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About the Author

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Abstract

The E3/EU-Iran negotiations on nuclear issues have been ongoing since summer 2003 with the aim to find a balance between Iran's desire to establish a peaceful nuclear enrichment programme and satisfying the safeguards of the international community against the possible development of a nuclear weapons programme. This paper provides an analysis of these negotiations and draws the conclusion that the E3, and later the E3/EU, have entered the negotiations with Iran without a clear strategy or alternative outcomes, focusing only on 'getting what they want'. It argues that in order to reach a mutually acceptable solution, the E3/EU needs to take a more pro-active stand in preparing the pre-negotiations and negotiations. It will be important to find a common formula. The E3/EU needs to create a win-win situation and end the crisis before it is too late.

Introduction¹

After several years of failed negotiations and broken agreements, Iran on the one hand and Germany, France, the UK and Javier Solana (the E3/EU) on the other are still searching for a way to solve the disagreement over Iran's nuclear activities.² The role of the EU has been characterised by strong motives to continue the negotiations, and big efforts have been invested in keeping this initiative alive. However, a solution of the nuclear issues is yet to be found and the international community's expectations of the EU are very high.

In this paper I analyse the negotiations in order to identify some feasible steps or improvements that could lead to an operational and lasting solution to this conflict. The paper thus aims, firstly, to chart and examine what has happened so far in the negotiations and, secondly, to give recommendations on how the negotiations should be conducted in the future. By studying the negotiations from two different angles, namely the actors and the process, a comprehensive analysis will be carried out, leading to policy recommendations and conclusions.

Since the issue at hand is very recent and indeed contemporary, one must be cautious when applying a particular 'methodology'. Moreover, it is difficult to find persons willing to have an open discussion about the issue. Therefore, the analysis is mainly based on recent articles, policy papers and academic literature. It follows a pragmatic approach, and theory is mainly used as a conceptual reference point. The paper focuses on the Iranian and European stake-holders, meaning that other important actors such as the United States, Russia and China, as well as any events occurring after April 2007, remain outside the scope of this investigation.

¹ Special thanks to Paul Meerts, Alireza Arfazadeh Roudsari and the persons willing to share experiences and information with me through conversations and interviews. This paper is dedicated to my family for always loving me, supporting me and believing in me.

² For a historical understanding of the relationship see S. Kile (ed.), *Europe and Iran Perspectives on Non-proliferation*, SIPRI Research Report, no. 21, Oxford, Oxford University Press, 2005, pp. 1-21; *Time to Talk: The Case for Diplomatic Solutions on Iran*, www.pugwash.org/publication/tran/timetotalk.pdf, retrieved 22.4.2007; International Crisis Group, 'Iran: Is There a Way Out of the Nuclear Impasse?', *Middle East Report*, no. 51, 23 February 2006, www.crisisgroup.org/home/index.cfm?id=3976, retrieved 23.4.2007; International Crisis Group, 'Iran: Where Next on the Nuclear Standoff?', *Middle East Briefing*, no. 15, 24 November 2004, www.crisisgroup.org/home/index.cfm?id=3118&l=1, retrieved 23.4.2007.

The structure of the paper is as follows: the second and the third sections analyse the actors and the negotiating process, respectively; section four presents three possible scenarios for the future as well as policy recommendations, and the last section summarises the paper with conclusions.

Analysis of the Actors

Actors are very important in negotiations since the personal interaction of negotiators often makes the difference between failure and success of a negotiation.³

The Approach of the E3/EU

The nuclear debate between Iran and the EU is an unusual example of a three-way game. Besides the two actors talking, there is a 'significant other'⁴, namely the United States, which has yet to be directly involved in the negotiations but nevertheless plays a very important role.

When the E3 started to negotiate with Iran on the nuclear issue in 2003 it had a long tradition of dialogue with Iran.⁵ However, Sauer, amongst others, argues that the EU had the opportunity to take the lead in these important negotiations only because the Americans were not ready to break the isolation that they have pursued since 1979. Iran even proposed a secret deal to the US but it was turned down.⁶ The Europeans could step in and become the main actors since the 'significant other' had chosen to stay outside.

The comprehensive dialogue from 1998 has never officially been cancelled but the last meetings held with this broad approach took place in 2004-05. This might be

³ P. Meerts, 'Entrapment in International Negotiations', in W. Zartman & G.O. Faure (eds.), *Escalation and Negotiation*, Cambridge, Cambridge University Press, 2005, p. 114.

⁴ F. Heisbourg, 'A European Perspective', in *Iran: the Moment of Truth, European Security Forum (ESF) Working Paper*, no. 20, June 2005, p. 1.

⁵ See amongst others G. Quille & R. Keane, 'The EU and Iran: Towards a New Political and Security Dialogue', in S. Kile, *op. cit.*

⁶ T. Sauer, 'Coercive Diplomacy by the EU: the Case of Iran', *Discussion Papers in Diplomacy*, no. 106, January 2007, Netherlands Institute of International Relations Clingendael, p. 8. See also G. Kessler, '2003 Memo Says Iranian Leaders Backed Talks', *The Washington Post*, 14 February 2007.

explained by several reasons; one is that the non-proliferation issues have become prioritised⁷; another is that Iran has shown less and less interest in these debates. In the words of one European official, the comprehensive dialogue has 'floated away'.⁸

Germany's position in the negotiations with Iran is interesting since it is the only country in the E3 that does not possess nuclear weapons. Therefore, it can relate to the Iranian criticism of the 'double-standards'⁹ of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and take the softest approach toward Iran on the nuclear issues.¹⁰ This approach even created public frictions with the two other countries of the trio.¹¹ Another important aspect regarding the German role in the negotiations is the power the country has been given through them. As German aspirations to become a permanent member of the UN Security Council have not been achieved, Chancellor Merkel and Foreign Minister Steinmeier have worked hard to bring together the informal Contact Group¹² and made sure that Germany has a say in the decisions of this group.¹³ This implies that the German government wishes to maintain an important role in the negotiations, thus not losing the power offered by this opportunity.

