

THE EUROPEAN UNION'S WMD STRATEGY AND THE CFSP: A CRITICAL ANALYSIS

PETER VAN HAM

I. INTRODUCTION

Since the launch of its Common Foreign and Security Policy (CFSP) in 1993, the European Union's (EU) has taken great strides in developing a more coherent and effective approach to its external relations. Following the entry into force of the Lisbon Treaty in December 2009, the EU has opportunities to combine policy and delivery tools under the single authority of its new High Representative (HR) for Foreign Affairs and Security Policy, who replaces the EU president as the lead actor for foreign, security and defence policy. One of the key challenges for the EU will be combating the proliferation of weapons of mass destruction (WMD) and their delivery systems. In December 2003 the Council of the European Union adopted the EU's Strategy against Proliferation of Weapons of Mass Destruction (WMD Strategy).¹ However, some initial steps towards a common external non-proliferation policy had already been taken in the early 1980s. In 1981 a Working Party on Non-Proliferation was established within the framework of the European Political Cooperation (EPC). This was the first time that security issues were discussed among member states within an institutional setting. This Working Party was a secretive body, only formalized in 1986 by the Single European Act.² The 1990 Dublin Declaration was the first public high-level document on nuclear non-proliferation by the 12 European Community (EC) heads of state and government. These historical minutiae indicate that the EU has come a long way to become a player within the international community on WMD proliferation matters. Today, the EU is actively engaged in making WMD proliferation a

¹ Council of the European Union, EU Strategy against Proliferation of Weapons of Mass Destruction, 15708/03, Brussels, 10 Dec. 2003.

² Single European Act, *Official Journal of the European Communities*, L169, 29 June 1987, Title III.

SUMMARY

The cornerstone of the European Union's weapons of mass destruction (WMD) strategy is effective multilateralism, combined with the promotion of a stable international and regional environment, close cooperation with key partners and the determination to act resolutely against proliferators. The EU sees WMD proliferation as a growing threat to international peace and security and has become an important financial donor to an array of WMD organizations and regimes, strengthening their capabilities to monitor and verify suspected WMD activities. It would be useful to study what practical effect the EU's support has really had.

The EU has committed itself to halting Iran's nuclear programme, which can be considered a litmus test for its WMD Strategy. By taking on such a hard case, the EU is running the risk that its dual-track approach of multilateralism and economic coercion will publicly fail.

The EU's developing institutional framework should give member states more confidence that the Common Foreign and Security Policy deserves another chance. In particular, High Representative for Foreign Affairs and Security Policy Catherine Ashton and the newly established European External Action Service offer opportunities for consorted EU policies and actions that did not exist before. However, member states remain unconvinced that the EU can be trusted with the hard challenge of devising and implementing a common WMD non-proliferation policy.

ABOUT THE AUTHOR

Dr Peter van Ham (The Netherlands) is head of global governance research at the Netherlands Institute of International Relations 'Clingendael' in The Hague, and Professor at the College of Europe in Bruges. He is a member of the Advisory Council on International Affairs to the Dutch Government and Parliament. His recent books include *Social Power in International Politics* (Routledge, 2010) and *Global Non-Proliferation and Counter-Terrorism: The Impact of UNSCR 1540* (Brookings, 2007).

cross-cutting priority of all member states' policies and in arriving at 'better coordination and optimal mobilization' of the available tools and policies among them.³ In its New Lines for Action by the European Union in Combating the Proliferation of Weapons of Mass Destruction and Their Delivery Systems (New Lines) of December 2008, the EU argues that 'Weapons of mass destruction which may be in the hands of states of concern or terrorists/non state actors constitute *one of the greatest security challenges which Europeans may ever face*.'⁴ It is with this sense of urgency that the EU has identified WMD proliferation as one of the key priorities of its CFSP.

This paper sketches the background of this strategic choice and offers a critical analysis of the EU's objectives and achievements in this area. Section II lays out the policy framework of non-proliferation within the CFSP by examining the main strategic documents. Section III presents the key tools for implementation. Section IV assesses the role of non-proliferation in the CFSP, and section V asks whether this is a solid framework for addressing proliferation threats by using Iran's nuclear ambitions as an example. Section VI concludes that the EU's greatest strength lies in the multilateral arena, where it can have a momentum-increasing and capacity-building role. This, however, can only be achieved if all member states are moving in the same direction, preferably with the same commitment. The paper further points out that the WMD Strategy is not an official 'common strategy', but little more than a political declaration without an established policy framework and earmarked (financial) resources. It concludes that the diverging interests among the EU member states explain why the EU's role in the WMD non-proliferation area has been modest and certainly less ambitious than the role envisaged by the 2003 WMD Strategy.

II. THE EU'S WMD NON-PROLIFERATION POLICY FRAMEWORK

From its humble beginnings in the 1980s the EU's non-proliferation policy has developed into a stable framework three decades later. Two factors explain the intensification and consolidation of the EU's

efforts in this area. First, the end of the cold war initiated a novel strategic environment, with new security challenges and opportunities to develop new initiatives and policies. US–Soviet rivalry came to an end and the 1990–91 Gulf War revealed that Iraq was developing a clandestine nuclear programme, warning the international community that existing non-proliferation treaties and regimes were flawed. Moreover, in 1992 France joined the 1968 Non-Proliferation Treaty (NPT) as the last EC member state to do so, removing a major obstacle in developing a common EU stance on non-proliferation matters.

Second, the legal establishment of the CFSP through Title V of the Treaty of the EU (Maastricht Treaty) in 1993 offered a solid institutional framework for closer cooperation on foreign and security matters among member states, including WMD non-proliferation. However, the CFSP did not include defence policy other than 'the eventual framing of a common defence policy which might in time lead to a common defence' (Article J4).⁵ In this respect, the CFSP did not address the link between national defence and WMD and therefore left certain questions unaddressed, such as the nuclear arsenals belonging to France and the United Kingdom. The reform treaties of Amsterdam (1999) and Nice (2003) offered opportunities for all EU institutions to strengthen their policies on a wide range of issues, including foreign and security policy, inter alia through the establishment of the European Security and Defence Policy (ESDP), now called the Common Security and Defence Policy (CSDP), under the CFSP. On the strategic level, the European Council (of heads of state and government) began discussing non-proliferation matters and issuing presidency statements. The CFSP chapter in the Maastricht Treaty introduced a new instrument called 'joint actions' to implement policy unanimously agreed among the (then 12) member states. The European Parliament also became engaged with non-proliferation-related resolutions and a multitude of (written and oral) questions.

During the 1995 NPT Review and Extension Conference, the EU's first joint action on non-proliferation matters showed the world that the era of European strategic disunity was drawing to a close. In a similar way, the EU made a positive contribution to the negotiation of the 1996 Comprehensive

³ Council of the European Union, Council Conclusions and New Lines for Action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems, 17172/08, Brussels, 17 Dec. 2008, p. 5.

⁴ Council of the European Union, (note 3), p. 3 (emphasis in original).

⁵ Hurd, D., 'Developing the Common Foreign and Security Policy', *International Affairs*, vol. 70, no. 3 (1994), pp. 425–26.

