

## Towards the Nuclear Non-proliferation Treaty Review Conference: EU Policy on Nuclear Non-proliferation

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### Policy Recommendations

- Develop a common voice on nuclear nonproliferation and disarmament towards a common EU security policy.
- Use the EU's strength in multilateralism and diplomacy in international fora
- Take on a grassroots approach: Invest in education, research; sponsor TV series and films
- Develop a common position for NPT RevCon and augment visibility
- Adopt a human security approach to nuclear issues in the post-pandemic world

The nuclear non-proliferation regime has been facing challenges and the EU is one of the actors that has the potential to address some of these issues by taking advantage of its power in multilateralism and diplomacy. However, it has been unable to put forward a unified EU policy for nuclear non-proliferation and disarmament. Since the field of non-proliferation is rather state-centric and military-strategic, the EU itself has not built up enough expertise. The Union frames its non-proliferation policy according to the threat assessment and response of NATO, mainly focusing on deterrence and defense and endorsing the US nuclear umbrella.

The nuclear non-proliferation regime rests on three principles that are embedded in the Nuclear Non-proliferation Treaty (NPT) of 1970: Nuclear non-proliferation, nuclear disarmament and peaceful use of nuclear energy. While the first and third principles have become norms by practice, the second principle, the commitment of Nuclear-Weapon States (NWS) to start negotiations for arms control and eventual disarmament, still requires action. The United States and the Soviet Union/Russian Federation signed arms control treaties (Strategic Arms Limitation Talks (SALT)-1972, Strategic Arms Reductions Treaty (START)-1991, Moscow Treaty-2003 superseded by New START-2010, Intermediate Nuclear Forces (INF) Treaty- 1987,) during the Cold War and post-Cold War as a result of decreasing tensions. However, nuclear disarmament is a difficult case due to nuclear deterrence, because nuclear weapons still constitute a strategic asset, not only for NWS party to the NPT, but also to non-NPT nuclear weapon possessors, and virtual nuclear powers, that is, those under the nuclear umbrella via collective defense agreements or treaties, most notably, the North Atlantic Treaty Organization (NATO). This explains why the Treaty on the Prohibition of Nuclear Weapons (TPNW), or the "Ban Treaty", which was signed on 20 September 2017, was not supported by these states, although many of them are committed to the norms of the NPT.

The first decade of the post-Cold War was promising, as more states acceded to the NPT as Non-Nuclear Weapon States (NNWS) and strengthened the norm of nuclear non-proliferation. The Treaty was extended indefinitely in 1995. The International Atomic Energy Agency (IAEA)'s safeguards system was enhanced to detect undeclared nuclear facilities and material.

At the same time, challenges remained: India, Israel, Pakistan and North Korea possessing nuclear weapons, are not parties to the Treaty. The United States withdrew from the Iran nuclear deal that helped keep Iran's nuclear program peaceful. Washington has also undermined arms control regimes by withdrawing from the INF Treaty and the Open Skies Treaty. The disarmament clause of the NPT is less emphasized than are nuclear non-proliferation and peaceful use of nuclear energy.

Iran's nuclear program has become an international proliferation concern, which was addressed by the 2015 Joint Comprehensive Plan of Action (JCPOA), annexed to the UN Security Council Resolution 2231, thereby making it permanent.

However, the US withdrawal from the JCPOA jeopardized the achievement of ensuring the transparency of Iran's nuclear program. In addition to this, US withdrawal from the Intermediate Nuclear Forces (INF) Treaty of 1987 undermined arms control codes of conduct between key states, making nuclear disarmament even more challenging.

The JCPOA can be deemed as the best negotiated non-proliferation agreement, where the clauses on the expiry date of the technical constraints on Iran's nuclear program could be expanded. For the EU, it was an output/outcome of multilateralism, which also increased investment and trade with Iran. However, as the United States withdrew from the agreement, imposed sanctions on Iran, increased tension in the Persian Gulf, and put pressure on European states to reduce trade with Iran, the risk of nuclear proliferation and tension in the region was increased.

