

[SE8-GB-2] Evaluating the 2010 NPT Review Conference

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Full Summary

The 2010 Nuclear Non-proliferation Treaty (NPT) Review Conference (RevCon) panel featured as part of the eighth session of the 2011 Asan Plenum focused on the conference's primary achievements and disappointments, lessons that were taken away from the deliberations, and challenges that may lie ahead for the NPT regime. The discussion was moderated by **Sharon Squassoni**, director of the Proliferation Prevention Program at the Center for Strategic and International Studies, and included expert commentary by **Hossam Eldeen Aly**, counselor of disarmament and international security at the Egyptian Ministry of Foreign Affairs; **Scott Davis**, deputy director of the Office of Multilateral Nuclear and Security Affairs at the United States Department of State; **Ambassador Abe Nobuyasu**, director of the Center for the Promotion of Disarmament and Non-proliferation at the Japan Institute of International Affairs; and **Peter Crail**, non-proliferation analyst at the Arms Control Association.

Sharon Squassoni opened the session by echoing the sentiment of many in the international community that the 2010 NPT RevCon was a success, particularly since the conference was able to balance the priorities of a variety of different states and produce a consensus document. However, she questioned whether this perception was at least partly a result of the failed 2005 meeting.

Hossam Aly viewed the 2010 RevCon as an event of severe importance, preceded by intense preparatory work by the conference's president and among the key players, and culminating in the adoption of the conference's final document on May 28. Many doubted the possibility of reaching consensus given the variety of stakeholders and their expectations; for example, groups like the P-5, New Agenda Coalition, and the Non-Aligned Movement (represented by Egypt at the conference), all entered the meeting with different priorities.

The conference's major achievements according to Mr. Ely are evidenced by the plans of action that states were asked to implement in support of the NPT's three pillars - disarmament,

non-proliferation, and the peaceful use of nuclear energy. On disarmament, many of the elements elected to the plan were new to framework, including articulation of a nuclear weapons-free world as the objective for nuclear disarmament and reference to the Secretary-General's five-point proposal for nuclear disarmament. For the first time there was a clear, valid preference for negotiations on a nuclear weapons convention. Referral to the catastrophic humanitarian consequences of nuclear use was another significant accomplishment, as it could potentially help set the legal foundations for banning use of nuclear weapons under international law. On non-proliferation, Mr. Ely highlighted the conference's agreement on the need to strengthen the International Atomic Energy Agency (IAEA), its calls for more conclusions of comprehensive safeguards agreements, and its encouragement of further additional protocol accessions. On peaceful uses of nuclear energy, he stressed the significance of the meeting's reaffirmation of sovereign rights to peaceful nuclear energy and the importance of technical cooperation. The fourth plan of action was also notable as it laid out a set of measures agreed on in 1995 for a conference on a Nuclear Weapons-Free Zone (NWFZ) in the Middle East.

Mr. Ely proceeded to underline what he considered were the disappointing aspects of the 2010 NPT RevCon. The meeting essentially failed to review progress on earlier commitments that had been made by participants in 2005; the deliberations on this aspect of the conference were articulated in a chairman's paper, which reflected the participants' inability to agree collectively on implementation of the NPT. Mr. Ely expressed dissatisfaction with the strength of the language on nuclear disarmament in the action plan as well as the incapability of the meeting to agree on a nuclear weapons convention. Finally, he noted that the Conference on Disarmament may not be the most ideal organization to assess actions in support of the "13 Practical Steps" from the 2000 RevCon since it remains hindered by stalemate.

For Mr. Ely, the main takeaways from the 2010 NPT RevCon were the value of concrete and thorough preparation, the importance of strong U.S. leadership, and the benefits of using a flexible approach for the review section. He also foresaw several challenges for the NPT regime. The success of the NPT RevCon to be held in 2015 will depend on implementation of the agenda adopted in 2010. The presentation of implementation of the NPT as a chairman's paper should not be repeated in 2015. Finally, regional issues remain very important, namely in the Middle East and the Korean Peninsula. In closing, Mr. Ely argued that while the 2010 RevCon was not perfect, it provided a solid basis to bring about the vision of nuclear weapons-free world if the international community has the patience to move collectively down that road.

