

# UNODA OCCASIONAL PAPERS

NO. 22, DECEMBER 2012

## OPTIONS FOR THE FURTHER STRENGTHENING OF THE NPT'S REVIEW PROCESS BY 2015

**UNODA**  
United Nations Office for  
Disarmament Affairs



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## **Abstract**

Parties participating in the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) could not devote the necessary focus to the further strengthening of the review process of the Treaty and therefore decided to defer its consideration to the next review cycle. Consequently, specific time was therefore allocated to addressing the issue at the first session of the Preparatory Committee for the 2015 Review Conference, held in Vienna from 30 April to 11 May 2012. Although a number of States parties expressed an interest in continuing the examination of means to improve the effectiveness of the strengthened review process of the Treaty during the PrepCom, there is little forward movement taking place.

This paper examines the proposals that have been put forward thus far and attempts to offer some views and some possible options that might be of some use in the further preparations on this issue during this review cycle. Commentary is provided on the various proposals that appear practical and could incrementally improve accountability and efficiency as well as provide greater continuity and substantial savings. This includes smarter use of the time for substantive consideration, on the general debate and early establishment of subsidiary bodies, on moving to digitized records, on the establishment of an NPT Secretariat and the enhancement of participation by non-governmental organizations. Other options for consideration on subjects of concern are also identified and discussed.

# Options for the further strengthening of the NPT's review process by 2015<sup>1</sup>

by *Thomas Markram*<sup>2</sup>

## Introduction

The review component of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) contained four paragraphs on the further strengthening of the review process of the Treaty:<sup>3</sup>

- Reaffirming the purpose of the review process as set out in the relevant decisions of the 2000 Review Conference and the 1995 Review and Extension Conference;
- Encourages past and incumbent Presidents and Chairs to be available for consultations with the incoming President and Chair on a voluntary basis and with costs to States parties;
- Recommends that a dedicated staff officer to support the Treaty's review cycle be added to the Office for Disarmament Affairs of the United Nations Secretariat, functioning in an independent manner and responsible to the meetings of States parties and funded from voluntary contributions; and
- Improving the effectiveness of the strengthened review process deserves further consideration in the next review cycle.

The Preparatory Committee for the 2015 Review Conference will consider previous and any new proposals under the relevant cluster of issues.

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<sup>1</sup> This paper is a slightly revised version to a paper prepared in March 2012 and made available to participants in the Annecy meeting organized by the James Martin Center for Nonproliferation Studies.

<sup>2</sup> Thomas Markram was Secretary-General of the 2010 NPT Review Conference and is Chief of the Regional Disarmament Branch of the United Nations Office for Disarmament Affairs, New York. The views expressed in this paper are solely his and do not necessarily reflect those of the United Nations.

<sup>3</sup> Paragraphs 109-112, NPT/CONF.2010/50 (Vol. I)\*. The review component did not garner consensus and was the responsibility of the President reflecting to the best of his knowledge what transpired.



## Previous proposals

Generally the formal proposals submitted by States parties can be divided into two main categories: procedural and institutional. Some of these proposals are intertwined and have clear linkages to substance issues, including where they importantly seek ways the process can assist in the achievement of substantive outcomes. While a few ideas have been proposed only once, some have been repeatedly put forward, albeit with some tweaking and refinement over the years.

Proposals generally still favour the framework of the strengthened review process, as decided in 1995 and enhanced in 2000. The focus is on modifying the process to be more sustainable and responsive and thereby improve the actual implementation of the Treaty's objectives. Several themes are shared:

- A commitment to better addressing substantive work;
- Having the capability to respond and comment on current regional and international issues that have a bearing on the authority and integrity of the regime;
- Improving accountability; and
- Improving continuity and institutional support.

The latest ideas are encapsulated in the working paper submitted to the 2010 Review Conference by Ambassador Marius Grinius of Canada and supported by 16 other states.<sup>4</sup> A way to approach the issue would probably be to focus mainly on these proposals as they encapsulate those that have been the most consistently brought forward, as well as adding some by those other States that have also submitted formal proposals during the last decade.

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<sup>4</sup> NPT/CONF.2010/WP.4, Working paper on "Further strengthening the review process of the Treaty on the Non-Proliferation of Nuclear Weapons", submitted by Canada, Australia, Austria, Chile, Germany, Ireland, Italy, Japan, Mexico, the Netherlands, New Zealand, Nigeria, Poland, Sweden, Switzerland, Thailand and Ukraine.