France has had a more complex relationship with Iran than Germany. By favouring Iraq during the Iran-Iraq war, mostly through selling weapons to Saddam Hussein, tensions grew between the country and Iran during the 1980s and relations remain tense.¹⁴

The United Kingdom has the most complicated relationship with Iran. The British used the election and re-election of Khatami in 1997 and 2001 as triggers for a policy shift toward Iran.¹⁵ It might be argued that the UK is using the Iranian case as a way of

⁷ S. Kutchesfahani, 'Iran's Nuclear Challenge and European Diplomacy', *EPC Issue Paper*, no. 46, March 2006, p. 16.

⁸ Interview with European official, Brussels, 2 May 2007.

⁹ T. Sauer, *op. cit.*, pp. 18f.

¹⁰ *Ibid.*

¹¹ *Ibid.*, p. 13.

¹² M. Overhaus, 'European Diplomacy and the Conflict over Iran's Nuclear Program', *Analytical Introduction to the Dossier*, www.deutsche-aussenpolitik.de, retrieved 27.4.2007.

¹³ *Ibid.*

¹⁴ R. Youngs, *Europe and the Middle East – in the Shadow of September 11*, Boulder, Lynne Rienner Publishers, 2006, p. 68.

¹⁵ *Ibid.*, p. 69.

finding a more pro-active role in the European context and as a driver for the EU's Common Foreign and Security Policy (CFSP) or the European Security and Defence Policy (ESDP). However, as opposed to the St. Malo initiative, the British role is not a choice but rather a consequence of Iran's high political priority as an actor in a region of great interest to the British.¹⁶

Before the so-called Mykonos case¹⁷, Germany was the driving force in creating and maintaining relations with Iran. After the crisis, France took over this role.¹⁸ Since 2001 the UK has become the most active actor. It is clear that the trio members have different roles influenced by their interests, foreign policy priorities and general attitude. Nevertheless, a consensus has been reached on the sensitive Iranian issue. Although there are differences in perception and economic interests, the main lines of policy are agreed upon.¹⁹

There were several important implications for the actorness of the EU, when the latter was represented by the trio. Some argue that the three countries Germany, France and the UK began the negotiations as three individual states with their own interests.²⁰ Others argue that the trio's trip to Tehran was an example of them using the EU for their own motives but that this was a "flexible model of European actorness"²¹ or should be interpreted as "a new kind of decision-making model [that] saw the daylight with the EU-3 taking the lead"²² and the rest of the EU supporting them retroactively.²³ The role of Javier Solana, the High Representative for the CFSP, was therefore to compromise; he became the 'go-between'²⁴ or the internal interlocutor.²⁵ However, there are indications that it had already been

¹⁶ European diplomat, *ibid.*; K. Bayramzadeh, *Les enjeux principaux des relations entre l'Iran et l'Europe de 1979 à 2003*, Paris, L'Harmattan, 2004, p. 161.

¹⁷ In the Mykonos case, high representatives of the Iranian government were found responsible for the murder of Kurdish opposition leaders in 1992. It was a Berlin appeal court that reached the verdict and, as a reaction, the European ambassadors were recalled from Tehran to underline the seriousness of this crime. See K. Bayramzadeh, *op. cit.*, pp. 143 and 154; Kutchesfahani, *op. cit.*, p. 16.

¹⁸ S. Kutchesfahani, *op. cit.*, p. 18.

¹⁹ *Ibid.*, p. 17.

²⁰ C. Ahlström, 'The EU Strategy against Proliferation of Weapons of Mass Destruction', in S. Kile (ed.), *op. cit.*, pp. 28f.

²¹ R. Youngs, *op. cit.*, p. 92.

²² T. Sauer, *op. cit.*, p. 28.

²³ Council of the European Union, *Presidency Conclusions*, Doc. no. 14292/04, Brussels, 5 November 2004.

²⁴ T. Sauer, *op. cit.*, p. 10.

²⁵ *Ibid.*, p. 28.

considered to include Solana from the start of the negotiations regarding the nuclear issue.²⁶ Solana finally became part of the negotiation team in early 2004. By this time, he could be argued to have developed an understanding of the importance and complexity of the issue from the internal negotiations. This is important since he had to learn to handle three levels of interaction at the same time.²⁷

Some argue that the EU's entire approach is an *ad hoc* solution. The flexible E3/EU format is a sensitive issue, especially since it relates to the nascent foreign policy of the Union. Yet, it has proven to function and that is the most important thing. "Anything that works"²⁸ seems to be an appropriate way of describing the formula. The EU is eager to see E3/EU as the embodiment of the Union as a whole. This is evident from the Council constantly supporting and backing up the actions with a consensus on the process and conclusions. The 27 member states also recognised that they cannot handle the process as flexibly as needed and therefore the E3/EU formula should continue.²⁹ Solana as a central figure of the negotiations seems to be a comfort for the more critical voices.³⁰ Solana's confidence and knowledge have given him the possibility not only to embody the CFSP but also to become the main negotiator of the wider international community on this issue.³¹ The combination of Solana being the representative of not only the E3, the other 24 countries, the Union as a whole but lately also of the five permanent members of the United Nations' Security Council and Germany (P5+1), creates a new and dynamic process.³²

*Iran's Political System*³³

The implications of Iran's political system, with its multipolar structure, are significant. "The best way to understand Iran's foreign policy is to imagine a matrix with three

²⁶ *Ibid.*, p. 10; R. Youngs, *op. cit.*, p. 79. Youngs argues that the E3 wanted to include Solana but avoided doing so since the trio did not want to give Berlusconi a prominent role.

²⁷ See below for a further development of this argument.

²⁸ European official, *op. cit.*

²⁹ Interview with European diplomat, Brussels, 3 April 2007.

³⁰ *Ibid.*

³¹ *Ibid.*

³² S. Kuchefahani, *op. cit.*, p. 85.

