

INTERVIEW

MAKING THE AGENDA STICK

Lessons Learned From the 2007 NPT PrepCom

Jean du Preez interviews Ambassador Yukiya Amano

After the conclusion of the 2008 Preparatory Committee (PrepCom) for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Nonproliferation Review interviewed Ambassador Yukiya Amano of Japan, who presided over the 2007 session of the PrepCom in Vienna. He provided valuable insights into his preparations for the PrepCom and shared his thoughts on some of the most pressing issues that confronted his chairmanship and the PrepCom as a whole. The interview also provides useful perspectives on the future of the strengthened review process.

KEYWORDS: Treaty on the Non-Proliferation of Nuclear Weapons; nuclear nonproliferation; nuclear disarmament

The legacy of the 2007 Preparatory Committee (PrepCom) for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is one of deep disputes among delegations on how to reflect the significance of past agreements and the implementation of the treaty. Despite vigorous efforts by PrepCom Chairman Yukiya Amano to consult widely with delegations prior to the start of the meeting, these differences prolonged the adoption of the agenda until the second week. This in turn limited substantive discussion of some of the treaty's most significant challenges.

Ambassador Amano is the permanent representative of Japan to international organizations in Vienna and has served as Japan's governor on the International Atomic Energy Agency (IAEA) Board of Governors since September 2005. He has held increasingly senior positions in the Japanese Foreign Ministry, notably as director-general of the Disarmament, Nonproliferation, and Science Department. Ambassador Amano has extensive experience in disarmament, nonproliferation, and nuclear energy policy and has been involved in negotiating major international nonproliferation measures, including the indefinite extension of the NPT, the Comprehensive Nuclear-Test-Ban Treaty, and the Biological and Toxin Weapons Convention verification protocol. He represented Japan as a governmental expert in the UN Expert Group on Disarmament and Nonproliferation Education, and was a diplomat-in-residence at the Center for Nonproliferation Studies in 2001.

The 2007 PrepCom, held in Vienna from April 30 to May 11, 2007, was the first of three sessions to be held prior to the 2010 Review Conference. Under the terms of the "improved" strengthened review process (agreed to at the 2000 Review Conference),

Nonproliferation Review, Vol. 16, No. 1, March 2009

ISSN 1073-6700 print/ISSN 1746-1766 online/09/010015-10

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DOI: 10.1080/10736700802645577

the first two sessions (in 2007 and 2008) considered “principles, objectives and ways in order to promote the full implementation of the [NPT], as well as its universality.” The third session, which will be held in New York City from May 4–15, 2009, will make recommendations to the 2010 Review Conference, taking into account the deliberations and results of the two previous PrepComs.

One hundred and six states parties, as well as IAEA representatives, participated in the PrepCom. Representatives from the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, the European Commission, the League of Arab States, and the Organization of the Islamic Conference attended as observers. Unlike previous years, when all but the plenary meetings were closed to nongovernmental participants, representatives of sixty-six civil society organizations were allowed to attend all the meetings of the committee.

Although Amano discouraged parties from proposing amendments to the agenda— noting that the draft agenda represented a fine balance of various positions based on prior consultations and that a single amendment would invite other parties to propose changes, thereby delaying work on substantive issues—the agenda was nevertheless contested. Specifically contested was the absence, in the paragraph that frames the work of the PrepCom, of any reference to the 2000 Review Conference agreement. While an appropriate reference was eventually agreed upon, France and the United States insisted that references to the 1975, 1985, and 2005 Review Conferences also be included, thereby diluting the significance of the 2000 outcome. The major point of contention, however, surrounded agenda item VI, which called for states parties to “reaffirm the need for full compliance of the treaty.” Iran insisted that the text be changed to clarify that “full compliance” entailed compliance with all provisions of the treaty, a position that was intended to prevent a formalized and official censure of its enrichment activities. A proposal from South Africa, offered on the final day of the first week, presented a compromise that led to an agreed agenda, which included a footnote defining “full compliance.” The agenda was used for the 2008 PrepCom session and will again be used in 2009.

Although the delayed adoption of an agenda limited the discussions during the last three days of the PrepCom, Amano managed to extract a comprehensive Chairman’s Summary that covered all the issues raised at the PrepCom in a balanced manner. However, some delegations, most notably Iran, supported by some non-aligned states, criticized the summary because it did not include every issue discussed during the committee’s session. Given the emphasis placed on Iran during the PrepCom debate, Iran also objected to be singled out in the summary. Instead of forming part of the final report, the summary was submitted in the Chairman’s Working Paper.

