

Iran Nuclear Deal and European Union: The End of a Myth?

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Dr. Jean-François Daguzan

On the 2nd of April 2015, the *Joint Comprehensive Plan of Action between the Islamic Republic of Iran and the P5+1 (the permanent members of the United Nations Security Council—the United States, the United Kingdom, Russia, France, and China—plus Germany) and the European Union*, (known as JCPOA), was signed in Vienna, and was considered by the European Union as a personal victory. For the EU, JCPOA represented the living demonstration that its soft power was a reality and that this organization, without military means, was able to have a political and diplomatic weight upon the world. However, this agreement, reached despite so many difficulties, is now in turmoil under the Trump presidency. Is this model condemned?

Building a European Defense and Security Strategy

With the 1993 Treaty of Maastricht creating the European Union, like a little bird in a nest, a small and fragile European Foreign and Security Policy woke up. This emergence was very difficult. This new competence was strangled between every Foreign and Security Policy of each EU member state (some conciliating, such as Germany or France; others in opposition, Britain or Denmark; and some neutral states – Austria, Sweden, Ireland) and the defence and security alliances (essentially, NATO).

With time and the evolution of the EU, the Foreign and Security Policy (then the Common Security and Defence Policy (CSDP)

with the Lisbon Treaty) slowly progressed. Various, catastrophic situations – Bosnia, Somalia, and Rwanda most importantly – progressively pushed the European Union to create a minimum of institutional coordination for some specific cases of security (five) most of them linked to protection of population, evacuation of citizens, support in case of catastrophes, etc. The agreements of Petersberg 1992 were included and expanded in the Lisbon Treaty¹. Disarmament was integrated in these new tasks too.

Hopes in an ambitious political European Union broke with the failure of the Constitutional Treaty process. The Lisbon Treaty represents a simplified and limited ersatz of such ambitions. Nevertheless:

“The Treaty also contains a number of important new provisions related to the CSDP, including mutual assistance and a solidarity clause, the creation of a framework for Permanent Structured Cooperation, the expansion of the Petersberg tasks, and the creation of the European External Action Service (EEAS) under the authority of the High Representative for Foreign Affairs and Security Policy. The High Representative – currently Federica Mogherini – has additional roles as a Vice President of the European Commission (HR/VP) and chair of the Foreign Affairs Council².”

At the same time, regional agreements, such as the Barcelona process launched in 1995 toward the Mediterranean states, tried to combine an economy, social and security policy approach.

A European military headquarters with a chief of staff was created with limited military means capable of managing small crisis, as well as a situation crisis room but due to the perception of concurrence with NATO by some States, this headquarters remained on a small scale.

1 Lisbon Treaty, article A 28 B (not consolidated).

2 ‘Shaping of a Common Security and Defence Policy’, [eeas.europa.eu](https://eeas.europa.eu/headquarters/headquarters-homepage/5388/shaping-common-security-and-defence-policy_en), European External Action Service (EEAS), (1 March 2016) https://eeas.europa.eu/headquarters/headquarters-homepage/5388/shaping-common-security-and-defence-policy_en

In 2003, the invasion of Iraq by the United States and a coalition of willing participants meant Europe was obliged to react. In parallel, the appearance in the Treaty of Amsterdam (then Lisbon) of a person in charge of Foreign and Security Policy, the General Secretary High Representative³ – in this case Mr. Javier Solana, former NATO General Secretary – gave an incentive to reshuffle the involvement of the EU in security. After a long battle, Solana imposed a text which can be considered as the EU's real entrance into security policies. The world was just entering the Iraq struggle with a background of proliferation issues –Saddam's supposed weapons of mass destruction– as a matter of fact Solana utilized this window of opportunity to install the EU as a major actor in non-proliferation issues. Solana's text quotes:

"Proliferation by both states and terrorists was identified in the ESS as 'potentially the greatest threat to EU security'. That risk has increased in the last five years, bringing the multilateral framework under pressure. While Libya has dismantled its WMD programme, Iran, and also North Korea, have yet to gain the trust of the international community. A likely revival of civil nuclear power in coming decades also poses challenges to the non-proliferation system, if not accompanied by the right safeguards. The EU has been very active in multilateral fora, on the basis of the WMD Strategy, adopted in 2003, and at the forefront of international efforts to address Iran's nuclear programme. The Strategy emphasizes prevention by working through the UN and multilateral agreements, by acting as a key donor and by working with third countries and regional organizations to enhance their capabilities to prevent proliferation.

