

Transparency with accountability:
Reporting by States party to the
Treaty on the Non-Proliferation of Nuclear Weapons

Report on the
Roundtable on Reporting by States party to the NPT
Ottawa, 19-20 June 2003

Hosted by the Canadian Network to Abolish Nuclear Weapons, the Canadian
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Abstract

This report is an overview of some of the discussions that took place at the Roundtable on Reporting by States party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which met in Ottawa on 19-20 June 2003 to examine the response of States parties to the reporting requirement agreed at the 2000 NPT Review Conference and to consider how such reporting might be improved in the future. Among other topics of discussion, the Roundtable examined the reporting experience at the 2002 and 2003 NPT Preparatory Committee meetings, considered the content of reporting by both nuclear-weapon States and non-nuclear-weapon States, and discussed use of the reports by States and non-governmental organizations.

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Summary

This report is an overview of some of the discussions that took place at the Roundtable on Reporting by States party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which met in Ottawa on 19-20 June 2003 to examine the response of States parties to the reporting requirement agreed at the 2000 NPT Review Conference and to consider how such reporting might be improved in the future.

The first topic of discussion was the record of reporting to date. Three categories of “report” were considered: documents formally submitted by States parties in direct response to the reporting requirement; documents provided by the nuclear-weapon States parties (NWS) containing information about their programs and activities but not submitted as formal reports; and documents, statements, remarks, etc by States parties containing elements of reporting but not submitted as formal reports. All told, 52 States parties reported in 2002, 11 providing formal reports, and 60 States parties reported in 2003, 28 providing formal reports. In each case, all five NWS reported, but none of the NWS documents was submitted as a formal report.

Participants tended to view the record of reporting to date as mixed. The number of States parties reporting showed a promising increase in 2003, but more than two-thirds of States parties still did not report in any way. Participants did assess, however, that progress had been made on promoting a “culture of accountability” (comprising parallel initiatives on reporting, promotion of enhanced NGO access to the review process, and development of greater interactivity in discussions among States parties) in the NPT. Progress also was reflected in comments on transparency and accountability in the 2003 Chairman’s Factual Summary.

The initial approach of many States parties has been to prioritize promotion of the habit of reporting over development of a standard format. Participants argued that priority should continue to be placed on encouraging greater participation in reporting. Over the long run, however, participants felt that greater standardization of scope, format, and content is desirable to maximize the usefulness and viability of reporting.

Three broad approaches to the scope of reporting were suggested: 1) Focus on the “13 steps” toward nuclear disarmament agreed at the 2000 Review Conference; 2) Report more generally on implementation of Article VI of the Treaty and related elements specified in the original reporting mandate agreed in 2000; or 3) Report on the Treaty more broadly. All Roundtable participants who expressed an opinion were in favour of the broad approach to reporting, and it was suggested that States parties might seek agreement that the existing mandate should be understood to include all aspects of the Treaty. In any case, States parties should be encouraged to interpret the reporting requirement in that light.

Participants also discussed the general categories of information that States parties might be encouraged to report. It was suggested that the most useful and sought after information was reporting on national nuclear holdings and doctrines; descriptions of disarmament policies, initiatives, and programs; identification of advocacy and diplomatic priorities; and information on agreements reached and commitments undertaken. Other categories of information (e.g., regular declarations of compliance and general assessments of developments and trends) were considered less important. Participants argued that States parties should be encouraged to provide specific, concrete information and to focus on recent actions and developments.

In addition to the information listed above, reports by the NWS might include comprehensive information on the transfer or acquisition of nuclear materials; holdings of fissile materials; nuclear facilities of all kinds; holdings and production of nuclear weapons (including the numbers, types, and yields of warheads, as well as numbers and types of delivery vehicles); the operational status of all weapons held; and nuclear weapons doctrines and policies.

Next, the Roundtable discussed how to increase and improve the use of reports by States parties and NGOs. The characteristics of reports that States Parties would find most useful were summarized as follows:

- Submitted as formal reports, archived, and made accessible in all UN languages;
- Available early, to be translated, read, and commented on in a timely manner;
- Based on the 2000 mandate, but interpreted broadly to address the entire Treaty;
- Utilizing a flexible, open format, and built around categories of information rather than a fixed matrix;
- Emphasizing hard information rather than advocacy and opinion;
- Forward-looking as well as backward-looking;
- Organized in such a way as to be comparable State Party-to-State Party;
- Comparable year-to-year; and
- Not burdensome to produce.

It was noted that the prospects for increasing the use of reports (“interactivity”) are linked to the relevance of their content. There are also practical issues of timing. It might be possible to stagger the agenda of PrepCom meetings and Review Conferences to allow time for reports to be digested, questions to be asked, and approved responses to be provided. Another possible approach would be to submit questions two to three weeks in advance to allow States parties time to prepare responses for submission at the event.

Participants noted that it was important to encourage more States parties to submit formal reports, which would become part of the record, and to make all reports and other documents from the PrepComs and Review Conferences widely available. Participants also noted that there is a need for greater academic and NGO analysis of the reports.

Finally, participants acknowledged that there is a risk that thorough use of reports by NGOs, academics, and States parties might dampen enthusiasm for reporting. But pursuit of transparency need not create an “information chill”. In any case, analysis and use of the reports was part and parcel of accountability – the very basis of their value. Without accountability, participants noted, transparency would be of no use.

