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Beyond the 2010 NPT Review Conference: What’s next for nuclear disarmament?

Ray Acheson

Abstract
Although many have hailed the 2010 Nuclear Non-Proliferation Treaty Review Conference as a success, this author argues that some felt the final document hid the resistance of nuclear weapon states to making meaningful commitments to disarmament and the resulting reluctance of non-nuclear weapon states to agree on substantial measures toward non-proliferation. At the intergovernmental level, the call for “political will” for nuclear disarmament is strong; but, the author writes, the elites discussing and deciding issues like arms control and disarmament have managed to disconnect them from broader issues of global order and domestic governance, thereby excluding the citizens directly affected by these issues. Achieving nuclear disarmament, the author writes, will require the engagement of people resolved to face the challenges of our time with a focus on justice, peace, and international security.

Keywords
Article VI, citizens, disarmament, final document, Non-Proliferation Treaty, NPT, NPT Review Conference, nuclear weapons

Now that the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference is said and done, the international community should take the time to consider what the conference will mean for the future of nuclear disarmament. Current nuclear weapon policies and programs, and their affect on the future of the NPT process, also need to be considered. If they are ignored, it is likely that governments and the public will lose confidence in the NPT process, and in the intentions of nuclear weapon states in general. This will only make it more difficult to maintain the nonproliferation regime, threaten the future of the NPT, and undermine real opportunities for concrete disarmament.

The document and the debate
While the Review Conference has been hailed by many governments and news outlets as a success, others did not view the final document (UNODA, 2010) quite as optimistically, arguing first, that it hid the consistent resistance of
nuclear weapon states to meaningful commitments leading to nuclear disarmament; and, second, that these weak commitments made some non-nuclear weapon states reluctant to agree substantial measures to deal with nonproliferation challenges. The document largely preserves the status quo in both areas. The final outcome was carefully crafted to accept the red lines of every delegation, which meant the agenda was not pushed too far on any issue. It was, as the president of the Review Conference described it, the best that could be offered at that point in time.

The document did plant some seeds that could potentially grow beyond the Review Conference into meaningful developments, however. For example, all state parties of the NPT:

- endorsed the convening of a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction (UNODA 1995);¹
- committed to pursuing “policies that are fully compatible with the treaty and the objective of achieving a world without nuclear weapons”;
- recognized the importance of constraining “the development and qualitative improvement of nuclear weapons and ending the development of new types of nuclear weapons”; and
- noted the UN secretary-general’s five-point proposal for nuclear disarmament² including the consideration of negotiations on a nuclear weapons convention.

One of the final document’s most substantive points calls upon the nuclear weapon states to “accelerate concrete progress on the steps leading to nuclear disarmament…in a way that promotes international stability, peace and undiminished and increased security.” Further, it instructs nuclear weapon states to work together on these steps and to report on their progress to the 2014 NPT Preparatory Committee and the 2015 Review Conference. The 2015 Review Conference is then to “take stock and consider the next steps for the full implementation of Article VI,” which is the backbone of the treaty, stating that each party must pursue negotiations on nuclear disarmament in good faith and work toward ending the arms race.³ This implies that the next Review Conference could potentially work to develop a roadmap for the complete elimination of nuclear weapons, though the final document leaves it up to the nuclear weapon states to “engage with” and “report on” these measures in the interim.

Overall, however, the commitments contained within the final document are unambitious, especially given the growing interest in concrete disarmament shown by governments and civil society around the world in the lead-up to this Review Conference. The document signals that despite this interest, key governments—especially the nuclear weapon states—are not ready for strong commitments to back up their pro-disarmament rhetoric. The current state of play on nuclear issues—government positions, tactics, relationships to other governments, views as to how international relations should be ‘managed,’ understandings of equity and fairness, and interest in truly advancing global peace and security—can be found in the process that led to the document. At the same time, the Review Conference’s greatest successes can be found in the new debate emerging around timelines, double standards, and new ideas for achieving concrete nuclear disarmament.
Nuclear weapon states reject timelines for disarmament

