IRAN’S NUCLEAR PROLIFERATION – CHALLENGE OR SURVIVAL OPPORTUNITY FOR THE COMMON FOREIGN AND SECURITY POLICY?

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Abstract: The European Union has maintained for decades a low profile in fighting nuclear proliferation and became strongly preoccupied with this subject in the last decade, although its first actions in the field date back to the 1980s. Fighting nuclear proliferation is part of the Common Foreign and Security Policy, and this is obvious when one considers that the European Strategy against Weapons of Mass Destruction and the European Union Security Strategy have both been adopted in 2003. The European Union perceived the fight against nuclear proliferation as being an area in which it can successfully act and restore its credibility as major player in international security, credibility which was seriously affected by the split during the Iraq war. The Iranian nuclear crisis was intentionally chosen by the European Union to revive the Common Foreign and Security Policy and develop a genuine common policy in the field of nuclear non-proliferation. It remains to be seen whether in the end the Iranian case can be labeled as a survival opportunity for CFSP or a challenge that only added more problems to an already sensitive area.

Keywords: EU foreign policy, nuclear proliferation, Iran, EU WMD Strategy

I. Introduction

The breakdown of the Soviet Union determined the European Union to be preoccupied with nuclear non-proliferation, although its activities in the field date back to the 1980s. In was in 2003 that the European Security Strategy identified the proliferation of weapons of mass destruction to be “potentially the greatest threat to our security”.

Consequently, several documents dealing with proliferation of weapons of mass destruction have been adopted in 2003, among which the most important one is the European Strategy against Weapons of Mass Destruction. Although adopted as a declaration with no legal value, the strategy represented a novelty in comparison with the former weak attempts of EU member states to have a common position in international security issues. The WMD Strategy influenced considerably the European Union decision to act united in the case of the Iranian nuclear crisis, a crisis which can be seen as a challenge but also as a survival opportunity for the Common Foreign and Security Policy.

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The paper focuses, in the first part, on the history of EU’s involvement in the nuclear non-proliferation field, with a special emphasis on the main tools developed by the European Union in the fight against nuclear proliferation. The second part presents the main steps of the EU involvement in Iranian nuclear crisis. The last part of the article comprises an analysis of the EU intervention in this case and of the main tools it decided to use and debates whether Iran’s case of nuclear proliferation can be considered a challenge or a survival opportunity for the CFSP.

II. Nuclear non-proliferation - part of CFSP

From 1945 to 1970, nuclear non-proliferation seemed to be a preoccupation only for the United States of America, while the members of the European Community (EC) were rather salient in the field. Due to the interest of many states in acquiring nuclear technology, a large debate emerged on the transfer of nuclear technology and numerous export regime controls were created in the 1970s to which also the EC member states were parties. The EC member states were also members of the Atomic Energy Community (Euratom) established in 1958, but the treaty that established this Community mainly aimed at preventing proliferation among the member states and most notably by Germany and thus only established a system of safeguards and export controls.

The first EC initiatives with external dimension in the field of nuclear non-proliferation date back to the 1980s. The Council decided in 1981 to set up a working group on nuclear issues in the context of the European Political Cooperation (EPC), and while “EURATOM had the task of dealing with proliferation within the Community, the EPC working group on nuclear questions was concerned with averting proliferation externally”. The Single European Act introduced the concept of European Political Cooperation, meaning the cooperation of member states in external affairs that started a decade earlier, and in this way formalized also the evolutions in the field of nuclear non-proliferation.

As noted by Camille Grand, the cooperation of EC member states in the field of nuclear non-proliferation intensified in the period 1985-1990, as the working group met more frequently and bilateral consultations became common. Still, in terms of external activities, the evolutions were not remarkable as the activities were limited to common declarations of the member states presented within different international organizations.

There were two important factors related to the international security environment that radically changed the position of EC member states and made them more willing to cooperate on nuclear non-proliferation. Firstly, the end of the confrontation between the East and the West brought to the forefront concerns related to the future of the Russian nuclear arsenal located in different former satellite states. Secondly, the war in Iraq in 1991 revealed the need to strengthen the international non-proliferation efforts after the disclosure of a secret nuclear program. Thirdly, and related this time to the internal situation in the EC, in 1992 France became party to NPT and thus removed the last obstacle for developing a common policy in the field, while the new European Union (EU) created after the Maastricht
Treaty put emphasis on the creation of a Common Foreign and Security Policy, offering thus an impulse to intensify cooperation in the nuclear field.

