

THE EUROPEAN UNION AND THE HUMANITARIAN INITIATIVE IN THE 2015 NON-PROLIFERATION TREATY REVIEW CYCLE

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I. INTRODUCTION

Since the inclusion of the ‘deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons’ in the Final Document of the 2010 Non-Proliferation Treaty (NPT) Review Conference (RevCon), the humanitarian initiative addressing the disarmament pillar of the 1968 NPT has gained momentum and is consolidating a discourse within the non-proliferation regime, including within the NPT review process.¹ The initiative is supported by an increasing number of states concerned by the consequences of possession and use of nuclear weapons. Many of these states remain frustrated that the NPT has been unable to move the nuclear weapon states (NWS) more quickly towards disarmament, and this is an ongoing issue in disarmament and non-proliferation debates. Yet the humanitarian initiative, while not ignoring the need for disarmament, is a process that goes beyond this long-standing frustration in order to highlight the reality of the death and devastation that would be incurred in the event of a nuclear detonation, whether by accident, miscalculation or design. Stressing the inherent risks and ‘unacceptable humanitarian consequences’ that would be caused by the ‘immense, uncontrollable destructive capability and indiscriminate nature of these weapons’, the states supporting and engaging with this initiative are addressing what has been a relatively neglected aspect of nuclear weapons, in a number of multilateral diplomatic forums.²

¹ 2010 NPT Review Conference, Final Document, NPT/CONF.2010/50 (vol. I), <<http://www.un.org/en/conf/npt/2010/>>. Treaty on the Non-Proliferation of Nuclear Weapons, opened for signature 1 July 1968, entered into force 5 Mar. 1970. International Atomic Energy Agency, INFCIRC/140, 22 Apr. 1970, <<http://www.iaea.org/Publications/Documents/Treaties/npt.html>>.

² United Nations, General Assembly, First Committee, 68th session, ‘Joint Statement on the humanitarian consequences of nuclear

SUMMARY

The humanitarian initiative has gained significant momentum and seen broad engagement since the humanitarian dimension was first included in the Final Document of the 2010 Non-Proliferation Treaty Review Conference. The initiative is supported by an increasing number of states wishing to highlight and address the catastrophic humanitarian consequences of nuclear weapons. The discernible nuances of this support and the various aims of the initiative require closer analysis. Of particular significance is the variation in support within the European Union (EU), where 22 of its 28 member states are also members of the North Atlantic Treaty Organization. This paper identifies three groups of states within the EU with regard to the humanitarian initiative: (a) drivers of disarmament, (b) guarded supporters, and (c) nuclear weapon states. It shows that just as this divergence has precluded a strong and unified EU position on nuclear disarmament, so too has it delimited any unified EU support for the initiative. The paper concludes by assessing the merits of the humanitarian initiative and its implications for EU states, noting the difficulty of reconciling strong support for the initiative with a continued reliance on nuclear deterrence.

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With the initiative's increasing momentum and sophistication, the humanitarian discourse has been placed firmly on the non-proliferation and disarmament agenda through the NPT review process, the United Nations General Assembly (UNGA) First Committee and international conferences sponsored by key drivers of the initiative (Austria, Mexico and Norway). However, despite the growth of the humanitarian initiative, the states engaged in its activities have discernible nuances and varied aims, and these require closer analysis. The envisaged pathways, the pace of change and the ultimate aims of the initiative vary among its supporters. This paper provides an empirical assessment of the engagement to date by various European Union (EU) member states and an analysis of their divergent postures in driving the initiative. It explores the potential strains between states supporting the initiative within the EU and the likely implications of these nuanced postures for the shared vision of nuclear disarmament.

Section II of this paper looks at the origins of the humanitarian initiative and suggests four reasons why it has arisen in relation to nuclear weapons at this time. It also provides an overview of recent activities within the initiative. Section III examines the various positions taken by EU states. Section IV presents some concluding thoughts on the humanitarian initiative and an analysis of the views among EU states, suggesting the likely impact that these will have at the upcoming 2015 NPT RevCon and for the initiative's future.

II. THE HUMANITARIAN INITIATIVE

Following the 2010 NPT RevCon, the humanitarian dimension of nuclear weapon use has been translated into more concrete terms and has drawn support from a rapidly growing number of concerned states. There are four key factors that help to explain why the humanitarian initiative has arisen.

First, there has been a more general rise in references to human rights, humanitarianism and human security issues within international politics. Although not new ideas, it can be argued that concerns about human rights and humanitarianism have only been expressed strongly in the past 25 years or so. This new attention—from states and driven strongly by civil

society involvement in security debates—has found application in a variety of forums concerned with human rights, the responsibility to protect against mass atrocities and war crimes, and broader notions of global justice. It is not surprising, therefore, that the nuclear non-proliferation and disarmament regime has now been subjected to examination under this lens. Together with the strengthening of international law and expectations of 'good governance', this has meant that the scrutiny of state actions has intensified, and that a greater accountability is now placed on states for the actions that they take.

Although humanitarian and legal arguments about weapons—first made in 1868 with the St Petersburg Declaration prohibiting the use of exploding bullets, and followed by provisions in the 1899 and 1907 Hague Conventions and the 1925 Geneva Protocol—lay mostly dormant for several decades, various governments and civil society actors have since attempted to incorporate humanitarian restrictions more closely into debates on the use of certain weapons.³ These attempts gathered pace in the 1990s and 2000s. In 2004, for example, the United Nations Institute for Disarmament Research (UNIDIR) launched a project on Disarmament as Humanitarian Action: Making Multilateral Negotiations Work.⁴ The publications that resulted positioned ongoing debates firmly within a human security framework and helped to reorient thinking about these issues in a more grounded and humane way. Today, creative and innovative approaches are being sought to the problems of arms control and disarmament—long dominated by the more orthodox, zero-sum methods evident during the cold war.

Second, there has been a huge increase in civil society activity within international politics over the past two decades. Various civil society actors, such as professional groups of scientists, lawyers, and

³ The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW Convention, or 'Inhumane Weapons' Convention) and its 5 protocols was an attempt to insert elements of humanity into weapon control, but this found little resonance in international politics at the time and was relatively ineffective. It was not until the early 1990s and the clear expression of the taboo against chemical weapons that these considerations emerged again strongly. United Nations Treaty Collection, <<http://treaties.un.org/Pages/CTCTreaties.aspx?id=26>>.

⁴ For more information on the project see UN Institute for Disarmament Research (UNIDIR), 'Disarmament as humanitarian action: making multilateral negotiations work', <<http://www.unidir.org/programmes/process-and-practice/disarmament-as-humanitarian-action-making-multilateral-negotiations-work>>.

medical practitioners working in non-governmental organizations (NGOs), have been a driving force behind the new humanitarian initiative. These actors have made deliberate efforts to extend the humanitarian framework—successful in bringing about the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention) and the 2008 Convention on Cluster Munitions (CCM)—to other areas of debate.⁵

Third, a much wider group of states has been involved in arms control negotiations and decision making than was the case during the cold war, when these vital decisions were reserved for the two superpowers, the Soviet Union and the United States. The end of the cold war period allowed for a more inclusive process of negotiations, involving not just the large and powerful states but also small states and many that considered themselves activist ‘middle powers’, all now able to take their place in multilateral forums. These states have helped in broadening traditional security debates from predominantly Soviet–US bilateral arms control concerns to a more global focus. This framework was an element in forging the APM Convention and the CCM and was also a factor in building support for an Arms Trade Treaty in 2013.⁶ While these treaties remain limited, with numerous states not yet willing to be constrained by their terms, they do nevertheless reflect a normative input into what were previously restricted dialogues, which had a strategic rather than humanitarian focus.

Fourth, the humanitarian initiative against nuclear weapons has been assisted by the emergence of a body of respected scientific information on the likely environmental, agricultural and health impacts of nuclear weapon use. While some research had been conducted in the 1980s on the effects of a ‘nuclear winter’, and had signalled grim results, from around 2005 new modelling capabilities and the use of highly specialized technical measurements resulted in forecasts that were more specific and detailed than before.⁷ A number of publications emerged from this time, stressing not only the devastating loss of life and suffering that would result from a nuclear conflict, but

also the immediate and long-term implications for the environment, socio-economic development, and the economies and health of future generations.⁸ Instead of focusing on military security issues and calculations—which have typically dominated strategic deterrence assessments—they highlighted human security issues, including the inability of states and health authorities to respond adequately to affected populations, and the impacts on food, water and resource security. These and subsequent reports suggest that, in addition to the many millions dead from initial causes, up to 2 billion people worldwide would starve as a result of climate change brought about by even a limited nuclear war. While it has long been known that nuclear strikes would have catastrophic effects, these newer findings grounded the results in undeniably human terms, driving the humanitarian initiative forward and also becoming a reinforcing power behind it.

The overall conclusions drawn from these reports and the conferences to date can be summarized as follows.

1. It would be ‘unlikely that any state or international body could address the immediate humanitarian emergency’ caused by a nuclear strike ‘in an adequate manner and provide sufficient assistance to those affected’.
2. The ‘historical experience from the use and testing of nuclear weapons has demonstrated their devastating immediate and long-term effects’.
3. The ‘effects of a nuclear weapon detonation, irrespective of cause, will not be constrained by national borders, and will affect states and people in significant ways, regionally as well as globally’.⁹

⁸ These included Fihn, B. (ed.), *Unspeakable Suffering: The Humanitarian Impact of Nuclear Weapons* (Reaching Critical Will: Geneva, 2013); Helfand, I., International Physicians for the Prevention of Nuclear War (IPPNW), ‘The wider impact: long term effects on health, environment and development’, Presentation for the International Campaign to Abolish Nuclear Weapons (ICAN), Oslo, 4 Mar. 2013, <http://www.regjeringen.no/upload/UD/Vedlegg/Hum/hum_helfand.pdf>; International Campaign to Abolish Nuclear Weapons (ICAN), ‘Catastrophic humanitarian harm’, Aug. 2012, <<http://www.icanw.org/wp-content/uploads/2012/08/catastrophicharm2012.pdf>>; and International Committee of the Red Cross (ICRC), ‘Climate effects of nuclear war and implications for global food production’, Information note no. 2, Feb. 2013, <<https://www.icrc.org/eng/assets/files/2013/4132-2-nuclear-weapons-global-food-production-2013.pdf>>.