3 The function was created under the Treaty of Amsterdam as the High Representative for Common Foreign and Security Policy. Its missions were extended following the Treaty of Lisbon providing a seat on the European Commission and chair of the Council of EU Foreign Ministers. The High Representative is assisted by the European External Action Service (EEAS).

Article 9 E 2. "The High Representative shall conduct the Union's common foreign and security policy. He shall contribute by his proposals to the development of that policy, which he shall carry out as mandated by the Council. The same shall apply to the common security and defence policy."

We should continue this approach, with political and financial action. A successful outcome to the Non-Proliferation Treaty Review Conference in 2010, with a view in particular to strengthening the non-proliferation regime, is critical. We will endeavor to ensure that, in a balanced, effective, and concrete manner, this conference examines means to step up international efforts against proliferation, pursue disarmament and ensure the responsible development of peaceful uses of nuclear energy by countries wishing to do so.

More work is also needed on specific issues, including: EU support for a multilateral approach to the nuclear fuel cycle; countering financing of proliferation; measures on bio-safety and bio security; containing proliferation of delivery systems, notably ballistic missiles. Negotiations should begin on a multilateral treaty banning production of fissile material for nuclear weapons⁴.”

Despite the breakdown of the Constitutional Treaty, from 2003 to 2016 non-proliferation remains a core axis of the EU Foreign and Security Policy. This may be one of the last issues where EU has a capacity to act. As a matter of fact, during this period, the EU engaged many initiatives in this area of concern:

- Javier Solana named a special assistant for proliferation affairs;
- A specific document (EU strategy against proliferation of Weapons of Mass Destruction, 10 December 2003) fixed the lines of EU actions in this specific framework;⁵
- Some symbolic programs were launched at the Council level: the EU consortium for non-proliferation (a group of EU think tanks charged to provide information and researches on the topic); a special program (led by the *Fondation pour la recherche stratégique* as implementing agency) for the universal extension of the Den Haag Code of Conduct against the proliferation of Ballistic Missile (HCOC).

4 ‘European Security Strategy, A Secure Europe in a Better World’, Council of The European Union, (Brussels, 12 December 2009) <http://www.european-council.europa.eu/media/30823/qc7809568enc.pdf>

5 Council of Thessaloniki. ‘Declaration on non-proliferation of Weapons of Mass Destruction’, (10 December 2003) <http://data.consilium.europa.eu/doc/document/ST-15708-2003-INIT/fr/pdf>

Also, at the Commission level, some research programs were launched (creation of regional centres of excellence on non-proliferation), including the support of the financial efforts of non-proliferation of the International Atomic Energy Agency (IAEA). “Financial assistance to international organizations and direct to states, however, has always been a key part of the EU’s non-proliferation programmes”⁶;

- State oriented policy concerning North Korea, chemicals in Syria;
- Support and contribution to the development and implementation of various disarmament treaties.

But the “chef d’oeuvre” of EU policy was the nuclear agreement with Iran. As Lina Grip said: “This diplomatic solution to a long-standing proliferation challenge was the greatest achievement of the EU’s non-proliferation policy in 2014–17, and probably its greatest achievement to date. The EU both initiated and later coordinated the process throughout 12 years of negotiations. During the process, the role of the EU evolved from that of the main negotiator to a facilitator of US–Iranian bilateral negotiations”⁷.

