

Outcomes of the 2010 & 2015 Nonproliferation Treaty Review Conferences

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Abstract The Treaty on the Non-Proliferation of Nuclear Weapons, aka “the Non-Proliferation Treaty” currently stands as the “only binding commitment in a multilateral treaty to the goal of disarmament.” Recent review conferences of the treaty have been dubbed disappointing and even failures. The objective of this treatise is to examine the impacts of these developments are in the context of rational deterrence theory and organizational deterrence theory.

Keywords: nuclear nonproliferation treaty, NPT, Review Conference, Helsinki Conference, rational deterrence theory, organizational theory

Cite This Article: Timothy Sands, and Richard Mihalik, “Outcomes of the 2010 & 2015 Nonproliferation Treaty Review Conferences.” *World Journal of Social Sciences and Humanities*, vol. 2, no. 2 (2016): 46-51. doi: 10.12691/wjssh-2-2-4.

1. Introduction

The Treaty on the Non-Proliferation of Nuclear Weapons, aka “the Non-Proliferation Treaty” opened for signature in 1968, but it didn’t enter into force until 1970. Non-nuclear weapon states forfeit aspirations to develop nuclear weapons and accept limitations on their activities, while nuclear weapon states agreed to engage in a path toward nuclear disarmament and to share with NNWS the benefits of peaceful nuclear energy. It currently stands as the “only binding commitment in a multilateral treaty to the goal of disarmament,” with 191 states party to the treaty and 93 signatory states. Leading up to the 2010 treaty review conference, all 5 states possessing nuclear weapons plus 185 non-nuclear weapon states were party to the treaty. Notably, India, Pakistan, Israel, and South Sudan never joined the treaty. While North Korea withdrew in 2003, the State of Palestine joined in 2015.

Article VIII of the treaty stipulates a review of treaty operation every five years, and this provision was reaffirmed at the 1995 NPT Review and Extension Conference. Furthermore, in 1995, Non-Proliferation Treaty parties agreed to an indefinite extension of the treaty in exchange for support for the creation of a Nuclear-weapon-free Zone in the Middle East (otherwise known as the “1995 Middle East resolution”), and also a first-time articulation of the goal of nuclear disarmament as a world free of nuclear weapons. Thus, the lead-up to the 2010 review included anticipation of articulated steps to implement the 1995 Middle East resolution and specific plans for nonproliferation, disarmament, and peaceful uses of nuclear energy, noting the central tradeoff of the forty-two year old treaty (nonproliferation in exchange for disarmament) is finally being setup with action plans. The

Nuclear-weapon-free Zone in the Middle East is emphasized throughout the chronology of this report, since it was a key complicating factor in the 2010 Review Conference, and was cited as the key reason for the failure of the 2015 Review Conference.

This aim of this treatise is for the first time to analyze the review conference in the context of rational deterrence theory as purported by Sagan and alternatively the organizational deterrence theory espoused by Waltz *incorporating the attitudes and expectations of the Middle Eastern States*. The methodology will begin first with a review of the 2010 and 2015 review conferences with contextual reference to key meetings in the interim. With this background, both deterrence theories are reviewed leading to an eventual conclusion assigning the review conference participants to either theoretical deterrence camp. This study comprises the first such publication in the literature.

2. 2010 Review

2.1. Leading up to the Review

2.1.1 1995 Review and Extension Conference & 2000 Review Conference

Part I of the final report of the 2010 Review Conference begins by reaffirming key tenets from the decisions and the resolution adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference. It is noteworthy to indicate the emphasized portions of the larger documents.

“The Conference reaffirms that every effort should be made to implement the Treaty in all its aspects and to prevent the proliferation of nuclear weapons and other

nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty”

Firstly, the conference parties felt it was important to remind the parties that the non-proliferation treaty could not be used to impose upon a country's inalienable rights to develop nuclear technology for peaceful purposes. Next, the overall trade-off of the original treaty is reiterated: namely states without nuclear weapons pledged not to develop them in exchange for disarmament by states with nuclear weapons. Emphasis is added here to foreshadow the importance of this trade-off in the unfolding of the recent treat reviews.

“The Conference recalls that the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices in the context, inter alia, of the corresponding legally binding commitments by the nuclear-weapon States to nuclear disarmament in accordance with the Treaty.”

