Searching for the EU and US doctrines \( \textit{vis-à-vis} \) the proliferation of WMD: the comparative analysis of the Indian and Iranian cases

Giuseppina Squillaci

Double Master’s Degree in European Policies, Global Politics and Euro-Mediterranean Relations

Supervisor: Quentin Michel
Lecturer: Stefania Panebianco
Lecturer: Sylvain Paile-Calvo

Academic Year: 2014/2015
# Table of contents

Introduction........................................................................................................................................... 2  

Chapter I: .............................................................................................................................................. 4  

I. The Global Non-Proliferation Regime: the EU/US’s prominence .................................................. 4  
   I.1 The key instruments for the international non-proliferation efforts ........................................... 4  
      I.1.1 The cornerstone of the global non-proliferation regime: the NPT ........................................ 5  
      I.1.2 The nuclear watchdog of the international community: the IAEA ..................................... 6  
      I.1.3 The UNSC Resolution 1540.................................................................................................. 7  
   I.2 The EU’s approach to tackling the proliferation of WMD ............................................................. 8  
   I.3 The US’s approach to combat WMD ............................................................................................ 13  

Chapter II: ........................................................................................................................................... 17  

II. The Critical Analysis of the EU and US Discourses on WMD proliferation .................................... 17  
   II.1 Divergences and similarities ....................................................................................................... 17  
      II.1.1 The Bush Doctrine of pre-emption ....................................................................................... 17  
      II.1.2 From conflict to cooperation: the “Obama moment” ........................................................... 22  
   II.2 Drafting constraints to the adoption of EU and US doctrines vis-à-vis WMD proliferation .... 26  
   II.3 Taking stock of the situation: hypotheses and partial conclusions ........................................... 29  

Chapter III: .......................................................................................................................................... 30  

III. The Analysis of the Indian and Iranian cases as empirical study .................................................. 30  
   III.1 The EU and US approaches vis-à-vis the Islamic Republic of Iran ........................................... 31  
      III.1.1 Understanding a deeply enigmatic country .......................................................................... 31  
      III.1.2 From US-containment/EU-critical dialogue to sanctions ............................................... 32  
      III.1.3 Rouhani President: “Is Time different”? ............................................................................. 35  
   III.2 The EU and US relations towards India .................................................................................... 38  
      III.2.1 India as a de facto nuclear power ....................................................................................... 38  
      III.2.2 “Unity in difference”: the US-India Relations ................................................................. 39  
      III.2.3 “A Loveless Arranged Marriage”: the EU-India Relations ............................................... 43  
   III.3 Confuting Hypotheses ............................................................................................................... 46  

Conclusions and Recommendations .................................................................................................... 47  

Bibliography ........................................................................................................................................ 50  

Sitography .......................................................................................................................................... 58
Searching for the EU and US doctrines vis-à-vis the proliferation of WMD: the comparative analysis of the Indian and Iranian cases

Introduction

*The best solution to the problem of proliferation of WMD is that countries should no longer feel they need them.*

(EU Basic Principles, June 2003)

The fight against the proliferation of Weapons of Mass Destruction (WMD) has been identified, since the end of the Cold War period as one of the greatest threats affecting the world system.

The Non-Proliferation Treaty (NPT), set up in 1970, is considered the cornerstone of the global non-proliferation regime and requires its parties to fulfil the main obligations in the framework of its three principles/pillars structure: non-proliferation, the right to peacefully use nuclear technology and the nuclear disarmament.

In this context, both the European Union and the United States stand out for their commitment to tackling this global concern and for considering the non-proliferation of WMD a priority for their own national security strategies. However, although theoretically both actors demonstrate strong decisiveness, the reality tells another story. After 45 years since the establishment of the NPT, the non-proliferation regime appears even less stable and more problematic. Moreover, both strategies and policies outlined by the EU and the US have proved to be ineffective. Perhaps the practical difficulties are the result of the lack of comprehensive “doctrines” vis-à-vis WMD non-proliferation.

Therefore, in order to seek to better understand such an enigmatic framework, the following work aims at answering the following research question:

*Is there a European Union’s and a United States’ doctrine against the proliferation of WMD?*

The motivation for this study lies in the desire to shed light on all the dynamics constraining the development of coherent and comprehensive doctrines against the proliferation of WMD in both the EU and US. For the sake of avoiding ambiguities, this work provides a definition for doctrine as follows: those principles outlined in a binding national document that must be in line with the international legal backdrop of reference and must provide guidelines for the practical action of a state in a specific field of international relations.
Concerning the methodology, the whole research proposal has been carried out through the lens of a qualitative analysis aimed at assessing the effectiveness of the arguments by using both scientific knowledge and official documents inherent to the matter.

As far as the structure of this work is concerned, it consists of three chapters: the first, the literature review, focuses on the global non-proliferation regime by highlighting the prominence of the EU and the US. Indeed, after describing three of the main mechanisms ruling the non-proliferation system - the NPT, the International Atomic Energy Agency and the United Nations Security Council Resolution 1540 - the chapter accurately charts the EU/US approaches on non-proliferation.

The second provides the theoretical framework aimed at analysing the EU and US discourses on the non-proliferation of WMD by providing a critical appraisal of the divergences and similarities that characterise their approaches on the matter. Moreover, it intends to draft the limiting factors impeding the setting up of comprehensive doctrines against proliferation as well as to make hypotheses in the interest of introducing the empirical analysis of the cases study.

The third chapter concentrates on practical examples. The Indian and Iranian cases have been selected in order to pragmatically demonstrate the ambiguities of the EU and US postures on non-proliferation that make the establishment of both common policies and comprehensive doctrines impossible. The reason why India and Iran have been chosen lies in the significance that their cases have in the framework and, because of these two countries' high proliferation profiles allow one to concentrate on two of the most threatening attitudes that put the whole non-proliferation system at risk: non-signatory states of the NPT but in possession of nuclear weapons (India), and those states that are signatories but are challenging the norms through non-compliance (Iran). Finally, the last chapter aims to provide concrete proof that, although both the EU and the US theoretically show strong commitment to deter the spread of WMD, ultimately, their approaches continue to subordinate non-proliferation obligations over other national strategic considerations.

Last but not least, the present work intends to assess that although a “one-size-fits-all” approach is not feasible, at least, the respect for the global norms commonly established by all actors performing in the international arena is not only needed but also is indispensable.
Chapter I:

I. The Global Non-Proliferation Regime: the EU/US’s prominence

I.1 The key instruments for the international non-proliferation efforts

Described as one of the «greatest security challenges»1 facing the world, the Non-Proliferation of Weapons of Mass Destruction (WMD) has become, more and more, a crucial issue at international level, especially at the dawn of the 21st century. This is because, after the Cold War period, the international community witnessed a transformation of the security environment - where security is no longer just a matter of national concern but becomes a multidimensional concept covering economic, political, social and environmental elements. It is also due to the change in the security discourse2, which has had to be tailored in order to address the emergency of new global threats such as terrorism. Indeed, one of the «most frightening scenarios» could be the acquisition of the WMD by terrorist groups. In response to the context of urgency, the international community has begun to fight against the proliferation of weapons of mass destruction by creating a multilateral network of agreements.

Among these instruments, the Nuclear Non-proliferation Treaty (NPT), the Additional Protocols with the International Atomic Energy Agency (IAEA Additional Protocols), The United Nations Security Council Resolution 1540, the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC), and the Hague Code of Conduct against Ballistic Missile Proliferation (HCoC) should be underlined as the most relevant. Furthermore, the international community has addressed the non-proliferation issue through a wide range of international organisations or groups such as the Zangger Committee and the Nuclear Suppliers Group, which aims at regulating export controls. Within such an international framework, the role of the EU and the US appears overwhelmingly important, thus enhancing the credibility of the combined efforts to both prevent and deter the threat of the proliferation of WMD. Nonetheless, the policies adopted by the two global “protagonists” retain some ambiguities that seem to impede the creation of a consolidated nuclear doctrine against the WMD proliferation.

Before describing the EU/US’ attitudes in tackling the proliferation of WMD, it is crucial to understand the global non-proliferation regime by analysing the supposed main instruments: the NPT, the role of the IAEA and the prominence of the UN Security Council with the Resolution 1540.

2 It is vital to precise that as far as the nuclear environment is concerned, if, during the Cold-War period, nuclear concern was managed by the two superpowers by creating a certain degree of stability through the deterrence theory; on the eve of the 21st century and, more precisely, after the end of the Cold-War coupled with the 9/11 terroristic attack, nuclear arms control is no longer an exclusively prerogative of the two superpowers. This has completely changed the global security arrangement.
I.1.1 The cornerstone of the global non-proliferation regime: the NPT

The 1968 Non-proliferation Treaty (NPT) has been defined as the cornerstone of the global non-proliferation regime since it came into force in 1970. Today, there are only four states, which are not signatories to the Treaty: Israel, India, Pakistan and South Sudan, in addition to North Korea that joined in 1985 but withdrew in 2003.

If, in the 1960s the fear of runaway proliferation was ultimately a “self-denying prophecy”, thanks to the establishment of the non-proliferation regime, at the outset of the 21st century, warnings about a “new nuclear age” have emerged, making the mere adherence to the NPT no longer sufficient to guarantee the non-proliferation of WMD. Therefore, a widespread perception that all states are effectively engaged with the compliance of their NPT obligations has become, inter alia, indispensable not only to provide credibility and efficiency to the regime, but also to ensure that the spread of nuclear weapons is not at “tipping point”.

The logic of the NPT stems from the concept of balanced obligations: the Non-Nuclear Weapons States (NNWS) are committed to never acquiring nuclear weapons (Article II) and to submit to international safeguards to verify compliance with this engagement (Article III, the IAEA Safeguards Agreements). In exchange, the Nuclear Weapons States (NWS) are binding themselves to guarantee the NNWS “inalienable right” (Article IV) to have access to peaceful nuclear technology and to pledge to pursue disarmament negotiations (Article VI) with the ultimate goal of eliminating their nuclear arsenal. The NPT is based on a three-pillar structure: non-proliferation, the right to peacefully use nuclear technology and disarmament. It is imperative to take into account that the three pillars not only are interactive, but are also “of equal weight and strength within the treaty regime” even if national policies of NWS have put into question this aforementioned equality by privileging the concern over non-proliferation in order to pursue national policies.

Over the years, at review conferences, the NPT parties have managed to resolve their conflicting views through the adoption of “consensus language” that, 45 years after the coming into force of the Treaty, is no longer effective.

---

5 Lewis A., Dunn, p. 150.
6 Ibidem.
8 Ibidem.
9 Indeed, they evaluate the prevention of further proliferation of nuclear weapons as the only real challenge to the integrity of the NPT (Alexander, Kmentt, 2013. How Divergent Views on Nuclear Disarmament Threaten the NPT, Arms Control Today, 43(10), p. 9).
10 See Alexander, Kmentt, 2013, p. 9.
11 The truth of the argument is that as long as the NWS continues to rely on nuclear weapons as «ultimate guarantors of security» and, ergo, as «a national security matter» by not giving sufficient consideration to the NNWS claims about the urgency and necessity of nuclear disarmament (to which they argue for a step-by-step approach), efforts to counter nuclear proliferation will always suffer from a fundamental contradiction and credibility deficit (Alexander, Kmentt, 2013, pp. 10-13).
Considering the EU and the US prominence in relation to the NPT, both actors show a strongly commitment to strengthening this instrument as the cornerstone of the global non-proliferation regime. However, if the former calls for the universality of the NPT, the latter focuses on the adherence and the enforcement of the existing documents. Indeed, the EU has adopted several Council Decisions in order to influence the international community about the significance of the NPT and in general of all the “multilateral agreements in the field of non-proliferation”. Moreover, both players have performed an active role in enhancing the relevance of the NPT Review Conferences even if, the US proves to be always less committed than the EU. Consequently, the added value of these meetings remains very partial because of the importance of the US at international level. The less the US is actively engaged, the more the non-proliferation regime will lose credibility. 

To sum up, as Hedley Bull stated: «perfect international justice with regard to the possession of nuclear weapons can be achieved only by complete nuclear disarmament, or by an international system in which nuclear weapons are available to every state».

1.1.2 The nuclear watchdog of the international community: the IAEA

The International Atomic Energy Agency, established in 1957, is an autonomous international organisation aimed at promoting the peaceful use of nuclear energy and, as a consequence, at preventing its use for military purposes. Commonly defined as the nuclear watchdog of the international community, the IAEA has become the international framework for the: «support for research, development and other efforts to further the application of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points». Hence, according to the NPT and, more specifically, to Article III, NNWS are called to accept safeguards established through the negotiated Comprehensive Safeguards Agreements with IAEA «for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty». Moreover, in order to strengthen the international verification mechanism of compliance, since 1997, the IAEA have introduced the Additional Protocol, a «legal document granting the IAEA complementary inspection authority to that provided in underlying safeguards agreements».

12 The “riddle” of the longevity of the NPT ultimately lies in the possibility of overcoming the concerns about both the potential of civil nuclear fuel-cycles being redirected into military programmes and the universality of the Treaty. These persisting concerns have been the subject of great debate fuelled by the fear that Iran has been clandestinely developing its nuclear potential under the cloak of a peaceful nuclear programme and the 2005 US-India Civil Nuclear Cooperation Initiative, subsequently legitimised by the “Nuclear values” (Jan, Ruzick and Nicholas J., Wheeler, 2010. The puzzle of trusting relationships in the Nuclear Non-Proliferation Treaty. International Affair, 86(1), p. 75) that created a favourable set of pay-offs.


14 Lars-Erik, Lundin, The European Union, the IAEA and WMD non-proliferation: unity of approach and continuity of action, EU Non-Proliferation Consortium, Non-Proliferation Papers, No 9, February 2012.


16 IAEA Safeguards Overview available at https://www.iaea.org/publications/factsheets/iaea-safeguards-overview. Practically, after the entry-into-force of an Additional Protocol, not only can the IAEA verify that declared nuclear material are in compliance with the international NPT obligation, but also it has the power to check the absence of undeclared nuclear material or unauthorised activities. By the end of 2014, Additional Protocols have been in force with 124 states even if 24 have not yet applied it, including the Islamic Republic of Iran.
Both the EU and the US are actively engaged to reinforce the role of the IAEA at international level. Nonetheless, at European level constraints arise linked to the institutional overlapping among the Euratom, the Member States and the EU as a single actor. Despite of the fact that the EU has adopted several Council Decisions in order to strengthen the IAEA’s role (the last, 2013/517/CFSP, 21 October 2013) and it results to be the second biggest financial donor to the IAEA in nuclear security, its influence upon the IAEA is quite limited since a number of competencies are not conferred to the EU but remain national prerogatives of its member states. On the other hand, even if the US prove to be the first donor to the IAEA and several times have reiterated the American commitment to strengthening such a mechanism, it seems that, ultimately, the US remain less involved than the EU in the promotion of the universality for all the existing multilateral mechanisms. History proved that the US is prone to compromising international norms in light of specific foreign policy considerations.

Conclusively, an effective multilateralism at international level should be promoted and maintained in order to support, protect and guide the work of IAEA.

I.1.3 The UNSC Resolution 1540

As underlined in a wide range of official European documents, in the field of the fight against WMD, the UNSC has “primary responsibility” for the maintenance of international peace and security. Peculiarly, since its adoption on 28 April 2004, UNSC Resolution 1540 has been a «milestone for the international community as far as non-proliferation is concerned» first and foremost because of its legal binding nature and thanks to its willingness to «strengthen a global response» in order to tackle these serious threats endangering the whole community. Even if the resolution especially addresses the non-state actors concern, it calls upon all states to «promote the universal adoption and fully implementation» of the multilateral treaties and agreements, that they have already signed,
and also to fulfill both their international obligations at national level and their commitment to multilateral cooperation in framework such as the IAEA, the CWC and the BTWC.

In order to support the implementation of the 1540 Resolution international cooperation and coordination are required and the role of both the United States and the European Union becomes really important in this framework. Both entities are strongly committed to doing so: the former, through a national action plan, as well as several assistance programmes made by many US Government departments and agencies either bilaterally or in cooperation with international bodies; the latter, through two Council Joint Actions (12 June 2006 and 14 May 2008) and a Council Decision of 22 July 2013 including the establishment of parallel initiatives - such as the EU CBRN Risk Mitigation Centres of Excellence Initiative (CoE project) - that may have a direct positive influence on the implementation of 1540 Resolution. Finally, the EU and US have presented a Joint EU-US declaration regarding UN Security Council Resolutions 1540 and 1977 thus «reconfirming their commitment towards the full and comprehensive implementation of the UNSCR 1540 and 1977; recognizing the need for strengthening the role and capacity of the 1540 Committee».