Jean du Preez, director of the International Organizations and Nonproliferation Program at the James Martin Center for Nonproliferation Studies, sat down with Amano after the conclusion of the 2008 PrepCom. Their conversation follows.

Preparations and Expectations

Jean du Preez: What were your initial expectations about the outcome of the PrepCom? Were these expectations met?

Yukiya Amano: Following our experiences at the 2005 Review Conference, I hoped to resolve a number of procedural issues, including the adoption of the agenda, from the very outset of the 2007 PrepCom. My aim was to allow for a sufficient amount of time to conduct discussions on substantive matters and also for the preparation of the summary at the end of the meeting. As the chair, I felt it was my responsibility to achieve these goals. Fortunately, most of the objectives were attained, although the adoption of the agenda took longer than expected.

JdP: During the period between your nomination as the PrepCom chairman-designate and the start of the 2007 PrepCom, how did you consult, and with whom? What do you think of using a mechanism such as an informally constituted "Friends of the Chair"? Did you ever feel the need for such a mechanism, as was employed in the past by some review conference presidents and PrepCom chairs?

YA: I initiated a series of consultations with states parties as soon as the Western Group endorsed me as the chair-designate. In Vienna, New York, and Geneva, I had the opportunity to hold meetings with three groups, namely the Western Group, the Group of Eastern European States, and the Group of Non-Aligned States (also known as the Non-Aligned Movement, or NAM), in addition to other states parties on numerous occasions. Bilateral consultations were also held with participating countries at a number of NPT seminars and conferences, which I attended. Meetings with the NAM troika were very helpful, as were the exchanges of views with group coordinators. As for the "Friends of the Chair" mechanism you mention, I am fortunate to have very good relationships with representatives of the states parties, and I consider them, and in particular the group coordinators, as good friends of mine. As such, I did not feel there was a great need for a mechanism of this type to be put in place at the time.

JdP: Disagreements over the PrepCom agenda delayed the start of deliberations until the second week. What was your strategy in consulting delegations to resolve the differences over the agenda?

YA: I conducted intensive consultations, primarily with coordinators from each regional group, and also with other key players. If and when discussions among the parties showed signs of becoming overly protracted, I worked to identify options that would potentially be helpful in reaching an agreement. I would then call a meeting and ask the floor whether or not the options on the table were acceptable. If one of these options was not fully supported by all parties concerned, it was removed from the table, and I would then re-consult in order to identify and propose further options until agreement was reached. My aim in opting for this approach was to demonstrate that I wanted, and was prepared

for, thorough consultations. On the other hand I also wanted to make clear that discussions would not be left to continue indefinitely if there was a way of bringing an item on the agenda to a close sooner.

JdP: What other procedural issues had to be resolved prior to the start of the PrepCom? For example, were there any differences among delegations about the indicative timetable, and how was the question about North Korea's status at the PrepCom handled?

YA: There was some disagreement relating to the identification of "specific issues" and regarding the allocation of time for these. Nevertheless, I would say that at the time, the aforementioned agenda-related issues were probably the trickiest. Regarding the status of the Democratic People's Republic of Korea (DPRK), I listened carefully to the views of a number of countries and to those of civil society. Some maintained that a clear stance should be taken on this issue, but I felt that the only viable option in this case was to continue to follow the practice that had proven to be the most appropriate in the past.¹

JdP: In addition to the controversy over the agenda, what other surprises were there, and how were they resolved?

YA: Having spent close to a week on the adoption of the agenda, we were left with a relatively limited amount of time. It was certainly not easy to hold meaningful discussions over such short periods. Fortunately, and thanks to the cooperation of the delegations in limiting the length of their interventions, we were able to make the most of the time we had. Toward the end of the meeting, I encountered some difficulties in attaching my summary to the final report. This issue was resolved by producing a Chairman's Working Paper, which contained the Chairman's Summary.

JdP: How did the traditional political groupings (Western Group, Eastern Group, and the NAM) and cross-political groupings such as the New Agenda Coalition (NAC) contribute to the work of the PrepCom, and how did they facilitate the outcome?

YA: The coordinators of the groups, and the groups themselves, contributed extensively to the preparation process and during the meeting. They were instrumental in coordinating and channeling often-diverging views among the states parties. Throughout the process, I felt very well informed in terms of the views and matters being discussed, and was also notified and informed directly if and when consensus could not be reached on an issue. The support extended to me by the groups allowed me to resolve the procedural issues, including the adoption of the agenda, and ultimately enabled me to produce the Chairman's Summary.

