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Report

Nuclear non-proliferation: preparing for the 2020 NPT Review Conference

Monday 16 – Friday 20 December 2019 | WP1718

In association with:



Federal Foreign Office



UTENRIKSDEPARTEMENTET
Norwegian Ministry of Foreign Affairs



Ministry of Foreign Affairs of the
Netherlands



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Introduction

In April and May 2020, States Parties of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) will convene at the United Nations headquarters in New York to reflect on the challenges and opportunities facing the nuclear non-proliferation regime and to chart a productive path forward. The 2020 Review Conference (RevCon) represents a significant year in the NPT's evolution, for it marks the 50th anniversary of its entry into force and the 25th anniversary of its indefinite extension. The gathering thus offers an important opportunity to review implementation of the Treaty, to celebrate successes and to confront new and emerging challenges.

The NPT occupies a central position within the global nuclear order. With 191 States Parties, the Treaty serves as an important example of multilateralism and remains the integral foundation of the nuclear non-proliferation regime. However, the current international security environment poses significant challenges to the NPT's central pillars: non-proliferation, disarmament, and peaceful uses. The demise of arms control between the United States and Russia, concerns regarding nuclear modernisation, and the impact of emerging technologies threaten to undermine the political and strategic fabric of the existing non-proliferation and disarmament landscape. As interest in nuclear energy has grown, so too have the nature and scope of nuclear activities and facilities under International Atomic Energy Agency (IAEA) safeguards. Budgetary pressures and capacity constraints will require creative and innovative solutions to ensure that the Agency remains fit for purpose in the 21st century.

Despite these challenges, States Parties have a number of opportunities to promote and strengthen the viability of the NPT and to create a long-term vision that ensures its success. Accordingly, in December 2019, a group of government and civil society experts gathered at the Wilton Park annual conference on nuclear non-proliferation to explore three overarching questions: How can the Review Cycle be strengthened? What are the challenges and opportunities facing the NPT's three pillars? How can implementation of core objectives within the NPT be advanced during the RevCon and beyond? And what role do non-governmental organisations (NGOs), along with States Parties, play in shaping the RevCon? The following report expands on these thematic areas and offers substantive recommendations as we advance towards the 2020 RevCon.

The 24th annual Wilton Park conference included multiple recommendations for strengthening the NPT in the lead-up to, during, and after the RevCon, including:

Towards the 2020 Review Conference

- To commemorate the Treaty's 50th Anniversary, all States Parties should reaffirm

their commitment to the NPT. This commitment should be made at the highest levels and can recognise additional political commitments to strengthened non-proliferation and disarmament measures.

- States Parties should pursue meaningful dialogue on strengthening the review cycle process. Efforts could include establishing a working group to identify specific opportunities such as facilitating more continuity between review cycles. However, this should not detract from substantive engagement.
- Participants should encourage diversity and inclusion during the consultation process and within State delegations.

Regional challenges to non-proliferation and disarmament

- On November 20, 2019, the United Nations hosted a Conference on a WMD Free Zone (WMDFZ) in the Middle East that resulted in a political declaration to continue the process. Participants of the Conference should carefully consider ways in which the political declaration can be transmitted to the 2020 RevCon. Participants should avoid politicising the conference.
- Parties to the Joint Comprehensive Plan of Action (JCPOA) should work to preserve the main parameters of the agreement and encourage the resumption of dialogue, especially between Iran and the United States. Efforts should be made to ensure Iran does not withdraw from the NPT.
- The international community should work more cooperatively to address the DPRK nuclear programme. This could include cooperation between China, Russia, and the United States on setting red lines and outlining the consequences for violating those parameters.

Peaceful uses and safeguards

- Efforts should be made to strengthen support for IAEA authority. Concluding outstanding Comprehensive Safeguards Agreements and Additional Protocols (APs) should be prioritised.
- Engagement and outreach efforts should be encouraged between the IAEA and those states lacking the necessary resources and expertise to effectively implement safeguards agreements.
- States Parties should work in collaboration with the IAEA and industry to carefully consider the implications of emerging technologies on safety, security and safeguards.
- Emerging technologies should not be viewed as a replacement to on-site inspectors, but as a productive addition to them.

