



Wilton Park



Conference report

The nuclear non-proliferation regime: bridging the north-south divide

Monday 3 – Wednesday 5 October 2011 | WP1098



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Introduction

Various negotiating blocs or political groupings, both formal and informal, operate within the broader nuclear non-proliferation regime of which the Nuclear Non-Proliferation Treaty (NPT) Review Process is one core forum. The Non-Aligned Movement (NAM) is one of the complex and prominent groupings in multilateral diplomacy, with a significant role in the NPT Review Process. Comprised of developing states, the NAM represents an important posture and often raises issues highlighting the gap between developing and developed states. In attempts to facilitate bridging this perceived North-South divide, the conference assessed the role of bloc politics in the nuclear non-proliferation regime and the prospects for better and more coordinated policy between developed and developing states. In doing so, the misperception of a simplistic North-South divide was readily exposed, highlighting the various complex groupings, sub-groupings, and cross-grouping dynamics that operate in the nuclear non-proliferation regime. The NAM itself was determined to be a non-unified entity. The conference also addressed past NPT review cycles and the experiences of the CBW regimes in order to learn from successful cases of collaboration and cooperation between groupings in the wider non-proliferation regime. Similarly, the conference looked ahead to the upcoming 2015 NPT review cycle and other events in the broader nuclear non-proliferation regime, such as the 2012 Middle East WMDFZ conference and the 2012 Seoul Nuclear Summit, in attempts to identify potential challenges to, but more importantly, trends and prospects for success in, grouping collaboration.

Drivers and divides of high-level policy: bloc politics in the nuclear non-proliferation regime

1. The nuclear non-proliferation regime has a number of constituencies and blocs that operate within it, but the character and dynamics of these groupings are not always well understood. Some argue that there is a North/South or developed/underdeveloped divide, but that this divide is overemphasized as a result of the system used to manage NPT meetings. The cold war groupings such as the WEOG and NAM are arguably no longer relevant as their original incarnations. The NAM is fragmented into regional sub-groups, and the WEOG provides information only and is dominated by the EU. The Eastern group operates on a virtual basis only. Debate exists as to whether it is possible to restructure these groupings. If so, would this restructuring be through new administrative arrangements or through the creation of cross-cutting coalitions such as the NAC? Another suggestion for restructuring of groups is along the lines of power reactor operatives and fuel cycle companies. Another question remains whether industry can be brought into the picture in the nuclear regime as it is in the chemical regime under the CWC.
2. On the other hand, it may be that the real divides within the nuclear non-proliferation regime lie elsewhere. One divide lies between the nuclear weapon states and the rest. Within the NAM there are divides between Latin America, African, the Middle East, and South East Asia. Some regions are involved in non-proliferation diplomacy and for others there seems to be a lack of relevance of the issues. It was questioned to

whether there should be an official or real CD-type core group of engaged states. There is also a West-West divide on issues regarding approaches to (civilian) nuclear supply. This was visible in the 1970s with the “war on plutonium” which divided the US and Europeans. More recently this division was apparent over the US-India nuclear cooperation deal. Yet another divide exists between the “Vienna White Angels” and the rest, based on the diverging perspectives on the need for more stringent and overt rules for nuclear trade, peaceful uses, and IAEA safeguards. A further divide can be identified between old nuclear energy states and new ones. Another new grouping in the broader nuclear non-proliferation regime which has been identified is the grouping of states working towards goals of nuclear security. Whether this grouping will manifest itself as a coalition in the NPT review process remains to be seen.

