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Conference report

## **Global constituencies in the NPT regime: how to build consensus for 2015?**

Sunday 2 – Wednesday 5 September 2012 | WP1188



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# Global constituencies in the NPT regime: how to build consensus for 2015?

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The regime surrounding the Nuclear Non-proliferation Treaty (NPT) contains a number of overlapping global constituencies. The countries possessing nuclear weapons and the world's majority of non-nuclear-weapon states, developed and developing nations, Western allies and the Non-Aligned Movement (NAM), regional groups and issue-based coalitions, all engage in a complex set of interactions, a process structured around Review Conferences held every five years. Only through a better understanding of these dynamics can agreement be reached in the future.

This meeting assessed options and opportunities for the difficult 2015 NPT Review Conference. While it remains problematic to measure the past implementation of assumed obligations, the 2010 meeting generated useful instruments, a path that should continue to be pursued in the future. Limited progress appears possible, although both optimistic and pessimistic outlooks were common among participants. Bloc politics play a more complex role than often suggested. While the NAM is likely to continue to champion nuclear disarmament, its abilities to generate significant pressure seem limited. Iran, as NAM chair, will likely be in a better position to shape the message, but unlikely to be able to decisively drive the movement towards its own ends. There appears to be a strong need for informal groupings to help craft consensus at future NPT meetings.

A number of educational institutions, international organizations, and civil society groups offer capacity-building opportunities on nuclear non-proliferation and disarmament issues. Nonetheless, additional resources appear necessary in numerous regions of the world and educators continue to face a number of problems. Nuclear power and its applications continue to play a significant role and the dilemma between access to nuclear technologies and non-proliferation remains current. Many advocate a paradigmatic change in relation to nuclear disarmament and the utility of nuclear deterrence, but transformation seems slow, gradual, and contested.

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### The 2010 NPT RevCon action points and prospects for 2015

1. For diplomats engaged in the NPT process, a central dilemma is how to build consensus towards the 2015 Review Conference. Many participants suggested 2015 will be a fork in the road. Most see the 1995, 2000 and 2010 meetings as great success stories, enabled by strong compromises; by comparison, a number of factors suggest finding agreement in 2015 will be difficult. Nuclear non-proliferation and facilitating access to the benefits of peaceful uses of nuclear energy are likely to be contentious issues. Nuclear disarmament is widely perceived as the determining factor.
2. The 2010 Review Conference agreed upon conclusions and recommendations for follow-on actions. This 64-point action plan contains measures to advance nuclear disarmament, non-proliferation, peaceful uses, and regional issues, including the implementation of the 1995 Resolution on the Middle East. Even this limited compromise was difficult and drawn out, because the three pillars have often been arranged in struggling competition, instead of choosing a cooperative approach.

