



Foreign &  
Commonwealth  
Office



Wilton Park



Image: UN Photo/Eskinder Debebe

Conference report

## The nuclear non-proliferation regime: laying the groundwork for the 2015 NPT Review Conference

Monday 10 – Friday 14 December 2012 | WP1186

In association with:





## Conference report

# The nuclear non-proliferation regime: laying the groundwork for the 2015 NPT Review Conference

Monday 10 – Friday 14 December 2012 | WP1186

“If the bar for success in 2015 is raised too high, we are doomed to failure but if we are too generous in defining success, corrosive frustrations persist”

### NPT diplomacy towards 2015 and the status of the Action Points

1. At this stage of the 2015 NPT Review cycle, almost exactly mid-way between the 2010 and 2015 Review Conferences, what are the perspectives on the 64-point Action Plan agreed in 2010? What are the prospects for implementation, and which Action Points are a priority for which states? Is there an emerging consensus on what must be done during the PrepComs and other processes in the regime leading up to 2015?
2. Some positive developments since 2010 can be identified. Myanmar’s declaration that it would adhere to the Additional Protocol; Indonesian ratification of the CTBT; P5 recognition of Mongolia’s nuclear weapon free status; continuing proposals to advance the FMCT and break the gridlock at the CD; and a constructive dynamic inside the P5, with agreement on method for reporting on action points in 2014 and an expectation of greater transparency, can all be highlighted as important and positive. For many observers, the NPT is more resilient than it is sometimes given for, despite being fraught with frustrations. The paradox of NPT diplomacy today is that although there is much to be pessimistic about, consensus and commitment to the regime have prevailed. This underlines the importance of defining success carefully: if the bar for 2015 is raised too high, we are doomed to failure but if we are too generous in defining success, corrosive frustrations persist.
3. Nonetheless, significant challenges to the regime and to the 2015 Review Conference are already apparent. The decision not to hold Middle East WMD-Free Zone conference in 2012 can be identified as a major issue for 2015 and also, given the issue’s centrality to the 1995 decision to indefinitely extend the NPT, one which has the potential to damage the credibility of the regime. Other potentially negative developments include: the ongoing and acute divisions between the non-nuclear weapons states (NNWS) and nuclear weapon states (NWS), continuing deadlock in disarmament bodies, particularly the CD, despite efforts to overcome this; ongoing proliferation crisis with Iran and North Korea; and an apparent unlikelihood of US-Russia bilateral reductions before 2015 (a lack of progress on here is often seen as inhibiting other nuclear-armed states from making reductions).
4. Progress in the three pillars continues to be erratic, and the lack of balance between them noticeable. Some call for the balance between them to be preserved in order to maintain the NPT’s internal consistency and viability, while others question whether the linkage makes sense in today’s context and whether they should in fact be treated separately.
5. On disarmament and reductions, commitment to the principle of irreversibility is usually identified by some as a key action point, although it is also possible that *relaxing* irreversibility could, paradoxically, enable further reductions. The Oslo conference on humanitarian consequences of nuclear weapons in March 2013 can be regarded as a way to look the issue through a new lens reframing it in a way that can be readily understood outside of the NPT context, and as a means of involving countries who feel

alienated from NPT. This is not universally accepted: critics argue that the NWS will only give up nuclear weapons if it is in their own self-interest, while the NWS themselves argue that their nuclear weapons are not where the key danger lies, and instead point to Iran as posing the greatest danger to the stability of the NPT and as the likely determinant of the outcome in 2015.

6. Underlying these immediate issues are concerns about structural stability and viability in the Treaty and regime. Questions continue to be raised over whether, and to what extent, the NPT is fit for purpose. For example, the debate over disarmament includes an argument that it will not be possible to eliminate nuclear weapons without an additional framework to include non-NPT members. A Nuclear Weapons Convention has been posited by some as the solution, whilst others did not see the need for another treaty when we have enough difficulty implementing the NPT.
7. More generally, there tends to be a “bazaar culture” within NPT diplomacy which prioritises short-term achievements over long-term progress. This is not constructive in the long run and can lead to states feeling they make compromises and are pushed to implement their side of the bargain only to see the other side renege on their commitment. This does not bode well for future prospects.

