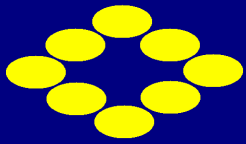


UNISCI Discussion Papers

ISSN 1696-2206

Nº 30

Octubre /October 2012



UNISCI

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EUROPE AND THE NON-PROLIFERATION OF NUCLEAR WEAPONS / EUROPA Y LA NO-PROLIFERACIÓN DE ARMAS NUCLEARES (Clara Portela, coord.)

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La revista es publicada tres veces al año —enero, mayo y octubre— por la Unidad de Investigación sobre Seguridad y Cooperación Internacional (UNISCI) de la Universidad Complutense de Madrid. Todos los números están disponibles de forma gratuita en nuestra página web www.ucm.es/info/unisci.

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The journal is published three times per year (January, May and October) by the Research Unit on International Security and Cooperation (UNISCI), Complutense University of Madrid. All the issues are available free of charge at our website www.ucm.es/info/unisci.

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ISSN: 1696-2206

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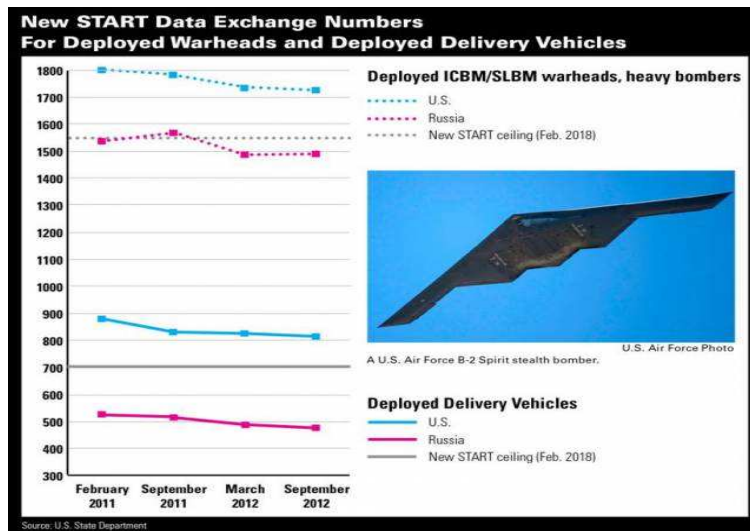
**NOTA EDITORIAL / EDITOR'S NOTE****Antonio Marquina Barrio¹***Director de UNISCI*

Este nuevo número de la revista está dedicado en su núcleo central al delicado y apremiante problema global de la no-proliferación. La profesora Clara Portela ha coordinado este bloque de artículos. Aunque se centran en las políticas de la Unión Europea con respecto a la no-proliferación, aparecen artículos sobre políticas comparadas con los Estados Unidos y sobre la posición de Rusia, lo que da mayor profundidad y mejor entendimiento al problema y, también, una mayor perspectiva para la adecuada evaluación de lo que la Unión Europea ha hecho en este ámbito, sus carencias y sus limitaciones. Como bien explica la profesora Portela, a la Unión Europea, como tal, todavía le queda un buen trecho por recorrer para ser relevante en la resolución de este problema, un problema de casi imposible solución a la vista de la política instaurada por Rusia a mediados de los años noventa de apoyo en las armas nucleares como eje central de su seguridad nacional, política que no ha perdido fuerza, antes bien se puede decir que se ha fortalecido en función de su evaluación de las consecuencias para su seguridad nacional del despliegue de sistemas antimisil en la OTAN y que le ha llevado a una modernización de sus sistemas nucleares. Por otro lado, los Estados Unidos no han hecho, ni de lejos, los esfuerzos necesarios para hacer frente a las obligaciones que le impone el tratado de no-proliferación (TNP) y los compromisos asumidos en las conferencias de revisión del TNP a partir de 1995. Del cero nuclear que Reagan y Gorbachov nos prometieron para el 2000, hemos pasado a una situación, doce años después de cumplirse este plazo, donde perduran unos arsenales de armas estratégicas de enorme cuantía e injustificables (véase siguiente figura):

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a los que hay que sumar miles de armas tácticas, en cuya negociación ni siquiera han entrado ni Rusia ni Estados Unidos y donde deberían entrar de forma imperativa tanto los cinco miembros permanentes del Consejo de Seguridad de las Naciones Unidas como los Estados proliferantes *de facto*, una anomalía inadmisibles. Como es profundamente anómalo el proceso de modernización de arsenales nucleares al que estamos asistiendo, donde también hay que apuntar a China, cuya justificación no es nada convincente, a pesar de los despliegues de radares que está haciendo Estados Unidos en Japón. Esto último podría servir de revulsivo para China y un incentivo para reevaluar las políticas mantenidas con Corea del Norte, de forma especial desde 2009. Esto tendría también importantes implicaciones para Estados Unidos.

El bloque de artículos incide también en las armas químicas y biológicas, siendo éstas últimas objeto de especialísima preocupación, al no existir un programa fiable de verificación de los acuerdos y donde la justificación de los Estados Unidos para no firmar un acuerdo de verificación no deja de ser escalofriante. De esta forma, las armas de destrucción masiva del siglo XXI, cuya tecnología está *off the shelf*, están fuera de cualquier control fiable. Ni existen medidas de prevención medianamente convincentes.

Es en este contexto general donde se encuadran las distintas políticas de la Unión Europea, que como en otros múltiples temas de política exterior y de seguridad (dejando de lado los temas de defensa, donde la UE ha jugado en los veinte últimos años a Disneylandia), son claramente insuficientes y carecen de fuerza y capacidad de arrastre.

La revista se detiene también en varios temas de actualidad temporalmente más cercana: La sucesión de Kim Jong-Il en Corea del Norte, con todas las incertidumbres que conlleva, las sanciones impuestas a Siria por la Unión Europea y, finalmente, una evaluación de la nueva directiva de defensa nacional aprobada en julio de 2012 que da la impresión de necesitar de algún repaso en profundidad.

Finalmente, no me queda sino señalar al lector que el esfuerzo desinteresado del grupo UNISCI de estos últimos años ha obtenido sus frutos, estando ya la revista recogida e indexada en un conjunto de bases de datos científicos de primera fila internacional, habiendo sido evaluada recientemente de forma positiva por SCOPUS, entrando en su base de datos, asunto que tiene un doble mérito, dado que la revista no ha recibido ningún tipo de ayuda financiera ni de la Universidad Complutense, ni de organismos oficiales, ni de cualquier otra fundación u organismo privado.

**NOTA DE LA COORDINADORA / COORDINATOR'S NOTE****Clara Portela**¹*Singapore Management University*

The EU published its first Strategy against the Proliferation of Weapons of Mass Destruction (WMD) in December 2003, in combination with the European Security Strategy (ESS). Almost a decade on, where does the EU stand? Following the change of leadership in the US, the Obama administration attempted to provide an impetus to nuclear disarmament with “Global Zero”. What impact did this initiative have on the European arms control scene? How has Europe reacted to unfolding WMD crises? This special issue features a selection of papers around the topic of Europe and WMD that offer some key insights into how this organisation has evolved in the field of non-proliferation and locates this evolution in the current global context.

In the opening article, Megan Dee evaluates the role of the EU in NPT negotiations. The EU has a history in this forum, having co-ordinated positions at NPT Review Conferences since the 1995, when it conducted a celebrated campaign in support of indefinite extension. It also appeared promising on account of its multilateral nature and vocation, very much highlighted in the ESS. However, according to Megan Dee, EU's performance is ultimately hampered by its own lack of ambition, as well as by the other groups which fulfil the consensus-building role the EU aspires to. In other words, it has been outperformed by groups with better defined and less status-quo oriented visions. The second article by Oliver Meier analyses an issue area that has remained conspicuously absent from current accounts of the EU's action in this field, its policies in various arms control regimes, with refreshing and sometimes unexpected results. Oliver Meier concludes that, despite the EU's favourable position in the export control regimes, members' action in these informal fora remains uncoordinated. The following article by Milagros Álvarez comparing the non-proliferation strategies of the EU and the US demonstrates that, despite the hopes instilled by Obama's nuclear disarmament impetus, US action in the field remains conservative in several respects. Her findings are rather disappointing: Transatlantic collaboration prospers in the consolidation of informal non-proliferation tools. Her contribution also helps us contextualising nuclear non-proliferation in the broader field of WMD: selective progress in the non-proliferation is matched by stagnation in the biological and chemical domain. Anne Finger follows up exploring European options for the implementation of a key initiative in the field, Obama's “Global Zero”, a highlight which has so far received less resolute support from the EU than one would expect following the adoption of the EU's WMD strategy. In the face

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of “Global Zero’s” fading momentum, Anne Finger suggests ways forward for reviving and facilitating progress towards nuclear elimination in Europe.

A second set of articles examines significant issues surrounding the EU and WMD proliferation. Benjamin Kienzle looks at the EU’s policies towards Iran in an effort to explore the problems created by the multiplicity of norms promoted in EU foreign policy. He shows that in the EU’s Iran policy, non-proliferation was eventually privileged over human rights objectives. In the absence of pre-established priorities among norms, the EU faces a dilemma in its external norm promotion; namely, it might have to prioritise among competing norms, or else pursue both of them at the expense of coherence. Two subsequent contributions analyse key issues determining the non-proliferation context in which the EU operates: Belén Lara compares and assesses European reactions to the US plans to deploy a Missile Defence system, while Natividad Fernández reviews the sometimes misrepresented, or simply misunderstood, non-proliferation policies of the Russian Federation. Finally, Fernando Borredá explores the role of the EU in the field of chemical weapons by applying most the straightforward standards, i.e., by assessing the relevance of EU action to the main challenges currently faced by the chemical weapons regime.

While the picture that emerges from this compilation of articles points to a suboptimal performance, it does not necessarily augur badly for the future of the EU as a non-proliferation actor. Those articles evaluating the EU’s track record reveal a gradual improvement in EU coordination, such as in the NPT framework. Others deal with arenas where the EU has not seriously contemplated closer co-ordination, as exemplified, to all appearances, in the export control regime. And granted, some contributions discuss issue areas which European countries prefer not to address through the EU, such as Missile Defence. The benefits of the emerging literature to which the present issue draws attention is that it shows a growing interest in the policies of the EU in the field, pointing to current deficiencies and sometimes even suggesting avenues for improvement. Nonetheless, the EU is clearly “not yet there”. In order to achieve relevance in the non-proliferation domain, the EU still requires a breakthrough.

This special issue shows that a community of researchers working on this topic has emerged over the past few years, both in Spain and abroad. The team of authors of this issue comprises scholars spanning from established experts in the field of arms control to post-doctoral and even a pre-doctoral researcher awaiting defence. Atypically in the field of security policy, the selection “assembled” for this collective endeavour features a higher number of female than male scholars!

My thanks go, first and foremost, to the contributing authors for their enthusiasm, dedication and patience, and for making this special issue possible. I would like to thank Prof Antonio Marquina, UNISCI’s chief editor, as well as Prof Vicente Garrido and my friend and colleague Dr Ursula Jasper for their kind support in this project. Needless to say, I remain indebted to the anonymous reviewers for their help – too bad I need to silence their names!



EXPLAINING EUROPEAN UNION PERFORMANCE IN THE NUCLEAR NON-PROLIFERATION TREATY REVIEW CONFERENCE: LIMITED AMBITIONS BUT PRAGMATIC POSITIONING¹

Megan Dee²
University of Glasgow

Abstract:

In this article explanation for the EU's negotiation performance in the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT RevCon) is offered. First examining how the EU has performed over the period 1995 to 2010, it conducts a systematic review of how EU performance has been shaped by a range of variables including the interests of its Member States, its own institutional capabilities, and the wider conditions of the international system. It argues that the major challenge for EU performance within the NPT has been its own negotiation positioning which, beset by limited ambitions, has confined the EU to always being a supporter of the NPT regime rather than a driver of it. Explanation for this can be seen not merely in the invariable challenge of trying to coordinate highly divergent energy and security Member State interests into a workable common position, the lack of EU competence in this field, but also by the difficult structural conditions within the negotiation environment. Taking these conditions into consideration it is suggested that the EU's limited ambition within the NPT may also be the most pragmatic positioning it can take.

Keywords: European Union, NPT Review Conference, coherence, international negotiations, disarmament, nuclear deterrence, nuclear arms control, CFSP.

Resumen:

En este artículo se ofrece una explicación de cómo se comporta la UE en las negociaciones en las Conferencias de Revisión del Tratado de No-Proliferación Nuclear (NPT RevCon). Examinando en primer lugar a la UE a lo largo del periodo de 1995 a 2010, se realiza una revisión sistemática de cómo el comportamiento de la UE se ha conformado a partir de un amplio abanico de variables, entre las cuales se encuentran los intereses de los Estados Miembros, sus propias capacidades institucionales, y condiciones más generales del sistema internacional. Se argumenta que el mayor desafío a que la UE se ha enfrentado en el TNP ha sido su propia postura negociadora, la cual, constreñida por ambiciones limitadas, ha reducido su papel al de mero apoyo del TNP, más que a asumir un rol director. Una explicación de ello puede encontrarse no únicamente en el constante desafío de tener que coordinar los intereses muy divergentes en materia de seguridad y defensa de sus Estados Miembros y plasmarlos en una posición común, sino también en la falta de competencia de la UE en este campo y también por las difíciles condiciones estructurales dentro del ambiente negociador. Tomando en consideración estas condiciones, se sugiere que la ambición limitada de la UE dentro del TNP puede resultar ser la postura más pragmática que pueda tomar.

Palabras clave: Unión Europea, Conferencia de Revisión del TNP, coherencia, negociaciones internas, desarme, disuasión nuclear, control de armamento nuclear, CFSP.

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¹ This article is based on my PhD thesis. Thanks goes to UACES for their financial support of fieldwork conducted in March-May 2011, and to an anonymous reviewer for valuable feedback on an earlier draft of this article.

² Megan Dee is a PhD candidate at Glasgow University, where she is completing a dissertation on the performance of the EU in multilateral negotiations. She is the winner of the Murray Learmonth award for Best Dissertation in honours in Politics. Prior to starting her doctoral studies, she worked for three years as a parliamentary researcher at the Scottish Parliament in Edinburgh.
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1. Introduction

As the cornerstone of the global nuclear non-proliferation regime, the Review Conference (RevCon) of the Parties to the Treaty on the non-Proliferation of Nuclear Weapons (NPT) is a critical and highly politicised event on the international community's calendar. The NPT, first entered into force in 1970 and indefinitely extended in 1995, was enacted with three pillars: to prevent the spread of nuclear weapons and weapons technology; to move towards the goal of general and complete nuclear disarmament; and to promote cooperation in the peaceful use of nuclear energy. Involving 190 States Parties, each with their own national security and energy interests at stake, the quinquennial NPT review negotiations are a forum where high politics is the order of the day and where strategic concerns underlay every issue. For the European Union (EU) therefore the NPT review negotiations offer something of a challenge.

The EU does not have competence to act for its Member States in this field nor is the EU itself a member of the NPT³. As a polity the EU is moreover formed of both nuclear and non-nuclear weapon states each with sovereign interests on nuclear issues, many of which are highly divergent. Thus, whilst EU Member States have, since the 1995 Review and Extension Conference, entered each NPT RevCon with a common position in place and with representation during the four week long negotiations conducted by the rotating Council Presidency, they do also participate in negotiations in their own national capacity. Examining *EU* performance in this negotiation could therefore be seen as something of a moot point. However, the EU has consistently exerted efforts to perform as 'EU' within the NPT negotiations; submitting EU working papers, promoting EU positions with third parties, and speaking as the EU during plenary sessions and Main Committees.

A key aim of this article therefore is to attempt to offer explanation of the EU's negotiation performance in this forum. Detailing an analytical framework for the evaluation of performance in multilateral negotiations which takes as its starting point the EU's own negotiation positioning relative to its negotiation partners; assessment is first given to the EU's performance within the NPT review negotiations from the 1995 RevCon up to the most recent RevCon held in May 2010. Attention is then given to a systematic analysis of three groups of explanatory variables – as identified from the literature on the EU in multilateral negotiations and diplomacy – which may be seen to influence EU performance in this forum including (i) EU interests, (ii) EU institutional developments and (iii) structural conditions. It argues that a major challenge for EU performance in the NPT review negotiations has been its own negotiation positioning which has been beset by limited ambitiousness; restricting the EU to always being a supporter of the system rather than a driver of it. This in turn has caused difficulties for EU unity and significance within the NPT community, limiting its outreach and subsequently impacting on its overall effectiveness. Explanation of this moreover can be seen not merely by the invariable challenge of trying to coordinate highly divergent Member State interests into a workable common position, or of a lack of EU competence in this field, but also by the structural conditions within which the EU and others negotiate in the NPT. Consideration of these in fact interconnected and mutually reinforcing explanatory variables moreover suggests that the EU's limited ambitiousness within the NPT review negotiations may also be the most pragmatic approach it can take.

³ The European Commission does hold observer status in the NPT but has no official role in representing the EU Member States in this forum.



2. Evaluation and Explanation of EU Performance in Multilateral Negotiations

Performance analysis is increasingly being utilised to evaluate the EU in international affairs, for example with studies focusing on EU performance in international institutions⁴ or foreign policy analysis⁵. As these analyses suggest EU performance analyses first require some judgement to be made about the EU and its capacity to act⁶. Connection is therefore drawn between EU performance and ‘actorness’⁷- defined here as “the capacity to behave actively and deliberately in relation to other actors in the international system”⁸. For the EU to be the subject of a performance analysis it must therefore have some basic degree of actorness distinctive from its Member States. As Sjöstedt details this may be identified where there is an EU goal or goals “articulated in a document so that its formulation, if not its interpretation, is beyond dispute” and shared by all governments of the Member States, and interaction by an EU representative or institution within the international environment⁹. Basic criteria for accepting the EU as an actor within a multilateral negotiation may therefore be recognised in cases, like the NPT, where there is an EU common position, joint action or other formalised conclusions detailing common EU goals and with representation by an EU institution i.e. the Council Presidency or High Representative within the negotiation environment.

Evaluating EU performance within those negotiations further requires particular consideration of the EU’s negotiation positioning, particularly in terms of its overall ambitiousness both in tackling the problem or issue under negotiation, and relative to the objectives of other players. The negotiation mandate – in the case of the NPT outlined in a Council common position – is the blueprint by which the EU pursues its negotiation objectives. Judging the ambitiousness of that mandate takes into account several critical factors. First, are the EU’s objectives progressive – that is, does the EU seek progress or reform of the current situation – or is it seeking the maintenance of the status quo¹⁰? This is important as it might be expected that the EU would need to exert greater resources and diplomatic skill in achieving progressive objectives than it would in maintaining the status quo. Second, how comprehensive are the EU’s negotiation objectives? Or, more explicitly, how adequate is the EU’s response? And third, how realistic are the EU’s negotiation objectives relative to the preference structures¹¹ of negotiation partners? Put another way, is the EU acting as an ambitious preference outlier trying to persuade others to move far beyond their own preferences, or is it preaching to the converted with close symmetries between its own objectives and the preferences of others?

⁴ See: Oberthür, Sebastian: “The Performance of the EU in International Institutions”, *Journal of European Integration Special Issue*, vol. 33, no. 6 (Nov. 2011), pp. 599-757.

⁵ “European Foreign Policy Scorecard 2012”, European Council on Foreign Relations, at <http://www.ecfr.eu/scorecard/2012>.

⁶ See Jørgensen, Knud Erik; Oberthür, Sebastian and Shahin, Jamal: “Introduction: Assessing the EU’s Performance in International Institutions – Conceptual Framework and Core Findings”, *Journal of European Integration*, vol. 33, no. 6 (Oct. 2011), pp. 599-620.

⁷ See Bretherton, Charlotte and Vogler, John (2006): *The European Union as an International Actor*, 2nd ed., Oxon, Routledge.

⁸ Sjöstedt, Gunnar (1977): *The External Role of the European Community*, London, Saxon House, Sweden, Swedish Institute of International Affairs, pp. 16.

⁹ *Ibid.*, pp. 23-24.

¹⁰ See Meunier, Sophie (2005): *Trading Voices: The European Union in International Commercial Negotiations*, Princeton, Princeton University Press.

¹¹ See Underdal, Arild: “The causes of negotiation failure”, *European Journal of Political Research*, vol. 11, no. 2 (June 1983), pp. 183-195.



Analysis of how the EU then performs in the pursuit of those objectives within multilateral negotiations encompasses four specific performance indicators¹² including: (i) *Unity* – is the EU a unified actor such that its representations in the negotiation are coordinated, coherent and complemented by the activities of its Member States? (ii) *Significance* – is the EU recognised as a significant negotiation partner to the extent that it is considered a necessary participant of endgame bargaining and decision-making? (iii) *Outreach* – what resources or tactics is the EU using and how proactive is it in trying to achieve its goals? (iv) *Effectiveness* – does the EU achieve its objectives?¹³

In addition to evaluating EU performance in multilateral negotiations, explaining why it has performed that way sheds useful insights into the EU as an international actor and negotiator. A burgeoning body of literature has begun to give consideration to explaining the EU's actorness, influence, and even leadership in multilateral negotiations, particularly prevalent in the case of the EU's role in climate change negotiations¹⁴ and international trade negotiations¹⁵. Distinguishable in these analyses are identified three notable trends in explanation of EU negotiation performance, including:

2.1. EU Interests

Within this literature several variables relate to the EU's interests as shaping its negotiation performance, for example: the extent to which the EU's negotiation activities are interest-based or norm-driven¹⁶, whether the EU's domestic interests are being met¹⁷, and the extent of convergence and congruence of Member States preferences¹⁸. In these cases a common, if often implicit, point of explanation is how the EU's interests help or hinder the EU's negotiation mandate, and subsequently its chances of making a greater impact within the

¹² These indicators are adapted from performance criteria outlined by the European Council on Foreign Relations (ECFR): See "European Foreign Policy Scorecard 2012", *op. cit.* <http://www.ecfr.eu/scorecard/2012> and Jørgensen et al., *op. cit.*, pp. 599-620.

¹³ It should be noted that this conceptualisation of performance encapsulates elements of both process (what the EU sought to achieve) and outcome (what it actually achieved i.e. effectiveness). This is significant because it does not always follow that if the EU seeks something and acts a certain way, it will necessarily be effective. As Thomas has for example argued EU coherence as an international actor does not necessarily translate into enhanced effectiveness. Considering EU negotiation performance premised on each of these indicators is one such effort to address this link between EU process and outcome. See Thomas, D.C.: "Still Punching below its Weight? Coherence and Effectiveness in European Union Foreign Policy", *JCMS: Journal of Common Market Studies*, vol. 50, no. 3 (Feb. 2012), pp. 457-474.

¹⁴ See Van Schaik, Louise G. and Schunz, Simon: "Explaining EU Activism and Impact in Global Climate Politics: Is the EU a Norm- or Interest-Driven Actor?", *Journal of Common Market Studies*, vol. 50, no. 1 (Jan. 2012), pp. 169-186; Groenleer, Martijn L. P. and Van Schaik, Louise G.: "United We Stand? The European Union's International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol", *Journal of Common Market Studies*, vol. 45, no.5 (Nov. 2007), pp. 969-998; Schreurs, Miranda A. and Tiberghien, Yves: "Multi-Level Reinforcement: Explaining European Union Leadership in Climate Change Mitigation", *Global Environmental Politics*, vol. 7, no. 4 (Nov. 2007), pp. 19-46 and Sjöstedt, Gunnar: "The EU Negotiates Climate Change: External Performance and Internal Structural Change", *Cooperation and Conflict*, vol. 33, no. 3 (1977), pp. 227-256.

¹⁵ Young, Alisdair R.: "The Rise (and Fall?) of the EU's Performance in the Multilateral Trading System", *Journal of European Integration*, vol. 33, no. 6 (October 2011), pp. 715-729; Meunier, *op. cit.*

¹⁶ See Van Schaik, *op. cit.*, pp. 169-186; Groenleer, *op. cit.*, pp. 969-998; Schreurs, *op. cit.*, pp. 19-46; Sjöstedt, *op. cit.*, pp. 227-256.

¹⁷ Keleman, R. Daniel and Vogel, David: "Trading Places: The Role of the US and the European Union in International Environmental Politics", *Comparative Political Studies*, vol. 43, no.4 (April 2010), pp. 427-456; Oberthür, Sebastian: "The EU in international environmental regimes and the Energy Charter Treaty" in Gupta, Joyeeta and Grubb, Michael (eds.) (2000): *Climate Change and European Leadership: A Sustainable Role for Europe*, Dordrecht, Kluwer Academic Publishers, pp. 83-105; Schreurs, *op. cit.*, pp. 19-46.

¹⁸ Groenleer, *op. cit.*, pp. 969-998.



negotiation. An expectation follows that where there is close symmetry between EU domestic interests and negotiation objectives i.e. where the EU aims to ‘upload’ domestic policy or regulation to the international level, or where Member States’ interests are more convergent, the EU is more likely to be effective. Alternatively an argument follows that the EU is most effective in multilateral negotiations when it pursues a ‘soft’ strategy based on EU normative principles thus enabling the EU to play to its strengths as a ‘soft’ or ‘normative’ power.¹⁹

2.2. EU Institutional Factors

Another trend in efforts to explain EU negotiation performance is to focus on the EU’s own institutional structure, particular facets of its decision-making processes and developments that have taken place due to ongoing integration. Examples include improvement in the EU’s legal competence across certain policy fields²⁰, changes in voting rules²¹, developments following treaty reforms²² or in the influence of certain EU regulation and directives²³. In these accounts focus is predominantly on the improving nature of these institutional developments for the EU’s performance; particularly in terms of enhancing EU external coherence, credibility and capability.

2.3. Structural Conditions

A third trend is the international context itself and certain structural conditions which have influenced the EU’s ability to take on a particular negotiation role i.e. as a leader or bridge-builder. These relate more specifically to aspects of international relations theory including for example the balance of power within the negotiations, specifically in terms of the number of major powers involved²⁴, the material resources available to the EU relative to other major powers²⁵, and to the power symmetry of the negotiations²⁶. This relates also to what the EU actorness literature refers to as the condition of ‘opportunity’²⁷; taking into consideration the roles and behaviour of the major powers – and typically their absence - as enabling the conditions for the EU to take on a greater international role.

¹⁹ Van Schaik, *op. cit.*, pp. 169-186. Van Schaik and Schunz (2012) challenge the assumption that the EU is effective in climate change negotiations when pursuing a normative agenda suggesting that this has in fact at times limited the EU’s influence in this forum.

²⁰ Schreurs, *op. cit.*, pp. 19-46.

²¹ See Meunier, *op. cit.*; Jupille, Joseph: “The European Union and International Outcomes”, *International Organization*, vol. 53, no. 2 (Spring 1999), pp. 409-425.

²² Laatikainen, Katie Verlin: “Multilateral leadership at the UN after the Lisbon Treaty”, *European Foreign Affairs Review*, vol. 15, no. 4 (Nov. 2010), pp. 475-493.

²³ Young, *op. cit.*, pp. 715-729; Oberthür, Sebastian and Pallemmaerts, Marc (ed.): “The EU’s Internal and External Climate Policies: an Historical Overview” in Oberthür, Sebastian and Pallemmaerts, Marc (eds.) (2010): *The New Climate Policies of the European Union: Internal Legislation and Climate Diplomacy*, Brussels, VUB Press, pp. 27-63; Oberthür, Sebastian: “The European Union’s Performance in the International Climate Change Regime”, *Journal of European Integration*, vol. 33, no. 6 (November 2011), pp. 667-682.

²⁴ Vogler, John: “The European Union as a global environmental policy actor: Climate Change” in Wurzel and Connelly (eds.) (2011): *The European Union as a Leader in International Climate Change Politics*, Oxon Routledge, pp. 21-37; Roberts, T.J.: “Multipolarity and the new world (dis)order: US hegemonic decline and the fragmentation of the global climate regime”, *Global Environmental Change*, vol. 21, no. 3 (2010), pp. 776-784.

²⁵ *Ibid.*; Oberthür, “The European Union’s Performance...”, *op. cit.*, p. 667-682; Killian, Bertil and Elgström, Ole: “Still a green leader? The European Union’s role in international climate negotiations”, *Cooperation and Conflict*, vol. 45, no. 3 (Sept. 2010), pp. 255-273.

²⁶ Meunier, *op. cit.*; Elgström, Ole and Stromvik, Maria: “The European Union as a Negotiator”, in Elgström and Jönsson (eds.) (2005): *European Union Negotiations: Processes, Networks and Institutions*, Oxon, Routledge, pp. 117-129.

²⁷ See Bretherton, *op. cit.*; Vogler, *op. cit.*, pp. 21-73; Roberts, *op. cit.*, pp. 776-784.



Interestingly within these discussions very little account is given to the interactive nature of these variables as influencing EU performance. These explanatory variables cannot however realistically be treated in a vacuum but rather as connected and mutually reinforcing conditions. With many changes in these conditions taking place over-time, a longitudinal perspective is furthermore useful in identifying pertinent trends and to ascertain how these factors have not only shaped the EU's negotiation performance but each other. Thus a tapestry of variables must be understood as shaping EU performance over-time. In the following sections these conceptual and explanatory issues are therefore considered in the case of the NPT review negotiations.

3. EU Performance in the NPT Review Negotiations (1995-2010)

Analysis of EU performance in the NPT review negotiations has until now received very little academic attention. In the most part academic accounts of the EU and the NPT have stemmed predominantly from analytical commentary and think tanks²⁸. What is more, what little has been written explicitly on EU performance has then tended to focus on individual RevCons²⁹ whilst garnering a more longitudinal perspective has been overlooked. Building on these accounts and supplemented by interview data obtained by the author from EU and non-EU officials to the NPT in March to May 2011³⁰, this section offers a brief evaluation of the EU's performance within the NPT from 1995 to 2010 with focus especially on the EU's negotiation positioning, and the extent to which it has met with the performance indicators explicated above.

²⁸ Fischer, David and Müller, Harald : "United Divided: The European Union at the NPT Extension Conference", *PRIF Reports*, no. 40 (November 1995), Frankfurt, PRIF; Johnson, Rebecca: "The 2000 NPT Review Conference: A Delicate, Hard-Won Compromise", *Disarmament Diplomacy*, no. 46 (May 2000), UK, The Acronym Institute for Disarmament Diplomacy; Johnson, Rebecca: "Politics and Protection: Why the 2005 Review Conference Failed", *Disarmament Diplomacy*, no. 80 (November 2005), UK, The Acronym Institute for Disarmament Diplomacy; Johnson, Rebecca: "Assessing the 2010 NPT Review Conference: A necessary political success, this year's conference has far-reaching implications", *Bulletin of the Atomic Scientists* (July/Aug. 2010), UK, The Acronym Institute for Disarmament Diplomacy; Dhanapala, Jayantha and Rydell, Randy (2005): "Multilateral Diplomacy and the NPT: An Insider's Account", UNDIR/2005/3, Geneva, United Nations Institute for Disarmament Research; Dhanapala, Jayantha: "Evaluating the 2010 NPT Review Conference", *United States Institute of Peace Special Report*, no. 258 (Oct. 2010), Washington DC, United States Institute of Peace; Kile, Shannon (2006): "Nuclear arms control and non-proliferation" in *SIPRI Yearbook 2006: Armaments, Disarmament and International Security*, Oxford, Oxford University Press, pp. 607-638; Portela, Clara: "The Role of the EU in the Non-Proliferation of Nuclear Weapons: The Way to Thessaloniki and Beyond", *PRIF reports*, no. 65 (December 2003), Frankfurt, PRIF; Portela, Clara: "The EU and the NPT: Testing the new European Nonproliferation Strategy", *Disarmament Diplomacy*, no. 78 (July/Aug. 2004), UK, The Acronym Institute; Meier, Oliver and Quille, Gerrard: "Testing Times for Europe's non-proliferation strategy", *Arms Control Today*, (May 2005).

²⁹ Müller, Harald and Van Dassen, Lars: "From Cacophony to Joint Action: Successes and Shortcomings of the European Nuclear Non-Proliferation Policy", in Holland, M. (eds.) (1997): *Common Foreign and Security Policy: The Record and Reforms*, London, Pinter; Potter, W.C.: "The NPT review conference: 188 states in search of consensus", *The International Spectator*, vol. 40, no. 3 (July-Sept. 2005), pp. 19-31; Müller, Harald: "A Treaty in Troubled Waters: Reflections on the Failed NPT Review Conference", *The International Spectator*, vol. 40, no. 3 (July-September 2005), pp. 33-44; Müller, Harald: "The 2010 NPT Review Conference: Some Breathing Space Gained, But No Breakthrough", *The International Spectator*, vol. 45, no. 3 (September 2010), pp. 5-18; Dee, M.: "Standing together or doing the splits? Evaluating EU Performance in the Nuclear non-Proliferation Treaty Review Negotiations", *European Foreign Affairs Review*, vol. 17, no. 2 (2012), pp. 187-209.

³⁰ Fieldwork was conducted in New York, London, Brussels and Geneva with officials from EU Member States, the EEAS, third country diplomats and accredited NGOs, all of whom had attended past NPT RevCons. My thanks to UACES for financial support of this fieldwork.



In July 1994 the European Council agreed to the first Joint Action by the EU to “strengthen the international nuclear non-proliferation regime” and to “contribute to the successful outcome of the review conference”³¹. Since then the EU has entered each quinquennial NPT RevCon with a common position by which its Member States pursue shared principles and objectives. In each common position the EU has consistently cited its primary objectives as initially detailed in that first Joint Action – to strengthen the nuclear non-proliferation regime, and to contribute to the successful outcome of the RevCon. Adding to this from 2000 onwards the EU’s common position has further specified that the EU would achieve these objectives by helping to “build consensus on substantive issues”³². Whilst the EU’s negotiation objectives have grown in comprehensiveness since 1995; moving from what was a short one-and-a-half page position entering the 1995 RevCon to a four page document with upwards of sixty objectives pursued by the EU upon entering the 2010 RevCon, this has not always translated into growing substance.

Analysis of the EU’s common positions over this period reflects that the EU’s negotiation mandate entering each NPT RevCon has been predominantly status quo-orientated on the fundamental issue of nuclear disarmament (pillar I), and demonstrating only marginally more progressiveness on certain aspects of pillar II (non-proliferation) and pillar III (nuclear energy). Rather than attempting to pursue particularly forward-looking and ambitious objectives, the EU position instead reflects the EU as a strong proponent of the multilateral process and an avid supporter of the NPT but which are notable mostly for their ambiguity. The EU’s common positions have subsequently been criticised for being too universal in their policy objectives³³, too much of a lowest common denominator³⁴ and, due to the interests of its own nuclear-weapon states (the UK and France) somewhat limp particularly on the matter of nuclear disarmament³⁵.

Such a position has both its benefits and drawbacks. In terms of the EU’s objectives relative to the preference structures of key negotiation partners within the NPT, a more ambiguous and ‘universal’ common position – itself already a compromise by having gone through the process of internal EU negotiations - does enable the EU to find agreement with most, if not all, States Parties. As table 1 below reflects, the EU is well positioned to achieve its key objective of ‘building consensus’ in order to achieve a successful outcome due in part to these close symmetries with other key players. However, the ambiguity of the EU’s common positions does also present the EU with a presentation problem within the NPT, particularly when compared to the major negotiation groupings. For example the New Agenda Coalition (NAC)³⁶ stands out in the NPT negotiations for its proactive stance, since 2000, on nuclear disarmament issues³⁷. The Vienna Group of Ten (G-10)³⁸ has established itself as a prominent player on all ‘Vienna’ issues pursuing objectives such as strengthening the IAEA, export controls and nuclear safeguards. The strategic interests of the five nuclear-

³¹ Council of the European, Council Decision, (94/509/CFSP, OJ: L 205/ 1), 25 July 1994.

³² Council of the European Union, Council Decision, (2000/297/CFSP, OJ: L 97/1), 13 April 2000, Council of the European Union, Council Decision, (2005/329/PESC, OJ: L 106/33), 25 April 2005, Council of the European Union, Council Decision, (2010/212/CFSP, OJ: L 90/9), 29 March 2010.

³³ Interview, EU diplomatic source, March 2011

³⁴ See Müller, “A Treaty in Troubled Waters...”, *op. cit.*, pp. 33-44; Interview, third country official, New York, March 2011, Interview, EU Member State official, Geneva, May 2011.

³⁵ Interview, Ray Acheson, Reaching Critical Will, March 2011, Interview, Senior Analyst, NGO, March 2011, Interview, third country official, Geneva, May 2011.

³⁶ Formed of Egypt, South Africa, Brazil, Mexico, New Zealand, Ireland and Sweden.

³⁷ Interview, senior analyst, NGO, London, April 2011.

³⁸ Includes New Zealand, Australia, Canada, Norway, Austria, Netherlands, Denmark, Hungary, Ireland & Sweden.



weapon states (or P-5³⁹) meanwhile ensure that on all nuclear issues, not least the key issue of nuclear disarmament, these five states are of fundamental importance; whilst the Non-Aligned Movement (NAM)⁴⁰ is high profile on all issues in representing the views of the developing world. Comparatively the EU has no such *raison d'être*. Instead the EU's ambiguous position, which has little in the way of uniquely 'European' positions or particular entrepreneurial solutions by which it could help steer negotiations, is in danger of being submerged by other more prominent, and ambitious, objectives pursued more aggressively by groups who are dedicated to achieving specific results and who have very set views on what a 'successful outcome' should look like.

Table 1: Main objectives by Major NPT Negotiating Group – Positioning the EU

Key Negotiation Issues within the NPT	Main objectives by Negotiation Grouping				
	Permanent Five (P-5) ^[i]	European Union (EU) ^[ii]	Vienna Group of Ten (G-10) ^[iii]	New Agenda Coalition (NAC) ^[iv]	Non-Aligned Movement (NAM) ^[v]
Pillar I (nuclear disarmament)	Commitment to concrete, credible steps towards irreversible disarmament Entry into force of the Comprehensive Test-Ban Treaty and upholding commitment to a moratoria on nuclear testing Negotiation on a Fissile Material Cut-Off Treaty	Gradual, systematic nuclear disarmament, stressing the special responsibility of states with the largest arsenals Rapid entry into force of the Comprehensive Test-Ban Treaty Negotiations towards a Fissile Material Cut-Off Treaty including a moratorium on the production of fissile materials for nuclear weapons		Total elimination of NWS nuclear arsenals but with interim measures of legally binding security assurances to non-nuclear weapon states Early entry into force of the Comprehensive Test-Ban Treaty and continuation of testing moratorium until that point Reaffirmation of negotiations towards a Fissile Material Cut-Off Treaty	Reaffirmation by NWS of their disarmament obligations and immediate implementation of those obligations Leadership by the NWS in the objectives of the Comprehensive Test-Ban Treaty Immediate commencement of negotiations on a Fissile Material Cut-Off Treaty
Pillar II (non-proliferation of nuclear weapons)	Accession by all states to the Additional Protocol and as the verification standard Development of nuclear-weapon free zones, particularly in the Middle East The UNSC as having primary responsibility for tackling cases of non-compliance (as detected by the IAEA) UNSC to tackle cases of withdrawal from the NPT	Universal accession to the Additional Protocol (AP) and as the verification standard Development of nuclear-weapon free zones Strengthening the role of the UNSC as arbiter in cases of non-compliance of NPT obligations The adoption of measures to tackle cases of withdrawal from the NPT	Universal adherence to the Additional Protocol and as the verification standard Ensuring compliance is the precondition for cooperation in the peaceful uses of nuclear energy	Establishment of nuclear-weapon free zones, particularly in the Middle East	Maintaining the Additional Protocol as a voluntary confidence-building measure Establishment of nuclear-weapon free zones, especially in the Middle East Maintaining the IAEA as an apolitical body
Pillar III (cooperation in the peaceful use of nuclear energy)	Strengthening export controls Development of nuclear energy in the promotion of sustainable development Development of multilateral approaches to the nuclear fuel cycle	Strengthening export controls Development of multilateral approaches to the nuclear fuel cycle	Strengthening export controls Development of multilateral approaches to the nuclear fuel cycle		No undue restrictions placed on exports of nuclear materials, particularly for Prematurity of discussions on multilateral approaches to the nuclear fuel cycle

[i] Source: Statement by the Russian Federation on behalf of the P-5 to the 2010 NPT RevCon, 5th May 2010

[ii] Source: Council Decision 2010/212/CFSP, 28th March 2010

[iii] Source: Vienna Group of Ten (G-10) Working Paper "Cooperation in the peaceful uses of nuclear energy", submitted to the 2012 NPT PrepCom, 16th March 2012 (NPT/CONF.2015/PC.1/WP.2)

[iv] Source: NAC working paper, submitted to the 2010 RevCon, 23rd March 2010 (NPT/CONF.2010/WP.8)

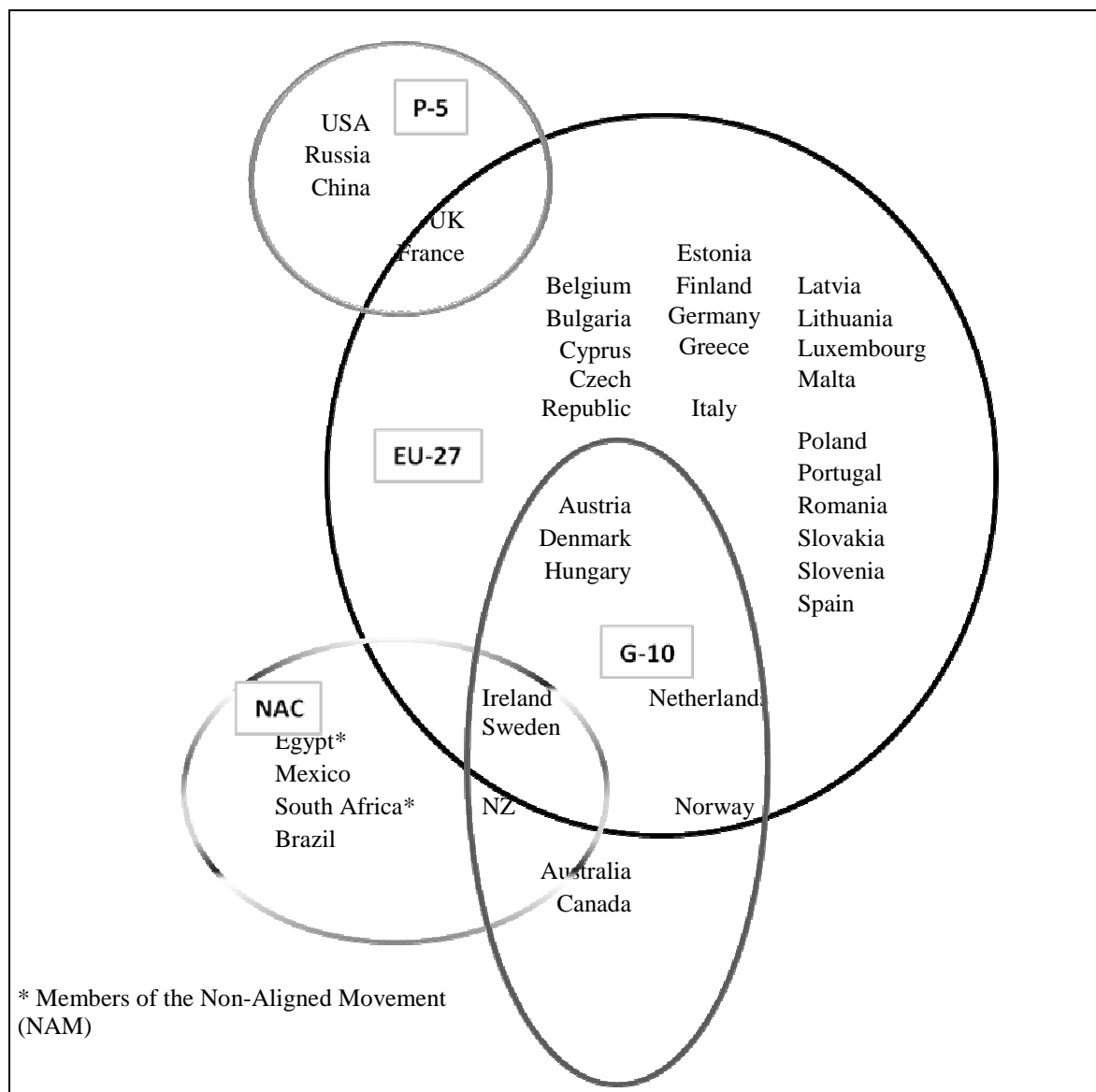
[v] Source: NAM working paper, submitted to the 2010 NPT RevCon, 28th April 2010 (NPT/CONF.2010/WP.46)

³⁹ The 'Permanent-Five' members of the UN Security Council. Includes the United States, Russia, China, UK and France.

⁴⁰ Representing over 100 developing, non-western and all non-nuclear weapon States Parties.

Due to the EU's common – and compromise - position within the NPT negotiations another challenge for EU performance in this forum is that, with no EU legal competence, Member States are at liberty to pursue, often stronger, national objectives and speak in a national capacity during NPT RevCons. Maintaining EU *unity* within the NPT negotiations is therefore a significant difficulty for whichever Member State is holding the rotating Council Presidency representing the EU. Whilst ongoing EU coordination takes place during the four week long RevCon negotiations – typically including at least three meetings a week⁴¹ – and with EU positions and statements frequently publicised, a number of Member States also work alongside other negotiation groupings with which they share similar interests; demonstrated in figure 1 below:

Figure 1: EU Member State group memberships in the 2010 NPT RevCon



Source: Author's own compilation



This cross-alignment is considered to be a major flaw of the EU's negotiation performance⁴² and the EU has been broadly criticised for disunity; with Member States working in other groupings particularly blamed for national objectives being pursued at the expense of the common EU position⁴³. However, this cross-alignment has also, at times, served the EU. In 1995 it was the EU's "concerted" global diplomatic campaign - combining the efforts of both the EU Troika and the diplomatic relations of its Member States - in the pursuit of the indefinite extension of the NPT that contributed to the campaign's success⁴⁴. In 2010 moreover, it was the concerted efforts of the EU, utilising its own Member States diplomatic ties within these other groupings, which enabled the EU to play an effective consensus-building role⁴⁵. By promoting EU basic principles and objectives within these groupings, gathering information on preference symmetries and bringing all information back to EU coordination meetings, the EU was able to fine-tune its own compromise language and proactively push for that language to be included in the Final Outcome Document⁴⁶.

Divisions within the EU group have however had an impact on the EU's performance in terms of *outreach*. Whilst the EU has consistently submitted joint working papers to the NPT negotiations since 2000 onwards⁴⁷ Member States do frequently supplement them with their own submissions⁴⁸ either alongside other negotiation groupings, or individually, and which often go further than the EU common position. With the EU's working papers to the Main Committees often repeating general points already stressed in the EU's broader common position, Member States often use the opportunity to submit working papers as a way of getting more of their own technical details into the negotiation sessions, in an effort to push forward more specific objectives which may then be included in the Final Document. Whilst this is seen to be 'complementary'⁴⁹ to the EU position this nevertheless provides a complex dimension for the EU as a negotiator - often detracting attention away from the EU and onto more proactive Member States.

One particular knock-on effect of this is that the EU is not always considered to be a *significant* negotiation partner. Since 1995 the EU Council Presidency has only twice been invited to send a representative to form part of the final week closed inner negotiations known as 'Friends of the Chair'⁵⁰ sessions. This occurred in 1995 - when by happy coincidence France held the Council Presidency and who, as a nuclear-weapon state is automatically invited as a key player - and in 2010 when the Spanish Council Presidency, alongside the

⁴¹ Interviews, EU Member State officials, New York, March 2011, Interview, EU diplomatic source, New York, March 2011.

⁴² Interview, EU diplomatic source, New York, March 2011.

⁴³ See Fischer et al., *op. cit.*; Kile, *op. cit.*, pp. 607-638; Müller, "A Treaty in Troubled Waters...", *op. cit.*, pp. 33-44.

⁴⁴ See Fischer et al., *op. cit.*; Portela, *op. cit.*, Muller et al., "From Cacophony to Joint Action...", *op. cit.*

⁴⁵ See Dee, *op. cit.*, pp. 187-209.

⁴⁶ Interviews, EU Member State officials, New York, Brussels & Geneva, March and May 2011, Interview, third country official, Geneva, May 2011

⁴⁷ In 1995 the EU submitted just one informal Committee Room Paper, this increased to 5 formal working papers in 2000, 8 in 2005 and 4 in 2010.

⁴⁸ In comparative perspective EU Member States submitted or supported 26 working papers in 1995, 30 in 2000, 17 in 2005 and 27 in 2010.

⁴⁹ Interview, Ambassador Miguel Aguirre de Carcer, former Spanish Disarmament Ambassador and lead EU negotiator in the 2010 RevCon, Brussels, 16 May 2011. This is supported by analysis of Member State submissions relative to the EU papers which does reflect, in the most part, the same promotion of basic principles and objectives. Member State submissions tend however to be more goal specific and detailed on technical aspects.

⁵⁰ Interview, EU diplomatic source, New York, March 2011.



new European External Action Service (EEAS) were participant⁵¹. In both the 2000 and 2005 RevCons the EU was however side-lined as a key negotiator in these closed negotiations by more prominent Member States⁵². In these cases, with the EU excluded from endgame bargaining between the major players this has had an inevitable consequence for the EU's *effectiveness* within the NPT, with the EU often having to accept decisions it had no part in making. This was especially evident in 2000 where the EU, whilst sharing many of the same negotiation objectives as the NAC⁵³, was excluded from endgame bargaining between the NAC and P-5 members. The inclusion of many of these shared objectives within the 2000 Final Document, whilst accredited by some to the work of the EU⁵⁴, may be best accredited to bargaining by the NAC who were in the room, rather than any particular effectiveness on the part of the EU.

EU effectiveness is moreover limited within this environment due to the ambiguity of the EU's common positions particularly since 2000. In 1995 the EU can certainly claim effectiveness in its successful co-sponsored campaign for the indefinite extension of the NPT. Interesting to note is that the EU's 1995 joint action explicitly highlights that the EU would pursue this goal – to the extent in fact of neglecting all other aspects of the 1995 negotiations where the EU then had little impact in the substantive aspects of the negotiations⁵⁵. In 2000 and 2005, whilst increasing in quantity and detail, the EU's negotiation objectives did not demonstrate any substantive development of specific solutions, initiatives or objectives beyond the basic principles of supporting the multilateral system and seeking to 'build consensus on substantive issues'. Consequently the EU has had no real goals to attain within the NPT other than to support (and conversely not prevent) a general success. In 2010 however, the EU's objectives did improve to include what it identified as seven priority areas which it would pursue in order to obtain a successful outcome and further calling for a 'forward-looking, balanced and ambitious action plan' for the Final Document⁵⁶. This was the first time since 1995 that the EU had specified a specific outcome for the negotiations. That the EU was then seen to be united, pursuing consensus through concerted diplomatic action, and significant with participation in endgame bargaining, further stresses a link between a more substantive and driven common position and improved EU performance within this forum.

As this discussion has suggested, much of the EU's performance within the NPT has been premised on its own negotiation position and the challenges that come from limited ambitiousness. Rather than progressively driving forward the negotiations for the attainment of specific goals within the final outcome document, the EU has instead focused its role on being a supporter of the system resulting in EU Member States operating beyond the EU to pursue their stronger national objectives, weakening the EU's significance as a negotiator, limiting its outreach, and consequently impacting on the EU's effectiveness. What might then be considered the EU's 'successes' in the NPT – the indefinite extension campaign and, to

⁵¹ Interview, Ambassador Aguirre de Carcer, Brussels, May 2011, Interview, Senior official, EEAS, Brussels, May 2011.

⁵² Notably the UK and France as nuclear-weapon states, also Ireland and Sweden are frequent participants as members of the EU, NAC and G-10.

⁵³ Including the promotion of the principles of irreversibility and transparency in nuclear disarmament and calling for disarmament negotiations to commence in the Conference on Disarmament (compare the EU's working paper NPT/CONF.2000/MC.1/SB.1/WP.2 to the NAC working paper 'Letter dated 24 April 2000 from the Minister for Foreign Affairs of Mexico addressed to the Secretary-General of the Review Conference' submitted to the 2000 RevCon).

⁵⁴ See Meier et al., *op cit.*; Portela, "The Role of the EU in the Non-Proliferation...", *op. cit.*

⁵⁵ See Fischer et al., *op. cit.*

⁵⁶ Council of the European Union, Council Decision, (2010/212/CFSP, OJ: L 90/9), 29 March 2010.



some extent, its creditable performance in the 2010 RevCon – have been premised on the EU's effective performance in consensus-building. Such a role, whilst in these cases useful, does however prohibit the EU's ability to make much more of an impact in this forum.

4. Explaining EU Performance in the NPT Review Negotiations

Discussion was earlier given to three groups of variables identified from the literature as trends influencing– and subsequently explaining – EU performance in multilateral negotiations including: (i) the EU's interests, (ii) EU institutional factors, and (iii) structural conditions. Whilst by no means an exhaustive list; these variables do enable some systematic analysis of possible factors seen to shape the EU's negotiation position – and consequently its performance - within the NPT review negotiations. This is particularly important in the case of the NPT where very limited attention has been paid to systematically assessing explanatory factors that have shaped EU negotiation performance; with the tendency instead to accept, often implicit, factors such as the EU's 'lowest common denominator' positioning⁵⁷ and the divergences amongst EU Member States⁵⁸ as reason enough for EU performance difficulties. The following overview therefore considers these explanatory variables and their influencing role on the EU over this period.

4.1. EU Interests

With much of the EU's performance premised on its negotiation positioning, explanation must first and foremost take into consideration the interests of the Member States and their influence on the drafting of that common position. Particularly relevant in the case of the NPT is the level of congruence amongst Member States' interests. As indicated in the introduction to this article the NPT represents a challenge for the EU due to the highly divergent interests of its own Member States. More explicitly the EU Member States since 1995 have represented a raft of divergent positions on the issues of nuclear disarmament and the use of nuclear energy particularly. The EU is comprised not only of eleven NATO-members, two of which are nuclear-weapons states and with four Member States hosting NATO strategic weapons, but it also has neutral Member States, several of which are strongly and consistently against nuclear weapons. On the issue of nuclear disarmament the EU is notably divided with Member States that occupy two sides of a spectrum: the UK and France on the one hand as nuclear-weapon states and pro-disarmament states including Ireland, Sweden and Austria on the other. On the issue of nuclear energy the EU is also highly divided with pro-nuclear energy Member States such as France standing in opposition to strong opponents of nuclear energy such as Austria, and with a wealth of diverging and more moderate views in-between.

It is perhaps not therefore coincidental that the EU common position since 1995 has been less interest-based and more norm-driven, particularly in terms of the EU's preferences for 'effective multilateralism'. This is clear particularly in the way the EU common positions have been framed, with reference to the pursuit of universal accession to the NPT and other multilateral arms control treaties, focusing on ensuring compliance, tackling issues of

⁵⁷ See Müller, "A Treaty in Troubled Waters...", *op. cit.*, pp. 33-44; Müller, "The 2010 NPT Review Conference...", *op. cit.*, pp. 5-18; Johnson, Rebecca: "The NPT Third PrepCom: What Happened and How", *Disarmament Diplomacy*, no. 37 (May 1999), UK, The Acronym Institute for Disarmament Diplomacy.

⁵⁸ See Fischer et al., *op. cit.*; Muller et al., "From Cacophony to Joint Action...", *op. cit.*; Potter, *op. cit.*, pp. 19-31.



withdrawal, and in its broader ‘support for the system’. This is significant as whilst this approach has limited the EU’s ambitions within the NPT negotiations, it has also enabled the EU to take on some role where it otherwise might have been redundant – enabling the EU to act as an NPT Champion in the pursuit of consensus, premised on its multilateralist strengths, in order to support and strengthen the regime, but without going against Member State sensitivities in this highly strategic environment.

4.2. EU Institutional Factors

Institutional developments within the EU may also be seen to have had a shaping role on EU performance within the NPT. Most obvious perhaps, but important to highlight, is that the EU does not have legal competence to act for its Member States on nuclear matters. Consequently EU representation within the NPT has, since 1995, been premised on a coordination model whereby the Member States agree to coordinate their positions and act in concert as ‘EU’ but where Member States retain their own membership of the NPT and may continue to speak and negotiate on their own behalf. This has enabled the EU to perform as EU but at a very basic level. With Member States pursuing sovereign interests, often over and above the concerted EU actions, this has limited the EU’s capacity to negotiate with an influence particularly on its unity as an actor, its outreach and significance to decision-making, and consequently its effectiveness. However, the issue of competence has also been a consistent variable in this case study. It cannot therefore explain why EU performance has fluctuated, or why the EU has at times in fact performed above expectation as was evident in the 1995 extension decision and in 2010. Can other institutional factors therefore contribute to this explanation?

On-going efforts towards institutional integration do suggest some explanatory power of EU integration and improvements in its NPT performance. For example, the Treaty on European Union in 1992 may help explain the EU’s success in the indefinite extension campaign in 1995. Firstly, the TEU was important in establishing the Common Foreign and Security Policy (CFSP) which set out the requirement for Member States to coordinate on all matters of foreign and security policy including in international organisations and conferences⁵⁹. This was not only significant for Member State concerted action for indefinite extension but also importantly led to French accession to the NPT in advance of the 1995 RevCon⁶⁰ and enabling the EU to campaign as ‘EU’. Secondly, the TEU also importantly enabled the institutional mechanism by which the EU Member States could formally coordinate their position. The Council’s agreement of a Joint Action in 1994 was the first binding obligation by the Member States to coordinate and work together in the NPT, setting precedence for NPT negotiations to follow.

Subsequent treaty reforms have however made little difference to the EU’s capacity to negotiate within the NPT and further integration efforts have had limited influence on its negotiation positioning. For example, in 2003 the EU Member States agreed the European Union Strategy Against the Proliferation of Weapons of Mass Destruction⁶¹. The strategy outlined, for the first time, the need for a coherent EU Action Plan to address the threat of

⁵⁹ TEU (1992) J2.3.

⁶⁰ France initially refused to sign the NPT on the grounds that nuclear disarmament could not ensure French security. It laid aside its objections when the EU CFSP came into force thus enabling the EU to partake in the 1995 RevCon with all its Member States as States Parties to the NPT.

⁶¹ Council of the European Union (2003): “EU strategy against proliferation of Weapons of Mass Destruction”, (10 December 2003), Brussels, 15708/03, at <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>.



nuclear proliferation. In it, the strategy emphasised that ‘effective multilateralism’ was the cornerstone of EU efforts in combating the proliferation of WMD and that it would pursue the universalisation of multilateral treaties, including the NPT, and putting particular emphasis on compliance with those treaties⁶². Despite suggesting an enhanced EU role in the non-proliferation regime, the EU’s WMD Strategy did not have much of an impact on the EU’s 2005 NPT common position⁶³. Instead, the 2005 common position was merely a reiteration of previously stated objectives suggesting little impact of the WMD strategy on EU NPT performance. Changes from the 2009 Lisbon Treaty may however offer some explanation of the EU’s improved performance in 2010, particularly with the participation of the EEAS within the EU’s delegation. Whilst 2010 was a transitional phase for the Lisbon Treaty⁶⁴, with the EEAS expected to move to a leading role in the EU delegation within the NPT by 2015, the presence of the EEAS as a supportive arm to the Council Presidency may certainly be attributed as a positive influencing factor on the EU’s improved unity and coordination.

4.3. Structural Conditions

Broader structural conditions may also be seen as influencing the EU’s performance in the NPT review negotiations over this period. This is especially evident in relation to the balance of power within the negotiation environment which may be seen as a constraining factor on EU performance in this forum. As a negotiation environment the NPT is dominated by the strategic and security interests of 190 States Parties which, when looked at through realist-lenses, are dominated by the interests of the nuclear weapon-states. A spectrum of divergent positions is then identified between the nuclear haves and have-nots with the P-5 on one side and the NAM, representing the developing world, on the other (see table 1). From a balance of power perspective the EU is therefore oddly placed. As a polity it includes two nuclear-weapon states which, if the EU were state-like would place it as an important player at the table. However, the EU is also made up of mostly non-nuclear weapon Member States. Consequently the EU must present itself as a middle-grounder, bridging the interests of nuclear and non-nuclear powers. Within the NPT however this is already a cluttered middle field with the NAC seeking to play the part of bridge between the west and NAM over pillar I issues, and the G-10 providing a similar specialised role over pillar II and III issues. In terms of opportunity to take on an enhanced role the EU is therefore restricted by competition for the middle-ground on the one hand and by its unique polity preventing it from fulfilling a role as a nuclear or non-nuclear power on the other.

This dynamic can be seen to have affected EU performance on several occasions. In 2000 it was this cluttered middle field which prevented the EU from taking on a more prominent role in endgame bargaining; with the NAC instead involved in brokering a deal with the P-5 to the exclusion of the EU. In 2010 however the NAC had diminished in significance as a key player⁶⁵ which may help explain why the EU was then invited to participate in the final week negotiations enabling it to more effectively play the role of bridge-builder. Another explanation for the EU’s improved bridge-building role in 2010 was the change in the United States’ attitude towards the NPT. Following the United States

⁶² *Ibid.*, p. 6.

⁶³ See Portela, “The EU and the NPT...”, *op. cit.*

⁶⁴ Interview, EU diplomatic source, New York, March 2011, interview, EU Member State official, Geneva, May 2011.

⁶⁵ See Dhanapala, “Evaluating the 2010...”, *op. cit.*, pp. 6; Dhanapala argues that, unlike in the 2000 RevCon, the NAC were not a force in the 2010 RevCon but yielded instead to the more prominent position of the NAM, Interview, senior analyst, NGO, London, April 2011.



mostly negative positioning in the 2005 RevCon⁶⁶ - itself a missed opportunity for the EU to take on an enhanced role - the new Obama Administration, upon taking up office in 2009, indicated a change of track on US nuclear issues, including a more forthcoming attitude to the issue of US nuclear disarmament. This created a renewed positivism in the NPT community and helped to build a consensus environment for a successful outcome in the 2010 RevCon⁶⁷; further contributing to EU consensus-building efforts.

However, as this discussion has suggested, whilst each of these variables offer some explanation of the EU's negotiation performance in the NPT RevCons from 1995 to 2010, they cannot, of themselves, sufficiently explain all facets of the EU's performance during this time. Rather, it is argued that these variables are interconnected, creating multiple and different directions of causality upon EU negotiation performance⁶⁸. A suitable example to demonstrate this argument may particularly be seen in the 2005 RevCon where the reticent behaviour of the United States sparked discussion of the EU's 'potential leadership role'⁶⁹ within the negotiations. The EU's integration efforts in producing the WMD Strategy - in part a response to the United States unilateralist approach to global security post-9/11 - further set the scene for an enhanced EU role. Proponents of a purely structural or institutional approach may expect therefore an enhanced EU performance within the 2005 RevCon. However, the EU's common position remained a status quo document and EU performance in the 2005 RevCon roundly criticised⁷⁰. Whilst the structural and institutional conditions were therefore present, this had not been translated into congruence of Member States' interests with the Member States continuing to push national objectives rather than an ambitious EU action. This brings out two points. First, explanation for EU performance in the context of the NPT - and by implication, multilateral negotiations more generally - must take into consideration all three factors rather than treating them as separate and individual variables. A tapestry of intersecting explanatory variables is therefore to be understood. Second, whilst these interesting variables contribute to explanation of the EU's limited ambition within the NPT, they do also indicate pragmatic positioning by the EU; enabling it to take on some role despite the limitations of its institutional capability, the challenges of its Member States divergent interest, and the difficulties of the negotiation environment.

5. Conclusion

In this article EU performance in the NPT review negotiations has been examined from a longitudinal perspective. It has argued that, despite an early success with its indefinite extension campaign and demonstrating some improvement in the most recent RevCon in 2010, the EU's NPT performance has been beset by significant challenges. Most particularly a major challenge facing the EU in this forum are the limitations of its own negotiation position which restricts the EU to always being a supporter of the system - an NPT Champion - but never a driver of it. Systematically analysing three possible explanatory variables that are seen to influence EU performance in multilateral negotiations - EU interests, institutional developments, and structural conditions - it was further demonstrated that each have played some part in shaping the EU's negotiation position and subsequent performance in the NPT

⁶⁶ See Johnson, "Politics and Protection...", *op. cit.*

⁶⁷ See Johnson, "Assessing the 2010 NPT...", *op. cit.* Interview, EU Member State official, New York, March 2011, interview, third country official, New York, March 2011

⁶⁸ My thanks to an anonymous referee for highlighting this.

⁶⁹ See Müller, "A Treaty in Troubled Waters...", *op. cit.*, pp. 33-44.

⁷⁰ *Ibid.*; Kile, *op. cit.*, pp. 607-638; Johnson, "Politics and Protection...", *op. cit.*



over this period of analysis. The divergence of Member States interests in particular has been shown to have limited the EU's ambitiousness in this forum; with the EU's common position deliberately ambiguous and normatively-driven in an effort to find consensus between highly divided sovereign interests. The lack of EU competence may also be seen to explain the EU's limited negotiation capability whilst structural conditions further limit the EU's capacity to achieve objectives in this field. As has also been argued however, none of these variables can adequately explain EU performance. Rather a tapestry of intersecting variables should be understood with multiple and different directions of causality shaping EU objectives and its performance in achieving them.

This in turn has some wider implications for studies of the EU as an international actor; suggesting particularly the need to keep as broad a lens focused on explanatory variables as possible. It further implies the necessity of analysing EU external relations, not least in the context of multilateral diplomacy, in light of the behaviour of other actors and avoiding therefore EU *qua* the EU explanations only. Finally, it suggests that where the EU speaks of 'effective multilateralism' it does so out of a position of pragmatism rather than simply a limited ambition to do more.



