

# Stuck on disarmament: the European Union and the 2015 NPT Review Conference

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The European Union has long sought to raise its profile as a significant actor in the global effort to curtail the proliferation of weapons of mass destruction (WMD). From this perspective, the 2015 Nuclear Non-Proliferation Treaty (NPT) Review Conference represented a pivotal event where the EU could demonstrate the strength of its Common Foreign and Security Policy (CFSP). During a month-long negotiation at the United Nations headquarters in New York, the representatives of state parties to the treaty—including all the EU countries—struggled to build a consensus on the final document that would assess recent progress and outline the steps to be taken in the next review period.

In the end, the 2015 NPT Review Conference failed to build such a consensus. The final stumbling block turned out to be the question of the Middle East and the planned WMD-free zone therein; however, there were also serious clashes over many other substantive issues within the three pillars of the NPT: disarmament, non-proliferation and peaceful use of nuclear energy. Disarmament stood, once again, at the forefront of these debates. The majority of non-nuclear weapon states (NNWS) have been increasingly dissatisfied with the pace and scope of disarmament measures by the five nuclear weapon states (NWS) recognized by the treaty—the United States, Russia, the UK, France and China, which are also the five permanent members of the UN Security Council (P5). Criticism of the lack of progress on the disarmament pillar has now gained strong momentum in the Humanitarian Initiative, a recent development in NPT discourse that seeks to frame the urgent need for the abolition of nuclear weapons through the lenses of human security, international humanitarian law, and new scientific findings related to the horrific consequences of the use of nuclear weapons.<sup>1</sup>

The aim of this article is to examine the role of the EU and its member states in the deliberations of the 2015 NPT Review Conference. I draw on research based primarily on direct on-site observation; statements of the EU and its member states in the general debate, main committees and subsidiary bodies;<sup>2</sup> working

<sup>1</sup> See John Borrie, 'Humanitarian reframing of nuclear weapons and the logic of a ban', *International Affairs* 90: 3, May 2014, pp. 625–46; Tom Sauer and Joellen Pretorius, 'Nuclear weapons and the humanitarian approach', *Global Change, Peace and Security* 26: 3, 2014, pp. 233–50, doi:10.1080/14781158.2014.959753; Rebecca Johnson, 'The humanitarian impacts of nuclear weapons: an imperative for achieving disarmament', *Irish Studies in International Affairs* 25: 1, 2014, pp. 59–72.

<sup>2</sup> For an overview of organizational matters and the structure of negotiations at the 2015 NPT Review Confer-

papers submitted to the conference; and in-depth research interviews conducted with individual diplomats involved in the negotiations.<sup>3</sup> I argue that, notwithstanding the recent institutional changes within the EU, its influence as a distinct actor in the NPT context remains very limited, and the EU's common position is in greater disarray than ever before. This year's Review Conference demonstrated the widening rift between the EU member states, in particular in the area of nuclear disarmament and related issues. The EU's inability to maintain a coherent common position limits its 'actorness' and impedes its quest for visibility and relevance within the various forums of the NPT.

## The EU and the NPT review process

Although the NPT Review Conference is largely overlooked by the mainstream European media, it represents a highly important event from the perspective of the CFSP. All the EU member states have signed and ratified the NPT, as well as all the other relevant agreements that underpin the broadly conceived nuclear non-proliferation regime. The 2003 European Security Strategy highlighted the proliferation of WMD as 'potentially the greatest threat to our security'.<sup>4</sup> In the same year, the EU also published its own Strategy against Proliferation of Weapons of Mass Destruction.<sup>5</sup> The notion of 'effective multilateralism'—based on the strong support of multilateral treaties and international institutions—has become the linchpin of the EU aim of curtailing WMD proliferation.<sup>6</sup>

The EU has long striven for greater visibility and relevance in the NPT review process. Though the EU is not itself a party to the treaty, there has been a consistent effort since the 1990s to coordinate the positions of EU member states. Furthermore, the EU position has been presented within NPT forums through common EU statements and working papers, alongside those prepared by the individual member states. In the view of those supporting closer European integration on foreign policy and security issues, the goal has been to speak with one voice on NPT issues on behalf of all the member states and gradually enhance the bargaining power of the EU as a stand-alone actor.

Evaluations of past EU performance in the NPT review context vary. Some scholars see the EU as having taken a rather low-profile stance, with 'modest positions, timid decisions and compromised policies',<sup>7</sup> and appearing 'strangely

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ence, see Tariq Rauf, *The 2015 NPT Review Conference: a guide to procedural matters* (Stockholm: Stockholm International Peace Research Institute (SIPRI), 2015).

<sup>3</sup> Owing to the sensitivity of the issue, most of the representatives of the EU and its member states interviewed for this article requested anonymity, and therefore are not referenced by name or position.

<sup>4</sup> Council of the European Union, *European Security Strategy: a secure Europe in a better world* (Brussels, 2003), p. 11.

<sup>5</sup> Council of the European Union, *EU Strategy against Proliferation of Weapons of Mass Destruction* (Brussels, 2003).

<sup>6</sup> For an assessment of the implementation of EU WMD strategy, see Benjamin Kienzle, 'A European contribution to non-proliferation? The EU WMD strategy at ten', *International Affairs* 89: 5, Sept. 2013, pp. 1143–59.

<sup>7</sup> Francesca Giovannini, 'A soon-to-be global nuclear leader? The European Union in global nuclear politics' (Stanford, CA: Center for International Security and Cooperation, 2013), [http://fsi-ws1.stanford.edu/news/a\\_soontobe\\_global\\_nuclear\\_leader\\_the\\_european\\_union\\_in\\_global\\_nuclear\\_politics\\_20130219/](http://fsi-ws1.stanford.edu/news/a_soontobe_global_nuclear_leader_the_european_union_in_global_nuclear_politics_20130219/), accessed 18 Nov. 2015.

passive'.<sup>8</sup> Others praise the EU for its 'effective consensus-building role' and 'significant improvement' in coordination of member states' positions at the NPT-related forums,<sup>9</sup> and argue that the EU already acts as a 'normal power' in the non-proliferation area.<sup>10</sup> The prevailing perception, however, is that, as far as the NPT is concerned, 'the EU has not enjoyed any major success story'—yet.<sup>11</sup> Another characterization of the EU is that of an NPT 'champion'—the one 'supporting those measures which help to promote the regime itself but offering little in the way of policy leadership or initiative'.<sup>12</sup>

