



EXPLAINING EUROPEAN UNION PERFORMANCE IN THE NUCLEAR NON-PROLIFERATION TREATY REVIEW CONFERENCE: LIMITED AMBITIONS BUT PRAGMATIC POSITIONING¹

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Abstract:

In this article explanation for the EU's negotiation performance in the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT RevCon) is offered. First examining how the EU has performed over the period 1995 to 2010, it conducts a systematic review of how EU performance has been shaped by a range of variables including the interests of its Member States, its own institutional capabilities, and the wider conditions of the international system. It argues that the major challenge for EU performance within the NPT has been its own negotiation positioning which, beset by limited ambitions, has confined the EU to always being a supporter of the NPT regime rather than a driver of it. Explanation for this can be seen not merely in the invariable challenge of trying to coordinate highly divergent energy and security Member State interests into a workable common position, the lack of EU competence in this field, but also by the difficult structural conditions within the negotiation environment. Taking these conditions into consideration it is suggested that the EU's limited ambition within the NPT may also be the most pragmatic positioning it can take.

Keywords: European Union, NPT Review Conference, coherence, international negotiations, disarmament, nuclear deterrence, nuclear arms control, CFSP.

Resumen:

En este artículo se ofrece una explicación de cómo se comporta la UE en las negociaciones en las Conferencias de Revisión del Tratado de No-Proliferación Nuclear (NPT RevCon). Examinando en primer lugar a la UE a lo largo del periodo de 1995 a 2010, se realiza una revisión sistemática de cómo el comportamiento de la UE se ha conformado a partir de un amplio abanico de variables, entre las cuales se encuentran los intereses de los Estados Miembros, sus propias capacidades institucionales, y condiciones más generales del sistema internacional. Se argumenta que el mayor desafío a que la UE se ha enfrentado en el TNP ha sido su propia postura negociadora, la cual, constreñida por ambiciones limitadas, ha reducido su papel al de mero apoyo del TNP, más que a asumir un rol director. Una explicación de ello puede encontrarse no únicamente en el constante desafío de tener que coordinar los intereses muy divergentes en materia de seguridad y defensa de sus Estados Miembros y plasmarlos en una posición común, sino también en la falta de competencia de la UE en este campo y también por las difíciles condiciones estructurales dentro del ambiente negociador. Tomando en consideración estas condiciones, se sugiere que la ambición limitada de la UE dentro del TNP puede resultar ser la postura más pragmática que pueda tomar.

Palabras clave: Unión Europea, Conferencia de Revisión del TNP, coherencia, negociaciones internas, desarme, disuasión nuclear, control de armamento nuclear, CFSP.

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1. Introduction

As the cornerstone of the global nuclear non-proliferation regime, the Review Conference (RevCon) of the Parties to the Treaty on the non-Proliferation of Nuclear Weapons (NPT) is a critical and highly politicised event on the international community's calendar. The NPT, first entered into force in 1970 and indefinitely extended in 1995, was enacted with three pillars: to prevent the spread of nuclear weapons and weapons technology; to move towards the goal of general and complete nuclear disarmament; and to promote cooperation in the peaceful use of nuclear energy. Involving 190 States Parties, each with their own national security and energy interests at stake, the quinquennial NPT review negotiations are a forum where high politics is the order of the day and where strategic concerns underlay every issue. For the European Union (EU) therefore the NPT review negotiations offer something of a challenge.

The EU does not have competence to act for its Member States in this field nor is the EU itself a member of the NPT³. As a polity the EU is moreover formed of both nuclear and non-nuclear weapon states each with sovereign interests on nuclear issues, many of which are highly divergent. Thus, whilst EU Member States have, since the 1995 Review and Extension Conference, entered each NPT RevCon with a common position in place and with representation during the four week long negotiations conducted by the rotating Council Presidency, they do also participate in negotiations in their own national capacity. Examining *EU* performance in this negotiation could therefore be seen as something of a moot point. However, the EU has consistently exerted efforts to perform as 'EU' within the NPT negotiations; submitting EU working papers, promoting EU positions with third parties, and speaking as the EU during plenary sessions and Main Committees.

A key aim of this article therefore is to attempt to offer explanation of the EU's negotiation performance in this forum. Detailing an analytical framework for the evaluation of performance in multilateral negotiations which takes as its starting point the EU's own negotiation positioning relative to its negotiation partners; assessment is first given to the EU's performance within the NPT review negotiations from the 1995 RevCon up to the most recent RevCon held in May 2010. Attention is then given to a systematic analysis of three groups of explanatory variables – as identified from the literature on the EU in multilateral negotiations and diplomacy – which may be seen to influence EU performance in this forum including (i) EU interests, (ii) EU institutional developments and (iii) structural conditions. It argues that a major challenge for EU performance in the NPT review negotiations has been its own negotiation positioning which has been beset by limited ambitiousness; restricting the EU to always being a supporter of the system rather than a driver of it. This in turn has caused difficulties for EU unity and significance within the NPT community, limiting its outreach and subsequently impacting on its overall effectiveness. Explanation of this moreover can be seen not merely by the invariable challenge of trying to coordinate highly divergent Member State interests into a workable common position, or of a lack of EU competence in this field, but also by the structural conditions within which the EU and others negotiate in the NPT. Consideration of these in fact interconnected and mutually reinforcing explanatory variables moreover suggests that the EU's limited ambitiousness within the NPT review negotiations may also be the most pragmatic approach it can take.

³ The European Commission does hold observer status in the NPT but has no official role in representing the EU Member States in this forum.



2. Evaluation and Explanation of EU Performance in Multilateral Negotiations

Performance analysis is increasingly being utilised to evaluate the EU in international affairs, for example with studies focusing on EU performance in international institutions⁴ or foreign policy analysis⁵. As these analyses suggest EU performance analyses first require some judgement to be made about the EU and its capacity to act⁶. Connection is therefore drawn between EU performance and ‘actorness’⁷ - defined here as “the capacity to behave actively and deliberately in relation to other actors in the international system”⁸. For the EU to be the subject of a performance analysis it must therefore have some basic degree of actorness distinctive from its Member States. As Sjöstedt details this may be identified where there is an EU goal or goals “articulated in a document so that its formulation, if not its interpretation, is beyond dispute” and shared by all governments of the Member States, and interaction by an EU representative or institution within the international environment⁹. Basic criteria for accepting the EU as an actor within a multilateral negotiation may therefore be recognised in cases, like the NPT, where there is an EU common position, joint action or other formalised conclusions detailing common EU goals and with representation by an EU institution i.e. the Council Presidency or High Representative within the negotiation environment.

