The 2015 NPT Review Conference and the Future of the Nonproliferation Regime

July/August 2015

By Andrey Baklitskiy

As the latest nuclear Nonproliferation Treaty (NPT) review conference ends without an agreement on a final document, some observers begin to wonder whether the nuclear nonproliferation regime itself is in crisis. The prospects for the next review conference do not look particularly bright.

With tensions between Moscow and Washington precluding any new arms control agreements and no multilateral disarmament negotiations in sight, non-nuclear-weapon states accuse the nuclear haves of “discrimination, hypocrisy, and failure to live up to their commitments to disarm.” As one wise observer put it, although “[e]xcessive rhetoric is a hallmark of such conferences, and it will not necessarily signify an imminent collapse of the treaty. . . these charges underscore a more basic, long-run security problem. . . that could lead to the failure of the NPT.” It was the summer of 1985, and Joseph Nye was evaluating the cohesion of the nonproliferation regime in his article titled “NPT: The Logic of Inequality.”[1]

The nonproliferation regime proved to be much more resilient than many observers believed. A few months after Nye published his article, the third NPT review conference ended successfully, and 10 years after that, the treaty was extended indefinitely. The majority of the NPT member states share an interest in nuclear nonproliferation, and the price of noncompliance is high enough to deter...
potential violators. That combination eventually brought the NPT more adherents than any arms control arrangement in history. Thus, to assess the current state of the nonproliferation regime and to understand what the 2015 review conference’s failure to produce a final document means for the regime’s future, one must put things into perspective.

First, an NPT review conference ending without a final document is nothing new or even unusual. Since the treaty entered into force in 1970, the parties failed to reach a consensus at four out of nine review conferences: 1980, 1990, 2005, and 2015. The outcome of the 2015 conference, disappointing though it may be, says little about the major trends in the field of nonproliferation.

Second, the main contradictions plaguing the review conferences have not changed much since 1985. The past 30 years have seen the collapse of the bipolar world and nuclear weapons tests by India, Pakistan, and North Korea. Nevertheless, it is disarmament under Article VI of the NPT that remains the most contested issue. The issue of the creation of a zone free of weapons of mass destruction (WMD) in the Middle East—the straw that broke the camel’s back in 2015—can be traced back at least to 1974.[2]

Third, the world has seen previous instances of standoffs between the nuclear weapons superpowers, and the nonproliferation regime managed to stay relatively intact. Current relations between Russia and the United States are frosty, which does not bode well for further bilateral disarmament. In the course of the NPT review conference, the two countries criticized each other over alleged noncompliance with international agreements. Nevertheless, both sides have continued to implement current arms control accords such as the New Strategic Arms Reduction Treaty and the Intermediate-Range Nuclear Forces Treaty despite mutual accusations over the latter. Another positive sign is that Moscow and Washington continue to work together in the P5 process.[3]

For the moment, Russia does not support the U.S. initiative to decrease the nuclear arsenals of the two countries to 1,000 warheads each. From the Russian point of view, the prerequisite for further reductions is strategic stability, which United States is undermining by expanding its ballistic missile defense, developing prompt global-strike systems, and opposing the draft treaty banning weapons in outer space. If any of these trends changes due to new intergovernmental dynamics or a creative use of diplomacy, this could bring bilateral or multilateral disarmament initiatives back to the table.

At the same time, new, alarming trends are emerging. Although the points of divergence in the NPT review process remain unchanged, the willingness to compromise and find consensus is fading. The dissatisfied countries are looking for shortcuts to fulfill their disarmament demands. There is a temptation to shift the discussion to forums, such as the UN General Assembly or an ad hoc body, that make decisions by majority instead of consensus. Contrary to popular belief, such a move is unlikely to result in the desired change. Instead, it would weaken the review process and consequently the nonproliferation regime itself. Two main case studies stand out.

At the recent review conference, the intransigence of the United States and its allies, which safeguarded Israeli interests over a WMD-free zone in the Middle East, clashed with the position of Egypt, which was not ready to forget the promises made in 1995 and 2010. The conference concluded with Washington rejecting the wording on the Middle East and derailing the whole draft final document. As a result, with Jaakko Laajava all but officially resigning as facilitator of the planned conference on a WMD-free zone and no new decisions being made, the staging of the conference was put on hold indefinitely. As Mikhail Ulyanov, director of the Department for Non-Proliferation and Arms Control at the Russian Foreign Ministry, put it, “[T]he current mandate on the Weapons of Mass Destruction-Free Zone has expired, and a new one, it seems, may only be confirmed at the next Review Conference in 2020.”[4] Other actors might have different views. For example, nothing would prevent Arab states from bringing the issue to the UN General Assembly, where they could rally enough support to task the secretary-general with organizing the WMD-free zone conference in circumvention of the U.S. position.

Such a move would be cheered in the Arab world, but it is difficult to see how it could help bring all regional stakeholders to the negotiating table, which is a prerequisite for success. The original Arab group text on the WMD-free zone was amended during the negotiations in an effort to gain broad support within the review conference framework. That is why the section of the draft final document
on the Middle East envisioned that negotiations on the WMD-free zone conference would be consensus based, giving Israel a de facto veto over any substantial decision. Should Arab states decide to push for a General Assembly resolution, they could drop out the provisions requiring consensus because they would not need them for the document to pass. Such a resolution would be even more unacceptable to Israel than the version that the review conference ultimately rejected. The resolution would pass, but in the end, the conference would fail to bring together all the countries of the region.

