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WARM-UP IN GENEVA

The battles in the conference hall in Palais des Nations in Geneva can be best seen from *strategic heights*. So during the recent session of the Preparatory Committee for the 2010 NPT Review Conference¹ – better known in professional slang as PrepCom – the PIR Center delegation made free with the protocol and occupied one of such *royal seats* normally designated for the delegation of the Kingdom of Tonga.

THE SHOW STARTS

Obviously we realized that this monarchy in the South Pacific was not strongly connected with Russia. Perhaps, the only thing in common was the hobby of the late king who collected *balalaikas*... However, Tonga – being a fully-fledged and distinguished state party to the NPT since 1971 – this time skipped the PrepCom session in Geneva, unlike other 106 member states. It's common knowledge that nature abhors the vacuum and we could not leave such holy place empty. So the Tonga seats were occupied *ad interim*, for nine days in spring, as we expected no significant voting dilemmas during the session.

Our *throne* provides the best view of the conference hall. It is an easy guess to say which delegation is the most numerous – in the era of Russian foreign policy offensive at all fronts, including nonproliferation, the representation of Moscow seems unprecedented. By the way, the huge delegation from Russia demonstrated perfect discipline – despite all Swiss temptations right behind the gates of Palais des Nations, Russian envoys concentrated their will and stoically stayed over most of the daily PrepCom discussions. The list of absentees was as short as never before.

A few springs of the PrepCom life make bubbles in the conference hall. Here is the European Union, this time acting via Slovenia – after all, it is so difficult for 27 states to agree on a consolidated position (and they do not always succeed in this). There is the Iranian delegation headed by laconic Ambassador Ali Reza Moaiyeri from Geneva and his hyperactive deputy Ambassador Soltanieh from Vienna who is always in contact with diplomats from other countries. Here stands Dr. Christopher Ford who leads the U.S. delegation and is willing to compete in oratory with Soltanieh. There sits Ambassador Anatoly Antonov, one of a few heads of delegations at the PrepCom with the excellent institutional memory. He knows about the NPT much more than others and his passionate attitude to the treaty surprises many – so without any significant effort he becomes a center of gravity at the session.

Suddenly I see a crowd near the Kyrgyz delegation. What is going on? Well, at least, one face there does not look Kyrgyz at all – sorry for such a bold statement, but this is true. A novice would be astonished, but veterans of the NPT debates know this long-time ally of Kyrgyzstan. Of course, it is Professor William Potter from Monterey. His official status here is modest – an advisor to the Kyrgyz delegation at the NPT-related sessions for the last 15 years and one of



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the founding fathers of the nuclear-weapon-free zone in Central Asia (established in 2006 by the Treaty of Semipalatinsk). His informal influence is much higher – Prof. Potter is a doyen of the nuclear nonproliferation corps. How many of his ex-employees and former students are there in the conference hall? In which delegations are they? I start with the assistant to the chairman... and after a while lose count. Bill Potter is always in the hall and he constantly meets quiet visitors from nearly all delegations. How many lines in the official documents of dozens of NPT states parties are written upon his advice? How many paragraphs have been edited by him? How many ideas that are freely voiced today are the results of scrupulous brainstorming and simulations in his class in Monterey?

Meanwhile, another center of attraction emerges – Dr. Rebecca Johnson. Unlike Bill Potter, she is not affiliated with any delegation – just a free backbencher of the NPT debate. But this nice modest lady is an idol of many delegations, especially not very large one. Who else, except Rebecca, is able to stay *imprisoned* in the conference hall for nine days and do it with pleasure? She keeps the track of every statement, summarizes them and sends out by email to her extensive dissemination list. In fact, her NPT diaries have been regularly published since 1995, when she was not a Dr., but more a disarmament grassroots activist. If your delegation comprises one or two diplomats only, you will worship Rebecca and her works. You go for a cup of coffee or two, you skip the sessions to sip some fresh air of the Geneva Lake, and eventually you become addicted to Ms. Johnson's *magnum opus*. One can hardly imagine the exact number of diplomatic telegrams from New York, Vienna or Geneva that have been made as a copy-paste of Rebecca's minutes. And one can be hundred percent sure of Rebecca's accuracy – the copy-paste will contain only exact information and quotes. So in many world capitals there must be an entirely new generation of diplomats who (even unexpectedly for themselves) see the issues of nuclear nonproliferation through the eyes of Rebecca Johnson.

