



Report on Wilton Park Conference WP833

NUCLEAR NON-PROLIFERATION: RESPONDING TO STRATEGIC CHALLENGES

Monday 18 – Friday 22 December 2006

1. Nuclear Futures: The Shape of Things to Come?

The nuclear non-proliferation regime seems to be facing an uncertain future. Although previous pessimistic predictions, such as President Kennedy's despondent estimate of the future nuclear landscape, have never come to fruition, the decisions that will lead us to the desirable 'good' future are unclear.¹ Depending on the trajectory of existing trends, coupled with the impact of unexpected processes or phenomena (referred to as 'wild cards'), the future of nuclear proliferation can be 'good', 'bad', or 'ugly'.

A 'good' nuclear future would consist of one in which: Iranian proliferation concerns are addressed; the North Korean capability is rolled back; there is continued

¹ President Kennedy's ubiquitously quoted warning about the possibility of a world with up to 25 states possessing nuclear weapons was based on information provided by Robert McNamara of a study carried out by the U.S. Department of Defense. For the declassified memorandum, see: Memorandum for the president (*from U.S. Defense Secretary Robert McNamara to President John F. Kennedy*), 'The Diffusion of Nuclear Weapons with and without a Test Ban Agreement', 12 February 1963, *Digital National Security Archive*, <http://www.ccc.nps.navy.mil/si/2004/jan/DOD%20Memorandum%2012Feb1963.pdf>. For more information, refer to Peter R. Lavoy, 'Predicting Nuclear Proliferation: A Declassified Documentary Record', *Strategic Insights*, Volume III, Issue 1 (January 2004), <http://www.ccc.nps.navy.mil/si/2004/jan/lavoyJan04.pdf>.

reduction in the existing nuclear arsenals; the South Asian nuclear relationship firmly stabilizes; and non-state actors do not acquire nuclear weapons. It is suggested that the combination of potential events would encourage our path towards a 'good' nuclear future. These include: the provision of a credible security guarantee acceptable to the Democratic People's Republic of North Korea (DPRK); Iranian cessation of its pursuit based on concerns of triggering a regional proliferation chain; the satisfaction of Iran's regional and prestige concerns through its establishment as a regional dominant power as an indirect result from the Iraqi invasion; the closure of opportunities for technology transfers to non-state actors; and the removal of regional proliferation stimuli in Asia and the Middle East with the assuagement of the North Korean and Iranian threats.

A 'bad' nuclear future, a mix of serious challenges but not complete regime failure, would be one in which: proliferation occurs but not at runaway pace; the DPRK does not roll back its capability and possibly conducts more tests; Israel formally deploys nuclear weapons in response to successful Iranian development of a limited nuclear arsenal; blocking of regional proliferation chains remains possible; the South Asian nuclear states avoid nuclear crisis; the possible access to nuclear weapons by terrorists increases; and the Nuclear Non-Proliferation Treaty (NPT) remains a constraint to proliferation. In the case of a 'bad' future, it is argued that the following drivers could lead us there: no agreement reached with Iran and the DPRK due to a combination of prestige, domestic, bureaucratic, and security issues; the provision of 'credible alternative' nuclear security guarantees and/or technical constraints prevent the pursuit of nuclear weapons by several states with latent capabilities; and proliferation psychology dominated by the perception that runaway proliferation is becoming inevitable.

An 'ugly' nuclear future would be comprised of: regional nuclear proliferation chains triggered in Asia and the Middle East by the DPRK's and Iran's activities; other states with latent capabilities pursue nuclear weapons as a result of the regional chains; and state and terrorist use of nuclear weapons occurs. The psychology of proliferation will arguably dominate the decisions leading to this 'ugly' nuclear future, as there will be a perception that nuclear weapons are increasingly becoming a permanent fixture and a necessity. Several identified 'wild cards' which could

significantly affect which nuclear future we are likely to arrive at include: the use of a nuclear weapon; the extent of the emerging nuclear power renaissance; and the extent of existing political will (and resources) by the U.S. and the NWSs (nuclear weapon states) to actively engage abroad to shape the nuclear landscape.