Previous proposals include the following:<sup>5</sup>

*Article-by-Article Review of the Treaty*

*“replacing the ‘cluster’ approach with an approach focused on a straightforward review ... article by article”.*

[Canada, NPT/CONF.2000/PC.III/3]

In his analysis of the 1998 PrepCom,<sup>6</sup> Tariq Rauf maintained that the Canadian proposal put forward at that PrepCom for an article-by-article review was “a common sense approach to a revitalized review of the Treaty” that “could facilitate a structured and balanced review of the Treaty, and provide greater focus on those elements of the Treaty requiring further effort at promoting full implementation”.

Logically this proposal is attractive as the usual review process has been to allocate items to three Main Committees (or three clusters at PrepComs that follow a similar allocation of items) and when the substantive outcome is consolidated to revert back to an article-by-article compendium for the final declaration or document. This proposal has not been able to garner adequate support and the preference has been to stick to the allocation practice. The current practice fits neatly with the political expediency of having each of the three Main Committees chaired by a representative of the three NPT political groups, established since 1985. Moreover, the structure of the 2010 Final Document with a split between the non-consensual review part and the agreed action plans—the latter divided into the three Treaty pillars with the addition of the Middle East and regional issues—probably entrenches the current practice even deeper.

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<sup>5</sup> I have taken the liberty of placing these in subcategories for easier reference and have also extracted excerpts from various documents, as indicated. Comments have been added in places and some will be taken up again later in the paper under the options for 2015.

<sup>6</sup> Tariq Rauf, “PrepCom Opinion: Farewell to the NPT’s Strengthened Review Process?”, *Disarmament Diplomacy*, Issue No. 26, May 1998.

## PrepComs/Annual General Conferences

*"The ... three Preparatory Committee meetings should be replaced by three annual general conferences of States parties lasting five working days, and one Preparatory Committee of seven working days held in the year prior to the Review Conference" ... "the ongoing relevance of the intended purpose of Preparatory Committee meetings ... 'to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality', would guide the preparation and work of new annual general conferences, which would also take both procedural and substantive decisions. The new annual general conference agendas would be comprised of the following: (a) focused discussion in turn each year on one of the three specific clusters of issues (Main Committees I, II and III, along with their respective subsidiary bodies); or (b) consideration of all Treaty issues, with substantive output carried forward annually by three parallel working groups addressing the three main pillars, including to the Review Conference; and (c) procedural and substantive decisions as necessary, including identifying the Chair for the following meeting."*

[Canada, etc. NPT/CONF.2010/WP.4]

The rationale, as explained in the paper, is to move to three annual decision-making meetings enabling more regular and rapid reaction to challenges posed to the Treaty. The possibility to arrange extraordinary meetings<sup>7</sup> would also reinforce the credibility of the Treaty.

The duration of the proposed three annual meetings of States parties would halve the normal duration of 10 working-day PrepComs, as decided in 1995 and reaffirmed in 2000, and would add a Preparatory Committee lasting seven working days. Effectively this would mean a meeting in each year of the review cycle leading to the Review Conference every five years. Furthermore, the working paper does leave the possibility for "an additional, second Preparatory

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<sup>7</sup> See later in this paper.

session prior to the Review Conference”,<sup>8</sup> similar to the existing possibility for a fourth PrepCom.

There are two alternatives for the agenda of the annual general conferences. The implication is to move away from the current practice where the first two meetings of the PrepCom do not negotiate recommendations and move towards a process more akin to that utilized by the States parties to the Biological Weapons Convention (BWC). A 2003 South African proposal<sup>9</sup> picked up a similar theme by re-emphasizing the 1995 language of a “means” to undertake the substantive consideration of “what” can be done to achieve further progress in the future and to strengthen the implementation of the Treaty.

### *Expert meetings*

*“One week of the Preparatory Committee meetings provided for in terms of the 1995 Decision on the Strengthened Review Process shall be reserved to discuss, and promote common understanding and effective action on: (list topics to be decided)” ...*

*“all meetings, both of experts and of the Preparatory Committee, will reach any conclusions or results by consensus”... “Each Preparatory Committee meeting will be prepared by a two-week meeting of experts” ... (which) “will prepare factual reports describing their work”.*

[South Africa, NPT/CONF.2005/PC.II/WP.9]

Whereas the Canadian proposals would result in small cost savings on conference facilities and services, the South African proposal would substantially raise those same costs. However, the bulk of costs relate to producing documentation, submitted by States parties and reproduced in all six official United Nations languages, and it is doubtful whether such documentation can be produced in very short time frames, unless submitted well in advance of the meeting (6 to 10 weeks). Thus far the experience on submissions does

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<sup>8</sup> See paragraph 11 in the working paper.

