



# BULLETIN

No. 48 (124) • March 25, 2010 • © PISM

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## Main Challenges Before NPT Review Conference in New York

Łukasz Kulesa

*The 2010 Nuclear Non-Proliferation Treaty Review Conference will be held on 3–28 May in New York. Expectations for this meeting are running high, mainly due to President Barack Obama's support for nuclear disarmament—yet the conference is unlikely to produce a breakthrough in the disarmament process, or to significantly advance a solution to the North Korean and Iranian crises. It should nevertheless send a signal that the Parties to the Treaty are capable of working out a compromise on main areas of their cooperation. By presenting a common position, the European Union states could contribute to bringing about such an agreement.*

At Nuclear Non-Proliferation Treaty (NPT) review conferences, which are called every five years, the states Parties assess the functioning of the Treaty and take decisions on measures to achieve its aims. The Treaty, to which 189 states are Parties, is the cornerstone document of the nuclear weapons non-proliferation regime. It lays down obligations for “general and complete” disarmament (involving particularly the nuclear disarmament commitments of the five states which had carried out nuclear explosions before 1967: the United States, the USSR/Russia, the United Kingdom, France, and China), stipulates access to the peaceful use of nuclear energy, and includes the non-nuclear states' commitment to refrain from obtaining nuclear weapons and the five nuclear states' undertaking not to transfer such weapons to others.

The 2005 Review Conference ended in a fiasco. It failed to produce a substantive final document, and disputes about the program of work took up a large part of the debates. Among the major causes of that debacle the George W. Bush administration's attitude towards the arms control, and differences over an extent to which the Iranian nuclear program issue was to be addressed. The absence of agreement in 2005, though it did not lead to the breakup of the non-proliferation regime, must be seen as one of the factors which have impaired the working of the system.

**Disarmament.** While the New York meeting should not be treated as a key test in this area, Barack Obama's explicit support for the concept of universal nuclear disarmament has stoked up international expectations for results to emerge from it. Since the beginning of his presidency, Obama has addressed the nuclear disarmament issue both at multilateral forums and in bilateral contacts (e.g. talks with Russia on a new treaty on the reduction of strategic nuclear forces) and in domestic policy (as evidenced by the drafting of the new Nuclear Posture Review by the administration, or by preparations for the ratification by the U.S. Senate of the comprehensive nuclear test ban treaty).

Yet in recent months the US has been increasingly criticized for having no results of the implementation of its disarmament policy to show—among other things, for delays in talks with Russia, or for putting off the release of the Nuclear Posture Review. This has brought more pressure on the US administration to work actively towards the success of the NPT Review Conference. As for the other nuclear states, those which are reducing their arsenals have been introducing at the same time new types of warheads or their means of delivery (Russia, Britain, France), while China presumably proceeds with its nuclear build-up. It is to be expected that during the conference some participants will demand from the nuclear states unequivocal declarations that will set out realistic means and steps of nuclear disarmament.

**North Korea and Iran.** Adding to the significance of the upcoming Review Conference are two major crises of the non-proliferation system, involving the nuclear programs of North Korea and Iran. North Korea, which conducted two test nuclear explosions in 2006 and 2009, officially disclaims the

status of a state party to the Treaty on the grounds of its 2003 declaration of withdrawal from the NPT. Putting aside the question whether the DPRK did or did not fulfil the formal requirements for quitting the Treaty, the state Parties need to agree a manner of responding in the future to withdrawals (if any) of other states which, like North Korea, have breached their NPT obligations. Proposals to this end range from having such cases automatically referred to the UN Security Council, to discontinuing in whole technical cooperation with the non-complying state, the latter required to return all materials received in support of its nuclear program. Although the review conference has no means to pressure North Korea to wind up its military nuclear program, it should adopt decisions that will make it more difficult for other countries to follow in the DPRK's footsteps.

The international dispute over the Iranian nuclear program certainly should not be left out of the conference debates but, with Iran present at the conference and with the support its arguments for the right to a peaceful nuclear program enjoy among some State Parties, it appears that putting too much pressure on Iran could result in the breakdown of the talks. If the UN Security Council adopts, on the eve of the Review Conference, a resolution imposing new sanctions on Iran, this alone might significantly impair the chances of the meeting's success. As a compromise solution, the upcoming conference could focus on the general issue of the State Parties' access to peaceful nuclear technology. Unquestionable as this right is, guarantees are required that the obtained technologies will not be used in military programs—which means in turn that the legal and technical measures available to the International Atomic Energy Agency to monitor national nuclear programs and to conduct inspections must be enlarged. Such safeguards become increasingly important as more countries opt for nuclear energy development.

**Middle East.** Particular attention should be given to the Middle East issue which could prove crucial to progress of the conference. The resolution adopted at the 1995 NPT Review and Extension Conference called upon the state parties to the Treaty to take steps towards establishing in the Middle East a zone free from weapons of mass destruction and their means of delivery. Some state parties, with Egypt acting as their informal leader, signal that no progress has been made on this issue, in particular that no efforts have been made to engage Israel, a nuclear state, in talks on the establishment of the zone. The five nuclear states, as the promoters of the 1995 resolution, are held particularly responsible for this state of things. It is to be expected that at this year's review conference some states will make their support for other initiatives to strengthen the non-proliferation regime expressly contingent upon the adoption of an action plan on the Middle East issue. Egypt proposes, among other arrangements, summoning a special international conference on a WMD-free zone in the Middle East.

**European Union and Poland.** This time, like before the previous Review Conference, the European Union member states will adopt a Common Position comprising a list of recommendations addressing all areas covered by the Treaty. Among the EU members and two nuclear weapon states, a group of NATO member states covered by nuclear states' security guarantees, and a group of states particularly committed to promoting disarmament (Sweden, Ireland). Consequently, the position agreed within the EU is a result of a compromise which could set an example to all the NPT State Parties. At the previous conference, the main weakness of the EU states was that they found it difficult to adjust their position to rapidly changing circumstances.

For Poland, maintaining the significance of the Non-Proliferation Treaty as the basis—common to a vast majority of states in the world—of the non-proliferation regime should be a matter of paramount importance. To arrive at an agreement that will strengthen the NPT, the members of the conference will need to compromise on various issues—including, presumably, on giving up an attempt to “name and shame” states suspected of acting in breach of the Treaty. However, another failed Review Conference could accelerate the marginalization of the NPT and encourage some states to consider the nuclear weapons option. A destabilization of the international order that would follow would be contrary to Poland's interests. More specifically, at the conference Poland should make a special push for having weapons classified as non-strategic included in the process of nuclear disarmament.