

**DISCUSSION PAPER:
PRIORITY ACTIONS FOR THE 2021 NUCLEAR NON-PROLIFERATION
TREATY REVIEW CONFERENCE - A VIEW FROM LATIN AMERICA**

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The 2021 Nuclear Non-Proliferation Treaty (NPT) Review Conference (RevCon) opens a window of opportunity for States parties to find constructive ways to strengthen the treaty. The deterioration of the global security environment, the rise of conflicts and threats among states, the uncertainty about the future world post-COVID-19 pandemic, and the lack of agreement on addressing nuclear threats and implementation of the NPT make it crucial for States parties to take positive actions to restore the NPT's credibility and reaffirm their commitment to the treaty's goals.

To this end, this paper proposes four priority actions that States parties could deliver at the RevCon: (a) NPT Nuclear Weapon States (NWS) and Non-Nuclear Weapon States (NNWS) issue a statement about the crucial importance of avoiding nuclear weapons use; (b) States parties commit to further action on Nuclear Disarmament Verification (NDV); (c) States parties commit to strengthen physical protection of fissile materials through the ratification and implementation of the amended Convention on the Physical Protection of Nuclear Material (CPPNM); and (d) States parties support the International Atomic Energy Agency (IAEA) as the key source of technical assistance for safe and secure development of peaceful uses of nuclear energy.

These four actions can be viewed as comparatively low-hanging fruit in terms of constructive engagement of both NWS and NNWS and should be achievable. They emerged from a regional consultative discussion with Latin American government officials and non-governmental experts that took place in December 2019 in Rio de Janeiro, Brazil. If adopted and implemented, along with other signs of visible progress, they could help revitalize the NPT by opening pathways to overcome current deadlocks and frustrations in implementation of the NPT.

I. Drivers for Success

Strengthening the NPT is a common goal for all States parties. Proposals for priority actions for the Review process should be realistic and encourage mutual commitments of states, rather than divisive thinking among them. Proposals of this type could help achieve a less confrontational 2021 RevCon. The introduction of the concept of Joint Voluntary Commitments (JVCs), to be put forward by individual states or groups of likeminded states, could help break the paradigm of failure deriving from either an absence of, or poor fulfillment of, the traditional consensus final document. Such voluntary commitments would be focused on specific actions in support of the NPT's goals, in addition to a consensus statement (or in the absence of such a statement). They could be announced, either in advance of the RevCon or during the RevCon, to help build momentum and focus the discussion.

Introducing JVCs into the NPT RevCon environment is an innovative method that was proven to be successful in other relevant forums like the Nuclear Security Summits (under the name of "gift

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baskets”). In this regard there are opposing views concerning their utility for the NPT. Arguments against warn that promoting JVCs could undermine consensus and permit states to be elusive in terms of their commitments as NPT States parties. Supporters of the concept of JVCs argue that they can help create norms and enable progress where consensus may not yet be possible.

In fact, given the current international context, the success of the NPT RevCon seems more likely if States parties can achieve incremental small accomplishments that strengthen the NPT goals throughout the process, rather than relying on agreement on a consensus final document. History has shown that forced consensus turns out to be highly counterproductive.

II. Proposed Priority Actions

Below are brief explanations of the proposed four priority actions:

a. Statement by NPT States parties, including NWS, about the crucial importance of avoiding nuclear weapons use.

Such a statement would express the shared interest of all NPT States parties in preventing the use of nuclear weapons. It should include an affirmation by the five NWS in the style of the Reagan-Gorbachev statement – “a nuclear war cannot be won and must never be fought.” That affirmation, welcomed in the same text by the NNWS, should be agreed beforehand and delivered during the 2021 RevCon and could be presented as a clear sign of goodwill and recognition of the value of the NPT and its role in preventing nuclear use. The statement could also be strengthened by including commitments to specific risk reduction measures such as sustained dialogue among the P5 on potential changes in doctrines, postures, and rhetoric aimed at reducing the risk of nuclear use. Some will argue that to try and fail to reach agreement on such a statement could be worse than doing nothing, but if JVCs are implemented and recognized as a method to enhance the treaty, a group of states with diverse profiles could take ownership of this promising idea.

b. Joint commitment by NWS and NNWS on nuclear disarmament verification (NDV).

The 2010 Action Plan (2) emphasizes that Parties commit to apply the principles of irreversibility, verifiability, and transparency in relation to implementation of their treaty obligations. It also applies to nuclear disarmament obligations under Article VI of the NPT and subsequent verification of elimination of nuclear weapons. Several initiatives¹ include the participation of NNWS governments and civil society in the NDV process (2010 Action Plan (19)). UNGA resolutions 71/60 (2016) and 74/50 (2019) also created Groups of Governmental Experts (GGEs) under the UN Secretary General to advance the knowledge of and practical steps for implementation. The main goal of the GGEs is to develop political and, likely in the future, technical expertise and processes thorough a Group of Scientific and Technical Experts (GSTE) to make verification safe, secure, and proliferation resistant. In parallel the International Partnership for Nuclear Disarmament Verification (IPNDV) over the past half-decade has brought persons from 30 plus countries to strengthen our conceptual and technical understanding of NDV. Issuing a commitment on NDV at the RevCon could be a powerful driving force for confidence-building between NWS and NNWS under the NPT framework. It could also include ways to broaden participation of states in NDV activities as well as to find synergy among initiatives currently underway. A progress report including activities and their outcomes could be scheduled for the first Preparatory Committee after 2021, and successive meetings.

