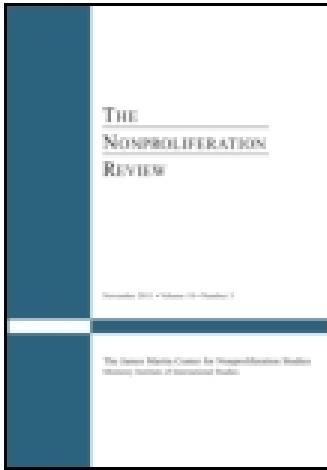


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INTERVIEW

ON THE ROAD TO THE 2015 NPT REVIEW CONFERENCE

An Insider's Perspective of the 2013 NPT PrepCom

William C. Potter interviews Ambassador Cornel Feruta

The second session of the Preparatory Committee for the 2015 Review Conference (RevCon) of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) highlighted two issues in particular—progress toward a Middle East Weapons of Mass Destruction–Free Zone and the Joint Statement on the humanitarian impact of nuclear weapons—that may not only greatly affect the health and vitality of the NPT and the 2015 RevCon, but possibly also have implications for the international nonproliferation regime as a whole. Dr. William Potter, director of the James Martin Center for Nonproliferation Studies, interviewed Ambassador Cornel Feruta, chairman of the 2013 PrepCom, to discuss these and other issues related to the meeting and the future of the treaty and its review process.

KEYWORDS: Treaty on the Non-Proliferation of Nuclear Weapons; Middle East; Egypt; weapons of mass destruction–free zone; multilateral negotiations

The second session of the Preparatory Committee (PrepCom) for the 2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) ended at 1:20 PM on May 13, 2013, with more of a whimper than a bang. Egypt—the architect of the 2010 NPT Review Conference, and the state arguably with the biggest stake in the outcome of the latest PrepCom—was absent at the end, having walked out of the Geneva meeting earlier in the week in protest of what it viewed as insufficient progress toward a Middle East Weapons of Mass Destruction–Free Zone (MEW MDFZ). Egypt continued, however, to try from afar to influence the Chair's summary of the meeting to include substantive reference to the lack of progress on a MEW MDFZ, though it failed in that attempt, managing only to get a sentence added in the procedural part of the report noting its exit. Indeed, aside from the Chair of the meeting, not a single state even mentioned Egypt's walkout.

What is one to make of this development? What does it bode for future negotiations on the MEW MDFZ, and what does it portend for the 2014 PrepCom and the 2015 NPT Review Conference?

In a very rare occurrence at NPT meetings, spontaneous applause followed the reading by South African Ambassador Abdul Minty of the names of more than six dozen state sponsors of a Joint Statement on the humanitarian impact of nuclear weapons. To what extent does this groundswell of support for this initiative, including from four members of NATO, represent a breakthrough on the nuclear disarmament front even if none of the nuclear weapon states were prepared to endorse the measure? More generally, how enduring is the commitment of NPT state parties to the 22 disarmament items the consensus Action Plan adopted in the final document in 2010? Do the results of the 2013 NPT PrepCom suggest that we are moving in the right direction?

To what extent is the health of the NPT and that of the international nonproliferation regime meaningfully related? For example, is the NPT review process, as it is currently constituted, adequate for taking the pulse of and responding to new and continuing proliferation challenges, especially given the tortuous process by which consensus decision making works (or doesn't work)? If so, why are NPT state parties so hesitant in the NPT review process to focus on the nuclear tests by North Korea or even to acknowledge that it is no longer a treaty member?

In order to better understand these and other questions related to the 2013 NPT PrepCom, CNS Director William Potter posed a series of questions to the PrepCom Chair, Ambassador Cornel Feruta.¹ Their conversation follows.

William Potter: How did you approach your preparations for the PrepCom? What were the key issues that you sought to address in advance of the Geneva meeting?

Cornel Feruta: I recall that the climate before and during the session was considered to be challenging, even negative, to a certain extent. The international community was facing—continues to face—challenges in the areas of nuclear disarmament, nonproliferation, and the peaceful uses of nuclear energy. In 2013, there was increased focus on the Middle East conference, and on noncompliance issues, acknowledged as a reality by all delegations present in Geneva. In light of these challenges, the sustained efforts of the international community to maintain and strengthen the NPT regime are of ever increasing importance. It is exactly with this sense of responsibility that I approached the preparations. I have promoted an *open eye, open ear, and open door* policy, and this was the line that defined the preparation process.

