

# Preserving the Legacy: NPT Depository Conference on the 50<sup>th</sup> Anniversary of the Opening for Signature of the Treaty on the Non-Proliferation of Nuclear Weapons

Rapporteurs Summary by  
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## *Introduction*

On June 28, 2018, the United States of America joined the United Kingdom and the Russian Federation to cohost an event at the U.S. Department of State commemorating the 50<sup>th</sup> anniversary of the opening for signature of the Treaty on the Non-Proliferation of Nuclear Weapons (also known as the Non-Proliferation Treaty or NPT). The three Depository Governments brought together current and former officials along with members from civil society to recall the origins and history of the NPT, to celebrate the accomplishments it made possible, and to preserve its legacy for the future. As the event opened, the three Depositories also issued a joint statement marking the NPT's 50<sup>th</sup> anniversary.

Since its entry-into-force in 1970, the NPT has served as the cornerstone of the nonproliferation regime, helped expand the peaceful use of nuclear energy, and provided a foundation for progress on nuclear disarmament. Stretched across four thematic panels and a luncheon dialogue, speakers took stock of the Treaty's various strengths, from its contributions to international peace and security to its near-universal adherence. They also highlighted the NPT's multi-dimensional character as a testament to its durability and appeal. Nevertheless, many acknowledged that the Treaty now faces trying times. A return to great power competition has produced a challenging security environment while the nuclear provocations of the Democratic People's Republic of Korea continue to destabilize the nonproliferation pillar upon which the NPT stands. Participants also pointed to the increasingly polarized discourse on disarmament and the failure of the 2015 NPT Review Conference (RevCon) to produce a final document as further tests for the regime's health. Yet, using the past as a guide for the present, panelists highlighted the difficult circumstances in which the Treaty was negotiated and the challenges it has overcome in the last 50 years. They thus offered hope that the NPT, an adaptable and resilient treaty, would overcome the current set of challenges.

Secretary of State Mike Pompeo opened the event by highlighting the importance and various successes of the NPT. In what became a common theme for the event, he described the fear of nuclear war as a "dark cloud" that hung over the Treaty's lengthy negotiations in the 1960s. "Those who created the NPT knew that the greater the number of countries with nuclear weapons, the greater the likelihood of their use," Secretary Pompeo remarked. "They didn't know if they could prevent their proliferation, but they knew they had to try." Secretary Pompeo also stressed that the work of nonproliferation is never truly completed, citing current challenges from North Korea and Iran, and the need to strengthen International Atomic Energy Agency (IAEA) safeguards.

The Russian Ambassador to the United States, Anatoly I. Antonov, noted that the NPT's "golden jubilee" provided an opportunity to look back at the Treaty's history. He recalled expert estimates that, if not for the NPT, up to fifty countries might now have nuclear weapons. He underscored the importance of the IAEA safeguards system and the need to strengthen safeguards by increasing the number of states that have signed the Additional Protocol. He highlighted Russian plans to build nuclear power plants abroad and pointed to steep cuts in nuclear arsenals from their Cold War peaks.

Wrapping up the three Depositories' opening remarks, the British Ambassador to the United States, Sir Kim Darroch, also evoked the image of the "dark cloud" of nuclear catastrophe that catalyzed the NPT's creation. Since then, he stressed, the Treaty has changed the course of history. Sir Darroch acknowledged that the NPT community now faces growing challenges and must therefore remain resolute and united to surmount them, but he looked to a future without nuclear weapons or proliferation and with peaceful uses of nuclear energy. In their opening remarks, representatives from the three Depositories set the tone for the event. They underscored the sense of purpose that led to the NPT, its longstanding role as the central node in the nonproliferation regime, and the growing urgency to find common ground on the Treaty's future.

