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*María del Mar Hidalgo García*

EUROPEAN UNION AND NON-  
PROLIFERATION AND  
DISARMAMENT

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## EUROPEAN UNION AND NON-PROLIFERATION AND DISARMAMENT

### Abstract:

For the EU the proliferation of weapons of mass destruction (WMD) is considered one of the serious threats to security. This document outlines the strategies, initiatives, actions and legislation that have been developed within the EU to meet the challenge of proliferation.

### Keywords:

EU, proliferation, weapons of mass destruction.

## PYRAMIDAL STRUCTURE TO FIGHT AGAINST WMD PROLIFERATION

The use of weapons of mass destruction by terrorist groups is one of the most serious threats to international security. Any action that is taken to address must be supported by a multilateral framework to ensure its effectiveness.

The security framework of fighting against the proliferation of weapons of mass destruction has a pyramidal structure. At the top would be international treaties subjected to International Law and eminently State concerned: the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BWC), the Comprehensive Nuclear-Test-Ban Treaty (CTBT), among others.

Other treaties, which are not specifically designed to fight against proliferation but they contain a clause of application, would also be included in this peak, as the 2005 Protocol of the Convention for the suppression of unlawful acts against the safety of maritime navigation (SUA) and the 2010 Convention on the suppression of unlawful acts relating to international civil aviation (Beijing Convention).

Each of these treaties has its peculiarities, especially in terms of verification and disarmament. However, not all countries are party to them, including Israel, India and Pakistan. Some who were part of them have retired, as North Korea left the NPT in 2003 claiming “self defense” or even clandestine nuclear activities have come to the surface in signatory countries.

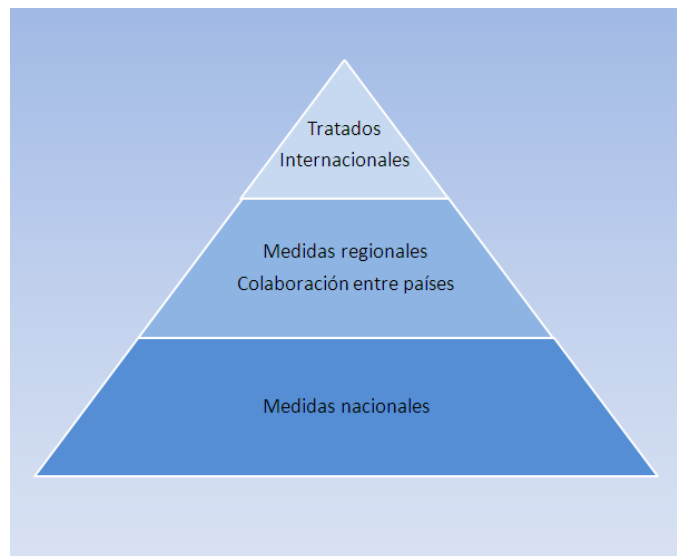
Achieving its universality, i.e. all countries ratify them, is an impossible task. If we also add the non-state actors, as terrorist groups and its interest in having weapons of mass destruction (WM), it shows that these international agreements, although necessary, must be reinforced with other regional measures in which voluntarism, diplomacy and foreign policy of States play an essential role.

These regional measures are the next step of the pyramid and it would contain the Proliferation Security Initiative (PSI), the Australia Group, the Nuclear Suppliers Group, the Zangger Committee, the Global Initiative to Combat Nuclear Terrorism (GICNT) and the adoption of regional strategies such as the “EU Strategy against the proliferation of Weapons of Mass Destruction” or NATO measures to fight against proliferation.

Finally, as the base of the pyramid, we would find the specific actions implemented by each State according to its geopolitical situation, membership of international organizations and their risk to suffer an attack with weapons of mass destruction. And these measures constitute the base because any crack in it can threaten the stability of the whole pyramid, as an example, the case of Syria, possessor of chemical weapons, not a signatory of the CWC, wrapped in an internal conflict and with the constant threat that their chemical arsenals falling into the hands of terrorists groups.

The UN Resolution 1540<sup>1</sup> highlights the importance of the involvement of the States in the fight against proliferation. States must enact specific legislation to prevent terrorist groups' access to weapons of mass destruction, including funding and to promote national controls and international cooperation.

Therefore, States individually and their implemented actions in the fight against proliferation, are responsible for helping to strengthen the base of the pyramid and hence security.



[ [Security structure for non-proliferation. Source: Author.]