Despite the heightened current concern about 'runaway proliferation', past experience suggests that such fears can, in fact, generate cooperation between states to forestall the undesired outcomes. In this light, the possibility of the 'bad' or 'ugly' proliferation future may create consensus and support for actions and initiatives that otherwise might not happen. It may therefore be that negative developments such as the perceived failure of the 2005 NPT Review Conference; the DPRK's nuclear test; and the continued saga of unresolved Iranian non-compliance with International Atomic Energy Agency (IAEA) safeguards, may force consensus towards more positive measures to offset the 'bad' or 'ugly' futures.

2. US-Indian Nuclear Cooperation: Implications for Non-Proliferation

The US-India civil nuclear cooperation deal, agreed in a joint statement in July 2005 between President Bush and Prime Minister Singh, has been heralded by the US as a positive measure to creatively engage one of the three non-NPT signatories within the broader nuclear non-proliferation regime. The framework consists of US civil nuclear cooperation with India, in exchange for India separating its civil and military nuclear facilities and placing 14 of its 22 nuclear reactors under IAEA safeguards (in perpetuity). This contentious arrangement was approved by the US Congress in 2006, exempting India from US nuclear non-proliferation legislation. Still pending for the deal to be implemented is the approval by the IAEA Board of Governors of the India-IAEA Safeguards Agreement and the consensus agreement by the 45 members of the Nuclear Suppliers Group (NSG).

The implications of the deal for the nuclear non-proliferation regime are controversial. Proponents continue to defend the agreement as a creative way to engage a democratic strategic ally with the existing non-proliferation framework. The positive Indian non-proliferation record can be developed to cement Indian commitments into legally binding measures, including United Nations Security Council (UNSC) Resolution 1540, the Proliferation Security Initiative (PSI), and adherence to the

export controls of the NSG and the Missile Control Technology Regime (MTCR). Resulting from the separation of India's civil and military nuclear facilities, the safeguarded facilities will no longer be available for the military programme. The Indian commitment to work with the US in negotiating a Fissile Material Cut-off Treaty (FMCT) in the Conference on Disarmament (CD) has also been highlighted as a positive contribution to the regime.

The framework's many critics are concerned with its implications for the NPT and the broader non-proliferation regime, and have characterized the deal as 'a strategic cake with non-proliferation icing'. India is a non-NPT state and possessor of nuclear weapons, and the deal may potentially undermine the balance of benefits and obligations on which the NPT relies. This does not necessarily derail the NPT, but it does question the validity of that central compromise. Furthermore, opponents highlight that India, a staunch critic of the NPT since its inception, has conducted nuclear tests as recently as 1998 in defiance of the non-proliferation regime's norms.

This concern with long-term implications is accompanied by more specific criticism. The deal lacks explicit provisions over accumulated plutonium in spent fuel, future nuclear tests by India, and how future Indian reactors will be classified and hence subject to safeguards. Furthermore, the issues involved in the inevitable pursuit of similar nuclear arrangements by Pakistan from China or Russia are a further matter of concern.

3. The IAEA Safeguards Systems: Strengths and Weaknesses

Further nuclear proliferation should not be simply accepted as a *fait accompli*, but prevented via dissuasion and deterrence. Through dissuasion a state is persuaded that it is not in its best interest to acquire a nuclear weapons capability, via bilateral and multilateral negotiations, and fomenting more favourable geopolitical conditions including appropriate security guarantees. These are more likely to be effective when used pre-emptively, rather than reactively, the Libyan decision to abandon its pursuit of WMD and delivery mechanisms is often cited as an example of successful dissuasion tactics.

Examples of such measures include pressurising states to sign and ratify the Additional Protocol (AP) through various means. The IAEA Secretariat has recommended various measures to the IAEA “Committee 25”, based on either existing legal obligations or on voluntary actions, with the aim of improving the safeguards system. Even *if* eventually implemented, however, such measures would remain inadequate to satisfy early detection and negative consequences of a nuclear weapons program.