⁹ Eide, E. B., Chair’s Summary, Conference on the Humanitarian Impact of Nuclear Weapons, Oslo, 4–5 Mar. 2013, <http://www.regjeringen.no/en/archive/Stoltenbergs-2nd-Government/Ministry-of-Foreign-Affairs/taler-og-artikler/2013/nuclear_summary.html?id=716343>.

⁵ For the text of the conventions see United Nations Treaty Collection, <<http://treaties.un.org/Pages/CTCTreaties.aspx?id=26>>.

⁶ See United Nations Treaty Collection, <<http://treaties.un.org/Pages/CTCTreaties.aspx?id=26>>.

⁷ See e.g. Toon, O. et al., ‘Consequences of regional-scale nuclear conflicts’, *Science*, vol. 315, no. 5816 (Mar. 2007), pp. 1224–25.

Post-2010 activities

After the 2010 NPT RevCon there was a concerted and sophisticated effort to drive forward the humanitarian—rather than the strategic—imperative in multilateral discussions on nuclear weapon policy. At the 2012 NPT Preparatory Committee (PrepCom), a statement stressing the humanitarian dimension of nuclear disarmament, led by Switzerland, was backed by 16 states; shortly after that, a statement by the 2012 UNGA First Committee was supported by 34 states.¹⁰ At the 2013 NPT PrepCom, a statement led by South Africa gained support from 80 states parties; and at the 2013 UNGA First Committee, a statement led by New Zealand was co-sponsored by 125 states, a significant increase from the initial 16 states just a year earlier.¹¹ Notably, a group of 17 states, led by Australia, submitted a separate joint statement on the humanitarian consequences of nuclear weapons, reaffirming the New Zealand-led statement but also stating that ‘banning nuclear weapons by itself will not guarantee their elimination without engaging substantively and constructively those states with nuclear weapons, and recognising both the security and humanitarian dimensions of the nuclear weapons debate’.¹² This is indicative of the variation in support for the humanitarian initiative and the difficult balancing act faced by supporters of disarmament that nevertheless continue to rely on alliances with the USA and extended nuclear deterrence.

The March 2013 Conference on the Humanitarian Impact of Nuclear Weapons in Oslo, Norway, drew participation from 128 states (including 2 non-NPT nuclear-armed states, India and Pakistan), and 146 states attended the second Conference on the Humanitarian Impact of Nuclear Weapons in Nayarit, Mexico, in February 2014. As the five NPT NWS had

¹⁰ United Nations, General Assembly, First Committee, 67th session, ‘Joint Statement on the humanitarian dimension of nuclear disarmament’, Delivered by Ambassador Benno Laggner of Switzerland, 22 Oct. 2012, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com12/statements/22Oct_Switzerland.pdf>.

¹¹ United Nations (note 2). Significantly, Japan—whose government received much public criticism domestically for not supporting the joint statement at the 2013 NPT PrepCom—formally supported both statements at the 68th session of the UNGA First Committee.

¹² United Nations, General Assembly, First Committee, 68th session, ‘Joint Statement on the humanitarian consequences of nuclear weapons’, Delivered by Ambassador Peter Woolcott of Australia, 21 Oct. 2013 <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com13/statements/21Oct_Australia2.pdf>.

boycotted the Oslo conference, there were concerted efforts to encourage their participation in Nayarit. Despite this, however, no officials from these states attended. Again, two of the four non-NPT nuclear-armed states—India and Pakistan—participated. (It should be noted that participation and attendance at these conferences is separate from formal support of the initiative’s joint statements to the NPT and UNGA First Committee meetings.)

The non-participation of the five NPT NWS in these conferences has resulted in considerable criticism. Yet these states have expressed the view that a process separated from the NPT would undermine the nuclear non-proliferation regime, claiming that a focus on humanitarianism ‘will divert discussion away from practical steps to create conditions for further nuclear reductions’.¹³ Russia noted that it already understood the consequences of nuclear detonation and in a statement to the 2014 Conference on Disarmament (CD) its ambassador said that ‘the catastrophic character and unacceptability of any use of nuclear weapons is self-evident and requires no further discussions’.¹⁴ Russia further warned that ‘we should not be distracted by the discussion of humanitarian consequences from the primary goal of creating due conditions for further nuclear reductions’.¹⁵ Notwithstanding these justifications, there has been considerable disappointment among the non-nuclear weapon states (NNWS) that the NWS have chosen, thus far, to dismiss the humanitarian initiative.

III. EUROPEAN UNION NUCLEAR DISARMAMENT AND THE HUMANITARIAN INITIATIVE

The engagement of EU member states with the humanitarian initiative is largely conditioned by the fact that the organization does not have a common policy on nuclear weapon possession and use. Although the EU has a non-proliferation strategy—the 2003

¹³ Burt, A., British Parliamentary Under Secretary of State for Foreign and Commonwealth Affairs, ‘Statement on nuclear weapons’, House of Commons Debate, 4 Mar. 2013, <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130304/text/130304w0002.htm#130304w0002.htm_spnew24>.

¹⁴ Borodavkin, A., Permanent Representative of the Russian Federation to the United Nations Office and other International Organizations in Geneva, ‘Statement at the Plenary Meeting of the Conference on Disarmament’, Geneva, 21 Jan. 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/cd/2014/Statements/part1/21Jan_Russia.pdf>.

¹⁵ Borodavkin (note 14).

EU Strategy against Proliferation of Weapons of Mass Destruction—there is no common disarmament position other than a general commitment to ‘the pursuit of nuclear disarmament’.¹⁶ Most activities focus overwhelmingly on non-proliferation, rather than on disarmament. Stephen Pullinger and Gerrard Quille have argued that nuclear disarmament within the EU is ‘neglected, presumably to avoid confrontations with the UK and France and to allow the broader agenda to move forward’.¹⁷ This is not notably different from other areas where EU states seek to achieve a common foreign and security policy but often fall short of achieving their goal. One analyst observed, over a decade ago, that ‘consensus has so far been reached by sidelining the question of disarmament’, making the EU’s non-proliferation policy ‘partial or even “one-sided”’.¹⁸ As in many areas of security, the national, rather than the supranational, views prevail.

Moreover, the significant expansion of the EU in the past 10 years has brought a large number of North Atlantic Treaty Organization (NATO) members into its fold. In 2003 the EU had 11 NATO members—including 2 NWS and 4 states that host NATO’s nuclear weapons.¹⁹ In 2014 the EU has 22 states that are also NATO members and therefore under its nuclear umbrella. This fact alone makes a common and concerted push for disarmament unlikely to emerge from the EU. Additionally, while in 2003 there were 4 ‘highly disarmament-minded’ states (Austria, Finland, Ireland and Sweden), these have since been reduced to only 2 (Austria and Ireland)—with the other 2 taking a less active role in disarmament in recent years.²⁰ These differences within the EU clearly affect how and

why member states engage with the direction that the humanitarian initiative is taking.

An overview of EU member state engagement

EU member state engagement with the humanitarian initiative has increased since 2012, including through the formal support of joint statements at the UNGA First Committee, NPT PrepComs and participation in the initiative’s conferences. Nevertheless, significant divisions remain in terms of support for, and identification with, the humanitarian initiative.

Table 1 provides an overview of EU member states’ engagement with the humanitarian initiative’s activities. Out of 28 EU member states, 20 participated in the Nayarit conference. The 2013 UNGA First Committee joint statement on the humanitarian consequences of nuclear weapons, which was supported by 125 states, included support from only 5 EU member states. In contrast, the alternate joint statement led by Australia, which affirmed the importance of both security and humanitarian issues, included support from 13 EU member states (all of them NATO members).²¹ The joint statement to the 2013 NPT PrepCom, which was supported by 80 NPT states parties, included support from 6 EU member states. The March 2013 Oslo conference, which was attended by 128 states, included participation by 23 EU member states. The 2012 UNGA First Committee joint statement, which was supported by 34 states, included support from 4 EU member states. The joint statement to the 2012 NPT PrepCom, which was supported by 16 NPT states parties, included support from 3 EU member states.

The national statements of EU member states to the NPT review process meetings highlight the nuanced spectrum of views regarding the humanitarian initiative and nuclear disarmament. In contrast to the rather bland EU joint statement to the NPT’s Cluster I discussion, some of the individual statements from EU member states have stressed the urgency of further progress on the implementation of the NPT’s Article VI. Noting the lack of attention paid to nuclear disarmament, several EU member states have individually cautioned that the credibility of the regime is at stake and that, without concerted action on the part of the NWS, the 2015 NPT RevCon is likely to be acrimonious.

¹⁶ Bylica, J., Principal Adviser and Special Envoy for Non-Proliferation and Disarmament, European External Action Service, ‘EU Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, United Nations, New York, 29 Apr. 2014. This phrase constituted one reference to disarmament in the statement. Council of the European Union, ‘Fight against the proliferation of weapons of mass destruction: EU Strategy against Proliferation of Weapons of Mass Destruction’, 15708/03, 10 Dec. 2003, <http://europa.eu/legislation_summaries/foreign_and_security_policy/cfsp_and_esdp_implementation/133234_en.htm>.

¹⁷ Pullinger, S. and Quille, G., ‘The European Union: seeking common ground for tackling weapons of mass destruction’, *Disarmament Diplomacy*, no. 74 (Dec. 2003).

¹⁸ Portela, C., ‘The role of the EU in the non-proliferation of nuclear weapons: the way to Thessaloniki and beyond’, PRIF Reports no. 65, 2003, <<http://hsfk.de/fileadmin/downloads/prif65.pdf>>, p. 36.

