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Pragmatic Steps to reinforce the NPT on the way towards the 2026 Review Conference

Policy Brief

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This paper reflects discussions among members of the ELN's project **Protecting the Non-Proliferation Treaty**. The project seeks to preserve the multilateral nuclear non-proliferation regime and prevent further erosion of the nuclear taboo and the Nuclear Non-proliferation Treaty (NPT). Bringing together an intergenerational, pan-regional Network of experts, it works to identify pathways to success in the eleventh review cycle, taking a holistic approach to the NPT and its three pillars. We are grateful for comments and feedback from several NPT member state officials on drafts of this paper.

For more information on the project please go to www.europeanleadershipnetwork.org/protecting-the-non-proliferation-treaty.

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Executive summary

The European Leadership Network's (ELN) project on "Reinforcing the multilateral nuclear regime in times of duress" holistically addresses the crisis of the nuclear non-proliferation regime. It is driven by ELN network members with extensive expertise in nuclear non-proliferation, tasked with identifying and pursuing pathways to diplomatic success in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

Analysts and decision-makers trying to address the challenges confronting the NPT must do so under the conditions of uncertainty about the future of the non-proliferation regime. Many of the factors that will impact the 2026 NPT Review Conference remain difficult, if not impossible, to anticipate. This is not a new problem, but it is particularly difficult to tackle in times of war and growing geopolitical competition. When will the war against Ukraine come to a halt or end? What will be the impact of regional conflicts on other fora linked to the NPT, such as the talks on a zone free of nuclear weapons and other weapons of mass destruction in the Middle East? Will Russia and the United States be able to restart their talks on an arms control framework to replace New START, which will expire just a few months ahead of the 11th NPT Review Conference? It is quite possible that the answers to some or many of these questions will remain unknown for some time.

This policy brief outlines key issues as identified by network members that will be at the centre of the 11th NPT review cycle, and offers actionable recommendations and pathways to diplomatic success. Additionally, the brief charts some of the different scenarios that NPT states parties will have to consider as they prepare for the 2026 NPT Review Conference.

The paper recommends that NPT states parties should:

- **Implement the recommendations of the Working Group on Further Strengthening of the Review Process (WGSRP):** As States broadly support improvements to the NPT review process, states parties can (unilaterally or collectively) implement the WGSRPs recommendations. Ambassador Viinanen's draft could serve as a "best practice guideline" for the remainder of the review cycle.
- **Protect the base of the nuclear non-proliferation regime:** On nuclear testing, NPT states parties should make protection of the CTBT and the norm against nuclear testing an urgent priority. On nuclear arms control, the impending expiration of New START in 2026 ushers in an arms control interregnum. States parties to the NPT should demand the commencement of direct talks among the three largest possessor states— China, Russia, and the United States— on nuclear risk reduction and arms control without preconditions.
- **Reduce the salience of nuclear weapons:** Diminution of nuclear weapons in security postures requires the consideration of the admissibility of the use or threat of use of nuclear weapons. The NPT can serve as a framework for further consideration of the Final Declarations of the G-20 Summits of 2022 and 2023 which stated that "The use or threat of use of nuclear weapons is inadmissible."

This policy brief outlines key issues as identified by network members that will be at the centre of the 11th NPT review cycle, and offers actionable recommendations and pathways to diplomatic success.

1. Introduction

‘We are at a turning point of either continuing down the path of “breakdown” or working together to find a path towards “breakthrough” - Izumi Nakamitsu¹

States parties of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) looking to make the 11th review cycle a success currently face a set of serious and unprecedented challenges. The NPT continues to exist within a broader context of the dismantlement of nuclear arms control and disarmament architecture, a stalling of nuclear disarmament obligations, and the qualitative improvement and quantitative increase of nuclear weapons.

For the first time in the 50-year-long history of the treaty, two consecutive review conferences have failed to produce any agreed outcome. Russia objected to the draft Final Document after four intense weeks of deliberations, thus preventing its adoption. As a minimum outcome, the procedural report states parties adopted provides for a shortened four-year review cycle leading up to the 2026 Review Conference. Furthermore, states parties agreed to set up a new Working Group on the Further Strengthening of the Review Process (WGSRP).²

Yet, the WGSRP and the first Preparatory Conference (PrepCom) under the 11th NPT review cycle ended in disagreement, too. China, Russia, and Iran prevented any meaningful outcome.³ Despite this grim picture, there are signs of hope that the large majority of the 191 NPT states parties are attempting to find ways around these impasses.⁴

First, both the 2022 Review Conference and the 2023 intersessional meetings in Vienna demonstrated that there is broad support for improvements of the NPT review process.⁵ The first section of this report will therefore look at discussions on making NPT procedures more effective and efficient.

