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Vladimir Orlov reports from New York:

2015 NPT REVIEW CONFERENCE IN THE EYES OF A RUSSIAN PARTICIPANT

ANNOTATION

The vast majority of the states recognize the Nuclear Non-proliferation Treaty (NPT) as the cornerstone of the global security architecture. The treaty has an unprecedented membership of 191 states, and that number continues to grow: Palestine joined during the latest Review Conference held in April-May this year. There are plenty of doubts about how effectively the NPT is being implemented. None of its participants, however, questions the need for the treaty itself.

Still, 2015 NPT Review Conference recently held in New York has ended in a fiasco that has destroyed at least a decade of progress. That fiasco, in view of this article's author who attended the NPT Review Conferences in 1995, 2000, 2005, 2010, and 2015, is an event of great significance; it goes far beyond the mere inability of the participants to agree on the text of the Final Document that summarizes the previous five-year review cycle.

The author of these "field notes" Vladimir Orlov, the founder of PIR Center, where he now serves as an advisor, and member of the Advisory Board on Disarmament Matters under the UN Secretary-General, delivers his own assessment of the conference debates, its results, and future prospects.

BACKGROUND: 1995, 2000, 2005, 2010 NPT RevCons

➤ 1995

For two decades now no-one has really been asking the question of whether the NPT is relevant: in 1995 the NPT was extended indefinitely. What is more, that extension was agreed almost unanimously, without a vote. But also in 1995 the participants approved a "big package" of decisions on which the indefinite extension was legally predicated. That package included a call for all the Middle Eastern states to join the Treaty and to establish a WMD-free zone in the region. Twenty years on, that decision has yet to be implemented.

All the subsequent RevCons merely reviewed the treaty for securing a balance between its three pillars: nonproliferation (Articles 1 and 2), disarmament (Article 6), and peaceful use of nuclear energy (Article 4). When the delegates managed to adopt a Final Document by a consensus, that was usually recognized as a success of the four-week NPT review marathon.

➤ 2000

In 2000 the situation in the run-up of the RevCon gave few reasons for optimism. Relations between Russia and the United States had deteriorated as a result of the aggression against Serbia. There were also growing tensions between the United States and China, and a premonition of the second war in Iraq was already in the air; so that the success of the conference was hanging by a thread up until the very last day, the main obstacle being the wording of the sections on Iraq. Nevertheless, most of the participants had demonstrated sufficient political will to achieve a compromise on the Final Document. In fact, that document proved very solid; among other things, it included the 13 Steps Towards Nuclear Disarmament. Of course, not all of those steps have actually been implemented; suffice to recall that the document recognized the importance of the now-defunct Russian-U.S. ABM Treaty as a cornerstone of strategic stability.

➤ 2005

In 2005, the atmosphere at the RevCon was very different. The delegations seemed lethargic, with little political will to search for a compromise. Three countries - the United States, Iran, and Egypt - seemed determined to see the conference fail, each for their own narrow-minded and selfish reasons. They achieved that goal without even trying too hard.

➤ 2010

In another five years' time, the climate at the RevCon was once again very different. Following the signing of the latest START treaty between Russia and the United States, many non-nuclear-weapon states had growing expectations that the disarmament process would accelerate. There were also hopes that a solution would finally be found to the tangled Middle Eastern problem by convening a conference on establishing a WMD-free zone in the region. Against that generally auspicious backdrop, the RevCon adopted an ambitious Plan of Action consisting of 64 steps, many of them focusing on nuclear disarmament. The document was not easy to accept for the nuclear-weapon states, including Russia. Nevertheless, they had decided against trying to block it; they reckoned that adopting the Plan of Action would be a sign of a general constructive compromise and serve to strengthen the NPT.

With hindsight, it is becoming increasingly clear that the success of the 2010 RevCon was an illusion. The delegations adopted the Plan of Action without first laying down solid foundations to implement those actions. For example, the conference on establishing a WMD-free zone in the Middle East has yet to be convened, even though the Final Document set a 2012 deadline for that.

IN THE RUN-UP TO THE 2015 REVCON

When we gathered in New York for the latest RevCon in April 2015, the international situation was at a new post-Cold War low.