Globally, the EU endorsed the Obama position. The U.S. President’s “Smart Diplomacy” concept perfectly corresponded with the EU soft power capabilities (influence by conviction, “kind persuasion”, dangling an economic carrot, and a normative approach).

For 15 years, the EU worked on the Iranian agreement. This issue was on the menu of more or less every Foreign Minister’s council and other specific statements⁸. As quoted in the introduction, the

6 Lina Grip. ‘The European Union an Non Proliferation 2014-2017, EU Non Proliferation Consortium, Final Report August 2017’, EU Non-proliferation Consortium, sipri.org, (August 2017) https://www.sipri.org/sites/default/files/2017-09/eunpc_final_report_2017_0.pdf p. 7.

7 Idem, p. 5.

8 ‘EU Security and Defence: Core Documents’, (Vol. I à VIII) Chaillot Papers, iss.europa.eu, Institute for Security Studies,

final signature after some many sketches and diplomatic up and downs, was the victory that nobody expected. From this date, the JPCOA became the European mantra as an example of EU soft power capabilities for now and the future.

The pro-European Robert Schumann Foundation explained: “Whilst acknowledging that the Union could do more it is vital to note the positive results it has achieved in international politics, where sometimes it is the motor behind the action (Iran). Hence there is no question of challenging the role played by the Union as an emerging power; it is already a major player and a true international power, but it needs to strengthen this aspect however⁹.”

The 2016 EU Strategy: JCPOA – a successful model

Fifteen years after the first agreement, after months of debates, struggle, discrepancies and controversies, the High Representative, Mrs. Mogherini succeeded in publishing a second text clarifying the position of the EU on Security and Strategy. This paper takes into consideration the world major changes: the world economy and finance crisis, the Arab transformations, the growth of jihadism and terrorism, the return of war, the growing instability, and the huge movements of populations, etc.

The nuclear agreement is shown in example in three main issues at different levels:

1) **Global**, as a model of new world governance:

“A rules-based global order: (...) through our combined weight, we can provide agreed rules to contain power policies and contribute to a peaceful,

<https://www.iss.europa.eu/publications/chaillot-papers?page=3>

9 ‘Questions d’Europe n°410, L’Europe et la souveraineté : réalités, limites et perspectives, Synthèse de la conférence du 29 septembre 2016’, robert-schuman.eu, The Robert Schuman Foundation, (07November 2016) <https://www.robert-schuman.eu/en/european-issues/0410-europe-and-sovereignty-reality-limits-and-outlook>

fair and prosperous world. The Iranian agreement is a clear illustration of its facts.” (p.15)

2) **Local**, as contributor to regional issue (in this case Middle-East): stabilization and development:

“... The EU will pursue balanced engagement in the Gulf. It will continue to cooperate with the Gulf Cooperation Council (GCC) and individual Gulf countries. Building on the Iran nuclear deal and its implementation, it will also gradually engage Iran on areas such as trade, research, environment energy anti-trafficking, migration and societal exchanges.” (p.35)

3) **Sectorial**, as a significant part of the non-proliferation and disarmament policy:

“The EU will strongly support the expanding membership, universalization, full implementation and enforcement of multilateral disarmament, non-proliferation issues and arms control treaties and regimes. We will use every means at our disposal to assist in resolving proliferation crisis, as we successfully did on the Iran nuclear programme.” (pp. 41-42)

In this paper the JCPOA represents the alpha and omega of an EU successful policy. Moreover, inspired by this model some analysts pledge for an open and extended dialogue with some pivotal states on the basis of the imitation of the process: “In this context ongoing work to provide a new shape to relations with vital partners like Turkey, Iran and Saudi Arabia seems to illustrate this need for shared goals within the European Union¹⁰.”

But nobody thought that the edifice was so weak. Nobody was able to imagine that the last U.S. Presidential election would create such a policy storm. By winning the White House, Donald Trump changed the game by destroying the Obama heritage. And the Iranian agreement is one of its main corners.

