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Article

## EU Orchestration in the Nuclear Weapons Regime Complex

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### Abstract

While often recognised as a difficult actor in global efforts addressing the proliferation, control, and disarmament of nuclear weapons, the EU is also assumed to have the potential to play a more cohesive “state-like” role, especially in multilateral forum such as the Treaty on the Non-Proliferation of Nuclear Weapons review cycle. Such assumptions raise expectations of EU external action and influence, which the EU then invariably fails to meet. This article offers a reframing of how we understand the EU as an actor, focusing on its role in the nuclear weapons regime complex. Specifically, the article considers how, and under what conditions, the EU orchestrates within and across the nuclear weapons regime complex. Drawing on the orchestration and regime complex scholarship, alongside empirical data of EU external action from 2003 to 2019, the article shows how the EU’s natural proclivity for effective multilateralism, coupled with its functional limitations, the political cleavages impeding both the EU and multilateral progress within the regime complex, and the presence of like-minded intermediaries, create ripe conditions for EU orchestration in this field. It further argues that while the EU has struggled to inject agency within individual nuclear negotiation forums, its use of orchestration as a soft and indirect mode of governance is not only well-established but advancing. Orchestration is therefore found to serve as an important metric for understanding and evaluating the scope of EU agency in the nuclear weapons regime complex.

### Keywords

EU; international organisation; nuclear weapons; orchestration; performance; regime complex

### Issue

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### 1. Introduction

Most scholars would agree that the EU is a “difficult actor” (Kienzle & Vestergaard, 2012) that often struggles to find its voice (Erästö et al., 2021, p. 3) in global nuclear politics. Much of the existing scholarship focuses on EU performance in multilateral nuclear non-proliferation and disarmament forums, particularly the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) review cycle, with the EU’s performance then broadly lamented for its lowest common denominator positioning, lack of cohesion, and limited impact (Dee, 2015; Potter, 2005; Smetana, 2016; Soltanieh, 2020; Tertrais, 2005). While the EU receives some recognition of its external support for international organisations (IO) such as the International Atomic Energy Agency (IAEA) or the Comprehensive Nuclear-Test-Ban Treaty

Organization (CTBTO; Kienzle, 2013; Portela, 2021), the scholarship tends not to advance much beyond this point. Two problems then emerge in understanding the EU as an actor in this area of global governance. First, the metric typically used when evaluating the EU as an actor in individual nuclear weapons forums takes as its starting point the fact that the EU has the potential to play a more supranational “state-like” role, noticeably raising expectations that the EU invariably fails to meet. Second, there has been little concerted effort to trace the EU’s external action within and across what is identified as the nuclear weapons regime complex—a myriad network of institutions and treaties designed to govern the testing, spread, use, and eventual disarmament of nuclear weapons—nor does the existing scholarship consider how the regime complex has shaped the EU’s capacity to act. This article addresses these gaps.

Specifically, this article presents the EU as an actor and its impact on governance within the nuclear weapons regime complex through the lenses of a thus far under-studied role in the “EU as global actor” scholarship—orchestration. Orchestration is a “process whereby states or international organizations initiate, guide, broaden, and strengthen transnational governance by non-state and/or sub-state actors (Hale & Roger, 2014, pp. 60–61). An orchestrator will utilise ideational or material inducements to pursue shared governance goals (Abbott et al., 2015b, p. 4), working with and through intermediaries, such as IOs, or non-state actors, to initiate or shape transnational collective action (Hale & Roger, 2014, p. 69). Orchestration is closely cognizant of the regime complex scholarship, being not only a process of regime complexity in and of itself but also a strategy for overcoming the transnational governance problems that regime complexes can generate.

Specifically, this article asks: How, and under what conditions, does the EU orchestrate within the nuclear weapons regime complex? It argues that while the EU has struggled to inject agency within individual negotiation forums in the nuclear weapons regime complex, its use of orchestration as a soft and indirect mode of governance across the regime complex is not only well-established but advancing. The conditions for EU orchestration include both the political cleavages and multilateral stalemate within the regime complex itself, and the EU’s own lack of capability, internal political cleavages, and culture that favours “effective multilateralism” (Council of the European Union, 2003). How the EU orchestrates is through the pursuit of shared governance goals with numerous intermediaries, including the IAEA and CTBTO, but also the EU Non-Proliferation and Disarmament Consortium (EUNPDC) and the UN Office of Disarmament Affairs (UNODA). EU orchestration has moreover evolved from purely capacity-building orchestration to now include epistemic and convening practices, which, if continued to be developed, could enable the EU to inject greater agency into the regime complex.

