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NOTE

from : General Secretariat
to : Delegations

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Subject : Implementation of WMD Strategy - Updated List of priorities

Delegations will find enclosed the Updated List of Priorities for the implementation of the EU WMD Strategy, as endorsed by the Council on 16 June 2008.

Implementation of WMD Strategy
Updated List of priorities
(2008-2010)

1. INTRODUCTION

Delegations will find herewith a revised and updated version of the List of Priorities for a coherent implementation of the EU WMD Strategy adopted by the European Council in December 2003. It updates the List of priorities which was endorsed by the GAERC in December 2006 (doc. 5279/06).

The suggested priorities take into account experiences gained from 4 years of implementation and relevant international developments since then.

The following factors and developments since the adoption of the previous list of priorities have to be taken into consideration:

- In view of the central place of the Nuclear non-proliferation Treaty (NPT) in the multilateral non-proliferation treaty system, the NPT review process and in particular preparations towards the 2010 Review Conference of the Treaty deserve full commitment and active contribution by the EU.
- The EU attaches great importance to the Conference on Disarmament as the single multilateral forum available for the international community for disarmament negotiations. This unique forum needs to be revitalised. To this end, new EU initiatives are required.
- The Comprehensive Nuclear Test Ban Treaty (CTBT) still lacks the number of required ratifications for its entry into force. The EU should redouble efforts to bring about the entry into force of the CTBT through political support for this process.
- Following the Biological and Toxin Weapons Convention (BTWC) Review Conference and the Chemical Weapons Convention (CWC) Review Conference, continued support to these two conventions on the basis of the relevant EU Common Positions and the decisions taken at these two conferences is needed.
- The growing interest in developing countries in the development and use of nuclear energy will need to be looked at carefully from the non-proliferation angle. If a country chooses to develop a nuclear energy programme, such a programme needs to be conducted in a manner consistent with the achievement and maintenance of the highest level of non proliferation, nuclear security and safety. The EU should step up its existing co-operation in support of this aim.

- The discussion of multilateral nuclear approaches will gain increasing relevance and vigour in the coming years. It is important that the EU positions itself quickly in this debate.
- United Nations Security Council Resolution (UNSCR) 1540 and its follow-up UNSCR 1673 and UNSCR 1810 continue to express the importance of a multilateral approach, collective resolve and integrated effort from all States in all areas of proliferation of WMD and their means of delivery, and promote further concrete action against proliferation i.e. to strengthen and enforce export controls, control transshipment and financing of sensitive exports, and securing dangerous materials.
- Horizontal and vertical nuclear and ballistic proliferation by State actors and defiance of international obligations is an increasing concern. Concrete proliferation challenges have arisen in recent years and the international community must tackle resolutely any further challenges in the years ahead. The EU has to contribute and take a leading role in that respect.
- On Iran, the international support for the twin track approach has shown that an active European role in the field of non-proliferation continues to be a very significant factor in addressing major challenges. The EU will continue to contribute to the resolution of proliferation crises in Iran and North Korea through effective support to the UN process and the negotiation process.
- The risk that non-state actors acquire chemical, biological or nuclear or radioactive materials and their means of delivery remains high. The Global Initiative to Combat Nuclear Terrorism (GICNT), launched by Russia and the US aims at strengthening the collective efforts and developing the capabilities of the participating countries to prevent and counter nuclear terrorism. Since the 3rd annual meeting in Astana in July 2007, the EU is associated with observer status. The EU continues to work actively to receive at least the same status in the Proliferation Security Initiative (PSI).
- The G8 Global Partnership continues to play an important role. Discussions following the 2007 mid-term review are ongoing in G8 fora to expand the scope of eligible countries as well as the donor base. New priorities that will be pursued in parallel to ongoing activities include bio safety and bio security.
- The threat presented by illicit procurement networks continues to be serious. In this context export control regimes have developed new ad-hoc policies.
- Mechanisms against proliferation financing have become an important tool in pursuing non-proliferation objectives. The EU should contribute actively to their development.

