



The Laboratory in Discord: The European Union at the 2015 NPT Review Conference

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Background

In late April 2015, the gates of the United Nations headquarters in New York opened for month-long negotiations related to the past and future of the Nuclear Non-Proliferation Treaty (NPT). This ninth review conference was supposed to follow up on the developments within the nuclear non-proliferation regime in the last five years and find a consensus on the final document that would outline the steps to be taken in the next review period. However, the persistent conflicts among states regarding the implementation of the three pillars of the treaty – disarmament, non-proliferation, and peaceful use of nuclear energy – once again dominated the bargaining process. The conference eventually failed over the disagreements related to the establishment of weapons of mass destruction-free zone in the Middle East; nevertheless, the prevalent issue in the four week-long debates was the pace and scope of measures towards nuclear disarmament taken by the five nuclear weapon-states (NWS) recognized by the NPT. Whereas the treaty grants the P-5 a unique status allowing them to legally possess 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.’

The debates over the actual meaning and legal character of Article VI have long been a source of deep rift between the NWS and the majority of non-nuclear weapon-states (NNWS). The former generally consider ‘nuclear zero’ a distant goal that requires gradual, step-by-step approach. The latter, however, have already lost their patience with the perceived inadequacy of steps taken by the NWS and have been loudly calling for ‘effective measures’ to bring the world closer to nuclear weapon-free world. In this context, a relatively new development has been the ‘humanitarian initiative’, framing the urgent need for nuclear disarmament through the lenses of human security, international humanitarian law, and new scientific findings related to the horrific consequences of nuclear weapon use. This initiative has received a great deal of support by the majority of NNWS and the non-governmental sector. The NWS and their allies are much less enthusiastic.

The aim of this paper is to make a brief assessment of the EU performance at the 2015 NPT review conference, with emphasis on the nuclear disarmament debate

outlined above. Although not a party to the treaty itself, the EU has long strived for greater visibility in the area of nuclear non-proliferation in general and the NPT review process in particular. The expectations in this regard were raised with the recent institutional development after the Lisbon Treaty and the new European External Action Service (EEAS) leadership of Federica Mogherini and her non-proliferation envoy Jacek Bylica. The conduct of negotiations over Iranian nuclear program has recently helped to raise the profile of the broader EU non-proliferation policy. In the NPT context, however, the EU influence remains very limited and the common position in bigger disarray than ever before.

Analysis

Due to the divergence in its member states' characteristics and positions on nuclear issues, the EU tends to be labeled the 'laboratory of consensus' or the 'microcosm' of the NPT. Indeed, the current EU-28 includes two NWS recognized by the treaty (UK and France), a number of NATO allies under U.S. nuclear 'umbrella', as well as states such as Austria or Ireland that have abolished even the civilian use of nuclear energy. Furthermore, some of the EU member states engage in the politics of specific regional or issue-based coalitions that traditionally play a significant role in the NPT review process, such as the disarmament-oriented New Agenda Coalition or the 'bridge-building' Non-Proliferation and Disarmament Initiative.

Due to their differences, cross-alignments and the resulting preferences of member states, the negotiation of the EU common position towards NPT review process has always been sentenced to the search for the lowest common denominator. Nevertheless, ever since the 1990s the member states have always agreed on a common position delivered at the NPT review conference by a single representative on behalf of the EU as a whole. The negotiations of Council Decision related to the 2015 common position started last year in three working groups corresponding to the three treaty pillars. While there were only minor obstacles to the agreement on pillars two and three (non-proliferation and peaceful use), the positions

on issues in pillar one (disarmament) seemed not to be reconcilable this time.