3. Given different narratives and priorities in relation to the treaty's pillars, it is a very difficult task to fairly measure the success of the agreed action plan. A range of approaches and angles are welcome, helping to reduce bias and account for error. It remains challenging to craft a sustainable accountability process, to obtain indicators against which to measure repeatedly over a long period of time, to involve non-Western stakeholders, to diversify the sources of the assessment and complement the current approach.
4. One of the main problems in creating a sustainable accountability process within the NPT system remains the availability of funding. Demand for results peaked in 2010, but, with the exception of a limited number of countries and institutions, enthusiasm for long-term projects declined. In addition, developing countries should also be expected to contribute some limited funds towards capacity building and strengthening their agenda.
5. Looking towards 2015, expected progress appears limited. A US ratification of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) looks questionable, settlement on a legal framework addressing fissile materials is seen as unlikely, and a new US-Russia agreement on their nuclear arsenals is assessed as improbable. Similarly, further significant non-proliferation measures, like the universalization of the Additional Protocol (AP), are very unlikely. However, a number of transparency measures by nuclear-weapon States (NWS) have been taken – a positive development to be welcomed. The transparency discussions between the five NWS were very meaningful, with Russia and the US explaining their bilateral interaction, a very useful exercise for the other participating NWS.
6. Some pointed out a need to think more positively, to be more optimistic. Nuclear weapons are increasingly playing a diminished role within national security strategies. The NPT and other nuclear weapons-related treaties have gained almost universal membership over the last decades. The safeguards system of the IAEA has become much more sophisticated. The international community obtained a roadmap in 2010 through the agreed work plan, and while compliance with the action plan is unlikely to be perfect, this instrument allows for an increased level of accountability. While the attitude towards 2015 should remain pragmatic and realistic, committed members of the treaty can work together through the action plan to demand progress. All countries should allocate the necessary resources to report on the action plan. The humanitarian component that was advanced in 2010 has a mobilizing potential. Working on delegitimizing nuclear weapons will ultimately make spending money on nuclear weapons infrastructure problematic. The 2015 process will hinge on the preparatory work; states have to do their homework.
7. The future focus on the disarmament pillar remains uncertain. Nuclear reductions during the 1990s were portrayed as leading to zero. Current developments appear not to support this assumption any more. Arms control might continue to be a more probable development. It remains to be seen whether great powers will be able or willing to pursue additional disarmament steps. In contrast, some argue the NPT's Article VI was an incentive for numerous states to forfeit nuclear acquisition. Thus, NWS are expected to present more tangible results. For example, a group of states submitted a standardized reporting format on nuclear disarmament, but NWS avoided a response. Others maintain that the most important benchmark is the number of eliminated nuclear weapons. In this respect, the United States and Russia have made tremendous progress, which is a reason for optimism. Finally, others note that nuclear disarmament did not receive sufficient attention in 2010, being sacrificed for the Middle East compromise, but that this is unlikely to happen again in the future.
8. The importance of additional non-proliferation measures remains disputed. Some agree it is an indispensable instrument, but contend nuclear disarmament is the ultimate goal. The nuclear-weapon states, on the other hand, view disarmament progress as dependent on the closure of proliferation loopholes. There often seems to be a huge gap between multilateral negotiations and governmental action on preventing proliferation.
9. The 2010 NPT Review Conference agreed to convene a conference in 2012 on the

establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region, and with the full support and engagement of the nuclear-weapon states. It remains important to fulfil this commitment and convene such an event, if positive results should be expected at the 2015 meeting.

10. Besides addressing the treaty's three pillars, a diverse set of nuclear policy issues is likely to influence the 2015 outcome. Instruments have to be identified to effectively address the four countries possessing nuclear weapons outside of the NPT framework. Strengthening regional security in the Middle East and on the Korean peninsula remains a great challenge. Innovative solutions are required for institutions and regimes that remain in crisis.

“ To states desiring multilateral progress, NAM and P5 disarmament and non-proliferation priorities often appear incongruous, keeping the entire regime hostage.”

## **Bloc politics, multilateral processes, and the Non-Aligned Movement**

11. A number of blocs and constituencies operate within the diplomatic process surrounding the NPT. Many formal groupings are reminiscences of historical developments that lost their importance over time. Thus, formal groupings are relative, and, when it comes to taking decisions, it often remains unclear what role these constituencies still play. Nonetheless, the three groups – the Non-Aligned Movement, the Western European and Others Group (WEOG), and the Eastern European Group (EEG) – offer a handy shortcut, for both administrative and procedural reasons. In contrast, informal groupings played a significant role during past conferences, and are expected to be crucial towards finding future consensus.
12. The WEOG and EEG, although good platforms towards facilitating communication and resolving administrative tasks, are limited in coordinating relevant positions. Within the WEOG, the European Union (EU) is a much more cohesive actor. Nonetheless, while it has a body of agreed positions, it has difficulties to quickly adapt to developing situations. Thus, the EU has coherent positions on non-proliferation, but great discrepancies regarding disarmament issues. It remains encouraging that EU members engage in consultations on disarmament issues, but there is little chance to find agreement. Some EU non-nuclear-weapon States (NNWS) appear not fully satisfied with this state of affairs.
13. The permanent members of the UN Security Council (P5) send a very important message when they manage to act together, as they were able to do in 2010. While this is not the only factor that drives consensus, it remains a truly important one.
14. Given its sheer size – 120 members –, the Non-Aligned Movement has a significant impact within the NPT context. It tends to place tremendous weight behind initiatives championed by one or some of its members with a particular interest, which then gain the support of the rest of the group. Yet opinions diverge when assessing the current decision making process within the NAM. Some argued that the group is often driven by the leadership and that relatively small groups of interested countries can push the group in a certain direction. Others noted that numerous delegations successfully compensate for radicals within the movement; that it remains unclear how much of a role the common positions actually play, as everybody knows what the dissenting and separate positions are; and that groups are only important for the general rhetoric, as all countries pursue their national interest behind closed doors.
15. From the NAM perspective, many countries feel the movement has the moral high ground, for having democratized disarmament discussions by bringing them to multilateral diplomacy. Nuclear weapons have been a high concern since the beginning of the movement and many NAM leaders have been active advocates for disarmament. Yet, many members think the NPT has become a platform for criticizing NAM countries. In the future, the NAM is neither going to fade into irrelevance, nor become a truly coherent body: while it remains a good platform for the global South to come together, its structure makes it hard to achieve much.
16. As chair of the NAM from 2012-2015, some argue that Iran will likely be in a better

