

Preparing for the 2017 NPT Preparatory Committee Session: The Enhanced Strengthened Review Process

by

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Introduction

The first session of the Preparatory Committee, scheduled for 2 through 12 May 2017 at the Vienna International Centre (VIC), will launch the opening of preparations for the 2020 Review Conference of the NPT which will mark the 50th anniversary of the Treaty. This session will provide another opportunity for the States parties to properly implement an improved strengthened review process for the Treaty and, therefore, has the potential to effectuate the promise of a qualitatively improved process to review the implementation of the Treaty and to make preliminary recommendations on strengthening the implementation and authority of the NPT. The 2017 Preparatory Committee will be chaired by Ambassador Henk Cor van der Kwast, the Netherlands' Permanent Representative to the United Nations in Geneva. On hand, fortunately, also will be the chair-designate of the second session of the PrepCom, to be held in Geneva in 2018, Ambassador Adam Bugajski, Poland's Permanent Representative to the International Atomic Energy Agency (IAEA) in Vienna, as well as Ambassador Rafael Grossi, Permanent Representative of Argentina to the IAEA, who is proposed for the President of the 2020 Review Conference; thus facilitating continuity between the first two sessions of the PrepCom and laying the groundwork for 2020.

This paper reviews, in brief, the origins and functioning of the strengthened review process for the NPT, and then provides guidance and recommendations on the conduct of the 2017 PrepCom and its outcome document.

Improving the Effectiveness of the Strengthened Review Process

The 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) remains the world's most widely adhered to multilateral nuclear arms control agreement. The NPT was the first such treaty to include a mechanism to periodically review and assess its functioning and to find ways of strengthening its implementation and achieving universality. In accordance with Article VIII (3), the first review conference was held in 1975, five years after entry into force of the Treaty and subsequent ones held every five years thereafter. The review conferences in 1975 and 1985 organized their work in two main committees – Main Committee I (chaired by a representative of the Non-Aligned Movement (NAM) addressed political matters while Main Committee II (chaired by a representative of the Western group) dealt with peaceful uses of nuclear energy. Staring at the 1985 Review Conference, Ambassador Rolf Ekeus (Sweden) proposed a new format to organize the work of the conference in three Main Committees, thus the Eastern Group also had a chairman. The three Main Committee structure enabled better focused discussion on different aspects of the Treaty, despite some overlap in the issues dealt with particularly in Main Committees II and III.² The Preparatory Committee was mandated to make procedural preparations for the review conference only but not to consider matters of substance such as non-proliferation, peaceful uses of nuclear energy, nuclear disarmament and related issues.

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² Jayantha Dhanapala and Tariq Rauf, Eds., *Reflections on the Treaty on the Non-proliferation of Nuclear Weapons*, p. 59, SIPRI, October 2016, <https://www.sipri.org/publications/2016/other-publications/reflections-treaty-non-proliferation-nuclear-weapons>.

A key decision adopted by the 1995 Non-Proliferation Treaty Review and Extension Conference (NPTREC) was on strengthening the review process for the Treaty.³ This strengthened review process mandated the Preparatory Committee to focus on *substantive* matters and to make *recommendations* to the Review Conference on principles, objectives and ways of promoting the full implementation of the NPT, as well as on completing procedural arrangements for the review conference.⁴ Four cycles of the Preparatory Committee, from 1997-1999, 2002-2004, 2007-2009 and 2012-2014, while completing practically all of the procedural arrangements nevertheless failed to agree on any substantive recommendations to the review conferences of 2000, 2005, 2010 and 2015; contrary to the mandate and expectations of Decision I adopted by the 1995 NPTREC. This failure to agree on substantive recommendations to the review conference cannot be attributed to alleged failings of the strengthened review process but was the inevitable consequence of irreconcilable (and growing) political differences between States parties, narrow political agendas and priorities of some States, and the lack of sufficient political will to achieve practical compromises in the interest of strengthening the integrity and authority of the Treaty and promoting its full implementation as agreed by States parties in 1995.

Clarification of the Purposes of the Preparatory Committee

The 2000 NPT Conference agreed on “Improving the effectiveness of the strengthened review process”, which reaffirmed, clarified and enhanced the mandate of the Preparatory Committee as contained in the decision from the 1995 NPTREC.⁵ Thus, the Preparatory Committee is specifically mandated to consider:

1. specific matters of substance relating to the implementation of the Treaty and decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995 by the NPTREC;
2. the outcome of the 2000 NPT Conference (practical steps for the systematic and progressive efforts to implement article VI of the Treaty and paragraphs 3 and 4(c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, (as well as agreed outcomes of subsequent review conferences, such as the 2010 “actions”) and improving the effectiveness of the strengthened review process for the Treaty); and
3. developments affecting the operation and purpose of the Treaty.⁶

The consideration of the issues at each session of the Preparatory Committee should be factually summarized and the results transmitted in a report to the next session for further discussion. At its third, or as appropriate fourth session, the Preparatory Committee taking into account the deliberations and results of its previous sessions should make every effort to produce a consensus report containing recommendations to the review conference. Procedural arrangements for the review conference should be finalized at the last session of the Preparatory Committee.

The 2002-2004, 2007-2009 and 2012-2014 cycles of the Preparatory Committee each attempted unsuccessfully in different ways to fulfill the mandate of a “factual summary report”. These failures were largely due to the exuberance of States to submit lengthy and often repetitive “working papers” and “reports” that they insisted be fully reflected in the Chair’s factual summary along with the views of States expressed during the general debate and “focused” discussions, thus leading to excessively long draft summary reports often in excess of 50 paragraphs and sometimes up to 100 paragraphs. Furthermore, many States parties wanted to “negotiate” the text of the Chair’s summary report and in doing so either objected to the Chair’s wording and/or suggested additional or revised wording that rendered the exercise unmanageable and requiring much more time than was available.⁷ In addition, States parties expressed reluctance to accept the Chair’s summary report on the grounds that it did not reflect their

³ 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document: Part I - Organization and work of the Conference, Decision 1* “Strengthening the Review Process for the Treaty,” (United Nations, New York: 1995), Annex, p.8.

⁴ See, Tariq Rauf and Rebecca Johnson, “After the NPT’s Indefinite Extension: The Future of the Global Nonproliferation Regime”, *Nonproliferation Review*/Fall 1995.

⁵ 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, *Final Document: Part I - Organization and work of the Conference, Decision 1* “Strengthening the Review Process for the Treaty,” (United Nations, New York: 1995), Annex, p.8.

