

Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Inter-Chair working paper: conclusions and recommendations for the Preparatory Committee for the 2020 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the Netherlands and Poland

I. Introduction

1. The Netherlands and Poland chaired the first and second session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. As Chairs, the Netherlands and Poland consider these to have been overall constructive sessions working towards a productive review cycle of the Treaty on the Non-Proliferation of Nuclear Weapons leading up to the 2020 Review Conference. The Chairs of the 2017 and 2018 Preparatory Committee both issued extensive and elaborate Chair's factual summaries of the proceedings ([NPT/CONF.2020/PC.I/WP.40](#) and [NPT/CONF.2020/PC.II/WP.41](#)) and of different positions of States parties. These summaries provide a broad overview of Treaty-related discussions, incorporating as many perspectives as possible, as a basis for further discussions.

2. This working paper conveys, to the Chair of the third session of the Preparatory Committee, substantive recommendations for consideration by the Preparatory Committee with a view to its mandate under paragraph 4 of decision 1 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. It aims to provide an output-focused outlook on the Preparatory Committee and help increase continuity between its sessions, building on the working paper submitted by the Netherlands to the second session of the Preparatory Committee ([NPT/CONF.2020/PC.II/WP.11](#)).

3. The recommendations in this paper build on relevant parts of the Chairs' summaries of 2017 and 2018, which are highlighted below. The focus is on areas where general opinion converged as possible starting points for progress. While discussions on more divisive topics will not be avoided during the Non-Proliferation Treaty review cycle, it is the collective responsibility of the States parties to the Non-Proliferation Treaty to prevent such discussions from interfering with potential progress on other issues.



4. The 2017 Chair also issued a second document entitled “Towards 2020: reflections of the Chair of the 2017 session of the Preparatory Committee” (NPT/CONF.2020/PC.I/14), which contains eight points taken by the Chair from the discussions at the 2017 Preparatory Committee. The 2018 Chair issued a document entitled “Chair’s Reflections on the State of the Non-Proliferation Treaty” (NPT/CONF.2020/PC.II/12), which reflects on the role and achievements of the Treaty, as well as the challenges ahead.

5. The Netherlands and Poland consider that these reflections by the Chairs articulate a number of basic views on the Non-Proliferation Treaty and its review cycle that appear to be shared by its States parties.

(a) The Non-Proliferation Treaty remains of central importance to its States parties, which have reaffirmed their commitment to the Treaty and the implementation of its provisions. The Treaty and its review cycle underpin our legal and political efforts on non-proliferation, disarmament and the peaceful uses of nuclear energy.

(b) The Treaty is the cornerstone of the global regime for nuclear non-proliferation and disarmament and is a fundamental part of the global collective peace and security architecture. Current international geopolitical challenges underline the important role of the Treaty and the need to uphold and strengthen it.

(c) As its preamble reflects, the Treaty aims to safeguard its States parties and their peoples from the devastation of nuclear conflict. Regional and global security challenges impact the realization of the Treaty’s objectives and therefore are rightfully considered during its review. At the same time, the implementation and development of the Treaty helps ease tensions and build confidence, contributing to a safer, more secure and more peaceful world.

(d) The Treaty contains shared common objectives. Despite disagreements over the pace of its implementation, progress on disarmament, non-proliferation and the use of nuclear energy for peaceful purposes are considered to be mutually enabling, reinforcing and balancing elements.

(e) Therefore, it is the shared responsibility of States Parties to deliver on their commitments across all three pillars, to maintain a common purpose and ownership, and to make sure that all States parties can advance new constructive ideas in order to implement and develop the Treaty.

(f) The Treaty is a dynamic instrument, successfully evolving to adapt to changing political, technological, military and other circumstances. States parties must ensure its vitality and integrity and continue to work towards the universalization of the Treaty.

