

WMD Proliferation and Transatlantic Relations: Is a Joint Western Strategy Possible?

Peter van Ham

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Desk top publishing: *Cheryna Abdoel Wahid*

Netherlands Institute of
International Relations
'Clingendael'
Clingendael 7
2597 VH The Hague
Telephone: xx-31-70-3245384
Telefax: xx-31-70-3746667
P.O. Box 93080
2509 AB The Hague
E-mail: research@clingendael.nl
Website: <http://www.clingendael.nl>

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1 Introduction

Over the past few years, transatlantic relations have remained in crisis. In February 2003, US Secretary of State Colin Powell expressed his fear that NATO was 'breaking up,' and Henry Kissinger concluded that the war over Iraq 'produced the gravest crisis in the Atlantic Alliance since its creation five decades ago.'¹ In October 2003, US Ambassador to NATO Nicholas Burns even labeled ideas to set up an autonomous European military headquarters 'the most serious threat to the future of NATO.'² One factor explaining the tensions in US-European relations after 9/11 is that the United States considers itself at war with international terrorism, whereas Europe has 'only' proclaimed a state of emergency. These divergent threat perceptions, together with the vast differences in capabilities (particularly military capabilities) and strategic worldview, underlie the transatlantic disagreement on the nature of the new security challenges as well as the most effective policy mix to address them.

Although no weapons of mass destruction (WMD) were used in the terrorist attacks of 11 September 2001, the simple fact that they might well be in future has dramatically altered America's perception of the threat posed by WMD proliferation, which has now reached the top of the US strategic agenda. It has also sparked a debate on the effectiveness of existing arms control and non-proliferation arrangements. In particular, the 'preemptive war' against Iraq indicates that the Bush administration believes that we now live in a post-proliferated world, where WMD capabilities may already have reached America's enemies. Hence, Washington now argues that traditional non-proliferation approaches built around diplomatic and economic measures are insufficient. The US and its allies should not wait for WMD threats to emerge or try to contain them. Instead, the Bush administration favors counterproliferation, which US Secretary of Defense Donald Rumsfeld defines as 'the full range of military preparations and activities to reduce, and protect

1) Quoted in Ivo H. Daalder, 'The End of Atlanticism,' *Survival*, vol. 45, no. 2 (Summer 2003), p. 147.

2) Ahto Lobjakas, 'NATO: Dispute Over European Defense on Hold for the Moment,' *RFE/RL*, 21 October 2003.

against, the threat posed by nuclear, biological, and chemical weapons and their associated delivery means.’³

In his speech to the US National Defense University on 11 February 2004, President Bush laid down a plan to introduce some radical changes to the existing non-proliferation regimes.⁴ His argument for doing so was straightforward: ‘These [rogue] nations pose different challenges; they require different strategies.’ He not only called for curbing the black market for nuclear material, but also proposed to close what he described as a ‘loophole’ in the nuclear non-proliferation regimes that allows non-nuclear powers to pursue civilian nuclear power programs. This plan basically pulls the rug from under the existing ‘deal’ between nuclear ‘haves’ and ‘have-nots’ (see below). Bush’s proposals not only consolidate existing double standards, but also further question the relevance of the traditional treaty-based approach to non-proliferation.

Given the overwhelming power predominance of the US, this shift in American policy potentially has far-reaching implications for the existing structure of non-proliferation treaties and regimes. Without strong American backing, this network of non-proliferation arrangements will be weakened and be crowded out by the *ad hoc* initiatives recently launched by the Bush administration, which replace diplomatic efforts with coercive measures. Although European states recognize that new ways of halting WMD proliferation are called for, they have a propensity to privilege a treaties-and-regimes approach, making them wary of this recent turn in US strategy. The transatlantic debate on WMD proliferation is therefore conducted between American policymakers, emphasizing the role of preemptive military action and the pursuit of new nuclear weapons capabilities to dissuade potential adversaries, and their European allies who fear that such an approach would forfeit key non-proliferation instruments and provide a false sense of security.⁵

This Paper examines new US and European policies to halt WMD proliferation, and asks whether a collective US-European effort to combat WMD proliferation can be achieved, and if so, to what extent. Despite some major disagreements, there are indications that Europe is gradually shifting towards the US approach on this issue. This has led Rockwell Schnabel, US Ambassador to the European Union (EU), to argue that where the transatlantic security assessment is concerned, ‘[t]here is about an 80% overlap. Where opinions differ is in the approach to or action in support of these goals.’⁶ This Paper considers options for more comprehensive and robust global non-

3) Office of the Secretary of Defense, *Proliferation: Threat and Response* (Washington DC: Department of Defense, January 2001), p. 78.

4) ‘Remarks by the President on Weapons of Mass Destruction Proliferation,’ Fort Lesley J. McNair – National Defense University (Washington, D.C.), 11 February 2004.

5) Daryl G. Kimball, ‘The New Nuclear Proliferation Crisis,’ *Arms Control Today*, vol. 33, no. 10 (December 2003), p. 2.

6) Rockwell Schnabel, ‘The U.S. and the EU: Global Partners or Rivals?,’ Address at the European Policy Centre, Brussels (3 December 2002).

proliferation strategies that would utilize the comparative advantages of both the US and Europe. It concentrates on the challenge of combining America's force-based approach with Europe's treaty- and diplomacy-based method. The Paper concludes with an assessment of the prospects for reconciling differences between US and European threat perceptions with regard to WMD proliferation, asking if a NATO-based strategy could constitute a recipe for healing transatlantic political wounds.

2 America's choice: counterproliferation and coercion

The Bush administration has not invented counterproliferation. It was under President Clinton that a gradual policy shift towards counterproliferation was initiated, although it remained firmly embedded in a wider national security strategy predicated upon traditional non-proliferation thinking. President Clinton argued that the US needs to 'worry more about chemical and biological weapons put in the hands of terrorist as well as rogue states.'⁷ As early as 1993, Secretary of Defense Les Aspin declared that, having won the Cold War, Americans 'face a bigger proliferation danger than we've ever faced before,' implying 'that a policy of prevention through denial won't be enough to cope with the potential of tomorrow's proliferators.'⁸ The Clinton administration's Bottom-Up Review, conducted by the Department of Defense (DOD) in 1993, therefore launched a Defense Counterproliferation Initiative (DCI) calling for new military options to counter the acquisition and use of WMD by rogue states.

2.1 Clinton and the DCI

The Clinton administration claimed that the DCI would only strengthen and enhance existing traditional non-proliferation measures. It was sold on the argument that it would offer usable military options when existing non-proliferation efforts failed. However, the arms control community regarded the DCI as a declaration of war on the traditional non-proliferation approach. Although the DCI explained that the US (under Clinton) would in no way diminish its non-proliferation efforts, critics claimed that coercive measures to halt WMD proliferation — especially when the use of military force is

7) Quoted in Robert S. Litwak, *Rogue States and U.S. Foreign Policy: Containment After the Cold War* (Baltimore, Maryland: The Johns Hopkins University Press, 2000), p. xiii.

8) Statement on the 'Counterproliferation Initiative Presidential Decision Directive PDD/NSC18,' by US Secretary of Defense Les Aspin, 7 December 1993. Internet: <http://www.fas.org/irp/offdocs/pdd18.htm> (13 August 2003).

considered — inevitably undermines the consensus and international cooperation essential to all non-proliferation regimes. Moreover, coercive counterproliferation measures were also considered risky stopgaps heavily dependent upon the success of technology (e.g., in the case of Ballistic Missile Defense or BMD), which would not affect the complex security concerns that motivate rogue states to acquire WMD in the first place. Finally, counterproliferation was seen to undermine US political leadership, which has been instrumental in developing and maintaining existing non-proliferation regimes and treaties over the past few decades.⁹

The events of 9/11 have silenced many of these critics, on the argument that the threats emerging from the nexus of terrorism and proliferation are of such gravity and urgency that the US has little choice but to adopt a more assertive counterproliferation strategy. The US National Security Strategy (NSS) of September 2002 argues that the 'United States of America is fighting a war against terrorists of global reach,' and that 'the gravest danger to [the US] lies at the crossroads of radicalism and technology.' The NSS claims that the Cold War policies of containment and deterrence are no longer sufficient, as the new enemies are terrorists and rogue states bent on wanton destruction, whose 'soldiers seek martyrdom in death.' Since these kinds of terrorist cannot be dissuaded by rational means, the NSS assumes that preemptive action to counter WMD proliferation is necessary and, as a broad definition of the right of self-defense (Article 51 of the UN Charter), legitimate. The NSS further calls for 'proactive counterproliferation efforts,' arguing that the US 'must deter and defend against the threat before it is unleashed.' The new US approach is laid down in the first-ever 'National Strategy to Combat Weapons of Mass Destruction (WMD)'.¹⁰ This document (published in December 2002) clearly argues that the Bush approach 'represents a fundamental change from the past.'

2.2 A post-proliferated world?

Underlying America's new policy are two basic assumptions. The first is that 9/11 should open our eyes to the fact that traditional non-proliferation mechanisms are failing, sometimes miserably. This means that they should be strengthened, changed, complemented, or abandoned. The second assumption is that the US should no longer support failing multilateral institutions, but should only cooperate in those international frameworks that are in its direct

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- 9) Angus McColl, 'Is Counterproliferation Compatible with Nonproliferation?,' *Airpower Journal* (Spring 1997), pp. 99-101. For a review of how this debate played out in NATO, see Natalie J. Goldring, 'Skittish on Counterproliferation,' *The Bulletin of the Atomic Scientists* (March/April 1994). See also Gilles Andréani, 'The Disarray of U.S. Non-Proliferation Policy,' *Survival*, vol. 41, no. 4 (Winter 1999-2000), and Brad Roberts, 'Proliferation and Nonproliferation in the 1990s: Looking For the Right Lessons,' *Nonproliferation Review*, vol. 6, no. 4 (Fall 1999).
 - 10) The document itself is an unclassified synopsis of National Security Presidential Directive 17.

strategic interests. Washington should therefore conduct a reality check on all non-proliferation arrangements and should not be afraid to replace them with unilateral alternatives of a coercive nature. Although both ideas have bipartisan support, Democrats tend to hold back their criticism of existing structures and are more reluctant to use force. Overall, Democrats therefore adopt a more 'European' approach, as was demonstrated by the key security speeches of Democratic contenders Senator John Edwards, Governor Howard Dean, and Senator John Kerry in December 2003.¹¹

John Bolton, US Under Secretary of State for Arms Control and International Security, has argued clearly and honestly that '[a]rms control can be an important part of American foreign policy, but I think the real question is what advances our national interest. And in those cases where, for example, arms control treaties are ineffective or counterproductive or obsolete, they shouldn't be allowed to stand in the way of the development of our foreign policy.'¹² This statement is all the more important as Washington now assumes that although treaties and regimes may slow down proliferation, the development, transfer, and sale of technologies, materials, and expertise with WMD applications continues unabated. The new NSS despondently claims that the US 'know[s] from experience that we cannot be successful in preventing and containing the proliferation of WMD to hostile states and terrorists.' J.D. Crouch, US Assistant Secretary of Defense for International Security Policy, noted in January 2002 that currently 12 states have nuclear weapons programs; 13 have biological weapons; 16 have chemical weapons; and 28 have ballistic missile technology.¹³ US policy now aims to fill existing lacunae and blind spots by new non-proliferation initiatives.