³³ For a deeper understanding of the political factions within the Iranian system see R. Takeyh, *Hidden Iran: Paradox and Power in the Islamic Republic*, New York, Times Books/Henry Holt, 2006; S. Chubin, *Iran's Nuclear Ambitions*, Washington, D.C., Carnegie Endowment for International Peace, 2006.

competing elements – Islamic ideology, national interests, and factional politics – all constantly at battle.”³⁴

Supreme Leader Ayatollah Khamenei has emphasised the right to nuclear technology for peaceful use.³⁵ He too mentions the feelings of unfairness revealed by President Ahmadinejad in his speech to the UN General Assembly in September 2005.³⁶ Yet there are signs that the Supreme Leader does not want to share the harsh tone of the President. In an interview with a French newspaper, the Supreme Leader’s advisor Velayati stated: “l’opinion internationale ne doit pas s’arrêter aux slogans agressifs de certains dirigeants: la seule parole qui compte, c’est elle du Guide [...] Qu’il y ait plusieurs tonalités dans le discours de nos dirigeants montre, disons, que nous sommes un pays ouvert à la pluralité, mais il ne faut pas s’arrêter à cela. Sachez [...] que le seul qui ait la haute main sur les décisions dans ce domaine, comme dans toutes les grandes décisions stratégiques, en accord avec la Constitution, c’est le Guide suprême, M. Khamenei.”³⁷

These remarks clearly indicate that the President is not to be taken too seriously and that the one with the formal say is the Supreme Leader and no-one else. Up until mid-2006, the ideological conservative President Ahmadinejad and the chief negotiator Laridjani have had a strong and confident position on their nuclear strategy. In Velayati’s comments, there is an important emphasis on the Supreme Leader and his authority. This should be taken into consideration when analysing the further development of the negotiations. The context in which Velayati made these remarks is interesting; during February 2007, Khamenei started his own diplomatic initiative by sending his representatives to Russia, Europe and Saudi Arabia for talks, giving a message with conciliatory connotations.³⁸ This might be interpreted as the Supreme Leader distancing himself from the strategy of Ahmadinejad.

³⁴ R. Takeyh, *op. cit.*, p. 4.

³⁵ International Crisis Group, ‘Iran: The Struggle for the Revolution’s Soul’, *Middle East Briefing*, no. 5, 5 August 2002, www.crisisgroup.org/home/index.cfm?l=1&id=1673, retrieved 20.4.2007, p. 4; H. Balouji, ‘The Process of National Security Decision Making in Iran: the Signing of the Additional Protocol’, in S. Kile (ed.), *op. cit.*, pp. 84f.

³⁶ S. Chubin, *op. cit.*, p. 35.

³⁷ M. Decamps, ‘Iran: Le ton conciliant d’Ali Akbar Velayati / Ali Akbar Velayati presse les Européens de « tempérer les Etats-Unis »’, *Le Monde*, 22 February 2007, pp. 1 and 5.

³⁸ R. Khalaf, ‘Iran Holds Nuclear Line after Diplomatic Flurry’, *Financial Times*, 18 February 2007.

The newly created Strategic Council for Foreign Relations³⁹ constrains Foreign Minister Mottaki, since two of his predecessors are watching over his moves, as well as the President since this new institution has to be taken into consideration when shaping policies. The strategies presented by it, if approved by Khamenei, have to be acted upon by all foreign policy-related bodies.⁴⁰

President Ahmadinejad came to power in 2005.⁴¹ For the international community the new President meant a less reliable Iran which would prove to further escalate the crisis.⁴² Ahmadinejad did reject the EU offer, restart the nuclear programme and appoint a more aggressive negotiating team,⁴³ yet it is important to remember that his power regarding the nuclear issue is limited. The rhetoric of the President should be interpreted as a way of influencing an issue that is not within his direct competence. As Vakil argues, "We in the West have conflated Ahmadinejad's powers [...] He isn't the Man of the year. He has very little influence in the Iranian system. We have created him."⁴⁴ Another important fact to keep in mind is that Ahmadinejad is creating a smokescreen with the nuclear issue, thus keeping the domestic public's focus on another point than his undelivered social and economic promises.⁴⁵

The task of Foreign Minister Manuchehr Mottaki and his ministry has been to "clarify the Iranian position on arms control and security issues"⁴⁶, rather than actually negotiating. This has several possible reasons. One European diplomat spelled it out by saying that "[it is] striking how side-lined the Ministry of Foreign Affairs is"⁴⁷ in the

³⁹ See R. Lowe & C. Spencer (eds.), 'Iran, its Neighbours and the Regional Crisis', in *A Middle East Programme Report*, London, Chatham House, The Royal Institute of International Affairs, 2006, p. 10; B. Samii, 'Iran: New Foreign Policy Council Could Curtail Ahmadinejad's Power', *Radio Free Europe/Radio Liberty*, 29 June 2006, www.rferl.org/featuresarticle/2006/06/ae0c686d-4809-4f2d-938e-8838f0ff6714.html, retrieved 5.4.2007.

⁴⁰ B. Samii, *op. cit.*

⁴¹ See R. Lowe & C. Spencer, *op. cit.*, p. 10; S. Kutchesfahani, *op. cit.*, p. 18.

⁴² S. Kutchesfahani, *op. cit.*, p. 18.

⁴³ L. Mark, 'Can EU Diplomacy Stop Iran's Nuclear Programme?', *Centre for European Reform Working Paper*, November 2005, p. 9.

⁴⁴ Sanam Vakil, cited in L. Savage, 'Will Bush Bomb Iran: or Will the Charm Offensive that Worked on North Korea Work on Tehran as well?', *Maclean's*, 26 February 2007, p. 31.

⁴⁵ R. Khalaf, 'Pride under Pressure: a Resurgent Iran Fears its Leader's Defiance May Backfire', *Financial Times*, 5 March 2007.

⁴⁶ H. Balouji, *op. cit.*, p. 90.

⁴⁷ European diplomat, *op. cit.*

Iranian nuclear dossier. But he also continued by emphasising the fact that Ministries of Foreign Affairs usually have a weak position on issues regarding national security.⁴⁸

The chief negotiator appointed when the E3-Iran negotiations started in 2003 was Rowhani, acting as the secretary of the Supreme National Security Council (SNSC). This meant that the file was moved to the "principle organ on security"⁴⁹. This move is interpreted by authors as a "deliberate choice of the Iranian system to introduce the SNSC as the main focal point for reflecting the Iranian position".⁵⁰ One analysis reaches the conclusion that the choice to move the nuclear issues to the SNSC is a strategic move by the Supreme Leader to create a safety net for himself and the leading elite. By letting an institution like the SNSC take the sensitive decision on what will happen with the nuclear dossier, the leadership can avoid "taking the heat for controversial decisions"⁵¹ and use the consensus as a guarantee.