(g) The Treaty benefits all its States parties and plays an important role in regional dialogues on nuclear disarmament, non-proliferation and the peaceful uses of nuclear energy. The broad ownership of the Treaty is one of its strengths and should be further stimulated.

(h) States parties to the Treaty should aim to maintain an open, inclusive and transparent dialogue at the meetings of the Review Conference and the Preparatory Committee. To the extent discussions on divisive topics belong to the core of the review cycle, they should not impede progress on other issues.

(i) With a view to the fiftieth anniversary of the Treaty’s entry into force in 2020, we should work to identify areas where progress is possible, cooperate in order to move forward and search for compromise where necessary. Although approaches regarding the modalities and the pace of disarmament efforts contrast, we must reconcile in order to reinvigorate the review process and pave the way for consensus-based work.

6. Many States parties, as well as independent experts, have stressed the need to increase the effectiveness and efficiency of the Treaty's working methods. As the 2020 Review Conference nears, our ideas on its outcomes will have to mature, along with our ideas on how to achieve them. We should discuss how we can build on the outcomes of the 2017 and 2018 Preparatory Committee sessions and, even more importantly, how we can conclude the 2019 session of the Preparatory Committee successfully. Meetings of the Preparatory Committee should become more output-oriented if they are to serve as important stations in the process of cumulative consensus building. Finding ways to maximize the continuity of the review cycle is of great importance in this context.

II. Chairs' factual summaries of the 2017 and 2018 Preparatory Committee

General considerations

7. Despite differences of opinion between States parties to the Non-Proliferation Treaty, it is important to not lose sight of the common interests all States share under the Treaty. The Chairs' summaries of 2017 and 2018 reflect broad consensus among States parties regarding the fundamental role and importance of the Treaty and its implementation. They reaffirmed the central role of the Treaty as the cornerstone of the global non-proliferation regime, the foundation for the pursuit of nuclear disarmament, and an important element in facilitating the benefits of the peaceful uses of nuclear energy.

8. Noting that balanced implementation of the Treaty is vital to its effective functioning and credibility, States parties also stressed the essential role of the Treaty in the maintenance of international peace, security and stability, its centrality to the rules-based international order and the achievement of a world free of nuclear weapons. They reaffirmed their commitment to the complete and balanced implementation of, and compliance with, all articles of the Non-Proliferation Treaty, underlining the need to implement the decisions and Final Documents of the 1995, 2000 and 2010 Review Conferences. There was a large degree of consensus between States parties regarding the outlook on the 2020 Review Conference, its historical significance marking the fiftieth anniversary of the Treaty's entry into force, and the importance of ensuring universal adherence to the Treaty.

Working methods

9. The 2017 and 2018 Chairs' summaries note that "States parties reaffirmed the purpose of the review process as set out in the relevant decisions of the 1995 Review and Extension Conference and the 2000 Review Conference". During both sessions of the Preparatory Committee, States parties discussed several specific proposals, reflected in the Chairs' summaries. These include the establishment of a working group at the 2020 Review Conference to provide a dedicated forum for advancing and debating how to best enhance the review process. Ideas furthermore related to enhancing the interactivity of discussions; intersessional mechanisms devoted to specific issues such as the implementation of article VI; a more flexible approach to Review Conference outcome documents; greater connectivity between the Preparatory Committee sessions and the Review Conference, greater engagement with civil society, academia and industry; and ensuring effective time management.

10. More specifically, the Chairs' summaries note that "There was also recognition of the need to ensure efficiency, effectiveness, coordination and continuity throughout the review cycle. In that context, there were calls for, inter alia: the early nomination of Presidents of the Review Conference and Chairs of the Preparatory Committee;

encouraging past and incumbent Presidents and Chairs to be available for consultations with the incoming President and Chairs regarding practical matters relating to their responsibilities; and continuing outreach and the practice of holding regional dialogues prior to each session.”