<sup>9</sup> NPT/CONF.2005/PC.II/WP.9, “Further strengthening the review process of the Treaty on the Non-Proliferation of Nuclear Weapons”.

not hold much promise for improvement and the number of documents submitted over the last review cycle has escalated.

### *Shortening general debate*

*In order to focus its work in the limited number of days set out for annual general conferences, general debate will be discouraged, and will be limited to two minutes per national statement and four minutes per statement on behalf of groups of countries.*

[Canada, etc. NPT/CONF.2010/WP.4]

Shortening the general debate would most probably be welcomed by many delegations, particularly by officers responsible for drafting the statements. The brevity of the time limit would command considerable self-discipline and only be effective if all speakers abided. Many diplomatic “niceties” would need to be relinquished and negotiating short group statements won’t be for the faint-hearted. A number of PrepComs managed to have only one 3-hour meeting allocated for general debate and this practice generally sets a more “businesslike” tone.

### *Establishment of subsidiary bodies for intersessional work*

*“Establish subsidiary bodies to carry out intersessional studies between sessions of the PrepCom.”*

[Canada, NPT/CONF.2000/PC.III/3]

This Canadian proposal was probably prompted by the successful work undertaken in the informal intersessional sessions for the Anti-Personnel Mine Ban Convention. These were heavily subsidized by a small number of States. As such, they were generally cost-free to the Convention’s other parties and also permitted non-party participation. Some of these facets were quite appealing to many NPT parties but this proposal was not able to garner wide agreement, with NWS being the least agreeable. The NWS tend to fear that additional meetings will only serve to give the NNWS additional opportunities to draw attention to the (perceived) lack of progress made in achieving nuclear disarmament.

### *Extraordinary meetings*

*“Notwithstanding the specific roles set out in the Treaty for both the Security Council and the International Atomic Energy Agency, all States parties would potentially be affected by—and should therefore have input towards—a situation that threatens the integrity or viability of the Treaty, and decided that under such circumstances provision would be made for an extraordinary meeting. In such a situation identified above, and independent of actions taken by the Security Council or IAEA, one or more of the Depositary Governments would call an extraordinary meeting of States parties in New York, to be chaired by the Chair of the annual meeting of the corresponding year, if the next scheduled meeting of the Treaty on the Non-Proliferation of Nuclear Weapons were more than three months away. An extraordinary meeting would also be called by one or more of the Depositary Governments in such a situation, once a State or States presented documents to indicate that a majority of States parties had requested such a meeting.”*

[Canada, etc. NPT/CONF.2010/WP.4]

This is a recurring issue, particularly in earlier Canadian and Irish proposals. The rationale would be to enable States parties to “react more rapidly to challenges posed to the Treaty”.<sup>10</sup> Depositary Governments would be given a role to convene such an extraordinary meeting after meeting the criteria of a majority of requesting parties, akin to former procedures attached to convening Review Conferences, as per article VIII, paragraph 3, of the Treaty. It will be recalled that some of the roles of the depositaries fell away with the adoption of Decision 1 in 1995 that made Review Conferences mandatory.

### *Shortened Review Conferences*

*“The purpose and intended outcomes of the Review Conference would not change. With regard to its agenda, by reducing the time allocated for a general debate, a decision would be taken as to whether the Review Conference could be shortened from four weeks to three. By encouraging the print form circulation of longer texts, general*

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<sup>10</sup> Canada, etc. NPT/CONF.2010/WP.4

## Options for the further strengthening of the NPT's review process by 2015

*debate statements would be oral summaries limited to three minutes each, with dignitaries or individuals speaking on behalf of groups of countries allotted five minutes each. Review conferences will agree on the location(s), the rotation of regional groups to nominate Chairs, and the provisional agendas, respectively, for each of the subsequent four Treaty meetings of the review cycle which follows. Additionally, the Review Conference will agree on the Chair of the subsequent year's annual general conference."*

[Canada, etc. NPT/CONF.2010/WP.4]

The reference to reducing the time allocated to the general debate in the agenda likely only implies the indicative timetable or programme of work. Limiting the speaking slots to three minutes and discouraging general debate could result in less high-level participants. At the 2010 Review Conference, 1 Head of Government, 1 Deputy Prime Minister, 29 Foreign Ministers and 12 other Government ministers and deputy ministers addressed delegates after the opening statements by the United Nations Secretary-General and the Director General of the International Atomic Energy Agency.