When Ahmadinejad took office in 2005, Laridjani replaced Rowhani as the secretary of the SNSC, and became chief negotiator on the nuclear issues. He is assisted by a "negotiation team".⁵² This choice was significant.⁵³ Before becoming the head of the SNSC, Laridjani criticised his predecessor for being too generous when negotiating with the E3. The Financial Times cites Laridjani claiming that Rowhani had "swapped a pearl for a candy"⁵⁴, when accepting to suspend uranium enrichment in 2003 and only getting promises on incentives in return. After nearly two years as negotiator, Laridjani is now in a very delicate situation and "finds himself at the centre of the gathering storm, with little practical help or public support for his position either at home or abroad."⁵⁵

The internal decision-making process is highly complex and time-consuming, affecting Iran's ability to react to a crisis. All different organs, with their own goals,

⁴⁸ *Ibid.*

⁴⁹ S. Chubin, *op. cit.*, p. 66.

⁵⁰ Former Foreign Minister Kharrazi paraphrased in H. Balouji, *op. cit.*, p. 90.

⁵¹ S. Chubin, *op. cit.*, p. 37.

⁵² *Ibid.*, p. 82.

⁵³ *Ibid.*, p. 37.

⁵⁴ G. Smyth & Q. Peel, 'Spotlight: Ali Larijani, A Gathering Storm', *Financial Times*, 16 February 2007.

⁵⁵ *Ibid.*

give their input to the process.⁵⁶ As stated by a European diplomat, the time taken is a clear proof of the complexity of the system and also implies difficulties of knowing or predicting the possible outcome of the internal process.⁵⁷ The same diplomat emphasised the difficulty of identifying “what is going on” at a certain point and argues that the shifts and cautions of the Iranians show that the political system and decision-making processes are a bigger factor with regard to Iran than other countries.⁵⁸

Finally, the Iranian people have a feeling of being victims of foreign interventions in the past and are proud of their country and its perceived cultural superiority; they want security and status.⁵⁹ Although most Iranians support the quest for status and respect, they are not willing to pay too high a price for a nuclear programme. The economic and political implications of further isolation from the international community are strong reasons to stop backing the regime. However, in order to have an open and public debate on this issue, a critical evaluation of the situation is needed. This is arguably difficult when the leadership and political elite are determined to use the Iranian public as a bargaining chip in negotiating with the E3/EU.⁶⁰

Analysis of the Negotiation Process

Negotiations are a sequence of stages that combine conflict resolution and cooperation by communications.⁶¹ The process can be defined as the “pattern of interaction”⁶² of the actors depending on their strategies and the context.

⁵⁶ A. Maleki, *Decision Making in Iran's Foreign Policy: A Heuristic Approach*, www.caspianstudies.com/article/Decision%20Making%20in%20Iran-FinalDraft.pdf, pp. 6f, retrieved 29.4.2007.

⁵⁷ European diplomat, *op. cit.*

⁵⁸ *Ibid.*

⁵⁹ ‘Dealing with Tehran, US Policy – Surrender and Then We Can Talk – Will Not Work’, *Financial Times*, 23 February 2007.

⁶⁰ S. Chubin, *op. cit.*, p. 29ff: see also S. Tisdall, ‘Inside the Struggle for Iran’, *The Guardian*, 30 April 2007.

⁶¹ C. Dupont & G.O. Faure, ‘The Negotiation Process’, in R. Avenhaus, V. Kremenuyk & G. Sjöstedt (eds.), *Containing the Atom – International Negotiations and Nuclear Security and Safety*, Lanham, Lexington Books, 2002, p. 40.

⁶² R. Avenhaus, W. Kremenuyk & G. Sjöstedt, *op. cit.*, p. 9.

Stages of the Negotiation Process

There are two stages in the negotiation process: diagnosis and formulation. In the first step of a negotiation, diagnosis or pre-negotiations⁶³, a common understanding of the problem needs to be established.⁶⁴ Each party has to analyse and reach conclusions about their interests, goals and means for the negotiations and choose their strategy⁶⁵ as well as analysing the other party.⁶⁶ Negotiations are uncertain and therefore preparation is crucial since it is very difficult to exit the process once you have entered the negotiation phase itself.⁶⁷

Sauer claims that the 2003 negotiations were initiated with too much confidence and without proper preparation by the E3. The three countries arguably did not take into account the possibility of failure and the possible effects or consequences this would have had for the reputation of not only these three countries but also the EU as a whole.⁶⁸ This way they became 'entrapped' in the negotiations even before the actual negotiations started by investing time and efforts without taking all possible outcomes into consideration.⁶⁹ It might be argued that the E3 and later E3/EU have entrapped themselves more and more in the course of the negotiations through "small, step-by-step decisions that result in a step-by-step loss of room for maneuver".⁷⁰ However, some authors seem to argue that the EU should continue the negotiations even though this means entrapment. "The EU-3 has invested considerable time and effort in Iran and should therefore, not least for the sake of its credibility, leave the door open to diplomacy and dialogue."⁷¹ The E3 Foreign Ministers went to Iran, acknowledging the sign of respect that would be appreciated by the Iranians.⁷² However, one might question whether the Europeans took the complexity of the Iranian system as well as the Iranian motives into consideration.

⁶³ W. Zartman, 'Conflict Resolution and Negotiations', draft [prepared for the Sage Handbook of Conflict Resolution, London, Sage, 2008] in Workbook by P. Meerts, study material at the College of Europe, 2007, p. 6.

⁶⁴ P. Kotzian, 'Arguing and Bargaining in International Negotiations: on the Application of the Frame-Selection Model and its Implications', *International Political Science Review*, vol. 28, no. 1, 2007, p. 82.

⁶⁵ W. Zartman, *op. cit.*, p. 6.

⁶⁶ P. Meerts, 'Entrapment in International Negotiations', *op. cit.*, p.106.

⁶⁷ *Ibid.*

⁶⁸ T. Sauer, *op. cit.*, p. 28.

⁶⁹ P. Meerts, 'Entrapment in International Negotiations', *op. cit.*

⁷⁰ *Ibid.*, p. 105.

⁷¹ S. Kutchesfahani, *op. cit.*, p. 20.

⁷² Interview with Tim Guldemann, Bruges, 28 February 2007.

