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A European contribution to non-proliferation?

The EU WMD Strategy at ten

Introduction

2003 was a year of crisis. Major disputes about Saddam Hussein's alleged weapons of mass destruction (WMD) programmes and the subsequent US-led invasion of Iraq brought about profound ruptures among European states that shook the European Union (EU) to the core: '...the Iraq crisis exposed serious internal rifts among European governments over the future of European integration and the issue of how to deal with the United States'.¹ However, the deep divisions in the wake of the Iraq War emerged as a wake-up call for Europe's political leaders. They realized that they needed to form a consensus on major security issues, in particular the non-proliferation of WMD, if they wanted to appear to be a credible international security actor. After all, a new WMD crisis had already emerged on the horizon, when an Iranian opposition group leaked information about illicit nuclear activities in Iran in summer 2002. Moreover, the events of 9/11 and the prospects of mass impact terrorism still loomed uneasily in the background. Ultimately, the development of a common non-proliferation policy became a new top priority for the EU. In other words, as in the case of the European Security and Defence Policy, crisis led to catharsis.²

In practical terms, the EU adopted a series of policy documents dealing with non-proliferation, which themselves culminated in December 2003 in the *EU strategy against proliferation of weapons of mass destruction*, better known as the EU WMD Strategy.³ Even the EU's new key foreign policy document, the 2003 European Security Strategy, emphasized the need to address proliferation challenges urgently. So, just months after the invasion of Iraq, the EU was able to identify WMD proliferation as one of the five key threats facing Europe and declared that it was in the long-term even 'potentially the greatest threat to our security'.⁴ In the years that followed, European policy-makers made considerable efforts to turn the documents' provisions into an accessible common policy worthy of that description.

However, assessments of those efforts have varied considerably, both among academics, as well as in the think tank community. Whereas some have categorized the EU's emerging non-proliferation policy as one of the EU's best performing foreign and security policy fields, in which the EU largely acts as a 'normal power',⁵ others are substantially more sceptical and highlight that 'the divisions among EU member states make it hard to envisage a common EU policy of substance...'.⁶ With the tenth anniversary of the EU WMD Strategy coming up in December 2013, it is timely to revisit the strategy and to assess its implementation by taking stock of the EU non-proliferation policies over the course of the past decade.

Yet, how do we know how good the strategy's implementation is? Overcoming the traditional 'analytical and conceptual anarchy' in foreign and security policy evaluation,⁷ this article adopts a straightforward three-stage approach based on the emerging concept of 'performance' in the context of international organizations and the EU.⁸ First, it puts the WMD Strategy into the context of an international organization with the peculiar characteristics of the EU. Second, it analyses the institutional structures and financial resources that must be in place before the implementation of the WMD Strategy is possible. Third, it examines the extent to which the EU has been able to use these structures and resources efficiently to achieve the outcomes contemplated in the WMD Strategy. In this regard, it is important to distinguish between different forms of outcome, in particular immediate outcomes, such as the implementation of concrete non-proliferation projects funded by the EU, and long-term outcomes, relating to more fundamental objectives such as the roll-back of a nuclear weapons programme.⁹

Overall, this article argues that the EU has performed unexpectedly well, especially when its institutional and financial constraints are taken into consideration. The WMD Strategy has functioned as an effective catalyst for more intense European collaboration in the field of non-proliferation. Most notably, the EU has made substantial contributions to the large majority of global non-proliferation institutions through numerous pragmatic actions that have strengthened the non-proliferation work of these organizations. In other words, it has helped to consolidate the existing international non-proliferation regime during a time of serious crisis in multilateralism. Through flexible institutional arrangements, the EU has even been able to make significant inroads into traditional areas of 'high politics', in particular in the form of the EU/E3 negotiations with Iran about its nuclear programme. However, significant shortcomings remain: aside from the habitual intra-EU disputes about priorities and resources, the EU has not

been able to produce a ground-breaking, tangible outcome in its external non-proliferation policies, particularly in highly politicized, as opposed to more technical, fields. At the same time, efforts to strengthen internal non-proliferation measures, such as harmonising proliferation-specific criminal sanctions within member states, have largely taken a back seat over the last ten years.

The strategy in broader perspective

The EU WMD Strategy is widely seen as a major point of reference in Europe's common approach to proliferation challenges. For the first time, a single document encapsulates what the Union as a whole considers to be the major priorities and adequate means in the area. However, the actual significance of the strategy can only be assessed if two important dimensions are taken into consideration: the historical context and the EU's peculiar characteristics as an international actor. First, the history of EU non-proliferation policies shows how difficult it was in the 1980s and 1990s to take even timid steps towards something that might remotely be called a common policy.¹⁰ When the member states of the then European Economic Community established the first working group dealing with non-proliferation issues in 1981, even the group's very existence was kept secret.¹¹ It were only the shock waves caused by the events on 9/11 and the 2003 war in Iraq that led to a comprehensive WMD strategy. From this perspective, the importance of a common European document on non-proliferation cannot be overstated.

Second, many analysts tend to examine EU foreign and security policies as if the Union were a nation-state. However, despite some state-like characteristics, the EU's policies in areas such as non-proliferation still depend to a large degree on the consensus among its member states, in particular those with historical interests in the area such as Britain and France, the EU's two nuclear weapon states, or Ireland and Sweden, traditionally firm advocates of nuclear disarmament. As the very existence of a common non-proliferation strategy indicates, member states have toned down their most radical positions over time and in some instances national interests have begun to converge. For instance, nowadays all EU member states have ratified all international agreements on non-proliferation and have become members of virtually all relevant institutions.¹² Yet, differing tendencies remain, especially in areas such as nuclear disarmament or the use

of nuclear energy. Consequently, any assessment of the WMD Strategy and EU non-proliferation policies must consider the Union's unusual institutional arrangements.

