



Foreign, Commonwealth  
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Wilton Park



Report

## The NPT after the 2022 Review Conference: challenges and pathways forward for the incoming cycle

Monday 12 – Friday 16 December 2022 | WP3141

In association with:





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# The NPT after the 2022 Review Conference: challenges and pathways forward for the incoming cycle

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In association with the UK Foreign, Commonwealth and Development Office; Los Alamos National Laboratory; Sandia National Laboratories; German Federal Foreign Office; Ministry of Foreign Affairs of the Netherlands; Finnish Ministry of Foreign Affairs

### Introduction

After a two-year delay due to Covid-19, States Parties of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) convened at United Nations Headquarters in New York from 1-26 August 2022 to reflect on the challenges and opportunities facing the nuclear non-proliferation regime and broker a path forward for the NPT and the regime more broadly. If held in 2020, the Review Conference (RevCon) would have marked an important year in NPT's history; the 50th anniversary of the treaty's entry into force and the 25th anniversary of its indefinite extension. With 191 States Parties, the NPT creates a legally binding framework to prevent nuclear weapons proliferation, promote cooperation on peaceful uses of nuclear technology, and further the goal of complete nuclear disarmament. The treaty is widely considered to be a cornerstone of the non-proliferation regime and the global nuclear order writ large.

Ultimately, States Parties were unable to reach a consensus final document—the so-called hallmark of success—during the 2022 RevCon. The inability of the 10th Review Conference to reach a consensus final document, however, was not the result of diminishing commitment to the NPT. Instead, one state—Russia—was responsible for breaking consensus over language referring to the war in Ukraine and the situation at the Zaporizhzhia Nuclear Power Plant (ZNPP). Despite Russia's veto, States Parties remain bound to prior NPT commitments.

The current international security environment challenges the NPT's central pillars of disarmament, non-proliferation, and peaceful uses. Russia's war in Ukraine, the demise of arms control agreements, widespread nuclear modernisation, and the development of advanced, destabilising technologies challenge the non-proliferation and disarmament landscape. At the same time, an elevated interest in nuclear energy has also expanded the nature and scope of the International Atomic Energy Agency (IAEA) safeguards mission.

The annual Wilton Park conference addressed challenges to the NPT as well as opportunities for the coming review cycle.

### An evolving international security environment and the future of NPT

1. The 2022 draft final document was heavily negotiated, and most states agreed to the language not because it was perfect, but to protect the NPT regime. On the positive side, the document addressed new challenges, such as the security of nuclear reactors in conflict zones and difficulties related to risk reduction. Moreover, there

were robust discussions on peaceful uses of nuclear technology as a sustainable alternative to fossil fuels. There was also greater space for bridge building throughout RevCon as well as strong momentum from States Parties, which must be carried forward in the next review cycle.

