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The JCPOA, its failure, and European foreign policy: Examining the effectiveness of German, French, and European foreign policy in the JCPOA case, with a special focus on medial opinion as a factor in the determination of policy differences

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THE JCPOA, ITS FAILURE, AND EUROPEAN FOREIGN POLICY

Examining the effectiveness of German, French, and European foreign policy in the JCPOA case, with a special focus on medial opinion as a factor in the determination of policy differences



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Für Mama, Papa, Anton, Philipp, Oma, Opa, Armina und Saint. Ohne euch wäre ich nicht so weit gekommen. Danke, das werde ich nie vergessen. Danke Nils fürs lesen, werd i dir a ned vergessn!

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Introduction, lines of debate & Methodology

The Joint Comprehensive Plan of Action (JCPOA), also known as the Iran nuclear deal, was an agreement signed in 2015 between Iran and seven world powers: the United States, United Kingdom, France, Russia, China, Germany, and the European Union. The agreement aimed to limit Iran's nuclear program in exchange for lifting economic sanctions against the country (Samore, 2015). However, in May 2018, the United States withdrew from the JCPOA, and in response, Iran began to gradually violate some of its provisions. The European signatories of the agreement, including France and Germany, have tried to salvage the deal, but their efforts have been complicated by the ongoing tensions between Iran and the United States. The reaction of European countries, especially France and Germany, to the failure of the JCPOA, is of great interest, as it has significant implications for regional stability, global security, and the future of international diplomacy. Both France and Germany are major players in the European Union and have a long history of cooperation and conflict resolution, as much as they are also key signatories of the JCPOA and have been instrumental in trying to keep the agreement alive. (Alcaro, 2021; Bayramov & Sezal, 2022; Cronberg, 2017).

A first step to understanding the reactions of France and Germany to the failure of the JCPOA is to compare the opinions of two prominent newspapers in these countries: "Le Monde" in France and "Süddeutsche Zeitung" in Germany. Both newspapers are widely read and respected in their respective countries and have a significant impact on public opinion and political discourse and additionally, they are both usually understood as social-liberal media (Maurer, 2006, p. 130; Piet, 2011, p. 25), which makes it easier to cancel out differing opinions that may be rooted in different political stances. Comparing these op-eds highlights the foci of public opinion in these countries but can also give us insight into the foreign policy decision-making of their governments (Naveh, 2002).

"Le Monde" is a French daily newspaper founded in 1944 and has a reputation as one of the most influential newspapers in France. Its editorial line is generally liberal and pro-European, and it has been critical of the Trump administration's policies, including its decision to withdraw from the JCPOA. In an editorial published on May 9th, 2018, shortly after the US withdrawal from the JCPOA, "Le Monde" expressed its disappointment and concern over the decision (Paris, 2018a). The editorial argued that the US withdrawal would undermine the credibility of international agreements and weaken the position of moderate forces in Iran. It also criticized the Trump administration's confrontational approach to Iran and called on Europe to take a

more proactive role in preserving the agreement and concluded by urging France and its European partners to work together to defend the JCPOA and resist US pressure. In a recent article published on January 9th, 2023, the newspaper reported on the latest developments in the negotiations between Iran and the European signatories of the agreement. The article argued that the talks were a last-ditch effort to save the agreement and that failure could have serious consequences for regional stability. It also highlighted the challenges faced by the European signatories in dealing with a more assertive Iran and a hostile US administration, which also didn't believe in the deal anymore (Ricard, 2023).

"Süddeutsche Zeitung" is a German daily newspaper founded in 1945 and is known for its investigative journalism and has a reputation as one of the most respected newspapers in Germany. Likewise, "Le Monde" covers a wide range of topics, including politics, economics, culture, and international affairs. Additionally, it is also generally liberal and pro-European, and it has been critical of the Trump administration's policies, including its decision to withdraw from the JCPOA. In an editorial published on May 9th, 2018, shortly after the US withdrawal from the JCPOA, "Süddeutsche Zeitung" also expressed its disappointment and concern over the decision. It was argued that the US withdrawal would undermine the global non-proliferation regime and make the world a more dangerous place. It also criticized the Trump administration's unilateralism and called on Europe to take a more assertive role in defending its interests. The editorial concluded by urging Germany and its European partners to explore ways to keep the agreement alive, despite the US withdrawal (Braun, 2018). In a recent article published on February 20th, 2023, the newspaper reported on the latest developments in the negotiations between Iran and the European signatories of the agreement. The article argued that the talks were a difficult balancing act between preserving the agreement and addressing Iran's nuclear ambitions and regional behavior. It also highlighted the role of domestic politics in shaping the attitudes of France and Germany towards the issue, as well as the impact of US sanctions on European businesses and trade relations (Krüger, 2023).

But not only the reaction German and French newspapers are interesting for understanding where differences can be found inside of the European Union regarding the JCPOA. It can also enlighten us to not only look at the public reaction of big newspapers but also about the official stance of the governments themselves and especially look at the steps they took to avoid the failure of the JCPOA. The European Union is rarely united in the face of crises and the many member states usually have different opinions regarding these events and react differently (Koenig, 2016, pp. 1–4). This makes it interesting to use see how the involved entities came to

the result we have as of now. The timeframe comparing the media will roughly cover the time around the US withdrawal from the JCPOA around early 2018 until the debate around the INSTEX instrument and debate around the saving of the JCPOA in the years 2018 to 2020, even though articles may be used that were written outside of this timeframe if they offer new and interesting insights into the newspaper's stance. As far as authors are concerned the articles are most often written by the newspaper's Middle east, America, and economical experts, e.g., Paul-Anton Krüger for the *Süddeutsche Zeitung* and Gilles Paris for *Le Monde* and should thereby directly reflect the line of the newspapers themselves.

The general methodological approach is to conduct a comparative case study between France and Germany on different levels. This means popular and medial regarding the newspapers and official regarding the process of trying to save the JCPOA. Germany and France are ideal targets for this case study since they are both treaty signatories and European Union members. It is possible that comparing the reaction of one EU member state to one of the other signatories results in far more significant differences and more controversy, but the target of this study is to get to the inner-European reaction to the failure of the JCPOA. France and Germany as the major deal partners in the EU are thereby providing a perfect case for this study. In the end the results of this comparison/analysis will be reflected upon European Union foreign policy and the European Union's involvement in the process, which then provides deeper insight as to how effective the policymaking is and how grave the difference in interest of the different countries are.

Comparing the general narrative of *Le Monde* and *Süddeutsche Zeitung* provides us with the information that makes clear that both newspapers are in favor of saving the agreement and both newspapers also argue that the US's abandonment or at least the way it was conducted in was not in line with the European beliefs or wishes. There are of course also differences and those are most obvious when one looks at the focus of the narrative that can be located within the realm of economy if one looks at SZ and in the realm of geostrategic and diplomatic thoughts looking at *Le Monde*. It is absolutely clear the general opinion of two newspapers doesn't necessarily reflect the general public opinion but according to Chanan Naveh's assumption that media is involved in all stages of foreign policymaking, it can be representative of the public opinion to some degree (Naveh, 2002).

According to this model it can be said that two opinions that are largely comprised by authors employed by the newspapers themselves and thereby representative for the general direction the newspapers want to steer the debate in. Naveh argues that the role of media in foreign policy

is far more complex and powerful than it was generally seen as up to that point and that media is generally a part of foreign policymaking and that politicians actually regard the media and its influence (Naveh, 2002). Since the start of this debate in the late 1990s and early 2000s it has generally been more accepted that media should be regarded as more of a part of foreign policy decision-making (Mintz & DeRouen Jr, 2010, p. 160 et seq.; Srivastava, 2009). The purpose of this thesis is not to dive all too deep into Naveh's framework and the manifold further evolutions thereof but rather to highlight the connection between medial representation of foreign policy problems and the actual process of making foreign policy.