Nuclear-Test-Ban Treaty (CTBT) as well as to efforts to strengthen the 1993 Chemical Weapons Convention (CWC) and the 1972 Biological and Toxin Weapons Convention (BTWC). The EU became active in Russia and Ukraine, setting up (together with the United States and Japan) so-called Science Centers to employ former Soviet WMD scientists. The EU also financially supported the Korean Peninsula Energy Development Organization (KEDO), which aimed to solve the 1993–94 nuclear crisis with North Korea. The EU has also repeatedly expressed strong support for the so-called Six-Party Talks process and has imposed strict sanctions on North Korea (especially after it conducted a second nuclear test in May 2009).⁶ In the 1990s the EU set the tone of its WMD non-proliferation policy—emphasizing multilateral approaches to security problems and strengthening existing treaties and regimes through political and financial support. But on many occasions, like the 1998 non-proliferation crisis emerging from the Indian and Pakistani nuclear tests, the EU limited itself to a weak, purely declaratory policy.⁷

The institutionalization of the EU's WMD non-proliferation policy took off in the new millennium, triggered by the experiences of European leaders in the aftermath of the 11 September 2001 terrorist attacks on the USA and the US-led invasion of Iraq in March 2003. Disparity regarding the wars in Afghanistan and Iraq resulted in intra-European and transatlantic schisms, with some EU member states supporting the US war effort and others openly disagreeing. Member states realized that this row on foreign and security matters was damaging the cohesion of the EU and undermining confidence in the EU's aspiration to become a significant global actor. Clearly, the EU needed such a high-profile wake-up call, akin to Europe's awakening a decade earlier during the wars in the Balkans. What was required was a strategy, a cohesive document laying down the values and interests of the EU, its instruments of choice and its foreign policy priorities.

During the Belgian presidency in the second half of 2001, several Council conclusions dealing with non-proliferation, which came to lay the basis for

⁶ Saeed, F. A., 'Redefining success: applying lessons in nuclear diplomacy from North Korea to Iran', *Strategic Perspectives*, no. 1 (Sep. 2010).

⁷ Grand, C., *The European Union and the Non-Proliferation of Nuclear Weapons*, Chaillot Paper no. 37 (EU Institute for Security Studies: Paris, 2000), p. 28.

the 2003 WMD Strategy, were adopted.⁸ On 10 April 2003 the Swedish Minister for Foreign Affairs, Anna Lindh, and the Greek Minister for Foreign Affairs, Georgios Papandreou, published an article in a major Swedish newspaper calling for preventive measures so as to avoid having to use military force in the case of a potential proliferation crisis.⁹ They also proposed adopting an EU strategy on WMD proliferation.¹⁰ Only four days later, the General Affairs and External Relations Council (GAERC) instructed the HR for CFSP, Javier Solana, and his Council Secretariat to produce a draft document outlining the EU's interests and aims concerning WMD proliferation.¹¹ The Basic Principles for an EU Strategy Against Proliferation (Basic Principles) was drafted parallel to the EU's first-ever security strategy, and both were presented at the Thessaloniki European Council in June 2003.¹² In October Solana appointed Annalisa Gianella as his personal representative on WMD proliferation. After intensive discussions with member states, the final version of the WMD Strategy was published alongside the European Security Strategy (ESS), 'A Secure Europe in a Better World', in December 2003.¹³

The Basic Principles and the ESS can be considered the logical next steps in the EU's evolution as a mature strategic actor in world affairs. Still, without the bruising experiences during the Iraqi crisis, it is hard to imagine the EU taking these steps so quickly and decisively. As the Lindh-Papandreou article indicated, EU member states wanted to 'avoid a new Iraq' by taking proactive measures to curb WMD proliferation and to assure more unity within the EU itself. Apart from harmonizing the national policies of member states, this would require an active and strong external EU policy on WMD non-proliferation. By agreeing on these strategic documents, a first and important effort was made to base the CFSP on a solid foundation

⁸ General Affairs and External Relations, 2397th Council meeting, General Affairs, 15078/01 (Presse 460), Brussels, 10 Dec. 2001, III–IV.

⁹ Lindh, A. and Papandreou, G., 'No more Iraqs!', *Dagens Nyheter*, 10 Apr. 2003.

¹⁰ Ahlström, C., 'The EU Strategy against Proliferation of Weapons of Mass Destruction', ed. S. N. Kile, *Europe and Iran: Perspectives on Non-Proliferation*, SIPRI Research Report no. 21 (Oxford University Press: Oxford, 2005), pp. 32–33.

¹¹ General Affairs and External Relations, 2501st Council meeting, External Relations, 8220/03, Luxembourg, 14 Apr. 2003.

¹² 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, 10354/1/03 Rev 1, 13 June 2003.

¹³ European Council, 'A Secure Europe in a Better World: European Security Strategy', Brussels, 12 Dec. 2003.

of shared threat perceptions, strategic priorities and preferred policy options. The ESS defined WMD proliferation as one of the ‘key threats’ to Europe, and the WMD Strategy saw this as a ‘growing’ threat, putting ‘at risk the security of our states, our peoples and our interests around the world’.¹⁴ The ESS mainly mentioned North Korea, South Asia and the Middle East as areas of concern, whereas the WMD Strategy underlined the importance of the stability and security of the Mediterranean. The WMD Strategy considered the possibility of terrorists obtaining WMD, adding a ‘new critical dimension to this threat’, which the ESS labelled ‘the most frightening scenario’.¹⁵

The EU’s WMD Strategy offered a multilayered approach, based on ‘effective multilateralism’, promoting a stable regional and international environment and close cooperation with partners as well as strengthening the EU’s own structures. Effective multilateralism was offered as the ‘cornerstone of the European [WMD] strategy’, which was widely—and justly—considered a jibe at the leadership style of US President George W. Bush.¹⁶ The EU’s multilateral approach included pursuing the universalization and strengthening of existing non-proliferation treaties and agreements and providing political, financial and technical support to verification regimes ensuring detection and compliance. The WMD Strategy acknowledged that if preventive measures fail, coercion (including the use of force) could be an option for the EU, but still recognized the United Nations Security Council as the ‘final arbiter’.¹⁷ Taken together, the EU had developed a strategy ‘on the cheap’, focusing on key partners such as Canada, Japan, Russia and the UN, which were all called on to contribute, politically as well as financially.

The only coercive policy used by the EU to promote non-proliferation was the so-called WMD clause. The June 2003 Basic Principles already suggested that the ‘EU will consider the introduction of an effective carrot and stick policy linked to non-proliferation commitments in its relations with third countries. This will be done in particular in the context of co-operation

agreements or assistance programmes’.¹⁸ The WMD clause was introduced under the technocratic term ‘mainstreaming’, which boiled down to the established practice of making trade, development assistance and other elements of cooperation directly conditional on fulfilment of certain commitments and obligations, in this case in the area of non-proliferation. In principle, the WMD clause aimed to incorporate strategic thinking into EU policy, with the ultimate goal of turning *Zivilmacht* Europe into a full-fledged strategic actor, willing and capable of using its economic and financial clout to further its interests around the globe.

Since 2003 the EU has substantially strengthened its institutional framework on WMD proliferation. The Council has biannually published progress reports (with input from the Directorate-General for the External Relations, DG RELEX), and the EU has updated its WMD-related priorities on a regular basis. The EU’s policy output has increased measurably, with an intensification of bilateral consultations with key partners on WMD matters and a flurry of joint statements and joint declarations on the one hand and very concrete proposals—such as the Council’s call to set up a code of conduct for outer space activities—on the other.¹⁹ Although the progress reports uncritically summed up all the EU’s activities and achievements, it became clear to member states that the EU’s non-proliferation efforts were insufficient to meet some of the specific objectives set out in 2003.

In 2008 France initiated a review of the WMD Strategy, and the Council Conclusions from December 2008 endorsed a statement on international security that identified specific actions ‘to enable the EU to play a more active role in combating terrorism, proliferation of weapons of mass destruction, organised crime and cyber-attacks’.²⁰ The Council asked member states to give substance to this statement by adopting appropriate policies and instruments, which then formed the basis of the New Lines for Action.²¹ New

¹⁴ European Council (note 13), p. 6; Council of the European Union (note 1), p. 2.

¹⁵ Council of the European Union (note 1), p. 2; European Council (note 13), p. 4.

¹⁶ Council of the European Union (note 1), p. 6; and Berenskoetter, F. S., ‘Mapping the mind gap: a comparison of US and European security strategies’, *Security Dialogue*, vol. 36, no. 1 (Mar. 2005).

