

# Entrenched Positions on Nuclear Non-Proliferation

The ninth review conference on the Nuclear Non-Proliferation Treaty (NPT) will be held from 28 April to 22 May 2015 in New York. Since the last review conference in 2010, the divide between nuclear weapons states and the advocates of nuclear disarmament has deepened. Therefore, the prospects of agreement on a common final document are poor.

By Oliver Thränert

The Nuclear Non-Proliferation Treaty (NPT), which was negotiated in 1968 and entered into force in 1970, is the cornerstone of all international efforts to limit access to nuclear weapons. The NPT is an unequal treaty. It distinguishes between nuclear-weapon states (the US, Russia, the UK, France, and China) and non-nuclear weapons states. Many of the non-nuclear weapons states agreed to forego nuclear armament because the nuclear-armed states promised in return that they would work towards nuclear reductions with the ultimate aim of abandoning all nuclear weapons; and because the nuclear have-nots had been promised support in making strictly peaceful use of nuclear energy.

Every five years, the states parties to the NPT meet for review conferences. The delegations scrutinize treaty implementation and elaborate proposals on how to improve it. The NPT member states have no organization of their own. Therefore, the NPT review conferences are among the most important metrics for the state of the treaty regime. Approving a consensus-based final document with suggestions for strengthening the NPT would indicate that the states parties are not mired in utter disagreement.

For the upcoming review conference from 28 April to 22 May 2015, the outlook is bleak. The global political climate has drastically deteriorated in the course of the Ukraine crisis. Moreover, the review con-



Anti-nuclear activists staged protests during the NPT Review Conference 2010 in New York. Also in 2015, no breakthrough in the negotiations between the NPT member states are expected. *Chip East / Reuters*

ference is scheduled to coincide with the 70th anniversary of the nuclear bombings of Hiroshima and Nagasaki this year. This date, laden with symbolism, is likely further to accentuate divergences over nuclear disarmament between the nuclear-armed states on the one hand and many non-nuclear weapons states on the other.

There is no doubt that the US plays a key role at NPT review conferences. At the last of these, in 2010, the administration of US

President Barack Obama indicated from the beginning that it was determined to facilitate a joint final document. In doing so, it was able to point to the recently signed New START nuclear disarmament treaty with Russia. This time around, the Obama administration has no such trump card to play. All nuclear disarmament efforts have come to a standstill. Moreover, the EU, which with its 28 member states has the necessary political clout to advance the negotiations decisively, is weakened by inter-

### The Articles of the NPT in Brief

**Article I:** The nuclear-weapon States undertake not to transfer nuclear weapons to anyone and not to assist nor encourage non-nuclear-weapon States to produce or acquire nuclear weapons.

**Article II:** The non-nuclear-weapon States undertake not to manufacture or acquire nuclear weapons.

**Article III:** The International Atomic Energy Agency (IAEA) is tasked with control on the basis of individual agreements.

**Article IV:** Right to research, production, and use of nuclear energy for peaceful purposes. Obligation of exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

**Article V:** Right to profit from the potential benefits of peaceful nuclear explosions (obsolete, as no longer performed).

**Article VI:** Commitment to negotiations on cessation of the nuclear arms race, nuclear disarmament, and general and complete disarmament under international control.

**Article VII:** Right to form nuclear-weapon-free zones.

**Article VIII:** Provisions for contract changes.

**Article IX:** Signing and ratification provisions.

**Article X:** If supreme interests of the country are jeopardized, every state has the right to withdraw after a three-month notice.

nal dissent between nuclear-armed states France and the UK on the one hand and countries such as Austria and Ireland, which are pushing hard for nuclear disarmament, on the other. The only way of maintaining positive momentum may be a settlement in the conflict over Iran's nuclear program at the end of March 2015, but it is doubtful whether that is likely to be achieved.

