European Union Nuclear Non-proliferation and Disarmament Policies

As an actor in the non-proliferation, disarmament and arms control domain, the European Union has a mixed record. On the one hand, it displays strengths in certain traditional aspects of its external relations, such as the provision of assistance and technical cooperation. On the other hand, it keeps a lower profile in politically sensitive areas such as nuclear disarmament and deterrence, where its member states remain divided. Even though the EU has strongly upgraded its profile in the field, notably in the unlikely context of the Iran nuclear crisis over the past decade, its influence there remains limited.

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The EU Non-Proliferation and Disarmament eLearning Course aims to cover all aspects of the EU non-proliferation and disarmament agenda. It's produced by PRIF with financial assistance of the European Union. The contents of individual learning units are the sole responsibility of the respective authors and don't necessariy reflect the position of the European Union.



1. The institutional set-up of EU policies on non-proliferation and disarmament

The EU is a highly complex entity in terms of its institutional structure, and this is also reflected in how it conducts its external relations. In order to understand its competences and responsibilities in the area of non-proliferation and disarmament, it is first necessary to look at the general structure and interplay of the various EU institutions. Readers who are familiar with the institutions can skip this section. For the rest of you, the institutional structure of the EU, its development over time and its relevance for the issue at hand will now be briefly outlined.

Competences and institutions

As a treaty-based international organisation, the EU can only act in those areas in which it has been empowered by its member states. EEC, the predecessor organisation of the EU founded in 1957, was granted some external competences, including the power to establish cooperation and aid programmes with third countries and entities. These programmes,

which included technical assistance, were designed and implemented by the European-Commission. Because they are funded from the organisation's own budget, which remains separate from the member states' budgets, these programmes could be administered largely independently from European capitals. In addition to the Commission, which plays a leading role, two other institutions are involved: the Council of Ministers, whose role is to green-light programmes proposed by the Commission, and the European-Parliament, whose agreement is required for the passing of legislation and the adoption of the general budget. Concurrently to the creation of the EEC in 1957, another organisation with identical membership was set up: a European Community for Atomic Energy (EURATOM), which dealt with peaceful uses of this energy source. It's the functions of EURATOM largely remained internal to the EU, however.

EURATOM

The European Atomic Energy Community, EURATOM in short, is the oldest still existing European institution whose tasks touch upon non-proliferation. Through EURATOM, the EU operates an effective regional nuclear safeguards system. Established in 1957 with the purpose of fostering co-operation in the civilian nuclear energy field, many provisions of the EURATOM treaty cover activities and institutions that contribute to nuclear non-proliferation.

EURATOM was for example tasked with operating an inspection regime for the civilian fuel cycles of its members in order to prevent the diversion of fissile materials. Besides such safeguards, the EURATOM treaty also contains an advanced export controls system.

The European Council

The European Council comprises the Heads of States or Governments of all EU Member States, the European Council President and the President of the European Commission. The High Representative of the Union for Foreign Affairs and Security Policy takes part in European Council meetings when foreign affairs issues are discussed. While the European Council has no formal legislative power, it sets the strategic direction of the EU, including on the Common Foreign and Security Policy. The European Council meets at least 4 times per year, and conclusions are adopted during each European Council meeting. The European Council endorsed the European-Security-Strategy as well as the two non-proliferation strategies. We will talk about them in the next chapter.

The Council of the European Union

The Council-of-the-European-Union, sometimes referred to as the Council of Ministers, represents the governments of the individual member states in the bicameral EU legislature. The representatives from the Member States' Ministries for Foreign Affairs meet every month in working groups. The most important working groups for nonproliferation matters are: The Working Party on Non-Proliferation (CONOP), the Working Party on Global Disarmament and Arms Control (CODUN), and COARM—the Working Party on Conventional Weapons' Export Control. There is also a working group on dual-use export controls (WPDU). EEAS staff chairs the working groups. The Council of the EU adopts the EU's Council Decisions related to non-proliferation, arms control and disarmament. The majority of these allocate funding from the budget covering all activities under the EU CFSP, in order to support international organizations in their work on non-proliferation, arms control and disarmament. The Council of the EU has also agreed on various sanctions against nuclear programmes in Iran and North Korea, and many arms embargoes targeting specific states or nonstate actors.

The European Commission

The European Commission is responsible for drawing up legislative proposals that it forwards to the Council and the European Parliament. It is also responsible for managing and carrying out the budget and implementing the policies and programmes adopted by the Council and the European Parliament. The Commission is increasingly active in various non-proliferation related matters. It is, for example, a very important actor in drafting and implementing specific programmes on CBRN risk mitigation. The Commission is responsible for producing Annual Work Programmes for addressing CBRN threats, and it extensively funds research on CBRN risk mitigation. The Commission's different directorategenerals have a direct role in managing nonproliferation assistance and research inside and outside the EU. Under the authority of the High Representative, in the position's capacity as vicepresident of the Commission, the Commission is also responsible for the financial implementation of the CFSP budget and the Instrument contributing to Stability and Peace.

The European External Action Service

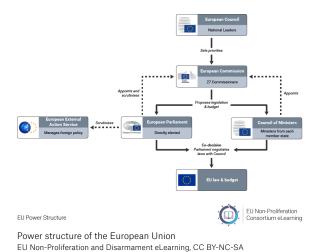
The EEAS is the EU's diplomatic service under the authority of the High Representative. It assists the High Representative in fulfilling the position's mandate to conduct the CFSP of the European Union and it is responsible for the preparation and implementation of decisions adopted by the Council regarding CFSP (including those on non-proliferation) and for supporting the Commission in the preparation of decisions regarding the financial instruments.

EEAS staff chairs the Council working groups on non-proliferation and disarmament, CONOP, CODUN, COARM etc. A very important aspect of the EEAS is the EU delegations around the world. The permanent representations of the EU to international organizations in Geneva and Vienna have become the representative of the EU to Geneva- and Vienna-based international organizations, including the IAEA.

The European Parliament

The European Parliament has political oversight, budgetary authority and legislative capacities related to aspects of non-proliferation – especially those which fall under internal security in the EU, such as energy policy. It can advise on CFSP issues, but does not have any legislative powers on foreign and security policy. The European Parliament has in the past been active in adopting resolutions in support of non-proliferation and disarmament. Although these resolutions are not binding on the Member States, they are of symbolic value. Interparliamentarian delegations between the European Parliament and the national parliaments outside of the EU offer opportunities for raising political matters, including that of non-proliferation, with

parliaments around the world. The European Parliament has for example long engaged in dialogue with the Iranian Parliament.



