

"Defining success at the NPT Review Conference"

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Success or failure, the outcome of any diplomatic process, is a function of expectations. In the NPT review of 2000, states parties went in with very low expectations, having recently gone through the CTBT ratification failure in the US senate, the ABM treaty problem, and South Asia nuclear tests. To widespread surprise, the Review Conference produced a consensus document, containing i.a. thirteen practical steps in the direction of nuclear disarmament.

The success was fairly short-lived, but that's another thing.

Or is it really? There is a time-scale to this too; just when, after how long, do we know whether states parties failed or succeeded?

In 2005, expectations were also low, for many reasons, among them US unilateralism, the Iranian issue and retreats from the 2000 agreements from especially France and the US, but also others. The result was again surprising, but this time being worse than anticipated. The level of unwillingness and destructive diplomacy was higher than most had expected.

There simply seems to be no objective criteria against which one could measure success or failure. And add to that the tactical and strategic considerations and question-marks, like: is it good to get a consensus document that most delegations don't like? Is it better or is it worse to crash a conference, for a delegation or a group that does not get what it wants? Nobody knows, because there are too many external factors even afterwards that make it impossible to evaluate cause and effect. Are principled substantive positions better in the long run, even with crashed conferences behind, than pragmatic and practical compromises? No-one can tell.

Add to this a degree of uncertainty, or at least divided opinions, about the legal status of review conferences' agreements, and you have a mix that could give even the most enthusiastic multilateralist grey hairs.

One often hears that expectations are high for a successful outcome next year. Yes, maybe, but on the other hand, the bar for judging this has been set quite low, because of the many years of frustration. Which may make the starting point positive in the beginning of May next year.

On the other hand, would a failure be disastrous? Perhaps not in the short term but maybe in the longer. Let's just say for the moment that a failure would make all multilateral approaches to the nuclear regime (including the most pressing immediate non-proliferation problems, you know which ones I mean) all the more difficult to manage.

Leaving aside substance for a moment, what is needed for a successful outcome, and first, what is that? Let's just define it as: one or more consensus documents with which all states parties feel that they can live for the foreseeable future. There has to be an outcome which is perceived as meaningful to some extent, and largely representative, and which is not promptly ignored or reinterpreted, as after 2000.

That's the definition. What is needed process-wise is a negotiating structure which is representative for states parties, and still manageable – able to produce an understandable record.

The extension conference in 1995 did not have that, but still produced a degree of success thanks to innovative conference management by its president Jayantha Dhanapala and some creative individual diplomacy from delegations. The 2000 review got that kind of structure only in its last week, when the nuclear five and the seven New Agenda Coalition members fought it out, over what in the end became the thirteen steps.

That will not happen again.

Why do I say that? It can't happen again for two reasons: partly because the New Agenda Coalition will probably not be coherent enough and bridge-building enough to be a driving force, representative for most or even all non-nuclear weapons states, like it was in 2000 – but more certainly because other non-nuclear weapon states, outside of the New Agenda seven, will not let it happen. They will not allow themselves to be left outside the closed doors, waiting for an outcome they can not influence.

I think you can easily yourself name some of the non-nuclear weapon states I am thinking of. Just to make myself clear, let me be indiscreet enough to mention just two: Japan and Germany.

So the question now is whether there will be other clusters or coalitions of states parties willing to step up and take a coordinating role. The individual New Agenda delegations will not be passive of course, on the contrary, but I believe that a somewhat broader constellation, perhaps even containing most of, or all seven, NAC members, will be needed when the nuclear five come looking for a negotiating counterpart next year. Which they will, sooner or later.

Now, over to substance. There are of course very obvious substantive differences compared to when delegations prepared for the 2000 and 2005 conferences, the most obvious being the changed overall position of the United States. However, this is not in itself equal to a more successful outcome, and there are, and perhaps will still be come April and May, unknowns regarding the US position. For example, we have not seen the Nuclear Posture Review yet.

The third PrepCom this year seemed to hint that France and Russia, and to some extent China, will try to hold back as much as possible when it comes to new recommendations, guidelines and decisions regarding disarmament. But perhaps one should not read too much into a PrepCom, especially not one which did not formally adopt any recommendations. Next year, everything starts anew again.

At the other end of the spectrum, the two most prolific actors in 2005 were Egypt and Iran. I can of course not deliver any informed speculations about strategic and tactical considerations in Cairo or Tehran next year. But judging from the PrepCom, there seems to be possibilities that those key delegations may give the process the benefit of the doubt and come along in an effort to reach a consensus outcome.

