



PAPER 5.

THE NPT REVIEW PROCESS. WHAT IS IT AND DO WE REALLY NEED IT?

Vladimir Orlov

The Nuclear Nonproliferation Treaty (NPT) was signed and opened for signature in 1968 and it entered into force in 1970. Every five years since 1975 parties to the Treaty have met to review the Treaty. The major purpose of the NPT review process is to do a check-up of its compliance and to discuss what should be adjusted to help the Treaty strengthen the nuclear nonproliferation regime. 25 years after the entry into force of the NPT its state parties were to decide how to extend the Treaty as from the very beginning it was signed only for a 25-years term, and that was an exceptional case.

All the NPT review conferences are unique in their own way in terms of geopolitical context, the atmosphere of discussions and results. Some conferences did it better than others. In 2005, after the 7th NPT Review Conference, for example, Soviet/Russian diplomat Ambassador Roland Timerbaev, one of the *founding fathers* of the NPT, noted that there were always cycles, ups and downs for the NPT review conferences and the Treaty itself.

NPT review conferences have become an important verification mechanism for the NPT. Between 1970 and 2024 ten NPT review conferences took place in the following years: 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010, 2015, 2022. Before the 10th NPT Review Conference in 2022, the NPT review cycle lasted for seven years due to the COVID-19 pandemic and the subsequent closure of the state borders. Those circumstances made it impossible for many official delegations to come to the UN headquarter in New York, the US, to take part in the review process in 2020. Thus, it was postponed (even twice).

By the end of each review conference state parties prepare the final outcome, or final document which set out the main problems in the functioning of the nuclear nonproliferation regime and the solutions and plans of action for the future. Traditionally, it has to be adopted by consensus. The following NPT review conferences ended without a final document: 1980, 1990, 1995 (although a decision was taken this year to extend the Treaty indefinitely), 2005, 2015, 2022. The absence of the final outcome is not a tragedy for the NPT review process, but it always provokes heated discussions about the relevance of nuclear nonproliferation regime and its (non-)compliance. In general, NPT review conferences can be viewed both as a bureaucratic and a political process.

In this Paper the author will concentrate on the two most interesting cases: the 1995 NPT Review and Extension Conference and the 2022 NPT Review Conference²⁷.

²⁷ Since 1995 Vladimir Orlov has taken part in the work of all the NPT review conferences. Since 2010 he has taken part in the NPT review process as a member of the Russian official delegation and its advisor (most recently, in August 2022).



CASE ONE: 1995 NPT REVIEW AND EXTENSION CONFERENCE

The 1995 NPT Review and Extension Conference took place on April 17–May 12, 1995. It resulted in three main decisions – Strengthening the Review Process for the Treaty, Principles and Objectives for Nuclear Non-Proliferation and Disarmament, and Indefinite Extension of the Treaty on the Non-Proliferation of Nuclear Weapons – as well as the Resolution on the Middle East.

“New York, 1995, April, spring, beautiful weather. I was a young non-proliferation expert who got to spend four weeks of the NPT Review Conference with the expert community there and to meet a number of very bright people. Sergey Kislyak, Gennady Evstafiev, Evgeny Maslin, Roland Timerbaev – all those people were either in the Russian official delegation or somewhere around. Speaking of the 1995 Review Conference, I saw how much importance my country, Russia, put into the 1995 Conference. It was also important for two other depository states, the United States and the United Kingdom. It was in April and May 1995, when the fate of the international nuclear nonproliferation regime was decided”.

Vladimir Orlov

Article X.2 of the NPT said that “25 years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely or shall be extended for an additional fixed period or periods”²⁸. So, there were three options regarding its further extension. The first option was to extend the Treaty *indefinitely*. The second option was the extension of the Treaty for an additional *fixed period of time*, for example, again for 25 years, and after that another conference should be convened to decide the future of the NPT. The third option was *rolling extension* or extension in a number of periods of time: *25 years after 25 years*. The majority of state parties to the NPT should make a decision²⁹.

The future of the NPT and of the nuclear nonproliferation regime were clearly at stake at that moment. Moscow believed that indefinite extension would better serve the needs of Russia and also the needs of the Treaty. Such a decision would prove the importance of the NPT and would remove a *headache* from future NPT review conferences. Russia had a consensus on that with the United States and the United Kingdom. But all three countries were less sure whether they would have a general consensus at the Conference, as there were some *have-nots* who took a very radical position regarding the NPT and its compliance. Without questioning the value of the Treaty, they believed that nuclear-weapon states did not work really hard on Article VI of the Treaty. There were other reasons for criticism as well, and one could not ignore it.