Things get even more complicated when it comes to issues related to disarmament. At the review conference, some 160 member states endorsed the so-called humanitarian initiative, which emphasizes the impact of a nuclear weapons detonation on human beings and the environment. These states pushed for the establishment of a legal framework to eliminate nuclear weapons—a clear nonstarter for nuclear-weapon states—and lobbied hard to insert into the final document the precise terminology developed by the group, for example, the term “humanitarian consequences.” For their part, the nuclear-weapon states rejected this approach, maintaining, contrary to the opinion of the majority of member states, that there is no need for urgent disarmament actions, and joined the non-nuclear-weapon states in discussing terminology instead of substance.

Many participants and observers believed that the disarmament section of the draft final document, which included the humanitarian-impact language but not legally binding disarmament measures, could have been adopted. Although many non-nuclear-weapon states were less than enthusiastic about that section, no one was willing to take the blame for the failure of the conference. Some members of the humanitarian initiative were probably satisfied to hear Rose Gottemoeller, U.S. undersecretary of state for arms control and international security, say that it was better to “conclude this conference without a final consensus document than endorse a bad final document.”

With two depositaries of the NPT—the United Kingdom and the United States—opposing a final document of the review conference over a country that was not even party to the treaty and with disarmament expectations not met, there is a good chance that actions will be taken outside the review process. The humanitarian initiative or its more radical wing—the 108 countries that endorsed the “Humanitarian Pledge” to “stigmatise, prohibit and eliminate nuclear weapons” might decide to start working on the long-debated legal instruments to ban nuclear weapons. This can be done through the General Assembly or within the framework of the next conference on the humanitarian impact of nuclear weapons use.

If a nuclear weapons convention is put forward in any of this forums, nuclear-weapon states, their allies, and some of the more moderate countries are unlikely to participate. Such a move certainly would increase the divide between groups of countries with different approaches.

The possibility of the fragmentation of the NPT review process along ideological lines has always been present. The inalienable inequality of the treaty and the large number of groups within the review process provide broad opportunities. Nevertheless, for the last 45 years, states-parties have managed to listen to each other most of the time. The dialogue between countries has made it possible to move the process forward, with the review conferences and the preparatory committees providing good platforms for discussion and consensus building. This should not stop.
Although Arab countries might not like to continue negotiating on the WMD-free zone, when every deadline since 1995 has been missed and no guarantee of success is given, it is obvious that the talks must continue. Continuing without Israel, however, makes little sense. The United States and Israel must take into consideration that a conference organized without Israel would only undermine trust in the region, fuel tensions, and increase pressure on the Israeli government, results that neither country wants.

For its part, the humanitarian initiative should set clear goals and identify realistic ways to attain them. For the moment, the introduction of the humanitarian-impact language and the stressing of new evidence of the threat posed by nuclear weapons are almost outweighing the promotion of nuclear disarmament as a focus of the initiative’s members.

The initiative was successful in bringing additional attention to the importance of Article VI and becoming a voice of the majority of NPT member states on nuclear disarmament. If it wants to stay relevant, the initiative will have to do some difficult diplomatic work to match this support with an agenda that could be seen by all member states as a starting point for discussion. Nuclear-weapon states are not going to accept a nuclear weapons convention anytime soon. This is where the lack of credible short- and medium-term proposals for nuclear disarmament on the part of the humanitarian initiative produces confusion.

Nuclear-weapon states should not dismiss the humanitarian approach out of hand. Nuclear war would undoubtedly be a catastrophe. Nuclear-weapon states know this much better than the majority of non-nuclear-weapon states. This was the foundation of the policy of nuclear deterrence and is one of the reasons that no nuclear war has been fought over the last 70 years. Moreover, not a single nuclear-weapon state is opposed to the idea of nuclear disarmament although the security guarantees they would require may vary and the five states insist on what they describe as a “step-by-step” approach. Discussing the possible disarmament steps and the security conditions needed for them with non-nuclear-weapon states would increase the transparency of the process and strengthen the NPT and the nonproliferation regime.

NPT member states must continue the dialogue on the most pressing issues. The 2020 NPT Review Conference will coincide with the 50th anniversary of the treaty. An often overlooked fact is that had the treaty simply been extended for 25 years back in 1995, there would have to be another extension conference five years from now with an unclear outcome. Luckily, today there is no need to worry that the NPT itself will cease to exist because of procedural issues or the objections of a
single country. With this weight lifted, member states should engage each other instead to make the world safer for all of its inhabitants. The half-century-old treaty is still more than relevant for this purpose.

Andrey Baklitskiy is director of the Russia and Nuclear Nonproliferation Program at the PIR Center, a Moscow-based global security think tank, and a research fellow at the Center for Global Trends and International Organizations of the Diplomatic Academy of the Russian Foreign Ministry. He attended the nuclear Nonproliferation Treaty Preparatory Committee meetings in 2013 and 2014 and the review conference in 2015.

ENDNOTES


2. UN General Assembly, Resolution 3263, December 9, 1974 (“Establishment of a Nuclear-Weapon-Free Zone in the Region of the Middle East”).

3. The five countries that the nuclear Nonproliferation Treaty recognizes as nuclear-weapon states (China, France, Russia, the United Kingdom, and the United States) also are the five permanent members of the UN Security Council and therefore are sometimes known as the P5. Since 2007, they have been meeting to discuss issues such as transparency and confidence-building measures.