#### The Minimal Consensus of 2010

In order to avoid being fobbed off again with mere promises, many non-nuclear weapons states at the 2010 NPT review conference demanded a concrete timetable on complete nuclear disarmament by 2025 as well as a convention banning nuclear weapons. While the action plan that was finally adopted does once more commit all NPT states to the goal of abolishing all nuclear arms, the US together with other nuclear weapons states as well as NATO allies successfully resisted the idea of a timetable for nuclear disarmament and ensured passage of relatively weak language regarding a possible nuclear weapons convention. Conversely, due to objections from many developing and newly industrializing countries,

it proved impossible to achieve progress on nonproliferation in important areas such as strengthening verification.

In 2010, the key issue for achieving agreement on a final document proved to be the Middle East. Referring to the Middle East resolution passed as part of the unlimited NPT extension in 1995, Iran and a number of Arab states under the leadership of Egypt demanded the creation of a nuclear-weapons-free zone in the region, including Israel (which is not a party to the NPT and has nuclear weapons). With a great deal of commitment on the part of the US delegation, a compromise was achieved: A conference on the issue would be convened in 2012 with involvement of all regional neighbors. The US, the UK, and Russia as the co-sponsors of the Middle East resolution, acting together with the UN Secretary-General, would appoint a coordinator who would prepare and chair the conference before reporting on its proceedings at the 2015 review conference. Moreover, the final document called on Israel to join the NPT and to submit all of its nuclear installations to IAEA safeguards.

#### The 2015 Review Conference

The 2015 NPT review conference is likely to be dominated once more by the two main contentious issues, nuclear disarmament and the situation in the Middle East. Topics related to nuclear non-proliferation, on the other hand, are likely to take a back seat.

Unlike in 2010, the US and Russia as the states with by far the biggest nuclear arsenals will arrive in New York empty-handed in terms of disarmament moves. The agenda does not even include negotiations

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about new agreements. All that US President Barack Obama has to show is his speech in Berlin in June 2013, in which he indicated his goodwill by proposing reductions of up to 30 per cent in deployed strategic nuclear warheads. But his offer fell on deaf ears in Russia. What is more, the US accuses Russia of violating the INF Treaty that commits both sides to abolishing their intermediate-range nuclear arms. Neither is there any progress in matters of multilateral nuclear disarmament. The entry into

force of the Comprehensive Nuclear Test Ban Treaty is a far distant prospect – the US has still failed to ratify the treaty, and several additionally necessary documents of ratification are still missing – nor are there any negotiations over stopping the production of fissile material for military purposes (Cut-Off Treaty), since the Geneva Conference on Disarmament that is intended for this purpose cannot agree on a related agenda.

This standstill in the nuclear disarmament agenda can partly be explained by the increasing importance of nuclear weapons for countries like the US, Russia, and China (the same applies to India and Pakistan, but they are not NPT members). During the Cold War, US military doctrine relied strongly on nuclear weapons due to the superiority of the Soviet Union in conventional arms. After 1990, due to several rounds of modernization in conventional weaponry, the value of nuclear weapons for Washington declined continuously. However, this picture is now changing once more. Due to the renewed conflict with Russia and the growing challenges from China, US allies are increasingly demanding reliable expanded nuclear deterrence within NATO or as part of bilateral agreements. Since the US has neglected its nuclear weapons and the associated infrastructure for decades, there is now a huge requirement for remedying these shortfalls. Accordingly, Washington will spend many billions of US dollars on new delivery platforms for nuclear weapons, among other things.

Russia regards its nuclear weapons, which it is continuously modernizing, as great-power currency that can also be expended on issuing political threats. Moreover, despite current efforts at modernization, Moscow's conventional capabilities are weak. Consequently, Russia has expanded the role of nuclear weapons in regional conflicts.

In its military doctrine, first use of nuclear weapons has gained importance as a way of deterring or ending conventional wars.

While China continues to adhere to minimal nuclear deterrence as well as the doctrine of no first use, its nuclear potential is growing. Accordingly, the no-first-use doctrine is increasingly questioned internally. The use of nuclear strikes below the strategic threshold for deescalating conflict is being discussed, as is the value of nuclear

counter-strikes in response to conventional attacks impinging on China's strategic forces or other vital interests.