The introduction of a Common Foreign and Security Policy

The creation of the EU in 1992 with the adoption of the **Treaty on European Union (TEU)** at Maastricht (often called the 'Maastricht Treaty') gave rise to a different framework for the formulation of external policies, one that endeavoured to frame a common foreign policy by establishing permanent coordination between the member states. In contrast to the technical nature of the external policies of the EEC, this policy framework had a political character. It was christened the **Common Foreign and Security Policy (CFSP)** and followed an intergovernmental format.

While policies framed in the EEC realm resulted from the cooperation of the Council of Ministers and European Parliament under the Commission's leadership, the CFSP was agreed by the Council of Ministers, acting by unanimity and with little involvement of the other institutions.



Source: Grübelfabrik, CC BY-NC-SA

Instead of an integrated policy, the CFSP is formulated through coordination of national positions. Since its establishment, the CFSP has been subject to several refinements, made over various treaty revisions, which

have gradually enhanced the participation of other institutions and defined the post of High Representative (HR) as the head of the CFSP.

This post is currently held by Kaja Kallas, former Prime Minister of Estonia.



Kaja Kallas (r) with her predecessor, Josep Borrell (c) European Union, photo Aron Urb

The establishment of the European External Action Service

A breakthrough was introduced by the Treaty of Lisbon, signed in 2007 and in force since 2009. An important innovation was the establishment of the European External Action Service (EEAS).



EEAS Headquarters in Brussels 2018 (c) EU, reuse authorised

Modelled on the national ministries of foreign affairs, the EEAS is in charge of supporting the HR and contributing to the implementation of the CFSP. It lacks executive powers and falls short of being an EU institution; hence its status as a 'service'. The fusion of Council and Commission services into a single structure was intended to avoid unnecessary duplication and foster coherence in external relations. The staff of the EEAS chair most meetings – a responsibility that previously fell to the rotating presidency – thereby ensuring continuity and building institutional memory.[1] The position of High

Representative was added the role of Vice-President of the Commission, giving rise to a double-hatted figure able to represent the totality of EU foreign policies externally.

1957 · Treaty of Rome

Founding of the European Economic Community (EEC)

1992 · Maastricht Treaty

Founding of the European Union (EU) and launch of the Common Foreign and Security Policy (CFSP)

2007 · Treaty of Lisbon

Establishment of the European External Action Service (EEAS)

The role of the institutions within the nonproliferation and disarmament domain

Within this complex institutional set-up, EU activities in the non-proliferation and disarmament domain emanate from two different frameworks: the strand of technical assistance for third parties is part of an integrated policy with the participation of all three

governing institutions of the EU, while the political dimension of non-proliferation and disarmament policy is framed by the Council of Ministers in the intergovernmental framework of the CFSP. Thus, the role of each of the main institutions can be summarised as follows:

EU Institution	Technical and Assistance Strand	Political Strand
Council of Ministers	- Green-lighting of Commission initiatives	- Decides (almost) single- handedly - Hampered by the unanimity requirement
European Commission	- Leadership/main responsibility	- Contributes to planning
European Parliament	- Budgetary powers allow it to influence foreign policy - Its agreement is required for the passing of legislation	- Limited formal power offset with activism drawing attention to foreign policy issues
European External Action Service	- Collaborates with the Commission in planning actions	- Programming and execution of policies in dedicated unit

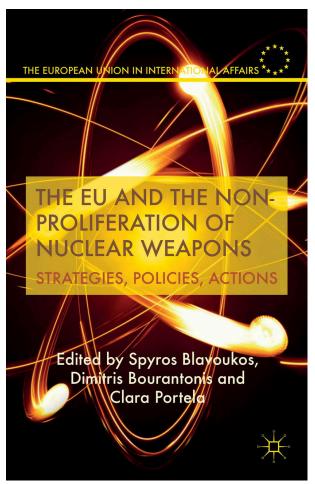
Table 1: Roles of EU institutions in the non-proliferation and disarmament domain

Source: Own elaboration

^{1.} Degrand-Guillaud 2009

2. The evolution of EU policy of nonproliferation and disarmament

The 1980s and '90s: First commitment to non-proliferation



Book Cover: The EU and the Non-Proliferation of Nuclear Weapons 2015, by Blavoukos/Bourantonis/Portela Source: © Springer

The EEC started developing an external role in non-proliferation as early as 1981, when member states attempted to coordinate national positions in the context of the European Political Co-operation (EPC). The first stage involved the EEC member states producing a number of common statements at UN fora and the NSG (see Learning Unit 12 for more details [(/lu-12/)]) on safeguards and nuclear technology transfers. Notably, an embargo on major nuclear supplies to South Africa was imposed around this time (in 1986).

At the beginning of the 1990s, the EC upgraded its role in non-proliferation. The Treaty on European Union signed in Maastricht in 1992 enhanced the framework for foreign policy coordination by setting up the CFSP and explicitly empowering the EU to deal with security

matters. Concurrently, the uncovering of a clandestine nuclear weapons programme in Iraq in the aftermath of the first Gulf war boosted international nuclear arms control and non-proliferation efforts. While nuclear arms control remained in the hands of the superpowers during the Cold War, the demise of the latter allowed for multilateral approaches. Thanks to France's accession in 1992 to the Non-Proliferation Treaty (NPT) [/lu-05/], the key treaty upholding the nuclear non-proliferation regime, the EU could start projecting itself as an actor in the non-proliferation domain. Arms control, non-proliferation and disarmament were designated as priority areas for CFSP, and member states cultivated a habit of tabling joint proposals at international conferences, such as the 1992 joint initiative to the International IAEA Board of Governors Conferences on the strengthening of safeguards (see Learning Units 4 [/lu-04] and 5 [/lu-05/] for more information on the IAEA). The culmination of this trend was the campaign for the indefinite extension of the NPT at the latter's Conference in 1995.[1] Since 1995, EU action has been articulated via CFSP instruments, including statements, Common Positions defining the approach of the Union to a particular matter and Joint Actions framing operational measures, often entailing financial allocations. After the Treaty of Lisbon was adopted, these instruments were simplified to become CFSP decisions tout court.