Despite these caveats, the strategy's most striking feature is certainly its comprehensiveness. As a major review report by the British House of Lords concluded, the strategy '...is indeed very wide-ranging, and we see no significant gaps'.¹³ It consists essentially of three major parts: a European threat assessment, a set of broad measures and an innovative 'living action plan' that has already been updated several times as part of the strategy's six-monthly progress reports. The threat assessment deals with all types of WMD, including nuclear, chemical and biological weapons as well as ballistic missiles and drones, and considers the use of these weapons by both states and terrorist organizations. Its peculiarity is its emphasis on WMD proliferation as a threat not only to the EU and its member states, but also more generally to the international non-proliferation regime as a whole.¹⁴ The proposed measures to deal with these threats are equally broad. They range from addressing 'root causes of instability' to employing, as a last resort, the use of force under Chapter VII of the United Nations (UN) Charter.¹⁵ The emphasis is, however, on what has been termed 'effective multilateralism', the promotion of global and regional stability and, to a lesser degree, the cooperation with key partner countries, in particular the United States.¹⁶ As the concrete measures and projects in the action plan make clear, the last category remains fairly vague and ambiguous, but stability promotion and 'effective multilateralism' – the strategy's key element – are more specific: the former focuses on non-proliferation and disarmament assistance programmes in partner countries, while the latter emphasizes the universalization of international non-proliferation agreements and the compliance with these agreements through verification, enforcement and control mechanisms. In comparison with the traditionally more passive stance of other powers such as China and with what was at that time a hawkish US approach building on forceful unilateral actions and 'coalitions of the willing', this active promotion of assistance programmes and 'effective multilateralism' can be seen as a key ingredient of a decidedly European way of dealing with non-proliferation challenges.

However, it should be pointed out that two important measures have still fallen short: nuclear disarmament – which remains a controversial topic – and measures to be taken within EU member states. The latter shortcoming was only addressed by the 2008 New Lines for Action that complemented the WMD Strategy and re-focused the EU's attention on internal measures such as enhanced export controls, means to fight

proliferation financing, or ‘models for awareness raising for undertakings, scientific and academic circles, and financial institutions’.¹⁷ Overall, it seems reasonable to argue that, under the circumstances, EU member states have been able to agree on a comprehensive and relatively concrete document addressing proliferation challenges. Yet, ultimately, a strategy is only as good as its implementation. After all, the WMD Strategy might simply be an over-ambitious document without practical implications, as Michael Clarke suggested: ‘The danger with all of these documents is that the EU looks as if it wants to do everything about everything, and we all know it will do very little about anything’.¹⁸

Institutions matter

The EU’s non-proliferation structures have developed silently in the shadow of the Union’s military and civilian crisis management missions, which have so far attracted most attention from scholars. Before the formal adoption of the EU WMD Strategy, Javier Solana, then the EU’s High Representative, had already appointed a personal representative for non-proliferation of WMD. In mid-October 2003, Annalisa Giannella, an EU career civil servant, assumed office and quickly built up a team of roughly ten staff members within the Council of the European Union. Furthermore, the European Commission’s Directorate-General for External Relations had at least two staff members working specifically on non-proliferation issues in a strict sense.¹⁹ In short, from very early on the EU acquired the necessary human resources to implement the WMD Strategy.

Institutionally, however, it has been difficult to make full use of them. The Personal Representative herself was seen initially as a rather weak choice, because she was not a political heavyweight who could successfully push the WMD Strategy agenda through the Council and provide a well-known face for the emerging European non-proliferation policy.²⁰ At the same time, inter-institutional relations between Council and Commission staff working in the area of non-proliferation have been far from smooth.²¹ Originally, the Personal Representative tried to concentrate all non-proliferation relevant work in the Council unit, but the Commission was able to maintain its parallel structures. This was particularly relevant from a financial perspective, because most non-proliferation projects were initially funded as part of the Commission’s regional

programmes, in particular the Technical Aid to the Commonwealth of Independent States (TACIS).²²

After the first few years, however, practical working arrangements were found for most of these problems. At the end of 2006, the rather misleadingly named WMD Monitoring Centre was launched as an inter-institutional coordination mechanism, through which Council and Commission staff were able to exchange relevant information. Although internal assessments of the usefulness of the now defunct centre varied substantially,²³ it is one of the few examples of inter-institutional bridge-building in the area of external affairs prior to the Lisbon Treaty. Crucially, the EU has also increasingly underpinned the emerging institutional structure with substantial funding to implement the provisions of the WMD Strategy. Essentially, there exist two important budget lines: the budget of the Common Foreign and Security Policy (CFSP) based in the Council and the Community budget based in the European Commission. Although the Personal Representative had a clear preference for the flexibility of the former, most funding has actually come from the latter. Whereas the CFSP budget has dedicated approximately 125 million euro to non-proliferation activities in the period between 2004 and 2013, the Community budget earmarked 300 million euros for long-term non-proliferation expenses between 2007 and 2013 alone, when the so-called Instrument for Stability was adopted in late 2006.²⁴ Moreover, biannual CFSP spending figures in the field of non-proliferation have remained relatively stable, even though the overall CFSP budget has grown substantially during the last ten years. This means that the relative amount of CFSP money spent on non-proliferation has actually decreased over time.²⁵ Even with the entry into force of the Lisbon Treaty at the end of 2009 this basic division of EU non-proliferation funding between CFSP and Community budgets has hardly changed.

