

One mandate, many voices? Moving the “speaking with a single voice” debate forward through an issue-specific analysis of the EU's bargaining effectiveness at multilateral conferences

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Abstract: Recent academic scholarship explored the effects of variation in the EU's internal cohesiveness, defined as representing a consistent position with a single voice, on its ability to influence outcomes of multilateral negotiations. While some scholars postulate a positive relationship between the degree of the EU's internal cohesiveness and its success in multilateral negotiations, others contend that cohesiveness either obstructs the EU's goal attainment, or does not have any effect at all. By tracing the EU's cohesiveness at the 2015 NPT Review Conference we are able to demonstrate how the EU's varying cohesiveness across bargaining issues impacted on overall bargaining dynamics and thereby increased or reduced the chances EU to influence the Draft outcome document and of finding overall consensus on an outcome document.

1. Introduction¹

The complexity of multilateral negotiations not only stretches diplomats' nerves, it also has researchers banging their heads. Recent scholarship exploring the EU's bargaining effectiveness at multilateral negotiations has put forward a number of factors explaining the EU's success and failure on the international stage, with a particular focus on coherence among EU member states (see for example Conceição-Heldt, 2014; Conceição-Heldt & Meunier, 2014; Oberthür & Rabitz, 2014; Panke, 2014b; Romanyshyn, 2015). While the baseline finding suggests that the formulation of a single message on behalf of the EU is a necessary but not sufficient condition for EU effectiveness at multilateral negotiations (Conceição-Heldt & Meunier, 2014), others contend that coherence might in fact diminish the EU's influence at the bargaining table (Macaj & Nicolaïdis, 2014; K. Smith, 2010). We argue that these confusing results can be attributed to standard conceptualizations of bargaining effectiveness as goal attainment (see for example Conceição-Heldt & Meunier, 2014; van Schaik, 2013), and comparative research designs that fail

¹ We want to express gratitude to Philipp Schroeder (University College London) who helped us tremendously in developing this paper.

to take the characteristics of individual issues debated at multilateral negotiations into account. By analysing the EU's bargaining effectiveness individually across key issues at one multilateral conference, we argue that we can control for variables that are innate to a conference's set-up, including its voting rules, the EU's bargaining power and the mechanism through which the bloc seeks to coordinate member states' positions. Controlling for these factors allows us to analyse potentially interacting effects between the properties of the EU's message it conveys at multilateral negotiations, the number of voices through which it delivers its message, and the polarization among states participating in multilateral negotiations. Our approach to analyse the EU's performance across individual issues at one multilateral conference instead of comparing different conferences' outcomes is complemented by a conceptualization of EU bargaining effectiveness that not only takes the EU's goal attainment into account, but also captures the extent to which countervailing provisions voiced by third parties' are incorporated into a negotiation outcome. Thus, we eschew dichotomous conceptualizations of EU bargaining effectiveness, differentiating between success and failure, and allow for a more fine-grained assessment of effectiveness, including the possibility of package deals among states and damage limitation.

We chose the 2015 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT RevCon) as a laboratory for our argument. On the one hand, we can observe that the EU's ability to shape negotiations on the four key issues discussed at the conference – nuclear non-proliferation, peaceful uses of nuclear energy, nuclear disarmament and the establishment of a Weapons of Mass Destruction Free Zone in the Middle East – displayed significant variation. On the other hand, discord among EU member states on nuclear disarmament as well as varying levels of polarization across the issues discussed at the 2015 NPT RevCon allow us to study the effects of variation in EU coherence in the light of different preference divergences among conference participants.

We proceed by introducing our conceptualization of EU bargaining effectiveness, supplementing previous measurements in terms of the EU's goal attainment with the notion of opposition containment, and thus the EU's capacity to fend off third countries' contentious provisions. We then draw on previous studies exploring the EU's bargaining effectiveness in order to define our expectations on the effects of variation across the properties of the EU's message, the number of voices through which it delivers its message and the level of polarization characterising individual issues at multilateral negotiations. Controlling for influences from the EU's bargaining power and coordination mechanism, as well as negotiations' voting rules, we explore the congruence of our expectations with empirical reality by analysing the EU's performance across four key issues discussed at the 2015 NPT RevCon. Key findings, limitations, and implications for future research are summarized in our conclusion.

2. Conceptualizing bargaining effectiveness

Recent accounts of the EU’s performance at multilateral negotiations have called for a more differentiated assessment of EU effectiveness, proposing a multi-dimensional concept that evaluates the quality of the EU’s policy objectives, the EU’s engagement in the process of international negotiations and EU goal achievement (Oberthür & Groen, 2015; see also Oberthür & Rabitz, 2014). While we agree that a fine-grained conceptualization of EU effectiveness at multilateral negotiations is overdue, our focus lies on the EU’s capacity to shape outcomes at multilateral negotiations. Our conceptualization ties in with scholarship that has defined the transfer of EU objectives into negotiation outcomes as the hallmark for EU effectiveness (see for example Romanyshyn, 2015; Thomas, 2012). The attainment of EU objectives – or lack thereof – represents a significant element in understanding the bloc’s effectiveness at multilateral negotiations. Nonetheless we argue that such accounts tell only part of the story. The degree to which states succeed in incorporating their goals into negotiation outcomes, i.e. *absolute gains*, is complemented by their ability to avoid the inclusion of contentious language promoted by other parties, an element we define as *relative gains*.