Thus, the stage is full of actors. Now let us look at the presidium.

EVER-LIVING PATIENT

I am not strong in math, and not all the delegations were as disciplined and reluctant to Swiss temptations as the Russians. However, I would note the strong representation of France, Japan, and Ukraine at this PrepCom session. The Ukrainian delegation was so numerous, since this time the PrepCom was chaired by Vladimir Yelchenko, ambassador to the international organizations in Vienna. During the session this energetic and at the same time balanced and reasonable Ukrainian diplomat caused sympathy of the majority of delegates. «Sometimes some of you tried to make me angry, but it is almost impossible to make me angry,» he said at the end of the session. On his left is High Representative for Disarmament, UN Under-Secretary General Sergio Duarte. On the right hand side is Tariq Rauf from the IAEA, who is a close associate of IAEA Director General Mohamed ElBaradei.

Bulky and solemn presidium reminds of the Politburo at the Lenin Mausoleum in Moscow. At the 1995 NPT Review Conference one of my friends called the treaty «patient in the intensive care department», while all other participants at that time were speaking about ever-living NPT. So this time I remembered the Lenin mummy and asked this colleague of mine, «How is our ever-living patient?» We both agreed that the NPT was certainly embalmed and stuffed, but looked more alive than dead.

And the course of the PrepCom proved that we were more right than wrong.

At least, the session demonstrated some action, scenarios, bright statements, and lots of substance. Specific discussion in Geneva went on in sharp contrast with the last year session in Vienna. At that time the PrepCom fell the hostage of the Iranian delegation for one week, and the envoys of Tehran were using endless procedural matters to compensate for the defeat in the form of UN Security Council sanctions that were inevitable. Nonetheless, well-respected Yukiya Amano, who chaired the PrepCom in Vienna, managed to launch the substantive discussion and succeeded in creating the working paper by the chair, in which he summarized the course of the discussion.

In Geneva the procedural issues were quietly and without any pressure on Iranians moved into a separate cluster and it was approved smoothly in the course of voting masterminded by Vladimir Yelchenko. For instance, it was decided to hold the next PrepCom session in New York on May 4–15, 2009, while the NPT Review Conference will be summoned in New York on April 26–May 21, 2010. The coming PrepCom will be chaired by a diplomat from Zimbabwe (I assume that U.S. and U.K. officials could highly praise the UN rotation principles at that moment). And the candidacy for the strategically important post of the President of the 8th NPT Review Conference will be nominated by the UN Secretary General. I guess this will be a candidate from the Asia Pacific region, even though there are no evident nominees yet. There is no doubt that the President of the NPT Review Conference is a non-technical figure – he is a politician. The best example was Jayantha Dhanapala from Sri Lanka, whose art of diplomacy ensured indefinite extension of the NPT in 1995 without voting, i.e. without heated argument and dividing lines. And what was no less important – his efforts resulted in the approval of the package agreement on the principles and objectives for nuclear nonproliferation and disarmament, which is still topical today.

Hence, when it came to substance, it was clear that the major debate at the PrepCom session was focused on three general pillars and four specific matters.

Three pillars are the same that underpin the architecture of the international nuclear nonproliferation regime, i.e. disarmament, nonproliferation and peaceful nuclear energy uses. Four specific issues originated from these areas and were as follows.

First of all, what is the actual pace of nuclear disarmament and how is the unequivocal commitment of the nuclear weapon states (as it is stated in the 2000 Final Document) to eliminate their nuclear arsenals implemented? (Article VI of the NPT).

Secondly, what is the situation with non-compliance, above all on the part of Iran and Syria? (Articles II and III of the NPT).

Thirdly, what are the limits for the sovereign right of the state to peaceful nuclear energy application, especially bearing in mind the more and more obvious *nuclear renaissance* that proselytizes so many *beginners*? (Article IV of the NPT).

And *finally*, what should be done against the states that may resort to the right of withdrawal from the treaty? (Article X.1 of the NPT).