EUROPEAN EFFORTS TO CONTROL THE SPREAD OF ENRICHMENT AND REPROCESSING TECHNOLOGIES

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Abstract:

EU efforts to foster agreement on better measures to prevent the misuse of uranium enrichment and plutonium reprocessing (ENR) technologies are an easy test for the effectiveness European policies to improve controls over proliferation-sensitive technologies more generally. Three examples of attempts to strengthen ENR controls are examined. EU members and the EU were actively engaged in efforts to peacefully resolve the conflict over Iran's nuclear program, in the strengthening of guidelines of the Nuclear Suppliers Groups for the trade in ENR technologies and in endeavours to develop multilateral approaches for enrichment and reprocessing facilities. Yet, European efforts suffered from the same lack of coherence that characterizes the EU's non-proliferation policies more generally. Realistically, it will be up to EU member states and particularly those with access to ENR technologies to provide political leadership on nuclear non-proliferation issues such as better ENR controls.

Keywords: European Union, nuclear non-proliferation, Nuclear Non-Proliferation Treaty, nuclear fuel cycle, uranium enrichment, Nuclear Suppliers Group, International Atomic Energy Agency.

Resumen:

Los esfuerzos de la Unión Europea por promover un acuerdo sobre mejores medidas para prevenir el abuso del enriquecimiento nuclear y de las tecnologías de reprocesamiento de plutonio (ENR en sus siglas en inglés) representan un fácil test para probar la efectividad de las políticas europeas para mejorar los controles sobre tecnología susceptible de proliferación. Aquí se examinarán tres ejemplos de intentos de reforzar controles sobre ENR. Los miembros de la UE y la UE misma han estado activamente implicados en los esfuerzos conducentes a la resolución pacífica del conflicto sobre el programa nuclear de Irán, en el reforzamiento de las directrices del Grupo de Suministradores Nucleares sobre exportación de tecnología de ENR y en los intentos para desarrollar un acercamiento multilateral para las instalaciones para el enriquecimiento y el reprocesamiento. Sin embargo, los esfuerzos europeos sufrieron de la misma falta de coherencia que caracteriza a las políticas de no proliferación de la UE en general. Dependerá de los miembros de la UE y en particular de aquellos con acceso a tecnologías de ENR el que se pueda suministrar liderazgo político sobre asuntos de no proliferación tales como un mejor control de ENR.

Palabras clave: Unión Europea, no proliferación nuclear, Tratado de No Proliferación Nuclear, ciclo de combustible nuclear, enriquecimiento de uranio, El Grupo de Suministradores Nucleares, La Agencia Internacional de la Energía Atómica.

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1. European Efforts to Control the Spread of Enrichment and Reprocessing Technologies

Preventing the spread of nuclear, biological and chemical weapons of mass destruction (WMD) is a core objective of the EU. The European Security Strategy (ESS) states that the "[p]roliferation of [WMD] is potentially the greatest threat to our security."² Likewise, the EU Strategy Against Proliferation of Weapons of Mass Destruction (WMD Strategy), which was adopted at the same time as the ESS in December 2003, says that the EU's objective is "to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide."³

Non-proliferation is a complex challenge and the EU believes that it is "particularly well equipped to respond to such multi-faceted situations."⁴ The WMD strategy argues that the EU "must act with resolve, using all instruments and policies at its disposal."⁵ Thus, the EU promotes an active, capable and coherent strategy of effective multilateralism to tackle proliferation challenges and maintains that "[p]roliferation may be contained through export controls and attacked through political, economic and other pressures while the underlying political causes are also tackled."⁶ In 2003, the EU acknowledged that its foreign and security policy needs "to be more active, more coherent and more capable."⁷ Five years later the Union specifically states that "in the light of experience and new developments" its non-proliferation policies "must be identified in such a way as to increase the effectiveness and impact of the EU's approach and make it even more operational."⁸

Thus, the EU has begun to mainstream non-proliferation into its foreign relations in an attempt to use its economic power to achieve non-proliferation goals.⁹ While the EU has a preference for soft power, it acknowledges that when diplomatic and preventive measures have failed, "coercive measures under Chapter VII of the UN Charter and international law" could be envisioned to stem proliferation.¹⁰

Preventing the spread of nuclear weapons is the most important issue on the EU's non-proliferation agenda. In contrast to biological and chemical weapons, nuclear weapons are not universally prohibited and nuclear proliferation receives far more attention than the threat of biological or chemical weapons proliferation. Efforts to better control the spread of enrichment and reprocessing (ENR) technologies are a key element of any nuclear non-proliferation strategy. From the early days of the nuclear age, efforts to control ENR

² Council of the European Union: "A Secure Europe in a Better World: European Security Strategy", Brussels, 12 December 2003, p. 4, at <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

³ Council of the European Union: "EU strategy against proliferation of Weapons of Mass Destruction", (15708/03), Brussels, (12 December 2003), p. 2 at <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>.

⁴ Council of the European Union, "A Secure Europe In A Better World...", *op. cit.*, p.7.

⁵ Council of the European Union: "EU strategy against proliferation...", *op. cit.*, p. 2.

⁶ Council of the European Union: "European Security Strategy", p. 7.

⁷ *Ibid*, p. 11.

⁸ Council of the European Union: "New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems", (16089/08), Brussels, (23 November 2008), p. 3.

⁹ See Grip, Lina: "The EU Non-proliferation Clause: A Preliminary Assessment", *SIPRI Background Paper*, Stockholm, Stockholm International Peace Research Institute, (October 2009), at

<http://books.sipri.org/files/misc/SIPRIBP0911.pdf>; Quille, Gerrard: "A New Transatlantic Approach? A View from Europe", in Daase, Christopher; Meier, Oliver (eds.): *Arms control in the 21st century: Between coercion and cooperation*, New York, Routledge forthcoming 2012.

¹⁰ Council of the European Union: "EU strategy against proliferation...", *op.cit.*, p. 5.



technologies – i.e. knowledge, materials or technology that can be used to enrich uranium or to separate plutonium – have been in the focus of non-proliferation because it is impossible to build a nuclear explosive device without enriched uranium or plutonium. This technical bottleneck therefore offers an attractive way to prevent the emergence of new nuclear weapon programs.

Yet, efforts to control ENR technologies face serious difficulties. Uranium enrichment and plutonium are inherently dual-use because they can also be used to produce fuel for nuclear power plants. Article IV of the nuclear Non-Proliferation Treaty (NPT), which states that nothing in the accord shall affect “the inalienable right” of states parties “to develop research, production and use of nuclear energy for peaceful purposes”¹¹ also applies to ENR technologies.¹² So far, all attempts to reach an international agreement under the NPT to further restrict the use or transfer of ENR technologies have failed.¹³ Another big challenge for efforts to prevent the spread of enrichment technologies is the emergence of black market networks. For example, Pakistani nuclear engineer A.Q. Khan has demonstrated that states that are not traditional technology holders have traded and could continue to trade sensitive nuclear technologies.¹⁴

Yet, a number of characteristics make it easier to control such technologies. Compared to other dual-use technologies, enrichment and reprocessing takes place in large facilities that are relatively easy to track.¹⁵ And the economic importance of ENR technologies is limited. Currently only a few providers in half a dozen countries provide international nuclear fuel services. Only France (Areva) and the United Kingdom (Sellafield Ltd) offer commercial reprocessing services¹⁶ and four companies divide the international market for commercial uranium enrichment services among themselves: Areva (formerly Eurodif Consortium, France), Tenex (Russia), Urenco (Germany, Netherlands, United Kingdom) and USEC (United States). The market for enrichment and reprocessing services is expected to expand but by how much will depend on the growth of global nuclear energy production.

European companies are major players on the enrichment market. In 2010, Urenco held about 22 percent of global enrichment capacity.¹⁷ Urenco’s enrichment technology is considered to be the most advanced and the company is currently building additional plants in France and the United States. In 2011, Urenco’s annual revenues were Euro 1.3 billion and the company generated an income of Euro 525 million.¹⁸ The revenues of Areva’s front-end activities in 2011 were Euro 2.2 billion, about a third of these profits were made in the enrichment sector.¹⁹ Areva’s revenues for back-end related activities in 2011 were Euro 1.6

¹¹ Treaty on the Non-Proliferation of Nuclear Weapons, Article IV.

¹² See Joyner, Daniel (2011): *Interpreting the Nuclear non-proliferation treaty*, Oxford/New York, Oxford University Press.

¹³ See for example Yudin, Yury (2010): *Multilateralization of the Nuclear Fuel Cycle: The Need to Build Trust*, Geneva, United Nations Institute for Disarmament Research.

¹⁴ See for example Blackford, Jacob: “Multilateral Nuclear Export Controls after the A.Q. Khan Network”, Washington, D.C., International Institute for Science and Security, (January 2005), at <http://isis-online.org/uploads/isis-reports/documents/multilateralexportcontrols.pdf>.

¹⁵ For example, clandestine reprocessing activities could be traced from a distance because they emit distinctive radionuclides. See Kalinowski, Martin B.; Daerr, Heiner and Kohler, Markus: “Measurements of Krypton-85 to Detect Clandestine Plutonium Production”, *INESAP Information Bulletin*, No. 27 (December 2006), pp. 9-12.

¹⁶ Other states that operate enrichment facilities are Brazil, China, India, Iran, Japan, Pakistan and possibly North Korea.

¹⁷ World Nuclear Association: “Uranium Enrichment”, (updated 18 March 2012), at <http://www.world-nuclear.org/info/inf28.html>.

¹⁸ Urenco: “Annual report and accounts 2011”, p. 2, at <http://www.urengo.com/content/69/publications.aspx>.

¹⁹ Areva Group: “Mining-Front End - a consolidated position among the leaders”, at



billion, of which reprocessing was responsible for about 60 percent. Yet, in comparison to other energy sectors, economic interests in the nuclear fuel market are relatively small.²⁰

Because the stakes are high and the economic impact of more effective controls would be comparatively limited, fostering agreement on better measures to prevent the misuse of ENR technologies should be an easy test for the effectiveness of European policies to improve controls over proliferation-sensitive technologies more generally. Put another way: If the EU is not able to foster more effective controls for ENR technologies, it can hardly be expected to successfully tackle issues which receive less attention, where the verification challenges are more difficult and the impact on economic interests larger.

Against this background, this article provides a cursory review of European efforts to better control ENR technologies. What factors have been driving the EU's position on the control of ENR technologies? Has the EU been effective in fostering international agreement on a common approach to preventing the spread of ENR technologies? It looks at the issue from the perspectives of bilateral, plurilateral and multilateral efforts of the EU by summarizing European policies to control the spread of ENR technologies in the context of

- Negotiations about a peaceful solution of the Iranian nuclear crisis,
- The debate about new guidelines in the Nuclear Suppliers Group (NSG) and
- The discussion on multilateral nuclear approaches (MNA).

These three cases are with a view to evaluate the EU's own benchmarks for an effective non-proliferation policy, i.e. that the European foreign and security policy needs to be active, coherent and capable. Since these are soft and subjective factors that defy systematic evaluation, the approach chosen here is to simply recount these episodes against the background of the EU's own ambitions. In conclusion, some features of the EU's approach to controlling ENR technologies are described.

2. European Efforts to Limit Iran's Enrichment Capacities

Efforts to find a diplomatic resolution to the Iranian nuclear crisis are the most ambitious and visible example of European attempts to prevent the misuse of ENR technology by a third state. Because the European engagement began in 2003, parallel to agreement on the ESS, Iran was often seen as the first test of the EU's ability to solve an important non-proliferation issue.²¹ At the core of Western policies to stop Iran from going nuclear was the attempt to restrict Iranian enrichment and reprocessing capacities. These were seen by the international community as the most important elements of the Iranian effort to achieve a nuclear weapons capability. Because Iran's plutonium-related activities (including the heavy-water reactor in Arak and associated reprocessing capabilities) are further away from becoming operational, curtailing enrichment was at the centre of international attention and European attempts to diffuse the Iranian nuclear crisis.

<http://www.aveva.com/EN/group-1886/the-front-end-division-consolidates-its-position-among-the-leaders.html>.

²⁰ By comparison, the 2011 comprehensive income of British Petroleum alone was US\$21 billion, more than three times the total income generated by Areva's and Urenco's combined nuclear fuel services. See British Petroleum, "Summary Review 2011", at <http://bp.com/summaryreview>.

²¹ See Meier, Oliver; Quille, Gerrard: "Testing Time for Europe's Nonproliferation Strategy", *Arms Control Today*, vol. 35, no. 4 (May 2005), pp. 4–12, at http://www.armscontrol.org/act/2005_05/Oliver_Quille.



EU efforts to persuade Iran to forego enrichment and reprocessing can be divided into three phases. During the *first phase*, which lasted from October 2003 until 2005, the EU was deeply involved in a direct dialogue with Iran. These endeavours were viewed with scepticism by the George W. Bush administration, which had placed Iran in early 2002 on the “axis of evil.” The release of information about Iran’s nuclear enrichment facilities, heavy water reactor and other clandestine facilities in August 2002²² appeared to confirm Washington’s assessment that Tehran “aggressively pursues” WMD.²³ The EU’s attempts to engage did not sit well with Washington’s policy of isolating Iran, Iraq and North Korea. The Bush administration only grudgingly accepted the EU’s lead in direct talks with Tehran.

Yet, Europeans perceived the dispute about Iran’s nuclear program as an opportunity to heal some of the wounds that the U.S.-led invasion of Iraq in 2003 had created among Europeans. Here, Europe could demonstrate its ability to act together and prevent the military escalation of another crisis triggered by the spectre of WMD proliferation.

Ignoring U.S. concerns, British, French and German officials in October 2003 went to Tehran and engaged Iran in a direct dialogue.²⁴ As a result of that meeting, Tehran agreed to suspend the enrichment of uranium and in December signed and later implemented an Additional Protocol which enabled the International Atomic Energy Agency (IAEA) to look for undeclared nuclear activities. The biggest success of the so-called EU3 was the 14 November 2004 Paris Agreement which expanded the moratorium to all ENR-related activities and extended it, as a confidence-building measure, for the time of negotiations.²⁵ In retrospect, it is intriguing that according to the IAEA and U.S. intelligence agencies, Iran in 2003 stopped most if not all of its clandestine activities to “weaponize” fissile material, though the causal link to talks with the EU is not clear.²⁶

From an internal EU perspective, the EU3 engagement of Iran was remarkable because the British, French and German initiative “met with few suspicions and with no significant resistance within the EU.”²⁷ With conclusion of the Paris agreement, the EU3 were also officially acting with the support of the High Representative of the European Union (EU3/EU), which increased the involvement of other EU members. Yet, even though Berlin, London and Paris basically remained in charge of the Iranian nuclear file, “[t]he spectre of a Directorate leading the EU’s foreign and security policy did not raise its head, confirming a tacit agreement that something had to be done to avoid a new European imbroglio à la Iraq.”²⁸

²² Jafarzadeh, Alireza: “New Information on Top Secret Projects of the Iranian Regime's Nuclear Program”, U.S. Representative Office, National Council of Resistance of Iran, (14 August 2002), at <http://www.iranwatch.org/privateviews/NCRI/perspex-ncri-topsecretprojects-081402.htm>.

²³ Bush, George W.: “The President's State of the Union Address”, Washington, D.C., (29 January 2002), at <http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/print/20020129-11.html>.

²⁴ Portela, Clara (2003): *The Role of the EU in the non-proliferation of nuclear weapons: The way to Thessaloniki and beyond*, Frankfurt am Main: Peace Research Institute Frankfurt, pp. 17-19.

²⁵ IAEA: “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), Vienna: International Atomic Energy Agency at <http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/proliferation/iran/eu-iran-nuclear-agreement.htm>.

²⁶ See for example Thielmann, Greg; Loehrke, Benjamin: “The IAEA’s November Report on Iran: More Confirmation than Revelation”, Iran Nuclear Brief, Washington, D.C., Arms Control Association, 5 December 2011.

²⁷ Van Ham, Peter: “The European Union's WMD Strategy and the CFSP: A Critical Analysis”, EU Non-Proliferation Consortium, *Non-Proliferation Papers*, no. 2, (September 2011), p. 11 at http://www.nonproliferation.eu/documents/nonproliferationpapers/02_vanham.pdf.

²⁸ *Ibid.*



During this period, the EU offered several incentives to Iran and requested a suspension of Iran's ENR-related activities as well as a clarification of outstanding questions about suspicious nuclear activities. In their most comprehensive offer, presented to Iran in August 2005,²⁹ the EU3 offered among other things the assured supply of low enriched uranium for light water reactors and proposed to established a nuclear fuel reserve in a third country. In return, the EU demanded binding commitments by Iran "not to pursue fuel cycle activities other than the construction and operation of light water power and research reactors" and an obligation not to withdraw from the NPT. These commitments were to be reviewed every ten years.³⁰ Tehran rejected this offer because the EU3 did not recognise Iran's right to enrich uranium.

This impasse marked the beginning of the *second phase* of the EU's efforts to prevent Iran from closing the fuel cycle, which lasted from 2005-2006 until the end of 2008. During this period, Washington moved closer to the EU position. At the same time, after the election of Mahmoud Ahmadinejad as new President in June 2005, Iran began to disengage from talks with the EU. In August 2005, Iran resumed uranium conversion activities and in early 2006, it also restarted uranium enrichment at Natanz. For all practical purposes, the moratorium was dead.

Europeans reacted to this disengagement by supporting coercive measures against Iran. In September 2005, the EU members voted for a resolution in the IAEA Board of Governors that found Iran in non-compliance with its safeguards obligations and stated that Iran's nuclear activities "have given rise to questions that are within the competence of the Security Council."³¹ This meant that the threat of sanctions against Iran was imminent. Iran subsequently refused to negotiate with the EU3. The EU3/EU conceded that their negotiations with Iran had reached an impasse and on 30 January the Foreign Ministers of the EU3/EU as well as China, Russia and the United States declared their intention to inform the United Nations Security Council (UNSC) of their position on Iran's nuclear program.³²

The EU's efforts to mediate now became part of activities undertaken by the five permanent members of the UNSC and Germany. On 1 June 2006, the P5+1 (or the EU3/EU+3 as European diplomats prefer to say) offered a new package to Iran, which included a range of economic incentives and raised the possibility of Iran's "participation as a partner in an international facility in Russia to provide enrichment services for a reliable supply of fuel to Iran's nuclear reactors."³³ This was the first time that the United States endorsed such a proposal – a success for the EU's efforts to convince the George W. Bush administration of its approach of engagement. From now on, the EU was no longer merely acting as an intermediary between two reluctant partners. Yet, Iran did not respond to these

²⁹ IAEA: "Communication dated 8 August 2005 received from the Resident Representatives of France, Germany and the United Kingdom to the Agency" (INFCIRC/651), Vienna: International Atomic Energy Agency, (8 August 2005), at http://www.armscontrol.org/pdf/20050805_Iran_EU3_Proposal.pdf.

³⁰ *Ibid.*

³¹ IAEA: "Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran – Resolution", (GOV/2005/77), Vienna: International Atomic Energy Agency Board of Governors Resolution, (24 September 2005), operational paragraph 2.

³² "Erklärung der Außenminister der E3/EU sowie Chinas, Russlands und der USA zu Iran", London, (30 January 2006), at <http://www.auswaertiges-amt.de/cae/servlet/contentblob/337704/publicationFile/3434/E3EU-CHN-RUS-USA-300106.pdf>.

³³ "Elements of a proposal to Iran as approved on 1 June 2006 at the meeting in Vienna of China, France, Germany, the Russian Federation, the United Kingdom, the Unites States of America and the European Union", at http://www.consilium.europa.eu/ueDocs/cms_Data/docs/presdata/en/reports/90569.pdf.



offers and the EU eventually supported four resolutions in the UNSC that imposed various sanctions on Iran.³⁴

During the *third phase*, which began with the change of administration in the United States in early 2009, European efforts to promote a diplomatic solution of the nuclear crisis with Iran lost focus and drive. There are multiple reasons for this development but most importantly, Europe was no longer needed as a mediator between hardliners in Washington and Tehran.

The Obama administration initially tried a new approach and used more conciliatory rhetoric toward Iran, including the offer of direct talks. Europeans wholeheartedly supported this policy.³⁵ Yet, U.S. overtures were not reciprocated by Iran, partly because of divisions within the Iranian elite about the right approach toward the West and the United States specifically. The emergence of the opposition movement in Iran after the June 2009 Presidential elections further complicated the nuclear dialogue. Things came to head when Iran in July 2009 argued that the EU had “lost its qualification to hold nuclear talks” because of alleged interference in the protests against the re-election of President Ahmadinejad.³⁶ The announcement in September 2009 by France, the United Kingdom and the United States that a previously undeclared enrichment facilities had been discovered in Iran further complicated diplomatic efforts.³⁷

The Obama administration subsequently reverted to a tough policy vis-à-vis Iran. This time, the United States had the complete support of Europeans. The convergence between U.S. and EU policies was further reinforced by hardening stance of France which became an advocate for isolating Iran, moving away from the EU’s previous preference for engagement. But diplomats from other European capitals and Brussels also were frustrated with Iran’s perceived inability (or unwillingness) to pursue constructive and coherent negotiations.

Another complicating factor were institutional changes in the EU’s Common Foreign and Security Policy as a result of the implementation of the Lisbon treaty.³⁸ The EU’s High Representative for Common Foreign and Security Policy, Javier Solana and his personal representative for the non-proliferation of WMD, Annalisa Giannella, had had a strong profile on Iran since 2003. The focus and continuity they had provided on non-proliferation issues, and specifically Iran, were lost to some degree when the EU’s new External Action Service was set up. The EU’s new high representative Catherine Ashton initially was unable to provide similar leadership, though there appear to be indications that Ashton has recently has improved her performance in dealing with Iran.³⁹

As the EU’s profile on the Iranian nuclear file became less visible, others attempted to fill the void. In February 2010, Iran began raising the level of enrichment to 20 percent and

³⁴ These are UNSC resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010). For an overview see the website of the UNSC Iran sanctions committee, at <http://www.un.org/sc/committees/1737/>.

³⁵ Crail, Peter: “U.S. Still Committed to Engaging Iran”, *Arms Control Today*, (July/August 2009), at http://www.armscontrol.org/act/2009_07-08/Iran.

³⁶ Blitz; James: “Interference rules EU out of nuclear talks, says Iran”, *Financial Times*, 2 July 2009.

³⁷ Crail, Peter: “Secret Iranian Enrichment Facility Revealed”, *Arms Control Today*, (October 2009), at http://www.armscontrol.org/act/2009_10/Iran.

³⁸ See Grip, Lina: “Mapping the European Union’s institutional actors related to WMD non-proliferation”, *Non-Proliferation Papers*, *EU Non-Proliferation Consortium*, (May 2011), at http://www.nonproliferation.eu/documents/nonproliferationpapers/01_grip.pdf.

³⁹ Rozen, Laura: “How Iran Talks Were Saved From Verge of Collapse”, *Al-Monitor*, 16 April 2012.



justified the action by the need to fuel the Tehran Research Reactor (TRR).⁴⁰ Over the course of the year, first the United States and then Brazil and Turkey tried to broker a deal under which Tehran that would be provided ready-made fuel for the TRR and in return would restrict its those activities aimed at 20 percent enrichment. The deal fell through for various reasons but it is noteworthy that the EU3/EU appeared to be unable to drive the issue forward, even though France is one of a few countries that have the technical ability to produce 20 percent-enriched fuel suitable for the TRR.⁴¹

Subsequently, the EU policy toughened further and in January 2012 the EU for the first time decided to apply sanctions against Iran that went beyond what was required under the UNSC resolutions.⁴²

European negotiations with Iran have demonstrated the EU's ability to maintain a coherent position despite strong outside pressures. The George W. Bush administration had been trying to push the EU towards a tougher stand vis-à-vis Iran since the beginning of the talks with Tehran in 2003. Iran, on the other hand, has been trying to lure the EU away from the United States, arguing that UN Security Council referral and the possibility of sanctions would only escalate the crisis further. Even though there are substantial differences between member states on the right approach towards Iran, the EU so far has acted in a united manner. After the Iraq experience, this in itself is important progress, though it is unlikely that the model of the three largest EU states as well as the High Representative acting *de facto* on behalf of all EU members, will ever be repeated.

3. European Efforts to Strengthen NSG Guidelines on Trade in ENR Technologies

Effective export controls are a key objective of the EU's non-proliferation efforts. Many of the activities described in the 2008 New Lines of Action document, which updates the 2003 WMD Strategy, are related to strengthened trade controls.⁴³ Such controls are harmonized among major suppliers in export control regimes such as the Australia Group (in which 40 countries agree on joint rules for the trade in chemical and biological dual-use technologies) and the Nuclear Suppliers Group (NSG, in which 46 participating states harmonize rules for the trade in nuclear technologies). Under the single economic market, the same export control regulations need to apply in all EU member states and the EU has a unified legislation (in the form of an EU Council Regulation) on the export of dual-use goods.⁴⁴ Economic integration makes it necessary that all EU members participate in export control regimes. Thus, even though “[s]everal EU member states neither supply items contained in the NSG control lists

⁴⁰ Fissile material enriched to 20 percent uranium is used in the TRR but can also more easily be converted to weapons-grade material than material enriched to a level of 5 percent.

⁴¹ See Fitzpatrick, Mark: “Containing the Iranian Nuclear Crisis: The Useful Precedent of a Fuel Swap”, *Perceptions*, vol. 16, no. 2 (Summer 2011), pp. 27–42.

⁴² On 23 January 2012, the EU's Foreign Affairs Council inter alia decided to impose an import ban on Iranian crude oil and freeze the assets of the Iranian central bank within the EU. See Council of the European Union: “Council Decision 2012/35/CFSP of 23 January 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran”, Brussels, 23 January 2012.

⁴³ Council of the European Union: “New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems”, (16089/08), Brussels, 23 November 2008.

⁴⁴ Council of the European Union: “Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items”, Brussels, (5 May 2009), at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:134:0001:0269:EN:PDF>.



nor act as significant transit points”⁴⁵ all EU members participate in the group. There are no regional groupings within the NSG and the EU does not formally coordinate its policies within export control regimes.

As an export-oriented bloc, the EU has a strong interest to minimize the impact of export control regulations on international trade. The EU’s long-standing support for strengthened guidelines for exports of enrichment and reprocessing technologies is consistent with this goal because international trade in these technologies is limited. In recent years, there have only been six legal and overt transfers of ENR technologies and all of them have taken place between states that already operate such facilities. European nuclear fuel-service providers Areva and Urenco were involved in four of these deals.⁴⁶

U.S. President George W. Bush’s February 2004 proposal that NSG participants “should refuse to sell enrichment and reprocessing equipment and technologies to any state that does not already possess full-scale, functioning enrichment and reprocessing plant”⁴⁷ triggered a new discussion on controls for ENR technologies. The proposal was strongly resisted by many NSG participants. Partly because of the upcoming 2005 NPT review conference they were “reluctant to enact any measure that might be construed as widening the divide between nuclear ‘haves’ and ‘have-nots’.”⁴⁸

EU members agreed with Washington that the old NSG guidelines, which simply maintained that “[s]uppliers should exercise restraint in the transfer of sensitive facilities, technology and material usable for nuclear weapons or other explosive devices” were insufficient.⁴⁹ But Europeans – like most other members of the NSG – deemed the Bush proposal to be too strict, inflexible and unfair.

Several EU members thus tried to identify and support alternative approaches to better control the trade in ENR technologies that were deemed more likely to get international support. One key aspect was that new guidelines should not be viewed as discriminatory. Emerging economies such as Argentina, Brazil and South Africa made clear that they would support an international agreement only if new controls would not prevent new states from closing the nuclear fuel-cycle. But developing countries were not alone in demanding a more equitable approach. Some European countries, such as Spain and Switzerland, also expressed concerns that new guidelines could impose additional restrictions on their access to enrichment technology, for example, if they one day wished to join Urenco.⁵⁰

⁴⁵ Anthony, Ian; Ahlström, Christer; Fedchenko, Vitaly (2007): *Reforming nuclear export controls: The future of the Nuclear Suppliers Group*, SIPRI research report, 22, Oxford, Oxford University Press, p. 28.

⁴⁶ McGoldrick, Fred: “Limiting Transfer of Enrichment and Reprocessing Technology: Issues, Constraints, Options”, Project on Managing the Atom, Cambridge, Massachusetts, Belfer Center for Science and International Affairs, Harvard Kennedy School, May 2011, pp. 9-10, at <http://belfercenter.ksg.harvard.edu/files/MTA-NSG-report-color.pdf>.

⁴⁷ George W. Bush: “Remarks by the President on Weapons of Mass Destruction Proliferation”, Fort Lesley J. McNair – National Defense University, Washington, D.C., 11 February 2004.

⁴⁸ See Boese, Wade: “Nuclear Suppliers Pass on U.S. Proposals”, *Arms Control Today*, (July/Aug. 2004), at http://www.armscontrol.org/act/2004_07-08/NSG.

⁴⁹ IAEA: “Communications Received from Certain Member States Regarding Guidelines for the Export of Nuclear Material, Equipment and Technology”, (INFCIRC/254/Rev.8/Part 1), Vienna, International Atomic Energy Agency, 20 March 2006, Article 6.

⁵⁰ Horner, Daniel: “Accord on New Rules Eludes Nuclear Suppliers”, *Arms Control Today*, (July/Aug. 2009), at <http://www.armscontrol.org/node/3729>. See also McGoldrick, “Limiting Transfer of Enrichment...”, *op. cit.*, p. 20.



To counter the Bush administration's proposal, EU members promoted a criteria-based approach that would apply the same yardstick when deciding whether a state would be eligible to receive ENR technology. Discussions among EU members and within the NSG centred on which criteria should be applied for exports of ENR-related technologies. Some were of the opinion that only objective factors, such as membership in relevant international treaties, should be applied. Others wanted subjective criteria, such as whether the recipient was in a stable region, to also be taken into account.

France took the lead for the Europeans within the NSG. In 2004 it proposed a set of minimum criteria for ENR transfers, including factors such as whether a recipient

- Was a party to and in compliance with the NPT as well as safeguards commitments,
- Implements an Additional Protocol and
- Fulfills obligations under UNSC Resolution 1540.⁵¹

According to the French proposal, recipient states would also have to conclude an agreement with the supplier state on assurances regarding non-explosive use of technologies supplied, guarantee the application of effective safeguards in perpetuity and have to apply international safety and security standards.⁵²

A few months later, Canada introduced its own proposal for a criteria-based approach, which listed a set of objective criteria any recipient of ENR technologies would have to fulfil and also contained some subjective criteria, which the exporter could apply voluntarily. This set of criteria subsequently became the basis for NSG discussions.⁵³

Initially, the United States rejected a criteria-based approach and continued to insist on the approach contained in President Bush's 2004 speech. In April 2008, however, Washington began to also support a criteria-based approach.⁵⁴ This was done partly to allay domestic concerns over the implications of the intended lifting of nuclear trade restrictions against India. In the heated debate in 2008 over the U.S.-India deal, then-Secretary of State Condoleezza Rice acknowledged concerns in U.S. Congress about the lack of guidelines ENR transfers and promised that the United States would make its "highest priority" to achieve an NSG decision to prohibit the export of ENR technology to states that are not party to the NPT.⁵⁵

Yet, certain EU members rejected some of the additional criteria subsequently proposed by the United States because they viewed them as being too subjective. For example, the

⁵¹ See Boese, Wade: "Nuclear Export Criteria Lacks Consensus", *Arms Control Today*, (June 2008), at http://www.armscontrol.org/act/2008_06/NuclearExport. UNSC Resolution 1540 has the purpose to prevent the spread of WMD, their means of delivery and related technology to non-state actors, and it obliges all states not to support non-state actors that attempt to acquire such technologies. See United Nations Security Council: "UNSC Resolution 1540", (S/Res/1540 (2004)), New York, 28 April 2004.

⁵² McGoldrick, "Limiting Transfer of Enrichment...", *op. cit.*, p. 13.

⁵³ See Boese, Wade: "No Consensus on Nuclear Supply Rules", *Arms Control Today*, (Sept. 2005), at http://www.armscontrol.org/act/2005_09/NoConsensusNukeSupply.

⁵⁴ See Boese, Wade: "U.S. Joins Others Seeking Nuclear Export Criteria", *Arms Control Today*, (May 2008), at http://www.armscontrol.org/act/2008_05/NuclearExport; McGoldrick, "Limiting Transfer of Enrichment...", *op. cit.*, p. 14.

⁵⁵ Kimball, Daryl: "Unfinished Business for the NSG", *Arms Control Today*, (October 2008), at http://www.armscontrol.org/act/2008_10/focus.



Netherlands objected to the U.S. proposal that exporters should take into consideration whether exports of sensitive nuclear technology could stimulate others to seek similar technology. The Dutch argued that NPT members in good standing should not be denied access to nuclear technology.⁵⁶

In November 2008, the NSG drafted a so-called “clean text” that contained a number of objective criteria that NSG participants should apply when authorizing the export of ENR technologies. Exporters were also encouraged to “exercise vigilance” and take subjective factors into account such as whether transfers are intended for peaceful purposes, whether there is a coherent rationale for seeking ENR technologies and whether the impact would have a destabilizing effect on regional security.⁵⁷ Because of objections to these subjective criteria by some non-EU members, the NSG was unable to agree on the agreed text.⁵⁸

Discussions on new guidelines for ENR technologies became entangled with the U.S. goal of granting an exception for India from NSG guidelines. The nuclear deal’s “inherent logic of distinguishing between ‘good’ and ‘bad’ nuclear weapon states [was] damaging other states’ efforts to develop a consistent approach towards proliferation and proliferators.”⁵⁹ This particularly applied to the EU, whose policy of effective multilateralism after all was a reaction to the George W. Bush’s selective approach to international politics.

Some Europeans therefore only reluctantly voted for the lifting of nuclear trade restrictions against India at the NSG’s August 2008 plenary meeting.⁶⁰ Some would have liked to see additional restrictions placed on India’s nuclear program place, including on possible exports of ENR technologies. Yet, both the United States and India pressed for – and eventually got – a clean exemption for India from NSG guidelines.

Discussions on strengthened NSG guidelines for ENR exports continued. Delhi now began lobbying NSG members, and specifically EU members with large economic interests in India such as France and Germany, against making NPT membership a condition for supply of ENR technologies.⁶¹ India, which is not an NPT-member, feared that the clean exemption it received in 2008 from NSG guidelines would be undercut by such a condition.

When NSG failed to adopt the 2008 clean text, Europeans supported interim solutions. The members of the Group of Eight (G-8) industrialized countries agreed at their 2009 summit meeting to adopt the 2008 NSG text as a national policy for a year.⁶² This decision was extended for another year at the 2010 G8 summit, with the support of EU members Germany, France, Italy and the United Kingdom. Yet, the EU remained committed to the goal

⁵⁶ McGoldrick, “Limiting Transfer of Enrichment...”, *op. cit.*, p. 15.

⁵⁷ The Clean Text is reproduced in McGoldrick, “Limiting Transfer of Enrichment...”, *op. cit.*, pp. 61-63.

⁵⁸ Turkey for example objected to regional stability being listed as a factor to be taken into consideration because it is situated near the Middle East. See *ibid.*, pp. 16-17.

⁵⁹ Quille, Gerrard: “The EU’s approach to tackling the proliferation of Materials and Weapons of Mass Destruction and prospects for cooperation on the eve of the new US Administration”, *Working Paper*, Brussels, European Parliament, Directorate-General for External Policies of the Union Directorate B - Policy Department, (5 November 2008), p. 12. Quille makes this argument to describe how the US-India has hurt EU efforts to promote a non-proliferation clause in trade and cooperation agreements but the arguments also applies to other issues.

⁶⁰ Austria was apparently among those countries that offered last minute amendments. See Boese, Wade: “U.S.-Indian Nuclear Deal Reaches NSG Brink”, *Arms Control Today*, (September 2008), at http://www.armscontrol.org/act/2008_09/USIndia.

⁶¹ McGoldrick, “Limiting Transfer of Enrichment...”, *op. cit.*, p. 17

⁶² See Horner, Daniel: “U.S. Official Mulls Ending NSG Rule Revamp”, *Arms Control Today*, (November 2010) at http://www.armscontrol.org/act/2010_11/NSGRevamp.



of strengthening NSG guidelines and in its joint position for the 2010 NPT review conference vowed to promote early agreement on “the strengthening of the NSG guidelines, in particular on strengthened export controls on enrichment and reprocessing technologies.”⁶³

In July 2011, seven years after George W. Bush triggered the debate on tougher rules for the trade in ENR technologies, the NSG finally did agree on a new set of guidelines. The agreement was in line with EU goal of having a subjective list of criteria. Thus, NSG participants agreed that they should “authorise the transfer of enrichment and reprocessing facilities, and equipment and technology therefor” only if the recipient

- Is an NPT state party member,
- Is in compliance with its safeguards obligations,
- Adheres to NSG guidelines
- Implements UNSC Resolution 1540,
- Provides assurances on peaceful use of the supplied technology,
- Has effective safeguards,
- Assures the non-transfer “in perpetuity”, and
- Provides adequate safety and security measures.⁶⁴

When they supported the adoption of the new guidelines, EU members ignored strong Indian objections. Indian officials argued that the new ENR guidelines “dilute the ... exemption that was given in 2008”⁶⁵ because they make NPT membership a condition of supply. It is ironic that France, which had initially taken the lead among Europeans in discussions on new guidelines for the transfers of ENR technologies, was also the first country to argue that the NSG decision to strengthen ENR guidelines “in no way undermines the parameters of” French-Indian nuclear cooperation. French Ambassador to India, Jérôme Bonnafont, said “[c]oming after the decision of exemption from the full-scope safeguards clause, adopted in favour of India in September 2008, it does not undermine the principles of this exemption.”⁶⁶ At the time, Paris was in the process of selling nuclear technology to India and is also hoping to export 126 Rafale fighter jets, worth \$11 billion, to India.

4. Multilateralizing Sensitive Nuclear Technologies

As already discussed, U.S. President George W. Bush’s February 2004 proposal that only those state that already possess full-scale, functioning enrichment and reprocessing plants

⁶³ Council of the European Union: “Council Decision 2010/212/CFSP of 29 March 2010 relating to the position of the European Union for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons”, Brussels, (29 March 2010), paragraph 46.

⁶⁴ IAEA: “Communication Received from the Permanent Mission of the Netherlands regarding Certain Member States’ Guidelines for the Export of Nuclear Material, Equipment and Technology: INFCIRC/254/Rev.10/Part 1.”, Vienna, International Atomic Energy Agency, (26 July 2011), pp. 1-2; see also Hibbs, Mark: “New Global Rules for Sensitive Nuclear Trade”, *Nuclear Energy Brief*, Washington, D.C., Carnegie Endowment for International Peace, (28 July 2011), at <http://carnegieendowment.org/2011/07/28/new-global-rules-for-sensitive-nuclear-trade/4avp>.

⁶⁵ Quoted in Varadarajan, Siddharth: “NSG ends India’s ‘clean’ waiver”, *Reality, one bite at a time*, 25 June 2011.

⁶⁶ Quoted in Dikshit, Sandeep: “In post-NSG statement, France ducks ENR ban on India”, *The Hindu*, 2 July 2012.



should have access to ENR technology was seen by many developing countries as being incompatible with Article IV of the NPT. Some Europeans also viewed the Bush proposal with reservations because they feared that it could undermine efforts to strengthen the NPT by increasing the political divide among NSG members and those non-aligned states that were critical of efforts to further strengthen supply-side mechanisms. Those Europeans that did not have access to ENR technologies also feared that they might be “cut off” from sensitive nuclear technologies if Bush’s proposals would be adopted. Others argued that such a proposal would not be compatible with the EU’s principles of free trade.⁶⁷ Generally speaking, Europeans therefore were interested in defining the middle ground between Washington’s supply-side oriented approach and the principled position of the non-aligned states who called for unrestricted access to all nuclear technologies.

Proposals to multilateralize fuel-cycle activities were seen as an essential element of such a strategy of building a broader consensus for restrictions on access to and use of ENR technologies. In a nutshell, these multilateral nuclear assurances (MNAs) aimed at offering states that were considering building new enrichment or reprocessing facilities assurances of nuclear fuel supply. Such assurances, which should make the investment in domestic fuel-cycle facilities superfluous, could be provided by a range of instruments, ranging from legal guarantees to physical stocks of nuclear material to the establishment of multilateral enrichment facilities.⁶⁸

European efforts to develop equitable models for nuclear fuel supply were in line with the thinking of the IAEA Director General. Mohamed ElBaradei supported tighter controls over ENR nuclear technologies but promoted an inclusive approach by arguing that enrichment and reprocessing activities should be restricted “exclusively to facilities under multinational control.”⁶⁹ ElBaradei set-up an international expert group, in which Europeans actively engaged to develop and promote MNA concepts.⁷⁰ The report of that group provided the basis for a range of national proposals on MNAs that were advanced on the sidelines of an IAEA-sponsored special conference in September 2006.⁷¹

Four of the six commercial suppliers of nuclear fuel come from EU member states and it thus not surprising that these states drove the debate on MNAs forward. Initially, the European fuel suppliers France, Germany, Netherlands, and the United Kingdom joined the United States and Russia in one of the earliest official MNA proposals tabled after George W. Bush’s 2004 speech. In the so-called Six Nation Proposal the countries that among themselves divide the market for nuclear fuel supply offered nuclear fuel assurances under a number of conditions, including that the receiving state “has chosen to obtain supplies on the international market and not to pursue sensitive fuel cycle activities.”⁷²

⁶⁷ Quoted in Boese, Wade: “U.S. Nuclear Trade Restriction Initiatives Still on Hold”, *Arms Control Today*, vol. 34, no. 10 (December 2004), p. 19.

⁶⁸ For an overview see Meier, Oliver: “The Growing Nuclear Fuel-Cycle Debate”, *Arms Control Today*, Vol. 36, No. 9, pp. 40–44, at http://www.armscontrol.org/act/2006_11/NAFuel.

⁶⁹ ElBaradei, Mohamed: “Towards a safer world,” *The Economist*, (18 October 2003), pp. 43-44.

⁷⁰ See Müller, Harald: “How to make MNA acceptable?”, in: Swoboda, Hannes (ed.) (2009): *Peace and disarmament: A world without nuclear weapons?* Bruxelles: PSE, pp. 113–116.

⁷¹ IAEA (2005): *Multilateral Approaches to the Nuclear Fuel Cycle: Expert Group Report to the Director General of the IAEA*. Vienna, International Atomic Energy Agency. For an overview see also Yudin, Yury (2009): *Multilateralization of the nuclear fuel cycle: Assessing the existing proposals*. New York and Geneva: United Nations, United Nations Publications.

⁷² IAEA: “Communication dated 31 May 2006 received from the Permanent Missions of France, Germany, the Netherlands, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America”, (GOV/INF/2006/10), Vienna, International Atomic Energy Agency, (1 June 2006), p. 3.



This proposal, however, turned out to be counterproductive. Many countries which did not operate fuel cycle facilities viewed a commitment to forego fuel-cycle activities as a precondition for access to fuel-supply guarantees as unacceptable and discriminatory. Then-IAEA Director General Mohamed ElBaradei wrote later that the six-country proposal “poisoned the well” because it “only exacerbated the nuclear divide.” Reflecting the view of many developing countries, ElBaradei said that proponents of the six-country papers appeared to say “essentially, *we keep the technology, and no one else gets it*. It was an in-your-face mandate, a blunt demand for participating countries to give up a cherished right.”⁷³

Europeans (and later the United States) quickly backtracked. None of the proposals made subsequently repeated the condition that recipient states would have to forego their right to enrichment or reprocessing. In September 2007, the three states operating Urenco issued a joint statement (“Almelo Declaration”) which stated:

“We understand that countries do not wish to renounce the possibility of developing fuel cycle activities. We do not ask them to do so”.⁷⁴

The MNA debate also revealed important differences among EU members on the right approach to preventing the spread of ENR technology. Those EU states that had decided domestically to phase out nuclear energy – Austria and Germany – were the ones to offer the most inclusive fuel supply models. During 2006 and 2007, three EU states introduced their own proposals into the debate.

- The United Kingdom proposed “enrichment bonds”, which would involve binding agreements between supplier and recipient to guarantee the supply of nuclear fuel, “subject to compliance with international law and to meeting the non-proliferation commitments to be assessed by the IAEA.”⁷⁵
- The German government proposed to create a new enrichment facility (or facilities) that would be owned and operated by recipient states without giving them access to enrichment technologies (“Multilateral Enrichment Sanctuary Project”).⁷⁶
- Austria submitted a “Food for Thought” paper which proposed to emulate EURATOM on a global level. Austria argued that in a phased manner, all sensitive nuclear activities should be placed under international control, so that eventually “all nuclear fuel would be supplied exclusively via multilateral facilities and institutions.”⁷⁷

⁷³ El Baradei, Mohamed (2011): *The age of deception: Nuclear diplomacy in treacherous times*. London, Bloomsbury, pp. 124-125.

⁷⁴ IAEA: “Communication received from the Resident Representatives of Germany, the Netherlands and the United Kingdom to the Agency concerning multilateral cooperation on energy security in support of Article IV of the Treaty on the Non-Proliferation”, (INFCIRC/713), Vienna: International Atomic Energy Agency, 18 September 2007.

⁷⁵ IAEA: “Communication dated 30 May 2007 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the IAEA concerning Enrichment Bonds - A Voluntary Scheme for Reliable Access to Nuclear Fuel”, (INFCIRC/707), Vienna: International Atomic Energy Agency, 4 June 2007.

⁷⁶ IAEA: “Communication received from the Resident Representative of Germany to the IAEA with regard to the German proposal on the Multilateralization of the Nuclear Fuel Cycle”, (INFCIRC/704), Vienna, International Atomic Energy Agency, 4 May 2007.

⁷⁷ IAEA: “Communication received from the Federal Minister for European and International Affairs of Austria with regard to the Austrian proposal on the Multilateralization of the Nuclear Fuel Cycle”, (INFCIRC/706), Vienna, International Atomic Energy Agency, 31 May 2007.



While those EU states actively promoted their different concepts for nuclear fuel guarantees, the EU itself remained passive. In 2007, the EU did merely agree on four criteria that should guide discussions on MNAs. These were:

- Proliferation resistance,
- Assurance of supply, including a predetermined and transparent decision-making mechanism and reliable guarantees for delivery,
- Consistency with the equal rights and obligations paradigm,
- Market neutrality, both in the sense of not interfering with a functioning market and in maintaining a level playing field between various sources of energy.⁷⁸

These principles were, however, too vague to make it possible to discern a unique European position on MNAs. The EU itself did to move the debate forward and has not been able to evolve its position significantly.⁷⁹

In practical terms, the EU was able to influence agreements on MNAs in two instances. The EU did provide financial support by donating Euro 25 million for the nuclear fuel bank supported by a U.S. non-governmental organization, the Nuclear Threat Initiative.⁸⁰ The British proposal on enrichment bonds is one of four concepts to strengthen nuclear fuel assurances that has been approved and/or implemented since George W. Bush have revived the MNA debate in 2004.⁸¹

5. Conclusions

This cursory review shows that European efforts to control ENR technologies suffer from the same lack of coherence that affects European non-proliferation policies more generally. The fragmented nature of European efforts to control ENR technologies has many reasons. Neither the ESS nor the EU's WMD strategy single better controls on trade in ENR technology out as a key objective. EU efforts to tackle non-proliferation issues such as ENR controls are spread across a range of issue areas, undertaken by a range of actors with different, sometimes competing interests.⁸²

⁷⁸ "Multilateralization of the nuclear fuel cycle/guarantees of access to the peaceful uses of nuclear energy: Working paper submitted by the European Union", (NPT/CONF.2010/PC.I/WP.61), Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons 2007. Vienna, 9 May 2007.

⁷⁹ In the context of the 2010 NPT review conference, the EU repeated that the four principles should guide future discussion on MNAs by stating that it remains "firmly convinced of the benefits of multilateral approaches to the nuclear fuel cycle, in which assurance mechanisms, singly or in conjunction with other complementary mechanisms, should not act to distort the existing well-functioning market, and should address the right of peaceful uses of nuclear energy by providing nuclear fuel supply security for countries developing a nuclear programme in the best safety, security and non-proliferation conditions ..." See Council of the European Union, "Council Decision 2010/212/CFSP of 29 March 2010", *op. cit.*, paragraph 54.

⁸⁰ European Council: "Council Conclusions on EU contribution for the establishment of an IAEA nuclear fuel bank", 2914th General Affairs Council meeting, Brussels, 8 December 2008.

⁸¹ The other ideas that have been realized are the U.S. proposal to establish a strategic reserve of highly-enriched uranium that could be blended down as nuclear fuel; a reserve of 120 tons of low-enriched uranium in Russia and the NTI proposal to establish a similar reserve of LEU. See McGoldrick, "Limiting Transfer of Enrichment...", *op. cit.*, p. 3.

⁸² See for example Zwolski, Kamil: "The External Dimension of the EU's Non-proliferation Policy: Overcoming Inter-institutional Competition", *European Foreign Affairs Review*, vol. 16, no. 3 (2011), pp. 325–340.



"Although the strategies framed WMD non-proliferation as a horizontal issue within the CFSP and sought to integrate non-proliferation policy with external relations (namely trade and development cooperation), few links were made between the new external non-proliferation policy and existing internal policies on chemical, biological, radiological and nuclear (CBRN) threat mitigation."⁸³

Another reason for the lack of coherence of the EU's non-proliferation policy is the fact that "the WMD Strategy is not an official 'common strategy', but little more than a political declaration without an established policy framework and earmarked (financial) resources."⁸⁴

As a result, efforts to prevent the spread of ENR technologies were driven by EU members but less by the EU itself. Europe's leading role in negotiations with Iran was the result of the initiative of the EU3, rather than a concerted effort by all EU members. The EU was also not able to articulate common proposal to take the debate on multilateral nuclear approaches forward, even though Europeans were in a unique position to promote such concepts because the only two multilateral enrichment facilities – Areva and Urenco – are operated in Europe. Instead, EU members individually made a number of proposals that sometimes had a different political thrust. Proposals came particularly from those EU members that have economic interests in the international nuclear fuel market and were heavily influenced by national preferences on the use of nuclear energy more generally.⁸⁵ The EU does not act as a bloc in the NSG, yet the highly integrated European policy on export controls did lead to Europeans to pursue similar policies on strengthening ENR guidelines. Yet, as the example of France's interpretation of the NSG's new ENR guidelines demonstrated, economic interest can still undermine EU unity.

Generally speaking, the EU performance in controlling ENR technologies was strongest when it could mediate between two extreme positions. Thus, Europeans were quite successful in defining the middle ground between Iran or the non-aligned movement on the one side and the George W. Bush administration on the other side. Vice versa, Europeans appeared to be happy to concede leadership on Iran's nuclear file to the United States, once the Obama administration reverted to a more moderate approach on non-proliferation.

Because of the EU's inherent difficulties of providing international leadership on high-profile issues, the EU now appears to focus on improving implementation of existing non-proliferation rules, regulations and agreements. Many of the EU's activities today are related to improved export controls or providing assistance to third states to strengthen national implementation of non-proliferation obligations. The EU also is good at providing financial and other practical support for organizations and arrangements involved in arms control and non-proliferation. These are important activities but by themselves they do not drive the disarmament, arms control and non-proliferation agenda forward.

Institutional impediments to a more effective EU non-proliferation policy can be overcome if there is sufficient political will and leadership. Yet, developing a forward-looking agenda cannot be expected from EU institutions alone. As Peter van Ham observes:

⁸³ Grip, "Mapping the European Union's institutional actors...", *op. cit.*, p. 2.

⁸⁴ Van Ham, "The European Union's WMD Strategy...", *op. cit.*, p. 2.

⁸⁵ See Meier, Oliver: "The EU's Nonproliferation Efforts: Limited Success", *Arms Control Today*, vol. 38, no. 4 (May 2008), pp. 20–26, at http://www.armscontrol.org/act/2008_05/OliverFeature.



“As long as the EU fails to assure that all its institutions— from the Commission and the European Parliament to the Council—work together, the lack of coherence will result in relative ineffectiveness. But the EU has more to do than get its house in order, since member states themselves still have major normative and policy dichotomies. A coherent and effective EU WMD policy is difficult, if not impossible, to establish by the simple fact that the EU comprises nuclear weapon states and non-nuclear weapon states, members of the North Atlantic Treaty Organization (NATO) and non-NATO states, and supporters and opponents of nuclear energy. Despite the EU’s efforts to strengthen its own role on non-proliferation matters, its WMD policy remains capital-based with national experts and representatives from member states playing a key role.”⁸⁶

Realistically, the ultimate responsibility for developing a coherent and forward-looking agenda for issues such as better controls on ENR technologies therefore still rests with EU member states, particularly those that have access to such technologies. It is to be hoped that this challenge motivates Europeans to overcome the political, institutional and bureaucratic hurdles that stand in the way of a more unified EU policy on important issues that as better controls on ENR technologies. One thing is clear: an EU acting together will have more influence than any combination of its member states acting in concert.

⁸⁶ Van Ham, “The European Union's WMD Strategy...”, *op. cit.*, pp. 5–6.





LA APROXIMACIÓN DE LAS ESTRATEGIAS DE LA UE Y DE LOS EEUU EN LA LUCHA CONTRA LA PROLIFERACIÓN DE ARMAS DE DESTRUCCIÓN MASIVA

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Resumen:

El cambio en el seno de la Administración estadounidense tras las elecciones de 2008 y la consiguiente adopción de nuevos documentos estratégicos en la lucha contra la proliferación de armas de destrucción masiva suscitan nuevamente el interés de su comparación con los planteamientos defendidos por la UE, al objeto de identificar la posible emergencia de nuevos márgenes de coincidencia entre ambos actores internacionales y, con ello, el impulso a nuevos compromisos en el régimen de no proliferación. La comparación revela tres tendencias fundamentales: estancamiento en el proceso de mejora y perfeccionamiento de la regulación prevista para las armas químicas y biológicas, desarrollo selectivo del régimen de no proliferación nuclear, y consolidación de la cooperación informal y ad hoc como instrumento contra la proliferación de ADM.

Palabras clave: No proliferación, armas de destrucción masiva, Estados Unidos, UE.

Title in English: *“An Approach to the EU and the USA Strategies in the Fight against Proliferation of Weapons of Massive Destruction”.*

Abstract:

The change within the U.S. administration after the elections of 2008 and the subsequent adoption of new strategic documents in the fight against proliferation of weapons of mass destruction raise, again, the interest of comparison with the approaches advocated by the EU; this can make possible to identify the likely emergence of new agreement between them and thus, their impetus to new commitments in the non-proliferation regime. The comparison reveals three basic trends: stagnation in the process of improving and refining the rules laid down for chemical and biological weapons, selective development of nuclear non-proliferation regime, and consolidation of informal and ad hoc cooperation as a tool against the proliferation of WMD.

Keywords: *nonproliferation, weapons of mass destruction, EU, United States.*

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1. Introducción

La adopción en 2003 de la Estrategia de la UE contra la proliferación de armas de destrucción masiva (ADM) marcó un punto de inflexión en el papel a desarrollar por esta organización en un ámbito de interés y relevancia internacional evidente. No exenta de limitaciones y ambigüedades, el documento formalizó las líneas maestras de la acción de la UE e identificó los instrumentos y mecanismos de utilización europea preferente. El contexto político internacional en el momento de su adopción también fue relevante: concretamente, 2003 fue quizás el año más convulso desde la perspectiva de las relaciones trasatlánticas, tras la invasión de Iraq liderada por los EEUU y la fractura política que esa acción originó entre los Estados de la UE.² En ese contexto, la comparación entre el documento entonces adoptado por la UE y la Estrategia de los EEUU en la materia, publicada en 2002, ponía de manifiesto importantes diferencias en las políticas de estos dos actores internacionales, con consecuencias para el desarrollo del propio régimen de no proliferación de ADM.

A punto de cumplirse diez años desde la adopción de la Estrategia europea, el tiempo transcurrido permite advertir cuáles han sido los ejes de acción prioritarios de la UE en aplicación de la misma y la modulación que esa aplicación pudiera estar produciendo en el propio ‘marco teórico’ diseñado en 2003. Además, el cambio en el seno de la Administración estadounidense tras las elecciones de 2008 ha originado la adopción de nuevos documentos estratégicos que suscitan nuevamente el interés de su comparación con los planteamientos de la UE, al objeto de identificar la posible emergencia de nuevos márgenes de coincidencia entre ambos y, con ello, el impulso a nuevos compromisos en el régimen de no proliferación de ADM, incluidos sus mecanismos de aplicación.

Se trata de una comparación que excluye las diferencias motivadas por la distinta naturaleza de estos dos actores internacionales y, en buena medida, obvia los problemas institucionales de la UE para definir y desarrollar una política de no proliferación.³ De hecho, la UE no es parte de ninguno de los tratados vigentes que regulan las ADM o aspectos relacionados con el objetivo de no proliferación y cuenta con una limitada participación en los foros internacionales que abordan otras cuestiones conexas. Así mismo, cuando hablamos de la UE estamos haciendo referencia a un sujeto de derecho internacional que, en términos políticos, engloba a un conjunto de Estados con posiciones y estatus distintos en el ámbito que nos ocupa y que se visualizan, en mayor o menor medida, con ocasión de las conferencias internacionales en las que participan. Todo ello incide en el protagonismo de la UE y en su capacidad propositiva en el ámbito de la lucha contra la proliferación de ADM. Sin embargo, esas mismas características convierten a la UE en un ejemplo relevante de la tipología de consensos que pudieran estar forjándose respecto al posible desarrollo del régimen de no proliferación de las ADM y, en ese proceso, advertir en que medida los planteamientos defendidos desde el gobierno estadounidense están teniendo incidencia.

Con ese propósito, organizaremos esta contribución en tres apartados. El primero repasará sucintamente las diferencias que separaban la Estrategia de la UE con la aprobada en 2002 por los EEUU, y las consecuencias que ello generaba desde la perspectiva del régimen internacional vigente en materia de ADM. El segundo apartado identificará las características fundamentales de los nuevos documentos de estrategia adoptados por el gobierno

² Fractura que erosionaba la cohesión en el seno de la UE y dañaba sus aspiraciones de convertirse en un actor global relevante. Ver Van Ham, P., “The European Union’s WMD Strategy and the CFSP: a critical analysis”, EU Non-Proliferation Consortium, *Non-Proliferation Papers*, no. 2 (Sept. 2011), p. 3.

³ Sobre esta cuestión y las nuevas posibilidades que ofrece la reforma del Tratado de Lisboa, ver Zwolski, K., “The External Dimension of the EU’s Non-proliferation Policy: Overcoming Inter-institutional Competition”, *European Foreign Affairs Review*, vol. 16, no. 3 (2011), pp. 325–340.



estadounidense en esta materia, destacando sus coincidencias y diferencias con las posiciones defendidas por la anterior administración republicana. Sobre esta base, el tercer apartado se centrará en delimitar cuáles son los actuales márgenes de potencial coincidencia entre la UE y los EEUU y, con ello, el tipo de desarrollo del régimen de no proliferación que puede generar el acuerdo entre estos dos actores internacionales.

2. La comparación de la estrategia europea con la estrategia estadounidense de 2002

La comparación entre la Estrategia de la UE y la adoptada en 2002 por los EEUU revelaba profundas diferencias respecto al diagnóstico, los objetivos y el tratamiento de los riesgos y retos asociados a las ADM.⁴ Esas diferencias han estado en el origen de algunas de las dificultades experimentadas durante la última década por el régimen de no proliferación pero también explican algunas de sus actuales tendencias de desarrollo.

Como punto de partida, la primera y principal diferencia era el enfoque adoptado por cada uno de estos actores, que podía calificarse de ‘reactivo’ (EEUU) y ‘proactivo’ (UE). Así, el planteamiento de los EEUU pertenecía a los parámetros clásicos de la defensa del Estado: identificación de enemigos (Estados hostiles y grupos terroristas) y protección contra estos, muy especialmente contra sus capacidades en ADM.⁵ Consecuentemente, los EEUU adoptaban un enfoque de legítima defensa que explicaba la preeminencia asignada a las medidas de contraproliferación y a las medidas de carácter unilateral.⁶ Significativamente, la estrategia estadounidense no otorgaba ningún papel al desarme en el combate contra las ADM, erosionando con ello el pacto principal que fundamenta el régimen de no proliferación. En el caso de la Estrategia europea, tanto su diagnóstico de las amenazas asociadas a las ADM como los objetivos que persigue la UE en este campo, están condicionados por la propia naturaleza de la Unión: una organización internacional que aborda el tratamiento de problemas a través de mecanismos multilaterales y que, además, está compuesta por una pluralidad diversa de Estados miembros. Ello explica que la Estrategia de la UE no se plantee como objetivo la desaparición de este tipo de armas y que ni siquiera califique de amenaza la propia existencia de ADM sino el riesgo de proliferación de las mismas, agravado en la actualidad por el fenómeno del terrorismo.⁷ En ese contexto, los objetivos enunciados por la

⁴ *The National Strategy to Combat WMD*, December 2002, at www.fas.org/irp/offdocs/nspd/nspd-wmd.pdf. Para un análisis detallado de la comparación entre ésta y la Estrategia de la UE nos remitimos a nuestra publicación “Comparing U.S. and E.U. Strategies Against Weapons of Mass Destruction: Some Legal Consequences”, *Annual Survey of International & Comparative Law*, vol. 11 (2005), p. 119-140.

⁵ En palabras de Cirincione, “Bush Administration has changed the issue from “what” to “who”. Ver, Cirincione, J.: “Symposium on Security & Liberty: Speech: Proliferation Threats and Solutions”, *Notre Dame Journal of Law, Ethics & Public Policy*, vol. 19 (2005), p. 344. Este diagnóstico de amenazas implicaba, de hecho, un importante cambio por comparación a estrategias anteriores de los EEUU. Por ejemplo, la Estrategia de Seguridad Nacional de 1999 afirmaba lo siguiente: “WMD is a global concern that transcends national borders. It is the greatest potential threat to global stability and security. Proliferation threatens to provide rogue states, terrorist and international crime organizations with the means to inflict terrible damage on the US, our allies, and US citizens and troops abroad.” Ver, The White House, *A National Security Strategy for a New Century*, (December 1999), p. 2.

⁶ Según explicaba un destacado representante de la Administración republicana, el Gobierno Bush “is reinventing the nonproliferation regime it inherited” y su política revelaba “that a robust use of the sovereign authorities that we [US], and our allies, have at our disposal can bring about real results”. Ver, Bolton, John R., “The Bush Administration’s Forward Strategy for Nonproliferation”, *Chicago Journal of International Law*, vol. 5, no. 2 (Winter 2005), p. 395.

⁷ Ver, Estrategia de la UE contra la proliferación de armas de destrucción masiva (en adelante, Estrategia UE-ADM), parágrafo 1.



UE en su documento de estrategia son incluso limitados: evitar, disuadir, detener y, cuando sea posible, eliminar los programas de proliferación que suscitan preocupación a escala mundial.⁸ Estos objetivos permiten además a la UE un cierto grado de apreciación subjetiva, pues no incluye referencia alguna a la institución u órgano competente para calificar de ese modo un determinado programa de proliferación. La posición de la UE, aunque universal, evita así limitar sus posibilidades de actuación a los casos calificados por el Consejo de Seguridad como ‘amenaza a la paz y a la seguridad internacionales’, y deja abierta la posibilidad de su participación en otras acciones de carácter multilateral.

Las diferencias entre la Estrategia de la UE y el documento homólogo adoptado en 2002 por los EEUU generaban un límite a la posible elaboración de nuevas obligaciones jurídicas e incluso a la aplicación de las normas internacionales vigentes en materia de ADM. De hecho, en la medida que para los EEUU la amenaza no procedía ni de la existencia de estas armas ni tan siquiera del riesgo de proliferación, sino de las características de sus poseedores, se hacía imposible la generación de normas internacionales de alcance general. Únicamente en la conexión entre ADM y terrorismo podía identificarse algún punto de encuentro entre ambas Estrategias y ese ha sido, en efecto, el ámbito temático donde se han producido novedades desde la perspectiva del régimen internacional de las ADM: la Resolución 1540 adoptada por el Consejo de Seguridad en 2004, a instancias entre otros de los EEUU y de la UE, obliga a todos los Estados del globo a adoptar y aplicar determinadas medidas legislativas y controles nacionales con el objetivo de evitar el acceso de los actores no estatales y grupos terroristas a las ADM y a sus sistemas vectores.⁹ Ahora bien, la diferente confianza en las instituciones multilaterales que se observaba al comparar la Estrategia de la UE con la adoptada en 2002 por los EEUU tenía también su correlativo reflejo en la Resolución del Consejo de Seguridad: aunque en ella se reconoce que los Estados pueden necesitar asistencia para la correcta aplicación de las obligaciones que establece, la articulación de esa asistencia no se organiza en términos multilaterales sino que se hace depender de la cooperación voluntaria que puedan ofrecer los Estados.¹⁰

La estrecha y subjetiva delimitación del ámbito de aplicación de la Estrategia estadounidense de 2002 (Estados hostiles) también tenía repercusiones en la determinación del cumplimiento de las obligaciones que impone a los Estados el régimen de no proliferación, muy especialmente las establecidas en tratados carentes de mecanismos institucionalizados de verificación y control. En la medida que los EEUU sólo manifestaban interés en los casos de proliferación protagonizados por Estados hostiles, enviaba con ello un claro mensaje político a la comunidad internacional: el incumplimiento de las obligaciones en el ámbito de las ADM podía compensarse con una relación política ‘saludable’ con los EEUU. De hecho, el desinterés estadounidense por los supuestos de proliferación imputables

⁸ Ver, Estrategia UE-ADM, parágrafo 2.

