

REPORTING BY STATES PARTIES TO THE NUCLEAR NON PROLIFERATION TREATY

Speaker: Carol Naughton, Campaign for Nuclear Disarmament

The introductory paragraph to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) reads; *'Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples.'* It is morally and humanely imperative that all nation states work towards the implementation of the NPT.

The instruments are there within the Treaty, strengthened by the 1995 NPT Review Conference Principles and Objectives and the 2000 NPT Review Conference final document containing the thirteen 'practical steps' within it.

The way forward is clearly set out but what is lacking is accountability. For the NPT to serve its purpose there has to be a mechanism by which both the nuclear weapons states (NWS) and the non nuclear weapons states (NNWS) can measure their success in achieving implementation of the Treaty. Regular reporting as called for in step twelve of the thirteen steps is a start. However to effectively evaluate success, markers are needed and a time frame in which these are to be achieved set out.

This paper to the 2002 NPT Preparatory Committee sets out the Non Governmental Organisations position on the **purpose, mandate, scope** and **venue** for effective reporting.

The purpose of reporting must be more than a ceremonial exercise and therefore States parties must commit themselves to produce reports that serve a real function, providing regular, systematic and detailed information to the other States parties with the goal of improving the functioning of the Treaty's strengthened review process.

The reports would give formal verification of Treaty compliance and improve transparency and confidence building. They would help guide and focus the work of the PrepComs and Review Conferences and encourage further progress in nuclear disarmament. The actual process of compiling and assessing information would raise the political salience of the NPT and help states to focus on what is needed to live up to their commitments under the Treaty.

The creation of a common shared database would be beneficial. A standardised format should be adopted to facilitate the analysis of global trends and country-by-country comparisons. It should include a statement of the intervals at which reports should be made and a framework for achieving the goals.

Mandate of Reporting

For the strengthened NPT review process to be effective and with regard to the mandate assigned to the PrepComs in 1995 and in 2000, implying a need for up to date information on the state of implementation of the Treaty to be available at each session, reports should be submitted to the PrepComs as well as the Review Conferences.

The mandate calls for all States parties to the NPT to provide reports. The Middle East reporting provision specifically calls on all States parties to report.

The Middle East Mandate is set out clearly in the 2000 Final Document and calls on all States parties to report on the steps they have taken to promote the achievement of an effectively verifiable Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

The Practical Step 12 Mandate is less clear and calls for regular reports within the framework of the strengthened review process for the Non-Proliferation Treaty by all States parties and is in three parts.

The **first** is on the implementation of Article VI of the NPT which reads *'Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.'*

The distinct areas to be reported on are:

- Effective measures relating to cessation of the nuclear arms race
- Effective measures relating to (complete) nuclear disarmament
- A treaty on general and complete disarmament

The **second part** is paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation which calls for:

'The determined pursuit by the nuclear-weapons States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.'

This is clearly reportable in two areas one on the pursuit of the nuclear-weapons States and the second on the pursuit of all states to achieve general and complete disarmament.

The third part recalls the Advisory opinion of the International Court of Justice (ICJ)1996 which serves to strengthen the resolve and commitment of all States signatories to the NPT in reminding them of their obligations to 'achieve a precise result - nuclear disarmament in all its aspects'.

The 2000 Final Document specified thirteen practical steps to achieve the goals above and progress towards implementation of these steps should be included in the report.

The scope of reporting of the Review process must encompass, and have the ability to assess, implementation of all elements of the Treaty. Therefore reporting should include all nine topics.

The question of whether there should be two reports or that the reports on the Middle East and Practical Step 12 form one single report needs to be resolved by the States parties.

The content of reporting would be expected to incorporate two general kinds of information:

- a.) Statements of policy, descriptions of implementation-related activities, and

updates on the progress of treaty negotiations and implementation.

- b.) Declarations concerning concrete data, such as data on nuclear weapons holdings, delivery vehicles holdings, special fissionable materials stocks and nuclear technology exports.

The fact that much of this is already available would not remove the value of having it formally reported by States parties in the NPT forum.

The greater level of detail likely to be provided by some states should encourage openness in all States. Therefore, those States willing to supply additional information should be accommodated and encouraged.

The format for NPT reporting should be standardised for all States parties and would need to be worked out by those States willing to take a lead. There are several international reporting models already in existence but the criteria must be that it is simple, clear and easy to use.

It could be broken down into topics related to each of the Treaty articles and into time periods, providing a backwards-looking component and a forwards-looking component, projecting planned future developments.

However the most important consideration is in getting the process effectively underway with flexibility to add subsequent items from future Review Conferences. To aid transparency the reports should be available as official conference documents. The UN Department for Disarmament Affairs (DDA) would be the most appropriate institution to receive and compile reports submitted by States, having the experience of servicing other international bodies on arms controls. This is consistent with the 2000 Final document request.

However this has serious resource implications and States parties need to address how to finance additional work for the DDA in compiling and translating documentation.

It will be vital to the reporting process that committed States parties take a lead in initiating and fostering effective NPT reporting and that they involve a significant number of States parties early in designing the format and in establishing the requirements of participation. The excellent work done by Canada already could be used as a base to build on.

The organisation 'Reaching Critical Will' has produced an NGO Shadow Report outlining the possible structure of a standardised report which may prove useful in showing how vital information can be centralised simply.

Non-Governmental Organisations (NGO) have an important role in calling their own government's attention to their reporting commitment well in advance and in highlighting any findings missing from their own governments reports.

NGOs welcomed the opportunity to make formal presentations to States parties in plenary session. We would urge consideration of how these exchanges could be further developed for future PrepComms and Review Conferences.

For example NGOs could present their analysis of their own governments progress since the previous meeting. CND has been doing this for a number of years and believe it to be a valuable exercise although I realise my own Government may not agree.

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