The search for consensus on the final document revealed the nuclear weapon states’ desire to avoid concrete disarmament measures with deadlines. During the third week of the four-week Review Conference, the delegations of the nuclear weapon states—most publicly France, Russia, the United Kingdom, and the United States—staged a concerted attack on many of the progressive or concrete elements on disarmament contained in the draft texts (Reaching Critical Will, 2010). These interventions were a stark revelation of their intention to accept lavish praise for post-Cold War arms reduction measures while refusing to commit to any serious steps toward actual nuclear disarmament. For example, France, Russia, and the United States rejected an action point stipulating that the nuclear weapon states “commit to cease the development and qualitative improvement of nuclear weapons and to end the development of advanced new types of nuclear weapons.” The US called for the deletion of a reference to nuclear sharing. France rejected a reporting obligation on the composition of nuclear arsenals or fissile material stocks. Both the US and Russia objected to a call for the closure of nuclear weapon test sites. At the same time, France called on the Review Conference to “hail the gestures” they have made toward disarmament (Acheson, 2010).

The above four nuclear weapon states also clearly expressed their unwillingness to set benchmarks or timeframes for implementing their obligation under Article VI—an idea supported by the overwhelming majority of delegations at the Review Conference. The French delegation argued that the imposition of “artificial deadlines” in nuclear disarmament has never worked and said that timelines would weaken the non-proliferation regime because nothing is gained by imposing deadlines and then not meeting them.

A critical look at this assertion reveals the double standard: that deadlines or timeframes for disarmament cannot be established, or if established, cannot be met because they are “artificial.” This contrasts with expectations regarding the NPT’s nonproliferation obligations. The comprehensive IAEA safeguards agreement, for example, must be concluded within 90 days of ratification and provides a clear benchmark by which to measure state compliance.

The situation is not so clear with disarmament. There is currently no benchmark to measure the pace at which nuclear weapon states comply with their Article VI obligations, the degree to which they comply, or the sustainability, verifiability, irreversibility, or even the terms of said compliance. At the same time, some of the nuclear weapon states engage in activities that undermine the treaty, such as nuclear sharing, supplying nuclear technology and materials to non-state parties, conducting subcritical nuclear tests, and modernizing or “refurbishing” their nuclear weapons and related infrastructure.

Most of the nuclear weapon states contend they have acted in accordance with Article VI. At the Review Conference, the US and Russia characterized New START—which has yet to be ratified by either country—as a concrete demonstration of Article VI compliance. The French delegation
routinely points to its arsenal reductions as fulfillment of Article VI and argued at the Review Conference that it has implemented all of the 13 practical steps that apply to it. However, these characterizations were generally taken with a grain of salt by non-nuclear states, which have become increasingly disappointed with the mismatch between reality and the rhetoric of the weapon states. Both the South African and Irish delegations pointed out that arsenal reductions do not automatically translate to a commitment to nuclear disarmament. They noted that reductions could be undertaken for a variety of reasons, such as strategic stability, financial constraints, or safety issues. The Irish delegation said that reductions alone do not tell the whole story and one can judge a state’s true intentions only by surveying the full range of its actions and pronouncements.

From rhetoric to reality

Unfortunately, the full range of most nuclear weapon states’ actions fall short of their pronouncements. Perhaps most notably, during the Review Conference, the Obama administration submitted New START for Senate ratification, along with a report providing a comprehensive plan to: maintain nuclear weapon delivery systems; sustain a “safe, secure, and reliable” US nuclear weapons stockpile; and modernize the nuclear weapons complex. The unclassified fact sheet explains, “This report is based on the policies and principles in the Nuclear Posture Review and describes a comprehensive plan for sustaining a strong nuclear deterrent for the duration of the New START Treaty and beyond” (White House, 2010). The plan includes investments of $180 billion to sustain and modernize the nuclear weapons complex over the next decade.

