

‘Keep Calm and Carry On’

An Initial African Assessment of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) 2010 Review Conference¹

‘I have listened very carefully to all the views presented by the state parties, and this document before you is the very best that can be offered.... Making changes to the document – a document that is carefully balanced, whose presentation is a product of [our] work – may endanger the success of this conference.’ 27 May 2010

‘We have agreed on a final document. Over the past four weeks, the States Parties achieved a better understanding of each other’s positions and a clearer appreciation of the need to strengthen the main pillars of the NPT’
28 May 2010

Ambassador Libran Cabactulan of the Philippines,
President of the 2010 Nuclear Non-Proliferation Treaty
Review Conference

INTRODUCTION

On 28 May, 190 States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) adopted a final document at its 8th Review Conference (RevCon) held at the United Nations (UN) Headquarters in New York from 3 – 28 May 2010.² The document consists of a 64-step action plan and the Conference President’s interpretation of States Parties’ review of each article of the NPT.

There has been a significant amount of press releases lauding the outcome of this NPT RevCon. It may, however, take some time for arms control and disarmament policy analysts to digest the final document and to decide whether it truly presents an important step in ridding the world, once and for all, of nuclear weapons. This paper makes an initial attempt from an African perspective.³

It is important that an African perspective be presented given the July 2009 entry-into-force of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), which has many common features with the NPT and has created the world’s largest nuclear-weapon-free zone. In fact, the Treaty of Pelindaba reinforces the

NPT in many ways including through its ban on the deployment of nuclear weapons within the territory covered by the Treaty; its prohibition on research or development of nuclear explosive devices; its Protocol for binding negative security assurances from the Nuclear Weapon States (NWS); and its physical security and environmental controls.⁴

The fact that African states make up almost a third of all NPT States Parties is also significant.

Following the entry-into-force of the Treaty of Pelindaba, African support for a world without nuclear weapons has gained substantial momentum. This is evidenced by the significant role that some African states played in the Review Conference, both individually and as members of regional groupings such as the Africa Group, the Arab Group and the Non-Aligned Movement (NAM), and in the case of Egypt, as Chair of NAM. Attended by virtually all African Union members, the following African states made opening statements to the NPT Review Conference, in which they set out their positions: Algeria, Botswana, Burkina Faso, Cameroon (on behalf of the Africa Group), Congo, Egypt, The Gambia, Ghana, Kenya, Libya, Morocco, Mozambique, Namibia, Nigeria, Senegal, South Africa, Sudan, Tanzania, Tunisia, Uganda, Zambia and Zimbabwe. All African delegations made specific reference to the importance of the entry-into-force of the Treaty of Pelindaba.

During the first week of the conference, the South Africa-based Institute for Security Studies (ISS) made a statement on behalf of a number of non-governmental experts from countries belonging to the New Agenda Coalition.⁵ In the statement, the following key issues were listed in the hope that the conference would honestly address them:

- The 1995 Resolution on the Middle East
- The fact that India, Pakistan and Israel have not joined the Treaty and the Democratic People’s Republic of Korea (DPRK) violated the Treaty after its announced withdrawal and nuclear test

- The development of concrete arrangements to implement the outcomes of the 1995 and 2000 Review Conferences, particularly the Thirteen Practical Steps Toward Nuclear Disarmament for the ‘systematic and progressive efforts’ to implement Article VI of the Treaty
- The legal, technical, institutional and political measures required to achieve and maintain a nuclear-weapon-free world
- The need to uphold the International Court of Justice’s Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons of 1996
- Recognition that future discussions of the internationalisation of the nuclear fuel cycle should involve all stakeholders, with the International Atomic Energy Agency (IAEA) playing a key role in order to ensure the creation of a non-discriminatory global model for the supply of nuclear fuel
- The need for a mechanism between this Review Conference and the next to oversee the state of implementation of the outcomes

Although the list was not meant to be a scorecard to determine the success or failure of the conference, the ISS believed that if the conference did not adequately address these issues, the future of the NPT itself would in all likelihood be in jeopardy.

In providing an African perspective on the outcome of the Review Conference, the above seven points are used. It is important to note that although several other important issues are covered in the final document, such as the need for the urgent entry-into-force of the Comprehensive Test Ban Treaty (CTBT) and the need for the Geneva-based Conference on Disarmament (CD) to start its programme of work after more than a decade of inactivity, these are not covered in this analysis in detail.

