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The EU between Non-Proliferation and Disarmament

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Summary

The EU's commitment in the field of non-proliferation runs deep and has made significant contributions to the peace and stability Europe has enjoyed since the end of the Second World War.

The most advanced instruments for European political cooperation have been used in this delicate sector. The 2003 "Strategy against the Proliferation of Weapons of Mass Destruction" and the multiplicity of documents and initiatives adopted in its wake, together with substantial financing, allow today the EU to play a leading role in non-proliferation and in strengthening treaties adhered to by EU Member States.

Still, the EU has some way to go before reaching cohesion on the equally important issue of nuclear disarmament.

The diversity of views held by EU delegations in the nuclear field creates obvious difficulties in achieving common positions. But it should also be borne in mind that the EU is a "microcosm" of the multilateral world: a community of countries with different attitudes to the nuclear question. Any solution achieved by the EU could therefore provide a useful benchmark for the international community as a whole.

On April 30, 2007 the Nuclear Non Proliferation Treaty (NPT) review process

will resume.

The EU's commitment in this field runs deep and should be accorded the historical and political value it deserves. It is a commitment that has made a significant contribution to the unprecedented peace and stability Europe has enjoyed since the end of the Second World War. Following the end of the Cold War the risk of the old continent becoming the stage for a nuclear confrontation has been greatly reduced.

But Europe still has security threats to face. Though different from the past ones, new causes for concern need to be addressed, one of them being the proliferation of weapons of mass destruction (WMD) and the risk of their spread to States and terrorist organisations. This is no abstract risk. It is well known that Saddam Hussein's Iraq possessed such weapons, at the time of the first Gulf war, and actually used them in some circumstances. Ten years later, the fact that no such weapons

were found shows that the coercive measures taken by the international community had proved effective.

North Korea, having withdrawn from the NPT and declared the possession of nuclear weapons, carried out a nuclear explosion last year.

For twenty years or so Iran has been conducting nuclear activities. Though not specifically prohibited in themselves, they were nonetheless kept hidden. They have no credible civil uses, and coincide with missile activities that could reach Europe; all this taking place in an area of great tensions. Moreover the new Iranian leaders have several times used provocative tones with regard to the very existence of a State in the region.

India and Pakistan have not signed the NPT and both possess nuclear weapons. These two countries define themselves as nuclear weapon States: a nuclear arms race cannot be excluded in that region.

Israel likewise has not signed the NPT but has never explicitly admitted that it possesses nuclear weapons and main-

tains a traditional ambiguity concerning its status.

It is only partly reassuring that no terrorist groups have yet used weapons of mass destruction. Not having hesitated to use the most lethal means at their disposal to strike the US, Spain and the United Kingdom, it would be hard to believe that they would refrain from using even deadlier means.

Europe's first responses

To tackle such threats Europe has not hesitated in establishing political responses – at both institutional and operational levels. A nuclear non-proliferation policy can be said to have been in place, through EURATOM since the earliest days of European cooperation. Though mainly devoted to the development of nuclear energy, EURATOM also oversaw a regime of internal and export controls that was in some ways the forerunner of what would later be developed in the NPT.

In the 1980s, under the aegis of the nascent European Political Cooperation, issues relating to security were increasingly on the agenda, including disarmament and non-proliferation.

The Single European Act of 1986 was an even bigger step, though at the time it set off cooperation and dialogue only in the political and economic aspects of security. It was possible to agree on a more consensual policy, including in the nuclear sector, after France decided to join the NPT in 1991. Five years earlier Spain had signed the Treaty as part of its process of joining the European Community. The Communities declared their

commitment in this field with the 1990 Dublin declaration which established the principle – later taken up by the UN Security Council – that proliferation was a threat to global and regional security.

A new stage was reached with the Maastricht Treaty, when the political dimension (Common Foreign and Security Policy – CFSP) came to be incorporated into the treaties while maintaining an inter-governmental character (“second” pillar) distinct from the “first” (supranational) pillar. The distinction between the two pillars was somewhat toned down in the Amsterdam and Nice Treaties and would have been almost eliminated had the European Constitutional Treaty entered into force.

The most advanced instruments for European cooperation at a political level have been used in the delicate sector of non-proliferation. In the wake of the “joint action” by the then “fifteen” in promoting the indefinite extension of the NPT in 1995, a series of institutional initiatives have followed which, in addition to non-proliferation, have embraced sectors such as humanitarian disarmament, missiles, the prohibition of nuclear testing, chemical and biological weapons, landmines and illegal trafficking in small arms and light weapons. The European Community and some of its major Member States also take an active part in the so-called G8 “Global Partnership” programme to ensure the elimination of weapons of mass destruction in some countries, notably from the former Soviet Union.

It should also be remembered that as far back as the 1950s the concept of a so-called

“European Clause” – the option that Europe, in the framework of a common defence, could have her own nuclear deterrent – had been evoked. Such a concept was indirectly referred to by some countries when joining the NPT. The idea of a “concerted deterrence” at a European level has been sporadically evoked by French leaders, most recently by President Chirac in his January 2006 speech in Île Longue.

The new strategies

In an atmosphere of closer cooperation and in order to tackle the new challenges resulting from the outbreak of terrorism and the risk of the spread of deadly weapons to a growing number of countries, it was agreed to establish, alongside a “European Security Strategy”, the more targeted “Strategy against the Proliferation of Weapons of Mass Destruction”.