NUCLEAR FIVE AGAINST ALL

As usual at such conferences, the delegations of the *nuclear five* had to report on their measures to carry out the Article VI commitments.

One of the first to speak was Anatoly Antonov. He reminded that, «As of January 1, 2008 the Russian Federation possessed not more than 900 deployed strategic offensive delivery vehicles and 4,200 warheads assigned to them in accordance with the START Treaty. We keep fulfilling obligations under the Russia-U.S. Treaty on Strategic Offensive Reductions which cuts the number of strategic nuclear weapons down to 1,700–2,000 by each side before December 31, 2012.»²

The head of the Russian delegation also believed that it was necessary to «make the process of strategic offensive arms reduction and limitation predictable, transparent, irreversible and accountable. In this context it is essential that in the U.S.-Russia Strategic Framework Declaration issued in Sochi on April 6, 2008 Presidents Vladimir Putin and George Bush expressed their intention to develop a legally-binding arrangement following expiration of the START Treaty as a next step to implement the obligations of the two countries under Article VI of the NPT.»³

It is noteworthy that Ambassador Antonov emphasized the importance of the Russian initiative on concentrating nuclear weapons within the national territories of the nuclear weapon states, «Implementing it would enable us to expand to the utmost the territories completely free from nuclear weapons.»⁴



My conversations with the European diplomats indicated, however, that the initiative had already been forgotten and unfortunately, Moscow did not do much to promote and explain it to the partners. For instance, a German official clearly stated his attitude to the Russian proposal – he was happy that Moscow had undertaken such voluntary commitment but he did not understand (or pretended that he did not understand) that it was more the appeal to curb the proliferation of U.S. sub-strategic nuclear weapons deployed around the world, including Germany.

Meanwhile, the working paper by the chair⁵ urges the states parties to reconsider the role of nuclear weapons in strategic planning after the end of the Cold War and mentions the 2009 NATO summit that could become a good platform for such review.⁶ Moreover, the document appeals to the non-nuclear weapon states that belong to regional alliances with the *nuclear five* to report on their efforts aimed at reducing the dependence on nuclear weapons in the collective security arrangements.⁷ Finally, the value of the Russian initiative is pointed out in paragraph 24.⁸ At the same time, it recommends (strangely to the Russian ear) to provide legally binding character to the 1991–1992 U.S.-Russian unilateral commitments on tactical nuclear weapons.⁹ This idea has been long promoted by such experts, as William Potter, and in recent years has got certain support among the non-nuclear weapon states.

In general, 22 out of 63 paragraphs in the working paper (i.e. more than one third) are devoted to nuclear disarmament and this reflects the ratio of these issues in the PrepCom debate.

I am not planning to give comprehensive coverage of all matters in this area discussed at the PrepCom, but let me stress a few moments that may be further elaborated at the 2009 PrepCom session.

First of all, in the corridors of the PrepCom (and to a less extent at the stage) there was a heated debate on the *Hoover Four* proposals, i.e. the program articles by Sam Nunn, Henry Kissinger, George Shultz, and William Perry published in the *Wall Street Journal* in January 2007 and 2008.¹⁰ Their vision implies slow drift towards *nuclear zero*, the world free of nuclear weapons, and the United States should allegedly play the leading role in this process. The working paper by the chair refers to this initiative, albeit indirectly, in paragraph 2 and then mentions it in paragraph 28, where the proposal of the U.S. patriarchs is interrelated with 10 recommendations on disarmament elaborated at the international conference in Oslo in February 2008.¹¹

Let us remember that two months before the PrepCom Russian Foreign Minister Sergey Lavrov gave a positive assessment of this initiative in his statement at the Conference on Disarmament in Geneva. At the same time, the Russian agencies cannot agree upon the motivation underlying the proposals of the *Hoover Four*. Without predicting the result of such domestic discussions, let us hope that they would eventually take the form of public debate and, hence, involve the expert community and NGOs. The role of nuclear weapons in Russia in the 21st century is an extremely significant issue and it should take an appropriate place in the agenda of current discussions concerning the future of Russia – be it Russia-2020 or Russia-2050.