¹⁹ Portela (note 18), p. i.

²⁰ Portela (note 18), p. 4.

²¹ United Nations (note 12).

Table 1. The humanitarian initiative: EU member state engagement and participation

Event	Nayarit conference	UNGA 68th session	UNGA 68th session	NPT PrepCom 2013	Oslo conference	UNGA 67th session	NPT PrepCom 2012
Date of event/ statement	13–14 Feb. 2014	21 Oct. 2013	21 Oct. 2013	24 Apr. 2013	4–5 Mar. 2013	22 Oct. 2012	2 May 2012
Conference host/ lead sponsor	Mexico	Australia	New Zealand	South Africa	Norway	Switzerland	Switzerland
Statement by Ambassador	—	Peter Woolcott	Dell Higgie	Abdul S. Minty	—	Benno Laggner	Benno Laggner
Total no. of states engaging/ supporting	146	17	125	80	128	34	16
No. of EU member states engaging/ supporting	20	13	5	6	23	4	3
Austria	X		X	X	X	X	X
Belgium ^a	X	X			X		
Bulgaria ^a	X						
Croatia ^a					X		
Cyprus			X	X			
Czech Republic ^a	X				X		
Denmark ^a	X		X	X	X	X	X
Estonia ^a	X				X		
Finland	X	X			X		
France ^{a d}							
Germany ^{a c}	X	X			X		
Greece ^a	X				X		
Hungary ^a	X				X		
Ireland ^b	X		X	X	X	X	X
Italy ^a	X	X			X		
Latvia ^a		X			X		
Lithuania ^a		X			X		
Luxembourg ^a	X	X		X	X		
Malta			X	X		X	
Netherlands ^{a c}	X	X			X		
Poland ^{a c}	X	X			X		
Portugal ^a		X			X		
Romania ^a	X				X		
Slovakia ^a	X	X			X		
Slovenia ^a	X				X		
Spain ^a	X	X			X		
Sweden	X	X			X		
United Kingdom ^{a d}							

^aNorth Atlantic Treaty Organization (NATO)^bNew Agenda Coalition (NAC)^cNon-Proliferation and Disarmament Initiative (NPDI)^dNon-Proliferation Treaty nuclear weapon state (NPT NWS)

Additional groupings

Some EU member states are also associated with other groupings within the nuclear non-proliferation regime that address Article VI issues, including the New Agenda Coalition (NAC), the Non-Proliferation and Disarmament Initiative (NPDI) and the NWS.

Only one EU member state, Ireland, remains a member of the NAC. At the 2014 NPT PrepCom, the NAC submitted a working paper suggesting four options for elaborating a legally binding framework for achieving nuclear disarmament: (a) a nuclear weapon convention, (b) a nuclear weapon ban treaty, (c) a framework arrangement of mutually supporting instruments, or (d) a hybrid arrangement, including all or any of the above options or new elements.²²

Three EU member states—Germany, the Netherlands and Poland—are members of the NPDI. The NPDI submitted a joint working paper to the 2014 NPT PrepCom, emphasizing the issue of de-alerting nuclear forces and arguing that ‘a lowered operational readiness for nuclear weapons systems would demonstrate a commitment to reducing the role of nuclear weapons in security and defence doctrines’.²³ The NPDI believes that ‘de-alerting may provide a much-needed boost to the disarmament efforts’ and, in line with the humanitarian initiative’s broad aims (and the 2010 NPT Action Plan), stresses that de-alerting may ‘help to de-emphasize the role of nuclear weapons’.

While de-alerting is generally supported by EU and NATO member states, progress on this issue has been relatively slow. Relevant to the humanitarian initiative, the NPDI highlighted its 2013 ministerial statement urging all nuclear-armed states (including those outside the NPT framework) to take steps towards de-alerting their nuclear forces, as this would

²² Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation on Nuclear Weapons, ‘Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons’, Working paper submitted by Ireland on behalf of the New Agenda Coalition (Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa), NPT/CONF.2015/PC.III/WP.18, 2 Apr. 2014, p. 9, <<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/documents/WP18.pdf>>.

²³ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation on Nuclear Weapons, ‘De-alerting’, Joint working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, Nigeria, the Netherlands, the Philippines, Poland, Turkey and the United Arab Emirates), NPT/CONF.2015/PC.III/WP.6, 14 Mar. 2014, p. 1, para. 5. <<http://www.un.org/Docs/journal/asp/ws.asp?m=NPT/CONF.2015/PC.III/WP.6>>.

‘help lower the risk of inadvertent use’.²⁴ The NPDI also stressed that nuclear weapon modernization programmes ‘developing new missions for nuclear weapons’ and any ‘further build-up of nuclear arsenals’ would run ‘counter to the obligations under the action plan and article VI’.²⁵ Despite this declaratory statement criticizing nuclear modernization plans by the NWS, NATO members of the NPDI and Japan continue to ascribe value to extended nuclear deterrence and assurances through their respective security alliances. There is a clear disconnect and inconsistency between the declaratory NPDI group statement in the NPT forums and the individual national defence and alliance postures.

Diverging postures

Given the varied perspectives on the strategic value of nuclear weapons among EU member states, their postures regarding the humanitarian initiative can be broadly split into three groups within the EU.

1. *Drivers of disarmament.* This group contains the more active proponents of the initiative, who seek to reaffirm their abhorrence of nuclear weapons. This group is likely to favour the delegitimization of nuclear weapons, in the same way that chemical and biological weapons have been delegitimized.

2. *Guarded supporters.* This group contains the more cautious observers of the broad objectives of the initiative. They also aim to raise awareness of the consequences of nuclear weapons and wish to downgrade the salience of nuclear weapons in security doctrines. However, many of these states remain bound to US alliances and thus face a difficult balancing act in managing their calls for disarmament with their perceived security interests. This group includes four NATO states that formally support the humanitarian initiative’s statements at the multilateral forums. It also includes other NATO states that do not support

²⁴ NPT Preparatory Committee, NPT/CONF.2015/PC.III/WP.6 (note 23), p. 1, para. 4.

²⁵ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation on Nuclear Weapons, ‘Nuclear disarmament post-New START’, Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, Nigeria, the Netherlands, the Philippines, Poland, Turkey and the United Arab Emirates), NPT/CONF.2015/PC.III/WP.9, 17 Mar. 2014, p. 3, para. 13, <<http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/documents/WP9.pdf>>.

the initiative's statements explicitly but do engage with the initiative's activities, including participation in the conferences. The group does not believe that the initiative undermines existing multilateral or bilateral disarmament mechanisms, but it is nevertheless reluctant to be seen as placing undue pressure on its NWS allies.

3. *Nuclear weapon states.* This group contains the critics of the initiative, the EU NWS, France and the United Kingdom.

Drivers of disarmament

Among EU member states, Austria and Ireland are currently the two main drivers and active proponents of the humanitarian initiative. These states reject any strategic value or relevance of nuclear weapons in today's security environment and consider them existential threats.

Scheduled for December 2014, the Austrian Government is hosting the Vienna Conference on the Humanitarian Impact of Nuclear Weapons (the initiative's third international conference). The Austrian Foreign Affairs Minister, Sebastian Kurz, has stated that 'nuclear disarmament is a global task and a collective responsibility' and that 'as a member state committed to the . . . NPT, Austria wants to do its share to achieve the goals of this treaty'.²⁶ Kurz argues that 'reliance on nuclear weapons is an outdated approach to security' and that 'a concept that is based on the total destruction of the planet should have no place in the 21st century'.²⁷

At the 2014 NPT PrepCom, Austria stressed that 'better awareness of the devastating humanitarian impact and consequences of nuclear weapons builds momentum for the urgency of achieving nuclear disarmament and results in greater understanding of the need to eliminate this risk'.²⁸ Austria has also explained that it 'will prepare the third international

conference in an inclusive manner, building upon the findings and experience of the conferences held in Oslo and Nayarit' because 'facts-based discussions at the international conferences can assist States, together with civil society, in achieving this important result and the goal of the Treaty'.²⁹

Austria has expressed the belief that the humanitarian initiative 'is essential to change the discourse on nuclear weapons and to move us forward'.³⁰ At the 2014 NPT PrepCom, it noted that developments, including modernization of nuclear arsenals, were 'deeply troubling' and 'appear to be indicative of intent by states possessing nuclear weapons to retain them indefinitely'.³¹ Yet Austria contends that the discussions during the Oslo and Nayarit conferences 'underscore a growing support to firmly anchor the humanitarian imperative in the discussions about nuclear weapons and nuclear disarmament'.³²

Ireland, a founding member of the NAC, is another driver of the humanitarian initiative. In response to critics, Ireland has argued that the initiative is 'fully compatible with and supportive' of the NPT.³³ At the CD, Ireland's Deputy Prime Minister, Eamon Gilmore, argued that the consequences of nuclear detonation would be 'calamitous, unmanageable and immoral' and that 'the only rational response . . . is prevention, through the elimination of all nuclear weapons'.³⁴ Further, Gilmore reaffirmed the 'consistent position of successive Irish Governments that nuclear weapons can never and will never guarantee the security of any nation' and 'their very existence threatens international security'.³⁵

²⁹ NPT Preparatory Committee, NPT/CONF.2015/PC.III/WP.30 (note 28), p. 2, paras 5, 7.

³⁰ NPT Preparatory Committee, NPT/CONF.2015/PC.III/WP.30 (note 28).

³¹ Kmentt, A., Delegation of Austria, Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/statements/2May_Austria.pdf>.

³² Kmentt (note 31).

³³ Ireland, 'Remarks at the closing session of the Conference on the Humanitarian Impact of Nuclear Weapons', Oslo, 5 Mar. 2013, <http://www.regjeringen.no/en/dep/ud/selected-topics/humanitarian-efforts/statements_humimpact.html?id=715939>.