JdP: Did you meet with the five legally recognized nuclear weapon states (China, France, Russia, the United Kingdom, and the United States) as a group prior to and

during the PrepCom? Did you encourage them to issue a joint statement? Why was such a statement not issued?

YA: The Permanent Five (P-5) is a very influential group, but I did not consult with them as a group, neither before nor during the 2007 PrepCom. Nonetheless, I had opportunities to exchange views with individual P-5 members during consultations with regional groups and at the margins of seminars and conferences that I attended. The exchange of views with them was certainly very helpful. I felt that the primary task of the 2007 PrepCom was to resolve the procedural rather than the substantive matters. Encouraging the P-5 to issue a joint statement was something I felt was not relevant in achieving this particular goal.

JdP: What was the role of civil society at the PrepCom? Prior PrepCom sessions incorrectly interpreted the rules of procedure by denying civil society representatives the opportunity to observe the substantive sessions of these meetings. You are widely lauded for changing this practice. How did you accomplish that? Were there any negative reactions from PrepCom delegates? Do you believe it is desirable or feasible to further expand nongovernmental organization (NGO) participation in the RevCon/PrepCom deliberation process?

YA: I attach great importance to exchanging views with civil society, not only during a meeting, but also at the preparation stages. At the 2007 PrepCom, none of the delegations insisted on excluding civil society from substantive sessions. In fact, the support we received from civil society enabled the smooth conduct of business. I am privileged to have been active in the field of disarmament and nonproliferation for a long time. I have made good friends along the way, many of whom work with NGOs, and I have and continue to receive a lot of useful advice from them. In terms of the future, it will be the task of incoming chairs to decide how they wish to address this matter. I believe it is highly important for both sides to have confidence in and respect for each other, and to be given the opportunity to exchange their respective views.

JdP: How did you manage the process of consultations on the content of the "Chairman's Summary"? Did you consider producing a negotiated factual summary, and was there support for that approach? How was your summary prepared? For example did you use your own delegation, the IAEA Secretariat, or some key delegations to assist you?

YA: The summary was not negotiated. I felt that it was my responsibility as the chair to produce the Chairman's Summary. I certainly did not expect to receive any written communications from delegations, and I in turn also did not issue any written communications. From the experience I have gained in the past and due to the circumstances at the 2007 PrepCom, I sensed that producing a negotiated summary was not a viable option. I explained my thoughts on this to the states parties early on during the preparation stages, and was confident that my views were considered realistic. The

summary was prepared under my instruction by my own delegation with the support of the secretariat. I gave the final authorization for the text.

JdP: How would you assess the response of delegations to the summary? Iran blocked the attachment of your summary to the final PrepCom report. What were its reasons? Did you anticipate this development, and how did you resolve it?

YA: While most appreciated my summary, some delegations—including Iran and a few nuclear weapon states such as the United States—were among those who commented on the summary. As I understood it, Iran was not in favor of attaching the Chairman's Summary to the final report. To address this point, I decided to construct a Chairman's Working Paper, which contained a summary. Regarding the reasons behind Iran's views, it would better to ask Iran itself.

JdP: Concerns over Iranian noncompliance with its IAEA safeguard obligations were notably high on the agenda for several delegations, in particular the United States. Were you pressured to include a direct reference to Iran in your factual summary? How did you resolve this difficult issue? Given Iran's strong objections to being named, was any consideration given to a vote on the factual summary?

YA: No, I was never pressured by anybody in this regard. I simply tried to reflect the interventions made by a number of delegations at the meeting relating to the Iranian nuclear issue. My aim in general was to render the summary as factual as possible to reflect what was discussed. As such, I also mentioned the DPRK and Israel in my summary. As for a vote, it is possible to call for a vote in accordance with the rules of procedure. However, seeing the adoption of the summary by consensus was of such importance for me, I did not opt for a vote on this occasion.

JdP: You also included a clear reference to the need for assurances by the nuclear weapon states not to use or threaten to use nuclear weapons against non-nuclear weapon states, and reflected the call by many delegations for another subsidiary body on security assurances at the 2010 Review Conference. To what extent do you think progress could be made toward negotiating a legally binding instrument in this regard? What do you think of the possibility that the nuclear weapon states could issue individual no-first-use policies, and how could this impact on this debate?

YA: Indeed, negative security assurance was referred to in the Chairman's Summary. However, it will not be easy to reach agreement on legally binding negative security assurances at the 2010 Review Conference given the divided views among member states on the issue. Of all of the nuclear weapon states, China was the only one that referred to the no-first-use of nuclear weapons.