It came into being at the end of 2003 during the Italian presidency of the EU. The strategy was adopted by heads of State and Government. Apart from the high level and strategic value of the initiative, it is important to stress its pragmatic character. An operational “action plan” (promotion of multilateralism, enhancement of the role of the Security Council, verification, export controls, safety of sensitive material), monitored on a six-month basis, ensures the effective implementation of the strategy.

The two strategies, modelled on a similar initiative adopted by the United States (“National Security Strategy” and “National Strategy to Combat Weapons of Mass Destruction

tion”), were accompanied, again during the Italian presidency of 2003, by a legally binding European Common Position aimed at universalizing the major agreements on disarmament and non-proliferation.

The Strategy and this Common Position are the basic instruments today that allow the EU to play a leading role in non-proliferation and in strengthening Treaties adhered to by EU Member States. The multiplicity of documents and initiatives adopted in the wake of these strategies, together with substantial financing, makes Europe one of the key players today in the field of non-proliferation and disarmament, where both conventional arms and WMD are concerned.

To make these initiatives even more concrete and credible, the post of Personal Representative for Non-Proliferation of WMDs of the High Representative for CFSP was created. The task was entrusted to Ms. Annalisa Giannella.

Disarmament

Less convergence exists among the now 27 members of the European Union in the field of nuclear disarmament than in that of Non-Proliferation. This can be explained by the fact that the status and position of individual Member States in the nuclear field are not homogeneous. Two EU Member States (France and the United Kingdom) have nuclear weapon status as defined in the NPT. Others, like Sweden, Austria and Ireland maintain a link with their past neutrality. The majority of EU Member States belong to NATO and are thus

still bound to the concept of the nuclear deterrence. Such a situation makes it objectively difficult to define a common line in the EU when it comes to nuclear disarmament. This is particularly evident when EU Member States are called upon to vote on nuclear resolutions at the UN General Assembly or when the issue of nuclear disarmament is discussed at the Conference on Disarmament in Geneva.

There is margin left to reach a higher European profile in the nuclear disarmament sector. Little has been achieved by the international community multilaterally over the last ten years. But some progress has been made bilaterally through the Moscow Treaty between Russia and the United States (SORT) ratified in 2002. Other significant reductions have been accomplished by Western countries, especially in Europe. However the Treaty prohibiting nuclear tests (CTBT) is not yet in force and over the last ten years it has not been possible to negotiate any additional nuclear multilateral agreement at the Conference on Disarmament.

In recent years the international community – including Europe – has paid more attention to non-proliferation than to disarmament. Prompted by the United States, initiatives have been taken such as Security Council resolution 1540, aimed at preventing the acquisition of WMD by “non-State actors”. The Proliferation Security Initiative, launched in 2003, aims at identifying and intercepting illegal traffic in such weapons and materials. But it is an acknowledged principle that non-proliferation must keep pace with disarmament and with cooperation in the field of peaceful uses of

nuclear energy. This was the original “deal” that made it possible to stipulate the NPT.

To prevent a weakening of the nuclear non-proliferation regime, the EU will have to intensify its efforts both in disarmament and in peaceful uses of nuclear energy. In the first case it will be necessary to flank the recent more stringent measures on non-proliferation with new disarmament and arms control instruments. The first of these should be a treaty banning the production of fissile material for nuclear weapons (FMCT) which is priority for the European Union. All would be ready at the Conference on Disarmament to negotiate such a treaty were it possible to find a compromise on priorities pursued by different countries. A new momentum has been created as a result of the recent tabling of a draft compromise by the six presidents of the Conference.

Even if the final aim of nuclear disarmament remains the total prohibition of nuclear weapons, as in the case of chemical and biological ones, the most realistic prospect appears to be a gradual process, for which the FMCT should provide the first step. Italy has played an active part both inside and outside the EU to promote such a treaty and is expected to coordinate negotiations on FMCT if an agreement on a program of activities is reached at the Conference on Disarmament.

Deep changes are also foreseeable in the field of peaceful uses of nuclear energy. The cases of Iran and North Korea have brought the international community to question the sustainability of the “free hand” the NPT grants in the management of the nuclear

fuel cycle. The “inalienable right” to nuclear energy, which is unquestionable, will have to be reconciled with the fact that processes like uranium enrichment and reprocessing have both civilian and military applications. The EU has not yet worked out a Common Position on that issue.

A nuclear agreement between the USA and India, stipulated in July 2005, could further weaken the non-proliferation regime. This agreement allows cooperation in the civilian nuclear field with India, even if the latter does not submit all its nuclear installations to IAEA inspection. The agreement required an amendment of the existing US legislation, which prohibited such cooperation. It also requires a modification of the nuclear suppliers group guidelines (NSG) of 1992 to which all EU Member States adhere. It will not be easy for the EU to pronounce itself on this question.

The EU still has some way to go. The diversity of the positions held by EU delegations in the nuclear field – both military and civilian – creates obvious difficulties in achieving common positions. But it should also be borne in mind that from a certain point of view the EU is a “microcosm” of today’s multilateral reality: a community of countries with different attitudes to the nuclear question. Any solution achieved by the EU could therefore provide a useful benchmark for the international community as a whole.

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