Arguably the five-yearly NPT Review is the main event on the international disarmament and non-proliferation agenda and therefore its high profile should be maintained, not only to underline its importance with key political leadership but also to promote wider understanding in the international community on this important Treaty. The speaker's list of high-level participants in the plenary usually fades by the morning meeting of the third day of the Conference. Consideration could rather be given to starting Main Committee meetings in parallel with the plenary by the fifth meeting (the afternoon meeting of the third day). Ensuring the timely finalization of all procedural issues, including the establishment of subsidiary bodies, would be crucial to the effectiveness of such consideration.<sup>11</sup>

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<sup>11</sup> See the option proposed later in the paper on the establishment of subsidiary bodies to the Main Committees.

*Review Conferences to produce new Principles and Objectives*

*“Backward look to produce a review document ... its forward look ... should produce by consensus a new Principles and Objectives document.”*

[Canada, NPT/CONF.2000/PC.III/3]

Events have overtaken this proposal but in essence the 2000 Final Document built on the 1995 Principles and Objectives document and the 2010 Final Document built on both these outcomes. Furthermore, they have responded—perhaps more by coincidence than intent—to the advice in 1995 from South African Foreign Minister Nzo in renewing commitment to these principles and ensuring that they are dynamic and adapt to changing international circumstances, as well as serving as a yardstick by which all the States parties can measure their non-proliferation and disarmament achievements.

*Standing Bureau of present and incoming Chairs*

*The States parties recommended that the past, incumbent and incoming Chairs (or President in the case of a review conference) meet as often as deemed necessary and as circumstances allow, either in person or virtually, in order to ensure optimal coordination and continuity throughout the review cycle of the Treaty on the Non-Proliferation of Nuclear Weapons. The Chairs’ Circle would share best practices and provide advice to the incumbent and incoming Chairs. The transfer of information, knowledge and support would encourage good stewardship of the Treaty at all times.*

[Canada, etc. NPT/CONF.2010/WP.4]

The proposal is a formalization of what generally takes place in a review cycle among Chairs and the Secretariat. It is a cropped version of earlier proposals by Canada, including at the third session of the PrepCom in 2009 that pointed to the absence of an “overarching, intersessional senior political body to see it through its five-year review cycle”.



## Options for the further strengthening of the NPT's review process by 2015

*By not capitalizing on the collective experience of current and former chairs, the work of the Treaty suffers from a lack of continuity, and there remains no continuous support mechanism between meetings. If the Treaty is to be reviewed, implemented and managed in a consistent and effective manner, a standing bureau comprised of the current and past two chairs should be established to provide continuous political stewardship ... A standing bureau would provide leadership, political stewardship and continuity to the Treaty during and between meetings of States parties. The bureau would be composed of the two immediate past chairs and the current chair ... Members of the standing bureau would be able to share best practices and pass along recommendations to incoming chairs, as well as act as stewards of the Treaty throughout the review cycle. They would also take the lead, if necessary, to convene extraordinary decision-making sessions as mentioned above. A standing bureau could also interact with other diplomatic entities or processes relevant to the Treaty's purpose (for example, those on the Six-Party Talks), thereby representing the Treaty's interests in periods between meetings.*

[Canada, NPT/CONF.2010/PC.III/WP.8]

Nigeria submitted a more elaborate proposal in 2000 to establish a Non-Proliferation Treaty Management Board that would serve as an executive body for the Treaty and the decisions adopted by the parties.

*The Board's activities should be complementary to, and not in competition with, those of the International Atomic Energy Agency under articles III and IV of the Treaty, the review conferences and their preparatory committees.*

*The functions to be performed by the Board will include:*

- (a) Receiving and deliberating on complaints about non-compliance, difficulties that the parties may be experiencing and any other concerns;*
- (b) Acting as a clearing house for information and reports, including the annual reports to be submitted by the parties on their nuclear activities as well as other matters relating to the Treaty;*
- (c) Preventing proliferation;*

- (d) *Responding to any significant cases affecting the integrity of the Treaty;*
- (e) *Generally acting as an Executive Council overseeing the operation of the Treaty;*
- (f) *Serving as a consultative mechanism through which parties to the Treaty could hold dialogue with non-parties, as well as encourage them to join the Treaty.*

[NPT/CONF.2000/WP.9]

Setting aside the political (and possibly legal and technical) infeasibility of this proposal, it could be noted that the establishment of such a Board would likely require an amendment to the Treaty.

