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(funded by the European Commission)

CFSP Forum

Volume 7, Issue 4 July 2009

Note from the Editors

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This issue of *CFSP Forum* opens with an analysis of the recently completed Czech Presidency of the EU. The Presidency was marked by a change of government mid-term, alongside a range of inherited and new foreign policy challenges. The issue contains two other substantive articles: an analysis of the planning and conduct capabilities of the ESDP by Carmen Gebhard, and an analysis of the evolution of the EU's WMD policy by Richard Guthrie.

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The Czech EU Council Presidency and Foreign Policy: A Productive Mess?

Tomáš Weiss, Charles University, Prague and EUROPEUM Institute for European Policy

At the time of writing, the Czech EU Council Presidency is slowly moving towards its end and the impression has been mixed at best so far. The Presidency took office with a baggage of many 'known unknowns' and had to deal with several 'unknown unknowns' right from the beginning. Many of them have, indeed, had a vast impact on its overall performance, but some, paradoxically, have had a more positive effect, resulting in greater consensus within the Council.

The known unknowns were numerous, comprising the domestic, European, as well as the global level. At home, the government could not rely on strong support in the parliament and had failed to reach an agreement with the opposition on cooperation during the Presidency. Moreover, the leading

governmental party, the Civic Democrats (ODS), had always been very cautious vis-à-vis European integration and was split gravely on the ratification of the Lisbon Treaty. It was further weakened by the President of the Republic, Václav Klaus, the founder and former chairman of the party and at the same time one of the most vocal critics of the current patterns of European integration in general and the Lisbon Treaty in particular, whose role in foreign policy and the Presidency had not been clear. At the European level, the Czech Republic took over after France, which had been not only very active, but also anxious to retain influence.[1] The June European elections meant that the MEPs[2] and Commissioners would rather invest more effort into seeking new jobs than working in their current ones. And last but not least, the fact that the Czech Republic had not ratified the Lisbon Treaty contributed to a general distrust in the Presidency and in its ability to negotiate the conditions of the second Irish referendum.[3] At the global level, the financial and economic crisis was expected to influence the Presidency, but nobody was able to predict its consequences and future developments. President Barack Obama was taking over in the US in January, but his cabinet was still to be appointed and policies to be drafted.

Also the unknown unknowns have originated from both the wider world as well as in the domestic situation. The Presidency had to face the Gaza crisis and the Russian-Ukrainian gas dispute immediately, during the first days of January. Even more importantly, the no-confidence vote in the Czech parliament and the appointment of a caretaker government shattered the authority of the Presidency and made some observers declare the Presidency over prematurely.[4]

This article aims to identify the main issues in the foreign policy domain during the Czech Presidency and evaluate its performance with respect to its original priorities, as well as its ability to react to unexpected events.

Presidency priorities

The Czech Presidency programme was based on 'three Es': economy, energy, and the EU in the world, with an overarching motto of 'Europe without barriers.' The motto was interpreted as calling for 'a Europe without internal economic, cultural and value barriers for individuals, entrepreneurs and economic entities; a Europe open to the world, but not defenceless against illegal activities and attacks.'[5] The Presidency planned to focus on limiting the remaining internal barriers for movement of persons in the EU, the energy and climate package, as well as enlargement, the Eastern neighbourhood, and transatlantic relations. The emphasis was, however, mainly on first and third pillar issues. Unlike the French six months before,

[1] See 'Grumpy Uncle Vaclav', *The Economist*, 4 December 2008.
[2] Against all expectations, the European Parliament kept working rather effectively until April.
[3] In particular, the MEPs were expressing their belief openly that the Czech Republic could not preside over the EU effectively, unless it ratified the Treaty before the Presidency began, e.g. during the Prague visit of the Constitutional Affairs Committee in November 2008.

[4] See 'The Czech presidency: nice guys finish early', Economist.com, 27 April 2008, available at http://www.economist.com/blogs/charlemagne/2009/04/the_czech_presidency_nice_guys.cfm.
[5] 'Work Programme of the Czech Presidency: Europe without Barriers', p. V, available at http://www.eu2009.cz/scripts/file.php?id=6226&down=yes.

who set the development of the European Security and Defence Policy (ESDP) as one of the key presidency priorities,[6] the Czechs kept a low profile on second pillar issues,[7] not least because of a general wariness regarding the ESDP and a strong emphasis on NATO both in the strongest governmental party, the ODS, and the foreign ministry.

The external policy priorities of the Czech Presidency focused on the EU's closest neighbours (where the Czech Republic has traditional ties) – either through the enlargement process, or through the Eastern Partnership (the Eastern equivalent of the French Union for the Mediterranean). The Presidency was supposed to establish first contacts with the new US administration during the regular EU-US summit in June. Among other summits with third countries that usually fall into the first half of the year, the Presidency wanted to convene the first ever EU-Israel summit, thus upgrading relations with Israel to a higher level.

In an effort to play honest broker, the Presidency programme emphasised neither human rights nor transition policy (the flagships of Czech foreign policy) as separate priorities. Czech diplomacy had even allowed for the watering down of EU sanctions against Cuba in 2008 in order to get the issue out of agenda for the first half of 2009 and gain support for the Eastern Partnership initiative.

The explosive start of the year

From the very beginning, the Presidency was overwhelmed by events. It had to deal with the Israeli offensive against Hamas militants launched in the last days of December 2008. At the same time, it had to broker a settlement between Russia and Ukraine, because their trade disputes over gas had left some member states without any supplies, disrupting industrial production as well as heating.

The hasty start immediately exposed several weaknesses of the Presidency. Firstly, the administration stumbled several times both logistically as well as substantially, having had no time to get used to the new responsibilities. At one of the first press conferences, the deputy prime minister for European affairs, Alexandr Vondra, had to correct consecutive interpretations of his speech delivered by the spokeswoman, clearly unprepared for such a task, as no professional interpretation was available. More importantly, the Prime Minister's Presidency spokesperson called the Israeli operation in Gaza 'defensive, not offensive' publicly, which might have well reflected the view of the Prime Minister Topolánek or even Czech diplomacy, but was far from any official EU position.[8]

Secondly, the French President, Nicolas Sarkozy, was not ready to withdraw

[6] For an evaluation of the French Presidency see Helen Drake, 'What Difference did a (French) Presidency Make? FPEU08 and EU Foreign Policy', *CFSP Forum*, vol. 7, no. 1, 2009, pp. 1-6.

[7] The low profile concerned the 'core' second pillar (the CFSP/ESDP) only where the Presidency continued with the business as usual, but did not bring any new initiatives (cf. Presidency Report on ESDP, Council doc. 10748/09). The Presidency had an important external policy agenda otherwise, namely the Eastern partnership and transatlantic relations.

