



Vladimir Orlov

## WHAT FUTURE FOR THE NPT?

The next Nuclear Non-Proliferation Treaty Review Conference will kick off on April 27, 2015. It will be the ninth RevCon since the entry of the NPT into force in 1970, and the fourth since the treaty's indefinite extension in 1995.

5 I was there at the truly momentous 1995 RevCon, when the NPT was extended for an indefinite term in a very elegant manner, without a vote and by a de facto consensus decision. I also took part in all the subsequent conferences. Those were far less momentous, and the job of their participants was made much easier by that fact that there was no Damocles' sword of fateful decisions hanging over their heads.

10 The expert community generally deems the 2000 and 2010 RevCons to have been successful, and the 2005 event is usually branded as an utter failure. Looking further back across the years, it is easy to see that a successful conference is usually followed by a failed one, and vice versa. This was usually a reflection of the fluctuations in the international climate, but an unsuccessful RevCon did not necessarily presage future dramas for the entire nuclear nonproliferation regime. In the end, these are just conferences, nothing more and nothing less. They are bureaucratic events, and delegates are sometimes prone to exaggerating the drama—if only to add some gravitas to the cables they send back home, and to justify their four-week absence from the office.

20 That is why even if the upcoming Review Conference turns sour, it will not necessarily mean the collapse of the entire NPT edifice.

25 Still, eager as I am to avoid unnecessary drama and doom-mongering, it would be remiss of me not to recognize that there are too many worrying signs. There is a distinct chance of an eruption on a monumental, volcanic scale. Volcanoes can stay dormant for ages, and even when they start to show signs of activity an eruption is not necessarily imminent. But when worrying symptoms accumulate past a certain threshold, it is high time to start thinking about a general evacuation, not about avoiding unnecessary drama at press briefings.

### THE 2000 REVCON: 13 STEPS THAT WERE NEVER MADE

30 The sixth NPT Conference, and the first since the treaty's indefinite extension in 1995, was held in New York on April 24–May 20, 2000. The climate of the event was notably different from 1995, when delegates debated the extension. The nuclear-weapon states had already achieved their main objective, which was to extend the NPT indefinitely. They were now resting on their laurels and saw no reason to make any real steps towards implementing Article VI. The worst fears of those who opposed the treaty's indefinite extension in 1995 had come to pass; the nuclear powers had already got what they wanted most, and thought they could now relax and enjoy themselves.

35 On top of that, there was no longer unity among the NWS. The U.S. and NATO aggression in the Balkans in 1999 had drawn sharp criticism from Russia and China. Moscow and Beijing



A  
N  
A  
L  
Y  
S  
I  
S

40 were also angry at Washington over its intention to pull out of the 1972 ABM Treaty. Finally, clouds were darkening over the Middle East, where the United States and Great Britain were already laying the ground for the second Gulf war in order to topple Saddam Hussein and occupy Iraq under the pretext of Saddam's alleged possession of WMD (including allegations that Baghdad had restarted a nuclear weapons program). Independent experts argued that there were no grounds for such allegations; in fact, as it later turned out, these charges were not confirmed even by America's own intelligence community. But the banner of the struggle for nonproliferation had already been unfurled so as to provide Washington and London with a pretext for attacking Iraq.

45 Nevertheless, the White House was still held by the Clinton administration, which was not ready completely to abandon the traditions of multilateral diplomacy, and the positive momentum of the 1995 RevCon had not yet fizzled out.

50 The nuclear disarmament cause had also benefited from the efforts of the New Agenda Coalition, an informal alliance of seven states set up in June 1998. It included Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden.

55 In the end, after fierce debates on some individual issues—especially Article VI—the Conference unanimously approved the Final Document. That document contained an assessment of the previous efforts to achieve NPT goals, and outlined several future steps to strengthen the international nuclear nonproliferation regime and facilitate nuclear disarmament. It was the first time in 15 years that the RevCon had actually managed to produce a Final Document. At the previous two events (in 1990 and 1995) the delegates failed to do so because of profound differences, especially on the matter of nuclear-weapon states' compliance with the provisions of Article VI. The action program approved at the 2000 RevCon was dubbed "13 Steps to Nuclear Disarmament." Among other things, it contained the following obligations by the NWS:

- 60  Make further unilateral efforts to reduce their nuclear arsenals.
- 65  Ensure greater exchange of information with regard to nuclear capabilities and the implementation of nuclear disarmament agreements.
- Pursue reductions of non-strategic nuclear arsenals.
- Undertake concrete measures for further reduction of the operational status of nuclear weapons.
- Diminish the role of nuclear weapons in security policies.
- 70  Engage as soon as possible in negotiations on nuclear weapons reductions and nuclear disarmament.

75 The program of further measures on nuclear disarmament also included a moratorium on nuclear tests pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). It emphasized the principle of irreversibility of nuclear arms control (this is important in view of the trend among several nuclear-weapon states towards reprocessing plutonium, highly enriched uranium (HEU), and other components of dismantled nuclear weapons that could be used in the future to produce new or upgraded nuclear warheads).

80 Even more importantly, NWS reiterated their unambiguous commitment "to achieve a total elimination of their nuclear arsenals." Never before had NWS gone so far in deciphering the provisions of Article VI of the NPT. They undertook a very substantial burden of commitments, at least in their declarations. In that sense, the year 2000 saw the peak of multilateral disarmament commitments in the framework of the international nuclear nonproliferation regime. All the subsequent RevCons have failed to go further than the 13 Steps in terms of their language; indeed, they have failed even to reiterate their commitment to those steps.

85 In a matter of another few months all the differences that had emerged between the nuclear-weapon states broke out into the open, making it impossible to achieve further progress, or even a comprehensive implementation of the already agreed 13 Steps.

90 For the moment, however, the NWS were still trying to sweep their growing differences under the rug. On May 1, 2000 they even made a common declaration on the sidelines of the RevCon. The declaration stated, in particular, that "not a single one of our nuclear missiles is targeted at any other country." It went on to say that:

95 Ratification of START II by the Russian Federation is an important step in the efforts to reduce strategic offensive weapons and is welcome. Completion of ratification of START II by the United States remains a priority. We look forward to the conclusion of START III as soon as possible while preserving and strengthening the Anti-Ballistic Missile Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.<sup>1</sup>

00 The provisions on a speedy entry into force of the START II treaty and on “preserving and strengthening the ABM Treaty” as a cornerstone of strategic stability were also included in the 13 Steps to Nuclear Disarmament. But only 18 months later the United States invoked Article XV of the ABM Treaty and notified Russia on December 13, 2011 of its pullout from the treaty. On June 13, 2002, that treaty, which had been recognized by the international community as a “cornerstone of strategic stability and the basis for further reductions of strategic offensive weapons,” ceased to exist. START II, meanwhile, never entered into force because the U.S. Senate refused to ratify it.

### DAWN OF A NEW CENTURY: THE NUCLEAR NONPROLIFERATION REGIME ENTERS A PERIOD OF STRESS TESTING

10 The arrival of the George W. Bush administration (2001–2008) had a chilling effect on all the advocates of an effective international nuclear nonproliferation regime. The new U.S. administration showed a positive aversion to legally binding international actions and initiatives. The words “disarmament” and “arms control” disappeared from the official Washington vocabulary for eight years. Nonproliferation was replaced by the new concept of counterproliferation, which boiled down to stopping the flows of WMD proliferation in those cases when it threatened U.S. national security. George W. Bush spearheaded the crusade against the axis of evil, which he held to include North Korea, Iraq, Libya, and Iran. The American pullout from the ABM treaty was announced under the false pretext that North Korean (and potentially Iranian) missiles represent a threat to U.S. territory.