I.2 The EU’s approach to tackling the proliferation of WMD

As highlighted in the introduction, a doctrine should be that legal document outlining in theory what will be the guidelines for the practical action of a state in a specific field of international relations. Therefore, a certain degree of coherence between what is declared and what is pragmatically implemented should be proved.

Adopting this concept, a doctrine as such for the European Union, as far as the non-proliferation regime is concerned, does not yet exist.

When dealing with the EU action against the spread of WMD, it is necessary to consider that the EU, as an entity, has only developed a so-called Strategy against

---

27 It could be interesting to remark that Resolution 1540 is not exempt from controversies. For instance, Lina Grip highlights that despite the strengths observed, the resolution presents weaknesses and ambiguities referring, for instance, to the lack of mention of radiological materials, as well as to the absence of guidelines for implementation and standards for both compliance and non-compliance. Nonetheless, even if the Resolution aims at addressing “global threats”, only «national responses are mandated», Lina, Grip, 2012. The role of the European Union in delivering Resolution 1540 implementation assistance, EU Non-Proliferation Consortium, Non-Proliferation Papers, No. 22.


30 Nevertheless, CoE initiative presents both similarities and differences in relation to the 1540 resolution that could overlap the work carried out by the 1540 Committee; for instance, the former involves States on a voluntary basis as partners, the latter is a binding document compelling States to comply with its requirements. For more in depth knowledge, Lina, Grip, 2012, pp. 10-11.


32 Ibidem, p. 2.
proliferation in 2003 as a consequence of a variety of events and political (and strategic) considerations.\textsuperscript{33}

Precisely, at the Thessaloniki European Council in June 2003, two documents were presented which would have paved the way for the future 2003 WMD Strategy: the “Basic Principles for an EU Strategy Against Proliferation of Weapons of Mass Destruction” (Basic Principles) and the “Action Plan for the Implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction”. In December 2003, the European Security Strategy “A Secure Europe in a Better World” and the EU Strategy against the proliferation of Weapons of Mass Destruction, were definitively adopted. Five years after, in December 2008, “New Lines for action by the European Union in Combating the Proliferation of Weapons of Mass Destruction and their delivery systems”\textsuperscript{35} was established in order to enhance the effectiveness of the 2003 WMD Strategy by stressing that «close coordination between EU institutions and Member States will be necessary to ensure coherence and synergies between ongoing and future activities and actions»\textsuperscript{36}.

Apropos of the appraisal of the 2003 WMD Strategy, as Clara Portela stands out «on the whole, the Strategy’s principal emphasis is placed on enhancing the effectiveness of existing regimes rather than in launching new steps to expand the non-proliferation agenda»\textsuperscript{37}.

Ten years later, as Thomas Renard remarks, the situation appears to be almost the same: «the Strategy, however, is considered more of a symbolic demonstration of European unity (similarly to the European Security Strategy - ESS) than a guiding document for...»

\textsuperscript{33} More precisely, Europe in that moment the European Community (EC), started its interest in upgrading its role in non-proliferation at the beginning of the 1990s owing to the end of the Cold War period, the disclosure of the Iraqi nuclear programme and the establishment in 1993 of the EU Common Foreign and Security Policy (CFSP) as a solid institutional legal framework for closer cooperation among member states in foreign and security areas, incorporating WMD proliferation.

\textsuperscript{34} High Representative of the CFSP Mr. Javier Solana, “Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction” and “Action Plan for the Implementation of the Basic Principles for an EU-Strategy against Proliferation of Weapons of Mass Destruction”, 16 June 2003. Concurrently, the High Representative for CFSP (Common Foreign and Security Policy), Javier Solana drafted the first-ever security strategy and in October, he appointed Annalisa Giannella as his personal representative on WMD proliferation. Annalisa Giannella was the Personal Representative for Non-Proliferation retired at the end of 2010.

\textsuperscript{35} Council of the European Union, Council Conclusions and New Lines for Action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems, 17172/08, Brussels, 17 December 2008.

\textsuperscript{36} Council of the European Union, New Lines for Action, 17 December 2008, p. 6. Even if the document was not intended to substitute or to produce changes in the WMD Strategy, it was conceived as a «call for more coherence and effectiveness of an EU WMD Strategy that had not (yet) delivered on its promises». Indeed, as Van Ham suggests, the term “raise awareness” was utilised 15 times in 25 pages aimed at making it clear that academic, scientific, and governmental sectors have to be informed about the growing WMD proliferation challenge: «the proliferation of weapons of mass destruction and their delivery systems poses an even greater threat to the security of European citizens than at the time the European Strategy against Proliferation of Weapons of Mass Destruction was adopted.» Peter, Van Ham, 2011, The European’s WMD strategy and the CFSP: a critical analysis. \textit{EU Non-Proliferation Consortium, Non-Proliferation Papers}, No. 2, p. 2; Council of the European Union, New Lines for Action, 17 December 2008, p. 3.

action. It seems that the EU priority has been to affirm itself as a global actor rather than effectively take pragmatic actions to bring to completion its objective «to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide». Indeed, there is no mention in the document of how to eventually eliminate state nuclear programmes which fuel concern such as those of Iran and North Korea. As Clara Portela notes, there are ultimately three aspects of the Strategy that could provide the EU with the potential to provide its contribution to the non-proliferation regime: the non-proliferation objectives mainstreamed into the EU’s external relations (the so-called Non-Proliferation Clause); the affirming intention to set-up an “internal think-tank” and a satisfactory “division of labor” with the US key partner; and the adoption of a balanced approach in which the possibility to take military action is contemplated as a measure of last resort.

Nonetheless, one of the most obvious limits of the EU Strategy is that EU policy remains “selective in nature” focalising on some specific issues while disregarding others due to political, economic and strategic considerations - for instance, the prioritisation of the “geographical scope” of the Strategy makes EU strongly engaged with near- and medium-neighbourhood and the manifest propensity for non-proliferation over disarmament.

38 Thomas, Renard, 2013, p. 9.
40 Furthermore, the objectives of the 2003 strategy are not so different from the previous European engagement to non-proliferation in the framework of the CFSP: the promotion of the universalisation of the treaty, the transparency in export controls and some regional initiatives. Another noteworthy thing is that, as far as the CFSP framework is concerned, even if the action of the EU in strengthened multilateral regimes can be assessed positively, it seems that the EU’s policy, in the framework of Common Position on the NPT and CTBT, has been converged on the adoption of a final document by consensus rather than the Union’s real progress achieved (Clara, Portela, 2003, p. 9). In the same vein, in the field of EU responses to regional proliferation issues, the EU have manifested, once again, the same nature: to privilege some issues by sidelining others according entirely on the degree of agreement between EU member States (Clara, Portela, 2003, p. 19).
41 It was established through the Council of the European Union, “Fight against the proliferation of weapons of mass destruction: mainstreaming non-proliferation policies into the EU’s wider relations with third countries”, Council Note, 14997/03, 19 November 2003 available at http://ue.eu.int/uedocs/cmsupload/st14997.en03.pdf.
42 The initiative was officialised through the Council Decision of 26 July 2010 establishing a European network of independent non-proliferation think tanks in support of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction (2010/430/CFSP), Official Journal of the European Union, L202/5, 4 August 2010; it was reaffirmed by another Council Decision of 10 March 2014 aimed at promoting the established network. The network has been created “to constitute as useful stepping stone by the Union and the international community, in particular by providing a report and/or recommendations to the representative of the HR”, (Council Decision 26 July 2010, p. 1).
43 Understood as an EU coordination with the US in the resolution of proliferation crises, by complementing US initiatives with other means rather than merely endorsing them financially, Clara, Portela, p. II; Peter, Van Ham, 2004, p. 20.
44 Clara, Portela, 2003, pp. 2-3.
45 High Representative of the CFSP Mr. Javier Solana, Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction, 16 June 2003, at point 4; «Political and diplomatic preventative measures (multilateral treaties and export control regimes) and resort to the competent international organisations (IAEA, OPCW, etc.) form the first line of defence. When these measures (including political dialogue and diplomatic pressure) have failed, coercive measures under Chapter VII of the UN Charter and international law (sanctions, selective or global, interceptions of shipments and, as appropriate, the use of force) could be envisioned. The UN Security Council should play a central role». Indeed, in the Chapter III of the 2003 Strategy, in the enumeration of the instruments at EU disposal it is specified: «interdiction of illegal procurement activities and, as a last resort, coercive measures in accordance with the UN Charter» (Council of The European Union, EU Strategy against Proliferation of Weapons of Mass Destruction, Brussels, 10 December 2003, p. 8).
Bearing in mind that when dealing with non-proliferation at European level, intergovernmentalism remains the legal framework of reference, thereby consensus is needed and the EU has smartly selected to address those issues where consensus had been previously verified or would be easy to attract. However, the horizontal nature of non-proliferation on the one hand, and the fact that non-proliferation is represented as a cross-cutting priority on the other, make the backdrop more flexible and thus more difficult (to be caught) than it should be.

As far as the peculiarity of the EU Strategy against WMD is concerned, since its inception in 2003, it has been characterised by a so-called multilayered approach reaffirmed, over the years, through the six-monthly progress reports on the implementation of the Strategy and based on the following pillars/guiding principles: effective multilateralism, close cooperation with key partners and other third countries, and the promotion of a stable international and regional environment - as well as effective and complementary use of all available instruments and financial resources. In this framework, the role of drafting up a progress report every six months - in order to review and reinforce the objectives outlined in the Strategy - has to be not underestimated. As Gerrard Quille observes, the sixth-monthly report process has contributed to provide «a useful mechanism to benchmark the implementation of the EU WMD Strategy». Nonetheless, according to Lina Grip, since the reports present a clear «CFSP focus», they do not provide a «real impact assessment on current and past WMD non-proliferation projects funded by the EU». To be more precise, following the coming into force of the Lisbon Treaty, the main European actors involved in the field of non-proliferation have exponentially grown. Hence, the Treaty has introduced important institutional reforms relevant to WMD policy and its implementation: it has englobed the former “external relations” (i.e. development and trade) and “foreign and security policies (CFSP/CSDP) into the label of “EU external action” as well as introduced

47 Thomas, Renard, 2013, p. 10. Furthermore, it seems that the geographical proximity is a paramount factor influencing the level of engagement of the EU (Clara, Portela, 2003, p. 20).
48 Lina, Grip, 2011. Mapping the European Union’s institutional actors related to WMD non-proliferation, EU Non-Proliferation Consortium, Non-Proliferation Papers, No. 1, p. 17.
50 Nevertheless, during the last 12 years, the EU has managed to set up a web of structured non-proliferation dialogues in line with the high level of coordination with partners and multilateral organisations, both internally and externally, that are required in order to pursue its strategic approach on nuclear non-proliferation (Thomas, Renard, 2013).
51 The last report dates to European External action Service (EEAS), Six-monthly progress report on the implementation of the EU strategy against the Proliferation of Weapons of Mass Destruction 2014/II. Official Journal of the European Union, C41/1, 5 February 2015 available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015XG0205%2801%29&from=EN.
54 Lina, Grip, 2011, p. 18.
55 Ibidem, p.18.
the European External Action Service (EEAS) together with the High Representative\textsuperscript{57} and the European Council president figures appointed for the responsibility of the EU external dimension. Although such a new arrangement should provide a more comprehensive approach for dealing with the EU foreign and security policy, by eliminating the pillar-structure that previously divided the role of the Council and the Commission, the EU WMD non-proliferation policy continues to be split between external (EEAS) and internal (Commission) lines of action (competences). The picture appears even more complicated due to the horizontal nature of the policy: since all EU efforts on non-proliferation policy possess a strong international dimension\textsuperscript{58} to their programmes, the willingness to integrate non-proliferation with external relations (trade and development cooperation) as well as to cooperate with the internal public health structures requires a unique holistic foreign policy or institutional arrangement that, until now, has not been created. Moreover, the supposed “institutional overlap”\textsuperscript{59} does not contribute to the establishment of a coordinated and cooperative transversal policy as the non-proliferation intended to be. What is more, as far as the legal framework is concerned, the Lisbon Treaty does not mention anywhere the term “non-proliferation” and it just underscores its purpose to promote «an international system based on stronger multilateral cooperation and good global governance»\textsuperscript{60} by adopting, \textit{inter alia}, «joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks [...]»\textsuperscript{61} that does not address the non-proliferation policy in its entirety. The truth is that all European documents related to the non-proliferation field - from the 2003 Basic Principles to the February 2015 sixth-monthly progress report - confirm it as an intergovernmental policy. The lack of coherence\textsuperscript{62}, first and foremost among institutions, definitely, means ineffectiveness. As a result, not only does the policy appear weakened by the tensions over competences among the actors involved, but also it becomes more difficult to achieve a high level of synergy between the internal and external policies that, instead, should be a priority for the EU in the field\textsuperscript{63}.

All things considered, more than being an “action” the EU’s Strategy against the proliferation of WMD seems to be an “inaction”\textsuperscript{64} as Lina Grip stands out. In the same way, in order not to relegate the WMD proliferation as a «second-tier concern»\textsuperscript{65} - regarding the

\textsuperscript{57} The HR for Foreign Affairs and Security Policy represents the single authority replacing the EU president as the lead actor for foreign, security and defence policy.

\textsuperscript{58} To deepen Lina, Grip, 2011. The author underlines the variety of programmes, both related to the CFSP framework and to the Commission domestic engagement, that provide an international dimension to the EU fight against non-proliferation of WMD, the work carried out by the several Directorate-Generals represents a good example of such commitment.

\textsuperscript{59} Lina, Grip, 2011, p. 2.

\textsuperscript{60} Article 21 TFEU.

\textsuperscript{61} Article 43 TFEU.

\textsuperscript{62} Lina, Grip, 2011, p.17; Peter, Van Ham, 2011, p. 5.

\textsuperscript{63} The term “synergy” is of paramount importance as demonstrated by its frequent use in the official documents, for instance, in the Council Concept Paper of 12 December 2006\textsuperscript{63}, it was repeated 8 times in 10 pages. Council of the European Union, Concept paper on monitoring and enhancing consistent implementation of the EU Strategy against the proliferation of WMD through a WMD Monitoring Center, 16694/06, Brussels, 12 December 2006.

\textsuperscript{64} Lina, Grip, 2011, p. 18.

\textsuperscript{65} Peter, Van Ham, 2011, p. 9; Thomas, Renard, 2013, p. 9.
scarcity of the CFSP budget allocated (€42 million for 2010-2012) for the area - and not to evaluate the WMD Strategy merely as a «political declaration without legal status» where member states, ultimately, have the right and the power to decide whether or not such “guiding principles” or “lines for action” should be implemented, a full coordination of the efforts of the various actors involved in non-proliferation must be achieved by taking into account, at institutional level, the bilateral assistance made by EU member states as well as their national expertise, «in order to identify the political will and the technical competences appropriate to EU’s WMD non-proliferation action». Lastly, as far as the reluctance of Member States to trust in the EU capacity to build a common EU WMD non-proliferation policy is concerned, the way forward consists of taking decisive action, particularly on matters of critical importance, and developing «a more robust strategic culture based on realpolitik» so as to allow Member States to give the EU «the benefit of the doubt».

To sum up, both academic literature and official documents have shown that, so far, the European Union remains a modest power in the international non-proliferation regime. If the EU aims at becoming a relevant actor at global level, all «elements of the EU’s Strategy against proliferation of mass destruction need to be integrated across the board» by using the wide range of instruments at its disposal, that, however: «while all are necessary, none is sufficient in itself».

The work carried out by the sixth-monthly reports mechanism results as being, therefore, of paramount importance in order to constantly monitor the implementation of the “specific measures” contained in the third chapter of the WMD Strategy in order to assess the effectiveness of the EU approach.

I.3 The US’s approach to combat WMD

*In the new world we have entered, the only path to peace and security is the path of action.*


Regarding the existence of a doctrine for the United States against the proliferation of weapons of mass destruction, the backdrop appears completely different in relation to the European Union.

First of all, to deal with the US means to deal with a power of «unparalleled military strength and great economic and political influence»; ergo, they are a superpower with a proper military, security and political apparatus that has long since been established and consolidated.