JdP: Your summary/working paper included no fewer than four substantial paragraphs on IAEA safeguards. Given the PrepCom venue (Vienna) and that it was held during the IAEA's fiftieth anniversary, were there any efforts made to make safeguards a prominent feature of the PrepCom? You also highlighted the need for safeguards to be strengthened and for the Additional Protocol to be universally applied. Do you foresee that progress can be made toward this goal at the next PrepCom and at the 2010 Review Conference? If so, how could this be accomplished? If not, what alternative options are there?

YA: Whenever the NPT has been discussed in the past, the main focus was on nuclear disarmament. Nowadays, attention is also being paid to the other two pillars of the NPT, which are nonproliferation and use of atomic energy for peaceful purposes. The references made to IAEA safeguards by member states reflected the fact that interest in this issue was and continues to be on the rise. It may well have been linked to the fact that the 2007 NPT PrepCom was held in Vienna—indeed, many countries were represented by their ambassadors already stationed there. The strengthening of safeguards is one of the key challenges the IAEA faces. The Integrated Safeguards and state-level approaches are means of strengthening safeguards. While there is no doubt that an increasing number of countries will conclude and implement the Additional Protocol, it would be unrealistic to expect that all countries will do so in the near future.

JdP: You also included a paragraph on the need to increase international cooperation to promote multilateralism in the nuclear fuel cycle and the supply of nuclear fuel. In your opinion, how could the NPT review process encourage progress to this end, and what kind of deals would be required?

YA: In my view, the multilateralization of the fuel cycle is a medium- or long-term objective, and it is fairly unlikely that we will experience substantial developments in this field before the 2010 Review Conference. The nuclear fuel supply assurance can be described as more of a short-term objective. I am in support of fuel supply assurance if we can find a widely acceptable formula, but we should not forget that this is a very complicated matter, and views are divided.

JdP: Given the concerns by many states, in particular those from the NAM, there are traditionally strong objections to language on the value of export controls. Yet you describe these controls as “key elements of the nonproliferation regime,” while highlighting the roles of the Nuclear Suppliers Group and the Zangger Committee. To what extent were you criticized for including these references? Do you think that the export control requirements under UN Security Council Resolution 1540 have moderated the traditional opposition to export controls?

YA: I referred to the “key elements of the nonproliferation regime” in the Chairman’s Summary because many states parties raised the issue in their respective statements. If and when criticism arose, I tried to explain that my mandate was to reflect the discussions

as factually as possible in the summary. I do not have enough information to formulate a judgment as to whether or not Security Council Resolution 1540 has helped to moderate opposition to export controls.

JdP: Your summary/working paper included several paragraphs reflecting the concerns by NPT parties over further withdrawals from the treaty. Do you think this will be a prominent feature at the 2010 Review Conference? To what extent do you think further withdrawals can be prevented, and how can a withdrawing state be held accountable for breaches of the treaty prior to its withdrawal?

YA: The various proposals that were made and the opinions that were expressed in relation to the withdrawal clause were reflected in the Chairman's Summary. This issue will be examined again at the 2010 Review Conference. I admit I am not overly optimistic about reaching consensus on this matter, due to the divided views among states parties. A number of NPT parties, including Japan, have already prepared a variety of proposals relating to this, and as such, I have nothing more to add at this stage.

JdP: Japan has a long-standing close association with the issue of disarmament and nonproliferation education, and its role in strengthening the nuclear nonproliferation regime. Your summary/working paper "encouraged" states to implement the recommendations in the report of the UN secretary-general, which was endorsed by the UN General Assembly. What type of steps and initiatives do you think states should take in this regard? Do you foresee that more concrete proposals could be included in the recommendations to the 2010 Review Conference?

YA: Disarmament and nonproliferation education is one of the topics that all the states parties could potentially agree on during the 2010 Review Conference. Education is a potentially extraordinary means by which issues relating to disarmament and nonproliferation can be promoted, and is also very flexible in that it can cope with different situations in different countries, changes that take place over time, and also technological progress. Civil society can of course also play an important role in this field. I believe disarmament and nonproliferation education has, so far, neither been recognized nor implemented widely enough. The 2010 Review Conference presents us with an excellent opportunity to give this variety of education a higher profile.

JdP: Do you believe the outcome of the 2007 NPT PrepCom is indicative of the successful implementation of the strengthened review process as envisaged by the 1995 and 2000 Review Conferences? Is the current review process in your view adequate to the task of dealing with the kinds of proliferation challenges now threatening international security? What, if any, changes would you recommend with respect to established practices that might enhance the work of the committee/conference?