2. However, despite some positives, the 2022 RevCon also highlighted increasingly large obstacles and divides that States Parties will need to address to make meaningful future progress. The impact of the international security environment on the NPT regime and questions regarding disarmament commitments were of particular importance. Russia's war in Ukraine and blatant nuclear threats strain the NPT regime and raise questions about the Treaty's future. What happens when a founding member of the NPT issues nuclear threats against a non-nuclear state during a conventional war of aggression? The fact that Russia had offered Ukraine negative security assurances (NSAs) in exchange for relinquishing Soviet nuclear weapons as part of the Budapest Memorandum, is deeply concerning for the NPT. Conference participants raised concerns about how this history could influence future proliferators, especially in the Middle East and East Asia.
3. In addition to new challenges from the Russo-Ukrainian war, the NPT RevCon continues to face divisions between nuclear-weapons states (NWS) and non-nuclear-weapons states (NNWS) related to progress on disarmament commitments. Following the collapse of the consensus final document, many NNWS made statements expressing disappointment at not achieving consensus. These states highlighted that the 2022 RevCon marks the second time NNWS were willing to accept a final document with a weaker disarmament section for the sake of consensus. NNWS continue to feel let down by RevCon and NWS' steps towards disarmament. The growing distance between the NNWS and NWS is a concerning trend that, if left unaddressed, could lead to further disillusionment with the NPT among NNWS. Since many of the States Parties concerned about disarmament are highly involved in the review process, any reduced engagement on their part could pose a significant obstacle to future progress at RevCon.
4. This RevCon also highlighted shifting dynamics within the coalitions of the NPT. Participants noted increasing friction between NNWS as certain states view nuclear deterrence as increasingly vital for their security and are therefore less receptive to disarmament efforts. Frustration among Non-Aligned Movement (NAM) States Parties about the lack of progress towards disarmament further fuelled polarisation. Some states are attempting to use shifting NPT dynamics to their gain. China, for example, has moved from being an observer to the NAM to becoming directly involved in negotiations—a factor that will impact future RevCons.
5. In addition to negotiating substantive issues during the 2022 RevCon, States Parties of the NPT established a working group to further strengthen the review process of the Treaty. The working group—open to all States Parties—will examine whether the 1995 strengthened review process is still fit for purpose and will provide the opportunity to discuss and make recommendations about the effectiveness, efficiency, transparency, accountability, coordination, and continuity of the review process. Participants agreed that the current review process faces many challenges related to redundancy, transparency and accountability, and inclusivity. While the delay of the 2020 RevCon was not ideal, it did create time for regional consultations, which served States Parties and the NPT president well. Participants agreed that small group work also allowed for substantive dialogue, as opposed to the exchange of talking points that typically characterises committee parties. Moreover, there were many conversations about the need to maintain and expand the knowledge base pertaining to the Treaty and review process, possibly through experts from civil society. In the future, regional consultations, small group work, and expert consultations might provide opportunities to find commonalities.
6. As States Parties confront an international security environment that makes further

progress in arms control, non-proliferation, and disarmament difficult, policymakers must consider questions such as how States Parties should consider the security environment in review processes, whether a regional, rather than global, approach for non-proliferation and counter-proliferation the best method moving forward, and the potential opportunities and challenges that emerging and advanced technologies pose for the NPT.

## Disarmament

7. There is growing dissatisfaction amongst NNWS on NWS' progress towards disarmament. This dissatisfaction resulted in the negotiation and entry into force of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2021, which calls for a legally binding framework to prohibit States Parties from possessing or developing nuclear weapons. States Parties to the TPNW argue that the Treaty is an instrument to support the NPT and is meant to be complimentary and compatible with the current regime. The TPNW recognises the NPT as the cornerstone of non-proliferation and was negotiated not to undermine the NPT, but to address NNWS concerns over the pace of progress towards disarmament. In addition to the TPNW, there are other forward-looking initiatives for disarmament such as a UK-led and Norwegian-led initiatives on transparency and irreversibility.
8. The ongoing war in Ukraine and related threats of nuclear use, however, may complicate the public case for nuclear disarmament. At Wilton Park, critics of the TPNW accused the treaty of being detached from reality given the current security environment, arguing that the treaty fails to differentiate between responsible and irresponsible nuclear powers, and questioning whether nuclear disarmament could ever be permanent. Some participants asserted that arguments for nuclear deterrence will become more compelling, especially if Russia successfully deters further Western involvement and emerges victorious in Ukraine. On the other hand, proponents of the TPNW noted that the war in Ukraine and Russian nuclear threats have also prompted broader conversations on the humanitarian consequences of nuclear weapons use. This discourse transcends divergences of views over deterrence versus disarmament to address the implications of the threat or actual use of nuclear weapons by a NWS against a NNWS. Advocates of the TPNW further contend that there are not inherent incompatibilities between the NPT and the TPNW and reject assertions that TPNW lays at the heart of polarisation in the NPT.
9. A normative approach to disarmament may offer an alternative to the humanitarian approach embodied in the TPNW. Advocates for a normative approach pointed out that, rhetorically, normative approaches are already embedded in the NPT. They also argued that while the TPNW has received many ratifications, the treaty will soon run out of states willing to ratify. One participant discussed efforts to reframe disarmament discourse through a framework that places each state's responsibilities regarding nuclear weapons at the center of the conversation. Advocates for a normative approach to disarmament generally faced similar lines of criticism to TPNW proponents.
10. Participants engaged in contentious debates regarding the current and future role of civil society in disarmament work. Some participants raised questions and concerns about the critical responses of NGOs, such as ICAN, to RevCon's inability to achieve a consensus final document. In response, other participants argued the TPNW—which is a treaty negotiated and signed by states—is distinct from the NGOs that support it, and that criticism of ICAN should be directed to ICAN rather than representatives of the TPNW. Going forward, it could be useful to differentiate between civil society organisations that champion a cause and the states who negotiate a treaty.
11. Moving forward, the review process will likely be characterised in part by growing tensions between those States Parties concerns about the degraded security

