Principles and Process

For anyone who attended the 2005 Nuclear Nonproliferation Treaty (NPT) Review Conference, where the parties failed to agree on anything at all, the recent debacle at the Copenhagen climate change conference seemed very familiar. In both cases, nation-based egocentrism made it impossible even to try to solve problems that are truly and fundamentally global, such as the health of the biosphere and weapons threatening to destroy the planet.

It is often said that another NPT review failure this year will signify the beginning of the end of the treaty. Such prophecies are risky, but also trivial. It has been clear for years that the NPT is under stress, so alarmism is unnecessary. States-parties are disappointed with the treaty for diverging reasons. What is needed for the review conference in May is pragmatic expectations and constructive multilateralism. The cynical negotiating tactics by a few states-parties in 2005 must not be repeated.

The success of the review conference will depend not only on the substance of the agreements reached there, but also on the way in which those agreements are reached.

The Importance of the Process

Despite all the talk of the NPT being in a crisis, there are no criteria to measure the success or failure of the review conferences. It is difficult to tell what will constitute a bare minimum of an outcome at the 2010 review conference—the point before which one or more governments will rather not agree on anything. The value of a consensus agreement is difficult to measure, as has been shown by the broken promises after 1995 and 2000. It is difficult to judge whether it is good to have a consensus outcome that governments can just barely accept. Are principled substantive positions better in the long run, even with failed conferences and no agreements, than pragmatic and practical compromises? Nobody can know, because it is impossible to predict whether parties will adhere to the commitments they make at the conference.

NPT parties must try to reach an agreement that is perceived as largely representative and, above all, is not promptly ignored or reinterpreted, as after the 2000 review conference. They must set up a negotiating structure that is representative for states-parties but still manageable and able to produce a clear record against which progress can be measured. This requires time: texts presented, repeated sessions for refinement, and high-level compromises. The 1995 conference structure was messy but produced a degree of success thanks to creative management by its president, Jayantha Dhanapala, and a few delegations. The 2000 review got a productive (but not representative) structure only in its last week, when the five nuclear-weapon states and the seven New Agenda Coalition members—Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden—fought it out over what in the end became the “13 steps.”

That format will not be repeated this year, mostly because non-nuclear-weapon states outside the New Agenda Coalition will not allow themselves to be left outside closed doors, waiting for an outcome they cannot influence. It is also unlikely that the coalition will be sufficiently tight and coherent to have the same strong influence as in 2000.

For the five nuclear-weapon states—China, France, Russia, the United Kingdom, and the United
States—it may be tempting to sit opposite an uncoordinated bunch of non-nuclear delegations, but that would be shortsighted. The five need a representative and fairly large group as their counterpart, in order to get agreements to which both sides will adhere. Once such an agreement is reached, there must be no retreat, as there was after 2000, especially by the United States and France.

Changing Expectations

A year ago, after President Barack Obama’s Prague speech, hopes for the 2010 review conference were high. Scenarios were discussed under which the Comprehensive Test Ban Treaty (CTBT) and the START follow-on treaty were expected to have passed the U.S. Senate and laid the groundwork for a “successful” NPT conference. Now is the time to turn the tide and to fulfill the NPT, it was said.

Today, pessimism is back. The five NPT nuclear-weapon states have not used the year since the Prague speech to send clear signals about a decreasing role for nuclear weapons, and the cases of Iran and North Korea are poisoning the preconference atmosphere. Necessary U.S. leadership in strengthening the treaty is weakened. U.S. ratifications of the CTBT and START follow-on will not be in place. The Nuclear Posture Review, due just after the time of this writing, cannot be expected to improve the chances of “success” significantly in May.

Expectations are a key part of the run-up to review conferences. In 2000, most were pleasantly surprised by the review outcome; in 2005, the opposite happened. Every review conference since 1995 has triggered a combination of hope and fear, later followed by disappointment.

For the review conferences, as for many other political events, success is partly a question of properly managing expectations. For that reason, low expectations may be a good starting point for the 2010 conference.

