

## Assessing the 2010 NPT Review Conference

A necessary political success, this year's conference has far-reaching implications.

BY REBECCA JOHNSON

**W**HEN THE PRESIDENT OF THE 2010 NUCLEAR Non-Proliferation Treaty (NPT) Review Conference, Libran Cabactulan, tapped his gavel at 3:40 p.m. on May 28, there was a moment of stunned silence before applause erupted in the hall of the U.N. General Assembly. After four weeks of discussions, the conference, which is held every five years, ended with the adoption of a substantive final document that is expected to frame nonproliferation and disarmament objectives for some years to come.

This consensus outcome reflects agreement on 64 recommended actions covering nuclear disarmament, nonproliferation, nuclear energy for nonmilitary purposes, and a conference to facilitate progress on eliminating nuclear, chemical and biological weapons from the Middle East. In addition, there was a review section covering the major issues and concerns discussed during the review conference, including criticisms of the nuclear powers and North Korea. This section also contained majority views and ideas that did not make it into the consensus action plans, for example on strengthening compliance and implementation and for responding more effectively if countries try to withdraw from the NPT to develop nuclear weapons, as North Korea did in 2003.<sup>1</sup> Though time ran out before this part could be fully negotiated and agreed, it constitutes an important overview of the major issues, problems, and perspectives facing the NPT.

That any substantive agreements were adopted at all is no small victory. The last successful review conference was in 2000. Taking place two years after the nuclear tests conducted by India and Pakistan shocked the nonproliferation regime, the 2000 NPT Review Conference agreed on a final document that contained a 13-paragraph program of action on nuclear disarmament—the result of tough negotiations between the permanent five (P-5) nuclear weapon states and the New Agenda Coalition (NAC), which included Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and



Sweden.<sup>2</sup> Five years later, in an adversarial political environment compounded by the Bush administration's rejection of previous U.S. commitments, including the Comprehensive Test Ban Treaty (CTBT) and the "13 Steps" agreed by NPT governments in 2000, the 2005 NPT Review Conference was an abject failure, with no agreements on implementing the treaty more effectively.<sup>3</sup>

Much was therefore riding on the 2010 NPT Review Conference. Almost all of the 190 NPT parties wanted this conference to be a success, but the debates demonstrated deep differences in their views about what is required to prevent the spread and use of nuclear weapons and carry forward an effective nonproliferation regime for the future.

**Major players in 2010.** Two of the states that had been instrumental in the failure of the 2005 NPT Review Conference, the United States and Egypt, transformed their political approaches in the run-up to the 2010 conference. Iran, facing renewed criticisms over its nuclear program, which many fear may be converted to produce nuclear weapons in the future, found it far more difficult to hide behind its traditional allies within the 116-member Non-Aligned Movement (NAM).<sup>4</sup>

In his first two years as president, Barack Obama made clear his determination to rebuild trust in the United States as an international leader committed to strengthening international law and the established security regimes that exist to prevent the spread of nuclear, chemical, and biological weapons. Following his groundbreaking speech in Prague, where the U.S. president pledged "America's commitment to seek the peace and security of a world without nuclear weapons," the Obama administration undertook several other initiatives, including convening the special session of U.N. Security Council heads of government in September 2009 that adopted Resolution 1887 on nuclear nonproliferation, signing the New START agreement with Russia, reducing the role of nuclear weapons in the U.S. Nuclear Posture Review, and bringing 47 key governments together for the Nuclear Security Summit held in Washington, D.C. in April of this year.

The United States prepared its ground for the review conference well. Ambassador Susan Burk, who was appointed in 2009 to coordinate U.S. efforts on the NPT, crisscrossed the globe from Manila to Rio, Moscow to Cairo, engaging in meetings and consultations with the main governments and civil society actors in order to build support for the Obama administration's goal of a successful review conference that would strengthen international nonproliferation objectives and expunge the bitter memories of 2005. When the conference opened, Secretary of State Hillary Clinton led the U.S. delegation and set out its positive initiatives and commitments. During

the proceedings, Ellen Tauscher, under-secretary of state for arms control and international security affairs, played a significant role, especially on the Middle East, and even Vice President Joe Biden stepped in at a crucial moment, engaging behind the scenes to allay Israel's concerns and hosting a dinner in Washington for ambas-

sadors from several Arab states to discuss compromises that the United States wanted to seal the deal.