³⁴ Gilmore, E., Deputy Prime Minister and Minister of Foreign Affairs and Trade of Ireland, 'Statement to the Conference on Disarmament', 27 Feb. 2013, <<http://web.dfa.ie/home/index.aspx?id=89382>>. Ireland (note 33).

³⁵ Gilmore (note 34).

²⁶ Austrian Federal Ministry for Europe, Integration and Foreign Affairs, 'Kurz: "paradigm shift in nuclear disarmament is overdue"', 13 Feb. 2014, <<http://www.bmeia.gv.at/en/foreign-ministry/news/press-releases/2014/kurz-paradigmenwechsel-bei-der-nuklearen-abruistung-ist-ueberfaellig.html>>.

²⁷ Austrian Federal Ministry for Europe, Integration and Foreign Affairs (note 26).

²⁸ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation on Nuclear Weapons, 'Addressing the humanitarian consequences of nuclear weapons as the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons in Oslo, Nayarit, Mexico and Vienna', Working Paper submitted by Austria, NPT/CONF.2015/PC.III/WP.30, 24 Apr. 2014, <<http://www.un.org/Docs/journal/asp/ws.asp?m=NPT/CONF.2015/PC.III/WP.30>>.

On behalf of the NAC at the 2014 NPT PrepCom, Ireland argued that ‘the bargain at the heart of the NPT compact is not being honoured’ and lamented the ‘continued collective inaction on nuclear disarmament’.³⁶ The NAC’s working paper offered various options for ‘effective measures’ and frameworks to implement Article VI for the consideration of all states parties.³⁷ In doing so, the NAC argued that ‘all States, NPT and non-NPT States alike, could engage with and join the “effective measures”’ and ‘the NAC has taken care not to prescribe any one outcome over the others’ as ‘that is a matter for States to discuss and decide’.³⁸ This reiterates the fact that the NAC does not believe the humanitarian initiative runs counter to, or in place of, any existing non-proliferation and disarmament measures. However, it has warned that the ‘stalled pace of nuclear disarmament is placing the NPT under increasing and intolerable pressure’.³⁹

Ireland has rhetorically questioned whether ‘the NPT [is] to become a blueprint for wholesale weaponisation or one for achieving and maintaining a world without nuclear weapons’, arguing that ‘it is not logical to assert that certain states should be permitted to retain nuclear weapons on the basis of what they say are legitimate security concerns while simultaneously claiming that others cannot cite the same concerns as a reason for seeking the weapons’.⁴⁰ It warns that this ‘has led to considerable frustration in the wider international community’ and that ‘we cannot simply keep agreeing plans of action which have no prospect of being implemented’.⁴¹ Ireland believes that ‘discussions must take place’, although ‘it is not evident . . . how NPT review process mechanisms, as structured at present,

can accommodate inclusive and urgent discussions for meeting Article VI’s demand for effective measures for disarmament’.⁴²

Guarded supporters

The guarded supporters of the humanitarian initiative among the EU member states broadly and cautiously engage with the initiative’s activities but maintain that there are both humanitarian and security considerations surrounding nuclear weapon policy. At the 2014 NPT PrepCom, 20 NPT states parties submitted a joint working paper outlining ‘building blocks for a world without nuclear weapons’.⁴³ Of those 20 NPT states parties, 15 were EU member states.⁴⁴ The working paper outlined the shared vision and practical measures for progress towards nuclear disarmament. These building-block measures and the individual national statements made at the PrepCom promote a pragmatic approach to implementing Article VI. The 15 EU member states argue that ‘there will be no quick fixes if our goal is effective, verifiable and irreversible nuclear disarmament’.⁴⁵ Cognizant of the simmering discontent within the regime and ‘to avoid fragmentation of the international community’, these states aim to promote an inclusive process of ‘practical, effective and confidence-building measures’.⁴⁶ Longer term, the states also acknowledge that a final building block in the shape of a disarmament framework or a nuclear weapons convention might have to be considered, but that will always be reliant on ‘the prevailing environment of trust and confidence’.⁴⁷

Broadly consistent with the building-block approach and priorities, 11 of these 15 EU member states were also co-sponsors of the alternative statement on the humanitarian consequences of nuclear weapons to the

³⁶ O’Brien, P., Ambassador and Permanent Representative of Ireland to the United Nations, ‘Statement on behalf of the New Agenda Coalition at the Third Session of the Preparatory Committee for the 2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons’, New York, 30 Apr. 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/30April_IrelandOnBehalfOfNac.pdf>.

³⁷ NPT Preparatory Committee, NPT/CONF.2015/PC.III/WP.18 (note 22).

³⁸ O’Brien (note 36). O’Reilly, B., Director for Disarmament and Non-Proliferation, Irish Department of Foreign Affairs and Trade, ‘Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons’, New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_Ireland.pdf>.

³⁹ O’Reilly (note 38).

⁴⁰ O’Reilly (note 38).

⁴¹ O’Reilly (note 38).

⁴² O’Reilly (note 38).

⁴³ Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation on Nuclear Weapons, ‘Building blocks for a world without nuclear weapons’, Working paper submitted by Australia, Belgium, Canada, Colombia, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Italy, Japan, Lithuania, Netherlands, Poland, Portugal, Slovakia, Spain, Sweden and Ukraine, NPT/CONF.2015/PC.III/WP.23, 15 Apr. 2014, <<http://www.un.org/Docs/journal/asp/ws.asp?m=NPT/CONF.2015/PC.III/WP.23>>.

⁴⁴ The 15 EU member states were Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Spain and Sweden.

⁴⁵ NPT Preparatory Committee, NPT/CONF.2015/PC.III/WP.23 (note 43), p. 2, para. 4.

⁴⁶ NPT Preparatory Committee, NPT/CONF.2015/PC.III/WP.23 (note 43), p. 2, para. 4.

⁴⁷ NPT Preparatory Committee, NPT/CONF.2015/PC.III/WP.23 (note 43), p. 3, para. 7.

2013 UNGA First Committee.⁴⁸ The 13 (the 11 states above plus Latvia and Luxembourg) EU member states supporting the alternative joint statement (led by Australia) argued that nuclear disarmament ‘will require high-level political will by all countries but expectations fall most heavily on the nuclear armed states’.⁴⁹ Notably, in this joint statement, the cluster of 17 states (including the 13 EU member states) encouraged all states to participate in the Nayarit conference.

Among the guarded supporters of the initiative, slight nuances are evident in national statements made at multilateral forums. Hungary, for example, stated that the elimination of nuclear weapons ‘is not a single act but has to be a step-by-step, comprehensive process, which fully engages the nuclear weapons states, and, at the same time, preserves the integrity of the NPT’.⁵⁰ In doing so, it noted that the ‘devastating humanitarian impact of nuclear weapons has to be addressed in this fashion as well’.⁵¹ The Czech Republic similarly noted that ‘it is important that on the way to achieving the final goal of a world free of nuclear weapons the humanitarian dimension has been recognised as set out in the Action Plan’.⁵² The Netherlands also highlighted the ‘great importance for the NPT process’ of the humanitarian dimension, stressing that ‘together with the security dimension, the humanitarian issue underpins all our practical and sustained efforts aimed at achieving the shared goal’ of nuclear disarmament.⁵³

⁴⁸ The 11 co-sponsor states were Belgium, Finland, Germany, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Spain and Sweden.

⁴⁹ See table 1. United Nations (note 12), p. 1.

⁵⁰ Molnar, G., Director General for Security Policy and Non-proliferation, Hungarian Ministry of Foreign Affairs, ‘Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_Hungary.pdf>.

⁵¹ Molnar (note 50).

⁵² Steinhübel, L., First Secretary of the Permanent Mission of the Czech Republic to the United Nations, ‘Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_CzechRepublic.pdf>.

⁵³ van der Kwast, H-C., Head of delegation of the Kingdom of the Netherlands, ‘Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/statements/2May_Netherlands.pdf>.

It considers the initiative to be one of ‘a number of encouraging developments’, arguing that ‘the discussion on the humanitarian consequences . . . can invigorate the drive towards global zero’.⁵⁴ It also expressed the hope that ‘the conference . . . in Vienna later this year will strengthen international cooperation’.⁵⁵

At the 2014 NPT PrepCom, Finland made explicit reference to the NAC’s working paper that had outlined various frameworks towards disarmament, including a convention, a ban and a hybrid arrangement.⁵⁶ Finland stated that it ‘is open to these and other possible options to move towards a world without nuclear weapons’ but warned that ‘none of them would bring much added value if States that actually possess nuclear weapons are not involved from the beginning’.⁵⁷ It believes that ‘the NPT is well placed to address the humanitarian impact issue’ and argues that states parties ‘should aim at enforcing the NPT non-proliferation and disarmament regime’.⁵⁸ Finland reaffirmed the merit and value of the humanitarian initiative’s activities, and welcomed statements on the issue to ‘serve as discussion points forward’.⁵⁹ Although it noted that ‘some contributions to the debate . . . show that different goals and discourses are not exclusive’, Finland upholds that ‘through dialogue and with open mind we will extend the common ground’.⁶⁰

At the Nayarit conference, Germany stressed that ‘everything should be done to further strengthen the “nuclear taboo”’.⁶¹ Cautioning that ‘implementing . . . [the 2010 NPT] Action Plan is not done overnight’, it stressed that ‘progress requires maintaining a dialogue with the Nuclear Weapon States’ and that ‘as important as the humanitarian dimension is, there is also a security dimension to nuclear weapons’.⁶² Germany also observed that nuclear weapons ‘have

⁵⁴ van der Kwast (note 53).

⁵⁵ van der Kwast (note 53).

⁵⁶ Korhonen, K., Ambassador for Arms Control, Finnish Ministry for Foreign Affairs, ‘Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_Finland.pdf>.

⁵⁷ Korhonen (note 56).

⁵⁸ Korhonen (note 56).

⁵⁹ Korhonen (note 56).

⁶⁰ Korhonen (note 56).