### *Public Profile and Civil Society*

*Time will continue to be set aside for civil society participation in all Treaty meetings including the annual general conferences, and the Chair(s) will invite civil society to submit and briefly present papers on the specific topics under consideration.*

[Canada, etc. NPT/CONF.2010/WP.4]

*Increased NGO access and participation and enhanced media awareness.*

[Canada, NPT/CONF.2000/WP.5]

*Encourages the further development of rules of procedure and practice, in consultation with representatives of non-governmental organizations, to facilitate and optimize such participation. The Conference agrees to extend the provision for representatives of non-governmental organizations to address sessions including meetings of the Committees and subsidiary bodies.*

[Canada, NPT/CONF.2005/WP.39]

[Canada, NPT/CONF.2010/PC.I/WP.42 covers same]

The 2010 proposal goes further than previous proposals in permitting civil society to submit and present papers in substantive sessions at PrepComs and Review Conferences, as well as to continue

the practice of setting aside one 3-hour meeting at each session and Conference for NGOs to make presentations.

This would bring the NPT process in line with practices at meetings of other disarmament, non-proliferation and arms control instruments—in the conventional arms area—as well as with other sectors in the multilateral discourse, notably in the field of human rights and on environmental and development issues.

### *NPT Secretariat and Implementation Support Unit*

*A Treaty support unit would be established, comprised initially of one Treaty officer, who would be responsible for assisting and facilitating Treaty meetings and intersessional work on a full-time basis, in order to provide substantive, administrative, logistical and representative support. The officer would support the incumbent Chair and the Chairs' Circle, providing advice, background documentation and analysis, as well as coordination with States parties, other non-governmental entities and United Nations agencies. The officer would also promote activities related to the Treaty and, along with the existing support of the Office for Disarmament Affairs of the Secretariat and IAEA, prepare for annual general conferences, the Preparatory Committee and the review conferences. If it were deemed desirable by States parties in the future, this unit could be bolstered by one or two other officers, but the intention of the present decision would be neither to create a burdensome administrative structure nor to conduct any work other than support to the Treaty. The incremental staffing costs of up to three officers in this new unit would be covered ... by the streamlined, shortened review process (to 37 days vs. 50 now) and the cost reductions identified ... (summary records).*

[Canada, etc. NPT/CONF.2010/WP.4]

*Notwithstanding the expert guidance and assistance of the staff of the United Nations Office for Disarmament Affairs, Weapons of Mass Destruction Branch, the Treaty lacks a permanent administrative body, or support unit, to support more effective decision-making at Preparatory Committee meetings and Review Conferences ... the establishment of a Treaty officer whose sole responsibility it would be to support and facilitate Treaty meetings and intersessional work on a full-time basis ... his or her salary would derive from assessed contributions from States parties to the Treaty rather than from the United Nations secretariat budget ... Call for the creation and satisfactory staffing of a full-time position at the P-3 level dedicated exclusively to the Treaty, starting in 2011.*

[Canada, NPT/CONF.2010/PC.III/WP.8]

Ukraine is among the 17 States that co-sponsored the Canadian working paper at the 2010 Conference. During its chairmanship of the PrepCom session in 2008, Ukraine had also submitted a proposal for a “standing NPT Office”.

### *Standing NPT Office*

*With a view to better controlling the situation in the field of concern and providing timely response to the outstanding challenges, a standing NPT Office should be created to handle administrative matters for the Parties to the Treaty, e.g. within the IAEA. Apart from organizing the Treaty's Review Conferences and their Preparatory Committee sessions, it should be vested with the responsibility to organize other important Treaty-related meetings, including extraordinary sessions in the event when a State Party submits a notification of intent to withdraw from the Treaty. Such a Secretariat could also serve as a focal point in terms of collecting and managing reports under NPT Article VI and those related to the implementation of the 1995 Resolution on the Middle East. Members of such a Secretariat would also provide the much-needed continuity throughout the review cycle.*

[NPT/CONF.2010/PC.II/WP.36]

The success of the Implementation Support Unit (ISU) for the Anti-Personnel Mine Ban Convention, which also influenced the establishment of the BWC ISU, likely animates the Canadian proposal. While the former is funded from voluntary contributions and the latter by BWC States parties, the proposal for an NPT ISU—as contained in NPT/CONF.2010/WP.4—makes a case for NPT parties to fund such a unit from “savings” based on other cost reductions. In addition to doubts that any possible savings could offset the cost for a NPT support unit, the proposal was not able to garner consensus at the 2010 Review Conference and ended up with language on staffing based on voluntary funding.

Jayantha Dhanapala<sup>12</sup> refers to a chronic “institutional deficit” and finds “it rather odd that the states parties to the NPT only meet on an annual basis and lack any permanent structures of institutional support” and sees this as a “rather complicated problem that probably has its roots in some ‘penny-wise, pound-foolish’ thinking about the potential costs of endowing the NPT with such support”.

