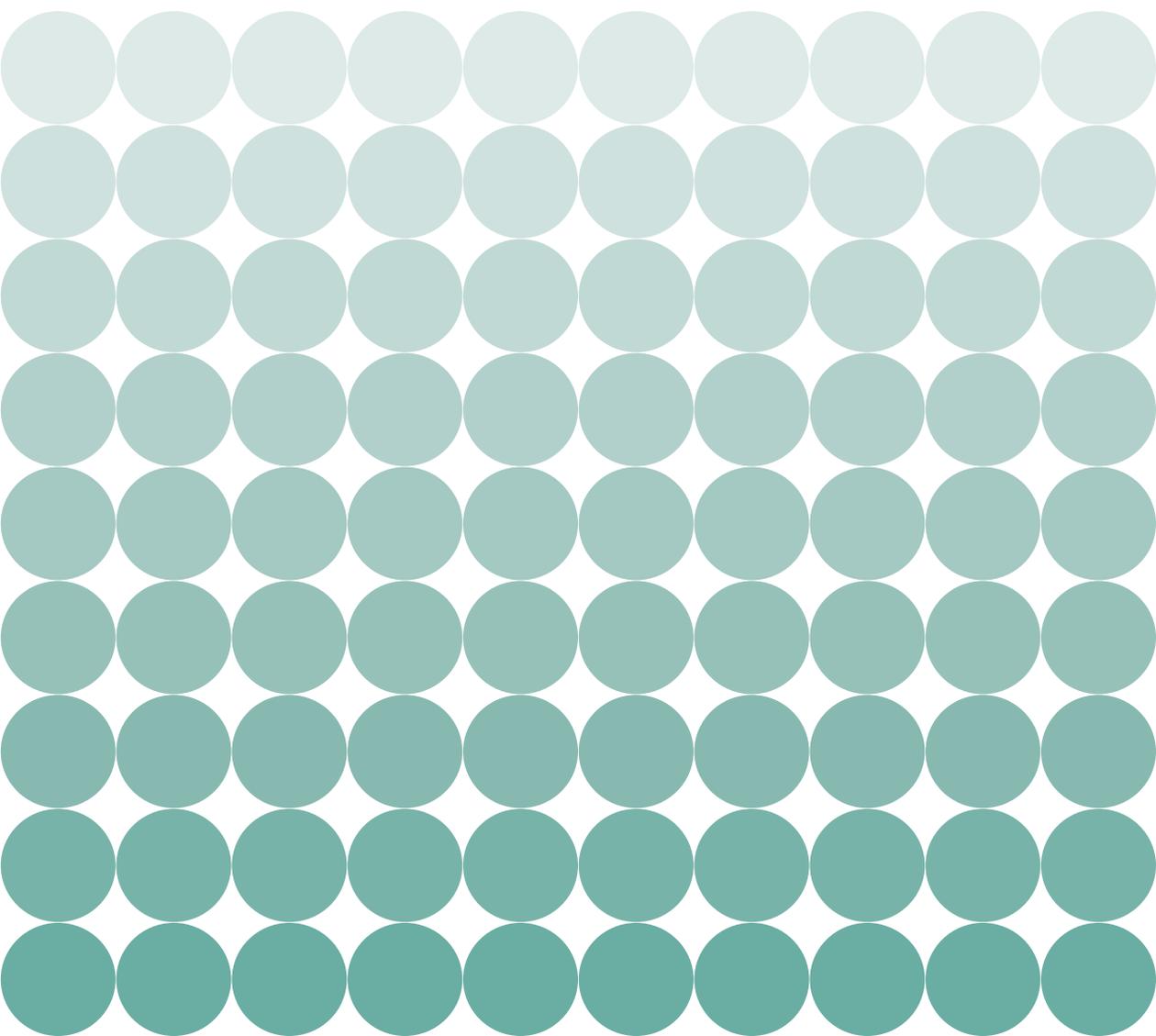


**STRENGTHENING
THE EUROPEAN
UNION'S FUTURE
APPROACH TO WMD
NON-PROLIFERATION**

IAN ANTHONY AND LINA GRIP



STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE

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Strengthening the European Union's Future Approach to WMD Non-proliferation

SIPRI Policy Paper No. 37

IAN ANTHONY AND LINA GRIP



**STOCKHOLM INTERNATIONAL
PEACE RESEARCH INSTITUTE**

June 2013

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Printed in Sweden

ISSN 1652-0432 (print)

ISSN 1653-7548 (online)

ISBN 978-91-85114-78-8

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Preface

This year marks the 10th anniversary of the adoption of the European Union (EU) Strategy against Proliferation of Weapons of Mass Destruction (WMD Strategy). In 2003 the discussion of international security was heavily influenced by a double revelation. First, the difficulty of managing the consequences of states operating outside the international norms laid down in the main multilateral arms control treaties was stimulating the development of country-specific strategies. Second, the mass-impact terrorist attacks in the United States in 2001 had highlighted the dangers posed by non-state actors that could exploit the vulnerabilities of modern societies by using unconventional means to inflict unprecedented harm.

The WMD Strategy was sufficiently foresighted to recognize the importance of keeping tailor-made policies within the norms laid down in multilateral frameworks. The emphasis on cooperation, rather than confrontation, in the WMD Strategy underlined that even when the actions of a particular state were unacceptable, the main priority was to bring behaviour back into line with accepted norms without provoking confrontation that would ultimately prove counterproductive.

Although the EU WMD Strategy was balanced and foresighted, it was adopted at a time when the EU was poorly prepared to undertake the comprehensive and integrated actions that would make such ambitious goals attainable. In this Policy Paper, Ian Anthony and Lina Grip explore how the EU has implemented the WMD Strategy to date and assess its success. They then use their extensive knowledge of non-proliferation activity around the world to make pragmatic recommendations on how to improve the effectiveness of the EU's efforts.

I am grateful to the authors for the writing this timely and highly policy-relevant report. Thanks are also due to many reviewers for comments on earlier drafts. However, SIPRI would particularly like to thank Sibylle Bauer, Louis-Victor Bril, Lars-Erik Lundin, Oliver Meier, Ivana Mičić, Gerrard Quille and Wolfgang Rudischauser for their valuable insights—although the responsibility for the content of the report rests entirely with the authors. Thanks are also due to Dr David Cruickshank of the SIPRI Editorial and Publications Department for editing this publication.

Professor Tilman Brück
Director, SIPRI
Stockholm, June 2013

Summary

Ten years after adoption of the European Union (EU) Strategy against Proliferation of Weapons of Mass Destruction (WMD Strategy), the EU has succeeded in developing an approach to WMD non-proliferation that can be the basis for effective future action. The success can be attributed to the following elements.

First, the EU takes account of the broad spectrum of state and non-state factors that need to be addressed as part of an effective strategy. The approach to security on which the strategy rests goes beyond the traditional concern of countering an attack by military forces of a hostile power. The strategy recognizes the need to be prepared to face a range of contingencies, including intentional damage caused by unconventional means such as mass-impact terrorism.

Second, the EU approach emphasizes cooperation to address identified problems, rather than targeting particular countries.

Third, the programmes and policies developed in the past decade have laid the foundations for cooperation with the most important multilateral processes and specialized agencies.

Fourth, 10 years ago the EU approach to non-proliferation was highly compartmentalized and fragmented. Today the different resources, skills and competences of the various EU institutions as well as the member states are linked more effectively than before. Moreover, the EU now has a set of external funding instruments at its disposal that is sufficiently comprehensive and flexible to implement the necessary programmes and projects.

These developments provide a solid platform from which the EU could now expand its non-proliferation efforts in ways that increase its effectiveness and efficiency. In particular, it could adopt as part of its foreign policy the approach to security building that emphasizes the security of European citizens alongside the traditional security of the state—an approach that is increasingly being favoured inside the EU.

Linking a societal security-based approach to programmes for reducing chemical, biological, radiological and nuclear (CBRN) risk would be consistent with the approach taken in the current strategy and would not require any revision to the existing document. However, if the EU were to increase the emphasis on this societal security approach, it would attract the participation and cooperation of many countries. Moreover, this approach would also facilitate incorporating the WMD Strategy into the wider effort to develop more comprehensive approaches, whether geographical (such as the strategies that provide an integrated approach to given regions) or functional (such as the strategies for the management of small arms and light weapons and cybersecurity).

The process of linking the various institutions and capacities available to the EU in the most effective way needs to continue with the following three main priorities. First, the geographic dimension has become increasingly important given the challenges and opportunities that exist in North Africa and the Middle East. Second, a focus on the security of societies and citizens creates an urgent

requirement to link together the internal security and external security dimensions of EU action in a more coherent and efficient manner. The emphasis on crisis management capacity and critical infrastructure protection that has been one hallmark of internal security programming should now be reflected in external programming. Third, a single profile for EU non-proliferation and CBRN risk mitigation is still needed—something that could be provided by reviving and reinvigorating the EU WMD Centre.

One hallmark of the EU approach to non-proliferation up to this point has been the emphasis on working with like-minded partners. This has mainly been reflected in the initiatives undertaken to strengthen multilateral processes and specialized international bodies. It has been consistent with the wider EU emphasis on effective multilateralism and should be applied in other initiatives. In particular, the EU should be well placed to promote inter-regional processes in places such as Africa, South America and South East Asia—where countries are increasingly emphasizing and exploring regional approaches to security building.

The principle of partnership can also be extended into more active engagement with the private sector. The development of technical standards in functional areas—such as nuclear security, chemical security, biosecurity and biopreparedness—is a requirement as the EU moves towards ensuring the security of societies and citizens inside the Union. Agreed standards in these areas would be valuable as a basis for dialogue with external partners and provide a useful guideline for companies in their worldwide operations.

There is evidence that the EU is considering moving from the principle of partnership to one that also includes the more extensive use of restrictive measures, such as financial sanctions and arms embargoes. If the EU moves in that direction, it should be on the basis of a considered decision that takes into account all of the potential direct and indirect consequences, rather than the product of a series of ad hoc decisions. Enhancing the democratic oversight of EU non-proliferation and CBRN risk-mitigation programmes and policies would provide a safeguard against actions that might, incrementally, change the focus of implementation of the WMD Strategy away from enhancing cooperation and towards more confrontational approaches.

Abbreviations

ARF	ASEAN Regional Forum
ASEAN	Association of Southeast Asian Nations
BTWC	Biological and Toxin Weapons Convention
CBRN	Chemical, biological, radiological and nuclear
CFSP	Common Foreign and Security Policy
COSI	Standing Committee on Operational Cooperation on Internal Security
CTBT	Comprehensive Nuclear-Test-Ban Treaty
CTBTO	Comprehensive Nuclear-Test-Ban Treaty Organization
CWC	Chemical Weapons Convention
DG	Directorate-general
EEAS	European External Action Service
EU	European Union
Euratom	European Atomic Energy Community
FP7	Seventh Framework Programme for Research
INSC	Instrument for Nuclear Safety Cooperation
JRC	Joint Research Centre
G8	Group of Eight
G8GP	G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction
IAEA	International Atomic Energy Agency
IFS	Instrument for Stability
NBC	Nuclear, biological and chemical
NPT	Non-Proliferation Treaty
OPCW	Organisation for the Prohibition of Chemical Weapons
PSI	Proliferation Security Initiative
UAV	Unmanned aerial vehicle
UN	United Nations
WMD	Weapons of mass destruction

1. Introduction

This year, the European Union (EU) Strategy against Proliferation of Weapons of Mass Destruction (WMD Strategy) celebrates its 10th anniversary.¹ A decade after its adoption by the European Council, the issue of non-proliferation remains prominent in the public diplomacy of the EU.

Recent examples are abundant and easy to find. At the 2012 Seoul Nuclear Security Summit, Herman Van Rompuy, the President of the European Council, emphasized that ‘Strengthening nuclear security is part of [the EU’s] efforts to counter proliferation, pursue disarmament, and to ensure that the best safety, security and non-proliferation standards are followed in countries using nuclear energy’.² In June 2012 the Council of the EU adopted Guidelines on the EU’s Foreign and Security Policy in East Asia, focusing on seven issues of particular interest to the EU, one of which was ‘the promotion of non-proliferation of weapons of mass destruction’.³

The adoption of the WMD Strategy in December 2003 marked the institutionalization of non-proliferation in the EU’s Common Foreign and Security Policy (CFSP). Over the subsequent 10 years the EU has taken, from a largely standing start, many steps towards becoming an important actor in the field of non-proliferation. However, the problems that are being addressed—as well as general understanding of them—have been constantly evolving since 2003, just as the EU itself has undergone important constitutional changes.

The WMD Strategy was a child of its time in that there was some uncertainty about how policy responsibility would be assigned in a new area of common action. The document underplayed the existing, long-standing contribution to non-proliferation by common institutions. For example, at the time the WMD Strategy was adopted, the EU’s most important contributions to non-proliferation were projects carried out to strengthen nuclear safeguards by the European Atomic Energy Community (Euratom) and the European Commission’s Joint Research Centre (JRC), as well as participation by the Commission in scientist-redirection projects in the former Soviet Union. The WMD Strategy makes no mention of any of these efforts.⁴

EU work in the field of non-proliferation should be kept consistent with the overall approach of the CFSP. Broadly speaking, the areas of EU activity where common policies and actions and a higher degree of cooperation are sought have continuously expanded. Cooperation in traditional foreign policy domains is one

¹ Council of the European Union, ‘Fight against the proliferation of weapons of mass destruction: EU strategy against proliferation of weapons of mass destruction’, 15708/03, 10 Dec. 2003. Most Council documents are available at <<http://ue.eu.int/documents/>>.

² Van Rompuy, H., President of the European Council, Statement at the 2012 Seoul Nuclear Security Summit, Seoul, Press Release no. 137, 26 Mar. 2012, <<http://www.consilium.europa.eu/press/press-releases/european-council?target=2012&max=240&bid=76>>.

³ Council of the European Union, ‘Guidelines on the EU’s foreign and security policy in East Asia’, 11492/12, 15 June 2012, p. 2.

⁴ Kobia, R., ‘The EU and non-proliferation: need for a quantum leap?’, *Nuclear Law Bulletin*, no. 81 (2008), pp. 32–34.

key element, but the Treaty on European Union emphasizes cooperation across functional lines and institutional boundaries.⁵ The need for this approach is mainly pragmatic—there is no other way to deal effectively with the security problems that confront Europe in a globalized world.

The need for continuous adjustment is not limited to the issue of non-proliferation strategy: many of the same questions can be asked when examining the wider European Security Strategy, which was adopted at the same time as the WMD Strategy.⁶ In many cases, what needs to be done is already understood. For example, the need to create a better link between the internal and external actions of the EU so that given security problems can be addressed more effectively is recognized. Similarly, it is recognized that geographically defined programmes must take account of priorities established in functional areas (such as non-proliferation) in their work, and not only in the high-level guidance documents—so-called mainstreaming.

This Policy Paper assesses how far the changes needed to deal with trans-boundary security risks have been reflected in the current actions of the EU, pin-points the areas where changes need to be accelerated, and recommends measures that would raise the effectiveness of EU action in the field of non-proliferation. This introduction continues by describing what non-proliferation meant in 2003 and how it has changed and by outlining the challenges that the WMD Strategy faces. Chapter 2 then examines the impact of changes in the threat environment in Europe and elsewhere in the past decade on the understanding of security. Chapter 3 provides a brief overview of the main EU non-proliferation efforts undertaken since 2003. Chapter 4 suggests ways in which the EU could strengthen its future approach to the non-proliferation of WMD and evaluates how the value of the WMD Strategy can be enhanced. Finally, chapter 5 concludes with proposals and recommendations aimed at the EU (and its various constituent parts).

Non-proliferation then and now

With its definition of threats dominated by the proliferation–terrorism nexus, mainly linked to weak or ‘failed’ states, the EU strategy was a product of the security environment following the 11 September 2001 mass-impact terrorist attacks on the United States. The collective EU response promoted a policy of ‘effective multilateralism’ aimed at strengthening existing legal and political norms and frameworks as well as the emergence of the United Nations Security Council as a more important actor in the field of non-proliferation and countering mass-impact terrorism.

⁵ Treaty on European Union, signed 7 Feb. 1992, entered into force 1 Nov. 1993, as amended by the 2007 Treaty of Lisbon, *Official Journal of the European Union*, C326, 26 Oct. 2012, Article 21(3).

⁶ Lundin, L.-E., *From a European Security Strategy to a European Global Strategy: Ten Content-related Issues*, UI Occasional Papers no. 11 (Swedish Institute for International Affairs: Stockholm, 2012); and Council of the European Union, ‘A secure Europe in a better world: European security strategy’, 12 Dec. 2003, <<http://www.consilium.europa.eu/eeas/security-defence/european-security-strategy>>.

The decision makers who initiated the EU effort were consciously seeking a credible alternative to the counterproliferation approach exemplified by the US-led invasion of Iraq earlier in 2003.⁷ In the 1990s a number of countries—including Argentina, Brazil and South Africa—voluntarily abandoned military nuclear programmes, while major powers (including China and France) finally joined the main international legal framework governing nuclear weapons, the 1968 Non-Proliferation Treaty (NPT).⁸ However, the war against Iraq suggested that in future the military power of the USA would be the main barrier to proliferation.

