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*EU responses to U.S. withdrawal
from multilateral treaties*

– Master's Thesis –

MA International Relations
Global Conflict in the Modern Era
Leiden University
Supervisor: Dr. G. Macaj

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Introduction

LEADERS AND LAGGARDS: TRADING PLACES?

Since the end of World War II, multilateralism as a mode of interaction within international affairs has spread rapidly across the globe (Finnemore 2005). The United States has played a leading role in this development, supporting the establishment and expansion of organisations such as NATO, the IMF, and the UN (Pollack 2003). Concurrently, the country increasingly came to be the—although sometimes contested—most powerful actor in world politics, also referred to as a hegemon (Bower 2017; Butler 2018). Towards the turn of the twenty-first century, however, U.S. foreign policy shifted significantly. Washington appeared to gradually lose its interest in multilateral arrangements and seemed to increasingly regard multilateralism as a restriction. Instead, it began yielding its power to opt for unilateral approaches to international issues, reflecting a certain scepticism and disregard of the UN (Pollack 2003; Laatikainen and Smith 2006). This policy trend gained notable explicitness under the Bush administration, perhaps most strikingly exemplified by the strongly criticised U.S. decision to invade Iraq after 9/11 (Pape 2005; Sandholtz 2008). While the subsequent Obama presidency arguably marked a step back from this approach, the current administration of Donald Trump may be associated with an intensification of U.S. unilateralism, as this thesis will illustrate (Butler 2018; Daalder and Lindsay 2018; Fehl 2012). As Ivo H. Daalder and James M. Lindsay (2018, 72) note, Trump "has raised doubts about Washington's security commitments to its allies, challenged the fundamentals of the global trading regime, abandoned the promotion of freedom and democracy as defining features of U.S. foreign policy, and abdicated global leadership".

By contrast, European states were initially seen as "laggards" when it came to supporting multilateralism in the second half of the twentieth century, reluctant to commit to agreements on free trade, environmental protection, and non-proliferation of nuclear weapons (Fehl 2012, 10). Nevertheless, over time the European Union (EU) progressively began portraying itself as a strong advocate of multilateralism (Biscop and Drieskens 2006). Underscoring this commitment, it has increasingly declared and demonstrated its support for the UN—generally regarded a hallmark of multilateralism. It has repeatedly expressed its intentions on strengthening the global role of the UN as well as intensifying its collaboration with the organisation on various topics (Jørgensen 2006; Laatikainen and Smith 2006).

Taking these contrasting images of the United States and the EU into account, one can speak of a certain take-over of roles when it comes to transatlantic attitudes towards multilateralism. To be clear, the intention here is not to state that nowadays the EU and multilateralism are inextricably linked, nor that the United States is always rejecting multilateral cooperation—such an image would be over-simplistic (Pollack 2003). Nevertheless, there is a growing trend discernible of, as Caroline Fehl (2012, 11) puts it, "the growing American disenchantment with, and the simultaneous European embracement of, multilateralism". Disagreement and policy clashes between the two transatlantic partners are not new, and were prevalent already during the Cold War; however, it is argued that disagreements were frequently downplayed for the benefit of maintaining a strong Western alliance in the face of the Soviet threat (Martin 1992). In recent decades, however, disagreements are taking on more explicit forms, and it has been often noted by scholars that a notion of alienation and difference has grown between the United States and the EU (Kroes 2006; Tocci and Alcaro 2014).

As striking examples of this development, Washington has recently announced its unilateral withdrawal from several established multilateral agreements: the Trans-Pacific Partnership (TPP), the Paris Agreement on climate change and the Iran nuclear deal (JCPOA) (Daalder and Lindsay 2018). To the latter two the EU is also a party, and it has presented itself as a strong supporter of both (Arias Cañete 2017c; Mogherini 2018h). Withdrawal from existing multilateral treaties by a powerful state is a relatively rare phenomenon, resulting in a strained state of affairs (Bower 2017). Accordingly, this research is concerned with acquiring a greater understanding of the EU's perspective within this context, guided by the following research question: how has the EU responded to U.S. withdrawal from the Paris Agreement and the JCPOA?

RELEVANCE

While unilateral behaviour by the United States has been frequently researched over the last decades, the topic of how states may respond to a powerful counterpart withdrawing from existing multilateral treaties has yet been scarcely researched (Fehl 2012). As noted before, however, U.S. resistance to multilateralism is a growing trend and hence likely to become more prevalent in the near future. Accordingly, it is relevant to gain more insight into how the EU may cope with such behaviour; not only because disagreement over multilateral

agreements may disrupt transatlantic relations, but also in relation to global governance in general. This research will shed light on how international cooperation may be possible despite great power resistance, which may present a significant challenge to other states' collaboration efforts (Bower 2017). Investigating this phenomenon from an EU perspective specifically is useful as it enhances knowledge of how the EU may respond to similar matters over time, facilitating anticipation of its future conduct and role in world affairs. Moreover, this research challenges the sometimes tacitly made assumption that unilateralism is met with passivity. It should be acknowledged instead that responses to unilateralism co-constitute the way in which global problems are addressed, and hence the agency of "the other side" in such matters should be taken into account (Fehl 2012).

OUTLINE

This thesis will proceed with discussing relevant concepts and theories in order to embed the research problem into existing academic literature. Subsequently, the methodology used to approach and dissect the research problem will be addressed. This is followed by two empirical chapters, covering the two selected case studies of U.S. withdrawal from (1) the Paris Agreement and (2) the Iran deal. The final section consists of a discussion and conclusion. Here, the findings are summarized and linked back to relevant literature, and recommendations for future research are made.

Theoretical framework

MULTILATERALISM VS. UNILATERALISM

Disagreement between the EU and the United States over commitment to multilateral treaties rests on the distinction between "multilateralism vs. unilateralism". Exact definitions of multilateralism diverge, but most descriptions share the following characteristics: (1) multilateralism refers to interactions between more than two (state) actors and (2) these interactions are guided by a number of shared principles or norms, that apply equally to each actor regardless of relative power differences. Hence, multilateralism explicitly favours consensus-based negotiation and adherence to rules over power plays in managing interstate conduct—although this is not to say that multilateral interactions are void of self-interest (Finnemore 2005; Kleistra and Van Willigen 2015; Laatikainen and Smith 2006). Unilateralism, by contrast, is often considered the direct opposite of multilateralism: it refers to one-sided actions that reflect a disregard or mistrust of operating through interstate cooperation and international law and institutions (Kagan 2004; Laatikainen and Smith 2006).

EXPLORING ATTITUDES TOWARDS MULTILATERALISM

As noted in the introduction, the EU has come to be increasingly regarded as a fervent supporter of multilateralism. What explanations does academic literature offer for this attitude? This section explores two different—and apparently contrasting—perspectives on the determinants of states' commitment to multilateralism: (1) power and interests or (2) norms, identity and moral values. In turn, these will be linked to the EU stance on this issue specifically. As the EU is officially an international governmental organisation rather than a state, academic opinions differ on whether the EU can be regarded a fully-fledged actor within international relations (Bretherton and Vogler 2006)—a discussion beyond the scope of this thesis. As it has been operating as one entity in the context of the two case studies, no different from other parties to the treaties, in this research the EU is regarded as similar to other state actors.

Power and interests

Martha Finnemore (2005) argues that in principle, multilateralism is interesting to both powerful and less powerful states: to the latter, it is the predictability flowing from

multilateralism's shared rules that renders it attractive. Multilateralism presents them with a way of putting constraints on the potentially destructive and unpredictable behaviour of their more potent counterparts (Finnemore 2005). While powerful states may be considered sufficiently preponderant to circumvent onerous negotiation processes in attaining their goals, Finnemore (2005, 196) notes that "Great Powers usually get to write the rules in these multilateral arrangements, and they write rules that on balance benefit themselves". Accordingly, multilateralism provides powerful states with a fairly cost-efficient way of advancing their interests as it eliminates the need for "hard power" tactics (Butler 2018; Ikenberry 2003).

Finnemore's (2005) perspective—underpinned by a realist conception of power interests as drivers of state behaviour—is shared by other scholars in attempts to explain why the EU appears to be an advocate of multilateralism and rejects U.S. unilateralism. Some argue that the EU feels threatened by the United States' preponderance; it is insufficiently capable to militarily confront the United States by itself, and joint military action against a powerful state is considered risky as well as difficult to mobilise effectively (Pape 2005). As a result, the EU generally employs a multilateral strategy of *soft balancing*, referring to "the use of international law and institutions by European and other states to constrain and control the way in which the US exercises its superior power" (Fehl 2012, 30; Kagan 2004; Pape 2005). In addition, as Robert Kagan (2004, 38) reasons: "Since Europeans lack the capacity to undertake unilateral military actions, either individually or collectively as 'Europe,' it is natural that they should oppose allowing others to do what they cannot do themselves".

Besides being a tool to control the power of others, multilateralism is considered to provide the EU with an alternative means to enhance its relative influence as a global actor. Sebastian Oberthür and Claire Roche Kelly (2008) have examined EU motivations for fulfilling a leading role on multilateral climate change initiatives. Referring to its limited military power, they reason that the EU is prone to take the lead on such initiatives—and multilateralism in general—as a strategic way of strengthening its global position and influence on institutional decision-making (Oberthür and Roche Kelly 2008).