Another priority is the entry into force of the Comprehensive Test-Ban Treaty (CTBT). Some participants of the PrepCom welcomed the accession of such nations, as Colombia, the Bahamas, Malaysia and Palau, but pointed out that the stride forward would be ratification as soon as possible of the CTBT by those nine states, without decision of which the agreement would not enter into force and which still refrained from joining the treaty.

The deployment of missile defense systems was at the periphery of discussions. Russia obviously could not help tackling this issue, «Hasty deployment of the Global Ant-Ballistic Missile Defense without due consideration of other States' security interests may provoke them into building up their own missile armaments and thus propel their spread throughout the world, as well as affect the process of nuclear disarmament in general.»¹²

It is noteworthy that the working paper by the chair goes even further and complements the Russian statement with the phrase about «abrogation of the ABM Treaty.»¹³ The language used at the 2000 NPT Review Conference (but forgotten since then) irritated the head of the U.S. delegation, who addressed Vladimir Yelchenko with the comment that Washington legally with-

drew from the ABM Treaty and did not undermine at. However, such battles around wording left indifferent most of the delegates and even the Russian officials were not willing too much to revive the argument on the ABM Treaty, as it was buried long ago.

Particular attention of the PrepCom participants was paid to the negative security assurances. In fact, the Ukrainian chairmanship contributed a lot to this discussion. For instance, Ukraine set forth the following proposal – the 2010 NPT Review Conference should insist on holding the international conference on security assurances under the UN auspices.¹⁴

While many have already forgotten the provisions of the Trilateral Statement made by the Presidents of Russia, Ukraine and the United States on January 14, 2004, which made the basis of the current Ukrainian non-nuclear status, Kyiv is still very much concerned about this document. It is a short paper – two pages of the main text and a one-page addendum. However, it has enough space to state that in exchange for Ukrainian's refusal to seek, possess and control nuclear weapons, Russia provides extensive security assurances to its neighbor. For instance, Russia reaffirms that «border changes can be made only by peaceful and consensual means,» that it will «refrain from the threat or use of force against the territorial integrity or political independence of any state», and «refrain from economic coercion.»¹⁵

In the process of reading the Trilateral Statement today, one can only wonder what a fragile basis exists for the Ukrainian non-nuclear-weapon status. Let me remind the readers that the guarantors of the Trilateral Statement, beside Russia, are two other NPT depositaries – the United States and the U.K.

A great success of the recent PrepCom was the joint statement by the *nuclear five* – for the first time in the last eight years.

The document was prepared in painful discussions. The work was launched by the Russian delegation and every day it met additional impediments – other members of the *nuclear club*, especially the United States, could not agree with this or that paragraph. Due to American objections, the parties had to cast away the initial wording on the CTBT and confined to the promise to maintain the moratorium on nuclear tests. However, this two-page document with all the reservations is an important sign – its emergence was noted by experienced diplomats from different nations (from New Zealand to Egypt), who praised most of its wording in this or that form. Some officials in the lobby asked astonishingly how the Americans could agree to sign such a joint statement, as it contained the following phrase: «We wish to address the proliferation challenges through Treaty-based multilateralism»;¹⁶ or with respect to the Middle East, the document restated support to the 1995 NPT resolution on the region.¹⁷

Of course, a micro-scandal could not be avoided. The *nuclear five* statement argued that «the proliferation risks presented by the Iranian nuclear program continue to be a matter of ongoing serious concern to us.»¹⁸ At the same time, a few days before senior diplomats from the United States, Great Britain, France, Russia, China and Germany had met in London to discuss the Iranian issue. After the meeting the British Secretary of State for Foreign and Commonwealth Affairs spoke about the Iranian «threat».

In the course of the PrepCom Russia reacted to this political statements arguing that the Foreign Secretary did not reflect the position of the *Iran Six* and was only entitled to make technical comments. And long linguistic (and political) battles started in the corridors of the PrepCom, as everyone was trying to defend his understanding of *threats*, *risks* and *challenges*.

PARALLEL WORLDS OF NONPROLIFERATION

And here comes one of the key controversial issues of the PrepCom in Geneva, which is typical of many NPT-related events. What to do with the breach of commitments under the NPT? How to identify and fix such violations?