In the first half of the 1990s, the EU became more involved in nuclear non-proliferation using several instruments which unfortunately then as now were not organized in a very coherent system easily to be understood. For simplification, in this paper we consider that the main instruments used by the EU to fight nuclear non-proliferation can be summarized as being: a) multilateralism, with reference to the support offered by the EU to universalize the international non-proliferation regimes, support offered to international organization with tasks in the field and cooperation with strategic partners to strengthen the nuclear non-proliferation regime; b) external assistance offered to third states; c) intervention in regional nuclear proliferation crisis.

Concerning multilateralism, one of the most notable successes of the European Union has been the indefinite extension of the NPT during the 1995 NPT Review Conference. The preparation of the conference has been the subject of a common EU action and several instruments have been used to promote at the international level the indefinite extension of the treaty before the conference took place. External assistance concentrated in this period on Russia and the former communist states in order to support them to dismantle their nuclear arsenals and to strengthen the physical security and safety of nuclear facilities. The weakest instrument has proved to be the intervention in regional proliferation crisis with EU having attempts to intervene in North Korea by offering financial assistance to Korean Peninsula Energy Development Organization, India and Pakistan through financial and technical assistance for confidence building in the region and for the implementation of export control regimes.

For almost a decade, 1995-2003, the EU had no major initiative in the non-proliferation area with the exception of “two joint actions that are more technical than political, a few common positions and a series of statements by the presidency on behalf of the European Union”. The analysts consider that this regress is attributable to the primacy of national interests, to the tyranny of the lowest common denominator and to the irreconcilable positions of member states on nuclear disarmament.

The international environment changed once again after 2000, determining the member states to develop a more coherent and strong nuclear non-proliferation policy. The 2001 events in America followed by the actions in Afghanistan and Iraq turned the attention of the international community towards terrorism, while the US clearly indicated after the beginning of the new millennium that they were not willing anymore to play an important role in non-proliferation. In consequence, the EU could fill this gap by becoming the major player in nuclear non-proliferation and at the same time could use this opportunity to restore its credibility affected by the split during the Iraq war.

In 2003 the European Union signaled that it is willing to become a major player in nuclear non-proliferation by adopting comprehensive documents that deal with the subject and by acting united in Iranian nuclear crisis. There were several documents adopted in 2003 with direct reference to nuclear non-proliferation that preceded the adoption of the EU Strategy against WMD in December 2003. The
The European Council adopted in June 2003 the *Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction* and an *Action Plan* for the implementation of the above basic principles. In November 2003 the Council of the European Union adopted the non-proliferation clause as a mean to promote non-proliferation through its external relations, included in the strategy one month after.

The final version of the *EU Strategy against proliferation of Weapons of Mass Destruction* (EU WMD Strategy) was adopted by the member states in December 2003 alongside with the European Security Strategy entitled *A Secure Europe in a Better World*. The EU WMD Strategy defines multilateralism as the cornerstone for combating proliferation of WMD, while the promotion of a stable international and regional environment is a condition for fighting proliferation and for close cooperation with key partners crucial for the success of activities in the field. The document lists the instruments available for fighting proliferation in the order that they should be used according to the crisis the EU has to face: "multilateral treaties and verification mechanisms; national and internationally-coordinated export controls; cooperative threat reduction programmes; political and economic levers (including trade and development policies); interdiction of illegal procurement activities and, as a last resort, coercive measures in accordance with the UN Charter".7

As a consequence of the EU WMD Strategy, the Council publishes biannual reports on the evolutions of non-proliferation efforts, intensified its activities in the field and established in 2006 a WMD Monitoring Centre which aims to ensure a cooperative working method which allows the Council, the High Representative, the Commission and the member states to work together on the subject.

*The New Lines of Actions* have been adopted by the EU member states in 2008 and aimed to offer more coherence and effectiveness to the EU WMD Strategy by emphasizing internal integration, creation of common policies and promoting convergence of practice between the member states. Still, the changes brought by this document are generally viewed as modest.

