

# A SLIGHTLY HERETICAL REPORT ON THE NPT REVIEW CONFERENCE NY, 3-28 MAY 2010

## John Hallam

I attended the 2010 Review Conference of the Nuclear Non- Proliferation Treaty for the second week (May9-16) of the four - week review, having attended the 2008 Preparatory Committee, in Geneva, and the 2009 Preparatory Committee meeting in New York (which I attended as an NGO adviser to the Australian Government diplomatic team together with Prof. Tilman Ruff of ICAN). For the first week, and for the last two weeks of the conference I have therefore relied on the irreplaceable work done by Reaching Critical Will, and Rebecca Johnson's Acronym blog. I am not sure, but I believe I may be the only person to have actually read nearly all the statements posted on RCW (over the years since 2000) that are in either English or French.

A major reason for my attendance at the 2010 Review Conference was of course to organise a panel and to present a paper on the apocalyptic issue of operating status of nuclear weapons systems. (Operational Readiness)

That panel took place as scheduled on 13 May, and was addressed by Ambassador Dell Higgie of NZ,(on the resolution on operational readiness sponsored by the six governments) Dr Christian Schoenberger of the Swiss Foreign Ministry, (on the Yverdon Les Bains workshop and on their study on de-legitimising nuclear weapons) Nancy Gallagher of the University of Maryland,(on JDEC and Strategic Stability), Commander Rob Green on failure of Deterrence, by Steven Starr on the climatic consequences of large-scale nuclear weapons use, and by myself on Operating Status in the ICNND report and the US Nuclear Posture Review. Attendance was rather over 20 people with vigorous discussion that went on for the full three hours. There was a lively and productive exchange with the French ambassador M. Danon, who undertook to facilitate some exchange of ideas between French missile forces (who say they have already lowered the operational readiness of their nuclear forces) and US missile forces (who are opposing pressures to lower the operating status of US forces.). I was later approached by the French military attache, who was exceedingly friendly and said he would follow up on that matter.

My role at the 2010 Review Conference was apart from organising the Operating Status panel and presenting at it, to raise the issue of operational readiness of nuclear weapons systems in as many fora as I could, and I succeeded to do so in the discussion of the New START treaty by the US and Russian negotiators of that treaty, and in the PIR Centre presentation of the Moscow point of view amongst other places.

I would very much like to pay tribute to the Swiss, NZ, Chilean, Malaysian and Nigerian diplomats for their staunch efforts to keep operational readiness/operating status in the final declaration of the Review Conference in the face of strong efforts by some NWS (Nuclear Weapon States) to remove it. Hopefully by paying attention to this issue, and by doing what is

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necessary - ie removing US and Russian missile from high alert - we can, literally, 'take the apocalypse off the agenda'.

### WHERE ARE WE WITH THE NPT REVIEW PROCESS?

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\_More widely, just where are we with the NPT review process? Would the NPT really start to crumble if the outcome of the 2010 NPT Review Conference had not been possible to spin as 'successful'? And just what do we mean by 'successful' anyway? Does the NPT review process even matter at all? Does the nominally 'successful' outcome of the 2010 NPT Review Conference actually bring the world at all closer to ridding the world of nuclear weapons, closer to a nuclear weapons convention, or even closer to 'taking the apocalypse off the agenda' by lowering the alert status of the several thousand US and Russian ICBMs that are retained on high alert, able to be launched in under 2 minutes?

I note that Deepti Choubey in an article written for the Carnegie Foundation, suggested that we should not 'overload' the 2010 NPT Review Conference with expectations, and should expect just a modest success.

The Australian government adopted an approach so modest that it almost disappeared up itself, suggesting in its joint working paper with Japan (NPT/CONF.2010/WP.9) that success would consist of:

"1. Reaffirm an unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty.

2. Welcome the nuclear disarmament steps taken by France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, including the progress of negotiations for the START follow-on treaty between the United States and the Russian Federation, and call on all States possessing nuclear weapons to pursue negotiations on nuclear disarmament bilaterally and/or multilaterally.