Second, states parties’ views converge around measures to protect the base of the nuclear non-proliferation regime.⁶ None of the countries participating in the 2022 Review Conference seriously called into question the commitments contained in previous NPT agreements. Therefore, the second section of this report will look at ways to solidify this commitment and prevent further backtracking on key underpinnings of the nuclear non-proliferation regime.

Third, there is a growing awareness that progress towards a world free of nuclear weapons must not be measured only – and possibly even mainly – by reductions in the number of nuclear weapons. Instead, NPT members from all quarters have voiced concerns about the growing importance that nuclear weapon states attach to the role of nuclear weapons in defence and deterrence postures.⁷ The third section of this report will thus look at discussions around reducing the salience of nuclear weapons.

As the review cycle unfolds under conditions of intensifying geopolitical competition and uncertainty, states parties should prepare for different scenarios. We cannot anticipate whether the global context would be more or less conducive for nuclear disarmament and non-proliferation in 2026. NPT member states at the forthcoming Preparatory Commission meetings can reduce some risk of further negative developments by clearly stating how

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they would react to them. The concluding chapter, therefore, tries to chart some of the different scenarios that NPT states parties will have to consider as they prepare for the 2026 NPT Review Conference.

The European Leadership Network's (ELN) project "Protecting the Non-Proliferation Treaty" holistically addresses the crisis of the nuclear non-proliferation regime. The three-year undertaking supports practical and relevant initiatives, identifies and pursues pathways to diplomatic success, and invests in developing the next generation of arms controllers. The project is unique because it draws upon and is driven forward by members of the ELN's broad networks of current, past, and future political leaders. It has resulted in dozens of publications.⁸ This policy brief aims to outline some of the issues that will be at the centre of the 11th NPT review cycle and which the ELN's NPT project will focus on. We are grateful for the hard work of the ELN network members and ELN senior associated fellows on this project, and for the support of the Norwegian Ministry of Foreign Affairs (MFA).

2. Procedure and the further strengthening of the NPT Review Process

Procedural reforms cannot fix political differences. However, pragmatic changes in procedure and substance can enhance the prospects for a successful 2026 NPT Review Conference.

The NPT is built on a willingness by states parties to compromise over competing interests. Its three pillars reflect their different priorities. Building linkages between issue areas and developing shared understandings among states parties on how to prevent nuclear proliferation and make progress on nuclear disarmament has been a glue holding the NPT together. This way of doing business is under threat, and cohesion between NPT states parties is fast eroding.⁹

Procedural reforms cannot fix political differences. However, pragmatic changes in procedure and substance can enhance the prospects for a successful 2026 NPT Review Conference. Many NPT observers agree that the apparent dysfunctionality of NPT procedures makes it too easy for those bent on obstructing multilateral fora like the NPT to prevent a meaningful outcome.

The good news is that there is broad agreement among states parties to work towards a strengthened review process. States parties at the 10th Review Conference agreed to hold the next Review Conference in 2026 in New York and that the PrepCom should meet annually. More significantly, states parties agreed to set up the WGSRP to discuss and make recommendations on measures “that would improve the effectiveness, efficiency, transparency, accountability, coordination and continuity” of the NPT review process.¹⁰

The WGSRP met in Vienna ahead of the 2023 PrepCom. States parties submitted a range of constructive proposals.¹¹ WGSRP Chairman Jarmo Viinanen drafted a set of recommendations to the PrepCom, which almost got universal support but were ultimately shot down by China, Russia, and Iran. The PrepCom itself did not fare much better, with little substantive agreement. It was a bad omen for the next meetings that Iran, in the end, objected to the adoption of the Chair’s factual summary of the PrepCom as an NPT Working Paper. Against this background, it appears unlikely that states parties at the next two PrepComs in 2024 in Geneva and 2025 in New York will agree to strengthen the review process or adopt strong recommendations to guide work at the 11th Review Conference.

Nevertheless, it is entirely feasible that states parties will pursue the set of pragmatic and appropriate proposals discussed in the WGSRP individually or collectively in order to improve the effectiveness, transparency, accountability, coordination, and continuity of the review process of the NPT. Ambassador Viinanen’s draft could thus serve as a “best practice guideline” for the remainder of the current review cycle.¹²

States parties should consider implementing several measures discussed in the WGSPR on a voluntary basis so that, over time, a generally accepted “code of conduct” develops.