Egypt, which also wanted to expunge the memory of the disastrous 2005 NPT Review Conference, was the most influential player among the non-nuclear weapon states in constructing the 2010 outcome. Having invested considerable political capital to bring Arab states into the NPT and broker an important resolution calling for a Middle East zone free of nuclear weapons in 1995, Egypt was a member of

All sides had to accept compromises to achieve the recommendations, action plans, and agreement on the Middle East. Once these had been finalized, it was clear that for different reasons, the nuclear and non-nuclear weapon states, including most of the NAM, wanted this outcome to be adopted by consensus.

the NAC that led negotiations on the 13 practical disarmament steps in 2000.<sup>5</sup> After being marginalized in 2005 and seeing little progress on these agreements, Cairo was determined to restore its political credibility and achieve substantive outcomes on both the Middle East and nuclear disarmament, where its leadership of the NAM helped to carry forward demands for a comprehensive nuclear weapons convention, as well as obtaining reaffirmation of the main steps agreed in 2000. As the current coordinator of the NAM and also chair of the NAC in 2010, Egypt played its hand superbly, gaining support for its objectives from a number of influential Western governments and neutralizing challenges from Iran.

With U.S. interests dominating discussions among the P-5 nuclear weapon states and Egypt's strategies influencing the positions of the majority of non-nuclear participants, the third critical player was Iran, which, since 2002, has faced criticisms for breaching its safeguards agreements under the NPT, particularly with regard to its uranium enrichment activities. Iranian President Mahmoud Ahmadinejad tried to seize the political initiative by being the only head of government to address the conference on the first day. His combative opening speech backfired, however, as the International Atomic Energy Agency (IAEA) and others stepped up their criticisms of Iran for lack of openness over its nuclear program and plans to enrich uranium to 20 percent. Nuclear fuel for civilian energy generation requires no more than 4 percent enrichment.

To head off a new round of sanctions threatened by the U.N. Security Council, Iran concluded a nuclear fuel exchange with Brazil and Turkey on May 17 that was intended to establish "a positive,

constructive, non-confrontational atmosphere leading to an era of interaction and cooperation.”<sup>6</sup> The United States opposed this deal and rushed to the Security Council on the following day with a draft text that the five nuclear powers had only just finalized. The premature tabling of the sanctions resolution in the Security Council infuriated a number of NPT parties, including Brazil and Turkey, and gave rise to fears that the U.S. move would complicate efforts to prevent Iran from causing difficulties in the NPT Review Conference. Though it became increasingly isolated, a skilled Iranian delegation engaged as well as it could. Seeking to block without being blamed, Iran tried to outdo the other NAM delegations in opposing the nuclear powers’ deterrence doctrines and nuclear weapons modernization plans and condemning them for failing to implement their own NPT undertakings. As it became clear in the final week that Egypt wanted all NAM countries to support the outcome and lock in the agreements on the Middle East, Iran faced difficult decisions. Its delegation had succeeded in avoiding Iran being directly named and criticized in the conference text, but this was not enough for Tehran, which had decided to oppose the NPT outcome, calculating—wrongly, as it turned out—that others would also prevent agreement.

These three governments stood out, but others also played important roles in achieving the constructive outcome. Though the NAM and NAC put forward the most concrete and detailed proposals on nuclear disarmament, they were joined by a number of influential Western states—notably Norway, Austria, Switzerland, New Zealand, and Ireland. The “Vienna Group” of 10 delegations coordinated proposals on issues such as strengthening safeguards, increasing the safety and security of nuclear materials, the CTBT, and so on. The conference president, Libran Cabactulan, proved to be a courageous and creative manager, appointing skilled diplomats to coordinate negotiations among key groups of governments, utilizing informal as well as formal meetings for this purpose. In particular, in the last week he convened negotiations behind closed doors among groups of 16–24 key delegations to finalize agreement on the major recommendations. Though the disarmament recommendations were based on an action plan drafted by Austria following intensive discussions among all NPT parties, they were finalized in all-night negotiations chaired by Norway’s ambassador, Steffen Kongstad, that involved the five nuclear powers (Britain, China, France, Russia, and the United States), Spain (representing the European Union), Germany, Japan, Norway, Indonesia, Mexico, Egypt, Cuba, Iran, Brazil, and South Africa.

**Significant agreements and disappointments.** All sides had to accept compromises to achieve the recommendations, action plans,

and agreement on the Middle East. Once these had been finalized, it was clear that for different reasons, the nuclear and non-nuclear weapon states, including most of the NAM, wanted this outcome to be adopted by consensus. When it appeared on the last day that Iran was still locked into instructions to oppose, high-level pres-

sure from Egypt's President Hosni Mubarak, Russian Foreign Minister Sergey Lavrov, and several other foreign ministers persuaded Tehran to join consensus. The scene was then set to proclaim the 2010 NPT Review Conference a success.