- EU cooperation with various strategic partners has been further developed. Co-operation needs to be extended to other regions and regional organisations.
- WMD clauses have been inserted into almost hundred contractual relations between EU and third countries, creating a good basis for review and cooperation in the field of non-proliferation; it remains important to preserve the substance of the clause as approved by the Council in November 2003. The EU should now build upon these clauses in its cooperation with third countries to earn the maximum benefits of them in terms of non-proliferation.
- The WMD Strategy has led to an increasingly comprehensive and action-oriented policy definition by the Council in the field of non-proliferation of WMD.
- As far as the financing of projects is concerned, the Council Regulation on the Stability Instrument has opened the possibility for additional funding of specific projects, which are related to non-proliferation and disarmament and which support the policy defined by the Council. The programme areas to be covered under 2009-2011 funding will be determined in the coming months in cooperation with the Council Secretariat. Increased synergies between the different programmes and financial instruments within their respective competences, will contribute to maximise the efficiency of EU actions over the longer term.

Delegations will find in detail:

- under A, the priorities for the period 2008-2010 which require funding;
- under B, the priorities for the same period which do not require funding;

A. ACTIONS REQUIRING FUNDING

1. Joint Actions in support of the IAEA

The activities, which are carried out in the framework of existing Joint Actions in support of the IAEA in the field of nuclear security (physical protection, protection and control of radio-active sources, measures against illicit trafficking of nuclear and radio-active materials, legislative and regulatory assistance) should be continued in the selected geographic areas (Balkans, Caucasus, Central Asia, Mediterranean, Africa, South- East Asia) since it will take several years to address all priority needs which have been identified. Follow-up Joint Actions in support of the IAEA nuclear security fund should expand the geographic scope to cover also Latin American countries and the Gulf region. The EU has been providing the IAEA with a financial support of 22 million EUR since 2004, and is the first donor of the IAEA Nuclear Security Fund. In that regard, the visibility of EU 's action should be increased.

Budget estimate: ± 7-8 million EUR

2. Joint Actions in support of the CTBTO

Implementation of existing Joint Actions in support of the CTBTO is ongoing. The main objective of existing projects is to build capacity for enhancing the operation of the CTBTO monitoring and verification system. Currently, three projects are in the process of being implemented: (a) developing a learning capacity for the training of operators of monitoring stations; (b) upgrading the coverage and the detection capability of the radio-nuclide stations network in order to allow for a clear-cut technical judgement to be made in case of a suspected nuclear test; (c) supporting the preparations for the CTBTO field exercise, scheduled for 2008, which will allow to assess the functioning of the verification system.

The key objective to complete the installation of the monitoring system, and to evaluate and strengthen its operability and performance has to be further pursued. For that purpose, a follow-up Joint Action covering the following areas should be adopted: (a) further enhancement of the radionuclide monitoring capacity, in particular concerning noble gas measurements, (b) capacity building for the operation of the monitoring system in African countries.

Budget estimate: ± 2 - 2,5 million EUR

3. Multilateral nuclear approaches/ Non-Proliferation Support Programme

The development of multilateral nuclear approaches is an urgent endeavour in order to create incentives for countries not to develop national enrichment and reprocessing facilities. A number of proposals have already been presented by different actors on multilateral fuel assurances and the multilateralisation of fuel cycle activities. The EU, taking into account its particularly rich expertise developed by Euratom in this area (e.g. European nuclear industry, Euratom Supply Agency), could make an important contribution in this field. If a country chooses to develop a nuclear energy programme under Art. IV of the NPT, such a programme needs to be conducted in a manner consistent with the achievement and maintenance of the highest level of non proliferation, nuclear security and safety. Multilateral nuclear approaches can support this aim.

A large variety of proposals have been made both for short term and medium to long term solutions, which need to be further explored with recipient countries inter alia through expert discussions and seminars. A short-term objective could be to consider a financial contribution to the establishment of a nuclear fuel reserve bank administered by the IAEA while discussing support to one or more of the other proposals. Modalities for such a contribution and possible sources in the EU framework should be examined. The issue deserves thorough discussion in the relevant WG and at expert level.

Indicative Budget estimate: X million EUR subject to further developments in the debate.

4. **Joint Action in support of the safety and security of nuclear facilities and materials**

High standards of non-proliferation, security and safety are an imperative for co-operation in the peaceful uses of nuclear energy. The EU should work towards encouraging the efforts made by countries developing civil nuclear energy or nuclear application in setting up the required regulatory framework and environment in accordance with the IAEA “Milestones in the development of a National Nuclear Power Infrastructure”.

