

2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Strengthening the review process of the Treaty on the Non-Proliferation of Nuclear Weapons for the tenth Review Conference of the Parties to the Treaty

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

1. This Non-Proliferation and Disarmament Initiative working paper proposes a decision for adoption by the Review Conference to establish a dedicated, time-limited working group to discuss and decide on measures to strengthen the review process of the Treaty on the Non-Proliferation of Nuclear Weapons, as contemplated in the 2018 Non-Proliferation and Disarmament Initiative working paper ([NPT/CONF.2020/PC.II/WP.24](#)).

2. Annex I to this paper contains a draft decision to establish such a Non-Proliferation Treaty review process working group.

Background

3. The current Non-Proliferation Treaty review process was established by Decision 1 of the 1995 Review and Extension Conference. The consensus 2010 Non-Proliferation Treaty outcome document “affirmed that improving the effectiveness of the strengthened review process is an ongoing responsibility of States parties” ([NPT/CONF.2010/50 \(Vol. I\)](#), para. 112). During the current review cycle, the Non-Proliferation and Disarmament Initiative issued a working paper on this topic ([NPT/CONF.2020/PC.II/WP.24](#)). Many States parties have actively participated in interactive debates on strengthening the review cycle as a special issue under Cluster 3 at the three sessions of the Preparatory Committee. In addition, the Non-Proliferation and Disarmament Initiative met with regional groups at the 2018 and 2019 sessions of the Preparatory Committee to get their views around the need to review the working methods of the review cycle.

4. At the 2019 session of the Preparatory Committee, 48 States parties issued a joint statement in which they proposed “allocating time to have such a discussion at the 2020 Review Conference, building on the welcome interest in this topic at the previous sessions of the Preparatory Committee, at regional seminars conducted by



Preparatory Committee Chairs, and at several meetings in recent years, including with experts in the field.”

Rationale

5. There is a clear need to discuss the working methods 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 methods facilitate review of the Treaty’s implementation and discussion of forward-looking elements that would improve implementation, while ensuring a balance of both.

6. 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.

7. As identified in the Non-Proliferation and Disarmament Initiative’s 2018 working paper, 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.

8. 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.

9. The Non-Proliferation and Disarmament Initiative has compiled a non-exhaustive list of ideas that could be discussed by Non-Proliferation Treaty States parties in a review process working group, based on suggestions and proposals that have been introduced at various points, both in and outside the review process. This contribution takes the form of a discussion paper; the proposals listed therein do not necessarily have the endorsement of the Non-Proliferation and Disarmament Initiative, nor are they intended to pre-empt or prejudge the work of the working group (see annex II).

Recommendations

10. Based on the above, the Non-Proliferation and Disarmament Initiative recommends that the Review Conference decide to establish a dedicated working group on further strengthening the Treaty’s review process, open to participation by

all States parties, which would cease to exist upon the completion of its time-limited mandate.

11. In addition, the Non-Proliferation and Disarmament Initiative proposes that the Review Conference decide that the working group will:

- Meet in New York before the first session of the Preparatory Committee for the eleventh review cycle for a one-week session only
- Discuss and ultimately decide on improvements to the Non-Proliferation Treaty review process to increase its effectiveness, efficiency, transparency and accountability, coordination and continuity throughout the upcoming review cycle and beyond
- Operate according to the rules of procedure of the tenth Review Conference, which will be applied *mutatis mutandis*.

12. The United Nations Department for General Assembly and Conference Management has estimated that the costs of the proposed working group meeting will be \$116,095, which can be covered through a one-time assessed contribution by States parties.

Annex I

Draft decision on further strengthening the review process for the Treaty

We, the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

Acknowledging the significant contribution made by the Treaty's review process to substantive outcomes in the half-century since the Treaty's entry into force,

Recalling the purpose of the review process as set out in the relevant decisions of the 1995 Review and Extension Conference, and the 2000 Review Conference, and our subsequent related efforts,

Reaffirming the review process for the Treaty has generally served States parties well, and recognizing that there is scope to improve the review process's overall effectiveness, transparency, inclusivity, efficiency, and responsiveness,

Emphasizing that actions to strengthen the review process are no substitute for making progress on substantive outcomes, and that the goal of reviewing the Non-Proliferation Treaty working methods should be to facilitate substantive, transparent and inclusive dialogue, thereby contributing to efficient work within review conferences and ultimately, the effective implementation of the Non-Proliferation Treaty,

Decide to establish a Working Group on Further Strengthening the Treaty's Review Process, open to all Non-Proliferation Treaty States parties, which will meet before the 1st Preparatory Committee for a session of one week in New York, to discuss and decide on measures that would improve the effectiveness, efficiency, transparency, accountability, coordination and continuity of the Non-Proliferation Treaty review process,

Decide that the Working Group will operate according to the rules of procedure of the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which will be applied mutatis mutandis.