The real decision-making process took place behind closed doors in New York and in national capitals

It should also be noted that, in the view of the authors, a number of other crucial issues were not adequately dealt with in the document. This includes the urgent need for a treaty that bans the production of fissile material to be negotiated outside the CD if necessary, as called for by many states,⁶ and for NWS to cease their plans to modernise their existing warheads and delivery systems and to fundamentally alter their military doctrines. On the former, rather than requiring the NWS to cease

modernisation, the conference merely recognised ‘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’. Another important aspect without reference in the text is the need to concretely address the issue of the United States’ nuclear sharing arrangements with Belgium, Germany, Italy, the Netherlands and Turkey.

In addition, and something which should be of great concern for those who believe that true multilateralism is back, ‘the real decision-making process took place behind closed doors in New York and in national capitals, and involved a very small subset of NPT States Parties’⁷ – similar to the process embarked upon during the Copenhagen Climate Conference in December 2009, which resulted in a weak agreement on ways to mitigate the impact of climate change, but which nevertheless produced an outcome as a first step towards a legally binding global climate agreement. Thus, the need for an outcome became more important than either the process or its substance.

This may be true of the 2010 NPT Review Conference as well. According to Rebecca Johnson, Conference President Cabactulan convened a special group consisting of around 16 states including the five NWS (Britain, China, France, Russia and the United States) as well as Germany, Spain (representing the European Union), Japan, Norway, Indonesia, Mexico, Egypt, Cuba, Iran, Brazil and South Africa. ‘Others, including the delegations of Ukraine, Zimbabwe, Austria, Ireland and Uruguay that chaired the various committees and subsidiary bodies, also contributed as necessary while continuing to facilitate on-going negotiations in the wider conference.’⁸

TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

The Treaty on the Non-Proliferation of Nuclear Weapons, which entered into force in 1970 and was extended indefinitely in 1995, is based on three mutually reinforcing pillars, namely to prevent the spread of nuclear weapons and weapons technology, further the goal of achieving nuclear disarmament and general and complete disarmament, and preserve the right of states to the peaceful uses of nuclear science and technology (for example for the generation of energy and the production of medical isotopes). As such, it represents the only binding commitment in a multilateral treaty to the goal of disarmament by the NWS.

Conferences to review the operation of the Treaty are held at five-year intervals. Each conference seeks

to adopt by consensus a declaration that assesses the implementation of the Treaty's provisions and lays the basis for further measures to strengthen it. These review conferences, or RevCons, thus provide an opportunity for States Parties to assess progress in strengthening the three pillars while also taking into account new developments such as the need to address the threats to nuclear security.

THE 2010 NON-PROLIFERATION TREATY REVIEW CONFERENCE

The 2010 Review Conference of the Parties to the NPT was held at the United Nations Headquarters in New York from 3 May – 28 May 2010. The President of the Review Conference was Ambassador Libran N. Cabactulan of the Philippines.

The 2010 Non-Proliferation Treaty Review Conference came at a key time for the future of nuclear disarmament and non-proliferation. Of the previous seven review conferences, only three have managed to adopt a final consensus document: in 1985, 1995, and 2000. Failure to adopt a declaration is an indication of irreconcilable divergent views on core issues affecting both the functioning of the Treaty and ways to further its implementation. The 2005 NPT Review Conference ended without States Parties being able to reach a consensus on the way forward, and in the 40 years since the NPT entered into force, the NWS have not been able to negotiate in 'good faith' complete nuclear disarmament as required under the NPT's Article VI obligations. This, together with the following, has resulted in the NPT being seen as in crisis:

- The fact that the DPRK violated the Treaty by seeking to withdraw from it and carrying out a nuclear test in October 2006
- Iran's non-compliance with its safeguards agreement with the IAEA, and continued failure to comply with the request through resolutions of the UN Security Council to suspend its nuclear sensitive activities
- The fact that neither India nor Pakistan, who are both open about their possession of nuclear weapons, are members of the NPT and that Israel has also not signed or ratified the NPT
- The uncovering of the A.Q. Kahn network implicating a number of citizens of NPT States Parties in spreading nuclear technologies without authorisation

Recently, nuclear terrorism has been identified as one of the most challenging threats to international security. The need to put in place measures to prevent non-state actors from obtaining the information or technology

required to use nuclear material for malicious purposes has therefore been emphasised.⁹ This Review Conference was thus held at a time when many felt that the NPT and indeed the quest for a nuclear-weapon-free world was at a crossroads.

The threat of use or actual use of nuclear weapons, either by design or by accident, continues to be one of the most fundamental threats to global human and environmental security. As a result, some States Parties and many members of civil society have questioned the continued relevance of the Treaty, calling for it to be either replaced by or complemented with a new convention banning the production, stockpiling and use of nuclear weapons in a similar vein to the Biological and Toxin Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC).