3. Call on all States possessing nuclear weapons to make an early commitment to reducing, or at least not increasing, their nuclear arsenals, pending the conclusion of such negotiations, in a way that promotes international stability, and based on the principle of undiminished security for all.

4. Call on the nuclear-weapon States and on all other States possessing nuclear weapons to commit themselves to reducing the role of nuclear weapons in their national security strategies, and call on the nuclear-weapon States to take, as soon as possible, such measures as providing stronger negative security assurances that they will not use nuclear weapons against non-nuclear-weapon States that comply with the Non-Proliferation Treaty.

5. Call on all States possessing nuclear weapons to take measures to reduce the risk of their accidental or unauthorised launch and to further reduce the operational status of nuclear weapon systems in ways that promote international stability and security.(my bolding)

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6. Emphasise the importance of applying the principles of irreversibility and verifiability to the process of reducing nuclear weapons.

7. Call for increased transparency by all States possessing nuclear weapons with regard to their nuclear weapons capabilities, including by reporting regularly such information as the numbers of nuclear weapons and their delivery systems, and on their deployment status in a format to be agreed among States parties to the Treaty.

8. Urge all States that have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty at the earliest opportunity with a view to its early entry into force, and emphasise the importance of maintaining the moratorium on nuclear weapons testing pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

9. Call for the immediate commencement and early conclusion of negotiations on a fissile material cut-off treaty, while urging all States possessing nuclear weapons to declare and maintain a moratorium on the production of fissile material for weapons purposes, to declare voluntarily fissile material that is no longer required for military purposes and to place such material under International Atomic Energy Agency safeguards or other relevant international verification.

10. Reaffirm the threat posed to international peace and security by the proliferation of nuclear weapons and the need for strict compliance by all States with their non-proliferation obligations, including compliance with their IAEA safeguards agreements and relevant Security Council resolutions.

11. Emphasise that a Comprehensive Safeguards Agreement accompanied by an Additional Protocol based on the model additional protocol should be the internationally recognised safeguards standard, urge all States that have yet to do so to conclude and bring into force a Comprehensive Safeguards Agreement and an additional protocol as soon as possible and call on all States to apply this safeguards standard to the supply of nuclear material and equipment.

12. Underline the importance of appropriate international responses to notice of withdrawal from the Treaty, including consultations on a bilateral, regional or international basis. In particular, in the case of notice of withdrawal by a State which has been found by IAEA to be in non-compliance with its safeguards obligations, the Security Council should convene immediately in accordance with the body's role under the Charter of the United Nations.

13. Emphasise that a State withdrawing from the Non-Proliferation Treaty is not free to use for non-peaceful purposes nuclear materials or equipment acquired while party to the Treaty, as well as special nuclear material produced through the use of such material or equipment.

14. Reaffirm the right of all States parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty, and support the work of IAEA in assisting States, particularly developing countries, in the peaceful use of nuclear energy.

15. Urge all States commissioning, constructing or planning nuclear power reactors to become

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parties to the four international conventions relating to nuclear safety, namely, the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

16. Urge all States to take further measures to strengthen the security of nuclear materials and facilities, such as conclusion of the Convention on the Physical Protection of Nuclear Material including its 2005 Amendment and the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as practicable.&quot;

An agenda so modest (and so close to that of the Nuclear Weapons States) would be unlikely to be disappointed, and indeed, the Australian Government professes itself to be completely satisfied with the revcon outcome. However it must be said that the Australian agenda was actually MORE modest than the final outcome of the conference,(!!!) lacking as the Australian agenda does, all reference to a nuclear weapons convention, in spite of the fact that the outcome document references a NWS twice, and the many references to the need for a NWC,made by governments as well as the NGO community at the conference itself. (ICAN has done a detailed list of the many references to a NWC at the conference).

(One must note however the relatively good language on operational readiness, as well as its caveat('in ways that promote international stability and security' - isn't the promotion of international stability and security precisely what the exercise is about?). With the ICNND treating that topic at great length,(and the resolution arising from lobbying based in Sydney!) this is the least the Australian government could do.)

