

What is needed to make the 2010 Non-Proliferation Treaty Review Conference a success?

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Forty years ago most of the foreign policy pundits were confidently predicting that, long before now, the world would have between twenty and thirty nuclear weapons states; and that, in consequence, it would be a much more dangerous and insecure place. They were correct in their second proposition, but wildly wrong in the first. There are currently only eight, perhaps nine if one counts North Korea, nuclear weapon states, five of whom already possessed nuclear weapons when the Nuclear Non-Proliferation Treaty (NPT) was negotiated and who were recognised in the treaty as such, together with India, Pakistan and Israel none of whom ever signed the treaty. Nor was the discrepancy between prediction and outcome merely due to the technical challenges of acquiring a nuclear weapons capability and the means of their delivery. There are plenty of countries out there who, if they had chosen to ignore their international obligations, could have successfully gone down that road. So the NPT, for all its imperfections, has been an astonishing success story for international diplomacy, a triumph for a rules-based system designed to protect us all from nuclear anarchy.

Following the end of the Cold War much was done to strengthen the NPT regime. A number of important countries which had not hitherto done so signed on to the NPT – China and France most prominently; a number which had been clandestinely developing, or flirting with the idea of developing, a weapons capability were either dissuaded from doing so – as were the cases of Argentina, Belarus, Brazil, Ukraine, Kazakhstan, South Africa and Libya – or were coerced into abandoning their efforts – the case of Iraq. The 1995 NPT review conference decided to prolong the treaty *sine die*, so that instead of needing to be renewed every five years it became open-ended in its duration. At the same time the five recognised nuclear weapons states promoted a Security Council Resolution which endorsed what are called negative security assurances to the non-nuclear weapons states. And, at both the 1995 and the 2000 NPT review conferences, the nuclear weapons states committed themselves to taking a number of steps towards nuclear disarmament, thus recognising the implicit bargain contained in the original treaty between those who forswore nuclear weapons and those who already had them. That, alas, is where the good news ends.

From the year 2000 onwards, until a few weeks ago, the George W Bush administration applied itself quite deliberately to the de-construction of rules-based systems in the fields of arms control and disarmament. None of the steps towards nuclear disarmament to which the nuclear weapons states had committed themselves in 1995 and 2000 were implemented. The Anti-Ballistic Missile Treaty (ABM) was junked. The Comprehensive Test Ban Treaty remained unratified. At the same time the International Atomic Energy Agency (IAEA), the UN's nuclear watchdog, obtained incontrovertible evidence that two of the signatories to the NPT, North Korea and Iran, had been clandestinely developing programmes with a nuclear weapons potential, which in

neither case has it so far proved possible definitively to halt or to reverse. At the 2005 NPT review conference and in the run-up to the 2005 UN Reform Summit plenty of proposals were on the table for strengthening the non-proliferation regime but not one of them was adopted. An unholy alliance between the US, unenthusiastic about any new binding international disciplines, and a group of countries who wanted to keep their hands free in the future, ensured that the 2005 review conference was a complete fiasco, incapable even of adopting its own agenda. And, since then, the two countries with by far the biggest nuclear arsenals, the US and Russia – who have 95% of existing warheads – have got at cross purposes over the installation of an anti-ballistic missile system in Eastern Europe just when they need to be renewing and strengthening a number of the bilateral arms control and disarmament agreements between them. That long litany of bad news explains why the international community now stands on the threshold of another critical period for non-proliferation, every bit as fraught with risk as the one it successfully confronted in the 1960's. And that explains why so much will be at stake at the 2010 review conference. So, what needs to be done?