<sup>1</sup> [http://www.un.org/es/comun/docs/?symbol=S/RES/1540%20\(2004\)](http://www.un.org/es/comun/docs/?symbol=S/RES/1540%20(2004))

## THE EUROPEAN UNION AS A REGIONAL PLAYER IN FIGHTING AGAINST WMD PROLIFERATION

The European Union faces the fight against the proliferation of weapons of mass destruction on two fronts. On the one hand, external action, where preventive diplomacy is its best asset, with the support of international treaties, its funding to international organizations, such as the OIEA, the technical advice to third countries and the introduction of the non-proliferation clause in their contractual relations with third countries.

On the other hand, the EU also promotes internally and in accordance with Resolution 1540 a better coordination among member States to prevent a terrorist attack with these weapons, and an optimization of the response of the State in this case. The EU approach is: prevention, detection and response.

The role of regional player that the European Union wants to play in combating the proliferation is not without difficulty. Within the EU there are different views among the member countries themselves. There are nuclear States, there are States that do not belong to NATO, and there is no clear consensus among the members when it comes to taking coercive measures in the fight against proliferation. However, the EU has the necessary financial, legal and technical resources to claim a starring role in the multilateral response to the challenge of proliferation.

At present the fight against proliferation of Weapons of Mass Destruction (WMD) within the European Union operated and promoted by a number of official instruments. The first could not be other than the “Common Foreign and Security Policy (CFSP)” itself, reinforced with the new Lisbon Treaty of 2009 and within it, as an integral part, the Common Security and Defence Policy (CSDP). It follows the European Security Strategy of the UE<sup>2</sup>, adopted in late 2003 in which it is recognized that the proliferation of weapons of mass destruction is the “biggest threat” to EU security. The others are terrorism, regional conflicts, weakening of States and organized crime.

Almost at the same time that the “EU Strategy against the proliferation of weapons of mass destruction”<sup>3</sup> came to light, which intends to integrate all available legal, political and

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<sup>2</sup> <http://www.consilium.europa.eu/uedocs/cmsUpload/031208ESSIIES.pdf>

<sup>3</sup> <http://register.consilium.europa.eu/pdf/es/03/st15/st15708.es03.pdf>

financial instruments within the EU<sup>4</sup>, to promote effective multilateralism, prevent and halt the proliferation of these weapons.

Five years after the adoption of this strategy, the “New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems”<sup>5</sup> was adopted in order to increase effectiveness and achieve greater coordination. To this end, the EU intends to intensify financing efforts, punish acts of proliferation, develop measures to prevent the transfer of knowledge and make the scientific community aware of the risks of diversion of its researches towards proliferation issues. Furthermore, the EU strikes continue cooperation with international organizations and third countries to provide support to improve their policies of non-proliferation and export control.

Since the entry into force of the Lisbon Treaty, the task of implementation of the EU Strategy against the proliferation of weapons of mass destruction has fallen to the European External Action Service. Given the technical nature that is associated with non-proliferation issues, in July 2010, a European think-tank network on non-proliferation<sup>6</sup>, with independent character, was established as a measure to support the implementation of the strategy against the proliferation of weapons of mass destruction<sup>7</sup>.

The mission of this group is to assist the High Representative of the Union for Foreign Affairs and Security Policy, currently Catherine Ashton, on non-proliferation, promote political and security dialogue, aware third countries on the risk of proliferation and actively participate in multilateral forums.<sup>8</sup> The management and coordination of the network is carried out through a Designated Consortium (EU Non Proliferation Consortium) integrated by the Foundation for Strategic Research (FSR), Peace Research Institute Frankfurt (PRIF/HSFK), the International Institute for Strategic Studies (IISS) and the Stockholm International Peace Research Institute (SIPRI).

The implementation of the EU Strategy against the proliferation of weapons of mass destruction is periodically reviewed every six months by issuing the pertinent report and its presentation in the Council where the actions taken and the allocated budget are specified.

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<sup>4</sup> A the CFSP budget, the instrument for Stability (IFS) to assist third countries to develop their capacities for the prevention of risks related to chemical, biological and nuclear materials and Council Regulation (Euratom) 300/2007 laying down an instrument for cooperation on nuclear safety.

<sup>5</sup> <http://register.consilium.europa.eu/pdf/en/08/st17/st17172.en08.pdf>

<sup>6</sup> This network also covers issues related to conventional weapons to facilitate the implementation of the EU Strategy to combat illicit accumulation and trafficking of small arms and light weapons (EU SALW Strategy).

<sup>7</sup> Council Decision 2010/430/CFSP of 26 July 2010.