⁹ Cuestión esta que ya hemos abordado en otro momento y a cuya investigación nos remitimos. Ver, Álvarez Verdugo, M. (2007), *Incidencia del Consejo de Seguridad sobre el régimen jurídico de las armas nucleares*, Bosch Ed., Barcelona.

¹⁰ Vid. S/RES/1540 (2004), parágrafo 7. Ejemplos de esta cooperación voluntaria son el programa de los EEUU para la reducción del riesgo nuclear (Programa Nunn-Lugar) o la iniciativa adoptada por el G-8 en junio de 2002, en ambos casos dirigidos a minimizar los riesgos de proliferación y mejorar las condiciones de seguridad de los materiales nucleares en los territorios de la antigua Unión Soviética. También la UE ha arbitrado fórmulas e iniciativas de cooperación voluntaria para facilitar la aplicación de la Resolución 1540. Ver. Acción Común 2006/419/PESC de 12 de junio de 2006 y Acción Común 2008/368/PESC de 14 de mayo de 2008, de apoyo a la aplicación de la Resolución del Consejo de Seguridad de las Naciones Unidas 1540 (2004) en el marco de la ejecución de la Estrategia de la UE contra la proliferación de armas de destrucción masiva (*DO L 165* de 17.6.2006 y *DO L 127* de 15.5.2008).



a Estados no hostiles generaba efectos para la UE, que difícilmente podría llegar a considerar tales programas como susceptibles de suscitar preocupación a nivel mundial.

También desde la perspectiva de la aplicación de las obligaciones jurídicas vigentes, concretamente los mecanismos internacionales de verificación y control, las Estrategias de la UE y de los EEUU mostraban profundas diferencias. Frente a la posición de la UE favorable a la efectiva utilización, mejora y desarrollo de este tipo de mecanismos, las ambiguas referencias que se contienen a este respecto en la Estrategia estadounidense de 2002 se materializaron en una actuación claramente contraria al desarrollo de mecanismos internacionales e institucionalizados de verificación y control. Baste recordar la oposición de EEUU, en diciembre de 2001, a la adopción de un Protocolo a la Convención sobre armas bacteriológicas y tóxicas (CABT),¹¹ su decisión de reformular el mandato de negociación del Tratado para la prohibición de la producción de materiales fisibles¹² o sus argumentos para rechazar la ratificación del Tratado de prohibición completa de ensayos nucleares.¹³ A cambio, optaba por medidas unilaterales o, como mucho, por fórmulas multilaterales de carácter selectivo y ad hoc, de las que la Iniciativa de Seguridad contra la Proliferación lanzada en mayo de 2003 por el Presidente Bush es su mejor ejemplo.¹⁴

Finalmente, los aspectos más controvertidos de la Estrategia estadounidense se situaban en el ámbito de la aplicación coercitiva. El texto identificaba el uso unilateral de la fuerza armada, incluidas las armas nucleares de los EEUU, como una medida de contraproliferación, contraviniendo con ello la regulación jurídica internacional vigente del uso de la fuerza y del derecho de legítima defensa y, adicionalmente, abrogando una garantía de seguridad anteriormente sostenida por los EEUU: el compromiso de no utilizar su fuerza nuclear contra Estados no poseedores de armas nucleares.¹⁵ Sin asemejarse a este tipo de planteamientos, no es menos cierto que la Estrategia de la UE trata de manera ambigua la cuestión de la adopción de medidas coercitivas frente a situaciones de proliferación y tampoco es clara sobre el papel que a tal efecto debe desempeñar el Consejo de Seguridad. Así, el documento señala la

¹¹ Protocolo que regulaba un mecanismo internacional de verificación y control para este Tratado. Ver Dando, Malcolm R. (2002): *Preventing Biological Warfare: the failure of American leadership*, Great Britain, Palgrave; Tucker, Jonathan B.: "The BWC New Process: A Preliminary Assessment," *Nonproliferation Review*, vol. 11, no. 1 (2004), p. 26-39 y Ward, Kenneth D.: "The BWC Protocol: Mandate for Failure," *Nonproliferation Review*, vol. 11, no. 2 (2004), p. 183-199.

¹² Eliminando el objetivo de conseguir un 'tratado efectivamente verificable', dado que a juicio de la administración republicana eso no era posible sin comprometer intereses nacionales de seguridad. Vid. U.S. Department of State and U.S. Agency for International Development. Fiscal Year 2006 Joint Performance Plan (February 2005), p. 121, at www.state.gov/documents/organization/41623.pdf.

¹³ Entre otros, su valoración de que los mecanismos de verificación fijados por este Tratado podían comprometer intereses nacionales de seguridad de los EEUU. Ver, Hewitson, P.: "Between Empire and Community: The United States and Multilateralism 2001-2003: A Mid-Term Assessment: Arms Control: Nonproliferation and Reduction of Nuclear Weapons: Risks of Weakening the Multilateral Nuclear Nonproliferation Norm," *Berkeley Journal of International Law*, vol. 21, no. 3 (2003), p. 451.

¹⁴ Dos perspectivas distintas sobre las virtualidades y efectos de esta Iniciativa son la de Samuel E. Logan: "The Proliferation Security Initiative: Navigating the Legal Challenges", *Journal of Transnational Law & Policy*, vol. 14, no. 2 (Spring 2005), p. 253 y la de Daniel H. Joyner: "The Proliferation Security Initiative: Nonproliferation, Counterproliferation, and International Law", *The Yale Journal of International Law*, vol. 30, no. 2 (Summer 2005), p. 507. La UE no respaldó esta Iniciativa hasta junio de 2004, tras la adopción de la Resolución 1540 del Consejo de Seguridad. Ver, Council of the EU, Non-Proliferation Support of the Proliferation Security Initiative, Brussels, 1 June 2004, 10052/04 (Presse 189).

¹⁵ Compromisos recogidos, entre otros, en el documento "Principles and Objectives adopted by the NPT 1995 Review Conference" y en el Documento NPT/CONF.2000/6, sobre "Security Assurances". A este respecto, ver Ware, Alyn, "Nuclear Proliferation: Rule of Force or Rule of Law? Legal Responses to Nuclear Threats from Terrorism, Proliferation, and War", *Seattle Journal for Social Justice*, vol. 2, no. 1 (Fall 2003 / Winter 2004), p. 251.



posibilidad de sanciones de diverso tipo, incluidas medidas que implican el uso de la fuerza, y sin embargo se limita a afirmar que “el Consejo de Seguridad debe desempeñar un papel protagonista”.¹⁶ La ambigüedad elegida por la UE sólo puede interpretarse como una vía que deja a esta la posibilidad de adoptar medidas coercitivas, también las que implican el uso de la fuerza armada, sin la explícita autorización del Consejo de Seguridad, abriendo un espacio de potencial coincidencia con la Estrategia estadounidense que contradice el régimen jurídico internacional vigente y no favorece la aplicación de sus normas, tampoco de las que establecen obligaciones en el ámbito de la no proliferación de ADM.¹⁷

3. Principales novedades y características de la estrategia definida por la Administración Obama en relación a las ADM

La administración demócrata de los EEUU, a través de la ‘National Strategy for Countering Biological Threats’ adoptada en 2009, la ‘Nuclear Posture Review’ (NPR) de abril de 2010 y la ‘National Security Strategy’ de mayo del mismo año, ha identificado las nuevas líneas maestras de la política estadounidense en materia de ADM.¹⁸ El mayor cambio operado en esos documentos es, quizás, el lenguaje y el tono empleados en su redacción, lo que ha generado importantes expectativas de avance en el reforzamiento del régimen internacional vigente y en el respaldo de los EEUU a una aplicación objetiva de sus normas. El análisis detallado de esos documentos pone ciertamente de manifiesto cambios importantes respecto a la estrategia de la anterior administración republicana y, con ello, la renovación de compromisos anteriormente asumidos por los EEUU con la comunidad internacional. La constatación de esos cambios no impide sin embargo poder afirmar una sustantiva coincidencia por cuanto respecta a sus líneas de acción prioritarias.

En efecto, los documentos actualmente vigentes encuadran la definición de las amenazas asociadas a las ADM de manera distinta a como lo hacía la Estrategia adoptada en 2002 y sugieren una aproximación global a los riesgos que estas armas representan. En palabras de la nueva Estrategia de Seguridad Nacional, “there is no greater threat to the American people than weapons of mass destruction, particularly the danger posed by the pursuit of nuclear weapons by violent extremists and their proliferation to additional states”.¹⁹ En esa línea, la NPR de 2010 califica como amenazas más apremiantes el terrorismo nuclear y la proliferación nuclear, si bien individualiza como preocupación específica el riesgo de proliferación nuclear en países enfrentados con los Estados Unidos, sus socios y aliados, y la comunidad internacional más amplia.²⁰ Un enfoque incluso más omnicompreensivo parece adoptar la Estrategia de 2009 contra las amenazas biológicas, calificando de tales a las armas biológicas, en su conjunto, y también su uso o proliferación por Estados y actores no estatales.²¹ El desarrollo posterior de este documento pone no obstante de manifiesto la centralidad en la prevención de ataques biológicos de carácter terrorista y en la manera de responder ante enfermedades a gran escala causadas por agentes de este tipo, con independencia de que las mismas tengan un origen natural o intencionado. De este modo, la Estrategia de 2009 contra las amenazas biológicas traduce la posición adoptada por la

¹⁶ Estrategia de la UE-ADM, parágrafo 15.

¹⁷ Sin entrar en otros desarrollos o referencias posibles, creemos que en este punto es suficiente con recordar el art. 24 de la Carta de las Naciones Unidas y las competencias exclusivas que el Capítulo VII de la misma asigna al Consejo de Seguridad.

¹⁸ Documentos todos ellos publicados en el sitio www.whitehouse.gov.

¹⁹ National Security Strategy, p. 4.

²⁰ NPR, *op. cit.*, p. 3.

²¹ National Strategy for Countering Biological Threats, p. 2.



administración demócrata estadounidense, que ha desistido de la posibilidad de firmar un protocolo anexo a la CABT por considerar imposible la verificación internacional efectiva del cumplimiento de dicha Convención.

El lenguaje empleado en estos tres textos revela un cambio de enfoque en relación con las ADM: son las ADM en su conjunto las que merecen el calificativo de amenaza así como el riesgo de proliferación de las mismas. Pero a partir de aquí las prioridades de la acción estadounidense permanecen casi inalteradas, y sigue centrada en la prevención y lucha contra el terrorismo nuclear y la proliferación nuclear, muy especialmente la protagonizada por Estados enfrentados – ya no hostiles - a los Estados Unidos, sus socios y la comunidad internacional más amplia. La flexibilidad con que puede interpretarse esta última expresión hace de ella una novedad de importancia relativa desde la perspectiva de su impacto efectivo en las decisiones de los EEUU.

La prioridad de la proliferación y del terrorismo nuclear en la política de los EEUU se revela incluso con mayor claridad en el único apartado de la nueva Estrategia de Seguridad Nacional dedicado a las ADM. Bajo el título “Detener la propagación de armas nucleares y biológicas y asegurar los materiales nucleares”, el apartado omite mención alguna a las armas químicas o a los riesgos asociados a estas,²² y el único párrafo relativo al combate contra las amenazas biológicas lo hace desde la perspectiva de la prevención y protección de la salud de las personas, las capacidades para hacer frente a las enfermedades originadas por este tipo de agentes y la represión de los posibles responsables, sin referencia alguna a las armas biológicas o al tratado internacional que las regula.²³ Y es que ocho de los nueve párrafos de este apartado abordan aspectos vinculados con las armas nucleares y la proliferación nuclear.²⁴

La centralidad ‘nuclear’ de la política estadounidense en materia de ADM tiene en la NPR de 2010 su desarrollo más concreto.²⁵ Este documento dota de contenido al objetivo formulado por el Presidente Obama en su discurso de Praga de abril de 2009, conseguir un mundo libre de armas nucleares.²⁶ Se trata sin duda alguna de su novedad más significativa,

²² La actualidad de los riesgos asociados a las armas químicas tiene su ejemplo más significativo en el incumplimiento por EEUU, Rusia y Libia de la fecha fijada para la destrucción completa de estas armas, 29 de abril de 2012, en virtud de la Convención sobre la prohibición del desarrollo, la producción, el almacenamiento y el empleo de armas químicas y sobre su destrucción. A este respecto, ver Kelle, A.: “Chemical weapons destruction deadline missed”, *Bulletin of the Atomic Scientists*, 24 April 2012, en <http://www.thebulletin.org/web-edition/columnists/alexander-kelle/chemical-weapons-destruction-deadline-missed>.

²³ Ver National Security Strategy, p. 23-24.

²⁴ En ellos se enuncian cuatro objetivos de alcance general (procurar alcanzar un mundo sin armas nucleares, reforzar el TNP, asegurar los materiales y armas nucleares vulnerables y apoyar la energía nuclear para usos pacíficos) y también objetivos específicos respecto a los casos de Corea del Norte e Irán: lograr la desnuclearización de la península de Corea y prevenir el desarrollo del arma nuclear por parte de Irán.

²⁵ La NPR enuncia y desarrolla los siguientes objetivos: evitar la proliferación nuclear y el terrorismo nuclear, reducir el papel de las armas nucleares de los EEUU en la estrategia de seguridad nuclear, mantener la disuasión y la estabilidad estratégica con niveles de fuerzas nucleares reducidas, fortalecer la disuasión regional y la confianza de los aliados y socios estadounidenses, y mantener un arsenal nuclear estable, seguro y efectivo. Ver, NPR, p. 2. La *Nonproliferation Review* dedica el No. 1 de su volumen 18 (de marzo de 2011), al análisis de la nueva NPR. Específicamente, la Introducción elaborada por Scott D. Sagan y J. Vayman (p. 17-37) aborda las diferencias y similitudes entre este documento y la NPR adoptada en 2001 (no publicada) por el Gobierno Bush y las diferentes vías por las que la nueva NPR puede influenciar el comportamiento de otros actores internacionales.

²⁶ En dicho discurso, el Presidente Obama dibujó una ambiciosa agenda en materia de desarme nuclear, no proliferación y contraterrorismo que ha sido objeto de distintas interpretaciones pero cuya aplicación en la práctica necesita de múltiples y diversas realizaciones concretas, de los EEUU y de la comunidad internacional



pues reincorpora a la agenda política internacional la consecución de un compromiso jurídico vigente que durante años resultó impensable.²⁷ Ahora bien, la desaparición de estas armas se hace depender en la NPR de un conjunto de condiciones que trasladan tal posibilidad a un futuro cuando menos lejano.²⁸ Mientras tanto, la contribución estadounidense a la consecución de ese objetivo final se sitúa lejos de las obligaciones que impone el art. VI del TNP pues se limita a la reducción condicionada del arsenal nuclear y a la reformulación del papel asignado a este tipo de armamentos.²⁹

Así, y desde una perspectiva cuantitativa, la posible reducción del arsenal nuclear de los EEUU seguirá estando sujeta según la NPR a parámetros clásicos de disuasión y estabilidad estratégica que además, se afirma, deben preservarse a un triple nivel, regional, internacional y bilateral.³⁰ Sin renunciar por tanto al mantenimiento de un arsenal nuclear seguro, protegido y eficaz,³¹ la estrategia estadounidense sí muestra una nueva predisposición hacia tratados internacionales que inciden en el desarrollo y control de este tipo de armas: celebración de tratados bilaterales con Rusia para la reducción de armas estratégicas, voluntad de ratificar el Tratado de prohibición completa de ensayos nucleares, y compromiso de iniciar negociaciones para la firma de un Tratado relativo a la prohibición de la producción de material fisible. Hasta la fecha, el único de estos compromisos que se ha materializado ha sido la firma y entrada en vigor del nuevo Tratado START entre Rusia y los EEUU.

Respecto al papel asignado a las armas nucleares, la NPR reformula la política de empleo de estas armas por parte de los EEUU, actualizando las garantías de seguridad negativa declaradas en 1995 por los cinco Estados poseedores de armas nucleares partes del TNP y eliminando, a priori, la respuesta nuclear ante un ataque con armas químicas o biológicas. Además, y aunque la NPR reserva a EEUU el derecho a replantearse estas garantías de no respuesta nuclear si las circunstancias lo aconsejaran en caso de ataque biológico,³² la utilización de armas nucleares únicamente se contempla “en circunstancias extremas para defender los intereses vitales de los Estados Unidos o sus aliados”, lenguaje que recuerda lo afirmado por el TIJ en su Opinión Consultiva de 1996 sobre la legalidad de la amenaza o empleo de las armas nucleares y convierte en instrumento de último recurso a este tipo de armas.

en su conjunto. Algunas de ellas las analiza Perkovich, G., “The Obama Nuclear Agenda One Year After Prague”, Carnegie Endowment for International Peace, *Policy Outlook* (31 Mar. 2010).

²⁷ Ver, Gutierrez Espada, C. & Cervell Hortal, M.J., “La nueva estrategia nuclear estadounidense: ¿un futuro libre de armas nucleares?”, *REDI*, vol. LXII (2010-2011), p. 292.

²⁸ Esas condiciones son: interrupción exitosa de la proliferación de armas nucleares, mayor transparencia en los programas y los medios de los principales países participantes, métodos de verificación y tecnologías capaces de detectar las violaciones a las obligaciones del desarme, medidas de cumplimiento suficientemente fuertes y creíbles para disuadir las violaciones, y la resolución de las diferencias regionales que pueden motivar a estados rivales a adquirir y mantener armas nucleares. NPR, p. 48-49.

²⁹ Especialmente crítico con los contenidos de la NPR desde la perspectiva de las obligaciones de desarme nuclear establecidas en el TNP es Moxley Jr., Ch.J.: “Obama’s Nuclear Posture Review: An Ambitious Program For Nuclear Arms Control But A Retreat From The Objective Of Nuclear Disarmament”, *Fordham International Law Journal*, vol. 34, no. 4 (2011), p. 734-775.

³⁰ La NPR insiste en varias ocasiones en la necesidad de mantener con niveles reducidos de fuerza nuclear la disuasión estratégica y la estabilidad con Rusia y China, así como en la exigencia de fortalecer los vínculos de seguridad bilateral y regional que mantienen los EEUU en Europa, Asia y Oriente Próximo. NPR, p. 4-6 y 19-35. Sobre la tensión entre la política de disuasión nuclear definida en la NPR y el Derecho internacional, ver Nagan, W.P. & Slemmens, E.K.: “Developing U.S. Nuclear Weapons Policy and International Law: The Approach of the Obama Administration”, *Tulane Journal of International & Comparative Law*, vol. 19 (2010), p. 41-77.

³¹ En la NPR se renuncia a la fabricación de nuevas armas nucleares pero no a la modernización de las ya existentes, distinción que en la práctica puede dar lugar a muy distintas interpretaciones. Ver, Moxley Jr., Ch.J., “Obama’s Nuclear Posture ...”, *op. cit.*, p. 761-762.

³² NPR, *op. cit.*, p. 16.



La reconducción, en los términos que hemos señalado, de la cuestión del desarme nuclear y del papel asignado a su arsenal nuclear coloca a los EEUU, según la NPR, “en una posición mucho más fuerte” para persuadir al conjunto de Estados parte del TNP de la necesidad de adoptar medidas adicionales con las que reforzar el régimen de no proliferación y mejorar la seguridad de los materiales nucleares a nivel mundial.³³ El planteamiento no deja de resultar hasta cierto punto paradójico, pues la declaración política de estar dispuesto a abordar, en un futuro incierto, el cumplimiento de una obligación jurídica vigente (celebrar negociaciones de buena fe sobre medidas eficaces relativas al desarme nuclear – art. VI TNP -)³⁴ junto con la abrogación de políticas de empleo de las armas nucleares que contravenían, desde distintas perspectivas, el régimen jurídico internacional, ‘son’ las razones que según EEUU fortalecen su posición y le otorgan una *auctoritas* renovada que le legitima para pedir el acuerdo del resto de Estados a la adopción de medidas que sí implican nuevas restricciones, compromisos y obligaciones jurídicas.³⁵

En efecto, un primer grupo de medidas adicionales que juzgan necesarias tiene por objeto el reforzamiento del régimen de no proliferación e incide en cuatro ámbitos distintos de la regulación que se contiene en el TNP.³⁶

Primero, el mecanismo de verificación y control sobre los Estados no poseedores de armas nucleares, previsto en su artículo III, que se entiende debe completarse mediante la ratificación por dichos Estados de un Protocolo Adicional a sus acuerdos de salvaguardia con el OIEA. Adicionalmente, la NPR se muestra favorable al incremento de los recursos financieros e instrumentos a disposición de este Organismo para llevar a cabo sus tareas de verificación.³⁷

Segundo, el derecho de denuncia del TNP regulado en su artículo VIII, impidiendo su ejercicio a cualquier Estado parte en situación de incumplimiento con las obligaciones que para él se deriven de este Tratado.

Tercero, el control de las exportaciones nucleares, reforzando los regímenes nacionales y multilaterales existentes así como las restricciones a las transferencias de tecnologías susceptibles de doble uso, especialmente las relacionadas con actividades de enriquecimiento de uranio y procesamiento de combustible nuclear. A tal efecto, y junto al incremento de los fondos estadounidenses para la financiación de programas de cooperación bilateral, la NPR manifiesta el apoyo de los EEUU a la creación de un fondo conjunto para la aplicación de la

³³ NPR, *op. cit.*, p. 7, primer párrafo.

³⁴ Además de paradójico, el planteamiento estadounidense es contradictorio con la literalidad del artículo VI del TNP pues implica una interpretación parcial y selectiva de la obligación jurídica que se establece en dicha disposición: “Cada Parte en el Tratado se compromete a celebrar negociaciones de buena fe sobre medidas eficaces relativas a la cesación de la carrera de armamentos nucleares en fecha cercana y al desarme nuclear, y sobre un tratado de desarme general y completo bajo estricto y eficaz control internacional”.

³⁵ Sobre el impacto efectivo de la nueva política de no proliferación nuclear estadounidense, vid. Müller, H.: “A Nuclear Nonproliferation Test – Obama’s Nuclear Policy and the 2010 NPT Review Conference”, *Nonproliferation Review*, vol. 18 no. 1 (March 2011), p. 219-236. A juicio del autor, el impacto fundamental fue generar un ambiente en el que el compromiso ‘era lo correcto’, lo que, en consecuencia, hizo posible la adopción de un documento final en la última Conferencia de revisión del TNP. Ahora bien, los contenidos de ese documento final son el mínimo común denominador entre las posiciones defendidas por los Estados poseedores de armas nucleares y el Movimiento de países no alineados, con la única excepción de la sección relativa a Oriente Próximo, hecho que refleja la mutua neutralización entre las posiciones defendidas por unos y otros y la ausencia de cualquier progreso sustancial.

³⁶ NPR, *op. cit.*, p. 9-10.

³⁷ El documento recoge el compromiso de los EEUU de incrementar sus aportaciones ordinarias y extraordinarias al presupuesto del OIEA, sin precisar no obstante más detalles al respecto (NPR p. 9-10).



Resolución 1540 del Consejo de Seguridad y propone convertir en organización internacional la Iniciativa contra la Proliferación Nuclear.

Cuarto, el alcance del derecho al uso pacífico de la energía nuclear enunciado en el art. IV del TNP, mediante la apuesta por mecanismos multilaterales de diversa naturaleza que hagan innecesario el desarrollo individualizado por los Estados de las fases más sensibles del ciclo nuclear, muy especialmente las relacionadas con el enriquecimiento de uranio.

El segundo grupo de medidas adicionales que plantea la NPR hace referencia a la seguridad de los materiales nucleares, con el objetivo primordial de prevenir el terrorismo nuclear. Sin mención alguna a los tratados internacionales vigentes en la materia,³⁸ la cuestión se aborda bajo la premisa de que garantizar la seguridad de estos materiales es una responsabilidad estrictamente estatal y, en ese contexto, la NPR recoge el compromiso de reforzar e incrementar los programas estadounidenses para la cooperación bilateral y asistencia a terceros Estados (Nunn-Lugar, Global Threat Reduction Initiative, International Nuclear Material Protection and Cooperation Program, etc.). El documento sólo recoge una iniciativa de cooperación multilateral ad hoc, la celebración de cumbres mundiales sobre seguridad nuclear; iniciativa que hasta la fecha se ha concretado en la celebración de dos cumbres, en 2010 y 2012.³⁹

4. Nuevos ámbitos de coincidencia UE/EEUU para el desarrollo y aplicación del Régimen de no Proliferación de ADM

La UE ha consolidado durante los últimos años una notable acción en aplicación de la Estrategia adoptada en 2003 contra la proliferación de ADM manteniendo, en líneas generales, una coherencia esencial con el diagnóstico y los instrumentos entonces definidos. Dicha acción, que se recoge en los Informes semestrales preparados por el Consejo, se ha acompañado también de un esfuerzo de actualización y revisión de las prioridades de la UE en este ámbito.⁴⁰ Además, y con el propósito de reforzar el papel de la UE en la lucha contra la proliferación de ADM, el Consejo aprobó en diciembre de 2008 el documento titulado “Nuevas líneas de acción de la UE en el combate contra la proliferación de ADM y sus

³⁸ Que existen y que, en ciertos casos, tienen un número de Estados parte que convendría incrementar. Ver Convención sobre protección física de los materiales nucleares, de 3 de marzo de 1980 (BOE núm. 256 de 25/10/1991) con 145 Estados parte (la enmienda a esta Convención, hecha en 1995, sólo cuenta con 55 Estados parte, incluida España); Convención sobre Seguridad Nuclear, de 20 de septiembre de 1994 (BOE núm. 236 de 30/9/1996) con 74 Estados parte; Convención conjunta sobre seguridad en la gestión del combustible gastado y sobre seguridad en la gestión de desechos radiactivos, de 5 de septiembre de 1997 (BOE núm. 97 de 23/04/2001) con 42 Estados parte.

³⁹ Ver, Nuclear Security Summit Final Communique y Nuclear Security Summit Final Work Plan, Washington DC, 12-13 Abril 2010, en <http://fpc.state.gov/c35775.htm>; y Seoul Communique – 2012 Seoul Nuclear Security Summit, (26-27 Marzo 2012), en www.un.org/disarmament/content/spotlight. Existen valoraciones bien distintas sobre el impacto efectivo que estas cumbres pueden llegar a tener en las regulaciones y compromisos nacionales sobre seguridad nuclear y también sobre la conveniencia de que en ellas se adopten directrices y estándares de aplicación mundial, posibilidad esta última que por el momento rechaza el gobierno estadounidense. Ver, Guarino, D.P.: “U.S. Official Rejects Call For International Nuclear Security Standards”, *Global Security Newswire*, (1 Mayo 2012), en www.nti.org/gsn/article/us-official-rejects-call-international-nuclear-security-standards/.

⁴⁰ Mientras que la presentación de los informes semestrales se realiza con regularidad desde 2004, la actualización del listado de prioridades se ha hecho en cuatro ocasiones: en diciembre de 2004, 2005 y 2006 y en junio de 2008. Para la consulta de esos informes semestrales y de las listas actualizadas de las prioridades de la UE, ver www.consilium.europa.eu/eeas/foreign-policy/non-proliferation,-disarmament-and-export-control-/documentation/documents?lang=en#Bookmark4.



sistemas vectores” el cual, sin cuestionar la vigencia de la Estrategia de 2003, enuncia nuevos principios y objetivos específicos.⁴¹

La comparación entre la Estrategia de la UE contra la proliferación de ADM, a la luz de la acción desplegada para su aplicación, con los nuevos documentos de estrategia estadounidense en esta materia revela nuevas similitudes que podrían favorecer la actuación conjunta de estos dos actores internacionales en algunos ámbitos concretos. Esas nuevas similitudes no sólo tienen su razón de ser en los actuales planteamientos del gobierno de los EEUU sino, también, en la evolución experimentada por la propia UE.

Una primera aproximación se produce en la definición de las amenazas asociadas a las ADM, pues la UE parecería estar incorporando la sutil diferenciación entre enfoque general y prioridades de actuación que observábamos en los actuales textos estadounidenses. Así, las Nuevas líneas de acción adoptadas en 2008 califica a las ADM en manos de ‘states of concern or terrorists/non state actors’ como la mayor de las amenazas a la seguridad que pueden enfrentar los europeos.⁴² La afirmación, que incorpora una priorización que no constaba en documentos anteriores de la UE, no modifica per se los contenidos de la Estrategia de 2003 y, de hecho, está precedida por la consideración de que la proliferación de ADM y de sus sistemas vectores, en general, es un riesgo para la seguridad de los europeos mucho mayor de lo que lo era en 2003. Tomado en su conjunto, el planteamiento del documento de 2008 ofrece no obstante dos matizaciones relevantes. Una, el texto parecería reflejar una mayor y más profunda toma de conciencia por parte de la UE de la importancia y los retos que plantea la proliferación de estos armamentos.⁴³ Dos, la propia experiencia reciente de la UE, involucrada directamente en casos concretos de amenaza de proliferación nuclear (léase, las negociaciones con Irán), trasladan a sus documentos lo que podríamos denominar un cierto pragmatismo que le permite individualizar y, por tanto, priorizar sus actuaciones dentro de la problemática general de la proliferación de ADM y del enfoque omnicomprensivo con que su Estrategia de 2003 aborda esta cuestión.

La acción desarrollada por la UE desde 2003 también revela un cierto cambio en el tratamiento de las amenazas asociadas a las armas biológicas, acercándola a los planteamientos de los EEUU.⁴⁴ Ciertamente, la UE sigue desplegando iniciativas dirigidas a favorecer la universalización y plena aplicación de la Convención sobre armas bacteriológicas y tóxicas (CABT).⁴⁵ Sin embargo, parecería haber renunciado a la posibilidad de desarrollar un mecanismo de verificación y control de este tratado, aceptando el planteamiento estadounidense de que no es posible un régimen de verificación efectivo en relación a las armas biológicas, y ha trasladado sus iniciativas al ámbito del establecimiento y consolidación

⁴¹ Ver Council of the European Union: “New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their means of delivery”, de 17 de diciembre de 2008 (Documento 17172/08). En adelante, utilizaremos la abreviatura ‘UE-New lines’ para referirnos a este documento.

⁴² UE-New lines, p. 3.

⁴³ O, como mínimo, ese pretendía ser el objetivo principal de este documento. Ver Van Ham, P., “The European Union’s WMD Strategy...”, *op.cit.* p. 5.

⁴⁴ Cambio detectado por algunos autores ya en 2006. Ver, Zanders, J.P., “The European Union and the 6th Review Conference”, *The European Union and the 2006 BTWC Review Conference*, Chaillot Paper No. 93 (November 2006), p. 93-118.

⁴⁵ Acción Común 2006/184/PESC de 27 de febrero de 2006 y Acción Común 2008/858/PESC de 10 de noviembre de 2008, en apoyo de la Convención sobre armas bacteriológicas y tóxicas en el marco de la ejecución de la Estrategia de la UE contra la proliferación de armas de destrucción masiva (DO L 65 de 7.3.2006 y DO L 302 de 13.11.2008).



de mecanismos eficaces de fomento de la confianza respecto al cumplimiento de la CABT.⁴⁶ Paralelamente, los aspectos relacionados con la salud y la seguridad biológicas están adquiriendo un creciente protagonismo en el ámbito de preocupaciones preferentes de la UE, abriendo con ello un espacio de potencial coincidencia y acción conjunta con los EEUU.⁴⁷

El control de las exportaciones de bienes y tecnologías de doble uso y la lucha contra su tráfico ilícito ocupa, así mismo, una parte cada vez más importante de la acción de la UE.⁴⁸ No en vano tres de las siete líneas de acción recogidas en el documento adoptado por la UE en 2008 tienen una relación directa con estas cuestiones: intensificar la cooperación y asistencia a terceros Estados para mejorar sus sistemas nacionales de control y sus políticas de no proliferación, combatir las transferencias intangibles de conocimiento y know-how e intensificar los esfuerzos dirigidos a impedir los flujos de proliferación.⁴⁹ A tal efecto, la UE ha desarrollado y modificado sus normas internas⁵⁰ y ha impulsado diversas acciones en el plano internacional. Entre esas acciones destacan los programas de asistencia a terceros Estados para la aplicación de las obligaciones fijadas en este ámbito por la Resolución 1540 del Consejo de Seguridad, los programas de apoyo, vía el OIEA, a la mejora de las capacidades de los Estados en la lucha contra el tráfico ilícito,⁵¹ y la creación en distintas regiones del globo de los denominados 'Centros de Excelencia' contra el tráfico ilícito de materiales químicos, biológicos, radiológicos y nucleares.⁵²

En cualquier caso, la mayor aproximación entre las posiciones de la UE y de los EEUU se produce en aspectos concretos del régimen de no proliferación y seguridad nuclear. Así, y como se reflejaba en la posición común para la Conferencia de revisión de 2010 del TNP, la UE sostiene desde hace tiempo y coincide con los EEUU en la necesidad de generalizar la ratificación de un Protocolo adicional como estándar de verificación conforme al art. III del

⁴⁶ Algunas de estas iniciativas se explican en el Informe semestral sobre la aplicación de la Estrategia UE-ADM (2010-II), Consejo de la UE – Documento 17080/10. Ver también, Plan de Acción de la UE relativo a las armas biológicas y tóxicas, complementario de la Acción conjunta de la UE de apoyo a la CABT (DO C 57 de 9.3.2006) y Decisión 2011/429/PESC del Consejo, de 18 de julio de 2011, relativa a la posición de la Unión Europea para la Séptima Conferencia de Revisión de los Estados Partes en la Convención sobre la prohibición del desarrollo, la producción y el almacenamiento de armas bacteriológicas (biológicas) y tóxicas y sobre su destrucción (CABT) (DO L 188 de 19.7.2011, p. 42).

⁴⁷ Acción Común 2008/307/PESC del Consejo, de 14 de abril de 2008, de apoyo a las actividades de la Organización Mundial de la Salud en el ámbito de la bioseguridad y la bioprotección de los laboratorios, en el marco de la Estrategia de la Unión Europea contra la proliferación de armas de destrucción masiva (DO L 106, de 16.04.2008, p. 17). Dos de los tres documentos de trabajo presentados por la UE durante los trabajos previos a esta conferencia abordaban cuestiones de este tipo: "EU capacities to respond to CBRN attacks and CBRN incidents" y "EU cooperative initiatives to improve bio-safety and bio-security". Vid. Consejo de la UE, Informe semestral sobre la aplicación de la Estrategia UE-ADM (2010-II), Documento 17080/10, p. 32.

⁴⁸ La Estrategia de la UE ya recogía de hecho su compromiso con el fortalecimiento de las políticas y prácticas de control de las exportaciones dentro y fuera de sus fronteras. Vid. Estrategia UE-ADM, párrafos 14 y 19.

⁴⁹ UE-New lines, p. 5, 11 y 14.

⁵⁰ Reglamento (CE) nº 428/2009 del Consejo, de 5 de mayo de 2009, por el que se establece un régimen comunitario de control de las exportaciones, la transferencia, el corretaje y el tránsito de productos de doble uso (DO L 134, de 29 de mayo de 2009). Respecto a los antecedentes de este Reglamento y sus déficits desde la perspectiva del establecimiento de un auténtico régimen europeo común para el control de estas exportaciones, ver Micara, A.G., "Current features of the European Union Regime for Export Control of Dual-Use Goods", *JCMS*, vol. 50, no. 4 (2012), p. 578-593.

⁵¹ La última es la Decisión 2010/585/PESC del Consejo, de 27 de septiembre de 2010, sobre el apoyo a las actividades del OIEA en los ámbitos de la seguridad y la verificación nucleares y en el marco de la aplicación de la Estrategia de la UE contra la proliferación de armas de destrucción masiva (DO L 259 de 1.10.2010).

⁵² Iniciativa esta última en línea con el Plan de Acción adoptado por la Comisión el 24 de junio de 2009 y que alcanza, actualmente, a ocho regiones del globo. Ver, Consejo de la UE, Informe semestral sobre la aplicación de la Estrategia UE-ADM 2009-II, p. 5 (Doc. 17387/09), 2010-II, p. 39-40 (Doc. 17080/10) y 2011-II, apdo. 5 (Doc. 7062/12).



TNP y en la de complementar y fortalecer el régimen de denuncia previsto en dicho Tratado. También por cuanto respecta al uso pacífico de la energía nuclear, la posición europea es favorable a fórmulas multilaterales del ciclo del combustible nuclear e insiste en la necesidad de desarrollar un régimen de control de las exportaciones nucleares que garantice la no desviación de estos bienes y tecnologías hacia actividades de proliferación.⁵³

El acercamiento entre la UE y los EEUU en la defensa de iniciativas concretas contra la proliferación de ADM no excluye la persistencia de dos diferencias fundamentales entre ambos. Más allá de los nuevos énfasis que se aprecian en la acción de la UE, ésta sigue manteniendo una visión omnicomprensiva de la problemática que rodea a las ADM y por tanto una acción, quizás de intensidad desigual, pero en todo caso simultánea en apoyo a los tres tratados internacionales que vertebran su régimen jurídico internacional y la lucha contra la proliferación de cada una de estas armas.⁵⁴ Así mismo, dicha acción se desarrolla mayoritariamente en el marco de las organizaciones e instituciones internacionales competentes, circunstancia que probablemente merma la visibilidad internacional de la UE pero que es coherente con su defensa del multilateralismo como manera de hacer frente a los retos que plantean las ADM. Por parte estadounidense, la estrategia vigente incrementa sin duda el respaldo de este país a la acción multilateral institucionalizada, pero sigue mostrando una sólida confianza en la eficacia de su acción bilateral directa y en su propia capacidad de liderazgo para el tratamiento internacional de problemas conectados con la proliferación de ADM a través de mecanismos de cooperación informal y ad hoc. Junto a esta, la otra diferencia significativa con la UE es la marginalización de las armas químicas y biológicas en la estrategia estadounidense y su comprensión de las amenazas de la proliferación en términos esencialmente nucleares, impulsando con ello un desarrollo parcial y selectivo del régimen jurídico internacional de las ADM.

5. Consideraciones finales

El desarrollo del régimen internacional vigente en materia de ADM depende de múltiples factores que exceden de la simple identificación de las posibilidades de acuerdo, en cada momento, entre los EEUU y la UE. Ahora bien, la importancia de las relaciones trasatlánticas desde la perspectiva de la acción exterior de la UE y la relevancia de estos dos actores en la escena internacional hacen de sus márgenes de coincidencia un buen indicador de hacia dónde puede dirigirse la regulación internacional de este tipo de armas y la cooperación internacional contra la proliferación. En este sentido, la comparación realizada permite afirmar la presencia de tres tendencias fundamentales.

⁵³ Decisión 2010/212/PESC del Consejo de 29 de marzo de 2010 relativa a la posición de la Unión Europea en la Conferencia de las Partes del año 2010 encargada del examen del Tratado sobre la no proliferación de las armas nucleares (DO L 90 de 14.04.2010). Para una valoración de los resultados obtenidos por la UE en esta Conferencia de revisión, ver Sturm, P.: "The EU's performance at the 2010 NPT Review Conference", ISIS Europe, *European Security Review*, no. 50 (July 2010) y Dee, M.: "Standing together or Doing the Splits? Evaluating European Union Performance in the Nuclear Non-proliferation Treaty Review Negotiations", *European Foreign Affairs Review*, vol. 17, no. 2 (2012), pp. 189–211.

⁵⁴ Además de las ya citadas en relación al TNP y al CABT, vid. Decisión 2012/166/PESC del Consejo, de 23 de marzo de 2012, de apoyo a las actividades de la Organización para la Prohibición de las Armas Químicas (OPAQ) en el marco de la aplicación de la Estrategia de la UE contra la proliferación de armas de destrucción masiva (DO L 87 de 24.3.2012) y Posición Común 2007/469/PESC del Consejo, de 28 de junio de 2007, relativa a la Conferencia de Revisión de 2008 de la Convención sobre la Prohibición del Desarrollo, la Producción, el Almacenamiento y el Empleo de Armas Químicas y sobre su Destrucción (DO L 176 de 6.7.2007).



Primera, y desde la perspectiva del desarrollo conjunto del régimen jurídico internacional de las ADM, se observa un cierto estancamiento en el proceso de mejora y perfeccionamiento de la regulación prevista para las armas químicas y biológicas. En el caso de las primeras las consecuencias de este estancamiento pueden valorarse de menos graves, dadas las características de su Convención internacional de referencia y de la Organización internacional encargada del control de su aplicación, la OPAQ. No ocurre lo mismo respecto a las armas biológicas, cuya prohibición sigue necesitada de un mecanismo internacional de verificación que garantice la destrucción de estos arsenales y ofrezca al conjunto de Estados parte de la CABT la adecuada confianza sobre el correcto y generalizado cumplimiento de las obligaciones establecidas en este tratado.

Segunda tendencia, y en sentido contrario, esos mismos márgenes de coincidencia entre la UE y los EEUU sí apuntan hacia un desarrollo del régimen de no proliferación nuclear centrado, esto sí, en el fortalecimiento de los mecanismos de control sobre los Estados no poseedores de armas nucleares y en una cierta reinterpretación del alcance del derecho a la energía nuclear para usos pacíficos que afecta, básicamente, a esos mismos Estados. Sin medidas específicas complementarias en el ámbito de las obligaciones sobre desarme, este tipo de desarrollo del régimen de no proliferación nuclear significaría una reformulación del contenido asignado por el TNP a dos de sus tres pilares básicos y, por tanto, la redefinición del pacto entre Estados poseedores y no poseedores de armas nucleares consagrado en dicho tratado.

Finalmente, y desde la perspectiva de las formas de cooperación, la tercera tendencia a la que apunta la comparación de los documentos de estrategia estadounidense con la Estrategia y la acción desplegada por la UE es en el sentido de la consolidación de la cooperación informal y ad hoc como instrumento contra la proliferación de ADM. Si bien es cierto que estos mecanismos de cooperación han jugado tradicionalmente un papel fundamental en el control de las exportaciones de bienes y tecnologías de doble uso, ahora se extienden también al tratamiento de otros aspectos tales como el tráfico ilícito o la seguridad nuclear. Sin infravalorar sus efectos positivos en la generación de consensos y en el impulso a la generalización de prácticas estatales de no proliferación, estos nuevos foros e instrumentos informales de cooperación no incorporan elementos de conexión con las organizaciones internacionales competentes en la materia ni con el acervo convencional existente, circunstancia que, además de solapamientos, puede operar en detrimento de la universalización y aplicación efectiva de los tratados internacionales vigentes y del papel asignado a tal efecto a la cooperación internacional institucionalizada.



EUROPE AND GLOBAL ZERO

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Abstract:

Most European countries continue to rely on nuclear weapons to ensure their security, as recently confirmed by NATO's new Strategic Concept and the Defence and Deterrence Posture Review (DDPR). Given the persisting nuclear dangers and the risks of a multinuclear world, this article makes the case that the European states should instead take measures to create the conditions for complete nuclear disarmament – regardless whether this goal is achievable or not. This article hence explores the possibilities for a stronger European contribution to the process towards Global Zero, putting forward some recommendations.

Keywords: Global Zero, European Union, nuclear non-proliferation, NPT, nuclear deterrence, France, UK.

Resumen:

La mayoría de los países europeos siguen dependiendo de las armas nucleares para garantizar su propia seguridad, tal y como vimos recientemente confirmado en el nuevo Concepto Estratégico de la OTAN y la Revisión de la Postura de la Disuasión Nuclear (DDPR en sus siglas en inglés). Dados los persistentes peligros nucleares y los riesgos de un mundo multi-nuclear, este artículo argumenta que los estados nucleares deberían al contrario tomar las medidas necesarias para crear las condiciones para un desarme nuclear completo – independientemente de que ese objetivo sea alcanzable o no. Este artículo por tanto explora las posibilidades para una mayor contribución Europea al proceso de “Cero Global”, proponiendo con ello ciertas recomendaciones.

Palabras clave: *Cero Global, Unión Europea, no proliferación nuclear, TNP, disuasión nuclear, Francia, Reino Unido.*

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1. Introduction

The *Wall Street Journal* op-ed by George Shultz, William Perry, Henry Kissinger and Sam Nunn of January 2007, followed by the April 2009 speech in Prague by US President Barack Obama, have inspired a worldwide debate on 'Global Zero', the complete elimination of all nuclear weapons.² Recently, this debate has become increasingly confrontational, polemical, and tinged with emotion. Instead of focusing on the next concrete steps on the agenda, contributors to the debate argue passionately with each other whether the last steps of total nuclear elimination can be taken or not, and, for example, whether virtual arsenals could be maintained sustainably, amounting in the end to ideological turf battles on whether global zero is 'desirable', 'feasible', 'illogical' or a 'normative imperative'.³ Europe's many constituencies with regard to nuclear weapons – nuclear weapon states (NWS) and non-nuclear-weapon states (NNWS), disarmers and deterrers, NATO and the EU – have reacted in a variety of fashions, contributing to the fruitlessness of the debate.

This article makes the case for a stronger European contribution to Global Zero. Nevertheless, it concedes that a common European position towards the complete disarmament of nuclear weapons is unlikely in the near future. It maintains, however, that *aiming* at Global Zero is in the security interest of all European countries no matter whether they support the idea of total nuclear abolition or not, therefore stressing the importance of the process rather than the final goal. This does not mean agreeing with the proposition of some that the 'Global Zero' idea itself is damaging to the goal of disarmament. Instead, it requires recognition that achieving sustainable security in Europe is not self-evident but needs to be continuously renegotiated and strengthened, and adapted to changing security environments and threat perceptions. This is a process involving NATO, the EU, single European states and groupings of states. The 'Global Zero' process engages these actors around a number of key questions of common security, and encourages the joint resolution of contemporary problems.

The article begins with reasons why aiming at Global Zero is useful to strengthen European security, and briefly outlines the steps most often identified as necessary in the 'Global Zero' process. It then discusses the diverging European positions concerning nuclear weapons and nuclear disarmament. Finally, it identifies existing and potential European contributions to the necessary next disarmament steps and near-time measures, asking what the nuclear states and what the non-nuclear states can contribute. It approaches these questions from the perspectives of single states, groupings of states, NATO, and the EU.

2. Persisting Nuclear Threats – Why Aiming at Global Zero Makes Sense

After a short period of optimism in the early 1990s, states have grown to realize that although the Cold War is over and the security environment in Europe has changed fundamentally,

² Shultz, George P.; Perry, William J.; Kissinger, Henry A. and Nunn, Sam: "A World Free of Nuclear Weapons", *Wall Street Journal*, 4 January 2007; Obama, Barack: "Remarks by President Barack Obama", Prague, (5 April 2009), at http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered.

³ Daalder, Ivo and Lodal, Jan: "The Logic of Zero: Toward a World Without Nuclear Weapons", *Foreign Affairs*, vol. 87, no. 6 (Nov./Dec. 2008), pp. 80-95; Rydell, Randy: "The Future of Nuclear Arms: A World United and Devided by Zero", *Arms Control Today*, vol. 39, no. 3 (April 2009), at http://www.armscontrol.org/act/2009_04/Rydell; Tertrais, Bruno: "The Illogic of Zero", *The Washington Quarterly*, vol. 33, no. 2 (April 2010), pp. 125-138.



nuclear threats continue to exist and have in some significant ways intensified. While the threat of a major nuclear exchange between Russia and the US is much less likely, for example, ongoing conflict between nuclear-armed India and Pakistan still has the potential to escalate to nuclear use. (In its nuclear doctrine at least India calculates on being able to absorb a nuclear strike on the own territory⁴). Once a regional conflict has gone nuclear, the risk of further nuclear escalation due to misperceptions or perceived existential threats rises. Especially in countries like the US or Russia with combined arsenals of more than 20,000 nuclear weapons – including many operational warheads on permanent alert status⁵ – the possibility of an unintended, unauthorised or accidental launch of a nuclear device cannot be ruled out. Furthermore, breaches of the Non-Proliferation Treaty (NPT), unstable global and regional security environments, and the unclear ambitions of countries like North Korea and Iran, combined with a widespread diffusion of nuclear materials and technologies, may create incentives for further nuclear proliferation. Finally, the threat of nuclear terrorism has become more urgent due to huge remaining stockpiles of nuclear material, a global black market of nuclear materials and technologies, as well as insufficient security of civil and military nuclear facilities.

In a world of multiple nuclear weapon states, familiar concepts of mutual deterrence would be unlikely to work reliably.⁶ Even leaving the threat of proliferation aside, the key Cold War security threat which led to the establishment of extended nuclear deterrence in Europe, and which contributed to the maintenance of Europe's two national nuclear arsenals – namely, Soviet superiority in conventional forces – is no longer present. Moreover, Cold War models of nuclear deterrence are widely perceived to be in need of updating, with the aim of moving towards safer and more stable forms of deterrence. According to Kissinger, Perry, Shultz and Nunn's March 2011 op-ed, "The U.S. and its NATO allies, together with Russia, must begin moving away from threatening force postures and deployments, including the retention of thousands of short-range battlefield nuclear weapons."

Current nuclear arsenals, particularly those of the US and Russia far exceed what is necessary for a credible nuclear deterrent. Sizeable numerical reductions in those arsenals would reduce existing nuclear risks. How further disarmament might be tackled has been the object of new debates and studies, most stressing the necessity of a step-by-step approach.⁷ Four basic steps can be identified⁸:

⁴ Sidhu, Waheguru Pal Singh: "India", in Born, Hans; Gill, Bates and Hänggi, Heiner (eds.) (2010): *Governing the Bomb: Civilian Control and Democratic Accountability of Nuclear Weapons*, New York, Oxford University Press, pp. 171-194, p. 194.

⁵ The US currently has around 1000 nuclear warheads on alert – on land-based intercontinental ballistic missiles (ICBMs) and submarine-launched ballistic missiles (SLBMs). See EastWest Institute (ed.) (2009): "Reframing Nuclear De-Alert. Decreasing the operational readiness of U.S. and Russian arsenals", New York, EastWest Institute, p. i.

⁶ Sagan, Scott D.: "More will be worse", in Sagan, Scott D. and Waltz, Kenneth N. (eds.) (2003): *The Spread of Nuclear Weapons: A Debate Renewed*, 2nd ed., New York/ London, W. W. Norton & Company, pp. 46-87.

⁷ See for example Perkovich, George and Acton, James M. (eds.) (2009): *Abolish Nuclear Weapons. A Debate*, Carnegie Endowment for International Peace; Goodby, James E.: "A world without nuclear weapons: fantasy or necessity?", in Cruickshank, D.A.; Fox, Joey; Borg, Jetta Gilligan and Trimmer, Caspar (eds.) (2010): *SIPRI Yearbook 2010: Armaments, Disarmament and International Security*, New York, Oxford University Press, pp. 17-34; Evans, Gareth and Kawaguchi, Yoriko (eds.) (2009): *Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers*, International Commission on Nuclear Non-proliferation and Disarmament, Canberra, Paragon.

⁸ See for example Holloway, David: "The Vision of a World Free of Nuclear Weapons", in Kelleher, Catherine McArdle and Reppy, Judith (eds.) (2011): *Getting to Zero – The Path to Nuclear Disarmament*, Stanford, University Press, pp. 11-26.



It is generally agreed that the process must begin with further bilateral disarmament by Russia and the United States. Expert studies show how both countries could reduce their nuclear warheads first to a thousand each, simultaneously limiting the associated delivery systems to a few hundred. At a second stage the other existing nuclear weapon states need to be included and a multilateral approach and agreement will have to be developed. While the US and Russia further reduce their arsenals to a few hundred warheads, the other nuclear weapon states would commit themselves firstly to refrain from enlarging their arsenals, and secondly to reduce their stockpiles in proportion to the great powers. At the same time, a comprehensive verification system would need to be built up, and the security of the civil use of nuclear energy improved, especially the storage of nuclear materials.

At a third stage a treaty to completely disarm the last remaining nuclear weapons will need to be negotiated and signed by all relevant states. Final elimination would again take place proportionally, and under close monitoring. In a fourth stage the achievement of complete nuclear disarmament would need to be permanently stabilized. To prevent the regeneration of nuclear weapons, the verification system would need to be further conducted and further developed, adapting to changing conditions.

The feasibility and desirability of such a process is a matter for considerable debate. However, even without supporting the total abolition of nuclear weapons, most measures and ancillary agreements proposed of the first stages are in the interest of all European countries and often already form part of existing strategies and policies. Europe is directly affected by today's persisting nuclear threats; European countries are implicated as users and providers of nuclear technologies and materials, and through the reliance by many states – to varying extents – on nuclear weapons in their security strategies.

At the same time, because civil nuclear and nuclear-weapon states undertake a broad array of related research, they possess the necessary tools to contribute to the next steps in disarmament and to complementary measures. Confidence building and transparency measures will be crucial: nuclear issues, especially in their military aspects, are as much influenced by political thinking as by military and technical considerations. By increasing confidence in the reliability and trustworthiness of opposing actors, European states can create the first steps in enabling further cooperation, e.g. on the nuclear fuel cycle, nuclear security, or the verification of disarmament. Quite apart from the intrinsic benefits of disarmament, Europe as whole can benefit along the path to transparency, technical cooperation, and greater stability.

3. European Divergence on Disarmament

The conditions for Europe to forge a common position on nuclear disarmament are not favourable. With two nuclear weapon states, a further five states hosting US tactical weapons on their ground and a few states strongly favouring nuclear disarmament, national positions and interests in Europe differ considerably.

3.1. The Nuclear Weapons States

The governments of the two European Nuclear Weapons States, France and the UK, both argue they regard their nuclear weapons as an essential protection against possible future threats. At the same time, both countries emphasise that they have significantly reduced their



nuclear arsenals since the end of the East-West conflict; that they were among the first countries having signed the Comprehensive Nuclear Test Ban Treaty (CTBT); and that they promote the negotiation of a Fissile Material Cut-off Treaty (FMCT). However, both countries are also undertaking essential modernization of their arsenals to ensure their safety and reliability for the next decades to come.

3.1.1. France

As former French president Nicolas Sarkozy reaffirmed in his speech at Cherbourg in 2008, France bases its concept of deterrence on the principle of strict sufficiency.⁹ Government officials claim that France has always maintained “its nuclear arsenal at the lowest possible level, compatible with the strategic context.”¹⁰ Thus far, the newly-elected president François Hollande has reaffirmed his government will uphold the French nuclear deterrent as an essential element of national sovereignty.¹¹ Any first hints on possible changes in France’s security and defence policy in general might be provided by the new White Paper on Defence and National Security scheduled for the beginning of 2013.

France officially argues that considerable nuclear disarmament has been undertaken since the end of the East-West conflict and that all its remaining nuclear weapons are strategic weapons.¹² During her EU presidency in 2008, France engaged in developing the EU action plan on disarmament (see below) in the run-up to the 2010 NPT Review Conference, and presented it as evidence of a commitment to disarmament. France has stopped nuclear testing and dismantled her facilities for the production of fissile materials for nuclear weapons at Pierrelatte and Marcoule, and invited international experts to observe the deconstruction. Since the dismantlement of France’s ground-to ground component from 1996-1998 (short range mobile missiles and strategic missiles stationed at the Plateau d’Albion) the country’s nuclear deterrent only consists of an airborne and a sea-based component. The sea-based component (the core strategic nuclear deterrent) has been reduced to four nuclear-powered submarines (SSBNs) and 48 submarine-launched ballistic missiles (SLBMs).¹³ In 2008, Sarkozy announced that the airborne component would be reduced by one third, and declared that the French arsenal would by then consist of fewer than 300 total warheads.¹⁴ At the time of his speech, the airborne component had already been reduced: the Jaguar and Mirage III-borne AN52 nuclear bombs had been decommissioned and dismantled and the Mirage IV strategic aircraft withdrawn from nuclear missions.¹⁵ Currently, France has available two air force squadrons of nuclear-capable fighter bombers and a small unit of navy fighter bombers,

⁹ Sarkozy, Nicolas: “Presentation of SSBM “Le Terrible” – Speech by M. Nicolas Sarkozy, President of the Republic”, Cherbourg (21 March 2008), at <http://www.ambafrance-uk.org/President-Sarkozy-s-speech-at,10430.html>.

¹⁰ Danon, Eric: “France and nuclear disarmament”, Statement by Eric Danon, Permanent Representative of France to the Conference on Disarmament (25 October 2011), at <http://www.diplomatie.gouv.fr/en/global-issues/disarmament-arms-control/arms-control-and-arms-trade/implementation-of-disarmament/france-and-nuclear-disarmament/article/general-assembly-1st-committee>.

¹¹ See the confirmation of the Minister of Defense Le Drian, Jean-Yves: “Hollande maintiendra la dissuasion”, *Le Figaro*, 14 July 2012, at <http://www.lefigaro.fr/flash-actu/2012/07/14/97001-20120714FILWWW00218-hollande-maintiendra-la-dissuasion.php>.

¹² Tertrais, Bruno: “The Last to Disarm? The Future of France’s Nuclear Weapons”, *Nonproliferation Review*, vol. 14, no. 2 (July 2007), pp. 251-273; 255.

¹³ Tertrais, Bruno: “France”, in Born, Hans; Gill, Bates and Hänggi, Heiner (eds.) (2010): *Governing the Bomb: Civilian Control and Democratic Accountability of Nuclear Weapons*, New York, Oxford University Press, pp. 103-127.

¹⁴ Sarkozy, *op. cit.*

¹⁵ Ministère de la Défense: Nuclear disarmament: France’s concrete commitment, at http://www.diplomatie.gouv.fr/en/IMG/pdf/desarmement_nucleaire_France.pdf.



armed with nuclear tipped cruise missiles and dedicated to the aircraft carrier Charles de Gaulle.¹⁶ However, alongside these reductions, France has begun to significantly modernize the remaining nuclear forces involving submarines, aircraft, missiles, and warheads.

The French Strategic Air Forces (Forces Aériennes Stratégiques (FAS)) is replacing the old nuclear-capable Mirage 2000N K3 aircraft with the new Rafale F3.¹⁷ The Rafales are also equipped with a new cruise missile (Air-Sol Moyenne Portée Amélioré (ASMPA) with a new warhead (Tête Nucleaire Aéroportée (TNA)).¹⁸ (“The aircraft carrier Charles de Gaulle is equipped to carry ASMPA cruise missiles for delivery by Rafale MF3 fighter bombers.”)¹⁹The same applies to the sea-based nuclear forces. The French Force Océanique Stratégique (FOS) consists of four Triomphant-class nuclear-powered ballistic missile submarines (SSBNs) equipped with nuclear-armed long-range ballistic missiles (SLBMs). At least two of the four SSBNs are always operational, one of them patrolling at sea. The SSBN force is about to be upgraded from the M45 to the M51 missile. Carrying the same warhead (TN75) following EADS compared to the M45 the M51 “offers significantly greater range and payload capacity, as well as greater accuracy.”²⁰ Lastly, the French nuclear weapons complex – its production facilities and research centres – is undergoing considerable modernization.

France’s nuclear doctrine has stayed mostly unchanged since the end of the Cold War. Although France returned into the integrated military structure of NATO in 2009 (after having left in 1966), France decided not to participate in the Nuclear Planning Group of the alliance, wanting her nuclear deterrent to remain entirely independent. An independent nuclear deterrent is regarded as essential to ensure the country’s security and freedom of action: “[...] our national independence and decision-making autonomy are preserved [...] Nuclear deterrence is the ultimate guarantee of that.”²¹ France needs to “remain master of her destiny” facing a “more unstable, more changing, more complex” world and therefore must not “find herself unarmed in the face of a strategic surprise”.²² The former president Sarkozy concluded: “I absolutely reject the idea of lowering our guard”.²³ Meanwhile, it is French declaratory policy that her nuclear deterrent is “strictly defensive” and would only be used in “extreme circumstances of legitimate defence”.²⁴ However, France nuclear doctrine does allow for the possibility of sending “a nuclear warning” to underscore the country’s resolve and to re-establish deterrence in case “vital interests” are threatened.²⁵

However, France announced the de-targeting of her nuclear weapons in 1997, which since has been reaffirmed on several occasions. In his speech at Cherbourg the former president Sarkozy declared: “When international security improves, France draws the consequences [...] I can confirm that none of our weapons are targeted against anyone.”²⁶

¹⁶ Tertrais, “France...”, *op. cit.*, p. 111.

¹⁷ For more details as dates of replacement, combat ranges and tanker fleet see Kristensen, Hans: “France” in Acheson, Ray (ed.) (2012): *Assuring Destruction Forever. Nuclear Weapon Modernization around the World*, New York, Reaching Critical Will, pp. 27-33, p. 28.

¹⁸ *Ibid.*, p. 29.

¹⁹ *Ibid.*, *Idem.*

²⁰ EADS French MSBS Programmes (Submarine-Launched Ballistic Missiles), Le Bourget (13 June 2005), at http://www.eads.com/eads/int/en/news/press.en_20050613_MSBS.html.

²¹ Sarkozy, *op. cit.*

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Tertrais, “The Last to Disarm?...” *op. cit.*, pp. 255-256.

²⁶ Sarkozy, *op. cit.*



Though announced to be de-targeted, the nuclear weapons remain on alert status, yet it was lowered in 1992 and in 1996, in terms of the forces' responsiveness and the number of weapon systems.

France seems to reject further reductions in the near-term future²⁷ – military planning and modernization indicate that no change can be expected in the next 10-20 years to come. Paris is sceptical²⁸, if not dismissive, of a complete elimination of nuclear weapons. Moreover, France seems to remain reluctant to even discuss her nuclear weapons, let alone their disarmament, in a multilateral context. With regard to the NATO Weapons of Mass Destruction Control and Disarmament Committee French officials repeatedly argued “that NATO is not the best place to discuss arms control and disarmament issues”.²⁹

3.1.2. The United Kingdom

The UK's stated nuclear policy is one of 'minimum deterrence'. Since the withdrawal of the last WE-177 gravity bomb in 1998, the UK has maintained a single nuclear delivery system – Trident II D5 submarine-launched ballistic missiles – with a single warhead type. The UK maintains a posture of 'continuous at-sea deterrence', meaning that one Trident-armed submarine (SSBN) is always on patrol, from a fleet of four boats; the missiles themselves are de-targeted, and on several days' notice to fire.³⁰ The UK's 2010 Strategic Defence and Security Review – whilst reaffirming the incoming government's decision to pursue renewal of the SSBN fleet – continued a process of downward adjustment in stockpile numbers and posture that has been ongoing since the Cold War. Specifically, it provided a negative security assurance – a commitment not to use or threaten to use nuclear weapons – to non-nuclear-weapon state signatories to the NPT in good standing with their non-proliferation obligations; announced a reduction in the overall warhead stockpile to 180 from 225, a number first revealed a few months earlier, at the 2010 NPT Review Conference, and a reduction in the requirement for operationally available warheads from 160 to 120; and a reduction in the number of operational missiles on each SSBN to no more than eight.³¹

The UK has also been relatively active in the field of arms control. In policy terms, the government engaged in outreach in the run-up to the 2010 NPT Review Conference, emphasising the role of disarmament progress in renewing the treaty's 'grand bargain'.³² UK officials were also among the first senior nuclear-weapon-state representatives to endorse the 'new wave' of disarmament advocacy following the 2007 'gang of four' op-ed, most notably in the shape of Foreign Secretary Margaret Beckett's speech to the Carnegie Endowment Non-Proliferation Conference in June 2007, and Defence Secretary Des Browne's speech to the Conference on Disarmament in February 2008.³³ In technical terms, in 1998 an arms control

²⁷ Kristensen, *op. cit.*, p. 27.

²⁸ Tertrais, “France...”, *op. cit.*, p. 126.

²⁹ Meier, Oliver: “NATO Sticks with Nuclear Policy”, *Arms Control Association* (June 2012), at http://www.armscontrol.org/act/2012_06/NATO_Sticks_With_Nuclear_Policy.

³⁰ House of Commons: “Strategic Defence Review White Paper”, *Research Paper 98/91* (October 1998), paragraph 68.

³¹ “Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review”, CM 7948 (October 2010), London, HMSO, pp. 37-38.

³² See UK Cabinet Office (2009): *The Road to 2010: Addressing the nuclear question in the twenty first century*, CM 7575, London, HMSO, pp. 30-42.

³³ Beckett, Margaret: “A World Free of Nuclear Weapons?”, address to the Carnegie International Nonproliferation Conference (25 June 2007), at <http://www.carnegieendowment.org/2007/06/25/keynote-address-world-free-of-nuclear-weapons/kc0>; Browne, Desmond H.: “Laying the Foundations for Multilateral Disarmament”, address to the Conference on Disarmament (5 February 2008), at



verification research programme was set up at the Atomic Weapons Establishment in Aldermaston, and from 2007-2010 the UK and Norway collaborated on an exercise to simulate a non-nuclear-weapon state verifying warhead dismantlement by a nuclear-weapon state, the results of which have been briefed to non-nuclear-weapon states, and to the other nuclear-weapon states as part of the ongoing P5 dialogue on confidence-building measures in support of nuclear disarmament.³⁴

3.2. Non-Nuclear Weapon States – Members of a Nuclear Alliance

Any 'European' approach to disarmament in theory is made more complicated in practice because most European states are NATO members. NATO as a whole, Europe's most important security organization, remains a "nuclear alliance"³⁵. The nuclear component was confirmed as a core element of the alliance' defence and deterrence concept by the Strategic Concept of 2010 and the Defence and Deterrence Posture (DDPR) completed in 2012.

