

### **The 2010 NPT Review Conference: Results and Consequences\***

*Until the end of March 2010, the member countries of the Nuclear Non-Proliferation Treaty (NPT) discussed strategies and steps to strengthen the multilateral nuclear disarmament and non-proliferation regime. The previous NPT review conference in 2005 ended in failure raising concerns the NPT might disintegrate if this year's conference does not produce a success. U.S. President Obama paved the way to put nuclear disarmament and non-proliferation back on the international agenda with his highly commended Prague speech in April 2009, the conclusion of the New Start Treaty with Russian President Medvedev, the release of a new Nuclear Posture Review and the Nuclear Security Summit, which was held in Washington DC just a few weeks prior to the NPT review conference. High on the agenda of the review conference loomed Iran's nuclear programme and the risks of new nuclear arms races in the Middle East as well as in Southeast Asia. While new sanctions against Iran will be negotiated in the UN Security Council, the NPT review conference addressed loopholes in the treaty and tried to strengthen the role of the International Atomic Energy Agency as a watchdog. What are the results and consequences of the NPT conference? What role did the European Union and its individual member states play? What will the future role of the European Union be in progressing on the path toward a nuclear-free world?*

After intensive negotiations, the nearly 190 nations represented at the Non-Proliferation Treaty Review Conference unanimously agreed to a final document which at a time where multilateral approaches have recently failed (Copenhagen Climate accords) is a surprising result. The final document consists of two parts, a review part as well specific action plans on non-proliferation, disarmament and peaceful uses of nuclear energy. Especially the action plan part means real progress: for the first time, there are measurable actions that states are asked to take. Another interesting result (after heavy debates) was the call for talks in 2012 on eliminating nuclear weapons in the Middle East based on the 1995 Resolution (a key priority for Egypt). This meeting, sponsored by the U.S., the UK, Russian and the UN, will probably be hosted by an EU Member State.

The most controversial issue was whether to name Israel but not Iran in the final document and how Iran would behave. The naming (not blaming) of Israel<sup>1</sup> made it possible for the Arab countries to develop some trust. This was also crucial to outmanoeuvre the tactic of Iran which until the last minute thought that the US would not agree on such a formulation and could be blamed for the failure of reaching a consensus at the conference. It was felt that Egypt as chair of the Non-Aligned

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\* Guest speakers were: Annalena Baerbock, Chairperson Bündnis 90/Die Grünen, Land Brandenburg and Board Member of the European Green Party, Jean-Pascal Zanders, Research Fellow, The European Union Institute for Security Studies (EUISS), Paris and Stephan Klement, Office of the HR's Personal Representative for the Non-Proliferation of Weapons of Mass Destruction (WMD), Council of the European Union. The event took place under Chatham House Rule. The opinions expressed do not necessarily represent the opinions of the Heinrich-Böll-Stiftung.

<sup>1</sup> The wording is, "The Conference recalls the reaffirmation of the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards."

Movement (NAM) was in a position to 'control' the Iranian actions to a certain degree.

Unfortunately there are voices in Israel and the U.S. which reject the binding character of the documents. Several participants pointed out that the position of Obama is not (yet) the view of the U.S. administration and that there is need for a trickle-down of his zero nuclear vision. Will the new START actually be ratified?

### **Success or failure**

Whether the NPT conference can be seen as a success or not depends on the definition of success. It was pointed out that some of the steps of the action plan are so concrete that the foundations are laid for its failure either in 2015 or during one of the interim processes, because it created too high expectations. Also, it has to be said that circumstantial factors have contributed to the success of the meeting: Obama is not Bush and he has a clear American and personal interest in making things move ahead in terms of nuclear disarmament. Egypt made a point of mentioning that because it believes in the sincerity of Obama's agenda.

Another factor for success was the failure of 5 years ago: this simply couldn't happen again. Before the next conference, however, there will be new presidential elections in the USA and nuclear energy will become a major issue in the domestic politics in quite a few countries. Also, (nuclear) disarmament means different things to different people. The proliferation debate is changing. Many of the export control systems we have may no longer work.

Critics regretted the weak formulations (e.g. Additional Protocol, disarmament) and the amount of discrepancies between the first draft of the EU position and the final outcome of the conference.

Those who had participated in the NPT conference described the process of negotiation as extremely non-transparent. The main committees open for all countries were left to discuss without consensus, while the final agreement was drafted behind closed doors, with only a restricted number of 'key players'.

A weak point, admitted even by the most positive participants, of the results is a missing regulation concerning nuclear commerce: mainly China blocked any specific outcome. Tackling the issue of the 'nuclear suppliers group' will be a crucial for a future success of NPT. A common position of the EU itself on the peaceful use of nuclear energy is difficult to find as the positions of member states reach from a constitutional ban of nuclear energy (Austria) to a promotion of an 80% share in the energy mix (Italy). It might also be too late to stop diffusion in a number of countries (e. g. deal with India). Also requirements for verification would have to go into such minor technical details to be effective that they are unlikely to be practically negotiable at the political level. The danger that the multilateral approach will be replaced by a culture of more and more bilateral agreements is imminent.

### **The role of the EU**

The importance for European visibility in the follow-up of the NPT conference is shared by all. But during the discussion it became apparent that there are different views on whether the EU should be satisfied with having reached most goals of their

common position or if it should aim for new milestones which are not shared by all Member States, such as the creation of a European nuclear-free zone. The EU could set an example by withdrawing its ca. 200 tactical warheads. But even a working paper on that topic has been blocked by France.

The potential role for the EU is limited. One area where it is really strong is getting joint actions organised and implemented. The EU can invest a lot of money to support activities of international organisations. And the EU can break ground by holding meetings which are politically relevant and other stakeholders participate. On the other hand: defence policy is basically still a national decision. This is very clear in the nuclear area. Sweden and Ireland will never accept a nuclear role of the EU. Finally, the EU has limited control over the NPT process; it is also not a member to treaties. Relevant questions are: how will the EU be represented at those meetings? How will the EU council presidency work out in the future? In New York we have already seen Lady Ashton make the presentation for the EU at the opening ceremony, but in all other contexts, it was Spain, the EU council presidency, which spoke on behalf of the Union. The Belgian presidency and later Hungary and Poland will show how this is going to develop. How will the EU be seen by the other security actors? The EU likes to look at itself as a major player and it behaves accordingly, but usually, what it delivers, is 'soft power'. The fact that usually there is no military power to back it up often makes other actors believe that it cannot deliver on its promises. The EU has to come up with a more coherent vision.

But also, individual Member States could move forward together on issues like disarmament as is the case with climate change. This should also be the task for the Greens and for a younger generation as the disarmament discussion is still dominated by the 1970s generation.

### **Future steps**

The implementation of all instruments and agreements especially those on disarmament and the Middle East nuclear-free zone is crucial. Problems of ratification in the US have to be overcome. It is important to strengthen the Comprehensive Test-Ban Treaty (CTBT) as a second diplomatic pillar, but a standstill here must not serve the EU as a false pretence to reduce its efforts.