To analyze how Germany and France dealt and to some degree still deal with the issue a suitable approach would be the application of the Rational Actor Model on Germany and France, which is often seen as "the most plausible candidate for a universal theory of political and social behavior, whose simple and intuitive assumptions hold the promise of unifying the diverse subfields of political science" (MacDonald, 2003, p. 551). The famous model assumes that the maker of a foreign policy can be trusted and makes informed, rational, and especially valuable decisions that benefit him. This model can of course not be used to compare newspapers with each other since it is designed to evaluate actual foreign policymakers like countries or political entities. Usually, the model is used to analyze economic foreign policy decisions, and this makes it applicable here since the economic impact of the JCPOA and its failure was and is quite significant and both countries could have been and partly want to be trade partners of Iran (Mintz & DeRouen Jr, 2010). The model applies multiple different steps to the countries, which, according to Greg Cashman (Mintz & DeRouen Jr, 2010, p. 58), are:

1. Identification of the problem
2. Identify and rank goals
3. Gather information
4. Identify alternatives for reaching goals
5. Analyze alternatives by considering consequences and effectiveness of each alternative
6. Select alternative that maximizes chances of selecting the best alternative
7. Implement decision
8. Monitor and evaluate

Applying and combing these steps to the German and French decision making just after the crisis gives us the chance to compare not only the difference in intentions better but also to directly identify the intentions and goals of the government in a structured way, which makes it much easier to compare them directly to each other. As stated above it is entirely possible

that the French and German reactions differ far less than the ones compared to another involved country like China or Russia. It is still valuable to compare the reaction in general since it could shine light upon the dissimilarities in the European Union and how its major partners tend to behave when they must find solutions in highly concerning situations in global politics. The last part of the thesis will then combine the two prior parts into one coherent picture and focus on the role the European Union plays in the efforts of saving the JCPOA.

Conclusively it can be said that both comparisons of public and official reactions will provide a very interesting set of results that compared with each other, might give us even more understanding about the situation and a possible divergence in public opinion towards government action. This thesis aims to add to a growing set of studies about the Iranian nuclear issue that are often referenced in it. Debates on the topic can be parted into three main categories. European foreign policymaking in the light of the JCPOA and its forms (Adler-Nissen, 2014; Alcaro, 2018; Alcaro, 2021), the transatlantic link and strains on it (Cronberg, 2017; Pothier, 2018; Smith, 2018) and the economic consequences and methods used to conduct foreign policy (Aftalion, 2019; Agarwal, 2022; Cimino-Isaacs, Katzman, & Mix, 2019) and this thesis aims to connect the three narratives into one coherent picture that gives us insight into the foreign policy conducted by European actors in cases of severe diplomatic crises.

The connection between media analysis the resulting differences and decision making is a crucial assumption for this thesis since it delivers the base for the argumentation that the different interests both the German and the French public have in the JCPOA and their relationship to Iran can and could lead to potentially different approaches of the matter, which could have led to different reactions of France and Germany in their general approach towards the JCPOA after the US withdrawal. This, however, is not what happened after the breakup of the JCPOA, instead France, Germany and additionally the EU and the UK immediately rallied to save the agreement even without the participation of the USA, which in many cases overwhelmingly represents the “Western” world and exercises a diplomatic hegemony over many major international treaties (Gegout, 2010). With the USA gone from the treaty and the other partners of treaty being Iran, China and Russia the Europeans had to quickly assume leadership of the agreement representing not only the EU but also the “Western” World.

France and Germany went to great lengths trying to save the agreement and convince Iran and the other treaty partners to further follow the rules, even going as far as founding instruments that were intentionally established to circumvent American sanctions towards Iran (Aftalion, 2019; Laïdi, 2019; Smith, 2018; Véron, 2019). It is obvious that this brings great potential for

conflict with the USA and the transatlantic relationship due to directly counteracting American interest. The rational actor model and the media comparison regarding Naveh's assumptions are chosen because they allow us to identify priorities in foreign policymaking through newspapers and connecting them with the actual policy made by using a theory that is rooted in economical decision making which is very much suitable for analyzing economic foreign policy decisions like INSTEX or the EU Blocking Statute, compare to other theories that focus less on economic decisions.

The JCPOA and the medial opinion in Germany and France

Understanding the French and German reaction to the failure of the JCPOA requires to look at the process of failure from multiple angles. One of these angles is the style, tone, topical content and many more factors that influenced and, to some degree represent how the general French and German public news evaluate the deal and the failure thereof. There are of course many more countries in Europe that had very different reactions to the failure but France and Germany as the cornerstones of the European Union and especially as treaty signatories of the JCPOA can be considered as the most heard and to some degree representative of the EU, which was of course also present as its own entity at the negotiations. An argument can be made about the United Kingdom, which not only is a treaty signatory as well but at the time of the failure of JCPOA was a member of the European Union but it had already decided to leave the EU so it can't really be seen as a valid representative of EU interests in the region anymore and much like Timo Behr argues it "*has been so tightly knit to the policies of the USA that it is simply inconceivable that Britain would provide the impetus for a more integrated European policy in the region*" (Behr, 2008, pp. 93–94). This makes the UK difficult to discuss and leaves the German and French media to be examined for differences in their reactions to the development of the JCPOA and the eventual failure of it and there are valid reasons to assume a difference in public and official reactions, given that Germany and France are more likely to have differing opinions on political issues based on their experiences with certain issues, general culture, political culture and history (Behr, 2008, p. 84) and are often even seen as being on two different ends of a Middle East diplomacy spectrum (Behr, 2008, pp. 93–94).

Comparing newspapers comes with its own challenges, since newspapers are per definition no neutral sources of reporting and often try to popularize their own political affiliation or views. Handling this problem is not easy and impossible in its entirety since there will always be some degree of ideological difference, but it is possible to reduce the likelihood of politically biased

reporting due to different affiliation by choosing two newspapers with a similar and ideally identical ideology. Süddeutsche Zeitung and Le Monde are as mentioned in the chapter above suitable for this strategy. This leaves the problem of how to compare the different articles on the JCPOA and its failure to each other and how to walk along the path of never-ending crises and failures of this once praised agreement. On the one hand it is possible to follow the history of the agreement chronologically and compare the newspaper articles at and around a specific date. This thesis will as stated above follow a rather narrow timeframe and chose op-eds and articles that represent the immediate reactions to happenings regarding the JCPOA to understand the general narrative and opinion about it.

Finally it has to be said that the topic of evaluating whose opinion the media actually reflects is very controversial since several authors try to argue that newspapers can be and are often are reflection of the general public opinion in a country (Coppock, Ekins, & Kirby, 2018) , whereas others are generally skeptical of this and are actually more inclined of seeing the media as an politically influenced instrument of the leading class that mostly reflects their opinion and is used to steer the debate in a predetermined direction (Donsbach & Traugott, 2008, pp. 34–39), but this is somewhat mitigated by the fact that in either way Naveh's theory would be applicable due to the policy makers being influenced in both cases.

Comparing Süddeutsche Zeitung and Le Monde regarding their foci on the American JCPOA withdrawal

“The Iran deal is defective at its core. If we do nothing, we know exactly what will happen. In just a short period of time, the world’s leading state sponsor of terror will be on the cusp of acquiring the world’s most dangerous weapons.” (Trump, 2018)

