

V. Other developments related to multilateral treaties and initiatives on nuclear arms control, disarmament and non-proliferation

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Preparatory Committee for the 2020 Non-Proliferation Treaty Review Conference

The Preparatory Committee for the 2020 Review Conference of the Parties to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (Non-Proliferation Treaty, NPT) held its second session in Geneva, Switzerland, on 23 April to 4 May.¹ The session was chaired by Ambassador Adam Bugaiski of Poland. According to the Chair's factual summary, 'States parties noted that since the 2017 session of the Preparatory Committee, the international security environment had deteriorated and had become more complex and challenging'. In this context, 'they recognised the vital importance of a strengthened and credible NPT'.²

NPT states parties expressed concerns about the slow pace of disarmament, the ongoing modernization of existing nuclear arsenals and a new arms race.³ Appeals were made to Russia and the United States to preserve the 1987 Intermediate-Range Nuclear Forces (INF) Treaty and to pursue the extension of the 2010 Strategic Arms Reduction Treaty (New START).⁴ Amid concern about US withdrawal from the 2015 Joint Comprehensive Plan of Action (JCPOA), most states expressed their support for the agreement.⁵

¹ On the NPT and the other nuclear arms control treaties in this section, see annex A in this volume.

² Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, 'Draft Chair's factual summary', NPT/CONF.2020/PC.II/CRP.3, Geneva, 3 May 2018.

³ See e.g. Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, 'Statement by Indonesia on Behalf of the Non-Aligned Movement (NAM)', Geneva, 26 Apr. 2018.

⁴ See e.g. Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, 'Statement by Jacek Bylica, Special Envoy for Disarmament and Non-proliferation, European External Action Service, on behalf of the European Union', Geneva, 23 Apr. 2018. See also section II in this chapter.

⁵ Consistent with their overall policy (see section III), China and Russia also issued a joint statement in defence of the agreement. Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, 'Joint Statement on the Joint Comprehensive Plan of Action (JCPOA) by the Russian Federation and the People's Republic of China', NPT/CONF.2020/PC.II/7/Rev.1, Geneva, 3 May 2018.

Differences on disarmament were reflected in two working papers submitted by the USA and the New Agenda Coalition.⁶ The USA argued against ‘numerical reductions and the immediate abolition of nuclear weapons’, and instead called for creation of ‘the conditions for nuclear disarmament’ by addressing ‘the underlying security concerns that have made the retention of nuclear weapons necessary’.⁷ The New Agenda Coalition rejected the view ‘that further progress towards nuclear disarmament requires a more conducive security environment’, arguing that ‘the implementation of existing nuclear disarmament obligations and commitments . . . will contribute to improving the global environment’.⁸

Adding to the controversy over the unimplemented 1995 Middle East resolution, the USA renounced a previous commitment to convene a conference on the establishment of a zone free of weapons of mass destruction (WMD) in the Middle East.⁹ The Arab Group and the Non-Aligned Movement (NAM) rejected this position.¹⁰ In November 2018, the United Nations General Assembly First Committee adopted a draft resolution requesting the UN Secretary-General to convene a conference on the establishment of a WMD-free zone in the Middle East in 2019, taking the 1995 Middle East resolution as its terms of reference. The General Assembly adopted the resolution in December.¹¹

⁶ The New Agenda Coalition works within the NPT framework as a ministerial-level group of states ‘focused on building international consensus to make progress on nuclear disarmament’. Its membership comprises Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa. See ‘New Agenda Coalition’, Nuclear Threat Initiative, 31 May 2018.

⁷ Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, ‘Creating the conditions for nuclear disarmament’, Working paper submitted by the USA, NPT/CONF.2020/PC.II/WP.30, Geneva, 18 Apr. 2018.

⁸ Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, ‘Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons: Reiterating the urgency of its implementation’. Working paper by New Zealand on behalf of the New Agenda Coalition, NPT/CONF.2020/PC.II/WP.13, Geneva, 15 Mar. 2018.

⁹ The USA stated that ‘the recommendations on the Middle East contained in the Final Document of the 2010 Review Conference, while well-intentioned, can no longer be considered an appropriate basis for action on this issue’. Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, ‘Establishing regional conditions conducive to a Middle East free of weapons of mass destruction and delivery systems’, Working paper submitted by the USA, NPT/CONF.2020/PC.II/WP.33, Geneva, 19 Apr. 2018.