Issues which are particularly suited for such an approach include:

- Streamlining proceedings by observing time limits for statements.
- Considering specific implementation issues such as reporting and transparency on disarmament and non-proliferation obligations in interactive and in-depth discussions.

- Reviewing the implementation of the past review cycle and future priorities in order to provide continuity concerning implementation issues.
- NWS describing actions taken on implementation of Art.6, based on agreed-upon criteria or benchmarks in order to document progress, or lack thereof, towards reaching global zero.
- Improving the inclusivity of the review cycle by bringing in stakeholders from civil society, academia, and the private sector.

All of this would go some way towards improving transparency and accountability, which were two key elements in the draft final document of the 10th Review Conference, which fell victim to Russia's veto.¹³ Ultimately, states parties will have to tackle the question of whether NPT documents should be negotiated more flexibly at the 11th Review Conference. While negotiations on consensus documents force states parties to balance their interests in a way that keeps the nuclear non-proliferation regime alive, the unwillingness of a growing number of countries to compromise (or indeed, as in the case of Russia, to attempt to leverage their membership for disreputable purposes) makes the pursuit of such outcomes increasingly unlikely. Two questions stand at the centre: Should the goal of a comprehensive final document, encompassing a backwards-looking and aspirational section and covering all three pillars of the NPT, be replaced by a set of separate outcome documents? Should decisions other than those taken by consensus receive more attention? It is too early to give answers to these questions, but the fact that some states parties are misusing procedures to block progress should be reason to revisit these problems anew.

3. Protecting the NPT base

Several recent developments pose grave challenges to the NPT. The resurgence of interstate conflicts in Eastern Europe and emerging tensions in the Middle East and Pacific region underscore the changing geopolitical landscape. The lack of progress in the implementation of Art. 6 by the NWS and the continued destruction of the nuclear disarmament and arms control architecture demonstrate reduced recourse to international law and negotiated settlements. For the first time, a nuclear weapon state, the Russian Federation, has tried to annex a NNWS and used nuclear threats to shield its aggression. If unchecked, the impacts of recent developments would have taken root by the 2026 RevCon. Counteracting these trends and protecting against the erosion of commitments within the NPT regime will foster conducive conditions for meaningful consideration of additional measures to strengthen the treaty.¹⁴ Protecting the base of the nuclear non-proliferation regime has therefore taken on a new importance. Without such a solid foundation of continued observation of agreements reached, it will be impossible to further develop the nuclear non-proliferation regime.¹⁵

CTBT and nuclear testing

In 1968, NPT states parties in the treaty's preamble expressed their determination "to achieve the discontinuance of all test explosions of nuclear weapons for all time". Since then, the international community has made steady progress towards the goal of a permanent end to all nuclear tests. The 1996 Comprehensive Nuclear-Test-Ban Treaty (CTBT) today has almost universal adherence.

While the number of ratifications has continued to increase over the last few years, Russia has reversed that trend.¹⁶ On 18 October 2023, the Russian Duma voted unanimously to withdraw Russian CTBT ratification.¹⁷¹⁸ Russian President Vladimir Putin has stated that Russia will not be the first state to conduct a nuclear test but has also declared that the "Defence Ministry and Rosatom must make everything ready for Russia to conduct nuclear tests."¹⁹

A resumption of testing by Russia (or any nuclear possessor state) could likely be used by other NWS to end their testing moratoria, too, and would have unforeseen consequences. Such a development would most certainly obliterate the prospects for the entry into force of the CTBT.

Therefore, NPT states parties in this review cycle should make protection of the CTBT and the norm against nuclear testing an urgent priority. NPT members individually and – wherever possible – collectively should remind the P5 of their argument that nuclear test moratoria "are an example of responsible international behaviour that contributes to international peace and stability".²⁰

NPT states parties should also endorse the U.S. offer of voluntary transparency and "bi- or tri- lateral verification confidence-building measures" at nuclear test sites. Russian and Chinese uptake of this initiative would go some way towards providing more accountability and transparency, as envisaged by many states parties at the 10th NPT Review Conference.²¹

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States parties should also pledge continued support to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and recognise the organisation's essential contribution to the NPT, including by granting dedicated speaking slots to CTBT representatives at meetings of NPT states parties.