In 2003, persuading states that their national security needs could be met if the existing arms control legal framework was preserved, properly implemented and universal was a key element of effective multilateralism. Where gaps or shortcomings were identified, new legal instruments were to be developed. The WMD Strategy was partly an effort to show that a ‘European way’ based on the rule of law, multilateralism, soft power, cooperation and rationality could be at least as effective as an approach based on traditional power politics.⁹

The suspicion that Iraq was regenerating its illegal programmes to produce nuclear, biological and chemical (NBC) weapons was the proximate cause of a major military action, eventually lasting almost 10 years. Experience demonstrated the mixed results of direct action, but US President Barack Obama has nevertheless stated, in regard to concerns over the trajectory of the Iranian nuclear programme, ‘I reserve all options, and my policy here is not going to be one of containment. My policy is prevention of Iran obtaining nuclear weapons. And . . . when I say all options are at the table, I mean it.’¹⁰

The need to reinforce the global non-proliferation regime therefore remains. If regimes and norms cannot be reinforced, and if their value as a source of security becomes progressively more questionable, then at some point the norms against proliferation might be reversed, with states arguing that the norm for security in a world with NBC weapons is proliferation, rather than non-proliferation.

The sense of urgency behind shaping an external EU approach against WMD proliferation helped promote a strategy based on a weak but agreed multilateral framework, rather than the strong legal and political frameworks that were established to address CBRN risks within the EU (especially Euratom and the Common Commercial Policy). Highly intrusive supranational instruments could

⁷ On the development of the strategy see Van Ham, P., ‘The European Union’s WMD Strategy and the CFSP: a critical analysis’, Non-proliferation Papers no. 2, EU Non-proliferation Consortium, Sep. 2011. Non-proliferation Papers are available at <<http://www.nonproliferation.eu/activities/activities.php>>. On the different functions of the EU and the UN see Britz, M. and Ojanen, H., ‘Multilateral security governance: comparing the UN and the EU’, eds C. Wagnsson, J. A. Sperling and J. Hallenberg, *European Security Governance: The European Union in a Westphalian World* (Routledge: Abingdon, 2009), p. 27.

⁸ Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT), opened for signature 1 July 1968, entered into force 5 Mar. 1970, <<http://www.iaea.org/Publications/Documents/Treaties/npt.html>>.

⁹ Álvarez-Verdugo, M., ‘Mixing tools against proliferation: the EU’s strategy for dealing with weapons of mass destruction’, *European Foreign Affairs Review*, vol. 11, no. 3 (fall 2006), p. 418.

¹⁰ White House, ‘Remarks by President Obama and Prime Minister Netanyahu of Israel’, 5 Mar. 2012, <<http://www.whitehouse.gov/the-press-office/2012/03/05/remarks-president-obama-and-prime-minister-netanyahu-israel>>.

integrate and strengthen structures on non-proliferation and export controls within the EU, but they were not seen as a suitable basis for addressing threats by states and non-state actors abroad.

The key provisions of the WMD Strategy conformed closely with the common ground on CFSP at the time it was formulated, which emphasized that member states should preserve their legal authority, policy prerogative and executive action in foreign and security policy matters. The multilateral non-proliferation regime is intergovernmental, matching the EU institutional structure of national rather than supranational participation and control. The EU member states adhered to all of the main international legal agreements, which in 2003 included but were not limited to the NPT, the 1972 Biological and Toxin Weapons Convention (BTWC), the 1993 Chemical Weapons Convention (CWC) and the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT).¹¹ Member states had a long history of engagement with the International Atomic Energy Agency (IAEA) in the fields of nuclear safeguards.

The multilateral framework offered a benchmark on which all (at that time) 15 member states could agree, as it would not impose additional measures. Framing non-proliferation as a CFSP issue both expanded the scope of the CFSP and provided common funds to implement the WMD Strategy using Council joint actions, for which budget procedures had already been created, and ensured consensus among EU member states on direct EU involvement. The strategy would also allow for pooling of national financial resources and expertise, empowering the responsible national agencies in EU member states to play a role in external assistance programmes and in EU candidate countries. Basing non-proliferation policy on multilateral agreements could provide both legitimacy and guidance in cases where the EU wanted to work with partners on functional issues but lacked a common set of rules.¹²

New challenges to the WMD Strategy

In the decade after the WMD Strategy was adopted, many of the ideas and assumptions on which it was based have been challenged by events.

The priority given to institutionalized, law-based and (ideally) global treaties has been challenged by a growing number of informal initiatives in which groups of states that are more or less like-minded join their efforts without seeking universal participation. An understanding of effective multilateralism today needs to consider the many ad hoc and informal regimes that have been initiated during

¹¹ Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological and Toxin Weapons Convention, BTWC), opened for signature 10 Apr. 1972, entered into force 26 Mar. 1975, *United Nations Treaty Series*, vol. 1015 (1976); Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention, CWC), opened for signature 13 Jan. 1993, entered into force 29 Apr. 1997, <<http://treaties.un.org/Pages/CTCTreaties.aspx?id=26>>; and Comprehensive Nuclear-Test-Ban Treaty (CTBT), opened for signature 24 Sep. 1996, not in force, <<http://treaties.un.org/Pages/CTCTreaties.aspx?id=26>>.

¹² Barbe, E. et al., 'Drawing the neighbours closer ... to what? Explaining emerging patterns of policy convergence between the EU and its neighbours', *Cooperation and Conflict*, vol. 44, no. 4 (Dec. 2009).

and after 2003. The Proliferation Security Initiative (PSI) and the Global Initiative to Combat Nuclear Terrorism (GICNT) are two examples. In addition, under the auspices of the Group of Eight (G8) industrialized states, there has been a considerable growth in what were in 2003 fledgling activities to combat proliferation and the risk of mass-impact terrorism.

In contrast, the review conferences to analyse progress and define new steps to strengthen the BTWC (in 2001 and 2002) and the NPT (in 2005) were widely seen as failures of multilateral diplomacy.¹³ Negotiations to bring the CTBT into force and to agree the text of a treaty banning the production of fissile materials for use in nuclear weapons have stalled.¹⁴

The content of UN Security Council Resolution 1540, adopted in April 2004, was compatible with EU priorities.¹⁵ However, some of the architects of the resolution in the USA saw increasing the role of the Security Council as a legislator in WMD non-proliferation as a way to supplant traditional multilateral legal processes in global governance.¹⁶

A second challenge to the EU normative ideal is the risk that universal non-proliferation standards might be overlooked when tailoring solutions to difficult cases. For example, informal processes to address proliferation concerns arising from the nuclear programmes of Iran and the Democratic People's Republic of Korea (DPRK, North Korea) designed packages containing positive inducements seen by some as rewarding failure to comply with legal obligations freely entered into.

The non-proliferation regime has always differentiated the treatment of 'insiders' and 'outsiders', and here too it has been a challenge to craft proposals that respect the principles of the multilateral treaties while also taking into account the specific context of the countries concerned. In 2003, nuclear cooperation with India was not politically feasible for EU member states, which were committed in the WMD Strategy to a general principle of 'working to ensure that the Nuclear Suppliers Group make the export of controlled nuclear and nuclear related items and technology conditional on ratifying and implementing the Additional Protocol'.¹⁷ Within five years, all EU member states had approved trade with India based on India's ratification of a specific safeguards arrangement with the IAEA that allowed India to maintain undeclared nuclear activities outside of safeguards.

The India exemption illustrates two important trends in the past decade that challenge certain aspects of the WMD Strategy. First, a shift in global economic power and enhanced economic interdependence which has changed the geo-

¹³ Müller, H., *The 2005 NPT Review Conference: Reasons and Consequences of Failure and Options for Repair*, Paper no. 31 (Weapons of Mass Destruction Commission: Stockholm, [n.d.]).

¹⁴ On a fissile material cut-off treaty see e.g. Kile, S. N. and Kelley, R., *Verifying a Fissile Material Cut-off Treaty: Technical and Organizational Considerations*, SIPRI Policy Paper no. 33 (SIPRI: Stockholm, Aug. 2012).

¹⁵ UN Security Council Resolution 1540, 28 Apr. 2004.

¹⁶ Ahlström, C., 'United Nations Security Council Resolution 1540: non-proliferation by means of international legislation', *SIPRI Yearbook 2007: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2007), p. 461.

¹⁷ Council of the European Union, 15708/03 (note 1), p. 11.

strategic environment, including by the empowerment of former developing states and industry in non-proliferation.¹⁸ Second, there has been a tendency to differentiate between liberal and illiberal regimes when defining acceptable behaviour, rather than establishing common rules for universal application.¹⁹

A third challenge to the WMD Strategy is posed by secondary proliferation among actors which are outside the framework of existing rules and have no intention of adopting internationally agreed norms.²⁰

In the past decade, the EU institutions and member states have been able to address some of these challenges through adapting policies, establishing new working practices, and making use of a broader spectrum of budget resources and other instruments. However, 10 years after the adoption of the WMD Strategy, seen from the outside the approach seems somewhat reactive and ad hoc. The combined strategic value of the individual actions, each of which can often be logically explained and justified on its own terms, is not always clear.

Ten years into the EU WMD Strategy, a surprisingly large amount of research is still concerned with whether the EU should be seen as a distinctive actor in the field of non-proliferation. In reality, however, the need for the EU to play its part has been validated by the experience of the past decade and there is an important role for the EU to play now and in the future.²¹ A number of key processes are currently under consideration both inside and outside the EU. Examples include the preparations for the next EU financial period (2014–20), the first review of the European External Action Service (EEAS) and the elaboration of programmes and projects within the next phase of the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction (G8GP). It is thus a good time to evaluate what has been achieved and what still needs to be done.

¹⁸ Luongo, K. N. and Williams, I., 'The nexus of globalization and next-generation non-proliferation: tapping the power of market-based solutions', *Nonproliferation Review*, vol. 14, no. 3 (2007), p. 460.

¹⁹ Rynning, S., 'Peripheral or powerful? The European Union's strategy to combat the proliferation of nuclear weapons', *European Security*, vol. 16, nos 3–4 (Sep. 2007), p. 268.

²⁰ See e.g. Squassoni, S. A., *Weapons of Mass Destruction: Trade between North Korea and Pakistan*, Congressional Research Service (CRS) Report for Congress no. RL31900 (US Congress, CRS: Washington, DC, 11 Mar. 2004).

²¹ A similar argument is made in Bruno, I., Jacquot, S. and Mandin, L., 'Europeanization through its instrumentation: benchmarking, mainstreaming and the open method of co-ordination . . . toolbox or Pandora's box?', *Journal of European Public Policy*, vol. 13, no. 4 (June 2006), p. 521.

2. Changes in the threat environment: from the elimination of threats to the management of risks

While a pattern of steadily escalating terror attacks was identified as a threat in the 1990s, the scale of each individual event was limited, the weapons employed were conventional and the consequences were easily contained. In September 2001, attacks on the United States achieved a high level of destruction but did not use weapons as traditionally defined: they were carried out using commercial airliners and by distributing a pathogen, anthrax, using the US mail service as the delivery system. These events illustrated the need to develop effective ways and means to mitigate risks posed to society from unconventional attacks, beginning by taking stock of the kinds of material and device that might be used in mass-impact terrorism—first and foremost chemical, biological, radiological and nuclear (CBRN) materials.

While the actions taken against terrorism prior to 2001 might be (and have been) described as complacent, the response to the attacks of 11 September 2001 was immediate and severe.²² The USA—at the same time the victim of a new type of terrorist attack and by far the most powerful actor on the world stage—framed the response in military terms and, as part of a response largely developed by its Department of Defense, the enemy was to be tracked, rooted out and destroyed. The sense of urgency, if not emergency, with which the USA called on countries to join it in a ‘global war on terrorism’ produced a rough sorting of states into three groups: some states essentially agreed with the US diagnosis of the problem and its response; others had misgivings but supported an ally at a time of need; and a third group refused to join in any aspect of the response (and in particular the large scale use of force for counterproliferation) and made the case for an alternative approach. The 2003 invasion of Iraq in particular caused deep divisions, both among the member states of the EU and in relations between European countries and the USA.

These background conditions left their mark on the EU WMD Strategy, which tried to do two things at the same time: first, show solidarity with the USA in confronting the threat posed by mass-impact terrorism; but second, to put forward an effective approach to addressing the proliferation of WMD to states that would not emphasize the pre-emptive use of force. The WMD Strategy was an indication that the EU had recognized the need for a focused and active response to threats that were no longer seen as abstract or irrelevant to European citizens. Equally, however, the response was not based on an existing body of extensive information or well-developed analyses but sometimes appears to have been

²² See e.g. the critical analysis of complacency followed by over-reaction by Richard A. Clarke, a former White House National Coordinator for Security, Infrastructure Protection and Counter-terrorism. Clarke, R. A., *Against All Enemies: Inside America's War on Terror* (Free Press: New York, 2004).

more based on the emotional fear of what John Mueller labelled 'the twenty-foot tall terrorist'.²³

In the decade since 2003, the general understanding of the risks and consequences of states' acquisition of NBC weapons has matured. While the risks are real and the consequences are potentially serious, it is now recognized that the notion of a 'proliferation cascade' and the emergence of mass-impact terrorism as an existential threat to states and to society were both exaggerated.

In the years after 2003 the combination of political, economic and technological developments have changed the configuration of the international system in ways that create great uncertainties, both globally and in regions of critical importance to Europe. New technological developments have appeared or reached maturity in the past decade that were not central factors in the deliberations over the WMD Strategy. However, the implications of new and emerging technologies for national, regional and international security, and the question of whether or not new regulatory frameworks are needed to contain their effects, should now be important elements in the international security discussion.

Similarly, the understanding of the threat posed by non-state actors is more mature. In reality, it is extremely difficult for non-state actors to acquire or use CBRN items with mass effect and, using sensible and relatively cheap preventive measures, it can be made even more difficult. If prevention was to fail, a successful CBRN attack would be an extremely serious matter, but it could not threaten the survival of a state.

The threat to the European Union posed by weapons of mass destruction: initial assessment

In the late 1990s and early 2000s, a number of events in fairly quick succession illustrated the threats of WMD. In 1998 North Korea tested a medium-range ballistic missile by firing it in a trajectory that passed over the mainland of Japan without prior warning. In the same year India and Pakistan, known to have highly developed but latent nuclear weapon capabilities, each tested a series of nuclear explosive devices that brought their status as nuclear-armed states into the open. In 2002 some particularly sensitive dimensions of Iran's nuclear programme were revealed, and in 2003 the Government of Libya confirmed that the country was engaged in illegal weapon programmes and also pledged to close those programmes down.

All of these events underlined that the risk of proliferation was not by any means hypothetical or something to be contemplated at a future time. However, it was the terrorist attacks on the USA in September 2001, the attacks in Madrid in March 2004 and those in London in July 2005, and the considerable European involvement in military campaigns in Afghanistan and Iraq that were catalysts

²³ Mueller, J., 'Simplicity and spook: terrorism and the dynamics of threat exaggeration', *International Studies Perspectives*, vol. 6, no. 2 (May 2005).

for a more focused attempt to assess CBRN threats to the EU in something other than vague and general terms.²⁴

The WMD Strategy highlighted the direct and indirect threat, noting that

A WMD attack on the EU's territory would involve the risk of disruption on a massive scale, in addition to grave immediate consequences in terms of destruction and casualties. In particular, the possibility of WMD being used by terrorists present[s] a direct and growing threat to our societies in this respect.²⁵

Furthermore, outside the EU,

In areas of tension where there are WMD programmes, European interests are potentially under threat, either through conventional conflicts between States or through terrorist attacks. In those regions, expatriate communities, stationed and deployed troops (bases or external operations), and economic interests (natural resources, investments, export markets) can be affected, whether or not specially targeted.²⁶

The persistence of proliferation problems

Since the adoption of the WMD Strategy, the EU has played its part in trying to revitalize international non-proliferation processes energetically. However, the collective efforts carried out over a decade have succeeded in neither containing nor rolling back weapon programmes of concern. Not only do all of the problems that were noted above remain on the agenda, in each case the situation in 2013 is in certain respects worse than it was a decade earlier. Moreover, some issues have been tackled in ways that are inconsistent with the preferred EU approach based on effective multilateralism and the rule of law.

India and Pakistan have continued to expand their nuclear arsenals, modernize the missiles intended to deliver them and extend their nuclear capabilities—for example, by developing sea-based nuclear forces and missiles with progressively longer ranges.²⁷ India in particular has been developing a broad spectrum of advanced capabilities, such as missile defence systems and exploration of ground-based anti-satellite weapons.

In North Korea the incremental improvement of missile delivery systems has been accompanied by the acquisition of a second means of producing fissile material for use in nuclear weapons with the development of a uranium-enrichment capacity alongside the reprocessing of used fuel to recover plutonium.²⁸ This process has continued without any apparent interruption, despite the

²⁴ Cornish, P. and Anthony, I., 'Assessing chemical biological, radiological and nuclear threats to the European Union, 2005–2012', Background paper, Conference on Reinforcing EU Cooperative Threat Reduction Programmes: Community action in support of the EU Strategy Against Proliferation of Weapons of Mass Destruction, Brussels, 7–8 Dec. 2005.

²⁵ Council of the European Union, 15708/03 (note 1), p. 4.

²⁶ Council of the European Union, 15708/03 (note 1), p. 4.

²⁷ See e.g. Kile, S. N. and Kristensen, H. M., 'Indian nuclear forces', and Schell, P. and Kristensen, H. M., 'Pakistani nuclear forces', *SIPRI Yearbook 2013: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2013).

²⁸ See e.g. Kile, S. N., 'North Korea's military nuclear capabilities', *SIPRI Yearbook 2013* (note 27); and Kile, S. N., 'North Korea's nuclear programme', *SIPRI Yearbook 2013* (note 27).

imposition by the UN Security Council of progressively more comprehensive sanctions.