Many members of civil society and Non-Nuclear Weapon States (NNWS) – including from Africa – were hoping that this time the outcome document would be focused squarely on nuclear abolition and not just on the control of nuclear weapons. For some time, African states have expressed their conviction of the need to take all necessary steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all states to contribute to this end.¹⁰ As the representative of the United Republic of Tanzania stated at the conference, 'it [is] self-evident that nuclear weapons should be relegated to history's dustbin, while countries should be allowed to enjoy the use of nuclear energy for peaceful purposes.'¹¹

Despite this, the NPT continues to be regarded by many as the cornerstone of the global nuclear non-proliferation regime, and in the lead-up to the 2010 Review Conference there were many hopeful signs that perhaps the traditional view that the NPT is, by its very nature, discriminatory in that it sustains the distinction between 'nuclear haves and have-nots' (those who promised to dismantle the nuclear weapons they had and those who undertook 40 years ago to never [again] develop nuclear weapons), may finally be proved wrong. These signs, which raised the expectations for a significant result, included:

- US President Barack Obama's now often quoted speech in Prague in April 2009 in which he stated 'clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons', as well as his support for the Comprehensive Test Ban Treaty and a new treaty to end production of fissile materials for nuclear weapons
- The UK's new initiative on nuclear disarmament as articulated in then-Prime Minister Gordon Brown's Road to 2010 strategy paper

- French President Nicolas Sarkozy's announcement of major cuts in the French nuclear arsenal and new levels of transparency
- Resolution 1887 (2009) adopted by the Security Council at its 6191st meeting, on 24 September 2009
- The new Strategic Arms Reduction Treaty (START) signed in April 2010 by the leaders of Russia and the United States, in which they pledged to reduce their deployed strategic nuclear warheads to 1 550 each
- The launch on 9 December 2008 of Global Zero, a new high-profile campaign by more than 100 political, military, business, faith and civic leaders from around the world and spanning a range of political perspectives to eliminate nuclear weapons
- The release in late December 2009 of the International Commission on Nuclear Non-proliferation and Disarmament's (headed by two former Foreign Ministers, Australia's Gareth Evans and Japan's Yoriko Kawaguchi) long-awaited report aimed at reinvigorating, at a high political level, the global debate on nuclear non-proliferation and disarmament
- UN Secretary-General Ban Ki-moon's issuing of a five-point disarmament plan and his repeatedly stated uncompromising dedication to achieving the abolition of nuclear weapons
- The statements and opinion pieces issued in support of a world free of nuclear weapons and the steps needed to get there by the 'four horsemen' intimately involved in American diplomacy and national security over the last four decades, namely former Secretary of State George Shultz, former Secretary of State Henry Kissinger, former Secretary of Defense Bill Perry and former Senator Sam Nunn; and, perhaps most importantly
- The support for a world without nuclear weapons among ordinary people of the world, as represented by polling data

KEY ISSUES FOR THE 2010 REVIEW CONFERENCE

In reviewing the operations of the Treaty, as provided for in its article VIII (3) and taking into account the decisions and resolution that were adopted by the 1995 NPT Review and Extension Conference and those reaffirmed in the Final Document of the 2000 NPT Review Conference, the 2010 Review Conference considered a number of key issues, including:

- Universalisation of the Treaty
- Nuclear disarmament, including specific practical measures
- Nuclear non-proliferation, including the promoting and strengthening of safeguards

- Measures to advance the peaceful use of nuclear energy, safety and security
- Implementation of the 1995 Resolution on the Middle East
- Measures to address withdrawal from the Treaty
- Measures to further strengthen the review process
- Ways to promote engagement with civil society in strengthening NPT norms and in promoting disarmament education

In contrast to the negative environment generated during the 2005 RevCon, the first two weeks of the 2010 RevCon displayed a positive atmosphere following numerous general statements from States Parties committing themselves to restoring confidence in the NPT and in achieving a world free of nuclear weapons. However, the real work started in the third week when States Parties began to negotiate the text of draft papers produced by the three main committees set up to review the implementation of the Treaty's provisions relating to the non-proliferation of nuclear weapons, disarmament and international peace and security (Main Committee I), safeguards and nuclear-weapon-free zones (Main Committee II), and the inalienable right of all States Parties to develop, research, produce and use nuclear energy for peaceful purposes without discrimination (Main Committee III).