20 The United States then suffered a terrible attack—though not by any of the axis of evil states, but by the Al Qaeda terrorist organization. Rather than using missiles or nuclear devices, the attack relied on three passenger airplanes hijacked by terrorists on September 11, 2001 in U.S. airspace and flown into the World Trade Center towers in New York and the Pentagon building in Washington. The tragic 9/11 events spelt the end of a unique period in modern history that began with the fall of the Berlin Wall in 1989—a period when the fate of the whole planet largely depended on the will of a single superpower. The United States failed to make use of that historical chance. It showed precious little wisdom or strategic thinking, and did not even try to convert its unprecedented influence on international events into building a new international system that would respect the interests of many actors. On the contrary, growing national egoism and appetites soon led to the loss of America’s leadership and unique international role. The monocentric world order began to give way to a new polycentric world. Of course, 9/11 was merely a catalyst of that process, which by its very definition could not take place overnight, and which is still in progress to this day.

35 The attention of the United States—and, due to Washington’s pressure, of a large part of the international community—switched for a period from the proliferation threats posed by state actors to the threats and risks posed by non-state actors, especially international terrorist organizations. Having secured the support of many allies, in 2001 the United States entered the war in Afghanistan, where it drove the Taliban underground and dealt painful blows to Al Qaeda. Documents seized at Al Qaeda compounds left little doubt that the terrorists were interested in gaining access to nuclear weapons and fissile materials, even though they were not found to be in possession of even a rudimentary nuclear weapons program. Worries about possible use of WMD by terrorists were stoked in October 2001, when the United States was still reeling from the impact of 9/11. The United States’ own postal system was used to commit an act of biological terrorism. Letters containing the anthrax contagion and a message “Death to Israel! Allah is great!” were sent to several U.S. senators. Five people died of the disease. The U.S. public was in a state of panic. The Pentagon’s spending on bioterrorism defenses grew sharply, and fear of WMD terrorism spread far beyond U.S. borders. (It later turned out, however, that the terrorist act was perpetrated by a lone attacker, a U.S. citizen who worked for a military laboratory; international Islamist terrorists had nothing to do with it.)



A N A L Y S I S

55 In late 2002 the foreign-policy course pursued by the Republican administration in Washington led to the demise of the Framework Agreement that was signed between the United States and North Korea in 1994. The formal pretext was an accusation by the United States that Pyongyang was pursuing a secret uranium enrichment program in breach of its previous commitments. North Korea reacted angrily to being branded as part of the axis of evil. On January 10, 2003 it announced the resumption of the procedure of withdrawal from the NPT, and expelled IAEA inspectors. It also restarted the gas graphite nuclear reactor in Nyongbyon, and conducted test launches of missiles that could potentially be used as nuclear weapons delivery vehicles.

60 Meanwhile, the United States turned its attention to another member of the axis of evil, Iraq. Even though the country did not pursue nuclear weapons or other WMD programs of any significance whatsoever after 1991, the United States and the United Kingdom used the alleged existence of such programs in Iraq as a pretext to launch a military invasion on March 20, 2003, occupy the country (the last U.S. soldiers left in 2011), and then effect a change of regime there.

65 During the second Gulf War the United States failed to win the support of the international community or to obtain a UN Security Council mandate for military action. What is more, the reaction of such U.S. allies as France and Germany was very negative. Russia and China were also angry. After occupying Iraq, the United States and Britain were forced to admit that they had found no trace of Iraqi WMD, including chemical, biological, or nuclear weapons. Neither did they find evidence of any active WMD programs, despite the alleged documentary proof that was previously presented by the United States at the UN Security Council. These findings justified the conclusions made by the UN Monitoring, Inspection and Verification Commission in Iraq (UNMOVIC), which were ridiculed by Washington prior to the war.

70 The war in Iraq caused massive human casualties and suffering. It also delivered a painful blow to the entire international nuclear nonproliferation regime. Washington had essentially launched an unauthorized and unmotivated aggression against an NPT state that had cooperated with UNMOVIC and dismantled its WMD and missile programs under international supervision. That aggression had shown to the rest of the world that international law was being substituted with political expediency, and that the struggle against nuclear proliferation was a convenient excuse for an armed invasion, even if there is no UN Security Council authorization and the evidence is dubious or simply fabricated. In the end, international regimes failed to keep Iraq safe and secure. But would the United States have launched an invasion if it had known that Iraq really did possess nuclear weapons? That was the question asked in the axis of evil capitals that had not yet shared Baghdad's fate.

75 In late 2003 reports began to come in about the so-called A.Q. Khan network, which had been active since the 1990s. The name of Abdul Qadeer Khan, one of the leading Pakistani nuclear weapons scientists, became familiar even to those who know nothing about Kurchatov, Oppenheimer, or Homi Bhabha. The Pakistani nuclear Herostratus gained infamy by organizing an effective nuclear proliferation network. Formally, he was acting on his own initiative, albeit with the tacit blessing of the Pakistani government, to provide services in the development of the nuclear fuel cycle to such countries as North Korea, Iran, and Libya. He had also cooperated with Saudi Arabia. He ran an extensive and commercially successful international production and trading network, with branches or representatives in Pakistan, Sri Lanka, Malaysia, South Africa, Germany, Switzerland, and other countries. "They will sell their own mother, let alone nuclear technologies," A.Q. Khan used to say about the Western companies that circumvented export controls.

80 It is via the A.Q. Khan network that Libya first acquired 20 uranium enrichment centrifuges, and then tried to buy 10,000 R-2 centrifuges in 2000. Such a number of centrifuges would have been capable of producing enough HEU to build 10 nuclear devices every year. In 2001-2002 the A.Q. Khan network supplied Libya with documents (albeit obsolete) on designing and building explosive nuclear devices.

85 After secret talks with Britain and the United States, on December 19, 2003 Libya announced that it would relinquish its WMD programs. In particular, it vowed to destroy the materials, equipment, and programs that could be used to build WMD. Subsequent large-scale IAEA inspection missions confirmed that the country did not have the capability to produce

weapons-usable nuclear materials. The equipment and materials that Libya had previously bought, and that could potentially pose a threat to the nonproliferation regime, were removed from the country.

The United States portrayed Libya's decision to come clean as evidence that its policy of using force against proliferators, both real and imaginary (a policy it had used against Iraq earlier in 2003), was really effective. As Washington was getting bogged down in the Iraq war, and after the scandalous failure to find any WMD in the country, George W. Bush needed a success on the nonproliferation front. Col. Gaddafi decided to play along, and traded his docility on the matter for America's and Britain's consent to end Libya's international isolation—both economic (via the lifting of UN sanctions) and political. The exchange was duly effected. As for the Libyan nuclear weapons program, IAEA experts say that the materials they had seized in Libya pointed to the rudimentary or even simulated nature of that program. Libya had never taken the political decision to build its own nuclear arsenal, or even to develop a nuclear fuel cycle. It cannot be ruled out that the centrifuges Gaddafi had bought via the A.Q. Khan network were intended as bargaining chips to be exchanged for the lifting of sanctions. Nevertheless, these maneuvers and Gaddafi's willingness to play along with Washington did not save him in the end. He was deposed during a NATO operation, and then savagely murdered by his political opponents. Libya, meanwhile, is still in the throes of a civil war, and has essentially fallen apart.

Meanwhile, attempts to find a comprehensive solution to the Iranian nuclear program and to untangle the Iranian nuclear knot failed spectacularly in the summer of 2003. Several months previously, in August 2002, it transpired that Iran was building undeclared uranium enrichment plants in Natanz and a heavy water production facility in Arak. A visit by IAEA inspectors to these facilities in February 2003 confirmed that Iran had achieved a lot more progress than previously thought in developing the nuclear fuel cycle. Secret negotiations were held between U.S. and Iranian representatives in Switzerland; the Europeans were also involved. The talks produced a package of agreements that would have ensured the transparency of the Iranian program by means of Iranian accession to the Additional Protocol to the Safeguards Agreement with the IAEA, and capped Iran's uranium enrichment at a certain level. In return, Iran would have gained access to the international nuclear market and received Western assistance in peaceful nuclear energy development. In the end, however, the proposed deal collapsed; the preliminary agreement reached in Geneva failed to secure approval in Washington. The White House had concluded that Tehran was not a reliable partner. After the failure of secret diplomacy, Tehran lost all enthusiasm for proposals made by other Western countries. The Iranians reckoned that Washington would veto any agreements, and decided to press ahead with developing an advanced nuclear fuel cycle of their own, which they wanted to be secure from any foreign interference.