⁶¹ Germany, ‘Statement at the Second Conference on the Humanitarian Impact of Nuclear Weapons’, Nayarit, Mexico, 14 Feb. 2014.

⁶² Germany (note 61).

greatly contributed to preventing armed conflict between the NATO-Alliance and the Warsaw Pact' and argued that the analogy between a nuclear weapon convention and the Ottawa process on banning landmines 'is not a convincing one', because landmines, 'unlike nuclear weapons, never played a central role in the international system'.⁶³ Germany did concede that 'at some point in time on the way down to Zero a Nuclear Weapons Convention will be negotiated', but cautioned that 'pressing forward without the Nuclear Weapon States today is not the best strategy for tangible progress'.⁶⁴ Furthermore, it warned that 'it might rather antagonize important players and thereby, against our best intentions, negatively impinge on the implementation of the NPT, the NPT Action Plan and on the [RevCon]'.⁶⁵ At the 2014 NPT PrepCom, Germany stated that while it remains 'firmly committed to its obligations as a member of [NATO] . . . it is resolved to help create the conditions for a world without nuclear weapons in accordance with the goals of the NPT'.⁶⁶

Slovakia has stressed that the 'humanitarian dimension certainly underpins the Treaty and adds to reasons why we need to move the NPT process forward', as 'an important element of complex discourse on nuclear disarmament and non-proliferation which includes humanitarian and security considerations'.⁶⁷ However, it maintained that 'a substantive and constructive engagement of nuclear armed states' is required and that 'their participation is crucial . . . as the ban itself may not guarantee elimination of nuclear arsenals'.⁶⁸ Reiterating support for the NPT building-block joint working paper, Slovakia argued that 'effective disarmament will require mutually reinforcing building blocks that are multilateral, plurilateral, bilateral as well as

unilateral'.⁶⁹ Relevant to such reinforcing efforts, it noted that 'a focus on such an approach foresees the possibility of parallel and simultaneous measures'.⁷⁰

Slovenia's more critical view of the initiative argued that 'the rhetoric on the immediate and categorical ban of nuclear weapons or weapons linked to nuclear technology is not constructive and will not bring us any closer to nuclear disarmament'.⁷¹

Spain, for its part, suggested that 'the best way to obtain real progress' was 'to negotiate within the multilateral framework of the United Nations', although it is not clear exactly what this might entail or how it differs from the existing NPT process.⁷²

Sweden—characterized as a 'champion of disarmament in decline'—supported the alternative joint statement at the 2013 NPT PrepCom. It has been noted that in Sweden 'since the center-right government took office in 2006, advocacy of nuclear disarmament has paled in comparison with non-proliferation efforts'.⁷³ Furthermore, analysts have suggested that 'whereas in the past Sweden acted as an advocate for the non-aligned states, joining in their call for the elimination of nuclear weapons and a balanced interpretation of NPT norms, nowadays Sweden focuses on preventing W[eapons of] M[ass] D[estruction] proliferation jointly with its EU partners'.⁷⁴ Given its strong legacy of promoting nuclear disarmament in the NPT review process (as a member of the NAC in the 2000 NPT review cycle), some suggest that Swedish 'disarmament idealism has given way to pragmatism'.⁷⁵ Consistent with this policy shift, Sweden left the NAC in 2013. However, it did associate itself with the NPDI working paper on non-

⁶³ Germany (note 61).

⁶⁴ Germany (note 61).

⁶⁵ Germany (note 61).

⁶⁶ Biontino, M., Permanent Mission of the Federal Republic of Germany to the United Nations, 'Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons', New York, 30 Apr. 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/30April_Germany.pdf>, p. 3.

⁶⁷ Ružička, F., Permanent Representative of Slovakia to the United Nations, 'Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons', New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_Slovakia.pdf>, p. 2.

⁶⁸ Ružička (note 67).

⁶⁹ Ružička (note 67), p. 1.

⁷⁰ Ružička (note 67), p. 1.

⁷¹ Logar, A., Ambassador and Permanent Representative of the Republic of Slovenia to the United Nations, 'Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons', New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/statements/2May_Slovenia.pdf>.

⁷² Gonzalez-Roman, V., Minister Counsellor of Spain, 'Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons', New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_Spain.pdf>.

⁷³ Becker-Jakob, U. et al., 'Good international citizens: Canada, Germany, and Sweden', eds H. Müller and C. Wunderlich, *Norm Dynamics in Multilateral Arms Control: Interests, Conflicts, and Justice* (University of Georgia Press: Athens, GA, 2013), pp. 224, 230.

⁷⁴ Becker-Jakob et al. (note 73), p. 225.

⁷⁵ Becker-Jakob et al. (note 73), p. 226.

strategic nuclear weapons at the 2013 NPT PrepCom.⁷⁶ Sweden, a non-NATO state, is ‘one of the few EU states persistently calling for the disarmament of tactical nuclear weapons on European soil’.⁷⁷ It also raised this issue at the 2014 NPT PrepCom and called on the NWS to ‘make further deeper reduction in their arsenals of nuclear weapons—strategic and non-strategic, deployed and non-deployed—in order to fulfil their obligations under the NPT’.⁷⁸

Following the 2013 NPT PrepCom, Swedish Foreign Minister Carl Bildt was criticized by civil society groups for reportedly dismissing the joint statement on the humanitarian initiative by referring to it as ‘no big deal’ and to the 80 co-sponsors as ‘not really serious states’.⁷⁹ Bildt also claimed that a ban on nuclear weapons at this time was unrealistic ‘placard politics’ that ‘will not get any response by the serious powers’, arguing that ‘we strive for a world free from nuclear weapons but that world is relatively far away, therefore we need to achieve what is achievable’.⁸⁰ At the 2014 NPT PrepCom, Sweden reiterated this position, stressing that ‘negotiations on nuclear disarmament, in order to be effective, have to include those countries that possess nuclear weapons’ and that ‘it also seems necessary that such negotiations address both humanitarian and security-related aspects’.⁸¹ It noted that ‘old postures and alert levels largely remain as they did during the Cold War, as does the reliance on nuclear deterrence’.⁸² While Sweden agreed that

‘the solution is self-evident: a world without nuclear weapons’, in line with its pragmatic posture it argued that ‘however much we may wish to make short-cuts on that route, there are none’.⁸³ Furthermore, it cautioned that ‘the road ahead will be cumbersome’ and ‘countries that possess nuclear weapons will need to come to the conclusion that national, regional and international security will be better served without nuclear weapons’.⁸⁴ (Following the 2014 Swedish general election and a new Social Democratic-led coalition government, Sweden’s posture towards the humanitarian initiative is likely to shift to one of strong support.)

Cyprus, Denmark and Malta have formally supported the joint statements of the humanitarian initiative in the NPT review process and at the UNGA First Committee. Denmark is the only EU member state that has continuously supported all of the joint statements of the initiative (NPT PrepCom and UNGA First Committee, 2012 and 2013).⁸⁵ In its statement to the 2014 NPT PrepCom, Denmark warned that ‘we should never lose sight of the catastrophic and unacceptable humanitarian consequences should nuclear weapons ever be used’.⁸⁶ Although it has supported the initiative’s statements to date, Denmark was one of 20 states also supporting the building-block joint working paper.⁸⁷ Luxembourg displayed a less consistent pattern of support for the humanitarian initiative. While it supported the initiative’s statement at the 2013 NPT PrepCom, Luxembourg did not support the initiative’s statement later that year at the UNGA First Committee, preferring instead to join the alternative statement led by Australia.⁸⁸

Nuclear weapon states

Unsurprisingly, the NPT NWS have resisted involvement in the humanitarian initiative and have referred instead to the need to fulfil the 64-point Action Plan agreed at the 2010 NPT RevCon. The two

⁷⁶ Hultgård, A. M., Deputy Director-General and Acting Head of the Department for Disarmament and Non-Proliferation, Swedish Ministry for Foreign Affairs, ‘Statement by Sweden at the Second Session of the Preparatory Committee for the 2015 Review Conference to the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, Geneva, 22 Apr. 2013, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom13/statements/23April_Sweden.pdf>.

⁷⁷ Becker-Jakob et al. (note 73), p. 227.

⁷⁸ Swedish Ministry for Foreign Affairs, ‘Statement by Sweden at the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, New York, 30 Apr. 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/30April_Sweden.pdf>, p. 2.

⁷⁹ International Campaign to Abolish Nuclear Weapons (ICAN), ‘Swedish FM attacks signatories of Humanitarian Initiative: “Not serious states”’, 7 May 2013, <<http://www.icanw.org/campaign-news/swedish-fm-attacks-80-state-signatories-of-humanitarian-initiative-not-serious-states/>>.

⁸⁰ International Physicians for the Prevention of Nuclear War (IPPNW) European affiliates, ‘What did Swedish Foreign Minister Carl Bildt really say?’, <<http://www.ippnw.eu/?expand=931&cHash=607419e0b9>>.

⁸¹ Swedish Ministry for Foreign Affairs (note 78).

⁸² Swedish Ministry for Foreign Affairs (note 78).

⁸³ Swedish Ministry for Foreign Affairs (note 78), p. 4.

⁸⁴ Swedish Ministry for Foreign Affairs (note 78).

⁸⁵ See table 1.

⁸⁶ Balslev, U. A., Undersecretary for Disarmament, Non-Proliferation and Arms Control, Head of delegation of the Kingdom of Denmark, Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, 28 Apr. 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/28April_Denmark.pdf>, p. 2.

⁸⁷ NPT Preparatory Committee, NPT/CONF.2015/PC.III/WP.23 (note 43).

⁸⁸ See table 1.