Good conferences are well-prepared conferences. One voice could really matter. Before the Conference some lobbying and preparatory work were done by the depository states and some other like-minded countries that had believed in the importance of the indefinite extension of the Treaty.

²⁸ Treaty on the Non-Proliferation of Nuclear Weapons, 1968 // United Nations Office for Disarmament Affairs.

²⁹ Ibid.



There were others, like Ambassador Roland Timerbaev, who believed that indefinite extension of the NPT probably would not be the best solution. He thought that if the Treaty was extended indefinitely, there would have been no way to put pressure on those who are not in full compliance with the Treaty. He personally and some others were not critical of the Treaty itself but of the extension period. The question was for how long to extend the Treaty, not whether it should be extended or not.

The Conference started in a very positive way and was extremely well facilitated by President-designate of the Conference Ambassador Jayantha Dhanapala, a Sri Lankan diplomat. He wanted a positive result for the NPT Review and Extension Conference without a split between the majority and the minority. His work was aimed at building up the spirit of consensus.

The main goals of the 1995 Review and Extension Conference were to extend the Treaty, define the period of extension in accordance with the Article X.2, to review the operation and implementation of the Treaty, to work out recommendations to increase the effectiveness of the Treaty, and to assist in achieving the universal status of the Treaty. Extension, the first point, was successful. Review was done, but no final document was achieved. Recommendations to increase the effectiveness of the Treaty were provided as well. In regard to assisting and achieving the universal status, there were mixed results. Moreover, the Resolution on the Middle East was adopted, but, unfortunately, it was not as strong as it should have been.

It became clear that there was a majority, more than 100 state parties, that support an indefinite extension of the Treaty without any preconditions. There were some who suggested that other documents should be adopted to strengthen the Treaty, what should be considered to be positive. Of course, there were a few dozen hesitant participants. Russia had to work hard to find the delegations of such countries as Moldova and Turkmenistan, for example, to make sure that in case the voting procedure was to be called, they would hopefully vote for the indefinite extension of the Treaty. When Russian representatives realized that there was a majority of the NPT indefinite extension supporters, it became easier for them to discuss the issue with those who hesitated.

By the end of the Conference Ambassador Jayantha Dhanapala understood that the moment was ripe for adopting the decision on the extension and on the package of documents. The Iranian delegation demonstrated that they were not particularly happy about how it all was achieved, and the delegation of the DPRK decided to leave at the moment of decision-making, but they did not say no. The decision on the NPT indefinite extension was achieved not by consensus, but without a vote, so that there was no split.

As one of the foreign participants of the Conference said to the author of this Paper, *the surgery has been a success, the patient is alive but is still in the emergency room*. The Treaty was extended indefinitely, but the problems associated with the international nuclear nonproliferation regime could not evaporate with that decision. It was important to start addressing practical problems. It was already in 1998, three years after the success of the 1995 NPT Review and Extension Conference, when India and Pakistan conducted their nuclear and thermonuclear tests, which, of course, questioned the sustainability of the NPT regime.



“ In the late 1990s, the relations between Russia and the US became more strained. There has never been a honeymoon in our relations, but the late 1990’s was clearly an indicator of decline. Some wanted to establish their own rules by bombing Serbia, invading Iraq under the slogans of fighting nuclear proliferation, completely misleading, then creating its own list of the proliferation demons. The world did not march together with the United States in that direction, but the cracks in the relations between the Nuclear Five became more evident. Obviously, after Russia returned its sovereignty over the Crimea in 2014, it became clear that the previous era in international relations was completely over. Russia accurately signaled that we need to reshape the global balance. Russia’s voice was ignored. One of the results of that was the 2015 NPT Review Conference. There was no final document because Russia, the United States and the United Kingdom failed to work together like they did in 1995”.

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CASE TWO: 2022 NPT REVIEW CONFERENCE

The 10th NPT Review Conference was planned to be held in Spring 2020, but the COVID-19 pandemic broke out and the NPT Review Conference was postponed. It took place on August 1-26, 2022, and was overshadowed by the situation in Ukraine.