Secondly, the elaboration of the so-called *doctrines*, by referring to certain principles outlined for the conduct of the foreign policy, turns out to be a typical feature of the US

---

66 Peter, Van Ham, 2011, p. 9.
67 Lina, Grip, 2011, p. 18.
68 Peter, Van Ham, 2011, p. 14. This kind of commitment was self-proclaimed by the ESS document, as follows: «We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention». (Solana, *A secure Europe in a better world*, June 2003, p. 11).
69 Ibidem.
71 Ibidem.
national foreign policy. Therefore, doctrines, in US rhetoric, are concepts, or even political unilateral declarations, which can be changed at any time according to the willingness of a state. A state, hence, «is not bound by a self-declared political doctrine, *eo ipso*, but is free to change this political maxim».

Thirdly, while military/foreign security doctrines have always been a political стратегического инструмента управления и манипулирования, их политика в международной арене, они все еще не разработали одну, которая была бы способна охватить весь подход США к противодействию ВМД. Для более точного описания, как National Security Strategy of the US (NSS) отмечает: «Нет конкретики, которая могла бы предсказать каждую обстоятельность US action - direct or indirect - is warranted. […] The United States will approach each case with these strategic principles in mind».

It could be affirmed that, therefore, the elaboration of a doctrine no longer appears to be feasible, *eo ipso*, and the preference for *strategic principles*, on a case-by-case basis, proves to be a more appropriate strategy to seize the current global security environment. On the other hand, the three pillar principles outlined in the section of the NSS dedicated to prevent “enemies from threatening us […] with WMD” emphasises the need to integrate such crucial principles into the doctrine, e.g.: «Counter-proliferation must also be integrated into the doctrine, training, and equipping of our forces […] to ensure that we can prevail in any conflict with WMD-armed adversaries».

By analysing the context in which the United States introduced their National Security Strategy, it is imperative to consider that the Cold War nuclear deterrence is no longer sufficient to tackle the global threat of proliferation of WMD. Indeed, if, generally speaking, deterrence theory was based on the idea that: «the best way to prevent war is to ensure that it would have devastating consequences for all participants», on the eve of the 21st century events: «We know from history that deterrence can fail; and we know from experience that some enemies cannot be deterred». Therefore, in spite of recognising the value of nuclear deterrence as a successful instrument that has managed to maintain a certain stability worldwide, “a seemingly long peace”, the theory of Kenneth Waltz’s school (More may be better) that «Nations that have nuclear weapons have strong incentives to use them»

---

74 Ibidem, p. 263.
75 Ibidem, p. 250.
82 Thomas, Renard, 2013, p. 7.
responsibly. Because they do, the measured spread of nuclear weapons is more to be welcomed than feared.\(^{83}\) is no longer acceptable.

Actually, the United States strongly affirmed that, if in the Cold War the «deterrence was an effective defense»\(^{84}\), today the “enemies” targeted as “rogue states” consider WMD as «tools of intimidation and military aggression against their neighbors»,\(^{85}\) as well as «traditional concept of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents».\(^{86}\) Therefore, even if International Law allows the use of force only according to the articles 2(4), 42 and 51 of the United Nations Charter\(^{87}\) - that is to say the right to self-defense (if an armed attack occurs) and an operation authorised by the UN Security Council - the US Administration states that: «We must adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries [...] we cannot let our enemies strike first»\(^{88}\) because «the greater the threat, the greater the risk of inaction [...] to forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively».\(^{89}\)

With this assumption in mind President Bush in December 2002, perfectly in line with section V of the “National Security Strategy of the United States of America” (September 2002), adopted the US “National Strategy to Combat Weapons of Mass Destruction” identifying the WMD as one of «the greatest security challenges facing the United States».\(^{90}\)

Acknowledging the profound transformation undergone by the 21\(^{st}\) century security environment, the US Administration stressed that, in order to protect the United States, their forces as well as those of their friends and allies, would have to accord the «highest priority»\(^{91}\) to the growing WMD threat. Therefore, the strategy the US intends to pursue rests upon the following three pillar structure: Counterproliferation to Combat WMD Use, Strengthened Nonproliferation to Combat WMD Proliferation, and Consequence Management to Respond to WMD Use. The three pillar principles shape the US strategy as a «comprehensive approach»\(^{92}\) in which the first pillar underlines the US willingness to promptly intervene to deter and defend from every WMD employment scenario through the prepared military and appropriate civil agencies appointed to provide an effective US response: «the primary objective of a response is to disrupt an imminent attack or an attack in progress, and eliminate the threat of future attack»\(^{93}\). The second, takes into consideration the paramount contribution of the international community to fight against the spread of nuclear weapons: besides enhancing the traditional measures of defense - from diplomacy to export controls - it accentuates the necessity to ensure compliance with the most relevant

\(^{84}\) The NNS, p. 15.
\(^{85}\) Ibidem.
\(^{86}\) Ibidem.\(^{85}\), p. 15.
\(^{88}\) The NNS, p. 15.
\(^{89}\) Ibidem.
\(^{91}\) Ibidem.
\(^{92}\) Ibidem, p. 2.
\(^{93}\) Ibidem, p. 3.
international agreements\textsuperscript{94} and it implicitly makes reference to the recognition that US does not “work alone” anymore, as highlighted in the NSS: «[…] there is little […] that the United States can accomplish in the world without the sustained cooperation of its allies and friends in Canada and Europe»\textsuperscript{95}. Finally, the third pillar emphasises the need to be prepared to strongly intervene in case of a WMD attack. The aim is to seek to minimise, as much as possible, the catastrophic consequences that both at national and global level could be verified as a result of a “nuclear accident”.

Twelve years after the 2002 Bush National Strategy to Combat WMD, the June 2014 “Department of Defense Strategy for Countering Weapons of Mass Destruction”, issued under Obama Presidency, continues to rest upon the three pillars structure - \textit{Prevent Acquisition, Contain and Reduce Threats}, and \textit{Respond to Crises} - called as the CWMD\textsuperscript{96} lines of efforts to pursue the “end states” and “priority objectives” outlined in the document\textsuperscript{97}. Additionally to these lines, there is also a fourth element, \textit{Prepare}, which represents the «continuous cycle of ensuring that the Department’s capabilities support the CWMD lines of effort»\textsuperscript{98}. Indeed, since the 1990s the DoD (Department of Defense) has increased its role in countering WMD and, currently, it has endorsed the accountability to «seek to ensure that the United States and its allies and partners are neither attacked nor coerced by actors with WMDs\textsuperscript{99}. Since 2002, both the NSS and the CWMD strategies have been revised\textsuperscript{100} but apart from the Presidential change (2009 Obama), nothing was dramatically modified. Surely, the “Axis of Evil\textsuperscript{101}” rhetoric has been overtaken due also to the US’s experience in Iraq - searching for a WMD programme that, ultimately, did not exist\textsuperscript{102} - but the non-ratification of the CTBT\textsuperscript{103} as well as the not very decisive efforts towards nuclear disarmament\textsuperscript{104} make the US strategy on CWMD all but lacking of ambiguities\textsuperscript{105}.

\textsuperscript{94} The international agreements in question are: the NPT, the CWC, the BWC. Peculiarly, the US strategy aims at making efforts to support existing regimes on non-proliferation through a series of commitments enumerated at page 4 of the strategy.
\textsuperscript{95} The NNS, p. 25.
\textsuperscript{96} Countering Weapons of Mass Destruction.
\textsuperscript{97} See Department of Defense Strategy for Countering Weapons of Mass Destruction, June 2014.
\textsuperscript{99} Ibidem, p. V.
\textsuperscript{100} To be more precise: on 13 February 2006, the Chairman of the Joint Chiefs of Staff (CJCS) released the “The National Military Strategy to Combat Weapons of Mass Destruction” aimed, \textit{inter alia}, at providing DoD components with guidance and a strategic framework to combat WMD. On March 2006, Bush upgraded the National Security Strategy of USA by reporting the successes achieved and the challenges confronted. Moreover, there was the addition of section X (\textit{Engage the Opportunities and Confront the Challenges of Globalization}) as well as the \textit{Conclusions}. Besides other Joint Publication prepared by CICS (“Combating Weapons of Mass Destruction”) on 10 June 2009, President Obama issued two National Security Strategy documents - the first in May 2009 and the second in February 2015 - that present several differences in relation with the Bush ones.
\textsuperscript{103} United States is one of the 8 states that impede the entry-into-force of the CTBT because of its non-ratification. In order to make effective the CTBT is necessary both the signature and the ratification of the 44 states listed in the “Annex II” of the Treaty. As of 2015, China, Egypt, Iran, Israel and US have to ratify; on the
Chapter II:
II. The Critical Analysis of the EU and US Discourses on WMD proliferation

First chapter literature review set the stage for the present theoretical framework which aims at deeply analysing what constraints impede the establishment of comprehensive EU and US doctrines on non-proliferation. *Primo*, a comparative appraisal between the EU and US strategies against proliferation is provided in order to outline the divergences and similarities, as well as the strengths and weaknesses of their approaches. *Secundo*, limiting factors to the setting up of doctrines are presented with a view to better understanding all the dynamics involved in the specific framework. *Tertio*, partial conclusions and hypotheses are drafted in the interest of introducing the empirical analysis of the cases study.

II.1 Divergences and similarities

*Our aim should be an effective and balanced partnership with the USA. This is an additional reason for the EU to build up further its capabilities and increase its coherence.*


*A strong Europe is our indispensable partner, including for tackling global security challenges, promoting prosperity, and upholding international norms.*

(Obama, NSS, February 2015)

As academic literature has shown, both the European Union and the United States are committed, at global level, to fighting the proliferation of WMD. Nonetheless, their approaches show convergences and divergences that have originated as a result of either conflict or cooperation between the two. Basically, the tensions have diminished as a result of President Obama’s election. In order to make the analysis clear, the European Union’s *discourse* on non-proliferation is compared firstly, with the former Bush security doctrine and secondly, with the current American foreign policy attitude under what has been defined the “Obama moment”. The question arises spontaneously: Has something really changed?

II.1.1 The Bush Doctrine of pre-emption

Academic literature has given primary importance to Robert Kagan’s metaphor concerning non-proliferation: «Americans are from Mars and Europeans are from Venus»

Indeed, the European Union has been depicted as a “civilian power” and, for long time, as a

---


105 All things considered, the more cooperative inclination of the Obama administration has positively influenced the global non-proliferation regime on the whole and it could be interpreted as the stepping-stone for greater transatlantic cooperation with the EU in non-proliferation matters.

“military dwarf” compared to the military strength of the Atlantic partner. Moreover, as far as non-proliferation is concerned, history has witnessed that Europe has «always run behind» the US. For this reason, not only the 2003 “European Security Strategy” as well as the “WMD Strategy” have been the result of specific historical and political events, as deeply stressed in the first chapter of this work, but also, they have been the European response to the 2002 United States “National Security Strategy” and “the National Strategy to Combat Weapons of Mass Destruction”. Taking Kagan’s perspective, the European commitment vis-à-vis proliferation could be translated by the willingness to make EU a more credible actor at international level: «A European Union which takes greater responsibility and which is more active will be one which carries greater political weight» and, therefore, to contest the alleged vision of Europe as a mere civilian power. The reality that «the end of the Cold War has left the United States in a dominant position as a military actor» is not contestable, but «no single country is able to tackle today’s complex problems on its own» is a recognition that makes EU, inevitably, a global player in the domain of the 21st century threats.

As Felix Sebastian Berenskoetter brilliantly suggests: «Reality is not always easy to read» and the supposed European weakness that makes Europeans «born again idealists» because of their reliance on the «US military umbrella» is not necessarily the truth. On the other hand, the US security discourse, where US is viewed as the international «sheriff» appointed to preserve the peace and justice in the world even with the use of force, is maybe more utopian than the European one.

As far as similarities between EU and US approaches to international security is concerned, both demonstrate to have a common sense of commitment. What dramatically changes is the strategic thinking and the perception of the “reality” which is taken into consideration. Indeed, in regard to their respective strategies against proliferation and to combat proliferation of WMD, rhetoric, responsibility and means chosen are all but analogous. Another thing worth mentioning is that both security strategies were conceived as a reaction to the 9/11 terroristic attack. Again, beyond similarities in addressing a threatening situation, the US «considers itself at war with international terrorism» and «has little choice but to adopt a more assertive counterproliferation strategy». On the contrary, the EU «has only proclaimed a state of emergency».

111 Ibidem.
112 Ibidem.
115 Felix Sebastian, Berenskoetter, 2005, p. 75.
118 Peter, Van Ham, 2004. WMD Proliferation and Transatlantic Relations: Is a Joint Western Strategy Possible?, The Hague, Clingendael Institute, p. 5.
119 Ibidem, p. 10.
120 Ibidem, p. 5.
First and foremost, American foreign policy means **unilateralism** and militarism whilst European principles and guidelines as described in the security strategy correspond to diplomacy, cooperation and **multilateralism**. By considering the analysis undertaken by Berenskoetter (2005) as an exhaustive example, at least, three domains distinguish the US NSS from the ESS: responsibility, threats and means.

Firstly, the **responsibility** that the US and the EU feel, in relation to security, change in nature: «the United States must defend liberty and justice because these principles are right and true for all people everywhere»[^121]. Not only does the US message appears more authoritative in its use of terms, but also it is more universal than that emitted by the EU. Indeed, EU does not refer to «evil» or «war on terror», but rather the ESS places the global emergency in a more European framework[^122] in which **stability** and, above all, stability in Europe and in areas within geographical proximity, is considered to be the most important objective[^123].

Secondly, the **threats** identified by US and EU are basically the same. However, it is interesting to note that while the US have associated terrorism and the “rogue states” (more pragmatically defined as “failed states” in European terms) with the threats of the WMD proliferation, the EU recognises the existence of WMD proliferation as a threat as such[^124]. However, Europe does not underestimate the link between “terrorism and WMD”[^125] that defines it as «the most threatening scenario»[^126].

Thirdly, **means** are the domain where the strategies differ the most: alongside the adoption of «a war of ideas»[^127] in which a “good offense” is identified as the “best defense”, Europe responds to through the adoption of a “mixture of instruments” because: «none of the new threats is purely military; nor can any be tackled by purely military means»[^128]. However, the ESS does not exclude the “use of force” even if it does not explicitly make reference to it and relegates it to the UNSC mandate[^129]. Therefore, if the US’s strategy is most identified with the use of preventive or **pre-emptive action**[^130], the EU backbone lies in conflict

[^121]: NSS, 2002, p. 3.
[^122]: The ESS only deals with the European continent in substance, Felix Sebastian, Berenskoetter, 2005, p. 86.
[^123]: «Even in an era of globalisation, geography is still important. It is in the European interest that countries on our borders are well-governed», ESS, 2003, p. 7. Therefore, if the US makes itself out as the global guarantor of the “peace” in the world, the EU gives the first place to the UNSC[^123]. The US, eventually, wants to maintain, by any means, the international supremacy conferred by the Cold-War victory, whereas the EU aims at becoming a «more credible and effective actor» above all through, strengthening the international order by means of effective multilateralism. ESS, pp. 7, 9 and 1 respectively.
[^125]: Peter, Van Ham, 2004, p. 10.
[^126]: ESS, 2003, p. 4.
[^129]: To be more precise, in the EU WMD Strategy, Europe refers to the “use of force” as a last resort tool in accordance with the UN Charter as well as that the UN Security Council should play a central role. Anyhow, ambiguities arise: the adoption of the expression “central role” rather than “primary competence”, as Clara Portela (2003: 27) suggests, make the possible use of coercive measures all but clear. It is also noticeable, as Tom Sauer (2004: 127) points out, that both in the involvement of Kosovo war and in the US Proliferation Security Initiative (PSI - Bush, May 31, 2003) Europe acts independently of a UNSC mandate or permission.
[^130]: As far as the fight of WMD is concerned, 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 (Peter Van Ham 2004: 15). Nonetheless, the concepts of “prevention”, “pre-
prevention. Finally, differences between the two approaches are linked to the adherence to the multilateral international framework: while the EU makes clear that «international cooperation is a necessity»\(^{131}\), the multilateralism considered by the US could be regarded as a «multilateralism by invitation»\(^{132}\) in that Washington must know «those who are “with” US, and those who are “against”»\(^{133}\) in a rhetorical dimension of “good and bad guys”\(^{134}\) and it underlines that «the US should only cooperate in those international frameworks that are in its direct strategic interests»\(^{135}\). Conclusively, as John Bolton remarks: «the real question is what advances our national interest»\(^{136}\) since: «The idea that we could have a UN 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»\(^{137}\).