3. Within the NAM, there are various sub-groupings. For 50 years, with 120 states, clear working groups have been established. There are various chapters, each with key players and different dynamics. The NAM chapter in Vienna, for example, is different from that in Geneva or New York. The NAM itself is not a monolithic unified group although there are shared principles and some voting patterns on issues can be discerned. Traditionally viewing issues through the divide of North-South politics, in Vienna, many non-proliferation initiatives have been viewed by NAM members as further unfair hurdles to development. The NAM has evolved from its original form and continues to evolve. Following the end of the Cold War, the NAM underwent an existential identity crisis and shifted its basis to one of socio-economic issues, between the developing and developed states. The continued relevance of the NAM post-Cold War is of interest, as is the grouping’s ability to adapt with the changed systemic milieu. Players matter significantly within the groupings as was evident in the raising of the 2003 Iran nuclear dossier in Vienna.
4. The NAM has been described as consisting of three an amalgamation of three types of member states, including “leaders”, “spoilers”, and “others”. There is increasing resistance from the some NAM “leader” states against the few “spoiler” states, something shown by the Iran case. Indeed, the Iran case has made the divide between NAM states more prominent. Individual NAM member states have started to pursue non-proliferation measures based on their own security and political concerns. Outside the NPT review process, the NAM is arguably more normatively important and successful, albeit still not a unified actor.
5. Given the varying range of viewpoints within the NAM, advice on efforts to engage with “moderate” NAM states are sought regarding non-proliferation objectives. One suggestion is to appeal to these states in explaining why it is beneficial to adopt these issues, such as the Additional Protocol. In attempting to understand group postures, it may be useful to question the underlying reason for the longevity of principled positions by a grouping such as the NAM. It was noted that Iran’s presidency of the NAM from 2012-2015 will likely force Iran to act in an objective, and less divisive manner. The NAM, at 120 member states, is too large of a grouping to gain consensus, and hence poor at dealing with specific issues. With such a large grouping it is vital to identify the 4-5 key movers/drivers of policy. Determining the strength of the sub-groupings within the NAM is of interest. Is there a NAM grouping to stand against the WEOG?
6. The NAM chapter in Vienna has been operating since 2003. Some argue that the Vienna chapter is largely operating without a roadmap. Of the 19 Latin American countries, only Cuba has been active on the IAEA BoG. Outreach to the other 18 Latin American states could prove useful in identifying their needs in the nuclear non-proliferation regime. In Vienna, given voting patterns over the past 5-8 years, it appears that decisions on contentious issues have operated on consensus. In assessing how to influence decision-making mechanisms, one should establish who the decision-makers that one is trying to reach are. Iran has over the past few years taken a divisive position amongst the NAM in Vienna.

7. The Additional Protocol can be seen by some as a pre-requisite for technology transfer and this view feeds into the NAM's traditional normative concept issue of fairness in global order. It is noteworthy that the Additional Protocol is however, not a NAM issue. Other states beyond the NAM grouping, including Japan, Germany, and Canada have had political objections to the Additional Protocol. Some Middle Eastern states have also expressed political objections during the IAEA General Conference.
8. Given the perceived lack of faith in the non-proliferation and disarmament regime by some states, the possible role for bloc politics in the restoration of confidence and trust is important. Some argue that drawing parallel steps in disarmament will lead to steps in non-proliferation. Others maintain that there is probably not such a defined linear relationship to be drawn and that there is possibly no such clear correlation between disarmament and non-proliferation. In the case of the DPRK, a leap of faith is needed to address this issue. Cross-institutional horse-trading (as in all multilateral fora) is still operating and there is no exception at IAEA. There are trade-offs in terms of the NPT context. The importance of consultation and outreach is key for progress.
9. There is a North/North divide on theatre nuclear weapons policy. There is a variance between NATO allies on disarmament. The divide is greater than the divide on Iraq. It is argued that the status quo on theatre nuclear weapons within the alliance is untenable and could bring NATO apart. There is public discontent and opposition with NATO stationing nuclear weapons in host states. At present there is no unity within the northern bloc of states regarding theatre nuclear weapons stationed in Europe. Given the unbalanced dynamic some foresee that these pressures will have to be manifested eventually. It is argued that US troops and military presence in Europe represent the real security assurance rather than theatre nuclear weapons. With public losing faith in relevance of NATO nuclear weapons stationed on their host states, expense is also starting to play a big part in the debate. It remains an open question whether partial removal of US nuclear weapons in Europe would represent positive steps in the nuclear non-proliferation regime and in NATO relations. Some argue that a unilateral removal may not be enough to improve public opposition.
10. Some argue that the time is ripe on discussing theatre nuclear weapons in Europe now amongst NATO states. NATO represents "nuclear burden sharing" between members and in the past nuclear weapons in Europe have been akin to a "warm comfort on a cold night". The importance of inter-state relations is vital, especially to gauge how secure states feel. If states feel secure, they may be able to be persuaded to take up non-proliferation initiatives.
11. Regarding nuclear sharing in NATO, it is noted that it is usually the Egyptians that raise this issue. The question remains whether it the case of Israel that causes the Egyptians to raise this issue.
12. Systemic challenges to cooperation remain within the nuclear non-proliferation regime. Although the majority of states take regime responsibilities seriously, there is a chronic deficit in fulfilling commitments by a few. The NPT review process is only one component of the broader nuclear non-proliferation regime framework. Actions can be taken to address proliferation concerns outside the NPT review process. The NPT can be considered an unqualified success as only one state has withdrawn to date. The failure of the NPT framework remains the lack of universality with the 3 defacto nuclear states existing outside the Treaty. These three states are not consistent with the established international non-proliferation norm. The behaviour of states inside the NPT vis-à-vis these three nuclear states must remain consistent with the NPT norms. India, Israel and Pakistan should not be rewarded with rights and benefits which compliant NPT states are due. The rise of nuclear latency in the 1960s and 1970s was managed through the NPT. The open question now remains how to manage the transition period. Fear of latency may be met with overwhelming conventional weaponry.

