

The EU: RevCon Redeemer?

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Could the European Union (EU) play a constructive role at the Tenth NPT Review Conference (RevCon) to help overcome the rifts in the treaty community *on the issue of disarmament*? It has always been an essential element of the EU approach to treat the three NPT “pillars”—disarmament, nonproliferation, and peaceful uses—as equals, while paying due attention to the issue of a nuclear-weapon-free zone in the Middle East. However, this paper concentrates on *disarmament*, noting that disarmament policy must be embedded into the traditional comprehensive EU approach.

Cleavages on disarmament have existed for decades. They have grown rapidly during the current period of disarmament stagnation and a re-emerging nuclear arms race. Concern about this unwelcome turn has motivated a large group of non-nuclear-weapon states (NNWS) to negotiate a ban on nuclear weapons. The nuclear-weapon states (NWS) and their allies reject this approach, and the NPT community is more divided than ever, not as a consequence of the Treaty on the Prohibition of Nuclear Weapons (TPNW), but as a consequence of how it is treated by both sides. The conflict reflects a basic “philosophical” antagonism: Is nuclear disarmament an absolute imperative independent of other factors, as the NNWS majority maintains? Or is it dependent on political conditions, notably a “security environment” that is conducive to the reduction and eventual elimination of nuclear weapons, as the NWS and their allies assert? Can the EU help to solve this deep controversy on disarmament and its key dispute on conditionality?

This paper is not meant to be predictive, but presents a search for possible positive actions in a difficult situation. Though possibilities exist, but putting them into practice would require policy adjustments on all sides of a polarized debate.

Ideal EU role

The character of the EU—with its manifold fissures and cleavages—is frequently described as a microcosm of the NPT community. The EU includes NWS, NNWS and umbrella states, allied states and neutrals, believers in deterrence, promoters of a world without nuclear weapons as an urgent objective, detractors and supporters of the TPNW. The EU contains users of nuclear energy and determined anti-nuclearists, recyclers of plutonium and enemies of the plutonium economy, nuclear exporters, and principal opponents of nuclear transfers.



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The EU, therefore, seems to mirror the NPT community at large. This perception has led observers to propose an ideal type of role of the EU at NPT RevCons: when only the EU could find a consensus on major issues, its position might serve as a template for the entire NPT membership for bringing to successful conclusion even heavily contested

RevCons. Language worked out by the EU could then provide wording for the densely bracketed (*i.e.*, disputed) paragraphs in draft final documents. The ideal type role of the EU would thus be to provide compromise language found as a result of its internal debates and negotiations; this language then could serve as a middle position around which the divided membership of a RevCon could converge.

Nonproliferation policy has been on the European agenda since the early eighties. The constitutional treaties of the Union (from the 1992 Maastricht Treaty and those that followed) significantly strengthened its organization, working methods, and tools. Maastricht made the European Foreign and Security Policy a legally sanctioned field of cooperation. Over time, a differentiated set of tools was elaborated, notably Common Strategies,

Common Positions, and Joint Actions (including the specifics for the financing of the latter), the use of which enables member states and Union organizations to work in unity, multiplying the impact of each national effort. In nuclear nonproliferation and disarmament, the Committee on Non-proliferation (CONOP) and, in a complementary role, the Committee on Disarmament in the United Nations (CODUN) have been providing the working horses. With the installation of the External Action Service in 2011, headed by the High Representative for Foreign Affairs and Security Policy, who is simultaneously Vice-president of the European Commission, the EU is disposing of a supranational diplomatic service in addition to national foreign ministries. The EAS fulfills coordinating functions, and EAS officials are chairing CONOP, which has sole authority in nonproliferation and disarmament. The Principal Adviser and Special Envoy for Non-proliferation provides guidance and represents the EU's nonproliferation policy mandated by the High Representative.

The Record: The EU at NPT RevCons

The EU (and its European Community predecessor) did not make an impression in the 1975, 1980, 1985, and 1990 RevCons, the last of which marked the end of a period of low activity and the beginning of a more visible role. Beginning in 1990, disarmament became more important in EU politics. In that year, for the first time, the European Council adopted a nonproliferation declaration prior to the RevCon, European delegations met repeatedly during the conference, and France—which was preparing for its 1992 accession to the NPT—participated as an observer for the first time. Yet it would be exaggerated to speak about a European “impact” on the conference which, after all, ended in failure.