environment and those frustrated about the lack of progress towards disarmament. If NWS and their allies disregard disarmament commitments to address the deteriorating security environment, polarisation within the Review Cycle is likely to worsen as disarmament advocates grow tired of the failure to make progress. It is therefore crucial that NWS make efforts to assure NNWS of their commitment to disarmament, even as disarmament itself appears as an increasingly distant goal. One suggestion for a sign of good faith would be for some (or all) NWS to observe the TPNW's next meeting of state parties.

## **Non-proliferation**

12. RevCon discussion about a Middle East Weapons of Mass Destruction Free Zone (MEWMDFZ) proved to be less contentious than in previous cycles. A new approach to establishing the MEWMDFZ seeks to focus on consensus and impartiality to allow for discussion of complex topics in an inclusive and objective process, which sees states in the region leading the initiative. The working committee plays a key role in facilitating these discussions and RevCon provides a unique platform to discuss regional dynamics through an international forum. The working group hopes that states with objections to the zone participate in an observer role or engage in discussions about viable options for creating a MEWMDFZ.
13. However, Iran's actions—most notably the use of armed drones in the Middle East, severe crackdowns on domestic protestors, and increased enrichment of uranium—pose an obstacle to the MEWMDFZ. Negotiations between the United States, Iran, and the original JCPOA parties for a return to the deal has stalled, raising questions about whether Iranian leaders truly want a return to the nuclear deal. Iran is also becoming more isolated within the NPT, sparking concerns that it might choose to withdraw. Iran's withdrawal from NPT and development of a nuclear weapons program could cause a cascade of proliferation in the Middle East. While the IAEA continues to aggressively verify Iran's nuclear program under the Comprehensive Safeguards agreements, the Agency is one resolution away from reporting Iran to the UN Security Council. States Parties to the NPT will need to think through the implications for the non-proliferation regime should Iran withdraw and proliferate. Although the current negotiations of the JCPOA seem to be overtaken by events, there may still be opportunities to engage with Iran to reduce enrichment levels and forestall weapons capability. Some participants suggested the IAEA could take a leading role in facilitating negotiations with Iran or that expanded regional involvement in the dialogues could be productive. Others, however, argued that the JCPOA would have eventually allowed Iran to develop nuclear weapons and that, instead of discussing how to revive the JCPOA, States Parties should consider longer term solutions.
14. North Korea continues to pose a challenge to the NPT. It conducted more than 30 missile tests in 2022, and many scholars predict that a seventh nuclear weapons test is on the horizon. These tests and a more sophisticated North Korean nuclear posture, coupled with the war in Ukraine, have prompted some in Japanese and South Korean policy circles to question the reliability of U.S. extended deterrence guarantees. Japan is rapidly expanding and modernising its military, as well as shifting its force posture, to prepare for potential conflict with China and, for the first time, South Korean officials have engaged in open discussions about the possibility of developing an indigenous nuclear capability. The development of a nuclear capability by Japan and/or South Korea would be disastrous for the NPT regime. Moreover, P5 responses to North Korea's provocative nuclear testing and ever-growing arsenal are disjointed. The United States, UK, and France would like to sanction the regime to ensure there is not a seventh nuclear test while Russia and China have taken a step back from negotiations on the denuclearisation on the Korean peninsula. Further complicating responses to North Korean activity is an ongoing shift in U.S. discourse surrounding the North Korean nuclear program. While