“ It is impossible to ignore the fact that a number of influential states in the review process, both nuclear and nonnuclear – from the United States, Great Britain and France to Switzerland, Japan and New Zealand – have imposed tough sanctions on Russia, and they are categorized by Russia as unfriendly countries.

Building partnerships and seeking compromises with those who apply stranglehold on you, and, in some cases, provoke you by supplying arms to your opponent is both an unrealistic and humiliating endeavor which should be avoided. Western states that would like to turn the Review Conference into a Russia trial should consider which regime they want to strengthen more: the Kiev one or nuclear nonproliferation?

Russia will be able to achieve maximum efficiency only in closer interaction with formal and informal groupings at the Conference. Given the excessive politicization of the forthcoming NPT Review Conference, the practice, when compromise proposals which were worked out by the diplomats of the superpowers were made on behalf of neutral states, may be in demand”.

**NPT Review Conference: The Limits of the Possible
Vladimir Orlov and Sergey Semenov**

Security Index Occasional Paper Series. №15 (41). 2022.

Source: <https://pircenter.org/wp-content/uploads/2022/11/22-07-27-INF-SI-RUS-%E2%84%9615-41-2022.pdf>

The 2022 NPT Review Conference was excessively politicized. Even in a hostile situation it could be possible to reach a compromise, but one should remember that a compromise is always what both parties want, not just one. Russia was obviously interested in a successful result of the Conference, however, it did not need a final document at any price. The 10th NPT Review Conference should have been concluded with an adoption of a balanced and realistic document which would reflect all significant issues of the nu-



clear nonproliferation regime: both well-publicized disarmament issues and less visible aspects, such as IAEA safeguards, export controls, and the nuclear security. Russia was in a position to facilitate the adoption of such a document in cooperation with the key actors in the Conference, as well as to strengthen the NPT.

It was the first NPT review conference when China played extremely energetically, very independently, and it was clearly explaining its own interests, particularly concerning AUKUS. Positions of China and Russia were very close in most cases, but the *collective West*, led by the United States, the United Kingdom and France at that particular Conference, decided to diplomatically *attack* Russia and only Russia. One specific case was chosen: *Russia was doing something wrong with the Zaporozhye Nuclear Power Plant (ZNPP) on its sovereign territory*. That was just a politically motivated show and a blame game. It was very unfortunate that instead of strengthening the Treaty, the *collective West* preferred to strengthen the Kiev regime, seeking to punish Russia.

“The Conference expresses its grave concern for the military activities conducted near or at nuclear power plants and other facilities or locations subject to safeguards under Ukraine’s comprehensive safeguards agreement, in particular the Zaporizhzhya nuclear power plant, as well as the loss of control by the competent Ukrainian authorities over such locations as a result of those military activities, and their profound negative impact on safety, security, including physical protection of nuclear material, and safeguards.

The Conference stresses the paramount importance of ensuring control by Ukraine’s competent authorities of nuclear facilities and other locations subject to IAEA safeguards located in armed conflict areas, such as the Zaporizhzhya nuclear power plant and other facilities and locations within Ukraine, and of providing access to the IAEA in order to implement safeguards activities effectively and safely for the purpose of ensuring that nuclear material is not diverted to nuclear weapons or nuclear explosive devices.

The Conference expresses grave concern with the safety and security of Ukraine’s nuclear facilities and materials, in particular the Zaporizhzhya Nuclear Power Plant, and expresses appreciation for the IAEA’s and its Director General’s efforts to address this concern.

The Conference encourages States parties to support the IAEA Director General’s efforts to restore the safety and security of Ukraine’s nuclear facilities and materials, within its internationally recognized borders.

The Conference supports the efforts of the Director General of the IAEA to seek access to enable the IAEA to undertake urgent safeguards activities to verify the status of the reactors and inventories of nuclear material in armed conflict areas, including at the Zaporizhzhya nuclear power plant and other locations in Ukraine, and to ensure the non-diversion of nuclear material from peaceful activities at those locations”.

**Draft Final Document
2020 Review Conference of the Parties
to the Treaty on the Non-Proliferation of Nuclear Weapons**

Source: <https://www.un.org/en/conferences/npt2020/documents>

The President-designate of the Conference, Ambassador Gustavo Zlauvinen, an Argentinian diplomat, and his team did their best, but because of the pressure and provocations it was too difficult, close to impossible, to find language that would satisfy everybody.