In addition, developments in recent years in Iraq and Iran remind us of the importance placed upon the International Atomic Energy Agency and the United Nations, and their importance is reiterated:

“...the International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and the IAEA safeguards system, compliance by States parties with their safeguards agreements undertaken in fulfilment of their obligations...”

“The Conference reaffirms the importance of access to the United Nations Security Council and the General Assembly by IAEA,...in upholding compliance with IAEA safeguards agreements and ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations notified to it by IAEA.”

IAEA permission is required to transfer weapons or fissionable material, and that was another contentious issue, since the non-nuclear weapon states disliked the use of notions like extended deterrence and nuclear umbrellas protecting allies of nuclear weapon states.

One major success of the 1995 Review was the “Middle East Resolution”, reiterating General Assembly resolutions adopted by consensus supporting the establishment of a nuclear-weapon-free zone in the Middle East.” An emphasis was placed in Israel in the 2010 Review Conference, which was to be reiterated in subsequent conferences (e.g. the final consensus document of the 2010 conference reaffirms “the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards.”).

2.1.2. 2005 Review Conference

As the Review Conference of 2005 approached, no consequential movement had been taken in ten years towards creation of the nuclear-weapon-free zone in the Middle East, and that was one reason the 2005 conference ended without a consensus document. Additional disputes related to the nuclear program of Iran and Egypt's focus on Israel's nuclear program. This is a particularly complicated issue for Middle Eastern countries, since they wish to eliminate Israel's alleged nuclear weapon capacity, but somehow still not acknowledge the existence of Israel (at least that is the case for Iran, Lebanon, and Saudi

Arabia in particular). UN Secretary-General Ban Ki-moon's opening speech called for "progress towards a nuclear-weapon-free-zone in the Middle East and on other regional concerns".

2.2. 2010 NPT Review

2.2.1. Achievements and Measurement of Success

Unlike the previous review, the 2010 Review ended with a final document approved by consensus, but furthermore the report contained specific, measurable actions for disarmament, nonproliferation, and the peaceful uses of nuclear energy. Thus, in the 2015 review conference, members could be held to account for their actions or inactions producing a scorecard of progress. The states also agreed participate in a 2012 conference co-sponsored by the United States, Russia, the United Kingdom, and the UN Secretary General to address the creation of the Middle East nuclear-weapon-free zone as articulated in the 1995 Resolution. All states in the Middle East are urged to attend, but again Iran, Lebanon, Saudi Arabia, and Syria would have to de facto acknowledge Israel in order to negotiate with them regarding their alleged nuclear weapons.

2.2.2. Calling out Israel, but not Iran

It is noteworthy that Israel is not a party to the Non-proliferation Treaty, and thus was not a threat to reaching a consensus final document. Therefore, the final document “calls upon all States not parties to the Treaty, India, Israel and Pakistan, to accede to it without further delay and without any conditions”. Thus, Israel was called out, but Iran's recent non-compliance was not, since Iran could sabotage the potential for a final consensus document resulting in a failed conference akin to 1995. This is the nature of documents approved by consensus. Oddly, North Korea's withdrawal and nuclear testing would seem ripe for inclusion in the consensus report, but it seems the members prefer to keep the document as positive as possible by exclusion of such hot-issues.

2.2.3. Nuclear-weapon-free Zone in the Middle East

The Middle East Resolution of 1995 called for creation of a nuclear-weapon-free zone. The final document of the 2000 Nonproliferation Treaty Review contained a resolution, which reaffirmed the importance of establishing a zone free of all weapons of mass destruction in the region. The 2005 Conference however closed without any substantive agreement. This failure was amidst a time when North Korea withdrew from the Treaty, and the United States loudly criticized Iran's nuclear program and moved towards development of a bunker-busting nuclear weapon to deal with it. According to Granoff, p. 1003:

“The United States would not permit the commitments already made under the treaty review process to be the basis for a working agenda and focused instead on the proliferation threats posed by Iran and North Korea. Conversely, Egypt demanded clear expositions based on previous commitments, focusing on the need to work to make the treaty universal. Additionally, Iran baited the NWS on their failure to make progress on disarmament and specifically the United States for its development of low-yield nuclear weapons and pursuit of space weaponization.”

The end result was no consensus agreement, and thus no progress towards disarmament (as a matter of fact quite the opposite) or establishment of a nuclear-weapon-free zone in the Middle East.