WP: What headway do you believe has been made in implementing the 2010 Action Plan? Where has most progress been made and where is lack of progress most notable?

CF: The 2010 NPT Action Plan remains an extremely valuable tool for this review cycle, and the expectations of many state parties are still high, particularly on the disarmament pillar. Concrete steps toward its implementation will benefit not only the cycle itself but also state parties. The second PrepCom was an important stage to acknowledge that the goal [of a world] “free of nuclear weapons” is widely recognized; the consensus on nonproliferation is taking shape in the international community, in a context where the

demand for the peaceful uses of nuclear energy is outstanding, [as is the need to] tak[e] practical steps in enhancing nuclear security and safety. All of these issues could pave the way for maintaining and strengthening the treaty and to achieve a successful 2015 Review Conference. As the reports diligently compiled by civil society actors on implementation of the 2010 Action Plan show, there is still a lot of effort needed to make these political commitments a reality. I would say that all three pillars need further support and engagement from all state parties, particularly the nuclear disarmament ones.

WP: How did you manage the process of consultations on the content of the “Chair’s Factual Summary?” Did you ever consider a negotiated factual summary, and was there support for that approach?

CF: The final form of the Chair’s Summary is a confirmation that the NPT is not locked into a technical discussion, but it is rather prone to political negotiation. The Chair’s Summary, submitted under my responsibility as a working paper, aimed at covering, in a balanced and comprehensive manner, all three pillars of the NPT. The main drive was to keep the balance between the pillars and the relevance of all issues to all NPT state parties. I have tried to offer an encompassing summary, acknowledging that the NPT community of states shares common goals. Of course, not all state parties felt that the document accurately reflects their priorities. As Chair, I am satisfied with moving the language forward. My aim was not to isolate this PrepCom from the overall process. On the contrary, I wanted to give it a forward-looking approach, including on the more sensitive and complicated issues. From my point of view, the 2013 language enables state parties to maintain the integrity and credibility of the review cycle. More importantly, apart from one delegation, no other delegation dissociated itself from the language that I presented.

WP: Some observers have suggested that, although the product is referred to as the “Chair’s Factual Summary,” it is in fact the product of intense—if not terribly transparent—negotiations/interventions. Would you concur with this observation?

CF: The Chair’s Factual Summary is the essence of the discussions during the Geneva meeting and it was my interest to invest the necessary energy to reflect accurately the debates. I made myself and my team available at any time, and I encouraged delegations to make use of this. Therefore, I am happy that this approach generated feedback both from governments and from civil society. This feedback was extremely useful and the result of these intense contacts is the document presented at the end. The Factual Summary is entirely under my responsibility as Chair, and informal consultations are always meant to clarify positions and priorities of all groups and as many state parties as possible in order to facilitate my ability to render as accurate a version of the debates as possible. I am glad that observers have read my *open ear, open eye, and open door policy* in the right way.

WP: What items proved most contentious in your drafting of the Summary? Was there much pressure to include more direct reference to Iran in your factual summary? In the disarmament sphere, what pressures were you under to include/exclude stronger language on the initiative on humanitarian impact of nuclear weapons use?

CF: I listened carefully to the room and thought to reflect the ideas put forward by the clear majority of speakers; this led me to strengthen the language on some important points referring to developments on noncompliance. The text also acknowledges that the expectations of many state parties are still high, particularly on the disarmament pillar. The summary touches upon the usual concerns about continued reliance on nuclear weapons in security doctrines, high alert levels, lack of transparency and reporting standards, lack of time frames for nuclear disarmament, and continued modernization of nuclear weapons, delivery systems, and related infrastructure.

WP: How would you assess the response of delegations to the summary?

CF: After the 2013 PrepCom, I had some follow-up meetings, in either a multilateral framework or in bilateral talks. My intention from the very beginning was not to please anybody in particular, but to make sure that, through our actions or non-action, we do not undermine the viability of the NPT regime. My feeling is that, after all, delegations were satisfied with the manner in which the spirit of the discussions was reflected.

