

# A FRESH BREEZE FOR NUCLEAR DISARMAMENT IN EUROPE?

MAKING BEST USE OF THE TREATY ON THE  
PROHIBITION OF NUCLEAR WEAPONS

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# Foreword

With this study, we look to open up and renew the debate in the European Union on nuclear disarmament, at a time when the EU struggles to find its voice. In the context of the expansion and modernisation of nuclear arsenals, and of the entry into force of the Treaty Prohibiting Nuclear Weapons (TPNW), the international security issues of arms control and the elimination of nuclear weapons have gained further prominence.

As we seek to reduce the risks these weapons pose, make good on disarmament obligations and strengthen international regimes and norms, Europeans should strive to support effective nuclear disarmament initiatives, and to do so with the strength and tools of the European Union.

As the authors of this study outline, the European Union can play an important role in reducing this global risk and in furthering a rules-based global governance in this domain. Despite different internal positions, the French nuclear arsenal and the participation of some EU Member States in nuclear sharing agreements with the US, Member States and EU institutions can achieve a singular and constructive EU voice to build on the new ban treaty and enable the EU to gain legitimacy as a global norms promoter.

With the 10th Review Conference of the Nuclear Non-Proliferation Treaty and the First Meeting of States Parties of the TPNW in sight, this study provides EU institutions, EU Member States and all readers with insightful, reflective and bridging ideas to move forward with global nuclear disarmament.

The gains for European security are crucial. The unravelling of arms control agreements and the rise of complex risks linked to technological races and international discords put our security and global peace in jeopardy, with the threat of catastrophic human consequences and irremediable environmental destruction.

In this study, Dr Erästö, Dr Meier, Dr Kütt and Maren Vieluf succeed in opening new paths to explore for the EU to play a meaningful role in nuclear disarmament.



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# Acronyms

|           |   |
|-----------|---|
| 1MSP      | First Meeting of States Parties   |
| APMBC     | Anti-Personnel Mine Ban Convention  |
| CBRN      | Chemical, Biological, Radiological and Nuclear                                    |
| CCM       | Convention on Cluster Munitions   |
| CD        | Conference on Disarmament   |
| CEND      | Creating the Environment for Nuclear Disarmament                                  |
| COE       | Centres of Excellence   |
| CONOP     | Working Party on Non-Proliferation  |
| CTBT      | Comprehensive Nuclear-Test-Ban Treaty   |
| CTBTO     | Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization |
| DNAT      | Delegation for relations with the NATO Parliamentary Assembly                     |
| EP        | European Parliament   |
| EU        | European Union  |
| EURATOM   | European Atomic Energy Community  |
| IAEA      | International Atomic Energy Agency  |
| ICAN      | International Campaign to Abolish Nuclear Weapons                                 |
| IHL       | International Humanitarian Law  |
| INF       | Intermediate-Range Nuclear Forces   |
| IPNDV     | International Partnership for Nuclear Disarmament Verification                    |
| MSP       | Meeting of States Parties   |
| NATO      | North Atlantic Treaty Organization  |
| New START | New Strategic Arms Reduction Treaty   |
| NPDI      | Non-Proliferation and Disarmament Initiative                                      |
| NPT       | Treaty on the Non-Proliferation of Nuclear Weapons                                |
| PfP       | Partnership for Peace   |
| PrepCom   | Preparatory Committee   |
| RevCon    | Review Conference   |
| TPNW      | Treaty on the Prohibition of Nuclear Weapons                                      |
| UK        | United Kingdom  |
| UNGA      | United Nations General Assembly   |
| US        | United States   |

# Executive summary

The entry into force of the Treaty on the Prohibition of Nuclear Weapons (TPNW) on 22 January 2021 provides the European Union (EU), the European Parliament (EP) and EU Member States with an opportunity to advance nuclear disarmament. Europe should seize the momentum created by the new accord, even if this entails controversial and sustained discussions on the role of nuclear weapons in European security.

The TPNW is contentious because it takes a radically different approach to nuclear disarmament when compared to previous treaties. It focuses on the humanitarian dimension of nuclear weapons and their use, rather than on their benefits for national security and strategic stability.

The EU and the EP have consistently advocated reductions of the role and numbers of nuclear weapons and supported the goal of a world free of nuclear weapons. EU Member States, however, remain split on the right approach to nuclear arms control and disarmament. Membership in the North Atlantic Treaty Organization (NATO) is the main dividing line.

Only four EU Member States (Austria, Cyprus, Ireland, and Malta) support the TPNW but there is much sympathy for the humanitarian approach in other European nations. The EP has already engaged in the debate on the TPNW. The 10th Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the first meeting of TPNW States Parties (1MSP), 12-14 January 2022 in Vienna, provide crucial opportunities for Europe to engage constructively with the new disarmament accord.

This report describes the global nuclear landscape; analyses political divides within and among EU Member States on the TPNW; and suggests actions the EU, the EP and governments can take to engage constructively with the TPNW. These actions can increase the credibility of the EU as a supporter of multilateral disarmament and, more importantly, can help to make progress towards a world free of nuclear weapons.

A strategy of “constructive engagement” that takes advantage of the TPNW while addressing concerns about the treaty should focus on three elements:

**Debate and inform.** The EP can be a catalyst and a forum for an open and inclusive debate on the specific merits and shortcomings of the TPNW. The goal of such a discussion, which should take

place at the intergovernmental level but also between parliamentarians, would be the development of a more nuanced position on the TPNW and, by consequence, a more coherent EU approach towards nuclear disarmament.

**Engage and participate.** The TPNW provides the EU with opportunities to broaden its remit on nuclear arms control and disarmament. Thus, the EU could propose nuclear risk reduction measures and steps toward more transparency on nuclear weapons. Interparliamentary diplomacy is one way for the EP to engage with other legislative bodies, such as the NATO Parliamentary Assembly, on nuclear disarmament. The EU and its Member States can also participate in the 1MSP as observers to make their views heard.

**Collaborate and support.** The EU could provide practical and financial support for efforts under the TPNW to assist victims of nuclear weapons and remediate the environmental damage caused by nuclear weapons-related activities.

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# Introduction

The 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW) establishes a comprehensive prohibition of nuclear weapons, including their possession, use and threat of use. By strengthening the stigma around nuclear weapons, the TPNW could catalyse efforts to move towards a world free of nuclear weapons, particularly after the entry into force of the treaty on 22 January 2021. Europeans should use the momentum created by the new treaty wisely.

Currently, deep international divisions over the role of nuclear weapons have culminated in debates over the TPNW. Critics—notably nuclear-armed states and their allies—argue that the treaty further increases the polarization of debates on nuclear weapons and threatens to undermine international stability, to which nuclear deterrence, from their perspective, contributes. For its supporters, the TPNW represents a necessary shift in the predominant discourse on nuclear weapons; by highlighting the catastrophic humanitarian and environmental risks of their use, the treaty questions the alleged security benefits of nuclear weapons and highlights the urgency of nuclear disarmament.

The TPNW has also brought to the surface intra-European divisions that have reduced EU agency in the area of nuclear disarmament. As others have observed, “[t]he EU has never had a unified policy on nuclear disarmament, other than a general commitment towards this goal.”<sup>1</sup> However, there is an increasing need for Europe to address this deficiency and to take a more active role in nuclear disarmament.

First, the two largest nuclear weapon possessors, Russia and the US, have moved away from arms control in recent years. Instead of focusing on diplomatic efforts to reduce the number and roles of nuclear weapons, they and several other countries—including NATO members in Europe—have begun to look for militaristic solutions to security problems and to re-emphasise the alleged security benefits of nuclear deterrence. The collapse of the Intermediate-Range Nuclear Forces (INF) Treaty in 2019 is a particularly stark example of this trend.

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<sup>1</sup> Nielsen, J. and Hanson, M., ‘The European Union and the Humanitarian Initiative in the 2015 Non-Proliferation Treaty Review Cycle’, EU Non-Proliferation and Disarmament Papers no. 41, December 2014, <https://www.non-proliferation.eu/wp-content/uploads/2018/10/jennynielsenmariannehanson54856428912ca.pdf>, p. 17.



Second, the TPNW's entry into force makes it difficult to paper over divisions on nuclear disarmament among and within EU Member States. Europe is the region most opposed to the TPNW. But three EU Member States have joined the treaty. Several governments face domestic pressure to engage more constructively or even to accede to it. Non-TPNW States Parties, including those from the EU, will need to decide whether or not to observe the first meeting of TPNW States Parties (1MSP), 12-14 January 2022. Even if Europeans will continue to have different national policies on the TPNW, there is a need to accommodate these differences as part of a broader European approach towards nuclear disarmament. Coming to terms with the TPNW would be in line with the 2016 Global Strategy, which states that the Union "will seek to widen the reach of international norms, regimes and institutions" and that it "will strongly support the expanding membership, universalisation, full implementation and enforcement of multilateral disarmament, non-proliferation and arms control treaties and regimes."<sup>2</sup> Indeed, remaining silent on a multilateral accord that has entered into force and is supported by the majority of countries in the world would be at odds with these commitments.

Third, the internal disagreements of the EU on the TPNW reduce its influence in the nuclear non-proliferation regime. The EU has a vested interest in strengthening the 1968 Nuclear Non-Proliferation Treaty (NPT). Addressing the lack of progress on disarmament is a necessary precondition to achieving that goal. To prevent divisions over the TPNW from further weakening the nuclear non-proliferation regime, the EU and its Member States have a responsibility to weigh in on the relationship between the two treaties more constructively and to promote the mutual compatibility of the treaties.

Fourth, traditional European responses to the disarmament divide appear ineffective or outdated. The established division of labour, whereby NATO is responsible for deterrence and arms control while the EU focuses on the multilateral nuclear agenda, is getting blurred. The Alliance has voiced its strong opposition to the TPNW, thus raising its profile on multilateral issues.<sup>3</sup> At the same time, some European states openly challenge existing nuclear deterrence policies. Furthermore, the EU is aspiring to more "strategic autonomy"—a concept which might not be compatible with outsourcing key nuclear policy issues to NATO.<sup>4</sup> Settling for the lowest common denominator also appears unfeasible given the deep divisions between TPNW supporters and the more nuclear deterrence-minded EU Member States.

Instead of falling back on these old patterns and evading the debate on the TPNW, the European Parliament (EP), the EU and Member States should actively engage with the treaty and work

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2 European Union, 'Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy', June 2016, [https://eeas.europa.eu/sites/eeas/files/eugs\\_review\\_web\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/eugs_review_web_0.pdf), pp. 41-42.

3 NATO, 'North Atlantic Council Statement on the Treaty on the Prohibition of Nuclear Weapons. Press Release (2017)135, 20 September 2017, [https://www.nato.int/cps/ua/natohq/news\\_146954.htm](https://www.nato.int/cps/ua/natohq/news_146954.htm); NATO, 'North Atlantic Council Statement as the Treaty on the Prohibition of Nuclear Weapons Enters Into Force', Press release (2020)131, 15 December 2020, [https://www.nato.int/cps/en/natohq/news\\_180087.htm](https://www.nato.int/cps/en/natohq/news_180087.htm).

4 Meier, O. 'Yes, We Can? Europe Responds to the Crisis of Multilateral Arms Control', European Leadership Network, November 2020.

together to address the related divisions. While the EP is also affected by internal divisions, it has a track record of supporting negotiations on nuclear disarmament. The EP also provides a central forum for debate and it can act as an initiator of policy changes.<sup>5</sup> For example, the EP in 2016 passed a resolution on nuclear security and non-proliferation that welcomed the outcome of the Open-Ended Working Group taking forward multilateral nuclear disarmament negotiations and thus helped to pave the way for the start of negotiations on the TPNW in 2017.<sup>6</sup>

Indeed, this report argues that the TPNW provides an opportunity for Europe to address its long-standing ambiguity on the role of nuclear weapons and to build up European agency in nuclear disarmament. The 27 EU Member States —consisting of one nuclear weapon state and both allied and non-allied non-nuclear weapon states— represent a microcosm of the positions of the 191 NPT States Parties on key non-proliferation and disarmament issues. Breaking the European inertia on nuclear disarmament through inclusive and open-ended debates could have a significant global impact as well.

In many ways, the role of Europe is key for the future of the TPNW. More than 30 states on the continent remain opposed to the treaty. That means that 75 percent of all states that oppose the treaty are in Europe. To put it another way: the TPNW is more likely to become a global and universal norm if Europeans begin to engage constructively with and to support the treaty.