2.2.4. North Korean Withdrawal and Nuclear Testing Noncompliance

Beyond the simple failure of the 2005 Review, the events leading up the failure were deeply ominous, since they undercut the very purpose of the original treaty. The North Korean withdrawal was the most recent example amongst Iran's noncompliance and the development of nuclear weapons by India and Pakistan. Taken together the very fabric of the nonproliferation treaty itself was at risk. This was the backdrop of the 2010 conference review

2.2.5. Calls for a 2012 Conference Based on the Terms of the 1995 Resolution

One sign of the success of the 2010 conference (in contrast to the 2005 failure) was consensus on several key provisions: 1) specification of a 2012 conference to work on the establishment of the nuclear-weapon-free zone in the Middle East, 2) direction to report progress at a 2014 NPT Preparatory Committee measured against the disarmament action plan, and 3) reiteration of the obligation of nuclear weapon states to get non-weapon states to sign and ratify the treaty (i.e. The U.S. should pressure Israel into signing the treaty). These are all major sticking points, and their presence in the final consensus document indicates the level of the success of the 2010 Conference.

2.3. 2010 – 2015

Several key events shaped developments between the conferences of 2010 and 2015. In particular the 2012 Helsinki Conference was a failure, while the 2013 and 2014 Preparatory Committees foreshadowed the eventual failure of the 2015 Review Conference.

2.3.1. 2012 Helsinki Conference

The much anticipated conference to discuss the creation of a nuclear-weapon-free Middle East was named the "Helsinki Conference". Despite the anticipation, the conference was figuratively torpedoed by the United States in response to Iran's recent provocations.

"As a co-sponsor of the proposed conference on a Middle East zone free of weapons of mass destruction (MEWMDZF), envisioned in the 2010 Non-Proliferation Treaty Review Conference Final Document, the United States regrets to announce that the conference cannot be convened because of present conditions in the Middle East...against the backdrop of turmoil and dramatic political change taking place in the Middle East and Iran's continuing defiance of its international nonproliferation obligations."

In November 2012, when the Obama administration unilaterally announced the annulment of the Helsinki Conference, it referred to "turmoil and dramatic political change taking place in the Middle East and Iran's continuing defiance of its international nonproliferation obligations."

And so the exuberance following the 2010 Review Conference was short-lived, but furthermore this aggressive

action by the United States frustrates Middle Eastern countries who might contend that the IAEA has found no evidence of noncompliance, while simultaneously the U.S. has done nothing in response to India, Pakistan, and Israel's respective development of nuclear weapons.

2.3.2. 2013 Non-Proliferation Treaty Preparatory Committee

The 2013 Preparatory Committee met 22 April - 3 May 2013 in Geneva, Switzerland chaired by Ambassador Cornel Feruta of Romania. Islamic Republic of Iran submitted a report "Establishment of a nuclear-weapon-free zone in the Middle East" stating while they welcome

"The efforts aimed at establishing nuclear-weapon-free zones in all regions of the world, attaches great importance to and strongly supports the establishment of a nuclear-weapon-free zone in the Middle East,"

However,

"Currently, the Zionist regime is the only non-party to the Treaty in the region. Despite repeated calls by the international community..., confident of the political and military support of the United States of America, has neither acceded to the Treaty nor placed its unwarranted nuclear facilities under IAEA full-scope safeguards."

And furthermore,

"Unconditional adherence by the Zionist regime to the Treaty and the conclusion of a full-scope safeguards agreement with IAEA would undoubtedly lead to the early realization of a nuclear-weapon-free zone in the Middle East."

Thus the interim period between the 2010 and 2015 conferences continue this logic thread that the U.S. does not live up to its treaty obligations and that is a major roadblock to progress towards peace in the Middle East.

2.3.3. 2014 Non-Proliferation Treaty Preparatory Committee

In the 2014 Preparatory Committee we see correlated articulation of the difficulties and lack of concrete progress as indications of the irrelevance of the Treaty, which is particularly frustrating since Middle Eastern countries ubiquitously agree the Treaty is the sole best hope for disarmament. Additionally, the committee cites the lack of importance on merely achieving a consensus document (considered a major success in 2010), and instead insisting on concrete actions.