It was hoped that this method would produce an integrated and cohesive final document that would clearly review the previous five years and lay out actions to be undertaken during the next review cycle from 2011 – 2015. As the Africa Group emphasised during the opening session of the RevCon, 'all member states of the UN [should] demonstrate sufficient political goodwill and requisite flexibility and deep understanding with a view to achieving *concrete results* in this important conference [emphasis added].'¹²

IMPLEMENTING THE 1995 RESOLUTION ON THE MIDDLE EAST

One of the most important issues for this RevCon was reaching a concrete agreement on ways to implement the resolution on the Middle East. In fact, it is believed that this issue was the key negotiating point that resulted in the final session being postponed at least twice on the last day.

The so-called Middle East Resolution refers to the decision made in 1995 that all states in the Middle East region join the NPT and put their nuclear facilities under IAEA safeguards. The 1995 resolution also required all states in the region to work toward a Middle East zone free of nuclear weapons and other weapons of mass destruction, and called on all NPT States Parties, in particular the NWS, to support this goal.

The Middle East Resolution has been a long-standing goal of Egypt, South Africa and many other states both in North Africa and beyond. The Africa Group reiterated its 'support for the establishment of such a Zone and called on the Nuclear Weapon States, in particular the three sponsors of the 1995 Resolution to support the regional stakeholders' efforts towards the urgent establishment of the Zone.'¹³

After weeks of negotiation (which probably started well before the official opening of the Conference in a largely secretive 'subsidiary' body) it was finally agreed that the UN Secretary-General and the co-sponsors of the original resolution, the US, Russia and the UK, in consultation with the States of the Middle East region, will convene a Conference in 2012, to be attended by all States of the Middle East.

The use of the word 'all' was used deliberately to include Israel, a country that is not currently party to the NPT and is suspected of having nuclear weapons. However, the countries that comprise the 'Middle East' are not defined, and whether or not Turkey, Palestine and even Iran would be invited to attend and be included in the zone would have to be carefully thought through.

In the 2010 Final Document, the conference endorses steps for constructive discussions in pursuit of a Middle Eastern 'zone free of nuclear weapons as well as other Weapons of Mass Destruction (WMD) including their delivery systems.'¹⁴ Political issues, including the designation of a facilitator and host government for the 2012 conference, will have to follow another yet-to-be-designed process. This could pose a challenge to the overall mechanism and according to press reports, Israel has already rejected the idea and even civil servants in the Obama administration do not believe it will take place.¹⁵

The Africa Group reaffirmed the urgent need for commitment of the Nuclear Weapon States to all 13 Practical Steps

The successful implementation of this decision would be a cutting-edge security solution to the zero-sum game that has existed in the region for decades. The question, however, is what comes first. Israel has in the past conditioned constructive discussions relating to the implementation of the 1995 NPT Resolution on the conclusion of a credible and reliable peace agreement, while Arab countries believe that the establishment of a zone

free of all weapons of mass destruction and their delivery vehicles is an essential condition to the peace process.

UNIVERSALISATION OF THE TREATY

The final document also urges India, Israel and Pakistan to join the NPT and the DPRK to 'rejoin' the NPT – all as NNWS – although there is some debate about whether the DPRK followed the correct procedure when it announced its intention to withdraw from the NPT.

However, the language chosen does not indicate that extra effort will be made by States Parties to systematically engage with these countries as called for by the ISS and other civic organisations and some States Parties.

NUCLEAR WEAPONS CONVENTION (NWC)

The Africa Group called for 'the total universal, verifiable and irreversible elimination of Nuclear Weapons ... Nuclear Weapon States should implement in good faith all their obligations and commitments under the NPT its various review process [sic], desist from developing new types of nuclear weapons, and grant unconditionally, Negative Security Assurances to Non Nuclear Weapon States in the spirit and letters of NPT, and within a legally binding framework.'¹⁶

An important issue for this RevCon was to ensure that a preparatory process is established to explore the legal, technical, institutional and political measures required to achieve and maintain a nuclear-weapon-free world. This follows the decision during the 1995 Review and Extension Conference that nuclear disarmament should be achieved through a ban on nuclear weapon testing, a ban on the production of fissile materials for weapons purposes, and systematic and progressive efforts to reduce nuclear weapons, with the ultimate goal of eliminating those weapons.

The Africa Group reaffirmed the urgent need for commitment of the NWS to all the 13 Practical Steps,¹⁷ including the necessity to diminish the role of nuclear weapons in their security policies and the early entry-into-force of the CTBT as a meaningful step in the realisation of a systematic process to achieve nuclear disarmament.¹⁸

One civil society proposal, which has the support of a number of States Parties, including many in Africa, as well as the UN Secretary-General, is a Nuclear Weapons Convention (NWC). A NWC would declare the possession, stockpiling and use of nuclear weapons illegal (in the same way that the Biological Weapons Convention and Chemical Weapons Convention totally ban biological and chemical weapons respectively). The final document makes reference to States Parties taking

note of new proposals and initiatives from the UN Secretary-General, governments and civil society, such as negotiations on a NWC or an agreement that would mutually reinforce the NPT. This is certainly encouraging for those in civil society who have long argued that the NPT is not adequate in addressing the urgent issue of nuclear disarmament.

