BRIEFING

European Parliament

Tenth NPT review conference

Nuclear weapons threat at an all-time high

SUMMARY

Nuclear weapons pose an existential threat to humanity. Russia's threat to use nuclear weapons in the context of its war on Ukraine has been a stark reminder that this threat is real. At present, nine states are known to have military nuclear programmes. Over recent years, tensions among nuclear-armed states have increased, leading to 'outright strategic rivalry and competition' among several of them. Moreover, experts are concerned that the 'fabric of international institutions, treaties, and norms that has historically contributed to predictable and more stable relationships among nuclear-armed States is deteriorating'. Experts also point to technological developments that heighten uncertainties and unpredictability in the strategic relationships among nuclear-armed states. In January 2021, the Science and Security Board of the Bulletin of the Atomic Scientists set the doomsday clock to 100 seconds to midnight and warned that the world is 'sleepwalking its way through a newly unstable nuclear landscape'.

In 1968, the five states that possessed nuclear weapons at the time signed the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), intended to lead to the eventual abolition of all nuclear weapons and control their proliferation. However, rather than fulfilling the pledge to disarm that they made when they signed the NPT, nuclear weapon states are investing massive sums in more modern nuclear weapons and delivery systems. Moreover, an additional four states have acquired nuclear weapons since the NPT came into force in 1970, and a fifth, Iran, is getting dangerously close to building its own nuclear bomb. The Tenth NPT Review Conference, scheduled to take place in New York from 1-26 August 2022, will review progress on the implementation of the treaty. The conference is taking place at a time of fundamental divides between NPT member states over key aspects of the treaty. Moreover, Russia's invasion of a non-nuclear weapon state and its reckless nuclear rhetoric pose particular challenges for the disarmament and non-proliferation objectives of the NPT. The EU remains fully committed to the NPT as the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, and recently called on all parties to work towards a positive and substantive outcome of the conference.

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Nuclear Non-Proliferation Treaty

Global nuclear disarmament – in other words, a world free of nuclear weapons – is one of the United Nations' most long-standing objectives. The Nuclear Non-Proliferation Treaty (NPT), which was signed on 1 July 1968 and entered into force on 5 March 1970, is considered the most widely accepted arms control agreement and the cornerstone of the international nuclear non-proliferation and disarmament regime. Currently, 191 states are parties to the NPT. The NPT recognises five nuclear weapon states (NWS) – namely all states who had 'manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967': the United States (USA), the Russian Federation, the United Kingdom (UK), France and China (the latter two only acceded to the NPT in 1992). India and Pakistan became de facto nuclear states in 1998, while Israel maintains a policy of ambiguity about its nuclear capabilities, but is believed to have around 90 nuclear weapons. India, Pakistan and Israel have not signed the NPT. North Korea is the only signatory to withdraw from the treaty to embark on a military nuclear programme, and conducted its first nuclear test in 2006. Upon signing the NPT, the five recognised nuclear weapon states promised to disarm completely in time. In return, they were allowed to keep their nuclear weapons. At the same time, the non-nuclear weapon states committed not to acquire nuclear weapons in exchange for access to nuclear materials and technology for civilian use (for which they must accept safeguards and verification by the International Atomic Energy Agency).

NPT review conferences

Since the entry into force of the NPT in 1970, review conferences have taken place every five years to assess the treaty's implementation. Each review conference aims to adopt a final conference document, approved by consensus, describing the issues at stake and proposing future action and reform. A successful review conference leads to agreement among participating states, which is important for making progress on the non-proliferation and disarmament of nuclear weapons and the peaceful use of nuclear energy. At the 1995 review conference, States Parties agreed to extend the NPT indefinitely. Linked to this decision, the States Parties to the treaty adopted a resolution on the creation of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction (hereafter, a WMD-free zone in the Middle East). The final document of the 2000 Review Conference proposed 13 practical steps. The 2010 review conference produced an action plan with 64 actions. However, these have either not been implemented or have failed to produce tangible results, leading to strong criticism. More significantly, the review conferences in 2005 and 2015 failed even to agree on a final document. There is general agreement that the failure of the 2015 ninth review conference to produce a consensus outcome document 'worthy of its name' was due to the inability to agree on future steps towards the establishment of a WMD-free zone in the Middle East, in accordance with the resolution adopted at the 1995 NPT review and extension conference.

