

Working Group on the NPT Review Process: A Comparison of Proposals

By Tariq Rauf*

In its dying moments the ill-fated Tenth NPT Review Conference on 26 August 2022, without discussion, adopted a [Decision on the next review cycle](#), to establish a working group on further strengthening the review process of the Treaty, open to all States parties. This working group will meet at the Vienna International Centre, headquarters of the International Atomic Energy Agency and the Comprehensive Nuclear-Test-Ban Treaty Organization, from 24 July to 11 August 2023. The Chair-designate of the working group and of the 2023 NPT Preparatory Committee (PrepCom) session is Ambassador Jarmo Viinanen (Finland).

The NPT is the first multilateral arms control treaty that provided for regular reviews for its implementation. The objectives being to:

1. help off-set the imbalance in the obligations of the majority who had to do something right away (accept full-scope safeguards to prove non-proliferation) and the few who made a non-specific long-term promise to disarm;
2. present a way for the majority to see how the Treaty was operating and express themselves on what they found; and
3. produce conclusions for further action.

In 1995, NPT States parties agreed without a vote to extend the Treaty in force indefinitely. One of the conditions of indefinite extension was the [Decision on Strengthening the Review Process for the Treaty](#). As such, the strengthened review process had the objective of enhancing the full implementation of all of the provisions of the Treaty, as well as those of the Decisions and the Resolution adopted at the 1995 NPT Review and Extension Conference, on the basis of:

1. permanence with accountability;
2. a qualitatively strengthened on-going review process that both evaluates and is forward-looking; and
3. pragmatism and dynamism on an evolving basis.”

The [strengthened review process](#) must be “product-oriented” and structured to facilitate the attainment of that objective. “Permanence with accountability” entails accountability by all States parties for compliance with and fulfilment of undertakings under the Treaty and consensus outcomes of review conferences.

As the international security environment continued to worsen, political differences and rivalries between States began to dominate the NPT review process to its detriment. As such, the post-1995 review conferences in 2005, 2015 and 2022 failed to agree on any agreed outcome document; whereas the 2010 review conference was unable to agree on the review of Treaty implementation during 2005-2010 but did manage to agree on 64 so-called “actions”.

The NPT review process is [not broken](#): just as we do not blame our thermometers when temperatures rise or fall, so too it is an error to attribute the stalemate over the last decade(s) in multilateral norm-building

processes for nuclear disarmament as the fault of the strengthened review process. While unfortunately, [misguided and misplaced proposals](#) have been advanced over the years, some in stark contradiction and violation of the 1995 Decision 1, but fortunately none progressed.

However, now there are some [useful proposals](#) that for the most part can serve to enhance the efficiency, rationality and [effectiveness of the strengthened review process](#). Hopefully, agreement can be reached on some of these proposals.

There are ten proposals that will be on the agenda of the Working Group. Working papers have been tabled by: [Austria](#); [Canada](#); [Czech Republic](#); [Egypt](#); [European Union](#); [Germany](#); jointly [Ireland, New Zealand and Switzerland](#); two by the [Non-Proliferation and Disarmament Initiative](#) and (NPDI), and the [United States](#). (The NPDI comprises Australia, Canada, Chile, Germany, Japan, Mexico, Netherlands, Nigeria, Philippines, Poland, Turkiye, and United Arab Emirates.)

Areas of Convergence on the Strengthened Review Process

Perhaps chastised by their failure to agree on an outcome document at the Tenth NPT Review Conference last August, States parties seem to be demonstrating convergence on enhancing the work practices under the strengthened review. Some proposals frankly are quite obvious such as: putting in place the Bureau for the review cycle early on and to avoid duplication, among others.

Areas of convergence in the proposals submitted include, to:

- nominate the Chairs for the three sessions of the preparatory committee and the president for the review conference – Canada, Egypt, European Union, Germany, NPDI, and United States;
- improve reporting by the nuclear-weapon States on their implementation of Article VI obligations including related measures and actions agreed at review conferences in 1995 and subsequently, though there are some differences in the proposals on the content of such reporting – Austria, Canada, Egypt, European Union, Germany, Ireland (along with New Zealand and Switzerland), NPDI, and United States;
- avoid duplication of coverage of substantive matters across the three pillars (clusters) in preparatory committee meetings and review conferences (as originally agreed in Decision I in 1995) – Austria, European Union, Germany, NPDI, and United States; and
- set up structured discussions on working papers submitted to preparatory committee meetings and review conferences – Austria, Egypt, European Union, Germany, New Zealand (along with Ireland and Switzerland), NPDI, and United States.

Other Proposals

Other useful proposals include, to:

- improve efficiency of work by implementing time limits on statements in preparatory committee meetings and review conferences, to avoid unnecessary lengthy statements and duplication of high-level statements – Canada, European Union, and NPDI;
- clarify and rationalize the relationship between the work of subsidiary bodies and main committees – Canada, European Union, NPDI and United States; and

- enhance inclusivity of broader range of stakeholders in the work of the review process, such as civil society and nuclear industry – Canada, European Union, Germany, and NPDI.