position to shape the NAM message, especially towards exploiting the disarmament dogma related to the obligations of NWS. It might use this role to show that it is not isolated within the international community. Potentially, Tehran might even be able to draw the movement towards more radical positions, being well placed to promote a number of its particular interests. Thus, other NAM states should attempt to counterbalance this development.

17. However, the purpose of the NAM is not only, or even primarily, related to nuclear issues. The NAM chairmanship might even moderate Iran's position. Arguably, if not for external pressure, Iran might even play a constructive role. However, in the case of an attack on Iran by the US or Israel, the NAM chairmanship will exacerbate the impact on the NPT. There remain various views on the NAM reaction or the expected impact on the regime.
18. To states desiring multilateral progress, NAM and P5 disarmament and non-proliferation priorities often appear incongruous, keeping the entire regime hostage. The NAM perceives the P5 as striving to avoid additional disarmament. Thus, it argues towards maintaining the high ground and denying any further non-proliferation measures. The P5 posit that non-proliferation should be a general interest, and blame the NAM for not doing enough and thus not enabling the NWS to move forward on disarmament. These dynamics generate symbiotic lines of argument serving both sides: the NWS can maintain the status quo through a rhetoric commitment to disarmament and small steps, and vocal NAM states can maintain a narrative of discrimination serving them well politically. Therefore, a cross-cutting silent majority of countries desiring a strong regime, enabled by pertinent non-proliferation measures and significant disarmament steps, needs cross-regional alliances to push forward a new agenda.
19. Looking towards 2015, some noted that the 2010 meeting had no true bridge-builders, with the conference presidency taking such a role, truly performing a "matryoshka exercise." Thus, a focus group could emerge, with, for example, countries like Austria and Norway playing a brokering role. Nevertheless, it can be argued that "all white angels have become grey" since the Nuclear Suppliers Group (NSG) approved India's exemption from the agreed rules and the subsequent US-India nuclear deal.
20. The Non-Proliferation and Disarmament Initiative (NPDI) can fulfil a strong role, especially on matters of transparency. Some argued NPDI is not likely to be able to fulfil the role of a mediator, not so much directly because of its composition, but more due to the way it is perceived within the NPT framework. Others pointed out that all regions but Africa are represented and an African member is being sought, that NPDI is action oriented, and that its members are critical of P5 interests and actions. NAM members noted that the NPDI was a good platform for countries not fully satisfied with the common NAM position to pursue progress.
21. Numerous other current and potential groupings operate in the regime. In the future, the Arab Group will play a more significant role. The 1995 agreements, together with the compromises from 2010, should be enablers in this direction. The New Agenda Coalition (NAC) lost some of its past importance, but remains an important factor within the disarmament discussion. The UK-Norway disarmament initiative is a positive development, but will depend on the British commitment towards disarmament. It remains to be seen how much of an impact a group of sixteen countries advocating for humanitarian issues is going to have.
22. A number of other suggestions were made towards better preparing for 2015. For example, the presidency of the Review Conferences should remain with the Non-Aligned Movement, as consensus can be easier achieved this way. There is no incentive and no necessity to introduce voting within the political process of the NPT negotiations, as a political consensus – achieved by obtaining a critical mass and forcing parties to abstain from blocking the process – is a much more beneficial result. Non-proliferation problems are better addressed in other contexts – picking on member states within the NPT review process is not a productive strategy.