Protecting nuclear arms control

Irreversible and verifiable reductions of nuclear weapons are a key tenet of the fulfilment of the disarmament commitments contained in the NPT's Article 6. Since the end of the Cold War, the global number of nuclear weapons has declined, and nuclear weapon states have highlighted this progress as their contribution to NPT implementation. For decades now, nuclear weapon states have maintained that the arms race ended with the fall of the Berlin Wall, as demonstrated by the deep cuts in nuclear armaments being made by the United States and Russia since then. But can we still argue with conviction that this trend towards nuclear reductions is ongoing?

The continued progress towards nuclear reductions is under threat from different directions. Global nuclear stockpiles continue to decline, but operational stockpiles grow.²² China's drastic expansion of its arsenal signals the emergence of a new security environment in which the United States and its allies face, for the first time, two nuclear peers at once. Russian President Putin announced Russia's suspension of its participation in New START on 28 February 2023, citing concerns over U.S. support for Ukraine and the need to include British and French nuclear forces in arms control talks. Russia's suspension of New START, as well as the treaty's impending expiration on 5 February 2026, ushers in an arms control interregnum. With no subsequent arms control agreement in sight, the NPT is at risk of further erosion.

At the 10th NPT Review Conference, there appeared to be agreement among states parties that nuclear risk reduction measures are neither a substitute nor a prerequisite for nuclear disarmament and that efforts in this area should contribute to furthering and complementing the implementation of Article 6, taking into consideration that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons.

At least for an interregnum, while tensions are particularly high, reducing the risks of nuclear war must have priority. The goals are clear: avoiding war and minimising damage, mitigating unintended risks in military competition and arms racing, and reducing costs. Such steps would be essential in assuring the continued viability of the NPT – and possibly the treaty's survival.

Under the present tensions, risk reduction measures are important interim measures to enhance security and reduce risks associated with nuclear weapons and can contribute to assuring the viability of the NPT.

The continued progress towards nuclear reductions is under threat from different directions. Global nuclear stockpiles continue to decline, but operational stockpiles grow.

States parties in the NPT can facilitate steps in that direction by:

- Endorsing the view that the three largest possessor states, China, Russia, and the United States, engage in direct talks on nuclear risk reduction and arms control without preconditions.
- Reminding the P5 that they collectively have promised to consider “the avoidance of war between Nuclear-Weapon States and the reduction of strategic risks as [their] foremost responsibilities.”²³
- Encourage NWS to pursue and implement risk reduction measures bilaterally.

Competition between the P5 is driving these impending arms races. Pursuing nuclear reductions in such an international climate requires a recognition by the nuclear powers that it is in their own interests to compartmentalise nuclear risk reduction and arms control from the conflicts they have.

4. Reducing the salience of nuclear weapons

The normalisation of 'loose talk' surrounding nuclear weapons and their possible use has put immense strain on the NPT.

In 2010, NWS pledged “to further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies.”²⁴ They have not lived up to that promise.

Nuclear threats, implicit or explicit, are not new. Yet the normalisation of ‘loose talk’ surrounding nuclear weapons and their possible use has put immense strain on the NPT. Since their full-scale invasion of Ukraine, Russian leaders have made implicit and explicit nuclear threats.²⁵ In response, NPT member states individually clearly condemned specific nuclear threats by a nuclear weapon state, introducing such explicit condemnation to debates for the first time at the 2022 RevCon. Many NPT states parties have questioned NWS’ continued reliance on nuclear weapons, stating that the threat of a nuclear arms race and an escalation of nuclear threats will persist unless the role of nuclear weapons in the context of security is delegitimised.²⁶

The Final Declarations of the G-20 Summits of 2022 and 2023 contained the following sentence: “The use or threat of use of nuclear weapons is inadmissible.”²⁷ The fact that the five nuclear weapon states of the NPT plus India not only accepted this language but even repeated it without any qualifiers at the 2023 Summit is an important development.²⁸ Can it be interpreted that these states see any use or threat of use – whatever the circumstances and the context – as inadmissible?

It is therefore important that NPT states parties explore if nuclear threats can be compatible with Article 6 obligations and Article 2.4 of the UN Charter (which prohibits the threat or use of force in international relations)²⁹ and if it is conceivable to distinguish between varieties of nuclear threats and their relationship with such obligations.

The NPT process could, therefore, be used as a framework to:

- Seek NWS clarification of the meaning and implications of the G20 statement on the inadmissibility of nuclear threats.
- Seek NWS clarification on how they intend to operationalise the statement.
- Repeat the statement on the inadmissibility of nuclear weapons use and nuclear threats in the Final Document of the 2026 Review Conference.