What is at stake at the tenth NPT review conference?

Originally due to take place in 2020, the tenth NPT review conference had to be postponed several times due to the Covid-19 pandemic. Now that it is finally happening, the tenth review conference is taking place at a time when the use of nuclear weapons has become a distinct possibility. According to experts, the potential for the use of nuclear weapons has not been so real since the Cuban Missile Crisis in 1962, the closest the United States and the Soviet Union came to nuclear conflict during the Cold War. The Russian leadership has repeatedly threatened to use nuclear weapons in the context of its military aggression on Ukraine, which started on 24 February 2022. This threat has been directed, in particular, at third countries considering assisting Ukraine, and has contributed substantially to NATO's reluctance to respond.

Even before Russia launched its invasion of Ukraine, tensions among nuclear-armed states had reached dangerous levels – such as between Russia and the United States of America (USA), the

United Kingdom (UK) and France, between the USA and China, and between India and Pakistan – leading experts speak about 'outright strategic rivalry and competition'.

Russia's nuclear threat has significantly compromised the value of nuclear weapon states' assurances that the nuclear weapons they possess serve defensive purposes only. On 3 January 2022, Russia issued a statement alongside the other four permanent members of the UN Security Council (China, France, the UK and the USA) that 'nuclear weapons ... should serve defensive purposes, deter aggression, and prevent war' and that 'the avoidance of war between nuclear-weapon states and the reduction of strategic risks' are the nuclear weapons states' 'foremost responsibilities'. Six weeks later, in a first for a nuclear weapon state, Russia used nuclear blackmail 'to shield a full-scale conventional invasion'.

Many experts regret that Russia's assault on Ukraine has undermined prospects for nuclear non-proliferation and disarmament for years to come. Russia's actions are seen as a clear example of a nuclear-armed state bullying a non-nuclear state, thus reducing the incentives for disarmament and making it more difficult to prevent nuclear proliferation. Specifically, Russia has created a 'major challenge' for the nuclear NPT regime, and the upcoming review conference.

According to experts, what is at stake is not just the success of the tenth review conference, but the NPT as a whole as the cornerstone of the non-proliferation and disarmament regime. At a preparatory meeting in Paris in early December 2021, the five recognised NPT NWS (also the five permanent members of the UN Security Council) reiterated their 'active determination to approach this milestone event in the most positive and constructive manner'. Experts have called on nuclear weapon states to fulfil the disarmament-related commitments they made at earlier review conferences, calling for them to be reaffirmed, updated, and implemented in good faith. They have pointed out that abandoning or undercutting these commitments would 'represent a lack of respect for the NPT process and cast doubt on the value of the NPT Review process itself'. According to experts, the conference will take place in a climate in which key nuclear-armed countries 'are backing away from unimplemented commitments made during previous NPT review conferences', and are proposing new pre-conditions for nuclear disarmament, described as 'unachievable'. Given this context, experts are pessimistic about the chances of a breakthrough during the forthcoming NPT review conference.

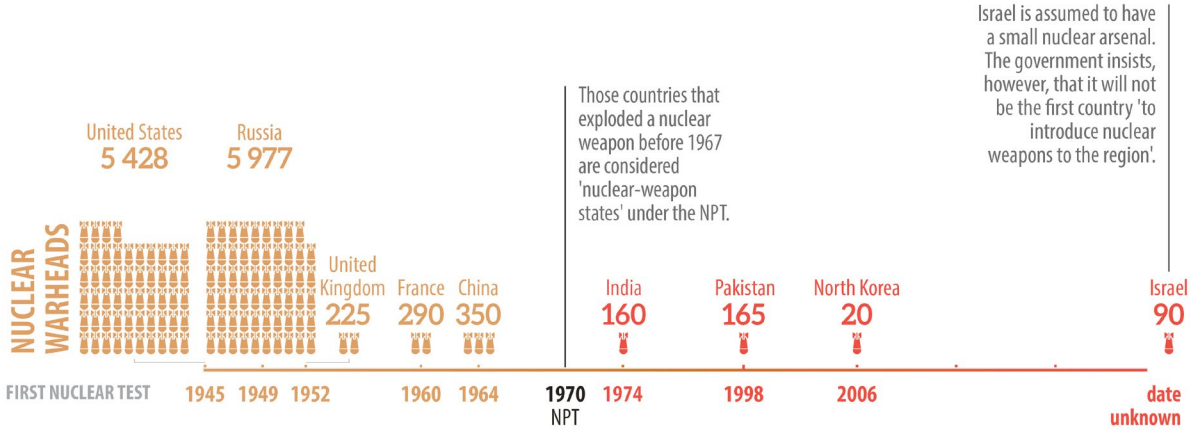
An issue that derailed the 2015 NPT review conference – the establishment of a WMD-free zone in the Middle East – will continue to feature prominently at the forthcoming conference. Nuclear-armed states can also expect to come under renewed pressure from supporters of the 'humanitarian initiative', launched in 2013, to reframe the nuclear disarmament debate by emphasising the devastating effects of a nuclear detonation on citizens globally. The initiative led to the adoption, on 7 July 2017, of the Treaty on the Prohibition of Nuclear Weapons (TPNW), the first multilateral, legally binding instrument for nuclear disarmament to have been negotiated in 20 years.