### ***Panel 1: Negotiating the NPT: Getting to a Treaty***

The event's first panel revisited the NPT's origins and negotiations. Dr. Matthew Bunn, the panel's moderator, posed the question, "Why did the NPT come to be?". He echoed the sentiment that the fear of nuclear war, made vivid by the Cuban Missile Crisis, spurred the international community to confront the spread of nuclear weapons. Although united in this common goal, negotiators still had to overcome significant disagreements along the way. Dr. Bunn highlighted nuclear sharing arrangements and safeguards inspections as issues that nearly derailed the Treaty's establishment and that negotiators resolved only through the commitment, innovation, and courage. From three years of tense negotiations emerged a treaty built on a diverse set of bargains between different groups of states. For Dr. Bunn, the NPT's establishment and its subsequent resilience demonstrate that collective efforts succeed more often than they fail.

Ambassador Sergio Duarte, the first panelist and a diplomat who served on the Brazilian delegation during the NPT's negotiations, provided a succinct history of the Treaty's genesis. He traced the arc of international efforts to curb nuclear proliferation, from the "Irish Resolutions" in the late 1950s and early 1960s, through the creation of the Eighteen-Nation Disarmament Committee (ENDC), to the NPT's opening for signature. Ambassador Duarte stressed that major issues threatened to impede progress at each step of the Treaty's negotiations and that many of these same disagreements persist over its implementation and interpretation. Lawrence Weiler, who participated in the NPT's creation as a U.S. delegate, recalled the complexity and strains of the Treaty's negotiations. Scattered over many years and in different cities around the world, they required patience and persistence. Mr. Weiler mentioned that, with this strenuous task at hand, the role the U.S. Arms Control and Disarmament Agency (ACDA) played should not be overlooked. He also recalled the close cooperation between the U.S. and Soviet delegations in advancing their shared goal of nonproliferation and hashing out the treaty text in the final stages of negotiations.

The panel's third participant, Swedish Ambassador Rolf Ekeus, sketched the evolution of the NPT's draft texts from its early version as a "non-acquisition" treaty to one that included disarmament commitments. According to Ambassador Ekeus, the addition of Article VI made it possible to conclude the Treaty and provided the nuclear powers a mechanism to halt and reverse the arms race. The panel's final speaker, Dr. John Walker from the United Kingdom, reiterated the common theme that forming the NPT was not a foregone conclusion. He stressed that compromises on once intractable issues, such as nuclear sharing arrangements and safeguards, paved the way for its completion. This required intense

consultations between Cold War adversaries and also among allies. Despite a long list of political, legal, and technical issues, Dr. Walker remarked, the international community was able to conclude the NPT.

### ***Panel 2: NPT Review Process: Major Milestones***

The second panel addressed major milestones for both the NPT and its review process. Ambassador Ronald Lehman, former Director of ACDA, noted that while past RevCons have undoubtedly advanced the Treaty's implementation, some of the most significant milestones have occurred outside of the NPT review process. Ambassador Lehman lauded the Treaty's near-universality but remarked that many NPT Parties hold vastly differing views on the Treaty's benefits, and cautioned against further polarization of the Treaty's membership. He also emphasized that, to address regional proliferation challenges, broad multilateral agreements, like the NPT, must be reinforced by regional measures. Ambassador Lehman concluded his introductory remarks by noting that progress in nonproliferation and disarmament has slowed since the end of the Cold War. In this regard, he highlighted the differing priorities states place on nuclear energy and deterrence, but also the common interest in the continuation of the NPT regime.

Ambassador Nobuyasu Abe, the first panelist and a former UN Under-Secretary-General for Disarmament Affairs, asserted that while the NPT has several pillars, the Treaty's original purpose was nonproliferation. He cited the Treaty's initial success at preventing proliferation in major industrial countries, which were the original threshold states, and noted that those same countries are now the most active in promoting nuclear disarmament. Ambassador Abe also spoke briefly about his country's history with the NPT, saying that some in Japan had once advocated for retaining the ability to develop nuclear weapons, but that since its ratification in 1976, the NPT is nearly universally supported in Japan. He noted the "security deficits" faced by the the the Treaty's non-Parties and the shift in challenges facing the Treaty over the years, stating that the international community has moved from trying to prevent diversion of material from civil to military use to dealing now with countries with latent capabilities, and warned against complacency on disarmament.