11. The review cycle of the Non-Proliferation Treaty has an important function. The Treaty evolves and develops, as a living regime, which means it requires constant maintenance and strengthening to stay relevant, adapt to changing circumstances and meet new challenges. The review process serves to channel these processes. However, a vast majority of experts and officials consulted signaled a lack of effectiveness and efficiency in the working methods of the Treaty review mechanism. Yet the difficulties in translating this emerging consensus into political action at review cycle meetings was noted.

12. The Chairs of these meetings should work closely together in emphasizing the importance of this topic and the fact that improving working methods facilitates, not replaces, substantive progress. Inter-chair cooperation is important, moreover, to avoid duplication of work and make the review cycle more efficient, as pointed out by the States parties at both the 2017 and 2018 session of the Preparatory Committee. In this context, it is necessary to have the nomination of the 2020 Review Conference President and other elected officials as soon as possible.

13. It is crucial to broaden and deepen the sense of ownership of the Non-Proliferation Treaty as a global security instrument benefiting all its members. Transparent and inclusive operation by the Chairs is necessary. The approach consisting of a programme of regional outreach meetings facilitate and increases such transparency and inclusivity and, with that, heighten the sense of ownership of the Treaty regime. This means, inter alia, avoiding decision-making in small groups, taking into account regional input and being available for bilateral discussions with all States parties.

Education and the role of women in non-proliferation and disarmament

14. Paragraph 6 of the 2017 Chair’s summary recalls action 22 of the 2010 Action Plan on disarmament and non-proliferation education. Many States parties had, during the meeting, referred to the importance of knowledge transfers, capacity building, and of encouraging critical thinking. States parties in its para 9 of the 2018 Chair’s summary reiterated the importance of disarmament and non-proliferation education as a useful and effective means to advance the goals of the Treaty to be implemented by UN agendas, academia as well as the dedicated think-tanks.

15. Paragraph 10 of the 2018 Chair’s summary notes that “States parties endorsed the fundamental importance of promoting the equal, full and effective participation and leadership of both women and men in nuclear disarmament, non-proliferation, and the peaceful use of nuclear energy.” On the issues of both education and the role of gender in relation to nuclear disarmament and non-proliferation, a high degree of convergence of opinion existed at the 2017 and 2018 Preparatory Committees.

Disarmament

16. On disarmament, paragraph 8 of the 2017 Chair’s summary noted that “States parties reaffirmed their commitment to the full and effective implementation of article VI of the Treaty. It was recalled that States parties were committed to pursuing policies that were fully compatible with the Treaty and to contributing to achieving a world without nuclear weapons. In that context, there were calls for States parties to use the current review cycle to identify, elaborate and negotiate effective measures for the full implementation of article VI.”

17. The 2018 Chair's summary in paragraph 12 furthermore noted that States parties "recalled the unequivocal undertaking made by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties were committed under Article VI."

18. In that context, the idea was put forward at the 2018 Preparatory Committee that all States had a responsibility to work together to improve the geopolitical environment and to identify and pursue conditions that would be more conducive to further nuclear disarmament. It was pointed out that the security environment should not prevent any further steps in nuclear disarmament and that disarmament, non-proliferation and arms control could help reduce current tensions, in tandem with enhanced measures to build confidence and restore trust.

19. The Chairs' summaries reflect the strong links that were made at the Preparatory Committee between disarmament, international peace, security, stability and confidence-building. The Chair's summary of 2017 highlights the reinforcing nature of disarmament and non-proliferation, reflecting concerns that the continued possession of nuclear weapons could fuel proliferation; at the same time, it was considered that strong non-proliferation guarantees are essential in creating the conditions for further disarmament.

20. States parties also discussed the importance of minimizing the risk of nuclear weapons detonations, including at a special interactive session at the 2018 Preparatory Committee. Paragraph 28 of the 2018 Chair's summary reflects that "the necessity of exploring options for further reducing the risk of such detonations was considered. Strong support was registered for measures to enhance stability, contribute to crisis management, ease tension and avoid miscalculation."