- First and foremost, the two *main* members of the P5, Russia and the United States, are in a state of bitter confrontation that shows no signs of abating.
- Second, there has been a severe deterioration of the security situation in Europe.

- Third, the Middle Eastern states - especially Egypt - are deeply disappointed with the lack of any progress on implementing the 1995 RevCon's decision calling for Israel to join the NPT, or on establishing a WMD-free zone in the Middle East.
- Fourth, there is a deep crisis of the multilateral disarmament process, as demonstrated by many years of stagnation at the Conference on Disarmament in Geneva. Another sign of the crisis is that the Comprehensive Nuclear Test Ban Treaty (CTBT) signed back in 1996 has yet to enter into force because a handful of states - including the U.S. and China - have yet to ratify it.
- Fifth, there are growing tensions in East Asia, including North Korea's determination to accelerate its nuclear weapons and missile programs.

These five factors made many of the conference participants deeply skeptical about the possibility of making any progress on nonproliferation and disarmament this year. That pessimism was not shaken even by the substantial progress achieved in one key area - namely, Iran. Though many NPT members gave due credit to the success of multilateral diplomatic effort to resolve the Iranian nuclear problem, positive dynamics on the Iranian track proved unable to outweigh the generally negative international context in which the latest RevCon was held.

DRAMA: SET-UP, KEY ACTORS, AND THE GAME BEHIND THE CURTAINS

The first act of the unfolding drama, i.e. the first week of the conference, when the delegations stated their official positions at the plenary session, demonstrated the possibilities of the latest RevCon and their limits. It also highlighted the key actors.

Let us start with the P5. **The United States and Russia** exchanged a series of recriminations during the very first days, even though it is unusual for Moscow and Washington to trade barbed accusations in the NPT framework. This time around, however, John Kerry, who spoke on the first day, adopted a sharply anti-Russian tone. One of the highlights of his speech was the accusation that Russia is violating the INF Treaty. He also raised the issue of the Budapest Memorandum (which was later picked up by Canada, Poland, and Estonia). For its part, Russia accused the United States and the NATO countries of violating the NPT by pursuing a policy of nuclear sharing, i.e. training its allies to use nuclear weapons and involving them in nuclear planning. Another major Russian concern was the deployment of a global missile defense system by the United States. Russia and the United States also gave a joint briefing on the implementation of the New START treaty, but the audience at the briefing was very small which obviously highlighted waning interest in bilateral Russian-U.S. arms control.

Other nuclear-weapon states adopted different tactics. **The UK** mostly showed solidarity with the United States, although its position on some of the disarmament issues was closer to that of the *non-nuclear activists*. **France**, however, was outspoken in its rejection of the so-called *Humanitarian Initiative*, which focuses on the catastrophic consequences of the nuclear weapons use, putting it on the same side of the argument as Russia. China, meanwhile, stuck to a policy of not taking a clear stance on any single issue.

Another collective actor at the RevCon, **the Nonaligned Movement (NM)**, is too big (with over 110 members) to avoid the risk of becoming amorphous. Indonesia was expected to be one of the most vocal delegations, but that did not happen. In the end, it was the Iranian delegation that took the lead among the NM states, playing that role quite elegantly.

Yet another major actor was **the Nonproliferation and Disarmament Initiative (NPDI)**. Most of its members are states that enjoy the protection of America's *nuclear umbrella* and, having their own distinct interests, often serve as a bridge between the P5 (especially the United States and Britain) and the *nuclear activists*.

Further on, let us look at **nuclear activists**. This is a substantial and growing group of countries that are unhappy with the slow progress of disarmament and lack of any progress on implementing the disarmament decisions taken in 2000 and 2010. The leaders of this group are Austria, Switzerland, Mexico, Cuba, and South Africa. Last year Vienna hosted a conference on the humanitarian consequences of nuclear weapons, which was attended by 159 states. Mexico hosted a similar conference in 2013; the next such event will probably be held in South Africa. Austria also has the backing of 93 states for its proposal to introduce a legally binding ban on nuclear weapons as soon as possible. This group is a formidable force that must be neither ignored nor ridiculed. Joint efforts led by Austria and Switzerland have already caused a clear shift in the balance of power at the NPT review process. Russia and France are now the only two nuclear weapon states that maintain their deep skepticism about the *Humanitarian Initiative*. Obviously, countries such as Austria and Mexico will use ethical and humanitarian considerations - which are in fact quite relevant in their own right - to articulate the rationale for a legal ban on possessing nuclear weapons similar to the already existing bans on two other types of WMD, chemical and biological.