The Lisbon Treaty was originally regarded as a major game-changer for the EU's foreign and security affairs because it integrated the relevant Commission and Council units within the new European External Action Service with Catherine Ashton as the new High Representative at the helm. However, the actual results of the transition from the pre- to the post-Lisbon structures have been rather mixed, in particular in the field of non-proliferation. In terms of external representation, hardly any change can be recorded. The EU has basically maintained its pre-Lisbon arrangements with international non-proliferation institutions such as the International Atomic Energy Agency (IAEA) and the Nuclear Suppliers Group.²⁶ Internally, the changes have been more substantial, but not always for the better. Most notably, when Annalisa Giannella

retired a year after the entry into force of the Lisbon Treaty, she left an important leadership vacuum that was only filled at the beginning of 2013, when Jacek Bylica, a Polish diplomat and the former head of the NATO WMD Non-Proliferation Centre was appointed by Catherine Ashton as Principal Adviser and Special Envoy for Non-proliferation and Disarmament. In fact, more staff members have left or swapped responsibilities than might be expected under normal conditions. Even the non-proliferation unit itself was moved during the continuous restructuring processes within the External Action Service. Oddly enough, the final structure has essentially kept the old division between Council and Commission alive when it created a unit for WMD, conventional weapons and space, but anchored the responsibility for the non-proliferation programmes of the Instrument for Stability in another unit.

Although these institutional issues have been present for over three years, it is still possible that they merely represent transitional hiccoughs during the infancy of a completely new institution. In fact, several positive developments are already discernible. In Brussels, the institutional structures of the non-proliferation unit in the External Action Service finally appear to be in place. The most promising progress so far has been the establishment of permanent chairs for the Council working groups, in particular the working group on non-proliferation, where representatives of the member states' non-proliferation units usually meet once a month. This new function allows for the replacement of the six-month programmes of the EU's rotating presidencies with a long-term perspective based on the growing expertise in the External Action Service. Likewise, Catherine Ashton has integrated the Iran experts of the non-proliferation unit in her new strategic planning division, which facilitates the direct and less bureaucratic coordination of the High Representative's negotiations with Iran. In Vienna, the upgrade of the small Commission representation to a better staffed EU delegation has improved the EU's ability to coordinate member states' positions in Vienna-based international non-proliferation institutions and increase its outreach to other actors. The integration of so-called *chefs de file* in the delegation also shows how new pragmatic arrangements can make a difference without the need for large-scale legal reforms. In essence, one of the member states with substantial expertise in a highly technical field related to non-proliferation, in particular France and the United Kingdom, now assumes a leadership role by making an issue expert available to the EU delegation and the other member states.

The biggest challenge that remains is the nexus between the EU's external non-proliferation policies and the corresponding policy coordination within the EU. The main problem is the hybrid nature of the issue at stake, i.e. it covers a wide range of overlapping policy fields such as foreign affairs, counter-terrorism, health policy regarding biological weapons or trade policy concerning the control of dual-use items.²⁷ Consequently, the responsibilities for non-proliferation measures – both inside member states and the EU itself – are very complex and diffuse and usually include foreign affairs, interior and trade ministries or different Directorate-Generals in the European Commission.²⁸ In short, no institution exists that may take overall ownership of the broad array of potentially common non-proliferation measures within the EU. Therefore, it should come as no surprise that the internal measures proposed by the New Lines for Action, for example proliferation-specific criminal sanctions or better cooperation with research institutions and private companies, have not been fully implemented. Even in the historically more advanced area of common export controls for dual-use items progress has been slow.²⁹

EU performance: from process to outcomes

At first, the difficulties with the establishment of functioning institutional structures in the EU appeared to vindicate many scholars who, after the adoption of the EU WMD Strategy, doubted that the EU policy would go anywhere beyond a simple institution-building exercise.³⁰ Yet, low expectations did not reflect the reality of concrete EU policy outcomes in the long-term.

The rocky road to Tehran

The most striking omission in the EU WMD Strategy is the specific case of Iran. Although the strategy provides general guidance on how to deal with WMD crises, this lack of direct reference to the most pervasive nuclear crisis of the last decade is at first disconcerting. But given the EU's deep divisions during the 2002–03 Iraq crisis and its unpromising reputation in other high profile cases of WMD proliferation, including North Korea and Syria, this omission might actually have been a prudent step. In essence, the WMD Strategy provided a useful general policy framework without overly constraining the EU and its member states' response to the emerging Iranian nuclear

crisis. In fact, the European approach to Iran turned out to be rather unorthodox. It began with a trip to Tehran in October 2003 by the foreign ministers of what became to be known as the E3 – France, Germany and the United Kingdom – who stepped into the leadership vacuum left by the United States, when it decided not to initiate direct negotiations with Iran. Although the first E3 trip did not count with the official support from the EU, the E3 were quick to include Javier Solana, the then High Representative of the EU, as the lead negotiator and, once the initial E3 format was ‘rectified’,³¹ the E3 initiative was officially endorsed by the other EU member states. In other words, the new EU/E3 format with Javier Solana as the main linkage between the E3 and the EU turned the E3 initiative into an endeavour generally supported by the EU as a whole.

For the E3, the new arrangement confirmed their leadership role without the need constantly to fine-tune their approach with other member states. Moreover, the individual influence that the E3 brought about was multiplied by the backing of the other EU member states. In the words of the current shadow foreign secretary, ‘the EU can be an effective and vital vehicle for amplifying our power such as on Iran where the combined voice and action of 27 European States working together can achieve more than Britain could achieve alone’.³² The other EU member states, for their part, are regularly consulted on Iran and thus enjoy a higher degree of involvement in the Iran issue than as non-EU countries.³³ Moreover, they have an important say in issues affecting them directly such as the imposition of EU-wide sanctions on Iran. Although it is not seen as an ideal solution, all member states accept it as a reasonable arrangement that is more practical than dealing with Iran as a group of now 28 member states. This shows how the EU can find flexible and pragmatic institutional arrangements to deal with a high profile case of nuclear proliferation outside the formal provisions of its founding treaties.

