

## **The EU CBRN CoE Initiative and the European Union's WMD Non-Proliferation Clause**

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### **WHAT IS THE EU CBRN INITIATIVE: GENESIS, AIMS AND OBJECTIVES OF THE CBRN COE INITIATIVE?**

#### **Abstract**

The Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence (EU CBRN CoE) initiative was launched in 2010 as a European Union (EU) initiative under the European External Cooperation Instrument for Stability, funded by the European Commission and implemented in cooperation with the United Nations Interregional Crime and Justice Research Institute (UNICRI).

This publication is dedicated to the EU CBRN CoE Initiative's commitment to global security, highlighting its role and multilateral approach in strengthening the EU's WMD non-proliferation policy. The study also examines the genesis and main objectives of the CBRN CoE Initiative.

The EU CBRN CoE is a new methodology for providing CBRN assistance and cooperation to third countries by funding projects that address, inter alia, the issue of dual-use export controls. Typically, projects are implemented through the network of the EU CBRN CoE initiative, using the CoE Regional Secretariats together with the National Focal Points (NFPs) of the CoE countries.

The study discusses the main challenges at the interface between the EU's external non-proliferation policy and the EU CBRN CoE initiative. It illustrates how the CoE initiative promotes international cooperation in the field of WMD non-proliferation.

Finally, the study makes important recommendations to improve the effectiveness of the CBRN CoE Initiative's contribution to WMD non-proliferation policy from its perspective.

The Chemical, Biological, Radiological, and Nuclear Risk Mitigation Centres of Excellence (EU CBRN CoE) were launched in 2010 under the European External Cooperation Instrument for Stability, as an initiative of the European Union (EU). This initiative is implemented and funded by the European Commission in cooperation with the United Nations Interregional Crime and Justice Research Institute (UNICRI). The European External Action Service (EEAS) is also deeply involved in the follow up to the Initiative.

More specifically, at the outset, the Initiative was led by the European Commission's Directorate-General for International Cooperation and Development (DG DEVCO). Currently, it is led by the European Commission's service for Foreign Policy Instruments (FPI) in close coordination with the European External Action Service (EEAS). The European Commission Joint Research Centre (JRC) provides technical support to Partner Countries within the framework of the CoE Initiative, while the United Nations Interregional Crime and Justice Research Institute (UNICRI) ensures coherent and effective national, regional, and international cooperation.<sup>1</sup>

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<sup>1</sup> European Union, *EU Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence (CoE)*, available online [https://europa.eu/cbrn-risk-mitigation/index\\_en](https://europa.eu/cbrn-risk-mitigation/index_en)

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Importantly, this holistic and interagency approach involves multilateral partnerships between the European Union and its 27 Member States with over 60 countries worldwide, covering the EU Southern and Eastern neighbourhood, the Middle East, the Gulf, Africa, Central Asia, and Southeast Asia. The EU CBRN CoE Initiative is one of the largest long-term civilian security external programmes of the European Union.<sup>2</sup>

It is reasonable, to highlight that the CoE Initiative is being implemented in over sixty countries all around the world and is rapidly expanding and becoming more mature. Notably, these countries are grouped into eight CBRN CoE Regional Secretariats, which are pillars themselves, to promote and facilitate cooperation at regional and international levels.

The Initiative has been implemented with the technical support of relevant international/regional organisations, the EU Member States, the UN, and a range of specialised agencies and organisations with specific mandates and experiences in the CBRN risk mitigation domain. They also contribute to the Initiative. The EU CBRN CoE Initiative was initiated as a new methodology for providing technical assistance to countries outside the EU with the aims to mitigate chemical, biological, radiological, and nuclear threats and risks, if not countered, that may create a threat to the EU. The budget for the Initiative was €109 million for the 2009-2013 period and €130 million for 2014-2020.

### Legal Basis

It is important to note that the legal basis for the CBRN CoE implementation is the Instrument for Stability (Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability, OJ L 327/1 24.11.2006), its multiannual Thematic Strategy Papers (for the years 2007-2011, 2012-2013) and annual decisions (Annual Action Programmes).

The IFS, created in 2006, had substantial crisis response and prevention components and provided effective funding mechanisms for capacity-building in partner countries. It is notable that Article 4(2) specifically authorised the European Commission (EC) to implement technical assistance measures in the field of CBRN risk mitigation.<sup>3</sup>

Before, in 1991, the European Commission launched the TACIS programme. In the framework of the TACIS programme, the EU Member States and the Commission agreed to focus on nuclear safety. The TACIS nuclear safety programme was initiated to provide on-site assistance, design safety, and regulatory approaches, enhancing the management system of nuclear waste and providing former nuclear weapons scientists of the Soviet Union with employment opportunities in the civilian nuclear energy domain.<sup>4</sup>

From 1991 to 2006, the TACIS programme was the main channel of the EU assistance in this neighbourhood, replaced by the Instrument for Nuclear Safety Cooperation (INSC) in January 2007.

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<sup>2</sup> T. Simonart, *A network of networks to support CBRN risk mitigation, including non-proliferation. The European Security and Defence Union*, 6 August 2020, available online. <https://magazine-the-european.com/2020/08/06/the-eu-cbrn-centres-of-excellence-10-years-of-cooperation/>

<sup>3</sup> R. Trapp, *The EU's CBRN Centres of Excellence initiative after six years*, EU Non-Proliferation Consortium, Non-Proliferation Papers, SIPRI publications, No. 55, February 2017 p. 2 available online: [https://sipri.org/sites/default/files/EU\\_NPC\\_no\\_55.pdf](https://sipri.org/sites/default/files/EU_NPC_no_55.pdf)

<sup>4</sup> European Court of Auditors, *Can the EU's Centres of Excellence initiative contribute effectively to mitigating chemical, biological, radiological and nuclear risks from outside the EU?* Publications Office of the European Union, Special Report, no. 17, 2014. observation 21, p. 7

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The key goal of INSC has been the promotion of a 'nuclear safety culture' via support and strengthening regulation and safety improvements in licensed and nuclear installations. Besides, treatment and disposal of spent nuclear fuel and radioactive waste were subjects of this assistance.<sup>5</sup>

The report (2014) of the Court of Auditors concluded: "the concept behind the EU CBRN CoE Initiative is based on a sound analysis, particularly taking into account the following deficiencies of the former TACIS programme: (a) the approach was predominantly *ad hoc* and not all its actions were embedded in a long-term strategy; (b) the implementation of the TACIS programme was top-down, with a central decision hub at the Commission, thus leaving little room for ownership by the non-EU countries. Therefore, there was a high risk that the projects and their results would not be maintained after the EU funding had ended."<sup>6</sup>

In his paper (2017), Ralf Trapp echoes this: "The IFS created an opportunity to overcome some of the shortfalls of TACIS and expanded the thematic and geographical reach of these previous programmes. The programme portfolio assumed by the IFS covered a range of thematic areas, including the following. 1. The redirection of scientists and engineers formerly engaged in weapon programmes to alternative civilian employment. 2. The enhancement of safety practices at civilian facilities where sensitive CBRN materials were stored or handled. 3. Within EC competence, the provision of support for multilateral nuclear arrangements (nuclear safeguarding and, later, the establishment of the nuclear fuel bank). 4. The development of civil infrastructure for dismantling or converting former weapon-related facilities. 5. The strengthening of civilian capacity to prevent illicit trafficking in CBRN materials or agents, or the equipment for their production or delivery. 6. The implementation of export control of dual-use goods. 7. The development of civilian disaster preparedness measures. 8. The development of responses to biological threats"<sup>7</sup>

Generally, the IFS might be considered a part of the 2006 reform of the European Community's external financing instruments. The IFS's main objective is to provide the EU with a strategic and innovative mechanism to address global security challenges.<sup>8</sup> The IFS provides Non-EU partner countries with technical and financial assistance for risk mitigation and preparedness relating to chemical, biological, radiological, and nuclear material or agents. According to the European Parliament and the Council, the measures adopted through the IFS should be complementary and consistent with measures adopted in pursuit of the EU's common foreign and security policy.<sup>9</sup>

The implementation of the IFS also implies a commitment by the EU to a geographical extension of its engagement which encompasses its direct neighbourhood, such as the South and East and former Soviet Union republics. The projects offered under the IFS's programmes in export control and biosafety/biosecurity began to engage countries of Southeast Asia, the Middle East and, gradually, also in Africa.<sup>10</sup>