[8] 'EU seeks Gaza role despite conflicting views', EurActiv.com, 5 January 2009, available at http://www.euractiv.com/en/foreign-affairs/eu-seeks-gaza-role-despite-conflicting-views/article-178272.

from international politics with the end of his term as EU President and launched a parallel initiative on the Gaza crisis. As a result, there were two European delegations seeking a ceasefire in the Middle East at the same time on 4-6 January – the EU delegation led by the Czech Foreign Minister, Karel Schwarzenberg, and a French delegation led by President Sarkozy. The situation was the more peculiar, as the French Foreign Minister, Bernard Kouchner, took part in the EU delegation.[9]

On the other hand, the crises also revealed a strong side - mainly, the collective European focus of the Czech Presidency team. In both cases, the Presidency closely coordinated with the Commission as well as with EU partners. During the gas negotiations, it was the Energy Commissioner Piebalgs who participated in the meetings. On his trip to Middle East at the beginning of January, Minister Schwarzenberg travelled not only with HR Solana and Commissioner Ferrero-Waldner, but also with Foreign Ministers of the rest of the *trio*, Kouchner and Bildt.

At the same time, the Czech government was pulled into the Presidency business very quickly as a result of the crises. In particular in the case of the gas crisis where the Czech performance was perceived rather positively, the ministers realized that they indeed were in a position to influence events at the European level and even beyond. Moreover, the external events helped the Presidency make the case for energy security and diversification of supply. This resulted in a strikingly successful March European Council (in light of previous disputes) that Commission President Barroso called 'a summit of delivery.'[10] The summit dealt with internal economic problems above all, but some external issues were tackled as well. Firstly, the European Council adopted a common European position for the London G-20 meeting where the Presidency took part beside the bigger member states. Secondly, the Eastern Partnership, one of the Czech priorities, got the green light and was allocated 600 million euros. And finally, out of the 5 billion euros that the European Council earmarked for infrastructure developments to increase energy security, 200 million are to be invested into the Nabucco pipeline project,[11] which represented the first EU-wide support for the scheme.

The Gaza crisis, on the other hand, constituted a major blow for Czech plans to upgrade relations with Israel. The EU froze the preparations of the summit after the Israeli offensive. The result of the elections and the introductory declarations of the new Israeli government further worsened the image of Israel in the EU and the summit

[9] A great upheaval was caused by the piece of art installed in the Council building on behalf of the Czech Presidency. The allegedly collective work was actually created by a single author, Czech artist David Černý, and systematically offended all member states, referring to prejudices all over Europe about other nations and member states. In our opinion, the following debate rather revealed how some member states' representatives cannot cope with irony and that the issue is, indeed, very relevant in the EU. However, the affair was presented as a failure of the Presidency to some extent and fuelled the anxiety about the Czech capacity to handle the office.

[10] See 'Post-Summit Analysis: United we stand - for now', EPC, 23 March 2009, available at http://www.epc.eu/en/pub.asp?TYP=TEWN&LV=187&see=y&t=&PG=TEWN/EN/detailpub&l=12&AI=957.

[11] Council document 7848/1/09 REV 1 of 20 March 2009.

disappeared from the Presidency calendar.

Authority collapse and its consequences

After the March summit, the Czech Presidency seemed to be well on track on most of its main foreign policy priorities. The EU had supported the southern energy corridor and the Eastern partnership – summits with respective regional leaders were planned for May. The EU-US summit was about to take place during Obama's first visit to Europe and the Presidency was supposed to take part in the G-20 meeting representing the common EU position. At this very moment, however, the domestic political crisis stripped the Presidency of its political authority when the Topolánek government lost a vote of no confidence in the Parliament on 24 March. Although this was not the first case of a governmental collapse during the Presidency in the EU's history, the Czech political elite, rather surprised by the result of the vote, failed to reach an agreement on a new government with a strong political mandate. Instead, a caretaker government was appointed to manage the country until early elections in October 2009.

The fall of the government resulted in several problems for the Presidency and the EU. Firstly, would the new government have the expertise and authority to finalize the foreign policy projects on the agenda? Secondly, would the rest of the Presidency, in particular the foreign policy domain, be run by the government or by the president? The latter scenario seemed particularly problematic due to the president's alleged pro-Russian stances and opposition to the Lisbon Treaty.[12] A partial solution was found, with the new government taking office only on 8 May, right after the Eastern partnership and Southern corridor summits. The new Prime Minister also made sure very quickly that he would be in charge of the June European Council, thus finalizing the EU's offer to Ireland on the Lisbon Treaty.[13] The President only chaired several third country summits – with Canada, and China.

As a result, Prime Minister Topolánek chaired three important summits – on the Eastern partnership, the Southern corridor, and with the new US president –, and participated in the G-20 meeting without a clear domestic political mandate. The lack of authority did not do any harm in London either, where the EU was represented by many other voices supporting the same pre-negotiated cause, nor at the EU-US summit, which was an introductory meeting providing for first contact between the new US president and the EU leaders. The influence on the Eastern neighbourhood summits can be interpreted in both ways: some of the member states (including France and the UK) were represented at a lower level, thus feeding the worries that the lack of political authority had undermined the summits and their impact. At the same time, however, the summits delivered results – the Eastern partnership was launched successfully and the important EU partners, namely Turkey and

[12] See David Král, Vladimír Bartovic and Věra Řiháčková, *The 2009 Czech EU Presidency: Contested Leadership at a Time of Crisis* (Stockholm: SIEPS, 2009), p. 22.
[13] 'Czech president to let new PM head EU summit in June', EUbusiness.com, 14 May 2009, available at http://www.eubusiness.com/news-eu/1242238623.49.

Azerbaijan, agreed on the Southern energy corridor concept – supporting the argument that the authority crisis did not influence the Presidency's performance.

The caretaker government set the successful finish of the Presidency as one of its top priorities. The June summit concentrated mainly on internal affairs of the European Union and delivered on all key issues, i.e. the new Commission President, regulation of financial markets, and the Lisbon Treaty guarantees for Ireland. The weaker political mandate of the government might have played a role in the cancellation of two important third-country summits – with Israel and with the US in June. However, the summit with Israel was called off due to developments in Israel, as mentioned above. Also the request from the White House to postpone the regular EU-US summit until autumn under the Swedish Presidency was (at least partly) based on the fact that the new administration had not worked out all its dossiers yet. At the same time, the Presidency reached an agreement within the EU and with the US on a common position regarding the closure of the Guantánamo Bay detention camp.

The Western Balkans – no room to manoeuvre

The only foreign policy priority where the Czech Presidency failed to deliver at all was, paradoxically, the Western Balkans – a long-term priority of the Czech foreign policy. The Czech Presidency almost had the sad privilege of being the first Presidency during accession negotiations not to open or finalize a single chapter with any of the candidate states. The last minute opening of one chapter with Turkey on 30 June has saved the Czechs from this honour, but the Presidency could not proceed in the case of the Balkan countries. The combination of enlargement fatigue, concentration on Lisbon Treaty ratification in the big member states, bilateral disputes between the candidate states and some EU member states, as well as few improvements in the candidate states, did not allow the Presidency to move beyond conventional phrases on general support of enlargement and visa liberalisation.[14]

Conclusions

The Czech Presidency was one of mixed impressions. On the one hand, it was able to react in times of crisis and sought collective European action and active cooperation with EU institutions and the rest of the *trio*. It also delivered on most of its foreign policy goals. On the other hand, it was a first-class example of how domestic policy may undermine and, to some extent, take hostage of European policy and the EU as a whole.