At a summit held on June 27, 2002 in Kananaskis, Canada, the G8 countries (the United States, the UK, Germany, France, Russia, Italy, Canada, and Japan) founded the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. This international program aims to address some individual problems of nonproliferation (related to nuclear weapons and other types of WMD, especially chemical weapons), disarmament, the fight against terrorism, and nuclear security. The participants pledged to spend 20 billion dollars on the program (including 10 billion to be contributed by the United States, 2 billion by Russia, and 8 billion by other participants). The G8 leaders decided at the summit in Kananaskis that cooperation under the Global Partnership program would initially focus on projects in Russia.

That same year Russia identified its priorities, which included disposal of chemical weapons and nuclear submarines. Another central issue was strengthening physical protection, control, and accounting of nuclear materials. Several other states later joined the Global Partnership, including Australia, Belgium, the Czech Republic, Denmark, Finland, Ireland, the Netherlands, New Zealand, Norway, Poland, South Korea, Sweden, and Switzerland. The program reached its political and financial zenith in 2004–2006; after that it began to lose its significance.

The 20 billion dollars pledged in Kakanaskis were eventually allocated for the program's activities, albeit with some difficulty. Nevertheless, Russia's own position had changed significantly since the launch of the program. It began as a country with insufficient funding of nuclear security measures, facing a shortage of resources to dismantle old nuclear



submarines, and in need of modern technologies to ensure physical protection of its nuclear ammunition stockpiles. But it soon restored adequate financing of the defense sector and the nuclear industry, and it was no longer tenable for Russia to remain a recipient of foreign assistance. The country sought to change the donor/recipient format of cooperation under the GP program to a new format of equal partnership. On top of that, the inevitable bureaucratization of the program, which involved billions of dollars' worth of spending, raised a pressing problem of preventing corruption during its implementation.

For all its obvious flaws, during the first four or five years of the program the Global Partnership produced a positive experience of developing mechanisms of cooperation between the G8 states and other participating countries in several sensitive areas, including those related to nuclear nonproliferation.

Speaking in Krakow, Poland, on May 31, 2003, George W. Bush announced the Proliferation Security Initiative (PSI), which is aimed at countering the proliferation of WMD, delivery systems, and related materials by states and/or non-state actors. During the second PSI meeting held in Paris, the core of 11 states that supported the initiative formulated the interdiction principles, which were aimed at preventing illegal transportation and shipment of WMD and delivery system components and technologies. The PSI became yet another iteration of the counterproliferation principle that was promoted by the Republican administration in Washington. That principle was based on the notion that international organizations are too cumbersome and ineffective; all decisions are put to the vote, and often require a consensus; even worse, the parties taking part in the voting process may include the proliferators themselves. Washington sought to introduce instead a flexible and informal system spearheaded by a U.S.-led group of states that share U.S. anti-proliferation approaches. The PSI aims to conduct operations to inspect and interdict suspected cargoes on land, at sea, and in the air, beyond the areas of national jurisdiction. That does not sit well with some international rules and regulations, which obviously held the initiative back, especially during the early stages. For example, such leading states as China and India refused to join the PSI. Russia joined after a period of deliberation on May 31, 2004.

On April 28, 2004, as part of the efforts against proliferation threats posed by non-state actors, especially terrorist organizations, the UN Security Council unanimously approved Resolution 1540. There was a clear need for such a resolution because neither the NPT, nor the chemical and biological weapons conventions contain any references to proliferation by non-state actors. One distinctive feature of Resolution 1540 is that the document was adopted in accordance with Chapter VII of the UN Charter ("Actions with respect to threats to the peace, breaches of the peace, and acts of aggression"). The resolution's provisions are compulsory for all UN members, including states that remain outside the NPT.

The 12 articles contained in Resolution 1540 set out the principles and mechanisms of coordinated efforts against the black market for WMD and its components, with measures to prevent such weapons and components from falling into terrorists' hands. In Article 1 of the resolution, the UN Security Council has ruled that all states must desist from giving assistance to non-state actors who "attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery." Article 2 of the resolution obligates UN members to adopt and use legislation aimed at preventing any such attempts or actions by non-state actors, and forbids them from giving any indirect assistance to these attempts. Compliance with this resolution and reporting by member states is monitored by a special UN Security Council body, Committee 1540.

On April 13, 2005 the UN General Assembly unanimously approved and opened for signature the International Convention for the Suppression of Acts of Nuclear Terrorism. The initiative to adopt such a convention was proposed by the Russian Federation. Work on the proposal began back in 1998, and the convention entered into force on July 7, 2007. As of March 26, 2013, it was signed by 141 states and ratified by 85. The convention aims to prevent, suppress, and investigate terrorist acts involving the use of radioactive or nuclear materials or devices built using such materials. Another goal is to establish an instrument of international cooperation in investigating acts of nuclear terrorism and bringing the perpetrators to justice.

125 To summarize, the beginning of the twenty-first century proved a difficult period for international security, and for the international nuclear nonproliferation regime in particular. Nevertheless, in 2001–2005 the international community produced a set of various instruments that enabled new mechanisms of cooperation in preventing nuclear proliferation. A particular emphasis was on non-state actors, such as international terrorist organizations, because the war on terror was a leading topic on the international agenda during the first five years of the new century.

### 130 **THE 2005 NPT REVIEW CONFERENCE: FARCE AND FAILURE**

135 In his opening speech at the 2005 NPT Review Conference, UN Secretary-General Kofi Annan delivered an impassioned speech in which he tried to prod the delegates to action. He argued that their inaction was increasing the likelihood of a nuclear catastrophe, such as a major nuclear accident, a terrorist attack, or an aggression by one state against another. He said that if such a disaster were to strike, the leaders of all the countries represented at the conference would ask themselves the same questions: How could this happen? Could I have done more to reduce this threat by strengthening the regime that is meant to counter it? He then urged the delegates to face that challenge and take concrete steps in a number of areas, such as:

- 140  strengthening the integrity of the NPT in the face of violations and possible attempts at withdrawing from the treaty;
- increasing the effectiveness of measures to ensure compliance with the NPT by achieving universal membership of the Additional Protocol to the Safeguards Agreement with the IAEA and using the Protocol as a new standard in verifying compliance with commitments;
- 145  reducing the risk of proliferation among states and non-state actors;
- resolving the problem of the dual nature of nuclear energy.

150 Nevertheless, the undermining of the nonproliferation regime during the previous years, the emergence of double standards in nonproliferation, and the U.S. delegation's lack of interest in the success of the RevCon had all sapped the delegates' will to achieve tangible results. William Potter, one of the leading international experts on nuclear nonproliferation, had this to say on the matter:

155 This year turned out to be not the easiest one for the stage productions on Broadway. But without doubt, the most expensive and the most failed performance set in New York in the past season was the NPT Review Conference. That was a poorly thought-out mixture of farce and tragedy, played without any sign of inspiration, with a weak direction and a far too predictable culmination.<sup>2</sup>

160 Predictably, the 2005 RevCon was a failure. The delegates failed to produce a Final Document, heed the call of the UN Secretary-General, or answer the challenges of the time.