The 1995 and 2000 RevCons were the high points of European influence. In 1995, the EU had agreed on a Joint Action for the indefinite extension of the NPT. Before and during the conference, EU diplomats were proselyting this objective in foreign capitals and talking to delegations at UN headquarters as negotiations were underway. In New York, coordination meetings were frequent and substantial. Much of the effort went into the extension decision; heads of delegations of several EU states were occupied in the presidential consultations that led to the resolutions accompanying the extension decision. Much fewer diplomatic resources were invested in the review part of the conference, which ended in deadlock.

The EU, led by an ambitious and capable Portuguese presidency, entered the 2000 NPT Review with a Common Position that covered all three pillars of the NPT. There was a dense series of closed EU coordination meetings. This work was complemented, for the first and only time, by consultation in the meeting rooms during Main Committee and Plenary sessions. This enabled the EU presidency to express EU positions during negotiations on the floor. As a consequence, the Final Document contained much of the phrasing from the EU Common Position including language on transparency, regular reporting by the NWS, irreversibility of nuclear disarmament steps, and the inclusion of substrategic nuclear weapons in the disarmament process. Part of this success was owed to Sweden's use of EU language in the negotiations between the New Agenda Coalition and the five NWS. Among all RevCons, in 2000 the EU performed closest to its "ideal type."

The 2005 RevCon was a disaster, due in large part to the George W. Bush administration's refusal to accept the results of 2000 as a basis for the RevCon's work. The EU was paralyzed by French sympathy for Bush's scrapping of the 2000



Credit: European External Action Service, via Twitter.

achievements; heated clashes during EU coordinating meetings did not augur well for any constructive role. Eventually, the EU overcame the internal stalemate and helped the conference to at least produce a purely procedural document which served as the starting point for the next review cycle.

The EU came to the 2010 conference again with a Common Position, but, contrary to the 2000 version, it was truly the lowest common denominator. Germany had insisted on mentioning substrategic nuclear weapons again, but Britain and France failed to support this request on the floor. While the EU contributed an unprecedented volume of working papers and language proposals for the final declaration, it did not engage in negotiations as a bloc,

which stymied its collective influence. This shortcoming was highlighted by an ugly dispute on the floor between France and Ireland, the latter opposing language on all past French disarmament achievements, despite its inclusion in the Common Position. There was no better way to demonstrate disunity.

In 2015, the EU was split in three groups. The first involved the two NWS, which adopted an arrogant and hostile attitude when they joined the US and Russia in an undiplomatic attack on the brave Swiss diplomat Benno Laggner, who headed the Subsidiary Body on nuclear disarmament and did his best to present an outcome that reflected the two antagonistic positions. The second group involved the nuclear umbrella states, which sat uncomfortably between TPNW supporters and opponents, feeling bound to join the latter. The third group were sympathizers of the humanitarian initiative: Sweden, Ireland and Austria, the *spiritus recto* of the humanitarian approach at that time. These disagreements paralyzed the Europeans.

The EU had undertaken some activities to help advance the 2010 project for a Middle East weapons-of-mass-destruction-free zone. However, it played no role during the talks on this subject at the RevCon, which ultimately became the proximate cause of the RevCon's failure. Hence, it hardly mattered that the EU kept its common line on nonproliferation issues (*e.g.*, the Additional Protocol, export controls, withdrawal) as steadfastly as in the past.

This record is sobering. The EU's influence at NPT RevCons rose from nil to significant and once even approached the ideal role. It then fell to nil again, despite the strengthening of its internal structure beyond all expectations.

The current situation

At present, the EU has more internal quarrels than ever. The lingering financial and refugee crises, the erosion of the rule of law and democracy by some governments, the abdication of the goal of universalism, and the British exit from the EU have dampened the enlightenment optimism of the European integration project. The coronavirus crisis has had ambiguous effects. While it clearly presents a common challenge, a unified sense of purpose has waxed and waned as the pandemic has unfurled along different timelines across EU member states; actions of solidarity have alternated with national attempts to assert access to protection

equipment and vaccines, the opening and closing of borders, and the declaration of “risk regions.” The overall effect on EU integration cannot be assessed with certainty at this point. At any rate, consensus building has become more difficult since a common value basis can no longer be taken for granted. The understanding that every member state bears a duty to work toward consensus has been in constant decline. The price of going it alone is no longer seen as prohibitive. This development seriously jeopardizes the consensus logic of EU decision making.

