



# The EU and the NPT: drawing lines

by Christian Dietrich

On 27 April, some 150 states and 100 non-governmental organisations will convene at the Review Conference (RevCon) of the Nuclear Non-Proliferation Treaty (NPT) in New York for four weeks. At the five-yearly meeting, state parties assess members' performance in implementing the treaty and outline further steps to be taken.

While some notable developments have advanced the NPT agenda over the past review cycle, fallout from others – such as the conflict over Ukraine and the rising tensions in the Gulf – will no doubt cast a shadow over the proceedings.

What is more, the EU is not immune to some of the rifts within the NPT regime. Nuclear disarmament, in particular, is still one of the most controversial issues in the area of the EU's Common Security and Defence Policy. Yet the Union's internal differences provide a good opportunity for Brussels and EU member states to externalise the lessons learnt from their own internal diversity in bridging the main divides of the NPT regime.

## Fine lines

Over the course of the past five years, much has transpired in the political arena with respect to the three 'pillars' of the NPT.

The *peaceful use* of nuclear energy has received a major boost. After a decade of deteriorating relations and escalating sanctions, Tehran and the P5+1 (China, France, Russia, UK, US, and Germany) are nearing a possible settlement to the dispute over Iran's nuclear programme, having reached a framework agreement this month. On the flip side, the capacities (and funds) of the International Atomic Energy Agency (IAEA) are being increasingly stretched in the face of growing demand for domestic nuclear power programmes, with many of the front runners in the Middle East.

*Non-proliferation* has been dealt several major blows. North Korea's nuclear weapons programme has continued to advance, and Russia violated the Budapest Memorandum by annexing Crimea, disregarding the security guarantees given in exchange for Ukraine giving up Soviet nuclear weapons in the 1990s. In addition, some of the cornerstones of US-Russian nuclear security cooperation have fallen victim to the spiralling crisis over Ukraine. Finally, a zone free of weapons of mass destruction (WMDFZ) in the Middle East – a long-standing commitment made in the framework of the NPT – is still far from being established.

*Disarmament* has stalled – and even reversed: instead of working toward the implementation of the



‘New START’ bilateral arms control treaty, which limits deployed nuclear forces, the US and Russia have increased them since early 2014. Both countries also traded accusations of violating other arms control agreements. Elsewhere, China is bolstering both its conventional and strategic forces, and the nuclear arms race between India and Pakistan, two non-NPT states, continues unabated.

## Lines in the sand

Seven decades after the bombs were dropped on Hiroshima and Nagasaki, and 45 years after the entry into force of the NPT, the 2015 RevCon is set to be as charged as ever.

That trouble was on the horizon for this year’s RevCon has been evident for some time. Unlike in the run-up to the 2010 session, states failed to agree on a set of recommendations to the president-designate of this RevCon,

Ambassador Taous Feroukhi of Algeria. Moreover, some of the concrete commitments made in the 2010 final document (a 64-point Action Plan) are set to be reviewed, and although these conferences never fail to chart lofty goals, assessing performance with respect to this list of quite specific actions will be a particularly hard nut to crack.

The NPT is inherently unbalanced, dividing its signatories into nuclear haves and have-nots. While non-nuclear weapon states (NNWS) commit to immediately forgo the development or acquisition of nuclear weapons and accept intrusive safeguards, nuclear weapon states (NWS) commit only to abandon their arsenals at some point in the future.

Yet, since the treaty’s inception, much has been achieved. An extensive system of nuclear safeguards and shared knowledge has been established under the auspices of the Vienna-based IAEA, and nuclear arsenals have decreased considerably since their peak at the height of the Cold War. However, a large group within the NPT membership contends that the disarmament process lacks conviction and scope. To date, it has been a bilateral process – limited to the holders of the two biggest arsenals, Russia and the US – and nuclear weapons continue to reign supreme in NWS’s security strategies.

Moreover, nuclear deterrence has recently experienced a form of renaissance, in parallel with the pronounced return of geopolitics. Disarmament

commitments have suffered serious setbacks: in 2014, Russia announced its intention to drop out of the Nuclear Security Summit hosted by the US in 2016, and at the beginning of 2015 it ended its cooperation with Washington after two decades of securing and dismantling Russian nuclear materials under the Cooperative Threat Reduction Programme. Given these developments, President Obama’s proposal to reduce US and Russian deployed strategic nuclear warheads by a third – made in Berlin in June 2013 – rings rather hollow these days.

At the same time, all five nuclear weapon states stipulated under the NPT (the P5) made modest progress in the ‘P5 process’. As a follow-up to the 2010

RevCon, they pledged to build confidence, strengthen transparency and discuss common reporting measures on nuclear arsenals. As part of an effort to develop a common language, the five states are likely to present a first draft of a jointly-developed glossary of key nuclear terms at the upcoming RevCon.

Further progress, however, looks unlikely, as the P5 currently find themselves caught between a changing strategic environment and mounting pressure from other NPT members.