⁶ *Final Document, Volume I, Part I, Review of the operation of the Treaty, taking into account the decisions and resolution adopted by the 1995 NPT Review and Extension Conference, Improving the effectiveness of the strengthened review process for the NPT*, Paragraph 5 (*Improving the effectiveness of the strengthened review process for the NPT*) NPT/CONF.2000/28 (Vol. I, Part I and II), 25 May 2000.

⁷ See, for example, “Interview, Ambassador Henrik Salander on the 2002 NPT Preparatory Committee”, conducted by William C. Potter, Mary Beth Nikitin and Tariq Rauf, *Nonproliferation Review*, Summer/2002, pp. 5-6.

final positions which would be presented by them at the review conference – in effect, States were not prepared to accept the Chair’s summary reports or recommendations at any session of the PrepCom citing various reasons.

As mandated by the 2000 Review Conference final document, Preparatory Committee sessions can allocate specific time to address specific relevant issues on matters of substance under each of the three “clusters” – nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy.

NGOs shall be allocated a meeting at each session of the Preparatory Committee and at the review conference to address States parties, but are not permitted to engage in interactive discussions with States parties.

The 2000 Final Document sub-paragraph 12 of paragraph 15 under Article VI requires consideration of reports on the implementation of Article VI and paragraphs 3 and 4 (c) of the “principles and objectives” and recalling the 1996 advisory opinion of the International Court of Justice (ICJ) on nuclear disarmament. These regular reports within the framework of the NPT strengthened review process logically should be considered by the preparatory committee and by the review conference. And, Final Document 2000 sub-paragraph 7 of paragraph 16 under Article VII requires consideration of reports on the steps undertaken by States parties to promote the achievement of a Middle East NWFZ as well as of other weapons of mass destruction and the realization of the 1995 Middle East resolution by the preparatory committee and by the review conference. In connection with reporting, the 2010 and 2015 Review Conferences included certain “actions” regarding the implementation of the 1995 Resolution on the Middle East. These reporting requirements are discussed further in another section below.

In practice, the “reports” submitted by States parties on their implementation of the Treaty, nuclear disarmament and the Middle East resolution, had little or no relevance in the drafting of the summary reports of the PrepCom sessions and the reports of Main Committees in review conferences, in part because of the impracticality of reflecting the tedious views contained in numerous lengthy working papers and reports as well as those expressed in statements and interventions. Thus, the Chairs tended to prepare their summary reports and/or working papers based more on the views expressed verbally during the proceedings with only marginal references to the States’ working papers and reports as a matter of practicality given the time constraints.

Greater Accountability

Given the growing sense of frustration regarding the failure of States working through the strengthened review process to overcome their deepening political differences on substantive matters, several States expressed their concerns at the 2000—2015 NPT Review Conferences and made proposals for further improvements. Several States made specific references on improving the review process, and a number of working papers were submitted to the 2000—2015 Review Conferences for consideration. Working papers were submitted by Australia, Canada (with Australia, Austria, Chile, Germany, Ireland, Italy, Japan, Mexico, the Netherlands, New Zealand, Nigeria, Poland, Sweden, Switzerland, Thailand and Ukraine), Ireland, Japan, the Netherlands, Nigeria, Norway, Myanmar, the Non-Aligned Movement (NAM), South Africa, Ukraine and the United States.

Several common themes were discernible in some of the papers, all shared a commitment to enhancing accountability through a reinforced strengthened review process and all were interested in achieving *inter alia*:

- a better focus to the substantive work of the Preparatory Committee;
- an improved structuring of the work programme;
- an appropriate substantive reporting format;
- a capability to address and report on international and regional issues or events having a bearing on the authority and integrity of the Treaty; and
- overall improvements and clarity in the strengthened review process leading up to review conferences.

Other proposals included *inter alia* an annual conference of States parties with decision-making powers, an “extraordinary meeting”, a “management board” to serve as a permanent secretariat for the Treaty; addressing the institutional deficit, a “compliance monitoring mechanism”, a “Chairs’ Circle”, a “Treaty support unit”, that the Preparatory Committee consider the implementation of the Treaty and issue a report in this regard, and an open-ended standing committee to work *inter-sessionally* to follow up on recommendations concerning the implementation of the NPT including the 1995 NPTREC decisions and resolution.

Towards 2020

The guidance on improving the effectiveness of the strengthened review process, contained in the 2000 Final Document remains valid and is designed to provide for greater accountability regarding the full implementation of all aspects of the Treaty and to achieve its universality; (including the 1995, 2000 and 2010 benchmarks) and on the implementation of the 1995 resolution on the Middle East. The guidance is quite clear and the value is not clear of attempts to reinterpret, reformulate, or to backtrack from the 1995 and 2000 texts on the strengthened review process for the Treaty – instead the focus needs to be on bridging political differences in the interest of the Treaty. The success of an improved strengthened review process during the current preparatory cycle starting with the 2017 PrepCom will depend upon:

- the constructive and cooperative role played by the NWS;
- the constructive role and support of the NNWS;
- preparations by States and their support for the Chairs; and
- international political developments affecting the NPT.

The 2017 NPT Preparatory Committee

For the first session of the Preparatory Committee in 2017 it is crucial that the States parties come to the Preparatory Committee well-prepared and with a positive outlook for laying the groundwork for a full, balanced, and credible review of the Treaty as provided for in NPT Article VIII.3, Decision 1 of 1995 NPTREC, and the section of the 2000 Final Document on “Improving the effectiveness of the strengthened review process”, including as well the agreed outcomes of the 1995, 2000 and 2010 review conferences.

Dates, Venue, Chairs

The first session of the Preparatory Committee for the 2020 NPT Review Conference will take place at the Vienna International Centre (VIC), the complex housing the IAEA, CTBTO and the UN in Vienna (Austria), from 2 through 12 May 2017. In keeping with previous practice, the first session of the Preparatory Committee will be chaired by a representative of the Western Group, which has endorsed the candidacy of Ambassador Henk Cor van der Kwast of the Netherlands. A heavy responsibility rests on the shoulders of the Chair in providing good direction and thereby ensuring a positive outcome at the first session of the Preparatory Committee, not only because of concerns about the pace and future of nuclear arms reductions, cooperation in peaceful uses of nuclear energy, compliance with IAEA safeguards, nuclear safety and security, withdrawal, universality, and regional issues in particular the Middle East and the Democratic People’s Republic of Korea (DPRK); but because of the importance of implementing the improved strengthened review process along a path that can be sustained in subsequent years.