Norms and values

The shared notion of the arguments above is that the EU opts for multilateralism because it believes it to be beneficial to its own self-interests (Van Schaik and Schunz 2011). Constructivism offers an alternative explanation. Rather than conceiving of international

politics as driven by power considerations, constructivists argue there are additional determinants of state behaviour. As interstate interactions are underpinned by "processes of creating meaning and developing collective social standards", state actions are driven by ideas, identities, and norms (Bower 2017, 30). The latter concept—*norms*—is particularly interesting to consider here, as multilateral interactions are centred around norms. According to the psychological definition of Van Kleef et al. (2015, 25), *norms* may be understood as "implicit or explicit rules or principles that are understood by members of a group and that guide and/or constrain behaviour without the force of laws to engender proper conduct". While norms thus do not necessarily need to be captured in legal texts, they can be— international law serves as a tangible and explicit articulation of specific norms (Bower 2017). These laws set out the "foundational rules of the game", the borderline of what actions are deemed acceptable by the international community. As a consequence, they shape the international system as well as the identities and behaviour of the actors within it (Bower 2017, 32). These actors, in turn, constantly affect the content and authority of norms through their behaviour—through acts of negotiation, contestation, and enactment—giving rise to new or altered legal texts (Bower 2017). Actors, norms, and international law thus operate in a cycle, in a "mutually constitutive" manner (Sandholtz 2008, 102). As a result, international law should not be considered a fixed category but in fact dynamic and subject to continuous change (Bower 2017; Romaniuk and Grice 2018a; Sandholtz 2008).

Multilateral treaties are a specific type of international law. They are particularly significant when it comes to establishing norms "due to their emergence through collective negotiations and their more detailed content" (Bower 2017, 26). Interestingly enough, as Fehl (2012, 49) notes, multilateralism may be perceived as a norm in itself, carrying the conviction that "important global problems *should* be addressed through multilateral institutions and processes". Knud Erik Jørgensen (2015) provides a more elaborate version of this perspective:

> Multilateral institutions can be regarded as both means and ends. They can be regarded as manifestations of international cooperation and, thus, as the antithesis to international conflict. As such, they can be seen as ends, to be cherished in their own right. However, multilateral institutions can also be seen as agents, equipped with mandates to serve specified functions. Or, put differently, as instruments to be used in order to achieve political or diplomatic objectives (Jørgensen 2015, 31–32).

Some scholars argue that the EU's commitment to multilateralism as opposed to the United States' disregard results from different perspectives in this area. Washington, it is argued,

conceives of multilateralism as an instrument, only opted for when it fits the specific objectives and conditions of the situation (Fehl 2012). In addition, the United States conceives of itself as an "exceptional" state, unique in its culture and power position, and hence believes it is less obliged than others to comply with international law (Fehl 2012, 14). By contrast, the EU is often perceived to embrace multilateralism as not merely a policy instrument, but rather as something that is to be intrinsically and even ideologically valued—as a part of its identity (Biscop and Drieskens 2006; Laatikainen and Smith 2006). As Jørgensen (2015, 45) argues, in the EU "multilateral institutions are seen as morally superior to other foreign policy strategies".

However, the notion of norms as independent drivers of states towards multilateralism has been often criticised. Thomas Diez (2005) argues that while states may very well be motivated by norms when opting for multilateralism, their actions often also serve a specific strategic purpose. This renders it difficult to isolate norms from power interests as determinants driving state behaviour (Diez 2005). Mark A. Pollack (2003) is even more sceptical towards the role of norms in this regard, arguing that the notion of the EU as norm-driven actor is based more on the EU's self-representations than on demonstrable facts. He claims that the commitment to multilateralism radiating from EU rhetoric is in fact a "self-portrait" gladly sustained by EU policy makers (Pollack 2003, 124). In reality, the EU has been engaging in a type of selective multilateralism aligned with its specific interests—not unlike the United States—operating through "sophisticated and instrumental calculation (…) regarding the types of multilateral rules and institutions most conducive to the satisfaction of the Union's domestic and international preferences" (Pollack 2003, 127).

Norms and the global order

Whether or not norms may be regarded as drivers for states engaging in multilateralism, Adam Bower (2017, 32) notes their acknowledged importance in providing order: "Legal institutions—both specific rules and broader norms—are thus to be obeyed not simply because they are deemed valid or useful in isolation, but because they are inextricably linked to the constitutive features of the international system and thereby with legitimate social order". This connection is also recognised by Sean Butler (2018). He states that foundational rules offer a degree of moral guidance, steering actors towards engaging in behaviour that positively contributes to the multilateral system, as the stable existence of this system is dependent on the preservation of the foundational norms (Butler 2018). Among these norms,

the principle of "*pacta sunt servanda* ('agreements must be kept')" is the basic rule necessary for the legal system to function at all (Butler 2018, Structural Norms section, para. 2). There is one exception to this norm—the principle of "*rebus sic stantibus*", entailing that states are allowed "to exit agreements following a fundamental change of circumstances" (Butler 2018, Structural Norms section, para. 3). Withdrawing from an agreement without having legitimately proven such a change in context may hence be considered a violation of the arrangement as well as of existing norms.

As pointed out before, actors may influence and even alter the content of norms through contestation and violation. Violations are hence generally considered undesirable, as they may endanger the authority of a specific norm. As norms do not exist in isolation but are tied up in interconnected influential processes, questioning one norm may cast doubt on the status of other norms as well. Norm violations may thus destabilise the entire multilateral system, calling into question the principles underpinning the global order (Romaniuk and Grice 2018a). While Bower (2017) argues that explicit rejection and disregard of international laws and norms is uncommon, the case studies of this thesis present significant examples of such actions.

COPING WITH NORM VIOLATIONS

This phenomenon then draws attention to the question of how states may respond when faced with resistance from another state in their multilateral undertakings, especially when the latter is powerful. As Wayne Sandholtz (2008, 108) notes, "violation of an international rule by a powerful state does not in itself change the rule". Rather, the impact is constituted by how other states respond to this act, making the exploration of state responses all the more relevant (Sandholtz 2008).

Condemning violations

Bower (2017, 60) notes that within international society, actors may choose from different responses to norm violations: they may "downplay the violations or disputes and pursue non-confrontational, cooperative solutions" or "highlight transgressions and engage in public condemnation". Van Kleef et al. (2015) argue that actors may opt for downplaying when this serves them in protecting other norms that they consider to be more important; however, this approach may have a negative impact on the status of the violated norm. Overlooking

violations may send a signal to other actors that non-compliance is tolerable, potentially eliciting further violations (Bower 2017).

By contrast, condemnation may strengthen collective acknowledgement of the norm, as it serves as a means to "clarify the content" and "identify deviations as unacceptable practices" (Bower 2017, 60; Sandholtz 2008). Stigmatisation serves as a means to re-establish shared notions of what is acceptable and demonstrates how intolerable behaviour may be received. Accordingly, condemnation and stigmatisation serve as tools for protecting order, as "there is always the possibility of a collapse of society if its norms and values are not constantly reaffirmed" (Adler-Nissen 2014, 149).

Non-hegemonic cooperation

Regarding violation of and withdrawal from established multilateral arrangements specifically, little has been written on how states may respond to such actions. Nevertheless, several authors have written on coping with resistance to multilateral *initiatives*—that is, multilateral treaties still in the process of creation. Drawing on both Bower (2017) and Fehl (2012, 17), states have five options when their multilateral initiatives are opposed by a powerful state, set out along a continuum of "escalation": (1) accommodate the latter in its demands and adapt the arrangement's provisions; (2) exercise pressure on the latter to take a different stance; (3) drop the entire initiative; (4) threaten to continue with the creation of the arrangement without the latter; (5) or stand firm and continue creating an arrangement despite the latter's resistance. This fifth and final option thus entails cooperation without the powerful state—an approach also known as *non-hegemonic cooperation*. This term was first used by Robert Keohane in his book *After Hegemony* (1984), and contradicts the then dominant realist perspective of *hegemonic stability* (Fehl 2012). *Hegemonic stability* holds that "the leadership of a dominant state—a 'hegemon'—is needed to achieve and sustain international cooperation" (Fehl 2012, 28). Realists believe there is no higher entity than the state able to govern international relations. Accordingly, it is reasoned that without leadership by a powerful state, multilateralism cannot operate, as "only a hegemon can ensure that states will cooperate with each other and not defect from agreements" (Laatikainen and Smith 2006, 7). Opposing this vision, Keohane's argument holds that multilateralism *can* survive without leadership by a dominant state: international institutions—e.g. the UN—may take over its role of "big stick" ensuring compliance, through their normative, constraining influence on undesired state behaviour (Fehl 2012).

When yielding the notion *hegemon*, the United States is often automatically thought of, given its long-standing unconquered status in world affairs. As Jake Sullivan (2018, 18–19) argues: "A temporary American absence is survivable; sustained American absence is not. In the long run, the international order will still need leadership, even in the best-developed areas of international cooperation". However, in recent years more and more IR scholars claim that this U.S. hegemony is no longer to be taken for granted, and that the current world order is shifting. As Michael H. Smith (2015, 15–16) notes, one may discern "an emerging multipolar system (…) in which the emerging new power centres varied widely in their capacity or their inclination to play roles in the establishment and maintenance of world order". Brazil, Russia, India, China, South-Africa ("the BRICS"), as well as the EU, have all been identified as emerging powers alongside the United States, causing scholars to speculate about how the new global order will change under their influence (Butler 2018; Romaniuk and Grice 2018b; Schulze 2019). Drawing upon William Burke-White (2015), Butler (2018, One Possible Outcome section, para. 1) notes that these shifting power positions could result in an international context of variable geometry, meaning that "different states take the lead on different issues", giving rise to more flexible partnerships and context-dependent power configurations.

Methodology

RESEARCH DESIGN

As has been outlined in the introduction, this research investigates a relatively rare and scarcely researched phenomenon, and therefore builds upon an inductive design. Contrary to deduction, which entails verifying existing theories by applying them to new cases ("theory-testing"), induction is aimed at developing new theories in order to explain specific phenomena for which no suitable theories yet exist ("theory-building"). Afterwards, the new theory may be tested against other cases, refined, and applied more generally (Van Evera 2015). More specifically, the type of inductive reasoning employed in this thesis matches the grounded theory approach. This approach was first extensively formulated by Barney Glaser and Anselm Strauss (1967) and entails a systematic development of theory by constantly comparing the emerging theory to the data being collected. Tentatively formulated hypotheses are continuously re-evaluated in light of new observations, and when new concepts and links are being discovered, the emerging theory is further fine-tuned. Grounded theory is best employed as a means of "opening up a new area" of research, and is hence highly relevant to the type of research problem of this thesis (Glaser and Strauss 1967, 38).