At the end of 2009, there were approximately 23,360 nuclear weapons in the world held by China, France, India, Israel, Pakistan, Russia, the United Kingdom, and the United States; the size of North Korea’s arsenal is unknown (Norris and Kristensen, 2009). Nearly half of these weapons are active or operationally deployed. The United States and Russia possess 96 percent of this global nuclear arsenal. All five of the NPT nuclear weapon states—the US, UK, Russia, France, and China—intend to modernize or are already modernizing their nuclear weapons, delivery systems, or related infrastructure, even as some plan to reduce the number of weapons in their arsenals (Cabasso, 2009; Reif, 2009).

The United States is the only nuclear weapon state to deploy its nuclear weapons on foreign soil, with approximately 200 nuclear bombs at six air bases in five NATO countries—Belgium, Germany, Italy, the Netherlands, and Turkey. NATO argues that nuclear sharing is compatible with the NPT, but a growing number of NPT states, including more than 100 countries in the Non-Aligned Movement, have called on NATO members to modify their doctrine and policies to conform with their obligations under NPT articles I and II (Butcher and Butler, 2010). Furthermore, the US also extends its nuclear weapons as protection to a few non-NATO countries, including Australia, Japan, and South Korea.
How reality affects the NPT

Non-nuclear weapon states—those that do not shelter under nuclear sharing or umbrella arrangements—made it clear at the Review Conference that they expect real, concrete disarmament. Several pointed out—when states give up the option of pursuing nuclear weapons, they do so with the understanding that possessor states will do the same. Others cautioned that the non-nuclear weapon states are growing desperate because they have not yet seen concrete action on nuclear disarmament. Platitudinal visions of a nuclear weapon-free world, they cautioned, are wearing thin—there has been too little action to realize the vision. Loss of confidence in the NPT process, and in the intentions of nuclear weapon states in general, makes it more difficult to extend or maintain the nonproliferation regime, threatens the future of the NPT, and undermines real opportunities for disarmament.

On the other hand, nuclear weapon states seemed to arrive at the Review Conference with the expectation that they had little to do with regard to nuclear disarmament. The failure of the Review Conference in 2005 and the perpetual struggles of other disarmament structures over the past decade had primed the international community to expect—and seek—minimal results. Perhaps to their surprise, they were met with palpable frustration by the majority of the non-nuclear weapon states, who made it clear that this was the last time they would accept the rhetoric without the action to back it up. 2015, the date of the next NPT Review Conference, could be a watershed year.

But are we heading for disappointment? The reality of the nuclear weapon programs and policies of the nuclear weapon states and NATO seem to preclude near-term agreement on a process leading to disarmament or even effective measures toward that end within the next five years. By emphasizing the importance of maintaining an “effective nuclear deterrent” until non-proliferation is absolutely assured, the nuclear weapon states have twisted the concept of nuclear disarmament into “arms control as the pursuit of military advantage by diplomatic means” (Lichterman, 2010a). They argue that modernization of and investment in nuclear weapon infrastructure are necessary precursors to disarmament, when in reality these projects are designed to lock in spending, committing successive administrations to nuclear weapons for decades to come. At the same time, the rhetoric of deterrence and necessity serves only to further entrench the perception and role of nuclear weapons as instruments of power, attractive both to those who hold them and those who do not. This heightens the risk of proliferation and undermines disarmament.

The 2010 Review Conference offered the chance for all states to agree to a legally binding framework for the elimination of nuclear weapons. Instead, the outcome pushed this decision into the future and encouraged other processes to deal with specific issues in the meantime. The Conference on Disarmament (CD)—to which the UN General Assembly continues to delegate responsibility for nuclear disarmament, a fissile materials treaty, and security assurances—has not engaged in substantive work since 1996, when it negotiated the Comprehensive Test Ban Treaty. It has...
struggled since then to adopt even a program of work, falling victim to governments that see fit to use procedural rules to prevent negotiations or even discussions on issues of which they do not approve.6

In reality, some of the core items on the CD’s agenda (UNODA, 2006)7 are out of date, remnants of an incremental approach that has failed to achieve disarmament since the end of the Cold War. Twenty years on, the step-by-step measures have less to do with achieving nuclear disarmament than with preserving the status quo in arms control and non-proliferation. The current stagnation in the CD, and in the most recent NPT review process, shows that nuclear-armed and protected states are not ready to relinquish their arsenals and that non-nuclear states are not willing to accept further non-proliferation commitments without seeing substantive progress on disarmament. If the NPT process is failing to achieve a world without nuclear weapons, is it time for something new?