Positive references to a nuclear weapons convention or to an equivalent legal framework were made by an astonishing number of countries and bodies throughout the conference, notably by Ban Ki Moon, the Inter-Parliamentary Union, the NAM, the League of Arab States, Austria, Switzerland, Chile, Brazil, China, Thailand, the Holy See, Senegal, Egypt, Costa Rica, Malaysia, Qatar, Kenya, Mongolia, Liechtenstein and Tunisia.

The Australian Government's attitude to a NWC, in spite of having at one time pledged to 'drive the debate' on one, is that:

'...the Government recognises that at an appropriate time (one can almost hear Sir Humphrey say 'in the fullness of time') the international community may need to explore possible legal frameworks for the eventual abolition of nuclear weapons' ....explore frameworks...eventual...

(Pers communication from DFAT).

Alas! The Australian government is not only NOT driving the debate on a NWC, but is now far behind the rest of the world on this vital issue. Our underwhelming agenda for the 2010 NPT Review Conference was unlikely to have been disappointed, absent a complete failure.

I had extensive and positive interactions with the representatives of Chile, NZ, Switzerland, Nigeria, and France, but none with Australia in spite of having been 'on the team' the previous year. This is sad.

Others had more ambitious agendas for the Review Conference - agendas that bore, obviously, a much higher risk of not being achieved and thus of being seen as a 'failure'. Deepti

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Choubey argues that there has been a 'maximalist' and a 'minimalist' view.

She quotes a Norwegian diplomat as summing up the two views as follows:

""the minimalist view is anything short of failure that also recognises previous commitments. The maximalist view is an extensive and detailed framework for the total elimination of nuclear weapons."

According to an Indonesian diplomats version of 'failure:

""failure is not having the minimum reaffirmed and there are no forward-looking steps."

While according to New Zealand:

"Failure is anything that leaves the NPT in worse shape"

### Would 'failure' have mattered?

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\_I have argued that in fact a nominal 'failure' (ie failure to produce an agreed final statement either by consensus or if need be by a vote), might be less bad than an agreed final document that actually was a move backwards from previous final documents. I certainly do not think this was the case with the final document this time round, however underwhelming we might deem it to be. Choubey argues against making the Review Conference 'make or break' for the NPT and I think this is indeed the correct instinct.

However, many governments felt that 'failure', or an outcome that might be perceived as a failure, was likely to inflict intolerable damage on the NPT.

According to a South African diplomat:

"If nothing is achieved, people will disrespect the NPT. There would be no reason to uphold obligations and the regime would no longer exist,"

While according to a Chinese official:

"We cannot afford to let one more review conference be a failure".

However there were some more nuanced views. According to a Russian expert quoted by Choubey:

"2010 should not be viewed as a catastrophe if it doesn't achieve the maximum results. It should be seen as a window of opportunity."

Funnily enough the Poles who mostly disagree with Russia about everything seemed to feel the same. Choubey as noted, stresses that making the revcon 'make or break' would have been a self - fulfilling prophecy.

Nonetheless, when, on 27 May, it seemed at least possible that failure MIGHT be on the horizon, some governments and individuals strove mightily to prevent that, including both Ban

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Ki Moon who wrote a letter urging agreement to all delegates, and our own (Australian) government who teamed up with Japan, Austria, New Zealand, Germany, and South Korea to urge a positive and productive outcome in a letter from foreign ministers to all delegates.

The letter is worth quoting in full, both for what it says about the consequences of 'failure' and for what hopes it expresses for the conference: (bolding is mine)

"Ministers' urgent call for unity of the State Parties in the 2010 NPT Review Conference in support of the vision of a world without nuclear weapons

27 May 2010

We, Foreign Ministers of Australia, Austria, Germany, Japan, South Korea and Minister for Disarmament and Arms Control of New Zealand reaffirm our shared commitment to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the international non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. In this spirit, we strongly endorse the views expressed by UN Secretary-General Ban Ki-moon in his message of May 26 to the President of the 2010 NPT Review Conference. We emphasize that the Conference offers us the opportunity to respond effectively to the mounting challenges to the global non-proliferation regime and to reaffirm the authority of the Treaty. Following the setbacks in recent years, we reiterate the significance of achieving balanced outcomes at the Conference that will strengthen each of the mutually reinforcing three pillars of the Treaty and of agreeing by consensus on a forward-looking package of concrete steps.