This report first provides the background to the TPNW in section 2, and then briefly describes the positions of EU Member States on the treaty in section 3. Noting that official government positions might eventually be shaped by domestic debates, section 4 focuses on key arguments for and against the TPNW mainly based on a 2017 study commissioned by Sweden on the implications of accession to the treaty. Finally, section 5 provides policy recommendations for the EP, the EU and its Member States, focusing in particular on opportunities for engagement at the forthcoming 10th NPT Review Conference (RevCon) and the 1MSP.

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5 Portela, C., 'Nuclear Arms Control Regimes: State of Play and Perspectives', In-Depth Analysis no. EP/EXPO/SEDE/FWC/2017-01/03, European Parliament, Directorate General for External Policies of the Union, December 2020, p. 29.

6 European Parliament, European Parliament Resolution of 27 October 2016 on Nuclear Security and Non-Proliferation (2016/2936(RSP)).

# Background to the TPNW

This section describes how the problems in the implementation of the disarmament pillar of the NPT contributed to the negotiation of the TPNW in 2017. It also discusses the so-called “humanitarian process” that led up to the TPNW negotiations, noting that intra-European divisions on nuclear disarmament were visible already at this early stage.

## 1. How the disarmament pillar of the NPT turned out to be the weakest

The negotiation of the TPNW was preceded by long-term frustration with the lopsided implementation of the NPT. The NPT consists of three pillars —nuclear non-proliferation, peaceful use of nuclear energy and nuclear disarmament. The first two of those pillars have been implemented with considerable success. In line with their NPT-based commitment never to acquire nuclear weapons, the non-nuclear weapon states have accepted International Atomic Energy Agency (IAEA) verification, which has enabled them to benefit from peaceful uses of nuclear energy. However, the third pillar of the NPT, disarmament, remains largely unimplemented.

Disarmament obligations under the NPT are based on Article VI of the treaty. The article commits all States Parties, including the five nuclear weapon states (China, France, Russia, the United Kingdom (UK) and the United States) “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”<sup>7</sup> Unlike the non-proliferation commitments of the non-nuclear weapon states, however, this article lacks both a verification mechanism and time limits, making it difficult to assess the compliance of nuclear weapon states with the NPT.

Yet, 51 years after the NPT’s entry into force, the majority of NPT States Parties argues that the five nuclear weapon states have not lived up to their disarmament commitments. Russia and the US —the two states with the largest nuclear arsenals— significantly cut their stockpiles after the Cold War. But the pace of reductions has since slowed down. The two countries still possess more

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7 Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT), opened for signature 1 July 1968, entered into force 5 Mar. 1970, INFCIRC/140, 22 Apr. 1970, <http://www.iaea.org/Publications/Documents/Treaties/npt.html>.

than 90 percent of the estimated 13 100 nuclear weapons in the world, whereas the arsenals of the other nuclear-armed states are mostly below 300 (see Table 1). Instead of reducing the role of nuclear weapons, all nuclear-armed states—including the NPT outliers India, Israel, North Korea and Pakistan—are modernising their nuclear arsenals.<sup>8</sup> In addition, five NATO allies, Belgium, Germany, Italy, the Netherlands and Turkey, host US non-strategic nuclear weapons, and 25 other US allies rely on extended deterrence provided by US nuclear weapons.<sup>9</sup>

The two states with the largest nuclear weapon arsenals have a special responsibility to cut their arsenals. Yet, US-Russian arms control diplomacy has been in deadlock since the agreement on the 2010 New Strategic Arms Limitation Treaty (New START). The weak accountability of nuclear weapon states within the NPT has also been highlighted by their lacklustre implementation of specific disarmament steps unanimously agreed upon by NPT States Parties at the 1995, 2000 and 2010 Review Conferences. Among others, these steps include the ratification of the 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the negotiation of a new treaty limiting the production of fissile materials for nuclear weapons.

TABLE 1: WORLD NUCLEAR FORCES

| COUNTRY        | YEAR OF FIRST NUCLEAR TEST | DEPLOYED WARHEADS <sup>a</sup> | TOTAL INVENTORY |
|----------------|----------------------------|--------------------------------|-----------------|
| RUSSIA         | 1949                       | 1 600                          | 6 257           |
| UNITED STATES  | 1945                       | 1 800 <sup>b</sup>             | 5 550           |
| CHINA          | 1964                       | –                              | 350             |
| FRANCE         | 1960                       | 280                            | 290             |
| UNITED KINGDOM | 1952                       | 120                            | 195             |
| PAKISTAN       | 1998                       | –                              | 165             |
| INDIA          | 1974                       | –                              | 160             |
| ISRAEL         | ..                         | –                              | 90              |
| NORTH KOREA    | 2006                       | –                              | 40              |
| <b>TOTAL</b>   |                            | <b>3 800</b>                   | <b>13 100</b>   |

.. = not applicable or not available;

– = zero.

<sup>a</sup> Deployed warheads are placed on missiles or located on bases with operational forces.

Non-deployed warheads are kept in storage, with some of them awaiting dismantlement.

<sup>b</sup> This figure includes 100 non-strategic nuclear bombs deployed in the territory of five NATO allies.

Sources: Kristensen, H. and Korda, M., Federation of American Scientists Nuclear Notebook 2021, <https://fas.org/issues/nuclear-weapons/nuclear-notebook/> and SIPRI Yearbook chapter on World nuclear forces, January 2020.

8 Stockholm International Peace Research Institute, *SIPRI Yearbook 2020: Armament, Disarmament and International Security* (Oxford University Press: Oxford, 2020).

9 The 27 NATO allies that are defined as non-nuclear weapon states under the NPT are all under the US nuclear umbrella. In the Asia-Pacific, the US nuclear umbrella covers Australia, Japan, and South Korea.

## 2. The humanitarian process and the role of the EU

Widespread frustration with the implementation of NPT commitments, combined with concern over growing risks of nuclear weapon use, gave rise to the so-called humanitarian process in the 2010s. Civil society groups, notably the International Committee of the Red Cross, had long stressed the catastrophic humanitarian consequences of nuclear weapons and the inability of relief agencies to provide adequate emergency response.<sup>10</sup> The issue was first raised in the NPT context at the 2010 RevCon and States Parties expressed in the Final Document “deep concern at the continued risk for humanity represented by the possibility that these weapons could be used and the catastrophic humanitarian consequences that would result from the use of nuclear weapons.”<sup>11</sup> The EU had entered the Review Conference with a common position that many saw as a platform for agreement among NPT States Parties on the Final Document.<sup>12</sup>

During the preceding five-year review period, NPT States Parties made a number of joint statements on the topic both within the NPT and at the United Nations General Assembly (UNGA). In 2013/14, three international conferences in Norway (Oslo); Mexico (Nayarit) and Austria (Vienna) highlighted the humanitarian and environmental impact of nuclear weapons, the risk of accidental nuclear war, and the lack of adequate victim assistance capacity. Around the same time, new studies found that even a limited nuclear war could lead to global nuclear winter and famine.<sup>13</sup> In this context, more and more countries began to see the need for a more comprehensive legal norm against nuclear weapons, which eventually led to the negotiation of the TPNW in 2017.

It was also during the humanitarian process that signs of intra-European divisions on nuclear disarmament became more pronounced. Until then, Europeans had been able to downplay such divisions by emphasising the EU consensus on non-proliferation issues and pointing the finger at the two states with the largest nuclear arsenals, Russia and the US. However, the idea of universally stigmatising nuclear weapons —regardless of who possesses them— was at odds with the security policy of most EU Member States who, either through NATO membership or their national security policies, rely on nuclear deterrence for their security.<sup>14</sup>

The European divide on nuclear disarmament stood out at the First Committee of the UNGA in 2014, when most EU Member States did not subscribe to the “humanitarian statement”, according

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10 Loye, D. and Coupland, R. ‘Who Will Assist the Victims of Use of Nuclear, Radiological, Biological or Chemical Weapons – and How?’, *International Review of the Red Cross* (89/866), June 2007.

11 2010 NPT Review Conference, ‘Final Document’, NPT/CONF.2010/50 (Vol. I), para. 80.

12 Council of the European Union, Decisions, ‘Council Decision 2010/212/CFSP of 29 March 2010 relating to the position of the European Union for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons’, 10 April 2010. See also Portela C., ‘The EU’s Arms Control Challenge. Bridging Nuclear Divides’, *European Union Institute for Security Studies*, Chaillot Paper no. 166, April 2021, [https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP\\_166.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_166.pdf), p. 16.

13 Robock, A., L. Oman, G. Stenchikov, O. Toon, C. Bardeen and R. Turco, ‘Climatic Consequences of Regional Nuclear Conflicts’, *Atmospheric Chemistry and Physics*, vol. 7, no. 8 (April 2007); Helfand, I., ‘Nuclear Famine- Two Billion People At Risk? Global Impacts of Limited Nuclear War on Agriculture, Food Supplies and Human Nutrition’, *International Physicians for the Prevention of Nuclear War/Physicians for Social Responsibility*, 2013, <https://www.ipnw.org/wp-content/uploads/2020/07/2013-Nuclear-Famine.pdf>.

14 Of the 28 EU Member States at the time, 22 belonged to NATO. Of these, France and the UK possess nuclear weapons, whereas Belgium, Germany, Italy, and the Netherlands host US nuclear weapons on their territory.

to which nuclear weapons must never be used again, “under any circumstances”, and that the use of nuclear weapons could only be prevented through “their total elimination”.<sup>15</sup> Only four EU Member States endorsed the Austrian-sponsored “humanitarian pledge”—which went further than the humanitarian statement by calling for “effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons.”<sup>16</sup>

France, the UK and the other P5 states regarded the humanitarian process as a diversion from what they viewed as the more practical steps needed to take forward nuclear disarmament.<sup>17</sup> France boycotted all three conferences on the humanitarian consequences of nuclear weapons.<sup>18</sup> The UK participated in the 2014 Vienna conference but remained critical of the humanitarian approach. London explained that it did not share the view that “nuclear weapons *per se* are inherently unacceptable” but rather believed that they “have helped to guarantee our security, and that of our allies, for decades.”<sup>19</sup> This position was in sharp contrast to the Austrian and Irish positions which highlighted the urgency of nuclear disarmament. Most EU members attended all three conferences and were “guarded supporters” of the humanitarian approach. They saw benefits in the humanitarian initiative but at the same time faced “a difficult balancing act in managing their calls for disarmament with their perceived security interests.”<sup>20</sup>

These diverging views negatively impacted the performance of the EU at the 2015 NPT RevCon.<sup>21</sup> Previously, common positions had provided a platform for the EU to engage with the broader international community. Sometimes they constituted a focal point for broader agreement among NPT States Parties.<sup>22</sup> In 2015, for the first time, EU Member States failed to agree on common language on nuclear disarmament. In the 2015 Council Decision prepared for the 9th NPT RevCon,

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15 Seven EU Member States (Austria, Cyprus, Denmark, Finland, Ireland, Malta, and Sweden) joined the statement. See Reaching Critical Will, ‘UNGA 69: First Committee. Joint Statement on the Humanitarian Consequences of Nuclear Weapons’, 20 October 2014, [https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com14/statements/20Oct\\_NewZealand.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com14/statements/20Oct_NewZealand.pdf).

16 The pledge was supported by Austria, Cyprus, Ireland, and Malta. See Federal Ministry, Republic of Austria, [https://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14vienna\\_update\\_pledge\\_support.pdf](https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14vienna_update_pledge_support.pdf).

17 United Kingdom, ‘Foreign and Commonwealth Affairs Written Question – Answered on 6th March 2013’. <https://www.theyworkforyou.com/wrans/?id=2013-03-06a.145921.h>; France, ‘Statement at the NPT Review Conference 2015’, [https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/1May\\_France.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/1May_France.pdf).

18 23 EU Member States participated at the Oslo conference. At the Nayarit conference that number was 20 and, at Vienna, 27. See Nielsen and Hansen (note 1) and Federal Ministry, Republic of Austria, [https://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14\\_participants.pdf](https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_participants.pdf).

19 United Kingdom, ‘Statement at the NPT Review Conference 2015’, [https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May\\_UK.pdf](https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom14/statements/2May_UK.pdf).

20 Nielsen and Hansen (note 1).

21 “Beyond the presentation of statements and working papers, EU action remained negligible, which contrasts with the bridge building and consensus-seeking role that characterised the EU in previous editions.” Dee, M. cited by Portela (note 12).