165 There were three main authors of that failure—and none of them made any great effort to deny their role. The first was Egypt, which played the Middle Eastern card in a very vociferous manner. It accused the co-sponsors of the 1995 resolution on the Middle East of inability to achieve the implementation of its provisions, especially with regard to any progress towards Israeli membership of the NPT. On the whole, these charges were quite fair. The second author was Iran, which used the RevCon as a stage for accusations against the George W. Bush administration and its policy of undermining the disarmament process. The third author was the United States itself. The George W. Bush administration showed no interest or confidence in such a mechanism as NPT Review Conferences. It deliberately sent middle-ranking officials of no great skill or knowledge to represent Washington at the event. They not only failed to demonstrate the usual American leadership, but proved unable even to answer the charges leveled at the United States by Iran. As a result, the conference ended on a note of Iranian triumph. The failure of the 2005 RevCon was taken by the George W. Bush administration as another demonstration that all such forums are useless at best, and positively harmful at worst.

175 The conference was such an inept and muddled affair that its delegates even failed to reach a decision on whether North Korea should still be regarded as a member of the NPT, or as a



A  
N  
A  
L  
Y  
S  
I  
S

180 state that had pulled out of the treaty. All they proved capable of was to remove the North Korea nameplate from the chamber and place it in storage with the Secretariat, arguing that the status of North Korea in terms of the NPT was unclear. North Korea and all the other states that remained outside the NPT thereby received a clear signal that the key mechanism of ensuring compliance with the treaty's provisions was weak and ineffective.

185 On October 9, 2006 Pyongyang conducted its first nuclear weapons test, thereby demonstrating its nuclear capability. On May 25, 2009 it conducted a second test, proving its status as a de facto nuclear-weapon state. For all the skepticism expressed by experts regarding the underlying technology or size of the North Korean nuclear arsenal, there is no doubt that Pyongyang has walked even farther away from the NPT. It has become the first—and, so far, the only state to have pulled out of the treaty.

## THE PROBLEM OF WITHDRAWAL FROM THE NPT

190 Article 10 Paragraph 1 of the NPT reads:

195 Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance.

Even though the NPT has remained viable for more than 40 years, it is also imperfect. Time has put its weaknesses into stark relief. One of them is the provision on withdrawal from the treaty.

100 On the one hand, states must have the right to withdraw from international treaties if their national interests are at stake. Treaties must not be seen as a trap. On the other hand, NPT membership confers such benefits as access to peaceful nuclear energy, including international cooperation in that area in the IAEA framework. If a state pulls out from the NPT, it must in some way return the fruits of such cooperation rather than taking them with it on the way out.

Another obvious question is whether the state has violated the provisions of the NPT while it was still a member, and whether its escape from the treaty is merely an attempt to cover its tracks.

110 North Korea has already made use of this loophole in the NPT. So far, it remains the only state to have done so. But what if others follow suit? Clearly, Iran is the main cause of concern among international diplomats and experts as far as the possibility of another pullout from the NPT goes. Up to mid-2013 such concerns were being expressed very regularly. But it cannot be ruled out that if states become disillusioned with the treaty, its effectiveness, and its ability to prevent the spread of nuclear weapons or protect countries from unjustified accusations or threats of force made under the pretext of enforcing nonproliferation norms, other countries may also consider quitting the NPT (although, for now, such a turn of events appears purely hypothetical).

120 Russia has made some interesting proposals to address the problem. One of them is that if a state party withdraws from the NPT, the IAEA must verify that state's compliance with its commitments under the Safeguards Agreement. Deliberate actions and preparations for a pullout from the NPT in order to pursue a nuclear weapons program must be regarded as a violation of the treaty. If a state pulls out, all the nuclear materials, equipment, technologies, and facilities created for peaceful purposes must remain within the IAEA safeguards regime. If nuclear technologies imported to the country in question are not returned to the supplier country, they must remain under IAEA safeguards indefinitely.

125 The commission on nuclear nonproliferation co-chaired by Gareth Evans and Yoriko Kawaguchi has proposed an even tougher approach:

130 The UN Security Council should severely discourage withdrawal from the NPT by making it clear that this will be regarded as prima facie a threat to international peace and security, with all the punitive consequences that may follow from that under Chapter VII of the UN Charter.<sup>3</sup>



135 For now, however, UN Security Council Resolution 1887, which was adopted in 2009, goes only as far as hinting at a solution: “a State remains responsible under international law for violations of the NPT committed prior to its withdrawal”.<sup>4</sup>

## OBAMA AND A NUCLEAR ZERO

140 Barack Obama was elected U.S. president in November 2008 and inaugurated in January 2009. Four years later he was re-elected for a second term. Just like his Republican predecessor George W. Bush did eight years earlier, Barack Obama decided to change the foreign-policy agenda in a radical way. International cooperation in the framework of international organizations and nuclear arms reductions were once again at the center of U.S. policies. The term nuclear disarmament also made a return to the political vocabulary in Washington.

145 On April 1, 2009 Presidents Dmitry Medvedev and Barack Obama announced during their first meeting in London that Russia and the United States would spearhead the international movement towards a world free of nuclear weapons. Five days later Obama fleshed out that announcement in another speech made in Prague. He recognized that a nuclear zero was unlikely to be achieved in his lifetime, but made an impassioned argument in favor of energetic efforts to reduce nuclear arsenals, with the ultimate goal of their complete elimination.

150 Obama’s Prague speech became famous, and the idea of a nuclear zero became fashionable. Numerous conferences have been held on the subject. The international Global Zero movement even drew up a road map that aimed to achieve a complete elimination of nuclear arsenals by 2025; in other words, that movement voiced a much more optimistic view of the feasibility of nuclear zero than the U.S. president did. Four influential, albeit retired U.S. statesmen—Henry Kissinger, George Shultz, William Perry, and Sam Nunn—also threw their weight behind the idea, although they refrained from proposing any specific deadlines. The Nuclear Zero goal received the backing of many leading politicians, both active and retired, in Japan, Britain, and other countries.

160 In actual fact, as we all know, the Nuclear Zero goal is not just an aspiration but a commitment undertaken by all 189 NPT members, including nuclear-weapon states. That commitment is spelt out very clearly and unambiguously in Article VI of the NPT, which is often described as one of the three pillars of that treaty, along with nuclear nonproliferation and the right to pursue peaceful use of nuclear energy. The commitment was expressed in even greater detail in the Final Document of the 2000 NPT Review Conference, as already mentioned in this paper.

165 Having assumed the role of the leaders of nuclear disarmament, Presidents Medvedev and Obama instructed their delegations to negotiate a new strategic nuclear reductions treaty (the New START treaty) as soon as possible.

170 Negotiations of the treaty were difficult, sometimes even painfully so. Strangely enough, the proposed new ceilings for nuclear warheads and delivery systems were not the main obstacle. The real hurdle was a profound lack of mutual trust.

175 On April 8, 2010, less than a year after the talks began, the New START treaty was signed in the Czech capital.<sup>5</sup> Prague was chosen as a sign of respect for President Obama’s eponymous 2009 speech and as a symbol that his exhortations were turning into practical steps. The new ceiling of 1,550 deployed nuclear warheads apiece introduced by the New START treaty was about a third lower than the ceilings mandated by the previous Strategic Offensive Reductions Treaty (even though that treaty looked more like a protocol of intentions). The new ceiling for delivery systems, at 700 apiece, represented a more than twofold reduction compared with the previous treaty. Such an approach was not overly radical; after all, neither American nor Russian security would have suffered any damage even if the new ceiling for deployed warheads were to be reduced to 1,000 apiece or even lower. Nevertheless, both sides were happy with the outcome, which also sent an important and unambiguous message to the rest of the world: Moscow and Washington are actively pursuing genuine nuclear disarmament rather than merely talking about it. Such a result was especially valuable coming as it did shortly before the 2010 NPT Review Conference.