However, after weeks of intense discussions, there still remain divergences in opinions over the draft final document. All of us must play our respective part. Nuclear Weapon States and Non-Nuclear Weapon States have their own obligations and responsibilities under the Treaty. We must overcome the difference and gather our political will for convergence of views. The world cannot afford a repetition of the failure we saw in 2005.

We call on all State Parties to the Treaty with the greatest sense of urgency to show maximum flexibility and spirit of cooperation. The Conference must send a strong political signal to reinforce momentum towards a world without nuclear weapons. Let us work hard in the remaining days ahead to ensure that we seize this opportunity to provide a safer and more peaceful world without nuclear weapons for all citizens and for future generations."

... Stephen Smith, Minister for Foreign Affairs, Australia  
... Michael Spindelegger, Minister for European and International Affairs, Austria  
... Guido Westerwelle, Federal Minister for Foreign Affairs, Germany  
... Katsuya Okada, Minister for Foreign Affairs, Japan  
... Georgina te Heuheu, Minister for Disarmament and Arms Control, New Zealand  
... Yu Myung-hwan, Minister of Foreign Affairs and Trade, Republic of Korea  
(Letter from foreign ministers of Australia, Japan, South Korea, Austria, New Zealand and Germany to 2010 NPT Review Conference 27 May 2010)

Expectations just before the final outcome - certainly mine - were indeed low, with reports that the nuclear weapons states were 'gutting' the modestly progressive measures that had been included in early versions of the main committee reports (esp Main Committee-1) and the report of Subsidiary Body - 1.

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Much that we had hoped would be in there including references to operational readiness and all references to the NWC itself, as well as an invitation to the UNSG Ban Ki moon to chair a conference on nuclear disarmament seemed likely to disappear completely. In fact, what took place was that most timelines and benchmarks disappeared, language became 'aspirational', but key progressive elements notably the section on op status (watered down to be sure, but referred to twice), the nuclear weapons convention (relegated to an 'inter alia' on the five - point plan but referenced twice), and the statement on humanitarian impacts of nuclear weapons (key to delegitimising them) remained after a significant struggle and were ultimately gavelled through.

### NPT Review Conference Decision-making Process

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\_ Lets take a look at how the customary NPT review process actually does work (when it works), noting that there is nothing in the text of the NPT that says it HAS to work this way.

Decisions at NPT Review conferences are traditionally taken by 'consensus', meaning in practice that unanimity will be required. This means that in order for a final declaration to be adopted, it must be agreed to - or at least not blocked - by all present, not a mere majority. This means that both in theory and all too often in practice, agreement on a final statement can be blocked by a single government out of the treaty's 189 signatories - whether from the US, the UK, Iran, or Egypt (to mention some that have in the past blocked or looked likely to block, adoption of a final declaration).

However, this also means that even a final declaration that cannot be adopted because a single government blocks it may actually have the support of the overwhelming majority of the governments of the world!

And in theory at least it is also possible for decisions to be taken another way. Ambassador Labbe of Chile in a conversation at lunch said to me: &quot;...well if it comes to that, John, we can just take it to a vote&quot;.

(my memory of lunchtime conversation).

I have on previous occasions (2009 prepcom) suggested to some receptive ears that it might indeed be possible to do something precisely like this. At least, a rule could be adopted that more than one, and more than two, governments are needed to block consensus for the other 188 governments.

And if we look at the suggestions made on behalf of Pugwash by Jayantha Dhanapala, we see that on occasion, decisions have indeed been made in another way. Dhanapala notes occasions where the formula 'a majority thinks that....' was used, and indeed, those words do appear once or twice in the final declaration, in the section which is said to be 'the chairman's recollection' of what took place (and thus not subject to a vote).

The Year 2005 Review Conference foundered on blocking by two countries - the US and Iran (and primarily the US, which in effect wanted to disavow the commitments it had made in the Year 2000 Review Conference, specifically the unequivocal commitment to eliminate its nuclear

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arsenal).