The US-led war against Iraq is a first manifestation of America's new forceful strategy, and part of a new proactive counterproliferation effort. As Mr. Bolton argues, American 'concern was not the imminence of Saddam's threat, but the very existence of his regime, given its heinous and undeniable record,

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- 11) John Edwards, 'Strategy of Prevention, Not Preemption,' Des Moines, Iowa (15 December 2003). Internet: <http://www.johnedwards2004.com/page.asp?id=444> (9 January 2004); Howard Dean, 'Fulfilling the Promise of America: Meeting the Security Challenges of the New Century,' Los Angeles (15 December 2003). Internet: <http://www.globalsecurity.org/wmd/library/news/iraq/2003/12/031215-dean.htm> (3 May 2004); and John Kerry, 'Making America Secure Again: Setting the Right Course For foreign Policy,' New York, NY (3 December 2003). Internet: http://www.johnkerry.com/ressroom/speeches/spc_2003_1203.html (9 January 2004).
 - 12) 'Interview with John Bolton, Under Secretary of State for Arms Control and International Security, on U.S. Arms Control,' (14 August 2001). Internet: <http://www.useu.be/Categories/Defense/ESDIBoltonUSArmsControlPolicyAugust14.html> (15 August 2003).
 - 13) J. D. Crouch, Assistant Secretary of Defense for International Security Policy, 'Special Briefing on the Nuclear Posture Review,' 9 January 2002. Internet: http://www.defenselink.mil/news/Jan2002/t01092002_t0109npr.html (14 August 2003).

capabilities, intentions, and longstanding defiance of the international community.¹⁴ This is why Saddam Hussein's regime had to go.

The Iraqi war is also an expression of US misgivings about the nuclear Nonproliferation Treaty (NPT), as well as the non-proliferation structures associated with it. The inspection regimes of the International Atomic Energy Agency (IAEA) are considered weak, lacking the essential elements of intrusiveness and surprise. For example, the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC), which was responsible for IAEA inspections in Iraq prior to the US-led invasion, has been consistently scolded by the Bush administration for being ineffective and badly informed. In retrospect, the IAEA was right about the Iraqi WMD programs, which proved to exist only on paper.¹⁵ In practice, US criticism has done much to damage the authority and credibility of the United Nations (UN) and the IAEA in dealing with a case like Iran, which now tops the non-proliferation agenda (see below). For the time being, these UN inspections remain essential to monitor compliance with existing chemical, biological, and nuclear weapons treaties.¹⁶

But US concerns go beyond the IAEA; they also concern the strategic covenant that underpins the NPT. The NPT is based on the 'Great Bargain' of President Eisenhower's 'Atoms for Peace' Plan of 1953,¹⁷ which assumes that tightly restricted trade in nuclear technologies is allowed for peaceful purposes, as long as states refrain from developing nuclear weapons. This idea (which was later codified in Article IV of the NPT) is now frequently derided as a 'nuclear Trojan horse,' booby-trapping the world with fissile material and nuclear technology.¹⁸ In his NDU speech, President Bush made it clear that this NPT

14) John R. Bolton, Under Secretary for Arms Control and International Security, 'Nuclear Weapons and Rogue States: Challenge and Response,' Washington DC, (2 December 2003). Internet: <http://www.state.gov/t/us/rm/26786pf.htm> (8 January 2004).

15) Kenneth M. Pollack, 'Spies, Lies, and Weapons: What Went Wrong,' *The Atlantic Monthly* (January/February 2004). In the case of Libya, the IAEA also discovered that Libya's nuclear weapons programs were far less advanced than the US and the UK had suggested. See Louis Charbonneau, 'Libya Never Got Nuclear Plans Off Ground,' *Reuters* (15 January 2004).

16) George Perkovich, 'Bush's Nuclear Revolution: A Regime Change in Nonproliferation,' *Foreign Affairs*, vol. 82, no. 2 (March-April 2003).

17) Peter R. Lavoy, 'The Enduring Effects of Atoms for Peace,' *Arms Control Today*, vol. 33, no. 10 (December 2003).

18) Article IV of the NPT affirms that all states party to the Treaty have a right to benefit from the peaceful uses of the atom. It also commits the parties to cooperate with one another in the 'fullest possible exchange' of nuclear equipment, materials, and information for peaceful purposes. See also Bennett Ramberg, 'Terrorism Has Altered the Nuclear Equation Forever,' *International Herald Tribune*, 10 December 2003. Fred C. Ikle also contends the West has 'sprinkled reactors all over the world. It was insane. We wanted to do good. We wanted to stop proliferation. But as an unintended consequence, we created massive proliferation.' Quoted in James Sterngold, 'Beyond North Korea: A New Nuclear Threat,' *San Francisco Chronicle*, 3 August 2003. US Secretary of Energy

bargain is outdated. 'We're adjusting our strategies to the threats of a new era,' he argued, and '[p]roliferators must not be allowed to cynically manipulate the NPT to acquire the material and infrastructure necessary for manufacturing illegal weapons.' Since '[nuclear] enrichment and reprocessing are not necessary for nations to harness nuclear energy for peaceful purposes,' the US therefore now calls for the introduction of a new global system for the trade in nuclear material and equipment. This new system should not be under the auspices of the UN, but should instead be run by the 40-nation Nuclear Suppliers Group (NSG) and under US leadership.

For the Bush administration, experiences with Iraq and Iran exemplify what is wrong with existing non-proliferation mechanisms: with Iraq under US control, Tehran is now being accused of using nuclear technologies and materials to develop nuclear military capabilities. Mr. Bolton has made it clear that the US 'believes that the longstanding, massive and covert Iranian effort to acquire sensitive nuclear capabilities make sense only as part of a nuclear weapons program.'¹⁹ US Assistant Secretary of State for Nonproliferation John S. Wolf therefore claims that 'Iran provides perhaps the most fundamental challenge ever faced by the NPT.'²⁰ How to deal with Iran has therefore also become a key policy issue on the transatlantic agenda and one of the litmus tests for an emerging US-EU joint strategy to deal with WMD proliferation.

2.3 Ruptures with past policies

In this post-proliferated world, the American objective is no longer modestly limited to impeding WMD proliferation, but is 'also to 'roll back' and ultimately eliminate such weapons from the arsenals of rogue states and ensure that the terrorist groups they sponsor do not acquire a shortcut to their deadly designs against us.'²¹ In short, the US now argues that, during war, different rules apply.

Four notable changes in America's WMD strategy may be identified: (1) the emergence of the idea that different proliferation rules apply to those who are 'with' the US, and those who are 'against' it; (2) the shift from a threat-

Spencer Abraham argued in November 2003 that the system's weakness becomes all too clear 'when a state joins the NPT, professes peaceful intentions, and then abuses the Treaty by using it as a cover to build up a nuclear weapons capability which is then publicly declared through abrogation of, or withdrawal from, the Treaty.' See 'Abraham Urges U.N. to Confront Nonproliferation Challenges,' New York (5 November 2003). Internet: http://www.usembassy.it/file2003_11/alia/a3110608.htm (8 January 2004).

19) Bolton, 'Nuclear Weapons and Rogue States,' 2 December 2003.

20) John S. Wolf, Assistant Secretary for Nonproliferation, US Representative to the Second Session of the PrepCom, Remarks to the Second Meeting of the Preparatory Committee, Geneva, Switzerland, on 28 April 2003. Internet: <http://www.state.gov/t/np/rls/rm/20034.htm> (5 August 2003).

21) Bolton, 'Nuclear Weapons and Rogue States,' 2 December 2003.

based to a capabilities-based strategy, in which preemptive (and preventive) military measures are inevitable; (3) the necessity to rethink the role of US nuclear weapons; and (4) the need for *ad hoc* robust arrangements to roll back and/or prevent WMD proliferation to make up for the failures of existing treaties and regimes.

The most notable rupture with past US policies may well be that the Bush administration no longer seems to call upon *all* states to eliminate their nuclear weapons. Instead, it now argues that '[t]he gravest danger facing America and the world is *outlaw regimes* that seek and possess nuclear, chemical and biological weapons.'²² Washington's strategic worldview seems to accept that its allies (the 'good guys') may possess WMD (like Israel, and, after 9/11, Pakistan and India), whereas its enemies (the 'bad guys') must be disarmed, or preferably replaced. In January 2004, President Bush went as far as promising India help with its nuclear energy and space technology in return for India's commitment to stick to firm non-proliferation rules and tough export controls.²³ Evidently, the US no longer puts pressures on India or Pakistan to sign the NPT, even though both countries have nuclear weapons and have more than once been at the brink of war (and even nuclear war) with each other. Moreover, although Pakistan has helped to develop the nuclear programs of Iran, North Korea, and Libya, the US seems to place more value on Islamabad's assistance in fighting al Qaeda.²⁴ In his NDU speech, President Bush went into great detail on the proliferation network of Abdul Qadeer Khan, the 'father of Pakistan's nuclear weapons program,' but without any mention of negative repercussions for the Musharraf regime.

The Bush administration's 'Axis of Evil' strategy illustrates its focus on the 'bad guys,' while downgrading broader, global non-proliferation norms and goals. This is why the US-led Proliferation Security Initiative or PSI (discussed in more detail below) mainly aims to prohibit WMD trafficking to 'rogue states and terrorist groups that pose the most direct threat' to the US and its allies, and hence turns a blind eye to the shipment of suspicious goods to Israel, India, and Pakistan.²⁵ By proposing to alter the NPT deal and further restrict trade in civilian nuclear technology (and fissile material), Washington is making a distinction between trustworthy and untrustworthy states, between those who may safely be allowed to get their hands on nuclear technology, and those who may not. The problem here is that the US deals only with the (alleged) WMD programs of adversaries, while ignoring the proliferation efforts of its friends and allies. This assumes that one can make a distinction between good and bad

22) US President George W. Bush, 2003 State of the Union address (emphasis added).

23) Peter Slevin, 'U.S. to Send India Nuclear, Space Technology,' *Washington Post*, 13 January 2004.

24) Jon B. Wolfsthal, 'Keeping a Nuke Peddler in Line,' *Los Angeles Times*, 11 January 2004.