Initially, the European initiative bore remarkable fruits: already during their first trip to Tehran in October 2003, the E3 reached a first agreement with Iran on its nuclear activities. After a series of disagreements in the following months, the EU/E3 and Iran negotiated a year later the more comprehensive Paris Agreement. In exchange for economic benefits and the negotiation of a long-term agreement, this new agreement achieved with hindsight two notable outcomes: first, Iran decided ‘...on a voluntary basis, to continue and extend its suspension to include all enrichment related and reprocessing activities’; second, it continued with the voluntary implementation of the Additional Protocol, which foresees particularly strict nuclear inspections by the

IAEA.³⁴ However, these major outcomes were not long-lived.³⁵ With the election of Mahmoud Ahmadinejad as president of Iran, the Paris Agreement was doomed to fail. The following years have been characterized by a growing confrontation between the regime in Tehran and the EU/E3, including several rounds of sanction against Iran.³⁶ Although in 2006 the EU/E3 were able to integrate the three non-European P5 countries (China, Russia and the United States) in the form of the new E3+3 format and the negotiations under the leadership of Javier Solana and, since 2009, Catherine Ashton have continued until the present day, it is difficult not to concur with the conclusions by Javier Solana himself: ‘On balance, it is clear that the end result was not the desired one’.³⁷ In short, Iran is now substantially closer to the nuclear threshold than it was at the beginning of the negotiations.

At the same time, however, Iran has not crossed that threshold and Europe’s continuous effort to negotiate with the regime in Tehran might have had a role to play. It is also important to consider the role of the United States. On the one hand, it is hardly possible to solve the Iranian nuclear crisis without an agreement between Iran and the United States. After all, the crisis is at heart a long-standing US-Iranian strategic conflict. On the other hand, US administrations have been very reluctant to negotiate directly with the regime in Tehran. On the contrary, before 2005, the US administration even played a rather counter-productive role, when it pursued confrontational policies that were not in accord with the EU/E3 approach.³⁸ In this context, the overall balance in what turned out to be a particularly difficult undertaking appears to be significantly better:³⁹ First, the EU has been able to maintain a broad international coalition for more than ten years. Although this outcome should not be over-emphasized, maintaining for such a long time the unity of both Europe and the P5 in a high profile case remains a notable achievement. Second, the EU’s negotiations have prevented an escalation of the conflict and kept the diplomatic channels between Iran and the international community open. This will facilitate any future agreement, whenever a new window of opportunity emerges, in particular for direct US-Iran negotiations. Finally, the EU has also demonstrated that it can take a hard stance in high profile cases such as Iran. Above all, the adoption of strict unilateral sanctions outside the UN framework in 2012, including an oil embargo, came as a largely unexpected move and earned the respect by those who advocate a hard-line approach against Iran. A prominent Israeli commentator went even so far as to claim that ‘the European Union went to war against Iran’.⁴⁰

Pragmatic multilateralism

The EU's classic strength in international organizations is what Roy Ginsberg called the 'politics of scale',⁴¹ i.e. by joining forces member states can have a larger impact as a group than as individual states. For example, the EU can currently muster the support of 28 member states plus a few associated countries, whenever it agrees on an issue and attempts to push its agenda in debates in international organizations or during international treaty negotiations. Even a moderate Eurosceptic Tory had to concede that '...the EU has much greater clout in such negotiations than any single European state'.⁴² Although it can be difficult to trace the actual impact of the EU's common actions in international institutions empirically, the amount of supporting evidence has increased since the adoption of the WMD Strategy. An analysis of the most recent review conference of the Nuclear Non-Proliferation Treaty shows, for instance, how the EU's peculiar performance could make a difference in the conference negotiations.⁴³ Likewise, in the Vienna-based non-proliferation institutions, in particular the IAEA, the EU's balanced common positions have become an important point of reference for other countries, especially smaller ones that cannot afford a large staff to deal with non-proliferation issues such the details of the Iranian nuclear programme.⁴⁴ In fact, when legalistic quibbling about the correct statement headings after the entry into force of the Lisbon Treaty between Britain and the other member states prevented a common EU statement at the 2011 IAEA General Conference, the missing document left a widely noted gap.⁴⁵

In the wake of the WMD Strategy, the EU has stepped up the common approach to international non-proliferation institutions way beyond the traditional 'politics of scale'. Most notably, it has adopted a number of unprecedented measures to support directly these institutions. The first step was the inclusion of a so-called non-proliferation clause in certain agreements between the EU and partner countries.⁴⁶ The aim of the clause is to strengthen international non-proliferation agreements by both obliging partner countries to adhere to the treaties that they have ratified and encouraging them to ratify those treaties to which they are not a party. Much like the EU's traditional human rights clauses, the EU reserves the right to suspend a bilateral agreement in case of a major violation of the clause. Therefore, the non-proliferation clause introduces the use of political conditionality to the EU non-proliferation policy.