The Iranians can be criticised for not fully taking into account the possibilities of the negotiations. It might be argued that the Iranians still do not have a strategy that addresses all aspects of the crisis. A possibility that was used by Rowhani's negotiation team was to have cessation or suspension as a bargaining chip to trade for incentives and promises by the E3. But since Laridjani came to power it appears that the strategy has been revised and this has led to a more difficult situation for the Iranians.

In the second step of the process, formulation⁷³, a formula with a common definition of the problem and its solution as well as a common sense of justice and possible trade-offs is to be found. "Establishing a satisfying formula is the key to a subsequent agreement"⁷⁴ and therefore an emphasis should be put on finding this formula. 'Bargaining negotiations' are negotiations where the actors follow "a logic of consequentialism"⁷⁵ and have fixed preferences, power and information. In this frame, the actors are motivated by their self-interest and the outcome of the negotiations reflects interests and power.⁷⁶ I argue that the Iranian negotiation frame is a bargaining one, especially concerning achieving own interests. The negotiation style of Iran illustrates a tendency to try to win every round and renegotiate agreements so that they better fit into the country's own preferences.⁷⁷ Chubin even argues that some narcissism can be tracked in the way the Iranians have been negotiating so far.⁷⁸

'Arguing negotiations' on the other hand follow "the logic of appropriateness"⁷⁹ and are described as actors focusing on what is appropriate in a given situation more than what the consequences of this might be. In this frame, the long-term perspectives are more present and problem-solving, emphasis on discourse, learning, norms and arguments are used, rather than demands or threats. Given the EU's *sui generis* nature and its internal culture of negotiation and cooperation, I argue that the Union uses this frame more than the 'bargaining negotiations'.⁸⁰ However, it is

⁷³ W. Zartman, *op. cit.*, p. 6.

⁷⁴ *Ibid.*

⁷⁵ P. Kotzian, *op. cit.*, p. 80.

⁷⁶ *Ibid.*

⁷⁷ S. Chubin, *op. cit.*, p. 64.

⁷⁸ *Ibid.*

⁷⁹ P. Kotzian, *op. cit.*, p. 81.

⁸⁰ P. Meerts, 'European Union Negotiations', in P. Meerts & F. Cede (eds.), *Negotiating European Union*, Basingstoke, Palgrave Macmillan, 2004, p. 224.

important to keep in mind that 'arguing negotiations' have several preconditions that must be fulfilled. Mutual trust, a shared perception of the problem and a setting that accepts all parties as equals are some of these preconditions.⁸¹ If the EU is using this frame even when negotiating with other parties, these preconditions need to be fulfilled as well.

Some sources appear to allude to these issues. In an interview with a European official, the issue of culture and understanding the other was brought up. The pragmatic view of this official was that the Union should find the common ground and interest of the two parties (Iran and the EU) and build on this rather than understanding everything about Iran and how culture affects the negotiations. This remark reveals a misunderstanding of the different frames used by the two parties; something that clearly affects the negotiations.⁸² By being inward-looking and using the frame that works within the context, trust and internal process of the Union for external negotiations, the EU is not creating a formula that works in the negotiations with Iran. It is true that the negotiations with Iran are approached as an ongoing process instead of talks with a clear ending but it is questionable whether there is an understanding that the Iranians are actually using a different frame than what is used by the E3/EU.

One-shot negotiations are more likely to have a 'bargaining frame', while the 'arguing frame' tends to evolve in long-term interactions.⁸³ According to Zartman, the malfunction of the formula will lead to a slower, less coherent and less satisfactory resolution of the conflict. Thus it might be argued that one of the reasons why both the Tehran and the Paris agreement broke down was the failure to find one frame and formula that worked for both parties.⁸⁴

⁸¹ P. Kotzian, *op. cit.*, p. 82.

⁸² European official, *op. cit.*

⁸³ P. Kotzian, *op. cit.*, p. 95.

⁸⁴ W. Zartman, *op. cit.*, p. 7. In the 2003 Tehran agreement with the E3 foreign ministers, Iran agreed to fully cooperate with the IAEA, sign the IAEA Additional Protocol and voluntarily suspend all uranium enrichment and reprocessing activities. In the 2004 Paris agreement, the E3/EU offered Iran a guaranteed nuclear power fuel supply and far-reaching economic incentives if it demonstrated that it was not aiming at developing nuclear weapons.

Individual Actors

Negotiations depend heavily on an exchange of information, signals, messages and arguments between the negotiators.⁸⁵

On a personal level, Solana's time and efforts in the negotiations have developed into a question of prestige.⁸⁶ The emotional part of the process of negotiations is very important since the negotiators are tied to the outcome of the negotiations.⁸⁷ Solana has invested a lot of status in the negotiations (perhaps more than he should have). By doing so, he has prevented a loss of face but he has also entrapped himself into the success or failure of the negotiations.⁸⁸ Thus his inflexibility when it comes to his position, status and face makes him more likely to continue the effort to talk to Laridjani although it might be a dead end. This also makes him more vulnerable to emotional blackmailing through threats of a breakdown of negotiations. A diplomatic solution of the nuclear issues would become a big feather in the hat of the man who represents the EU, the international community and himself in these negotiations.

Laridjani, on the other hand, has his own personal goals and problems regarding the negotiations. The critical approach toward Rowhani has been toned down and Laridjani has even become closer than expected to Solana. Knowing that he has an important role to play, Laridjani is entrapped as well. His problem is to balance the wish of having a full fuel cycle and at the same time avoiding international criticism and crisis. Domestically, it has been easier to legitimise having negotiations with the E3/EU since the European Union has a more neutral and positive connotation for Iranians than certain other states.⁸⁹ In the international arena, it is more difficult to keep the interests of Iran on the agenda and accepted as legitimate, especially since the international community, including countries like Russia and China, has aligned itself to the offer made to the Iranians. This is a clear-cut example of a two-level game, described by Putnam.⁹⁰ The national level for Laridjani is by far as

⁸⁵ C. Dupont & G.O. Faure, *op. cit.*, p. 41.

⁸⁶ T. Guldemann, *op. cit.*

⁸⁷ P. Meerts, 'Entrapment in International Negotiations', *op. cit.*, p. 109.