The P5

- In February 2020, the P5 meet in London for the final P5 conference before the RevCon. The NWS should demonstrate their commitment to the P5 Process by developing a concrete and substantive programme of work that facilitates tangible progress on crisis communication and risk reduction measures.
- The P5 should take greater steps towards transparency, to include discussion of doctrines. The P5 doctrines side event at the 2020 Review Conference is an important opportunity for the P5 to promote these transparency efforts.
- Efforts to reduce global nuclear dangers require sustained engagement with India and Pakistan. The P5 should individually and collectively expand outreach efforts on key non-proliferation and disarmament priorities.

Arms control

- Russia and the United States should extend New START.

- States Parties should take steps to consider the potential destabilising effects of emerging technologies on strategic stability. This could include developing a forum that includes policymakers, nuclear experts, and technical experts to discuss the impact of emerging technologies and potential frameworks for mitigating negative implications.
- States Parties should reconsider traditional arms control paradigms and explore possible alternative arms control frameworks.

Disarmament

- The international community should strive to reduce polarisation on nuclear disarmament and continue efforts to find common ground between NWS and NNWS. All stakeholders should avoid polarising rhetoric during the RevCon.
- Multilateral endeavours to advance productive disarmament dialogue should ensure that these discussions are inclusive and representative. Regular reporting of activities and developments will help to develop confidence in these initiatives.
- Progress on disarmament verification should be celebrated at the RevCon and States Parties should continue to increase their commitment to multilateral discussions on the topic and encourage participation by all relevant states.

Towards the 2020 Review Conference

1. As we approach the RevCon, States Parties should carefully consider ambitious but realistic criteria for success. Traditionally, success has been associated with the adoption of a consensus Final Document, wherein States Parties formally agree on the implementation record and define future goals and objectives. Such an outcome appears elusive in the leadup to the RevCon, arousing concerns that failure to do so may symbolise waning momentum around the NPT and the absence of a shared vision for its future. However, a consensus document need not be the barometer of success, nor does it forgo creative and substantive alternatives. A comprehensive outcome could include innovative formats, including sections capturing areas of both agreement and disagreement. Modifying a final document in this way would reflect the diversity of proceedings and may protect consensus from falling victim to difficult, if not intractable, issue areas. In short, States Parties have the capacity to shape the narrative around the 2020 RevCon and to ensure that, regardless of outcome, commitment to the Treaty does not waiver.
2. Addressing past commitments may be a potential impediment to this task. Given diverse legal interpretations, calls for the reaffirmation of, and substantive progress towards, past commitments may prove politically difficult to reconcile. Nonetheless, many stakeholders consider reaffirmation of the 2010 Action Plan as an unproblematic step towards continued and furthered implementation of the 64-point plan. While many states have adopted elements of the plan within national policies, others are dissatisfied with the status of current progress and are exerting pressure on States Parties to advance these commitments. Suggested options going forward include identifying clear indicators of success and progress which could be time bound.
3. Procedural challenges have also been highlighted throughout the current review cycle. Delays in confirming the appointment of the RevCon President have hindered outreach efforts traditionally conducted in advance of the conference. More generally, observers have questioned whether the review cycle is sufficiently responsive to manage substantive issues efficiently and effectively. The Non-Proliferation and Disarmament Initiative (NPDI) submitted a working paper at the 2018 Preparatory Committee on the subject and plans to submit another at the 2020 RevCon, recognising that procedural improvements to the review cycle can help strengthen implementation of the Treaty. For example, more continuity between cycles – as facilitated by greater cooperation between incoming and outgoing chairs and bureaus

– can allow for more intercessional activity. Improvements could include adjusting conference timings to encourage fewer repetitive statements, more substantive dialogue, and more flexibility in agenda setting. Procedural improvements should not be viewed as a distraction from substantive discussions, but as a means by which to facilitate them.

4. Diversity and inclusion remain core priorities in this regard. The current review cycle has been the most inclusive to date, though significant gaps remain. For example, of the UN's six main committees, the First Committee on Disarmament and International Security has the lowest female representation. Additional concerns exist around regional diversity, especially within Pillar Three. Diversity is essential, for it encourages a richer debate by injecting different perspectives and voices that can offer innovative, representative outcomes. To this end, States Parties should prioritise efforts addressing gender, regional, and generational diversity, both in their consultations leading up to RevCon and within their delegations. Civil society can also play a productive role in consultations. Unbound by national interests and protocols, they can offer out-of-the-box thinking and solutions to various issues and can productively contribute to agenda-setting, framing and implementation.