The situation is further aggravated by the fact that Ukraine has been forced by a nuclear-armed Moscow to give up Crimea (and parts of eastern Ukraine), in defiance of the December 1994 Budapest Memorandum, in which the US, the UK, and Russia guaranteed Ukraine's territorial integrity in return for the withdrawal of all former Soviet nuclear weapons from its territory. For many observers, this has reinforced the impression that possession of nuclear weapons equals strength, protection, and inviolability, while foregoing nuclear weapons can threaten the very existence of a country.

As the importance of nuclear weapons increases, disarmament advocates are becoming both disappointed and impatient. These countries joined together to form the Humanitarian Initiative in 2013. The main goal of these countries is to delegitimize the very existence of nuclear weapons. Many therefore demand a nuclear weapons convention that would ban such arms, and may also wish to advance the implementa-

## Nuclear weapons are of increasing importance for the United States, Russia, and China.

tion of such a convention without the support of the great powers, analogous to the Ottawa Convention banning land mines. Moreover, disarmament advocates are calling for a clear timetable for nuclear disarmament embedded in one or more legally binding instruments. Against this background, there is good reason to believe that the dispute over nuclear disarmament will heat up even more.

### The Middle East Question

In line with the decisions made at the 2010 NPT review conference, Finnish diplomat Jaakko Laajava was appointed coordinator of the Middle East conference that was planned for 2012 and scheduled to take place in Helsinki. However, this conference has not yet taken place, due to irreconcilable differences. While Israel signaled a fundamental inclination to participate, it also wanted the political conflicts in the Middle East to be part of the deliberations. Another Israeli concern is that any links between a Middle East conference and the NPT be kept to a minimum, since Israel is not a party to the NPT. Conversely, the Arab



states and Iran wish to focus exclusively on the abolition of weapons of mass destruction in the region. In April 2013, the dispute even culminated in a spectacular exit of the Egyptian delegation from a preparatory conference to the 2015 NPT review conference. While Laajava succeeded in bringing together all participants for seminars in Switzerland from autumn 2013 onwards, no breakthrough has so far been achieved, despite the apparently positive atmosphere at the talks. Thus, the task formulated at the 2010 NPT review conference was not fulfilled.

Despite the failure to hold a Middle East conference, there have been a number of advances. For instance, under international pressure in October 2013, Syria joined the Chemical Weapons Convention and allowed its chemical arsenal as well as precursor products and production facilities to be destroyed. There are doubts, however, as to whether Damascus has disclosed its entire chemical weapons potential. In view of the interim agreement of November 2013 between the E-3/EU states and Iran on the latter's nuclear program as well as the ongoing related negotiations, there is hope that a fundamental agreement can be achieved under which any Iranian nuclear weapons capability is excluded as far as possible. However, irrespective of this progress, the matter of a regional conference on establishing a nuclear-weapons-free zone in the Middle East is highly politi-

cized and charged with emotion. It therefore has a strong spoiling potential for the NPT review conference of 2015.

### No Focus on Non-Proliferation

Much as in 2010, little progress is expected for 2015 on matters related to nuclear non-proliferation, which is mainly a concern of Western states. In particular, the main concerns are strengthening of verification, the future of the nuclear fuel cycle, and the NPT exit clause.

In May 1997, the IAEA Board of Governors approved a model protocol as a voluntary additional measure to complement the safeguards that member states must conclude with the IAEA. This protocol has two core elements: The expanded declarations that no longer only account for fissile material, but require that all elements of a peaceful nuclear program, including research and development, be reported; and improved access for IAEA inspectors who are authorized, inter alia, to take environmental samples at any place of their choosing.

In the meantime, more than 100 non-nuclear weapons states have ratified an additional protocol. Although the EU, the G8, and other Western states have been arguing for many years that implementation of this additional protocol should be a standard prerequisite for NPT verification, a number of states parties to the NPT are intractably opposed, including some that maintain peaceful nuclear programs. These countries justify their stance mainly by arguing that

they will only consent to implementation of the additional protocol if the nuclear weapons states make real moves towards nuclear disarmament. The NPT review conference of 2015 is unlikely to change that.