Let us start with the two special cases of North Korea and Iran. In both cases a diplomatic dialogue has been engaged between the key players – in the case of North Korea this involves the six-nation group of China, Russia, the US, South Korea, Japan and North Korea, in the case of Iran it involves what is known as the 3+3 group, the first three being the EU states; France, Germany and the UK, the second three being the US, Russia and China; in neither case is that dialogue currently making any progress; and in both cases some economic sanctions, which show no signs of bringing about a solution on their own, have been imposed by the Security Council. Clearly if progress is to be made a new impetus will be required and new elements, probably a mixture of the positive and the negative, will need to be introduced. The United States is already talking directly to North Korea, but it is not yet doing so to Iran. It needs to do that now; and the willingness expressed by the Obama administration to do just that is very welcome, as was the change in tone employed by President Obama in his New Year message to the Iranian rulers and people. The negotiations must reach well beyond the nuclear issues at stake and must cover the security concerns which have led these two countries to embark on the paths they have chosen in the first place. Both countries need to be inserted in a regional framework which provides for non-interference confidence-building measures and economic cooperation. Will all this suffice to bring about solutions? It will only be possible to answer that question when those renewed efforts have been tried. But I would warn against any illusion that there could be a soft landing if either of these two countries were to acquire or retain a nuclear weapons capability. Both are situated in regions of considerable tension and fragility. Far more likely than a soft landing would be a wider regional break-out from non-proliferation disciplines and the risk of a slide towards hostilities of one sort or another.

But finding solutions to the two cases of North Korea and Iran is very far from being all that needs to be done. Every bit as important will be steps to strengthen the international disciplines which underpin the NPT. Efforts to bring the Comprehensive Test Ban Treaty into force need to be renewed. Negotiations need to be begun on a Fissile Material Cut-off Treaty. The proliferation risks from the expansion of civil nuclear energy generation which is likely to ensue world-wide as part of the response to long

term higher energy prices and to the need to limit carbon emissions, must be avoided. To do that we surely need to avoid the widespread construction of new uranium enrichment and spent fuel reprocessing facilities – the high road to a potential weapons capability – and to reach early agreement at the IAEA on an internationally guaranteed system of providing nuclear fuel services to bona fide civil nuclear users. Currently there are half a dozen or more such schemes on the table in Vienna. They need to be reduced to one which can gain global support. The recent conference in London on 17 March organised by our own government, illustrated the scope and urgency but also the difficulty of achieving that. And a way must be found of achieving universal application of the IAEA's Additional Protocol which permits its inspectors much more intrusive access to nuclear facilities than the earlier systems of inspection which have been found to be so fallible. Acceptance of the Additional Protocol may indeed need to become a condition of supply of civil nuclear material.

Critical to making progress on this wide and complex agenda will be the willingness of the recognised nuclear weapons states to move ahead down the road to nuclear disarmament. One can argue endlessly about the degree of legal commitment contained in the NPT and in the undertakings given at the review conferences in 1995 and 2000. But the politics of the situation are very clear. The NPT established unequal sets of obligations on two different groups of countries, the nuclear weapons states and the non-nuclear weapons states; unless that inequality can be reduced and the eventual target of eliminating it can be retained and made more credible, the whole system risks falling into disrepute and dilapidation. Clearly efforts by the nuclear weapons states have to start with the US and Russia, which have by far the biggest arsenals. There would seem to be ample scope for reducing these arsenals either unilaterally or by mutual agreement. There should also be scope for prolonging and strengthening their agreements on strategic missiles and perhaps for eliminating whole categories of weapons as was done at the end of the 1980's for intermediate range missiles. It should also be possible to achieve much more ambitious forms of de-alerting which would ensure that nuclear weapons genuinely become solely a matter of last resort and are not built into normal strategies of military response. And a way will need to be found of ensuring that anti-missile defences are not seen as a threat by one against the other, either by delaying deployment or by enhanced capacity for international inspection.

But the steps to move towards nuclear disarmament cannot be confined just to the US and Russia; they must extend too to the other three states, China, France and the UK. If the process of multilateral nuclear disarmament is to restart in earnest – and I have tried to show how important that is if the 2010 NPT Review is to make real progress – then the three recognised nuclear weapons states with smaller arsenals cannot simply take a pass on it. Recent signs, in particular the letter which President Sarkozy sent to the UN Secretary-General in December on behalf of the whole EU, but most relevantly on behalf of its two nuclear weapons states, France and the UK, and Gordon Brown's speech to the International Fuel Cycle Conference in London on 17 March would seem to indicate that this point is well taken by two of the three at least. But it will be necessary to move on from words to deeds. In that context the initiative being taken by our own government to get the five recognised nuclear states to undertake an in-depth study of the sort of verification measures that would need to be in place if they

were to move towards nuclear disarmament and an eventual zero could be of real value.