Evaluating EU performance within those negotiations further requires particular consideration of the EU’s negotiation positioning, particularly in terms of its overall ambitiousness both in tackling the problem or issue under negotiation, and relative to the objectives of other players. The negotiation mandate – in the case of the NPT outlined in a Council common position – is the blueprint by which the EU pursues its negotiation objectives. Judging the ambitiousness of that mandate takes into account several critical factors. First, are the EU’s objectives progressive – that is, does the EU seek progress or reform of the current situation – or is it seeking the maintenance of the status quo¹⁰? This is important as it might be expected that the EU would need to exert greater resources and diplomatic skill in achieving progressive objectives than it would in maintaining the status quo. Second, how comprehensive are the EU’s negotiation objectives? Or, more explicitly, how adequate is the EU’s response? And third, how realistic are the EU’s negotiation objectives relative to the preference structures¹¹ of negotiation partners? Put another way, is the EU acting as an ambitious preference outlier trying to persuade others to move far beyond their own preferences, or is it preaching to the converted with close symmetries between its own objectives and the preferences of others?

⁴ See: Oberthür, Sebastian: “The Performance of the EU in International Institutions”, *Journal of European Integration Special Issue*, vol. 33, no. 6 (Nov. 2011), pp. 599-757.

⁵ “European Foreign Policy Scorecard 2012”, European Council on Foreign Relations, at <http://www.ecfr.eu/scorecard/2012>.

⁶ See Jørgensen, Knud Erik; Oberthür, Sebastian and Shahin, Jamal: “Introduction: Assessing the EU’s Performance in International Institutions – Conceptual Framework and Core Findings”, *Journal of European Integration*, vol. 33, no. 6 (Oct. 2011), pp. 599-620.

⁷ See Bretherton, Charlotte and Vogler, John (2006): *The European Union as an International Actor*, 2nd ed., Oxon, Routledge.

⁸ Sjöstedt, Gunnar (1977): *The External Role of the European Community*, London, Saxon House, Sweden, Swedish Institute of International Affairs, pp. 16.

⁹ *Ibid.*, pp. 23-24.

¹⁰ See Meunier, Sophie (2005): *Trading Voices: The European Union in International Commercial Negotiations*, Princeton, Princeton University Press.

¹¹ See Underdal, Arild: “The causes of negotiation failure”, *European Journal of Political Research*, vol. 11, no. 2 (June 1983), pp. 183-195.



Analysis of how the EU then performs in the pursuit of those objectives within multilateral negotiations encompasses four specific performance indicators¹² including: (i) *Unity* – is the EU a unified actor such that its representations in the negotiation are coordinated, coherent and complemented by the activities of its Member States? (ii) *Significance* – is the EU recognised as a significant negotiation partner to the extent that it is considered a necessary participant of endgame bargaining and decision-making? (iii) *Outreach* – what resources or tactics is the EU using and how proactive is it in trying to achieve its goals? (iv) *Effectiveness* – does the EU achieve its objectives?¹³

In addition to evaluating EU performance in multilateral negotiations, explaining why it has performed that way sheds useful insights into the EU as an international actor and negotiator. A burgeoning body of literature has begun to give consideration to explaining the EU's actorness, influence, and even leadership in multilateral negotiations, particularly prevalent in the case of the EU's role in climate change negotiations¹⁴ and international trade negotiations¹⁵. Distinguishable in these analyses are identified three notable trends in explanation of EU negotiation performance, including:

2.1. EU Interests

Within this literature several variables relate to the EU's interests as shaping its negotiation performance, for example: the extent to which the EU's negotiation activities are interest-based or norm-driven¹⁶, whether the EU's domestic interests are being met¹⁷, and the extent of convergence and congruence of Member States preferences¹⁸. In these cases a common, if often implicit, point of explanation is how the EU's interests help or hinder the EU's negotiation mandate, and subsequently its chances of making a greater impact within the

¹² These indicators are adapted from performance criteria outlined by the European Council on Foreign Relations (ECFR): See "European Foreign Policy Scorecard 2012", *op. cit.* <http://www.ecfr.eu/scorecard/2012> and Jørgensen et al., *op. cit.*, pp. 599-620.

¹³ It should be noted that this conceptualisation of performance encapsulates elements of both process (what the EU sought to achieve) and outcome (what it actually achieved i.e. effectiveness). This is significant because it does not always follow that if the EU seeks something and acts a certain way, it will necessarily be effective. As Thomas has for example argued EU coherence as an international actor does not necessarily translate into enhanced effectiveness. Considering EU negotiation performance premised on each of these indicators is one such effort to address this link between EU process and outcome. See Thomas, D.C.: "Still Punching below its Weight? Coherence and Effectiveness in European Union Foreign Policy", *JCMS: Journal of Common Market Studies*, vol. 50, no. 3 (Feb. 2012), pp. 457-474.

¹⁴ See Van Schaik, Louise G. and Schunz, Simon: "Explaining EU Activism and Impact in Global Climate Politics: Is the EU a Norm- or Interest-Driven Actor?", *Journal of Common Market Studies*, vol. 50, no. 1 (Jan. 2012), pp. 169-186; Groenleer, Martijn L. P. and Van Schaik, Louise G.: "United We Stand? The European Union's International Actorness in the Cases of the International Criminal Court and the Kyoto Protocol", *Journal of Common Market Studies*, vol. 45, no.5 (Nov. 2007), pp. 969-998; Schreurs, Miranda A. and Tiberghien, Yves: "Multi-Level Reinforcement: Explaining European Union Leadership in Climate Change Mitigation", *Global Environmental Politics*, vol. 7, no. 4 (Nov. 2007), pp. 19-46 and Sjöstedt, Gunnar: "The EU Negotiates Climate Change: External Performance and Internal Structural Change", *Cooperation and Conflict*, vol. 33, no. 3 (1977), pp. 227-256.

¹⁵ Young, Alisdair R.: "The Rise (and Fall?) of the EU's Performance in the Multilateral Trading System", *Journal of European Integration*, vol. 33, no. 6 (October 2011), pp. 715-729; Meunier, *op. cit.*

¹⁶ See Van Schaik, *op. cit.*, pp. 169-186; Groenleer, *op. cit.*, pp. 969-998; Schreurs, *op. cit.*, pp. 19-46; Sjöstedt, *op. cit.*, pp. 227-256.

¹⁷ Keleman, R. Daniel and Vogel, David: "Trading Places: The Role of the US and the European Union in International Environmental Politics", *Comparative Political Studies*, vol. 43, no.4 (April 2010), pp. 427-456; Oberthür, Sebastian: "The EU in international environmental regimes and the Energy Charter Treaty" in Gupta, Joyeeta and Grubb, Michael (eds.) (2000): *Climate Change and European Leadership: A Sustainable Role for Europe*, Dordrecht, Kluwer Academic Publishers, pp. 83-105; Schreurs, *op. cit.*, pp. 19-46.

¹⁸ Groenleer, *op. cit.*, pp. 969-998.



negotiation. An expectation follows that where there is close symmetry between EU domestic interests and negotiation objectives i.e. where the EU aims to ‘upload’ domestic policy or regulation to the international level, or where Member States’ interests are more convergent, the EU is more likely to be effective. Alternatively an argument follows that the EU is most effective in multilateral negotiations when it pursues a ‘soft’ strategy based on EU normative principles thus enabling the EU to play to its strengths as a ‘soft’ or ‘normative’ power.¹⁹

2.2. EU Institutional Factors

Another trend in efforts to explain EU negotiation performance is to focus on the EU’s own institutional structure, particular facets of its decision-making processes and developments that have taken place due to ongoing integration. Examples include improvement in the EU’s legal competence across certain policy fields²⁰, changes in voting rules²¹, developments following treaty reforms²² or in the influence of certain EU regulation and directives²³. In these accounts focus is predominantly on the improving nature of these institutional developments for the EU’s performance; particularly in terms of enhancing EU external coherence, credibility and capability.