We argue that EU bargaining effectiveness is highest where the EU succeeds in incorporating most of its preferences in negotiation outcomes, while equally ensuring that contentious proposals voiced by third countries are fended off, exemplifying *bargaining success*. In contrast, if third parties transfer their objectives into a negotiation outcome at the expense of the EU’s objectives, EU bargaining effectiveness draws near zero and a *bargaining fiasco* is imminent. Whereas bargaining success and fiasco appear as relatively clear-cut scenarios, negotiation outcomes are often likely to display a more complex nature. EU member states may succeed in incorporating their positions in a negotiation outcome, yet in order to do so, need to buy in third parties’ support by accepting the inclusion of their preferences. We define this scenario as *package deal*, as all parties involved succeed in including shares of their preferences in a negotiation outcome. Finally, when EU member states fail to insert their positions into a negotiation outcome, they may be simultaneously successful in fending off other parties’ contentious inputs, signifying *damage limitation* on behalf of the EU. Table 1 summarizes our conceptualization of the four constellations of absolute and relative gains.

Table 1: Conceptualizing bargaining effectiveness

	Low relative gains	High relative gains
Low absolute gains	<i>Bargaining fiasco</i>	<i>Damage limitation</i>
High absolute gains	<i>Package deal</i>	<i>Bargaining success</i>

3. The EU at multilateral negotiations: Narratives of coherence, polarization and power

Our conceptualization of bargaining effectiveness allows us to provide a differentiated assessment of the EU's clout at multilateral conferences, yet leaves us wondering about how to explain variation thereof across negotiations. Scholarship exploring the EU's effectiveness on the international stage has proliferated throughout the past few years, identifying a number of factors that may account for the regional bloc's performance in multilateral negotiations (for recent contributions, see Conceição-Heldt, 2014; Conceição-Heldt & Meunier, 2014; Edwards, 2013; Panke, 2014b; Romanyshyn, 2015). Building on the semi-supranational set-up of the EU's Common Foreign and Security Policy (CFSP) and its consequences for coherence in EU foreign policy-making (Battams, van Schaik, & van de Pas, 2014; De Jong & Schunz, 2012; M. E. Smith, 2004, 2015), a number of scholars have analysed the effects of variation in the properties of the EU's message (i.e. its common position), and the number of voices through which this message is articulated (Macaj & Nicolaïdis, 2014; Panke, 2014b; Portela & Raube, 2012; K. Smith, 2010). Here, recent scholarship has argued that the process through which the EU determines its common position prior to multilateral negotiations is playing a key role, as for instance the European Commission enjoys exclusive competences in the field of external trade, while the Lisbon Treaty has established the European External Action Service (EEAS) as the key agency to coordinate EU member states positions on CSFP matters in the Council (Duke, 2009, 2012; Vanhoonacker & Pomorska, 2013). Evidence from analyses of EU effectiveness at multilateral trade negotiations and the United Nations' General Assembly suggests that the convergence of EU member states' positions into a single EU message represents a necessary (but not sufficient) condition for EU effectiveness (Conceição-Heldt, 2014; Panke, 2014b; see also Thomas, 2012). In addition, Macaj and Nicolaïdis (2014, p. 1075-1076) argue that the delivery of the EU's message through a single voice (e.g. a single representative or negotiator) may pay off in some instances, while it may be counterproductive in others, depending on the external context in which the EU operates. Delreux (2014) and van Schaik (2013) note that voicing a common EU position through a single representative can be perceived as overly dominating by negotiating partners, in turn evoking negative reactions. On the other hand, applying a strategy of multiple voices is likely to be beneficial in contexts favouring communicative action, allowing the EU to draw on special links with third countries 'in the name' of Europe (Macaj & Nicolaïdis, 2014, p. 1077).

The external context of negotiations is significantly shaped by the EU's relative position to other parties (Delreux, 2014), particularly in multilateral negotiations, as these settings are more likely to include a number of important players, holding relatively extreme positions (Oberthür & Rabitz, 2014, p. 43). Evidence from the analysis of EU effectiveness in the Human Rights Council (HRC) shows that the EU is fighting an up-hill battle especially in external contexts that are characterized by intense polarization (K. Smith, 2010, p. 235). In the face of clearly diverging

preferences among HRC members, the EU's influence is markedly limited despite its ability to deliver joint statements and common voting patterns of EU member states (K. Smith, 2010).

Another factor to account for EU effectiveness is its bargaining power vis-à-vis third parties (Conceição-Heldt, 2014; Keohane & Nye, 2001). Controlling for coherence among EU member states, Conceição-Heldt (2014, p. 983-985) argues that EU effectiveness will be lower if the bloc's bargaining power is on par with those of other parties, while the EU will succeed in shaping negotiation outcomes if bargaining power configurations are asymmetrical in favour of the EU. Vice versa, if third parties' power resources dwarf those of the EU, EU effectiveness is diminished even if its member states act coherently (Thomas, 2012). Drawing on the work of Moravcsik (1993), Conceição-Heldt (2014) offers a compelling operationalization of bargaining power that eludes rather crude resource-based accounts by analysing states' availability of outside options. She argues that negotiators who have a favourable alternative to agreement enjoy greater levels of bargaining power, as they need to make fewer concessions to others (Conceição-Heldt, 2014, p. 984). Negotiators' prospects to move outcomes closer to their preferences are also likely to be shaped by the voting rules that apply to negotiation rounds (Meunier, 2000; see also Stokman & Thomson, 2004). Unanimous voting rules make it tougher for parties with extreme positions to align negotiation outcomes with their preferences, compared to negotiation rounds where majority voting applies (Meunier, 2000).