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Introduction

This report is an overview of some of the discussions at the Roundtable on Reporting by States party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), hosted by the Canadian Network to Abolish Nuclear Weapons, the Canadian Centre for Foreign Policy Development, and the Department of Foreign Affairs and International Trade (DFAIT) in Ottawa on 19-20 June 2003.

The purpose of the Roundtable was to examine how States party to the NPT have responded to the reporting requirement agreed at the 2000 NPT Review Conference (RevCon) and to consider how such reporting might be improved in the future. Among other topics of discussion, the Roundtable examined the reporting experience at the 2002 and 2003 NPT Preparatory Committee (PrepCom) meetings, considered the content of reporting by both nuclear-weapon States (NWS) and non-nuclear-weapon States (NNWS), and discussed use of the reports by States and non-governmental organizations (NGOs).

The Roundtable built on the work of an earlier roundtable on NPT reporting, also organized by the Canadian Network to Abolish Nuclear Weapons with funding support from the Canadian Centre for Foreign Policy Development, which took place 8-9 January 2002.¹ That Roundtable was considered very useful in helping to develop NGO and Canadian government approaches to NPT reporting.

Participants in the 2003 Roundtable included representatives of NGOs from Canada, Europe, and the United States, Canadian government officials, and a number of individuals with special expertise in the UN system and other areas relevant to NPT reporting (see Appendix I for the full list of participants).

Participants were not asked to formally agree on any specific conclusions or recommendations, but a number of areas of common opinion became apparent during the event, along with many areas where questions or differences remained.² As the Roundtable was conducted under the Chatham House Rule, no comments or views are attributed to specific individuals or organizations.³

Funding support for the Roundtable was provided by the Canadian Centre for Foreign Policy Development. This support does not, of course, imply endorsement of the contents of this report by either the Centre or the Government of Canada.

¹ *Reporting by States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons*, Report on the NPT Reporting Roundtable, Ottawa, 8-9 January 2002, Bill Robinson, Rapporteur, February 2002.

² Every attempt has been made to report fairly the range of opinions expressed during the Roundtable. It must be emphasized that the views recorded in this report do not necessarily reflect the views of CNANW member organizations, the individuals who participated in the event, or the organizations that they represented.

³ For further information on the Chatham House Rule, see <http://www.riia.org/>

Background of NPT reporting

NPT Review Conferences have always had implicit in their function a requirement for information on the status of the Treaty's implementation. Background documents of varying degrees of detail have been submitted to Review Conferences by NWS States parties since 1985. Review Conferences also have benefited from reports on the implementation of Article IV submitted by the International Atomic Energy Agency. But there has never been any form of standardized reporting to Review Conferences by the nuclear-weapon States, or any other States parties, on implementation of the Treaty.

The 1995 NPT Review and Extension Conference agreed not only to extend the Treaty indefinitely, but also to strengthen the NPT review process, establishing a regular schedule of Preparatory Committee (PrepCom) meetings in each of the three years preceding the quinquennial Review Conferences and mandating those meetings "to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference."⁴

The decision to strengthen the review process was an integral part of the "Permanence with Accountability" equation that was the basis of the Treaty's permanent extension, and it implied a further requirement for information on the status of implementation of the Treaty. Beginning in 1997, the nuclear-weapon States began volunteering information on their Article VI compliance at PrepCom sessions as well as RevCons. As with their submissions to RevCons, however, each State party determined the form and content of these submissions on its own.

The 2000 NPT Review Conference broadened the mandate of the PrepComs to include consideration of "specific matters of substance" relating to implementation of the NPT, implying a still greater requirement for information at PrepCom sessions. The 2000 RevCon also addressed, in a preliminary way, the absence of systematic reporting of such information. The States parties agreed in the *Final Document* of the 2000 RevCon on thirteen "practical steps" to be taken in pursuit of implementation of the Treaty, of which practical step 12 called for the provision of

Regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, 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 1996.⁵

But no explicit procedure for reporting was spelled out, and thus there remains no agreement on which States parties should report, no agreement on the scope and format of reporting, no agreement on the frequency of reporting, and no agreement on the level of detail required.

⁴ NPT/CONF.1995/32/DEC.1, para. 4.

⁵ Subparagraph 12 of paragraph 15, subsection on "Article VI and the eighth to twelfth preambular paragraphs," 2000 *Final Document* (NPT/CONF.2000/28, Volume I, Part I, p. 15).

Two PrepCom meetings (2002 and 2003) have taken place since the 2000 RevCon. These meetings have seen the first attempts by States parties to develop a response to the 2000 RevCon reporting requirement.

Roundtable discussions

Discussions at the Roundtable included the following major topics:

- The record of reporting to date;
- Desirable content of reports; and
- Use of reports by States parties and NGOs.

I: What has reporting yielded to date?

The first topic of discussion was the record of reporting to date.

A background document reviewing the record of reporting at the 2002 and 2003 PrepComs⁶ was circulated to the Roundtable participants before the meeting. The purpose of the document was to review how States parties responded to the reporting obligation at the 2002 and 2003 PrepComs and to consider whether this experience offers guidance for the future elaboration and clarification of the Article VI reporting requirement. The document was composed of three sections: a brief description of the background of and the continuing debate related to the reporting requirement; an analysis of the number, format, and content of reports submitted to the PrepComs; and a set of general conclusions and recommendations. The document also included two appendices: a table listing the type and content of reporting by each of the States parties (Appendix 1) and a detailed description of the content of reporting by the NWS States parties (Appendix 2).