A N A L Y S I S

190 It seemed at the time that the Disarmament Spring was here to stay.... But it soon turned out that further and deeper reductions were not in the interests of the two leading nuclear powers. Moscow and Washington have not returned to the negotiating table since the entry into force of the New START treaty in 2011.

## THE 2010 NPT REVIEW CONFERENCE: AN ILLUSION OF FRESH MOMENTUM

195 The only function of nuclear weapons is to destroy everything that lives.... Possessing a nuclear bomb is disgusting and shameful, as is the threat of using nuclear weapons.... Those who dropped nuclear bombs on Hiroshima and Nagasaki are among the most hated enemies of humankind.... Nuclear weapons are not a source of dignity or power. The time of reliance on nuclear weapons is in the past.

200 The excerpt above is from a speech delivered at the 2010 RevCon debates by the very first speaker. That speaker was none other than Iranian President Mahmoud Ahmadinejad. He was the only head of state to visit that international event, so he was the first to speak.

Paradoxically, Iran, which ended the previous failed RevCon with verbose rhetoric, was now opening the next NPT review cycle.

205 The mood of the delegations was very different this time round. Most of them came to New York with a clear goal to achieve a result, which meant that they were already halfway there. The New START treaty signed shortly before the 2010 RevCon was not a radical breakthrough. Nevertheless, it was an important step forward, especially after a decade of stagnation and disappointment.

210 As one of the South African delegates put it, the Filipino chairman of the conference, Libran Cabactulan, spent the four weeks of the event building a delicate balance between the interests of all the key players: the nuclear-weapon states, the Nonaligned Movement, the Arab states led by Egypt, and Iran.

There were two main items on the agenda of the 2010 RevCon, both of them traditional: nuclear disarmament and the Middle East.

215 As a result of numerous compromises, the Conference managed to adopt the Final Document by a unanimous vote. Among other things, that document contained 64 steps (or recommendations) that were to be undertaken by NPT states in the 2011–2015 period.<sup>6</sup>

In the disarmament package, the following recommendations deserve special mention:

- 220  NWS commit to make further efforts to reduce and eventually eliminate all types of deployed and non-deployed nuclear weapons.
- Russia and the United States commit to seek the early entry into force and full implementation of the New START treaty; they are encouraged to continue discussions on measures to achieve deeper reductions in their nuclear arsenals (Action 4).
- 225  All NWS must: rapidly move towards an overall reduction in the global stockpile of all types of nuclear weapons; further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines, and policies; consider the legitimate interest of non-nuclear-weapon states in further reducing the operational status of nuclear weapons systems; and further enhance transparency (Action 5).
- All NWS undertake to ratify the CTBT with all expediency (Action 10).
- 230  All NWS are encouraged to agree as soon as possible on a standard reporting form and determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security; the Secretary-General of the UN is invited to establish a publicly accessible repository, which shall include the information provided by the NWS (Action 21).

235 On the disarmament front, the parties failed to go beyond the decisions made at the 2000 RevCon; indeed, the wording of some of the decisions adopted in 2010 represented a step backwards compared with the 13 Steps. This was the result of the unwillingness of some states (including Russia) to include such issues as non-strategic nuclear weapons (NSNW) in the plan of action or to approve concrete steps to be made in the area of transparency.

i40 No progress was made on important proposals made during the conference on banning a numerical increase in NWS' nuclear stockpiles or banning the placement of nuclear weapons outside national territory.

Proposals on plotting the way towards a convention on banning nuclear weapons were not properly reflected either.

i45 The Middle Eastern section of the Final Document was born in great pain, without any exaggeration. With only two days left before the end of the conference, the United States was still not ready to accept any mention of Israel in the text of that document. It is only after Vice-President Joe Biden had dinner with Arab ambassadors in Washington, and then a telephone conversation with Egyptian president Hosni Mubarak, that the United States finally agreed to a single mention of Israel in the Final Document: "The Conference recalls the reaffirmation by i50 the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards."

i55 Nevertheless, that unwieldy phrase cleared the way to a compromise decision on convening in 2012 a conference on establishing a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East, to be attended by all Middle Eastern states "on the basis of arrangements freely arrived at by the States of the region." The Final Document also stated that "the 2012 Conference shall take as its terms of reference the 1995 Resolution." Preparations for the 2012 conference were entrusted to the UN Secretary-General and the i60 three co-sponsors of the 1995 resolution, the United States, the UK, and Russia. The Finnish diplomat Jaakko Laajava was appointed as a special coordinator to spearhead practical efforts in convening the conference. One of the most difficult tasks he faced was to ensure the participation of all states in the region (i.e. including Israel), as stipulated by the 2010 RevCon.

i65 It is worth noting that the RevCon decision to convene a conference on a WMD-free zone in the Middle East was the result of the development of a Russian initiative proposed at a RevCon Preparatory Committee session in 2009.

To summarize, the conference achieved a modest but positive result. "The seeds of hope have been sown," as the head of the Canadian delegation put it. A strengthening of a positive climate around the NPT and a demonstration of the treaty's viability generated a positive momentum to start addressing old problems in earnest. Experienced diplomats and experts realized that the adoption of a Final Document was much less important than strengthening that new positive momentum with a set of concrete steps. It was crucial not to repeat the mistakes of 1995, when some people thought they could simply relax and enjoy themselves now that the NPT had been extended indefinitely. i70

## i75 **THE NUCLEAR RENAISSANCE AND NONPROLIFERATION**

The accident at the Fukushima 1 nuclear power plant in Japan that happened on March 11, 2011 after a massive earthquake forced even the most enthusiastic proponents of nuclear energy development around the world to postpone their plans. The problem of nuclear safety was once again at the top of the agenda, just like after the Chernobyl disaster in 1986. i80 Germany, Switzerland, and Belgium announced their decision to end their nuclear energy programs. Japan was forced to put the construction of all new NPPs on hold.

The nuclear renaissance—a term coined to describe the resurgence of global interest in nuclear energy to pre-Chernobyl levels—has been postponed. It is, nevertheless, quite inevitable.

i85 In the estimate of former French president Nicolas Sarkozy, by 2030 global demand for nuclear energy will rise by 40 percent. The nuclear energy boom will be especially obvious in such countries as China and India. The most promising parts of the world also include the Middle East, Southeast Asia, and Latin America. It cannot be ruled out that, sooner or later, Sub-Saharan Africa will also be added to that list.

i90 There are now 194 nuclear power plants and 437 power reactors in operation in 30 countries around the world. Another 68 power reactors are currently under construction. The IAEA believes that by 2020 another 11 countries will have launched a nuclear energy industry. On



top of that, a further 23 countries are now seriously considering peaceful nuclear energy programs. The list of nuclear newcomers (i.e. countries that have already placed contracts to build their first NPP, as well as those that are only just considering such a possibility) is very diverse: from Vietnam and Myanmar to Jordan and the UAE in Asia; from Nigeria and Morocco to Cape Verde and South Africa in Africa; and from Venezuela and Ecuador to Cuba and Chile in Latin America. Of course, some of these states have already begun to build their first NPP, while others will never go beyond plans and proposals.

How will the peaceful use of nuclear energy in countries that have no great experience in that area sit with their nuclear nonproliferation commitments? The main principle at the core of Article IV of the NPT must remain inviolable: unless a country has been caught violating its obligations under the NPT, it is entirely within its rights to pursue peaceful nuclear energy development without any restrictions.

This opens up great opportunities for the international community. It is important to use these opportunities to ensure a reliable and guaranteed supply of nuclear fuel to countries that pursue nuclear energy development.

One possible option is for each country to build its own uranium enrichment, fuel fabrication, and spent fuel reprocessing capacity. That option, however, is very costly in terms of financial, intellectual, material, and technical resources. Can it ever be justified, given that the global market is well able to supply all the current as well as future needs in that area? I do not think so, especially since building all the required national capacity will take a lot of time, thereby delaying the launch of NPPs in the newcomer countries. I entirely agree with former IAEA director-general Mohamed Elbaradei, who insisted that in this day and age there is no need whatsoever to build new uranium enrichment or spent fuel reprocessing capacity.

