

2010 NPT Review Conference and Nuclear Disarmament

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2010年NPT再検討会議と核軍縮

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Abstract

The purpose of this article is to examine and evaluate the outcome of the 2010 NPT review conference in the field of nuclear disarmament. The conference is generally thought of as successful because it adopted a final document including action plans agreed by consensus. However, in order to know whether it is truly a success or not, we have to examine the main issues on nuclear disarmament at the conference. The author concludes that many recommendations on nuclear disarmament are the same as in the 2000 review conference, but he finds some new developments, based on which we can work for “a world without nuclear weapons.”

Key words: Nuclear Non-Proliferation Treaty, nuclear disarmament, NPT review conference, a world without nuclear weapons

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抄 録

本稿の目的は、2010年NPT再検討会議における核軍縮の領域における成果を検討し評価することである。この会議は、コンセンサスで合意された行動計画を含む最終文書を採択したので、一般に成功であったと考えられている。しかし、本当に成功であったかどうかを知るためには、会議での核軍縮に関する主要問題を検討しなければならない。著者は、核軍縮に関する多くの勧告は2000年と同様であるが、いくつかの新たな進展もあり、それを基礎に「核兵器のない世界」に向けて努力すべきであると結論する。

キーワード：核不拡散条約、核軍縮、NPT再検討会議、核兵器のない世界

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Introduction

The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was held at the headquarters of the United Nations in New York from May 3 to 28, 2010. The conference succeeded in adopting a final document¹ including action plans agreed by consensus. Although the 2000 conference² successfully adopted a final document, the 2005 conference³ failed to agree to anything mainly because of the sharp confrontation between the U.S. and the non-aligned states. As a result, during the last five years many were concerned with the future of the NPT. The successful conference in 2010 has positive effects for maintaining and strengthening the NPT.

Since the advent of the Obama administration in the U.S. in 2009, Obama has advocated pursuing “a world without nuclear weapons”, and in this April, just before the conference, a New START Treaty was signed between the U.S. and Russia. Reflecting a clearly positive attitude by the U.S. toward nuclear disarmament and the conference, the atmosphere before the conference was much better than in 2005 and even in 2000.

In this article, first I will consider the reasons why the conference was successful in adopting the final document mainly focusing on some events before the conference, and then examine and evaluate action plans for nuclear disarmament adopted at the conference.

The Reasons for Success in Adopting a Final Document

Nine events before the conference contributed to the successful conference. In addition, two indispensable elements before and during the conference were the U.S. leadership and the cooperation of other states.

Proposal for a World Free of Nuclear Weapons

First, in January 2007, an op-ed “A World Free of Nuclear Weapons”⁴ by George Shultz, William Perry, Henry Kissinger and Sam Nunn was published in The Wall Street Journal, which endorsed setting the goal of a world free of nuclear weapons and asked the U.S. government to take the leadership to achieve this goal, as it would be much safer for the U.S.

This proposal has decidedly affected President Obama’s nuclear policy. His early presidential campaign did not include this concept, but he accepted this argument later by advocating “a world without nuclear weapons.”

Address by UN Secretary-General Ban Ki-moon

Second, in October 2008, Secretary-General of the United Nations Ban Ki-moon made an address to the East-West Institute, offering a five point proposal.⁵ He asked the nuclear-weapon

states to fulfill their obligation under the treaty for nuclear disarmament and then proposed, “They could pursue this goal by agreement on a framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear weapons convention.”

This is the first time the Secretary-General referred to a nuclear weapons convention. Non-aligned states had demanded the negotiation on a nuclear weapons convention, but it was not widely accepted. Ban Ki-moon’s reference to a nuclear weapons convention radically changed the general environment surrounding this concept to a more widely acceptable one.

Address by President Obama in Prague

Third, in his famous address in Prague in April 2009, Obama stated “as a nuclear power – as the only nuclear power to have used a nuclear weapon – the United States has a moral responsibility to act,” and he stated clearly and with conviction America’s commitment to seek the peace and security of a world without nuclear weapons.⁶

Proclaiming that the U.S. will take concrete steps toward a world without nuclear weapons, he first emphasized the U.S. would reduce the role of nuclear weapons in its national security strategy and urged others to do the same, in order to put an end to Cold War thinking.

This landmark address by President Obama and the decision to start nuclear reduction negotiations with the Russian Federation has changed the discussion surrounding nuclear disarmament profoundly and created a very positive orientation toward nuclear disarmament.