22 For example, the successful engagement of the EU in 1995 for an indefinite extension of the NPT was a milestone of efforts to pursue a more integrated European non-proliferation policy. Portela, C., ‘The Role of the EU in the Non-Proliferation of Nuclear Weapons. The Way to Thessaloniki and Beyond’, Peace Research Institute Frankfurt, PRIF Reports No. 65, [https://www.hsfk.de/fileadmin/HSFK/hsfk\\_downloads/prif65.pdf](https://www.hsfk.de/fileadmin/HSFK/hsfk_downloads/prif65.pdf), p. 3.

the EU conceded to the lack of consensus by noting “the ongoing discussions on the consequences of nuclear weapons, in the course of which different views are being expressed, including at an international conference organized by Austria, *in which not all EU Member States participated*.”<sup>23</sup> Behind this agreement to disagree was an open rift between Austria and Ireland, who supported the humanitarian process, on the one side, and France and the United Kingdom, who were critical of the disarmament movement, on the other. At the RevCon, EU statements merely affirmed the importance of Article VI of the NPT and stressed the need for “an overall reduction in the global stockpile of nuclear weapons” but made no reference to the humanitarian process.<sup>24</sup>

Subsequently, national positions on the humanitarian initiative and on the TPNW exposed the deepening rift within the EU on nuclear disarmament. The EU has carefully avoided mentioning the TPNW directly, even after its entry into force.<sup>25</sup> The February 2021 statement of the EU at the Geneva-based Conference on Disarmament (CD) simply notes that Europeans remain “committed to a progressive and pragmatic approach in achieving nuclear disarmament and [...] believe that the Treaty on the Non-Proliferation of Nuclear Weapons remains the best route to work towards a world without nuclear weapons, with no shortcuts in the process.”<sup>26</sup> Such bland statements, which fail to even acknowledge the existence of the TPNW, undermine the role of the EU at the NPT, hampering any efforts to resume its role as a mediator within the regime.

***Box 1: Key events and EU/EP policy statements on nuclear disarmament and non-proliferation***

- 1990 European Communities (EU predecessor) attended an NPT RevCon for the first time
- 2003 European Security Strategy and EU Strategy against the proliferation of Weapons of Mass Destruction
- 2004 EP resolution on “Nuclear Disarmament” (P5\_TA(2004)0112)
- 2010 EU facilitates agreement at 2010 NPT RevCon, including on Disarmament Action Plan
- 2016 EU Global Strategy for the European Union's Foreign and Security Policy of the EU
- 2016 EP resolution inviting EU Member States to support the convening of the TPNW negotiations (P8\_TA(2016)0424)
- 2016 UNGA resolution 71/258 on commencing TPNW negotiations
- 2017 TPNW negotiations and opening for signature at the UNGA
- 2021 TPNW entry into force

23 Council of the European Union, ‘Council Conclusions on the Ninth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (8079/15)’, 20 April 2015 (emphasis added).

24 European Union, ‘Statement at the NPT Review Conference 2015’, [https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/28April\\_EU.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/revcon2015/statements/28April_EU.pdf).

25 At the 2020 UN GA First Committee, for example, the EU stayed mum on the TPNW. See EU General Statement, United Nations General Assembly First Committee, 75<sup>th</sup> Session, 9 October 2020, [https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com20/statements/9Oct\\_EU.pdf](https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com20/statements/9Oct_EU.pdf).

26 Ministry of Foreign Affairs, Portugal, ‘Statement on Behalf of the European Union at the Conference on Disarmament’, 2021, <https://nuoi.missaoportugal.mne.gov.pt/en/statements/2021/desarm-statement-by-h-e-the-minister-of-state-and-for-foreign-affairs-at-the-hls-of-the-conference-on-disarmament>.

# Member States

EU Member States' positions on the TPNW span a range of views. Austria and France are placed at the far ends of the political spectrum, with Vienna being a key initiator of the accord and Paris a staunch opponent. Most European countries fall somewhere in between. This chapter describes the positions of EU Member States on the TPNW based on their official statements and behaviour—that is, voting on relevant resolutions at the UNGA; participation in humanitarian conferences and TPNW negotiations; as well as TPNW signature and ratification. (For a comprehensive picture of such behaviour, see table 2). In addition, attention is drawn to the role of national parliaments, which have sometimes challenged the official government positions on the TPNW.

## 1. TPNW States Parties

Three EU members—Austria, Ireland and Malta—have ratified the TPNW. Austria and Ireland spearheaded the efforts leading to the adoption of the TPNW by initiating or (co-)sponsoring relevant negotiations, initiatives, and resolutions. Austria hosted the third conference on the humanitarian consequences of nuclear weapons in 2014 and issued the adjacent humanitarian pledge. After participating in the TPNW negotiations in 2017, both countries signed the treaty on the day it was opened for signature, 20 September 2017.

Before signing the treaty, the Austrian Foreign Minister stressed the risks involved in nuclear deterrence, arguing that the assumption that “nuclear weapons are necessary for security [...] is not only wrong, it is dangerous.”<sup>27</sup> Austria ratified the treaty on 8 May 2018.

The Irish Minister of State at the Department of Foreign Affairs said in 2019 that, “[a]s the most powerful and most indiscriminate weapons of mass destruction ever invented, nuclear weapons should have no place in the security doctrine of any state and their very existence threatens us all.”<sup>28</sup> Ireland is the first country to adopt national legislation to implement the TPNW, through the

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27 Austria, ‘Statement by H.E. Mr. Sebastian Kurz, Federal Minister for Europe, Integration and Foreign Affairs of Austria at the 72nd UN General Assembly’, 19 September 2017, [https://gadebate.un.org/sites/default/files/gastatements/72/at\\_en.pdf](https://gadebate.un.org/sites/default/files/gastatements/72/at_en.pdf).

28 Irish Minister of State at the Department of Foreign Affairs, ‘Prohibition of Nuclear Weapons Bill 2019: Second Stage’, 19 September 2019, <https://www.oireachtas.ie/en/debates/debate/dail/2019-09-19/19/>.



“Prohibition of Nuclear Weapons Act” in 2019.<sup>29</sup> It deposited its instrument of ratification of the TPNW on 6 August 2020, the anniversary of the atomic bombing of Hiroshima.

Malta did not attend the first two humanitarian conferences but did participate in the TPNW negotiations and voted for the adoption of the treaty. On 21 September 2020, Malta became the third EU Member State to ratify the TPNW. Upon ratification, the Maltese Ministry of Foreign and European Affairs stated that the goal of the TPNW “to achieve a world free of nuclear weapons [...] is also a guiding principle of Malta’s foreign policy.”<sup>30</sup>

Since 2018, Austria, Ireland, and Malta – together with Cyprus – have been the only EU Member States voting for the UNGA resolution that supports the TPNW and calls on all states to accede to the treaty.<sup>31</sup>

These positions held by Austria, Ireland and Malta do not appear to conflict with their participation in NATO’s Partnership for Peace (PfP). This programme of practical bilateral cooperation between Euro-Atlantic countries and the Alliance is sometimes seen as an obstacle to TPNW membership in the national debates of other EU countries (see section 4).<sup>32</sup>

## 2. TPNW non-States Parties

NATO allies rely on nuclear deterrence and they collectively oppose the TPNW.<sup>33</sup> It is therefore hardly surprising that there is a correlation between the positions of EU Member States on the TPNW and NATO membership. No NATO ally has joined the TPNW. However, domestic factors have contributed to variations in the allies’ positions on the TPNW. Among those EU Member States that are outside of NATO, Cyprus, Finland and Sweden have not acceded to the TPNW.

### 2.1 NATO ALLIES

Following the exit of the UK from the EU, France remains the only nuclear weapon state—and the strongest TPNW opponent— within the EU. As noted above, Paris boycotted all three conferences on the humanitarian impact of nuclear weapons. It has also consistently been absent or voted against UNGA resolutions on the TPNW. Together with the other NPT nuclear weapon states,

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29 Houses of the Oireachtas, ‘Prohibition of Nuclear Weapons Act’, Number 40 of 2019, <https://data.oireachtas.ie/ie/oireachtas/act/2019/40/eng/enacted/a4019.pdf>.

30 Ministry of Foreign and European Affairs of Malta, ‘Malta Ratifies the Treaty on the Prohibition of Nuclear Weapons’, 21 September 2020, <https://foreignandeu.gov.mt/en/Government/Press%20Releases/Pages/Malta-ratifies-the-Treaty-on-the-Prohibition-of-Nuclear-Weapons.aspx>.

31 United Nations Resolutions: A/RES/73/48, 2018, <https://digitallibrary.un.org/record/1655649?ln=en>; A/RES/74/41, 2019, <https://digitallibrary.un.org/record/3846410?ln=en>; A/RES/75/40, 2020, <https://digitallibrary.un.org/record/3895451?ln=en>; and corresponding Voting Results: 2018, <https://digitallibrary.un.org/record/1655347?ln=en>; 2019, <https://digitallibrary.un.org/record/3839978?ln=en>; 2020, <https://digitallibrary.un.org/record/3893808?ln=en>.

32 NATO, ‘Partnership for Peace Programme’, [https://www.nato.int/cps/en/natohq/topics\\_50349.htm](https://www.nato.int/cps/en/natohq/topics_50349.htm).

33 NATO (note 3).

France has repeatedly condemned the TPNW. The P5 argue that the TPNW has a negative impact on the non-proliferation and disarmament regime and they explicitly reject the possibility that the treaty could contribute “to the development of customary international law” or that it would set new standards or norms.<sup>34</sup> In 2020, French President Emmanuel Macron stated that the TPNW “will not create any new obligations for France” and argued that “disarmament only has meaning if it is part of a historical process to limit violence” and that the French “deterrence strategy is actually contributing to this.”<sup>35</sup>

As host nations of US non-strategic nuclear weapons under NATO nuclear sharing arrangements, EU Member States Belgium, Germany, Italy, and the Netherlands appear to be unlikely candidates for TPNW membership. While these four countries participated in all three humanitarian conferences, they have been critical of the TPNW. Their official positions against the TPNW have nevertheless been challenged domestically, including at the parliamentary level.

For example, the Dutch parliament in April 2015 tasked “the government to participate in substance, without prejudging the final outcome, in international talks on a treaty to ban nuclear weapons”.<sup>36</sup> The Netherlands was the only NATO ally to attend the 2017 TPNW negotiations - and it was also the only state to vote against the adoption of the treaty. The Hague argued that the TPNW was “incompatible” with Dutch NATO membership, contained “inadequate verification provisions” and undermined the NPT.<sup>37</sup>

**Belgium** also argues that the TPNW “is not the right tool to achieve [its] objectives of initiating global, reciprocal and gradual efforts [in multilateral nuclear disarmament].”<sup>38</sup> In January 2020, a motion in the Belgian parliament for the withdrawal of US nuclear weapons and the signature of the TPNW was defeated by a vote of 74:66.<sup>39</sup> Yet, an agreement of the seven-party government coalition in September 2020 included a pledge to investigate how the TPNW could give new mo-

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34 Government of the United Kingdom, ‘P5 Joint Statement on the Treaty on the Non-Proliferation of Nuclear Weapons’, 24 October 2018, <https://www.gov.uk/government/news/p5-joint-statement-on-the-treaty-on-the-non-proliferation-of-nuclear-weapons>.

35 President of France, ‘Speech of the President of the Republic on the Defense and Deterrence Strategy’, 7 February 2020, <https://www.elysee.fr/en/emmanuel-macron/2020/02/07/speech-of-the-president-of-the-republic-on-the-defense-and-deterrence-strategy>.

36 See Government of The Netherlands, ‘Nucleaire Ontwapening en Non-Proliferatie’ [Nuclear Disarmament and Non-Proliferation], 28 April 2015, <https://zoek.officielebekendmakingen.nl/kst-33783-19.html> (translation by authors).

37 Explanation of Vote of the Netherlands on Text of Nuclear Ban Treaty, 7 July 2017, <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/07/Netherlands-EoV-Nuclear-Ban-Treaty.pdf>.

38 Belgium Ministry of Foreign Affairs, Foreign Trade and Development Cooperation, ‘Belgium Committed to Non-Proliferation and Nuclear Disarmament’, Press Statement, 7 December 2020, [https://diplomatie.belgium.be/en/newsroom/news/2020/belgium\\_committed\\_non\\_proliferation\\_and\\_nuclear\\_disarmament](https://diplomatie.belgium.be/en/newsroom/news/2020/belgium_committed_non_proliferation_and_nuclear_disarmament).