A nuclear weapons convention

One major positive outcome of the Review Conference was the overwhelming support from the vast majority of countries for a legally binding agreement to eliminate nuclear weapons. While falling short of a commitment to a specified framework for nuclear disarmament, all parties agreed that the 2015 Review Conference will “consider the next steps for the full implementation of Article VI.”

Of course, the international community does not need to wait until 2015 to consider next steps, nor does it need to rely on the NPT process alone to eliminate nuclear weapons. The vast majority of states have called for the negotiation of a nuclear weapons convention (NWC) to outlaw nuclear weapons. The latest NPT process demonstrated a need—and desire—for this convention more than ever before. According to a new report by the International Campaign to Abolish Nuclear Weapons (ICAN), 140 governments are now supportive of a nuclear weapons convention (International Campaign to Abolish Nuclear Weapons, 2010).8 Far from competing with the NPT, or replacing it, an NWC would fulfill the commitments contained in the treaty. It would provide a nondiscriminatory approach to nuclear disarmament, opening the door for non-NPT states possessing nuclear weapons to join the process. The nuclear weapon convention would go beyond the NPT in achieving nuclear disarmament and non-proliferation; requiring clear prohibitions on the use, threat of use, development, and acquisition of nuclear weapons; negotiations on the progressive reduction and elimination of stockpiles; and the establishment of a mechanism to verify and ensure compliance (Loretz et al., 2010).

The institutionalization of the elimination of nuclear weapons through the negotiation of a NWC will likely be necessary to fulfill the obligations of Article VI and the agreements of the 1995, 2000, and 2010 NPT Review Conferences and to integrate non-NPT states into the disarmament and nonproliferation regime. In the meantime, in addition to the commencement of preparatory work for the negotiation of a NWC, it is vitally important that states do not engage in policies and projects that undermine nuclear
disarmament and non-proliferation objectives. To this end, investment in the production, design, and research of nuclear weapons must cease immediately.

**Ceasing modernization**

The first commitment of the nuclear disarmament action plan in the final document committed all state parties to “pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.” Yet research and development is taking place in all states possessing nuclear weapons for purposes of replacing existing systems, increasing reliability over the long term, and in some cases enhancing military capabilities. The ratification of supposed reduction measures, such as the New START agreement negotiated between the US and Russia in 2010, is tied to modernization programs in both countries. In exchange for ratification of New START, Russian and American politicians want to ensure further investment in and longevity of their countries’ nuclear arsenals.

Moreover—and despite his “vision of a nuclear weapon-free world”—President Obama’s administration is committed to building three new nuclear weapons-related plants in Los Alamos; Kansas City, MO; and Oakridge, TN over the next decade. The largest nuclear infrastructure project in President Obama’s nuclear weapons spending “surge” is the construction of a $4.2 billion plutonium processing facility at Los Alamos National Laboratory to produce plutonium warhead cores, or “pits,” for nuclear weapons. Currently, the laboratory has the capacity to build 10–20 pits annually. The new nuclear facility would enable it to construct 125–200. Similarly, Russian Prime Minister Vladimir Putin signed a document in June 2010 reportedly containing measures that will upgrade the experimental and testing facilities of nuclear weapons labs (Podvig, 2010). While details are not yet available, the long-term (up to 50 years) program includes an increase in Russian lab budgets.

