

Evaluating EU Performance in the 2010 NPT Review Conference

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Basic Research Question: How the EU Performed in the 2010 NPT Review Conference

The Content of our paper (under preparation) :

1. The Non-Proliferation Treaty and its Review Conferences
2. The EU and its Non-Nuclear Non-Proliferation Policy
3. EU Performance: the Analytical Framework
4. The Case Study: the EU in the 2010 NPT Review Negotiations
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1. The NPT and its Review Conferences.

The NPT of 1968 is the cornerstone of the international nuclear non-proliferation regime. - That is a security regime.

- Its objective is signified in its three pillars:
- Pillar I: to achieve nuclear disarmament (NPT Article VI)
- Pillar II: to prevent the spread of nuclear weapons and weapons technology (articles I and II)
- Pillar III: to promote peaceful uses of nuclear energy (NPT article IV and V).

The NPT has institutionalized the fundamentals of a long-lasting and ongoing global bargain between the Nuclear Weapon States (NWS) and the Non-Nuclear Weapon States (NNWS).

NPT Review Conferences (RevCons) are convened every five years to assess the implementation of the Treaty (NPT Article VIII, para 3).

- As the strengthening and the viability of the NPT has been a top priority for the international community, the NPT RevCons have emerged as the most appropriate, competent and important forums for assessing progress on NPT objectives.
- NPT RevCons have transformed into forums of bitter debates and contestation between NWS and NNWS.
- RevCons' Final Declarations cannot be the sole standard for assessing whether progress has been made, but they reflect the effectiveness of bargaining taking place during the normally four weeks they last.

2. The EU and its Non-Nuclear Non-Proliferation Policy

The EU's nuclear non-proliferation policy is generally defined by

- (a) The European Security Strategy (ESS 2003 and 2008). See the provisions for the non-proliferation of the Weapons of Mass Destruction (WMD) which are regarded as potentially the greatest threat to European Security. See also the ESS provisions calling the EU for searching for an effective multilateral approach to the issue in question.

- (b) the EU Strategy Against the Proliferation of WMD (2003)

The EU's nuclear non-Proliferation policy is specified on case by case basis by

- the EU Council Decisions (common positions) and supported by EU statements (issued by the EEAS).

3. EU Performance: The Analytical Framework

We use the analytical and conceptual EU Performance framework elaborated by S. Blavoukos.

-The framework is centered around three level of analysis:

- (a) the EU output,
- (b) the EU outcome,
- (c) the EU impact

The EU International Performance Framework at all three level of analysis depends on the following parameters

- preference homogeneity of member-states (endogenous parameter).
- EU internal and external competence (endogenous parameter).
- negotiating structure and content with within which the EU interacts with the outside world (exogenous parameter).

4. The EU Performance in the 2010 NPT RevCon

4.1 The Output Performance of the EU (the intra-EU policy-formation)

- Reaching a Common Position was a very complicated task
- The Members-states had significant divergent positions on at least two out of the three pillars (Pillar I and III).
- (pillar I) Two of them are NWS (France and UK). They were not ready to commit themselves to nuclear disarmament, while some others (neutrals) were against the nuclear weapons (Ireland Sweden and Austria).
- (pillar III) on the issue of nuclear energy, France was a pro-nuclear energy state, Austria strong opponent to the peaceful use of nuclear energy, while most of the rest EU members held views in-between.
- Extensive intra-EU coordination in the EU policy-formation process, under the CFSP, led to a common position. Although it was reached at the level of the lowest common denominator, the common position (that was adopted on the basis of the *EU Strategy against the Proliferation of WMD* that articulates the viability and the strengthening of the NPT as a priority issue) reflected an inclusive, meaningful and **clear output** (clear objective) relevant to member states.

- **The EU Common Position**

‘To strengthen the nuclear non-proliferation regime by promoting a substantive balanced outcome of the 2010 NPT RevCon, in order to achieve progress towards the goals enshrined in the NPT’.

(EU Council Decision, 210/212/CFSP (29 March 2010))

The EU Common Position outlined the adoption by the 2010 NPT RevCon of a Final Document as its primary objective .

The EU Common Position identified seven priority issues areas in which the EU members wished to pursue progress in the negotiations and, if possible, that progress to be reflected in the Final Document of the 2010 NPT RevCon (For these priorities see the diagram that follows).

The EU through its Common Position set an objective which should not be regarded as moderate. After the 2005 NPT RevCon, which had ended in complete failure and contestation (no Final Document), the expectation for the 2010 NPT RevCon was to adopt at least a Final Document, and in that way to place the NPT and its regime back on track – otherwise the viability of the NPT would be in jeopardy.

4.2 The Outcome Performance of the EU (how the EU took its output to the 210 NPT RevCon negotiations)

- The EU Common Position was backed by the submission of four EU comprehensive working papers that were fully in line with the EU Common Position.
- Speeches by Catherine Ashton and the Spanish Presidency in the three Main Committees (focusing on the three pillars) of the RevCon.
- National position papers by individual member states that lined up with the EU Common Position. Sometimes the member states went beyond the EU position in order to supplement it, not to contradict it.
- In addition to their alignment with the EU Common Position, individual EU members submitted working papers with other groups:
 - UK and France submitted joint working papers with the group of P-5,
 - Ireland and Sweden submitted joint working papers with the New Agenda Coalition (NAC), a coalition of 7 middle powers who work toward nuclear disarmament
 - Likewise, Austria, Denmark, Finland, Hungary and the Netherlands submitted joint papers with the Vienna Group of 10 (G-10).

Note: Although EU members made submissions with other groups, these submissions were, more or less, in line with the EU common position in all issues covered by it.

Cross-alignment of EU members with other groups helped the EU members to use alternative channels to promote the EU position and spread the EU position to the wider membership of the 2010 NPT RevCom.

The EU's NPT priorities comparative to the major NPT Groups

EU Priorities in the 2010 NPT RevCov ⁱ	Position of the major players comparative to the EU's 7 NPT Priorities			
	P-5 ⁱⁱ	NAP ⁱⁱⁱ	NAC ^{iv}	G-10 ^v
1. reaffirmation by all States Parties to comply with their obligation and to fulfill the goals of the universal accession to the NPT	convergence	convergence	convergence	
2. the adoption of concrete, pragmatic and consensual measures on all three pillars of the NPT	convergence			
3. ratification of the Comprehensive Test-Ban Treaty (CTBT), and commencing negotiations of a Fissile-Material Cut-Off Treaty (FMCT)	convergence	convergence	convergence	convergence
4. the Additional Protocol as the verification standard	convergence	divergence		convergence
5. a common understanding on how to respond to withdrawal	convergence			
6. a common understanding on how to respond resolutely to cases of non-compliance, with specific mention of Iran and the DPRK	convergence			
7. broadening acceptance and support for multilateral approaches to the nuclear fuel cycle	convergence	divergence		convergence

Source: Megan Dee, 'Standing together or Doing the Splits?', *European Foreign Affairs Review* (2012).

5.2. The Impact Performance of the EU (the goal attainment)