From the very first days of the Conference, representatives of the Russian official delegation were sending a crystal-clear signal that nothing related to the sovereignty of the Russian Federation should be raised in the final document. Some delegations were very much spoiled by the fact that Russia had always been one of the most neatly acting players. There were quite a number of delegations that were like-minded and that were very unhappy about how the *collective West* was playing it. Some of them were very articulate: Iranians, Syrians, Nicaraguans, Belarusian, etc. The whole review cycle and the final document were sacrificed.

“As I said before, it was expected that it would be very difficult to get a final document by consensus because there were many conflicting views on many relevant issues such as the WMD-free zone in the Middle East, the Iranian nuclear program, the DPRK nuclear arsenal, lack of progress in nuclear disarmament, etc. Previous review conferences had failed to reach consensus on a final document due to one specific issue. For example, the 2015 RevCon failed to reach consensus on its final document due to the diverging positions of some state parties regarding language on the Middle East. But ahead of the Tenth NPT RevCon we were facing several complex and difficult issues, not just one. So, I was trying to push delegations to come to a common understanding of the majority of these issues just to prove that we could continue to work together... Even if we did not manage to get a final document by consensus, I believe that the Tenth NPT RevCon proved that state parties were still able to discuss all NPT-related issues, to engage and negotiate with each other, and even to agree on some critical issues under the Treaty. I do not think that the success of an NPT review conference should be measured only by the fact that a final document is agreed or not. In our case, and for four weeks, delegations from 161 state parties managed to discuss and negotiate nuclear related issues, agreeing on some of them and disagreeing on others. That’s the way the process work”.

Ambassador Gustavo Zlauvinen, President-designate of the 10th NPT Review Conference, in an interview for PIR Center

Source: <https://pircenter.org/wp-content/uploads/2023/02/%E2%84%961-35-2023.-The-Tenth-NPT-Review-Conference-2022-Chronicle-of-the-Failure-Foretold.pdf>

CONCLUSION

The 2022 NPT Review Conference was held in very sharp contrast with the 1995 NPT Review and Extension Conference. Why did the 2022 Conference fail? There can be identified the main three reasons. First, excessive politicization of the Conference which was provoked by the *collective West*. Second, the situation around the ZNPP was taken as a pretext to put diplomatic pressure on Russia, while the Ukrainians were really attacking it as well as the Kursk Nuclear Power Plant, but nobody wanted to discuss that. Third, ignorance of Russia’s position, one-sided draft documents, which could not be accepted.

Nevertheless, the 10th NPT Review Conference was finally held despite all the postponements and some other geopolitical circumstances. There was no final document, but the parties managed to exchange their views, though sometimes in an unproductive and hostile way. Of course, the NPT member states should continue the review process and meet from time to time, but maybe not in New York.



“ We got used to being constantly blamed and take it easy. History will judge everyone; you should not worry. Some countries want to turn the [Tenth] NPT RevCon into a show trial for Ukraine, which has nothing to do with reality, with the nuclear nonproliferation agenda. And if it does, it is only indirect – in the context of the situation around the Zaporozhye Nuclear Power Plant. No one is telling the truth: Ukraine is shelling nuclear power plant, and no one is talking about it here. European countries show no sense of self-preservation. They are amazingly carefree. European countries could reason with their so-called Ukrainian partners – stop giving them money and weapons. But they do not do this, and all in the name of a great goal to act as a united front against Russia”.

Igor Vishnevetsky, Deputy Head of the Russian delegation to the 10th NPT RevCon and Deputy Head of the Department for Nonproliferation and Arms Control of the Russian Foreign Ministry, in an interview for PIR Center

Source: <https://pircenter.org/wp-content/uploads/2023/02/%E2%84%961-35-2023.-The-Tenth-NPT-Review-Conference-2022-Chronicle-of-the-Failure-Foretold.pdf>

One should remember that the review cycle gives an opportunity for all the state parties, for like-minded and very differently minded countries, both nuclear-weapon and non-nuclear-weapon ones, to express themselves. It is very unfortunate that the NPT member states are unwilling to find compromises and that there is a strong *political split* between nuclear-weapon states, in particular, between Russia and the USA. The truth is that between August 2022 and now there has been zero progress in improving the atmosphere in international affairs which is quite important to preserve and promote the NPT spirit. ■