

**Review Conferences of the Past:
Key Decisions, Successful Experiences, and Lessons Learned**

by

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I have been asked to discuss today some of the lessons learned from past NPT Review Conferences, some pertinent issues for the current review process, and some ways to achieve success at the 2010 Review Conference.

That is a lot of ground to cover and I don't want this briefing to take time away from our open discussion. But I would like to focus on certain issues that I think are useful to keep in mind as we approach the opening of this Review Conference.

Before proceeding, I would like to thank Professor Bill Potter of the James Martin Center for Nonproliferation Studies for inviting me to this briefing and, more importantly, to congratulate him and his colleagues at CNS for organizing this briefing specifically on behalf of African States—who, together, make up almost a third of all NPT States Parties.

As you know in this audience, I have not only worked for many years on disarmament and non-proliferation issues, but am especially proud to come from the region that created the world's first nuclear-weapon-free zone in a populated area. I was therefore especially pleased when Burundi deposited its instrument of ratification of the Pelindaba Treaty last year, thereby bringing the Treaty into force. Africa is now officially the world's largest nuclear-weapon-free zone—and I know that this very positive development will be warmly welcomed by all delegations attending the NPT Review Conference next month.

In many ways, the NPT and the Pelindaba Treaty share many features in common—three in particular, and I am referring here to the famous three pillars of nuclear disarmament, non-proliferation, and peaceful uses of nuclear energy. Though each Treaty approaches these objectives differently, the goals are the same.

I wish to pay a special tribute to the Pelindaba Treaty and its States Parties because of the extent that it reinforces the NPT in so many ways. The Pelindaba Treaty, for example, explicitly bans the deployment of nuclear weapons within the territory covered by the treaty. It also prohibits its States Parties from conducting either research or development of nuclear explosive devices.

Other features of the Treaty deserve recognition in this respect—including its Protocol for binding negative security assurances from the nuclear-weapon-States; its establishment of some institutional infrastructure (in the form of the African Commission on Nuclear Energy); its physical security and environmental controls; its prohibition on attacks on nuclear facilities; and its specific provisions for settling disputes and for implementing withdrawals. I therefore view the Pelindaba Treaty not simply as a legal expression of a right expressed in Article VII of the NPT, but a positive reinforcement for the NPT's most fundamental norms, concerning all three of its pillars.

It is precisely because African States share very common views on these key areas that they have such an important role to play at NPT Review Conferences. Their solidarity carries some significant moral and political weight, and this solidarity will be very important to maintain, given the historical difficulties that NPT States Parties have had in achieving a substantive consensus at past Review Conferences.

In fact, a consensus substantive Final Document was reached only in 1975, 1985, and 2000. In 1995, NPT Review and Extension Conference was able to extend the Treaty indefinitely as a result of what was called a “package deal” of closely inter-related Decisions—concerning the extension itself, “principles and objectives for nuclear non-proliferation and disarmament,” measures to strengthen the review process—and the Resolution on the Middle East. While reaching those Decisions and adopting this Resolution, however, the States Parties were not able to conclude a formal review of the Treaty.

The 2000 NPT Review Conference was especially noteworthy because of its success in reaching a consensus on an ambitious list of thirteen practical steps for the systematic and progressive efforts to implement disarmament commitments under Article VI of the Treaty and related disarmament commitments made in 1995. The President of that Review Conference, Ambassador Baali of Algeria, earned the respect of all delegations for his diplomatic skills in contributing to this outcome.

However, the Review Conferences in 1980, 1990, and 2005 were less fortunate in their results, for reasons that were not at all unique to those specific events. The disagreements that characterized those Review Conferences have become perennials throughout the history of the NPT, and the resolution of such issues will continue to pose great diplomatic challenges in the Treaty review process.

At the 1980 Review Conference, for example, there was a significant division among the States Parties over the implementation of the disarmament commitments in Article VI—with developing countries arguing overwhelmingly that the nuclear-weapon States had not done enough to fulfil those commitments. There were, in particular, widespread calls for the negotiation of a Comprehensive Nuclear-Test-Ban Treaty (CTBT). Many delegations pointed out that non-Parties were continuing to receive nuclear cooperation, while restrictions were increasing over peaceful nuclear activities of the Parties. There was recognition that while some progress had been made in expanding membership, the Treaty was still far from having achieved full universality.

As for the 1990 Review Conference, there also were deep divisions among participating delegations on some of the most fundamental questions concerning implementation of the Treaty—covering literally each of the three pillars of the Treaty: disarmament, non-proliferation, and peaceful uses of nuclear energy. Again, there were disagreements over the ways and means to conclude a CTBT, as well as its timing for entering into effect. Again, States voiced their concerns over what they viewed as unnecessary restrictions on their peaceful uses of nuclear energy, as well as the ongoing nuclear activities of non-Parties. And again, there were significant disagreements over the need for legally binding negative assurances for non-nuclear-weapon States.