In addition it is perhaps time to look again at the question of No First Use Commitment by the recognised nuclear weapons states. Throughout the Cold War the West declined flatly to contemplate NFU assurances on the grounds that the Warsaw Pact's massive superiority in conventional weapons, in particular in Central and Eastern Europe, put that out of the question. Now the Warsaw Pact no longer exists and nor does that superiority in conventional weapons. So NFU assurances could be less unthinkable; and they would be valuable. So too could be some strengthening of the Negative Security Assurances endorsed in the Security Council Resolution adopted at the time of the 1995 NPT Review conference. Kofi Annan's High Level Panel on which I had the honour to serve suggested in 2004 that the Security Council should explicitly pledge to take collective action in response to any nuclear attack or the threat of such an attack on a non-nuclear weapon state. Now could be a good moment to look again at that proposal too.

So far I have said nothing about the three countries which are known to possess nuclear weapons and which have never signed the NPT, India, Pakistan and Israel. All three represent seriously difficult problems, not least the fact that it is hard to see much progress being made until solutions are found, on the one hand to the dispute over Kashmir and on the other to that over Palestine. That is yet another reason to re-double efforts to resolve those two problems. In the case of the Middle East it will be important to maintain the objective of a nuclear weapons free zone throughout the region as an integral part of any comprehensive solution to the Arab-Israeli dispute. And at least some of the steps I have discussed earlier, for example the Fissile Material Cut-off Treaty, should be capable of being accepted by the other non-NPT nuclear weapons states; and they should be pressed hard to do so.

Which brings me back to the original question of what is needed to make the 2010 Review conference a success and what the prospects are for achieving what is needed. To address the second question first, the prospects for a renaissance in multilateral nuclear disarmament after a decade of stagnation and regress are quite encouraging. Already two years ago a bi-partisan group of US elder statesmen – George Shultz, Henry Kissinger, Bill Perry and Sam Nunn – set out the case for such a policy shift in compelling terms. The case was broadly accepted by both candidates in the US presidential election. And the new administration of President Obama has said that it intends to work for ratification by the US of the CTBT, for the opening of negotiations on a Fissile Material Cut-off Treaty and for bilateral talks on a range of arms control and disarmament issues with Russia. And a few days ago, the President himself in a speech in Prague nailed his colours to the eventual achievement of Global Zero. There seems also to be a widely accepted understanding that the international community cannot afford to have in 2010 another fiasco like the Review Conference in 2005.

It is important too to remember that by no means all the nuclear non-proliferation issues I have tried to review will come for decision to the Review Conference itself. Many of them, like the negotiations over the North Korean and Iranian nuclear programmes or

the bilateral negotiations between the United States and Russia, will not be on the table there. But progress in them, or the lack of it, will certainly condition the diplomatic climate in which the Review Conference takes place and will influence the attitudes, for better or for worse, of the much larger number of governments who will be participating in that conference. The converse also is true. A 2010 review conference which sets an entirely new direction of travel from the one we have been following in recent years will certainly strengthen the hand of those who are pressing for progress in the more restricted negotiating forums, while a setback at the review conference will have the opposite effect.

It is important therefore to look on the 2010 review conference as one step in a journey which needs to last a lot longer than the next fifteen months and which is not in itself a destination. That is the logic of the timetable which has been adopted by the International Commission on Nuclear Non-Proliferation and Disarmament set up by the Australian and Japanese governments and on which Shirley Williams is serving. The Commission intends to produce two reports, the first designed to influence preparations for and the outcome of the 2010 Review Conference and the second to be drawn up after the conclusion of that conference to map out the way ahead thereafter. That is surely the wisest way to proceed.

I hope that what I have said has helped to throw some light on a necessarily complex and technical subject. It is all too easy to throw up one's hands in despair and to leave these issues to the specialist and technicians who understand the details of each one of them. But experience shows that that way seldom achieves results; more often it simply results in deadlock. What is needed is for politicians and leaders of governments to give their negotiators a firm lead; to promote the issues of nuclear non-proliferation and disarmament much higher up their own and the international agenda than has been the case for a good number of years; and to be ready themselves to take difficult and sensitive decisions when that is required in order to make progress. If that is not done, then I very much fear that an area of international relations which has a massive potential to affect international peace and security and which had made considerable progress towards that kind of rules-based system which we would all like to see more widespread, could slip further back towards unilateralism and insecurity. That is surely something worth making a major effort to avoid.