It is argued that the focus of efforts should be directed at states in non-compliance with safeguards, and those threatening to withdraw from the NPT. In the event of non-compliance, the Agency needs additional or extended verification rights in order to conclude in a timely manner that there is no clandestine program/undeclared activity. As IAEA Board resolutions cannot provide any extended legally binding authority, the way forward may consist of adopting a generic and legally binding UNSC resolution to be applied when a state is reported by the Agency as non-compliant. The proposed resolution would require the state concerned to suspend sensitive fuel cycle activity and grant additional verification authority to the IAEA. All nuclear fuel transfers to the state would also cease unless covered by a guarantee that the material and facilities would remain under IAEA safeguards. Such a generic resolution would, however, probably be opposed by various states, including those calling for strengthened measures to address non-compliance issues, due to the political implications of an “automatic” resolution.

When dissuasion cannot be applied or is ineffective, deterrence may be deployed. Persuading the state concerned that a clandestine nuclear weapons program is likely to be detected at an early stage, and that extremely negative consequences would inevitably follow, can achieve this. Although it is widely held that these crucial deterrents to nuclear proliferation remain absent from the contemporary regime, controversy exists on the implications and viability of implementing suggested measures. This is evinced in the lack of substantial consequences for the DPRK’s non-compliance activities and its announcement of withdrawal from the NPT, which have undermined the credibility of the nuclear non-proliferation regime. Consequently, the international community must act resolutely to address cases of

non-compliance and declarations of NPT withdrawal if it is genuinely committed to the nuclear non-proliferation priorities it espouses.

Again, adopting a generic and legally-binding resolution by the UNSC has been proposed. Such a resolution would stipulate that if a state withdraws from the NPT after it is found to be non-compliant with IAEA safeguards by the Agency, then the withdrawal constitutes a threat to international peace and security, and all materials and equipment gained from the IAEA would be removed and kept under Agency supervision.

This is similar to proposals made by the Germany² and France³ at the 2004 NPT Preparatory Committee (PrepCom) as a pre-emptive measure to a foreseeable trend of abuse of the Treaty's provisions. It is argued that the UNSC should respond by delivering on the Agency's need for additional legally binding additional verification rights responsibilities in order to address the outstanding issues. Ultimately, the P5 need to decide whether strategic/political objectives will continue to divide and take precedence over non-proliferation aims or whether the nuclear non-proliferation regime's credibility shall continue to erode.

4. Nuclear Rollback: Positive and Negative Lessons

Analysing why states have decided to roll back their nuclear weapons programs in the past can contribute to understanding about current and future proliferation cases and assist in tailoring policies and responses to these. The 18 known cases of successful and voluntary nuclear rollback⁴ show a number of common features, including: desire for international standing; personal leadership; foreign pressure; net loss of security; impediment to development and foreign interaction; domestic acceptance of global non-proliferation norms; reassessment of threat; high costs; lack of military utility; failure to progress; regime change; U.S. security guarantee; loss of military support; bureaucratic opposition; strengthened inspection and verification procedures.

² See, *NPT/CONF.2005/PC.III/WP.15*

³ See, *NPT/CONF.2005/PC.III/WP.22*

⁴ The 18 identified cases of nuclear rollback include: Norway, Italy, Indonesia, Egypt, Switzerland, Sweden, Australia, Brazil, Argentina, Yugoslavia, South Korea, Taiwan, Romania, South Africa, Ukraine, Kazakhstan, Belarus, and Libya.

Decisions to roll back nuclear programs have rarely been linear, and evolved slowly over time. Furthermore, hedging strategies provide interim decision points for states as these cases tend to want flexibility to keep their options open during the process. The United States has often been at the centre of influencing the decision-making, through policy, pressure or security assurances. In all cases, rollback from a nuclear programme tends to be a process rather than an outcome.

This past history suggests that opportunities exist for influencing rollback, such as economic ‘carrots and sticks’, and leveraging impediments to development. Buying time is important, as prospects for influencing rollback are more likely with a longer developmental phase of a nuclear programme. In cases where intent and capability levels are high there is a lower likelihood of success. It was noted that in cases of high capability rollback, such as Brazil, South Korea, Ukraine, and Kazakhstan, a ‘trigger’ was usually a common denominator, such as regime change or the provision of a US security guarantee. The Libyan case was the only exception to this observed trend. In cases where neither ‘regime change’ nor ‘security guarantees’ were present, ‘failure to progress’ and ‘too costly’ were identified as significant factors to rollback decisions. It is argued that the nuclear posture of the nuclear weapons states needs to be included in assessing rollback decisions, as well as the extent to which the devaluation of nuclear weapons may influence rollback and proliferation decisions.

