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AT THE 2000 NPT REVIEW CONFERENCE

by Mitsuru KUROSAWA

Abstract

The issue of the NMD (National Missile Defense)/ABM (Anti-Ballistic Missile) Treaty was one of the most controversial one at the 2000 NPT Review Conference. Not only Russia, China and France, but also many non-nuclear-weapon states as well as Conference President Abdallah Baali and UN Secretary-General Kofi Annan strongly criticized the U.S. plan on the NMD. Because of this sharp confrontation between the U.S. and others, the prospect of the conference had been very pessimistic, and it was afraid that the issue might destroy the conference.

However, the five nuclear-weapon states found out an iridescent phrase on the issue, which permitted the conference to adopt a final document by consensus. In fact, the five nuclear-weapon states shelved the issue because they knew they could not resolve it at the conference and continuing the debates on it would destroy the conference. Although the issue was shelved at the first day of the second week, the issue has appeared anywhere during the discussion until the end of the conference. And the issue had a very negative impact on the proceedings and results of the conference.

In this paper, I would like to examine the debates on the issue at the conference, showing how strong the opposition to the U.S. program was and how negative the issue was for the conference .

The Forecast of the Conference

Among experts of the non-proliferation, the forecast of the conference was generally pessimistic, because international relations in general, and relation between the U.S. and Russia and the U.S. and China in particular, have been getting worse and worse in the past few years.(1) Confrontation between the nuclear-weapon states and non-non-nuclear-weapon states has been a typical pattern at the review conferences based on the very nature of the treaty regime. In addition, at this conference, the confrontation among the nuclear-weapon states was characteristic. The experts thought it would be difficult to adopt a final document because of these double confrontations. Among some reasons behind the confrontations, the most serious one was the issue of the NMD/ABM Treaty.

The Opening Ceremony

Ambassador Abdallah Baali of Algeria made a statement as the president of the conference at its beginning. When he referred to the negative and positive developments in the past five years, he mentioned "the challenge to the ABM Treaty and the intention of the United States to deploy an anti-missile defense system" as one of the negative developments.(2)

Address by Mr. Kofi Annan, the Secretary-General of the United Nations, was more warning as follows:

Let me turn to the most recent challenge facing us in the area of nuclear disarmament: the growing pressure to deploy national missile defenses. This pressure is jeopardizing the ABM Treaty - which has been called the "cornerstone of strategic stability" - and could well lead to a new arms race, setbacks for nuclear disarmament and non-proliferation, and create new incentives for missile proliferation.(3)

Just from the beginning of the conference, the NMD/ABM Treaty has been one of the most controversial issues.

The Nuclear-Weapon States

The United States, the only state which defended the NMD program at the conference, tried to mitigate concerns and defend itself by emphasizing their consultation with Russia and China, justified its program by stating: "The world has changed dramatically in the almost three decades since the ABM Treaty was signed. That Treaty has been amended before, and there is no good reason it cannot be amended again to reflect new threats from third countries outside the strategic deterrence regime." Secretary of State Ms. Madeleine Albright also made it clear that it was not intended to degrade Russia's deterrent and nor would it have that result.(4)

Minister of Foreign Affairs of the Russian Federation, Mr. Igor Ivanov, criticized the U.S. program from two aspects. The first is that further reduction in strategic offensive weapons can only be considered in the context of the preservation of the ABM Treaty which is the cornerstone of strategic stability and the compliance with the ABM Treaty in its present form without any modification is a prerequisite for further negotiations on nuclear disarmament. The second is that the collapse of the ABM Treaty would undermine the entirety of disarmament agreements concluded over the last 30 years.(5)

Ambassador Mr. Sha Zukang of China, citing the speech of President Jiang Zemin that so-called missile defense program will inevitably exert an extensive negative impact on international security and stability and trigger off a new round of arms race in new area, thereby seriously obstructing or neutralizing international efforts of nuclear disarmament and nuclear non-proliferation," harshly criticized the intention of the U.S. as follows: "Relying on its overwhelmingly superior strength in economy, science and technology, a certain military power, notwithstanding its large nuclear arsenals with overkill capability, is vigorously pursuing the development of national missile defense (NMD) system in an attempt to seek absolute security for itself."(6)

