

# Postponement of the 2020 NPT Review Conference: Possible Implications

Tariq Rauf<sup>1</sup>

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*“Many, many things must be done; but nothing must be done for the first time!”*

➤ *Sir Humphrey Appleby (BBC Television Series: “Yes Prime Minister”)*

(Note on terminology: the terms NWS, NNWS, NAM, EEOG, WEOG are used in a general sense, even though it is recognized that there are variations in the views and positions of the individual States concerned.)

- ***How will the delay change the atmospherics at RevConf?***

How will the postponement of the review conference to January 2021 (or later) affect the “atmospherics” depends on a number of factors in random order, such as:

- (a) the result of the presidential election in the United States in November 2020;
- (b) the fate of New START at the time;
- (c) the situation regarding the JCPOA and the implementation of IAEA monitoring and safeguards in Iran, as well as the military standoff in the Persian Gulf area between the US and Iran;
- (d) the domestic political situation in Iran in the run up to a presidential election (expected in April-May 2021, President Rouhani is ineligible to run and Foreign Minister Zarif has announced he will not contest);
- (e) the entry into force or not of the TPNW;
- (f) the relationship between China, Russia and US on nuclear arms control and international security (both within and outside the framework of the NWS/(P5)-process);
- (g) the status of the CTBT still awaiting five ratifications and three signatures/ratifications, while the US continues to charge both China and Russia with activities not deemed compliant with the treaty;
- (h) whether the US will still remain a signatory to the CTBT, or whether it would have either suspended its observance with the treaty or served notice of withdrawal – or even, served notice of resumption of nuclear testing (a fixed number of shots or open-ended testing);
- (i) the situation regarding COVID-19 or other maladies and related physical distancing requirements, travel restrictions including quarantine of arrivals (in New York);

(j) the atmosphere at the First Committee, if it is convened in October/November this year— i.e., whether last year’s bad tempered discussions lacking civility are carried over to this year, which is quite possible given the tenor of discourse and relations between the US and Russia/China/Iran;

(k) the stalemate continuing in Geneva at the Conference on Disarmament, with some States continuing to push to start FMCT negotiations based on the (outdated) “Shannon mandate”, and the continuing deadlock on other matters such as nuclear disarmament, PAROS and NSAs;

(l) the situation regarding stationed US nuclear weapons in Europe, especially in Germany (hosting 15-20 weapons at the Büchel base, scheduled to be replaced by B-61-12 warheads) – where the replacement of ageing German Air Force Tornado planes with the Luftwaffe preferred US-supplied F-35s, together with pressure from France to jointly develop the Future Combat Air System (FCAS) planes, has become a highly charged matter in domestic politics (against the background of the cross-party vote in the Bundestag in 2010 to withdraw the weapons) and complicated by the uncertainty about Chancellor Angela Merkel’s succession in 2021 and possible implications for alliance nuclear sharing;

(m) concerned about the on-going developments in Germany noted above and questions about the Trump administration’s commitment to NATO collective defence, [President Emmanuel Macron’s](#) comments on the role of the French nuclear *force de frappe* and his call for an autonomous European defence and deterrence strategy, and the uncertainties created by Brexit; related to these developments, the [NATO Secretary-General](#) has jumped into fray by defending “NATO’s nuclear deterrent” and its nuclear deterrence strategy based on nuclear sharing – all these developments will further complicate the positions of NATO and EU States and make it even more difficult to coalesce behind common positions; and

(n) developments in the various on-going “issue-based” groupings such as the Stockholm Initiative, New Agenda Coalition, Non-Proliferation and Disarmament Initiative, Creating the Environment for Nuclear Disarmament and others that possibly may serve to develop some minimal common ground on nuclear disarmament or conversely deepen existing cleavages.

On the other hand, there might be a remote possibility that civility in discourse may be restored to some minimal level in light of the COVID-19 pandemic exposing the fragility of human life across the world, and the unpreparedness and lack of infrastructure and equipment even in the most advanced States to cope with the effects of the pandemic— indirectly pointing to the lack of capacity and preparedness to cope with the consequences of any use of nuclear weapons.

The UN-ODA has held three [thematic meetings](#) on each of the three pillars of the NPT supported by EU funding to identify areas of convergence, however such meetings while generally non-confrontational are not necessarily a true reflection of actual positions that States will take and defend at the review conference.

The 16 States promoting the Swedish-led “stepping stones” initiative held a ministerial meeting in Berlin in February and issued a “[political declaration, underpinned by concrete stepping stones](#)”—that importantly “underline[d] that [past NPT commitments remain valid](#) and form the basis for making further progress in fully implementing the treaty and achieving a world free of nuclear weapons”, a view that is no longer supported by the US and many of its allies. These 16 States were hoping to herald a positive sign for the review conference, but the focus on “risk reduction” and “transparency” and silence on actual disarmament steps does not cut the mustard as the majority of NNWS are impatient to see further reductions in nuclear weapons not transient measures.

In March, [Japan convened a track 1.5 meeting](#) in Tokyo for “Substantive Advancement of Nuclear Disarmament” that focused on nuclear disarmament and non-proliferation education, transparency, and nuclear risk reduction – but only a chair’s summary was issued.