THE INTERNATIONAL COURT OF JUSTICE'S ADVISORY OPINION

Many civil society organisations and states affirm that the use or threat of use of nuclear weapons constitutes a breach of international law and the United Nations Charter and is a crime against humanity as declared by UN General Assembly Resolutions 1653 (XVI) of 24 November 1961; 33/71 B of 14 December 1978; 34/83 G of 11 December 1979; 35/152 D of 12 December 1980; and 36/91 I of 9 December 1981.

In July 1996, the International Court of Justice (ICJ), at the request of the UN General Assembly, gave an 'advisory opinion' on the issue of the legality of the threat or the use of nuclear weapons. The ICJ found that the threat or use of nuclear weapons 'would generally be contrary' to humanitarian and other international law regulating the conduct of warfare, and under Article VI of the Nuclear Non-Proliferation Treaty and other international law, states are obligated to 'pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.' Accordingly, the NWS are often called on to formally recognise the Advisory Opinion and to move quickly to eliminate all nuclear weapons. As important confidence-building steps, NWS are also called on to renounce launch-on-warning and first-use doctrines, and to take remaining nuclear arsenals off high-operational-readiness-to-use (high alert).

The NPT review cycle currently lacks a follow-up mechanism to oversee the status of implementation between RevCons

The final NPT document merely 'notes' the fact that the Advisory Opinion exists and, among other issues, China's proposal for dialogue leading to a no-first-use declaration by all the NWS did not find its way into the

final draft. Of concern are reports that both the UK and France challenged the language in the initial draft document on the relevance of international humanitarian law to nuclear weapons and managed to delete the following: 'The Conference expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirms the need for all States to comply with international humanitarian law at all times.' The final document simply expresses States Parties' deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, and reaffirms the need for all states at all times to comply with applicable international law, including international humanitarian law.

INTERNATIONALISATION OF THE NUCLEAR FUEL CYCLE

The internationalisation of the nuclear fuel cycle remains another contentious issue for many States Parties to the NPT. For Africa and for global civil society, it was therefore crucial that the final document insists that future discussions on the issue should involve all stakeholders, with the IAEA playing a key role, in order to ensure the creation of a non-discriminatory global model for the supply of nuclear fuel. The final document successfully addressed this issue by underscoring the importance of continuing discussions on multilateral approaches to the fuel cycle in a 'non-discriminatory and transparent manner under the auspices of the IAEA.'¹⁹

IMPLEMENTATION SUPPORT UNIT FOR THE NPT

The NPT review cycle currently lacks a follow-up mechanism to oversee the status of implementation between RevCons. This often leads to inaction on key issues, such as the implementation of the 1995 Resolution on the Middle East that was only addressed 15 years later at the 2010 RevCon. Although the suggestion was made that the outgoing president of the 2010 RevCon and his bureau could constitute the core of such a mechanism, the final document disappointedly only 'encourages the past and incumbent Chairs to be available for consultations by the incoming Chair, if necessary.' However, the document recommends that a dedicated staff officer should be added to the UN Office for Disarmament Affairs in order to support the NPT's five-yearly review cycle. Although these initiatives are certainly a step in the right direction, both require voluntary financial contributions from States Parties. In addition, hiring one person within the UN to address all the issues of States Parties to the NPT is not a substitute for a proper implementation support body such as those of the BTWC and the Convention on the Prohibition of the Use,

Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

DETERMINING THE SUCCESS OR FAILURE OF THE CONFERENCE

Even though the 2010 RevCon did manage to address some of the concerns of States Parties and civil society in a constructive way, it is difficult to really determine, at this stage, whether the conference was successful. Although the RevCon did produce a final document, many compromises were made, especially by NNWS and specifically by members of the Non-Aligned Movement. As negotiations progressed, it became clear that the five NWS came to the RevCon with clear positions in mind, and were not prepared to compromise on certain key issues. Most concerning was their insistence that any reference to timelines for complete disarmament be removed from the final document – while NWS re-affirmed their ‘unequivocal undertaking’ to disarm, they refused to agree to any firm timeframes in which to do so and many of the disarmament ‘actions’ are phrased more as aspirational goals than commitments. Once again, NWS and NNWS prioritised one NPT pillar over another, and thus ‘painted themselves into opposite sides of the room.’²⁰