Expectations of improved EU performance at the 2015 NPT Review Conference were raised by recent institutional changes within the Union. The 2009 Lisbon Treaty established the position of High Representative for Foreign Affairs and Security Policy (HR). Supported by the newly created European External Action Service (EEAS)—an 'embryonic version of a European diplomatic service'<sup>13</sup>—the HR would, *inter alia*, oversee and coordinate EU non-proliferation policy, responsibility for which is divided between the Commission and the general secretariat of the Council.<sup>14</sup> In order to ensure policy continuity, the chairs of the Council working groups were made permanent positions: this included CONOP, the Non-Proliferation Working Group currently chaired by Judit Körömi. In 2013, the experienced Polish diplomat Jacek Bylica took the position of the HR's principal adviser and special envoy for non-proliferation and disarmament, replacing Annalisa Giannella who had retired in 2010.<sup>15</sup> At the 2015 NPT Review Conference, the EU statements would for the first time be presented not by the countries presiding over the Council of the European Union, but exclusively by representatives of the EEAS.<sup>16</sup>

Furthermore, both Catherine Ashton and Federica Mogherini, as the first two EU HRs, put a great deal of effort into raising the profile of the broader EU non-proliferation policy, which had scored a recent success in negotiations over the Iranian nuclear programme.<sup>17</sup> This dynamic contributed to the expectation

<sup>8</sup> Harald Müller, 'The 2010 NPT Review Conference: some breathing space gained, but no breakthrough', *International Spectator* 45: 3, Sept. 2010, pp. 5–18.

<sup>9</sup> Megan Dee, *Explaining European Union performance in the Nuclear Non-Proliferation Treaty Review Conference: limited ambitions but pragmatic positioning*, UNISCI discussion paper no. 30 (Zurich: Research Unit on International Security and Cooperation, 2012), p. 20.

<sup>10</sup> Ramon P. Pardo, 'Normal power Europe: non-proliferation and the normalization of EU's foreign policy', *Journal of European Integration* 34: 1, 2012, pp. 1–18.

<sup>11</sup> Clara Portela and Benjamin Kienzle, 'European Union non-proliferation policies before and after the 2003 strategy: continuity and change', in Spyros Blavoukos, Dimitrios Bourantonis and Clara Portela, eds, *The EU and the non-proliferation of nuclear weapons: strategies, policies, actions* (Basingstoke: Palgrave Macmillan, 2015), p. 58.

<sup>12</sup> Megan Dee, 'The European Union and its performance in the NPT negotiations: consistency, change and challenges', in Blavoukos et al., eds, *The EU and the non-proliferation of nuclear weapons*, p. 83.

<sup>13</sup> David Spence, 'The European Commission's external service', *Public Policy and Administration* 19: 3, 2004, pp. 61–76.

<sup>14</sup> Cf. Kamil Zwolski, 'The external dimension of the EU's non-proliferation policy: overcoming inter-institutional competition', *European Foreign Affairs Review* 16: 3, 2011, pp. 325–40.

<sup>15</sup> For an overview of institutional changes since the Lisbon Treaty that are relevant to EU non-proliferation policy, see Lina Grip, *Mapping the European Union's institutional actors related to WMD non-proliferation*, Non-Proliferation Papers no. 1 (Brussels: EU Non-Proliferation Consortium, 2011).

<sup>16</sup> At the 2010 NPT Review Conference, HR Ashton delivered the opening EU statement at the general debate. However, the EU statements in the three main committees were still presented by the Spanish presidency.

<sup>17</sup> For more information on the recent agreement between the EU/E3+3 and Iran, see 'Iran's nuclear agreement:

that the EU could make further progress towards a more substantial role in the NPT review process as well, particularly at this time when the nuclear non-proliferation regime as a whole is widely seen to be experiencing an existential crisis.<sup>18</sup>

### The 'laboratory of consensus'

Given the divergence in its member states' internal characteristics and positions on nuclear issues, the EU is sometimes labelled the 'laboratory of consensus' or the 'microcosm' of the NPT regime.<sup>19</sup> The EU's ability to forge a common position despite the variations in individual member states' security policies has been considered a notable feature of its role in the NPT bargaining. In this sense, the EU could indeed serve as a consensual example to the wider NPT community and use this image to strengthen its own position as a relevant, consensus-building actor.

However, that very diversity of individual positions often prevents the EU from reaching agreement on substantive issues, and the member states are mostly faced with the arduous search for the lowest common denominator.<sup>20</sup> In this context, the main bone of contention within the EU is the issue of nuclear disarmament and the corresponding obligations of the five NWS recognized by the NPT. Whereas the treaty grants the nuclear P5 a unique status, legitimizing their possession of nuclear arsenals, it simultaneously instructs them under article VI to 'pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament'.<sup>21</sup>

The debates over the actual meaning and legal character of article VI have opened up a deep rift within the NPT club. The NWS generally consider 'nuclear zero' a distant goal to be approached gradually, step by step. The NNWS represent a larger and more heterogeneous group, and whereas some of them (mainly those that are allied to the United States) tend to support more cautious disarmament policies, a clear majority would prefer to see more substantive progress on the disarmament pillar. Many of these states seem already to have lost patience with the perceived inadequacy of steps taken by the NWS, and have been loudly calling for the implementation of 'effective measures' to bring the world closer to

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the terms', *Strategic Comments* 21: 4, 2015, pp. vi–viii. For research on the positions of individual EU member states towards Iran, see Michal Onderco, 'Money can't buy you love: the European Union member states and Iranian nuclear programme 2002–2009', *European Security* 24: 1, 2014, pp. 56–76.

<sup>18</sup> See e.g. Joseph F. Pilat, 'The end of the NPT regime?', *International Affairs* 83: 3, May 2007, pp. 469–82; Tom Sauer, 'The nuclear nonproliferation regime in crisis', *Peace Review* 18: 3, Sept. 2006, pp. 333–40; Rebecca Johnson, 'Rethinking the NPT's role in security: 2010 and beyond', *International Affairs* 86: 2, March 2010, pp. 429–45; Paul Meyer, 'Saving the NPT', *Nonproliferation Review* 16: 3, Nov. 2009, pp. 463–72; Joachim Krause, 'Enlightenment and nuclear order', *International Affairs* 83: 3, May 2007, pp. 483–99. Cf. Liviu Horovitz, 'Beyond pessimism: why the Treaty on the Non-Proliferation of Nuclear Weapons will not collapse', *Journal of Strategic Studies* 38: 1–2, 2015, pp. 126–58.

<sup>19</sup> See, respectively, Camille Grand, *The European Union and the non-proliferation of nuclear weapons*, Chaillot Papers no. 37 (Paris: Institute for Security Studies, 2000), pp. 48–9; David Fischer and Harald Müller, *United divided: the European at the NPT Extension Conference*, PRIF report (Frankfurt: Peace Research Institute Frankfurt (PRIF), 1995), p. 46.