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<sup>5</sup> R. P. Pardo, *Normal power Europe: non-proliferation and the normalization of EU's foreign policy*, Journal of European Integration Vol. 34, No. 1, January 2012 p. 12

<https://www.tandfonline.com/doi/full/10.1080/07036337.2011.566334?scroll=top&needAccess=true>

<sup>6</sup> European Court of Auditors, *Can the EU's Centres of Excellence initiative contribute effectively to mitigating chemical, biological, radiological and nuclear risks from outside the EU?* op. cit. p. 12

<sup>7</sup> R. Trapp, *The EU's CBRN Centres of Excellence initiative after six years*, op. cit. p.2

<sup>8</sup> A. Mignone, *The European Union's Chemical, Biological, Radiological and Nuclear Centres of Excellence initiative*, EU Non-Proliferation Consortium, Non-Proliferation Papers, SIPRI publications, No. 28, June 2013, p. 2

available online: <https://www.sipri.org/publications/2013/eu-non-proliferation-papers/european-unions-chemical-biological-radiological-and-nuclear-centres-excellence-initiative>

<sup>9</sup> European Court of Auditors, *Can the EU's Centres of Excellence initiative contribute effectively to mitigating chemical, biological, radiological and nuclear risks from outside the EU?* op. cit., p. 7

<sup>10</sup> R. Trapp, *The EU's CBRN Centres of Excellence initiative after six years*, op. cit. p.3

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The expansion in the thematic areas of the IFS programme's field can be considered a reflection of the results of the 2009 Group of Eight (G8) summit, which accepted the concept of engagement and development of collaborations with former WMD scientists instead of redirecting them to alternative employment. It also created conditions for the closer integration of former weapon scientists into scientific networks and collaboration in the EU and worldwide.<sup>11</sup>

Notably, the IFS (Regulation 1717/2006) was ultimately replaced by the Instrument contributing to Stability and Peace (IcSP) in 2014. The Treaty on the Functioning of the European Union (TFEU) constitutes the statutory basis for the IcSP and is required to be in line with the framework principles and objectives of European Union (EU) external action. For instance, Article 212 refers to economic, financial, and technical cooperation with third countries.

The IcSP was created under Regulation (EU) 230/2014. Under Article 5 of the Regulation, the IcSP continued to provide funding for CBRN risk mitigation and capacity-building measures in partner countries.<sup>12</sup> Moreover, the EU CBRN Risk Mitigation CoE Initiative is the EU's largest civilian external security programme funded and implemented by the EU through the IcSP, with a budget of €130 million for 2014-2020. This is the EU's main instrument of international cooperation supporting security initiatives and peace-building activities in Partner Countries.<sup>13</sup>

Due to CBRN threats knowing no borders, the EU cannot restrict its actions to EU territories. Taking this into account, the European Council, the Council of the European Union, and the European Parliament<sup>14</sup> have systematically stressed the importance of linking the EU's internal and external security policies, which itself covers CBRN matters.

In 2003, the European Council adopted two strategies: the European Security Strategy – a secure Europe in a better world, and the EU strategy against the proliferation of Weapons of Mass Destruction (WMD). Both documents respond to the security environment in the EU and its neighbourhood. The EU CBRN CoE Initiative is a key response to the European security strategy and the European strategy against the proliferation of weapons of mass destruction.

Also, the growing political support for the security field in the EU and its surrounding regions is provided by the Global Strategy for the European Union's Foreign and Security Policy that was adopted in June 2016.<sup>15</sup> It should be emphasised that the concept of CBRN CoEs follows the same principle as the one underlined in the Global Strategy.

### **Objectives of the EU CBRN CoE Initiative**

The EU CBRN CoE Initiative was launched in response to the need to strengthen the institutional capacity of countries outside Europe in order to mitigate CBRN risks, including criminal activities (e.g., CBRN proliferation, theft, sabotage, illicit trafficking or terrorism), natural disasters, and accidental disasters (e.g., Bhopal or Fukushima).<sup>16</sup> The 2014–2016 Ebola virus outbreak in West Africa and the COVID-19 Pandemic in 2020, and also incidents such as the Fukushima nuclear reactor meltdown in 2011, the use of sarin and chlorine gas in Iraq and Syria, and of the nerve agent VX at Kuala Lumpur airport in February 2017, are stark reminders of the dangers that can ensue when CBRN

<sup>11</sup> Ibid. p. 3

<sup>12</sup> European Union, *Regulation no. 230/2014 of the European Parliament and of the Council of 11 Mar. 2014 establishing an instrument contributing to stability and peace*, Official Journal of the European Union, L77/1, 15 Mar. 2014.

<sup>13</sup> *EU Chemical, Biological, Radiological and Nuclear Risk Mitigation Centres of Excellence (CoE)*, op. cit.

<sup>14</sup> European Parliament, *resolution of 29 April 2015 on the Court of Auditors' special reports in the context of the 2013 Commission discharge*. Document P8\_TA(2015)0119, 2015

<sup>15</sup> European Court of Auditors, *The EU Chemical, Biological, Radiological and Nuclear Centres of Excellence: more progress needed*, European Court of Auditors, Publications Office of the European Union, Special Report, N 14, 2018 p. 9

<sup>16</sup> *EU CBRN Risk Mitigation Centres of Excellence initiative*, op. cit.

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risks occur. It can be argued that CBRN hazards and risks can pose significant threats to global health, the environment, and the economy.<sup>17</sup>

One of the main goals of the EU CBRN CoE Initiative is to respond to the increasing global public concern about chemical, biological, radiological, and nuclear risks and to boost cooperation at national, regional, and international levels, and hence to develop a coherent CBRN risk mitigation policy at the national and regional levels. Risk mitigation includes prevention, preparedness and post-crisis management.

The report (2014) of the European Court of Auditors describes the objective of the EU CBRN CoE Initiative: "The EU chemical, biological, radiological and nuclear (CBRN) Centres of Excellence Initiative provides regional platforms for tackling comprehensively all aspects of chemical, biological, radiological and nuclear risks arising from natural disasters, accidental catastrophes and criminal behaviour, by involving all the key stakeholders at a very early stage, thereby fostering the development of expertise in the countries concerned."<sup>18</sup>

As Alicia Mignone, in her paper (2013), has pointed out: "The objective of the CoE Initiative is to develop a structural, all-hazards CBRN policy at the national, regional, and international levels to anticipate and respond to these risks, and to reduce the vulnerability of countries to CBRN events. In this respect, the Initiative is in the reciprocal interests of regional and EU security."<sup>19</sup>

More specifically, based on the legal framework, the main goal should be achieved by creating a network of regional initiatives that will focus on the following activities: (a) Develop methodology and guidelines (b) Create an international network of CBRN expertise (c) Facilitate the cooperation process between network members (d) Establish Regional Secretariats to foster the regional cooperation (e) Support partner countries in creating their CBRN National Teams.<sup>20</sup>

Overall, it seems reasonable to argue that the EU CBRN Risk Mitigation CoE Initiative, as an innovative approach, is based on the following principles: (a) Networking, regional and international partnerships, consolidating, coordinating and optimising existing capabilities in terms of expertise, training, technical assistance, or equipment. (b) Addressing regional CBRN needs through specific tailored projects in fields of concern, such as protection of CBRN material/facilities, public and infrastructure protection, denying support for CBRN misuse and terrorism, border control/border monitoring, export control, transit and trans-shipment control, safeguarding CBRN information diffusion, biosafety/biosecurity, illicit trafficking, CBRN waste management, first response, public health impact mitigation, post incident recovery, investigation and prosecution, crisis response. (c) Strengthening a regional culture of safety and security by increasing local ownership, local expertise, and long-term sustainability. (d) Institutional capacity-building at regional and national levels; reinforcing national CBRN policy, improving institutional capacities in legal, regulatory, control, scientific/technical support and law enforcement domains. (e) Promoting a coherent interagency approach to enhance coordination and effective response. (f) Enhancing cooperation with international organisations and EU Member States to ensure synergy and avoiding duplication of efforts. (g) Enhancing the coherence and visibility of EU action.<sup>21</sup>