21. States parties at the 2018 Preparatory Committee welcomed the achievement announced on 5 February 2018 by the United States of America and the Russian Federation of the central limits of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START Treaty). The United States of America and the Russian Federation were called upon by the States parties to extend the New START Treaty for a period of up to five years, as provided for in the Treaty's articles. States parties reiterated the importance of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles to regional and international security. They called on the Russian Federation and the United States of America to continue active dialogue to preserve the Treaty.

22. Several treaties, instruments and initiatives were discussed in the context of the implementation of Article VI, including the ratification and entry into force of the Comprehensive Nuclear Test-Ban Treaty. There was a high degree of convergence of opinion among States parties on the role of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization, the development of the International Monitoring System and on the need to refrain from any action that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty pending its entry into force.

23. Paragraph 35 of the 2018 Chair's summary reflects support by States parties for the "commencement of negotiations on a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices." Paragraph 36 reflects that States parties "highlighted the potential for this group to build on the work of the previous Group of Governmental Experts in preparing the groundwork for future negotiations in the Conference on Disarmament."

24. The 2017 and 2018 Preparatory Committee sessions saw a high degree of convergence of opinion among States parties on the importance of transparency and reporting, especially by nuclear-weapon States, as well as on the importance of nuclear disarmament verification efforts. States parties at the 2018 session of the Preparatory Committee “stated that a robust and credible verification and compliance mechanism for nuclear disarmament was an effective measure under Article VI of the Treaty, and an essential element for achieving and maintaining a world without nuclear weapons. They welcomed efforts to develop nuclear disarmament verification capabilities. In this regard, States parties welcomed the decision by the General Assembly to establish a Group of Governmental Experts to consider the role of verification in advancing nuclear disarmament and looked forward to its conclusions. They also welcomed the various practical contributions to nuclear disarmament verification, including those made by the International Partnership for Nuclear Disarmament Verification and the Quad Nuclear Verification Partnership.”

25. The 2017 and 2018 summaries reflected first steps in the discussion between States parties on the negotiations of the Treaty on the Prohibition of Nuclear Weapons. Negotiations on this Treaty have been completed, and a final text was adopted by the negotiating conference in 2017. Views by the States parties to the Non-Proliferation Treaty on the Treaty on the Prohibition of Nuclear Weapons diverge.

Non-proliferation

26. States parties were generally in agreement on broader non-proliferation issues such as the role, development and implementation of nuclear safeguards by the International Atomic Energy Agency (IAEA), the importance of work being done by the Agency on nuclear security, the need to ensure that nuclear-related exports do not directly or indirectly assist the development of nuclear weapons or other nuclear explosive devices and that such exports were in full conformity with the objectives and purposes of the Treaty as stipulated, in particular, in Articles I, II and III, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference.

27. There was a broad support for the IAEA safeguards as a fundamental component of the nuclear non-proliferation regime playing an indispensable role in the implementation of the Treaty and helping to create an environment conducive to nuclear cooperation. States parties underscored the importance of complying with the non-proliferation obligations, addressing all non-compliance matters in order to uphold the Treaty’s integrity and the authority of the IAEA safeguards.

28. The 2017 and 2018 Chairs’ summaries reflect that States parties “recognized that the responsibility for nuclear security within a State rests entirely with that State. They recalled that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied by appropriate and effective levels of nuclear security, consistent with States’ national legislation and respective international obligations”. At the same time, States parties reaffirmed “the central role of IAEA in strengthening the nuclear security framework globally and in coordinating international activities in the field of nuclear security.”

29. Moreover, “States parties welcomed the recent accessions to the Amendment to the Convention on the Physical Protection of Nuclear Material, encouraged all parties to the Convention and the Amendment to implement fully their obligations thereunder, and further encouraged States that had not yet done so to become parties to the Convention and its Amendment as soon as possible. States parties also encouraged States that had not yet done so to become parties to the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible.”