This makes the simple re-commitment to the unequivocal commitment to eliminate nuclear arsenals of such immense importance in 2010. It is often forgotten that the Year 2000 Review Conference, from whence this commitment springs, hailed in retrospect as progressive and successful, also nearly failed. The clocks were stopped for 24 hours as solutions were sought for differences between the US, Iran, and Egypt, and only this allowed the 13 points to be adopted.

Even at the Year 2005 Review Conference, where differences were so much more severe, a study of ALL the statements made by all 189 governments does NOT reveal wide and unbridgeable differences amongst the overwhelming majority of governments, but on the contrary, an amazing degree of consensus and even unanimity amongst 80-90% of participants, broken only by the special pleading (or simply special silences) from nuclear weapon states and some but not all NATO members.

A system of voting, or of 'modified consensus' that could be blocked only by, say, at least ten governments, or a super-majority system requiring say a 75% majority to adopt a statement, would allow 'blockers' (far more likely to be the nuclear weapon states than anyone else - and not all of them either) - to be 'rolled' by the rest of the planet. This would both allow us to see clearly who really is blocking consensus (instead of simply assuming it is always Iran), and allow them to be isolated and pressured as indeed they should be - especially if they are a large and powerful states used to pressuring everyone else. Voting patterns would likely follow those of the UNGA First Committee, in which overwhelming majorities continue to express their desire not to be toast, and would not result in 'lowest common denominator' results so critiqued by all sides of the disarmament 'debate'.(or pseudo-debate)

We now know that according to one criteria, the unopposed adoption of a final declaration, the 2010 Review Conference was a 'success'. This was not to have been taken for granted and it all too easily might not have been one. Hearts were in mouths for the last 24 hours, as Iran sought instructions from its capital and decided not to oppose, and before that as the US decided whether or not to support the final declaration, over what it said about the middle-east. It was gavelled through by Chairman Libran Cabactulan at 11am on the last day amidst stunned silence followed by applause. Iran then gave a measured and positively moderate speech in which they talked about goodwill, and a speech by Ellen Tauscher in which the successful adoption of a final document was welcomed, in which the 'singling out' of Israel was regretted, and Obama's Prague Speech was referenced.

There were welcoming speeches by a large number of others, but their texts are not available on RCW.

One could reasonably ask however, if the blocking of a final documents by a single government or by two governments with the quasi-unanimous support of the rest of the world should really constitute 'failure'? And would that be worse, than the unanimous adoption of a document that actually went backwards from previous commitments? I suggest that the adoption of a document that went backward would in fact be the worse alternative.

Many commentators have been highly critical of the adequacy of the document that was finally



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adopted. Those who criticise it most strongly from the disarmament side should perhaps, see what is being said about it from the side of the neocons. One gains a slightly different perspective by seeing how it is regarded (very unfavourably) by the Heritage Foundation and by Dr Chris Ford, former Bush administration disarmament ambassador, who both damn it as somehow hazardous to US security interests and who excoriate its mention of a nuclear weapons convention. Both also critique its 'unbalanced' 'overemphasis' on disarmament as against nonproliferation. One could make the perverse case that if the right finds so much wrong with it there must be something right with it!

Certainly I would urge Ford to read the ICAN critiques and ICAN to read the Ford critiques. Both might gain a sense of perspective.

Ford argues that 'disarmament posturing' has not gotten the Obama administration enough on the nonproliferation front:

&quot;it is hard to maintain that the 2010 document represents any significant movement forward on nonproliferation - especially by comparison to its fulsome endorsement of the conventional wisdom of the diplomatic community on matters of disarmament. In some respects, in fact, last week's document actually seems retrogressive on nonproliferation compared to what was agreed in 2000, and seeming especially weak in light of the fact that the intervening decade has seen the emergence of dramatic new proliferation challenges in North Korea and Iran. We appear, in other words, to have gotten very little, if anything, in return for all of our disarmament positioning. Let's take a look.&quot; (Chris Ford, New Paradigms forum, Final Declaration of the 2010 NPT Review Conference )

Note the phrase 'all our disarmament posturing', as if there had really been some disarmament 'posturing'! Ford characterises the treatment of disarmament in the final declaration as 'forward leaning' and its stance on nonproliferation as 'reticent'. Ford was surprised to hear that from the disarmament side the Final Dec contained not nearly enough on disarmament, and was anything but reticent on nonproliferation!