<sup>17</sup> European Court of Auditors, *The EU Chemical, Biological, Radiological and Nuclear Centres of Excellence: more progress needed*, op. cit. p. 8

<sup>18</sup> European Court of Auditors, *Can the EU's Centres of Excellence initiative contribute effectively to mitigating chemical, biological, radiological and nuclear risks from outside the EU?* op. cit. p. 5

<sup>19</sup> A. Mignone, *The European Union's Chemical, Biological, Radiological and Nuclear Centres of Excellence initiative*, op. cit. p.1

<sup>20</sup> *EU CBRN Risk Mitigation Centres of Excellence (EU CBRN CoE) Initiative Overview*, Centers of Excellence, EU, 2013, internal document

<sup>21</sup> *The EU CBRN CoE initiative*, UNICRI, online available <http://www.unicri.it/>

## Overall Coordination and the CoE network

Generally speaking, lack of coordination and preparedness related to CBRN risks at the national and regional levels and fragmentation of responsibilities among the various involved institutions can have dramatic consequences. This is why the European Union is setting up a framework for cooperation and coordination at all levels of government and international partners.<sup>22</sup>

It should be stressed that many bodies play an important role in the CoE Initiative. Overall coordination of the Initiative is carried out by UNICRI and the JRC in close cooperation with the European Commission's Foreign Policy Instruments (FPI)<sup>23</sup> service acting as the Initiative's decision-making body and the European External Action Service (EEAS).<sup>24</sup> It is important to note that the structure of the CBRN CoE network comprises EU Member States and international organisations, international working groups (e.g., the Working Group of the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction), and CoE Regional Secretariats.

This network, involving many CBRN actors, the bottom-up, national, and regional approaches combine to make the Initiative a unique support mechanism. Partner country governments appoint a "national focal point" (NFP), who is their primary representative for the Initiative, responsible for liaising with CBRN stakeholders at the national (National Team, project beneficiaries, and other local actors), regional (CoE regional secretariat) and international levels.

## EU CBRN CENTRES OF EXCELLENCE AND WMD NON-PROLIFERATION ISSUES

CBRN risk mitigation has been an area of great concern for the EU, both internally and externally. As a global actor, the EU has always considered CBRN threats and risks to be a major challenge to security and peace around the world. For instance, disease surveillance, waste management, emergency planning, early warning, civil protection, export control of dual-use goods, cross-border trafficking of CBRN materials, retraining and alternative employment of former weapons scientists, are areas of concern both to the EU and its partner countries. Because of security threat is global, CBRN risks cannot be dealt with in isolation given their multi-dimensional nature (health, environment, security, crisis management), as demonstrated by the Syrian chemical threat and recently by the COVID-19 pandemic.

This is why the EU promotes a culture of CBRN safety and security within the EU as well as internationally. The aim is twofold: on the one hand to prevent CBRN incidents, and on the other to build partners' capacities for emergency responses to such incidents, with the objectives of protecting populations, preserving the environment, and safeguarding critical infrastructure.

The EU CBRN CoE, based on lessons learned from Ebola, Fukushima and Syria, is a unique initiative as it focuses on regional cooperation and inclusiveness, involving more than 60 countries worldwide and reinforcing the principles enshrined in the 2016 EU Global Strategy.<sup>25</sup>

It can be argued that the "*Centre of Excellence is perfectly mirroring the EEAS internal/external security challenge.*"<sup>26</sup> In fact, it may be the first time that the EU has developed a comprehensive

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<sup>22</sup> *EU CBRN Risk Mitigation Centres of Excellence (EU CBRN CoE) Initiative Overview*, op. cit.

<sup>23</sup> As previously explained, the European Commission's Directorate-General for Development and Cooperation (DG DEVCO), which acted as the initiative's decision-making body, has been replaced by the FPI.

<sup>24</sup> *The EU CBRN CoE initiative*, op. cit.

<sup>25</sup> H. Schmid, Interview, *the European- Security and Defence Union*, volume N28, June 2018

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approach to threat and risk reduction beyond Russia. So, this could be an EU-owned Nunn Lugar paradigm.

What needs to be emphasised is that the “EU CBRN Centres of Excellence”, an innovative EU Initiative, has been welcomed by the UN Security Council and the G8 Global Partnership at the international level. As discussed, a central CBRN hub in the implementation of CoE is the JRC and UNICRI together with CoE Regional Secretariats, NFPs (National Focal Points), and NTs (National Teams). Moreover, the JRC was established by Article 8 of the EURATOM Treaty. As regards non-proliferation, the JRC provides technical and scientific support on non-proliferation-related security under the Commission’s Seventh Framework Programme (FP7).<sup>27</sup> For the period 2007–13, the JRC handled many non-proliferation and CBRN research projects financed by the EU general research budget.

Besides, the JRC has developed methodologies for the implementation of nuclear safeguards and the training of Commission staff and IAEA inspectors, as well as for the implementation of the European support programme to the IAEA. Also, it should be noted that the JRC was previously the technical implementing unit of the TACIS programme on nuclear security.<sup>28</sup> Moreover, in 2009, an EU Security Training Centre was set up within the JRC which focuses on training of the dual-use export control and nuclear security.

Interestingly, a final version of the WMD (Weapon of Mass Destruction) Strategy was published alongside the European Security Strategy, ‘A Secure Europe in a Better World’, in December 2003. The ESS defined WMD proliferation as one of the ‘key threats’ to Europe, and the WMD Strategy saw this as a ‘growing’ threat, putting ‘at risk the security of our states, our peoples and our interests around the world’.

In fact, the documents contain a wide range of issues that can be seen as a combination of economic and political elements. These cover issues associated with the Community area of EU competence as well as other areas such as security and defence, *inter alia* non-proliferation, which is under CFSP competence.<sup>29</sup> In addition, the mainstream of the abovementioned documents encompasses the EU’s relations with third countries. This means that the non-proliferation of WMDs clause is a significant concern for the EU and creates a fundamental framework for the EU to start negotiations with a third country.<sup>30</sup>

In the Auditors’ assessment, “the EU CBRN CoE Initiative is a key response to the European security strategy and the European strategy against the proliferation of weapons of mass destruction”.<sup>31</sup> For example, as claimed by Alicia Mignone, one of the main goals of the establishment of the CBRN

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<sup>26</sup> Commission of European Communities, IFS/2012/305778 *Annex 1-European Community contribution agreement with an international organization, “EU CBRN Risk Mitigation Centres of Excellence” Coordination and CBRN Need Assessment Methodology*, Brussels, Ref. Ares (2021) 3823898-11/06/2021

<sup>27</sup> Council of European Union, Council Decision 2006/975/EC of 19 December 2006 *concerning the Specific Programme to be carried out by means of direct actions by the Joint Research Centre under the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007)*

<sup>28</sup> European Commission, *Communication from the Commission to the Council and the European Parliament-Communication on nuclear non-proliferation*, COM (2009) 143 final, Brussels, 26 Mar. 2009, p. 8.

<sup>29</sup> L. Grip, *the EU non-proliferation clause: a preliminary assessment*, SIPRI Background Paper, SIPRI, November 2009 p. 3

<sup>30</sup> Council of the European Union (note 1), p. 2.