Unexpected crises may destroy any Presidency, regardless of how well prepared the administration is. The abandoned upgrade in EU-Israel relations is an example of a well-prepared and pre-negotiated initiative that melted away in light of external factors far beyond the reach of the Presidency. However, the Czech case has also shown that a crisis does not have to shatter all objectives to pieces. In fact, the gas crisis allowed the Presidency to push through motions

[14] For more details see Král, Bartovic and Řiháčková, *The 2009 Czech EU Presidency*, pp. 56-60.

that, most probably, would have never been approved otherwise or would have remained stillborn, such as the extensive energy infrastructure-funding scheme or the support of the Nabucco project.

Some have argued that the Czech Presidency and its breakdown proved the need for a standing president of the European Council and of the External Relations Council. However, we saw major initiatives being launched during the resignation of the government, as well as the Presidency representing the EU's common position at a major event without any problems. Moreover, the new government took over rather successfully and managed to deliver the necessary compromises, e.g. on the Lisbon Treaty, financial markets, and Guantánamo Bay. At the same time, the Presidency was not able to proceed with the enlargement negotiations, one of its declared priorities, be it with or without the domestic mandate. The record of the Czech Presidency suggests that the political strength and attention of the Presidency do not constitute the key elements of a successful representation of the EU at the international level. The will of the member states to reach or block the consensus, which stems from their domestic situation as well as from external factors, remains the critical factor for EU foreign policy-making. The Lisbon Treaty amendments will make for little change in this respect.

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The Crisis Management and Planning Directorate:

Recalibrating ESDP Planning and Conduct Capacities[1]

Carmen Gebhard, Institute for Advanced Studies, Vienna

Nearly one decade after the inception of the ESDP as a security and defence policy branch of EU foreign policy, the field presents itself as highly institutionalized and considerably matured. ESDP has seen the rapid creation of a whole new set of organizational structures, with the institutional surroundings of the Council Secretariat undergoing the most fundamental changes. However, even after completing no less than 10 civilian and military operations and launching another 12 missions within six years, the institutional structures that support the planning and conduct of these operational activities are yet to come of age. As a matter of fact, throughout the years, the ESDP's institutional development has very often lagged behind actual operational requirements. To this day, the institutional setup is far from offering a neatly functioning planning and support structure for the operationalization of ESDP, particularly in the civilian realm of crisis management.

This article takes this general trend in the ESDP's institutional development as a framework to contextualize current efforts towards the creation of a new Crisis Management and Planning Directorate (CMPD) within the Council Secretariat, which is to merge the former directorates VIII (Defence Aspects) and IX (Civilian Crisis Management) of DG E (External and Politico-Military Affairs), and thus, to unify civilian and military planning at the strategic level. In many respects, once put into place, this new structure could eradicate many of the organizational intricacies that have kept ESDP from smooth operational performance in the past. What it could bring about more specifically is a new institutional framework for early integrated planning, which is an ability that ESDP has been lacking so far. However, the integrative potential of this new structure will greatly depend on the specific way it is designed, and on the constellation of administrative cultures that will characterize it.

Before discussing the most recent developments around the establishment of the CMPD, this article will highlight the most relevant steps that have been taken so far in order to improve the EU's capacities for the planning and conduct of crisis management operations. As the creation of CMPD calls particular attention to the relationship between civilian and military planning, this assessment will focus particularly on the way the trajectories of change in each domain have differed from each other. As this article will demonstrate, the two strands have not only advanced parallel to and mostly decoupled from each other, but the development of the civilian planning structures has also been shaped if not dominated by a certain

[1] The content of this article is based on interviews conducted in 2005, 2006, 2008 and 2009. It builds on research in the framework of the European Foreign and Security Policy Studies Programme (EFSPS) funded by the Volkswagen Foundation.

military bias, which has characterized ESDP from the outset.

ESDP and its civilian annex

From its very early stages, after the idea of a common security and defence policy had emerged in Pörtschach in 1998, through the European Council meetings of Cologne (June 1999) and Helsinki (December 1999) up to the European Council of Feira in 2000, ESDP was presented as a policy project of a predominantly military nature. Although non-military aspects had been included conceptually from the beginning, the civilian component of ESDP received much less political attention than its military counterpart. Feira saw the definition of a Civilian Headline Goal, and the following process of civilian capability development by far exceeded general expectations in terms of both speed and quantitative success. Throughout the subsequent development of ESDP, however, the military strand continued to dominate the civilian side, most importantly with respect to institutional design and conceptual framing. Looking back at the early years of ESDP, civilian crisis management has very much taken on the character of a by-product or afterthought of the 'actual' ESDP, which is essentially military and allegedly more ambitious or high-profile than its civilian annex.

When at the Nice Council in late 2000 the member states agreed on the establishment of permanent structures 'to enable the European Union to fully assume its responsibilities' the focus was on the creation of 'political and military bodies', i.e. the Political and Security Committee (PSC), the Military Committee (EUMC) and the Military Staff (EUMS).[2] In May 2000 the Council had already decided on the establishment of a Committee for the Civilian Aspects of Crisis Management (CIVCOM).[3] However, no civilian counterpart for the EUMS was put into place to support the CIVCOM in its work. What actually drove institutional development in civilian ESDP in many instances was the good will and ambition of small state presidencies. Under the Swedish presidency in the first half of 2001, a Police Unit was created to provide expert capacities for the planning and conduct of EU police missions. In contrast to the EUMS, which constituted a self-standing entity immediately subordinated to the EUMC, however, the Police Unit was not directly assigned to the CIVCOM but attached to the Council Secretariat and placed within DG E IX. Moreover, while at this point, the EUMS already had some 140 staff at its disposal, the Police Unit was allocated no more than 8 officers in total.

However, the discrepancy between the military and civilian structures was not only a matter of the number of staff allocated. More specifically, there was also a clear lack of expertise at the intermediate level among the staff assigned to *inter alia* provide advice on the planning and conduct of civilian crisis management missions – the CIVCOM itself. While the EUMC as its military counterpart was made up of experienced and high-ranking military officers, CIVCOM consisted of junior level diplomats with little to no expertise in

[2] European Council, Presidency Conclusions, Nice 7-9 December 2000.
[3] Council Decision 2000/354/CFSP of 22 May 2000 setting up a Committee for civilian aspects of crisis management.

crisis and conflict resolution, let alone specific mission management or planning. The provision of a Police Unit to support CIVCOM did not meet – to say the least – the functional and structural needs of early ESDP operationality. As a result, the early days of CIVCOM and the management of civilian aspects of ESDP operations have been characterized by 'day-to-day fire-fighting', 'improvised measures for internal emergencies' and 'well-meant but more than courageous trial-failing.'[4] One of the immediate consequences of this precarious situation was that CIVCOM was simply lacking institutional capacities to provide for conceptual advance planning and generic mission design.