While much can be said about the merit of arrangements like the existing Implementation Support Units, as well as the shortcomings they experience, it appears unlikely in an era of austerity that proposals that have staff-cost implications—even voluntary and comprising a single junior level official—will attract the necessary consensual support.

### Summary records

*Summary records for meetings of the Treaty on the Non-Proliferation of Nuclear Weapons would be eliminated as of 2011, as this historic tool no longer served its intended purpose as a document of reference. The Secretariat is requested to continue the recent practice of issuing decisions taken at meetings as official documentation in all six languages, and States parties are urged to provide at least one copy of their statement in the general debate for placement on*

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<sup>12</sup> Jayantha Dhanapala with Randy Rydell, “Multilateral Diplomacy and the NPT: An Insider’s Account”, UNIDIR, Geneva, 2005, page 130. Ambassador Dhanapala presided over the historic 1995 NPT Review and Extension Conference.

*the website of the Office for Disarmament Affairs. Additionally, as technical upgrades are completed, digital sound recordings of open meetings may also be placed in all official languages on that website.*

[Canada, etc. NPT/CONF.2010/WP.4]

This is an area that the Secretariat had highlighted for possible savings in 2008 as the summary records cost States parties close to US\$ 1 million in each review cycle, nearly a seventh of the total cost of the 2010 review cycle. While the importance of records is acknowledged, it was felt that print format could in the digital age be replaced by much cheaper electronic records. These would have the advantage of containing the full record instead of a summary and made easily accessible through a website. Canada decided to follow up on this issue and proposed a somewhat flexible approach in moving to a digitized format as then not all United Nations facilities were capable of simultaneous sound file recording of the interpretation in all six languages. This would entail some costs for website archiving but it could affect a substantial saving running into the hundreds of thousands of dollars on summary record costs.

### *Evaluation of the 2010 decisions regarding the review process*

*The States parties requested the Secretariat to propose, early in the course of the 2011-2015 review cycle, a mechanism to consider and evaluate whether the decisions adopted in 2010 had fulfilled the intended goal of enhancing the Treaty's review process, and whether further changes were warranted, with findings to be provided to States parties no later than at the 2015 Review Conference.*

[Canada, etc. NPT/CONF.2010/WP.4]

This proposal is aimed at keeping the review process dynamic and responsive to States parties so that further changes can, if necessary, be effected at the next Review Conference. While the Secretariat could assess the merits and prospects of possible mechanisms, it remains the task of States parties to review the operation of the Treaty, particularly in terms of the strengthened review process and its enhancement.

## Options on existing proposals

Commentary has been provided on some of the above proposals and the following could, inter alia, deserve further consideration:

- *Substantive consideration—smarter use of time*

The duration of PrepComs should be retained at 10-day sessions. This would be staying true to the strengthened review decision of 1995 and uphold the principle of accountability. Rebecca Johnson underlines that the implications of the “strengthened review” and “principles and objectives” would in effect enable States parties to cover the full scope of the disarmament agenda and “provide the non-nuclear weapons states with opportunities to hold the nuclear weapons states accountable for their action or inaction during the period under review and to identify priorities as required”.<sup>13</sup>

While the three pillar approach, which has been extrapolated into three clusters with their specific allocation of time appears to have become entrenched, smarter use can be made of the programme of work or indicative timetable. Instead of holding “mini-reviews” across the entire spectrum of the cluster at each PrepCom, the consideration can be framed on smaller portions. For example, cluster 1 could encompass the entire spectrum of nuclear disarmament and security assurances and the specific time will probably be categorized as “Nuclear disarmament and security assurances”, with the specific time essentially meant to be a more focused in-depth consideration and also more forward-looking, thereby maintaining the intent of the strengthened review process. This specific time could be further broken up into three segments with each PrepCom undertaking a deeper focus on those items. This division would not require formalization but rather an understanding can be reached under the guidance of each PrepCom Chairman on what items would be covered on the understanding also that it does not preclude any delegation raising any disarmament or security assurances issue at any PrepCom. Admittedly, this approach may not be able to be that equally applied to each cluster and therefore the proposed informal understanding.

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<sup>13</sup> Tariq Rauf and Rebecca Johnson, “After the NPT’s Indefinite Extension: The future of the global nonproliferation regime”, *Nonproliferation Review*/Fall 1995.

If the above approach is followed it should result in even greater depth and focus and may better assist the Preparatory Committee in formulating recommendations by the final PrepCom of the cycle, as intended under the enhanced strengthened review agreed at the 2000 Review Conference. This approach may not entirely capture the previous Canadian and South African proposal which was based on the BWC model post-2001, but meets some of the intent behind those ideas.