On 19 May, Malaysia on behalf of 16 countries – Algeria, Austria, Brazil, Chile, Costa Rica, Ecuador, Egypt, Indonesia, Ireland, Mexico, Morocco, New Zealand, Nigeria, the Philippines, South Africa and Thailand circulated a [Joint Communiqué](#) to commemorate the 50th anniversary of the entry-into-force of the NPT. This is an interesting mix of EU/WEOG and NAM/Arab Group countries. The Joint Communiqué inter alia highlighted the catastrophic consequences of nuclear weapons use, reaffirmed past commitments agreed upon during previous review conferences; urged the NWS to implement their existing commitments, and to build further upon these to accelerate fulfillment of their obligations at the next review conference.

The discussion above does not indicate that differences over core issues and deep seated grievances likely would be resolved or set aside between now and January 2021 or even later. President-designate Gustavo Zlauvinen has been welcomed by States parties and they seem appreciative of his efforts both to listen to States’ views and to try to find alternative dates to hold the review conference.

- ***How will it change prospects for a consensus final document (if at all)?***

Given current trends, the prospects of a consensus negotiated final document seem to be bleak. With the US at loggerheads with China and Russia on a whole host of matters ranging from finance, trade, COVID-19, oil exports, Iran’s nuclear activities, CTBT compliance, New START, withdrawal from the Open Skies treaty, Syria, space weapons and security, regional security and nuclear weapons; the ongoing bluster between the US and Russia in the NPT review process starting from 2014 and continuing through 2019, including visa difficulties for Russian and other delegates; the prospects are steadily eroding of these three NWS narrowing their differences sufficiently to be able to agree on a final document?

*Nuclear Disarmament and TPNW*

The continuing hostility of at least four of the five NWS, as well as that of the loyal US allies to the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW), their incessant corrosive comments and total unwillingness to engage with the TPNW supporters is alienating the latter. Several of the TPNW supporters maintain that they have been careful not to be perceived to “hijack” the NPT review process over the TPNW, they have shown good will by participating in the US led CEND and in the Swedish “stepping stones” initiative, but this has not led to any softening of the rejectionist approach by the NWS and their allies – while at the same time the existing nuclear arms control architecture is steadily being dismantled with the INF treaty abandoned, no extension of New START and the US withdrawal from the Open Skies treaty, combined with steady modernization of nuclear arsenals along with lowered thresholds for use of nuclear weapons.

The TPNW continues at a slow pace to gain ratifications, 36 to date, and there may be the possibility of it entering into force by January or later in 2021. Overall it seems that among the TPNW supporters there might fewer incentives to compromise at the review conference to agree to a final document that in their view further backtracks from previously agreed commitments on nuclear disarmament.

Conversely, the NWS and their allies have not demonstrated any indications of backing away from their obstinate insistence on criticizing the TPNW as incompatible with the NPT, asserting the continuing need for and reliability of nuclear deterrence, following through on new weapons development along with revised nuclear weapons employment policy, and reversing or watering down previously agreed commitments of 1995/2000/2010.

Thus, whether entry-into-force of the TPNW will embolden its supporters or further entrench opponents remains an open question

Many of these considerations also may resonate with the NAM States, which though not displaying signs of complete unity nonetheless are perturbed about the standstill in nuclear disarmament and increasing discord as evidenced during the NPT review process and at the First Committee. NAM cohesion, never a strong suit of the group, perhaps might become even more strained with a few States as usual inclined to follow the general line of the US/WEOG, another few led by Indonesia as coordinator holding firm to longstanding positions on a plan of action for a time-bound framework for nuclear disarmament, and a large number of States with “floating” or no fixed positions. The current and continuing global economic downturn caused by the COVID-19 pandemic lockdowns has made many NAM States economically vulnerable and thus exposed to US/WEOG pressure to “play ball” in the NPT review process.

*Iran and the JCPOA*

The US withdrawal from the 2015 Joint Comprehensive Plan of Action (JCPOA) and its re-imposition of sanctions on Iran as well as threats of secondary sanctions on any States engaging in business with Iran including the E3/EU/+2, as well as US moves in the Security Council to renew an arms embargo and to “snap back” UN sanctions on Iran that were suspended under the JCPOA, and the failure of the [EU’s Instrument for Supporting Trade Exchanges](#) (INSTEX) to facilitate legitimate European trade with Iran; together with Iran’s step-by-step backing away from JCPOA limitations on its nuclear activities combined with its threat to leave the NPT if UN sanctions are re-imposed and its refusal to grant access to the IAEA to certain locations suspected of harbouring undeclared nuclear activities in the past – are yet additional thorns complicating prospects for a consensus outcome.

In the region of the Middle East, there remains the unresolved matter regarding [Syria’s](#) undeclared nuclear activities in the first part of the 2000 decade; Egypt’s steadfast refusal to adopt the Additional Protocol (AP) to its NPT safeguards agreement; and [Saudi Arabia’s](#) default in rescinding its Small Quantities Protocol (SQP) that holds IAEA inspections in abeyance and adopting the Additional Protocol to its NPT safeguards agreement, even as it nears completion of an Argentine-supplied nuclear research reactor. If the Iran-Saudi Arabia relationship deteriorates further over the conflict in Yemen, over Iran’s actions concerning the JCPOA and its ballistic missile tests, and if Iran makes an issue of Saudi Arabia’s unrescinded SQP and lack of an AP as the Saudi reactor becomes operational – these matters may become complicating factors at the review conference in the deliberations on safeguards in Main Committee II at the review conference.