I will not measure the response of the delegations in terms of "success" or "failure"—I will let the states' representatives, academics, and civil society do that. What I would like to underline is that the result of this PrepCom is the result of the work of the state parties. The Summary reflects the involvement of all delegations in the review cycle. This has been one of my objectives: to assess the current state of play in the review process, and I believe that the state parties have done everything to help me attain this objective.

WP: Were you satisfied with the manner in which states addressed the issue of the postponed Middle East conference? Had you expected greater flexibility on the part of relevant states?

CF: Since the 2010 Review Conference, the MEWMDWFZ process has entered into a specific logic that does not pertain to the PrepCom *per se*. The PrepCom was informed about activities and preparations for the MEWMDWFZ Conference, but again, not being a decisional forum. The meeting in Geneva could not have interfered with the process that is being managed by the facilitator [Finnish ambassador Jaakko Laajava] and the conveners [the United States, Russia, and the United Kingdom], but I certainly hope that the PrepCom was effective in drawing the attention of all state parties to the importance of this issue for the entire review cycle and especially for a successful Review Conference in 2015.

As expected since the pre-sessional contacts, the issue regarding the convening of the conference on the Middle East was one of the most problematic points. This is due to the complexity of the subject and the frustration shared by many states with the postponing of the December 2012 meeting in Helsinki. The added value of the final language on the Middle East issue is that it encapsulates, in an impartial manner, all the views by state parties, expressing further support for the efforts of Ambassador Laajava to advance with the conference on the Middle East, thus avoiding any detrimental linkages to the PrepCom and the implementation of the items in the Action Plan.

WP: Although the League of Arab States had discussed the possibility of a boycott of the 2013 PrepCom, the decision by Egypt to walk out of the meeting appeared to take most parties by surprise. Were you also surprised by the action? Do you believe the walkout will have a longer-term impact on the NPT review process?

CF: This was a decision rooted in frustration with regard to the lack of progress in convening the Middle East conference. As Chair, I have always encouraged state parties, prior to the session, to make full use of the platform that is being offered by the PrepCom to discuss openly and constructively all the issues, especially the most complex and sensitive ones. It is for this reason that, after the walkout, I decided to suspend the discussions on the Middle East, making an appeal to the Egyptian delegation to come back and participate in the debates.

The stakes in the review cycle are high, and each and every state party has its own responsibility to make sure that our commitments in all three pillars will be duly implemented.

WP: Were there any other major surprises for you during the PrepCom?

CF: There have been some challenges, but also some opportunities that helped to put the meeting on the right track. I was not surprised but truly impressed by the substantial involvement of civil society.

WP: How did the traditional political groupings (Western Group, Eastern Group, and Non-Aligned Movement) and cross-political groupings such as the New Agenda Coalition and the Non-Proliferation and Disarmament Initiative contribute to the work of the PrepCom?

CF: While the traditional political groups made sure that I would not lose sight of the NPT regime as it is enshrined in the treaty, the other groupings served to remind me that this regime is a living and evolving organism. I can only appreciate the way they put forward their ideas and I do hope that the result of the PrepCom came as close as possible to satisfying their interests. I like to believe that this result is forward looking to the 2015 RevCon. These groupings helped me offer to state parties a starting point in tackling new challenges and demands coming from the public.

WP: What is your perception of the role played by the five legally recognized nuclear weapon states, often referred to as the P5? Do you regard their more regularized consultations to be a useful contribution to the NPT review process? Do you see any potential downside to their increased tendency to act in concert (e.g., on issues associated with the humanitarian impact initiative and the Open-Ended Working Group)?

CF: I was invited to attend the P5 conference that took place immediately before the Geneva meeting where there were a number of discussions on the issues at stake. They often emphasized that they are fully aware of the importance placed by all state parties on the fulfillment of the Action Plan, particularly regarding nuclear disarmament. Some action items are difficult to measure very precisely when it comes to the implementation part, but this will not stop the states in evaluating the depth and sustainability of actions that were and will be undertaken by the nuclear weapon states. My hope is that the now regular P5 meetings will produce some concrete results, and its membership will continue to be firm in its determination to achieve them as soon as possible.