<sup>20</sup> Dee, *Explaining European Union performance in the Nuclear Non-Proliferation Treaty Review Conference*, p. 26.

<sup>21</sup> Treaty on the Non-Proliferation of Nuclear Weapons, 22 April 1970, Art. VI, <https://www.iaea.org/sites/default/files/publications/documents/infircs/1970/infirc140.pdf>, accessed 18 Nov. 2015.

a nuclear weapon-free condition. The issue of nuclear disarmament in the broader sense—often framed also in terms of justice and fairness—represents the main axis of the normative conflict in the current NPT regime.<sup>22</sup>

The EU encompasses states at both ends of the opinion spectrum, as well as others that are positioned more loosely in between the two viewpoints. The positions of individual member states are related to (among other things) their respective degrees of dependence on nuclear deterrence, their alliance commitments, and their general approach to the use of nuclear energy. On these lines, the current EU28 can be broken down into the following groups: two NATO NWS recognized by the treaty (France and the UK); four NATO states that host US tactical nuclear weapons on their territory under the nuclear sharing arrangements (Belgium, Germany, Italy and the Netherlands); 16 more NATO ‘umbrella states’ covered by the alliance’s extended nuclear deterrence pledges, including all the eastern member states; and finally six non-members of NATO, of which two (Finland and Sweden) use nuclear plants for energy production and four (Austria, Cyprus, Ireland and Malta) have repudiated even the civilian use of nuclear energy.

Furthermore, many of the EU member states are engaged in the politics of specific coalitions that have traditionally played a significant role in the NPT review process. These groupings of states are usually formed on the basis of regional, political or issue-based alignment, produce joint working papers, and regularly make statements on behalf of the whole group. Ireland, for example, has been active within the New Agenda Coalition (NAC), a relatively influential cross-regional grouping that is actively pushing the nuclear disarmament agenda and proposes legally binding instruments to ‘close the legal gap’ in article VI.<sup>23</sup> Germany, the Netherlands and Poland are all involved in the Non-Proliferation and Disarmament Initiative (NPDI), a group with close ties to the United States that aims to play a bridge-building role between the NWS and NNWS.<sup>24</sup> Denmark, Finland and Sweden have recently formed a new Nordic Countries group with Norway and Iceland, with a focus on disarmament pillar issues. France and the UK usually align themselves with the other NWS on the substantive issues. Finally, Austria has recently taken on the role of informal leader of a large number of countries (including Cyprus, Finland, Ireland, Malta and Sweden) that support the Humanitarian Initiative, and has committed itself to building up momentum for the substantive advancement of the nuclear disarmament agenda within the NPT regime.

As noted by Nielsen and Hanson, the EU member states are able to agree only on the very general thesis that nuclear disarmament should be pursued as one of

<sup>22</sup> See Harald Müller, ‘Between power and justice: current problems and perspectives of the NPT regime’, *Strategic Analysis* 34: 2, April 2010, pp. 189–201; Nina Tannenwald, ‘Justice and fairness in the nuclear nonproliferation regime’, *Ethics and International Affairs* 27: 3, 2013, pp. 299–317; Nina Srinivasan Rathbun, ‘The role of legitimacy in strengthening the nuclear nonproliferation regime’, *Nonproliferation Review* 13: 2, 2006, pp. 227–52.

<sup>23</sup> Other NAC members include ‘middle powers’ such as Brazil, Egypt, Mexico, New Zealand and South Africa. Sweden and Slovenia also used to be part of the group.

<sup>24</sup> Besides the three EU states, this cross-regional grouping also includes Australia, Canada, Chile, Japan, Mexico, Nigeria, the Philippines, Turkey and the United Arab Emirates.

the NPT goals;<sup>25</sup> viewpoints on the timing and nature of the steps to be taken towards a nuclear weapon-free world vary dramatically. While non-NATO EU countries usually call for more radical, immediate action to delegitimize and abolish nuclear weapons, France and the UK vigorously oppose direct application of such proposals. The umbrella states are mostly perceived as paying lip service to nuclear disarmament while largely supporting the positions of NWS. In the past, the discord among the member states has sometimes been stifled by ‘sidelining’ the disarmament issue in favour of nuclear non-proliferation and peaceful use of nuclear energy, areas where common ground was easier to find.<sup>26</sup> As I shall demonstrate in this article, the 2015 NPT Review Conference proved that this approach is unsustainable.

### Bargaining the common position

Since the 1990s the EU member states have always agreed on a common position to be presented at each NPT Review Conference, delivered by a single representative on behalf of the EU as a whole. The negotiations leading to a Council decision outlining the common position for 2015 started the previous year in three working groups corresponding to the three NPT pillars—disarmament, non-proliferation and peaceful use of nuclear energy.

According to a diplomat who took part in these negotiations, the obstacles to agreement on the pillars dealing with non-proliferation and peaceful use of nuclear energy were few and effectively manageable. With regard to the former, the bargaining was mere ‘language dancing’ in the EU’s reflections on the recent progress in the negotiations over the Iranian nuclear programme. As for the latter, the only serious issue that arose was the question of civilian liability for nuclear damage. Despite these limited differences, the member states were eventually able to agree on a text dealing with these two pillars that would be acceptable to all parties involved.<sup>27</sup>

The positions on the issues in the disarmament pillar, however, seemed not to be reconcilable this time. As noted by Federica Mogherini during the debate in the European Parliament in February 2015, the member states had some radically different perceptions of the ‘Action Plan’ on nuclear disarmament agreed at the previous NPT Review Conference in 2010.<sup>28</sup> The ‘pro-disarmament’ camp criticized the lack of progress and insufficient observance of the Action Plan by the NWS, and communicated the requirement to move *beyond* the 2010 final document

<sup>25</sup> Jenny Nielsen and Marianne Hanson, *The European Union and the Humanitarian Initiative in the 2015 Non-Proliferation Treaty Review cycle*, Non-Proliferation Papers no. 41 (Brussels: EU Non-Proliferation Consortium, 2014), p. 5.

<sup>26</sup> Clara Portela, *The role of the EU in the non-proliferation of nuclear weapons: the way to Thessaloniki and Beyond*, PRIF report (Frankfurt: PRIF, 2003), p. 22.

<sup>27</sup> Interview, senior EEAS diplomatic source, UN, New York, May 2015.

