

NPT 2010: The Beginning of a New Constructive Cycle

The 2010 Nuclear Nonproliferation Treaty (NPT) Review Conference in New York in May was widely anticipated as a watershed event for international efforts to achieve nuclear disarmament and to prevent the spread of nuclear weapons. After a month of intensive negotiations, the NPT's 189 states-parties agreed on a final document that puts forward 64 follow-on actions including, notably, formal talks in 2012 on eliminating nuclear weapons in the Middle East, an issue that had been stagnating since the 1995 NPT Review and Extension Conference.

Given the 10 years of stalemate that followed the 2000 review conference, including the 2005 meeting, which failed to produce agreement on any substantive issue, this is both an un-

precedented success and a glimmer of hope for the nuclear nonproliferation and disarmament regime. Egypt, speaking on behalf of the Nonaligned Movement (NAM), a group of 118 developing

nations and the largest bloc of treaty members, called the timing of the conference a "historical juncture," citing "stronger political will...aimed at the total elimination of nuclear weapons."¹

The positive outcome stems in good part from the unique constructive exchange that developed between the governments and diplomats before and during the conference. In their closing statements, many delegations credited the success of the conference to an improved atmosphere among member states, created by the active promotion of disarmament and nonproliferation in the lead-up to the conference. U.S. President Barack Obama's April 5, 2009, speech in Prague calling for steps toward a world free of nuclear weapons and the April 8, 2010, signing of a U.S.-Russian nuclear arms reduction agreement were two oft-cited examples. In fact, however, a broader range of focused and effective diplomatic efforts and developments took place ahead of the conference, including:

- the positive atmosphere achieved at the May 2009 NPT Preparatory Committee;

Dr. Sameh Aboul-Enein is deputy ambassador of Egypt to the United Kingdom and a visiting lecturer on disarmament at London Diplomatic Academy. He previously was Egypt's alternate representative to the Conference on Disarmament and the UN Office at Geneva and was an expert delegate at the 2005 and 2010 Nuclear Nonproliferation Treaty Review Conferences. He is an alumnus of the School of Oriental and African Studies, University of London; this article forms part of his postdoctoral research. He is contributing these views solely in his academic and personal capacity.

- the 15th NAM summit held at Sharm el Sheikh, chaired by Egypt in July 2009, where leaders reaffirmed their commitment to seek a world free of nuclear weapons;
- the “G8 Foreign Ministers’ Statement on Nuclear Non-Proliferation, Disarmament and Peaceful Uses of Energy: A Contribution to the 2010 NPT Review Conference,” which the Group of Eight issued after its meeting in Canada in March 2010;
- the U.S. “Nuclear Posture Review Report,” released in April 2010, which marked a substantial achievement by reducing the role of nuclear weapons in U.S. national security policy; and
- the well-timed nuclear security summit in Washington, also in April 2010, with its high-level attendance and powerful message that all states must curb proliferation.

These events created the necessary positive momentum for the review conference. When the NPT parties convened in New York, it was clear that most of them came determined to reinvigorate the treaty and the wider nuclear nonproliferation regime.

The constructive nature of their statements and their willingness to seek common ground reflected this determination, as did the ability of the five nuclear-weapon states to reach agreement on a joint statement early in the conference. The strong leadership exhibited by the president of the conference and chairs of the Main Committees and subsidiary bodies, along with their wise use of committee work to push the agenda forward, helped to channel this goodwill and overcome obstacles posed by parties keen to protect their status or resist criticism. However, a great deal more was required to achieve success. The parties had to negotiate difficult understandings; the most notable example is the language in the final document on steps toward establishing a zone free of nuclear weapons and other weapons of mass destruction (WMD) in the Middle East. In that case, discussed in detail below, the common ground



Elmer Cato/Philippine Mission to the UN

Libran Cabactulan (second from left), president of the 2010 Nuclear Nonproliferation Treaty Review Conference, moves for the adoption of a 64-point action plan on May 28, the last day of the month-long conference at the United Nations.

reached produced an opportunity to make real progress on an issue that could have considerable bearing on the strength of the nonproliferation regime in the next decade.