39 Belgian Chamber of Representatives, Plenary Session 16 January 2020, <https://www.lachambre.be/doc/PCRI/PDF/55/ip020.pdf>.

mentum to multilateral nuclear disarmament.<sup>40</sup> This position is at odds with the NATO line which holds that the TPNW is counterproductive for efforts to reduce the salience of nuclear weapons.

Germany, too, argues that the TPNW is not the right instrument to achieve a nuclear weapons-free world.<sup>41</sup> Recently, however, Berlin has somewhat softened its opposition to the treaty; while the government's 2019 annual disarmament report criticized the TPNW for contributing to polarization in the NPT, the 2020 edition explicitly recognizes the motivations of TPNW supporters, and shares the concern about the lack of progress on nuclear disarmament.<sup>42</sup> The Green and Socialist opposition parties in the German parliament have tabled motions to join the treaty.<sup>43</sup> With parliamentary elections in September 2021, the TPNW also has found its way into the election platforms of several major parties.<sup>44</sup>

In December 2016, Italy voted for the UNGA resolution 71/258 on the commencement of negotiations on the TPNW but afterwards explained that this had been a procedural mistake.<sup>45</sup> In September 2017, the Italian parliament passed a motion to explore “the possibility of adhering to the legally binding treaty” but “in a way compatible with [Italy's] NATO obligations and with the positioning of allied states.” The government has subsequently taken no action to move closer to the treaty.<sup>46</sup>

In 2018, a minority government in **Spain** agreed to sign the TPNW.<sup>47</sup> However, it failed to act upon this commitment.

The other 15 European NATO allies—**Bulgaria, Croatia, Czech Republic, Denmark, Estonia,**

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40 Government of Belgium, ‘Accord de Gouvernement. Pour une Belgique Prospère, Solidaire et Durable’ [Government Accord. For a Prosperous, United and Sustainable Belgium], 30 September 2020, [https://www.belgium.be/sites/default/files/Accord\\_de\\_gouvernement\\_2020.pdf](https://www.belgium.be/sites/default/files/Accord_de_gouvernement_2020.pdf), p. 77.

41 German Federal Foreign Ministry, ‘Jahresabrüstungsbericht 2020’ [Annual Disarmament Report 2020], <https://www.auswaertiges-amt.de/blob/2455360/0845c2fa465cd616a2f5498378b219f9/jab2020-data.pdf>.

42 German Federal Foreign Ministry (note 41).

43 German Bundestag, ‘Drucksache 19/25811. Dem Atomwaffenverbotsvertrag der Vereinten Nationen Beitreten’ [Printed Matter 19/25811. Accession to the United Nations Treaty on the Prohibition of Nuclear Weapons], Motion of Bündnis 90/Die Grünen, 13 January 2021, <https://dserver.bundestag.de/btd/19/258/1925811.pdf>.

German Bundestag, ‘Drucksache 19/26172. Beitritt der Bundesrepublik Deutschland zum Atomwaffenverbotsvertrag’ [Printed Matter 19/26172. Accession of the Federal Republic of Germany to the Treaty on the Prohibition of Nuclear Weapons], Motion of Die Linke, 26 January 2021, <https://dip21.bundestag.de/dip21/btd/19/261/1926172.pdf>.

44 For example in the draft election platform of Bündnis 90/Die Grünen, [https://cms.gruene.de/uploads/documents/2021\\_Wahlprogrammwurf.pdf](https://cms.gruene.de/uploads/documents/2021_Wahlprogrammwurf.pdf), p. 132.

45 Estonia also mistakenly voted for that resolution. United Nations, General Assembly Official Records, 71<sup>st</sup> Session, 23 December 2016, [https://digitallibrary.un.org/record/860989/files/A\\_71\\_PV-68-EN.pdf](https://digitallibrary.un.org/record/860989/files/A_71_PV-68-EN.pdf), p.17.

46 Italian Parliament, High Chamber, ‘Mozione 1-01699’ [Motion 1-01699], <http://aic.camera.it/aic/scheda.html?numero=1-01699&ramo=C&leg=17>.

47 The statement was part of an exchange agreement with the non-governing party PODEMOS to ensure their votes for the annual budget, see International Campaign to Abolish Nuclear Weapons, ‘Spain’, <https://www.icanw.org/spain>.

Greece, Hungary, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovakia, and Slovenia—have consistently supported the NATO approach on the TPNW. They typically argue for “a process of gradual reduction of nuclear weapons, taking into account legitimate national and international security concerns”, as stated by Portugal in 2018.<sup>48</sup> None of these countries supported UNGA resolutions on the TPNW although many of them participated in the conferences on the humanitarian consequences of nuclear weapons.

## 2.2 NON-NATO MEMBERS

Cyprus, Finland, and Sweden also remain outside the TPNW. Because they are non-NATO members, accession to the TPNW would not require that these states fundamentally reorient their security policies. However, the potential future NATO membership of Finland and Sweden, as well as their security cooperation under the PFP, are sometimes viewed as obstacles.

Cyprus has been a strong supporter of the TPNW negotiations and the humanitarian process and it has signed the humanitarian pledge. Cyprus also participated in the TPNW negotiations and voted for the treaty. It is unclear why it has nevertheless remained outside of the TPNW.

The Nuclear Ban Monitor categorizes Finland and Sweden as “undecided” vis-à-vis the TPNW.<sup>49</sup> Helsinki and Stockholm participated in the humanitarian conferences but did not sign the humanitarian pledge.

Finland was absent from the TPNW negotiations after having abstained from the relevant UNGA resolution. The government calls for a “pragmatic approach with concrete steps in nuclear disarmament” and Finnish officials have argued that the TPNW will not lead to the elimination of a single nuclear weapon.<sup>50</sup> In 2018, the foreign affairs committee of the Finnish parliament recommended that the government “continue to analyse the contents of the treaty.”<sup>51</sup> Three of the five current government coalition parties support the signature, including several ministers.<sup>52</sup>

Sweden voted in favour of UNGA resolution 71/258 and participated in the TPNW negotiations. While Sweden also voted for the adoption of the TPNW, it has not signed the treaty. According to the government, the TPNW did not meet its expectations regarding several issues, including

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48 Statement by Portugal, First Committee of the United Nations General Assembly, 22 October 2018, <https://www.un.org/disarmament/wp-content/uploads/2018/11/statement-by-portugal-nw.pdf>.

49 Nuclear Weapons Ban Monitor, ‘The obligation to adopt national implementation measures’, <https://banmonitor.org/positive-obligations-1/the-obligation-to-adopt-national-implementation-measures>.

50 Finland, ‘Statement at the NPT Review Conference Preparatory Committee 2019’, <http://statements.unmeetings.org/media2/21491756/finland.pdf>; and Saarikoski, J. ‘Onko ydinaseet kieltävä YK-sopimus kuollut kirjain vai ase-riisunnan uusi alku? Suomen ulkoministeriö ja rauhanliike ovat tästä eri linjoilla’ [‘Is the UN treaty banning nuclear weapons a dead letter or a new beginning for disarmament? The Finnish Ministry for Foreign Affairs and the peace movement are on different lines’], *Uutiset*, 31 October, 2020, <https://yle.fi/uutiset/3-11618616>.

51 International Campaign to Abolish Nuclear Weapons, ‘Finland’, <https://www.icanw.org/finland>.

52 Tuomioja, E., ‘It is time to end our reliance on nuclear weapons’, European Council on Foreign Relations, 2020, <https://ecfr.eu/article/it-is-time-to-end-our-reliance-on-nuclear-weapons>.

safeguards standards and the TPNW’s relationship with the NPT and the CTBT.<sup>53</sup> Yet, Sweden has confirmed that it will participate in the 1MSP as an observer.<sup>54</sup>

Since 2018, both Sweden and Finland have abstained from voting on the annual UNGA resolution supporting the TPNW. Most EU Member States regularly vote against that resolution.

### 3. Other European countries

Looking beyond the EU borders, several European states support the TPNW. **San Marino** and the **Holy See** are States Parties, whereas **Liechtenstein** has signed the TPNW and intends to accede to the treaty. **Andorra**, **Azerbaijan**, and **Moldova** remain non-signatories but have consistently voted for the TPNW at the UNGA.

**Armenia**, **Belarus**, **Georgia**, **Kosovo**, **Serbia**, **Switzerland** and **Ukraine** do not have a clear policy on the treaty.<sup>55</sup>

NATO ally **Norway** was active in the humanitarian process and has hosted the 2013 conference on the consequences of nuclear weapons. Yet, Oslo did not support the TPNW negotiations and it opposes accession to the treaty. As noted above, the **United Kingdom** did participate in one of the humanitarian conferences but, like most P5 countries, it remains strictly opposed to the TPNW.

TABLE 2: THE PARTICIPATION OF EU MEMBER STATES IN THE HUMANITARIAN PROCESS, THE TPNW AND RELEVANT UNGA VOTES

| COUNTRY        | OSLO 2013 <sup>i</sup> | NAYARIT 2014 <sup>ii</sup> | VIENNA 2014 <sup>iii</sup> | HUMAN-ITARIAN PLEDGE 2014 <sup>iv</sup> | VOTE ON RES. 71/258 2016 <sup>v</sup> | TPNW NEGOTIATIONS 2017 <sup>vi</sup> | VOTE ON TPNW ADOPTION 2017 <sup>vii</sup> | TPNW (STATE PARTY) |
|----------------|------------------------|----------------------------|----------------------------|---|---------------------------------------|--------------------------------------|---|--------------------|
| Austria        | x                      | x                          | x                          | x                                       | Yes                                   | x                                    | Yes                                       | x                  |
| Belgium        | x                      | x                          | x                          |   | No                                    |                                      |   |                    |
| Bulgaria       |                        | x                          | x                          |   | No                                    |                                      |   |                    |
| Croatia        | x                      |                            | x                          |   | No                                    |                                      |   |                    |
| Cyprus         |                        |                            | x                          | x                                       | Yes                                   | x                                    | Yes                                       |                    |
| Czech Republic | x                      | x                          | x                          |   | No                                    |                                      |   |                    |
| Denmark        | x                      | x                          | x                          |   | No                                    |                                      |   |                    |
| Estonia        | x                      | x                          | x                          |   | Yes*                                  |                                      |   |                    |
| Finland        | x                      | x                          | x                          |   | Abst.                                 |                                      |   |                    |
| France         |                        |                            |                            |   | No                                    |                                      |   |                    |
| Germany        | x                      | x                          | x                          |   | No                                    |                                      |   |                    |

53 Government of Sweden, ‘Explanation of Vote’, 7 July 2017, <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/07/170707-EoV-Sweden.pdf>.

54 AFP/The Local, ‘Sweden declines to sign UN nuclear ban treaty’, 12 July 2019, <https://www.thelocal.se/20190712/sweden-declines-to-sign-un-nuclear-treaty/>.

