

## **Briefing Memo**

### **Assessing the 2010 NPT Review Conference and a Vision towards “a World Free of Nuclear Weapons”**

(an English translation of the original manuscript written in Japanese)

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#### **Introduction**

The Nuclear Non-Proliferation Treaty (NPT), which took effect in 1970, has the second largest number of signatories next to the United Nations Charter, and is considered one of the most universal multilateral treaties. The NPT has three pillars - nuclear disarmament, nuclear non-proliferation and the peaceful use of nuclear energy - and there currently exists no other multinational treaty, especially with regard to nuclear disarmament, that defines nuclear-weapon states and also imposes obligations on nuclear disarmament negotiations. Article 8-3 of the NPT stipulates that a review conference should be held every five years in order to ensure the realization of the purposes of the treaty and compliance with its obligations. Although the original purpose of the review conference was to evaluate whether the legal framework of the NPT was functioning properly, in recent years the international community, including civil society, has tended to expect the conference to patch up the NPT regime, enhance international norms on nuclear disarmament/non-proliferation and provide an opportunity to secure the inalienable right for the peaceful use of nuclear energy.

As described above, the NPT Review Conference plays an important role in maintaining the NPT regime. However, in the previous conference held in 2005, the United States was criticized for shifting its position toward dismissing the multilateral talks on nuclear disarmament, and there were also increased demands from Arab nations for fulfilling the Middle East Resolution, which was adopted at the 1995 NPT Review Conference; while nuclear issues in Iran sharpened the conflict between concerned countries as well. Moreover, it took a significant amount of time to adopt procedural matters for the conference, causing it to end without a final agreement, which at one point made the future of the NPT regime look under threat.

Under such circumstances, the US Obama administration came into office in 2009. One of the administration's goals is to realize “a world free of nuclear weapons” in the future, and it claims that although it will maintain nuclear deterrent capabilities as long as nuclear weapons exist in the world, it will reduce its reliance on nuclear forces, as well as emphasizing the

stabilization of the international security environment through nuclear disarmament and non-proliferation. These initiatives of the Obama administration raised expectations that it will bring a positive change to the trend of the international community with regard to the NPT regime. In this context, this briefing memo will overview the recent trend of the NPT, with a focus on the result of the 2010 NPT Review Conference, as well as review the issues that the NPT is facing and the tasks for Japan to promote nuclear disarmament diplomacy.

### **Turmoil in the NPT regime and New Expectations**

Since the indefinite extension of the treaty was adopted in the 1995 NPT Review Conference, the NPT regime has experienced turbulent times up to the present. India and Pakistan, which are both not NPT signatories, conducted nuclear tests (1998), while North Korea also announced its withdrawal from the NPT (2003) and then conducted nuclear tests (2006, 2009). Furthermore, despite being an NPT signatory, Iran refuses to accept nuclear safeguard inspections by the International Atomic Energy Agency (IAEA), which revealed nuclear issues in Iran (2003). Thus the NPT regime has had to face continuous internal/external challenges that destabilized its authority and credibility. In addition, there is still severe antagonism in Middle Eastern countries against Israel, which is also not an NPT signatory but a commonly viewed nuclear-weapon state in practice. Furthermore, during the G. W. Bush administration, the United States adopted a unilateral attitude toward the NPT regime, defying the previous final documents of the NPT Review Conference and denying its commitment to the Middle East Resolution and nuclear disarmament. This drew criticism from the international community, which supports the continuation of the NPT regime. Moreover, the US-India Nuclear Cooperation Agreement took effect (2008), and it was heavily accused by many concerned states, pro-nuclear disarmament NGOs and scholars, as this agreement may justify a loophole in the NPT regime.

In this context, the 2010 Review Conference was considered to be a milestone in determining the fate of the NPT regime, with think tanks and NGOs from various countries placing all kinds of expectations on the conference program agenda as follows; reconfirmation of the three pillars by the nuclear weapon states, initiation of negotiations for the Nuclear Weapons Convention (NWC), a legally binding Negative Security Assurance (NSA) measure, consensus building for the universalization of the Safeguards Additional Protocol role of the UN Security Council in the emergence of withdrawal from the NPT, implementation of nuclear disarmament with a specific deadline, as well as issues of a weapons of mass destruction free zone in the Middle East and the increased transparency of the nuclear weapon states. This shows that the discussions in this conference were expected to become an important step toward “a world free of nuclear weapons.”

