Enhancing Coordination, Continuity and Efficiency

Working Paper submitted by the Federal Republic of Germany
to the Working Group on Further Strengthening the Review Process of the
Treaty on the Non-Proliferation of Nuclear Weapons

Germany reaffirms its unequivocal support for the NPT and its three mutually reinforcing pillars. The treaty is the cornerstone of the global nuclear non-proliferation regime and forms the basis of international efforts towards nuclear disarmament and non-proliferation. Germany remains strongly committed to making further progress in fully implementing the treaty and achieving a safer world free of nuclear weapons.

The 1995 NPT Review and Extension Conference which agreed on the indefinite extension of the NPT also established a review cycle\(^1\) with Review Conferences to be held every 5 years and normally three Preparatory Committees\(^2\) to consider principles, objectives and ways in order to promote the full implementation of the Treaty.

Given that these arrangements fell short of expectations, discussions\(^3\) took place over various review cycles to further strengthen the review cycle and to enhance the efficiency and effectiveness of the review process through elements of coordination and continuity in terms of procedure and substance as well as institutional support, with a view, in particular, to improve accountability and transparency across the three pillars of the Treaty. Against this backdrop the Tenth NPT Review Conference\(^4\) in 2022 decided to establish a working group on further strengthening the review process of the Treaty to discuss and make recommendations to the Preparatory Committee.

This paper intends, as a contribution to the proceedings of the working group, to outline in a concise manner options to enhance coordination, continuity and efficiency throughout the review cycle in order, as mandated by the tenth NPT Review Conference, to improve effectiveness, transparency and accountability. The following options should be considered:

**Bureau**

Previously coordination between the respective chairs of the Preparatory Committees and the President of the Review Conference has mostly taken place in an informal and ad-hoc format. In order to allow for a greater degree of continuity and cohesion throughout the entire review cycle in terms of procedure and substance, a Bureau should be established at the beginning of the review cycle or even by the preceding Review Conference, consisting of the President of the Review Conference and the chairs of the Preparatory Committees. This would require an early appointment of the respective office-holders. The Bureau should be tasked, in particular, to elaborate a programme of work for the entire review cycle, for decision at the first Preparatory Committee. The Bureau could, inter alia, receive and deliberate on complaints, for example about non-compliance; act as a clearing house for information and reports; respond to significant cases affecting the integrity of the NPT, and represent the Treaty, in particular in outreach activities.

**Role of the Preparatory Committees**

In order to avoid repetitive discussions at each Preparatory Committee a clearer division of labour should be considered, e.g. by assigning at the outset of the review cycle focal areas for each of the Preparatory Committees, including but not limited to the three pillars of the NPT (i.e. peaceful

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\(^1\) NPT/CONF.1995/32 (Part I)
\(^2\) See as well NPT/CONF.2000/28 (Parts I and II) and NPT/CONF.2010/50 (Vol. I)
\(^3\) For issues under discussion see in particular NPT/CONF.2010/WP.4, NPT/CONF.2020/PC.II/WP.24 and NPT/CONF.2020/WP.53
\(^4\) NPT/CONF.2020/DEC.2
uses, non-proliferation and disarmament). Thus, the Preparatory Committees could be enabled to concentrate on these focal areas, the proceedings possibly reflected in the form of a “rolling text” under the Chair’s responsibility or agreed by States Parties only ad referendum on the principle that “Nothing is agreed until everything is agreed”. This “rolling text” should in turn inform discussions at the third Preparatory Committee to produce a consensus report with recommendations, as foreseen by NPT/CONF.2000/28, for endorsement and final decision making by the Review Conference. In parallel, Preparatory Committees should be in a position to respond to time critical developments relative to the implementation of the NPT.

Proceedings at the Preparatory Committees
Given time constraints at Preparatory Committees it seems appropriate to considerably limit time allocated to formal exchanges at the General Debate and to structure the Cluster debates in a more informal way, in particular by organizing interactive topical discussions on reports submitted by states parties, and by the inclusion of a broad range of stake holders.

Reporting
In order to assess the implementation across the three pillars of the Treaty, reporting on Treaty obligations, by nuclear-weapon States parties and non-nuclear-weapon States parties alike, is a key element to provide for greater transparency and accountability. However, in the past reports varied widely in terms of structure and detail. In order to make reports comparable amongst themselves and over time, a unified reporting template (“standard reporting form”) seems appropriate, as also recommended in Action 21 of the draft Final Document of the Tenth NPT Review Conference. For Nuclear Weapons States, in particular concerning commitments under Art. VI, such reports should have a backward looking part, describing achievements in terms of nuclear disarmament and arms control, as well as concrete plans for future undertakings. These reports should be examined in well-structured, dedicated and interactive sessions of the Preparatory Committees and the Review Conference respectively with the inclusion of a broad range of stakeholders. National reports, especially by Nuclear Weapons States, could be subjected to a peer review process and open discussion, the modalities of which could be formalized as part of the review process.

Institutional Support
In the past preparation and conduct of meetings throughout the review cycle has been ably assisted by the United Nations’ Office for Disarmament Affairs (UNODA). However, the creation of a small, dedicated implementation support unit could be considered in order to
- respond specifically to the administrative needs of the chairs,
- analyze and consolidate documents submitted to the Preparatory Committees and the Review Conference,
- assist the chairs in preparing recommendations and decision-making.
In order to allow for seamless coordination with the Bureau, staff of the members of the Bureau could be embedded in the implementation support unit.

Decision-making
The NPT Rules of Procedure customarily include provisions that allow for a voting on decisions after all efforts to achieve consensus have been exhausted. In light of the high sensitivity of such voting, this rule has never been invoked. Given that, e.g. at the occasion of the 2015 and 2022 Review Conferences, consensus on a widely accepted draft Final Document failed due to disagreement on very specific text passages, consideration should be given on how to salvage the rest of the text. Options in this context could include a Chairperson’s summary which clearly delineates the areas of consensus and those passages where disagreements persisted. Another option could be to allow for interpretative declarations to be included in final documents.

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5 E.g. “Transparency of nuclear weapons: the Non-Proliferation and Disarmament Initiative”, working paper submitted by Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Poland, Turkey and United Arab Emirates for the First Session of Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF.2015/PC.1/WP.12).
Inclusivity
The working group should in its proceedings
- recognize the importance of, and commitment to ensure the equal, full and effective participation and leadership of both women and men and to further integrate gender perspectives in all aspects of the implementation of the Treaty, and
- recognize the contribution of civil society, research centers and academia, in nuclear disarmament and non-proliferation processes and the important work on the implementation of the Treaty, and
include corresponding recommendations in its report.