<sup>28</sup> European Parliament, ‘2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (debate)’, 10 Feb. 2015, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20150210+ITEM-012+DOC+XML+V0//EN>, accessed 18 Nov. 2015. For the text of the Action Plan, see UN, ‘2010 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons final document’, vol. 1, <http://www.un.org/en/conf/npt/2010/>, accessed 18 Nov. 2015.

with further concrete steps towards abolition. The EU NWS, on the other hand, clearly expressed their dissatisfaction with what they saw as inadequate appreciation of their efforts and—in line with the UK statement at the 2014 Preparatory Committee (PrepCom)<sup>29</sup>—called for the effective ‘rollover’ of the Action Plan to the next review period.

Most active within the pro-disarmament camp was Austria, which insisted on the explicit inclusion of Humanitarian Initiative language, with reference to the findings of the 2014 Vienna Conference on the Humanitarian Impact of Nuclear Weapons. The primary, ‘scientific’ message behind these findings is the thesis that ‘the scope, scale and interrelationship of the humanitarian consequences caused by nuclear weapon detonation are catastrophic and more complex *than commonly understood*’ and that ‘no state or international body could address in an adequate manner the immediate humanitarian emergency or long-term consequences caused by a nuclear weapon detonation in a populated area, nor provide adequate assistance to those affected’.<sup>30</sup> The secondary, ‘normative’ message was the resulting urgency of undertaking concrete disarmament measures, in line with the ‘Austrian Pledge’ to ‘stigmatised, prohibit and eliminate nuclear weapons’.<sup>31</sup> The Austrian efforts had considerable support from Ireland and Sweden, albeit expressed in an allegedly less confrontational way.<sup>32</sup>

The two EU nuclear states—France and the UK—were unwilling to accept that the Humanitarian Initiative should be considered a paradigm-shifting process that would somehow provide a new rationale for qualitatively different policy measures in their nuclear postures. Both countries once again expressed their view of the initiative as a diversion from the established processes of the non-proliferation regime and indeed as a dangerous move more likely to be divisive than constructive for the EU.<sup>33</sup> France aimed to reframe what the humanitarian narrative presented as ‘scientific fact’ as merely a ‘matter of opinion’, and one that, because of its divisiveness, should not be the focus of the EU common position.<sup>34</sup>

Amid the negotiations, with the UK general election approaching, London eventually called for a deadline of February 2015 for adoption of the Council decision. Unable to meet this date, the EU political directors eventually relinquished the Council decision option in favour of legally non-binding Council conclusions.

<sup>29</sup> Peter Jones, ‘The United Kingdom of Great Britain and Northern Ireland—general statement to the Third Preparatory Committee of the 2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons’, New York, 28 April 2014, [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/29April\\_UK.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/29April_UK.pdf), accessed 18 Nov. 2015.

<sup>30</sup> Vienna Conference on the Humanitarian Impact of Nuclear Weapons, ‘Report and summary of findings of the conference’, 8–9 Dec. 2014, [http://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14\\_Chair\\_s\\_Summary.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_Chair_s_Summary.pdf), accessed 18 Nov. 2015 (emphasis added).

<sup>31</sup> Michael Linhart, ‘Pledge presented at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons’, 8–9 Dec. 2014, [http://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14\\_Austrian\\_Pledge.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_Austrian_Pledge.pdf), accessed 18 Nov. 2015.

<sup>32</sup> Ireland was largely perceived as a more constructive actor in the bargaining process than Austria, aiming to achieve genuine compromise between the pro-disarmament camp and the NWS. Sweden, after a recent change of government, was perceived as ‘back in the disarmament game’, taking a much more active position on the issue than it had in recent years: interview, senior EU member state diplomatic source, UN, New York, May 2015.

<sup>33</sup> Similar arguments had already been voiced in previous PrepCom meetings. See Nielsen and Hanson, *The European Union and the Humanitarian Initiative*.

<sup>34</sup> Interview, senior EEAS diplomatic source, UN, New York, May 2015.

The final deal was allegedly brokered at an unofficial meeting in Zagreb in March.<sup>35</sup> With Council conclusions adopted on 20 April 2015, Austria eventually agreed on an ambiguous formulation using language such as ‘the ongoing discussions on the consequences of nuclear weapons’ and ‘different views’ of the issue, and references to the previous December’s ‘conference organized by Austria, in which not all EU Member States participated’.<sup>36</sup>

When I interviewed diplomats from EU member states, they often mentioned the ‘strong will’ of all the participants in seeking agreement on a common position; at the same time, they also frequently noted the unusual bitterness and unpleasantness of the negotiations.<sup>37</sup> The perceptions of discord within the Union were underlined by the inability of the European Parliament to adopt its own 2015 NPT Review Conference resolution, as it had done in 2005 and 2010.<sup>38</sup>

### **Presenting the outcome**

The EU’s opening statement of the 2015 NPT Review Conference was drafted in Brussels with language based on the Council conclusions, and delivered in the NPT general debate by HR Mogherini.<sup>39</sup> As expected, the statement reflected the recent progress in the negotiations over the Iranian nuclear programme, in which the E3+3 (France, Germany, UK, China, Russia and US) had managed to reach agreement on a basic framework for the Joint Comprehensive Plan of Action. In line with EU statements of past years, the HR called for the universalization of the NPT; underlined the importance of International Atomic Energy Agency (IAEA) safeguards and the responsibility of the UN Security Council in non-compliance issues; condemned North Korea for its defiant stance and called upon Pyongyang to reverse its position towards the NPT; mentioned Syria as another potential case of non-compliance; and reaffirmed the EU commitment to the establishment of a WMD-free zone in the Middle East. Furthermore, the statement highlighted nuclear security as one of the EU’s main priorities and called for the ratification and negotiation, respectively, of the Comprehensive Test Ban Treaty and the Fissile Material Cut-Off Treaty.

On the issue of nuclear disarmament, the EU statement seemed largely to reflect the preferred language of France and the UK. While Mogherini reaffirmed both the general commitment to nuclear disarmament and the ‘need for concrete progress in this field’, this progress was supposedly to be made ‘through an overall reduction in the global stockpile of nuclear weapons’, ‘taking into account the

<sup>35</sup> Interview, senior EEAS diplomatic source, UN, New York, May 2015.

<sup>36</sup> Council of the European Union, ‘Council conclusions on the Ninth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, 20 April 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/04/20-council-conclusions-npt/>, accessed 18 Nov. 2015.

<sup>37</sup> Interviews with three senior diplomats from EU member states, UN, New York, May 2015.

<sup>38</sup> See European Parliament, ‘2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (debate)’.