5. Controlling Nuclear Technology

The activities of the vast and far-reaching A.Q. Khan nuclear network highlight the importance in denying and controlling illicit technology transfers. Although export controls will make the route to proliferation longer and more expensive, they will ultimately not block it for determined proliferators, and there is a need to verify implementation. PSI, tracing of financial transfers, and high-quality intelligence remain paramount to denying illicit transfers. Given the relatively mild consequences of those involved in the Khan network, which acted with state and non-state entities, there remains a serious lack of a credible deterrent to these highly lucrative activities. Furthermore, it is argued that the international community has failed to exert enough pressure on Pakistan concerning the IAEA’s hampered efforts to investigate Khan’s activities, given the immunity afforded to Khan.

6. Iran

Iran's nuclear activities remain an urgent proliferation concern. The rationale behind Iranian policy is complex, and includes national/Persian prestige, regional power aspirations, deterrence of invasion/regime change, and establishing a negotiation pawn. Since the 2002 revelations of the clandestine Iranian nuclear activities at Natanz and Arak, those involved in the in the verification and negotiation processes vis-à-vis Iran's nuclear activities, have been subjected to frustration, speculation, and uncomfortable choices.

International pressure and the partial suspension of enrichment activities have delayed, but not stopped Iran's pursuit of enrichment technology and attaining a weapons capability. In order to prevent a larger-scale break-out capability, export controls remain paramount. Russia has offered to provide fuel for the Bushehr reactor, but this is irresponsible unless all facilities in which Russian-supplied fuel would be stored or used would be covered by the proper IAEA safeguards agreements. Furthermore, given the frequent Iranian references to contemplating NPT withdrawal, it would be responsible to stipulate fuel repossession in the event of Iran withdrawing from the Treaty. Given current ominous symptoms, there is a gloomy prognosis for a diplomatic solution to the Iranian nuclear crisis. However, as and indications reveal technical difficulties continue to exist for the Iranian enrichment programme, a negotiated settlement may still be possible.

The extent to which Iran is restricting IAEA inspections, particularly since UNSC Resolution 1737 was passed in December 2006, will continue to hinder a clear picture of what is happening. The extent to which UN financial sanctions will have an effect in delaying Iran's pursuit of uranium enrichment remains debatable, as is the question of whether an acceptable limit for Iranian activities can actually be agreed, honoured, and effectively verified (through extended IAEA access rights). However, legitimising a capped Iranian program could be considered as a concession on UNSC Resolution 1696 and may inadvertently produce further defiance by President Ahmadinejad. Although there are internal divisions on how to address the international community's concerns, domestic support for Iran's pursuit of the nuclear fuel cycle remains wide and resolute.

Given the experience gained from the past three years of dealing with the Iranians, some suggest the option that should be pursued at this time is to continue to offer Iran the choice between UN-endorsed sanctions or genuine US-backed benefits stipulated on Iranian cessation of uranium enrichment activities. It is widely believed that US participation is paramount to establishing the credibility of offers. Furthermore, the lingering threats of a pre-emptive military strike by either regional or extra-regional powers, and of regime change, need to be contained in order not to derail diplomatic efforts to settle the crisis.

7. North Korea and the Six-Party Talks

The October 2006 nuclear test by the DPRK firmly confirmed the urgency of addressing the threat that the North Korean nuclear program poses not only to regional and international security, but also to the credibility of the nuclear non-proliferation regime. Whether the Six-Party Talks can be indeed be genuinely revived to be an effective forum at which to address these challenges, remains an open question. Diverging tolerance levels to the DPRK's nuclear activities exist amongst the five parties involved, ranging from a pragmatic tolerance of a limited program to complete opposition to any nuclear weapons activity. Following the October nuclear test, China's role in pressuring the DPRK to resume engagement within the Six-Party Talks has been noted. Indeed, China's stance remains key in influencing the 'atmospherics' of the process. It remains a possibility that national and strategic agendas will continue to interfere with the objective of the Six-Party Talks (i.e. persuading the DPRK to abandon its nuclear weapons programme). Whilst these divisions and lack of cooperation continue to exist between the five states involved in this process with the DPRK, the North Korean plutonium production and its other nuclear activities continue. However, sanctions resulting from UNSC Resolution 1718 and the activities of the PSI framework have created obstacles for the North Korean activities. The pressing economic conditions in the DPRK may present opportunities for some concessions by the North Koreans. Whether the DPRK would indeed renounce its nuclear weapons program if its declaratory security concerns and demands were to be met, remains a matter of speculation. Given current conditions and administrations, prospects for significant, sustained progress within this multilateral arrangement seem rather improbable.

