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Yes, we can? Europe responds to the crisis of multilateral arms control

GLOBAL SECURITY
POLICY BRIEF

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The European Leadership Network (ELN) is an independent, non-partisan, pan-European network of nearly 200 past, present and future European leaders working to provide practical real-world solutions to political and security challenges.

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Over the last four years, Europeans have been facing the fundamental challenge of Russia and the United States turning away from, or even against, arms control.

By definition, Europeans can have little impact on the progress of bilateral Russia-U.S. arms control. In facing the crisis of multilateral arms control regimes, however, Europe has begun to find its voice in countering great power recalcitrance. Europeans increasingly focus on their own interests, speak plainly, co-operate on the preservation of arms control—even when it means dealing with difficult partners—and strive to develop their own policy instruments to address arms control deficiencies.¹

To be sure, with Joe Biden moving into the White House, transatlantic cooperation on preserving and strengthening multilateral arms control will become easier. Nevertheless, there are a number of reasons why Europeans would be well advised to preserve and build on progress they made during the Trump years towards a more autonomous arms control policy. At least initially, the Biden administration is likely to be preoccupied with addressing a multitude of domestic problems.

“Over the last four years, Europeans have been facing the fundamental challenge of Russia and the United States turning away from, or even against arms, control.”

On foreign and security policies, including arms control, the next US administration is unlikely to simply revert to the pre-Trump status quo but will have take changed circumstances into account. Last but not least, it is quite possible that Donald Trump is not the last populist in the White House.² Europeans will keep in mind that the election of Joe Biden marks the fourth successive radical shift of America’s foreign policy. Others may follow.

Thus, Europe should continue to strive for greater strategic autonomy even if reason returns to the White House. Such a pursuit of the ability to act more independently, however, should not only aim at greater European capacities for defence and military interventions. Given Europe’s economic and political powers, it must also include greater capabilities to strengthen diplomacy, including Europe’s pursuit of effective

1. This policy brief is a translation, updated and expanded version of Meier, Oliver, “Yes, we can? Europäische Antworten auf die Krise der Rüstungskontrolle”, Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg. Hamburg (IFSH Policy Brief, 07/20), September 2020, https://ifsh.de/file/publication/Policy_Brief/20_07_Policy_Brief.pdf.

2. Acemoglu, Daron, “Trump Won’t Be the Last American Populist”, Foreign Affairs Magazine, 6 November 2020, <https://www.foreignaffairs.com/articles/united-states/2020-11-06/trump-wont-be-last-american-populist>.

arms control, disarmament and non-proliferation regimes. Such a sustainable European policy to strengthen multilateral arms control agreements will require additional and sometimes difficult steps. But Europeans can take courage from some of their achievements of the last four years, made under extremely difficult circumstances.

“A sustainable European policy to strengthen multilateral arms control agreements will require additional and sometimes difficult steps.”

For European supporters of arms control, dealing with obstinate superpowers is hardly a new problem. Only seldom have all permanent members of the Security Council lived up to their special responsibilities for upholding disarmament, arms control and non-proliferation regimes.

The US rejection of multilateral arms control during the George W. Bush administration constituted the first endurance test for arms control after the end of the Cold War. Those European nations which backed global co-operation on non-proliferation and disarmament of weapons of mass destruction (WMDs) weathered this period by playing for time, prioritizing secondary instruments and accommodating Washington, particularly on supply-oriented non-

proliferation instruments such as export and technology controls.³

At the time, Washington proclaimed the divide between “old” and “new” Europe. Indeed, it were just a few countries that led the way in strengthening multilateral regimes and thus set the pace for the rest of Europe. The prime example: after the United States occupied Iraq in 2003 under the guise of WMD disarmament, Germany, France and Great Britain, despite fierce opposition from Washington, paved the way for a diplomatic solution to the conflict over Iran’s nuclear programme.⁴ Subsequently, in December 2003, the EU adopted its first security strategy and used the slogan “effective multilateralism” to label its disarmament and non-proliferation policies.⁵ The EU then

3. Daase, Christopher; Meier, Oliver, “The changing nature of arms control and the role of coercion”, Oliver Meier/ Christopher Daase (eds), Arms control in the 21st century. Between coercion and cooperation, New York: Routledge, 2012, pp. 233–241.

