

**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**

#### **Introduction**

1. The purpose of this Working paper is to build on the Working paper submitted by Canada to the first session of the Preparatory Committee, "Reporting by States parties" (NPT/CONF.2005/PC.I/WP.3), to continue to explore how States parties can effectively fulfil the reporting requirement agreed to at the NPT 2000 Review Conference. The ideas offered here are based on a review of reporting at the 2002 Preparatory Committee and on the informal, open-ended consultations undertaken by Canada during the past year.

#### **Background**

##### **(a) History**

2. Central to the 1995 decision on the Treaty's indefinite extension was recognition that this decision could not stand alone, that it needed to be supplemented. This is why a package was adopted, including the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, a strengthened review process and the Middle East resolution. These were carried further by the 2000 Review Conference. The strengthened review process now in place enables the first two Preparatory Committees to consider substantive issues: principles, objectives and ways in order to promote the full implementation of the Treaty.

3. At the 2000 Review Conference, all States parties adopted by consensus the Final Document, including the 13 practical steps to nuclear disarmament. Step 12 encompasses a mechanism to enhance transparency and accountability. It provides for "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." Step 12 is also the step that focuses

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most directly on what States parties themselves can do in the implementation of the Treaty and the obligations and commitments that each has accepted.

**(b) 2002 Preparatory Committee**

4. At the first Preparatory Committee towards the 2005 review, Canada put forward an initiative on NPT Reporting, which sought to:

- build on the outcomes of the 1995 and 2000 Review Conferences and look ahead to the next in 2005, which will be a decade after the Treaty's indefinite extension;
- reflect the spirit of "permanence with accountability" behind the Treaty's indefinite extension;
- encourage States parties to reflect on the measures they are taking to implement their Treaty obligations;
- contribute to promoting greater confidence in compliance with the NPT, providing a tool for transparency and, potentially, addressing concerns;
- reinforce the strengthened review process;
- facilitate dialogue and exchange.

5. That Preparatory Committee - the first after the 2000 Review Conference - made a start on reporting. Relatively few States parties submitted reports, reflecting in part the newness of this requirement. These reports varied considerably, in type and scope; some were focussed on Article VI; others were broader. Some States that did not report under the Step 12 reporting provision, including all the NWS, nevertheless provided extensive information through various interventions. The debate thus demonstrated the seriousness with which many States parties assume their obligations, and showed the genuine interest in this issue and widespread recognition of the value of reporting. It reinforced Canada's view of the need to consider how to make this requirement as useful and as practical as possible for all States parties.

6. In the Chair's Factual Summary, the issue of transparency generally, and more specifically the reporting item, were featured, reflecting the broad support expressed by States parties for reporting as an instrument of accountability and confidence-building. The Summary also reflected the absence of consensus on the question of whether a specific requirement exists and the extent to which reporting should be standardized:

"The importance of increased transparency with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament was stressed. It was emphasized that accountability and transparency of nuclear disarmament measures by all States parties remained the main criteria with which to evaluate the Treaty's operation.

"States parties recalled that regular reports should be submitted by all States parties on the implementation of Article VI as outlined in paragraph 15, subparagraph 12 of the 2000 Final Document. It was stressed that such reporting would promote increased confidence in the overall NPT regime

through transparency. Views with regard to the scope and format of such reporting differed. Some States parties suggested that such reports should be submitted, particularly by the nuclear-weapon States, at each session of the Preparatory Committee, and should include detailed and comprehensible information, e.g. in a standardized format. Several States parties expressed interest in open-ended informal consultations on reporting to prepare proposals for consideration for subsequent sessions of the Preparatory Committee. Other States parties advocated that the specifics of reporting, the format and frequency of reports, should be left to the determination of individual States parties."

7. Following Canada's proposal for informal, open-ended consultations, we wrote to all States parties. Views have been provided to us by letter, in bilateral and small meetings and discussions, and through a meeting in New York with interested delegations not present in Geneva. We remain open to discussing this issue further with any interested State party.

### **Feedback Received - Role of Reports**

8. The major finding of our consultations has been the value attributed to reports. Last year's Preparatory Committee was the first experience with such reports; the information provided and the wide interest and support expressed have demonstrated their potential. But what has strongly and clearly emerged throughout our consultations is that, so far, the real potential of reports to contribute to achieving the implementation of the Treaty and fostering transparency with accountability has only just begun to be explored.

9. Fulfilling this potential can be accomplished in several ways. One is more extensive participation in submitting reports. It was emphasized in the consultations that the reporting obligation applies to all NPT States parties, not only to the NWS, although there is, quite naturally, strong interest in the reports of the latter, given their special responsibilities under Article VI.

10. Against the background of challenges to the NPT, many consider that it is more important than ever that all States parties implement fully their Treaty obligations and undertakings. Transparency and confidence-building reinforce commitments and can spur action. Reports provide an important enabling tool of reaffirmation, a means to assess compliance; as well, they can demonstrate progress towards objectives, building greater confidence.