2.3. Structural Conditions

A third trend is the international context itself and certain structural conditions which have influenced the EU’s ability to take on a particular negotiation role i.e. as a leader or bridge-builder. These relate more specifically to aspects of international relations theory including for example the balance of power within the negotiations, specifically in terms of the number of major powers involved²⁴, the material resources available to the EU relative to other major powers²⁵, and to the power symmetry of the negotiations²⁶. This relates also to what the EU actorness literature refers to as the condition of ‘opportunity’²⁷; taking into consideration the roles and behaviour of the major powers – and typically their absence - as enabling the conditions for the EU to take on a greater international role.

¹⁹ Van Schaik, *op. cit.*, pp. 169-186. Van Schaik and Schunz (2012) challenge the assumption that the EU is effective in climate change negotiations when pursuing a normative agenda suggesting that this has in fact at times limited the EU’s influence in this forum.

²⁰ Schreurs, *op. cit.*, pp. 19-46.

²¹ See Meunier, *op. cit.*; Jupille, Joseph: “The European Union and International Outcomes”, *International Organization*, vol. 53, no. 2 (Spring 1999), pp. 409-425.

²² Laatikainen, Katie Verlin: “Multilateral leadership at the UN after the Lisbon Treaty”, *European Foreign Affairs Review*, vol. 15, no. 4 (Nov. 2010), pp. 475-493.

²³ Young, *op. cit.*, pp. 715-729; Oberthür, Sebastian and Pallemmaerts, Marc (ed.): “The EU’s Internal and External Climate Policies: an Historical Overview” in Oberthür, Sebastian and Pallemmaerts, Marc (eds.) (2010): *The New Climate Policies of the European Union: Internal Legislation and Climate Diplomacy*, Brussels, VUB Press, pp. 27-63; Oberthür, Sebastian: “The European Union’s Performance in the International Climate Change Regime”, *Journal of European Integration*, vol. 33, no. 6 (November 2011), pp. 667-682.

²⁴ Vogler, John: “The European Union as a global environmental policy actor: Climate Change” in Wurzel and Connelly (eds.) (2011): *The European Union as a Leader in International Climate Change Politics*, Oxon Routledge, pp. 21-37; Roberts, T.J.: “Multipolarity and the new world (dis)order: US hegemonic decline and the fragmentation of the global climate regime”, *Global Environmental Change*, vol. 21, no. 3 (2010), pp. 776-784.

²⁵ *Ibid.*; Oberthür, “The European Union’s Performance...”, *op. cit.*, p. 667-682; Killian, Bertil and Elgström, Ole: “Still a green leader? The European Union’s role in international climate negotiations”, *Cooperation and Conflict*, vol. 45, no. 3 (Sept. 2010), pp. 255-273.

²⁶ Meunier, *op. cit.*; Elgström, Ole and Stromvik, Maria: “The European Union as a Negotiator”, in Elgström and Jönsson (eds.) (2005): *European Union Negotiations: Processes, Networks and Institutions*, Oxon, Routledge, pp. 117-129.

²⁷ See Bretherton, *op. cit.*; Vogler, *op. cit.*, pp. 21-73; Roberts, *op. cit.*, pp. 776-784.



Interestingly within these discussions very little account is given to the interactive nature of these variables as influencing EU performance. These explanatory variables cannot however realistically be treated in a vacuum but rather as connected and mutually reinforcing conditions. With many changes in these conditions taking place over-time, a longitudinal perspective is furthermore useful in identifying pertinent trends and to ascertain how these factors have not only shaped the EU's negotiation performance but each other. Thus a tapestry of variables must be understood as shaping EU performance over-time. In the following sections these conceptual and explanatory issues are therefore considered in the case of the NPT review negotiations.

3. EU Performance in the NPT Review Negotiations (1995-2010)

Analysis of EU performance in the NPT review negotiations has until now received very little academic attention. In the most part academic accounts of the EU and the NPT have stemmed predominantly from analytical commentary and think tanks²⁸. What is more, what little has been written explicitly on EU performance has then tended to focus on individual RevCons²⁹ whilst garnering a more longitudinal perspective has been overlooked. Building on these accounts and supplemented by interview data obtained by the author from EU and non-EU officials to the NPT in March to May 2011³⁰, this section offers a brief evaluation of the EU's performance within the NPT from 1995 to 2010 with focus especially on the EU's negotiation positioning, and the extent to which it has met with the performance indicators explicated above.

²⁸ Fischer, David and Müller, Harald : "United Divided: The European Union at the NPT Extension Conference", *PRIF Reports*, no. 40 (November 1995), Frankfurt, PRIF; Johnson, Rebecca: "The 2000 NPT Review Conference: A Delicate, Hard-Won Compromise", *Disarmament Diplomacy*, no. 46 (May 2000), UK, The Acronym Institute for Disarmament Diplomacy; Johnson, Rebecca: "Politics and Protection: Why the 2005 Review Conference Failed", *Disarmament Diplomacy*, no. 80 (November 2005), UK, The Acronym Institute for Disarmament Diplomacy; Johnson, Rebecca: "Assessing the 2010 NPT Review Conference: A necessary political success, this year's conference has far-reaching implications", *Bulletin of the Atomic Scientists* (July/Aug. 2010), UK, The Acronym Institute for Disarmament Diplomacy; Dhanapala, Jayantha and Rydell, Randy (2005): "Multilateral Diplomacy and the NPT: An Insider's Account", UNDIR/2005/3, Geneva, United Nations Institute for Disarmament Research; Dhanapala, Jayantha: "Evaluating the 2010 NPT Review Conference", *United States Institute of Peace Special Report*, no. 258 (Oct. 2010), Washington DC, United States Institute of Peace; Kile, Shannon (2006): "Nuclear arms control and non-proliferation" in *SIPRI Yearbook 2006: Armaments, Disarmament and International Security*, Oxford, Oxford University Press, pp. 607-638; Portela, Clara: "The Role of the EU in the Non-Proliferation of Nuclear Weapons: The Way to Thessaloniki and Beyond", *PRIF reports*, no. 65 (December 2003), Frankfurt, PRIF; Portela, Clara: "The EU and the NPT: Testing the new European Nonproliferation Strategy", *Disarmament Diplomacy*, no. 78 (July/Aug. 2004), UK, The Acronym Institute; Meier, Oliver and Quille, Gerrard: "Testing Times for Europe's non-proliferation strategy", *Arms Control Today*, (May 2005).