The grounded theory approach is a method of qualitative data collection and analysis Qualitative methods are useful for inductive designs as they focus on "understanding the nature of the research problem rather than on the quantity of observed characteristics" (Baškarada 2014, 1). In this research, the specific design employed is the *qualitative case study design*. While case study research may also include quantitative data, qualitative case study research focuses on the thorough examination of one or several units—"a relatively bounded phenomenon"—at a certain moment in time or over a defined period of time, in order to develop an understanding of a greater number of similar phenomena (Baškarada 2014; Gerring 2004, 341). Qualitative case study research has been acknowledged as an ideal method to investigate complex, contemporary and rather unstructured phenomena in their own specific context, and allows for a detailed and profound analysis of the case (Bennett and Elman 2007; Gerring 2004).

DATA SELECTION

Case studies

Prior to commencing a case study, the unit of analysis—"what the case is"—should be defined (Baškarada 2014, 5). While case studies may encompass a single case as well as multiple ones, the latter gives rise to the most potent results. Comparative analysis of multiple cases amplifies an inductive theory's explanatory power as well as its external validity, as it allows for an initial cross-comparison and verification of hypotheses derived from each singular case (Baškarada 2014; Glaser and Strauss 1967). Accordingly, this research explores two different cases in an attempt to draw broader conclusions. One way to select multiple cases is through the "method of agreement": the cases have different characteristics but similar values on the study variable, whose causes or effects are to be understood (Glaser and Strauss 1967; Van Evera 2015). Given this research's interest in U.S. withdrawal and its effects on EU behaviour, the following treaties were selected: (1) the Paris Agreement on climate change and (2) the Joint Comprehensive Plan of Action ("the Iran deal"). While these treaties were nearly the only possible options to begin with due to the limited occurrence of U.S. withdrawal from existing treaties, they also feature different qualities. The Paris Agreement has 187 parties, while the Iran deal currently has seven (UNFCCC 2019g; UNSC 2015). The Paris Agreement aims to solve an elusive, multifaceted problem ("climate change") without a clearly demarcated geographical scope ("world-wide"); the Iran deal aims to achieve a concrete, singular issue ("restricting Iran's nuclear activities") located in a clearly demarcated area ("Iran"). The Paris Agreement calls upon voluntarily formulated contributions from its parties, making the agreement difficult to monitor and enforce; the Iran deal defines clear expectations from its parties and is hence significantly easier to monitor and enforce (Paris Agreement 2015; UNSC 2015). In addition, U.S. withdrawal has occurred quite recently in both cases, allowing for a comparative study in a contemporary context.

After selecting the cases, the time boundaries of each case study are to be defined (Baškarada 2014). In both cases, the starting point from which data was collected is, rather logically, the moment of the withdrawal announcement—in case of the Paris Agreement on 1 June 2017, and of the Iran deal on 8 May 2018 (Trump 2017; 2018). Exceptions are several older sources that were used to gain more insight into the context of withdrawal as well as into the EU's overarching foreign strategy. Due to the topical nature of both cases and the fact that geopolitical developments triggered by U.S. withdrawal were still unfolding at the time of

this research, it was tempting to continue collecting new data as time passed. Stating that such an "anxiety to 'know everything'" may extend the research unnecessarily, Glaser and Strauss (1967, 74) argue that the "collection of additional data can be a waste of time for categories already saturated". Accordingly, it was assessed by mid-July 2019 that sufficient data had been collected to discern patterns and draw conclusions, and it was decided to finish data collection activities at this point.

Sources

Relevant data for qualitative case study research may be collected from a variety of sources. Often-used ones in qualitative research are interviews and direct observations, but documents too can offer sufficient data to conduct an entire research (Baškarada 2014; Glaser and Strauss 1967). In this research too, documents have been the principal source of data.

Before starting data collection, a list of government sources and databases was assembled that were expected to provide representative and detailed information on the two case studies in relation to the research question. This list was extended when other relevant sources came to mind or were encountered during data collection. The types of documents used are official statements of the governmental[1] actors involved; speeches; official remarks; press releases; governmental reports; UN meeting records; and news articles. While there has consequently been little triangulation of data *types*, a variety of data *sources* have been used (e.g. the EU, the G7, the White House, and the UN). As these provided rich and easily accessible information, the limited triangulation of data types is not considered a great flaw. If this research was to be conducted again and greater triangulation is desired, one could consider conducting interviews with EU experts or officials, for instance, as these might provide additional insights.

DATA ANALYSIS

Due to the type of data collected, the main method of analysis in this research is document analysis, "a systematic procedure for reviewing or evaluating documents (…) in order to elicit meaning, gain understanding, and develop empirical knowledge". Here, *documents* "contain text or images that have been recorded without a researcher's intervention" (Bowen 2009, 27). According to Glenn A. Bowen (2009) document analysis is a highly useful method in

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[1] Including the EU.

qualitative case studies for several reasons: (1) it is relatively efficient and cost-effective, as it entails a *selection* of existing data rather than the collection of new data; (2) many documents are easily accessible, especially through internet; (3) documents are non-reactive: they are uncorrupted by the presence of the researcher; (4) consequently, documents are also stable and suitable for a repetition of the research, enhancing the research's reliability.

Nevertheless, document analysis may also have some disadvantages and limits: (1) due to their creation for purposes other than the research, documents may offer insufficient detail to explain a research phenomenon; (2) documents may be difficult to retrieve or access; (3) document analysis may be corrupted by selection bias, causing potentially important data to be omitted from the research and the conclusions to be distorted (Bowen 2009). As mentioned before, the first two disadvantages did not emerge as an issue. It has been attempted to mitigate the impact of the third limit by using search terms as broad as possible (e.g. "JCPOA") when scanning databases and websites for documents, and examining every source that was retrieved this way.

All types of sources used in this research, and many other varieties, may be used for document analysis. Data extracted from these documents is analysed by following a specific procedure: the gathered bits of data are organised by attaching labels or *codes* to the observations; data with similar codes is then grouped into higher-level *conceptualisations,* which are then grouped in overarching *categories*. From these categories, hypotheses and generalisations are derived, which ultimately constitute the core of the new theory. Throughout this process, the data is re-studied multiple times, in order to reveal new themes and patterns, causing categories and hypotheses to be fine-tuned. These emerging categories in turn guide the rest of the data collection, causing theory-generating and data collection to be co-constitutive processes that "blur and intertwine continually" (Bowen 2009; Glaser and Strauss 1967).

In order to structure this process, a case study database was kept. This activity is considered essential as it enables others to trace the research's conclusions from collected data to interpretations, enhancing the reliability of the study (Baškarada 2014; Baxter and Jack 2008). This research employed such a database using Excel, documenting the following: the date of the source; the type (e.g. "remarks"); the occasion or context (e.g. "UN Security Council Meeting 8564"); the author or speaker (e.g. "HR/VP Federica Mogherini"); how the source had been retrieved (e.g. "EEAS Task Force Iran → Press Material"); the hyperlink to the source; the data fragment; notes made to the data fragment; and the date the source was

accessed. The notes made to specific data fragments were reviewed constantly throughout the process of collection and analysis, and were refined as more patterns arose from the data.

Empirical chapters

This section presents an empirical analysis of the two case studies selected: the EU's response to U.S. withdrawal from (1) the Paris Agreement and (2) the JCPOA. Each chapter will begin with briefly discussing the creation and content of the treaty as well as the context in which U.S. withdrawal occurred. Subsequently, the EU's justifications for committing to the treaty are examined, as well as its policy actions taken in response to U.S. withdrawal.

Chapter 1: The Paris Agreement

Reflecting a collective acknowledgement of the growing detrimental impact of human activity on the planet's climate, the United Nations Framework Convention on Climate Change (UNFCCC) was adopted in 1992, as the first significant step towards global climate action (UNFCCC 2019g). The Convention's aim was to "achieve (…) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system", and would serve as a framework for the negotiation of more specific agreements on the issue (United Nations Framework Convention on Climate Change 1992, 169). To date, the UNFCCC has been ratified by 197 countries, which are called Parties to the Convention (UNFCCC 2019g). All Parties to the Convention are represented at the Conference of the Parties (COP), the primary decision-making organ within the UNFCCC. Since 1995, the COP convenes annually—under normal circumstances—to assess the implementation of UNFCCC agreements and take additional decisions in order to enhance the Convention's effectiveness (UNFCCC 2019a).

Following the creation of several agreements building upon the Convention and setting targets for parties to limit emissions of greenhouse gases, the Paris Agreement was adopted in 2015, entering into force in 2016. The multilateral treaty aims to limit the increase in global temperature to well below 2°C above pre-industrial levels, ideally restricting the rise to 1.5°C (UNFCCC 2019f). As a concrete manner to realise this objective, the Agreement required all parties to formulate their own voluntary nationally determined contributions (NDCs), covering domestic actions and policies to mitigate the emission of greenhouse gases (Paris Agreement 2015). To date, the Agreement has been ratified by 187 countries (UNFCCC 2019d).

U.S. WITHDRAWAL

While the Paris Agreement was signed and ratified by the Obama administration, President Trump announced on 1 June 2017 that the United States will withdraw from the Paris Agreement in 2020—as soon as the treaty's stipulations allow. Trump (2017) rejected the deal as unfair and claimed that it would disadvantage the United States economically in comparison to other countries. This, he reasoned, would in turn benefit the United States' competitors: "A cynic would say the obvious reason for economic competitors and their wish to see us remain in the agreement is so that we continue to suffer this self-inflicted major economic wound" (Trump 2017). Hence, Trump (2017) concluded that the United States would pull out of the Paris Agreement and would attempt to negotiate a new deal that would better fit the country's needs.