Following Mr. Ely's prepared remarks, Ms. Squassoni questioned the expectation for progress on a substantive conference regarding a NWFZ in the Middle East given the current turmoil in the region. Mr. Ely replied that the political situation is improving, with the Arab Spring bringing more promise of stability to the region. He believed prospects for a substantive conference were largely dependent on the states attending, as well as their choices of conference format and structure.

Scott Davis focused his comments on areas of importance to the United States. He observed that while there has been much discussion of the accomplishments of the 2010 RevCon, he was not convinced by the view that the adoption of a consensus document was necessarily equivalent to "success." Rather, it is more instructive to consider what failure to agree on a final document in 2010 would have meant for the NPT regime.

He noted several of the conference's achievements across the different plans of action. Regarding disarmament, Mr. Davis concurred with Mr. Ely on the importance of highlighting the goal of a nuclear weapons-free world in the final document and of urging the P-5 to engage in a number of disarmament measures. He welcomed the meeting's calls for ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and for negotiations of a treaty banning the production of fissile material for use in nuclear weapons. On non-proliferation, he reiterated the first panelist's praise of the call for all states to adopt additional protocol agreements and of the need for increased IAEA resources, but went on to underscore the significance of promoting universal adherence to the treaty and of resolving cases of noncompliance. With respect to peaceful uses of nuclear energy, he commended the final document's endorsement of the Peaceful Uses Initiative and of the concept of pursuing multilateral fuel cycles.

There were a few areas in which the United States thought the conference fell short. One key disappointment was the explicit reference to Israel without mention of the Iranian or Syrian cases of noncompliance with NPT obligations, a position that Mr. Ely differed from. Mr. Davis also expressed concern about potential abuse of the NPT's withdrawal provision, which was part of the conference's deliberations but not an issue on which consensus was reached.

From the U.S. perspective, the lessons of the 2010 NPT RevCon were mainly process-oriented. It seemed that after a ten-year lack of consensus, state parties were determined to identify common interests. This created an environment that helped to bridge divides across regional and political groupings and foster agreement in a final document. As a result, conference participants were able to capitalize on a major opportunity to strengthen the NPT. The 2010 NPT RevCon was not, however, an end to itself. The U.S. saw the meeting as one

of multiple milestones that must be reached if the vision of a nuclear weapons-free world is to be achieved. Some of the most difficult challenges that future NPT Review Conferences will have to address are metrics for evaluating progress, encouraging P-5 action on nuclear disarmament, addressing cases of noncompliance, and the feasibility of a NWFZ in the Middle East.

Ambassador Abe Nobuyasu also commended the conference's adoption of a final document and comprehensive action plan. This outcome should be considered a modest success, however, due to a number of factors. The plan of action on non-proliferation was thin and weak; while further additional protocol accessions were encouraged, the document did not apply strong pressure to states to sign and adopt such agreements. The relatively soft language with respect to nuclear disarmament could also be interpreted as not requiring serious commitment of the nuclear weapons states.

The final result of the 2010 NPT RevCon exemplifies the reality of consensus rule. Given the process by which recommendations of the RevCon are determined, producing a strong statement is virtually impossible. Thus, states must have realistic and modest expectations of review conferences. Ambassador Abe acknowledged that while these circumstances may be discouraging for those who desire a nuclear weapons-free world, importance must be placed on constructive efforts outside of the conference. Some states and non-governmental organizations have made some important contributions that can serve to generate outside momentum toward this goal. For example, the International Commission on Nuclear Nonproliferation and Disarmament has offered a series of recommendations, some parallel to those in the RevCon's final document. The governments of Germany, Japan, and Australia recently met to discuss ways to promote disarmament and nonproliferation.

Ambassador Abe wrapped up his remarks with three critical steps for success at the NPT Review Conference in 2015. First, lack of progress on an international conference on a NWFZ in the Middle East could result in contentious deliberations in 2015. Although prospects may be fading due to uncertainties surrounding the Jasmine Revolution, Ambassador Abe argued that there is still time to achieve some progress that could set stage for continuing consultations. Second, negotiations on a Fissile Material Cutoff Treaty should begin soon. Finally, the window of opportunity for ratification of the CTBT may likely close by 2015.