Last but not least, we have **the Middle Eastern group**. The situation in that group - just like the situation in the region itself - is compounded by mutual suspicions. These suspicions, however, are swept under the rug when the discussion turns to the conference on establishing a WMD-free zone in the Middle East or to the matter of Israel. On these two issues, the Arabs have genuine solidarity. As a rule, their position is articulated by Egypt, which is then backed very vocally by Algeria, Tunisia, and Syria. The Gulf states, meanwhile, make more or less the same points, but sotto voce, annoyed as they are that Iran has not missed its diplomatic chance to shine. Egypt adopted an extremely uncompromising stance at this conference; there were scenes reminiscent of the preparatory committee meeting in 2013, when the Egyptian delegation walked out and slammed the door. It has also transpired that America's diplomatic influence on Egypt is not nearly as strong as it was in 1995, for example.

Once the plenary week ended, work began in the committees. There were three main committees: on disarmament, nonproliferation, and nuclear energy. The third committee managed to agree a text by consensus; at the other two, as you may have guessed, there were no realistic hope of a consensus being reached - work was making very slow progress there.

Most of the real work, however, was going on behind the curtains, with two opposite trends in progress:

- *The first trend was towards a complete bust-up. It was very obvious among some members of the P5, some of the "nuclear activists", and several Middle Eastern states, especially Egypt. Each country had its own motive not to try very hard for a compromise. For example, what France saw as unacceptable concessions on disarmament issues was regarded by Austria and Mexico as watered-down steps not even worth considering.*
- *The second trend was towards finding a difficult compromise despite all the differences. At some point it seemed that most of the delegations were in just such a frame of mind. There were no illusions or unrealistic expectations. No-one was trying for a massive breakthrough that would go beyond the 2010 Plan of Action. Realizing that the current international situation was not conducive to ambitious steps or major breakthroughs, the adherents of the compromise approach were determined to make small but tangible steps forward, and to return to their respective capitals with a Final Document approved by a consensus. Proponents of such a flexible approach included Spain, Brazil, Iran, Australia, Sweden, and, at some point, Switzerland. Russia was also determined to achieve a positive result rather than to accept a fiasco. That was the general sentiment of the Russian draft of the Middle Eastern section in the Final Document, which included the proposal for the UN Secretary-General to convene a conference on establishing a WMD-free zone in the region no later than March 1, 2016.*

Unfortunately, even though these countries were in a majority, they lacked a leader and mediator.

THE CULMINATION AND RESOLUTION

During the last few days of the RevCon the chairman of the conference, an experienced Algerian diplomat Amb. Taous Feroukhi urged the delegates to search for a compromise, and then proceeded to work on the draft of the final document in a restricted-attendance mode. She knew perfectly well that some of the provisions would be objectionable to the French, some to the Americans, and that all of them would be branded as too weak by the Austrians. Nevertheless, she was determined to achieve a balanced document.

We saw that document at midnight on May 21-22. When I read all 24 pages of it, I was forced to admit that Amb. Feroukhi and her small team had achieved something that was almost impossible. Of course, the document was by no means revolutionary. It was merely the final document of another Review Conference. But the draft was very ambitious on at least two key elements.

To begin with, I believe that the 19 points of the paragraph on further steps on nuclear disarmament should have satisfied the non-nuclear-weapon states, which all demanded "further progress". It particularly included:

- urging Russia and the United States to begin talks on deeper nuclear arms reductions "as soon as possible";
- calling on all nuclear-weapon states to improve their nuclear weapons accounting and reporting, albeit "without prejudice to national security";
- urging the eight states that have not yet ratified the CTBT, thereby preventing it from entering into force, to do so "without further delay and without waiting for any other State to do so";
- recommendation for the UN General Assembly to set up a working group to identify effective measures on full implementation of Article 6.