With respect to disarmament, the negotiations for a Middle East Weapons of Mass Destruction Free Zone (MEWMDFZ) would have begun in 2012, as agreed in

the 2010 NPT Review Conference, but the conference was not held, mainly because of the revolts in the Middle East and North Africa, which affected two of the four key states (Egypt, Iran, Israel and Syria). Additionally, neither Iran nor Israel sat at the table. If the JCPOA can be maintained, a benchmark for disarmament in the region can be created. Overall, these challenges make Article VI of the NPT, requiring states parties to "pursue negotiations in good faith on [...] nuclear disarmament," the least implemented clause of the NPT.

While the EU has the potential to address some of these problems, it is unable to operate with a single voice, because those EU members which are also NATO members are not eager to encourage/promote nuclear disarmament. Non-proliferation and disarmament are not enough emphasized in the EU:

the number of experts in the EU working on these issues is insufficient; in academia there are not enough courses or professors addressing this subject; neither are enough journalists covering the area, nor is there much discussion in parliaments of the topic; and lastly ministries do not send non-proliferation or

disarmament experts to negotiations. In the 2015 NPT RevCon, the EU did not have a strong position or voice. With respect to terrorism and the use of chemical, biological, radiological and nuclear (CBRN) material, states are unwilling to share intelligence. Although the EU produces considerable foreign policy output, its performance remains invisible, because the Union's effectiveness is decreased due to members having different security cultures.<sup>1</sup>

Since the EU's position on non-proliferation, threat assessment and response is framed by NATO, and mainly by the United States, its approach to security is simultaneous deterrence and defense. The EU's understanding of non-proliferation endorses the US nuclear umbrella of virtual nuclear capability against external threats, that sustains non-nuclear-weapon-state status for individual members. However, response to proliferation and arms race requires multilateralism and diplomacy, on which the EU has an advantage.

“...response to proliferation and arms race requires multilateralism and diplomacy...”

## Policy recommendations

An EU divided on disarmament, with little impact on the outcome of the NPT RevCon is not sustainable, because it reduces the image of the EU to a “soft power” and a union that effectively uses multilateralism and diplomacy to address regional and international issues. Accordingly, the following policy recommendations are suggested.

- **Develop a common voice among EU states on nuclear non-proliferation and disarmament issues.**

This is desired, but hard to achieve because of the rift between those members who accept the existence of nuclear weapons as an asset for security and deterrence (NATO allies), and those who perceive such weapons as a threat (Austria, Ireland). In their approach, EU members reflect their foreign and security policies in general, and security cultures in particular. NATO membership is a strong determinant. It is hard to reconcile these differences, while the members’ common denominator is nuclear non-proliferation. This divide is visible regarding the TPNW: For some, the Ban Treaty complements the NPT and puts new emphasis on the disarmament principle. However, in practice, although the NPT and TPNW are compatible technically or legally, the disarmament debate interrupted the EU practice of unity during the NPT Review Conferences and of obtaining support in the final document as an established practice since the 1995 NPT Review and Extension Conference.<sup>2</sup> A way out of this divide is a gradual approach to disarmament with a less confrontational rhetoric between NATO and non-NATO EU members. The Stockholm Initiative for Nuclear Disarmament<sup>3</sup>, is a viable alternative that endorses the NPT and its norms whilst simultaneously focusing on disarmament as a long-term security goal.

The EU has the dilemma of following a lead based on the US position, whilst maintaining EU values and being a soft power to promote non-proliferation norms.

- **Use the EU’s strength in multilateralism and diplomacy in international fora**

The EU’s strength is in multilateralism and diplomacy, and it can utilize two instruments: firstly exerting

influence in international fora, and secondly providing financial and technical assistance to international organizations or certain states to support arms control, disarmament and non-proliferation. Its non-proliferation policies were set forward in the 2003 Strategy against weapons of mass destruction (WMD), and the 2018 EU Strategy Against Illicit Firearms, Small Arms and Light Weapons and Ammunition. The EU’s WMD policy tries to pursue multilateralism in several ways including; information diffusion, funding the EU Non-proliferation and Disarmament Consortium, contributing to IAEA Nuclear Security Fund, sponsoring the NPT RevCon, establishing CBRN centers of excellence, participating in the preparation of the agenda of the NPT RevCon, and contributing to non-proliferation activities in other countries.