The Eastern Group and the NAM will chair the second and the third sessions of the Preparatory Committee, respectively, in 2018 and 2019. As noted above, Ambassador Adam Bugajski of Poland would be nominated by the Eastern Group to chair the 2018 session. The chair for the 2019 session presumably will be from the Asia-Pacific NAM States parties. A fourth session, if necessary, could be held in 2020, which according to the rotation, presumably would be chaired by the Western Group. The 2020 Review Conference will be chaired by the NAM (in accordance with past practice and for political reasons because it represents the largest grouping of NPT parties). As noted above, the candidate likely to be proposed from the Latin America and Caribbean region will be Ambassador Rafael Grossi of Argentina (even though Argentina formally is not a member of NAM).

In the past until 2004, the locations of Preparatory Committee sessions have alternated between New York and Geneva, but starting in 2007 the first session has taken place in Vienna. Review Conferences have been held in Geneva until the 1990 NPT Conference, after which they have been held in New York. With the 1995 NPTREC, it was agreed informally that all subsequent review conferences would be held in New York, given that the largest number of countries have representation at the UN headquarters, hence the 1995—2015 Review Conferences have been held in New York as will the 2020 conference.

Opening

In keeping with past precedent, the Preparatory Committee could be opened by the Representative of the UN Secretary-General or by the President of the 2015 NPT Review Conference.

After a few brief comments noting NPT Article VIII.3 on the review of the Treaty, the related decisions and resolution of the 1995 NPTREC, the 2000 and 2010 Final Documents as well as the relevant UNGA resolution (A/RES/70/238 of 11 December 2015), to establish the legal basis for the Preparatory Committee, the candidacy as Chair of Ambassador Henk Cor van der Kwast would be announced. Following past practice, as States parties would have previously consulted and reached agreement, the Committee would unanimously elect the Chair. Ambassador van der Kwast, as the newly elected Chair, would then give a short opening statement, probably expressing some preliminary views on the conduct and organization of the work of the Preparatory Committee and seek the support of States parties present for a harmonious and productive session.

The candidacy of Ambassador Bugajski on behalf of the Group of Eastern States for the chairmanship of the second session of the Preparatory Committee could be announced and subsequently confirmed. Nominations of the candidature for the chair of the 2019 session and of the presidency of the 2020 NPT Review Conference could also be announced, if agreed amongst the NAM States parties. The persons elected, when not serving as Chair, would serve as Vice-Chair during the meetings of the PrepCom.

The first meeting of the Preparatory Committee, would also decide on a number of important items including: “Agenda” and “Programme of Work”, as well as invite the UN Secretary-General to nominate an official (from the Office for Disarmament Affairs), in consultation the Preparatory Committee, to act as provisional Secretary-General of the 2020 NPT Conference, a nomination to be later confirmed by the Conference itself. This official would be nominated as the Secretary of the Preparatory Committee, to coordinate the logistical and administrative arrangements (i.e. preparation of summary/verbatim records, if required; secretarial, interpretation and translation arrangements; prepare cost estimates for the work of the Preparatory Committee; etc.), and to provide assistance to the Chair.

The dates for the 2018 and 2019 sessions of the PrepCom, and of the 2020 Review Conference, also could be agreed and this year’s inaugural session of the PrepCom.

Agenda

The “Agenda” would set out the list of items to be considered by the Preparatory Committee, while the “Programme of Work” would deal with the organization of the work of the Preparatory Committee. In this regard, NPT parties will need to identify the issues to be addressed by the Preparatory Committee, agree to a work schedule to deal with those matters, while ensuring that adequate time is allocated for discussing each item. The Agenda should outline the sequence for the conduct of the proceedings of the Preparatory Committee. In reality, the draft agenda would be drawn up under the guidance of the Chair-designate of the Preparatory Committee (in consultation with the depositaries and other States) by the United Nations Office for Disarmament Affairs – that provides secretariat services to the NPT review process. A possible notional listing of agenda items based on past practice appears purely for discussion purposes in Annex I.

Timetable and Programme of Work

Annex II outlines a notional timetable based on the principle of a “structured and balanced review” and generally organized in terms of the delineation of items as agreed in 1995—2015.

The “Programme of Work” has traditionally dealt with the organization and procedures for both the Preparatory Committee as well as the Review Conference. Annex III (A) outlines a programme of work based on the principle of a “structured and balanced review” along traditional lines, while Annex III (B) outlines a programme of work also based on the principle of a “structured and balanced review” but organized in terms of an *article-by-article* review. The Biological and Toxin Weapons Convention (BTWC) and the Chemical Weapons Convention (CWC) are considered article-by-article in their respective review and States parties’ conferences, and it is time that the NPT also follows a similar practice. Such a modality could help in dealing with the question of overlap as mandated in paragraph 5 of Decision 1 (1995 NPTREC).

It would be desirable if the programme of work for the PrepCom can be quickly agreed at the outset. The Preparatory Committee will have to consider certain procedural issues such as the: composition of the bureau (vice

chairs); dates and venues for the sessions in 2018 and 2019; working languages; and methods of work; and for the Review Conference, issues such as: date and venue; rules of procedure; financing; background documentation; agenda; etc. However, under the guidance provided in the 2000 Final Document, these items need not be finalized until the final session of the Preparatory Committee in 2019; on the other hand, many of these are pretty much routine matters and can be easily agreed up front. How to deal with the reporting requirements established in 2000 and 2010, could be clarified in time for 2020.

The tone and thrust of not only the 2017 session of the Preparatory Committee, but also of its future sessions, will be influenced by the “Indicative Timetable” outlining the “Programme of Work”. The Preparatory Committee in 2017 likely will have a total of 18 working sessions—two per day over each of 9 days, given that 1st of May is a UN holiday. The opening session should not only complete the ceremonial proceedings—statements opening the Preparatory Committee, election of the Chair, organization of the work, i.e., the Agenda—but also should commence the general exchange of views, or opening statements by States outlining their priorities and objectives. The general debate could be completed in two sessions, provided opening statements are limited to five minutes or less each – with the full texts to be electronically circulated in English and uploaded to the website of the UN Office for Disarmament Affairs in real time. (States do themselves a disservice when they do not circulate their statements in English, rules of procedure regarding working languages notwithstanding.)

One working session is to be set aside for NGO presentations, and this session should take place directly after the conclusion of the general exchange of views. This is to better factor in the views of civil society stakeholders, and it is time to consider also inviting representatives from the nuclear industry to present their views in a separate session.