The session opened with a discussion of the background document's main findings.

Three categories of "report" were considered: documents formally submitted by States parties in direct response to the reporting requirement; documents provided by the NWS containing information about their programs and activities but not submitted as formal reports; and documents, statements, remarks, etc by States parties containing elements of reporting but not submitted as formal reports. All told, 52 States parties reported at the 2002 PrepCom, 11 providing formal reports, and 60 States parties reported at the 2003 PrepCom, 28 providing formal reports. In each case, all five NWS reported, but none of the documents provided by the NWS was submitted as a formal report.

⁶ *Reporting by States Party to the Treaty on the Non-Proliferation of Nuclear Weapons on the Implementation of Article VI: A Review of Reports to the First and Second NPT PrepComs*, Report submitted by Project Ploughshares, 19 June 2003. Project Ploughshares (<http://www.ploughshares.ca>) is an ecumenical agency of the Canadian Council of Churches and is affiliated with the Institute of Peace and Conflict Studies, Conrad Grebel University College, University of Waterloo, Waterloo, Ontario.

Formal reports tended to address some or all of the following categories of information:

- 1) General assessments of developments and trends;
- 2) Information on national nuclear holdings and doctrines;
- 3) Descriptions of disarmament policies, initiatives, and programs;
- 4) Identification of advocacy and diplomatic priorities;
- 5) Information on agreements reached and commitments undertaken; and
- 6) Regular declarations of compliance.⁷

According to one participant's breakdown, of the 28 States parties that submitted formal reports in 2003, 10 focused exclusively on Article-VI-related issues (7 of these focused on the 13 Steps), 8 addressed the Treaty as a whole, and 10 addressed a variety of topics, generally highlighting specific areas of national concern or action, such as nuclear-weapons free zones, negative security assurances, export controls, and universality of the Treaty.

The Roundtable background document identified the following major topics addressed by States parties in their 2002 and 2003 reporting:

- Status of the NPT regime
- Work of the Conference on Disarmament
- Strategic nuclear weapons reductions
- Tactical nuclear weapons reductions
- Comprehensive Test Ban Treaty and testing moratorium
- Fissile Material Control Treaty
- IAEA safeguards and Additional Protocols
- Export controls
- Reporting
- Nuclear weapons free zones
- Security assurances
- Peaceful uses of nuclear energy
- Verification
- Irreversibility
- Transparency
- International co-operation on disarmament and non-proliferation⁸

The documents submitted by the NWS, although not formal reports, tended to provide information on a broad range of Treaty-related issues. With the exception of China, all provided hard information on at least some elements of their nuclear holdings, nuclear doctrine, and operational status of their weapons. The most detailed information was

⁷ See pages 15-17 of the background document for explanations of these categories. These categories also were identified in Canada's 2003 working paper on reporting (NPT/CONF.2005/PC.II/WP.2: Reporting by States parties).

⁸ See pages 19-21 of the background document for explanations of these topics.

submitted by the United Kingdom, but in all cases there was room for substantial elaboration.

See the background document for further information concerning the nature and content of the reporting at the two PrepComs.

Roundtable participants considered the background document extremely useful, praising it highly and promising to distribute it at the United Nations, to States parties, and to NGOs. The document will be made available for circulation after Project Ploughshares has incorporated a number of minor suggestions made by participants for corrections and additions.⁹

Participants tended to view the record of reporting to date as mixed.

In 2002, 139 of the then-187 States parties attended the PrepCom and 52 reported, representing 28% of States parties and 37% of attendees. Formal reports were submitted by 6% of States parties (8% of attendees). In 2003, 106 of the then-188 States parties attended the PrepCom and 60 reported, representing 32% of States parties and 57% of attendees. Formal reports were submitted by 15% of States parties (26% of attendees). In other words, although only a small number of States parties reported at the 2002 PrepCom, this number showed a promising increase at the 2003 PrepCom. Nonetheless, even in 2003, more than two-thirds of States parties did not report in any way. It was suggested that understaffing in foreign ministries and delegations may be one major reason for this relatively low rate of participation.

Participants asked how many of the 44 states listed in Annex 2 of the Comprehensive Test Ban Treaty (the states that possessed nuclear research reactors and/or nuclear power reactors as of the mid-1990s)¹⁰ reported. These states, which include the NWS and most states with nuclear-proliferation-related capabilities, might be considered the states most likely to have important information to report.

A breakdown of how the Annex 2 states reported was not available during the Roundtable. Post-Roundtable analysis of this question produced a number of interesting results, however. Forty-one of the 44 Annex 2 states are parties to the NPT (Israel, India, and Pakistan are the non-parties). Of these 41 states, 37 (i.e., 90%) reported in one form or another in 2002 and/or 2003; twenty (49%) provided formal reports. Only North Korea (whose membership in the Treaty is currently in dispute), the Democratic Republic of the

⁹ It was suggested, for example, that mention be made of the working paper submitted by Belgium, the Netherlands, and Norway at the 2003 PrepCom (NPT/CONF.2005/PC.II/WP.17: Working Paper submitted by Belgium, the Netherlands and Norway for consideration at the second Preparatory Committee of the 2005 NPT Review Conference).

