

**INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES**

**THE EU NON-PROLIFERATION AND  
DISARMAMENT CONFERENCE**

**BRUSSELS**

**3-4 FEBRUARY 2012**

Third Plenary Session  
**EU Non-Proliferation Policy and Implementation**

SATURDAY, 4 FEBRUARY 2012

**Annalisa Giannella**

Former Director for Non-Proliferation and  
Disarmament, EEAS

## **Annalisa Giannella**

Thank you very much, Mr Chairman. I have to give an historic perspective of EU policy, so I will try to stick to my mandate. From the entry into force of the Maastricht Treaty, the EU started to develop its security policy, dealing with all kinds of security issues, including non-proliferation and disarmament. It was clear that only through a considerable investment in the security field would the EU acquire credibility as a political actor on the international scene. However, the beginning was difficult. Member states – and in particular their foreign affairs ministries – regarded security issues as their national prerogatives. We could not speak about ‘coordination’ in view of meetings of export control regimes; we could only refer to voluntary information-sharing and contributions. Very quickly, however, everybody realised the potential of acting as ‘the EU’. The first Joint Action was adopted in 1994 in support of a ban on anti-personnel landmines, and another one in 1995, before the NPT review conference, in support of the indefinite extension of the NPT.

The EU was not yet, however, a major player. The Iraq crisis obliged European leaders to reflect on the reasons for their division and on how to minimise the risks of new divisions in the future. A thorough reflection conducted in the European Council and in the Council of Foreign Affairs Ministers led to the unanimous conclusion that the EU should invest much more on ‘preventing’ a proliferation crisis, become a major actor in the non-proliferation field, and consistently include a non-proliferation dimension in its foreign policy and in its relations with third countries. A strategy, which is the highest instrument in the EU hierarchy of acts, was adopted by the European Council in December 2003. The High Representative (HR), Javier Solana, decided in October 2003 to appoint a Personal Representative with a mandate to coordinate, help implement and further develop the EU WMD Strategy and give sharper focus to these issues in the dialogue with third countries.

How has the Strategy been translated into action? One of the main guidelines of the WMD Strategy, as well as of the security strategy adopted by the European Council in parallel, is support to effective multilateralism. The EU has developed a series of initiatives in support of the NPT, the Additional Protocol, the CWC, the BWC, the CTBT, the UN Programme of Action on Small Arms, the Hague Code of Conduct (HCOC), and the Ottawa Convention. These Joint Actions and Council Decisions imply both a political support to the multilateral instruments and a financial support to the international agencies in charge of their verification.

The objectives are the promotion of universality, the promotion of full compliance with the obligations under these treaties, and generally enhancing the credibility of the multilateral regime. Through these Joint Actions and Council Decisions, the EU has made a considerable contribution to preventing proliferation, by expanding the implementation of international norms, securing sensitive materials and facilities, enhancing national capabilities in the area of border controls against illicit trafficking, and re-directing former WMD scientists to peaceful activities. The role of the EU in the field of ‘prevention’ has been clearly recognised by the invitation addressed to the EU to join the G8 deliberations on non-proliferation and the Nuclear Security Summit.

EU member states have also tried to increase the weight of the EU in the decision-making process of international meetings, in particular the review conferences of the multilateral instruments. This has been done through the adoption by the Council of Common Positions setting the line to be held by member states in advance of multilateral meetings. This approach has been only a partial success. Many third countries view the EU Common Positions as preventing real negotiation. On the other hand, member states interpret Common Positions as the smallest common denominator, which does not prevent member states from taking nationally stricter positions or from making national proposals on aspects not covered by the Common Positions. Whilst this interpretation is legally

correct, it is clear that seeing France or Ireland, the UK or Sweden, negotiating independently in the context of the review conferences does not contribute to the EU's credibility.

The EU has also, however, scored very good results:

- The relevance of certain multilateral instruments has been salvaged by the EU. This is the case for the BWC and the HCOC.
- The EU contribution on the WMD-free zone in the Middle East has been important in the NPT context.
- The EU has launched an innovative initiative on security of space, which, if realised, will fill a gap and will demonstrate that the EU can exercise leadership on certain issues.
- The EU contribution to the implementation of UN Security Council Resolution 1540 is crucial in convincing developing countries that proliferation is not or should not be a concern exclusively for Western countries and that they have an interest in fighting proliferation through the implementation of UNSCR 1540.
- We have negotiated joint declarations and action plans with a number of countries, including China and Japan.
- At nearly every EU-USA summit, there is a joint declaration on non-proliferation setting our common goals.
- The EU has developed a dialogue with a number of third countries, in particular developing countries, not only in the context of regional seminars organised in the context of the Joint Actions, but also in the context of negotiations and follow-up to the WMD clause. Contrary to what is said by those who look at this clause as an obstacle, the negotiation of a WMD clause has very often offered an opportunity to discuss with the national authorities of the other country its concerns and its weaknesses, and to envisage then tailor-made cooperation programmes. The WMD clause has played an important role in conveying to our parties the image of an EU which plays a role in political and security affairs.
- Last but not least, the EU has set up a European network of non-proliferation think-tanks which, with its research and discussions, will enlighten the EU HR and the EU institutions in their decision-making process.