past and current U.S. policy aims to denuclearise the peninsula, a growing number of experts argue that accepting North Korea as a nuclear power and pursuing arms control measures would better serve U.S. interests. A shift in U.S. policy along these lines could push U.S. allies to proliferate, should they interpret it as a sign of declining U.S. resolve or commitment.

15. China raised another regional proliferation concern in both the PrepComs and RevCon regarding the Australia, U.S., and UK (AUKUS) security pact. The pact would see the United States and United Kingdom help Australia acquire nuclear-powered, conventionally-armed submarines to be deployed in the 2030s or 2040s. China argued that AUKUS is a proliferation concern and, although it did not become an overly large issue during RevCon, Chinese rhetoric about AUKUS could presage a change in Chinese views of nuclear sharing more broadly.
16. Although AUKUS did not prove to be a central issue during RevCon, discussions about NSAs did. NWS have previously issued non-binding promises not to use or threaten to use nuclear weapons against NNWS. Russia's threats to use nuclear weapons against Ukraine seemingly violate the NSAs that it provided as a party to the Budapest Memorandum. Moving forward, it may be important to recast NSAs as confidence-building or risk reduction measures. Equally important will be communicating the proper narrative about NSAs and convincing states of their value as the war in Ukraine continues.

### **Emerging technologies**

17. Emerging technologies will significantly impact the non-proliferation regime and should be addressed more deliberately in the NPT as a cross-cutting issue. Although many of the technologies currently identified as "emerging" are decades old, they have the potential to affect states' fulfilment of arms control obligations, reliance on nuclear weapons, and the risks of nuclear use. Further, because many of the emerging technologies discussed will likely also underpin economic growth, they will be difficult to limit or restrict. To date, the NPT has devoted little attention to emerging technologies' influence on the regime. Participants suggested that emerging technologies should become a formal part of NPT diplomacy, potentially through the formation of an emerging technologies working group or track 1.5 dialogues that include experts from industry and academia. One participant also noted that scientists and engineers involved in the development of emerging technologies are poorly positioned to understand the technologies' policy implications and emphasised the need for increased dialogue between the technical and policy communities.
18. A point of focus in the group's discussion of emerging technologies was how they might impact the centrality of nuclear weapons in international security. Some participants questioned whether emerging technologies could eventually reduce states' reliance on nuclear weapons for security, while others asserted that, although emerging technologies may replace nuclear weapons for certain missions, new technologies will not fully supplant them.

### **The role of the IAEA and peaceful uses**

19. The current IAEA framework requires attention. The IAEA continues to implement its safeguards mission for the NPT, but both new challenges and new responsibilities have arisen. In 2022, the Agency conducted 60 peer reviews to address new trends and challenges, such as how to release heavy water from Fukushima, nuclear harmonisation and standardisation for small module reactors, and building cybersecurity capacity. Today, new technologies and facilities present novel challenges to implementing safeguards. There is also a lack of knowledge or misrepresentation of safeguards by States Parties as well as the general public, which will impact the mission and abilities of the IAEA. There is growing demand for wider implementation of the Additional Protocols, greater insurance of the IAEA legal

authority, and increased funding for safeguards. Coordination between technical sectors, civil society, and the IAEA will be essential for the safeguards mission moving forward, especially if there is reduced confidence in civilian purposes of nuclear reactors.