¹⁰ Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Democratic People's Republic of Korea, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran, Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, and Zaire (now Democratic Republic of the Congo).

Congo, Spain, and Turkey did not report in any way. By contrast, of the 147 NPT States parties that are not part of the Annex 2 list, only 31 (21%) reported in 2002 and/or 2003; eight (5%) provided formal reports. Thus, 116 (97%) of the 120 States parties that did not report in either year were states that were not on the Annex 2 list. This suggests that a perceived lack of information to report may be another major reason for the current low level of reporting participation by NPT States parties (even though a wide range of NPT-related activities and initiatives could be reported by non-Annex 2 states, as evidenced by the 31 such states that did report in one form or another).

Participants also asked how many members of the NATO alliance reported. It was suggested that Canada might be able to use its alliance ties to encourage reporting by fellow members of the alliance. Canada might also remind these countries that NATO members had affirmed their support of the 13 Steps, including the reporting requirement, as part of NATO policy in December 2000.¹¹ Analysis of Appendix 1 of the Roundtable background document indicated that 12 of the 19 NATO members reported in 2002 and/or 2003, and 7 provided formal reports. Non-reporting NATO members included two of the four non-reporting Annex 2 states: Spain and Turkey.

Culture of accountability

Participants assessed that some progress had been made on promoting a “culture of accountability” at the 2003 PrepCom, despite resistance from the NWS and some other States parties. Such a culture has been evolving through parallel initiatives on reporting, on the promotion of enhanced NGO access to the review process, and on the development of greater interactivity in discussions among States parties. It was noted that greater interactivity would help States parties to deal with questions of compliance. It had been useful, for example, to encourage Iran to report at the last PrepCom.

A number of participants commented that a challenge fundamental to the success of the NPT is the widespread acceptance among States parties, including the NWS, that each is accountable to all for their implementation of the Treaty’s obligations. Nonetheless, it is clear that some progress has been made with both the NWS and other States parties. The informal report submitted by the United Kingdom, for example, commented favourably on reporting and transparency, acknowledging that “States party have rightly expressed interest in reporting on disarmament measures by all states, as well as reporting on other measures linked to the Treaty.”¹² Also, although none of the NWS submitted formal reports, France and the Russian Federation, as well as the UK, indicated in prefatory remarks that the statements they delivered to the “nuclear disarmament” session of the 2003 PrepCom should be considered to be their reports. It also is worth noting that although the United States and France reportedly opposed inclusion of the term

¹¹ North Atlantic Council, *Report on Options for Confidence and Security Building Measures (CSBMs), Verification, Non-Proliferation, Arms Control and Disarmament* (public version released as *Press Communiqué M-NAC-2(2000)121*, 14 December 2000).

¹² *Statement by Ambassador David Broucher, Permanent Representative of the United Kingdom of Great Britain and Northern Ireland, Cluster 1: Disarmament*, 30 April 2003.

“reporting” in the agenda of the 2002 PrepCom, reporting did play an important *de facto* role in the proceedings.

NWS resistance was attributed in part to reluctance to admit to an obligation to report and thus to be seen to be accountable to the other States parties. Indeed, many States parties may have concerns about the extent to which they might be held to account on issues they consider to be “matters of national sovereignty”. States parties, and in particular the NWS, may also be concerned that such an obligation could turn into an obligation to report on specific things and in specific ways.

Progress also was reflected in the addition of comments on transparency and accountability in the Chairman’s Factual Summary produced at the end of the 2003 PrepCom.¹³ Participants commented that paragraphs 10 and 21, in particular, represented significant additions compared to the 2002 summary. Paragraph 21, which specifically addressed reporting, repeated in part the equivalent paragraph in the 2002 summary, but added a number of important points (new sentences are highlighted in italics):

Many States parties recalled that regular reports should be submitted by all States parties on the implementation of Article VI as outlined in paragraph 15, subparagraph 12, of the 2000 Final Document. It was stressed that such reporting would promote increased confidence in the overall Nuclear Non-Proliferation Treaty regime through transparency. *It was also expressed that such transparency provided valuable means to address and respond to compliance concerns. States parties recognized the value of reports and used them in substantive deliberation, in line with their wish for enhanced interaction.*

II: What reporting content would be most useful?

The Canadian Government’s initial approach has been to prioritize promotion of the habit of reporting among the widest possible group of States parties over development of a standard format. This has led to somewhat greater support and participation and has allowed other States parties to experiment with scope, format, and content, minimizing any sense that this is just a Canadian initiative. Over the long run, however, participants felt that greater standardization of scope, format, and content is desirable to maximize the usefulness and viability of reporting.

Participants suggested that it is still too early to expect to achieve completely standardized reporting. But it would only be sensible to seek fairly standardized kinds of information content. The immediate priority should continue to be to encourage more widespread participation in reporting. It would be important not to discourage participation by seeking an excessively demanding or rigid standard of reporting. Nonetheless, it is also important that reporting elicit useful information. In this regard, the experience to date has been promising: making the effort to report has reflected a certain seriousness of purpose and an effort to demonstrate concrete support for the Treaty on the part of those States parties, and the resulting reports have tended to contain detailed, useful information. This should be encouraged. Production of concrete, detailed reports

¹³ NPT/CONF.2005/PC.II/50, Annex II: Chairman’s factual summary, 13 May 2003.

would not only enhance the usefulness of reporting in monitoring Treaty implementation. It would also contribute to the further development of a culture of reporting and accountability among NPT States parties.