### *Middle East Resolution*

The implementation of the 1995 Middle East Resolution remains up in the air, even though the Group of Arab States pushed through a decision of the General Assembly to empower the Secretary General to convene an annual conference on the zone starting in November 2019 that was boycotted by Israel and the US – whether this year’s Middle East zone conference is held in November remains uncertain – and both Israel and the US continue to provoke Iran, as well as vice versa. To paraphrase Sir Humphrey Appleby (BBC “*Yes Prime Minister*”), it would be “courageous” to think that the UNGA-sponsored Middle East zone conferences will dissolve pressure in the NPT review conference on the matter of the 1995 Resolution – the accountability for the resolution’s implementation remains within the review process as it was an integral part of the “package” that enabled indefinite extension of the Treaty.

### *Nuclear Disarmament Approaches*

With the US-led approach to [Creating the Environment for Nuclear Disarmament](#) (CEND) and other policy formulations, the message put out is that the TPNW supporters along with NNWS disarmament advocates are [out of touch](#) with the changes in the international security environment, the continuing requirement for robust nuclear deterrence, the need to “reduce risks” of nuclear weapon policies (even though Russia and the US themselves are responsible

for creating such risks), and the essential irrelevance of living in the past of previous NPT commitments – that is to steadily erode the [acquis](#), the accumulated agreed commitments, of the NPT regime. Little or no recognition is given to the actions of the NWS and their allies themselves that have led to a deteriorated international security environment and the flaring up of a new Cold War anchored on development of exotic weapon delivery systems, increased nationalism and tribalism, and pull back from multilateralism. The unilateralist moves and tendencies in dealing with the COVID-19 pandemic is a good illustration of the retreat into tribalism and xenophobia that in turn also affect discourse on international security and nuclear arms control.

Proponents of the [US-led CEND initiative](#) maintain that discussions in the NPT review process on nuclear disarmament need to move on from the traditional focus on numerical reductions to examining the international security environment including developments as the re-emergence of great power competition, regional security threats and challenges, emerging advanced technologies (such as hypersonic delivery systems, cyber capabilities and threats, space weapons, and artificial intelligence) and that the NPT review process is no longer “[fit for purpose](#)” to address these new developments and challenges. CEND advocates claim that existing forums are not addressing these issues. Hence, it is claimed that the way forward is through consideration in CEND of the [broad themes](#) of: (a) the reduction of the perceived incentives for States to acquire or increase their nuclear stockpiles; (b) the functioning and effectiveness of existing nuclear disarmament mechanisms and institutions; and (c) potential interim measures to reduce risks related to nuclear weapons. The CEND exercise is expected by its proponents to serve as building bridges with disarmament advocates, as a “[bolt on](#)” initiative expected to contribute to the review conference “in atmospheric and reducing nuclear risks”.

The most effective risk reduction measure would be to eliminate all nuclear weapons, but that obviously is a bridge too far for the deterrence advocates. If nuclear risk reduction is so vitally important for the CEND proponents, then why the hesitation to renew New START, elaborate the elements of a follow-on treaty, and implement the relevant elements of the 1995/2000/2010 outcomes that include de-alerting deployed nuclear weapons, reducing non-strategic nuclear weapons, increasing transparency and irreversibility of arms reductions, among other measures?

At one level it is a *non sequitur* that the NPT review process is no longer fit for purpose and also that nuclear risk reduction is of prime importance in the near term, even more important than disarmament and fulfilling past agreed commitments.

*NPT Review Process*

As regards agreed outcomes of review conferences: the 1975 final document was prepared by the President reflecting her sense of the negotiations and was accepted by the conference as it did not want the first review conference to end in deadlock; the 1985 final document was as a compromise cobbled together by the Conference President reflect areas of convergence and divergence and attachments of positions of various States but it was not the result of a negotiated outcome; in 1995 only the package of three decisions and the Middle East resolution were agreed without a vote following intensive negotiations, but the review of the 1990-1995 period was not agreed; the 2000 final document is the only instance of a fully negotiated outcome fulfilling the requirements of the strengthened review process of both “looking backward and looking forward”; and the 2010 final document again contained a review part that was not agreed and a set of 64 “actions” put together by the President relying on the various outputs of the main committees and their subsidiary bodies, but even though the conference did not object to this compilation it was not negotiated as a package as such.

The 1980 review conference failed due to problems concerning the then on-going Iraq-Iran war; the 1990 NPT review conference collapsed due to US opposition to include language on a CTBT that led Mexico to reject as insufficient the Conference President’s compromise text; and in 1995 it was with the UK and the US in the lead that the NWS and their allies prevented agreement on a final document despite the Herculean efforts of the president who even went to the extent of repackaging the ‘principles and objectives’ but to no avail. In 2005, again it was the US principally objecting to the traditional formulation of the conference agenda and opposition to the Middle East issue, and in 2015 following the lead of the US, Canada and the UK joined in triggering the collapse of the conference by [rejecting](#) the Conference President’s compromise text and blamed Egypt for insisting on the convening of a Middle East Conference in 2016 (while the US unilaterally reneged on the 2012 Middle East zone conference agreed in 2000).