The gap in the EU concerning nuclear disarmament is huge. Meanwhile, CONOP serves more to facilitate the exchange of information than as a vehicle for deliberation and negotiation. Some capitals send lower-level officials rather than office directors to the meetings. EU statements

are strong on nonproliferation (where strong consensus continues to exist), general on peaceful uses (where one has to paper over differences between proponents and opponents of nuclear energy), and weak on disarmament. This lowers the chances for the EU to fulfill its ideal type role. Nevertheless, the EU managed to produce a Council decision to actively support the upcoming NPT RevCon, including through a series of topical and regional meetings to discuss controversial issues with other states parties, such as the January 2020 seminar on disarmament which took place in Geneva, organized by the UN Office for Disarmament Affairs.

The present scope of consensus in the EU can be inferred from its statements during the 73th and 74th Sessions of the UN General Assembly (UNGA) First Committee, the third NPT Preparatory Committee meeting (PrepCom), and the UNODA seminar on disarmament. The focus was regularly on the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the beginning of negotiations on a Fissile Material Cut-off Treaty (FMCT) in the CD. The statements appealed to all states to work for easing international tensions with a view to “improving the overall strategic context for disarmament, non-proliferation and arms control” thereby

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addressing the importance of an environment conducive for further nuclear disarmament without implying conditionality. Furthermore, they emphasized the special responsibility of the two largest NWS to continue disarmament, including substrategic and non-deployed nuclear weapons, and to uphold the New Strategic Arms Reduction Treaty, the Intermediate-range Nuclear Forces (INF) Treaty, and the Joint Comprehensive Plan of Action (JCPOA). The request to pursue confidence building, transparency, and reporting is addressed to the two biggest NWS as well, while all NWS are called upon to take appropriate risk-reduction measures, such as “transparency and dialogue on nuclear doctrines and postures, military-to-military dialogues, hotline agreements among nuclear weapon possessors, ‘accident measure’ agreements, and notification exercises, as well as missile launch notification and other data exchange agreements.”¹ The statements emphasized the obligation of NPT parties to pursue policies compatible with both the NPT and the objective of a nuclear-weapon-free world. A new element in the EU position is the endorsement of international efforts on nuclear disarmament verification and nonproliferation and disarmament education. Throughout the statements, multilateralism and a rule-based international order figured as the EU’s key approach.

The statements reveal the relatively small area of common ground on nuclear disarmament, and thus the EU’s difficulty in proposing disarmament steps that go beyond the minimum. Significantly, there was no reference to the *acquis* of the 1995 and 2000 RevCons, apart from noting that all NPT parties had subscribed to apply transparency, verifiability, and irreversibility, but only a call for the “comprehensive, balanced and full implementation of the 2010 Review Conference Action Plan.” A look at national statements by EU member states confirms the impression that the intersection of positions provides a fairly small space for constructing a common approach.

France emphasized the international security environment, particularly “undiminished security for all.” Consequently, France criticized the TPNW as a fallacious attempt to decree

¹ General Statement of the European Union delivered at the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 3rd Session, New York, 29 April – 10 May 2019, < https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom19/statements/29April_EU.pdf>.

disarmament over the heads of the NWS without regard to the security reality. At the Third PrepCom in 2019, France sharpened its critique of the TPNW, warning it could become a “contrary norm” to the NPT, and demanded that its proponents “must explain how to preserve security and stability, particularly in Europe and Asia, in the absence of nuclear deterrence.”² Post-Brexit, France may worry about remaining the singular EU NWS, making it reluctant to accept any specific disarmament step unless it becomes clear what this position means amidst Russia and US nuclear saber rattling. French officials could consider making France’s *Force de Frappe* a minimal version of extended nuclear deterrence for a more self-reliant EU. This might also explain France’s reluctance to include de-alerting in the EU risk-reduction catalogue. France is concerned about the notion—promoted by some TPNW supporters—that the Ban Treaty will become customary international law, and feels thus compelled to object to this treaty in strong terms whenever the opportunity arises. France is, so to speak, in the mode of “permanent objection.” Paris is campaigning to prevent the TPNW’s entry into force. France may feel that compromising language on the TPNW may hurt all three political objectives. In the debate on the Chair’s draft report for the Third PrepCom, France objected to mentioning both humanitarian concerns (citing its “abuse”) and the TPNW (normative incompatibility with the NPT).

