Enhancing dialogue on national implementation reports

Working paper submitted by France

The framework of the NPT strengthened review process rests on the submission of regular reports as key instruments to enable Review Conferences to fulfil their evaluation of “the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty”.

While the commitment to submit regular reports – as comprised in the “13 Practical Steps” of the 2000 Review Conference Final Document and the “Action Plan” of the 2010 Review Conference Final Document – applies to all States Parties to the NPT, its relation to the implementation of Article VI of the Treaty and paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” justify that national implementation reports submitted by the nuclear-weapon States be subject to an open, in-depth and regular discussion within the NPT community. Such discussion would help build a more focused and action-oriented approach with regards to the Treaty implementation, and foster an interactive and substantive conversation amongst States Parties beyond the delivery of national statements.

To that end, a two-fold approach could be pursued. On the one hand, a dedicated forum for discussion and review of national implementation reports submitted by States Parties, with a special focus on the reports submitted by nuclear-weapon States, could be established at NPT Review Conferences. On the other hand, the Third Preparatory Committee of the review cycle could also allow for an interactive and open discussion on the content and substance expected of these national reports ahead of their submission to the following Conference.

1 Paragraph 7 of the 1995 Decision “Strengthening the Review Process for the Treaty”

2 12. 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

3 Action 20: States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the present action plan, as well as of Article VI, paragraph 4 (c), of the 1995 decision entitled “Principles and objectives for nuclear non-proliferation and disarmament", and the practical steps agreed to in the Final Document of the 2000 Review Conference, and recalling the advisory opinion of the International Court of Justice of 8 July 1996
This approach puts the emphasis on the qualitative value of national reports as a platform for sustained dialogue, rather than on the submission of intermediate national reports throughout the review cycle, which would (i) be unrealistic with regards to the resources needed both to elaborate and review a greater number of reports and (ii) fail to deepen the dialogue amongst NPT States Parties with regards to the Treaty implementation.

1/ Establishment of a “peer-to-peer review” of national implementation reports submitted by nuclear-weapon States

The collective commitment to submit national reports currently falls short of its intended objective in the absence of a dedicated and structured discussion at Review Conferences, whereas these documents should provide essential information needed to review the implementation of the Treaty and can therefore helpfully contribute to both the backward-looking and forward-looking work of the Review Conferences. National implementation reports also provide a solid basis for a substantive and fact-based dialogue amongst States Parties.

Furthermore, and in light of the link set out between the implementation of Article VI of the NPT and the elaboration of the reports in past commitments, the opportunity to discuss the reports of nuclear-weapon States should be systematic, and not solely dependent on the willingness of nuclear-weapon States to engage with the broader NPT community4.

As a result, and in order to ensure that the commitment to submit regular reports does in fact contribute to a strengthened review cycle, **Review Conferences should systematically include two specific sessions, one dedicated to the review of the national implementation reports provided by nuclear-weapon States, and the other to the review of the national implementation reports provided by non-nuclear-weapon States.** To ensure both inclusivity and a focused discussion, both sessions should entail the participation of civil society along with all NPT States Parties.

2/ Sustaining dialogue throughout the elaboration of national implementation reports

In addition, the Third NPT Preparatory Committees should also be used as a platform for discussion around the expectations, priorities and information that should be reflected in the nuclear-weapon States’ national reports. **To that end, a dedicated session could be planned during the Third Preparatory Committee to allow States Parties, and in particular nuclear-weapon States, to consult with and receive the views of other NPT States Parties and civil society ahead of the elaboration and submission of their national implementation reports.**

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4 At the last Review Conference, only three out of the five nuclear-weapon States provided, through their side-event, an opportunity for an exchange open to other State Parties and civil society on their implementation of their obligations under the Treaty, especially Article VI, and related commitments.