

The NPT Review Conference will be held in 2015. The third and last preparatory committee meeting ended in New York on 9 May 2014. The following text was circulated by Rebecca Johnson on 13 May 2014.

The NPT's third meeting - the last before the 2015 Review Conference - finished in New York on Friday 9 May. Here is a short reflection aimed towards the interested but non-expert readership of openDemocracy, highlighting the disarmament aspects and implications for the future, noting the continuing impasse over holding a regional conference on a zone free of WMD in the Middle East, and Austria's announcement that the Third International Conference on the Humanitarian Impacts of Nuclear Weapons will be held in Vienna on 8-9 December 2014.

<http://www.opendemocracy.net/5050/rebecca-johnson/nuclear-nonproliferation-in-time-warp>

Nuclear non-proliferation in a time warp

REBECCA JOHNSON 13 May 2014

The mood was cheerful as the international Non-Proliferation Treaty conference ended in New York last Friday, but the atmosphere was sustained at the expense of tackling the real world nuclear challenges. Rebecca Johnson reports from the conference, and examines what role the NPT really plays in today's world.

On Friday, the UN-hosted meeting of around 140 of the 190 states that are party to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) ended with procedural successes, but there was no agreement on the substantive issues, including nuclear disarmament, safety and security of nuclear technologies and the Middle East. It was good news that this meeting obtained early consensus on the agenda for the more important 2015 NPT Review Conference, scheduled for four weeks next April-May. It was also helpful that this meeting could agree on allocation of issues to committees, background documents and most of the conference posts for 2015. No-one has yet been nominated to chair the 2015 Review Conference, but it is expected that the African Group, whose turn it is, will soon put a name forward.

The successes on getting procedural decisions adopted were not accompanied by any substantive agreements, however. The Chair, Peruvian Ambassador Enrique Roman-Morey, was obliged by the rules of procedure to seek consensus on recommendations for the 2015 Review Conference. He made a solid diplomatic effort to pull together a paper summarising recommendations that he thought might be accepted. As with much of diplomacy, he used agreed language from previous meetings to paper over cracks in the most significant and contentious areas, and consulted with certain countries more than others. Common denominator compromises meant that all sides complained that the paper

did not reflect their views, and failed to take account of important changes since the last review conference in 2010.

The Arab Group and Non-Aligned Movement (NAM) of mostly 'global south' countries argued that the Chair's draft failed to reflect their groups' proposals for more action on disarmament and the Middle East. They pointed out that the concrete undertaking in 2010 to hold a Conference in 2012 to discuss how to move forward towards ridding the Middle East of nuclear and other weapons of mass destruction (WMD) had not been implemented, and there was still no date to hold the conference. They also wanted the recommendations to include an explicit call on Israel to join the NPT as a non-nuclear state. Nonetheless, they said they would be willing to use the draft text as a basis for continued negotiations.

Ireland, speaking on behalf of the New Agenda Coalition (NAC) of six significant non-nuclear nations from Latin America, Africa, Europe and the Pacific, had submitted three important working papers, covering nuclear disarmament, 'the humanitarian impact of nuclear weapons: known risks and consequences', and 'Article VI of the NPT'. Ambassador Patricia O'Brien joined others in publicly appreciating the Chair's efforts, but expressing disappointment that developments since 2010 and most, if not all, the progressive proposals on disarmament had been left out. Ireland, Mexico and Egypt openly argued for devoting the remaining sessions of the PrepCom to negotiating more representative recommendations. By contrast, the United States and Russia argued that the draft's weaknesses with regard to the Middle East and other issues would be impossible to resolve in the remaining time. Saying that it was more important to maintain the good atmosphere that characterised this meeting, they proposed that the draft should be reissued as a working paper, making clear that these were the Chair's personal recommendations and not the product of collective negotiations.

And that's what happened. We got the rest of the day off, Roman-Morey improved his draft on the basis of the comments he had received, and this was issued as the Chair's own recommendations to 2015 in Working Paper 46. The next morning the PrepCom swiftly adopted the procedural decisions and finished early.

By avoiding the contentious issues, the good atmosphere prevailed to the end. But at the expense of tackling the real world nuclear challenges that perpetuate nuclear weapons and undermine collective efforts to make concrete progress towards ridding the world of nuclear weapons, as mandated by this treaty and many UN resolutions. Despite earlier fears and predictions, the growing conflicts convulsing Ukraine and the military sabre rattling in the Pacific, did not visibly sour the atmosphere - though the issues bubbled just below the surface. Where nuclear issues are concerned, the 'P5' nuclear-armed Security Council members - the United States, Russia, France, China and the UK - increasingly bond together. There is a positive side to this. One of the highlights this week was the long-awaited signing by the P5 of negotiated security protocols for Kazakhstan, Kyrgyzstan,

Tajikistan, Turkmenistan and Uzbekistan, following negotiations on a Central Asian Nuclear Weapon Free Zone. And it can be negative, such as the joint decision these nuclear-armed states took to boycott the International Conferences on the Humanitarian Impacts of Nuclear Weapons held in Oslo in March 2013 and in Nayarit in February 2014. All five have vested considerable political and economic resources in maintaining nuclear arsenals and status. Faced with growing pressure to comply in concrete ways with long-standing nuclear disarmament obligations under the NPT, the P5 delegations presented a united front, and highlighted their efforts, such as compiling a glossary of nuclear definitions they might one day be able to agree on.