The UK largely shares France’s position. London maintained, without further argument, that the TPNW risks jeopardizing the NPT. Speaking for all three Western NWS in the UNGA First Committee, the UK stated that this treaty fails to address factors important for further disarmament, and lacks provisions for the confidence and transparency needed in a nuclear-weapon-free world.

Poland emphasized a central concern of Eastern EU members: the diminished trust in negative security guarantees caused by Russia’s violation of the Budapest Protocol against Ukraine’s territorial integrity. Poland condemned Russian noncompliance with the INF Treaty as a disturbing act of reversing disarmament achievements that has contributed to a deteriorating security context. Poland seconded France’s objection to any reference to the TPNW.

² The Art. VI undertaking to achieve a nuclear-weapon-free world obliges all states parties, not just TPNW proponents, to develop an international security structure that would function without nuclear deterrence.

Austria, in contrast, refused any conditionality for disarmament. It sponsored resolutions L.23 and L.24 in the 73th Session of the UNGA. L.23 stated the need to avoid nuclear-weapons use under all circumstances, and suggested that the only way to grant non-use was their complete elimination. L.24 called on all states to sign and ratify the TPNW. Austria maintained that the TPNW strengthens the NPT and International Atomic Energy Agency (IAEA) safeguards, but added that “further practical measures were needed.” At the Third PrepCom, Austria repeated that further “steps and effective measures” were needed to implement Article VI of the NPT. It called the TPNW “a logical and indispensable step to implement the NPT,” thereby asserting the complementarity of the two treaties. Austria is, however, also ready to consider practical steps, *e.g.*, risk reduction.



European Commission President Ursula von der Leyen

Ireland’s position was closest to Austria’s concerning the absolute imperative of disarmament independent of the “environment” and asserting the compatibility of the two treaties. Ireland emphasized that nuclear-weapons modernization and the annulment of existing disarmament treaties

did not improve the security environment and was fully the responsibility of NWS. Like Austria, Ireland mentioned risk reduction as field for further practical steps.

Austria and Ireland seem adamant to prevent any appearance of disarmament being “conditional” on greatly improved international security environment, and they deem it insufficient just to refer to, and re-confirm, previous NPT RevCon commitments (even though these go beyond the status quo).³ Therefore, it is difficult to imagine reconciling these opposite positions within the EU. East European concerns about Russian impact on NATO’s (including NATO’s EU members) policies complicate the EU’s efforts to specify

³ The positive reference to the 2010 Action Plan in the EU statement to Cluster I of PrepCom 3 is a fragile compromise whose survival is not ensured, as the EU NWS could play the “security environment” card against specific measures mentioned in that document.

positions on substrategic nuclear weapons beyond the general request to include them into the disarmament process. This is also a consequence of uncertainty about the US position; member states desiring continued credible extended deterrence want to avoid any related controversy with the US guarantor.

The Netherlands, Germany (both “umbrella” states), and Sweden (originally a strong supporter of the humanitarian initiative, but eventually refraining from joining the TPNW for security considerations) take positions in the middle. They emphasize the remaining common ground and focus on steps they believe are agreeable. Sweden tries to garner support for its “Stepping Stones” initiative, a vision of sequential small steps toward disarmament (similar to the activities of the Non-Proliferation and Disarmament Initiative in which Poland, Germany, and the Netherlands participate).

Accommodating the concerns of the NWS, the TPNW supporters, and Eastern European EU member states is an uphill battle.

While all this sounds moderately encouraging, the Third PrepCom documented the EU difficulty in maintaining commonality. After the chair had accommodated the views of the Non-Aligned Movement in his second draft, the NWS—Europeans included—reacted with dismay, while Austria praised the changes

and suggested adopting the draft as a consensus document since only a few voices had risen in opposition. European NWS and allies were highly irritated, and the EU appeared more divided than ever. Member states in Eastern Europe, with their strong concerns about Russia, have taken more conservative positions on nuclear disarmament anyway; the final phase of the PrepCom seemed to harden their stance. Afterward, mutual distrust reigned the EU.

It is therefore difficult for the EU to play its ideal role and move the 2020 RevCon toward consensus. Its two NWS (reduced by Brexit to one by the end of 2020) will not renounce deterrence or accept bolder disarmament steps unless ambitious conditions are met, and they are not willing to even note the TPNW. Austria and Ireland refuse conditionality, reject

nuclear deterrence because of the consequences of nuclear use and the inescapable risk of use implied by nuclear-weapons possession, and endorse the TPNW. Eastern European EU members are concerned about Russia's political and military moves and resist lowering the "extended deterrence guard." They receive, if not enthusiastic support, at least solidarity from the EU's other NATO members. Accommodating all three concerns is an uphill battle.