¹⁷ Hyde-Price, A., ‘European security, strategic culture, and the use of force’, *European Security*, vol. 13, no. 4 (2004).

¹⁸ Council of the European Union (note 12), p. 6.

¹⁹ Council of the European Union, Council conclusions and draft Code of Conduct for outer space activities, 16560/08, Brussels, 3 Dec. 2008.

²⁰ Council of the European Union, Brussels European Council 11–12 December 2008: Presidency conclusions, 17271/1/08 Rev 1, Brussels, 13 Feb. 2009, p. 18. See also Council of the European Union, Implementation of WMD Strategy: updated list of priorities, 10747/08, Brussels, 17 June 2008.

²¹ Council of the European Union, Statement on tighter international security, 16751/08, Brussels, 3 Dec. 2008; and Council of the European Union (note 3).

Lines read that 'Close coordination between EU institutions and Member States will be necessary to ensure coherence and synergies between ongoing and future activities and actions'.²² It mentioned that the threat to Europe from WMD proliferation had grown since 2003, especially that of chemical, biological, radiological and nuclear (CBRN) terrorism. New Lines offered little in terms of new initiatives or a change in the EU's policy approach. Instead, it was mainly intended to raise awareness within member states of the growing WMD proliferation challenge, calling on government, scientific and academic circles to be better informed on non-proliferation matters and the potential risks of their own activities. One of the main changes was the request to the Joint Situation Centre (SitCen) to draft a specific document for evaluating trends, risks and threats regarding proliferation.²³ This document was expected to better target and calibrate EU non-proliferation policies and also to focus the EU's geographical priorities regarding cooperation with third countries. Although New Lines offered itself as a modest update to the WMD Strategy, it was widely regarded as a call for more coherence and effectiveness of an EU WMD Strategy that had not (yet) delivered on its promises.

Here, a serious problem is the well-known capabilities–expectations gap that is particularly wide on WMD matters in the EU.²⁴ This starts with the fact that the EU's WMD Strategy is, in fact, not a common strategy at all, at least not in the CFSP-context. The common strategy is a CFSP legal instrument introduced by the Amsterdam Treaty, in which Article 13 stipulates that the European Council shall determine common strategies to be implemented by the EU in domains where the member states have important interests in common. In practical terms, a common strategy specifies an objective, a time frame and the resources that the EU and member states must provide for it. It is usually put in place for a period of four years and is implemented by the Council, notably by means of joint actions and common positions. So far, only three common strategies have been adopted: on Russia in June 1999, on Ukraine in December 1999

and on the Mediterranean in June 2000. This means that the WMD Strategy is a misnomer and is, in fact, a hollow instrument with the authority of an informal political declaration. The commitment to review implementation regularly and at a high level (the biannual reports) was supposed to increase the WMD Strategy's impact, but this has only been partially successful.

III. TOOLS FOR IMPLEMENTATION

The ESS and the concomitant WMD Strategy have been billed as major steps towards developing a coherent and effective EU foreign and security policy. Generating consensus has become a constantly reoccurring challenge for EU decision makers, mainly since decision making on CFSP issues is decentralized and the resources for policy implementation are dispersed. As a result, it is through voluntary commitment that EU member states can act collectively and orient national policies towards commonly agreed objectives. The emphasis is, therefore, on refining working methods, coordination procedures and the administrative underpinnings of such a coordination process. The EU's many declarations and statements on WMD proliferation have over the years indeed established a policy *acquis* around which national policies were expected to converge.

Lack of coherence does, however, remain the key problem. As Lina Grip has argued, the WMD Strategy was framed as a horizontal issue within the CFSP aimed at integrating non-proliferation policy with the EU's external relations (trade and development cooperation). But 'few links were made' and, hence, 'the strategies effectively made the non-proliferation of WMD an intergovernmental policy—an area under which the Commission's mandate was limited'.²⁵ As long as the EU fails to assure that all its institutions—from the Commission and the European Parliament to the Council—work together, the lack of coherence will result in relative ineffectiveness. But the EU has more to do than get its house in order, since member states themselves still have major normative and policy dichotomies. A coherent and effective EU WMD policy is difficult, if not impossible, to establish by the simple fact that the EU comprises nuclear weapon states and

²² Council of the European Union (note 3), p. 6.

²³ The SitCen is an intelligence unit within the Council Secretariat that offers analysis to EU bodies using information provided by national intelligence agencies.

²⁴ Hill, C., 'The capabilities–expectations gap, or conceptualizing Europe's international role', *Journal of Common Market Studies*, vol. 31, no. 3 (Sep. 1993).

²⁵ Grip, L., 'Mapping the European Union's institutional actors related to WMD non-proliferation', EU Non-Proliferation Consortium Papers no. 1, May 2001, <<http://www.nonproliferation.eu/activities/activities.php>>, p. 2.

non-nuclear weapon states, members of the North Atlantic Treaty Organization (NATO) and non-NATO states, and supporters and opponents of nuclear energy. Despite the EU's efforts to strengthen its own role on non-proliferation matters, its WMD policy remains capital-based with national experts and representatives from member states playing a key role.

By ending the pillar structure, the Lisbon Treaty also ended the divide between the Council of the EU and the Commission in the CFSP.²⁶ By creating the 'double-hatted' position of HR for Foreign Affairs and Security Policy and Vice President of the European Commission, the EU now has one person (Catherine Ashton, the position's inaugural appointee) who is in charge of CFSP and also has access to the Commission's assets and authority. Expenditure on CFSP operations is now financed from the Community budget, with the exception of operations with military or defence implications—or if the Council unanimously decides otherwise. The European External Action Service (EEAS) is at the HR's disposal as well, offering new opportunities for the EU to strengthen its role in world affairs. But despite these important institutional changes, the horizontal nature of non-proliferation has made it hard to coordinate the wide variety of EU efforts in this area. While the Council of the EU is responsible for setting strategy and political negotiations with third parties, the Commission remains in charge of the financial implementation of the CFSP budget and for trade, development assistance and other elements of cooperation that are usually part of so-called mixed agreements with third parties. Since the WMD clause is often inserted in these mixed agreements, the Commission's role in the overall EU WMD policy remains substantial.

Since 2007, Commission and Council officials meet once a month (on average) in the framework of the EU's WMD Monitoring Centre. Rather than 'monitoring' WMD-related developments around the world as its name might suggest, the centre functions as a coordination mechanism, aimed at streamlining the non-proliferation policies of EU institutions. The European Parliament also shows a keen interest in WMD matters, and since 1979 has adopted a stream of resolutions dealing especially with the NPT, Iran and North Korea. Although the European Parliament scrutinizes EU policies and has control over the

²⁶ The division is still there, but now the HR/VP works as a bridge between the 2 institutions.

budget, its influence on the EU decision-making process is limited. The European Parliament has been particularly vocal in calling for a common EU WMD non-proliferation policy and has called on other EU institutions and member states to overcome their differences.²⁷

As mentioned above, the EU's WMD policy remains largely intergovernmental with experts and representatives from the foreign ministries of member states playing a key role. Member state officials now make up one-third of the staff in the EEAS. Although most confidential information is shared within the Council (as well as the Political Security Committee, PSC), discussions in these arenas on the policy implications for the EU remain uncommon. Instead, in-depth discussions take place in the working groups, in particular the Council Working Party on Non-Proliferation (CONOP) and the Council Working Party on Global Disarmament and Arms Control (CODUN). These working groups are now permanently chaired by EEAS officials. Although academics have put some hope on the socializing effects of these working groups, since they could facilitate the development of a much-needed strategic consensus on WMD matters, these hopes have yet to materialize.²⁸ It is clear that expert working groups composed of mid-level officials that cannot set political direction will only be able to offer technical approaches.

