



SEPTEMBER 2017

Working Towards a Successful NPT 2020 Review Conference

The 2015 Review Conference of the Non-Proliferation Treaty failed to reach any consensus. The issues which gave rise to tensions in 2015 have not been resolved, with the inherent risk that the next Review Conference will fail as well. Three options are presented here to increase the possibilities for the 2020 Review Conference to succeed. First, it could be discussed whether the traditional focus on one final consensus document at the end of a Review Conference can be changed, so that tensions on certain topics do not block everything else as well. Second, new explorations are required to solve the deadlock on the aim to establish a WMD-Free Zone in the Middle East. Third, the nuclear weapons states should show more willingness in accelerating their disarmament efforts, for which some smaller and bigger steps are identified.

Introduction

One of the most successful international treaties, the Non-Proliferation Treaty (NPT), is under pressure. Tensions between groups of member states led to the failure of its Review Conference in 2015. Without efforts to ease these tensions, there is a serious risk that the next Review Conference in 2020 will be faced with a similar failure which could eventually lead to an erosion of the support for the treaty. This Policy Brief emphasizes the urgency of action to prevent a slow collapse of what is often called 'the cornerstone of multilateral arms control' and offers some options for the NPT member states. Its aim is not to give a complete menu of choice, but to enhance the ongoing discussion with some possible venues for action.

Challenges to the NPT

The Treaty on the Non-Proliferation of Nuclear Weapons – in short: the Non-Proliferation Treaty, or NPT – was opened for signature in 1968. The NPT is one of the most successful treaties in history; currently almost all states in the world are parties to the treaty (only four states remain outside the NPT). By joining the treaty, states that do not have nuclear weapons pledge to refrain from acquiring them. The five nuclear weapons states that became a party to the treaty in turn promised to work towards the elimination of their nuclear arsenals – without, however, any deadline being set.

Since the treaty entered into force in 1970, every five years a Review Conference is organized during which the member states

review its implementation and identify the next steps in coming closer to the ultimate aim of the treaty: a nuclear weapon-free world. The Review Conferences traditionally aim to close with a substantive consensus document not only reviewing the implementation of the NPT but also including new initiatives to support it as agreed upon by all member states. Nevertheless, the success of adopting such a consensus document follows an irregular pattern. Substantive consensus documents were adopted by the Review Conferences of 1975, 1985, 1995, 2000, and 2010. The final documents of the Review Conferences in 1980, 1990, 2005 and 2015 were purely procedural and these conferences are therefore often considered to have been less successful.

The [main obstacles](#) during the last few Review Conferences were the perceived lack of progress towards actual disarmament by the five NPT nuclear weapons states and the stalemate in the aim to attain a Weapons of Mass Destruction Free Zone in the Middle East (WMDFZME) – this last issue directly resulted in the failure to reach consensus in 2015.

The prospects for the next Review Conference in 2020 are not optimistic. Without any progress on the WMDFZME, frustrated NPT states in the region may again block any consensus document.

The [tensions](#) between nuclear weapons states and non-nuclear weapons states on the pace of disarmament are not decreasing either; recently 122 non-nuclear weapons states approved the opening for signature of a new [Treaty](#) on the Prohibition of Nuclear Weapons, often called ‘the Ban Treaty’, at the United Nations in New York. Once 50 states have ratified the treaty, nuclear weapons will be considered illegal under this new treaty. The nuclear weapons states have fiercely opposed the establishment of this new treaty. Some of the non-nuclear weapons states have underlined the treaty’s complementarity with the NPT and see it as strengthening the NPT. Others, however, see the ban treaty as a new legal instrument in its own right. This polarization has raised a discussion as

to which treaty has priority, the NPT or the Ban Treaty?

Not only disarmament, but also non-proliferation poses challenges to the NPT. The Iran deal (JCPOA), which has been proof that proliferation risks can be settled in a diplomatic process, is under pressure from the US administration. The unravelling of the JCPOA could diminish confidence in diplomatic solutions to nuclear proliferation issues. The current crisis on the Korean peninsula, involving a threat of nuclear war, is a reminder that the NPT (despite its many successes) has not always been effective in preventing the spread of nuclear weapons.

With these continuing tensions in mind, what could be the options to prevent a failure of the NPT Review Conference in 2020? Three options will be discussed here.

Less focus on a final consensus document

The success of a Review Conference has traditionally been measured by a consensus document in which the participating states express their common ground, leaving more controversial issues aside. A failure to produce such a document is deemed to be a failure for the whole conference. Yet, [one could argue](#) that such a consensus document is actually hiding the issues that really need to be solved. Moreover, the process of creating consensus is also important in itself. For the 2020 Review Conference this could mean that either a consensus document has to be produced or an agreement is reached before 2020 on acceptable alternatives.

The NPT itself postulates that the treaty should be reviewed every five years to see whether progress has been made towards the goals of the preamble. Yet, the treaty does not mention any specific document that should be produced every five years and does not require a consensus document. This being the case, it should be possible, if agreement is reached in the 2018 or 2019 Preparatory Committees preparing the

2020 Review Conference, to define a new structure for the final document.

Suggestions have been made for a final document in two parts: one on consensus issues and the other on issues where positions diverge. Other suggestions include separate documents focussing on regional issues, smaller steps, etc. During the 2017 Preparatory Committee the Dutch chair issued a document entitled '[Reflections of the Chair](#)'. These 'Reflections', outlining some general principles as a foundation for the remainder of the review cycle, were generally well received by the participating states.