We need predictability from all state parties, and the P5 are the main drivers in this regard. This is at least one of the arguments that make me think that there will be no downsized influence of the P5. On the contrary, their contribution will be constructive and forward looking.

WP: What was the role of civil society at the PrepCom? Do you believe it is desirable or feasible to further expand nongovernmental organization (NGO) participation in the PrepCom/RevCon deliberation process?

CF: The Summary recognizes "the valuable role played by civil society in the implementation of the objectives of the Treaty," and welcomes "the increased interaction with the civil society during the specific session at the Committee." This PrepCom has indeed seen increased dialogue between state parties and civil society organizations as the nuclear weapons fora are becoming interested in more interaction from experts, academics, and civil society. I view this interaction as positive, particularly because of the role of NGOs in raising awareness on topics such as disarmament and nonproliferation, and their ability to influence/shape the public agenda. With regard to future expansion of nongovernmental participation in the PrepCom/RevCon, as we all know, the NPT regime has its own clear rules in this regard and there is a need for an in-depth discussion among state parties on ways of changing or improving them if considered opportune. I personally believe strongly in the value-added that civil society is bringing to the table in all fora, and particularly in the NPT regime.

WP: What do you believe are the prospects for a boycott at the 2014 PrepCom? What actions short of actually convening the Helsinki Conference before 2014 can reduce the likelihood of a boycott?

CF: I believe in the strong interest of all state parties in not throwing the baby out with the bathwater. The perspective that serves the NPT review cycle best is that no issue should be promoted at the expense of others. Therefore, we all have a responsibility to maintain a constructive and forthcoming attitude. The PrepCom and the Review Conference are very good indicators of the progress or lack of progress in the implementation of our commitments and decisions. I am looking forward to hearing the latest news on how discussions on the Middle East conference are continuing and hoping for positive and concrete results as soon as possible.

WP: To what extent do you consider the second PrepCom session successful? In what areas did you make the most progress, and on which issues was it most difficult to find common ground?

CF: I would be asking this question to each and every state party. My objective was not to identify definitive solutions to all the delicate issues on the agenda. This would not be realistic for a meeting that is part of a review cycle and is in the middle of the effort that state parties are carrying on. If we were to measure this PrepCom's success in terms of progress implementing the Treaty, as well as the 2010 Action Plan, then I believe we need to be realistic and more concrete results are needed in order to call a PrepCom a successful meeting.

I will let others determine if it was a success or not, but I can tell you for sure that it was not a failure. I was extremely pleased with the way state parties engaged on many issues and reconfirmed the role and the importance the NPT plays in their national agendas.

WP: How do you envisage the Factual Summary from 2013 being factored into the work of the 2014 session in preparation for the 2015 Review Conference?

CF: It is difficult to say, given that the main task of the 2014 PrepCom is to draft the agenda of—as well as recommendations to be reviewed during—the 2015 RevCon. If the factual summaries of the 2012 and 2013 PrepComs will be useful in any way to the 2014 PrepCom and the process beyond, it is a matter to be considered and decided upon by the state parties. What could be extremely useful in the work ahead is the forward-looking approach to many sensitive issues.

WP: In your view, which are the most important issues that emerged since the 2010 Review Conference? To what extent do you believe it will be possible to find common ground on these issues?

CF: As clearly indicated by the recent gathering of state parties, I can safely say that two of the main issues that have emerged or have been consolidated further since 2010 RevCon are related to the humanitarian impact approach to nuclear disarmament and the Middle East conference. Both issues are important and sensitive for many state parties, and therefore serious efforts should be dedicated to finding common ground in this

regard. I am generally an optimist, and I like to believe there will be enough wisdom mustered by the NPT community in order to find cooperative ways to advance its goals. When will consensus emerge? Nobody knows, it is an ongoing process that sometimes requires more time to come to fruition. The important ingredient is a shared will to move forward.

WP: Do you believe the outcome of the 2013 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 nuclear disarmament, proliferation, and peaceful use 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?