55 Nuclear Weapons Ban Monitor, ‘Tracking Progress Towards a World Free of Nuclear Weapons’, <https://banmonitor.org/>.

| COUNTRY         | OSLO 2013 <sup>i</sup> | NAYARIT 2014 <sup>ii</sup> | VIENNA 2014 <sup>iii</sup> | HUMANITARIAN PLEDGE 2014 <sup>iv</sup> | VOTE ON RES. 71/258 2016 <sup>v</sup> | TPNW NEGOTIATIONS 2017 <sup>vi</sup> | VOTE ON TPNW ADOPTION 2017 <sup>vii</sup> | TPNW (STATE PARTY) |
|-----------------|------------------------|----------------------------|----------------------------|--|---------------------------------------|--------------------------------------|---|--------------------|
| Greece          | x                      | x                          | x                          |  | No                                    |                                      |   |                    |
| Hungary         | x                      | x                          | x                          |  | No                                    |                                      |   |                    |
| Ireland         | x                      | x                          | x                          | x                                      | Yes                                   | x                                    | Yes                                       | x                  |
| Italy           | x                      | x                          | x                          |  | Yes*                                  |                                      |   |                    |
| Latvia          | x                      |                            | x                          |  | No                                    |                                      |   |                    |
| Lithuania       | x                      |                            | x                          |  | No                                    |                                      |   |                    |
| Luxembourg      | x                      |                            | x                          |  | No                                    |                                      |   |                    |
| Malta           |                        |                            | x                          | x                                      | Yes                                   | x                                    | Yes                                       | x                  |
| The Netherlands | x                      | x                          | x                          |  | Abst.                                 | x                                    | No  |                    |
| Poland          | x                      | x                          | x                          |  | No                                    |                                      |   |                    |
| Portugal        | x                      |                            | x                          |  | No                                    |                                      |   |                    |
| Romania         | x                      | x                          | x                          |  | No                                    |                                      |   |                    |
| Slovakia        | x                      | x                          | x                          |  | No                                    |                                      |   |                    |
| Slovenia        | x                      | x                          | x                          |  | No                                    |                                      |   |                    |
| Spain           | x                      | x                          | x                          |  | No                                    |                                      |   |                    |
| Sweden          | x                      | x                          | x                          |  | Yes                                   | x                                    | Yes                                       |                    |

\*Subsequently, Estonia and Italy informed the UN Secretariat that they had intended to vote no (note 45).

i [https://www.regjeringen.no/globalassets/upload/ud/vedlegg/hum/hum\\_participants.pdf](https://www.regjeringen.no/globalassets/upload/ud/vedlegg/hum/hum_participants.pdf)

ii <https://www.reachingcriticalwill.org/images/documents/Disarmament-foa/nayarit-2014/Participants.pdf>

iii [https://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14\\_participants.pdf](https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14_participants.pdf)

iv [https://www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14vienna\\_update\\_pledge\\_support.pdf](https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Abruestung/HINW14/HINW14vienna_update_pledge_support.pdf)

v On 23 December 2016, UNGA decided to commence negotiations on “a legally binding instrument to prohibit nuclear weapons. United Nations General Assembly, “Taking forward multilateral nuclear disarmament negotiations”, A/RES/71/258, 23 <https://undocs.org/A/RES/71/258>.

vi <https://www.un.org/disarmament/tpnw/participants.html>

vii United Nations Conference to Negotiate a Legally Binding Instrument to Prohibit Nuclear Weapons, Leading Towards their Total Elimination, 7 July 2017 - Voting results on L.3/Rev.1: [https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/07/A.Conf\\_.229.2017.L.3.Rev\\_.1.pdf](https://s3.amazonaws.com/unoda-web/wp-content/uploads/2017/07/A.Conf_.229.2017.L.3.Rev_.1.pdf)

## Domestic debates on the TPNW

Domestic debates in EU Member States on the TPNW continue and may well lead to policy changes. These discussions reflect fault lines observable at the levels of government, national parliaments and within the EU. To enable constructive debates on the TPNW among different actors, it is essential to critically examine key arguments for and against the treaty. This section takes a closer look at some of those arguments, drawing from national studies on potential TPNW membership commissioned in Sweden, Switzerland and Norway<sup>56</sup> after the treaty opened for signature in September 2017. These studies recommended the respective governments not to join the TPNW.

Particular attention is paid to the Swedish inquiry, which is the most comprehensive study of its kind conducted by an EU member state. The findings of the inquiry — which was assigned by the Swedish Ministry of Foreign Affairs to Lars-Erik Lundin, a retired Swedish career diplomat<sup>57</sup> — have been contested in Swedish domestic debates. Parallel to the official investigation, two Swedish Non-Governmental Organizations conducted a “Shadow Inquiry”, which compiled statements from experts, activists and practitioners, including ambassadors Hans Blix and Rolf Ekeus, in favour of Swedish accession to the TPNW.<sup>58</sup>

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56 Lundin, L.-E., ‘Utredning av konsekvenserna av ett svenskt tillträde till konventionen om förbud mot kärnvapen’ [‘Inquiry into the consequences of a Swedish accession to the Treaty on the Prohibition of Nuclear Weapons’], 2019, [https://www.regeringen.se/48f047/contentassets/55e89d0a4d8c4768a0cabf4c3314aab3/rapport\\_l-e\\_lundin\\_webb.pdf](https://www.regeringen.se/48f047/contentassets/55e89d0a4d8c4768a0cabf4c3314aab3/rapport_l-e_lundin_webb.pdf); Federal Department of Foreign Affairs, Switzerland, ‘Report of the Working Group to Analyse the Treaty on the Prohibition of Nuclear Weapons,’ 30 June 2018, [https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/sicherheitspolitik/2018-bericht-arbeitsgruppe-uno-TPNW\\_en.pdf](https://www.eda.admin.ch/dam/eda/en/documents/aussenpolitik/sicherheitspolitik/2018-bericht-arbeitsgruppe-uno-TPNW_en.pdf); Norwegian Ministry of Foreign Affairs, ‘Review of the Consequences for Norway of Ratifying the Treaty on the Prohibition of Nuclear Weapons,’ 2018, [https://www.regjeringen.no/en/dokumenter/review\\_tpnw/id2614520/](https://www.regjeringen.no/en/dokumenter/review_tpnw/id2614520/).

57 Swedish Ministry of Foreign Affairs, ‘Tillsättande Av Utredning För Att Analysera Konventionen Om Ett Kärnvapenförbud’ [‘Appointment of an inquiry to analyse the Convention on the Prohibition of Nuclear Weapons’], 23 October 2017, <https://www.regeringen.se/pressmeddelanden/2017/10/tillsattande-av-utredning-for-att-analysera-konventionen-om-ett-karnvapenforbud/>.

58 Svenska Läkare mot Kärnvapen and Internationella Kvinnoförbundet för Fred och Frihet, ‘I Skuggan Av Makten: Skuggutredning Till Utredning Av Konsekvenserna Av Ett Svenskt Tillträde Till Kärnvapenförbudskonventionen’ [‘In the Shadow of Power – Shadow Investigation to Investigation of the consequences of a Swedish accession to the Nuclear Non-Proliferation Treaty’], 2018, <https://ikff.se/wp-content/uploads/2018/09/i-skuggan-av-makten.pdf>.

## 1. The compatibility of the TPNW with national security policies

The impact of TPNW membership on national security policies is widely debated within European states. Among other things, Article 1 of the TPNW prohibits its members from encouraging other states to engage in activities proscribed by the treaty. This prohibition would prevent NATO allies from taking part in extended nuclear deterrence arrangements. While not written in the North Atlantic Treaty, the practice of extended nuclear deterrence is enshrined in the political statements of the alliance, such as the 2010 Strategic Concept and Summit Declarations.<sup>59</sup>

The prohibition on assistance is a concern even for countries outside of the alliance. In 2017, when Sweden's then-Foreign Minister Margot Wallström stated the intent to sign the TPNW,<sup>60</sup> she argued that such a step would not affect Sweden's security relationships. In contrast, the Lundin inquiry concludes that Swedish accession to the TPNW would undermine its security cooperation with neighbours and NATO allies. It would be perceived as a fundamental criticism of NATO's nuclear strategy, thus also endangering cooperation with the alliance on other levels.<sup>61</sup> This assessment was arguably influenced by a 2017 letter to the Swedish Defense Ministry from the then-US Secretary of Defense, which warned that joining the TPNW would have negative implications for military cooperation between Sweden, the US, and NATO.<sup>62</sup>

Similar national security concerns are raised in the Swiss and Norwegian studies, as well as in debates in other EU countries. For example, in its annual disarmament report of 2020, the German government states that the TPNW is incompatible with Germany's NATO commitments.<sup>63</sup>

Participation in extended nuclear deterrence relationships is incompatible with the TPNW. However, there is a debate whether simultaneous NATO and TPNW memberships seem possible at least from a legal perspective. This question may have significant implications for EU Member States that are part of NATO or those who wish to keep open the option of joining the Alliance, such as Sweden and Finland. Their concerns about TPNW accession undermining security cooperation with NATO would seem unfounded insofar as TPNW States Parties Austria, Ireland, Malta and Kazakhstan continue to be PfP participants.

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59 NATO, 'Active Engagement, Modern Defence - Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization', 2010, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_publications/20120214\\_strategic-concept-2010-eng.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_publications/20120214_strategic-concept-2010-eng.pdf); NATO, 'Brussels Summit Declaration', 11 July 2018, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2018\\_07/20180713\\_180711-summit-declaration-eng.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_07/20180713_180711-summit-declaration-eng.pdf); Egeland, K., 'Spreading the Burden: How NATO Became a 'Nuclear' Alliance', *Diplomacy & Statecraft*, vol. 31, no. 1, pp. 143-167.

60 Swedish Ministry of Foreign Affairs, 'Wallström: A nuclear-weapon-free world is achievable', 29 August 2017, <https://www.government.se/articles/2017/08/wallstrom-a-nuclear-weapon-free-world-is-achievable/>.

61 Lundin (note 56), p. 45ff.

62 Woody, C., 'Mattis reportedly threatened Sweden with retaliation over signing a nuclear-weapons ban', *Business Insider*, 5 September 2017, <https://www.businessinsider.com/mattis-threatened-sweden-over-a-nuclear-weapons-ban-treaty-2017-9?r=DE&IR=T>.

63 German Federal Foreign Office (note 41).



## 2. Added value for Disarmament and Non-Proliferation policies

The Swedish study finds that accession could be seen as giving up Stockholm's prior objections to the TPNW, whereby it would lose leverage on TPNW members.<sup>64</sup> The report also argues that TPNW accession would curtail Sweden's opportunities to cooperate with European and other countries opposed to the TPNW on non-proliferation and disarmament measures. The Swiss study similarly finds that TPNW membership would question the country's "approach of building bridges."<sup>65</sup> The Norwegian inquiry, in turn, stresses that the success of disarmament agreements depends on nuclear weapon state membership and support, and therefore the TPNW - which lacks any such support - is not an adequate instrument to achieve Norway's disarmament and non-proliferation policy.

These arguments typically remain silent on the shortcomings of the existing disarmament and arms control policies, which are often limited by national security interests. Progress on nuclear disarmament based on "gradual approaches" of arms control have largely failed to materialize.

Most EU governments do not support the TPNW as an effective disarmament and non-proliferation instrument. But often, the views of parliamentarians, citizens and former officials differ from the position of their governments. In several EU Member States, opinion surveys of the general public indicate strong support for banning nuclear weapons and accession to the TPNW.<sup>66</sup> Several hundred members of national parliaments in Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Slovenia, Spain and Sweden have signed a pledge by the International Campaign to Abolish Nuclear Weapons (ICAN) to work for signature and ratification of the TPNW.<sup>67</sup> Furthermore, a group of former presidents, prime ministers and foreign ministers—including officials from 15 EU Member States—called upon their countries to join the TPNW in an open letter in September 2020.<sup>68</sup>

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64 During the negotiations, Sweden proposed a total number of 20 amendments to the treaty text, of which only one was accepted.

65 Federal Department of Foreign Affairs, Switzerland (note 56), p. 9.

66 See for example the YouGov polls commissioned by ICAN in 2018 in Belgium, Netherlands, Germany and Italy, [https://d3n8a8pro7vhm.cloudfront.net/ican/legacy\\_url/1383/YouGov\\_ICAN\\_EUNATOTPNW2018.pdf?1582639785](https://d3n8a8pro7vhm.cloudfront.net/ican/legacy_url/1383/YouGov_ICAN_EUNATOTPNW2018.pdf?1582639785) and in 2021 in Belgium, Denmark, Iceland, Italy, the Netherlands, and Spain, [https://d3n8a8pro7vhm.cloudfront.net/ican/pages/234/attachments/original/1611134933/ICAN\\_YouGov\\_Poll\\_2020.pdf?1611134933](https://d3n8a8pro7vhm.cloudfront.net/ican/pages/234/attachments/original/1611134933/ICAN_YouGov_Poll_2020.pdf?1611134933).

67 International Campaign to Abolish Nuclear Weapons, 'Pledge', <https://pledge.icanw.org/>.

68 'Open Letter in Support of the Treaty on the Prohibition of Nuclear Weapons', 21 September 2020, [https://d3n8a8pro7vhm.cloudfront.net/ican/pages/1712/attachments/original/1600645499/TPNW\\_Open\\_Letter\\_-\\_English.pdf](https://d3n8a8pro7vhm.cloudfront.net/ican/pages/1712/attachments/original/1600645499/TPNW_Open_Letter_-_English.pdf).

### 3. Assisting nuclear weapon states – a potential compliance issue?

The NPT prohibits nuclear weapon states from providing assistance to non-nuclear weapon states for the development and production of nuclear weapons. The TPNW explicitly extends this obligation to non-nuclear weapon states. The Swedish, Swiss, and Norwegian governmental studies all discuss this new additional obligation. The Swedish study finds that compliance with the assistance provision could be difficult in cases where EU regulations allow exports of items that would be illegitimate in the Swedish understanding of the TPNW.<sup>69</sup> Although it is unknown whether Sweden or other EU members currently engage in such exports, Austria, Ireland and Malta clearly do not consider such a broader understanding of export control restrictions to be a problem.