In Iran, where the EU has invested the greatest energy and resources in seeking a solution, the incremental development of the most sensitive and worrying aspects of the nuclear programme have continued.²⁹ Furthermore, the missile programme has crossed a number of technical thresholds during the decade of engagement with European counterparts. In particular, Iran has succeeded in fielding ballistic missiles propelled by rocket motors that use solid fuel. Mastery of the technical skills needed to develop and build solid rocket motors could allow Iran to develop long-range missiles capable of hitting targets across Europe (or, in the distant future, an intercontinental ballistic missile capability). Iran has also invested significant resources in developing its space capabilities, including not only launch vehicles but also an indigenous satellite-development and -manufacturing capability. In the past decade Iran has become one of only a handful of states capable of designing, building and launching its own satellites.³⁰

The urgency that surrounded the development of the WMD Strategy reflected the recognition that proliferation, in particular the acquisition of nuclear weapons, could be the cause of war. The failure to convince Iran of the need to modify its nuclear policies in ways that reassure the international community, combined with the steadily growing and improving Iranian uranium-enrichment programme, has kept the threat to use force as an instrument of counterproliferation on the international political agenda. Ten years after the crisis over suspected Iraqi weapon programmes, there is still a threat that proliferation-sensitive activities might trigger a regional war with extremely unpredictable and potentially devastating consequences.

One of the greatest concerns arising out of the exposure of the more sensitive aspects of the Iranian nuclear programme was the discovery that an extensive, internationalized network of traffickers was actively supplying the materials and equipment on which the programme depended. The network included individuals and companies in advanced industrial states, including a number in Europe; industrial entities (many of them state owned and operated) in developing economies around the world; and procurement agents working on behalf of countries building clandestine nuclear and missile programmes.³¹

Leaving aside the implications of the discovery in 2009 of a previously unknown Iranian uranium-enrichment facility, secret autonomous networks are a threat because they may help a state to accelerate a programme and achieve a strategic surprise on its neighbours or on the wider international community. Where states are unable to adjust their own policies to new strategic realities in good time, there is a heightened risk of instability, in particular in a region like the Middle East, where there are many contested issues between states.

²⁹ See e.g. Kile, S. N., 'Iran and nuclear proliferation concerns', *SIPRI Yearbook 2013* (note 27).

³⁰ Hildreth, S. A., *Iran's Ballistic Missile and Space Launch Programs*, Congressional Research Service (CRS) Report for Congress no. R42849 (US Congress, CRS: Washington, DC, 6 Dec. 2012).

³¹ Albright, D. and Hinderstein, C., 'Unraveling the A. Q. Khan and future proliferation networks', *Washington Quarterly*, vol. 28, no. 2 (spring 2005).

In 2007 the Israeli Defense Forces destroyed a Syrian facility widely believed to be a nuclear reactor with characteristics that would make it a possible source of plutonium suitable for use in a nuclear weapon.³² The existence of the facility, which must have been in construction for a number of years, was not widely known prior to its destruction. The episode underlined that the threat to stability and security posed by secret networks facilitating the creation of latent weapon capabilities has not been effectively mitigated.

One of the most difficult aspects of forging a coherent and effective international approach to the crisis in Iraq was the problem of how to be confident that Iraqi programmes were being interpreted correctly. Ten years later the threat that states will acquire WMD capabilities—either in secret or under the cover of an ostensibly peaceful programme—remains.

The appearance of new types of weapon and dual-use technology

Another trend that appears increasingly likely to take root in the planning and conduct of military operations in the future is the taking advantage of rapid developments in information technology, combined with the progressive reduction in size and weight of engineering products made possible by the use of new materials and advanced propulsion systems. One manifestation of these trends has been the move towards semi- or fully automated systems capable of acting in pre-defined scenarios without human intervention. In cases where the response times are too short to allow for human intervention in decisions, or where the environment is too hazardous to justify human engagement, the option of automation is likely to look increasingly attractive to militaries with limited manpower (in particular, limited numbers of highly skilled personnel) too precious to risk in combat.³³

Unmanned aerial vehicles (UAVs, or remotely piloted vehicles, drones) have attracted particular attention.³⁴ They are being deployed in a rapidly increasing variety of roles. Armed UAVs are likely to become an important platform from which to deliver missiles that would have been carried by manned aircraft in the past. The technology itself raises few new issues, being another form of aircraft. The main legal and policy issues surrounding the conditions in which UAVs may be used would be the same if the operations were carried out by, for example, manned aircraft or special forces units. By combining surveillance, target-acquisition and strike capabilities into large UAVs able to loiter over an area for extended periods, UAVs reduce reaction times and eliminate the risks involved with launching precision-guided munitions from manned aircraft. In the latter cases reconnaissance and target designation may well be provided by ground

³² Kile, S. N., 'Syria and nuclear proliferation concerns', *SIPRI Yearbook 2012: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2012).

³³ Schmitt, M. N., 'Autonomous weapon systems and international humanitarian law: a reply to the critics', *Harvard National Security Journal Feature*, 5 Feb. 2013, <<http://harvardnsj.org/wp-content/uploads/2013/02/Schmitt-Autonomous-Weapon-Systems-and-IHL-Final.pdf>>.

³⁴ Brooke-Holland, L., 'Unmanned aerial vehicles (drones): an introduction', *British House of Commons Library*, Standard Note no. SN06493, 25 Apr. 2013, <<http://www.parliament.uk/briefing-papers/SN06493>>.

forces, and so the use of UAVs might remove the risk that some of the most skilled and least expendable members of the armed forces—special forces units and combat aircraft pilots—will be lost during operations. There is a question mark over whether eliminating the risk to the user will make decision makers more inclined to use air power than was the case prior to the widespread deployment of remotely piloted vehicles.

The attractiveness of remotely piloted vehicles, armed or otherwise, makes it likely that the armed forces in more countries will, at a minimum, wish to understand the relevant technologies and develop their own capabilities in this area.

A recent SIPRI report noted that, 'irrespective of any specific insight into the future of the understanding of the life processes, the ability of scientists to *manipulate* (rather than *kill*) humans and other organisms will increase'.³⁵ Better understanding how the brain functions as well as its biochemistry could lead to the development of non-lethal agents that modify behaviour in ways that promote certain outcomes.

A notable tendency in the development of technology has been the emergence of a range of products and systems that could, if used in a particular way, mimic the effects achieved in the past by violent means. Traditionally, the use of force has gone hand in hand with violence. However, the development of technologies that do not kill may, in some circumstances, erode the traditional understanding of terms such as the use of force. The effects may depend on technologies that were not designed, developed or modified for military purposes and that do not automatically or necessarily fall into the category of activities of concern.

In the future, when used in a given context these capabilities might pose new security challenges for Europeans, whether they are used by them or against them. However, the implications are only beginning to be appreciated, and cannot be fully understood at present. There are certain to be other examples in the future, but the technologies sketched below are already being developed or they are only shortly beyond the horizon.

The development of better understanding of how the brain works, combined with new means for targeted drug delivery, could open the way to the development of new types of non-lethal biochemical agent. These agents may be applied in a range of different security scenarios, whether military actions (either on the battlefield or in, e.g., peace operations) or as part of law enforcement. The use of these agents by non-state actors (either those that are ostensibly legitimate or those with obviously malicious intentions) may have negative consequences if it is not properly regulated and managed.

The development of tools that can collect, destroy or manipulate digital information in cyberspace has opened a wide range of new possibilities (and potential vulnerabilities). These include options to attack the critical digital systems of an adversary (including targets in the ownership and under the control of states, the private sector, civil society or individuals).

³⁵ Hart, J. and Trapp, R., 'Science and technology and their impacts on the Biological and Toxin Weapons Convention: a synthesis report on preparing for the Seventh Review Conference and future challenges', Dec. 2011, <<http://www.sipri.org/research/disarmament/bw/publications/btwc111212.pdf>>, p. 35.

In order to achieve a particular objective in a conflict, it is essential to shape the perceptions of the adversary in ways that bring about compliance or concession. To that end it has become increasingly important to control and manipulate the information on which the adversary bases their decisions. In the future, cyber tools may permit one actor to place the key decision makers in an adversary into a 'virtual world', where perception is manipulated by controlling the information available.

Further into the future, the investigation of geoengineering and techniques to manipulate the weather and environmental conditions may provide new capabilities. As one example, research into how the upper earth atmosphere interacts with sound waves may lead to applied research and development of new tools for either civilian or military use. By directing high frequency sound waves into the upper earth atmosphere it may be possible to either enhance or destroy digital communications.

The two examples above illustrate that, while the problems that were key catalysts for the elaboration of the WMD Strategy remain both urgent and largely unresolved, they are now joined by new problems whose contours are only dimly visible and whose implications are not fully understood.

Citizens, states and security

In 2001 the leaders of advanced industrial countries were knocked off balance when a weak force was able to challenge the belief that the most powerful countries ought to be able to live relatively safely and order the world's affairs pretty much as they want to. If not only relatively poor and developing countries, but also non-state actors could inflict mass destruction and cause thousands of deaths in the heartland of the most powerful country, then could these essentially weak players paralyse much stronger players and reduce or eliminate their freedom to act in pursuit of their interests?

In its first phase the response of the Euro-Atlantic community was driven by a militarized paradigm in which a new enemy had to be found and destroyed using the instruments that were closest to hand. US Vice President Dick Cheney perhaps captured the immediate imperative in his autobiography, where he wrote that 'The first war of the twenty-first century wouldn't be simply a conflict of nation against nation, army against army. It would be first and foremost a war against terrorists who operated in the shadows, feared no deterrent, and would use any weapon they could get their hands on to destroy us.'³⁶

In the decade after the attacks in the USA, however, there has been a significant evolution in the way in which security is being approached in the face of new threats and challenges. The past decade has been one in which a series of blows have fallen on things that European citizens value. Some of these things have been tangible, others have been intangible, but only a relatively small number of them have been inflicted by terrorists.

³⁶ Cheney, D., *In My Time: A Personal and Political Memoir* (Simon & Schuster: New York, 2011), p. 10.

Apart from the threat posed by acts of mass-impact terrorism to citizens and their property, there was also for example a serious concern that repeated acts of mass-impact terrorism would sow seeds of division among different parts of increasingly multi-ethnic, multicultural and multifaith European societies.

After anthrax was distributed in the USA there was an immediate concern about the risk of bioterrorism. However, despite the risk that terrorists would deliberately spread infectious disease, there have actually been few cases of bioterrorist incidents (although dealing with hoaxes has been disruptive and expensive). In contrast, there have been several cases in the same period where the World Health Organization (WHO) has been sufficiently concerned about a natural occurrence of infectious disease affecting humans to declare a pandemic. The concern about bioterrorism has also been reflected in risk that a non-state actor would deliberately spread disease to animals or crops. However, serious outbreaks of animal and plant diseases have occurred regularly in different parts of Europe as a result of human error or negligence or through natural events.

The risk that terrorists would cause the failure of critical infrastructure was also a serious cause for concern in the period after September 2001. However, attempted acts of major sabotage have not caused serious damage to critical infrastructure. In contrast, natural events—such as extreme weather conditions, floods and fires—have caused major damage on a significant number of occasions. The risk that such events will be more extreme and occur more frequently is said to be growing, not least as a result of human activities that are changing the climate, perhaps irreversibly.³⁷

The mass-impact terrorist attacks also had serious economic repercussions, including major disruption to international air transport, which is not only an important economic sector in its own right but also a powerful enabler of other economic activities. However, the period after 11 September 2001 has seen a series of economic shocks that are not connected to mass-impact terrorism, such as the collapse of financial markets, wide fluctuations in oil and gas prices and, most recently, the risk of major disruption to a key currency—the euro.

In the years after 2001 authorities made the case to the public that, in order to defeat new mass-impact terrorist tactics, it would be necessary to rebalance certain personal freedoms against the need for enhanced public security. However, there has been a growing appreciation that actions taken in order to promote security may, unless carefully monitored and controlled, have unintended and negative consequences for core European values of democracy and the rule of law. In some cases this might mean loss of general freedoms (e.g. to communicate without fear of intrusive monitoring or to publish scientific findings without censorship).³⁸ In extreme cases, if measures implemented in the name of security have the unwanted side effect of increasing a sense of marginalization or victim-

³⁷ Field, C. B. et al. (eds), *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation*, Special Report of the Intergovernmental Panel on Climate Change (Cambridge University Press: Cambridge, 2012).

³⁸ See e.g. Clevestig, P. and Hart, J., 'Oversight of dual-purpose research in the life sciences', *SIPRI Yearbook 2013* (note 27).

ization of particular groups within society, the remedy may be considered worse than the disease.

In the WMD Strategy, the new threats were largely framed as originating in other parts of the world—in failed states and regions of conflict, in particular—before being projected into the EU from outside. However, analysis of actual terrorist events has highlighted that the source of violence is increasingly home-grown.³⁹ The groups planning attacks would not necessarily have to look to external sources of supply for the materials needed to mount attacks. The theft and trafficking of CBRN materials might occur within the EU or in its immediate neighbourhood. A failure to adopt responsible practices for safe and secure custody of sensitive materials in any particular part of the EU would itself constitute a threat. However, the increasingly free movement of goods, materials, people, money and ideas within Europe (rather than the ease of movement into the EU from outside) might facilitate the work of terrorist groups.

Changing threat perception has triggered a convergence between internal and external security and blurred or, in some areas, erased the boundary between the two. The policy areas of non-proliferation and counterterrorism have thereby experienced ‘issue expansion’ along several vectors, in the sense that issues have moved beyond the initial actors in specific venues to a wider set of participants and a broader set of instruments.⁴⁰ A number of internal policies are related to CBRN materials that are exposed to risks of attacks or accidents, making it necessary to incorporate the interests and needs of broader categories of actors—such as the custodians of critical infrastructure, private industry, specialized scientific communities and the European Commission.

In addition, given the complexity of the threat environment when viewed in this way, citizens are both more aware of vulnerabilities and less tolerant of disruptions. As a result, the concept of resilience has increasingly been incorporated as part of understanding and managing threat. Not all risks can be avoided, and it is understood that there will be occasions when preventive measures fail. When disaster strikes—either at a personal level or collectively—citizens want to be reassured that a framework and mechanisms are in place to respond effectively, and that normality will be resumed as quickly as possible.

A complex and multifaceted definition of security is therefore emerging. It is no longer easy (and perhaps no longer possible) to separate internal and external security or differentiate between the security of the state, the security of the citizen and the security of the transactions and flows on which modern life increasingly depends.

In parallel with the changing view of what constitutes a threat it has become more necessary to consider how to deliver solutions to complex problems. The provision of security was traditionally regarded as a specific sphere of action, dominated by people with specialist knowledge. However, since many of the

³⁹ Argomaniz, J., ‘Post-9/11 institutionalisation of European Union counter-terrorism: emergence, acceleration and inertia’, *European Security*, vol. 18, no. 2 (June 2009), p. 165.

⁴⁰ Wolff, S., Wichmann, N. and Mounier, G., ‘The external dimension of Justice and Home Affairs: a different security agenda for the EU?’, *Journal of European Integration*, vol. 31, no. 1 (Jan. 2009), p. 14.

emerging societal security problems do not easily fit into what might be termed the traditional definition of security, a more integrated approach is needed. There has been a gradual transition from a view of security as something provided to citizens by organs of the state—and in particular by specialized armed forces—to a view that the security of society is both a common benefit and a common responsibility in which many actors must prepare themselves in the face of hazards and risks of different kinds, some natural and some man-made (whether accidental or deliberate).

3. European Union non-proliferation efforts, 2003–13

This chapter provides an overview of the EU non-proliferation efforts in the framework of the WMD Strategy, in particular the objectives set out in the second half of the strategy—called the ‘living action plan’.⁴¹ EU non-proliferation policy was reaffirmed and the action plan updated in the 2008 document ‘New Lines for Action in combating the proliferation of weapons of mass destruction and their delivery systems’, which is often seen as a mid-term review of the 2003 document. The action plan included in the New Lines for Action was to be fully implemented by December 2012, which makes the time ripe for a critical assessment of what has been achieved as well as a renewed focus on the EU strategic priorities.⁴²

Space does not permit the presentation of a comprehensive catalogue of measures; instead they are presented thematically: in terms of processes within the Union; financial support to multilateral instruments; bilateral and regional cooperation and assistance programmes; and the use of two EU-specific ‘coercive diplomacy instruments’: conditionality and sanctions.

Processes within the European Union

The largest transformation within the EU since the adoption of the WMD Strategy was the enlargement of the Union from 15 member states in 2003 to 25 in 2004 and 27 in 2007, which changed the internal dynamics of the EU and its external environment.⁴³ One early challenge that enlargement posed to non-proliferation was in the area of export control. The 2003 strategy had made strengthening the export control policies and practices ‘within [the EU’s] borders and beyond’ a priority.⁴⁴ However, many EU candidate countries lacked adequate export controls and at the time of enlargement remained outside of the export control regimes—the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies. These countries’ entry into the EU single market, in which most dual-use items move freely, posed a potential proliferation risk.⁴⁵ Closing this gap has been a major under-

⁴¹ Council of the European Union, 15708/03 (note 1), p. 9.

⁴² Council of the European Union, ‘New Lines for Action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems’, annex to Council Conclusions, 17172/08, 17 Dec. 2008.

⁴³ The 15 member states in Dec. 2003 were Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the UK. The 10 states that joined in May 2004 were the Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Bulgaria and Rumania joined in Jan. 2007.

