

II. The 10th review conference of the Non-Proliferation Treaty

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The 10th review conference of the parties to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was held from 1 to 26 August 2022 at United Nations Headquarters in New York.¹ The conference had originally been scheduled to take place in 2020, which would have marked the 50th anniversary of the entry into force of what is widely considered to be the cornerstone of the international non-proliferation regime. However, it was delayed four times because of the Covid-19 pandemic.

Despite extensive efforts—which included negotiations into the last day, resulting in the postponement and suspension of the final plenary meeting—the conference came to an end without consensus on the contents of a substantive final outcome document. The invasion of Ukraine in February 2022 pervaded the discussions, and the conference president—Ambassador Gustavo Zlauvinen of Argentina—attributed the lack of consensus on a final outcome document to the position of one delegation: the Russian Federation. The result was a second consecutive review conference without a consensus substantive outcome or recommendations.

This section reviews the proceedings of the review conference, highlighting the most significant and contentious issues. It then assesses the impact on the conference of the Russian invasion of Ukraine before describing the outlook for the NPT.²

Proceedings of the conference

The conference marked the regular review of the operation of the NPT across its three pillars: nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy. The groundwork for the 10th review conference had been laid by a preparatory committee, which held three sessions starting in 2017, in a review cycle prolonged by the Covid-19 pandemic.³ Under its rules of procedure, the conference established three main committees, allocating to each several items of consideration centred on the pillars. Main Committee I considered the implementation of the provisions of the treaty relating to

¹ For a summary and other details of the NPT see annex A, section I, in this volume.

² On other aspects of the war in Ukraine see chapter 1, section V, chapter 2, section I, chapter 5, section I, chapter 11, section II, and chapter 12, section III, in this volume.

³ On the work of the preparatory committee see Kile, S. N., 'Developments in multilateral nuclear disarmament and non-proliferation', *SIPRI Yearbook 2018*, pp. 235–36; Erästö, T., 'Other developments related to multilateral treaties and initiatives on nuclear arms control, disarmament and non-proliferation', *SIPRI Yearbook 2019*, pp. 391–93; and Kile, S. N. and Erästö, T., 'Multilateral nuclear arms control, disarmament and non-proliferation treaties and initiatives', *SIPRI Yearbook 2020*, pp. 430–33.

non-proliferation of nuclear weapons, disarmament and international peace and security. Main Committee II focused on non-proliferation of nuclear weapons, safeguards and nuclear weapon-free zones. Main Committee III considered the inalienable right of all parties to the treaty to conduct research on and to produce and use nuclear energy for peaceful purposes.⁴

The first plenary meeting, on 1 August, decided to establish three subsidiary bodies, one under each main committee, for the duration of the conference.⁵ The subsidiary body of Main Committee I examined 'nuclear disarmament and security assurances'; that of Main Committee II examined 'regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution';⁶ and that of Main Committee III examined 'peaceful uses of nuclear energy and other provisions of the Treaty; and improving the effectiveness of the strengthened review process'.

The formal meetings of the main committees began late in the first week of the conference, following which the closed meetings of the three subsidiary bodies took place. This work also spanned the second and third weeks of the review conference. None of the three main committees or their subsidiary bodies reached consensus on a text. The chair of each subsidiary body then proposed a draft report, under their own authority, that reflected the state of deliberations. In the final meeting of each of the main committees, the chair released a working paper under their own authority to reflect the discussion in both the main committee and the accompanying subsidiary body.⁷ These three papers include sections on the operation of all of the elements of the treaty and include forward-looking sections and commitments.

On the basis of the working papers from the three main committee chairs, Zlaulinen produced a draft final outcome document that was publicly shared in the fourth and final week of the conference.⁸ He and the national delegates discussed the contents of this draft in closed plenary sessions.⁹ At the same time, in the third week of the conference he had invited Ambassador Jarmo Viinanen of Finland to facilitate discussions on the draft among a smaller group of states, including on sections relating to disarmament and non-proliferation, to continue the work of the main committees.¹⁰ These

⁴ 10th NPT review conference, Preparatory Committee, Final report, NPT/CONF.2020/1, annex V.

⁵ 10th NPT review conference, 'Decision on subsidiary bodies', NPT/CONF.2020/DEC.1, 1 Aug. 2022.

⁶ 1995 NPT Review and Extension Conference, Resolution on the Middle East, Final document, part I, NPT/CONF.1995/32 (Part I), June 1995, annex.