¹⁰ The former argued that ‘[t]he NPT Review Conference remains the relevant forum to address this crucial issue’, recalling that ‘the indefinite extension of the Treaty was based on the 1995 Resolution on the Middle East’ and that ‘no State can retract obligations that have been agreed upon in previous Review Conferences’. Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, ‘Statement by the Arab Group’, Geneva, 30 Apr. 2018.

¹¹ See United Nations, General Assembly, ‘Convening a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction’, A/C.1/73/L.22/Rev.1, 17 Oct. 2018; and United Nations, ‘General Assembly Adopts 16 texts recommended by Fifth Committee, concluding main part of Seventy-third session’, Meetings coverage, 22 Dec. 2018.

An unusual feature of the Preparatory Committee was the heated ‘right-of-reply’ exchanges between Russia, the United Kingdom and the USA on the issue of chemical weapons use in Syria and the UK.¹²

Some states criticized the Chair’s summary of the session for failing to present a balanced description of all the positions expressed and for giving disproportionate weight to the views of the nuclear weapon states.¹³

The nuclear dimension of the United Nations Secretary-General’s new disarmament agenda

The UN Secretary-General, António Guterres, launched a new disarmament agenda ‘Securing Our Common Future’ at the University of Geneva on 24 May 2018. The agenda has three priorities: (a) disarmament to save humanity, reduction and elimination of WMD; (b) disarmament that saves lives, diminishing the impact of conventional weapons; and (c) disarmament for future generations, addressing new military technologies.¹⁴ The agenda came one month after the UN General Assembly postponed indefinitely a UN High-Level Conference on Nuclear Disarmament due to the failure to select a representative to preside over the meeting.¹⁵

Guterres expressed concern about the lack of progress on nuclear disarmament. Moreover, the Secretary-General appealed to the USA and Russia to resolve their disputes over the INF Treaty, extend New START and take new steps to reduce nuclear stockpiles.¹⁶

The agenda contains action points, among other things, on the elimination of nuclear weapons (see box 7.1). Some of these action points will require agreement and successful outcomes at the NPT Review Conference in 2020. In order to increase dialogue between states, new informal platforms will be used alongside existing forums to explore new ideas.

The disarmament agenda set by the UN Secretary-General strongly supports the key instruments of disarmament: arms control, non-proliferation, prohibitions, restrictions, confidence building and elimination. The agenda concludes with a call ‘to use every opportunity to carry forward

¹² On chemical weapons use in Syria and the UK, see chapter 8, sections I and II, in this volume.

¹³ See e.g. Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Second Session, ‘Statement by Venezuela on behalf of the Non-Aligned Movement (NAM)’, Geneva, 4 May 2018.

¹⁴ United Nations, Office for Disarmament Affairs (UNODA), *Securing Our Common Future: An Agenda for Disarmament* (UNODA: New York, 2018). On the agenda’s discussion of conventional and new military technologies see chapter 9, section II, in this volume; on the discussion of chemical weapons see chapter 8, section III, in this volume.

¹⁵ Arms Control Association, ‘UN Disarmament Conference Delayed’, 1 May 2018.

¹⁶ United Nations, ‘UN chief launches new disarmament agenda “to secure our world and our future”’, UN News, 24 May 2018.

Box 7.1. Nuclear disarmament-related action points in ‘Securing our common future’, the United Nations Secretary-General’s new disarmament agenda

The **Secretary-General** and the **High Representative for Disarmament Affairs** will increase their efforts to facilitate dialogue between Member States, through engagement in formal and informal settings, in order to help Member States to return to a common vision and path leading to the total elimination of nuclear weapons.

The **Secretary-General** supports the principle of the non-use of nuclear weapons and appeals to all States to affirm that it is in the interest of national, collective and human security, as well as the survival of humanity, that nuclear weapons are never used again under any circumstances.

The **Secretary-General** also appeals to all States that possess nuclear weapons to affirm that a nuclear war cannot be won and must never be fought.

The Secretary-General appeals to **all remaining States whose ratifications are required** for the Comprehensive Nuclear-Test-Ban Treaty to enter into force to commit to sign the Treaty at an early date if they have not already done so, and to accelerate the completion of their ratification processes.