The Iranian issue was deliberately disguised at the 1995 NPT Review Conference. The Clinton administration then was pursuing arms-twisting policy with respect to Russia, and Moscow was doing the same with respect to Iran, as the Kremlin was thinking more about indefinite exten-



sion of the treaty than of filling the Iranian nuclear program with substance. However, the issue of Iran did not disappear, on the contrary, it pops up every time – at the review conferences, at the PrepComs. It was Iran and the United States (along with Egypt) that torpedoed the 2005 Review Conference. Since then the UN Security Council have been approving one anti-Iranian resolution after another. The United States is happy that such documents are signed by Russia and China. However, nothing really changes – Iran continues to follow its credo, and the number of centrifuges and their quality are growing.

NPT delegates have got accustomed to the U.S.-Iranian stand-up fight; it is regarded as some sort of ritual already. Such clashes make the discussions at the NPT-related events livelier; they cheer up like good espresso in the Palais de Nations cafeteria, especially after a lullaby of thirty or forty official statements read by the delegations of countries that are not apparently the major nonproliferation actors.

This time Iranians woke up the conference hall again. Their offensive tactics brilliantly trained during the 2005 NPT Review Conference was used on the very first day of the PrepCom when they attacked quite pale official statement of the European Union. The Iranian delegation found a disproportion in it – the document said a lot about Iran and nothing about Israel. Then the Iranians started the all-front offensive – from accusing Australia of collaborating with the non-NPT state (i.e. Israel) and supplying it with uranium to condemning the United States and NATO for nuclear sharing (this matter had repeatedly been mentioned before by European NGOs).

Ambassador Ali Soltanieh in his long and arduous speech tried to convey the following idea – nonproliferation regimes should be strengthened and not undermined as the United States did. If the situation did not change to the better, states parties of the NPT and the Chemical Weapons Convention (CWC) might call into question their commitments and withdraw.

The Ukrainian chairman in his working paper treated Iran quite delicately and referred several times to Tehran's readiness for cooperation with the IAEA. He pointed out the need of maximizing the efforts to find diplomatic solutions in order to ensure confidence building among all states parties to the NPT.¹⁹ The chairman was nearly taken apart for his stand – Dr. Ford argued that the situation with the Iranian nuclear program was characterized in softer terms than a year ago, while, in the U.S. opinion, the situation had only aggravated in the last 12 months.

And suddenly Syria appeared on the stage. It was not in the spotlights during the session and the working paper by the chairman mentions Damascus in passing, as it was not the key point of the discussion. However, Dr. Ford assumed that the Syrian ambassador owed to his Ukrainian colleague for shadowing down the issue. According to him, the working paper should have condemned Syria for violation of the NPT commitments. The United States was sure that in fall 2007 Israel bombed the nuclear reactor being constructed with the assistance of the D.P.R.K. Meanwhile, the document spoke about the need to hand this issue to the IAEA and not to make strikes.

Unlike the Iranians, the Syrian delegation at the PrepCom was not active. They did not attack, did not defend, their line was vague and sometimes it seemed that they deliberately laid themselves open to ridicule by making non-systemic and ill-thought-out harsh statements. I had an impression that Damascus feared that its dossier might be transferred to the IAEA and violations would be made public *post factum*. So the appeals of the third nations (such as South Korea) to condemn Israel and give the IAEA inspectors the opportunity of unbiased investigation (including alleged contacts between Syria and North Korea) were not met with enthusiasm in the ranks of Syrian diplomats. They must have been happy that the facility was destroyed and might have even cleaned the mess after the Israeli bombing, I thought.

Thus, Iran was much spoken about, Syria was mentioned and there was not a single word said about Libya.

Discussions concerning compliance with the NPT commitments make me think that there are two parallel worlds existing in the area of nonproliferation.

One world is the planet of heated debate at the rostrum, where roles have been rehearsed many times – some countries blame Iran, others blame Israel, and the third group blames North Korea. But this is not a real world, this is some virtual reality.