Regional challenges to non-proliferation

5. Discussions around a Middle East Weapons of Mass Destruction Free Zone (WMDFZ) have proved contentious over several review cycles. Disagreement over the zone contributed to States Parties' inability to come to a final consensus document at the 2015 RevCon. A conference in November 2019, however, brought together members of the League of Arab States, members of the P5, and key international organisations like IAEA to discuss the Middle East zone. While not all relevant States Parties in the region participated, the conference has been widely considered a success. The meeting focused primarily on process and did not preclude participation by additional regional parties. The resulting political declaration, which expresses a commitment to establish a legally binding WMDFZ treaty, can be viewed as a first step in building confidence between participants. The conference will continue on an annual basis with a rotating presidency. Additional work remains—participants did not agree on rules of procedure and avoided particularly contentious issues like the JCPOA, chemical weapons, and verification. Nonetheless, most believe the progress made at the November conference can relieve pressure at RevCon.
6. Relations between Iran and the United States have deteriorated following U.S. withdrawal from the Joint Comprehensive Plan of Action (JCPOA) in 2018. The United States withdrew from the multilateral agreement citing concerns over the agreement's longevity and substantive reach. The JCPOA, for example, does not address Iran's ballistic missile programme and its broader activities within the Middle East. The United States has received widespread criticism for this decision and its adoption of a maximum pressure policy, which is perceived as self-defeating and escalatory. In response, Iran has taken phased steps to remove itself from obligations under the agreement. As the situation deteriorates, the potential for miscalculation increases. Other parties to the JCPOA continue to work towards a resolution but face increasing challenges, including the implications of utilising the Dispute Resolution Mechanism (DRM). Iran has threatened to abandon its safeguards agreements with the IAEA and withdraw from the NPT if the DRM results in a 'snap-back' of UN sanctions. The former would terminate international inspections of Iran's nuclear facilities. The latter would fuel existing concerns about the NPT's withdrawal mechanism and amplify the negative precedent set by the Democratic People's Republic of Korea (DPRK) leaving the Treaty in 2003. This has prompted caution in utilising the DRM. To address these concerns, parties to the agreement must work to maintain unity in the Joint Commission and work collaboratively with the IAEA to address increasing safeguards concerns.

7. The DPRK poses an additional challenge leading into 2020. Despite various attempts at negotiations, the international community remain divided over ultimate objectives. Defining 'denuclearisation' is a case in point. While the United States continue calls for complete, verifiable, and irreversible disarmament, others, including South Korea, favour an approach that encourages smaller, irreversible steps. China, meanwhile, is wary of a maximum-pressure policy without clear demonstrations that the U.S. intend to address key North Korean security concerns. Without a unified approach, there appear to be few incentives for the DPRK to eliminate its nuclear weapons; indeed, advancements towards a sea-based deterrent demonstrate its commitment to continued research and development. How these dynamics will unfold at RevCon remain to be seen, but the United States, China, and Russia should strive to reach consensus on red lines and the implications of violating those parameters.

Peaceful uses and safeguards

8. Growing interest in the peaceful application of nuclear technology and recognition of its utility in advancing Sustainable Development Goals (SDGs) has stimulated international cooperation on nuclear equipment, material and know-how. Positively, the number of countries with APs currently stands at 136, which strengthens the ability of the IAEA to detect diversion of declared materials and the presence of undeclared material and activities. However, there are still several states without the appropriate safeguards mechanisms in place. Efforts promoting wider adherence to CSAs and APs should be prioritised and could involve regional approaches. The IAEA must manage this growing demand with rising budgetary constraints. At a time of fiscal austerity, many Member States are under pressure to reduce public expenditure. As a result, financial contributions to the IAEA are not set to rise in the foreseeable future. The Agency must therefore think creatively about how to enhance IAEA capabilities and adapt safeguard implementation to meet these contemporary demands.
9. Technological development can offer meaningful contributions to these efforts. A variety of sources and sophisticated tools, such data mining, satellite imagery, and forensic Googling, have become key components of the contemporary safeguards landscape, particularly those related to inspections and information collection and analysis. Moreover, cyber technologies, Artificial Intelligence and Machine Learning offer opportunities to supplement the work of non-site inspectors. Accompanying these enhanced capabilities are, nevertheless, various challenges. For example, as the number of data sources increase, so too does the volume of data that needs to be secured, managed and analysed. Cyber technologies, in particular, stand to advance capacity-building efforts while simultaneously presenting significant security challenges for sensitive IAEA activities. Accordingly, careful consideration of the safety and security implications of utilising these technologies require further research and discussion. Moreover, the potential of these technologies should not be viewed as a replacement for the human dimension in the safeguards cycle, but rather as a productive contributor to them.
10. Looking ahead, greater collaboration between the IAEA, Member States and industry is essential to ensure that the safeguards regime remains fit for purpose. Engagement and outreach efforts are vital in this respect, particularly within those states lacking the necessary resources and expertise to effectively implement safeguards agreements. A positive development was the 2018 Ministerial Conference on Nuclear Science and Technology, the first of its kind, which brought together stakeholders across the nuclear field to explore recent technological developments and their potential to address current and future applications challenges. Similar outreach and engagement efforts should be prioritised.