The next 12 working sessions could address the following sets of issues reflecting the three general purposes of the Treaty: (1) nuclear non-proliferation and nuclear disarmament; (2) safeguards and nuclear-weapon-free zones; and (3) facilitating cooperation in the peaceful uses of nuclear energy. Thus, each set of issues would have four working sessions. Furthermore, the discussions within each set of issues could be further structured to enable a consideration of relevant matters or blocs of issues.

Under nuclear non-proliferation and nuclear disarmament, for example: two working sessions could address the implementation of Articles I and II and preambular paragraphs 1 to 3, and Article VI and preambular paragraphs 8 to 12; the third session could discuss the reports requested by the 2010 and 2000 Review Conferences; and the last session could review security assurances.

The discussions on safeguards could be organized to deal with: in one session, the application and strengthening of comprehensive and strengthened safeguards; in the second session, compliance with IAEA safeguards and the NPT; and the third session could address nuclear safety and nuclear security.

Regional issues and the implementation of the 1995 resolution on the Middle East, and the nuclear programme and activities of the DPRK, deserve a session of their own under cluster 2.

The assessments on peaceful uses of nuclear energy, could address: cooperation in peaceful uses and multinational approaches to the nuclear fuel cycle in one session; technical cooperation and transfers in the second session, and issues such as nuclear and transport safety and security plus nuclear liability in one session.

Achieving the universality of the Treaty, addressing concerns regarding withdrawal from the Treaty and other related matters could be discussed in a separate session.

One working session could be devoted to an exchange of views on the improved strengthened review process but taking due care not to undermine Decision 1 of the 1995 NPTREC and the 2000 guidance.

Such a division of labour or programme of work could provide sufficient time and opportunity to address all of the important current issues of concern to NPT States, in a structured and balanced matter.

This would leave the entire last day for discussion of the draft summary report of the Preparatory Committee and the release of a *Statement on the “State of the NPT 2017”* (as described in a later section of this paper). However, in practice, the Chair should have initiated the drafting of the summary report and the *Statement* before the end of the first week, and engaged in extensive consultations in securing both input and support for this exercise.

Article-by-Article Review

An *alternative approach* to the work programme could be to structure the work of the Preparatory Committee to enable a straightforward, yet structured and balanced, review of the implementation of all articles of the NPT, organized on an *article-by-article* basis.⁸ The first four working sessions, over the first two days, would be structured as described above. But the next 9 working sessions would each deal sequentially with the first nine articles of the Treaty along with the relevant preambular paragraphs. Items such as physical protection, nuclear terrorism and others, would be subsumed in the discussions under relevant or related articles.

One working session each could be devoted to: the strengthened review process and reporting requirements; universality; the Middle East resolution and regional issues such as the DPRK; security assurances; compliance; and the “practical steps”; leaving the final day for the finalization of the report of the Preparatory Committee and the Statement on the “State of the NPT 2017”.

An *article-by-article* structuring of the discussions could be both simple yet time efficient and would represent a paradigm change in the way the implementation of the NPT has been viewed. Such an approach could also facilitate both a backward and a forward look at each article, and its associated issues, in a consolidated manner but with reference to the “Conclusions and recommendations for follow-on actions” agreed in 2010, and the earlier outcomes of 2000 and 1995.

A similar programme of work could also serve as guidance for the 2018 and 2019 sessions of the PrepCom, taking into account relevant international developments.

Special Focus or Allocation of Time

Beginning with the 1998 session of the Preparatory Committee, precedent was established for allocating time for the consideration of specific items within the overall context of nuclear disarmament and other substantive issues. Thus, *inter alia*, a fissile material cut-off treaty, security assurances, and the Middle East were each allocated a meeting.

The 2000 Final Document in its guidance on the enhanced strengthened review focus (paragraph 3) clearly stipulates that specific time is to be allocated at sessions of the Preparatory Committee to address specific relevant issues. There is no linear correlation between the allocation of specific time to particular issues at the Preparatory Committee and the allocation of specific issues to subsidiary bodies at the Review Conference.

In my view, given recent developments and the continuing deadlock at the CD, it might not make much sense to allocate specific time in 2017 to reiterate well known positions on the FMCT stated in the CD, without detracting from the importance of the FMCT as a significant nuclear disarmament measure, as the NPT review process is not the forum to resolve the continuing deadlock at the CD. The FMCT and the CTBT could be discussed in the general part of the consideration of Article VI issues. A more practical approach could be to provide for focused discussion on current important items such as: the state of nuclear disarmament; compliance; strengthening physical protection of nuclear and radioactive materials; preventing nuclear terrorism; nuclear fuel cycle arrangements; and strengthened IAEA safeguards, among other issues. Other items deserving specific time include a discussion on the reporting requirements (nuclear disarmament and the Middle East), improving the effectiveness of the strengthened review process and security assurances. However, in practice, the Chair of the 2017 Preparatory Committee could consider advance consultations to reach agreement on which items would be allocated specific time.

Summary Records

The Preparatory Committee session will also have to decide on the manner of keeping summary (and/or verbatim) records of the meetings of each session, records of decisions, and on the nature of a progress report on the work of the Committee and any recommendations for work in future sessions, as well as on press releases, to be issued at the conclusion of each session of the Preparatory Committee. In keeping with previous practice, and to keep costs in check, it is probable that summary records will be kept on the opening and closing meetings, and the general exchange of views. The discussions and recommendations on substantive matters would be reflected in

⁸ See, Tariq Rauf, “PrepCom Opinion: Farewell to the NPT’s Strengthened Review Process?”, *Disarmament Diplomacy*, No. 26, May 1998, and “Strengthened Review Process for the NPT in Disarray”, *The Ploughshares Monitor*, Vol. 19, Issue 2, June 1998; and the UNODA Occasional Paper by Thomas Markram, *Options for Further Strengthening of the NPT’s Review Process by 2015*, UN Office for Disarmament Affairs Occasional Papers, No. 22, December 2012.

the main body of the report of the Preparatory Committee to be agreed by consensus; failing that, the general thrust of the substantive discussions could be captured in the Chair's report—this issue is discussed below in some detail. Over the last four review cycles, NGOs such as the Acronym Institute and Reaching Critical Will have provided useful services by posting working papers on the Internet and providing their own daily assessments – such contributions should be encouraged and facilitated. Digital records are now being kept and these include all statements, working papers, CRPs and official documents of the PrepCom. NGOs have been particularly agile in posting statements and documents on the Internet – this informal practice should be encouraged and supported.