Provisional Adoption of the Agenda for the 2010 Conference

Fourth, the third session of the Preparatory Committee for the 2010 NPT Review Conference in May 2009 succeeded in adopting provisionally the agenda for the 2010 Conference.⁷ At the 2005 conference, participants could not adopt an agenda for the conference prior to the conference or within the first two weeks and half after the conference started. Even at the 2000 conference which is generally evaluated as successful, participants could not agree on the agenda until the first day of the conference.

This time the agenda was agreed on one year before the conference. This means all parties were very cooperative toward the conference and no state wanted to block the smooth opening of the conference and active discussion there.

UN Security Council Summit and Resolution 1887

Fifth, the first and historic summit meeting focusing on nuclear non-proliferation and disarmament was held at the UN Security Council at the initiative of President Obama on September 24, 2010. They discussed nuclear non-proliferation and disarmament and unanimously adopted resolution 1887, in which they pledged their backing for broad progress on long-stalled efforts to stanch the proliferation of nuclear weapons and ensure reductions in

existing weapons stockpiles, as well as control of fissile material.⁸

This meeting strongly demonstrated Obama's determination to have a successful conference and his careful preparation for the conference. The resolution included many recommendations on nuclear disarmament, nuclear non-proliferation, peaceful uses of nuclear energy, and nuclear security, the vast majority of which were included in the final document of the 2010 conference. This meeting was a highly effective preparatory meeting for the conference.

Report by the International Commission on Nuclear Non-Proliferation and Disarmament

Sixth, the International Commission on Nuclear Non-Proliferation and Disarmament (ICNND), co-sponsored by the Australian and Japanese governments, submitted its comprehensive report "Eliminating Nuclear Threat: A Practical Agenda for Global Policymakers" in December 2009.⁹ The almost 300 page report, which is the outcome of a two year discussion among fifteen former high officials and experts under the co-chairs, Gareth Evans and Yoriko Kawaguchi, includes 76 recommendations.

One of the main purposes of this commission was to make clear and concrete proposals to the 2010 NPT review conference. Many of the proposals were introduced and discussed at the conference, and some of the proposals were included in the final document. The commission contributed much to the successful outcome of the conference.

U.S. Nuclear Posture Review Report

Seventh, the Obama administration submitted the report on U.S. Nuclear Posture Review on April 6, 2010.¹⁰ Previously President William Clinton submitted his version in 1994 and President George Bush in 2002. This report is extremely important for dictating a comprehensive U.S. nuclear policy including the policies of nuclear reduction, nuclear development, nuclear use, nuclear deterrence, nuclear umbrella, and others.

The new posture, which is completely changed from the previous report under President Bush, provides for reducing the role and number of U.S. nuclear weapons, not developing new nuclear warheads and no nuclear testing, accelerating dismantlement of retired warheads, promoting strategic stability with Russia and China, and working to reduce the salience of nuclear weapons in international affairs.

This report which expresses a promising message on U.S. nuclear posture toward nuclear disarmament, such as reducing its role and number, and also its salience, had a very good influence on the conference as non-nuclear-weapon states in general looked for the progress in nuclear disarmament.

Signature of New START Treaty by the U.S. and Russia

Eighth, on April 8, 2010, the U.S. and Russia signed the New START Treaty which will reduce the number of deployed nuclear warheads of each state to 1550 in seven years after its entry into force, which amounts to a 30 % reduction from the Strategic Offensive Reductions Treaty of 2002.¹¹ The new treaty also limits its delivery vehicles – ICBMs, SLBMs, and heavy bombers – to 700 deployed ones and 800 deployed and undeployed ones.

As a successor to the 1991 START Treaty, which expired in December 2009, the new treaty provides for the further reduction of strategic nuclear weapons, and in addition, it symbolizes a new relationship between the U.S. and Russia resetting their relations from confrontation to cooperation, reflecting the change of stance from President Bush to President Obama.

This long awaited and overdue treaty is one of the greatest pieces of evidence that the U.S. and Russia are keeping their promise to work for nuclear disarmament provided for in Article 6 of the NPT. The signing of the treaty less than one month before the conference gave a strong impetus toward a successful conference.

World Summit on Nuclear Security

Ninth, President Obama invited 46 heads of state or government which have nuclear capability to the Washington Nuclear Security Summit on April 12 and 13, 2010 mainly to discuss ways to prevent nuclear terrorism. Nuclear security is one of the most important issues for President Obama from the days of his presidential campaign, arguing that vulnerable nuclear material and facilities should be secured within four years.