With these words US president Donald Trump announced his withdrawal from the JCPOA on May 8th, 2018. Prior to this the USA under President Barack Obama promoted and extensively negotiated the deal with the other signatories. Trumps accusation of Iran and the drop out of the agreement enraged Iran and baffled the other signatories, which most often saw this decision as a serious threat to Middle Eastern stability and opposed it (Belke, 2020, p. 28; Schwammenthal, 2018). Just like their home countries governments SZ and Le Monde reacted immediately. The SZ published the comment “Trump kündigt Atomabkommen mit Iran auf” by Hubert Wetzels and Paul-Anton Krügers only hours after Donald Trump announced the decision (Krüger & Wetzels, 2018). The article of the German newspaper does state that the hardline mentality of US president Donald Trump against Iran was expected but it was still

surprising to see him abandon the deal completely. A special emphasis lies on the European and Iranian reaction and the possible consequences for European businesses. Krüger and Wetzel assume that “auch europäische Unternehmen die in den USA tätig sind von amerikanischen Sanktionen getroffen werden könnten“ (Krüger & Wetzel, 2018). The French reaction of 9th of May is reflected in the article “Donald Trump annonce le retrait des Etats-Unis de l’accord sur le nucléaire iranien” which differs quite significantly regarding the focus of the article on the diplomatic questions that arise in the wake of the failure of the agreement (Le Monde, 2018a). Economic consequences for European businesses are not mentioned in the French article. The statement « *[Donald Trump] a également déclaré rétablir des sanctions contre le régime iranien. Cette annonce risque d’ouvrir une période de vives tensions avec ses alliés européens et d’incertitudes quant aux ambitions atomiques de Téhéran.* » points Le Monde’s focus on the diplomatic side of the issue and the fear of a possible diplomatic crisis arising from the issue itself. Interestingly Le Monde also dedicates a paragraph to the inner-European criticism of the JCPOA, which existed in the EU, and in the signatory states themselves, whereas the SZ doesn’t mention this at all. This could imply a bigger criticism of the agreement itself on the French newspapers side than on the German newspapers side. Comparing the first articles itself it already becomes clear that neither SZ nor Le Monde both generally support the agreement and show themselves worried about the American withdrawal. They, however, set their focal points on very different areas in the French thinking more geopolitically and the Germans more economically. There is also a slight tendency visible at Le Monde to not report in favor of the agreement itself, which doesn’t imply that the French media supported the complete abandonment of the JCPOA even calling it a “*décision absurde*” (Le Monde, 2018b). It does, however, show that the German and French medial opinion doesn’t differ in all points, but does indeed converge on topics concerning the greater picture of things.

The slight difference in debate foci in the early days of the agreement’s failure gets accentuated more and more the longer the debate goes on. Since the withdrawal of the USA from the agreement in 2018 the Süddeutsche Zeitung published articles on the possible economic consequences of the agreement’s failure, whereas the diplomatic consequences of the agreements are always covered as well but far less prominently featured than in Le Monde. This becomes visible when the Süddeutsche Zeitung publishes articles that focus mostly on the European and German efforts to avoid being targeted by US sanctions to Iran. The main focus in these articles lies on the pleas of the European ministers, especially the French, German and British ministers, to not hinder European business in Iran and to exempt Europe from the sanctions and the efforts of the German minister of foreign affairs Heiko Maas to protect

German business in Iran. (Süddeutsche Zeitung, 2018a; Süddeutsche Zeitung, 2018b). While these articles are descriptive it is noteworthy that this issue is not a major topic in the French press at that moment even though France was amongst the partners that urged the USA to not obstruct European business in Iran. Additionally, there are many less descriptive articles published by SZ concerning the agreements published since 2018 with most of them focusing on the economical weight of the US economy and the deterrence of German businesses from Iran if they fear it could impact their much more lucrative business in the USA. Added into many of these articles is the emergence and complete domination of Chinese businesses on the Iranian market, the focus of many of these articles stays economic. (Balser, 2018; Busse, Dostert, Fromm, Giesen, & Roßbach, 2018) There are few publications that demand direct political action, especially shortly after the US withdrawal. A comment of Marc Beise is amongst the few who do heavily criticize the USA not only for abandoning the deal but also for the American claim to omnipotence. The author actively demands German action, if necessary even going into confrontation with the USA, to save the agreement and continue to do business in Iran along with the European partners of the agreement. (Beise, 2018) This comment uses a somewhat aggravated and demanding language to clarify the urgency of the situation and even though the dangers of a potentially higher instability of the Middle East is mentioned and feared to arise from the situation the general focus again lies on the economical outcome of the situation. Much like Beise's comment Bastian Brinkmann's article of May 2018 investigates on the example of the endangered Airbus business with Iran whether or not US sanctions and the potential damage for Europe's economy could lead to active European counter measures to the sanctions to protect European business in Iran and potentially cause diplomatic tensions with the USA (Brinkmann, 2018).

After the initial reactions Süddeutsche Zeitung also published comments that were concerned with diplomatic implications of the agreement that mostly criticized Donald Trump's style of negotiation and the turnaround of his politics towards Iran compared to his predecessor Barack Obama. It is mostly argued that Trumps very confrontational and rough foreign policy jeopardizes the general standing of the Western world diplomatically (Denkler, 2018) and how the JCPOA as a whole is generally used as part of negotiation strategy in general (Brössler & Krüger, 2020). Interesting in this regard is that the potential nuclear threat that now arises from within Iran is seldom of ever mentioned.

Le Monde on the other hand, especially shortly after the US withdrawal from the agreement is as aforementioned mostly focused on exactly these questions that just arise now. In their article

of May 9th, 2018, Gilles Paris argues that the recent policy of Donald Trump, including the abandonment of the JCPOA, has led to severe potential for crisis in the region and essentially distanced the USA from its allies. In the beginning the articles are not very argumentative but it is noticeable that the French newspaper at least doesn't openly support the agreement itself but rather criticizes Trump himself for withdrawing in the style he did. Interestingly the statement of US ambassador to Germany Richard Grenell, that German businesses should cease to do business as soon as possible is also mentioned in *Le Monde*, contrary to the *Süddeutsche Zeitung* it is, however, put in the context of applying the maximum diplomatic pressure on Iran and not on the possible economic consequences for France or even Germany or Europe. (Paris, 2018b) Contrasting *SZ* *Le Monde* also invites guest authors with a certain expertise to comment on the issue. On May 9th a guest article of Robert Malley director of the International Crisis Group and former advisor of US president Barack Obama on the Middle East, who much like the other authors of *Le Monde* is clearly positioned against the US abandonment of the accord. He argues that this destabilizes the Middle East and could lead to further deals made with other aspiring nuclear powers like North Korea not being credible anymore and thereby devaluing US diplomacy as a general thing (Malley, 2018). *Le Monde* also made the very interesting decision to also publish Iranian voices in their newspaper in form of their foreign minister Mohammed Javad Zarif, he generally gives a very critical statement and also demands the sabing of the JCPOA (Zarif, 2020), the decision of publishing Iranian officials is certainly interesting and could already hint at the later discussed strategy of French mediation between the USA and Iran. With the general debate progressing over time, it becomes more and more clear that the general debate focus of *Le Monde* stays on the diplomatic side and more specifically on the destroyed relations between the USA and Iran. What is interesting is that even though *Le Monde* seems to be less supportive of the agreement itself they do criticize the capabilities of their own foreign policy harshly and analyze the French foreign policy under the Macron government and concludes that Macron has taken the approach of aligning the USA through coming closer to them. This also includes his critique of the JCPOA and demands for amendments. (Semo, 2018) This is interesting since the *SZ* as aforementioned does not criticize the German diplomacy regarding the JCPOA at all and in general sees the mistakes made on the US side. The closer alignment France pursued with the USA at that time is also reflected in the news coverage of the following years where the articles are commonly headlined mentioning both countries and their diplomatic rapprochement over the following years. (Smolar, 2021; Smolar & Kaval, 2020)

Comparing the opinionated articles of "Le Monde" and "Süddeutsche Zeitung" on the JCPOA does reveal several interesting insights. Firstly, both newspapers share a common concern over the implications of the US withdrawal for global security and international diplomacy. They also criticize the Trump administration's confrontational approach to Iran and its disregard for multilateralism and international law. Secondly, both newspapers highlight the importance of European unity and leadership in defending the JCPOA and promoting regional stability. They also call for a more assertive European foreign policy that is less dependent on the US. However, there are also some differences between the opinions of the two newspapers. "Le Monde" tends to focus more on the political and strategic implications of the JCPOA, while "Süddeutsche Zeitung" emphasizes the economic and business aspects of the issue. This could partly be due to the different national interests and priorities of France and Germany, as well as the different economic structures and policies of the two countries. For example, France has a stronger presence in the Middle East (Müller, 2013) and has been more vocal in its support for the JCPOA, while Germany has stronger economic ties with Iran and has been more cautious in its approach. (Fatollah-Nejad, 2016)

Another difference is the extent to which the two newspapers consider the interests and perspectives of Iran. "Le Monde" is more sympathetic to Iran and its concerns, while "Süddeutsche Zeitung" is generally more critical of Iran's nuclear program and regional behavior, which will later be proven by the comparisons of their articles. This may reflect the different historical and cultural relations that France and Germany have with Iran, as well as their differing views on the balance of power in the region. In conclusion, comparing the opinions of "Le Monde" and "Süddeutsche Zeitung" on the failure of the JCPOA is an interesting and informative task that sheds light on the complex and multifaceted nature of international diplomacy and regional politics. It reveals the commonalities and differences in the attitudes of France and Germany towards the issue, as well as the role of domestic politics, national interests, and economic factors in shaping their positions. It also highlights the challenges and opportunities facing Europe in promoting regional stability and defending its interests in a rapidly changing global environment.