Recommendations

For the Tenth RevCon, the EU might consider emphasis on two points: first, to recall, for itself and for the whole community of states parties, the very purposes of the NPT, thereby establishing common ground. Second, to come up with options for disarmament that could command broad support and still contain real substance.

Recalling the common ground

Since 2005, parties to the NPT have significantly enhanced their mutual thinking and feeling about what divides them. It should be recognized that much of this development is due to the condescending attitude that most NWS have shown toward the crowd of the have-nots. But many of the latter have responded with a similar antagonistic demeanor. For a treaty that is dependent on basic unity among its parties to address current and future challenges and react to serious deviations of compliance, this divisiveness of member states policies is destructive and could result in the complete devastation of this important treaty. In the light of the EU's ideal type role, an important part of the Union's policy should consist of reappropriating the common ground on which the NPT was concluded in the first place. This should happen in two fields: first, recalling the overriding objective of preventing nuclear war; second, recalling that the three "pillars" are not autonomous, monadic areas of political action, but they are interacting and mutually reinforcing. Most notably, nonproliferation and cooperation facilitate and contribute to disarmament and are indispensable for shaping and preserving a world without nuclear weapons once it will have been achieved.

Remembering the basic objective of the NPT: Preventing nuclear war

The "three pillar" image of the NPT is the result of the negotiation history, when the NNWS participating in the negotiations added disarmament and peaceful uses to the original US-

Soviet draft's singular goal of nonproliferation. Unfortunately, the permanent struggle over the relative weight of the "pillars" is reinforced by the structure of Review Conferences where, since 1985, each Main Committee works on one of the three "pillars." This structured practice put into the background, and practically out of memory, the erstwhile overriding objective that had motivated Ireland in 1961 to propose, via UNGA resolution, a treaty to prevent nuclear proliferation, and the Americans and the Soviets to pick up this proposal and take steps to realize it a few years later (and notably after the Cuban Missile Crisis). This fundamental objective is expressed in the first sentences of the NPT, in preambular paragraphs 1 and 2:

"Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,
Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war..."

These few lines make it clear that the pivotal mission of the NPT is to prevent nuclear war. A treaty to prevent proliferation was seen as a necessary tool for this purpose: there was the firm and plausible belief that the probability of a nuclear war would rise with each additional nuclear-armed state, notably when these states were involved in a conflict with another nuclear-armed state or its allies. The first preambular paragraph puts its emphasis on the "devastation visited upon all mankind" by a conflict involving nuclear use, pre-empting the core argument of today's humanitarian initiative.

The EU should put strong emphasis on this foundational thought that stood at the cradle of the NPT, and which presents a bond among the treaty community but which has become almost invisible: the desire to prevent nuclear war. The NPT was brought into the world by this essentially humanitarian concern, which remains the most important objective that unites NWS, their allies, and all other NNWS. Nonproliferation is not a favor the NNWS accord the NWS, but a quintessential interest they all share. The humanitarian concern was not invented by the 2010 RevCon; it was the fundament of the Treaty from its beginning, and re-emphasized at the 2000 RevCon. The EU should rally around this original NPT

philosophy and emphasize it in both their Common Position and in national statements. It could serve as a new principal basis for common policy in nonproliferation and disarmament and could help mitigate if not overcome present intra-EU cleavages.

Emphasizing the close relation between nonproliferation, peaceful uses, and disarmament

The “pillar” image of the NPT, besides concealing the more essential objective of preventing nuclear war, produced a second serious stumbling block within the review



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process. Rather than deliberating about the mutual relationship of the pillars and how they could strengthen each other, they are frequently pitted against each other. The NWS (notably the United States, but also France) maintain that the NPT was foremost a nonproliferation treaty, and that disarmament and peaceful uses should be relegated to secondary goals. Many NNWS pretend that no more should be done in the field of nonproliferation in the absence of progress on disarmament and peaceful uses.

The EU should agree on the position—and actively promote it—that the three pillars, in certain important aspects, reinforce each other. In particular, they contribute not only to the process of nuclear disarmament, but present building blocks for a nuclear-weapon-free world.