Apart from its structural weakness, early civilian crisis management also saw a clear dominance of military thinking in the way it was framed conceptually.[5] Early conceptual work on civilian crisis management, e.g. the development of generic planning concepts, clearly reflected the military approach, and where the military influence was less incisive, the police element created a bias of its own.[6] Civilian crisis management planning was not comprehensive, and in the face of the growing functional agenda of ESDP, it lagged far behind the political ambitions of the policy-makers. Critics have been divided about whether this military bias was the result of strategic politics driven by single member states, of institutional isomorphism caused e.g. by Solana coming from a military context, or whether it was indeed a military thrust resulting from the impetus of the St Malo breakthrough and the respective expectations held of the EU to finally include military elements in its foreign political profile. While it has probably been a combination of all these factors, there are also arguments less specific to the ESDP case. At the time civilian ESDP turned operational, fairly little expertise was available about the planning and conduct of non-military crisis management in general. In fact, planning comes more natural to military actors and police than to other civilian branches, which are still included in the functional spectrum of ESDP (*inter alia* rule of law, monitoring and civil administration). In any case, while indeed there was no generic model to draw upon, there could have been more political enthusiasm for developing a framework to serve distinctly civilian purposes.

Topping up support structures within the Council Secretariat

The provision of a mission support structure to substantiate the civilian strand of ESDP in its planning and conduct capacity had been discussed for some time before DG E IX finally saw the creation in October 2003 of a mission support section and the recruitment of 20 additional staff for the very purpose. At this point, the conduct of EUPM as the first ESDP operation ever had already brought to light that the existing structures were too weak, too inflexible and functionally inadequate for the actual deployment and conduct of

[4] Interviews in June 2005.
[5] Radek Khol, 'Civil-Military Coordination in EU Crisis Management', in Nowak, A. (ed.) *Civilian Crisis Management the EU Way.* Chaillot Paper No. 90, Paris: EU-ISS 2006, 123-138.
[6] Annika S. Hansen, 'Against All Odds – The Evolution of Planning for ESDP Operations. Civilian Crisis Management from EUPM onwards', in Study 10/2006, Norwegian Defence Research Establishment (FFI).

civilian missions.[7] The specialized section put into place was tasked with coordinating the different aspects related to mission support and with assisting the ESDP civilian missions in their daily management. It was to cooperate closely with other responsible services in the Council Secretariat such as the geographical directorates, the legal service, the EUMS or the Coordination Unit and to relay questions from the missions to them as appropriate. As a result of this reform, (which internally and in the face of the operational challenges rather looked like an emergency measure), DG E IX grew from some 10 support staff in 2003 to 32 by late 2005 and 40 by 2006. Other parts of the Secretariat were also strengthened, such as the units for relations with third countries, international organizations and horizontal issues.[8] However, compared to the capacities available to the military planners, the civilian side remained chronically and notoriously understaffed for some years to come. As the mere topping up of existing structures had clearly failed to meet the operational requirements, mission support for civilian ESDP continued to be an issue at every European Council meeting.

The Civil-Military Cell

The creation of the Civil-Military Cell in 2003 was preceded by a fierce debate about one of the most controversial issues in ESDP: the creation of autonomous command and control (C2) structures for the EU. In April 2003, Belgium, Germany, France, and Luxembourg met at the so-called 'Chocolate Summit' to initiate a decisive leap forward in security and defence matters. Under the moral lead of France, the four chocolate producing nations advocated the adoption of a mechanism of collective defence comparable to NATO's article V, enhanced coordination of security and defence political positions as well as joint efforts towards the build-up of stronger military capabilities including cooperation in training, exercising and force planning.[9] The most contentious suggestion put forward by France, however, was the establishment of a permanent operational headquarters (OHQ) to provide ESDP with the capacities to plan and conduct military operations without recourse to NATO assets. While in the face of the Iraq war most of the other points found little attention, the C2 question led to major divisions within the EU. It was the British in particular but also Italy and the Netherlands who fiercely opposed any such exclusive solution and eventually pushed the developments towards a considerably weaker compromise, the Civil-Military Cell. Located within the EUMS, the Civil-Military Cell was to provide capacities for early warning and situation assessment, and in case of an ESDP operation, to provide support to strategic planning under the auspices of the EUMC and CIVCOM either through a national OHQ (framework concept) or through an autonomous EU OHQ, which would be established on demand by

[7] Lessons from the Planning of the EU Police Mission in Bosnia and Herzegovina (EUPM), Autumn 2001-December 2002, 14 July 2003, 11206/03.
[8] Report of the SG/HR on Planning and Mission Support Capability for Civilian Crisis Management, 23 October 2003, 13835/03.
[9] Joint Statement of the Heads of State and Government of Germany, France, Luxembourg and Belgium on European Defence, Brussels, 29 April 2003 ('Tervuren Declaration').

activating the cell's standby Operations Centre.[10]

One of the key assets of the cell was its allegedly integrated civil-military setup: bringing together military and civilian (mostly police) planners as well as 1-2 Commission officials, the cell was expected to generate wider integrative effects in both intra- and inter-pillar terms. However, it was again the strong military bias that largely kept the cell from living up to this potential. As the cell had been located within the EUMS, the military soon absorbed the civilian elements to eventually produce a hybrid but functionally disintegrated entity that operated in relative isolation from the civilian core staff at the Council Secretariat. In a way, the cell has suffered from the political context of its own establishment. As it was meant to suit both the French claim for a military planning capacity and the British concerns about duplication, the result could not be much more substantial. This also has to be kept in mind when assessing the value of the Civil-Military Cell in providing mission support for civilian operations.[11] It has not only failed to truly act as a 'system integrator' that would unify the civilian and the military strand of ESDP, it has to some extent also proved a suboptimal solution to the chronic lack of integral mission support capacities for civilian crisis management.[12]

The Civilian Planning and Conduct Capability (CPCC)

For several years, the gap between actual workload and the institutional capacities available to master it kept weighing heavily on the fragmented structure of civilian ESDP. Much of this burden centred upon DG E IX, which was not only in charge of running several concurrent civilian missions, and developing lessons learned and best practices, it was also serving as an institutional platform for the management and guidance of the civilian capability development process. While military ESDP could draw upon the administrative support of DG E VIII as well as on the experience and expertise in the EUMS, the civilian side was largely left with a dysfunctional and essentially ill-designed institutional base.

Previous experiences had shown that a mere increase in staff does not eradicate the basic flaw about the overall institutional arrangement that the planning and conduct of civilian missions had been built upon. In fact, as mentioned above, the establishment of an integral mission support structure for the planning and conduct of civilian operations has never fully disappeared from the agenda.[13] However, it was only in June 2007 that the so-called Civilian

[10] Civil-Military Cell – Terms of Reference, 15 June 2004, 10580/04. In line with their attitude towards the Tervuren initiative, the UK together with a group of other member states strongly opposed the creation of a standing structure to provide for autonomous planning. The compromise was to create a core staff unit, the so-called Operations Centre, which could be activated in cases where neither the recourse to NATO C2 structures nor a national OHQ would be available options.

[11] The provision of mission support was one of the main functions assigned to the cell at its creation. So far, the cell has contributed to the planning and conduct of the civilian missions in Aceh, Darfur, Guinea-Bissau and the Palestinian Territories.

[12] 'Working for Anticipation and Coherence: The Civil-Military Cell of the EU Military Staff' in ESDP Newsletter, Issue 2, June 2002, 7-9.

[13] Even though the matter is often referred to as part of the so-called 'Hampton Court agenda' (with reference to the informal Council meeting in Hampton Court in 2005), it has in fact been discussed from the very early stages of ESDP operationality, i.e. since late 2002.