Member states remain unconvinced that the EU can be trusted with the hard challenge of devising and implementing a WMD non-proliferation policy that would yield better results than the current arrangement. Surely, the divisions among member states make it hard to envisage a common EU policy of substance that would take into account the economic, political and security interests of most—let alone all—member states. The ongoing debate within the EU about India's possible accession to a variety of nuclear-related export control regimes is a case in point.²⁹

²⁷ European Parliament, Resolution on measures to safeguard the Non-Proliferation Treaty, *Official Journal of the European Communities*, C262, 14 Oct. 1985, p. 84; European Parliament, Resolution on the importance of the Non-Proliferation Treaty Review Conference, *Official Journal of the European Communities*, C262, 14 Oct. 1985, p. 85; and European Parliament, *Report on Non-Proliferation of Weapons of Mass Destruction: A Role for the European Parliament*, Committee on Foreign Affairs, 2005/2139, FINAL A6-0297/2005, 12 Oct. 2005.

²⁸ Kaunert, C. and Zwolski, K., 'The EU and climate security: a case of successful norm entrepreneurship?', *European Security*, vol. 20, no. 1 (2011).

²⁹ Anthony, I. and Bauer, S., 'Controls on security-related international transfers', *SIPRI Yearbook 2009: Armaments*,

Moreover, some member states also remain sceptical that the EU itself has the wherewithal, cunning and experience to go beyond declaratory policy and make a real impact on matters of importance. As a 2005 British House of Lords report has put it:

The EU institutions do not currently have the legal authority or bureaucratic flexibility needed to implement a comprehensive programme in the area of non-proliferation, which a number of EU Member States continue to regard as an inter-governmental prerogative.³⁰

France has frequently called for a tougher stance against Iran, and in 2007 the French Foreign Minister, Bernard Kouchner, even suggested that Europe has 'to prepare for the worst, and the worst is war!'³¹ Still, it remains hard to imagine that any member state would be willing to let the EU prepare for such a scenario.

CFSP rules and procedures explicitly exclude the adoption of legislative acts. Without legislative competences, the EU has to rely on the rather thin normative and constitutional framework in the field of CFSP. In actuality, when it comes to implementing the 'common' positions associated with various joint actions and other classical CFSP instruments, member states' policymakers often go in divergent directions.³² This leaves the EU's WMD clause that must be included in all mixed agreements between the EU and third countries. This clause stipulates that in case a third country does not comply with the 'existing obligations under international disarmament and non-proliferation treaties and agreements', the EU can, as a last resort, suspend the whole agreement.³³ This policy of 'mainstreaming' uses the same conditionality that the EU has used in relation to promoting human rights and democracy in third countries. Mainstreaming CFSP objectives within trade and development policies is a key element of the EU's objective to capitalize on its economic and financial clout. Effective mainstreaming

is predicated on the understanding that the EU should actively defend its values and interests by making trade and aid contingent on 'good behaviour' of third parties. This was made especially clear in the 2008 New Lines document. To date, WMD clauses have been preliminarily agreed but not signed with, for example, China, Libya, South Korea and several Central American states, while some progress has been achieved in negotiations with Russia, Singapore, Thailand, the Philippines and Viet Nam.³⁴ Only two mixed agreements that incorporate the WMD clause have actually entered into force, and neither of them will have a significant impact since they involve poor countries without WMD capabilities and aspirations.³⁵ In relations with countries where a WMD clause could have a real impact, negotiators from both sides have avoided framing the bilateral cooperation as 'mixed agreements'. For the past four years, the EU and India have been in negotiations for a far-reaching free trade agreement (FTA), but it was decided early on that the FTA would not be tied to any political conditionality.³⁶ India has made it clear that it will not accept the EU's efforts to coax it into accepting additional WMD commitments. Since the EU is likely to accept India's intransigence, this will further undermine the credibility of mainstreaming CFSP matters within the EU and abroad. Obviously, the EU still needs to adjust to the new balance of economic and political power in the world—a new order in which Europe's influence is more limited and in which the EU's normative agenda is either distrusted or ignored.

What remains in the CFSP's arsenal is the CFSP budget for supporting existing international efforts to strengthen the various WMD non-proliferation regimes and the universalization and reinforcement of multilateral agreements in this area. Clearly, after 2003 EU policy documents framed WMD non-proliferation as a top priority for the Union. But despite the declaratory concern for non-proliferation within the

Disarmament and International Security (Oxford University Press: Oxford, 2009).

³⁰ British House of Lords, European Union Committee, *Preventing Proliferation of Weapons of Mass Destruction: The EU Contribution*, 13th Report of Session 2004–05 (The Stationary Office: London, Apr. 2005), p. 68.

³¹ 'France warning of war with Iran', BBC News, 17 Sep. 2007.

³² Puetter, U. and Wiener, A., 'Accommodating normative divergence in European foreign policy co-ordination: the example of the Iraq crisis', *Journal of Common Market Studies*, vol. 45, no. 5 (Dec. 2007).

³³ 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*, Brussels, 14997/03, 19 Nov. 2003, p. 4.

³⁴ Council of the European Union, *Annual Report from the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament on the Main Aspects and Basic Choices of the CFSP, 2009* (European Union: Brussels, June 2010), p. 7.

³⁵ These agreements are with Albania and the revised Cotonou Agreement with most of the African, Caribbean and Pacific Group of States.

³⁶ 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>, pp. 10–11. Another example is the emergency autonomous trade preferences for Pakistan agreed on after the flood there in 2010, which is not linked to any conditionality or dialogue on non-proliferation.

EU, the WMD Strategy was adopted without additional budget provisions. In 2004 the CFSP budget was a mere €62.6 million, and around €15 million was used for non-proliferation efforts. The CFSP budget for 2005 set aside only €6 million for non-proliferation.³⁷ The CFSP budget was increased significantly after 2007, but the insufficient funds still make the EU dependent on national contributions and policies.³⁸ But there is another issue apart from the budget's size: the CFSP budget is supposed to be a contingency fund for reacting to crises, not a fund for implementing medium and long-term projects. The use of joint actions supporting the International Atomic Energy Agency (IAEA), the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and the Organisation for the Prohibition of Chemical Weapons (OPCW) is therefore unorthodox.

In the past 10 years the EU has made political declarations in support for international non-proliferation efforts, such as the USA's Proliferation Security Initiative (PSI). The Council of the EU has adopted 20 joint actions to strengthen the role of the BTWC, to reinforce the IAEA, the CTBTO and the OPCW, and to implement UN Security Council Resolution 1540.³⁹ The CFSP budget has further assisted the CTBTO to set up and develop its monitoring facilities and has made the EU a large financial donor to the IAEA, aimed at, inter alia, promoting the conclusion of the IAEA's important additional protocols and the relevant adaptations to national legislation and regulatory frameworks. Joint actions have also been adopted to make some practical progress in non-proliferation capacity-building efforts in third countries and contributed to the construction of the Shchuchye chemical weapon destruction facility in Russia.

The EU has also used Commission budget instruments to fund projects on CBRN risk mitigation in third countries. The European Commission's Instrument for Stability (IFS) funds projects combating WMD proliferation, including fighting illicit trafficking, biosafety and biosecurity. These efforts are all part of the 2008 New Lines for Action. One key priority of the assistance under the IFS has been to establish regional CBRN Centres of Excellence. In principle, setting up Centres of Excellence in

Africa, the Black Sea region, Central and South East Asia, and the Middle East is useful for increasing the institutional capacity of these countries to fight CBRN risks. The difference between WMD proliferation risks and CBRN risks has been part of the debate, both within and among member states and EU institutions. Although the difference may be more political than technical, WMD proliferation mainly deals with large-scale weaponry and technology, whereas CBRN risks mainly deal with so-called 'dirty bombs' and the small-scale use of hazardous material by non-state actors. In 2009 the EU adopted a CBRN Action Plan aimed at strengthening its own internal security against this threat.⁴⁰ Since addressing CBRN risks mainly involves civil protection, it is of a markedly different nature than classical WMD non-proliferation efforts and has little to do with the EU's CFSP as such.