### **Groupings in the NPT**

8. The progress within, and interplay between, the different pillars of the NPT is one source of challenge. Another is the interplay between the different blocs and groupings of the regime. Understanding how bloc politics function within the regime, the scope for new groupings to emerge, in the way the NAC did, and why it is so often difficult for both groups to “do the right thing” in terms of non-proliferation and disarmament, can help towards improving the regime’s success.
9. There are different interpretations of what the key challenges to the NPT are, and the various constituencies respond differently to those challenges. There is a lack of a common understanding of rights, responsibilities and benefits of the treaty, and inadequate investment in the treaty regime, demonstrated by the difficulty in finding common ground on interests when support on one action is conditioned on action on another.
10. The very fact of having a discussion about bloc politics suggests recognition that traditional ways of doing things may not be sufficient to make progress any longer, and that there is a need to look beyond traditional bloc thinking. Although the blocs serve a useful purpose as coordinating mechanisms or as a sort of mini-multilateralism, easing the process of negotiations, they tend to be Cold War configurations that may not make sense today.
11. Different groups are continually forming but tend to be only groups of NNWS, and better dialogue between NWS and NNWS may pay significant dividends. The recent UK-Norway initiative is an example of this, as is the Non-Proliferation and Disarmament Initiative (NPDI). The latter is still comprised only of NNWS, but its inclusion of states with a strong attachment to extended nuclear deterrent guarantees alongside those with a long-standing interest in disarmament mixes different perspectives through a frank and direct dialogue.
12. The problem can be characterised as follows: the larger, traditional groups have a tendency to discuss the same ideas, and as a general rule the bigger the grouping, the fewer the new ideas. This highlights the need for smaller, more dynamic groupings. These can have an important role to play in the short term but tend to be very hard to sustain in long run.

“ There is a lack of a common understanding of rights, responsibilities and benefits of the treaty, and inadequate investment in the treaty regime”

## Nuclear energy and non-proliferation

13. The NPT provides the framework of confidence and cooperation in which development of nuclear energy can take place, with the IAEA acting as part accountant and part detective. A lack of knowledge about the past history of IAEA safeguards, as well as a revisionist history promoted by some, can be regarded as challenges to safeguards and the Agency's work; there may be a need to educate states on the history of safeguards.
14. Renewed commitment to effective safeguards is often called for, although some caution is required in increasing the safeguards burden on NNWS who are already fulfilling their treaty obligations; this can be unequal and unfair especially when applied to states with impeccable records. There is more momentum on the Additional Protocol now, with both Iraq and Myanmar having recently agreed to ratify, but in states that have not signed the Additional Protocol there can be a reluctance to sign up to new commitments in the absence of significant progress on nuclear disarmament, as well as a lot of misunderstanding and distrust with the AP being perceived as a threat to national sovereignty.
15. That absence of significant progress on disarmament, and the consequent perceived compliance deficit on non-proliferation, has led to a push for new processes such as the "State Level Concept". Although the state level approach has evolved considerably, a clear understanding of its parameters is still lacking; IAEA will undertake consultations with states. Many states are very uncomfortable with the state level approach and have serious concerns which need addressing. Key problems with include doubts about the feasibility of defining the boundaries of this approach; concern over technical and non-technical factors being taken into account; conducting the state level approach within legal and political parameters could make it subject to unreliable subjectivity.
16. The difficult issues surrounding peaceful uses of nuclear physics take us into the topic of nuclear latency. Defined as the possession of the facilities, materials, knowledge, expertise and resources for nuclear weapons without full operationalization, latency and the dual-use nature of nuclear technologies have long been recognised as a problem and even in the 1950s it was recognised that national rivalries sit at heart of the problem. In terms of proliferation, latency is part of a strategy of ambiguity for some states and can therefore be corrosive to the NPT regime. In terms of nuclear disarmament, the issue of latency also arises because even at zero, states which once had nuclear weapons would be at a latency advantage. Consequently, it will be necessary to build restrictions on latency into nuclear disarmament as is already done with non-proliferation; reversibility in nuclear disarmament and not in non-proliferation could be perceived as giving special rights to NWS. Such a two-tier system would be hard to accept politically.

## Iran

17. The strategic ambiguity mentioned above is sometimes raised in the context of the Iranian nuclear programme. Different US administrations have adopted different strategies of dealing with Iran and other states of proliferation concern. The Obama Administration has jettisoned regime change rhetoric in favour of careful engagement with such states, and a two-track approach of pressure and engagement offering a choice of integration or isolation. The key strategy has been to try to affect core interest groups of these regimes and therefore change their actions. The sanctions strategy is predicated on assumption that affecting core interest groups or general population will make regime change its course. Conversely, sanctions can also have the undesired consequence of alienating those very groups, and hence becoming highly counter-productive. The case of Iraq underlines this, and demonstrates the need to be smart about sanctions so as to avoid being blamed by the population. Challenges also exist around who and how to engage: inducements may be regarded as a reward to bad behaviour; engagement assumes and entails normalisation, and hence engaging out of a sense of urgency with a regime that is about to fail is not useful.