⁷ 10th NPT review conference, Chairs' working papers, Main Committee I, NPT/CONF.2020/MC.I/WP.1, 22 Aug. 2022; Main Committee II, NPT/CONF.2020/MC.II/WP.1, 22 Aug. 2022; and Main Committee III, NPT/CONF.2020/MC.III/WP.1, 22 Aug. 2022.

⁸ 10th NPT review conference, 'Draft final document', NPT/CONF.2020/CRP.1, 22 Aug. 2022.

⁹ Mukhatzhanova, G., '10th NPT review conference: Why it was doomed and how it almost succeeded', *Arms Control Today*, vol. 52, no. 8 (Oct. 2022).

¹⁰ Zlaulinen, G., in 'Webinar: The NPT review conference', Konrad Adenauer Foundation, 9 Sep. 2022.

discussions—which took place at the Mission of Finland—extended the trend of closed-door presidential consultations from the 2015 review conference; they were again criticized by some for their non-inclusive and non-transparent nature.¹¹ Other small groups were formed to negotiate issues of particular importance and sensitivity. Meanwhile, consultations on text on the peaceful uses of nuclear energy continued under the chair of Main Committee III. The draft outcome document would be revised twice as a result of these parallel tracks, with the third version presented on the penultimate day of the conference.¹²

Selected issues

Even prior to the Russian invasion of Ukraine, expectations about the outcome of the 10th review conference were muted among states parties given the outcome of the previous review conference, in 2015, and subsequent worsening of the geopolitical context and the nuclear landscape. That the conference continued to the eleventh hour and nearly reached consensus on a substantive outcome—resulting in what has been referred to as ‘consensus minus one’—reflects the work that the parties put in over the course of the four weeks in New York. It also indicates that the third draft of the final outcome document was a compromise text that nearly all states parties were willing to come to terms with, including on issues that have been obstacles at past review conferences or had been expected to be obstacles at this conference.

The 1995 Middle East resolution

The failure in 2015 of NPT states parties to reach a substantive conclusion was largely attributed to the discussion around the establishment of a zone free of weapons of mass destruction (WMD) in the Middle East.¹³ Agreement to pursue this issue had been part of a package that led to the indefinite extension of the NPT at its 1995 Review and Extension Conference.¹⁴ In contrast to 2015, the text on the Middle East in the draft final outcome document of the 10th review conference seemed amenable to the states parties. Some

¹¹ Rauf, T., ‘The 2015 Non-Proliferation Treaty review conference’, *SIPRI Yearbook 2016*, p. 698; and 10th NPT review conference, Summary record of the 13th meeting, NPT/CONF.2020/SR.13, 30 Sep. 2022, paras 113, 152.

¹² 10th NPT review conference, ‘Draft final document’, NPT/CONF.2020/CRP.1/Rev.2, 25 Aug. 2022.

¹³ Wan, W., ‘Why the 2015 NPT review conference fell apart’, United Nations University, Centre for Policy Research, 28 May 2015.

¹⁴ 1995 NPT Review and Extension Conference, Resolution on the Middle East (note 6).

observers suggested that this was facilitated by consultations between Egypt and the United States.¹⁵

The text underlined the ‘essential’ nature of the 1995 Resolution on the Middle East and reaffirmed support for its implementation.¹⁶ It also reflected developments in two sessions of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction, convened in November 2019 and November 2021.¹⁷ Some analysts suggested that the positive outcome at those sessions—convened despite the opposition of Israel and the USA and without their participation—helped to ease the pressure of the zone issue at the review conference.¹⁸ A third session was held in November 2022 and a fourth is scheduled for November 2023.

At the same time, the text did not assuage all concerns: Lebanon preferred ‘a stronger commitment’ to establishing the zone, Syria found the text ‘weak’ as it did not specify obligations for Israel, and Iran expressed its displeasure about its lack of participation in the small-group consultation and drafting process.¹⁹ Yet no state appeared ready to block consensus because of the issue. In the final plenary meeting, Egypt—which the USA had blamed for the outcome at the 2015 conference—observed that it ‘would accept the text... as the minimum basis for collective efforts to implement the 1995 resolution’.²⁰

AUKUS and naval nuclear propulsion

The 2021 trilateral security pact between Australia, the United Kingdom and the United States (AUKUS) lays the groundwork for the transfer of naval nuclear propulsion technology, including naval reactors and, potentially, highly enriched uranium (HEU) as fuel.²¹ Any transfer of HEU would, in effect, bypass application of the controls under Australia’s Comprehensive Safeguards Agreement with the International Atomic Energy Agency

¹⁵ Batsanov, S., Chernavskikh, V. and Khlopkov, A., ‘10th NPT review conference: The nonproliferation and peaceful uses of nuclear energy pillars’, *Arms Control Today*, vol. 52, no. 8 (Oct. 2022).