The process of problem identification and political decision making in Germany and France using the rational actor model

Regarding the Rational actor theory, the first step worth looking at is the actual identification of the problem by the actors themselves. This started in early May 2018 directly after the USA left the JCPOA. The governments of Germany, France and the UK published the “Joint statement from Prime Minister May, Chancellor Merkel and President Macron following President Trump’s statement on Iran” (Government of the United Kingdom, 2018). The statement emphasized “*continuing commitment to the JCPoA*” and that “*This agreement remains important for our shared security.*” (Government of the United Kingdom, 2018). This and the following lines that further stress the commitment of the three European countries towards the decision. This can be seen as a very decisive reaction to the termination of the agreement. Within short time the Europeans had already **identified** the problem and swiftly reacted to it, this also becomes clear if one looks at the immediate foci the media have identified as core problems for the respective country.

France and Germany shared the view that Donald Trump’s sudden departure from the agreement posed a threat to both of their goals, that were, as we have seen in the first part of this thesis, the geopolitical stability of the region and the economic opportunities within it. The JCPOA became endangered because the USA were not only the main reason for Iran to agree to the deal, due to the impact of their sanctions on the country but are generally seen as the hegemon of Western diplomacy (Beeson & Higgott, 2005, pp. 1174–1176). This means the Western delegation lost its main representative in the agreement, which was of course not openly worded like that. But American diplomacy had significant influence on European decisions and more specifically the US might have let the Europeans “deal” with Iran on their behalf in 2003 and that “*because United States was already involved militarily in Iraq, and because the Europeans, in accordance with U.S. policy, had agreed to take Iran to the Security Council should negotiations fail*” (Gegout, 2010, pp. 143–150).

The actual statement of the governments also gives us more information of the topics the signatories identified as possible problems arising from the agreement like non-proliferation and possible increased destabilization of the Middle East through increased Iranian activities in Syria, Yemen and Iraq. (Government of the United Kingdom, 2018) While it is not mentioned in the press release itself another point of concern certainly was the credibility of further deals made with Iran. The JCPOA was negotiated since 2003 and it took 15 years to reach an

agreement, but the USA dropped from the agreement only three years after it was signed and the negotiators invested much effort into creating a stable relationship between the negotiators (Alcaro, 2021). Hence a failing agreement could also be seen as severe waste of diplomatic and political capital used by the European Union, Germany and France since 2003, which would certainly not only devalue the standing of the diplomacy of Europe worldwide but potentially also lead to a higher leverage for potential non-western negotiators.

A lower standing of Western diplomacy could have severe consequences for the dynamics of peace negotiations and potentially lead to the assumption that the West is not a reliable partner in major international agreements anymore. A recent example for this would be the normalization efforts between the Kingdom of Saudi Arabia and Iran (Golkar & Aarabi, 2023). This deal was brokered by China, and it is entirely possible that especially Iran didn't see the West as an acceptable partner in peace efforts anymore. This is of course to some degree speculative since there certainly are other factors involved in this like Europe's reaction towards the Women, Life & Freedom protests in Iran but it can certainly be assumed that the failure of the JCPOA had an influence on this. There is definite evidence for this but several statements of Iranian officials following the withdrawal of the USA from the agreement harshly criticize way this was handled and how future agreements have become more unlikely (Wahdat-Hagh & Krause, 2019, pp. 185–188).

The partners, especially Germany, also saw the possibly missed economic opportunities as a severe problem that would come with the failure of the agreement. Not only did Germany's media, as shown above, focus on the missed opportunities but also the political class in Germany immediately expressed their concern about the possible impact the failure the agreement could have on the trade relations with Iran. Exemplary for this is the speech Heiko Maas held before the United Nations on 28th of September. The speech was mostly about the general state of the United Nations and the German history after 1945, nevertheless the JCPOA was also a significant part of it. Even though non-proliferation and geostrategic security were the focus Maas also stated that Germany and its partners are working on further enabling the economical transfer with Iran (Maas, 2018, p. 233). Not only did Germany use the most prominent foreign policy platform to state its intents it also made inherently clear what the priorities of the country are and opposed the will of the USA in this case. This behavior already hints towards the identification of potential losses in business deals for the Germans.

One may ask why the Germans do even identify this potential loss as a problem for the country at all given the fact that the agreement and the opening of the Iranian economy for German

companies were still very fresh and not much business had been conducted yet. The absolute numbers for German exports to Iran after the signature of the JCPoA didn't surpass 4 billion euros until the dropout of the USA from the agreement (Trading Economics / Statistisches Bundesamt (Destatis), 2023/ see graphical representation in the appendix), which is a fraction of its US trade. Yet there must be a set of rational reasons for Germany to cling onto the agreement and be so openly vocal about the fact that it is foremost the economical component that is to be saved. One of these reasons may lie in the historical ties Germany has with Iran and the economic potential it has.

During the reign of the Pahlavi family in the 20th century German economic activity in Iran was, especially post-war, quite significant (Romberg, 2020, pp. 120–122). Many German companies were involved in ambitious projects that aimed to modernize and industrialize Iran. This led to German and French companies that laying down the groundwork for the nuclear ambitions of the Islamic Republic Iran (Romberg, 2020, pp. 120–124) and the German government started to encouraged the export of nuclear power plants to Iran from 1972 on. (Romberg, 2020, p. 132 et seq.) After the Islamic revolution, due to the cooling relations between Iran and the West, business decreased sharply, nonetheless. The Islamic Republic of Iran can indeed be seen as a huge possible market for German products, the country does have a sizeable population, many resources and an economy that needs modernization (Statistisches Bundesamt (Destatis), 2023). The generally big potential of a non-sanctioned Iranian economy was also often discussed as a major factor in the establishment of the JCPoA. The general potential was widely seen after the closure of the deal (Fatollah-Nejad, 2016, pp. 11–13) but it is interesting that mainly Germany identified this as a core interest.

France appeared to have identified a much more security focused core interest in the matter. It tried to include the USA in the saving efforts and even offered a possible restructuring of the deal to the USA. (Pothier, 2018, p. 108) France recognizes the broader implications of the JCPOA's failure for nuclear non-proliferation efforts. It understands that a collapse of the agreement could undermine the credibility of future diplomatic initiatives and encourage further nuclear proliferation in the region. To counter this, France has advocated for reinforcing non-proliferation mechanisms and institutions, such as the International Atomic Energy Agency (IAEA), to prevent a potential nuclear arms race in the Middle East. The nuclear issue is of much greater importance to France since it is not only a nuclear power itself but also a key player in global nuclear politics. (Therme, 2023, p. 121 et seq) A possible nuclear power Iran in the Middle East would not only lead to a highly dangerous standoff between Iran and Israel,

but possibly also to other Arab enemies of Iran like Saudi-Arabia to aim for their own nuclear program (Therme, 2023, p. 125).