An Acceptable Compromise?

Participants in the conference witnessed and welcomed the emergence of new leadership, expressions of determination, and strong political will to achieve the total elimination of nuclear weapons, articulated by public figures, intellectuals, and civil society in nuclear-weapon and non-nuclear-weapon states.

Although the issuance of a final docu-

ment was a big improvement over the 2005 review conference, which did not produce one, it was the result of many compromises. The version of the document to which the parties ultimately agreed was a pale shadow of the plan of action presented by Egypt on behalf of the NAM countries on the total elimination of nuclear weapons and of the NAM’s comprehensive working paper on all three pillars of the treaty—nonproliferation, disarmament, and the peaceful uses of nuclear energy—and on the implementation of the 1995 Resolution on the Middle East, which called for a zone free of nuclear weapons and other weapons of mass

destruction in that region.² Unfortunately, many of these proposals were watered down by key states during the negotiation process, which tended to move consensus toward the lowest common denominator. Negotiations on implementing the 1995 Middle East resolution on a zone free of nuclear weapons and other weapons of mass destruction were particularly challenging as states-parties had to balance the differing levels of commitment and the depth of concern expressed over this issue, especially by states in that region. As some of the delegations remarked in their closing statements, these compromises, mainly between non-nuclear-weapon states and the nuclear-weapon states, were necessary to secure what was a relatively good outcome.³

Failure Not an Option

Negotiations and consultations over the four weeks of the conference were inclusive and transparent. They covered a wide range of issues that were of crucial importance to the treaty's credibility and effectiveness as well as to the security and aspirations of states-parties. We negotiated and agreed on three forward-looking action plans on nuclear disarmament, nuclear nonproliferation, and the inalienable right of all states to peaceful uses of nuclear energy. These plans further reaffirmed the critical importance of achieving the universality of the treaty and of putting into action an effective process to implement the 1995 Middle East resolution. We examined the need for a nuclear weapons convention on the total elimination of nuclear weapons within a specified timebound framework; the need for a global, legally binding, unconditional instrument on negative security assurances; and many other issues required to bring about the full implementation of the treaty and a world free from nuclear weapons. Time constraints prevented delegates from conclusively considering all these issues or accomplishing all that states-parties were aiming to achieve at the conference, but we nonetheless moved a step forward.

In 1995 the treaty was extended indefinitely as part of a grand bargain. At that time, the nuclear-weapon states also repeated their resolve for total elimination of nuclear weapons by agreeing on a program of action that included some concrete steps toward disarma-

ment. This program was fleshed out at the 2000 review conference in the form of 13 "practical steps" toward nuclear disarmament, which were vigorously pursued by the New Agenda Coalition. The coalition, which consists of Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden, seeks to build international consensus on nuclear disarmament initiatives. Egypt chaired the coalition at the 2010 review conference.

At the review conference, the NAM, chaired by Egypt, played a crucial role, deciding to take advantage of the positive signs of progress, showing the necessary political leadership, and doing everything to make this review conference a success. Failure was never an option.⁴

Thus, the resulting commitments made at this year's conference were translated into an action plan on the three pillars, including proposed steps for implementing the 1995 Middle East resolution. This final document advances the agenda further than the 1995 and 2000 conferences did and lays the groundwork for the future. In the final analysis, the document adopted was the only viable option in moving forward.

Balanced in bringing all countries and groupings on board, it spells out concrete action plans that have to be undertaken by all of them. A framework for progress has been agreed. Now, political will is necessary to achieve it.

The Significance of the 13 Steps

The 2010 action plan asks states, for the first time, to take specific actions in support of the three pillars. The wording of these points reflects the intent that they serve as benchmarks for measuring progress and an assurance that there will be accountability at future meetings. Transforming the lofty goals of the NPT debates into concrete benchmarks is a necessary step forward.