<sup>31</sup> European Court of Auditors, *Can the EU’s Centres of Excellence initiative contribute effectively to mitigating chemical, biological, radiological and nuclear risks from outside the EU?* op. cit. p. 12

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CoE Initiative has been a support for the objectives of the EU Strategy against the Proliferation of Weapons of Mass Destruction.<sup>32</sup>

In the view of Benjamin Kienzle, the CoE Initiative is different from other EU non-proliferation efforts in a number of ways because it mostly focuses on both weaponised and non-weaponised CBRN materials.<sup>33</sup> According to P. van Ham, the difference between WMD proliferation risks and CBRN risks has been part of the debate both within and between Member States and EU institution. As he reported, the main distinction might be more political than technical since WMD proliferation mostly deals with massive weapon and related technology, whereas CBRN risks primarily 'deal with so-called 'dirty bombs' and the small-scale use of hazardous material by non-state actors.'<sup>34</sup>

It can be argued that the launching of the CFSP through Title V of the Treaty of the EU (Maastricht Treaty) in 1993 provided a main institutional and political framework for EU Member States to cooperate in unison in terms of foreign and security policy, *inter alia* WMD non-proliferation. However, at that time, the CFSP did not consider the defence policy and therefore WMD as priority issues.<sup>35</sup> The fact is that the term "security policy" was occasionally used in European Commission documents prior to September 2001. Furthermore, the EU's 2010 Internal Security Strategy, with regard to coordination with different actors and sectors within and outside the EU, made no reference to WMD or non-proliferation.<sup>36</sup>

Only, the treaties of Amsterdam (1999) and Nice (2003) provided real possibilities for all EU institutions to enhance foreign and security policy, including through the inauguration of the European Security and Defence Policy (ESDP), at present called the Common Security and Defence Policy (CSDP).<sup>37</sup>

In November 2003, the Council of the European Union (the Council) adopted the non-proliferation clause, aka, the weapons of mass destruction (WMD) clause. It needs to be mentioned that prior to 2003, EU Member States could not always agree on EU common foreign policy, especially with regard to the Iraq War in 2003. However, during the Belgian presidency (second half of 2001), several Council conclusions dealing with non-proliferation have underpinned the adoption of the 2003 WMD Strategy.<sup>38</sup> Besides, a number of events have accelerated the creation of the non-proliferation clause. After the terrorist attack of September 2001 and the invasion of Iraq in March 2003, the EU had to respond promptly to the potential possibility of non-state actors using WMDs.<sup>39</sup> It should be mentioned that the Sweden was a first country to propose the idea to create a common EU approach to the threat of WMD proliferation.

At the EU-US summit meeting at the end of June 2003, Konstandinos Simitis, the President of the European Council, Romano Prodi, the President of the European Commission, and the US President, George W. Bush, highlighted their views and stated that "*the proliferation of weapons of*

<sup>32</sup> A. Mignone, *The European Union's Chemical, Biological, Radiological and Nuclear Centres of Excellence initiative*, op. cit. p. 2

<sup>33</sup> B. Kienzle, *a European contribution to non-proliferation? The EU WMD Strategy at ten*, International Affairs, the Royal Institute of International Affairs, 2013, p. 57

<sup>34</sup> P. Van Ham, *the European Union's WMD strategy and the CFSP: a critical analysis*, EU non-proliferation consortium, non-proliferation papers, No. 2 September 2011 p. 8

<sup>35</sup> Ibid p. 2

<sup>36</sup> Council of the European Union, *Draft internal security strategy for the European Union: towards a European security Model*, 5842/2/10 Rev. 2, 23 Feb. 2010, p. 18.

<sup>37</sup> P. Van Ham, *the European Union's WMD strategy and the CFSP: a critical analysis*, op. cit. p. 2

<sup>38</sup> General Affairs and External Relations, *2397th Council meeting*, General Affairs, 15078/01 (Press 460), Brussels, 10 Dec. 2001, III-IV.

<sup>39</sup> B. Kienzle, *a European contribution to non-proliferation? The EU WMD Strategy at ten*, op. cit. p. II 44

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*mass destruction and their delivery systems constitutes a major threat to international peace and security*".<sup>40</sup>

The Council Secretariat and the Commission proposed two documents: 'Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction' and the 'Action Plan for the Implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction'.<sup>41</sup> Both documents were adopted at the EU General Affairs and External Relations Council (GAERC) meeting in June 2003. It can be argued that these documents highlighted the need for strong and effective multilateral regimes concerning non-proliferation.<sup>42</sup>

Soon after the adoption of the WMD clause, the Council adopted a common position on the '*universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and their delivery systems*' that has encompassed the EU's strategic objective towards universalisation of the 1968 Non-Proliferation Treaty (NPT) and the entry into force of the 1996 Comprehensive Nuclear Test-Ban Treaty (CTBT) with the purpose of strengthening the multilateral non-proliferation regime.<sup>43</sup>

Later, the EU Strategy against the Proliferation of Weapons of Mass Destruction was updated and reviewed, bringing forth the adoption by the Council of 'New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems' in December 2008.<sup>44</sup> Pursuant to the document, "Weapons of mass destruction which may be in the hands of *states of concern* or terrorists/non-state actors constitute one of the greatest security challenges which Europeans may ever face."<sup>45</sup>

It can be argued that the EU's foreign policy architecture embodied in the Treaty of Lisbon was developed in parallel to the CFSP and the Common Security and Defence Policy (CSDP). The Lisbon Treaty empowered the EU with fresh authority to coordinate across the pillars of the EU foreign and security policy which had been rather disharmonious between the Council of the EU and the Commission.<sup>46</sup> Besides, the treaty underpinned institutional reforms important to the EU WMD non-proliferation policy and its implementation.

Pursuant to B. Kienzle, the main challenge can be seen at the nexus between the EU's external non-proliferation policies and the relevant policy coordination within the EU. The main problem in this respect, as the author argues, is the '*hybrid nature of the issue that covers a wide range of overlapping policy fields, inter alia foreign affairs, counterterrorism, health policy (regarding biological weapons) and trade policy (concerning the control of dual-use items)*'.<sup>47</sup>

According to M. Cebeci, another issue that confounds EU policy on non-proliferation is the EU Member States' individual preferences to use other frameworks, such as the G8, rather than the EU. Also, some Member States prefer to undertake their own non-proliferation policies, occasionally

<sup>40</sup> I. Anthony, *Reducing threats at the source-a European perspective on cooperative threat reduction*, SIPRI (Stockholm International Peace Research Institute, Research Report No. 19, Oxford University press, 2004, p. 33 online available [www.oup.com](http://www.oup.com)

<sup>41</sup> L. Grip, *the EU non-proliferation clause: a preliminary assessment*, op. cit. p. 2

<sup>42</sup> Council of the European Union, *Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction*, 10352/03, 10 June 2003, p. 3.

<sup>43</sup> The council, *Council Common Position 2003/805/CFSP of 17 November 2003 on the universalization and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery*, Official Journal of the European Union, L302, 20 Nov. 2003.

<sup>44</sup> European Parliament, *resolution on annual report on the implementation of the Common Foreign and Security Policy, (2019/2136(INI)) (2021/C 270/04)*, Official Journal of the European Union, Wednesday 15 January 2020

<sup>45</sup> Ibid

<sup>46</sup> L. Grip, *Mapping the European Union's institutional actors related to WMD non-proliferation*, EU Non-Proliferation Consortium, Stockholm International Peace Research Institute, SIPRI publications, No1, May 2011 p. 3

<sup>47</sup> B. Kienzle, *a European contribution to non-proliferation? The EU WMD Strategy at ten*, op. cit. p. II50

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through bilateral formats.<sup>48</sup> In his view of P. van Ham, The WMD Strategy “*acknowledged that if preventive measures fail, coercion (including the use of force) could be an option for the EU, but still recognised the United Nations Security Council as the ‘final arbiter’*”.<sup>49</sup>

L. E. Lundin (2017) deems that the dissonance between EU Member States and in the UN Security Council offered the appropriate momentum to draft the EU Security Strategy and the EU WMD Strategy.<sup>50</sup> As argued by Ralf Trapp (2017), “*at the beginning of the new millennium, the EU restated its firm commitment to international peace and security and, in this context, underlined its multilateral approach to strengthening non-proliferation, disarmament and arms control relating to weapons of mass destruction (WMD)*”.<sup>51</sup>

Since 2003, the EU has conducted negotiations with ‘states of concern’; for instance, the EU has leveraged the use of the WMD clause in negotiations with India, Iran, and Syria, including to put this clause into trade agreements between the EU and proper state.<sup>52</sup> As explained by L. Grip, ‘*states of concern*’ might be considered those states that are non-compliant with the core multilateral legally binding treaties on non-proliferation (the NPT, the 1972 Biological and Toxin Weapons Convention, and the 1993 Chemical Weapons Convention).<sup>53</sup>

Conforming to the Council’s WMD strategy progress reports, the EU has negotiated with almost 100 countries to sign agreements whose WMD clauses are fully consistent with the spirit and content of the WMD clause.<sup>54</sup> For instance, in line with the 2003 Council conclusions, the EU conducted negotiations on a WMD clause with Chile and Kirgizstan, as well as on a WMD clause for a new agreement with Azerbaijan. Furthermore, the EU has been engaged in a skilful negotiation on WMD non-proliferation clauses in relevant agreements with Australia, Brunei, Canada, Japan, New Zealand, and Thailand.<sup>55</sup> Besides, in line with the joint decision of the EU and Cuba, EU-Cuba WMD Non-Proliferation Dialogue on the new EU-Cuba agreement took place in Brussels in March 2019.<sup>56</sup> It seems reasonable to argue that the WMD Strategy has become as an effective driver for more intense collaboration in the non-proliferation area. However, different assessments have been made by academics and think-tanks with regard to the EU non-proliferation documents.