<sup>39</sup> Federica Mogherini, ‘EU statement by HRVP Mogherini at the United Nations: Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference’, 28 April 2015, [http://eu-un.europa.eu/articles/en/article\\_16386\\_en.htm](http://eu-un.europa.eu/articles/en/article_16386_en.htm), accessed 18 Nov. 2015.

special responsibility of the States that possess the largest arsenals'. This clearly shifted the burden of further stockpile reductions towards the United States and Russia. The contentious issue of qualitative improvements in nuclear arsenals was avoided completely, and the deployment of US non-strategic nuclear weapons in five European NATO countries—another issue of relative salience in the European context—was mentioned only indirectly, in the context of calls on Washington and Moscow 'to seek further reductions ... including strategic, non-strategic, deployed and non-deployed weapons'.<sup>40</sup>

The language on implementation of the 2010 Action Plan avoided any hint of potential criticism of insufficient activity by the NWS and stressed the EU's (and its member states') contribution to the implementation of the plan through 'diplomatic means and initiatives' as well as 'practical training and financial assistance'. Both France and the UK were implicitly commended for their participation in the P5 conferences on verification, transparency and confidence-building, as well as for their contribution to the 'considerable reductions made so far'. In a single paragraph dedicated to the core issue in the bargaining of the common position—the importance and implications of the Humanitarian Initiative—Mogherini drew on the ponderous language of the Council conclusions:

The European Union notes the severe consequences associated with nuclear weapons use. All States share the responsibility to prevent the use of nuclear weapons. In this respect, we note the ongoing discussions on the consequences of nuclear weapons, in the course of which different views are being expressed, including at an international conference, in which not all EU Member States participated, organized by Austria.<sup>41</sup>

The statement in the general debate was followed by the EU statements (delivered by Jacek Bylica and Györgyi Martin Zanathy) in the three main committees of the conference established to deal with the three NPT pillars. The EU also submitted three working papers dealing with the Comprehensive Test Ban Treaty, safeguards, and security and safety; and hosted two smaller events on the sidelines of the conference. Beyond the four statements mentioned above, however, the EU did not take the floor again, either in the main committees or in any of the subsidiary bodies. As in 2010, the EU representatives completely avoided reacting to the statements of other diplomats, confining themselves to the passive position of reading the pre-prepared statements.<sup>42</sup>

## **New round of clashes on disarmament**

As mentioned above, the idea behind the EU common position is eventually to reach the point of having a single representative speaking on behalf of all the EU member states in the NPT forums. However, in practice, not only are the individual member states allowed to present their national positions and participate in the activities of various cross-regional and issue-based groupings, but their

<sup>40</sup> Mogherini, 'EU statement by HRVP Mogherini'.

<sup>41</sup> Mogherini, 'EU Statement by HRVP Mogherini'.

<sup>42</sup> Müller, 'The 2010 NPT Review Conference', pp. 11–12.

statements also frequently deviate from the common EU position.<sup>43</sup> This has been particularly true in the area of nuclear disarmament and related issues. The disagreements that loomed large in the debate over the 2015 common position did not cease after the adoption of the Council conclusions but were merely brought to the NPT itself.

On the second day of the 2015 Review Conference, Sebastian Kurz, Austrian Federal Minister of Foreign Affairs, delivered a statement on the humanitarian consequences of nuclear weapons. This was delivered on behalf of 159 states, including EU members Cyprus, Denmark, Finland, Ireland, Malta and Sweden. The core message of the statement revolved around the scientific findings discussed at the Humanitarian Initiative conferences held in Norway, Mexico and Austria in 2013 and 2014, which were supposed to contribute to the common stock of knowledge on the ‘catastrophic’ humanitarian consequences of nuclear weapon use. According to the statement, since the accidental, miscalculated or even intentional use of nuclear weapons cannot be ruled out—and at the same time cannot be addressed by any state or organization—the only logical conclusion following these assumptions is that nuclear weapons should not be used *under any circumstances*. This can be assured only through their complete, global abolition.<sup>44</sup> To move the disarmament agenda further, the treaty parties were subsequently encouraged to join the ‘Austrian Pledge’ to ‘identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons’.<sup>45</sup>

The Austrian position was supported by another traditionally pro-disarmament state, Ireland, which also participated in the work of the NAC grouping. The NAC prepared statements and working papers outlining several legal options for pursuing the ‘effective measures’ mentioned in article VI of the NPT: a comprehensive nuclear weapons convention; a nuclear weapons ban treaty; a framework agreement; or a ‘hybrid arrangement’ of these three tools.<sup>46</sup> Another supporter of the Austrian position, Sweden, having re-established its pro-disarmament identity after a recent change of government, repeatedly stressed through its Foreign Minister Margot Wallström the urgency of new steps towards a global nuclear weapons ban.<sup>47</sup> Sweden also presided over a new regionally based grouping with a strong focus on disarmament and the humanitarian consequences of weapons

<sup>43</sup> Dee, *Explaining European Union performance in the Nuclear Non-Proliferation Treaty Review Conference*, p. 19.

<sup>44</sup> Sebastian Kurz, ‘Joint statement on the humanitarian consequences of nuclear weapons’, 28 April 2015, [http://www.reachingcriticalwill.org/images/documents/Disarmament-foira/npt/revcon2015/statements/28April\\_AustriaHumanitarian.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-foira/npt/revcon2015/statements/28April_AustriaHumanitarian.pdf), accessed 18 Nov. 2015.

<sup>45</sup> Alexander Kmentt, ‘2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons: general statement’, 29 April 2015, [http://www.reachingcriticalwill.org/images/documents/Disarmament-foira/npt/revcon2015/statements/29April\\_Austria.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-foira/npt/revcon2015/statements/29April_Austria.pdf), accessed 18 Nov. 2015. In the course of the conference, the initiative strongly supported by some major pro-disarmament NGOs was eventually renamed ‘Humanitarian Pledge’ and by July 2015 had been joined by 113 states.

<sup>46</sup> For a detailed elaboration of the distinct approaches, see ‘Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons: working paper submitted by New Zealand on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa)’, 9 March 2015, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=NPT/CONF.2015/WP.9](http://www.un.org/en/ga/search/view_doc.asp?symbol=NPT/CONF.2015/WP.9), accessed 18 Nov. 2015.