## **Talks in the 2010 NPT Review Conference**

In fact, the 2010 NPT Review Conference held in May in New York included discussions on how to set up a schedule for nuclear disarmament, the pros and cons of standardizing the Additional Protocol to the Safeguards Agreement as the NPT's verification system, and the responsibilities of signatory countries after they have withdrawn from the NPT, based on North Korea's withdrawal from the NPT and its nuclear tests. According to various published primary and secondary source materials, one of the achievements of Main Committee I (nuclear disarmament) of the conference is that the nuclear disarmament measures in the final document of the 2000 Review Conference were reconfirmed. However, as for the nuclear disarmament schedule, although it was discussed at the beginning, nuclear-weapon states and non-nuclear-weapon states did not come to agreement and therefore a specific deadline could not be included. Main Committee II (nuclear non-proliferation) was successful in taking a strong stance against North Korea, but on the other hand, due to the difference of views between nuclear-weapon states and non-nuclear-weapon states, it could not come up with specific measures on the emerging threat of nuclear proliferation. In Main Committee III (peaceful use of nuclear power), in light of the current expansion of civilian use of nuclear energy all over the globe, the so-called "nuclear renaissance," the conflict of views between developing countries and developed countries became clear in terms of the issues of international nuclear fuel supply assurance and standardization of the Additional Protocol to the Safeguards Agreement. In particular, while developing countries proclaimed their inalienable right to the peaceful use of nuclear energy, the majority of developed countries raised concern about the increased likelihood of horizontal nuclear proliferation and the risk of nuclear terrorism from the use of loose nuclear materials on regulations. In addition, inclusion of a compulsory package deal for the peaceful use of nuclear energy under conditions similar to the "3S" policy (nuclear safety, nuclear security, safeguards), that Japan proposed at the Hokkaido Toyako Summit, was discussed. However, this only resulted in a statement "to ensure commitment and implementation" in the final draft report. As for the right to withdraw from the NPT, members discussed how to deal with countries like North Korea, which has announced its withdrawal from the treaty to become a de-facto nuclear-weapon state. However, as different countries had different opinions, an agreement on the specific measures against withdrawal from the treaty could not be reached.

On the other hand, during the NPT Review Conference, the United States and the United Kingdom voluntarily declared the number of their nuclear warheads. Pro-disarmament think tanks and NGOs praised this contribution as a beneficial step toward improving the transparency of the nuclear-weapon states.

## **Issues that Emerged**

The 2010 NPT Review Conference has achieved positive results in terms of the reconfirmation of the three pillars and the previously agreed terms of the NPT Review Conference process, as well as in terms of sharing political will between signatory countries to preserve the NPT regime in future years. It can be said that this conference could patch up the NPT regime and made an important step toward the difficult goal of “a world free of nuclear weapons.” On the other hand, more important issues than expected were dismissed in the process of forming a consensus. As for nuclear disarmament, none of the important issues for taking steps toward “a world free of nuclear weapons” were realized. These issues include: the declaration of the NSA as a UN Security Council resolution, the agreement on the “Sole Purpose” of nuclear weapons, and approval of the five nuclear-weapon states with regard to the “Treaty on A Nuclear-Weapon-Free Zone in Central Asia” and the “African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), both of which took effect in 2009.

As for nuclear non-proliferation, strong criticism of North Korea was included, while Israel was also directly urged to join the NPT in relation to the issue of a weapons of mass destruction free zone in Middle East. On the other hand, as a compromise for unanimous approval, none of the nuclear issues in Iran were mentioned in the final report. As for India, which is a nuclear-weapon state in practice, while more and more interested countries including Japan are moving toward the conclusion of nuclear agreements, as India is not a NPT signatory, it is treated with double standards. How to handle this issue in future is a significant challenge, in view of consistency between the principles of peaceful use of nuclear power and nuclear non-proliferation.

## **Toward the Realization of “a World Free of Nuclear Weapons”:** Debate on the NPT Regime and Japan

Given this perspective, unless the new/old structural problems within the NPT regime – i.e. the relationships between nuclear disarmament and non-proliferation, non-proliferation and the peaceful use of nuclear energy, and the peaceful use of nuclear energy and nuclear disarmament - are reviewed at some point, it may not be possible to avoid the risk of being dragged into an endless discussion between nuclear-weapon states and non-nuclear-weapon states, and also between advanced countries and developing countries. Furthermore, the double standard is becoming more apparent due to economic benefits/care for the environment or geopolitical reasons, and the “new” unfairness in the NPT regime may become a point of contention in the future. In this sense, the 2015 Review Conference will be

an important opportunity for getting an insight into the future of the NPT. The key points of the current issues that may become a bridgehead for “a world free of nuclear weapons” are the conference for the realization of a weapons of mass destruction free zone in the Middle East in 2012, which was agreed to in the 2010 Review Conference, as well as the start of the comprehensive review of the progress of nuclear disarmament that is scheduled to be reported by 2014.

As such, Japan will have to review how it can commit itself to the process of nuclear disarmament in particular, as well as the new modality of nuclear disarmament diplomacy. While Japan relies on the nuclear umbrella of the United States, it became one of the first countries to support the vision of “a world free of nuclear weapons” by the Obama administration, and has been promoting nuclear disarmament diplomacy over many years. However, Japan still has many issues to tackle, such as the review of the nuclear disarmament schedule and the reduction of the role of nuclear weapons. These issues can be seen, for example, in the report of the International Commission on Nuclear Non-proliferation and Disarmament (ICNND), jointly chaired by Kawaguchi Yoriko (former Japanese Foreign Minister) and Gareth Evans (former Australian Foreign Minister), and also in the working document proposed by the Japanese and Australian governments to the review conference that is based on this report. In addition, the final draft report that was published one week after the 2010 NPT Review Conference presented an enterprising action plan that includes 22 items in the field of nuclear disarmament. However, it is no longer the responsibility of nuclear-weapon states alone to determine how many of these items should be completed. It is perhaps the non-nuclear-weapon states that will be required to review the concept of nuclear disarmament from the viewpoint of the current security environment, as they are in the position to comply with the NPT and promote nuclear disarmament diplomacy from under a nuclear umbrella.

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The purpose of this column is to respond to readers' interest in security issues and at the same time to promote a greater understanding of NIDS. As you know, a "briefing" means a background explanation, and we hope these columns will help everyone to better understand the complex issues involved in security affairs. Please note that the views in this column do not represent the official opinion of NIDS.

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