8. The Future of the United Kingdom's Nuclear Deterrent

On 4 December 2006, Tony Blair announced his government's decision to sustain a nuclear weapons capability into the early 2040s. This was to be done by commissioning a new class of submarines, and participating in the US Trident D5 missile life extension programme with a reduction of operationally available warheads to fewer than 160, at estimated procurement costs 'in the range of £15-20 billion'.⁵ On the same day, a joint Ministry of Defence (MOD)/Foreign and Commonwealth Office (FCO) White Paper, titled "The Future of the United Kingdom's Nuclear Deterrent"⁶ was published, thoroughly detailing the government's rationale and technical plans to implement their decision.

The threats detailed in the White Paper focused principally upon state actors armed with nuclear weapons, both major powers and those states with more limited nuclear arsenals that could nonetheless 'pose a grave threat to our vital interests'. It also stipulated states having the capability to rapidly develop substantial large scale chemical and biological weapons, ballistic missile technology, or a latent nuclear weapons capability. These threats were joined by the post-9/11 concern about state-sponsored nuclear terrorism⁷

Diverging views exist on the implications of the decision for the nuclear non-proliferation regime. The specific circumstances for use remain deliberately ambiguous in order not to 'simplify the calculations of a potential aggressor'⁸, but recent remarks by the Defence Minister indicate such action will only be resorted to in self-defence. The White Paper does state that the British government 'will not rule in or out the first use of nuclear weapons'⁹, which some argue may be problematic in terms of the security assurances linked to the NPT. Additionally, given the perceived linkage between disarmament and non-proliferation, some argue that the decision reinforces the salience of nuclear weapons in the security policy of one of the five

⁵ At 2006/7 prices. *Cm 6994*, para. 5-11, p.26.

⁶ *The Future of the United Kingdom's Nuclear Deterrent*, *Cm 6994*, Presented to Parliament by The Secretary of State for Defence and the Secretary of State for Foreign and Commonwealth Affairs By Command of Her Majesty, December 2006, http://www.mod.uk/NR/rdonlyres/AC00DD79-76D6-4FE3-91A1-6A56B03C092F/0/DefenceWhitePaper2006_Cm6994.pdf.

⁷ *Ibid.*

⁸ *Cm 6994*, para. 3-4.,p.18.

⁹ *Cm 6994*, para. 2-11.,p.14.

NPT nuclear weapons states (NWS), confirming the UK's reliance on nuclear weapons to defend against uncertainty and the infinitely possible.

9. Strengthening the Broader Non-Proliferation Regime

The Bush Administration's describes its National Strategy to Combat WMD as a three-pronged approach of non-proliferation, counterproliferation, and consequence management. This 'layered defence' strategy seeks to supplement the effective elements of multilateralism with innovative new approaches and national efforts. The Proliferation Security Initiative (PSI), UNSC Resolution 1540, and the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction are examples of cooperative new initiatives which aim at supplementing the existing framework of treaties, export controls, and safeguards frameworks. US national efforts to combat WMD proliferation include: domestic legislation to apply economic sanctions against proliferator entities; missile defences; the Global Threat Reduction Initiative (GTRI) and the Cooperative Threat Reduction (CTR) programs. The use of military force, as evidenced by the Iraqi invasion, remains a national tool available for responding to WMD proliferation.