13. It remains debatable as to where the NPT review process comes into play in this discussion of divides. Does the NPT review system play a positive role in non-proliferation and disarmament or a negative one? Several positive aspects of the NPT review process were identified as follows: 1) it is the only disarmament game in town (P5 v NAM or P5 v NNWS/NAC); 2) it provides incentives for states to act on past commitments (P5-AP-NSG-Zangger); 3) it creates a barometer for evaluating the state of the regime—whether political or technical action is needed. One negative aspect is that the media gives an impression to the outside world, that the NPT meetings generate direct action and that the meetings reflect the state of the nuclear non-proliferation regime. An agreement of words by NPT member states are significant for the media and the political world, but may not lead to real action.
14. It was questioned whether it matters if the NPT review structure no longer reflects the political and power divides in the real world. To this end, it was also debated whether a positive effort should be made to change it or is creative adaption/management within the system the answer. Some, including former proponents, argue against proposals for the establishment of a NPT Secretariat, arguing that it may act as “the slow strangulation” of the Treaty.
15. From 1998-2002, the New Agenda Coalition (NAC) was a successful active grouping operating in the nuclear non-proliferation regime. This capital-based initiative grouping was well-prepared. 2003-2005 were less successful years for the NAC. The proposal by five ambassadors for a work program was not successful for external reasons. Due to internal differences, the NAC is not likely to rally together in the 2015 NPT review process. The NAC started in secrecy with ambassadors in key positions taking initiative. Such action is risky for individuals. The credibility of the NAC as a negotiating grouping on disarmament issues, was arguably based on the fact that the seven NNWS states were not under the extended deterrence cover of a nuclear umbrella. This may be a lesson for future successful and credible coalitions.
16. The politicization of nuclear energy governance remains an area which requires improved cooperation. The 45 NSG states cannot on their own propose to have, nor do they have, a mandate on nuclear energy. The recent proposals accepted in the June NSG plenary to adopt ABACC regional accounting and verification arrangements remain contentious and problematic. Regional verification arrangements such as adopted by ABACC cannot be a substitute for or replace IAEA safeguards standards.
17. The handling of non-compliance by the IAEA Board of Governors (BoG) varies by case. There is no automatic implementation of the statute. The lack of definition of non-compliance gives the IAEA BoG freedom to interpret cases, but it also represents a lack of technical standard to go by.
18. The lack of a definition of non-compliance in the IAEA BoG remains problematic. Furthermore, the politicization of the BoG remains a contentious issue for the regime. The Board’s handling of the various cases, including South Korea and Iran, highlight the issues involved in establishing non-compliant activities. Some argue that South Korea and Iran had at one time both engaged in activities which can be deemed in non-compliance to IAEA safeguards, and that it is just a matter of scale.
19. Many question whether the key to a successful coalition within the NPT review process is one consisting of both NWS and NNWS. The EU, which is a bloc player consisting of both NWS and NNWS is often highlighted as the possible sample coalition. Others argue that the EU does not work as an ideal grouping because positions within are well-developed.