Obviously, a key factor here is how the Middle East issue is treated. Almost surprisingly, some language on the Middle East, containing quite tangible steps at least in process, managed to live through the different drafting stages in the PrepCom, whereas the same

could not be said about the disarmament language and about other sections. The drafts included ideas like a special coordinator, a subsidiary body and/or a future special conference on the subject.

States parties have lived with this since 1995, when there would have been no indefinite extension of the Treaty without the specific resolution on the Middle East. It goes without saying that looming over all of this is the ongoing development regarding Iran's nuclear programme, and the non-party Israel's indirect influence on negotiations. It's perfectly clear, anyhow, that there will be no successful outcome next year without specific language on the Middle East. That said, it is also equally clear that the NPT review conferences are not the place where the solution to the enormous political problems in the region will be found.

What other substance will be needed? It may be helpful to look back to 1995 again. Other decisions that secured the indefinite extension were promises from the NWS about the FMCT, the CTBT, and systematic and progressive efforts in the direction of disarmament. In 2000, small concessions were made regarding these areas, but since then nothing has happened – regarding the first two, literally nothing. Furthermore, to call the ongoing bilateral reductions by the two largest possessors disarmament is defying common sense. It does not really matter that much for most NNWS whether the nuclear five have 6000, 2000 or 200 warheads each, as long as the role of nuclear weapons in security policies remains the same.

So on these three sections, some kind of agreements will be necessary, making it at least somewhat clearer than today what kind of multilateral process the nuclear five are willing to undertake. And if FMCT negotiations are not started, and progress not made on CTBT ratifications, this amounts to continued breaking of political promises made fifteen years ago in a legal document.

The other important heritage stems from 2000, the thirteen steps, belonging in practical terms to the same negotiating section as the systematic and progressive efforts. How shall they be treated? A few of the thirteen steps are a bit dated or overtaken by events, quite naturally, but they can on the other hand not be rolled back or thrown away. A credible way of renewing and updating them must be found. The nuclear weapon states will be put in a corner if they do not themselves come up with a constructive formula. They should propose reformulations of some of the commitments, making them relevant for today, without retreating on them.

That's the "easy" part. Equally important, and new compared to 95 and 2000, is the diminishing role of weapons. This will become a really crucial issue. In 2000 it was expressed only as a little substep, guarded by the catch-all formulas of "international stability" and "undiminished security for all". This time, some clear expression is needed of what the ambitions are of the nuclear weapon states to downgrade their reliance on nuclear weapons. In the case of the US, this will take the Nuclear Posture Review as a starting-point, of course, and that's why it is so important that counterforce and counter-value doctrines are done away with there.

The situation is less clear regarding the nuclear fuel cycle and Article IV. However, I am fairly convinced that common language can be found there, at least if it is looking (towards the end of the conference) as if the other problematic areas can result in agreement. The same probably goes for safeguards. And perhaps even for the tricky question of how to formulate conditions under which states can legally withdraw from the NPT.

Which leads me to the other headline-grabber on the non-proliferation side, after having mentioned Iran earlier: North Korea. This issue will be easier to solve, as a negotiation matter that is, since the delegation in question will not be present and there will be few, if any, delegations making rallying behind North Korea a priority.

And then we have all the really unpredictable elements. For example, how will the Nuclear Suppliers Group's exception for India, a double standard decision if there ever was one, be treated?

Within all these substantive areas, in all three of the NPT's main pillars, the goalposts have been moved somewhat by the Prague speech by President Obama and the remarkable resolution 1887 in the UN Security Council. The question is how much they have been moved. One would like to think that the goal has been made broader, so that states parties can more easily strike from a distance in May 2010.

Within a couple of weeks or so, the Middle Powers Initiative will issue a briefing paper, in which we will take a look at the situation after the SC resolution and leading up to the 2010 conference. We will as usual analyse recent developments and suggest options for positions that non-nuclear states can take.

Let me finally mention one more area where a multilateral effort is needed. That's the institutional structure of the Treaty. This has been tried before but never really succeeded. There is no shortage of ideas on the table: a secretariat, a permanent bureau, yearly one-week meetings with decision powers, etcetera. It's a terrible anomaly that such an important treaty doesn't have an institutional memory and a sturdy backbone. I know this myself; before chairing the 2002 PrepCom I had to do all of the footwork, helped only by some dedicated individuals in the UN secretariat.

The depositary states should now engage with Canada, Ireland and other states parties that have shown interest and creativity regarding the institutional issues. It's not to be expected that those will be solved at the review conference, but an effort has to be made and something set in motion, for example to try in the next cycle and then to be evaluated in 2015.

In conclusion, success in 2010 is often said to be necessary. Yes, maybe so, but it is not sufficient. It will not in itself bring us much nearer the vision that President Obama has and many of us have. It is only a little step, but an important one.

Thank you.