¹⁶ 10th NPT review conference, NPT/CONF.2020/CRP.1/Rev.2 (note 12), para. 166.

¹⁷ Kile and Erästö (note 3), pp. 433–34; and Erästö, T. and Fedchenko, V., ‘Multilateral nuclear arms control, disarmament and non-proliferation treaties and initiatives’, *SIPRI Yearbook 2022*, pp. 464–65.

¹⁸ Bino, T., ‘A Middle Eastern WMD-Free Zone: Are we any closer now?’, *Arms Control Today*, vol. 20, no. 7 (Sep. 2020).

¹⁹ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), paras 52, 112, 152.

²⁰ 10th NPT review conference, Main Committee II, Summary record of the 11th meeting, NPT/CONF.2020/MC.II/SR.11, 25 Oct. 2022, para. 90; and 2015 NPT review conference, Remarks by R. Gottemoeller, Under secretary of state for arms control and international security, US Department of State, 22 May 2015.

²¹ On the AUKUS agreement see Tian, N. et al., ‘Regional developments in military expenditure, 2021’, *SIPRI Yearbook 2022*, pp. 275–76; and Wezeman, S. T., Kuimova, A. and Wezeman, P. D., ‘Developments among the recipients of major arms, 2017–21’, *SIPRI Yearbook 2022*, pp. 325–26.

(IAEA).²² This is permitted under a so-called loophole that exempts a non-nuclear weapon state's nuclear material from safeguards when it is used in a 'non-proscribed military activity', such as propulsion.²³

The challenge posed by naval propulsion to the NPT has been previously identified. However, the involvement of two nuclear weapon states in AUKUS led some NPT states parties to decry the double standard and underline the negative implications for the regime, with concerns that it could create a new precedent. At the review conference, China characterized the agreement as a 'flagrant violation of the object and purpose of the NPT' and proposed text for the report of Main Committee II on a special committee to deliberate on the transfer of naval nuclear propulsion reactors and HEU.²⁴ Other states raised similar concerns about the need to tighten this aspect of verification and monitoring.²⁵

Despite the strongly held views on the topic, the work of the committee and subsequent small-group negotiation managed to produce agreeable text for the draft final outcome document. The text notes in three concise but broad sentences only that the topic of naval nuclear propulsion 'is of interest' to states parties, the importance of 'transparent and open dialogue' on the topic, and that non-nuclear weapon states pursuing this 'should engage with the IAEA in an open and transparent manner'.²⁶

The Treaty on the Prohibition of Nuclear Weapons

After the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW) in 2017, the five permanent members of the UN Security Council (P5) and the North Atlantic Treaty Organization (NATO) had separately issued statements that claimed the TPNW 'contradicts, and risks undermining, the NPT' and 'is at odds with the existing non-proliferation and disarmament architecture'.²⁷ Following the TPNW's entry into force in January

²² Agreement between Australia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, entered into force 10 July 1974, IAEA INFCIRC/217; and Additional Protocol, entered into force 12 Dec. 1997, IAEA INFCIRC/217/Add.1.

²³ Carlson, J., 'Verification of nuclear material in non-proscribed military use by a state with a comprehensive safeguards agreement: Legal and related aspects', Vienna Center for Disarmament and Non-Proliferation (VCDNP), 15 Feb. 2022.

²⁴ 10th NPT review conference, Statement by Li Song, Deputy head of Chinese delegation, on nuclear non-proliferation, 10 Aug. 2022.

²⁵ 10th NPT review conference, 'Nuclear naval propulsion', Working paper submitted by Indonesia, NPT/CONF.2020/WP.67, 25 July 2022; and 10th NPT review conference, Summary record of the 3rd meeting, NPT/CONF.2020/SR.3, 7 Sep. 2022.

²⁶ 10th NPT review conference, NPT/CONF.2020/CRP.1/Rev.2 (note 12), para. 36.

