

The Glass Menagerie of Non-Proliferation

Why the NPT Review Conference Proved Unsuccessful

Vladimir Orlov

“Once upon a time all the animals in the Zoo decided that they would disarm, and they arranged to have a conference to arrange the matter. So the Rhinoceros said when he opened the proceedings that the use of teeth was barbarous and horrible and ought to be strictly prohibited by general consent. Horns, which were mainly defensive weapons, would, of course, have to be allowed. The Buffalo, the Stag, the Porcupine, and even the little Hedgehog all said they would vote with the Rhino, but the Lion and the Tiger took a different view. They defended teeth and even claws, which they described as honorable weapons of immemorial antiquity.”

Winston Churchill. A Disarmament Fable. 1928

Hardly anyone put high bets on a successful outcome of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which was held in April-May 2015 in New York. Its members met in an atmosphere that was far from supportive. But the failure of the conference is a much more significant event than a simple inability of the participating states to come to an agreement on the text of a final document that would summarize the five-year review cycle.

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BACKGROUND

The vast majority of countries in the world view the NPT as the cornerstone of the global security architecture. It has been joined by 191 states – more than any other international security treaty, and the number of NPT signatories continues to grow: at the latest conference the Treaty was joined by Palestine. Only four countries have never joined the NPT: Israel, India, Pakistan, and South Sudan. North Korea has partially withdrawn from the NPT and now is *de facto* a nuclear-weapon state and a non-party to the Treaty.

There are many doubts about the effectiveness of the implementation of some NPT provisions. Yet no party to the Treaty questions its necessity. In 1995, the NPT was extended indefinitely by consensus, without a vote. So, the very question whether the Treaty is needed or not has been redundant in legal terms for two decades already. In the same year, the NPT member countries adopted a package of decisions, on which the legally binding verdict on the Treaty's extension was based. They included a resolution on the Middle East which called on all states in the region to accede to the NPT and establish "a zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems." This resolution has never been fulfilled.

All subsequent conferences only reviewed the operation of the Treaty and sought – sometimes successfully, sometimes not – to formulate moves to ensure the most effective implementation of all NPT provisions, while keeping balance among its three pillars: non-proliferation (articles 1 and 2), disarmament (Article 6) and the right to peacefully use nuclear technology (Article 4). The four-week marathon review conferences ended with the adoption of final documents by consensus, which was to serve as recognition of their success.

In 2000, on the eve of the Review Conference, the situation did not look promising. The aggression against Serbia exacerbated relations between Russia and the United States. Tensions grew between the U.S. and China. In addition, the smell of war against Baghdad was already in the air, and the U.S. was actively exploiting the theme of "weapons of mass destruction" to provide propaganda backing for an invasion of Iraq. The conference's success was hanging by a thread until the last

day – primarily because of difficulties with the wording of a statement on Iraq. However, the will of the majority of states helped them reach a compromise on the final document, which included “13 steps” towards nuclear disarmament. (However, not all of them have been implemented. Suffice it to mention the point concerning the Russian-U.S. ABM Treaty described as “a cornerstone of strategic stability”).

The atmosphere at the 2005 conference in New York was quite different – sluggish and lacking the will to find solutions. Three countries – the United States, Iran and Egypt – wanted the conference to fail (each for its own purely selfish reasons). And they succeeded.

Five years later, in 2010, the atmosphere changed again, and significantly. The recent conclusion of the New START Treaty by Russia and the U.S. increased expectations among non-nuclear states that progress in nuclear disarmament could be accelerated. There appeared hopes that a solution to the Middle East problem could be found at a conference on the establishment of a zone free of weapons of mass destruction in the region. This generally favorable background helped adopt an ambitious final document which included a 64-point action plan, the bulk of which was devoted to nuclear disarmament. It was not easy for nuclear-weapon states, including Russia, to adopt this document. However, they did not block it for the reason that the adoption of the action plan would be a sign of a constructive compromise, which would ultimately strengthen the NPT.

It is clear from today’s perspective that the success in 2010 was illusory. The participants in the conference simply jumped the gun, for they did not have any solid base for implementing the provisions set out in the action plan. The implementation of some of them could turn out to be a profanation. Others were just a failure. A conference on a Middle East zone free of WMD was never convened, although the final document said this should be done not later than 2012. Preparations for its establishment began unjustifiably late. Israel avoided discussing its participation in it, while the United States apparently believed that it should not annoy its main ally in the Middle East over such an issue and gave the green light to torpedoing the convocation of a conference.

