

Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Reporting by States Parties

Working paper submitted by Canada

Purpose

The purpose of the present paper is to draw to the attention of States Parties factors that could be taken into consideration in developing a common understanding of the reporting requirements agreed at the NPT 2000 Review Conference.

Such reporting is a natural step in the evolution of “permanence with accountability”, and will have the effect of reinforcing the strengthened review process and thereby encouraging the full realization and effective implementation of the Treaty.

The Final Document of the May 2000 Review Conference contains two reporting requirements, pursuant to article VI¹ and to the 1995 Middle East resolution.² The Under-Secretary-General for Disarmament Affairs has written to States Parties recalling these provisions of the Final Document and soliciting their submissions.

¹ In the chapter on article VI and the 8th to 12th preambular paragraphs, paragraph 15, subparagraph 12, the Conference agreed to “Regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on ‘Principles and Objectives for Nuclear Non-Proliferation and Disarmament’, and recalling the advisory opinion of the International Court of Justice of 8 July 1996”.

² In the chapter on article VII and the security of non-nuclear-weapon States, in paragraph 16, subparagraph 7, the Conference “requests all States parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the realization of the goals and objectives of the 1995 resolution on the Middle East. It requests that the Secretariat prepare a compilation of those reports in preparation for consideration of these matters at the Preparatory Committee meetings and the 2005 Review Conference”.

At present, these reporting requirements consist merely of undertakings to report, but lack detail on the object, scope, format and framework of reporting (although the reporting requirement on the Middle East resolution does provide some guidance on timing and procedure).

The purpose of the review process is to examine and as necessary elaborate understandings of the implementation and functioning of the Treaty as well as the undertakings made by States Parties to the Treaty.

Preparatory Committees should carefully examine this issue, with a view to taking a decision at the 2005 Review Conference with respect to reporting. Such a decision could represent a significant and constructive outcome for the 2005 Review Conference.

Considerations:

Effective reporting would enhance transparency and confidence in the Treaty, and provide baselines against which all States Parties could account for their implementation of the Treaty, and by which overall progress would be measured. The exercise of compiling reports would also allow each State Party to take stock and to reflect on how its activities have contributed to the implementation of the Treaty.

While the nuclear-weapon States carry a special responsibility for the fulfilment of article VI, both reporting requirements in the NPT 2000 Final Document explicitly indicate that they apply to all States Parties. This is appropriate given that the provisions of the Treaty and responsibility for their implementation, apply to all States Parties. Having all States Parties report would also reinforce considerations of mutual and collective effort.

It is important in this regard to recall that the basic framework of the Treaty involves a balance among different elements, including disarmament, non-proliferation and peaceful use. Reporting on implementation of all aspects of the Treaty would appropriately reflect this balance. The various obligations under the NPT are interrelated and mutually supportive and a full and balanced report would necessarily reflect this fact. Although States having safeguards agreements with the International Atomic Energy Agency (IAEA) already provide detailed confidential reporting to the Agency relative to article III, comprehensive reports would provide an indication of the extent of each State Party's implementation of the Treaty as a whole, as well as the overall status of implementation. At the same time, it is recognized that some States Parties would prefer a focused approach, restricted to article VI.

Reporting of this nature would best be structured as a confidence-building measure. Although such reporting mechanisms are intended to strengthen the international instruments to which they are linked, they can have the unintended effect of undermining respect for these instruments if many States Parties fail to fulfil their reporting obligations. New reporting requirements should therefore avoid an excessively burdensome format which could discourage its use.

It would be advantageous to develop a standard reporting format, which would permit comparisons between States Parties over time. To contribute to the objective of "permanence with accountability", such a format would necessarily involve

specific information relating to concrete actions, rather than the enunciation of policy positions.

Trading off the value of comparability and equality against the high administrative cost of full reporting, it might also be considered in this regard whether differentiated reporting formats could be used by nuclear-weapon States, non-nuclear-weapon States possessing nuclear reactors and other non-nuclear-weapon States.

Position of Canada

In the absence of an agreed format for reporting, Canada has chosen to submit its report to the Preparatory Committee using a simple narrative text, organized article by article. Canada is not necessarily advocating the adoption of this approach by States Parties generally, or proposing the Canadian national report as a model by other States, but only illustrating one possible approach.

Although the reporting requirement pursuant to the Middle East resolution stipulates that reports should be submitted to both Preparatory Committees and the Review Conference itself, the requirement pursuant to article VI is silent on the question of timing, beyond indicating that reports should be “regular.” Canada would favour reporting to each of the Preparatory Committees and to the Review Conference, with an opportunity provided in each of these settings for States Parties to review and comment upon each others’ reports.

Although there is no obligation to report on the Treaty in its entirety, Canada would favour comprehensive reporting covering all aspects of the Treaty. In its national report this year Canada has elected to report on all articles of the Treaty.

In the necessary discussion of format, Canada supports a loosely-defined and relatively simple common approach that balances the need for adequate and meaningful content with the desirability of keeping the procedure simple enough to facilitate compliance.
