



The 2020 NPT Review Conference and Article VI: Yes, We Care¹

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The 2020 Review Conference for the Treaty on the Nonproliferation of Nuclear Weapons will be significant for many reasons. It will mark fifty years since the Treaty entered into force and twenty-five years since it was indefinitely extended without a vote. It will also precede by only a few months the seventy-fifth anniversary of the first and only use of nuclear weapons in war. These benchmarks set the stage for a careful assessment of where the NPT has succeeded and failed, and how States Parties should proceed from here.

The symbolic importance of the upcoming RevCon is likely to have a bearing on how the negotiations in New York play out, although its precise impact is difficult to predict. On one hand, it may increase pressure on States Parties to reaffirm their shared commitment to the NPT and to downplay the major differences in their positions. On the other, it may encourage them to be less flexible in the interest of capturing the true state of play in any outcome document. In either case, delegations will be forced to weigh their aspirations for the future of the NPT against what appears realistic in the current security environment—in particular, the crisis in US-Russia relations. Striking this balance will be especially challenging with respect to Article VI, which is both central to the validity of the Treaty and an area that has seen little progress in recent years.

While much about the 2020 RevCon remains unknown, it is certain that the implementation of the Treaty's disarmament pillar will be a focal point of the negotiations in New York. This is especially true in light of three recent international developments:

First, the arms control architecture has degraded significantly since the last NPT Review Conference. This is owing in no small part to the near-complete disengagement between Washington and Moscow on nuclear issues. This year began with the US withdrawal from the INF Treaty, and it could well end with the demise of the Open Skies Treaty. Meanwhile, some Trump administration officials appear to be laying the groundwork to “un-sign” the CTBT by alleging that Russia is not complying with its obligations. Against this backdrop, the NPT constitutes one of only two remaining in-force treaties that impose any disarmament obligations on the nuclear weapon States. If New START is not extended, which now appears increasingly likely,² 2025 could become the first Review Conference at which the US and Russia have no bilateral arms control measures in place or under negotiation in NPT history. To be clear, there is no level at which Article VI can substitute for verifiable arms control agreements: it only obligates States Parties to “undertake to pursue negotiations in good faith” toward nuclear

¹ The paper was prepared for the US-Russia Dialogue on Nuclear Issues meeting on ““Does Arms Control Have a Future?”” held in Moscow on November 7, 2019 by the James Martin Center for Nonproliferation Studies (CNS) and the Center for Energy and Security Studies (CENESS).

² «МИД РФ: «Буревестник», «Кинжал» и «Посейдон» не попадают под Договор о СНВ» *Коммерсант* November 11, 2019 <<https://www.kommersant.ru/doc/4147589>>

disarmament, and it does not contain specific provisions or timelines for how these negotiations should proceed. Still, it occupies an increasingly unique space in the international security landscape today, and States Parties will have to decide whether to focus on this fact, or the plateau in its implementation, in New York.

Second, the past year has seen a growing number of non-nuclear weapon States question the discriminatory nature of the NPT and dispute the validity of the grand bargain at its core. These include Iran, which observed at the 2019 PrepCom that the “obvious imbalance in the implementation of the non-proliferation and nuclear disarmament undertakings [of the NPT] presents a serious threat to the credibility and legitimacy of the Treaty” before hinting at withdrawal.³ They also include Turkey, whose president, Recep Tayyip Erdogan, recently complained that “some countries have missiles with nuclear warheads...But (they tell us) we cannot have them.” Erdogan appears to be suggesting that the system of so-called “nuclear haves” and “nuclear have-nots” codified in the NPT is one he “cannot accept.”⁴ Even though experts believe that Turkey is unlikely to pursue nuclear weapons on this basis, these comments may increase the immediacy of the discussion around Article VI implementation at the RevCon next year.⁵ The same may be true for the disarmament measures that the nuclear weapon States agreed to in 1995, 2000, and 2010, which remain largely unimplemented today.