"Since the end of the Cold War, the challenges facing the NPT's credibility and sustainability have been growing. In particular, the lack of concrete progress on nuclear disarmament and the problems of implementing agreements on the weapons of mass destruction free zone in the Middle East have affected the credibility of the Treaty and put its future relevance in jeopardy. A successful 2014 Preparatory Committee and 2015 Review Conference are therefore crucial for the Treaty's future. However, success does not only mean an agreed outcome document. In order for the 2015 Review Conference to be a success, it must show that states are taking credible action to move further away from the retention and reliance on nuclear weapons. Simply rolling over past commitments that have not been implemented is insufficient."

The briefing book elucidated poor progress and forebodes a poor 2015 conference. "only 28 out of the 64

actions can be considered fully implemented in 2015. 21 actions are being implemented to some degree and 15 actions cannot be considered implemented at all. Most progress has been achieved on the actions dealing with nuclear energy, while those on disarmament lag far behind. None of the public releases issued thus far by the nuclear-armed states has given any reason to expect they have given serious consideration to the implementation of most of those commitments.”

3. 2015 Review

3.1. Anticipation of the 2015 NPT Review Conference

With the aforementioned complicated series of events leading to the 2015 Review Conference, the next paragraphs summarize the attitudes and expectations of the Middle Eastern Countries.

3.2. Attitudes and Expectations of the Middle Eastern States

From the perspective of the countries in the Middle East, their best bet to counter the strength of the nuclear weapon countries and maintain peace in the region was via the Nonproliferation Treaty as opposed to seeking to counter that strength with indigenous nuclear weapons programs. They have grown frustrated by decade-after-decade of seemingly unfulfilled promises epitomized by the lack of disarmament actions by the nuclear countries who maintain extraordinary nuclear advantage relative to the non-nuclear-weapon countries.

“Almost 20 years since the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT), members of the Arab League have threatened to reconsider their position toward that extension on the basis that there has been no progress on the 1995 resolution associated with establishing a Middle East Zone free from weapons of mass destruction. This resolution was considered as part of the political deal to extend the Treaty indefinitely, ensuring the success of the NPT review process is closely associated with achieving progress on the Zone’s establishment.”

The two key sticking points are the lack of progress towards disarmament, and furthermore “Israel remains the only state in the Middle East that has not yet become a party to the NPT and the only State in the region with a nuclear weapon capability”.

3.3. 2015 NPT Review and Its Aftermath

During the execution of the conference, lack of concrete progress was noted, but in victorious context. This time, since the 64-point action plan was approved in the 2010 Review Conference, measurement of progress against this baseline standard “has inspired at least a minimum level of accountability.” Nonetheless, merely 20-days later, the same author, formerly victorious in tone published the article declaring the failure of the 2015 Review Conference noting the failure is akin to 2005...the parties could not even reach a consensus final document.

“By all accounts, the failure of the 2015 conference to produce a consensus outcome document with any substance can be attributed to the discussions around the

establishment of a WMD-free zone in the Middle East, an issue linked to a resolution adopted at the 1995 NPT Review and Extension Conference. According to the head of the United Kingdom’s delegation, “this issue and this issue alone was the stumbling block.”

4. Deterrence Theories

We’re left wondering which theory do the Parties hold, Sagan’s or Waltz’s point of view. Sagan’s theories align better with the written articulation in the Treaty: proliferation will increase the likelihood of nuclear war, while Waltz contends that proliferation actually reduces the likelihood of nuclear confrontation.

4.1. Proliferation Reduces the Likelihood of Nuclear Confrontation

According to rational deterrence theory purported by Waltz, nuclear weapons make war less likely, because nuclear weapons encourage both defense and deterrence, since the catastrophic result of nuclear weapon employment demands a strong defensive deterrent.

4.1.1. Rational Deterrence Theory (Rational Choice & Neorealist Political Science)

Sagan describes Waltz’s 1981 monograph “The Spread of Nuclear Weapons: More May Be Better” which presented the first detailed and forceful set of arguments in favor of proliferation. The debate is renewed in the coauthored book aptly titled *The Spread of Nuclear Weapons: A Debate renewed*. Waltz contends that whilst conventional wars are different from nuclear wars in general, the assumption of rational governance implies that war is less likely when countries possess nuclear weapons, since nuclear weapons encourage both deterrence and defense.