Planning and Conduct Capability (CPCC) was put into place to finally provide a civilian counterpart to the EUMS and establish a unified civilian command structure directly answerable to the SG/HR and led by a Civilian Operations Commander. CPCC was to fill at least part of the structural gap that years of ad hoc and point-by-point adaptation had left. Although some member states were showing reluctance to really name the new structure a 'civilian OHQ', CPCC factually took on the functions of such a permanent C2 capacity: the planning, deployment, conduct and review of civilian operations. Personnel to staff the new structure were mainly drawn from DG E IX as well as from the Police Unit, which was in fact absorbed as a whole. As staff had to be drawn together from other units, and personnel were hired in addition, the CPCC only became operational in May 2008. That month also saw the appointment of Dutch diplomat Kees Klompenhouwer as the first CPCC director and Civilian Operations Commander.[14] Today, the CPCC is made up of a 'Conduct of Operations', a 'Horizontal Coordination', and a 'Mission Support Unit', and, inclusive of administrative support, has around 65 staff at its disposal. In accordance with its terms of reference, the EUMS, through its Civil-Military Cell, was meant to keep providing mission support to the CPCC, most particularly in cases involving the use of military means. Moreover, the Watch-Keeping Capability (WKC) that has been built up within the cell's Operations Centre since late 2007, and has been operational since mid 2008, is available to support the conduct and monitoring of civilian operations by establishing a 24/7 link to the theatre level.[15]

The Crisis Management and Planning Directorate (CMPD)

Although the creation of the CPCC has to be seen as an important step forward, it was clear that yet another reform was needed to really grasp the full potential of finally having a civilian counterpart to the military chain of command. The build-up of CPCC had left DG E IX as a skeleton whose core capacities had been extracted to substantiate the new civilian support structure. Despite the staffing problems, there still was an essential link missing that would integrate the civilian and the military chains of command below the PSC level. In December 2008, the European Council agreed on the creation of the so-called Crisis Management and Planning Directorate (CMPD),[16] which from a structural point of view would mainly involve the merger of DG E VIII and IX to integrate civilian and military planning at the strategic level. More specifically, however, the build-up of CMPD implies a fundamental reshuffling of all capacities potentially available at this level, and as such a basic recalibration of the entire setup of ESDP planning and conduct.

At the time this article was finalized, the specific constellation and staffing level of the CMPD had not yet been specified.

[14] Javier Solana welcomes the appointment of Kees Klompenhouwer as first Civilian Operations Commander, 14 May 2008, S167/08.

[15] Presidency Report on ESDP, 18 June 2007, 10910/07. The establishment of a WKC within the Civil-Military Cell is to be seen as a follow-up measure to an informal meeting of the EU defence ministers in Wiesbaden in March 2007. More generally, the so-called 'Post Wiesbaden agenda' involved general restructuring of the EUMS.

[16] European Council, Presidency Conclusions, Brussels 11-12 December, Annex 2 'Declaration of the European Council on the Enhancement of the ESDP, Article 6.

However, as early investigations show,[17] the CMPD might reflect much of the composition of the so-called Crisis Response Coordinating Teams (CRCTs),[18] which so far have been convened on an ad hoc and case-by-case basis. According to the CRCT model, the CMPD would include personnel from all geographical task forces within the Council Secretariat, from the SitCen, SatCen, the EUMS, and most particularly from its Civil-Military Cell as well as from relevant Commission services. A comprehensive screening of human resources available within the Council Secretariat was conducted earlier this year, and an additional number of seconded national experts and officials will be hired in the upcoming months. The CMPD will constitute a standing structure and it will be located at deputy level within DG E. It will be led by a civilian head, who has yet to be appointed, and a military deputy, most probably the acting director of the Civil-Military Cell. Whatever the CMPD will eventually look like, drawing on the specific experiences made in the context of the CPCC, it can be expected that one of the main challenges for the new structure will lie in the diversity of administrative cultures that it will have to bring together. This does not only include the familiar gap between military and civilian working modes but also well-known discrepancies between civil servants and seconded personnel, and between various organizational cultures constituting the civilian spectrum of ESDP (policemen, judges, security sector experts, etc.).

Conclusion

When criticizing the way planning and conduct capacities have been developed in the framework of ESDP it is important to consider that most of the institutional changes occurred during periods of intense operationality, during which not only the workload and number of concurrent operations was rising continuously but also the functional agenda of ESDP crisis management was growing broader with every deployment. This partly explains why ESDP developments at the institutional level until very recently mostly came about as ex post adjustments of existing preliminary – and mostly suboptimal – structures rather than as timely and strategically motivated reforms that would provide for smooth planning and deployment procedures. Looking at the speed and extent of structural changes, this manner of growing with its tasks and its failures respectively has arguably been very dynamic and fruitful. However, for a very long time it has not brought about the structural setup ESDP required from the outset. The creation of the CPCC and the subsequent decision to unify planning structures at the strategic level under the umbrella of CMPD certainly mark a departure in ESDP institutional development from this sort of contingent and haphazard modelling. Once operational, the CMPD might change the face of ESDP conduct radically. To what extent it will enhance the EU's overall capacity to deliver on its potential remains to be seen.

[17] Interviews in June 2009.
[18] Follow-Up to the CMCO Action Plan – Council Secretariat/Commission Outline Paper on the CRCT, 2 December 2002, 14400/2/02.

Understanding the Role of the Administrative Level in ESDP - Towards a New Research Agenda

Report on Workshop held at Maastricht University, June 2009

Sophie Vanhoonacker, Hylke Dijkstra, Heidi Maurer, Petar Petrov and Karolina Pomorska, Maastricht University

Since 2003, the European Union has carried out 22 civilian and military operations in the context of the European Security and Defence Policy (ESDP). They have ranged from peace keeping missions in Bosnia, Congo and Chad to police and monitoring missions in Kosovo, Aceh and Afghanistan. This recent role as a crisis manager marks a real *watershed* for the formerly reactive and declaratory EU foreign policy. To deal with the new operational challenges, the member states have established a whole range of new diplomatic and military bureaucracies in Brussels and the capitals. Based in the Permanent Representations, the Council Secretariat, the European Commission as well as in national administrations a rapidly expanding group of diplomats, civil servants and military staff are playing a key role in the preparation and implementation of the EU security and defence policy process - a topic that was until very recently the *domaine réservé* of the member states.

These recent developments have drawn the attention of scholars and experts alike.[1] Nonetheless, most of these publications remain predominantly empirical and descriptive, and often limit their scope to one institutional body. Ten years after the Cologne European Council (1999) established ESDP, time has therefore come to bring these research findings together and to lift the debate from an empirical to a theoretical level. In line with the research focus at Maastricht University on administrative governance, the Faculty of Arts and Social Sciences therefore organized a two-day workshop in June 2009, entitled *Bureaucracy at work: The role of the administrative level in ESDP*.