- i. Comprehensive safeguards and the Additional Protocol are essential to creating the necessary confidence for moving toward complete abolition of nuclear weapons, because only together they provide the reasonable expectation that clandestine attempts to develop nuclear weapons will be detected. They also provide the basis for a verification system that underpins a nuclear-weapon-free world. The capability for

uncovering clandestine military nuclear activities is a *sine qua non* for trust and security. This cannot be granted by comprehensive safeguards alone, as the TPNW seems to suggest.

- ii. The transparency and strict control of fissile-material production facilities in *all* states which an FMCT will establish are a necessary element of the process leading to zero nuclear weapons and making a nuclear-weapon-free world sustainable. Fissile material, notably that of weapons-grade, must be accounted for worldwide. All facilities in all states capable of producing such material must be under strict and reliable international supervision and control. An FMCT, once negotiated, will facilitate the transition into a nuclear-weapon-free world and will supply valuable data and experiences for maintaining such a world.
- iii. The International Monitoring System and the on-site inspection provisions of the CTBT are needed to ensure confidence in the absence of nuclear-weapons tests. Such confidence is needed to move toward zero nuclear weapons and to uphold confidence in a nuclear-weapon-free world. A CTBT is thus much more than a simple tool of nonproliferation, as some people suggest.
- iv. Reliable disarmament verification (including dismantlement of nuclear warheads) becomes increasingly important the closer the world moves toward complete nuclear-weapons abolition. It must be remembered that this type of activity and verification never happened in US-Soviet/Russian arms control in the past. Recently, a couple of international activities have been devoted to this field, including by EU member states. These activities should be emphasized at the RevCon with a view to continuing and strengthening them.
- v. Finally, cooperation in the peaceful uses of nuclear energy, apparently quite distant from nuclear disarmament issues, provides increasing transparency and therefore can contribute to mutual knowledge and trust. This idea has informed several of the undertakings under the Iran agreement (JCPoA) in order to complement the verification

practice of the IAEA with complementary information gained from non-intrusive cooperative activities of the contracting states.

Options for Disarmament

The following three options for an EU disarmament approach are ranked along their probable feasibility. None is a truly low-hanging fruit.

a. Status quo consensus

The easiest position to agree upon is one that reflects already adopted language. It would be based on the statements delivered at the 73rd and 74th sessions of the UNGA First Committee, 2019 PrepCom, and the January 2020 Seminar on Disarmament, enriched by a solemn confirmation of the achievements of the 1995, 2000, and 2010 NPT RevCons and the commitment to work on the unfulfilled steps listed in the agreements they produced. There could be specific language on transparency measures, reporting, and on nuclear disarmament verification work as an indispensable element of a nuclear-weapon-free world. Nonproliferation and disarmament education could be identified as a field of EU work (as in the EU Third PrepCom and January 2020 statements), and further activities could be announced. The section on substrategic nuclear weapons could contain an urgent call to maintain existing treaties, and to enter talks on adapting current rules to changes such as the growth of intermediate-range missiles worldwide. The need to avoid an instable sub-strategic standoff and to complement quantitative limits with transparency and risk-reduction measures could be included; risk reduction was embraced by all EU member states, but differences in detail (*e.g.*, de-alerting) remain.

This approach would avoid the dividing issues of the “security environment,” the TPNW, and basic beliefs about nuclear deterrence simply by silence. It would require some tolerance by all protagonists not to insist on language that refutes basic beliefs held on the other side.

Would such an intra-EU agreement be feasible? Since the EU’s recent First Committee and PrepCom statements already realized this “tolerant silence”

approach, it might be possible to repeat it, maybe with some substantial enrichment, at the RevCon. Two hurdles remain. First is the uncertainty about the degree to which France is concerned that the TPNW could become customary law. The second is Irish and Austrian resentment to merely confirming old agreements with only marginal additions. It is also noteworthy that the French and German PrepCom statements referenced the 2010 Action Plan but not the 1995 and 2000 documents, while Irish statements referenced all three. But, given the commitment of all to the NPT, there could be enough motivation to ensure consensus.