The new world situation: the new Millenium

The impact of 11 September 2001

The aftermath of 11 September 2001 set the stage for an upgrade of the EU's role as a non-proliferation actor.



The burning Twin Towers on September 11, 2001 Michael Foran 2001, cc

Although the 9/11 attacks did not involve WMD, reports that al Qaeda was seeking nuclear weapons caused widespread concern. The US shifted from traditional arms control to alternative methods of counterproliferation, notably the use of military force, compelling detractors of unilateral approaches to champion the multilateral regime. The 2003 invasion of Iraq, largely justified on the basis of allegations that Baghdad possessed a WMD arsenal, placed proliferation at the top of the international agenda.



U.S. Marines in northern Iraq, March 2003 LCpl Andrew P. Roufs. USMC

The US decision to intervene militarily in Iraq damaged transatlantic relations as, for the first time, a major US operation encountered opposition from key NATO allies. The effect on European foreign policy integration was equally severe. Barely a decade after formalising the aspiration to articulate common policies under the CFSP, member states were opposing each other. The framing of a strategy on how to respond to non-proliferation of WMD, an initiative tabled by Sweden, was meant to restore an intra-European and transatlantic consensus.[2]

However, EU action in the context of nuclear non-proliferation remained constrained by the differences in countries' nuclear status and attitudes to nuclear deterrence. All EU members are parties to the NPT, one of which – France – is a nuclear weapon state (NWS), joined by the UK from 1973 to 2020.



European Union Member States Data: Natural Earth. Graphic: PRIF Licensed under CC BY 4.0.

Twenty-one of the current 27 EU member states are allies in the North Atlantic Treaty Organisation

(NATO).



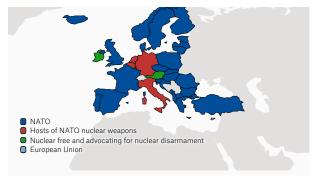
EU Countries in NATO Data: Natural Earth. Graphic: PRIF Licensed under CC BY 4.0.

Four members – Belgium, Germany, Italy and the Netherlands – host NATO nuclear weapons on their territory while the remaining 15 are covered by the Alliance's nuclear umbrella.



EU Countries in NATO
Data: Natural Earth. Graphic: PRIF
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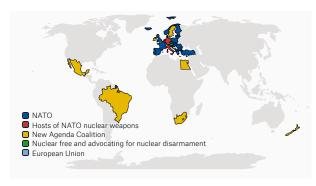
Of the six EU members which remain outside NATO, Austria and Ireland are nuclear free and actively advocate nuclear disarmament.



EU Countries in NATO
Data: Natural Earth. Graphic: PRIF
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Austria and Ireland: nuclear free and advocating for nuclear disarmament.

Ireland and Sweden traditionally participate in the pro-nuclear disarmament grouping 'New Agenda Coalition' alongside five extra-European powers – Brazil, Egypt, Mexico, New Zealand and South Africa.



EU Countries in NATO
Data: Natural Earth. Graphic: PRIF
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Since the CFSP still operates by consensus, the Council needs to achieve internal agreement. Diverging attitudes towards nuclear deterrence among member states make it difficult for the EU to agree on nuclear disarmament questions, which has resulted in a selective approach privileging non-proliferation over disarmament.



Grübelfabrik, CC BY-NC-SA

The Union progressively increased its visibility as an actor in the NPT forum, perfecting its instruments in a departure from the vaguely worded declarations seen at the beginning of the 1990s.



Illustration Grübelfabrik, CC BY-NC-SA

It notably improved pre-meeting coordination, which suggests that it underwent a learning process in which it sought to address shortcomings. Nevertheless, the EU non-proliferation agenda was characterised by its selectivity, as it neglected certain prominent proliferation issues. It failed to react to US plans to denounce the Anti-Ballistic Missile (ABM) Treaty in order to allow for the deployment of a national missile defence system: a mere allusion to the 'importance of the ABM Treaty' appeared in the Common Position on the 2000 NPT Conference. In the same vein, despite its emphasis on the verifiability and irreversibility of disarmament efforts during the 2002 NPT Preparatory Committee (PrepCom), the EU refrained from expressing criticism when the US negotiated with Russia a Strategic Offensive Reduction Treaty (SORT), with no provisions for verification.[4]

- 1. Müller and Van Dassen 1997
- 2. Portela and Kienzle 2015
- 3. Romanyshyn 2018
- 4. Portela 2021npm run start

3. EU non-proliferation policies in detail: The fight against the proliferation of weapons of mass destruction

Introduction

Following the adoption of the first Strategy against the Proliferation of Weapons of Mass Destruction in 2003 (see below), the EU improved its institutional capacity to act in support of non-proliferation and disarmament objectives. This accompanied the explicit assumption of a role in security policy, manifest in the adoption of the European Security Strategy

[https://www.consilium.europa.eu/media/30823/qc 7809568enc.pdf] in the same year, the first of its kind for an organisation that had maintained a purely civilian character since its creation.

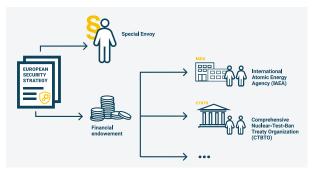
EUROPEAN
SECURITY STRATEGY
A SECURE EUROPE IN A BETTER WORLD

Cover sheet of the [European Security Strategy] (https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf) European Security Strategy.jpg

Institutionally, the EU improved its ability to perform a political role in the non-proliferation and disarmament domain thanks to the establishment of the post of

Personal Representative of the High Representative

 later to become **Special Envoy** - supported by a small unit at the Council Secretariat. This unit was later merged with the equivalent unit at the Commission. The adoption of the Strategy was accompanied by a large financial endowment in a dedicated budget line, which was mostly devoted to supporting the work of international organisations in the field, such as the IAEA or the CTBTO, and to setting up a network of centres for the reduction of chemical, biological, radiological and nuclear risks, thereby broadening the scope of EU action from the post-Soviet space to most of Eurasia. Nevertheless, the bulk of the spending went into capacity-building and knowledge transfer, classical strengths of the EU's external action, while eschewing the politically sensitive areas of disarmament and non-proliferation.