In the communiqué adopted at the Summit, 47 participating states welcomed and joined President Obama's call to secure all vulnerable nuclear material in four years, reaffirmed the fundamental responsibility of states to maintain effective security of all nuclear materials and to prevent non-states actors from obtaining the information or technology required to use such material for malicious purposes.¹² They agreed with many other measures under the communiqué as well as the Work Plan of the Summit.

This summit focused on nuclear security, which is one of several issues discussed at the review conference. It had a preparatory nature for the conference itself.

Indispensable Elements: U.S. Leadership and Cooperation of Other States

As five of the above-examined events were taken by U.S. initiative, President Obama's leadership for the 2010 NPT conference was extraordinarily clear, which is one of the main reasons for the successful conference. During the conference, the U.S. was not confrontational as the previous administration had been but cooperative in every field.

The U.S. also yielded to accept compromise in many areas such as the Iranian issue, the Middle East resolution, additional protocol, multilateral nuclear fuel cycle and others. The U.S.

administration was eager to adopt a final document in order to promote its new nuclear non-proliferation and disarmament policies internationally and domestically.

Other states, generally speaking, also cooperated to have a successful outcome of the conference as they were much concerned about the recent erosion and weakening of the non-proliferation regime and wanted to strengthen it by adopting a final document. Egypt, as the leader of the non-aligned movement (NAM) states, consisting of 116 states, took a generally cooperative attitude during the conference, which was completely different from 2005, where the Bush administration took unilateralist actions.

The only state that was not cooperative and not worried about the failure of the conference was Iran. Iran's papers and statements sometimes intended to block a smooth proceeding of the conference. However, as the vast majority of states or all states except Iran desired a successful conference, Iran, as the only state opposing, could not keep its hard stance at the last stage, saying "Iran had joined consensus to show respect for the views of others and to demonstrate political goodwill."¹³ The U.S. leadership accompanied by the cooperation of almost all participants was indispensable for the successful conference.

Main Issues on Nuclear Disarmament

The success in adopting the final document does not necessarily mean that the conference was successful in agreeing to effective measures for nuclear disarmament. Generally speaking, the desire to agree on a final document tends to need much compromise in order to get consensus. As a result the outcome of the action plans has a tendency to be limited or weak. In this chapter, I will examine and evaluate some of the main issues on nuclear disarmament which were hotly debated at the conference.

Nuclear Weapons Convention

The NAM states demanded "to agree on an action plan on nuclear disarmament which includes concrete steps for the total elimination of nuclear weapons within a specified framework of time including a nuclear weapons convention, without delay,"¹⁴ and submitted "Elements for a Plan of Action for the Elimination of Nuclear Weapons"¹⁵ which provides for a three-phased plan to eliminate nuclear weapons by 2025. The concept of a nuclear weapons convention was supported not only by the non-aligned states but also by Switzerland, Austria and Norway.

The idea of a nuclear weapons convention was recommended by UN Secretary-General Ban Ki-moon in his five point proposal in October 2008. He urged the nuclear-weapon states to fulfill their obligation under the Treaty to undertake negotiations on effective measures leading to nuclear disarmament, stating "They could pursue this goal by agreement on a

framework of separate, mutually reinforcing instruments. Or they could consider negotiating a nuclear-weapon convention, backed by a strong system of verification.”¹⁶

The nuclear-weapon states generally opposed the idea, with the U.S. stating, “The United States does not share that view. A Nuclear Weapons Convention is not achievable in the near term and therefore is not realistic alternative to the step-to-step approach we are taking.”¹⁷

The final document states that “The Conference notes the Five-Point Proposal for Nuclear Disarmament of the Secretary-General of the United Nations, which proposes inter alia consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.”

This is the first time that a nuclear weapons convention is referred to in the final document, although its reference is indirect.

A World without Nuclear Weapons

The phrase “A world without nuclear weapons” which has been consistently advocated by President Obama and was included in the UN Security Council resolution 1887 has been generally supported at the conference and referred to in some parts of the final document. The NAC (New Agenda Coalition) proposed “to call upon all states parties to pursue policies that are fully compatible with the objective of achieving a world free from nuclear weapons.”¹⁸

The final document states that “the conference resolves to seek a safer world for all and to achieve the peace and security of a world without nuclear weapons” and includes “Action 1: All states parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.”

The concept of a world without nuclear weapons had never been used before in an official statement at this kind of conference, but it is now widely accepted.

Time Framework for Nuclear Disarmament

The NAM proposal for nuclear disarmament provided for a strict time framework in three phases of five years each and completed by 2025. The nuclear-weapon states are generally negative to a time framework because they do not like to be bound by a strict time line.