4. Expectations on bargaining effectiveness

The complexity of multilateral negotiations and the myriad of variables potentially explaining variation in EU bargaining effectiveness at multilateral negotiations has presented qualitative scholarship with a two-fold challenge: on the one hand, the range of possible independent variables and the small number of cases complicate the analysis of individual variables' effects through controlled comparison (King, Keohane, & Verba, 1994, p. 196-200). On the other hand, studies attempting to explain outcomes of multilateral negotiations cannot ignore the possibility of equifinality (Romanyshyn, 2015, p. 879). While certainly not a panacea, we argue that analysing EU effectiveness on individual issues at a single multilateral conference represents a promising strategy for controlling a number of variables that are innate to a conference set-up, but do not vary across individual issues discussed at this conference. Based on the overview over possible explanatory factors for variation in EU bargaining effectiveness outlined above, we assume that such a strategy allows us to control for effects from voting rules, the EU's bargaining power and its coordination mechanism. While controlling for voting rules and EU coordination

mechanisms appears relatively straightforward,² we draw on Conceição-Heldt's (2014) conceptualization of bargaining power as the availability of outside options and BATNAs when controlling for EU bargaining power at multilateral negotiations. We assume that the EU's bargaining power may indeed vary *between* multilateral conferences, with the EU for instance possibly enjoying more outside options and thus power at trade negotiations than at conferences of the parties to the UN Framework Convention on Climate Change, yet that an analysis of individual issues at a single conference will hold the availability of BATNAs constant.

Messages, voices and preferences

Controlling for the effects of the EU's relative bargaining power vis-à-vis third parties, voting rules and the set-up of coordination among EU member states across key issues debated at a single conference, leaves us with discussing the effects of the properties of the EU's message and the number of channels through which it is voiced, given varying degrees of polarization among conference participants. As indicated above, existing research has identified the delivery of a single message as a necessary condition for EU effectiveness at multilateral negotiations (Conceição-Heldt, 2014; Panke, 2014b). Nonetheless, delivering a joint message through a single voice may alienate third parties, especially where negotiators' preferences sharply fall apart (see Delreux, 2014; K. Smith, 2010; van Schaik, 2013). In turn, these observations lead us to expect that *ceteris paribus* a 'single message, single voice' approach employed by the EU will lead to its *bargaining success* at multilateral negotiations only if external contexts are characterised by low degrees of polarization. Here, we argue that delivering a joint message via a united front will most likely pay off when low levels of tension among states induce a propensity to listen to a dominate actor rather than to fall back to the protection of vital national interests (see also Macaj & Nicolaïdis, 2014, p. 1076-1077). Yet, we assume that the EU's capacity to shape negotiation outcomes and simultaneously fend off unwanted inputs from other parties will wane if member states fail to channel their message through a single voice. Third countries are unlikely to break consensus among EU member states in the face of a joint EU message, yet we expect them to seize on opportunities to negotiate with EU member states individually to advance their chances to incorporate their own preferences in a negotiation outcome (Conceição-Heldt & Meunier, 2014; Meunier, 2014). Accordingly, we expect that *ceteris paribus* a 'single message, multiple voices' approach employed by the EU in a non-polarized contexts increases the prospects for absolute gains across parties involved in the negotiations (i.e. representing *package deals*).

² While the European Commission plays the key role in external trade negotiations, EU member states coordinate on CFSP issues in the Council chaired by the EEAS

In contexts where the EU faces a polarized preference constellation, we expect that prospects for its bargaining effectiveness are generally lowered. However, the EU may still successfully shape negotiation outcomes if it delivers a single message but avoids facing opposition en bloc (see Panke, 2014a). This expectation ties in with Panke's (2014a, p. 370) observation that engaging in 'multiple bilateralism', i.e. negotiating via smaller groups of countries, fosters the EU's impact in the face of opposition at multilateral negotiations. Cognizant of the limits of EU bargaining effectiveness in polarized contexts, we do not assume that a 'single message, multiple voices' approach will deliver the same level of effectiveness here as EU unity in non-polarized settings. Nonetheless, we expect that *ceteris paribus* drawing on special links with specific groups of states through 'multiple bilateralism' will foster deliberation among EU member states and third countries, increasing the likelihood of *package deals* in polarized settings (i.e. absolute gains across parties involved in the negotiations). In contrast, if the EU delivers its joint message via a single voice facing strong opposition from other parties, negotiators are less likely to comprise and fall back to a rigid, tied-hands bargaining position, particularly in the face of costs third countries can expect from their own partners if they give in to the EU's demands (Panke, 2014a; K. Smith, 2010). Accordingly, we expect that *ceteris paribus* a 'single message, one voice' approach employed by the EU in polarized settings will effectively limit the EU's impact in multilateral negotiations and encourage third countries to draw negotiation outcomes closer to their own preferences. Thus, while the EU is less likely to make its mark, other parties will enjoy greater leverage in shaping negotiation outcomes, representing a *bargaining fiasco* for the EU.

Finally, in the absence of a single EU message, the outlook on EU bargaining effectiveness appears rather dim. Logically, if EU member states fail to agree on common objectives in the first place, prospects for EU absolute gains at multilateral negotiations are diminutive (Conceição-Heldt, 2014; Panke, 2014b). What is more, replicating the reasoning outlined above, if EU member states act en bloc in a polarized context despite the absence of a common EU position, we expect that *ceteris paribus* third parties will feel alienated, not only diminishing the prospects for EU absolute gains, but also alleviating third parties' propensity to compromise. Accordingly, a *bargaining fiasco* appears imminent for the EU. Nonetheless, when drawing on 'multiple bilateralism', EU member states may still lack the strength to attain their individual preferences in the absence of common objectives, but are likely to avoid the image of a collective EU 'bully' and cajole third countries into concessions (see Delreux, 2014; Macaj & Nicolaïdis, 2014). Thus, we expect that *ceteris paribus* EU member states lacking a common position but acting individually in a polarized context will at best succeed in preventing others' absolute gains and fail to incorporate their own preferences into a negotiation outcome (i.e. representing *damage limitation*). Our expectation across the different constellations of the properties of the EU's message, voices and polarization degrees of the international context are summarized in Table 2.