<sup>47</sup> Margot Wallström, ‘National statement by HE Ms. Margot Wallström, Foreign Minister of Sweden, at the NPT Conference in the General Assembly Hall’, 27 April 2015, <http://www.swedenabroad.com/en-GB/Embassies/UN-New-York/Current-affairs/Statements/National-Statement-by-HE-Ms-Margot-Wallstrom-Foreign-Minister-of-Sweden-at-the-NPT-Conference-in-the-General-Assembly-Hall-sys/>, accessed 18 Nov. 2015.

use: this is the 'Nordic Countries' group mentioned above, joined by Denmark, Finland, Iceland and Norway.<sup>48</sup>

While all the NWS strongly resisted accepting any new disarmament measures, the fiercest opposition to the Humanitarian Initiative proposals came from within the EU. France, in particular, was largely seen by NPT Review Conference observers as the most defensive of all the P5. In their statements, French diplomats largely echoed the recent assertion of President François Hollande that 'no weakness can be allowed in this international context' and that the 'nuclear deterrent is not a thing of the past'; consequently, nuclear disarmament should be considered a 'long-term goal', achievable only when 'the strategic context allows'.<sup>49</sup> France praised its own 'irreversible' disarmament efforts,<sup>50</sup> and firmly opposed proclamations to the effect that there should be a qualitative change taken in the current gradual 'step-by-step' approach to nuclear disarmament.<sup>51</sup> Using a provocative rhetoric similar to that voiced in 2010,<sup>52</sup> French diplomats repeatedly claimed that there has been no new evidence relating to the consequences of nuclear weapons use for many decades and that, at least in the case of France, there is zero probability of a nuclear weapons-related accident.<sup>53</sup>

The UK, at least rhetorically, took a slightly more moderate approach, but its claims were largely based on the same logic as that of the French statements. Alongside the United States, Britain attended the 2014 Vienna conference on humanitarian consequences but repudiated the notion that 'nuclear weapons per se are inherently unacceptable'.<sup>54</sup> It explicitly noted that acceptance of the Humanitarian Initiative's core principle that nuclear weapons should not be used under any circumstances 'would contradict [the UK's] policy of nuclear deterrence', and that it did not agree with the claim that 'there is a [legal] gap in the NPT to be filled' at this stage.<sup>55</sup>

Most of the other European NATO countries supported the P5 in the refusal of any new 'effective measures' that would speed up the disarmament process;

<sup>48</sup> See Annika Thunborg, 'Statement on behalf of the Nordic countries Denmark, Finland, Iceland, Norway and Sweden at the NPT Review Conference 2015 Main Committee I: nuclear disarmament', 4 May 2015, [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/4May\\_Nordic\\_MCI.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/4May_Nordic_MCI.pdf), accessed 18 Nov. 2015.

<sup>49</sup> François Hollande, 'Speech at the Istres air force base', 19 Feb. 2015, <http://basedoc.diplomatie.gouv.fr/vues/Kiosque/FranceDiplomatie/kiosque.php?fichier=baen2015-02-25.html>, accessed 18 Nov. 2015.

<sup>50</sup> Jean-Hugues Simon-Michel, 'Statement of France: general debate', 28 April 2015, [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/28April\\_France.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/28April_France.pdf), accessed 18 Nov. 2015.

<sup>51</sup> Jean-Hugues Simon-Michel, statement in 'Main Committee I: "Nuclear disarmament and security assurances"', [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/1May\\_France.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/1May_France.pdf), accessed 18 Nov. 2015.

<sup>52</sup> Müller, 'The 2010 NPT Review Conference', pp. 12–13.

<sup>53</sup> Andrea Berger, 'Another war in Europe: dispatches from the Non-Proliferation Treaty Review Conference', *RUSI Analysis*, 19 May 2015, <https://rusi.org/commentary/another-war-europe-dispatches-non-proliferation-treaty-review-conference>, accessed 19 Nov. 2015.

<sup>54</sup> Matthew Rowland, 'The United Kingdom of Great Britain and Northern Ireland: Cluster 1 Issues Statement to the Third Preparatory Committee of the 2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons', 2 May 2014, [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May\\_UK.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_UK.pdf), accessed 18 Nov. 2015.

<sup>55</sup> 'Main Committee I Statement by the United Kingdom', 15 May 2015, [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/15May\\_UK.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/15May_UK.pdf), accessed 18 Nov. 2015.

Denmark was the only member state of both NATO and the EU that subscribed to the Austrian statement on humanitarian consequences. As noted by Dhanapala and Rydell, the umbrella states tend in general to see disarmament as a less urgent priority and to be reluctant to support actions that may appear to contradict their alliance commitments.<sup>56</sup> In 2015, in comparison with previous Review Conferences, the overall rhetoric of the umbrella states seemed to shift in the direction of P5 positions; this development was attributed by some participants to the Ukraine crisis and the perceived Russian threat,<sup>57</sup> a theme that recurred frequently in the umbrella states' statements.<sup>58</sup>

Furthermore, 20 EU umbrella states joined the 'alternative' humanitarian consequences statement delivered by Australia (on behalf of 26 states in total). While this statement acknowledged and 'welcomed' the Austrian initiative, it simultaneously stressed that 'there are no short cuts', and rendered global nuclear abolition conditional on negotiating a treaty on general and complete disarmament, using a framing strictly opposed by supporters of the Humanitarian Initiative.<sup>59</sup>

In the course of the conference, the umbrella states mostly supported the 'softer' language on humanitarian consequences, opposed the idea of a 'legal gap' in article VI of the NPT,<sup>60</sup> and defended the often-criticized practice of nuclear sharing arrangements within NATO.<sup>61</sup> One of the participants in the recent meeting of the EU Non-Proliferation Consortium remarked that, in his view, at the 2015 NPT Review Conference 'it seemed that there was more NATO coordination than EU coordination'.<sup>62</sup>

## Irreconcilable stances

After the chair of Subsidiary Body 1 presented the first draft report—dealing specifically with the issue of nuclear disarmament—the rift between the different positions seemed to open even more widely than before. To the apparent surprise of the NWS and many of their allies, the draft included a fair amount of the

<sup>56</sup> Jayantha Dhanapala and Randy Rydell, *Multilateral diplomacy and the NPT: an insider's account* (Geneva: UN Institute for Disarmament Research, 2005), p. 31.

<sup>57</sup> Interview with senior non-EU NPT member state diplomat, UN, New York, May 2015.

<sup>58</sup> See e.g. Leszek Soczewica, 'Statement by Poland in general debate', 28 April 2015, [http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/28April\\_Poland.pdf](http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/28April_Poland.pdf), accessed 18 Nov. 2015.