All these EU efforts are reported in detail in its biannual progress reports, published each June and December. Backing up the aforementioned treaties, organizations and regimes is part of the EU's approach to effective multilateralism. At the same time, the EU tries to buy more voice and influence within these frameworks by making itself an indispensable donor. Although the effectiveness of this approach is disputed, it illustrates the EU's politics (or tactics) of 'actorness by stealth' (i.e. becoming influential by strengthening and influencing other already existing organizations).⁴¹ This technocratic assistance and aid approach places the EU squarely within its comfort zone. The ethics of CFSP are based on the assumption that poverty reduction and human rights are central to creating sustainable solutions to most crises. 'No development without peace' is the EU mantra, and vice versa. The triad of peace, security and stability has become the leitmotif of the EU's external relations lexicon, with a strong emphasis on the need for comprehensive and coherent policies in global development and security policy. This applies to the EU's approach to fighting international terrorism and dealing with WMD proliferation challenges.

It would be useful to assess the real, concrete impact of the EU's financial contributions to all these institutions and agencies along with how well the

³⁷ British House of Lords (note 30), p. 41.

³⁸ Council of the European Union (note 34).

³⁹ UN Security Council Resolution 1540, 28 Apr. 2004.

⁴⁰ 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—adoption, 15505/1/09 REV 1, Brussels, 12 Nov. 2009.

⁴¹ Jorgensen, K. E. (ed.), *The European Union and International Organizations* (Routledge: London, 2009).

Centres of Excellence are working, what the impact of the Resolution 1540's efforts in developing countries are and so on. While it is surely too soon to do this, it is important to create a methodology now for doing so effectively in the future. In the meantime, it would be dangerously wrong to equate money spent with results achieved. If this were the case, the basic principles of the EU's approach of effective multilateralism would be discredited and detract from the EU's credibility and effectiveness, not just in the case of its WMD Strategy but of the ESS as a whole.

IV. THE ROLE OF NON-PROLIFERATION IN THE CFSP

The ESS recognized five key threats that function as a de facto priority list for the EU's CFSP and CDSP agenda: terrorism, proliferation of WMD, regional conflicts, state failure and organized crime. It also mentioned other global challenges, such as energy dependency, pandemics, competition for natural resources, and—in its 2008 update—cybersecurity and climate change, inter alia.⁴² The ESS went as far as to describe WMD proliferation as 'potentially the greatest threat to our security' and to state that it considers CBRN terrorism as 'the most frightening scenario'.⁴³ New Lines was considered a necessary call to member states, and to EU institutions themselves, to improve on the efficiency of the WMD Strategy. New Lines suggested that the rise of private and illegal networks contributed to the dissemination of dual-use technologies, adding to the WMD threat to EU citizens. As noted above, New Lines frequently mentioned the importance of 'raising awareness' (15 times in 25 pages), which might also explain the somewhat alarmist language used in this document; obviously, both the EU and member states needed to agree on a common set of future WMD non-proliferation priorities.

Although budgets may not always reveal where the real priorities lie, it should be obvious that WMD proliferation has been relegated to a second-tier concern. The 2009 CFSP budget allocated a mere €5.5 million for WMD non-proliferation and disarmament policies—approximately the same amount as the EU's police mission in the Democratic

Republic of the Congo.⁴⁴ Despite the discourse of threat in the ESS and related EU documents, WMD proliferation seems to compete for awareness, diplomatic attention and financial resources with other, equally important challenges. For example, the EU clarifies that combating terrorism and climate change are 'top priorities' for the EU. Given so many priorities, it comes as no surprise that the EU's CFSP has been largely event-driven.

For example, the EU's Counter-terrorism Strategy has mainly responded to the attacks of September 2001 in the USA, March 2004 in Spain and July 2005 in the UK. As with the EU's WMD non-proliferation policy, the confusing institutional set-up of the EU combined with widely different threat perceptions and political and legal traditions among member states has turned the EU's Counter-terrorism Strategy into an ad hoc process.⁴⁵ The EU's Counter-terrorism Coordinator

publicly complained about the national bureaucracies' lack of enthusiasm in implementing political decisions. What had been created since the September 2001 attacks, as a result of the need for urgent action, ultimately became a patchwork of decisions and mechanisms so complex that even EU officials—let alone the public at large—lost sight of what had been decided, who was doing what when, and who was in charge of implementing the wide variety of decisions. The track record of all these decisions was difficult, if not impossible, to assess.⁴⁶

Just as with the WMD Strategy, the EU's Counter-terrorism Strategy is merely a political declaration without legal status. In the end, member states determine whether they want to comply with all the objectives laid down in these documents. As with the WMD Strategy, the desire of member states to deepen cooperation tends to lose momentum after these strategies are finally adopted following protracted diplomatic negotiations.⁴⁷

The EU's WMD Strategy has also been overshadowed by the EU's efforts to put itself forward as a so-called green superpower.⁴⁸ The EU's identity as a 'force for good' fits hand-in-glove with its consorted action to halt global warming through multilateral partnerships

⁴² European Council, Report on the Implementation of the European Security Strategy: Providing Security in a Changing World, S407/08, Brussels, 11 Dec. 2008.

⁴³ European Council (note 13), pp. 3–4.

⁴⁴ Council of the European Union (note 38), Annex III: CFSP budget 2009—commitment appropriations.

⁴⁵ Coolsaet, R., 'EU counterterrorism strategy: value added or chimera?', *International Affairs*, vol. 86, no. 4 (July 2010).

⁴⁶ Coolsaet (note 45), p. 860.

⁴⁷ Puetter and Wiener (note 32).

⁴⁸ Boydell, E., 'An environment for integration? Climate change, sustainable development and Europe's external identity', *ANU Undergraduate Research Journal*, vol. 1 (2009).

and the promotion and development of low-carbon technologies. The failure of the UN Climate Summit in Copenhagen in December 2009 has detracted somewhat from the appeal of this multilateral approach. Still, the dedication to multilateralism, international treaties and technocracy remain central elements of the EU's Directorate-General for Climate Action (DG CLIMA) policies.⁴⁹

The main reason why the EU has raised expectations in the field of WMD proliferation seems to be to encourage member states to live up to their political promises and coordinate relevant policies within the EU's rapidly improving institutional infrastructure. The approach of raising expectations has, however, not been successful. Member states are not prepared to relinquish their own strategic interests for the sake of more coherence on the EU level. This is, of course, hardly new. A short burst of diplomatic attention following the adoption of a new 'strategy' (on WMD proliferation, counter-terrorism or other areas) quickly peters out into working groups and often inconsequential reports. Furthermore, one cannot escape the impression that these 'strategies' and follow-up documents and reports are themselves considered the core of EU policy, rather than the real-life, practical results that need to be realized to defend Europe's values and interests. There is too much blame to go around to pinpoint either the EU or member states themselves for this deadlock. Key member states such as France and the UK consider the EU too inexperienced to trust with such a strategic portfolio. Since no agreement can be reached on the role of nuclear weapons, the use of (military) force and the course of (nuclear) disarmament, final EU policy guidelines remain vague and often geared towards the ill-defined mantra of 'effective multilateralism'.