The main goal of this exploratory and interdisciplinary workshop was to bring together scholars and practitioners to discuss, analyse and reflect on recent institutional developments in ESDP with a special focus on the role of non-elected actors and units in the decision-making and implementation process. Based on a first assessment about the state of the art the workshop pursued a two-fold aim: firstly, to **advance the theoretical debate** about the administrative levels in ESDP by

[1] See e.g. S. Duke and S. Vanhoonacker, 'Administrative Governance in CFSP: Development and Practice', *European Foreign Affairs Review,* 11, 2006, pp. 361-387; H. Dijkstra, 'The Council Secretariat's Role in the Common Foreign and Security Policy', *European Foreign Affairs Review*, 13(2), 2008, pp. 149-166; G. Grevi, 'Pioneering foreign policy: The EU Special Representatives', *Chaillot Paper* 106 (Paris: EU Institute for Security Studies), 2007; S. Duke, 'The Linchpin COPS. Assessing the workings and institutional relations of the Political and Security Committee", *EIPA Working Paper* 2005/W/05, 2005; S. Duke, 'The Commission and CFSP', *EIPA Working Paper* 2006/W/01, 2006; A. Juncos & C. Reynolds, 'The Political and Security Committee: Governing in the Shadow', *European Foreign Affairs Review*, 12(2), 2007; A. Juncos & K. Pomorska, 'Playing the Brussels game: Strategic socialization in the CFSP Council Working Groups', *European Integration Online Papers (EIOP),* 10(11), 2006.

addressing the main theoretical and conceptual questions arising from the recent developments in this policy. While the academic discussion so far is still dominated by insights of International Relations, emphasising the intergovernmental character of ESDP, our intention was to think beyond these perspectives and to connect theoretical accounts from EU studies, International Relations, organisational theory, public administration and other fields of social science. Secondly, our aim was to **contribute to the empirically informed academic literature** on administrative governance in the field of ESDP by examining the EU role as a crisis manager across different case studies in a more structured and systematic way.

The mix of young and more senior scholars and the combination of academics and practitioners ensured a stimulating debate and allowed the academic research to be enriched with practical insights. The 16 papers that were presented were grouped around a number of themes, which we had identified as important questions for the future research agenda:

1. Firstly, it needs to be clearly identified **who these non-elected administrative actors in ESDP are** and what their background is. In the past there was a clear distinction between civil servants (e.g. Commission; national ministries) working on internal policies and national diplomats engaging in foreign policy. Despite the recent establishment of Brussels-based bureaucracies for ESDP, the discussions during the workshop showed that differences with the first pillar civil servants still remain, not in the least because of the large proportion of seconded national officials. Relevant questions for the future include: What is the background of these non-elected bureaucrats in ESDP and what norms and rules guide their actions? Does socialisation allow for the development of an epistemic community or are the involved actors resistant to such pressures and sustain their national and/or professional backgrounds? How do the respective actors perceive their roles themselves, and can differences be observed between civilian and military staff?

2. After identifying the involved players, the **links and interactions between these administrative actors** have to be analysed. One recurring theme during the workshop was the significant number of 'turf battles' between various bureaus. There is a need to theorize such conflicts and to provide detailed empirical analyses of inter- and intra-institutional relations. This ranges from relations between the Council Secretariat and the Commission to civil-military relations, the coordination mechanisms in the national capitals between involved ministries, and informal networks of individual bureaucrats.

3. The third relevant theme considers the **tasks and impacts** that these administrative actors have on ESDP. This is particularly important for the operational dimension. Crisis management operations require, after all, detailed and reliable information and technical expertise. What role do these actors play in planning, implementing and evaluating the civilian and military missions of the EU? Do they just facilitate the cooperation of the member states, or do they also shape the policy outcomes?

4. The increasingly important role of the ESDP bureaucracy also raises questions about the **legitimacy and democratic accountability of ESDP**. Who controls these actors? What possibilities do political actors have to make sure that the administrative level acts in their preferred way without exceeding its powers? And even more importantly, what kind of controls should there be to reach the standards of democratic accountability. The workshop discussed several proposals for strengthening the democratic control of ESDP going from the development of more intense transnational cooperation to more radical answers such as the creation of a deliberative forum where citizens have access.

5. The development of ESDP also raises new questions about the **interaction between European and national administrations**. The decisions in Brussels are taken in very close interaction with the national capitals and it is the member states who deliver the troops and policemen for the crisis management operations. It was discussed how the participation in EU crisis management brings new adaptational pressures for national administrations both in terms of competence allocation as well as coordination. This is not only the case for the Ministries of Foreign Affairs but also for administrations which had no prior link with European foreign policy, such as Defence, the Interior, Justice an Finance.

The organizers would like to thank all the paper-givers, discussants, chairs and participants for a very stimulating two-day workshop and the Netherlands Institute of Government for financial support.

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The Evolution of EU Policy on Non-Proliferation of WMD

Richard Guthrie, University of Bath

The control of so-called 'weapons of mass destruction' (WMD),[1] and the materials and technologies that contribute to them, provides an interesting example of the development of EU policies on human security as well as those more obviously in national security. WMD are, by their very nature, political weapons rather than military ones. In the case of biological and chemical weapons, the utility on the modern battlefield is very limited against protected military forces, while the potential for harm against unprotected civilian populations is severe. The control of the proliferation of WMD also forms an interesting case study to help understand how EU policy has developed from declarative policies to practical action.

The EU response to the perceived threat of WMD has many facets. It is impossible to simply prohibit all materials and technologies that might contribute to WMD programmes as many have legitimate peaceful applications. A balance has to be struck between permissiveness and prohibition. The 'dual-use' nature of the problem is at the core of the EU WMD Strategy adopted on 12 December 2003.[2] A key element of this strategy is the 'mainstreaming' of WMD policy so that additional tools – many not normally associated with the security field – could be used. This Strategy was recently revisited though a process which led to the adoption of a new document known as 'New Lines for Action.'[3]

The New Lines document takes this mainstreaming/broadening aspect much further, noting 'while non-proliferation activities form an essential part of the Common Foreign and Security Policy, certain types of measures may be implemented within the framework of other EU policies and instruments which may contribute towards the same objective (including Community policies and specific instruments such as the Instrument for Stability).'[4]

The dual-use nature of the WMD problem

Many of the materials and technologies that might contribute to development of WMD programmes also have peaceful

[1] The term 'weapons of mass destruction' is commonly understood to encompass biological, chemical and nuclear weapons. In some contexts, including the context of this article, the term is also used to include possible delivery systems for these weapons such as ballistic missiles.
[2] European Union, 'EU Strategy against Proliferation of Weapons of Mass Destruction', EU Council document 15708/03, dated 10 December 2003. The document was approved by the General Affairs and External Relations Council at its meeting on 12 December 2003. All of the EU Council documents referred to in this article are available via the EU Council website <http://register.consilium.europa.eu/>; using the advanced search option, documents can be obtained in the official languages of the EU directly from the document number.
[3] European Union, 'New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems', EU Council document 17172/08, dated 17 December 2008. The document was approved by the General Affairs and External Relations Council at its meeting on 8-9 December 2008.
[4] Recognising the intra-institutional interactions that have happened in the past, the paragraph this quote is taken from concludes with the words: 'In either cases, the powers and authority of the European institutions and Member States, as laid down by the Treaties, will of course be respected and the appropriate instruments used.'

uses. This 'dual-use' nature can refer to both tangible and intangible features of materials and technologies which enable them to be applied to both hostile and peaceful purposes.[5]

When the potential to manufacture biological or chemical weapons was limited to military programmes run by governments, international controls had to focus on the activities of governments. Once peaceful civilian activities had advanced, both in scale and in technological development, to the extent that non-state actors could utilize them for hostile purposes, the nature of the problem changed fundamentally. This dual-use nature creates a new frame of reference to the security problems of WMD – and in particular of biological and chemical weapons – the issue is no longer just about weapons controlled by states, but about the control of technologies outside of the ownership of governments that have not only peaceful uses, but also economically significant purposes.