Funding research and production facilities capable of rebuilding the nuclear threat is not disarmament. Constructing weapon facilities with the capability to expand arsenals runs contrary to the 2000 NPT Review Conference principle of irreversibility and to the 2010 commitment to acting in accordance with the objective of nuclear disarmament. The commitment to modernization and refurbishment signals that nuclear weapon states have no intention of disarming in the foreseeable future and that they continue to perceive their nuclear arsenals as useful instruments of security and power, despite their “vision of a nuclear weapon-free world.” The increased investments emphasize that nuclear weapons remain part of the militarized economies of these countries in the post-Cold War world, showing in dollar signs the obstacles to disarmament. Treaties to reduce, control, and confine the nuclear bomb will come and go; political and military establishments will continue to debate their utility and necessity, while the multiple converging crises of the 21st century continue unabated. Nuclear weapons are anathema to peace, security, and justice, yet continue to absorb billions of dollars during an economic crisis in the name of security.
Changing the security discourse

The December 2009 report of the International Commission on Nuclear Non-proliferation and Disarmament (ICNND) argues that to eliminate nuclear weapons, perceptions of their role and utility must be changed “to achieve their progressive delegitimation, from a position in which they occupied a central strategic place to one in which their role is seen as quite marginal, and eventually wholly unnecessary as well as undesirable” (Evans and Kawaguchi, 2009). In 2000, NPT states made a vital commitment to a “diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination” (UNODA, 2000). However, this commitment is far from fulfilled, with no real reductions for the role of nuclear weapons in security doctrines and continued arrangements for “extended deterrence” through umbrella and sharing agreements.

The values and roles still assigned to nuclear weapons—deterrence, power, prestige, and wealth—are grounded in a state-centric, balance-of-power worldview that is out of sync with the globalized interdependency of the modern world and assumes that economic and technological power centered on militarism is a viable long-term trajectory. Furthermore, the risk of proliferation remains high as long as some states maintain nuclear weapons; the root causes of regional or international insecurity cannot be resolved by governments that pose an existential threat to others. As ICNND argues, the challenge of eliminating nuclear weapons will be greatly aided by their delegitimization, which requires a new discourse about security, as well as about nuclear weapons themselves.

Questioning the legality of nuclear weapons

Another encouraging result of the Review Conference was the emergence of a new debate on the legality of nuclear weapons. The Swiss and Norwegian delegations introduced the question of international humanitarian law to the debate about nuclear weapons. The final document included language expressing “deep concern at the catastrophic human consequences of any use of nuclear weapons” and reaffirming “the need for all States at all times to comply with applicable international law, including international humanitarian law.” While watered down from its original incarnation in an earlier draft,11 this statement could be a valuable tool for delegitimizing nuclear weapons, which could help facilitate concrete nuclear disarmament and non-proliferation.

As John Burroughs from the Lawyers Committee on Nuclear Policy wrote immediately after the Review Conference, “The Review Conference statement strongly implies the unlawfulness of use of nuclear weapons in any circumstance, advancing the 1996 advisory opinion of the International Court of Justice (ICJ)” (Burroughs, 2010).12 He goes on to argue that the provision, “as adopted by the Conference without question develops the norm of non-use of nuclear weapons. Indeed, when combined with the practice of non-use since the US atomic bombings of Japanese cities, the provision strengthens the case for a customary legal obligation

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categorically prescribing non-use.” In effect, the Review Conference takes the ICJ opinion further than the court itself did, Burroughs argues. While the ICJ confined itself to stating that the threat or use of nuclear weapons is “generally contrary” to international law, the Review Conference links the catastrophic humanitarian consequences of “any” use of nuclear weapons to the call for compliance with law, implying that use of nuclear weapons is unlawful in all circumstances. Burroughs concludes that the conference’s statement “reinforces the moral unacceptability and presumptive unlawfulness of any use of nuclear weapons.”

Achieving nuclear disarmament

The notion of the illegality of nuclear weapons—along with the already well-articulated critiques against the immorality of their inhumane and indiscriminate destructiveness—is a powerful challenge to their continued possession by any state. Deconstructing other myths about nuclear weapons—that they offer security, that they are worth the incredible expense, or that they deter the use or proliferation of such weapons—is vital to achieving nuclear disarmament. For this, a robust movement from civil society rather than establishment-focused elites is key to achieving and sustaining the necessary political and institutional support for nuclear disarmament.