In order to continue with the present comparison, it goes without saying that, the same controversial issues derived from both the security strategies are evident in the respective American “National Strategy to Combat Weapons of Mass Destruction” and the European “Strategy against proliferation of Weapons of Mass Destruction”. For the sake of avoiding repetition the following table (Table 1) aims at summarising what the specific instruments contemplated for the fight against proliferation of WMD are and how the EU and the US make use of these - in accordance with the principles outlined in their so-called “strategies”.

As table 1 illustrates, one of the most significant differences between the strategies lies, firstly, not only in the adoption of the different means by which to fight the proliferation of WMD, but also in the different weight given to them by both the EU and the US. To be more precise, since the first line of defense for the EU remains: «Political and diplomatic preventative measures (multilateral treaties and export control regimes) and resort to the competent international organisations»\(^{138}\) while for the US: «Intelligence - and how we use it […] against terrorists and the threat posed by hostile states»\(^{139}\), a substantial conflict linked to the question “how to act” remains evident.

Secondly, the rhetorical differences appear to be the subtlest. Even if the two documents underline the willingness to deter the spread of WMD owing to its international dimension, the EU makes clear that: «Proliferation of WMD is a global threat, which requires a global approach»\(^{140}\) while the US stresses that «WMD represents a threat not just to the United States, but also to our friends and allies and the broader international community»\(^{141}\). Ultimately, the US approach describes Non-proliferation as a part of «national security goals»\(^{142}\) that places limits on comprehensive proliferation doctrine since the American way of acting remains based on cooperation and relationships of trust only with the so-called

---

135 Ibidem, p. 11.
136 Ibidem.
137 Quoted in Peter, Van Ham, 2004, p. 17.
138 Ibidem, p. 5.
142 Ibidem, p. 5.
«like-minded countries»

Table 1. Comparing the use of Non-proliferation tools in EU and US

<table>
<thead>
<tr>
<th></th>
<th>US</th>
<th>EU</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conflict prevention</strong></td>
<td>Less important than the other tools</td>
<td>Top priority</td>
</tr>
<tr>
<td><strong>Non-proliferation regime</strong></td>
<td>Loss of interest by prioritizing</td>
<td>Cornerstone of WMD Strategy</td>
</tr>
<tr>
<td></td>
<td>unilateralism</td>
<td></td>
</tr>
<tr>
<td><strong>Diplomacy</strong></td>
<td>Actively employed to create</td>
<td>First line of defence</td>
</tr>
<tr>
<td></td>
<td>coalitions to achieve US non-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>proliferation goals</td>
<td></td>
</tr>
<tr>
<td><strong>Economic instruments</strong></td>
<td>Preference to financial means to</td>
<td>Economic levers scarcely adopted</td>
</tr>
<tr>
<td></td>
<td>convince states not to acquire nuclear</td>
<td>(Non-proliferation clause in mixed</td>
</tr>
<tr>
<td></td>
<td>weapons</td>
<td>agreement has not been efficiently</td>
</tr>
<tr>
<td></td>
<td>(economic pressure and incentives)</td>
<td>implemented)</td>
</tr>
</tbody>
</table>
| **Security assistance**     | In the form of military alliances/umbrella; US also signed several military cooperation agreements | EU has not experience to provide security assistance as an alternative to nuclear weapons; Vague reference in the strategy.
| **Preventive and pre-emptive** | Key concepts of the US strategy; Secondary role of the UNSC | EU contemplates political and diplomatic preventive measures; Coercive measures in accordance with the UN Charter |
| **Deterrence**              | New methods of deterrence:             | Positive and negative assurances as a deterrent; EU has never practised nuclear deterrence as such. |
|                             | • Strong declaratory policy;           |                                         |
|                             | • Effective military forces.            |                                         |
| **Defense**                 | Preemptive measures and robust active and robust defense; Missile defense. | • No consensus on missile defense.       |
| **Consequence management**  | National Strategy for Homeland Security: | EU stresses that its approach will be guided inter alia by: «our view that increased efforts are needed to enhance consequence management capabilities and improve coordination» |
|                             | • Full range of protective, medical, and remediation tools. |                                         |

Finally, a further difference, linked to the way of making use of specific means, refers to their approach towards the existing multilateral treaty system. If for the EU the aim is the achievement of the “universalization” of the main treaties alongside the reinforcement of compliance and verification mechanisms, for the US non-proliferation regimes have to be just supported and strengthened. Compliance is contemplated but there are no words about the adoption of verification instruments. Again, the unilateralism of the US renders the international regime no more than a strategic tool to be used if necessary. By complete

---

143 Ibidem, p. 6.
144 “Positive and negative security assurances can play an important role”, Council of The European Union, EU Strategy against Proliferation of Weapons of Mass Destruction, 15708/03, Brussels, 10 December 2003, p. 7.
145 Council of The European Union, EU Strategy against Proliferation of Weapons of Mass Destruction, p. 5.
147 The US «rhetorical support for the NPT» has been strongly criticised since the Bush doctrine of preventive war risks undermining the whole international non-proliferation regime. By marginalising the NPT, the US
contrast the EU approach has based its own strategy on effective multilateralism conceived as the «cornerstone of the European strategy for combating proliferation of WMD»\textsuperscript{148}. Therefore, instead of «prevent(ing), deter(ing), and defend(ing) against the acquisition and use(ing) of WMD»\textsuperscript{149} the US seems to create a series of “double standards”\textsuperscript{150} and “ad hoc initiatives” aimed at “waging war” to hostile and rogue states (e.g. Iran) and “turning a blind eye” to “good proliferators”\textsuperscript{151} such as India, Pakistan and Israel - i.e. the “allies” of the US. Therefore, due to the recognition of the failure of the “one-size-fits-all”\textsuperscript{152} approach, the Bush administration wants «to have its cake and eat it too»\textsuperscript{153} in an unilateral perspective that on the one hand, strengthens the traditional non-proliferation regimes but, on the other, makes clear the «maximum freedom to use military counterproliferation measures to deter, prevent, and defeat proliferators and potential proliferators»\textsuperscript{154}.

At the dawn of the 21\textsuperscript{st} century, conflict was ultimately the logic governing the EU-US relations in the field of non-proliferation. Whilst, Americans and Europeans can apparently agree on the threats, they cannot understand one another’s approach to security\textsuperscript{155}. One of the most impeding factors in their relations was the contemplation of the WMD proliferation threat as a matter of national security. When prioritising “stability and integration”\textsuperscript{156} on the one hand, and “hegemonic security interests” on the other, both the European Union and United States strategies miss the point.

Consequently, it becomes crucial to analyse what changes have actually been made in the field with the advent of the Obama Presidency in the United States.

II.1.2 From conflict to cooperation: the “Obama moment”\textsuperscript{157}

\textit{We want strong allies. We are not looking to be patrons of Europe. We are looking to be partners of Europe.}

(Barack Obama, Strasbourg, 3 April 2009)

In occasion of the Prague speech, on 5\textsuperscript{th} April 2009, US President Obama makes clear what would be a top priority for the new US foreign policy: «I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear

\begin{itemize}
\item discredits the credibility of the system and pushes alleged proliferators states to seek WMD in order to best defend themselves against a preemptive attack.
\item \textsuperscript{148} EU Strategy against Proliferation of Weapons of Mass Destruction, 2003, p. 6.
\item \textsuperscript{149} The National Strategy to Combat Weapons of Mass Destruction, 2002, p. 6.
\item \textsuperscript{150} Peter, Van Ham, 2004, p. 6.
\item \textsuperscript{151} Ibidem, p. 15.
\item \textsuperscript{152} Peter, Van Ham, 2004, p. 15. See also, Thomas, Renard, 2013, p. 23.
\item \textsuperscript{153} Peter, Van Ham, 2004, p. 16.
\item \textsuperscript{154} Ibidem.
\item \textsuperscript{155} In line with this assumption it could be interesting to underline the work of Gerrard Quille (2004) that sheds line on the fact that Europe does not possess a common strategic culture hence: «If Europeans member states and the institutions and agencies of the Union itself cannot always act in a manner coherent with its comprehensive strategy, then how do we expect the US to understand our approach and cooperate?». Gerrard, Quille, 2004. The European Security Strategy: A Framework for EU Security Interests?, International Peacekeeping, 11(3), p. 434.
\item \textsuperscript{156} Gerard, Quille, 2004, p. 426.
\end{itemize}
...non-proliferation presents different connotations from those of the former US President.

Hence, since Bush’s failure witnessed that power politics and attempts at imposition of national interests has no longer represented the best action to undertake, Obama foreign policy has taken into account that global threats cannot be treated as a one-sided national security concern any more (even if reality shows that it is exactly for the sake of pursuing the US national interests that Obama tailored his nuclear vision). Indeed, these challenges should be dealt with ethically and principle-based policy drivers rather than by military powered ones. Today, the American strategy appears oriented towards a balance of deterrence and diplomacy privileging political solutions rather than military options.

Through his realist and globalist approach to foreign policy, Obama recognises that cooperation with Europe is not only necessary but fruitful as well. As a consequence, the transatlantic cooperation becomes indispensable in order to tackle these global problems.

In particular, as far as the EU and the US nexus on non-proliferation is concerned, Obama’s administration has brought significant but not decisive changes.

Primo, both coordination and cooperation have replaced confrontation. The United States have become the “unique” EU partner on non-proliferation that entertains dialogues with the all 28 Member States + EU through annual summit and bilateral meetings.

159 Ibidem.
165 However, it must be said that the transatlantic partnership has to consider the so-called “Rise of the Rest”. The new global environment makes the EU and the US pivotal actors but neither of the two can expect to dictate the global agenda. They can influence and condition it, especially if united, but they must not underestimate the crucial role that other actors and international regime increasingly play in the non-proliferation fora.
166 Since 2003 EU has managed to build a well-structured network of non-proliferation partners. Peculiarly, with the “Special Ten”, namely United States, Canada, Russia, Mexico, Japan, China, Brazil, India, South Korea and South Africa, it has established unequal but useful relations to put into practice the precepts outlined in the WMD Strategy and to make EU a more global actor in non-proliferation. See Thomas, Renard, 2013; and
Secundo, today the EU/US views on non-proliferation seem to converge. The new US approach closely reflects that of Europe and not only the two European NWS, France and UK, but also other relevant MS like Germany and Italy, that have explicitly affirmed their commitment to cooperate with the Atlantic partner in order to establish a coherent posture on non-proliferation."167

Tertio, although now ‘Venus has more American suitors’168 the general principle of the use of force remains a crucial dilemma in the EU/US relationship. Extended deterrence and in particular the so-called ‘tactical weapons’, that are present in Europe169, continue to be a specific source of contention and both actors must adopt a concerted action in order to face the current challenges.

Despite the powerful rhetoric, dramatic changes between the Bush and the Obama administrations have not occurred170. Indeed, it seems that Obama had revolutionised the former foreign policy but, on closer analysis, he has basically adopted a more diplomatic approach and he made promises as yet to be fulfilled. Following the Prague speech, Obama allegedly presented a brilliant agenda that would have gained important successes in the field of non-proliferation and arms control, e.g. the ratification of the CTBT171. In the end, he has just reaffirmed these proposals throughout the years. Nonetheless, some practical steps have been undertaken, for instance the entry into force of the New Strategic Arms Reduction (New START) with the Russian Federation (5 February 2011), but there remain unachieved goals that undermine the credibility of the entire non-proliferation regime: the disarmament goal, for instance, recognised as an objective that is not achievable during the Obama’s ‘lifetime’172, continues to be dealt with, by the P5 NWS, through a “step-by-step approach”173 conceived as the «only realistic and practical route to achieving a world without nuclear weapons» but that, ultimately, undermines the Grand Bargain of the NPT.

Regarding Europe, what has basically changed is that, now, the EU and the US «shared the commitment to multilateral engagement in nuclear non-proliferation, arms control...

Susanne, Gratius, 2011. The EU and the “special ten”: deepening or widening Strategic Partnerships?, FRIDE, Policy Brief, n. 76. Undoubtedly, the uniqueness of the US as a partner may be found not only in consequence of its primary importance, but also in the depth of the partnership, see Thomas, Renard, 2013, p. 21.
169 The US has an estimated 200 airdropped nuclear bombs deployed in Germany, Italy, Belgium, the Netherlands, and Turkey. (Joseph Cirincione and Alexandra Bell, 2009, p. 107).
170 It seems interesting to underline that even if Obama have not adopted terms such as “war on terror” or “rogue states” in his rhetoric, what is really the difference between “combat violent extremism in all its forms” (Cairo Speech, 4 June 2009) and “war on terror”? Nothing more than a vocabulary revision. In the same vein, the Obama approach to the PSI aimed at making it a «durable international institution» (Mary Beth, Nikitim, 2010. Proliferation Security Initiative, Congressional Research Service, p. I) to deny the former beliefs associated with it as a special arrangement privileging “like-minded states” has not implemented the expected objectives.
171 To deepen, Joseph Cirincione and Alexandra Bell, 2009, p. 98.
172 Obama, Barack, 2009. “Remarks by President Barack Obama”, Hradcany Square, Prague, 5 April 2009: «This goal will not be reached quickly - perhaps not in my lifetime. It will take patience and persistence».
and disarmament»\textsuperscript{174} and the Obama administration understood that, as suggested by the former US Secretary of State Hillary Clinton, «We cannot go back to Cold War containment or to unilateralism»\textsuperscript{175}. Cooperation has eventually prevailed over confrontation.

Finally, it could be interesting to compare the EU sixth-monthly progress report on the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (the last one dated 5 February 2015\textsuperscript{176}) and the June 2014 Department of Defense Strategy for Countering Weapons of Mass Destruction\textsuperscript{177} in order to assess that, ultimately, the objectives, the means and the divergences between the EU and the US are remained almost the same of those of the previous decade’s approach to non-proliferation. Indeed, the “Obama moment” has eventually mitigated the language but the substance remains the same. At American level, both the “Axil of Evil” rhetoric and the “multilateralism by invitation” have been abandoned but, surely, “actors of concerns” are always identified as “adversaries” and unilateral action continues to be an option “on the table”\textsuperscript{178}. At European level, on the one hand, specific arrangement have been established: the 2003 Non-Proliferation Clause\textsuperscript{179}, the 2006 WMD Monitoring Center\textsuperscript{180}, the 2007 SPACE initiative\textsuperscript{181}, the 2010 “EU CBRN Centres of Excellence”\textsuperscript{182} and the 2010 network of independent non-proliferation think tanks\textsuperscript{183}. However, despite a manifested EU commitment, all instruments lack firm implementation\textsuperscript{184}.


\textsuperscript{176} Actually the last six monthly report dated 8 September 2015 and it is available at the following website: http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1441810057814&uri=OJ:JOC_2015_296_R_0001. However, during the time this work was drafted the document analysed was the most updated version.

\textsuperscript{177} The aforementioned documents have been selected because they are the most updated versions of the Strategies of the EU and the US vis-à-vis proliferation of WMD even if it is recognised that “it is possible to compare only the comparable” and the two documents are different in nature: the former is just a progress report based on the 2003 WMD Strategy, the latter is a strategy based on previous versions but having specific purposes and priorities eo ipso.

\textsuperscript{178} «The Department will act in coordination with partners whenever possible, but will act unilaterally if necessary» Department of Defense strategy for Countering Weapons of Mass Destruction, June 2014, pp. 7-11.

\textsuperscript{179} Council of the European Union, “Fight against the proliferation of weapons of mass destruction: mainstreaming non-proliferation policies into the EU’s wider relations with third countries”, Council Note, 14997/03, 19 November 2003; Council of European Union, “Note on the implementation of the WMD Clause”, 5503/09, Brussels, 19 January 2009.

\textsuperscript{180} Council of the European Union, Concept paper on monitoring and enhancing consistent implementation of the EU Strategy against the proliferation of WMD through a WMD Monitoring Center, 16694/06, Brussels, 12 December 2006.

\textsuperscript{181} Since 2007, the EU has promoted the development of an International Code of Conduct for Outer Space Activities conceived as an international and voluntary set of guidelines and confidence-building measures aimed at strengthen safety, security and predictability of all space activities (2015 February six-monthly report, p. 9).

\textsuperscript{182} Launched in May 2010 and funded through the Instrument contributing to Stability and Peace, these Centres are being created in order to develop an all-hazard CBRN policy at national and regional level to anticipate and respond to these risks (2015 February six-monthly report, p. 7).