The goals and promises that secured the indefinite extension of the treaty in 1995 have been broken, delayed, or unfulfilled: a fissile material cutoff treaty (FMCT), the CTBT, the disarmament objectives, and the Middle East agreement.[1] Similarly, after 2000 all these and many additional agreements were left hanging: the diminishing role of nuclear weapons, their operational status, tactical nuclear weapons, the Conference on Disarmament (CD) process. This has bred frustration among non-nuclear-weapon states that the reductions in numbers cannot silence. For nonpossessors, it does not make a significant qualitative difference if present nuclear-weapon possessors have 20,000 instead of 50,000 weapons among them, as long as the role of those weapons in security policies and doctrines remains essentially the same.

The NPT parties must change direction at the 2010 review conference. The outcome must demonstrate that parties are willing to assume their full responsibility to uphold the treaty for the benefit of all.

Basic Requirements

One very helpful step at the review conference would be to include in the final document a favorable reference to the concept of a convention outlawing nuclear weapons. Everybody knows that a convention is many years away, but it is a logical step to start working on it now while discussing how an interlocking set of instruments may be equally effective and perhaps more practical.

Some minimum outcomes are definitely required. The five nuclear-weapon states must make efforts to clarify what kind or kinds of multilateral negotiation processes they are willing to undertake. Some movement on the CTBT and an FMCT is needed. (Work on an FMCT at the CD has been stalled, largely because of blocking actions by Pakistan. Because Pakistan is not a party to the NPT, it will not be able to play the same role at the review conference.) The nuclear-weapon states must clearly articulate an intention to downgrade their reliance on nuclear weapons (the “diminishing role”). Other steps among the 13 agreed in 2000 need to be updated and more clearly formulated, such as transparency, irreversibility, tactical weapons, and others.

Definitely within the minimum requirements is an honest treatment of the Middle East issue.
Whether one or more of the ideas from the third Preparatory Committee meeting (to appoint a special NPT coordinator for the Middle East resolution, or a special body or conference) will be sufficient is difficult to say. It is perfectly clear, however, that there will be no successful outcome without specific language on the Middle East. It is equally clear that NPT review conferences will not be the place where solutions to the region’s problems will be found.

Some more fully developed descriptions of what potential elements of a “successful” outcome could look like have been given by the International Commission on Nuclear Non-proliferation and Disarmament, headed by Gareth Evans and Yoriko Kawaguchi. It is probably too much to hope that most of these sketches will be adopted and negotiated successfully in May, but the substance is there, ready to be grasped and used.

There also are important areas in which some states-parties will try hard to shape agreement but that will probably not decide the overall outcome. Examples are the interpretation and application of Article X on withdrawal from the treaty and improved institutional memory and governance of the treaty itself.

Conclusion

Going into this year’s review conference, states-parties must be prepared to address the fact that the NPT is threatened from two angles. Roughly speaking, one is symbolized by Iran’s unwillingness to clarify its intentions in a fully transparent way, while the other is the nuclear-weapon states’ apparent view that retaining and modernizing their arsenals is compatible with the treaty. Both are dangerous threats to the norms; the first may seem more immediate, while the world has lived with the second for a longer period. Both must be solved. The first will not and cannot be solved at the review conference. The conference participants, in a best-case scenario, may take some steps toward addressing the second.

A failure at the review conference probably would not be a disaster in the short term, but it very well could be in the longer term. At the very least, an NPT review crash would make all multilateral approaches to the nuclear regime so much more difficult to manage, not only disarmament, but also the most pressing nonproliferation problems, such as Iran and North Korea. Continued inertia can no longer be an option. Plodding sideways and backwards for 15 more years will slowly kill the NPT.

In Copenhagen, bleary-eyed world leaders sat exchanging blows until five o’clock several mornings in a row. We will not see that in New York in May; the threat from nuclear weapons is not yet deemed to be as dangerous as the one from climate change. But the outcome may be equally important, or even more so.

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ENDNOTES

1. The Resolution on the Middle East “[c]alls upon all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective” and “[c]alls upon all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.” For the full text, see “Resolution on the Middle East,” NPT/CONF.1995/32


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