At the same time, some NATO states do lean further towards nuclear disarmament, and there are especially sharp divisions over the status of the remaining US tactical nuclear weapons (TNW) in Europe. US extended deterrence in Europe is provided by US strategic nuclear weapons and forward based TNW. There are approximately 180 B-61 gravity bombs at air bases in Belgium, Germany, Italy, the Netherlands and Turkey, for delivery by US and host countries' aircraft.³⁶ This situation puts the European non-nuclear weapon states in a difficult position. Those states that host the infrastructure and aircraft to deliver the US B-61s will have to take a decision in the next few years whether or to modernize existing aircrafts (or make the Eurofighter dual capable), as existing means of delivery are ageing. An additional source of political pressure derives from the US life extension programme for the B-61s which, if completed, will lead to the stationing of modernized and more capable nuclear weapons from 2019.

After NATO's new strategic concept was decided in November 2010 the Alliance debated for more than a year and a half about the appropriate mixture of means to best achieve security for NATO members in the future. In its Strategic Concept, NATO continues to base its deterrence on nuclear and conventional capabilities and retains its first-use option. The Concept states "as long as there are nuclear weapons in the world, NATO will remain a nuclear alliance".³⁷ Any further disarmament steps in relation to TNW are linked to reciprocal Russian steps. However, the concept in general welcomes the aim of a nuclear weapons-free world. The DDPR reaffirmed nuclear weapons as a core component of NATO's overall capabilities for deterrence and defence alongside conventional forces and named missile defence forces as third complementary component.³⁸ Although it also called for NATO members to reduce the reliance on TNW based in Europe, this does not seem to mean a "significant departure from the existing perspective on nuclear sharing arrangements."³⁹ However, the DDPR does provide a mandate for future confidence building talks with Russia

http://www.labour.org.uk/des_browne_conference_on_nuclear_disarmament.

³⁴ See, UK presentation to 2012 NPT Prepcom (May 2012), at http://www.mod.uk/NR/rdonlyres/F5E721E4-C2BF-424A-8A51-A75182535012/0/20120503_npt_prepcom_presentation.pdf.

³⁵ NATO: "Active Engagement, Modern Defence. Strategic Concept" (20 November 2010), p. 5, at <http://www.nato.int/strategic-concept/index.html>.

³⁶ Norris, Robert S. and Kristensen, Hans M.: "US tactical nuclear weapons in Europe", *Bulletin of the Atomic Scientists*, vol. 67, no. 1 (2011), pp. 64-73;64-66.

³⁷ NATO, "Active Engagement...", *op. cit.*, p. 5.

³⁸ NATO: "Deterrence and Defence Posture Review", 20 May 2012, paragraph 8, at http://www.nato.int/cps/en/natolive/official_texts_87597.htm.

³⁹ Meier, "NATO Sticks...", *op. cit.*



on TNWs, aiming “to develop and exchange transparency and confidence-building ideas with the Russian Federation in the NATO-Russia Council [...]”⁴⁰ It remains to be seen what form and what authority the follow-up arms control committee (replacing the provisional Weapons of Mass Destruction Control and Disarmament Committee) will be attributed. While France seems to want to limit its competence and in general holds that NATO is not the right forum to discuss disarmament, one Polish official has predicted that the committee “will try to build its own identity and expand its role, including a general discussion of what role NATO can play in arms control and disarmament.”⁴¹ Of the European countries in favour of a withdrawal of TNW from Europe, Germany (a host country) is most prominent in demanding action. Berlin argues that the remaining TNW are of no longer of any military use, that US engagement in Europe does not rely on extended deterrence and that in practice extended deterrence is provided entirely by the United States' strategic weapons. The supporters of withdrawal also argue that withdrawal would bring positive momentum to NATO-Russia relations. In Germany there is a broad consensus across all major political parties that the remaining US TNW in Europe should be withdrawn. Initiated by the Liberal Party (FDP), this position was even part of the coalition agreement of the Christian Democratic Party (CDU) and the FDP on its entry into power in 2009. The host countries Belgium and the Netherlands seem to have similar positions but did not push for a decisive change during the discussions on NATO's New Strategic Concept and the DDPR.

In contrast to most of the host countries, the majority of the eastern and central European NATO members oppose a (unilateral) withdrawal of US tactical nuclear weapons in the near future. They are concerned about future US engagement in Europe within NATO and want to keep a strong link through extended deterrence; they also regard the remaining US TNW as a bargaining chip with regard to future negotiations with Russia and insist on reciprocal steps for any NATO withdrawal (a principle supported in the DDPR).

The remaining non-nuclear-weapon states, although not necessarily strongly attached to the tactical nuclear weapons, appear to prioritise alliance coherence over progress in disarmament. Their desire not to rock the boat unnecessarily may well have been a crucial factor in the status quo outcome of the DDPR.

3.3. European Union

The European Union's efforts to develop and strengthen a common non-proliferation policy with regard to nuclear weapons have been irresolute and somewhat ineffective. Due to the variety of positions and interests, unfortunately, it is even more difficult to take effective and concerted actions to work towards nuclear disarmament.

3.3.1. EU 2003 Strategy against the Proliferation of WMDs

Nevertheless, in 2003, the EU adopted a strategy against the proliferation of weapons of mass destruction that includes at least measures meant to enable further nuclear disarmament. The strategy is mainly being implemented through contributions to existing organisations and projects (including support to the IAEA, CTBTO, OPCW, Security Council Resolution 1540 and the Hague Code of Conduct against Ballistic Missile Proliferation), and by adding a non-proliferation clause to agreements between the EU and third countries.

⁴⁰ NATO, “DDPR...”, *op. cit.*, paragraph 25.

⁴¹ Meier, “NATO Sticks...”, *op. cit.*



3.3.2. EU 2008 Declaration and Action Plan for Disarmament

In December 2008, during the French EU-presidency, EU heads of state and government endorsed a declaration on tighter international security. Building further on the strategy against the proliferation of weapons of mass destruction, the declaration includes an action plan focusing on issues related to disarmament, non-proliferation of weapons of mass destruction and their means of delivery as well as the prevention of terrorism.⁴²

Agreed in the run-up to the 2010 NPT Review Conference, the actions called for are on the whole a repetition of broadly shared, lowest common denominator positions. They include general support for a global reduction of the world's nuclear arsenals in accordance with Article VI of the NPT and the establishment of confidence-building and transparency measures by the nuclear powers. All states are called to accede to the CTBT, to complete its verification regime, and to verifiably dismantle all nuclear testing facilities; to start negotiations on a fissile material cut-off treaty (FMCT) and introduce an immediate moratorium on the production of such material. Notably, the document also calls on states that possess tactical nuclear weapons to include them in negotiations on arms control and disarmament to reduce and eliminate them⁴³ - a position that has been controversial within the NATO framework during the last couple of years, as discussed above. An overview of the EU activities in implementing the EU Strategy against the Proliferation of WMD is to be provided by a six-monthly progress report.⁴⁴

4. Recommendations – Possible Future European Contributions to Nuclear Disarmament

Potential European contributions to progress in nuclear disarmament are best differentiated in two respects: firstly, by actor (nuclear weapon and non-nuclear weapon single states and multi-state groupings, NATO, EU); and secondly, for each actor, by type – that is to say, direct disarmament or measures involving concrete policy actions necessary for progress in nuclear disarmament, but not involving the actual withdrawal and/or dismantlement of weapons; finally some measures develop the capabilities and broader conditions for disarmament to take place.

4.1. Individual States

4.1.1. The Nuclear Weapon States

Given the current modernization of its nuclear arsenal, it is unlikely that France will reduce its nuclear arsenal a great deal further than already planned in the near future. Nevertheless, it would be desirable if France could be convinced to reduce her arsenal to a limit similar as the one of the UK. Not only does France have about twice as many warheads available as the UK,

⁴² For details of the Strategy, its rationale and the action plan see, Portela, Clara: “The EU and the NPT: Testing the New European Nonproliferation Strategy”, *Disarmament Diplomacy*, vol. 78 (July-August 2004), at <http://www.acronym.org.uk/dd/dd78/78cp.htm>.

⁴³ See information provided by the French Ministry of Foreign Affairs, at http://www.diplomatie.gouv.fr/en/IMG/pdf/desarmement_nucleaire_France.pdf.

⁴⁴ See latest “Six-monthly Progress Report on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (2012/C 66/03)”, at http://www.consilium.europa.eu/media/1688127/2011_-_ii_wmd_progress_report.pdf.



but around one-fifth of the French arsenal consists of airborne stand-off weapon. Even the new ASMPA missiles for delivery by the Rafale MF3 fighter bombers have a maximum range between 2,000 and 2,750 kilometres. Although defined by France as strategic, countries such as the US and Russia would count them as tactical weapons. The disarmament of the remaining airborne component and a restriction of nuclear deterrence to submarine-launched strategic nuclear weapon, similar to the UK, would therefore be an important step towards a safer and more stable form of deterrence.

The question of whether UK will maintain the nuclear deterrent in its current form is not entirely settled. Although several long-lead procurement decisions have been taken in support of a like-for-like replacement of Trident, the 'main gate' decision to build a new fleet of SSBNs has been postponed until 2016 (that is to say, after the next election), and the politics of the Conservative-Liberal Democrat coalition formed in 2010 have led to a Cabinet Office review of options, considering alternative delivery vehicles and alternative nuclear postures. Although the most likely outcome appears at this stage to be a like-for-like renewal of Trident, the possibility of further partial or even full unilateral disarmament cannot be totally excluded, given the economic pressures on the British government. The 'main gate' Trident decision, plus the decision, due in the next Parliament, on the next-generation British warhead, are likely to be highly controversial, and may play a role in campaigning in the next general election. Lastly, the possibility of Scotland – where the SSBN fleet is based, at Faslane – voting for independence from the United Kingdom (although, again, relatively unlikely) has raised additional complications for the UK retaining its nuclear forces.⁴⁵

Apart from disarming themselves, France and the UK can contribute creating the conditions for further disarmament by a range of measures. In particular, being nuclear weapon states, both countries can try to exert influence on the nuclear policies of the other nuclear weapon states.

UK-France Cooperation

A development having the potential to influence the French position on nuclear disarmament is the intensified nuclear cooperation with the UK. In November 2010, France and the UK signed two treaties for defence and security cooperation. First of all, the treaties aim at converging both countries' armed forces and industries to improve defence capabilities using technological synergies, to optimize investment and allow savings. France declares furthermore "the main objective of this historical rapprochement is to allow France and the United Kingdom to maintain their status of global military powers - despite the reduction of their defence budgets – while retaining their national sovereignty and independence regarding the decision to deploy their own forces."⁴⁶

While the first treaty deals with defence and security cooperation in general, the second treaty is specific. It concerns the modelling of the performances of nuclear warheads through joint X-Ray and hydrodynamic infrastructures, guaranteeing the functioning of the nuclear arms and their safety.⁴⁷

⁴⁵ See Chalmers, Malcolm and Walker, William (2001): *Uncharted Waters: the UK, Nuclear Weapons and the Scottish Question*, East Linton, Tuckwell, and more recently Blitz, James: "Scots' breakaway plan threatens nuclear base", *Financial Times*, 13 January 2012.

⁴⁶ For more details see the information provided by the French Embassy to the UK, at <http://www.ambafrance-uk.org/Defence-cooperation>.

⁴⁷ *Ibid.*



At first sight, “a 50-year agreement to cooperate on the science of maintaining a nuclear weapons stockpile in itself hardly indicates progress towards a world free from nuclear weapons”.⁴⁸ Out of a French perspective the treaty surely is a means to stay informed about the British nuclear programme and planning and to ensure not to be the only European nuclear weapon state in a foreseeable future.⁴⁹ Moreover, France stresses the cooperation and joint research “absolutely do not call into question the independence of each national deterrence”.⁵⁰ None the less, to further develop cooperation on military nuclear issues means a loosening of secrecy, more transparency on technologies, a more intensive mooting of doctrines – in general an opening up to influence of the other side on national nuclear politics.

4.1.2. Non-Nuclear Weapon States

As nuclear issues are highly sensitive and demand a special degree of trust and secrecy, one sensible route forward is for single European states, or coalitions of a few states, to cooperate with nuclear weapon states to tackle various aspects of disarmament, building on existing levels of trust in their relationships. Two examples for such initiatives shall be given. The first is a proposal for disarming TNW in Europe by the Swedish Defence Agency FOI; second is the UK-Norway initiative on the verification of warhead dismantlement.

The FOI Proposal – A Regional Approach

In 2011 the Swedish Defence Research Agency FOI published a study proposing a geographically limited approach to remove all TNW from the Baltic area.⁵¹ The basic idea of the proposal is to start with a verifiable partial withdrawal of warheads⁵² from a number of sites in the region of the south-eastern Baltic Sea. To implement this idea (after having achieved basic transparency and less threatening postures for TNW), arsenals would be limited through ceilings on numbers, compositions and locations (in a legally-binding treaty) to then sequentially reduce the size of arsenals. The primary parties of such an approach would be the owners of the warheads (Russia and the United States) but the proposal stresses that European NATO member states would also need to be included – particularly nuclear host countries.⁵³

The proposal suggests including non-deployed nuclear weapons and production facilities. To lower the barriers to starting with a partial withdrawal, storage facilities might be kept operational under supervision for a certain period: “Important milestones would be to establish transparency regarding the size, composition and location of the respective arsenals,

⁴⁸ Harries, Matthew: “Britain and France as Nuclear Partners”, *Survival*, vol. 53, no. 1 (February-March 2012), pp.7-30; 20.

⁴⁹ *Ibid.*, pp. 20-21; Tertrais, Bruno: “Entente Nucleaire. Options for UK-French Nuclear Cooperation”, Discussion Paper 3 of the BASIC Trident Commission (June 2012) p.26, at http://www.basicint.org/sites/default/files/entente_nucleaire_basic_trident_commission.pdf.

⁵⁰ See French Embassy to the UK, at <http://www.ambafrance-uk.org/Defence-cooperation>.

⁵¹ For all described arms control regimes alternatives see Lindvall, Fredrik; Rydqvist, John; Westerlund, Fredrik and Winnerstig, Mike (2011): *The Baltic Approach: A next step?*, Stockholm, FOI Swedish Defence Research Agency, pp. 59-71.

⁵² An effective arms control regime on TNW has to be based on warheads due to the difficulty in distinguishing conventional weapon carriers from nuclear ones.

⁵³ “Geographically, this alternative would include all or part of the territories of the NATO member states in northern Europe, the western-most part of Russia (roughly equal to the former Leningrad military district) and possibly also Belarus, Finland, Sweden and the Ukraine.” Lindvall et al., *op. cit.*, p. 59.



to achieve a less threatening sub-strategic nuclear posture and to limit and subsequently reduce the number of warheads in the designated area.”⁵⁴

The elegance of the FOI proposal is that initial steps can be voluntary (including inspections and monitoring of storage facilities); they do not oppose the fundamental interests of any party (in the beginning Russia would withdraw warheads of one storage further to the east) or only regard some warheads and facilities of the countries involved. The arms control regime could start small, concerning the geographical scope and the number of actors, and grow step-by-step in extent and degree of verification. Following a similar approach, in the area of administrative and technical aspects of disarmament verification, partnerships between nuclear- and non-nuclear-weapon European countries could provide a major contribution to increasing knowledge and developing solutions in a relatively trusting environment.

The UK-Norway Initiative – A Mixed Coalition

One model example is the UK-Norway initiative. In 2007, representatives from the UK Ministry of Defence, the UK Atomic Weapons Establishment, several Norwegian laboratories and the Non-Governmental Organisation VERTIC (Verification Research, Training and Information Centre) began a project on the technical verification of nuclear disarmament. The initiative was a novelty in two respects: it was the first time a nuclear weapon state engaged in research in this field with a non-nuclear state, and it was also an unusual instance of exchanging information and cooperating with and NGO as a non-state actor.

In 2010 the initiative published a report on the outcome of three years' collaboration to investigate the technical and procedural challenges associated with a possible future nuclear disarmament verification regime⁵⁵, and in December 2011 the UK and Norway hosted a workshop to further the technical research on nuclear dismantlement verification. The work of the UK-Norway initiative was also highlighted at the NPT Preparatory Committee on 3 May 2012, with a UKNI presentation on the Managed Access Exercise that took place at the UK Atomic Weapons Establishment in 2010 (see above). The profit of such initiatives for a nuclear weapon state is obvious – it provides a possibility to show their commitment with regard to disarmament, fulfilling their NPT Article VI obligations. The NNWS can claim to become a more trusted partner in a highly sensitive issue of national security, credibly testify on the nuclear-weapon state's activities and can lay the foundation for a future multilateral verification system, which will necessarily involve both nuclear- and non-nuclear-weapon states.

In addition to this substantive work, political and military leaders in individual states, nuclear and non-nuclear, can help establish the political foundations for disarmament by making public their support for further reductions, thus lending credibility to such proposals and providing ammunition to their supporters in the United States and Russia. Several op-eds in this direction have been published in the last few years, including in Belgium, Italy, the Netherlands, Germany, Sweden, Poland, and the United Kingdom.⁵⁶

⁵⁴ *Ibid.*, p. 60.

⁵⁵ Norway and the United Kingdom of Great Britain and Northern Ireland (2010): “The United Kingdom-Norway initiative: research into the verification of nuclear warhead dismantlement”, May 2010 (NPT/CONF.2010/WP.41), at http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/WP.41.

⁵⁶ See Neuneck, Götz: “Is a World without Nuclear Weapons Attainable? Comparative Perspectives on Goals and Prospects”, in Kelleher, Catherine McArdle and Reppy, Judith (eds.) (2011): *Getting to Zero – The Path to Nuclear Disarmament*, Stanford, University Press, pp. 43-66.



4.2. NATO

NATO as an alliance cannot directly disarm any nuclear weapons: the weapons assigned to NATO are American and British. Moreover, all member states collectively reaffirmed in the latest DDP that NATO should stay a nuclear alliance – at least in the next years to come. Nonetheless, the DDP also contains evidence of the possibility of cautious change. First, the DDP recognized the importance of arms control, disarmament and non-proliferation for the alliance's security objectives; second it states its resolve to create the conditions for a world without nuclear weapons.⁵⁷ Through the Nuclear Planning Group (NPG) and the follow-up committee of the WMDDC, even non-nuclear members can take influence on common nuclear policy. More broadly, the nature of what it means for NATO to exist as a 'nuclear alliance' is a matter for collective decision. In this sense, all NATO countries may work towards reducing NATO's reliance on (tactical) nuclear weapons and debate and develop safer and more stable forms of deterrence.

Because of internal differences, and especially due to French opposition, NATO at Chicago in 2012 missed an opportunity to adjust its nuclear posture to the more restrained model of the US. It also was not possible to agree on common negative security guarantees. Both measures would at a minimum be of important political and symbolic value.

Such a process of change is only possible if it is accompanied by measures concerning NATO's internal and external relations. Internally, alliance cohesion needs to be strengthened and preserved through non-nuclear means. Especially important is to reassure the central and eastern European states by providing credible NATO security assurances. In addition, some experts have argued that the development of a NATO BMD system could take over certain political functions of nuclear sharing – for example, by creating a tangible and visible link with the United States.

In external terms, relations with Russia need to be improved. Current stagnation has mainly developed over US plans for a ballistic missile defence system and is also hindering common action on other important issues. To prevent further deterioration and escalation, dialogue and cooperation with Russia must be improved. The envisaged transparency and confidence building measures to be negotiated in the NATO-Russia Council (NRC) are therefore a step in the right direction.

NATO (and its component members) can provide political and rhetorical support of further bilateral disarmament by the US and Russia. The necessity for support also applies to non-nuclear issues – the development of a BMD system for Europe and conventional arms control are linked to the role of nuclear weapons, and will be integral to any follow-on bilateral arms control agreement after New START:

Obstacles for Disarmament: Missile Defence and Conventional Capabilities

Questions of nuclear deterrence cannot be tackled in isolation, and have been linked to non-nuclear issues by the states involved. The US plans for a missile defence system in Europe are perhaps the biggest single problem in the next round of US-Russian nuclear reductions.

NATO officially decided in November 2010, at its summit in Lisbon, “to develop a missile defence capability to protect all NATO European populations, territory and forces.”⁵⁸

⁵⁷ NATO, *DDP*, *op. cit.*, paragraphs 22, 24.

⁵⁸ NATO: “Lisbon Summit Declaration” (20 November 2010), paragraph 2.



At the Chicago summit in May 2012, NATO announced it “has achieved an Interim Capability for its missile defence.”⁵⁹ Furthermore, the DDPR reaffirms missile defence to be a core element of NATO defence alongside its nuclear and conventional capabilities.⁶⁰ Within the NATO-Russia Council, Moscow was asked to cooperate on BMD. The idea stated in Lisbon was “to explore the potential for linking current and planned missile defence systems at an appropriate time in mutually beneficial ways”.⁶¹ In the DDPR NATO repeats the intent to cooperate, stressing “NATO missile defence is not oriented against Russia nor does it have the capability to undermine Russia’s strategic deterrent.”⁶² So far however, missile defence cooperation with Russia remains primarily a political project and offers of cooperation have been vague and poorly received.

Although presently BMD is mainly a political problem, Russian concerns that in a later phase of the planned *European Phased Adaptive Approach* (EPAA) Russian strategic nuclear capabilities might be threatened, need to be taken seriously. Indeed, in the actual planned ship-based Aegis BMD system in phase 3 from 2018 will be enabled in principle to intercept longer range ballistic missiles (Intermediate-Range Ballistic Missiles, IRBM) and in phase 4 to intercept intercontinental missiles (ICBM).⁶³ The de-escalation of conflict over missile defence in Europe is primarily a US responsibility; nevertheless, European NATO members can influence the discussions through the NRC and when debating the future shape and the European contribution to NATO BMD.

Current analysis and actual debates show that nuclear disarmament is also strongly linked to conventional capacities – at least out of a Russian perspective – meaning that the process of eliminating nuclear weapons cannot stand alone but must be accompanied by measures and agreements limiting conventional weapons. One main reason why Russia is unwilling to reduce its remaining tactical nuclear weapons is NATO conventional dominance. TNW are the only field where Russia has a numerical advantage. Apart from traditional conventional capabilities, as defined and regulated by the CFE, Russia is concerned about the technological superiority of US conventional forces, especially its Conventional Prompt Global Strike (CPGS) Program to develop and build capabilities for conventional strikes with long-range delivery systems and high accuracy. NATO countries will play an important role in defining the possible scope and content of any new initiative in conventional arms control.⁶⁴

4.3. European Union

The divergence of interests and positions of EU states in security and defence policy, the lack of binding decision-making mechanisms in this field, and the overlapping jurisdiction of NATO on the TNW issue, means that the EU itself cannot undertake direct measures of disarmament, although it can encourage the nuclear weapon states to reduce and eliminate

⁵⁹ NATO, “DDPR...”, *op. cit.*, paragraph 19.

⁶⁰ *Ibid.*, paragraph 8.

⁶¹ NATO, “Lisbon summit...”, *op. cit.*, paragraph 38.

⁶² NATO, “DDPR...”, *op. cit.*, paragraph 21.

⁶³ Brzoska, Michael; Finger, Anne; Meier, Oliver; Neuneck, Götz and Zellner, Wolfgang (2011): “Prospects for Disarmament in Europe”, *FES Study* (Nov. 2011), pg.13, at <http://library.fes.de/pdf-files/id/ipa/08718.pdf>. For more detailed information also see: Alwardt, Christian; Gils, Hans, Christian and Neuneck, Götz: “Raketenabwehr in Europa: Territorialer Schutz oder Hindernis für nukleare Abrüstung?”, in Johannsen, Margret; Schoch, Bruno; Hauswedell, Corinna; Deibel, Tobias and Fröhlich, Christiane (eds.) (2011): *Friedensgutachten 2011*, Berlin, LIT Verlag, pp. 342-354, p. 347.

⁶⁴ Brzoska et al., “Prospects for Disarmament...”, *op. cit.*, pp. 27-30.



existing stockpiles. The EU's principal contributions to disarmament, therefore, are measures that contribute to create the necessary conditions for disarmament.

4.3.1. Universalisation of Treaties

The maintenance of a firm non-proliferation regime is an essential part of any credible disarmament process, and it is probably here that the strongest EU contributions to the next necessary steps can be made. Firstly, continuing “traditional” non-proliferation policy, the EU should further pursue the strengthening of the NPT and related export control agreements, in particular and apply the policy of a general non-proliferation clause when concluding an agreement with third party countries, and it should continue its engagement to universalize the CTBT and to start negotiations on a FMCT (though arguably the focus of both those debates lies elsewhere).

4.3.2. Multilateral Approaches to the Fuel Cycle

One measure often proposed as a crucial ingredient in a future disarmament regime is the internationalization of the nuclear fuel cycle. This would remove control of the production of nuclear fuel (and thus control of potential production of fissile material for nuclear weapons) from the hands of individual states, and place it in the hands of a multinational consortium or an international entity.

At a Council meeting in December 2008, the EU adopted conclusions on multilateral nuclear fuel guarantees, in which it is stated that the EU plans to contribute up to EUR 25 million to the establishment of a nuclear fuel bank placed under the control of the IAEA.⁶⁵ The first steps in establishing international uranium enrichment centres have already been taken.⁶⁶ European progress to date in pursuing such approaches suggests that the EU can be a leader in developing the institutions and investment for this section of a future disarmament regime. It is worth noting, though, that significant political obstacles will have to be overcome before such schemes can be realized.

4.3.3. Security of Civil Nuclear Energy

Another fundamental aspect to develop the conditions for the secure abolishing of nuclear weapons is the improvement of the security of the civil use of nuclear energy, particularly the safeguarding and monitoring of nuclear materials. However, the difficulty of agreeing even on basic common safety standards with regard to civil nuclear facilities became again apparent in the aftermath of the Fukushima accident. The so called EU ‘stress tests’ (Comprehensive risk and safety assessments of the EU nuclear power plants), supposed to assess the safety of all

⁶⁵ Council of the European Union: “Press Release 2914th Council meeting: General Affairs and External Relations. General Affairs”, *Press Release 16862* (8 December 2008), at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/104617.pdf.

⁶⁶ Apart from the first ever International Uranium Enrichment Centre (IUEC) at Angarsk in Siberia (Kaiser, Peter: “Russia Inaugurates World’s First Low Enriched Uranium Reserve”, *IAEA Staff Report* (17 Dec. 2010), at <http://www.iaea.org/newscenter/news/2010/leureserve.html>), the Eurodif arrangement is pursuing an similar approach: a single large enrichment plant in France with five owners (France - 60%, Italy, Spain, Belgium and Iran) is operated under IAEA safeguards by the host country without giving participants any access to the enrichment technology. Simply some entitlement to be supplied with low-enriched uranium for power reactors is given - and even that is constrained in the case of Iran. The three-nation Urenco set-up is also similar though with more plants in different countries – the UK, the Netherlands and Germany. The technology is not available to host countries or accessible to other equity holders (Homepage of the World Nuclear Association, at <http://www.world-nuclear.org/info/inf28.html>).



147 nuclear power plants run by 14 EU members, the Ukraine and Switzerland (38 have been visited), face difficulties and the unwillingness of EU countries to share information. Yet, some improvement has been reached (e.g. with regard to the threat of a plane crash) and more can be said after the EU commission has presented the final report in October 2012 and after the proposal for new guidelines is submitted in 2013.⁶⁷

4.3.4. Common and Coordinated Research

The EU can use its economic and scientific and technical resources to develop disarmament-related technologies; it can also apply its combined political influence, and its position in world governance, to broader questions of the political conditions necessary to sustain and enforce a future disarmament regime. One crucial area in the former category is verification. Here, the EU can not only coordinate and fund academic and non-governmental activities, but can also carry out research directly, through EU institutions such as the *Joint Research Centre (JRC)*, the science-service of the European Commission.⁶⁸ One other similar measure of potential value if further pursued is the formation in 2011 of an EU Non-Proliferation Consortium, which could harness the combined output of the many European think tanks and academic institutions carrying out disarmament-related research

Common efforts could also be intensified in the area of *nuclear forensics* – the cluster of techniques used to determine the physical, chemical, elemental, and isotopic characteristics of nuclear (or radiological) material of unknown origin. Nuclear forensic capabilities are a crucial tool in combating the illicit trafficking of nuclear materials, as well as a potential deterrent tool against nuclear terrorism.⁶⁹

4.3.5. Assistance to NWFZ

In the political realm, one major area of possible EU support is to help implementing the treaties for existing nuclear-weapon-free zones (NWFZ) and support establishing further NWFZ. With regard to the Pelindaba Treaty, establishing a NWFZ on the African Continent, the EU offered support to establish the Africa Commission on Nuclear Energy (AFCONE) which is responsible for the treaty's verification together with the IAEA.⁷⁰ As many African states claim to not have the financial means to set up necessary monitoring systems and reporting mechanisms, EU should continue to offer cooperation as well as technical and financial assistance in this areas. The EU also has a central role to play in facilitating efforts towards a WMD-free zone in the Middle East.

⁶⁷ “Europaweiter Stresstest noch nicht beendet”, *Handelsblatt*, 26.04.2012, at <http://www.handelsblatt.com/politik/international/atomkraftwerke-europaweiter-stresstest-noch-nicht-beendet/6561568.html>.

For further details also see the website of the European Commission, at http://ec.europa.eu/energy/nuclear/safety/stress_tests_en.htm.

⁶⁸ See European Council, at <http://ec.europa.eu/dgs/jrc/index.cfm>.

⁶⁹ See for example, the work of the Institute for Transuranium Elements (ITU) as part of the JRC, homepage at <http://itu.jrc.ec.europa.eu/index.php?id=125>.

⁷⁰ *EU General Statement, First Preparatory Committee for the 2015 NPT Review Conference*, Vienna (30 April-11 May 2012), at

http://www.un.org/disarmament/WMD/Nuclear/NPT2015/PrepCom2012/statements/20120430/European_Union.pdf. The first ordinary AFCONE session was held in May 2011, the second in July 2012. See conclusions of the first meeting; “First Ordinary Session of the African Commission on Nuclear Energy (AFCONE)”, (4 May 2011), at <http://www.keepandshare.com/doc/2844929/afcone-1st-ordinary-session-conclusions-en-pdf-june-1-2011-10-31-am-92k?dn=y&dnad=y>.



5. Conclusions: Efforts of All Versus Common Effort

An overview of national positions regarding nuclear disarmament and the policies of NATO and the EU shows that there are some measures towards a world without nuclear weapons that can not only be taken but have already begun. Pursuing them further offers potential benefits to European security interests, even if there remain disagreements about the desirability of the final goal. However, as has been explored above, the key obstacles to progress relate to the manner in which European security interests are defined, and the need to proceed by consensus within a number of overlapping constituencies. There are five broader conclusions that can be drawn from this analysis:

First a single, comprehensive, and ambitious European approach on nuclear disarmament cannot be expected in the next future. Currently, neither the EU nor NATO can be the driving force: the EU does not have the mandate; NATO has to balance the contradicting interests of its members. Being a nuclear alliance, though, also brings the responsibility of continuously reassessing nuclear policy and ensuring it does not contain unnecessarily threatening force postures and deployments. Therefore, the alliance's declaration to further engage in the field of arms control, non-proliferation and disarmament and to continue committing a working group on these questions is crucial.

Second, nuclear disarmament touches on core issues of national security and sovereignty: this implies that it has to be mostly single states or coalitions of states that can most successfully tackle the aspects that are military sensitive. Coalitions of nuclear and non-nuclear weapon states can draw complementary benefits. Nuclear weapon states open up to cooperation in an area of strict secrecy, provide the necessary know-how and show commitment to working towards disarmament. Non nuclear states can prove themselves to be reliable, trustworthy partners, enabling multilateralization of disarmament efforts, and can testify to the nuclear-weapon states' credibility before the wider world.

Third, cooperation of states with civil society actors can create an additional dynamic. The role of civil society actors for European disarmament efforts has not been fully explored by this article. However, the example of the UK-Norway initiative indicates that fresh approaches and a mixture of relevant expertise can be achieved if states are willing to cooperate with civil society actors. Mixed coalitions might be more suited to develop new mechanisms (e.g. for verification involving civil societies) and gain broader support by the European public.

Fourth, Europe's advantages lie in the technical knowledge of many countries in civil nuclear energy, the NWS' special knowledge on military aspects, combined with the experience of longstanding cooperation and trust. Furthermore, Europe's reputation as a neutral negotiator is a strength when dealing with unsolved conflicts hindering disarmament and arms control.

Fifth, essential for European progress on disarmament will be to take advantage of any opportunity to alter the French position and to soften the country's inflexibility. France's willingness to cooperate closer with the UK, though mainly agreed to for financial reasons, hopefully creates an opportunity to develop common positions on more stable forms of deterrence, with further reduced numbers of warheads and an abandonment of the French airborne component. Ideally, a rapprochement of the countries' policies would mean that the UK, France and the US could better coordinate approaches to NPT nuclear-weapon states within the P5 consultations – and, in the future, to non-NPT nuclear-armed states.



BETWEEN HUMAN RIGHTS AND NON-PROLIFERATION: NORM COMPETITION IN THE EU'S IRAN POLICY

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Abstract:

The European Union has been a prominent player in the negotiations with Iran since the beginning of the Iranian nuclear crisis in 2002. However, the Union's Iran policy cannot be reduced to the field of nuclear non-proliferation. Most notably, in the last 20 years it has also promoted human rights and democracy in the country. In other words, the European Iran policy has been a multilayered policy aimed at the diffusion of different kinds of norms. This article examines the consequences of the European Union promoting simultaneously norms from the realms of good governance and international security, in particular regarding the implications for the ever-present characterization of the European Union as a 'normative power'. It focuses especially on the different mechanisms and instruments the Union uses in its norm promotion efforts. In contrast to existing studies on Normative Power Europe, it concludes that in practice the Union faces a dilemma: it can either try to promote coherently all the norms it represents and pay the price in terms of foreign policy effectiveness; or it can try to focus effectively on a single norm and become vulnerable to accusations of double standards.

Keywords: European Union, foreign and security policy, norm diffusion, non-proliferation, human rights, Iran.

Resumen:

La Unión Europea ha sido un actor relevante en las negociaciones con Irán desde el principio de la crisis nuclear iraní en el 2002. Sin embargo, la política de la Unión no se puede reducir únicamente al plano de la no proliferación nuclear. Principalmente, en los últimos 20 años ha estado promoviendo derechos humanos y democracia en el país. En otras palabras, la política Europea hacia Irán ha sido una política de múltiples planos cuyo objetivo ha sido la difusión de diferentes tipos de normas. Este artículo examina las consecuencias de la promoción simultánea por parte de la Unión Europea de normas en el campo de la buena gobernanza y en seguridad internacional, en particular en relación con las implicaciones de la clásica caracterización de la Unión Europea como un "poder normativo". Se fija particularmente en los diferentes mecanismos e instrumentos de la Unión para la promoción de sus esfuerzos normativos. En contraste con los estudios existentes sobre la Europa del Poder Normativo, se concluye que en la práctica la Unión se enfrenta a un dilema: puede bien intentar promover todas sus normas que representa de una manera coherente y pagar el precio en términos de efectividad de su política exterior; bien tratar de centrarse efectivamente en una única norma y ser objeto de acusaciones de doble estándar.

Palabras clave: Unión Europea, política de seguridad y defensa, difusión de normas, no proliferación, derechos humanos, Irán.

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1. Introduction

The European Union (EU) has been increasingly recognized as an independent – even though peculiar – actor in international affairs. A widespread way to conceptualize the EU as a new kind of actor has been its characterization as a normative power.² However, even today it is still not clear what the concept of Normative Power Europe really entails. For over ten years, experts have discussed about the different problems and pitfalls of the concept.³ Yet, the generally accepted definition has not gone much further than “an identity attributed to a political entity that *diffuses its norms in the international system* [italics in original]”.⁴ A dominant bone of contention in this debate has been the question in how far Normative Power Europe actually means being a ‘force for good’. Much of the literature suggests that Normative Power Europe is essentially about the non-coercive diffusion of so-called universal norms such as human rights, democracy and the rule of law, i.e. being a ‘force for good’. Increasingly, however, this characterization is put into question. De Zutter argues, for example, that a “normative power is not ‘good’ because it diffuses norms”.⁵

Empirically, the ‘force for good’ literature has suffered from two shortcomings: First, it has often focused on the diffusion of a single norm or group of norms by the EU. For instance, Manners focused in his original article on Normative Power Europe on the prohibition of the death penalty.⁶ Secondly, country case studies of Normative Power Europe have dealt largely with countries in the EU’s neighbourhood, where arguably the EU’s influence is larger due to the countries’ proximity to the Union.⁷ Consequently, the objective of this article is to shed more light on the ‘force for good’ interpretation of Normative Power Europe by analyzing a case outside the EU’s neighbourhood where the EU has not only promoted universally ‘good’ norms such as human rights or democracy, but also other norms that do not fit necessarily into this categorization. A useful case in this regard is Iran, where the EU has been a central actor for over 20 years. More specifically, the EU has been a norm promoter both in the case of the Iran human rights and democracy policy and the Iran non-proliferation policy.

The Iran policy of the EU can be traced back to the early 1990s, when it established its ‘critical dialogue’ with the leadership in Tehran. Ever since, the relations have been dominated by two political issues: the promotion of human rights and democracy and the non-proliferation of nuclear weapons. However, in the wake of the nuclear crisis after 2002 human rights and democracy issues have clearly taken a backseat. For example, the European reactions to the violent suppression of mass demonstrations against the allegedly rigged outcome of the 2009 presidential elections in Iran were at best half-hearted and confused, even though it should have provoked strong and unequivocal protests. After all, the European Union is a self-declared champion of democracy and human rights that applies numerous mechanisms to diffuse its ideas of good governance in the world. How is it possible to explain this apparent lack of action in the context of the concept of Normative Power Europe?

² See Manners, Ian: “Normative Power Europe: A Contradiction in Terms?”, *Journal of Common Market Studies*, vol. 40, no. 2 (2002), pp. 235-258.

³ For a recent overview, see Forsberg, Tuomas: “Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type”, *Journal of Common Market Studies*, vol. 49, no. 6 (2011), pp. 183–204.

⁴ De Zutter, Elisabeth: “Normative Power Spotting: An Ontological and Methodological Appraisal”, *Journal of European Public Policy*, vol. 17, no. 8 (2010), p. 1107.

⁵ *Ibid.*

⁶ See Manners, *op. cit.*

⁷ See, for example, Barbé, Esther and Johansson-Nogués, Elisabeth: “The EU as a Modest ‘Force for Good’: The European Neighbourhood Policy”, *International Affairs*, vol. 84, no. 1 (2008), 81-96.



The most common explanation is to attribute the EU's lack of commitment to human rights and democracy to the EU's negotiations with Iran about the Iranian nuclear programme, which is believed to serve not only civilian but also military purposes. Shortly after the 2009 presidential elections, for example, the *European Voice* wrote that "The response of the EU to these extraordinary events has been conditioned by its preoccupation with Iran's nuclear programme".⁸ In other words, the argument is that security issues trump human rights considerations. In fact, the dominance of non-proliferation in EU-Iran relations has been highlighted since the beginning of the negotiations between the E3 (France, Germany and Great Britain) and Iran about the Iranian nuclear programme in October 2003.⁹ Although in 2002 the EU began to negotiate with Iran a Trade and Cooperation Agreement (TCA) and a Political Dialogue Agreement (PDA) and initiated the EU-Iran Human Rights Dialogue, within two years the nuclear negotiations got the upper hand. This development has been supported by some pundits,¹⁰ but many others lamented an overly focus on non-proliferation.¹¹ Their underlying critique is that the EU has turned from a 'force for good' that promotes values and principles such as human rights and democracy into a traditional power that acts according to the premises of *realpolitik*.

This article argues that this critique is overly influenced by the view that the EU is – or rather should be – a normative power in the sense of a 'force for good' that promotes mainly the universally 'good' norms such as human rights or democracy. As has been pointed out already, there are no specific reasons why Normative Power Europe should be linked to the diffusion of certain norms and not to norms in general, which are usually defined as "shared expectations about appropriate behavior held by a community of actors".¹² Accordingly, the EU can be seen as a norm promoter – or a normative power for that matter – in Iran both in the case of human rights and democracy norms and non-proliferation norms. Yet, none of these norms are by definition superior to the other, as some authors might suggest. For example, during the political dialogue with Iran during the 1990s human rights and democracy issues were more dominant than security related issues such as non-proliferation. The crucial issue is rather that norms – and the mechanisms to promote these norms – are not always compatible. At times, they may even compete with each other, leading to sub-optimal outcomes and undesired side-effects. Arguably, this is what happened in the case of the EU's Iran policy in 2009: the parallel diffusion of competing norms has led to a confusing

⁸ Vogel, Toby: "Danger and Diplomatic Difficulties", *European Voice* (9 July 2009).

⁹ The EU's relation with Iran in the field of non-proliferation has been already analyzed in-depth. See, for example, Denza, Eileen: "Non-Proliferation of Nuclear Weapons: The European Union and Iran", *European Foreign Affairs Review*, vol. 10, no. 3 (2005), pp. 289-311; Dryburgh, Lynne: "The EU as a Global Actor? EU Policy Towards Iran", *European Security*, vol. 17, no. 2-3 (2008), pp. 253-271; Hanau Santini, Ruth: "European Union Discourses and Practices on the Iranian Nuclear Programme", *European Security*, vol. 19, no. 3, (2010), pp. 467-489; Harnisch, Sebastian: "Minilateral Cooperation and Transatlantic Coalition-Building: The E3/EU-3 Iran Initiative", *European Security*, vol. 16, no. 1 (2007), pp. 1-27; Kienzle, Benjamin: "The Role of Ideas in EU Responses to International Crises: Comparing the Cases of Iraq and Iran", *Cooperation and Conflict* (forthcoming); Sauer, Tom: "Coercive Diplomacy by the EU: The Iranian Nuclear Weapons Crisis", *Third World Quarterly*, vol. 28, no. 3 (2007), pp. 613-633; Sauer, Tom: "Struggling on the World Scene: An over-Ambitious EU Versus a Committed Iran", *European Security*, vol. 17, no. 2-3 (2008), pp. 273-293.

¹⁰ See Leonard, Mark (2005): *Can EU Diplomacy Stop Iran's Nuclear Programme?*, Working Paper, London, Centre for European Reform, at <http://www.cer.org.uk/publications/645.html>.

¹¹ See Kaussler, Bernd: "European Union Constructive Engagement with Iran (2000-2004): An Exercise in Conditional Human Rights Diplomacy", *Iranian Studies*, vol. 41, no. 3 (2008), pp. 269-95; Reissner, Johannes (2005): *Atomdebatte statt Iranpolitik?*, SWP-Aktuell, No. 10, Berlin, Stiftung Wissenschaft und Politik; Youngs, Richard (2006): *Europe and the Middle East: In the Shadow of September 11*, Boulder, CO, Lynne Rienner.

¹² Finnemore, Martha (1996): *National Interests in International Society*, Ithaca, NY, Cornell University Press, p. 22.



balancing act between condemning half-heartedly the suppression of the Iranian democracy movements and maintaining the freedom of negotiation in the nuclear sphere.

The specific objective of this article is to analyse in-depth the diffusion of competing norms by the EU and its consequences, especially in terms of the concept of Normative Power Europe as a ‘force for good’: What happens if the EU tries to promote more than one norm? The article consists basically of two parts: In the first part, I will examine more in detail the role of the EU as a normative power, in particular concerning the norm diffusion mechanisms and instruments. The aim is to establish a conceptual framework for the second part, where I will analyze empirically how the EU diffused in practice its norms in the specific case of the Islamic Republic of Iran: Firstly, I will scrutinize the EU’s policies in the field of good governance in a broad sense, including human rights and democracy promotion; secondly, I will examine the EU’s non-proliferation policy, especially since 2003. Finally, I will outline in the conclusions what these results reveal about the EU as a normative power in international affairs.

2. Norms, Norm Diffusion and Normative Power Europe

In the study of the European Union as an international actor in its own right, norm diffusion and normative power are intimately linked. In a sense, normative power refers to the ability to diffuse norms. Moreover, the concept of Normative Power Europe has become a linchpin of EU foreign policy research. Thus, it is difficult to analyze norm diffusion without taking into consideration normative power. However, the way Ian Manners has conceptualized Normative Power Europe, it is problematic from an analytical point of view, as it makes it difficult to understand how the EU works in international affairs. Three basic, but interlinked issues appear to be particularly important: (a) Which norms does the EU promote? (b) What are mechanisms that the EU uses to diffuse norms? (c) Under which conditions does norm diffusion occur?

The original concept of normative power refers essentially to the “ability to shape conceptions of ‘normal’ in international relations”.¹³ Norms, in this sense, have a regulative or prescriptive character as opposed to the constitutive effect they may have in other circumstances. That is, norms are collectively held beliefs in what ‘should be’. Although the colloquial use of the word ‘norm’ might suggest otherwise, there is nothing inherently ‘good’ or ‘bad’ about norms: “Norms most of us would consider “bad” – norms about racial superiority, divine right, imperialism – were once powerful because some groups believed in the appropriateness (that is, the “goodness”) of the norm, and others either accepted it as obvious or inevitable or had no choice but to accept it”.¹⁴ In other words, norms are only ‘good’ from the subjective point of view of the norm promoter.

The problem with the Normative Power Europe concept is that what is defined as ‘good norms’ from the perspective of the European Union is largely limited to the broad field of human rights, democracy and rule of law, whereas other fields – most notably, international security – are often eschewed. Most analyses using Normative Power Europe are actually about the EU policies on human rights, democracy promotion and peacebuilding. More importantly, researchers project on the EU their own beliefs about what the EU should do in

¹³ Manners, *op. cit.*, p. 239.

¹⁴ Finnemore, Martha and Sikkink, Kathryn: “International Norm Dynamics and Political Change”, *International Organization*, vol. 52, no. 4 (1998), p. 892.



international affairs. In a sense, Normative Power Europe is a normative concept in itself. Ian Manners is absolutely clear about that: “[Normative Power] was, and is, a statement of what is believed to be good about the EU; a statement which needed to be made in order to stimulate and reflect on what the EU *should* be (doing) in world politics [emphasis in original]”.¹⁵ However, such an approach is prejudicial to the analysis of actual norm diffusion between the EU and other international actors.

But what are these norms in practice? Ian Manners and other authors who focus on human rights, democracy, the rule of law and similar norms highlight only one part of EU norms. Certainly nobody doubts that the EU tries to promote these norms in its external relations. After all, there exists a broad basis for these norms in the Treaties and the *acquis communautaire*. Yet, other important norms that are not so popular with researcher of Normative Power Europe are left out, even though they are generally accepted in the EU, especially norms in the field of security. Non-proliferation is probably one of the most prominent examples. It is often forgotten that non-proliferation is not an axiom in world politics. It is a rather a widely, though by far not universally held belief that the proliferation of nuclear weapons is something ‘bad’ that has to be prevented.¹⁶ At least since the publication of the EU Strategy against Proliferation of Weapons of Mass Destruction in December 2003, the EU has a very clear and strong commitment to non-proliferation in the world. In short, in the European Union there coexist many different norms that – by definition – are considered as something ‘good’, i.e. as something worth to be promoted. However, there is no guarantee that all these norms are coherent among themselves.¹⁷ As will be analyzed more in detail in the empirical sections, the promotion of non-proliferation norms may compete with the promotion of human rights norms. Consequently, there exist potential conflicts between different norms that may have important repercussions for the concept of Normative Power Europe.

At the same time the mechanisms to promote or, more in general, diffuse these norms are not necessarily compatible. In some circumstances the promotion of one norm may require a certain type of mechanism, whereas other norms have to be promoted in another way. In practice, there exist numerous mechanisms of norm diffusion. Already in the original work on Normative Power Europe, Ian Manners lists six factors that influence norm diffusion by the EU: contagion, informational diffusion, procedural diffusion, transference, overt diffusion and the cultural filter.¹⁸ However, norm diffusion processes are even more varied than Manner’s six factors suggest.¹⁹ First of all, it is necessary to distinguish between direct and indirect forms of norm diffusion. In the case of direct norm diffusion, a norm promoter – also called a norm entrepreneur – consciously facilitates the adoption of certain norms by others. Indirect norm diffusion, on the contrary, does not require the active promotion of norms. The clearest case in this regard is emulation. That is, an actor emulates norms held by

¹⁵ Manners, Ian: “The European Union as a Normative Power: A Response to Thomas Diez”, *Millennium: Journal of International Studies*, vol. 35, no. 1 (2006), p. 168.

¹⁶ Exceptions might be North Korea, India, Pakistan and Neorealists such as Kenneth N. Waltz. See Sagan, Scott D., Waltz, Kenneth and Betts, Richard K.: “A Nuclear Iran: Promoting Stability or Courting Disaster?”, *Journal of International Affairs*, vol. 60, no. 2 (2007), pp. 135-150.

¹⁷ See also Sjursen, Helen: “The EU as a ‘Normative’ Power: How Can This Be?”, *Journal of European Public Policy*, vol. 13, no. 2, pp. 235-251.

¹⁸ See Manners, “Normative Power Europe...”, *op. cit.*, pp. 244-245.

¹⁹ See Börzel, Tanja A. and Risse, Thomas (2009): *The Transformative Power of Europe: The European Union and the Diffusion of Ideas*, KFG Working Paper Series, No. 1, Berlin, Kolleg-Forscherguppe The Transformative Power of Europe, at http://www.polsoz.fu-berlin.de/en/v/transformeurope/publications/working_paper/WP_01_Juni_Boerzel_Risse.pdf.



another actor because they are seen as superior to own norms or simply because it is considered to be appropriate. For example, states outside Europe may imitate the European integration process because the European Union serves as a successful example of regional cooperation or simply because regional integration is seen as the appropriate thing to do. In the context of this article, however, the main focus is on direct forms of norm diffusion, i.e. on the EU as an active norm entrepreneur.

Which mechanisms and instruments does the EU have at its disposal? In contrast to those who believe that norm diffusion is – and should be – only related to non-coercive means, this article accepts that the EU uses in its policies a wide variety of mechanisms and instruments to promote certain norms without arguing that one should be given preference. Even regarding norm diffusion processes the EU is not necessarily a ‘force for good’.²⁰ Although it has developed unique means to diffuse norms non-intrusively, for example through what Ian Manners calls “informational diffusion” as the result of strategic and declaratory communications, it has also used more coercive instruments of norm diffusion such as sanctions. Functionally, it is typical to distinguish between at least four types of direct norm diffusion, although slight variations exist between different authors. The typology used here depends on how influence is wielded and distinguishes between persuasion, integration, manipulation and coercion.²¹ Persuasion is based on the pure force of the argument. Others basically ‘learn from’ or become convinced of the superiority of certain ideas or policy positions. Political dialogue, such as the human rights dialogue between the EU and Iran, is the clearest manifestation of this type of norm diffusion. Integration is not substantially different from persuasion, as norm diffusion is still non-coercive. However, the emphasis is not on convincing but on integrating others into a common framework, where the acceptance of certain norms is expected to become a full member. This kind of norm diffusion has been most evident in the EU’s enlargement process in the 1990s and, to a lesser extent, in the European neighbourhood policy. Manipulation, the third type of norm diffusion, entails negative or positive incentives to adopt certain norms. Typical examples in this regard are to offer rewards in the form commercial advantages – as will be seen in the offers the EU made to Iran in the nuclear negotiations – or to threaten negative consequences in the form of sanctions. In a sense, norm adoption by a third party is the result of cost calculations. Usually, diplomatic negotiations underpin the manipulation approach. Coercion, finally, is essentially the imposition of norms on others, either by controlling a certain territory or by using military force. In contrast to the other types of norm diffusion, the collaboration of the target entity is not required. Typical examples would be norm diffusion by colonial powers in its colonies or protectorates or the military occupation of another country. As in the case of the norms themselves, norm diffusion mechanisms and instruments are not necessarily compatible. Once more, different means may compete with each other.

In the context of Iran, this competition is largely limited to persuasion and manipulation, as the other two types of norm diffusion – integration and coercion – are virtually impossible to use. Integration is hardly an option, because Iran – as a country outside the EU’s periphery – has no perspective of integration with the EU, neither as a member nor as a neighbourhood country. Coercion, for its part, is outside the EU’s capabilities. The Union simply lacks the means to impose norms in any way on a country like Iran. Consequently, the analysis of norm diffusion processes between the EU and Iran has to focus on the interplay

²⁰ See also the critique of Merlingen, Michael: “Everything is Dangerous: A Critique of ‘Normative Power Europe’”, *Security Dialogue*, vol. 38, no. 4 (2007), pp. 435-453.

²¹ The typology is influenced by Wendt’s differentiation between force, price and legitimacy as reasons for states to comply with international norms. See Wendt, Alexander (1999): *Social Theory of International Politics*, Cambridge, Cambridge University Press, pp. 246-312.



between persuasion and manipulation. This interplay may lead to important conflicts in the EU's norm diffusion policies, when the promotion of different norms requires distinct mechanisms and instruments. Such conflicts would require, in turn, the rethinking of the conceptualization of the EU as a normative power.

In sum, the conceptual framework of this article is distinct from classical accounts of Normative Power Europe in two crucial ways: First, it focuses simultaneously on the diffusion of two distinct norms by the EU. Secondly, it takes into consideration all potential norm diffusion mechanisms and instruments instead of focusing on persuasion-only mechanisms as in most traditional accounts of Normative Power Europe. Like this, the article can obtain new insights into the complex reality of the EU as a normative power.

3. Methodological Considerations

Methodologically, the article is based on intensive qualitative research focused on a single case study. This kind of research encompasses typically the analysis and systematic interpretation of written and oral records. Qualitative research looks essentially at what is being communicated, either in written form or orally. This includes the examination of how something is communicated and to whom. It also examines the context of communication, i.e. the relation with the material world, for example the correlation between communication and action. The written record that has been analyzed during the research can be sub-divided into two broad categories: (a) official and (b) informal documents. Official documents include a wide range of written material adopted officially by an institution or organism: first, reports or memos; secondly, formal strategic documents, for example the EU Strategy against Proliferation of WMD the European Security Strategy or Commission communications; and thirdly, legal documents, which are usually published in the Official Journal of the European Union. Informal documents, for their part, comprise all type of political statements not adopted officially by an institution or organism. They are usually attributable to a certain politician or official, in particular political proposals, working and policy papers and, above all, speeches.

The analysis and interpretation of the different types of written records has been complemented by interviews, i.e. oral records. The interview type that has been used during the research is mainly the elite interview. According to Buttolph Johnson and Reynolds, “[e]lite interviewing is the process of interviewing respondents in a nonstandardized, individualized manner”.²² As its name says already, it focuses exclusively on the political elite, i.e. “those with close proximity to power or policymaking”.²³ Usually, face-to-face interviews of varied length (from half an hour to two hours) have been conducted. However, in some instances phone interviews have been the better option, as it has been impossible to travel to all places. In order to structure and guide the interviews better, the semi-structured or focused interview sub-type has been chosen in all cases. In other words, the interviews have been guided by a pre-prepared interview protocol, which includes the major themes and questions to be raised during the interview. Due to the sensitivity of the research topic all interviews have been only on background or non-attributable. In order to obtain balanced and, above all, reliable interview results, interviews have been conducted in the three major EU

²² Buttolph Johnson, Janet and Reynolds, H.T. (2005): *Political Science Research Methods*, Washington, DC, CQ, p. 271.

²³ Lilleker, Darren G.: “Interviewing the Political Elite: Navigating a Potential Minefield”, *Politics*, vol. 23, no. 3 (2003), p. 207.



institutions (the Council, the Commission and the Parliament) as well as in national diplomatic services of EU Member States. In total, 15 interviews conducted at the end of 2008 and in early 2009 have been used for this article.

The document analyses and research interviews focus on a single case: the EU policies towards Iran. Methodologically, it represents what Lijphart called a “deviant case analysis,”²⁴ as it deviates from “established generalizations” about the EU acting as a normative power in the sense of a ‘force for good’. In practical terms, the single case allows unearthing “relevant additional variables that were not considered previously”.²⁵ In the case of this article, this refers principally to the methods of norm diffusion used by the EU. Theoretically speaking, the added value of this approach is that it “weaken[s] the original proposition, but suggest[s] a modified proposition that may be stronger”.²⁶ Moreover, by analyzing norm diffusion processes in the case of two different sets of norms, the article strengthens the single case study with two ‘within-case analyses’. All in all, the analysis of EU policy towards Iran within a qualitative research framework will not only shed light on one particular EU policy but also on the EU as a normative power more generally.

4. The European Union, Iran and Norm Diffusion

In the case of Iran, the EU has been in recent years a norm entrepreneur that promotes, on the one hand, norms of human rights and similar norms such as democracy and the rule of law and, on the other hand, international norms of non-proliferation of nuclear weapons. As has been pointed out already, the two mechanisms at its disposal are essentially the persuasion of Iran and the successful manipulation of Iran’s interests. The question is how the promotion of two different norms through two distinct mechanisms has been played out in practice.

4.1. Human Rights

The EU’s Iran policies in the field of human rights, democracy and the rule of law can be roughly divided into four periods: the critical dialogue period (1992-1997), the early comprehensive dialogue period (1998-2002), the period of multiple dialogues (2002-2004) and the final period without dialogues (2004-present). The EU’s so-called critical dialogue with Iran began with a declaration at the 1992 European Council in Edinburgh.²⁷ It consisted essentially of meetings between what was then the EU Troika (the current, previous and following Presidency) and its Iranian partners. It was ‘critical’ insofar as it addressed, at least nominally, the four issues that were crucial for the EU in the case of Iran: human rights, terrorism, regional stability and weapons of mass destruction, even though the first issue dominated from the very beginning. To a certain extent it was a remarkable first attempt at implementing the Common Foreign and Security Policy (CFSP), especially because it contradicted US policies of complete isolation of the regime in Tehran.²⁸ In practice, however, the critical dialogue failed to change the behaviour of Iran in any significant way, not least regarding human rights. Not surprisingly, the Troika meetings were criticized as

²⁴ Lijphart, Arend: “Comparative Politics and the Comparative Method”, *American Political Science Review*, vol. 65, no. 3 (1971), p. 692.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ For an overview see Reissner, *op. cit.*

²⁸ In 1996, the United States adopted the controversial Iran and Libya Sanctions Act, which even targeted European companies doing business in Iran.



“empty rituals”.²⁹ Most notably, the critical dialogue was not accompanied by economic incentives or threats of sanctions in case certain benchmarks would not have been accomplished. The EU was probably still not mature enough to contemplate stronger alternatives to this pure persuasion approach. The important point, however, is that the critical dialogue established a logic of persuasion as the dominant element in the EU’s dealings with Iran in the field of human rights, democracy and the rule of law. It became, thus, a normative power in the classical sense of a universal norm promoter that uses exclusively persuasion-based mechanisms. Although the suspension of the critical dialogue and withdrawal of European ambassadors in the wake of the 1997 verdict in the so-called Mykonos trial in Germany was a clear resort to manipulation mechanisms in the form of political sanctions, the persuasion logic remained dominant even after the Mykonos trial.³⁰

In 1997, shortly after the Mykonos verdict, the election of the reformer Mohammad Khatami as president of Iran opened up a new “window of opportunity” for a renewal of EU-Iranian dialogue.³¹ Thus, in 1998 the EU initiated the so-called comprehensive dialogue. To a large extent this dialogue was old wine in new bottles: It consisted of EU Troika meetings with Iranian officials at the level of deputy ministers twice a year. It also addressed once more the four key issues of human rights, terrorism, regional stability and weapons of mass destruction, though it were once more human rights topics that were clearly at the forefront. Most of the time the EU was supportive of the new government of Mahommad Kathami. Even though it issued a few critical CFSP statements on the treatment of Iranian Jews, intellectuals and students,³² it refrained from any kind of punitive actions and continued to pursue a persuasion-based approach. Although the EU’s use of persuasion is often portrayed as a new way of making foreign policy – especially in contrast to traditional power politics – it should be pointed out that the persuasion element in the EU’s comprehensive dialogue with Iran had also a clear commercial rationale. In short, the EU did not want to alienate its Iranian partners with a confrontational human rights policy based on the logic of manipulation. It was eager to promote its commercial interests, particularly regarding oil and gas, as well as its strategic presence in a major country, where the United States chose not get involved in. It comes, therefore, as no surprise that after 1998 the EU established Working Groups with Iran on energy and trade and investment as well as ad hoc expert meetings on drugs.³³

A major watershed in EU-Iranian relations came in 2002. Although the comprehensive dialogue continued beyond this date, it was now flanked by two other processes: The negotiation of a TCA and PDA³⁴ and the establishment of a specific human rights dialogue.³⁵ Since the re-election of Mahommad Kathami as president of Iran in 2001, the EU has been eager to intensify its relations with Iran in order to strengthen the reformists in the political system in Iran. The initiation of negotiations of a TCA in combination with a PDA at the end of 2002 was certainly a significant step forward. It was also an important incentive for agreeing on a more forceful human rights dialogue as part of a wider EU policy of human

²⁹ *Ibid.*, p. 34.

³⁰ The Mykonos trial implicated directly Iranian government officials in the killing of Kurdish-Iranian opposition leaders in the Mykonos restaurant in Berlin.

³¹ Youngs, *op. cit.*, p. 68.

³² Many CFSP statements during this time were actually sympathetic to Iran and endorsed, for example, the election and re-election of Mahommad Kathami in 1997 and 2001.

³³ See Martínez Carbonell, Belén: “EU Policy Towards Iran”, in Reissner, Johannes and Whitlock, Eugene (eds.) (2004): *Iran and Its Neighbours: Diverging Views on a Strategic Region*, vol. 2, Berlin, German Institute for International and Security Affairs, pp. 17-23.

³⁴ *Ibid.*

³⁵ See Kaussler, *op. cit.*



rights policies with third countries.³⁶ This human rights dialogue was once more based on the persuasion logic, though the persuasion mechanism was significantly improved: It consisted of EU-Iran meetings on different human rights topics twice a year and included, except in the meetings restricted to government officials, members of civil society in Europe and Iran. Moreover, the issues that could be addressed were not limited, i.e. the EU could bring up even topics that were irritating for its Iranian counterparts. Most importantly, however, progress of the human rights dialogue was monitored according to previously agreed benchmarks such as Iranian adhesion to international human rights agreements or improvements in certain areas. In sum, by 2003 the EU talked with Iran about human rights in three forums: in the framework of the comprehensive dialogue, in the human rights dialogue and as part of the TCA negotiations, which includes chapters on good governance, in general, and the inclusion of a human rights clause. In other words, the EU became a major promoter of human right norms in Iran, at least until 2004/2005, when all three strands of dialogue were frozen. The promotion of other norms, most notably non-proliferation norms, did only play – if at all – a subordinate role.

In terms of the diffusion of human rights norms, the period between 2002 and 2004 was at least initially successful, when Iran agreed to small steps towards the improved respect for human right standards, e.g. by collaborating with a UN rapporteur on human rights.³⁷ In the Council Conclusions evaluating for the first time the human rights dialogue, the EU welcomed explicitly the Iranian progress in terms of human rights, even though it remained critical.³⁸ It appeared that the EU's persuasion based approach reaped its first fruits, since, apart from the incentives provided indirectly by the TCA negotiations, manipulation approaches in form of clearer incentives or sanctions were largely absent. For example, until 2005 the EU did not issue a single CFSP statement that might have put pressure on the Iranian government in the field of human rights and democracy.

However, in 2004 things began to change slowly. The 2004 Council Conclusions on the progress of the human rights dialogue with Iran were particularly outspoken in its criticism of Iranian human rights policies and lamented the lack of progress by Iran: “The evaluation clearly establishes that with regard to the issues that this Council has designated as its priorities, although there seemed to be hopeful signs at some point, little overall progress has been achieved since the start of the dialogue in December 2002”.³⁹ Not surprisingly, at the end of 2004 EU Member States began to sponsor again a critical human rights resolution on Iran in the UN General Assembly – something they continued to do during the following years. From 2005 on, when the EU issued its first critical CFSP statement on Iran since 2001, the number of CFSP statements condemning human rights violations in Iran have risen dramatically. In 2008, the number of CFSP statements on human rights in Iran peaked at 17. Part of the explanation is certainly the recovery of conservatives in the political system in Iran: In February 2004 conservative forces won the parliamentary elections in Iran and, crucially, Mahmoud Ahmadinejad, a conservative hardliner, won surprisingly the 2005 presidential elections. The conservative revival made human rights cooperation with Iran increasingly difficult. In December 2003 the last meeting in the framework of the Comprehensive dialogue was held, while in June 2004 Iran participated for the last time in the

³⁶ See Youngs, *op. cit.*, p. 73.

³⁷ See Kaussler, *op. cit.* and Youngs, *op. cit.*

³⁸ General Affairs and External Relations Council (2003): *2495th Council Meeting: External Relations*, 6941/03 (Presse 63), Brussels (18 March 2003), pp. 11-12.

³⁹ General Affairs and External Relations Council (2004): *2609th Council Meeting: External Relations*, 12770/04 (Presse 276), Luxembourg, 11 October 2004, p. 11.



human rights dialogue. Ever since, Iran has refused to accept the EU's conditions for continuing both the comprehensive and human rights dialogues.

