



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 December 2003

15708/03

LIMITE

**PESC 768
CODUN 50
CONOP 64
COARM 21**

NOTE

from : the Council

to : the European Council

Prev.doc.no: 15656/03

Subject : Fight against the proliferation of weapons of mass destruction
- EU strategy against proliferation of Weapons of Mass Destruction

Delegations will find attached the text of the EU Strategy against proliferation of Weapons of Mass Destruction as endorsed by the Council on 9 December 2003 with a view to adoption by the European Council.

EU STRATEGY AGAINST PROLIFERATION
OF WEAPONS OF MASS DESTRUCTION

At Thessaloniki, the European Council adopted a Declaration on non-proliferation of Weapons of Mass Destruction. Member States made the commitment, drawing on the Basic Principles already established, to further elaborate before the end of 2003 a coherent EU strategy to address the threat of proliferation, and to continue to develop and implement the Action Plan adopted in June by the Council as a matter of priority.

Delegations will find herewith the draft strategy elaborated to fulfil the commitment taken in Thessaloniki.

INTRODUCTION

1. The proliferation of weapons of mass destruction and their means of delivery such as ballistic missiles are a growing threat to international peace and security. While the international treaty regimes and export controls arrangements have slowed the spread of WMD and delivery systems, a number of states have sought or are seeking to develop such weapons. The risk that terrorists will acquire chemical, biological, radiological or fissile materials and their means of delivery adds a new critical dimension to this threat.

2. As the European Security Strategy makes clear, the European Union cannot ignore these dangers. WMD and missile proliferation puts at risk the security of our states, our peoples and our interests around the world. Meeting this challenge must be a central element in the EU's external action. The EU must act with resolve, using all instruments and policies at its disposal. Our objective is to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide.

3. Non-proliferation, disarmament and arms control can make an essential contribution in the global fight against terrorism by reducing the risk of non state actors gaining access to weapons of mass destruction, radioactive materials, and means of delivery. We recall in this context the Council conclusions of 10 December 2001 on implications of the terrorist threat on the non-proliferation, disarmament, and arms control policy of the EU.

**CHAPTER I PROLIFERATION OF WMD AND MEANS OF DELIVERY IS A
GROWING THREAT TO INTERNATIONAL PEACE AND
SECURITY**

4. The proliferation of weapons of mass destruction and their means of delivery are a growing threat. Proliferation is driven by a small number of countries and non-state actors, but presents a real threat through the spread of technologies and information and because proliferating countries may help one another. These developments take place outside the current control regime.

5. Increasingly widespread proliferation of weapons of mass destruction increases the risk of their use by States (as shown by the Iran/Iraq conflict) and of their acquisition by terrorist groups who could conduct actions aimed at causing large-scale death and destruction.

6. Nuclear weapons proliferation: the Treaty on the Non-proliferation of Nuclear Weapons (NPT) must be preserved in its integrity. It has helped to slow and in some cases reverse the spread of military nuclear capability, but it has not been able to prevent it completely. The possession of nuclear weapons by States outside the NPT and non-compliance with the Treaty's provisions by states party to the Treaty, risk undermining non-proliferation and disarmament efforts.

7. Chemical Weapons Proliferation: A particular difficulty with verification and export control regimes is that the materials, equipment, and know-how are dual use. One way of assessing the level of risk is to see whether there is indigenous ability to produce chemical warfare (CW) agent precursors and to weaponise chemical warfare agents. In addition, several countries still possess large chemical weapons stockpiles that should be destroyed, as provided for in the Chemical Weapons Convention. The possible existence of chemical weapons in States not party to the Chemical Weapons Convention is also a matter of concern.

8. Biological weapons proliferation: although effective deployment of biological weapons requires specialised scientific knowledge including the acquisition of agents for effective dissemination, the potential for the misuse of the dual-use technology and knowledge is increasing as a result of rapid developments in the life sciences. Biological weapons are particularly difficult to defend against (due to their lack of signature). Moreover, the consequence of the use may be difficult to contain depending on the agent used and whether humans, animals, or plants are the targets. They may have particular attractions for terrorists. Biological weapons, as well as chemical weapons, pose a special threat in this respect.

9. Proliferation of means of delivery related to weapons of mass destruction: development by several countries of concern of ballistic programmes, of autonomous capacity in the production of medium and long range missiles, as well as cruise missiles and UAV are a growing cause of concern.

10. All such weapons could directly or indirectly threaten the European Union and its wider interests. A WMD attack on the EU's territory would involve the risk of disruption on a massive scale, in addition to grave immediate consequences in terms of destruction and casualties. In particular, the possibility of WMD being used by terrorists present a direct and growing threat to our societies in this respect.