The second panelist, Director and Deputy to the High Representative at the UN Office for Disarmament Affairs Thomas Markram, opened by briefly discussing his experiences with the South African case, where the withdrawal of Cuban troops from Angola eliminated the basis for nuclear weapons. Markram then noted that since the 1995 Review Conference, NPT discussions have become more inclusive and provide more leverage for non-nuclear-weapon States (NNWS) to press nuclear-weapon States (NWS). Markram said support for nonproliferation remained strong, but also pointed to the perceived lack of progress on disarmament and inadequate implementation of past consensus documents. Markram cited these as the most important factors contributing to the creation of the Treaty on the Prohibition of Nuclear Weapons (TPNW) and indicated that the NWS would have to make headway on disarmament to ensure a successful 2020 RevCon.

The third panelist, Jacek Bylica, cited the successful negotiation of the NPT as an example of the value of diplomacy and highlighted the constructive role of the European Union (EU) in the nonproliferation regime. All 28 EU Member States are NPT Parties in good standing, and agreement within the EU represents a significant achievement given the diversity of views on nuclear weapons and nuclear energy. Bylica concluded by noting that given the current security environment, focusing on practical and risk reduction measures would help lead to a positive outcome at the 2020 RevCon. The last panelist, Sir Michael Weston, who served as head of the UK Delegation at the 1995 Review and

Extension Conference, highlighted how the period from 1991 to 1997 marked a highwater mark for disarmament and nonproliferation. He cited the milestones of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the Chemical Weapons Convention (CWC), various conventional arms bans, and the indefinite extension of the NPT. Sir Weston noted that although disagreements initially existed over the Treaty's indefinite extension, such as the extension's duration and the inclusion of accompanying resolutions and principles, the 1995 Review and Extension Conference is widely viewed as a significant step forward for nonproliferation and disarmament.

***Luncheon Dialogue: Nonproliferation and Arms Control Diplomacy: Can the Past be a Template for the Future?***

Following the two morning panels, a luncheon dialogue among representatives of the three Depositary Governments explored the ways in which past successes could help break current deadlocks in the area of nonproliferation and arms control. Dr. Christopher Ford, the U.S. Assistant Secretary of State for International Security and Nonproliferation, opened the discussion by outlining lessons from the negotiation of the NPT, which should inform current thinking. First and foremost, Dr. Ford insisted, nonproliferation was the sine qua non of international peace and security, and a security benefit for all. He noted that nonproliferation was also a foundation for enabling the peaceful use of nuclear technology and improving the conditions for nuclear disarmament. Dr. Ford also stressed that prudence and pragmatism, rather than utopian idealism, guided negotiation of the NPT, and emphasized the value of Congressional support for the NPT. He concluded his remarks by recalling the close collaboration between the United States and Soviet Union advancing shared interests despite their intense Cold War geopolitical rivalry.

Sir Malcomb Rifkind, a former British Secretary of State for Defense, drew attention to the NPT's impressive record. The drastic reductions in nuclear stockpiles from Cold War peaks, he emphasized, represent a major strength of the Treaty. Despite the NPT's long list of accomplishments, Sir Rifkind maintained that it must now surmount several obstacles, including Russia's violation of the Budapest Memorandum by annexing Crimea, the existence of nuclear-armed states outside of the Treaty, and the persistent problem of the DPRK's nuclear program. To preserve the nonproliferation and disarmament machinery, Sir Rifkind argued, Russia and the West must restore a sense of trust and habits of cooperation. In that vein, he welcomed the upcoming Trump-Putin summit as a way to jumpstart progress. Ambassador Sergey Batsanov, a former Russian diplomat, ended the luncheon dialogue by highlighting some of the same problems plaguing the nonproliferation regime. While disputing Sir Rifkind's comments on Crimea, he shared the view that the upcoming heads of state meeting between the United States and Russia was a positive development in reestablishing channels of communication between the two sides, and that nonproliferation was a potential topic of cooperation. To conclude his remarks, Ambassador Batsanov said that the stability on Iran and North Korea and some progress on disarmament would help to bridge divisions at the 2020 RevCon.