Applicable Lessons

20. The nuclear non-proliferation regime can seek to apply lessons from instances of successful cooperation in the CBW regimes. The BTWC regime's tremendous capacity-building through relatively informal processes, during the 2002 intersessional process, is one such example of positive collaboration. Inter-group tensions exist and bloc politics operates in the chemical and biological weapons (CBW) regimes as they do in the nuclear non-proliferation regime. Although the challenges faced by the regimes differ given the prohibition on CBW and the national implementation destruction deadlines, there are shared experiences in the review and implementation process for all three regimes.
21. The politics of labelling is an issue in the non-proliferation regime. The association of CBW being the weapons of the weak or "low-hanging fruit" does arguably not always hold true. Intent is key when addressing dual-use regimes. Intent can change and yet capabilities remain.
22. It can be argued that following China's nuclear test, all the "wannabe" proliferators have been driven by regional drivers. Given the shift from a bipolar to multipolar international system, the regional level has gained increasing prominence. Complex regional balance of power exists with increased regional responsibilities. Are there African solutions to African problems, or can there be global solutions to global problems such as nuclear proliferation?
23. As well as from external regimes, possible applicable lessons can be discerned from within the NPT review process itself. Previous successful NPT meetings can be looked upon for extractable lessons. Lessons from the 1995 NPT Review and Extension Conference may assist in understanding how challenges were overcome to result in a successful conference and indefinite extension of the NPT. Key individuals, consisting of extremely skilled and persuasive mid-rank diplomats, proved crucial in generating the drive for architecting successful negotiations. This case exemplified that rank is not always congruent with influence in multilateral diplomacy. Intensive and pro-active preparations were key during the three year period leading up to the 1995 conference.
24. In 1995 everyone wanted an extension to varying extents. In hindsight, given the slow implementation of the 1995 Principles and Objectives, some argue that the price for achieving an indefinite extension was too high.

Looking Ahead: the 2012 WMDFZ Conference, the 2015 NPT review process and the 2012 Seoul Nuclear Security Summit

25. At the time of the conference it was noted by some that if the 2012 ME WMDFZ conference takes place at all, it will be a success in itself. Regional participation is key. All concerned countries should participate in the 2012 conference. Israel, Iran, Syria and Libya should participate. The related events in the regime which could contribute to gauging what is happening in the WMD non-proliferation regime include the IAEA forum on a ME NWFZ, the CWC meeting in late November, and the BTWC RevCon in December. Despite the WMD scope of the conference, the nuclear community appears to discuss the 2012 ME WMDFZ conference more than the CBW regimes. It was noted by some that the 2012 conference will be an event and not yet a process. Others argue that the 2012 conference should outline the process of dialogue to follow on this issue in order to prevent the conference from being a one-off event. There is a need for a regional non-governmental track to provide support to establish and foster a process. The UN Secretary General and the host state (Finland)/facilitator (Ambassador Laajava) will be tasked with taking it forward, but it is up to the region to make it a success. The P5 has an important role in encouraging the conference to take place. Applicable lessons, such as key drivers, can be implemented from existing NWFZs. By spring 2012, the vacuum that has been in the public domain should look more clear regarding the 2012 ME WMDFZ conference. Notably 2012 will be an interesting year given US elections, as electoral pressures could pre-occupy the Obama administration.

