



Recommendations for Success in the NPT Review Process

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A. Introduction

The delayed Tenth NPT Review Conference faces a wide range of challenges. As nuclear-weapon States (NWS) pursue nuclear modernisation, an increasing number of non-nuclear-weapon States (NNWS) have voiced support for the Treaty on the Prohibition of Nuclear Weapons (TPNW). International withdrawal from arms control agreements has exacerbated progress on disarmament. Meanwhile, the Middle East Zone Free of Weapons of Mass Destruction (MEWMDZ) held its first conference in 2019, revealing regional fault lines between participating States. Additionally, the long quest for the universalisation of the NPT has yet to be realized. In the midst of these challenges and a global pandemic, an increasing number of NPT analysts are questioning whether the 2020 Review Conference can successfully forge a consensus final document.

The EVN NPT Working Group (hereafter “the Working Group”) identified three areas of recommendations for the NPT: (1) critical conditions for success in the NPT context; (2) alternatives to consensus final documents as metrics for success; and (3) other factors that may affect the review process.

B. Conditions for Success in the NPT Review Process

B.1. Political Will

The NPT has, on balance, been an overwhelming success. Nuclear arsenals are a fifth the size they were 50 years ago and, contrary to US President Kennedy’s fears that “15 or 20 or 25 nations may have these [nuclear] weapons” by the 1970s, today only nine countries command nuclear arsenals. However, this success should not be taken for granted. Success in arms control and success in the NPT review process are closely intertwined. The importance of arms control must be recognised in order to create the conditions possible for a successful Tenth Review Conference.

NPT States Parties have played a pivotal role in bolstering political will for broader arms control efforts. Political will has been necessary for the success of the NPT and the establishment of individual arms control agreements. For example, at the 2010 NPT Review Conference, the delegation of Ireland, the New Agenda Coalition and others encouraged Presidents Obama and Medvedev to make progress towards disarmament through the negotiations that led to the New Strategic Arms Reduction Treaty (New START). This pressure helped bolster the political will around arms control and the New START discussions, and directly contributed to a successful Review Conference.

B.2. Multi-Level, Institutional Cooperation

Strong, multi-level institutional cooperation is critical to success in the NPT review process, including but not limited to the International Atomic Energy Agency (IAEA), export control regimes, UN agencies with a peace and security focus, national governments, the scientific community, militaries, academia and civil society. Cooperation between NWS, NNWS, and nuclear-weapon-possessor states outside the NPT has also proven beneficial to the NPT regime.

The IAEA, as the NPT’s de facto verification body, applies comprehensive safeguards in NNWS, and separately provides guidance on nuclear security. However, strengthened safeguards and nuclear security have become divisive due to the perception that these measures prevent NNWS from accessing nuclear technologies for peaceful purposes, especially in the Global South. Many developing countries also fear that increased allocations to safeguards and security in the IAEA’s budget will reduce available funding for the Agency’s technical cooperation activities. Cooperation between all stakeholders at all levels to dispel this “us versus them” perception will be critical for a successful outcome at the Review Conference.

Civil society organisations have the expertise, technical and research capabilities, and time to engage with the public in unique ways and facilitate bridge-building between NWS and NNWS. However, availability of funding for civil society organisations focused on non-proliferation and disarmament is limited, a situation likely to worsen in the coming years due in large part to the COVID-19 pandemic. Ensuring broad participation, including by civil society, in official non-proliferation discourse, will be critical to the future success of the NPT review process.

B.3. Fear of Nuclear War

Another condition that has made success possible in this realm is the fear of nuclear war itself. The atomic bombings of Hiroshima and Nagasaki in 1945 have shown the destructive capability of these weapons. The Cuban Missile Crisis in 1962 showed the nuclear powers that they too were vulnerable – that a nuclear explosion does not respect national borders. It was in large part fear of the catastrophic consequences of nuclear use that drove the United States and the Soviet Union to enter into arms control agreements, and to push for the establishment of the NPT, together with the United Kingdom.