- **Take on a grassroots approach: Invest in education, research; sponsor TV series and films**

The EU can sponsor films related to safety and/or security failure scenarios of CBRN material. CBRN scenarios are mainly taken from

NATO and thereby policies are shaped with the military/security discourse. A wider view, encompassing the risks, threats and responsibilities of civilian institutions, can best be portrayed in vice-type movies or series.

- **Augment visibility and credibility by creating a single EU position for NPT RevCon**

A strong actor in the international arena has visible foreign policy outputs. Visibility is achieved by common policies, leader summit meetings or campaigns that mobilize others. During the NPT 2010 RevCon, the EU guided and assisted participants in reaching a point of consensual agreement.<sup>4</sup> It played a bridge-building role for the creation of a MEWMDFZ. However, during the NPT 2015 RevCom, the EU did not submit a common position. With respect to the rise of the initiative on the humanitarian impact of nuclear weapons and disarmament, the EU did not have a pre-prepared statement, and seemed divided.<sup>5</sup> For the NPT 2020/2021 RevCon, an agreement on a common position should not be an end in itself. Instead, the EU should focus on a selected number of issues across a broad NPT agenda. It should build good working

“A strong actor in the international arena has visible foreign policy outputs.”

relations with the Chair of the conference. Small group consultations are key for the conclusions of the Conference. One of the positive initiatives the EU is undertaking is a series of preparatory seminars, preparing the ground for compromise. The EU members of the NPDI (Germany, the Netherlands and Poland) and of the Vienna Group of Ten (Austria, Denmark, Finland, Hungary and the Netherlands) can work together towards a disarmament agenda during the NPT RevCon, and contribute to the Union's visibility.<sup>6</sup>

#### • Adopt human security approach to nuclear issues in the post-pandemic world

“Humanitarian impacts of nuclear weapons”<sup>7</sup> and the prevention of nuclear war have been the driving forces behind the TPNW. As the Covid-19 pandemic has shown, human life has become the main concern for governments, “state power” becoming proportional to the capacity of coping with the pandemic and saving lives, rather than being defined by nuclear deterrent capability. As states will have to invest more on biological and CBRN emergencies, the norm of avoiding CBRN catastrophies and emergencies will develop. The EU can lead the development of this norm, as it, and in particular Germany, has successfully addressed this emergency at the national level. By linking humanitarian consequences of the safety or security failures to CBRN materials to the “humanitarian impacts of nuclear weapons,” the norm of nuclear disarmament can be developed through the TPNW. With the new mindset created as a result of the pandemic, for 2021 NPT RevCon, the EU now has extra time to prepare for a stronger and unified voice with which to represent itself at the UN.

#### References

<sup>1</sup> Remarks at the EU COST Action Workshop, Vienna, 26 February 2020.

<sup>2</sup> David Fischer and Harald Müller, “United Divided. The Europeans and the NPT Extension Conference”, *PRIF Report* No. 40 (1995), cited in Clara Portela, “Revitalising the NPT: Preparing the EU for the tenth RevCon”, *European Union Institute for Security Studies* (31 January 2020), [https://www.iss.europa.eu/sites/default/files/EUISS\\_Files/Brief%201.pdf](https://www.iss.europa.eu/sites/default/files/EUISS_Files/Brief%201.pdf).

<sup>3</sup> The initiative members are Argentina, Canada, Finland, Germany, Indonesia, Japan, Jordan,

Kazakhstan, the Netherlands, New Zealand, Norway, the Republic of Korea, Spain, Sweden and Switzerland.

<sup>4</sup> Council Decision 94/509/CFSP; Council Common Position 2000/297/CFSP; Council Common Position 2005/329/CFSP and Council Decision 2010/212/CFSP.

<sup>5</sup> Megan Dee, “The EU’s performance in the 2015 NPT Review Conference: What went wrong”, *European Foreign Affairs Review*, Vol.20, No. 4 (2015), pp. 591–608.

<sup>6</sup> Clara Portela, *Revitalising the NPT*, 2015.

<sup>7</sup> Heather Williams, Patricia Lewis and Sasan Aghlani, “The Humanitarian Impacts of Nuclear Weapons Initiative: The ‘Big Tent’ in Disarmament”, *Chatham House* (March 2015), [https://www.chathamhouse.org/sites/default/files/field/field\\_document/20150331nuclear.pdf](https://www.chathamhouse.org/sites/default/files/field/field_document/20150331nuclear.pdf).

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