- *General debate at PrepComs*

As stated above, some PrepComs took a more businesslike approach and managed to have only one 3-hour meeting of general debate. Much of the material presented in the general debate is repeated in the cluster consideration although there are occasions when delegations have made important announcements in the general debate. From 2012 onwards the Committee could adopt this businesslike approach as its standard operating procedure thereby freeing up more time for substantive consideration while still retaining one 3-hour general debate meeting, or part thereof, as necessary for important announcements and/or interventions from dignitaries.

- *General debate at Review Conferences and early establishment of subsidiary bodies to Main Committee*

As stated above the general debate should be retained at Review Conferences to underline its importance in maintaining a political profile and to promote wider understanding in the international community on this important Treaty. However, the general debate should not delay substantive work from taking place early in the Conference and in parallel with the debate, particularly from the third day of the Conference onwards when the high-level representation begins to wane. Delegations have been reluctant in the past to undertake substantive work until all-important procedural issues, in particular the establishment of subsidiary bodies, have been decided.

Some NWS have regrettably balked at addressing subsidiary bodies during the preparatory phase and it has since 2000 taken on a “high stakes brinkmanship” format. This reluctance to commit earlier to the establishment of subsidiary bodies is seen by many NNWS as trying to avoid this aspect of decision 2, paragraph 6 of



the 1995 Review and Extension Conference, which states “subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty” and “establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference”.

Yet, Review Conferences since 2000 have all established subsidiary bodies in addition to those recommended by the Preparatory Committee, giving the impression that those holding out had to give in. This could all be avoided if the establishment of the subsidiary bodies is now seen as given—despite the fine letter of the wording of paragraph 6—and agreed on prior to the Review Conference.

Peter Goosen explains that the subsidiary body concept was originally envisaged at the 1995 Review and Extension Conference by the then South African Foreign Minister as an integral part of the strengthened review process. The work that was undertaken by the subsidiary bodies on nuclear disarmament at the 2000 and 2010 Review Conferences was integral to ensuring that these Conferences did not only reassert principles, but in fact set forth actions or an agenda for the achievement of the Treaty’s objectives. As such, the mechanism has been one of the most successful tools to arise out of 1995 and it has also been responsible for providing the platforms (whenever effectively used) for success.<sup>14</sup>

- *Summary records—move to digital recordings*

The current system of summary records is labour intensive, expensive and only provides a summarized version a few months after the actual meetings have taken place.

COUPOS in Vienna took a decision early in 2012 to move to digital audio records and, with the assistance of the Department for General Assembly and Conference Management, has initiated a pilot project in Vienna to ensure technical integrity. All interpretation

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<sup>14</sup> Written interview on 4 February 2011 with Ambassador Peter Goosen, currently South African Ambassador to the Netherlands and OPCW, on 4 February 2011. Ambassador Goosen served as an adviser on the South African delegation to the 1995 NPT Review Conference and participated in the drafting of the proposals presented by Minister Nzo.

channels and the floor sound are to be recorded digitally and an electronic log showing the list of speakers will also be created. These audio files will be immediately available through the meetings management system in real-time. Additional material can be uploaded to enrich the meeting archives and assist searching the audio files. These can include an English transcript of the meeting and any other electronically available material such as written statements, presentations, etc. Technology coming online in the near future could eventually provide the means of automatically transcribing audio files and compiling in a searchable text format.

Digital recording is the only viable alternative to written meeting records and has the added benefits of being cost-effective, efficient and providing a green solution. Moving to digital records would save a few hundred thousand dollars in a five-year review cycle and furthermore would provide a fully authentic audio recording (the original language version) and recordings will be immediately available.

The Committee could request the United Nations Secretariat to undertake the earliest transition to digital records. The Secretariat would undertake the necessary to obtain digital records in all six official United Nations languages and would enhance the NPT component of the website of the Office for Disarmament Affairs to archive the digital files and provide an easily accessible interface.

- *Establishment of an NPT Secretariat*

This issue has not made much headway over the last 15 years and there is little appetite by States to allocate additional funds, especially for human resources. The “penny-wise” approach may not bring the best result at this stage. Clarity on the mandate and modalities of what a “support unit” would undertake that differs from what some staff at the United Nations Office for Disarmament Affairs (UNODA) are currently doing and a reasonable chance of securing adequate and reliable funding seem to be the key to taking this issue further.

In the meantime, to avoid the “ghost-buster” dilemma raised by the Canadian delegation, who rhetorically asked at the 2008 PrepCom regarding urgent NPT questions “who do you call?”, States parties could request UNODA to continue its support function to States

parties of the Treaty. The designation of a NPT Secretariat Unit within UNODA should make it clear where any calls can be made.