4.1.2. Conventional War Different from Nuclear One

Conventional warfare is quite disparate when the discussion slips to employment of nuclear methods are quite different. The remote possibility is outweighed by unacceptably large destruction, so states are more careful to avoid miscalculation. Once a critical mass of nuclear capability is developed (e.g. second-strike capabilities), the balance of forces is no longer the key feature. Asymmetric capabilities are okay. A mere threat is okay, and credibility need not be proven. Not only do nukes deter attacks on the homeland, they deter attacks on any vital strategic interests, lowers the stakes of war, and the intensity of war, since higher-end conflict would temp the use of nuclear weapons potentially inviting catastrophe. Thus, Waltz contends the gradual spread of nuclear weapons is better than no spread or rapid spread. Both no-spread and rapid-spread lead to an unacceptable imbalance where there is no longer a legitimate deterrence. The only remaining alternative is safe, obvious-and-apparent, slow proliferation that provides useful deterrence to ever using the weapons.

4.1.3. Weaker States Wouldn’t Quickly Employ Nukes

Going under the assumption that weaker states (say with a few nuclear weapons) would certainly lose a

conventional conflict, they would need to hold their nuclear weapons in reserve to preserve some sort of upper hand as their conventional defeat unfolded in hopes of avoiding total annihilation by maintaining a credible nuclear deterrent. It makes no sense for a weaker state to irresponsibly use their (presumably few) nuclear weapons early, or even initiate the conflict; since they are by definition weaker conventional. They would guarantee their defeat by initiating conflict or using their nuclear weapons early. From the point of view of the stronger nation, during your conventional defeat of the weaker country, you have no incentive to making the weaker country desperate if they have nuclear weapons. Thus, the deterrent effect of possessing nuclear weapons should even dampen the viciousness of conventional conflict. A Rational Deterrence theorist would purport that even terrorists would behave rationally. Say, for instance a terrorist go their hands on a single nuke. If they ever use it, they henceforth no longer have nuclear weapons, thus should also be deterred from using their weapon.

4.2. Proliferation Increases the Likelihood of Nuclear Confrontation

According to the organizational theory of deterrence purported by Sagan [23], nuclear weapons make war more likely due to military biases, a lack of checks and balances, and new proliferators resulting in more chances for accidents.

4.2.1. Organizational Theory

Sagan examines the bureaucratic nature of organization and how that nature leads to behaviors. The military bureaucracy is filled with inflexible routines, parochial interests, and common biases that must be controlled by strong civilian institutions (as is the case in the United States).

4.2.2. Military Organizations' Common Biases, Inflexible Routines, and Parochial Interests Related to Tight Civilian Controls

While the United States has strong civilian control over its military, this is not necessarily true for all future nuclear-armed countries/states, and left unchecked the detrimental characteristics of military organizations will dominate, resulting in an increased risk for war. Sagan describes the operational offensive (as opposed to defensive) culture of military which clearly increase the risk of war. The operational culture leads the military to have inflexible routines and hair-trigger alerts that Sagan would purport invalidate (or at least weaken) Waltz's assumptions.

4.3. Rational vs. Organizational Theories

So, Sagan's point of view seems more aligned with the Parties to the Nonproliferation Treaty. Nuclear proliferation is something to be feared. The real unanswered question is how frustrated are the Parties with the Treaty review process?

5. Summary and Conclusions

As Winfred Wan put it, "The controversy over the Middle East all but effectively marks the end of the

renewed effort undertaken at the previous Review Conference to implement the 1995 resolution." It's hard to say how deeply this failure will shake the very Treaty itself. Clearly, the context of the past several conferences leads us to believe the Middle Eastern countries will prefer to abandon the Nonproliferation Treaty as a mechanism to achieve their nuclear security objectives, but at the same time we must ask, "What's left". There are not many available options for them to use to pursue their objectives. It's easy to say "they'll just develop their own nuclear weapons", but it's much harder to actually do it. It takes years or even decades of commitment to build the intellectual capacity, industrial manufacturing base, and obstinate diligence towards the single objective amidst certain international pressure to the contrary. The Treaty itself professes a belief "that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war", and while Sagan agrees, Waltz disagrees. We're not able to discern which author is right, since the theories are not head-to-head comparable. Only the future will tell, but it seems likely that different paths will be pursued by each Middle Eastern country commensurate with their level of risk and ability to properly resource an effort to make nuclear weapons a part of their national security strategies.

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