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The E.U-Israel Relations in light of the Iran Nuclear Deal

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Abstract

The understandings which were reached between the five U.N Security Council joined by Germany and the E.U High Representative with Iran-The Joint Comprehensive Plan of Action, on the latter's nuclear program's future could develop into a major test for the strength of Israel's' relations with both the United States and the European Union. The seeds for future discord and tensions are already planted in the very text of the document agreed. While Iran has agreed to a list of limitations on its nuclear activity, it is allowed to enrich uranium which Israel thought should be utterly stopped. Most of the limitations are confined to the period of 10-15 years with no automaticity in renewing them. Friction between Israel and the E.U may develop on issues pertaining to the severity of Iran's potential violations of the limitations and will certainly develop when limitations reach their end and are not renewed.

Furthermore, since the understanding are limited to nuclear issues, Iran has not committed itself to refrain from activities that cause concern to Israel and indeed, to other states in the region. While these activities are of a concern the E.U as well, they may, in the future, be met with milder reactions from the E.U.

Different European and Israeli views on Negotiations with Iran

From the early start of the European effort to solve the issue of Iran's non-peaceful nuclear plans, the major disagreement between Israel and the 3 major European

countries that negotiated with Iran –Germany, Britain and France, has been the use of the threat to Iran that failure to reach diplomatically an agreement may result in the 'use of other means'. That is not a difference in tactics. It is a difference in philosophy and a result of a growing reluctance to threaten and then to use military force when all other means have failed. Eventually, that became one of the reasons for the current friction between the U.S and Israel, but in the earlier stages, after the U.S joined the EU 3 talks with Iran the U.S President was stilling using the euphemism that 'all options are on the table ' as a veiled threat to indicate that military force would be used to prevent Iran from obtaining nuclear military capability. For Europe these veiled threats were never part of the rhetoric and tools used by the E.U leaders and officials. When the French Foreign Minister Bernard Kouchner said in September 2007 "We have to prepare for the worst, and the worst is war"¹ he was a lone voice. Public opinion in Europe was equally divided in Europe on the question of whether to use force against Iran if negotiations to end its program failed and European leaders were reluctant to make statements alluding to the use of force and enter this controversial issue².

The closest the E.U came to declare itself on Iran, in the context of Israel and its security was when it stated that "Were Iran to acquire military nuclear capability, this would constitute an unacceptable threat to the regional and international security"³

Israel, on the whole, was satisfied by the sanction regime the E.U imposed on Iran which was based on a series of U. Security Council Resolutions starting with resolution 1737 of 26 December 2006.The sanctions adopted by the Security Council were, in some cases, toughened by the E.U institutions. Regular diplomatic consultations between the European and Israeli officials dealing with the Iranian file, did contribute to a relatively peaceful front on this issue, broken occasionally by angry Israeli officials remarks on Europe's appeasement of Iran. It should be

¹ Reported by the BBC on 17 September 2007

² The Pew Research Center Report of 18 May 2012 showing 51 % in Britain and France and 50 % in Germany favoring military action. In the U.S 63 % did support it at the time of polling.

³ This is included in the E.U document of 22 February 2011 describing the 10TH meeting of the E.U-Israel Association Council

observed that notwithstanding the importance of the Iran file to both Israel and the E.U, their relations in the decade leading to the deal with Iran were mostly impacted upon by the their divergent views on the concurrent problems between Israel and the Palestinians and the ways to solve the conflict between them. This has been the major issue that has occupied the dialogue between the E.U and Israel at all levels. Israel's main thrust in the effort to elicit greater concessions from Iran was directed mostly towards Washington thus limiting the fall-out of the bitter disagreements to mainly the U.S –Israel bilateral relations.

Impact of the Iran Deal on Future EU–Israel relations

Several variables related to the Iran and the Iran deal will influence the E.U-Israeli bilateral relations:

1. The developments related directly to the Israeli-Palestinian conflict.
2. The Iranian compliance with the obligations it entered.
3. The conflict in Syria and its ramifications for Europe.

The over whole quality of the relations between Israel and the E.U will continue to be dominated by the developments on the Israeli-Palestinian front. Significant violations by Iran of its obligations, if they occur, will not change the E.U over whole attitude towards Israel and Europe's reactions to them will be remotely determined by either negative or positive developments in the Israeli-Palestinian domain. Conversely, Israel has not made the linkage either and has not offered to make concessions in its relations with the Palestinians in return for what it considers 'the best agreement possible' with Iran. What may be influenced, by the Israeli-Palestinian conflict, in the future, is the quality of the dialogue that Europe's leaders and officials and their Israeli counterparts will have to be engaged in when evaluating Iran's future behavior. Complete Iranian adherence to its obligations it accepted in the Joint Comprehensive Plan of Action will obviate many reasons for friction. Failure by Iran will undoubtedly produce serious differences between the E.U (and possibly with the U.S) concerning the interpretation of the violations, their significance and obviously over the necessary reactions.

European leaders expressed great satisfaction upon reaching the JCPOA with Iran. It was hailed by the E.U High Representative, Federica Mogherini as "...big success of diplomacy, multilateralism... (This) brings concrete and important results. These are products that are obviously extremely valuable in these times and practices that we will continue to invest in, both as ministers of the countries and as the European Union"⁴.

The E.U or its individual members are not likely to be readily admitting a failure of the deal that was reached with Iran which they consider to be "an historic moment". Israel and the E.U do will most probably differ in their interpretations of Iran's deviations, if they occur, and they certainly differ and continue to differ in their level of tolerance to such deviations. These differences are likely to create tensions between the E.U and Israel but they will be dwarfed when serious Iranian violations take place and the E.U (and/or the U.S) fails to respond in an adequate and proportional manner. It is quite clear that major arguments will ensue between Israel and most if not all the P 5+1 on this issue.