"The most widespread assessment is that Iran is currently unlikely to cross the line, to test a weapon, or to pull out of NPT; rather, Iran has preferred to pursue ambiguity in order to assure its strategic survival"

18. Turning to the specific case of Iran, the most commonly-held international view appears to be that it does not possess nuclear weapons and has not yet made a decision on whether to acquire them; the assumed intention is to have a nuclear hedge. Acceleration towards acquiring that hedge has been slowed but progress appears to be continuing.
19. There are three elements to a military nuclear programme: fissile materials, weaponization and a delivery vehicle. With regard to the first of these, diplomacy has focused on the issue of uranium enrichment to 20% but this allows Iran to have control and 20% enrichment is far from the end of the story; enrichment to 5% should not be overlooked. It is also important also not to forget the plutonium track; the Arak reactor, which is likely to be operational late in 2013 or early in 2014, is too big for its stated purpose. A debate is also developing over the enrichment question, as it is difficult to imagine a negotiated solution that does not involve some form of enrichment. It is possible to reconcile Iran being permitted a level of enrichment with Western needs for stricter inspections. Looking at it very pragmatically, limited enrichment at 5% may still be better than Iran continuing indefinitely.
20. Regarding the second stage, weaponization is estimated to take 6 months to a year. Possible reasons for Iranian pursuit of a nuclear weapons capability include regional dominance, use as a bargaining chip, a potential strategic equaliser vis-à-vis the US, or for domestic legitimization. The most widespread assessment is that Iran is currently unlikely to test a weapon, or to pull out of the NPT; rather, Iran has preferred to pursue ambiguity in order to assure its strategic survival.
21. The third stage, delivery vehicle, is the biggest hurdle for Iran. The missile programme has experienced problems and sanctions may have resulted in a lack of access to fuel and a subsequent inability to test. US intelligence suggests it would be two years before Iran could mount a nuclear weapon on a missile.
22. Three scenarios for the future of the Iranian nuclear issue can be outlined. In the first, Iran has crossed the nuclear threshold, resulting in a regional proliferation cascade or drip, the NPT is irreparably damaged, and Israel may remove its opacity and opt for a declaratory nuclear doctrine. In the second scenario, Iran freezes then reverses and forgoes uranium enrichment, rolls back the heavy water plutonium reprocessing plant at Arak and ends the ambiguity about its intentions. In the third scenario, Iran achieves a non-weaponised nuclear programme at a level which is enough for Iran but not so much to alarm the international community.
23. It is not clear who time favours in the current situation. On one hand it gives Iran time to continue, but on the other it gives the P5+1 time to mobilise an international coalition together. A debate is developing inside and outside the E3+3 over how long sanctions can be sustained for, how long they can be made to work for and whether it's possible to keep a coalition of states implementing them. Sanctions have not yet had a decisive effect on the actions of the Iranian regime, but it may be too early to judge the efficacy of sanctions as the EU oil embargo only fully went into effect on 1 July 2012.
24. It is still widely felt that the use of force would set back but not end the Iranian nuclear programme, and moreover but would leave the Iranian regime (the crux of the problem) still in power. The rationale for *threatening* military action is predicated on the assumption that Iran will therefore never negotiate seriously unless it is under severe pressure; the threat of military consequences is therefore required in order to pressure Iran into changing its calculus.

“The Zone goal itself is often considered a “4th pillar” of the NPT and inextricably part of a bargain that produced indefinite

### **The Middle East WMD-Free Zone**

25. The Iranian nuclear issue overlaps into another area of NPT diplomacy, and also of the 2010 Mandate: that of the proposed 2012 Conference on a WMD-Free Zone in the Middle East. The Conference is regarded as being of central importance to many states in the region, for whom the Zone goal itself is often considered a “4<sup>th</sup> pillar” of the

extension of the Treaty in 1995”

NPT and inextricably part of a bargain that produced indefinite extension of the Treaty in 1995. The stakes, in short, are very high.

26. The conference process is currently stalled, with the major problem being a conceptual gap between the main parties in terms of what the Zone is about, the fact that the Conference was agreed in the NPT context to which Israel is not party, and the impact of new regional challenges. There is a great deal of frustration amongst Arab states over the postponement, not only because of the actual postponement but also due to the way in which that happened: the issuing of 5 different statements (US, Russia, UK, UN, facilitator) was confusing and made it difficult to respond. The Conference was postponed without a new date being agreed, creating a perception, regardless of its accuracy, that the conference is being *indefinitely* postponed. This is having a detrimental impact; Arab states are asking whether the NPT process is still credible for them. Some have stressed the importance of getting a new date quickly; others stress the importance of overcoming obstacles before setting a date. In any event, it will be important to generate consensus that 2012 is only a missed deadline, not a missed opportunity.