Regional issues

30. On the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, the 2017 and 2018 Chairs' summaries note that "States parties reaffirmed their support for the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recalled the affirmation of its goals and objectives by the 2000 and 2010 Review Conferences. They reaffirmed that the 1995 resolution remained valid until its goals and objectives had been achieved and that the 1995 resolution, which had been sponsored by the depositary States of the Treaty, was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty was extended indefinitely without a vote in 1995. States parties recalled their resolve to undertake, individually and collectively, all measures necessary for its prompt implementation."

31. The Preparatory Committees discussed the establishment of the Joint Comprehensive Plan of Action, with many States parties welcoming and supporting its ongoing implementation as of 2018. The Chairs' summaries note that "States parties underscored the vital role of the IAEA in verifying and monitoring the implementation by the Islamic Republic of Iran of its nuclear-related commitments under the Plan".

32. There was general convergence of opinion on the proliferation threat posed by the nuclear and ballistic missile programmes by the Democratic People's Republic of Korea. According to the 2018 Chair's summary, "States parties reaffirmed that the nuclear and ballistic missile programmes of the Democratic People's Republic of Korea were a matter of grave concern, continued to pose a serious threat to global and regional security, were a serious challenge to the Treaty and undermined the global non-proliferation regime."

33. At the same time, States parties emphasized the importance of maintaining peace and stability on the Korean Peninsula and a peaceful and diplomatic resolution to the nuclear issue of the Democratic People's Republic of Korea. In this context, States parties noted the "announcement by the Democratic People's Republic of Korea to suspend nuclear tests and ballistic missile launches and to close its nuclear test site as an encouraging development, but stressed the need for further, concrete steps by the Democratic People's Republic of Korea towards its complete denuclearization."

Peaceful uses of nuclear energy

34. There was also broad convergence of opinion on issues related to the right to use nuclear energy for peaceful purposes. The 2017 and 2018 Chairs' summaries reflect that States parties recalled that "nothing in the Treaty should be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II, III and IV of the Treaty" and that "when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied at all stages by commitments to, and ongoing implementation of, safeguards as well as high levels of safety and security, consistent with States parties' national legislation and respective international obligations." This should allow the Preparatory Committee to further develop its discussions in this area.

35. Moreover, the Chairs' summaries note that States parties recognized "the indispensable role of science and technology, including nuclear science and technology, in achieving social and economic development for all States parties." In this context, according to States Parties, nuclear applications play an essential role in areas such as human health, water management, agriculture, food safety and nutrition,

energy and environmental protection. States parties noted with appreciation, in this context, the response of IAEA to the Zika and Ebola virus outbreaks.

36. There was also broad support for the IAEA technical activity. In this context the Chairs' summaries note how States parties highlighted "the central role of the IAEA Technical Cooperation Programme in enhancing the application of nuclear science and technology in many States parties, in particular in developing countries, and recognized the Technical Cooperation Fund as the most important mechanism for the implementation" of the Programme.

37. States parties recognized that primary responsibility of the individual States for nuclear safety. At the same time they reaffirmed the central role of IAEA in promoting international cooperation on nuclear safety-related matters, including through the establishment of nuclear safety standards.

III. Recommendations

38. Based on the above considerations, the Netherlands and Poland, under their authority as Chairs of the first and second session of the Preparatory Committee, would like to submit the following recommendations for consideration by the Preparatory Committee in preparation for the 2020 Review Conference.