⁸⁸ *Ibid.*

⁸⁹ S. Chubin, *op. cit.*, p. 66; and European diplomat, *op. cit.*

⁹⁰ R. Putnam, 'Diplomacy and Domestic Politics: the Logic of Two-Level Games', *International Organization*, no. 42, no. 3, 1998; and P. Kotzian, *op. cit.*, p. 81.

complicated as the domestic level for Solana.⁹¹ As the only 'formal link'⁹² between the two levels, the chief negotiator is not just an 'honest broker' but also has his own personal agenda. Laridjani faces a delicate situation as he can be removed from his position at any given moment. He is 'torn' between the different bodies of power in the Iranian system.

The strong relationship that seems to have developed between Solana and Laridjani can be seen as one of the determining factors of whether the negotiations succeed or fail.⁹³ It might be argued that it is difficult to have direct relations with the Supreme Leader and therefore any party wishing to negotiate with Iran needs to identify and build a personal and trusting relationship with the people 'close to the power'.⁹⁴ In this sense, being close to Laridjani is a good thing for Solana as this is the only way to build the trust needed for any concessions to be made. Without reciprocal trust and political will, no negotiations can be successful.⁹⁵ Laridjani still has the confidence to be the driving force to make the Iranians accept a possible deal.

It can also be argued that having one negotiator from each party, in this case Solana as the P5+1 negotiator and Laridjani as his Iranian counterpart, is a positive development for the negotiations and for the creation of a functioning relationship to build upon. Although the Iranian case clearly has shown the internal fight for power, it is still possible to claim that Laridjani can work as the go-between that Solana is for the EU and the international community. This is a very important fact since the negotiations between Iran and E3/EU do not aspire to have an end. The aim is not to reach an outcome with an ending but rather to begin a dialogue of continuous cooperation and relations between the two parties. "Conflict resolution approaches, where parties not only conduct forward-looking negotiations to take care of future possible conflict but where they also seek to build mechanisms for building transforming relationships."⁹⁶ This is possible to argue since EU officials emphasise the use of open suggestions, possible to negotiate on, rather than packages of incentives when describing Solana's propositions to Iran.⁹⁷ The same

⁹¹ See above.

⁹² R. Putnam, *op. cit.*, p. 456.

⁹³ P. Meerts, 'Entrapment in International Negotiations', *op. cit.*, p. 114.

⁹⁴ G. Quille & R. Keane, *op. cit.*, p. 120.

⁹⁵ W. Zartman, *op. cit.*, p. 3.

⁹⁶ *Ibid.*, p. 10.

⁹⁷ European official, *op. cit.*

source points to the possibility of having a wider debate and negotiations with Iran as soon as the nuclear issue has been resolved. The relationship between Iran and EU is described as having significant potential, but since the nuclear issues have overshadowed all other concerns it has to be solved before other negotiations can take the place and space they need.⁹⁸

Respect

For the Iranians, the issue of respect, and more importantly "mutual respect"⁹⁹, has been a key phrase during the negotiations. The 'honour' made by the three Foreign Ministers of the most powerful European countries when coming to Tehran was greatly appreciated by the Iranian leadership and could be used vis-à-vis the domestic public as proof of Iran's increasing importance.¹⁰⁰ The respect the Iranians demand can also be traced to trying to save their faces. Possible concessions will depend deeply on the possibility to have face maintenance.¹⁰¹ Introducing voluntary suspensions as confidence building, while negotiating with the international community, can clearly be seen as a way of agreeing with the E3/EU but still not losing face. There are indications pointing toward a tiredness or unwillingness from the E3/EU side regarding the issue of respect. As one European diplomat bluntly put it: "Is this 'code' for 'you are not giving us what we want?'"¹⁰² The same source states that the issue is not whether or not Iran is respected but more about the others having confidence in Iran or not. Further, he emphasises the importance of negotiations to be able to create trust and confidence on both sides. However, others claim that the Europeans are close to the Americans on the issue of respect. Sauer states that "there seems to be a lack of empathy for feelings of prestige, respect and other non-quantifiable values that exists in other parts of the world."¹⁰³ The Europeans can argue to have a more nuanced framework in their guidelines and approach towards the Iranians.¹⁰⁴ The psychological consequences might be hard to show on paper but obviously affect the way further dialogue will evolve.

⁹⁸ *Ibid.*

⁹⁹ T. Guldemann, *op. cit.*

¹⁰⁰ *Ibid.*

¹⁰¹ C. Dupont & G.O. Faure, *op. cit.*, p. 51.

¹⁰² European diplomat, *op. cit.*

¹⁰³ T. Sauer, *op. cit.* p. 27.

¹⁰⁴ An example is the vocabulary of "Iran's support for extremist groups" used by the Europeans when discussing terrorism, compared to the American usage of "terrorist groups" in Iran. See M. Sariolghalam, *Justice for All*, p. 122, www.twq.com/01summer/sariolghalam.pdf, retrieved 25.4.2007.

Rhetoric and Time

The rhetoric of Ahmadinejad has had a deteriorating effect on the process and the negotiations. One European official claims that the President's use of great words, poetic synonyms and metaphors has created misunderstanding between the EU and Iran since the culture and tradition that these examples refer to is different from the European one. It is important to keep in mind that poetic usage and illustrations are part of Iranian culture and most Iranians can give long citations of poems and other mythological texts by heart since they are part of the national heritage and identity.¹⁰⁵ Since many speeches made by the President are directed to the domestic public, his choice of words should also be analysed from that point of view.

The concept of time, when negotiating as an Iranian, is different from Western culture. This is very interestingly described by Vakil: "You don't go into the bazaar and say this is what I want [...] You can't be afraid to walk away, and then, in the 11th hour, the man will make you an offer. [...] Anglo-saxons like to sell things right away-cash! [...] Their negotiating position is that everything has to be done today before we move forward."¹⁰⁶ These differences and cultural nuances are, of course, very important in negotiations. The Iranian way of always trying to include or exclude parts from an agreement in the last minute might be connected to the offers made in the 11th hour or interpreted as a way of prolonging negotiations since they have not been taking enough time. This aspect deserves more knowledge and focus from the European side. Some might argue that the negotiations with Iran are taking too much time and have been slow¹⁰⁷, but from a negotiating point of view, time and repetition creates opportunities to shape a better relationship and understanding of the other party. It also gives time to create trust and channels of communication that might improve the possibilities and outcomes of the negotiation in a positive way.¹⁰⁸

Iran's Strategy

It is hard to track down a clear strategy on the Iranian side. The main goal of the negotiations seems to have a full fuel cycle and yet not face an international crisis and isolation. It is interesting to see that the Iranian strategy has changed depending

¹⁰⁵ *Iran*, Country database of the Swedish Institute of International Affairs, www.landguiden.se.till.biblextern.sh.se, retrieved 9.5.2007.