According to the first draft, the nuclear-weapon states shall convene consultations not later than 2011 to accelerate concrete progress on nuclear disarmament and shall report back to states parties in 2012, and based on the outcome of these consultations, the Secretary-General of the United Nations is invited to convene an international conference in 2014 to consider ways and means to agree on a roadmap for the complete elimination of nuclear weapons within a specified timeframe.

Although these draft sentences were deleted due to opposition by the nuclear powers, it was agreed that “The nuclear-weapon states are called upon to report the above undertakings

to the Preparatory Committee in 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of Article VI.” The final document includes such a very weak timeframe, as it was watered down much from the draft.

On the issues of security assurances and fissile material cut-off treaty (FMCT), the first draft provided for “If the discussion in the Conference on Disarmament fail to commence before the end of the 2011 session of the Conference on Disarmament (CD), the 66th Session of the United Nations General Assembly should determine how discussions should be pursued.” As the CD had not been working for more than 10 years, it was thought to be a good idea for the UN General Assembly to determine how discussions should be pursued.

This idea was also deleted due to the opposition of the nuclear-weapon states, and only one sentence including time is included as follows, “The Review Conference invites the Secretary-General of the United Nations to convene a high-level meeting in September 2010 in support of the work of the Conference on Disarmament.” As the possibility for the CD to start negotiations or consultations seems very low, the final document should have shown what to do after the CD fails to start negotiations or consultations.

Reduction of Nuclear Weapons

The Australia-Japan joint package called on all states possessing nuclear weapons to pursue negotiations on nuclear disarmament bilaterally and/or multilaterally and calls on them to make an early commitment to reducing, or at least not increasing nuclear arsenals.¹⁹ The NAC also called upon all nuclear-weapon states to take further steps to reduce their non-strategic and strategic nuclear arsenals.

In the final document of the 2010 NPT review conference, “the Conference affirms the need for the nuclear-weapon states to reduce and eliminate all types of their nuclear weapons,” and under Action 3, “the nuclear-weapon states commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional, and multilateral measures.”

Under Action 4, the U.S. and Russia commit to seek the early entry into force and full implementation of the New START Treaty and are encouraged to continue discussions on follow-on measures.

Non-strategic (tactical) nuclear weapons are not mentioned by themselves in the final document, although it is clear that they are substantively included as the final document refers to “all types of nuclear weapons”. While the U.S. argued for negotiations of non-strategic nuclear weapons with Russia²⁰, Russia opposed the direct reference to non-strategic nuclear weapons, stating that the negotiations on the reduction of non-strategic nuclear weapons could be possible only within the whole context including conventional arms and missile defense of the U.S.²¹.

Action 5 b of the final document addresses the question of all nuclear weapons regardless of their types or their location as an integral part of the general nuclear disarmament. In the first to third drafts, the main subject was the question of weapons stationed on the territories of non-nuclear-weapon states. With strong opposition from the U.S., the phrase “regardless of their location” was inserted instead, changing the substantive meaning of the provision. In this connection, Russia and China argued for the removal of nuclear weapons deployed in other states, and Non-aligned states argued that this nuclear sharing was a violation of Articles 1 and 2 of the NPT.

The EU (European Union) called on all states parties possessing nuclear weapons to include non-strategic nuclear weapons in their general arms control and disarmament processes, and encouraged the U.S. and Russia to include non-strategic nuclear weapons in the next round of their bilateral nuclear arms reductions.²² Germany, on behalf of the ten European states, strongly argued for the negotiations on effectively verifiable and legally binding reduction of non-strategic nuclear weapons in the further arms control and disarmament process.²³ Due to Russian opposition, all these arguments were turned down. As the 2000 final document included “further reduction of non-strategic nuclear weapons” under the step 9-3, we find a retrogression in this year’s agreement.

Reduction of the Role of Nuclear Weapons

President Obama in his address in Prague in April 2009 emphasized reducing the role of nuclear weapons in a national security strategy and urged others to do the same in order to put an end to Cold War thinking. In the U.S. Nuclear Posture Review Report in April 2010, the U.S. concluded that (i) the U.S. will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks, with the objective of making deterrence of nuclear attacks on the U.S. or our allies and partners the sole purpose of U.S. nuclear weapons; (ii) the U.S. would consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the U.S. or its allies and partners; and (iii) the U.S. will not use or threaten to use nuclear weapons against non-nuclear weapon states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.²⁴

At the conference, Australia and Japan called on all nuclear possessing states to commit themselves to reducing the role of nuclear weapons in their national security strategies, and called on the nuclear-weapon states to take such measures as providing stronger negative security assurances that they will not use nuclear weapons against non-nuclear-weapon states that comply with the NPT.