As we can see France's identification of the possible failure of the JCPOA is driven by its concerns about regional security and stability. It acknowledges that an unchecked nuclear program in Iran could destabilize the region and fuel existing conflicts. This is also mentioned in the Joint Statement of the E3 countries (Federal Government of Germany), but much more than Germany France identified the crumbling diplomatic elements of the agreement as the most serious problem. The fact that France immediately tried to act as a mediator in the case and tried to appease both estranged sides of the deal may could stem from that. Just like Germany France has a long diplomatic tradition with Iran. Which is less rooted in economic but more in cultural tradition, hence parts of the Islamic republic's constitution and legal system based on the French system. (Abrahamian, 1993, p. 33 et seq.)

It is also telling that the French minister of Foreign affairs Jean-Yves Le Drian visited Iran on the in spring 2018 when the agreement was already under serious threats of withdrawal by US president Donald Trump. During these talks it was clearly stated by France that "Iran and France can have good cooperation with each other in promoting regional stability and security, particularly by preventing humanitarian disasters in the countries of the region and resolving regional crises" and that "*[France is] interested in consulting and cooperating with Iran as a friend country on all issues of mutual interest.*" (Presidential office of the Islamic Republic of Iran, 2018)

This meeting again points out the French interest in playing a role in the security and stability attempts in the region. This special interest may also be reasoned in the general French foreign policy hegemony regarding Europe. France for long saw itself as a European power that is capable of exercising power across the globe. An internal struggle with this concept of a strong French foreign policy occurred with the progressing integration and Europeanization of foreign policy and it is indeed very observable that the general direction of further European integration is aiming to Europeanize the foreign policies of the member states, e.g., though the foundation of the EEAS and common global strategies (Müller, 2013).

Different European countries handle these processes differently and this process of Europeanization is indeed very complex and far from finished in some places more or less effective instruments have been established by the European Union, hence it would be untrue to state that European foreign policy is unified and effective (Adler-Nissen, 2014; Alcaro, 2018; Behr, 2008; Müller, 2013). The new strategy aims to increase the leverage of the European

Union in foreign policy questions and the effectiveness of European policy outside of Europe, but real policy is far from this. As of today, it is mostly the case that critical foreign policy decisions are mostly made by singular members states and not the European Union. The Union tries to increase the tools and leverage it has, not only in the case of the JCPoA but also in many other global areas of interest and it indeed shows more provocative approaches but still lacks the substance as we can see on the blocking statue later. (Orenstein & Kelemen, 2017)

Much like the other European Union members France still is a supporter of a European coordinated foreign policy approach (Müller, 2013) but as one of the diplomatic great powers of the European Union, with self-understanding as a global negotiator and seeing that an effective coordinated European foreign policy that would cover all necessary areas of diplomacy and state related affairs is not in place. France had to conclude that they couldn't let diplomacy fail in this case, for the sake of their own and Europe's standing as a treaty partner.

All this leads us to the identification of two major problems with the current situation by two partners the diplomatic failure of the agreement by France and the economical failure by Germany. This again doesn't mean that the respective other one didn't see other problems with the failure as well, but the core interests of both countries were significantly different to each other, and this is likely due to the different approaches to Iran and the region. The one major problem that both partners prioritized the most was however the possibility of the whole agreement failing because of the US dropout of the agreement and Germany and France for their respective reasons did not want to let this happen.

This meant France and Germany **had to decide what could be done** to avert further consequences, like Iran leaving the deal as well. Three options were thinkable, the first one being convincing the USA of sticking to the agreement or to reenter it by agreeing to the same terms that were agreed upon before. Under the Trump administration this was not realistic at all and so the European allies, especially France tried to convince the USA of renegotiating the agreement. This option was more realistic since the main argument by the Trump presidency for leaving the agreement was that it was a "one of the worst and most one-sided transactions the United States has ever entered into" and the USA gained nothing by it (Archives of the White House, 2018).

Major issues the USA had with the agreement included allegations that Iran was already breaking the agreement, still pursuing nuclear ambitions and that the agreement "failed to protect America's national security interest" (Archives of the White House, 2018). Therefore, it was unlikely to move the USA to reagree to the JCPoA but it was possible that the USA

would re-enter negotiations to different terms. As it is clear now this never happened, but France saw this a real opportunity and tried to convince the USA to not abandon the agreement and instead open talks about restructuration. This was generally also the aim of the USA who was just opposed to the current agreement, but Donald Trump had hinted at the possibility of a new deal. This was however not acceptable to the government in Teheran, which didn't want to accept any changes of the deal (Pothier, 2018, pp. 107–108). France still saw the possibility of convincing the USA and out of the European partners of the deal showed by far the most understanding for the American decision to drop out of the deal and in the light of this French alignment with Trump is a clear attempt for limiting the damage Trump did to French global ambitions and goals. (Pothier, 2018) Regarding the situation damage limitation can thereby be seen as a primary goal identified by the French politicians. Donald Trump's withdrawal sent shockwaves through the Middle East and the French identified their main goal in containing the destabilization of the region.

Not one bit less important was the avoidance of nuclear armament in Iran. The JCPOA set strict limits on Uranium enrichment in Iran. This was designed to slow down and completely deny Iran access to nuclear weapons (Nicoullaud, 2016, p. 53 et seq.), not only would this lower tensions in the region but it would also take leverage from the Iranian government in crisis situations. France's geopolitical interest in the Middle East, due to historical ties, but also geopolitical interests and France has no interest in allowing another nuclear power to rise in a region that already is and might be even more unstable. France was so opposed to the Iranian nuclear program and the possibility of nuclear weapons in Iran, because it feared that the Iranian pursuit of nuclear weapons would lead to *“en particulier l'Arabie Saoudite et l'Égypte, suivraient l'exemple de la République islamique”* (Therme, 2020, p. 112).

France itself under Macron pursued an unrealistic strategy regarding its ambitions in the Middle East but also its ambition to be seen as major international mediator. Three main arguments deny France of any success in this matter. Firstly, the French strategy assumes that the United States need them as a mediator, whereas the USA under Donald Trump have made it clear that there is nothing to negotiate about anymore and also Iran was not keen on renegotiation (Wahdat-Hagh & Krause, 2019). Secondly Iran has stated that it prefers to speak to the Americans than to the Europeans, since it, like most of the world, regards Iran as the lead negotiator of the West. Lastly the French businesses Macron wants to protect in Iran are also more likely to follow the way the US sanctions may lead them to (Therme, 2020, pp. 117–118). President Rouhani even clearly stated that he would like to *“parler directement avec*

Washington plutôt qu'avec les pays européens en général et la France en particulier parce que, finalement, Washington est le principal décideur de l'Occident - selon les mots de Rohani, ils sont kadhoda (chef du village)" (Therme, 2020, p. 117)

Rouhani's statement and the general mixed Iranian opinion of Europe's capabilities (Wahdat-Hagh & Krause, 2019) again give an impression of the standing of European but also French foreign politics internationally. In this regard the drop out of the United States from the JCPOA presented a chance for the European countries. Iran now had to speak with them directly to salvage the deal and France, Germany (and the EU) found themselves in a position that gave them the chance to assert the diplomatic influence. France even more so than the EU had to see this as a unique chance to fulfill the foreign policy ambitions of greater influence and as international mediator it had and has during the Macron era. The French aimed at taking the chance to gain greater weight internationally and wanted to "*présenter la France comme un pont entre les États-Unis et l'Iran se heurte à des obstacles*". (Therme, 2020, p. 117)

France's declared goal of saving the agreement diplomatically, assuming a greater role as a mediator in world politics and deliver credibility become obvious when one looks at the French national doctrine of the Macron government and the immediate steps undertaken in mediation between the USA and Iran. The saving of the economic component of the agreement was also a big part in the French argumentation for saving the agreement but this is not very credible given the priority of French companies for the US market and the comparatively low involvement of French companies in the Iranian market (Therme, 2020). Germany on the other hand prioritized the goal of saving the economic component of the agreement, of course also to convince Iran to stick to the deal. Given the low leverage of and low interest in Western diplomacy without US involvement it was clear that they had to work together in saving the agreement itself should there be any chance of doing so. This also meant that the two top goals of both countries had to somewhat be united in the approach chosen. Both goals were only realistically realizable by using a strategy that either led the USA to reintegrate into the agreement or Iran to stick to the agreement. The USA demanded a complete regime change in Tehran to even think about renegotiation, which made the effort put in by the French to enable this option pointless. Iran initially showed great interest in sticking to the agreement for multiple reasons, likely including portraying themselves as a more reliable treaty partner than the USA (Wahdat-Hagh & Krause, 2019). This was however not a motivation to stay in a treaty which had just lost all its economic value for an extended period. This meant a solution that should include Iran had to address this issue.