To present this case the article first considers the nuclear weapons regime complex in context with the existing literature focused on the EU and its capacity to act in nuclear politics. Drawing then on theoretical insights from the regime complex and orchestration scholarship, triangulated with empirical data from interviews with EU and UN officials, alongside primary documentation drawing on the EU’s own Council Decisions, Conclusions, and Joint Actions from the timeframe 2003 to 2019, section three outlines the conditions and attributes for EU orchestration within the nuclear weapons regime complex. In section four, focus is then paid to a specific case of EU orchestration—addressing Council Decision 2019/615 on the EU’s actions to support the 10th NPT review conference—which serves to highlight the EU’s advancing orchestration role. Section five, then, concludes.

## 2. The Nuclear Weapons Regime Complex and the EU

The nuclear weapons regime complex is an array of partially overlapping treaties, treaty bodies, and institutions (Raustiala & Victor, 2004, p. 333) that govern the possession and renunciation of nuclear weapons, nuclear weapons technology, and their testing. The nuclear weapons regime complex forms part of a far wider international non-proliferation regime complex that encapsulates everything from the security, proliferation, testing, and delivery systems of nuclear weapons, biological and chemical weapons, as well as small arms and light weapons.

Within the nuclear weapons regime complex, the NPT, with its review cycles comprising preparatory committees and quinquennial review conferences, is often discussed as the “cornerstone” of the regime complex and tends to warrant special focus. Entered into force in 1970, the NPT is grounded in three pillars representing the commitment by all 191 of its states parties to prevent the proliferation of nuclear weapons, take steps towards achieving general and complete nuclear disarmament, and recognises the inalienable right of states parties to the peaceful uses of nuclear energy. The NPT operates in synergy with the IAEA, which monitors the use of nuclear energy and oversees states parties’ non-proliferation obligations. The regime complex also comprises the CTBTO Preparatory Commission, which monitors the Comprehensive Nuclear Test-Ban Treaty (CTBT). The CTBT, while not entered into force, is still observed by most states. The IAEA and CTBTO, therefore, serve important technical functions within the regime complex, monitoring the implementation of states parties’ commitments and obligations under the CTBT and NPT, and providing technical and capacity-building support directly to states.

In addition to the NPT, the nuclear weapons regime complex is made up of an extensive array of negotiating and deliberative bodies that fall under the UN’s broad umbrella of connecting regimes, including the UN First Committee, the UN Disarmament Commission, and the Conference on Disarmament (CD), which provides the only permanent multilateral disarmament treaty negotiating body within the regime complex. In 2017 the UN General Assembly also negotiated the Treaty on the Prohibition of Nuclear Weapons (TPNW). The TPNW states parties—who at the time of writing numbered 68 with 27 signatories still to ratify—also meet regularly for meetings of the states parties, the first of which was held in Geneva in June 2022.

The negotiation and entry into force of the TPNW serve to highlight what Morse and Keohane (2014) describe as “contested multilateralism” in the case of the nuclear weapons regime complex. Stark political cleavages exist across the regime complex not only between the nuclear-armed states but between the nuclear and non-nuclear-armed states as well. Cleavages are most apparent between states favouring deterrence

in national security doctrines, and those who favour banning nuclear weapons as a humanitarian and human security concern. These cleavages have generated significant transnational collective action problems for the regime complex, only exacerbated by the consensus decision-making rule commonplace within most of its forums. The result has not only been competitive regime formation, as in the case of the TPNW, but multilateral gridlock within forums such as the CD, as well as the NPT, and a shift towards non-political, technical, and technological collaborations that serve more as a sticking plaster than a solution to the political cleavages that hinder substantive progress.

Within the nuclear weapons regime complex, the EU has been identified as an actor since the launch of its Common Foreign and Security Policy (CFSP) in 1993, with the EU's first CFSP Joint Action approaching the NPT in 1995 (Fischer & Müller, 1995). The EU is a complex actor in nuclear matters, however. In 2005 Annalisa Giannella, the EU's then-personal representative on Nonproliferation of Weapons of Mass Destruction (WMD) remarked that "the EU is a very strange animal. It's something more and better than an international organization, something more comprehensive and more powerful" (Meier, 2005). Her remarks echo a long-held view of the EU as a *sui generis* global actor, one that is less than a state, yet seemingly more than an IO, with such "betweenness" intrinsic to the EU's very DNA (Drieskens, 2021, p. 33). When it concerns nuclear politics and diplomacy, however, the EU closely mirrors the political cleavages present within the wider regime complex which weakens its ability to act as "something more and better" than an IO.