²⁷ Five permanent members of the UN Security Council, Joint statement on the Treaty on the Non-Proliferation of Nuclear Weapons, 24 Oct. 2018; and NATO, North Atlantic Council, Statement on the Treaty on the Prohibition of Nuclear Weapons, 20 Sep. 2017.

2021, there had thus been concern that the new treaty could be a divisive issue at the NPT review conference.²⁸

The convening of the first TPNW meeting of states parties (MSP) in June 2022 in Vienna and its adoption of two outcome documents (see section III) appeared as relevant developments in the context of discussions in Main Committee I. Austria, Ireland, Kazakhstan and Mexico submitted a working paper to the 10th review conference exploring the compatibility and complementarity of the TPNW with the NPT.²⁹ They also sought to include specific language in the outcome document that recognized these aspects, including in the context of implementing Article VI of the NPT (on the obligation to pursue negotiations on nuclear disarmament).³⁰ But this was not a red line for them.

The draft final outcome document included only a factual acknowledgment of the TPNW and its first MSP, which came despite initial resistance from France. The text did reiterate ‘deep concern at the catastrophic humanitarian consequences of the use of nuclear weapons’—language that echoed the outcome document of the 2010 review conference, which had constituted the building blocks of the series of conferences on humanitarian consequences that led to the TPNW.³¹ The draft also further cited humanitarian consequences in committing states parties to raise awareness of disarmament and non-proliferation issues among the public, to refrain from inflammatory rhetoric concerning the use of nuclear weapons, and to take further steps to identify, explore and implement risk-reduction measures.³²

Nuclear risk reduction and disarmament

Risk reduction featured throughout the review cycle and at the review conference, underlining the sense of urgency in addressing the heightened possibility of nuclear weapon use. While the discussion around the topic has been largely constructive, many states have expressed misgivings that the increased focus on risk reduction was a distraction from the nuclear weapon states’ lack of progress in nuclear disarmament.³³

²⁸ For a summary and other details of the TPNW see annex A, section I, in this volume.

²⁹ 10th NPT review conference, ‘Complementarity of the Treaty on the Prohibition of Nuclear Weapons with the existing disarmament and non-proliferation regime’, Working paper submitted by Austria, Ireland, Kazakhstan and Mexico, NPT/CONF.2020/WP.76, 26 Aug. 2022.

³⁰ 10th NPT review conference, NPT/CONF.2020/WP.76 (note 29), paras 34–36.

³¹ 10th NPT review conference, NPT/CONF.2020/CRP.1/Rev.2 (note 12), para. 124; 2010 NPT review conference, Final Document, NPT/CONF.2010/50 (Vol. I), May 2010, part I, para. 80 and Conclusions I(A)(v); and Kile, S. N., ‘Treaty on the Prohibition of Nuclear Weapons’, *SIPRI Yearbook* 2018, pp. 307–11.

³² 10th NPT review conference, NPT/CONF.2020/CRP.1/Rev.2 (note 12), paras 37–40.

³³ E.g. Mishra, S., ‘The nuclear risk reduction approach: A useful path forward for crisis mitigation’, Asia-Pacific Leadership Network for Nuclear Non-proliferation and Disarmament (APLN), 27 Jan. 2023.

In recognition of these concerns, the draft final outcome document specifically reaffirmed that ‘nuclear risk reduction is neither a substitute nor a prerequisite for nuclear disarmament’.³⁴ It would also have committed nuclear weapon states to make concrete progress on action 5 of the 2010 Action Plan and to take steps to mitigate the risks of miscalculation, misperception, miscommunication or accident.³⁵ The document then details a series of measures for those states to pursue, including regular dialogue on nuclear doctrines, development of crisis-prevention and management arrangements, mechanisms and tools, and maintenance of practices de-targeting nuclear weapons and keeping them at the lowest possible alert levels—with the added call to report on these activities at future preparatory committees and the next review conference.