THE EU'S RESPONSE TO U.S. WITHDRAWAL

The EU is a party to the UNFCCC and has signed and ratified the Paris Agreement (Directorate-General for Climate Action 2019a). In the past few decades, the EU has continuously demonstrated its commitment to global climate action and has increasingly uttered its ambition to become the global leader in the fight against climate change (European Commission 2016; Parker and Karlsson 2016). It has been a trailblazer in establishing the implementation of specific rules to earlier climate action initiatives, crucial for realising actual efficacy (Oberthür and Roche Kelly 2008). As "an early mover on clean energy", in 2009 the EU set the—then unparalleled—objective of reducing its greenhouse gas emissions by 20% by 2020 (Directorate-General for Energy 2019a, 3). Under the Paris Agreement, it went a step further and committed to curbing its emissions by at least 40% by 2030 (Directorate-General for Energy 2019a).

Unsurprisingly, Miguel Arias Cañete (2017c)—the then European Commissioner on Climate Action and Energy—responded to Trump's announcement with the following words: "Today is a sad day for the global community, as a key partner turns its back on the fight against climate change. The EU deeply regrets the unilateral decision by the Trump administration to withdraw the US from the Paris Agreement". Contesting Trump's arguments for pulling out, he continued:

> The Paris Agreement is fit for purpose. Paris is ambitious yet not prescriptive. The Paris Agreement allows each Party to forge its own path to contributing to the goals of preventing

dangerous climate change. So there is room for the US to chart its own course within the Paris Agreement (Arias Cañete 2017c).

Consequently, EU representatives stated repeatedly in subsequent days that the Agreement was not renegotiable and hence crushed Trump's hopes on striking a "fairer" deal (Arias Cañete 2017b; Council of the European Union 2017).

The EU thus immediately condemned Trump's decision and expressed its intention to preserve the Paris Agreement despite U.S. withdrawal. To increase understanding of the EU's approach on this matter, the justifications put forward by the EU for taking this particular position will be discussed in the following section. Subsequently, the specific means employed by the EU to attain its goal of sustaining the treaty will be examined.

Justifications

Detrimental effects of climate change

First of all, the EU aims to preserve the momentum behind the implementation of the Paris Agreement in order to strengthen global action against the harmful consequences of climate change (Juncker 2017b). A comprehensive overview of the factors taken into account by the EU regarding this matter is presented by the European Political Strategy Centre in its 2018 report *10 Trends Shaping Climate and Energy*. As argued here, extreme weather events and other disasters related to climate change—e.g. wildfires, droughts, hurricanes and floods—are already becoming more prevalent, and are likely to have enormous humanitarian implications. Most obviously, natural disasters may take hundreds to thousands of lives, and are set only to occur more frequently when temperatures continue to rise. Extreme weather events have caused 290 billion euros of damage in the year 2017 alone—a number that will increase with 120 billion euros annually if the global average temperature is to rise with 2°C.

Climate change may also endanger human societies in a more indirect ways, e.g. by causing crop failures, forced migration movements, and air pollution (EPSC 2018). Accordingly, Arias Cañete (2018a) has stated that successful transition to an economy with net-zero greenhouse gas emissions will entail a reduction of health costs of 200 billion euros each year—a strong incentive for boosting climate action.

Leadership on climate action

Secondly, the EU aspires a leadership position within international climate action initiatives and considers the Paris Agreement an important achievement and opportunity in this regard. This leadership objective is not only fuelled by the desire to avoid aforementioned financial setbacks, but to actually benefit from the global move towards climate action. The EU considers growing concern with climate change an opportunity to strengthen its own autonomy and economic position (EPSC 2018; Šefčovič 2018a). First of all, a European transition to climate neutrality will attract sustainable investments and stimulate technological innovation in the clean energy sector. This will strengthen the EU's competitiveness within this sector and give rise to new industries and jobs in EU member states (Arias Cañete 2018a; Juncker 2018). Moreover, the transition will result in a decrease in fossil fuel imports, hence cutting the EU's energy bill and reducing its energy dependency significantly (European Commission 2019e). As the EU aims to derive 80% of its energy from renewables by 2050, Maroš Šefčovič[2] (2018a) argued this will save the EU up to three trillion euros after 2030. The EU is thus determined to maintain its first-mover advantage to maximally benefit from the potential of the clean energy transition. Šefčovič (2018a) contended that the Paris Agreement—as the driving force behind these developments—is "a key element for the modernisation of the European industry and economy". In this sense, the announced pull-out of the United States is—however undesirable—also considered an opportunity: "With the United States—Washington, let us say—pulling out from the Paris Agreement, the EU has now an opportunity to be the destination of choice for low-carbon technologies and sustainable investments" (Juncker 2018).

Respecting international norms and multilateralism

A third rationale behind the EU's determination regarding the Paris Agreement stems from its commitment to respecting international norms and promoting multilateral efforts in managing international affairs. Anticipating Trump's announcement of the following day, on 31 May 2017 Jean-Claude Juncker (2017a)—President of the European Commission—clearly expressed his opinion on potential U.S. withdrawal:

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[2] Maroš Šefčovič was Vice-President of the European Commission for the Energy Union until the new Commission took office on 1 December 2019 (EU Observer 2019; European Commission, 2019d). The objective of the Energy Union project is to provide Europeans with "secure, sustainable, competitive and affordable energy", integrating an "ambitious climate policy" (European Commission 2015, 1).

> (…) if the US president announces in the next few hours or days that he is withdrawing from
> the Paris Agreement, Europe would then have a duty to say: that's simply not on. (…) the law
> is the law. And everyone must abide by it. Not everything in law and international agreements
> is fake news. They have to be complied with.

Hence condemning unilateral actions, the EU states in its reflection paper *Towards a Sustainable Europe by 2030* that "protectionist trends and a 'my country first' approach" are "great obstacles to building a sustainable planet", as this task clearly calls for a collective response (European Commission 2019e, 27). Considering the agreement "an unprecedented multilateral partnership" and an important achievement regarding international cooperation, the EU remains fiercely committed to upholding it (Arias Cañete 2017c).

The importance of multilateralism and the protection of a rules-based global order, supported by the UN, is a recurring theme in the EU's rhetoric—acknowledging that the increasingly multipolar world is more contested, unpredictable, and insecure than before, the EU considers these values to be under threat (European Union 2016; 2017). In the foreword of *Three Years On, Looking Forward*[3] (2019, 5), the then HR/VP[4] Federica Mogherini states:

> In times when the United Nations and the very idea of rules-based global governance have
> come under increasing pressure, we have invested in multilateralism like never before. (…)
> We have always tried to build the right multilateral framework to solve every one of our
> world's crises: because this is the only way to find sustainable solutions to the problems of our
> times.

Means

Arising from its objectives with regard to the Paris Agreement—achieving the treaty's aim of limiting the increase in global temperature to well below 2°C above pre-industrial levels, from a leadership position—two main strategies appear from the EU's words and behaviour. The first encompasses its external focus; the second one is internally oriented.

As numerous other parties were quick to also declare their continued commitment to the Paris Agreement, the threat posed by U.S. withdrawal was not so much that others would pull out as well (Council of the European Union 2017; Leaders of the G20 2017). Rather, Trump's decision enhanced the risk that others might tone down crucial ambition on their

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[3] This is the third progress report on the execution of the EU's Global Strategy that was formulated in 2016 (European Union 2019).
[4] The position of HR/VP entails being the High Representative of the EU for Foreign Affairs and Security Policy—the chief coordinator of the EU's foreign and security policy—as well as the Vice-President of the European Commission (EEAS 2016b).

contributions, rendering the fulfilment of the Paris Agreement's goals increasingly unlikely (Bulc and Arias Cañete 2018; Stockholm Environment Institute 2017). As such, externally, the EU has been actively working through various channels to motivate other parties to step up their efforts in realising the Agreement's objectives. Internally, the EU has been developing policies, plans and legislation regarding climate change mitigation. These are to ensure that the EU maintains its leadership position in the clean energy transition and to simultaneously set a motivating example for the rest of the world (Arias Cañete 2017c, 2019; European Commission 2016).

The means employed by the EU as part of this strategy are organised into diplomatic, legal, and economic actions. Each of these categories will be addressed in the following section.

Diplomatic actions

Since the United States announced its withdrawal from the Paris Agreement, the EU has been engaging in extensive climate diplomacy. In previous years it was already an active promotor of climate action on the international stage—on 1 June 2017, however, shortly after Trump's announcement, Arias Cañete (2017c) stated clearly the EU would step up its efforts in this regard:

> The EU will strengthen its existing partnerships and seek new alliances from the world's largest economies to the most vulnerable island states. (…) Today's announcement has galvanised us rather than weakened us, and this vacuum will be filled by new broad committed leadership. Europe and its strong partners all around the world are ready to lead the way.

This intention to lead on climate action together with willing partners fits with the EU's more general intention to "lead by example on global governance" while aiming to "act as an agenda-shaper, a connector, coordinator, and facilitator within a networked web of players" (European Union 2016, 43). Indeed the EU has expressed its intention to rely increasingly on "variable geometry multilateralism" (European Union 2019, 20). Acknowledging "there no longer are fixed sets of like-minded countries who act together automatically on all issues", the EU stated it aims to assemble "the appropriate multilateral group on any specific issue"— groups that may take different forms in different situations (European Union 2019, 20).

Reinforcing the promise of stepping up its climate diplomacy, the EU issued a press release on 2 June 2017 stating that the EU and the ACP[5] together reiterated their commitment to the Paris Agreement, declared their intention to strengthen their collaboration in the field of climate action, and urged other parties to increase their efforts in reducing greenhouse gases (Directorate-General for Climate Action 2017a). In subsequent months, more joint declarations conveying a similar message were released by the EU and partners: China (European Commission 2017f); India (European Council 2017); fellow G20 countries[6]—with the obvious exception of the United States[7] (Leaders of the G20 2017); and New Zealand (Directorate-General for Climate Action 2018), among others.