Rules of Procedure

In general, Preparatory Committee sessions in the past have not formally adopted their own specific rules of procedure, but have drawn upon the rules of procedure for the previous Review Conferences for guidance if decisions could not be reached on the basis of consensus. Thus, the Preparatory Committee could apply *mutatis mutandis* the Rules of Procedure of the 2015 NPT Review Conference. Under the guidance provided in the 2000 Final Document, the last session of the Preparatory Committee is charged with finalizing procedural arrangements. Thus, the 2018 or 2019 sessions of the Preparatory Committee could consider finalization of the “Rules of Procedure” for the 2020 NPT Conference. In practice these would be the same as those for the 2015 Review Conference, with minor technical amendments as required.

Participation

The Preparatory Committee will need to decide on the participation of non-NPT parties. Previous sessions of the Preparatory Committee have decided to follow past practice and to permit non-NPT States to attend the open sessions of Preparatory Committee as “observers” with the right to receive Preparatory Committee documentation but to circulate their own documentation, if any, at their own cost to NPT parties – however, after 1998 none have showed up formally, though some have lurked about in the corridors, while Israel attended as an observer in 2015. Non-NPT States would sit at the back of the meeting room behind their country name-plates but would not have the right to make statements, interventions, or to participate in the deliberations except as observers.

However, the possibility should be explored of allocating time for engaging with the non-NPT States in a structured and substantive manner. In this context, the Chair could suggest a special meeting on the margins of the Preparatory Committee—for example, during a lunch break or in the evening—at which the non-parties could make statements and engage the NPT States parties in a substantive exchange of views on nuclear non-proliferation, nuclear disarmament, export controls, universality and the Middle East. This is now especially important as the 48 participating States in the Nuclear Suppliers Group (NSG) are well advanced in considering extension of membership to non-NPT States and many NSG supplier States already are providing nuclear cooperation to nuclear armed non-NPT States without requiring from them any binding commitment on nuclear disarmament and restraint in their fast developing nuclear weapon capabilities – thus *de facto* creating a new category of States which possess nuclear weapons, operate unsafeguarded nuclear facilities and benefit from nuclear cooperation provided by NPT States without being parties to the NPT and to the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

The status of the DPRK, which gave notice in January 2003 of its withdrawal from the Treaty, has remained an unresolved matter, i.e., whether NPT States consider the DPRK as remaining a State Party or having left the Treaty. Starting with the 2003 Preparatory Committee, the Chair has kept the DPRK nameplate in his custody and it has not been assigned a seat in the usual alphabetical place in the meeting room. This stratagem in the past has avoided arguments about whether the DPRK's status regarding the NP, though it seems this practice was discontinued from 2012? As there is no possibility that the DPRK will show up at an NPT meeting, there is no need to be concerned about keeping a DPRK nameplate in reserve in the custody of the Chair.

The participation of NGOs has been regularized by the 2000 Final Document. NGOs can attend the open sessions, while seated in the public gallery, to receive official documentation but to circulate their own documentation at their own cost, outside the official meeting room. One afternoon session should be set aside for NGOs to make presentations to delegates. It is recommended that this be done as early as possible in the Preparatory Committee. Furthermore, access by NGOs to working papers and other documents of the Preparatory Committee should be facilitated. As noted above, NGOs have been particularly agile in posting statements and documents on the Internet – this informal practice should be encouraged and supported.

Specialized agencies and international and regional Intergovernmental Organizations such as the CTBTO, the Arab League, OPANAL, EU, ICRC OPCW, OIC and others have in the past been accorded privileges to attend

the Preparatory Committee, but they can only circulate speeches, not deliver them verbally. Given the integral relationship of the CTBT to the NPT, the status of the CTBT could be elevated by giving the CTBTO a speaking slot in the opening session of the PrepCom and a place in the secretariat for the NPT review process.

General Exchange of Views

The General Exchange of Views could well involve a protracted discussion on substantive issues relating to the implementation of the Treaty, as well as on the meaning, interpretation, and operationalization of the “actions” agreed in 2010, and earlier commitments in 2000 and 1995. Given the limited time available, it is recommended that the general exchange of views commence in the very first session, on the morning of Tuesday, 2nd May, right after the completion of the initial procedural elements. In this context, shorter rather than longer statements would lend themselves to an efficient use of limited time, and group statements such as those by the EU and the NAM also should be limited given that individual member States of these entities also take the floor in their national capacity. If the effectiveness of the strengthened process is to be improved, one important component needs to be better time management. Again, the Chair should be in a good position to complete his prior consultations in the previous week, or the weekend, preceding the opening of the Preparatory Committee, thus initiating an efficient and timely start and approach to work. The practice of efficient time management adopted by the Chair of the 2014 PrepCom set a good precedent.

Chair’s Consultations

Much, of course, will depend upon the Chair-designate of Preparatory Committee I, and how he guides the first session of the Preparatory Committee through some rough territory to a successful conclusion. Traditionally, Chairs have relied on consultation with a select, but geographically and politically representative group of countries, informally referred to as “Friends of the Chair.” Such groups, which are necessarily kept small in membership, were organized to assist in identifying and building consensus. At the 1995 NPTREC, Ambassador Dhanapala pulled together “President’s Consultations” involving 25 of the principal players, that was instrumental in crafting the language for the package of extension decisions. Ambassador Pasi Patokallio (1997) followed suit with a slightly smaller group of some 22 States, while Ambassador Eugeniusz Wyzner (1998) also tried the same (but lost control with a large number of states “walking-in”), and Ambassador Camilio Reyes (1999) worked informally with an unstructured group. In 2000, Ambassador Abdallah Baali consulted widely but avoided setting up a “Friends of the President” group and this practice served to be beneficial in securing the support of States for the President’s initiatives – in this endeavour he was greatly assisted by the side negotiations between the New Agenda Coalition and the nuclear-weapon States on nuclear disarmament, and between Egypt and the United States on the Resolution on the Middle East. During the 2002-2004 Preparatory Committee cycle, in 2002 Ambassador Henrik Salander, in 2003 Ambassador László Molnár, and in 2004 Ambassador Sudjadnan Parnohadinigrat, all avoided a formal “Friends of the Chair” group, but consulted with ad hoc groupings of States on various substantive matters. At the 2005 Conference, formal consultations with select groups were eschewed in favour of consultations with regional groups, or other informal groupings based in specific issues. During the 2007-2009 Preparatory Committee cycle, in 2007 Ambassador Yukiya Amano, in 2008 Ambassador Volodomyr Yelchenko, and in 2009 Ambassador Boniface Chidyausiku, generally followed the previous practice. In 2010, a cross-regional group of some 16+ States was instrumental in assisting the President in the latter half of the Conference; and some 20 States attended the President’s consultations in 2015. During the 2012—2014 Preparatory Committee sessions, Ambassador Peter Woolcott in 2012 and Ambassador Cornel Feruta in 2013 met informally with small groups of States in addition to the regional groups and issue-based coalitions, while in 2014 Ambassador Enriquè Romàn-Morey consulted widely with individual States, regional and issue-based groups but did not convene “Friends of the Chair” consultations.