Egypt's Ambassador Maged Abdelaziz called the final document "an important step forward" that "reaffirmed in our plans of action the critical importance of achieving the universality of the Treaty and putting into action an effective process to implement the 1995 Resolution on the Middle

East."<sup>7</sup> Tauscher called it a "forward-looking and balanced action plan [that] establishes benchmarks for future progress and concrete actions [and] commits parties to work to achieve the President's vision to seek the peace and security of a world without nuclear weapons." The response of Iran's Ambassador Ali Soltanieh was to identify nine ways in which the NAM proposals had been watered down and accuse the nuclear weapon states—naming specifically the United States and France—of blocking disarmament steps sought by the majority, notably to prohibit the use and threat of use of nuclear weapons and negotiate "a legal framework with specified timeline for the total elimination of nuclear weapons, including a Nuclear Weapons Convention by 2025."

**Middle East.** The hottest issue at the conference was undoubtedly the agreement to hold a Middle East conference in 2012, with the aim of making practical progress toward establishing a zone free of nuclear and other weapons of mass destruction from the region. The U.N. secretary-general, together with Britain, Russia, and the United States (depositaries of the NPT and co-sponsors of the 1995 Resolution on the Middle East), were charged with designating a "host government" and appointing someone to facilitate preparations for the conference and consult with relevant governments on follow-on steps.

With plenty of notice of the Arab states' objectives, the United States had consulted and strategized exhaustively on this outcome, working hard to allay Israel's anxieties. During negotiations, Washington ensured the removal of all criticisms of Israel except one, which reiterated the 2000 NPT Review Conference language on the

The hottest issue at the conference was undoubtedly the agreement to hold a Middle East conference in 2012, with the aim of making practical progress toward establishing a zone free of nuclear and other weapons of mass destruction from the region.

importance of Israel acceding to the NPT and placing all its nuclear facilities under comprehensive IAEA safeguards (diplomatic code for calling on Israel to give up its nuclear weapons and programs).

**Nuclear disarmament.** The review conference outcome was most disappointing on nuclear disarmament and safeguards, where it proved difficult to make any concrete commitments beyond what had already been agreed to in 2000.

While all sides supported reaffirming past commitments and welcomed the New START and efforts to ratify and bring the CTBT into force, there were disappointments over feeble language on further steps and negotiations, including on a Fissile Material Cutoff Treaty (where China blocked stronger language calling for a moratorium on the production of highly enriched uranium and plutonium for weapons purposes). Notwithstanding the weakness of the disarmament commitments that got past the opposition of one or more nuclear powers, it was significant that from across the regions greater emphasis than in previous years was placed on three key issues: proposals to delegitimize nuclear weapons and reduce their role in nuclear doctrines; opposition to the modernization of nuclear weapons systems; and the need for comprehensive negotiations on some kind of nuclear abolition treaty. The concept of nuclear deterrence, with its doctrines of continuous deployment and threatened uses of nuclear weapons, came under heavy criticism, too. Few of the new proposals for devaluing and eliminating nuclear weapons put forward by the NAM and others made it into the consensus recommendations due to opposition by one or more of the nuclear weapon states in the closed negotiations chaired by Norway in the final week.

Similarly, short-range nuclear weapons, generally classed as tactical or nonstrategic, were challenged by all sides, particularly with regard to U.S. nuclear weapons deployed in Europe through NATO and the much larger Russian arsenal. Switzerland contended such weapons “no longer have a place in today’s Europe,” while the NAM criticized NATO’s nuclear sharing arrangements. Germany led nine other countries (Austria, Belgium, Finland, Ireland, Luxembourg, the Netherlands, Norway, Slovenia, and Sweden) in a call—subsequently supported by Poland and other NATO members from Eastern Europe—for increased transparency and the inclusion of nonstrategic nuclear weapons in comprehensive approaches, as well as further U.S.-Russian bilateral negotiations that are planned to follow on from the New START agreement. Russia’s position was both to oppose specific references to eliminate nonstrategic nuclear weapons and also to demand that U.S. nuclear arms be withdrawn from Europe and stored in the United States. The negotiated solution was not to specify specific types of nuclear weapons but to in-

clude short-range nuclear systems by clear implication in Action 3, which stated: “in implementing the unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their nuclear arsenals, the nuclear-weapon states commit to undertake further efforts to reduce and ultimately eliminate all types of nucle-

ar weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures.”