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## Capacity-building in the non-proliferation regime

23. Disarmament and non-proliferation education is important for the entire international community, as it represents the foundation of global security. Additional resources are necessary for different regions of the world to be able to play a significant role within the global nuclear negotiations context. Enhancing current capabilities is crucial for numerous countries to be able to take advantage of the benefits of the NPT regime. In addition, many states need to be helped in order to be able to comply with their treaty obligations. Thus, besides increasing energy needs, many countries have a strong need for augmented competence on safeguards, security, and safety. While professional specialist knowledge to implement obligations and obtain benefits is needed, more access to information is needed for broader populations to be enabled to comprehend mobilize themselves around key issues of international peace and security.
24. Educators continue to face a number of problems. For example, throughout the developing world, the study of weapons of mass destruction tends not to be seen as an end in itself, but rather as a way of broadening the students' understanding of international affairs. For example, the US-Iran nuclear dispute is often presented as a case study for rational choice theory, and South Africa's dismantlement of its nuclear program is used only to illustrate general proliferation concerns or to test academic theories on nuclear restraint. More targeted opportunities should be created, in accordance with the existent demand from government and civil society.
25. In the African context, many states are seen as marginal within the NPT exchanges. However, a number of African states played a role during the 2010 Review Conference. Nonetheless, the current activities are built upon a very modest resource, capabilities, and expertise base. A review of African institutions providing policy training related to weapons of mass destruction revealed that most universities have at most one course at the undergraduate level and no institution offers training for graduate students. Diplomats seem to receive some more general security studies training at the diplomatic institutes, be they in Egypt, Nigeria, Cameroon, or Kenya. There is a strong need for developing educational opportunities in Africa.
26. A number of academic institutions, think-tanks and international organizations offer courses, trainings, and other forms of capacity development. For students coming from developing countries, the economic access hurdles towards gaining expertise in this field are significant. For example, many African or Latin American students and diplomats tend to enrol outside their region to gain experience in this field. Thus, most individuals engaged in the NPT process are likely to receive on-the-job training instead.
27. In its regional context, the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL) delivered from 2009 to 2012 four courses on nuclear challenges to government officials, legislators, and academic staff. OPANAL is currently working on another basic course, potentially including members of the civil society, and pursues a number of other educational projects. Within the same region, civil society actors are educating practitioners and individuals that are in a position to generate policy recommendations.
28. Other international organizations are working towards capacity development. For example, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) attempts to address the access problems by establishing online platforms and courses and trying to engage as many people as possible. The Capacity Development Initiative focuses on building and maintaining the necessary capacity in the technical, scientific, legal and political aspects of the CTBT and its verification regime. This initiative was widely welcomed. The UN regional disarmament centres also train many officials – however, the provision of courses is demand-driven, and as such much more work is done on small arms and light weapons.
29. A number of suggestions were put forward for the future. A more cooperative and non-discriminatory approach should be established to allow for access from the developing

world. Yet this new approach should not be allowed to be politicized: funding should not be reallocated and current budgets should not be diverted. Instead, new funding opportunities should be explored. The Western world needs to be careful how it “packages” information and provides education to the developing countries, mindful of providing materials and expertise in different languages and tailored for diverse audiences.

30. Conversely, more coordination is needed when it comes to the delivery of capacity building measures, so as to avoid an overlap, both at the national and the international level. Better developed states and regions could serve as channels for the capability development of those States that are seriously lagging behind. As foreign ministry budgets worldwide are trimmed, even developed nations are in increasing need of nuclear policy experts. In addition, online courses are welcomed as a complementary measure, but will never be able to replace face-to-face capacity building efforts. Diplomats and government officials need to be trained also in capitals, not only when they are deployed at the missions in New York, Geneva, or Vienna. Finally, more emphasis needs to be given to technical issues.