The NAC called upon all nuclear-weapon states, in accordance with their commitment to diminish the role of nuclear weapons, to reduce their non-nuclear and nuclear weapons, to encourage states that are part of regional alliance to report measures to reduce and eliminate

the role of nuclear weapons in collective security doctrines, to refrain from pursuing military doctrines which emphasize the importance of nuclear weapons, to consider providing non-nuclear-weapon states parties to the NPT with legally binding security assurances, and to respect their existing commitment with regard to security assurances. The NAM called for the negotiation of a universal, unconditional, and legally binding instrument on security assurances to non-nuclear-weapon states against the use or threat of use of nuclear weapons.

The U.S. Secretary of State Hilary Clinton stated “I am announcing we will submit protocols to the United States Senate to ratify our participation in the nuclear-weapon-free-zones that have been established in Africa and the South Pacific” in addition to a reference to the new policy on negative security assurances included in the Nuclear Posture Review.²⁵ China stated: “Nuclear-weapon states should earnestly reduce the role of nuclear weapons in their respective national security policy, unequivocally undertake not to be the first to use nuclear weapons, and unconditionally not use or threaten to use nuclear weapons against non-nuclear-weapon states and nuclear-weapon-free zones. We call on all nuclear-weapon states to conclude an international legal instrument in this regard at an early date.”²⁶

In the context of reducing the role of nuclear weapons, Australia encouraged the inclusion in any Conference outcome of a commitment to work collectively towards the interim objective of making nuclear deterrence the sole purpose of nuclear weapons.²⁷ The phrase “the sole purpose” was intentionally used in the report of the International Commission on Nuclear Non-proliferation and Disarmament (ICNND) in place of “no first use of nuclear weapons” which had been traditionally used but abandoned due to the cynicism about the Cold War “no first use” commitment of the Soviet Union. The report recommended that one of the measures to be achieved by 2012 be “Early movement on nuclear doctrine, with all nuclear-armed states declaring at least that the sole purpose of retaining the nuclear weapons they have is to deter others from using such weapons against them or their allies.”

Thus, the conference agrees to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies as Action 5 c. There is some progress mainly because of U.S. efforts, but we need much more progress in this field.

Reduction of the Operational Status of Nuclear Weapons

The U.S. Nuclear Posture Review concluded that the U.S. will maintain the current alert posture of U.S. strategic forces, continue the practice of “open-ocean targeting” of all ICBMs and SLBMs, make new investments in the U.S. command and control system to maximize presidential decision time in a nuclear crisis, and explore new modes of ICBM basing that could enhance survivability and further reduce any incentives for prompt launch.²⁸

The Australia-Japan package called on all states possessing nuclear weapons to take measures to reduce the risk of their accidental or unauthorized launch and to further reduce

the operational status of nuclear weapons systems in ways that promote international stability and security. The NAC called for further concrete measures to be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status.

The NAM asked to stand down nuclear weapon systems from a state of operational readiness as measures taken in the first phase by 2015. China also called for taking all necessary steps to avoid accidental or unauthorized launches of nuclear weapons.²⁹

New Zealand with Chile, Malaysia, Nigeria and Switzerland submitted a working paper for further reducing the operational status of nuclear weapon systems, recommending that the conference (1) recognize that reductions in alert levels would contribute to the process of nuclear disarmament, (2) urge that further concrete measures be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status, and (3) call on the nuclear-weapon states to regularly report on measures taken to lower the operational readiness of their nuclear weapon systems.³⁰

Action 5 e of the final document calls on nuclear-weapon states to “consider the legitimate interest of non-nuclear weapon states to further reducing the operational status of nuclear weapons systems in ways that promote international stability and security,” and Action 5 f calls on them to “reduce the risk of accidental use of nuclear weapons.” In spite of many demands by non-nuclear-weapon states to reduce the operational status of nuclear weapon systems, the U.S. and Russia keep many nuclear weapons on alert status and they are not ready to change this posture in the near future, mainly because of the U.S. attitude on this issue.

Prohibition of the Use of Nuclear Weapons

The NPT review process so far has not given much focus on the issue of the non-use of nuclear weapons, but at this conference the issue was discussed in the context of declaratory policy on nuclear use, and the issue was extended to include the compliance with international humanitarian law. The NAM proposed to eliminate the role of nuclear weapons in military or security policies, and as one of the measures that should be taken during the first five-years, it proposed immediate commencement of negotiations and early conclusion of a convention unconditionally prohibiting the use or threat of use of nuclear weapons.