How the new position of 'Special Envoy' arises from the European Security Strategy Grübelfabrik, CC BY-NC-SA

In addition, the EU has cultivated a practice of coordinating positions at international fora within the framework of the CFSP. This coordination has benefited from the improvement of the CFSP machinery introduced by the Treaty of Lisbon [https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-lisbon], in particular, the upgrade and rationalisation of bureaucratic capacity in the form of the EEAS, which is now responsible for chairing and supporting the working parties.

Despite substantial improvements, the EU's track record is not always encouraging. Measured by voting patterns at international fora, the level of cohesion among EU members has barely increased. The support for international organisations deprives the EU of visibility, and risk reduction activities are based on highly technical and specialised structures which do not noticeably translate in increased influence in the non-proliferation and disarmament regime.

Nevertheless, the agreement on common lines of action, the creation of the post of Special Envoy and

the establishment of a dedicated budget line has left the EU considerably better equipped to deal with disarmament and non-proliferation issues than prior to the Strategy.

The institutional set-up of EU nonproliferation and disarmament policy

The 2003 EU Strategy against the **Proliferation of Weapons of Mass Destruction**

In December 2003, at the same time as the release of the European Security Strategy, the European Council adopted its first Strategy against the **Proliferation of Weapons of Mass Destruction** (WMD), opening a new chapter for the EU's role in the field.



Cover sheet of the Strategy against the Proliferation of Weapons of Mass Destruction

European Union [Link](https://data.consilium.europa.eu/doc/document/ST-15708-2003-INIT/en/pdf)

The adoption of the EU WMD Strategy did not herald a radical departure from traditional EU non-proliferation policy; rather, it was grounded in the EU's tradition of:

- rule of law:
- · multilateralism;
- · economic and political pressure on third states;
- focusing on the political causes of international problems;
- international cooperation.[1]

As the first programmatic EU document to comprehensively set out EU priorities and means of action in non-proliferation and disarmament, it covers the nature of the threat of WMD proliferation, EU tools to address the threat and a concrete action plan to implement the European response. The threat analysis encompasses a broad array of scenarios that may affect the EU, its member states or the broader

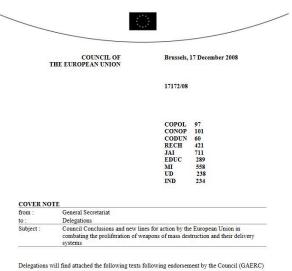
international non-proliferation regime, including terrorist attacks using WMD. Potential measures

- · a commitment to address the root causes of instability;
- · different forms of coercion, such as the use of force under Chapter VII of the UN Charter; and
- close cooperation with key partners.[2]

Following the adoption of the WMD Strategy, the EU developed institutional and financial capabilities to implement it in practice.[3] The position of the Personal Representative on non-proliferation of WMD reporting to the HR was created in 2003 and occupied by Italian diplomat Ms Annalisa Giannella. A new nonproliferation unit was set up in the Council Secretariat, separate from the small team of civil servants dealing with non-proliferation at the European Commission.

The 2008 New Lines for Action in combating the proliferation of weapons of mass destruction and their delivery systems

In 2008, Brussels sought to boost the overall coordination of non-proliferation policies in the EU and its member states by adopting the New Lines for Action in combating the proliferation of weapons of mass destruction and their delivery systems.



on 8-9 December 2008:

- Council Conclusions on new lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems;
- New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems

Cover sheet of the New Lines for Action in combating the proliferation of weapons of mass destruction and their delivery systems

https://www.europarl.europa.eu/meetdocs/2009 2014/documents/sede/dv/sede020610newlineswmd /sede02

Among the changes introduced by the institutional reshuffling of the 2009 Treaty of Lisbon, the two nonproliferation units, that is the Council Secretariat dealing with political aspects and that in the Commission Services in charge of technical matters,

were merged under the newly established EEAS. The reshuffling also created the position of **permanent chair of the Working Group on Non-Proliferation**, which brings together the heads of the non-proliferation units in the foreign ministries of EU member states. The post of Personal Representative was renamed **Principal Adviser and Special Envoy for Non-proliferation and Disarmament** in 2013, and Annalisa Giannella, who had been Personal Representative for non-proliferation of WMD since 2003, was replaced by Polish diplomat Jacek Bylica in 2012, later succeeded by Dutch diplomat Marjolijn van Deelen in 2020, and subsequently by senior Commission official Stephan Klement, who took up the post in 2024.



Jaczek Bylica in 2021 Dean Calma / IAEA, CC BY 2.0



Marjolijn van Deelen in 2022 courtesv of EEAS



Stephan Klement courtesy of EEAS

One of the most noteworthy innovations introduced by the WMD Strategy is the 'non-proliferation clause'. It was drafted in 2003 for inclusion in agreements between the EU and third countries. The clause consists of a binding commitment to adhere to all the agreements that have been ratified in the field of non-proliferation, accompanied by encouragement to accede to all agreements that the partner country in question had not yet joined. In theory, this enables the EU to cancel an agreement if a partner country violates its non-proliferation obligations. However, the success of this policy has been mixed. While many countries, such as Indonesia or South Korea, signed agreements with the EU that include the non-proliferation clause, major players, including India, held back.[4]

Support for international regimes: Cooperation projects

At their inception, most EU cooperation projects in the field of non-proliferation focused on the former Soviet Union and accompanied US-led Co-operative Threat Reduction (CTR) efforts.





Map showing Russia
Data: Natual Earth. Graphic: PRIF
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However, the EU later shifted its geographical focus from the former Soviet Union to include regions such as North Africa, the Middle East and even Central and Southeast Asia. [5] It also began to implement its projects independently from US efforts. Initially, these projects focused on the transfer of European standards in the area of export control of WMD-related materials and technologies.

The 2006 Instrument for Stability

The adoption of the Instrument for Stability [https://www.eumonitor.eu/9353000/1/j9vvik7m1c3 gyxp/vi8rm2zn4bzo] in 2006 represented a breakthrough. By establishing non-proliferation as a priority, the EU was able to make resources available to implement ambitious outreach projects. This effort culminated in a new initiative to establish a network of Centres of Excellence aimed at the mitigation of risks associated with the chemical, biological, radiological and nuclear (CBRN) field. The initiative features a broad thematic focus encompassing any kind of CBRN risk. In cooperation with the UN Interregional Crime and Justice Research Institute and the EU's Joint Research Centre, it aimed at establishing small regional secretariats around the world to act as focal points for regional expertise on CBRN risks and their mitigation.