Peter Crail concentrated on future steps for the NPT RevCon. The 2010 meeting was an important achievement; although the final document contained modest improvements, the NPT was left in a better place than it had been in prior to the meeting. Mr. Crail attributed the conference's achievements to the positive momentum at the meeting's outset, much of which

came from the widely acknowledged U.S. commitment to working toward a nuclear weapons-free world. States were also more willing to tackle new issues related to proliferation, such as the security of nuclear materials. For Mr. Crail, “success” was not represented by the adoption of a consensus document; rather, he emphasized the individual and collective abilities of states to meet commitments by reducing salience of nuclear weapons and preventing their spread as the most important metrics for assessing the effectiveness of the NPT regime.

Mr. Crail emphasized three sets of issues on which the RevCon’s participants should focus future efforts. The first was advancing progress on nuclear disarmament. Both the United States and Russia need to lead on deeper nuclear reductions beyond the limits set by the New START agreement. The P-5 countries should also take steps to increase the level of transparency in their strategic forces and to reduce the role of nuclear weapons in national security policies. Another critical step related to disarmament is ratification of the CTBT. The final document’s disarmament plan of action called on all nuclear weapons states to formally consent to this agreement. While sustained efforts in the U.S. Senate could likely secure U.S. approval, China must also begin the ratification process.

Enhancing international capabilities to detect nuclear proliferation could also improve the health of the treaty. The safeguards regime needs strengthening, most importantly through adherences to additional protocol agreements by non-nuclear weapons states. Refusing to support additional non-proliferation measures unless there is further movement on disarmament is an unproductive approach. The IAEA should also be given the legal tools and political backing it requires to investigate potential cases of noncompliance.

Finally, Mr. Crail highlighted the importance of holding a conference on a NWFZ in the Middle East. Agreeing to implement the 1995 Resolution was critical to the 2010 RevCon’s positive results; thus, progress on this pledge will likely influence the atmosphere of the 2015 meeting. The most meaningful contributions that the Middle East NWFZ conference could make are the initiation of a process and the determination of follow-on steps. Attendance of all the relevant countries in region is essential, and the environment must be conducive to discussion instead of an opportunity to single out Israel.

Following the panelists’ commentary, Ms. Squassoni challenged high expectations for the pace of further adoptions of additional protocol agreements. In response, Mr. Davis highlighted that IAEA Director General Amano surpassed his target of one hundred additional protocol ratifications before the 2010 NPT RevCon, and stressed that the remaining countries have refused to adhere to these agreements unless certain conditions are met. Mr. Aly argued that the non-nuclear weapons states take issue with pressure to agree to

an intrusive set of measures when all nuclear weapons states have not done so. Although additional protocol agreements are not required by the NPT, Ambassador Abe suggested that maybe they should be mandated for members of the Nuclear Suppliers Group (NSG). This tactic would face opposition, as pressure is mounting to soften conditions for NSG constituents on account of the growing demand for nuclear energy.

The second question for the panel was raised by Dr. Hans-Joachim Schmidt of the Peace Research Institute Frankfurt, an organization involved in the upcoming European Union meeting on a WMD-free zone in the Middle East. He asked for the panel's perspective on this approaching conference as well as the current status of U.S. preparations on the issue. Mr. Davis replied that as one of the three countries identified in the 2010 RevCon's final document as sponsors of the 1995 Resolution on the Middle East, the United States is actively seeking at high levels to convene the conference. Mr. Aly emphasized the importance of sequencing in these consultations; the first step should be the determination of the venue and terms of reference for the meeting, after which time must remain for convening the conference. Another member of the audience, Wang Jun, the head of the Chinese delegation to the CTBTO, asked Mr. Aly about his expectations for the Middle East NWFZ conference's objectives. Mr. Aly contended that the meeting should aim to bring together countries in the Middle East who have major concerns about WMD to look at proper modalities of verification, the scope of application, and the role of the IAEA in this regard. The mandate is essentially to provide a forum from which the state parties can proceed.

The final question came from a Korean participant, who requested the panel's views on the long-term prospects for NPT Review Conferences and their connection to the vision of a nuclear weapons-free world. While Mr. Crail, Ambassador Abe, and Mr. Davis all stressed the importance of implementing the action items laid out at the 2010 meeting rather than speculating on the utility of future conferences, Mr. Aly argued that the treaty will be more useful when a nuclear weapons convention comes into force.

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