CONTEXT-2015

The international background, against which we gathered in New York in April 2015, was the worst since the Cold War. Moreover, many signs in the current international situation suggest that the world has already entered a new Cold War.

Firstly, it is a tough, relentless confrontation between two of the five nuclear-weapon states – Russia and the United States. *Secondly*, it is a dramatic deterioration of the security situation in Europe. *Thirdly*, it is a profound disappointment among Middle East countries, especially Egypt, over the lack of any progress in implementing the 1995 resolution on Israel's joining the Treaty – or, at least, in launching a dialogue on a Middle East zone free of WMD. *Fourthly*, it is a deep crisis in multilateral disarmament, which is reflected in the long-term stagnation of the Conference on Disarmament in Geneva and the inability to put into effect the Comprehensive Nuclear Test Ban Treaty, signed in 1996, because several countries, including the United States and China, have not ratified it. *Fifthly*, it is growing tensions in East Asia, including North Korea's plans to build up its nuclear missile program.

These five factors produced profound skepticism among many participants about the possibility of achieving any progress in non-proliferation and disarmament this year – and this despite significant progress in negotiations with Iran!

Many parties to the NPT did pay tribute to the success of multilateral diplomacy with regard to the Iranian nuclear program. Even though no comprehensive solution to this program had been found by the beginning of the conference and the very possibility of achieving a final solution raised doubts, the attitude towards the Iranian delegation at the conference was very positive, and its contribution to the discussions was seen as constructive. However, the positive dynamics in this respect proved unable to change the overall negative background.

THE BEGINNING. MAJOR PLAYERS. BEHIND THE SCENES

The beginning of the conference – its first week when the parties to the treaty set out their official positions at a plenary meeting – showed

both the potential of this review conference and its limits. It also brought to light the main players.

Let's start with the *five nuclear-weapon states*. The United States and Russia exchanged accusations already in the first few days, and their accusations were not trivial. Usually, the U.S. and Russia do not do this in public at NPT conferences. But this time, John Kerry on the very first day accused Russia of violating the Intermediate-Range Nuclear Forces (INF) Treaty and the Budapest Memorandum (Canada, Poland, Estonia and, not surprisingly, Ukraine later joined in the criticism). In response, Russia accused the U.S. and NATO countries of undermining the NPT by pursuing the "nuclear sharing" policy. As part of this policy, military personnel of allied countries without nuclear weapons of their own are taught to use nuclear weapons and participate in nuclear planning. Russia issued an unprecedentedly tough statement which urged "the U.S. and NATO member countries concerned to ensure the proper fulfillment of their obligations under the NPT. A cessation of its violations by them would be the best contribution to strengthening the nuclear non-proliferation regime." Another source of Russia's concern was the deployment by the U.S. of a global missile defense system.

On the other hand, even amid these mutual accusations, the five nuclear-weapon states did not lose at least a semblance of unity. They adopted a joint statement – insipid and commonplace, as usual, yet it sent a signal to the most disarmament radicals that the five states at least continued to coordinate their approaches. Russia and the United States held a joint briefing on the implementation of the START treaty. However, the audience was small. Did the decreased interest in bilateral Russian-U.S. arms control show that the world took the implementation of START for granted and was not worried about risks? Or did it show that the majority of NPT parties viewed START as a correct yet insufficient step?

As regards the Budapest Memorandum, this issue was not given much significance at the conference. It was not even mentioned in the draft final document, just as NATO's "nuclear sharing" wasn't. This suggests that the parties performed a ritual "sword dance," threatened

each other in public and then got down to their joint work – after all, both the U.S. and Russia are vitally interested in the NPT's viability.

Other nuclear states also acted inharmoniously. The UK mainly sided with the United States, but on some disarmament issues it took positions that were closer to disarmament radicals. France, on the contrary, was firmly opposed to the so-called humanitarian initiative, which calls for international attention to catastrophic consequences of nuclear weapons, and did not try to court disarmament radicals, which objectively brought its position closer to that of Russia. Finally, China kept silent, avoiding bringing matters to a head – with only one exception, made to hurt Japan. Beijing did this distinctly and with maximum pain to Tokyo (on the issue of Hiroshima), after which it again went into pleasant hibernation.