After the withdrawal the foreign ministers of all remaining treaty partners met on 6th of July 2018 in Vienna to discuss the JCPOA, the US withdrawal and the further strategy. Several **key goals** were agreed upon as goals in this meeting namely that the “the lifting of sanctions, including the economic dividends arising from it, constitutes an essential part of the JCPOA” and “aimed at providing practical solutions to maintain the normalization of trade and economic relations with Iran. They welcomed the extensive work undertaken to-date, the intensification of technical dialogues and the mobilization of considerable resources by all.” (EEAS, 2018)

The time directly after the withdrawal was the birth moment of one the most surprising, confrontational, and explosive ideas of the transatlantic relationship. The partners would have to create an instrument or something in the vicinity of that directly works around US sanctions and possibly negates harsh negative effects on Iran. It had to be immediately clear that this would directly go against US hegemony attempts and try to undermine the might of the dollar in world economics (Laïdi, 2019, pp. 5–6). This ambitious goal is of course very unrealistic given the economic might of the US economy and the European interest in it and yet it was supposed to show the willingness of Europeans to support Iran and to counteract US pressure. This is a very special case of openly allied nations trying to act against each other and had the potential to seriously strain the transatlantic connection to the benefit of both Germany and France.

The primary objective of INSTEX was to provide a channel for legitimate trade between European companies and Iranian entities, particularly in sectors such as pharmaceuticals, medical devices, and food. It aims to ensure that essential goods can reach Iran without violating U.S. sanctions, which have limited Iran's access to the international financial system. INSTEX operates as a special purpose vehicle that enables companies to conduct transactions with Iran in a way that avoids direct transfers of money between European and Iranian banks. Instead, INSTEX functions as an intermediary, facilitating payment settlements between European exporters and Iranian importers. This mechanism aims to protect European companies from potential penalties by the U.S. for violating sanctions. Overall, INSTEX is a European initiative designed to preserve some level of trade with Iran amidst U.S. sanctions. However, its effectiveness and ability to significantly mitigate the economic impact of sanctions remain subjects of debate and ongoing developments. (Aftalion, 2019; Agarval, 2022; Schindler, 2021; Véron, 2019)

It is indeed quite surprising to see this instrument at the core of the efforts to save the relations with Iran. Especially since two EU member states found a financial instrument that operates

outside of the European Union and, at least on paper, has no connection to it. INSTEX had severe weaknesses. It was limited to non-sanctioned goods like agricultural and medical products and was essentially thought to facilitate transactions outside of the SWIFT and Dollar system. This can be seen as a first cautious try of French, German and British emancipation from the USA in diplomacy and global politics.

The fact that INSTEX in the end proved to be ineffective and damaged the European reputation in Iran (Bayramov & Sezal, 2022, p. 235; Wahdat-Hagh & Krause, 2019) doesn't negate the fact that European nations planned and realized something that was directly intended against the USA and its hegemony. To achieve this goal the European governments had to balance between the interests of their own economies in the lucrative US market, the Iranian frustration with the instrument itself and the reassurance of the USA to not strain too far apart from US foreign politics. Despite all these issues and the difficult birth and life of INSTEX it was a key European intergovernmental response to renewed US sanctions towards Iran. Its establishment can be seen as the absolute main goal of both Germany and France. Had it worked like originally intended INSTEX could have fulfilled the goals of both countries. The next chapter will assess in detail how INSTEX was implemented, and which details made the instrument ineffective and which parts of the instrument failed because of external reasons. At the end of this part of the thesis INSTEX must be seen as another indicator of the main goals France and Germany set for saving the JCPOA.

Interesting about INSTEX is that the tool was only meant for goods that were not sanctioned by the USA anyways. Thereby it is interesting why the E3 decided this tool was needed in the first place. The easy answer is overcompliance to US sanctions. Many businesses (over-)comply with US sanctions to avoid any kind of retribution or damage to their US business. Hence it was thought that INSTEX would encourage banks and businesses to continue trading with Iran. The instrument was received with mixed feelings and expectations from all sides. The American reaction was of course quite negative (Cimino-Isaacs et al., 2019) and also the Iranian side, while welcoming the efforts of the European partners, wasn't convinced of the European effort in this case. The reaction to the instrument itself was generally very pessimistic, (Aftalion, 2019; Véron, 2019) and despite the low credibility of the instrument it was at least publicly pushed by the E3 and the European Union (Ministère de l'Europe et des affaires étrangères, 2019).

Realistically seen the E3 had little other choices at their hand than INSTEX. The goal of saving the JCPOA completely relies on keeping the Iranian government involved in diplomacy with

the West and especially complying with the non-proliferation rules of the JCPOA. This was as discussed before only possible if Iran could be convinced that it can benefit from the agreement. Even though INSTEX was received negatively by the Iranian side, the Europeans advertised it as the possible solution for the sanctions issue. It is unclear to what degree the E3 believed in the financial success of the instrument given that its evaluation by almost all parties was, at least technically, quite negative, but it not a strain to argue that the E3 had to at least believe in the diplomatic value of INSTEX.

The European Union looked at the possibility of including the instrument in its framework, access was open to all European member states, a few EU member states joined the instrument and multiple countries expressed their interest in joining as well. Amongst these countries were China and Russia, which means that this instrument had to have some value as a serious threat to the USA and the dominance of the dollar in global economy. (Aftalion, 2019) Economic flourishing of a country that doesn't have access to US dominated international financial regulatory mechanisms or the SWIFT system is impeded significantly. The USA usually reacts quite harshly to threats concerning their financial dominance on the world market and despite the questionable effectiveness of INSTEX this approach seemed to have the most chances for success or at least to stall Iran from abandoning the agreement until a government and possible government change in Washington, due to it trying to balance reactions. (Aftalion, 2019; Bayramov & Sezal, 2022)

As mentioned before the E3 had little other options than to think about something like INSTEX to keep Iran committed to the JCPOA. Europe folding to US would have led to complete loss of diplomatic ties and reputation to and in Iran (Bayramov & Sezal, 2022, p. 235), and thereby very likely have been resulted in an immediate collapse of the remnants of the agreement. It is also possible and by now has also become the truth that China would benefit from a failure of Western diplomacy in Iran. As of 2023 Chinese influence in Iran has risen to an all-time high. This is apparent by the growing military presence of China in Iran but became diplomatically visible to the world when China hosted, announced, and succeeded in intermediating between Iran and Saudi Arabia. This normalization attempt partly to be credited to Chinas generally rising influence and the vanishing Western influence in the Middle East (Bayramov & Sezal, 2022; Golkar & Aarabi, 2023; Thépaut, 2022).

A stronger instrument on the other hand, which was something that Iran repeatedly asked for (Wahdat-Hagh & Krause, 2019), was not realistic either. The strain on the transatlantic link would have been immense and the relations were already low at this point. This was most

certainly also the reason why INSTEX wasn't advertised very prominently as what it was, namely the first, albeit silent and shy European intergovernmental answer to American diplomatic and economic hegemony. (Agarwal, 2022) The ideas of the E3 were constrained to an unsatisfying solution, that was unlikely to succeed and yet it showed the willingness of the three European partners to immediately join forces and think of alternative solutions instead of caving into American dominance. The interesting part that this thesis will later come back to is that the European Union showed great interest in promoting solutions and tried to be very active in the process of trying to save the agreement. It was arguably as vocal about the possibilities and the diplomatic process as the actual treaty partners.