Mr. Hubert de La Fortelle, the representative of France, told: "France attaches the utmost importance to maintaining strategic stability, of which the ABM Treaty is an essential element. It is anxious to avoid any challenges to the Treaty liable to bring about a breakdown of strategic equilibrium and to restart the arms race."(7)

Mr. Peter Hain of the United Kingdom did not so strongly criticized as others did, but he referred to the importance of the ABM Treaty, saying: "We have made clear to both sides (the U.S. and Russia) that we continue to value the ABM Treaty and wish to see it preserved." (8)

Non-Nuclear-Weapon States

The statement by Portugal on behalf of the European Union also mentioned the issue by saying: "We reaffirm the importance of the ABM Treaty, as one of the pillars of strategic stability. The EU wishes to see that Treaty preserved."(9)

The statement by Mexico on behalf of seven NAC (New Agenda Coalition) states had no mention to the issue, but the working paper submitted by them included the following phrase: "Stressing that the ABM Treaty remains a cornerstone of strategic stability and underlining the responsibility of its states parties to preserve its integrity." (10)

The statement by Indonesia on behalf of the members of the Movement of Non-Aligned Countries said: "The movement is also concerned over the negative implications of the development and deployment of anti-ballistic missile defense system and the weaponization of outer space which have contributed to the further erosion of the international climate conducive to the promotion of disarmament and security. In this context, it calls for compliance with the provisions of the ABM Treaty."(11)

From these statements, it is obvious that almost all states except the U.S. strongly argued for the preservation of the ABM Treaty and pointed out that the NMD would have negative influence on further nuclear reduction and on the very existence of the arms control and disarmament agreements agreed for the last thirty years.

Under this circumstance, during the first week of the conference, it was highly afraid of that the conference would fail because of this sharp confrontation on the issue of NMD/ABM Treaty between the U.S. and other countries in general and between the U.S. and other four nuclear-weapon states in particular.

Common Statement by Five Nuclear-Weapon States

On the first day of the second week, May 1, the five nuclear-weapon states submitted a common statement, which was a compromise among the five. It dealt with many issues from universality to nuclear disarmament, negative security assurances, safeguards and others. The NMD/ABM Treaty was dealt with in the context of START III, stating: "We look forward to the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions."(12) This phrase was adopted as it was in the final document.(13)

The phrase "preserving and strengthening the ABM Treaty" is iridescent. The U.S. could justify its position by emphasizing the word "strengthening", because the U.S. could understand that amending the Treaty meant strengthening the Treaty. The other four nuclear-weapon states naturally accentuate the importance of the word "preserving" in order to justify their position. On balance, the U.S. can be said to be able to preserve its position. On this issue, the U.S. could extract a concession from the other four. As the price for it, the U.S. had to made concessions in other issues. For example, the commitment to the negotiations on a cut-off treaty was severely watered down because the U.S. had to yield to the China's demand.

Demand for Strategic Stability

In spite that the phrase on NMD/ABM Treaty issue had been settled among the five on the first day of the second week, the issue continued to be very hot during the last three weeks.

One argument is that strategic stability, whose main element is the ABM Treaty, should be maintained when discussing future measures for nuclear disarmament. In the case of further efforts to reduce nuclear arsenals unilaterally, the phrase "for the maintenance of strategic stability" was added. In the case of further reduction of non-strategic nuclear weapons, the phrase "in the context of strategic stability" was added. In the case of measures to de-alert and de-activate nuclear weapons systems, the phrase "for the maintenance and promotion of strategic stability" was added. Finally, in the case of a diminishing role for nuclear weapons in security policies, the phrase "to enhance strategic stability" was added.(14)

On the last Wednesday, two days before the final day of the conference, these concrete nuclear disarmament measures were bound into one and the same paragraph, which has a common chapeau for these measures.(15) The chapeau contains the phrase "based on the principle of undiminished security of all". The phrase "strategic stability" was replaced by "undiminished security" at the last stage, but the meaning is almost the same. That is, any future nuclear disarmament measure is conditioned by undiminished security for all, and many nations, in particular, Russia and China, interpret that modification and abandonment of the ABM Treaty is tantamount to the diminished security.