Under Action 5 d, nuclear-weapon states are called upon to “discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons.” This paragraph at first was concerned with declaratory policies, as the first draft called on them to “discuss declaratory policies that could minimize the use or threat of use of nuclear weapons.”

Under paragraph v of Principles and Objectives, the conference expressed its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirmed the need for all states at all times to comply with applicable international law, including international humanitarian law. This issue was proposed by Switzerland³¹ and supported by some Western European and South American states in the face of opposition from the U.K. and France. This aspect is a new one in the discussion of nuclear disarmament, which possibly presents a new route to make progress in nuclear disarmament, by discussing a convention prohibiting the use of nuclear weapons.

Principles of Irreversibility, Verifiability and Transparency

These principles have been widely discussed and the 2000 Final Document referred to the principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures, and to increased transparency by the nuclear-weapon states with regard to their nuclear weapons capabilities and the implementation of agreement, pursuant to Article VI. Ban Ki-moon also recommended that “The nuclear powers could also expand the amount of information they publish about the size of their arsenals, stocks of fissile material and specific disarmament achievement.”³²

The Australia and Japan proposal emphasized the importance of applying the principles of irreversibility and verifiability to the process of reducing nuclear weapons, and called for increased transparency by all states possessing nuclear weapons with regard to their nuclear weapons capabilities. The NAC supported, consistent with the principles of irreversibility and verification, the development of appropriate legally binding verification arrangements. The NAM reaffirmed the importance of the application of the principles of transparency, verifiability and irreversibility by nuclear-weapon states in all measures relating to nuclear disarmament.

Action 2 provides that “All states parties commit to apply the principles of irreversibility, verifiability, and transparency in relation to the implementation of their treaty obligations.” Draft texts stated that they shall apply these principles to nuclear disarmament, nuclear and other related arms control and reduction measures, but finally the area where these principles are applied was expanded to include the implementation of treaty obligations.

In addition, Action 5 g calls for further enhancing transparency and increasing mutual confidence in the context of engaging in concrete measures of nuclear disarmament. Paragraph i of Other Measures in Support of Nuclear Disarmament suggests that nuclear disarmament will require increased transparency, and Action 19 refers to the importance of cooperation aimed at improving transparency. However, China has consistently opposed the call for improving or increasing transparency.

Constraining Development and Qualitative Improvement of Nuclear Weapons

The NAC called on all nuclear-weapon states to declare a moratorium on upgrading, and developing new types of, nuclear weapons, or developing new missions for nuclear weapons, and the NAM reaffirmed the commitment by nuclear-weapon states to end the production of new types of nuclear weapons and the qualitative improvement of nuclear weapons.

The first draft included “Action 5: the nuclear-weapon states undertake to cease the development of new nuclear weapons and the qualitative improvement of existing nuclear weapon systems that support new military missions or provide for new military capabilities.” However, due to the strong opposition by the nuclear-weapon states, that paragraph was moved from action plan to preamble paragraph iv to reduce its salience, saying that “The conference recognizes the legitimate interests of non-nuclear-weapon states in the constraining by the nuclear-weapon states of the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons.”

The U.S., which concluded in the Nuclear Posture Review that the U.S. will not develop new nuclear warheads, nevertheless expressed its negative attitude toward this paragraph, stating that the U.S. may need development and qualitative improvement in order to improve the safety and reliability of its nuclear warheads. All other nuclear-weapon states were negative toward this call.

Regular Reporting

The 2000 Final Document agreed to regular reports on the implementation of Article VI and the 1995 Decision, and some states have submitted regular reports according to their own preference because no standard format of reporting content has been agreed upon.

Australia and Japan called for increased transparency by reporting regularly such information as the numbers of nuclear weapons and their delivery systems, and on their deployment status in a format to be agreed among states parties to the Treaty. The NAC appealed for increased transparency and accountability with regard to their nuclear weapons arsenals and their implementation of disarmament measures, recalling the obligation to report agreed upon at the 2000 conference.

The NAM called for clear and verifiable declarations of the stocks of nuclear weapons and of nuclear weapon usable material, an agreement on a multilateral mechanism to monitor reduction of nuclear arsenals, and establishment of a standing committee by the review conference to monitor and verify nuclear disarmament steps.

Australia and New Zealand called on the nuclear-weapon states to systematize their reporting along the following lines: (a) Nuclear doctrine; (b) Fissile material; (c) Warheads and delivery vehicle numbers; (d) Strategic and tactical reductions; and called on them to provide these reports to five-yearly review conferences.³³

Action 20 of the final document which obligates states parties to submit regular reports is almost the same as in 2000, just expanding the area by including this Action Plan and 2000 Final Document. Action 21 is a new one which encourages agreeing on a standard reporting form and determining appropriate reporting intervals. In the first draft, information should include their nuclear capabilities, including information on the types, numbers and deployment status of their nuclear weapons, and on their delivery systems, but the final document deleted all these references and does not include such details.