On nuclear disarmament, France—the EU's sole nuclear-weapon state after the UK left the EU—advocates nuclear deterrence and has, alongside the 20 other EU-NATO members, rejected the TPNW (NATO, 2020). By contrast, EU-non-NATO member states (Ireland, Malta, and Austria) have all signed the TPNW and advocate for immediate nuclear disarmament. Cyprus and Sweden also voted in favour of the TPNW but did not then sign the treaty. While all EU member states are party to the NPT and negotiate EU Council Conclusions going into review negotiations, many also individually align with more active political groups during negotiations, particularly where these groups take a stronger stance on the divisive issues of nuclear deterrence and disarmament (Dee, 2015). The EU is also divided over the use of nuclear energy for civilian purposes. Many EU member states rely on nuclear energy and are building or planning on building new nuclear power plants (i.e., France, Slovakia, Finland, Romania), while others have renounced the use of nuclear energy (i.e., Denmark, Ireland, Germany, Austria). Factions have further formed over the labelling of nuclear energy as a "green" energy source, with EU member states divided between pro (France, Poland, Hungary, Czech Republic, Bulgaria, Slovakia, and Finland)

and anti (Germany, Denmark, Austria, Luxembourg) positions (Strauss, 2022).

Within the regime complex, the EU's unique functional and political make-up has also presented challenges to its institutional access and capacity to act within various multilateral forums. The EU is not a signatory to any of the treaties within the regime complex but participates in meetings and negotiations as an observer. EU member states are party to most treaties and institutions within the regime complex—the TPNW being the clear exception. However, under the CFSP, EU member states agree to coordinate over matters related to nuclear non-proliferation and disarmament as an area of "special competence." Prior to 2009/2010, EU member states negotiated ad hoc EU Council Conclusions approaching various forums within the regime complex, with EU positions then represented by whichever member state held the rotating Council Presidency. Since 2009, the entry into force of the Lisbon Treaty saw the formation of the new European External Action Service (EEAS) and the redefined role of personal advisor and special envoy for non-proliferation and disarmament. The EU has since gone on to participate with greater frequency in most multilateral forums within the regime complex and with prepared statements delivered by the special envoy or members of the EEAS Non-Proliferation and Disarmament Unit.

Since 2011, UNGA Resolution 65/276 has also enabled the EEAS to present EU statements, participate in debates, have EU communications circulated as formal documents, make oral amendments, and exercise a right of reply with the UNGA, UN committees, and associated conferences. However, the resolution is only variably applicable across the nuclear weapons regime complex. Within the NPT and the CD, for example, different rules apply. The EU has no official status in the CD. EU statements are delivered by whichever member state holds the rotating Council Presidency. The EEAS may request to join the delegation, but statements are given from behind the flag of the member state (Dee, 2017). Within the NPT's rules of procedure, EU representatives have the right to present EU statements during review conferences plenary sessions and in main committees and to circulate EU positions. The EU is nevertheless treated as an observer alongside other specialised agencies and intergovernmental regional organisations, such as the ICRC and Arab League. As such, the EU is prevented from attending "designated closed meetings" during NPT negotiations (UNODA, 2014, p. 11), relying instead on any EU member states involved in closed room "friends of the chair" negotiations in a national capacity due to their more prominent roles in other groupings, such as the P5 (France), Non-Proliferation and Disarmament Initiative (the Netherlands, Germany, Poland), and New Agenda Coalition (Ireland).

Interestingly, despite the institutional, functional, and political challenges facing the EU on matters concerning nuclear weapons, the metric typically employed

when assessing EU performance within individual forums of the nuclear weapons regime complex, is that of the EU playing a seemingly state-like role as a negotiator and even ideational leader that offers a benchmark for others to follow. Within the NPT particularly, the EU is expected to be an actor with leadership potential (Müller, 2005, p. 43), one whose unique make-up as a polity of both nuclear and non-nuclear-armed states positions it as a “microcosm” of the wider NPT community (Jørgensen, 2009, p. 201), “a useful benchmark for the international community as a whole” (Fischer & Müller, 1995, p. 46), and a “bridge-builder” (Portela, 2021, p. 2). Performance assessments of the EU within the NPT review negotiations, however, almost always find that the EU falls short of expectations. The EU is lamented as “a complex non-coherent group of countries” (Soltanieh, 2020, p. 123), one that faces “competition” from its own member states (Tertrais, 2005), is criticised for spending more time negotiating with itself than with others (Fischer & Müller, 1995), and who avoids the most politically contentious issues under negotiation (Dee, 2015; Smetana, 2016). The EU’s lowest common denominator positions are also found to contribute to the EU’s lack of cohesion (Jørgensen, 2009; Mölling, 2010; Müller, 2005; Potter, 2005). When it comes to taking on any prominent negotiation role in addressing nuclear disarmament therefore the EU is found to be hamstrung to the point that “few expect the EU to be a serious player” (Hill, 2004, p. 154).

While scholarly attention towards the EU in global nuclear weapons governance is admittedly limited, attention so far has largely been placed on the EU qua the EU, and consequently on the political and functional limitations which prevent the EU from performing a more cohesive “state-like” role. In so doing, however, we lose sight of the agency of other actors with whom the EU is interacting and of the regime complex itself. I argue that the metric for evaluating EU performance needs to be reconsidered and reframed. Understanding the EU as an actor requires us to look at the various governance mechanisms the EU employs in interacting with others across the wider nuclear weapons regime complex. More specifically, we need to look at the EU’s performance as an orchestrator to fully understand the scope of EU agency within the nuclear weapons regime complex.