It is often argued that the nuclear newcomer countries should not become completely dependent on the situation in the global market for nuclear fuel or the political will of the supplier states. These concerns are entirely legitimate. They can, however, be addressed by using multilateral approaches to the nuclear fuel cycle. Such approaches can be an economically sound and practically feasible alternative to developing every single component of the nuclear fuel cycle on a national level.

Several initiatives in this area have been put forward in recent years. For example, Russian President Vladimir Putin has proposed a joint project to develop a global nuclear energy infrastructure and set up international centers that would provide nuclear fuel cycle services. As a first step, Russia, Kazakhstan, Armenia, and Ukraine have set up the International Uranium Enrichment Center (IUEC) at the Russian uranium enrichment facility in Angarsk. The center is also ready to welcome new members. Its existing members have already gained guaranteed access to enrichment services. This will meet their demand for nuclear fuel without having to build national enrichment facilities of their own.

Russia has also accumulated a reserve stockpile of 120 metric tons of low-enriched uranium at the IUEC. That stockpile is managed by the IAEA. An agreement to that effect between Russia and the IAEA was signed on March 29, 2010. Material from that reserve stockpile can be supplied to a third country at the IAEA's request in the event of a politically motivated disruption of regular supplies to that country. Any country can request a supply of material from the guaranteed reserve stockpile, so long as it remains in compliance with its nonproliferation commitments.

Some developing countries (including Egypt) fear that they are being lured into a technological trap and denied their legitimate right to pursue national nuclear energy programs. Clearly, the international nuclear fuel cycle service centers must be economically attractive and politically acceptable to all the interested NPT states, and possibly also to India. Those who remain wary of such proposals would do well to heed the opinion of Sergio Duarte, the Brazilian former high representative of the UN secretary-general for disarmament: "The establishment of the IUEC in Angarsk is a constructive step that can address nuclear proliferation concerns because it makes it unnecessary to build national enrichment capacity."

### UNIVERSAL NPT MEMBERSHIP AND TODAY'S REALITIES

Universal membership of the NPT was proclaimed an "urgent priority" back at the 1995 RevCon. Some progress has in fact been made since then: Andorra, Angola, Brazil, Chile, the Comoros, Cuba, Djibouti, Oman, the UAE, and Vanuatu have all joined the treaty, to bring its total membership to 189.<sup>7</sup> Only five states remain outside the NPT (of which one, South Sudan, is of zero immediate proliferation security concern). That appears to be a significant achievement, since the NPT now has a broader membership than any other international treaty in human history.

Nevertheless, the NWS do not deserve much credit for the aforementioned states' decision to join the NPT. Meanwhile, the states that still remain outside the treaty are a major cause for concern. It is for a good reason that the 1995 RevCon placed special emphasis on urgently securing membership of those states that have nuclear facilities outside the safeguards system.

Israel, India, and Pakistan appear very unlikely to join the NPT any time soon. Compromise measures could be implemented instead: for example, all their nuclear facilities could be placed under IAEA safeguards. Alternatively, regional atomic energy agencies could be set up, using the ABACC template. Nevertheless, no progress has been achieved on that front, either. On the contrary, after the nuclear tests in South Asia, the cause of achieving universal membership of the NPT was set back even further.

In view of serious differences between the NPT states, especially within the expert community, on September 8, 2008 the Nuclear Suppliers Group decided to open up its markets for nuclear trade with India. The necessary changes were made to the NSG export rules on Washington's initiative, which was backed by such states as France and Russia. A year previously, on August 1, 2007, the United States signed a peaceful nuclear energy cooperation agreement with India (the so-called 123 Agreement), which was ratified by the U.S. Senate on October 9, 2008. That set a precedent of a de facto nuclear-weapon state that remains outside the NPT essentially being given the same status as non-nuclear-weapon NPT states.

Apart from the four de facto nuclear-weapon states that remain outside the NPT (<sup>8</sup>see Table 1), there is also one threshold state, Iran. Although the country is a member of the NPT, there are

Table 1. States outside the NPT and states of concern within the NPT

| State    | NPT member       | CTBT status          | Nuclear tests held | IAEA members | Nuclear technology transfer to other states | Physical protection of nuclear infrastructure |
|----------|------------------|----------------------|--------------------|--------------|---|---|
| Israel   | No               | Signed, not ratified | n/a*               | Yes          | n/a   | n/a   |
| India    | No               | Not signed           | 6                  | Yes          | No  | Adequate                                      |
| Pakistan | No               | Not signed           | 6                  | Yes          | Yes   | Inadequate                                    |
| DPRK     | Joined in 1985** | Not signed           | 3                  | No           | n/a   | n/a   |
| Iran     | Yes              | Signed, not ratified | No                 | Yes          | No  | Adequate                                      |

Notes: \*Israel is unlikely to have conducted nuclear tests, although its complicity in a mysterious flash in the South Atlantic in 1979 has yet to be ruled out. \*\*North Korea announced the launch of the NPT withdrawal procedure on January 10, 2003. It is unclear whether this procedure should be considered fully completed or not.



A  
N  
A  
L  
Y  
S  
I  
S

worries about a possible undeclared component of its nuclear program (at present or in the past).

Clearly, an individual, rather than one-size-fits-all approach must be used for each of these states.

India has developed its own nuclear weapons in response to a humiliating defeat in a war with China, which had by that time already acquired nuclear weapons and was even recognized as a nuclear-weapon state under the NPT. India just missed the NPT train and did not become a legitimate nuclear-weapon state because its nuclear test in 1974 came shortly after the cutoff point. But has India not demonstrated by its behavior over the past decades that it is a responsible nuclear power? Has New Delhi proliferated nuclear technologies or materials to third countries? Finally, would it be right to insist on India becoming a non-nuclear-weapon state without raising the same issue with regard to China?

The NSG decision to lift the restrictions on nuclear trade with India was controversial, but it was a step in the right direction. The international community must continue to engage India in the nuclear nonproliferation cause as though the country were the sixth nuclear-weapon state under the NPT, without formally being a member of the treaty.

For its part, New Delhi must view such steps by the international community not as a pardon for all its sins, but as an invitation to dialogue. That presupposes mutuality and reciprocal steps, including a responsible Indian policy on nuclear nonproliferation and disarmament.

The nuclear nonproliferation steps outlined above with regard to the five official nuclear-weapon states can and must include India. If these states make a commitment not to increase or improve their nuclear arsenals, India must make a simultaneous statement to the same effect. Rather than waiting to be persuaded into signing the CTBT or pointing at the absence of U.S. or Chinese ratification of the treaty as an excuse not to sign, India should set an example of responsible behavior by expeditiously signing and ratifying the CTBT, and maintaining a moratorium on nuclear tests pending its entry into force.

Finally, India must diligently comply with its obligation to place all its peaceful nuclear activities under IAEA safeguards.

Pakistan, meanwhile, is a completely different case, even though it launched its own nuclear program to catch up with India. Of all the states that possess nuclear weapons, Pakistan is now the only one whose political regime is teetering on the brink of collapse. Pakistani generals continue to insist that there is no reason to worry about the state of the country's physical protection, control, and accounting system for nuclear weapons and materials, but these assurances ring hollow. After all, Pakistan and its vicinity are the home turf of the most aggressive non-state actors who seek to gain unauthorized access to nuclear weapons and components.