Table 2: Expectations on EU bargaining effectiveness at multilateral negotiations

(Expectations hold for constant values of bargaining power, voting rules and EU institutional coordination)

EU message	Single message				No single message	
External context	<i>Low polarization</i>		<i>High polarization</i>		<i>Low polarization*</i>	<i>High polarization</i>
EU voice(s)	Single voice	Multiple voices	Single voice	Multiple voices	Single voice	Multiple voices
Outcome	<i>Bargaining success</i>	<i>Package deal</i>	<i>Bargaining fiasco</i>	<i>Package deal</i>	<i>Bargaining fiasco</i>	<i>Damage limitation</i>

*We perceive EU disunity on an issue as an indicator for *high polarization* in the external context

5. EU bargaining effectiveness at the 2015 NPT Review Conference

States parties to the NPT are meeting every five years to review the operation of the treaty, building on substantive preparations from a preparatory committee, which meets for three sessions prior to the convening of the Review Conference. Drawing on the near universal membership of the NPT, the NPT review process represents the prime forum for deliberations on the operation of the global nuclear non-proliferation regime.³ At the 2015 NPT RevCon, states parties negotiated in three main committees on the implementation of the treaty’s three pillars, nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy, respectively. Furthermore a fourth key issue, namely measures to advance the implementation of the 1995 Resolution on the Middle calling upon states to establish a Weapons of Mass Destruction Free Zone (WMDFZ) in the region, flared up late during the conference. While each of these issues deals with a specific aspect of the NPT, we argue that the NPT’s near universal membership, states parties’ legal obligation to implement the treaty’s provision and the amalgamation of progress on all issues into a single outcome document on which negotiators vote by unanimity, leaves states with no credible outside option or BATNA. This assumption appears to hold true especially for the EU, which has repeatedly positioned itself as a champion of “effective multilateralism” in order to address global challenges (Council of the European Union, 2003; Drieskens & van Schaik, 2014). Accordingly, we argue that analysing EU bargaining effectiveness for the four key issues debated at the 2015 Review Conference individually allows us to control for effects from voting rules and EU bargaining power. Secondly, since EU member states and the EEAS sought to coordinate positions across all four issues at meetings of the Council’s working party on non-proliferation (CONOP) in Brussels and the EU’s delegations in

³ Currently, only the Democratic People’s Republic of Korea, India, Israel, Pakistan and South Sudan are not members of the NPT

Vienna and Geneva prior to the conference, as well as through several coordination meetings at the EU delegation in New York during negotiations, we are also able to control for effects from the EU's coordination mechanism.

Based on our expectations on the effects of the external context's polarization as well as the properties of the EU's message and number of voices through which it is delivered, we analyse EU bargaining effectiveness at the 2015 NPT RevCon for the four issues nuclear non-proliferation, peaceful uses of nuclear energy, nuclear disarmament, and the Middle East WMD/FZ. Here, we draw on a comparison of the outcome document of the 2010 review cycle and the draft outcome at the conference in 2015 to identify provisions added during the latest round of negotiations and measure the degree to which these provisions fall in line with either the EU's or other countries' preferences. Admittedly, the 2015 NPT RevCon failed to adopt an outcome document, with Canada, the United Kingdom and the United States eventually breaking consensus on the issue of the Middle East WMD/FZ. Nonetheless, we argue that an analysis of the 2015 draft outcome still provides us with insights into the extent to which the EU was able to shape the document, which has been eventually put to a vote. In order to measure values on the variables *polarization of the external context*, *EU messages* and *voices*, we draw on information from academic literature, EU Council conclusions on the 2015 NPT RevCon, statements delivered by EU member states' representatives at the conference, working papers submitted by NPT states parties to the conference, and semi-structured interviews with EU member state representatives and members of the EEAS.⁴ While we attempt to control for a number of explanatory factors, we admit that our analysis can only be a first attempt to assess the plausibility of our argument and the congruence between our expectations and empirical reality.

Bargaining success: Delivering as one on peaceful uses of nuclear energy

We explicitly asked our interview partners for the most contentious issues among EU member states for each of the pillars. No interview partner has even touched upon the issue of peaceful uses. Following the 2011 Fukushima Daiichi nuclear accident the EU member states conducted several stress tests in 2011 and 2012 and decided to amend the EU's Nuclear Safety Directive from 2009 after only five years. The revised Directive entails one message: set safety standards high and keep them high. The EU therefore established an EU-wide "safety-objective to prevent accidents and avoid radioactive releases".⁵ The safety objective shall ensure the use of the latest international safety requirements from the planning phase of a nuclear reactor until its

⁴ We used the qualitative data analysis software MAXQDA to analyse, compare and code our empirical data.