Much of the debate in May centered on how the 13 steps could be updated and pursued with a renewed commitment. Support by the United States and other nuclear-weapon states for the 13 steps was at its lowest ebb during the 2005 review conference, but the election of Obama has reversed this trend. By committing the United States to nuclear disarmament and by urging the rest of the world to follow suit, the Obama administration has



Cabactulan reads a document at the review conference shortly after delegates approved the action plan.

Jose Jacinto Morales/Philippine Mission to the UN



Pete Souza/White House

Speaking in Prague on April 5, 2009, President Barack Obama calls for steps toward a world without nuclear weapons.

taken some small but significant positive steps. There have also been several new commissions and reports supporting a practical vision of a world free of nuclear weapons.⁵ In this new political environment, where disarmament is very much back on the agenda, the relevance of the 13 steps is a pertinent question.

Those steps are by far the most comprehensive commitments that the nuclear-weapon states have ever made on nuclear disarmament. They form a clear road map for those countries to fulfill the provisions of Article VI of the NPT on measures relating “to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control,” measures such as bilateral arms control between the United States and Russia, entry into force of the Comprehensive Test Ban

Treaty, the negotiation of a fissile material treaty, de-alerting of nuclear weapons, no-first-use commitments, negative security assurances by the nuclear-weapon states, irreversible disarmament, and an unequivocal commitment to work toward the complete elimination of nuclear weapons. These steps are essential, although not sufficient, for any conceivable and workable plan to achieve a world free of nuclear weapons. Moreover, they are part of the only universally agreed and politically declared action plan for nuclear disarmament within the framework of the NPT.

The most significant evidence for their relevance was the 2010 review conference itself, during which one of the key challenges was the nuclear-weapon states’ reaffirmation of the 13 steps. The refusal to make this reaffirmation in

2005 was deemed a critical reason for the failure of that meeting.

Timebound Nuclear Disarmament

One of the most significant outcomes of the 2010 review conference is the decision to focus on achieving “time bound disarmament,” agreed in principle and contained in a limited way in the final document. It requires the nuclear-weapon states to report to the 2014 NPT Preparatory Committee on their progress in achieving nuclear disarmament, a welcome addition to the 13 steps. The frustration among the non-nuclear-weapon states over the complacent attitude of the nuclear-weapon states toward implementation of disarmament measures was very evident in May. Many states expressed a skeptical view of the new disarmament momentum and said that the proposed

measures were merely cosmetic. Credible commitment to disarmament requires that disarmament plans have time limits attached and that states are genuinely held to account for their record in concrete achievements.

The concept of nuclear deterrence, with its doctrines of continuous deployment and threatened use of nuclear weapons, also came under heavy criticism at the conference. Arguing that “it is high time that the lure of nuclear weapons is ended,” Indonesia’s foreign minister, Marty Natalegawa, challenged such doctrines in his opening statement on behalf of the NAM and called for negotiations on a comprehensive multilateral treaty to ban nuclear weapons and provide for their elimination in accordance with an action plan with benchmarks and a time frame.⁶ Switzerland, which organized a side meeting with the Monterey Institute of International Studies to launch the findings of a new study on delegitimizing nuclear weapons, questioned whether any use of these weapons could ever be regarded as legitimate and called for the “humanitarian considerations” to be put at the heart of the nuclear debate, a point endorsed by others in later discussions.⁷ Brazil highlighted the enduring problem that nuclear weapons have “a more basic meaning, enhanc-

ing power and a sense of dominance” for their possessors, which constitutes “a serious obstacle to the democratization of international relations...[and] international peace and security.”⁸ Some 125 countries supported initiating a process leading to multilateral negotiations on a convention banning nuclear weapons, taking this concept from the margins to the mainstream.

