

Choosing Between Arms and Allies

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It should surprise no one that many in Latvia view the sale by France of fully equipped assault warships to Russia with grave concern. Other European Union member states seem to be looking increasingly toward Russia as a potential purchaser of military equipment. But is it wise for EU and NATO members to enhance the capacity of non-allies to project their military power? After all, only 2 1/2 years ago, Russia invaded Georgia, a country that NATO had named as a potential future member, and has occupied part of it ever since.

The EU Council's common position on arms exports is legally binding on all EU states. Of course, competence and responsibility for arms-export controls and licensing rests with member states, not EU institutions. Indeed, under the Wassenaar Arrangement, a decision on exports is the sole responsibility of each participating state.

Implementation of the common EU position on arms exports has led to more exchanges of information, greater transparency and closer consultation. It has also harmonized export-control arrangements and procedures. But there are obvious limits to what can be achieved. Consultations are currently a bilateral matter, with no rules governing how they should be conducted — and no requirement that any final agreement on arms-export decisions be

reached.

The effectiveness of this consultation mechanism is difficult to evaluate. According to the common position's provisions, before a member state grants an export license, it should consult with any member state that has previously denied a similar license. But the common position does not specify the extent to which another member state should be consulted. More importantly, it does not require the arms-exporting member state to consult with any other member state that might have concerns.

As a result, arms exports to third countries remain a contentious issue within the European Union. At the heart of the matter is a conflict between the individual member states' national interests — the competitiveness of European defense-

related companies and the strategic importance of defense markets when linked to national foreign policy — and the Lisbon Treaty, which refers specifically to enhanced solidarity and consultation.

If the Lisbon Treaty is to be respected, solidarity must be viewed as a political tool for moving toward a European defense policy that works for the common good. Pursuing solely national policies on technology transfer runs contrary to that goal. Clearer rules for the consultation mechanism need to be elaborated, and arms-exporting EU member states should consult all other member governments that might have concerns, not only those that have previously issued or denied an export license.

The European Union could work toward a common arms-export policy by seeking a shared understanding of the predictability and stability of third-party countries. Developing a common policy on arms exports to such countries should go hand in hand with the creation of a common and internationally competitive European defense-equipment market.

This means that cooperation with non-EU countries should not be to the detriment of solidarity and common rules within the European Union. Consulting at an early stage would help manage misperceptions — often fueled by reports in the media long before deals are concluded — and thus strengthen convergence and unity among EU member states.

Giving the EU a greater role in situations where member states' views differ should also be considered. For example, member states could consult on sensitive or contentious issues within the Political and Security Committee. This would strengthen the EU Council's common position, which already defines general rules for the control of exports of military technology and equipment.

As for NATO, the question of consultations among allies is addressed in Article 4 of the North Atlantic Treaty, which states that “the parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence, or security of any of the parties is threatened.”

But Article 4 does not relate only to imminent threats. Decisions taken by a NATO country can have implications for other allies. The transfer of military equipment and technology to third countries could affect regional security and prompt a revision of threat assessments.

The North Atlantic Council would seem an obvious forum within which to enhance solidarity among members, reassure member states that have perceptions of greater vulnerability, and avoid misperceptions. At a lower level, the Political and Partnership Committee and/or the Conference of National Armaments Directors could be used for initial consultations. These issues are of concern to all allies, so discussions should not be confined to bilateral agendas.

Arms sales and technology transfers inevitably raise complex moral and ethical questions. That is all the more reason to seek open, confidence-

reinforcing discussions among allies. Solidarity cannot be achieved when our most important institutions are excluded. Indeed, some of the most dangerous decisions made in both the EU and NATO are those that are not openly discussed beforehand.

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