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The perennial problem of reconciling the peaceful use of nuclear energy and concerns over potential proliferation continues to be a knotty one, and President

Bush's February 2004 proposal¹⁰ for a new framework for nuclear energy was largely met with resistance. Critics claimed that it imposed on sovereign rights to development by seeking to deny enrichment and reprocessing technology to states that do not already possess full-scale, functioning plants. Efforts to persuade states to forego national enrichment and reprocessing programs in exchange for reliable access to nuclear fuel supplies are also being pursued by the Bush administration as one element of its more 'tolerant' Global Nuclear Energy Partnership (GNEP) framework. The other two elements of this initiative include development and deployment of proliferation-resistant civil nuclear energy systems that avoid the separation of pure plutonium and minimize diversion opportunities; and promotion of small and medium-scale proliferation-resistant reactors tailored to meet the energy needs of developing countries. Bearing in mind the efforts of the International Fuel Cycle Evaluation Program (INFCE) in the late 1970s and the 2005 IAEA commissioned study of multilateral nuclear approaches (MNA), it remains to be seen what viable and politically acceptable approaches, if any, will succeed in relation to the international governance of the peaceful nuclear fuel cycle.

10. Governance of the Nuclear Fuel Cycle

The recent revival of interest in nuclear energy, often referred to as the 'nuclear renaissance', has generated new interest in the multilateral governance of the sensitive phases of the fuel cycle. In particular, assuring a reliable supply of low-enriched uranium for fabrication into nuclear fuel may dissuade states from pursuing national enrichment technology, and the IAEA Special Event in September 2006 discussed the possibility of an international fuel bank managed by the Agency.

Various proposals have been put forward. A six-nation initiative¹¹ for Reliable Access to Nuclear Fuel (RANF) has been proposed to the IAEA which supports the normal commercial market to which the U.S. has pledged 17 tons of down-blended low-enriched uranium (LEU). The World Nuclear Association (WNA) has suggested a back-up agreement between operators in the event of a disruption caused by 'non-market forces other than non-proliferation issues'. The United Kingdom has proposed

¹⁰ See the fourth proposal in President Bush's 11 February 2004 speech. President Announces New Measures to Counter the Threat of WMD, Remarks by the President on Weapons of Mass Destruction Proliferation, National Defense University, Washington, D.C., <http://www.whitehouse.gov/news/releases/2004/02/20040211-4.html>.

¹¹ The six states backing this proposal are France, Germany, the Netherlands, Russia, the United Kingdom, and the United States.

an RANF mechanism referred to as an 'enrichment bond', consisting of an agreement to an 'advance consent mechanism' between supplier states, the IAEA, and recipient states. The Nuclear Threat Initiative (NTI) pledged \$50million towards an IAEA-managed international fuel bank, conditional on the additional contribution by other parties of \$100million within a two-year period. Japan has proposed IAEA-administered 'standby arrangements', which would rely on an intermediary function in the event of fuel supply disruptions. Germany has suggested basing an international IAEA-administered enrichment plant on 'neutral territory'.

Russia has proposed basing an IAEA safeguarded internationally owned enrichment facility network of International Nuclear Fuel Cycle Centers (INFCC) in Angarsk. The Russian initiative, proposed in January 2006 by President Putin, aims to establish an IAEA-safeguarded International Uranium Enrichment Center (IUEC) based on non-discriminatory membership terms, assured access to enrichment services and/or products, which is co-managed and co-owned by the stake-holders. In March 2006, President Putin adopted an IUEC implementation action plan, followed by a November 2006 submission of a draft bill to the Duma. Two founding companies¹² have agreed to jointly provide initial set-up funding for the IUEC.

Further elaboration and consideration is required, particularly regarding the issues concerning the feasibility, procedure, management, and political implications linked with the implementation of these innovative proposals to governing the nuclear fuel cycle. Diverging views exist regarding the prospects for the implementation and viability of these approaches.

11. The NPT PrepComs and the 2010 Review Process

Despite the perceived failure of the 2005 NPT Review Conference, there appears to be a cautious yet optimistic approach to the upcoming review process cycle which commences with the 2007 NPT PrepCom. Given the serious challenges threatening the nuclear non-proliferation regime, the upcoming NPT PrepCom, might actually benefit from the potential harmony these shared concerns may compel. In this context, the 2007 NPT PrepCom may serve as a litmus test of the existing political

¹² "Techsnabexport"(TENEX) is a Russian entity and "Kazatomprom" (NAEK) is a Kazakh entity.

will and resolve to sacrifice strategic hostage-taking of issues in order to coordinate efforts/support to address the conditions that might lead to 'runaway proliferation'.