**Boosting nuclear power while failing to strengthen nonproliferation and safeguards.** Though some recommendations addressed safety, protection, and liability issues, a significant development in 2010 was the much higher priority given to promoting the spread of nuclear energy than in previous years, making both the NAM demanders and the nuclear technology suppliers very happy. With Iran at the

The 2010 NPT Review Conference was a success because President Obama, his allies, and the other nuclear weapon states needed it to be. Another failure would not only have undermined the nonproliferation regime, but would almost certainly have made it more difficult for Obama to carry through his promises to reduce the U.S. arsenal, ratify the CTBT, and pursue nuclear disarmament.

forefront of nations claiming that the NPT gives them an “inalienable right” to develop nuclear energy, it was therefore particularly worrying that NPT parties remained deeply divided over the key issues of the status of the IAEA protocol to strengthen the safeguards regime, the functioning of export controls, and the role of the U.N. Security Council with regard to ensuring compliance and implementation with NPT obligations.

The 2010 NPT Review Conference was unable to move beyond what had been previously agreed on the key issues of strengthening safeguards and export controls, which are essential components in creating barriers against nuclear materials and technologies acquired for nuclear energy being converted for weapons purposes. Not only was it impossible to make the Additional Protocol the verification standard or a condition of supply, it also proved too difficult to renew the consensus on the understanding agreed in 2000 that this protocol is an integral part of the IAEA safeguards system. States were, however, encouraged to “bring into force additional protocols.”

The NPT final document echoed U.N. Security Council resolutions 1540 (2004) and 1887 (2009) on nonproliferation and nuclear security and had a number of recommendations on nuclear materials’ safety and trafficking. The Nuclear Suppliers Group has undeniably lost credibility over its failure to follow its own guidelines when it rubber stamped the U.S.-India deal in 2008. While Iran and a handful of states opposed all such “ad hoc” export controls, others made clear that there should be no question of India’s deal being extended to Israel or Pakistan. The best that could be agreed was

language that encouraged NPT parties to “make use of multilaterally negotiated and agreed guidelines and understandings” and base their own national export controls and decisions on “whether a recipient state has brought into force IAEA safeguards obligations.”

**Conclusions.** The 2010 NPT Review Conference was a success because President Obama, his allies, and the other nuclear weapon states needed it to be. Another failure would not only have undermined the nonproliferation regime, but would almost certainly have made it more difficult for Obama to carry through his promises to reduce the U.S. arsenal, ratify the CTBT, and pursue nuclear disarmament. The constructive U.S. approach made it possible for Egypt and the Arab states to obtain the commitments they wanted on a practical process aimed at eliminating nuclear weapons from the Middle East, giving them also a vested interest in the success of the conference. In the wake of the collective satisfaction of having adopted a final document, the tough tasks of implementing these agreements must now begin.

The significance of the outcome lies not only in what was adopted, but also in the challenges that the review conference failed to agree on. The international environment in 2010 was more conducive to addressing nuclear issues than ever before, but despite the more constructive context and the substantial proposals and debates on all aspects of nuclear disarmament, security, and proliferation, the final document was unable to go much beyond reaffirmations, exhortations, and language agreed in 1995 or 2000 on universality, safeguards, the additional protocol, export controls, nuclear safety, and security. After almost a decade of debates on disincentives to make withdrawal from the treaty more difficult and to increase the NPT regime’s tools for accountability, compliance, and implementation, nothing on these important issues appears in the consensus conclusions and recommendations, though brief summaries of the main ideas to emerge from the debates are reflected in the broader review sections of the final document.

Lack of progress on several long-standing issues, combined with the failure of NPT parties to agree on ways to deal with matters of collective concern such as the nuclear programs of Iran and North Korea, the nuclear arsenals of India, Pakistan, and Israel (which remain outside the NPT), and countries that cheat or want to withdraw from the treaty, have demonstrated once more the limitations and weaknesses inherent in this regime and the lack of political and institutional powers to address such problems.

Though the Middle East agreements attracted most notice at the time, progress toward the objective of a nuclear-free Middle East will be closely tied to international progress on devaluing nuclear weapons, delegitimizing nuclear use doctrines, and building

security without the myths of nuclear deterrence. History may view the 2010 conference as the last gasp of the Cold War regime before the nuclear security regime is transformed. The debates demonstrated that non-nuclear parties are growing impatient with trying to repair a fractured regime by reiterating commitments that have not been fulfilled in good faith. If they give up on the current non-proliferation regime, they will either seek to build a more sustainable security architecture or they may pursue nuclear weapons or options of their own.