Subsidiary Body for Nuclear Disarmament in the CD

Action 6 provides that “All states agree that the Conference on Disarmament should immediately establish a subsidiary body to deal with nuclear disarmament, within the context of an agreed, comprehensive and balanced Programme of Work”, which is almost the same as the provision in the 2000 final document.

Comprehensive Nuclear Test Ban Treaty (CTBT)

There has been near consensus among NPT parties to argue for the early entry into force of the CTBT and the moratorium on nuclear tests, after the U.S. administration changed from Bush to Obama, as has been shown in the UN Security Council resolution 1887 in September 2009. Almost all states called for these two measures in the review conference. The NAM stressed the importance of achieving the entry into force of the CTBT, requiring its ratification by the remaining Annex 2 states, including in particular the two nuclear-weapon states, and stressed that nuclear-weapon states have a special responsibility to encourage progress on the entry into force of the CTBT. The U.S. has expressed its strong intention to ratify the CTBT, and during the conference Indonesia expressed its intention to ratify it soon.

The conference recognizes that the test ban constitutes an effective measure of nuclear disarmament and non-proliferation, and reaffirms the vital importance of its entry into force as well as the determination of the nuclear-weapon states to abide by their respective moratoria. Under Action 10, all nuclear-weapon states undertake to ratify the CTBT, and under Action 11 all states commit to refrain from nuclear weapon test explosion. Action 12 recognizes the contribution of the Conference on Facilitating the Entry-into-Force of the CTBT, under Action 13 ratifying states undertake to promote its entry into force, and under Action 14 the CTBTO Preparatory Commission is encouraged to develop the CTBT verification regime.

Compared with the 2000 final document which provided for the importance and urgency of its signatures and ratifications, and a moratorium on nuclear-weapon-test explosions, the current Final Document includes many other aspects such as the contribution of the Conference on Facilitating its Entry-into-Force, the role of ratifying states and the CTBTO Preparatory Commission. The fundamental recommendations are almost the same although

the current one includes technical aspects of the CTBT.

Fissile Material Cut-Off Treaty (FMCT)

Australia and Japan called for the immediate commencement and early conclusion of negotiations on a FMCT, while urging all states possessing nuclear weapons to declare and maintain a moratorium on the production of fissile material for weapons purposes. The NAC reiterated the necessity of negotiations in the CD on a FMCT, and the NAM requested an agreement on a program of work for the CD that includes the immediate commencement of negotiations on a FMCT with a view to its conclusion within five years.

The first draft included "Action 18: All states undertake to seek a global moratorium on the production of fissile material for use in nuclear weapons" and "Action 19: The nuclear-weapon states undertake to declare all weapon-usable fissile material stocks by 2012." Action 19 was deleted and there was no mention of it in the second draft due to strong opposition by the nuclear-weapon states. The second draft included a softer expression as follows, "Action 18: All states recognize that a global moratorium on the production of fissile material for use in nuclear weapons would constitute an important contribution to achieving the goals of the Treaty, and all nuclear-weapon states should uphold or consider declaring a moratorium." However, China strongly opposed this paragraph and it was deleted. As a result, there is no provision for such a moratorium.

Under Action 15, all states agree that the Conference on Disarmament should immediately begin negotiations on a FMCT, and the Review Conference invites the UN Secretary-General to convene a high-level meeting in September 2010. As the 2000 Final Document recommended negotiating such a treaty "with a view to their conclusion within five years," the new agreement is weaker. In addition, some states including Canada suggested negotiating it in a different forum than the CD.

Excessive Fissile Material

Australia and Japan urged all states possessing nuclear weapons to voluntarily declare fissile material that is no longer required for military purposes and to place such material under IAEA safeguards or other relevant international verification. The NAC stressed the need for all five nuclear-weapon states to make arrangements for the placing of their fissile material no longer required for military purposes under IAEA or other relevant international verification, and to make arrangements for the disposition of such material for peaceful purposes, as well as to support the development of appropriate legally binding verification arrangements to ensure their irreversible removal. The NAM also argued for placing fissile material transferred from military to peaceful purposes under IAEA safeguards.

Action 16 encourages the nuclear-weapon states to declare to the IAEA all excessive fissile

material and to place such material under IAEA safeguards, Action 17 encourages all states to develop legally binding verification arrangement, and Action 18 encourages dismantling or converting for peaceful purposes facilities for its production.