YA: The 2007 PrepCom did encounter a few difficulties. Despite this, the objectives as defined by the 1995 and 2000 Review Conferences were achieved, owing above all to the cooperation afforded by all the states parties. The current review mechanism contributes in enabling states parties to discuss the operation of the NPT on a regular basis. In order to comment more fully on this, we need to wait and see whether the 2009 PrepCom can formulate substantive recommendations and lay down procedural arrangements for the 2010 Review Conference. If the 2009 PrepCom can address these issues successfully, we will be able to say that the current review mechanism functions reasonably well. If agreement cannot be reached apropos the recommendations, as was the case in 2000 and 2005, or if procedural issues cannot be solved, we may need to re-evaluate the review mechanism itself.

JdP: As result of the stalemate over the agenda, you limited the time for cluster discussions to five minutes per delegation. This practice seemed to have forced delegations to make concrete and to-the-point proposals. Were you at all criticized for this decision? Do you foresee that putting a time limitation on opening statements and the cluster debate could become standard practice during future PrepCom sessions and Review Conferences?

YA: At the 2007 PrepCom, I had to ask each delegation to limit the length of their respective statements to a maximum of five minutes due to time constraints. All the delegations responded very positively to my request, and I did not hear any criticism. The outcome of this was that speakers focused on the most important issues in their statements. Personally, I am generally not in favor of taking restrictive measures such as limiting the length of statements. I did however notice at the time, that the delegations' statements by and large had a strong impact, perhaps because they were so focused on key issues.

JdP: What role do you think should or could the 2007 and 2008 Chairmen's Working Papers play in formulating recommendations to the 2010 Review Conference?

YA: As the chairman of the 2007 PrepCom, I made a substantial effort to reflect the interventions as accurately and as factually as possible in the working paper. I cannot deny however, that some delegations were not completely satisfied with my Chairman's Summary. I consider these summaries to be useful tools in helping to identify areas of potential convergence in views, although the extent to which this is the case may often be limited. The 2007 and 2008 summaries could play a role in the formulation of recommendations for the 2010 Review Conference, though again, it may be a limited one.

JdP: Given the deep political differences among many NPT parties, do you think it is possible for the 2009 PrepCom to produce recommendations to the 2010 Review Conference? If not, what other alternative approaches may be considered by the chairman of the 2009 PrepCom?

YA: It is too early to try to predict the outcome of the 2009 PrepCom, especially seeing as any number of changes could arise over the coming months. In my view, the 2007 PrepCom settled various major procedural issues for the PrepCom cycle, enabling member states to focus more on discussions on substantive matters. The objectives of the 2009 PrepCom are to draw up recommendations and to make procedural arrangements for the 2010 Review Conference. If the 2009 PrepCom fails to conclude an agreement on the recommendations, or procedural issues for the 2010 Review Conference are not fully addressed, I personally believe that we should consider holding another PrepCom to address these issues prior to the 2010 Review Conference. The experiences of the 2005 Review Conference should never be repeated.

JdP: What lessons have you derived from the 2007 and 2008 PrepCom sessions that may be relevant for the next one in 2009? Is there any counsel, in particular, that you would provide the next chairman and states parties as they prepare for the 2009 PrepCom and the 2010 Review Conference?

YA: I tried to consult with as many countries as possible while I was preparing for the 2007 PrepCom. I shared my views on what I wanted to achieve in terms of final outcomes and sought advice and comments from states parties. Members of civil society also helped in offering various proposals as well as useful advice. I firmly believe that much of what was achieved at the 2007 PrepCom would not have been possible without the profound support of the member states and also of civil society, both before and during the PrepCom. I hope that the chairmen of the 2009 PrepCom (Ambassador Boniface Guwa Chidyausiki of Zimbabwe) and the 2010 Review Conference will receive the same help and support.

NOTE

1. Since the DPRK's announced withdrawal on January 10, 2003, the NPT parties have not collectively taken a position on the status of North Korea vis-à-vis the treaty. Given concerns that uncertainty about the DPRK's status could have led to a procedural and potentially divisive debate at the start of the 2003 PrepCom meeting, the chairman of that PrepCom, Ambassador László Molnár, announced that he would take custody of the DPRK's nameplate and that it would not be displayed among those of the states parties, but that it would remain in the conference room. This practice has been used at all subsequent NPT PrepCom sessions as well the 2005 Review Conference.