Scope

Three broad approaches to the scope of reporting were suggested, all of which have advantages and disadvantages:

1) Focus on the 13 Steps.

Advantages: Defining the content of reporting would be straightforward. Attention would be focused on the actions of the NWS, which are the states whose actions will have the greatest influence on nuclear disarmament.

Disadvantages: The NNWS might feel that they have little need to report. Limiting the scope to the 13 Steps might prevent or discourage reporting on other topics of importance. And the fate of reporting would be tied to the fate of the 13 Steps, which might eventually be superseded by other priorities.

2) Report more generally on implementation of Article VI and paragraph 4 (c) of the 1995 Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament,¹⁴ recalling the advisory opinion of the International Court of Justice of 8 July 1996.

Advantages: This is the agreed mandate for reporting adopted at the 2000 RevCon. It would be more flexible in content than a focus on just the 13 Steps.

Disadvantages: Many of the States parties that have reported to date want to report more broadly, addressing topics such as negative security assurances and nuclear-weapon-free zones or the Treaty as a whole.

3) Report on the Treaty more broadly. This approach might involve systematic article-by-article reporting on the entire Treaty, or it might follow a topic-by-topic approach, following, for example, the subjects of the 1995 Decision on Principles and Objectives.¹⁵

Advantages: This approach would address the entire Treaty, emphasizing the interrelatedness of its commitments and eliciting information on all aspects of its implementation. Both the disarmament and the non-proliferation objectives of the

¹⁴ Paragraph 4(c) calls for “The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goals of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control” (*Principles and Objectives for Nuclear Non-Proliferation and Disarmament*, NPT/CONF.1995/32/DEC.2).

¹⁵ The major categories within the Principles and Objectives are Universality, Non-proliferation, Nuclear disarmament, Nuclear-weapon-free zones, Security assurances, Safeguards, and Peaceful uses of nuclear energy.

Treaty would be advanced by acceptance of a fuller obligation to report on implementation of the entire Treaty, as opposed to more limited (and, in the view of some States parties, voluntary) reporting on the Treaty's disarmament aspects alone. Such a mandate would increase the range of uses for the reports and would clearly implicate all States parties in reporting. It would provide for unprecedented accountability on highly important obligations such as those under Articles I and II of the Treaty, which are sometimes marginalized due to an overwhelming focus on Articles III, IV, and VI. It also would provide more opportunities to report concrete, positive achievements related to Treaty implementation, highlighting areas of success that frequently are ignored.

Disadvantages: The scope of reporting would exceed the range described in the agreed mandate. Several participants argued that this need not be a problem. Implementation of Article VI requires implementation of the entire Treaty (with the possible exception, it was suggested, of Article IV), so all developments with respect to Treaty implementation could and should be considered relevant to the reporting mandate. Another possible disadvantage is that some States parties may feel that comprehensive reporting would remove the focus from nuclear disarmament, letting the NWS "off the hook" to some extent.

Each of the three approaches outlined above was used by at least some States parties during the 2002 and 2003 reporting; no approach has yet become the *de facto* standard. According to one participant's breakdown, however, 18 of the 28 formal reports submitted in 2003 used the third approach, addressing a broad range of Treaty-related topics.

All Roundtable participants who expressed an opinion were in favour of the broad approach to reporting. The 13 Steps represent the disarmament agenda of most States parties at present, but this agenda will change as new priorities come up; it would not be wise to restrict reporting to the 13 Steps. It was suggested that States parties probably should not attempt to change the 2000 mandate at the 2005 RevCon. It might be reasonable, however, to seek agreement that the existing reporting mandate should be understood in its broadest context to include all aspects of the Treaty. In any case, States parties should be encouraged to interpret the reporting requirement in that light. Whether such reporting proceeded theme by theme or Article by Article was considered a less important question.

Information categories

Participants also discussed the general categories of information that States parties might be encouraged to report, working from the six categories outlined in the background document (reproduced on page 4 above). It was suggested that the most useful and sought-after information was in the middle four categories: information on national nuclear holdings and doctrines; descriptions of disarmament policies, initiatives, and programs; identification of advocacy and diplomatic priorities; and information on agreements reached and commitments undertaken. The other categories were considered

less important. General assessments of developments and trends (category 1) were characterized as mainly rhetorical comments that had a legitimate place in national statements during the review process but might be less useful in formal reports on Treaty implementation, where it would be better to press for concrete content. Some participants argued that declarations of compliance with the Treaty or aspects of it (category 6) were also largely rhetorical, and fairly meaningless in the absence of concrete information. Others argued that such declarations can be useful. There is no agreement among States parties on the actions that might constitute compliance with Article VI, short of complete nuclear disarmament, but compliance with other Treaty articles is a little more straightforward, and declarations in this respect could be tantamount to reporting that certain actions had or had not been taken.