The parallel world is full of *Realpolitik*. It does not require noisy discussions about new data on the Iranian nuclear program retrieved from another laptop; there is no argument whether such information is serious or just a well-fabricated disinformation. In this real world even a non-NPT state can easily hold court over its neighbor and ruin its (alleged, clandestine) nuclear facility. Even though Syria was not obliged to declare this facility before the construction was completed. So IAEA, PrepComs and all other institutions find themselves quite far away from the concrete clash around the specific nonproliferation issue.

Another story which goes beyond the PrepCom discussions is the behavior of a nuclear weapon state (the United States) when it renders assistance to a non-NPT country (Pakistan) in tightening safety and security of its nuclear arsenal. And it is clear why such things happen. As far as the Muslim world with its extensive representation at the NPT-related events is concerned, the issue of Pakistan is better not spoken about, China and the United States share this position, while India... – well, New Delhi is not present at the NPT events and does not plan to join the treaty in the foreseeable future.

The case of India is even more interesting – many have learned to neglect the fact that some nuclear suppliers (not only the United States) are on the threshold of starting large-scale nuclear cooperation with India. These issues are discussed in the corridors of the PrepCom, where, frankly speaking, there are many lobbyists of nuclear cooperation with India, as well as many proponents of moratorium on such collaboration. But the PrepCom documents are so round in nature that they use the standard formula about the importance of universal accession to the NPT. Life goes on, and the NPT debates exist in their comfortable parallel vacuum. It is much more convenient for the delegates to argue on traditional topics that are talked about for years. So when in one corner of hall someone shouts «Israel!», another corner echoes – «Iran!»

LIFE IN THE ERA OF RENAISSANCE

The Ukrainian chairman and, hence, inevitable associations with Chernobyl did not prevent the PrepCom participants from stating that Article IV of the NPT (peaceful nuclear energy uses) was still topical. After all, the international community is facing a *nuclear renaissance*.

In the course of the PrepCom debate it turned out that many delegations already agree with this concept. So the issues of non-discriminatory access to nuclear energy development and prevention of diversion were at the top of the list.

As the chairman notes, «In view of climate change and the growing demand for nuclear energy and sustainable development, a call was also made to fully ensure the free, unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes. The proliferation risks associated with the growing global energy demand were noted.»²⁰

It may be curious to analyze the Russian position on this matter, since the statement of the Russian delegation opened with peaceful nuclear energy uses, leaving behind two other NPT pillars. Such inversion spoke for itself.

«We can see today that countries are increasingly interested in developing nuclear energy as a reliable resource ensuring their energy security. This is a natural process. It gives ample opportunities for international cooperation. First of all those should be taken to supply countries developing their own atomic energy with nuclear fuel in a reliable and assured manner. One way is that every country can establish its own facilities to enrich uranium, produce fuel and further reprocess it. Yet, it is a very complicated process not only in terms of funds, but also in terms of intellectual, scientific, physical and technical resources. Is moving along this path justified when the world market is capable of meeting both current and future needs in this area? It is unlikely so. Moreover, such an option would delay for many years implementation of national atomic energy projects given the time needed to build such facilities. It would be appropriate to remind here the opinion voiced by Mohamed ElBaradei, Director General of the IAEA, that there are no reasons at the moment to build new facilities for uranium enrichment or irradiated nuclear fuel processing.»²¹

Here one has to note that Russia is against the development of uranium enrichment plants or spent fuel reprocessing in those countries that only start their nuclear path and do not have



such facilities. This logic implies that the Russian support in constructing the uranium enrichment plant in China is not a problem in this context.

Russia knows well that the primary argument in response to such initiatives is that a country cannot be dependent on the market situation or political will of other states. «These are legitimate fears,» said Anatoly Antonov. «We think they can be allayed on the basis of multilateral approaches to the nuclear fuel cycle, intended to provide an economically reasonable and feasible alternative to establishing all its elements at a national level.»²² And Russia points out that «we do not question the unalienable right of the Parties to the NPT to develop research, production and uses of nuclear energy for peaceful purposes. It is up to each country to decide on its own how to exercise this sovereign right.»²³

Speaking at the PrepCom, Anatoly Antonov reminded of the Russian initiative concerning the development of global nuclear energy infrastructure and establishment of international centers that would provide nuclear fuel cycle services. As the first step in this direction, Russia set up the International Uranium Enrichment Center (IUEC) in Angarsk.