While such statements may be regarded as merely words, the EU has also proved to take concrete action. It resumed active participation in previously established initiatives on climate change mitigation, including the Global Climate Change Alliance Plus (GCCA+, set up by the EU); Mission Innovation; the Clean Energy Ministerial; and the Petersberg Climate Dialogue. All of these initiatives are multilateral partnerships aimed at ensuring the implementation of countries' commitments under the Paris Agreement by primarily reinforcing dialogue and cooperation on increased climate action (BMU 2019; CEM 2019; GCCA+ 2019; Mission Innovation 2019). But as presumably a better illustration of its outspoken commitment to the Paris Agreement, the EU has worked towards the establishment of new platforms and programmes—both bilateral and multilateral—as a means to strengthen transboundary climate cooperation. For instance, on 15 and 16 September 2017 the EU organised a Ministerial Meeting on Climate Action together with Canada and China, hosting government representatives of thirty-four countries (Directorate-General for Climate Action 2017b). This gathering would eventually develop into an annual event, seeking to "advance discussions on the full implementation of the Paris Agreement and to demonstrate continued political commitment to global action" (ECCC 2017). Another example of EU-led initiatives

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[5] The ACP Group of States represents seventy-nine developing countries in Africa, the Caribbean and the Pacific (Directorate-General for Climate Action 2017a) In 2000, the ACP and the EU established a partnership through the Cotonou Agreement (General Secretariat of the Council 2019b).
[6] The G20 (Group of 20) is a group of states and the European Union meeting annually since 1999, together accounting for more than 80% of the global GDP. The G20 summits were initially intended to discuss economic issues, but nowadays a wider range of issues is addressed (Council on Foreign Relations 2019).
[7] The United States is also a G20 member, but stated to "reserve its position on this document and its content" regarding the Action Plan in which the G20 leaders reiterated their commitment to the Paris Agreement (Leaders of the G20 2017, 1).

on climate diplomacy is the first EU-ASEAN[8] High Level Dialogue on Sustainable Development that took place on 17 November 2017. Here, three new bilateral flagship programmes were launched, with deepening cooperation on the implementation of the Paris Agreement among their main objectives (EEAS 2017).

In addition, the EU has taken part in several multilateral initiatives that were created after U.S. withdrawal, aimed at consolidating the implementation of the Paris Agreement's commitments. One of them is the Talanoa Dialogue, launched under de aegis of the COP meetings. Running from January 2018 until COP24 in December 2018, the dialogue's aim was to share experiences among parties and non-party stakeholders, assess parties' progress on implementing the Paris Agreements' commitments, and prepare more ambitious NDCs for subsequent years (Talanoa Dialogue Platform 2018; UNFCCC 2019e). Other examples are the One Planet Summit—a collaboration between France, the UN, and the World Bank Group hosting over 4,000 private and public stakeholders—and the Global Climate Action Summit—organised by Jerry Brown, the Governor of California[9] (Global Climate Action Summit 2018; UN 2018).

Finally, but not less significantly, the EU has steadfastly pressed for the adoption of the so-called "Paris rulebook"—clear, ambitious, and specific guidelines for parties "to implement, track and progressively enhance their contributions to tackling climate change, in order to meet the Agreement's long-term goals" (European Commission 2018m). With the adoption of the Paris Agreement in 2015, parties pledged to finalise and implement these guidelines by the end of 2018. Completion of the rulebook was the EU's primary goal to be realised at COP24 in Poland that year; accordingly, it had been lobbying and reaching out to various partners in the run-up to the conference to gather political support (Arias Cañete 2019; European Commission 2018l). The eventual adoption of the rulebook hence signified an important diplomatic achievement for the EU.

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[8] The Association of Southeast Asian Nations (ASEAN) is a regional organisation aiming to increase cooperation within various fields among its member states, i.e. Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam (ASEAN 2019).
[9] Many subnational U.S. actors—e.g. leaders of cities, states, and businesses—did not agree with the federal government's decision to withdraw from the agreement. Accordingly, they issued the "We Are Still In" declaration, just days after Trump's announcement. Currently consisting of over 3,600 actors representing a significant part of the U.S. economy, this alliance aims to mobilise funding for climate action and realise emissions reductions as specified in the agreement (We Are Still In 2019; WWF 2018).

Legal actions

Besides diplomatic actions, the EU has also been taking legal measures to realise its objective of "leading by example" with regard to global climate action (European Commission 2017b). A significant part of these measures consist of creating EU-wide legislation aimed at providing clear direction to the transformation of the EU's energy policies, stimulating innovation and investment in the clean energy sector. An important step was the proposition of the "Clean Energy for All Europeans"-package in 2015, a legal framework aimed at facilitating the transition to a carbon-neutral economy. This package comprises eight legal acts, agreed upon by the European Council and the Parliament throughout 2018 and early 2019 (Arias Cañete 2019; Directorate-General for Energy 2019b). Concrete outcomes the new legislation was to facilitate include new targets of achieving a 32% share of renewables in the EU's energy consumption and increasing its energy efficiency by at least 32.5% by 2030; and a governance mechanism requiring each Member State to formulate national energy and climate plans (NECPs) for the period 2021-2030, presenting how they will contribute to the EU's commitments under the Paris Agreement (Directorate-General for Energy 2019c; European Commission 2018f, 2018i, 2019b). In addition, the European Commission proposed a "Clean Mobility"-package on 8 November 2018, most significantly including new limits to CO_2 emissions standards of new passenger cars, vans, and trucks (Directorate-General for Climate Action 2019c; European Commission 2017c).

As another important means of achieving its emissions reductions, the EU set out to modernise its emissions trading system (ETS). A key contribution in this regard, the system has been in place since 2005 and covers thirty-one countries. It is currently the largest ETS in the world. The system fixes a cap: a limit on the total amount of greenhouse gases that may be emitted by power plants, industrial installations and airlines within the countries the system encompasses. To reduce emissions over time, this limit is gradually lowered (Directorate-General for Climate Action 2019b). Companies receive allowances for emissions they can trade with one another, ensuring that "emissions are cut where it costs least to do so" (Directorate-General for Climate Action 2019b). Modernisation of the system includes setting new limits on the amount of emissions allowances and providing increased financial support to low-carbon innovation and investments (Directorate-General for Climate Action 2019d).

In addition to internal legislation, the EU has deployed international legal means in its efforts to consolidate global efforts with regard to climate action. In July 2018, the Economic Partnership Agreement was concluded between the EU and Japan. The document includes a

section that specifically captures both parties' pledge to effective implementation of the Paris Agreement—the first bilateral trade agreement ever struck by the EU to involve such a legally binding commitment on this topic (European Commission 2017d). In subsequent months, the EU followed the same approach in trade deals it concluded with Mexico, Vietnam and Canada, in order to additionally ensure that other countries' deliver on their contributions to the Paris Agreement as well (European Commission 2018e, 2018g, 2019e).

Economic actions

Finally, the EU has also been utilising economic means to facilitate its own *and* other parties' implementation of Paris Agreement commitments. Internally, the EU has launched several initiatives aimed at mobilising additional investments on climate action. This approach was driven by the EU's estimate of late 2017 that it would require 180 billion euros of extra funding until 2028 to deliver on its pledged contributions to the Paris Agreement. Valdis Dombrovskis[10] declared on behalf of the EU that the public sector alone would be unable to meet this target (European Commission 2017b). Hence, in March 2018 the Commission proposed an Action Plan with the objective of attracting private funds and "re-orient capital flows towards sustainable investment". The Action Plan proposes alterations to be made to the EU's financial system, mainly aimed at improving transparency on sustainable investment. Examples are creating a classification system for sustainable finance to provide common definitions; establishing labels for green financial products to avoid "greenwashing"; and obliging businesses to provide their clients with more transparent information on their sustainable activities. The plan involves a mix of legislative and non-legislative proposals and may hence also be partially considered a legal action (European Commission 2018j, 2018k). It can be regarded as complementary to the EU's Investment Plan or "Juncker Plan", launched in 2015 with the objective of stimulating internal private investment in important economic areas—including renewable energy and sustainability (European Commission 2019e).

Externally, the EU has been extensively providing financial aid to developing countries in order to strengthen their climate change mitigation and adaptation capacities. The COP established the Green Climate Fund in 2010, by which the more prosperous countries agreed to collectively contribute US$ 100 billion annually by 2020 towards this purpose.

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[10] Valdis Dombrovskis was the European Commission's Vice-President for the Euro and Social Dialogue. He is also responsible for Financial Stability, Financial Services and the Capital Markets Union (European Commission 2019f).

They reaffirmed this commitment with the adoption of the Paris Agreement in 2015 (UNFCCC 2019b, 2019c). In late 2018, the EU said to be—together with its Member States and the European Investment Bank—the biggest contributor of climate finance to developing countries. It donated over 20 billion euros in 2017, constituting half of the total global amount raised that year—fitting nicely with the its objective of leading by example regarding climate action (Arias Cañete 2018b; European Commission 2018l). In order to coordinate its financial flows, the EU has set up several programme and platforms. One of them is the previously mentioned GCCA+, a platform connecting the EU and various developing countries in their climate change mitigation efforts. In addition to facilitating dialogue, an important pillar of the GCCA+ is the funding of projects in these countries that contribute towards achieving the targets of the Paris Agreement (GCCA+ 2019). Another initiative is the Annual Action Programmes (AAPs), plans the EU devises every year to determine the allocation of funding to international development projects in various policy areas. Under the aegis of the AAP, the EU has provided financial assistance to partner countries to help them realise emissions reductions. Examples are funding to China (€3.5 million), Argentina (€4.5 million), and India (€3.85 million) in 2017 for the development of the renewable energy sector; to ASEAN (€4 million) in 2018 for reducing emissions by the aviation sector; and to six countries in North- and South-America (€20 million) for reducing CO_2 emission within the industrial sector (European Commission 2017a, 2017e, 2018a, 2019a). A third initiative is the External Investment Plan, launched in 2017 to stimulate investment and development in countries in Africa and the European Neighbourhood, as part of achieving the UN Sustainable Development Goals as well as the Paris Agreement's targets (Arias Cañete 2017a).