A number of states plan to begin building peaceful nuclear programs, including the United Arab Emirates, Egypt, Jordan, Turkey, Indonesia, Bangladesh, or Vietnam. These countries require low-enriched uranium to operate their planned reactors. However, uranium enrichment is considered a “dual-use” technology, as it can also be used to produce highly enriched weapons-grade uranium (cf. [CSS Analysis 151](#)). Some Western countries as well as Russia therefore wish to give the operators of peaceful nuclear programs guaranteed access, through uranium banks, to low-enriched uranium for use in nuclear reactors without the need for these countries to maintain uranium enrichment facilities of their own. Critics of such projects suspect that their real purpose is to bar emerging and developing countries from access to modern technologies. Therefore, those countries will also try to prevent the strengthening of such schemes at the 2015 NPT review conference.

So far, North Korea remains the only state that has withdrawn from the NPT, which is permissible under Art. X of the NPT, provided the country in question cites a changed security situation and gives three months’ notice. Western countries in particular wish to ensure that in case of future withdrawals from the treaty – which they strive to prevent as far as possible – any antecedent violations of the treaty remain legally relevant, and that any fissile material as well as technologies or equipment supplied to the country in question must be returned to the supplier states. Moreover, before a withdrawal takes effect, the country in question could be compelled to justify its move. Many NPT member states, however, reject any encroachment on their right to withdraw from the treaty.

### Switzerland’s Engagement

Switzerland advocates a comprehensive global abolition of all nuclear, biological, and chemical weapons. It is a member of all relevant international treaties that ban such weapons or – as in the case of nuclear weapons – that reserve access to such weapons for only a few states. Switzerland signed the NPT in 1968, but did not ratify the treaty until 1977. Since 2005, Switzerland has implemented an additional protocol to its safeguards agreement with the IAEA, ensuring that its entire peaceful nu-

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clear program is subject to comprehensive reporting and inspection regimes. Moreover, Switzerland is a member of the nuclear suppliers group that strive to allow only those exports that can be unambiguously linked to peaceful use of nuclear power (cf. [CSS Analysis 127](#)).

Switzerland essentially sees itself as building bridges between the various interest groups within the NPT. In this role, it has become especially active in the aftermath of the last NPT review conference of 2010. Since then, Switzerland has hosted a number of political consultations in preparation for a Middle East conference on a zone free of weapons of mass destruction with the participation of all states involved. Even though such meetings may not yet have resulted in an actual Middle East conference as originally envisaged, they have facilitated, for the first time in many years, an intense dialog that has included Israel.

Additionally, Switzerland is engaged on behalf of strengthening the non-proliferation norm by urging the implementation of the additional protocols to the IAEA safeguard as a standard requirement for NPT verification. It also advocates universal applicability of the NPT.

Among the major concerns for Switzerland are the humanitarian consequences of potential nuclear weapons use. Prompted by the Swiss delegation, the action plan of the final document of the 2010 NPT review conference included language expressing the state parties’ deep concern over the catastrophic consequences that nuclear weapons use would entail. At the first preparatory conference for the 2015 NPT review conference, in 2012, the Swiss delegation together with 15 other states parties to the treaty submitted a statement on the humanitarian consequences of nuclear weapons use. Since then, well over 100 states parties to the NPT have signed up to this initiative. Norway, Mexico, and Austria have hosted meetings that were very well attended, including ultimately also by the US and the UK as nuclear weapons countries.

The group’s statements continue to be handled by the 16 founding members; initially, Switzerland had acted as coordinator. The humanitarian initiative plans to submit a joint statement to the 2015 NPT review conference. Among the core concerns of the group is the irreversible and verifiable abolition of all nuclear weapons. Many members believe that a nuclear weapons convention and a timetable for nuclear disarmament could help achieve such a goal, but there is uncertainty regarding the modalities of the steps required. From the Swiss point of view, such measures would require the support of a majority of states parties, including both nuclear-armed states as well as those countries that rely on nuclear deterrence as part of military alliances. Meanwhile, Switzerland is particularly engaged in achieving a further de-alerting of nuclear weapons in order to exclude their unintentional use as far as possible.

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