Despite substantial efforts undertaken by the Russian delegation to promote Angarsk in Geneva, including special briefing, most of the participants argued in the lobby that the concept of IUEC was rather vague. So the Russian side will have to work hard to make the IUEC plans more transparent and attractive to other NPT states parties. My colleague Anton Khlopkov in his article in this issue of the journal asks whether the initiative may be interesting for Iran.²⁴ I would like to get the answer from the Iranian colleagues. At the PrepCom session they kept silence, in the corridors they were skeptical – perhaps it is time they clarified their position in an article for the *Security Index* journal, isn't it?

«Russia has proposed to stockpile low-enriched uranium in the Center under the IAEA management. Materials from this stockpile are to be supplied to third countries by the decision of the Agency if they are denied fuel for political reasons. Any country honoring its nonproliferation obligations can take advantage of this guaranteed stockpile,» maintained Amb. Antonov.²⁵

The working paper by the chairman points out that many delegations backed the multilateral approach towards nuclear fuel cycle or, at least, welcomed the discussion on this matter.²⁶ At the same time, there is still a lot of reluctance in responding to specific proposals – be it the IUEC or the fuel bank – on the part of the states that are or will be directly affected by these issues in the near future. They ignore such initiatives instead of adhering to them. It is noteworthy that the Gulf states, which demonstrate in public their interest in developing nuclear energy capabilities, were not at all visible at the PrepCom session.

ARTICLE X – ETERNITY IN DISCUSSION

Yes, yes, as in 1995, Article X was again in the focus of everyone's attention. And there is no doubt that it will be the matter of serious discussion at the 2010 NPT Review Conference.

In the mid-1990s the major issue was paragraph 2 of the article, i.e. extension of the treaty. These days this paragraph is an atavism and, logically speaking, should be eradicated, since the parties agreed to the indefinite extension of the NPT.

However, there is paragraph 1 which is devoted to the right of withdrawal from the treaty. So far this right was applied only once by North Korea (and the country still wanders around the idea of quiet return to the NPT, so even the PrepCom materials mention three initial non-NPT countries and the D.P.R.K in separate groups).

Will there be other precedents? Whatever the answer to such hypothetical question is, it is clear that the NPT authors were not quite scrupulous in composing this article. The state has the right to leave the treaty, already possessing a long track record of its violations. Such situation is hardly fair and does not contribute much to international security.

Nobody suggested rewriting Article X at the PrepCom. What are other options then?

Scenario 1: yes, the withdrawal from the treaty is a sovereign right but it cannot be carried out legitimately if the state breaches the NPT; so it becomes possible only after investigation of the IAEA and the international community (the EU, the United States, Australia, Canada).

Scenario 2: this matter should be discussed at the extraordinary meeting of the NPT states parties (Indonesia).


Scenario 3: such state should get rid of its sensitive technologies and materials before withdrawing from the NPT (Japan).

It is clear that such options may complement each other. And it is obvious that the issue is raw, the discussion has just started. It is noteworthy that taking into account the potential extraordinary meeting of the NPT states parties, some countries propose to strengthen further the bureaucratic component and form some sort of permanent secretariat or office – in Vienna, or under the IAEA aegis.²⁷ Perhaps, for some prominent diplomats it's time to return to their capitals from Vienna or even retire, so such secretariat could be a good opportunity for them to stay in pretty Austria.

In 1995 it was decided to strengthen the NPT review mechanism – the proposal was set forth by South Africa, lobbied and supported by many others. The PrepCom session in Geneva (nine days) and the next PrepCom in New York (10 days) must be strengthening the NPT review mechanism, but even more they help the diplomats to plan nice spring holidays. What is the real efficiency of such extended PrepComs? It will become clear only in spring 2010.

The PrepCom in Geneva, which was held on the 40th anniversary of the NPT, was not disappointing, but was not sensational either. Anyway nobody expected breakthrough, so no news is good news in this case.