Chapter 2: the JCPOA ("Iran deal")

On 14 July 2015, the Joint Comprehensive Plan of Action (JCPOA)—colloquially known as the "Iran deal"—was struck between the Iran and the E3/EU+3 (France, Germany, the United Kingdom, China, Russia and the United States, coordinated by the High Representative of the EU for Foreign Affairs and Security Policy), after nearly a decade of negotiations. The deal was adopted by the UN Security Council (UNSC) through Resolution 2231 (2015) on 20 July 2015. By this agreement, Iran pledged to developing an exclusively peaceful nuclear

programme, respecting international non-proliferation regulations. In return, all sanctions[11]
previously imposed against Iran by the UN, the EU and the other JCPOA parties due to its
nuclear programme would be lifted. It was stipulated that the International Atomic Energy
Agency (IAEA) would be tasked with monitoring and verifying whether Iran adhered to its
commitments on a regular basis. As the JCPOA did not address sanctions imposed due to
other aspects of Iran's behaviour—e.g. its domestic human rights situation and terrorist
support—these continued to be in place (EEAS 2018d; UNSC 2015).

U.S. WITHDRAWAL

In a statement made on 8 May 2018, President Trump announced the United States'
withdrawal from the JCPOA. Stating that the limits imposed by the deal on Iran's nuclear
programme were "very weak", while Iran received the lifting of significant economic
sanctions in return, he called the JCPOA "horrible" and "one-sided" (Trump 2018). While the
IAEA had thus far published ten reports confirming Iranian compliance with the JCPOA since
Implementation Day on 16 January 2016, Trump (2018) argued that the IAEA's inspection
measures were insufficient and inadequate to fully assess the compliance of Iran's behaviour
(EEAS 2018d; IAEA 2019a). Instead, he referred to documents published by Israel on 30
April, that were allegedly secretly obtained from Tehran. Israel claimed these records
presented evidence that Iran was guilty of hiding nuclear weapons and accordingly violated
the provisions of the JCPOA (Halbfinger, Sanger, and Bergman 2018; Trump 2018). In
addition to this "definitive proof" of Iran's "lie", Trump (2018) stated that even if Iran were to
be fully compliant, the JCPOA still failed to curb the country's ballistic missile activities as
well as its support to terrorists. Accordingly, he declared the United States would withdraw
from the JCPOA and would re-impose U.S. nuclear sanctions against Iran (Trump 2018).

THE EU'S RESPONSE TO U.S. WITHDRAWAL

That same day, Mogherini (2018h) released a statement on behalf of the EU, expressing its
regret at President Trump's announcement. She declared the EU would welcome a
reconsideration on Washington's position, emphasizing the EU's confidence in the IAEA's

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[11] In the decades previous to the conclusion of the JCPOA, the UN, the EU, and the other JCPOA parties had
imposed sanctions against Iran to condemn its nuclear-related activities. These sanctions significantly restricted
Iran's access to several international economic activities and sectors, e.g. banking activities, financial assistance,
and oil and gas exports (UNSC 2015).

activities. Most importantly, she immediately stressed that the EU would "remain committed to the continued full and effective implementation of the nuclear deal". Addressing the Iranians directly, she stated: "And together, with the rest of the international community, we will preserve the nuclear deal" (Mogherini 2018h).

Hence, the EU immediately and clearly expressed its determination to preserving the Iran deal in the face of U.S. withdrawal. As will be elaborated on in this chapter, the EU has remained committed to the JCPOA and has been making efforts to dissuade Iran or other parties from pulling out in order to avoid further collapse of the deal. Similar to the previous empirical chapter, first the EU's justifications for this approach will be discussed in the following section. Afterwards, the means employed by the EU to achieve its objectives with regard to the Iran deal will be analysed.

Justifications

Security interest

The argument most stressed by the EU for preserving the JCPOA is the deal's importance to security—that of Europe, of the Middle-East, and of the wider world (Mogherini 2018h). The main goal of the JCPOA is preventing Iran from engaging in nuclear proliferation by guaranteeing its nuclear programme is exclusively peaceful in nature, and in the EU's perception, it succeeds in doing so (Mogherini 2018c; UNSC 2018a). Fearing that without the constrains imposed by the JCPOA, Iran's nuclear activities may inflame an arms race in the region, Mogherini (2018i) stressed that the JCPOA is key to the security interest of all: "(…) the world cannot afford a nuclear arms race, in particular in the Middle East". Accordingly, the EU is determined on keeping the deal alive in its full scope, particularly as it does not see any better alternative to the JCPOA to decrease the threat of nuclear weapons within the Middle-Eastern region (UNSC 2018a).

Moreover, the EU hopes the JCPOA will have a positive ripple effect on other governments. It believes that the deal, as a victory for the international non-proliferation regime, may function as an incentive towards North- and South-Korea to intensify their own denuclearisation efforts (Mogherini 2018h). Reversely, the collapse of the JCPOA would counteract the non-proliferation negotiations with these two countries—another security argument brought up for preserving the JCPOA (UNSC 2018b).

François Delattre, former Permanent Representative of France to the UN, underscored this twofold indispensability of the JCPOA at the UNSC: "(…) I recall the importance of the JCPOA, which is both an essential instrument of the international non-proliferation regime and one of the cornerstones of stability in the region as a whole. Anything that weakens it therefore poses a direct risk to our collective security" (UNSC 2018a, 9). Mogherini (2018a) highlighted that international security is dependent on a firm multilateral framework for non-proliferation. Hence, the EU is convinced a collapse of the deal—as a "crucial element" of this framework—would mean a deterioration of the collective security situation (Maas, Mogherini, Le Drian, and Hunt 2019).

JCPOA as platform for further negotiations
Secondly, the EU regards the sustenance of the JCPOA of crucial importance as it considers the deal a base for opening up negotiations with Iran on matters exterior to the JCPOA (Mogherini 2018b, 2018d). Mogherini (2018d) has emphasized that "there are more chances, more possibilities to open avenues for discussions with Iran on other issues, if the Iran nuclear deal stays in place rather than not". Accordingly, she argued that U.S. withdrawal from the deal—in the absence of a credible alternative—will harm the abilities of the international community to influence Iran's behaviour on important non-nuclear-related issues, e.g. human rights and Iran's role in regional conflicts (Mogherini 2018l).

Both Trump (2018) and Pompeo[12] (2018) have criticized the narrow scope of the JCPOA and have put this aspect forward as a main argument to pull out of the agreement. Instead, the United States has advocated the negotiation of a new, broader agreement that also covers these additional issues (Pompeo 2018; Trump 2018). The EU, however, is determined on maintaining a separation between the two. As European Commissioner Věra Jourová[13] stated on behalf of the HR/VP at the European Parliament, "the JCPOA was never meant to solve all of our disagreements with Iran. We continue to voice our disagreements on Iran's security role in the region and its ballistic missile programme. And we have engaged in a frank and active dialogue with Iran on these issues" (Mogherini 2018k).

Hence, while the EU acknowledges the gravity of its additional issues with Iran and acts in order to address them, it considers the deal an important step in avoiding escalations in

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[12] Mike Pompeo is the U.S. Secretary of State (U.S. Department of State 2019).
[13] Věra Jourová was European Commissioner for Justice, Consumers and Gender Equality (Mogherini 2018k).

these areas and a crucial tool for keeping negotiation channels open for dialogue (UNSC 2018a, 2019a).

Respecting international norms and multilateralism

Similar to the EU's perspective on the Paris Agreement, the JCPOA is also considered a substantial part of the international rules-based order that should be respected. In its 2016 Global Strategy, the EU expressed its commitment to continuously working towards an expansion of the scope of international norms and multilateral treaties on disarmament and non-proliferation. In this document, the Iran nuclear deal is put forward as an illustration of how shared rules may successfully curb power politics and contribute to a peaceful international society. Due to this perception of the JCPOA as an epitome of successful multilateralism, diplomacy, and the construction of shared international norms—referred to by the EU as its core values—the EU considers the preservation of the deal crucial (European Union 2016). This stance is reiterated in the second annual report on the implementation of the 2016 Global Strategy, published after U.S. withdrawal from the JCPOA. Stating that multilateralism is nowadays under siege, the EU emphasizes its own commitment to protect the rules-based international order, starting with its unwavering efforts aimed at preserving the JCPOA (European Union 2018).

EU officials, too, have repeatedly denounced U.S. withdrawal as an infringement of collective international norms and rules. Donald Tusk[14] (2018) has stated to interpret U.S. withdrawal from the Iran deal as a signal that the United States may no longer be committed to protecting the rules-based international order—one of the main goals of the G7. Tusk (2018) continued: "This is no laughing matter. The alternative to order is disorder." He emphasizes that this international rules-based order "can be enforced only by a common, mutually supportive and decisive policy of the whole Western community", criticising the United States' resort to unilateral action (Tusk 2018). Mogherini (2018j) underscored this by stating that international agreements must be respected once they are reached, by all parties involved. She considered the United States' decision a subversion of "the credibility of the entire international community, of the multilateral system, of the UN system" (Mogherini 2018i). As the JCPOA was adopted unanimously by the UNSC, she regarded preserving the deal essential for avoiding a loss of the UNSC's credibility (UNSC 2019a). The 2019

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[14] Donald Tusk was President of the European Council (European Council 2019).

reflection on its global strategy sheds light on why the EU considers the protection of multilateralism is to be so crucial: "For the EU the stakes are sky high. Being itself the most advanced multilateral project in history, and as a group of small- to medium-sized states in the world, our Union has a vital interest in being the centre of gravity of the work to promote and protect multilateralism globally" (European Union 2019, 15). This implies the EU regards the protection of multilateralism and the rules-based global order essential for safeguarding its voice in the world and guaranteeing its influence in global affairs.