⁴⁴ Council of the European Union, 15708/03 (note 1), p. 6.

⁴⁵ Jones, S., ‘EU enlargement: implications for EU and multilateral export controls’, *Nonproliferation Review*, vol. 10, no. 2 (summer 2003), p. 85.

taking for the EU in the past decade. In the action plan against the proliferation of WMD adopted in June 2003, EU member states called for a 'peer review' of export controls in both current member states and acceding countries—something that was reiterated in the WMD Strategy.⁴⁶ The peer review was completed in July 2004 and implementing its recommendations was a high priority for 2005–2006.⁴⁷ In parallel, a review of the Community regime for the control of exports of dual-use items and technology initiated in 2004 subsequently resulted in a new regulation, in August 2009, introducing controls on brokering activities and transit of dual-use items. The new regulation also updated the list of items controlled prior to export and integrated the decisions taken in the four export control regimes, which have expanded to include most of the EU members.⁴⁸

The EU also set out to develop structures within the EU to monitor and implement the WMD Strategy. The High Representative for the CFSP, Javier Solana, had already appointed a personal representative for non-proliferation of WMD in October 2003. As a result, the EU had a permanent staff function in the Council Secretariat dealing exclusively with non-proliferation as an aspect of the CFSP. The entry into force in December 2009 of the 2007 Lisbon Treaty ended the pillar configuration, created new institutional structures, and enhanced the mandate of the Commission to fund and implement external projects and that of the European Parliament to co-decide on important aspects of policies related to WMD non-proliferation.⁴⁹ One of the more innovative changes was the creation of the European External Action Service, led by a High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, with a mandate to ensure coherence in all EU policies.⁵⁰ The new institutions and functions have largely been built around existing structures, rather than dismantling the old ones.⁵¹

Although not envisioned in the WMD Strategy, over the past decade the Commission has also emerged as an important centre for making and implementing

⁴⁶ Council of the European Union, 'Action plan for the implementation of the basic principles for an EU strategy against proliferation of weapons of mass destruction', 10354/03, 10 June 2003, p. 10; and Council of the European Union, 15708/03 (note 1), p. 11.

⁴⁷ Anthony, I. and Bauer, S., 'Transfer controls', *SIPRI Yearbook 2005: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 2005), pp. 714–15.

⁴⁸ Council of the European Union, Council Regulation (EC) no. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, *Official Journal of the European Union*, L 134, 29 May 2009; and European Commission, Trade, 'Dual-use export controls in the European Union', Fact sheet, Dec. 2009, <<http://trade.ec.europa.eu/doclib/html/145611.htm>>. See also Wetter, A., *Enforcing European Union Law on Exports of Dual-use Goods*, SIPRI Research Report no. 24 (Oxford University Press: Oxford, 2009).

⁴⁹ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed 13 Dec. 2007, entered into force 1 Dec. 2009, *Official Journal of the European Union*, C306, 17 Dec. 2007.

⁵⁰ On the development of the WMD Strategy and the current EU institutional structure related to WMD non-proliferation see Van Ham (note 7); and Grip, L., 'Mapping the European Union's institutional actors related to WMD non-proliferation', Non-proliferation Papers no. 1, EU Non-proliferation Consortium, May 2011.

⁵¹ Héritier, A., *Explaining Institutional Change in Europe* (Oxford University Press: Oxford, 2004), p. 58.

policy in relevant areas, such as counterterrorism and CBRN risk mitigation, with substantial budgets for implementation.⁵²

The European Union CBRN Action Plan

As part of its effort to reduce the vulnerability of critical infrastructure, the EU is paying close attention to the potential hazards posed by CBRN materials. The 2004 terrorist attacks in Madrid were the catalyst for a further review of EU counterterrorism policies and actions, and in June 2005 the EU published an updated and revised action plan to combat terrorism.⁵³ One of the objectives laid out in that document was to enhance the capability of the EU and its member states to deal with the consequences of a terrorist attack. The effort to strengthen the assessment and analysis of risks posed by potential terrorist attacks included a CBRN component. As one instrument to strengthen the capacity within member states to alleviate the consequences of attacks on the civilian population, the EU promised that ‘A new programme updating the actions identified in the Council 2002 CBRN programme, widening its scope to deal with all terrorism threats and incorporating a strengthened cross pillar implementation monitoring system will be adopted’.⁵⁴

In December 2007 the EU Justice and Home Affairs Council decided that effective policies to address CBRN risks would be developed ‘in close consultation with national authorities and, as appropriate, the industrial sectors concerned, academic institutions and other relevant stakeholders, notably with a view to ensuring the viability and proportionality of measures which may be required’.⁵⁵ The effort built on work carried out in 2006 to elaborate a green paper that pointed out basic elements that would be needed to strengthen bio-preparedness.⁵⁶ Comments and discussion inside EU institutions expanded the portfolio of issues to include chemical security and radiological sources.⁵⁷

During 2008 and the first half of 2009 the Commission used an interdisciplinary task force made up of both official and non-governmental experts to draft a communication on strengthening CBRN security that was presented to EU member states in June 2009.⁵⁸

⁵² Council of the European Union, ‘The European Union Counter-terrorism Strategy’, 14469/4/05 REV 4, 30 Nov. 2005; and European Commission, ‘Strengthening chemical, biological, radiological and nuclear security in the European Union—an EU CBRN Action Plan’, Communication from the Commission to the European Parliament and the Council, COM(2009) 273 final, 24 June 2009. Most Commission documents are available at <<http://ec.europa.eu/transparency/regdoc/recherche.cfm?CL=en>>.

⁵³ Council of the European Union, ‘Revised action plan on terrorism: update June 2005’, 10694/05, Brussels, 27 June 2005.

⁵⁴ Council of the European Union, 10694/05 (note 53), p. 53.

⁵⁵ Council of the European Union, ‘Council Conclusions of 6 December 2007 addressing chemical, biological, radiological and nuclear risks and on bio-preparedness’, 16589/07, 17 Dec. 2007, p. 6.

⁵⁶ European Commission, ‘Green paper on bio-preparedness’, COM(2007) 399 final, 11 July 2007.

⁵⁷ In contrast, nuclear security has been discussed inside the EU over many years and certain aspects are already enshrined in EU law.

⁵⁸ European Commission, ‘Proposal for a new policy package on chemical, biological, radiological and nuclear (CBRN) security’, MEMO/09/291, 24 June 2009, <http://europa.eu/rapid/press-release_MEMO-09-291_en.htm>.

The task force worked on a principle of avoiding duplication of effort and therefore gave relatively little attention to security of radiological sources and chemical safety since these issues were being actively examined elsewhere in the EU.⁵⁹

In December 2009 the Swedish EU Presidency released the results of a series of consultations on internal security in the EU in the form of the Stockholm Programme.⁶⁰ The programme pointed out that the threat of terrorist groups using CBRN materials had already led to action at the national and EU levels and stressed the need for 'a prioritised, relevant and effective European strategy to enhance the protection of EU citizens from incidents involving CBRN materials'.⁶¹

At the end of 2009 the Council of the EU also adopted a CBRN Action Plan, which was seen as an important instrument to achieve the goals set out in the Stockholm Programme.⁶² As noted above, the Action Plan was also conceived in part as a way to help implement other commitments—such as those contained in the revised and updated EU strategy to combat terrorism published in 2005.⁶³ The counterterrorism strategy defined four 'pillars' of action: terrorism prevention, the protection of critical infrastructure, the pursuit of terrorists and, should those measures fail, mounting an effective response to any act of mass-impact terrorism that was carried out. The CBRN Action Plan includes actions to prevent, detect, prepare and respond to larger incidents with high-risk CBRN materials. The Action Plan does not introduce new EU legislation and it can, from one perspective, be seen as something of a defensive action by member states to pre-empt any calls for additional regulation at the EU level.

Consistent with the method of wide cooperation, the task force on CBRN security compiled and discussed existing good practices. The main effort was focused on biological risks as well as chemical security and the November 2009 CBRN Action Plan eventually identified approximately 130 measures to prevent, detect and respond to CBRN threats and risks inside the EU. These measures, which cover the entire spectrum of chemical, biological, radiological and nuclear threats, were to be implemented in phases over a 3–5 year period.

In May 2012 the Commission published a progress report on the implementation of the CBRN Action Plan, underlining that it was prepared jointly by the Commission, member states, the EEAS and Europol.⁶⁴ The report noted that,

⁵⁹ The JRC has studied radiological preparedness in the EU and chemical safety issues have been examined extensively, leading to the creation of the European Chemicals Agency (ECHA). The findings related to radiological security were presented in Brussels at EU Radiological Risk Reduction seminars on 23–24 Nov. 2006 and 21–22 June 2007. See also European Chemicals Agency (ECHA), <<http://echa.europa.eu/>>.

⁶⁰ Council of the European Union, 'The Stockholm Programme: an open and secure Europe serving and protecting the citizens', 17024/09, 2 Dec. 2009.

⁶¹ Council of the European Union, 17024/09 (note 60), p. 54.

⁶² Council of the European Union, 'Council conclusions on strengthening chemical, biological, radiological and nuclear (CBRN) security in the European Union: an EU CBRN Action Plan', 15505/1/09 REV 1, 12 Nov. 2009.

⁶³ Council of the European Union, 14469/4/05 REV 4 (note 52).

⁶⁴ European Commission, Home Affairs, 'Progress report on the implementation of the EU CBRN Action Plan', 12 May 2012.

although particular accomplishments could be pointed to in all of the CBRN areas, the overall progress of implementation was ‘relatively uneven’ and that many of the things that had been done were of a preparatory nature in anticipation of more substantial efforts yet to be undertaken. The report notes the formidable challenge of pursuing nearly 130 actions in parallel but goes on to identify 14 key actions, with a view to ensuring tangible results on these by 2015.

Implementing the CBRN Action Plan has a potential synergy with external actions. This is recognized in the plan itself and in the progress report, which draws attention to the finding of the European Parliament that there is a ‘close link and mirror effect between security inside and security outside the EU’.⁶⁵ The report recognizes that some member states are more experienced than others in specific areas covered by the Action Plan and notes the potential for knowledge and skill transfers inside the EU as well as outside. In fact, successful implementation of the Action Plan would lead to the development of a formidable catalogue of good practices and technical standards that could be a platform for capacity enhancements both inside and outside the EU if approached in an integrated manner.

Financial support to multilateral instruments

To deliver the ‘political, financial and technical support to verification regimes’ needed to render multilateralism more effective, the Council adopted 22 Council decisions together worth €60.6 million between 2003 and 2012 (see table 3.1).⁶⁶

Following the objectives set out in the WMD Strategy’s living action plan, these Council decisions have been targeted to help bring about universal adherence to the main multilateral arms control conventions—the NPT, the BTWC, the CWC and the CTBT; improve their functioning and national implementation; and support specific assistance programmes implemented by relevant organizations—the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), the IAEA and the Organisation for the Prohibition of Chemical Weapons (OPCW). The consistency of EU action is noteworthy: the Council decisions have all been targeted to support legal instruments, while more recent forms of cooperation such as the PSI have been supported by the EU through political declarations that have no financial implications. However, this seemingly strategic approach could also be interpreted as reactive to the nature of the instruments and their capacity to implement programmes. Instruments with larger institutional structures (the IAEA, the CTBTO and the OPCW) have received far more assistance than the UN Security Council 1540 Committee, the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC) and the BTWC Implementation Support Unit.

⁶⁵ European Commission (note 64), p. 15; and European Parliament, ‘Strengthening chemical, biological, radiological and nuclear security in the European Union: an EU CBRN Action Plan’, Resolution, 14 Dec. 2010, <<http://www.europarl.europa.eu/sides/getDoc.do?reference=P7-TA-2010-0467&language=EN>>, para. 26.

⁶⁶ Council of the European Union, 15708/03 (note 1), p. 9.

Table 3.1. European Union Common Foreign and Security Policy funding to selected non-proliferation regimes, 2003–12

Instrument (implementing agent)	No. of Council decisions	Total funding (€ m.)
Biological and Toxin Weapons Convention (several implementing agents)	2	2.3
Comprehensive Nuclear-Test-Ban Treaty Organization	4	10.4
Hague Code of Conduct against Ballistic Missile Proliferation	2	1.9
International Atomic Energy Agency	6	33.7
Organisation for the Prohibition of Chemical Weapons	5	9.5
United Nations Security Council Resolution 1540 (UN Office for Disarmament Affairs)	2	0.7
World Health Organization laboratory biosafety and biosecurity	1	2.1
Total	22	60.6

Sources: Grip, L., 'Assessing selected European Union external assistance and cooperation projects on WMD non-proliferation', Non-proliferation Paper no. 6, EU Non-proliferation Consortium, Dec. 2011, <<http://www.nonproliferation.eu/activities/activities.php>>, p. 3; Council Decision 2012/166/CFSP of 23 March 2012 in support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction, L87, *Official Journal of the European Union*, 24 Mar. 2012; and Council Decision 2012/423/CFSP of 23 July 2012 in support of ballistic missile non-proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction and of the Council Common Position 2003/805/CFSP, *Official Journal of the European Union*, L196, 24 July 2012.

At the time of the adoption of the WMD Strategy, several of the key conventions had failed to attract adherence from a significant number of developing states. This created a legitimacy deficit in instruments aiming to be universal. Perhaps more urgent, a lack of national capacity to implement the obligations contained in key conventions allied to gaps in participation might create openings for traffickers to exploit. Since capacity-building projects have largely targeted participating states, expanding adherence could unlock technical assistance. During 2003–12, adherence to the instruments increased to the extent that the EU had largely achieved its primary objective of bringing states that had no security-related reasons for non-participation into the main non-proliferation conventions.⁶⁷ Participation in the NPT, the CWC and the BTWC is near universal and, although the CTBT is locked in a state where it is unlikely to enter into force, a large number of states have given up any option of carrying out a nuclear weapon test. As a result, the EU has adjusted its actions to target enhanced implementation of the instruments, for example by funding regional meetings, handbooks, training programmes, and so on. The EU could make progress in this regard by, for example, focusing its assistance on measuring the

⁶⁷ For lists of participants as of Dec. 2012 see Bodell, N., 'Arms control and disarmament agreements', *SIPRI Yearbook 2013* (note 27).

level of implementation of legislation, building the capacity of officials and enhancing national strategies.⁶⁸

Bilateral and regional cooperation and assistance programmes

In 2002 the Commission pledged €1 billion over 10 years in support of the G8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction.⁶⁹ The G8 is also likely to be a framework for EU assistance on WMD non-proliferation in the future. The WMD Strategy aimed at ‘reinforcing EU co-operative threat reduction programmes with other countries, targeted at support for disarmament, control and security of sensitive materials, facilities and expertise’.⁷⁰ The G8 programme, which was extended indefinitely in 2011, focused in 2002–13 on projects in the former Soviet Union intended to secure nuclear and radiological materials, destroy chemical weapons, decommission and dismantle nuclear attack submarines in a safe and secure manner, and ensure that scientists and engineers from the vast Soviet military industrial complex were not attracted into illegal weapon programmes. Implementing the G8GP has involved key EU member states, which made their own pledges in 2002 and subsequently, as well as EU institutions.⁷¹ Support has also been provided from the CFSP budget (suggesting that the G8 is perceived as an element in effective multilateralism, although the framework does not match the general EU approach). The WMD Strategy broadened the commitment to bilateral assistance, in both geographical and substantial terms:

In order to tackle and limit the proliferation risk resulting from weaknesses in the administrative or institutional organisation of some countries, the EU should encourage them to be partners in the fight against proliferation, by offering a programme aimed at assisting these countries in improving their procedures, including the enactment and enforcement of implementing penal legislation.⁷²

Following a reform of the EU’s financial instrument in 2006, the Commission allocated hundreds of million euros to cooperation programmes on CBRN risk mitigation in 2007–13, largely through the new Instrument for Stability (IFS).⁷³ In the current financial framework EU external cooperation projects in the area of WMD non-proliferation and CBRN risk mitigation have expanded in numbers,

⁶⁸ Grip, L., ‘Assessing selected European Union external assistance and cooperation projects on WMD non-proliferation’, Non-proliferation Papers no. 6, EU Non-proliferation Consortium, Dec. 2011, pp. 3–7.

⁶⁹ G8 Senior Group, ‘G8 Global Partnership annual report’, June 2004, <http://www.canadainternational.gc.ca/g8/summit-sommet/2004/global_partnership-partenariat_mondial_0604.aspx>.

⁷⁰ Council of the European Union, 15708/03 (note 1), p. 12.

⁷¹ Eleven EU member states report having contributed financially to the G8GP: Belgium, the Czech Republic, Denmark, Finland, France, German, Ireland, Italy, Netherlands, Sweden and the UK. G8, Global Partnership Working Group (GPWC), GPWC Annual Report, 2007, 2008, 2011, Consolidated report data (annex), <<http://www.canadainternational.gc.ca/g8/>>.

⁷² Council of the European Union, 15708/03 (note 1), p. 8.