### 4. Verification mechanisms in the TPNW

The Swedish study concludes that the TPNW suffers from a lack of verification mechanisms, in particular regarding non-proliferation. The TPNW requires States Parties to conclude a Comprehensive Safeguards Agreement (INFCIRC/153) with the IAEA, but not an Additional Protocol (INFCIRC/540) to such safeguards. The NPT also does not make the conclusion of an Additional Protocol mandatory.

The Additional Protocol was introduced in the aftermath of revelations about Iraq's secret nuclear weapon programme in 1997. The protocol gives the Agency additional tools to detect undeclared nuclear materials or activities.<sup>70</sup> Currently, 65 percent of the TPNW members have an Additional Protocol in force, a slightly smaller fraction than among the NPT States Parties (72 percent).

Article 3 of the TPNW also requires States Parties to maintain the level of safeguards inspections present at the time of ratification. Thus, while the treaty does not require the highest possible safeguard standard, it will also not undermine existing safeguards agreements.

### 5. The TPNW and other international treaties

The preamble of the TPNW explicitly mentions the NPT as the cornerstone of the nuclear disarmament and non-proliferation regime and refers to the CTBT. Its Article 18 also states that “the implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the treaty.”

Noting that membership in the NPT is not a precondition for joining the TPNW, the Swedish study raises the concern that TPNW States Parties could leave the NPT. The study also suggests that the sole focus of the TPNW on nuclear disarmament could undermine the NPT “bargain”

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69 Lundin (note 56), cf. Section 4.5.

70 International Atomic Energy Agency, ‘The Additional Protocol’, <https://www.iaea.org/sites/default/files/sg-ap.pdf>.

based on the three pillars of non-proliferation, disarmament and peaceful use of nuclear energy.<sup>71</sup> Similar arguments about the potential incompatibility between the NPT and the TPNW have been raised by TPNW critics in other EU countries. However, others deny the existence of such incompatibility. For example, a recent study by the research services of the German parliament concluded that the NPT and the TPNW are not only legally compatible but would actually reinforce each other.<sup>72</sup>

The Swedish study also criticises the TPNW for not requiring States Parties to join the CTBT. Yet, the CTBT, which was negotiated 25 years ago, is still not in force. The Preparatory Commission of the treaty organization in Vienna (CTBTO) conducts valuable verification work. The TPNW supports the norm against nuclear testing by being the first treaty in force to prohibit all types of nuclear tests.

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71 Lundin (note 56), p. 39.

72 Research Services of the German Bundestag, 'Zum rechtlichen Verhältnis zwischen Atomwaffenverbotsvertrag und Nichtverbreitungsvertrag' ['On the Legal Relationship between the Treaty on the Prohibition of Nuclear Weapons and the Non-Proliferation Treaty'], WD 2 - 3000 - 111/20, 2021, <https://www.bundestag.de/resource/blob/814856/28b27e2d04faabd4a4bc0bfd0579658c/WD-2-111-20-pdf-data.pdf>.



## **Policy recommendations: making best use of the TPNW for nuclear disarmament**

The TPNW has become a key reference point in the debate about nuclear disarmament. Along with other factors listed in the introduction of this report, it calls for a more extensive discussion on disarmament policies at the level of the EU, the EP and EU Member States. As UN Secretary-General António Guterres noted in his 2018 Disarmament Agenda, “[d]espite the differences over the [TPNW], the frustrations and concerns that underlie it must be acknowledged and addressed.”<sup>73</sup>

To be sure, efforts to address European divisions on the TPNW and, more generally, on nuclear weapons will be arduous. EU Member States represent a broad spectrum of views on nuclear weapons, with seemingly irreconcilable differences between the extremes. While the TPNW brings these divergences to light, it is not their root cause. Rather, they can be traced to different interests, cultures, historical experiences and alliance relationships of EU Member States. Differences also exist at the domestic level, as demonstrated by ongoing debates on national nuclear disarmament policies even in countries whose governments have charted a clear course against the TPNW.

By stressing the need for governments, legislatures and political parties to actively engage in relevant debates and justify their positions, the TPNW already seems to have triggered long-overdue European discussions on nuclear weapons. Attempts to evade, delay and obfuscate that debate may ultimately backfire, possibly leading to demands for radical policy shifts. In short: “instead of vilifying the TPNW, the EU could promote an interpretation of the Ban Treaty that emphasises compatibility with the NPT and encourages gradual progress towards disarmament.”<sup>74</sup>

The following policy recommendations provide guidance for the EU, EU Member States and the EP for developing their policies on nuclear disarmament and the TPNW, focusing in particular on the upcoming 10th NPT RevCon in New York and the 1MSP of the TPNW in Vienna in January 2022.

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73 United Nations, Secretary General, ‘Securing Our Common Future. An Agenda for Disarmament’, <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2018/06/sg-disarmament-agenda-pubs-page.pdf#view=Fit>, p. 19.

74 Portela (note 12).

## 1. The TPNW at the 10th NPT RevCon: options for the EU

The EU has a vested interest in a successful outcome of the 10th NPT RevCon. There are a number of steps that EU Member States and the EU can take in order to find a common voice on nuclear disarmament at the meeting.

### 1.1 ADOPTING A MORE NUANCED EU POSITION ON THE TPNW BEFORE THE 10TH REVCON

Prior to the RevCon, EU Member States should stop tiptoeing in Brussels around their differences over the TPNW. While fundamental political differences will not be easily reconciled, the EU should take a more nuanced position on the TPNW, with a view to identify areas of agreement, along with those areas where they continue to disagree or need further clarification. Such a differentiated assessment would help to improve the credentials of the EU as a bridge-builder within the global non-proliferation regime.<sup>75</sup> The difficult quest for greater convergence on nuclear disarmament is also mandated by the Treaty on the European Union,<sup>76</sup> which calls on Member States to “coordinate their action in international organisations and at international conferences.”<sup>77</sup>

The Working Party on Non-Proliferation (CONOP), which prepares Council Decisions for the NPT RevCon<sup>78</sup> could be a useful forum for such a discussion. For example, CONOP participants could discuss the compatibility of the TPNW with the NPT and the strengths and weaknesses of the TPNW’s verification provisions.

In parallel, the EP could try to unpack the different aspects of the TPNW in a set of hearings. These could focus, for example, on the legal relationship of the TPNW with the NPT and other treaties and EU regulations supporting the implementation of the TPNW’s positive obligations. The EP might also want to commission a comprehensive study on the role of the treaty in nuclear disarmament, similar to the report it commissioned on nuclear arms control.<sup>79</sup>

### 1.2 REDUCING POLARIZATION AND PROMOTING RISK REDUCTION AND TRANSPARENCY AT THE 10TH REVCON

At the RevCon, the EU and Member States should, first of all, seek to reduce polarisation over the TPNW by promoting language that recognizes the entry into force of the treaty and acknowledges the different perspectives on it. Building on the existing *acquis* on the humanitarian consequences

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75 See also Portela (note 12), p. 42.

76 Title V, Article 24(1) of the TEU describes “the achievement of an ever-increasing degree of convergence of Member States’ actions” on questions of general interest as a goal of the Common Foreign and Security Policy. European Union, Consolidated Version of the Treaty on European Union and the Treaty on the Functioning of the European Union, signed on 13 December 2007, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012M/TXT>.

77 European Union (note 77), Title V Article 34(1).

78 European Council, ‘Working Party on Non-Proliferation (CONOP)’, <https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-non-proliferation/>.

79 Portela (note 12).

of nuclear weapons,<sup>80</sup> the EU should suggest that the Final Document recognises the TPNW as a good-faith effort by the majority of states to eliminate the nuclear danger and build up the legal framework for the elimination of nuclear weapons.<sup>81</sup> As Clara Portela has emphasized: “recognising the legitimacy of the treaty objectives does not equate to sympathising with the treaty, let alone to adhering to it.”<sup>82</sup> It is also important to fortify the position of those who argue that the NPT and TPNW are complementary rather than competing treaties. Thus, looking at their relationship and building on the Article 18 of the TPNW, the EU could propose to confirm that the implementation of the TPNW shall not prejudice obligations undertaken with regard to the NPT.

Second, the EU should grasp the opportunity to build on an emerging consensus on nuclear risk reduction at the NPT RevCon. Although risk reduction is an important area of common ground among the NPT membership, substantial differences remain on how risk reduction efforts should be taken forward and how they relate to nuclear disarmament. While nuclear weapon states tend to view the issue in terms of strategic stability based on credible nuclear deterrence, non-nuclear weapons states mostly understand risk reduction in more holistic terms, entailing efforts to address all aspects of nuclear deterrence and nuclear disarmament.<sup>83</sup>

As part of a bridge-building strategy, the EU should support those risk reduction measures that are broadly supported by both sides of this political divide. These include transparency and confidence-building measures, such as de-targeting and de-alerting, which raise the threshold for nuclear weapon use.<sup>84</sup> Europeans should also promote a joint statement along the lines of the Reagan-Gorbachev phrase that “a nuclear war cannot be won and must never be fought.”<sup>85</sup>

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80 Building on the 2010 final document, the 2015 RevCon draft final document contained a number of references to the humanitarian impact of nuclear weapons. However, because the conference failed over disagreement on discussions on a Middle East zone free of nuclear weapons and other weapons of mass destruction, it is not clear whether the language on nuclear disarmament would have commanded consensus. Kimball, D.G., Reif, K., ‘NPT Conference Fails to Reach Consensus’, Arms Control Today, June 2015, [http://www.armscontrol.org/ACT/2015\\_06/News/NPT-Conference-Fails-To-Reach-Consensus](http://www.armscontrol.org/ACT/2015_06/News/NPT-Conference-Fails-To-Reach-Consensus); Berger, A., ‘Gangs of New York: The 2015 NPT RevCon’, European Leadership Network Commentary, May 2015, [http://www.europeanleadershipnetwork.org/gangs-of-new-york-the-2015-npt-revcon\\_2790.html](http://www.europeanleadershipnetwork.org/gangs-of-new-york-the-2015-npt-revcon_2790.html).

81 Kimball, D. G., ‘The Nuclear Ban Treaty: A Much-Needed Wake-Up Call’, Arms Control Today, November 2020, <https://www.armscontrol.org/act/2020-11/focus/nuclear-ban-treaty-much-needed-wake-up-call>.

82 Portela (note 12), p. 38.

83 Kmentt, A., ‘Nuclear Deterrence Perpetuates Nuclear Risks: The Risk Reduction Perspective of TPNW Supporters’, European Leadership Network Commentary, 4 December 2020, <https://www.europeanleadershipnetwork.org/commentary/nuclear-deterrence-perpetuates-nuclear-risks-the-risk-reduction-perspective-of-tpnw-supporters>.

84 Hoell, M., Meier, O., ‘Getting P5 Strategic Risk Reduction Right: What NATO Non-Nuclear-Weapon States Seek From Nuclear-Weapon States’, European Leadership Network Commentary, 23 November 2020, <https://www.europeanleadershipnetwork.org/commentary/getting-p5-strategic-risk-reduction-right-what-nato-non-nuclear-weapon-states-seek-from-nuclear-weapon-states>.

85 The EP recommended that the 10<sup>th</sup> NPT Review Conference reaffirm this statement, see European Parliament, ‘Recommendation to the VPC/HR and to the Council in Preparation of the 10th Non-Proliferation of Nuclear Weapons Treaty (NPT) Review Process, Nuclear Arms Control and Nuclear Disarmament Options, P9\_TA(2020)028, 21 October 2020, [https://www.europarl.europa.eu/doceo/document/TA-9-2020-0281\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2020-0281_EN.html), para. (h).

This would resonate with both TPNW critics and supporters.

Third, the EU should position itself as a champion for greater nuclear transparency. At the 2010 RevCon, NPT States Parties noted “the increased transparency of some nuclear-weapon states with respect to the number of nuclear weapons in their national inventories” and encouraged “all nuclear-weapon States to provide additional transparency in this regard.”<sup>86</sup> The relevance of this issue was highlighted by the UK’s announcement on 16 March 2021 that it will “no longer give public figures for [its] operational stockpile, deployed warhead or deployed missile numbers”. London argued that such ambiguity “contributes to strategic stability.”<sup>87</sup> This position is at odds with the NPT *acquis*.<sup>88</sup> The French nuclear posture is, by comparison, more transparent. This provides the EU with an opportunity to highlight the importance of transparency as a way to foster nuclear disarmament and reduce risks of miscalculation.