The Pakistani delegation at the Conference on Disarmament in Geneva should stop blocking the launch of negotiations on the treaty banning the production of fissile materials for weapons purposes. Islamabad should join the CTBT and observe a moratorium on nuclear tests pending the treaty's entry into force. It should also allow IAEA inspectors full access to all the materials related to the A.Q. Khan network, which sold nuclear secrets to countries around the world. Finally, the Pakistani political and military leadership should think long and hard about whether their country is actually gaining anything by being in possession of a nuclear arsenal. Has it actually become any more secure as a result? Or is there a real risk of nuclear weapons becoming a nail in the coffin of Pakistani statehood rather than a guarantee of that statehood, as the Pakistanis tend to believe?

It is hard to assess the size or capability of the North Korean arsenal. The country's stockpile of nuclear materials is probably very small. Nevertheless, Pyongyang has already conducted three nuclear weapons tests. Its missile program is also a serious cause for concern. For its own part, the North Korean leadership has no liking for being alternately ignored or branded as part of the axis of evil (as we all know, two other axis of evil countries have already been crushed, and their leaders hanged or torn to pieces).

Pyongyang needs attention, security guarantees, and room for bargaining. This will probably be at the center of the six-party talks between North Korea, South Korea, China, Russia, Japan, and the United States. Implementation of agreements reached at these talks will

eventually enable North Korea to restore its full membership of the NPT as a non-nuclear-weapon state. Pyongyang could also support a moratorium on nuclear tests and at some point join the CTBT. Further steps might include North Korea's participation, together with South Korea, in making the Korean peninsula a nuclear-weapons-free zone.

'35 Israel is a special case, because the situation in the Middle East and the main problem—which is Israel's possession of nuclear weapons and its non-participation in the NPT—could prove the biggest ticking bomb for the entire treaty.

'40 Israel is now the only Middle Eastern state that remains outside the NPT. It ignores all calls to open up its nuclear facilities to IAEA inspectors or to join negotiations on establishing a zone free of nuclear weapons and all other WMD in the Middle East. What is more, the Israelis are prone to openly debating the best ways of destroying nuclear facilities in Iran (which does not have nuclear weapons), and of killing Iranian nuclear scientists.

'45 The current situation in the Middle East is such that any optimism about the possibility of resolving the Israeli nuclear problem would seem naive and misplaced. Nevertheless, if and when that situation begins to change for the better, and when more responsible and visionary leaders come to power in Israel itself, there will be no need to reinvent the wheel. The recipes for progress towards a nuclear-free Middle East have already been drawn up, including plans laid out in the early 1990s, when the situation was very different and there was still hope for progress.

'50 First and foremost, Israel must agree to place its nuclear infrastructure in Dimona under IAEA safeguards. Once that is done, the establishment of a nuclear-weapon-free zone must be preceded by an unambiguous commitment of all parties not to attack each other's nuclear facilities. The treaty on establishing such a zone could be based on the provisions of the Joint Declaration on the Normalization of Bilateral Relations signed by Israel and Jordan in 1993. It would be extremely important to produce a system of verification and monitoring, since the traditions of mutual trust and confidence have been lost in this region. Such a system could make use of the experience of such regional organizations as Euratom or ABACC.

'55 Even though Israel is the key (and for now, the main obstacle) to resolving the Middle Eastern nuclear problem, other countries in the region must not use anti-Israeli rhetoric as a cover for their own ambitions.

## '60 **IN THE RUN-UP TO THE 2015 REVCON: CLOUDS ON THE HORIZON**

'65 Three sessions of the Preparatory Committee (PrepCom) have taken place since the 2010 Review Conference ahead of the next such conference in 2015. Each PrepCom session lasted for two weeks. I took part in each of these sessions, so I was in a position to form my own impression of their results.

The first PrepCom in Vienna in 2012 was merely a warm-up and did not achieve anything major—but at least it paved the way for more substantive work in the future.

'70 The most notable event of the second PrepCom in Geneva in 2013 was a walkout by the Egyptian delegation, which left the chamber when the debates were in full swing, never to return. In fact, Egypt had a fairly good reason for such behavior. It was very disappointed with the failure to convene the conference on establishing a WMD-free zone in the Middle East, which was supposed to take place in 2012. In Washington's opinion, hastily convening such a conference without meticulous preparations and without taking Israel's interests into account would have doomed the event to inevitable failure. Israel did not demonstrate any willingness to take part (unlike Iran, which confirmed its participation). As a result, the conference, which was tentatively scheduled for late December 2012 in Helsinki, never took place.

'75 The other Arab states shared Egypt's indignation, but did not follow suit, and their delegations continued to take part in the PrepCom. Nevertheless, the Egyptian walkout sent a clear message to those still entertaining fond hopes that the review process would be a walk in the park.

'80 The second half of 2013 brought a seemingly positive trend in nonproliferation. The Iranian leadership decided to enter into a constructive dialogue with the United States, the European trio (the UK, France, and Germany), Russia, and China in an effort to find a diplomatic



85 solution to the nuclear problem, achieve the lifting of UN Security Council sanctions on Iran, and defuse tensions. Substantial, albeit tentative progress was made in this area in Geneva in November 2013.

90 Another notable event was Syria's decision to relinquish its chemical weapons arsenal and to hand it over to international forces for disposal. Russia played a key role in finding diplomatic solutions to the Syrian chemical weapons problem. The United States also opted in favor of a diplomatic solution in that particular case, abandoned the idea of using force against Syria, and assumed the leading role in the disposal of Syrian chemical weapons (a process that was completed in the spring of 2014). Syria also joined the Chemical Weapons Convention. Even though these developments centered on chemical rather than nuclear weapons, it was easy to see their positive implications for WMD in general.

95 Unfortunately, the volatile nature of international relations has prevented these positive trends from taking hold. Starting from March 2014 the United States and its NATO allies adopted a new course of putting all kinds of pressure on Russia, including the imposition of sanctions, under the pretext of punishing Moscow for its role in the Ukrainian crisis. Such a policy has produced a boomerang effect. Many mechanisms of consultations on global security, including informal ones, were destroyed overnight, and the parties were now facing the deepest crisis in their relations in the entire post-Soviet period. The degree of tensions is probably comparable to the worst years of the Cold War, such as 1983.

100 Russia, which was preparing to host the G8 summit in Sochi in June 2014, was suspended from that club, which has reverted to its old G7 format. The Global Partnership program also entered its dying days, although it has not been formally shut down by the G7.

105 The mechanism of annual meetings between the P5 states has, however, been retained. A scheduled meeting took place in April 2014 in Beijing, although nobody expected much progress to be made at the event.

110 The United States, the UK, and Ukraine have accused Russia of being in breach of its obligations under the 1994 Budapest Memorandum on giving Ukraine security guarantees in return for the country becoming a non-nuclear-weapon state. After Crimea's reunification with Russia in March 2014 on the one hand, and the illegitimate change of government in Kiev in February 2014 on the other, the Budapest Memorandum had essentially ceased to exist.

115 It is against this backdrop that the third PrepCom, the final one ahead of the 2015 Review Conference, was held in New York in April–May 2014. The agenda was dominated by a traditional and predictable list of issues. It was becoming clear that the 2010 Plan of Action was not being fully implemented, and that there was no longer any chance of its full implementation in time for the 2015 RevCon.

120 Two main issues are at the center of the problem. The first is disarmament, where even very modest expectations have proved unrealistic. A large number of countries are increasingly calling for a more speedy elimination of nuclear stockpiles. They are also focusing on the humanitarian aspects of nuclear disarmament, for example by promoting the idea of the immorality of nuclear weapons in general. (There is no doubt that this old/new idea will become a leading topic of the 2015 RevCon.)

125 The second key issue is, of course, the Middle East. There has not been any tangible progress in that area, either—except for Iran's constructive engagement in negotiations on its nuclear program.

130 Tentative success on the Iranian front has in fact persuaded many PrepCom participants to desist from overly critical statements or pessimistic assessments so as not to derail nascent progress on the Iranian track. This largely explains the lack of drama or ostentatious walkouts at the third PrepCom.