***Panel 3: Building the Regime: Major Issues Relating to the Objectives and Historical Decisions of the NPT and Its Parties***

The day's third panel focused on the evolution of the disarmament and nonproliferation regime. Moderator Ambassador Susan Burk opened her remarks by quoting former U.S. Senator Richard Lugar, who said that "the NPT is a triumph of strategic foresight." Ambassador Burk stated that even with the

foresight evident in the Treaty, it has succeeded in dealing with unforeseen challenges and adapting to changing circumstances.

Ambassador Cornel Feruta, the first panelist and the Chair of the 2013 session of the NPT Preparatory Committee (PrepCom), reaffirmed that the NPT and the IAEA are the bedrock of the nonproliferation regime. He discussed the evolution of the IAEA safeguards regime and technical cooperation program and highlighted the importance of both in the context of balancing the NPT's three pillars. Ambassador Feruta noted the "changing world" that is today's reality and stated that proliferation is easier today than it was in the period from the 1950s through the 1970s. However, he concluded by imploring the international community to take nothing for granted and not to behave as if the NPT has failed, because it has not. Ambassador Norman Wulf, the second panelist, discussed the evolution of IAEA safeguards and particularly the adoption of the Model Additional Protocol. He stated that the Iraq case in 1991 demonstrated that a Comprehensive Safeguards Agreement was not enough to respond to non-compliance, and he briefly discussed the negotiation of the Model Additional Protocol. Notably, Ambassador Wulf also stated that the concept of "managed access" was learned from the CWC, thus reaffirming the mutually reinforcing nature of multilateral arms control agreements.

The third panelist, U.S. Deputy Assistant Secretary of State for Arms Control, Verification, and Compliance Anita Friedt, touched on a variety of issues linked to U.S. policy on disarmament and nonproliferation, including the implementation of New START, the International Partnership for Nuclear Disarmament Verification (IPNDV), and the new U.S. initiative on Creating the Conditions for Nuclear Disarmament (CCND), launched at the 2018 NPT PrepCom in Geneva. Friedt emphasized that States are more likely to conclude that disarmament is in their national interest if they are also confident that their security situation is ameliorating. Friedt emphasized that one goal of the new disarmament discourse is to promote transparency and confidence building measures, which are necessary in such a deteriorating security environment. Friedt concluded by reiterating that the United States has long supported the establishment of nuclear-weapons-free zones, and that the 2018 U.S. Nuclear Posture Review (NPR) contains the same negative security assurances for NPT NNWS Parties as the 2010 NPR.

The last panelist, Ambassador Sha Zukang, a Former Chinese Permanent Representative to the United Nations in Geneva, discussed China's history with the NPT before highlighting some current challenges facing the NPT regime. The Ambassador stated that China was initially very suspicious of the NPT, as demonstrated by the objections to the NPT expressed in its declaration upon ratification of Additional Protocol II to the Treaty of Tlatelolco. China joined the NPT in 1992, and . He said China now saw the NPT as the cornerstone of the nuclear nonproliferation regime. Ambassador Sha also noted that China supported the "smooth extension" of the NPT in the lead up to the 1995 Review and Extension Conference, recognizing that there were more than enough cosponsors of indefinite extension but that the Non-Aligned Movement was divided. Ambassador Sha concluded by highlighting three difficulties that the NPT may face; firstly, the Treaty's non-universality, especially given the states outside the Treaty that possess nuclear weapons; secondly, frustration over the lack of full implementation of past commitments; and thirdly, the need for the United States and the Russian Federation to take the lead on disarmament.