²⁹ Müller, Harald and Van Dassen, Lars: "From Cacophony to Joint Action: Successes and Shortcomings of the European Nuclear Non-Proliferation Policy", in Holland, M. (eds.) (1997): *Common Foreign and Security Policy: The Record and Reforms*, London, Pinter; Potter, W.C.: "The NPT review conference: 188 states in search of consensus", *The International Spectator*, vol. 40, no. 3 (July-Sept. 2005), pp. 19-31; Müller, Harald: "A Treaty in Troubled Waters: Reflections on the Failed NPT Review Conference", *The International Spectator*, vol. 40, no. 3 (July-September 2005), pp. 33-44; Müller, Harald: "The 2010 NPT Review Conference: Some Breathing Space Gained, But No Breakthrough", *The International Spectator*, vol. 45, no. 3 (September 2010), pp. 5-18; Dee, M.: "Standing together or doing the splits? Evaluating EU Performance in the Nuclear non-Proliferation Treaty Review Negotiations", *European Foreign Affairs Review*, vol. 17, no. 2 (2012), pp. 187-209.

³⁰ Fieldwork was conducted in New York, London, Brussels and Geneva with officials from EU Member States, the EEAS, third country diplomats and accredited NGOs, all of whom had attended past NPT RevCons. My thanks to UACES for financial support of this fieldwork.



In July 1994 the European Council agreed to the first Joint Action by the EU to “strengthen the international nuclear non-proliferation regime” and to “contribute to the successful outcome of the review conference”³¹. Since then the EU has entered each quinquennial NPT RevCon with a common position by which its Member States pursue shared principles and objectives. In each common position the EU has consistently cited its primary objectives as initially detailed in that first Joint Action – to strengthen the nuclear non-proliferation regime, and to contribute to the successful outcome of the RevCon. Adding to this from 2000 onwards the EU’s common position has further specified that the EU would achieve these objectives by helping to “build consensus on substantive issues”³². Whilst the EU’s negotiation objectives have grown in comprehensiveness since 1995; moving from what was a short one-and-a-half page position entering the 1995 RevCon to a four page document with upwards of sixty objectives pursued by the EU upon entering the 2010 RevCon, this has not always translated into growing substance.

Analysis of the EU’s common positions over this period reflects that the EU’s negotiation mandate entering each NPT RevCon has been predominantly status quo-orientated on the fundamental issue of nuclear disarmament (pillar I), and demonstrating only marginally more progressiveness on certain aspects of pillar II (non-proliferation) and pillar III (nuclear energy). Rather than attempting to pursue particularly forward-looking and ambitious objectives, the EU position instead reflects the EU as a strong proponent of the multilateral process and an avid supporter of the NPT but which are notable mostly for their ambiguity. The EU’s common positions have subsequently been criticised for being too universal in their policy objectives³³, too much of a lowest common denominator³⁴ and, due to the interests of its own nuclear-weapon states (the UK and France) somewhat limp particularly on the matter of nuclear disarmament³⁵.

Such a position has both its benefits and drawbacks. In terms of the EU’s objectives relative to the preference structures of key negotiation partners within the NPT, a more ambiguous and ‘universal’ common position – itself already a compromise by having gone through the process of internal EU negotiations - does enable the EU to find agreement with most, if not all, States Parties. As table 1 below reflects, the EU is well positioned to achieve its key objective of ‘building consensus’ in order to achieve a successful outcome due in part to these close symmetries with other key players. However, the ambiguity of the EU’s common positions does also present the EU with a presentation problem within the NPT, particularly when compared to the major negotiation groupings. For example the New Agenda Coalition (NAC)³⁶ stands out in the NPT negotiations for its proactive stance, since 2000, on nuclear disarmament issues³⁷. The Vienna Group of Ten (G-10)³⁸ has established itself as a prominent player on all ‘Vienna’ issues pursuing objectives such as strengthening the IAEA, export controls and nuclear safeguards. The strategic interests of the five nuclear-

³¹ Council of the European, Council Decision, (94/509/CFSP, OJ: L 205/ 1), 25 July 1994.

³² Council of the European Union, Council Decision, (2000/297/CFSP, OJ: L 97/1), 13 April 2000, Council of the European Union, Council Decision, (2005/329/PESC, OJ: L 106/33), 25 April 2005, Council of the European Union, Council Decision, (2010/212/CFSP, OJ: L 90/9), 29 March 2010.

³³ Interview, EU diplomatic source, March 2011

³⁴ See Müller, “A Treaty in Troubled Waters...”, *op. cit.*, pp. 33-44; Interview, third country official, New York, March 2011, Interview, EU Member State official, Geneva, May 2011.

³⁵ Interview, Ray Acheson, Reaching Critical Will, March 2011, Interview, Senior Analyst, NGO, March 2011, Interview, third country official, Geneva, May 2011.

³⁶ Formed of Egypt, South Africa, Brazil, Mexico, New Zealand, Ireland and Sweden.

³⁷ Interview, senior analyst, NGO, London, April 2011.

³⁸ Includes New Zealand, Australia, Canada, Norway, Austria, Netherlands, Denmark, Hungary, Ireland & Sweden.



weapon states (or P-5³⁹) meanwhile ensure that on all nuclear issues, not least the key issue of nuclear disarmament, these five states are of fundamental importance; whilst the Non-Aligned Movement (NAM)⁴⁰ is high profile on all issues in representing the views of the developing world. Comparatively the EU has no such *raison d'être*. Instead the EU's ambiguous position, which has little in the way of uniquely 'European' positions or particular entrepreneurial solutions by which it could help steer negotiations, is in danger of being submerged by other more prominent, and ambitious, objectives pursued more aggressively by groups who are dedicated to achieving specific results and who have very set views on what a 'successful outcome' should look like.