Their attitude epitomises what is wrong with the NPT. It is generally agreed that it served a useful purpose in the past, particularly in the years between 1968 and 1995. But what role does the NPT play now? Many now argue that the decision to extend the treaty, and make it permanent in 1995, was a strategic mistake that embedded the privileges of nuclear-armed states at the expense of the vast majority of nuclear free nations.

The entry into force of the NPT in 1970 undoubtedly influenced the nuclear policies of governments and helped to constrain the spread of nuclear weapons during the Cold War. But the burden of obligations have always fallen more heavily on nuclear free countries. The "P5" use the NPT to justify their nuclear weapons policies, including modernisation of arsenals. And because the NPT invented a two tier system with different requirements for five defined 'nuclear-weapon states' and the rest, it lets states off the hook if they refuse to sign, as India, Pakistan and Israel have done. And when faced with North Korea announcing its withdrawal in 2002, and then its nuclear weapons production and testing, the NPT parties appeared weak and toothless.

The two-tier regime might have seemed practical in the Cold War, but it has fed into nationalist arguments that obstruct and weaken non-proliferation and disarmament efforts in the post-Cold War world. The NPT requires disarmament and non-proliferation, but doesn't even mention the use, deployment or stockpiling of nuclear weapons. So the countries that already possess the weapons argue that it's permissible to carry on with active modernisation and deployment operations, as well as doctrines of "deterrence" that involve nuclear targeting and sharing bombs as part of military alliances with "non-nuclear" weapon states. In the absence of disarmament, is it any wonder that nuclear weapons look desirable to some leaders?

As Ireland's ambassador to the NPT, Patricia O'Brien stated, the "security reasons" given by nuclear-armed states are "in effect, an unintended invitation to proliferate". Ireland is credited as the key diplomatic originator of the resolution that gave rise to the NPT. Ireland also founded the New Agenda Coalition in 1998, working closely with civil society from around the world to drive an innovative and successful strategy to get agreement at the 2000 NPT Review Conference on a multifaceted programme of "thirteen steps" to achieve

nuclear disarmament, which the P5 nuclear-armed states agreed to. The ease with which the P5 have ignored those agreements in the past 14 years has contributed to undermining the NPT.

Though many of the challenges are political, it has to be recognised that the NPT's structure is a big part of the problem.

In failing to prohibit the use, deployment, and stockpiling of nuclear weapons, the NPT is way behind more recent international disarmament treaties, including the other WMD treaties that prohibit biological and chemical weapons and require their total elimination. By instituting two different classes of state, and failing to create the kind of universally applicable obligations prohibiting use that are found in other global treaties, the NPT gets in the way of nuclear prohibitions, and obligations becoming universalised. One reason for promoting negotiations on a universally applicable nuclear weapons ban treaty is to create universally applicable, non-discriminatory international law.

As we saw recently with chemical weapons, the use of those WMD in Syria was addressed legally through applying the Chemical Weapons Convention (CWC) even though the Syrian government had not (at that time) signed the CWC. The NPT can't play that important role under international common law because the prohibitions and obligations apply differently to certain states. North Korea, India and Pakistan are happy to say they would join the NPT as 'nuclear-weapon states', but will not accept non-nuclear obligations under that treaty. Israel is a 'free rider' on the regime, able to exert pressure on US positions from the comfort of a ringside seat, as NPT meetings wrestle unproductively to make progress on making the Middle East a zone free of nuclear weapons.

In view of the importance and attention given to the NPT by so many of our governments, civil society is stuck in a double bind. Having tried to make the regime work better and deliver progress on disarmament, we're stuck with almost annual meetings and five-yearly review conferences that absorb considerable resources without achieving much in the real world. There's a large 'business-as-usual' industry attached to the NPT in many of the nuclear-armed and alliance states, co-opting and trapping too many academics and NGOs in the non-proliferation narrative dominated by the P5. This is fuelled by funders that have downgraded peace and disarmament, and increasingly make the NPT and US-Russian arms reductions their priorities for grants. Ignoring the NPT, or carping from the sidelines, isn't the answer either - since that just renders civil society invisible as far as most governments are concerned.

The run up to the 2015 NPT Review Conference provides us with unprecedented opportunities, as well as challenges. It may look like a game played by governments and NGOs, but the humanitarian stakes are deadly serious. Austria's ambassador Alexander Kmentt chose this PrepCom to invite all governments and relevant civil society to