### 3. Conditions and Attributes of EU Orchestration

Orchestration is a mode of soft and indirect governance involving the use of “ideational and/or material inducements to create, integrate and maintain a multi-actor system of soft and indirect governance, geared toward shared goals that neither orchestrator nor intermediaries could achieve on their own” (Abbott et al., 2015b, p. 4). Orchestration occurs when an orchestrator enlists an intermediary who influences the behaviour of one or more targets—typically states—in pursuit of shared transnational goals. As a mode of governance, orchestration is indirect because the orchestrator has no imme-

diated link to the target but rather uses a third party to pursue its governance goals (Abbott et al., 2015b, p. 17). Orchestration is also soft as an orchestrator works with the intermediary through voluntary cooperation, rather than relying on rules, threats, or obligations as would be expected of hard forms of governance, such as delegation (Abbott et al., 2015b, p. 17).

Orchestration can be observed in various ways, including through convening, agenda-setting, assistance, endorsement, and coordination behaviours (Abbott et al., 2015b, pp. 14–15). An orchestrator may initiate transnational action, for example, aimed at “unlocking” the agency of other actors (Hale & Roger, 2014, p. 68), or by shaping existing transnational initiatives by providing material or ideational resources to certain actors. Importantly, as orchestration is a soft and indirect mode of governance, an intermediary is not commanded or coerced by the orchestrator but works with them in a voluntary cooperative relationship in pursuit of shared governance goals. An orchestrator then looks to an intermediary to provide expertise, facilitate agenda-setting and mediation, monitor compliance or verification, adjudicate disputes, and even provide legitimacy where an intermediary is found to “increase the acceptability of their policies” with targets (Abbott et al., 2015a, p. 721).

Orchestration may also be understood as a form of “interplay management” (Abbott et al., 2015b, p. 4) whereby IOs within a regime complex interact to pursue shared transnational goals. Orchestration is then found to build coherence in regime complexes (Heldt & Schmidt, 2019, p. 1162), it can help overcome institutional inertia and the dispersion of power and interests (De Burca et al., 2013), and is seen as a means by which IOs can improve their performance (Abbott & Snidal, 2010). Orchestration can be especially beneficial for an IO where they have “a broad mandate to address certain issues but has not itself been delegated the capacity or authority” by its member states (Hale & Roger, 2014, p. 66). Orchestration is not unique to IOs however and can also be pursued by states, particularly where a government seeks to show a domestic audience that they are still “doing something” even when faced with multi-lateral stalemate (Hale & Roger, 2014, p. 66).

The EU has itself received growing attention as an orchestrator in the extant scholarship. Orchestration has been associated with EU regulatory governance within the Single European Market (Blauberger & Rittberger, 2015), with development policy (Serban, 2021), crisis management (Amadio Viceré, 2021; Genschel & Jachtenfuchs, 2018), and with the EU’s counter-piracy practices (Beuger, 2016). Orchestration is then found to have benefited EU governance in its various regulatory regimes (Blauberger & Rittberger, 2015), to have boosted EU agency in international development policy (Serban, 2021), and to have helped the EU move into a core leadership role in the field of counter-piracy (Beuger, 2016, p. 418). Orchestration is also observed as a means of externalising or “outsourcing” EU responsibilities

concerning crisis management due to problems of EU internal capacity-building (Genschel & Jachtenfuchs, 2018, p. 190) or a lack of regulatory competence and reputation (Amadio Viceré, 2021, p. 498).

While orchestration is observed as a mode of governance already enacted by the EU in both its internal and external action, very little attention has yet been given to the governance structures and wider regime complexes within which the EU is seeking to inject agency, or to the specific conditions necessary for EU orchestration. Such conditions are important, however, both for understanding the structural constraints impacting the EU's capacity to act, and for distinguishing orchestration from other forms of EU external action. The existing orchestration scholarship identifies various conditions for orchestration (Abbott et al., 2015b; Hale & Roger, 2014; Kienzle, 2019) as well as specific attributes for an orchestrator to meet (Hale & Roger, 2014)—all of which are met in the case of the EU and the nuclear weapons regime complex.

In the next sections, these theoretical conditions and attributes for orchestration are discussed with reference to the EU and triangulated against empirical evidence from primary documentation associated with 24 of the EU's Joint Actions and Council Decisions tailored towards the nuclear weapons regime complex under the Framework of the European Strategy Against the Proliferation of Weapons of Mass Destruction (hereinafter WMD Strategy), alongside its associated budget comprising €88,125,845.23 over the period of 2003 to 2019 (Council of the European Union, 2022). Empirical data is further supplemented by anonymised semi-structured elite interviews conducted over a five-year period (2015 to 2020) with officials from the UNODA, the EEAS, EU delegations in New York and Geneva, and non-proliferation and disarmament officials from both nuclear and non-nuclear weapon states within the EU.