¹ Among them are the UK-Norway initiative, QUAD with the incorporation of US and Sweden, the 25-state International Partnership for Nuclear Disarmament Verification (IPNDV), the NuDiVe exercise between France and Germany, and VERTIC’s initiative aiming at creating centers of excellence in Latin America, South Africa, and Kazakhstan.

- c. *Commitment to strengthen physical protection of fissile materials through the ratification and implementation of the amended CPPNM.*

The 2010 Action Plan (42, 43 and 44) called for “all (NPT) States parties to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories, in accordance with their relevant international legal obligations.” It also called for “States parties in a position to do so to work to enhance international partnerships and capacity-building in this regard” and for “States parties to establish and enforce effective domestic controls to prevent the proliferation of nuclear weapons in accordance with their relevant international legal obligations.” The proposal specifically encourages states to ratify and implement the Amended CPPNM as a strong measure to prevent horizontal proliferation and acts of nuclear/radiological terrorism. To date, 162 states are parties of the Convention, but only 125 have ratified the 2005 amendment. Those states that are not yet parties to the Amended Convention could commit themselves to ratify and those that have ratified could commit to bring the dialogue to multilateral fora to promote new ratifications. The experience of Nuclear Security Summits (2010, 2012, 2014, and 2016) where states pledged ratification of key international instruments such as the CPPNM and its 2005 amendment, should serve as an inspiration for future commitments and actions. Again, a progress report could be scheduled for the first PrepCom after 2021.

- d. *Support the IAEA as the key source of technical assistance for safe and secure development of peaceful uses of nuclear energy.*

Peaceful uses of nuclear energy are, in practice, the area of greatest and most immediate interest and benefit for most States parties, but traditionally this pillar has received relatively less practical attention. The 2010 Action Plan (52 and 53) calls for contributions to IAEA programs in support of peaceful applications of nuclear energy. The challenge here is to make such commitments operational, with concrete deliverables. Examples of tangible support include States parties’ contributions to the IAEA’s Marie Skłodowska Curie Fellowship – which granted 100 scholarships for women worldwide to carry out post-graduate studies in nuclear science – and support for the Peaceful Uses Initiative (PUI). Launched in 2010, the PUI has been effective in encouraging extrabudgetary contributions by states to support technical cooperation projects and other unfunded projects of the IAEA in the area of peaceful applications of nuclear technology. Parties could agree on common language stimulating joint work with the Agency to operationalize and reinforce the commitments already assumed, as well as to develop new ideas for supporting the IAEA.

III. The Role of Latin American States

Recent consultations and debates among Latin American officials and non-governmental experts have led to several important recommendations about Latin America’s role in the future of the NPT and the upcoming RevCon. In particular, Latin America can play a role in strengthening the NPT by facilitating dialogues; by emphasizing the need to avoid repeating the mistakes of the past and recover a sense of common purpose; and by highlighting the importance of finding and implementing concrete deliverables in support of all three pillars of the NPT. Latin American states can also stress that further potential measures such as strengthening negative security assurances and the potential adoption of legally binding mechanisms of “no-first-use” are helpful and should be supported, even if they are not substitutes for the Article VI disarmament goal. Even if such measures cannot be negotiated, pressing for them would complement and reinforce the norm against use of nuclear weapons.

As NNWS with excellent nonproliferation credentials, Latin American states can and should play an active role in promoting actions to strengthen the NPT. As reflected in its Preamble², one of the goals of the NPT regime is to comprehensively reduce nuclear risks deriving from the existence, use, and proliferation of nuclear weapons – implemented through differentiated commitments by NWS and NNWS. The COVID-19 pandemic and the resulting delay of the RevCon, in addition to low expectations about RevCon deliverables, present an important opportunity for all NPT States parties to use the 2021 RevCon to go beyond assessing how the treaty is being implemented. Rather, states should be working hard to find common ground and to commit to take actions – such as the four suggested in this paper – to rebuild momentum, restart progress, and deliver on the NPT’s goals. This will be critical to strengthen the NPT and preserve its cardinal role as the cornerstone of the global nuclear order.

² Text of the NPT Preamble: “The States concluding this Treaty, hereinafter referred to as the Parties to the Treaty, Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples” <https://www.un.org/disarmament/wmd/nuclear/npt/text>