⁷³ See e.g. Bauer, S. and Bromley, M., ‘Export control developments in the European Union’, *SIPRI Yearbook 2013* (note 27), pp. 465–68.

budget instruments, implementing agents and regional scope. Programmes have developed from practical disarmament and non-proliferation measures, largely focused on rather advanced countries in the immediate neighbourhood of the EU and based on engineering projects, to 'softer', security governance projects in less developed states further afield. Projects have included export controls on dual-use items, countering nuclear trafficking, biosafety and biosecurity, and the establishing of several regional Centres of Excellence to address CBRN risks.⁷⁴

In 2006 the EU also introduced a framework for security research at the EU level, with a budget of €1.4 billion for the years 2007–13, as part of the Seventh Framework Programme for Research (FP7).⁷⁵ FP7 Security research builds on transnational collaborative projects and networks, which apply public funding to research conducted by industry. Many of the projects include partners outside the EU (e.g. in Israel) and projects often aim to develop products that can be sold to end-users or integrated into other programmes. By mid-2011 FP7 Security had funded 25 projects on CBRN issues with over €100 million in FP7 financing and the Commission estimates that CBRN research will fund closer to 60 projects on CBRN issues with a total budget of €250 million under the 2007–13 budget period.⁷⁶ The FP7 Security CBRN research structure is separate from the EU WMD Strategy framework. A CBRN research programme was not envisioned in the WMD Strategy, nor did the New Lines for Action include any reflection on this development. Furthermore, some Commission directorates-general (including Health and Consumers, and Home Affairs) also operate their own research programmes that include projects relevant to CBRN risk mitigation outside of the FP7.

The use of political conditionality and sanctions

The Council adopted a WMD clause as policy to mainstream non-proliferation into the EU's wider relations with third countries in November 2003, one month prior to the adoption of the WMD Strategy.⁷⁷ The aim was to include in all agreements between the EU and a third country that include a CFSP component a legally binding commitment by the third country to the multilateral non-proliferation instruments. The EU underlined the importance of the clause in both its 2003 WMD Strategy and the 2008 New Lines of Action.⁷⁸ The clause runs in the tradition of 'conditionality' on the part of the EU as it is designed to induce better behaviour from partner countries vis-à-vis a given issue (in this case non-

⁷⁴ Grip (note 68), pp. 8–15.

⁷⁵ European Commission, 'Security research', 10 Sep. 2012, <<http://cordis.europa.eu/fp7/security/>>.

⁷⁶ Grip (note 68), p. 16.

⁷⁷ In EU terminology, a third country is any non-EU member state.

⁷⁸ Council of the European Union, 'Fight against the proliferation of weapons of mass destruction: mainstreaming non-proliferation policies into the EU's wider relations with third countries', Council Note, 14997/03, 19 Nov. 2003. On the development of the clause and its implementation see Grip, L., 'The EU non-proliferation clause: a preliminary assessment', SIPRI Background Paper, Nov. 2009, <http://books.sipri.org/product_info?c_product_id=394>.

proliferation).⁷⁹ Adoption of the clause has depended on a power-differential in favour to the EU, low cost for the partner states or substantial incentives, perceived legitimacy from both sides and the degree to which the EU demands coherence. To enhance legitimacy for the clause, it is built on multilateral non-proliferation norms, rather than the EU *acquis*, which means that in the case of export controls the clause refers to UN Security Council Resolution 1540 rather than EU export control legislation, which was adopted as part of its Common Commercial Policy.⁸⁰

The clause has been successfully introduced in many agreements, including with states outside the close neighbourhood of the EU, such as South Africa.⁸¹ However, none of the non-proliferation instruments is universal, which had an impact on the EU experience in its negotiations with India in 2007. India consistently refused any inclusion of political conditionality linked to the EU–India free trade agreement throughout negotiations, a position that the EU accepted.⁸² Although policies will be tailored to specific countries in the future, a methodology should be developed for cases when an EU partner refuses to include the clause, as well as follow-up procedures to check partners' observance of the clause after its insertion in EU agreements.

The biggest challenge to the policy of enforcing non-proliferation policy in wider external agreements has probably been the case of Iran. Between 2002 and 2005, the EU sought to moderate Iran's behaviour in various political fields by including economic incentives as essential political clauses in a comprehensive trade and cooperation agreement.⁸³ Following Iran's rejection of the EU's offer and the resumption of Iran's uranium conversion and enrichment, negotiations on the agreement are currently on hold.⁸⁴

Since December 2006 the UN Security Council has imposed a series of sanctions against Iran, which the EU supported by implementing its own restrictive measures in 2007 and 2008. In July 2010 the EU for the first time introduced additional measures against Iran beyond those called for in UN sanctions resolutions. In January 2012 the EU further extended the scope of its sanctions against Iran to incorporate an oil embargo, sanctions on the petrochemicals industry and financial measures—including a partial freezing of the assets of the

⁷⁹ Rynning (note 19), p. 279.

⁸⁰ Barbé et al. (note 12).

⁸¹ Council of the European Union, 'Second South Africa–European Union Summit', Joint Statement, 13231/09 (Presse 266), 11 Sep. 2009, <<http://www.consilium.europa.eu/press/press-releases/search?command=d&dockey=110057>>, p. 2.

⁸² Grip (note 78), pp. 10–11.

⁸³ In the EU lexicon the violation of an "essential clause" can lead to the cancellation of the entire agreement. Harnisch, S., 'Multilateral Cooperation and Transatlantic Coalition-Building: The E3/EU-3 Iran Initiative', *European Security*, vol. 16, no. 1 (2007), p. 8.

⁸⁴ Negotiations with Iran were led by France, Germany, the UK and the High Representative, Solana, representing the whole EU, and were joined after 2 years by the USA, Russia and China. European Commission, Trade, 'Iran', <<http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/iran/>>; and Hanau Santini, R., 'European Union discourses and practices on the Iranian nuclear programme', *European Security*, vol. 19, no. 3 (Sep. 2010), p. 477.

Central Bank of Iran.⁸⁵ The EU has in the past years also adopted several sanctions against North Korea, mirroring UN Security Council sanctions in this regard. Needless to say, the EU sanctions have so far not yet halted the nuclear programmes in either country. Yet the coordinated views of EU member states on Iran in the past few years has been argued as 'a consequence of the EU WMD Strategy, which paved the way for the centrality of the UN Security Council and IAEA to non-proliferation issues for all EU Member States'.⁸⁶

⁸⁵ Council of the European Union, Council Decision 2012/35/CFSP of 23 January 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran, *Official Journal of the European Union*, L19, 24 Jan. 2012; and Anthony, I., 'Financial sanctions and other restrictive measures', *SIPRI Yearbook 2013* (note 27), pp. 443–46.

⁸⁶ Hanau Santini (note 84), p. 480.

4. Ways to strengthen the European Union's future approach

The previous two chapters have described the problems that the EU WMD Strategy was originally intended to address and mapped the efforts undertaken so far to implement the agreed objectives. It is clear from the analysis that there will have to be a continuous evolution in thinking on how to match instruments to the problems that the EU is facing. The evolution is needed to keep policies in line with identified challenges, and also to respond to changes in the ways that European citizens appear to perceive the threats to their security.

Match the WMD Strategy with the changing security discourse in the European Union

While the WMD Strategy placed its emphasis on nuclear, biological and chemical weapons and missile delivery systems for them, this is somewhat at odds with the importance of reducing the risk of mass-impact terrorism (since non-state actors are very unlikely to have access to NBC weapons) and the risk of proliferation (since the working method of modern day proliferators is to acquire the knowledge, technologies and materials needed to make WMD rather than the weapons themselves).

The language of the WMD Strategy draws on the traditional security discourse, with a main focus on weapons as traditionally conceived in the context of the risk of clashes between organized, armed forces. In order to be attractive to a military user, the material needs to be stable enough to resist a reduction of its effect during handling and storage as it is unlikely to be used immediately after production. The results of using the weapon should be predictable under different climatic and geographical conditions and against different kinds of target. Once the material to be used in the weapon has been identified, it must be possible to produce, process and shape it into forms that can be filled into munitions or other delivery systems, or to be held ready for such filling. The process of filling and storing weapons and then transporting them and using them must be possible to undertake without too great a risk to its possessor.

These factors provided the guidelines for technical experts to draw up the categories of items that should be subject to control and, if possible, denied to adversaries—at least denied in quantities that could provide military advantages when pitted against own armed forces. For example, this way of thinking guided the development of the lists of controlled items in export control regimes, the lists of scheduled chemicals attached to the CWC and the definition of special fissionable material in the NPT and in IAEA safeguards agreements.

Reformulating the issue from the perspective of citizens puts the question of what makes an issue or an item strategic in a new context. The traditional scope is captured—the use of a nuclear weapon against the EU or its interests would

certainly qualify as a man-made disaster. However, the scope is necessarily widened because, in the context of the 'new terrorism' none of the above factors might apply when materials are being selected for use in an attack. The classification of an item as a 'weapon' is only loosely connected to its technical properties and becomes heavily dependent on the intentions of the actor that acquires it (whose identity could be unknown in advance of an attack).

For obvious reasons, the EU sits uncomfortably in the traditional security discourse—which is state-centric and assumes an anarchic international system. An approach by the EU that seems to mimic state behaviour in the international arena invites suspicion that the long-term aim is for the EU to supersede member states—and this is in fact occasionally articulated in calls for the EU to represent member states in one or another international body. A conventional approach to making and implementing foreign policy cannot maximize the advantages of the EU, but it may contribute to the unfortunate tendency of the constituent parts of the EU to block, rather than help, one another.

In chapter 2 it is argued that approaches to non-proliferation threat assessment must combine a range of different factors to make a modern and sophisticated analysis. The need to focus on the hazard or risk associated with certain materials needs to become an important supplement to the more traditional notion of analysing the threat posed by militarily significant quantities of weapons held by the armed forces of states. Trafficking in proliferation-sensitive items (e.g. knowledge, materials and equipment) as an aspect of serious organized criminal activity mainly motivated by commercial considerations means that trafficking networks could be exploited by either state or non-state procurement efforts.

Given these facts, Western societies are, in effect, structurally vulnerable because anyone with the intent and the basic commodities could mount a CBRN attack somewhere in the EU. The fact that the elements needed to mount an attack are dual-use in nature means that a strategy based on complete denial of access to them is neither feasible nor desirable. However, without the capability, the intention alone cannot constitute a threat, and vulnerability cannot be exploited in the way societies and governments most fear.

The approach should be to do whatever can be done to deny unauthorized access to materials, while making it clear that any attack would be made pointless by subsequent management and disaster- and business-recovery processes.

The EU should therefore not try to sum up all of the capabilities and intentions that are known to be in the possession of identified or possible adversaries. Instead it should begin with an objective assessment of hazard and evaluate the potential for harm represented by CBRN materials relative to other hazards, based on the characteristics and availability of materials and weapons and the vulnerability of the EU.

Limiting the availability of sensitive items and improving response to and recovery from their use is a more accurate and realistic approach to the problem as it has evolved in recent years, and also more compatible with the EU and its attempts to position itself as a responsible and effective actor in this field. It could be suggested, therefore, that the best type of international organization to

deal with the evolving, broad spectrum security problem is a civil organization such as the EU which has competence and confidence (albeit inchoate) across the political spectrum, from diplomatic to economic to scientific to—if and when necessary—the military.

Develop a strategic approach based on the security of European citizens

In the European Security Strategy, which was also endorsed in December 2003, the issue of WMD proliferation is said to be potentially the greatest threat to EU security, while ‘the most frightening scenario is one in which terrorist groups acquire weapons of mass destruction’.⁸⁷ The issue has a similarly prominent place in a plethora of high-level documents issued by the EU. However, when looking at the development of the WMD Strategy—the main guidance on how to address this key issue—WMD proliferation has largely been relegated to the margins of the debate on both security and the broader external actions of the EU.

One of the reasons for this may be that the overall approach to security policy in the EU has developed along somewhat traditional lines. In a thoughtful and interesting speech in February 2010, three months after he became President of the European Council, Van Rompuy observed that ‘We have developed European instruments for real foreign policy. For instruments to work optimally, one needs to link them to a common strategic vision. Where do we go? Who are our partners? Where do we want to be in ten or twenty years time ahead?’⁸⁸ When he turned to the foreign policy tasks of the EU, however, he spoke exclusively about procedures and processes, and he did so in terms that would fall squarely into the bracket of traditional statecraft.

The approach is paradoxical given the emergence of what the Reflection Group on the Future of the EU 2030 labelled a European security model in a report to the Council released not long after Van Rompuy gave his speech.⁸⁹ The language and ideas in the report are close to those in an official EU document of the time, where the idea of a distinctive European security model is also explicitly introduced. However, that document is the draft *internal* security strategy of the EU, entitled ‘Towards a European security model’.⁹⁰

At the core of the internal security strategy is the recasting of security as ‘a wide and comprehensive concept which straddles multiple sectors’ in order to address threats that ‘have a direct impact on the lives, safety, and well-being of citizens’.⁹¹ Putting EU citizens (rather than the member states) at the centre of

⁸⁷ Council of the European Union (note 6), p. 4.

⁸⁸ Van Rompuy, H., President of the European Council, ‘The challenges for Europe in a changing world’, Address to the Collège d’Europe, Bruges, PCE 34/10, 25 Feb. 2010, <<http://www.consilium.europa.eu/press/press-releases/european-council?target=2010&max=285&bid=76>>, p. 5.

⁸⁹ Reflection Group on the Future of the EU 2030, *Project Europe 2030: Challenges and Opportunities*, Report to the European Council (Publications Office of the EU: Luxembourg, May 2010).

⁹⁰ Council of the European Union, ‘Draft internal security strategy for the European Union: “Towards a European security model”’, 5842/2/10 REV 2, 23 Feb. 2010.

⁹¹ Council of the European Union, 5842/2/10 REV 2 (note 90).

security policy immediately focuses on the things that make Europeans feel insecure. Here it is possible to make a rather precise catalogue, which includes terrorism, serious and organized crime, cybercrime, violence, and natural and man-made disasters. All of these threats have (or easily could have) cross-border dimensions and so this approach erases the boundary between internal and external security and instead poses the question of how to organize the EU's available resources effectively to reduce the impact of threats on citizens and society.

The EU should take a stronger lead in shaping the international agenda based on the approach that it is developing for itself—so that the undoubted need to prevent proliferation is seen as one part of a comprehensive approach that also integrates law enforcement and judicial cooperation, border management and civil protection. The internal security strategy for the EU requires engagement with a wide range of actors inside government (law enforcement authorities, immigration and customs agencies, internal security agencies, and local and regional government) and outside government (private industry, universities and specialized research bodies and civil society). This should also be reflected directly in external action to supplement, not substitute for, the efforts of the diplomatic community to strengthen the international legal framework.

A comprehensive approach would require the EU to take proactive measures to enable and harmonize its own internal–external cooperation and strategies, and would seek ways to bridging the gap between CBRN risk mitigation and WMD non-proliferation. One way to achieve this approach is to place a stronger emphasis on citizens' security and the 'all-hazards' approach to security and safety, in combination with concerns over the security of the state.

Improve the organization of EU efforts and make full use of available tools

In its documents adopted at the highest level, the EU has recognized the interdependence of internal and external dimensions of security when it comes to the risks posed by weapons and materials of mass destruction and the implications of the spread of dual-use items and the trajectory of technology development. However, the appropriate institutional arrangements and pathways have not been created to facilitate a properly integrated approach to managing those risks.

The interdependence of internal and external security

The WMD Strategy remains overwhelmingly targeted on the external dimensions of proliferation. For example, although the 2008 New Lines of Action included a number of specific tasks requiring more harmonization between the internal security services, immigration agencies and border security forces of member states, from what is known it appears that implementation has been weak.⁹² The evolving internal security strategy explicitly recognizes the

⁹² Garrido Rebolledo, V., 'Intangible transfers of technology and visa screening in the European Union', Non-proliferation Papers no. 13, EU Non-proliferation Consortium, Mar. 2012.

'interdependence between internal and external security in establishing a "global security" approach with third countries'.⁹³ However, the mechanism to implement the internal security strategy does not reflect that interdependence.

The document, which was presented to the European Council by the Spanish EU Presidency in February 2010, was prepared largely under Swedish leadership, beginning with the formulation of ideas early in 2009, before Sweden assumed the EU Presidency in the second half of the year. The draft internal security strategy was endorsed by the European Council in March 2010, and the Commission then prepared a communication, presented in November 2010, that included a description of how the strategy could be implemented.⁹⁴

In the communication, the Commission pointed out that the shared responsibility of the EU institutions, member states and EU agencies

requires an agreed process for implementing the strategy with clear roles and responsibilities, with the Council and the Commission, in close liaison with the European External Action Service, driving progress towards meeting the strategic objectives. In particular, the Commission will support the activities of the Standing Committee on Operational Cooperation on Internal Security (COSI) to ensure that operational cooperation is promoted and strengthened, and that coordination of the action of Member States' competent authorities is facilitated.⁹⁵

COSI, which was created by the Treaty of Lisbon, is a Council body that should facilitate, promote and strengthen the coordination of EU states' operational actions in the field of internal security. It consists of high-level officials from EU states home affairs or interior ministries along with Commission representatives in broadly parallel functional areas. European agencies, notably Eurojust, Europol and Frontex, are not members of COSI, but may be invited to attend meetings as observers as needed.

External dimensions are therefore entirely absent from COSI, which maintains the differentiation of internal and external security in the post-Lisbon institutional setting. While the Commission's communication noted the need for 'close liaison' with the EEAS, looking at the organizational chart of the EEAS it is not easy to see how (or where) this liaison could be facilitated.

The Lisbon Treaty and the need for greater coherence

The adoption of the Lisbon Treaty and the ending of the pillar structure implied the need to create greater coherence in all EU policies. However, the EU is still in need of strategies and measures to manage inter-sectoral interdependencies, and avoid duplication and gaps in the implementation of its non-proliferation and CBRN risk mitigation policies.⁹⁶ The current, somewhat fragmented approach is

⁹³ Council of the European Union, 'Draft internal security strategy for the European Union: "Towards a European security model"', 7120/10, 8 Mar. 2010, p. 2.