The Non-Aligned Movement promised to maintain pressure on the nuclear-weapon states to make real progress in eliminating their nuclear arsenals

Therefore, the P5 (United States, Russia, China, the United Kingdom and France) were successful in removing from the document anything requiring them to take more meaningful steps to advance and accelerate disarmament. It is clear that the P5 were unable to accept the need for timelines, and have only resolved ‘to seek a safer world for all and to achieve the peace and security of a world without nuclear weapons.’ The document states that ‘significant steps’ leading to nuclear disarmament should promote international stability and be ‘based on the principle of increased and undiminished security for all’. This, in effect, places conditions on nuclear disarmament, for example reductions in conventional forces by certain states and the resolution of regional conflicts. In contrast to an earlier draft, the UN Secretary-General is

also no longer invited to convene a conference to agree on a roadmap for the complete elimination of nuclear weapons.

These, together with the fact that the US Administration’s recently released Nuclear Posture Review does not indicate any dramatic departure in the use of nuclear weapons, as well as its proposal to spend \$180 billion over the next ten years to upgrade the US nuclear weapons production complex (although these may be designed to win support among hawkish Republican Senators for the new START treaty), mean that the NWS do not subscribe to a nuclear-weapon-free world in the near future. However, some of the NWS have in recent years become far more forthcoming with the numbers of warheads in their arsenals. In March 2008, France declared a ceiling of 300 warheads for the first time. The US disclosed on 3 May 2010 that it has 5 113 warheads, and three weeks later the UK acknowledged that it maintains 225, of which 160 are on operational status. The true transparency and verifiability of these figures are still debatable, but the fact that some NWS are becoming more open is certainly a step in the right direction.

AFRICAN VIEWS OF THE OUTCOME DOCUMENT

A number of African states made concluding remarks after the final document’s adoption, including Egypt on behalf of the Non-Aligned Movement States Parties to the Treaty (of which African states make up a large proportion), Algeria, Libya, Nigeria, Sudan, South Africa and Tanzania. All African states that made statements aligned themselves with the statement made by Egypt on behalf of NAM.

Egypt’s Ambassador Maged Abdelaziz, who played a major role in the 2010 RevCon, considered the document to be a basis for ‘a deal’ in the coming years. Though imperfect, it could ‘move us forward on all fronts.’ African representatives remarked that although they were disappointed that the conference did not produce a stronger outcome and that the text did not fully meet their aspirations, the final document should be considered as progress.

The Non-Aligned Movement promised to maintain pressure on the NWS to make real progress in eliminating their nuclear arsenals over the next few years and to ‘vigorously pursue’ the commencement of negotiations on a Nuclear Weapons Convention ‘as the route to realizing a world free from nuclear weapons by the year 2025.’ The negotiations on a Nuclear Weapons Convention will do away with the NPT’s distinction between nuclear haves and have-nots and comprehensively ban nuclear weapons.

All African delegations remarked that the conference had been held at a moment when the international community was more favourably inclined towards disarmament and non-proliferation, and participants of the 2010 RevCon had gathered with the determination to advance the shared goal of a world free of nuclear weapons. Many African delegations, including Nigeria, believed that the outcome was positively influenced by the improvement in the international environment in favour of a nuclear-weapon-free world and demonstrated what the international community could achieve in the face of nuclear dangers when there was political will, as well as shared values and interests.

The agreement reached on the implementation of the 1995 Middle East Resolution constituted a major achievement, and African States Parties agreed that the conference had managed to adopt concrete measures, which would hopefully result in the establishment of a nuclear-weapon-free zone in the Middle East. Algeria specifically highlighted the Arab Group's contribution to that outcome. African states also expressed their hope that the next five years would see significant movement towards a nuclear-weapon-free world.

The outcome was positively influenced by the improvement in the international environment in favour of a nuclear-weapon-free world

African countries such as Libya, Algeria and Sudan stated that despite the fact that the document did not live up to all expectations, it could not be said that the conference had failed. All African states wanted the text of the final document to put greater emphasis on the commitments by the NWS set out in Article VI of the Treaty for the total elimination of nuclear weapons including specific timelines and the establishment of a convention towards that goal. This, however, did not happen, as the NWS blocked any mention of timelines in the final document, and the proposed Nuclear Weapons Convention was mentioned as part of a number of initiatives instead of receiving the focus it deserved. Libya's representative stated that his country would consider convening a conference to amend the Treaty to ensure the inspection of nuclear facilities in NWS.²¹

CONCLUSION

According to some analysts, 'the 2010 NPT Final Document after years of preparations and four weeks of both public deliberations and private consultations is a significant achievement in maintaining the 2009 ambitious political vision of the United States President Obama in Prague.'²² Others assert that it reinvigorates international support, strengthens the integrity and credibility of the NPT and therefore relaxes the overstretched Treaty, which is often said to be at elastic limit. In this sense, failure was never an option.