### **The non-proliferation/energy nexus**

31. The link between non-proliferation and the peaceful uses of nuclear energy has historical roots in the NPT negotiations process. Numerous states involved in drafting the treaty text underlined that they were not open to anything hindering their rights. Thus, NPT Article IV has two components: one reaffirming already existent rights and one establishing an obligation of the parties to cooperate towards the development of the benefits of peaceful nuclear energy.
32. Nevertheless, the political environment has since changed dramatically. The stability of a bipolar world ruled by mutual assured destruction has disappeared. The discovery of Iraq’s covert nuclear programs showed that the safeguards system of the IAEA was in need of improvement. North Korea withdrew from the NPT and tested nuclear devices. There are current concerns about past and present undeclared activities.
33. Despite these changes of the security environment, nuclear power and applications play a significant role in the world. The accident at Fukushima in Japan in 2011 will affect the further development of nuclear energy infrastructure in many parts of the world, but, at the global level, the impact is expected to be relatively limited: some countries decided to abandon nuclear energy, but most limited themselves to revising plans and re-evaluating nuclear safety.
34. How the international community should think about peaceful uses of nuclear energy remains a heated debate within the NPT fora. Western states are driven by proliferation concerns and are alleged to be reinterpreting Article IV as restricting the export and even development of at least some forms of nuclear technology, especially enrichment and reprocessing. NAM states argue that peaceful applications should not be hindered by non-proliferation concerns. The only opportunities for reinterpreting the treaty’s provisions remain the NPT Review Conferences. All past NPT conferences underlined the indivisible and mutually reinforcing nature of the three pillars and the necessary absence of restrictions on nuclear technology acquisition.
35. Therefore, all schemes on assurance of supply devised by the International Atomic Energy Agency (IAEA) emphasize no restrictions on technology acquisition. A number of such schemes have been discussed over the last years and some have reached the implementation phase. Despite certain risks, some argue the IAEA can successfully safeguard enrichment or reprocessing facilities. The NPT does have a withdrawal clause, but this is normal procedure within international law.
36. Iran’s nuclear activities are the most prominent case study for the challenges unrestricted access to nuclear technology poses to the NPT system. Tehran argues everything it does remains within the boundaries of the treaty, while de facto developing the technology

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necessary for eventually acquiring nuclear weapons. While one could take the legalistic position – that everything not forbidden – is allowed, neither the US nor Israel will accept Iranian acquisition of highly enriched uranium or plutonium. The controversy over the Iranian nuclear file has negative implications on certain states' nuclear technology acquisition efforts, and should be dealt with independently.

37. While non-proliferation 'radicals' argue Washington should stop any transfers of nuclear technology, the much more sensible approach is to focus on taking a workable posture towards enrichment and reprocessing technologies. Countries arguably have little to lose in practical terms from not acquiring these technologies. It is more economical to obtain such sensitive materials on the international market. A temporary abstention from technology acquisition is not an indefinite abandonment of rights, but a confidence building measure towards the international community. One can also consider providing incentives for states to rely on the market for their supply of fissile materials – a sound but limited option, not able to stop committed proliferators. However, there is no political support for multilateralising the nuclear fuel cycle.
38. For its nuclear technology exports, the US government has at times appeared to be pursuing a 'gold standard', in which recipient countries such as the UAE have pledged to forfeit enrichment and reprocessing technologies. Initial insistence in the US legislative on such a standard seems to have lessened somewhat over time. While the US government is currently conducting a review of policy on this issue, and there is a general desire to negotiate agreements in which enrichment and reprocessing is forgone, exceptions to this approach can be made. This policy represents common sense, given that the United States is no longer the technological leader within the nuclear field. With vendors in Europe, Russia, or Asia selling technology, Washington has less leverage to enforce its conditions of supply. Thus, political understandings on fuel cycle technology are more likely to be the path pursued in the future.
39. Article IV can be seen also through other lenses. Some argue that when the Soviet Union and the United States engaged in the treaty negotiation, they had no intention of allowing principles to follow through into general policy. The Soviet position from the outset was a blanket refusal to transfer any type of fuel cycle technology to satellite states. The United States never transferred enrichment technology and seemed to have no intention of doing so, attempting to maintain monopoly as long as possible. It encouraged reprocessing briefly, and then banned it. This policy caused controversy with Brazil, Germany, the UK and others, ultimately addressed through Nuclear Suppliers Group (NSG) guidelines. Such issues were never solved, but lost their relevance during the downturn in nuclear industry in the 1980s. Thus, given that commercial interests and *realpolitik* might be the defining factors, some asked what impact the current downturn in nuclear energy infrastructure demand might actually have on this discussion.