Table 1: Main objectives by Major NPT Negotiating Group – Positioning the EU

Key Negotiation Issues within the NPT	Main objectives by Negotiation Grouping				
	Permanent Five (P-5) ^[i]	European Union (EU) ^[ii]	Vienna Group of Ten (G-10) ^[iii]	New Agenda Coalition (NAC) ^[iv]	Non-Aligned Movement (NAM) ^[v]
Pillar I (nuclear disarmament)	Commitment to concrete, credible steps towards irreversible disarmament Entry into force of the Comprehensive Test-Ban Treaty and upholding commitment to a moratoria on nuclear testing Negotiation on a Fissile Material Cut-Off Treaty	Gradual, systematic nuclear disarmament, stressing the special responsibility of states with the largest arsenals Rapid entry into force of the Comprehensive Test-Ban Treaty Negotiations towards a Fissile Material Cut-Off Treaty including a moratorium on the production of fissile materials for nuclear weapons		Total elimination of NWS nuclear arsenals but with interim measures of legally binding security assurances to non-nuclear weapon states Early entry into force of the Comprehensive Test-Ban Treaty and continuation of testing moratorium until that point Reaffirmation of negotiations towards a Fissile Material Cut-Off Treaty	Reaffirmation by NWS of their disarmament obligations and immediate implementation of those obligations Leadership by the NWS in the objectives of the Comprehensive Test-Ban Treaty Immediate commencement of negotiations on a Fissile Material Cut-Off Treaty
Pillar II (non-proliferation of nuclear weapons)	Accession by all states to the Additional Protocol and as the verification standard Development of nuclear-weapon free zones, particularly in the Middle East The UNSC as having primary responsibility for tackling cases of non-compliance (as detected by the IAEA) UNSC to tackle cases of withdrawal from the NPT	Universal accession to the Additional Protocol (AP) and as the verification standard Development of nuclear-weapon free zones Strengthening the role of the UNSC as arbiter in cases of non-compliance of NPT obligations The adoption of measures to tackle cases of withdrawal from the NPT	Universal adherence to the Additional Protocol and as the verification standard Ensuring compliance is the precondition for cooperation in the peaceful uses of nuclear energy	Establishment of nuclear-weapon free zones, particularly in the Middle East	Maintaining the Additional Protocol as a voluntary confidence-building measure Establishment of nuclear-weapon free zones, especially in the Middle East Maintaining the IAEA as an apolitical body
Pillar III (cooperation in the peaceful use of nuclear energy)	Strengthening export controls Development of nuclear energy in the promotion of sustainable development Development of multilateral approaches to the nuclear fuel cycle	Strengthening export controls Development of multilateral approaches to the nuclear fuel cycle	Strengthening export controls Development of multilateral approaches to the nuclear fuel cycle		No undue restrictions placed on exports of nuclear materials, particularly for Prematurity of discussions on multilateral approaches to the nuclear fuel cycle

[i] Source: Statement by the Russian Federation on behalf of the P-5 to the 2010 NPT RevCon, 5th May 2010

[ii] Source: Council Decision 2010/212/CFSP, 28th March 2010

[iii] Source: Vienna Group of Ten (G-10) Working Paper "Cooperation in the peaceful uses of nuclear energy", submitted to the 2012 NPT PrepCom, 16th March 2012 (NPT/CONF.2015/PC.1/WP.2)

[iv] Source: NAC working paper, submitted to the 2010 RevCon, 23rd March 2010 (NPT/CONF.2010/WP.8)

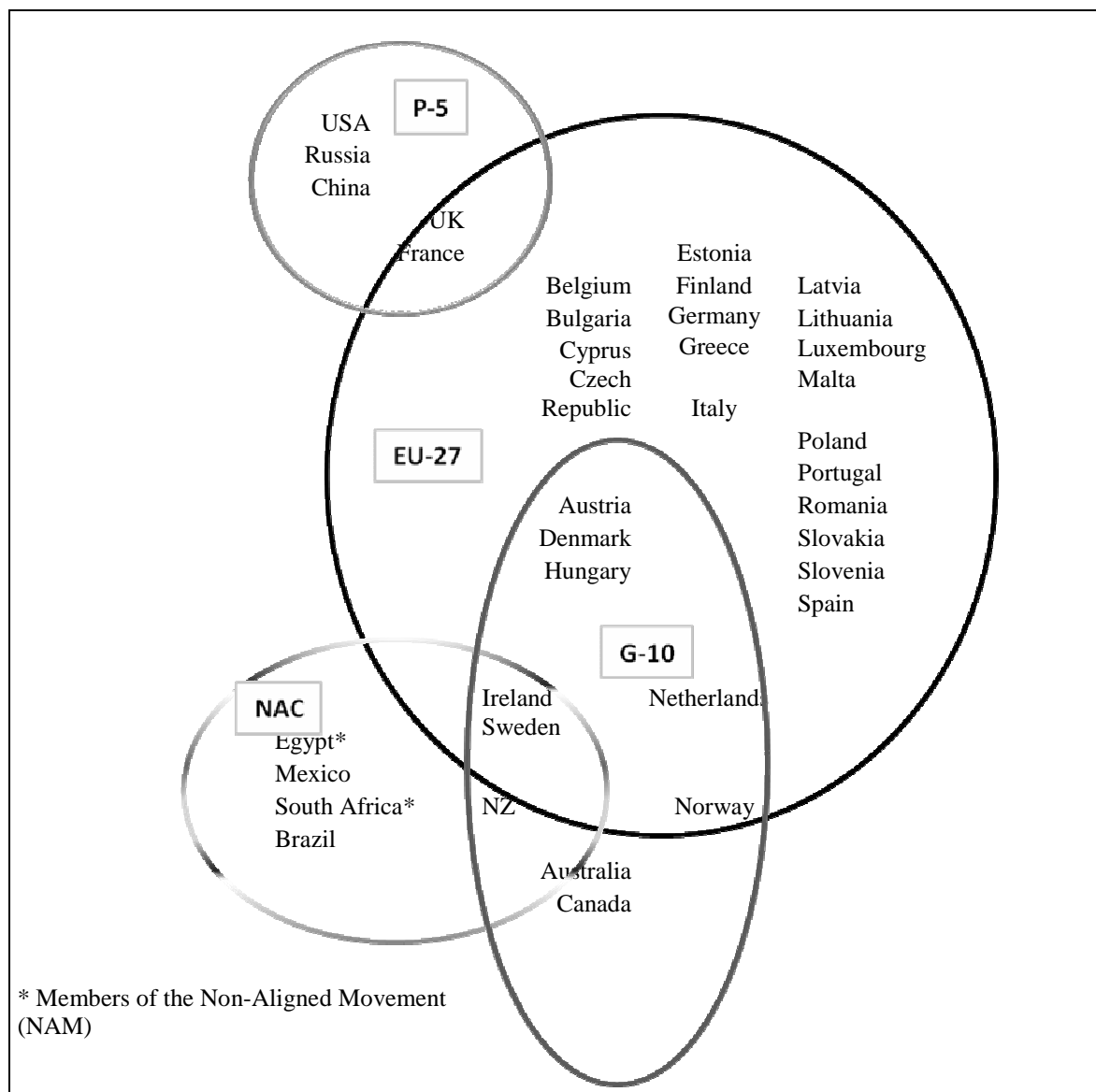
[v] Source: NAM working paper, submitted to the 2010 NPT RevCon, 28th April 2010 (NPT/CONF.2010/WP.46)

³⁹ The 'Permanent-Five' members of the UN Security Council. Includes the United States, Russia, China, UK and France.

⁴⁰ Representing over 100 developing, non-western and all non-nuclear weapon States Parties.