Still, the EU's developing institutional framework should give member states more confidence that the CFSP deserves another chance—especially since the HR and the newly established EEAS offer opportunities for consorted EU policies and actions that did not exist before. It is too early to tell whether Ashton has made her mark as the head of EU foreign and security policy. As one observer noted, the 'decisive factor will be the respect that member states show for the role. [If Ashton] gets rebuked two or three times

⁴⁹ European Commission, Directorate-General for Climate Action, 'About us: what we do', <http://ec.europa.eu/dgs/clima/mission/index_en.htm>.

on high profile issues . . . we may have to wait another decade before anything serious changes'.⁵⁰ On the hard WMD proliferation case of Iran, Ashton has been less outspoken than her predecessor, Solana (see below). Her first real challenge in this area was the May 2010 NPT Review Conference (RevCon), a test that the EU and the HR passed.⁵¹ In March 2010 the EU presented its Common Position on the RevCon, calling for, inter alia, 'verifiable and irreversible reduction and elimination' of non-strategic (i.e. tactical) nuclear weapons.⁵² Negotiations among the 27 EU member states had been difficult, given that debates on nuclear weapons tended to take place within NATO. The EU has claimed success on several key issues, such as reaching consensus on the RevCon Action Plan, on the CTBT and the WMD-free zone in the Middle East.

It was widely agreed that the NPT RevCon indicated the progress made in CFSP since the Lisbon Treaty entered into force. For example, although the EU is not a state party to the NPT, it took part in the final stages of the negotiations and was offered a full seat at the table during the decisive negotiations towards the Action Plan, which was composed of a restricted group of countries convened by the RevCon's president. This group included the five permanent members of the UN Security Council (P5), plus Brazil and Mexico. Moreover, the fact that Ashton was invited to give a speech on the opening day of the RevCon signalled the EU's growing role in crucial international forums.⁵³ It also showed that the EU could offer both 'unity of voice' and 'cohesion of message' on issues of 'high politics'.

But the real test case for the EU's WMD Strategy remains Iran's nuclear programme, which may set off a domino effect in the Middle East and undermine global trust in the NPT and other WMD treaties and regimes. In 2005 Solana indicated that

Even if Iranian intentions are peaceful, it would be dangerous for others even to suspect Iran of having a nuclear weapons programme. That alone could

⁵⁰ 'Ashton to fight for EU leaders' respect', EuActiv.com, 18 Dec. 2009, <<http://www.euractiv.com/en/priorities/ashton-fight-eu-leaders-respect/article-188361>>.

⁵¹ Sturm, P., 'The EU's performance at the 2010 NPT Review Conference', ISIS Europe, *European Security Review*, no. 50 (July 2010).

⁵² Council Decision 2010/212/CFSP of 29 March 2010 relating to the position of the European Union for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Official Journal of the European Union*, L90, Brussels, 10 Apr. 2010.

⁵³ Ashton, C., Speech at the Nuclear Non-Proliferation Treaty (NPT) Review Conference, A 68/10, New York, 3 May 2011.

trigger a nuclear arms race. At this point the whole of the NPT regime would be more or less in tatters.⁵⁴

Recently, Saudi Arabia hinted that if Iran would indeed acquire nuclear weapons it would follow Iran's example.⁵⁵ Should Iran 'go nuclear', it would expose the limits of the EU's approach of effective multilateralism and hence shake the very foundations of its CFSP. This explains why the EU considers Iran the ultimate challenge to its WMD Strategy and why it may rightfully be considered a litmus test for the EU approach to peace and security.

V. IRAN AS A LITMUS TEST

In August 2002 clandestine nuclear activities were discovered by the IAEA in several Iranian nuclear facilities. Determined not to be sidelined as it was following the Iraq fiasco, key EU member states were keen to play a central role in the international community's efforts to keep Iran from acquiring nuclear weapon capabilities. Foreign policy analysts considered Iran's nuclear ambitions a test case for the EU's CFSP and an opportunity for the EU to establish itself as an influential independent actor with global security ambitions.⁵⁶ The EU's concerns over Iran's nuclear goals were not new. In 2001 the European Commission had already expressed its unease with 'Iran's intention to develop weapons of mass destruction'.⁵⁷ The Iranian nuclear programme was mentioned for the first time in EU Council Conclusions in June 2003, but in rather moderate terms: 'The nature of some aspects of Iran's programme raises serious concerns'.⁵⁸

In October 2003, the foreign ministers of France, Germany and the UK—the so-called E3—travelled to Tehran to open discussions and negotiations with Iran over its nuclear programme. They delivered the message that the USA was not bluffing about widening

its military campaign if Iran did not suspend sensitive parts of its nuclear programme. This visit took place during the debate on the ESS and WMD Strategy. At the same time, EU member states were divided on Iraq's alleged WMD programme and the legality of the US-led ousting of Saddam Hussein's regime. The E3's initiative vis-à-vis Iran was therefore informed by the desire to rise above these differences and to find consensus. Since the USA aimed at isolating Iran, the EU's long-standing (since 1992) 'critical dialogue' with Iran offered a unique advantage. The EU–Iranian relationship involved a formal human rights dialogue, negotiations on a trade and cooperation agreement (TCA) since December 2002 and a political dialogue. Still, the much-heralded October 2003 commitment from the Iranian Government to sign an additional protocol with the IAEA (in the so-called Tehran Declaration) was achieved without any formal EU role whatsoever. This changed with the Paris Agreement of 15 November 2004, which stated that the text is agreed between the governments of the E3 and Iran, and 'with the support of the High Representative of the European Union (E3/EU)'.⁵⁹

The initiative for direct negotiations with Iran on nuclear matters by the E3 met with few suspicions and with no significant resistance within the EU. The spectre of a Directorate leading the EU's foreign and security policy did not raise its head, confirming a tacit agreement that something had to be done to avoid a new European imbroglio à la Iraq. Although EU involvement was kick-started by the E3, it also soon became clear that the EU's formal involvement in negotiations with Iran would strengthen the EU's hand and offer a unique opportunity to fortify the EU's global security image. By affirming a shared willingness to promote security and stability in the Middle East, the Tehran Declaration and the Paris Agreement went beyond purely nuclear matters. The EU's proclivity for multilateralism and a comprehensive approach to security and development implied that negotiations would soon be widened to matters such as 'terrorism, Iran's approach to the Middle East peace process, regional issues as well as respect for human rights and fundamental freedoms'.⁶⁰ Moreover, as a mixed agreement, the TCA negotiations offered limited

⁵⁴ Solana, J., *Intervention by Javier Solana, EU High Representative for the Common Foreign and Security Policy*, Munich Conference on Security Policy, S059/05, Munich, 11–13 Feb. 2005.

⁵⁵ 'Riyadh will build nuclear weapons if Iran gets them, Saudi prince warns', *The Guardian*, 29 June 2011.

⁵⁶ Everts, S., *Engaging Iran: A Test Case For EU Foreign Policy*, Working Paper (Centre for European Reform: London, 2004).

⁵⁷ Commission of the European Communities, Communication from the Commission to the European Parliament and the Council: EU Relations with the Islamic Republic of Iran, COM(2001) 71 final, Brussels, 7 Feb. 2001, p. 8.

⁵⁸ General Affairs and External Relations, 2518th Council Meeting, External Relations, 10369/03 (Presse 166), Luxembourg, 16 June 2003, p. 24.

⁵⁹ Statement by Javier Solana, EU High Representative for the CFSP, on the Agreement of Iran's Nuclear Programme, S0304/04, Brussels, 15 Nov. 2004.

⁶⁰ General Affairs and External Relations, 2719th Council Meeting, External Relations. 7035/06 (Presse 69), Brussels, 20 Mar. 2006.

opportunities for conditionality since Iran has been the EU's fifth most significant source of oil between 2000 and 2006.⁶¹

It is hardly an exaggeration to claim that Iran has been a watershed for the EU's CFSP. The E3—and later the EU/E3 and EU/E3+3—were symbolic for the institutional development of CFSP, going hand-in-hand with the first security strategy based on the EU's values and interests.⁶² However, the EU's Iran policy also showed the inherent limits of the comprehensive approach and the determination to work in accordance with all relevant international institutions. Since 2005 Iran has adopted an intransigent stance towards the EU, which resulted in Iran's rejection of the EU's attempts to broaden the dialogue. Still, the EU has continued to follow a dual-track approach, based on dialogue and a modest measure of coercion. Even though the EU has strictly implemented the many UN Security Council resolutions on economic sanctions on Iran, it has always followed Solana's dictum that 'Dialogue remains at the core of the process'.⁶³ Even after the suspension of the TCA and Political Dialogue Agreement in 2005, contacts between the EU and Iran were not broken off completely, and limited cooperation continued on anti-drug-trafficking support for Afghan refugees as well as higher education (Erasmus Mundus).⁶⁴ In July 2009 Iran suggested that the EU was interfering in its presidential elections and claimed that the EU was therefore 'unqualified' to hold further talks on its nuclear programme. This marked the end of the E3+3 dialogue with Iran, and there are no indications that Iran is prepared to make concessions on its nuclear activities. Since the likelihood of an Israeli or US preventive military attack on Iran is small, diplomatic and economic pressures remain the

key tools for persuading Iran to abandon its nuclear programme.