The EU could also consider establishing a « emergency fund », that would be used to help to ensure securing radioactive sources. This action would be managed in coordination with IAEA.

Budget estimate: ± 500 000 -1 million EUR

5. **Joint Action in support of OPCW**

Currently 183 States are already Party to the CWC which is close to reaching universality. Further EU efforts should therefore concentrate in the area of national implementation. The idea of grants for national authorities and the organisation of technical skills seminars in EU laboratories are widely supported by EU Member States. The results of the Review Conference in 2008 should be taken into account and new areas of cooperation defined in the light of the outcomes achieved through previous Joint Actions. The content of a future Joint Action should also allow the EU to gain further visibility.

Budget estimate: ± 1.5 - 2 million EUR

6. **Joint Action in support of the BTWC**

The objective is to adopt and to implement a follow-up Joint Action in support of the BTWC. It should take into account the outcome of the BTWC Review Conference as well as lessons learned from the first BTWC Joint Action. The scope of the Joint Action shall be extended in order to support intersessional work priorities and/or the objectives of EU Member States initiatives submitted for consideration of States Parties to the BTWC Review Conference. The Joint Action may have the following components:

- universalisation of the BTWC
- national implementation
- CBMs
- support to intersessional process (research oversight, awareness raising, CoC, etc).

In the future, the EU may consider to support the efforts to update the UN Secretary-General’s mechanism to investigate the alleged use of chemical or biological weapons.

Budget estimate: X million EUR

7. Joint Action related to the physical protection or biologic laboratories

In order to counter the risk of biological agents falling into hands of terrorist non-state actors, action should be taken in order to improve physical protection of laboratories. Ukraine has approached the EU requesting assistance and other countries are also likely to need support. This is all the more important since there is no international organisation for the implementation of the interdiction of biological weapons.

The results of a fact finding mission in the area of bio-laboratories security will allow the EU to define a possible first project in this area in Ukraine. States within the G8 Global Partnership should be consulted in order to define the scope and the relevance of such a project and to avoid duplication of efforts.

Budget estimates:

Project in Ukraine: ± 3 million EUR

Project in other countries: ± 4 million EUR

8. Joint Action in support of the 1540, 1673 and 1810 Resolutions

In order to help address major problems related to national implementation of the Resolutions 1540, 1673 and 1810, the EU co-financed, through a first Joint Action adopted in 2006, five regional seminars focusing on awareness raising and reporting obligations under UNSCR 1540. The seminars were organised by the UN, in China (July 2006), Ghana (November 2006), Peru (November 2006), followed by Jamaica (May 2007) and Jordan (September 2007). The outcome of these seminars clearly indicates that a follow-up technical assistance is necessary. Therefore, a new Joint Action in support of the Resolutions 1540 and 1673 should take into account the Work Programme of the 1540 Committee and its priorities as well as experience gained from regional seminars. In order to shift the focus from awareness raising and reporting obligations to more operative initiatives that will tackle the issues related to the actual establishment of an effective export control system as required by UNSCR 1540, a new series of projects could be financed through this new Joint Action. The projects could take the form of six workshops aiming at enhancing the capacity of officials responsible for managing the export control process in six sub regions (Africa, Central America, MERCOSUR, Middle East and Gulf Regions, Pacific Islands and South-East Asia). The proposed workshops should be specifically tailored for border, customs and regulatory officials. The stability instrument will also provide the possibility of national capacity building projects and synergies between those projects and those financed through CFSP will be sought.

Budget estimate: ± 500.000 EUR

9. Framework Joint Action in support of ARF/ASEAN

The aim of such a Joint Action would be to raise awareness of non-proliferation and disarmament issues, including export control to be developed in support of and jointly with the ASEAN Secretariat and ARF in implementing the EU-ASEAN action plan of 2007 and through increasing activity within ARF ; this would take into account the increasing importance of this region for the EU and underline the importance it is attaching to address security issues with Asian partners. Regional and sub regional seminars to targeted audiences would be organised to that end.

Budget estimate: ± 500.000 EUR.

10. Joint Action in support of WHO activities in the area of bio-safety and bio-security

Building on the WHO Joint Action which has been adopted in April 2008, it may be necessary to envisage an appropriate follow-up Joint Action in 2009. The objective would be to continue and step up EU support of WHO activities in the area of bio-safety and bio-security, taking into account , i.e. the BTWC intersessional process in 2008.