TPNW

The TPNW’s relationship to the NPT has been the subject of much contestation. NPT states parties acknowledge that complete and irreversible disarmament remains an overarching goal of the NPT. However, states parties remain divided regarding the TPNW’s impact, with some highlighting commonalities while others argue that the TPNW undermines the NPT. The relationship of the TPNW with the NPT should be given serious consideration in this review cycle.

A new dynamic observed at the 2023 PrepCom was the introduction of a group statement issued by Mexico on behalf of “States Parties to the Treaty on the Prohibition of Nuclear

Weapons”.³⁰ The statement highlighted the unprecedented occurrence of the commencement of the first NPT review cycle since the TPNW entered into force. The fact that this statement was issued on behalf of a new political grouping in the NPT is also important. This new grouping is distinct from existing political groupings, as the point of commonality is an external treaty mechanism explicitly focused on nuclear disarmament.

Developments in the TPNW are bound to influence the strategic priorities of this new NPT grouping comprising 69 states (at the time of writing). Diplomatic efforts should focus on leveraging the treaties’ commonalities rather than creating divisions.

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5. The way forward: working towards the best outcome

It will be essential to identify a number of state champions that will be instrumental in shaping consensus.

In this time of tension, NPT member states must prioritise urgent issues. This involves upholding the prohibition against nuclear proliferation, guarding against rollback, and bolstering the International Atomic Energy Agency financially and operationally. Moreover, enhancing transparency and accountability is vital, demanding better national reporting practices.

A more thorough and inclusive preparatory process may well facilitate this prioritisation and channelling of diplomatic efforts. However, defining a universally accepted measure of success for the 2026 conference is challenging. Different states will perceive the conference's outcomes differently, with what is deemed a success by one potentially viewed as a disappointment by another.

The objective of the preparatory process must remain unchanged: to find common interests that foster progress. Organising 191 nations around a single cause is a big task, so identifying the states that may be able to bring others with them will be essential. This makes the task more manageable. It will be essential to identify a number of state champions that will be instrumental in shaping consensus.

Given the paralysis of multilateral diplomacy, the relative importance of cross-regional and like-minded groups in channelling interests and proposing solutions is likely to grow. Many of the key countries in the NPT review process also participate in groups like the Stockholm Initiative, Non-Proliferation and Disarmament Initiative (NPDI), Creating an Environment for Nuclear Disarmament (CEND), and the Non-Aligned Movement (NAM). While these groups have been affected by great power competition themselves, it likely will fall on them to provide substantive impulses on key issues. In the past, NPDI participants pushed forward discussions on transparency, and the Stockholm Initiative states have helped to guide discussions on risk reduction. Given the paralysis of the P5 process, it might be useful if the non-nuclear weapon states engaged several groupings and coordinated among themselves which role cross-regional groupings can play.

In the review cycle, states individually and collectively should prepare for different scenarios. It may well be that the global context for nuclear disarmament and non-proliferation in 2026 is even worse than today. NPT member states at the forthcoming Preparatory Commission meetings can reduce some risk of further negative developments by clearly stating how they would react to them. This could include stating that:

- Any use or threat of use of nuclear weapons is inadmissible.
- Any state resuming nuclear tests would be subject to the imposition of restrictive measures.

It is difficult to find a way out of the current confrontation between key nuclear weapon states. Yet, in this arms control interregnum, NPT states parties could encourage nuclear weapon states to:

- Urgently pursue risk reduction measures and report on their implementation in a structured manner to NPT PrepComs.
- Pursue, without preconditions, talks on an arms control framework to follow on from New START.

By preparing for an international environment that reduces the salience of nuclear weapons, one can also chart a way towards a better world. This would include:

- Working with TPNW states parties to agree on ways in which the two treaties can best complement each other.
- Vitalising the diplomatic processes leading to a zone free of nuclear weapons and other weapons of mass destruction, possibly through a transition period in which all nuclear weapon states give legally binding and unconditional security guarantees to all regional states.

In all these scenarios, continued high-level engagement with the NPT is an important element, as are attempts to broaden the base of support by drawing more stakeholders into the review process.

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- 29 Regarding the threat of using nuclear force. This was addressed by the International Court of Justice's advisory opinion in paragraphs 105 (2) A.-C. The issue with Article 2 (4) of the UN Charter is not so much the means through which a threat is presented as the threat to use force itself, which the courts say is unlawful if it fails to meet all the requirements of Article 51 of the UN Charter, governing self-defence. See: Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996.
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Contact

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