

2. Transparency

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At this Seventh Review Conference, all States parties and non-governmental organizations are primarily concerned with one aspect of the Treaty: compliance. Whether prioritizing compliance to Article VI, I, II or IV, in order to strengthen the Treaty - as you are mandated here to do - we must seek ways to build confidence in universal compliance to the Treaty.

Without doubt, the best way to build confidence is to strengthen and enhance transparency measures within the NPT process. This is a responsibility of States parties under the Practical Steps¹; we believe that some of the easiest, most effective methods to strengthen transparency can be found through reporting and increased access by and participation of civil society in the review process.

We'll start first with the issue of reporting.

All states have a responsibility to build transparency in the Treaty through their obligations under the 13 Steps, but even more importantly, they have an interest in contributing to the transparent flow of information, testifying to demonstrable steps taken to further the goals of the Treaty.

Critics have complained that reports offer little substance, in that they duplicate general statements. In fact, experience has shown the opposite; reports that have been submitted provided substantive and reasonably detailed information, contributing to increased transparency and demonstrating States' serious undertaking of their obligations to the NPT.

Since reporting was adopted as an obligation in 2000², the past three PrepComs have facilitated a much greater degree of transparency than previously attained. Although institutionalization of reporting is progressing slowly, of the 188 NPT states parties, 39 reported at least once in the preparatory cycle, 6 at all three PrepComs. A total of 67 official reports were submitted in three PrepComs, at most 28 in a single year (in 2003 and 2004). Perhaps more importantly, 25 of the 40 NPT states parties listed in Annex 2 of the CTBT have submitted at least one report.

To date, however, none of the Nuclear Weapon States have submitted an official 'report', though all of them offer some sort of information exchange, whether through

¹ Step 9b calls for "Increased transparency by the Nuclear Weapon States with regard to their nuclear capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament."

² Step 12 calls for "Regular reports, within the framework of the NPT strengthened review process, 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.

statements, non-papers or “informational papers,” such as the US has submitted. While these types of information are useful, the submission of an official report is important in that it ensures its translation and inclusion into the meeting record, a much more effective way of increasing transparency.

To strengthen the reporting practice and its capacity to enhance transparency, we call for:

- All states parties to submit reports, in that as more states take part, transparency within the Treaty framework will only increase
- States parties to carry forward the commitment made in 2000, and endorse the reporting requirement at this Review Conference;
- States parties to submit reports which are substantive and which detail measurable steps taken to implement the Treaty, rather than declaratory statements;
- The NWS and Annex II States in particular to submit formal reports, insofar as participation in this practice grows, so will transparency;
- NWS, in particular, to report on national holdings of warheads – both within national borders and without, delivery vehicles and fissile materials; operational status of nuclear weapons; disarmament initiatives and reductions strategies; strategic doctrine; and security assurances.

Transparency of the NPT process would also be greatly enhanced through greater access by and interaction with non-governmental organizations.

Providing a critical link between governments and the general public, civil society translates what happens within these halls for the people of the world. As the 2003 Canadian working paper on NGO participation in the review process noted, “Nuclear disarmament NGOs make key contributions to building and nurturing public concern and thus political will, advancing global norms, enhancing transparency, monitoring compliance, framing public understanding, and providing expert analysis.”

The 2004 report of the Cordoso panel on UN-Civil Society Relations concluded that: “The most powerful case for [the UN] reaching out beyond its constituency of central Governments and enhancing dialogue and cooperation with civil society is that doing so will make the United Nations more effective.” NGOs make the NPT more effective by strengthening transparency while monitoring proceedings; providing expert input in statements, documents, and events on the perimeter of the meeting; and by interchanging with the public before, during, and after the official meetings.

NGOs which focus on disarmament and non-proliferation issues have less access to and participation in international meetings as compared to those focused on other issues, such as human rights, disabilities or humanitarian affairs, and this Review Conference has seen an even greater restriction of NGO access. In the NPT process, NGOs are permitted to address the delegates only in the General Debate in one, three-hour session throughout a four-week-long conference. Meeting in the General Assembly has further limited interaction between NGOs and delegates, as NGOs are prevented from meeting officials outside the hall. Although tables are located outside the room for NGO

documentation, NGO representatives cannot access the tables to leave their materials. Last year, for the first time in NPT history, NGOs were allowed access to the cluster debates, which were held in open meetings following the correct interpretation of rule 44.4 and we look forward to greater access to the proceedings and delegates when this Review Conference breaks into committee proceedings.

To strengthen NGO access, and therefore the contributions NGOs can make in the NPT review process, we call for:

- All meetings not designated to negotiations to be held in open session.
- NGOs to be provided with appropriate seating within the conference hall and access to all documentation during open sessions;
- In addition to the one session designated for NGO presentations to the delegates, additional opportunities to intervene within the thematic discussions.
- Increased government-NGO dialogue within the official process, including opportunities for informal interaction.
- The participation of NGOs from underrepresented regions with financial and logistical support by the Conference Secretariat and/or States parties.

These practices should be codified in the Final Document of this Review Conference, affirming the value of NGO participation to the health of the Treaty.

Global support and understanding of disarmament and non-proliferation is the key to ensuring compliance to the NPT. This critical component cannot be achieved without increased transparency of the treaty process. States must be held accountable for the full implementation of all obligations under the Treaty. Who better to hold governments accountable for their actions than those whom they are purported to represent? Therefore, it is in the interests of all States parties to increase NGO access and participation in the NPT Review process in order to obtain the permanence and accountability of the Treaty upon which our global security depends.