10 ‘The Strategic Interests of the European Union’, *robert-schuman.eu*, The Robert Schuman Foundation, (26 September 2016)
<https://www.robert-schuman.eu/en/european-issues/0404-the-european-union-s-strategic-interests>

In defence of the Nuclear Agreement: the EU strategy

The Trump position regarding the agreement was a stone in the EU's garden, as it is usually said in French language. For the EU the JCPOA was the living and breathing demonstration that negotiation by wise men and honest brokers could contribute to the stabilization of a conflicted zone in the world. The agreement demonstrated the fact that the EU was a real and efficient soft power. But more than a soft power, it proved its capability to weigh in on world affairs. JCPOA became an invocation – a leitmotiv of the EU special talent. It is the reason why the European representative has assumed a harsh defence of the agreement. The JCPOA was thought of as the corner stone of EU Grand Strategy. Some examples:

- The European Union will make sure that a landmark nuclear agreement between world powers and Iran “will continue to be fully implemented by all, in all its parts,” the EU foreign policy chief said on November 10th 2017. Federica Mogherini gave a conference in Samarkand, Uzbekistan, re-affirming that the deal was “a major achievement of European and international multilateral diplomacy that is delivering.”
- “The JCPOA, the culmination of 12 years of diplomacy facilitated by the European Union, unanimously endorsed by the UN Security Council Resolution 2231, is a key element of the nuclear non-proliferation global architecture and crucial for the security of the region. Its successful implementation continues to ensure that Iran’s nuclear programme remains exclusively peaceful (...) At a time of acute nuclear threat the European Union is determined to preserve the JCPOA as a key pillar of the international non-proliferation architecture.”¹¹

11 ‘Remarks by High Representative/Vice-President Federica Mogherini on the implementation of the Joint Comprehensive Plan of Action (Iran nuclear deal)’, *eeas.europa.eu*, European External Action Service, (16 October 2017)

https://eeas.europa.eu/headquarters/headquarters-homepage/33997/remarks-federica-mogherini-implementation-joint-comprehensive-plan-action-iran-nuclear-deal_en;

For two years now, the European Union has reaffirmed permanently its support for the 2015 nuclear deal between Iran and world powers, despite sharp criticism of the accord by President Trump. But which latitude, which safety margin can Mrs. Mogherini and the EU keep if Donald Trump continues the sanctions and blocks the fragile economic opening of Iran? Many European companies have engaged negotiations for returning to the country and investing. However, they could fall again on the coup of the American blacklist. Moreover, the EU and Russia cannot make the agreement alone. All depends upon U.S. willingness. In the European camp, some divergent voices appeared. French President Macron preached for maintaining the agreement but at the same time opening a new front on ballistic missiles proliferation. Of course, ballistic missiles are a threat to the regional area but one condition for the Iranian acceptance of the nuclear agreement was the fact that the missiles would be kept expressly out of the package. Whatever the pressures, it will be very difficult to engage Iranians with this dossier, which is much more for them a "*casus belli*" or at least a cause of rupture than anything else.

Finally, the European capability to make the agreement sustainable will rapidly represent an "acid test"¹².

Reuters agency announced by mid-February that:

"the United States has sketched out a path under which three key European allies would simply commit to try to improve the Iran nuclear deal over time in return for U.S. President Donald Trump keeping the pact alive by renewing U.S. sanctions relief in May. (...)"We are asking for your commitment that we should work together to seek a supplemental or follow-on agreement that addresses Iran's development or testing of long-range missiles, ensures strong IAEA inspections, and fixes the flaws of the 'sunset clause,'"¹³.

