

CHALLENGES AND POLICY OPTIONS FOR THE 2015 NPT REVIEW CONFERENCE

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Key Challenges facing the 2015 NPT Review Conference and their implications

- The wide gulf between what has been achieved in fulfilling the agreed actions on disarmament and the expectations of non-nuclear weapons States.

In 2010, the nuclear-weapon States agreed to engage promptly to accelerate concrete progress on specific steps leading to nuclear disarmament. Those steps included rapidly moving towards an overall reduction in nuclear stockpiles, further diminishing the role and significance of nuclear weapons in security doctrines, reducing the risk of accidental use and further enhancing transparency and increasing mutual confidence¹.

While these states have engaged with each other through the annual P5 conferences in which they focused on the implementation of the 2010 NPT action plan, they have reported little in the way of progress on the various sub-items in action 5². Rather, at the most recent P5 conference in Beijing, they announced they would submit to the 2015 Review Conference the first phase of a glossary of key nuclear terms, which they hope will increase mutual understanding and facilitate future talks beyond 2015³.

The measures contained in action 5 reflected agreement to accelerate steps adopted at the 2000 NPT Review Conference, hence by 2015 the implementation of these steps will already be outstanding by 15 years (one third of the period since the NPT entered into force). Some States parties have started to signal that 2010 action plan did not envisage any timeframe for the implementation of these intermediate steps and the disarmament actions should be merely rolled over for the forthcoming period without deadlines.

At the same time, all nuclear armed States are engaged in programmes for the modernization of their nuclear forces and associated infrastructure, with planning for new weapon systems extending out to at least 2075 (105 years after the NPT entered into force)⁴.

¹ Action 5, Conclusion and recommendations for follow-up actions, Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, NPT/CONF.2010/50 (Vol. I)

² At the 2014 Preparatory Committee, further to their commitment in Action 21 of the 2010 NPT action plan, each nuclear-weapon States submitted reports, making use of common categories of topics, on the implementation of their undertakings pursuant to Action 5, 20 and 21. Those reports are available at [www.un.org/disarmament/WMD/Nuclear Repository/](http://www.un.org/disarmament/WMD/NuclearRepository/). For a non-governmental comparative analysis of the level of transparency in these reports pertaining to information on nuclear warhead and fissile material inventories and status, see <http://fissilematerials.org/library/ipfm-npt-2014.pdf>.

³ See <http://www.state.gov/r/pa/pers/ps2014/04/224867.htm>

⁴ Current planning documents by the United States Air Force envisage that its next generation intercontinental ballistic missile will start deployment in 2030 and remain in service until 2075. See David C. Isby, USAF reports

Meanwhile, on the side of the issue the majority of States parties continue to expect that the nuclear-armed States should promptly commence negotiations on an international convention on the prohibition and elimination of nuclear weapons within a specific period of time. These States do not accept that the indefinite extension of the NPT reflects consent for the indefinite extension of nuclear weapons.

The growing awareness of the humanitarian impact of nuclear weapons is creating a new sense of urgency for the elimination of nuclear weapons. If the 2015 Review Conference is unable to bridge the gap between expectations and achievements, then many non-nuclear weapon States may feel compelled to pursue alternative measures to advance nuclear disarmament objectives.

- ***The growing tension between the East and the West.***

While tension between the major powers during the Cold War was once the main driver of nuclear disarmament and arms reductions, the current East-West tensions are contributing to an opposite trend, namely, the revaluation of nuclear deterrence and increased political support on both sides for strategically offensive and defensive systems.

Prospects for further bilateral reductions between the Russian Federation and the United States already faced major hurdles posed by the dispute over missile defense as well as differing visions regarding the need to bring additional nuclear-armed States into the process and how to address non-strategic nuclear forces.

Though both sides continue to reaffirm their commitment to existing agreements, compliance concerns over the Intermediate Nuclear Forces Treaty raise the possibility that the current regime of strategic arms limitations may be eroding.

Against this backdrop, the nuclear-weapon States and their military allies will bear a heavy burden not just in determining how to achieve the concrete and practical steps agreed to in 2010, but also in agreeing to the next steps for the achievement of nuclear disarmament.

- ***The possible failure to convene the Conference on the Middle East and more broadly the lack of any meaningful steps to implement the 1995 Resolution.***

The Middle East serve as one of the largest areas of concern. Though the only one of the outcomes of the 1995 NPT Review and Extension Conference was legally-binding, namely, the three decisions that includes the decision to extend the Treaty indefinitely and the Resolution on the Middle East, were negotiated as part of the package⁵. The failure to extend the NPT to every country in the region has led many to believe that they need to hedge their own capabilities and commitments.

States parties consented to the indefinite extension with the expectation and understanding that all parts of the package would be duly implemented in good faith. For Arab States in particular, the 1995

progress on its next-gen ICBM, Jane's International Defense Review, November 2014; also Reaching Critical Will, *Assuring Destruction Forever 2014 Edition*, www.reachingcriticalwill.org/resources/publications-and-research/publication/8649-assuring-destruction-forever-2014-edition.

⁵ NPT/CONF.1995/32 (Part I)

Resolution⁶ was an essential condition for their agreement to the package and hence for their adherence to the Treaty.⁷

The disappointment of the Helsinki Conference would therefore undermine a critical incentive for a number of States to maintain their adherence to the Treaty and to engage constructively in its review process. A situation that will only make the situation worse and deprive the States of the region of the means and opportunity to cooperate on their common security challenges.