As the 2000 agreement recommended placing excessive fissile material under IAEA safeguards and to dispose of it for peaceful purposes, this new agreement is almost the same as the old one, though it includes new technical measures such as development of legally binding verification arrangement and dismantlement of facilities for its production.

Security Assurances

Australia and Japan called on the nuclear-weapon states to take such measures as providing stronger negative security assurances that they will not use nuclear weapons against non-nuclear-weapon states that comply with the NPT. The NAC called for providing non-nuclear-weapon states parties to the NPT with legally binding security assurances, and respecting fully their existing commitment with regard to security assurances. The NAM called for the negotiation of a universal, unconditional, and legally binding instrument on security assurances to non-nuclear-weapon states against the use or threat of the use of nuclear weapons.

The Conference reaffirms and recognizes the legitimate interest of non-nuclear-weapon states in receiving unequivocal and legally binding security assurances from nuclear-weapon states, and recalls the unilateral statements and the relevant protocols to treaties establishing nuclear-weapon free zones. Under Action 7, all states agree that the Conference on Disarmament should immediately begin discussion on this issue, and the Review Conference invites the UN Secretary-General to convene a high-level meeting in September 2010.

The 2000 Document called upon the Preparatory Committee to make recommendation on this issue to the 2005 NPT Review Conference. Many states argue for negotiations at the Conference on Disarmament, but some including Norway prefer the adoption of a UN Security Council resolution or a protocol to the NPT.

Nuclear-Weapon-Free Zones and Security Assurances

The UN Security Council resolution 1887 in September 2009 welcomes and supports their establishment of nuclear-weapon-free zones and reaffirms the conviction that the establishment enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes toward realizing the objectives of nuclear disarmament.

The NAC urged taking all necessary measures to bring about the entry into force of the relevant protocols and the withdrawal of any related reservations or unilateral interpretative declarations, as well as encouraged the establishment of further additional nuclear-weapon-free zones. The NAM confirmed that the establishment of nuclear-weapon-free zones

represents a positive step and an important measure towards attaining the objective of global nuclear disarmament and non-proliferation, and urged nuclear-weapon states to modify or withdraw reservations or unilateral interpretations.

Under Action 9, the establishment of further nuclear-weapon-free zones is encouraged. All concerned states are encouraged to ratify the nuclear-weapon-free zone treaties and their relevant protocols and to bring about the entry into force of the relevant legally binding protocols which include negative security assurances. The concerned states are encouraged to review any related reservations.

The nuclear-weapon states express their constructive attitudes toward the relevant protocols to the treaty establishing nuclear-weapon-free zones. The nuclear-weapon states and members of the treaty should start consultations to constructively resolve outstanding issues.

Conclusion

The 2010 NPT review conference successfully concluded its work by adopting the final document. However, generally speaking, the contents of the final document are not much improved from the 13 steps included in the 2000 document. Recommendations on the CTBT and a FMCT are almost the same as in 2000. The recommendation to the Conference on Disarmament to start negotiations on a FMCT, and establish a subsidiary body to deal with nuclear disarmament is just the same. The recommendation to begin discussions on this issue was not included in 2000 but once adopted at the CD in 2009.

In these areas, the conference could not agree on new and more progressive measures. That is not a failure of this conference. Rather, the main reason for it is that there has been no progress on these issues since 2000. There has been no progress on the CTBT, a FMCT, nuclear disarmament or security assurances in spite of the recommendations in 2000.

We can find some progress in this new consensus paper. First, the concept of a nuclear weapons convention is included in this document. We can now discuss this issue more positively based on this final document. Second, "a world without nuclear weapons" is also widely accepted with no reservation. All states agree to make policies fully compatible with this concept. Third, we see some progress in nuclear reduction between the U.S. and Russia and hope that this trend will continue. Fourth, reduction of the role of nuclear weapons is taking place, in particular through the change of U.S. policy. We can expect more progress in this field based on the discussion at the review conference. Fifth, a new aspect of humanitarian international law is introduced in this conference. It is a good opportunity to make efforts to confirm the use of nuclear weapons as illegal. Lastly, the nuclear-weapon states show a very constructive attitude toward nuclear-weapon-free zones. All concerned states should start consultations as soon as possible to completely implement the existing nuclear-

weapon-free zones.

Now is the best opportunity to make much effort in order to make progress in nuclear disarmament as we have just concluded in a very good atmosphere the 2010 NPT Review Conference with the final document.

(Endnotes)

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