¹⁰⁶ Vakil, cited in L. Savage, *op. cit.*, p. 31.

¹⁰⁷ Amongst others S. Chubin, *op. cit.*, p. 107.

¹⁰⁸ P. Meerts, 'Entrapment in International Negotiations', *op. cit.*, p. 112.

on Tehran's sense of confidence and the parties of the talks.¹⁰⁹ The strategy of cooperation and voluntary confidence building that was apparent in the beginning of the negotiations was replaced by a more confrontational approach in 2005 and this still seems to be the case.

The overall strategy can be characterised as the Iranians trying to build confidence and at the same time trying to win every round. The negotiations have been approached as "a contest of wills rather than an opportunity to reach common ground through reciprocal compromise".¹¹⁰ The Iranians have also tied their own hands in several talks by turning certain aspects into non-negotiable issues, such as justice and rights. Emphasising legal rights has overshadowed the political nature of the problem and led to miscalculations and interpretations that are not seen as logical by the international community.¹¹¹ This has created a difficult situation. The actual cooperation of Iran with the IAEA and the E3/EU has been weakened by the tendency to always "seek a foot in the door"¹¹². When analysing the Tehran and Paris agreements and the reasons why they fell apart, it is possible to identify an Iranian tendency to exclude certain parts or re-define issues. It might be seen as a "stop-and-go strategy"¹¹³ that has led to problems of trust and reassurance.¹¹⁴ The uncertainty resulting from the Iranian strategy of reopening agreements, creating or exploiting loopholes, having their own deadlines and making last-minute demands has been counterproductive.¹¹⁵ The Iranians have tried to show great negotiating skills by using these tactics but their credibility has diminished and the international community has lost patience. The benefit of doubt is no longer given to the Iranians, even from the European side, and this is, of course, not a good result.¹¹⁶ According to Rowhani, his negotiating team (2002-2005) frequently used the strategy of delay and misrepresentations with the Europeans¹¹⁷, giving some indications that the Iranians in fact knew that they were using a strategy that might backfire. The

¹⁰⁹ Amongst others S. Chubin, *op. cit.*, p. 64.

¹¹⁰ *Ibid.*, p. 80.

¹¹¹ *Ibid.*

¹¹² *Ibid.*, p. 68.

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*, pp. 68f.

¹¹⁵ One example of this is the Iranian choice to reply to the Vienna proposal at the end of August instead of July, leading to the adoption of the UNSC resolution 1737.

¹¹⁶ S. Chubin, *op. cit.*, p. 70.

¹¹⁷ R. Lowe & C. Spencer, *op. cit.*, p. 15.

consequence of the chosen strategy seems to be that the Iranians have a lot of work to do in re-building the trust needed from the international community.¹¹⁸

The E3/EU's Strategy

The European strategy is driven by the European motives of being the main actor and keeping the role of the Union as an important actor alive. The approach has been diplomatic and very patient and without hurry.¹¹⁹ The important goal has been to keep the talks going by not rejecting but rather studying, evaluating and coming up with new proposals whenever setbacks occur. Time and confidence building have been two characteristics of the European strategy. Many emphasise the European line of being willing to talk but yet tough enough to set red lines.¹²⁰ From a European point of view, keeping a united stand has been very important as well as keeping both Iran and the US within reach. The approach of negotiations or sanctions has been kept, and that way the E3/EU has been able to please the Americans, while giving the Iranians the possibility to choose cooperation or confrontation. The place left for manoeuvres when the Iranians did not suspend their enrichment was very limited, "the problem is political but the solution is technical, and the only technical solution we have found is cessation".¹²¹ However, the negotiations are "three-way negotiations between EU and Iran, EU and US and indirectly Iran and US"¹²². This means that the Europeans have as much negotiations to do with their ally and within the Union itself as with Iran since positions need to be coordinated regularly. Since 2006 and the creation of the P5+1 two other strong and important actors are directly involved in these negotiations: Russia and China. Hence, Solana faces the challenge of keeping the whole international community aligned and backing up the strategy that is presented to Iran. Although this strategy has been functioning for a while, it is important to keep in mind that a lot of effort and energy has been invested to create and maintain the international community's consensus and to keep the coalition alive.

¹¹⁸ S. Chubin, *op. cit.*, p. 71.

¹¹⁹ *Ibid.*, p. 107.

¹²⁰ *Ibid.*; and M. Leonard, *op. cit.*, p. 23.

¹²¹ S. Chubin, *op. cit.*, p. 105.

¹²² *Ibid.*, p. 103.

Future Scenarios and a Policy Recommendation

I will give three hypothetical scenarios on how the negotiations may proceed in the near future based on assumptions that are directly emanating from the analytical work presented in the previous sections.

In the first scenario the 'significant other', namely the US, decides to directly engage in the negotiations with Iran and a normalisation of the relationship occurs in the long run. This may happen but remains unlikely.¹²³ It would have serious implications for the E3/EU and their role in the negotiations. Some sources argue that direct talks would lead to a positive dynamic and interesting results and that other actors such as the E3/EU as well as Russia and China would nevertheless not be side-lined.¹²⁴ Rather, bilateral talks with the US are part of the package and process but not the goal of the negotiations.¹²⁵ Other sources argue that the Iranians are more interested in a relationship with and guarantees by the US than anything else.¹²⁶ As put by Leonard, "one European negotiator has compared the talks with Iran to a cocktail party, where the person you are talking to continuously looks over your shoulder to catch the eye of someone more important. That VIP is the United States".¹²⁷ The EU should therefore be satisfied with having only a bridging role in the nuclear negotiations and put more focus on other negotiations and possibilities that might be opened once the nuclear issues are resolved.¹²⁸

The second scenario implies a continuation of the road of negotiations. This would mean a re-start of the negotiations and most probably some sort of "dual suspension"¹²⁹, meaning that the Iranians would suspend enrichment and the E3/EU would convince the international community to suspend further deterioration of the Iranian case in the UNSC. The role of the E3/EU would be to continue to represent the P5+1 and negotiate with Iran in order to find a workable solution. Preconditions would probably be used to allow both sides to save face and continue talking. It may also be feasible to have a diplomatic solution if a better deal or package was

¹²³ *Ibid.*

¹²⁴ European diplomat, *op. cit.*

¹²⁵ *Ibid.*

¹²⁶ European official, *op. cit.*

¹²⁷ M. Leonard, *Crunch-time on Iran: Five Ways Out of a Nuclear Crisis*, p. 4, markleonard.net/thinktank, retrieved 29.4.2007.