“ The NPT remains a structurally imbalanced treaty”

### **A more balanced dialogue on the three pillars**

40. The NPT remains a structurally imbalanced treaty. Its main aim remains non-proliferation. Thus, achieving even a modest degree of balance within the NPT negotiations demands a great deal of effort. The treaty faces numerous problems: lack of universality endangers its acceptance; the US-India nuclear deal weakens international law and imperils the NPT's credibility; and delay in taking disarmament measures degrades trust between members. Therefore, the NWS need to do much more to lead by example. Disarmament should also become a common enterprise.
41. Significant evidence challenges the disarmament commitment of the P5. None of the NWS are ready, contemplating, or politically able to pursue nuclear disarmament. One reason might be the institutional entrenchment of nuclear weapons. However, power transition theory also suggests nuclear weapons might be a moderator of systemic power shifts. In addition, prudential allies might insist upon the upkeep of these weapons; ambition, status, and prestige might play important roles, as both France and the UK appear to see them as iconic objects of desire impeding a loss of stature; and current



thinking continues to ignore huge consequences of nuclear use and pretends regulatory measures will solve all problems.

42. Numerous potential steps have been identified. The CTBT needs urgent ratification by the US Senate. States relying on the US nuclear umbrella should reassess their security needs. A conversation on a nuclear weapons convention should be started. The Additional Protocol (AP) should be universalized, even if mistrust is understandable. Concrete obligations NWS should assume need to be identified – a number of duties need to be specified and verified. Future NPT review conferences should not impose standards that are impossible to fulfil, the process should be kept alive even if ultimate results are less optimistic than expected.
43. A paradigmatic change in thinking and policy-making is arguably deemed necessary by many. Others contend the discourse is positive, but such change is not to be found in reality, with gradual and slow change the more probable outcomes. Some argue there is little chance for large steps in the immediate future. Others question the adequacy of these minimal measures. A number of innovative initiatives might have the potential to extend limited current actions towards a more comprehensive process.

“ Many advocate a rethink is urgently needed, arguing nuclear deterrence is unnecessary and unsustainable”

### **Nuclear deterrence debates**

44. Nuclear deterrence remains a contentious subject, permeating numerous discussions. Some argue powerful communities believe in nuclear deterrence. The concept of deterrence has been exported and adapted at the regional level in the India-Pakistan context, convincing many that they provide stability. The US Nuclear Posture Review process showed once again that numerous nations believe nuclear weapons have a role to play. Some argued mutual assured stability was the better goal, with a world without nuclear weapons not necessarily a more secure environment. Others suggested ideas need to be developed and structures need to be changed in order to alleviate security concerns and persuade nuclear proponents of the obsolescence of these weapons.
45. In contrast, many advocate a rethink is urgently needed, arguing nuclear deterrence is unnecessary and unsustainable. Nuclear use remains a grave risk. Therefore, the humanitarian implications of nuclear explosions should be considered. More work should be done on inquiring how many people truly believe these weapons prevent war. Some believe more thinking is needed on security and stability in a world without nuclear weapons. Others assess security and stability in a world without nuclear weapons would not look very different, as these weapons cannot be used, are not needed, and can easily be abolished. Such proponents suggested the India-Pakistan situation should be reassessed, as nuclear weapons are causing numerous problems in that context. In all other equations, nuclear disarmament is actually not as problematic as portrayed.

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