11. Another key way to fulfil their potential is through their active use by delegations, as an information and reference source, as a means of assessing progress, and to inform preparations and support discussions at the Preparatory Committees and Review Conferences. Reports can be a useful component of the strengthened review process. Informing deliberations, they can also contribute to more robust debate and to the greater interactivity which many desire. We look forward to the widening of active interest and exchanges in this regard, at the second Preparatory Committee. The increased number of reports which is expected this year will reflect the growing interest in and awareness of their role and importance and the desire to make better use of them, creating a "culture of reporting". Participation and use will also help to develop scope and format.

## **Feedback Received – Process of Reporting**

12. Our consultations revealed strong interest in reporting, as well as some reluctance (mainly on the part of the NWS to engage in a discussion on how to report) and provided many thoughts to assist in developing the reporting commitment. These ideas include the following:

### **Destination:**

- this is not seen as a difficult issue. The general expectation is that the reports would be submitted to the Chair via the UNDDA in normal fashion. To identify these reports clearly, they should be labelled.

### **Timing:**

- Step 12 was widely interpreted to mean reporting at each Preparatory Committee and Review Conference;
- it was expected that the experience gained with the submission and effective use of reports would guide further consideration;
- it was seen as desirable to have reports as far in advance of the meetings as possible, but the dictates of reality were also recognized.

### **Content:**

- it was noted that various approaches were followed at the 2002 Preparatory Committee:
  - the 13 Steps were used by a number as a basis for the content of their reports;
  - some reports covered all articles of the NPT, reflecting the interconnectedness of Treaty obligations;
  - some (eg. the NWS) provided information through various statements and interventions, rather than through a single report.
- our review of the narrative form of the reports has shown a number of generic categories, most relating to disarmament but some also relating to other NPT issues. In some cases, countries chose to reflect some or all such categories, especially declaratory ones, in national statements rather than tabled reports. Examples of categories found included the following:
  - general assessments of developments and trends on nuclear disarmament
  - information on national nuclear holdings and doctrines
  - descriptions of disarmament policies, initiatives and programs (national as well as cooperative bilateral and multi-national efforts)
  - identification of diplomatic action and advocacy priorities
  - agreements reached and commitments undertaken
  - declarations of compliance with Treaty obligations.

- it was frequently pointed out that while the reporting commitment applies to all, the NWS have a special responsibility. Given their specific obligations related to Article VI and paragraph 4 (c) of the 1995 decision, there is particular interest in the information they provide on the key elements;
- acknowledging the real efforts that some of the NWS have made, great interest was voiced in the NWS providing as much specific information as possible, recognizing that much is already in the public domain, and taking into account national security concerns. It was suggested that such information could include: holdings and production of nuclear weapons (numbers, types and yields of warheads); numbers and types of delivery vehicles; nuclear weapons or delivery systems added or dismantled; the deployment and alert status of current holdings;
- to encourage transparency, it was suggested that useful information from all States parties could also include:
  - the transfer or acquisition of nuclear materials
  - holdings of fissile materials
  - nuclear facilities of all kinds.
- it was considered essential by many, however, that any such lists of content not be regarded as exhaustive nor limiting, but rather that all States parties should be encouraged to provide as much information as possible;
- some interlocutors noted the need to explore differential reporting by different categories of States (eg. NWS; those NNWS involved in nuclear activities or with nuclear material; others); it was also noted that it was early in the process, and that experience would assist in developing the most effective approaches.

**Form:**

- views received were mixed: the NWS generally resisted rigid forms, while others noted the need for comparability and making the information accessible, perhaps through standardized categories of questions;
- it was also, however, strongly felt that any such list should not restrict or limit States in reporting on any items they regard as relevant to the Treaty;
- conscious of the burden that reporting imposes, it was also held to be important to find the most practical approach, so as not to discourage any State party;
- it was broadly considered that the most useful format would emerge from greater experience and content.

**Handling:**

- the use made of reports was a key theme emerging from the consultations; there was widespread interest in making more productive use of reports and the valuable information they contain to inform, to enhance debate and to contribute to greater knowledge and understanding.

### **Looking Ahead: A Canadian View**

13. Canada views transparency and accountability as essential to achieving the goals and objectives of the Treaty. Reporting can make an important contribution in assisting States to determine the progress made, to promote a general culture of openness and transparency, and to foster recognition of mutual accountability for the Treaty's implementation. The provisions of the NPT are reciprocal and intertwined: the non-proliferation obligations, peaceful uses commitment and disarmament obligations are interdependent. The fulfilment of all the Treaty's objectives is the responsibility of all States parties. There is indelible responsibility in the possession of nuclear weapons. They are all our business.

14. Stemming from our consultations, Canada believes that a chief value of reports lies in their encouragement to all States parties to be active participants in the implementation of the Treaty. The value of information they offer is in its use. The 2nd Preparatory Committee provides an opportunity to make good use of reports in a meaningful way. States parties will have both the reports and information from the first Preparatory Committee, as well as those submitted to the second, creating a wealth of material that can be drawn upon. This debate and dialogue will contribute to further development of the reporting concept at the 2004 Preparatory Committee, guiding the path to take this forward at the 2005 Review Conference.

15. The challenges the NPT is facing require that all States parties demonstrate renewed commitment and determination to fulfilling its goals and the obligations all have accepted. In this way, we can reinforce - or reclaim - our Treaty. Reporting offers great potential to contribute to this shared and fundamental goal.

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