The legitimate global trade in dual-use materials and technologies means that controls cannot be implemented on an ad hoc basis. Without basic agreement on what should be controlled, there is no chance of harmonization of controls – either on a global basis or for a trading bloc like the EU. This is a fundamental lesson from the activities of Iraq in the 1980s, when that country was able to procure a range of significant inputs into its chemical weapons programmes by selecting exporting countries which had not implemented comprehensive controls. Concerns that dual-use materials may be used for hostile purposes by non-state actors have highlighted needs for controls within as well as between states.

There is a long history of international legal measures to control WMD. The key multilateral instruments are: the 1925 Geneva Protocol; the 1968 [nuclear] the Non-Proliferation Treaty (NPT); the 1972 Biological [and Toxin] Weapons Convention (BWC); and the 1993 Chemical Weapons Convention (CWC). In addition, the UN Security Council unanimously adopted Resolution 1540 under Chapter VII of the UN Charter. The resolution mandates that all states establish domestic controls to 'prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes'.

The NPT, BWC and CWC have a number of common themes. Each of these conventions contains a bargain – the renunciation of hostile uses of the relevant materials and technologies in return for freedom to gain the benefits of the peaceful uses of them. Security, economic and geographical considerations influence how individual countries see the balance between the two sides of the bargain. While most western states have consistently put emphasis on the security aspects of the bargain, they have also had a long-term recognition that the other considerations have to be taken into account in order to encourage universal membership,

[5] An example of a dual-use material is thiodiglycol – a chemical in widespread use in industry, but also a close precursor to sulphur mustard (mustard gas). Dual-use technologies include fermenters and aerosolizers. An example of something intangible is the laboratory skill set a postgraduate microbiology student might acquire. On the nuclear side, this dual-use nature is easier to control as the types of locations that would have peaceful uses of critical materials are relatively limited.

national implementation and on-going active engagement with the treaties.

21st century debate

The 21st century policy and debate on dual-use threats have been characterized by certain predominant themes. First, fears of terrorist or criminal use of biological, chemical or nuclear materials, substantially enhanced by the 11 September 2001 attacks in the US and the anthrax letters posted later in the year. Secondly, concerns that illicit trade in WMD-related materials and technologies could assist state or non-state actors in acquiring new capabilities. Thirdly, there were also concerns regarding the harm that could result from natural outbreaks of disease, such as the spread of Severe Acute Respiratory System (SARS) in 2003 and the possibilities of a Highly Pathogenic Avian Influenza (HPAI) epidemic. Finally, the inability to use traditional methods of arms control following the rise of the Bush Administration in the United States, notably with its announcement it could not accept any result that might have come out of the on-going negotiations for a compliance protocol for the BWC. Each of these themes created pressures for novel thinking and activities.

The period in question saw the rise of the EU as a global power. For more than 50 years, global efforts to control 'weapons of mass destruction' had been led by the superpowers. With the remaining superpower no longer interested in traditional arms control and its former adversary now focused on other issues, the stage was set for the EU to play a substantially greater role than before. The emphasis by the EU on 'soft power' and its greater responsiveness to issues such as technical cooperation and assistance give it particular advantages in securing progress with less developed countries in tackling global problems.

There was also a difference in transatlantic perspectives on levels of threat, with much of the debate in the US focusing on a perception of increasing overall threats while the European Security Strategy opened with the words 'Europe has never been so prosperous, so secure nor so free. The violence of the first half of the 20th Century has given way to a period of peace and stability unprecedented in European history.'

Development of the WMD Strategy

2003 was a turbulent year for the security policies of the EU and its member states. The year started with deep divisions regarding Iraq at the highest political levels and a concern by many in Europe that international debate about international security was being dominated by material published in the United States, such as the new US National Security Strategy of November 2002.

In the European Security Strategy key threats identified included terrorism, the proliferation of WMD, failed states and organized crime. While this document described WMD as 'potentially the greatest threat to EU security', it said little about what should be done to limit the proliferation of these weapons.

The process of development and adoption of the WMD Strategy followed a parallel process. Two documents were

put forward for consultation in June 2003.[6] In October, a 'Personal Representative for the non-proliferation of WMD' was appointed by Solana to assist in the development of the WMD Strategy and in its implementation. In November, the Council adopted an 'EU policy as regards the non-proliferation element in the EU's relationships with third countries' (14997/03). This introduced a concept of a 'non-proliferation clause' to be introduced into future agreements that the EU might sign with third parties. This clause is similar in concept to the human rights clause that had been included in agreements from the 1990s.[7] The non-proliferation clause embodies a commitment to join, to comply with and to fully implement the key WMD treaties. The Council also adopted a Common Position on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery (2003/805/CFSP). All of these strands were brought together with the adoption on 12 December of the EU WMD Strategy.

While the update of the European Security Strategy was a high-profile activity of the French EU Presidency in the second half of 2008, the WMD Strategy was also revisited, but in a much more low-key manner.

[6] 'Basic Principles for an EU Strategy Against Proliferation of Weapons of Mass Destruction' (10352/03) and 'Action Plan for the Implementation of the Basic Principles for an EU Strategy Against Proliferation of Weapons of Mass Destruction' (10354/1/03).

[7] For background information on the human rights clause and how it has been implemented, see Vaughne Miller, 'The Human Rights Clause in the EU's External Agreements', Research Paper 04-33, House of Commons Library, 16 April 2004, <<http://www.parliament.uk/commons/lib/research/rp2004/rp04-033.pdf>>

Details of the WMD Strategy

The EU WMD Strategy document notes the breadth of potential policy instruments available to the EU: 'We have a wide range of instruments available: multilateral treaties and verification mechanisms; national and internationally-coordinated export controls; co-operative threat reduction programmes; political and economic levers (including trade and development policies); interdiction of illegal procurement activities and, as a last resort, coercive measures in accordance with the UN Charter. While all are necessary, none is sufficient in itself. We need to strengthen them across the board, and deploy those that are most effective in each case. The European Union has special strengths and experience to bring to this collective effort. It is important that the EU's objectives, as set out in this strategy, be factored in its policy approach in each area, so as to maximise its effectiveness' (paragraph 29).

The concept of 'effective multilateralism' is emphasised, particularly '[r]endering multilateralism more effective by acting resolutely against proliferators' and the need for co-operation with the US and other key partners such as the Russian Federation, Japan and Canada is noted as being necessary 'to ensure a successful outcome of the global fight against proliferation'.