4. Meier, Oliver, “European efforts to solve the conflict over Iran’s nuclear programme: how has the European Union performed?”, Non-Proliferation Consortium (Non-Proliferation Papers, 27), 2012, <http://www.nonproliferation.eu/documents/nonproliferationpapers/olivermeier51191b5bdb350.pdf>.

5. Council of the European Union, “A Secure Europe In A Better World. European Security Strategy”, Brussels, 10 December 2003, <https://europa.eu/globalstrategy/en/european-security-strategy-secure-europe-better-world>, zuletzt aktualisiert am 12.12.2003.

joined, chaired and brought to a successful conclusion the nuclear negotiations with Iran.

At the same time, the limits of European arms control engagement became obvious. Europeans were unable to counter effectively Russia's rejection of conventional arms control, which began in 2008. The EU lacked the instruments and persuasive power to convince Moscow of the value of co-operative arms control. European multilateralists, such as Germany, could only watch from the sidelines as the architecture of bilateral US-Russian arms control was dismantled. Barack Obama's "reset" of relations with Moscow in 2009 did nothing to fundamentally change this problem.

Transatlantic co-operation in strengthening multilateral arms control regimes improved during the Obama administration. However, the EU failed to recalibrate its own list of goals. The 2016 "A Global Strategy for the European Union's Foreign And Security Policy" remained focused on improved implementation and universalisation of existing global instruments.⁶ Against the backdrop of internal divisions, such as those between the nuclear

weapon state France on the one side and disarmament proponents such as Ireland and Austria on the other side, the strategy moved away from ambitious arms control goals such as fostering new agreements.

Russia and the United States as Anti-Multilateralists

Russia's annexation of Crimea in 2014 and Donald Trump's election as US President marked the beginning of a new phase of European arms control policy. Over the last five years, the conflicts between the United States and Russia as well as between China and the United States have increasingly affected multilateral regimes.

Russia has weakened the Chemical Weapons Convention (CWC) by backing Syria politically and militarily, despite the fact that the Assad regime since 2012 has used chemical weapons against its own population.⁷ From Europe's perspective, the Kremlin crossed another red line when, in Russian intelligence officers in March 2018 used the nerve agent Novichok to assassinate the former double agent Sergei Skripal in the British town Salisbury.⁸ The fact that China

6. European Union, "Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign And Security Policy", Brussels, June 2016, https://eeas.europa.eu/sites/eeas/files/eugs_review_web_0.pdf.

7. Schneider, Tobias; Lütkefend, Theresa, "Nowhere to Hide. The Logic of Chemical Weapons Use in Syria", Global Public Policy Institute. Berlin, February 2019, https://www.gppi.net/media/GPPI_Schneider_Luetkefend_2019_Nowhere_to_Hide_Web.pdf.

8. "Salisbury: What we know a year after the Skripal poison attack", Deutsche Welle, 4 March 2019, <https://www.dw.com/en/salisbury-what-we-know-a-year-after-the-skripal-poison-attack/a-47757214>.

“Europe appears to have found its step, and has been able to ensure the immediate survival of the Iran nuclear deal and the Open Skies Treaty.”

is providing political cover to prevent Russia’s isolation on the international stage further aggravates the situation.

At the same time, the United States under the Trump administration actively turned against multilateral arms control. In May 2018, Washington withdrew from the Iran nuclear deal in order to economically strangle Tehran through a range of unprecedented sanctions.⁹ The Trump administration has been using every lever available to derail the nuclear agreement.

In May 2020, Washington announced its intent to withdraw from the Open Skies Treaty, too.¹⁰ In doing so, the Trump administration ignored the interests of its allies, who remain deeply invested in maintaining the treaty as a trust-building instrument vital to European security.¹¹

The Europeans initially reacted to the dismantling of multilateral instruments with hesitation and much handwringing. They again tried to play for time, hoping to convince the Trump administration of the irrationality of its actions. At the same time, Europe aligned itself with Washington when it came to criticising and sanctioning Russian noncompliance with arms control treaties. Berlin and Brussels also attempted to persuade China to become more involved in arms control. None of these approaches, however, caused the three veto powers to adopt a more constructive attitude towards multilateral arms control. To the contrary, the shift towards more nationalistic and militaristic policies in Moscow, Beijing and Washington continued uninterrupted.