25) Wade Boese and Miles Pomper, 'The New Proliferation Security Initiative: An Interview With John Bolton' (4 November 2003). Internet: <http://www.armscontrol.org/aca/midmonth/November/Bolton.asp> (9 January 2004).

proliferators. This approach clearly flies in the face of the global non-proliferation norm, undermining the basic understanding that *all* WMD are intrinsically horrific and should be shunned by non-nuclear weapons states and ultimately abolished by those who have them at present.²⁶ One could also argue that the Bush administration is making a pragmatic or even Machiavellian choice between the lesser evil of Indian and Pakistani proliferation, and the greater evil of losing the support of these countries in the fight against al Qaeda. If this is true, it weakens the case that combating non-proliferation is at the core of US foreign policy.

The second change complements the first, as it involves a shift from a threat-based to a capabilities-based strategy.²⁷ Obviously, this new capabilities-based assessment only applies to the 'bad guys.' Whereas the nature of the Cold War allowed for planning to counter a rather predictable Soviet threat, the post-9/11 environment is considered volatile, with threats emerging without much advance warning, requiring a complex mix of military instruments. The Bush administration's WMD strategy therefore aims for a full-spectrum response, which includes planning for preemptive as well as preventive military actions (a preemptive operation aims to damage or destroy existing WMD capabilities, while a preventive attack strives to preclude an enemy from obtaining or developing WMD capabilities in the first place). This full-spectrum response also includes research in BMD, both to discourage potential enemies from developing WMD in the first place, and to extend the room for maneuver for US policymakers (i.e., in the political field) and for US military forces (i.e., on the battlefield).

This is also why the Bush administration has called for a UN Security Council resolution requiring all states to criminalize WMD proliferation and to adopt very strict export control policies. The problem with this proposal has been that other countries fear that the US wants to use this resolution as a semi-automatic springboard for preemptive military action. As soon as a state would be considered to be in breach of this requirement, force would be considered. The compromise would be if such a resolution were also to contain a mechanism for the peaceful settlement of such a dispute. Recent experiences with Iran, in which Washington called for a public scolding of Tehran's policies and the EU called for more patience, indicate how important these technical differences actually are.²⁸

Washington realizes that a one-size-fits-all approach is likely to fail, as it faces challenges in widely different political-military contexts and operational environments (Iran and North Korea are cases in point). Hence, the US wants

26) Peter van Ham, *Managing Non-Proliferation Regimes in the 1990s* (New York: Council on Foreign Relations Press, 1993).

27) Stephen W. Zavadil, Ralph L. Tindal and Jerome H. Kahan, 'The New US Strategic Framework and Capabilities-based Planning: Application to Strategic Force Planning,' 3-4 June 2003 (Garmisch). Internet: http://www.dtra.mil/about/organization/Expanded%20CBP%20Paper%20for%20US-RU%20Conference%206-03_2.doc (9 January 2004).

28) Steven Everts, 'Iran: The Next Big Crisis,' *Prospect* (December 2003).

to have its cake and eat it too: a strengthened traditional non-proliferation structure at the basis (be it with some revisions, as discussed in this Paper), combined with maximum freedom to use military counterproliferation measures to deter, prevent, and defeat proliferators and potential proliferators.

The third change involves a rethinking of US nuclear force, a process started with the US Nuclear Posture Review (NPR) of January 2002. The Bush administration accepts the notion that nuclear weapons continue to play a vital role in US defense planning and its WMD strategy in particular. The US has indicated its intention to maintain access to at least 6,000 strategic nuclear warheads, whereas Russia's nuclear arsenal is down to approximately 1,000 warheads (no other country in the world has as many as 500).²⁹ This impressive US nuclear force is expected to perform five key roles: to serve traditional deterrence roles *vis-à-vis* Russia and China; to dissuade rogue states and other adversaries from acquiring or, failing that, from using WMD; to deter aspiring peer competitors; to offer new options for striking at WMD facilities and hard and deeply buried targets (HDBT); and to serve as a secure guarantor of US power if faced by asymmetrical attacks from rogue states and non-state terrorist actors.³⁰

The NPR calls for nuclear weapons with earth-penetrating capabilities to destroy hardened underground targets, such as biological or chemical weapons facilities. Plans are now under discussion in the Pentagon to develop tactical nuclear weapons with yields of less than five kilotons and 'bunker busters' (or robust nuclear earth penetrators, RNEP).³¹ Discussions are also underway on how to test these new nuclear weapons. In 2003, the US Congress voted to lift a 10-year ban on R&D and authorized US\$ 21 million to conduct a research program on these new types of nuclear weapons, although it has stipulated that prior authorization is required to move beyond research and into the engineering phase.³² The Bush administration has further explained that it does not support a permanent moratorium on these underground nuclear tests, and that it has no intention to ratify the Comprehensive Test-Ban Treaty (CTBT). Moreover, funding is now provided to produce additional fissile material for new nuclear weapons.³³

The argument for developing these 'bite-size nukes' is that 'Hiroshima-size' bombs (with a 15+ kilotons of explosive force) are too destructive and

29) Stansfield Turner, 'Nukes: Can US Practice What It Preaches?,' *The Christian Science Monitor*, 28 January 2004.

30) *Strategic Offensive Forces and the Nuclear Posture Review's 'New Triad'*, National Institute for Public Policy (Fairfax, VA: March 2003), pp. 1-2.

31) Julian Borger, 'US Scraps Nuclear Weapons Watchdog,' *The Guardian*, 31 July 2003.

32) Christine Kucia, 'Congress Approves Research on New Nuclear Weapons,' *Arms Control Today*, vol. 33, no. 5 (June 2003), p. 42, and Kucia, 'Congress Authorizes New Weapons Research,' *Arms Control Today*, vol. 3, no. 10 (December 2003), pp. 40, 45.

33) Dianne Feinstein, 'Policy May Lead to Danger, Not Safety,' *The Miami Herald*, 15 January 2004.

therefore do not constitute a credible deterrent for rogue states.³⁴ Sub-Hiroshima bombs are considered 'low yield' and of use in wiping out suspected hide-outs of terrorist groups, for example. Despite promises in May 2002 to eliminate its complete nuclear arsenal (in conformity with Article VI of the NPT), America's nuclear arsenal now forms the backbone of its new WMD strategy.³⁵ However, as US Senator Dianne Feinstein has argued, 'our new nuclear posture could provoke the very nuclear-proliferation activities that we are seeking to prevent.'³⁶

The fourth change is that the Bush administration has adopted a proactive approach by initiating the PSI and projects like the Container Security Initiative or CSI (see below), as well as the proposal to beef up the role of the NSG in monitoring nuclear exports. Washington's focus is on 'coalitions of the willing,' also known as the 'international community' or, even less concretely, as the club of 'civilized' nations. *The Wall Street Journal* aptly characterized these set-ups as follows: 'There's no headquarters, no secretary-general, no talkfests — and, perhaps most important of all, no French or Russian veto.'³⁷ The Bush administration shows a general distrust of multilateral institutions, and is keen to work around them. John Bolton made it very clear that '[t]he idea that we could have a U.N. Security Council resolution or a nice international treaty is fine if you have unlimited time. We don't, not with the threats out there ... We [don't] want to engage in an endless legal seminar.'³⁸ This means that Washington follows a policy of multilateralism 'by invitation,' asking others to work with the US, follow its leadership, and trust its judgment.

Clearly, the existing treaties and regimes are in need of a long-overdue upgrade. However, many of the proposals put forward by Washington require the consensus of both the UN and the IAEA. The IAEA's Director General Mohamed El Baradei has been among the most vocal proponents of reform, arguing that '[i]f the world does not change course, we risk self-destruction.' But whereas the US privileges *ad hoc* robust arrangements to roll back and/or prevent WMD proliferation, Mr. El Baradei argues that we must universalize the export control system of nuclear material, empower the IAEA inspectors,

34) Michael Crowley, 'Bite-Size Nukes,' *The New York Times*, 14 December 2003.

35) Joseph Cirincione, 'How Will the Iraq War Change Global Nonproliferation Strategies?,' *Arms Control Today*, vol. 33, no. 3 (April 2003), p. 4, and Christopher Paine, 'The Party of Preemption,' *Bulletin of the Atomic Scientists*, vol. 60, no. 1 (January/February 2004).

36) Feinstein, 'Policy May Lead to Danger'.

37) 'The New Multilateralism,' *The Wall Street Journal*, 8 January 2004.

38) Quoted in Carla Anne Roberts, 'The U.N.: Searching For Relevance,' *The Wall Street Journal*, 21 October 2003. In a similar vein, Lion Brooks, Acting Director of the US National Nuclear Security Administration (NNSA), argued in 2003 that the US is 'seeking to free [itself] from intellectual prohibitions against exploring a full range of technical options. (...) I have a bias in favor of things that might be usable.' Quoted in Senators Carl Levin and Jack Reed, 'Toward a More Responsible Nuclear Nonproliferation Strategy,' *Arms Control Today*, vol. 34, no. 2 (January/February 2004).

negotiate the Fissile Material Cutoff Treaty (FMCT), and establish a roadmap or the full nuclear disarmament of the five nuclear powers recognized under the NPT.³⁹

The difficult and controversial question is how to combine diplomatic, treaty-based non-proliferation measures with coercive counterproliferation methods, particularly proactive military operations, or even a preventive war.

2.4 Undermining non-proliferation?

Washington still officially supports most non-proliferation arrangements. US Secretary of Energy Spencer Abraham argues, for instance, that 'the NPT and the organization that is most associated with it [the IAEA] are properly the center of the nuclear nonproliferation regime.'⁴⁰ However, Washington's counterproliferation measures and harsh criticism of the IAEA inspections regime suggest otherwise. US rhetorical support for the NPT seems half-hearted now that counterproliferation measures receive most of the publicity, funding, and political support. The enthusiasm for ambitious BMD projects is probably the best illustration of this inclination within the Bush administration. Whereas the US has only barely increased spending on non-proliferation efforts (to US\$ 2 billion for FY2004), spending on BMD has increased dramatically (from US\$ 5 billion in FY2001 to almost US\$ 8 billion in FY2003, and a requested US\$ 10.2 billion for FY2005.)⁴¹ One should ask why the US is prepared to spend US\$ 1 billion a month to maintain American troops in Afghanistan⁴² and more than four times that sum for Iraq, whereas other non-proliferation programs (such as the Nunn-Lugar Program) are inadequately funded.⁴³

39) Mohamed El Baradei, 'Saving Ourselves From Self-Destruction,' *The New York Times*, 12 February 2004.

40) 'Abraham Urges U.N. to Confront Nonproliferation Challenges'.

41) John M. Spratt, Jr. 'Stopping a Dangerous Drift in U.S. Arms Control Policy,' *Arms Control Today*, vol. 33, no. 2 (March 2003), p. 4. For the FY2005 figures, see Charles Aldinger, 'Iraq Costs to Boost US Military Budget by Billions,' *Reuters*, 2 February 2004.