Due to the EU’s common – and compromise - position within the NPT negotiations another challenge for EU performance in this forum is that, with no EU legal competence, Member States are at liberty to pursue, often stronger, national objectives and speak in a national capacity during NPT RevCons. Maintaining EU *unity* within the NPT negotiations is therefore a significant difficulty for whichever Member State is holding the rotating Council Presidency representing the EU. Whilst ongoing EU coordination takes place during the four week long RevCon negotiations – typically including at least three meetings a week⁴¹ – and with EU positions and statements frequently publicised, a number of Member States also work alongside other negotiation groupings with which they share similar interests; demonstrated in figure 1 below:

Figure 1: EU Member State group memberships in the 2010 NPT RevCon



Source: Author’s own compilation



This cross-alignment is considered to be a major flaw of the EU's negotiation performance⁴² and the EU has been broadly criticised for disunity; with Member States working in other groupings particularly blamed for national objectives being pursued at the expense of the common EU position⁴³. However, this cross-alignment has also, at times, served the EU. In 1995 it was the EU's "concerted" global diplomatic campaign - combining the efforts of both the EU Troika and the diplomatic relations of its Member States - in the pursuit of the indefinite extension of the NPT that contributed to the campaign's success⁴⁴. In 2010 moreover, it was the concerted efforts of the EU, utilising its own Member States diplomatic ties within these other groupings, which enabled the EU to play an effective consensus-building role⁴⁵. By promoting EU basic principles and objectives within these groupings, gathering information on preference symmetries and bringing all information back to EU coordination meetings, the EU was able to fine-tune its own compromise language and proactively push for that language to be included in the Final Outcome Document⁴⁶.

Divisions within the EU group have however had an impact on the EU's performance in terms of *outreach*. Whilst the EU has consistently submitted joint working papers to the NPT negotiations since 2000 onwards⁴⁷ Member States do frequently supplement them with their own submissions⁴⁸ either alongside other negotiation groupings, or individually, and which often go further than the EU common position. With the EU's working papers to the Main Committees often repeating general points already stressed in the EU's broader common position, Member States often use the opportunity to submit working papers as a way of getting more of their own technical details into the negotiation sessions, in an effort to push forward more specific objectives which may then be included in the Final Document. Whilst this is seen to be 'complementary'⁴⁹ to the EU position this nevertheless provides a complex dimension for the EU as a negotiator - often detracting attention away from the EU and onto more proactive Member States.

One particular knock-on effect of this is that the EU is not always considered to be a *significant* negotiation partner. Since 1995 the EU Council Presidency has only twice been invited to send a representative to form part of the final week closed inner negotiations known as 'Friends of the Chair'⁵⁰ sessions. This occurred in 1995 - when by happy coincidence France held the Council Presidency and who, as a nuclear-weapon state is automatically invited as a key player - and in 2010 when the Spanish Council Presidency, alongside the

⁴¹ Interviews, EU Member State officials, New York, March 2011, Interview, EU diplomatic source, New York, March 2011.

⁴² Interview, EU diplomatic source, New York, March 2011.

⁴³ See Fischer et al., *op. cit.*; Kile, *op. cit.*, pp. 607-638; Müller, "A Treaty in Troubled Waters...", *op. cit.*, pp. 33-44.

⁴⁴ See Fischer et al., *op. cit.*; Portela, *op. cit.*, Muller et al., "From Cacophony to Joint Action...", *op. cit.*

⁴⁵ See Dee, *op. cit.*, pp. 187-209.

⁴⁶ Interviews, EU Member State officials, New York, Brussels & Geneva, March and May 2011, Interview, third country official, Geneva, May 2011

⁴⁷ In 1995 the EU submitted just one informal Committee Room Paper, this increased to 5 formal working papers in 2000, 8 in 2005 and 4 in 2010.

⁴⁸ In comparative perspective EU Member States submitted or supported 26 working papers in 1995, 30 in 2000, 17 in 2005 and 27 in 2010.

⁴⁹ Interview, Ambassador Miguel Aguirre de Carcer, former Spanish Disarmament Ambassador and lead EU negotiator in the 2010 RevCon, Brussels, 16 May 2011. This is supported by analysis of Member State submissions relative to the EU papers which does reflect, in the most part, the same promotion of basic principles and objectives. Member State submissions tend however to be more goal specific and detailed on technical aspects.

⁵⁰ Interview, EU diplomatic source, New York, March 2011.



new European External Action Service (EEAS) were participant⁵¹. In both the 2000 and 2005 RevCons the EU was however side-lined as a key negotiator in these closed negotiations by more prominent Member States⁵². In these cases, with the EU excluded from endgame bargaining between the major players this has had an inevitable consequence for the EU's *effectiveness* within the NPT, with the EU often having to accept decisions it had no part in making. This was especially evident in 2000 where the EU, whilst sharing many of the same negotiation objectives as the NAC⁵³, was excluded from endgame bargaining between the NAC and P-5 members. The inclusion of many of these shared objectives within the 2000 Final Document, whilst accredited by some to the work of the EU⁵⁴, may be best accredited to bargaining by the NAC who were in the room, rather than any particular effectiveness on the part of the EU.

EU effectiveness is moreover limited within this environment due to the ambiguity of the EU's common positions particularly since 2000. In 1995 the EU can certainly claim effectiveness in its successful co-sponsored campaign for the indefinite extension of the NPT. Interesting to note is that the EU's 1995 joint action explicitly highlights that the EU would pursue this goal – to the extent in fact of neglecting all other aspects of the 1995 negotiations where the EU then had little impact in the substantive aspects of the negotiations⁵⁵. In 2000 and 2005, whilst increasing in quantity and detail, the EU's negotiation objectives did not demonstrate any substantive development of specific solutions, initiatives or objectives beyond the basic principles of supporting the multilateral system and seeking to 'build consensus on substantive issues'. Consequently the EU has had no real goals to attain within the NPT other than to support (and conversely not prevent) a general success. In 2010 however, the EU's objectives did improve to include what it identified as seven priority areas which it would pursue in order to obtain a successful outcome and further calling for a 'forward-looking, balanced and ambitious action plan' for the Final Document⁵⁶. This was the first time since 1995 that the EU had specified a specific outcome for the negotiations. That the EU was then seen to be united, pursuing consensus through concerted diplomatic action, and significant with participation in endgame bargaining, further stresses a link between a more substantive and driven common position and improved EU performance within this forum.

As this discussion has suggested, much of the EU's performance within the NPT has been premised on its own negotiation position and the challenges that come from limited ambitiousness. Rather than progressively driving forward the negotiations for the attainment of specific goals within the final outcome document, the EU has instead focused its role on being a supporter of the system resulting in EU Member States operating beyond the EU to pursue their stronger national objectives, weakening the EU's significance as a negotiator, limiting its outreach, and consequently impacting on the EU's effectiveness. What might then be considered the EU's 'successes' in the NPT – the indefinite extension campaign and, to

⁵¹ Interview, Ambassador Aguirre de Carcer, Brussels, May 2011, Interview, Senior official, EEAS, Brussels, May 2011.

⁵² Notably the UK and France as nuclear-weapon states, also Ireland and Sweden are frequent participants as members of the EU, NAC and G-10.

⁵³ Including the promotion of the principles of irreversibility and transparency in nuclear disarmament and calling for disarmament negotiations to commence in the Conference on Disarmament (compare the EU's working paper NPT/CONF.2000/MC.1/SB.1/WP.2 to the NAC working paper 'Letter dated 24 April 2000 from the Minister for Foreign Affairs of Mexico addressed to the Secretary-General of the Review Conference' submitted to the 2000 RevCon).