The EU has done its fair share and more in Iran. Since the EU is Iran's largest trading partner and Iran only ranked 26th on the list of sources of EU imports, the EU has been expected to use its economic leverage wisely. In 2009, 40 per cent of all EU exports to Iran were machinery, providing an indispensable contribution to Iran's faltering petrochemical sector. The E3 has drafted several UN Security Council resolutions mandating severe economic sanctions on Iran. The EU has not only strictly implemented these UN sanctions, but broadened their scope by extending travel bans on individuals, enacting a comprehensive arms embargo and freezing the assets of individuals and Iran's largest banks. In July 2010 the EU imposed a new set of sanctions targeting Iran's energy, transport, banking and insurance sectors, making it impossible for new EU investment to flow into Iran. The EU has achieved unity over its sanctions policy towards Iran despite the significant national commercial interests at stake for many member states. For example, in February 2009, numerous member states opposed stricter sanctions proposed by the E3+3. Cyprus, Greece and Malta especially opposed expanding the scope of UN sanctions against Iranian shipping lines, whereas Austria, Belgium and Sweden resisted confrontational policies and economic coercion in favour of multilateralism and an open dialogue.⁶⁵

Still, the EU should be commended on acting in concert and without too much political disagreement on the course and timing of its policies towards Iran. As David Baldwin has argued, 'economic statecraft is likely to be especially useful in registering approval or disapproval. [Sanctions] usually cost more than propaganda or diplomacy and thus tend to have more inherent credibility'.⁶⁶ Despite the lack of concrete results, the EU's leadership on sanctioning Iran has indeed consolidated the Union's determination.

But there is, of course, another side to this story. By taking on such a hard case as Iran, the EU runs the risk that its dual-track approach of multilateralism and economic coercion will fail publicly. Were Iran to break out of the NPT and produce nuclear weapons, despite a decade of intensive EU diplomacy and pressure, this would undermine the EU's reputation and discredit

⁶¹ Checchi, A., Egenhofer, C. and Behrens, A., 'Background paper on long term security strategy for Europe', SECURE: Security of Energy Considering its Uncertainty, Risk and Economic Implications, Dec. 2008, p. 12.

⁶² EU/E3 refers to the EU's High Representative plus France, Germany and the UK; the E3+3 (also known as the P5+1) is the E3 plus the 3 remaining members of the UN Security Council (China, Russia and the USA); and EU/E3+3 is the EU and the P5+1.

⁶³ Selection of Questions by Persian-speaking Readers of BBC World Service (Persian Service) to EU HR Javier Solana, 30 June 2004.

⁶⁴ Council of the European Union, EU-Iran: Basic Facts, April 2009, <www.consilium.europa.eu/uedocs/cmsUpload/EU-IRAN_Basic_facts_April_2009.pdf>; European Union, External Action, 'EU and Iran Cooperation', <http://www.eeas.europa.eu/iran/cooperation_en.htm>; and European Commission, 'Erasmus Mundus: scholarships and academic cooperation', Education & Training, <http://ec.europa.eu/education/external-relation-programmes/doc72_en.htm>.

⁶⁵ Oezbek, E., 'The EU's nonproliferation strategy: Iran as a test case', *Strategic Assessment*, vol. 13, no. 2 (Aug. 2010), p. 73.

⁶⁶ Baldwin, D., *Economic Statecraft* (Princeton University Press: Princeton, NJ, 1985), p. 107.

its WMD Strategy. After a good start in 2003, the EU's approach towards Iran has lost steam and some of its shine. The tough sanctions of 2010 are as much pressure the EU can reasonably put on Iran, and only time will tell whether this will be effective. With Ashton at the helm of CFSP, the EU's Iran policy has lost the profile acquired by the personal determination of Solana. More often than not, the EU has waited for the IAEA and the UN Security Council to officially assess Iran's actions and formulate policy options. When a journalist inquired after the EU's reaction to another Iranian provocation in January 2010, Ashton quite typically remarked that 'We just have to wait and see what comes out of the discussions of the Security Council'.⁶⁷ In the end, Iran's willingness to negotiate with the EU has bought it the most precious outcome of all: time. Iran's leaders have used—or abused—the EU approach of effective multilateralism to distract the international community, which has now de facto accepted Iran's right to enrich uranium on its own territory.

Given the plethora of UN Security Council resolutions and the EU's commitment to stop Iran's nuclear programme, the lack of tougher language from the EU and the concomitant threat of supporting possible military action remain surprising. Lee Feinstein and Anne-Marie Slaughter argued in 2004 that the international community does not just have a responsibility to protect but also a duty to prevent security disasters as well as humanitarian ones—even at the price of violating sovereignty.⁶⁸ The EU continues to talk softly, but instead of a big stick it carries a big carrot.⁶⁹ This might be sufficient to prevent countries from pursuing nuclear weapons in the first place, but it has proven insufficient to counter proliferation when it is already on track, as is the case with Iran.

VI. CONCLUSIONS

Strengthening the norm of WMD non-proliferation globally is a challenge of major proportions. It is, therefore, laudable that the EU is actively engaged in encouraging the universalization of this norm and

⁶⁷ Goodenough, P., 'No sign of international unity on Iran after administration's latest deadline passes', CNSNEWS.COM, 26 Jan. 2010, <<http://www.cnsnews.com/node/60404>>.

⁶⁸ Feinstein, L. and Slaughter, A. M., 'A duty to prevent', *Foreign Affairs*, vol. 83, no. 1 (Jan./Feb. 2004).

⁶⁹ Stubb, A., Finnish Minister for Foreign Affairs, 'Dignified foreign policy', Lecture, London School of Economics and Political Science, 11 Nov. 2010, p. 11.

that it helps to strengthen those organizations that are already set in place to do so. The WMD Strategy was part of the EU's first-ever security strategy and served as a symbol of the EU's awakening as a global security actor. Both documents were event-driven, and they aimed at overcoming the intra-European political cleavages opened up by the US-led invasion of Iraq. Since the EU often uses crises to advance towards more integration, these new strategic documents were not fully unexpected. From the unambiguous phrasing of the WMD threat ('a growing threat to international peace and security'), it logically followed that 'Meeting this challenge must be a central element in the EU's external action' and that the EU 'must act with resolve, using all instruments and policies at its disposal'.⁷⁰ The EU raised expectations on purpose, putting pressure on member states to better coordinate their national policies and to delegate authority and decision-making power to the Union. Due to the popular Dutch and French rejection of the Constitutional Treaty in 2005, it was not until 2009 that the EU's new institutional infrastructure was in place, offering more cohesion between the European Commission, Council, European Parliament, as well as member states themselves.

The cornerstone of the EU's approach has been effective multilateralism, combined with the promotion of a stable international and regional environment and close cooperation with key partners, along with the determination to act resolutely against proliferators. This is a realistic approach since the EU cannot possibly face the challenge of combating WMD proliferation alone. Since 2003 the EU has become an important financial donor to an array of WMD organizations and regimes, strengthening their capabilities to monitor and verify suspected WMD activities. The 2008 New Lines document was billed as a necessary upgrade of the WMD Strategy. But, in reality, it was little more than a rather desperate call on member states to deliver on the promises they made five years earlier and to live up to the expectations built up during that period.