It is indeed remarkable how the narrative of review conference outcomes is controlled and portrayed, where those on the side of the NWS and their allies creatively assign the blame for deadlock to the side of the NNWS and this then becomes the official narrative to be quoted in post mortems. The blame for intransigent inflexibility always is transferred to the side of the NNWS (usually NAM States) trying to effect change—TPNW supporters are new targets. This also is reflective of the international power balances, where the developed States overpower or overwhelm the less developed ones which lack the personnel, information and assessment resources.

The reason for this historical diversion is to highlight how the commitments of 1995/2000/2010 are being progressively sidelined and the parameters of engagement changed in each succeeding review period. In 2018, the US walked away from previous consensually agreed outcomes and advanced its CEND initiative on pillar 1 matters, and shredded its commitments to the implementation of the Middle East resolution in the NPT

review process when it put up a working paper on “Establishing Regional Conditions Conducive to a Middle East Free of Weapons of Mass Destruction and Delivery Systems”. The narrative then was recast to focus on the potential of the CEND approach to address the changed international security situation, demonization of the TPNW and its supporters acquired an art form, and proponents of the Middle East zone squeezed to acquiesce to take the matter out of the NPT review process – the UNGA approach has been opposed by some WEOG States and at the 2019 PrepCom the US characterized it as “illegitimate”.

As for the [NPT review process](#), it is designed to review the implementation of the Treaty and agreed commitments emanating from review conferences as well as to make recommendations for the future of additional measures to strengthen the integrity and authority of the NPT. It should be recalled that it was agreed in 1995 that future review conferences were mandated to: (1) look forward as well as back; (2) evaluate the implementation of the NPT during the period under review; (3) identify the areas in which, and the means through which, further progress should be sought in the future; and (4) also address specifically what might be done to strengthen future implementation and achieve its universality. These provisions were reaffirmed in 2000. It is understood that review conferences are expected to make every effort to produce a negotiated agreed final document that reviews the implementation over the previous five years of the Treaty and agreed outcomes of review conferences, as well as recommendations on additional steps to be implemented over the next five years. A high-level or ministerial declaration or resolution commemorating the 50<sup>th</sup> anniversary of the NPT and reaffirming the salience of the Treaty as the cornerstone of the global nuclear governance regime, as being proposed by some States, while useful would be insufficient and fail the expectations of States parties and the requirements of the strengthened review process.

The NPT review process cannot resolve every problem related to the international security environment and strategic stability – that is not the purpose or objective of the Treaty or of its review process. That is why separately a CTBT was negotiated in the Conference on Disarmament to end nuclear testing; a TPNW negotiated under the aegis of the General Assembly to prohibit nuclear weapons, NWFZ treaties to denuclearize regions negotiated between regional States, and a FMCT/FMT is required to address the production and stockpiling of weapon-usable nuclear material. Other negotiations in other forums will be needed to address advanced emerging technologies, cyber and space weapons, and other related political-military and technological developments.

The NPT review process cannot serve as the venue to resolve regional security matters, adjudicate on great power competition, establish parameters to deal with emerging advanced technologies, or to ameliorate the international security environment. These matters correctly belong either at the Russia-US bilateral level, or at the UN Disarmament Commission to consider and make recommendations to the First Committee, which in turn presents resolutions to the General Assembly that in turn forwards requests to the Conference on

Disarmament to establish mandates for formal treaty negotiations. This is how the biological and Toxin Weapons Convention (BTWC), the Chemical Weapons Convention (CWC) and the CTBT came about—the TPNW took the route of UNGA mandated negotiations given the nearly 25-year deadlock in the CD.

All of the issues raised by the CEND regarding international security fall within the purview of the [Agenda](#) of the CD under items: (1) cessation of the nuclear arms race and nuclear disarmament, (2) prevention of nuclear war, including all related matters; (3) prevention of an arms race in outer space; (5) new types of weapons of mass destruction and new systems of such weapons, radiological weapons; (6) comprehensive programme of disarmament; and (7) transparency in armaments.

The fact that States are unwilling to negotiate on these matters in the CD does not mean that one embarks on venue shopping and dumps these matters into the NPT review process which is mandated to carry out its work in accordance with the provisions of the Treaty. It is not only unfair but also disingenuous to try to characterize this as “[ideological identity politics](#)” or as “the degeneration of what should have been a security-focused disarmament policy discourse into moralistic identity-political policy focus”. The negotiating record of the 1995/2000/2010 consensus outcome shows that the steps and action plan were achieved through painstaking negotiations on the specifics of the agreed measures in terms of constituting “effective measures” for the implementation of Article VI. Disowning past commitments never achieved a successful outcome at the NPT review conference. The principle in international law of *pacta sunt servanda* affirms that States are obligated to honour their international treaties and agreements and to act in good faith – that is after all what is expected for pillar 2 (IAEA/NPT safeguards), so why is pillar 1 different?