Endorsed by more than 125 NPT parties, recognition has been given for the first time in an NPT context to the validity of a nuclear weapons convention or other comprehensive, multilateral framework. Negotiations on such a treaty or framework would need to ban nuclear weapons for everyone, reinforce what is best in the nonproliferation system, and establish stronger verification and safeguards to prevent nuclear proliferation or terrorism. This is not only about disarmament, but also about preventing nuclear use, insecurity, and further proliferation. It is no longer viewed as a matter to be determined solely by the nuclear powers' timetables and desires, but is now recognized as the legitimate business of all. Civil society prepared the ground, the 2010 NPT Review Conference has laid the cornerstone, and governments and civil society are challenged now to take forward a more comprehensive approach. By 2015, when the next review conference is scheduled, there will either be a repetition of the same problems, complaints, and dangers that the 2010 NPT Review Conference failed to resolve, or there will be a process under way to construct a better regime, based not on managing nuclear weapons but on their abolition. ■

*Rebecca Johnson is director of the Acronym Institute for Disarmament Diplomacy and vice chair of the International Campaign to Abolish Nuclear Weapons. Her book on the Comprehensive Test Ban Treaty, titled Unfinished Business, was published by the United Nations in 2009.*

---

## NOTES

1. Conclusions and Recommendations for Follow-on Actions, Final Document of the 2010 NPT Review Conference, May 28, 2010, available at <http://www.reachingcriticalwill.org/legal/npt/rev-con2010/FinalDocument.pdf>.

2. 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document,

adopted May 20, 2000, New York, NPT/CONF.2000/28 (Part I). For an analysis of how this was achieved, see Rebecca Johnson, “The 2000 NPT Review Conference: a Delicate, Hard-Won Compromise,” *Disarmament Diplomacy*, no. 46, May 2000, pp. 2–21, available at <http://www.acronym.org.uk/dd/dd46/46npt.htm>.

3. See Rebecca Johnson, “Politics and Protection: Why the 2005 NPT Review Conference Failed,” *Disarmament Diplomacy*, no. 80, Autumn 2005, available at <http://www.acronym.org.uk/dd/dd80/80npt.htm>.

4. The NAM actually comprises 118 states, including India and Pakistan, which are not NPT parties; in the NPT context, the abbreviation “NAM” denotes the 116 states that make up the Group of Non-Aligned States Parties to the NPT.

5. “Resolution on the Middle East,” 1995, NPT/CONF.1995/32 (Part I), Annex, available at [http://www.un.org/disarmament/WMD/Nuclear/1995-NPT/pdf/Resolution\\_MiddleEast.pdf](http://www.un.org/disarmament/WMD/Nuclear/1995-NPT/pdf/Resolution_MiddleEast.pdf). See also Rebecca Johnson, “Indefinite Extension of the Non-Proliferation Treaty: Risks and Reckonings,” Acronym Report No. 7, September 1995, available at <http://www.acronym.org.uk/acrorep/acro7.htm>.

6. “Joint Declaration by Iran, Turkey and Brazil,” Ministry of Foreign Affairs of Iran, Ministry of Foreign Affairs of Turkey, and Ministry of External Relations of Brazil, May 17, 2010, text available at [http://www.politico.com/static/PPM143\\_100517\\_iran\\_agreemet.html](http://www.politico.com/static/PPM143_100517_iran_agreemet.html). See also Rebecca Johnson, “Day 14: NPT Sidelined by Sanctions Resolution on Iran,” Acronym Institute, May 18, 2010, available at <http://acronyminstitute.wordpress.com/2010/05/18/day-14/>.

7. See Rebecca Johnson, “NPT: One Week after Consensus Adoption of Final Document,” Acronym Institute, June 7, 2010, available at <http://acronyminstitute.wordpress.com/2010/06/07/npt-one-week-after-consensus-adoption-of-agreed-document/>. Daily summaries from the 2010 NPT Review Conference written by Rebecca Johnson of the Acronym Institute are available at [www.acronym.org.uk/blog](http://www.acronym.org.uk/blog).

Rebecca Johnson, “Assessing the 2010 NPT Review Conference,” *Bulletin of the Atomic Scientists*, July/August 2010, vol. 66, no. 4, pp. 1–10.

DOI: 10.2968/066004001

**Copyright © 2010 Bulletin of the Atomic Scientists. All Rights Reserved.**