Certainly the final declaration does not, as many of us would have hoped it would, spell out a fast track to global zero (though it does make it clear, to Heritage's disgust, that this is where we are going), nor does it spell out an unequivocal commitment to a nuclear weapons convention (though it references one twice), or to Ban Ki Moon's five - point plan though that is also referenced.

But such unobservant people as myself who may at times miss the subtler nuances, might conclude that it does indeed support in some less definite way, both a nuclear weapons convention and the five-point plan. If an unsubtle observer such as myself can conclude that after five or six readings of the final dec, it does indeed give the strong impression that it looks kindly on a nuclear weapons convention and the five point plan, what are we to assume of foreign ministers who may not have time to read it at all, or advisers who skim it?

To be sure, many of the action points of the original action plan emanating from subsidiary body-1 and from MC-1 have been in various ways toned down, made 'aspirational' or in some cases deleted or gutted. Often points for concrete action are changed to 'discuss'. Sentences that ask for action to be taken are even rewritten to make it seem at first glance as if the action

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has already been taken and is being welcomed.

For example, with respect to operational readiness of nuclear weapon systems:

--A sentence appears with 'discuss' the legitimate interest of non-nuclear-weapon states in lowering the operational readiness of nuclear weapon systems.(see actual wording below)

--There is a para in which the conference 'acknowledges' the positive effects of de-targeting (done but meaningless - re-targeting takes minutes or seconds) and lowering operational readiness (not yet done but called for).(see actual wording below)

Note however that this is in the context of some nuclear weapon states having called for the deletion altogether of the language on operational readiness, and strong resistance to that from the governments that sponsor the resolution on that issue as well as others. (Russia asked obliquely for it to be deleted in spite of having voted for precisely this form of words in the Renewed Determination Resolution last October.)

And even on the quite contested issue of operational readiness, the action plan contains a list of measures that, taken together and actually implemented, would, really and truly, significantly lower the risk of planet-wide catastrophe out of blind computer error and panic, literally 'taking the apocalypse off the agenda'. Operational readiness/Op status is up there as it were 'in the mix' if not in quite the terms in which we might have liked it to be, but it is there in terms that above all, we can USE.

I am forced to say that while watering - down certainly took place, it is easily missable even after multiple readings and maybe at times even contestable. I do wonder if amidst the baying that the 'emperor has no clothes', I am simply deluded in seeing on him a pair of daggy jeans and a disreputable shirt, that look as if a nuclear weapons state has tried to tear them off.

Finally the final declaration contains some awfully important pluses.

It does contain a reaffirmation, in significantly clearer terms than those of the Year 2000 declaration, of the commitment to a nuclear - weapons - free world. It may not be exactly a fast track to zero (and clearly a fast track to zero is what the world sorely needs - see my press-release on the final day of the conference) - and it doesn't have benchmarks and timeline, but the simple reaffirmation that zero nukes is where we are meant to go is not to be underestimated. It was precisely this point as previously pointed out, over which the US spat the dummy in 2005, and as noted the neocons are spitting over that reaffirmation right now. Well may they spit!

### **2010 Final Declaration and 2000 Final Declaration Compared**

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\_Let's look at the Year 2000 Review Conference and the 2010 Review Conference wording on the above reaffirmation, and some related matters.

The Year 2000 NPT final declaration's disarmament wording is:

&quot;6. An unequivocal undertaking by the nuclear weapon States to accomplish the total

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elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.&quot;

The version in 2010 is not that radically different, and references the Year 2000 wording, but is to my mind a little more definite about nuclear disarmament and the irreversibility of the process:

&quot;79. The Conference notes the reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty.&quot;

In the action plan it is much crisper, and there is no 'notes':

&quot;The Conference reaffirms the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.&quot;

The new element not present in the Year 2000 final dec is:

'in accordance with the principle of irreversibility'.