Inserting issues such as great power competition and regional security concerns into the NPT review process also can risk unwelcome moves by others in the non-proliferation pillar, in positing that in light of unstable regional and global security trends some States may reconsider their adherence to the Treaty and opt to develop nuclear weapons for their own security following the lead of the NWS and their allies. Surely this would be a road to disintegration rather than a construction for the future strengthening of the NPT regime.

The NPT is the only multilateral nuclear arms control treaty on the books that commits the NWS to nuclear disarmament and the NNWS to non-proliferation – it is the only multilateral forum in which the NWS are prepared to discuss their nuclear weapon policies with the NNWS, albeit within limits. If the foundations of multilateralism are attacked and weakened, the NPT will not escape its effects. Given all these and related developments, it is no surprise that the well of the review process is poisoned and the balm of highlighting the beneficial peaceful uses of nuclear technology is unlikely to quell the demands for fulfilling existing commitments and reducing actual nuclear weapons.

The history of NPT review conference “successes” shows that each successful conference produces a consensually agreed document that builds upon the elements of the previous one. Thus, the final document of 2000 – the only instance of a fully negotiated final document covering both the review and objectives for the future including the “thirteen steps” – built upon the foundation of the 1995 package of decisions and resolution. The 2010 “plan of action”, though not fully negotiated was agreed as States did not want back-to-back failures, both adds to and detracts from the 2000 outcome.

A key element for success at the review conference next year will rest on clear acknowledgement of the continuing validity of the 1995/2000/2010 outcomes that along with the Treaty itself can be considered the “trptych” of the [acquis communautaire](#) of the NPT community. The Berlin Declaration of [The NPT at Fifty](#) got it right when it stated that: “We underline that past NPT commitments remain valid and form the basis for making further progress in fully implementing the treaty and achieving a world free of nuclear weapons”. Characterizing reaffirmation of existing past commitments as “[conventional wisdom that is at least a generation out of date](#)” wins no friends, not to mention disingenuous.

At present, as the necessary and sufficient conditions are absent, the unexpected delay in the review conference from April-May 2020 to January 2021 or later does not portend well to improve either the atmospherics or the prospects for a consensus outcome – any sobriety from COVID-19 notwithstanding.

- ***What challenges and opportunities does the delay present to NWS? To NNWS?***

There appears to be a surfeit of challenges as compared to opportunities for both the NWS and the NNWS as regards postponement of the review conference.

As discussed above, prospects for a thaw in US relations with China and Russia seem remote, rather their differences are becoming more pronounced across the board. With New START at risk at present and a hiatus in discussions and negotiations between Russia and the US on a follow-on treaty, the insistence by both Russia and the US to “multilateralize” the next round of strategic nuclear arms control and China’s resistance, unrestrained development of new types of weapons systems (hypersonic delivery systems, low yield nuclear weapons, new intermediate-range missiles, missile defences, cyber and space domains, etc.); the NWS are facing a crisis in their relations, lack of vision and leadership, as well as increasing xenophobia, unilateralism and nationalism.

As regards the NNWS, they too are torn asunder by their own rifts and differences at one level by what some regard as “having no option” but to cooperate with the US-led CEND, as well as other initiatives such as the new “stepping stones” and the fading NAC and NPDI, in order to try to affect positive change from within, even as past NPT commitments are set aside or creatively reinterpreted in a manner that essentially weakens or guts their core provisions in lieu of largely aspirational measures such as “risk reduction” that remain oblivious to the

steady destabilizing advances in new weaponry and doctrines that risk upsetting the international security situation.

The NAM seems to be facing an interesting dilemma: unity at one level on promoting their time bound plan of action for nuclear disarmament but disunity on the way forward.

As regards the Middle East, it is an overly optimistic view that the November 2019 conference has defused the issue. Likely, a surprise waiting in the wings could be that the Middle East zone issue now would need to be considered at three levels: (1) NPT 1995 Resolution at the NPT review process; (2) UNGA resolutions and the November 2019 Conference process; and (3) “Application of Safeguards in the Middle East”, and “Israeli Nuclear Capabilities”, at the IAEA; to complicate the deliberations. The implementation of the 1995 NPTREC Resolution remains within the review process and the UNGA track is no substitute; at best it can be a complementary track.

None of these developments bode well for the NPT in the short- to medium-terms. On the other hand, optimists might believe that the extra seven months made available due to the postponement of the review conference to the [proposed dates of 4 to 29 January 2021](#) could provide opportunities to find and build on areas of convergence, and enable the President-designate and the bureau to engage in further consultations and to organize regional seminars or workshops.

But if the inauspicious developments noted above continue to prevail, it would be unlikely that the delay in the review conference could lead to concord and harmony on elements of a final document as it relates to nuclear disarmament.

- ***Does it create any unintended opportunities?***

An out-of-box unintended opportunity, contrary to Sir Humphrey Appleby’s view cited in the header above, is to “do something new” and to consider holding the review conference in 2022 (not 2021), during the April-May time frame scheduled for PrepCom 1 in Vienna and to add 2 weeks. A one-day PrepCom session could be included in these 20 working days for the review conference to agree on procedural matters for the 2023-2024 PrepCom sessions. Thus, the 2022 PrepCom’s substantive discussions would be subsumed within the review conference.