Nuclear weapons in the world

The number of nuclear weapons worldwide has been declining since the mid-1980s, when they had reached an all-time peak of nearly 70 000 nuclear warheads. The decline has been due primarily to cuts made in the Russian and US nuclear forces as a result of three arms limitation treaties agreed since 1991, as well as unilateral force reductions. Nevertheless, there are still approximately 12 705 nuclear weapons worldwide (January 2022 figures); of these, 3 732 are estimated to be deployed with operational forces, and 2 000 of these are kept in a state of high operational alert by the USA, Russia, the UK and France, ready to be used at short notice. Between them, the USA and Russia still possess some 11 405 deployed and stockpiled nuclear warheads. Moreover, the pace of reduction in nuclear arsenals is slowing. Neither Russia nor the USA – which together hold about 90 % of the world's nuclear weapons (see Figure 1) – have so far signalled any intention to make further reductions in their strategic nuclear forces beyond the cuts mandated by the 2010 New Strategic Arms Reduction Treaty (New START), which was extended in early 2021 for another five years to 2026.

At the same time, all nuclear weapon-possessing states are modernising their nuclear arsenals, and some are drastically increasing the number of weapons they hold. Russia and the USA have launched large-scale programmes to replace and modernise nuclear warheads, missile and aircraft delivery systems, and nuclear weapons production facilities. Even though the nuclear arsenals of the other nuclear-armed states are much smaller, all are either developing or deploying new weapon systems or planning to do so. China, India, Pakistan and most recently the UK are also increasing the size of their nuclear arsenals.

Figure 1 – Nuclear weapons in the world (January 2022)



Source: Federation of American Scientists, January 2022.

Changes in major nuclear weapon states' nuclear policies

The 2018 US government Nuclear Posture Review (NPR), conducted under the Trump presidency, marked a definitive move away from the ambition to reduce the country's nuclear arsenal, which has guided US nuclear weapons policy since the early 1990s. President Biden indicated very early in his presidency, and confirmed in his administration's interim national security strategic guidance of March 2021, that he would take steps to reduce the role of nuclear weapons in the US national security strategy and head off a costly arms race. The Biden administration has conducted its own Nuclear Posture Review (NPR) – the fifth since the first NPR in 1994 – to determine whether to adjust the nuclear programmes that the administration inherited from its predecessor and whether or how to amend corresponding spending plans. The confidential version of the NPR was shared with the US Congress in March 2022; an unclassified version has not yet been made public. On the basis of a summary of the NPR that has been made available, experts believe that the Biden administration will essentially continue the nuclear policy adopted in 2010 by then President Barack Obama.

For its part, Russia has placed greater emphasis on nuclear weapons in its military and national security strategy over the past decade. In 2018, Russian President Vladimir Putin announced that Russia would build five new nuclear-capable, strategic weapons systems, including a new heavy intercontinental ballistic missile, a nuclear-armed hypersonic glide vehicle, a nuclear-armed, air-launched hypersonic missile, a nuclear-powered, nuclear-armed cruise missile and a nuclear-armed submarine drone. NATO has expressed serious concerns about Russia's continued investment in nuclear weapons. European countries are particularly concerned about the deployment of Russian nuclear-capable weapon systems on European soil, including at the heart of NATO territory.

The UK also announced a change in its nuclear defence policy in March 2021, which would allow it to use nuclear weapons to respond to a non-nuclear attack involving other weapons of mass destruction, including chemical or biological capabilities, or emerging technologies with an impact comparable to that of nuclear weapons. The UK is also increasing the size of its nuclear arsenal, from 225 nuclear warheads currently to a maximum of 260.