Nonstrategic nuclear weapons were challenged from all sides. Following a brief mention by the European Union of the need for short-range armaments (variously described as tactical, prestrategic, or substrategic) to be reduced and eliminated, Germany led nine other countries (Austria, Belgium, Finland, Ireland, Luxembourg, the Netherlands, Norway, Slovenia, and Sweden) in a call for increased transparency and the inclusion of nonstrategic nuclear weapons in the bilateral U.S.-Russian negotiations and in broader multilateral arms control and disarmament processes. In support of this proposal, Norway and Poland jointly argued for the step-by-step elimination of such weapons, noting that “the goal of a world without nuclear weapons, which we all share, cannot be met without addressing that issue head on.” The NAM went further, criticizing the deployment of tactical

nuclear weapons in Europe under the auspices of NATO and proposing that the nuclear-weapon states should commit to “refrain[ing] from nuclear-weapon sharing with other states under any kind of security arrangements, including in the framework of military alliances.” Switzerland agreed, arguing that nonstrategic weapons “no longer have a place in today’s Europe.”⁹ Although the nuclear-weapon states expunged any explicit reference to such weapons from the final document, it did refer to the need to include all types of nuclear weapons in negotiations.

However, the high point and marker of success for the review conference was the reaffirmation of the unequivocal undertaking by the nuclear-weapon states to eliminate nuclear weapons.

Implementing the 1995 Resolution

One of the dominant issues at the conference was the review of progress made in achieving a nuclear-weapon-free zone in the Middle East. The special status of the region was recognized by a resolution adopted by the 1995 review and extension conference, which reaffirmed explicitly the importance of this issue in achieving the indefinite extension of the treaty. The 1995 resolution contained the objectives of establishing a nuclear-weapon-free zone in the Middle East, the accession to the NPT by all states in the region, and the placement of all nuclear facilities in the Middle East under full-scope International Atomic Energy Agency (IAEA) safeguards. In this light, it is important to recall President Hosni Mubarak’s proposal on a WMD-free zone in the Middle East in 1990.¹⁰ His proposal had three main elements:

- the prohibition of all weapons of mass destruction—nuclear, chemical, and biological—in all states in the Middle East;
- the provision of assurances by all states in the region toward the full implementation of this goal, in an equal and reciprocal manner to fulfill this end; and
- the establishment of proper verification measures and modalities to ensure the compliance of all states of the region without exception.



Greenpeace activists stand in front of the Knesset, the Israeli parliament, June 23.

At the 2010 review conference, the NPT parties for the first time accepted the importance of a process leading to full implementation of the 1995 resolution, beyond simply wishing its conclusion. They endorsed concrete and substantive practical steps, including the convening of a conference in 2012 by the UN secretary-general and the co-sponsors of the 1995 resolution, in consultation with the states of the region, on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction, to be attended by all states of the Middle East. A facilitator with a mandate to support implementation and assist in the convening of the 2012 conference will be appointed, and a host government will be designated. The facilitator will report to the 2015 NPT Review Conference and its preparatory committee meetings.¹¹

The goal of a nuclear-weapon-free zone or, more generally, a WMD-free zone in the Middle East has been repeatedly endorsed by all states in the region, as well as the international community at the highest diplomatic levels. Resolutions are annually adopted to that effect by the UN General Assembly, the IAEA General Conference, and other inter-governmental forums. Despite this wide support, no practical steps toward its fulfillment have been followed beyond the adoption of resolutions.

Nuclear-weapon-free zones in Latin America and the Caribbean (established by the Treaty of Tlatelolco), the South Pacific (Treaty of Rarotonga), Southeast Asia (Treaty of Bangkok), and Africa (Treaty of Pelindaba) have all progressed through similar stages as they have come into force.¹² These can be summarized as:

1. prenegotiation phase (outlining principles and preferences that assist common understanding of the parameters the zone would take);
2. negotiation of a treaty text (targeted negotiations based on formulating a legally binding text);
3. setting agreed verification models and the role of the IAEA;
4. entry into force (signing and ratifying);



Sameh Aboul-Enein

Maged Abdelaziz (left) Egypt's permanent representative to the UN, headed the country's delegation at the review conference. Also in the first row are the author (center) and Mohamed Edrees, Egypt's deputy permanent representative.