NPT NWS in the EU, France and the UK, continue to state that the humanitarian initiative's activities are a diversion 'from the practical steps required to create the conditions for further nuclear weapons reductions' and criticize the initiative as a departure from the Action Plan.⁸⁹ In March 2013 the UK expressed concern 'that the Oslo event will divert attention and discussion away from what has been proven to be the most effective means of reducing nuclear dangers—a practical, step-by-step approach that includes all those who hold nuclear weapons', arguing that 'only in this way could we realistically achieve a world without nuclear weapons'.⁹⁰ Furthermore, the UK warned that 'we are half way through the five-year cycle but some appear already to have abandoned the Action Plan, convening alternative processes which will divide the international community'.⁹¹

At the September 2013 UN High Level Meeting on Nuclear Disarmament, a joint statement by three NPT NWS—France, the UK and the USA—further confirmed these views on the humanitarian initiative.⁹² The joint statement lamented that 'while we are encouraged by the increased energy and enthusiasm around the nuclear disarmament debate, we regret that this energy is being directed toward initiatives such as the High-Level Meeting, the humanitarian consequences campaign, the Open-Ended Working Group and the push for a Nuclear Weapons Convention'.⁹³ The three NWS argued that 'this energy would have much better effect if channeled toward existing processes, helping to tackle blockages and making progress in the practical, step-by-step approach that includes all states that possess nuclear weapons'.⁹⁴ (It should be noted, however, that not all states that possess nuclear weapons are subject to the step-by-step approach: India, Israel, North Korea and Pakistan, as non-NPT NWS, are problematic in this regard. In contrast, the

humanitarian initiative is relevant and applicable to all NWS, regardless of NPT membership.)

At the 2014 NPT PrepCom, France similarly stressed that the gradual step-by-step pathway to disarmament 'is the only effective approach, and it is the approach reflected in the 2010 Action Plan, which was adopted by consensus'.⁹⁵ It argued that 'some recent initiatives disregard the real strategic context; they turn away from concrete measures; they focus on dogmatic approaches and create parallel forums for discussion', which 'merely undermine the Action Plan and the NPT review process'.⁹⁶ Highlighting the strategic value of nuclear weapons, France further explained that 'it applied the principle of strict sufficiency, i.e. it maintains its arsenal at the lowest possible level compatible with the strategic context'.⁹⁷

The UK, meanwhile, stressed that it is 'deeply concerned at the humanitarian consequences which could result from the use of nuclear weapons' and that it would continue to do its 'utmost to prevent their use'.⁹⁸ Nevertheless, at the 2014 NPT PrepCom, the UK voiced its concern about the initiative's aim to delegitimize nuclear weapons' possession and clearly did not want to see a ban on nuclear weapons. It articulated that

much of the humanitarian initiative has not, however, been focused on the consequences of the use of nuclear weapons. It is focused instead on asserting that nuclear weapons per se are inherently unacceptable, a view we do not share. We consider that nuclear weapons have helped to guarantee our security, and that of our allies, for decades. We want a world without them, but we need to proceed to it carefully. The right political

⁸⁹ Burt (note 13).

⁹⁰ Adamson, J., British Permanent Representative to the Conference on Disarmament, 'Statement on nuclear disarmament', Geneva, 5 Mar. 2013, <http://reachingcriticalwill.org/images/documents/Disarmament-fora/cd/2013/Statements/5March_UK.pdf>.

⁹¹ Adamson (note 90).

⁹² Burt, A., British Parliamentary Under Secretary of State, 'Statement on behalf of France, the United Kingdom and the United States at the United Nations General Assembly High Level Meeting on Nuclear Disarmament', 26 Sep. 2013, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/HLM/26Sep_UKUSFrance.pdf>.

⁹³ Burt (note 92).

⁹⁴ Burt (note 92).

⁹⁵ Simon-Michel, J.-H., Ambassador, Permanent Representative of France to the Conference on Disarmament, Head of the French Delegation, 'Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons', New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_France.pdf>, p. 7.

⁹⁶ Simon-Michel (note 95).

⁹⁷ Simon-Michel (note 95).

⁹⁸ Rowland, M., Ambassador and Permanent Representative to the Conference on Disarmament, British Mission to the United Nations in Geneva, 'Statement at the Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons', New York, 2 May 2014, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_UK.pdf>, para. 7.

and security conditions for an outright ban on nuclear weapons do not yet exist.⁹⁹

IV. IMPLICATIONS FOR THE 2015 NPT REVCON AND BEYOND

This paper has addressed a number of points concerning the impact and evolution of the humanitarian initiative in general, and the EU position in particular. This section summarizes the key points and outlines the implications for the 2015 NPT RevCon and the future of the initiative.

The humanitarian initiative is not competing with the NPT process

The present authors believe that, on balance, the humanitarian initiative is a positive development in the search for a safer world. This initiative is not a competing process or a diversion from the existing disarmament (step-by-step ‘P5 process’) and arms control (bilateral USA–Russia strategic reduction process) efforts.¹⁰⁰

The initiative’s activities can coexist as a layered approach to complement progress on the disarmament pillar of the NPT and the broader regime. Similar to the multilayered approach to the non-proliferation pillar and its aims, which include the Nuclear Security Summit process, the Proliferation Security Initiative (PSI), UN Security Council Resolution 1540 and UN sanctions, the regime’s disarmament goal can be complemented with the addition of humanitarian concerns and the corresponding determination to avoid a nuclear strike.

The initiative seeks to facilitate dialogue among participants and should not be seen as a competitor to the existing NPT process. Even the main proponents of the initiative do not suggest that the NPT should be downgraded or neglected. This firm adherence to the goals and spirit of the NPT will be an important element in the search for a nuclear weapon-free world.

The humanitarian initiative provides an important additional forum for discussion

In the context of mounting discontent among NPT states parties regarding the lack of fulfilment of disarmament commitments, the humanitarian initiative— with careful management—could channel this discontent into a positive forum for engagement and dialogue. A clear benefit to many states supporting the initiative is that it provides a voice for those states that do not rely on nuclear weapons for their security. For these states, the humanitarian initiative’s focus detaches emphasis from the strategic construct and discourse that surrounds deterrence policy and doctrines on nuclear weapons. To the cautious supporters, however, the extent to which this discussion can fully detach itself from the security considerations and value ascribed to nuclear weapons in today’s security environment remains problematic.

The initiative is useful as cross-regional and cross-grouping support for humanitarian concerns within both the NPT review process and the broader non-proliferation and disarmament regimes. With the deadlock at the CD, the conferences on the humanitarian initiative can serve as discussion forums for participating states and provide useful non-binding settings for dialogue on these salient issues. Importantly, the initiative’s associated conferences to date have shown that it is possible to engage at least two of the non-NPT states (India and Pakistan) in dialogue on nuclear weapons, away from the formal confines and political stages of the CD and the UNGA First Committee.

Moreover, the humanitarian initiative is applicable to the causes of both disarmament and non-proliferation. In fact, there is no reason why the humanitarian arguments could not also be marshalled in support of the nuclear safety and nuclear security summits currently under way and led by the USA. The formal declarations and affirmations by states parties in the NPT review process and in the UNGA First Committee could serve as confidence-building measures, confirming the declaratory views of states with regard to nuclear weapon use, as well as reaffirming the urgent need to prevent unauthorized or accidental detonations.

⁹⁹ Rowland (note 98), para. 8.

¹⁰⁰ The P5 are the 5 permanent members of the UN Security Council.

The humanitarian initiative is evolving as a mechanism for delegitimizing nuclear weapons

The process of attempting to delegitimize nuclear weapons has been under way for at least two decades and the humanitarian initiative is just one way of consolidating these efforts. Various NGOs have been instrumental in this regard, sparking concern, especially among the NWS, about the participation by civil society groups (which tend to advocate a ban on nuclear weapons) at the international conferences. Many civil society organizations and disarmament advocacy groups envisage the conferences as well as the broader humanitarian initiative as a fast track to delegitimizing nuclear weapon possession. Some states are concerned by this powerful and passionate marketing—and arguably re-branding—of the initiative.

Nevertheless, considering the rapid growth of state support for the humanitarian initiative, and given the level of frustration felt at the slow progress on disarmament made by the NWS in their step-by-step process, it is possible that some supporters of the humanitarian initiative would favour a nuclear weapon ban treaty. Many NPT states supporting and driving the momentum of the humanitarian initiative agree with the aims of delegitimizing and eventually banning nuclear weapons—this development appears to be comfortably housed within the initiative. A ban treaty is seen not only as practically achievable, but also as something that should not necessarily ‘ruffle the feathers’ of the NWS and their allies (although it is likely still to be resisted by them). It is thus looking like a plausible development that would perform a clear legal delegitimization of nuclear weapons—something that does not yet exist explicitly within international law.

A ban treaty should not, however, be confused with a nuclear weapon convention—something less likely to gain support. A ban treaty aims to codify nuclear weapons as unacceptable weapons in warfare—in the same way that chemical weapons were stigmatized from the 1920s and that landmines and cluster munitions have been delegitimized. A ban treaty would call for an end to the production, stockpiling and transfer of nuclear weapons. It would be open to any state that agreed with this view and function to strengthen the existing taboo against nuclear weapons and their use. Crucially, it would not require the NWS to join. In the same way that other WMD have been

delegitimized or ‘outlawed’ (while many states still possessed them), it is hoped that a legal codification would establish a customary norm to help move states towards a nuclear weapon-free world.

A nuclear weapon convention, on the other hand, is seen as a much more distant goal. It would be an instrument that required the active participation of the NWS and would entail clear monitoring and verification processes. At the point when the NWS agreed to move to elimination, such a convention would serve as the legal mechanism associated with disarmament.