\textsuperscript{183} Based on the Council Decision 2010/430/CFSP of 26 July 2010 and promoting through the Council Decision 2014/129/CFSP of 10 March 2014, the EU Non-Proliferation Consortium not only provides a platform for informal contacts among practitioners and helps promoting dialogue between different stakeholders, but it also has contributed to raising awareness about the dangers of the nuclear weapons (2015 February six-monthly report, p. 8).

\textsuperscript{184} The most controversial debate concerns the Non-Proliferation Clause. Conceived as the first time that the EU opted to use non-proliferation as a general criterion to assess existing and new partnerships with states.
On the other, the **universalization** of the NPT and the entry-into-force of the CTBT persist as important outcomes of the non-proliferation strategy, while the US merely limits itself to support the adherence to international treaties.\footnote{Department of Defense strategy for Countering Weapons of Mass Destruction, June 2014, p. 7.}

Taking everything into account, undoubtedly, the EU and the US are now ready to collaborate but this will depend in substantial part on Europe’s own policy performance.\footnote{«Not the stated position but the actual effectiveness, the coherence and the muscularity of Europe’s policy response to major global threats and geostrategic challenges - particularly in the broader Middle East, including Iran - will play heavily into the US administration perceptions of Europe and thus into the weight the transatlantic link is given» (Bruce, Jones, 2009, p. 64).}

### II.2 Drafting constraints to the adoption of EU and US doctrines vis-à-vis WMD proliferation

Both the academic literature and the theoretical framework taken into consideration so far, have been analysed in order to furnish the big picture of all dynamics and processes that, directly and indirectly, influence the non-proliferation discourse in both the European Union and the United States. It becomes therefore imperative to sum up the framework by synthetizing the major restraints hampering the establishment of the EU and US doctrines on non-proliferation. For the sake of being schematic and providing an overall view of the backdrop, the root causes are described according to a division in rhetorical, institutional, political, and economic spheres.

a. **Institutional limits.** Little by little, the European Union has surely managed to impose itself as a global player in non-proliferation regimes but it remains, however, a modest power and a fundamentally-fragmented actor.\footnote{Thomas, Renard, 2013, p. 7.} The lack of unity in the non-proliferation field is due to the divergent opinions of its member states about nuclear weapons on the one hand, and the weight of the transatlantic alliance on the other. Indeed, it seems that the inability to strongly take the initiative is the result of the EU’s reluctance to oppose the US over nuclear issues\footnote{Clara, Portela, 2003, p. 10.} and the “institutional overlap”\footnote{Lina, Grip, 2011, p. 2.} that impede the EU to speak “with a single clear voice”\footnote{Álvaro de Vasconcelos, 2011, p. 8.}. Needless to say, the institutional reform made by the Lisbon Treaty has multiplied the actors engaged in non-proliferation but, eventually, it has created more confusion about the division of labor. Without coordinating the non-proliferation efforts of all the EU actors, the EU will continue to be relegated to an “inaction” within the field of WMD non-
proliferation and to be a mere civilian power by default. Considering the institutional position of the United States, it appears to be a single actor speaking with a single voice, that is, normally that of the President. However, President directives should be considered as the expression of the will of the whole state if one wants to refer to the United States as a cohesive and coherent player in the WMD concern. Nevertheless, sometimes a reminder is needed that: «Any treaty signed by an American President can only come into force if it is supported by a two-thirds majority in the Senate, which is an increasingly difficult goal to attain in the partisan state of US politics» 191.

b. **Rhetorical vagueness.** If the EU does not present itself as a single voice in non-proliferation it is also because of the vagueness and ambiguity drafted in all of its official documents regarding the field. All in all, it is true that the WMD Strategy is «little more than a political declaration without an established policy framework and earmarked (financial) resources» 192. Effective guidelines to take the action neither are provided in any documents nor, if more or less theorised, are resolutely implemented. Definitively, the EU rhetoric in non-proliferation remains «vague and often geared towards the ill-defined mantra of effective multilateralism» 193 and, surely, the 2003 strategy needs a refresh 194. Apparently, the US rhetoric seems to be both well-defined and well-oriented by setting up a range of priorities that should be considered and by providing effective instruments to implement the objectives proposed. Nonetheless, as far as non-proliferation is concerned, a successful doctrine cannot reflect the merely national security interest of a single state, even if it is the most powerful of the world. Taking for granted the horizontal nature as well as the global prominence of WMD proliferation, a Doctrine should be in line with the existing international law and norms and should seek to respect these even if this means to pay less attention to proper strategic interests. The bottom line is that the nuclear doctrines conceptualised so far in the United States rise an unsolvable contradiction between the «nature of a doctrine as a unilateral political declaration, which is subject only to the will of a single state, and a rule of public international law, which is not subject of the freedom of will of a single state» 195. If global threat requires global action, unilateralism is ultimately neither acceptable nor desirable.

c. **Political will.** Since “politics often prevails” 196, political interests are eventually the primary drivers of any policy. Non-proliferation is not exempted from this consideration. Ergo, the most significant limit to the natural development of a coherent doctrine, in theory and in practice, is the conflict of interest between both the EU and the US, and the EU with its own Member States. Since the inception of the Strategies, the global players have pursued

192 Peter, Van Ham, 2011, p. 2.
194 Thomas, Renard, 2013, p. 23.
different objectives to achieve the same goal: fight the spread of WMD. Both declared and assumed the relevance and the dangerousness of this threat as a “global concern” but their final aims do not reflect the theories professed. As deeply stressed, the European approach aimed, above all, at promoting regional stability and at placing the EU in the international fora as a global actor in non-proliferation. Geographical proximity remains the most important factor to consider when dealing with “threats” hence: «It is in the European interest that countries on our borders are well-governed»197. Moreover, there is no a unified and cohesive European common policy on non-proliferation also because of its intergovernmental nature. Member states are ultimately the pivotal players and they are not «prepared to relinquish their own strategic interests for the sake of more coherence on the EU level»198. Perhaps they miss the point, perhaps the EU is incapable of taking the reins of the game and imposing its “doctrine” as the best to pursue in order to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide. In the same tendency, the United States are guided from their national security interests and the willingness to maintain their role as the uncontested superpower of the world. It is true that if Bush spoke about “hegemonic” power, Obama seems to have lowered the tones even if the record of the United States worldwide represents something to be preserved at all costs: no matter if an international treaty is degraded or different forms of “exceptionalisms” are created. On the whole, as Van Ham brilliantly suggests, more than being the “art of the possible” politics remains the “art of making possible what is necessary”199.

d. Economic imperatives. Economic interests, combined with the political ones, guided the rationale behind the strategic choices of both the US and the EU. However, if economic incentives are well employed, they can constitute a powerful deterrence tool in non-proliferation. Indeed, the US have managed to convince countries such as Taiwan, South Korea, Ukraine, Belarus and Kazakhstan not to acquire nuclear weapons through the adoption of financial means200. At the EU level, the picture is more problematic. It is true that in the 2003 Action Plan «the introduction of an effective stick and carrot policy linked to non-proliferation commitment in its relations with third countries»201 was contemplated, the so-called Non-Proliferation Clause, but after all, (the EU) «instead of a big stick it carries a big carrot»202. The effective implementation of the non-proliferation clause is submitted to the EU economic interests in trade that pave the way for what Annalisa Giannella

198 Peter, Van Ham, 2011, p. 10.
defined as the “terrible double standard”\textsuperscript{203} in relation to the India FTA (Free Trade Agreement) negotiations. In other words, the EU has to make clear «what can reasonably be expected from the WMD clause»\textsuperscript{204} and seek to provide uniform criteria to its approach if it wants to be a «more credible and effective actor»\textsuperscript{205} in non-proliferation.

II.3 Taking stock of the situation: hypotheses and partial conclusions

In order to answer to the research question of the present work - Is there a European Union’s and a United States’ doctrine against the proliferation of WMD? - empirical analysis have to be conducted. The academic literature and the theoretical framework examined so far, make it possible to consider a plethora of sub-questions and hypothesis, as follows:

- Is there a lack of coherence between theory and practice or, more precisely, between rhetoric and implementation?
- Are the EU and US real actors in the fight against nuclear proliferation?
- To what extent are the EU and the US really interested in preventing the proliferation of WMD?
- Are their conducts in line with international law obligations?
- Is there a “hidden agenda” behind their honest willingness to act for a nuclear-safe world?

Therefore, the main hypothesis is that: if the EU and the US have managed to set up, respectively, a coherent non-proliferation doctrine, “exceptionalism” should not be taken into consideration. Consequently, if both strategies proclaim the respect for the existing international norms of non-proliferation, case-by-case approach should be nothing more than a “possibility” to account rather than the basis of their way of action. Or still, if both players define themselves as global actors in the fight of WMD proliferation, common policies should be privileged over national prerogatives.

Partial conclusions could be drawn by stating that, unfortunately, “one-size-fits-all” approach on non-proliferation is not feasible and neither the EU, nor the US have succeeded in overtaking their respective national security priorities on behalf of a “world without nuclear weapons”. Anyway, the following empirical analysis is contemplated in the interest of pragmatically demonstrating what has been theorised until now.

\textsuperscript{203} Lina, Grip, 2009, p. 11.
\textsuperscript{204} Ibidem, p. 19.
Chapter III:
III. The Analysis of the Indian and Iranian cases as empirical study

Let us remember that you are here not simply to avoid a nuclear nightmare, but to build a safer world for all.
(UNSG, Ban Ki-moon 2010 NPT RevCon, 3 May 2010)

In theory, international and multilateral commitment to both the fight against the proliferation of WMD and the achievement of a “world without nuclear weapons” has been reiterated, basically, since the setting up of the 1970 NPT. However, even now, “states of concern” continue to put the whole validity of the non-proliferation system at risk: «The possession of nuclear weapons by States outside the NPT and non-compliance with the Treaty’s provisions by states party to the Treaty, risk undermining non-proliferation and disarmament efforts». Despite all of these efforts, something seems not to be working as it should: therefore, how then to solve, this proliferation conundrum?

As the EU WMD Strategy stressed, the system results menaced both by no-signatory states of the NPT but possessing nuclear weapons, and by those that are signatories but are challenging the norms through non-compliance. Among these, surely India and Iran represent two of the most emblematic cases indeed, if the former is relevant because of its status as a “nuclear power” de facto recognised by the global system since 2005, the latter has dominated the non-proliferation discourse since the August 2002 public disclosure of its nuclear program through the revelations by an Iranian opposition group of «the clandestine construction in Iran of a large uranium enrichment facility at Natanz and a heavy-water reactor in Arak».

For the sake of pragmatically shedding light on what has been analysed so far, these two countries high proliferation profiles have been selected to demonstrate the impossibility of sketching comprehensive non-proliferation doctrines in both the EU and the US. By highlighting the discrepancy between «what was officially said and stated and what was

206 “The WMD Strategy explains that states of concern are those states that are non-compliant with the main multilateral legally binding treaties on non-proliferation (the NPT, the 1972 Biological and Toxin Weapons Convention and the 1993 Chemical Weapons Convention), whether or not the state in question is a party to the relevant treaty” (Lina, Grip, 2014, p. 7); Council of the European Union, New Lines for Action, 17 December 2008, p. 3.
207 The EU WMD, 2003, p. 3.
208 India’s first nuclear test was in 1974 but it was through the 2005 Joint Statement on India-US Nuclear Civil Cooperation that the country was “formally” accepted as a nuclear power. India has not signed the NPT. Moreover, article IX point 3 of the NPT defines a nuclear-weapon State as “one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January, 1967”.
210 Oliver, Meier, 2013. European efforts to solve the conflict over Iran’s nuclear programme: how has the European Union performed?, EU Non-Proliferation Consortium, Non-Proliferation Papers, No. 27, p. 3.
eventually done or pursued in non-proliferation discourses by both the EU and the US, the present analysis does not furnish a comparative study between Iran and India in the domain of non-proliferation as such, but rather focuses on the EU/US approaches towards the countries, examined singularly, in order to assess how exceptionalisms arise no matter what the “concern” is.

Therefore, as far as the structure is concerned, the first section proceeds to investigate the EU/US “policies” towards the open-ended Iranian case; the second part, focuses on India and EU/US relations and the final section draws the conclusions by confuting the hypotheses aforementioned.

III.1 The EU and US approaches vis-à-vis the Islamic Republic of Iran

III.1.1 Understanding a deeply enigmatic country

Dealing with “Iran and the West” means dealing with a «mutual history of cultural and political misperceptions, and high levels of tension and distrust». The “comprehensive nuclear accord”, potential outcome of the Interim agreement between Iran and the P5+1 (or E3+3), negotiated on November 23, 2013 in Geneva, should be finally reached on June 30, 2015. However, according to the Joint Plan of Action (JPA) “nothing is agreed until everything is agreed” therefore, the most recent nuclear deal concluded in Lausanne on April 2, 2015 could be conceived as another attempt at postponing the ultimate construction of a nuclear weapon since «Iran has the technological and industrial capacity to produce"

---


212 To put it differently, either non-compliance (Iran) or non-adherence (India) to the NPT have been the object of “double standard” practices for both the European Union and the United States that, in theory, should be the guarantors of the “cornerstone” of the global proliferation regime.


215 The P5 + 1 are the five permanent members of the United Nations Security Council plus Germany engaged in multilateral talks with Iran since 2006 in the framework of the alleged Iranian nuclear program in non-compliance with the NPT articles II and III obligations.

216 The Joint Plan of Action is the document adopted on November 24, 2013 during the negotiations established the Interim Agreement with the final goal to «reach a mutually-agreed long-term comprehensive solution that would ensure Iran's nuclear programme will be exclusively peaceful». It is available at http://eeas.europa.eu/statements/docs/2013/131124_03_en.pdf.


218 Kelsy Davenport, & Daryl G. Kimball, 2015. How the Lausanne Framework Lays the Groundwork for Strong, effective Comprehensive Nuclear Deal with Iran, Arms Control Association, 7(6), available at: http://www.armscontrol.org/Issue-Briefs/2015-04-14/The-Lausanne-Framework-and-a-Final-Nuclear-Deal-with-Iran. More recently, on 14 July 2015, the E3/EU+3 and the Islamic Republic of Iran convened in Vienna to welcome a Joint Comprehensive Plan of Action (JCPOA). Precisely, on the one hand, Iran agreed on the limitations drafted in the JCPOA to grant to the international community that its nuclear programme is exclusively peaceful in nature; on the other, the agreement settled provisions for all actors involved (from the P5+1 to the IAEA) in order to produce the comprehensive lifting of all UNSC sanctions on Iran and a gradual evolution of Iran’s peaceful programme (including its enrichment activities). Nonetheless, until the approval of the US Congress, the nuclear deal will remain totally ineffective. To more details on the JCPOA consult the following website: http://apps.washingtonpost.com/g/documents/world/full-text-of-the-iran-nuclear-deal/1651/.
nuclear weapons at some point\textsuperscript{219} and the «significant gaps»\textsuperscript{220} in the positions of the two sides constantly need “more time” to be closed. Moreover, even if “trust has begun to grow”,\textsuperscript{221} both the US/EU and the international community have finally recognised that: «Iran’s true nuclear intentions are only known to the leadership in Tehran and, in this sense, all attempts to predict the path that Iran will take are hypothetical».\textsuperscript{222}

Understanding Iran and, especially, the nuclear issue still now under negotiations, means taking into account that it involves at least three dimensions: political (UNSC), technical (IAEA) and legal (NPT). At the outset, the matter dealt with the IAEA as the “watchdog” of the NPT, the legal framework of reference. Since 2006, due to western pressures, above all from the US, the IAEA referred the question to the United Nations Security Council, which in turn began imposing sanctions on Iran (the last and fourth round in June 9, 2010, Resolution 1929) combining with those of the EU and the US.\textsuperscript{224}

\textbf{III.1.2 From US-containment/EU-critical dialogue to sanctions}

Relationships between the EU/US and the Islamic Republic of Iran go back long before the August 2002 disclosure of the Iranian nuclear program. In the same way, Iran’s “nuclear activities” date back to the 1950s, when the country was led by the Shah, «a surrogate of the West».\textsuperscript{225} This detail is of paramount importance since the western players who in the 1950s supported the Shah in “building his nuclear energy programme”,\textsuperscript{226} i.e. the Americans and Europeans, remain those who, at the dawn of the 21st century, have started to condemn Iran for violating the international non-proliferation norms by setting up a nuclear programme.\textsuperscript{227}

The fact that Iran has been treated as a “special case” is nothing new. However, why then have the EU and the US, who have been officially committed, since 2000, to the tackling

\begin{footnotesize}

\textsuperscript{220} Ibidem, p. 10.