In contrast, there was little in the way of tangible measures on the nuclear disarmament that is prescribed in Article VI of the NPT. While the draft final outcome document reaffirms the validity of disarmament commitments adopted at the 2000 and 2010 review conferences, some delegates viewed the language on these as having been weakened and expressed concern about the discussion around these commitments.³⁶ The states in the Non-Aligned Movement (NAM) called for greater accountability in the NPT’s disarmament pillar through ‘concrete, measurable, timebound actions’.³⁷ Similarly, the states of the New Agenda Coalition lamented the lack of benchmarking, which could help in ‘maintaining the credibility of the regime’.³⁸ The only tangible measures included in the draft final outcome document centred on Russia and the USA committing to pursue negotiations ‘in good faith’ on a successor framework to New START (see section I).³⁹

Issues of risk reduction and disarmament had come up earlier in 2022 in the context of a joint statement on ‘Preventing nuclear war and avoiding arms races’ issued on 3 January by the leaders of the P5—China, France, Russia, the UK and the USA—which are also the five NPT-recognized nuclear weapon states.⁴⁰ The leaders’ joint statement echoed the 1985 declaration of US President Ronald Reagan and the Soviet leader, Mikhail Gorbachev, that

³⁴ 10th NPT review conference, NPT/CONF.2020/CRP.1/Rev.2 (note 12), para. 36.

³⁵ 10th NPT review conference, NPT/CONF.2020/CRP.1/Rev.2 (note 12), para. 37. On the 64-step action plan see 2010 NPT review conference, NPT/CONF.2010/50 (Vol. I) (note 31), pp. 19–29; and Kile, S. N., ‘Nuclear arms control and non-proliferation’, *SIPRI Yearbook 2011*, pp. 379–80.

³⁶ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), paras 62, 68, 123.

³⁷ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), para. 46. For a list of members and other details of NAM see annex B, section I, in this volume.

³⁸ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), para. 62. The New Agenda Coalition consists of Brazil, Egypt, Ireland, Mexico, New Zealand and South Africa.

³⁹ 10th NPT review conference, NPT/CONF.2020/CRP.1/Rev.2 (note 12), para. 187.

⁴⁰ Joint statement of the leaders of the five nuclear-weapon states on preventing nuclear war and avoiding arms races’, 3 Jan. 2022.

‘a nuclear war cannot be won and must never be fought’.⁴¹ The statement, which followed on from a December 2021 joint communique, was released during what would have been the opening days of the 10th review conference before the decision to postpone it for the fourth time. The leaders’ joint statement reaffirms the importance of addressing nuclear threats and complying with bilateral and multilateral agreements, while highlighting their intent to ‘continue seeking . . . diplomatic approaches to avoid military confrontations’. However, any possibility of this show of unity being followed up dissipated with the Russian invasion of Ukraine in February 2022. At the review conference, France, the UK and the USA reaffirmed the contents of the joint statement while condemning Russia’s ‘reckless nuclear actions’.⁴² They also identified the principles and responsible practices that they adhered to as ‘responsible custodians’ of nuclear weapons.

Other issues

Not all the issues discussed over the course of the review conference found their way into the text of the draft final outcome document. As at previous review conferences, some states parties argued that nuclear-sharing arrangements—such as those whereby US nuclear weapons are deployed on the territory of its NATO allies such as Germany—run ‘against the letter and the spirit of the NPT’.⁴³ To the surprise of some, China vociferously shared that position at the 10th review conference. It called on non-nuclear weapon states to ‘stop instigating’ nuclear deterrence arrangements and stated that it ‘would not stand idly by’ if any attempt were made to replicate nuclear sharing in the Asia-Pacific.⁴⁴

Germany, along with a NATO representative (an observer at the conference), rejected these arguments, observing that these arrangements were ‘fully consistent and compliant’ with the NPT and ‘seamlessly integrated’ into it.⁴⁵ Separately, Lithuania condemned Belarus’s public statements ‘expressing its readiness to host Russian nuclear weapons’ in relation to the war in Ukraine as Romania expressed concern about the ‘change in [Belarus]’

⁴¹ Joint Soviet–US statement, Summit meeting, Geneva, 21 Nov. 1985; the P5 statement expanded on the Russian–US presidential joint statement on strategic stability, 16 June 2021; and the Joint Chinese–Russian statement on the 20th anniversary of the Chinese–Russian Treaty of Good Neighbourliness and Friendly Cooperation, 28 June 2021.

⁴² 10th NPT review conference, ‘Principles and responsible practices for nuclear weapon states’, Working paper submitted by France, the United Kingdom and the United States, NPT/CONF.2020/WP.70, 29 July 2022, para. 1.

⁴³ E.g. 10th NPT review conference, Main Committee I, Statement by Malaysia, 4 Aug. 2022, para. 5.