***Panel 4: Preserving the Legacy: Contributions to Global Peace and Security***

The last panel discussion of the day brought together the leaders of the 2020 NPT review process to discuss the enduring contributions that the NPT has made to global peace and security. Dr. Joseph Pilat of Los Alamos National Laboratory moderated the session and opened the discussion by stating that since its inception, the NPT has promoted global security and proven resilient in the face of evolving challenges. In a current security environment marked by the resurgence of great power tension, growing regional conflict, and an increase in weapons of mass destruction threats, Dr. Pilat stressed the importance of the NPT as a bulwark for international security.

Marjolijn van Deelen of the Dutch Foreign Ministry, representing the Chair of the first PrepCom (2017), opened by noting the main challenges since 2015: the failure of the 2015 RevCon to produce a consensus outcome and the beginning of the TPNW negotiations. She emphasized that the Chair traveled to capitals across the world to meet with Parties and hear from them directly. Van Deelen described the regional approach the PrepCom Chair had taken, in partnership with Senegal, Indonesia, and Chile, to organize regional conferences to discuss priorities and concerns prior to the 2017 PrepCom. Van Deelen noted that the Chair's takeaways from those conferences were that Africa was largely focused on peaceful use issues of nuclear energy, Asia on a balanced implementation of all three pillars, and Latin America on disarmament. She concluded by citing the need to address the origins of the TPNW, to tackle problems as the NPT negotiators had done in the 1960s, and to avoid pitting the NPT "pillars" against one another.

Ambassador Adam Bugajski, the Chair of the second PrepCom (2018), described the most recent gathering of NPT Parties as one in which "realpolitik was back on the table." He noted that the U.S. position on the Joint Comprehensive Plan of Action (JCPOA) and the situation on the Korean Peninsula significantly influenced discussions at the PrepCom. Ambassador Bugajski stated that he tried to capture the meeting holistically in his Chair's Summary and that he followed his predecessor in submitting a Working Paper entitled Chair's Reflections on the State of the NPT. Amb. Bugajski cited the NPT's positive merits, particularly its strength and adaptability facing an unpredictable international environment, and said its successes should be reiterated more frequently. He also called for the early establishment of the 2020 RevCon Bureau, including the appointment of Subsidiary Body chairs, and called for discussion of how to shape a successful 2020 RevCon outcome. Ambassador Bugajski concluded by calling for the return of "patient diplomacy" and expressed his hope that Parties would listen to one another and have the courage to make compromises and concessions necessary for success in 2020.

The nominee to chair the third PrepCom (2019), Ambassador Muhammad Shahrul Ikram Yaakob of Malaysia, expressed that the past 50 years of accomplishment do not guarantee success for the next 50 years, but that there are many lessons to be learned from the past. Specifically, he emphasized the critical role that political goodwill and good faith efforts have played over the last 50 years and called for continued political will throughout this cycle. The Ambassador indicated his plans to pursue a regional consultations-based approach similar to those pursued by the Chairs of the first two PrepComs. He said he plans to consult as widely as possible not just with Parties, but also with the IAEA, the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), and various non-governmental organizations. Ambassador Yaakob concluded by calling for NPT Parties to reach out, listen, build trust, and refrain from engaging in "nuclear rhetoric."

Argentinian Ambassador Rafael Grossi, the final speaker and the designee of the Group of Latin American and the Caribbean States (GRULAC) to serve as President of the 2020 RevCon, opened by stating that the stakes are as high as they have been since the 1995 Conference that led to the Treaty's indefinite extension. Ambassador Grossi stated that the Treaty had been put to the test throughout its history and confronted numerous proliferation crises, and that the safeguards system has enabled the international community to deal with the challenges that have arisen. He also noted that there had been many developments in the world since the last successful RevCon in 2010 that have bolstered the nonproliferation regime, and that while there are clearly still challenges, progress must and can be made. He lauded the statement released jointly by the Foreign Ministers of the Depositary Governments on the NPT's 50<sup>th</sup> anniversary and called the depth of the statement "impressive and surprising." Ambassador Grossi concluded by praising the collaboration between the Chairs of the 2020 review cycle and expressing his hope for a successful outcome of the 2020 RevCon.