Map showing member states of the EU Chemical, Biological, Radiological and Nuclear (CBRN) Risk Mitigation Centres of Excellence (CoE)

Data: Natual Earth. Graphic: PRIF
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In other words, the EU focused its efforts on capacitybuilding and knowledge transfer, two traditional strengths of its external action.



How ChatGPT visualizes the concept of "knowledge transfer' ChatGPT

The funding of non-proliferation projects by other international bodies, such as the IAEA, the Preparatory Commission of the CTBT Organisation, or the Organisation for the Prohibition of Chemical Weapons, notably increased.[6]

In the decade following the publication of the WMD Strategy, the EU spent over 70 million euros in support of most international non-proliferation agreements and institutions. Albeit unusual, the direct financial support of these international bodies by another international organisation – the EU[7] – benefited from the existing capabilities in the partner organisations.

Examples for EU funding to international non-proliferation and disarmament bodies IAEA

The European Council adopted a Decision on 19 February 2024 to support nuclear security activities of the International Atomic Energy Agency [https://www.eeas.europa.eu/eeas/new-eu-funding-international-atomic-energy-agency-nuclear-security_en] (IAEA) with 7.2 million Euro over 36 months. The funding will primarily:

- 1. Build capacity in IAEA Member States and assist in strengthening nuclear security.
- 2. Provide nuclear security assistance to Ukraine, including supporting the continued presence of IAEA staff at all nuclear sites in Ukraine.
- 3. Strengthen women's participation in nuclear security careers, particularly through the IAEA's Marie Skłodowska-Curie Fellowship Programme.

OPCW

Between 2021 and 2023, the EU supported the Organisation for the Prohibition of Chemical Weapons (OPCW) with 5.35 million Euros

[https://www.opcw.org/media-centre/news/2023/12/european-union-contributes-

eu535m-strengthen-opcw-activities]. The assistance aimed to:

- Verify the elimination of chemical weapons and production facilities.
- Prevent the re-emergence and reduce the risk of chemical weapons use.
- Ensure an effective and credible response to the use of chemical weapons.

СТВТО

The EU is one of the biggest financial contributors to the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO). Between 2006 and 2022, the EU provided over 23 million Euro in support [https://onu-vienne.delegfrance.org/CTBTO-governing-bodies-Executive-Secretariat-and-budget].

Activities funded by the EU ranged from regional workshops to encourage third countries to sign up to certain agreements to technical projects aimed at strengthening the capabilities of the Preparatory Commission of the CTBT Organization to detect nuclear weapon tests and the nuclear security work of the IAEA for the prevention of nuclear terrorism. Is 1 The CFSP budget for non-proliferation and disarmament includes support for the development of epistemic communities conducting research in the field, notably via funding for the EU Non-Proliferation and Disarmament Consortium, convened by six leading European think tanks.

In sum, the adoption of the EU WMD Strategy led to a notable increase in EU activities in this area. In the long term, the largely successful implementation of European support projects strengthened the capabilities of international non-proliferation organisations such as the IAEA and CTBTO. However, most EU support remained technical in nature. Sensitive policies such as disarmament have been largely eschewed. The EU's political influence on the non-proliferation regime has not increased, and the funding of projects implemented by other organisations limits EU visibility.[9]

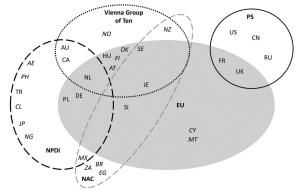
Coordination at international fora

Member states began to coordinate their positions at NPT Review Conferences in the 1990s. At these conferences, the Presidency delivered statements on behalf of the EU and the EU submitted Working Papers with proposals that often proved subject to consensus, even among non-EU participants. At the same time, individual member states continued to present working papers either in their national capacity or as part of other groupings, such as France as a NWS or Ireland and Sweden as members of the New

Agenda Coalition. The most celebrated example of EU action in non-proliferation was the diplomatic campaign for the indefinite extension of the NPT. Ahead of the conference, the EU agreed a Joint Action on the promotion of the indefinite extension among the parties. Through concerted diplomatic démarches, this goal was attained at the NPT Review and Extension Conference of 1995.[10] After 1995, the EU adopted several instruments on multilateral fora. A Common Position featuring several objectives in the run up to the 2000 NPT Review Conference emphasised the promotion of multilateral treaty regimes as well as nuclear safety and export controls. Another Common Position aimed at the promotion of the Comprehensive Test Ban Treaty (CTBT) was opened for signature in 1996 but its entry into force was conditional on it being signed and ratified by a list of over 40 states. Lastly, the EU adopted a Common Position on promoting the finalisation and universalisation of the Code of Conduct against Ballistic Missile Proliferation. The EU also launched a modest initiative to promote transparency in export controls, committing to contribute to the work of the NSG Working Group on Transparency. At the 2000 NPT Review Conference, the EU also backed an unsuccessful attempt to commend the Zangger Committee and national export control mechanisms for their role in halting proliferation (see LU12 for more details) [/lu-12/]. Subsequently, member states tried to strengthen their national efforts in order to advance common goals in international non-proliferation institutions or international negotiations. This approach was consolidated as EU member states gradually joined virtually every international non-proliferation arrangement.[11] In some of them, such as the Nuclear Suppliers Group or the Australia Group, they form the majority of members. Common statements or working papers by the EU in fora such as the IAEA General Assembly became a point of reference for third countries elsewhere.[12]

While CFSP coordination was successful, it did not increase convergence between member states when it came to their national positions on the issue. This is shown by an analysis of the convergence towards the EU position measured by member states voting behaviour at the Disarmament Committee of the UN General Assembly (UNGA). Over time, the positions of the member states only converged towards the EU stance to a minimal extent. The situation when it comes to EU convergence in this forum is most clearly characterised by the divergence of both NWS France and (at the time) the UK and disarmament-oriented member states such as Austria, Ireland or Sweden from the EU mainstream.[13]

In our 2023 article, "External drivers of EU differentiated cooperation: How change in the nuclear nonproliferation regime affects member states alignment" Michal Onderco and myself argue that changes in the global nuclear nonproliferation regime, particularly the rise of the Humanitarian Initiative (HI) and the Treaty on the Prohibition of Nuclear Weapons (TPNW), have led to differentiated cooperation among EU member states within the Common Foreign and Security Policy (CFSP). Instead of a unified EU stance, two stable subgroups have emerged: one aligning with nuclear-armed states and NATO's deterrence policies, and another advocating disarmament. This differentiation is driven by overlapping memberships in external nuclear governance groupings, demonstrating that external regime shifts, not just internal EU crises, shape CFSP alignment.