11. In areas of tension where there are WMD programmes, European interests are potentially under threat, either through conventional conflicts between States or through terrorist attacks. In those regions, expatriate communities, stationed and deployed troops (bases or external operations), and economic interests (natural resources, investments, export markets) can be affected, whether or not specially targeted.

12. All the States of the Union and the EU institutions have a collective responsibility for preventing these risks by actively contributing to the fight against proliferation.

13. The EU Situation Centre has prepared and will continuously update a threat assessment using all available sources; we will keep this issue under review and continue to support this process, in particular by enhancing our co-operation.

CHAPTER II **THE EUROPEAN UNION CANNOT IGNORE THESE DANGERS. IT MUST SEEK AN EFFECTIVE MULTILATERALIST RESPONSE TO THIS THREAT.**

14. To address with unceasing determination the threat posed by WMD a broad approach covering a wide spectrum of actions is needed. Our approach will be guided by:

- our conviction that a multilateralist approach to security, including disarmament and non-proliferation, provides the best way to maintain international order and hence our commitment to uphold, implement and strengthen the multilateral disarmament and non-proliferation treaties and agreements;
- our conviction that non-proliferation should be mainstreamed in our overall policies, drawing upon all resources and instruments available to the Union;
- our determination to support the multilateral institutions charged respectively with verification and upholding of compliance with these treaties;
- our view that increased efforts are needed to enhance consequence management capabilities and improve coordination;
- our commitment to strong national and internationally-coordinated export controls;
- our conviction that the EU in pursuing effective non-proliferation should be forceful and inclusive and needs to actively contribute to international stability;
- our commitment to co-operate with the United States and other partners who share our objectives.

At the same time, the EU will continue to address the root causes of instability including through pursuing and enhancing its efforts in the areas of political conflicts, development assistance, reduction of poverty and promotion of human rights.

15. Political and diplomatic preventative measures (multilateral treaties and export control regimes) and resort to the competent international organisations form the first line of defence against proliferation. When these measures (including political dialogue and diplomatic pressure) have failed, coercive measures under Chapter VII of the UN Charter and international law (sanctions, selective or global, interceptions of shipments and, as appropriate, the use of force) could be envisioned. The UN Security Council should play a central role.

A) *Effective multilateralism is the cornerstone of the European strategy for combating proliferation of WMD.*

16. The EU is committed to the multilateral treaty system, which provides the legal and normative basis for all non-proliferation efforts. The EU policy is to pursue the implementation and universalisation of the existing disarmament and non-proliferation norms. To that end, we will pursue the universalisation of the NPT, the IAEA Safeguard agreements and protocols additional to them, the CWC, the BTWC, the HCOC, and the early entry into force of the CTBT. The EU policy is to work towards the bans on biological and chemical weapons being declared universally binding rules of international law. The EU policy is to pursue an international agreement on the prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices. The EU will assist third countries in the fulfilment of their obligations under multilateral conventions and regimes.

17. If the multilateral treaty regime is to remain credible it must be made more effective. The EU will place particular emphasis on a policy of reinforcing compliance with the multilateral treaty regime. Such a policy must be geared towards enhancing the detectability of significant violations and strengthening enforcement of the prohibitions and norms established by the multilateral treaty regime, including by providing for criminalisation of violations committed under the jurisdiction or control of a State. The role of the UN Security Council, as the final arbiter on the consequence of non-compliance – as foreseen in multilateral regimes – needs to be effectively strengthened.

18. To ensure effective detectability of violations and to deter non-compliance the EU will make best use of , and seek improvements to, existing verification mechanisms and systems. It will also support the establishment of additional international verification instruments and, if necessary, the use of non-routine inspections under international control beyond facilities declared under existing treaty regimes. The EU is prepared to enhance, as appropriate, its political, financial and technical support for agencies in charge of verification.

19. The EU is committed to strengthening export control policies and practices within its borders and beyond, in co-ordination with partners. The EU will work towards improving the existing export control mechanisms. It will advocate adherence to effective export control criteria by countries outside the existing regimes and arrangements.

B) Promotion of a stable international and regional environment is a condition for the fight against proliferation of WMD

20. The EU is determined to play a part in addressing the problems of regional instability and insecurity and the situations of conflict which lie behind many weapons programmes, recognising that instability does not occur in a vacuum. The best solution to the problem of proliferation of WMD is that countries should no longer feel they need them. If possible, political solutions should be found to the problems, which lead them to seek WMD. The more secure countries feel, the more likely they are to abandon programmes: disarmament measures can lead to a virtuous circle just as weapons programmes can lead to an arms race.