According to P. van Ham (2011), to achieve a comprehensive EU WMD policy is complicated, if not impossible, due to the fact that there are nuclear and non-nuclear weapon states of the EU, and members of NATO and non-NATO states.<sup>57</sup> As believed by L. Grip (2014), the negotiations with ‘*like-minded states*’ has been the problem in light of binding non-proliferation obligations. First of all, it

<sup>48</sup> M. Cebeci, *The European Union and Weapons of Mass Destruction Terrorism*, Defence Against Terrorism Review, Vol. 5, No. 1, Spring & Fall 2013 p. 68

<sup>49</sup> P. Van Ham, *the European Union’s WMD strategy and the CF strived SP: a critical analysis*, op. cit. p. 4

<sup>50</sup> L. Lundin, *the European Union and weapons of mass destruction: a follow-on to the global strategy?* Non-Proliferation Papers, EU Non-Proliferation Consortium, No. 58 May 2017 p. 8

<sup>51</sup> R. Trapp, *The EU’s CBRN Centres of Excellence initiative after six years*, op. cit. p.2

<sup>52</sup> L. Grip, *the European Union’s weapons of mass destruction non-proliferation clause: a 10-year assessment*, Non-Proliferation Papers, EU Non-Proliferation Consortium, no. 40 April 2014 p. 12

<sup>53</sup> Ibid

<sup>54</sup> Council of the European Union, *Six-monthly progress report on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (2009/I)*, 11490/09, 26 June 2009, p. 36.

<sup>55</sup> Council of European Union, *Six-monthly Progress Report on the implementation of the EU Strategy against the proliferation of weapons of mass destruction (2013/I)* C 228/4 Official Journal of the European Union 7.8.2013(2013/C 228/05)

<sup>56</sup> Council of the European Union, *annual progress report on the implementation of the European Union strategy against the proliferation of weapons of mass destruction (2019)*, Official Journal of the European Union, 21 September 2020 (OR. en) 10866/20 Brussels

<sup>57</sup> P. Van Ham, *the European Union’s WMD strategy and the CFSP: a critical analysis*, op. cit. p. 6

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encompasses the multilateral export control regimes. So, according to Grip, the aim of the EU is to strengthen the international non-proliferation regime by adding another legally binding element to the existing agreement.<sup>58</sup>

Pacheco Pardo has argued that the EU mostly acts as a 'normal power' in the implementation of the EU foreign and security policy, especially in the EU non-proliferation realm.<sup>59</sup> Controversy, P. Van Ham is considerably more doubtful, underlining that disagreement among EU Member States sometimes makes it difficult to envisage essential features of common EU policy.<sup>60</sup>

In the assessment of L. E. Lundin (2017), the "linkages from an arms control perspective between conventional weapons and platforms, dual-use items and WMD are complex".<sup>61</sup> Another issue is that of the EU's role in security policy worldwide. It might raise the question as to whether the EU will play an important role globally, as it has in the case of Iran. The author continues his point of view about this in stating: "It remains an open question whether the political conditions for WMD talks and negotiations beyond bilateral formats could be found in the current international setting".<sup>62</sup>

In the assessment of Lina Grip (2009), a number of questions remain concerning the future implementation of the WMD clause, for instance, whether the EU Member States continue to express the same interest in the matter of non-proliferation or not, bearing in mind the strategic, political, and trade factors, in their international relations.<sup>63</sup> As specified by her, another difficulty with reference to the implementation of the WMD clause is 'the lack of criteria, in most agreements to date, for judging whether or not a partner of the EU has fallen below international standards for various aspects of non-proliferation. This is almost certain to make third country partners uneasy, especially those with, for example, weak export control capacity'.<sup>64</sup>

As believed by R. P. Pardo, 'the EU is using coerciveness and its military muscle in its 'non-proliferation of WMD' efforts'.<sup>65</sup> Based on this author's point, the 'concept of ethical power Europe' imply itself the rare of 'combination of nonmilitary and military means [---]'.<sup>66</sup> According to R. P. Pardo, military measures seem as adequate and useful as non-military methods since in terms of being in the EU's best interests to protect itself as a main political actor.<sup>67</sup> B. Kienzle (2013) concluded that 'the success that the EU has experienced in its non-proliferation policy is strongly related to two concepts that are usually not associated with its foreign and security policies: institutional flexibility and political pragmatism. Institutional flexibility refers to the EU's ability to use unforeseen institutional formats best suited for a given situation'.<sup>68</sup>

As argued by L. Grip (2014), it is important whether the non-proliferation clause is linked to other EU instruments. In the view of the author, in this case the possible benefits could be given in a three-stage model: 'a) The non-proliferation clause can raise awareness about the EU's non-proliferation policy objectives and outreach for the benefit of the multilateral regimes; b) It can create a platform to discuss issues of non-proliferation and explore areas of common interest or concern. c) Joint cooperation projects funded by various budget instruments could be identified'.<sup>69</sup>

<sup>58</sup> L. Grip, 'the European Union's weapons of mass destruction non-proliferation clause: a 10-year assessment', op. cit. p. 6

<sup>59</sup> R. P. Pardo, *Normal power Europe: non-proliferation and the normalization of EU's foreign policy*, op. cit. pp. 5-10.

<sup>60</sup> P. Van Ham, *the European Union's WMD strategy and the CFSP: a critical analysis*, op. cit.

<sup>61</sup> L. E. Lundin, *the European Union and weapons of mass destruction: a follow-on to the global strategy?* op. cit. p.4

<sup>62</sup> L. E. Lundin, *the European Union and weapons of mass destruction: a follow-on to the global strategy?* op. cit. p.5

<sup>63</sup> L. Grip, *The EU non-proliferation clause: a preliminary assessment*, op. cit. p. 18

<sup>64</sup> Ibid p. 19

<sup>65</sup> R. P. Pardo, *Normal power Europe: non-proliferation and the normalization of EU's foreign policy*, op. cit. p. 14

<sup>66</sup> Ibid

<sup>67</sup> Ibid

<sup>68</sup> B. Kienzle, *a European contribution to non-proliferation? The EU WMD Strategy at ten*, op. cit. p. II58

<sup>69</sup> L. Grip, *the European Union's weapons of mass destruction non-proliferation clause: a 10-year assessment*, op. cit. p. 6

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Besides, many analysts tend to consider the European Union a nation state in terms of EU foreign and security policy. While the EU does have certain state-like characteristics, its policy in the non-proliferation area still requires a consensus-based approach among its Member States. Firstly, the historical interests of Britain and France, as the EU's two nuclear weapon states should be taken into account.<sup>70</sup>

In 2002, at the Kananaskis G8 Summit, the Commission committed itself to spending €1 billion over ten years on behalf of the EU as a contribution to the G8 Global Partnership in order to control CBRN materials in Russia and beyond.<sup>71</sup> Similarly, the Council has accumulated funds through the CFSP budget, most notably for a 1999 joint action to destroy chemical weapons and adequately manage weapons-grade plutonium in Russia. As mentioned above, in the 1990s the main instrument used by the European Commission to fund relevant activities in the republics of the former Soviet Union was the Technical Assistance to the Commonwealth of Independent States (TACIS) programme, particularly with regard to the retraining of former WMD scientists.