CF: The last paragraph of the Summary is an attempt at reflecting the interesting debate on the subject that took place at the PrepCom. I was not there in 1995 when the review cycle as we know it today was established. But I would imagine that the intention was to create an efficient and relatively flexible mechanism to ensure a review of the treaty's implementation. The problem is that flexibility is not the strongest feature of intergovernmental processes generally. A number of ideas were put forward by delegations during the last PrepCom. If enough state parties are interested in improving the work of the PrepComs and the review cycle functioning in general, I am sure we could see progress in the future. But for that to happen we need a structured debate dedicated to this subject that can arrive at clear decisions on the matter. Strong and committed leadership would be also welcome, either from an interested state party or a coalition of such states.

WP: The General Debate during the first week of the PrepCom was numbing in terms of the often long and uninspired presentations read by delegations. It also proved difficult to stimulate much interactive debate at the PrepCom. Do you have any suggestions about how one might better utilize the time typically allotted for General Debate? For example, is it feasible to impose more stringent limits on the length of time devoted to presentations by delegations? Are there realistic means to stimulate more interactive discussions among delegates?

CF: I do not share the opinion that time limits can stimulate interactive discussions. On the contrary, it would narrow, if not close, any window of opportunity to increase the interaction among delegations.

One of my suggestions to improve these debates is to "escape" the limits of treating PrepComs or RevCons as technical meetings. If delegations had a mandate to touch the political ground, then we would have lively debates. If this kind of mindset cannot be overcome, then we can rely on the personality of the speakers; in 2013, one genuine example of a "personality prone to debates" is Ambassador Antonio Guerreiro of Brazil.

In Geneva, time was not always working on my side, but I tried to take part in as many as possible side events that NGOs organized in the margins of the formal sessions.

My impression is that these events were the perfect venues for interaction between governments and NGOs and among delegations, particularly if a more modern concept/topic was addressed, such as the humanitarian consequences. In my eyes, this was one of the topics that dominated the debates in Geneva.

WP: Given the deep political differences among many NPT parties, do you think it is possible for the 2014 PrepCom to generate recommendations to the 2015 Review Conference? If not, what other alternative approaches might be considered by the chairman of the 2014 PrepCom?

CF: I am certain that [incoming Chairman] Ambassador Enrique Roman-Morey [of Peru] will do his best to ensure a successful meeting that hopefully will be able to agree on recommendations for 2015. This kind of outcome will depend on many variables including evolutions in the context of different parallel tracks that are not under the authority of the NPT regime. It remains to be seen if the political context will be favorable enough to reach agreement on recommendations before the RevCon. What also matters is the involvement of all of us in this process. At the same time, I would like to also underline that it would be unfair to expect only the Chair to deliver.

WP: In retrospect, are there any things you would like to have done differently in the preparations for and the conduct of the PrepCom?

CF: I might not be the right interlocutor to be asked this question. I would be interested to switch places with you, because I am looking forward to thorough feedback from this perspective. From my perspective, what I can say is that my aim was to conduct a large-scale consultation process with as many interested stakeholders as possible, and I am quite content that I managed to largely fulfill this objective.

WP: Based on your recent experiences related to the 2013 meeting, are there any "lessons learned" or recommendations you would convey to Ambassador Roman-Morey?

CF: Ambassador Roman-Morey is a reputed professional; I am convinced that he will succeed in taking the state parties to "the next level," in order to secure success for 2015 RevCon.

I can only point out three aspects that made my life easier in preparing and managing the second PrepCom:

Timely preparation of the meeting is crucial and no effort should be spared.

Secondly, designing an inclusive and transparent process, including in-the-making phases can facilitate the work. Every opinion matters. It is in this context that my effort to reach out to both governments and civil society paid off.

Last but not least, relying on the support of a good national team as well as the UN Office for Disarmament Affairs's experts. I have benefited from priceless advice and

support from the Romanian national team, my colleagues in Bucharest, New York, Geneva, and Vienna.

NOTE

1. At the time of his chairmanship, Ambassador Feruta was director-general for political affairs in the Romanian Ministry of Foreign Affairs. In September 2013, he assumed a new position as chief coordinator at the International Atomic Energy Agency.