⁵ Council Directive 2014/87/Euratom

decommissioning. In order to keep these standards high, EU member states decided to strengthen the independence of national regulators, to establish a peer-review mechanism, and to increase transparency by involving the public.⁶ The EU's Council Conclusions and the EU's working paper for the conference echo this message by encouraging conference participants to embrace the nuclear safety objective and engage with the International Atomic Energy Agency (IAEA) Action Plan on Nuclear Safety, as well as by emphasizing the Convention of Nuclear Safety (CNS) and the related Vienna Declaration on Nuclear Safety. In order to ensure third parties' compliance with standards, the EU unilaterally provides assistance through its Instrument for Nuclear Safety Cooperation, and multilaterally by garnering support for the IAEA Technical Cooperation Programme and peer-review missions. Every speech by an EU member state in Main Committee III that was available for analysis aligns with the EU's message. Moreover, the EU member states' speeches indeed tied in with the EU's statement pushing multilateral safety standards like the CNS and the related Vienna Declaration, as well as monitoring and capacity-building instruments such as the IAEA cooperation initiatives. Since there are EU member states with and without nuclear power plants we might expect different affinities for the right and duties to use nuclear energy peacefully. The observation that EU member states not operating nuclear power plants demand that "nuclear power production worldwide should be in compliance with the highest international safety and security standards" and should "meet the highest nuclear safety requirements, and fully comply with all relevant international agreements", is hardly surprising.⁷ Yet, we also discover that champions of nuclear power, like France and the United Kingdom, call for the "strictest standards [to be] put in place" or emphasize the necessity to create the "highest standards of nuclear regulation".⁸ Accordingly, we clearly observe a single EU voice with some delegations explicitly referring to the national implementation of the revised EU Nuclear Safety Directive when enumerating their individual efforts to guarantee the peaceful use of nuclear energy.⁹

Preferences on the promotion of peaceful uses of nuclear energy coincided across a large majority of countries at the 2015 NPT Review Conference. Whereas EU member states were joined by the United States and Japan in emphasizing aspects of nuclear safety in the aftermath of the Daiichi nuclear power plant disaster in March 2011, recommendations for the conference from all camps reiterated states' inalienable right to undertake research, production and use of nuclear energy in conformity with the NPT.¹⁰ In addition, EU member states' recommendations reinforced the notion that the IAEA's Technical Cooperation Programme represents an essential

⁶ See EU working paper WP.56

⁷ See speech of Greek Delegate, 6 May; and speech of the Lithuanian Delegate, 30 April

⁸ See of French Delegate, 5 May ; and speech of UK Delegate, 5 May

⁹ See speeches of Italian Delegate, 27 April; and speech of Greek Delegate, 6 May

¹⁰ See Vienna Group working paper WP.1, p. 4; NAS working paper WP.24, p. 13; Arab League working paper WP.34, p. 5; United States working paper WP.46, p.1

tool especially in promoting the peaceful uses of nuclear energy in developing states.¹¹ Clearly, countries' positions on peaceful use of nuclear energy did not squarely align across different camps, with developed states highlighting the importance of strengthening nuclear safety measures, while developing states voiced particular concerns about the politicization of the IAEA's work on peaceful uses.¹² Nonetheless, these differences in preferences did not stand in clear opposition to each other. Accordingly, we assume that negotiations on peaceful uses of nuclear energy were characterised by low levels of polarization.

An analysis of the 2015 Review Conference's outcome document suggests that EU member states supported by the United States enjoyed substantive leverage in defining the future course on peaceful uses of nuclear energy. Language on peaceful uses in the conference's draft outcome document places particular emphasis on the promotion of nuclear safety, most notably demanding of states embarking on nuclear energy programmes to develop the resources and regulatory infrastructure necessary to ensure the safety and security of nuclear reactors in line with IAEA recommendations at a very early stage of the process.¹³ Furthermore, the conference agreed on endorsing the CNS, IAEA peer-review services and the IAEA Action Plan on Nuclear Safety as essential instruments and benchmarks in strengthening global nuclear safety.¹⁴ Yet, EU member states did not only succeed in incorporating their views on nuclear safety into the 2015 draft outcome document, they also avoided the inclusion of recommendations calling for the implementation of the IAEA's Technical Cooperation Programme under preferential and concessional terms without additional criteria imposed on NNWS, as well as language that characterizes efforts to strengthen nuclear safety as a pretext to violate, deny or restrict the states' inalienable right to develop research, production and use of nuclear energy for peaceful purposes.¹⁵ Accordingly, EU member states appear to have succeeded not only in incorporating their views on nuclear safety in 2015's draft outcome but also managed to fend off inputs, which would have confined prospects for advanced nuclear safety measures. Accordingly, we classify EU effectiveness on peaceful uses of nuclear energy as *bargaining success*.

¹¹See Vienna Group WP.1, p. 4

¹²See Vienna Group working paper WP.1, p. 5; NAS working paper WP.24, p. 15; United States working paper WP.46, p. 4-5

¹³See NPT/CONF.2105/R.3, p. 11

¹⁴See NPT/CONF.2105/R.3, p. 11-12

¹⁵See NAS working paper WP.24, p. 15-16

Package deal: Easing polarized negotiations through different accents on nuclear non-proliferation