<sup>8</sup> <http://www.nonproliferation.eu/>

## **APPLICATION OF THE EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AT THE INTERNATIONAL LEVEL**

In developing this Strategy, the EU, apart from actively participating in various international meetings<sup>9</sup>; it tries to put pressure on the enactment of new treaties, such as the entry into force of the “Comprehensive Nuclear-Test-Ban Treaty” or the beginning of negotiations of the “Fissile Material Cutoff Treaty (FMCT)”.

Concerning Iran, the EU promotes a diplomatic solution within the NPT and the different IAEA resolutions while tightening sanctions to the regime, not just in the energy sector (oil and gas), but also in the industrial and financial sectors. The High Representative Catherine Ashton has been present in the E3+3 group meetings as a commitment to solve diplomatically the proliferation problem in Iran.

Regarding North Korea, the EU has condemned the missile launches conducted in such a provocative way by the Asian country and the EU has repeatedly reiterated the obligation to comply with the NPT and UN Security Council resolutions 1695, 1718 and 1874.

Moreover, the EU supports the Code of Conduct of the Hague Code of Conduct against Ballistic Missile Proliferation (HCOB), which has been signed by all Member States, and actively supports the development of the International Code of Conduct for Outer Space Activities.

The EU also organizes bilateral and multilateral political dialogue meetings about disarmament and non-proliferation and plays an active role in various international forums such as the G-8 and the Global Initiative to Combat Nuclear Terrorism (GICNT).

## **APPLICATION OF THE EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AT THE DOMESTIC LEVEL**

The implementation of the EU Strategy against the proliferation of weapons of mass destruction has been, since its adoption, preferably oriented outward. However, since the publication of the UN Security Council Resolution 1540, which urges States to take appropriate measures to address the threat of use of WMD by terrorists, the European Union has intensified its response working on State coordinated response by making

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<sup>9</sup> NPT Preparatory Committee, NPT Review Conferences, Nuclear Security Summit, the Australia Group, IAEA General Conference, Meeting of Experts of the Australia Group, the Zangger Committee, Chemical Weapons Convention, Biological Weapons Convention or Missile Technology Control Regime (MTCR).

available Community instruments. Among these instruments, it should be emphasized the Instrument for Stability, the Nuclear Safety Co-operation Instrument (INSC), the Instrument for Pre-Accession Assistance (IPA) and the ISEC specific program “Prevention of and Fight against Crime”.

In mid-2009 an EU action plan on chemical, biological, radiological and nuclear activity<sup>10</sup> was launched, which identifies three priority areas of work in the fight against the use of weapons of mass destruction by terrorist groups: prevention, detection and response using the existing structures in civil protection.

The Plan aims to coordinate the action of States, optimize resources, avoid duplication and make effective control of chemical, biological, radiological and nuclear weapons. As for financial resources for their implementation, it should be emphasized those provided by the Instrument for Stability that for the period 2007-2013 has allocated 300 million Euros to mitigating the effects of a nuclear, radiological, biological or chemical (NRBC) incident of which 95 million are earmarked for the creation of Centers of Excellence<sup>11</sup>.

The initiative of CBRN Centers of Excellence was launched in 2010 to establish the creation of a regional network of experts in mitigation of such risks, recognizing the essential role played by technical specialists in the design of measures to deal with these threats. The main objective of these centers is to collaborate to improve the institutional response and to reduce the risk of an incident with CBRN agents.

Among other actions to mitigate CBRN risks that receive funds from the Instrument for Stability, are the prevention of illicit trafficking of CBRN aid to biosecurity and biosafety, export controls of dual-use goods and redirection of scientists with a professional past related WMD proliferation.

The EU also devotes a portion of these funds to ensure countries that want to develop their civilian nuclear programs do so with the assurance that they will not pose a risk of proliferation and illicit trafficking of nuclear material. An example of this is the decision of the EU, with the support of the IAEA, to create a bank of low-enriched nuclear fuel, for which since 2008 has committed 25 million Euros from the budget of the CFSP and the Instrument of Stability.

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<sup>10</sup> COM (2009) 273

<sup>11</sup> European Commission. Long-term responses to threats to third countries security threats. 2011.

## CONCLUSION

On the one hand, the EU has the legal, financial and technical instruments to win the leading role in the fight against proliferation using his best tool: diplomacy and multilateralism. But to be exercised effectively and with credibility, it must be supported consistently by all its members.

On the other hand, the EU, aware that the use of weapons of mass destruction by terrorist groups is one of the most serious threats to international security, promotes coordination among countries to mitigate the risks of an attack of this nature. For this purpose it has made available Community financing instruments to provide an action plan based on prevention, detection and response to a CBRN incident.

*M<sup>a</sup> del Mar Hidalgo García*  
*IEEE Analyst*