

## [SE8-GB-1] Evaluating the 2010 NPT Review Conference

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### Full Summary

The session on the 2010 NPT Review Conference discussed the successes and disappointments of the review conference, and drew out lessons learnt from the conference and critical opportunities and actions that should be taken going forward. The general view of the panel was that the conference had been a success. Despite the modest language of the final consensus document, the panel argued that merely achieving such a document was a significant success. Many panelists noted the role of the new US administration under President Obama in providing momentum and leadership which contributed to the success of the conference, as well as the value of vigorous and thorough preparatory work prior to the conference. There was greater disagreement among the panelists regarding what should be considered the key disappointments of the review conference. For example, US State Department official Scott Davis argued that the failure to explicitly name Iran and Syria as being in non-compliance was a disappointment, while Egyptian Foreign Ministry official Hossam Eldeen Aly argued that this omission was positive. Looking ahead, the panelists agreed that substantive progress on the various action plans from the 2010 conference would be needed in order to build on the successes of 2010 in 2015. In particular, the panel highlighted progress on disarmament, the CTBT, the Additional Protocol, and – perhaps most challenging – moving towards the establishment of a Nuclear Weapons Free Zone (NWFZ) in the Middle East, as being essential over the coming years.

More detailed description of each panelist's remarks are now provided. Sharon Squassoni (moderator, CSIS) opened by noting that the 2010 NPT review conference was widely perceived as successful, but raised the question of whether this perception was largely due to the dismal failure of the 2005 conference. She also proposed a framework through which the panelists could discuss the success (or otherwise) of the conference: she suggested that panelists discuss the achievements of the conference, the disappointments of the conference, the lessons to be learnt from the conference, and finally, the key actions which need to be taken to ensure that the 2015 conference builds on the achievements of 2010.

Hossam Eldeen Aly (Ministry of Foreign Affairs, Egypt) began, arguing that the conference was “not perfect”, but should nonetheless be considered to have been a moderate success. In particular, he argued that the achievement of a consensus document was an important success following the failure to do so in 2005. He argued that it was not automatic that this would be achieved – and that even close to the end of the conference there were doubts as to whether it could be achieved. That a consensus document was achieved was in part due to the significant and serious preparatory work undertaken in advance of the conference. Aly argued that there were also successes in the action plans that were agreed to in the final document. The nuclear disarmament action plan was substantive in a number of important ways. First, it explicitly identified for the first time a nuclear weapons free world as the end goal of disarmament. Second, it re-affirmed the 13 steps towards disarmament agreed in 1995. Third, it required the P5 to report to the preparatory conference for the 2015 review conference on their progress towards disarmament. Fourth, it noted the UN Secretary General’s five-point plan towards disarmament. Finally, for the first time, the agreement made reference to the catastrophic humanitarian consequences of nuclear use, and made reference to international law in doing so – perhaps hinting for the first time that the use of nuclear weapons might itself be illegal under international law. Successes in the non-proliferation action plan included support for strengthening the IAEA, and encouragement of accession to the Additional Protocol. Aly noted that the agreement did not specify particular instances of non-compliance, but argued that this was positive. An additional action plan moved forward on implementation of the 1995 review conference: including supporting a 2012 conference on the creation of a nuclear weapons free zone (NWFZ) in the Middle East.

From Aly’s perspective, the first major disappointment was that the review itself was merely a “chairman’s note”, and not agreed to by the states parties. A second disappointment was that there was little progress on negative assurances protecting non-nuclear states from nuclear attack or coercion by nuclear weapon states. Further, a key NAM demand – that a nuclear weapons convention be agreed as a route forward towards disarmament – was not agreed.

Aly argued that the successes of the review showed the value of thorough preparatory work, and of flexibility on the part of all parties to accept compromises in the final document. He argued that neither of these had been present in 2005. The conference also benefited from greater US leadership under President Obama. He argued that the primary challenges in the years ahead were to move forward on implementing the 2010 action plans, and – particularly important – to make substantive progress on the Middle East Nuclear Weapons Free Zone. The moderator questioned whether it was reasonable to expect a substantive conference on such a thorny question in the aftermath of the Arab Spring. Aly argued that the Arab Spring actually improved the likelihood of a substantive conference, but accepted that such a conference would have to include both Israel and Iran to be viewed as a meaningful success.

Scott Davis (US State Department) began by noting his agreement with many of the comments made by Aly, and by acknowledging some dissatisfaction with the notion that achieving a consensus document should automatically render the review conference a success. Nonetheless, he argued that given the failure of the review conference in 2005, a second consecutive failure to achieve a consensus document would have been a devastating blow to the NPT and the non-proliferation regime more broadly, and that as a result, the 2010 review conference should be viewed as a success.

Davis agreed with Aly on many of the substantive achievements in the action plans. Key successes for the US included the reflection and endorsement of President Obama's vision of a nuclear weapons free world in the disarmament action plan, and discussion of a Fissile Material Cutoff Treaty (FMCT), and the Comprehensive Test Ban Treaty (CTBT). For the first time, Davis noted that the P5 have been called to engage with each other on accelerating disarmament. He pointed out that this has already happened, and will happen again in Paris in June, with a focus on making progress on verification and transparency on disarmament. Further successes included the endorsement of a multilateral fuel cycle, the call for states to sign the additional protocol, and the agreement to pursue a NWFZ in the Middle East.