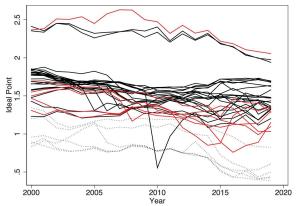


EU member states membership in select NPT groupings (as of 2015) [Onderco/Potela 2023] (https://www.tandfonline.com/doi/full/10.1080/13523260.2022.2146336#d1e322)

The figure above shows EU member states membership in select NPT groupings (as of 2015). Countries co-sponsoring the 2015 Joint Statement on the Humanitarian Consequences of Nuclear Weapons are marked in italics.

The figure below illustrates patterns of convergence EU members over a period of two decades since the year 2000. The measurement of ideal points originates from the analysis of legislative behavior and permits to locate legislators' stances on an axis, based on a large number of votes. The relative position of individual legislators on the axis is determined by their likelihood to vote similarly. The more likely two actors are to vote similarly, the closer they are to one another. By definition, ideal points are scalefree, and estimate a position of a country in a policy space on one particular dimension. In this test, the measurement of ideal points to voting by states instead of legislators, following Bailey et al. (2017), is applied. Ideal points are used because of their superior ability to discriminate between divisive and consensual resolutions, outperforming other measures of similarity of state preferences in UNGA.

The two nuclear powers in the EU are plotted on the top, together with the US as a non-EU NATO member. The six EU members outside NATO—i.e., Austria, Cyprus, Finland, Ireland, Malta, and Sweden —are visible in the dotted line below. Reviewing the figure, we observe that, twenty years ago, EU member states were divided into three major groups: European NWS, the thick mainstream composed of umbrella countries, and disarmament advocates. Over time, the European NWS moves closer to the rest of the EU. On the other hand, the non-NATO members of the EU move away from the EU mainstream. Interestingly, Finland is located halfway between the five EU members outside NATO listed above and the NATO countries, revealing that the country's nuclear disarmament policy was distinct from the group of the five most proactive disarmament advocates.

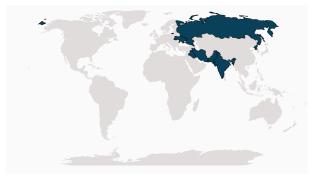


Evolution of convergence among member states on UNGA resolutions on nuclear weapons [Onderco/Potela 2023]

(https://www.tandfonline.com/doi/full/10.1080/13523260.2022.2146336#d1e322)

Crisis-focused action

The non-proliferation efforts in key regions backed by the EU through nuclear-related assistance programmes range from support for the implementation of Russian disarmament commitments to participation in the Korean Energy Development Organisation (KEDO).[14]



Worldmap highlingting Russia, Ukraine, India, Pakistan, The Democratic People's Republic of Korea (DPRK), Iraq, Iran PRIF

The EU has responded with varying intensity to nuclear proliferation crises, i.e. situations where states initiated military nuclear programmes or aroused suspicions that they intended to do so. While the EU's role in mitigating proliferation crises has a global scope, its response has traditionally been more substantial, in terms of financial allocation and level of engagement, when the crisis unfolded in European territory or in its proximity. The South Asian nuclear test elicited a weak response - just a joint condemnation and the postponement of an agreement - while the crises in Eastern Europe and the Near East sparked a great deal of activity (CTR activities and intense diplomatic action). The EU progressively became more cohesive over time, even though this process entailed the establishment of foreign policy coordination and representation formulas created ad hoc with no basis in the Treaty, notably the 'E3 arrangement'. At the same time, the growing role of the EU in non-proliferation provided the HR with an opportunity to establish visibility for the role and acquire a genuine negotiation mandate in the run-up to the Joint Comprehensive Plan of Action (JCPOA). The management of proliferation crises has been coordinated with the US. Lack of agreement with Washington is perceived as problematic; indeed, the rift over Iraq was a sufficiently significant shock to give rise to the framing of the WMD Strategy. The EU increased its protagonism in the Iran file, and eventually parted from Washington's line when it withdrew from the JCPOA. In addition to becoming more cohesive and resolute, EU responses to proliferation crises became increasingly coercive over time. Early episodes saw Brussels offering incentives and launching funding initiatives, while penalties were off the table. However, as the crises in the North Korea and Iran deepened, the EU proved willing to impose some of its most far-reaching sanctions to date in order to stem proliferation: an oil embargo and the disconnection of banks from the SWIFT network.[15]

Russia



Russia

The EU was involved in CTR efforts in Russia from an early stage. The concept of Co-operative Threat Reduction originated in the US Nunn-Lugar programme of 1991 designed to help successor states

of the former Soviet Union to destroy WMD arsenals and establish verifiable safeguards. By assisting Russia to improve the safety of its nuclear material and abide by its disarmament commitments, the programme sought to prevent the diversion of these materials for illegal trafficking. The Union's CTR activities in Russia were funded via the programme for Technical Assistance to the Commonwealth of Independent States (TACIS). The EU was one of the funding partners of the International Science and Technology Centre, a research institute set up to employ scientists who had worked in the Soviet WMD and missile programmes. The EU focused its CTR efforts in the fields in which the Community had competences and expertise, such as safeguards, nuclear safety and technological research, eschewing the military domain. CFSP instruments, especially Joint Actions, were adopted in order to allow projects with defence implications to be conducted, since these required a different legal basis.