My first reaction was that the proposed draft represented a victory of the *nuclear activists* and a capitulation of the P5 group, torn as it was by internal squabbling. Upon more careful study, however, I began to see the outlines of a reasonable and balanced compromise, so it became clear to me why the head of the Russian delegation later described the draft as a "very useful effort on the part of Amb. Feroukhi, a draft that could and should have been approved".

The second important element of the proposed draft was its *Middle East section* which consisted mostly of Russian proposals emerged as a result of *marathon* consultations with Middle Eastern states, especially Egypt, but also several others. Israel was present at the RevCon both invisibly (for it sometimes seemed that the Americans and the Canadians were voicing Israel's position rather than their own) and visibly, in the form of Israeli observers. Signs of Israeli presence were everywhere in the lobbies. Sticking to what has already become a tradition, Russian diplomats held numerous meetings with their Israeli counterparts to discuss possible solutions and the degree of their acceptability. Naturally, they also maintained dialogue with the US and the UK. In fact, up until the final week of the conference that dialogue seemed entirely constructive, as suggested by complaints in the lobbies that "the Russians and the Americans are once again singing from the same hymn sheet on the Middle East".

Eventually it turned out, however, that the "hymn sheet" was not quite the same. The United States (backed by Britain and Canada) refused to accept that in order to guarantee that the conference on the WMD-free zone would be convened after all, the stumbling block of Israeli resistance would have to be removed one way or another. The idea was to draft an agenda with active involvement of the UN secretary-general, the United States, Britain, and Russia, and then have the secretary-general convene the conference within 45 days. The invitations would be sent to all states in the region, including Israel, of course. But if Israel failed to show up, that would not be a show-stopper. The co-sponsors would not be allowed to wield such a power of veto, either. The proposed approach removed the risk of an endless wait but obviously ramped up the pressure on Israel.

Busy consultations on the proposed draft of the Final Document continued up until five in the afternoon of the final day of the conference. It soon became clear that the disarmament section of the draft was mutually acceptable.

The stumbling block was, once again, the *Middle East section*, causing an eerie sense of *déjà vu*. It appears that during those final hours, all the delegations were being held hostage to the inter-agency process taking place a few hundred miles to the south of the New York venue, in Washington, where calls were probably being taken both from their own delegation (the State Department is powerless in such matters) and from colleagues in Jerusalem.

The latter gained the upper hand in the end. The U.S. delegation announced to the overcrowded chamber of the UN General Assembly that the *Middle East section* of the proposed draft ran counter to U.S. national policy (i.e. left Washington without its veto power), and was therefore unacceptable. At the same time, the Americans accused the Egyptian delegation of obstinacy. A murmur of disappointment rolled down the chamber, followed by a confused silence.

Only at that point it did become clear that the delegations determined to achieve a difficult compromise despite all obstacles were in a majority - and an overwhelming one at that. Still, that overwhelming majority was defeated.

"The fiasco with finding a way out of the Middle East impasse raises the question of how a single country that is not even a member of the NPT was allowed to have so much influence on the outcome of our work," lamented a South African representative, who seemed close to tears as she delivered her remarks from the rostrum. Alas, it was too late. The only attempt to save the day was made by Iran, whose delegation requested a break in the proceedings for urgent consultation, despite the late hour. The break was granted - but the hoped-for miracle did not happen.

The 2015 RevCon had all the chances of following the scenario of the Review Conference in 2000, when the inauspicious international climate was not allowed to stand in the way of everyone's shared goal of agreeing a Final Document. But it could also follow *the 2005 scenario*, when the *will for victory* was nowhere to be found. I thought it was not unreasonable to hope for a repeat of the RevCon 2000 scenario, though many of my nonproliferation colleagues disagreed with my view, rejecting it as too optimistic. In the end, the RevCon 2000 scenario won - and the NPT lost.