42) Ahmed Rashid, 'The Mess in Afghanistan,' *The New York Review of Books*, 12 February 2004, p. 26.

43) To prevent WMD from falling into the hands of terrorists or rogue states, US Senators Sam Nunn (a Democrat from Georgia) and Dick Lugar (a Republican from Indiana) initiated the Nunn-Lugar Cooperative Threat Reduction Program, which became law in 1991. Since then, the Nunn-Lugar Program has deactivated some 6,000 nuclear warheads. The program has destroyed hundreds of ballistic missiles, ballistic missile silos, bombers, submarine-launched missiles, submarine missile launchers, and strategic missile submarines. More than 22,000 scientists formerly employed in WMD programs have been employed in peaceful endeavors. The program also removed all nuclear weapons from Ukraine, Kazakhstan, and Belarus during the 1990s.

Critics of Washington's WMD strategy suggest that counterproliferation undermines existing diplomatic arrangements, whereas supporters claim that it just gives these regimes the necessary 'bite.' Joseph Cirincione argues that preemptive war *à la* Iraq will only encourage potential proliferators to 'go nuclear' quickly: 'Like India's army chief of staff after the first Iraq war, officials in Pyongyang and Tehran may believe that if one day you find yourself opposed by the United States, you'd better have a nuclear weapon.'⁴⁴ Similarly, Doug Bandow of the Cato Institute claims that '[u]gly foreign governments from Iran to North Korea have an incentive to arm themselves, quickly, with WMD to deter a U.S. preventive assault.'⁴⁵ This suggests that counterproliferation will actually be counterproductive, encouraging the very proliferation momentum it seeks to halt. US Senators Carl Levin (D-Mich.) and Jack Reed (D-R.I.) have furthermore argued that the Bush administration's nuclear policy could provoke a new arms race as other states could follow Washington's lead 'either through the perceived need to match or deter any new technologies, or as a means to maintain their prestige in the 'nuclear club''.⁴⁶

In contrast, Henry Sokolski argues that '[n]oting how little the United States has done to counter North Korea, India, or Pakistan,' a flock of potential proliferators (which, according to Sokolski, may also include Iran, Saudi Arabia, Turkey, Egypt, Libya, Syria, Algeria, South Korea, Taiwan, Japan, Russia, and China) 'will reconsider proliferation actions they might otherwise take.'⁴⁷ Following this logic, the long shadow of America's military and nuclear predominance will stabilize volatile and potentially hostile regions, hence halting the spread of WMD and related technologies. This is also the conclusion that the Bush administrations likes to draw. The dramatic conversion in December 2003 of Libya's leader Colonel Ghadaffi, agreeing to end his WMD programs, is considered a spin-off of the invasion of Iraq and proof that the 'Bush doctrine' of preventive war is leading to concrete, positive results.⁴⁸

This leaves unanswered one of today's key political questions: Does the gradual shift towards assertive counterproliferation undermine the credibility of the non-proliferation structure in general, and of the UN in particular? Or does it offer the necessary (coercive) support to strengthen these norms? Without doubt, the future of arms control is contingent upon the normative framework offered by the NPT. Without the NPT's paradigm of nuclear abstention and

44) Cirincione, 'Preventive War,' p. 68.

45) Doug Bandow, 'Righteous Anger: The Conservative Case Against George W. Bush,' *The American Conservative* (1 December 2003). Internet: http://www.amconmag.com/12_1_03/cover.html (15 January 2004).

46) Senators Carl Levin and Jack Reed, 'Toward a More Responsible Nuclear Nonproliferation Strategy,' *Arms Control Today*, vol. 34, no. 2 (January/February 2004).

47) Henry Sokolski, 'Pyongyang: The Case for Nonproliferation With Teeth,' *Arms Control Today*, vol. 33, no. 4 (May 2003), p. 8

48) Charles Krauthammer, 'Iraq's Fringe Benefit,' *New York Daily News*, 26 December 2003.

disarmament, there is no basis for many other arms control efforts. There is a serious risk that, under the pressure of a changing security environment and the US new nuclear assertiveness, belief in Article VI of the NPT is crumbling.⁴⁹ Then again, new non-proliferation schemes are required to come to terms with the threats posed by terrorists and failed states.

It is clearly too early to tell whether doomsday scenarios are justified. As the US and Europe take opposite sides on this issue, transatlantic cooperation hinges on finding a workable compromise. As will be discussed below, the stunning 'preemptive disarmament' of Libya's nuclear arsenal in December 2003 indicates that cooperation between Europe and the US may have struck the right balance of force and diplomacy between the threat of coercion and the lure of money and trade.⁵⁰ This 'division of labor' may be at least a temporary way out for the transatlantic predicament with regard to dealing with proliferation threats.

49) NPT Article VI stipulates that 'Each of the parties to the treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.'

50) Joseph Cirincione, 'The World Just Got Safer, Give Diplomacy the Credit,' *Washington Post*, 11 January 2004. For an opposing view, see William Safire, 'America is Rolling Back Global Terror,' *International Herald Tribune*, 13 January 2004.

3 Europe's strategic change of mind

In Europe, the Bush administration's diplomatic non-proliferation record is widely criticized, most notably because of its reluctance to strengthen the Biological Weapons Convention (BWC) and to ratify the CTBT, its passive acquiescence to Indian and Pakistani nuclear weapon capabilities, and its weak support for international organizations such as the UN and global norms in general. Most criticism has been directed at new American plans to develop (and, it is expected and feared, to ultimately deploy) low-yield nuclear weapons, which would lower the threshold for the use of all WMD. Washington's decision in June 2002 to withdraw from the 1972 Anti-Ballistic Missile (ABM) Treaty and instead develop an extensive BMD program has also met with disapproval.

3.1 Europe's 'soft power' approach

Following Robert Kagan's analysis, one could argue that America's counterproliferation policies come from Mars, while Europe's non-proliferation policies come from Venus. This follows the maxim that when you have a magnificent military 'hammer,' problems tend to resemble nails, but when all you have is diplomatic prowess, solutions tend to take the form of treaties. Although simplifying a more complex reality, these clichés have some merit. European leaders have, until recently (see below), eschewed serious thinking about coercive counterproliferation. Both the EU and its member states have championed treaty-based non-proliferation mechanisms and called for the strengthening of institutions established to monitor global non-proliferation norms and rules.

It has taken the EU a long time to wake up to the new post-9/11 strategic constellation. Since the end of the Cold War, the EU has parochially lost itself in developing its own 'security and defense identity,' limiting its area of security interests to Europe and its immediate strategic environment. The EU is now going through an inevitably slow change in its security culture. This culture, based upon the EU's identity as 'civilian power,' stresses the relevance of soft power tools (i.e., diplomacy and conflict prevention), giving little serious

thought to the merits of coercive and military tools. Europe's threat assessment and strategic culture therefore remain markedly different from those of the US, which can be explained by the dissimilar historical and cultural experiences on both sides of the Atlantic. Throughout history, Europeans have been highly vulnerable and insecure with regard to outside threats. European states are used to sharing their continent with a variety of unsavory neighbors, and — after two bloody World Wars — have accepted the guiding principle that threats should be managed and accommodated, rather than confronted and eliminated. Due to this historical background and geopolitical reality, Europe's strategic culture supposes a complex political-strategic context where security can only be achieved by blending politics, economics, and, only if absolutely necessary and as a last resort, military instruments.⁵¹

This is reflected in Brussels' approach to WMD proliferation. The EU has been an active non-proliferation player since the mid-1990s, being part (either as a full member or as an observer) of various relevant regimes (see below).⁵² Like the US in its well-known Nunn-Lugar Program, the EU is also engaged in specific projects in the field of nuclear and chemical disarmament, mainly concentrating on the disposal of fissile material in Russia, as well as in supporting the building of facilities for the destruction of chemical warfare agents.

However, what has been lacking is a cohesive and comprehensive EU strategy indicating how Europe aims to deal with the new, post-9/11 WMD proliferation challenge. European political leaders would agree that existing non-proliferation regimes need to be strengthened and/or changed, but that there is no need for alarmism. As European Commissioner Chris Patten argued in February 2004, 'So we [Europeans] hate terrorism. But we are also uncomfortable with the one-dimensional nature of the debate in some quarters'.⁵³ This, of course, refers to the sense of urgency and occasional *Angst* that currently permeates US policy. This reality has driven European states (and the EU) towards a shake-up of their own WMD strategy, realizing that an extended strategic disconnect between the US and EU would further harm an already troubled transatlantic relationship. Europe's strategic *volte-face* is therefore spurred on by the reality that the WMD threat may indeed be mounting more rapidly than meets the public eye, but also by the political

51) Colin S. Gray, *European Perspectives on U.S. Ballistic Missile Defense*, Washington DC: National Institute for Public Policy, March 2002, p. 4.

52) Harald Müller (ed.), *European Non-Proliferation Policy* (Brussels: European Interuniversity Press, 1993), and Müller, *Terrorism, Proliferation: A European Threat Assessment* (Paris: EU Institute, 2003). See also Joanna Spear, 'Organizing for International Counterproliferation: NATO and U.S. Nonproliferation Policy,' in Janne E. Nolan, Bernard I. Finel and Brian D. Finlay (eds.), *Ultimate Security: Combatting Weapons of Mass Destruction* (New York: The Century Foundation, 2003).

53) 'Europe and America – Has the Transatlantic Relationship Run Out of Road?,' Speech by The Rt Hon Chris Patten, CH. Oxford, Lady Margaret Hall (13 February 2004).

insight that the EU needs to embrace America's threat assessment to remain relevant and credible to Washington.

This also implies that Europe (and the EU) remains in a reactive mode. It is the US that sets the international agenda and takes the initiative, with Europe making critical comments. Commissioner Patten argued that he has 'no doubt that the *most important* way that we Europeans can act as allies of the United States is by convincing them of the complexities and subtleties of the war against terrorism, pursuing it effectively on the basis of international law and with the authority of a more effective UN.'⁵⁴ This is a rather modest, but perhaps also realistic, understanding of the EU's role as an ally, relegating Europe to the role of a footnote-continent to US policy.

3.2 Europe's first Security Strategy

In an effort to reply to the Bush administration's new security strategy, the EU issued a number of important new security documents reflecting a significant change in European strategic thinking. In spring 2003, EU foreign ministers prepared an initiative to formulate a comprehensive European strategy to halt WMD proliferation, which was officially endorsed by EU leaders at the June 2003 European Council meeting in Thessaloniki.⁵⁵ In this document, entitled 'Basic Principles for an EU Strategy Against Proliferation of Weapons of Mass Destruction,' EU member states argued that treaties, dialogue, and international inspections should form the first line of defense against WMD proliferation. However, when this method fails, 'coercive measures under Chapter VII of the U.N. Charter and international law (sanctions, selective or global, interceptions of shipments and, as appropriate, the use of force) could be envisioned.' The EU still argues that force should be a measure of last resort, and that the 'UN Security Council should play a central role.' Despite these caveats, the EU's move is widely regarded as a first and remarkable step by the EU towards accepting the logic of America's new security doctrine.