Third, the conclusion of the Treaty on the Prohibition of Nuclear Weapons in 2017 is likely to make Article VI implementation a contentious issue at the RevCon next year. While the TPNW did not dominate either the 2018 or 2019 PrepComs, the negotiations in 2020 will mark the first time that NPT States Parties have a mandate to try to reach consensus, including with respect to this new instrument. Disarmament progress will likely be placed under a microscope as States Parties measure the value of the TPNW against the NPT and rest of the nonproliferation regime. These negotiations have the potential to become extremely contentious and could become the issue over which the conference fails.

The nuclear weapon States maintain that the TPNW does not “address the key issues that must be overcome to achieve lasting global nuclear disarmament.”⁶ Nevertheless, they are motivated to uphold the NPT as the cornerstone of the nonproliferation regime and now seem to recognize that they must present alternatives to the TPNW to ensure this outcome. The CEND working group meetings and the revival of the P5 process may be part of an effort to push back against the claim that Article VI leaves a “legal gap” with respect to nuclear disarmament. Whether

³ H.E. Gholamhossein Dehghani. Statement at the Third Session of the Preparatory Committee for the 2020 NPT Review Conference,” Ministry of Foreign Affairs of the Islamic Republic of Iran, April 29, 2019 <http://reachingcriticalwill.org/images/documents/Disarmament-fora/npt/prepcom19/statements/29April_Iran.pdf>;

⁴ Ece Toksabay. “Erdogan says it’s unacceptable that Turkey can’t have nuclear weapons.” *Reuters* September 4, 2019 <<https://www.reuters.com/article/us-turkey-nuclear-erdogan/erdogan-says-its-unacceptable-that-turkey-cant-have-nuclear-weapons-idUSKCN1VP2QN>>

⁵ David Sanger and Bill Broad. “Erdogan’s Ambitions Go Beyond Syria. He Says He Wants Nuclear Weapons.” *New York Times* October 20, 2019 <<https://www.nytimes.com/2019/10/20/world/middleeast/erdogan-turkey-nuclear-weapons-trump.html>>

⁶ “P5 Joint Statement on the Treaty on the Non-Proliferation of Nuclear Weapons.” UK Mission to the United Nations in New York, October 24, 2018 <<https://www.gov.uk/government/news/p5-joint-statement-on-the-treaty-on-the-non-proliferation-of-nuclear-weapons>>

other NPT States Parties buy into this logic or not will have a significant bearing on the outcome of the negotiations in New York.

Given the central role that Article VI will likely occupy at the Review Conference next year, it is worth exploring what the nuclear weapon States might do between now and then to create an environment for constructive discussions. The four proposals identified below cannot substitute for good faith negotiations on effective disarmament measures and, under normal circumstances, would probably be seen as deeply inadequate by most NPT States Parties. Considering that the situation within the NPT today can hardly be portrayed as “business as usual,” however, these modest steps may help to restore some confidence in the treaty at an important juncture in its history. What is more, they may pave the way for more ambitious action when the time is right, which would be a positive outcome at an otherwise difficult RevCon.

1. *Continue the P5 Process.* In the leadup to the 2020 Review Conference, the Nuclear Weapon States should issue a joint statement confirming their intention to continue the P5 process beyond the current review cycle. It would be especially useful if they were also able to identify the issues they plan to cover in their future discussions and explain how these would contribute concretely to advancing nuclear disarmament. A statement to this effect would show that, regardless of the RevCon outcome, the nuclear weapon States will continue to engage in “good faith negotiations” in line with their obligations under Article VI of the NPT. It could also be accompanied by a commitment to greater transparency, perhaps through more frequent events like the side event on nuclear doctrines planned for the 2020 RevCon.⁷ This step would likely be welcome by non-nuclear weapon States who have been frustrated by the opacity of the P5 process to date. It could also help to generate greater buy-in among those who have been underwhelmed by its tangible outputs (e.g., the glossary) thus far.
2. *Focus on nuclear risk reduction in keeping with Action 5.* The nuclear weapon States should explore ways to implement, or at least reaffirm, past disarmament commitments from the 1995, 2000, and 2010 NPT Review Conferences. While these commitments are not legally binding, they were agreed to by consensus. Demonstrating progress toward their fulfillment would not only shore up the credibility of the NPT but, at least in some cases, appear to be in the interest of the nuclear weapon States today. Perhaps the most promising area for these efforts, and one on which the P5 process already appears to be focused, is nuclear risk reduction. This orientation makes sense in the current security environment and is in line with Actions 5d and f of the 2010 Action Plan. A focus on risk reduction in the leadup to 2020 also reflects the preamble of the NPT, which notes the “devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples.” From this vantage, efforts to reduce the deliberate or accidental use of