The *Lisbon Treaty* affected slightly the responsibilities of different institutions in the field of nuclear non-proliferation. Both the High Representative for Foreign Affairs and Security Policy and the European Council President had received the task of representing the EU in international non-proliferation organizations. The new European External Action Service prepares policies for the Council and the Commission and ensures consistency between different policy areas and houses the personal representative of the High Representative responsible for non-proliferation.8

As for the evolution of the EU policy in the field of nuclear non-proliferation in the last decade that passed since the adoption of the WMD Strategy, one needs to appreciate that the activities of the EU in the area have diversified and multiplied considerably and also the geographical scope of the EU action has extended. Multilateralism refers according to the EU WMD Strategy to the universalisation and strengthening of the main treaties, fostering the role of the UN Security Council, enhancing political, financial and technical support to verification regimes, strengthening export control policies and practices. An analysis of what the EU has done in this field in the last decade reveals considerable evolutions since the adoption of the strategy in all of these areas: EU offers financial support to international
organizations active in non-proliferation with more than 20 decisions adopted since 2003 through which considerable funds have been allocated, makes diplomatic efforts to promote treaties and regimes in the field, is active and had a more coordinated position within the UN, the NPT review conferences and specialized groups.

One of the most debated instruments that the Union uses to promote the universalization of treaties and regimes is the non-proliferation clause. Adopted in November 2003, the WMD clause aims to promote non-proliferation through EU’s external relations and “was intended to be included as an essential element in all new, renewed or revised ‘mixed agreements’ between the European Union (EU) and non-EU states (referred to by the EU as ‘third countries’). The non-proliferation clause has a standard model adopted by the Council, but it is meant to be flexible and can be adapted depending on the third state and on other interests that the EU might have in that specific country. Three years after its adoption, the main obstacles for its implementation in practice were already obvious: the form that the clause should take in agreements with different countries and the response that the EU should have in front of the resistance to the clause from countries of proliferation concern.

Apart from multilateralism, the European Union also uses external assistance offered to third countries as a tool to promote non-proliferation, but this does not represent a novelty since the Union has used this instrument well before the adoption of the WMD Strategy. The European Union has many instruments at its disposal through which it funds projects in third countries, some of these instruments being part of the CFSP budget and others part of the Commission’s budget.

In 2007, the Commission tried to reform the funds for non-proliferation and developed the Instrument for Nuclear Safety Cooperation with an allocation of €524 million for the period 2007-2013 and comprising a larger geographical area than the former TACIS Programme which applied to former communist states. Other budget instruments of the Commission used for financing non-proliferation activities are: the Instrument for Stability, the Instrument for Pre-Accession, the Development Cooperation Programme and the Civil Protection Financial Instrument. Despite of these and other funds allocated to non-proliferation projects, the conclusion that many analysts come to is that although proliferation is considered a growing threat, nevertheless the funds allocated to combat it are limited and dispersed in way too many instruments between which there is a lack of coordination.

The last of the means used by the European Union to fight proliferation, namely its interventions in solving regional crisis, has grown considerably as intensity since 2003, but this instrument shall be analyzed by paying attention to the EU’s intervention in solving the Iranian nuclear crisis in the pages that follow.

**III. The European Union intervention in solving the Iranian nuclear crisis**

By 2003, Iran has conducted a series of experiments on different stages of the nuclear cycle, plutonium separation and polonium extraction, all of which were recognized only after the International Atomic Energy Agency started to investigate the program more seriously. A rebel Iranian organization in exile accused the Iranian authorities in 2002 that they were secretly constructing two nuclear facilities: one in Natanz for uranium enrichment and a heavy water production plant in Arak. The
moment 2002 is extremely important, as starting with these disclosures the Iranian nuclear program was to attract the attention of the international community and was to occupy the first place in any debate on the future of international security.

Since 2003, the Iranian nuclear program has developed significantly: the nuclear plant in Bushehr was finalized in 2004, by June 2006 Iran announced that it succeeded to enrich uranium by 5% at the nuclear plant in Natanz and to test new centrifuges as part of its research and development program; in August 2006 Iran inaugurated its first heavy water production plant located in Arak, only in September 2009 Iran informed the IAEA about the construction of a new enrichment facility near Qom, although its construction started in 2007, in 2012 Iran was already enriching uranium up to a level of 20% at this new nuclear plant, and Iran is believed to have conducted a series of studies that could have military implications. And these are only the most important developments in the Iranian nuclear program in the last 12 years.