Participants argued that States parties should be encouraged to provide specific, concrete information and to focus on recent actions and developments. Reports are not the place for rhetoric or statements of general intentions. Instead of declaring support for the Comprehensive Test Ban Treaty, for example, a State party might declare its specific intent to ratify the Treaty within a certain time period or “in due course” (which might be as specific as States parties were willing or able to be, given the uncertainties inherent in legislative processes). Or a State party might report that “last year our country urged the NWS to do X, Y, and Z on this and that occasion”, i.e., focusing on what the State did, rather than using the report itself to advocate specific actions. It was suggested that such reports also could include accounts of informal discussions or initiatives being explored by States parties since such efforts have the potential to lead to formal processes.

Nuclear-weapon States

Participants discussed the content of NWS reporting. Although it is too early to seek any kind of standardized format of NWS reporting, States parties could make suggestions as to desirable content, perhaps outlining intermediate categories of information that would be useful. Such categories might be the “middle four” outlined above, with the “nuclear holdings and doctrine” category including comprehensive information on the following topics:

- The transfer or acquisition of nuclear materials;
- Holdings of fissile materials;
- Nuclear facilities of all kinds;
- Holdings and production of nuclear weapons (including the numbers, types, and yields of warheads, as well as numbers and types of delivery vehicles);
- The operational status of all weapons held; and
- Nuclear weapons doctrines and policies.¹⁶

It was noted that the Belgian/Dutch/Norwegian working paper at the 2003 PrepCom had made similar suggestions with respect to NWS reporting:

¹⁶ Background document, p. 18.

In addition to the transparency measures already agreed to in the 2000 Final Document, we urge the nuclear-weapon States to commit themselves to provide periodically the aggregated number of warheads, delivery systems and stocks of fissile materials for explosive purposes in their possession. The nuclear-weapon States should provide this information in the form of regular reports under step 12 (Article VI, paragraph 15) of the 2000 Final Document.¹⁷

Both of these suggested approaches include information on delivery vehicles. Review Conferences have not focused on delivery vehicle developments, but most of the information papers submitted by the NWS have noted such developments, and the preamble of the Treaty makes it clear that the Treaty's purpose includes "elimination from national arsenals of nuclear weapons *and the means of their delivery*" [emphasis added]. It might be desirable, therefore, to include delivery vehicles as a separate category.

It was also suggested that detailed information on warhead types and variants would be useful. It was noted that the United States already provides some such information. Other NWS, especially those with less sophisticated arsenals, probably would be more reluctant to reveal technical details, however. Doubt was also expressed as to how far even the United States was prepared to go at present in this regard.

One way to proceed would be to compile the kinds of information currently being provided and then suggest how these could be built upon. The document provided by the United Kingdom might be held up as a good minimal example, covering most of the range of issues sought, although not yet with the level of detail desirable. The UK document was cited by several participants as the best provided by the NWS. It also was noted, however, that the UK's 2003 document was very similar to its 2002 document, containing little new information.¹⁸ The data on planned reductions provided in US documents was also noted as valuable and a good model to be followed by the other NWS.

Participants stated that there was no sign of co-ordination or even of extensive interaction among the papers submitted by the NWS. Nonetheless, a certain amount of informal interaction was noted. The Russian statement had challenged the United States on the subject of tactical nuclear weapons, for example, while the Chinese statement had challenged the US and other NWS on a number of points.

Non-nuclear-weapon States

Participants noted that a number of the NNWS States parties that had reported in 2002 did not report in 2003. Germany, for example, chose not to report in 2003, arguing that it did not question the principle of continuing reporting, but stating that none of the information in its 2002 report had changed. Participants discussed whether it was better to submit no report or to send a duplicate of a previous one. Most argued that it is important to be seen to be reporting, and that the greater the number of States parties

¹⁷ NPT/CONF.2005/PC.II/WP.17.

¹⁸ The same comment could be made about the document submitted by France. China provided even less information in 2003 than it did in 2002.

reporting, the more other States parties would be encouraged to follow suit. It was also suggested that most States parties would have new items to report if all their significant initiatives and advocacy efforts were reported. (Germany, for example, had been involved in a number of nuclear-disarmament-related activities worthy of being reported in the period between its 2002 report and the 2003 PrepCom.)

As with the NWS, the “middle four” categories of information were suggested as the most useful categories of information on which to seek reports.

As one participant pointed out, in many cases the delegations of States parties are small, and the same diplomats work on both NPT issues and the small arms and light weapons issue. This would likely lead to less focus on the NPT and a correspondingly greater need for education on the issue. This participant also suggested that it might be useful to remind delegations of the general and complete disarmament provisions of Article VI. The Treaty does not make the achievement of nuclear disarmament dependent on the achievement of general and complete disarmament. But it does oblige States parties to pursue the latter, so it would be legitimate for States parties to report what they are doing in this regard. Many other participants felt, however, that this approach risked drawing attention away from the fundamental nuclear disarmament and non-proliferation obligations of the Treaty.

In addition to these issues, it was noted, NNWS often express concerns or views about universality, security assurances, and nuclear-weapon-free zones.

These factors suggested that many NNWS would also prefer reporting on a broad range of Treaty-related issues. It was noted that broad-scope reports could be used by States parties to raise and to respond to concerns related to Treaty compliance, such as the current questions about Iran’s nuclear activities. Participants noted that reporting by Iran or other States parties must not be understood to replace their obligatory reporting to the IAEA. It was also noted that the IAEA might be able to report useful information regarding the activities of states such as Iran and North Korea.