Later that year, the EU also accepted a WMD 'Action Plan,' spelling out what actions the EU could undertake to translate its words into actions. Three elements are of central importance in this Action Plan: the EU's regional focus on security and stability in the Mediterranean; strengthened cooperation with key partners such as the US and Russia; and the notion of what is called 'mainstreaming' (i.e., 'the introduction of an effective stick and carrot policy linked to non-proliferation commitments in [the EU's] relations with third countries'). The EU has now committed itself to a policy of conditionality by including a 'non-proliferation clause' in all its current and future Trade and Cooperation Agreements (TCAs). The clause aims to make optimal use of the EU's ample 'soft power' and to set non-proliferation guidelines for the 'third

54) Speech by Chris Patten, Oxford (13 February 2004). Emphasis added.

55) Joanna Spear, 'The Emergence of a European "Strategic Personality",' *Arms Control Today*, vol. 33, no. 9 (November 2003).

countries' with which it deals. The EU has defined 'essential elements' in TCAs that can be invoked in the event that the European Council wishes to suspend the agreement if a country is caught red-handed cheating on its non-proliferation obligations.⁵⁶

At the Thessaloniki summit, the EU also issued as a draft paper its first-ever EU Security Strategy, which was officially adopted by European leaders in December 2003.⁵⁷ This document, called 'A Secure Europe in a Better World,' echoes the US security doctrine by identifying WMD proliferation as 'potentially the greatest threat to our security,' stating that the 'most frightening scenario is one in which terrorist groups acquire weapons of mass destruction.' Although the EU still maintains that 'our security and prosperity increasingly depend on an effective multilateral system,' it makes a few remarkable statements that bring it in line with current US thinking on dealing with proliferation threats: 'With the new threats, the first line of defense will often be abroad. The new threats are dynamic. The risks of proliferation grow over time.' It argues that this 'implies that [Europe] should be ready to act before a crisis occurs,' but stresses that 'none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mixture of instruments.'

Javier Solana, the EU's High Representative for the Common Foreign and Security Policy (CFSP), has also pointed out that EU member states make 'WMD proliferation the priority of our agenda. And we do [so], because we have done risk assessment. There are too many countries now thinking about the proliferation of WMD.'⁵⁸ Solana also makes it clear that the use of force, even against failed (or rogue) states, should only be seen as a 'last resort' and must be authorized by the UN Security Council. In a speech in June 2003 to the European Parliament, Solana clarified this statement by arguing that 'the principles of the United Nation must be made credible through enforcement. When incentives for countries to improve this behavior will fail, we should be ready to use sanctions. Measures could include the use of force in accordance with international law, when all other means have been exhausted.'⁵⁹

This is a sign that the EU now calls for a non-proliferation regime with 'military teeth,' and accepts the main tenet of US post-Cold War thinking that the spread of WMD can only be halted by combining diplomacy and coercive measures, including military measures. Where Europe and the US disagree is on the preferred instruments of statecraft and the policy mix required to achieve shared goals. As the Iraqi situation has indicated, these are not minor

56) Peter Potman, 'Setting the Future Arms Control Agenda: A European Perspective,' paper presented at Wilton Park (16 December 2003).

57) Internet: <http://ue.eu.int/pressdata/EN/reports/78367.pdf>

58) Ahto Lobjakas, 'EU: Foreign Ministers Find Global Ambitions Difficult to Implement,' *Radio Free Europe/Radio Liberty*, 17 June 2003. Internet: <http://www.rferl.org/nca/features/2003/06/17062003153320.asp> (6 August 2003).

59) Address by Mr. Javier Solana, EU High Representative for Common Foreign and Security Policy to the European Parliament, Brussels (Belgium), 18 June 2003.

differences. Without a workable compromise, transatlantic quarrels may escalate again, undermining Western security at large.

3.3 'Positive engagement' with teeth

The EU has traditionally been reluctant to make use of its economic and financial leverage for strategic purposes. This is especially relevant for the EU's policies towards the wider Middle East (including Iran). European foreign policymaking has long been hampered by the bureaucratic division between the three pillars (i.e., trade, foreign policy, and internal security). EU policies and programs on trade, for example, have therefore remained poorly coordinated with the EU's overall foreign policy objectives.⁶⁰ The EU and its member states are amongst the biggest donors of financial aid to the region, and among its main trading partners as well, but (at least until recently) have failed to use their economic leverage for political purposes. Under the heading of 'cross-pillar coherence,' the EU now aims to take a more courageous and even proactive stance, clearly judging non-EU countries against a series of criteria, such as their human rights record and their commitment to combat international terrorism and WMD proliferation.

In a joint US-EU statement on WMD proliferation on 25 June 2003, a transatlantic consensus on handling new security challenges seemed to emerge. US and European leaders pledged to 'use all means available to avert WMD proliferation and the calamities that would follow.'⁶¹ This has been widely regarded as a major European concession to America's take on proliferation, *de facto* endorsing Washington's policy of preemptive coercive measures. The joint statement also mentions a commitment to 'work together to strengthen the international system of treaties and regimes against the spread of WMD. This implies the development of new regimes, as appropriate, and reinforcement of existing regimes.' The transatlantic statement further calls for a stronger role for the IAEA and reinforced export controls, also mentioning two ultimate proliferation culprits: Iran and North Korea. After the US-EU joint statement on WMD proliferation, President Bush argued, probably in anticipation, that 'the United States and the EU are working closely to meet the proliferation challenges posed by North Korea and Iran.'⁶² Joint (or at least coordinated) US-EU policies towards these two countries are indeed essential, but remain haphazard at present.

60) Steven Everts, *Shaping a Credible EU Foreign Policy*, Centre for European Reform (February 2002), pp. 47-54.

61) The White House, 'Joint Statement by President George W. Bush, European Council President Konstantin Simitis, and European Commission President Romano Prodi on the Proliferation of Weapons of Mass Destruction,' 25 June 2003.

62) 'U.S., EU Sign Deals on Terror, WMD,' *MSNBC News*, 25 June 2003.

In contrast to the joint US-EU declaration, the EU's own strategic document fails to name any potential candidates for particular diplomatic and/or military treatment, apart from a general emphasis on the Mediterranean region. Nevertheless, Europe's focus on WMD proliferation has already resulted in a shift of EU policies towards Iran. The EU is unlikely to endorse the use of force against Tehran, but it has started to rethink its approach of 'positive engagement' based on a 'comprehensive dialogue.' For the past two decades, the EU has assumed that engagement offers Brussels influence over the Tehran regime and strengthens the hand of reformist factions in the Iranian government. An earlier US-EU declaration on WMD proliferation (May 1998) stated that the 'EU noted that such concerns [about proliferation] should figure in its political contacts with these countries, notably Iran.'⁶³ While not halting the dialogue with Iran, the EU now points out that continued financial and trade relations will be conditional upon concrete, verifiable, and sustained improvements of Tehran's conduct in the human rights field, as well upon its cooperation on political issues (e.g., Iran's support for terrorist movements).

Brussels now links the EU-Iranian TCA to these kinds of tangible improvement. Foreign ministers from the EU's three biggest member states, France, Germany and Great Britain, succeeded in October 2003 in gaining Tehran's commitment to sign the IAEA's Additional Protocol, which increases the transparency of a state's nuclear program, in exchange for continued talks on trade and cooperation. Without added controls and restrictions on Iran's nuclear program, the British and French governments estimate that Tehran could have a nuclear capability by 2007.⁶⁴ Within the EU, the effort was widely hailed as a victory of diplomacy over force, illustrating the continued relevance of the 'European' approach to non-proliferation. This success certainly boosted confidence in the EU's non-proliferation strategy, even though the Union as such was not involved at all: it was the EU's 'Big Three' that took the initiative and carefully excluded both the involvement of the EU Presidency (then held by Italy) and the EU's foreign policy czar, Mr. Solana. One diplomatic observer even argued that the move by the three 'put at risk a clear and coherent EU policy. To Iran it has again made clear that the EU as such is a push-over.'⁶⁵

In the same manner, the EU took some credit for Libya's remarkable shift to agreeing to dismantle all nuclear, chemical, and biological weapons programs, to limit its missiles to a range of less than 30 kilometers, and to open the country immediately to inspections in order to verify its compliance. The day that the news of Libya's disarmament broke, President of the European Commission Romano Prodi declared that this 'demonstrates the effectiveness of discrete diplomacy and engagement, which has been the European Commission's consistent approach.'⁶⁶ Not surprisingly, this success was also

63) 'Declaration on Common Orientation of Non-Proliferation,' US-EU Summit in London, England, 18 May 1998.

64) Everts, 'Iran: The Next Big Crisis,' p. 47.

65) Potman, 'Setting the Future Arms Control Agenda'.

66) 'Statement by European Commission President Prodi about mass destruction weapons in Libya,' Brussels, 20 December 2003.

claimed by US policymakers, who argued that the invasion of Iraq was instrumental to Libya's about-turn, and that without the determined use of force, diplomacy and economic statecraft would remain impotent.

Although it remains difficult to draw policy prescriptions from a single case such as Libya, one could conclude that the combination of carrot and stick — of European diplomacy and American military force, combined in a 'good cop/bad cop' strategy — has been instrumental.⁶⁷ In view of the fact that there are other non-proliferation crises waiting to hijack the international agenda (Iran, Syria, and North Korea), the Libyan case should be carefully studied. The central question for Western policymakers therefore remains how 'rogue states,' or 'states of concern,' can be persuaded that acquiring WMD is not in their national interest.

67) Cirincione, 'The World Just Got Safer, Give Diplomacy the Credit'.

4 Towards transatlantic rapprochement?

Given its historical and geopolitical background, the EU will remain mainly committed to non-proliferation, whereas the US will focus on counterproliferation for the foreseeable future. In order to guarantee fruitful and effective US-European cooperation, ways must therefore be found to capture the strengths and mitigate the weaknesses of both approaches in a coherent transatlantic synthesis. The EU must realize that it has to rescind its treaty fetishism, whereas the US has to avoid damaging long-term non-proliferation goals by pursuing short-term counterproliferation objectives. This must be based on a transatlantic analysis (and, if possible, an emerging consensus) on the strengths and liabilities of existing non-proliferation arrangements. How can treaties and regimes that were designed to address state-based threats deal effectively with non-state threats as well? What proliferation lessons may be drawn from the military operations in Afghanistan and Iraq? Given that neither the traditional non-proliferation approach nor the 'new' counterproliferation strategy can deal with the toughest remaining WMD cases (i.e., Iran, North Korea, and WMD-armed terrorists), what transatlantic strategy holds the most promise?