⁴⁴ 10th NPT review conference, Summary record of the 4th meeting, NPT/CONF.2020/SR.4, 7 Sep. 2022, para. 10; and 10th NPT review conference, Summary record of the 7th meeting, NPT/CONF.2020/SR.7, 9 Sep. 2022, para. 80.

⁴⁵ 10th NPT review conference, NPT/CONF.2020/SR.7 (note 44), paras 55, 70.

non-nuclear status'.⁴⁶ For its part, Belarus called accusations of NPT non-compliance 'unfounded'.⁴⁷

While China, Russia and other states called for a thorough discussion of nuclear-sharing arrangements, including ways to increase transparency around them, the draft final outcome document lacked any mention of the issue.

On other issues, the absence of text itself represented compromise among states parties. Some analysts identified red lines for nuclear weapon states that led to the removal of any mention on a moratorium on the production of fissile materials (a purported red line for China), on unconditional negative security assurances (i.e. a guarantee by a state with nuclear arms that it will never use them against a non-nuclear-armed state; a red line for the UK), and on discussions of no-first-use policies (a red line for France).⁴⁸

The impact of the Russian invasion of Ukraine

Despite these and other issues of contention, it appeared that nearly all states parties were willing to make compromises on the final text if it meant achieving consensus on a substantive outcome. Yet, in the final plenary session, Russia observed that there was widespread dissatisfaction with the substantive content of the draft outcome document.⁴⁹ Although there was some hesitation—Austria and the Philippines referred to their disappointment with the contents of the draft, in particular on the NPT's disarmament pillar, and the New Agenda Coalition noted that it would have joined the consensus only 'reluctantly'—no other state raised objections to the text or indicated that it would have blocked consensus.⁵⁰ Others remarked that Russia alone had prevented the adoption of an outcome document. Reaching consensus had been seen as being of the utmost importance and a necessary show of support for the treaty and non-proliferation regime in the challenging security environment.

Ultimately, the lack of consensus on a substantive outcome document or recommendations seemed to have little to do with issues that have hindered past review conferences. The conference president observed that Russia raised its objections only on the final day of the conference, to text that Russia described as 'blatantly political'.⁵¹ Zlauvinen noted that the amendments

⁴⁶ 10th NPT review conference, Summary record of the 6th meeting, NPT/CONF.2020/SR.6, 19 Sep. 2022, para. 88; and 10th NPT review conference, Summary record of the 2nd meeting, NPT/CONF.2020/SR.2, 7 Sep. 2022, para. 20.

⁴⁷ 10th NPT review conference, NPT/CONF.2020/SR.6 (note 46), para. 46.

⁴⁸ Jaramillo, C., 'Death by a thousand red lines: The colossal failure of the 10th NPT review conference', Ploughshares, 1 Sep. 2022.

⁴⁹ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), para. 25.

⁵⁰ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), paras 59, 88, 130.

⁵¹ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), para. 25.

that Russia suggested—in particular about the description of the situation of Ukrainian nuclear facilities under its control in relation to the Russian invasion as well as on the 1994 Budapest Memorandum on the security assurance offered to Ukraine when the latter decided to return Soviet nuclear weapons stationed on its territory and accede to the NPT as a non-nuclear weapon state—were not accepted by other states.⁵²

Indeed, the Russian invasion of Ukraine in February 2022 factored heavily into the context in which the review conference took place. The USA accused Russia of undermining all three pillars of the NPT, and Germany observed the ‘immediate repercussions’ for the non-proliferation regime.⁵³ A joint statement on behalf of 55 states and the European Union condemned Russia’s ‘illegal war of aggression’ against Ukraine and accused Russia of acting in breach of the security assurances it had offered to Ukraine in 1994.⁵⁴ It further noted that Russia had deprived Ukraine of control over its civilian nuclear facilities, thereby disrupting the state’s ability to exercise its inalienable right to develop, research, produce and use nuclear energy for peaceful purposes. The statement also observed that the Russian seizure of nuclear facilities had undermined the implementation of IAEA safeguards agreements with Ukraine.