Admittedly, the results of the clause have not been entirely clear: on the one hand, the clause has been already included in around 100 contractual relations,⁴⁷ including with

significant countries such as Indonesia or South Korea. Modified versions of the clause have also been integrated into the so-called Action Plans with neighbouring countries such as Egypt and Israel. In the short term, this has raised at least the awareness of the importance of international non-proliferation agreements in a large number of countries. In the long-term, it may also strengthen the continued adherence to international non-proliferation agreements by those states that are already members because the potential suspension of a partnership agreement with the EU increases the costs of non-compliance.⁴⁸ On the other hand, however, there exists no clear evidence to establish a causal link between the non-proliferation clause and new ratifications of relevant agreements. In this sense, it has remained a rather weak foreign policy instrument. Most notably, virtually none of the more problematic countries that have ratified only, if at all, a few non-proliferation agreements have been targeted successfully. The main point of criticism in this regard concerns India. In two instances, the EU and its member states did not strictly live up to their non-proliferation principles. First, the EU has failed to overcome the Indian blockage of the negotiation of a political agreement, which would include the non-proliferation clause. Second, in 2008, EU member states did not block a special waiver for India by the Nuclear Suppliers Group even though it had negative consequences for the non-proliferation regime.⁴⁹ From the perspective of what could be called ‘principled multilateralism’ such behaviour was certainly erratic. However, in exceptional circumstances the EU has to take into consideration other strategic issues such as commercial relations or the need for economic development, in particular if a major global player such as India stubbornly refuses to negotiate anything related to non-proliferation.⁵⁰ In other words, the EU is forced at times to adopt a pragmatic attitude and recognize that its pursuit of multilateral non-proliferation principles is not always a straightforward affair.

This pragmatic approach to ‘effective multilateralism’ has been also reflected in another key provision of the WMD Strategy: projects to support international organizations and agreements. In a sense, these new types of projects honour what Javier Solana called the ‘obligation of results’⁵¹ in the EU’s pursuit of ‘effective multilateralism’. So far, the EU has adopted 25 Joint Actions and, since the entry into force of the Lisbon Treaty, Council Decisions worth almost 70 million euros.⁵² They cover virtually all important non-proliferation instruments, including the IAEA, the Comprehensive Test Ban Treaty Organization (CTBTO), the Organisation for the Prohibition of Chemical Weapons, the Biological and Toxin Weapons Convention and UN Security Council Resolution 1540,

with most funding going to the IAEA, in particular its nuclear security fund. The projects also cover two new instruments that have received substantial input from the EU and its member states, namely the Hague Code of Conduct against Ballistic Missile Proliferation and the International Code of Conduct for Outer Space Activities. The activities funded as part of the projects vary substantially – from the organization of regional workshop to highly technical efforts to improve the capabilities to detect nuclear weapon tests. But they all have in common that they are based on the voluntary cooperation with other actors and use existing expertise in international organizations and, to a much smaller degree, non-governmental organizations, for their implementation. Therefore, they build pragmatically on the existing strength of the EU as a soft power without creating additional institutional layers.

Yet, what has the EU achieved with these projects? The Joint Actions and Council Decisions have been too technical to buy outright political influence. In the short term, most direct influence is limited to the imposition of specific conditions in the projects it finances. Moreover, it must be pointed out that other actors, especially in the Global South, simply expect the EU as a wealthy entity to spend its money in international organizations. Others even dislike the EU's growing role and question the EU's good relation with organizations such as the IAEA.⁵³ This does not exclude the possibility that the EU's continuous spending will lead in the long-term to more recognition of its efforts and, thus, to more influence. In terms of achievements, however, the focus should not be on the question of EU influence but on the practical outcomes of the EU projects. European officials themselves argue that they use international non-proliferation organizations such as the IAEA to translate the priorities of the WMD Strategy into practice, in particular the universalization of international agreements and the verification capabilities of international non-proliferation organizations.⁵⁴ As recent research has shown, it is difficult to pin down the EU's actual contribution to the ratification of non-proliferation agreements by third countries.⁵⁵ In terms of improved verification capabilities, the EU's actual impact is also difficult to quantify, as the EU's effort is an integrated part of the effort by a wide array of international actors. But it is fair to argue that the successful implementation of the EU's specific verification-related projects have contributed to better capabilities of international organizations, most notably in the case of the global verification system by the Preparatory Commission of the CTBTO and the nuclear security work by the IAEA.

Evolving assistance and outreach programmes

European assistance programmes in non-EU countries already focused on non-proliferation well before the adoption of the 2003 WMD Strategy and reflected largely similar non-proliferation activities supported by member states such as Sweden or the United Kingdom. In the 1990s, the European Commission used its TACIS programme to finance relevant measures in the former Soviet Union, in particular the re-training of former WMD scientists. Likewise, the Council occasionally made funds available through the CFSP budget, most notably a 1999 Joint Action to destroy chemical weapons and manage adequately weapons plutonium in Russia. In 2002, the European Commission pledged 1 billion euros as part of the Global Partnership, a new G8 initiative to control chemical, biological, radiological and nuclear (CBRN) materials in Russia and beyond. The bulk of EU funding has focused on the safety of nuclear installations in the former Soviet Union and is, therefore, not directly linked to non-proliferation in a strict sense. Nonetheless, the Commission has continued its support for the re-training of former WMD scientists as part of the Global Partnership commitment and has added new, directly proliferation-relevant projects such as the dismantlement of discharged Soviet nuclear submarines. The latest data indicates that the EU as a whole has ‘...committed more than EUR 955 million, and spent over EUR 690 million’ as part of the Global Partnership.⁵⁶ Although easily sixty per cent of these costs are spent on nuclear safety, the total amount spent specifically on non-proliferation is still substantial. In practical terms, the EU’s funding has also led to tangible outcomes such as the destruction of WMD and related items, even though the cooperation with Russian partners and the EU’s heavy bureaucratic machinery has not always made the implementation of the projects easy.⁵⁷

With the adoption of the WMD Strategy, the EU’s commitment to the Global Partnership has been reinforced. Furthermore, the focus of the EU’s assistance projects began to shift slowly. The first indication was the launch of a series of outreach activities in the field of export controls of dual-use items. More specifically, the German Office of Economics and Export Controls received an EU mandate to implement several programmes in this area in selected partner countries all over the world. The major turning point came with the new Instrument for Stability (2007–13), which established the fight and protection against WMD as the top priority of its long-term component. In practical terms, this means that around 300 million euros have been allocated to projects in this area, including additional export control assistance programmes and projects to

improve the capacities to fight against CBRN trafficking in areas such as South-East Asia or the southern Mediterranean. In 2010, an external evaluation came to the conclusion that most of these projects had actually been managed efficiently and with a clear orientation towards impact.