It is fully consistent with the 'prevention' approach outlined in the Strategy that the EU has been involved in diplomatic efforts towards Iran. It is very interesting to note that the E3 decided in 1994 to 'associate' the EU HR with their initiative and that, later, the HR was entrusted with the role of 'speaker', not only by the E3, but also by the US, Russia and China. Of course, everybody understands that using the EU HR in this context was convenient from many viewpoints: the Americans would feel comfortable, since this would spare them the need for being exposed directly – we were under the Bush administration; the Russians and Chinese would feel more comfortable with an EU leadership than with an American one; and the E3 could be sure that important elements needed in the package proposals to be offered to Iran could be delivered. The fact remains, however, that, for different reasons, there has been an important recognition that the EU could play a role.

We should not forget that the EU has developed a policy and a number of concrete initiatives in the area of conventional weapons:

- In the field of conventional weapons as a whole category, the EU has been at the forefront in promoting the negotiation of an Arms Trade Treaty within the UN system, coordinating the negotiating positions of the member states but also promoting the ATT vis-à-vis a vast array of countries.
- Over the past 15 years, the EU has established one of the most stringent standards to regulate conventional arms exports through the adoption in 1994 of a Code of Conduct, which was replaced in 2008 by a legally binding Common Position.

- Small arms and light weapons (SALW) is also an area where the EU has been very active, both in its Foreign and Security Policy and in the context of its development assistance. A specific strategy was adopted in December 2005 by the European Council.

We cannot, however, hide from that fact divisions among member states are detrimental to the EU's credibility. The situation on cluster munitions is an example of lack of coherence which can damage the EU's image.

The fact that the WMD strategy refers in the title to non-proliferation only does not mean that EU action is limited to non-proliferation and that disarmament is neglected. On the contrary, the EU supports all obligations derived from the multilateral instruments in a balanced way, and has also funded a number of projects contributing to the dismantling of weapons in both the chemical and nuclear fields. This is also the case in the area of SALW.

In summary, I believe that we can confidently say that, from the EU point of view, the implementation of the WMD Strategy and of the SALW Strategy has allowed the EU to acquire a status on the international scene as a political actor, and I would say that, from the international point of view, the multilateral regime has benefited from the action of the EU.

I know that my colleagues will speak about the future challenges and developments, but I would make two or three brief points about the problems that we face at this stage. In my opinion, there is too much debate about the status of the EU in international fora, about who should take the floor etc. Member states, and maybe some EU institutions, are focusing too much on this issue, instead of focusing their attention on the advantage in substance of having a strong EU with a united voice.

The EEAS does not seem to take full advantage of the new treaty and of the new structures. The focus now seems to be not on the political initiative of the EU, but rather on assistance programmes and on financial instruments. Assistance programmes can achieve good results only if they are carried out in the context of political cooperation. The EU should now focus on including non-proliferation in its strategic plans in the follow-up to the Arab Spring.

The EU should reflect on how to continue to contribute to two main outstanding issues: the Middle East and South Asia. The Middle East is crucially important and I am of the opinion that it is impossible to find a final solution to the Iranian case without launching a real process on the WMD-free zone in the Middle East. I would like to know whether there is any follow-up to the seminar that we had last July in Brussels.

We need to pay attention to any involution tendency. Developing trade ties with countries, while ignoring concerns around security and discrimination vis-à-vis countries which are party to multilateral non-proliferation instruments, would no doubt convey to the world the perception of an EU focusing exclusively on its economic dimension. This would be a real setback with respect to all the efforts undertaken from Maastricht on. In addition to being negative from the point of view of the European integration process, this would not be an advantage for the stability of the non-proliferation regime or, more widely, for international security.

The EEAS should allocate to non-proliferation and disarmament the necessary human resources, including the appointment of a high-level official who could have the authority of sitting with his or her counterparts. Proliferation and disarmament issues should be among the issues on the agenda of EU meetings with third countries at all level, including ministerial and summit meetings. Any work or initiative carried out by EU experts will not bear fruit if the importance of non-proliferation objectives is not stressed by EU leaders with their counterparts. Thank you.

**Peter van Ham**

Thank you very much. To have such a HR for non-proliferation is especially important because, at the moment, we do not have one.