Generally, the TACIS programme encompassed a wide range of activities *inter alia* non-proliferation, such as projects in the field of nuclear materials accountancy and control and combating illicit trafficking. Projects related to non-proliferation, such as the TACIS support for the International Science and Technology Centre (ISTC) in Moscow<sup>72</sup> and the Science and Technology Centre (STCU) in Ukraine, are also relevant to the Kananaskis commitment. The major goal of these institutions has been to readdress former Soviet Union weapons scientists towards peaceful activities as well as avoiding the proliferation of WMD expertise.<sup>73</sup>

In addition, a key goal of the European Neighbourhood Policy has been to set up a bilateral dialogue on WMD proliferation with each neighbouring country. For instance, the dialogue with Armenia and Ukraine was initiated because they both have nuclear facilities.<sup>74</sup> WMD non-proliferation clause established a general criterion for cooperation with states outside the EU so as to integrate the clause in all new or existing agreements under the CFSP, including with the African, Caribbean, and Pacific Group of States (ACP), and with Central American states.<sup>75</sup>

Thus, it can be summarised that the European Union (EU) has identified WMDs as "potentially the greatest threat" to European security and a global threat in terms of the potential risk of terrorism. In this relation, the WMD Strategy has seen remarkable impetus toward the EU's non-proliferation policy. In particular, the EU has stepped up its non-proliferation activities since the Treaty was adopted. The fact is that the EU's security environment has changed significantly in recent years. New types of threats, such as hybrid threats, are emerging, and include the possibility of a terrorist attack using chemical, biological, radiological, or nuclear materials as weapons of terror. This could clearly jeopardise public health, environmental protection, and food safety and security within the EU, which is why such issues are of concern for every state and must be addressed jointly.

As Helga Schmid (EU official) stated, "a new objective now is to bridge the gap between CBRN and other threats such as terrorism, organised crime or cyber threats in order to decrease the likelihood of non-state actors using CBRN materials on European soil or beyond."<sup>76</sup>

According to her, most the experts involved in the Centres of Excellence are the same actors (National Teams) involved in fighting terrorism, which is why it is important to use these existing

<sup>70</sup> B. Kienzle, *a European contribution to non-proliferation? The EU WMD Strategy at ten*, op. cit. p. II45

<sup>71</sup> Ibid p. II56

<sup>72</sup> Later it moved to Astana, Kazakhstan

<sup>73</sup> European Commission, *the instrument for stability*, strategy paper 2007-2011 p. 7

<sup>74</sup> R. P. Pardo, *Normal power Europe: non-proliferation and the normalization of EU's foreign policy*, op. cit. p. 11

<sup>75</sup> L. Grip, *the European Union's weapons of mass destruction non-proliferation clause: a 10-year assessment*, op. cit. p. 3

<sup>76</sup> H. Schmid, *interview*, op. cit.

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regional platforms to facilitate exchanges of information, best practices, and early warning networks to reinforce coordination and cooperation at the national, regional, and international levels in the fight against terrorism.<sup>77</sup> So, the links between CBRN risk mitigation and related topics such as counter terrorism, security, and climate change, and export control of dual-use items should be reinforced by making use of the Centres of Excellence network.

Notably, the Centres of Excellence network is now operating effectively. For instance, during the COVID-19 pandemic period it proved to be effective and useful when several CoE Regional Secretariats initiated a series of webinars to exchange expertise and share their experiences and best practices concerning the management of the epidemic. Most importantly, *ad hoc* support was very helpful to several CoE countries in terms of being able to set up proper procedures to detect the first cases of infection.<sup>78</sup>

Outstandingly, the EEAS Security Policy Unit has proposed the concept of a Centre of Excellence as a first concrete step towards a CBRN policy. Indeed, it does not consider to substitute CBRN policy in general, but contains all the elements to test new CBRN paradigms extensively. In other words, the concept proposes a new methodology to provide CBRN assistance and cooperation to third countries. The associated success has already been recognised by the international community, but the EU CBRN CoE initiative is now facing concrete challenges of implementation. So, if successful, this may help vulnerable states to respond to new CBRN risks and threats in an appropriate manner.<sup>79</sup>

There is also proposal to extend the CBRN CoE Initiative *“to third countries that are not covered under the EU CBRN Centres of Excellence Initiative, but are nevertheless of relevance for the EU’s efforts to promote a global culture of CBRN safety and security.”* In this respect, proper bilateral or regional projects with these partners should be foreseen.<sup>80</sup>

Generally, the European Commission, through the Instrument for Stability (IFS), has funded many projects on combating WMD proliferation, illicit trafficking, biosafety, and biosecurity. In addition to this, as mentioned, the EU has launched the EU CBRN CoE Initiative under the IFS so as to fund CBRN risk mitigation projects in third countries. Previously, the EC, through DEVCO, funded assistance to third countries through certain internal directorates and divisions. For example, the Nuclear Safety Unit, operating under the DEVCO’s Europe, Southern Mediterranean, Middle East, and Neighbourhood Policy Directorate was responsible for managing nuclear safety assistance and safeguard projects in Eastern European countries, *inter alia*, in Russia and Armenia.<sup>81</sup>

What needs to be highlighted is that EU CBRN CoE are platforms for funding regional CoE projects outside the EU in different CoE states based on their specific needs. For instance, the deployment of mobile biological laboratories during the 2014–16 Ebola outbreak in West Africa had a great impact on this particular region of Africa in terms of Ebola diagnostics.<sup>82</sup> It should be stressed that the projects financed through the Centres of Excellence Initiatives cover proliferation-focused projects, but most notably projects are about biosafety and biosecurity, CBRN first response, CBRN risk assessment, waste management, best practice transfers, or strengthening coordination among

<sup>77</sup> H. Schmid, *interview*, op. cit.

<sup>78</sup> Council, *Annual Progress Report on the implementation of the European Union Strategy against the Proliferation of Weapons of Mass Destruction (2020)*, (2021/C 298/01) notices (IV) from European Union Institutions, bodies, offices and agencies, *Official Journal of the European Union*, 26.07.2021

<sup>79</sup> *Annex 1 to European Community contribution agreement with an international Organization “EU CBRN risk mitigation Centres of Excellence” coordination and CBRN need assessment methodology*, op. cit. p. 2

<sup>80</sup> European Commission, *Instrument contributing to Stability and Peace (IcSP), Thematic Strategy Paper 2014-2020, Multi-annual Indicative Programme 2014-2017*, op. cit. p. 35

<sup>81</sup> see TACIS programme

<sup>82</sup> R. Trapp, *The EU’s CBRN Centres of Excellence Initiative after six years*, op. cit. p. 13

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CBRN institutions in the case of CBRN accidents. Usually, these projects are implemented through the network of CoE Regional Secretariats together with the national focal points (NFPs) of the partner countries. So, this can be seen as an attempt by the EU, instead of the traditional donor approach, to create a more global inter-regional CBRN network based on a bottom-up approach and local ownership. It can be argued that after adoption of the WMD Strategy, the EU's commitment to the Global Partnership was reinforced. For instance, in terms of the EU's assistance projects, the German Office of Economics and Export Controls received an EU mandate to implement several programmes in this area all over the world. The Instrument for Stability (2007–2013) made it possible to consider WMDs the top priority.<sup>83</sup>

Currently, Expertise France, the French Agency for International Cooperation, and its partners, the French Dual-use Export Control Office (SBDU), the German Federal Office for Economic Affairs (BAFA), the University of Liège (ULiège), and King's College London (KCL), have been mandated to carry out regional projects under the EU P2P Export Control Programme for Dual Use Goods.<sup>84</sup>

It should be highlighted that the EU P2P export control programme (formerly "EU Outreach in Export Control programme") is the cornerstone of the EU efforts in this field and managed by the European Commission's Service for foreign Policy Instruments (FPI) and the European External Action Service (EEAS). The EU P2P export control programme includes projects in two main areas of export controls: Dual Use Trade Control and arms control.<sup>85</sup>

As the EU P2P Programme actively contributes to CBRN risk mitigation, it has been considered as part of the EU CBRN CoE initiative. More specifically, EU P2P PROJECT 064 (2017 - 2022) and EU P2P PROJECT 090 (2021 - 2024) are implemented under the umbrella of the EU CBRN CoE Initiative. In particular, both projects are funded by the European Union's *Global Europe: Neighbourhood, Development and International Cooperation Instrument (NDICI – GLOBAL EUROPE)*.<sup>86</sup>

Interestingly, the EU P2P Programme benefits from the structures (CBRN CoE National Teams) and networks (technical experts) established through the EU CBRN CoE Initiative in CoE partner countries around the world. The Programme itself covers the following regions: North Africa, Middle East, Southeast Europe and Eastern Europe, including Caucasus. Since 2019, countries from Southeast Asia region (within the PROJECT 090) also became part of the Programme under the EU P2P.<sup>87</sup> The EU P2P Programme aims at cooperating with strategic partners to jointly enhance the effectiveness of dual use trade control systems worldwide by sharing experiences and best practices. The most important thing is that the EU P2P Programme supports national implementation of UNSC Resolution 1540 and uses World Customs Organisation guidance whenever appropriate. Also, it supports countries' obligations under CWC, BTWC, and NPT. So, the partnerships established through the EU P2P projects contribute to chemical, biological, radiological and nuclear (CBRN) risk mitigation and, more specifically, to the fight against the proliferation of WMDs by focusing on dual use materials, equipment, and technology.<sup>88</sup>

Thus, it can be argued that the EU CBRN CoE Initiative itself actively supports the Commission in terms of assistance with the implementation of WMD non-proliferation.