The key difference and in the end one of the main takeaways of my research is that the European Union can be considered a very much vocally powerful entity but a supranational power in foreign policy without much influence on the INSTEX instrument. As many scholars and politicians have argued before the common security policy is far from completed, its instruments are extremely limited. The European Union claimed both the signature and the implementation of INSTEX as major successes of European Union diplomacy and foreign policy, whereas it wasn't a signatory of the intergovernmental INSTEX effort. INSTEX as consequences highlight the immeasurability and lack of facts for the success of European foreign policy. This can also clearly be seen by the wording of the EEAS's press release that *"support their commitment to further develop INSTEX with interested European countries"* (EEAS, 2019)

This lack of leverage is further displayed in actual Joint Statement on the **implementation** of INSTEX by the foreign ministries of Germany, France and the United Kingdom (Ministère de l'Europe et des affaires étrangères, 2019). Even though the European Union and particularly the EEAS in person of Federica Mogherini credited themselves with INSTEX the actual contribution of the European Union to INSTEX was mostly vocal. Mogherini instead stated that the EU "will continue to accompany the work of the Member States involved to make this vehicle operational as soon as possible in close coordination with the Iranian counterparts." (EEAS, 2019). "Accompany" precisely describes the passive role the EU had in this process.

The instrument itself was established in 2019 and was declared on 29th of June 2019 that it was functional as of now (Aftalion, 2019, p. 5). This is technically true, but the instrument was still only used once in the four years of its existence. Intended to take the worries out of EU companies it largely didn't seem to work. After the reimposition of sanctions in 2018 European imports from Iran basically fell back to zero after rising by double digit percentages since the

JCPOA was established and almost all companies that were deeply entangled in US business as well pulled out of Iran because of fear. The first counter measures included actual EU measures like an 18 million Euro aid package (Rios, 2018), but this amount is low regarding the volume Iran-EU trade had reached before. It is however to be seen as one of the few instance the EU itself became active in trying to preserve the JCPOA (economic quote here).

It quickly became clear that one of the major flaws of INSTEX was its vulnerability to US pressure. Not only Vice President Mike Pence declare it “an effort to break American sanctions against Iran’s murderous revolutionary regime” and “an ill-advised step that will only strengthen Iran, weaken the EU, and create still more distance between Europe and the United States.” But US sanctions also targeted indirect trade with Iran. This meant that “INSTEX personnel and operations could be made subject to additional U.S. sanctions or sanctions designations”. (Cimino-Isaacs et al., 2019) The first INSTEX transaction did finally take place in January 2020, when medical equipment was delivered to Iran in the wake of the COVID19 crisis. (Cipriani, Goldberg, & La Spada, 2023, pp. 26–27; Tockuss, 2020) This also remained the only transaction ever facilitated by INSTEX since the instrument was recently closed in early 2023, while blaming Iran for its failure (Ministère de l'Europe et des affaires étrangères, 2023) despite the instrument begin seen as weak before. The reason for its ineffectiveness are manifold and most of them are already discussed above and in the end come down to the limited range of goods tradable on the platform, the US resistance against INSTEX, the cautious approach by the E3 to not anger the USA, and the skeptical Iranian approach.

Applying the rational actor model to the European defense of the JCPOA states that, after tracing the process and looking at the possibilities the actor had, one will trace the political decision making to a rational most beneficial result. The E3 instrument to mitigate US sanctions and save the Iran deal was an economical failure, barely used and damaged the reputation of the E3/Europe not only in the USA but also in Iran. The question arises of how we can speak of a rational decision, given this at first glance terrible outcome. In the end the decision the E3 took with the implementation of INSTEX comes to the difficult path France and Germany had to balance between US, Iranian and their interest and was despite the underwhelming outcome a rational decision and the most promising attempt at saving the JCPOA, while not snubbing either side. The implementation of the decision was severely lacking the necessary power to put convincing pressure on the USA, but it still had the greatest chance at success and kept Iran in negotiations until today. Thereby it can be considered as a joint realpolitikal rational approach at saving the situation to each of the state’s greatest possible benefit. It is thereby

argued that the decision making in the case of the JCPOA is a very intergovernmental affair that largely excluded the European Union from most effective decisions.

The European Union and the JCPOA: Trying to break into the global politics

The Union was not a signatory or shareholder of either of INSTEX and yet appears in many papers as a very prominent factor or contributor to INSTEX. This is arguably a debated case and there seems to be quite a bit of confusion about who is responsible for the major decisions made in the situation of the JCPOA crisis. Some papers argue that the European Union set up and majorly participated in the formation, supervision and diplomatic negotiations regarding the Iran nuclear deal and INSTEX, most official releases don't mention the European Union at all and some scholars avoid making a statement on the issue at all by mostly addressing the actor as "E3/EU", seemingly disregarding the fact that the E3 and EU are different entities. The confusing role of the European Union in this affair needs and deserves greater attention and clarification.

This chapter aims at connecting the two previous chapters and their findings into one chapter which will connect the previous findings and look at their implications on European Union foreign policy and how official goals and statements diverge from the reality of policymaking. It will also take brief look at nation states asserting power and working together outside of a European Union framework to enable real progress and to effectively apply greater power than the EU can do now. Synoptically the chapter will argue on grounds of this case and the findings that European Union foreign policy is weak, internationally barely regarded and in the end relies on its more powerful member states. The challenge of this chapter is to tie the public perception and the differences therein, its potential influence on the actual policymaking to the realist and very much intergovernmental decision making of the E3 and thereby to create a coherent picture of the ambition of European foreign policy, its shortcomings but also what we can already see of a potential European foreign policy.

The European Union wasn't mentioned often in the previous chapters. The newspaper reports were mostly talking about the E3, European states, or individual states, hence the Union wasn't really seen as an active actor in the matter. There are of course reports that also inform us about the Unions interests in the matter and its tries to improve its standing but for the main part the Union isn't seen as a real actor. The same conclusion can be made about the actual policymaking progress of trying to save the agreement by setting up INSTEX, the European Union is neither a signatory, nor an official part of INSTEX in any way. This doesn't mean that

they wouldn't have liked to be more involved, and the Union urgently tried to get more international leverage, but in the end, they weren't able to.

The lack of Europeanness in the prior chapters already hints us at the main issue of effective European foreign policy, the non-existence of it in major international crises or internationally relevant issues, and this is even recognized by majorly pro-European parties that call for change (Graf Lambsdorff, 2021, pp. 144–145). After Lisbon 2007 and the establishment of the EEAS it was generally concluded that the Union sought to display and seek more foreign policy assertiveness and slowly develop into a more active player in global politics and as of today. The power of these approaches is however limited by the legal tools the European Union has available to be active outside of its territory, which results in a “hybrid foreign policy” together with the big powers of the EU like Germany (Aggestam & Johansson, 2017, pp. 1203–1211).

This is not doable as EU foreign policy strategy in the case of Iran and the JCPOA. Saving the JCPOA required direct state action by the signatory states, backed by the highest ranks of the individual countries. In the literature there has been widespread discussion about the involvement of the European Union. Despite the general lack of global power, it is, in EU backed literature, most often displayed as a major global actor in the saving process. Regularly the main topics of European Union interest and assertiveness are described in the context of their MENA strategy as being “able to take a leading role, (2) can gain the support of the global powers and (3) may even stand up against the others, first of all the USA, in the defence and protection of the “common good” (Rózsa, 2018, p. 3). These descriptions make it seem like the European Union was asked to take on the role of major international negotiator, but as we have seen in the chapter before this did not happen. Regarding point one of the assumptions, it is argued that the European Union very well strived for a strong leadership role in the JCPOA negotiations, but this never materialized. It must be said that the Union sent a high representative to the negotiations with Iran and to the talks after the US withdrawal, but what is essential here is the question of how to measure a “leading role” and if it can be a mostly vocal role. The Union has promoted many solutions and but most of them vocal, apart from the signature under the documents. The rarely enforced and updated Blocking Statute is the one major exception to this, since it presents, at least on paper, one of the mightiest weapons the EU has to offer since it “allows EU operators to recover damages arising from US extraterritorial sanctions from the persons causing them and nullifies the effect in the EU of any foreign court rulings based on them. It also forbids EU persons from complying with those

sanctions, unless exceptionally authorised to do so by the Commission in case non-compliance seriously damages their interests or the interests of the Union.” (European Commission, 2018)