Perhaps it is true that States Parties to the NPT were able to unite for the common good of the Treaty, as Dr Patricia Lewis, Deputy Director of the James Martin Center for Nonproliferation Studies (CNS) of the Monterey Institute of International Studies, stated. However, from an African perspective, what they were unable to do was to move its implementation forward in any major way. In other words, while the integrity of the NPT may have been somewhat restored and the cross-road bridged, there is little doubt that the gap between the rhetoric and vision of a world without nuclear weapons on the one hand and its realisation on the other is still wide and that a step-by-step approach to disarmament remains, in both perception and practice, a pretext for maintaining the status quo.

On a positive note, one issue, long called for by African states, is for the US, Russia and Spain to ratify the relevant protocols to the Treaty of Pelindaba. Making use of the opportunity, the Africa Group once again called 'upon the NWS and the other remaining State [sic] that have not done so, to ratify the Treaty protocols unconditionally and without further delay.'²³

In her statement to the conference, US Secretary of State Hilary Clinton announced that the US Administration would submit these protocols to the US Senate 'to ratify our participation in the nuclear-weapon-free zones that have been established in Africa and the South Pacific.' 'Upon ratification, parties to those agreements will have a legally binding assurance that the United States will not use or threaten to use nuclear weapons against them, and will fully respect the nuclear-weapons-free status of the zones.'²⁴

Russia and Spain did not refer to the Treaty of Pelindaba in their statements. However, the final document welcomes the entry-into-force of the Treaty and reaffirms the conviction that nuclear-weapon-free zones enhance global and regional peace and security, strengthens the nuclear non-proliferation regime and contribute towards realising the objectives of nuclear disarmament.

On another positive note for Africa, the final document reaffirms NNWS' inalienable right to pursue their national choices in the area of peaceful uses of nuclear

energy in terms of Article IV of the Treaty, which supports States Parties' right to access nuclear energy for peaceful purposes. Most importantly for Africa, the final document stipulates that developing states should be given preferential treatment in this area.

Another key issue for African states is the need for greater technical assistance by the IAEA. The final document underlines that the IAEA's activities in the field of technical cooperation, nuclear power and non-power applications make an important contribution to assisting States Parties to meet their energy needs, improve health, combat poverty, protect the environment, develop agriculture, manage the use of water resources and optimise industrial processes. This, in turn, helps countries in achieving their Millennium Development Goals (MDGs). Notable for Africa was the mention of the important contribution that the African Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology (AFRA) has made in the promotion of the peaceful uses of nuclear energy and technology as part of the IAEA's Technical Cooperation portfolio.

Overall, the action plan at least opens the door to build on the momentum created by the signs described above. However, the success of the 2010 RevCon will ultimately be measured by States Parties' commitment to implementing the 64-point action plan, and the coming five-year review cycle may perhaps be one of the most challenging for the NPT. In the final words of Ambassador Abdul S Minty of South Africa's Department of International Relations and Cooperation (DIRCO) and South Africa's representative to the conference, 'this Final Document will be considered a success if, and only if, States fully implement their commitments.'²⁵

Civil society organisations such as the ISS will continue to monitor the implementation of these commitments and report to its stakeholders on both positive and negative developments as we 'keep calm' and 'carry on' working in the next five years towards a nuclear-weapon-free world.

NOTES

- 1 'Keep Calm and Carry On' was a propaganda poster produced, but not used, by the British government in 1939 at the beginning of World War II and now found for sale in many New York art shops.
- 2 It should be noted that 172 States Parties actually participated in the Conference. Also, some reports refer to 189 States Parties to the NPT. This article uses '190', preferring to still regard the DPKR as a member.
- 3 This analysis has been compiled as a result of observations made by the authors who attended the month-long NPT Review Conference, together with material issued by Reaching

Critical Will, the umbrella body for NGOs at the Conference; United Nations documents; press reports; and initial analyses by other policy research institutes such as the James Martin Center for Nonproliferation Studies in Monterey, with which the ISS partners on nuclear weapon-related issues. The views expressed nevertheless remain those of the authors.