⁵⁴ See Meier et al., *op cit.*; Portela, "The Role of the EU in the Non-Proliferation...", *op. cit.*

⁵⁵ See Fischer et al., *op. cit.*

⁵⁶ Council of the European Union, Council Decision, (2010/212/CFSP, OJ: L 90/9), 29 March 2010.



some extent, its creditable performance in the 2010 RevCon – have been premised on the EU's effective performance in consensus-building. Such a role, whilst in these cases useful, does however prohibit the EU's ability to make much more of an impact in this forum.

4. Explaining EU Performance in the NPT Review Negotiations

Discussion was earlier given to three groups of variables identified from the literature as trends influencing– and subsequently explaining – EU performance in multilateral negotiations including: (i) the EU's interests, (ii) EU institutional factors, and (iii) structural conditions. Whilst by no means an exhaustive list; these variables do enable some systematic analysis of possible factors seen to shape the EU's negotiation position – and consequently its performance - within the NPT review negotiations. This is particularly important in the case of the NPT where very limited attention has been paid to systematically assessing explanatory factors that have shaped EU negotiation performance; with the tendency instead to accept, often implicit, factors such as the EU's 'lowest common denominator' positioning⁵⁷ and the divergences amongst EU Member States⁵⁸ as reason enough for EU performance difficulties. The following overview therefore considers these explanatory variables and their influencing role on the EU over this period.

4.1. EU Interests

With much of the EU's performance premised on its negotiation positioning, explanation must first and foremost take into consideration the interests of the Member States and their influence on the drafting of that common position. Particularly relevant in the case of the NPT is the level of congruence amongst Member States' interests. As indicated in the introduction to this article the NPT represents a challenge for the EU due to the highly divergent interests of its own Member States. More explicitly the EU Member States since 1995 have represented a raft of divergent positions on the issues of nuclear disarmament and the use of nuclear energy particularly. The EU is comprised not only of eleven NATO-members, two of which are nuclear-weapons states and with four Member States hosting NATO strategic weapons, but it also has neutral Member States, several of which are strongly and consistently against nuclear weapons. On the issue of nuclear disarmament the EU is notably divided with Member States that occupy two sides of a spectrum: the UK and France on the one hand as nuclear-weapon states and pro-disarmament states including Ireland, Sweden and Austria on the other. On the issue of nuclear energy the EU is also highly divided with pro-nuclear energy Member States such as France standing in opposition to strong opponents of nuclear energy such as Austria, and with a wealth of diverging and more moderate views in-between.

It is perhaps not therefore coincidental that the EU common position since 1995 has been less interest-based and more norm-driven, particularly in terms of the EU's preferences for 'effective multilateralism'. This is clear particularly in the way the EU common positions have been framed, with reference to the pursuit of universal accession to the NPT and other multilateral arms control treaties, focusing on ensuring compliance, tackling issues of

⁵⁷ See Müller, "A Treaty in Troubled Waters...", *op. cit.*, pp. 33-44; Müller, "The 2010 NPT Review Conference...", *op. cit.*, pp. 5-18; Johnson, Rebecca: "The NPT Third PrepCom: What Happened and How", *Disarmament Diplomacy*, no. 37 (May 1999), UK, The Acronym Institute for Disarmament Diplomacy.

⁵⁸ See Fischer et al., *op. cit.*; Muller et al., "From Cacophony to Joint Action...", *op. cit.*; Potter, *op. cit.*, pp. 19-31.



withdrawal, and in its broader ‘support for the system’. This is significant as whilst this approach has limited the EU’s ambitions within the NPT negotiations, it has also enabled the EU to take on some role where it otherwise might have been redundant – enabling the EU to act as an NPT Champion in the pursuit of consensus, premised on its multilateralist strengths, in order to support and strengthen the regime, but without going against Member State sensitivities in this highly strategic environment.

4.2. EU Institutional Factors

Institutional developments within the EU may also be seen to have had a shaping role on EU performance within the NPT. Most obvious perhaps, but important to highlight, is that the EU does not have legal competence to act for its Member States on nuclear matters. Consequently EU representation within the NPT has, since 1995, been premised on a coordination model whereby the Member States agree to coordinate their positions and act in concert as ‘EU’ but where Member States retain their own membership of the NPT and may continue to speak and negotiate on their own behalf. This has enabled the EU to perform as EU but at a very basic level. With Member States pursuing sovereign interests, often over and above the concerted EU actions, this has limited the EU’s capacity to negotiate with an influence particularly on its unity as an actor, its outreach and significance to decision-making, and consequently its effectiveness. However, the issue of competence has also been a consistent variable in this case study. It cannot therefore explain why EU performance has fluctuated, or why the EU has at times in fact performed above expectation as was evident in the 1995 extension decision and in 2010. Can other institutional factors therefore contribute to this explanation?

On-going efforts towards institutional integration do suggest some explanatory power of EU integration and improvements in its NPT performance. For example, the Treaty on European Union in 1992 may help explain the EU’s success in the indefinite extension campaign in 1995. Firstly, the TEU was important in establishing the Common Foreign and Security Policy (CFSP) which set out the requirement for Member States to coordinate on all matters of foreign and security policy including in international organisations and conferences⁵⁹. This was not only significant for Member State concerted action for indefinite extension but also importantly led to French accession to the NPT in advance of the 1995 RevCon⁶⁰ and enabling the EU to campaign as ‘EU’. Secondly, the TEU also importantly enabled the institutional mechanism by which the EU Member States could formally coordinate their position. The Council’s agreement of a Joint Action in 1994 was the first binding obligation by the Member States to coordinate and work together in the NPT, setting precedence for NPT negotiations to follow.

Subsequent treaty reforms have however made little difference to the EU’s capacity to negotiate within the NPT and further integration efforts have had limited influence on its negotiation positioning. For example, in 2003 the EU Member States agreed the European Union Strategy Against the Proliferation of Weapons of Mass Destruction⁶¹. The strategy outlined, for the first time, the need for a coherent EU Action Plan to address the threat of

⁵⁹ TEU (1992) J2.3.

⁶⁰ France initially refused to sign the NPT on the grounds that nuclear disarmament could not ensure French security. It laid aside its objections when the EU CFSP came into force thus enabling the EU to partake in the 1995 RevCon with all its Member States as States Parties to the NPT.

⁶¹ Council of the European Union (2003): “EU strategy against proliferation of Weapons of Mass Destruction”, (10 December 2003), Brussels, 15708/03, at <http://register.consilium.europa.eu/pdf/en/03/st15/st15708.en03.pdf>.



nuclear proliferation. In it, the strategy emphasised that ‘effective multilateralism’ was the cornerstone of EU efforts in combating the proliferation of WMD and that it would pursue the universalisation of multilateral treaties, including the NPT, and putting particular emphasis on compliance with those treaties⁶². Despite suggesting an enhanced EU role in the non-proliferation regime, the EU’s WMD Strategy did not have much of an impact on the EU’s 2005 NPT common position⁶³. Instead, the 2005 common position was merely a reiteration of previously stated objectives suggesting little impact of the WMD strategy on EU NPT performance. Changes from the 2009 Lisbon Treaty may however offer some explanation of the EU’s improved performance in 2010, particularly with the participation of the EEAS within the EU’s delegation. Whilst 2010 was a transitional phase for the Lisbon Treaty⁶⁴, with the EEAS expected to move to a leading role in the EU delegation within the NPT by 2015, the presence of the EEAS as a supportive arm to the Council Presidency may certainly be attributed as a positive influencing factor on the EU’s improved unity and coordination.