\textsuperscript{221} Peter, Jenkins and Richard, Dalton, 2014, p. 15.

\textsuperscript{222} Christopher, Hobbs and Matthew, Moran, 2012. Looking Beyond a Nuclear-Armed Iran: Is Regional Proliferation Inevitable?, \textit{The International Spectator}, 47(4), p. 129. See also Cornelius, Adelbar, 2014, p. 4: «it is obvious what the international community wants but far less clear what Iran’s stakes actually are».

\textsuperscript{223} Rouzbeh, Parsi, 2012, p. 2.

\textsuperscript{224} To deepen, Clara, Portela, 2014; Kenneth, Katzman. Iran Sanctions, \textit{Congressional Research Service, CRS Report}, RS20871, January 28, 2015, p. 2. Moreover, it is vital to take into account that the unilateral sanctions of the EU were imposed after the UNSCRs and in form of “targeted sanctions”, while the US started to impose sanctions in Iran during the 1980s in the form of “comprehensive sanctions”. (The most recent, the US 2010 Comprehensive Iran Sanctions, Accountability and Divestment Act). The vital difference between the two sanction models is that the first category is addressed to specific people or sector with the purpose of avoiding damage to civilians and is considered the progressive relief package, the second one does not contemplate the lifting of sanctions. Moreover, for more in depth knowledge about both the nexus between the Islamic Republic of Iran and the West and the wide international relations debate on the possibility of a “nuclear-armed Iran” see respectively, Cornelius, Adelbar, 2014 and Thanos, Dokos, 2012 and 2014, Christoph, Bertram, 2008. “The nuclear controversy: the case for a new approach” in Christoph, Bertram, 2008. Rethinking Iran: From confrontation to cooperation, \textit{Chailiot Paper, Institute for Security Studies, European Union, Paris, n. 89 and Rouzbeh, Parsi, 2012. “Introduction: Iran at a critical juncture”, in Rouzbeh, Parsi, 2012. Iran: a Revolutionary Republic in Transition, Chailiot Paper, European Union Institute for Security Studies, n. 128.

\textsuperscript{225} Adam, Tarock, 2006, p. 651.

\textsuperscript{226} Ibidem, p. 652.

\textsuperscript{227} These ambiguities show how, for the sake of geopolitical, economic and national considerations, exceptionalisms are tolerated.

\textsuperscript{228} Oliver, Meier, 2013, p. 18.
\end{footnotesize}
of the “Iranian conundrum”, not yet managed to resolve it? The bottom line is that neither the EU nor the US have hit it on the nail: «Western policymakers should engage in a debate on what they could offer Iran in a comprehensive sense beyond outlining what Iran should do to earn the West’s trust». Basically, Europeans “should be clear about what they want from Iran and communicate this to its international partners and Iran”, while Americans should stop treating Iran as a key national security challenge and engage themselves in constant and stable direct talks in order to sweep away that precondition putting “enmity and standoff as a given” in Washington-Tehran relations. Iranians, by denouncing the double standard practices of the West, highlight that, inter alia, the «West is demanding Iran to commit itself to a policy that no other country using nuclear energy has been asked to agree to». In doing so, they are playing their own games for their own ends: national security (regime preservation) and prestige/power protection. Therefore, what is needed is both the establishment of a common security framework, «where no one is excluded and everyone’s security needs are taken into consideration» and the ending of the «policymakers’ true goals hidden behind public rhetoric» - in the case of Iran: for the EU geo-economics interests are at stake, for the US the final aim is regime change.

Historically, several phases could be sketched describing the evolution of the Iranian-EU/US relations.

First of all, since the 1990s Europeans have issued the so-called “critical dialogue” with the Islamic Republic of Iran. An “energy-rich Iran” became an indispensable partner for an “energy-hungry Europe” and, despite political divergences, the interests at stake found common ground for the maintenance of fruitful ties. In 1997, with Khatami’s presidential election the critical dialogue was transformed in a Comprehensive one (more issues covered - more bilateral meeting organised). Throughout this period the American position was distinguished by an isolationist policy. However, the 9/11 terrorist attack

---

231 Oliver, Meier, 2013, p. 19.
233 Rouzbeh, Parsi, 2009, p. 156.
234 Adam, Tarock, 2006, p. 660.
241 Ibidem.
242 To deepen, Adam, Tarock, 1999. Iran-Western Europe Relations on the Mend, British Journal of Middle Eastern Studies, 26(1).
243 Ibidem, p. 100.
244 More specifically, until the 2003 unilateral invasion of Iraq, the US pursued the so-called “dual containment” of Iraq and Iran (Ibidem).
changed the security environment and, as a result, the Iranian-Western relations. As early as 2001, the European Commission expressed that: «Iran’s intention to develop weapons of mass destruction, and in particular long-range missiles, is a matter of serious EU concern».245

The second period was characterised by the American demonisation246 of Iran based on the Bush “Axil of Evil” rhetoric issued in occasion of the State of the Union Address on January 28, 2003. Basically, the Tehran-Washington confrontation goes beyond Iran’s alleged nuclear programme: «no peace and no room for compromise in the battle between good (America) and evil (Iran) or good (Iran) and Satan (America)»247. At the EU level, negotiations concerning a possible TCA (Trade Cooperation Agreement) with Iran included larger political questions248. Hence, not only the EU was committed to deterring non-proliferation but also issued a conditionality policy in which progress in economic terms would have been reached only if linked to progress in four main areas of concerns, namely: human rights, terrorism, non-proliferation and the Middle East Peace Process249. In this period, the diplomatic initiative of the E3/EU250 started in order to contain the intransigent posture of the US (Bush several times reiterated that the military invasion was not “off the table”251), and achieved promising results: the Tehran Declaration (October 2003) and the Paris Agreement (November 2004) through which Tehran eventually signed the IAEA Additional Protocol252. However, ambiguities in the EU were not lacking. The European “dual-track approach” of dialogue and modest measures of coercion were hardly efficient without the US’s support253: a stick and carrots policy that ultimately offered very few incentives for Iran and solely a “Big carrot” (TCA)254.

The climate changed once again with the Iranian 2005 presidential election of Ahmadinejad255. Iran cut both diplomatic ties with the EU and its commitment to the IAEA

247 Adam, Tarock, 2006, p. 647. Politically speaking, the anti-western attitude of Iran went against the American interests in the region and, as a result, it was no longer tolerable that a “rogue” state called the US role as a global superpower into question.
249 Ibidem.
253 Olivier, Meier, 2013, p. 5.
254 “In August 2005, the EU trio offered Iran what could only be described as a big, attractive chocolate box, but one containing very little chocolate”. Adam, Tarock, 2006, p. 658; Walter, Posch, 2006, p. 107.
Additional Protocol\textsuperscript{256}. However, the EU managed to converge with the US, above all after the 2005 Bush visit to Europe\textsuperscript{257}, on the idea of offering incentives to Iran. Anyhow, in 2006, eventually the IAEA referred the Iranian case to the UNSC. Since that moment four rounds of sanctions were imposed on Iran\textsuperscript{258} due to its non-compliance with the UN Resolutions as stated by several IAEA reports\textsuperscript{259}. Diplomatically, the E3/EU initiative was replaced by the P5+1 format but little changed. High Representative Solana remained the spokesperson in charge on behalf of the EU\textsuperscript{260}.

Paradoxically, with the advent of the Obama administration in 2009 and the establishment of the Lisbon Treaty that saw Catherine Ashton appointed as the new High Representative, what should have been the “litmus test”\textsuperscript{261} and ensured the success of the European 2003 WMD Strategy - Iran - was ultimately a failure. Even if the US embraced the EU dual-track policy, and, in general, the Obama conciliatory rhetoric towards Iran opened windows of opportunities for \textit{rapprochement}\textsuperscript{262}, the limits of the EU as a unitary and driver actor in dealing with Iran arose by proclaiming, \textit{inter alia}, the EU dependency on US foreign policy towards Iran: «Ironically, the more European and US approaches to the Iranian nuclear crisis cohered, the less influence the EU was able to exert»\textsuperscript{263}.

\textbf{III.1.3 Rouhani President: “Is Time different”?}

\textit{My administration is now committed to diplomacy that addresses the full range of issues before us, and to pursuing constructive ties among the US, Iran and the international community.}

(Obama, remarks in celebration of Nowruz, March 20, 2009)

\textit{My expectation is [...] we will be looking for openings that can be created where we can start sitting across the table, face to face, diplomatic overtures that will allow us to move our policy in a new direction}\textsuperscript{264}.


Since 2009, diplomacy has been endorsed by the American administration in coping with the Iranian issue. Although the threatening language of the Bush era remains\textsuperscript{265} as, for

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{256} Christoph, Bertram, 2008, p. 31.
\item \textsuperscript{257} Walter, Posch, 2006, p. 111; Olivier, Meier, 2013, p. 9.
\item \textsuperscript{258} Resolutions 1696 & 1737 (31 July and 27 December 2006); Resolution 1747 (24 March 2007); Resolution 1803 (3 March 2008); and Resolution 1929 (9 June 2010).
\item \textsuperscript{259} Paul K., Kerr, 2014, pp. 3-10.
\item \textsuperscript{260} In particular, «the Americans would feel comfortable, since this would spare them the need for being exposed directly—we were under the Bush administration; the Russians and Chinese would feel more comfortable with an EU leadership than with an American one; and the E3 could be sure that important elements needed in the package proposals to be offered to Iran could be delivered», Annalisa, Giannella, Presentation given to the EU Non-Proliferation and Disarmament Conference, Brussels, 4 February 2012, available at http://www.nonproliferation.eu/documents/firstconference/annalisa giannella.pdf.
\item \textsuperscript{261} Peter, Van Ham, 2011, p. 11.
\item \textsuperscript{262} Rouzbeh, Parsi, 2009, pp. 153-166.
\item \textsuperscript{263} Olivier, Meier, 2013, p. 3.
\end{itemize}
\end{footnotesize}
instance, the repeated statements of the administration show - the military option “remains on the table”266 - the P5+1 talks267 resumed in 2010 (Geneva, December 6-7) by triggering the establishment of regular diplomatic meetings at least once a year. On the other hand, the sanctions regime has formed the “bedrock” of Western policy towards Iran268 but, effectiveness269 has been all but proved. Ironically, Iran has managed to empower the country due to its leaders’ ability to manipulate the issue of sanctions to the regime’s advantage in the domestic arena270. As former President Ahmadinejad stated: «maybe the Iranian nation will someday celebrate the introduction of these sanctions because we will make our economy a strong, global power completely independent of imports»271.

In the end, Europeans and Americans have achieved little, if any, results, through their approaches towards Iran272.

Although Europeans continue to invest political and economic energies «to achieve a comprehensive, negotiated, long-term settlement […]»273 and Americans to advance diplomatic and coercive efforts «to achieve a long-term comprehensive solution with Iran»274, both sides of the Atlantic started to feel a sort of “Iran fatigue”275. However, the “prudence and hope”276 promises of Rouhani’s current government opened the way for possible

269 Clara Portela’s work on targeted sanctions (2014) draws attention to the idea that imposing sanctions presupposes a branch in international law and that the ultimate aim of “targeted” sanctions should be altering the political behaviour of the targeted parties. However, sanctions on Iran have not brought the expected results. Instead of stopping the nuclear program, sanctions have just slowed down its process. Clara, Portela, 2014.
271 President Ahmadinejad quoted in Abbas Djavadi, ‘Iranian Small Business Squeezed By Ahmadinejad’s Policies’, RFE/RL, 9 September 2010, available at http://www.rferl.org/content/Iranian_Small_Business_Squeezed_By_Ahmadinejads_Policies/2122863.html. Furthermore, bear in mind that the successful outcome of a sanctions package is «maximized when they are postponed or removed to reward compliance» because, since when sanctions become a “policy instrument” rather than a simple tool, especially in the case of Iran, it must be shored-up with other foreign policy measures - e.g. diplomacy and military intervention - in order not to simply be equated with a “display of action for action’s stake”. For this reason, a clear sense «of precisely how sanctions will contribute to foreign policy objectives» is indispensable. See Dina, Esfandiary, 2013. Assessing the European Union’s sanctions policy: Iran as a case study, EU Non-Proliferation Consortium, Non-Proliferation Papers, No. 34, p. 11.
272 In the framework of the diplomatic P5+1 talks, in 2012, negotiators gathered three times: April in Istanbul; May in Baghdad; and June in Moscow. The outcome of these meetings was the proposal “stop, shut and ship” through which Iran, in return for a sanctions relief, would halt enrichment to the 20% level (“stop”); would allow the removal from Iran of the existing stockpile of 20% enriched uranium (“ship”); and eventually would close the Fordow facility (“shut”). Unfortunately, no evident further progress was checked (Olivier, Meier, 2013, p. 17 and Kenneth, Katzman, 2014, p. 26).
273 The phrase continues: «[...] which would build international confidence in the exclusively peaceful nature of the Iranian nuclear programme, while respecting Iran’s legitimate right to the peaceful use of nuclear energy in conformity with the Non Proliferation Treaty and fully taking into account UN Security Council and IAEA Board of Governors resolutions». European Union External Action Service, “Factsheet: the European Union and Iran”, 140124/02, Brussels, 24 January 2014, p. 2.
“change”. Indeed, although the final aim of the Iranian nuclear program remains “unclear”, Iranians have ultimately recognised that «the status quo simply could not continue».

Elected in June 2013, President Rouhani’s “engaging” rhetoric was manifested early on during his speech to the UN General Assembly September 24, 2013: «Iran seeks to resolve problems, not to create them [...] Nuclear weapons and other weapons of mass destruction have no place in Iran’s security and defense doctrine». Consequently, Obama answered by stressing that in the hope that the Rouhani’s assurances of “this time is different” are true, America would no longer continue a policy aimed at regime change: «We are not seeking regime change». The positive atmosphere increased also because of the meeting between the foreign ministers John Kerry (US) and Javad Zarif (Iran) on September 26, 2013 representing the highest level of bilateral contact between the two countries since the 1979 Islamic Revolution; and through the exchange of letters between Obama and Rouhani in the interests of solving the nuclear issue peacefully and the phone-call by Obama to Rouhani on September 27, 2013 which represented the first direct contact between the presidents of the two countries since 1979. Pragmatically speaking, as Adebahr was contemplating: «to what extent Rouhani’s changed rhetoric signals the beginning of a new direction for the Islamic Republic?». Perhaps, this is the case. However, “nothing is agreed until everything is agreed” and it could also be another Iranian way of gaining time. For instance, the EU dual-track approach has allowed Iran’s leaders «to distract the international community, which has now de facto accepted Iran’s right to enrich uranium in its own territory». Despite the “Time to Engage” and “heroic flexibility” positive prospects, the West has to judge Rouhani on his actions and not just on his smart use of persuasive rhetoric. Westerners, in return, have to reach a comprehensive agreement about what they ultimately want to achieve, through the desirable comprehensive nuclear accord of June 30, 2015, how they concretely are committed to contributing for the goal, and to what extent compromises are possible. For the sake of this achievement, coherent strategies and shared communication among all actors involved represent the *conditio sine qua non*.

European and American approaches in dealing with the Iranian nuclear issue have mainly failed, so far, since the question has been centralised on the purely technical aspects of the program sideling the root causes of the matter: domestic fears and foreign policy

---

280 Cornelius, Adebahr, 2014, p. 27.
283 During the speech to the Iranian Revolutionary Guards Corps on September 17, 2013, the Supreme Leader adopted the concept of “heroic flexibility”, i.e. proper and logical diplomatic moves, whether in the realm of diplomacy or in the sphere of domestic policies. Kenneth, Katzman, 2014, p. 26; See also, Cornelius, Adebahr, 2014, pp. 20-22.
285 Taking into account that coping with the Iranian nuclear dilemma means dealing with actors such as China, Russia (sympathetic enough with the country) Turkey, Brazil (they not only voted against the 1929 UNSCR but also agreed on a nuclear deal with Iran on May 17, 2010) and Canada, whose power should not be underestimated.
visions. Unless a «clear-eyed appraisal of the region as it is today rather than as western power feel it ought to be» is not established, the stalemate will persist. In the same regard, as long as Iranians are treated as the object of discussion rather than the active participants of the debate, they will continue to act as “spoilers” in the interest of demonstrating their relevance at regional and global level.