⁷ H.E. Mr. Aidan Liddle. “UN General Assembly, 74th Session: UK Statement on the P5 Process at First Committee, General Debate.” UK Foreign and Commonwealth Office, October 11, 2019
<<https://www.gov.uk/government/speeches/un-general-assembly-74th-session-uk-statement-at-the-first-committee-general-debate>>

nuclear weapons should be welcome contributions at the 2020 RevCon on both a practical and normative level.

To ensure that this is the case, however, the nuclear weapon States must avoid framing risk reduction as a substitute for quantitative cuts to their arsenals. By the same token, non-nuclear weapon States will need to accept that reducing the risk of nuclear use does not pave the way for indefinite nuclear possession. One approach that could lend itself to compromise would be to tie nuclear risk reduction to efforts to avoid the catastrophic humanitarian impact of the use of nuclear weapons. This framing might help to position risk reduction as an issue on which states with otherwise diverse positions coalesce, rather than one that will introduce more divisions.

3. *Reaffirm the scope of the CTBT.* The nuclear weapon States should consider issuing a joint statement reaffirming their shared understanding that the CTBT is a zero-yield treaty at the 2020 RevCon. Doing so should be fairly straightforward considering that all five nuclear weapon States agreed to this interpretation when the CTBT itself was negotiated. Furthermore, a joint statement to this effect would help build confidence following US allegations that neither Russia nor China are adhering to the zero-yield standard. Given the centrality of the CTBT to the NPT, (re)establishing a shared definition of what this standard is would represent a tangible contribution to implementing Article VI today.

While this proposal is very modest, the change in the US position on ratification has made discussing the CTBT difficult in the NPT context. Advancing the Test Ban's entry into force has fallen off the P5 process agenda in recent years, and reopening this subject for discussion risks undermining the CTBT even further. Still, issuing a joint statement reaffirming the scope of the Test Ban would not imply any commitment to ratify, which could make it acceptable to the current US Administration despite its stance on the treaty as a whole. What is more, if the five nuclear weapon States were able to issue this statement now, it could pave the way for valuable transparency measures like reciprocal test site visits in the future.

4. The nuclear and non-nuclear weapon States together should begin to identify language they can both agree to with respect to the Treaty on the Prohibition of Nuclear Weapons. Although the TPNW has not yet entered into force, there can be little question that it will arise in Main Committee I, where it has the potential to become a highly divisive issue. For any type of outcome document to be possible—even if it is not agreed to by consensus—the Conference will have to be prepared to exhibit flexibility on the language it uses to describe this new instrument. At a RevCon that already promises to be exceptionally difficult, it is worth serious effort to determine what this flexibility might look like—and where its limits lie—in advance.

To conclude, there are no quick fixes to address the many challenges facing the NPT today, and there is little hope for serious progress on nuclear disarmament as long as the crisis in US-Russia

relations persists. Still, there are steps that the nuclear weapon States can take together to demonstrate a credible commitment to fulfilling Article VI even when the security environment is far from ideal. The proposals above would require minimal effort to implement and could lay the groundwork for more ambitious activities in the future. The symbolic importance of the 2020 RevCon means that all States Parties share an interest in seeing it succeed, and it is worth considering how these small steps could help.