

Strengthening the Review Process of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative (Australia, Canada, Chile, Germany, Japan, Mexico, Netherlands, Nigeria, Philippines, Poland, Türkiye, and United Arab Emirates)

Introduction

1. There is a clear need to discuss the efficiency and practice of the Non-Proliferation Treaty review process with a view to strengthening them. This point has been highlighted in previous Non-Proliferation and Disarmament Initiative working papers and statements, in working papers and interventions by other Non-Proliferation Treaty States parties, as well as during discussions at regional seminars conducted by Preparatory Committee Chairs, and at various other Non-Proliferation Treaty-related expert meetings. It is critical to ensure that these review process practices facilitate review of the Treaty's implementation and discussion of forward-looking elements that would improve implementation, while ensuring a balance of both.
2. The Non-Proliferation Treaty review process, as established by the 1995 decision and as subsequently implemented in practice by Non-Proliferation Treaty States parties, has yet to fulfil its potential and yield the outcomes that were envisioned in 1995 and 2000. For example, Decision 1 of the Review and Extension Conference in 1995 mandates the Preparatory Committee to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. However, since 1995, the Preparatory Committee has not been able to agree to any such recommendations. Discussions of principles, objectives and ways to implement the Non-Proliferation Treaty at the Preparatory Committee have been repetitive and lacking in continuity between meetings.
3. As identified in the Non-Proliferation and Disarmament Initiative's 2018 and 2022 working papers, the working methods of the review process would benefit from closer consideration in order to enable substantive review of the Treaty's implementation, improve collective responsiveness to emerging issues and developments, enhance transparency, accountability and efficiency, and facilitate greater and more inclusive engagement by all States parties and stakeholders.
4. The Non-Proliferation and Disarmament Initiative stresses that strengthening the Non-Proliferation Treaty review cycle does not amount to, or is in any way intended to lead to, formal amendments to the Non-Proliferation Treaty. Nor does it affect, in any way, existing commitments, or relationships between the Non-Proliferation Treaty and international organizations such as the International Atomic Energy Agency or the United Nations Security Council. The Non-Proliferation and Disarmament Initiative also underlines that, while reviewing and improving the working methods of the Non-Proliferation Treaty review process aims to maximize opportunities to make progress on implementation of obligations and commitments, this is not a substitute for making such progress.
5. NPT/CONF.2020/DEC.2 mandated the establishment of a working group to improve the effectiveness, efficiency, transparency, accountability, coordination and continuity of the review process of the Treaty. The NPDI offers the following recommendations for consideration by the Working Group.

Recommendations

Effectiveness and Efficiency

Enforcement of time limits:

6. The NPDI supports enforcing time limits on statements delivered during preparatory committee

meetings and review conferences. Specifically, the Working Group could recommend formalizing the practice established at the last review conference to limit statements to no longer five minutes for national statements and eight minutes for groups. Most high-level statements are delivered within the first few days of the general debate, and much of what is said is subsequently repeated during main committees. As such, consideration should also be given to possible ways in which the committee might commence work whilst the general debate is ongoing.

7. In the same vein as above, additional time limits could be placed on general statements delivered in the main committees. This more efficient use of time would allow for a greater substantive discussion of issues earlier on in the main committees. This practice could serve as a test case for potential efficiencies at future preparatory meetings and review conferences.

Function of subsidiary bodies

8. At the 10th Review Conference, many States parties expressed dissatisfaction over the lack of clarity on the mandate and work of subsidiary bodies, which resulted in overlap with the main committees on certain topics. Moving forward, the President of the Review Conference should, at the beginning of the meeting, provide clarity and guidance on the function and role of subsidiary bodies, including their agendas or programs of work, to facilitate an understanding of whether topics are fixed or can be changed, and whether discussions should be limited to forward-looking elements.
9. In particular, subsidiary bodies should be framed as a venue for in-depth discussions and negotiations on particularly sensitive or complex issues relevant to main committee work. For example, Subsidiary Body 1 could focus on specific issues (such as negative security assurances), with a view to producing possible [compromise] language to be included in the outcome document, rather than including all matters under the disarmament pillar, which repeats discussions in Main Committee 1. As a guiding example, States parties could examine how Subsidiary Body 2 functioned at the last review conference, as this body had a clearer focus (i.e. regional non-proliferation issues and the Middle East) that was distinguishable from the work of Main Committee 2. To avoid any potential overlap in the work of subsidiary bodies, there is also a need to consider and reflect upon their interrelation. Early appointment of subsidiary body chairs could also be useful.

Transparency and Accountability

Implementation Reports

10. The Non-Proliferation and Disarmament Initiative considers that adequate reporting is an essential instrument both for providing greater transparency and for greater accountability as part of the strengthened review process of the Treaty. Reporting that provides clear information can serve as a baseline from which to measure progress made on NPT implementation. This was agreed by all the NPT States Parties at the 2010 Review Conference and is stated in the Action Plan.
11. The Non-Proliferation and Disarmament Initiative encourages States Parties to refer to the separate and dedicated working paper submitted to this Working Group in regard to proposed draft standard reporting templates with suggested reporting elements under each 2010 action plan item.

Allocate time to discuss implementation reports of states parties, in particular nuclear-weapon States

12. The 10th Review Conference draft outcome document contained the following recommendations in regard to the allocation of dedicated time to discuss NPT implementation reports.

Para 35c. The Chairs of the preparatory committee meetings will allocate time under cluster 1 for a structured discussion on this issue including with respect to the national reports of States parties, in particular those of the nuclear-weapon States.

Para 35d. The next Review Conference will allocate time in Main Committee I for a structured discussion of the elements above and will continue to consider how to further enhance transparency and accountability with regard to the implementation of Article VI and disarmament-related commitments.

13. The NPDI proposes that the Working Group recommend implementation of the above points, namely that Chairs of the preparatory committee meetings allocate time under cluster 1 for a structured discussion of the reports by nuclear-weapon States and, that the next review conference allocate time in Main Committee 1 for the same.

NPT Monitor Publication

14. States Parties may wish to consider establishing an independent publication on NPT reporting that would provide an added layer of transparency and accountability.

Coordination and Continuity

Formalizing a Chair's Bureau

15. NPT review conferences traditionally take place every five years. The routinely high turnover experienced by a large number of State parties (in particular, their foreign ministries) within and between review cycles can lead to a marked loss in institutional memory. To facilitate continuity between and within review cycles (thereby enabling more focus on substantive matters), the formal establishment of a "Chair's Bureau" comprising immediate past, current, and future incumbents should be considered.
16. A Chair's Bureau would require the earlier nomination of preparatory and review conference officials so that the Bureau could be established at the outset of the review cycle. A formalized unit whose mandate is to promote continuity between and within review cycles would facilitate more informed planning and preparation for the review conferences. Consideration could also be given to means by which the Chairs' Bureau could be supported to better manage the administrative matters of the review process.