The 50<sup>th</sup> anniversary of the Treaty already has been marked by some States and the 25<sup>th</sup> anniversary of its indefinite extension of 11 May 1995 likewise can be appropriately recognized.

There is no overly pressing matter to be resolved at the review conference which in any case has been postponed to 2021. Conference President-designate [Gustavo Zlauvinen](#) (Argentina) on 17 April proposed [4 to 29 January 2021](#) for the review conference, on the advice of the UN secretariat. However, in this regard, it is important not to lose sight of certain important

considerations: (a) the US presidential election is scheduled for the third week of November 2020 and the President will start his term in the third week of January 2021 – whether it is a re-elected Donald Trump or his challenger Joe Biden is elected – in either eventuality, obviously this may create problems or a distraction for the review conference; (b) some countries that observe religious or national holidays based on the Orthodox (Julian) calendar that is 13 days behind the near universal Gregorian calendar may not find the proposed dates acceptable as they clash with Orthodox New Year and Christmas holidays; and (c) it is not certain as yet whether the COVID-19 pandemic and its after effects are truly over by January next year and whether it would be safe for international travel and to closely pack together 300-400 or more delegates and civil society representatives in a conference room in New York.

NPT Review Conferences are not UN conferences but are [conferences of NPT States parties](#) and paid for by them. The dates and venue are decided by the States parties themselves at one of the sessions of the preparatory committee based on consultations carried out by the Bureau and agreed by consensus or by no dissenting views being voiced.

Instead of scrambling for dates next year that could yet have to be changed, holding the review conference in 2022 takes away the pressure of uncertainty of dates in 2021. In the meantime, a new (hopefully) US administration could be in place, perhaps improved US-Russia/China relations, EU recovery, possibly New START extension by a Democrat president in the US as well as some form of rescue of the JCPOA, among other developments possibly could improve both the prospects and atmospherics of the review conference – though of course there is no certainty, just as it is for 2021. Nonetheless, there are no insurmountable obstacles to holding the review conference in 2022 other than mental blocks and policy inertia.

In an interview report published in the April 2020 issue of [Arms Control Today](#), President-designate Ambassador Gustavo Zlauvinen wisely stated, “Once we can move back into the important discussions on all of the issues relating to the NPT, I hope the States-parties can think like a community and find common solutions to common challenges”. President-designate Zlauvinen now easily could propose dates in April-May 2022 for Vienna through the normal procedure of a *Note Verbale* circulated by the UN secretariat to missions of all NPT States parties not only in New York, but also in Vienna and Geneva. He could propose a “silence procedure” with a time line; if no dissenting views are received by a certain date then Ambassador Zlauvinen could announce the dates for the review conference in 2022 in Vienna. If, on the other hand, dissenting views are expressed, according to Rule 28.2 of the [Rules of Procedure](#) for NPT review conferences that allows for procedural decisions by majority vote, he could determine the majority view by asking States parties to inform him whether or not they approve of dates in 2022 for Vienna.

- ***What specific activities that the RevConf president-designate and other relevant actors (e.g., ODA, regional groupings, etc.) might usefully undertake in the lead up to the RevConf?***

In my view, so-called “President’s (or Chair’s) consultations” in advance of a review conference or preparatory committee session can be helpful but often are much overrated. In general, the President-designate (and sometimes Chairs) embark on consultations with each of the nuclear-weapon States [P-5] in capitals and/or New York/Geneva to “better understand” the respective views and positions of the NWS. In addition, such consultations may also involve meetings with the coordinators of the political groupings (EEOG, NAM, WEOG), regional groups (ASEAN, AU, EU, GRULAC), as well as issue-based groupings (HINW, NAC, NPDI, ‘stepping stones’), meetings in Cairo (ME zone), and in Vienna (IAEA, CTBTO, Vienna Group of 10), and the president-designate/chairs may be invited to capitals (such as Tokyo) among others. Funding for such consultations reportedly is provided by some of the NWS, the EU, Japan and by the home country of the President-designate/Chairs.

These consultations, at times, provide the opportunity for the President-designate/Chairs to meet with higher-level officials such as Ministers or Vice Ministers—that would not normally be the case at the ambassador level (the usual rank of President-designate/Chairs, though there are exceptions such as Kittani (Under Secretary, Iraq, 1980); Zlauvinen (Deputy Foreign Minister, Argentina, 2020) – and as such are attractive to the President-designate/Chairs as they may provide good opportunities for lobbying for post-conference high international positions or for promotions based on the good reviews from the NWS (in particular the US).

In recent years, such consultations have been encouraged both by certain States parties and some NGOs on the grounds that they can help better prepare the President/Chairs to understand the minutiae and the *acquis* of the review process, identify areas of convergence and divergence, establish personal contacts and provide early warning of contentious matters or unexpected problems.

In objective terms, it is difficult to assess the true value of such consultations as the views of States parties on important matters already have been well expressed in the sessions of the preparatory committee leading up to the review conference through statements, discussions and working papers; and their “final positions” are only made clear at the review conference. On the other hand, consultations may have the undesired effect of subjecting the President-designate/Chairs to pressure, threats or inducements – the record and my personal experience clearly suggests that this indeed can be the case. It is also to be kept in mind that the “success” of the President/Chairs is not necessarily dependent on their understanding of or expertise in NPT matters but more importantly on their experience and expertise in multilateral diplomacy. As one diplomat once ruefully observed, “the chair needs the persuasion skills required to herd a clowder of squabbling cats!”