The **Secretary-General** and the **High Representative for Disarmament Affairs** will work with Member States to strengthen and consolidate nuclear-weapon-free zones, including by facilitating enhanced cooperation and consultation between existing zones, encouraging nuclear-weapon States to adhere to the relevant protocols to the treaties establishing such zones, and supporting the further establishment of such zones, including in the Middle East.

The **Office for Disarmament Affairs**, together with the **United Nations Institute for Disarmament Research**, will support the urgent pursuit and implementation of measures to reduce the risk of any use of nuclear weapons, and to build mutual confidence.

The **Office for Disarmament Affairs** will support the commencement of and early conclusion of negotiations on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices.

The **Office for Disarmament Affairs** will support the development of nuclear disarmament verification standards, techniques and capacities, starting with expert-level discussions in 2018, as mandated by the General Assembly.

Source: United Nations, Office for Disarmament Affairs (UNODA), *Securing Our Common Future: An Agenda for Disarmament* (UNODA: New York, 2018), pp. 18–23.

momentum for disarmament where it exists, and to generate new impetus where it is needed, in order to achieve a safer and more secure world for all’.¹⁷

High-level fissile material cut-off treaty expert preparatory group

On 8 June 2018 the high-level fissile material cut-off treaty (FMCT) expert preparatory group completed its work with the adoption by consensus of a final report.¹⁸ The 25-member state group had been established in December 2016

¹⁷ United Nations, Office for Disarmament Affairs (note 14), p. 73.

¹⁸ United Nations Office at Geneva, ‘High-level fissile material cut-off treaty (FMCT) expert preparatory group adopts its final report’, Press release, 8 June 2018.

on the basis of UN General Assembly Resolution 71/259.¹⁹ It was tasked with considering and making recommendations on substantial elements for the future negotiation of a ‘non-discriminatory, multilateral and internationally and effectively verifiable’ FMCT, pursuant to the mandate approved by the Conference on Disarmament in 1995.²⁰ The group’s deliberations drew on earlier work in this field, in particular the 2015 final report of the group of governmental experts established by the UN Secretary-General to examine various issues of relevance to the negotiation of an FMCT.²¹

The expert preparatory group’s final report was conveyed to the UN General Assembly in July 2018, following sessions held on 31 July to 11 August 2017 and 28 May to 8 June 2018.²² The report contained four sections setting out possible treaty elements. These covered: the future scope of a treaty, and more specifically whether the treaty’s provisions would apply to stocks of fissile material produced prior to its entry into force; defining the fissile materials to be covered; verification, and legal and institutional arrangements; and the treaty’s preamble, as well as transparency and confidence-building measures. The report noted that ‘the structure of the treaty could be established so as to enable the entry into force of an initial framework or umbrella treaty, with two or more protocols to be negotiated subsequently, including according to a specific timeframe’.²³

The report recommended that ‘the negotiation of a treaty banning the production of fissile material for nuclear weapons . . . begin without delay in the Conference on Disarmament’.²⁴ However, a growing number of observers have suggested that the negotiations should take place in a multilateral forum not subject to veto by any single state. This could be achieved, for example, through a UN General Assembly resolution setting up the negotiation of an FMCT, which happened with the TPNW.²⁵

¹⁹ United Nations General Assembly Resolution A/RES/71/259, ‘Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices’, 23 Dec. 2016.

²⁰ On the FMCT see Nuclear Threat Initiative, ‘Proposed fissile material (cut-off) treaty (FMCT)’, 26 Oct. 2018.

²¹ United Nations, General Assembly, ‘Group of governmental experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices’, A/70/81, 7 May 2015.

²² United Nations, General Assembly, ‘Report of the high-level fissile material cut-off treaty (FMCT) expert preparatory group’, A/73/159, 13 July 2018.

²³ United Nations, General Assembly, A/73/159 (note 20), p. 26.

²⁴ United Nations, General Assembly, A/73/159 (note 20), p. 30.

²⁵ Meyer, P., ‘Talks to ban nuclear materials need a fresh start’, *Bulletin of the Atomic Scientists*, 25 Sep. 2018.