The P5: challenges and opportunities

11. As the five permanent members of the UN Security Council and the Treaty's recognised NWS, the P5 – China, France, Russia, the United Kingdom, and the United States – have unique responsibilities towards the NPT's success. Since its emergence in 2010, the P5 Process has achieved mixed success. While it is widely recognised as a valuable venue for dialogue, ambiguity around progress and lack of transparency have fuelled scepticism regarding the P5's commitment to reducing nuclear risks and advancing disarmament. This was only exacerbated by the absence of P5 meetings in 2017 and 2018.
12. Recent efforts at recognising these concerns, including Chinese efforts to restart the P5 Process in 2019, have added some positive momentum to the P5 Process heading into the RevCon. Additional individual and collective efforts, especially relating to transparency around doctrines – a key aspect of the P5's current workplan – have contributed to this momentum. The United Kingdom, for example, undertook dedicated outreach efforts to discuss its draft national implementation report with NNWS, fostering a transparent dialogue on its nuclear doctrine and disarmament priorities while outlining the ways in which it has implemented the NPT in the 2020 review cycle. Collectively, the P5 aim to host a side event at the RevCon to discuss their doctrines. Such efforts have been well-received, but there is clear pressure to sustain engagement with NNWS beyond the RevCon.
13. In February 2020, the P5 meet in London for the final P5 conference before the RevCon. The NWS should demonstrate their commitment to the P5 Process by developing a concrete and substantive programme of work that facilitates tangible progress on crisis communication and risk reduction measures. This could include establishing and maintaining crisis communication channels to help mitigate instances of misperception or misunderstanding, and collaborative work with NNWS on further risk reduction efforts. Dialogue should be aimed at increasing mutual understanding. Progress on the glossary of terms, both in terms of content and process, support this effort. Such progress, however, is contingent on positive relations between P5 countries, which are under strain following the deterioration of arms control between Russia and the United States, growing concerns over the effects of nuclear modernisation and emerging technologies on strategic stability, and diverging views of risk reduction priorities. The P5 must demonstrate that these challenges do not diminish their commitment to the NPT and their non-proliferation and disarmament commitments.
14. While outside the NPT framework, the efficacy of the future of non-proliferation and disarmament more broadly rests on engagement with non-NPT NWS, particularly India and Pakistan. The P5 must carefully consider the format and nature of this engagement, to ensure that it facilitates confidence-building to help reduce misperception and build trust between these countries. Reducing nuclear dangers is a pressing global priority.

The current and future arms control landscape

15. The future of arms control appears bleak and is likely to have a spill-over effect at RevCon. In 2019, both the United States and Russia withdrew from the Intermediate-Range Nuclear Forces (INF) Treaty and prospects for extending the 2010 New Strategic Arms Reduction Treaty (New START) are uncertain. As the only remaining bilateral arms control agreement between the United States and Russia, extending New START before it expires in 2021 is an urgent priority. The international community should exert pressure on both parties to extend the agreement at its earliest. Failure to do so risks undermining the NPT by signalling a waning commitment to Article VI.
16. Emerging technologies pose an additional challenge to existing arms control frameworks. The advancement of advanced cyber capabilities and hypersonic

weapons, for example, risk generating asymmetries that threaten strategic stability and may render future arms control agreements more difficult to negotiate and conclude. Within this context, States Parties should reconsider traditional arms control paradigms and explore possible alternative arms control frameworks. New START, however, should not be held hostage to these deliberations.