So, the unity of the five nuclear-weapon states was nothing more than a façade hiding deep differences – and not only between Russia and the U.S. At the same time, each of the five states would be happy to sit it out behind someone else's back when it came to giving straight and clear answers to disarmament radicals. For some reason, everyone wanted to sit it out behind Russia's back. Could it be in order to accuse it of undermining the conference later?

Another collective player at the review conference – the Non-Aligned Movement – was too large (over 110 members) to avoid being amorphous. It had been expected that Indonesia would play a significant role at the conference, but this did not happen. The leading role was taken by Iran which played it elegantly.

Still another collective player is the *Non-Proliferation and Disarmament Initiative* (NPDII) coalition of states. These are largely countries that are under the U.S. nuclear umbrella and act as a buffer between the five nuclear-weapon states (above all, the United States and Great Britain) and disarmament radicals, while pursuing their own interests.

Now is the time to introduce those who have already appeared on the political scene under the collective name of *disarmament radicals*. This is a significant and growing group of countries dissatisfied with the slow progress in disarmament and the lack of progress in

implementing disarmament resolutions adopted in 2000 and 2010. These countries are led by Austria, Switzerland, Mexico, Cuba, and South Africa. Last year, Austria enlisted 159 states under its banners for the Vienna Conference on the Humanitarian Impact of Nuclear Weapons. (Mexico had convened a similar conference earlier, and South Africa may host the next one.) Austria issued the Austrian Pledge, later renamed Humanitarian Pledge, which proposed legally prohibiting nuclear weapons and which was supported by 93 countries.

This is a serious force which should be neither ignored nor ridiculed. Austria-led efforts have led to a serious reformatting of the balance of power in the NPT review process. Russia and France have remained two nuclear-weapon states that are highly skeptical about the humanitarian initiative. Indeed, Austria, Mexico and some other countries which have initiated discussions of ethical and humanitarian issues, which are important per se, will seek a legal prohibition of the possession of nuclear weapons similarly to the prohibition of two other kinds of weapons of mass destruction – chemical and biological, codified in international conventions. It remains unclear whether it will be done in the format of the NPT review process or outside of it.

Finally, comes the last informal group of countries – the *Middle Eastern* group. Just like the Middle East per se, it is marked by mutual suspicion, which is concealed, though, when it comes to discussing a conference on a Middle East zone free of WMD, or Israel. Arabs are at one when these issues are discussed. As a rule, their position is made public by Egypt which is joined by Algeria, Tunisia, and Syria. The Gulf States, annoyed by Iran's diplomatic brilliance, say the same but "in a low voice." Cairo took a very tough position at this conference, which brought to mind a meeting of the preparatory committee in 2013, when the Egyptian delegation slammed the door. In the same year, the effectiveness of U.S. influence on Egypt markedly decreased.

The plenary week was followed by work in the three main committees – on disarmament, non-proliferation, and nuclear energy. Nuclear energy is probably the only NPT area where differences do not escalate into antagonisms, and the committee adopted a consensus text. There are no prizes for guessing that the work of the other two

committees proceeded with difficulties, and hardly anyone expected a consensus there.

Other important work was going on behind the scenes. It revealed two opposite trends. The *first* one was ***unwillingness for compromise***. It was obvious among some of the five nuclear-weapon states, among disarmament radicals, and among some Middle Eastern countries, especially Egypt. Each country was guided by its own motives and avoided looking for a compromise. For example, what France thought was unacceptable concessions on disarmament issues looked like insufficient measures for Austria and Mexico.

The *second* trend was to ***settle differences and find compromise solutions***. At some point, it seemed that the majority of the delegates in New York were exactly in that mood – without illusions and too high expectations and not attempting to overstretch themselves and exceed the 2010 Action Plan. Realizing that the general situation was not conducive to major moves and big achievements, advocates of compromise were disposed to move forward in small yet tangible steps in order to return to their capitals with a consensus final document. For example, Spain, Brazil, Iran, Australia, Sweden and, at some point, Switzerland favored such a flexible approach.

Russia was also set to achieve a result, not a failure. It was with this intention that it presented a draft text on the Middle East for inclusion in the final document, which proposed that the UN Secretary-General convene a conference on a zone free of weapons of mass destruction not later than March 1, 2016.