The European Union started to be involved and eventually became the main negotiator in solving the Iranian nuclear crisis immediately after the first report published in June 2003 by the IAEA which accused Iran of failing to respect its obligations as party to the Nuclear Non-Proliferation Treaty. Although the Common Foreign and Security Policy developed in 1992 with the Maastricht Treaty, in no other situation the member states of the European Union appeared more united than in the case of the Iranian nuclear crisis.

The main reason for the EU intervention in the Iranian case is directly related to the proliferation of weapons of mass destruction, as this was already defined in the EU WMD Strategy as being “the biggest threat to the security of states, people and the European interests at the world level”. Moreover, the importance of the NPT was recognized by all of the European Union institutions, and Iran was perceived as being the final test for the survival of the nuclear non-proliferation regime, a regime already affected by the decision of North-Korea to withdraw from NPT.

Another important factor which could have influenced the EU’s decision to act united is the geographical proximity to Iran. Moreover, a nuclear Iran could further destabilize a region already affected by serious conflict and could negatively affect the peace process in the Middle East to which the EU devoted a lot of time and consideration.

Probably the most important reason for the EU to act united was its perception that the Iranian nuclear file represents a good opportunity to revive the Common Foreign and Security Policy after the Iraq disaster and to consolidate its policy in the WMD field, a domain in which the US seemed they did not want to play anymore a leading role since the end of the 1990s. The war in Iraq showed clearly enough that Europe needs to find opportunities for Germany, France and United Kingdom to act united in important security issues and to make Europe’s voice heard loud in the United States. From the experience of the Iraq war Europe learned and essential lesson: when Europe is divided, the United States rule the world.

The European Union intervention in solving the Iranian nuclear crisis can be divided into three main periods: the diplomacy and conditionality period, the period

The diplomacy and conditionality period starts immediately after the release by the IAEA in June 2003 of the first comprehensive report on the Iranian nuclear program. The problems raised by this case of nuclear proliferation were discussed for the first time at the General Affairs and External Relations Council in June 2003, occasion on which the Union requested Iran to respond to all of the IAEA questions and urged this state to sign an Additional Protocol. Starting from then, the Union decided to use conditionality as part of its approach towards the Iranian nuclear case. As stated by the member states themselves, closer economic relations are possible only if progress is registered in four major areas, namely: human rights, terrorism, non-proliferation and the Middle East Peace Process.13

During the first months of negotiations the Union was represented by E3 (Germany, France and United Kingdom), these states succeeding in signing with Iran the Tehran Declaration from October 2003 following which Tehran signed an Additional Protocol with the IAEA and suspended the uranium enrichment, while the European states promised easier access to modern technology and ensured supplies in a wide range of areas.

In December 2003 Javier Solana, the EU High Representative for CFSP, joined the negotiation team. After successive rounds of negotiations, the EU and Iran sign in November 2004 the Paris Agreement. Iran engaged to voluntarily suspend its entire program of uranium enrichment, while the Union recognized Tehran's right to have a civilian nuclear program. Considered to be an important step in the evolution of the negotiation process between the EU and Iran, the Paris Agreement was the last document to be signed by the two parts for almost a decade.

The agreement and the reopening of the commercial talks did not lead to a change in Iran’s tone, as the leaders in Tehran considered negotiations to be too slow, reason for which also the results have not been great in the first half of 2005. A new proposal for an agreement was forwarded by the EU in August 2005 but was soon rejected by Iran on the reason that it did not bring any new security incentives. Consequently, Iran restarted the activities at the uranium conversion facility in Isfahan.

Practically, in the middle of 2005 we witness the end of the first phase of the EU intervention in solving the Iranian nuclear crisis, a phase of independent activities based on negotiations and diplomacy. The second phase of the EU intervention is characterized by cooperation with the US and the other permanent members of the United Nations Security Council, under the format P5+1, and included apart from negotiations multilateral sanctions that targeted Iran’s nuclear program.