The Working Group believes that the 21st century has seen a marked decrease in the priority placed on arms control and non-proliferation, driven in part by the decreasing salience of nuclear weapons public discourse. The political will to insulate nuclear issues from other disagreements has disappeared, arms control is in a fragile state, multilateralism is in

crisis and international institutions are subject to political tensions unrelated to the substance of their work. At the core of these trends is complacency. It is the tacit belief of many that a nuclear war could never really happen, that nuclear deterrence could never fail, and rising antipathy towards multilateralism. This makes political will difficult to generate and opens important international institutions to collateral damage.

B.4. Recommendations

The Working Group:

- Encourages the P5, in particular the United States and the Russian Federation, to return to regular, constructive dialogue on arms control, including to conclude a follow-on treaty to New START.
- Urges NPT States Parties to depoliticise discourse in multilateral institutions, focusing instead on strengthening their impact.
- Recommends NPT States Parties to establish national funds to provide opportunities for young researchers to work on non-proliferation issues and for members of civil society to participate in NPT meetings, including but not limited to the Review Conferences.
- Suggests enhanced efforts on non-proliferation education in the general public to raise awareness about the risks posed by nuclear weapons and the need to mitigate those risks through diplomacy.
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C. Alternatives to the Consensus Final Document

C.1. The Limitations of Consensus Final Documents as a Metric for Success

Consensus final documents are widely viewed as the NPT review process' metric of success. To date, NPT Review Conferences have achieved a consensus final document in 1975, 1985, 2000, and 2010. Consensus final documents have often proposed grandiose goals. The 2000 Consensus Final Document proposed 13 "practical steps" and the 2010 consensus final document proposed a 64-point action plan that set goals across the three pillars of the NPT. The Working Group finds reliance on a consensus final document as a metric of success or failure of a Review Conference to be a barrier to success in the NPT review process.

Outcome documents regularly contain vague and infeasible undertakings with little detail about how the goals will be implemented or progress measured. As a result, there is often little correlation between the production of consensus final documents and the implementation of concrete actions.

NPT Review Conference agreements are not self-implementing. Individual States Parties must fulfil their own commitments independently, and there is no legal mechanism that holds States Parties accountable. This lack of accountability has created a cycle of making grand promises that are not fulfilled.

Consensus documents inherently take an all-or-nothing approach whereby all States Parties must agree to one document or risk the failure of the entire Review Conference. Additionally, they can be very challenging to implement, resulting in watered down recommendations and an incomplete view of both individual and collective progress. More emphasis is placed on reaching consensus than on making actual progress on the three pillars, which can diminish the value of different streams of work pushing towards the same goal. When consensus fails, a review cycle may inappropriately be labelled a failure, despite positive dialogue and tangible progress on certain issues, contributing to the perception of crisis in the regime.

C.2. Alternatives for a Consensus Final Document at the Tenth Review Conference

A consensus final document from the Tenth Review Conference seems unlikely. In the short term, the delayed Review Conference should consider alternative measures of success. Critically, NPT States Parties should emphasise the need to recommit to previous, unfulfilled commitments, including under the 13 practical steps identified in 2000 and the 64-point action plan agreed in 2010 by States Parties, which span all three pillars of the NPT.

Further strengthening of IAEA safeguards, guaranteed access to peaceful uses of nuclear energy, and entry into force of the CTBT illustrate the broad scope of commitments that still require substantial progress. The delay in the Tenth Review Conference presents an opportunity to recommit to previous obligations before seeking to create more.

Recent Review Conferences have been characterised by strong divisions between NWS, NWS allies, and certain NNWS. As such, it is imperative that the delegations to the Tenth Review Conference aim to build cohesion through the constructive and sustained engagement of all relevant stakeholders. To further this process, NWS should implement concrete measures to allay the concerns of the NNWS. One such step could include issuing negative security assurances through ratification of relevant protocols to nuclear-weapon-free zone treaties. The recent extension of New START by the United States and the Russian Federation is another important step in this regard.