The issue of a ban treaty is likely to be a significant one for the future of the humanitarian initiative. The drivers of disarmament might welcome it, but it might not be well received by the cautious supporters (although it might yet prove palatable to some, given that it does not entail the conditions of a nuclear weapon convention). If the humanitarian initiative is seen to be pushing an agenda for a nuclear weapon convention, it is unlikely to receive widespread support, if only for the fact that most believe—correctly—that a convention would require the active involvement of the NWS. However, it would appear that proponents of the humanitarian initiative are well aware of this distinction. At the Nayarit conference, the Chair stated that ‘in the past, weapons have been eliminated after they have been outlawed’.¹⁰¹ More controversially, he suggested that the discussion on the humanitarian impact of nuclear weapons should ‘lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument’, which ‘should comprise a specific timeframe . . . and a clear and substantive framework’.¹⁰²

Whatever the intention, clarity about future directions can only help in the process of seeking a world without nuclear weapons. Given the wide spectrum of aims and perspectives and the evolving nature of the initiative, the external messaging and communications have caused some misperceptions and ambiguity. Whether the initiative is perceived to be leaning towards a nuclear weapon ban or convention is likely to be a factor when states decide on participation in the upcoming Vienna conference, the

¹⁰¹ Chair’s Summary, Second Conference on the Humanitarian Impact of Nuclear Weapons, Nayarit, Mexico, 14 Feb. 2014, <<http://www.sre.gob.mx/en/images/stories/cih/ci.pdf>>, p. 3.

¹⁰² Chair’s Summary (note 101).

initiative's future activities and formal statements at the multilateral forums.

Engagement by the NWS could contribute to facilitating a harmonious 2015 NPT RevCon

The NPT NWS decided, collectively, not to attend either the Oslo conference or the Nayarit conference. While it was predictable that the NWS would resist this initiative, given the importance of the upcoming 2015 NPT RevCon and the charged atmosphere likely to prevail there, these states are losing an opportunity to exercise constructive diplomacy and be seen as willing partners in a global commitment to the eradication of nuclear weapons. By using dismissive terms to describe the initiative, such as 'distracting', and by insisting on what they term 'realistic priorities', the image they collectively portray is one of scepticism and distance. This, in turn, has only served to convince many NNWS that the NWS are not taking their disarmament obligations seriously. Their aloof response, and also their absence at the Open-Ended Working Group, suggests a concern that the initiative will gain further momentum and become the formal start of a process to delegitimize nuclear weapons.

Clearly, the NWS prefer to manage the direction and focus of disarmament within their own self-designated 'P5 process'.¹⁰³ Nevertheless, their bloc behaviour and apparent NWS solidarity in resisting the humanitarian initiative is unhelpful in setting a positive tone for multilateral diplomacy. It has led to criticism by some NNWS and adds fuel to the more hard-line arguments promoted by civil society. The NWS could, for example, readily contribute to humanitarian impact discussions at the initiative's conferences by sharing their research and insights on emergency and disaster response preparedness and capacity, or even on disarmament verification. However, they might find it difficult to participate in conferences that lead to 'uncomfortable' conclusions about the inability of states or institutions to address the consequences of nuclear use and the associated risks of possession.

It has been argued that the divergent and conflicting views on the urgency and pathways to nuclear

disarmament threaten the integrity of the NPT.¹⁰⁴ Furthermore, it is possible that the 2015 NPT RevCon could become the moment when the constructive ambiguities, as some see them, on nuclear disarmament from previous review conferences' final documents are replaced with clarity: that nuclear weapon states are not prepared to accept the non-nuclear weapon states' view of the urgency and necessity of nuclear disarmament and will continue to argue for a so-called step-by-step approach, irrespective of how unpromising or implausible this approach may be.¹⁰⁵

Indeed, as Ireland (and other NNWS) recently voiced at the 2014 NPT PrepCom, patience is wearing thin and the credibility of the regime is in question. Even as the NWS have chosen to take refuge in the Action Plan, urging states to focus on that process rather than on the humanitarian one, to date they themselves have shown only limited compliance with the requirements of the plan. Nevertheless, while many NNWS have warned that they would not be happy with a simple 'rolling over' of the 2010 Action Plan in 2015, there seems little else that they can do to force a move towards disarmament. Notwithstanding this, pressure lies on the NWS to engage—or at least be perceived as engaging—more genuinely with the demands of the NNWS and with civil society. Some warn that 'if nuclear-weapon states want to halt an erosion of the treaty, they need to take the views and expectations of non-nuclear-weapon states on nuclear disarmament much more seriously', and that 'the tactics of playing for time . . . will not work for much longer'.¹⁰⁶

In order to improve the atmosphere of the disarmament and non-proliferation regime, it would be beneficial if the NWS (or any one of them) participate in the December 2014 Vienna conference in some capacity. The most detrimental behaviour would be a bloc approach to decision making on participation by the NWS—as witnessed for the 2013 Oslo conference. Such NWS solidarity would almost certainly have negative implications for the 2015 NPT RevCon. If the NWS decide not to participate—which may be likely—they could try to mitigate the discontent through other gestures ahead of the 2015 NPT RevCon.

The sixth P5 conference, to be hosted in London in 2015, will probably need to find a strategy for addressing the frustration of the NNWS and the

¹⁰³ US Department of State, 'Joint Statement on the P5 Beijing Conference: Enhancing Strategic Confidence and Working Together to Implement the Nuclear Non-Proliferation Review Outcomes', 15 Apr. 2014, <<http://www.state.gov/r/pa/prs/ps/2014/04/224867.htm>>.

¹⁰⁴ Kmentt, A. 'How divergent views on nuclear disarmament threaten the NPT', *Arms Control Today*, vol. 43, no. 10 (Dec. 2013).

¹⁰⁵ Kmentt (note 104).

¹⁰⁶ Kmentt (note 104).

perceived credibility deficit relating to Article VI commitments ahead of the RevCon. Further transparency in the form of NWS reporting on implementation and the release of updated information on nuclear weapon stockpiles (as offered by the USA in 2012 and 2014) are positive measures. Establishing a conference on the Middle East WMD-free zone proposal would also be beneficial. However, whether such steps by the NWS are conducive enough to foster consensus building for the adoption of a Final Document at the 2015 RevCon, in light of the voiced discontent by many NNWS, remains debatable. Additionally, whether a 2015 RevCon Final Document would include language on the humanitarian consequences of nuclear weapons—and to what extent—is uncertain.

The humanitarian initiative has been described as a train on which the NWS are not on board.¹⁰⁷ To take this analogy further, the train could be described as having two carriages, one holding the drivers of disarmament and the other the cautious supporters. Broad support is one of the initiative's key strengths, but if nuances are not carefully managed, the carriages might separate. It is also important that the NWS show that they are willing to board this train; by failing to engage with the humanitarian initiative, these states are sending a negative message to the rest of the regime.

What are the implications for the EU?

The EU has never had a unified policy on nuclear disarmament, other than a general commitment towards this goal. In 2003 Clara Portela warned that the EU needed to 'devise a credible strategy to promote nuclear disarmament', because 'in the mid-term, getting serious about non-proliferation while putting disarmament aside will diminish the credibility of the EU and even accentuate the perception of Western "nuclear hypocrisy" among Third World countries'.¹⁰⁸ Although the two EU NWS, France and the UK, have made progress and practical contributions towards implementing arsenal reductions since Portela's

assessment, the EU still does not have a common nuclear disarmament strategy.

This has resulted in what Francesca Giovannini has called 'modest positions, timid decisions and compromised policies', due to 'both institutional deficiencies and acute political disagreements among [EU] member-states'.¹⁰⁹ Somewhat more disturbing is the 1998 claim that expanded membership in the EU has, with a few exceptions, 'come to mean embracing NATO's pro-nuclear posture', resulting in 'the NATO-ization of EU foreign and defence policies'.¹¹⁰ Certainly, NATO's nuclear posture has been amended since these claims were made, but it remains true that the enlargement of both the EU and NATO has resulted in more states within the EU that, at best, are 'guarded supporters' of disarmament—mindful of NATO alliance constraints.

Without a common position on nuclear disarmament, the EU is unlikely to be able to act as a cohesive and effective negotiating bloc within the NPT review process. Although the EU genuinely aspires to be such a bloc at the NPT conferences, developments during the crucial final stages outpace the EU machinery's capacity, resulting in what are, ultimately, national positions on the Final Document. Presenting an EU common position on the various NPT issues seems to be most effective during the first two weeks of the RevCons, during the General Debate and Cluster discussions, when joint statements are delivered (together with the very distinct national statements). However, the end result tends to be that competing views among member states lead to severely compromised joint EU statements or that national statements are issued which effectively negate the joint statements—or both.

It has been argued that, given the diversity of membership, the EU can be a useful microcosm for consensus negotiations in the NPT review process. Camille Grand has notably contended that the EU acts as a 'laboratory for consensus', effectively laying 'the first stone of this consensus-building process' and can 'provide a lot of the ideas and language' for a Final Document.¹¹¹ Ahead of the 2010 NPT RevCon, he

¹⁰⁷ International Institute for Strategic Studies, 'Nuclear Disarmament (Multilateral, bilateral and humanitarian initiative)', EU Non-Proliferation and Disarmament Conference 2013, Special Session 11, <<http://www.iiss.org/en/events/eu%20conference/sections/eu-conference-2013-ca57/special-sessions-3818/special-session-11-2af5>>.

¹⁰⁸ International Institute For Strategic Studies (note 107), pp. 36–37.

¹⁰⁹ Giovannini, F. 'A soon-to-be global nuclear leader? The European Union in global nuclear politics', FSI News, Stanford University, 19 Feb. 2013, <http://fsi.stanford.edu/news/a_soon-to-be_global_nuclear_leader_the_european_union_in_global_nuclear_politics_20130219>.

¹¹⁰ Marin-Bosch, M., 'Europe's nuclear family', *Bulletin of the Atomic Scientists*, 1 Jan. 1998.