Although China's nuclear arsenal is smaller than those of the USA or Russia, China is also assigning greater political value to nuclear weapons and is modernising and expanding its nuclear arsenal.

The US Department of Defense forecasts that by 2030, China will have almost tripled the current stock of nuclear warheads, to 1 000.

Pakistan, which has an estimated 165 nuclear weapons, is reported to be expanding its nuclear arsenal faster than any other country and developing new delivery systems. India has developed more sophisticated technology, enhancing the effectiveness of the country's nuclear arsenal.

Waning commitment to multilateral arms control

The past few years have been marked by the waning commitment of major countries to multilateral arms control, an issue that is of great concern to the EU. Some experts have gone as far as declaring 'arms control (almost) dead' and, more recently, 'at an end'.

Of particular concern to European security is the demise, in 2019, of the Intermediate-Range Nuclear Forces (INF) Treaty. In February 2019, the USA and Russia announced the suspension of their obligations under the landmark Nuclear Arms Control Treaty, which they signed in 1987. The INF Treaty eliminated and prohibited ground-launched intermediate ballistic and cruise missiles with ranges between 500 and 5 500 kilometres. The signing of the INF Treaty in 1987 led to the removal and destruction of nearly 3 000 US and Soviet short-, medium- and intermediate-range nuclear-capable missiles stationed in or aimed at Europe. When the two parties failed to reconcile, the INF Treaty ended on 2 August 2019, removing a cornerstone of the European security order. Any redeployment of intermediate-range missiles will put Europe in the line of fire of strategic nuclear weapons once more.

The extension of the New START Treaty, although very welcome, is not currently expected to reverse the trend away from arms control agreements. New START, a bilateral treaty between the USA and the Russian Federation, came into force on 5 February 2011. It set limits on strategic arms that the two parties had to meet – and met – by 5 February 2018. New START imposed limits on nuclear warheads and its delivery systems (missiles, bombers and launchers). The Treaty nearly lapsed in February 2021, before a last minute agreement to extend it for another five years, until 2026.

New START is the only nuclear arms control treaty left between the USA and Russia, and the only bilateral nuclear arms control treaty currently in force The US government reacted to the Russian invasion of Ukraine by putting the Strategic Stability Dialogue with Russia on hold. The dialogue had started in June 2021 with the aim of laying the groundwork for future arms control and risk reduction measures between the two countries. The Russian government, for its part, has threatened to pull out of major agreements with the West, including New START. Leading experts are worried that Russia 'might cut itself off from everything that it has accomplished in controlling and limiting nuclear weapons'. As China is taking steps to dramatically increase its nuclear arsenal and military capabilities, experts are calling for greater efforts to engage China in arms control negotiations, including bilateral talks with the USA. However, China has so far shown little interest in such talks.

Nuclear proliferation concerns over Iran and North Korea

When the NPT opened for signature in 1968, five countries – the USA, Russia, China, France, and the UK – possessed nuclear weapons. The NPT was intended to prevent new countries from developing nuclear weapons, and confine the arms race to these five nuclear weapons countries. Today, with 191 States Parties, the NPT is nearly universal. However, Israel, Pakistan, and India have refused to sign the treaty and have built substantial nuclear arsenals.

North Korea initially signed but left the treaty in 2003, and tested its first nuclear weapon in 2006. The exact size of North Korea's nuclear arsenal is unknown, but the country is believed to have tested nuclear weapons six times and to own some 20 nuclear weapons. Experts believe that Pyongyang has developed ballistic missiles capable of reaching the USA and its allies, Japan and South Korea. In January 2021, the Supreme Leader Kim Jong Un, outlined a set of 'ambitious, wide-ranging, and multifaceted' plans to modernise North Korea's nuclear arsenal. Experts are concerned that North Korea is continuing to pursue plans to expand the quality and quantity of the nuclear threat posed by its nuclear forces, presaging a new security crisis with the country.