Iran’s refusal to sign new agreements determined the EU and the rest of the members of the international community to send Iran’s file for analysis to the UN Security Council. The UNSC has adopted several resolutions against Iran which can be resumed as follows: they ban the transfer to Iran of dual-use nuclear and ballistic goods and equipment, with the exception of light water reactors; they ban the exports to Iran of arms and technology useful for developing weapons of mass destruction; they ban the investments in the uranium mining industry, nuclear technology and
nuclear ballistic technology in Iran; they freeze the assets of individuals and entities suspected of being involved in nuclear activities.

The multilateral sanctions adopted by the UNSC were very limited and had little or no effect on the Iranian economy. Due to this reason, but also because of the impossibility to adopt new multilateral sanctions against Iran since 2010, the US and EU decided to adopt unilateral sanctions. With these unilateral sanctions we enter into the third phase of the EU intervention in solving the Iranian nuclear crisis. The first round of unilateral sanctions against Iran was adopted by the EU Council on July 2010 and targeted the commercial, financial services, energy and transport areas, and apply sanctions to individuals and entities suspected to be involved in the Iranian nuclear program. A second round of sanctions came in 2011 and included new individuals and entities to be affected by sanctions.

Despite their energy interests in Iran, the EU member states decided in January 2012 to impose an oil embargo against Iran from July 2012 on and blocked all the assets of the Iranian Central Bank. These sanctions were more effective than the multilateral ones and seriously affected the economy of Iran which is highly dependent on the revenues from oil exports.

Although the EU decided to adopt unilateral sanctions against Iran, the member states continued to search for diplomatic means to solve this crisis. The opportunity came after the 2013 Iran presidential elections. The election of a moderate president offered new opportunities for negotiations. The negotiations between the big powers and Iran resulted in an agreement after almost a decade of pause. The Joint Plan of Action adopted in November 2013 is an interim agreement meant to slow the evolution of the Iranian nuclear program in exchange for lifting sanctions worth billions euros. The interim agreement is implemented by Iran starting with the end of January 2014 but it needs to be seen whether it will lead to the signing of a comprehensive agreement with Iran in the near future as it was envisaged.

IV. Iran’s Nuclear Proliferation – Challenge or Survival Opportunity for CFSP?

The Iranian nuclear proliferation case is still a challenge for the EU’s Common Foreign Security Policy as long as no comprehensive agreement has been signed yet between the parts concerned, but it also proved that the EU can have a “common” policy in external affairs and in this way contributed to the construction of good image of the EU on the international scene.

Analyzing the European Union intervention in trying to solve the Iranian nuclear crisis, one can find many shortcomings of the EU’s approach, shortcomings that have challenge and still challenge CFSP. First of all, the means that the EU decided to use in its intervention have not proved to be the best ones as they did not determine the authorities in Tehran to renounce to the nuclear indigenous program. Negotiations as diplomatic tool employed by the EU have often proved to be too slow and clearly marked by a lack of trust between the parts and even by the absence of will to come to a compromise. Moreover, the EU leaders seemed most of the time to have different views on the issue, with France playing the role of the bad cop as it totally distrusted the so-called peaceful uses of the Iranian nuclear program. After a good start in 2003, the European diplomacy has lost its moment after Javier Solana
was replaced from the position of High Representative for CFSP. One obvious consequence is that it took the Union nine years of negotiations from the Paris Agreement in 2004 to sign a new agreement with Iran.

This statement should not be interpreted in terms that the agreements signed during his term were the most successful ones. Although the European leaders, among which also the German chancellor Gerhard Schroeder, considered the Tehran Declaration to be important and good,16 this agreement together with the one in Paris signed one year later has only one merit, that of creating the premises for the IAEA and for the international community to better understand the Iranian nuclear program.

In reality, both agreements represented more or less a failure for the CFSP. The Tehran Declaration and the Paris Agreement were both violated by Iran, state that won a very valuable element as a consequence of these agreements: the necessary time for finishing critical elements of the nuclear program. While the European leaders preferred to present these two documents as successes of their policy towards Iran, the critics preferred to view them as a way for the Iranian leaders to prove flexibility in international relations and avoid a military attack and for the file to be sent to the United Nations Security Council for sanctions to be adopted.