Budget estimate: ± 2, 5 million EUR

11. Outreach activities to promote Security in Outer Space

The EU initiative to elaborate a CTBMs document envisages a multilateral instrument which would contribute to non-proliferation/disarmament objectives in relation to the Outer Space. The EU may envisage outreach activities in the light of ongoing discussions among EU experts. These outreach activities can take various forms, including expert workshops.

Budget estimate: *to be determined*

12. Cooperation with third countries in the area of export controls

Export control cooperation activities in the framework of the current projects with Russia (TACIS), China, Ukraine, Morocco, UAE, and the Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Montenegro and Serbia) should be pursued in 2008. For the 2008-2013 financial period, funding will be provided under the Council Regulation establishing an Instrument for Stability, which mentions assistance to third countries in the area of export controls of dual-use goods.

In this context new additional priorities should be identified. It will remain important to consolidate the work in the Russian Federation and Western Balkans. The geographic scope of activities should be expanded to key regions where economic development and proliferation risks need to be addressed: i.e. the Mediterranean area, the Middle-East, the Gulf region and Asia. At this stage the following countries have been selected: Turkey, Tunisia, Georgia, Moldova and Malaysia.

Short-term and ad-hoc missions should be carried out to answer to urgent requests or specific needs in individual cases. Egypt should be eligible for short and long term assistance.

In addition, BAFA as the implementing agent of the above projects is planning in the future to further develop co-operation with partners in the field of data processing for improved processing of licences in target countries.

Budget estimate: X million euro

13. G8 Global Partnership - Cooperative threat reduction programmes in Russia

The EU is well on the way to meeting its pledge with more than 955 million EUR committed and more than 635 million EUR spent in the context of the G8 Global Partnership.

Progress and shortfalls in ISTC Moscow and STCU Kiev are being evaluated. Recommendations for accompanying the Centres' transition are ongoing. The level of funding for the coming years is currently examined together with Member States and the Commission and will depend on project relevance for non-proliferation and security purposes and on the contributions made by the EU in the frame of the Instrument of Stability.

Possible further EU assistance in the area of dismantlement of nuclear submarines in North-West Russia and of plutonium disposition/management could be examined.

G8 GP members will note in the next annual GP report Russian benchmarks for CW destruction. Tailor made contributions in coordination with and in support of projects carried out by EU MS, Members of GP, for the destruction of CW in Russia could be foreseen (up to 5 million EUR).

Budget estimate: X million EUR

B. ACTIONS NOT REQUIRING FUNDING

15. Developing and promoting implementation of measures to fight against the proliferation of WMD

In addition to and to complement the assistance projects defined in the previous paragraphs, the EU and MS should seek to develop best practices in order to:

- prevent intangible transfers
- improve implementation of export controls
- improve implementation of the relevant UNSCR
- stop illicit CBRN and WMD trafficking including by use of the mechanisms foreseen in PSI and the GICNT

Addressing the issue of financial transactions through which proliferation activities are being financed has been identified as a crucial means to prevent proliferation.

The creation or improvement of adequate mechanisms within the EU, in order to ensure an efficient and coherent EU contribution to efforts in this field should be considered.

16. Developing a common approach in the field of responsible development of nuclear energy

The use of civilian nuclear technologies for peaceful purposes and in compliance with non-proliferation commitments (especially the IAEA Comprehensive Safeguards Agreement) is a free choice of individual States.

Against the background of growing interest in the development of nuclear energy for peaceful purposes, the EU should be ready to cooperate internationally to help ensure that these programmes are conducted in a manner consistent with the achievement and maintenance of the highest levels of nuclear non-proliferation, security and safety.

The discussion on how best to do this in a multilateral context will become increasingly relevant in the coming years. It is important that the EU positions itself in this debate and contributes to promoting this idea politically.

17. Support to multilateralism and promotion of universalization of international treaties, conventions and other instruments

The EU should identify how best to promote the start of negotiations for an international agreement on the prohibition of the production of fissile material for nuclear weapons (FMCT, Fissile Material Cut-Off Treaty) in the CD.

The Hague Code of Conduct (HCOG) needs to be strengthened through demarches to promote the Code and the presentation of a new resolution in support of the HCOG at the General Assembly of the UN.