26. At the time, one open question was what will be the reaction of the Arab states, particularly Egypt, if the proposed 2012 ME WMDFZ conference doesn't take place. The 2012 ME WMDFZ conference needs some outcome. The priorities are not well formulated at the moment and there is a need to move away from the realm of the rhetorical/ideological. Now that the facilitator and host have been appointed for the 2012 WMDFZ conference, the really difficult issues are to come. It remains an open question as to how to sequence the zone issues with the regional peace process.
27. Some suggested features for success for the 2012 WMDFZ conference might include: a minimum of debate; high level participation; a focus on the conference as beginning of a process; maintaining expectations as low as possible for the event but high for the goal; and including an agenda of empowering civil society in the region.
28. The delay in the appointment of a facilitator/host to the 2012 WMDFZ conference has engendered mistrust in the region and caused the region's states to question the commitment of the depository states to this conference. Given the delay in appointment of a facilitator and the amount of work left to do before the conference, some argue that it may be prudent to postpone the conference slightly in order to have adequate time for necessary preparations. Others argue that if the conference does not take place in 2012, it will be a step back in terms of confidence in the process. There remains some ambiguity as to which parties proposed that the WMDFZ conference should take place in 2012 when negotiated at the 2010 NPT RevCon. Furthermore, it now remains ambiguous as to the attached significance of the timing of this conference. If indeed it was not the regional parties who insisted on the conference taking place in 2012, would it then be imperative that the conference absolutely must be scheduled in 2012, at the expense of preparations? If it indeed was a depository state who argued for timing of the conference to be scheduled in 2012, would it then be prudent, provided that regional states are agreeable, to slightly delaying the date of the conference in order to allow for thorough preparations?
29. The exercise surrounding the 2012 WMDFZ conference is one of delicate confidence and trust building between regional parties, as well as one of gauging commitment to the process by extra-regional parties. At the September 2011 IAEA General Conference, the Arab group declined putting forward a resolution on Israel as a good will gesture. Given the delays with the event's administration and politically-sensitive procedural matters, some regional states have expressed doubt about the depository states' commitment to the conference. The slow process of the appointment of a facilitator and host is due to the need for the appointment of a facilitator/host to be acceptable to all regional parties. Some would argue that the careful appointment process should be construed as a sign of the dedication and commitment by the depository states.
30. The perspective and role of the Gulf states on a process on the regional zone has potentially changed with the events of the Arab Awakening. Some predict that if Egypt abandons its lead role in the process, Saudi Arabia may step in to take leadership on this issue. Saudi Arabia remains concerned with Iranian nuclear activities and their implications for regional security.
31. Some argue that a NWFZ is not sustainable without a CBW ban in the Middle East.
32. Given the 2011 Arab awakening, high turbulence in the Middle East will likely continue into 2012. Deeper trends for 2012 may include ad-hoc coalitions of the willing on nuclear diplomacy. Momentum may be reduced by 2012 and expectation gaps may widen. The high profile of the 2012 Seoul Nuclear Security Summit could arguably be a strength and weakness of the process. One concern relating to the Nuclear Security Summit is that key countries are being held outside the process.
33. Shaped by the 2010 NPT RevCon Action Plan, US priorities include strengthening international compliance with the NPT and IAEA safeguards. Other concerns include: the lack of universal adherence to the Additional Protocol; potential abuse of the NPT

withdrawal clause; and the politicization of the IAEA Board of Governors in determining cases of non-compliance. Regarding the difficult cases, prospects for success relies largely on strengthening the IAEA and the political decision of states to comply with IAEA safeguards.