Looking back, it is useful to recall that starting in 1992, the NPT depositary States along with WEOG support initiated a coordinated campaign to promote and ensure indefinite extension of the Treaty in 1995. In this regard, several regional consultations and meetings were held some by NGOs with financial support provided by these States and by charitable foundations. Indefinite extension without conditions was the mantra promoted by the champions. It is no longer a secret that the President-designate of the 1995 NPTREC was closely surveilled to provide early warning in case he developed wobbly knees in support of (unconditional) indefinite extension of the Treaty; and prospects were dangled of the highest appointment at the UN should he deliver indefinite extension – but, unfortunately, the promised reward was not delivered.

Now, starting in 2017, a similar albeit different campaign has been initiated to promote a “successful outcome” of the review conference and to anchor it on highlighting the “peaceful uses” pillar under which nearly all NNWS “benefit” from the wide array of nuclear applications and technologies, while downplaying pillar 1 (nuclear disarmament).

It is postulated that peaceful uses of nuclear energy are under appreciated and regional meetings are needed to bring these benefits to the attention of policy makers in Africa, Asia-Pacific and South America. The expectation is that NNWS should be grateful and appreciative, celebrate the “successes” of the NPT over the past half-century and not pay much attention to the deficit in implementation of nuclear disarmament commitments (as well as of the Middle East zone). This effort seems to be having [some measure of success](#) as the benefits of the NPT are advertised but as discussed later in this paper most NAM NNWS already are well aware of peaceful uses through the IAEA’s various cooperation programmes.

In 2019, the EU adopted Council Decision (CFSP) 2019/615 on support for the 2020 NPT RevConf—that called for three “thematic seminars” for States parties on each of the three pillars of the NPT, up to four regional meetings in the Asia-Pacific, Africa, Latin America and the Caribbean, and the Middle East, and two side events during the 74<sup>th</sup> session of the First Committee of the General Assembly and during the review conference – to be organized by the UN Office for Disarmament Affairs ([UN ODA](#)). Accordingly, [thematic seminars](#) have been held in Geneva and New York (pillar 1 and 2) and in Vienna (pillar 3); and regional meetings in Africa, Southeast Asia and in South America, with the participation of the Presidents-designate and some of the Chairs of the preparatory committee sessions (who are Chairs-designate of the main committees in 2021). Unfortunately and regrettably, UN ODA is not being transparent about the proceedings of these [thematic seminars](#) and regional meetings as should be expected – hopefully Ambassador Zlauvinen would call to rectify this lack of transparency as secrecy breeds suspicions.

In the regional meetings, the previous President-designate (reportedly on the advice of the EU and the [US](#)) took on the task of highlighting the “under-appreciated” benefits of the NPT – peaceful uses of nuclear energy – and took part in workshops in Africa and South America,

and in Vienna. The current President-designate attended the workshops in Geneva and New York.

Whether this is a smart strategy to highlight “peaceful uses” remains to be seen, though this might well end up being a wasted effort and might yet backfire. Peaceful uses of nuclear energy are very well known to 171 member States of the IAEA – 163 of which are NNWS party to the NPT – presently there are 848 active technical cooperation projects. The Agency’s technical cooperation programme is the Agency’s principal mechanism for cooperation in nuclear technology transfer to member States to help them address key development priorities in areas such as human health and nutrition, food and agriculture, energy, water and the environment, industrial applications, nuclear knowledge development and management, and legislative assistance (nuclear law); as well as to develop solutions for future energy needs, and standards for radiation safety and nuclear security worldwide. Presently, the Agency is assisting developing member States with real time reverse transcription–polymerase chain reaction (real time RT-PCR) methodology for detection of COVID-19 infections in people—previously, RT-PCR technology was utilized by the IAEA to diagnose diseases such as Ebola, Zika, MERS-Cov, SARS-Cov1 and other major zoonotic and animal diseases.

Through IAEA programmes such as on nuclear safety, nuclear security, nuclear power generation, nuclear waste disposition and nuclear sciences, the peaceful uses of nuclear energy are very well known to NNWS and seminars or workshops promoted by a particular grouping of States through UN ODA and the NPT review conference president-designate do not cut ice or seem credible. Rather, to the contrary, they could be perceived as dodging the “[elephants in the NPT salon](#)” – nuclear disarmament, Middle East and the current debilitating state of implementation of consensually agreed NPT outcomes of 1995/2000/2010.

The resolutions adopted at the annual IAEA General Conference are comprehensive and cover the gamut of peaceful uses, nuclear safety and nuclear security, and safeguards. IAEA [Resolutions adopted in 2019](#) can serve as the backbone for the reports of Main Committees II and III, as they incorporate agreed language that need not be reopened or renegotiated at the review conference in Main Committees II and III. In any case, the IAEA provides the principal elements of the draft texts of the principal elements of the reports of these two committees that are taken up by the respective Chairs for discussion, negotiation and agreement. However, in practice, new elements are introduced by some States in these draft texts that are either elements on which consensus could not be achieved at the IAEA or introduce substantially new elements that are beyond the ken of many delegations. Thus, unnecessarily complicating the work of Main Committees II and III and sometimes holding “hostage” agreement on certain key elements pending agreement in Main Committee I on nuclear disarmament matters.