4.3. Structural Conditions

Broader structural conditions may also be seen as influencing the EU’s performance in the NPT review negotiations over this period. This is especially evident in relation to the balance of power within the negotiation environment which may be seen as a constraining factor on EU performance in this forum. As a negotiation environment the NPT is dominated by the strategic and security interests of 190 States Parties which, when looked at through realist-lenses, are dominated by the interests of the nuclear weapon-states. A spectrum of divergent positions is then identified between the nuclear haves and have-nots with the P-5 on one side and the NAM, representing the developing world, on the other (see table 1). From a balance of power perspective the EU is therefore oddly placed. As a polity it includes two nuclear-weapon states which, if the EU were state-like would place it as an important player at the table. However, the EU is also made up of mostly non-nuclear weapon Member States. Consequently the EU must present itself as a middle-grounder, bridging the interests of nuclear and non-nuclear powers. Within the NPT however this is already a cluttered middle field with the NAC seeking to play the part of bridge between the west and NAM over pillar I issues, and the G-10 providing a similar specialised role over pillar II and III issues. In terms of opportunity to take on an enhanced role the EU is therefore restricted by competition for the middle-ground on the one hand and by its unique polity preventing it from fulfilling a role as a nuclear or non-nuclear power on the other.

This dynamic can be seen to have affected EU performance on several occasions. In 2000 it was this cluttered middle field which prevented the EU from taking on a more prominent role in endgame bargaining; with the NAC instead involved in brokering a deal with the P-5 to the exclusion of the EU. In 2010 however the NAC had diminished in significance as a key player⁶⁵ which may help explain why the EU was then invited to participate in the final week negotiations enabling it to more effectively play the role of bridge-builder. Another explanation for the EU’s improved bridge-building role in 2010 was the change in the United States’ attitude towards the NPT. Following the United States

⁶² *Ibid.*, p. 6.

⁶³ See Portela, “The EU and the NPT...”, *op. cit.*

⁶⁴ Interview, EU diplomatic source, New York, March 2011, interview, EU Member State official, Geneva, May 2011.

⁶⁵ See Dhanapala, “Evaluating the 2010...”, *op. cit.*, pp. 6; Dhanapala argues that, unlike in the 2000 RevCon, the NAC were not a force in the 2010 RevCon but yielded instead to the more prominent position of the NAM, Interview, senior analyst, NGO, London, April 2011.



mostly negative positioning in the 2005 RevCon⁶⁶ - itself a missed opportunity for the EU to take on an enhanced role - the new Obama Administration, upon taking up office in 2009, indicated a change of track on US nuclear issues, including a more forthcoming attitude to the issue of US nuclear disarmament. This created a renewed positivism in the NPT community and helped to build a consensus environment for a successful outcome in the 2010 RevCon⁶⁷; further contributing to EU consensus-building efforts.

However, as this discussion has suggested, whilst each of these variables offer some explanation of the EU's negotiation performance in the NPT RevCons from 1995 to 2010, they cannot, of themselves, sufficiently explain all facets of the EU's performance during this time. Rather, it is argued that these variables are interconnected, creating multiple and different directions of causality upon EU negotiation performance⁶⁸. A suitable example to demonstrate this argument may particularly be seen in the 2005 RevCon where the reticent behaviour of the United States sparked discussion of the EU's 'potential leadership role'⁶⁹ within the negotiations. The EU's integration efforts in producing the WMD Strategy - in part a response to the United States unilateralist approach to global security post-9/11 - further set the scene for an enhanced EU role. Proponents of a purely structural or institutional approach may expect therefore an enhanced EU performance within the 2005 RevCon. However, the EU's common position remained a status quo document and EU performance in the 2005 RevCon roundly criticised⁷⁰. Whilst the structural and institutional conditions were therefore present, this had not been translated into congruence of Member States' interests with the Member States continuing to push national objectives rather than an ambitious EU action. This brings out two points. First, explanation for EU performance in the context of the NPT - and by implication, multilateral negotiations more generally - must take into consideration all three factors rather than treating them as separate and individual variables. A tapestry of intersecting explanatory variables is therefore to be understood. Second, whilst these interesting variables contribute to explanation of the EU's limited ambition within the NPT, they do also indicate pragmatic positioning by the EU; enabling it to take on some role despite the limitations of its institutional capability, the challenges of its Member States divergent interest, and the difficulties of the negotiation environment.

5. Conclusion

In this article EU performance in the NPT review negotiations has been examined from a longitudinal perspective. It has argued that, despite an early success with its indefinite extension campaign and demonstrating some improvement in the most recent RevCon in 2010, the EU's NPT performance has been beset by significant challenges. Most particularly a major challenge facing the EU in this forum are the limitations of its own negotiation position which restricts the EU to always being a supporter of the system - an NPT Champion - but never a driver of it. Systematically analysing three possible explanatory variables that are seen to influence EU performance in multilateral negotiations - EU interests, institutional developments, and structural conditions - it was further demonstrated that each have played some part in shaping the EU's negotiation position and subsequent performance in the NPT

⁶⁶ See Johnson, "Politics and Protection...", *op. cit.*

⁶⁷ See Johnson, "Assessing the 2010 NPT...", *op. cit.* Interview, EU Member State official, New York, March 2011, interview, third country official, New York, March 2011

⁶⁸ My thanks to an anonymous referee for highlighting this.

⁶⁹ See Müller, "A Treaty in Troubled Waters...", *op. cit.*, pp. 33-44.

⁷⁰ *Ibid.*; Kile, *op. cit.*, pp. 607-638; Johnson, "Politics and Protection...", *op. cit.*



over this period of analysis. The divergence of Member States interests in particular has been shown to have limited the EU's ambitiousness in this forum; with the EU's common position deliberately ambiguous and normatively-driven in an effort to find consensus between highly divided sovereign interests. The lack of EU competence may also be seen to explain the EU's limited negotiation capability whilst structural conditions further limit the EU's capacity to achieve objectives in this field. As has also been argued however, none of these variables can adequately explain EU performance. Rather a tapestry of intersecting variables should be understood with multiple and different directions of causality shaping EU objectives and its performance in achieving them.

This in turn has some wider implications for studies of the EU as an international actor; suggesting particularly the need to keep as broad a lens focused on explanatory variables as possible. It further implies the necessity of analysing EU external relations, not least in the context of multilateral diplomacy, in light of the behaviour of other actors and avoiding therefore EU *qua* the EU explanations only. Finally, it suggests that where the EU speaks of 'effective multilateralism' it does so out of a position of pragmatism rather than simply a limited ambition to do more.