WHAT IT ALL MEANS

The future of the NPT was certainly not at stake at the 2015 RevCon. The NPT has an indefinite term, and the review process has been going through ups and downs ever since the treaty's entry into force in 1970. There have been good RevCons, and there have been bad ones. Also, whether or not a RevCon has agreed a Final Document is not the main criterion of its success. Far more important is the spirit of the conference, and whether it was dominated by confrontation or cooperation. Incidentally, the most successful RevCon was held in 1995, when the indefinite extension of the treaty was agreed. Despite that success, the 1995 conference did not produce a Final Document, either.

The experience of the unsuccessful RevCon in 2005 demonstrates that such failures can encourage the participants to do their homework and mobilize their intellectual resources in order to make the next conference a success. But even with these reservations in mind, one has to recognize that what happened on May 22, 2015 was a *major setback* for the nuclear nonproliferation regime. By the least pessimistic assessments, that setback has destroyed a decade of progress.

The consequences of this fiasco will be felt on all fronts. There is now a risk of the entire international nuclear nonproliferation regime being eroded. Of course, only a small minority will benefit from such erosion. But that minority has already demonstrated its ability to seize the initiative by unfurling attractive and seemingly universal banners.

With growing tensions on the European continent, with the nuclear factor once again being bandied about, with fresh plans to deploy new nuclear weapons and a clear risk of the INF Treaty being lost - in these dire circumstances, the NPT should be as steady as a rock.

➤ Speaking of European security, the time is coming to start thinking seriously about how we can strengthen the nonproliferation regime on the European continent. The measures might include nuclear-weapons-free zones and other steps to prevent nuclear weapons being stationed outside the borders of the nuclear-weapon states.

- The most urgent priority now is to reduce the risk of incidents involving nuclear weapons, i.e. accidental risks with potentially irreversible consequences.
- Another pressing issue that still remains unresolved is the interrelation between offensive and defensive strategic weapons, as well as the interrelation between nuclear weapons and new types of conventional strategic weapons. Unfortunately, despite the obvious urgency of this problem, most Europeans seem to remain indifferent to it.

At the same time, we have to recognize that the Humanitarian Initiative and the Austrian proposals will continue to gain momentum. In my view, these discussions are merely diverting us from key disarmament issues rather than focusing our attention on them. My understanding is that some people hope to turn that initiative into an alternative to the NPT, and use it as a launch pad for a convention banning nuclear weapons. Will that help the NPT? Not at all. To the contrary, that could be the very source of the NPT's erosion warned of above.

Should we be afraid of these *non-nuclear activists*? Of course not. We need to pursue dialogue with them, both from within and from without. Let us not forget that the conference in Vienna was attended by all the CIS and CSTO members (except for Russia and Tajikistan), and by all the BRICS states (again, Russia being the exception). Perhaps one could learn a thing or two from China, which does not avoid this discussion, but sends low-level delegations to these events.

- During the upcoming five-year NPT review cycle the tensions emerging in **Northeast Asia** will probably come to the fore. How will Japan, which remains completely non-nuclear for the time being, react to the growing North Korean nuclear arsenal? Will nuclear fault lines emerge in relations between Japan, which enjoys the protection of the American nuclear umbrella, and China, which is ready to increase the number of its nuclear warheads at any moment?
- The most dramatic turn of events, however, could unfold in **the Middle East**. Israel may now feel triumphant. Tactically, the United States has protected its interests. But how will Egypt respond? Where is the *boiling point* after which the Middle Eastern states will decide that since the decision of the 1995 RevCon has not been implemented, and since no-one seems eager to implement it, they have no choice but to take the initiative?

I am writing this in New York, where I am taking part in a session of the Advisory Board on Disarmament Matters under the UN Secretary-General. The debates here at the session and the results of the recent meetings between members of the Board with Secretary-General Ban Ki-moon and his acting high representative for disarmament, Kim Won-soo, bear out the conclusions I have just made. The situation for the nuclear nonproliferation regime has taken a major turn for the worse. Setting it right again will be increasingly difficult and costly. Meanwhile, the general international chill is making the entire situation with the NPT extremely fragile.

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Edited by Julia Fetisova

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