The WMD Strategy also established a monitoring centre to collect information and intelligence relevant to the strategy's implementation. Six-monthly reviews of the WMD Strategy are published by the General Affairs

Council.[8] The non-proliferation clause has been inserted into a number of third-party agreements and 13 Joint Actions have so far been adopted.[9]

Identified challenges

Particular challenges for the international community were identified within the WMD Strategy, such as universality, national implementation and capacity building within countries.

Universal membership is seen as key to promoting success under the WMD treaties.[10] The NPT has the highest membership, 186 states parties; with the main states outside of the treaty being declared 'hold-outs', such as India, Israel and Pakistan, and North Korea which had withdrawn from the treaty in 2003. In 2003, the BWC had 151 states parties and the CWC had 154; by the end of 2008, this had risen to 163 and 184, respectively.

The WMD treaties oblige their states parties to carry out some form of national implementation to ensure the treaties are not only being complied with by official bodies but also those natural or legal persons within their jurisdiction or control.[11] The number of state parties that have enacted full implementation is seen as far from satisfactory. For example, in 2003, only 51 CWC state parties out of 154 (33 per cent) were able to report that they had implemented legislation that covered all of the key areas of the Convention obligations. By September 2008, this had risen to 82 out of 184 state parties (45 per cent).[12]

One of the lessons of the revelations of the AQ Khan network13 was that countries can be host to companies that are contributing to proliferation activities without the relevant governmental authorities being aware. Effective national implementation therefore includes much more than simply the enactment of legislation but extends into areas such as licensing and customs controls.

The policy of encouraging countries around the world to introduce full national implementation of the WMD

[8] Six-monthly progress reports on the implementation of the EU WMD Strategy can be found in EU Council documents: 10527/06, dated 14 June 2006; 5183/07, dated 9 January 2007; 11024/07, dated 19 June 2007; 16411/07, dated 11 December 2007; 10744/08, dated 17 June 2008; and 17184/08, dated 17 December 2008.
[9] Since the adoption of the WMD Strategy, the following Joint Actions have been adopted: four in support of the IAEA - 2004/495/CFSP, 2005/574/CFSP, 2006/418/CFSP and 2008/314/CFSP; three in support of the OPCW [the international organization of the CWC] - 2004/797/CFSP, 2005/913/CFSP and 2007/185/CFSP; one in support of the destruction of chemical weapons in Russia - 2007/178/CFSP (although this followed other Joint Actions agreed before the adoption of the WMD Strategy); two in support of the BWC - 2006/184/CFSP and 2008/858/CFSP; one in support of the WHO on biosafety and biosecurity - 2008/307/CFSP; and two in support of implementing UNSCR 1540 - 2006/419/CFSP and 2008/368/CFSP.
[10] For a brief discussion of the 'universality problem' see: Richard Guthrie, 'Could a New Security Assurance Enhance WMD Norms?' in Richard Guthrie (ed.), Verification 1997: the VERTIC Yearbook (London/Boulder: VERTIC/Westview Press), 1997, pp 11-22.

[11] Technically, this obligation under the NPT falls within the obligation to implement a safeguards agreement with the International Atomic Energy Agency.
[12].OPCW Director-General, Report to the Conference of the States Parties at its Thirteenth Session on the Status of Implementation of Article VII of the Chemical Weapons Convention as at 15 September 2008, OPCW Document C-13/DG.6, dated 11 November 2008, available via the OPCW website <<www.opcw.org>>
[13] UN Security Council Resolution 1540 was adopted three months after the extent of the AQ Khan nuclear network was revealed and at a time when fears of terror attacks were heightened.

treaties put the EU in a difficult position as not all of the EU member states had fully implemented all of the provisions themselves. This particular difficulty was highlighted with the accession of 10 new states to the EU in 2004. One of the first activities under the WMD Strategy was a 'peer review' of export control arrangements in EU member states.

The 2008 'New Lines' document

One of the first acts of the French EU Presidency in the second half of 2008 was to convene a seminar on non-proliferation issues in Paris on 15-16 July. A significant proportion of what was included in the New Lines document derives from the outcome of this seminar. The following principles for EU action are identified: 'strengthening of the non-proliferation regime through the universalisation and full implementation of the Treaties and relevant international agreements'; 'resolute action to resolve proliferation crises and ensure implementation of the UNSC resolutions'; and 'resolute operational cooperation in combating proliferation in order to obstruct sensitive transfers and counter illegal networks.'

A flavour of the document can be found simply in the section headings: 'knowing and anticipating', 'preventing', 'impeding and stopping', 'cooperating and supporting', 'coordinating' and 'timeframe for implementation.'

An illustration of how non-proliferation policy is moving further away from the traditional EU declaratory activities (sometimes derided as 'resolutionary policies') towards practical activities, the New Lines document embodies an 'action plan' that includes identified 'deliverables':

- 'An updated risk and threat evaluation document';
- 'Models for awareness raising for undertakings, scientific and academic circles, and financial institutions';
- 'Intensifying cooperation with third countries to help them to improve their non-proliferation policies and export controls';
- 'Measures to combat intangible transfers of knowledge and know-how, including mechanisms of cooperation in terms of consular vigilance';
- 'Intensifying efforts to impede proliferation flows and sanction acts of proliferation';
- 'Intensifying efforts to combat proliferation financing'; and
- 'Intensifying coordination/collaboration with, and contribution to, relevant regional and international organizations.'

A significant suggestion in the document is the establishment of a network of independent European non-proliferation think tanks with an aim of encouraging a long-term discussion of non-proliferation measures within civil society. One idea is that the members of the CODUN and CONOP working groups would be able to consult this network on issues related to non-proliferation with representatives able to attend the network meetings.[14] A second suggestion is that a larger meeting of NGOs and academics could be held every two years and could

[14] CONOP is the Working Group dealing with non-proliferation issues while the CODUN Working Group deals with negotiation of international standards in multilateral disarmament forums. As there is significant overlap between these groups, the meetings are normally scheduled for consecutive days in Brussels. Any non-proliferation network seminar could therefore be held back-to-back with these meetings.

submit a report or recommendations to the non-proliferation representative.

The need for a new risk and threat evaluation document to assist in the coordination of policies has been recognised for a long time. Not all EU member states have the internal capacities to continuously monitor some of the developments in this field, such as scientific and technological changes and, indeed, it would be wasteful to duplicate some of this effort 27 times. However, the evaluation is intended to go further than this and would include mapping proliferation networks, identifying means by which sensitive materials might be transported, understanding how proliferation networks handle financial arrangements, and identifying priority areas of the world for EU assistance.

Conclusions

Notwithstanding the situation that the EU contains two nuclear-weapon states and 25 non-nuclear weapon states – leading to particular tensions on nuclear policy issues – there is a broad agreement within the EU and its member states not only that non-proliferation issues should remain high on the agenda, but that practical action must be taken in this area.

The challenges identified in the WMD Strategy will require action for some time to come. The identification and development of further activities in the process of drafting the New Lines document constitute a refinement of the EU's non-proliferation policies and provide a balance between the roles of the individual member states and the EU institutions. However, the context is not all positive. There will always be more that could be done. Each activity comes at a cost, either financial, political or opportunity, and the benefits are not always immediately visible. The 'New Lines for Action' provides a framework for increased activity in preventing proliferation and for keeping the subject matter high on the political agenda.