¹²⁸ European official, *op. cit.*

¹²⁹ *Ibid.*

presented. Such a package would include security guarantees as well as a possible compromise between the Iranian desire for enrichment and the international community's fear that enrichment may be used to develop a nuclear bomb.

If any of the parties chose not to negotiate or re-open the negotiations, the third scenario would be realised. In this case, the negotiations would stop and the probable outcome would be a tougher tone from the P5+1. The UNSC track is irreversible if the negotiations break down. Further resolutions would be implemented and stricter sanctions imposed. The E3/EU has already agreed to go down this road but it is doubtful whether they are prepared to walk it to the end, knowing that one possible outcome is a military strike. Even if UNSC actions would be unlikely to occur, due to Russian and Chinese interests, the American pressure and demands on Europe for something to happen would increase. For international negotiations, this scenario is the worst-case scenario since it would mean the end of a long period of invested time and effort to have a diplomatic settlement of the nuclear issues. The public slap-down for Iran and the country's loss of face would make a return to the negotiation table much less evident.¹³⁰ Yet the sanctions so far have created a domestic Iranian debate that might be encouraged further if negotiations were to break down.¹³¹ Maybe this could turn into a push for an Iranian return to negotiations.

I argue that the second scenario is the best possible one for both the Iranians and the European Union. There is a clear interest for both parties to continue or re-start negotiations and this might be possible if the right formula can be found to start talks about having negotiations. This is a two-step process, with pre-negotiations and negotiations, meaning that different conditions and solutions can be combined depending on how far the process has reached. The dual suspension is a fundamental part of this formula. A 'new' form or label for the negotiations is probably necessary to legitimise the talks from both sides, a demand that has already been raised by the Iranians on several occasions.¹³² From the E3/EU side, it is important to find a common framework, possibly by changing the settings or by using new or innovative solutions and rhetoric for sensitive issues. Together with the complex relationship between the two actors and the US, a new model is needed to

¹³⁰ European diplomat, *op cit.*

¹³¹ See above.

¹³² Laridjani paraphrased by European diplomat, *op. cit.*

incorporate all interests and motives and find a workable formula and prerequisites for a solution of the nuclear issues. A more pro-active stand should be taken so that the mistakes of initiating negotiations without an understanding of the counterpart or not having a common framework are not repeated. If a mutually acceptable solution regarding the nuclear aspirations of Iran and the red lines of the international community can be found regarding sensitive issues like suspension, time-frames, level of activities and enrichment as well as modalities for control, the step to full negotiations and a positive outcome is not as far as it is sometimes claimed.

Conclusions

This paper sought to analyse the international negotiations taking place between Iran and the E3/EU on the nuclear issue. An analysis of the internal decision-making process and motives of both parties offers useful information on who is being served by what decisions and what strategies. With the election of Ahmadinejad it was possible to trace important changes in the Iranian approach and consequences for the negotiations. Important lessons should be learnt so that a new or surprising move would not create the same setback in the negotiations as in 2005. Subsequently, I showed that it is important to know the political system and the internal decision-making process of Iran, in order to negotiate with the country in an effective way. Efforts should be invested in understanding Iran as a proud country built on long-lasting culture and traditions. This self-image of the country as well as its national and religious identity must be kept in mind by Europeans.

I have argued that there is a discrepancy in the frameworks used for the negotiations. The Iranians use a 'bargaining frame' characterised by self-interest and an outcome of the negotiations reflecting interests and power. The negotiation style of Iran illustrates a tendency to try to 'win' every round and renegotiate agreements so that they fit better with the country's own preferences. The Europeans, on the other hand, use an 'arguing frame', focusing on what is appropriate more than what the consequences might be. This frame has several preconditions that must be fulfilled, including trust and a culture of cooperation that the E3/EU has due to its own internal negotiation process. This discrepancy can explain the breakdowns of the negotiations with Iran so far, such as the failure of the Tehran agreement in 2003. If

the E3/EU wants to have fruitful negotiations with Iran, it might have to find a way to assimilate the two frames or to find a common framework. Bearing in mind the complex relationship between the two actors and the US, I have claimed that a new model for negotiations is needed to find a workable formula and prerequisites for a solution of the nuclear issues. It is possible to draw the conclusion that the E3 and later the E3/EU have entered negotiations with Iran regarding the nuclear issues without a clear strategy or alternative outcomes, focusing only on 'getting what they want'. "If we do not risk, we cannot win"¹³³ were the words used by one European official. The question is whether you can enter the game without calculating the costs and possible losses?

Linked to this issue is the argument that all the main actors have invested too much effort and prestige in these negotiations to be able to stop them if necessary. In theoretical terms, they have been entrapped in the negotiations and they do not want to lose face, status and reputation by failing. This might be analysed as something positive since it means that the negotiators would want the negotiations or attempts to re-start negotiations to come about. However, it might also become problematic if inexplicable changes occur. What would happen if Solana no longer had the confidence of the international community to negotiate with Iran?

In order to influence further negotiations with Iran on the nuclear issue and other external affairs negotiations, the EU needs to improve its abilities and learn from the negotiations conducted with Iran. To reach a mutually acceptable solution, the E3/EU needs to take a more pro-active stand in preparing the pre-negotiations and negotiations. This way, the mistakes of initiating negotiations without a deep understanding of the counterpart or not having a common framework are not repeated. It will be important to find a common formula, possibly by changing the setting or using new, innovative solutions and rhetoric for sensitive issues. In order to solve the nuclear issues and create a good base for further relations with Iran, the E3/EU needs to create a win-win situation and end the crisis before it is too late.

¹³³ European official, *op. cit.*

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