Whether states parties or groupings within the NPT review process will decide to relegate strategic priorities in order to genuinely address proliferation objectives remains an open question. Although the NPT is widely held as cornerstone of the non-proliferation regime, is only a one-dimensional legal instrument. Ultimately, it is states inside and outside the NPT review process that 'operationalize' the Treaty's provisions, and thereby determine the status of the NPT in relation to the regime.

That inevitably means that it is states that have the prime responsibility for substantiating the NPT's role or allowing it to slip from the non-proliferation agenda. Perhaps the way forward is to focus on what is achievable, rather than what is ideal,¹³ bearing in mind the current security and political milieu coupled with the arguably overly-ambitious delegated tasks.

Historically, NPT Review Conferences deemed 'unsuccessful' tend to be followed by 'successful' ones, although questions remain over whether this can be attributed to spurious correlation or states parties uniting to reach consensus on issues. The 2010 Review Conference will be expected to agree on Main Committee reports, as well as producing a consensus Final Document. One measure of success therefore, is the ability to deliver on these tasks. Given the inherent difficulties of achieving consensus in the span of four weeks, these tasks may be too demanding and therefore set unrealistic expectations. If this is the case bar is set too high, then the review process should recognize and address these quixotic expectations. If however, the main causes of 'failed' Review Conferences are external issues rather than internal expectations, then arguably the review process has little role in determining its outcome. Furthermore, the actual significance of a 'failed' Review Conference to the broader regime requires consideration.

Debate continues on how to improve the atmospherics at the upcoming NPT sessions. Possible suggestions include starting negotiations on an FMCT in the CD or pursuing the pending ratifications for the Comprehensive Test Ban Treaty (CTBT) to enter into force. Identifying existing common interests shared by the NPT states

¹³ As expressed in recent analysis regarding the outcome of the 2006 BWC RevCon.

parties in order to aim for achieving agreement on a 'middle ground' may be the way forward. Whether this would be need to be pursued or facilitated by a grouping such as the New Agenda Coalition (NAC), remains open to debate.

The handling of the DPRK's status vis-à-vis the Treaty must again be addressed by the Chairmen/President of the upcoming sessions. Continuing to exercise custodial privileges of the DPRK's nameplate may be the safest option for the Chairmen/President to take, as it does not represent a change of approach and effectively allows the Chairman to postpone addressing this issue. This tactic, however, remains problematic and contentious, particularly following the DPRK's October 2006 nuclear test. The nameplate manoeuvre can be as inconsistent with the political realities, and thereby undermining the role of the NPT by validating 'Treaty-bashing' arguments that portray the NPT as ineffectual.

12. Thinking the Unthinkable

In spite of the unprecedented challenges confronting it, the NPT is not on the verge of collapse, either normatively or legally. Neither should the four cases of deviation from the Treaty's provisions obscure the fact that the overwhelming majority of member states have been and remain committed to the NPT and its objectives.

Discussion of the NPT collapsing or eroding away to irrelevance, although provocative, is a pessimistic approach to framing dialogue on addressing the existing challenges to the NPT, its review process, and the broader regime that it anchors. As perceptions can influence how we not only construe, but also construct reality, it the 'glass-half-empty perspective may be counter-productive and to be avoided. Furthermore, a negative construction of discussion may not only act as a self-fulfilling prophecy, but also validate the objectives of those wanting to pursue unilateral counter-proliferation measures and those wishing to pursue nuclear weapons.

The onus to ensure and safeguard the Treaty's continued validity remains heavily on its parties, both the NWSs and the NNWSs. Whether states will take advantage of the existing opportunities leading up to the 2010 NPT Review Conference to bolster the Treaty's core bargains in the form of a new 'grand bargain', through visionary leadership, high levels of political will and genuine cooperation, remains to be seen. If the 2010 Review Conference is perceived to be successful, it will assist in restoring

confidence in the multilateral machinery and prevent states from seeking to address security concerns through other measures.

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