its current formulation until Trump's election. The E.U on the other hand views the deal as a great achievement to its diplomacy determined to preserve it as long as no evidence certified by International Atomic Energy Agency is provided.

The combined effect of the deep disagreements between the E.U and Israel on the Israeli-Palestinian conflict and the Iran nuclear deal is lethal .The relations gradually deteriorated since the collapse of the 2000 Camp David and the fall of the last Labor Party led Israeli government in 2001.The political dialogue between Brussels and Jerusalem has been abandoned by both sides. The Prime Minister of Israel evidently prefers conducting direct state to state diplomacy by-passing the E.U central institutions in Brussels. Relations with Cyprus and Greece, for example, are blooming either because of the mutual concern created by Turkey's unpredictable and aggressive conduct in the East Mediterranean or the economic prospects in cooperation in the natural gas industry. Similarly, relations with the Visegrad group are flourishing and members of this group often block anti-Israeli initiatives by other E.U members.

No significant change should be expected in this state of relations between Israel and the E.U. Neither is about to change its policies on these key issues. Without a clear violation of the JCPOA committed by Iran the E.U will adhere to it. Israel will continue to denounce it even if President Trump is not re-elected though a different Israeli Prime Minister may act less ferociously against it. Leadership changes in Germany, internal crises in the E.U, ideological, social and economic may increase the distance between Brussels and Jerusalem frustrating the wishes on both sides of the Mediterranean to see a strong European-Israeli alliance.

The Israeli-Palestinian conflict has lost its center-stage position on the regional Middle East and international agenda due to the other, more pressing crises. The two protagonist themselves are incapable at present to negotiate a comprehensive agreement and implement it .But to a majority of the Israelis the current so called status quo is not acceptable either as it pushes Israel towards being a one un- Jewish ,un-democratic and immoral state. Adopting an action plan which still aims at the attaining the two state solution but proposes to do it in an incremental way and in an agreed timetable may be more successful than the "nothing is agreed until everything is agreed" paradigm .It may be also resume a normal and constructive dialogue between Brussels and Jerusalem.

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