## Lines of contention

The perceived lack of progress with regard to disarmament has fed a growing sense of frustration among many of the 185 non-nuclear weapon states who are parties to the treaty, widening existing cleavages and reinforcing new trends.

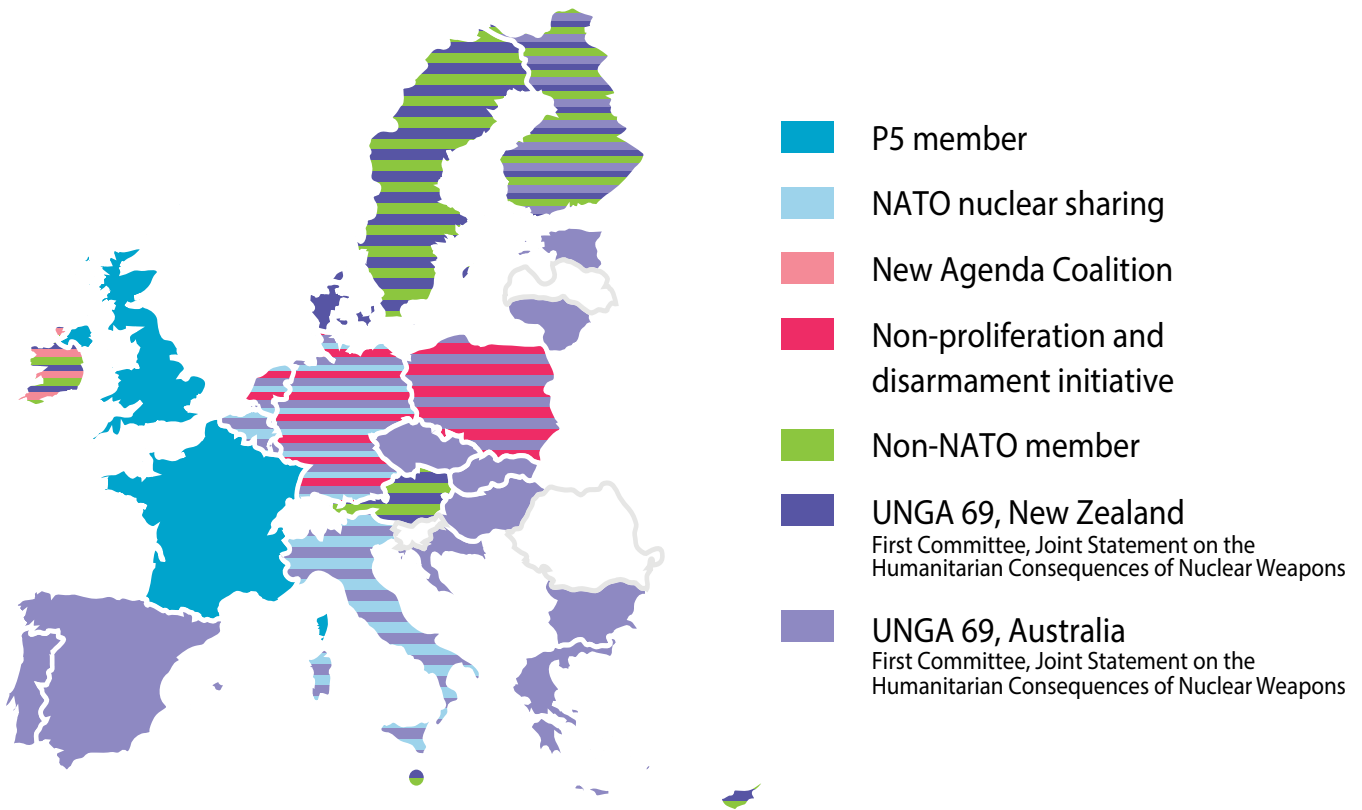
This has culminated in an initiative that highlights the impact of nuclear weapons on human civilisation, a topic which was first found in the 2010 RevCon final document. The ‘humanitarian initiative’ seeks to underline how the use of nuclear weapons fundamentally contradicts international humanitarian law. Proponents advocate a range of measures from a ban of the use of nuclear weapons to their outright eradication.

Merging the concept of ‘human security’ with the process of disarmament (previously restricted to ‘hard security’ frameworks), the humanitarian initiative has recently gained momentum. While 80 states backed a statement associated with the initiative at the 2013 RevCon Preparatory Committee (PrepCom), 155 co-sponsored a similar statement at the United Nations General Assembly (UNGA)

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## EU members' NPT-related affiliations



Source: EUISS

First Committee meeting in 2014. Norway, a NATO member, hosted the first 'Conference on the Humanitarian Impact of Nuclear Weapons' in 2013, and was followed in 2014 by Mexico and, most recently, Austria.

While critics of the initiative tend to argue that it is a distraction and an illegitimate circumvention of the NPT process, advocates contend that it derives its *raison d'être* from the large-scale agreement of the international community. Supporters seek to outlaw nuclear weapons – with or without the endorsement of the minority – in a manner similar to the Ottawa Treaty to ban landmines or the Convention on Cluster Munitions.