### 3.1. *Orchestration Conditions*

For orchestration to occur there must first be a need for it (Kienzle, 2019 p. 489). There is broad agreement within the literature that orchestration occurs when an actor lacks certain capabilities (Abbott et al., 2015b, p. 20; Hale & Roger, 2014; Kienzle, 2019). Lack of capability may be in capacity, competence, resources, expertise, reputation, or legitimacy, requiring that the actor orchestrates through an intermediary who provides the necessary capability to better reach targets and fulfil shared governance goals. IOs are particularly found to need orchestration where there is goal divergence among member states or between the member states and the IO (Abbott et al., 2015b, p. 20), which limits the IO's ability to pursue hard or direct forms of governance.

As discussed in section two, the EU's own political divisions, limited competence, and institutional access mean it has limited capability to pursue clear objectives or advance more robust common positions in forums such as the NPT review conference, the UN First

Committee, or the CD. Within these forums intergovernmental bargaining and the influence of states parties—including the EU's own member states—dominate proceedings. While the EU enters negotiations with agreed Council Conclusions, these tend to be ambiguous and say little about the core issues being negotiated, not least concerning nuclear disarmament (Dee, 2015). For EU member states, the EU's lack of visibility and limited policy role on nuclear disarmament means the EU has no role in setting the agenda of negotiations (interview, June 22, 2015) and is unable to negotiate with third countries (interviews, June 22–25, 2015). The EEAS further acknowledges the challenges of positioning the EU on nuclear disarmament particularly. As one official stated: “This is a divisive issue. By any definition we don't have a position, we must be in the middle of what member states want [but] when you have a gap like this it is never easy. And the gap is getting wider” (interview, June 25, 2015). When the EU acts within NPT review conferences it is thus seen by member states as a useful means to share information (interview, March 11, 2015) and as an important financier of side events (interview, March 11, 2015), but beyond this, the EU has very limited capacity to do more (interview, July 30, 2019).

Another driver for orchestration is that there exists a collective action problem in transnational governance that prevents multilateral progress (Hale & Roger, 2014, p. 66). When multilateral gridlock occurs within a regime complex, orchestration then serves as “a strategy through which states or IOs bring new capacities and resources to the provision of global public goods by strengthening or catalysing transnational governance schemes” (Hale & Roger, 2014, p. 63). As also discussed in section two, the EU is, like any state or observing party to the nuclear weapons regime complex, impacted by the same stagnation which impedes multilateral progress and creates demand for alternative governance modes (Hale & Roger, 2014, p. 66). Expectations of the EU not only performing as something “more and better than an IO” within the NPT, the CD, or the UN First Committee deliberations but then also influencing the agenda and outcome are therefore unrealistic (interviews, June 22–23, 2015). Orchestration then becomes an alternative governance strategy that enables the EU to be seen to be “doing something” (Hale & Roger, 2014, p. 66), while also upholding its own strategic objective of pursuing “effective multilateralism” (Council of the European Union, 2003).

Another important condition for orchestration is that like-minded intermediaries or “supply actors” exist within the regime complex (Abbott et al., 2015b; Kienzle, 2019). Intermediaries are typically highlighted in the orchestration literature as non-state actors such as NGOs, businesses, transgovernmental networks, private-public partnerships, or IOs who will share correlated values with the orchestrator (Abbott et al., 2015b, p. 6). Within the nuclear weapons regime complex, there is no shortage of available intermediaries for the EU to work with. While non-state actors tend to take a

subordinate role within the regime complex, there are a plethora of IOs and agencies at work within and across the regime complex with whom the EU shares close partnerships and common values. The EU is a strategic partner with the IAEA, for example (IAEA, n.d.). The CTBTO also highlights the EU's "unwavering multifaceted support" (CTBTO, n.d.).

Empirical evidence further demonstrates that the EU uses a wide variety of intermediaries—"implementing entity" or "implementing agency" in the EU's language (Council of the European Union, 2004, 2022, Annex I)—to action its governance goals within the nuclear weapons regime complex. Of the 24 nuclear-related joint actions and Council decisions adopted under the framework of the WMD Strategy between 2003 and 2019, a total of 15 were aimed at capacity-building projects implemented by the IAEA and CTBTO (Council of the European Union, 2022, Annex I). These technical assistance and capacity-building activities have all been based on "voluntary cooperation with other actors and use existing expertise in international organizations...in their implementation" (Kienzle, 2013, p. 1155).