Disarmament

17. Disarmament is likely to remain a contentious area of debate at the RevCon. This review cycle has witnessed polarising debate between supporters and opponents of the TPNW, exposing deep fissures between NWS and NNWS on the appropriate framework for advancing nuclear disarmament. Attempts to encourage multilateral dialogue have achieved mixed success. While the CD is in principle an appropriate forum for dialogue, increasing politicisation has blocked any meaningful progress, particularly on negotiations on a Fissile Material Cut-Off Treaty. Recent initiatives, including the Swedish Stepping Stones Approach, the U.S.-led Creating the Environment for Nuclear Disarmament (CEND) and the International Partnership for Nuclear Disarmament Verification (IPNDV) offer promising venues to inject fresh-thinking and to advance productive discussions and substantive work.
18. The preceding year has observed a subtle but important shift from hostility towards more pragmatic and conciliatory dialogue between supporters and opponents of the TPNW. While some advocacy groups have become less receptive to bridge-building, NPT States Parties recognise the need to find common ground to ensure that the NPT is not afflicted by further polarisation. Positive steps that reaffirm the centrality of the NPT and reassure states that the TPNW will not conflict, undermine, or replace the NPT would help towards this end. One area of broad consensus is the importance of further dialogue on the humanitarian impacts of nuclear weapons. These discussions, initially the precursor of the TPNW negotiations, should be injected into NPT conversations and can be embraced by both NWS and NNWS.
19. Other attempts to break the disarmament impasse include two multilateral state-led efforts seeking to advance disarmament dialogue in productive ways. The Stepping Stones Approach, advanced by Sweden, convened its first ministerial meeting in June 2019 with delegates from 16 countries, including non-aligned countries and non-nuclear NATO states. The initiative aims to encourage high-level political engagement on specific steps states can pursue in relation to disarmament as we progress towards the RevCon. With a second meeting due to be held in February 2020, it remains unclear what proposals the group intend to offer at the RevCon. Others raise concerns that, without NWS buy-in, the initiative will be limited in what it can achieve.
20. CEND, first proposed at the 2018 PrepCom, seeks to advance dialogue around the global security environment and to overcome the impediments of nuclear disarmament. Thus far, two working groups have convened to develop workplans addressing three main themes: reducing incentives for nuclear possession; strengthening mechanisms and institutions; and risk reduction. CEND was received positively by workshop participants and observers are generally though cautiously optimistic. Indeed, there are a number of concerns regarding its durability and inclusivity. Some observers are suspicious that the initiative is merely a short-term attempt to stifle criticism and deflect attention at the RevCon on the slow pace of disarmament. And while the initiative has been praised for including non-NPT states, the November working group failed to include any Middle Eastern or African states. Going forward, U.S. policy in other areas, especially arms control and modernisation, may affect the credibility of the initiative.
21. Disarmament verification provides perhaps the most positive example of multilateral progress on advancing disarmament and should be celebrated at the RevCon. The International Partnership for Nuclear Disarmament Verification (IPNDV) is conducting

vital work on exploring the technical difficulties and opportunities of effective verification tools and techniques. While there is some scepticism regarding the value of these endeavours in the absence of negotiations on a legally binding instrument, there is broad recognition that this work must begin now to ensure that, if and when the time comes, the appropriate verification mechanisms exist. Moreover, technical collaboration can facilitate dialogue and progress on political challenges by fostering trust and confidence between states, complementing work in other settings such as the UN Group of Governmental Experts. Within this context, Chinese and Russian participation within IPNDV should be encouraged.

22. States Parties must also carefully consider how the NPT and non-proliferation regime more broadly can and should respond to emerging technologies. This includes assessing both the challenges and opportunities these technologies present across the three pillars of non-proliferation, disarmament and peaceful uses. Ultimately, however, considering the potential impacts of emerging technologies will require addressing key definitional questions. While these matters will not be resolved by the RevCon, proceedings in April and May can set the tone for how these conversations should continue.

Conclusion

The 2020 RevCon is frequently characterised as a make-or-break or ‘watershed’ moment in the NPT’s history. It need not be either. Despite pressing challenges, the Treaty still receives broad political buy-in from States Parties and the non-proliferation and disarmament regime more broadly. Indeed, it is likely to remain the core venue for dialogue in the years to come. As we approach April, we should remind ourselves of the significant contribution the Treaty has made, and continues to make, towards international security and think creatively about how to ensure its success for decades to come. The discussions at Wilton Park, and the recommendations herein, offer a useful starting point towards these ends.

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