But this group of countries, even though they were in the majority, did not have a leader and/or a mediator.

THE CLIMAX AND DENOUEMENT

The president of the conference, experienced diplomat Taous Feroukhi from Algeria, had to assume a leadership role. In the closing days of the session, she urged the participants to look for a compromise and began to prepare, in a narrow format, the final document, knowing that the French and Americans would not like some of its proposals, while the Austrians would find them weak. Yet she was set to achieve a balanced outcome.

We saw the draft text at midnight May 21. After I had read all the 24 pages, I had to admit that Feroukhi and her small team had almost achieved the impossible. Of course, there was nothing revolutionary in the text – it was only a final document of another review conference. But the draft text made great progress at least in two key elements.

First of all, the 19 points of the section that set out further steps in nuclear disarmament seemed to be acceptable to non-nuclear states, which demanded “further progress.” The section began with expressing “deep concerns pertaining to the catastrophic humanitarian consequences of any use of nuclear weapons.” Then it urged Russia and the U.S. “to commence negotiations at an early date to achieve greater reductions in their stockpiles of nuclear weapons.” The draft document called on all nuclear-weapon states to “continue their engagement on a standard reporting form,” but “without prejudice to national security.”

The draft called on the eight states which had not ratified the Comprehensive Nuclear Test Ban Treaty yet, and which thus held the treaty hostage, to “ratify that Treaty without further delay and without waiting for any other State to do so.” The last, 19th point recommended that the United Nations General Assembly “establish [...] an open-ended working group to identify and elaborate effective measures for the full implementation of article VI.”

My first reaction was that this was a victory of disarmament radicals and surrender of the five nuclear-weapon states torn by differences. On second thought, however, I saw a reasonable and mostly balanced compromise, and it became clear why the acting head of the Russian delegation described the draft as “a very useful effort on the part of Ms. Feroukhi, which could have been adopted, which should have been adopted.”

The Middle East section was based on Russia’s proposals produced after long consultations with delegates from Middle Eastern countries, above all Egypt. Israel, which attended the conference as an observer country, was also present there – both “in person” and “in spirit” (sometimes it seemed as if the Americans or Canadians voiced not their positions but Israel’s). The Israeli flag could be seen at various sideline meetings. Continuing the tradition of recent years, Russian officials

repeatedly met with their Israeli counterparts to discuss possible solutions and the degree of their acceptability. Of course, Russia also maintained dialogue with the United States and Great Britain, which until the last days of the conference seemed to be constructive. Sometimes one could even hear someone say on the margins of the conference that Russians and Americans “are again singing the same notes on Middle East issues.”

But it turned out that the notes were not the same. The U.S. (as well as the UK and Canada) strongly objected to the idea that the convocation of a conference on a nuclear-free Mideast should not be blocked by Israel’s disagreement. It was proposed to draft an agenda, with the active participation of the UN Secretary-General, the United States, Great Britain, and Russia, so that 45 days later the Secretary-General could convene a conference, inviting all the countries of the region, including Israel, of course. And if Israel ignored the conference, this factor would not block its convocation. In addition, the co-founders of the conference would not have the right to block it, either. This provision would solve the problem of endless waiting and would increase pressure on Israel.

Intensive consultations on the draft final document continued until 5 p.m. of the last day of the conference. As it soon became clear, disarmament matters proved to be mutually acceptable to all.

A failure came during the discussion of the Middle East issue – quite a *déjà vu* for NPT conferences. Perhaps, in those hours, all the delegates remained hostage to diplomatic consultations – Washington must have received calls from its delegation in New York (the State Department, as far as I could understand, had no authority in such matters), and from Jerusalem.

The latter tipped the scales. The U.S. told an overcrowded UN General Assembly Hall that the draft document’s Middle East section ran counter to its national policy (meaning that it gave Washington no right to block a nuclear-weapon-free Middle East conference) and that it could not adopt it. Simultaneously, the U.S. accused Egypt of being intractable. The audience let out a noise of disappointment. It became clear then that those who wanted to find solutions were not just in the majority but in the overwhelming majority. Yet they lost on that day.

South Africa lamented the failure to find a solution on the Middle East, which it said raised the question of how one NPT non-party could influence the outcome of the conference's work in such a way. But it was too late. Iran made the only attempt to save the situation: it proposed that the review conference be suspended for further consultations, although it was already late at night. The conference was suspended, but no miracle happened.