21. To this end, the EU will foster regional security arrangements and regional arms control and disarmament processes. The EU's dialogue with the countries concerned should take account of the fact that in many cases they have real and legitimate security concerns, with the clear understanding that there can never be any justification for the proliferation of WMD. The EU will encourage these countries to renounce the use of technology and facilities that might cause a particular risk of proliferation. The EU will expand co-operative threat reduction activities and assistance programmes.

22. The EU believes that political solutions to all of the different problems, fears and ambitions of countries in the most dangerous regions for proliferation will not be easy to achieve in the short run. Our policy is therefore to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern, while dealing with their underlying causes.

23. Positive and negative security assurances can play an important role: they can serve both as an incentive to forego the acquisition of WMD and as a deterrent. The EU will promote further consideration of security assurances.

24. Proliferation of WMD is a global threat, which requires a global approach. However, as security in Europe is closely linked to security and stability in the Mediterranean, we should pay particular attention to the issue of proliferation in the Mediterranean area.

C) Close co-operation with key partners is crucial for the success of the global fight against proliferation

25. A common approach and co-operation with key partners is essential in order to effectively implement WMD non-proliferation regime.

26. Co-operation with the US and other key partners such as the Russian Federation, Japan and Canada is necessary to ensure a successful outcome of the global fight against proliferation.

27. In order to tackle and limit the proliferation risk resulting from weaknesses in the administrative or institutional organisation of some countries, the EU should encourage them to be partners in the fight against proliferation, by offering a programme aimed at assisting these countries in improving their procedures, including the enactment and enforcement of implementing penal legislation. Assistance should be associated with regular joint evaluations, reinforcing the collaborative spirit and the confidence building.

28. Appropriate cooperation with the UN and other international organisations will assist in ensuring a successful outcome of the global fight against proliferation. The EU will ensure, in particular, exchange of information and analysis with NATO, within the agreed framework arrangements.

CHAPTER III THE EUROPEAN UNION MUST MAKE USE OF ALL ITS INSTRUMENTS TO PREVENT, DETER, HALT, AND IF POSSIBLE ELIMINATE PROLIFERATION PROGRAMMES THAT CAUSE CONCERN AT GLOBAL LEVEL.

29. The elements of the EU's Strategy against proliferation of weapons of mass destruction need to be integrated across the board. 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.

30. In implementing our strategy we have decided to focus in particular on the specific measures contained in this chapter. It is a "living action plan" whose implementation will be constantly monitored. It will be subjected to regular revision and updating every six months.

A) *Rendering multilateralism more effective by acting resolutely against proliferators.*

1) *Working for the universalisation and when necessary strengthening of the main treaties, agreements and verification arrangements on disarmament and non-proliferation.*

- Carrying out diplomatic action to promote the universalisation and reinforcement of multilateral agreements, in implementation of the Council Common Position of 17 November 2003.

2) *Fostering the role of the UN Security Council, and enhancing expertise in meeting the challenge of proliferation.*

- Working inter alia to enable the Security Council to benefit from independent expertise and a pool of readily available competence, in order to carry out the verification of proliferating activities that are a potential threat to international peace and security. The EU will consider how the unique verification and inspection experience of UNMOVIC could be retained and utilised, for example by setting up a roster of experts.

3) *Enhancing political, financial and technical support to verification regimes.*

- Now that all EU Member States have ratified the IAEA Additional Protocols, the EU will redouble its efforts to promote their conclusions by third States.

- Fostering measures aimed at ensuring that any possible misuse of civilian programmes for military purposes will be effectively excluded.
- Releasing financial resources to support specific projects conducted by multilateral institutions (i.a. IAEA, CTBTO Preparatory Commission and OPCW) which could assist in fulfilling our objectives.
- Promoting challenge inspections in the framework of the Chemical Weapons Convention and beyond. This issue will be addressed in the CWC competent bodies as well as in the framework of political dialogue with third States.
- Reinforcing the BTWC and the CWC and, in this context, continuing the reflection on verification instruments. The BTWC does not contain at present a verification mechanism. The EU must find ways to strengthen compliance. A group of experts to give advice on how this could be done could be established. The EU will take the lead in efforts to strengthen regulations on trade with material that can be used for the production of biological weapons. The EU will also take the lead in supporting national implementation of the BTWC (e.g. in providing technical assistance). The EU will consider giving support to states with administrative or financial difficulties in their national implementation of the Chemical Weapons Convention and the BTWC.