The EU's common non-proliferation policy took up pace in 2003 when the Council inter alia adopted the European Security Strategy, outlining common principles and strategies to address the non-proliferation of WMDs (Zwolski, 2011). Institutionally this was accompanied by the appointment of Ms Gianella as the EU's Special Representative on non-proliferation of WMDs. Since then the EU member states' policies have converged considerably and the EU has gained international profile with a "stronger European voice [...] in relation to multilateral non-proliferation negotiations" (Cottey, 2014, p. 52). The Council Conclusion for the 2015 NPT RevCon as well as the EU's working paper put one non-proliferation aspect center stage: the IAEA safeguards system.¹⁶ According to the EU, "Comprehensive Safeguards Agreements together with the Additional Protocol constitute the current IAEA verification standard under Article III of the NPT".¹⁷ EU member states are united on this goal with every delegation voicing support for this interpretation against a strong opposition of non-aligned states (NAS) and others, emphasizing the voluntary nature of additional protocols. The EU's single message and other states' opposing views thus uncover a considerable rift between two camps: on the one hand, the United States and EU member states organized in the Vienna Group of Ten and the Non-Proliferation and Disarmament Initiative (NPDI) advocated the upgrade of voluntary additional protocols to IAEA safeguards agreements into a global verification standard and precondition for the conclusion of new nuclear supply-agreements for non-nuclear weapons states (NNWS).¹⁸ On the other hand, NAS and the Arab League strongly opposed these moves, echoing suspicions that especially nuclear weapon states (NWS) lobby for strengthened non-proliferation obligations in order to restrict the transfer of nuclear material and branding the establishment of additional protocols as verification standard as discriminatory.¹⁹ Furthermore, NNWS drew a link between unfulfilled disarmament commitments by NWS and potential new obligations for NNWS with regard to non-proliferation. Thus, albeit cursory consent on the universalization of the IAEA's comprehensive safeguards system, allowing the agency to monitor and verify that nuclear material used in peaceful applications is not diverted to manufacturing

¹⁶Further EU objectives were the strengthening of export controls, the acknowledgement of the Nuclear Summit Process as a part of the international non-proliferation regime, the fight against nuclear terrorism, and the undermining of the NPT regime by states supposedly violating treaty obligations (DPRK, Iran, Syria).

¹⁷ See speech by EU Delegate, 4 May.

¹⁸ See Vienna Group working paper WP.1, p. 2-3; NPDI working paper WP.16, p. 7; United States working paper WP.45, p. 2

¹⁹See NAS working paper WP.24, p. 14; Arab League working paper WP.34, p. 5

nuclear weapons,²⁰ diverging positions on the status of additional protocols suggest a polarized preference distribution on nuclear non-proliferation.

EU member states indeed collectively pushed for the acknowledgement of their interpretation of the IAEA's safeguards system. However, they voiced their common message with different accents. In light of the contentious disarmament and non-proliferation debate, the United Kingdom's insistence as a NWS on an interpretation of the NPT as a treaty that is "first and foremost [...] designed to stem the threat posed by the proliferation of nuclear weapons" stroke a pretty provocative tone.²¹ In contrast, Poland as NPDI member "considers all three pillars of the NPT as equally important and their balanced implementation crucial as achieving main goals of the treaty".²² The tonality of voiced demands obviously varied among EU member states although they were united on the actual message. Based on these observations, we assume that avoiding a single voice helped the EU to prevent static bloc-building dynamics among conference participants, but left room for moderate states to converge and to find compromise on several points. Thus, the difference in tonality on non-proliferation actions as well as the glaring dissonance on disarmament issues among EU member states eased the polarized setting.

Turning to the assessment of the EU's bargaining effectiveness, evidence from the 2015 NPT RevCon's draft outcome suggests that both camps somewhat succeeded in shaping the language on verification and export controls in the nuclear non-proliferation regime. Paragraph 17 of the draft outcome emphasizes the distinction between states' legal obligations and voluntary measures when it comes to cooperation with the IAEA and safeguards implementation, reflecting the position of the NAS and Arab League.²³ Nonetheless, paragraph 23 endorses safeguards agreements supplemented by additional protocols as an enhanced verification standard, echoing the position shared by EU member states and the United States.²⁴ The impression that both camps succeeded in making absolute gains on nuclear non-proliferation language at the conference is corroborated by the observation that NAS and Arab League members managed to promote the protection of states' classified information on nuclear materials shared with the IAEA, while the Western bloc achieved the inclusion of provisions endorsing strengthened cooperation between IAEA and NPT states parties on the physical

²⁰ See Vienna Group working paper WP.1, p. 2; NAS working paper WP.24, p. 10; Egypt working paper WP.37, p. 2; United States working paper WP.45, p. 2

²¹ See speech by UK Delegate, 4 May.

²² See speech by Polish Delegate, 4 May; similarly Latvia on 5 May.

²³ See NPT/CONF.2105/R.3, p. 3

²⁴ See NPT/CONF.2105/R.3, p. 3

protection of nuclear materials and facilities.²⁵ These observations lead us to conclude that EU bargaining effectiveness on nuclear non-proliferation is best described as *package deal*.

Damage limitation: The costs of dissonance with regard to nuclear disarmament

Nuclear disarmament was certainly the most contentious issue among EU member states. During the conference preparation process in Brussels and Geneva as well as at the conference itself “[t]here was no consensus among the EU member states and the EU couldn't figure out its own position with regard to that particular issue”.²⁶ The European NWS especially clashed with Austria and Ireland on how to pursue nuclear disarmament. Whereas the former are committed to self-regulated arms reductions, the latter point to the catastrophic consequences of nuclear weapons and therefore the need to legally prohibit the possession and use of nuclear arsenals. The “Humanitarian Impact of Nuclear Weapons” (HINW) initiative developed throughout a series of conferences originating in Oslo 2013, with the most recent conference held by Austria in December 2014. Austria advocated the outcomes of these conferences internally at CONOP meetings as well as externally at the NPT RevCon, thereby clashing with NWS. Two different messages were the result: the call for reduction talks under the framework of the P-5 process, contrasted by efforts aiming at the legal prohibition of nuclear weapons in order to abolish the possible humanitarian consequences of nuclear weapon use. In the words of a member of the EEAS, “Austria and Ireland in particular were very strong in favour of having a reference to this [HINW] process in the EU statements. And France and the UK were opposing, so that there was no consensus.”²⁷ The Council Conclusions indeed mirror these internal frictions. Both messages are included and both argumentations are considerably vague. Previous reductions of nuclear arsenals were welcomed as well as the ongoing P-5 process. Still, the Austrian-led HINW process in “which different views are being expressed” and “in which not all EU Member States participated” is mentioned.²⁸