The 2015 Conference could have followed the 2000 scenario, when the unfavorable international background proved to be no obstacle to the common desire to adopt a joint document. Or it could have followed the 2005 scenario, when the conference showed no will to achieve a result. I thought (some of my Western colleagues disagreed with me, saying I was unreasonably optimistic) that in 2015 there were enough prerequisites for repeating the 2000 scenario. But the 2005 scenario prevailed, whereas the NPT lost.

WHAT IT MEANS

Let me make it clear. The future of the Treaty was not at stake at this review conference. It remains in force indefinitely, whereas the review process has been uneven ever since the Treaty entered into force in 1970. Some five-year periods are successful, and others are not. In addition, whether a final document is adopted or not is not the main criterion for a conference's success but only a tangible part of it. Professor William Potter, a leading non-proliferation expert, said that more important was what spirit prevailed at the conference: the spirit of cooperation or the spirit of confrontation? By the way, the most successful NPT conference took place in 1995, when the Treaty was extended indefinitely; however, the conference failed to adopt a final review document then.

Let me make it even clearer: the lesson of the failed 2005 Conference shows that such failures stimulate in-depth work to correct mistakes and help mobilize efforts for the next conference to be better.

Yet, despite these two reservations, I have to say that ***on May 22, 2015 the non-proliferation regime suffered a very serious defeat.*** At best, it has been thrown back a decade. In conditions when tensions

are growing on the European continent, when politicians again speak of the nuclear factor and the deployment of new nuclear weapons, and when there is a risk of losing the INF Treaty – the NPT must stand firm, without any reservations.

Speaking of European security, it is time to think of how to strengthen the non-proliferation regime on the continent. This could be done, in particular, by establishing nuclear-free zones and taking other measures aimed at non-deployment of nuclear weapons outside the national territories of nuclear-weapon states. Item number one on the agenda is the reduction of the risk of incidents involving nuclear weapons – those accidental risks whose consequences may be irreversible.

Another vital, and unresolved, issue is the relationship between offensive and defensive strategic armaments, and the balance between nuclear weapons and new types of conventional strategic armaments. Unfortunately, this issue, despite its importance, is of little interest to most Europeans. They seem to have adopted the Russian proverb: “One remembers God only when he is in trouble.”

At the same time, the Humanitarian Initiative and the Austrian Pledge will continue to gain momentum. In my opinion, these discussions divert us from key disarmament issues. Some even plan to turn this movement into a platform that would be an alternative to the NPT, where they would work for a Convention on the Prohibition of Nuclear Weapons. Will it help the NPT? Not at all.

But should nuclear-weapon states (Russia included) be afraid of disarmament radicals? Of course, not. Nuclear “haves” should enter into a dialogue with them. After all, all member countries of the Commonwealth of Independent States and the Collective Security Treaty Organization (except Russia and Tajikistan) and all BRICS members (again, except Russia) attended the Vienna conference. Perhaps, France and Russia should learn from China which does not shy away from discussions but sends low-level delegations to them.

During the upcoming five-year review cycle, there may emerge lines of tension whose contours are now only slightly seen in Northeast Asia. How will non-nuclear Japan, which is modernizing its armed

forces, react to a growing North Korean nuclear arsenal? Will there emerge a line of nuclear tension between Japan, which is under the U.S. nuclear umbrella, and nuclear-weapon China, which is ready to multiply the number of its warheads at any moment?

Yet the most dramatic scenario may take place in the Middle East. Israel can triumph now. In tactical terms, the United States has defended its interests. But how will Egypt respond? Where is the boiling point after which Middle Eastern states will conclude that the 1995 decision is not implemented and that no one wants to implement it? This may mean they will have to take the initiative in their hands.

After the failure of the conference, more and more people blamed Egypt for that. Even if we agree that the Egyptian delegation took an inflexible position, one cannot help thinking that the Egyptians have been too patient. They have been waiting since 1995 – and nothing happens. Sometimes it seems that no one really cares about a solution to the Middle East.

There is no doubt that the international nuclear non-proliferation regime entered a new phase in May 2015. The situation has worsened, and it will be more and more difficult and expensive to correct it. The cooling of international relations will make the NPT situation extremely fragile: one only needs to accidentally break one thing, and many others will also fall and break to pieces.