“an ambitious arms control agenda sits alongside strong commitment to modernization and extended deterrence; this produces a difficult balancing act”

### US nuclear non-proliferation policy after the 2012 election

27. Turning to the US, the re-elected Obama Administration has recently reaffirmed commitment to the Prague agenda, and an outline of US progress so far includes a reduced role for nuclear weapons as part of the 2010 Nuclear Posture Review, increased transparency of the nuclear arsenal, and the signature and ratification of the New START agreement. The next round of reductions will need to focus on non-strategic nuclear weapons; it is of course crucial that Russia joins but no concerns over US missile defence may make this difficult.
28. Key concerns for the US in NPT context include universality of the Additional Protocol; non-compliance, especially Iran which the US regards as the biggest threat to the NPT; strengthening IAEA safeguards; and its role as co-convenor of the Middle East WMD-Free Zone Conference. CTBT ratification remains a priority but the Administration will need to be confident of passage before putting the Treaty before the Senate. It should be noted that in the US, an ambitious arms control agenda sits alongside strong commitment to modernization and extended deterrence; this produces a difficult balancing act. The NNWS frustration expressed over lack of progress on disarmament has led to some questioning in the US over whether the challenges of disarmament have been properly communicated; some have recommended further public diplomacy on reductions and more discussion between disarmament and deterrence communities. This may produce some interesting conclusions. For example, proponents of disarmament usually press strongly for irreversibility in reductions, which generally produces resistance among NWS and their non-nuclear allies who place strong faith in deterrence. It may be that *reversibility* could help build confidence for NWSs and their allies, and in doing so make reductions more likely.

### Reductions and disarmament: prospects for a multilateral future

29. Although the number of nuclear-armed states has risen over the past 20 years, the number of nuclear weapons has declined. Whether, and how, the latter trend can continue is not yet clear but a key influencer will be the shape of US-Russian reductions. At the moment, there is genuine strategic disagreement between the US and Russia on their agenda and security interests and therefore on what the next round of reductions will look like. Russia has argued that the next round should be multilateral, whereas US believes there needs to be one more round of bilateral reductions and *then* reductions must be multilateral. Both the US and Russia have China in mind when they talk about multilateralism; both want China to reduce before it gets to parity with them, but they disagree on how low; Russia is also concerned about UK & France, but this is secondary to China. China says unofficially that it could be interested in joining multilateral negotiations when US and Russia get below 1000 total

“In the more immediate term, options for a multilateral future could focus on improved transparency and reducing nuclear

dangers (doctrinal discussions, hotlines), rather than on numbers”

number of nuclear weapons each. This is an echo of the British position which similarly indicates willingness to join multilateral negotiations when the US and Russia get down to three digits. Conversely, France insists the crux is the security environment rather than numbers; therefore there would need to be changes in the security environment for France to join.