In 2014, the PrepCom Chair did not convene formal consultations, but consulted widely and frequently including with the nuclear-weapon States, issue-based groupings such as the NAC and the Non-Proliferation and Disarmament Initiative (NPDI) among others, and with regional groupings as well as interested States individually. Thus, it may be desirable that the 2017 PrepCom Chair dispense with a formal “Friends of the Chair” group but engage in frequent and wide ranging consultations on an on-going basis with regional, sub-regional and issue-specific groupings, and importantly keep the PrepCom informed fully on a timely (daily) basis in a spirit of proactive transparency – this can easily be achieved by a short update briefing by the Chair just before the close of proceedings each and every day without exception, the tendency for Chairs to “disappear” in backroom discussions is not only disruptive but also disrespectful of States parties. This would serve to create confidence and bolster trust in the Chair, strengthen transparency and provide a channel of information – the practices of Byzantine consultations in the shadows or side-rooms hopefully are consigned to the history books. The prevalence of social media and “tweets” by delegates cannot substitute for proper and regular updates provided to all delegates. The

result would be to further cement the practice of openness and wide ranging consultation, thus building greater support for the Chair's constructive initiatives to guide the preparatory committee to a successful outcome that is acceptable to all participating States. The global power balances are changing and this shift will become more evident in the NPT review process.

Vienna Issues

For several review cycles, a group of now 12 States calling themselves the "Vienna Group of Ten"⁹ have been submitting working papers on NPT issues relating to Articles III and IV, i.e. on safeguards and verification, export controls, cooperation in peaceful uses of nuclear energy, nuclear safety and nuclear security, and the CTBT. Fortunately, in 2015 they submitted only one working paper rather than several as in the past, but it was 16 pages long.¹⁰ The Vienna Group of Ten essentially introduces text into the NPT review process on the so-called "Vienna issues" derived mainly from the various resolutions adopted by the IAEA General Conference with the result in certain cases of reopening differences that were papered over at the IAEA; thus consuming valuable time thrashing out matters already discussed at the IAEA. Also included is text from discussions at the CTBTO.

A better approach would be to reflect the negotiated compromises in IAEA General Conference resolutions rather than reopening issues already discussed at the IAEA that results in unproductive and contentious discussions including involving delegates not fully attuned to the particularities of the IAEA based discussions. Attempts to reopen contentious issues in the NPT context such as making the additional protocol the new verification standard, on nuclear security and nuclear safety, will not result in agreement or consensus if this could not be achieved at the IAEA. The agreed text from IAEA and CTBTO resolutions can be incorporated in the Chair's summary report, though this does not necessarily mean that discussion on contentious issues is completely avoided. Contrary to some accounts, progressive proposals came from within the IAEA, such as to strengthen IAEA safeguards after the 1991 Iraq war through the "93+2" programme, rescind the small quantities protocol (for States with little or no nuclear material), integrated safeguards and the State-level approach, strengthen nuclear security and safety, and multinational approaches to the nuclear fuel cycle, among others. Similarly, the CTBTO has generated new ideas such as the integrated field exercises, science and technology benefits of the International Monitoring System, the Group of Eminent Persons, and Youth for CTBTO, among others. These proposals to strengthen the IAEA and the CTBTO did not emanate from the NPT review process but from the two international nuclear verification organizations – the NPT review process broadened endorsement as the Treaty has more States parties than the membership of the IAEA and the CTBTO.

Reportedly, there are moves afoot to focus the Vienna session of the PrepCom on "Vienna issues" (such as, safeguards, safety, security); the Geneva session of the PrepCom in 2018 on "Geneva issues" (including FMCT, NSA, nuclear disarmament); and, the 2019 session in New York on "New York issues" (such as, nuclear disarmament and NWFZs). While this might seem an attractive way to at first glance to order the work of the successive sessions of the PrepCom, in practice it is unlikely to be an improvement over current practice and in any case most States will call for the proceedings to cover all significant issues and not to "favour" any except for those assigned to consideration under specific time. Furthermore, since Geneva-based diplomats attend all sessions of the PrepCom, as such there is not much to be gained by introducing 'venue based' discussions. A more useful approach might be an article-by-article review as presented above.

Products or Outcomes of the Preparatory Committee

The sessions of the Preparatory Committee respectively for the 2015, 2010, 2005 and 2000 Review Conferences experimented with different approaches ranging from a rolling text or progress report to be updated at each subsequent session of the PrepCom to a short document reflecting the views of NPT States on substantive matters of current importance relevant to the Treaty to a lengthy Chairman's Working Paper (except in 2014). In the end, given unresolvable differences as noted above, the end result was that the report of the Preparatory Committee would comprise a technical part on procedural issues, a factual outline of the substantive work of the Preparatory Committee (including as appendices the Chairman's Working Paper, as well as proposals submitted by delegations concerning the Chairman's Working Paper, on the clear understanding that these did not command consensus at the Preparatory Committee).

The previous four Preparatory Committee cycles were both disappointing and damaging. While more time was devoted to discussing substantive matters as compared to procedural issues, the strengthened review process was

⁹ Australia, Austria, Canada, Denmark, Finland, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden.

¹⁰ NPT/CONF.2015/WP.1.

undermined. Only a very few States contributed intellectual or conceptual capital toward the elaboration or development of an effective or results-oriented strengthened review process. Most were satisfied by merely criticizing or opposing constructive ideas and concepts.

Will a similar fate befall the 2017 Preparatory Committee and its future sessions? Will there be cooperation or undermining of the improved strengthened review process? Will delegations be adequately prepared and briefed? While it is too early to provide definitive answers, there are important lessons to be derived from the previous experiences. These are that: those States that developed the new guidance on the strengthened review process have the responsibility to demonstrate a continuing leadership role; the Chair must consult widely and frequently in advance in order to try to chart out a course of action conducive to a positive outcome; delegations must engage in proper preparations and adequately brief those among their ranks who were not present in 2015; and a results- or product-oriented approach based on pragmatism must be adopted.