4) *Strengthening export control policies and practices in co-ordination with partners of the export control regimes; advocating, where applicable, adherence to effective export control criteria by countries outside the existing regimes and arrangements; strengthening suppliers regimes and European co-ordination in this area.*

- Making the EU a leading co-operative player in the export control regimes by co-ordinating EU positions within the different regimes, supporting the membership of acceding countries and where appropriate involvement of the Commission, promoting a catch-all clause in the regimes, where it is not already agreed, as well as strengthening the information exchange, in particular with respect to sensitive destinations, sensitive end-users and procurement patterns.

- Reinforcing the efficiency of export control in an enlarged Europe, and successfully conducting a Peer Review to disseminate good practices by taking special account of the challenges of the forthcoming enlargement.
- Setting up a programme of assistance to States in need of technical knowledge in the field of export control.
- Working to ensure that the Nuclear Suppliers Group make the export of controlled nuclear and nuclear related items and technology conditional on ratifying and implementing the Additional Protocol.
- Promoting in the regimes reinforced export controls with respect to intangible transfers of dual-use technology, as well as effective measures relating to brokering and transshipment issues.
- Enhancing information exchange between Member States. Considering exchange of information between the EU SitCen and like-minded countries.

5) *Enhancing the security of proliferation-sensitive materials, equipment and expertise in the European Union against unauthorised access and risks of diversion.*

- Improving the control of high activity radioactive sources. After the adoption of the Council Directive on the control of high activity sealed radioactive sources, Member States should ensure its fast implementation at national level. The EU should promote the adoption of similar provisions by third countries.
- Enhancing, where appropriate, the physical protection of nuclear materials and facilities, including obsolete reactors and their spent fuel.
- Strengthening of EC and national legislation and control over pathogenic microorganisms and toxins (both in Member States and in Acceding Countries) where necessary. Co-operation between the public health, occupational health and safety and the non-proliferation structures should be reinforced. The creation of an EU Centre for Disease Control and the task that it would perform should be analysed.

- Fostering the dialogue with industry to reinforce awareness. An initiative will be taken in order to promote firstly a dialogue with EU industry with a view to raising the level of awareness of problems related to the WMD and secondly, a dialogue between EU and US industry, in particular in the biological sector.

6) *Strengthening identification, control and interception of illegal trafficking.*

- Adoption by Member States of common policies related to criminal sanctions for illegal export, brokering and smuggling of WMD-related material.
- Considering measures aimed at controlling the transit and transshipment of sensitive materials.
- Supporting international initiatives aimed at the identification, control and interception of illegal shipments.

B) *Promoting a stable international and regional environment*

1) *Reinforcing EU co-operative threat reduction programmes with other countries, targeted at support for disarmament, control and security of sensitive materials, facilities and expertise.*

- Prolonging the Programme on disarmament and non-proliferation in the Russian Federation beyond June 2004.
- Increasing EU co-operative threat reduction funding in the light of financial perspectives beyond 2006. The creation of a specific Community budget line for non-proliferation and disarmament of WMD should be envisaged. Member States should be encouraged to contribute also on a national basis. These efforts should include measures aimed at reinforcing the control of the non-proliferation of WMD related expertise, science and technology.
- Setting up of a programme of assistance to States in need of technical knowledge in order to ensure the security and control of sensitive material, facilities and expertise.

- 2) *Integrate the WMD non-proliferation concerns into the EU's political, diplomatic and economic activities and programmes, aiming at the greatest effectiveness.*
- Mainstreaming non-proliferation policies into the EU's wider relations with third countries, in accordance to the GAERC conclusions of 17 November 2003, inter alia by introducing the non-proliferation clause in agreements with third countries.
 - Increasing Union efforts to resolve regional conflicts by using all the instruments available to it, notably within the framework of CFSP and ESDP.
- C) *Co-operating closely with the United States and other key partners.***
- 1) *Ensuring adequate follow up to the EU-US declaration on non-proliferation issued at the June 2003 summit.*
- 2) *Ensuring coordination and, where appropriate, joint initiatives with other key partners.*
- D) *Developing the necessary structures within the Union***
- 1) *Organising a six monthly debate on the implementation of the EU Strategy at the External Relations Council.*
- 2) *Setting up, as agreed in Thessaloniki, a unit which would function as a monitoring centre, entrusted with the monitoring of the consistent implementation of the EU Strategy and the collection of information and intelligence, in liaison with the Situation Centre. This monitoring centre would be set up at the Council Secretariat and fully associate the Commission.*
-