More interestingly, however, the EU's reaction to these Iranian challenges of its persuasion based approach is that it did not resort to a more forceful manipulation approach, using in particular economic incentives and sanctions to promote human right norms in Iran. Although the number of CFSP statements on Iranian human rights violations has increased substantially, the EU refrained from more dramatic measures. This has become particularly clear in its half-hearted reaction to the allegedly rigged outcome of the 2009 Iranian presidential elections, which led to massive protests in the streets of Tehran. Even in the face of the arrest of Iranian personnel working for embassies of EU Member States, the EU's response was at best cautious: EU statements and Council Conclusions certainly condemned the violence against protesters and the arrest of Iranian citizens working for EU embassies, but it did not go further. In this regard, two points should be highlighted: First, despite critical statements by leaders of several EU Member States, the results of the presidential elections, i.e. the victory of Mahmoud Ahmadinejad, was not openly questioned. Secondly, even modest forms of protest that have been used frequently by the EU, e.g. the coordinated withdrawal of all EU ambassadors, have not been carried out. Although such measures have been contemplated, they have not found the necessary support among EU Member States. In short, the active promotion of human rights norms by the EU in Iran has taken a backseat. The main reason is that the diffusion of human rights norms competed at that time with the promotion of another kind of international norm, namely, the non-proliferation of nuclear weapons. Yet, such a norm competition perspective is novel for most traditional analyses of Normative Power Europe. It is, therefore, crucial to analyze how this competition turned out in practice.

4.2. Non-Proliferation of Nuclear Weapons

Originally, the EU pursued a persuasion based approach regarding the non-proliferation of Weapons of Mass Destruction in Iran. In the framework of both the critical and the comprehensive dialogue the EU talked with Iran about non-proliferation issues, though human rights topics were much more dominant. This changed radically in 2002 and 2003 when the EU learnt for the first time of actual clandestine nuclear activities of Iran: In August 2002, information about an Iranian nuclear programme were leaked to the Western press and in March 2003 the International Atomic Energy Agency (IAEA) confirmed the existence of undeclared nuclear activity in Iran. As the US administration at the time was bogged down in Iraq and refused to get involved in Iran, it was the EU that took gradually the lead in the nuclear issue in Iran. The discovery of the clandestine nuclear programme in Iran made European leaders believe that the previous persuasion based approach was a failure: Iran did not comply with even basic non-proliferation norms, i.e. transparency and close cooperation with the IAEA. Therefore, the dialogue policy was substituted with a manipulation approach that has manifested itself in three aspects: first, in the use of negotiations instead of dialogue; secondly, in the use of commercial and economic incentives; and thirdly, in the use of sanctions. Thus, the EU switched in its norm promotion approach to Iran from persuasion to manipulation.

The nuclear negotiations with Iran began in October 2003, when the three foreign ministers of France, Germany and Great Britain – the so-called E3 – travelled to Tehran to negotiate directly with the Iranian leadership about ways to solve the nuclear issue. Already their first trip led to a tangible success for the new negotiation approach: Iran signed the so-called Tehran Agreement, which foresaw the suspension of the controversial nuclear activity (the establishment of a uranium enrichment programme) and the adherence to the so-called



Additional Protocol of the IAEA, which entails a particularly strong inspection mechanism. Although the E3 format was originally not an EU formation in the strict sense, the E3 embedded their approach firmly in the context of EU policies regarding Iran and counted with the consent of the other EU members in the Council. In December 2003, Javier Solana, then the High Representative for the CFSP, joined formally the E3 negotiation team, thus integrating the E3 firmly within the EU as the so-called EU/E3. In 2004, the negotiations with Iran continued, as the practical implementation of the Tehran Agreement led to disagreements between the EU/E3 and Iran. They culminated in November 2004 in the Paris Agreement, which renewed the Iranian pledge to suspend its controversial uranium enrichment project. It also established three working groups for further negotiations on nuclear technology, commercial issues and security matters. With the election of Mahmoud Ahmadinejad, however, the negotiations became increasingly confrontational. Most notably, shortly after the 2005 presidential elections, Iran resumed its uranium enrichment project and began to convert uranium (a preliminary stage of uranium enrichment). Consequently, the EU/E3 broke off its broad negotiations with Iran. It was able, however, to negotiate concerted actions with the three non-European UN Security Council members (China, Russia and the United States), first in the framework of IAEA Board of Governors and later directly in the Security Council. Like this, the EU/E3 became what is known within the EU institutions as EU/E3+3.⁴⁰ Javier Solana, who was already the chief negotiator of the EU/E3, became also the lead negotiator for the EU/E3+3. Since 2005, he and his successor, Catherine Ashton, have held numerous rounds of negotiations with their Iranian counterparts.

During these negotiations, the EU/E3 and later the EU/E3+3 have used both incentives and sanctions to entice Iran to sign a new agreement that would prohibit clearly the development of an own Iranian enrichment programme.⁴¹ At a more abstract level, incentives and sanctions have been used to promote the acceptance by Iran of what the EU/E3+3 considered to be essential non-proliferation norms such as transparency. The incentives took mainly the form of framework agreements that were offered to Iran, first by the EU/E3 in 2005 and later by the EU/E3+3 in 2006 and 2008. Key provisions in these agreements include in more or less direct terms security assurances, in particular by the EU's nuclear weapon states (France and Great Britain); active support for a civilian nuclear programme in Iran; stronger commercial ties, including in the field of the energy and aviation sector (to renew Iran's ageing fleet of commercial planes); the completion of the TCA negotiations with the EU; or support for Iran's accession to the World Trade Organization. Even the imposition of sanctions were accompanied by incentives: first, in the form of the 'suspension-for-suspension formula,' i.e. the suspension of sanctions in return for the suspension of enrichment activities in Iran; later as part of the 'freeze-for-freeze' offer that foresees no new sanctions in return for no new nuclear activity in Iran. However, all these incentives have not been sufficient to bring about more tangible results.

The same can be said for the sanctions – in a broad sense – that have been imposed on Iran since 2003. These sanctions took basically three forms: First, the suspension of TCA/PDA negotiations was used already early on as a penalty for Iran's nuclear activity: first, in June 2003, later in August 2005, i.e. after the negotiations had been resumed again in January the same year. When it became clear that this kind of sanction did not have the desired effect, the EU/E3+3 began to work on sanctions imposed by the UN Security Council. So far, four rounds of sanctions have been carried out (based on Resolutions 1737/2006, 1747/2007, 1803/2008 and 1929/2010). The sanctions are targeted directly at the nuclear

⁴⁰ The EU/E3+3 are also known as P5+1, i.e. the five permanent members of the Security Council plus Germany.

⁴¹ Such a programme would allow Iran to develop potentially nuclear weapons.



programme and include measures such as the prohibition of the import or export of nuclear related equipment and technology, the freezing of bank accounts of people involved in the nuclear programme or travel bans. Finally, in 2012 the EU has also resorted to unilateral sanctions, most notably an oil embargo. These sanctions are so strict that it was impossible to find consensus for them in the Security Council.

Concerning the EU's human rights policy in Iran, the most visible outcome of this manipulation based approach has been the increasing competition with the nuclear issue in EU-Iran relations. Ultimately, it has been very difficult to integrate human rights in the manipulation based approach to the nuclear issue: First, Iran has learnt very well to play off the nuclear card against the human rights card. In the wake of the controversy surrounding the 2009 presidential elections, for example, the *Financial Times* quoted the Iranian military chief of staff as saying that "...the alleged 'interference of this [EU] in the post-election riots' means the bloc had 'lost its qualification to hold nuclear talks'".⁴² Furthermore, the Iranians have portrayed the EU's human rights policy as a pretext for regime change as advocated by the United States. Secondly, in order to achieve concrete results in its nuclear negotiations with Iran the EU needs a strong interlocutor that is able to deliver. Consequently, weakening the regime in Tehran with a more forceful human rights policy with clear manipulation elements is counterproductive. Once more, this has been very obvious in the aftermath of the 2009 presidential elections, when the EU as a whole refrained from questioning openly the election results and, thus, the legitimacy of the incumbent, Mahmoud Ahmadinejad. Although initially some EU leaders were particularly outspoken in their criticism of the election results, all accepted ultimately the *de facto* outcome of the elections. Thirdly, the use of sanctions in manipulation based approaches leave little room for focusing on two issues at the same time, as the need to impose sanctions does not coincide always. For instance, Iran's refusal to participate in the human rights dialogue after 2004 could have led to specific sanctions. However, at the same time, the EU was negotiating with Iran about its nuclear programme, which did not allow – at the time – the imposition of human rights sanctions. This shows how difficult it is to maintain an approach based on manipulation, i.e. negotiations with incentives and sanctions, if it does not focus on a single issue. Although the EU has never given up its integrated approach to the four key issues already outlined in the first half of the 1990s, i.e. human rights, regional stability, terrorism and weapons of mass destruction, since 2003 non-proliferation has increasingly substituted human rights as the EU's primary issue. The crucial Council and European Council Conclusions on Iran have dealt more and more with the problem of the Iranian nuclear programme. In interviews for this article, several European civil servants and diplomats also admitted – though reluctantly – that the nuclear issue has become indeed the EU's main preoccupation. In short, the EU as a normative power has prioritized the promotion of one norm over other.

The question that remains is why the EU switched from a persuasion- to a manipulation based approach in the case of non-proliferation, but not in the case of human rights. After all, there are no clear indications that the EU values more non-proliferation norms than human rights norms. The first explanation is rather trivial: It was a matter of timing. Whereas in 2003 the human rights dialogue still appeared to be working, the discovery of a clandestine nuclear programme showed that the previous persuasion-based approach to non-proliferation had failed. Therefore, the EU used a manipulation based approach first in the area of non-proliferation. As such an approach requires the focus on a single issue – as has been pointed out above – the EU could not turn to manipulation mechanisms at a later stage in the field of human rights. Secondly, in case of doubt the EU appears to give preference to security norms

⁴² Blitz, James: "'Interference' Rules EU out of Iran Talks", *Financial Times*, 2 July 2009.



over human rights or other norms in the broad field of good governance. This can be seen, for instance, in the 2003 European Security Strategy, where security is given priority over development issues: “Security is a precondition of development”.⁴³ Thirdly, in the wake of the 2002/2003 nuclear crisis with Iran, the Council and the big Member States took over the EU’s Iran policy that had been dominated until then by the European Commission. With the growing marginalization of the Commission, human rights in the EU’s Iran policy issues lost increasingly an important advocate. This development was aggravated with the end of the comprehensive and human right dialogues as well as with the suspension of the TCA negotiations, where the Commission participated in the first line. Until the establishment of the European External Action Service, the Commission’s DG RELEX had only one desk officer working on Iran. Not surprisingly, the Commission’s activities in Iran have been very limited, for example through the inclusion of Iran in Erasmus Mundus, an international academic exchange programme.

5. Conclusions

In the last two decades, EU policies on Iran have had two dominant topics: the non-proliferation of nuclear weapons and human rights. More specifically, the EU has tried to promote both international non-proliferation and human rights norms in Iran. In a sense, the EU has been a normative power that has tried to diffuse these two norms in Iran. However, since 2002/2003 the diffusion of two different, though not necessarily exclusionary kinds of norms has led to a growing norm competition. Although both human rights and non-proliferation norms are key elements of European foreign policy as exemplified by the Treaties and the European Security Strategy, in practice they have been difficult to reconcile. A key issue in this regard have been the mechanisms to diffuse norms. In countries like Iran the EU has essentially two mechanisms at its disposal: persuasion, especially in the form of dialogues, and manipulation through a mix of negotiations, incentives and sanctions. Originally, the EU pursued persuasion based approaches regarding both human rights and non-proliferation norms. Between 2002 and 2004, however, the persuasion approach largely failed. Consequently, the EU turned to the manipulation mechanism in order to bolster its norm diffusion policies. However, it turned out that manipulation mechanisms work only regarding single issues. In other words, human right norms competed with non-proliferation norms in the EU’s application of manipulation mechanisms, in particular incentives and sanctions. Although non-proliferation prevailed early on over human rights, there has been a continuous tension in the EU Iran policy between the promotion of human rights and non-proliferation norms. This tension has come to the fore in particular in the wake of the 2009 presidential elections, when the EU condemned reluctantly the violent protests against the allegedly rigged outcomes of the elections while trying to maintain a viable negotiation option about nuclear issues with the regime in Tehran. Only the successful conclusion of the current rounds of nuclear negotiations between the EU/E3+3 and Iran would allow refocusing the EU’s efforts on the promotion of human rights and democracy.

What does this mean for the EU as an international actor and, more specifically, for the EU as a normative power? So far, most analyses of Normative Power Europe have only looked at cases of the diffusion of single norms in neighbouring country. However, by focusing on the diffusion of two competing norms in a non-neighbourhood country it has been

⁴³ European Council (2003): *European Security Strategy: A Secure Europe in a Better World*, Brussels, 12 December 2003, p. 2.



possible to flesh out the Normative Power Europe concept with new insights and to broaden its applicability in practice. First of all, Normative Power Europe is a much more complex and multilayer concept than it appears to be in the 'EU as a force for good' literature. It is certainly not shorthand for a new, postmodern way of making foreign policy. As the case of Iran shows, the EU has to deal at times with norm issues that compete with each other, even though they are all perfectly legitimate. Sometimes it is simply not possible to address different norm issues at the same time, especially when the application of the necessary mechanisms are not compatible. This can easily lead to confusion about what norms the EU actually promotes, both within the EU and the targeted third country. As a consequence, the EU's power to act normatively in its foreign policy can diminish significantly, especially outside its immediate neighbourhood where it does not have its special force of attraction. The EU faces, therefore, an important dilemma in its international norm promotion efforts: On the one hand, it can focus on a single issue, e.g. non-proliferation, human rights or even economic governance, and implement forceful policies regarding this issue. This is particularly true if the EU is confronted with concrete challenges such as rigged presidential elections or a clandestine nuclear programme. The problem is, however, that it has to prioritise norms that may appear to be equally important, e.g. non-proliferation and human rights. Therefore, it can be easily accused of double standards, especially if it prioritises certain norms in one country but not another. On the other hand, the EU can try to promote all norms it considers important without prioritising them and, thus, pursue at least a normatively coherent foreign policy. Yet, such a strategy may be difficult to adapt to concrete cases, where the EU has to respond flexibly to concrete challenges to norms such as nuclear weapons projects or human rights violations. In short, as a normative power, the EU faces an important dilemma between normative effectiveness and normative coherence that is not easily to solve in practice.





EUROPA Y LAS DEFENSAS ANTIMISILES

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Resumen:

Considerando que el sistema antimisiles proyectado por Bush era poco realista, Obama decidió desarrollar el EPAA (European Phased Adaptive Approach), un sistema más flexible y adaptable a la evolución de la amenaza y a los avances tecnológicos que se fueran consiguiendo en sensores e interceptores. También menos controvertido por buscar la colaboración de los aliados europeos para integrarlo en la defensa antimisiles de la OTAN como un elemento fundamental de la defensa colectiva, lo que refuerza el vínculo transatlántico, así como por impulsar de forma activa la cooperación con Rusia en su desarrollo y configuración, a fin de evitar la desconfianza y poder seguir avanzando en los acuerdos de desarme. En las siguientes páginas se analiza lo que significa el EPAA; las dificultades para conseguir tales objetivos; las distintas posiciones de los países europeos; y la evolución de las negociaciones con Rusia, con las consiguientes repercusiones para el proceso de control de armamentos y para el régimen de no-proliferación.

Palabras clave: Sistema antimisiles, OTAN, política de defensa, EEUU, UE, Rusia.

Title in English: "Europe and the Anti-missile Defenses".

Abstract:

Considering that the anti-missile system designed by the Bush administration was unrealistic, president Obama decided to develop the EPAA (European Phased Adaptive Approach), a system more flexible and adaptable to changing threats and technological advances in sensors and interceptors; and also less controversial for seeking the consensus of the European allies in order to integrate it into NATO missile defense, as a key element of collective defense, reinforcing the transatlantic link. Another objective was the promotion of cooperation with Russia in its development and configuration, avoiding suspicion and promoting further progress in the disarmament agreements. In the following pages we analyze what is the meaning of EPAA; the difficulties in achieving these objectives; the different positions of European countries; and the evolution of the negotiations with Russia, including their implications for arms control and the nonproliferation regime.

Keywords: Anti-missile system, NATO, Defence Politics, USA, EU, Russia.

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1. Introducción: El estado de la cuestión

El presidente de los Estados Unidos, Ronald Reagan, lanzó la Iniciativa de Defensa Estratégica o SDI (Strategic Defense Initiative) con el fin de construir un escudo espacial que convirtiera las armas nucleares en “impotentes y obsoletas”. Fue el 23 de marzo de 1983, en plena guerra fría y cuando todavía Gorbachov no había llegado al poder en la Unión Soviética. Su proyecto consistía en desarrollar las tecnologías necesarias para construir un sistema defensivo contra los misiles balísticos intercontinentales, que tuviera capacidad para defender todo el territorio de los Estados Unidos, independientemente del número de misiles atacantes y de su procedencia. Reagan aseguraba que, para mejorar la seguridad de su país, era necesario construir un sistema antimisiles que eliminara la amenaza que suponían los misiles balísticos. También lo consideraba necesario porque fortalecería la estabilidad estratégica; porque no estarían indefensos en caso de que la Unión Soviética -a la que él consideraba “el imperio del mal”- decidiera abandonar el Tratado ABM (Anti-Ballistic Missile); y porque reforzaría la disuasión, al incrementar la incertidumbre de que los soviéticos pudieran conseguir sus potenciales objetivos de destrucción.

George Bush sucedió a Reagan como presidente de los Estados Unidos y decidió continuar con la SDI, aunque sin mostrarse tan comprometido con el programa como su antecesor. La SDI perdía a su principal valedor y su declive se aceleró con la desaparición de la Unión Soviética, quedando transformada en el GPALS (Global Protection Against Limited Strikes), un sistema antimisiles mucho menos ambicioso, cuyo objetivo seguía siendo proteger todo el territorio estadounidense, pero contra un ataque de misiles mucho más limitado. Ahora se trataba de estar preparados para el caso de que se produjeran lanzamientos accidentales o no autorizados de misiles que pudieran alcanzar el territorio de los Estados Unidos, así como de proteger a las fuerzas armadas estadounidenses allí donde estuvieran desplegadas.

En 1993, diez años después de que Reagan pusiera en marcha la SDI, el presidente Clinton eliminó formalmente los dos sistemas de sus predecesores y renunció a desplegar armas en el espacio. Declaró finalizada la era de la “guerra de las galaxias” y anunció su doctrina de contraproliferación², que presentó como complementaria de la no-proliferación, y que básicamente establecía que si los medios políticos y diplomáticos no bastaban para evitar la proliferación de las armas de destrucción masiva y de sus vectores (medidas de no-proliferación) se hacía necesario contar con defensas activas para hacer frente a esa amenaza (contraproliferación). Se trataba de afrontar las amenazas del nuevo contexto internacional, pero no sustituyendo, sino reforzando y complementando la disuasión. El objetivo era evitar ser vulnerables y reducir el valor ofensivo de las armas de destrucción masiva y de los misiles balísticos, pero sin cuestionar el Tratado ABM y sin afectar a las negociaciones sobre control y reducción de armamentos que estaban abiertas.

Clinton optó por desarrollar sistemas defensivos contra los misiles balísticos de teatro y lanzó el programa TMD (Tactical Missile Defense) a fin de que proteger a las fuerzas armadas de Estados Unidos desplegadas en el extranjero, así como zonas o instalaciones que fueran de alto interés para ellos y para sus aliados. Tras la primera guerra del Golfo, cuando Sadam Hussein lanzó sus misiles Scud, había quedado constatado que el sistema antimisiles Patriot era totalmente insuficiente y que las fuerzas armadas que intervenían en ese tipo de conflictos regionales quedaban totalmente expuestas.

² U.S. Department of Defense: “Counterproliferation Initiative”, (Dic. 1993), PDD/NSC18, en <http://www.fas.org/irp/offdocs/pdd18.htm>.



Pero el Partido Republicano seguía considerando necesario contar con un sistema defensivo que protegiera todo el territorio de Estados Unidos y, cuando consiguieron la mayoría en el Congreso, aprobaron una legislación dirigida a desplegarlo en 2003, que Clinton vetó por considerar que no tenía justificación alguna. Posteriormente, para zafarse de la presión ejercida por la oposición, presentó un plan para desarrollar el NMD (National Missile Defense), aunque sin abandonar el TMD.

Cuando George W. Bush ganó las elecciones, unificó en un solo programa todas las tecnologías que se estaban desarrollando para el NMD y todas las que se estaban desarrollando para el TMD, y lo denominó GMD (Ground-based Midcourse Defense), un proyecto muy ambicioso, que pretendía ser un sistema defensivo total, con capacidad para interceptar los misiles balísticos de cualquier alcance y en cualquier fase de su trayectoria, y para ello no dudó en denunciar el Tratado ABM. El GMD se componía de un conjunto de radares e interceptores situados en Alaska, California y Europa, pero diseñado para proteger exclusivamente el territorio continental de los Estados Unidos, frente a un ataque con un reducido número de misiles. Bush mantenía una campaña de información insistiendo reiteradamente en que las instalaciones de Polonia y de la República Checa servían para proteger a Europa contra un ataque de misiles realizado por Irán, pero lo cierto era que el sistema estaba proyectado para proteger tan sólo el territorio estadounidense.

En 2009, el presidente Obama decidió sustituir el proyecto antimisiles de Bush, que consideraba poco realista, por el EPAA (European Phased Adaptive Approach)³. Señaló que había dos factores que habían motivado una drástica revisión de la política estadounidense antimisiles: el primero era que los misiles balísticos iraníes de corto y medio alcance, con capacidad para alcanzar el suelo europeo, se habían desarrollado más rápidamente de lo previsto mientras que los de largo alcance iban progresando más lentamente, por lo que la prioridad era proteger a las fuerzas estadounidenses desplegadas en Europa, a la población europea y el territorio aliado. El segundo factor decisivo eran los avances que se habían conseguido en el desarrollo de la tecnología de sensores e interceptores a utilizar contra los misiles de corto y medio alcance. Ambos factores habían determinado que la defensa de misiles a desplegar en Europa tuviera un enfoque gradual y adaptativo, por etapas, que iría avanzando en función de la evaluación de la amenaza de los misiles iraníes y de los avances tecnológicos logrados, demostrados, adaptables a la estrategia de seguridad y con un coste asumible. En la presentación se reiteró a Rusia que la defensa contra misiles a desplegar en Europa no era una amenaza para su seguridad estratégica, sino una oportunidad para fortalecer los intereses estratégicos comunes y afirmó que habría cooperación con los aliados europeos para integrar el sistema en la red de control y mando del sistema antimisiles de la OTAN.

Un año después, en la cumbre de la OTAN celebrada en Lisboa, en noviembre de 2010, se tomaron dos decisiones importantes sobre las defensas antimisiles. En primer lugar, los países miembros de la OTAN acordaron “desarrollar la capacidad para defender a la población y el territorio de los aliados frente a los misiles balísticos como un elemento fundamental de la defensa colectiva”⁴. La otra, muy ligada a la anterior pero independiente de ella, es que decidieron impulsar de una forma activa la cooperación con Rusia en el desarrollo del sistema defensivo, como una señal de ruptura definitiva con las doctrinas de la guerra fría.

³ “Fact Sheet on U.S. Missile Defense Policy. A Phased, Adaptive Approach for Missile Defense in Europe”, The White House, Office of the Press Secretary (17 Sept. 2009).

⁴ “Lisbon Summit Declaration” (20 Nov. 2010), en http://www.nato.int/cps/en/natolive/official_texts_68828.htm.



Ambas decisiones políticas son ambiciosas, pero las dificultades para llevarlas a cabo no han tardado en ponerse de manifiesto y es seguro que este asunto ocupará la agenda de la OTAN durante los próximos años⁵.

El cambio que significa que el desarrollo del sistema antimisiles para Europa pase a ser una cuestión multilateral es beneficioso tanto para Estados Unidos como para Europa por varias razones: gana en legitimidad internacional; pierde antagonismo hacia Rusia; fortalece el “burden sharing” de la OTAN; y refuerza el compromiso de seguridad de Estados Unidos con los aliados europeos. Para Europa, además, es mejor mantener el desarrollo del programa dentro de la OTAN porque así no se perderán todas las opciones de tener el control sobre el sistema cuando haya que decidir si se han de lanzar los interceptores, aunque -en el momento de escribir estas páginas- continúa habiendo una considerable incertidumbre sobre cómo se articulará la toma de decisiones; sobre la futura estructura de mando y control del sistema; sobre los costes que conllevará el despliegue total de una defensa antimisiles que sea efectiva; y sobre la contribución que deberán hacer los aliados europeos a largo plazo. Sin duda, todo ello acarreará controvertidos e intensos debates en el futuro.

2. ¿Qué tipo de defensa antimisiles se desplegara en Europa?

El acuerdo alcanzado en Lisboa sobre las defensas antimisiles fue posible debido a la asunción de tres premisas:

1ª La amenaza de los misiles balísticos sobre el territorio europeo es real y va en aumento.

2ª La OTAN ya estaba desarrollando un sistema defensivo contra los misiles balísticos de corto alcance, el ALTBMD (Active Layered Theatre Ballistic Missile Defence).

3ª La disposición de Estados Unidos a integrar dentro de la estructura de la OTAN su anunciado programa antimisiles para Europa, el EPAA.

El ALTBMD se aprobó en 2005 con el objetivo inicial de que estuviera completamente operativo para 2018, a fin de proteger a las tropas que estuvieran desplegadas en operaciones fuera de área o en zonas especialmente peligrosas y conflictivas; también para defender puntos de interés singular, como centros de mando o instalaciones especiales. El sistema está basado en la utilización de los interceptores Patriot que poseen Alemania, España, Grecia, Holanda y Polonia, así como de los sistemas SAMP/T (Sol-Air Moyenne Portée Terrestre) de Francia e Italia. La OTAN aporta el sistema de control y mando desde la base situada en Ramstein (Alemania) cuya misión es que todos los sistemas de armas, los interceptores, los sensores y los radares aportados por los países aliados funcionen de manera integrada y que su arquitectura -diseñada como un sistema de sistemas- resulte eficiente⁶. Cada Estado debe decidir los elementos defensivos que aporta, algo que está todavía sin determinar.

Lo acordado en Lisboa significa la expansión de los programas antimisiles en desarrollo hasta cubrir todo el territorio europeo de la Alianza y proteger a toda su población, pero dado el pequeño área que cubren los Patriot y el SAMP/T y el alto coste de desarrollar un nuevo

⁵ NATO Parliamentary Assembly: “Missile Defence: The Way Ahead for NATO”, 079DSCFC 11E (Spring 2011), en <http://www.nato-pa.int/default.asp?SHORTCUT=2437>.

⁶ Hildreth, Steven A.; Ek, Carl: “Missile Defense and NATO’s Lisbon Summit”, Washington D.C., Congressional Research Service (11 Jan. 2011).



interceptor, la única opción realista para los aliados europeos sería adquirir sistemas fabricados por Estados Unidos tales como el SM-3 (Standard Missile) y el THAAD (Theatre High Altitude Area Defense). Con el THAAD los misiles de corto y medio alcance podrían ser interceptados en la parte superior de la atmósfera; los modelos más avanzados del SM-3 se espera que puedan interceptar los misiles balísticos en la fase media de su trayectoria de vuelo, fuera de la atmósfera. Los buques de las Armadas de Alemania, Dinamarca, España, Francia, Holanda, Italia, Noruega y Reino Unido cuentan con plataformas preparadas para desplegar los SM-3. Para ahorrar costes, estos países podrían establecer un acuerdo de rotación según el cual algunos de estos buques dotados con el interceptor estuvieran permanentemente patrullando en tareas defensivas, mientras los restantes podrían ser asignados a otras misiones. Varios de estos países ya han participado en ejercicios de interceptación de misiles organizados por Estados Unidos, utilizando los sensores que llevan instalados a bordo para la identificación y seguimiento de los objetivos a destruir por los buques estadounidenses con el sistema de combate Aegis operativo, que incluye el SM-3. Aún así se requeriría una gran inversión porque habrían de ser equipados con modernos radares y sensores, así como con un costoso “software”, para que pudieran operar con los modelos más avanzados del SM-3⁷.

En principio, el EPAA se desplegará en cuatro fases, que podrían ser modificadas en el caso de que emergieran nuevas amenazas o se produjeran avances significativos en los desarrollos tecnológicos:

1ª Fase (2011): Desplegar los sistemas de interceptación ya existentes como el Aegis con el interceptor SM-3 y sensores como el AN/TPY-2 (Army Navy/Transportable Radar Surveillance). Esta fase se inició en marzo de 2011 con el despliegue por el Mediterráneo del buque USS Monterrey dotado con el sistema Aegis y finalizó en enero de 2012 con la activación del radar en Turquía⁸. En la cumbre de la OTAN celebrada en Chicago, en mayo de 2012, se reconoció la existencia de una capacidad provisional de defensa antimisiles (Interim NATO BMD Capability)⁹, que se correspondería con esta primera fase del sistema defensivo.

2ª Fase (2015): Se desplegarán versiones más avanzadas del interceptor SM-3 (Block 1B) tanto navales como terrestres sobre plataformas móviles, así como sensores con más capacidad para poder ampliar el área defendida. El interceptor terrestre sería el denominado Aegis Ashore y se instalará en Rumania. Según un acuerdo bilateral firmado en septiembre de 2011 entre este país y Estados Unidos, se desplegarán un total de veinticuatro interceptores en la antigua base aérea soviética –ahora en desuso– de Deveselu. También estarán operativos cuatro buques estadounidenses dotados con el sistema de combate Aegis, cuya base, tras un

⁷ Frühling, Stephan; Sinjen, Svenja: “Missile Defence: Challenges and Opportunities for NATO”, Rome NATO Defense College, *Research Paper*, No. 60 (Jul. 2010).

⁸ En septiembre de 2011 se hizo público el acuerdo entre Estados Unidos y Turquía, por el cual este país albergará el radar AN/TPY-2 y será el responsable de la gestión de la instalación, mientras que cincuenta militares estadounidenses se ocuparán de su protección. Este es uno de los elementos más polémicos del sistema defensivo porque Turquía no quiere que se identifique a Irán como el único país contra el que van dirigidas las defensas; porque Irán ya ha manifestado que atacará las instalaciones turcas en caso de sentirse amenazado; y porque el presidente de la Comisión de Exteriores del Parlamento turco ha afirmado que nunca permitirán que el radar se use contra Irán. Empero, el gobierno turco considera que la instalación contribuye a su propia seguridad y fortalece los lazos entre Turquía, el único país predominantemente musulmán de la OTAN, con el resto de los aliados.

⁹ “Chicago Summit Declaration”, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Chicago on 20 May 2012, en http://www.nato.int/cps/en/natolive/official_texts_87593.htm?mode=pressrelease



acuerdo bilateral firmado por los gobiernos de España y Estados Unidos, se situará en Rota (Cádiz) debido a su situación geoestratégica.

3ª Fase (2018): Despliegue del SM-3 (Block IIA), una versión todavía con más radio de acción y con capacidad para interceptar misiles de alcance corto, medio e intermedio. Estados Unidos y Polonia firmaron en 2009 un acuerdo para desplegar estos interceptores en la base de Redzikowo, en el norte de Polonia. Rusia considera que el despliegue de ésta y la siguiente fase afectan a sus fuerzas nucleares estratégicas de disuasión.

4ª Fase (2020): Desplegar el SM-3 (Block IIB) con alcance para interceptar los misiles intercontinentales dirigidos contra el territorio de los Estados Unidos y con más capacidad contra los misiles de alcance medio e intermedio.

En la presentación el presidente Obama también se hizo específica mención a que se irían probando y desarrollando nuevos sensores y radares, pero que la nueva arquitectura y distribución de interceptores hacía innecesario el gran radar fijo que iba a ser construido en la República Checa, por lo que se renunciaba al acuerdo firmado por el presidente Bush con este país.

El programa de defensa antimisiles de Obama tiene importantes ventajas comparado con el del presidente Bush: sus objetivos son más inmediatos; la descripción de la amenaza es más realista; su arquitectura es más flexible; es multinacional; y estará integrado con las capacidades defensivas del resto de los miembros de la OTAN. El estacionamiento del interceptor SM-3 en tierra y mar le dota de más capacidad para defender el territorio europeo, incluido el flanco sur, que con el proyecto de Bush quedaba desprotegido¹⁰.

3. Posición de los Países Miembros de la Unión Europea sobre las defensas antimisiles: El debate en Europa

Cuando el presidente Bush decidió instalar en el territorio de dos países miembros de la Unión Europea (Polonia y República Checa) lo que se denominó la “tercera pata” de su sistema nacional de defensa antimisiles¹¹, compuesto de diez misiles interceptores a desplegar en Polonia y un radar en la República Checa, resultaron evidentes la impotencia y la pasividad europea ante otra decisión unilateral estadounidense que afectaba directamente a nuestro territorio, a nuestra seguridad y al futuro de nuestra política de defensa. Las reacciones y declaraciones aisladas de algunos dirigentes no dejaron de sucederse en los distintos países europeos, pero no hubo una postura común de rechazo o aceptación y el único acuerdo posible quedó limitado a pedir a Bush plena transparencia. El proyecto se articuló mediante negociaciones bilaterales de Estados Unidos con los respectivos gobiernos de Polonia y República Checa, y en ambos países hubo movimientos de oposición porque entendían que se ponía en cuestión la credibilidad de estos países como miembros de la Unión Europea, además de suponer una cesión de soberanía y afectar a su seguridad. La canciller alemana Angela Merkel -que en el primer semestre de 2007 presidía el Consejo de la UE- optó por la cautela, por mantener una ambigüedad calculada y por no poner en peligro el diálogo transatlántico, derivando el debate al seno de la OTAN en lugar de promoverlo dentro de las

¹⁰ Fitzpatrick, Mark: “A Prudent Decision on Missile Defence”, *Survival*, vol. 51, no. 6 (Dic. 2009 – Ene. 2010), pp. 5-12.

¹¹ Lara, Belén: “El sistema antimisiles de Estados Unidos llega a Europa”, Ministerio de Defensa, *Boletín de Información del CESEDEN*, no. 302 (año 2007), pág. 55 y ss.



instituciones de la UE. En Francia, primero Chirac y después Sarkozy, manifestaron que el acuerdo afectaba al desarrollo de una política de defensa europea, que dañaba el proyecto europeo, que no era un asunto que sólo incumbiera a los países donde se iba a desplegar y que les preocupaba que se fomentara la creación de nuevas líneas divisorias en Europa¹². Los dirigentes de otros países como Austria, Bélgica, Grecia, Holanda, Luxemburgo y Noruega mostraron explícitamente su insatisfacción¹³. El entonces ministro de Defensa austriaco, Norbert Darabos, declaró que era una provocación y que sólo serviría para revivir innecesariamente los enfrentamientos de la guerra fría¹⁴. El ministro de Exteriores de Luxemburgo, Jean Asselborn, lo calificó de incomprensible derroche económico. Los líderes de los partidos socialdemócratas de Alemania, Austria, Eslovaquia, Eslovenia, Polonia y República Checa suscribieron una declaración conjunta en contra. Sólo Dinamarca, España y Reino Unido se mostraron de acuerdo con el proyecto, e incluso el primer ministro británico, Tony Blair, estuvo presionando a Estados Unidos para que instalase otra base de interceptores en Escocia, ante el rechazo de muchos miembros de su propio partido, de la oposición y de las autoridades militares del Reino Unido.

Desde la Unión Europea, Javier Solana -entonces alto representante de la UE para la Política Exterior y de Seguridad Común (PESC)- defendió en numerosas ocasiones la necesidad de que el proyecto planteado por Bush fuera discutido en el seno de la UE, porque la seguridad de cada uno de los Estados miembros debía de ser compatible con la seguridad de todos y porque la PESC se había aprobado para abordar y debatir cómo afrontar, de manera común, todo lo relativo a la seguridad y a la defensa de Europa. Empero, también reconoció, como así lo hizo ante el Parlamento Europeo, la soberanía de cada Estado para decidir su cooperación bilateral con Estados Unidos. Por su parte, el Parlamento Europeo aprobó una Resolución en 2008 pronunciándose en unos términos muy claros sobre la necesidad de contar con una defensa contra misiles balísticos, especialmente en las áreas de detección de lanzamiento y protección de teatros de operaciones, territorio europeo e intereses de la Unión Europea. Pedía a la UE y a la OTAN que iniciasen un diálogo estratégico sobre política espacial y de defensa antimisiles y deploraba el hecho de que los Estados miembros de la Unión no tuvieran acceso a la información instantánea sobre si se había producido un lanzamiento de misiles en algún lugar del mundo¹⁵.

Cuando se aprobó el desarrollo del EPAA, todos los países europeos miembros de la Alianza Atlántica estuvieron de acuerdo en que las defensas antimisiles son inevitables en la actualidad; en que es necesario contar con un sistema de defensa territorial; y en que no existe contradicción entre el EPAA y el refuerzo de la seguridad europea. Empero, lo hicieron sin que se produjera un debate a fondo dentro de la Unión Europea, o se adoptara una posición común al respecto, y ello a pesar de que en la UE hay países que no son miembros de la OTAN -que deberían poder opinar sobre algo que concierne a la seguridad de todos- y de que en la OTAN hay países europeos que no son miembros de la Unión.

Los países europeos miembros de la OTAN apoyaron el plan de Obama por muy diversos motivos, pero, básicamente, porque les brindaba, por primera vez, la oportunidad de poder decidir sobre el despliegue de una defensa antimisiles. Siempre -desde que Reagan

¹² Ver: "US Missile Shield a Threat to Europe Unity: Chirac", *Agence France-Presse*, 12 de marzo de 2007 y la entrevista a Nicolas Sarkozy en *Le Monde*, 17 de abril de 2007.

¹³ Bauer, Thomas: "Missile Defence – The debate in Germany", *Fondation pour la Recherche Stratégique*, (25 de junio de 2007), en http://www.frstrategie.org/publications/pv_20070602_eng.pdf

¹⁴ "U.S. missile shield is a provocation: Austrian minister", *Reuters*, 23 de agosto de 2007.

¹⁵ "Resolución del Parlamento Europeo, de 10 julio de 2008, sobre espacio y seguridad", en <http://www.europarl.europa.eu>



lanzara la SDI- ha existido una profunda discrepancia de fondo entre Europa y los Estados Unidos en relación con los sistemas antimisiles y, a lo largo de los años, los europeos no han dejado de mostrarse remisos a apoyar los distintos proyectos defensivos que los sucesivos presidentes estadounidenses han ido proponiendo. Nunca se ha asumido en Europa que la proliferación de misiles favoreciera su utilización por grupos terroristas, cuando con medios menos complejos se pueden realizar atentados muy destructivos. Tampoco se ha llegado a asumir que cualquier país de entre los que poseen misiles se vaya a arriesgar a utilizarlos, poniendo en peligro su propia existencia. Para los europeos las defensas antimisiles no deben servir para sustituir a la estrategia de disuasión, si no que deben complementarla y reforzarla; rechazan el planteamiento disuasión versus defensas; y siempre han mantenido que los sistemas contra misiles no sirven para reducir las amenazas y sí para justificar la proliferación y entorpecer los acuerdos sobre desarme y control de armamentos. Ahora, aunque en el fondo los aliados europeos todavía albergan dudas sobre el futuro papel una defensa antimisiles en la estrategia global de seguridad, no lo han puesto en evidencia para evitar otra crisis transatlántica.

Cuando se profundiza en los argumentos utilizados, el consenso se muestra superficial pues cada país tiene unos objetivos, una motivación y una interpretación. Tampoco existe acuerdo sobre cómo y con qué grado de implicación debería cooperarse con Rusia. Por ejemplo, la presidenta de Lituania, Dalia Grybauskaitė -país que es miembro de la OTAN desde 2004, después de haber estado en la órbita soviética- se ha mostrado escéptica sobre la cooperación con Rusia, afirmando que los sistemas defensivos de Rusia y de la OTAN nunca podrán estar integrados porque la OTAN nunca podrá ser una organización conjunta y que la cooperación sólo debe afectar al intercambio de información y a reconocer que se comparte el mismo enemigo. Además, es una firme partidaria del despliegue del sistema antimisiles en Europa, por tres razones: Vilnius no tiene capacidad para desarrollarlo por sí mismo; fortalece el vínculo transatlántico; y contribuye a incrementar la estabilidad y la seguridad en la región¹⁶.

Cada Estado tiene una percepción del riesgo y la amenaza muy distinta, que incide de manera muy importante en la definición del interés estratégico de un sistema antimisiles para su seguridad. Por ejemplo, Francia subraya la relevancia de la disuasión nuclear, mientras que para Alemania lo más importante es progresar en el desarme y en el control de armamentos, así como conseguir que Estados Unidos retire las bombas nucleares que tiene estacionadas en suelo europeo y especialmente las que tiene en territorio alemán. Los países de la Europa central, aunque no tienen una misma percepción, sí comparten ciertas prioridades, entre las que se encuentra el deseo de mantener a la OTAN centrada en la defensa territorial, y ello se debe a su proximidad a Rusia. La ausencia o presencia de una amenaza proveniente de Irán tiene poca importancia para estos países cuando se trata de apoyar un escudo protector más amplio sobre Europa, porque lo que desean, como Polonia y Rumania, es acoger instalaciones estadounidenses en su territorio que aseguren la presencia de tropas de ese país, que consideran una garantía para su seguridad. Polonia es el país que más fervientemente apoya un sistema antimisiles para Europa y el que más dispuesto se ha mostrado a cooperar, por lo que Obama -dando muestras de que consideraba que Polonia seguía siendo importante en la nueva arquitectura por fases- firmó un acuerdo en 2009, tan sólo un mes después de que anunciara el rediseño de la defensa antimisiles, por el que se comprometía a desplegar inmediatamente baterías del interceptor Patriot y a que en la tercera fase del EPAA se desplegarían los interceptores en la base de Redzikowo. Algo que no ocurrió con la República

¹⁶ "Nato, Russia missile shields must remain separate: Lituania" (20 de noviembre de 2010), en <http://www.spacewar.com/reports/NATO>



Checa, que quedó descolgada del despliegue del EPAA al no aceptar acoger un centro de alerta temprana o un cuartel general, por considerar que era algo insignificante en comparación con el radar que se iba a construir con el plan de Bush y que Obama descartó porque al instalarlo en Turquía está más cerca de la frontera con Irán, pero también en aras de la cooperación con Rusia, pues sus dirigentes alegaban que ese radar servía para rastrear buena parte del espacio aéreo ruso y para seguir las pruebas de misiles que realizan en sus instalaciones de Kapustin Yar, a unos 800 kilómetros al sureste de Moscú¹⁷. En otros países como Eslovaquia y Hungría existe menos entusiasmo por el sistema y alguna preocupación relacionada con el hecho de considerar que los países que acogen las instalaciones del EPAA están más protegidos por Estados Unidos que los que son simplemente miembros de la OTAN, aunque hay pocas críticas públicas para no quedar enfrentados a la política oficial de la Alianza. Creen que Obama está menos comprometido con la seguridad de Europa central que Bush, pero aún así consideran que Estados Unidos sigue siendo la mejor garantía¹⁸.

Así pues, a los países situados más al Este les preocupan principalmente los misiles nucleares tácticos que Rusia tiene desplegados cerca de sus fronteras. A los situados más al Sur, les preocupa más la potencial amenaza iraní. Los de la vieja Europa se ven más afectados por los desarrollos tecnológicos y creen que el desarrollo del EPAA incrementará la ya existente ventaja tecnológica de Estados Unidos sobre Europa y, por ende, la dependencia tecnológica europea. Además tienen un gran interés industrial y no desean que la importante industria de defensa que existe en Europa, y especialmente en Alemania, Francia y Reino Unido, quede desfasada y se vea perjudicada. Pero todos, en mayor o menor medida, están interesados en reforzar el vínculo con Estados Unidos y en no caer en la irrelevancia estratégica, convirtiéndose en una mera plataforma logística menos importante para Washington, que en los últimos tiempos está desplazando sus prioridades estratégicas desde Europa y el Mediterráneo hacia Asia y el Pacífico. Creen que el EPAA ofrece la posibilidad de mostrar una nueva forma de cohesión, solidaridad y una renovada unidad.

Para no quedarse desfasados tecnológicamente, algunos países europeos han colaborado con Estados Unidos en el desarrollo de sistemas antimisiles, otros han optado por desarrollar los suyos propios y son varios los que han mostrado distintos grados de interés en colaborar en proyectos multinacionales para seguir avanzando en el desarrollo de nuevos sistemas defensivos. Otros directamente los adquieren. Por ejemplo, Alemania e Italia han colaborado con Estados Unidos durante muchos años en el desarrollo del programa MEADS (Medium Extended Air Defense System), que Estados Unidos ha anunciado que abandona, lo que ha motivado las quejas del ministro de defensa italiano, Giampaolo Di Paola, que pide a la Administración estadounidense que cumpla sus compromisos, porque después de hacer importantes inversiones financieras deja a sus dos socios con las manos atadas y porque las tecnologías desarrolladas podrían ser parte de la contribución europea a la defensa antimisiles¹⁹. Francia e Italia han colaborado en el desarrollo del sistema de defensa aérea SAMP/T, basado en el interceptor Aster francés, que tiene capacidad para defensa contra misiles. Francia, Italia y Reino Unido han cooperado en el desarrollo de otro sistema de defensa aérea que también tendrá potencial capacidad antimisiles. Reino Unido y Groenlandia acogen desde hace años radares estadounidenses de alerta temprana para detectar

17 Schlumberger, Guillaume; Gruselle, Bruno: "Going Ballistic: Causes and Consequences of a US deployment of the Missile Defense Component in Europe", Fondation pour la Recherche Stratégique (13 de abril de 2007), en http://www.frstrategie.org/publications/pv_20070413_eng.pdf

18 Valasek, Tomas: "The View from Central and Eastern Europe", Études&Débats Fondation pour la Recherche Stratégique, *Perspectives on NATO Nuclear Policy*, no. 3 (2011), pp. 39-44.

19 Brannen, Kate: "Italian Defense Minister to U.S.: Respect MEADS Commitment", *Defense News*, 30 de abril de 2012.



lanzamientos de misiles. Alemania, España, Grecia, Países Bajos y Polonia han optado por dotarse del sistema defensivo Patriot. Dinamarca, Países Bajos y Reino Unido participan en distinto grado en los programas de Estados Unidos para desarrollar sistemas antimisiles navales. España ha equipado cuatro fragatas con el sistema de combate Aegis, al que se le puede dar capacidad antimisiles. Holanda tiene en marcha un proyecto para modificar el radar Smart-L de las fragatas de la clase “De Zeven Provinciën” con el objetivo de poder detectar y seguir misiles balísticos. El lanzador vertical de estas fragatas puede alojar el interceptor SM-3, aunque no está confirmado que lo vaya a adquirir.

Para finalizar este capítulo analizaremos más detenidamente la posición con respecto a las defensas antimisiles de Francia y Reino Unido, por ser los únicos países europeos que cuentan con sus propias fuerzas nucleares de disuasión; de Alemania, por tener estacionadas en su territorio bombas nucleares estadounidenses, cuando se está tratando de determinar la combinación ideal entre armas nucleares, armas convencionales y defensas contra misiles; y España, por el reciente acuerdo con Estados Unidos para que el componente naval del escudo antimisiles tenga su base en territorio español.

Alemania al no poseer armamento nuclear y no descansar su estrategia defensiva en su propia disuasión, considera que las defensas antimisiles juegan el papel de un arma convencional contra la amenaza nuclear, ya que sirven para reducir el riesgo de que se produzca un ataque preventivo o no autorizado. Su argumento para apoyarlas se basa en que, con el tiempo, un sistema defensivo contra los misiles podría reducir la importancia de las armas nucleares no estratégicas, lo que favorecería el desarme y el control de armamentos y facilitaría que Estados Unidos retirase las bombas nucleares que tiene estacionadas en suelo europeo y, sobre todo, las que tiene en Alemania. La canciller Merkel siempre ha intentado mantener el debate sobre las defensas antimisiles al nivel más bajo posible tanto dentro de Alemania como en la Unión Europea. Es por ello que ha optado por reforzar el vínculo transatlántico apoyando el EPAA y derivando cualquier debate sobre defensas antimisiles al seno de la OTAN, en lugar de proponerlo en el ámbito de la seguridad y la defensa de la UE.

España recoge en la Estrategia de Seguridad Nacional aprobada en 2011 las directrices a seguir en relación a las defensas contra misiles, asumiendo como propia la doctrina de la OTAN sobre el desarrollo de la capacidad de defensa antimisiles y sobre cómo armonizar la disuasión nuclear mínima con los compromisos de desarme. La Estrategia Europea de Seguridad aparece también como marco de referencia al tratar los riesgos y las amenazas, quedando definido de la siguiente manera: “La participación de España en el programa de Defensa Antimisiles de la OTAN constituye una adecuada medida de respaldo a los esfuerzos que se vienen realizando contra la proliferación de vectores de lanzamiento de armas de destrucción masiva. La proliferación de misiles balísticos representa una creciente amenaza a los Estados miembros de la Alianza, por lo que es necesario una capacidad de defensa colectiva adecuada. Con el objetivo de extender la protección del sistema a la población, el territorio y las Fuerzas Armadas de todos los países europeos de la Alianza, España participará en la configuración de dicho programa para su extensión más allá de la tropas desplegadas y se acogerá a sus beneficios”²⁰.

Este respaldo al programa de defensa antimisiles en Europa se ha concretado en un acuerdo firmado en octubre de 2011 por el entonces presidente José Luis Rodríguez Zapatero (con el apoyo del inminente nuevo presidente Mariano Rajoy) para que a partir de 2013 la base naval de Rota, en Cádiz, albergue el componente naval del escudo antimisiles,

²⁰ “Estrategia Española de Seguridad. Una responsabilidad de todos”, en <http://www.lamoncloa.gob.es>.



compuesto por cuatro buques estadounidenses dotados con el sistema de combate Aegis. El primer destructor llegará a Rota en octubre de 2013; el segundo en septiembre de 2014; y los otros dos lo harán antes de septiembre de 2015, para cumplimentar la segunda fase del EPAA. Sin duda, la base de Rota gana peso estratégico, pero también incrementa su valor como objetivo a atacar para cualquier enemigo de la OTAN. Además, el nuevo centro de operaciones aéreas combinadas de la OTAN, con sede en la base de Torrejón de Ardoz (Madrid) se integrará en el sistema de control y mando del escudo defensivo.

Anteriormente, en la cumbre de la OTAN celebrada en Praga en 2002, España se comprometió a dotarse de sistemas antimisiles y -por acuerdo del Consejo de Ministros de 10 de diciembre de 2004- se compró a Alemania una batería de misiles Patriot (PAC-2), que está asignada al Ejército de Tierra, teniendo prevista la adquisición de otra más, que posteriormente no se materializó. También contamos con cuatro fragatas de la clase “Álvaro de Bazán” (hay una quinta en construcción) equipadas con el sistema Aegis estadounidense, que pueden ser adaptadas, por un coste moderado y en un plazo corto, para formar parte de la defensa contra misiles balísticos del territorio europeo. Habría que modificar el software del radar para dotarlo con capacidad para la detección y seguimiento de los misiles balísticos; se debería de cambiar el sistema de lanzamiento de los interceptores; y se tendrían que sustituir los misiles SM-2 que portan en la actualidad, por los SM-3. Por ahora no está previsto que se integren en el dispositivo aliado: ni la OTAN lo ha solicitado, ni España lo ha propuesto, aunque el ministro de Defensa, Pedro Morenés, considera que “estar vinculados al escudo antimisiles nos da una solidez y una credibilidad en la OTAN y con Estados Unidos importantísima para la defensa de España”²¹.

Francia ha modificado drásticamente su posición con respecto a las defensas antimisiles, pues tradicionalmente ha sido hostil a la idea de un sistema defensivo territorial, que siempre ha considerado innecesario, desestabilizador y un peligro para su sistema independiente de disuasión nuclear. El Comité de Asuntos Exteriores, Defensa y Fuerzas Armadas del Senado francés elaboró en 2011 un informe²² en el que instaba al gobierno francés a dar los pasos necesarios para situar a Francia como uno de los principales participantes del programa antimisiles de defensa territorial. Aunque un ataque con misiles es un riesgo que se considera remoto, les preocupa quedar al margen de los desarrollos tecnológicos estadounidenses, pues podría suponer un claro peligro para su industrial nacional de defensa²³.

El entonces presidente Sarkozy admitió que las defensas antimisiles podrían fortalecer y ser un complemento a sus fuerzas nucleares de disuasión, al disminuir la vulnerabilidad de Francia, aunque subrayando que en ningún caso serían un sustituto de éstas. Sarkozy consideró que no había otra opción que apoyar el EPAA porque el programa seguiría adelante, se unieran los franceses o no, y así se aseguraba tener voz y cierta capacidad de decisión. También consideraba que si se hubiera quedado al margen se habría visto perjudicado su deseo de influir en Europa, cuando Francia quiere ser el líder de la Europa de la defensa y, para conseguirlo, necesita mantener su superioridad tecnológica y mostrar la voluntad de implicarse en la política de defensa europea. Además de mostrarse preocupado por quién y cómo se tomarán las decisiones cuando haya que poner el sistema desplegado en Europa en funcionamiento ante el lanzamiento de un misil, también lo hizo por los muchos problemas operativos, técnicos y políticos a resolver para poder seguir avanzando. De hecho,

²¹ Entrevista a Pedro Morenés, *El País*, 20 de mayo de 2012.

²² Commission des Affaires étrangères et de la Défense du Senat: “La défense balistique: bouclier militaire ou défi stratégique”, 11 de julio de 2011.

²³ Selding, Peter: “French Panel Calls for Missile Defense Investment”, *Space News*, 12 de julio de 2011.



al igual que Rusia, considera que la tercera y cuarta fases del EPAA dañan su propia disuasión nuclear.

El presidente Hollande se ha mostrado más relictante que Sarkozy a comprometerse con el EPAA. En la cumbre de Chicago anunció que, para que Francia siga apoyando las defensas antimisiles, éstas deben cumplir determinadas condiciones relacionadas con los costes, las normas para tomar las decisiones políticas, la participación de la industria europea y la compatibilidad con la disuasión nuclear de Francia²⁴.

Reino Unido apoya el sistema antimisiles en Europa y tanto el gobierno actual como el anterior gobierno laborista opinan que es beneficioso y que su coste es soportable, aunque todavía están estudiando cuál sería el equilibrio perfecto a la hora de invertir en defensas antimisiles, fuerzas de disuasión nuclear y otras estrategias de disuasión, defensa y prevención. Reino Unido, al poseer armamento nuclear, dejó establecido como doctrina estratégica en el “Defense White Paper” de 2003, que las defensas antimisiles no eran el sustituto de la disuasión nuclear, ni de otras formas de disuasión; que los interceptores de misiles y cualquier otra forma de destruir misiles sólo posibilitarían el poder hacer frente a una amenaza con un número muy limitado de misiles balísticos; y que, en consecuencia, su disuasión nuclear, basada en el sistema Trident, seguía siendo el elemento indiscutible de su seguridad²⁵. Esta doctrina estratégica se ha mantenido invariable hasta la actualidad.

En cuanto a la financiación del sistema, que los británicos consideran soportable, los franceses se preguntan si en un contexto de restricción de gastos en toda Europa la amenaza es lo suficientemente importante como para afrontar los costes que ocasiona²⁶. En realidad, nadie sabe cuánto llegará a costar el sistema defensivo en su totalidad, porque los elementos que lo conformarán no están plenamente definidos y porque los costes se están disparando al mismo tiempo que los problemas técnicos aumentan²⁷. Lo cierto es que el importe total estimado del EPAA y del ALTBMD es relativamente modesto en comparación con otros proyectos antimisiles anteriores. El secretario general de la OTAN, Anders Fogh Rasmussen, aseguró que con un presupuesto adicional de menos de 200 millones de euros, a repartir entre 28 aliados en un periodo de 10 años, se ampliarían considerablemente las capacidades defensivas y que no suponía un sacrificio excesivo aunque estuviéramos en una época de austeridad presupuestaria²⁸. Empero, cualquiera que sea el coste definitivo, el Congreso de los Estados Unidos quiere que los europeos aporten más financiación. En un comunicado a la prensa de 9 de marzo de 2012 el senador Lugar emplazaba a los miembros europeos de la Alianza a comprometerse más en el establecimiento de un escudo antimisiles para el continente, incrementando su aportación a la financiación²⁹.

Los europeos deberíamos determinar ahora, que aún estamos en los inicios del EPAA, cuál puede ser la contribución económica y aprovechar para abrir un debate sobre la defensa

²⁴ Lasserre, Isabelle: “Otan: unité de façade autour du bouclier antimissile”, *Le Figaro*, 21 de mayo de 2012.

²⁵ United Kingdom, Ministry of Defense: “Delivering Security in a changing World”, *Defense White Paper* (Dic. 2003).

²⁶ Lucien, Claire: “European State’s Position on Missile Defense and the Russian Sectoral Missile Defense Proposal”, PIR Center, en http://www.pircenter.org/data/11-05-10_European_countries_position_on_missile_defense.pdf.

²⁷ U.S. Government Accountability Office: “Missile Defense. Opportunity Exists to Strengthen Acquisitions by Reducing Concurrency” (Abril 2012), en www.gao.gov/assets/600/590277.pdf

²⁸ Rasmussen, Anders F., *Monthly Press Briefing*, (5 de mayo de 2010), en http://www.nato.int/cps/en/natolive/news_63093.htm?mode=pressrelease

²⁹ “Lugar Introduces NATO Enlargement Bill”, (9 de marzo de 2012), en <http://www.lugar.senate.gov/record.cfm?id=3362606&>.



antimisiles que sirva para avanzar en el desarrollo de la Estrategia Europea de Seguridad de forma más ambiciosa, ya que en ella se hace referencia a la proliferación como la amenaza más grave a afrontar³⁰. Sabemos que tomar una decisión colectiva sobre las defensas antimisiles en el seno de la Unión Europea no va a suceder de manera inminente, pero tampoco podemos seguir admitiendo que cada uno de los países tome su propia decisión de manera autónoma, en función de sus intereses, como ha venido sucediendo hasta ahora. Es por ello que lanzar una “Iniciativa Europea sobre Defensa Antimisiles”³¹ nos parece muy necesario, tanto para poder planificar el futuro como para poder participar activamente, con acciones e ideas, en el desarrollo del EPAA y no esperar pasivamente a que Estados Unidos dé el siguiente paso, para entonces solamente pensar en las posibles contribuciones que se pueden hacer. Para que esta Iniciativa funcione debe tomarse una decisión política formal, plasmarlo en un acuerdo fundacional y proceder de forma pragmática. Siendo realistas, para obtener resultados de forma más rápida, debería comenzarse por una colaboración más estrecha entre un pequeño grupo de países, que simultáneamente deberían proceder a mantener un diálogo abierto con el resto de miembros de la UE, hasta que todos estuvieran incorporados y participando en la Iniciativa.

4. La cooperación con Rusia

Incluir la cooperación con Rusia en el desarrollo del EPAA, para romper definitivamente con las doctrinas de la guerra fría, fue una de las decisiones más importantes y más innovadoras que se adoptaron en 2010 en Lisboa y fue un hecho decisivo para que los aliados europeos apoyaran el EPAA. Empero, con el paso del tiempo, uno de los principales desacuerdos sobre el despliegue del sistema defensivo entre los países de la UE gira en torno a la cooperación con Rusia: mientras que unos países europeos consideran que es indispensable, otros opinan que no se pueden dejar condicionar por Rusia. Los europeos quieren que Rusia participe en el EPAA, pero no hay acuerdo sobre hasta qué punto se quiere que lo haga. Tampoco el desarrollo de las negociaciones con Rusia ha ayudado a conseguir un acuerdo, a pesar de que el entonces presidente ruso Medvédev se mostrase muy receptivo y abierto a la colaboración, llegándose al acuerdo en el posterior Consejo OTAN-Rusia de “explorar las oportunidades de cooperar en las defensas antimisiles con un espíritu de reciprocidad, máxima transparencia y mutua confianza”³².

Históricamente las defensas antimisiles han sido una fuente de tensión y una barrera para transformar la relación estratégica con Rusia, porque siempre se han percibido como desestabilizadoras y como una amenaza al equilibrio estratégico. Moscú se opuso frontalmente al plan de Bush porque afectaba directamente a su seguridad, mientras que el proyecto de Obama fue mejor acogido por apelar a la cooperación. El planteamiento del EPAA abrió el camino para negociar un nuevo Tratado START y pareció disminuir la desconfianza rusa, aunque sin olvidar que parte del sistema antimisiles estaría desplegado cerca de sus fronteras y que las fases tercera y cuarta podrían afectar a sus fuerzas nucleares estratégicas de disuasión.

³⁰ “Una Europa segura en un mundo mejor”, (12 de diciembre de 2003), en <http://consilium.europa.eu/uedocs/cmsUpload/031208ESSIIES.pdf>.

³¹ Lieutenant General Freek Meulman, “Challenges for NATO Missile Defence”, *The Journal of JAPCC*, no. 12 (2010), en http://www.japcc.de/fileadmin/user_upload/journal/Editon_12/101026_Journal_Ed-2_web.pdf.

³² “NATO-Russia Council Joint Statement” (20 Nov. 2010), en http://www.nato.int/cps/en/natolive/news_68871.htm.



En las negociaciones posteriores Moscú propuso una defensa conjunta, que denominó “sectorial”, que consistía en que Rusia interceptaría todos los misiles que sobrevolaran su territorio procedentes del sur, mientras que la OTAN se ocuparía sólo de los misiles que sobrevolaran el territorio de la Alianza. Esto implicaba que los aliados necesitarían un sistema antimisiles mucho más limitado y que su seguridad frente a un ataque con misiles dependería de Rusia. Polonia y Lituania se opusieron frontalmente a esta propuesta y señalaron la incompatibilidad del enfoque sectorial con el artículo 5 del Tratado de Washington. Alemania y Francia expresaron su acuerdo con estos países sobre el hecho de que Rusia no podía ser responsable de la seguridad de una parte del territorio de la Alianza. La opción del sistema sectorial se desechó definitivamente y también se consideró que establecer un sistema de mando conjunto con plena interoperatividad era poco realista. La OTAN propuso el despliegue de dos sistemas defensivos distintos pero coordinados, donde la transparencia sería un elemento fundamental, pero donde cada parte mantendría su independencia para decidir el lanzamiento de los interceptores. Se compartiría la información recogida por los radares de alerta previa; se intercambiarían los datos sobre lanzamientos de misiles en pruebas; y se organizarían ejercicios y simulaciones conjuntas. Todo ello necesitaría del establecimiento de unas salvaguardias para prevenir que ninguna de las dos partes se aprovechara de la información más sensible, o interviniera para frenar o alterar el proceso de una toma de decisiones urgente. Así la efectividad del sistema antimisiles podría salir beneficiada porque los datos recogidos por los radares rusos, tales como el de Gabala, en Azerbaiján, podrían contribuir significativamente a la defensa de Europa frente a un ataque con misiles lanzado desde Irán, mientras que Estados Unidos podría facilitar a Rusia información de alerta temprana que les sería muy útil³³.

Las negociaciones se estancaron y Medvédev pidió un compromiso formal y garantías jurídicas de que cualquier sistema defensivo que la Alianza despliegue en Europa no estará dirigido contra su país y de que no minará el potencial estratégico ruso. Se aceptó dar garantías por escrito pero sin validez jurídica, una promesa política que volvió a rechazar el Kremlin. A fin de desbloquear las negociaciones, el gobierno francés se mostró partidario de garantizar legalmente a Rusia que el escudo defensivo no estaba dirigido contra ellos³⁴, pero en septiembre de 2011, mientras que el ministro de Exteriores francés en un encuentro con su homólogo ruso declaraba que se podrían dar las garantías jurídicas, el ministro de Defensa alemán no quería comprometerse a ello, ilustrando este ejemplo las diferencias entre los países europeos y la falta de coherencia al abordar las negociaciones³⁵.

El objetivo de los aliados era que en la cumbre de la OTAN de mayo de 2012, celebrada en Chicago, al mismo tiempo que se anunciaba una capacidad provisional de defensa contra misiles, se pudiera presentar un acuerdo de cooperación con Rusia. Pero en noviembre de 2011 Medvédev anunció la imposibilidad de llegar a un acuerdo porque no se le ofrecían garantías jurídicas, mientras que de nuevo se había optado por una política de hechos consumados y ya se había comenzado a desplegar el sistema antimisiles en Europa sin esperar a llegar a un acuerdo con Rusia³⁶. Puso en alerta de combate el radar de alerta temprana situado en Kaliningrado y anunció otra serie de medidas que podría tomar, como retirarse del

³³ Collina, Tom: “Russia Makes New Proposal on Missile Defense”, *Arms Control Today*, vol. 41, no. 3 (Abril 2011).

³⁴ Benítez, Jorge: “France: NATO could give Russia missile defence guarantees”, *Atlantic Council*, (9 de agosto de 2011), en <http://www.acus.org>.

³⁵ Lindstrom, Gustav: “Developments and Implications on Missile Defence”, *Geneva Papers*, no. 25 (Mar. 2012), p. 21.

³⁶ Statement by Dmitry Medvedev in connection with the situation concerning the NATO countries’ missile defence system in Europe, (23 de noviembre de 2011), en <http://www.eng.kremlin.ru/news/3115>.



nuevo Tratado START; rechazar cualquier futuro tratado de reducción de armamentos; aumentar sus fuerzas nucleares ofensivas para superar al escudo por saturación; instalar misiles Iskander, también en Kaliningrado; y cortar la ruta de abastecimiento a Afganistán por el norte.

En abril de 2012 comenzó a desplegar los interceptores en Kaliningrado, con capacidad para alcanzar el territorio de Polonia y de otros países de la Europa central y del Este, amenazando con realizar un ataque preventivo contra las instalaciones del sistema defensivo si Washington seguía adelante con el programa³⁷. El presidente de Polonia, Komorowski, dijo que esto suponía un cambio para la seguridad regional que habría que abordar en Chicago, mientras que el presidente de Estonia, Toomas, hacía un llamamiento a los aliados para que tomen medidas porque los países del Báltico han perdido seguridad y han incrementado su vulnerabilidad frente al armamento real de Rusia, a cambio de instalar una defensa para toda Europa contra un hipotético ataque iraní³⁸.