Product of the 2017 Preparatory Committee

The 2000 Final Document provided additional guidance for the work and mandate of the Preparatory Committee. It reaffirmed NPTREC Decision 1 on “Strengthening the Review Process for the Treaty”, that provided for in its paragraph 4 that:

“The purpose of the Preparatory Committee meetings would be 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. These include those identified in the decision on principles and objectives for nuclear non-proliferation and disarmament, adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.”

This mandate was clarified and enhanced in the 2000 Final Document’s section on “Improving the effectiveness of the strengthened review process for the NPT” (paragraph 7):

“The consideration of the issues at each session of the Preparatory Committee should be factually summarized and its results transmitted in a report to the next session for further discussion. At its third and, as appropriate, fourth sessions, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference.”

A faithful reading of the guidance agreed by NPT States would suggest that beginning in 2000 the Preparatory Committee is mandated to produce a report for transmission to subsequent sessions, and at its final session for every effort to be made to produce a consensus report containing recommendations to the review conference. Each session should produce a report factually summarizing the consideration of issues at that session. Learning from previous experience, the 2000 Conference guidance does not require that the first two (or three) sessions necessarily produce a consensus report. Obviously, every effort should be made to agree to such a factual summary report, but failing consensus there is the possibility for the Chairman to produce her/his version of a concise summary report and to transmit it to the next session under his/her authority (subject to approval of such action by the Preparatory Committee).

A factual summary report reflecting the consideration of issues could be drafted in a number of different ways. It could comprise a condensed reflection of views of States on the issues discussed, drafted by the Chair and the Secretariat staff, or alternatively drafted by States parties through negotiation. While some States parties might be reluctant to give this task to the Chair, in practice it would be more efficient and less controversial to charge the Chair to produce a draft and for the Preparatory Committee to forward it to the next session with a minimum of negotiation.

Another model could be a report reflecting the views of groupings of States, such views would reflect both convergence and divergence but would be an honest and precise rendition of the proceedings. It could be produced on the authority of the Chair. Another part of the report could be agreed by consensus on recommendations for further action in implementing the Treaty (and the 2010/2000/1995 documents) during the period leading up to the next (2018) session of the Preparatory Committee.

Would a factual summary report comprise of one section addressing a review of the implementation of the Treaty (and the 1995—2010 documents) during the period June 2015 through April 2017, and another section dealing with recommendations for further action in implementing the Treaty and the 1995—2010 “actions” during the

period leading up to the 2018 session of the Preparatory Committee? The guidance contained in the 1995 and 2000 documents would support such an interpretation.

The report of the Preparatory Committee should be factual, concise and reflect “elements” rather than detailed repetitive text which would require prolonged negotiations. Ideally, the report could consist of some paragraphs covering procedural elements and review of implementation during the period 2015–2017 (of the Treaty and the 1995, 2000 and 2010 outcomes), and some paragraphs on forward-looking elements covering the period 2017–2018. This could be accomplished in a report of between 20-30 paragraphs – the 2014 Chair’s working paper could be a relevant guide.

In the 1997-1999 PrepCom cycle, a “rolling text” was considered – i.e., that the report and recommendations from the 1997 session would be taken up at the 1998 session and further developed and elaborated, and the consolidated rolling text finalized at the 1999 session. In practice, the “rolling text” became a nightmare document containing paragraphs that had been provisionally agreed, paragraphs that remained under discussion pending agreement and paragraphs not yet discussed, running into nearly 200 paragraphs with dozens of bracketed text. It was not surprising that in the end no agreement could be reached on a report and recommendations to the 2000 Review Conference. A rolling text was not proposed or tried out at the review cycles in 2002-2004 and later. Will another better organized attempt at producing a “rolling text” in 2017 be successful, remains to be seen though its chances of success likely may be poor?

Whatever form is adopted for the factual summary prepared by the Chair, the report must be accorded formal status and it should comprise an integral part of the report of the first session of the Preparatory Committee. This means that it should appear in the main body of the report of the Preparatory Committee and not as an appendix or annex. The working papers submitted by States can be appended to the report of the Preparatory Committee and transmitted to the next session to serve as inputs. States should make every effort to keep their Working Papers short and not more than 1 to 2 pages in length.

Status of the Preparatory Committee

It is frequently asserted by some States parties that the final compromises cannot be reached until the final session of the PrepCom and that therefore there should not be high expectations for the earlier sessions to agree on matters of substance, and that *only* at Review Conferences can meaningful agreements be reached. Such a view detracts from the importance and relevance of the work of the PrepCom and overloads the Review Conference. The work of the PrepCom must be accorded enhanced credibility and its sessions utilized to set interim targets or objectives to promote the full implementation of the Treaty in the intervening year between PrepCom sessions. In order to enhance the relevance of the PrepCom to the nuclear non-proliferation and nuclear disarmament challenges of the day, it is essential that the PrepCom sessions focus on taking the pulse of the Treaty and recommend appropriate actions as necessary to strengthen the implementation, authority and credibility of the NPT by adopting at each session a “Statement on the State of the NPT”.

Statement on the “State of the NPT”

In order that the PrepCom sessions focus on taking the pulse of the Treaty and recommend appropriate actions as necessary to strengthen the implementation, authority and credibility of the NPT, as was recommended by Canada in 1998, the PrepCom should be able to adopt a “Statement” by the PrepCom on the “State of the NPT” in each of its sessions. Such a Statement, patterned on the Statement by the President of the Security Council on behalf of the Council, would reflect the general views of States parties on the prevailing international situation as it relates to the NPT at the time of the PrepCom. For example, the 2017 Statement *inter alia* could express concern about the two nuclear tests carried out in 2016 by the DPRK and call for resumption of negotiations on a nuclear-weapon-free Korean peninsula, welcome the entry-into-force of the Amendment to the (IAEA) Convention on the Physical Protection of Nuclear Material (CPPNM) in May 2016, encourage the Russian Federation and the United States to conclude a follow-on treaty to the New START and to preserve and respect the INF Treaty, encourage the remaining eight Annex II States to sign and/or ratify the CTBT, encourage consultations on the implementation of the 1995 Resolution on the Middle East, welcome the 2016 IAEA Safeguards Implementation Report, the IAEA Reports on Nuclear Energy, Nuclear Security, Nuclear Safety and others, etc. Such a Statement need not exceed one to two pages, should be endorsed by the PrepCom, issued by the Chair on behalf of the PrepCom and circulated for disarmament at the Conference on Disarmament and the UN General Assembly.