5. institution building and additional accessions; and

6. step-by-step implementation of all treaty commitments, maturity of the treaty and regime, normalization; entry into assumed "normal behavior."

Up to now, the Middle East nuclear-weapon-free zone has been stuck at the first stage, partly as a result of the low expectation many states have, and has not progressed through any of the substantive stages conducive to establishing the zone.

Serious engagement in good faith by Israel is, of course, a key issue. Although Israel has stated that it will join a regional nuclear-weapon-free zone once all states in the Middle East establish peace, it will be important that it takes a significant step in the denuclearization process at a fairly early point in this implementation phase. This would help to convey to everyone in the region that the enterprise is "for real," particularly if the step were transparent with the IAEA. For example, if the reprocessing facilities at Dimona had not already been closed by this stage, it would be the logical choice for this initial measure because the purpose of Dimona is widely believed to

be for nuclear weapons purposes.¹³ If it had been closed but not inspected, then inspection would be a significant milestone. If, as is hoped, Israel had already taken both of these steps in the spirit of "early fulfillment" or as an agreed obligation under a global fissile material ban and elimination treaty, then other further steps could be considered.

Early steps toward denuclearization beyond the closure of Dimona would logically fall in either of two areas: dismantlement of facilities at Dimona or disclosure of information on stocks of special fissionable material and the placement of the facilities under IAEA comprehensive full-scope safeguards prior to destruction. It is still widely believed that Israel is operating the Dimona plutonium-production reactor and that it is possible that it is used also for tritium production.¹⁴ The reactor at Dimona, if it has not outlived its useful life, in theory could be modified for power production by linking it to the electricity generating system, with its fuel then safeguarded by the IAEA.¹⁵

In this regard, the example of South Africa—the first country to abandon a fully developed indigenous nuclear weapons program—should be recalled as a model. It has taken many steps to demonstrate its willingness to comply with the highest international arms

control and nonproliferation obligations and standards.¹⁶ It dismantled its nuclear weapons program in full cooperation with international partners, including the IAEA. Subsequently, South Africa implemented integrated safeguards tailored to its specific circumstances, incorporating elements based on the Model Additional Protocol, and

It is a significant opportunity. Viewed strategically and handled carefully, it could advance the broader cause of peace and security in the region. The process of establishing a WMD-free zone in the Middle East can become a new tool for peace.¹⁷ The steps leading to the enactment of such a zone could require intrusive inspection regimes, confidence-

versation about nuclear disarmament between officials and experts from nuclear-weapon states and non-nuclear-weapon states is needed.¹⁹ There has not been such a conversation for a long time. All the opportunities that can exist to make this happen should be utilized. Representatives of civil society who can inject valuable information,

The process of establishing a WMD-free zone in the Middle East can become a new tool for peace.

is a participant in all of the multilateral nuclear arms control and disarmament agreements to which it could belong. South Africa also participates in the Nuclear Suppliers Group (NSG) and therefore incorporates amended NSG control lists into its national export control law and applies the NSG guidelines in export licensing decisions.

The mention of Israel in the 2010 final document was difficult for the United States to accept, even though the reference simply pointed out that Israel is the only state in the region that is not party to the NPT. The United States, several other countries from the P-5—the five permanent members of the UN Security Council—and some other NPT parties were fighting to keep Israel from being specifically named. As a result, the United States and other P-5 members found themselves in a position where they could have been an obstacle to the final consensus on the document over this issue.

However, with the adoption of the documents, the United States reiterated its commitment to the outcome and has signaled that it will shoulder with others the tasks of designating a host government, appointing an individual to facilitate preparations, and convening the conference with a view to achieving the participation of all states of the region. In the end, by allowing the reference to Israel, the United States effectively put Iran in the position of being the only potential spoiler in the final hours of the conference.