Means

With regard to achieving its aim of preserving the JCPOA, two main strategies of the EU may be identified. As the survival of the deal is dependent on continued participation of the remaining JCPOA parties, the EU has been actively working to ensure that first of all, the E3+2 as well as the international community remain supportive of the deal, in order to avoid additional dropouts and further subversion of the deal's initial provisions. More significantly and more challenging, however, the EU has been mobilising its efforts to convince Iran of reaffirming its commitment to the JCPOA. Upon his announcement of withdrawal of 8 May 2018, Trump declared he would re-impose sanctions against Iran—indeed, on 6 August 2018 he issued an executive order to put his words into actions, and the majority of the restrictive measures re-entered into force on 5 November that same year (Mogherini 2018k; U.S. President 2018). The lifting of nuclear-related sanctions and its relieving impact on the Iranian economy constitute Iran's benefit from participating in the JCPOA; accordingly, with the re-imposition of restrictive measures by arguably the most powerful one of the JCPOA parties, Iran's incentive to comply with the deal's provision suddenly largely disappeared (Joint Commission of the JCPOA 2018; Mogherini 2018g). Accordingly, measures taken by the EU vis-à-vis Iran have mainly been directed at attempting to circumvent re-imposed U.S. sanctions and safeguard Iranian benefits of the JCPOA.

In this chapter, too, first the diplomatic means utilised by the EU to execute its two strategies in this regard will be analysed. The legal and economic means, however, appear to be intertwined in this particular case: the legal actions conducted by the EU all had economic effects or purposes. Accordingly, the two categories will be addressed in one section.

Diplomatic actions

Following its declaration of commitment immediately after the announcement of U.S. withdrawal, the EU seized the opportunity to clearly express its position on the JCPOA on numerous other occasions and platforms. It reiterated its own continued support of the agreement and has simultaneously been seeking reaffirmations of commitment from parties to the deal as well as external actors. On 6 July 2018, Mogherini chaired a meeting of the Joint Commission of the JCPOA, attended by the foreign ministers of the participating states—this signified the first ever Joint Commission gathering at the ministerial level, as previous meetings had been attended by deputy ministers (EEAS 2018a, 2018c). Following the meeting—that the EU referred to as "a sign of the importance the participants attach to the deal and their full commitment to its continued implementation"—the Commission (2018) issued an official statement in which all Parties to the deal indeed reaffirmed their commitment. In subsequent months, reconfirmations were repeated and complemented by the EU, ASEAN, and fifty-one individual European and Asian countries at the ASEM[15] summit on 18-19 October 2018 (General Secretariat of the Council 2019a); by the EU and Iran on 27 November 2018 at the EU-Iran High-Level Seminar on International Nuclear Cooperation (EEAS 2018b); the Joint Commission on 6 March 2019 (EEAS 2019a); by the EU and China on 9 April 2019 at the EU-China summit (Tusk, Juncker, and Keqiang 2019); and by the EU upon visits to Iran (by Helga Schmid[16] on 16 June 2019) and the United States (by Federica Mogherini on 19 June 2019) (EEAS 2019b, 2019d).

Clearly leaving no doubt about its support of the JCPOA, the EU did not refrain from expressing its opinion on U.S. decisions regarding the deal either. Several examples of such criticism have already been provided earlier on in this chapter. Indeed, as Mogherini (2018h) argued in her statement following Trump's announcement: "(…) the nuclear deal is not a bilateral agreement and it is not in the hands of any single country to terminate it unilaterally". This position appeared to be shared by others. At the UNSC meeting of 27 June 2018, for example, the other E3/EU+3 states as well as Kazakhstan, the Netherlands, Equatorial Guinea, Bolivia, and Sweden joined the EU in its expression of deep regret upon the United

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[15] The Asia-Europe Meeting (ASEM) is a partnership between Asia and Europe aimed at facilitating mutual cooperation. Fifty-three actors are currently involved: the EU, ASEAN, twenty-one Asian countries and thirty European countries. The ASEM Summit is organised every other year and attended by the leaders of the fifty-three partners (ASEM InfoBoard 2019).
[16] Helga Schmid is the Secretary General of the European External Action Service (EEAS). The EEAS is the EU's diplomatic service and supports the HR/VP in executing the EU's external and foreign policy (EEAS 2016a, 2019).

States' unilateral decision (UNSC 2018a). In its determination on preserving the deal, the EU could thus rely on considerable political and diplomatic support from the international community.

In addition to voicing its opinion on U.S. behaviour in light of the JCPOA, the EU has taken several actions to mitigate the impact of U.S. restrictive measures and defend its own interests—as will be outlined in subsequent sections. Nevertheless, the EU has always maintained a polite and diplomatic choice of words when it comes to its disagreement with Washington. The EU has continuously referred to the United States as the its "closest partner and friend" and has expressed its commitment to maintaining close transatlantic cooperation (European Commission 2018h; Mogherini 2018h). Mogherini (2019b) clarified this approach as follows: "Even if we disagree on some issues, we continue to work very well on others and this friendship stays." She added: "Sometimes it is more useful to focus on the positive work you can do, on what you can do, your own measures (…) rather than entering a dispute with someone that disagrees with you on this particular topic" (Mogherini 2019b). Hence, despite mutual disagreements, the EU still chooses to emphasise the positive aspects of the transatlantic relationship.

Legal and economic actions

Repeatedly declaring its continued commitment to the JCPOA alone was logically not sufficient for the EU to guarantee Iran's ongoing participation. As has been mentioned previously, Iran's economic benefit from committing to the agreement largely evaporated due to U.S. pull-out. Accordingly, the EU felt compelled to try and compensate for this loss in order to maximise the chances of Iran remaining in the JCPOA. As Mogherini (2018h) stated shortly after the announcement of U.S. withdrawal:

> The lifting of nuclear related sanctions is an essential part of the agreement. The European Union has repeatedly stressed that the lifting of nuclear related sanctions has not only a positive impact on trade and economic relations with Iran, but also and mainly crucial benefits for the Iranian people. The European Union is fully committed to ensuring that this continues to be delivered on.

Accordingly, the EU proposed and implemented several legal measures aimed at mitigating the impact of re-imposed U.S. sanctions against Iran's economy and protecting EU-Iran trade relations (European Commission 2018n; Mogherini 2019b). On 18 May 2018, the European Commission set in motion the procedure of adopting two legal acts: updating the EU's Blocking Statute and extending the European Investment Bank's (EIB) external lending

mandate. Both of these measures were officially adopted on 6 June 2018 and came into effect on 7 August 2018—on the same day the United States re-imposed its first portion of restrictive measures (European Commission 2018c, 2018h, 2018n).

The EU's Blocking Statute was established in 1996 and aims to protect EU actors "against the effects of the extra-territorial application of legislation adopted by a third country (…)" (European Commission 1996). Sanctions imposed by a third country against another country may collaterally harm the EU's economic relations with that country; through the Blocking Statute, the EU annuls such adverse effects and declares them a violation of international law. Consequently, the regulation provides EU companies with a legal cover to keep conducting their business activities with a country targeted by third-country sanctions— in fact, it *forbids* these companies to comply with such sanctions and requires them to adhere to EU legislation instead. As re-imposed U.S. sanctions against Iran aimed to restrict Iran's international economic activities, the EU could be victimised by these sanctions as well when continuing trade with Iran. To prevent this, the Blocking Statute's update incorporated the new U.S. sanctions against Iran within its scope (European Commission 1996, 2018; Mogherini 2018a). "In spite of the United States' decision, the Union shall continue to pursue its political and economic interests in Iran," the legal text of the regulation says (European Commission 2018c, 1). The update may hence be considered an attempt by the EU to provide EU companies with legal space to decide for themselves who they want to trade with. Indeed, as Mogherini (2018e) pointed out, "there is also a matter of—I would say—*trade sovereignty* to be protected".

The second legal action, extending the EIB's external lending mandate, was also intended to result in economic benefits for Iran. The EIB is the EU's institution charged with managing investments in and financial assistance to other countries in support of EU policies, both within the EU and beyond. EIB lending projects to partner countries outside of the EU need to be authorised by the issuance of mandates by the EU (European Commission 2019c). To enable the EIB to set up financing operations with Iran in the future, the EIB's lending mandate was extended, including Iran in the list of countries eligible for receiving EIB loans. In the legal document, it is suggested that the EIB could use this mandate for financially assisting Iran in strengthening its economy, e.g. through technological modernisation, development of the private sector, and investments in renewable energy. This, in turn, would provide the EU with "significant opportunities for investment and exports but also for supporting socio-economic stability in the region" (European Commission 2018b).

However, to this day the EIB has not utilised its extended mandate with regards to Iran and has refrained from setting up financial aid to the country (EIB 2019a, 2019b). According to *Reuters*, EIB President Werner Hoyer stated—even before the legal act was officially adopted—to be reluctant to invest in Iran as he feared this would endanger the EIB's activities in U.S. markets (Emmott and De Carbonnel 2018). Hence, it appears to be quite improbable that the EIB will initiate such projects now or in the near future, calling into question the effectiveness of the legal act.