- 4 Sergio Duarte, High Representative for Disarmament Affairs, United Nations, 'Review Conferences of the Past: Key Decisions, Successful Experiences, and Lessons Learned', a briefing for African States at the 'Towards the 2010 NPT Review Conference', 15 April 2010.
- 5 The list of members of the NGO Forum of New Agenda Coalition countries and the statement can be found at the following link: http://www.issafrica.org/iss_today.php?ID=945.
- 6 For many, the CD's inertia has called into question whether the Geneva-based entity can ever again be an effective negotiating body for arms control matters.
- 7 2010 Nuclear Nonproliferation Treaty Review Conference Adopts Final Document with Substantive Recommendations, Press Release: http://cns.miis.edu/activities/100528_2010_npt_revcon.htm.
- 8 Rebecca Johnson, 'NPT: challenging the nuclear powers fiefdom', 15 June 2010, <http://www.opendemocracy.net/5050/rebecca-johnson/npt-challenge-to-nuclear-powers-fiefdom>.
- 9 See Communiqué of the Washington Nuclear Security Summit, Washington, D.C., 13 April 2010.
- 10 See for example the prologue to the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba).
- 11 Statement by Representative of the United Republic of Tanzania to the Treaty on the Non-Proliferation of Nuclear Weapons at Review Conference, New York, 28 May 2010
- 12 Statement by H.E. Tommo Monthe, Ambassador and Permanent Representative of the Republic of Cameroon on behalf of the African Group States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at Review Conference, New York, 5 May 2010.
- 13 Statement by H.E. Tommo Monthe, Ambassador and Permanent Representative of the Republic of Cameroon on behalf of the African Group States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at Review Conference, New York, 5 May 2010.
- 14 See Peter Crail, 'NPT Parties Agree on Middle East Meeting', http://www.armscontrol.org/act/2010_06/NPTMideast.
- 15 See for example BBC News, 'Israel rejects Middle East nuclear talks plan,' 29 May 2010; Reuters, 'US "regrets" that Israel singled out in treaty text,' 28 May 2010.
- 16 Statement by H.E. Tommo Monthe, Ambassador and Permanent Representative of the Republic of Cameroon on behalf of the African Group States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at Review Conference, New York, 5 May 2010.
- 17 At the 2000 Review Conference, the 13 Practical Steps for the systematic and progressive efforts to achieve complete disarmament were agreed to by all NPT States Parties, see <http://www.reachingcriticalwill.org/legal/npt/13point.html>.
- 18 Statement by H.E. Tommo Monthe, Ambassador and Permanent Representative of the Republic of Cameroon on

- behalf of the African Group States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at Review Conference, New York, 5 May 2010.
- 19 Draft Final Document, 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, New York, 27 May 2010.
 - 20 See Amelia Broodryk and Noël Stott, 'Africa and the Nuclear Non-Proliferation Treaty 2010 Review Conference: Consolidated Report of Three Preparatory Workshops 2009 – 2010', April 2010.
 - 21 See United Nations Department of Public Information, 'Nuclear Non-Proliferation Treaty Review Adopts Outcome Document at Last Moment; Though Imperfect, Complex Text Can Advance Process on All Fronts, Speakers Say', 28 May 2010.
 - 22 See 2010 Nuclear Nonproliferation Treaty Review Conference Adopts Final Document with Substantive Recommendations, Press Release: http://cns.miis.edu/activities/100528_2010_npt_revcon.htm.
 - 23 Statement by H.E. Tommo Monthe, Ambassador and Permanent Representative of the Republic of Cameroon on behalf of the African Group States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at Review Conference, New York, 5 May 2010.
 - 24 Statement by Hillary Rodham Clinton, US Secretary of State, to the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, General Debate, New York, 3 May 2010.
 - 25 Statement by H.E. Abdul S. Minty, Ambassador and Special Representative for Disarmament and NEPAD at the South African Department for International Relations and Cooperation, to the Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, New York, 28 May 2010.



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ABOUT THIS PAPER

On 28 May 2010, 190 States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) adopted a final document at its 8th Review Conference (RevCon) held at the United Nations (UN) Headquarters in New York. This paper makes an initial attempt to digest the final document from an African perspective, and to examine whether it truly presents an important step in ridding the world, once and for all, of nuclear weapons.

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Noël Stott heads the 'Africa's Development and the Threat of Weapons of Mass Destruction' project. The aim of this project is to identify and strengthen Africa's role in international efforts to strengthen disarmament and non-proliferation strategies in the context of Africa's developmental imperatives. The project works on the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba); the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); and other related conventions. Noël has extensive experience in all aspects of arms control, disarmament and non-proliferation.

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