Beyond the diplomatic achievement, the E.U and its individual members sense an economic opportunity resulting from the JCPOA and the removal of the sanctions. The imposition of the U.N and the additional E.U sanctions has resulted in a major decline in the economic E.U-Iran relations with lost European exports to Iran⁵.

The negotiations and the JCPOA created expectations in Europe for major economic gains resulting from the removal of the sanctions. Already now, months before Implementation Day (when, according to the JCPOA, the International Atomic Energy Agency verifies Iran's implementation and the Security Council sanctions begin to be removed) European ministers accompanied by business delegations visit Teheran. Whether these expectations are met will depend on various factors, but it is difficult to perceive a scenario when Iranian violations of the JCPOA, and certainly those defined in Brussels as 'minor', will stem the European economic 'Drang Nach Osten'. Certainly not when China continues its hunt for lucrative

⁴ Remarks following the E.3+EU3 meeting with Iran in New York on 28 September 2015

⁵ According to figures published in Bloomberg 27 March 2015 bilateral trade declined between 2005 to 2015 from \$32 billion to \$9 billion. China's bilateral trade with Iran reached in 2013 \$41 billion.

contracts, especially in infrastructure, Russia, Turkey and India for contracts in Energy, etc.

The differences in detecting and interpreting Iranian violations between all the 5+1 negotiators and Israel should and could be sorted out. It will be though a different situation on the operational one. Reaching an understanding on violations' detection and interpretation requires of course a preliminary agreement among the P 5+1. It will then require established mechanism and process between them, and other concerned states, most of them including Israel, in the Middle East. Even if these were to be established there would still be problems such as the willingness to exchange sensitive intelligence material. In such circumstances, the already established channels of communications between the various intelligence services of Israel and individual parties among the P 5+1 should be employed to bypass this difficulty.

Serious problems will certainly arise when significant violations were to be detected and the E.U (and the other partners in the P 5+1) was to be seen by Israel as dragging their feet in reacting. Although the 'snap back' mechanism in the JCPOA (Article 37) enables the restoration of sanctions, it is a very cumbersome process unlikely to produce the prompt response and results Israel may seek. In such circumstances Israel may take its own action further complicating a situation created by an Iranian serious violation. Theoretically, this scenario can be partially preempted by an earlier understandings between Israel on the one hand, the U.S and preferably the E.U too, on the other on a series of diplomatic, economic and if necessary, military, reactions to different possible violations by Iran. Plausible as this arrangement may sound, it is difficult to see the neither the U.S nor the E.U committing themselves in advance to hypothetical situations.

It is therefore to be expected that for the period of 10-15 years, in which Iran may decide to fully or almost fully comply with the JCPOA limitations, Israel will find itself in a continuous quarrelsome mode with the E.U, and possibly with the U.S, maybe not on whether the Iranians negated on their commitments, but certainly over the absence of an American and or an European appropriate answer. As the E.U –Iran relations become wider and deeper with increased economic benefits to

Europe, the likelihood of a robust and effective action to arrest any progress by Iran towards a military nuclear capability will be confined to an expression of concern and apprehension. A more concrete, economic and or military American reaction to any Iranian action which can be clearly interpreted as an attempt to break out towards a nuclear device, may produce a strong debate within the major European members. The British influence on the European decision making process will obviously depend on whether Britain is still a member following the planned 2017 referendum there.

The negotiations with Iran were limited solely to the Iranian nuclear activity. By mutual agreement Iran and the P5+1 had agreed to avoid the other issues that have caused deep concern in Europe and the U.S –the continuous and flagrant abuse of human, civil and political rights in Iran and Iran's massive support to organizations such the Hezbollah and Hamas which the E.U has put on the Terror List. The decision to avoid dealing with them in the context of the negotiations with Iran was influenced by an 'Israeli logic' according to which the major, existential Iranian threat to Israel has been the nuclear and ballistic development rather than the involvement in terror. It was deemed therefore by the E.U and the U.S more urgent and important to deal with that threat rather than with the all basket of concerns. If Iran does not change dramatically its current behavior and modus operandi in these issues the E.U may just make public statements expressing criticism, concern and demand an end to Iranian practices and activities. An Iranian bolstered, nefarious activities, relying on the E.U and the U.S reluctance to create circumstances that might, in their view, lead Iran it to abrogate the JCPOA and especially being perceived as increasing its activities in key Middle East regions may create a chain of reactions, in Europe, the U.S and certain governments in the Middle East demanding a much firmer European and American response. Depending on how firm this response is, on Iran's assessment of the situation in the Middle East, the international arena and other aspects such as the economic situation and especially Iran's assessment of how the JCPOA affected its national economy, the two sides –Iran and the E.U, in a separate process and for different reasons may reach a conclusion that adhering to the deal they reached in 2015 exacts a price they are not willing to pay. It may sound implausible but then events and developments in the Middle East ever since the end of 2010 have proven the unpredictabil-

ity of the region. A rupture between Iran and the U.S and even with the E.U not necessarily on Iran's record in complying with the terms of the JCPOA, but rather in matters that were not discussed may create the reasons for a much tougher European stance towards Iran.

Israel's political dialogue with the E.U lacks trust, intimacy, continuity, the influence of the overly rated (by Europe) Palestinian and it suffers from the not so hidden Brussels-individual capitals competition. These shortcomings are not likely to soon disappear but Europe Israel should put immediately their heads together in an attempt to plan, as much as possible in these circumstances, of how to mitigate the damage expected to their bilateral relations.

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