In his 1999 Olof Palme Memorial Lecture, then-UN Under-Secretary-General for Disarmament Affairs Jayantha Dhanapala made the case for “sustainable disarmament,” which he defined as a “dynamic process—sustained by deliberate action on the part of leaders throughout the world community and from civil society—to address the combined needs of development and security through the reduction and elimination of arms” (Dhanapala, 1999). Key to this process is our ability to focus on the causes that sustain nuclear weapons and how they relate to other social, economic, political, and ecological crises facing us today. Andrew Lichterman of the Western States Legal Foundation has said, “reducing the nuclear danger” needs to focus not just on the weapons themselves but on the global order that is currently rooted in injustice, inequity, and violence (Lichterman, 2010b).

At the intergovernmental level, the call for “political will” for nuclear disarmament is strong. But those most affected by their governments’ decisions on nuclear weapons and related security issues lack the political agency to answer this call. Decisions and discussions about issues like arms control and disarmament are conducted by elites who have managed to disconnect them from broader concerns about global order and domestic governance. The reality is that nuclear weapons affect citizens in all countries, in both symbolic and material ways, and that they affect the systems of interaction between states. But as Lichterman writes, “We have created a world that has systematically separated cause and effect” (Lichterman, 2010c). Decisions on all major policy issues “are made at a great remove, both socially and geographically, from the places where the human and ecological impacts are felt.” Achieving nuclear disarmament will require concerted action to end the status quo from people resolved to face the challenges of our time with a focus on justice, peace, and international security.
Notes
1. NPT state parties’ commitment to establishing a zone free of weapons of mass destruction in the Middle East was one of the principle reasons non-nuclear weapon states agreed to the indefinite extension of the NPT during the 1995 Review and Extension Conference. The resolution adopted by the 1995 conference is available at: http://www.reachingcriticalwill.org/legal/npt/1995dec.html.
2. At a conference hosted by the EastWest Institute in October 2008, UN Secretary-General Ban Ki-moon elaborated a five-point proposal for nuclear disarmament, which included the negotiation of a nuclear weapons convention or a framework of separate, mutually reinforcing instruments (Ban, 2008).
3. The full text of Article VI reads: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.”
4. All interventions made in open meetings during the 2010 Review Conference are available at: http://www.reachingcriticalwill.org/legal/npt/revcon2010/statements.html. Interventions made in closed-door subsidiary body meetings or in private negotiations are not available.
6. For more information about the Conference on Disarmament, including weekly NGO reports on its plenary meetings, please see: http://www.reachingcriticalwill.org/political/cd/cdindex.html.
7. The four core items on the CD’s agenda are nuclear disarmament; a treaty on the prohibition of the production of fissile materials for nuclear weapons or other nuclear explosive devices; effective international arrangements to assure non-nuclear weapon states against the use or threat of use of nuclear weapons; and the prevention of an arms race in outer space. The CD’s full agenda, which has been static for years, is available at: http://www.reachingcriticalwill.org/political/cd/docs/1764.html.
8. The assessments of government positions in this report are based on statements in international bodies and voting records on relevant General Assembly resolutions, as well as related policies and practices.
9. For details, see Cabasso (2009).
10. For more information about the construction of this new nuclear facility, please see the website of the Los Alamos Study Group, http://lasg.org/CMRR/open_page.htm.

References


Author biography

Ray Acheson is the Director of Reaching Critical Will, a project of the Women’s International League for Peace and Freedom. She monitors and reports on nuclear disarmament and arms control conferences, providing information and analysis to diplomatic and civil society communities. She is also the NGO–UN liaison and NGO coordinator for nuclear disarmament processes at the United Nations. Most recently, Ray edited a collaborative NGO book called *Beyond Arms Control: Challenges and Choices for Nuclear Disarmament* (published by Reaching Critical Will) and provided daily coverage of the 2010 Nuclear Non-Proliferation Treaty Review Conference through Reaching Critical Will’s journal, the *NPT News in Review*. 