As for the interim agreement signed in November 2013, although it has been received with great enthusiasm at the international level and in Iran, it suffers from many shortcomings. Firstly, this is only an interim agreement through which temporary measures are adopted until the signing of a comprehensive agreement on the Iranian nuclear program. At such, its efficiency will only be proved in time and if it leads in the end to the signing of this comprehensive agreement in the time framework that was set. Secondly, the interim agreement did not end the Iranian nuclear program and it contains only a series of “voluntary” measures to be adopted by Iran and which are meant to slow its evolution. The fact that the measures are voluntary means that Iran can always stop implementing them, as the experience with the previous agreements has shown.

In these circumstances, it is understandable why the Western leaders prefer to consider that the agreement will slow the nuclear program, while the Iranian leaders underline that this agreement recognizes the right of Iran to enrich uranium and to have an indigenous nuclear program, which means that Iran is not willing to totally end the program as the West would like.

When diplomacy, negotiations and agreements proved to be a weak tool for ending the Iranian nuclear crisis, the EU decided to go to the next level of international sanctions followed by unilateral sanctions. The multilateral sanctions adopted within the United Nations Security Council starting with 2006 have been very weak and with little chances of seriously affecting the Iranian economy due to the lack of consensus between the big powers of the world.

The European Union also adopted unilateral sanctions which clearly were more comprehensive than the multilateral ones. The unilateral sanctions applied by the EU clearly affected the Iranian economy but not as serious as the member states thought, since the Tehran leaders succeeded to replace the economic partners from the West with partners from the East, most important of which are China and Russia.
Moreover, the sanctions have also determined a raise in the level of corruption in Iran and an increase in spending for research and development in order to compensate for the diminution of imports from other countries.\textsuperscript{17}

The European Union intervention in solving the Iranian nuclear crisis has been in many ways also a survival opportunity for the Common Foreign and Security Policy. Most important of all it has proved not only to the Europeans but also to the international community that the member states can stick together and act united, and this unity has been clear from the outset of EU’s intervention to the worst and most difficult moments. Clearly, diplomacy and negotiations have had their drawbacks and proved not to be very successful, but throughout a decade the Union and no other actor has been the link between the Iranian authorities and the international community. It was the European diplomacy and negotiations that led to the signing of three agreements with Iran from 2003 until now.

After diplomacy and negotiations, the EU decided to use sanctions in this approach towards Iran. This action is not only logic but is also consistent with the provisions of the EU WMD Strategy and in general with the EU’s international identity, contributing positively to the development of the new policy in the field of nuclear non-proliferation. Maybe multilateral and then unilateral sanctions were not very successful either, although it was due to these sanctions that Iran agreed to sign after nine years another agreement with the international community and also determined Iran not to develop nuclear arms, but they have been the most ambitious sanctions to have ever been adopted by the EU and that tells a lot about the unity of 28 member states out of which many had important economic interests in Iran that were seriously affected by these sanctions.

\section*{V. Conclusion}

The European Union intentionally chose the Iranian nuclear crisis as a test case for the survival of the Common Foreign and Security Policy which was in great danger after the division of the member states during the Iraq war. The Union considered that it has all the necessary ingredients to register a success in Iran: a history of good relations with the authorities in Tehran and important economic incentives to offer in exchange for ending the indigenous nuclear program. More than ten years have passed and the crisis is still there. The Iranian nuclear crisis has proved to be a challenge for the EU member states to solve as no comprehensive agreement has been yet been signed, but also a survival opportunity for the CFSP as the Union is still involved at maximum in trying to find a solution accepted by all parts concerned.

Although the Iranian nuclear crisis is even today an open ending story, it has helped the EU’s Common Foreign and Security Policy as the member states proved that they can act united when diplomacy is applied and also when sanctions are applied and that the Union can be an important international actor that creates and maintains a coalition of the big powers of the world and ensures the link between the Iranian authorities and the international community in times of happiness and soreness. An objective analysis of this intervention needs to pay attention to a simple question: Could the EU have done more or better? And the answer is simple and clear: the EU has used all the available means. The truth is that the EU has risked a lot
when deciding to intervene in the Iranian nuclear crisis, and hopefully time will prove that its bet was successful.

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