To demonstrate this orchestrator-intermediary relationship, the first EU Joint Action tailored to the regime complex financed three projects under the IAEA's Nuclear Security Programme in 2004, totalling €3,329,000. According to the Joint Action, the EU's governance goals were to implement its WMD Strategy by enhancing the protection of proliferation-sensitive materials and to strengthen the detection of and response to the illicit trafficking of nuclear materials, with specific projects intended to target countries in need of nuclear security assistance (Council of the European Union, 2004). As an intermediary, the IAEA was entrusted with implementation of the three projects. The Joint Action further highlighted that the "IAEA pursues the same objectives" as the EU's WMD Strategy (Council of the European Union, 2004), and was already engaged in efforts to strengthen the Convention of the Physical Protection of Nuclear Material, thereby providing the necessary technical capability to action and outsource the EU's WMD Strategy.

Since the WMD Strategy was launched in 2003, the EU's orchestration of technical and capacity-building governance goals in nuclear security through the IAEA and CTBTO as implementing agencies has made up a significant proportion of the EU non-proliferation and disarmament budget (Portela, 2021). Between 2006 and 2018 seven EU council decisions were oriented towards the orchestration of capacity-building activities through the CTBTO totalling €16,299,694. The CTBTO implemented various projects and mechanisms ranging from enhanced gas monitoring, auxiliary seismic stations, improving the capacity of states to fulfil their verification responsibilities, providing support for integrated field exercises, and sustaining the operability of the CTBTO verification system (Council of the European Union, 2022, Annex I). In each case, the EU orchestrated by providing financial

support (material inducement) to the IAEA and CTBTO which worked in a voluntary capacity to implement shared governance goals targeting capacity-building and technical assistance support for target states to ensure nuclear security and safeguards.

The orchestration literature further highlights that while intermediaries may exist already, they can also be formed by the orchestrator, enabling states and IOs to "multiply their influence by convening multisectoral networks to tackle a governance problem" (Hale & Roger, 2014, p. 61). In addition to its long-standing orchestration of capacity-building projects within the nuclear weapons regime complex, the EU has also gone on to initiate and advance epistemic communities focused on nuclear weapons science and research. In 2010 the EU initiated "a European network of independent non-proliferation think tanks" (Council of the European Union, 2022, Annex I, pt. 65). Funded by the EU, the EUNPDC was established among six European think tanks specialising in peace and security research, with responsibility for coordinating the wider European network which, at the time of writing, constitutes 103 think tanks and university departments specialising in nuclear non-proliferation and disarmament research. Since its launch, the EUNPDC has contributed to the development of expertise and institutional capacity of the EU and third countries, with a focus on raising third-country awareness of proliferation and disarmament challenges (Council of the European Union, 2022, Annex I). The EUNPDC has also been used by the EU as an intermediary in actioning several Council Decisions aimed at supporting the establishment of a WMD free zone (WMDFFZ) in the Middle East, including the convening of dialogue mechanisms within and between civil society, experts, officials, and academics, and providing support to the facilitator of a conference on the establishment of a Middle East WMDFFZ (Council of the European Union, 2022, Annex I, pts. 59, 63). In so doing the EU has shown it can still engage with politically contentious issues within the nuclear weapons regime complex. The EU can pursue its governance goals without directly targeting the states concerned, instead using intermediaries for their convening power and "track two" diplomacy (interview, August 5, 2020)—in short, using orchestration as an indirect and soft mode of governance.

### 3.2. *Orchestrator Attributes*

In addition to the various conditions necessary for orchestration to occur, Hale and Roger (2014, p. 68) also argue that an orchestrator must possess certain attributes. These attributes are also important in highlighting the EU's capacity to utilise orchestration as a specific mode of governance in the nuclear weapons regime complex. An orchestrator must, for example, be perceived as part of a "broader and shared community," being well networked and capable of convening other transnational actors within the regime complex

and have an organisational culture that favours transnational collective action (Hale & Roger, 2014, p. 68). More specifically, an orchestrator must be focal, considered a governance leader or “anchor” (Abbott et al., 2015b, p. 24; Hale & Roger, 2014, p. 67) and thus capable of enlisting intermediaries in the relevant area. IOs are also thought to have greater attribution for orchestration where they have sufficient autonomy to act, and where there are weaker institutional mechanisms for member states to block or veto their activities (Abbott et al., 2015b, p. 20; Hale & Roger, 2014, p. 67). The EU meets all these attributes.