Annex II

List of proposals and ideas received from various Non-Proliferation Treaty States parties to strengthen the Non-Proliferation Treaty review cycle

The Non-Proliferation and Disarmament Initiative has compiled a non-exhaustive list of ideas that could be discussed by Non-Proliferation Treaty States parties in a review process working group, based on suggestions and proposals that have been introduced at various points, both in and outside the review process. This contribution is intended to take the form of a discussion paper; the proposals listed herein do not necessarily have the endorsement of the Non-Proliferation and Disarmament Initiative, nor are they intended to pre-empt or prejudge the work of the working group. Any proposals ultimately agreed by the working group will require, in one form or the other, the acquiescence of all the States parties to the Non-Proliferation Treaty. Some of the proposals below would require changes to formal procedures established through precedent or in the 1995 Decision 1 of the Review and Extension Conference, which would likely entail a new explicit decision by Non-Proliferation Treaty States parties. Preparatory Committee Chairs and/or Review Conference Presidencies could potentially take the initiative on certain other possible changes to the working methods of the Non-Proliferation Treaty review cycle, possibly based on a collective recommendation by the States parties. However, even in such cases, any initiatives will not be successful without the agreement of States parties.

Adjustments to review cycle working methods

- Many States parties have called for increased interactivity and/or informality in Non-Proliferation Treaty debates and a greater use of expert panels for discussions. During the sessions of the Preparatory Committee this review cycle, Chairs have started to experiment with increasing such interactivity, and have included at least one expert panel per session. It has also been suggested that expert meetings could precede sessions of the Preparatory Committee.
- States parties have suggested reconsidering the role of working papers, national reports and/or other documents in the context of Non-Proliferation Treaty discussions.
- Some have noted that better enforcement of time limits for statements and judicious use of the United Nations PaperSmart system could provide more time for interactive sessions.
- Non-Proliferation Treaty States parties could reassess the role and composition of regional and political groups.
- At the start of the current review cycle, it was proposed that the Preparatory Committee work with “rolling texts” to better integrate the separate sessions. The current review cycle has also seen the practice of issuing “Chair’s reflections”.
- There has been a growing number of discussions on what constitutes a successful Review Conference outcome, and how such outcomes could be optimally reflected in outcome documents. In 2010, the Review Conference successfully worked with a review and a forward-looking part. Options articulated by experts and State parties include looking at increasing the number of separate (consensus) decisions, or the practice of so-called “gift baskets”.

Changes to agenda setting

- It has been suggested that the Non-Proliferation Treaty review cycle could benefit from greater flexibility on its agenda. Ideas raised in this context include, for example, making better use of cluster debates by focusing them on specific subtopics or cross-cutting issues.
- A more “topical” approach to the review cycle could also involve expert briefings or panels, and could envision a new role for subsidiary bodies.
- Several States parties and experts have, over the years, suggested moving to an article-by-article review of the Non-Proliferation Treaty, instead of using “clusters” or “pillars”.

Readjusting the review cycle

- There have been proposals to adjust the number and length of Non-Proliferation Treaty meetings themselves. The most extensive proposals, in this context, are contained in the 2010 working paper entitled “Further strengthening the review process of the Treaty on the Non-Proliferation of Nuclear Weapons” ([NPT/CONF.2010/WP.4](#)).
- That paper raises the idea of instituting annual meetings of five days and one Preparatory Committee of seven days in the year prior to the Review Conference. The Review Conference itself, it is suggested, could be shortened to three weeks.
- At the same time, the paper suggests that Non-Proliferation Treaty Depository Governments, supported by a majority of States parties, could convene extraordinary meetings in situations that could threaten the viability or integrity of the Non-Proliferation Treaty.
- The proposals in the paper included a revision of costs of Non-Proliferation Treaty meetings. Other States have put forward separate suggestions for revising Non-Proliferation Treaty cost-sharing formulas.

Increasing continuity of the review cycle

- Proposals to increase the continuity of the review cycle, and thereby its effectiveness and efficiency, include the idea of setting up a dedicated Chair’s bureau consisting of the Chairs of the Preparatory Committee sessions and the President of the Review Conference. Many States parties have called for earlier nomination of these officials to allow for such a bureau to be established at the beginning of every cycle.
- It has been suggested that States parties could set up subsidiary bodies for intersessional work.
- The 2010 working paper ([NPT/CONF.2010/WP.4](#)) introduces the idea of a Treaty support unit, consisting of one or more treaty officers, who would be responsible for assisting and facilitating meetings and intersessional work on a full-time basis in order to provide substantive, administrative, logistical and representative support.
- There have been many other ideas regarding establishing more or less institutionalized bodies and mechanisms for oversight of the Treaty’s implementation, from standing bureaux to a “management board” for the Non-Proliferation Treaty which could, inter alia, receive and deliberate on complaints, for example about non-compliance; act as a clearing house for information and reports; respond to significant cases affecting the integrity of

the Non-Proliferation Treaty; and serve as a consultative mechanism for dialogue with States not party to the Treaty.

Increased inclusivity

- States parties could further build on the regional approach adopted by the Chair's bureau of the current review cycle, based on setting up outreach and consultation meetings with a strong regional focus and the participation of regional experts and diplomats.
 - It has been suggested that States parties look into options for funding assistance for developing States, as well as alternative venues for Non-Proliferation Treaty meetings.
 - Many States parties and experts have spoken in favour of increased participation of a broad range of stakeholders in the Non-Proliferation Treaty review cycle.
 - Some have emphasized the importance of high-level political participation throughout the review cycle.
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