### 1.3 LINKING THE NPT AND TPNW INTERSESSIONAL PROCESSES AFTER THE 10TH NPT REVCON

To continue efforts to ensure compatibility between the two treaties, the EU should seek to link the intersessional processes under the NPT and TPNW. Politically, this should be unproblematic as long as TPNW membership remains a subset of NPT membership. For example, the chairs of TPNW meetings of States Parties could be invited to issue formal reports at subsequent NPT Preparatory Committee (PrepCom) meetings and at the 2025 NPT RevCon.

In promoting constructive engagement between the NPT and the TPNW, the EU should build on areas of common ground. In addition to nuclear risk reduction, one such issue is nuclear disarmament education, which is highlighted both in the NPT review process and in the TPNW.<sup>89</sup> European institutions working on nuclear disarmament and non-proliferation issues also have much to contribute to nuclear disarmament education efforts.<sup>90</sup>

It would also be useful if NPT members embarked on a dialogue to address the tension between the requirements of international humanitarian law (IHL) and nuclear weapons doctrines. Ideally,

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86 NPT Review Conference 2010 (note 11), para 94.

87 HM Government, ‘Global Britain in a Competitive Age. The Integrated Review of Security, Defence, Development and Foreign Policy. Presented to Parliament by the Prime Minister by Command of Her Majesty’, March 2021, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/975077/Global\\_Britain\\_in\\_a\\_Competitive\\_Age\\_the\\_Integrated\\_Review\\_of\\_Security\\_Defence\\_Development\\_and\\_Foreign\\_Policy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975077/Global_Britain_in_a_Competitive_Age_the_Integrated_Review_of_Security_Defence_Development_and_Foreign_Policy.pdf).

88 NPT states parties at the 2010 Review Conference encouraged “all nuclear-weapon States to provide additional transparency” on the number of nuclear weapons in their national inventories. See 2010 NPT Review Conference (note 12), para 94.

89 Hilgert, L.-M., Kane, A., Malygina, A., ‘The TPNW and the NPT. Deep Cuts Commission’. Deep Cuts Issue Brief no. 15, Challenges to Deep Cuts Project, January 2021, [https://deepcuts.org/files/pdf/Deep\\_Cuts\\_Issue\\_Brief\\_15-TPNW\\_and\\_NPT.pdf](https://deepcuts.org/files/pdf/Deep_Cuts_Issue_Brief_15-TPNW_and_NPT.pdf).

90 For an overview see Suh, E., ‘Mapping Non-Proliferation and Disarmament Education in Europe’, EU Non-Proliferation and Disarmament Papers, no. 69, September 2020, [https://www.nonproliferation.eu/wp-content/uploads/2020/09/EUNPDC\\_no-69-2.pdf](https://www.nonproliferation.eu/wp-content/uploads/2020/09/EUNPDC_no-69-2.pdf).

this should be done within the NPT framework.<sup>91</sup> The EU could propose that NPT States Parties establish an open-ended working group consisting of representatives from both nuclear weapon states and non-nuclear weapon states, on “ways and means to better integrate IHL into their nuclear weapons-related security concepts, aiming to submit a report to the 2025 RevCon on these issues.”<sup>92</sup> Such an effort could build on agreement at the 2010 RevCon, which had reaffirmed “the need for all States at all times to comply with applicable international law, including international humanitarian law.”<sup>93</sup>

## 2. The first TPNW Meeting of States Parties (1MSP): options for the EU

The first meeting of the TPNW States Parties (1MSP) will take place on 12-14 January 2022 in Vienna. Austrian diplomat Alexander Kmentt, who was one of the driving forces behind the adoption of the treaty, has been designated President of the 1MSP. The choice of Europe as a venue places a special responsibility on Europeans to make the meeting a success —despite the fact that EU Member States represent the majority of TPNW opponents.<sup>94</sup>

The 1MSP will have to lay the ground and set the course for TPNW implementation over the next few years, at least until the second meeting of States Parties. The treaty stipulates that such meetings can consider and take decisions on “application or implementation” of the treaty and “on further measures for nuclear disarmament”, including: (a) the implementation and status of [the TPNW]; (b) measures for the verified, time-bound and irreversible elimination of nuclear-weapons programmes, including additional protocols to [the TPNW]; and (c) any other matters pursuant to and consistent with the provisions of [the TPNW].<sup>95</sup>

The fact that only three Member States have joined the TPNW limits the capacity of the EU to directly shape the agenda or outcome of the 1MSP. However, according to the Treaty on the European Union, states participating in international organisations and at international conferences shall uphold the positions of the EU.<sup>96</sup> A common EU approach towards the TPNW, as outlined above, would thus strengthen Brussels’ voice at the 1MSP in Vienna.

It is not clear how many EU Member States will participate in the 1MSP, either as States Parties, signatory states or as observers. Sweden has indicated that it will observe the 1MSP.<sup>97</sup> In Germany,

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91 Marauhn, T., ‘Reducing the Role of Nuclear Weapons: A Role for International Law’, eds. Burford, L., Suh, E., Meier O., Williams, H. *Meeting in the middle. Opportunities for Progress on Disarmament in the NPT*. King’s College London, Centre for Science Security Studies; Stiftung Wissenschaft und Politik. London, 2019, pp. 3437.

92 Marauhn (note 92).

93 2010 NPT Review Conference (note 11), para. A v.

94 Nuclear Weapons Ban Monitor (note 55).

95 TPNW Article 8.1.

96 European Union (note 77), Title V Article 34(1).

97 Linde, A., ‘Statement of Foreign Policy 2021’, Government of Sweden, Ministry of Foreign Affairs, 24 February 2021, <https://www.government.se/speeches/2021/02/statement-of-foreign-policy/>.



there is a debate about whether Berlin should also participate as an observer.<sup>98</sup>

The EU itself could apply to observe the 1MSP as a relevant international or regional organisation. The European Commission and the EU have observed the first meetings of States Parties to other treaties. These include the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty) in 1999 and the Convention on Cluster Munitions in 2011, even though at the time only some EU Member States were States Parties<sup>99</sup> (see box 2).

The EP in the past has considered sending a parliamentary delegation to meetings of international agreements, e.g. the NPT and the Chemical Weapons Convention.<sup>100</sup> Such an EP delegation to the 1MSP would be a way to show European support for nuclear disarmament and the TPNW.

***Box 2: What the first meetings of States Parties to other humanitarian arms control treaties accomplished***

The TPNW is different from other nuclear arms control, disarmament and non-proliferation accords. In many ways, it resembles humanitarian arms control accords, such as the 1996 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Anti-Personnel Mine Ban Convention, APMBC) and the 2008 Convention on Cluster Munitions (CCM). The initial meetings of States Parties under those accords might therefore provide useful points of reference for what could and should be achieved by the first meeting of States Parties to the TPNW.

The first meetings of States Parties under the APMBC (3-7 May 1999 in Maputo, Mozambique) and under the CCM (Vientiane, Lao PDR, from 9 to 12 November 2010) were preceded by preparatory meetings, some of which were open to non-state parties and observers. The MSPs lasted one week. States Parties adopted three different sets of documents: political declarations; a programme of work for an intersessional process, paving the way for the creation of support structures (implementation support units); and forms to implement reporting obligations.

98 Meier, O., 'Between Rejection and Accession: Germany and the Treaty on the Prohibition of Nuclear Weapons'. Institute for Peace Research and Security Policy at the University of Hamburg, 8 March 2021, <https://ifsh.de/en/news-detail/between-rejection-and-accession-germany-and-the-treaty-on-the-prohibition-of-nuclear-weapons>.

99 Article 8.5 of the TPNW says that "States not party to this Treaty, as well as the relevant entities of the United Nations system, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, shall be invited to attend the meetings of States Parties and the review conferences as observers." Observers have to bear part of the costs of the MSP, based on the UN scale of assessments.

100 European Parliament Resolution on Non-Proliferation of Weapons of Mass Destruction: A Role for the European Parliament (2005/2139(INI)), 17 November 2005, <https://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0439+0+DOC+XML+V0//EN>.

The cost for the first MSP under the APMBC was estimated to be ca. US\$ 1.8 million.<sup>101</sup> The first MSP under the CCM was estimated to cost around US\$ 330,000.<sup>102</sup>

States Parties before and during 1MSP will have to address a number of procedural and institutional questions, including rules of procedure for the meeting. In addition, they could decide to discuss the relation of the TPNW with other UN and international bodies, further implementation of article 4, including the potential establishment of a “competent international authority,” intersessional activities, and steps to be taken with regard to the positive obligations of the treaty (articles 7 and 8).<sup>103</sup>

As the meeting is currently scheduled only for three days, time for substantive discussions at the 1MSP will be limited. TPNW States Parties alone will decide on the MSP’s agenda, prepare decisions to be taken and implement follow-up activities, linked to an intersessional process. It is not clear how TPNW States Parties will prepare for the 1MSP, and it has not been announced whether formal preparatory meetings will be scheduled. The President-designate has argued that online meetings could allow for an inclusive preparatory process that draws on “leading expertise to advise us on all the decisions before us and take them in the most informed manner possible.”<sup>104</sup>

A preparatory process that is open to observers and international organisations would facilitate European input and participation. Opportunities to observe, to speak and to submit documents or working papers to preparatory meetings could provide “on-ramps” for those states still debating their relationship with the new treaty regime. The EU could ask its three Member States that are TPNW States Parties to work towards, participate in and report back on such an open TPNW process.

All EU Member States should also use opportunities to participate in debates around the TPNW before, during and after the 1MSP. Such involvement would be a continuation of the European participation in the three conferences on the humanitarian dimension of nuclear weapons.

Looking beyond these procedural questions, EU Member States and the EU should participate in debates on political issues surrounding the TPNW. Europeans might encourage TPNW States Par-

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101 Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, ‘Estimated Costs for Convening the First Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction’, APLC/MSP.1/1999/L.5, 1999, [https://www.apminebanconvention.org/fileadmin/APMBC/MSP/1MSP/1msp\\_estimated\\_costs\\_en.pdf](https://www.apminebanconvention.org/fileadmin/APMBC/MSP/1MSP/1msp_estimated_costs_en.pdf).

102 Convention on Cluster Munitions, ‘Estimated costs for the First Meeting of States Parties to the Convention on cluster munitions’, CCM/MSP/2010/PM/7/Corr.1, 16 September 2010, <http://daccess-ods.un.org/access.nsf/Get?Open&JN=G1062642>.

103 Graham, K., ‘The TPNW Conference of Parties: What Is to Be Discussed?’, *Journal for Peace and Nuclear Disarmament*, vol. 3, no. 2 (December 2020), pp. 234-252.

104 Cited in Arms Control Today, ‘TPNW States to Meet in January in Vienna, May 2021’, <https://www.armscontrol.org/act/2021-05/news-briefs/tpnw-states-meet-january-vienna>.

ties at the 1MSP to further clarify the treaty's relationship with the NPT. The meaning of Article 18 continues to be a topic of debate, including within EU Member States. To address this point, TPNW States Parties might state that they do not see the TPNW as competing with the NPT.

The TPNW is less institutionalised than comparable regimes, where annual meetings of States Parties take place and permanent implementation support units or organisations assist in treaty implementation. By contrast, meetings of States Parties (MSPs) under the TPNW will take place only every two years and the treaty does not yet have an implementing organisation.<sup>105</sup>

This raises the importance of the intersessional period between the six-yearly TPNW review conferences as a platform for substantive discussions to improve the TPNW's implementation and its universalisation. Thus, Europeans could encourage the establishment of intersessional working groups on concepts that are central to the TPNW but on which they see the need for further clarification because they "remain ambiguous and create confusion."<sup>106</sup> The Netherlands, for example, sought clarification in the TPNW negotiations on terms related to Article 1, such as transfer, assistance, encouraging, inducing, stationing and installation. Sweden supported several of these requests.<sup>107</sup>

To increase linkages and synergies between the TPNW and the NPT, it would be useful to convene NPT PrepComs and TPNW MSPs back-to-back, wherever that would be possible. TPNW States Parties could report back on their meetings to the larger group of NPT members.

### 3. Taking the long view: the EU, nuclear disarmament and the TPNW

The EU, the EP and EU Member States should also look beyond the NPT RevCon and the 1MSP when developing their nuclear disarmament policies. Political parties that work across Europe have a key role to play here because they can help coordinate national positions, involve the broader public and bring issues to the attention of governments in a concerted manner.