Both the United States and European Union have managed to draft neither a unified policy nor a coherent strategy vis-à-vis with Iran. Even if undoubtedly Iran has violated its NPT obligations, remembering that «international law permits what it does not prohibit».

If non-proliferation were the new policy’s objective of the EU, the Union will suspend support for the Indian nuclear programme and pressure Israel and Pakistan to abandon their arsenal, rather than harass a signatory party to the NPT.

III.2 The EU and US relations towards India

III.2.1 India as a de facto nuclear power

At the present moment, according to the 2014 SIPRI Yearbook, Indian arsenal comprises 90 to 110 warheads. Moreover, India considers its nuclear weapons and missile programmes «crucial components of its strategic doctrine». Additionally, since 2008, India has signed nuclear cooperation agreements with US, Canada, Russia, France, Argentina, Kazakhstan, and Namibia.

Since its independence in 1974, India has gradually become one of the largest democracies of the world sharing common values with western powers, like Americans and Europeans, which contribute to make them “natural partners”. However, the Indian Cold War policies of non-alignment, state control as a solution of its own development goals, and “no-obligations partnership”, have deeply influenced the current ties between India and the West. Indeed, what has been defined as the habit of “getting to no” could be associated with the Indian willingness to obtain nothing more than “material benefits”, for instance in the

---

288 Ibidem. Moreover, it should be noted that the Iranian side seems to distinguish between undertaking “nuclear negotiations”, which now is basically a sine qua non condition for the survival of the Islamic Republic, and an “overall accord” that is more difficult to obtain because it implies compromises in fields such as power and ideology, which are essential tenets of Iranian politics (Cornelius, Adeebahr, 2014, p. 27).
290 Peter, Jenkins and Richard, Dalton, 2014, p. 11.
294 Ibidem.
296 Ashley J., Tellis, 2015, p. 4 and 14.
297 Ibidem, p. 87.
field of technology, security, or financial assistance, through “special” cooperation with the strong western powers”\textsuperscript{298}.

As far as the relation between New Delhi and the global non-proliferation regime is concerned, India rejects it by being neither a member of the NPT nor one of the CTBT. By being an advocate of an equitable world, India simply denounces the non-proliferation regime for perpetuating inequalities between have (NWS) and have-nots (NNWS). Indeed, New Delhi has always underscored a sort of “nuclear apartheid” inherent to the NPT for which double standard practices «allow certain states to legitimately employ nuclear deterrents while other states cannot»\textsuperscript{299}. Moreover, in September 1996, India voted against the UNGA Resolution endorsing the CTBT because of the lack of provision concerning the universal nuclear disarmament in terms of a time-bound framework\textsuperscript{300}.

However, at the beginning of its independence, the country was committed to achieving a world without nuclear weapons (the universal nuclear disarmament\textsuperscript{301}) and to use its nuclear energy just for peaceful purposes. Beyond the historical events that led India to the “peaceful nuclear explosion” in May 1974 and the five rounds of nuclear tests in May 1998, the vital point here is how the international community, and, for the sake of the present work, how especially both Europe and the United States, reacted to these events.

As a de facto nuclear power, India’s rhetoric about the inequalities issued by the NPT underlines the offensive character of the double standard, which relegates the NNWS to “second-class status” states, and in particular in light with the Indian colonial past\textsuperscript{302}.

**III.2.2 “Unity in difference”\textsuperscript{303}: the US-India Relations**

In order to better define the links between the US and India, it could be explicative to consider the football adage used by William C. Potter (2005): «You can’t tell the players without a program»\textsuperscript{304}. Indeed, this image perfectly reflects the reality of the international politics of non-proliferation: a “game” where the players follow their own rules and global norms are all but effectively implemented.

\textsuperscript{298} As Ashley Tellis points out: «a strengthened bilateral relationship does not imply that India will become a treaty bound ally of the United States at some time in the future. It also does not imply that India will become a meek, compliant and uncritical collaborator of the United States in all its global endeavors. Rather India’s large size, its proud history, and its great ambitions, ensure that it will always pursue its own interests – just like any other great power», As quoted in Adil Sultan Muhammad, 2006. Indo - US Civilian Nuclear Cooperation Agreement Implications on South Asian Security Environment, the Henry L. Stimson Center, p. 21: Ashley Tellis, “US-India Atomic Energy Cooperation: Strategic and Nonproliferation Implications”, Prepared Testimony to the Senate Foreign Relations Committee, April 26, 2006, p.7.


\textsuperscript{301} Volha, Charnysh, 2009. India’s Nuclear Program, Nuclear Age Peace Foundation, pp. 1-2.

\textsuperscript{302} S. Paul, Kapur and Sumit, Ganguly, 2007. The Transformation of U.S.-India Relations: An Explanation for the Rapprochement and Prospects for the Future, Asian Survey, 47(4), p. 652. As former Minister for External Affairs, Jaswant Singh, suggests: «If the permanent five continue to employ nuclear weapons as an international currency of force and power, why should India voluntarily devalue its own state power and national security? Why admonish India after the fact for not falling in line behind a new international agenda of discriminatory nonproliferation […] Nuclear weapons powers continue to have, but preach to the have-nots to have even less» (Jaswant, Singh, 1998. Against Nuclear Apartheid, Foreign Affairs, 77(5), p. 43).

\textsuperscript{303} Ashley J., Tellis, 2015.

The history of the US-India relationship was marked by distrust and suspicion, in the past and has been marked by convergence, with ebb and flow, since 2005, in fact, today, they commit even to working "as equal partners."\(^{305}\)

During the Cold-War period, a new democracy with a weak economy and a non-aligned, in principle, foreign policy, was not in the strategic interests of the United States and therefore, the US basically ignored India. Moreover, the declared neutrality in foreign policy was a factor of deterioration and divergence between the two democracies, since India actually established close economic and financial ties with the Soviet Union, as far back as 1971\(^{306}\). For the leader of the western bloc to tolerate the ambiguity of the Indian posture was not possible and the US preferred to sympathise with countries like China and Pakistan that were more in line with the American worldview\(^{307}\). The backdrop was exacerbated by India’s will to demonstrate its “nuclear prowess”\(^{308}\) by conducting its first nuclear test - Pokhran-I - in 1974. The US, as a strong protector of the non-proliferation regime, not only encouraged the creation of the Nuclear Suppliers Group (NSG) in 1974, but also tightened the American law with the Nuclear Nonproliferation Act in 1978\(^{309}\). The NSG, “as a primary anti-proliferation mechanism”\(^{310}\), was aimed at strengthening the export control. It obliged its 45 members to pursue specific guidelines. Moreover, it was setting up by taking into account the following principle: «only NPT parties or other states with comprehensive ("full-scope") safeguards in place should benefit from nuclear transfers»\(^{311}\). Starting from that moment, the new non-proliferation system put Washington and New Delhi at odds for more than thirty years\(^{312}\).

Nevertheless, what events or, more properly, what considerations led to the July 18, 2005 India-US Joint Statement, officially transformed into the Civilian Nuclear Cooperation Agreement in December 2008?

In July 2005, Prime Minister Singh and President Bush convened in Washington in order to establish a “global partnership”, in the framework of the Next Steps in Strategic Partnership (NSSP) launched in 2004, based on the recognition of “common values and interests”\(^{313}\) between the two countries: «India’s strong commitment to preventing WMD proliferation and stated that as a responsible state with advanced nuclear technology, India should acquire the same benefits and advantages as other such states»\(^{314}\).


\(^{306}\) «In 1971, New Delhi and Moscow signed a treaty of “peace, friendship, and cooperation” under which the two parties promised to aid one another in the event of a perceived military threat». As quoted in S. Paul, Kapur and Sumit, Ganguly, 2007, p. 644: For a discussion on the politics surrounding the treaty, see Robert, Horn, Soviet-Indian Relations Issues and Influence, New York, Praeger, 1982.


\(^{308}\) Ashley J., Tellis, 2015, p. 13.

\(^{309}\) K. Alan, Kronstadt, Paul K., Kerr, Michael F., Martin, and Bruce, Vaughn, 2011, p. 79.

\(^{310}\) William C., Potter, 2005, p. 349.

\(^{311}\) William C., Potter, 2005, p. 344.

\(^{312}\) Ashley J., Tellis, 2015, p. 13.


\(^{314}\) Ibidem.
What about the 30-year period in which the US was engaged in strengthening the non-proliferation regime? Moreover, in order to accommodate India into the system, Bush: «would also seek agreement from Congress to adjust US laws and policies and United States will work with friends and allies to adjust international regimes to enable full civil nuclear cooperation and trade with India»\(^{315}\).

Described as a “fatal error” for the non-proliferation regime, the US-India nuclear deal could not only have a domino effect for those parties of the NPT exasperated by its have-nots status but also, it could make the NPT nothing more than an “anachronism”\(^{316}\). Ergo, it is no longer acceptable to reward a state that was outside of the NPT and possessed nuclear weapons: «the deal gave India benefits that the non-nuclear armed states felt devalued their virtue»\(^{317}\). Basically, the deal demonstrated that the «non-proliferation objectives have been subordinated to other US foreign policy considerations»\(^{318}\).

According to the Joint Statement, India was required to arbitrarily separate its civilian and military facilities, to put the former voluntarily under IAEA safeguards, to sign and adhere to an Additional Protocol\(^{319}\) with respect to the civilian facilities, and to work with the US for the conclusion of a multilateral Fissile Material Cut Off Treaty\(^{320}\). Specifically, the separation plan implied for India to move 14 of its 22 reactors into permanent international oversight by the year 2014 and place all future civilian reactors under permanent safeguards\(^{321}\). In December 2006, due to Bush’s “ill-considered” arguments at the basis of the nuclear deal, the Congress set up the United States-India Peaceful Atomic Energy Cooperation Act, known as the “Hyde Act”, with the aim to hold the Bush administration to the “set of core conditions and limitations”\(^{322}\) to the so-called “123 Agreement” issued from the Joint Statement of the July 2005. Beyond all the vicissitudes that characterised the relationship between the US Congress and Bush (with other powerful figures) in Washington, the “123 Agreement” entered into force in 2008. At the same time: «what began as an obscure, albeit revolutionary, quest by a handful of driven individuals in Washington and New Delhi, ended up as an agreement by the 45 members of the NSG to exempt India from non-proliferation rules that are supposed to remain applicable to all other states»\(^{323}\).

Perhaps it would not be a “non-proliferation disaster of historic proportions”\(^{324}\) if, both countries negotiated on the one hand, toward the adoption of two of the more relevant arms control measures for ending the nuclear arms race and undertaking practical steps for nuclear disarmament: the CTBT and to end production of fissile materials for nuclear weapons; and

\(^{315}\) Joint Statement on India-USA Civil Nuclear Co-operation, 18 July 2005.

\(^{316}\) Adil Sultan Muhammad, 2006, p. 3.


\(^{318}\) William C., Potter, 2005, p. 344.

\(^{319}\) To be precise, India signed the Additional Protocol on May 15, 2009 and ratified it “as early as” July 25, 2014.

\(^{320}\) The treaty has not been negotiated and its terms remain to be defined. The Nuclear Threat Initiative (NTI), Treaties & Regimes, Proposed Fissile Material Cut Off Treaty (FMCT), available at http://www.nti.org/treaties-and-regimes/proposed-fissile-material-cut-off-treaty/.

\(^{321}\) K. Alan, Kronstadt, 201 p. 35.

\(^{322}\) Including termination of assistance upon an Indian nuclear test, permanent and unconditional safeguards on civilian Indian facilities, and prohibitions on reprocessing and enrichment technologies. K. Alan, Kronstadt, p. 37.

\(^{323}\) George, Perkovich, 2010, p. 20.

\(^{324}\) K. Alan, Kronstadt, 2009, p. 43.
on the other, to bring India “into the non-proliferation mainstream”. Nothing of the kind took place. In addition, India remained firm in demanding “clean and unconditional exemption”\textsuperscript{325} from the NGS and to strongly indicate the intention of increasing its nuclear weapons stockpile. The US, accordingly, did not care about Congress’ judgement of the deal as “unwise and inappropriate”\textsuperscript{326} and continued to pursue its own strategic interests, namely, “India-as-counterweight-to-China”\textsuperscript{327}.

Beyond the structural, domestic and individual leadership factors described by Kapur and Ganguly\textsuperscript{328} that brought to a convergence between India and the US (basically the global reconfiguration after the Cold-War), Potter\textsuperscript{329} ultimately suggested that, the 2005 Joint Statement marked a watershed in the non-proliferation discourse. Indeed, after 30-years of theoretical commitment to strengthen the NPT and the overall non-proliferation regime, the Bush administration considered that the «nuclear proliferation was both inevitable and not necessarily a bad thing»\textsuperscript{330}.

Essentially, no substantial changes occurred with the advent of the Obama administration. As early as June 2010, President Obama reengaged in US-India Strategic Dialogue by framing this “trusty” link as “a defining partnership in the 21\textsuperscript{st} century”\textsuperscript{331}. Nonetheless, the US-India ties have resulted in years of “a lot of rhetoric but very little substantive movement”\textsuperscript{332}. Both Indian reluctance to take its own responsibilities at global level\textsuperscript{333} and the US’ need to obtain “minimal obligations of reciprocity”\textsuperscript{334}, that can finally be overcome by strategic interests in the region, make their relation nothing more than “a desire to save face - the desire to be seen as full and credible partners”\textsuperscript{335} because of their own advantages: «Because the difference in relative power between the United States and India will persist for a long time to come […] together are most aptly characterized as “unity in difference”»\textsuperscript{336}.

This “exceptional” treatment reserved to India not only perpetuates the already weak credibility of the NPT and, in general, of the non-proliferation regime but also, triggers particular mechanisms according to which some countries could assert “You did it for India”\textsuperscript{337} or expect to receive the same favouritism India had. As some North Koreans pointed out: «The point is not about North Korea. It is that when US decides that it wants to treat

\textsuperscript{325} K. Alan, Kronstadt, 2009, p. 42.
\textsuperscript{326} Ibidem, p. 44.
\textsuperscript{327} Adil Sultan Muhammad, 2006, p. 21.
\textsuperscript{328} S. Paul, Kapur and Sumit, Ganguly, 2007, pp. 643-653.
\textsuperscript{329} William C., Potter, 2005, pp. 345-346.
\textsuperscript{330} Ibidem, p. 343. Moreover, these assumptions take into consideration the “Axis of Evil” rhetoric, the friends and foes remarks, and the distinction between bad and good proliferators. All of these concepts results evident in the 2002 NNS deeply analysed in the second chapter of this work.
\textsuperscript{332} Ibidem, p. 3.
\textsuperscript{333} India demands to be recognised as a global power without ultimately commit itself to exert the power that it implies.
\textsuperscript{334} Ashley J., Tellis, 2015, p. 21.
\textsuperscript{335} Ibidem, p. 36.
\textsuperscript{336} Ibidem, p. 34.
\textsuperscript{337} George, Perkovich, 2010, p. 28.
another state differently, it can do so. You decided India was your friend, so you did what it wanted. That’s the issue»338.

What it is important to understand is that the case of India should not be viewed as a precedent to follow, especially for those states that violate their international non-proliferation obligations. Assumed that the non-proliferation rules are weak, the remedy should not lie in stopping enforcing them. Nevertheless, this is not an easy task, since “none of the world’s major players is innocent”339. As long as economic or political imperatives will overshadow the international norms, when the next case arises, the temptation to say: «Well, we did it for India and for Iran, why not for X?»340 will perhaps prevail.

III.2.3 “A Loveless Arranged Marriage”341: the EU-India Relations

The EU and India relations started in the early 1960s. As the September 2005, Joint Plan of Action remarks, it was on the occasion of the Hague Summit on 8th November 2004 that the EU-India relationship was elevated to the level of a “Strategic Partnership”342. However, since then, neither particular improvements nor concrete results have been achieved. Fundamentally, India still sees the EU as “an economic giant and a political dwarf”343. Despite the fact that the two countries consider each other “natural partners”344 and the EU is India’s largest trading partner, India rejects to have other links except trade with Europe. The vital point here is that the two countries fail to acknowledge each partner’s individual realities and, as a consequence, the relationship remains at a dead-end street.

Adopting this context, the EU’s approach to the “nuclearisation” of India was all but resolute. In the aftermath of the 1998 Indian/Pakistani nuclear tests, while Americans imposed sanctions, Europeans were not only not homogeneous in the response, but they also limited their actions to make some declarations condemning the tests and inviting both countries to join the NPT and the CTBT345. Specifically, while countries like Denmark, Germany and Sweden interrupted their development aid for India, others like France and Spain abstained from any measures beyond condemnation because of the belief that India, as non-signatory of the NPT, did not have the obligation to avoid acquiring nuclear weapons346.