## CONCLUSION

<sup>83</sup> B. Kienzle, *a European contribution to non-proliferation? The EU WMD Strategy at ten*, op. cit. p. II56

<sup>84</sup> See brochure - European Union, EU P2P, *Partner-to-partner Export Control Programme for Dual-Use Goods, EU P2P project 64 -Eastern Europe, Southeast Europe, Caucasus, North Africa, EU P2P project 90 - Southeast Asia*

<sup>85</sup> [https://cbrn-risk-mitigation.network.europa.eu/eu-p2p-export-control-programme\\_en#modal](https://cbrn-risk-mitigation.network.europa.eu/eu-p2p-export-control-programme_en#modal)

<sup>86</sup> See brochure - *Partner-to-partner Export Control Programme for Dual-Use Goods, EU P2P project 64 -Eastern Europe, Southeast Europe, Caucasus, North Africa, EU P2P project 90 - Southeast Asia*, op. cit.

<sup>87</sup> *EU P2P export control programme for dual-use goods*, phase 2017-2021

<sup>88</sup> Ibid

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It can be argued that the non-proliferation of WMDs is a specific domain covering the management of WMD risks worldwide but most notably it is crucial for those states that possess nuclear capability, *inter alia* for certain EU Member States. Besides, WMD proliferation is a worldwide policy, whereas the CoE Initiative does not cover the EU Member States or American continent. It only embraces Africa, Southeast and Eastern Europe (out of the EU), the Middle East, Central Asia, and East Asia regions (in total, eight CoE regions as discussed above).

Furthermore, contrary to WMD proliferation, the EU CBRN CoE Initiative encompasses accidental (industrial catastrophes, in particular chemical or nuclear, waste treatment and transport), or natural (mainly pandemics) risks and hazards, and its main concern is one of civil protection. In order to support EU policy and objectives in the WMD non-proliferation realm, it is important to strengthen the EU CBRN CoE Initiative through a closer political synergy between the Commission's activities and the EU's foreign political strategic objectives.<sup>89</sup>

A possible area of cooperation between the EU CBRN CoE and the WMD non-proliferation could be that of sharing of information, knowledge, and best practice, as well as information on CBRN projects. In addition, more coordination and frequent communication is needed among international stakeholders and actors operating under the EU CBRN CoE Initiative, as well as the WMD non-proliferation realm, with the aim of avoiding any overlap of their activities and projects in this respect.

Generally, regular communication and coordination of activities should be undertaken among the JRC, FPI/EEAS, UNICRI, IAEA, the World Health Organisation (WHO), the International Criminal Police Organisation (Interpol), and parties of the Biological and Toxin Weapons Convention (BTWC), Chemical Weapons Convention (CWC), and other international organisations and donors operating in the CBRN field.<sup>90</sup> So, constructive multilateralism and closer cooperation with key partners should be considered key to the European Union's WMD Strategy.

Regrettably, the Lisbon Treaty has not properly promoted the exchange of information between EU institutions in the field of EU non-proliferation policy. The EU documents regulating the EU's WMD non-proliferation policy do not envisage intensive cooperation and coordination of internal and external policies in this respect.<sup>91</sup> In addition, it needs to be taken into account that bilateral assistance is also provided by EU Member States in the WMD non-proliferation field in an autonomous manner. This is important in order to ensure the full coordination of the non-proliferation policy among the various EU actors.<sup>92</sup>

EU must leverage all instruments in order to prevent, detect, and eliminate WMD proliferation worldwide. The EU should continue to pursue internationally recognised universal binding rules and an international agreement on the prohibition of the production of fissile material for nuclear weapons and other nuclear devices. Also, it seems vital to make universal the existing disarmament and non-proliferation norms. Also, the EU must take into account the fact that, occasionally, countries have legitimate security concerns. So, it is important to establish a worldwide non-proliferation regime which allows all countries to feel safe and secure and, therefore, there is no need to seek WMDs so as to "guarantee" the country's safety and security.

However, while the international treaty regimes and export controls order have widely regarded the spread of WMD and delivery systems as one of the more serious threats facing the EU, some states have strived or are aspiring to develop such weapons capacity. Some countries have instigated nuclear weapons development programmes. So, the EU must continue to firmly convince these countries to abandon the use of technology and facilities that could potentially allow for a risk of proliferation.

<sup>89</sup> L. Grip, *the European Union and non-proliferation, 2014-17*, op. cit. p.11

<sup>90</sup> European Commission, Joint Research Centre, *Actions 2011-2010*, <http://www.cbrn-coe.eu>

<sup>91</sup> L. Grip, *Mapping the European Union's institutional actors related to WMD non-proliferation*, op. cit. p 18

<sup>92</sup> Ibid

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It is important to include WMD non-proliferation clauses in all trade agreements in relation to third countries. This will encourage partner countries to '*ratify those treaties to which they are not joined yet.*'<sup>93</sup> However, the practice shows that in some cases this is not done in such a way.

Further, the EU should enhance cooperation with the targeted countries through the long-term technical assistance/training programmes in the threat reduction and non-proliferation realm. Also, more financial support should be provided to the various WMD agencies and regimes so as to assist them in strengthening their capabilities as well as to monitor and verify any suspected WMD activity. Of course, the non-proliferation regime has not fully eliminated all cases of proliferation, but it has certainly restricted countries' ambitions and interests in this regard. Besides, more EU programmes and projects should be offered with the aim of increasing preparedness, prevention, and countering crises in the domain of non-proliferation, arms control, and disarmament worldwide. It is in the EU's interest to assist third countries in the accomplishment of their obligations pursuant to the multilateral conventions and regimes.

The fact is that the functions and competences of the EU's main institutions, most notably, the competences of the Commission and Council bodies, usually overlap in terms of the management of the EU's non-proliferation policies. Also, it must be borne in mind that the EU has several EEAS and Commission departments involved in CBRN issues, and who should be more active and bring more coherence and complementarity among external actions, in particular, with regard to security issues.

WMD Strategy was a key component of the EU's security strategy by 2003. But, after around twenty-two years, Europe now needs a new approach and updated strategy documents on WMDs that consider them in a more comprehensive way.

It should be highlighted that there are many challenges facing EU leaders in general, such as the 2008 financial crisis, problems relating to populism, migration, terrorism as well as the COVID-19 pandemic. Further, the political tension with regard to Iran, China, and North Korea should be emphasised. Also, it seems reasonable that the EU make a unified effort to conduct crisis management planning so as to effectively and operatively respond to WMD-related risks, taking into account all new challenges *inter alia* those challenges that are related to Russia's invasion of Ukraine.

The question arises: does the current international situation, in particular after Russia's invasion of Ukraine, require a new approach and vision with regard to the management of WMD risks in such situations? As for the EU, it is important that all EU Member States have a common perception of internal and external security threats in general, and in connection with Russia in particular. The sanctions imposed by the EU against Russia are a good illustration of this point.

However, there is a need to put more pressure on Russia so as to hinder its occupation of Ukraine. Further, there is a general concern about hybrid warfare, cybersecurity, and the disinformation campaigns used by Russia, and the EU has to react to all these challenges effectively and appropriately.