A comprehensive transatlantic non-proliferation strategy will have to be based upon a solid analysis of these questions. Clearly, it will not be easy to develop practicable answers, and it will be even more difficult to create a political consensus around an ensuing transatlantic WMD strategy.

Reinvigorated transatlantic efforts to combat WMD proliferation should be two-pronged. First, they should comprise a US-EU track to strengthen cooperation on economic, financial, and trade issues, as well as streamline US-EU diplomatic courses of action. Although the EU has taken considerable strides towards a more shared European approach to security and defense, its comparative advantage remains in the 'soft security' sectors. Second, NATO should be considered the preferred means to coordinate (and preferably harmonize) military and strategic issues. These EU and NATO-based strategies should be in step with each other, based upon shared threat assessments and a good interplay between 'soft' and 'hard power.'

4.1 The US-EU track

The EU's new approach to halting WMD proliferation seems to offer opportunities for a strategic rapprochement between Europe and the US.⁶⁸ With regard to the US, one could argue that there are two novel features in Washington's present policies: a distinctive sense of urgency, and the fact that it has become a Presidential WMD strategy, and not a DOD strategy.⁶⁹ In the case of the EU, a move in a similar direction can be discerned, characterized by an increased sense of urgency, addressed at a European level, rather than mainly at a national level. The EU's Security Strategy adopts a threat-based approach to its security, which puts pressure on member states to allocate more funds for non-proliferation efforts within the EU's budget in order to develop the essential military means and strategic partnerships to counter the new challenges. What remains to be seen, however, is whether the EU can emulate the advantages that such a shift in strategic emphasis may bring: better policy focus and the requisite new funding. A first and important step has now been taken by formulating a wide-ranging and truly European WMD strategy. The decisive step will be to go from rhetoric to practice, from strategic documents to implementing these new ideas into concrete diplomatic action, and, if need be, military operations.

As indicated in some detail above, some first steps along this road have now been taken. Moreover, in June 2003, the EU received a mandate to develop new cooperative measures to address the WMD challenge in close cooperation with the US. At the June 2003 Washington summit, the US and EU started work on a joint program to combat proliferation, focusing on day-to-day collaboration of a hands-on nature. The underlying premise of this approach is that practical projects with immediate and concrete results are called for to address equally immediate and concrete security threats. The added (and hoped for) advantage is that joint cooperation in these projects will bring US and European strategic cultures more in line with each other, overcome the political rifts created by the Iraqi imbroglio, and set the trend for transatlantic cooperation on other strategic issues.

One example of such an effort is the US Customs' Container Security Initiative (CSI), launched in January 2002, to provide a forward customs presence in foreign ports to prevent containerized cargo from being exploited by terrorists. The US has bilateral CSI arrangements with eight EU member

68) Stephen Pullinger and Gerrard Quille, 'The European Union: Seeking Common Ground for Tackling Weapons of Mass Destruction,' *Disarmament Diplomacy*, No. 74 (December 2003); 'Iran: A Test Case for EU Non-Proliferation Policy,' *European Security Review*, No. 20 (December 2003); and Gustav Lindstrom and Burkard Schmitt (eds.), 'Fighting Proliferation – European Perspectives,' *Chaillot Paper*, No. 66 (December 2003, EU Institute for Security Studies, Paris).

69) Peter Lavoy, 'What's New in the New U.S. Strategy to Combat WMD?,' *Strategic Insight*, Center for Contemporary Conflict (16 December 2002). Internet: <http://www.ccc.nps.navy.mil/rsepResources/si/dec02/wmd.asp> (8 August 2003).

states, which all allow US Customs inspectors to work in their ports to identify high-risk cargo bound for the US.⁷⁰ This move was initially criticized by the European Commission, which even threatened to take legal action. Brussels' aim was to apply the same security-related customs controls in all member states in order not to have container traffic diverted to less secure ports. The US has been working with the Commission on future cooperation to implement CSI throughout Europe.⁷¹ In November 2003, the US and EU finally initialed an agreement to establish a joint working group that aims to expand the CSI throughout the EU area.

The CSI is closely related to a similar scheme under the name of Proliferation Security Initiative (PSI), launched by President Bush in May 2003. The PSI aims to strengthen cooperation amongst a rather small group of committed states (the US, Australia, Canada, Japan, Poland, and EU member states Germany, Great Britain, Italy, the Netherlands, Portugal, and Spain) to set up practical arrangements aimed at preventing WMD proliferation. PSI is a multilateral strategy (under US leadership) for the preemptive interdiction of shipments of WMD-related material. This may include 'detaining and searching ships and aircraft as soon as they enter PSI members' territorial waters or national airspace; denying suspicious aircraft overflying rights,' and similar activities.⁷² Meetings are now held almost every month (starting in June 2003), with the aim of harmonizing, coordinating, and complementing export control enforcement arrangements that already exist, rather than launching a radical revision of the whole system. Controversy has focused on the scope of PSI member states to interdict vessels and aircraft *outside* their own territorial waters or space. The US has already claimed the authority to search ships from nations of 'proliferation concern,' invoking the right of self-defense under Article 51 of the UN Charter.

These efforts are all part of what may be called a Transatlantic Homeland Security strategy based upon close US-European cooperation. As the CSI and PSI initiatives indicate, efforts to strengthen American Homeland Security can hardly be successful without close cooperation with key allies. The reality of globalization dictates that it scarcely matters whether the US or the EU will become the next primary target of al Qaeda and its like, as any attack on Europe (with bio-weapons, for instance) would have an immediate negative impact on the US (economically, financially, and politically), and vice versa. The SARS epidemic that held the world in awe in spring 2003 may offer a glimpse of things to come. These realities indicate that US-European

70) These eight countries are Belgium, France, Germany, Italy, the Netherlands, Spain, the United Kingdom, and Sweden.

71) Charles Ries, US Principal Deputy Assistant Secretary of State for European and Eurasian Affairs, 'U.S. Remains Committed to Partnership with 'United Europe', (Washington DC: House of Representatives Committee on International Relations), 22 July 2003. Internet: <http://www.useu.be/TransAtlantic/July2203RiesUSEU.html> (15 August 2003).

72) 'The Proliferation Security Initiative: An Interdiction Strategy,' *IISS Strategic Comments*, vol. 9, no. 6 (August 2003).

cooperation in controlling borders, harbors, and airports is absolutely essential. Due to the intertwined nature of US-European information networks, virtual security against cyber attacks can also only be achieved on a transatlantic basis.

This explains the close transatlantic collaboration to fight international terrorism by sharing information and developing joint policies in areas such as law enforcement, judicial cooperation, and the freezing of assets of suspected terrorists and their financiers. Given the decreased relevance of internal EU borders, European cooperation is also sought in areas such as maritime and airport security, as well as cooperation between US intelligence agencies and the Schengen Information system (SIS) on the influx of possible terrorists inside EU territory. In view of the added risks associated with the nexus of terrorism and proliferation, cooperation in the area of intelligence and finance has a beneficial impact on other, more political and military efforts towards the same strategic goal: fighting the 'war on terror.'

Joint US-EU efforts to strengthen existing multilateral export control regimes may also offer opportunities for transatlantic cooperation. All EU member states participate fully in the Nuclear Suppliers Group (NSG), the Australia Group, the Missile Technology Control Regime (MTCR), and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA). The European Commission is also actively engaged in many of these regimes.⁷³ In addition to its regular expert-level exchanges with the US with regard to proliferation issues, EU-American policy discussions often take place in the margins of the plenary meetings of these regimes to maximize cooperation. Although informal and voluntary, these export control regimes are important multilateral platforms where the US has significant leverage due to its economic power and technological preeminence. Globalization has resulted in the growing intra-firm and intra-industry sharing of information, ideas, and personnel across national borders. It is therefore increasingly difficult for these export control regimes to keep track of technological innovations and to find the requisite solutions to regulate the exports of goods and technologies, keeping them out of reach of rogue states and terrorist groups. The EU could take the lead in reforming the existing hodgepodge of export control regimes, and call for their merger into one centralized arrangement. Support within the EU for such a consolidated and reformed system of export control regimes does seem to exist, and may offer an initiative showing Europe's readiness and capacity to make a practical contribution to combat WMD proliferation. There is also emerging support among European countries for the codification of export control regimes and the strengthening of their international legal basis (e.g., within Chapter VII of the UN Charter).⁷⁴

73) The European Commission is a full member of the Australia Group and a permanent observer at the NSG and the Zangger Committee. It also participates in the EU Presidency Delegation to the MTCR and the WA.

74) Speech by Dutch Minister of Foreign Affairs Bernard Bot, "‘‘Allemachtig Amerika’’: De Verhouding VS-Europa in de 21ste Eeuw,’ Jaarlijkse Beijen-lezing, Utrecht (6 March 2004).

A remaining small bone of contention between Washington and Brussels remains US extra-territorial legislation such as the Iran-Libya Sanctions Act (ILSA), which penalizes EU companies engaged in legitimate commercial activity in Iran. ILSA was first passed by US Congress in August 1996 and reauthorized in August 2001. The bill limits investment in the oil sectors of Iran and Libya in order to prevent the siphoning off of revenue towards funding state-sponsored terrorist organizations and expediting the development of WMD. So far, the only US action regarding the EU approach to Iran has been to remind European businesses of the Iran-Libya Sanctions Act, which punishes foreign companies that spend more than \$40 million with Iran's oil industry. Punishments could include a ban on imports from the company into the US or a prohibition of loans by US banks. The law was crafted by President Clinton and extended by President Bush, but has not been enforced since it was created in 1996. Nevertheless, it reflects remaining differences between the US and the EU, as European states do not believe that economic sanctions against Iran will have a significant impact upon Tehran's attempts to acquire WMD. Instead, they argue, the way forward should be effective export controls and joint political action with suppliers of technology, areas in which the EU is already extremely active. Europeans are concerned that ILSA will act as an impediment to transatlantic efforts to enhance joint actions *vis-à-vis* states of proliferation concern. Paradoxically, countries such as Iran would be the only ones to benefit from these transatlantic differences.

4.2 NATO's path to counterproliferation

US Senator Richard Lugar argued in summer 2002 that 'NATO must and will become an effective organization in the war on terrorism by addressing those countries directly involved and by isolating those who continue to proliferate WMD,' calling for a thorough 'transformation of NATO to meet this new threat.'⁷⁵ NATO faces similar pressures from many European states to remain 'relevant' to America's new strategic agenda, where counterterrorism and counterproliferation overwhelm all other security concerns. As Washington is the dominant player within NATO, the Alliance has taken some remarkable steps to refocus NATO's mission on these two vast challenges. As the embodiment of transatlantic solidarity and the institutionalized idea of 'the West,' NATO's move to a stronger role comes naturally, especially as most apprehensions to acting 'out-of-area' have now been shoved aside. Since August 2003, NATO has headed the International Security Assistance Force (ISAF) in Afghanistan, and it may well also play a prominent role in a new transatlantic policy to reshape the Middle East (see below). This indicates that NATO is seriously considering taking on important challenges and is prepared for an assertive strategy to combat WMD proliferation.