<sup>59</sup> Gillian Bird, 'Statement on the humanitarian consequences of nuclear weapons', 30 April 2015, [http://www.un.org/en/conf/npt/2015/statements/pdf/HCG\\_en.pdf](http://www.un.org/en/conf/npt/2015/statements/pdf/HCG_en.pdf), accessed 18 Nov. 2015. Cf. the Swedish claim that 'nuclear disarmament was to be pursued as a matter of urgency, unequivocally, without conditions and without waiting for progress on other disarmament issues such as the disarmament of guns and rifles, sticks and stones and other conventional arms which some countries argued. The concept of general and complete disarmament thus needed to be removed as a condition': Tariq Rauf, 'NPT daily reports: day 16', 18 May 2015, SIPRI, <http://www.sipri.org/research/disarmament/nuclear/npt-review-2015/folder-publications/npt-report-16>, accessed 18 Nov. 2015.

<sup>60</sup> Henk Cor van der Kwast, 'Speech at the Non-Proliferation Treaty Review Conference 2015: Cluster 1', 4 May 2015, <http://geneva.nlmission.org/organization/recent-speeches/4-may-2015---speech-van-der-kwast-non-proliferation-treaty.html>, accessed 18 Nov. 2015.

<sup>61</sup> See German remarks about 'grandfathered' weapons: Tariq Rauf, 'NPT daily reports: day 5', 1 May 2015, SIPRI, <http://www.sipri.org/research/disarmament/nuclear/npt-review-2015/folder-publications/npt-report-day-5>, accessed 18 Nov. 2015.

<sup>62</sup> Fourth consultative meeting of the EU Non-Proliferation Consortium, 13 July 2015, Brussels.

Humanitarian Initiative language, including an encouragement ‘for all states to engage, without delay ... in an inclusive process to identify and elaborate the legal provisions required for the achievement and maintenance of a world without nuclear weapons’.<sup>63</sup> What followed was a ‘pushback’ towards a complete rewriting of the report, with significantly tougher rhetoric and a position less open to compromise than in the first part of the negotiations.<sup>64</sup>

At this stage, the discord within the EU28 was clearly apparent and indeed seemed irreconcilable. Some representatives of European pro-disarmament countries complained about a dismissive or even plainly aggressive stance on the part of France and the UK.<sup>65</sup> Diplomats from EU NATO countries, on the other hand, privately accused Austria of being engaged in an unproductive, divisive politics that was aimed more at enhancing its own international image than achieving any substantive outcome.<sup>66</sup>

In the face of this discord, the EU as such remained a rather passive presence at the 2015 NPT Review Conference, even when compared with the 2010 event and the three PrepComs that have taken place since then. The EU coordination meetings were maintained but scaled down to three per week (as opposed to daily meetings in 2010). According to a diplomat who attended the 2010 NPT Review Conference, in 2015 the EEAS representatives were significantly less active in attempts to achieve some coordination of the common position.<sup>67</sup> The disempowerment of the HR’s principal adviser and special envoy for non-proliferation and disarmament, in particular, had already begun at the preceding 2014 NPT PrepCom. Since then, the special envoy has had a considerably weaker mandate to act on behalf of the EU member states, primarily because of the irreconcilable differences in their positions on disarmament. Among other things, this weaker mandate prevented the special envoy (and in effect the EEAS as such) from constructively engaging with the chair of this year’s Review Conference.<sup>68</sup>

In general, the individual member states seemed to focus predominantly on their own agenda and activities within specific regional, political or issue-based coalitions and groupings, and took significantly more divergent positions on particular issues than in the past. The EU’s inability to ‘speak with one voice’ resulted in NPT parties bypassing the EU representatives and dealing directly with individual member states. A handful of EU member states eventually participated separately in the exclusive ‘presidential consultations’ behind closed doors in the last week of negotiations, with the EU as a whole lacking any further influence over the outcome of the conference.<sup>69</sup> A symptomatic event was the absence of

<sup>63</sup> ‘Subsidiary Body 1: draft substantive elements’, 8 May 2015, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/documents/SBI-CRP1.pdf>, accessed 18 Nov. 2015.

<sup>64</sup> Tariq Rauf, ‘NPT daily reports: day 11’, 11 May 2015, SIPRI, <http://www.sipri.org/research/disarmament/nuclear/npt-review-2015/folder-publications/npt-report-day-11>, accessed 18 Nov. 2015.

<sup>65</sup> Interview with two senior diplomats from EU non-NATO member states, UN, New York, May 2015.

<sup>66</sup> Interviews with two senior diplomats from EU/NATO member states, UN, New York, May 2015.

<sup>67</sup> Interview with senior diplomat from EU member state, UN, New York, May 2015.

<sup>68</sup> I am indebted to one of the reviewers of this article for pointing to this dynamic.

<sup>69</sup> Tariq Rauf, ‘The 2015 NPT Review Conference: setting the record straight’, 15 June 2015, SIPRI, <http://www.sipri.org/media/newsletter/essay/june-15-NPT>, accessed 18 Nov. 2015.

the UK from the last EU coordination meeting, which left the other EU member states in the dark regarding the final stage of bargaining on the proposed deadline for convening the regional conference related to the establishment of a WMD-free zone in the Middle East.<sup>70</sup>

Because of the lack of agreement on particular points, the draft final document did not represent a fully negotiated outcome; instead, it was prepared and presented by the conference chair. The document eventually included language on the humanitarian consequences that was closer to the French framing of the issue, in the sense that it presents it more as a matter of *different*, equally valuable opinions, than as a paradigm-shifting initiative based on *new* scientific facts, supported by the prevailing weight of NPT members. The draft therefore stated that:

The Conference affirms that the use of nuclear weapons would have immediate and long-term consequences, which are significantly graver than *many States parties* previously understood. The Conference notes that *those State parties consider* that no State or international organization could adequately address the humanitarian emergency caused by such use.<sup>71</sup>

The breakdown of the conference on the issue of a Middle East WMD-free zone eventually spared the pro-disarmament states from the apparent dilemma of either accepting a disarmament language that they had constantly opposed or rejecting the draft final document altogether. The bitter discord over nuclear disarmament and the Humanitarian Initiative, however, was clear in the concluding statements of many NPT member states, and can be expected to remain on the table in the NPT review context in the years to come.

## Conclusion and discussion

In this article I have used insights from personal on-site observation, research interviews with senior diplomats, and a comprehensive analysis of statements and working papers to draw a picture of the EU and its member states' performance at the 2015 NPT Review Conference. I have argued that, despite the EU's consistent efforts to raise its profile as a prominent actor in the area of WMD non-proliferation,<sup>72</sup> its longstanding ambition to achieve more visibility and relevance within the NPT review process remains unfulfilled for the time being.

Whereas the recent institutional changes within the CFSP were justified with particular reference to the need to strengthen both the cohesion and the efficiency of the Union's external policies, the EU's struggle to forge a meaningful common position was harder this year than ever before. Although the member states are generally able to compromise within the second and third pillars of the NPT—non-proliferation and peaceful use of nuclear energy—a consensus on pillar one issues related to nuclear disarmament seems for the present beyond reach.