Other issues

One participant asked how the reporting process could address the issue of states that are not party to the NPT (i.e., India, Israel, and Pakistan). Such states, as non-parties, would not submit reports. States that are States parties might address the issue of non-parties through discussions on universality, however. Also, it was suggested that the UN or the IAEA might be able to report whatever information is known about the nuclear programs of the three non-parties.

The question was also raised of how to account for collective reports, such as those submitted in the name of the Non-Aligned Movement. Such reports may provide useful information. In most cases, however, they would not contain country-by-country information; thus, they could not be seen as a substitute for individual reporting by States parties.

III: How can reports best be used by States parties and NGOs?

Next, the Roundtable discussed how to increase and improve the use of reports by States parties and NGOs.

In part, this would depend on the purpose that reporting is intended to serve. Several participants commented on this topic. Reporting is not the solution to all of the NPT's problems nor is it proposed as such: it should be seen as a useful tool among others. By contributing to transparency and accountability, it, along with the other elements of the enhanced review process, could help to strengthen the Treaty and slow its erosion. Other participants commented that reporting also could contribute to implementation: the very process of reporting would force States parties to consider what they are doing or not doing to implement the treaty. It should not be seen as an alternative to disarmament action or a measure of despair, to be pursued in the absence of real progress toward disarmament. Instead, reporting should be understood as a secondary activity that reflects what is happening – a means of promoting, supporting, and keeping track of material progress. Such progress might appear to be in short supply at present, but abandoning efforts to make progress within the NPT would be the quickest way to destroy the Treaty.

Discussion then turned to the characteristics of reports that States Parties would find most useful. These were summarized as follows:

- Submitted as formal reports, archived, and made accessible in all UN languages;
- Available early (preferably well before the PrepCom), so they can be translated, read, and commented on in a timely manner;
- Based on the 2000 RevCon mandate, but interpreting this mandate broadly to address the entire Treaty;
- Utilizing a flexible, open format, and built around categories of information rather than a fixed matrix;
- Emphasizing hard information rather than advocacy and opinion;
- Forward-looking as well as backward-looking;
- Organized in such a way as to be comparable State Party-to-State Party, including NWS to NNWS;
- Comparable year-to-year; and
- Not burdensome to produce.

Participants noted that the issue of early availability raised a difficult question: Since there is no permanent NPT Secretariat, to whom should States parties submit early reports? (And when could they be translated?) It was noted that the Biological and Toxin Weapons Convention also lacks a permanent secretariat, but an unofficial, virtual secretariat, a website hosted by the University of Bradford (<http://www.opbw.org>), works well as a place to post reports and analyses. Participants commented that a similar site, while not resolving all questions related to early availability, might prove very useful for the NPT review process.

Interactivity

Participants discussed the prospects for increasing the use of reports during actual PrepCom and Review Conference sessions. The prospects for interactivity are linked to the content of the reports: the more relevant the content, the more likely that reports will be used. There are also practical issues of timing. When would reports become available? How quickly could delegations respond to them, both in asking questions and in providing credible responses?

A number of participants suggested that it might be possible to stagger the PrepCom/Review Conference agenda over the two weeks of the event in order to allow time for reports to be digested, questions to be asked, and approved responses to be provided. It was emphasized that delegations would need sufficient time to check with their foreign ministries if they were to provide credible responses to questions of substance. It would not be realistic to expect delegates to answer potentially loaded questions on the spot, nor would they necessarily have the detailed, technical knowledge of their own country's programs needed to provide useful answers. By providing time for such exchanges, staggering the agenda might increase the likelihood of active use of the reports, especially with respect to the NWS and States parties facing compliance questions. It was considered unlikely, however, that the agenda of the next PrepCom could be modified in this way. Such a change probably would be made only if the Chair of the PrepCom determined it to be uncontroversial (which is not likely to be the case).

Another possible approach discussed would be to submit lists of questions for the NWS or other States parties two to three weeks in advance of the conference to allow these states time to prepare responses for submission at the conference. This procedure would work best, of course, if the reports of these States parties were themselves available well before the conference.

It was noted that States parties have already begun to use reports in an interactive way to a limited extent during PrepComs. No comments were made on the reports submitted in 2002, but in 2003, a number of States parties asked questions based on the reports (or other documents) submitted. Sweden, for example, posed a series of significant questions on the US and Russian statement on the Moscow Treaty, such as how was the 2012 date for reductions decided? Why is the date not earlier? And is the possibility of making the planned reductions irreversible under consideration? It remains to be seen where, when, and to what extent responses to such questions will be provided. Two of the NWS had told the last PrepCom that they were not able to answer all the questions that had been asked of them, stating that they would consider these questions and respond later, possibly in another forum. Participants wondered what it would mean for the review process if questions asked multilaterally were answered bilaterally. How would answers be reported back to the other States parties?

Another issue discussed was whether States parties are using the reports in any way outside the review process framework. The answer to this question is not yet clear. The Canadian government has begun looking at how reports could be addressed in the course

of its other diplomatic activities, but participants did not know whether other States parties were also doing this.