20. At the 10th Review Conference, the most contentious issue the Agency faced was the safety and security of Ukrainian nuclear power plants during the ongoing war. In March and April, the IAEA sent a mission to Ukraine to assess the nuclear safety and security of the ZNPP based on the seven indispensable pillars: physical integrity, functionality of nuclear safety, operating staff fulfilment of duties, secure off-site power, uninterrupted supply chains and transportation, effective on-site and off-site radiation monitoring systems and emergency response measures, and reliable communications with the regulators. In addition to the safety and security of Ukrainian nuclear power plants, discussions at RevCon also focused on nuclear safety in relation to disarmament as well as control of sensitive technology and how to address when issues outside of the NPT are brought into RevCon. Both these issues will likely continue to play a role in future PrepCom and RevCon discussions.
21. Regarding the peaceful uses pillar, China pushed for naval nuclear safeguards and for AUKUS to be a testbed for how to safeguard all materials in a naval fuel cycle. The United States, Australia, and Brazil argued that providing such sensitive military information was outside the scope of the IAEA mandate. Despite this contentious issue, the peaceful uses discussion in the 2022 draft final document was the most forward-looking of any section, largely due to the topic's relation to the UN's Sustainable Development Goals (SDGs). The IAEA discussed the potential benefits of nuclear energy as an alternative to fossil fuels, especially as small modular reactors may offer affordable, flexible, and safe designs. The IAEA's Technical Cooperation Fund (TCF) is one way to implement national, regional, and interregional technical cooperation projects that fall under the peaceful uses pillar. In the midst of a challenging security environment, focusing on progress within peaceful uses may be an easier way to demonstrate commitment to the NPT.

## **Arms control and risk reduction**

22. Like all three pillars of the NPT, Russia's war in Ukraine impacts the future of arms control and risk reduction measures. In February 2021, the United States and Russia officially extended New START for the maximum five years. Negotiations for a follow-on arms control treaty, however, subsequently stalled. On November 28, 2022, Russia postponed a meeting of the Bilateral Consultative Commission, the implementation mechanism of New START, set to meet in Cairo, Egypt the following day<sup>1</sup>. Although the U.S. Nuclear Posture Review states that the United States remains prepared to negotiate with Russia when it proves to be a willing partner, the recent collapse in relations is not encouraging. The demise of bilateral diplomatic relations between the United States and Russia raises concerns about the possibility of an intensified arms race and the future of bilateral arms control.
23. At the same time, questions remain about China's desire to engage in bilateral or multilateral risk reduction or arms control talks. Unchecked by existing arms control agreements, China's nuclear arsenal is expanding in both quantitative and qualitative terms. To date, Chinese officials have argued China's nuclear arsenal is significantly smaller than those of the United States and Russia, and therefore does not need to be restricted in arms control agreements. As China's arsenal grows, dialogue between China and other NWS—primarily the United States—will be important for mitigating the ongoing arms race. The NPT remains an important forum for dialogue

<sup>1</sup> While not occurring until after the conference, it is important to note that on January 2023, the U.S. Department of State declared it could no longer certify Russia's compliance in the treaty. Furthermore, on February 21, 2023, Vladimir Putin announced that Russia would suspend New START participation.

between NWS on future risk reduction and arms control measures.