I had the difficult job of presiding over the 2005 NPT Review Conference, which occurred at a time when there were very deep divisions among the States Parties, especially on matters relating to nuclear disarmament. The Conference got off to a most inauspicious start due to its inability to

agree on an agenda, a problem the Conference inherited from its Preparatory Committee. A prolonged debate over procedural issues left very little time for serious substantive review of the implementation of the Treaty itself, and such views as were expressed by the States Parties, reflected a deep sense of disappointment with the overall implementation of the Treaty. I sensed that delegations had often adopted inflexible and uncompromising stances, and seemed little interested in sincere efforts by other delegations—and indeed myself and those of my bureau—to find common ground.

The inability of the 2005 NPT Review Conference to reach a substantive consensus was soon followed by the 2005 World Summit, which concluded its work in September of that year without mentioning anything about disarmament in its Outcome Document.

I would now like to contrast the dark and contentious mood of 2005 with the more positive world environment leading up to the 2010 NPT Review Conference. The Presidents of the countries with the two largest nuclear weapons arsenals have repeatedly voiced their determination to pursue a world free of such weapons, and they have now signed a bilateral agreement to limit the deployment of their strategic nuclear weapons, while voicing their intention to continue their efforts to negotiate further reductions. In September 2009, the Security Council held the first high-level summit in its history that addressed nuclear disarmament issues. While not participating in negotiations, the other three nuclear-weapon States have unilaterally undertaken various actions to limit their nuclear-weapon capabilities.

In addition to the Pelindaba Treaty entering into force in 2009, the treaty establishing the Central Asian nuclear-weapon-free zone entered into force the same year, thereby creating the first such zone entirely north of the Equator. And I cannot fail to mention another very significant development: namely, the enormous outpouring of civil society initiatives to pursue a world entirely free of nuclear weapons. Additional efforts are underway to improve physical security over nuclear materials in storage, use, and in transit in order to reduce the risk of nuclear terrorism—this was the goal of the Nuclear Summit held this week in Washington.

There is a good chance that the collective effects of these developments would bode well for a successful NPT Review Conference next month.

Yet there are still some dangers ahead, based upon some very familiar concerns. Perennial differences over the pace and direction of nuclear disarmament remain—nuclear weapons are still deployed and transported abroad, weapons programmes are being modernized, non-strategic and reserve weapons are not subject to any legal limitations, and reductions are still not subject to international verification. Various versions of the doctrine of nuclear deterrence remain in place among literally all states that possess such weapons. And the longer that doctrine of security-through-threats-of-nuclear-retaliation persists, the greater will be the risks that additional states will seek to pursue their own security interests along those lines.

There are also persisting concerns over double standards when it comes to cooperation in the peaceful uses of nuclear energy—on two levels: first, in terms of differences between standards applicable to the nuclear-weapon and non-nuclear-weapon States, and second in terms of the standards for nuclear cooperation with non-parties. It will surely be difficult to gain an international consensus on the need to adopt a stricter standard for international safeguards over the peaceful uses of nuclear energy, if a weaker standard is being applied to non-parties.

As I reflect back on this history, my main “lesson learned” is that a multilateral treaty must not only meet a standard of effectiveness—in terms of achieving its stated goals—but also satisfy a standard of fairness, equity, and fundamental justice. It is the vital role of the review conference to generate information that will enable the States Parties to render their own judgments on how well these two standards have been achieved.

Are we really making progress in eliminating nuclear weapons, in halting proliferation, and in promoting peaceful uses of nuclear energy? Are we making more progress in some of these areas than in others? Are we witnessing double standards when it comes to transparency, verification, and irreversibility? These are all questions that address matters relating both to effectiveness and fairness. One can only wonder, if something called a “review process” does not address such questions, what is its real purpose?

The only other observation I would like to make at this point is to caution all participants not to view the 2010 NPT Review Conference as a single event. It should instead be seen as merely a stage or phase in the evolution of the NPT as a multilateral treaty. It is simply part of an ongoing process, one that had its beginnings long before the Conference opened, and will continue long after it adjourns. I hope all delegations, therefore, will not apply standards of absolute perfection during the course of assessing various proposals for possible consensus language. It is more than sufficient to accept positive steps in the right direction, and to continue efforts later to achieve what really needs to be done. The 2010 NPT Review Conference will not miraculously solve all of the controversies and challenges concerning the implementation of this Treaty, but it will certainly provide an opportunity for the States Parties to reach common ground that will advance all of their individual and collective interests.

That, to me, is the right spirit with which to proceed in commencing a treaty review process, for it offers the greatest potential for hope and progress in the years to come.

I wish you all well in the difficult work that lies ahead. I salute what you have already achieved on the great continent of Africa. And I have every reason to believe that the world has only begun to witness what African States can do to advance all of the great goals of the NPT. With your help and leadership, together we will be closer to where we should all be tomorrow: facing the dawn of a global nuclear-weapon-free zone.