⁹⁴ Council of the European Union (note 93), 7120/10; and European Commission, 'The EU Internal Security Strategy in action: five steps towards a more secure Europe', Communication of the Commission to the European Parliament and the Council, COM(2010) 673 final, 22 Nov. 2010.

⁹⁵ European Commission (note 94), p. 15.

⁹⁶ Kassim, H. and Le Galès, P., 'Exploring governance in a multi-level polity: a policy instruments approach', *West European Politics*, vol. 33, no. 1 (Jan. 2010), p. 9.

a barrier to the development of a greater focus on functional areas as well as 'integrative properties' that glue issues and interests together. From an organizational perspective, 'New tasks have to be performed, new procedural links need to be established, and actors have to redefine their role and position themselves within a new functional set-up'.⁹⁷

The difficulty of organizing the available resources is not confined to matters that cross the boundary between internal and external matters. They continue to exist within each issue area.

For example, COSI is not intended to conduct operations but it can be drawn on to assist the Council in reacting to terrorist attacks or natural or man-made disasters that exceed the capacity of member states to manage with local resources. However, since 2001 the EU has had a Community Civil Protection Mechanism, operated by the Commission's Directorate-General for Humanitarian Aid and Civil Protection (DG ECHO), to facilitate cooperation in civil protection assistance interventions in the event of major emergencies. Since 2002 the mechanism has responded fairly regularly to incidents—including major industrial accidents and disasters caused by extreme weather—that mimic some of the effects of a major CBRN terrorist incident.⁹⁸ A certain parallelism and separation is still found in the Council and Commission in this area.

The same is still true in the field of external action. While the 2003 WMD Strategy defined non-proliferation almost entirely within the CFSP framework (the second pillar), at the time of the strategy's adoption the CFSP had only been institutionalized for a few years and was largely building on normative tradition with a low density of rules with uneven clarity.⁹⁹ The strategy underlined the 'conviction that non-proliferation should be mainstreamed in our overall policies, drawing upon all resources and instruments available to the Union'.¹⁰⁰ A working definition of mainstreaming is the integration and the incorporation of new approaches and ideas into policy and practice. However, by defining the issue in very conventional terms, the WMD Strategy also coloured the approach to mainstreaming by only inviting into the process those parts of EU institutions that were already, one way or another, working with issues related to weapons as traditionally defined.

The Commission's non-proliferation activity

After 1995 the Commission had exclusive legal competence in dual-use export controls in the Common Commercial Policy. Most aspects of implementing EU legislation are delegated to the national authorities of member states. However, the lists of dual-use items to which controls apply are part of the primary

⁹⁷ Gebhard, C. and Norheim-Martinsen, P. M., 'Making sense of EU comprehensive security towards conceptual and analytical clarity', *European Security*, vol. 20:, no. 2 (June 2011), p. 229.

⁹⁸ European Commission, Humanitarian Aid and Civil Protection, 'The Community mechanism for civil protection', 17 Apr. 2013, <http://ec.europa.eu/echo/policies/disaster_response/mechanism_en.htm>.

⁹⁹ Smith, M. E., 'Researching European foreign policy: some fundamentals', *Politics*, vol. 28, no. 3 (Oct. 2008).

¹⁰⁰ Council of the European Union, 15708/03 (note 1), p. 5.

legislation at EU level, although they are based on agreements reached in the regimes focused on WMD and missile proliferation.¹⁰¹

Through Euratom, the EU had even longer experience with implementing nuclear safeguards in cooperation with the IAEA.¹⁰² The Commission and the member states found a pragmatic balance in which some states took responsibility for delivering safeguards-relevant information to Euratom for onward transfer to the IAEA while others preferred to leave the whole task to Euratom, which then interacted directly with nuclear operators in member states.¹⁰³

As a function of the legal rights already conferred on it, the Commission is a member of the Australia Group and a permanent observer in the Nuclear Suppliers Group and the Zangger Committee (to ensure that measures taken in relation to dual-use items do not interrupt the internal market or violate the Common Commercial Policy). The Commission participates in meetings of the IAEA governing bodies as an observer.¹⁰⁴

The Commission has also played a role in programmes to prevent the diversion of proliferation-sensitive knowledge from the former Soviet Union through its contributions to the International Science and Technology Centre (ISTC) in Moscow and the Science and Technology Centre of the Ukraine (STCU) in Kyiv.¹⁰⁵

Prior to 2003 the Commission developed structures, budgets and working methods within these frameworks. It also accumulated know-how and technical skills in fields relevant for non-proliferation.¹⁰⁶

In other areas there was a reluctance among EU member states to invite the Commission into the WMD Strategy, an approach that left some of the Commission's useful capacities outside the implementation of CFSP projects and put the Commission in the position of having to expand its programmes on an operational basis without strategic input from EU member states. The lack of strategic guidance has caused EU institutional actors within diverse policy areas to develop different, and sometimes conflicting, strategic objectives.¹⁰⁷ Without integrating the tools of the Commission in WMD non-proliferation, the EU's political impact is limited to acting as a transmission belt of international arms control norms and processes, the limitations of which are discussed above. The

¹⁰¹ European Commission, Trade, 'Dual use controls', 6 May 2013, <<http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>>.

¹⁰² Szymanski, P., European Commission, 'The EURATOM regional safeguards system', Presentation at the IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East, Vienna, 21 Nov. 2011, IAEA document GOV/2012/38-GC(56)/17, 27 Aug. 2012, Annex 3.

¹⁰³ European Commission, Energy, 'European Atomic Energy Community (EURATOM)', <<http://ec.europa.eu/energy/nuclear/euratom/euratom-en.htm>>.

¹⁰⁴ Wessel, R. A., 'The legal framework for the participation of the European Union in international institutions', *Journal of European Integration*, vol. 33, no. 6 (Nov. 2011), p. 630. The Commission has no comparable status in either the Missile Technology Control Regime or the Wassenaar Arrangement, although the same justifications could be applied to the items discussed in the framework of those regimes.

¹⁰⁵ The Commission was an original partner in the ISTC in 1992 and took the place of Sweden in the STCU in 1998.

¹⁰⁶ Bruno et al. (note 21), p. 524.

¹⁰⁷ Schroeder, U. C., 'Strategy by stealth? The development of EU internal and external security strategies', *Perspectives on European Politics and Society*, vol. 10, no. 4 (2009).

Commission, in contrast, must still determine whether or not any given project would be within its mandate by and large through its own internal assessment process. There may be regulations that restrict actions that would be fully consistent with an all-hazards approach to security—for example, the 2007 Instrument for Nuclear Safety Cooperation (INSC) denies cooperation projects on nuclear safety with countries such as Pakistan, China or India, based on the EU's non-proliferation policy of effective multilateralism.¹⁰⁸

A clear example can be found in the EU's increasingly complex relationship with the IAEA.¹⁰⁹ Through the IAEA the EU could establish (and many partners would welcome) a broad and comprehensive relationship with many states in the nuclear field. The relationship could incorporate promoting the highest standards in safety, security and safeguards alongside equally important assistance with peaceful uses of nuclear technology in the fields of energy, medicine and agriculture, including European financial and technical assistance. A relationship like this could go a long way to lowering the tensions that have arisen in the field of arms control, where many NPT states parties feel that the 'grand bargain' promised in the treaty is an increasingly one-sided demand for stronger non-proliferation measures while downplaying the parts of the treaty dealing with peaceful use. If a comprehensive approach lowered barriers to the national implementation of non-proliferation measures it would have served the interests of the EU member states expressed in the CFSP. In summary, EU action is still hampered by institutional constraints even in areas that should ideally be dealt with in an integrated manner.¹¹⁰

The European Parliament has explicitly identified this failure to find a comprehensive method as a weakness. For example, in December 2010 it called for the mainstreaming of the measures provided for in the CBRN Action Plan into all EU external relations instruments (including the EU non-proliferation clauses) and urged the Commission and Council to use all available means to promote standards to lower CBRN risks in third countries.¹¹¹

The need for a more inclusive approach

In order to organize for success in achieving its non-proliferation and CBRN risk-reduction objectives, the EU needs to adopt a more inclusive approach to developing and implementing programmes. In the WMD Strategy, the Council called for the setting up of a unit to monitor consistent implementation that would 'fully associate the Commission'.¹¹² Within the new configuration of institutions, this WMD Centre—which started to become operational in 2007 and

¹⁰⁸ Council of the European Union, Council Regulation (Euratom) No. 300/2007 of 19 February 2007 establishing an Instrument for Nuclear Safety Cooperation, *Official Journal of the European Union*, L81, 22 Mar. 2007.

¹⁰⁹ For a recent analysis of this relationship see Lundin, L.-E. 'The European Union, the IAEA and WMD non-proliferation: unity of approach and continuity of action', Non-proliferation Papers no. 9, EU Non-proliferation Consortium, Feb. 2012.

¹¹⁰ Kobia (note 4), p. 33.

¹¹¹ European Parliament (note 65), para. 25.

¹¹² Council of the European Union, 15708/03 (note 1), p. 13.

is now located in the EEAS—could provide a useful platform for regular interaction with a broad range of Commission services.

The EU produces a six-monthly report describing the implementation of the WMD Strategy.¹¹³ However, these reports have become progressively more general, with less and less specific information on the implementation of important programmes and projects. The reports are debated by the Foreign Affairs configuration of the Council. However, those debates are less substantive than they could be because there is too little specific information to discuss. Reports that were more detailed and that incorporated information drawn from across the spectrum of EU activities, collected through the WMD Centre, would give the Council a better chance to take a strategic approach in its debate—which otherwise risks becoming pro forma.

It is not difficult to engage the senior leadership of the EU when the matters to be discussed involve proliferation crises. For example, managing relations with Iran has occupied EU leaders a great deal over the past decade. However, this type of engagement is episodic and reactive, fluctuating with events. It is a greater challenge to involve senior decision makers in the management of proliferation-related programmes and initiatives on a continuous basis. One of the difficulties of the debate over the WMD Strategy is that it is confined to the Foreign Affairs Council when, as many examples above illustrate, the issues can no longer be contained within the framework of a traditional foreign policy approach.

Bringing the issue of proliferation to the attention of the Committee of Permanent Representatives (COREPER)—which consists of the heads or deputy heads of mission of EU member states in Brussels—more regularly through the preparation of synthesis documents that draw on inputs from all of the different institutional stakeholders on a regular basis could be one way to sustain engagement. The need to collaborate during the preparation of synthesis documents for discussion by COREPER would also be a practical way to increase transparency between and even within the various parts of the EU.

The Council should also initiate dialogue on the place of CBRN issues within a citizen-focused, all-hazards model of security. This approach can respect subsidiarity and complement, rather than competing with, the role of member states internationally. The model can address non-conventional CBRN risks, including those posed by terrorist use and state weapon programmes as recognized and addressed by the EU WMD and Counter-terrorism strategies. Validating and further developing this distinctive EU approach could also help to provide the framework for unifying efforts across the different EU institutions.

¹¹³ The 18th report was published in Feb. 2013; a full list is available at <<http://eeas.europa.eu/non-proliferation-and-disarmament/documentation/documents/>>.

Enhance democratic oversight

The Commission has found ways to work around limitations and engage in issues formally outside of its formal sphere of competence.¹¹⁴ Exploiting gaps or ambiguities in the existing rules can allow various Commission directorates-general and subunits to broaden the scope of their responsibilities in new directions.¹¹⁵ This is a mixed blessing. On the one hand, it allows processes to be carried forward in the absence of clear guidelines from senior management. On the other hand, it increases the risk of intra-institutional competition and the risk that an actor who feels marginalized will work to raise its profile, broaden its competencies or inject more of its own ideology into an issue. Moreover, conflicts are likely to increase along with institutional growth and higher specialization of individual policymakers. An issue area such as non-proliferation—which could have a legal basis as a trade issue (in the case of dual-use items), a domestic security issue (in the case of civil protection), an energy issue (in case of nuclear safety and security), as well as a key foreign security policy issue—is according to this line of thinking highly problematic and exposed to intra- and inter-institutional politics.¹¹⁶

Work processes would benefit from a further clarification of institutional capacities, including rights, resources, skills and lessons learned.¹¹⁷ Unlike the WMD Strategy, which was adopted at the highest political level in the EU, many of the more operational policies and action plans have developed at a 'service level'. One methodology to promote coherence might be to insist that working documents should be closely consolidated and presented as synthesis products from more than one agency. The current organization of EU non-proliferation efforts may also be overly technocratic and too remote from political discourse. Synthesis documents may help transparency and understanding of procedures, which will not only increase the status of the EU's combined non-proliferation efforts but also parliamentary and judicial oversight, which is often arguably largely lacking in EU security policy.¹¹⁸

The increased convergence of internal and external security policies and a further entanglement of non-proliferation in trade, development and energy policies points towards a growing potential for the European Parliament to introduce its political objectives in EU non-proliferation policymaking. However, the European Parliament must also overcome self-inflicted constraints through the enhancement of inter-committee coordination and the development of necessary expertise. It must also enhance cooperation with national parliaments.

¹¹⁴ Kassim and Le Galès (note 96), p. 7.

¹¹⁵ Naurin, D. and Rasmussen, A., 'New external rules, new internal games: how the EU institutions respond when inter-institutional rules change', *West European Politics*, vol. 34, no. 1 (Jan. 2011), p. 5.

¹¹⁶ Pawlak, P., 'The external dimension of the Area of Freedom, Security and Justice: hijacker or hostage of cross-pillarization?', *Journal of European Integration*, vol. 31, no. 1 (Jan. 2009), pp. 32–33.

¹¹⁷ Rieker, P., 'The EU: a capable security actor? Developing administrative capabilities', *Journal of European Integration*, vol. 31, no. 6 (Nov. 2009), p. 704.

¹¹⁸ Bono, G., 'Challenges of democratic oversight of EU security policies', *European Security*, vol. 15, no. 4 (Dec. 2006), p. 439.

Develop and promote common standards

A strong suit of the EU is facilitating convergence around agreed norms and standards in a given functional area. As a general rule, it appears true that the stronger the internal coherence the EU can achieve around a given set of rules the more effective it will be in projecting these standards outwards.

A good example is the project Cooperation in Export Control of Dual-Use Goods, which is financed by the EU but coordinated and implemented by the German Federal Office of Economics and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle, BAFA). In less than 5 years, from a standing start, the EU was able to put in place a project that links a significant number of EU member states as well as non-governmental expertise in a programme aimed at strengthening national export control systems in almost 30 partner countries. The project has some distinctive elements, such as the emphasis on adopting a peer-to-peer approach with external and internal partners that emphasizes the collective effort to achieve high standards, rather than a donor-recipient approach. The project also makes a virtue of the diversity of EU approaches to implementing shared legal standards to present partners with a range of experiences and options that can be taken into account when designing their own national systems. Therefore, the project has developed a distinctive methodology that has been validated through successful implementation, as well as courses and documentation around the dual-use export control system based on primary legislation that is directly applicable across the EU.¹¹⁹

Another example is the development of courses in the implementation of nuclear safeguards developed in the Joint Research Centre of the European Commission, based on decades of experience with both administrative and technical support to Euratom and the IAEA. As the JRC is well versed in legal, administrative and technical dimensions of safeguards, it is increasingly prominent in the delivery of high-quality training programmes for nuclear safeguards inspectors. The JRC is also well placed to expand training programmes to cover new safeguards instruments and the new generation of methodologies aimed at the detection of undeclared activities. The work undertaken also has a positive feedback effect as in April 2013 the JRC's Institute for Transuranium Elements (ITU) opened the new European Nuclear Security Training (EUSECTRA) centre.¹²⁰

Conversely, the development of a coherent EU effort is hampered where agreed standards either do not exist or are contested at European level. This has been the case in the area of managing biorisks, for example.

¹¹⁹ The project is described at <<http://www.eu-outreach.info/>>. For lessons learned from the project see Bauer, S., 'Arms trade control capacity building: lessons from dual-use trade controls', SIPRI Insights on Peace and Security no. 2013/2, Mar. 2013, <http://books.sipri.org/product_info?c_product_id=454>.

¹²⁰ European Commission, Joint Research Centre, Institute for Transuranium Elements, 'EUSECTRA Inauguration', 18 Apr. 2013, <<http://itu.jrc.ec.europa.eu/index.php?id=36&iEntryUID=246&iEntryPID=68>>. On the work of the ITU and JRC see European Commission, Joint Research Centre, Institute for Transuranium Elements, 'The Institute for Transuranium Elements in Karlsruhe', 16 May 2013, <<http://itu.jrc.ec.europa.eu/index.php?id=11>>.

The point of reference for many of the EU efforts to promote biosecurity has either been the BTWC or the lists of human, plant and animal pathogens agreed in the framework of the Australia Group. These efforts naturally focus on pathogens that have been either incorporated into biological weapons or that the military has investigated using. In the framework of the CBRN Action Plan the Commission contested this approach and argued for developing new lists of high-risk materials that need protection and special scrutiny. The Commission argued that existing lists are too narrowly defined for the purpose of counter-terrorism and might even undermine efforts to promote security by creating an erroneous perception that only these items need to be protected and monitored. The Commission also argued that an EU-specific list would help it assess the economic impact of the measures contained in the CBRN Action Plan and help develop budgets and allocate financing to implement the measures defined.

Another early priority in the CBRN Action Plan is to enhance security at facilities through the development of practical guidelines and good practice documents. There are a plethora of national and non-governmental products in this area but no clear minimum standards agreed across the EU.