24. In addition to the NPT, the Comprehensive Test Ban Treaty (CTBT) remains an important forum for dialogue between NWS and NNWS. The CTBT opened for signatures in 1996 with the aim of stopping all nuclear weapons testing. A comprehensive monitoring system was established under the treaty for verification purposes. The monitoring and verification system remains operational and integral to the arms control a non-proliferation regimes; sensors were able to detect all six of North Korea's previous nuclear tests as well as volcanic activity in the ocean in 2022. The data collected by the sensors located around the world are available to all states, all the time. Despite the benefits of the verification system, the CTBT has not yet entered into force. Consequently, while most participants lauded the Treaty's value, one participant doubted the Treaty's future, questioned whether the United States will ratify, and suggested that Russia and China had been able to continue testing without detection by the treaty's verification system.
25. In 2022 CTBT saw six additional ratifications, but entry into force remains a long-term goal. In its current form, the CTBT brings together NNWS and NWS but cannot be updated since it has not entered into force. As a result, a technical and economic gap may appear between states parties. Moreover, a few dangerous trends have emerged. First, there are fundamental differences in opinion about what is considered to be an acceptable threshold of yield for a nuclear test. Second, there is a looming fight over the data that the CTBTO captures and the data that it reports. Third, there is an evolving theory of change. The United States has long been considered the center of gravity for treaty ratification, but there are, of course, many other interlocutors, and some are beginning to acknowledge that bringing the United States to the table does not necessarily bring the rest. Finally, there is the possibility of a seventh North Korean nuclear test, in addition to their shift to an offensive increasingly sophisticated nuclear posture.
26. As the international community faces the seeming collapse of U.S.-Russian arms control, the possibilities of a nuclear test by North Korea or the use of a nuclear weapon in Ukraine, and a rapidly expanding Chinese nuclear arsenal, dialogue through existing arms control and non-proliferation channels will become increasingly important. Substantive international engagement through fora such as the NPT RevCon and CTBTO will be crucial for addressing these pressing issues and managing growing tensions between nuclear-armed rivals. As tensions between the United States, Russia, and China continue to rise, it is particularly important that those three states maintain open dialogue through nuclear fora. States Parties, however, should coordinate existing risk reduction measures, not just create more initiatives to maximise benefits and reduce duplicative efforts.

## **Conclusion and recommendations**

Although the lack of progress towards disarmament, rising proliferation risks in the Middle East and East Asia, and the seeming collapse of bilateral arms control set a gloomy stage for the coming review cycle, hope should not be lost. The momentum created during RevCon and willingness of states to negotiate should be carried forward into PrepCom. Moreover, the formation of a working group to strengthen the NPT review process, along with regional consultations and other small group discussions, could provide the basis for future breakthroughs.

To this end, the group provided recommendations to improve the process and address the pressing challenges that the NPT now faces. The group's most substantive recommendations related to opportunities for the working group to strengthen the review process, focusing specifically on the review process' format, its accountability and transparency, and inclusivity.



## **Format**

Participants discussed the future format of the review process and developed ideas for changes to increase efficiency. One recommendation was to permanently remove the gap year so review cycles occur on a four year cycle, which would allow for continuous engagement. Participants also suggested that PrepComs be thematic and address a specific pillar each meeting. Many participants acknowledged that the current review process results in a high degree of redundancy and leaves too little time for the discussion of substantive issues. To ameliorate these issues, some participants suggested that states could submit national statements ahead of the meeting and use convening time for substantive negotiations. Finally, participants discussed the need for consensus and how to address the challenge of achieving a consensus final document. While participants did not have simple solutions to this challenge, many agreed that states parties should rethink the expected outcome format of RevCon.

## **Transparency and accountability**

Participants noted that there is wide variation in the degree to which States Parties report, and that current mechanisms for the reporting of benchmarks are insufficient. To address this shortcoming, some participants suggested exploring ways to structure the P5 dialogue beyond a common reporting form. Participants also suggested circulating reports beforehand and dedicate more convening time to the discussion of reports during the review cycle. Participants also suggested broadening the conversation on benchmarking, specifically on reporting requirements.

## **Inclusivity**

Participants discussed the long-standing need to expand inclusivity in the review process. To do so, the NPT President must conduct more frequent regional consultations. In addition, smaller delegations will require further financial support to facilitate their full and equal involvement. As the 11th review process commences, participants called for efforts to sustain and improve continuity of knowledge regarding non-proliferation and the NPT. This could be done by engaging academic or civil society experts throughout the review process, either through commissioning papers or educational side events. Maintaining the knowledge base will also entail teaching the next generation of diplomats how to engage with their peers on these issues and how the NPT review process works.

## **Suzanne Claeys and Lachlan MacKenzie**

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