These different messages resulted in EU member states speaking with different voices at the NPT RevCon. When comparing EU member states’ speeches in the General Debate and in Main Committee I, divergences can be found with regard to the evaluation of the previous disarmament progress, the framing of the disarmament debate and the individual conclusions on the way forward. Whereas the European NWS emphasized their national and international efforts on nuclear arms reductions, the sympathizers of the humanitarian initiative (especially

²⁵See NPT/CONF.2105/R.3, p. 3; Vienna Group working paper WP.1, p. 5; NPDI working paper WP.16, p. 8; NAS working paper WP.24, p. 2

²⁶ Interview Member State I

²⁷ Interview EEAS II

²⁸ EU Council Conclusions of 20 April 2015

Austria and Ireland) detected a legitimacy crisis of the NPT regime, lamenting a lack of progress on disarmament despite NWS' commitments. The former underlined the need to consider the security environment and the importance of nuclear arms as defensive weapons as part of national security doctrines when discussing disarmament affairs. The latter, by contrast, held that the existence of nuclear weapons alone produces insecurity and that their possible use entails severe humanitarian consequences. Given these different judgements about the nature of nuclear weapons and their possession both groups of states drew different conclusions: whereas NWS propagated a step-by-step approach along the P-5 process, the HINW-proponents lobbied for new practical measures, including a legal instrument banning nuclear weapons, in order to speed up the disarmament process. The majority of EU member states took note of the HINW initiative, but leaned towards the P-5 argumentation.

The EU's internal shambles on nuclear disarmament was mirrored by the preference constellation across participants at the 2015 Review Conference. Again, NWS highlighted the role of the P-5 process on nuclear arms control and "strategic stability interaction", which stands in marked contrast to recommendations voiced by NAS and the Arab League, who called upon the Conference on Disarmament (CoD) to negotiate a comprehensive agreement on the prohibition of nuclear weapons possession, development and use.²⁹ Albeit a general rift between states favouring nuclear arms control under strategic considerations and those emphasizing the catastrophic humanitarian consequences of nuclear weapons, disharmony can also be observed within the camp supporting complete, irreversible and verifiable nuclear disarmament. Whereas members of HINW and NPDI acknowledge the importance of interim measures on nuclear disarmament and negative security assurances from NWS, non-aligned states strongly called for the prompt and complete implementation of the action plan on disarmament agreed upon in 2010, as well as the urgent commencement of negotiations on legally binding assurances against the use of nuclear weapons.³⁰ The observed range of diverging preferences on nuclear disarmament among negotiators at the 2015 Review Conference suggests that this issue was characterised by high levels of polarization.

Reflecting comments made by one interviewee, who described negotiations on nuclear disarmament as "a mess", the language on disarmament in the 2015 draft outcome represents a patchwork of inputs from various camps.³¹ Nonetheless, a closer look at the draft outcome reveals that none of the parties was able to incorporate their key preferences, as the outcome document neither endorses strategic nuclear arms control within the framework of the P-5

²⁹See NAS working paper WP.24, p. 4; Arab League working paper WP.34, p. 3; United States working paper WP.44, p. 4

³⁰ See NPDI working paper WP.16, p. 4; NAS working paper WP.24, p. 4 and p. 9; HINW working paper WP.30, p. 5

³¹See Interview Member State II

process, nor the negotiation of an agreement banning nuclear weapons in the CoD. Instead, the outcome appears to represent at best states' lowest common denominator, placing a greater burden on NWS' reporting on nuclear arsenal reductions, while lacking innovative concrete steps breaking the stalemate on nuclear disarmament.³² Accordingly, it appears as if states' preferences levelled each other, with no camp in a position to shape the negotiation outcome along their own preferences. This assessment also holds true for EU member states, as the United Kingdom and France failed to garner support for a disarmament process steered by NWS but avoided the inclusion of innovative provisions drastically reducing nuclear arsenals, favoured by the HINW initiative. Based on the observation that all parties failed to achieve absolute gains, but succeeded in securing relative gains, we characterise EU bargaining effectiveness on nuclear disarmament as *damage limitation*.

Bargaining Fiasco: The perverse effect of "one voice" with regard to the Middle East WMD/FZ

The 2010 NPT RevCon Outcome Document provided for the convening of a "conference in 2012, attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States".³³ Therefore the co-sponsors of the 1995 Resolution on the Middle East and the UN Secretary-General appointed a facilitator who should consult with the states in the region and prepare the convening of the conference. The Finnish Ambassador Jaakko Laajava was appointed but was unable to broker agreement among the Middle Eastern states on conditions for the conference. Progress on the establishment of WMD/FZ in the Middle East has stalled and the 1995 Middle East Resolution remains unimplemented.