Importantly, the current challenges and more severe outcomes of regional conflicts, and especially the war in Ukraine, increase the possibility of a WMD arms race. So, the risk of the use of WMDs in the Russia-Ukraine war is high and, therefore, there is a potential risk factors for the global catastrophe that can bring Europe at the danger era even seen.<sup>94</sup> It is obvious that regional instability, tied by insecurity and regional conflict/war, can fuel a demand for WMDs, which is why, in more recent times, the linkage between internal and external security policy has become much stronger.

According to the annual report on the implementation of the Common Foreign and Security Policy (15 January 2020), the reinforced CFSP should be more coherent, including not only traditional

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<sup>93</sup> B. Kienzle, *a European contribution to non-proliferation? The EU WMD Strategy at ten*, op. cit. p. II53

<sup>94</sup> Council of the European Union, *European security strategy a secure Europe in a better world*, ISBN 978-92-824-2421-6, 2009 p. 31

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soft power but also a strong CSDP, an effective sanctions policy, and cross-border anti-terrorism cooperation as well.<sup>95</sup>

It needs to be stressed that many scholars think that the European Security Strategy should be seriously reconsidered. The same question arises when looking at the WMD Strategy: Is the 2003 WMD Strategy still relevant to today's risks and threats posed by chemical, biological, radiological and nuclear materials and knowledge transfer? The answer is simple: Yes, the Strategy is still OK, but it needs to meet the new challenges, especially after the Ukraine-Russia war.

Thus, in order to revise the EU WMD Strategy and the EU Global Strategy periodically, indeed, requiring frequent consultation with the Council, the Commission, and the European Parliament. It would be timely and needed, bearing in mind some of the new geopolitical challenges that have arisen since its adoption.

The fact is that WMD policy is mostly focused on Iran, Pakistan, DPRK and Syria. Indeed, these countries are unstable and themselves represent high risk and threat with regard to WMD proliferation. So, diplomacy and counter-proliferation efforts are vital in order to avoid "domino effects" in these and another sensitive regions as well.<sup>96</sup>

Besides, past events show that the EU and, indeed, the world in general are not well prepared for preventing, detecting, or responding to CBRN threats. For instance, in the case of COVID-19, for the first time, the cooperation amongst countries including within the EU by and large could have been better organised. The first stage of the spread of the virus showed us that the various methodologies and measures used by the different countries to combat the disease, *inter alia* developed countries, were inadequate. Italy was a good illustration of this. As Angela Merkel, former Chancellor of Germany said, the European Union was facing "its greatest test" since its foundation, with the new coronavirus pandemic.<sup>97</sup> In this regard, the reinforcement of EU CBRN CoE Initiative could act as a safety belt for the EU security environment. The creation of eight secretariats (CBRN CoEs) in eight regions is the first step towards this ownership. It is a first step towards building regional confidence-building measures. Indeed, the Centres of Excellence are a long term, iterative process to build a culture of CBRN safety and security.

It can be argued that the true success of the EU CBRN CoE will not rest on CBRN expertise and its extensive network of law enforcers, diplomats, and military officers. There are already many support/training/academic CBRN centres in the world, and none of them is really emerging from anonymity. Such capacity-building initiatives are too often piling up on each other, duplicating effort, and sometimes even competing against each other. The current EC approach is that the EU will not succeed if the EU CBRN Centres of Excellence (CoE) initiative is just additional projects with technical networks of experts and with sophisticated databases. The thing is that any proposal, any idea and initiative, should be described as special, "pilot actions". In such cases, CoE initiative would be much more successful, and the EU would go further in terms of CBRN.<sup>98</sup>

Because Europe is no longer in full control of its security environment, the EU, through CSDP missions and operations, as well as other relevant instruments, should be more active in order to be able to intervene in worldwide crisis management, including crisis prevention, peace-making, and peace-building activities encompassing all stages of the conflict cycle, thus keeping Europe secure.

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<sup>95</sup> Resolution of 15 January 2020 on annual report on the implementation of the Common Foreign and Security Policy, *op. cit.*

<sup>96</sup> Annex 1 to European Community contribution agreement with an international Organization "EU CBRN risk mitigation Centres of Excellence" coordination and CBRN need assessment methodology, *op. cit.* p. 1

<sup>97</sup> A. Merkel, *EU faces biggest test in its history*, The Brussels time, 06 April 2020

<sup>98</sup> Annex 1 to European Community contribution agreement with an international Organization "EU CBRN risk mitigation Centres of Excellence" coordination and CBRN need assessment methodology, *op. cit.* p. 2

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Besides, the idea to propose a new format of the EU, such as an EU Security Council, seems very interesting in this respect. So, the Member States should conduct a dialogue with the aim of coordinating more closely within the EU and with international authorities so as to facilitate a more efficient decision-making process in the field of security policy. This is why it is so important to recognise that a safer world and safer regions make the EU safer, not weaker. Unfortunately, this is often hard to accept. But the world is changing rapidly, with evolving threats and unstable powers. So to build a safer Europe in a better world, the EU needs to do more, and the EU needs to adapt better to today's and tomorrow's global challenges.

Furthermore, the European Union should become a credible and proactive worldwide player so as to assume a degree of global responsibility and control as well as a tangible leadership role at the international level. Moreover, the EU should act as a geopolitical power with a meaningful influence and, thus, defend and promote the objectives of Article 21 of the TEU (Treaty of the European Union).<sup>99</sup>

That is why the EU, together with the US, should take deterrent action against potential adversaries with regard to WMD proliferation. Only an effective system of non-proliferation, disarmament and international arms control can reduce the risk of non-state actors gaining access to WMD, radioactive materials and means of delivery. All this will have a positive and essential impact on global security policy.

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### Acronyms

AAP	Annual Action Programmes
ACP	African, Caribbean, and Pacific Group of States
GS	
BAFA	German Federal Office of Economics and Export Control
BTWC	Biological and Toxin Weapons Convention
CoE	The Chemical, Biological, Radiological, and Nuclear Risk Mitigation Centres of Excellence
NAP	CBRN National Action Plan
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
CWC	Chemical Weapons Convention
DEVCO	Directorate-General for International Cooperation and Development
RELEX	Directorate-General for External Relations
EC	European Commission
EEAS	The European External Action Service
EECIS	European External Cooperation Instrument for Stability Service of EU
EF	French public agency for the design and implementation of international technical cooperation project
ENP	European Neighbourhood Policy
ESDP	European Security and Defence Policy
EU	European Union
CBRN CoE	The European Union Chemical, Biological, Radiological, and Nuclear Risk Mitigation Centres of Excellence
CBRN	The European Union Chemical, Biological, Radiological, and Nuclear
EU P2P ECP on Dual-Use Trade Control	Partner to Partner Export Control Programme on Dual-Use Trade Control
EURATOM	The European Atomic Energy Community
EURO POL	European Police Office
EUWA M-Lab	EU West Africa Mobile Lab
FPI	Service for Foreign Policy Instruments of EC
FP7	Seventh Framework Programme
GAER	General Affairs and External Relations Council
C	

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G7	Group of Seven
G8 GP	Group of Eight Global Partnership
G8	Group of Eight
GT	Governance team
HR/VP	High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission
IAEA	International Atomic Energy Agency
IB	Implementing Body - composed of UNICRI and JRC
IcSP	The EU's Instrument contributing to Stability and Peace
IFS	Instrument for Stability
INSC	The International Nuclear Safety Cooperation
ISTC	International Science and Technology Center
JRC	Joint Research Centre of the European Commission
KCL	King's College of London
MS	Member States
NAC	NATO North Atlantic Council
NAQ	Needs Assessment Questionnaire
NDICI	Neighbourhood, Development and International Cooperation Instrument
NT	National Team
NATO	North Atlantic Treaty Organisation
NFP	National Focal Point
NIS	Newly Independent States
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NSP	Nuclear Security Plan
OPCW	Organisation for the Prohibition of Chemical Weapons
PC	Partner Country
RS	Regional Secretariat
SBDU	French Dual-use Export Control Office
SEA	Southeast Asia
STCU	Science and Technology Center in Ukraine
TACIS	Technical Assistance to the Commonwealth of Independent States
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
Uliège	University of Liège
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNICRI RC	UNICRI Regional Coordinator
UNSC	United Nations Security Council
UNSC R 1540	United Nation Security Council 1540 resolution
USA	United States of America
WHO	World Health Organisation

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WMD	Weapons of mass destruction
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