39. The Netherlands and Poland recommend that the Preparatory Committee:

(a) Elaborate a shared starting point, as a common frame of reference, for discussions in the current review cycle, based on the contents of the 2017 and 2018 Chair's reflections papers and reproduced in paragraph 5 of the present working paper, for consideration at the 2020 Review Conference;

(b) Marking the fiftieth anniversary of its conclusion and entry into force, reaffirm earlier commitments made under the Non-Proliferation Treaty and recommend that the 2020 Review Conference find a balance between review and discussing emerging, current and structural topics related to the subject matter of the Treaty;

(c) Consider ideas and propose measures to improve the output of Non-Proliferation Treaty review cycle meetings through the improvement of its working methods, using the discussions at the 2017 Preparatory Committee, reflected in the Chair's summary, as a basis of that discussion;

(d) Recommend that this issue be further debated at the 2019 Preparatory Committee as well as the 2020 Review Conference in a dedicated body, considering, among others, the idea of establishing a Working Group on review cycle reform issues in the next review cycle;

(e) Emphasize the importance of the nomination of the 2020 President, as well as the Chairs of the main committees and subsidiary bodies, as soon as possible, and further explore ideas for increased continuity and inter-Chair cooperation;

(f) Assess how regional approaches, conferences, instruments, initiatives or organizations can help further the implementation of the Treaty;

(g) Develop the discussion on education, the role of women in disarmament and non-proliferation, and the use of nuclear energy for peaceful purposes using the relevant paragraphs of the 2017 and 2018 Chairs' summaries as a starting point;

(h) Reaffirm its commitment to the full and effective implementation of Article VI of the Treaty, recall the commitment of all the nuclear-weapon States to undertake further efforts to reduce and ultimately eliminate their nuclear arsenals, and

reaffirm the importance of the continued implementation of bilateral arms control agreements between the Russian Federation and the United States;

(i) Elaborates the relation between nuclear disarmament, non-proliferation and international peace, security and stability, and discuss the role of risk reduction measures and strategic stability dialogues, with a view to formulating good practices and recommendations for future action at the 2020 Review Conference;

(j) Develop the dialogue on a common vision of Article VI, including what would constitute an international environment optimally conducive to nuclear disarmament and building blocks of a nuclear-weapon-free world;

(k) Advance the discussion on transparency, reporting and nuclear disarmament verification, possibly through special panels, side-events, or expert discussions and calls on all States parties, particularly the nuclear-weapon States, to maximize transparency by submitting reports during the current review cycle;

(l) Encourage pragmatism and reciprocal restraint in discussing the Treaty on the Prohibition of Nuclear Weapons and acknowledge that having such a discussion does not imply endorsement of the Treaty on the Prohibition of Nuclear Weapons or the norms therein;

(m) Reaffirm the crucial importance of complying with the non-proliferation obligations by addressing all non-compliance matters in order to uphold the Treaty's integrity and the authority of IAEA safeguards, and call on all States to extend their cooperation in this regard, including the export control dimension of nuclear non-proliferation;

(n) Welcome the growing number of States parties that have ratified the Model Protocol Additional to the Agreements between States and the International Atomic Energy Agency for the Application of Safeguards as a way to provide assurances about the absence of undeclared nuclear material and trust in the effectiveness of non-proliferation provisions;

(o) Discuss regional issues, including the establishment of a zone free of weapons of mass destruction in the Middle East, and proliferation threats. The Preparatory Committee should take the relevant paragraphs of the 2017 and 2018 Chairs' summaries as its starting point;

(p) Reaffirm the relevant paragraphs on structural issues relating to non-proliferation in the 2017 Chair's summary, and where possible look for opportunities to advance the discussion on issues such as the role and development of nuclear safeguards and the consequences of withdrawal from the Non-Proliferation Treaty;

(q) Emphasize the importance and benefits of nuclear cooperation for peaceful uses, including the nuclear applications, nuclear safety and technical cooperation, as a key pillar of the Non-Proliferation Treaty, and promote responsible and sustainable cooperation in this field, taking into account a key role of IAEA in its practical implementation as recognized by the States parties to the Non-Proliferation Treaty;

(r) Elaborate recommendations to the 2020 Review Conference in the area of nuclear security and nuclear safety based on the work of IAEA.