In the bargaining process, Austria, an informal leader of countries supporting the humanitarian initiative, took the most active role on the side of pro-disarmament camp. With a considerable support from Ireland, Vienna insisted on the explicit inclusion of language related to the humanitarian consequences of nuclear weapon use, with reference to the findings of the recent Vienna conference that supposedly have direct implications for further progress in nuclear disarmament. On the other side stood France with the UK, unwilling to accept that the humanitarian initiative should be considered a meaningful process that would be providing new rationale for qualitatively different policy measures in their nuclear postures. The negotiations span over six months, with the EU political directors eventually relinquishing the Council Decision option in favor of a legally non-binding Council Conclusions. The final deal was allegedly broken at an unofficial meeting in March, with Austria eventually agreeing on an ambivalent language including phrases such as 'the ongoing discussions on the consequences of nuclear weapons' and 'different views' of the issue, and referring to the (last December's) 'conference organized by Austria, in which not all EU Member States participated.'

The disagreements among the EU member states over the approach towards nuclear disarmament in general and the humanitarian initiative in particular have not ceased after the adoption of the document but were merely brought to the NPT forum itself. Austrian diplomat Alexander Kmentt delivered a statement on humanitarian consequences on behalf of 159 states (including EU members Ireland, Sweden, Denmark, and Finland) and called upon the treaty parties to join the 'Austrian Pledge' to 'fill the legal gap' in Article VI and engage in negotiations of a legally binding instrument to abolish nuclear weapons. In the course of the conference, the initiative was eventually renamed 'Humanitarian Pledge' and joined by 107 states.

France, the most defensive country among the P-5, fiercely opposed any attempts to give further relevance to the humanitarian initiative, insisting that there had not been any new evidence related to the consequences of nucle-

ar weapons use in decades. Paris eventually went as far as proclaiming that when it comes to the French arsenal, there is a zero risk of nuclear weapons-related accident. The UK took a more moderate approach, noting its deep concern about the humanitarian impacts of nuclear weapons use, but nevertheless objecting to the notion that nuclear weapons are inherently unacceptable and that there is a legal gap to be filled at this stage. Most of the NATO 'umbrella states' joined the P-5 in refusal of any new 'effective measures' that would speed up the disarmament process. Among the conference participants, there was a widespread perception that the ongoing Ukraine crisis had a noticeable impact on the rhetoric and positions of a number of the Alliance members in this regard.

In the face of this discord, the EU remained a rather passive actor at the NPT review conference, even when compared with the 2010 event and the three Preparatory Committees. The EU representative took floor only once in the General debate and once in each of the three Main Committees, and stayed silent for the rest of the conference (except of hosting two smaller events on the sidelines). The EU coordination meetings were scaled down to three per week and did not help to change the outside image of profound disagreements among its members, even though the member states successfully agreed on the vast majority of issues in the other two NPT pillars. Individual member states focused predominantly on their own agenda and activities within specific regional, political or issue-based coalitions and groupings. A handful of them participated at the exclusive 'presidential consultations' behind the closed doors in the last week of negotiations. A symptomatic event was the absence of the UK at 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 the WMD-free zone in the Middle East. This particular issue turned out to be the final blow to this year's conference, with the US, UK, and Canada rejecting the deadline and consequently the draft Final Document. The bitter discord over nuclear disarmament and the humanitarian initiative,

however, remained in the air, and will continue to be on the table in the NPT context in the years to come.

Bottom Line

- While the EU non-proliferation policy has recently enjoyed a fair amount of success in the context of negotiations over Iranian nuclear program, its ambition for visibility and relevance in the NPT review process remains unfulfilled.
- As a result of the conflicting positions advocated by the member states, the EU played a rather passive role at this year's NPT review conference, even in comparison with the 2010 event and the Preparatory Committees.
- 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 seem currently beyond reach.
- The most visible actors in this context are Austria (supported by Ireland, Sweden and some other non-NATO member states) as an informal leader of the 'humanitarian initiative' and proponent of new legal measures to ban nuclear weapons; and France (and to a lesser extent UK and NATO 'umbrella states'), strictly opposing any new measures that would put constraints on P-5 nuclear arsenals.
- The issue of nuclear disarmament will remain to be the main divisive line among the member states in the new NPT review cycle. The EU as an actor will not be able to produce a coherent common position and play a more significant role in the NPT review process unless there is a fundamental change in the position towards nuclear disarmament on one or the other side of the opinion spectrum.

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