The introduction of common technical standards for detection equipment, which has become the focus of a lot of industry research and development in recent years, based on EU-wide trials, testing and certification is another under-developed area. Standards adopted at EU level could be expected to have a powerful impact not only on the European market for such products, but also worldwide.

As common standards are lacking inside the EU in the field of promoting biosafety and biosecurity it is perhaps not coincidental that in this functional area the EU has struggled to establish external projects comparable in scope and depth to those in nuclear safeguards and export control.

The European Parliament has also drawn attention to the need to strengthen the coherence of internal and external programmes in the area of CBRN risk mitigation. In December 2010 the Parliament stressed 'the close link and mirror effect between security inside and security outside the European Union' and welcomed the actions taken by regional CBRN Centres of Excellence to encourage expertise networks and improve relevant capacities.¹²¹ The Parliament encouraged the idea of providing training in Europe for experts from countries at risk.

The coherence of the efforts within the EU and in projects carried out with partners would be enhanced if they were based on recognized best practices and technical standards. Creating a catalogue and reference database of the documents where best practices and technical standards can be found would provide a rich resource on which many projects and programmes could draw, both inside and outside Europe.

¹²¹ European Parliament (note 65), para. 26.

Engage relevant stakeholders

If the EU is to achieve its objectives, a key issue for the future implementation of the WMD Strategy will be finding an effective way to engage member states more closely in programming and implementation. During the past decade policy interdependence in the field of non-proliferation has increased and multiplied, drawing in sectors such as health, transportation and education that were not previously present. This has also drawn new parts of EU institutions into the process, but without any redistribution of powers from member states.¹²²

Member states are active at national level in all areas where the EU is aiming to have an impact; they are the implementing agents of the EU *aquis* and they have considerable capabilities in terms of financial resources, expertise and experiences. They are also active at the international level as key actors in the multi-lateral instruments and many have made additional commitments to fund or implement non-proliferation programmes outside the EU, in frameworks such as the G8 Global Partnership.¹²³

Each member state also already has structures, or is creating them, to interact with bodies with which the EU does not have well-developed partnerships. This is true both internationally and domestically. Engaging member states would bring common policies to the attention of national industries and scientific communities and provide the means to engage with them. Although outreach activities are taking place, contacts have been established, and industries and scientific communities are benefiting from the EU security research budget under FP7, engaging industries and scientific communities will be key to the functioning of an integrated approach.

Failing to interact with member states in sufficient depth could seriously undermine the policy of effective multilateralism. National actions may run counter to collective policy.¹²⁴ Given that state-to-state relations have a longer history of deep cooperation and are still preferred by many partner countries, compared to less familiar engagement with the EU, if policies conflict the tendency will be to follow the national path. There are strong incentives to seek closer engagement of the member states in implementing programmes with third countries.

States have less and less control over critical functions that lie outside their ownership or jurisdiction. Citizens increasingly receive water, electricity, housing, transport, communications and many other services from private suppliers rather than public utilities. Many parts of industry are increasingly internationalized in their ownership and operations. By extension, the measures needed to protect critical infrastructure and address identified vulnerabilities cannot be delivered by the agents of the state but require the participation of a range of non-governmental actors.

¹²² Bruno et al. (note 21), p. 521.

¹²³ See note 71.

¹²⁴ Rynning (note 19), p. 277.

The private sector will therefore have to play a more prominent role as direct implementers of non-proliferation regulation and political commitments in areas such as implementing UN Security Council Resolution 1540 and controlling proliferation-sensitive knowledge transfers, among others.

Further expand bilateral cooperation with key countries

The EU recognizes the need for cooperation with key partners to achieve its objectives in the field of non-proliferation. The European Security Strategy emphasizes that 'The transatlantic relationship is irreplaceable. Acting together, the European Union and the United States can be a formidable force for good in the world.'¹²⁵ Successive EU-US summit meetings have identified promoting peace and stability as well as responding to global challenges, including proliferation and mass-impact terrorism. The WMD Strategy underlines that 'Co-operation with the US and other key partners such as the Russian Federation, Japan and Canada is necessary to ensure a successful outcome of the global fight against proliferation.'¹²⁶

Translating this general framework (whose general, high-level objectives are uncontested) into more operational strategies on specific issues has, to a degree, been accomplished by including the EU in such processes as the G8 Global Partnership. The G8GP develops guidelines for action in agreed functional areas, but also elaborates specific, operational projects and tries to secure the human and material resources needed to implement them. The list of 'key partners' in the WMD Strategy closely mirrors the participants in the G8GP (where the Commission, rather than the Council, was the main actor for the first few years of the initiative). Perhaps for this reason, the level of information about the G8GP within the EU institutions is high and the officials from key partners, such as the USA or Russia, have had direct access to a wider spectrum of officials from different parts of the EU.¹²⁷

The progressive expansion in numbers of partners in the G8GP has also led to the inclusion of more EU member states, including many of the smaller countries with which countries like the USA and Russia would not necessarily have extensive bilateral contact on the issue of non-proliferation. The smaller member states have seen the G8GP as a convenient way of contributing to the international non-proliferation effort. They may not have the capacity to implement national programmes, and so a framework for combining forces with like-minded partners is convenient and useful. However, the same countries are increasingly looking to the EU as the logical place to combine their efforts and seek positive synergies. The simultaneous effort to manage national contributions through a

¹²⁵ Council of the European Union (note 6), p. 13.

¹²⁶ Council of the European Union, 15708/03 (note 1), p. 8.

¹²⁷ E.g. EU institutions, in particular the JRC, interact with a range of partners in functional working groups on biopreparedness, export control and border monitoring. United Nations Interregional Crime and Justice Research Institute (UNICRI), 'CBRN Risk Mitigation and Security Governance Programme: CBRN Centres of Excellence', <<http://www.unicri.it/topics/cbrn/coe/>>.

larger grouping such as the G8GP alongside a more integrated approach through the EU is a challenge for all member states, large and small, since countries such as Germany and the United Kingdom have had significant national programmes as well as experience of working with the USA and Russia in particular in international programmes dating back to the end of the cold war.

In the next phase of the G8GP, the priorities identified in 2011 emphasize a much wider geographic focus than that agreed at the Kananaskis summit in 2002, which largely focused on projects implemented in one country (Russia) that is itself a member of the G8.¹²⁸ In the next phase, the G8GP will try to develop a set of programmes to help implement UN Security Council Resolution 1540, which will require collaboration with a much larger group of countries, none of which are likely to be members of the G8.

Other frameworks that aim to promote practical cooperation in functional areas relevant to non-proliferation, such as the Global Initiative to Combat Nuclear Terrorism, also include the EU as observers. However, with the constitutional changes undertaken in recent years it is increasingly likely that the EEAS will be the participant on behalf of the EU. The EU will only be able to apply the full range of tools at its disposal in these frameworks to the extent that an effective system of internal coordination, including a means of incorporating internal as well as external processes and instruments into the work.

As noted above, the list of key partners in the WMD Strategy closely mirrors the partners included in the G8GP. However, the need to work effectively with other countries on non-proliferation issues is recognized in the high-level bilateral documents governing EU relations with, for example, Brazil, China, India and the Republic of Korea (South Korea). In many cases these countries are themselves outside the informal frameworks for cooperation, such as the G8GP, and cooperation is therefore likely to depend on how successfully the issue can be incorporated into the bilateral relationship. The evolving role of the EU delegations is probably the most important factor in whether or not objectives outlined in high-level bilateral statements can be translated into more specific forms of cooperation.

For a period in the mid-2000s, the Commission maintained a small unit within the delegation in Moscow. This unit was tasked with the facilitation and oversight of projects financed by the EU to strengthen nuclear material control and accountancy, destroy chemical weapons, and prevent the misapplication of scientific knowledge. While relatively short-lived, this unit played an important role in helping implement projects on the ground as well as ensuring that Commission colleagues in Brussels were well informed about relevant developments in Russia.

The specific nature of the bilateral EU relationship with important partners in the field of non-proliferation varies from country-to-country. In some cases, such as South Korea, the EU has signed legal agreements that should provide a solid

¹²⁸ G8 2011 Deauville Summit, Summit Declaration, Annex 7, 'G8 Global Partnership: assessment and options for future programming', 27 May 2011, <<http://www.canadainternational.gc.ca/g8/summit-sommet/2011/index.aspx>>.

platform for cooperation.¹²⁹ The way in which EU–South Korean cooperation develops might offer a benchmark for other bilateral relationships.

Further explore opportunities for inter-regional cooperation

The EU's inter-regional cooperation objectives as set out in the 2003 WMD Strategy was limited to 'foster regional security arrangements and regional arms control and disarmament processes' with countries of concern.¹³⁰ The strategy provides no guidelines on how to promote non-proliferation in inter-regional dialogues with groups of states that do not constitute a threat to the EU. Regional cooperation has been greatly enhanced in many parts of the world since 2003. Communities of states that in the past were mainly concerned with custom or trade issues have expanded their agendas to cover security, including non-proliferation. The EU lacks a strategic political document, obvious representation, and a unified legal and institutional framework when it meets with regional actors of growing importance. References to non-proliferation have been made in the EU's dialogues with several regional organizations, but the EU needs to further explore opportunities in inter-regional cooperation.

The following subsections illustrate the EU's current activity in three regions: South East Asia, South America and Africa.

South East Asia

The Association of Southeast Asian Nations (ASEAN) is an important partner in inter-regional cooperation on WMD non-proliferation. The EU and ASEAN adopted a Plan of Action in 2007 which includes text on WMD non-proliferation, disarmament and arms control related to the EU WMD Strategy and sought cooperation in the area.¹³¹ This included an aim to 'implement and universalise the existing disarmament and non-proliferation treaties, conventions and instruments' and to consult each other on non-proliferation challenges as well as on international cooperation on the peaceful and safe use of nuclear energy. The plan also included continued support to international institutions charged with the verification and compliance with the disarmament and non-proliferation treaties; close work towards the full implementation of UN Security Council 1540, and strengthened EU–ASEAN cooperation on export controls. The text also include paragraphs on countering terrorism, small arms and light weapons, anti-personnel mines and illegal money transfers.

The 2012 Guidelines on the EU's Foreign and Security Policy in East Asia discuss extensively the need to deepen engagement with ASEAN, including

¹²⁹ The non-proliferation of WMD is addressed in Framework Agreement between the European Union and its Member States, on the One Part, and the Republic of Korea, on the Other Part, signed 10 May 2010, not yet in force, *Official Journal of the European Union*, L20, 23 Jan. 2013.

¹³⁰ Council of the European Union, 15708/03 (note 1), p. 7.

¹³¹ Plan of Action to Implement the Nuremberg Declaration on an EU–ASEAN Enhanced Partnership, 22 Nov. 2007, <<http://www.asean.org/asean/external-relations/european-union>>, paras 1.3.13–17. The ASEAN member states are Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

through the ASEAN Regional Forum (ARF), and note the need for deepened policy dialogue with ASEAN and its member states.¹³² However, beyond stating this generic objective, which has been an EU goal for a considerable period of time, the document says nothing about the substance or specific elements of EU–ASEAN cooperation. It can be debated whether the guidelines actually move the discussion beyond where it has been since 2007.

This is a clear example of where the EU would benefit from a closer collaboration between its own functional and geographical efforts. ASEAN regularly holds events on relevant topics: since August 2012, these have covered counter-terrorism and transnational crime, preparedness and response to a biological event, nuclear forensics, maritime security and implementation of Resolution 1540, and it would not be difficult for the EU to participate in them.¹³³

The primary forum for discussions on WMD non-proliferation has been the ARF Inter-Sessional Meeting on Non-Proliferation and Disarmament. The ARF has, among other things, adopted a Work Plan on Non-proliferation and Disarmament.¹³⁴ The EU had expressed support for an early adoption of the document, but contributed less to its development than should have been the case.¹³⁵ The preparation of the work plan was supported by the ‘track 2’ (i.e. non-official) Council for Security Cooperation in the Asia Pacific (CSCAP). While SIPRI, for example, participated in relevant working group meetings, the EU representative to CSCAP (who would logically provide a pathway for EU perspectives) was never present. This is because the EU participation in CSCAP is focused on regional experts who find it hard to contribute perspectives on specific, technical issues such as those discussed in the non-proliferation group.

The EU participates in the activities of the ARF Inter-sessional Meetings on Non-proliferation and Disarmament, along with key state actors.¹³⁶ The EU has made interventions in support of the CTBT, the BTWC and international cooperation (including reference to the CBRN Centres of Excellence).¹³⁷ In this forum, the Commission has for example presented its perspective on peaceful uses of nuclear energy and technology. The EU was represented by the Office of the EU Representative on Non-proliferation and Disarmament, the Commission and the

¹³² Council of the European Union, 11492/12 (note 3).

¹³³ ASEAN Regional Forum, ‘Event calendar: August 2012–December 2013’, 30 May 2013, <<http://aseanregionalforum.asean.org/events.html>>.

¹³⁴ 19th ASEAN Regional Forum, Chairman’s Statement, Annex 2, ‘ASEAN Regional Forum (ARF) Non-proliferation and Disarmament (NPD) Work Plan’, 12 July 2012, <[http://aseanregionalforum.asean.org/files/Archive/19th/19th ARF, Phnom Penh, 12July2012/Annex 2 - ARF Work Plan on NPD.pdf](http://aseanregionalforum.asean.org/files/Archive/19th/19th%20ARF,%20Phnom%20Penh,%2012July2012/Annex%20-%20ARF%20Work%20Plan%20on%20NPD.pdf)>.

¹³⁵ Council of the European Union, ‘Six-monthly progress report on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (2011/II)’, *Official Journal of the European Union*, C66, 16 Mar. 2012, p. 11.

¹³⁶ As well as the ASEAN member states, the 4th Inter-sessional Meeting, in Mar. 2012, was attended by the EU, Australia, China, India, Japan, South Korea, Mongolia, Pakistan, Russia and the USA, among others. A comprehensive exchange of views took place on all major disarmament issues. 4th ASEAN Regional Forum Inter-sessional Meeting on Non-proliferation and Disarmament (ISM-NPD), Co-chairs’ summary report, Sydney, 8–9 Mar. 2012, <<http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports.html>>.

¹³⁷ E.g. Council of the European Union, ‘Six-monthly progress report on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (2012/I)’, *Official Journal of the European Union*, C237, 7 Aug. 2012, p. 7.

head of the EU Delegation in Singapore in the second Inter-sessional Meeting, held in Singapore in July 2010.¹³⁸

South America

The EU is negotiating a WMD clause with Mercosur (Mercado Común del Sur, Southern Common Market)—which consists of Argentina, Brazil, Paraguay, Uruguay and Venezuela—in the context of the ongoing negotiation of a future Bi-Regional Association Agreement (a free trade agreement with extensive coverage) between Europe and South America. Negotiations are being held in the political, cooperation and trade contexts, including provisions on non-proliferation.¹³⁹ The most recent round of negotiations, the ninth, was held in October 2012.

Africa

The African Commission for Nuclear Energy (AFCONE) was established to promote implementation of the 1996 African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) and to ensure the states parties' compliance with their undertakings relating to disarmament, non-proliferation and peaceful uses.¹⁴⁰ At the November 2010 conference of states parties that set up AFCONE, the EU and several member states were represented as observers. The EU delegation included officials from the Office of the EU Representative on Non-proliferation and Disarmament, the European Commission (DGs for Energy and Development) and the EU Delegation in Addis Ababa. They made presentations on the EU's external cooperation and assistance programmes as well as on the achievements of Euratom. Bilateral contacts were made with a view to developing joint projects.¹⁴¹

Since 2005 the Cotonou Agreement, which provides the framework for much of the development cooperation between the EU and most sub-Saharan African states, has included a WMD clause.¹⁴²

Create a single profile for EU non-proliferation and CBRN risk reduction

The non-proliferation budget

The past decade has seen extensive capacity building within the EU on WMD-related matters, but it is still difficult to establish how much money the EU spends on this issue area relative to others. This partly reflects the problem of

¹³⁸ 2nd ASEAN Regional Forum Inter-sessional Meeting on Non-proliferation and Disarmament (ISM-NPD), Co-chairs' summary report, Singapore, 5–7 July 2010, <<http://aseanregionalforum.asean.org/library/arf-chairmans-statements-and-reports.html>>.

¹³⁹ Council of the European Union (note 135), p. 9.

¹⁴⁰ African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), signed 11 Apr. 1996, entered into force 15 July 2009, <<http://au.int/en/treaties>>.

¹⁴¹ Council of the European Union, 17080/10 (note 138), pp. 46–47.

¹⁴² Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the One Part, and the European Community and its Member States of the Other Part (Cotonou Agreement), signed 23 June 2000, entered into force 1 Apr. 2003, revised 25 June 2005 and 22 June 2010, <<http://ec.europa.eu/europeaid/where/acp/overview/cotonou-agreement/>>, Article 11B.

capturing the overall CBRN risk-mitigation and non-proliferation effort within a single definition. However, by any definition the sum is small compared to other policy areas.