This measure is taken by the European Union itself to protect European-Iranian trade. It can still be argued that the EU shot all its diplomatic powder with this move, and it actually reached very little with it, as Iranian trade with the EU still significantly decreased and many EU companies withdrew (Schindler, 2021, pp. 29–39). Not only does the Blocking statute still provide the option to avoid sanctions, albeit with the authorization of the commission, in case they damage the individual company or entity, but it is also exceptionally hard to prove that a business isn't doing business in and with Iran because it fears US sanctions. Not doing business anymore doesn't necessarily fall under the umbrella of compliance with US sanctions itself. As seen above and in the guidance the EU provided for the blocking statute it leaves room for interpretation and businesses can cease operations “on the basis of their assessment of the economic situation” (Schindler, 2021, p. 29). This makes it very easy for companies scared of US sanctions to withdraw from Iran and not face any repercussions by the EU. Another reason for the failure of said blocking statute is likely the very weak enforcement of the blocking statute itself. Repeated threats of repercussions made not only by the USA but also by Israel likely made the European Union more likely to not or very lightly enforce the statute. America is also reliant on European trade, and this made the chances of a transatlantic rift very low, but Donald Trump's policy of unpredictability may have deterred the Union from risking another severe crisis. This makes the blocking statute a European Union weapon that looks very impactful but, in the end, did amount to almost no effect.

The base line here is that the nation states here do still have a greater, faster arsenal of tools that don't rely on unanimity to act on political problems, which in the end materialized in INSTEX. The Union of course wanted INSTEX as well and it was thought about integrating it in the EU and despite this the EU itself had to give the lead to the E3, because a fast establishment was needed and EU unanimity to INSTEX was unlikely. (Aftalion, 2019, p. 7) The European Union tried to be effective and assume the power vacuum left by the USA, but it quickly had to realize its own limits. The general setup of the negotiation table in Vienna already leaves room for discussion, when negotiations started in 2003 after the Iranians started to build their nuclear power plants in Arak and Natanz the Union, Germany, France and the UK sat on the negotiation table despite essentially negotiating the same point of view. The question arises why there was a need for such a seemingly unnecessary double role. The answer may lie in the still limited

reputation of the European Union on the international playing field, but also the weaknesses of the individual nation states on their own.

As we know now both instruments failed to make any impact on European-Iranian trade. The blocking statute did not deter European Union companies from withdrawing from Iran in any way. This really highlights the struggle the Union had and has as an effective global player and essentially stays a minor partner in major diplomatic agreements, with a limited selection of mostly economical foreign policy weapons, compared to the USA. INSTEX on the other hand was an arguably slightly more successful and for the USA an economically more dangerous instrument that not only promoted Iran trade with the EU but also was a first cautious approach to break the Dollar dominance on the international market. The chances of success were of course low, but this intergovernmental company had in the end more success than the ineffective blocking statute. In the end the overcompliance of European companies also doomed INSTEX, despite actual demand in Iran almost no European companies were willing to use it due to the US threats towards doing so, and the INSTEX was dissolved in March 2023. It is argued that this intergovernmental company, albeit promoted by the EU, had more impact on the JCPOA saving efforts than the European Unions most powerful economic weapon.

This could in the end then explain the lack of diplomatic leverage and reputation the Union has on the global stage. As *“it can be argued that whatever its approach to multilateralism, the EU lacks credibility because of its failure to speak with one voice in multilateral arenas or groupings, and the persistence (and subversive) influence of the member states”* (Smith, 2018, p. 542) it is still reliant on their most powerful member states doing foreign policy for it and the dominance of the US dollar immobilizes both the European individual states and the Union itself. The European Union unleashed almost everything it had to keep Iran in the agreement but in the end the agreement effectively failed, which may also be reasoned in the harsh Iran policy of Trumps successor Joe Biden and the resulting continued sanctions by the USA.

Conclusion

One crucial takeaway from this thesis is however that this severe European failure on the global stage could hint us towards a coherent European foreign policy approach. Even though France and Germany do have very different relations, history and interests in Iran and regarding the importance JCPOA itself, they did very quickly come together after the crisis, and in the form of their intergovernmental INSTEX company opposed the USA and risked transatlantic relations. The French try of acting as mediator between the USA and Iran also shows the intergovernmental character of the immediate European reaction. Essentially this means that,

even though, INSTEX and the French diplomatic approach were intergovernmental initiatives, which essentially means that European foreign policy stays intergovernmental, it is possible to see a real joint European foreign policy coming from this. It is a common argument that the EU further integrates in times of crisis and this diplomatic crisis has arguably led to a further integration in foreign policy. Intergovernmental actions were backed by the European Union and differences in opinion and relation barely mattered and that the theory that countries follow the debate in op-eds of their countries is to some degree true in this case. This essentially shows that a foreign policy on all levels, not only economical, could be possible in the future, since what happened in the case of the JCPOA saving efforts is that France and Germany joined forces to reach the best common result, and this was INSTEX. In the future the EU could integrate efforts like this more into the European actions and it arguably must if it wants to be taken seriously and as an independent actor on the global stage.

This is also rooted in more aggressive acting of the Union than usual to protect its interest and just lacked the tools to implement and defend further measures, hence the reliance on nation state foreign policy. Even though in the end both INSTEX and the EU Blocking Statute resulted in very little success they demonstrated the willingness of the Union to act independently, the inability to do so as of now, the nation states swift and realistic action despite very different Middle Eastern policy approaches and opinions. And this shows us that the current system of having powerful EU members conduct the actual foreign policy is the current model of success, since there is just less potential for differences to block the whole progress, whereas the EU is likely to have to introduce QMV on foreign policy decisions and to even more risk a transatlantic rift to make its foreign policy effective and especially independent. Future foreign policy issues not only in the region will show how this issue develops especially when Europe and the USA are not on the same side, and this will then again be worth a study.

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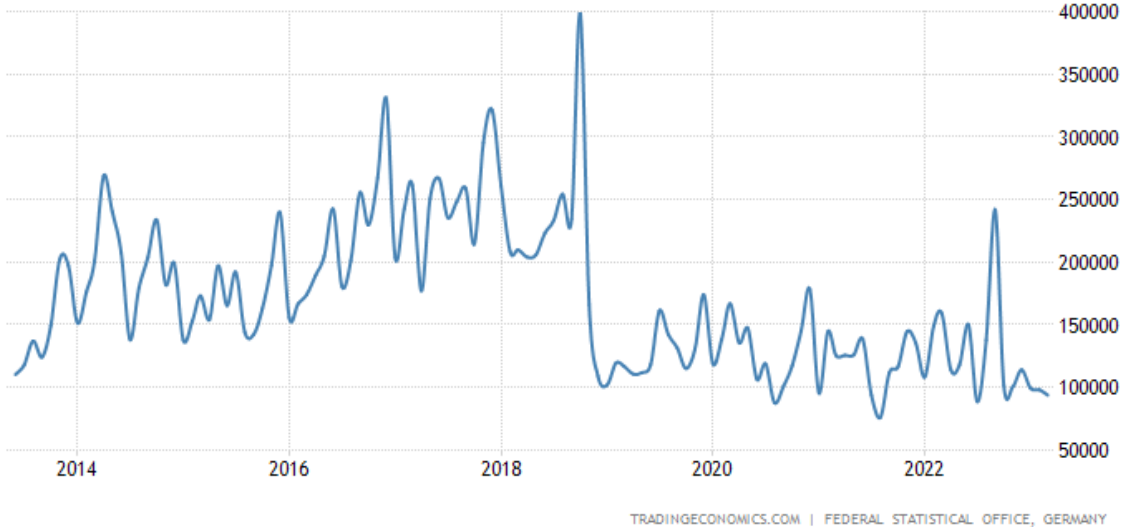
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Appendix

German exports to Iran 2013-2023



(Trading Economics / Statistisches Bundesamt (Destatis), 2023)