Since 1993 and the introduction of CFSP, the EU has been a focal point for EU member states working collectively on nuclear security, proliferation, and (to a lesser extent) disarmament issues. Euratom—the European Atomic Energy Community—is another focal point for EU governance and is perceived as important and trustworthy by EU member states and IOs within the regime complex (interview, March 12, 2015). The EU moreover shares close cross-institutional personal relationships with IOs and agencies across the regime complex (interview, June 6, 2020; see also Kienzle, 2019), further adding to its ability to both network with and subsequently convene IOs such as the IAEA, the CTBTO, and the UNODA. For example, the EU’s former special envoy for non-proliferation and disarmament, Jacek Bylica, now serves as chief of cabinet to the IAEA Secretary General Raphael Grossi (who was formally NPT president-designate during the first half of the NPT’s 10th review cycle). Frederica Mogherini, the EU’s former high representative for foreign affairs and security policy, is also now a member of the CTBTO’s Group of Eminent Persons. It is also important to highlight that the EU’s organisational culture naturally advocates multilateralism and collective action, further complemented by the 2003 WMD Strategy that champions the EU working with and strengthening key IOs within the nuclear weapons regime complex (Council of the European Union, 2003).

Concerning the EU’s autonomy to act, important also to emphasise is that the EU’s WMD Strategy, coupled with its dedicated non-proliferation and disarmament budget, gives the EEAS a broad mandate for EU external action, covering everything from the implementation and universalisation of multilateral non-proliferation and disarmament treaties to working in close cooperation with key partners to fight proliferation. The EU cannot orchestrate, however, without first having a Joint Action, Council Decision, or Council Conclusions in place, agreed by EU member states. EU member states thus oversee the EU’s mandate through regular Non-Proliferation (CONOP) working group meetings within the Council which serve to “police patrol” EEAS activities (Kostanyan, 2016). The EEAS Non-Proliferation and Disarmament Unit nevertheless chairs CONOP meetings and has some capacity to shape the agenda within the broad guiding principles of the WMD Strategy, particularly where it concerns, “safeguarding the centrality and the promotion of

the universality of the global non-proliferation and disarmament architecture, through diplomatic action and financial assistance to third countries and international organisations” (Council of the European Union, 2022, clause 2a)—a principle upon which EU member states easily agree (Portela, 2021). As one EU member state official also neatly surmised, “the EU is at its best when it speaks to the issues it puts its money into because that is its big bargaining chip” (interview, June 22, 2015). As an indirect and soft form of governance, EU orchestration thus presents itself as a politically amendable mode of external action for EU member states, enabling the EU to “do something” while not directly intervening in the political cleavages which divide not only the regime complex but EU member states themselves.

#### **4. Advancing EU Orchestration: The Case of the 2019/615 Council Decision**

In the previous section it was demonstrated how and under what conditions the EU has orchestrated within the nuclear weapons regime complex since 2003. Until now, however, the EU’s orchestration activities have largely remained under the radar, mostly being addressed in the extant scholarship as “external technical assistance” and treated as a non-political, financial function of the EU related to, yet separate from, EU performance in the more politicised NPT, CD, or UN First Committee (Kienzle, 2013; Portela, 2021). It is certainly the case that, except for the EU’s orchestration of dialogue mechanisms intended to discuss a WMD in the Middle East, EU orchestration activities since 2003 have typically been oriented towards low-salience, technical, and epistemic governance goals, thereby enabling the EU to inject agency into the regime complex without constant recourse to the cleavages that divide its states. In 2019 however, the EU noticeably advanced its orchestration activities in a way that warrants special attention.

On April 15, 2019, the EU agreed on Council Decision 2019/615. The Council Decision detailed the EU’s orchestration of a series of regional and thematic consultations intended to facilitate dialogue between practitioners, academia, and civil society, and to initiate a “road map” for producing a successful outcome at the 10th NPT review conference (Council of the European Union, 2019, Annex pt. 1.5). The EU provided finance of €1,299,883.68 to the UNODA who served as implementing agency to convene the series of consultations. Much like the Council Decisions discussed in section three, Council Decision 2019/615 involved the EU providing material inducement to an intermediary to pursue shared governance goals with target states. Unlike most of the EU’s orchestration activities under the framework of the WMD Strategy, however, Council Decision 2019/65 was directly targeted at NPT states parties to move them closer to an agreement, thereby strengthening the NPT.

As an intermediary, the UNODA used its convening power to bring together NPT states parties for



three thematic conferences focused on nuclear energy (Vienna), nuclear disarmament (Geneva), and nuclear non-proliferation (New York). In addition, four regional meetings were held covering states parties in Africa, Latin America/Caribbean, Asia-Pacific, and the Middle East. All the convened meetings were intended to gain an understanding of states parties' concerns across the three pillars of the NPT, to raise awareness of the obstacles to progress, to build trust and confidence, and to encourage flexibility in approaching the review conference (Council of the European Union, 2019).

The EU-UNODA orchestrator-intermediary relationship was not solely about utilising the UNODA's convening power, however. EU orchestration was actioned following close consultation between the EEAS and the 10th NPT review cycle's leadership (interview, June 11, 2020). The UNODA, which serves as the secretariat to the NPT, helped to provide legitimacy to the consultations (interview, June 11, 2020). This was especially important as while the EU was keen to be visible in funding the events (Council of the European Union, 2019, Annex pt. 5), and in providing a platform for states parties to meet, it did not want to be seen pushing any hidden agenda or being directly involved in the deliberations (interview, June 11, 2020).