Ukraine



Ukraine

In the early days of the post-Cold War period, the EU contributed to the resolution of the proliferation crisis in Ukraine. The crisis erupted when the Ukrainian parliament refused to ratify the protocol to the Strategic Arms Reduction (START I) Treaty of 1991, which foresaw the removal of Soviet nuclear weapons from the territory of Ukraine as well as Kiev's accession to the NPT as a non-nuclear weapon state (NNWS). Ukraine's eventual ratification of the protocol was achieved primarily thanks to direct financial contributions from the US and security assurances by the five NWS. For its part, the EU made the implementation of its Partnership and Cooperation Agreement with Ukraine conditional on Kiev's renunciation of the weapons. While this package was not the principal incentive offered to Ukraine for the signing of the protocol, the EU's contribution complemented US efforts[16]

India & Pakistan



India and Pakistan

The Indian/Pakistani nuclear tests of May 1998 elicited different responses in Europe. Individual members, such as Denmark, Germany and Sweden, froze their development aid, while others issued condemnatory statements. The only common response consisted in inviting both countries to join the NPT and the CTBT. A Common Position released several months later pledged to support confidence-building efforts in the region and technical assistance for the implementation of export controls. Outside the CFSP, the Council instructed the Commission to reconsider India's eligibility for trade preferences, and after Pakistan followed suit, the Commission postponed the impending conclusion of a Cooperation Agreement with Islamabad.

DPRK



North Korea

In 1997, the EU became a member of the Executive Board of the Korean Peninsula Energy Development Organisation (KEDO), to which it provided 115 million euros in funding. Created in 1995 following the signing of the US-North Korean Agreed Framework of 1994, KEDO was entrusted with the construction of two light-water reactors in exchange for North Korea dismantling its nuclear programme. European involvement in KEDO was criticised because it entailed a significant financial contribution by the Union without involving European industry. When the treaty between the European Atomic Energy Community (Euratom) and KEDO was renewed after its expiry in 2000, it opened up the possibility for European enterprises to participate in contracts with the organisation. Nonetheless, the EU never joined the

Six-Party Talks and remained excluded from the diplomatic management of the North Korean crisis throughout. Following revelations, in October 2022, that North Korea was developing a clandestine nuclear weapons programme, and the subsequent decision by KEDO's Executive Board to interrupt heavy fuel oil deliveries, the EU suspended technical assistance indefinitely. While in the late 1990s, EU participation in KEDO saw Europe play a minor role in North Korea, after the 2003 breakdown of the Agreed Framework, EU action remained limited to implementing United Nations sanctions and applying some additional measures of its own.[17]

Iraq



North Korea

European Union member states failed to articulate a unified stance on the US invasion of Iraq, largely justified based on allegations that Baghdad possessed a WMD arsenal. The Council's statements at the time did not go beyond condemning Iraq. I18 1 The UK, Denmark, Italy, Portugal and Spain backed military action, as did acceding states from Central and Eastern Europe, while France, Germany and Belgium opposed the intervention, evidencing divisions over which means to deploy to address non-compliance and the risks posed by WMD proliferation.

India



In the early 2000s, India gave up its long-standing rejection of the international non-proliferation regime and began to advocate its accession to the regime as a de facto NWS. Although this undermined the regime's

recognition of only five NWS, Washington endorsed India's bid and concluded a deal with New Delhi in 2005, enabling nuclear trade without demanding the abandonment of its nuclear arsenal. However, this deal required the negotiation of a special IAEA safeguard agreement and a special waiver by the NSG. At both the IAEA Governing Board and the NSG, EU member states had the opportunity to block the US-India nuclear deal by withholding their consent to the safeguard agreement or the waiver. In practice, however, EU member states failed to agree on a common approach. After intense lobbying by the US, France and the UK, among others, EU member states against the special safeguard agreement and waiver, such as Austria and Ireland, gave up their resistance. Both the waiver and the safeguard agreement entered into force in 2008[19]

Iran



Iran

Concerns that Iran was secretly building facilities designed to produce weapons-grade fissile material were confirmed by the IAEA. At the same time, Iran refused to sign the IAEA Additional Protocol which entailed a stronger safeguard system. Originally, the strategies followed by the US and the EU to address the Iranian issue diverged, with Washington pursuing a policy of containment and isolation and the EU attempting a policy of 'constructive engagement'. Although political dialogue with the EU included human rights issues, non-proliferation soon gained prominence[20]

When the Iranian nuclear crisis came to fore in 2003, the refusal of the US government to deal with Iran directly compelled the foreign ministers of the E3, France, Germany and the UK, to negotiate an agreement offering Tehran economic benefits in return for the suspension of its sensitive nuclear activities. Although this agreement broke down in the wake of the election of President Mahmoud Ahmadinejad in 2005, the European diplomatic effort produced some tangible results.[21] The EU developed a formula unforeseen in the Treaties to deal with the Iran issue – the E3/EU format that survived the UK's withdrawal from the organisation in 2020. The addition of the EU's High Representative allowed other member states a say in the negotiations. In addition, the E3/EU acted as

a bridge-builder between the different positions among the P5 in the UN Security Council, which became involved in the talks. In late 2013, the negotiations between Iran and the E3/EU and the three non-European P5 countries led to a Joint Comprehensive Plan of Action. This resolved the crisis until the US announced its withdrawal, which led to its eventual demise despite European support. While JCPOA signatories have since attempted to revive the deal, negotiations have been complicated by Iran's assistance to Russia's military operations in Ukraine, as well as its involvement in the 2023 war in Gaza. As certain UN-mandated provisions of the JCPOA were set to expire in October 2023, the US administration under President Biden imposed new sanctions on Iran's ballistic missile and drone programmes, and the EU kept its own sanctions in place and added new designations.

The European Union's responses to proliferation crises have traditionally been uneven. Some were barely dealt with at all, while others received substantial attention and resources, depending on the degree of agreement between EU members. The level of European engagement is largely a function of the geographic proximity of the proliferation crisis to the European continent. While Ukraine and Russia, and later Iran, received considerable attention, the EU's reaction to the nuclear tests in South Asia was not as strong. The Union's responses often supported action taken by the US, the principal actor in proliferation crises. Indeed,

there is a tendency to follow, or complement, US responses to proliferation. The resolution of the Ukrainian crisis or the Iran nuclear file are examples of a coordinated 'division of labour', with the two actors proceeding in tandem to achieve shared objectives. Whenever member states disagreed on the adequacy of the US approach, the EU's response was left wanting, as in Iraq. Interestingly, both in Ukraine and Iran, the EU offered increased contractual cooperation as an incentive to renounce nuclear weapons. This represented an attempt on the side of the EU to employ its trade and economic leverage to advance non-proliferation objectives, thus anticipating the subsequent introduction of political conditionality in this field with the non-proliferation clause.[22]