Furthermore, the COVID-19 pandemic will have significant impact on how we think about “national security” and may lead to rethinking and resurrecting concepts such as “[our](#)

[common future](#)”, [“human security”](#), [“cooperative security”](#), [“common security”](#), [“collective security”](#) (not the NATO version) and the like that were advanced in the 1970s, 1980s and 1990s during times of perceptions and realities of existential threats to achieve a [more secure world](#).

In the current context, an additional matter of enduring concern is the psychological stability, mental balance and “rationality” of military and civilian leaders and senior officials, as “deterrence stability” is said to rely on “rational decision-makers” in nuclear-armed States. A phenomenon clearly in short supply and under threat in the five NWS as well as the other four nuclear-armed countries.

The delay in the review conference provides time for the NWS/(P5) process to re-energize itself and focus in the interim on: (a) an exchange of views on implementation of Article VI (and associated relevant 1995/2000/2010 measures) to possibly agree on additional steps as well as on a common reporting format; (b) a sub-set of bilateral consultations between the Russian Federation and the US on the full spectrum of nuclear weapons issues (strategic, non-strategic, deployed, non-deployed) as well as on the intersection of advanced conventional and low-yield nuclear weapons; (c) a sub-set trilateral consultations and exchange of views involving China, France and the UK on force postures, unilateral measures and measures that the three could take jointly to support further Russia-US nuclear arms limitations; and (d) an acceptable credible agreed [formulation](#) on maintaining the 75-year taboo against the use of nuclear weapons and on the futility of nuclear war recognizing that there cannot be any winners.

The bureau for the review conference – composed of the president-designate and the chairs-designate of the main committees – could start work on preparing preliminary draft elements of a possible final document based on the “reflections” of the chairs of the 2017/2018/2019 PrepCom chairs and working papers submitted to the 2019 session of the PrepCom. As was shown in 1995 and 2014, shorter and concise documents could be considered rather than the traditional ones extending to more than 150 paragraphs of text. These elements could be exposed to the co-ordinators of the main groups – NAM, EEOG, WEOG – for consultation with their member States to solicit their views and to try to identify possible areas of convergence across the three pillars of the Treaty, regional issues, security assurances and universality.

Seminars or workshops on pillar 1 (nuclear disarmament) could be useful in which the NWS could explain their nuclear weapon policies, address mutual concerns and those of NNWS, and identify which of the previously agreed commitments (1995/2000/2010) can still be implemented, as well what additional actions can be implemented during the 2020-2025 review period on actual reductions in numbers and roles of nuclear weapons – focusing solely on risk reduction and education while useful is not sufficient.

Such events may include: (a) on-line webinars where the five NWS (P-5) both singly and jointly could explain their reports to the review conference across the three pillars and engage with

NNWS and civil society representatives; (b) on-line tutorials or lectures by experts (20-30 minutes); (c) the NWS to post drafts of their reports on the UN ODA web portal and invite written comments; (d) upload the updated 2020 edition of the *NPT Briefing Book* on the CNS, KCL and UN-ODA websites; (e) create an electronic repository of scholarly and other publications on *NPT 2020 / NPT at Fifty*; (f) [electronic recordings](#) uploaded (YouTube, Daily Motion) on the UN-ODA website of two or three on-line consultations between the President-designate and the Chairs of the three Main Committees on developments pertaining to the review conference for the information of delegates and civil society; (g) the bureau could organize on-line briefings and consultations with States parties and civil society; (h) on-line briefings on the NPT review conference be arranged for journalists by [Atomic Reporters](#); (i) on-line training and education modules already prepared by CNS, PRIF and others highlighted on the UN ODA website; (j) an updated guide to the NPT review process and conduct of the review conference prepared for on-line circulation; and (k) continuation of the on-line country briefings arranged by WILPF/Reaching Critical Will and others.

*Tariq Rauf*

*Vienna: 25 May 2020.*

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<sup>1</sup> *Tariq Rauf is former Head of Nuclear Verification and Security Policy at the International Atomic Energy Agency (IAEA) in Vienna, and former Alternate Head of the IAEA Delegation to the nuclear non-proliferation treaty (NPT) review conferences, 2002-2010. From 1987 to 2000, he was Non-Proliferation Expert with Canada's NPT Delegations. From 2012-2019 he attended NPT conferences as a member of national delegations, including as Senior Advisor to the Chair of NPT PrepCom 2014 and the Chair of Main Committee I (nuclear disarmament) at the 2015 review conference. He has attended all NPT meetings as an official delegate since 1987. Personal views are expressed here.*

See also: UN Institute for Disarmament Research ([UNIDIR](#)), Tariq Rauf, [Is Past Prologue? Examining NPT Review Conference Commitments](#), (18 February 2020) and Jayantha Dhanapala and Tariq Rauf, [Reflections on The Treaty on The Non-Proliferation of Nuclear Weapons: Review conferences and the future of the NPT](#), (SIPRI: April 2017).