The other argument is that the prevention of arms race in outer space (PAROS) is more urgent and important than a cut-off treaty. This is the argument by China. There has been a general consensus that the first priority after the CTBT would be the negotiations on a cut-off treaty. The Shannon mandate was once adopted at the Conference on Disarmament in Geneva. At the 2000 NPT Review Conference, it was widely expected that a clear direction to the Conference on Disarmament to negotiate a cut-off treaty would be agreed in a final document. However, the U.S. sacrificed the clear commitment to a cut-off treaty for its demand for the NMD. As a result, China's argument prevailed and the early commencement of the negotiations on a cut-off treaty becomes almost impossible.

Conclusion

The 2000 NPT Review Conference succeeded in adopting almost 30-page final document by consensus. It means prima facie a great success of the conference from the viewpoint of many observers whose forecast was very pessimistic. However, we have to judge the success of the conference by examining the contents of the final document. The U.S. attitude to save by any means the NMD program made the U.S. very passive in the discussion on nuclear disarmament, and the five nuclear-weapon states agreed the lowest common denominator.

The outcome of the conference in concrete nuclear disarmament measures is very low, mainly because the four nuclear-weapon states did have a disincentive to proceed for substantive nuclear disarmament measures. The main reason for their reluctance was the U.S. program of the NMD.

In essence, the conference could adopt the final document as they shelved this controversial issue of NMD/ABM Treaty. However, the issue still alive after the conference, and the issue made the future of nuclear disarmament very equivocal.

(1) Mitsuru Kurosawa, "Toward the 2000 NPT Review Conference," Osaka University Law Review, No.47, February 2000, p.15.
(2) Statement by the President of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, H.E. Ambassador Abdallah Baali (Algeria), April 24, 2000, p.2.
(3) The Secretary-General Address to the NPT 2000 Review Conference, 24 April 2000, p.3.
(4) Remarks by Secretary of State Madeleine K. Albright to the Opening Session of the United Nations Nuclear Non-Proliferation Treaty Review Conference 2000, April 24, 2000, p.4.
(5) Statement by H.E. Mr. Igor S. Ivanov, Minister of Foreign Affairs of the Russian Federation at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, April 25, 2000, p.7.
(6) Statement by H.E. Amb. Sha Zukang, Head of Delegation of the Government of the People's Republic of China at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 24 April 2000, p.7.
(7) Intervention de S.E.M. Hubert de La Fortelle, Representant de la France aupres de la Conference du Desarmement, Conference d'Eamen du TNP, 25 avril 2000, p.6.
(8) Toward A Nuclear-Free World: the United Kingdom and the Nuclear Non-Proliferation Treaty, Peter Hain MP, Minister of State, Foreign Office, NPT Review Conference, 24 April 2000, p.4.
(9) Statement by the Head of Delegation of Portugal, Ambassador Antonio Monteiro, Permanent Representative of Portugal to the United Nations, on Behalf of the European Union, April 24 2000, p.4.
(10) NPT/CONF.2000/WP.3, 24 April 2000.
(11) Statement by H.E. Dr. Makarim Wibisono, Permanent Representative of the Republic of Indonesia, at the 2000 Review Conference of the NPT to Introduce a Working Paper submitted by Members of the Movement of Non-Aligned Countries, 24 April 2000, p.3.
(12) NPT/CONF.2000/21, 1 May 2000.
(13) NPT/CONF.2000/28, 22 May 2000.
(14) NPT/CONF.2000/MC.I/SB.I/CRP.7, 9 May 2000, NPT/CONF.2000/CRP.2, 15 May 2000.
(15) Non-Paper, 17 May 2000.

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