Encouraging formal reporting

Participants noted that it was important to encourage more NNWS to submit formal reports that could become part of the record. Thailand, for example, submitted a formal report in 2002 and promised to report in 2003, but in the end it did not submit a 2003 report. It would be useful to encourage States parties that made oral statements at the PrepCom to distribute those statements (or at least the sections relevant as reporting) in writing as formal documents. Canada had already encouraged some States parties to do this at the last PrepCom, with some success. It also was noted that timeliness is important: some reports had been submitted so late that the PrepCom was over by the time they were translated and distributed. In other cases, States parties were supportive of reporting, but were reluctant to take on an onerous job. Bangladesh (which did not submit a formal report) was cited as one such example. This highlighted the importance of keeping the reporting task manageable.

Making reports available

Participants commented that it was important to make all reports and other documents from the PrepComs and Review Conferences widely available, posting them on an official website and maintaining an official archive.

The lack of a permanent NPT Secretariat makes this difficult at present. Records from past conferences are scattered over a number of places at the United Nations. The UN Department of Disarmament Affairs (DDA) has a small library of documents, but it is incomplete and difficult to use. The DDA website¹⁹ has a pretty good collection of working papers and other official documents from the 2000 RevCon, summary records (summaries of the oral proceedings) from the main sessions of the RevCon, and official documents from recent PrepComs. But documents from earlier conferences are not available on the website and sometimes cannot even be found. Some of the formal documents of the 1985 RevCon could not be located at the time of the 1995 Review and Extension Conference, for example. Another problem is financial. Translation and production of documents is the most expensive part of the NPT review process. Thus, for example, records of oral proceedings are not even produced for many PrepCom sessions.

The lack of a permanent NPT Secretariat was one of the reasons the Reaching Critical Will (RCW)²⁰ project was created. At present, the RCW website is the best place to find PrepCom and Review Conference documents. Even officials often use it to find documents. RCW works closely with DDA to try to ensure that RCW gets a copy of

¹⁹ <http://disarmament.un.org/dda.htm>

²⁰ Reaching Critical Will (<http://reachingcriticalwill.org>) is a project of the Women's International League for Peace and Freedom. Focused on nuclear disarmament, its purpose is to provide primary resources and information related to the NPT, the Conference on Disarmament, and the UN First Committee to NGOs and the public.

everything distributed during the review proceedings. Participants commended RCW for its important contribution in maintaining this collection and making it available to all. It was recognized nonetheless that an official archive is needed.

Reaching Critical Will also prepared a “Shadow Report” for use during the 2003 PrepCom containing detailed model reports for 37 of the 41 Annex 2 NPT States parties.²¹ An earlier version was prepared for the 2002 PrepCom. These documents were enthusiastically received and widely used by delegations; a number of delegations also approached RCW to add or correct information.

As noted earlier, it also was suggested that the Roundtable background document (or excerpts from it) would be useful for NGOs and delegations, and it would be valuable to make the document available more broadly. It might be distributed to delegations at the First Committee, for example, and/or used as the focus of a panel discussion at the UN. It would also be useful to get the report published in an academic journal; *Security Dialogue* was suggested as a good possibility.

A number of participants suggested that anything NGOs could do to make the reports more watched by the wider world would be extremely useful and would help build momentum for reporting. It was noted that RCW already plans to focus greater attention on media work this year and next to take advantage of the fact that the coming PrepCom and Review Conference will both be in New York.

Participants discussed whether it would be useful for NGOs to examine the reports of States parties as they were submitted in order to provide overnight advice for other delegations and for the media. One participant suggested that midsize delegations can do that job for themselves over the course of a few days and that, in any case, a reaction at the next year’s meeting would be a pretty good response time. Others commented, however, that NGOs and the public were seeking faster action than that. Immediate responses were needed for media purposes, as well.

Analysis of reports

Participants noted that there is a need for greater academic and NGO analysis of the reports submitted by States parties. Although the reports and related documents are increasingly available (thanks to Reaching Critical Will and others), an analytic gap persists, both in assessing overall developments and in performing “quality control” assessments of individual reports. The listing of issues addressed by States parties in Appendix 1 of the background document was a highly useful start, for example, but it did not show how States parties addressed the issue or what position they took. This was not to be expected in the background document produced for this Roundtable, but a more in-depth analysis would be useful. Questions were raised as to who might be approached to do such analyses. Some participants noted that it would be useful to explore the possibility of obtaining modest funding for such research from DFAIT’s Canadian Centre

²¹ See <http://www.reachingcriticalwill.org/npt/shadowreport/ngoshadrepindex.html>

for Foreign Policy Development or from its International Security Research Outreach Programme.

It was also noted that the Centre for Human Security at the Liu Institute for Global Issues is planning to publish an annual *Human Security Report*; a regular chapter analysing reports by States parties would be a valuable addition to this publication. NGOs might also consider organizing an annual event after each PrepCom/Review Conference to dissect the reports from that year.

Would thorough use of reports by NGOs, academics, and States parties dampen the enthusiasm of States parties for reporting? Participants acknowledged that there is a risk of this happening. But it was argued that thorough and careful pursuit of transparency need not create an “information chill”. In any case, analysis and use of the reports was part and parcel of accountability – the very basis of their value. Without accountability, transparency would be of no use.

Appendix I: List of Roundtable participants

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