C.3. Recommendations

The Working Group:

- Suggests that State Parties develop substantive working groups to consider alternative outcomes to the consensus final document, including: (1) smaller, separate, forward-looking documents that contain recommendations agreed upon by consensus in order to ease the consensus process; (2) a final report which details text that was agreed by consensus and text that was not, also including progress to date based on previous outcome documents; (3) binding documents agreed to by coalitions of States; (4) outcome documents that list a menu of options States Parties can voluntarily take to advance the three pillars.
- Urges State Parties to set concrete, feasible goals with measurable deliverables rather than vague political commitments in order to improve accountability in the NPT review process.
- Recommends that States Parties recommit to previous goals set forth in consensus final documents. In the spirit of avoiding an all-or-nothing approach, States Parties might opt to select a handful of the most pressing commitments to focus their attention on in the first instance. The Stockholm Initiative's Stepping Stones Approach might be a useful framework for prioritising these commitments.
- Considers a joint P5 statement on pragmatic steps to ensure the future health and vitality of the NPT regime to be a helpful measure to ease tensions between NWS and NNWS. This might include a follow-on from the statement published on 10 March 2020 that identifies realistic steps the P5 can take during the next review cycle to enhance strategic stability. These measures should include frank P5 dialogue on nuclear modernisation and its impact on arms control.
- Recommends States Parties consider use of the "gift basket" diplomacy model that was utilised at the Nuclear Security Summits. Gift basket diplomacy seeks to create collective action within smaller groups of countries rather than seeking to achieve consensus. This approach could allow NWS and NNWS to demonstrate concrete progress on implementation of the NPT on a unilateral or "minilateral" basis. The P5 glossary is one such attempt.

D. Strengthening the Capacity of the Non-Proliferation Regime

D.1. IAEA Safeguards

The nuclear safeguards implemented by the IAEA are a crucial bulwark for ensuring peaceful nuclear technology is not diverted for weapons development, as well as a guarantor of access to peaceful uses of nuclear energy. For safeguards to function as intended, the IAEA requires a reliable resource flow, especially as it concerns its core budget, but also for extrabudgetary funding.

The IAEA has operated for much of its history on a zero-real-growth budget, meaning that the core budget increases from year to year only to account for inflation. At the same time, the number of facilities and locations outside facilities required to be safeguarded per NPT's Article III is increasing. In 2019, the IAEA's Regular Budget decreased in real terms. This negative budgetary trend will impact the IAEA's ability to deliver concrete results for the benefit of Member States.

D.2. Export Controls

Export controls comprise a crucial element of the global nuclear non-proliferation regime. The increasing impact of dual-use, new, and emerging technologies creates new challenges for non-proliferation. In particular, as new technologies contribute to the peaceful use of nuclear energy it is critically important to judiciously control deemed exports, or the tacit knowledge behind a technology. As the role of emerging technologies increases, the nexus between the success of the NPT and export control regimes will become increasingly intertwined.

D.3. New and Emerging Trends

A wide range of new and emerging technologies pose a direct threat to all three pillars of the NPT. For instance, additive manufacturing techniques could make detecting and catching proliferation much more challenging. The incorporation of new weapons technologies, such as hypersonic glide vehicles and enhanced precision capabilities, are contributing to the rise of a new arms race. The development of alternative green energy sources has cast the future of nuclear energy in limbo.

While it remains unclear how these trends will unfold, it is critically important that all NPT States Parties continue to fulfil their obligations under the NPT while developing new technologies. For technologically advanced States, this means technology sharing, building transparency and confidence building measures into NPT-relevant technological developments, and pursuing good faith negotiations on effective measures relating to the cessation of the nuclear arms race.

D.4. Recommendations

The Working Group:

- Recommends that States Parties support the IAEA by increasing the core budget in real terms commensurate with increasing need, and by assisting in the pursuit of new and diverse funding sources. As budget increases are considered, extended safety measures to ensure continuity of work throughout the pandemic should be included.
- Maintains that a multi-stakeholder approach is critical to utilise new and emerging technology to enhance all aspects of the non-proliferation regime, as well as to mitigate the potential threats they pose. Ideally, a group of experts consisting of members from academia, industry, consulting, and governments should provide the most current research and “tailor-made” policy recommendations to all parties.

Conclusion

The Working Group praises the work being done under the auspices of the NPT review process and by the IAEA, the Wassenaar arrangement, the Nuclear Suppliers Group, and others in the global non-proliferation regime.

The Working Group asserts that re-prioritising multilateralism, reconsideration of consensus final documents as the sole metric of success in the NPT review process, and strengthening capacity within the non-proliferation regime as a whole would contribute powerfully to counteracting the negative trends that threaten prospects for success at the Tenth NPT Review Conference.