34. Progress on Action Plan Point 20 on reporting by NWS on disarmament, is up to all states to implement. The US continues its proactive outreach on NPT issues with NAM/developing states since the 2010 NPT RevCon.
35. The NPT is not a bargain between lack of progress on disarmament and non-compliance cases of non-proliferation. There is a growing divide within the northern group/Western group on NPT positions. Division also exist within the NAM. There is a need to arrive at a common understanding of what the NPT means to states parties. Questions exist as to whether: 1) the NAM rise to the occasion with a united position; 2) Indonesia is up to the challenge; 3) South African priorities have changed since the 2010 NPT RevCon; 4) there is soul searching going on between the various NAM members.
36. The upcoming 2012 NPT PrepCom will take stock and establish the tangible progress on: the WMD/FZ; the P5 process and its commitment to taking actions including reporting on disarmament. On practical terms, for 2015 NPT review process, there is no need to re-invent the wheel. Heading towards the 2015 NPT RevCon, there is an action plan to work from. On philosophical terms, defining success is dependent on which perspective is adopted. Thus, planning for success will differ accordingly.
37. Transparency is vital in order to convey the persistent commitment by all states in the NPT review process. Reporting, as per Action 21 of the 2010 RevCon Action Plan, can assist in delivering this sought after transparency. Some would argue that the three NPT pillars are not equally a priority to the US, whereas, pursuing the non-compliance with IAEA safeguards by Iran and Syria, is. Some argue that incremental reductions cannot be the ultimate goal and that the “perverse addiction” to nuclear weapons by some states needs to stop.
38. States at the 2012 NPT PrepCom will effectively have six working days to discuss all issues of the three pillars, providing that procedural issues do not delay the substantive discussions. Should the 2010 Action Plan be used as a framework for action obstacles? Some argue that new coalitions are needed and expected to be established within the 2015 NPT review process. There is a need to identify how you create facts on the ground in the regime beyond the 2012 NPT PrepCom. It is acknowledged that there will be some goals that will be shorter term to achieve than others. From the US perspective, continued reporting and transparency on nuclear weapons, with a possible run on CTBT ratification, were suggestions for contributions to bridge divides within the non-proliferation regime.
39. Another event in the near-term future is the 2012 Seoul Nuclear Security Summit. There has been plenty of activity leading up to this event. The question regarding the Seoul Summit remains what role nuclear safety will take following the Fukushima accident. The selective group of participants in the two nuclear security summits remains an issue of contention with the excluded states who wish to interact in the formal dialogue.

Bridging divides

40. Bloc politics will continue to play a role in the upcoming fora of the nuclear non-proliferation regime. It remains an open question as to how to best respond to concerns and priorities of the developing countries in ways that best serve global interests in strengthening the nuclear non-proliferation regime.
41. Consensus exists that there is no need to re-invent the wheel in the nuclear non-proliferation regime. Mechanisms exist within the current regime. There is however a need to examine the changing power structure within the regime and adjust to new

political realities. Platforms where developing states can raise their concerns are needed in order to provide these states with a better channel to push the grouping's priorities forward.

42. There is an onus on the P5 in developing and sustaining a productive dialogue with the NNWS, particularly the developing states, with a focus on security. The P5 can contribute by bolstering confidence on efforts towards disarmament. NNWS realize that the disarmament process will not be a fast process, but have experienced accumulated frustration since the 1995 indefinite extension of the NPT since the direction of progress has not always been clear. With senior statesmen such as Kissinger et al promoting disarmament and with Obama's Prague vision for a future without nuclear weapons, there is a strong impetus for positive steps towards disarmament. The entry into force of the CTBT and a negotiation of a FMCT must be part of the progressive efforts towards disarmament.
43. In order for coalitions of groupings to be successful, within the nuclear non-proliferation regime, these need to be issue-based and cross-regional. The cooperation between groupings needs to be based on shared interests. Non-nuclear states can in theory form issue-based coalitions. For cross-grouping coalitions to work, preparations need to begin far in advance of the NPT review process meetings. Preparation is often lauded as a key to success, but is it enough? Within existing groupings, individuals matter greatly. Influential individuals and delegations can move initiatives forward.
44. There is a need to identify what approaches can be taken to enhance trust within the nuclear non-proliferation regime. Some warn that there is a high price to be paid if the international community does not overcome the challenge of trust-building between states. Some suggested the price to be paid to 15-20 NWS by 2040. The trust must be built by building and delivering on the 1995 NPT RevCon's Principle and Objectives.
45. The use of supplemental initiatives such as PSI, UNSC 1540 and the Nuclear Security summit to plug in the gaps existing between the non-proliferation regime's treaties is a creative approach. Some argue, however, that we need to rely more on established and inclusive processes to address global concerns.

Jenny Nielsen

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