Several of the meetings associated with Council Decision 2019/615 were impacted by Covid, which was seen to weaken its effectiveness (interview, August 5, 2020). The 10th NPT review conference—also postponed to August 2022—then failed to achieve an outcome document due to a last minute block by Russia. Nevertheless, the Council Decision remains pertinent for several reasons.

First, the Council Decision significantly “boosted” the EU's visibility within the NPT (interview, August 5, 2020). For a forum where the EU has historically struggled to exert much political influence and is often lamented for its invisibility and limited role (interview, June 23, 2015; Dee, 2015; Smetana, 2016), the EU's efforts to orchestrate rather than negotiate or facilitate directly is an interesting development. As one official noted: “We've not seen the EU do this before...it's new to see it financing events like this” (interview, August 5, 2020).

Second, interviews suggest that the consultations were beneficial in enabling some NPT states parties to move beyond entrenched national positions (interview, June 11, 2020), and for facilitating more active involvement of those states whose voices would not normally be heard in NPT review conferences (interview, August 5, 2020). Particularly important for both the EU and NPT/UNODA was that the events were inclusive, and engaged with regional perspectives, rather than just serving to entrench positions across the NPT's three thematic pillars. While the meetings did not result in a “road map” to shape the outcome of the NPT review conferences, they did serve to provide a platform for dialogue and deliberation.

Third, Council Decision 2019/615 speaks to the EU's continuing potential for more strategic orchestration

(Kienzle, 2019) within the nuclear weapon regime complex. With EU member states themselves divided by the very political cleavages that hinder progress within the nuclear weapons regime complex, the Council Decision adds further evidence to the EU's pragmatic ability to use, and increasingly flex, its governance muscle through orchestration linked to epistemic and convening practices. While its orchestration of technical capacity-building governance has given the EU limited political impact (Kienzle, 2013). The effort to utilise EU resources to initiate new dialogue mechanisms to unlock the agency of others, thereby seeking to advance multilateral progress within the NPT, is a development that could see the EU inject greater agency and enhance its political influence within the nuclear weapons regime complex.

## 5. Conclusions

This article set out to address the question: How, and under what conditions, does the EU orchestrate in the nuclear weapons regime complex? What it has highlighted is that the same political cleavages and multilateral inertia that prevent the EU from injecting agency into individual negotiation and deliberative forums within the nuclear weapons regime complex, also serve as conditions for the EU to pursue soft and indirect governance through orchestration. The EU orchestrates by advancing its governance goals with target states through the capacity-building, epistemic, and convening activities of intermediary IOs including the UNODA, the CTBTO, the IAEA, and the EUNPDC as a transnational network. Through orchestration, the EU has been able to bypass the political cleavages present across the various institutions of the nuclear weapon regime complex while actioning its WMD Strategy and “effective multilateralism” through intermediaries. In so doing the EU has been able to utilise its already close ties to IO, governmental, and non-governmental actors within the nuclear weapons regime complex to further shared transnational governance goals. As multilateral gridlock in the regime complex has persisted, so too has EU orchestration gone further than the technical capacity-building and epistemic activities which formed the mainstay of its non-proliferation and disarmament budget. Now the EU engages in orchestration as a convening practice geared towards initiating and “unlocking” the agency of other actors to advance multilateral negotiations over more politically contentious issues, most recently seen in the case of the 2019/615 Council Decision.

To conclude, I offer three main takeaways in contribution to this issue and the wider scholarship. First, focusing on EU activities within individual institutions within the nuclear weapons regime complex offers only a partial and incomplete picture of EU agency in this field. Orchestration, by contrast, offers not only a reframing of how we might evaluate EU performance but an important means by which we can fully articulate the scope of EU agency and its capacity to act across the nuclear

weapons regime complex. Second, regime complexity, and the structural conditions and political cleavages that can create transnational governance problems, also create the conditions for orchestration as an alternative mode of governance which the EU is well-suited to enact. Exploration and comparison of EU orchestration efforts across the wider international non-proliferation regime complex, as well as in other CFSP fields, would therefore be a fruitful avenue for further research. Finally, adopting an orchestration focus highlights the particular significance that intermediary IOs and transnational networks have in advancing EU external action in the nuclear weapons regime complex. More than just “outsourcing,” working with and through intermediaries highlights a pragmatic response by the EU to inject agency into a regime complex faced with stark political cleavages while remaining true to its proclivity for effective multilateralism and collective action. More research is nevertheless warranted in developing our knowledge of EU orchestrator-intermediary relationships not only for the EU as a global actor but on regime complexity itself.

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