75) Richard G. Lugar, 'Redefining NATO's Mission: Preventing WMD Terrorism,' *The Washington Quarterly*, vol. 25, no. 3 (Summer 2002), pp. 11, 13.

Neither proliferation nor terrorism are new to NATO's strategic agenda. NATO's Strategic Concept, adopted at the Alliance's Rome summit in November 1991, identified WMD proliferation and ballistic missiles as a new and serious threat. At the 1994 Brussels summit, NATO decided to develop a policy framework to consider how to reinforce ongoing prevention efforts and how to reduce the proliferation threat and protect against it. However, within the Alliance, there has long been reticence to adopt the US strategic vocabulary, and the concept of 'counterproliferation' has yet to reach NATO's official jargon (instead, reference is often made to 'defense responses to WMD proliferation risks'). This reflects the sensitivities of European allies and their fear that counterproliferation might crowd out traditional non-proliferation efforts.⁷⁶ In December 2000, NATO officially declared that '[t]he principal non-proliferation goal of the Alliance and its members is to prevent proliferation from occurring, or, should it occur, to reverse it through *diplomatic* means.'⁷⁷ Even now, references to counterproliferation are scarce, although the philosophy behind the concept is receiving increasing and more vocal support within the Alliance.

NATO's focus on combating international terrorism and WMD proliferation occasionally go hand in hand. In October 2001, NATO embarked upon the maritime operation *Active Endeavor*, patrolling the East Mediterranean by monitoring ships to detect and deter terrorist activities. This operation, directed from NAVSOUTH in Naples, was later extended to include the Strait of Gibraltar. Initially billed as a demonstration of NATO's relevance, resolve, and solidarity to the US, in April 2003 the operation broadened its scope to include the systematic boarding of suspect ships. NATO's activities and experience in maritime interdiction operations have proven relevant in the context of the PSI regime. Although PSI is not a NATO initiative, the involvement of the Alliance (as an institution, and not just the member states) in these activities is important.

At the Prague summit in November 2002, NATO allies reaffirmed 'that disarmament, arms control and non-proliferation make an essential contribution to preventing the spread and use of WMD and their means of delivery. We stress the importance of abiding by and strengthening existing multilateral non-proliferation and export control regimes and international arms control and disarmament accords.' NATO allies also agreed to the Prague

76) Joachim Krause, 'Proliferation Risks and Their Strategic Relevance: What Role for NATO?,' *Survival*, vol. 37, no. 2 (Summer 1995); Harald Müller and Mitchell Reiss, 'Counterproliferation: Putting New Wine in Old Bottles,' *The Washington Quarterly*, vol. 18, no. 2 (Spring 1995); Jeffrey A. Larsen, 'NATO Counterproliferation Policy: A Case Study in Alliance Politics,' *Occasional Paper* no. 17, Institute for National Security Studies, U.S. Air Force Academy (November 1997); and Kori Schake, 'NATO's 'Fundamental Divergence' Over Proliferation,' in Ted Galen Carpenter (ed.), *NATO Enters the 21st Century* (London: Frank Cass, 2000).

77) *Final Communiqué, Meeting of the North Atlantic Council in Defence Ministers Session* (Brussels) 5 December 2000. Emphasis added.

Capabilities Commitment (PCC), pledging to make specific improvements to their capabilities in four key areas: interoperability; strategic transport; high technology; and WMD protection. In a report by NATO's Parliamentary Assembly's Defense Committee in November 2003, suggestions were made to focus on precision munitions, secure communications, and coordinated air and sea capabilities.⁷⁸

NATO also set up a Weapons of Mass Destruction Center, an initiative launched at the 1999 summit in Washington. Its role is three-fold: (1) to improve intelligence and information-sharing with regard to proliferation issues; (2) to assist Allies in enhancing their military capabilities to work in a WMD environment; and (3) to discuss and elicit the Alliance's support for global non-proliferation efforts. NATO has started examining the options for addressing the increasing threat of missile proliferation to Alliance territories, populations, and forces. A new feasibility study has been agreed upon to look into possible missile defense configurations to protect Alliance territories and forces. Another major initiative manages NATO's defense against nuclear, biological, chemical, and radiological weapons. Initiatives include the establishment of an 'event response force' to counter WMD threats, deployable laboratories for WMD assessments, and a medical surveillance system. Like the EU, NATO also deals with civilian protection and defense. The Alliance is in the process of creating a stockpile of pharmaceutical and other medical countermeasures to react to WMD threats, and improving training across the whole WMD spectrum. NATO is also working with other international organizations, such as the Organization for the Prohibition of Chemical Weapons (OPCW), to hold joint exercises as a response to the potential threat from chemical weapons.

A role may also be played by NATO's new Response Force (NRF), a concept which is generally seen as the catalyst of NATO's transformation into a modern (i.e., mobile and global) Alliance. Proposed by the US in September 2002, the NRF will be made up of some 15,000 to 20,000 ground troops equipped with high-tech weapons and deployable within 7 to 30 days. These troops should have air and naval components so that they can move a combat brigade quickly to crisis situations around the globe. A ceremony establishing the NRF was held in October 2003. The unit should have an initial operational capacity by October 2004 and be fully operational two years later.

In December 2003, NATO also launched a new rapid response unit to tackle NBC terrorist attacks. This Chemical, Biological, Radiological, and Nuclear (CBRN) Defense Battalion comprises 15 of NATO's 19 member states, as well as Romania and Slovenia (which will join the Alliance in 2004). This special battalion will be working closely together with the NRF and will

78) 'Non-proliferation in the 21st Century: A Transatlantic Agenda'. The Report is currently being revised. Internet: <http://www.nato-pa.int/default.asp?TAB=360> (14 January 2004).

mainly deal with training NATO specialists to handle chemical and biological threats, as well as developing new doctrinal aspects of combating WMD.⁷⁹

Although the NRF is envisioned for the full range of operations, it is specifically devised for high-intensity conflicts, which, *ipso facto*, involves equally high-intensity political controversies between allies. The concrete role of the NRF within such a global and more assertive NATO should be clarified in advance, and in some detail. The relationship with the EU's 'Headline Goals' dealing with its own military capabilities should also be clarified in order to avoid disputes about competences, political responsibilities, and the use of scarce military resources.

Despite these important and laudable initiatives, the greatest challenge for NATO is to work out a new Alliance strategic doctrine that offers an understanding of the organization's military role in dealing with the 'new threats' of WMD proliferation and international terrorism. Although NATO is a multi-purpose Alliance that goes beyond collective defense into politics and economics, its main comparative advantage remains in the military area. If NATO is called for, it is not to devise civilian protection plans, but to initiate and/or support military operations. This new doctrine should be more proactive as well as assertive; it should also be global, rather than dealing with NATO's 'near abroad.' In order to go in this direction, NATO must find a workable compromise between the current US-European disagreement on the role of nuclear weapons, the feasibility of multilateral non-proliferation options, and the use of military coercion. As the shift in European thinking indicates, compromises are possible. What is now required is the willingness of the Bush administration to take this momentum and use it to adopt a robust NATO strategy in which the Alliance would spell out in some detail how WMD proliferation, terrorism, and other 'old' and 'new' threats are going to be addressed.

79) Magnus Bennett, 'NATO Considers Opening Center to Train Forces in WMD Detection,' *Aviation Week's Homeland Security & Defense*, vol. 2, no. 15 (9 April 2003), p. 8. 'NATO Launches Anti-WMD Response Unit,' *ABC News*, 1 December 2003.

5 In conclusion: the best of both worlds?

Current efforts for a joint US-EU approach to WMD proliferation are off to a good start, although cooperation remains *ad hoc* and patchy. Sustained and preferably institutionalized efforts are required in areas ranging from political cooperation to financial coordination and transportation security. There are indications on both sides of the Atlantic that a Transatlantic Homeland Security strategy, based upon close US-European cooperation, is both necessary and feasible. The CSI and PSI initiatives are important initiatives that illustrate what new and potentially valuable joint initiatives could look like.

Although the EU mainly remains committed to non-proliferation, fruitful and effective US-European cooperation is certainly achievable. However, as a comprehensive transatlantic non-proliferation strategy will only be possible if based upon a solid analysis of the central strategic questions, the question is ultimately whether these American and European worldviews can merge. The recent shift in the EU's strategic thinking is a sign that compromise between the European and US worldviews is within reach, and that Mars and Venus may meet without colliding. The US may well realize the limits of military power during the months ahead in Iraq; Afghanistan will send similar political signals and offer similar lessons. Similarly, the EU will have to come to terms with the changed strategic priorities and security policies of the US, and, as the EU Security Strategy seems to indicate, is indeed prepared to take steps in this direction. This does not imply that combating WMD proliferation will rescue of a troubled transatlantic relationship, but, if handled well politically, it may be an essential component of a long-awaited transatlantic therapy to heal some of the wounds of the past few years.

As mentioned earlier, finding a transatlantic strategic consensus on WMD proliferation would be easier under a Kerry administration. Two extracts from Senator Kerry's speech of December 2003 indicate why this is the case. In his address to the Council on Foreign Relations in New York, Kerry argued that 'Intoxicated with the preeminence of American power, the administration has abandoned the fundamental tenets that have guided our foreign policy for more than half a century: belief in collective security and alliances, respect for international institutions and international law, multilateral engagement, and the use of force not as a first option but truly as a last resort.' On the most

delicate issue of dealing with Iran, Kerry also made EU-compatible remarks, stating that '[T]he Bush administration stubbornly refuses to conduct a realistic, non-confrontational policy with Iran, even where it may be possible, as we witnessed most recently in the British-French-German initiative. As President, I will be prepared early on to explore areas of mutual interest with Iran.'⁸⁰

Unfortunately, transatlantic relations have to be conducted in the world as it is, and not as it might — let alone should — be. So, with the caveat that reaching a new US-EU consensus may go smoother under a Kerry administration, the following four points may prove valuable to achieve this called-for transatlantic consensus.

First, the US and EU must take seriously the joint declaration that was accepted at the transatlantic summit of 25 June 2003 in Washington DC, and use it as a basis for cooperation to develop concrete policy initiatives. Until now, this declaration has remained mainly rhetorical, without practical follow-up. Despite all good intentions, to date the commitment of concrete projects remains too modest, even though the declaration says all the right things, including that the US and EU 'will work together to deploy our combined political and diplomatic influence most effectively in support of our non-proliferation objectives. We will work together to develop further a common assessment of global proliferation threats.'⁸¹ The joint statement also promises that '[w]e will cooperate actively to address specific proliferation challenges,' which is exactly what is required today.