As a third legal measure aimed at protecting Iran's economic benefits gained from the JCPOA, the EU launched the development of a special purpose vehicle (SPV). On 24 September 2018, an official declaration of the creation of the SPV was issued by the foreign ministers of all JCPOA parties (Hunt et al. 2018). Clarifying the purpose and content of this measure, Mogherini (2018f) stated: "In practical terms this will mean that EU Member States will set up a legal entity to facilitate legitimate financial transactions with Iran and this will allow European companies to continue trade with Iran, in accordance with EU law, and could be opened to other partners in the world". The SPV will thus act as an intermediary and coordinate payments from EU companies covering trade with Iran (Hunt et al. 2018). The E3, supported by the EU, set out to establish the SPV, that was later named INSTEX (Instrument for Supporting Trade Exchanges). As it collects European payments for Iranian imports and utilises these to pay European companies for their exports to Iran, INSTEX eliminates the need for financial transactions between European and Iranian banks, that have been rendered difficult by US sanctions (Geranmayeh and Batmanghelidj 2019). Simultaneously, the EU coordinated the development of a corresponding instrument in Iran, necessary for effective implementation of the mechanism (EEAS 2019a; UNSC 2018b). On 29 June 2019, INSTEX was declared operational—nine months after its initial announcement (EEAS 2019c). Mogherini (2019b) admitted that the process had been "particularly complicated" and that she had not expected for the implementation to take that long.

A few months on: successful or not?

When commenting today on whether the EU has been successful in its attempts of guaranteeing the continued existence of the treaties, one's definition of "success" is decisive. In the most straightforward sense, it can be argued that the EU *has* been successful, given the fact that the Paris Agreement and the Iran deal are both still in place.

However, when considering the durability and substance of the treaties, a different image emerges. The Iran deal is currently on the brink of collapsing after months of mounting tensions between Iran and the United States. Considering U.S. withdrawal unsubstantiated and unfair, Iran has partially refrained from implementing its commitments under the JCPOA. It has resumed several uranium enrichment activities prohibited by the agreement, arguably in order to incite the JCPOA parties into stepping up their efforts in order to "fix" the situation (President of the Islamic Republic of Iran 2019; Tapper 2019). After several attacks on Iranian oil tankers and an American drone, causing either side to blame to other for being behind the assaults, the United States has increased its military presence in the Gulf region (Bellon and Stone 2019; BBC 2019; UNSC 2019b; Wintour and Borger 2019). The EU has responded to these developments by repeatedly expressing its grave concern about the situation and calling on involved parties for maximal restraint and the avoidance of military escalation (Mogherini 2019a; UNSC 2019b). It is remains yet to be seen whether the EU's efforts will eventually culminate in lasting preservation of the JCPOA.

With regard to the Paris Agreement, the current situation looks a little less bleak. While the United States has taken formal steps to officially withdraw from the treaty next year, no other party has yet copied its decision to withdraw; in fact, other countries seem to express more commitment to ensuring the agreement pays off. Both China and France have promised to step up their efforts, and in September this year, Russia—one of the greatest emitters of greenhouse gases—finally ratified the treaty as well (Pennetier et al. 2019; Sauer 2019). However, these words are still waiting to be put into concrete actions. Increasingly urgent warnings are made from different sides that parties have to seriously step up their efforts and ambitions when the Paris goals are to be achieved within the intended timeframe (Ambrose 2019; Farand 2019). Contrary to the Iran deal, however, it is difficult to assess how big a role U.S. withdrawal has played in creating this challenging state of affairs.

Discussion and conclusion

To conclude, how may the central question of this thesis be answered: how has the EU responded to U.S. withdrawal from the two treaties central to the case studies?

WHAT ARE THE EU'S JUSTIFICATIONS?

As has been outlined in this thesis, a number of justifications can be identified regarding the EU's pursuit of multilateral cooperation in general and its attempts to preserve the two treaties of the case studies in particular. While some arguments refer to values and principles, more thorough analysis show these can be traced back to essentially pragmatic interests. First of all, the EU regards both climate change and nuclear proliferation as threats to its own security; hence, both agreements provide it with means to control these threats. Moreover, staunchly supporting the Paris Agreement and fulfilling a leadership role on global climate action may enable the EU to strengthen its international economic position and political influence. This also fits with its ambition to assume a more leading role on global governance in general. The EU seems to be aware of the fact that wide-spread respect for and support of the multilateral system is the only way to achieve this objective.

Finally, the EU is committed to upholding these agreements as they are part of the multilateral and rules-based global order it aims to protect—to its own advantage. Upholding this system is considered essential by the EU as it has a constraining effect on power politics; essentially being composed of relatively small countries operating in a multilateral network, the EU is heavily reliant on respect for multilateralism to have a say in global affairs. In this light, the EU appears to be engaging in a strategy of soft balancing against its stronger counterparts. The JCPOA serves as a means for the EU to exercise influence on other aspects of Iran's behaviour that are regarded detrimental to the multilateral order, such as human rights violations. In light of protecting the multilateral order, the EU rejects U.S. unilateral withdrawal as a subversion of the transatlantic alliance as well as of the credibility of the multilateral system.

Accordingly, this research shows that most of the EU's considerations for supporting multilateralism regarding the two case studies can be traced back to explicit and implicit pragmatic underpinnings. It is hence unconvincing to think of norms as an isolate driver of support to multilateralism in this context. While this is not to say that the EU's occasional self-presentations of being intrinsically committed to multilateralism are hypocritical

performances, this research is critical of the notion of the EU as a norms-driven actor. The inclination here is to conclude that norms may well be at play, but are acting in conjunction with strategic interests when manifesting certain behaviour. However, further research beyond these two case studies is necessary in order to develop more general and solid notions of EU considerations and behaviour.

HOW HAS THE EU RESPONDED?

The EU has taken numerous measures aimed at ensuring the continued existence of both the Paris Agreement and the JCPOA after being confronted with U.S. withdrawal. In the diplomatic sphere, several EU representatives have stated their disapproval of Washington's decision. They have expressed their regret through statements and speeches and on international platforms, most notably immediately after the withdrawal announcement. In addition, the EU has engaged in extensive diplomacy in order to seek reaffirmation of continued commitment to the treaties from parties and has approaching non-parties as well. Especially regarding the Paris Agreement, the EU has participated in and established a range of platforms to make the international community recognise the importance of sustaining the agreement and yield public support. In addition, the EU has utilised a variety of legal measures as a means of protecting itself as well as the agreements from potentially negative consequences of U.S. withdrawal. In the case of the Paris Agreement, the domestic laws implemented served mainly to solidify its own position within the multilateral framework of climate action. Regarding the JCPOA, the primary aim was to circumvent adverse effects from U.S. sanctions in order to compensate for U.S. withdrawal and prevent Iran from pulling out as well. Actions taken in the economic field were predominantly aimed at financially supporting other parties to the agreement, in order to assist them in meeting the treaty's commitments—regarding the Paris Agreement—or ensuring they do not withdraw— regarding the Iran deal.

Taking the above into account, it is concluded that the EU has opted for some form of non-hegemonic cooperation in response to U.S. withdrawal. Building upon this notion in the context of great power resistance to multilateral *initiatives*, the two case studies of this research indicate that non-hegemonic cooperation can also be opted for when actors are facing great power resistance to *existing* multilateral treaties. The policy actions the EU has taken regarding the treaties after U.S. withdrawal are entirely aimed at safeguarding continued

cooperation with the remaining parties, instead of accommodating Washington in its demands or pressuring it to alter its stance. In this regard, the EU thus appears to take an autonomous stance that benefits its own objectives rather than aligning with U.S. preferences. These case studies may hence be regarded an affirmation of the "transatlantic drift" that has been emerging in the new millennium, often referred to in IR literature.

While thus choosing to "bypass" the United States in response to the withdrawal, the EU has furthermore proved to opt for downplaying rather than public condemnation of the norm violation the withdrawal constitutes. The instances at which the EU has voiced its regret at Washington's decision are quite limited, refraining from an explicitly confrontational approach. Given the positive effects of condemnation regarding norm violation—i.e. strengthening collective acknowledgement and protecting social order—this raises the question of why the EU has opted for an approach of mainly downplaying the issue. As mentioned before, downplaying may serve actors in protecting other norms that they consider to be more important. Indeed, the EU has repeatedly expressed its appreciation of the transatlantic relations and the strong U.S-EU partnership despite U.S. withdrawal; it is hence plausible that the EU has decided to not escalate disagreements regarding the treaties in order to protect existing transatlantic cooperation on numerous other issues.

When thinking in terms of successfulness, it may be argued that the EU is capable of resisting the United States as it has managed to guarantee the continued existence of both treaties thus far. Safeguarding the substantial effectiveness of the treaties, however, has proven rather difficult without U.S. cooperation; the EU seems inadequate to compensate for U.S. absence and mitigate the impact of the obstructions created by Washington, particularly apparent in the case of the JCPOA.

RECOMMENDATIONS FOR FUTURE RESEARCH

The EU's approach of downplaying U.S. norm violation whilst opting for non-hegemonic cooperation and seeking rapprochement to other (potential) partners makes for an interesting image. It would seem that the EU aims to avoid escalation at any side while nevertheless not shying away from pursuing its own geopolitical objectives. Is the EU aiming to be seen as "everyone's friend" for pragmatic reasons? Does it recognise a need to become more independent from the traditionally strong transatlantic partnership, and draw on more flexible partnerships instead? Indeed, the EU has pointed towards the contemporary world order

shifting towards multipolarity, and has literally expressed its intention to rely more on "variable geometry multilateralism" (European Union 2019, 20). Is it preparing for Washington's arguably impending downfall and clearing the way for partnering with the next hegemon? Further research is much-needed to shed light on the underlying motivations of the EU for choosing this approach in these particular cases.

Moreover, more instances of EU responses to U.S. withdrawal from existing treaties should be examined when they arise; to verify, first of all, whether the EU opting for non-hegemonic cooperation combined with limited condemnation is an emerging general phenomenon. In addition, it should be assessed whether this approach is successful or not. Based on the two cases studies of this thesis, the EU's prospects of dealing with an uncooperative hegemon in the face of global threats look rather gloomy. Testing this observation against other cases is necessary in order to confirm or debunk this perspective.

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