Concretely, the Council of the European Union adopted two declarations on 25 May and 8-9 June 1998347, the European Parliament issued a Resolution on 19 June 1998, and a Common Position was finally delivered in October348. Beyond promoting non-proliferation

338 George, Perkovitch, 2010, p. 28.
339 Ibidem, p. 29.
342 Council of European Union, Joint Action Plan, The EU-India Strategic Partnership, 11984/05 (Presse 223), Brussels, 7 September 2005, p. 2.
345 Clara, Portela, 2003, p. 15.
and the adoption of confidence-building measures, the European Union did not conceive reactive or purposeful proposals.

The European approach to India as a de facto nuclear power was, in the end, ineffective under several aspects.

First of all, as pointed out in the previous chapters, the level of engagement of the EU in non-proliferation crises is finally proportional to, on the one hand the geographic proximity of the region into consideration and, on the other, the specific interests of the individual Member States. Therefore, the Southern Asia region did not concern the EU directly and the different views of its Member States impeding a determined strong action. Moreover, there is an evident inclination of the EU to basically follow the US or to adequate itself to its posture: «in most cases EU responses endorse US efforts or complement them with other means»349.

Secondly, as far as the Strategic Partnership is concerned, even if the 2005 Joint Action Plan envisaged to deep political dialogue and cooperation, inter alia, in the field of “Disarmament and Non-Proliferation of WMD” by contemplating also “pooling all efforts and resources”350 as well as set “effective export control measures”351, it possibly remains not so credible and scarcely binding. In other words, for a global player that strongly commits itself to enhancing the universal adherence to the NPT and to the other international non-proliferation mechanisms, it is quite impossible to show coherence by accepting that «one of its strategic partners remains outside the treaty’s remit»352. As usual, something between the rhetorical and the practical levels does not work as it should. As a result, the «EU’s gradual and tacit accommodation of India’s arguments»353 paved the way to criticisms and debates about the validity of the EU’s discourse on non-proliferation, and the overall credibility of a system that, “rewards non-compliance”354 and subordinate non-proliferation objectives over strategic foreign policy, economic, or political interests.

Thirdly, both the nuclear issue and the Strategic Partnership focus on one of the major limits of the EU: to speak with one single voice. As highlighted, different interests and views impeded the EU to manage the 1998 May nuclear tests as a unitary actor with a coherent and comprehensive strategy. Essential to say, for instance, France and United Kingdom not only have a bilateral agreement with India, but they also support the Obama endorsement of a UNSC permanent seat for the country355. In the same regard, specifically France signed a Framework Agreement on Civil Nuclear Cooperation with India on September 30, 2008. On the other hand, in the case of the Strategic Partnership, the fragmentary status of the EU affects the India’s perception of its “interlocutor”. In other words, India prefers to make accords bilaterally with single powerful EU Member States and does not see the EU as a “credible political actor”356. The Partnership, therefore, appears to be one “of the most static and disappoint of such accords”357 in which the respective attractiveness of the two sides

---

349 Clara, Portela, 2003, p. 20.
351 Ibidem.
352 Thomas, Renard, 2013, p. 16.
354 Thomas, Renard, 2013, p. 16
355 Gauri, Khandekar, 2011, p. 3.
357 Ibidem.
make their union inevitable but such as a “loveless arranged marriage”\textsuperscript{358}. A summit-based relationship that, in the more recent versions of the 2005 Action Plan (one in 2006 and another in 2008 that revises the latter), offers a roadmap for development, political and economic cooperation but that, ultimately, fails to include implementations means for an “exhaustive wish list”\textsuperscript{359}. The bottom line is that, as highlighted at the beginning of the chapter, India seems interested in just material-benefit relations and the EU neither is credible nor is powerful and therefore, it is not placed in the realm of the Indian preferential ties with the West.

Last but not least, the only tool that could effectively show the effectiveness of the EU in its relationship with India, the \textbf{Non-Proliferation Clause}, ultimately proves to be the most controversial issue. As already noted, the Council of the European Union adopted the non-proliferation clause in November 2003, as a result of a “stick and carrot policy” delivered in the June 2003 Action Plan for the Implementation of the Basic Principles. Fundamentally, for the sake of pragmatically endorsing the non-proliferation commitment, the EU proposed to insert the clause in «all new, renewed, or revised mixed agreements between the EU and the non-EU states»\textsuperscript{360}, i.e. the third countries\textsuperscript{361}. The EU started to negotiate a Free Trade Agreement (FTA) with India in April 2007 and as early as September 2007, it showed the willingness to negotiate a Partnership and Cooperation Agreement (PCA) in order to add the non-proliferation clause. However, India still rejects the clause as a symbol of “Western preaching”\textsuperscript{362} and the EU has ultimately accepted to this position\textsuperscript{363}. Moreover, India has specified that «it will not accept any attempt by the EU to influence its national policies by means of the WMD clause»\textsuperscript{364}. Therefore, to what extent will this European attitude toward India affect the whole non-proliferation system? The exceptional European treatment towards India raises speculation about the ambiguous character of the EU that, for the preservation of economic and trade interests, abandons its principle that «all new cooperation arrangements with third countries must be tied to non-proliferation commitments»\textsuperscript{365}. All things considered, “the most threatening scenario”, in this case, could actually be Annalisa Giannella’s suggestion about the creation of a “terrible double standard”: «If we adopt for India an approach different from the approach we adopt with other countries, I think we would abandon altogether the idea of having a WMD clause with third countries»\textsuperscript{366}.

\textsuperscript{358} Gauri, Khandekar, 2011, p. 1.
\textsuperscript{359} \textit{Ibidem}, p. 3.
\textsuperscript{360} Lina, Grip, 2009, p. 1.
\textsuperscript{361} The non-proliferation clause was structured into two parts: the first, conceived as a “essential element”, and the second, comprehended of “additional commitments” considered on a case by case basis. To deepen, Lina Grip 2009 and 2014; Gerrard, Quille, 2008, p. 10.
\textsuperscript{363} Lina, Grip, 2014, p. 10.
\textsuperscript{364} Lina, Grip, 2009, p. 19.
\textsuperscript{365} \textit{Ibidem}, p. 11.
\textsuperscript{366} As quoted in Lina, Grip, 2009: EU aide worried by calls to drop India WMD clause, Reuters, 2 Mar. 2007.
III.3 Confuting Hypotheses

The qualitative analysis carried out has empirically demonstrated that the hypotheses charted in the second chapter of the present work are ultimately false.

On the whole, both India and Iran are two of the most epitomised cases of global non-proliferation concern because of the “special” treatment that the EU and US have bestowed upon them. The postures adopted by the two countries not only risk constituting an irreparable “blow” to the NPT but also, to triggering a vicious circle according to which “the less you respect the international norms, the more the international community (or, at least, the EU and US) will reward you”. The non-compliance cases, therefore, will create an atmosphere of general distrust that makes the system increasingly ineffective and less credible.

On the one hand, the Iranian case shows how both the EU and US have failed, principally, for not having drafted comprehensive doctrines that should respect what the international proliferation regime dictates and should outline what the practical steps to achieve the ultimate goals are.

On the other, the greater mistake in the Indian case was privileging strategic national interests over international regimes. By amending national law and by seeking to arrange the global non-proliferation system in order to accommodate a country that, a priori, rejects it, the United States have manifested little coherence between what theories say and what practices do. The EU, in the same way, has proved to still be a fragmented actor constrained by both the diversity of positions of its Member States and the weight of its transatlantic link.

Conclusively, as the empirical evidence testifies, until now, both the EU and the US deal with non-proliferation by means of exceptionalisms, double standard practices and case-by-case approaches. “The dream for an equitable international order”\(^{367}\) seems to be, finally, nothing more than an idealistic chimera.

\(^{367}\) Ashley, Tellis, 2015, p. 12.
Conclusions and Recommendations

Since its inception, the specific aim of this work has been to answer the following research question: Is there a European Union’s and a United States’ doctrine against the proliferation of WMD? Definitely not.

In the light of what has been analysed and examined, it seems that neither the EU nor the US approach to non-proliferation of Weapons of Mass Destruction work through the lens of comprehensive doctrines or overarching strategies. However, what has been ascertained is that the “tipping point” lies in the lack of coherence between what is stated and what is implemented. Theoretically speaking, both players appear strongly committed to the fight against the proliferation of WMD and both consider this threat one of the greatest security challenges in the world. Practically speaking, a plethora of hidden agendas dictated by several strategic national considerations make the promising discourses nothing more than “kind words”.

As far as the establishment of a doctrine against the proliferation of WMD is concerned, this research study has proved that it is possible to make a distinction between the EU and the US discourses. At the American level, it has been claimed that the so-called doctrines turns out to be a typical feature of the US national foreign policy. Precisely, they refer to specific principles outlined for the conduct of foreign policy. However, since these documents can be changed at any time according to the willingness of a state, it seems that, more than being doctrines to influence the way of acting of a state, states accommodate doctrines in order to legitimise their particular foreign policy considerations. At the European level, there is no evidence of a doctrine as such, and the most important official document seen as the backbone of the EU non-proliferation policy, the 2003 Strategy, dating back 12 years, absolutely needs to be refreshed, since the context and many assumptions pointed out have mutated. Therefore, it appears quite clear that the major obstacle lies in the principle itself. As long as doctrines are conceived as political instruments to impose national prerogatives in the international arena, a non-proliferation doctrine will not be elaborated because of the horizontal nature and the global prominence of WMD proliferation concern. In order to counter this global threat, global action is required and, therefore, the document that should outline the principles to follow for the achievement of this goal must be in line with the existing international law and norms even if this means subordinating proper strategic interests.

The literature review in the first chapter has stressed that a substantial number of actors turns out to be involved in deterring the spread of nuclear weapons and to strengthen the three pillars of what has been defined as the cornerstone of the global non-proliferation regime: the Non-Proliferation Treaty. In this framework, the technical work carried out by the International Atomic Energy Agency (IAEA) and the international political commitment put forward by the United Nations, in particular through the Resolution 1540, stand out. Furthermore, even if a plethora of states are engaged in preventing proliferation, the EU and the US are prominent, in theory, because of their manifest commitment to promoting the enforcement and the respect of the international non-proliferation mechanisms.
The theoretical framework in the second chapter has provided a comparative analysis of the EU and US discourses on non-proliferation by assessing that, eventually, even if their strategies converge on the threats, the divergences in the perception of reality, in the identification of priorities and in the use of the means at their disposal remain. Furthermore, constraining factors, such as institutional limits, rhetorical vagueness, political will, and economic imperatives have been identified as the main obstacles to the establishment of comprehensive doctrines against non-proliferation of WMD.

The empirical studies in the third chapter have given concrete proof of what had been theorised. Both the Indian and Iranian cases have pragmatically demonstrated that not only the non-proliferation norms are all but effective but also, the EU and the US have mainly failed for the lack of unified policies and coherent strategies in their vis-à-vis approach with the countries. The former, by referring to a non-signatory party of the NPT but in possession of nuclear weapons, shows how “blinding eye practices” and “exceptionalisms” are tolerated for the sake of strategic economic (the EU) and geopolitical (the US) interests. The latter, by dealing with a signatory party of the NPT challenging the norms through non-compliance, testifies that “double standard approaches” and little toleration for lawbreakers is proportional to the national considerations of the stakeholders involved: either for achieving international recognition as a global actor (the EU) or for maintaining the status quo as a superpower (the US).

Although the Iranian situation, as an open-ended case, offers a window of opportunity for reconciliation, the vital point here is that rapprochement will be, again, guided by political considerations according to which the status quo, basically, could not continue.

**Recommendations**

Taking the whole research into account, it is possible to suggest some points that should be promoted in possible comprehensive doctrines against the proliferation of WMD and that could enhance their setting up.

- Not only should the compliance with the NPT obligations and the other international non-proliferation regimes be strengthened, but also the commitment to achieving the universality of such a global system must be a priority.
- The Nuclear Weapons States (NWS) have to seriously endorse the “Practical Steps towards nuclear disarmament” in order to reaffirm the “Grand Bargain” at the basis of the NPT. The three NPT pillars possess the same weight and disparities in treatment between the NNWS and NWS should be avoided in order to prevent the system from collapsing.
- The IAEA should be reinforced, on the one hand, by putting the exclusion from nuclear activities as the conditio sine qua non for every state that has not adhered to either the NPT nor to the IAEA Safeguards Agreements (including the Additional Protocol); and on the other by strengthening its verification mechanisms for non-compliance.
The United States Security Council should bolster its “primary responsibility” position by activating effective control systems and by concretely penalising those who do not respect the Resolution guidelines.

The Nuclear Suppliers Group should reapply the initial presumption for which “only NPT parties or other states with comprehensive (“full-scope”) safeguards in place should benefit from nuclear transfers” in order to avoid double standard practices.

The European Union should clearly identify what its objectives ultimately are and specifically what means it wants to use to effectively “prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide”. Firstly, it must speak with one single voice. For this reason, further institutional reform has to be made: the intergovernmental nature of the non-proliferation policy should be replaced by the Communitarian one. Secondly, Member States have to be less reluctant and more prone to give the EU the benefit of the doubt, and all actors involved must work together by prioritising synergies over compromises. Finally, both the 2003 WMD Strategy and the Non-proliferation clause must be revised in order to reformulate the documents in light of the current situation.

The United States have to promote the universality of the NPT and no longer just its adherence and its respect. They must endorse their role as the most powerful state in the world by being the model to follow rather than the exception to the rule. Apropos of this, they must ratify the Comprehensive Test Ban Treaty and advance the work for the setting up of the Fissile Material Cutoff Treaty.

Both the EU and the US must acknowledge that global threats require common approaches; therefore, not only should they cooperate in agreeing on the matter, but they must also draft similar non-proliferation doctrines as well as establishing a lexicon of commonly used terms in order to effectively interact with one another and firmly implement the guidelines theorised.

Whilst all the aforementioned proposals seem to be utopian in nature, unless the international system is reformed in a way similar to this, the non-proliferation of WMD risks remaining a “labyrinthine” issue.

Such an existential threat to all humankind should no longer be handled by a few states as a national security matter to the detriment of the security interests of the vast majority of state.\(^{368}\)

---

\(^{368}\) Alexander, Kmentt, 2013, p. 10.
Bibliography

Official Documents


Conclusions of the 2104th General Affairs Council meeting of 8–9 June 1998.


Council Joint Action 2006/419/CFSP of 12 June 2006; Council Joint Action 2008/368/CFSP.


Council of European Union, Joint Action Plan, The EU-India Strategic Partnership, 11984/05 (Presse 223), Brussels, 7 September 2005.

Council of the European Union, “Fight against the proliferation of weapons of mass destruction: mainstreaming non-proliferation policies into the EU’s wider relations with third countries”, Council Note, 14997/03, 19 November 2003.

Council of the European Union, Concept paper on monitoring and enhancing consistent implementation of the EU Strategy against the proliferation of WMD through a WMD Monitoring Center, 16694/06, Brussels, 12 December 2006.


European External action Service (EEAS), Six-monthly progress report on the implementation of the EU strategy against the Proliferation of Weapons of Mass Destruction 2014/II. Official Journal of the European Union, C41/1, 5 February 2015.


General Affairs and External Relations, 2518th Council Meeting, External Relations, 10369/03 (Presse 166), Luxembourg, 16 June 2003.


United Nations, UN Security Council Resolution 1540.

**Scientific Articles**


Esfandiary, D., 2013. Assessing the European Union’s sanctions policy: Iran as a case study. EU Non-Proliferation Consortium, Non-Proliferation Papers, No.34, pp. 1-12.


Meier, O., 2013. European efforts to solve the conflict over Iran’s nuclear programme: how has the European Union performed? *EU Non-Proliferation Consortium, Non-Proliferation Papers*, No.27, pp. 1-22.


Meredith, S., 2013. The Nuclear Program of Iran - Where to From Here? *RAAF Centre for Defence and Strategic Studies, Shedden Papers, Australian Defence College*, pp. 1-42.


**Sitography**


Annalisa, Giannella, Presentation given to the EU Non-Proliferation and Disarmament Conference, Brussels, 4 February 2012. Available at http://www.nonproliferation.eu/documents/firstconference/annalisagiannella.pdf.


