

## **The 2002 NPT PrepCom in Retrospect**

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Bill has asked me to reflect generally on the PrepCom; and also to touch upon what he calls my “strategy for securing a successful outcome. “Well, that last part begs a number of questions: first, was the PrepCom successful? Second, did I have a strategy? And if so, was it really that strategy that determined the outcome? I will throw out some additional questions, along with those, and try some very tentative answers, to provoke your answers today and tomorrow.

General reflections of course start quite naturally with the question: how did the PrepCom go? Did it succeed?

The simplest response is to make it personal, and just say that I think I have to be relatively satisfied with the outcome. The new process can be said to have started out reasonably well. NPT diplomats are often frustrated people and are not supposed to be entirely satisfied— but realistically, with a partly new and untested process, and with big substantial differences between parties, to have a comparatively orderly exchange, with an identifiable end result that has not been tried before, must qualify, I think, as at least partly a success.

But with that said, I believe we need to make a distinction between a notional— formal, if you will— success, and a more truly successful session in the sense of taking the Treaty problems forward, advancing them, or establishing a fruitful dialogue about them. In that sense, the PrepCom was not particularly successful. That is not very surprising, although somewhat disappointing; few insightful onlookers had expected a success in that deeper sense.

Another way to address the question of success or failure is to ask: Have the sessions in 2000 of the strengthened review process improved the process? Can future PrepComs be truly preparatory and can future Conferences allow both quarrelling and negotiations in result –oriented formats? We do not know yet. It is probably too early to tell, after only one PrepCom session. One can argue for very different interpretations of the

proceedings and the outcome of the first PrepCom. Let us look at that briefly:

As a couple of “good case” interpretations, one could exemplify with the following, saying that:

- It was a step in the right direction that all States Parties could accept, at least generally accept, the way the PrepCom was conducted and the result of the PrepCom. That, I think, can be regarded as a kind of “necessary but not sufficient” condition, for the PrepCom to be regarded as successful.
- If one goes further along the “good case” track, one might argue that the outcome this year turned out to be roughly what the drafters behind the revisions in 2000 had hoped - namely that the final product gives a picture of what happened; that it is usable in the continuation of the Review Process; that it is seen as being reasonably fair, by States Parties; and that it does not sweep the problems under the carpet.

But— these criteria can equally well be turned around. You can argue that the summary as it came out does not give a true picture of what happened; that it is not usable in the coming session or sessions; that it is not seen as fair; and that it actually does sweep problems under the carpet. It is perfectly possible to argue along one or more of those lines. And some of these judgements can be made now, where as some probably will have to wait, especially the one about the future usability of the summary.

In fact, what we should probably do during parts of today and tomorrow, is exactly to try to answer those questions: is the process improved? Will the summary be useful? How can a deeper dialogue be established?

Did I have a strategy? Yes and No. Not in the sense that I had not worked out detailed plans or options for different developments during the PrepCom. That was deliberate, and I think just as well, because you simply cannot predict even remotely exactly what will happen, and if you are struck with preconceived options and responses, you risk getting rigid, inflexible and unable to improvise.

But yes, in another sense I did have a strategy, although a very simple and broad one. It consisted mainly of 4 points, most of which fell into place, more or less, and therefore, perhaps, can be said to have contributed to the outcome- again, if it really was successful, a big if.

These points were, number one, not to let the endgame around the Factual Summary develop into negotiations on the text. Number two, to avoid a prolonged process about the exact formal status of the Summary. Number three, to keep a very tight regime on time management. Number four, to be as open about my own intentions as I felt I could (which of course is not automatically completely open). Briefly about these points:

About halfway into my consultations, say six-seven weeks before the PrepCom, I became convinced that it would invite enormous trouble to try to negotiate a factual summary. The incentive to conclude negotiations would not have been there. We would have left with piles of unfinished papers, and we would probably have had much less time for substantive exchanges. Also, the drafting of the revisions of the process in 2000 made it rather clear, I believe, that negotiation was to be avoided that early in the process.

On the status of the Summary, once it was clear that it would be a Chairman's Summary, I noticed rather late in my consultations that it would invite another kind of negotiation if I would open a discussion about its formal link to the Committees report. Proposals were given to me that the PrepCom ought to "take note of" or even "welcome" the Summary, but I decided to establish the Summary as a practical fact, on the floor, so to say, and play down the formal links to the report (which is now only a simple reference to the relevant 2000 para). Once I announced that the Summary would simply be annexed to the report, the debate on this issue died down. So I think this strategy succeeded, although it is possible to argue that the Summary lacks status. On the other hand again, it is not its formal status that will decide if it will be useful next year, and thereafter, or not.

The other two points were as I said, simple, and I can comment upon them, if need be, later. Time management and openness and transparency have always been important in similar meetings, but one often tends to forget that in the heat of the battle. Once things start to slip out of the Chair's control, it can go very fast downhill. That is why I wanted to solve the time-table issue while not at the same time delaying the normal work.

A few words about the Summary. First the process: it was drafted under severe time constraints in a couple of evenings and nights. It could have been longer and more nuanced, but I am not sure that this would really change or improve anything. Perhaps on the contrary, because the most it can be, I think, is a snapshot reflection of the views

of States Parties, and perhaps, at the most, a building block for what might later be the report of the PrepCom to the 2005 RevCon. It is definitely not the start of a negotiated text.

The “anchoring” of the text took place during only a few hours over cups of coffee, in the margin of meetings, where my collaborators showed a few paras to very few delegations. Once you go beyond that, you are into a negotiation. I felt that I had to do this kind of “anchoring”, seeking some degree of support for the Summary, but I am completely aware that it is a somewhat problematic way, and I am not sure it can be repeated another time.

About the contents, the idea that all main topics/items/special time areas should have the same or similar emphasis (no of paragraphs, lines) in the Summary, is not very practical, I believe. The Summary should reflect the discussion, and if the views expressed are not very divergent, there is no point in giving them as much space as in the cases where divergent views must be reflected. That said, I can agree that somewhat more emphasis could have been given to, say, peaceful uses and to nuclear safety. The two paras on safeguards I find largely sufficient, though. All in all, I think that the emphasis given (to different topics in the summary) reflects quite faithfully the intensity of the debate and the relative importance that delegations gave to topics and areas. That is a very subjective feeling, of course, but talking to lots of people after the PrepCom, I think it holds up rather well.

The NWSs took some exception from the Summary, more than other States Parties did, and I think that was to be expected and even natural. They have a lot at stake, which is reflected in the Summary, and they therefore found it necessary to put some distance between their present positions and such a text. I find the NWS remarks about the Summary, after adoption of the report, rather balanced, in fact. Even if some perceived imbalances in the text were mentioned, many of the remarks were actually directed against what other States Parties had actually said and gotten reflected in the Summary.

Talking about the NWS, let me conclude on a related note. In the months of my consultations, one big unknown factor was how the, by then one-year-old, Washington administration would play the PrepCom preparations and the meeting. I must say I appreciate the efforts by the US delegation, to try to take the most constructive positions possible within the confines of Washington’s overall stance. This is not to say that US

positions are all unproblematic for the NPT. I believe, for example, that Washington's CTBT position is a clear and direct risk for the viability and strength of the NPT. But again, when it came down to practical problem-solving, during the PrepCom, the US delegation showed as much flexibility as all others, which turned out to be important for the outcome.

Thank you.