Let's look at the expression of concern over weapons numbers and humanitarian consequences:

Here is how it is in the 2010 final declaration: &quot;80. The Conference, while welcoming achievements in bilateral and unilateral reductions by some nuclear-weapon States, notes with concern that the total estimated number of nuclear weapons deployed and stockpiled still amounts to several thousands. The Conference expresses its deep concern at the continued risk for humanity represented by the possibility that these weapons could be used and the catastrophic humanitarian consequences that would result from the use of nuclear weapons.&quot;

The Year 2000 wording is very similar except for the addition of the phrase ', and the catastrophic humanitarian consequences that would result from the use of nuclear weapons.&quot; (Thanks to John Burroughs for bringing this to my attention)

This means that the 2010 final dec's concern over humanitarian consequences must owe at least something direct to the year 2000 wording, while building on and advancing from that wording. Yet the venerable pedigree of this wording did not make it immune from UK attempts to remove it.

Let's look at operational readiness.

Here it is in 2010 in the first half of the final document:

&quot;90. The Conference recognizes that reductions in the operational status of nuclear weapons and announced measures related to de-targeting contribute to the process of nuclear disarmament through the enhancement of confidence-building measures and a diminishing role for nuclear weapons in security policies.&quot;

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And the relevant sections in the Action Plan (where it is presented in the context of related measures):

&quot;(c) To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;

(d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;

(e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;

(f) Reduce the risk of accidental use of nuclear weapons; and

(g) Further enhance transparency and increase mutual confidence.

In the year 2000 it is merely:

&quot;- Concrete agreed measures to further reduce the operational status of nuclear weapons systems;&quot; and is buried in a subsection of the 13 points.

However, 'discuss' and 'consider' have been substituted for more action - oriented words.

And as we've seen notwithstanding all the watering down the final dec still references both the five point plan ( containing a nuclear weapons convention) and references the NWC specifically.

Thus in the main report:

81. The Conference notes the new proposals and initiatives from Governments and civil society related to achieving a world free of nuclear weapons. The Conference notes the proposals for nuclear disarmament of the Secretary-General of the United Nations to inter alia consider negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification&quot;

and in the action plan, nearly identical wording but an additional call for 'special efforts':

&quot;iii. The Conference calls on all nuclear-weapon States to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.&quot;

The final dec also contains a reference to the 'humanitarian consequences' of nuclear weapons use. We have seen that that the reference to humanitarian consequences in the main report is identical to that in the Year 2000 final dec.

The relevant para in the Action Plan reads:

&quot;v. The Conference expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law.&quot;

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The relevant part is I guess, the reaffirmation of the need for all states to comply with international humanitarian law.

Steven Starr and I remember days in which we had the utmost difficulty in getting the issue of the consequences of nuclear weapons use raised at all in UN fora. Yet this para is precisely all about consequences. It has its origin I believe, in an excellent address given by the International Committee of the Red Cross (ICRC) in the CD in the days leading up to the Review Conference, and in a Swiss Government/Monterey Institute document and workshop on de-legitimising nuclear weapons together with a detailed critique of deterrence. However it also strongly echoes what is in the main report which is as we've observed identical with year 2000 wording.

The language has yet again been 'toned down' from its original crispness from subsidiary body-1, and the UK government tried hard to get it deleted altogether but failed in the face of resistance. Every one of these 'watered down' paras in fact displays the marks of battles between NNWS and NWS, a battle that in the three days immediately before the issuance of the final dec, looked as if it could wreck the conference.

I pay homage to those diplomats who fought the good fight and kept important language in the final dec, notably the Swiss, the New Zealanders, others of the de-alerting group (not just on de-alerting), Austria, Germany, the NAM, and even on 27 May, Australia.

One thing that the final days of the conference reveals is the lack of real willingness on the part of the NWS - largely on the part of the US, UK, France, and Russia - to follow through with a concrete action plan with clear benchmarks, from their purported endorsements of a nuclear - weapons - free world. Zero nukes are seemingly fine as long as they are a faraway nirvana on a mountain - top, but God help you if you have a route - map to the top of the mountain.