Important disappointments for the United States included the failure to name Iran and Syria as being in non-compliance with the NPT, despite the agreement expressing concern over non-compliance more generally. Davis was also disappointed over the failure to reach consensus on expressing concern over potential abuse of the withdrawal clause in the NPT.

Moving forward, Davis argued that it was important to view the review conference not as an end in itself, but a milestone on a road: he argued that continued progress was therefore essential. Davis highlighted a number of key areas on which the US would seek to make progress: first, to ensure that the new START treaty is successful; second, to seek negotiations on a Fissile Material Cutoff Treaty; third, to continue negotiations and engagement among the P5 on various aspects of disarmament; fourth, to make progress on cases of non-compliance; fifth, to continue to promote universal compliance with the Additional Protocol; sixth, to increase the IAEA's budget and resources; seventh, to pursue multilateral fuel efforts (he noted the IAEA Board of Governors recent approval in reference to this); and eighth, to pursue a substantive and successful conference on the establishment of a NWFZ in the Middle East.

Abe Nobuyasu (Japan Institute of International Affairs) argued that the key success of the review conference was the adoption of a consensus document with comprehensive action plans, but argued the language of the consensus document was in many places very weak (he paid particular reference to the section encouraging accession to the Additional Protocol).

Nobuyasu argued that this represented a modest success, but that the importance of consensus meant that this was the best that could have realistically been hoped for. He argued that we should not, therefore, put too much emphasis on the review conference as an institution, and noted that much work can be undertaken outside the framework of the NPT which would nonetheless strengthen the NPT – work overcoming technical obstacles to the CTBT coming into force was an example of this.

Nobuyasu argued that a substantive conference on establishing a NWFZ in the Middle East is critical to the success of the 2015 review conference – if it fails, he argued that 2015 may be “stormy”. He also stated that beginning negotiations on FMCT, and US ratification of the CTBT were also critical going forward. He was optimistic that all of these could occur prior to the 2015 review conference.

Peter Crail (Arms Control Association) argued that the NPT is today stronger than prior to the review conference, and that the review conference should therefore be considered a success. He viewed the final consensus document as modest but forward looking. Moving forward to 2015, he argued that progress in three areas was necessary. First, there is a need to advance progress on disarmament. He argued that current US capabilities were well beyond the levels required for deterrence in the post Cold War environment, and could be reduced further. US ratification of the CTBT should also be viewed as a priority – the administration has begun laying the groundwork on Capitol Hill for ratification, but much remains to be done. The P5 as a whole also have obligations to engage each other more broadly on disarmament – for example, by pursuing measures to increase the transparency of disarmament efforts. These would represent substantive progress and would build confidence in order to allow for further reductions at a later date. Second, he argued that progress on detecting and dealing with instances of non-compliance is essential – highlighting Iran and Syria. On non-proliferation, Crail argued that the safeguards regime needs to be strengthened. In particular, he argued that ratification of the Additional Protocol should come to be viewed as a new “minimum standard” for state nuclear programs. The 1995 review conference statement that the right to peaceful use of nuclear power can only be exercised in conjunction with obligations under articles 1, 2, and 3 of the NPT should be reaffirmed in the preparatory conferences prior to the 2015 review.

Third, Crail argued that making progress on establishing a Nuclear Weapons Free Zone in the Middle East is of great importance. The agreement to hold a conference on establishing a NWFZ was critical to the success of the 2010 review conference, and progress towards it will be important to the outcome in 2015. He argued that merely holding a conference will not be sufficient to demonstrate progress. Equally, however, he argued that we should not be so optimistic as to think a single conference will succeed in charting a path to NWFZ

establishment. Nonetheless, between these two extremes there is plenty of opportunity to achieve a successful outcome. More specifically, Crail suggested the initiation of a process with identified follow-on steps, to further discuss definitional issues regarding elements of the zone and confidence building measures – such as ratification of CTBT. However, he argued that the challenges to even holding a conference will be substantial, especially given that the attendance of all relevant countries will be crucial to a positive outcome, and that participants will need to engage in a constructive manner (he particularly noted that a conference in which most participants sought merely to isolate Israel would not be successful).

The question and answer section ranged widely over a number of topics. Sharon Squassoni began by questioning the assumption by the entire panel that the outcome of the conference was a success, and highlighted the weakness of the language on the additional protocol as an example of this. Scott Davis argued that significant progress had been made on the additional protocol. For example, the US had had a goal that 100 countries would have signed the additional protocol by the time of the conference, and this was achieved. Peter Crail acknowledged that the final document included a lot of “hedging language”, but argued that the parties should now seek gradually to remove that hedging language to achieve more substantive documents in the future.

Other questions concerned current US preparation for the Middle East WMD conference, and realistic prospects for the outcome of such a conference. Scott Davis stated that the US is actively supporting efforts to convene the conference. Hossam Eldeen Aly stated that he still believed a conference could be held in 2012, and that the first steps towards holding it should be to appoint a facilitator and select a venue. He argued that a successful conference would answer questions such as whether a NWFZ would require a role for the IAEA, and whether there would be verification of any sort. But to start with, merely getting all the relevant countries sitting around the same table would be a major achievement.

Last, other questions tackled the prospects for the review conference to be held in 2015. The panelists largely reiterated the points made in their presentations, but several argued that the goal for 2015 should be more than simply achieving a mild-mannered final consensus document: progress on the 2010 goals need to have been made, and these then need to be examined and updated in the light of intervening events.

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