Tras ganar la elecciones presidenciales, Putin confirmó que no asistiría a Chicago por razones de agenda, insistió en pedir las garantías jurídicas y declaró que, indudablemente, el EPAA estaba dirigido a neutralizar la capacidad nuclear de Rusia, porque en la actualidad no existe una amenaza proveniente de Irán o de Corea del Norte que haga necesaria tal capacidad antimisiles, mientras que sí puede afectar a sus bases de misiles en los Urales³⁹. Putin quiere que Rusia se refuerce militarmente, pero la visión de la modernización militar que él tiene en mente se enmarca en el concepto de que Estados Unidos seguirá siendo el principal enemigo de Rusia⁴⁰. De hecho, la Doctrina Militar de la Federación Rusa, publicada en 2010, identifica la expansión y la globalización de la OTAN como la amenaza más importante para Rusia⁴¹, mientras que nunca han considerado que Irán sea un “rogue state”. A pesar de acceder a negociar, Moscú siempre ha pensado que los programas antimisiles estadounidenses tienen como último objetivo degradar la disuasión nuclear rusa, quedando así Estados Unidos con superioridad estratégica y con un instrumento muy importante de presión política. Además, los dirigentes moscovitas tienen el convencimiento de que el EPAA seguirá adelante independientemente del estado del programa nuclear de Irán y del desarrollo de sus misiles. También piensan que tal sistema favorecería la proliferación en general, siendo Rusia más vulnerable a esta circunstancia debido a su proximidad geográfica a la zona donde podría incrementarse dicha proliferación. En definitiva, prefieren que siga funcionando el tradicional sistema de disuasión junto con el mantenimiento de buenas relaciones con los nuevos Estados nucleares⁴² y han obtenido el apoyo de China para condenar el EPAA, que considera que el despliegue unilateral e ilimitado de sistemas defensivos por cualquier Estado o grupo de Estados puede afectar a la estabilidad estratégica y a la seguridad internacional⁴³.

³⁷ Benitez, Jorge: “Report: Russia deploys S-400 missiles near NATO border”, *Atlantic Council* (4 Abril 2012), en <http://www.acus.org>.

³⁸ “NATO Objects to Russian Deployment of Antimissile Units in Kaliningrad”, Nuclear Threat Initiative (NTI), *Global Security Newswire*, 18 de abril de 2012, en <http://www.nti.org/gsn/article/nato-objects-russian-deployment-antimissile-systems-kaliningrad/>.

³⁹ “NATO Sees Preliminary Ballistic Missile Shield Capability by May”, NTI, *Global Security Newswire*, 3 de febrero de 2012, en <http://www.nti.org/gsn/article/nato-foresees-interim-ballistic-missile-shield-capability-may/>.

⁴⁰ Trenin, Dmitri: “Putin’s National Security Vision”, Carnegie Endowment for Peace, *Commentary* (23 de febrero de 2012), en <http://www.carnegie.ru/publications>.

⁴¹ “Voennaya Doktrina Rossiiskoy Federatsii”, 5 de febrero de 2010.

⁴² Arbatov, Alexei: “Gambit or Endgame? The new State of Arms Control”, Carnegie Endowment for Peace, *Carnegie Paper* (marzo de 2011), en <http://www.carnegieendowment.org/2011/03/29/gambit-or-endgame/2ya0>.

⁴³ Collina, Tom: “Missile Defense Cooperation Stalls”, *Arms Control Today*, vol. 41, no. 6 (Jul/Aug 2011).



Los europeos siguen defendiendo la cooperación entre Estados Unidos, Rusia y Europa para desarrollar una defensa antimisiles porque podría cambiar radicalmente el escenario internacional y transformar la naturaleza de las relaciones de seguridad, ya que ahora se trataría de cooperar para afrontar una amenaza a la seguridad común. Es por ello que -a pesar del estancamiento diplomático- creen que conseguir esta cooperación debe de ser una de las mas altas prioridades porque es un componente crítico en la construcción de una comunidad de seguridad más amplia y no debe permitirse que desaparezca del centro de la agenda de seguridad. Opinan que si no se consigue un acuerdo de cooperación con Rusia tendrá profundos efectos perniciosos no sólo sobre el proyecto de conseguir una más incluyente comunidad de seguridad euro-atlántica, sino también en el futuro de la cooperación en general y de las relaciones entre Estados Unidos y Rusia en particular. También recuerdan que las consecuencias de no conseguir esa cooperación son predecibles, pues ya las hemos padecido con anterioridad: una carrera de armamentos con un gran coste económico, elevación de la tensión y la desconfianza, e incremento de la probabilidad por ambas partes de cometer errores con el armamento nuclear.⁴⁴ La cooperación con Rusia en el desarrollo de una defensa antimisiles, como admitió Medvédev,⁴⁵ puede favorecer la fluidez de las relaciones y facilitar que se llegue a importantes acuerdos para reducir el armamento nuclear y convencional, así como para ganar en seguridad. Y este hecho, clave para la seguridad, es posible.

5. Conclusiones: Apuesta por una iniciativa europea sobre defensa antimisiles

Quedan aún muchos años para que el EPAA llegue a estar plenamente operativo, si es que se consigue desarrollar todas las tecnologías necesarias para que llegue a estarlo, si su coste es asumible en un entorno de crisis económica o si las relaciones con Rusia y las repercusiones para el régimen de control de armamentos y no-proliferación aconsejan la implementación de las últimas fases. En cualquier caso, los europeos siguen considerando que el desarrollo del EPAA les sirve para reforzar el vínculo transatlántico y como elemento de cohesión, en un momento en que la OTAN va perdiendo contenidos, pues hay abiertos canales de diálogo con Rusia y se van a retirar las tropas desplegadas por los aliados en Afganistán. También en un contexto en el que el futuro del armamento nuclear que Estados Unidos tiene estacionado en suelo europeo se está cuestionando y cuando Europa corre el riesgo de caer en la irrelevancia estratégica y convertirse en una mera plataforma logística, porque la proyección estratégica de Estados Unidos se está desplazando hacia Asia y el Pacífico⁴⁶.

Hasta ahora la Unión Europea ha mostrado muy poca voluntad por abordar el asunto de las defensas antimisiles, conscientes sus dirigentes de la dificultad de llegar a una posición común, cuando la política europea está enfocada a potenciar el desarme y la no-proliferación y un sistema antimisiles podría provocar el efecto contrario si se optara por saturarlo. Pero si verdaderamente se considera que el EPAA es un elemento de cohesión, la única forma de reforzar el vínculo transatlántico y una manera de potenciar la cooperación con Rusia, se debería de abrir un debate sobre un tema que podría resultar decisivo para el futuro de la seguridad europea y para la propia filosofía de defensa de la UE. Creemos que en la Unión

⁴⁴“Missile Defense: Toward a New Paradigm”, en http://www.carnegieendowment.org/files/WGP_MissileDefense_FINAL.pdf.

⁴⁵ Medvedev Dmitry: “Address to the Federal Assembly”, Russian Presidency (30 de noviembre de 2010), en <http://www.kremlin.ru/transcripts/9637>.

⁴⁶ Thränert, Oliver: “NATO, Missile Defence and Extended Deterrence”, *Survival*, vol. 51, no. 6 (Dic. 2009).



Europea se debería de tomar la decisión política de poner formalmente en marcha una Iniciativa de Defensa Antimisiles, que comenzara por asumir unos mínimos denominadores comunes que posibilitaran un acuerdo en cuanto al riesgo y la amenaza a afrontar, y unos objetivos mínimos a cubrir, programando una hoja de ruta y una agenda -que posteriormente se podrían ir ampliando- y buscando la colaboración de los centros de investigación y de la industria militar. Sería una forma de potenciar estos sectores y de invertir en I+D+i. Así se paliaría la dependencia tecnológica con respecto a los Estados Unidos y se evitaría ir siguiendo siempre la estela de lo que las sucesivas administraciones estadounidenses van proponiendo en función del presidente de turno. Una Iniciativa que también serviría para reforzar e impulsar la política común de seguridad y defensa en un momento en que ésta no progresa y se han paralizado algunos avances que se habían puesto en marcha.





RUSSIA'S NON-PROLIFERATION POLICY AND THE CHALLENGES OF ROGUE PROLIFERATION

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Abstract:

This paper analyzes the role of Russia in nonproliferation global efforts, providing a comprehensive overview on Russian nonproliferation, disarmament and arms control policies. With this aim, it will review the main strategic Russian documents on this topic, its participation in nonproliferation regimes and international initiatives, as well as its political approach to the topic. Russia's role in the Iranian and North Korean nuclear challenges as the main current nuclear proliferation concerns is examined. Based on current international engagement and domestic rules and statements, the paper shows that Russia is, at present, a non-revisionist pragmatic actor; but one that is ready to defy the established legal and political order if a threat to its security or interest is present.

Keywords: Russia, nuclear proliferation, North Korea, Iran, nuclear posture, NATO.

Resumen:

Este artículo analiza el papel de Rusia en los esfuerzos globales de no-proliferación, ofreciendo una visión global sobre la no proliferación rusa, desarme y políticas de control de armamentos. Con este objetivo, se van a analizar los principales documentos rusos en este tema, su participación en los regímenes de no proliferación e iniciativas internacionales, así como su postura política hacia este tema. El papel de Rusia en los desafíos nucleares de Irán y Corea del Norte como principales problemas de proliferación actuales es analizado. Basándose en los compromisos internacionales actuales y las normas domésticas y las declaraciones, este artículo muestra que Rusia, es, por el momento, un actor pragmático y no revisionista, pero dispuesto a desafiar el orden político y legal establecido si una amenaza a su seguridad o intereses se presenta.

Palabras clave: Rusia, proliferación nuclear, Corea del Norte, Irán, postura nuclear, OTAN.

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1. Introduction

On early April 13th 2012, North Korea fired a long-range rocket. While the launch from the west coast hamlet of Tongchang-ri failed, the threat remains present.² North Korea had announced it would send a three-stage rocket mounted with a satellite as part of celebrations honoring national founder Kim Il Sung on April 15th and denied the aim was a missile launch. The Pyongyang regime's explanation was that the agreement with the US covered ballistic missiles tests, not the launch of satellites. A third launch by North Korea was foreseen when they broke the negotiations with the US to stop its nuclear program in exchange for food aid.³ A negative international reaction followed resulting in the UN Security Council's condemnation of the launch and a call for tighter sanctions on North Korea.⁴

A few days later, India successfully fired an intermediate range ballistic missile (Agni V) to a distance of 5000 km.⁵ It is part of its retaliatory, no-first use strategic deterrence based on nuclear weapons. According to official views, it represents a deterrence weapon against China, whose Dong Feng IRBM variants are deployed across Tibet, Kunming and Chengdu and are capable of striking major cities, including New Delhi.⁶ However, "official" nuclear powers have reacted nervously as the intercontinental missile can "cover" China and even reach Eastern Europe⁷ while Pakistan fears that it may lead to an eventual escalation of arms race in Asia. The successful test moves India closer to developing a nuclear-capable deterrence against China, joining other nuclear powers which possess similar long-range missiles. Russian analyst B. Volkonsky stated that with the Indian launch, the nuclear weapon is no longer a weapon of dissuasion but a blackmail instrument.⁸ Proliferation of nuclear weapons wobbles the above stability guarantee by the then five nuclear powers. As for the other big proliferation issue, Iran, the international community continues their negotiations with the Islamic Republic regarding the end of its nuclear program. In fact, an important round of talks took place in Moscow, on the 18th and 19th of June 2012.

As for NATO, since there are diverse views on the long-term requirement of U.S. nuclear weapons in Europe, allied leaders meeting in Chicago were unlikely to reach a consensus on major decisions to reshape the Alliance's deterrence and defense posture. This is despite the significant discussions between member states over the past months.⁹ The review document maintains deterrence as the Alliance's main aim with nuclear, conventional and missile defense forces as its means. The role of US nuclear weapons is recognized. Allies concerned by reductions of non-strategic nuclear weapons assigned to NATO will ensure that

² *The Washington Post*, 12 April 2012.

³ "North Korea retaliation threat follows international condemnation", *Jane's Intelligence Weekly*, 18 April 2012.

⁴ UN Security Council: Presidential Statement, *S/PRST/2012/13* (16 April 2012), supported by China. As a result of the vote at the UNSC, the IAEA announced on 18 April that an inspection planned as part of the Leap Day agreement would go ahead. The resolution was described by North Korean Foreign ministry as "hostile act" and stated his country was no longer bound to the moratorium on nuclear and missile tests. "North Korea retaliation threat follows international condemnation", *cit.*

⁵ Launched on 19 April 2012. Probably India will undertake more tests in the near future to confirm Agni 5's technical parameters. See, "India successfully test-fires long-range missile", *Jane's Intelligence Weekly*, 20 April 2012.

⁶ With the lost of the 1962 border war with China in mind, India now claims its development of nuclear weapons is due to Beijing's burgeoning nuclear arsenal: "India successfully test-fires long-range missile", *Nezavisimaya Gazeta*, 20 April 2012.

⁷ *Izvestia*, 20 April 2012, p.5.

⁸ *Kommersant*, 20 April 2012, p.8.

⁹ NATO Deterrence and Defence Posture Review, at http://www.nato.int/cps/en/SID-81FB6752-9726DAA7/natolive/official_texts_87597.htm?mode=pressrelease



all components of NATO's nuclear deterrent remain safe, secure and effective. NATO has also declared its readiness to consider further reduction of non-strategic nuclear weapons assigned to the Alliance. However, this will be done only in reciprocal steps with Russia and once it has been assured the broadest possible participation of the Allies.

This brief overview describes the international framework as an environment where nonproliferation policies are often challenged, making international efforts to promote nonproliferation and the position of big powers increasingly relevant. Russian approach to nonproliferation becomes essential as a balancing and influential power in the main nuclear controversies in the sense that some of the involved countries have a different and less hostile attitude towards Russia than towards the United States.

This paper analyzes the role of Russia in nonproliferation global efforts. It attempts to provide a comprehensive overview on Russian nonproliferation, disarmament and arms control policies.¹⁰ With its focus on Russia, it can fill-in a research gap that currently exists in the nonproliferation literature. Having this aim, it will review the main strategic Russian documents on this topic, its participation in nonproliferation regimes and international initiatives, as well as its political approach to the topic following government officials' statements, Russian position in international discussions and its role in the Iranian and North Korean nuclear challenges. A detailed analysis on some of these specific issues will be the object of further researches following this comprehensive approach.

Based on current international engagement and domestic rules and statements, the paper shows that Russia is a non-revisionist actor.¹¹ But one that is ready to defy the established legal and political order if a threat to its security or interest is present. Russia's pragmatic approach is based on priorities for national interests. The paper also shows the insufficiency of any big power to act in isolation against the global and common nuclear threats.

2. Russian Strategic Approach to Nonproliferation: National Security Strategy and Russian Nuclear Posture

Similar to other countries' National Security Strategy documents, Russia's address the issue from a comprehensive approach where all tools (state, private or civilian community tools) can be used to guarantee national security, with or without international cooperation, in a complex and uncertain framework.¹²

Russia's 2020 National Security Strategy (NSS 2020)¹³ avoids any broader discussion on Russia's nuclear policy, confirming only its further reliance on nuclear deterrence and

¹⁰ References to nuclear disarmament are included as disarmament, nonproliferation and peaceful uses of nuclear power are the three pillars sustaining the Nonproliferation Treaty (NPT) regime.

¹¹ Yuan-Kang, W.: "Offensive Realism and the Rise of China", *Issues & Studies*, vol. 40, no. 1 (2004), pp. 173-201; Snyder, G. H.: "Mearsheimer's World. Offensive Realism and the Struggle for Security", *International Security*, vol. 27, no. 1 (2002), pp. 149-173; Schweller, "Missed opportunities...", *op. cit.*; "Bandwagoning for Profit...", *op. cit.*

¹² Enseñat y Berea, A. F.: "A qué responden las Estrategias de Seguridad Nacional", IEES, *Documento de Opinión*, no. 31 (2012).

¹³ Signed on 12 May 2009 by President Medvedev, decree No.537. A detailed comment on the NSS 2020, in Schröder, H.: "Russia's National Security Strategy", *Russian Analytical Digest*, no. 62 (June 2009), and in Morales, J.: "Russia's New National Security Strategy: Towards a Medvedev's Doctrine?", Real Instituto Elcano, *ARI*, no.135 (2009).



nuclear parity with the United States. From a defensive and cooperative position, the NSS 2020 states that the country has to prevent global and regional wars and likewise to realize strategic deterrence in the interests of ensuring the country's military security (§26). Military security can be threatened by policies of foreign countries directed at achieving predominant superiority in the military sphere. Primarily in terms of strategic nuclear forces or by creating a global missile defense system, and policies directed at the proliferation of nuclear, chemical and biological technologies, and the production of weapons of mass destruction, their delivery systems or components (§30). Two terms seem to be important: the balance of military power – mainly the balance of nuclear power- and the nonproliferation of weapons of mass destruction. Preventing terrorists groups from accessing and obtaining nuclear and/or chemical weapons is seen as important as avoiding their rise of new nuclear states (§37).¹⁴ Both terms define Russian approach to nuclear nonproliferation that will be, in principle, a multilateral effort and according to International Law. Thus, Russia is in favor of the achievement of new full-scale bilateral agreements on the continued reduction and limitation of strategic offensive arms. However, it still maintains parity with the United States of America in this area, given the deployment of a global missile defense system and implementation of a global lightning strike concept using nuclear and non-nuclear equipped strategic bombers (§96). It also declares that Russia will participate with other states in the reinforcement of international mechanisms for nonproliferation of nuclear weapons, means of delivery and related goods and technologies (§94). The promotion of nonproliferation and of a world free from nuclear weapons is the best way to ensure strategic stability and conditions of equal security for all (§90).

Comparing the threats to Russian security from nuclear weapons and nuclear policies with the way to cope with them, one has the impression that, in some ways, the risks analysis made by the NSS 2020 is not completely coherent and that there is a certain disparity between aspirations and resources. The security risks, in defense terms, are mixed with what in fact is only a political aim, the strategic arms balance with the US. But this is a clear consequence of one of the principles guiding the Foreign Policy Concept, adopted in July 2008:¹⁵ to consolidate Russia as a great power in the international arena. In the same vein, it is dubious that NATO enlargement was, by its very nature, a threat to national security. Both statements reflect the persistence of a Cold War philosophy together with a clear conscience of the new threats to its security. A much clearer security threat is the non-compliance with international arms control. It is to remember that the US denounced the ABM Treaty in 2002, or NATO countries refused to ratify the Adapted Conventional Forces in Europe Treaty. But here again, Russia reacted in a different way depending on the state involved in such non-compliance, as can be seen in the cases of Iranian and North Korean nuclear programs.

In a more specific area, the Russian government adopted, in September 2008, a new Arctic Strategy.¹⁶ Its main goal is to transform the Arctic into Russia's top strategic base for natural resources by 2020 and preserve the country's role as a leading Arctic power. According to the Strategy, one of Russia's major aims is the establishment of special Arctic military formations in order to protect the country's national interests in various military and political situations. It serves mainly to combat terrorism at sea, smuggling and illegal migration, as well as protect aquatic biological resources. The document underscores its

¹⁴ A regime of secure functioning of enterprises, organizations and institutions belonging to the country's military-industrial, nuclear, chemical and nuclear energy complexes is also foreseen in §40.

¹⁵ Haas, M: "Medvedev's Security Policy: A Provisional Assessment", *Russian Analytical Digest*, no. 62 (August 2009), pp. 2-5.

¹⁶ "Osnovy gosudarstvennoi politiki Rossiiskoi Federatsii v Arktike na period do 2020 goda i dalneishuiu perspektivu", at <http://www.scrf.gov.ru/documents/98.html>.



cooperative character emphasizing the need to preserve the Arctic as a zone of peace and cooperation, and underlining the role of regional bilateral and multilateral cooperation. Consequently, it seems clear that nuclear weapons or materials will stay out of the Arctic area.

The 2010 Russian Military Doctrine develops some of the concepts included in the NSS 2020. Contrary to expectations, it somewhat reduces Russia's reliance on nuclear weapons in its national security policy.¹⁷ In particular, the New Military Doctrine reduces the role of nuclear weapons by setting stricter criteria for its use. The new criterion for the employment of nuclear weapons is the threat to Russia's very existence, and not only situations critical for national security, as was the case before.¹⁸ As has been shown, the new shift in Russian nuclear policy has clear indications of being influenced by the US Nuclear Posture Review, and it has not added new missions for its nuclear forces.¹⁹ Nuclear restraints by the US or Russia changes the terms for bargaining and cause other powers to adjust their nuclear policies when they judge such changes to be in their broader interests. This is an important fact this paper will use later to produce a realist lecture of the Russian nonproliferation policy. In 2009, Russia had a different perception of its security environment and it favored the agreement on the new START as well as some modest changes in its national nuclear weapons posture.

If the 2000 Military Doctrine considered the use of nuclear weapons for regional and large scale wars, the 2010 Military Doctrine²⁰ follows the 1993 Doctrine and limits them to global war (at least in the doctrine terms). When the military doctrine was first discussed in October 2009, Russian officials were in favor of a new flexible nuclear doctrine which includes a wide range of potential uses of nuclear weapons, even a preventive nuclear strike on the aggressor and to repel an aggression with the use of conventional weapons not only in a large-scale war but also in regional and even local wars. As previously mentioned, while the final version maintains a nuclear response in the face of a nuclear or conventional aggression, the latter would only be justified against attacks that are "imperiling the very existence of the state".²¹ The New Doctrine keeps the first-use clause, as a nuclear response is possible not only against a nuclear or other WMD attacks but also against a conventional one. According to the Military Doctrine, in order to cope with the task assigned to nuclear weapons, it is important to keep strategic stability and the nuclear deterrence capability at the level of sufficiency. It means the ability to create and perform a tailored deterrence against aggressors under any circumstance. An important note is that high-precision weapons, eventually conventional, also have a strategic deterrence mission. However, there is no reference to tactical roles for nuclear weapons.

This brief review of the Russian strategic texts can draw the conclusion that, even if Russia continues to fear being encircled by enemies, the apparent role of nuclear weapons in national security is more limited than in previous military documents. Russia's 2010 Military

¹⁷ The same date, February 5th, President Medvedev signed too "The Foundations of State Policy in the Area of Nuclear Deterrence until 2020", document which has not yet been made public. "The Military Doctrine of the Russian Federation", at www.sras.org/military_doctrine_russian_federation_2010.

¹⁸ Sokov, Nikolai: "The New 2010 Russian Military Doctrine: The Nuclear Angle", *CNS* (February 2010) at http://cns.miis.edu/stories/100205_russian_nuclear_doctrine.htm.

¹⁹ The NPR was published in April 2010, later than the Russia Military Doctrine, but had been anticipated by President Obama speech in Prague, April 2009. See Sagan & Vaynman: "Conclusions", *The Nonproliferation Review*, vol.18, no. 1, especially pp.238-243. The authors outlined also the impact of NPR on the position of non-nuclear weapon states during the 2010 Review NPT Conference.

²⁰ Military Doctrine was elaborated by a working Group headed by the former chief of the general staff, Yuri Baluevsky.

²¹ Povdig, Pavel: "Instrumental Influences", *The Nonproliferation Review*, vol. 18, no. 1 (2011), p. 47.



Doctrine emphasized the role of conventional forces, especially of high-precision assets, communications and command and control systems; elements in which Russia is usually behind other military powers. This can be interpreted both as a confirmation of Russia's will to modernize the Armed Forces to close the existent gap as well as a contribution in efforts to reduce nuclear weapons globally and domestically. Concerning military reform, in April 2012 President Medvedev announced that it was "practically completed" and the country's military forces must be ready by 2017 to respond to US missiles defense plans in Europe.²²

On his side, then Prime Minister Putin said one of the main threats to Russian security is nuclear weapons proliferation and thus Russia's foreign policy aims to stop nuclear proliferation in Iran and North Korea. In order to be credible, the country needs to be strong.²³ As Prime Minister Putin pointed out, the current reality of precision-guided weapons systems, the advent of ballistic missile defenses, the prospect of weapons in the space and cyber-threats of all types makes maintaining strategic stability a much more complex exercise.²⁴ For this reason, at the moment he was facing his election as Russian President, Putin promised a large-scale military modernization that includes adding 400 intercontinental and submarine-launched ballistic missiles and eight ballistic missile submarines within the next ten years.²⁵ Even within Russian establishment, the question of whether this massive spending is sustainable is controversial, as Russia's growth prospects have been revised downward during the last year. Moreover, the modernization of the Russian Armed Forces demands close cooperation with Western countries, which can provide resources for this process. Hence, a progressive demilitarization of the Russo-American relations is needed and which will impact on Russia's position concerning nuclear deterrence and on its efforts in nonproliferation.

3. Russian Participation in International Nonproliferation Agreements and Forums²⁶

From a normative and positivist point of view, Russia's involvement in most international agreements on nonproliferation is both positive and constructive. Russia participates in the main regimes related to nonproliferation: nuclear disarmament, multilateral regimes for nonproliferation of new nuclear states and confidence measures agreements, monitoring and protection of nuclear materials export or traffic and nuclear forensics; formal and informal international regimes and fora.

This involvement is a tool aimed for national interests, improving Russian position in nonproliferation efforts and also as a way to persuade by the force of law and international cooperation. This section considers the main instruments that Russia is part of, in relation to nuclear disarmament and nonproliferation. This is especially with regards to regulations on

²² Until 2020 it is expected Russia to expend at least 2.8% of GDP. See *Moskovskie Novosti, Vedomosti, RBK daily*. April 2012.

²³ Putin, Vladimir: "Rusia y el mundo en transformación", *Moskovskie Novosti*, 28 February 2012.

²⁴ Trenin, Dimitri: "Putin's National Security Vision", Carnegie Moscow Center - Carnegie Endowment for International Peace, (March 2012), at <http://carnegie.ru/publications/?fa=47273>

²⁵ *Ibid.* This modernization demands 23 trillion rubles—more than \$750 billion over a decade—and should also buy Russia 20 multipurpose submarines, 50 surface ships, 100 military spacecraft, 600 aircraft, over 1,000 helicopters, 28 S-400 missile interceptors.

²⁶ 1963 Partial Nuclear Test Ban Treaty, 1968 Nuclear Non-Proliferation Treaty, 1972 Anti-Ballistic Missile Treaty, 1974 Threshold Test Ban Treaty, 1987 Intermediate-Range Nuclear Forces Treaty, 1991 START I, 1993 START II, 1994 United States – Russia mutual detargeting, 1996 Comprehensive Nuclear-Test-Ban Treaty (not into force), 1997 START III, 2002 Strategic Offensive Reductions Treaty, 2010 New START.



nuclear tests, nuclear exports and stockpiles, nuclear smuggling, control on missiles and nuclear forensics.²⁷

3.1. Bilateral Agreements on Nuclear Disarmament

Russia has engaged in bilateral agreements with the US in order to reduce their respective nuclear arsenals and thus reducing the inherent risk to global security. These reductions were profitable for both sides, considering the maintenance cost of nuclear facilities and the obsolescence of some nuclear weapons and launchers. Moreover, for the Soviet Union, any reduction was advantageous considering its traditional superiority in conventional weapons.

First, the then Soviet Union participated in the Strategic Arms Limitation Talks (SALT I and II, 1969-1972, 1972-1979) with the United States as well as, as the Russian Federation, in the Strategic Offensive Reductions Treaty (SORT 2002) that mandates both parties to mutually decrease strategic nuclear weapons and reserving the right to determine the structure of their strategic offensive arms.

In the nineties, a new series of bilateral negotiations started, resulting in the signature of the Treaties on Strategic Arms Reduction (START I, 1992 and START II, 1997²⁸). If SORT did not provide any mechanism for verification, the START treaties were equipped with these mechanisms, providing mutual transparency and security. The new START is the most recent agreement, signed on April 14th, 2010. It establishes a limit of 1,550 deployed strategic nuclear warheads and also an aggregate limit of 800 deployed and non-deployed ICBM launchers, SLBM launchers and heavy bombers equipped for nuclear armaments. The timeframe for the implementation of these reductions is seven years after the Treaty's entry into force.²⁹ The added value of the bilateral nuclear arms reduction or control is its positive impact on nonproliferation. In fact, many non-nuclear states refused further nonproliferation engagements within the NPT if the big nuclear powers, US and Russia, did not reach an agreement to reduce their nuclear arsenals.

3.2. Multilateral Engagements on Nonproliferation

Russia is also a founder signatory of the Nuclear Nonproliferation Treaty (NPT), the most important international regime to avoid nuclear proliferation working on a multilateral basis.³⁰ Its indefinite extension of validity was agreed with difficulties in a 1995 revision conference as a package deal, which includes a decision on nonproliferation and disarmament principles and aims, a decision on the reinforcement of treaty revision process and a resolution on the settlement of a zone free from nuclear weapons in Middle East. Among the objectives related with the disarmament was the finishing of a treaty on the complete ban of nuclear tests, the negotiation of a treaty on fissile material production with a verification mechanism, and steady progress towards reduction and finally elimination of nuclear weapons.

²⁷ A complete description of all the international engagements adopted by Russia on WMD, at <http://www.nti.org/country-profiles/russia/treaties/?page=2>.

²⁸ On 14/7/2002 Russia declares it null and voids it due to US refusal to ratify the Treaty and to US withdrawal from the ABM Treaty.

²⁹ An analysis of the New Start, in N. Fernandez Sola: "Una respuesta multilateral a la proliferación nuclear: las perspectivas de la conferencia de revisión de 2010 del Tratado de No Proliferación Nuclear", *Anuario de Derecho Internacional* (2009), pp.319-345. The text of the treaty in <http://www.state.gov/t/avc/newstart/c44126.htm>.

³⁰ The treaty was negotiated from 1957 to 1968 and signed in London, Washington and Moscow the 1st July 1969. It entered into force in 1970, 5th March, for a 25 year-period.



Russia is signatory of the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT), banning any nuclear weapon test explosion or any other nuclear explosion.³¹ However, as it is well known, the CTBT has not yet entered into force, as it needs the ratification by all states listed in Annex 2 of the Treaty. Among these states, the Democratic People's Republic of Korea, India and Pakistan have not signed, and China, Egypt, Iran, Israel and the US have not ratified. The US and China, the only remaining NPT Nuclear Weapon states that have not ratified the CTBT, released a joint statement declaring that "both sides support early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT)" and "agreed to work together to achieve this goal",³² but neither the United States nor China have ratified the treaty. Under these conditions, one can easily guess the negative perception that countries like Russia have. Evidently, the ratification of the US and China will not imply the one by Iran, but could boost the odds of ratification by Egypt and perhaps Israel.

The CTBT is frequently associated with another key element in the process of nuclear disarmament: a ban of the production of fissile material for anything other than verified peaceful use. The draft Fissile Material Cut-Off Treaty, that would impose a quantitative limit on the amount of nuclear material available for weapons use, together with CTBT are integral components of the nuclear arms control regime and provide the foundation for eventual nuclear disarmament. Russia participates in the negotiations within the Conference of Disarmament and promotes the multilateral framework rather than the bilateral one.³³

One relevant issue in the international efforts towards nonproliferation is the protection of nuclear materials in order to avoid their use for criminal purposes, compromising international security. There are several legal and informal instruments in place to manage this risk. The main legal multilateral instruments are the International Convention for the Suppression of Acts of Nuclear Terrorism³⁴ and the Convention on the Physical Protection of Nuclear Materials of which Russia is a member. The Convention on the Physical Protection of Nuclear Materials was signed by the Soviet Union on May 22nd, 1980³⁵ and its amendment on September 19th, 2008. It obliges member states to ensure the protection of nuclear material during transport within their territory or on board of their ships or aircrafts.

Russia signed the United Nations International Convention for the Suppression of Acts of Nuclear Terrorism on September 14th, 2005 and ratified it on January 29th, 2007. The Convention typifies acts such as the possession of radioactive material that causes death or damage to a person, property or environment; the use of these materials or the threat to so, as well as the use of force to obtain this result. Member states engage in cooperation, exchange of information, prosecution on its territory and measures to protect nuclear material. During ratification, Russia made a statement on the unavoidable responsibility of member states for actions under this Convention.

All these elements show the Russian normative constructive approach to multilateral

³¹ Previously the Soviet Union signed the Treaty for Partial Ban of Nuclear Tests (PTBT) in 1963 and the bilateral (with the US) Threshold Test Ban Treaty in 1974 that established limitations of underground nuclear weapon test.

³² Statement on 19 January, 2011. The previous one dated from November 17th 2009. See "U.S.-China joint statement: Both sides support early entry into force of the CTBT", at <http://www.ctbto.org/press-centre/newsletters/newsletters/us-china-joint-statement-both-sides-support-early-entry-into-force-of-the-ctbt/>

³³ Discussions in the Conference of Disarmament in February and March 2011 where differences emerged in how the starting of negotiations would be accomplished. Russian Foreign Minister expressed concern that parallel disarmament initiatives would degrade the multilateral disarmament system.

³⁴ UN Convention on 13 April 2005, Res.59/290.

³⁵ Ratification by the Soviet Union on 25 May 1983 and entry into force for this country on 8 February 1987.



forums on nonproliferation. The Russian position in Nuclear Security summit is the best proof on the country's new attitude and cooperative approach to the problem. Particularly, in the last nuclear security summit in Seoul in 2012, Russia had the opportunity, as described by Rojansky, to show that it has turned the corner from being a nuclear security problem state to being part of the solution.³⁶ However, Russia remains reluctant to adopt new control measures considering the almost impossible attack against its nuclear sites or the material's smuggling to be used by terrorists. For economic reasons, the country has not begun the transformation of its facilities (including Navy submarines that use HEU propulsion) using highly enriched uranium to new ones that uses enriched uranium at a lower level in order to reduce the risk of misuse.

Another important aspect in nonproliferation efforts is the coordinated control of exports of nuclear materials or double-use materials and the prevention of nuclear smuggling. Russia is part of the main agencies and agreements on nonproliferation exports control: Zangger Committee, Nuclear Suppliers Group, Missile Technology Control Regime and Wassenaar arrangement. The Zangger Committee, a voluntary regime, was created in 1971. Its main purpose is the drafting a "trigger list" of sources of special fissionable materials and equipment or materials especially designed or prepared for the processing, use or production of special fissionable materials. The informal Zangger Committee published in 1974 a list of items that would "trigger" a requirement for safeguards and guidelines governing the export of those items to Non Nuclear-Weapons States that are not parties to the NPT. Any nuclear supply has to fulfill three conditions: a non-explosive use assurance, an IAEA safeguards requirement and a re-transfer provision (the receiving States have to apply the same conditions when re-exporting these items).

Forty-six nuclear supplier countries, including Russia, that seek to contribute to the nonproliferation of nuclear weapons associated, since 1975, in the Nuclear Suppliers Group (NSG) or "London Group". They implement two sets of guidelines for nuclear exports and nuclear-related exports. The first governs the export of items especially designed or prepared for nuclear use: nuclear material, nuclear reactors and equipment therefore, non-nuclear material for reactors, plant and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production, and technology associated with each of the above items. The second set of guidelines governs the export of nuclear-related dual-use items and technologies.³⁷ Both aim to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons. The NSG requires IAEA safeguards as a condition of supply, with full-scope safeguards as the norm.

In contrast with Zangger Committee members, NSG members are not required to be part to the NPT but they must all adhere to instruments that contain equally binding commitments. Even if serving the same objective, the NSG and the Zangger Committee differ in the scope of their trigger lists of especially designed or prepared items and in the export conditions for items on those lists. The NSG arrangement covering exports of dual-use items is a major difference between the NSG and the Zangger Committee as dual-use items fall outside the Zangger Committee's mandate. Despite both international engagements, some transfers of nuclear materials and equipment are not clearly justified except for political reasons.

³⁶ Dalton, T.; Rojansky, M. and Choubey, D: "Securing 'Loose Nukes'", Wilson Center, *CONTEXT* (29 March 2012), at <http://www.wilsoncenter.org/article/securing-%E2%80%98loose-nukes%E2%80%99>.

³⁷ IAEA document INFCIRC/254; IAEA document INFCIRC/254/Rev1, Part 1 and 2.



Finally, Russia also participates in the arrangement on export controls for conventional arms and dual-use goods and technologies (Wassenaar Arrangement), established in 1995. Currently, there are 40 states that produce or export arms or associated dual-use goods and technologies, and which implement fully effective and rigorous national export controls via national policies that do not permit the sale of arms or sensitive dual-use items to countries whose behavior is a cause for concern. The purpose of the arrangement is to contribute to regional and international security by promoting transparency with regards to the transfer of conventional arms and dual-use goods and technologies, and enhancing cooperation to prevent the acquisition of armaments and sensitive dual-use items for military end-uses if a particular situation is or becomes a cause for serious concern to the participating states.

The Russian Federation is an essential part of the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. Originally, the Global Partnership Program that was set up in 2002 focused on countries of the former Soviet Union; but the Partnership expanded its scope of activities globally in 2008. Even today, a problem subsists in the Moldovan region of Transnistria where uranium smuggling is common. Recognizing it as an important multilateral initiative which supports the Nuclear Security Summit goals and reduce the risk of WMD terrorism through cooperative capacity building on specific projects, the G8 leaders at Deauville Summit extended the Partnership, which now comprises 24 member states, beyond 2012.

Concerning missile proliferation, Russia negotiated with the United States on the Anti-Ballistic Missile Treaty (ABM) as part of the Strategic Arms Limitation Talks. Their idea was that limiting defensive systems will reduce the need to build more offensive weapons to overcome any defense that the other might deploy. The ABM was signed on May 1972 and entered into force on October 1972. The Treaty barred both countries from deploying nationwide defenses against strategic ballistic missiles. It allowed the parties to deploy two fixed, ground-based defenses of 100 missile interceptors each. In a 1974 protocol, the two sides halved the number of permitted defenses. At President G. W. Bush's initiative, the United States withdrew from the ABM on June 13th, 2002, claiming that it prevented US development of defenses against possible terrorist attacks or "rogue-state" ballistic missile attacks.

Secondly, Russian Federation (previously the Soviet Union), and other 33 states, belongs to the informal non-treaty association Missile Technology Control Regime (MTCR), established in 1987 to avoid the proliferation of missiles,³⁸ unmanned air vehicles and related technologies and, by this way, to limit the risk of proliferation of weapons of mass destruction. The regime's guidelines consist of national control laws and procedures, a two-category common control list, information sharing on any denied cases, no impediment to national space programs and presumption of denial of any transfer in terms of nuclear weapons delivery systems development and no retransfers without authorization. The parts emphasized the importance of following UN Security Council resolutions 1718, 1737, 1747, 1803 and 1835, on the issues of missile and nuclear tests by the Democratic People's Republic of Korea and the implementation of safeguards in Iran, as well as UN Security Council resolution 1540.

Finally, Russia participates in the Hague Code of Conduct against Ballistic Missile Proliferation, formerly known as the International Code of Conduct (AG res.59/91), signed by

³⁸ A nuclear-capable missile was defined as one capable of delivering at least 500kg to a range of 300km or more.



130 states in 2010.³⁹ The HCOC is a political initiative aimed at bolstering efforts to curb ballistic missiles proliferation worldwide and to further delegitimize such proliferation. It is the only normative instrument to verify the spread of ballistic missiles and shows states how they should conduct their trade in missiles. In this vein, it supplements the Missile Technology Control Regime.

In addition to anti-ballistic missile limitations, Russia indeed participates in frameworks relevant to nuclear forensics, which according to the IAEA definition, refers to the analysis of the intercepted illicit nuclear or radioactive material and any associated material to provide evidence for nuclear attribution. Thus, nuclear forensic analysis includes the characterization of the material and correlation with its production history.⁴⁰ Clearly this is one of the more recent ways to combat nuclear terrorism and nuclear material arriving in the hands of terrorists; one of the objectives of the Russian National Security Strategy.⁴¹ In this vein, Russia co-chairs the Global Initiative to Combat Nuclear Terrorism (GICNT),⁴² for example, and participates in the Nuclear Forensics International Technical Working Group (ITWG).⁴³ This informal group was founded as a result of a G-8 initiative after Ottawa Summit (1995) and Moscow Nuclear Security Summit (1996) under the Non-Proliferation Experts Group (NPEG). It reports to G-8 and cooperates closely with the IAEA Office of Nuclear Security.

On a more practical level, Russia, through the Bochvar Institute, in cooperation with the European Commission's Institute for Trans-uranium Elements (ITU), maintains a database of nuclear fuels for the purpose of assisting nuclear forensic investigations.

After running through the major nuclear treaties and regimes in which Russia is part of, we can conclude that its model of insertion results in benefits in its stability and security and is coherent with its political principles and security strategy. In fact, it shows a wide trust in international engagements and multilateral regimes. It is true that the main treaties depended on Russia's agreement but, apart from some exceptions, its process of ratification and implementation has been diligent and guided by good faith. A different question is if, in the current situation, all Russian security interests are covered by those engagements.

Recovering from more than one decade of international decline, Russia is in position to show itself as a strong country, able to protect its security and its interests, as defined in its National Security Strategy. Especially during the Medvedev's presidency, it tried to be present in the international nonproliferation fora and promote a constructive and multilateral approach in part because it does not have the power and capabilities to act unilaterally and in part because nuclear proliferation and issues related to it cannot be solved in isolation. To be marginalized from international nonproliferation regimes is risky for any country as it undermines the ability to impact on international decision-making process or even cause it to

³⁹ UN Security Council resolution 1874 (2009) forbids any launch using ballistic missile technology.

⁴⁰ International Atomic Energy Agency: Nuclear Forensics Support, Reference Manual. *IAEA Nuclear Security Series #2*, at http://www-pub.iaea.org/MTCD/publications/PDF/Pub1241_web.pdf.

⁴¹ Allison, Graham: "How to Stop Nuclear Terror", *Foreign Affairs*, (Jan/Feb. 2004), pp. 64-74. Conscious of the problem, Gen. N. Makarov affirmed the willingness of the Army to give consideration to all potential ways in which nuclear weapons may appear in certain states; See "Russian Ballistic Missile Submarine Deal Improbably this Month", Nuclear Threat Initiative, *Global Security Newswire* (25 April 2012).

⁴² Sonderman, Renee: "Global Initiative to Combat Nuclear Terrorism. Efforts in Nuclear Forensics", Global Initiative to Combat Nuclear Terrorism (GICNT) (2011), at <http://www.jaea.go.jp/04/np/activity/2011-02-02/2011-02-02-23.pdf>.

⁴³ Biro, Tamas; Chartier, Bernard; Garrett, Benjamin; Mayer, Klaus and Thompson, Paul: "Building International Cooperation in Nuclear Forensics, "The ITWG"" (2010), at <http://www.jaea.go.jp/04/np/activity/2010-10-05/2010-10-05-13.pdf>.



be considered a rogue state in terms of nuclear issues.

4. Russian Position on Iran Nuclear Program

Since 2006, Iran has continuously defied the UN who had imposed sanctions on Tehran for engaging in activities that could be used to manufacture nuclear weapons. The UN Security Council had asked the country to suspend its uranium enrichment activities until the IAEA confirms that it has not engaged in any unreported nuclear weapons-related activities.

In November 2011, IAEA reported detailed Iranian bomb-making activities. Russia, together with China, resisted imposing more UN sanctions on Iran and instead agreed that the IAEA should issue a strong resolution demanding that Tehran cooperate more with the Agency. Although it seems that neither Western countries nor Tehran are ready to use military power to force the issue, recent months have seen increased speculations concerning a possible attack from Israel.

After a brief negotiating round in a “P5+1” format on April 14th 2012, in Istanbul, a new one took place the end of May in Baghdad. With no more concrete developments, even without the limits of the “red lines” on either side, the strictest regime of sanctions was due to enter into force in July. On the 18th and 19th of June 2012, diplomats from Iran and six world powers met again in Moscow for continuing talks. But negotiations failed to defuse the standoff over Tehran’s nuclear ambitions. This time, Russian officials, as the conference’s hosts, tried to avoid a breakdown of the process. Iranian’s request of an international recognition of its right to enrich uranium and of a rollback of the tough sanctions by the European Union and the United States were a “red line” without any noteworthy concession by its side. The result is the breakdown of high-level nuclear talks.⁴⁴

A failure in negotiations, possible anytime if no progress is perceived, would imply a rise in tensions in the region, not convenient for any party, including Russia. The failure of negotiations will improve the possibilities of an attack against Iran even if it is practically impossible until the US elections and the change in Chinese government finish. Some analysts, as well as Israel representatives, consider talks as a time-wasting mechanism for Tehran to look for an extra period to continue its enrichment activities.⁴⁵

Russia’s position is against a military attack on Iran that could be catastrophic. They recognize Tehran’s right to develop a civilian nuclear program including the uranium enrichment program, but under a complete control by the IAEA. Only under these conditions could the sanctions be suspended. There has been a traditional alliance among Russia, Iran and Armenia under the fear of a Turkish influence in the area and also because the energetic monopoly that Azerbaijan pretends to have. Nuclear cooperation with Tehran began in the late eighties in a cautious manner⁴⁶ as Moscow suspected Iranian intentions of developing a

⁴⁴ Charlton, Angela and Isachenkov, Vladimir: “EU: Iran nuke meeting to continue on lower level”, *Associated Press*, 19 June 2012. EU High Representative, C. Ashton, announced the indefinite pause in negotiations and said they could be resumed only if the technical Experts meeting in Istanbul (3rd July) found enough common ground to warrant such a step.

⁴⁵ “‘Positive’ Iranian Nuclear Talks conclude in Istanbul”, *Jane’s Intelligence Weekly*, 16 April 2012.

⁴⁶ Even when Russia agreed to build a light-water nuclear reactor, the cooperation was under IAEA safeguards; See Orlov, Vladimir: “Nuclear Programs in North Korea and Iran: Assessing Russia’s position”, *PONARS Policy Memo* 178, (Nov. 2000), pp. 1-6.



clandestine nuclear-weapons program and which would be a serious damage to Russian national security.

It is useful to remember that the dynamics introduced by NPR was one of the reasons for changes in Russian arms sales to and support for sanctions against Iran. An Iran with nuclear weapons is contrary to Russian interests but Moscow does not consider this threat imminent or inevitable. This statement is in clear contrast with the one made by the head of the Russian Military General Staff affirming the danger posed by Iran and North Korea. To cope with it, Gen. Makarov said that Russia closely monitors the nuclear program developments of many countries and the analysis conducted together with US confirms that there is a probability that the threat exists, and thus agree on the necessity to create a missile defense system. In contrast, the Defense Ministry had in the past said that neither nation posed an atomic hazard to Russia or European powers as they each lacked atomic armaments as well as vehicles for sending such weapons to targets.⁴⁷ From the previous statements, one can conclude that there is a certain disagreement between government and military staff, perhaps more due to domestic considerations than to objective analysis of the threat in question.

What is perhaps as important as the Iranian threat is that its nuclear activities are driving NATO countries to support missile defense programs that can reduce Russia's nuclear deterrent.⁴⁸ The benefit Russia can obtain from Iran, apart from the important trade partnership, is the assistance in limiting US influence in Central Asia and the Middle East. At the same time, these ties allow Moscow to position itself as a mediator between Iran and the West. Working with Iran can help to address security threats in Afghanistan after the NATO pullout. However, the outcome of the Moscow talks round shows clearly the limitations of Russian power and its limited influence over Iran. Even if Russia tries to show itself as a strong self-sufficient power, a close cooperation with United States and with EU member states is needed to curb the Iranian nuclear program and protect global and regional security.

5. Russian Approach to North Korea Nuclear Program

North Korea developed peaceful energy capabilities with the support of the Soviet Union who supplied the country in the sixties with a small enriched-uranium research reactor, which was under the IAEA safeguards. The USSR also facilitated North Korean accession to the Nuclear Non Proliferation Treaty.⁴⁹ In the seventies, Pyongyang decided to create its own nuclear weapons program and started plutonium production alongside the construction of two additional powerful industrial reactors for the reprocessing of irradiated nuclear fuel and the separation of weapons-usable plutonium. In the early nineties, the USSR and later Russia considered North Korean nuclear program as one of the most serious regional nonproliferation challenges as they suspected the Korean regime of being able to manufacture a couple of nuclear warheads. Having no means to impact on North Korea's activities, Russia thought the program was frozen, even if no accurate data was available. Due to its lack of control over the situation, Russia accepted US negotiations with Pyongyang that ended with the signing of the Agreed Framework. Russia exchanged North Korea's nuclear-weapons

⁴⁷ *RIA Novosti*, 24 April 2012; See "Russian Ballistic Missile Submarine Deal Improbably this Month", NTI, *Global Security Newswire*, 25 April 2012.

⁴⁸ Weitz, Richard: "Russia's Position on Iranian Nuclear Issue", 26 January 2012, Center for Political - Military Analysis, Hudson Institute, at http://www.hudson.org/index.cfm?fuseaction=publication_details&id=8681.

⁴⁹ See Orlov, *op. cit.*, pp. 1-6.



program for construction of light-water reactors. As a result of the North Korean crisis in the nineties, Russia lost any possibility of participating in the North Korean nuclear market.

As previously mentioned, nuclear proliferation is Russia's main security concern.⁵⁰ North Korea is a border country to the Russian Federation and its nuclear status is considered unacceptable as it represents a violation of the NPT and because of the nuclear tests the country performed. According to Putin's point of view, the solution to the crisis is not military but instead, diplomatic and political means should be prioritized.⁵¹ The legal framework finds its foundation in the UN Security Council Resolution 1874. Consequently, Russia participates in the Six Party Talks,⁵² together with the US, China, Japan, North Korea and South Korea. It is therefore pertinent to reconstruct the mutual trust in the Korean Peninsula and to profit from the change in Pyongyang leadership.

A special feature of the Russian position is its approach to foreign military interventions, which is considered a precursor for further nuclear proliferation, as having nuclear weapons would shield the states against external intervention. The evidence, in this sense, is that US intervention in Iraq, showing its conventional superiority, gave rise to two different movements: on one side, Libya renounced its mass destruction weapons program and was accepted as a responsible member of the international community; on the other side, the Iranian Ayatollah regime accelerated its nuclear program because having the nuclear weapon would prevent a foreign intervention similar to the one suffered by Saddam Hussein regime. Russia's position, even from the sacred and always invoked principle of national sovereignty, cannot be supportive as it represents a serious risk for international and regional security. On the one side, it is in Russia's interest to unmask and not conceal North Korean plans, protected by China. On the other side, Russia will act taking care that US support to South Korea does not result in American leadership in the area.

6. Conclusion

This paper has tried to show Russia as a non-revisionist state concerning international regimes on nonproliferation; non-revisionist state at least in its behavior. Declaring its submission to the rules of International Law, the Russian Federation tries to show itself as a responsible state that adopts a cooperative approach on the topic. Another question would be Russian intentions: from its strategic documents it is easily verifiable that Russia's intention is to change the balance of power in its favor, which according to offensive realism would represent a revisionist attitude.⁵³ However, Russia's actual behavior does not reflect revisionism as the state lacks the capabilities to change the current balance of power by itself.

Russia's attitude can be understood from a realistic, but not offensive, approach to nonproliferation issues.⁵⁴ Far from trying to construct a new reality, it carefully attends its national interests that, by this time, are better protected by this kind of normative soft power attitude.

However, two factors can play a negative role on Russian approach: the NATO missile

⁵⁰ See Putin, *op. cit.*

⁵¹ *Ibid*

⁵² Its aim is denuclearization under the 2005 Joint Statement of the Six Party Talks.

⁵³ See Snyder, *op. cit.*, pp. 149-173; Yuan-Kang, *op. cit.*, pp. 173-201.

⁵⁴ See Schröder, *op. cit.*



defense system and the changing leadership in the main nuclear superpowers. Russia's strong opposition to the US-led efforts to build an anti-ballistic missile shield in Eastern Europe and Turkey was one of the reasons for the failure of the NATO-Russia Council on the 18th and 19th of April 2012.⁵⁵ Even if NATO argues that the system will provide protection against nuclear-armed rogue states and is not directed against Russia, Moscow considers the shield as undermining Russia's strategic response capabilities and insists that US should provide written legal guarantees.

It is useful to remember that the now defunct ABM treaty forbade the deployment of radars capable of early warning of strategic ballistic missile attack anywhere other than on the periphery of US or Soviet / Russian territory and oriented outward. The US anti-ballistic missile shield ends with the previous security-logic arguing that the threats today come from a different source. As President Obama offered a closer cooperation with Russia on this topic, Russian grievance is concerned with the level and the content of the proposed cooperation. Whereas Russia wants a unique system, NATO waits on separate systems that exchange information.

As Russia perceives an independent NATO system as an impairment of its nuclear deterrence capacity, President Medvedev announced countermeasures on November 2011, even if negotiations continued. A Conference organized by Russian government in Moscow at the beginning of May 2012 with NATO countries ended with no agreement on the topic. Some high-ranking Russian officials threatened to pull out from the nuclear arms reduction treaty, the New START, signed in April 2010. On its side, the country has toughened its stance on the issue i.e. deploying an Iskander-type air defense system in Kaliningrad.⁵⁶ These measures caused concerns in Baltic States who accused Moscow of using its opposition to the missile shield as a pretext for arms build-up in the region, and which can generate a security dilemma.

The second hypothetical negative factor in Russia's way to nonproliferation is the change in leadership, both in the US and in Russia. Having a clear influence from the US Nuclear Posture Review, the Russian position can change with the replacement of the Russian Presidency as Putin's rhetoric, at least for electoral reasons, was more confrontational. In fact, Russia's relations with NATO are set to be precarious in the coming years judging from Putin's attitude towards it.⁵⁷ Moscow appears to have adopted a more confrontational stance by blocking international gatherings if its demands are not met, even if this approach is hardly likely to be followed if Russia is interested to have its voice heard in the world arena.

As President, Putin has announced Russia's response to the enlargement of the US defense missile system in Europe. According to his statements, in 2020, Russia will have 600 new aircrafts and 1000 helicopters, spending more than four billion rubles just in the modernization of missile-carrier strategic bombers Tu-160 and Tu-95 MS⁵⁸ that are equipped

⁵⁵ "Russia and NATO divided over Afghanistan withdrawal and missile defence Shield", *Jane's Intelligence Weekly*, 20 April 2012.

⁵⁶ On the other side, maritime based intercontinental ballistic missiles *Bulava 30* concluded training phase and was approved by the Army. This new missile (internationally RSM-56, SS NX 30 on NATO classification) run 9.300 km, can hold 10 nuclear heads and avoid anti-missile defense systems.

⁵⁷ Putin called NATO "anachronistic", although he highlighted that it is doing an important job in Afghanistan. See "Russia and NATO divided over Afghanistan withdrawal and missile defence Shield", *op. cit.* However, recent reports on 18 April citing sources close to Russia's Ministry of Defence, say Moscow has halted the delivery of light –arms to Syria as a result of apparent pressure from the United States. It shows Russia's will to outline its leadership and to contribute to the conflict solution by pacific means.

⁵⁸ Kolesnikov, A., *Kommersant*, June 28, 2012.



with a new long-range guided missile. An eventual change at the White House could also enhance the possibilities of misunderstanding between the two powerful nuclear weapon states and consequently have a negative impact on nuclear nonproliferation around the world. The missile-defense issue will likely have to wait until 2013 and the outcome of the US presidential race.

In sum, in Russian nonproliferation policy, normative considerations can be neglected by political and strategic reasons: mainly the permanent goal to be at the same level as the US in terms of military and influential power as well as its aim to be considered a big power. It is in fact a big power but Russian and US leaders have to deal with the urgent issues and think through the future of the bilateral relationship, focusing on what is possible.⁵⁹ Iran and North Korea nuclear challenges are worth a better mutual understanding.

⁵⁹ D. Trenin, "Putin's National Security Vision", *op. cit.*



Annex: Russian participation in International engagements and Organisations concerning nonproliferation

**RUSSIAN
FEDERATION**

INTERNATIONAL ORGANIZATIONS	STATUS
United Nations (UN)	Member
Conference on Disarmament (CD)	Member
International Atomic Energy Agency (IAEA)	Member
Organization for the Prohibition of Chemical Weapons² (OPCW)	Member
Comprehensive Test Ban Treaty Organization Preparatory Commission	Member
G-8	Member
TREATIES & AGREEMENTS	
<i>Nuclear:</i>	
Nuclear Non-proliferation Treaty (NPT)	State Party
Comprehensive Nuclear Test Ban Treaty (CTBT)	State Party ³
Partial Test Ban Treaty (PTBT)	State Party
IAEA Safeguards Agreement	Yes (INFCIRC 327)
IAEA Additional Protocol	In force 10/16/2007
Nuclear Safety Convention	State Party
Joint Spent Fuel Management Convention	State Party
Convention on the Physical Protection of Nuclear Material	State Party
Amendment to the Convention on the Physical Protection of Nuclear Material (2005)	State Party
Strategic Offensive Reductions Treaty (SORT)	State Party
Antarctic Treaty	State Party
<i>Chemical & Biological:</i>	
Chemical Weapons Convention (CWC)	State Party
Biological and Toxin Weapons Convention (BTWC)	State Party
BTWC Confidence Building Measures (CBMs)⁴	Submitted ⁵
Geneva Protocol	State Party
<i>WMD delivery systems:</i>	
Hague Code of Conduct against Ballistic Missile Proliferation	State Party
<i>Other:</i>	
Proliferation Security Initiative	Participant
NONPROLIFERATION EXPORT CONTROLS	
Zangger Committee	Member
Nuclear Suppliers Group	Member
Australia Group	-----
Missile Technology Control Regime	Member
Wassenaar Arrangement	Member
COUNTER-TERRORISM CONVENTIONS & OBLIGATIONS	
Suppression of the Financing of Terrorism	State Party
Suppression of Terrorist Bombings	State Party
Marking of Plastic Explosives for the Purpose of Detection	State Party
Against the Taking of Hostages	State Party
Offences and Certain Other Acts Committed on Board Aircraft	State Party
Suppression of Unlawful Seizure of Aircraft	State Party
Suppression of Unlawful Acts against the Safety of Civil Aviation	State Party
Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation	State Party
Suppression of Unlawful Acts against the Safety of Maritime Navigation	State Party
Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf	State Party
Prevention and Punishment of Crimes against Internationally	State Party

Inventory of International Nonproliferation Organizations and Regimes
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Last Updated: 11/18/2010





LA ESTRATEGIA ADM DE LA UE Y LAS ARMAS QUÍMICAS: UNA COLABORACIÓN EN LA ENCRUCIJADA

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Resumen:

El 12 de diciembre del 2003, la Unión Europea adoptó la Estrategia Contra la Proliferación de Armas de Destrucción Masiva (Estrategia ADM) que se ha materializado bajo el principio de "multilateralismo efectivo". Respecto a la proliferación de las armas químicas, las iniciativas de la UE se han llevado a cabo, principalmente, dentro del régimen establecido por la Convención para la Prohibición del Desarrollo, la Producción, el Almacenamiento y el Uso, así como de su Destrucción (CAQ) mediante acuerdos de contribución con la Organización para la Prohibición de las Armas Químicas (OPAQ). No obstante, el contexto de seguridad ha evolucionado considerablemente desde que entró en vigor el régimen de la CAQ en 1997. Además el régimen establecido por la CAQ presenta vulnerabilidades, bien estructurales o bien de implantación, que pueden cuestionar su efectividad. El propósito de este artículo es analizar la evolución (o falta de ella) de la política de la UE respecto a la proliferación de armas químicas en coherencia con la Estrategia ADM a la vista de tanto los cambios de contexto de seguridad, como las debilidades del régimen de la CAQ en el que se apoya. Este análisis nos llevara a concluir que, en la medida que la UE ha confiado su política de las armas químicas a la OPAQ, se hace dependiente de las vulnerabilidades y de la evolución del régimen de CAQ, lo que puede llegar a ir en detrimento del su propia estrategia inicial.

Palabras clave: Unión Europea, Armas de Destrucción Masiva, Estrategia ADM, armas químicas, Organización para la Prohibición de las Armas Químicas.

Title in English: "The EU's MDW Strategy and the Chemical Weapons: Cooperation at the Crossroads".

Abstract:

On 12 December 2003, the European Union adopted the Strategy against proliferation of Weapons of Mass Destruction (WMD Strategy) that has been materialized under the principle of "effective multilateralism". Regarding the proliferation of chemical weapons, the EU initiatives have been carried out mainly within the regime established by the Convention on the Prohibition of the Development, Production, Stockpiling and Use, and on their Destruction (CWC) through contribution agreements with the Organization for the Prohibition of Chemical Weapons (OPCW). However, the security context has evolved considerably since the entry into force of the CWC regime in 1997. Moreover, the regime established by the CWC has vulnerabilities, due to structural or implementation reasons, which may question their effectiveness. The purpose of this article is to analyze the evolution (or lack thereof) of the EU policy on chemical weapons proliferation consistent with the WMD Strategy in view of both, the security context evolution and the vulnerabilities of the CWC regime. This analysis leads us to conclude that, to the extent that the EU has entrusted its policy of chemical weapons to the OPCW, becomes dependent on the vulnerabilities and the evolution of the CWC regime, which can become detrimental to the its own main strategy on WMD.

Keywords: European Union, Massive Destruction Weapons, ADM Strategy, chemical arms, Organization for the Prohibition of Chemical Weapons.

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1. Introducción

El 12 de diciembre del 2003, la Unión Europea presentó la primera (y única) Estrategia Europea de Seguridad “Una Europa Segura en un Mundo Mejor” (EES)², así como los principios básicos de la UE contra la proliferación reflejados en la Estrategia Contra la Proliferación de Armas de Destrucción Masiva (Estrategia ADM)³. La EES de la Unión Europea destaca la proliferación de las ADM como la amenaza potencial más grave para la seguridad, por añadidura, su combinación junto la descomposición de los Estados poseedores de ADM constituye una amenaza más radical si cabe. La combinación de estas dos graves amenazas se ha hecho resurgir el problema de las armas químicas como se ha puesto de manifiesto en las revoluciones de la “primavera árabe” en Estados poseedores de armas químicas⁴. En consecuencia, la evolución del contexto de seguridad, junto con las carencias en la implantación y los nuevos retos al régimen de la CAQ, hacen necesario cuestionarse sobre la política de las armas químicas de la UE en relación con la Estrategia ADM.

Este documento analiza la evolución de la política de las armas químicas de la UE, tras casi diez años de aquella decisión estratégica, teniendo en cuenta las debilidades del régimen de la CAQ sobre el que apoya su “multilateralismo efectivo”, así como las consecuencias y efectividad de su relación con la OPAQ respecto a los principios establecidos por su Estrategia de ADM. Así, en la segunda sección, se detallan y analizan los instrumentos legales, en forma de decisiones del Consejo y acuerdos institucionales como instrumentos para materializar la Estrategia ADM, particularmente con el régimen de la CAQ. La III sección presenta las carencias y desafíos del régimen de las armas químicas. En la sección IV se evalúa la efectividad de la acción de la UE a la vista de las amenazas y vulnerabilidades del régimen de la CAQ. Finalmente, la sección V extrae conclusiones en cuanto a la evolución de la política de las armas químicas de la UE, así como las consecuencias que las vulnerabilidades del régimen de la CAQ tienen sobre la Estrategia de la UE, terminado con una recomendación al respecto.

2. Los instrumentos de la UE en el marco de la estrategia ADM en el ámbito de las armas químicas

Los atentados del 11 de Septiembre de 2011 trajeron, entre otras, la inquietud del “todo es posible” por el riesgo de empleo de cualquier tipo de armas por parte de terroristas para conseguir sus objetivos. Esta posibilidad encontraba su paradigma en el la utilización de Armas de Destrucción Masiva por su capacidad para sembrar el terror y multiplicar los daños, haciendo resurgir el problema de la proliferación de las armas nucleares, biológicas y, como el caso que nos ocupa, químicas.

El 12 de Diciembre del 2003, la Unión Europea adoptó los dos principales documentos contra la proliferación de ADM, tanto la Estrategia Europea de Seguridad (EES), como la Estrategia Contra la Proliferación de Armas de Destrucción Masiva (Estrategia ADM).

² Council of the European Union: “A Secure Europe in a Better World: European Security Strategy”, Bruselas (12 de Diciembre 2003).

³ Council of the European Union: “EU Strategy against Proliferation of Weapons of Mass Destruction”, 15708/03, Bruselas (10 de Diciembre 2003).

⁴ Blitz, James: “Fears grow over Syria’s chemical arms”, *Financial Times*, 15 de julio 2012; “Libya’s Muammar Gaddafi had chemical weapon cache”, *BBC News*, 20 de enero 2012, en <http://www.bbc.co.uk/news/world-africa-16650192>.



Para conseguir sus objetivos, la UE decide adoptar un enfoque basado en el “multilateralismo efectivo” sobre tres elementos: Multilateralismo, mediante el fomento del sistema de tratados internacionales. La prevención, mediante la promoción de un entorno regional e internacional estable combatiendo las causas subyacentes a la proliferación (prestando especial atención a la cuenca mediterránea) y, finalmente, la cooperación internacional, mediante el estrechamiento de la cooperación con los socios clave (Estados Unidos, Rusia, Japón y Canadá)⁵.