It would also place additional strain on the increasingly dire security dynamics of a region that has already seen a disproportionate number of NPT verification and compliance issues. All States of the region will have something to lose. For those who would continue not to realize the tangible benefits brought about by the non-proliferation commitment and for those who will lose the opportunity to directly engage on political and security matters of the region.

Key policy questions for the 2015 Review Conference

- *The fate of the disarmament action plan: indefinite extension or a time-bound commitment?*

Action 5 of the 2010 NPT final document specifies that, on the basis of reports provided by the nuclear-weapon States to the Preparatory Committee in 2014 on the implementation of their undertakings pursuant to that action, the 2015 Review Conference will take stock and consider the next steps for the full implementation of article VI of the Treaty. A wide gap exists among State parties on what those steps should be.

Some parties, particularly those that believe nuclear disarmament can be achieved only through step-by-step approach, have suggested that the 2010 action plan never envisaged any particular timeline for completion, that it is unreasonable to expect that it should be implemented in five years, and that the Conference should simply reaffirm that these steps remain valid until completed. This would effectively roll-over the action plan into the next review cycle and possibly beyond.

A large number of other parties continue to believe that it is necessary for negotiations to commence without delay on a phased programme for the complete elimination of nuclear weapons with a specific framework of time⁸. This would entail the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, stockpiling or use and their elimination⁹.

There is a growing sentiment that humanitarian concerns should be at the center of nuclear disarmament considerations¹⁰, though it remains to be seen how this can be translated into practical

⁶ The 1995 Resolution on the Middle East was Co-sponsored by the United States, the Russian Federation and the United Kingdom.

⁷ See Jayantha Dhanapala with Randy Rydell, *Multilateral Diplomacy and the NPT: An Insider's Account*, UNIDIR/2005/3.

⁸ Group of Non-Aligned States parties, NPT/CONF.2015/PC.III/WP.17, Recommendation 23

⁹ Group of Non-Aligned States parties, NPT/CONF.2015/PC.III/WP.17, Recommendation 22

¹⁰ See statement on the humanitarian consequences of nuclear weapons, delivered by New Zealand on behalf of 155 States at the 69th session of the General Assembly First Committee, 20 October 2014.

action¹¹. Any measure touching upon matters of international humanitarian law will remain extremely sensitive for some nuclear weapon States.

Any approach will have to contend with the growing discontent with the pace of nuclear disarmament. There are practical limits to the extent to which the review process for the Treaty can paper over differences regarding the current state and future disarmament. The reaffirmation of past commitments will increasingly call into question the efficacy of the strengthened review process. Nor is it viable for anyone to expect that States parties should work to reinvent concrete steps for nuclear disarmament every five years, if there are no prospects that agreed measures will be implemented.

- ***The evolution of safeguards standards***

The standards and means of verification provided for in the NPT reflect the capabilities at the time that the Treaty was negotiated. To some extent they also reflect the provenance of the NPT as a partial measure meant to preserve a political environment conducive for the negotiation on a permanent arrangement for nuclear disarmament that would one day supersede the NPT.

In recent decades, the International Atomic Energy Agency has made significant progress in its efforts to increase the effectiveness and efficiency of safeguards, including through the implementation of the additional protocol and integrated safeguards as well as the development of the State-level concept. As an increasing number of States parties have additional protocols in force, many parties consider that the comprehensive safeguards agreements together with the additional protocol should constitute the verification standard required by the Treaty.

Other parties consider that increasing certain non-proliferation standards in the Treaty in the absence of progress on nuclear disarmament would create further imbalance in these two pillars of the Treaty. The 2000 and 2010 Review Conferences addressed this tension by recognizing that comprehensive safeguards and additional protocols should be universally applied once complete elimination of nuclear weapons has been achieved.¹²

This sentiment reflects the long-standing logic in the NPT regarding the inextricable link between non-proliferation and disarmament. Particularly given the growing prominence of advanced developing non-nuclear-weapon States in international affairs, it is not likely that this logic will be dropped at the 2015 Review Conference or in foreseeable future.

- ***Dealing with withdrawal from the Treaty: reaffirming the right, clarifying procedures, preventing abuse or strengthening the rules?***

Particularly since the Democratic People's Republic of Korea announced its withdrawal from the NPT in 2003, a number of States parties have proposed various measures in connection with the procedures and consequences of a State exercising its right to withdraw in accordance with article X. These measures have included the following:

¹¹ See working paper prepared by Ireland on behalf New Agenda Coalition, NPT/CONF.2015/PC.III/WP.18, which discusses four options: a comprehensive nuclear weapons convention; a nuclear weapons ban treaty; a framework arrangement (analogous to the step-by-step approach), and a hybrid approach.

¹² See Action 30, NPT/CONF.2010/50 (Vol.I)*; also NPT/CONF.2000/28 (Part I) page 4, paragraph 12.

- Specifying the procedural requirements for a notification of withdrawal, such as the provision of a note verbale to the President of the United Nations Security Council;
- Providing standing arrangements for a meeting of States parties to convene in the event that a notification for withdrawal is received;
- Upholding a principle that nuclear material and equipment supplied to an NPT party should remain subject to safeguards if that party should withdraw;
- Establishing various responses or consequences in the event of a withdrawal from the Treaty by any State or by a State that is non-compliant with its Treaty obligations.

Many States parties have been wary of any measures that would in any way undermine, limit, restrict or discourage a State from exercising its right to withdraw or in effectively reinterpreting article X. The notion of individual or collective responses or notifications of withdrawal has been particularly sensitive in this regard. To the extent that there continue to be major concerns over the implementation of past commitments, a number parties may continue to resist many measures pertaining to article X.