<sup>70</sup> Interview with senior diplomat from EU member state, UN, New York, May 2015.

<sup>71</sup> 'Draft final document', vol. I, 21 May 2015, <http://www.reachingcriticalwill.org/images/documents/Disarmament-foia/npt/revcon2015/documents/DraftFinalDocument.pdf>, accessed 18 Nov. 2015 (emphasis added).

<sup>72</sup> For a general overview of the EU's recent progress in the area of WMD non-proliferation, see Kienzle, 'A European contribution to non-proliferation?'; Ian Anthony and Lina Grip, *Strengthening the European Union's future approach to WMD non-proliferation*, SIPRI policy paper (Stockholm: SIPRI, 2013).

The Council conclusions on the common EU position at the 2015 NPT Review Conference were significantly weaker than the Council decision in 2010, and used a language that simply highlighted the intra-EU differences.

The lack of agreement on basic issues in the disarmament pillar prevented the EU representatives from taking a more active part in NPT deliberations beyond reading four pre-prepared statements and submitting working papers. As has often been argued, this rather passive approach impedes the EU's aim to gain a higher profile in a multilateral setting such as the NPT.<sup>73</sup> Furthermore—as is often the case in other areas of EU external policy—where the EU is unable to ‘speak with one voice’, the other NPT parties tend to bypass the EU representatives and deal directly with individual member states.<sup>74</sup> The EU as a negotiating partner then lacks credibility *vis-à-vis* other states, with little chance of participating in informal ‘behind closed doors’ consultations, let alone influencing their outcome.

The establishment of the HR and the EEAS as its supporting body after the Lisbon Treaty does not seem to have had much influence on the overall dynamics. In fact, since the 2014 NPT PrepCom a substantive weakening of the EEAS mandate in the NPT context has been apparent, largely due to irreconcilable differences between the individual EU member states' positions. In effect, the HR's principal adviser and special envoy for non-proliferation and disarmament and the EEAS itself played a strikingly passive role at the 2015 NPT Review Conference, even in comparison with the 2010 event and the three PrepComs.

Recent EU performance in the NPT context seems to be in line with arguments put forward about the persistent inefficiency of EU internal coordination in non-proliferation policy,<sup>75</sup> and the continued reluctance of member states to let the EU deal with the more substantive issues in this area.<sup>76</sup> In the course of this year's Review Conference, the individual member states took tough stances in their own statements that went far beyond the agreed common position, and actively participated in the politics of other regional and issue-based groupings and coalitions. Both during the process of bargaining the common position and at the NPT Review Conference itself, the most visible actors in this context were, on the one hand, Austria (supported by Ireland, Sweden and some other non-NATO member states), as an informal leader of the Humanitarian Initiative and a proponent of new ‘effective measures’ towards the ban on nuclear weapons; and France, Britain and, to a lesser extent, most of the NATO ‘umbrella states’, in strictly opposing any imposition of new formal constraints on P5 nuclear arsenals.

<sup>73</sup> Müller, ‘The 2010 NPT Review Conference’, pp. 10–11.

<sup>74</sup> Eugénia da Conceição-Heldt and Sophie Meunier, ‘Speaking with a single voice: internal cohesiveness and external effectiveness of the EU in global governance’, *Journal of European Public Policy* 21: 7, 2014, pp. 969–71. However, recent research in other fields of EU external relations also indicates that internal coherence is not by itself a sufficient condition for significantly influencing the outcome of negotiations. See e.g. Patricia Garcia-Duran, Benjamin Kienzle and Montserrat Millet, ‘Revisiting European influence: the case of agricultural trade negotiations’, *Journal of World Trade* 48: 5, 2014, pp. 1057–76; Daniel C. Thomas, ‘Still punching below its weight? Coherence and effectiveness in European Union foreign policy’, *Journal of Common Market Studies* 50: 3, 2012, pp. 457–74.

<sup>75</sup> Kienzle, ‘A European contribution to non-proliferation?’, p. 1150.

<sup>76</sup> Cf. Peter van Ham, *The European's Union's WMD strategy and the CFSP: a critical analysis*, Non-Proliferation Papers no. 2 (Brussels: EU Non-Proliferation Consortium, 2011).

The issue of nuclear disarmament has always been divisive in the EU context. However, with the recent shift towards Humanitarian Initiative discourse, it has become significantly more salient in intra-EU debates. The achievement of a 'lowest common denominator' has become increasingly difficult; in fact, the EU has probably not been as deeply split on this particular issue as it is at present since the 1990s. Judging from the various countries' statements, the approach to nuclear disarmament will continue to be the main dividing line among the member states in the current five-year NPT review cycle. Some states have already expressed deep dissatisfaction with the way the bargaining of the common position was conducted. One diplomat even questioned the utility of presenting statements riddled with contradictions and conflicting positions and asked the obvious question: whether, in the absence of agreement, it would not be better to remain silent.<sup>77</sup>

Considering the EU's potential as a stand-alone actor, it is unlikely to be able to agree on a strong common position and play a more significant role in the NPT review process unless there is a fundamental change in the approach towards nuclear disarmament at one end or the other of the opinion spectrum. In the broader context, by displaying the discord among its member states rather than the ability to find an agreement, the EU is losing its distinct feature as a 'laboratory of consensus'—a potential role model for the broader NPT club—and becoming a symbol more of the irreconcilable differences within the NPT regime than of the possibility of building 'unity in diversity'.<sup>78</sup> As such, the EU's increasing inability to find common ground on nuclear disarmament is undermining one of its major contributions to the NPT review process.

In more general terms, the EU remains a passive supporter of the NPT regime rather than a driving force within it.<sup>79</sup> Without a qualitative change that would enable the EU to find a common voice on nuclear disarmament, the EU's goal of gaining relevance and visibility in the NPT forums will become increasingly remote. The dynamics outlined in this article further highlight the limits of the EU CFSP in security matters in which the national positions of individual member states are as divergent as in the case of nuclear disarmament.

<sup>77</sup> Participant in fourth consultative meeting of the EU Non-Proliferation Consortium, 13 July 2015, Brussels.

<sup>78</sup> See Megan Dee, 'The EU's multilateralist combat against the proliferation of WMD in the NPT: mirroring the grand bargain', *European Security* 24: 1, 2014.

<sup>79</sup> Dee, *Explaining European Union performance in the Nuclear Non-Proliferation Treaty Review Conference*, pp. 12, 25.