Nuclear proliferation concerns also persist in relation to Iran's commitments under the 2015 Joint Comprehensive Plan of Action (JCPOA) and to the country's obligations under the 1974 bilateral NPT Safeguards Agreement with the International Atomic Energy Agency (IAEA). In July 2015, Iran and France, Germany, the UK and the EU, plus China, Russia and the USA signed the JCPOA, a landmark agreement to ensure the peaceful nature of Iran's nuclear programme. Following the US withdrawal from the JCPOA in May 2018, Iran resumed uranium enrichment to increasingly high levels incompatible with the agreement in 2019. According to well-informed estimates, Iran's break-out time – the time required to produce enough enriched uranium for a nuclear bomb – is now down to a few weeks. The signatories of the JCPOA (France, Germany, the UK, the EU, China, Russia, the USA and Iran), began meeting in Vienna in early April 2021, to explore ways to bring both the USA and Iran back into compliance with the 2015 nuclear deal. Even though agreement has reportedly been reached on all technical issues relating to the JCPOA, the US government has so far refused to agree to Iran's demand to lift the terrorist designation of the Islamic Revolutionary Guard Corps (IRGC), a branch of the Iranian armed forces that is independent of the country's regular army. The delays caused by the dispute may mean that Iran's nuclear programme advances to a point where restoring the JCPOA will become meaningless. The IAEA has also expressed very serious concerns over the fact that the agency has found traces of enriched uranium in places that Iran has never declared as places where any nuclear activity has taken place. According to the IAEA, Iran's lack of transparency could jeopardise the resumption of the JCPOA.

A Middle East zone free of nuclear weapons

The establishment of nuclear-weapon-free zones (NWFZ) is a regional approach to strengthening global nuclear non-proliferation and disarmament norms. In 1975, UN General Assembly resolution 3472 (XXX) B defined a Nuclear-Weapon-Free Zone as 'any zone recognized as such by the General Assembly of the United Nations, which any group of States, in the free exercises of their sovereignty, has established by virtue of a treaty or convention', which is free of nuclear weapons and subject to an inspection and verification regime. The five regions currently covered under NWFZ agreements include: Latin America (the 1967 Treaty of Tlatelolco), the South Pacific (the 1985 Treaty of Rarotonga), South-east Asia (the 1995 Treaty of Bangkok), Africa (the 1996 Treaty of Pelindaba) and Central Asia (the 2006 Treaty of Semipalatinsk).

The 1995 NPT review conference called for 'the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems'. Prompted by Egypt and Iran, the United Nations General Assembly (UNGA) first endorsed calls for the establishment of a nuclear-weapons free zone in the Middle East in a resolution approved in December 1974. However, significant disagreements between countries in the region over the terms and the sequence of steps leading to the establishment of the zone have prevented progress. Israel is the only state in the Middle East known to have nuclear weapons, which it is believed to have acquired in the 1960s. Israel is not a state party to the NPT and maintains a policy of 'nuclear opacity', never officially confirming the existence of its nuclear programme. Chemical and biological weapons are the subject of separate global agreements, the Chemical Weapons Convention (CWC) and the Biological Weapons Convention (BWC), in which most, but not all, states in the Middle East have agreed to participate. Egypt has not signed the CWC, and Israel has signed but not ratified it. Israel has not signed the BWC, while Egypt has signed but not ratified it. Syria has signed and ratified the CWC, but has used chemical weapons in recent years. For its part, Iran has a nuclear weapons programme. Several states in the region possess ballistic missiles.

A weapons of mass destruction free zone would commit parties not to possess, acquire, test, manufacture or use any nuclear, chemical and biological weapons as well as their delivery systems. Preparatory meetings for the tenth NPT review conference have continued to focus on the WMD-free zone in the Middle East initiative. Moreover, in 2018, the UN General Assembly entrusted the Secretary General with convening a conference on the establishment of a Middle East zone free of nuclear weapons and other WMD. The conference was opened on 18 November 2019, under the

presidency of Jordan, with the participation of Algeria, Bahrain, Comoros, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, State of Palestine, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen. Israel was invited, but did not attend. According to participants, the first session of the conference marked an important step forward in Middle East states' efforts to achieve their objective of establishing a WMD-free zone. The second session is scheduled to take place at the end of 2022. Several working papers submitted to the preparatory committee and the tenth review conference emphasise the importance of implementing the 1995 review conference resolution on the Middle East, as an indication that the resolution and the question of the establishment of a WMD-free zone in the Middle East will also feature prominently at the tenth NPT review conference.