12 Used in metallurgy to improve the solidity and the corrosion of materials.

13 Arshad Mohammed, J. Irish and R. Emmott. 'Exclusive: For now, U.S. wants Europeans just to commit to improve Iran deal', (Reuters)

For European diplomacy and its security strategy, the critical test has now begun



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yahoo.com, Yahoo, (18 February 2018)
<https://www.yahoo.com/news/exclusive-now-u-wants-europeans-just-commit-improve-152151853.html>

Authors

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Professor Calleya has compiled several analytical articles in refereed journals and the international syndicated press. Professor Calleya is also author of *Navigating Regional Dynamics in the Post-Cold War World*, *Patterns of Relations in the Mediterranean World*, published by Dartmouth 1997. He is also editor of the book *Regionalism in the Post-Cold War World*, published by Ashgate in March 2000. In 2002 he published the book *Looking Ahead, Malta's Foreign Policy Agenda*, published by Miller Publishing House. In 2005 he published *Evaluating Euro-Mediterranean Relations*, published by Routledge. His most recent book is entitled *Security Challenges in the Euro-Med Area in the 21st Century: Mare Nostrum*, published by Routledge in 2013.

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Some books: (with Olivier Lepick), *Le terrorisme non conventionnel (Non Conventional Terrorism)*, PUF, Paris, 2003; (Ed. with Pascal Lorot) *L'Asie centrale après la guerre contre la terreur (Central Asia after the War against Terror)*, L'Harmattan, Paris 2004; *Terrorisme(s) abrégé d'une violence qui dure (Terrorism(s) short story of a long term violence)*, CNRS, °Paris, 2006; (Ed. with Stéphane Valter), *Les Forces armées arabes et Moyen-orientales après les printemps arabes (Arab and Middle East Armed Forces after the Arab Springs)*, ESKA, Paris, 2014; (new and extended version: *Les armées du Moyen-Orient face à Daesh – Middle East Armed Forces vis-a-vis Daesh*) MA Editions, 2016; *La fin de l'Etat-Nation? De Barcelone à Bagdad, (The end of the Nation-State? From Barcelona to Bagdad)*, CNRS, Paris, 2015. He wrote a wide range of papers on the Arab World, Mediterranean studies, proliferation and terrorism issues.

Ms. Paulina Izewicz

Paulina Izewicz is a Research Associate with the Non-Proliferation and Nuclear Policy Programme at the International Institute for Strategic Studies (IISS) in London. Her work focuses primarily on Iran's nuclear and ballistic missile programmes, as well as sanctions policy and export controls more broadly; her research also follows the deterrence-disarmament debate, with a focus on legal issues.

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Dr. Shedd is currently the Associate Dean for Administration at the School for Conflict Analysis and Resolution, George Mason University and teaches both introductory courses and courses on terrorism, extremism, global conflicts, and ideologies. She holds a Ph.D. and M.Sc. in Conflict Analysis and Resolution from George Mason University and a B.A. in Political Science and Psychology from George Washington University. Her research includes work on the relationship of media to conflict, specifically focused on media coverage of terrorism and the role of women in political violence. She has shepherded S-CAR's efforts to increase distance education and overseen a wide range of innovations in experiential and service learning. She served as the academic project manager for the development of the Schools Point of View International Retreat and Research Center.

Amb. Gudrun Sräga

Gudrun Sräga is currently the Ambassador of the Federal Republic of Germany in Malta. From 2011 – 2015 she represented Germany as Ambassador in Kyrgyzstan, Central Asia. She has earlier served in the German Embassies in New Delhi/ India, Ankara/ Turkey and in the German Consulate General in New York. She joined the German Federal Foreign Office in 1986 and also worked several times in the

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Dr. Monika Wohlfeld

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Previously she was the Deputy Director of the Conflict Prevention Centre of the Organization for Security and Co-operation in Europe (OSCE), responsible for the Organization's field operations. She served as Head of External Co-operation of the OSCE and, prior to that, as Senior Diplomatic Adviser to the OSCE Secretary General. She has been a Senior Research Fellow at the Western European Union (now European Union) Institute for Security Studies in Paris, and Researcher at the War Studies Department at King's College London. She holds a PhD in War Studies from King's College London. Dr. Monika Wohlfeld has published widely on matters related to European security, European institutions, regional co-operation, conflict prevention and crisis management.