To promote greater consistency in the follow-up and preparations, consideration could be given to earlier nomination of the Secretary-General of the Review Conference. In accordance with past practice, the Committee at its first PrepCom session invites the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General for the upcoming Review Conference, a nomination that is noted at the second PrepCom session and is later confirmed by the Conference itself.

- *Enhancing NGO participation*

This issue has also been brought forward by a small but dedicated group of States that aim to obtain greater NGO substantive participation and bring the NPT into line with practices in other multilateral fora. The one meeting allocated to NGOs per PrepCom and Review Conference doesn't do justice to the contribution they could make, commiserate with the substantive and technical experience of many NGO representatives.

In the absence of progress in this area, NGOs could themselves give serious consideration to improving the format and content of the three-hour time allocation they currently have. An avalanche of tightly packed, wordy presentations leaves NGO presenters with performances that match those of television news anchors and is probably as frustrating to themselves as to the many that feel a lot of talent and potential is available but not projected in the most effective manner.

## **Other options for consideration**

The following are some other options that may not be that politically expedient but nevertheless have been a subject of some concern and irritation over the last few review cycles:

- *Finances*

At the Preparatory Committee for the first review conference in 1975 (document NPT/PC.III/17 Annex A) it was decided that the

nuclear-weapon States (NWS) would pay 58 per cent of the costs divided up as follows: Union of Soviet Socialist Republics (USSR) paid 18.56 per cent, United Kingdom paid 9 per cent and the United States 30.44 per cent. The schedule remained the same for the 1975 Review Conference with the remaining costs covered by parties according to the ratios of their respective United Nations scale of assessment (division between participating developing States Parties and other participating States parties).

At the 1980 Review Conference the formula, still used to this day, was applied, i.e. 55 per cent payable by the NWS and the remaining 45 per cent by other parties. At that Conference the schedule resulted in the following costs for the NWS: USSR paid 17.60 per cent, United Kingdom paid 8.53 per cent and the United States 28.87 per cent. Among developing countries, Mexico paid 0.86 per cent, Malaysia 0.7 per cent and the Philippines 0.18 per cent.

At the 1985 and 1990 Review Conferences the NWS division of the 55 per cent resulted in the following: USSR/Russian Federation paid 16.05 per cent, United Kingdom paid 6.13 per cent and the United States paid 32.82 per cent.

At the 1995 Review and Extension Conference the NWS burden was shared with France and China resulting in a division among NWS of the following: China paid 0.91 per cent, France paid 7.14 per cent, Russian Federation paid 8 per cent, United Kingdom paid 6.13 per cent and the United States paid 32.82 per cent.

The division has stayed the same for the 2000, 2005 and 2010 Review Conferences. Under this formula the following division of costs among some of the larger NNWS contributors for the 2010 Review Conference and its Preparatory Committee: Japan pays 12.421 per cent; Germany 6.409 per cent; Canada 2.224 per cent; Italy 3.795 per cent; Mexico 1.686 per cent; while for comparison to 1980 Malaysia now contributes 0.142 per cent and Philippines 0.058 per cent.

There has been some dissatisfaction voiced among a number of States parties about the formula and its fairness. It is not clear whether these States are prepared to give the 55/45 split reconsideration or to come up with another formula that will address their concerns.

It is an issue that will need thorough consideration as well as a realistic assessment by those that are concerned as to whether the effort needed to effect change will justify the financial gains, if any.

- *Political Groups and Office Bearers*

The allocation of office bearers is based on precedence and divided up among the NPT political groups, essentially the Western Group, the Eastern European Group, the Group of Non-Aligned States and China. While the three main groups constitute a handy fit to the three pillars of the Treaty and their expression into three Main Committees at Review Conferences and three Preparatory Committee sessions, the membership of these NPT groups belong to the era of the Cold War and makes decreasing political sense given ongoing changes in political geography.

Attempts to address this issue would raise many questions with no easy answers. Nevertheless, it is a situation based on an unreality and deserves attention.

## **Conclusion**

The 2010 Review Conference outcome built on the success of 1995 and 2000 to produce realistic benchmarks for steps to be achieved over the next five years on all three pillars of the Treaty and on the establishment of processes to achieve further progress towards a world free of nuclear weapons and to full implementation of the 1995 Resolution on the Middle East.

The summary of proposals presented here and some of the options offered for consideration are not revolutionary in any manner of speaking but they also build on the successful 1995/2000 strengthened review framework and could incrementally improve accountability and efficiency as well as provide greater continuity and substantial savings.