European Policy Changes

Meanwhile, European policy responses to the superpowers’ retreat from multilateral arms control have become increasingly confident. Europe appears to have found its step, and has been able to ensure the immediate survival of the Iran nuclear deal and the Open

9. Mark Landler, “Trump Abandons Iran Nuclear Deal He Long Scorned”, The New York Times, 8 May 2018, <https://www.nytimes.com/2018/05/08/world/middleeast/trump-iran-nuclear-deal.html>.

10. Kingston, Reif; Bugos, Shannon, “U.S. to Withdraw From Open Skies Treaty”, Arms Control Today, June 2020, <https://www.armscontrol.org/act/2020-06/news/us-withdraw-open-skies-treaty>.

11. Bell, Alexandra; Richter, Wolfgang; Zagorski, Andrei, “How to fix, preserve and strengthen the Open Skies Treaty”, Deep Cuts Commission, (Deep Cuts Issue Brief, 9), March 2020, https://deepcuts.org/files/pdf/Deep_Cuts_Issue_Brief_9-Open_Skies_Treaty.pdf.

“Four characteristics of Europe’s response to great power obstinacy over the last four years can be identified”

Skies Treaty.¹² These reactions also carry the potential for an independent, sustainable European arms control policy. Four characteristics of Europe’s response to great power obstinacy over the last four years can be identified:

First, the Europeans are increasingly prioritizing their own security interests. Thus, they emphasise the negative effects of a US withdrawal from the Open Skies Treaty on European security. So far, no European country has followed the United States by withdrawing from the treaty. Europeans argue that US accusations of Russian non-compliance with the

Open Skies accord should be reason to work towards a clarification of the facts and a strengthening of existing regulations.¹³ The transatlantic repercussions of a policy so critical of Washington, by contrast, have receded into the background. This gives Europe more space to manoeuvre politically.

Second, Europeans are calling out treaty violations. Europe has responded forcefully to Russian noncompliance with the CWC, including through the co-ordinated expulsion of Russian diplomats and sanctioning Moscow because of its use of Novichok to poison opposition politician Alexei Navalny.¹⁴ But Europeans also criticise openly US violations of international norms and rules. In late June, Christoph Heusgen, German Ambassador to the United Nations, stated with unusual acerbity before the Security Council that Washington’s withdrawal from the Iran deal was a violation of international

12. “Joint statement by the Foreign Ministers of France, Germany and the United Kingdom”, France Diplomacy, 20 September 2020, <https://www.diplomatie.gouv.fr/en/country-files/iran/news/article/iran-jcpoa-joint-statement-by-the-foreign-ministers-of-france-germany-and-the>; “Statement of the Foreign Ministries of Belgium, Czech Republic, Finland, France, Germany, Greece, Italy, Luxemburg, Netherlands, Portugal, Spain and Sweden on the announcement by the US to withdraw from the Open Skies Treaty”, 22 May 2020, <https://www.auswaertiges-amt.de/en/newsroom/news/joint-declaration-open-skies/2343892>.

13. Graef, Alexander, “Saving the Open Skies Treaty: Challenges and possible scenarios after the U.S. withdrawal”, European Leadership Network. London (Policy Brief), September 2020, <https://www.europeanleadershipnetwork.org/wp-content/uploads/2020/09/22092020-AGraef-ELN-OST-Policy-Brief.pdf>.

14. Council of the European Union, “Council Implementing Regulation (EU) 2020/1480 of 14 October 2020 implementing Regulation (EU) 2018/1542 concerning restrictive measures against the proliferation and use of chemical weapons”, Brussels, 15 October 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R1480&from=EN>.

law.¹⁵ And the EU rejected the US's illegitimate attempt to extend the UN arms embargo on Iran. Europe thus played a key role in preventing a misuse of international regulations by the Trump administration. In this way, Europe's position gains legitimacy, especially among non-Western nations.

Third, Europe is willing to delink debates on arms control and disarmament from controversies on other issues. In doing so, Europe recalls one of the central lessons of the Cold War period; namely that, particularly in times of international tension, it can be good policy to engage in arms control in order to prevent unnecessary arms races and diffuse tensions. Conflicting interests and other differences notwithstanding, Germany, France and the United Kingdom, are willing to implement the Iran deal with Moscow and Beijing but without the United States. Europeans also appear so far willing to implement the Open Skies Treaty past 22 November 2020, when the US withdrawal would come into effect. The Europeans could thus, at least on arms control, sidestep the unidimensional US policy of coercing geopolitical opponents through maximum pressure. This flexibility

“Europe is willing to delink debates on arms control and disarmament from controversies on other issues.”

provides Europeans with additional policy options.