Proposals for further consideration

The United States, a depositary of the NPT, is to be commended for proposing consideration of the merits of an [“article-by-article”](#) review in plenary sessions and revising the structure of work and allocation of items to clusters in preparatory committee meetings and main committees to reduce duplication and improve the effectiveness and efficiency of the review process. A well structured article-by-article review could improve the efficiency and effectiveness of the review process.

Proposals for briefings or interventions from stakeholders such as civil society and industry are from Canada and the EU, however, it must be ensured that such briefings are not limited to entities from any one geographic region but are representative of the broad membership of the NPT across all geographic regions.

The EU has reiterated a proposal made previously by others to place the statement by the CTBTO immediately following that of the IAEA at the opening of review conferences. This proposal should be accepted by NPT States parties. (At the 2005 NPT review conference, I was the first to propose to some CTBT States parties to advance this proposal, but unfortunately it was turned down; though now the CTBTO statement is at the end of the first day.)

The EU has resurrected a proposal for a “small Treaty implementation support unit” (ISU) to facilitate NPT meetings, intersessional work on a full-time basis, and “advise” the chairs with background papers. Germany too has made a similar proposal. In contrast, the United States has proposed that the role of the UN Office for Disarmament Affairs (UN-ODA) that provides the Secretariat services to the NPT review process, with the support of the IAEA, should be formalized. There is no need for an NPT ISU. The IAEA provides background documentation on implementation of Articles III and IV; and the UN ODA has provided background documentation on Articles VI and VII as well as on the Middle East. UN ODA competently and efficiently provides the Secretary-General for the NPT Secretariat for the review process, along with secretariat support officer for Main Committee I; while the IAEA does so for Main Committees II and III. Thus, the proposal by the United States is well formulated and its adoption would contribute to the strengthened review process – an NPT ISU is not needed and there is no need for a full-time support unit, not to forget the extra staffing costs.

Proposals for a “rolling text” at preparatory committee sessions have been resurrected by Egypt, EU, and Germany, on the dictum of multilateral diplomacy that “nothing is agreed, until everything is agreed”. The 1997 PrepCom tried such an approach; the result was disastrous. The problem is that States parties are unwilling to commit to agreed recommendations in advance of the review conference. A better way forward would be to continue with the practice of the [Chair’s reflections](#) initiated in 2017, and that of an [“Inter-Chair Report”](#) initiated in 2018. Underlying the lack of agreement on recommendations from the PrepCom, as well as a final outcome document from the review conference, are deep and widening differences on implementation of Article VI and related commitments from review conferences – i.e., cluster I and pillar I issues. Generally, agreement is reachable on cluster II and pillar II issues. However, at the 2022 review conference, the area of disagreement was related more to pillars II and III, relating to the safety and security of nuclear power plants in Ukraine as the war with Russia continued. The situation on this matter is worse now than last year; it might be better to find a workable solution on how to address

this matter along with that of discharge of [“Fukushima Daiichi ALPS Treated Water Discharge”](#). Thus, instead of a “rolling text”, better to identify areas of convergence and divergence across all three pillars and regional issues in a report of the chair for the first two sessions of the PrepCom and then to try to resolve differences with a view to a short list of practical recommendations to the review conference – and to avoid the proverbial “Christmas tree” approach of including everything one might think of.

The NPDI is proposing an independent “NPT Monitor Publication” on “NPT reporting” to promote “an added layer of transparency and accountability”. This proposal has merit and needs further discussion and assessment. [Reaching Critical Will](#), a small but efficient NGO, produces timely and useful publications during NPT meetings: [NPT News in Review](#) and [NPT briefing book](#). The [Hiroshima Prefecture and Hiroshima Organization for Global Peace \(HOPE\)](#), also produces an informative assessment of NPT nuclear disarmament obligations. States parties would be well advised to commission jointly Reaching Critical Will and HOPE to produce an “NPT Monitor Publication” for the 2024-2025 PrepCom sessions and for the 2026 review conference; as well as to provide adequate funding. At the 2026 review conference, these publications could be reviewed and a decision taken on commissioning the publication for the following review period culminating in the 2020 review conference.

Way Forward

Quite unexpectedly, several States parties have put forward a slate of practical proposals to improve the working methods of the review process, most of these have been noted above. Unfortunately, also there are certain impractical proposals, among which are to: set up an implementation support unit; and rolling texts for PrepCom reports.

States parties need to reaffirm the continuing validity of the 1995 indefinite extension package of three decisions and a resolution, as well as of the 2000 strengthened review process. While improvement of some working methods, as noted above, would be useful; it could be problematic to reinterpret the 1995/2000 strengthened review process other than marginal enhancements.

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