

**Working Paper submitted by Canada to the
Working Group on Strengthening the Review Process
for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)**

1. Introduction

1.1 This paper puts forward recommendations by Canada for consideration by the *Strengthening the NPT Review Process Working Group (hereafter the 'Working Group')*. These recommendations focus on adjustments to the NPT review cycle working methods to enhance the transparency, accountability, and efficiency of the process. This would help improve continuity within and between review cycles, provide opportunities for greater substantive exchanges, and increase inclusivity of participation – thereby maximizing opportunities to advance meaningful Treaty implementation.

2. Adjusting NPT Review Cycle Working Methods

Allocate time to discuss implementation reports of nuclear-weapon States:

2.1 Dedicated time to discuss NPT implementation directly supports the review process by ensuring that “*the purposes of the Preamble and the provisions of the Treaty are being realised.*” States parties are already called upon to submit regular implementation reports.ⁱ The next logical step would be to provide the space for a focused discussion of these reports. Allocating time at regular intervals to discuss reports of nuclear-weapon States in particular will permit a more structured, substantive exchange on the status of and ways to enhance Article VI implementation.

2.2 The 10th Review Conference draft outcome document contains recommendations to this effect. Although the overall document was not adopted by consensus, the following endorsements appeared to enjoy broad support by States parties:

Para 35c. The Chairs of the preparatory committee meetings will allocate time under cluster 1 for a structured discussion on this issue including with respect to the national reports of States parties, in particular those of the nuclear-weapon States.

Para 35d. The next Review Conference will allocate time in Main Committee I for a structured discussion of the elements above and will continue to consider how to further enhance transparency and accountability with regard to the implementation of Article VI and disarmament-related commitments.

2.3 Canada proposes that the Working Group recommend implementation of the above points, namely that Chairs of the preparatory committee meetings allocate time under cluster 1 for a structured discussion of the reports by nuclear-weapon States and, that the next review conference allocate time in Main Committee 1 for the same.

Enforcement of time limits:

2.4 Canada supports enforcing time limits on statements delivered during preparatory committee meetings and review conferences. Specifically, the Working Group could recommend formalizing the practice established at the last review conference to limit statements to five minutesⁱⁱ. Most high-level statements are delivered within the first few days of the general debate, and much of what is said is subsequently repeated during main committees. As such, consideration should also be given to commencing committee work whilst the general debate is ongoing.

2.5 In the same vein as above, additional time limits could be placed on general statements delivered in the main committees. This more efficient use of time would allow for a greater substantive discussion of issues earlier on in the main committees. This practice could serve as a test case for potential efficiencies at future preparatory meetings and review conferences.

Function of subsidiary bodies:

2.6 At the 10th Review Conference, many States parties expressed dissatisfaction over the lack of clarity on the role of subsidiary bodies, which resulted in overlap with the main committees on certain topics. Moving forward, the President of the Review Conference should, at the beginning of the meeting, provide clarity and guidance on the function and role of subsidiary bodies, including whether the topics are fixed or can be changed, and whether discussions should be limited to forward-looking elements.

2.7 In particular, subsidiary bodies should be framed as a venue for in-depth discussions on particularly sensitive or complex issues relevant to main committee work. For example, Subsidiary Body 1 could focus on specific issues (such as negative security assurances), rather than including all matters under the disarmament pillar, which repeats discussions in Main Committee 1. As a guiding example, States parties could examine how Subsidiary Body 2 functioned at the last review conference, as this body had a clearer focus (i.e. regional non-proliferation issues and the Middle East) that was distinguishable from the work of Main Committee 2.

Review Conference outcome:

2.8 Canada acknowledges the arguments made in support of, and against, the traditional practice of seeking the adoption of a comprehensive outcome document by consensus. It has become the norm to aim for such a document throughout the NPT review process history. Since the 1995 NPT Review and Extension Conference, however, only the 2000 Review Conference has adopted a comprehensive outcome document by consensus, which contained both forward-looking and review sections. The 2010 outcome document garnered consensus on the forward-looking action plan, but not on the review section.