Fourth, Europeans are developing their own arms control policy solutions and are already implementing some of these concepts. The German Federal Foreign Office-supported project “Capturing Technology. Rethinking Arms Control” seeks answers to the technological challenges faced by arms control.¹⁶ Of still greater importance is the fact that Europeans are passionately engaged in providing the Organisation for the Prohibition of Chemical Weapons (OPCW) with new instruments to investigate and identify those responsible for chemical weapons attacks, so that the perpetrators can be held accountable.¹⁷ This increases the effectiveness of European disarmament, arms control and non-proliferation efforts, even under conditions of great power conflict.

15. “Remarks by Ambassador Christoph Heusgen in the Security Council VTC Meeting on Non-proliferation, June 30, 2020”, <https://new-york-un.diplo.de/un-en/news-corner/200630-heusgen-jcpoa/2361042>.

16. See the Federal Foreign Office website <https://rethinkingarmscontrol.de/>

17. Meier, Oliver, “Chemical Weapons Attacks: The End of Anonymity. Organisation for the Prohibition of Chemical Weapons to Identify Perpetrators”, Stiftung Wissenschaft und Politik. Berlin (SWP Comments, 32), August 2018, https://www.swp-berlin.org/fileadmin/contents/products/comments/2018C32_mro.pdf.

From Stopgap to Strategy

All four elements—an assertion of European security interests, cool-headed analysis of the causes of the arms control crisis, readiness to differentiate arms control from other policies, and investment in new instruments—indicate that Europe is ready to stand up to those great powers dismantling multilateral instruments. And European advocacy for disarmament, arms control and non-proliferation can be found at all political levels, from the “high politics” arena of the UN Security Council to the lowlands of technical debates within the OPCW Executive Council.

Admittedly, Europe’s commitment to disarmament and arms control often is in tension with security and Alliance relationships. Discussions on Europe’s pursuit of strategic autonomy are one-sided, with pundits arguing that Europe will have to speak “the language of (military) power” and often concluding that Europeans should spend more on defence. Policy traditions and the geopolitical situations of Europeans vary, leading to divergent positions on disarmament and arms control.

Moreover, new European initiatives for global arms control instruments are often ad hoc measures, adopted out of the necessity to react rather than the result of a coherent, long-term strategy to strengthen multilateralism.

“It is worth considering how Europeans might turn existing responses into a long-term strategy to strengthen multilateral arms control instruments.”

While these caveats and contradictions are useful reminders to remain realistic, they also underline what Europeans have achieved, against many odds and despite prophecies of failure. If Europe seizes opportunities shrewdly, stopgap measures can prepare the ground for sustainable policies. It is therefore worth considering how Europeans might turn existing responses into a long-term strategy to strengthen multilateral arms control instruments. At least four elements needed to achieve this goal are currently missing.

First, Europe needs a new comprehensive political strategy that defines the level of ambition of its disarmament, arms control and non-proliferation policies. The current EU strategy against the proliferation of WMDs emerged in 2003 in response to the US war to disarm Iraq of its nuclear, chemical and biological weapons.¹⁸ Given the power shifts both within and outside Europe since then, EU member states should now come to an understanding on new goals, even if such discussion is bound to be

18. Council of the European Union: EU strategy against proliferation of Weapons of Mass Destruction. 15708/03. Council of the European Union, Brussels, 10 December 2003, <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>.

difficult and tedious.¹⁹ A more coherent disarmament, arms control and non-proliferation policy is important not only to reduce frictions among policies, but it would also give Europe's partners guidance on where and how to work with Europe. Not least, it could describe what a European transatlantic "New Deal", as has been offered by German Foreign Minister Heiko Maas to Washington, could aim for on arms control.²⁰

Second, Europe must be able to protect itself against secondary sanctions. Such extraterritorial trade restrictions deny those companies access to the American market that do business with any country the US labels an adversary or opponent. The need for economic autonomy is a central lesson of the largely futile European attempts to maintain legitimate trade relationships with Iran after the US exit from the Iran nuclear accord. Trade instruments such as INSTEX, an exchange platform created by the EU and Iran, have turned out to be insufficient, should the United States (or potentially China and Russia) try to force Europe to its

side on security policy issues. It has become clear that such an undertaking can only be successful in the long-term. Europeans should therefore use the next four years to prepare the ground for the establishment of instruments to protect European trade against great power pressure.²¹