The basic requirement of any transatlantic WMD strategy is therefore to increase and intensify the US-EU dialogue, not only at ministerial level, but also between the relevant government agencies. This is easier said than done, as it requires not only a great deal of mutual trust, but also the awareness on both sides that transatlantic cooperation is necessary to achieve real results. At present, Washington is less than keen to 'multilateralize' its security strategy beyond the Beltway. For example, the radical reform agenda put forward by President Bush in his February 2004 NDU speech came as a complete surprise to European allies, as well as to the IAEA's Director General, who had been briefed by Secretary Powell only one day earlier. This stands in sharp contrast to the EU's elaborate tour around relevant Washington-based policymakers and think-tankers in preparation for its Security Strategy. It may be relevant to repeat the famous 'three Ds' of former US Secretary of State Madeleine Albright: no decoupling within the transatlantic relationship between the EU and US; no discrimination against certain members; and no duplication of efforts. Of course, Madeline Albright's 'Ds' applied to a different strategic

80) John Kerry, 'Making America Secure Again: Setting the Right Course For foreign Policy,' New York, NY (3 December 2003). Internet: http://www.johnkerry.com/pressroom/speeches/spc_2003_1203.html (9 January 2004).

81) Joint Statement: European Council President Konstandinos Simitis, European Commission President Romano Prodi and US President George W. Bush on the Proliferation of Weapons of Mass Destruction,' 25 June 2003 (Washington DC). Internet: <http://www.eurunion.org/partner/summit/summit0306/WMDStatement.htm> (18 February 2004).

situation, but as a rule of thumb they remain relevant. WMD strategies that work will require transatlantic cooperation in which no member state can (or should) be ignored and no effort should be duplicated. The latter point may require some implicit or explicit division of labor (see below).

Second, as the US-EU joint statement also indicates, it is necessary 'to strengthen the international system of treaties and regimes against the spread of WMD. This implies the development of new regimes, as appropriate, and reinforcement of existing regimes.' Both sides also agree that this should be an 'effective multilateralism,' and they 'recognize that, if necessary, other measures in accordance with international law may be needed to combat proliferation.' This opens up room for diplomatic and political maneuver and puts the onus on both the US and the EU to generate new and practicable ideas and solutions to close existing loopholes in the non-proliferation network.⁸² These new plans should be free of old orthodoxies and should take the long view. The PSI and CSI, both US projects, are good examples of new ideas with concrete and immediate security benefits. The problem is that whereas the US is in a revolutionary mood, willing (and even keen) to pull the rug from beneath existing non-proliferation treaties and regimes, the EU may well be too conservative, defending the *status quo* despite the obvious need for reforms. In Washington, Europe's reluctance to think outside the box is seen as naïve at best and deceitful at worst. In Europe, Washington's vigor for change is considered in the same light.

The way out is for the US and the EU to discuss and coordinate reform proposals and new initiatives to combat WMD proliferation with each other *before* they are made public. This should not be seen as a mere political nicety. Instead, US-EU cooperation is an absolute requirement for effectiveness. Both France and the UK, as permanent members of the UN Security Council (and acknowledged nuclear weapon states), need to be involved in any change that requires the blessing of the 'international community'. The bottom line is that even President Bush's WMD reform proposals, as suggested in February 2004, can only be implemented in close cooperation with America's main economic and political partners and allies. For example, the vast majority of the NSG, which is now called upon to strengthen and alter its nuclear export control guidelines and mechanisms, is European; Russia is a member as well. If Washington is keen to go beyond rhetoric, it needs practical and political support from its European allies. But this is much more likely to ensue if European states (and the EU) are part of the policymaking process, and not confronted with *faits accomplis*. At the same time, European states and the EU must also generate new ideas and proposals themselves, and not remain in their usual responsive and complaining mode.

It also implies that the US and EU should strengthen their cooperation within existing projects, such as their partnership against the spread of weapons and materials of mass destruction, also known as Cooperative Threat

82) See also 'The Future of the Nuclear Nonproliferation Regime,' *ESF Working Paper*, No. 12 (April 2003).

Reduction (CTR). In particular, the Group of Eight (G8) is an appropriate forum, as leaders of these countries agreed in 2002 to formalize their multilateral non-proliferation cooperation. G8 nations agreed to coordinate the funding and implementation of projects to prevent terrorists and other proliferators and potential proliferators from acquiring and developing WMD and missiles. Their cooperation is mainly directed at Russia, but leaves open the possibility of extending their efforts to include other states and regions of proliferation concern. In their Kananaskis statement of 27 June 2002, G8 leaders committed up to US\$ 20 billion to support these kinds of project over a period of 10 years.

As the EU is a member of the G8 (together with the US, the UK, France, Italy, Germany, Canada and Russia), transatlantic cooperation on CTR issues is essential. The European Commission (within the context of its Nonproliferation and Disarmament Cooperation Initiative) has committed the EU to spend 1 billion. The EU also appointed a Personal Representative for WMD matters to the Office of Javier Solana, with responsibility for EU-funded CTR projects. In his NDU speech, President Bush made a commitment to expand US CTR projects without, however, committing additional financial resources. Experience has shown that CTR efforts are complicated, often bureaucratic, and painstakingly slow in achieving concrete results. This is due to political obstacles on both sides: a reluctant and hesitant US Congress and Russian policymakers who consider their fissile material a 'bargaining chip.' CTR is therefore a notably 'unsexy' effort to combat WMD proliferation, which does not detract from its importance as a transatlantic effort and a possible route for increased US-EU cooperation.⁸³

Third, the US and Europe need to take NATO more seriously as a platform to coordinate the more military aspects of their non-proliferation policies. This is all the more necessary as there is little evidence that either the US or the EU have a well-articulated strategy explaining how military, political, and economic policy instruments can work together to halt WMD proliferation. In their joint WMD statement, the EU accepted that '[w]e pledge to use all means available to avert WMD proliferation and the calamities that would follow.' As mentioned earlier, in its own WMD strategy, the EU has declared that a wide range of policy instruments should be used, but when 'such measures (including political dialogue and diplomatic pressure) have failed, coercive measure 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.'⁸⁴ As discussed, NATO already plays a minor role in the PSI, and

83) Charles L. Thornton, 'The G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction,' *The Nonproliferation Review* (Fall/Winter 2002); Burkard Schmitt (ed), 'EU Cooperative Threat Reduction Activities in Russia,' *Chaillot Paper* No. 61 (June 2003, EU Institute for Security Studies, Paris).

84) Internet: <http://ue.eu.int/pressData/en/misc/78340.pdf> (18 February 2004).

more could be asked from the Alliance to intercept shipments, particularly in the Mediterranean.

More importantly, US plans for a 'Helsinki Process' for the Greater Middle East (GME) offer NATO a unique opportunity to establish itself as a security institution in a major area of 'proliferation concern.' In themselves, NATO's efforts in the GME are risky, with no guarantee of any success. Washington's objective of setting in motion a process of modernization and democratization are laudable, but also quite optimistic in the light of recent and painful experiences in Afghanistan and Iraq. NATO's reorientation — both in mission and 'area of responsibility' — towards combating WMD proliferation makes it an obvious candidate for the coordination of the military aspects of US-European policies. NATO should function as a clearinghouse for ideas and proposals, and as a pressure cooker for policies (including military policies). If not, transatlantic cooperation will remain a chimera.

Taking NATO seriously also implies that Western nuclear policies should be openly discussed within the Alliance. All NATO allies have ratified the CTBT, except the US, which still has an estimated 150-180 nuclear weapons on the territory of seven European NATO states, six of which are non-nuclear weapon states. Since all NATO allies (bar France) are involved in the Nuclear Planning Group and the test ban is linked to other non-proliferation treaties, regimes, and efforts, Washington's opt-out should at least be part of a critical discussion within the Alliance if NATO wants to play a serious role in WMD proliferation issues. If the US were to resume testing and new tactical nuclear weapons became part of NATO nuclear policy, allies would be in violation of the spirit of their CTBT obligations.⁸⁵ Together with the obligation under Article VI of the NPT, which was again confirmed in the Final Document of the 2000 NPT Review Conference (i.e., that all nuclear weapon states will 'accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament')⁸⁶, this should make NATO a useful platform not only to devise and implement strategies to combat WMD proliferation, but also for a long-overdue debate about the utility of Western nuclear weapons.

Fourth and last, there is an obvious need for the US and EU to deconflict their policies towards the most pressing proliferation cases, Iran and North Korea. The EU has a long record of humanitarian and technical assistance to North Korea, with a policy based on encouraging a North-South Korean dialogue. The US takes a much tougher stance towards Pyongyang. A similar difference can be seen in EU and US policies towards Iran and (until December 2003) Libya. This is not to say that a clear-cut division of labor, whereby the US coerces and the EU lures, is appropriate. However, one cannot seriously deny the fact that the US (at least under the Bush administration) and the EU and its member states cherish a different policy style. As Chris Patten has

85) Arjun Makhijani and Nicole Deller, 'NATO and Nuclear Disarmament,' Institute For Energy and Environmental Research, Takoma Park, MD (October 2003), p. 8.

86) Internet: <http://disarmament2.un.org/wmd/npt/2000FD.pdf> (19 February 2004).

argued, 'Europeans recoil from using arms to solve problems except as a last resort. Our appetite for negotiation, for soft not hard power, and our contention that this approach is morally superior to the American, is a flight from responsibility, only available as a political option because we can always count on Uncle Sam to keep us safe and to bear the civilized world's burden.'⁸⁷ The US stance could not be more different. As President Bush argued, '[t]he people have given us the duty to defend them. And that duty sometimes requires the violent restraint of violent men. In some cases, the measured use of force is all that protects us from a chaotic world ruled by force.'⁸⁸

Although unplanned and certainly uncoordinated, the US and EU are — whether they like it or not — already engaged in a 'good cop/bad cop' act. The US is putting military and other types of pressure on a country of concern, with threats and moral rhetoric (witness the 'Axis of Evil'), whereas the EU is offering a therapy based on engagement and dialogue. However, for this carrot-and-stick approach to work, it needs to be coordinated and credible. At the moment, this is not the case, which is a missed opportunity and, given the urgency and significance of the security threats at hand, a great shame.

The past few months have indicated a shift towards a joint transatlantic policy on WMD proliferation. French President Jacques Chirac once argued that politics is not the art of the possible, but rather the art of making possible what is necessary. American and European leaders have all claimed that combating WMD proliferation is their top priority. There is now a window of opportunity for them to formulate a comprehensive transatlantic WMD proliferation strategy and to make the necessary possible.

87) Speech by Chris Patten, Oxford (13 February 2004).

88) Internet: <http://www.uni-kassel.de/fb10/frieden/regionen/Irak/bush-london-engl.html> (18 February 2004).

About the author

Dr Peter van Ham is Deputy Head of Studies at the Netherlands Institute of International Relations 'Clingendael' in The Hague and Professor at the College of Europe in Bruges (Belgium).