- 1. Álvarez-Verdugo 2006
- 2. Council of the EU 2003
- 3. Kienzle 2013
- 4. Grip 2009
- 5. Zwolski 2015
- 6. Anthony and Grip 2013
- 7. Dee 2023
- 8 Portela and Kienzle 2015
- 9. Portela and Kienzle 2015
- 10. Müller and Van Dassen 1997
- 11. Kienzle and Vestergaard 2013 12. Portela and Kienzle 2015
- 13. Onderco and Portela 2023
- 14. Portela 2015
- 15. Portela 2015
- 16. Müller and Van Dassen 1997 17. Portela and Jeantil 2024
- 18. Portela 2003
- 19. Müller 2011
- 20. Kienzle 2012
- 21 Kienzle 2013
- 22. Portela 2021

4. The EU in international arms control negotiations

The case of the Arms Trade Treaty

An international endeavour where the EU has achieved one of its most celebrated successes is the conclusion of the Arms Trade Treaty (ATT). The ATT, adopted by the UN General Assembly in April 2013, is the first global instrument to regulate international trade in conventional arms.



Peter Woolcott, President of the Final UN Conference on the ATT, speaks at the special event marking the treaty's opening for signature UN Photo/Eskinder Debebe, rights reserved

The ATT negotiations are considered one of the occasions where the EU has acted most effectively, thanks to institutional coordination among member states and the convergence of their interests in the field.[1] The point of departure for the EU was the existence of consensus which had resulted in the adoption of internal instruments, most importantly the EU Code of Conduct for Arms Exports, initially negotiated by the Council Working Group on Conventional Arms in the early 1990s. The Code of Conduct stipulated a series of criteria that member states had to consider when making a decision on whether to authorise the transfer of armaments to a third country. The Code of Conduct, whose criteria included an assessment of the human rights situation in the recipient country, became binding in 2008 and was later included in the Treaty of Lisbon.



Grübelfabrik, CC BY-NC-SA

Not only did this document signify that the EU was united on this file, but it even provided a blueprint for some treaty provisions, which the EU presented as such when the UNGA mandated a working group with the preparation of the treaty draft in 2008[2]. The resulting text of the ATT entails the diffusion of a model that was already operating within the EU, including institutionalised practices and structures such as the establishment of national authorisation bodies, end-use controls and lists of controlled military items.

Overall, the EU demonstrated an above-average performance in shaping key sections of the draft treaty, maintaining remarkable unity. The absence of any serious disagreements among EU member states prevented third powers from using divide-and-rule tactics, which could have hampered the EU's negotiation ability. That said, there was still criticism that the strong internal cohesion did not increase the EU's leadership capacity. The conclusion of the ATT represented a breakthrough in the field because, prior to its adoption, conventional arms had been the only type of weaponry not covered by universally binding rules. The successful input of the EU can be explained by the pre-existence of a unified, robust arms export control policy that obviated the need for internal agreement, contrary to the situation witnessed with the control of nuclear arms. This unity of purpose allowed the EU to set ambitious goals for the negotiation, and critically was supported by its vast experience in agenda-setting and bargaining in multilateral negotiations.

- 1. Romanyshyn 2015
- 2. Romanyshyn 2015

5. Conclusions and outlook EUNPDC eLearning / Unit 14

5. Conclusions and outlook

Conclusions and outlook

Since the adoption of the EU WMD Strategy, the Union has consolidated its non-proliferation policy, strengthening the traditional areas of focus of multilateralism, technical cooperation and, to a lesser extent, political conditionality. Notably, it developed institutional and financial capabilities in both the Council and Commission and, since the entry into force of the Treaty of Lisbon, the EEAS to reinforce the implementation of its policies. In the Iranian crisis, the distinctive institutional framework of the E3/EU enabled the EU to adopt a leading role in one of the most prominent international security issues of the time. This was significant from the perspective of European non-proliferation policies but also for the development of CFSP and for the EU as an international actor. Nevertheless, the EU is still far from being a fully-fledged non-proliferation actor. Although all member states agree on the desirability of nonproliferation, they are still divided on related issues. A divide over nuclear disarmament, already perceptible when the Strategy was adopted[1], became more patent with the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW): While NATO members openly reject it, traditional disarmament advocates Austria and Ireland are among its champions.



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Based on the existing record, we can venture to express the following expectations about the future development of the EU's role in the field. Firstly, the member states that acceded in the framework of the fourth and fifth enlargement integrated seamlessly into the NATO mainstream, without affecting the general trends visible in the EU at 15. Secondly, the division over nuclear deterrence is likely to persist, given the entrenched nature of the prevailing positions. Within the EU, two groups have consolidated, acquiring a format that approximates the pattern of 'differentiation', i.e. the formation of two or more semipermanent groups with homogenous policy preferences, which prevails in other policy fields.[1] At the same time, it will be interesting to watch how the positions of Finland and Sweden, traditional and moderate disarmament proponents, will evolve following their recent NATO accession. They may become indistinguishable from the rest of the group protected by the umbrella, or they may form a cluster of countries within NATO more favourable to progress on disarmament than the average. Lastly, the EU can be expected to continue raising its profile in other fields of arms control in the context it knows best: treaty talks, replicating episodes such as the negotiations on the Arms Trade Treaty or the management of the Iran crisis up to the signature of the JCPOA.

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Terms

International Atomic Energy Agency (IAEA)

UN agency based in Vienna in charge of managing atomic energy. It is responsible for verifying that NNWS operating nuclear energy plants for civilian purposes do not divert nuclear material to military programmes.

Nuclear Suppliers Group (NSG)

An informal institution currently formed by currently 48 states with nuclear capabilities

European External Action Service (EEAS)

Created in 2009 by the Treaty of Lisbon, the EEAS is a body that bring together units dealing with external relations both at the Commission and in the Council Secretariat. It supports the High Representative and is staffed with both EU civil servants and seconded national diplomats.

Council of the European Union

Programmatic document setting out the approach of the EU to ensure its security with the help of its policies. It was adopted in 2003 at the initiative of the High Representative.

European Security Strategy

Programmatic document setting out the approach of the EU to ensure its security with the help of its policies. It was adopted in 2003 at the initiative of the High Representative.