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What Future for the Iran Nuclear Deal?

- 09:15 Welcome
 Ambassador **Gudrun Sräga**, German Ambassador to
 Malta and Prof. **Stephen Calleya**, Director, MEDAC
- 09:30-10:30 The Iran Nuclear Deal: Taking Stock and the Way
 Forward
 Chair: Dr. **Monika Wohlfeld**, MEDAC
 Ms. **Paulina Izewicz**, Research Associate, Non-
 Proliferation and Nuclear Policy, International Institute
 for Strategic Studies (IISS), London
- 10:30-11:00 Family Photo and Coffee break
- 11:00-12:00 The Iran Nuclear Deal: Implications for Iran
 Chair: Dr. **Derek Lutterbeck**, MEDAC
 Dr. **Jochen Hippler**, Research Fellow, Institute for
 Development and Peace (INEF), University Duisburg-
 Essen

12:00-13:00 Working groups

13:00-14:00 Buffet Lunch at Corinthia St George Hotel

14:00-15:00 The Iran Nuclear Deal: Regional and International Implications

Chair: Dr. **Juliette Shedd**, Associate Dean, The School for Conflict Analysis and Resolution (SCAR), George Mason University, Fairfax, Virginia

Dr. **Jean-François Daguzan**, Deputy Director, Fondation pour la recherche stratégique (FRS), Paris





Ambassador Gudrun Sräga, German Ambassador to Malta and Prof. Stephen Calleya, Director, MEDAC opening the Seminar.



(L to R) Ms. Paulina Izewicz, Research Associate at the International Institute for Strategic Studies and Dr. Monika Wohlfeld, MEDAC.



Prof. Calleya, Amb. Sräga and Dr. Juliette Shedd, Associate Dean, The School for Conflict Analysis and Resolution, George Mason University.



Dr. Jean-François Daguzan, Deputy Director, Fondation pour la recherche stratégique, Dr. Shedd and Dr. Wohlfeld.



(L to R) Dr. Jochen Hippler, Research Fellow, Institute for Development and Peace, University Duisburg-Essen and Dr. Jean-François Daguzan.



(L to R) Dr. Jochen Hippler and Dr. Derek Lutterbeck, MEDAC.



MEDAC postgraduate students with Dr. Wohlfeld and Ms. Izewicz during a working group session.



Ms. Lourdes Pullicino, MEDAC and Dr. Hippler with MEDAC postgraduate students during a working session.



(L to R) Prof. Calleya and Dr. Daguzan during a working group session with MEDAC postgraduate students.



MEDAC students with Dr. Shedd during a working group session.



A student working group rapporteur addressing the seminar.



A student working group rapporteur addressing the seminar.



A student working group rapporteur addressing the seminar.



A student working group rapporteur addressing the seminar.



Seminar's Group Photo.

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About MEDAC



The Mediterranean Academy of Diplomatic Studies (MEDAC) is an institution of higher learning at the University of Malta offering advanced degrees in diplomacy and conflict resolution with a focus on Mediterranean issues.

MEDAC was established in 1990 pursuant to an agreement between the governments of Malta and Switzerland. The Academy is currently co-funded by the Swiss Agency for Development and Co-operation (SDC) and the Ministry of Foreign Affairs of Malta. The Geneva Graduate Institute of International and Development Studies (HEID) was among MEDAC's first foreign partners. More recently in 2009, MEDAC concluded an agreement with the German Federal Foreign Office and established a German Chair in Peace Studies and Conflict Prevention.

In 2015 MEDAC celebrated its 25th anniversary. Since its inception, MEDAC has acquired a solid reputation both as an academic institution and as a practical training platform. We are fortunate to count over 700 alumni from 59 different countries who have completed successfully the post-graduate courses offered by the Academy. The EU's enlargement towards the Mediterranean, that included Malta in 2004, and the recent transformation of the political landscape throughout the Arab World have resulted in an ever increasing demand for MEDAC's programme of studies.

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