More recently, the focus has been on an entirely new initiative, the so-called EU CBRN risk mitigation centres of excellence. The initiative is different from other EU non-proliferation efforts in a number of ways:⁵⁸ most notably, it focuses on both weaponized and non-weaponized CBRN materials. This broadening of the WMD focus reflects both legal concerns that the EU may encroach on member states' prerogatives in the area of WMD and the desire to see WMD proliferation in more holistic terms. Similar considerations influence the type of projects that are financed through the centres of excellence initiatives: on the one hand, typical proliferation-focused projects are funded, for example on best practice transfer or the development of integrated national nuclear security systems. But on the other hand, the initiative also supports broader civil protection measures against any type of CBRN incident such as capacity-building for first responders or national response planning in the case of CBRN accidents. Institutionally, these projects will be underpinned by a new network of small regional secretariats in partner countries that act as focal points for CBRN risk mitigation efforts. This shows how the EU attempts to substitute its historical donor approach to the former Soviet Union with a more global approach based on local ownership.

In practice, however, it has been difficult to turn the initiative into tangible results. The first regional secretariats have become operational only very recently. Likewise, the first projects beyond the two pilot projects have only been active for a couple of months.⁵⁹ This makes any long-term evaluation of the centres of excellence impossible. Furthermore, it points both to the initial lack of political support within the EU structures and the lack of preparation in the implementing agency, in particular the United Nations Interregional Crime and Justice Research Institute. But, despite these difficulties, the long-term potential of the initiative is still promising: it receives both substantial funding and the support from those member states that can expect some of this funding for their own non-proliferation experts; the institutional capacities are slowly improving; and the use of a UN agency for its implementation guarantees a certain degree of legitimacy.

Conclusions

The WMD Strategy created considerable momentum in the EU's fledgling non-proliferation policy. Since the adoption of the strategy in 2003, the EU has intensified substantially its non-proliferation activities. Crucially, its performance has been remarkably good at different levels, especially in comparison with the previous two decades. As an essential prerequisite, it has gained the necessary institutional and financial resources to turn its commitment to non-proliferation into practice. This includes not only the establishment of a dedicated non-proliferation unit, but also informal structures such as the EU/E3. Although the expectations by pundits ran very low in the first few years – with most fearing that the EU would focus once more on processes instead of outcomes – the EU has also demonstrated that it can deliver practical outcomes in areas as diverse as high-level negotiations with Iran, the strengthening of the verification work of international non-proliferation organizations or the support of non-proliferation efforts in partner countries. The EU has, therefore, not suffered from the classical expectations-capabilities gap, where high expectations are not matched by the existing capabilities.⁶⁰ On the contrary, it has emerged that the capabilities have been actually higher than the expectations. Analysts of the EU non-proliferation policy have to be careful, therefore, not to move the goal posts with the benefit of hindsight.

This does not mean that the EU's non-proliferation policy has been without shortcomings. From the outset, for example, the coordination of non-proliferation policies within the EU has been secondary to external non-proliferation policies. Likewise, the implementation of the Lisbon Treaty led to significant structural difficulties in the short term. A closer look at the results reveals also a more nuanced picture in terms of outcomes. The EU's major strength has been in the area of immediate outcomes, both in the more technical, low profile programmes in international organizations and partner countries and in the negotiations with Iran. Notable outcomes in this regard are the successful implementation of concrete non-proliferation projects funded by the EU or the imposition of unprecedented sanctions against Iran. In terms of broader long-term outcomes such as the ratification of major non-proliferation agreements or the prevention of acts of proliferation, the EU's impact – and the impact by any other actor for that matter – has been notoriously difficult to establish. Likewise, it is more than questionable whether the EU can solve the Iranian

conundrum by its own efforts, as long as these efforts are not underpinned by a substantial US-Iranian rapprochement. All in all, these problems have turned the EU's non-proliferation policy into a behind-the-scenes exercise with a low degree of visibility.

So, what lessons can be drawn from these results, in particular in view of the upcoming financial perspectives for 2014–20? Crucially, the success that the EU has had in its non-proliferation policy is very much related to two concepts that are usually not associated with its foreign and security policies: institutional flexibility and political pragmatism. First, institutional flexibility refers to the EU's ability to use unforeseen institutional formats best suited for a given situation. The most obvious case is the EU/E3 arrangement, but the unusual implementation of non-proliferation projects of a regional organization by global non-proliferation institutions is also a case in point. In other words, simply having more intra-EU coherence and building more formal institutions is not always the best way forward. Second, the EU's commitment to pragmatism can be seen within the context of its focus on non-proliferation policies shaped by the classic characteristics of a pragmatic actor: '...[emphasis on] action, a commitment to problem-solving, and opposition to dogma and ideology'.⁶¹ Interestingly, with this pragmatic approach the EU acts very much in line with what experts believe to be the only practical way forward for global non-proliferation policies in areas such as nuclear security: 'Effective multilateral action will depend first and foremost on pushing forward existing areas of cooperation, both formal and informal, and potentially developing new, albeit modest, initiatives to fill policy gaps as these are identified'.⁶² It is probably too far-fetched to interpret these results as a reflection of an emerging security culture in Europe. Yet, they might form the core of a new 'European way' of dealing with non-proliferation issues based on pragmatic actions in support of multilateral principles.

¹ Philip H. Gordon and Jeremy Shapiro, *Allies at war: America, Europe, and the crisis over Iraq* (New York: McGraw-Hill, 2004), p. 2.

² Anand Menon, 'From crisis to catharsis: ESDP after Iraq', *International Affairs* 80:4, 2004, pp. 631–48.