Would such a position enable the EU to play its ideal role? This is far from certain. It depends on the willingness of the three leading NWS, the United States, Russia, and China, to play a constructive rather than a “bad cop” role. After all, Trump’s America, Putin’s Russia, and Xi’s China do not stand out as world champions of compromise. Secondly, whether more determined (or radical) TPNW proponents would agree to walk away without even a neutral mentioning of their collective achievement is doubtful. The PrepComs seem to indicate this might be the case, but will this attitude hold in light of dismantlement of existing arms control treaties and little prospect for new ones?

b. Respectfully agreeing to disagree

The 1985 RevCon adopted a Final Declaration by an ingenious coup: On the comprehensive test ban, the RevCon agreed that there existed two different opinions, one pro (most states) and one contra (two states). This was the only way to achieve consensus. The present controversy on the TPNW suggests that this method might be the only way to neutralize the deep rift in the NPT community.

Not only must manifest interests be pacified, but strong emotions contended with as well. Ban proponents feel smeared by the NWS and their allies as naive, ignorant, and irresponsible children not fit for serious adult politics. The NWS, believing themselves to be the responsible stewards of the nuclear age, feel accused as cheaters, liars, and inhumane outlaws on the global scene. In either case, the slights contradict cherished self-images on which national self-esteem and pride are based.

Agreeing not to agree, thus, must include mutual recognition and respect. The EU position could explicitly accept that both sides share the common goals of preventing proliferation and nuclear war, and moving toward a world without nuclear weapons. It could recall that concern about the humanitarian consequences of nuclear use, as stated in the preamble of the NPT, was the key motivation for negotiating this treaty in the first place. It could state that a ban on nuclear weapons must eventually be established for securing a nuclear-weapon-free world and as such is not contradictory to the NPT and its Article VI. It would also recognize that the path toward a world

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without nuclear weapons, sealed by a ban, can only be achieved through a series of practical steps, each of which aims to bring the goal closer. It would note the disagreement on the relative priority and value of a strategy putting a ban up front and a strategy focusing on single steps, but emphasize that both strategies aim at the same final goal. It would confirm that, short of a nuclear-weapon-free

world, choices for a security policy which employs deterrence or one that rejects nuclear weapons are both results of decisions taken in the exercise of national sovereignty enshrined in the UN Charter. It would recall that legal commitments undergone in the pursuit of these different choices bind only the parties to the related legal instruments and no one else. Finally, it could state that the continued differences of basic philosophies, priorities, and political strategies do not hinder the parties to agree on practical priority steps.

The EU statement would then possibly propose a selection of such steps (including steps already adopted in the past) for priority treatment.⁴

⁴ Other concept papers in the project discuss a wealth of such possible steps.

Such an intra-EU agreement might be possible since the proposed language does not oblige TPNW opponents to embrace the Ban Treaty, nor does it force TPNW proponents to embrace the step-by-step strategy as such; ban proponents could endorse selected specific steps as useful in coming closer to a nuclear-weapon-free world. Either side would explicitly *ascribe good faith to the opposing side, and respect the free sovereign choice made by the other side*. This respectful recognition would be reciprocal and not represent a disadvantageous “deal.” But, it would still require France and likeminded deterrence proponents to accept neutral language on the TPNW, and it would require Austria and Ireland to express respect for a sovereign choice which they regard as illegitimate.

Would such a position enable the EU to play its ideal role? Maybe, but not certainly. Two NWS mitigating their rhetoric against the TPNW without embracing it, and well-recognized ban proponents accepting the need for meaningful steps toward disarmament may create enough momentum for the RevCon to reconsider the prevailing stigmatizing strategy against other parties who are needed for consensus. The nongovernmental organizations that have been enthusiastic in the shaming and blaming game—because it is an element of their public opinion campaign—will be disappointed, as may be the Non-Aligned TPNW proponents. But maybe they will see that the TPNW is taken seriously and not as a danger to the NPT as an improvement over the status quo.

c. Addressing the “security environment”

This option is difficult to realize because it encounters the resentment of TPNW supporters, and requires substantial corrections to the NWS concept of the “security environment” in order to remove the fatal notion of conditionality.

The relation between circumstances and disarmament is principally logical. Nuclear weapons are meant to provide for national and alliance security in specific security contexts. There can be no doubt that a benign security environment, produced by cooperative interstate policies, facilitates replacing nuclear deterrence by

cooperative security relationships, while a confrontative, threatening security environment creates barriers.

To recognize such relation does not mean to accept conditionality. Indeed, in accepting this relation, one has to assume that it constitutes an *obligation* of state parties: to pursue peaceful external policies, including restraint on conventional armaments, as part of Article VI obligations. Benign security environment that depends on such policies of restraint would facilitate nuclear disarmament. Notably, the EU statement at the January 2020 seminar came close to such an argument.