The terrorist attacks in Madrid in March 2004 and in London in July 2005 heightened member states' awareness of the growing terrorist threat, but since no WMD were used in these incidents, the strategic awareness did not spill over in EU policy and did not keep for long. To date, and even after the major changes put in place by the 2009 Lisbon Treaty, the EU's CFSP

⁷⁰ Council of the European Union (note 1), p. 2.

remains markedly intergovernmental. Experts and representatives from the foreign ministries of member states play a central role in the CFSP, especially on WMD proliferation-related matters where the CONOP Working Group is the only place for in-depth discussions on this topic. Ashton still needs to earn the same respect as her predecessor HR Solana. Although Ashton's first active engagement with the WMD agenda (during the NPT RevCon of May 2010) was a success, she has kept a low profile on the Iran agenda. This explains why, for the foreseeable future, member states will remain unconvinced that the EU can be trusted with the hard challenge of devising and implementing a common EU WMD non-proliferation policy.

However, this reluctance of member states cannot be fully explained by a stubborn attitude towards intergovernmentalism. Member states also remain sceptical that the EU has the experience to go beyond declaratory policy and make a real impact on WMD issues. This is directly connected with the EU's self-imposed meekness on strategic issues. On most, if not all, matters of importance, the EU preaches and practices multilateralism and close cooperation with key partners, such as the Canada, Japan, Russia and the USA. The EU is also often awaiting the findings of the IAEA and the judgment of the UN Security Council before it makes its own decisions and devises a course of action. Although this might sound prudent and wise, it has been a recipe for postponing swift and decisive action, especially on matters of critical importance, such as Iran's nuclear programme. It has also been a strategy to hide the EU's internal divisions on WMD proliferation issues and to explain the EU's own indecisiveness by blaming the hesitant 'international community'. Although the EU financially supports all relevant WMD-related international organizations and regimes, it remains unclear what practical effect this support really has. Rather than merely noting the amount donated to these institutions, the EU should seriously evaluate the direct, real-life impact of its investments and develop a methodology now for more effective funding in the future. It should also conduct a thorough study on the voice and influence the EU acquires by its financial support to these bodies. Without such studies and looking at the opportunity costs of these investments and the possible alternative ways to strengthen the EU's values and interests, the EU's financial support remains just figures.

It is often said that politics is the art of the possible. This is wrong since, especially in the EU, politics is the art of making possible what is necessary. In 2003 member states committed themselves to coordinating their WMD policies together within the EU. Since then, the EU has taken major strides towards developing the institutional infrastructure to make the necessary possible. The biannual progress reports offer a detailed overview of the EU's achievements in the WMD proliferation area, but member states remain reluctant to take significant steps towards increased policy coordination at the EU level because they are sceptical that the EU has the experience to go beyond declaratory policy. This is directly connected with the EU's commitment to do everything, or at least as much as possible, multilaterally. It is therefore crucial for the EU to develop a 'strategic culture that fosters early, rapid and when necessary, robust intervention'—a commitment made in the 2003 ESS itself.⁷¹ Europe can only develop a successful WMD strategy if member states decide to give the EU the benefit of the doubt, and if the EU picks itself up and develops a more robust strategic culture based on *realpolitik*.

⁷¹ European Council (note 13), p. 11. See also van Ham, P., 'The Power of war: why Europe needs it', *International Politics*, vol. 47, no. 6 (Nov. 2010).

ABBREVIATIONS

| | |
|----------|--|
| BTWC | Biological and Toxin Weapons Convention |
| CBRN | Chemical, biological, radiological and nuclear |
| CFSP | Common Foreign and Security Policy |
| CODUN | Council Working Party on Global Disarmament and Arms Control |
| CONOP | Council Working Party on Non-Proliferation |
| CSDP | Common Security and Defence Policy |
| CTBT | Comprehensive Nuclear-Test-Ban Treaty |
| CTBTO | Comprehensive Nuclear-Test-Ban Treaty Organization |
| CWC | Chemical Weapons Convention |
| DG CLIMA | Directorate-General for Climate Action |
| DG RELEX | Directorate-General for the External Relations |
| E3 | 'EU 3' (France, Germany and the UK) |
| E3+3 | E3 plus China, Russia and the USA |
| EC | European Community |
| EEAS | European External Action Service |
| EPC | European Political Cooperation |
| ESDP | European Security and Defence Policy |
| ESS | European Security Strategy |
| EU | European Union |
| FTA | Free trade agreement |
| GAREC | General Affairs and External Relations Council |
| HR | High Representative |
| IAEA | International Atomic Energy Agency |
| IFS | Instrument for Stability |
| KEDO | Korean Peninsula Energy Development Organization |
| NATO | North Atlantic Treaty Organization |
| NPT | Nuclear Non-Proliferation Treaty |
| OPCW | Organisation for the Prohibition of Chemical Weapons |
| P5 | Five permanent members of the UN Security Council: China, France, Russia, the UK and the USA |
| PSC | Political Security Committee |
| PSI | Proliferation Security Initiative |
| RevCon | Review Conference |
| SitCen | Joint Situation Centre |
| TCA | Trade and Cooperation Agreement |
| WMD | Weapons of mass destruction |

A EUROPEAN NETWORK

In July 2010 the Council of the European Union decided to create a network bringing together foreign policy institutions and research centres from across the EU to encourage political and security-related dialogue and the long-term discussion of measures to combat the proliferation of weapons of mass destruction (WMD) and their delivery systems.

STRUCTURE

The EU Non-Proliferation Consortium is managed jointly by four institutes entrusted with the project, in close cooperation with the representative of the High Representative of the Union for Foreign Affairs and Security Policy. The four institutes are the Fondation pour la recherche stratégique (FRS) in Paris, the Peace Research Institute in Frankfurt (PRIF), the International Institute for Strategic Studies (IISS) in London, and Stockholm International Peace Research Institute (SIPRI). The Consortium began its work in January 2011 and forms the core of a wider network of European non-proliferation think tanks and research centres which will be closely associated with the activities of the Consortium.

MISSION

The main aim of the network of independent non-proliferation think tanks is to encourage discussion of measures to combat the proliferation of weapons of mass destruction and their delivery systems within civil society, particularly among experts, researchers and academics. The scope of activities shall also cover issues related to conventional weapons. The fruits of the network discussions can be submitted in the form of reports and recommendations to the responsible officials within the European Union.

It is expected that this network will support EU action to counter proliferation. To that end, the network can also establish cooperation with specialized institutions and research centres in third countries, in particular in those with which the EU is conducting specific non-proliferation dialogues.

<http://www.nonproliferation.eu>



FOUNDATION FOR STRATEGIC RESEARCH

FRS is an independent research centre and the leading French think tank on defense and security issues. Its team of experts in a variety of fields contributes to the strategic debate in France and abroad, and provides unique expertise across the board of defense and security studies.

<http://www.frstrategie.org>



PEACE RESEARCH INSTITUTE IN FRANKFURT

PRIF is the largest as well as the oldest peace research institute in Germany. PRIF's work is directed towards carrying out research on peace and conflict, with a special emphasis on issues of arms control, non-proliferation and disarmament.

<http://www.hsfk.de>



INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES

IISS is an independent centre for research, information and debate on the problems of conflict, however caused, that have, or potentially have, an important military content. It aims to provide the best possible analysis on strategic trends and to facilitate contacts.

<http://www.iiss.org/>



STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE

SIPRI is an independent international institute dedicated to research into conflict, armaments, arms control and disarmament. Established in 1966, SIPRI provides data, analysis and recommendations, based on open sources, to policymakers, researchers, media and the interested public.

<http://www.sipri.org/>