³ See Christer Ahlström, 'The EU strategy against proliferation of weapons of mass destruction', in Shannon N. Kile, ed., *Europe and Iran: perspectives on non-proliferation*, SIPRI Research Report No. 21 (Oxford: Oxford University Press, 2005), pp. 27–46.

⁴ European Council, 'A secure Europe in a better world: European Security Strategy', Brussels, 12 Dec. 2003. The other four key threats are terrorism, regional conflicts, state failure and organised crime.

⁵ Ramon Pacheco Pardo, 'Normal power Europe: non-proliferation and the normalization of EU's foreign policy', *Journal of European Integration* 34:1, 2012, pp. 1–18. See also European Council on Foreign Relations, 'European foreign policy scorecard', <http://www.ecfr.eu/scorecard/2013>, accessed 14 May 2013.

⁶ Peter Van Ham, 'The European Union's strategy on weapons of mass destruction: from ambition to disappointment', *Clingendael Paper* 6 (The Hague: Netherlands Institute of International Relations 'Clingendael', 2011). See also Paul Cornish and Geoffrey Edwards, 'The strategic culture of the European Union: a progress report', *International Affairs* 81:4, 2005, p. 813.

⁷ David A. Baldwin, 'Success and failure in foreign policy', *Annual Review of Political Science* 3, 2000, p. 169.

⁸ See Tamar Gutner and Alexander Thompson, 'The politics of IO performance: a framework', *Review of International Organizations* 5:3, 2010, pp. 227–48; Knud Erik Jørgensen, Sebastian Oberthür and Jamal Shahin, 'Introduction: assessing the EU's performance in international institutions – conceptual framework and core findings', *Journal of European Integration* 33:6, 2011, pp. 599–620.

⁹ See also the 'performance pyramid' in Gutner and Thompson, 'The politics of IO performance', p. 236.

¹⁰ See Harald Müller and Lars van Dassen, 'From cacophony to joint action: successes and shortcomings of the European nuclear non-proliferation policy', in Martin Holland, ed., *Common foreign and security policy: the record and reforms* (London: Pinter, 1997), pp. 52–72.

¹¹ Karel Van Miert, 'Written question No. 1881/81 by Mr Van Miert', *Official Journal of the European Communities* No. C 167/11, 5 July 1982.

¹² The only exceptions are the Missile Technology Control Regime and the Zangger Committee. See Benjamin Kienzle and Cindy Vestergaard, 'The non-proliferation regimes', in Knud Erik Jørgensen and Katie Verlin Laatikainen, eds., *Routledge handbook on the European Union and international institutions: performance, policy, power* (Abingdon: Routledge, 2013), pp. 371–88.

¹³ House of Lords, European Union Committee, *Preventing proliferation of weapons of mass destruction: the EU contribution: report with evidence*, 13th Report of Session 2004–05 (London: The Stationary Office Limited, 2005), p. 11.

¹⁴ 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 (Brussels, 2003), pp. 2–4.

¹⁵ Council of the European Union, ‘Fight against the proliferation of weapons of mass destruction’, p. 5.

¹⁶ Council of the European Union, ‘Fight against the proliferation of weapons of mass destruction’, pp. 6–8.

¹⁷ 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, 2008), p. 2.

¹⁸ Michael Clarke, ‘Minutes of evidence’, in House of Lords, *Preventing proliferation of weapons of mass destruction*, p. 20.

¹⁹ This number is based on a strict interpretation of who is in charge of non-proliferation affairs used by Commission officials. Area specialists in countries such as Pakistan or dual-use item specialists in the Directorate-General for Trade also deal with non-proliferation issues. See Marc Deffrennes, John Mattiussi and David Spence, ‘Minutes of evidence’, in House of Lords, *Preventing proliferation of weapons of mass destruction*, p. 49.

²⁰ Richard Whitman and Olivia Bosch, ‘Memorandum: EU strategy against proliferation of weapons of mass destruction’, in House of Lords, *Preventing proliferation of weapons of mass destruction*, p. 133.

²¹ Interviews, Brussels, Jan. 2009 and March and May 2013.

²² TACIS (1991–2006) supported the transition to democracy, the rule of law and market-oriented economies in Eastern Europe and the former Soviet Union.

²³ Interviews, Brussels, Dec. 2008, Jan. 2009, March and May 2013.

²⁴ This is a conservative estimate, as other Community expenses, in particular the funding of certain research projects as part of the Framework Programme 7, could also count as non-proliferation spending. See Ian Anthony and Lina Grip, ‘Strengthening the European Union’s future approach to WMD non-proliferation’, *SIPRI Policy Paper No. 37* (Solna: Stockholm International Peace Research Institute, 2013), p. 46. The previous non-proliferation tasks in the framework of TACIS were taken over by the Instrument for Stability, when TACIS finished in 2006.

²⁵ In 2004, almost 25 per cent of the CFSP budget was spent on non-proliferation activities, whereas in 2013 this figure has dropped to five per cent. See European Union Institute for Security Studies, *EUISS Yearbook of European Security: YES 2013* (Paris: European Union Institute for Security Studies, 2013), p. 268.

²⁶ Interviews, Brussels and Vienna, Feb. and March 2013.

²⁷ Dual-use items can be used indistinguishably for legitimate civilian purposes or for the construction of WMD.

²⁸ See Lina Grip, 'Mapping the European Union's institutional actors related to WMD non-proliferation', *Non-Proliferation Papers 1* (EU Non-Proliferation Consortium, 2011),

http://www.nonproliferation.eu/documents/nonproliferationpapers/01_grip.pdf, accessed 14 May 2013.

²⁹ See Anna Giulia Micara, 'Current features of the European Union regime for export control of dual-use goods', *Journal of Common Market Studies* 50:4, 2012.