A este respecto, la Estrategia ADM introdujo un Plan de Acción revisable (*Living Action Plan*)⁶ desarrollado en cuatro líneas de acción. La primera, de carácter pro-activo, tiene como objeto actuar con decisión contra los proliferadores. En esta línea se establecen varias medidas: primero, elevar los principales tratados, acuerdos y acuerdos de verificación a la categoría de universales y, si fuere necesario, reforzarlos. Segundo, favorecer el papel del Consejo de Seguridad de las Naciones Unidas. Tercero, incrementar el apoyo político, financiero y técnico de los sistemas de verificación. Cuarto, reforzar las políticas y la práctica en materia de control de las exportaciones. Quinto, incrementar las medidas de seguridad que impiden el acceso no autorizado a materiales, equipos y conocimientos sensibles en materia de proliferación en la Unión Europea. Finalmente, sexto, reforzar la localización, el control y la interceptación de tráfico ilícitos.

La segunda línea de acción, se puede considerar como la parte de incentivos dentro de la comúnmente llamada política del “palo y la zanahoria”. El objetivo es fomentar un entorno internacional y regional estable mediante, primero, el refuerzo a los programas comunitarios de cooperación y ayuda al desarme, así como al control y a las medidas de seguridad de materiales, instalaciones y conocimientos sensibles (particularmente los programas de las Federación Rusa); segundo, integrar la no proliferación de ADM a las actividades y políticas de la UE mediante la inclusión de la “cláusula de no proliferación” en otros acuerdos con terceros países, con el fin de incrementar su eficacia y representado la característica de “poder civil” de la UE, capaz de utilizar su potencia económica y financiera como instrumento de poder⁷.

Una tercera línea de acción, con el propósito de cooperar estrechamente con los Estados Unidos y otros socios clave. Finalmente, la cuarta línea crear las estructuras necesarias en la Unión, principalmente la creación de una unidad específica y centro de seguimiento de la aplicación de la Estrategia.

En el ámbito de las armas químicas, la Estrategia de ADM inicialmente se materializó con la primera Acción Conjunta con la OPAQ en el año 2004⁸. Esta Acción Conjunta implicaba un apoyo financiero total 1,8 millones de euros para el año 2005, sujeto a tres proyectos/propósitos: promoción de la Universalidad de la CAQ, en particular facilitar el acceso de Estados no Parte (0,2 Mill. de euros), apoyo al establecimiento e implantación de CAQ en los Estados Parte (0,4 Mill. de euros) y cooperación internacional en el ámbito de los usos pacíficos de la química (1 Mill. de euros).

⁵ Council of the European Union: “WMD Strategy”, Chapter II.

⁶ *Ibid.*, Chapter III.

⁷ Ham, Peter Van: “The European Union’s WMD Strategy and the CFSP: a critical analysis”, EU Non-Proliferation Consortium *Non-Proliferation Papers*, no. 2 (Sept. 2011), p. 4.

⁸ Council of the European Union: “On support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction”, Council Joint Action 2004/797/CFSP (22 de Noviembre 2004).



Respecto a la promoción de universalidad, el proyecto implicaba la organización de seminarios en el año 2005 para Estados no Parte en el Caribe⁹, en África¹⁰, Oriente Próximo¹¹ y Asia¹². En el año siguiente se repitió el mismo esquema de Acción Conjunta¹³ con una financiación 1,6 millones de euros.

No obstante, los atentados de Madrid y Londres pusieron de relieve los nuevos desafíos que plantean los agentes no estatales, la necesidad imperiosa de impedir que los terroristas adquieran armas de destrucción masiva o materiales relacionados con ellas y, por tanto, la importancia extrema de intensificar los esfuerzos por aplicar la Estrategia de la UE contra la proliferación de armas de destrucción masiva. Como consecuencia, en diciembre de 2006, el Consejo aprobó un “documento de reflexión”¹⁴ para mejorar la eficacia y la coherencia de la Estrategia de la UE contra la proliferación de ADM. El propósito del documento era establecer un método de trabajo cooperativo que permitiese al Secretario del Consejo y Alto Representante, a los Servicios de la Comisión y a los Estados miembros trabajar conjuntamente y obtener mejores sinergias a la vez que evitar duplicaciones. Ello supuso la creación de un centro de seguimiento, una unidad específica que sirva de centro de control y que se encargue del seguimiento de la aplicación coherente de la Estrategia de la UE, así como de la recogida de información y datos, en colaboración con el Centro de Situación. Este centro de seguimiento se crearía en la Secretaría del Consejo y la Comisión participaría plenamente en sus trabajos.

El “documento de reflexión” se materializó en la Acción Conjunta del año 2007¹⁵ (1,7 millones de euros). Aunque no supuso un incremento de presupuesto, si que reflejaba un importante cambio tanto en los propósitos, como en las prioridades de los proyectos. En este sentido, se aumentó el número de proyectos, pasando de tres a siete, añadiendo proyectos hacia nuevas áreas como la implantación nacional de la CAQ, particularmente respecto las declaraciones y legislación, la cooperación con la industria y, principalmente, la asistencia y protección contra las armas químicas (Art. X).

En el año 2008, durante la presidencia francesa de la UE, con las primeras voces cuestionando la implantación real de Estrategia del UE¹⁶ y, tras las conclusiones del seminario específico respecto el problema de la no proliferación en París del 15-16 de Julio, la política de la UE respecto a las ADM adquirió un nuevo impulso a través de las Nuevas Líneas de Acción de la UE en combatir las ADM y sus sistemas de lanzamiento¹⁷. La amenaza de las

⁹ Incluyendo invitaciones Antigua y Barbudas, Bahamas, Barbados, Republica Dominicana, Haití, Honduras y Grenada.

¹⁰ Incluyendo invitaciones Angola, República Centro Africana, las islas Comoros, Congo, República Democrática del Congo, Djibouti, Egipto, Guinea-Bissau, Liberia, Madagascar, Sierra Leona, y Somalia.

¹¹ Incluyendo invitaciones a Egipto, Irak, Israel, Líbano y Siria.

¹² Incluyendo invitaciones a Bután, Camboya, República Popular Democrática de Corea, Irak, Líbano, Myanmar, Niue, Siria, Islas Salomón y Vanuatu.

¹³ Council of the European Union: Council Joint Action 2005/913/CFSP, “On support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction”, 12 diciembre de 2005.

¹⁴ Council of European Union, “EU Strategy against the proliferation of WMD: Monitoring and enhancing consistent implementation” (12 diciembre de 2006).

¹⁵ Council of the European Union: “On support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction”, Council Joint Action 2007/185/CFSP (19 marzo de 2007).

¹⁶ Oliver, Meier: “The EU’s Nonproliferation Efforts: Limited Success”, *Arms Control Today* (May 2008), at http://www.armscontrol.org/act/2008_05/OliverFeature#28.

¹⁷ Council of European Union: “New Lines for Action by the European Union in Combating the Proliferation of Weapons of Mass Destruction and their Delivery Systems”, Bruselas, 17 diciembre 2008.



ADM en manos de terroristas/actores no estatales quedó definida como “el desafío más grande a la seguridad que los europeos pueden llegar a enfrentarse”, adquiriendo “la más alta prioridad” la lucha contra la proliferación de ADM. En consecuencia, las Nuevas Líneas de Acción tuvieron un propósito más operacional que el “multilateralismo efectivo” establecido en la Estrategia de ADM del 2003.

Así se establecieron cuatro objetivos con el propósito de ser implementados antes del final del año 2010, en primer lugar, elevar las medidas de no proliferación pasando de ser un asunto de seguridad fundamental a tener un carácter de prioridad transversal (*cross cutting priorities*) afectando a más ámbitos que los estrictamente relacionados con la seguridad (sociedad civil, industria, académicos...). En segundo lugar, identificar las mejores prácticas e implementarlas, tercero, mejorar la coordinación y movilización de las políticas de los Estados y la UE, y finalmente, identificar las áreas de mejora de la política de la UE. Para ello se establecieron cinco líneas: Conocimiento y Anticipación, Prevención, Impedimento y Detención, Cooperación y Apoyo, finalmente, Coordinación.

En cuanto a las armas químicas se refiere, las Nuevas líneas de Acción se han materializado en tres direcciones principalmente. En primer lugar, a la mejora de las capacidades de protección y asistencia contra la amenaza QBRN (químicas, Bacteriológicas, Radiológicas y Nucleares), más conocidas como “bombas sucias”. En este sentido, destaca la creación del Plan de Acción QBRN con objeto de incrementar la capacidad de prevención, detección, preparación y respuesta particularmente en regiones menos desarrolladas, que ha conllevado la creación de Centros de Excelencia QBRN en África, en la región del Mar Negro, en el Centro y Sur-Este de Asia y en el Oriente Próximo, contra la amenaza QBRN en regiones menos desarrolladas (25-30 millones de euros). En segundo lugar, la lucha contra el tráfico ilícito QBRN estableciendo un régimen de control a la exportación y tecnología de doble uso bajo el cual equipos y materiales de doble uso (listados en la CAQ) no pueden salir del territorio europeo sin una autorización específica¹⁸. Finalmente, estrechando la cooperación con la OPAQ mediante los Acuerdos de Contribución de los años 2009¹⁹ y 2012²⁰ que garantizan unos fondos de 2,1 y 2,14 Mill. de euros respectivamente.

La diferencia principal de las dos últimas contribuciones respecto las respectivas del periodo 2004-2008 se encuentra en la forma de asignación de los recursos. Al igual que muchas contribuciones nacionales, la contribución de la UE durante los años 2004-2008 fue específica para cada proyecto y sus beneficiarios. Por ejemplo, la transferencia de equipos a los laboratorios de África, el desarrollo de la base de datos de sustancias químicas sujetas a control, o la ayudas a la construcción de capacidades nacionales de protección contra las armas químicas. Si bien esta asignación inflexible puede ocasionar una disminución de la capacidad organizativa de la Secretaría Técnica de la OPAQ, y causar desequilibrios en áreas temáticas o países²¹, facilita la valoración por parte de la sociedad civil de los criterios de

¹⁸ Council of the European Union: “Setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items”, Council Regulation (EC) No 428/2009, 5 mayo 2009.

¹⁹ Council of the European Union: “On support for OPCW activities in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction”, Council Decision, 2009/569/CFSP, 27 de julio 2009.

²⁰ Council of the European Union: “Council Decision 2012/166/CFSP, In support of activities of the Organisation for the Prohibition of Chemical Weapons (OPCW) in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction”, 23 de marzo 2012.

²¹ Grip, Lina: “Assessing Selected European Union External Assistance and Cooperation Projects on WMD Non-Proliferation”, EU Non-Proliferation Consortium, *Non-Proliferation Papers*, no. 6 (Dic. 2011), p. 7.



asignación de los recursos y la coherencia con los objetivos estratégicos, al poder cotejar las cantidades asignadas con las prioridades propuestas.

Por otra parte, la UE cuenta con otros instrumentos a su disposición para alcanzar el objetivo de mejorar participación en los instrumentos multilaterales de no proliferación, la señalada “cláusula de no proliferación”. Iniciada en 2003, la cláusula tiene el propósito de integrar las políticas de no proliferación dentro del amplio paraguas de las relaciones de la UE. Básicamente, la cláusula de no proliferación es una cláusula a ser incluida como condicionante en los acuerdos (nuevos o revisados) de la UE con terceros países. Respecto su impacto en el ámbito de las armas químicas, la inclusión en los acuerdos de la UE con los respectivos terceros países ha sido aceptada generalmente, influyendo a la hora de seleccionar países beneficiarios de ayuda europea que se materializó en seminarios, visitas de asistencia y apoyo de equipos. Concretamente, de los 27 países que accedieron a la CAQ desde diciembre del 2003, 14 fueron beneficiarios de la ayuda de la UE condicionada a la inclusión de la cláusula de no proliferación²².

Adicionalmente, la UE ha desarrollado una intensa actividad en cuanto a su apoyo a la destrucción del arsenal de las armas químicas en la Federación Rusa. En primer lugar se estableció de manera bilateral en 1999²³ con 8,9 millones de Eur. para financiar la instalación de destrucción de armas químicas de Gorny. Posteriormente, en 2001 con 6 Mill. de euros apoyo a Agencia Rusa de Municiones y financiar la infraestructura de la instalación de destrucción de Shchu'ye²⁴. A partir del año 2002, dentro del Grupo del G8 (*G8 Global Partnership*) la Comisión Europea asignó 6 Mill. de euros para reconvertir instalaciones de producción de armas químicas a fines pacíficos, en el año 2003 se asignaron 0,7 Mill. de euros en apoyo de equipo para la instalación de destrucción de Kambarca²⁵. Finalmente, en el 2007, se financió con 3.14 Mill. de euros a la construcción de la instalación de Shchu'ye²⁶. En total, durante este periodo, se comprometieron 14,79 Mill. de Eur., de los cuales solamente se consumieron 10 Mill. de euros por diversos problemas de aplicación a nivel operacional. Aunque la ayuda europea no ha impedido que la Federación Rusa no pueda completar su destrucción antes de la fecha final programada por la CAQ (abril 2012)²⁷, no cabe ninguna duda que la ayuda europea fue fundamental para iniciar el proyecto de destrucción en la Federación Rusa hasta que su delicada situación económica se solucionase en el periodo 2005-2007²⁸ y pudiera asumir los costes de su propia destrucción.

²² Council of the European Union: “Note on the implementation of the WMD clause”, 19 de Enero 2009.

²³ Council of the European Union: “Establishing a European Union Cooperation Programme for Non-proliferation and Disarmament in the Russian Federation”, Council Joint Action, 1999/878/CFSP, 17 de Diciembre 1999.

²⁴ Council of the European Union: “Implementing Joint Action 1999/878/CFSP with a view to contributing to the European Union Cooperation Programme for Non-proliferation and Disarmament in the Russian Federation”, Council Decision 2001/493/CFSP, 25 de Junio 2001.

²⁵ Council of the European Union: “Implementing Joint Action 2003/472/CFSP with a view to contributing to the European Union cooperation programme for non-proliferation and disarmament in the Russian Federation”, Council Decision, 2003/874/CFSP, 8 de Diciembre 2003.

²⁶ Council of the European Union: “In support of chemical weapons destruction in the Russian Federation in the framework of the EU Strategy against Proliferation of Weapons of Mass Destruction”, Council Joint Action, 2007/178/CFSP, 19 de Marzo 2007.

²⁷ Aproximadamente un 50% de arsenal. OPCW Conference of State Parties: “Report of the OPCW on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction in 2010”, C-16/4, 30 Noviembre 2011.

²⁸ Hart, John: “Assistance for the destruction of chemical weapons in the Russian Federation: political and technical aspects”, *Background paper 5, Conference on Strengthening European Action on WMD Non-proliferation and Disarmament: How Can Community Instruments Contribute?*, Bruselas, 7-8 diciembre 2005.



3. Los desafíos actuales al régimen de las armas químicas

Aunque la validez de un régimen de seguridad pueda ser medida empíricamente en términos de resultados exactos, como el caso de la destrucción completa de un tipo de armas, no significa que los Estados Parte hayan internalizado todos los principios y normas del régimen, de forma que la efectividad pueda quedar en entredicho. En consecuencia, a pesar de que se hayan destruido una mayor parte de los arsenales de armas químicas, resulta necesario identificar las vulnerabilidades del régimen para evaluar su efectividad real. Así, los principales puntos débiles del régimen de la CAQ se pueden dividir en cinco tipos generales: las declaraciones y su implantación nacional, el proceso de destrucción y desarme, las inspecciones industriales junto los avances en la ciencia y tecnología, finalmente, la universalidad.

A este respecto, hemos podido observar un resultado desigual en cuanto al nivel de cumplimiento de las disposiciones de la CAQ en las cuatro áreas normativas principales, esto es, la norma de información o declaraciones como consecuencia de una implantación no eficiente de las Autoridades Nacionales, la norma de destrucción con los retrasos en la consecución de las destrucciones y la norma de inspección, particularmente las inspecciones industriales a la vista de los avances de la ciencia y tecnología y la universalidad con el problema de los estados fallidos.

Todo el proceso de verificación tiene su base en las declaraciones, de forma que el papel del órgano de la OPAQ que confecciona las mismas, la Autoridad Nacional adquiere un importante peso específico. Por este motivo, algunos analistas consideran, incluso desde antes de la propia llegada al acuerdo, un error descansar la responsabilidad de la verificación únicamente en la Secretaría Técnica²⁹. Así, el papel de las Autoridades Nacionales adquiere mayor relevancia si se tiene en cuenta, en un campo tan dinámico como la química y la biología, la aparición de nuevos compuestos con características tóxicas sujetos a declaración o innovadores procedimientos de producción (microreactores, nanotecnología, química combinatoria...), que pudieran pasar desapercibidos por la Secretaría Técnica. Bajo esta perspectiva, la Autoridad Nacional constituye el escalón básico, y fundamental, del proceso de verificación a nivel nacional, pero cuya efectividad tiene consecuencias sobre el régimen internacional de verificación por la posibilidad de restringir sus actividades solamente a las sustancias químicas establecidas en las listas, o aplicar una interpretación más amplia de acorde con el Criterio General de Propósito³⁰. A este respecto, resulta también imprescindible el apoyo de la industria, especialmente en los países en vías de desarrollo, donde la mayor parte de la producción se ha trasladado por motivo de costes y oportunidad de mercados emergentes. Aumentar la cooperación industria-ciencia-instituciones se hace más necesario a la vista de los cambios geográficos y de los nuevos avances de la ciencia³¹.

En cuanto a la norma de información, hemos podido observar que la cuestión de las declaraciones industriales ha presentado una significativa mejora en el grado de implantación del régimen, tras unos inicios considerados como pobres y en el margen de lo aceptable³².

²⁹ Robinson, Julian Perry: "The verification system for the Chemical Weapons Convention", *The Hague Academy of International Law, the Convention on the Prohibition and Elimination of Chemical Weapons: A Breakthrough in Multilateral Disarmament*, Martinus Nijhoff, Dordrecht (1995), p. 490.

³⁰ Feakes, Daniel: "Evaluating the CWC Verification System", *Disarmament Forum*, no. 4 (2002), p. 15.

³¹ Crowley, Michael: "Chemical weapons disarmament and the future of OPCW", *Conference report (18- 20 March 2011)*, p.12.

³² Kelle, Alexander: "Assessing the Effectiveness of Security Regimes —The Chemical Weapons Control Regime's First Six Years of Operation", *International Politics*, nº. 41(2004), p. 230. Por añadidura, la cuestión



Además, la mejora ha venido acompañada de cambio en la aproximación a los asuntos, de un enfoque cuantitativo a uno cualitativo, lo que demuestra el alcance del proceso, donde la fase de volumen general ha dejado paso a la definición y perfeccionamiento del mismo³³. No obstante, la norma esta menos desarrollada en las áreas de control de la exportación y a las actividades encaminadas a asistir, incentivar, o comprometerse en actividades prohibidas a nivel nacional. En este ámbito se hace necesaria una evolución, encontrando nuevas prácticas a nivel Autoridad Nacional o Secretaría Técnica. El hecho de que aquellas áreas estén apoyadas tan sólo marginalmente por las actividades de verificación implica la necesidad de apoyos externos para mejorar las capacidades de la OPAQ en esta área, bien mediante acuerdos que impulsen una mejora de las capacidades de las Autoridades Nacionales, mediante la demanda de más información respecto cómo éstas llevan a cabo sus obligaciones de verificación a nivel nacional y estableciendo nuevas actividades de control, siempre dentro de la legalidad de la Convención, o bien estableciendo normas adicionales de la UE que complementen las carencias de la OPAQ.

En relación con la norma de desarme, el proceso de destrucción se ha revelado como más largo y extraordinariamente más costoso de lo que se había estimado durante la redacción de la Convención. Esta dificultad ha provocado varias situaciones con consecuencias favorables y desfavorables al régimen. Por el lado positivo, la garantía en la extensión de las fechas intermedias y finales a todos los Estados Parte poseedores por igual, a pesar de la enorme diferencia de volumen de arsenal a destruir de las dos superpotencias (Estados Unidos y la Federación Rusa), respecto del resto de los Estados Poseedores (India, “un Estado Parte”, Libia y Albania), refuerza la característica “no discriminatoria” de la CAQ. Además, ha estimulado la cooperación internacional para facilitar la destrucción mediante ayudas económicas y tecnológicas a Estados Parte poseedores en dificultades financieras ya señaladas como a la Federación Rusa o Albania por parte de la UE. En cuanto al incumplimiento de la norma de destrucción por el retraso en las fechas finales de destrucción completa, puede que no resulte tan significativo si no implica un riesgo sobre los principios de régimen, especialmente cuando se ha demostrado la intención inequívoca de los Estados Poseedores de destruir su arsenal y mostrado el firme propósito de llegar al objetivo sin retrasos injustificables a la vez que garantizado la seguridad física de los arsenales pendientes. Por el lado negativo, la distribución de recursos económicos y financieros dentro de las inspecciones por rutina se ha centrado fundamentalmente en el desarme, y menos en la no-proliferación³⁴. En este sentido, a medida que el proceso de destrucción va avanzando, el principal riesgo tradicional causado por la existencia de ingentes arsenales de armas químicas en las dos superpotencias ha pasado más bien a un segundo plano por ser un riesgo bajo relativo control, con lo que debería requerir menos concentración de recursos.

No obstante, estructuralmente hay un énfasis en el concepto tradicional de aproximación a las inspecciones, por el riesgo clásico de los agentes conocidos, en detrimento de las inspecciones a instalaciones y compuestos más avanzados tecnológicamente que, en un campo en continuo avance como la química, pudieran presentar un mayor riesgo. En este punto, se ha mostrando un desequilibrio claro entre el numero de inspecciones destinadas a las

de las declaraciones industriales fue identificada en la Primera Revisión como una de las áreas prioritarias de mejora del régimen de no proliferación química.

³³ Mientras en el año 2000, la Secretaría Técnica solicitó aclaración de 88 Estados Partes, y en abril del siguiente año solamente el 46% respondió a tal, en el año 2008, el 86% de los países había enviado sus declaraciones a tiempo, incluidas las declaraciones anticipadas de actividades para el año 2009. Conference of States Parties: “Draft Report of the OPCW on the Implementation of the Convention in 2008”, C-14/CRP.1 (30 Nov. –4 Dec. 2009), p. 8.

³⁴ “Note by the Director-General Summary of Verification Activities in 2009”, OPCW Document, S/869/2010.



listas tradicionales (listas 1, 2 y 3) respecto las OCPF (*Other Chemical Production Facilities*)³⁵. Para permitir una mayor adaptación a los futuros agentes y procedimientos de producción, así como garantizar una efectiva y completa implantación de la norma de inspección en un contexto cambiante, tanto técnicamente como bajo el punto de vista de la amenaza, es necesario que se exploren nuevas aproximaciones de inspección a las instalaciones industriales, particularmente a las OCPF de lo contrario, puede quedar mermada la eficacia del régimen de las armas químicas. Las nuevas aproximaciones deben de tener en cuenta no solamente las características de las nuevas tecnologías y avances de la ciencia³⁶, sino también la migración geográfica de los focos de riesgo³⁷. En suma, la materialización del principio de Criterio General del Propósito en la norma de inspección y sus respectivas reglas queda desequilibrado en cuanto a los agentes clásicos respecto otras amenazas en el ámbito industrial³⁸. En este sentido, la UE y sus Estados miembros consideran las OCPF como un desafío al objeto y propósito de la Convención y han ejercido considerable influencia en cambiar esta tendencia³⁹, no obstante, el cambio cualitativo no ha venido acompañado de un cambio cuantitativo, ya que el número de inspecciones OCPF es bajo comparado con el número de instalaciones, siendo solamente un 3% del total de las instalaciones inspeccionables⁴⁰.

A diferencia de la norma de destrucción o la de no proliferación, la Convención no contiene reglas específicas que desarrollen la norma que prohíbe la preparación, planeamiento o la inducción al delito. Todas estas actividades se consideran como prohibidas, y se verifican subsidiariamente mediante el sistema de inspecciones por rutina, el control de las declaraciones y las inspecciones por denuncia. Así, el régimen de verificación de las armas químicas también contempla la posibilidad de lanzar inspecciones por denuncia que sirvan para restaurar la confianza y demostrar el cumplimiento. A este respecto, la consideración de las Inspecciones por Denuncia como un elemento del más alto nivel político y susceptible de ocasionar desprestigio internacional, o perjuicio a la credibilidad del régimen, ha provocado un importante efecto de disuasión a favor de la estabilidad del mismo. En contrapartida, la estabilidad creada por la disuasión puede llevar a la atrofia del instrumento, aunque la realización de inspecciones de entrenamiento sirva para adquirir o mantener cierta capacidad

³⁵ Otras Instalaciones de Producción de Sustancias Químicas, que producen que una sustancia química orgánica definida no incluida en las Listas que contenga los elementos fósforo, azufre o flúor.

³⁶ Green, Nick: "Advances in Science and Technology Relevant to BCW and CWC", presentado en la conferencia: *New Approaches to WMD proliferation*, The Royal Society, 2 de mayo 2006; Lowe, Holger; Hessel, Volker y Mueller, Andreas: "Microreactors. Prospects already achieved and possible misuse", *Pure Appl. Chem.*, vol.74, nº 12 (2002), pp. 2271–2276. También en: Kelle, Alexander (ed.): "The Changing Scientific and Technological Basis of the CBW Proliferation Problem", *A Workshop Report Preventing the Misuse of 21st Century Chemistry: State of the Art of Drug, Development and Delivery, and Selected Enabling Technologies*, Belfast (Enero 2006); Trapp, Ralf: "Advances in Science and Technology and the Chemical Weapons Convention", *Arms Control Today*, Marzo 2008. Balali-Mood, Mahdi; Steyn, Pieter, S.; Leiv K. Sydnes y Trapp, Ralf: "Impact of Scientific Developments on the Chemical Weapons Convention", *Pure Appl. Chem.*, vol. 80, nº 1 (2008), pp. 175–200. Además, la OPAQ, con el apoyo de la UE, organizó un Foro Académico y un Foro para la Industria y Protección para investigar a los cambios estratégicos para la Convención: "Note by the Technical Secretariat, The 2007 OPCW Academic Forum and the Industry and Protection Forum: In Support of Comprehensive Implementation of the Chemical Weapons Convention", Office of Special Projects S/674/2008, 1 Febrero de 2008.

³⁷ Tucker, Jonathan B.: "Verifying the Chemical Weapons Ban: Missing Elements", *Arms Control Today*, (enero-febrero de 2007), p. 4. También en: "Preparing for the Second CWC Review Conference: HSP Views", *The CBW Conventions Bulletin*, nº. 76+77 (Octubre 2007), p. 1.

³⁸ Tucker: "Verifying the Chemical Weapons Ban...", *op. cit.*, pp. 1-3.

³⁹ La comparación de inspecciones realizadas entre las lista tradicionales/OCPF fue de 32/100 en el año 2001 pasando a 83/125 en el año 2010.

⁴⁰ OPCW Conference of State Parties, C-16/4, 11 de Noviembre 2010.



operativa, éstas deberían realizarse con mayor frecuencia y más implicación de los Estados Parte, particularmente los no occidentales. En este sentido, a pesar de la clara postura de la UE⁴¹ a favor de la utilización funcional del instrumento como en otros tratados de armamento convencional (FACE, DV 99), el asunto permanece sin avance y hasta el momento las Inspecciones por Denuncia solo han sido lanzadas como ejercicios.

La universalidad ha sido y es una prioridad clave de la CAQ. Muchos de los reductos clave se encuentran en el Oriente Medio y, habida cuenta de las tensiones de la región y la historia, se encuentran entre los más propensos a usar las armas químicas. La ausencia de incluso pequeños estados de la CAQ podría socavar el tratado, proporcionando refugios o puntos de transbordo para los actores no estatales y las redes de contrabando. Sin embargo, en el actual contexto de seguridad internacional, la amenaza principal ha surgido en la cuenca mediterránea por aquellos Estados fallidos como consecuencia de las revoluciones de “la primavera árabe” que, además, son poseedores de armas químicas bien sean firmantes de la CAQ (Libia) o no (Siria). Los riesgos principales son de tres tipos, en primer lugar, que las tropas lealistas utilicen las armas químicas contra los revolucionarios como arma de último recurso, segundo, que se pierda el control de las armas químicas y caigan en manos de terroristas o delincuencia organizada, tercero y último, que durante el combate se produzca una explosión sobre los almacenes que libere armas químicas y pueda afectar a la población civil.

Aunque el riesgo es inevitable durante el periodo de combates, el problema de las armas químicas en estados fallidos que son parte de la CAQ es menor, principalmente porque ya se han establecido inventarios previos, estándares de control⁴², incluso, en caso de estar afectada población civil, se pueden ejecutar mecanismos de asistencia previstos en el Art. X. además, en el caso de Libia, la revolución ha servido para descubrir nuevas existencias no declaradas⁴³. En el caso de estados fallidos no firmantes, el problema se aumenta por la falta de información previa de las existencias, de forma que cualquier tipo de pérdida o comercio de armas químicas pudiera no quedar registrado al no existir inventarios efectuados por un organismo independiente. Finalmente, el uso como recurso desesperado, aunque menos probable debido a la fuerte presión internacional no es descartable⁴⁴.

La adhesión universal no solamente fortalecería la norma contra las armas químicas mediante la demostración de que este principio es aceptado en muchos entornos diferentes políticos, culturales, religiosos, económicos y legales. Por otra parte, el número de estados que se adhieren a un tratado es un criterio utilizado para determinar si se forma una regla de derecho internacional consuetudinario y por lo tanto es de obligado cumplimiento para todos los estados sean parte o no se hayan adherido. La CAQ entró en vigor en 1997 y, desde entonces, la membresía de la CAQ se ha incrementado de manera constante y se está acercando a la universalidad. En particular, el número de los estados partes ha aumentado más rápidamente después de la Primera Conferencia de Revisión en 2003, la aprobación un Plan

⁴¹ The Hellenic Republic on Behalf of the European Union: “Challenge Inspections: Views of the European Union”, The EU working paper, OPCW document RC-1/NAT.21 (1 de Mayo 2003).

⁴² Webb, Sarah: “Libyan chemical weapons stockpile intact: inspectors”, *Reuters*, 4 de Noviembre 2011, en www.reuters.com.

⁴³ BBC: “Libya’s Muammar Gaddafi had chemical weapon cache”, *BBC News*, 20 de Enero 2012, en www.bbc.co.uk.

⁴⁴ BBC: “Syria chemical weapons: Obama says world is watching”, *BBC News*, 23 de Julio 2012, en www.bbc.co.uk.



de Acción⁴⁵ y las Acciones Conjuntas con las UE el número de estados fuera de la CAQ se ha reducido de 40 en 2003 a 12 en 2007 y a 7 en el 2012.

4. La política europea de las armas: efectividad y coherencia

Como hemos señalado, desde la creación de la Estrategia ADM hasta la actualidad, la política de la UE respecto a las armas químicas ha estado dividida en dos periodos, cuyo punto de inflexión es la creación de las Nuevas Líneas de Acción de la UE en el 2008. Es importante señalar que la Estrategia ADM es un documento que todavía sigue vigente aunque su implantación ha sido objeto de dos diferentes dinámicas.

Durante el primer periodo, la acción de la UE en el ámbito de las armas químicas se ha materializado únicamente en Acciones Conjuntas con la OPAQ (a excepción de ayudas puntuales al programa de destrucción Federación Rusa). La característica principal de este periodo ha sido casi exclusiva dedicación de las acciones a fomentar la universalidad (en primer plano) y la implantación nacional. Así, la distribución de fondos entre los proyectos mostraba plenamente la política de poder blando de la UE, dedicando la mayor parte de los fondos a los proyectos de cooperación internacional e intercambio científico. Sirva de ejemplo los fondos destinados a la adquisición de equipos básicos (PC's) con los que poner en marcha las Autoridades Nacionales y, principalmente, impulso de las capacidades de análisis químico, lo que, además de implicar asistencia tecnológica sirve para mejorar la capacidad de vigilancia⁴⁶.

En este sentido, su principal objetivo, la promoción de la universalidad, resultó ser bastante efectiva, aunque con ciertas consideraciones. Por un lado, aunque no se pueda justificar completamente una relación causa- efecto (*attribution gap*⁴⁷), por la cual el apoyo de la UE tuviese como consecuencia directa el aumento de la membresía, es cierto que, en los años 2005⁴⁸ y 2006⁴⁹ se produjo un aumento sustantivo de las membresías que formaron parte de los programas de universalización conjunta UE-OPAQ. Con el apoyo de la UE el aumento del membresía de la CAQ sumó 14 Estados alcanzado los 181 Estados Parte. Por el otro lado, aunque los nuevos Estados Parte no supusieran en si mismo un sustantivo riesgo para la CAQ, al no tener ni capacidad indígena de producción, ni poseer armas químicas, no cabe duda que su adhesión contribuye a disminuir el número de santuarios fuera del régimen de las armas químicas que pueden servir de amparo a los proliferadores.

En el año 2007, como consecuencia del “documento de reflexión” y la creación se produjeron los primeros cambios en la asignación de fondos a programas de asistencia contra ataques con armas químicas. Resulta complicado evaluar la efectividad real de los cambios, por dos motivos principales. Por un lado, la dificultad de valorar el impacto de la financiación sobre proyectos con resultados parcialmente mesurables hasta su excepcional puesta en práctica como en el caso tanto del mecanismo de asistencia y protección, como adquisición de capacidades nacionales al ser víctima de un ataque con armas químicas. Por el otro lado, la imposibilidad de aplicar una metodología a otros de carácter más relativo, como el proyecto de amentar la concienciación parlamentaria respecto al establecimiento legal de la CAQ. Todo

⁴⁵ OPCW Document, EC-M-23/Dec.3, 24 de Octubre 2003.

⁴⁶ Council of the European Union, Council Joint Action 2004/797/CFSP, *op. cit.*, p. 67.

⁴⁷ Grip, “Assessing Selected European Union...”, *op. cit.*, p.18.

⁴⁸ Antigua y Barbados, Granada, República Democrática del Congo, Honduras y Niue.

⁴⁹ República Centro Africana, Islas Comores, Djibouti, Montenegro y Haiti.



ello, sin caer en el tópico de asociar directamente dinero gastado con propósitos conseguidos⁵⁰.

Sin embargo, las primeras iniciativas en el ámbito de la Estrategia de ADM, incluidas las de las armas químicas, todavía mostraban carencias importantes, principalmente de falta de coherencia⁵¹, la necesidad de recursos adicionales para proyectos de destrucción de arsenal química en la Federación Rusa y, finalmente, la implantación de la CAQ en algunos Estados Parte⁵². En este sentido, es significativo señalar la doble vertiente del concepto coherencia, que implica tanto la complementariedad de las actividades de la UE, actuales y en proyecto, respecto de las prioridades políticas establecidas por la Estrategia ADM y el Consejo (coherencia de los programas de ayuda), como la cohesión entre los diversos instrumentos de política exterior de la Unión y la cooperación entre las instituciones de la UE, y entre éstas y los Estados miembros⁵³.

No obstante, varios puntos son destacables respecto a la efectividad, por lado negativo, la ampliación de proyectos no llevó consigo incremento de la financiación respecto Acciones Conjuntas previas, disminuyendo así las asignaciones a partidas como el fomento de la universalidad que vieron disminuido su presupuesto a casi la mitad, aunque siguieron teniendo relativo éxito⁵⁴. Por el lado positivo, por primera vez, los resultados serían evaluados por las instituciones competentes de la UE, para este propósito, la OPAQ debía proporcionar a la Presidencia de la UE, través del Alto Representante/Secretario General y a la Comisión informes detallados de la implantación.

Revisando los propósitos, iniciativas y actividades de la UE, con los objetivos alcanzados durante este primer periodo, se puede concluir que el multilateralismo, más concretamente la potenciación de la universalidad, ha centrado todos los esfuerzos de la UE en este sentido, dejando a los otros pilares de la Estrategia, la prevención y la cooperación internacional, reducidas al mínimo. De forma general, los resultados más visibles de la cooperación con la OPAQ se han obtenido en el ámbito de la universalidad. Hasta la actualidad, la UE ha financiado a la OPAQ con más de 7 Mill. de euros en diferentes proyectos, mediante el apoyo a seminarios regionales para promover la universalización de la CAQ y, como hemos tenido ocasión de señalar, aumentando el número de adeptos en África, el Mediterráneo, Oriente Medio y el Caribe⁵⁵. Más tarde, el apoyo a la OPAQ para mejorar la universalidad ha priorizado las visitas bilaterales (en vez de seminarios regionales) con un enfoque particular en los países africanos. Además, la acción específica para la universalización de CAQ se ha completado con acción diplomática de la Presidencia de la UE y los Estados miembros mediante gestiones bilaterales ante los distintos países para

⁵⁰ Van Ham, *op. cit.*, p. 9.

⁵¹ 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, Stationary Office, Londres, (Abril 2005), p. 28.

⁵² SIPRI: "PILOT PROJECT, Strengthening European Action on WMD Non-Proliferation and Disarmament: How Can European Community Instruments Contribute?", Interim report, Estocolmo, (Noviembre 2005), pp. 28-32.

⁵³ Council of European Union, "EU Strategy against the proliferation of WMD: Monitoring and enhancing consistent implementation" (12 de Diciembre 2006), pp. 3, 6.

⁵⁴ Entre los años 2007 y 2008, firmaron cuatro Estados que, a su vez, formaron parte los proyectos conjuntos de universalidad de la UE: el Congo, Guinea Bissau, Líbano y Barbados.

⁵⁵ Entre 2008 y 2012 accedieron Bahamas, Congo, la República Dominicana, Guinea Bissau, Irak y Líbano. Dejando el número de países no signatarios en seis: Angola, Egipto, República Popular Democrática de Corea, Somalia, Siria y Sudan. Signatarios pero no ratificados: Israel y Myanmar. www.opcw.org (consultado 29 Julio 2012).



convencer a ratificar la CAQ y poner en práctica una completa implantación de sus disposiciones⁵⁶.

Por el lado negativo, durante este periodo la UE no ha llevado a cabo acciones específicas resolutorias para compensar las vulnerabilidades del régimen de la CAQ, tanto en el seno de la OPAQ, como actor independiente. En este sentido la UE parece que ha trabajado más la idea de la universalidad como representación y paradigma del multilateralismo, enfocando su esfuerzo únicamente en el apoyo al régimen existente de la CAQ, que a incrementar la efectividad de la propia Estrategia de la UE mediante el esfuerzo sus tres principios y la consecución de sus propios objetivos como actor internacional.

No obstante, los primeros avances significativos hacia la consecución de los objetivos de la Estrategia se han producido con el establecimiento de las Nuevas Líneas de Acción en el 2008. Así, aunque estas fueran creadas por la necesidad de revisar la Estrategia de la UE, o desde un punto de vista más pragmático, como llamada de atención a los Estados Parte a cumplir los compromisos en el 2003⁵⁷, han supuesto un considerable avance por tres motivos principalmente. En primer lugar, han implicado un cambio sustancial en la aproximación al problema de la proliferación de las armas químicas, pasando de una acción caracterizada principalmente por el “multilateralismo efectivo”, a diversas acciones de carácter más operativo, definidas en términos de objetivos a ser logrados y capacidades a ser adquiridas. Además, establece acciones que obligan a ir más allá del apoyo al régimen de la CAQ, como el establecimiento de sus propios Centros de Excelencia QBRN. En segundo término, supone un incremento presupuestario del 25% respecto las contribuciones anteriores a la OPAQ. Finalmente, la creación de un Consorcio de No Proliferación, que sirve de apoyo académico a los órganos de decisión de la UE.

El carácter positivo de esta evolución queda empañado por varios hechos. En primer lugar, la lentitud del proceso, habiéndose establecido finales del 2010 para implantar las medidas, se tuvo que extender el plazo hasta diciembre del 2012. Segundo, la necesidad de avanzar en las prioridades transversales (*cross cutting priorities*) como el control de visados y programas de tanto de concienciación como de códigos de conducta de la comunidad científica e industrial sensible de ser manejar sustancias de doble uso. Resulta significativo que las áreas menos desarrolladas por las Nuevas Líneas de Acción coincidan con aquellas donde el régimen de la CAQ se muestra más débil o no tenga mandato para poder ejercer su efectividad. En este sentido se explica la encrucijada donde se encuentra la UE, donde las vulnerabilidades de la OPAQ no le dejan otra elección que implantar de manera efectiva su propia Estrategia ADM.

5. Conclusiones

En 2003, la decisión de la UE de adoptar un enfoque basado en el “multilateralismo efectivo” se basaba en tres elementos: fomento del multilateralismo del sistema de tratados internacionales; promoción de un entorno regional e internacional estable y estrechamiento de los lazos con los países aliados. No obstante, durante el periodo de aplicación inicial hasta el año 2008, la materialización en Líneas de Acción consistió, casi exclusivamente (con

⁵⁶ Giannella, Annalisa: “EU Action in support of OPCW activities 2005-2008: effective multilateralism in practice”, Second Special Session of the Conference of the State Parties to Review the Operation of the CWC, EU side event, La Haya, (14 de Abril 2008), pp.4-7.

⁵⁷ Van Ham, *op. cit.*, p. 13.



excepción de las ayudas a la Federación Rusa), en el impulso al primer elemento mediante sucesivas contribuciones económicas a la OPAQ. Aunque la contribución fuese coherente con la política de poder blando y cooperación económica característica de la UE, y con resultados positivos en cuanto de la universalidad (incluida la cláusula de no proliferación), no tuvo peso específico en resolver las cuestiones pendientes que erosionan la efectividad de la CAQ, como la implantación nacional y refuerzo de las Autoridades Nacionales, la verificación industrial y los avances de la ciencia, el desequilibrio entre desarme y no proliferación, el uso funcional de las inspecciones por denuncia o el control del comercio y exportaciones de sustancias sujetas a control del régimen.

Las Nuevas Líneas de Acción del año 2008 han provocado que la UE tomase medidas propias como actor internacional (sobre todo respecto al control del comercio y las exportaciones, así como la protección contra armas químicas) compensando, en cierta medida, algunas de las carencias de las líneas de acción iniciales, y del régimen de la CAQ. Sin embargo, la casi exclusiva referencia de la Unión Europea a la OPAQ hace que las vulnerabilidades de ésta, sobre todo frente al cambio del contexto internacional de seguridad y los avances de la ciencia, puedan colocar a la UE en detrimento de su propia estrategia inicial. Por el propio interés de la UE, resulta necesario observar cuidadosamente la evolución del régimen de la CAQ, particularmente después de haber casi completado la destrucción de ingentes arsenales iniciales de las superpotencias, y el desvío de la amenaza hacia geografías, tecnologías y escenarios diferentes, para decidir si la UE debe reforzar sus acciones autónomas como actor internacional.



COREA DEL NORTE EN LA ENCRUCIJADA

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Resumen:

La repentina muerte del dictador de Corea del Norte, Kim Jong-Il, acaecida el 17 de diciembre de 2011 ha suscitado una seria preocupación entre los expertos en Corea del Norte y la comunidad internacional en general sobre el futuro del régimen y la estabilidad de la península coreana. Kim Jung-Un, escogido como heredero por su padre. Kim Jong-Il, un año antes de su muerte, carece de experiencia en cuestiones de gobierno. El rápido ajuste en la sucesión dinástica podría conllevar una posible desestabilización y una potencial amenaza a la seguridad de la península coreana y al nordeste de Asia. Aunque algunos expertos son optimistas y consideran que Kim Jung-Un podría introducir reformas, otros observadores tienen pocas esperanzas de que el régimen cambie debido a la élite que controla el poder a espaldas de un líder títere y sin experiencia.

Palabras clave: Corea del Norte, Kim Jung-Un, cambio de régimen, reforma económica, futuros desafíos.

Title in English: "North Korea at a Crossroads".

Abstract:

The North Korean dictator, Kim Jong-Il's sudden death on December 17, 2011 has raised serious concerns among the experts on North Korea and the international community over the future of the regime and the stability in the Korean peninsula. Kim Jung-Un, the chosen heir by his father, Kim Jong-Il one year before his death lacks experience in governing. The very speedy setting up of dynastic succession might bring a possible destabilization and potential threat on the security of the Korean Peninsula and the Northeast Asia. While some experts are optimistic that Kim Jung-Un, might introduce reform, other North Korean observers have little hope of the regime change due to the power elite behind the young inexperienced puppet leader.

Keywords: North Korea, Kim Jung-Un, regime change, economic reform, future challenges.

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1. Antecedentes del estado de Corea del Norte

La muerte del dictador de Corea del Norte, Kim Jong-Il a la edad de 69 años el 17 de diciembre de 2011, despertó la incertidumbre en la comunidad internacional sobre el futuro del régimen. Poco después, Corea del Norte sorprendió al mundo perpetuando la dinastía de clan Kim en el gobierno comunista. Es un país lleno de controversias y opacidades, siendo uno de los países más aislados del mundo, con un pobre desarrollo económico y social. Sin embargo es una emergente potencia nuclear². Con motivo de la sucesión de Kim Jung-Un en la jefatura del estado en Corea del Norte, conviene realizar un análisis más detallado de la situación del país.

Al finalizar la II Guerra Mundial, que concluyó con la derrota definitiva del Imperio Nipón, la península de Corea quedó libre del dominio japonés. Sin embargo, Corea empezó a ser objeto de máxima atención para las potencias extranjeras, por su privilegiada situación geográfica y estratégica. Como consecuencia de los acuerdos de Potsdam, la Unión Soviética por el norte y Estados Unidos por el sur, ocuparon el territorio tomando como línea divisoria el paralelo 38, hasta que se constituyera el auto gobierno coreano. No obstante, la respectiva influencia por parte de las dos superpotencias sobre la comunidad coreana dividió el país ideológicamente. En el norte, los rusos apoyaban a los comunistas y a su líder Kim Il-sung; mientras que en el sur, los americanos formaron una alianza con Rhee Syng-man, un político de marcada ideología anticomunista y nacionalista. Esto hizo imposible que se llegara a un acuerdo para formar un gobierno único, motivo por el cual norte y sur se convirtieron en comunidades totalmente separadas, estableciendo cada una un Estado independiente: la República de Corea lo hizo el 15 de agosto de 1948, y la República Popular Democrática de Corea el 5 de septiembre de 1948. Ante la rivalidad entre los dos aliados de la II Guerra Mundial y el posterior inicio de la Guerra Fría, Corea se vio envuelta en una trágica Guerra Civil (1950-1953). La Guerra de Corea, que enfrentó al Norte comunista -apoyado por China y la URSS- y el Sur capitalista -asistido por EEUU y fuerzas de la ONU-, finalizó con un "empate técnico", al quedar la frontera entre ambos, trazada prácticamente en el mismo lugar que al inicio de este proceso de disgregación nacional, en el conocido "paralelo 38". Este conflicto armado de tres años, el primero de la Guerra Fría y uno de los más sangrientos de la historia de la península coreana dejó un doloroso saldo de unos 2,5 millones de muertos. La esperanza en la reunificación ha quedado lejana y desde entonces el estado del norte se perdió en una senda incompatible con el desarrollo económico y político.³

2. La herencia de Kim Jung-Un

Tras la muerte de Kim Jong-Il que fue el único líder comunista del mundo que había heredado el poder de su padre, a su vez legó esa herencia a su hijo, Kim Jung-Un el 17 de diciembre de 2011. La tarea del joven heredero no es fácil y se antoja complicado que pueda mantener la inestable dinastía comunista.

Corea del Norte fue gobernada desde 1948 por Kim Il-Sung, abuelo de Kim Jung-Un hasta su muerte, el 8 de julio de 1994. El 8 de octubre de 1997, su padre Kim Jong-Il fue

² Julian Borger: "North Korea capable of new nuclear test 'within two weeks'", *The Guardian*, 9 Agosto 2012, en <http://www.guardian.co.uk/world/julian-borger-global-security-blog/2012/aug/09/north-korea-nuclear-test>; Ver también, Pablo Bustelo: "La sucesión en Corea del Norte tras la muerte de Kim Jong-il", *Notas de actualidad*, Instituto Elcano (22 Diciembre, 2011).

³ Yang, Eunsook (2007): *Corea: Historia de un Proceso de Reunificación*, Madrid, Catarata, 2007, p. 19-46.



nombrado Secretario General del Partido de los Trabajadores Coreanos. En 1998, alcanzó la Presidencia de la Comisión Nacional de Defensa y su posición fue declarada como "el cargo más alto del Estado". En Corea del Norte, el Presidente es Jefe del Estado y Jefe del Gobierno en su condición de Presidente del Comité Central Popular (CCP). Se puede reelegido cada cuatro años por la Asamblea Suprema Popular (ASP). Constitucionalmente, la ASP es el "más alto órgano de poder del Estado" con 541 miembros. La Constitución establece que la ASP sea elegida cada cinco años por sufragio universal. Por otro lado, el principal partido político en Corea del Norte es el Partido Coreano de los Trabajadores (PCT). Corea del Norte funciona bajo el régimen unipartidista del PCT. El Partido elabora la lista de candidatos a ASP que se presentan a las elecciones, sin que se posibilite la oposición.

El 29 de diciembre de 2011, al finalizar el funeral de Kim Jong-Il, Kim Yong-Nam, Presidente de la ASP, confirmó a Kim Jong-Un como líder supremo de la nación. Los medios de comunicación norcoreanos anunciaron que Kim Jong-Un sería el nuevo líder del país, aunque algunos analistas internacionales opinaban que el poder fáctico sería asumido por su tío político, Chang Sung-taek, a modo de regencia temporal, debido a la inexperiencia del hijo del Kim Jong-Il.⁴ A diferencia de la experiencia política de Kim Jong-Il, que durante 14 años fue preparado por su padre, Kim Il-sung, el hijo menor de Kim Jong-Il heredó el régimen norcoreano repentinamente. Kim Jong-Un fue lanzado al escenario político tan sólo hace unos dos años, cuando por sorpresa, en septiembre de 2010 fue nombrado sucesor, ante el delicado estado de salud de su padre Kim Jong-Il, que era un asunto feo que se venía informando desde 2008. Kim Jong-Un sin haber alcanzado aún los 30 años de edad, con escasa experiencia militar y política, deberá decidir qué política desarrollar.⁵

Kim Jung-Un educado en Berna, Suiza, en un colegio internacional habla un buen inglés y alemán. El 1 de junio de 2009, fue designado por su padre como su sucesor el Presidente de la Comisión Nacional de Defensa de Corea del Norte, cargo que comenzó a ejercer en diciembre de 2011 tras la muerte de este. Con anterioridad a su designación como sucesor del régimen comunista, su hermanastro Kim Jong-Nam había sido señalado en varias ocasiones como posible heredero, pero perdió la confianza paterna por actividades irresponsables como el intento de entrar en Japón con pasaporte falso.

La herencia que recibió Kim Jung-Un no es nada favorable. Es un país pobre, aislado y enemistado con la mayor parte del mundo occidental por la posesión de armas nucleares ilegales, la actitud militar beligerante y las violaciones de los derechos humanos. El escepticismo con respecto a las posibilidades del joven líder en su tarea de controlar e influir en los tres estamentos burócratas, el Partido, el estamento militar y el Gabinete, era notable.⁶

La lucha por el poder llegó más rápido que los expertos de Corea del Norte imaginaban. El 16 de julio, 2012, el buró político del Comité Central del Partido de los Trabajadores, destituyó de todos sus cargos al jefe de Estado Mayor del Ejército norcoreano Ri Yong-Ho, uno de los líderes más importantes del régimen comunista, con el pretexto de una repentina

⁴ Security Council: "ASIA DPRK (North Korea) about Expected Council Action", Monthly Forecast, *Security Council Report* (Febrero 2012); También, "Kim Jong-il: la muerte de un líder controversial y enigmático", *BBC*, 19 de diciembre de 2011, en http://www.bbc.co.uk/mundo/noticias/2011/12/111219_obituario_kim_jong_il_tsb.shtml.

⁵ Walter L. Sharp: "A Free North Korea", CSIS Center for Strategic and International Studies, (21 Feb. 2012), en <http://csis.org/publication/free-north-korea>.

⁶ Tae-hwan Ok y Hong-yung Lee (ed.) (1994): *Prospects for Changes in North Korea*, California, Institute of East Asian Studies in Univ. California and Research Institute for National Unification, Seoul, p.113-114; Ver También: Keating, Joshua: "What do we know about Kim Jong-Un?", *Foreign Policy* (19 Dic. 2011).



“enfermedad”. Ri, que había sido de la confianza de Kim Jong-Il, ocupaba puestos importantes en el Partido de los Trabajadores y su ausencia generó múltiples especulaciones en la comunidad internacional. Ri, que encabezaba el Ejército desde 2009, era un confidente y asesor de Kim Jong-Un, siendo una figura omnipresente en los desfiles militares y representaciones de Estado. Ri fue también una figura clave que ayudó al joven líder a tomar el control del Ejército tras la muerte de Kim Jong-il en diciembre⁷.

En cualquier caso, los observadores dudan que la desaparición de Ri de la escena pública, se deba a un problema de salud. En las apariciones antes de la destitución, no mostró signos de enfermedad y la relación con Kim transmitía una apariencia de normalidad. Las razones se podrían buscar en los conflictos de reposicionamiento por el poder interior.

Hubo una lucha de poder entre los militares y el clan Kim. Ri habría sido un político de línea dura, lo que significa una actitud de confrontación con los EE.UU. y Corea del Sur. El joven Kim, según algunos analistas, está mostrando signos de una orientación más moderada. Considerando que el padre de Kim y su abuelo a menudo destituyeron destacados generales sin previo aviso para asegurarse que no suponían una amenaza a su liderazgo es uno de los casos habituales del régimen totalitario. Además, Ri fue sustituido por el general Hyon Yong-chol, un militar que no tenía tanto peso como su antecesor en el régimen y prácticamente desconocido hasta ahora, lo que se considera un signo de que Kim Jong-Un centraliza el control absoluto de las Fuerzas Armadas. La consolidación de Kim Jong-Un en el poder llegaría así más rápido de lo esperado.

En consecuencia, sólo dos días después de revelar el General Ri, Kim Jong-Un, dio un salto en sus atributos de poder, ascendiendo al rango de mariscal, el más alto de las Fuerzas Armadas. "Se ha tomado la decisión de otorgar el título de mariscal de la RPDC (República Popular Democrática de Corea) a Kim Jong-Un, comandante supremo del Ejército Popular de Corea", anunció la agencia de noticias norcoreana KCNA. Se explica que "la decisión fue tomada de forma conjunta por el Comité Central y la Comisión Militar Central del Partido de los Trabajadores de Corea, la Comisión Nacional de Defensa de la RPDC y el Presídium de la Asamblea Popular Suprema de la RPDC". Con esta medida, el joven líder asume el control total de las poderosas y numerosas Fuerzas Armadas como jefe del Ejército norcoreano.⁸

Por otro lado, esta reconfiguración del poder militar representa un paso más en el ascenso como líder absoluto de Kim Jong-Un, que además de comandante supremo del Ejército, ya ostentaba los títulos de presidente de la Comisión Nacional de Defensa y secretario general del Partido de los Trabajadores, entre otros.

3. ¿Habrà reforma económica?

Antes de la convocatoria de la sesión de la Asamblea Popular Suprema de Corea del Norte, 25 de septiembre en Pyongyang, se creó un justificado estado de expectación en los expertos, ante el posible anuncio de una reforma económica. Esperaban que el nuevo líder, Kim Jong-Un, podría proclamar el lanzamiento del esperado plan oficial para revitalizar la economía del país. Esa esperanza se fue fraguando con las sucesivas alusiones de Kim Jung-Un, a la

⁷ “Corea del Norte inicia la era del “líder supremo””, *Agencia EFE* (31 Dic. 2011), en http://www.dailymotion.com/video/xbnbi9_corea-del-norte-inicia-la-era-del-lider-supremo_news.

⁸ “Kim Jong-un consolida su poder tras ser nombrado jefe del Ejército norcoreano”, *EFE, Reuters*, 18 de julio, 2012, en <http://www.deccanherald.com/content/265215/nkorean-leader-kim-jong-un.html>.



necesidad de mejorar el nivel de vida de la población, que ya citó en su primer discurso en abril, Kim aseguró que el pueblo norcoreano “nunca tendrá que apretarse el cinturón otra vez”.⁹

Por otro lado en los últimos meses desde que Kim Jung-Un tomó la rienda, Corea del Norte ha cambiado de algún modo su retórica subrayando los aspectos económicos y deteniendo temporalmente las provocaciones militares. Dio alguna señal con la introducción de pequeñas reformas agrícolas con elementos capitalistas, para incentivar la productividad. Si saliera el proyecto, en el sector industrial se permitirá que las fábricas puedan elegir qué producir y cómo comercializar sus productos. Si esos cambios producen los efectos esperados, se extenderían al resto de Corea del Norte y reemplazarían el disfuncional sistema de racionamiento estatal. Es una fórmula similar a la que experimentó China a fines de 1970 en su reforma con las reglas del libre mercado en zonas exclusivas del país como Shenzhen que tuvieron éxitos y que en años posteriores se extendieron a otras provincias.

China, principal aliado político y económico de Corea del Norte, estaría interesada en que el problemático país vecino siga sus modelos de reforma y mejore su situación económica. En esa línea se explica la reciente reunión en Beijing entre los máximos mandatarios chinos y Chang Song -Taek.

Chang Song-Taek, influyente tío de Kim Jung-Un que es considerado como el protector y "regente en la sombra del nuevo líder de Corea del Norte, recientemente ha viajado a Pekín para reunirse con el ministro de Comercio chino, Chen Deming, y otros líderes para debatir el futuro de dos zonas económicas, donde Pyongyang intenta aplicar el modelo chino de reforma económica. Chang y su homólogo chino Chen analizaron la marcha de las negociaciones de las zonas económicas creadas en Rason y Hwanggumphyong, situadas en un lado y el otro lado respectivamente de la frontera entre ambos países.¹⁰ Entre los temas, se señala que los dos países han analizado planes de capacitación de personal, la elaboración de leyes y reglamentos, el establecimiento de lazos de telecomunicaciones y la cooperación agrícola en torno a las dos zonas, estas iniciativas se pusieron en marcha en el mes de junio de 2011. El viaje de Chang confirma que el tío de Kim intenta iniciar la ligera reforma económica en Corea del Norte.

Considerando los contactos de Corea del Norte con China de una posible apertura económica, los observadores del régimen norcoreano analizan las razones que llevaron a la Asamblea anual de Popular Suprema de Corea del Norte, reunida el 25 de septiembre, a no ofrecer los detalles que todo el mundo esperaba. Se puede explicar esa decisión en los siguientes razonamientos.

En primer lugar, se puede interpretar que Corea del Norte no tiene intenciones reales de aplicar una reforma económica. Si las tuviera, como condición primordial, Corea del Norte lo anunciaría oficialmente y emprendería la planificación de la agricultura y la reforma agraria. Comprendiendo bien la estructura del poder político, las élites conformadas por el clan Kim y sus allegados, es manifiesto que no intentarán introducir una reforma económica radical que podría provocar un derrumbe del régimen. Si fuera necesario para sus intereses introducirían

⁹ “In authoritarian North Korea, hints of reform”, *The Washington Post*, 3 de Septiembre 2012, en http://www.washingtonpost.com/world/asia_pacific/in-authoritarian-north-korea-hints-of-reform/2012/09/03/bb5d95ce-f275-11e1-adc6-87dfa8eff430_story.html.

¹⁰ Harrison Selig S.: “China's North Korean Calculations”, *International Herald Tribune*, 6 Enero 2011, en http://www.nytimes.com/2011/01/07/opinion/07iht-edharrison07.html?_r=1&.



una reforma testimonial, la justa para mantener el “statu quo” y mantenerse en el poder.¹¹ Existen evidencias históricas en ese sentido. Después de la muerte del líder norcoreano, Kim Il-Sung en 1994, muchos expertos predijeron que su sucesor Kim Jong-Il era un reformista y se esperaba la aplicación de unas reformas económicas trascendentales. Se celebraron numerosas reuniones y visitas entre China y Corea del Norte, sin embargo, las expectativas creadas no fructificaron. Kim Jung-Un, posiblemente desea acometer unas reformas económicas de gran calado, a corto y medio plazo, sin embargo el joven líder está rodeado por la viaja guardia que intenta proteger los ideales más conservadores del anterior líder, y eso impide a Kim tomar decisiones propias y en definitiva ser el conductor real del futuro del país.

Otra explicación posible es que Corea del Norte aborde su plan de reformas por paso a paso con mucha cautela siguiendo el camino que tomó China y sin crear muchas expectativas en el exterior, amparándose en la opacidad del gobierno.

4. Retos de cara al futuro

Tras la muerte del líder norcoreano Kim Jong-Il, los expertos ofrecieron varios guiones potenciales para el futuro del régimen y la seguridad regional, que oscilan desde un conflicto militar hasta soluciones reformistas.

En primer lugar, en el ámbito político no va a haber grandes cambios tanto internamente como de cara al exterior. Kim Jung-Un seguirá la política de sus antepasados. Sobre todo en lo concerniente a la seguridad, seguirá utilizando la carta nuclear en sus negociaciones con Corea del Sur y Occidente; para Corea del Norte es una palanca de mando prioritario. En segundo lugar, Corea del Norte el único país comunista dinástico y su heredero, Kim Jung-Un ya es líder absoluto y autoritario con todos los títulos adquiridos y otorgados. Como se mencionó anteriormente, es el presidente de la Comisión Nacional de Defensa, primer secretario del Partido de los Trabajadores, mariscal del Ejército de Corea del Norte, director de la Comisión Militar Central, miembro del Presídium del Buró Político, entre otros muchos. Kim Jung-Un heredó los cargos de su padre encabezando el partido, el Gobierno y el Ejército. Sin embargo queda la razonable incertidumbre el verdadero control de poder. El joven Kim que carece experiencias como mandatario, es la cara visible de un gobierno controlado por el liderazgo colectivo que dirige su tío Chang.

Chang y su cámara intentan perpetuar la dinastía de los Kim, consolidando el culto a la personalidad de Kim Jung-Un para reforzar la imagen del joven heredero como sus antepasados que lideraron el país con puño de hierro, en primer lugar su abuelo y fundador de la patria, Kim Il-Sung (1912-1994), y posteriormente su padre Kim Jong-Il. Algunos expertos opinan con optimismo que con el paso del tiempo y el rodaje en el ejercicio del poder, consolidará y ejercerá personalmente las tareas que como líder tiene asignadas. Conviene recordar que Kim Jung-Un recibió una formación en Europa y atesora un bagaje cultural muy diferente respecto a sus antecesores, lo que ofrece la posibilidad de que esté más informado y sea más hábil en sus políticas internas y externas.

¹¹ Santiago Castillo (2002): *La unificación de Corea*, Madrid, Catarata, p. 106-107; Ver también: Smith Hazel et al. (ed.) (1996): *North Korea: In the New World Order*, New York, St. Martin's Press Inc., pp. 163-165.



Sin embargo una visión más pragmática, no exenta de pesimismo, advierte que no es de fiar al régimen norcoreano, por tanto no predican un futuro halagüeño en relación a temas tan delicados como la seguridad y la reforma política económica porque en Corea del Norte todo es reversible con facilidad. Las evidencias sobran. Por ejemplo, recientemente, mientras se llevaban negociaciones con Corea del Sur con la intención de profundizar "en la senda de la mejora de las relaciones Norte-Sur y del logro de la paz y la prosperidad" entre las dos Coreas, la Comisión Nacional de Defensa norcoreana precisó que ni "los necios políticos de todo el mundo" ni las "marionetas" de Corea del Sur podrán esperar cambios políticos en la nueva era que se abrió con la muerte de Kim Jong-Il en el Norte.¹²

En cuanto a la situación exterior, tan sólo China parece tener actualmente una influencia real sobre Corea del Norte. El régimen norcoreano precisa de China como un aliado imprescindible de país y necesita su protección y ayuda económica. Kim Jong-Il, fue el precursor de las relaciones con China y entre sus logros se encuentra el haber intensificado relaciones comerciales y diplomáticas con el gran vecino del norte. Como evidencia, el padre del joven líder visitó China cuatro veces en sus últimos 16 meses antes de su fallecimiento. China por su parte, intenta persuadir al país vecino que potencie la apertura al exterior y constituye una de las claves de su éxito y que pueda servir para traer una eventual paz de la seguridad en el noreste de Asia.¹³

5. Los nuevos desafíos para una Corea unificada

Hoy por hoy, las relaciones entre las dos Coreas son mejores. Se están buscando puentes para la comprensión entre Norte y Sur. Sin embargo, los esporádicos incidentes y "accidentes" que ocurren tanto internos y externos en la península no hacen pensar en una unificación cercana. Los conflictos navales en el mar Amarillo, al oeste de la península, el hundimiento del buque del Sur, Cheonan, en marzo del 2010, y el desarrollo de armas nucleares y misiles por Corea del Norte han aumentado las tensiones entre los dos Estados. Por otro lado, la política internacional actual no ha mejorado mucho con el fin de la Guerra Fría. Los intereses nacionales de las potencias colindantes no disminuyeron ni variaron sino que, simplemente, se adaptaron a los nuevos tiempos. Estos intereses motivados por su situación geográfica impiden a Corea existir de manera completamente independiente y la obligan a tener que coordinar sus acciones con los países vecinos para poder sobrevivir.¹⁴

Ahora bien, con el nuevo líder en el Norte, se abren nuevas expectativas en las relaciones dentro de la península coreana. Sin embargo, las experiencias de más de medio siglo nos señalan que se deben recorrer aún un largo camino, no exento de peligros y retos, que solo se superarán con una férrea voluntad de diálogo y respeto a los compromisos adquiridos. Corea del Sur necesitaría la cooperación estrecha con sus aliados para llevar una

¹² Andrei Lankov: "Staying Alive: Why North Korea Will Not Change", *Foreign Affairs*, vol. 87, no. 2 (March/April 2008), p. 15; Ver también, Klingner, Bruce: "North Korea Defies Reform Predictions", *Korea Times*, 4 de octubre 2012, en http://www.koreatimes.co.kr/www/news/opinion/2012/10/160_121467.html.