#### 3.1 WHAT THE EU CAN DO

First, even if most EU Member States remain non-parties to the TPNW, the Union should facilitate the implementation of the treaty's provisions on victim assistance and environmental remediation. France and the UK conducted all their nuclear weapons tests outside their current European home territories and thus have a special responsibility to address the consequences of their nuclear weapons programmes for humans and the environment<sup>108</sup> The EU—which has a strong record

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105 The 1MSP might decide to set up an Implementation Support Unit, similar to the secretariats established under the APMBC and the CCM.

106 Portela (note 12), p. 38.

107 Meier, O., Suh, E., Cordes, S., 'What Participants in a Nuclear Weapons Ban Treaty (Do Not) Want', *Bulletin of the Atomic Scientists*, June 2017, <https://thebulletin.org/2017/06/what-participants-in-a-nuclear-weapons-ban-treaty-do-not-want>.

108 Israel is possibly a current possessor state to have tested outside its territory. South Africa is a past possessor state

on technical and financial support for the implementation of various international treaties— could contribute to the development of an international policy framework to support the victims of nuclear weapons and remediate environmental damage caused by nuclear weapons testing.<sup>109</sup> The EU could also provide financial or administrative assistance to the TPNW States Parties that are implementing relevant treaty provisions.

The EU Chemical, Biological, Radiological and Nuclear (CBRN) Risk Mitigation Centres of Excellence (COE) might provide channels for such assistance.<sup>110</sup> The EU established the COE in 2010 as a new and innovative instrument to collaborate with partner countries outside the EU on issues related to chemical, biological, nuclear and radiological risk reduction. For example, the COE “collaboration tool” for technical assistance projects relating to CBRN risk mitigation might provide a flexible tool to provide such help outside the EU.<sup>111</sup> However, one must ensure that this does not politicise the work of the COE.

Second, the EU should provide tangible support for ongoing work on nuclear disarmament verification, like several Member States are already doing. The involvement of EU Member States in various verification initiatives cuts across political divisions. For example, representatives from both the EU and its Member States—including France, Belgium, Finland, Germany, Italy, the Netherlands, Poland and Sweden— contributed to the International Partnership for Nuclear Disarmament Verification (IPNDV).<sup>112</sup> Sweden, together with Norway, the United Kingdom and the United States, is also part of the “Quad Initiative”, which studies the role of on-site inspections in nuclear disarmament. Several EU Member States send experts to meetings of the United Nations Group of Governmental Experts on disarmament verification. What is missing, however, is a common EU research agenda on nuclear disarmament verification.<sup>113</sup>

The research of the European Commission’s Joint Research Centre includes work on non-proliferation and safeguards. The EP should work with the European Commission to add nuclear disarmament verification to the list of tasks for the Centre. With the European Atomic Energy Community (EURATOM), the EU also has longstanding expertise in conducting verification, even

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that has not tested on its home territory.

109 It has been suggested that TPNW States Parties “should consider how the international policy framework should support such individuals where assistance is required, and how to assess whether such assistance is required.”

Bolton, M.B.; Minor, E., ‘Addressing the Ongoing Humanitarian and Environmental Consequences of Nuclear Weapons: An Introductory Review’, *Global Policy* vol. 12, no. 1 (January 2021), pp. 81-99.

110 Trapp, R., ‘The EU’s CBRN Centres of Excellence Initiative After 6 Years’, EU Non-Proliferation and Disarmament Papers no. 55, February 2017, <https://www.nonproliferation.eu/the-eus-cbrn-centres-of-excellence-initiative-after-6-years-2/>.

111 Trapp (note 111), pp. 3-4.

112 IPNDV is a track 1.5 initiative of the United States Department of State and the Non-Governmental Organization Nuclear Threat Initiative ([www.ipndv.org](http://www.ipndv.org)).

113 Göttsche, M., Kütt, M., Neuneck, G. and Niemeyer, I., ‘Advancing Disarmament Verification Tools: A Task for Europe?’, EU Non-Proliferation and Disarmament Papers no. 47, October 2015, <https://www.nonproliferation.eu/wp-content/uploads/2018/09/advancing-disarmament-verification-tools-a-task-fo-48.pdf>.

for formerly military fissile material. In the future, it would be important to coordinate EU research and development efforts to gain from these experiences and to establish and secure technical expertise and support capacity-building at large. The EP should work to support such research through special funds as part of the general European Research Council funding efforts.

### **3.2 WHAT THE EUROPEAN PARLIAMENT CAN DO**

The EP should continue to act as a forum for diverse viewpoints on nuclear disarmament and to reach out to other parliaments and parliamentary assemblies to help coordinate policies on which there is agreement. It could seek to address the tension between deterrence and disarmament in a series of hearings involving both TPNW supporters and critics. The EP could also invite France and other NATO allies to explain how the alliance will ensure that nuclear planning takes into account International Humanitarian Law requirements to reduce human suffering in conflict. This could involve further discussion on whether any use of nuclear weapon is incompatible with IHL requirements, as TPNW supporters argue.

Furthermore, the EP could build on its traditional strength of using parliamentary diplomacy to influence the foreign and security policy agenda of the EU.<sup>114</sup> For example, the results of hearings on the TPNW could be used by the EP's delegation to the NATO Parliamentary Assembly (DNAT) to initiate debate within the NATO Parliamentary Assembly. Such interaction could also help to broaden NATO-EU relations, which are currently focused on defence issues, to include a common strategic culture on arms control, disarmament and defence.<sup>115</sup>

### **3.3 WHAT EU MEMBER STATES CAN DO**

As argued above, EU Member States should seek to engage with the TPNW by attending the 1MSP. Such engagement should be sustained over time. Engagement might also take place indirectly, within groups of like-minded states that include TPNW States Parties as well as non-States Parties. In addition to the IPNDV, such groups include the Non-Proliferation and Disarmament Initiative (NPDI), the Stockholm Initiative, and the Creating the Environment for Nuclear Disarmament (CEND) initiative.<sup>116</sup>

Second, those European countries that have not yet done so should conduct studies on the TPNW based on broad input by their respective expert communities and civil society. In addition to responding to domestic demands, such studies would also be helpful for analysing further developments related to the treaty following the 1MSP.

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114 Interaction with other legislatures “provides a channel through which they can sometimes influence the views of parliamentarians from third countries.” Portela (note 12), p. 22.

115 European Parliament, ‘Delegations. Introduction’, <https://www.europarl.europa.eu/delegations/en/dnat/about/introduction>.

116 Clara Portela argues that the EU can “channel” its positions “via the links its members have in influential groupings in the NPT community, notably, the P-5, NAC, NPDI and Seven Nation Initiative”. See Portela (note 12), p. 31.

TABLE 3: THE PARTICIPATION OF EU MEMBER STATES IN GROUPS OF LIKE-MINDED STATES.

| COUNTRY         | IPNDV | NPDI | STOCKHOLM INITIATIVE | CEND |
|-----------------|-------|------|----------------------|------|
| Austria         |       |      |                      | x    |
| Belgium         | x     |      |                      |      |
| Bulgaria        |       |      |                      |      |
| Croatia         |       |      |                      |      |
| Cyprus          |       |      |                      |      |
| Czech Republic  |       |      |                      |      |
| Denmark         |       |      |                      |      |
| Estonia         |       |      |                      |      |
| Finland         | x     |      | x                    | x    |
| France          | x     |      |                      | x    |
| Germany         | x     | x    | x                    | x    |
| Greece          |       |      |                      |      |
| Hungary         | x     |      |                      | x    |
| Ireland         |       |      |                      | x    |
| Italy           | x     |      |                      |      |
| Latvia          |       |      |                      |      |
| Lithuania       |       |      |                      |      |
| Luxembourg      |       |      |                      |      |
| Malta           |       |      |                      |      |
| The Netherlands | x     | x    | x                    | x    |
| Poland          | x     | x    |                      | x    |
| Portugal        |       |      |                      |      |
| Romania         |       |      |                      | x    |
| Slovakia        |       |      |                      |      |
| Slovenia        |       |      |                      |      |
| Spain           |       |      | x                    | x    |
| Sweden          | x     |      | x                    | x    |

## 4. Concluding remarks

The next few years leading up to the 11th NPT Review Conference in 2025 will provide crucial opportunities to advance nuclear arms control and disarmament. The change of administration in Washington led to increased transatlantic coherence, including on efforts to revitalize multilateral disarmament and non-proliferation regimes. The extension of the New START treaty until 2026 sets the stage for bilateral talks between Moscow and Washington on next steps in nuclear arms control. Such a dialogue might very well soon include smaller nuclear powers, such as China, France and the United Kingdom. The next nuclear arms control agreement could lead to reductions of nuclear weapons deployed in Europe. The next NPT intersessional cycle will have to focus on nuclear arms control, leading to progress in nuclear disarmament. And with the TPNW in force, states will have to take a broader view on nuclear weapons, including humanitarian aspects of weapon possession, development and use.

Europe is a key actor in shaping discussions on arms control and disarmament, and it could also take nuclear disarmament forward. But in order to strengthen its agency on nuclear disarmament, the EU needs to develop a more coherent and sustainable policy on nuclear weapons. The TPNW provides an opportunity to engage in such a debate. The treaty has already brought new energy to discussions on nuclear disarmament and it can increase the pressure on governments to reduce reliance on nuclear weapons for their national security. Parliaments, and particularly the EP, have an important role to play: by providing a place for open and inclusive debates on disarmament, by holding executives accountable and by giving new impetus for efforts towards global zero. None of these debates will be comfortable or short-lived. Yet, they are unavoidable if Europe wants to find its voice on nuclear disarmament and help move us all closer to a world free of nuclear weapons.

# Summary of recommendations for the EU, the European Parliament and EU Member States

## The EU should

- develop a more nuanced position on the TPNW by identifying areas of agreement, and issues that need further clarification among Member States,
- request the Working Party on Non-Proliferation (CONOP) to discuss the role of the TPNW in nuclear disarmament,
- promote agreement at the 10th NPT review conference agreements that build bridges between TPNW supporters and critics, including by
  - ↳ recognizing the TPNW as a good-faith effort by the majority of states to eliminate the nuclear danger and build up the legal framework for the elimination of nuclear weapons,
  - ↳ affirming that implementation of the TPNW does not prejudice obligations undertaken with regard to the NPT,
  - ↳ proposing nuclear risk reduction efforts and endorsing a restatement by NPT states parties of the Reagan-Gorbachev formula that “a nuclear war cannot be won and must never be fought”,
  - ↳ highlighting the importance of transparency as a way to foster nuclear disarmament and reduce risks of miscalculation,
- seek to link the intersessional processes under the NPT and TPNW, for example by having reports from TPNW meetings of states parties to NPT PrepComs and RevCons,
- propose that NPT states parties establish an open-ended working group consisting of representatives on ways and means to better integrate International Humanitarian Law in nuclear weapons-related security concepts,
- apply to observe the 1MSP of the TPNW as a relevant international or regional organisation,
- facilitate the implementation of the provisions of the TPNW on victim assistance and environmental remediation including by
  - ↳ contributing to the development of an international policy framework to support the victims of nuclear weapons and remediate environmental damage caused by nuclear weapon tests,
  - ↳ using the EU CBRN Centres of Excellence (COE) as channels for victim assistance and environmental remediation under the TPNW,
- provide tangible support for ongoing work on nuclear disarmament verification, including by establishing a common EU research agenda on nuclear disarmament verification.



## The European Parliament should

- act as a forum for diverse viewpoints on nuclear disarmament,
- conduct a series of hearings and commission a comprehensive study or a set of studies on the role of the TPNW in strengthening nuclear disarmament,
- work with the European Commission to add nuclear disarmament verification to the list of tasks for the EC's Joint Research Centre,
- reach out to other Parliaments and Parliamentary assemblies to help coordinate policies on nuclear disarmament, for example by initiating debate within the NATO Parliamentary Assembly via the EP's delegation to the NATO PA (DNAT),
- invite France and other NATO allies to explain how the alliance will ensure that nuclear planning takes into account IHL requirements.

## EU Member States should

- engage constructively with the TPNW, including by attending the 1MSP as States Parties, signatories or observers,
- use opportunities to participate in debates around the TPNW before, during and after the 1MSP,
- conduct national studies on the TPNW based on broad input by their respective expert communities and civil society,
- encourage the establishment of intersessional working groups in the NPT and TPNW review cycles to TPNW concepts and terminology on which they see the need for further clarification.



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