³⁰ See 'Minutes of evidence', in House of Lords, *Preventing proliferation of weapons of mass destruction*, pp. 1–136.

³¹ Interview, Brussels, March 2009.

³² Douglas Alexander, 'Forward', in Adam Hug, ed., *Europe in the world: can EU foreign policy make an impact?* (London: Foreign Policy Centre, 2013), p. 3.

³³ Italy and Spain, the two member states that are most uncomfortable with the EU/E3 arrangement, also gained special information privileges.

³⁴ International Atomic Energy Agency, *Communication dated 26 November 2004 received from the Permanent Representatives of France, Germany, the Islamic Republic of Iran and the United Kingdom concerning the agreement signed in Paris on 15 November 2004* (INFCIRC/637), 26 Nov. 2004, <http://www.iaea.org/Publications/Documents/Infcircs/2004/infcirc637.pdf>, accessed 14 May 2013.

³⁵ On the early negotiations between the EU/E3 and Iran, see Tom Sauer, 'Coercive diplomacy by the EU: the Iranian nuclear weapons crisis', *Third World Quarterly* 28:3, 2007, pp. 613–33.

³⁶ See Wyn Q. Bowen and Jonathan Brewer, 'Iran's nuclear challenge: nine years and counting', *International Affairs* 87:4, 2011, pp. 932–37.

³⁷ Javier Solana, en conversación con Lluís Bassets, *Reivindicación de la política: veinte años de relaciones internacionales* (Barcelona: Debate, 2010), p. 183. Translated from the Spanish by the author.

³⁸ Interview, Brussels, May 2013; Steven Everts, 'The ultimate test case: can Europe and America forge a joint strategy for the wider Middle East?', *International Affairs* 80:4, 2004, p. 676.

³⁹ See Baldwin, 'Success and failure in foreign policy', p. 176.

⁴⁰ Mark A. Heller, 'A Europe-Iran war', *New York Times*, 26 January, <http://www.nytimes.com/2012/01/26/opinion/a-europe-iran-war.html>, accessed 14 May 2013.

⁴¹ Roy H. Ginsberg, *Foreign policy actions of the European Community: the politics of scale* (Boulder, CO: Lynne Rienner, 1989), p. 3.

⁴² Malcolm Rifkind, 'A moderate Eurosceptic perspective on EU foreign policy', in Adam Hug, ed., *Europe in the world: can EU foreign policy make an impact?* (London: Foreign Policy Centre, 2013), p. 74.

⁴³ Megan Dee, 'Standing together or doing the splits? Evaluating European Union performance in the Nuclear Non-proliferation Treaty review negotiations', *European Foreign Affairs Review* 17:2, 2012, pp. 189–212.

⁴⁴ Interviews, Vienna, Feb. 2013.

⁴⁵ Interviews, Vienna, Feb. 2013. See also Julian Borger, 'EU anger over British stance on UN statements', *Guardian*, 20 Oct. 2011, <http://www.guardian.co.uk/world/2011/oct/20/uk-eu-un-statements-wording>, accessed 15 May 2013.

⁴⁶ Even though the clause was formally adopted briefly before the WMD Strategy, it still forms a key element of the strategy.

⁴⁷ Council of the European Union, 'Six-monthly progress report on the implementation of the EU strategy against proliferation of weapons of mass destruction (2010/II)', 17080/10 (Brussels, 2010), p. 47.

⁴⁸ In a case of non-compliance, the EU would have to rely on the information provided by international watchdogs such as the IAEA.

⁴⁹ On the negative consequences, see Leonard Weiss, 'U.S.-India Nuclear Cooperation', *Nonproliferation Review* 14:3, 2007, pp. 429–57.

⁵⁰ See Gerrard Quille, 'The EU and non-proliferation of weapons of mass destruction', in Sven Biscop and Richard G. Whitman, eds., *The Routledge handbook of European security* (London: Routledge, 2013), p. 240.

⁵¹ Javier Solana, *Reivindicación de la política*, p. 96. Translated from the Spanish by the author.

⁵² Council, ‘Six-monthly progress report on the implementation of the EU strategy against the proliferation of weapons of mass destruction (2012/II)’, *Official Journal of the European Union* C 37/3–26, 9 Feb. 2013.

⁵³ Interviews, Vienna, Feb. 2013.

⁵⁴ Interviews, Vienna, Feb. 2013.

⁵⁵ Lina Grip, ‘Assessing selected European Union external assistance and cooperation projects on WMD non-proliferation’, *Non-Proliferation Papers* 6 (EU Non-Proliferation Consortium, 2011), <http://www.nonproliferation.eu/documents/nonproliferationpapers/linagrip4ef076968446a.pdf>, accessed 14 May 2013.

⁵⁶ Council of the European Union, ‘Six-monthly progress report (2010/II)’, p 48.

⁵⁷ See Marc Deffrennes, John Mattiussi and David Spence, ‘Minutes of evidence’, pp. 55–56.

⁵⁸ Interview, Brussels, March 2013.

⁵⁹ See ‘CBRN centres of excellence: an initiative of the European Union’, <http://www.cbrn-coe.eu/default.aspx>, accessed 15 May 2013.

⁶⁰ Christopher Hill, ‘The capability-expectations gap, or conceptualizing Europe’s international role’, *Journal of Common Market Studies* 31:3, 1993, pp. 305–28.

⁶¹ Steve Wood, ‘Pragmatic power Europe?’, *Cooperation and Conflict* 46(2), 2011, p. 243.

⁶² Wyn Q. Bowen, Matthew Cottee and Christopher Hobbs, ‘Multilateral cooperation and the prevention of nuclear terrorism: pragmatism over idealism’, *International Affairs* 88:2, 2012, p. 349.