The next two years will have to be devoted to the success of the conference.

building measures, and other steps that would strengthen the nonproliferation regime. The proposed steps could be an opportunity to alleviate the current stalemate. With the spread of dual-use nuclear technology, there needs to be recognition that such a stalemate does not necessarily mean the maintenance of the status quo. Nuclear proliferation throughout the region would gravely harm the security of all states.

The agreement to hold the 2012 conference on the Middle East zone is important for achieving the universality of the NPT and for Israel's accession to it. Although the United States, other P-5 countries, and other NPT members are now burdened with the challenging task of somehow dragging Israel to the conference, the agreement can be seen as a demonstration of the U.S. role in ensuring the success of the 2010 conference. Credit should be accorded to Egypt and its Arab League partners for their willingness to temper their legitimate ambitions in the negotiations in order to avoid plunging the treaty into crisis, understanding what was practical and achievable.

What Next?

At the conference, all states recognized how much they have at stake in a continuing and stronger NPT regime. It was this recognition, along with the compromises that found their way into the final document, that is perhaps the most fundamental success of the conference: the recognition of the broader common interest on which the NPT rests.¹⁸ A more genuine and candid con-

insights, and perspectives, as well as provide bridges, should be invited to help build trust, better understanding, and open horizons.

The final document as approved by the conference represents the critical framework on which all states-parties to the treaty must vigorously build in the near future. It aims at the earliest possible realization for a world free from nuclear weapons, where policies of deterrence have no place and where the horrible threat posed by nuclear weapons to human lives on our planet no longer exists. There is obviously a particular responsibility here for the nuclear-weapon states. In this context, it is important to realize the objectives of the NAM parties leading up to the 2015 review conference. These are:

1. full and prompt implementation of nuclear disarmament commitments by the nuclear-weapon states, aiming at the total elimination of nuclear weapons by 2025;²⁰
2. continued focused and dedicated efforts to achieve at the earliest possible time the universality of the treaty, recognizing that universality is a key requirement for the treaty's effectiveness and the global realization of its objectives;
3. prompt commencement of negotiations on a nuclear weapons convention as the route to realizing a world free from nuclear weapons by the year 2025;

4. commencement of negotiations on a legally binding instrument to provide non-nuclear-weapon states with global, unconditional security assurances against the use or threat of use of nuclear weapons, pending the total elimination of nuclear weapons;

5. reaffirmation of the inalienable right of non-nuclear-weapon states-parties to pursue their national choices in the area of peaceful uses of nuclear energy, including their right for the nuclear fuel cycle, without undue restrictions that would contradict Article IV of the treaty;²¹ and

6. reaffirmation that voluntary arrangements and confidence-building measures undertaken by states-parties should not be seen as turning into legal obligations, as that would affect the balanced commitments and obligations of the states-parties in accordance with the treaty.

Egypt has called on states-parties to join together in this important effort in the run-up to the 2015 review conference to promote more effectively the universality of the treaty and the balanced implementation of all its provisions in a manner that provides an opportunity for the next generations to enjoy the prosperity of a nuclear-weapon-free world.

The NPT regime has done its best for 40 years to contain nuclear threats, but the message from the 2010 review conference is that dealing with nuclear weapons dangers in the 21st century will require establishing a truly universal approach.²² Above all, the NPT requires the inclusion of India, Israel, and Pakistan as non-nuclear-weapon states.

In his Prague speech, Obama reaffirmed his intention to seek a nuclear-weapon-free world, saying, "Today, I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons."²³

In Cairo two months later, Obama defused the charge of double standards that has been leveled at the nuclear-weapon states throughout the 40-year

history of the NPT: "No nation should pick and choose which nation holds nuclear weapons. That's why I strongly reaffirmed America's commitment to seek a world in which no nations hold nuclear weapons."²⁴

The NPT is a potentially powerful instrument to reach help that end. At the 2010 review conference, after a long pause, the parties showed signs of using that potential. The 2010 conference therefore has laid the building blocks for a constructive engagement by all concerned parties to establish a nuclear-weapon-free zone in the Middle East. **ACT**

ENDNOTES

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