Treaty on the Prohibition of Nuclear Weapons (TPNW)

The TPNW entered into force on 22 January 2021 and lays down a 'comprehensive set of prohibitions on participating in any nuclear weapons activities. These include undertakings not to develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons. Furthermore, the treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any state in the conduct of prohibited activities. Since it opened for signature on 20 September 2017, 86 UN member states have signed the TPNW and 66 states have ratified it so far. However, none of the states known to have military nuclear programmes have signed the TPNW, nor have NATO members. NATO remains adamantly opposed to the TPNW.

The first meeting of States Parties to the TPNW took place at the UN office in Vienna on 21-23 June 2022. States Parties adopted a declaration and an action plan. Notably, States Parties disagreed over Russia's aggression against Ukraine and the dangerous nuclear rhetoric it has used in this context, with some States Parties condemning it, but others refusing to criticise Russia for its aggression.

The role of nuclear weapons in European security

European NATO members are protected by NATO's collective defence clause. Article 5 of the NATO Treaty provides that an attack on one NATO member state is considered an attack on all. Three nuclear powers – the USA, France and the UK – ensure NATO's nuclear deterrence capabilities. A significant number of EU capitals consider nuclear deterrence – as part of NATO's security strategy – vital for European security. France, which has never participated in NATO's nuclear planning, has taken the initiative to call for strengthening European defence capabilities in parallel to NATO's, including nuclear capabilities. In his February 2020 speech on nuclear deterrence, French President Emmanuel Macron called on interested European countries to engage in a strategic dialogue on the role of France's nuclear arsenal in European security. Following Brexit, France remains the only EU Member State with nuclear weapons, but EU members Belgium, Germany, Italy and the Netherlands, in addition to Turkey, participate in NATO's nuclear-sharing policy.

The European Union and the NPT

In 2003, the European Council adopted the EU strategy against the proliferation of weapons of mass destruction. The EU's 2003 WMD strategy identified support for the NPT as a first priority for action at the international level, and called for the preservation of the integrity, and the universalisation, of the NPT. The 2016 Global Strategy for the EU's foreign and security policy confirmed the centrality of the NPT as the cornerstone of the global nuclear non-proliferation regime, and the essential foundation for the pursuit of nuclear disarmament. Since 2013, the EU has appointed a Special Envoy for Non-Proliferation and Disarmament, who represents the EU in matters related to weapons of mass destruction, as well as conventional weapon controls.

The EU has permanent observer status at the UN since 1974, and enhanced participation rights since 2011. The EU has been actively engaged in the ongoing NPT review cycle, and has funded a series of outreach activities leading up to the tenth review conference. To advance the specific issue that derailed the 2015 review conference, the EU also made almost €3 million available to support the process of confidence-building measures intended to lead to the establishment of a WMD-free zone in the Middle East. On 15 November 2021, the Council adopted conclusions on the tenth review conference, in which

it reaffirmed the EU's unequivocal support for the NPT as the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament, and an important element in the development of nuclear energy applications for peaceful purposes.

The Council called on all states that have not yet done so to join the treaty as non-nuclear weapon states. It also called for the full implementation of the 2010 review conference action plan and of all obligations under the NPT and commitments from previous review conferences, including the commitment to disarmament, with the ultimate goal of total elimination of nuclear weapons.

The European Parliament

In a resolution adopted on 25 February 2020, Parliament issued recommendations concerning the EU's preparation of the 2020 Non-Proliferation of Nuclear Weapons Treaty (NPT) review process. Parliament expressed alarm at the deepening of divergences among states, and the potential for a progressive discrediting of the NPT as a reliable global legal instrument and the subsequent erosion of the global disarmament regime. Parliament called on the Council and the High Representative of the European Union for Foreign Affairs and Security Policy / Vice-President of the European Commission (HR/VP) to reaffirm the full support of the EU and its Member States for the NPT and its three mutually reinforcing pillars of non-proliferation, disarmament and peaceful use of nuclear energy. In a resolution adopted on 15 December 2021, Parliament acknowledged the 'entry into force of the TPNW' and 'recognised its vision for a nuclear weapon-free world'. Nevertheless, Parliament also confirmed the central role of the NPT 'as an indispensable forum for pursuing the goal of nuclear disarmament' and called on all NPT States Parties to constructively engage in the NPT framework, and agree on realistic, effective, tangible, reciprocal and verifiable measures conducive to the achievement of the ultimate shared long-term goal of nuclear disarmament.

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