30. In the more immediate term, options for a multilateral future could focus on improved transparency and reducing nuclear dangers (doctrinal discussions, hotlines), rather than on numbers. China has strategic concern over the kind of transparency that would have to accompany arms control, so is still trying to figure out how to be more transparent without being at a strategic disadvantage. In that context, the P5 glossary initiative may not be exciting but genuine linguistic misunderstandings need to be worked through.
31. An assumption exists in the NPT context that after bilateral US-Russian reductions, multilateral reductions amongst the rest of the P5 will follow. However, it may well be that the possibility of going to five-state reductions is becoming less and less tenable; existing deterrence relationships (China, for example, is linked to India & Pakistan as well as to the US and Russia) mean it may become necessary to think about seven states rather than five. The even trickier issue of how to organise a conversation with all nine nuclear-armed states is also unresolved.
32. Formal processes: the Nuclear Security Summit process and the 2013 PrepCom
33. Driven by a desire to prevent nuclear terrorism, the Obama Administration established the NSS process in 2010. The process has brought focus and energy to this area and empowered agencies such as IAEA to do this work. Some important positive lessons from the NSS process include its practicality and focus on facts rather than concepts and beliefs; its focus on responsibilities (those with materials have responsibilities) and therefore more predisposition to action; its voluntary nature and work on a set of parallel tracks with no blocking or being forced to work at slowest pace; and its demonstration of the importance of communication in providing international assurance. Some problems with the include the perception of it as a Western driven, political process; the overlap – and therefore conflict – with the work of the IAEA; the fact that it is not fully inclusive; a lack of common understanding amongst NSS participants of threat and appropriate reaction to it, meaning a lack of buy-in on the need for a global nuclear security regime; concern over sustainability and continuing to make progress on these issues.
34. It is not yet clear whether 2014 in The Hague will be the last Summit. Some have argued that, since nuclear security is by definition a shared global problem, it is best dealt with within a global institution, with the IAEA cited as the natural permanent home of global nuclear security issues. This is not a universally-accepted view.
35. It already looks likely that the 2013 PrepCom is likely to be more difficult than its relatively smooth-running predecessor. Some strategic developments likely to impact on the 2013 NPT PrepCom include continuing Asia-Pacific insecurities which could undermine the NPT; Russian and Chinese concerns over US missile defence; ongoing proliferation concerns around Iran and North Korea; the postponement of the Middle East Zone conference; and unfulfilled expectations created as a result of the P5 process.
36. To aid a successful outcome at the PrepCom, some options to be considered include focusing two sessions on the Middle East Zone issue; more regular briefings by the Chair to regional groupings and a daily briefing to PrepCom, so as to avoid misunderstandings, save time and enable smooth running; keeping open the option of holding inter-sessional workshops in advance of the PrepCom so as to address some of the challenges in advance; providing greater access for NGOs at proposed briefings and engaging fully with the NGO and civil society community; and recognising the important role of bridge-builders between NNWS and NWS such as the NPDI.

“It already looks likely that the 2013 PrepCom will be more difficult than its relatively smooth-running predecessor”

“There is a distinction between the success of the conference and success at moving goals of NPT forward”

## Conclusion

37. It is important to consider how best to define success in 2015; there is a distinction between the success of the conference (usually defined as an outcome document) and success at moving goals of NPT forward. It will also be important to break the ‘boom and bust’ pattern of success-failure-success-failure at successive NPT Review Conferences.
38. Key substantive challenges for the regime and NPT diplomacy are:
39. Making sufficient progress on nuclear disarmament to address the perception that NWS “have their fingers crossed” when pledging commitment, and nurturing the process of engagement amongst the P5;
40. Addressing the Iranian nuclear issue. Some regard this is the main issue, others as one amongst many;
41. To revive the formal processes: generating progress on entry into force of the CTBT; getting a process for taking the Middle East Zone forward; getting FMCT negotiations going. The last is often cited as the best concrete opportunity to bridge NWS-NNWS divide and also that between NPT and non-NPT states.)
42. There also exists a set of what might be called structural challenges, under the umbrella challenge of how to put in place a process of conceptual, technical, political dialogue between NWS and NNWS. The latter, for some, perhaps need to recognise the value that non-proliferation has for them, that they have a stake in it and that it makes them more secure. The former perhaps also need to recognize that stockpile reductions in the face of widespread modernisation of arsenals do not equate to disarmament, and that nuclear weapons have no inherent legitimacy, so the direction has to be in reducing their role and saliency in security policy.
43. In the past, the major task for the regime has been balancing a managed system of military engagement with nuclear technology, and a managed system of military abstinence from and civil engagement with nuclear technology, with the NPT acting as a central vessel of norms, rules, organs and processes. Today however we face greater complexity with a strong, established Euro-centric system of military engagement that is contracting, increasing in transparency and regulation alongside a weak Asia-centric system of military engagement that is expanding, with a Middle East connected to them both and lacking compliance. We need a discussion about what role nuclear weapons play, about whether we need nuclear weapons for deterrence and on the meaning of deterrence itself. In working towards a nuclear weapon free world, we need to consider what that world would actually look like; there is a need to move from reliance on nuclear weapons to greater reliance on international systems; we cannot underestimate how much removing threat of nuclear attack would contribute to real peace and security and enable governments to focus on other key global issues.

### **Kat Barton**

Wilton Park | March 2013

Wilton Park reports are brief summaries of the main points and conclusions of a conference. The reports reflect rapporteurs’ personal interpretations of the proceedings – as such they do not constitute any institutional policy of Wilton Park nor do they necessarily represent the views of the rapporteur.

Should you wish to read other Wilton Park reports, or participate in upcoming Wilton Park conferences, please consult our website [www.wiltonpark.org.uk](http://www.wiltonpark.org.uk)

To receive our e-newsletter and latest updates on conferences subscribe to <https://secure.wiltonpark.org/en/secure/subscribe?action=subscribe>