Third, the EU needs a comprehensive approach on how to better protect the institutional foundations of multilateral disarmament institutions from great power interferences. Again and again, Moscow and Washington have attempted to exploit international disarmament institutions to serve their own interests. The EU is arguably the only actor with both the resources and the legitimacy necessary to counter such abuses. Greater financial European support for multilateral disarmament institutions is not sufficient but it will need to be part of such a policy.²²

Fourth, Europe should try to leverage its economic might to garner support for multilateral institutions and incentivise third countries to join such accords and comply with them. After

19. Lundin, Lars-Erik, "The European Union and Weapons of Mass Destruction: A Follow-On to the Global Strategy?", (EU Nonproliferation Paper, 58), May 2017, <https://www.sipri.org/sites/default/files/European-Union-weapons-mass-destruction.pdf>.

20. "US election: Germany wants 'new deal' after vote", Deutsche Welle, 1 November 2020, <https://www.dw.com/en/us-election-germany-wants-new-deal-after-vote/a-55463459>.

21. Geranmayeh, Ellie/ Hackenbroich, Jonathan, "2020: The year of economic coercion under Trump", European Council on Foreign Relations (Commentary), 17 February 2020, https://ecfr.eu/article/commentary_2020_the_year_of_economic_coercion_under_trump.

22. Meier, Oliver, „Ein globaler Fonds könnte die Kontrolle von Massenvernichtungswaffen stärken“, Stiftung Wissenschaft und Politik. Berlin (Kurz gesagt), 14 October 2019, <https://www.swp-berlin.org/kurz-gesagt/2018/ein-globaler-fonds-koennte-die-kontrolle-von-massenvernichtungswaffen-staerken>.

2003, the EU began to mainstream non-proliferation into its external relations, for example by making the inclusion of a “non-proliferation clause” mandatory for conclusion of mixed cooperation agreements that include economic and political elements with third parties. This policy was initially not very successful, partly because Europeans were not assertive enough in their relation with threshold countries.²³ However, there is now a revival of thinking about ways the EU can actively foster the diffusion of multilateral norms and how it could use its economic might to influence the rules of global politics.²⁴ So this may be a good time to revisit early attempts to raise the profile of arms control, non-proliferation and disarmament in the EU’s external relations.

An autonomous, coherent and sustainable European policy that strengthens multilateral arms control regimes remains necessary because some superpowers will likely continue to oppose and misuse multilateral institutions. It also remains possible that Russia will withdraw from the CWC, in response to attempts to hold

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accountable those responsible for chemical weapons attacks.²⁵

Ultimately, an effective European commitment to arms control, disarmament and non-proliferation is a prerequisite for achieving the Alliance for Multilateralism’s goal to maintain and further develop the rules-based international order. Given the increasing severity of conflicts between the great powers, Europe has much to gain and little to lose by investing in such a goal. Europe needs to play its part in developing a new transatlantic arms control agenda so that both sides can better identify areas where they want to work. In the long-run, Europe needs not only sufficient military instruments but primarily better diplomatic tools to pursue its own interests.

23. Grip, Lina, “The EU Non-proliferation Clause: A Preliminary Assessment”, Stockholm International Peace Research Institute (SIPRI). Stockholm (SIPRI Background Paper), October 2009, <https://www.sipri.org/sites/default/files/files/misc/SIPRIBP0911.pdf>.

24. Bradford, Anu, *The Brussels effect. How the European Union rules the world*, Oxford: Oxford University Press, 2020.

25. In November 2017, the Russian representative in the OPCW’s Executive Council for example argued that “due to efforts by the United States and those like minds, our Organisation, ... , is being further removed from its initial form and turned into an arena for political showdowns. The OPCW has already been dealt an irreparable blow.” Russian Federation, Statement by H.E. Ambassador A.V. Shulgin Permanent Representative of the Russian Federation to the OPCW at the Fifty-Sixth Meeting of the Executive Council under Agenda Item 3. EC-M-56/NAT.2, The Hague, 9 November 2017, https://www.opcw.org/sites/default/files/documents/EC/M-56/en/ecm56nat02_e_.pdf.



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