Today, the EU lacks the clarity of definition that allow a clear assessment of the use of different financial instruments and budget lines to implement EU objectives in WMD non-proliferation. For example, the INSC could, according to its mandate, be one of the more important financial instruments for WMD non-proliferation. However, it is difficult to identify the spending under the INSC that is actually used for meeting nuclear non-proliferation objectives. A mapping of the EU non-proliferation programmes only found one project funded by the INSC on nuclear safeguards during the first five year of its existence.¹⁴³ However, some argue that spending on nuclear safety contributes to nuclear security and non-proliferation through, for example, providing skills and expertise to the workforce, while developing a safety culture will have positive spillover effects in the other areas.¹⁴⁴

Although the CFSP budget on non-proliferation has largely been dedicated to the multilateral instruments and the two functional Commission instruments with dedicated budgets for CBRN risk mitigation—the IFS and the INSC—have largely been allocated to regional and bilateral cooperation projects, there is still some overlap in spending (see table 4.1).¹⁴⁵ For example, the CFSP budget and the IFS both fund related activities in third countries. A main focus for the next financial period (2014–20) should be to reconcile the new components of external action with the structural instruments that the Union has at its disposal as part of a common relationship with external partners.¹⁴⁶ This should incorporate other Commission budget lines dedicated to internal policy on CBRN risk mitigation: the CBRN Action Plan and the FP7 Security research (from 2014 called Horizon 2020). Ultimately an external partner should find all matters related to a given issue area dealt with through a single budget item.

Non-proliferation is a small- to a medium-sized category of spending among the financial instruments with funds dedicated to non-proliferation or CBRN risk mitigation (see table 4.1). Although the spending is an estimate, the research component of EU CBRN risk mitigation has a substantial budget relative to other instruments. Finding greater synergies between CBRN research and project development include large potential benefits for the EU's contribution to non-proliferation.

The EU budget structure means that new actors are gaining importance because they can access resources. The effectiveness of these actors in non-proliferation policy terms depends to a large extent on whether they have legal competence to act and links to relevant partners.¹⁴⁷ As noted above, one solution

¹⁴³ Grip (note 68).

¹⁴⁴ Kobia (note 4), p. 44.

¹⁴⁵ The budget line that covers non-proliferation also covers the countering of small arms and light weapons.

¹⁴⁶ Gebhard and Norheim-Martinsen (note 97), p. 231.

¹⁴⁷ Huigens, J. and Niemann, A., 'The G8½: the EU's contested and ambiguous actorness in the G8', *Cambridge Review of International Affairs*, vol. 24, no. 4 (Dec. 2011), p. 640.

Table 4.1. EU spending on non-proliferation activities, 2007–13

Instrument	Non-proliferation focus	Total budget, 2007–13 (€ m.)	Non-proliferation activities	
			Spending (€ m.)	Share (%)
Common Foreign and Security Policy (CFSP)	Political, financial and technical support to multilateral instruments	>1 740	105–154 ^a	6–9
Instrument for Stability (IFS)	Regional cooperation programmes on CBRN risk mitigation	2 100	300	14
Instrument for Nuclear Safety Cooperation (INSC)	Nuclear safety, radiation protection and the application of safeguards of nuclear materials	524	0.5	0.1
FP7 Security	Industry and scientific cooperation on CBRN risk mitigation research	1 400	250 ^b	18
Security and Safeguarding Liberties; Second Health programme ^c	Implementation of the CBRN Action Plan	1 066.5	100	9
Total		>6 380.5	755.5–804.5	12–13

FP7 = Seventh Framework Programme for Research.

^a Spending under this instrument is €15–22 m. per year

^b This is an estimated figure.

^c The budget for Security and Safeguarding Liberties is €745 m.; the budget for the Second Health programme is €321.5 m.

Source: European Union Institute for Security Studies (EUISS), *EUISS Yearbook of European Security 2013* (EUISS: Paris, 2013), pp. 268, 273–74; European Commission, Development and Cooperation–EuropeAid, ‘Thematic instruments and programmes’, 17 Feb. 2012, <http://ec.europa.eu/europeaid/how/finance/thematic_en.htm>; and Grip, L., ‘Assessing selected European Union external assistance and cooperation projects on WMD non-proliferation’, Non-proliferation Papers no. 6, EU Non-proliferation Consortium, Dec. 2011, <<http://www.nonproliferation.eu/activities/activities.php>>.

to bringing new actors into the issue area in an efficient manner is to strengthen partnerships with member states. Another avenue is to draw on EU external assets, including delegations and regional programmes.

The structure of the financial instruments also makes it difficult to say how much money the EU spends on its WMD non-proliferation effort in any given country or region. The lack of this information is a serious obstacle to raising the EU’s collective efforts in a meaningful way in bilateral or regional political dialogues. It further complicates the EU’s overarching objective to coordinate and ensure that all policy fields are working towards the same goal—that the EU is delivering ‘one message’ in its external action. A closer integration between the functional and regional programmes would better equip the EU to meet the broad interests of third countries, which are increasingly approaching the EU for cooperation on peaceful uses of nuclear energy, chemical industries and export controls, among other issues. However it is calculated, the WMD non-prolifer-

Table 4.2. EU regional budget instruments, 2007–13

Instrument	Focus	Total budget, 2007–13 (€ b.)
Development Cooperation Instrument (DCI)	Asia, Central Asia, South America, the Middle East and South Africa	16.9
European Neighbourhood and Partnership Instrument (ENPI)	Eastern Europe, the South Caucasus, the near Middle East, the Palestinian Authority and North Africa	11.3
Instrument for Pre-accession Assistance (IPA)	Candidates and potential candidates for EU membership (currently the Western Balkan countries, Turkey and Iceland)	11.5
European Development Fund (EDF)	Development cooperation in the African, Caribbean and Pacific (ACP) countries and the overseas territories	22.7 ^a
Total		62.4

^a Of this, €22 b. is allocated to the ACP countries, €0.286 b. to the overseas territories and €0.43 b. to the Commission for programming and implementation of the EDF.

Source: European Commission, Development and Cooperation–EuropeAid, ‘Geographic instruments’, 17 Feb. 2012, <http://ec.europa.eu/europeaid/how/finance/geographic_en.htm>; and European Commission, Enlargement, ‘Overview: Instrument for Pre-accession Assistance’, 4 June 2013, <<http://ec.europa.eu/enlargement/instruments/overview/>>.

ation budget is a small fraction of the EU’s regional cooperation budgets (see table 4.2), suggesting that regional budgets could be used to fund, for example, projects through the CBRN Centres of Excellence, given that the projects would meet regional development objectives.

Integrating non-proliferation and regional programmes

The regional CBRN Centres of Excellence could be a first test in the integration between EU non-proliferation policy and regional programmes. During the seventh financial period (2007–13) the IFS was used to create Centres of Excellence. The next financial period will need to build the capacity to fill these centres with expertise, identify projects and open participation in the centres to new actors.¹⁴⁸

The process for drafting and developing country strategies can incorporate the issue of cooperation to combat WMD non-proliferation if the participants made more aware of the possibility. For example, if the delegation in the country concerned, which plays an important role in the process, is fully aware of the Centres of Excellence initiative, it could play an instrumental role in drawing the country point of contact for the centres into the development of the country strategy document.

Not all states see non-proliferation as an issue that directly affects national policies, in which case a domestic actor will have to make a deliberate attempt to

¹⁴⁸ Mignone, A., ‘The European Union’s Chemical, Biological, Radiological and Nuclear Centres of Excellence Initiative’, Non-proliferation Papers no. 28, EU Non-proliferation Consortium, June 2013.

introduce it nationally. Apart from the budget implications, the process of developing a country strategy might be a valuable pathway for raising the substantive issues with representatives that can help shape policy choices in the partner country. This could further open the door for collaboration on projects for legislative assistance, related to dual-use items, ensuring that WMD issues are taken into account in border security, implementing financial and export controls, physical protection, biosafety and security and so on for subsequent delivery through the Centres of Excellence. The EU and its partners would benefit from further exploring the linkages between non-proliferation and development, including how to introduce innovative non-proliferation efforts that also meet development objectives.¹⁴⁹ Integrating non-proliferation and development policies could however be highly sensitive, with the potential to meet resistance both within the EU development community and in the partner country. Nevertheless, there are also cases where third countries have requested assistance (such as in implementing Resolution 1540) or seek to raise standards along with national developments in chemical and biological industries as a way to facilitate trade with the EU (or other partners with similar standards). At a first stage, the EU could investigate how existing development programmes currently meet non-proliferation objectives (such as the many EU border security projects in regions with proliferation risk countries), or how partners could use the infrastructure set up in previous development programmes to address issues such as countering trafficking of CBRN materials.

The EU can raise proliferation risks to a political level in meetings with partners, including countries such as South Korea that are influential in regions and subregions where the EU would like to play a more prominent role in tackling WMD issues. Through cooperation with a small number of influential states the EU could fast-track the delivery of projects in other regions.¹⁵⁰ One example is the opportunity created by the establishment of nuclear training centres in, for example, China, India and South Korea after the Washington Nuclear Security Summit in 2010.¹⁵¹ As these centres become operational they would offer potential opportunities for partnerships and synergies with the projects developed through the EU Centres of Excellence.

Another area in which non-proliferation and regional development could usefully seek closer integration is by addressing the issue of intangible technology as a dimension of regional university partnership exchanges. Addressing proliferation-sensitive knowledge is a key objective of the 2008 New Lines for Action, but it is one that EU member states are having a problem implement-

¹⁴⁹ Finlay, B., 'Proliferation prevention: bridging the security/development divide in the Global South', *Global Studies Review*, vol. 7, no. 3 (fall 2011).

¹⁵⁰ Heyes, A., Bowen, W. Q. and Chalmers, H., *The Global Partnership against WMD: Success and Shortcomings of G8 Threat Reduction*, Whitehall Papers no 76 (Royal United Services Institute: London, 2011), p. 90.

¹⁵¹ Heyes, A., 'Study of the nuclear security Centres of Excellence for the Carnegie Corporation of New York', Kings College London, Centre for Science and Security Studies, 4 Apr. 2012, <http://www.stanleyfoundation.org/nuclearsecurity/Nuclear_Security_COE_study_final.pdf>.

ing.¹⁵² Participation in higher education has been identified as one approach to meet the Millennium Development Goals in EU partner countries and, to that end, the Erasmus Mundus Action 2 partnerships cover the regions in the European Neighbourhood and Partnership Instrument (ENPI), the Development Cooperation Instrument (DCI), the European Development Fund (EDF) and the Instrument for Pre-accession Assistance (IPA), including, for example, India, Iran, Israel, North Korea, Pakistan and Syria. In 2013 the programme aims to finance exchanges involving more than 7100 individuals with a budget of €194 million.¹⁵³

Action 2 Partnerships originated in 2006, when the Commission introduced the Erasmus Mundus External Cooperation Window programme for students up to postdoctoral level and academic staff in Iran, Iraq and Yemen.¹⁵⁴ The programme, which includes the fields of biotechnology, nuclear and high-energy physics and biochemistry, is a potential means of raising awareness in the academic community about issues of relevance to the WMD Strategy and a pathway to discuss the introduction of academic codes of conduct as well as safety and security standards.¹⁵⁵ As their careers develop, students who have passed through the programme and found employment in government agencies or the private sector are a potential reservoir of participants in projects delivered through EU Centres of Excellence.

The role of higher education agreements is another example where intra-institutional cooperation could help implement EU non-proliferation policy priorities identified in the New Lines for Action and help to ensure respect for the EU's legal obligations related to implementing UN and EU sanctions. In the best case such programmes could simultaneously further reduce non-proliferation risk in research and raise awareness among a constituency of potential future partners among scholars in countries of proliferation concern.

¹⁵² Garrido Rebolledo (note 92).

¹⁵³ European Commission, 'Call for proposals—EACEA/38/12: Erasmus Mundus 2009–13 action programme—Implementation in 2013', *Official Journal of the European Union*, C400, 28 Dec. 2012, p. 20.

¹⁵⁴ European Parliament and Council of the European Union, Decision No. 1298/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing the Erasmus Mundus 2009–2013 action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries, *Official Journal of the European Union*, L340, 19 Dec. 2008.

¹⁵⁵ Erasmus Mundus Network for Iran, Iraq and Yemen, 'Fields of study for scholarships', <http://www.erasmusmundus8.net/info/Fields_study_scholarships/>.

5. Conclusions and recommendations

A decade into the first European Union non-proliferation strategy, the EU has succeeded in developing an approach that can be the basis for effective action. At present the EU implements programmes and actions in the internal and external sphere intended to reduce CBRN risks and prevent WMD proliferation. However, these internal and external efforts are based on different strategies and philosophies. The following nine recommendations are intended to help close the gaps and create a genuinely harmonized EU profile that would enhance efficiency and simplify interaction with partners.

1. Match the WMD Strategy with the changing security discourse in the European Union

- The Council should open a dialogue on which approach to security best fits the structure of the EU and the contemporary security issues, avoiding an exclusive focus on military security.
- The Commission should make an objective assessment of hazard and the potential for harm represented by CBRN materials relative to other risks, based on the characteristics and availability of materials and weapons and the vulnerability of the EU.
- Member states should limit the availability of sensitive items, promote a security culture among the holders of sensitive items, and improve response to and recovery from their use.

2. Develop a strategic approach based on the security of European citizens

- Council declarations should place a stronger emphasis on citizens' security and the all-hazards approach to security and safety, in combination with concerns over the security of the state.
- The EEAS, working with the Commission, should take pro-active measures to enable internal-external cooperation and strategies and seek ways to bridge the gap between CBRN risk mitigation and WMD non-proliferation.
- The Commissions DGs for Enterprise and Industry (DG ENTR) and Development and Cooperation-EuropeAid (DG DEVCO) should work together to enhance engagement with a wide range of actors inside and outside of government to supplement, not substitute for, the efforts of the diplomatic community to strengthen the international legal framework.

3. Improve the organization of EU efforts and make full use of available tools

- The EEAS should re-establish the WMD Centre under the post-Lisbon Treaty setting as a useful platform for regular interaction with a broad range

of EU services. Progress reports that are more detailed and that incorporate information drawn from across the spectrum of EU activities, collected through the WMD Centre, would give the Council a better chance to take a strategic approach in its debate.

- The Commission, for example in the JRC, should draw on past experiences and lessons learned from a broad range of actors. For example, insights into issues related to export controls and safeguards drawn from across the EU institutions could be integrated into the debate on the WMD Strategy with (relatively) little friction.
- The invigorated WMD Centre could integrate the tools developed by the Commission in relevant frameworks with those developed for implementing the CFSP, including a deeper reciprocal involvement in planning processes.
- The WMD Centre could inform senior decision makers in the management of proliferation-related programmes and initiatives on a continuous basis and initiate dialogue on the place of CBRN issues within a citizen-focused, all-hazards model of security.

4. Enhance democratic oversight

- The EEAS could strengthen the European Parliament's autonomous capacity by ensuring its access to information.
- The European Parliament should enhance inter-committee coordination and develop necessary expertise.
- The national parliaments of EU member states should enhance cooperation on an all-hazards approach to security based on the needs of the citizens.
- The WMD Centre could enhance transparency and public reporting. One instrument to achieve this could be a collective responsibility under inter-service consultation to produce a comprehensive report on all ongoing EU programmes based on the spending on WMD non-proliferation and CBRN risk mitigation inside and outside the EU.

5. Develop and promote common standards

- The coherence of the efforts within the EU and in projects carried out with partners would be enhanced if they were based on recognized best practices and technical standards. The Commission should create a comprehensive catalogue of relevant standards in use in the EU, drawing on EU and national documents and documents developed in the non-governmental sector, including private industry.

6. Engage relevant stakeholders

- The Council working groups should incorporate member state public authorities in partnerships according to their functional responsibilities, rather than their institutional affiliation. The Council could request and

maintain a register of functional responsibilities in relevant CBRN risk-mitigation tasks.

- The Commission should engage industries and scientific communities through regular consultation with relevant industrial and professional associations.
- DG DEVCO should engage more closely with the member states in implementing programmes with third countries.

7. Further expand bilateral cooperation with key countries

- The EEAS should analyse existing partnerships with Russia and the United States with a view to updating priority areas for engagement and strengthening a future response to risks and threats.
- The EEAS should engage with key actors left out of the 2003 and 2008 strategies—India, Brazil and China—to find synergies.
- The EEAS should develop a strategic approach to cooperation with like-minded, economic and institutionally developed states (such as South Korea).

8. Further explore opportunities for inter-regional cooperation

- The EEAS could base this on existing strategic dialogues with ASEAN, Mercosur, the African Union and subregions.

9. Create a single profile for EU non-proliferation and CBRN risk reduction

- The EEAS should simplify working structures in ways that facilitate interaction with key partners, for example through interaction between a reconstituted WMD Centre and EU delegations to create clear points of contact on the issues.
- The Commission should integrate EU financing for WMD non-proliferation and CBRN risk mitigation. For example, the EU should consider creating a single, integrated contract to finance cooperation with the IAEA.
- Financial instruments should be amended to enable the use of Commission budget lines dedicated to internal programmes on CBRN risk mitigation to accomplish EU external non-proliferation objectives and vice versa, for example by authorizing the DG for Home Affairs (DG HOME) and Euratom to engage in projects outside of the EU.

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**Strengthening the European Union's Future Approach to WMD
Non-proliferation**

In the 10 years since the European Union adopted its Strategy against Proliferation of Weapons of Mass Destruction, it has succeeded in developing a distinctive approach to the non-proliferation of WMD. Developments over the decade provide a solid platform from which the EU could now expand its non-proliferation efforts in ways that increase its effectiveness and efficiency, in particular, by emphasizing the security of European citizens alongside the traditional security of the state.

This timely report explores how the EU has approached the formidable task of implementing the WMD Strategy, evaluates the degree of success that has been achieved and outlines pragmatic changes that will make the effort more effective in the future.

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ISBN 978-91-85114-78-8



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