The question that was not mentioned at the rostrum was broadly discussed with the cup of espresso in the Palais des Nations cafeteria. Who will win the U.S. elections – Obama or McCain? It would be risky to use the black and white picture with respect to the NPT-related talks, but most of the participants agreed informally that for the sake of the NPT, McCain represents the *evil*, while Obama is the *virtue*. The latter means open approach towards multilateral diplomacy, revival of the Conference on Disarmament, slow progress of the *Hoover Four* initiative, a sign for the U.S. Senate to ratify the CTBT and its potential entry into force in the foreseeable future, and finally, the solution to the Iranian issue without use of force or further pressure. But when the delegates were trying to evaluate the chances of two candidates and made their bets, Obama was not always the favorite participant of the race.

The diplomats were sure of one thing – next spring in New York it will 100 percent clear who won and who lost in that betting. So far they preferred time out and regarded the PrepCom in Geneva as some warm-up exercise. Real battles are one or two years ahead... 

Notes

¹ The second session of the Preparatory Committee for the 2010 NPT Review Conference took place in Geneva on April 28–May 9, 2008. It took nine working days.

² Statement by H.E. Ambassador Anatoly Antonov, Head of the Delegation of the Russian Federation at the Second Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Geneva, April 28, 2008, p.5.

³ *Ibid.*, pp.5-6.

⁴ *Ibid.*, p.7

⁵ The document by the chair is a factual summary of the discussions. However, it is not an official document of the PrepCom, since such summary was objected by a few delegations. For instance, Iran and the United States made public criticism of the document. Some other delegations also voiced their concerns, even though many greeted Ambassador Yelchenko for accomplishing a difficult task – summarizing so many various positions of the states, including some erroneous but declared positions, which, hence, could not but be integrated in the working paper.



⁶ Working Paper by the Chair. May 9, 2008. Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, Geneva, April 28–May 9, 2008, para. 13.

⁷ Ibid., para. 19.

⁸ Ibid., para. 24.

⁹ Ibid.

¹⁰ George Shultz, William Perry, Henry Kissinger, and Sam Nunn, «A World Free of Nuclear Weapons,» *The Wall Street Journal*, January 4, 2007; George Shultz, William Perry, Henry Kissinger, and Sam Nunn, «Toward a Nuclear-Free World,» *The Wall Street Journal*, January 15, 2008.

¹¹ Working Paper by the Chair..., para. 28. A representative of the PIR Center participated in the conference in Oslo on invitation of Norway. Within the framework of its projects, the PIR Center plans to follow the response to the initiative of the Four.

¹² Statement by H.E. Ambassador Anatoly Antonov..., p. 6.

¹³ Working Paper by the Chair..., para. 23.

¹⁴ Ukraine dwells on this topic in: Preparing for a Successful Review Conference 2010. Working Paper submitted by Ukraine. NPT/CONF.2010, PC.II/WP.36, May 8, 2008, pp. 7-8. This nine-page document is noteworthy as it sometimes repeats word by word (without reference though) the provisions of the papers by a number of NGO nonproliferation forums, e.g. the Luxemburg Forum.

¹⁵ Trilateral Statement by the Presidents of the U.S., Russia, and Ukraine, Moscow, January 14, 1994.

¹⁶ Statement by the Delegations of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America delivered by UK Ambassador John Duncan to the 2008 NPT PrepCom, Geneva, May 9, 2008, para. 3, <http://www.acronym.org.uk/npt/08p5.htm> (last accessed on June 23, 2008).

¹⁷ Ibid., para. 7.

¹⁸ Ibid., para. 5.

¹⁹ Working Paper by the Chair..., para. 32.

²⁰ Ibid., para. 49.

²¹ Statement by H.E. Ambassador Anatoly Antonov..., p. 2.

²² Ibid., p. 3.

²³ Ibid., p. 3.

²⁴ Anton Khlopkov, «The Angarsk project: enrichment vs. proliferation», *Security Index*, No. 3 (Summer 2008).

²⁵ Statement by H.E. Ambassador Anatoly Antonov..., p. 3.

²⁶ Working Paper by the Chair..., para. 57.

²⁷ See for example, Preparing for a Successful Review Conference 2010..., p. 9. The section is called «Institutional Reform».