¹¹¹ Grand, C., 'The Non-Proliferation Treaty in an era of proliferation crises', ed. J. P. Zanders, *Nuclear Weapons after the 2010 NPT Review*

argued that the EU ‘can certainly achieve a reasonable degree of common understanding of where it wants to go and play a role in leading the conference towards a successful outcome’.¹¹² Furthermore, Grand noted that ‘the bitter intra-EU debates and the real divisions that will remain should not prevent the EU from playing an active role’, emphasizing that ‘EU countries do share 95 percent of the agenda even when it comes to the details’.¹¹³

It has been noted that ‘individual members dissatisfied with EU compromises on disarmament have, by contrast, pursued national justice claims through stronger demands for disarmament measures in other groupings in parallel with their EU engagement, notably Ireland and Sweden in the New Agenda Coalition in 2000 and 2010’.¹¹⁴ This has continued to be the case in the 2015 review cycle. Nevertheless, the EU has been involved in placing ‘sub-strategic’ (theatre) nuclear weapons in the NPT review process discourse. This occurred in 2000, when the Final Document incorporated language from the EU’s Common Position.¹¹⁵ It was repeated in 2010, when a request for including theatre nuclear weapons in the arms reductions process was indirectly recognized in the Final Document, as ‘nuclear weapons of all types and locations’.¹¹⁶ Recent joint statements by the EU, such as to the 2013 UN High Level Meeting on Nuclear Disarmament, continue to stress the issue of theatre nuclear weapons in Europe and a commitment to treaty-based disarmament.¹¹⁷ The EU joint statement to this meeting affirmed the ‘P5 process’ meetings and encouraged Russia and the USA to ‘include non-strategic nuclear weapons in the next round of their bilateral nuclear arms reduction’.¹¹⁸

There are two key ways in which the mixed interaction of EU member states with the humanitarian initiative could have important ramifications. First,

any push to delegitimize nuclear weapons will have implications for the 22 of its member states that are also members of NATO. Some NNWS, including the EU’s guarded supporters, would not be willing to go that far—not yet, at least. Bearing in mind that some of the states formally supporting the humanitarian initiative are NATO member states, and that nuclear weapons remain ‘a core component’ of the alliance’s ‘overall capabilities for deterrence and defense’, this could have a considerable impact.¹¹⁹ The 2012 NATO Chicago Summit reaffirmed the results of NATO’s Deterrence and Defence Posture Review, stating that the alliance is ‘committed to maintaining an appropriate mix of nuclear, conventional and missile defence capabilities for deterrence and defence’.¹²⁰ If the humanitarian initiative is to have longevity and continued broad support from NATO states—and to gain support from other states that are under extended nuclear deterrence arrangements—it will have to resolve the incongruity of advocating that ‘nuclear weapons are never used again, under any circumstances’, while at the same time living under a nuclear umbrella.¹²¹ Proponents of the humanitarian initiative will also have to carefully manage its external messaging and communications strategy in order to avoid any blurred lines or misperceptions regarding the initiative’s aims.

Second, the uneven EU position on the humanitarian initiative could have significant effects on its role as a ‘norm entrepreneur’. This is where the EU is perceived as wielding ‘soft’ negotiating and mediation power and being able to engage in international politics with other states, groupings and regions as a more ‘honest broker’ than large states, such as the USA. Intergovernmental organizations, such as the EU, can act as norm entrepreneurs, but it has been argued that ‘differing organizational structures and mandates and the homogeneity or heterogeneity of their membership decide to what degree they can realize this potential’.¹²² Assessing the EU’s contribution as a norm entrepreneur, scholars have concluded that ‘nuclear policy is the hard card’, particularly ‘heterogeneity (NWS versus NNWS, NATO members versus neutral parties) . . . yet norm entrepreneurship remains visible

Conference, Chaillot Paper 120 (Institute for Security Studies: Paris, 2010), p. 24.

¹¹² Grand (note 111).

¹¹³ Grand (note 111).

¹¹⁴ Müller, H., Below, A. and Wisotzki, S., ‘Beyond the state: nongovernmental organizations, the European Union, and the United Nations’, eds Müller and Wunderlich (note 73), p. 313.

¹¹⁵ Müller, Below and Wisotzki (note 114), p. 312.

¹¹⁶ Müller, Below and Wisotzki (note 114), p. 312.

¹¹⁷ Linkevicius, A. L., Minister of Foreign Affairs of Lithuania, ‘EU Statement at the High Level Meeting on Nuclear Disarmament’, United Nations, General Assembly, 68th session, New York, 26 Sep. 2013, <http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/HLM/26Sep_EU.pdf>, p. 2.

¹¹⁸ Linkevicius (note 117).

¹¹⁹ North Atlantic Treaty Organization, ‘Deterrence and Defence Posture Review’, Press release, 20 May 2012, <http://www.nato.int/cps/en/natolive/official_texts_87597.htm?mode=pressrelease>, para. 8.

¹²⁰ North Atlantic Treaty Organization, ‘Chicago Summit Declaration’, Press release, 20 May 2012, <http://www.nato.int/cps/en/natolive/official_texts_87593.htm#deterrence>, para. 54.

¹²¹ United Nations (note 2), p. 2.

¹²² Müller, Below and Wisotzki (note 114), p. 325.

and, occasionally, effective'.¹²³ It has been noted that in the NPT review process, 'agreeing on a Common Position in the run-up to the 2005 NPT RevCon was difficult . . . but nevertheless possible'.¹²⁴ Harald Müller, Alexis Below and Simone Wisotzki have argued that the EU's performance 'was mixed at best', as 'the internal divisions of the EU mirrored the differences on the global stage'. According to them, the result was that 'the EU appeared less dynamic and weak as an actor', with France, especially, 'pursuing its interests as a nuclear weapons state, while other EU members remained passive'.¹²⁵ With many non-Western states looking to the EU to provide a more sympathetic ear to their grievances than the USA, for example, there is an expectation that the EU can provide the forcefulness of a unified approach to disarmament. The reality of the uneven approach by EU member states leads to disappointment and creates tension, particularly for states from the Non-Aligned Movement and the NAC.

Given the spectrum of interests and views that prevail, it is unlikely that the EU can show a common posture on the humanitarian initiative in the NPT forum. Any consensus on the initiative would probably be reduced to a reference merely acknowledging the humanitarian consequences of nuclear weapons. In terms of supporting the humanitarian initiative and nuclear disarmament, therefore, the EU remains weak in comparison to other regional and cross-regional groupings operating in the NPT review process. Whatever support is present is subject to the shifts in domestic governments' policies towards these issues (e.g. as seen in Norway and Sweden). Yet most important is the simple fact that the diverse composition of the EU precludes a strong, unified support base for the humanitarian initiative. The initiative's aims and activities, and how these are managed, will undoubtedly have implications for how states will engage with it in the 2020 NPT review process. As these aims and activities further evolve and formalize, those states that rely on extended nuclear deterrence through security alliances or bilateral security assurances will eventually have to assess the compatibility of such defence postures and engagement with the initiative. At that point, the broad and diverse

support for and engagement with the initiative—one of its credibility factors—will be tested.

ABBREVIATIONS

CD	Conference on Disarmament
CFSP	Common Foreign and Security Policy
EEAS	European External Action Service
NAC	New Agenda Coalition
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
NNWS	Non-nuclear weapon state(s)
NPDI	Non-Proliferation and Disarmament Initiative
NPT	Non-Proliferation Treaty
NWS	Nuclear weapon state(s)
PrepCom	Preparatory Committee
RevCon	Review Conference
UNGA	United Nations General Assembly

¹²³ Müller, Below and Wisotzki (note 114), p. 325.

¹²⁴ Müller, Below and Wisotzki (note 114), p. 311–12.

¹²⁵ Müller, Below and Wisotzki (note 114), p. 311–12.

A EUROPEAN NETWORK

In July 2010 the Council of the European Union decided to create a network bringing together foreign policy institutions and research centres from across the EU to encourage political and security-related dialogue and the long-term discussion of measures to combat the proliferation of weapons of mass destruction (WMD) and their delivery systems.

STRUCTURE

The EU Non-Proliferation Consortium is managed jointly by four institutes entrusted with the project, in close cooperation with the representative of the High Representative of the Union for Foreign Affairs and Security Policy. The four institutes are the Fondation pour la recherche stratégique (FRS) in Paris, the Peace Research Institute in Frankfurt (PRIF), the International Institute for Strategic Studies (IISS) in London, and Stockholm International Peace Research Institute (SIPRI). The Consortium began its work in January 2011 and forms the core of a wider network of European non-proliferation think tanks and research centres which will be closely associated with the activities of the Consortium.

MISSION

The main aim of the network of independent non-proliferation think tanks is to encourage discussion of measures to combat the proliferation of weapons of mass destruction and their delivery systems within civil society, particularly among experts, researchers and academics. The scope of activities shall also cover issues related to conventional weapons. The fruits of the network discussions can be submitted in the form of reports and recommendations to the responsible officials within the European Union.

It is expected that this network will support EU action to counter proliferation. To that end, the network can also establish cooperation with specialized institutions and research centres in third countries, in particular in those with which the EU is conducting specific non-proliferation dialogues.

<http://www.nonproliferation.eu>



FOUNDATION FOR STRATEGIC RESEARCH

FRS is an independent research centre and the leading French think tank on defence and security issues. Its team of experts in a variety of fields contributes to the strategic debate in France and abroad, and provides unique expertise across the board of defence and security studies.

<http://www.frstrategie.org>



PEACE RESEARCH INSTITUTE IN FRANKFURT

PRIF is the largest as well as the oldest peace research institute in Germany. PRIF's work is directed towards carrying out research on peace and conflict, with a special emphasis on issues of arms control, non-proliferation and disarmament.

<http://www.hsfc.de>



INTERNATIONAL INSTITUTE FOR STRATEGIC STUDIES

IISS is an independent centre for research, information and debate on the problems of conflict, however caused, that have, or potentially have, an important military content. It aims to provide the best possible analysis on strategic trends and to facilitate contacts.

<http://www.iiss.org/>



STOCKHOLM INTERNATIONAL PEACE RESEARCH INSTITUTE

SIPRI is an independent international institute dedicated to research into conflict, armaments, arms control and disarmament. Established in 1966, SIPRI provides data, analysis and recommendations, based on open sources, to policymakers, researchers, media and the interested public.

<http://www.sipri.org/>