2.9 Canada remains flexible regarding the type of outcome document(s) that States parties pursue at review conferences. States parties should, however, move away from a binary scenario wherein we measure the success of the entire NPT process based solely on the ability to adopt a single consensus outcome document, which unfortunately minimizes the areas which enjoyed broad support. Furthermore, if through this Working Group improvements can be made to the NPT review process (such as formalizing the prerogative of the Chair, and increasing regional consultations), then the debate over the outcome document will lessen. Towards this end, the Working Group could recommend that the Chair lead a structured discussion on alternate measures of success.

3. Promoting continuity of the review cycle

Formalizing a Chair's Bureau:

3.1 NPT review conferences traditionally take place every five years. The routinely high turnover experienced by a large number of State parties (in particular, their foreign ministries) within and between review cycles can lead to a marked loss in institutional memory. To facilitate continuity between and within review cycles (thereby enabling more focus on substantive matters), the formal establishment of a "Chair's Bureau" comprising immediate past, current, and future incumbents should be considered.

3.2 A Chair's Bureau would require the earlier nomination of preparatory and review conference officials so that the Bureau could be established at the outset of the review cycle. A formalized unit whose mandate is to promote continuity between and within review cycles would facilitate more informed planning and preparation for the review conferences.

3.3 Consideration could be given to supplement the Chairs' Bureau with support staff to better manage the administrative matters of the review process. This could take many forms, including secondments from States parties from each regional group. This Bureau could be responsible for administering regular briefings for States parties, including comprehensive information on: how the review cycle works; the structure of review conferences (including of main committees and subsidiary bodies), and; the outcome(s) of past review conferencesⁱⁱⁱ.

3.4 In exploring potential models, the Working Group could undertake to study other regimes from which there are useful lessons to draw.

4. Increased Inclusivity

4.1 Canada supports increased inclusivity in the NPT process in order that States parties benefit from a diversity of expertise and perspectives. In this regard, it would be beneficial to continue regional outreach and intersessional work to ensure that views from all geographic regions are better heard. Recent experience in conducting intersessional outreach to the African, Southeast Asian, and Latin American regions has elicited valuable insight into the objectives and priorities of these regions.

4.2 The input of civil society in the NPT review process is invaluable. Civil society representatives can offer extensive experience and useful perspectives on NPT issues, and can play a beneficial “challenge function”. Furthermore, in some cases, civil society groups retain strong institutional memory on both the substantive issues and the processes. In this regard, there is value in strengthening civil society participation across the Treaty’s three pillars. For instance, the Working Group could consider identifying specific opportunities for civil society representatives to speak to the benefits of the peaceful uses of nuclear technologies (Pillar Three).

4.3 Having benefited from the inclusion of a civil society representative on its delegation to past review conferences, Canada fully supports measures to promote the inclusion of civil society members. This could include, inter alia:

- a. Continuing the practice of setting aside time for civil society participation in NPT meetings and exploring ways to enhance such participation.
- b. Permitting civil society to submit thought papers to NPT meetings.
- c. Institutionalizing a broad consultation process with civil society, led by the President of the Review Conference, in advance and/or during NPT meetings.
- d. Inviting civil society to give expert technical presentations during NPT proceedings.

ⁱ The 2000 Final Document called on all States parties to provide regular reports, within the framework of the strengthened review process for the NPT, on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament.”

Actions 20 of the 2010 NPT Action Plan states that “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.”

Action 21 states that “as a confidence-building measure, all the nuclear-weapon states are encouraged to agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. The Secretary-General of the United Nations is invited to establish a publicly accessible repository, which shall include the information provided by the nuclear-weapon states.”

ⁱⁱ Canada’s understanding is that there exists no provision in the NPT Review Conference rules of procedure mandating time limits for statements.

ⁱⁱⁱ It was noted that at the 10th NPT Review Conference, there was some confusion over what had been agreed by consensus in the past (the 2010 outcome document included both consensus and non-consensus sections).