During the Cold War (1946 to 1990), there were ups and downs of arms control and disarmament. These waves corresponded to the quality of the superpower relations. The causal relationship between “environment” and “disarmament” is not unidirectional, but moves in feedback circles. The two detente periods of 1969–1975 and 1985–1996 show close interrelations: political improvements opened the gates for arms control progress, which fostered closer relations that in turn facilitated further arms control.

Therefore, the EU should frame the “security environment” problem not as a roadblock for disarmament, but as an imperative to work persistently and effectively to create an environment that is supportive of determined nuclear disarmament. Moreover, the obligation extends to exploring even in bad circumstances which steps— transparency, confidence-building etc.—could be taken to help improve political relations and reduce distrust to facilitate more far-reaching disarmament.

The discourse presented by the NWS deals with the “security environment” in two ways: either as a “state of nature” removed from human influence (one has to wait until “circumstances change”), or (more often) in a blaming exercise against a rival or enemy who allegedly bears the whole responsibility for the miserable situation which, alas, prevents oneself from marching faithfully on the Article VI path. The NWS, notably the US, Russia, and China, are fully responsible for containing their

rivalry, and must conduct their competition in a well-regulated, crisis-resistant, and non-violent way which makes nuclear deterrence obsolete over time.

The EU should build on its already agreed language as presented to the First Committee and to PrepCom 3: "It is important that all parties contribute to improving the strategic context for arms control and disarmament and avoid eroding the rules-based multilateral system. We must endeavor to decrease tensions, restore dialogue and trust, explore further transparency and confidence-building measures, and move from confrontation to cooperation. Joint international efforts are required more than ever to solve global security challenges and regional conflicts." This language reframes the "security environment" issue correctly into an imperative for positive action. The statement clarifies that working on the security environment does not obviate taking useful and feasible disarmament steps: "Bearing in mind the increasingly severe and complex security environment, we stress the need to preserve and further advance general arms control and disarmament processes and call for further progress on all aspects of disarmament to enhance global security."

Would such an intra-EU agreement be feasible? Both sides would get something from it: The NWS and their allies would get the acceptance of a relation between political environment and disarmament; the ban promoters would get the assurance that this constituted no sequential conditionality, but an obligation for NPT states parties to improve the political context for disarmament, while looking for the steps that could be taken immediately. This might help create consensus to work along those lines.

Would this enable the EU to play its ideal role? Support by EU NWS, allies, and TPNW proponents may carry credibility. For states parties interested in progress, the present bifurcation of the community is dissatisfying. To far-sighted TPNW supporters, it is clear that the Ban Treaty, standing alone, is not really producing disarmament; the insightful Austrian call for "more practical steps" is indicative. Hard diplomatic work by EU member states may create a critical mass for a reasonable understanding along these lines in the RevCon.

Final caveats

The EU takes the NPT RevCon seriously. This has been proven by the EU Council decision mentioned in the beginning. Apart from the various seminars which have been initiated, the EU also started an approach to the major players in the NPT with a view to express its support for the Treaty and a successful outcome of the conference, and the need to seek consensus even in difficult times. With the agreement of all the member states, this diplomatic offensive took place on behalf of the whole EU and gave the impression of the Union in a true political leadership role.

This hope, however, is dampened by an obvious dilemma: options that might be agreed within the EU with reasonable probability are less likely to move the RevCon as a whole because of their limited scope, whereas positions that could move the RevCon are less likely to be agreeable within the EU *because* of their wider scope. In the current shape, the EU is in no position to emulate the negotiating-on-the-floor performance of 2000. Because of mutual distrust, positions are fixated to the last word like a straitjacket. Deviating is not possible for the EU as a whole; negotiation on the floor will remain the privilege of member states, which minimizes the Union's collective impact.

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Two big questions remain, independent from what the EU will do: First, whether the US, Russia, and China want an agreement at all, or if they prefer pursuing a "US first, Russia first, China first" competition into the abyss. Second, whether any disarmament compromise is good enough for the protagonists in the Middle East to let consensus pass in the absence of progress on the regional WMD-free zone.

Thus, it is not clear at all that the EU could turn around an NPT Review that is going very badly. But, as the Greek hero Sisyphus demonstrated by his tireless attempts to roll the boulder to the top of the mountain: Dim hope is no excuse not to try.



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