Beyond the plenary meetings, the seven pillars of nuclear safety and security—outlined in March 2022 by the IAEA director general, Rafael Grossi, in response to the situation in Ukraine’s nuclear facilities—were a consistent theme of discussions at the review conference.⁵⁵ In the third week of the review conference, Russia and Ukraine traded accusations about shelling near the Zaporizhzhia Nuclear Power Plant, which resulted in Ukraine fully disconnecting two of the plant’s functioning reactors from the power grid.⁵⁶

⁵² Zlauvinen, G., President of 10th NPT review conference, Press briefing, 26 Aug. 2022; and Memorandum on Security Assurances in Connection with Ukraine’s Accession to the Treaty on the Non-Proliferation of Nuclear Weapons (Budapest Memorandum), signed and entered into force 5 Dec. 1994, *United Nations Treaty Series*, vol. 3007 (2014). On the effect of the war on nuclear facilities in Ukraine see section V of this chapter.

⁵³ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), paras 95, 140.

⁵⁴ 10th NPT review conference, Statement by France on behalf of 55 states and the European Union, 26 Aug. 2022; and 1994 Budapest Memorandum (note 52).

⁵⁵ Grossi, R. M., IAEA director general, Introductory statement to the IAEA Board of Governors, 2 Mar. 2022. On the discussion at the review conference see e.g. 10th NPT review conference, ‘Recognizing the IAEA’s seven pillars in the context of Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons’, Working paper submitted by Australia, Canada, Colombia, Finland, France, Ireland, Japan, the Netherlands, Norway, Slovenia, Spain, Sweden, Switzerland and the USA, NPT/CONF.2020/WP.69, 29 July 2022. See also Fedchenko, V., ‘Nuclear security during armed conflict: Lessons from Ukraine’, SIPRI Research Policy Paper, Mar. 2023; Fedchenko, V. et al., ‘Nuclear security in Ukraine and the Black Sea region: New threats, new risks, new consequences’, SIPRI Research Policy Paper, Mar. 2023; and section V of this chapter.

⁵⁶ Balmforth, T. and Hunder, M., ‘Zelenskiy says danger remains after nuclear plant resumes power supply’, Reuters, 26 Aug. 2022. On the IAEA support and assistance mission to Zaporizhzhia see section V of this chapter.

Outlook

Some states parties have suggested that the work done on key issues at the 10th review conference of the Non-Proliferation Treaty could inform the work of the next review cycle.⁵⁷ For example, the elevation of gender in the discussion, including with a commitment in the draft final outcome document to ‘further integrate a gender perspective in all aspects of nuclear disarmament and non-proliferation decision-making processes’, provides space for potential follow-up.⁵⁸

Moreover, there is little time to linger on the inability to reach consensus on substantive conclusions or recommendations at the 10th review conference. At the final plenary meeting the states decided to abbreviate the next review cycle from its customary five-year span to four years to compensate for the two-and-a-half-year extension of the last cycle connected to the Covid-19 pandemic, and with a view to eventually resetting the five-year cycle in 2030.⁵⁹ The 11th review conference will thus be held in 2026 and, consequently, there will be no two-year pause before the preparatory committee for the review conference meets. The first of its three sessions will take place in Vienna in 2023.

The conference president also secured agreement to establish a working group on further strengthening the NPT’s review process.⁶⁰ The group is open to all interested states parties and will operate according to the rules of procedure of the 10th review conference—including agreement on substantive matters by means of consensus. Tasked to make recommendations ‘on measures that would improve the effectiveness, efficiency, transparency, accountability, coordination and continuity of the review process’, it will convene prior to the first meeting of the preparatory committee, in 2023, and provide recommendations to that meeting.

Nevertheless, in the aftermath of a second consecutive review conference without agreement on substantive conclusions, increasing frustration is being felt by states parties about the lack of progress being made across the three pillars and the grand bargain that together comprise the NPT. In particular, this frustration focuses on the failure to further reduce nuclear weapon inventories and the ongoing conflict involving Russia—one of the three NPT depository states—against a non-nuclear weapon state. It is clear that the NPT’s review process is only one of the many contentious issues that plague the cornerstone of the international non-proliferation regime.

⁵⁷ 10th NPT review conference, NPT/CONF.2020/SR.13 (note 11), paras 72, 145, 173.

⁵⁸ 10th NPT review conference, NPT/CONF.2020/CRP.1/Rev.2 (note 12), para. 41.

⁵⁹ 10th NPT review conference, ‘Decision on the next review cycle’, NPT/CONF.2020/DEC.2, 26 Aug. 2022; and 10th NPT review conference, Final document, NPT/CONF.2020/66 (Part I), Aug. 2022, para. 23.

⁶⁰ 10th NPT review conference, NPT/CONF.2020/DEC.2 (note 59), para. c.