The EU should redouble efforts to bring about the entry into force of the CTBT through political support for this process.

Demarches to complete the universalisation of the CWC in support of OPCW efforts could also be carried out. Efforts to promote IAEA safeguards, the Additional Protocol and the BTWC should continue.

There is a need to ensure ratification by all NWS of the relevant protocols to the NWFZ Treaty in Central Asia. Noting the expressed readiness of the five Central Asian states to continue consultations on a number of provisions of the Treaty with all States directly concerned, the EU should encourage this process of clarification including by the means of appropriate demarches.

18. 2010 NPT Review Conference

With a view to the 2010 NPT Review Conference, the EU will actively participate in the discussions at the meetings of Preparatory Committees as well as other fora related to the nuclear non-proliferation treaty (incl. IAEA) and should develop substantial contributions to be submitted. Preparations to update the existing EU Common Position will have to be launched during the year 2009 in order to work towards a positive outcome of the Conference in 2010.

19. Further improve the EU efficiency in the field of non proliferation

In order to maximise the efficiency of EU action in the field of non proliferation, several initiatives could be envisaged.

Further improve internal coordination:

- cooperation and coordination between services of EU institutions acting directly or indirectly in the field of non proliferation should be further developed, consistent with the competence of each institution.

- in that regard, the role of the WMD Centre should be reinforced through regular participation of all relevant Council and Commission services and Member States. Substantial debates on proliferation of WMD should be continued in the working groups CONOP and CODUN and more frequently undertaken in PSC and Council.

Reinforce external role of the EU:

- seek official participation of EU in the non-proliferation and disarmament fora where its participation is relevant;
- seek ways to get the maximum benefits of the WMD clause in terms of co-operation with third countries on non-proliferation;
- step up preparation of EU 's political dialogue on non-proliferation at all levels, by further tailoring the messages to be conveyed to the counterpart.

20. Develop cooperation with key partners

While ongoing cooperation will be continued with all key partners, in particular those with which the EU has adopted a Joint declaration on non-proliferation, special emphasis could be put on the following:

- a) with US: continue implementation of EU-US Programme of Work on Non-Proliferation, in particular:
 - continue more focussed sessions of the Dialogue on verification and compliance, possibly with the participation of experts (possible topics could include UNSG/UNSC roster of experts/WMD capability, strengthening IAEA safeguards and FMCT);
 - seek more coordination of initiatives (within the NSG, on the issue of criteria for the transfer of enrichment and reprocessing technologies);
 - seek consultations on preparations and possible ways forward for the NPT Review process;
 - raise at all appropriate levels the issue of entry into force of CTBT;
 - consultations on the fight against proliferation financing; possible extension of the scope of the seminars falling under the implementation of the EU counter-terrorism strategy, to cover proliferation financing;

b) with Russia:

- agree on a Joint Statement on Non-proliferation in 2008 which would set up common priorities and a framework for more focused consultations;
- seek consultations on preparations and possible ways forward for the NPT Review process;

21. Implementation of the EU WMD Strategy in a regional context

a) Mediterranean Middle East

In the Euromed context, resume consultations in the region in order to finalise the terms of reference for the ad hoc meeting on Non-Proliferation and Disarmament and to agree on a date. This could be facilitated by the outcome of the regional seminar organised by the ISS in Paris with regional participation on regional security and WMD in the Middle East, including on practical steps to promote a WMD free zone in the Middle East.

b) Africa

In implementing the EU-AU Joint Action adopted in December 2007 a dialogue will be undertaken with the AU with a view to identifying possible specific areas where co-operation can be stepped up in the field of non-proliferation, nuclear cooperation, disarmament, etc.

c) Context of UNSCR 1540

Regional seminars on UNSCR 1540, export controls, border management, reciprocal transparency measures, etc. in the fight against proliferation of WMD, aiming at promoting regional confidence building will be pursued.

22. Contribution of Community Funding Instruments

The Commission, in coordination with the Council Secretariat, will use the new funding instruments available for 2007-2013 to help address some of the priorities described above, within the scope of these instruments. In this context, the Instrument of Stability will provide for work on risk mitigation and preparedness concerning WMD related chemical, nuclear and biological materials, including the development of the legal framework and institutional capacities for the establishment and enforcement of effective export controls on dual-use goods.