Another issue set to feature prominently at the conference is the zone free of weapons of mass destruction in the Middle East. The promise to pursue the creation of such a zone was a condition for the indefinite extension of the NPT at the 1995 RevCon. Ever since, progress has been held hostage to regional dynamics. Despite the tireless efforts of the Finnish facilitator, no conference to discuss the issue has been convened in this NPT review cycle, thus missing the initial 2012 deadline. While the ostensible destruction of Syria's chemical arsenal has been a positive development in this context, virtually everything else – the country's ongoing

civil war, the expansion of the Islamic State of Iraq and the Levant, violence in Yemen, as well as underlying regional rivalries – is impeding the effective establishment of trust and security in the region.

Some NPT members have become more forceful in demanding support for the WMDfz process. Egypt, for instance, staged an unprecedented walkout at the 2013 PrepCom to demonstrate its discontent over the failure to convene the conference. While measuring the utility of the NPT solely against the success or failure of holding such a conference would certainly be wrong, it is, however, fair to say that the issue will continue to play a central role – and genuine sponsorship of it can make or break the commitment to the NPT of key regional players.

### A silver lining

In the tradition of her predecessor Catherine Ashton, the EU's High Representative Federica Mogherini will attend the RevCon – accompanied by Jacek Bylica, the EEAS Special Envoy for Non-proliferation and Disarmament.

Having successfully coordinated the Iran negotiations, the EU representatives will arrive in New



York with significant political capital. While the Union cannot act on behalf of its member states in non-proliferation and disarmament matters – and is not a member of the NPT in its own right – it does strive to find common ground at NPT review conferences. It regularly submits working papers – and the member states align their actions with the common position.

Unlike on previous occasions, the European Parliament has not passed a resolution in the run-up to this RevCon, possibly due to rising concern over Russia's recent military assertiveness. Yet the EU Foreign Affairs Council confirmed this week the member states' broad commitment to the NPT in all its main areas – although, unlike in 2010, it did not produce a binding and comprehensive document.

While members states' views tend to converge on the issue of non-proliferation, they sometimes diverge sharply on disarmament (divided between nuclear weapon states and disarmament advocates) and peaceful use (between reliance on nuclear power and constitutional prohibition). In a sense, therefore, the EU is a microcosm of the NPT regime.

These differences can also be seen in the association of EU members with other alliances and groups. 22 of the EU's 28 member states are NATO members and 4 are involved in NATO's nuclear sharing policy. Two EU members are nuclear weapon states (France and the UK), one is associated with the disarmament grouping called New Agenda Coalition (Ireland), and three belong to the Non-Proliferation and Disarmament Initiative (Germany, Netherlands, Poland). The latter attempts to build bridges between those who see disarmament as a long-term obligation and those who demand concrete commitments and immediate steps to be taken.

The humanitarian initiative serves as an example for the diverse views held within the EU: a majority of EU member states are co-signatories to a joint statement issued by Australia at the UNGA First Committee meeting in October 2014 that expresses moderate support for the initiative. Four of these signatories host NATO nuclear weapons, out of which three are members of the Non-Proliferation and Disarmament Initiative. But seven EU members, along with the vast majority of the international community, also support a more strongly-worded, uncompromising statement made by New Zealand, which explicitly demands the total elimination of nuclear weapons.

EU consensus about the humanitarian initiative boils down to agreement on the 'severe consequences' of the use of these weapons. In this respect, the Foreign Affairs Council took note of the ongoing discourse

as well as the differences among its members in its conclusions earlier this week.

## The bottom line

The 2003 European Security Strategy explicitly mentioned the threat represented by WMD proliferation, something which was addressed in more detail – in the same year – in the Strategy against WMD Proliferation. The EU does invaluable work in this field, in particular by increasing the safety and security of nuclear complexes around the world. This is also where internal consensus is strongest. Yet EU member states will not always speak with one voice in New York – and delegates will at times find their EU colleagues on opposite sides of the table. European representatives can therefore be expected to do what they do best at these meetings: finding a common denominator which they then emphasise – rather than contradict – in their national positions.

Void of the optimism induced by Obama's Prague speech in 2009 (where he set the stage for further nuclear reductions with Russia), the 2015 NPT Review Conference will be held against the backdrop of much changed relations among the P5. Many NNWS seem to have started drawing a line with respect to their patience on disarmament. Yet unanimity does not necessarily serve as a measure of success for NPT conferences. After all, only five of the previous eight gatherings managed to agree on final documents.

Meanwhile, strengthening all three 'pillars' of the NPT remains the Union's top priority. Seeking to achieve both 'more of the same' and 'some progress', the EU will doubtless draw a median line and leverage its internal diversity as a model for how to bridge differences inside the NPT framework.

***Christian Dietrich is an Executive Research Assistant at the EUISS.***