135 The event also saw modest but tentative progress being made in some areas. For example, working on the sidelines of the PrepCom, the P5 states signed protocols to the treaty on the establishment of a nuclear-weapon-free zone in Central Asia. As a result, the implementation of that treaty is no longer being blocked by any of the official nuclear powers.



Nevertheless, the superficially calm atmosphere at the third PrepCom was deceptive. There is a major build-up of frustration ahead of the 2015 Review Conference in various parts of the world, including the Middle East and the countries that are unhappy with the slow pace of nuclear disarmament, as well as with the restoration of nuclear weapons' role as the main guarantee of security in the twenty-first century. That frustration may soon break out into the open. Also, during the previous RevCons the United States and Russia worked in tandem to produce persuasive counterarguments, channel that frustration, and make it manageable. In 2015, however, such a concerted effort will require a miracle of political acrobatics—and miracles are in very short supply at the moment.

## DOES THE NPT HAVE A FUTURE?

The NPT was opened for signature on July 1, 1968. Some called it the year that changed the world; others described it as the year of fever. The spring of Paris barricades was still fresh in everyone's minds. The Prague Spring was still in full swing; only two months later Soviet tanks would rumble along the streets of the Czechoslovakian capital.

The NPT survived the cold spell in Europe. It then went on to survive the height of the Cold War and the collapse of the bipolar world order. It entered the new century, with its new set of challenges and threats. The treaty's 11 weighty articles never shook the world, but they have always served as a solid foundation of the international nuclear nonproliferation regime. And when the world was facing successive crises, the NPT always proved resilient to the seismic shocks. Some even find it suspicious that the treaty is not crisscrossed with fissures and fractures after all these decades.

The achievements of the NPT are unquestionable. Most importantly, it has managed to minimize the enlargement of the nuclear club. Before the signing of the treaty, many assumed that there would soon be dozens of nuclear powers all around the world. Countries such as Sweden, Switzerland, Australia, and Canada were all actively pursuing nuclear weapons programs. Over the years, Egypt, Turkey, South Korea, Taiwan, Argentina, and Brazil also demonstrated more than casual interest in going nuclear. But, throughout the entire history of the NPT, only a handful of countries have ever violated their commitments under the treaty (namely, Romania, Iraq, North Korea, Libya, and, in all likelihood, Iran and Syria).

According to the Peace Research Institute Frankfurt, 27 nuclear weapons programs had been launched in countries around the world prior to the entry of the NPT into force, and three such programs had been shut down. Since the treaty's entry into force, only nine nuclear weapons programs have been launched, and as many as 23 shut down.<sup>9</sup>

There are now only three countries that stubbornly refuse to join the nuclear nonproliferation regime and have acquired nuclear weapons: Israel, India, and Pakistan. There is also North Korea, the only state in the history of the NPT that initiated the withdrawal procedure in 1993, resumed it in 2003, and brought its nuclear program all the way up to conducting nuclear weapons tests. Iran has never quit the NPT, so nominally it remains within the fold of the treaty, but starting from the mid-1980s and until 2003 it pursued a limited nuclear weapons program under the cover of NPT membership.

For almost two decades, the entire nonproliferation debate has remained centered on this worrying but very limited list of countries. A certain sense of *dijā vu* is inevitable if one reads 20-year-old newspaper articles on nonproliferation. No matter what the proponents of the falling domino theory might say, that list is not getting any longer, with no new candidates for NWS status. On the contrary, over the past 20 years two recognized nuclear-weapon states, France and China, have joined the NPT. The same is true of South Africa, which has voluntarily relinquished and destroyed its nuclear arsenal. Belarus, Kazakhstan, and Ukraine have also joined the treaty as non-nuclear-weapon states, after inheriting large numbers of strategic nuclear weapons from the former Soviet Union. In the case of Ukraine, this was the result of a difficult compromise.

In the foreseeable future, fundamental problems capable of blowing up the NPT can only emerge if three of the treaty's pillars—nonproliferation, disarmament, and peaceful use of



190 nuclear energy—stop being perceived as equally important and substantial, and if more energetic attempts are made to make one of these pillars more equal than others.

I have already outlined the challenges that can slowly but surely undermine the NPT and the international nuclear nonproliferation regime, without destroying them in one fell swoop. Allow me to summarize that negative forecast.

195 The *first risk* is the failure of the efforts to form the necessary climate for eventually establishing a zone free of nuclear weapons and all other WMD in the Middle East. If ever the nonproliferation regime begins to crumble, the process will surely start in the Middle East.

200 The *second risk* is inability to untangle the Iranian nuclear knot, reversals during the negotiations with Iran, and general frustration and disappointment, which could result in an act of aggression being committed against Iran. If such an act takes place, Iran will withdraw from the NPT because the treaty will have demonstrably failed to protect it. An alternative scenario, which would also be very negative, is an Iranian political decision to build nuclear weapons and quit the NPT once all the conditions for building a nuclear device are in place.

205 The *third risk* is the failure of the negotiating process with North Korea, which could, under certain circumstances, prod the country's regional neighbors—especially Japan—to review its hitherto unshakeable non-nuclear-weapon status.

The *fourth risk* is stagnation of the bilateral nuclear disarmament process between Russia and the United States, and lack of any progress on engaging all the other P5 states in that process to make it multilateral.

210 The *fifth risk* is self-destruction of the Conference on Disarmament in Geneva because of its continued inability to launch negotiations on a convention banning the production of fissile materials for weapons purposes.

215 Finally, the *sixth risk* is non-state actors gaining unauthorized access to nuclear weapons or components—possibly via Pakistan or in some other way—and then launching a nuclear attack.

220 Individually, none of the elements of this negative forecast can destroy the nuclear nonproliferation regime in its current form, either at the 2015 NPT Review Conference or at some later stage. But a combination of several of these elements could mean very tough times for the NPT and the international nuclear nonproliferation regime, when their very survival will be in question.

## NOTES

225 <sup>1</sup> Letter by representatives of the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and France of May 1, 2000 to the Chairman of the 2000 NPT Review Conference, Doc. NPT/CONF.2000/21, *Yaderny Kontrol*, No. 5, September–October 2000, pp. 44–47.

<sup>2</sup> W. Potter, "NPT Review Conference: Searching for a Consensus," *Yaderny Kontrol* 11, No. 3 (Autumn 2005), p. 25. For detailed analysis of the results of the conference, see pp. 96–103.

230 <sup>3</sup> International Commission on Nuclear Non-proliferation and Disarmament Report, "Eliminating Nuclear Threats: A Practical Agenda for Global Policymakers," 2009.

235 <sup>4</sup> "UN Security Council Resolution 1887," 2009, <<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4abcd4792>,> last accessed on April 16, 2013.

<sup>5</sup> The treaty entered into force on February 5, 2011. For more details about the essence of the treaty, see: Chapter 14.

240 <sup>6</sup> The status of these recommendations is somewhat diminished by Footnote 1 to Part I of the Final Document, which reads: "The present review is the responsibility of the President and reflects to the best of his knowledge what transpired at the Review Conference with regard to matters under review."

245 <sup>7</sup> This number does not include North Korea, even though documents from the NPT Review Conference do not exclude it from the list of NPT members, with a "status unclear" footnote.

Neither does this number include Taiwan, which is recognized by Russia and the majority of other states as an inalienable part of the People's Republic of China. Taiwan signed the NPT on July 1, 1968.

950

<sup>8</sup> *NPT 2010: Strengthening the Regime* (Moscow: PIR Center, 2010); *Towards Nuclear Disarmament* (Moscow: PIR Center, 2014).

955

<sup>9</sup> Peace Research Institute Frankfurt, 2008. NPT, 2010, *How to Strengthen the Regime*, op. cit., p. 2.



A N A L Y S I S