Nonetheless a route - map (or several route - maps), exist, and the overwhelming majority of the words governments think we ought to be walking that route. The result of that tussle between those who want zero nukes as an ever-receding nirvana, and those who think it should have happened yesterday if not 30 years ago, is a final declaration that as Perkovitch suggests, represents not a big step, not any kind of leap, but a step of sorts nonetheless - an 'incremental step' as he puts it.

Perkovitch notes that: &quot;You ended up with a final document that was a success in the sense that it moved things forward but it was weaker in both the disarmament and nonproliferation elements because there were a few states on both sides that wanted it weaker.&quot;

And

&quot;Well, many of us before the conference thought that if it didn't end in a disaster, it could be a great success. It clearly didn't end in a disaster. But I don't want to call it a great success either; rather, I would call it an incremental success&quot;

And

&quot;The conference wasn't a disaster, in the sense that it reaffirmed the basic bargains of the NPT, including the understanding that nuclear weapons [states] are committed to giving them up eventually. So that was important. But even so, the final document was weaker in a number of areas than many countries had hoped. A number of countries, especially after

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President Obama's Prague speech, wanted more concrete commitments on nuclear disarmament

and Deepti Choubey:

Despite the conditions leading up to the Review Conference, states were willing and able to compromise on a complex agenda of issues and come to unanimous agreement. In an era where multilateral approaches have faced serious setbacks (e.g., the Copenhagen climate accords), states overcame seemingly endemic and expected dysfunction, particularly on issues as polarizing as nonproliferation and disarmament. The final document that was unanimously adopted on May 28 should be considered an incremental success. In addition to the final document, the president of the Review Conference, Ambassador Libran Cabactulan, submitted under his own auspices a separate document that includes a 122 paragraph review of the operation of the NPT. Going forward, states will have to determine how much political weight to be given to the conclusions in the President's statement (Perkovitch and Choubey on Understanding the NPT Review Conference, Carnegie Inst,)

The final declaration is not a backward step, not a regression, but a modest (some will say a too modest) step in a vaguely positive direction. And as we see, even some of its wording is identical to Year 2000 Final Dec wording. As the Nigerian Ambassador said to me: 'It's half a loaf of bread. We'd prefer the full loaf but its not starvation'.(pers comm)

Choubey notes on disarmament that:

In the disarmament section, for the first time, a world free of nuclear weapons is articulated as the goal of nuclear disarmament. Acknowledged nuclear weapon states also committed themselves to continuing to work together to accelerate concrete progress on disarmament. Efforts to include a timeline for a negotiated nuclear weapons convention failed, but the disarmament action plan does include a timeline whereby the nuclear weapon states should report on their disarmament activities at the 2014 NPT Preparatory Committee meeting. They are also encouraged to develop a standard reporting form as a confidence building measure.

I would modify Choubey's characterisation slightly and say that for the first time a world free of nuclear weapons is clearly and unambiguously articulated as the goal for the first time. The year 2000 final declaration does so but with less clarity.

What might have been the alternative to what we got? For example, what if there had been a high-quality and detailed 'chairman's summary' with benchmarks and timelines (annotated to say they had majority support), with a clear commitment to a NWC, and a fast track to zero, and an unambiguous request to lower op status, together with majority language on the middle-east WMD/FZ question, the whole having overwhelming support but lacking that of the US and UK, France, and possibly Iran?

I ask that question because I really do not know the answer to it, and I am sceptical of anyone who says that they do.

Even modest steps are helpful on the road to zero if they are actually taken. A fast track, a not-so-fast track or a 'slow' track all require actual travel along them. Unfortunately at some

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point, the nuclear weapons states (and the 'nuclear capable' states - India, Pakistan, Israel, and the DPRK) are the ones that have to travel along whatever track toward zero they may take. And it is the nuclear weapons states and the nuclear -capable states that at some point or points that must actually de-alert their nuclear arsenals, and progress to elimination.

The survival of the rest of us and of 95% of land based life - forms depends on it, and on nothing catastrophic taking place before they do it.

Australian media clearly believes that the sex - lives of footballers are far more important than 189 governments getting together in the UN to discuss matters that affect the survival of our species and most other species. But statement after statement at the UN declared what was truly at stake. These seemingly arcane meetings really do matter.

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