¹³ Su-yong, Kim: "Favorable Conditions of Investment Circumstances in the Rajin Sonbong Free Economic Zone." *Briefing Forum on the Rajin Sonbong Area*, Tokyo (Jul. 1991).

¹⁴ Eberstadt, Nicholas: "Hastening Korean Unification", *Foreign Affairs* (Mar. 1997), pp. 80-81 y "Compromised in Korea", *Foreign Affairs* (Jul.-Ago. 1997), pp.105-107; Ver también: Myers, Robert J. (2001): *Korea in the Cross Currents: A Century of Struggle and the Crisis of Rerunification*, Palgrave, New York. pp. 145-152.



paz duradera tanto para el pueblo coreano como para garantizar la seguridad en el noreste de Asia.



THE EU SANCTIONS OPERATION IN SYRIA: CONFLICT MANAGEMENT BY OTHER MEANS¹

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Abstract:

Since May 2011, the EU has crafted one of its most far reaching and sophisticated sanctions operations in support of the anti-regime protests against the current regime in Syria. The present article examines the measures wielded by the EU, its expected impact and its implications for the EU's relations with its global partners. While seriously undermined by the lack of support of Russia, the sanctions are having a noticeable economic impact. Yet, the choice of measures is ill-suited to stop the bloodshed. The sanctions have also served to (re)define partnerships with other powers, both in the Middle-East and globally.

Keywords: Syria, targeted sanctions, European Union, CFSP, Strategic Partnerships, Responsibility to Protect.

Resumen:

A partir de mayo de 2011 la Unión Europea ha llevado a cabo una de las operaciones más sofisticadas sobre sanciones en apoyo de las protestas contra el régimen político de Siria. El presente artículo examina las medidas autorizadas por la Unión Europea, su impacto esperado y las implicaciones para sus relaciones con sus socios globales. Aunque hayan quedado seriamente debilitadas por la falta de apoyo de Rusia, las sanciones están teniendo un impacto económico visible. No obstante, las medidas escogidas no son las más adecuadas para detener el derramamiento de sangre. Las sanciones han servido también para redefinir las asociaciones con otras potencias, tanto en Oriente Medio como a nivel global.

Palabras clave: Siria, sanciones específicas, La Unión Europea, PESC, Asociaciones Estratégicas, Responsabilidad de Proteger.

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¹ This paper was first published as Egmont Security Policy Brief No. 38 in September 2012 by Egmont, Royal Institute of International Relations. Data correspond to late August 2012. The author thanks Thomas Renard, André Bank, Rosa Balfour and Dursun Peksen for their input.

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1. Introduction

One year and a half after the beginning of the protests against the current regime in Syria, the European Union's (EU) response to the Arab Spring has taken some unprecedented traits. The popular uprisings in the Arab world have led the EU to employ an instrument it had been traditionally reluctant to use in this region: sanctions. They were imposed against targets in Tunisia, Egypt and Libya in the early days of the Arab Spring. However, they fulfilled different roles: In Tunisia and Egypt, where leaderships were unseated after only few weeks of protests, giving way to transitional governments, the EU froze the assets held in European accounts in order to prevent ousted leaders from accessing state funds. In Libya, sanctions were quickly followed by a multinational military operation under NATO command which precipitated the defeat of government forces. By contrast, in Syria neither have the protests succeeded in ousting President Bashar Al-Assad, nor has the use of force been seriously contemplated. The Syrian leadership consistently refuses to step down or to negotiate with opposition groups, opting instead for a strategy of repression which has been the subject of widespread international condemnation. Since the eruption of violence in March 2011, the situation has been characterised by stalemate, until protesters started making progress against government forces in July 2012. In the face of continued violence, the United Nations Security Council (UNSC) remains deadlocked: Russia has indicated its readiness to yield a veto against any proposal to intervene. A military operation to put an end to the crackdown on protesters remains unlikely for fear of a domino effect that could exacerbate conflicts in this volatile region. The UK along with the US and some of Syria's neighbours such as Saudi Arabia and Qatar has resorted to arming opposition forces. Yet, the EU is still far away from reaching an agreement on military intervention – even though calls in that direction proliferate among European politicians. In the absence of policy alternatives, sanctions currently constitute the core of the EU's response to the conflict in Syria. The EU first asked Al-Assad to negotiate with the opposition, then to cease repression, and as from August 2011, to leave office.³ These demands were supported by sanctions imposed alongside those of the US, and tightened in reaction to successive crackdowns on civilians.

The sanctions against Syria are unprecedented. To begin with, the EU deployed the virtual entirety of measures in the sanctions toolbox within less than a year. In its past practice, it usually wielded an arms embargo and a visa ban on the leadership and their associates. The tightening of sanctions in subsequent rounds often consisted in lengthening the blacklist and applying an assets freeze to the featured individuals. While this process often took years, the sanctions against Syria have accumulated the whole set in just a few months. Most notably, they entail an energy embargo, namely a ban on the import of oil from Syria – a rare measure for the EU to adopt in the absence of a UNSC mandate given that the EU imports this oil to meet its own energy needs. Prior to the embargo, the EU's import of Syrian crude was worth over €3 billion a year, and went mostly to Italy and Germany.⁴ Finally, sanctions were agreed at the request of the League of Arab States (LAS), a regional organisation that had encouraged such measures against one of its members only once before in its history – against Iraq in the early 1990s.

³ Balfour, R. (2012): "EU Conditionality after the Arab Spring", EIMed (Barcelona) *Papers IEMed* no. 16.

⁴ Figures for 2010, at <http://exporthelp.europa.eu>.



2. A Whole Set in Less than a Year

The declared objective of the EU is to increase pressure on the Assad regime to end repression, withdraw the Syrian army from besieged towns and cities, the implementation of democratic reforms and an inclusive national dialogue. The sanctions wielded against Syria encompass 17 sets of restrictive measures, according to the EU's own counting.⁵ The sanctions package comprises a set of very diverse measures which can be expected to affect the regime and Syrian society very differently. Also, these measures display different level of “targetedness”, defined in terms of their capacity to discriminate between targets. A brief overview⁶ of the main prohibitions follows:

- A first set of sanctions targets the Syrian government: EU sanctions prohibit disbursements and assistance by the European Investment Bank (EIB) as well as new grants or loans by the member states. The EIB had some 17 project underway in Syria in 2011, and reportedly a portfolio worth €1.3 billion.⁷ In the same vein, measures are designed to ensure that private actors in Europe do not issue loans for those cooperation projects that have been interrupted by the EU – notably, the construction of power plants. The issuing of insurance to the Syrian government and the opening of new subsidiaries of Syrian banks in the EU are banned, as is the opening of new offices of European banks in Syria. The assets of the Syrian central bank in the EU are frozen and it is forbidden to trade public bonds to and from the Syrian government, public bodies and financial institutions.
- A second set of sanctions targets those individuals directly involved in the exercise of repression, with the intention of affecting them and their associates personally. They are prohibited from entering the territory of the EU, and the assets they hold in Europe are frozen. These individuals feature in a blacklist currently comprising 155 entries, while the blacklist of entities to which they are linked numbers 53. The freezing of assets and the visa ban on the leadership and their associates fulfils a double objective: cutting them off from financial assets so these cannot be used for repression and making the conduct of their business in Europe more difficult. Family members of the Syrian leadership are simultaneously heading state companies and entities associated with the regime – a personal connection that warrants their listing. In addition, they stigmatise blacklisted individuals and inconvenience them in a private capacity.
- A third set of sanctions is directed towards the repressive apparatus of the regime. Some measures concern the arms sector: the transfer of weapons and equipment that can be used for internal repression is banned. The arms embargo is supplemented by technical and financial assistance related to these items. The initial arms ban was broadened to encompass some dual-use items in the tightening that took place in April 2012. An innovative measure not covered by standard EU embargoes consists in banning the supply of software for the interception of internet and phone communications; in other words, the sort of equipment necessary for the security forces to locate opposition forces and monitor their activities. The latest reinforcement of the embargo consists in the decision to inspect vessels and aircraft suspected of transporting weapons to Syria via Europe, a measure along the lines of UNSC sanctions regimes against Iran and North Korea.

⁵ Council of the European Union (2012): “The EU and Syria: Fact Sheet”, *Press Release* (20 August 2012).

⁶ For the text of the legal instruments, consult http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf, in particular Council Decisions 2011/782/CFSP, 2012/122/CFSP and 2012/206/CFSP.

⁷ Norman, L. (2011): “EU set to broaden Syrian sanctions”, *Wall Street Journal*, 11 November 2011.



The EU arms embargo is not bound to have any major effect: Syria's top weapons suppliers are Russia, Iran, Belarus and North Korea, while supplies from European countries stopped already in the early nineties. Russian arms exports to Syria have more than tripled in the period from 2008 to 2011⁸, and continue into 2012. Nevertheless, the mere prohibition of software can have some limited impact, as alternative suppliers can offer similar technology, but of lower efficacy.

- A fourth set of sanctions specifically targets the energy sector, with the intention of cutting off the government's sources of revenue, and thus weaken repression. These entail a ban on the import of oil and petroleum products from Syria, but also a prohibition on providing insurance to this sector, supplying technology for the oil and natural gas sector, as well as providing loans to enterprises engaged in the oil industry. The purchase or increase in participation in Syrian enterprises engaged in the oil sector is prohibited. The electricity sector is also affected: participation in the construction of new power plants for electricity generation, the provision of technical or financial assistance and the creation of joint ventures to that end is also banned. The ban on oil and petroleum products from Syria is the single most powerful measure in the package, given that fuels and mining products constitute over 89% of the EU's imports from Syria.⁹ The ban on insurance has serious economic implications, since oil shipments now have to be insured by authorities in the recipient states, which might not be prepared to bear the costs.
- A fifth category concerns trade restrictions. Measures affecting bilateral trade include a ban on cargo-only flights, and a ban on the export of certain goods: luxury products, gold, diamonds and precious metals. Aside from the oil embargo, the trade measures are modest. The EU merely imported some textiles and agricultural products from Syria, sectors representing respectively 4.8% and 2.7% of total imports from Syria. The restrictions affecting trade are geared towards preventing conspicuous upgrades in the limited trade flows that remain after the import of oil, which made up most bilateral trade. The ban on luxury goods, one of the most recent measures, is also directed against the elite. Overall, the bans affect imports are rather marginal. In 2011, Syria was the EU's 54th trading partner, accounting for only 0.2% of its trade with the world. By contrast, the EU accounted for 21% of Syrian trade with the world¹⁰, and the export of crude oil to the EU represented 27.4% of total exports in 2010. Restrictions also concern the provision of financial support for trade: member states are not allowed to enter into long-term commitments, while short- and medium-term financial support for nationals and entities trading with Syria are discouraged. In spite of these restrictions, trade preferences per se have not been withdrawn – the procedure foreseen for the suspension of the Generalised System of Preferences (GSP) would take over a year, and the fear is that it would mostly affect small and medium enterprises unconnected to the regime.
- Finally, several EU member states such as Belgium, France, Italy, the Netherlands and Spain have closed their embassies in Damascus, a diplomatic sanction that does not qualify as an EU measure given that it was not jointly agreed by the European Council. Yet, the EU Delegation remains open.

⁸ SIPRI Arms Transfers Database, at <http://www.sipri.org/databases/armstransfers>.

⁹ Figures for 2011, at <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/syria/>.

¹⁰ *Ibid.*



2.1. But Can they Work?

What impact do these measures have – and do they stand a chance of succeeding in discouraging repression? EU officials have reportedly indicated that the sanctions package “seems to make the functioning of the government more difficult” and “causes significant anxiety and concern to the Syrian regime”.¹¹ In order to transform the arms embargo into an effective measure, it would need to be universalised and made mandatory by means of a UNSC Resolution – a step that the EU and the US have been promoting to no avail, most recently in July 2012. Certain measures can hardly be expected to instil a policy change in spite of the strong symbolism of the message they convey, such as the ban on luxury goods or the blacklisting of high-ranking officials. The trump card of the sanctions package is the oil embargo, given that most of the oil produced by Syria used to be sold to the EU. This constitutes the only measure, along with the restrictions in the banking sector, which is reportedly fulfilling its objective of depriving the regime of key revenue.¹² According to the EIB, in 2011 growth was negative (estimated at -2%) due to the conflict and the international sanctions, and with the decrease in oil, tourism and tax revenues, the fiscal deficit is expected to increase to 11%.¹³ The GDP reportedly contracted by 3.4% during 2011, according to the Economist Intelligence Unit. However, the prohibition on insurance and supply of spare parts for the oil and gas sector, which proved effective when applied on Libya by the US in the 1990s, needs years to display its results. One could presume that the trade-related measures are susceptible of affecting trade beyond the stipulated prohibitions by increasing the risk premium on economic engagement with Syria. In other words, European companies might be discouraged from conducting trade with Syria even in goods that are currently permitted for fear that what is now legitimate commerce might be banned in a subsequent tightening. However, such effects are hardly desirable: Firstly, because EU sanctions aspire to be targeted and should discriminate between those who are involved in government repression and those who are not; and secondly because they may interfere with the provisions for the numerous humanitarian exemptions that permeate EU sanctions legislation.

3. Strategic Issue, Deceptive Partnerships

If hitherto unable to halt the violence in Syria, the EU has nonetheless managed to take joint action and to position itself on this delicate issue vis-à-vis other regional and global powers. Significantly, the EU’s sanctions package is in tune with the position of Syria’s neighbours: the imposition of sanctions responded to a call by the Arab League, composed by a group of countries traditionally sceptical of the use of this policy tool. The suspension of Syrian membership by the Organisation of Islamic Co-operation, a body composed of 57 members, highlights the wide condemnation of the regime among Islamic countries (with the notable exception of Syria’s ally: Iran). The position of the EU has a double, partly contradictory motivation. Part of the impulse behind the sanctions is to show support for the Arab uprisings, in an attempt to make up for its lack of determination during the first weeks of the Arab spring in early 2011. The self-avowed half-heartedness with which the EU had promoted democracy in the region until the popular revolts erupted constitutes an embarrassing background to the EU’s attempts to profile itself as a supporter of the protest movement. This

¹¹ Mahony, H. (2012): “EU Ministers set to beef up Syria arms embargo”, *EUObserver*, 20 July 2012.

¹² Landis, J. (2012): “The Syrian Uprising of 2011: Why the Assad Regime is likely to survive to 2013”, *Middle East Policy*, vol. 19, no. 1, pp. 72-84.

¹³ “Financing operations in Syria”, *FEMIMP*, at http://www.eib.europa.eu/attachments/country/syria_2012_en.pdf.



puts EU sanctions policy more in tune with its programmatic intention to promote democracy and human rights – a departure from its earlier practice in the Arab World, where it had exclusively wielded sanctions in support of anti-terrorism and non-proliferation goals. On the other hand, the EU is simultaneously aligning itself with regional powers which resist the spread of democracy in the Middle East, such as Qatar and especially Saudi Arabia.

The Syrian sanctions package has had the effect of aligning the EU and the US closely in an encouraging example of effective transatlantic collaboration: after some initial disagreements about the scope of the arms embargo, the measures agreed by the EU almost perfectly match those put in place by the US. This coincidence prevents a situation in which European companies can take over trade links previously entertained by US companies – something that is now being done by non-Western operators. Also, the sanctions operation against Syria contributes to the US objective of containing Iran, who is the target of a parallel sanctions regime. Sanctions have been adopted by traditional partners of the EU, such as Switzerland. Even Turkey, a key regional power directly neighbouring on Syria, has imposed sanctions that go beyond “any previous Turkish sanctions against any neighbour”.¹⁴ Turkey originally wielded an arms embargo, assets freezes, and diplomatic sanctions, but later added trade sanctions such as raising taxes on Syrian goods and closing border crossings for trade.

The sanctions have pitted the EU against Russia, one of its “strategic partners”, which continues to threaten a veto in the UNSC. Supporting the sanctions would contradict significant traits of its foreign policy. It would entail ceasing support for the last remaining ally inherited from the Cold War era in a region where it is almost deprived of influence. The strategic importance of Syria to Russia does not only emanate from the lucrative weapons deals it secures, but also from being the host of Russia’s only maritime base in the Mediterranean. Losing Syria, Russia’s last stronghold in the Middle East, would be a major psychological and reputational setback. Furthermore, Moscow has a principled reluctance to be seen as supporting “regime change” against a long-standing associate, especially as Russia’s allies elsewhere expect to be reassured of unwavering Russian support in the face of Western pressure.

Other powers occupy a middle position somewhere between the transatlantic and the Russian stance. The stance of other BRICS countries has become evident thanks to their membership of the UNSC in the period 2011/12. Brazil, South Africa and India, who served in the UNSC as the Syrian crisis unfolded, abstained from a draft resolution condemning Syrian repression in October 2011. Last year’s experience in Libya showed how a UNSC mandate authorising force in application of the doctrine of the “Responsibility to Protect” could be used by external powers to launch a fully-fledged war. This has tempered the BRICS’ appetite to endorse mandates along similar lines. By holding back from a UNSC resolution, BRICS are siding with each other in resisting new action cementing the admissibility of intervention to address internal repression. Nevertheless, an evolution is visible. Having grown increasingly condemnatory of Syrian repression, India and South Africa supported a resolution last February similar to the failed draft of October 2011, which was eventually vetoed by Russia and China. In turn, the shift in India’s and South Africa’s votes has apparently compelled veto-bearing countries to somewhat distance themselves from Damascus.¹⁵ While China has consistently vetoed UN resolutions alongside Russia, its condemnation of the Syrian government has become harsher. If Moscow was to relax its opposition, Beijing would likely be reluctant to wield its veto, especially given that its

¹⁴ Walker, J. (2012): “Turkey’s Syrian Dilemma”, *EPC Commentary* (9 July 2012).

¹⁵ Traub, J. (2012): “Will the good BRICS please stand up?”, *Foreign Policy* (9 March 2012).



interests are not directly involved. The recent proliferation crises in Iran and North Korea have seen China agreeing to sanctions, privileging regional stability and its image as a “responsible power” over its traditional adherence to the principle of non-intervention.¹⁶

The BRICS positioning around the Syrian issue suggests that the EU’s strategic partnerships have not been of much use in winning the support of emerging powers. Russia, a strategic partner, constitutes the main obstacle hindering sanctions, while Turkey, both a key regional power and a NATO ally which does not enjoy such status, has resolutely aligned itself with the EU and the US. Disappointingly, the communiqué of the most recent EU-China High-Level strategic dialogue does contain one single reference to Syria.¹⁷ In sum, the reaction of regional and global powers to crises like the one in Syria remains mostly driven by interests alien to the policy preferences of the EU, whose influence through its strategic partnerships remains hardly noticeable – an outcome that puts into question the very *raison d’être* of these partnerships.

4. Syria and the Future of EU Sanctions Policy

The analysis that the combined EU and US sanctions against Syria are causing considerable damage to the economy is unusually consensual – even though, at the time of writing, its impact on the power balance in Syria and on the course of the crisis is difficult to ascertain. The irony about EU energy sanctions is that only extremely pressing situations such as violent government repression entailing growing civilian casualties garner sufficient support for the swift adoption of strong measures like energy bans or embargoes on oil extraction equipment. And yet, because these measures require some time to produce sufficient damage to encourage concessions, they are ill-suited to address situations requiring an urgent fix such as the current crisis in Syria.

Which future does the current response to Syria herald for EU sanctions policy? The sanctions package against Syria demonstrates that the EU is able to surmount the main structural deficiency of its sanctions, namely the weakness of its measures in terms of the little disutility they cause.¹⁸ Notably, the package includes import and export bans damaging some European business interests, a feature it shares with the Iran sanctions. The reluctance to affect trade constituted so far a “red line” that had hardly ever been crossed in the absence of a UNSC mandate, with the exception of the special case of the arms trade. Moreover, trade bans such as the prohibition to import gems from Myanmar were bound to have only negligible economic impact for European companies. By contrast, we are now witnessing how security interests trump commercial advantage. Also, the speed with which the whole package was agreed was remarkable for EU standards: in the past, sanctions regimes were tightened very slowly, with upgrades often consisting in the mere lengthening of existing blacklists. For an entity believed to be too unwieldy to frame a credible sanctions policy only a few years ago, the EU’s crafting of sanctions has been remarkably speedy and broad – particularly in view of the block’s growing membership and the persisting unanimity rule under which the CFSP operates.

¹⁶ Oertel, J. (2011): “China und das Sanktionsregime der Vereinten Nationen”, *SWPAktuell* no. 23 (April 2011).

¹⁷ European Union (2012): “Joint Press release after the 3rd EU-China High-level Strategic Dialogue”, A318/12, Brussels (10 July 2012).

¹⁸ Portela, C. (2010): *European Union Sanctions and Foreign Policy*, Routledge, London.



Sadly, the fact that the EU incorporates selective trade bans in its sanctions has distressing implications. Firstly, it signifies a move away from the narrowly targeted sanctions that impeccably characterised EU sanctions policy. Because assets freeze and visa bans are based on a blacklist, they single out those individuals and entities held to bear responsibility for misbehaviour. By contrast, selective embargoes affect entire sectors and are those more likely to disadvantage individuals bearing no responsibility for the condemned policies. Finally, while the blacklists did not pose any major obstacle to bilateral trade with targets, the inclusion of trade restrictions will do little to increase the popularity of a sanctions regime widely regarded as a poor substitute for an unlikely military intervention.



LA DIRECTIVA DE DEFENSA NACIONAL DE 2012

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Resumen:

La directiva de Defensa Nacional aprobada en julio de 2012 pretende definir los grandes objetivos de la defensa nacional en la presente Legislatura. A pesar del esfuerzo de reflexión y de adaptación al nuevo contexto internacional y la crisis económica, ni el nuevo contexto internacional ni la crisis económica constituyen en las reflexiones el fundamento sólido necesario que habría de tener la directiva para tener credibilidad.

Palabras clave: Directiva de Defensa, sistema internacional, crisis económica, papel de las Fuerzas Armadas, soberanía, dependencia.

Title in English: "The National Defence Directive for 2012".

Abstract:

The National Defence Directive adopted in July 2012 aims to define the main objectives of the Spanish national defence in this Legislature. Despite the effort of reflection and adaptation, mentioning the new international environment and the impact of economic crisis, these two factors are not fully developed in the theoretical reflection, thus not providing sufficient credibility to this Directive.

Keywords: National Defence Directive, international system, economic crisis, Armed Forces, sovereignty, dependence.

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1. Planteamientos generales

En julio de 2012 ha sido aprobada por el gobierno una nueva Directiva de Defensa Nacional. La nueva directiva está dividida en cuatro apartados e incluye una disposición final.

La parte introductoria sirve para justificar la publicación de la nueva directiva. Son dos las razones que se aportan: la entrada en vigor del Tratado de Lisboa y la aprobación del nuevo concepto estratégico de la OTAN en 2010 por un lado, y, por otro, la crisis económica, que se califica impropriadamente como “amenaza” para la seguridad, por grande que sea su importancia. Esta justificación no resulta suficientemente convincente como luego diremos.

A continuación se afirma que garantizar la seguridad de los españoles es una obligación inalienable, intransferible e irrenunciable del gobierno, siendo la política de defensa y la capacidad de las Fuerzas Armadas la columna vertebral del sistema institucional de defensa que contribuye de manera singular a la seguridad nacional. Se establece que España ha de contar con una defensa responsable, eficiente y con el menor coste social posible y también ha de estar preparado y adaptado para dar respuesta a las posibles amenazas, riesgos y retos que se puedan presentar. A lo que se añade la pertenencia a organizaciones de seguridad y defensa multinacionales. España, se dice, debe poder contar con buenos y fiables aliados y debe comportarse de forma leal y solidaria en la seguridad colectiva. En este contexto, se señala que el sistema internacional está plagado de incertidumbres y, por ello, el instrumento militar cobra una importancia fundamental. Estas incertidumbres obligan a realizar una profunda reflexión sobre la forma de afrontar los riesgos y amenazas que España experimentará en la primera mitad del siglo XXI, cuyo éxito se hace depender en la directiva de la existencia de una amplia participación en su desarrollo, que el anterior gobierno había hurtado con la aprobación de la estrategia de seguridad española², de la voluntad de prevalecer sobre las amenazas no compartidas, de que España sea un aliado leal y franco con sus aliados de la UE y de la OTAN y de que España tenga credibilidad ante amigos y enemigos. Desde esta argumentación, la directiva explica que la mejor aportación que España puede hacer a “la estabilidad internacional” es su propia fortaleza, dado el conjunto de incertidumbres existentes en el sistema internacional.

Esta parte introductoria resulta algo coja en función de la justificación que se realiza sobre la necesidad de aprobación de una nueva directiva. Los factores que se enuncian: el tratado de Lisboa, el nuevo concepto estratégico de la OTAN y la crisis económica no pueden ocultar un factor fundamental que afecta al sistema y las incertidumbres del sistema internacional, su **reconfiguración**. Buena parte de las certidumbres con que se ha venido operando desde el final de la Guerra Fría han desaparecido o se han atenuado de forma notable. El contexto internacional no es el contexto internacional de la directiva de 2004 ni el que se recogía de forma también poco convincente en la directiva de 2008. Existe un mayor pluricentrismo y una fuerte tendencia a la multipolaridad y también una creciente fragmentación. Esto es lo nuevo y esencial que viene reforzado por la crisis económica que afecta de forma especial al mundo occidental, a la UE en particular, que no se sabe muy bien en qué dirección podrá avanzar de forma sólida como un actor internacional en situación de clara devaluación, dada la creciente competencia de otros actores y su profunda insolidaridad; y a España de forma sobresaliente, que con dificultad se encontrará entre los quince primeros países más prósperos y avanzados en esta década. Esto sí que es novedoso y habría que haber

²Aunque probablemente mejor hubiera sido haber hecho depender este éxito de un estudio riguroso realizado por buenos especialistas, yendo más allá de tanta mediocridad en reflexiones y publicaciones sobre asuntos de defensa y seguridad.



tenido el coraje de decirlo, hacer una llamada de atención y, sobre todo, clarificar bastante mejor el contexto de la directiva de defensa que, como veremos, no recoge convincentemente las consecuencias del nuevo contexto internacional donde España se tendrá que mover en los próximos años.

La directiva, no obstante, intenta ser algo explicativa, pero se sale por la tangente al hablar de un sistema internacional plagado de incertidumbres, una vía de escape a la que ya se recurrió en la directiva de 2008. Mejor hubiera sido explicar, en una reflexión de esta importancia, cómo se ve el sistema internacional, cómo este afecta al entorno geográfico español más inmediato y al de nuestros aliados más fundamentales que se citan en la directiva, y presentar cuáles son estas incertidumbres, incluyendo las profundas debilidades interiores y creciente falta de cohesión, la política de cultura de defensa mantenida que ha reforzado la ausencia de una buena percepción de estas incertidumbres³, o la ausencia de un pensamiento suficientemente crítico en las Fuerzas Armadas.

Entramos así en la lectura de la segunda parte sobre la evolución del panorama estratégico, donde aparecen diversas afirmaciones de importancia:

- parece abrirse paso un escenario de amenaza híbrida que combina el conflicto convencional con la confrontación de carácter asimétrico;
- la Alianza Atlántica permanece como el vínculo de seguridad y defensa colectiva más apropiado para España, si bien el concepto estratégico de 2010 no ha cerrado la reflexión sobre los retos estratégicos a los que se enfrenta la Alianza;
- la preparación ante los riesgos que tienen que ver con la interconexión, la calidad y velocidad con que fluye la información, la gestión telemática de las transacciones, la libertad de los movimientos y los intercambios comerciales que podrían configurar un escenario donde los grupos terroristas y de la delincuencia organizada podrían jugar con ventaja;
- a lo que se añaden los ataques cibernéticos, la proliferación de armas de destrucción masiva, el tráfico de personas, la piratería, los grupos fanatizados, la quiebras de la seguridad del espacio aéreo y aeroespacial que han de ser afrontados por una coalición de fuerzas que tendrán por base la UE y la OTAN y que deben contar con el apoyo de otros países y grupos de países.

El problema surge al querer engarzar estos riesgos y su tratamiento con el papel de Estados Unidos que expone la directiva a continuación y que se centra, de nuevo tangencialmente, en la evolución del análisis estratégico estadounidense, ligándose con nuevos equilibrios mundiales y “el definitivo surgimiento de los países de la cuenca Indo-Pacífico como actores globales”, afirmación que necesita algo más que una mera clarificación, de forma especial si se liga con la amenaza híbrida enunciada al principio de este apartado. Uno tiene la impresión

³ Un ejemplo reciente lo tenemos en un debate en la Comisión de Defensa el 11 de octubre de 2012, donde, frente a los planteamientos del independentista catalán del ERC, Alfredo Bosch, quien propugnó prohibir los desfiles militares y las celebraciones castrenses, el representante del PSOE enfatizó las misiones internacionales de las Fuerzas Armadas y el papel de la UME.

Deliberadamente no nos detenemos en el artículo 2 y el artículo 8 de la Constitución que aparecen de alguna forma al final del apartado segundo de la directiva, al referirse a los valores recogidos en la Constitución cuya permanencia hay que garantizar.



de que, según este documento, sólo Estados Unidos tendría que afrontar los nuevos **equilibrios globales entre Estados**. Esta nebulosa no se despeja cuando se habla de las consecuencias de estos cambios para la OTAN y para la UE, donde meramente se habla de incrementar las capacidades militares y la proyección exterior. Pero ¿dónde? ¿en “la cuenca del Indo-Pacífico”? Esto no es viable ni posible en la actualidad, ni en los próximos años para España y la UE en general, salvo en casos de crucial supervivencia y entonces sí que se vería con claridad los sacrificios que la opinión pública europea y española estarían dispuestos a realizar. Entonces, ¿en Estados de especial debilidad? Esta parece ser la solución. Magra solución. La estabilidad mediterránea que se enuncia como principal responsabilidad de España y su entorno inmediato de Oriente Medio y el Sahel, el Africa subsahariana y el Golfo de Guinea, parecen apuntar en esta dirección. Con la salvedad de que, habida cuenta de la experiencia de la intervención en Libia, no es pensable una intervención de este tipo en ninguno de los Estados árabes mediterráneos de potencia media por parte de los Estados de la UE, ni de la OTAN, dadas las prioridades de Estados Unidos y su sobre extensión estratégica. Las actividades de prevención que se enuncian quedan así suficientemente cojas **al no tener credibilidad la posible escalada**.

Este segundo apartado de la directiva vuelve a tener un tono descendente en los últimos párrafos al referirse al continente iberoamericano con el papel del narcotráfico y el terrorismo, la seguridad de sus empresas y las materias primas, asuntos que tienen un tratamiento no prioritariamente militar, como tampoco lo tienen los riesgos enunciados en los primeros párrafos de este segundo apartado de la directiva. Esto se reconoce en el siguiente apartado de la directiva donde se afirma que “el abanico de riesgos y amenazas desborda hoy la noción tradicional de defensa”.

Un tercer apartado expone los objetivos de la política de defensa. Este apartado empieza con una exposición atractiva: la primera prioridad de España es garantizar su propia seguridad, procurarse las capacidades que aseguren la disuasión, para lo que se juzga importante que “los ciudadanos tengan cumplida información de la situación de la defensa y asuman una exigencia crítica que obligue a sus representantes políticos”. Esto se sale del guión tradicional que ha imperado en España donde la cultura de la defensa ha sido en no pocas ocasiones meramente la clac del gobierno del turno y donde el pensamiento crítico o meramente no oficialista era algo a eliminar en asuntos de seguridad y defensa, recurriendo incluso a notables discriminaciones y a no pequeños abusos. Hay que reconocer que este cambio que se propugna llevará tiempo, al exigir un cambio profundo en las mentalidades de autoridades civiles y militares, y habrá que ver lo que puede ocurrir cuando se produzca un nuevo cambio de gobierno, pues es meridianamente evidente que existe una profunda divergencia entre los dos partidos mayoritarios en cuanto a la cultura de defensa a desarrollar; basta ver qué se ha subvencionado desde distintos ministerios, pero en especial desde el Ministerio de Defensa, en estos últimos años. En este y en otros asuntos de la política exterior y de seguridad y defensa no existe un consenso nacional, ni la Fuerzas Armadas han sido capaces de mantener una línea consistente frente a las alternativas y bandazos gubernamentales.

Posteriormente, tras la constatación de que el abanico de riesgos y amenazas desborda la noción tradicional de defensa, se considera necesario el paso a una estrategia de seguridad nacional que se sostenga a través del esfuerzo conjunto de los departamentos ministeriales involucrados, potenciándose, aparte de una política de defensa eficaz, otras políticas sectoriales que sean precisas, a lo que se añade, curiosamente, una eficiente capacidad de inteligencia, aumentando la coordinación entre los diferentes servicios. Este asunto de la coordinación, aparte de su tradicional dificultad en todos los Estados, no deja de ser una



petición de principio. La directiva de defensa pretende ser una guía para una defensa necesaria y responsable y resulta que España se ha acabado encontrando en una situación de pérdida de soberanía e independencia, sin que se haya disparado un tiro y sin que los servicios de inteligencia hayan estado a la altura de sus responsabilidades, ¿cómo se puede pretender que aquí no ha pasado nada y que basta una mera potenciación y coordinación de los diferentes servicios para que se pueda hacer frente a los riesgos y amenazas del futuro, cuando se ha llegado a la situación de profunda dependencia actual? La directiva menciona la estrechez presupuestaria a la hora de mantener las capacidades que garantizan la disuasión, como si fuera lo único que realmente contara para la seguridad y defensa nacional en función de la crisis económica, considerando que la seguridad española “se caracteriza en estos momentos por tres rasgos esenciales: el incremento de la inestabilidad en nuestro entorno cercano, la búsqueda de un vínculo trasatlántico más sólido y el impacto negativo de la crisis económica en nuestras capacidades defensivas y la disminución del paraguas colectivo”. Esta caracterización no es muy afortunada, hay que empezar por reconocer **la situación de profunda dependencia y pérdida de soberanía a la que se ha llegado por el pésimo manejo de la crisis económica desde 2008**, que es el centro del problema a resolver en la seguridad y defensa nacional.

Por ello, algunos párrafos que siguen en la directiva suenan a hueco, como el de asegurar una España fuerte, o desarrollar la “coherencia y coordinación” de los instrumentos en manos de los distintos departamentos.

Un cuarto apartado se centra en las directrices a seguir durante la legislatura, empezando con la racionalización de las estructuras que se relacionan con diferentes aspectos de la seguridad nacional, siguiendo con la disuasión donde se enfatiza la disponibilidad de capacidades para su ejercicio, la defensa del territorio, la vigilancia de los espacios marítimo y aéreo, la proyección de las capacidades militares en la defensa de los intereses nacionales y apoyar a las autoridades civiles en caso de emergencia (con lo que la UME deja de ser un tema controvertido), añadiéndose la gestión integral de la ciberseguridad y la coordinación de una comunidad de inteligencia, asunto de notable complicación en todos los Estados. Otros tres epígrafes de este apartado vuelven a incidir en la importancia de las organizaciones de seguridad y defensa, de forma especial la OTAN, que se califican como imprescindibles, el replanteamiento de las estructuras de las Fuerzas Armadas en función de las limitaciones que impone la crisis económica y el impulso de la industria de defensa.

2. Evaluación

Tras la lectura de esta directiva se tiene la impresión de que, a pesar de los matices y limitaciones que se exponen en la propia directiva, existe un notable voluntarismo. En cuatro años no se podrá avanzar y lo que habrá que gestionar es una creciente debilidad, pues el Estado está en bancarrota y se exigen unos medios y recursos en función de los importantes cambios producidos en el sistema internacional, incluida la UE y la importancia decreciente de España en el sistema internacional, de forma especial si se considera en términos comparativos, que no serán posibles de conseguir y obligarán a redimensionar a fondo las Fuerzas Armadas. Es esta redimensión la que nos hubiera gustado ver, si no diseñada sí al menos medianamente definida en esta directiva que nos permitiera adivinar cómo se pretenden afrontar los riesgos y amenazas que se presentan, los compromisos con la OTAN y la UE que den credibilidad a España, no siendo “el bandwagoning” y, de forma especial, qué tipo de disuasión se puede implementar con unos recursos en caída libre y desde una situación



de país dependiente y con una soberanía sustancialmente reducida, dejando de lado delirios independentistas y otras lindezas a que nos ha llevado el juego político y autonómico español.



NOVEDADES





**LAS RELACIONES
HISPANO-ARGELINAS**
CONTEXTO HISTÓRICO
DESAFÍOS Y PROYECTOS COMUNES

Editor
Antonio Marquina





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de 27 de Febrero de 2006.

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14 Promoción

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DIPLOMA: EL MEDITERRÁNEO EN TRANSFORMACIÓN

SEGURIDAD Y COOPERACIÓN EN EL MEDITERRÁNEO

CÓDIGO: D0025/7

Curso 2012/2013: 5 de noviembre-20 de diciembre de 2012

Inscripción: del 1 de septiembre al 5 de noviembre de 2012

E mails de contacto: <ginesos@hotmail.com>, <marioant@cps.ucm.es>

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3. Los conflictos en el Mediterráneo Occidental. El conflicto del Sahara
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5. Principales Desafíos, amenazas y riesgos:
 - Desafíos Medioambientales. Subida de temperaturas, Agua, proyecciones en el descenso de la producción de alimentos. Subida del nivel del mar. Migraciones Forzadas.
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 - Crimen organizado y tráfico de drogas.
 - Los flujos migratorios.
 - Asegurarse recursos, el caso de la competición energética.
6. Las Fuerzas Armadas en el Mediterráneo.
7. La Economía y relaciones económicas.
8. La reformulación de la cooperación de la Unión Europea en el Mediterráneo. La Política de Vecindad. La Unión para el Mediterráneo y los proyectos comunes.
9. La cooperación en asuntos de Justicia e Interior.
10. El diálogo cultural: planteamientos y realizaciones.
11. El diálogo entre religiones.
12. Los diálogos mediterráneos: La OTAN, la OSCE, El diálogo cinco más cinco.
13. TRES PRÁCTICAS Y SIMULACIONES (12 horas)
Reunión de ministros del Interior: Evaluar la situación tras las revueltas árabes// Reunión de ministros del diálogo mediterráneo de la UE. Discusión sobre consecuencias posible ataque israelí a Irán// Reunión países Oriente Medio y del Cuarteto, proceso de paz en Oriente Medio (prof. Carlos Echeverría)

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CRÍTICA DE LIBROS:

Javier Morales (ed.) (2012):
*Rusia en la sociedad internacional:
perspectivas tras el retorno de Putin*
Madrid, UNISCI
ISBN 978-84-615-9843-4, 352 pp.

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El libro que edita el doctor e investigador Javier Morales recoge las aportaciones de un seminario previo organizado en la Facultad de Ciencias Políticas de la Universidad Complutense de Madrid, a las que se han sumado varias colaboraciones especializadas. El resultado es un completo recorrido por los principales desafíos de seguridad a los que se enfrenta la política exterior rusa, partiendo de un breve análisis del último proceso electoral (marzo 2012) que llevó de nuevo a la presidencia de la Federación Rusa a Vladimir V. Putin.

Este comentario no pretende ser una recensión-resumen al uso, pues el contenido del libro y su sistemática son perfectamente expuestos por Javier Morales en la introducción. Más bien se destacan las principales aportaciones que realiza a una literatura que, en España, es claramente insuficiente.

La primera gran conclusión que la lectura de esta obra permite extraer es la ambición de la política exterior rusa en su objetivo de recuperar un estatuto de gran potencia como el que, en su día, tuvo la URSS. Como indica ya en la presentación Antonio Marquina, se trata de una recuperación de poder para alcanzar un incontrovertible estatuto regional y global. A esta ambición contribuye sin duda la potente cultura estratégica rusa que, como demuestra Francisco J. Ruiz, tiene unas raíces históricas arraigadas y se manifiesta nítidamente desde el

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Concepto de Seguridad Nacional ruso de 1997 hasta la última Estrategia Nacional de Seguridad hasta el 2020.

El retorno a este objetivo se produce claramente durante el primer mandato de Putin, sin que ello impidiera sin embargo el mantenimiento de relaciones con Estados Unidos y, aunque debilitadas por su convencida superioridad sobre el socio institucional, con la Unión Europea. Ese pretendido estatuto superior queda reflejado en el impacto ejercido indirectamente sobre la Política de Vecindad. Los resultados de la misma y de la Asociación Oriental, como exponen Mercedes Guinea y Victoria Rodríguez, dependen de la actitud colaboradora u obstruccionista de Rusia; quien, a su vez y para reforzar su posición internacional, potencia sus vínculos asiáticos.

La segunda conclusión es que los medios puestos a disposición de esas ambiciones en política exterior son insuficientes o inadecuados. Ello es observable tanto en las capacidades militares como en los recursos humanos y financieros. Una de sus prioridades es la resolución y evitar el surgimiento mismo de problemas en sus fronteras y territorios fronterizos. La mera extensión del país, el más grande del mundo, hace difícilmente alcanzable el objetivo de protección y control completo de su frontera. Por otra parte, los problemas en Chechenia o en los países vecinos de Asia Central presentan unas peculiaridades que demuestran la complejidad de su gestión adecuada. Entendiendo y enfocando la voluntad secesionista de los chechenos como problema terrorista, como indica Francesc Serra, Rusia intentó prevalerse de los argumentos utilizados por la agresiva política antiterrorista seguida por la Administración Bush. Como analiza Javier Morales, ello permitió un sorprendente acercamiento de ambos países y de personalidades políticas tan aparentemente opuestas como Bush y Putin.

Las relaciones con las antiguas repúblicas soviéticas de Asia Central presentan unas características heterogéneas: desde la frialdad de las relaciones con Ucrania, dulcificadas por el cambio de presidente, al alineamiento de políticas con Moscú desarrollada por Belarús, pasando por la cordialidad con visiones propias y cautas de Kazajstán. En estas relaciones, donde Estados Unidos, China y la UE son presuntos competidores, una aproximación con la Unión Europea dotaría de mayor fuerza a la posición rusa.

Sin embargo, la falta de flexibilidad y dinamismo del sistema estatal ruso, como señala Ekaterina Stepanova, dificultan su respuesta ante acontecimientos internacionales cada vez más frecuentes, inesperados y que exigen una visión global; esa que, pese a la voluntad de ser gran potencia, parece que aún no tiene la política exterior rusa, excesivamente dominada por obsesiones históricamente superadas pero latentes en un importante sustrato social.

Como analiza Peter Ferdinand, la relación con China, pese al estrechamiento pragmático de la colaboración entre ellas en diferentes áreas, deja reflejar la inseguridad rusa ante una potencia económica, política y militar que crece día a día. Siberia y Lejano Oriente serían los focos principales de la preocupación político-defensiva.

Otro foco de tensión se sitúa en el contencioso territorial con Japón que, como desarrolla Eric Pardo, es el último elemento de una relación tradicionalmente conflictiva entre ambas potencias, o ex-potencias. Contencioso de difícil resolución y que, entendemos, limita una presencia rusa *soft* y pragmática en la región norasiática; máxime cuando las aguas del Mar de China se revuelven con otros contenciosos territoriales y otros países en presencia.

Las iniciativas rusas para gestionar las relaciones con estas regiones y alcanzar esa posición de superioridad o al menos de liderazgo, la iniciativa de comunidad económica



euroasiática, el refuerzo de la OTSC o el nuevo Tratado sobre la Seguridad Europea no han triunfado y se mantienen en un perfil bajo. Esta circunstancia es una de las incógnitas para determinar el futuro de las relaciones, por ejemplo, con Asia Central, como señala Antonio Alonso.

Por otro lado, la capacidad militar que sería necesaria para una posición de predominio internacional, aunque mejorada por los espectaculares incrementos presupuestarios en los últimos años, no deja de ser limitada, con unas Fuerzas Armadas todavía no profesionales y unos sistemas de armas y equipamiento en general necesitados de una sustancial puesta al día.

La tercera idea-fuerza es la debilidad interna del régimen, que puede terminar frustrando las expectativas que se quieren generar, incluso si los recursos materiales fueran suficientes para hacerlas efectivas. El sistema político, con una cierta deriva autoritaria, la excesiva dependencia de ingresos derivada de los recursos energéticos, la desigualdad social y la escasez de prestaciones en este campo, o la corrupción político-administrativa, por no hablar de la pasividad política ciudadana, debilitan los cimientos de una pretendida potencia internacional. Si bien es menester destacar que el malestar por la política doméstica se ha ocultado por parte del poder político tras la unidad que suscita la política exterior y de defensa, excitando el gran sentimiento nacionalista presente.

Rubén Ruiz, pero también Francisco J. Ruiz o Ekaterina Stepanova, ponen de manifiesto estas debilidades que prefiguran unos “pies de barro” para un pretendido gigante político. Quizá las claras conclusiones redactadas por el editor no pongan suficiente énfasis en el impacto de la situación interna sobre la política exterior rusa y el uso de ésta como aglutinante de opinión pública que puede funcionar durante un tiempo, pero en todo caso, un tiempo limitado.

Lejos, sin embargo, de las afirmaciones catastrofistas de Nouriel Roubini o de Ian Bremmer, basadas en particular en los problemas demográficos, los autores que participan en esta obra no contemplan el futuro de Rusia en la escena internacional como inexistente; sino, más bien, como una incógnita difícil de despejar por las numerosas incertidumbres todavía en presencia. Más en línea con Dmitri Trenin, no parece que una vuelta al pasado sea posible, como algunos pretenden. Sin embargo, los problemas derivados de la gran extensión territorial, de la diversidad interna o de la proximidad de potencias hostiles complican la tarea de predecir el grado de aproximación a los postulados de Putin en política exterior: la grandeza de Rusia, la lucha por los recursos naturales y la disuasión.

La obra comentada, por las características descritas, resulta, en consecuencia, imprescindible para una comprensión cabal de la política exterior rusa, sus objetivos y su perspectiva; único punto de partida adecuado para el diseño de una estrategia política hacia la Federación Rusa.





CRÍTICA DE LIBROS:

Herrero, Rubén (2011):

John F. Kennedy y Vietnam: la caída de Camelot

Madrid / México D.F., Plaza y Valdés

ISBN: 978-84-15271-21-5. 125 pp.

Pr. David García Cantalapiedra¹

Profesor UCM / Investigador UNISCI

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De nuevo encontramos una obra en español sobre el estudio de el proceso de toma de decisiones en política exterior, uno de los aspectos menos estudiados en España en el área de las Relaciones Internacionales. Además, este estudio es realmente un “análisis de caso”, que prácticamente es una aplicación de su anterior libro “La realidad inventada”. Sin embargo, tiene la virtud de profundizar en un aspecto de la teoría como es la variable psicológica, aunque junto con otros contextos que explican el proceso de decisión en política exterior, y también evitar el estudio del caso “modelo”, la crisis de los misiles en Cuba, del que precisamente se cumplen 50 años este mes de octubre. Es una paradoja que gran parte de los estudios y aproximaciones teóricas que resultaron de esta crisis, se aplicaran en el análisis de una crisis anterior y que tendrá un impacto de tal magnitud en la política exterior de EEUU y en el propio país, que aún condiciona las decisiones en la política de seguridad y defensa de las administraciones norteamericanas de las últimas décadas.

El profesor Herrero se aproxima a las decisiones que llevaron a EEUU a escalar en una guerra que duraría 15 años y produciría un impacto tal que marcaría varias generaciones. Aún así, el libro se abre “a bocajarro” sobre el presidente Kennedy como protagonista central de esta tragedia, pero también se expande hacia el resto de los actores personales. Primero explica como la personalidad del presidente, sus creencias, valores y aprendizaje conformaran el cuerpo interno decisorio de Kennedy en el contexto político, ideológico y estratégico de la

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Guerra Fría (capítulo 1). En cierta manera, a pesar de que la Administración Kennedy la formaban una generación de los mejores y más brillantes administradores, profesores y políticos sin precedentes (los famosos “the best and the brightest”, capítulo 2), las decisiones en todo el proceso de escalada entre 1961-1963 parecen marcados por un “fatum” trágico creado a base de medidas y decisiones sin convicción, que no alcanzaría una solución satisfactoria, y mucho menos en una victoria militar (págs. 112-115). Esto acabaría llevando a la posterior expansión de la intervención en Vietnam a partir de 1965, siguiendo el modelo de escalda creado por la administración Kennedy (pág. 101). El profesor Herrero explica este proceso con una excelente aplicación de los conceptos teóricos, no solo de la variable psicológicas, incluye conceptos como “Wishful Thinking” o “Groupthink”, sino de las dinámicas políticas, ideológicas y estratégicas como la teoría del dominó o el “Black Box model” (capítulo 5).

En terminos formales y de la estructura del libro, se pueden apreciar excelentes medidas aclaratorias como el cuadro explicativo de los miembros de su administración facilita conocer e informa de los miembros y sus características más importantes. El libro tiene además una amplia bibliografía centrada en el tema de estudio (por no hablar de la usada en las notas aclarativas a pie de página, que demuestran un conocimiento profundo y de experto del tema) teniendo en cuenta que la casi infinita producción de literatura sobre la guerra de Vietnam hace imposible su cita en esta obra. Sin embargo, la obra mejoraría si se incluyera un índice onomástico y algunos documentos que se citan el libro (probablemente, en una edición posterior se podrían incluir ambos aspectos). El libro vuelve a llenar un clamoroso hueco en la literatura del área en España y es de obligada lectura para estudiantes y estudiosos de las relaciones internacionales.



CRÍTICA DE LIBROS:

Bustos, Rafael; Orozco, Olivia y Witte, Lothar (coords.) (2011):
El Magreb y las migraciones subsaharianas: el papel de asociaciones y sindicatos
Madrid, Casa Árabe, Fundación Friedrich Ebert y Fundación Alternativas
ISBN 978-84-615-6645-7, 225pp.

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El libro recoge los estudios realizados por expertos de diversos países del Magreb, resultado del seminario organizado en Madrid por Casa Árabe, la Fundación Friedrich Ebert Stiftung y la Fundación Alternativas, en octubre de 2009.

El libro se estructura en tres partes, bien definidas: la primera, titulada *testimonios e historias de vida*, nos adentra en el complejo mundo del subconsciente del inmigrante subsahariano, que ha experimentado de lleno las consecuencias de esta migración. En la evocación del emigrante congoleño, vivida en Marruecos, se nos narra una desgarradora experiencia, que a pesar de todo, nos permite conocer la vida de estos inmigrantes en el país marroquí, desde todos los puntos de vista, que van desde el rechazo de la sociedad de acogida, a la aceptación en el pequeño núcleo del barrio en donde habitan. También se recogen las entrevistas realizadas a un visitante de prisiones y a dos refugiados marfileños en Túnez.

En la segunda parte, titulada, *las migraciones vistas por los actores*, se recogen tres estudios sobre los inmigrantes subsaharianos en el Magreb, desde el punto de vista de las asociaciones magrebíes, del papel de los sindicatos en la gestión de las migraciones subsaharianas, y desde el punto de vista de la prensa, concretamente, en Argelia.

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La tercera parte, titulada, *las migraciones en los países del Magreb*, hace un recorrido por Argelia, Marruecos, Mauritania, Túnez, Libia, resultando ser la parte más interesante del libro por los estudios críticos que se realizan sobre el tema que trata el libro.

En el capítulo introductorio, a cargo de Gemma Pinyol, la autora hace una breve síntesis de la política migratoria de la Unión Europea respecto a los países vecinos del Mediterráneo, destacando los hitos más importantes que van desde 1993 al 2008, obviando una fecha, 11 de septiembre de 2001 que supuso una profunda revisión de las políticas liberales que habían impregnado los textos de Tampere.

Aclara que no se ha avanzado hasta la fecha en todas las propuestas que se han realizado por parte de la UE, “pues las iniciativas no han ido mucho más allá de la “*lógica declaratoria*”. Cuestión que ya se ha denunciado en otros estudios de ámbito internacional. Lanza un *snobismo*, al señalar que se ha creado una “*diplomacia migratoria en la UE*”, que es quien lleva la iniciativa en este tema, acción exterior que ha sido estimulada por los movimientos migratorios entre 2005 y 2008. Se sigue insistiendo en que, mientras la Unión Europea tiene como prioridad la seguridad de sus fronteras, la mayor parte de los países africanos demandan oportunidades para su desarrollo.

En este sentido, la seguridad europea ha “forzado” de alguna manera a que las migraciones subsaharianas se conviertan en permanentes en el Magreb, abandonando la característica de transitorias que tenían antaño. Los autores intentan dar respuesta a preguntas como:

¿Son los países magrebíes capaces de recibir e integrar a estas personas migrantes?

¿Podrán sus estructuras de protección social, sus instituciones y su mercado de trabajo dar respuestas adecuadas?

¿Cuál es el papel de los sindicatos y las ONGs magrebíes, para paliar estas debilidades y aportar soluciones?

El objetivo del libro, según sus autores, es aportar conocimiento sobre las diferentes realidades, abriendo un debate sobre la necesidad de generar “*sinergias*” de cooperación entre sindicatos, ONGs, medios de comunicación y poderes públicos, ante esta nueva migración permanente en el Magreb.

En la lectura del libro se puede constatar que el caso de Libia y de Marruecos es deplorable.

Aunque los autores dicen que el caso que tratan en el libro es novedoso, sin embargo, no lo es, pues ya desde 2005 se sabe que la “migración en tránsito”, retenida en Marruecos, Argelia, Túnez y Libia, en menos proporción por la utilización en las instalaciones petroleras, padecía una situación de cuasi esclavitud, abocada al peligro y a la marginalidad, muchas veces lanzados los emigrantes al desierto y abandonados a su suerte.

Se hace hincapié en la serie de convenios internacionales que, firmados, no se respetan en los países magrebíes.



Se echa la culpa de las leyes restrictivas a la Unión Europea, sin embargo, uno de los países que solicitó ayuda a la UE para “atajar la oleada de cayucos en 2006” fue España, gobernada por el presidente socialista Rodríguez Zapatero. Oleada de inmigrantes que realizaron nuevos periplos, más peligrosos, debido al “cuello de botella” que se fue creando en países como Marruecos, para pasar a Europa.

Se habla de exigir el respeto de los derechos humanos en estos países con los inmigrantes, justamente, en países que no respetan estos derechos ni con sus propias poblaciones, lo que resulta un tanto irónico, pero no descartable.

En cuanto a las ayudas y quienes se benefician de los fondos europeos para las migraciones, es muy revelador el capítulo en donde se denuncia esta situación, rubricado por la politóloga Nadia Khrouz. (Página 62 y ss). También se pone en evidencia el papel de los sindicatos, que es prácticamente inexistente, respecto a esta migración.

Por su parte, el capítulo de Ali Bensaad, es muy importante, porque estudia en profundidad la situación de los subsaharianos en Argelia, que hunde sus raíces en la Historia de este país. (Páginas 116 y ss). “*La presencia inmigrante cuestiona las construcciones identitarias nacionales*”. Autor que llama las cosas por su nombre, suscribe en la página 125, que la “represión argelina hacia el negro es muy antigua y muy superior a la que ejerce la UE”. Centra el tema del inmigrante negro, no solo en Argelia sino en los países del Magreb, resultando ser un concienzudo estudio de la realidad magrebí, respecto a la inmigración subsahariana.

El libro nos acerca a una realidad bastante cruda, que subsiste en el norte de África y que los países de la Unión Europea no deben ignorar, mucho más tratándose de la frontera sur del continente.

En la abundante bibliografía que pone colofón al libro, se echa en falta libros de reciente publicación, como el de Marquina, A. (ed). (2008) *Flujos migratorios subsaharianos hacia Canarias-Madrid*. y el de Brachet, J. (2009) *Migrations transshahariennes, vers un désert cosmopolite et morcelé*, el primero, da una idea aproximada de lo que se nos avecina, en relación a las migraciones desde el sur, debido al impacto del cambio climático, y el segundo es un estudio bastante completo sobre la transformación del desierto de Níger por las migraciones subsaharianas.

Cabe añadir que los siete autores extranjeros que colaboran en el libro, aportan novedades, no así los españoles, que se limitan a hacer hincapié en argumentos ya conocidos por estudiosos de las migraciones.

También hay que señalar que desde 2009, cuando se celebra el seminario que da como resultado el libro, a 2011 cuando se publica, hay un período de tiempo muy considerable, que los editores deberían tener en cuenta.





CRÍTICA DE LIBROS:

Marquina, Antonio (ed.) (2012):
Crisis, inercias y agotamiento: repensando la política exterior española,
Madrid, UNISCI
ISBN 978-84-615-7811-5, 434pp.

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El objetivo de estos ensayos es contribuir a llamar la atención sobre la necesidad de reorientar la política exterior y de seguridad española, en algunos casos de forma profunda y sustancial. También sobre la necesidad de una mejor planificación, incluyendo una mejora en la selección de las personas que asumirán responsabilidades y toma de decisiones, su formación y su preparación multidisciplinar.

Se trata de dieciséis ensayos sobre las líneas fundamentales de la política exterior que se ha desarrollado en esta década y ver los avances y retrocesos tratando de explicar e incluso en algunos casos conceptualizar la política desarrollada en la práctica, con sus aciertos y errores. Los temas tratados son, entre otros, el servicio exterior español, la política exterior común europea; las relaciones hispano-rusas; seguridad y defensa; política exterior hacia Asia-Pacífico (de inexistente a insuficiente), Iberoamérica, Asia Central, África Subsahariana y Mediterráneo; los partidos islamistas; terrorismo yihadista; y política migratoria.

La obra que presentamos tiene interés porque se distancia de planteamientos justificativos o laudatorios, como el caso de Mediterráneo, Gibraltar o la política de seguridad. Asimismo, trata de llamar la atención de los gobiernos sobre los nombramientos en cargos de responsabilidad. Un dato es incuestionable: España tiene hoy menos peso del que le corresponde en la Unión Europea, ante los Estados Unidos y en la propia OTAN. En general, se puede decir que el resultado de estas reflexiones muestra la imperiosa necesidad de replantear bastantes temas en la política exterior y de seguridad española, tal y como se ha desarrollado en los últimos años. Mediterráneo, política europea, política hacia los Estados Unidos, hacia Hispanoamérica y otras áreas regionales, de forma especial Asia.

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En este caso concreto, la política exterior de España hacia Asia Central es uno de los elementos que deberían ser mejorados en el futuro si se desea salir más rápido de esta crisis, a través de la apertura a nuevos mercados emergentes y a países ricos en hidrocarburos. Si bien es verdad que las relaciones diplomáticas y políticas son muy buenas a nivel institucional, las relaciones económicas son aún tenues y muy débiles.

Por citar sólo un ejemplo, los dos capítulos dedicados a la cuestión de seguridad y defensa hacen una exposición detallada de la situación en la que se está en estos momentos, se analizan los puntos débiles y las fortalezas que pueden devenir de dicha situación y señala el camino que se podría seguir para hacer que España tuviera una política de seguridad más firme y estable, capaz de responder a las amenazas tradicionales y a la más innovadoras.

Así, en este campo específico de la política de seguridad y defensa, -un territorio propicio para el enfrentamiento partidista-, el conjunto de ensayos subrayan la importancia de una adecuada definición de los intereses nacionales, las políticas de transformación de las fuerzas armadas llevadas a cabo en los últimos años para hacer frente a los nuevos desafíos y amenazas; el planteamiento por capacidades, la superación de la acción militar española a un mandato multilateral; la participación del Parlamento en la aprobación de los despliegues internacionales y la definición de un nuevo catálogo de misiones y una tipología de operaciones más amplio del que se había mantenido con anterioridad. Para los autores, los puntos más débiles de esta transformación es la cultura de defensa desarrollada en los últimos años.

De los tres ejes esenciales de la política exterior de España (Europa, Mediterráneo, Iberoamérica) es al Mediterráneo al que más capítulos le dedica. Aparte de uno específico para esa área, hay dos más dedicados al yihadismo y a los partidos islamistas moderados, además de otro dedicado a la política migratoria, asuntos estos que necesariamente pasan por entender bien el Mediterráneo y lo que nos jugamos allí en las próximas décadas.

En resumen, un libro que aúna un esfuerzo colectivo por explicar las distintas parcelas a las que debe atender nuestra política exterior, analizando en cada caso el por qué de los aciertos o fracasos. Sin embargo, a pesar de que cada capítulo se centra en un aspecto distinto, se nota la batuta del editor que, sin duda, ha hecho posible que se dé una explicación coherente a la situación real -aportando los datos precisos- del eje temático de esta obra: la política exterior española, con atención especial a la primera década del siglo XXI .



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Ejemplos:

⁶ Véase Keohane y Nye, *op. cit.*, p. 45.

⁷ *Ibid.*, pp. 78-79.

⁸ Un ejemplo aparece en Snyder *et al.*, *Foreign Policy Decision-Making, op. cit.*, pp. 51-52.

A) Libros

Apellido, Nombre (Año): *Título del libro*, nº ed., colección y nº si los hay, Ciudad, Editorial.

Waltz, Kenneth N. (1979): *Theory of International Politics*, Boston, Addison-Wesley.

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Buzan, Barry; Wæver, Ole y De Wilde, Jaap (1998): *Security: A New Framework for Analysis*, Boulder / Londres, Lynne Rienner.

C) Libros con un editor o coordinador

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D) Capítulos de libros

Apellido, Nombre (Año): “Título del capítulo”, en *Título del libro*, nº ed., colección y nº si los hay, Ciudad, Editorial, pp. xx-xx.

Wendt, Alexander: “Three Cultures of Anarchy”, en *Social Theory of International Politics*, Cambridge, Cambridge University Press, pp. 246-312.



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Sakwa, Richard: "Parties and Organised Interests", en White, Stephen; Pravda, Alex y Gitelman, Zvi (eds.) (2001): *Developments in Russian Politics*, 5ª ed., Durham, Duke University Press, pp. 84-107.

F) Artículos de revista

Apellido, Nombre: "Título del artículo", *Revista*, vol. xx, nº x (mes año), pp. xxx-xxx.

Schmitz, Hans Peter: "Domestic and Transnational Perspectives on Democratization", *International Studies Review*, vol. 6, nº 3 (septiembre 2004), pp. 403-426.

G) Artículos de prensa

Apellido, Nombre: "Título del artículo", *Periódico*, día de mes de año.

Bradsher, Keith: "China Struggles to Cut Reliance on Mideast Oil", *New York Times*, 3 de septiembre de 2002.

H) Artículos en publicaciones de Internet

Igual que los anteriores, pero añadiendo al final "en <http://dirección.página/web>."

Gunaratna, Rohan: "Spain: An Al Qaeda Hub?", *UNISCI Discussion Papers*, nº 5 (mayo 2004), en <http://www.ucm.es/info/unisci>.

I) Otros recursos de Internet

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Examples:

⁶ See Keohane and Nye, *op. cit.*, p. 45.

⁷ *Ibid.*, pp. 78-79.

⁸ An example appears in Snyder *et al.*, *Foreign Policy Decision-Making, op. cit.*, pp. 51-52.

A) Books

Surname, First Name (Year): *Book Title*, xth ed., Book Series, No. x, Place, Publisher.

Waltz, Kenneth N. (1979): *Theory of International Politics*, Boston, Addison-Wesley.

B) Collective Books

Surname 1, First Name 1; Surname 2, First Name 2 and Surname 3, First Name 3 (Year): *Book Title*, xth ed., Book Series, No. x, Place, Publisher.

Buzan, Barry; Wæver, Ole and De Wilde, Jaap (1998): *Security: A New Framework for Analysis*, Boulder / London, Lynne Rienner.

C) Edited Books

Editor’s Surname, First Name (ed.) (Year): *Book Title*, xth ed., Book Series, No. x, Place, Publisher.

Lynch, Dov (ed.) (2003): *The South Caucasus: A Challenge for the EU*, Chaillot Papers, No. 65, Paris, EU Institute for Security Studies.

D) Book Chapters

Surname, First Name (Year): “Chapter Title”, in *Book Title*, xth ed., Book Series, No. x, Place, Publisher, pp. xx-xx.

Wendt, Alexander: “Three Cultures of Anarchy”, in *Social Theory of International Politics*, Cambridge, Cambridge University Press, pp. 246-312.



E) Book Chapters in an Edited Book

Author's Surname, First Name: "Chapter Title", in Editor's Surname, First Name (ed.) (Year): *Book Title*, xth ed., Book Series, No. x, Place, Publisher, pp. xx-xx.

Sakwa, Richard: "Parties and Organised Interests", in White, Stephen; Pravda, Alex and Gitelman, Zvi (eds.) (2001): *Developments in Russian Politics*, 5th ed., Durham, Duke University Press, pp. 84-107.

F) Journal Articles

Surname, First Name: "Article Title", *Journal*, Vol. xx, No. x (Month Year), pp. xxx-xxx.

Schmitz, Hans Peter: "Domestic and Transnational Perspectives on Democratization", *International Studies Review*, Vol. 6, No. 3 (September 2004), pp. 403-426.

G) Press Articles

Surname, First Name: "Article Title", *Newspaper*, Day Month Year.

Bradsher, Keith: "China Struggles to Cut Reliance on Mideast Oil", *New York Times*, 3 September 2002.

H) Articles in On-line Publications

The same as above, but adding "at <http://www.xxxxx.yyy>".

Gunaratna, Rohan: "Spain: An Al Qaeda Hub?", *UNISCI Discussion Papers*, No. 5 (May 2004), at <http://www.ucm.es/info/unisci>.

I) Other On-Line Sources

Document Title, at <http://www.xxxxx.yyy>.

Charter of the Shanghai Cooperation Organization, at <http://www.ln.mid.ru>.

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