The EU Council Conclusions address this issue in clause 16.³⁴ Here, EU member states repeat their commitment to the establishment of the WMD Free Zone in the Middle East. They regret that a conference including all states of the region has not been convened yet, appreciate the facilitator's efforts, and hope to convene the conference as soon as possible on the basis of conditions "freely arrived at between the States of the region". CONOP was coordinating the EU's position on this issue and a member of the working party maintains that "the EU member states have a very firm position on the Middle East and the support for the creation of the zone free of weapons of mass destruction was unwavering".³⁵ Comparing recommendations adopted at the

³²See NPT/CONF.2105/R.3, p. 18

³³ NPT/CONF.2010/50 Vol. I

³⁴ EU Council Conclusions of 20 April 2015

³⁵ Interview EEAS I

2010 NPT RevCon and the EU's Council Conclusion, suggests that EU member states' bargaining position for the 2015 NPT RevCon was basically the status quo. The common message to other parties was that the EU sticks to the 2010 Middle East process without offering any idea how to solve the current consultation impasse and break the stalemate. Accordingly, this message was collectively brought forward by all EU member states as well as by EU representatives. We have access to speech acts on the Middle East issue for 24 EU member states. Every speech hereby follows the language of the Council Conclusions, indicating that EU member states indeed spoke with one voice. Moreover, "the fact that the Review Conference faulted on the Middle East did not have an impact on the EU member states' position because it has never been a contentious issue".³⁶ When it comes to the issue of a WMD Free Zone in the Middle East "the EU was quite united on that, so it was not a problem of the EU actually although finally the consensus has been broken by three states, including the United Kingdom".³⁷

EU member states and the United States' unwavering support for continuing the Middle East WMDFZ process under the leadership of facilitator Ambassador Laajava was certainly not shared by the group of Arab states and NAS.³⁸ Frustrated by more than two decades of gridlock and failed attempts to convene the 2012 conference, Arab states and NAS put forward a detailed plan for a "Middle East Nuclear Weapon- and Weapons of Mass Destruction-Free Zone" conference, outlining a clear timetable and conference mandate.³⁹ Most notably, this plan envisioned a key role for the United Nations Secretary-General in convening and chairing the conference, thus advocating an UN-led process. Evidence from interviews with representatives from EU member states signals that the promotion of an UN-led process on the establishment of a WMDFZ in the Middle East clearly contravened proposals favoured by EU member states and the United States.⁴⁰ Not least in the face of the lack of progress on this issue over 20 years, this rift leads us to assume that negotiations on the establishment of Middle East WMD Free Zone were marked by a high polarization between the different camps, particularly between the United States and United Kingdom on the one hand, and the group of Arab states on the other. However, a look at the language eventually included in the 2015 draft outcome on the Middle East WMDFZ suggests a clear winner: the group of Arab States and NAS.⁴¹ Recommendations outlining the framework for convening a Middle East WMDFZ almost completely mirror their preferences, essentially stripping Ambassador Laajava of his responsibilities and installing the UN Secretary-General as administrator of the conference.⁴² Evidence from interviews with the

³⁶Interview EEAS I

³⁷ Interview EEAS II

³⁸See Arab Group working paper WP.33; NAS working paper WP.49

³⁹See Arab Group working paper WP.33, p. 2-3; NAS working paper WP.49, p. 5-6

⁴⁰See Interview Member State II

⁴¹See NPT/CONF.2105/R.3, p. 22-23

⁴²See NPT/CONF.2105/R.3, p. 22

members of the EEAS and representatives of EU member states indicate that it was the Egyptian delegation, which dictated the recommendations on the Middle East WMD/FZ and refused to compromise on its preferences.⁴³ Accordingly, given that these recommendations contrast EU member states' objectives, we interpret this outcome as a *bargaining fiasco* for the EU.

6. Conclusion

We argued that an analysis of the EU's bargaining effectiveness across individual issues at a single multilateral conference allows us to control for a number of explanatory factors innate to a conference's set-up, and examine the effects of variation across the properties of the EU's message, the number of voices through which it delivers this message and the level of polarization among conference participants. Our analysis of the EU's effectiveness across four key issues discussed at the 2015 NPT RevCon provides tentative support for the claim that the delivery of a single message is a necessary condition for EU bargaining effectiveness. While the delivery of a single EU message through a united front helped EU member states to successfully shape negotiation outcomes on measures to advance the peaceful use of nuclear energy and simultaneously hold other states' at bay, discord among EU member states on nuclear disarmament left European states fighting for damage limitation individually. Yet, the formulation of a single message on behalf of the EU does not always lead to bargaining success. Our analysis indicates that if EU member states promote their single message en bloc in a highly polarized context, third states will refuse to compromise and seek to push their own preferences through, exemplified by the EU's bargaining fiasco on the Middle East WMD/FZ. Vice versa, our analysis of the EU's performance on the issue of nuclear non-proliferation suggests that if EU member states rally around a single message, but allow for different foci between their voices, EU member states will succeed in easing polarization and manage to reach package deals despite clearly diverging preferences among conference participants.

Although the results of our analysis appear to confirm our expectations with regard to the effects of the EU's message, EU voices and issue polarization on EU bargaining effectiveness, our findings need to be interpreted with caution. We admit that a stronger conceptualization of EU bargaining power accounting for issue-specific power is warranted to corroborate our assumptions that this variable is held constant when analysing EU bargaining effectiveness on individual issues at a multilateral conference. Secondly, our analysis does not cover all possible combinations of independent variables outlined in our theoretical expectations, calling for further analyses of EU bargaining effectiveness at similar multilateral conferences including combinations of independent variables we missed with the current study. Finally, while our expectations seem to hold true with respect to multilateral negotiations on the implementation

⁴³See Interview EEAS I and Interview MS II

of the NPT, further analyses are necessary to assess whether these assumptions also hold for multilateral negotiations where the EU draws on higher levels or lower levels of bargaining power. Regardless of these limitations, we argue that our analysis provides a plausible explanation of variation in EU effectiveness across issues discussed at the 2015 NPT RevCon, and that comparing EU bargaining effectiveness across individual issues at a single multilateral conference represents a promising research strategy to control for a number of variables in a field characterized by a myriad of potential explanatory factors.

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