A viable option could be to organize a special conference before the 2018 Preparatory Committee on alternative methods to document the discussions at the NPT Review Conferences. This conference should involve the active participants in this debate, it should reflect the past experiences concerning the documents (positive and negative), and it should discuss the different concepts that could lead to the success or failure of a Review Conference.

Consultations or working group on the Middle East

One of the critical issues in the context of the NPT is the WMD-Free Zone in the Middle East. Progress in establishing such a zone became a priority in 1995, when the NPT was made an indefinite treaty without any expiry date. The 2012 Review Conference agreed that a conference should be arranged on this issue before the end of 2012 and appointed a Finnish facilitator. In spite of a number of consultations, this aim could not be realised. In the 2015 Review Conference Egypt wanted a [procedure](#) that was not acceptable to all member states, causing a stalemate with the result that the conference could not agree on a final document.

After the failure to hold a conference before the end of 2012 and the lack of a final document in 2015 due to this issue, this question in effect takes the NPT review cycle

hostage – not only in relation to the next Review Conference in 2020, but also for the future of the NPT as a whole.

The Gulf Cooperation Council has had an in-depth consultation on the WMD-Free Zone in the Middle East and organized a side-event at the 2017 Preparatory Committee meeting. While there was no official proposal from the GCC to the NPT member states, they underlined that the initiative to take action on this issue lies with the depository states of the NPT. Yet, the depository states have different views on this issue.

Breaking the deadlock on this issue is not easy – the fact that the only nuclear weapons state in the Middle East, Israel, is one of the four non-members of the NPT is not helpful in this respect. An option would be if a more or less neutral, yet influential member state could explore the issue and (building on the work carried out by the Finnish facilitator) continue informal consultations with the depository states to define a new action plan, or at least an initiative to provide for limited progress that could save the 2020 Review Conference. Another option is to establish a new working group within the NPT context that should develop action-oriented plans and options to reach short-term results on the issue.

More efforts towards disarmament

A third criterion to enable a successful 2020 Review Conference is actual progress on nuclear disarmament. Negotiations on a legal instrument to prohibit nuclear weapons, which led to the new Ban Treaty in July 2017, reflect the criticism of many NPT member states concerning the slow pace in the implementation of Article VI of the NPT regarding disarmament. For the 2020 Review Conference to be a success it is vital that the five nuclear weapons states within the NPT will demonstrate that they not only discuss the issue, but also agree to implement concrete steps toward disarmament.

Any cooperation with the nuclear weapons states which are not NPT members would of course only strengthen such initiatives.

Smaller steps for the short term should be combined with concrete plans for the longer term. Relatively simple [steps](#) like increased transparency and confidence-building measures, reducing the role of nuclear weapons in security policies, de-alerting, improved 'No First Use' guarantees and security guarantees, and a reduction in or the ending of forward deployed nuclear weapons are some relatively small steps which would show a sincere willingness on the part of the nuclear weapons states to work towards disarmament – they should not be considered as merely window-dressing policies to postpone more concrete steps towards disarmament.

More difficult, but not impossible, are [steps](#) such as breaking the deadlock in negotiations for treaties to ban nuclear test explosions (CTBT) and fissile material production (FMCT), or coming to a moratorium on nuclear weapons modernisation and (bilateral or multilateral) agreements on a reduction in the numbers of (deployed) nuclear weapons.

If not all nuclear weapons states within the NPT (or in forums like the Conference of Disarmament where also non-NPT states are involved) are on the same page, a division in groups with different speeds must be considered. If one or a few nuclear weapons states block certain steps, others should not simply use this as an excuse to do nothing. For example, if certain nuclear

weapons states are blocking progress towards a Fissile Material Cut-Off Treaty, others could move forward as a core group anyway. Unilateral steps, for example regarding transparency measures, should be considered as well – any concrete signal to the NPT community that there is a willingness to increase the speed of disarmament measures should be welcomed.

Conclusion

The effects of another failed NPT Review Conference in 2020 could be damaging to the NPT as well as to international arms control in general. Yet, the main reasons for the 2015 failure are still in place. Three options to increase the success of the 2020 Review Conference have been discussed here. First, the NPT member states could discuss whether the traditional focus on one final consensus document at the end of a Review Conference could be changed, so that tensions on certain topics do not block everything else as well. Second, new explorations are required to solve the deadlock on the aim to establish a WMD-Free Zone in the Middle East. A new working group could explore the possibilities for short-term actions contributing to this aim. Last but not least, the nuclear weapons states within the NPT (preferably in cooperation with those outside the NPT) should show more willingness in accelerating their disarmament efforts. In this regard, some smaller and bigger steps have been identified, many of which are also possible unilaterally or bilaterally.

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This Policy Brief has been commissioned by the Netherlands Ministries of Foreign Affairs and Defence within the PROGRESS framework agreement, lot 4, 2017. Responsibility for the contents and for the opinions expressed rests solely with the authors; publication does not constitute an endorsement by the Netherlands Ministries of Foreign Affairs and Defence.