Conclusion

The effective implementation of a well-designed, results-oriented, strengthened review process is central to the fulfilment of the principle of “permanence with accountability”. The review process, comprising the Preparatory Committee sessions, the Review Conference itself, and any other mechanisms agreed by the States parties should address two basic questions: for what are States parties accountable; and how that accountability is to be exercised? The strengthened review process must be “product-oriented” and structured to facilitate the attainment of the objective of permanence with accountability, that entails accountability by all NPT States for compliance with and fulfilment of undertakings under the Treaty and the 2010 “actions” (and previous commitments from 2000 and 1995).

Note: For a detailed assessment of the NPT review process from 1995 through 2015, and looking towards 2020, see: Jayantha Dhanapala and Tariq Rauf, *REFLECTIONS ON THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS: Review conferences and the future of the NPT*, Stockholm International Peace Research Institute (SIPRI), October 2016. <https://www.sipri.org/publications/2016/other-publications/reflections-treaty-non-proliferation-nuclear-weapons>.

ANNEX I

**PREPARATORY COMMITTEE FOR NPT 2020 REVIEW CONFERENCE
NOTIONAL AGENDA**

1. Opening of the session / [Address on behalf of by the UN Secretary General]
2. Election of the Chair.
3. Adoption of the Agenda.
4. Adoption of the Provisional Rules of Procedure (NPT 2010 RC)
5. General debate on issues related to all aspects of the work of the Preparatory Committee
6. Statements by non-governmental organizations
7. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference.
8. Organization of work of the Preparatory Committee:
 - (a) Election of officers;
 - (b) Dates and venues for further sessions;
 - (c) Methods of work:
 - (i) Decision-making;
 - (ii) Participation;
 - (iii) Working languages;
 - (iv) Records and Documents;
 - (v) Reports [as required by 2000 and 2010 Final Documents];
9. Reports on substantive and procedural issues, recommendations to the next session of the Preparatory Committee, and draft recommendations to the Review Conference (at the final session).
10. Organization of the 2020 Review Conference:
 - (a) Dates and venue;
 - (b) Draft rules of procedure;
 - (c) Election of the President and other officers;
 - (d) Appointment of the Secretary-General;
 - (e) Provisional agenda;
 - (f) Financing of the Review Conference, including its Preparatory Committee;
 - (g) Background Documentation;
 - (h) Reports [as mandated in the 2000 and 2010 Final Documents];
 - (i) Final Document(s).
11. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.
12. Any other matters.

ANNEX II

NOTIONAL INDICATIVE TIMETABLE: 2017 NPT PREPCOM

Week One 2-5 May 2017	Mon, 01 May	Tues, 02 May	Wed, 03 May	Thurs, 04 May	Friday, 05 May
	UN Holiday	10:00 am Opening of the session - Organization of work of PrepCom 3:00 pm General Debate (item 5)	10:00 am General Debate (item 5) 3:00 pm Statements by NGOs (item 6)	10:00 am Cluster 1 issues 3:00 pm Cluster 1 issues (including Reports)	10:00 am Cluster 1 issues <i>Specific issue: nuclear disarmament and security assurances</i> 3:00 pm Cluster 1 issues: <i>Specific issue: nuclear disarmament and security assurances</i>
Week Two 8-12 May 2017	Mon, 08 May	Tues, 09 May	Wed, 10 May	Thurs, 11 May	Friday, 12 May
	10:00 am Cluster 2 issues 3:00 pm Cluster 2 issues	10:00 am Cluster 2 <i>Regional issues incl. Middle East and 1995 ME RES, and DPRK</i> 3:00 pm Cluster 2 <i>Regional issues incl. Middle East and 1995 ME RES, and DPRK</i>	10:00 am Cluster 3 issues 3:00 pm Cluster 3 issues	10:00 am Cluster 3 issues <i>Specific issue: Nuclear safety and nuclear security</i> 3:00 pm Strengthened review process Other provisions of the NPT, incl. Article X	10:00 am Draft report 3:00 pm Adoption of the report Statement on the State of the NPT AOB

ANNEX III (A)

**NPT PREPARATORY COMMITTEE 2017
NOTIONAL PROGRAMME OF WORK
(Traditional Format)**

<u>Monday, 01 May</u>	United Nations “May Day” Holiday
<u>Tuesday, 02 May</u> [09:00 - 10:00 10:00 - 13:00	<i>Informal Consultations</i> Opening of the session (item 1 of the agenda) Election of the Chair (item 2) Adoption of the Agenda (item 3) Adoption of the Provisional Rules of Procedure (NPTRC 2010) (item 4) Organization of work of the Preparatory Committee (items 5 and 6) General exchange of views (item 5)
15:00 – 18:00	General exchange of views (item 5)
<u>Wednesday, 03 May</u> 10:00 - 13:00	General exchange of views (item 5)
15:00 – 18:00	Statements by NGOs (item 6)
<u>Thursday, 04 May</u> 10:00 - 13:00	Cluster 1: >> Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12).
15:00 – 18:00	Cluster 1: >> Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12) - <i>Discussion on and consideration of any proposals and reports on the implementation of the 2010 “action plan”, as well as of article VI, paragraph 4(c), of the 1995 Decision on Principles and Objectives for nuclear non-proliferation and disarmament, and the practical steps agreed in the Final Declaration of the 2000 Review Conference, and recalling the 1996 ICJ advisory opinion</i>
<u>Friday, 05 May</u> 10:00 - 13:00	Cluster 1: >> Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12). - <i>Discussion on nuclear disarmament and security assurances</i>
15:00 - 18:00	Cluster 1: >> Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12). - <i>Discussion on nuclear disarmament and security assurances</i>
<u>Monday, 08 May</u> 10:00 - 13:00	Cluster 2: >> Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7; articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV; article VII).

15:00 - 18:00 Cluster 2: >> **Article III** and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7; articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV; article VII)

Tuesday. 09 May

10:00 - 13:00

Discussion on and consideration of any proposals and reports on the 1995 NPTREC Resolution on the Middle East, and the proposed 2012 Conference

15:00 - 18:00

Discussion on and consideration of any proposals and reports on the 1995 NPTREC Resolution on the Middle East, and the proposed 2012 Conference

Wednesday. 10 May

10:00 - 13:00

Cluster 3: >> **Articles III (3) and IV**, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2), (4) and preambular paragraphs 4 and 5; and **article V** - **Discussion on and consideration of any proposals on strengthening physical protection of nuclear material and other radioactive materials**

15:00 - 18:00

Cluster 3: >> **Articles III (3) and IV**, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2), (4) and preambular paragraphs 4 and 5; and **article V** - **Discussion on and consideration of any proposals on combatting nuclear terrorism and illicit trafficking in nuclear and radioactive materials**

Thursday. 11 May

10:00 - 13:00

Cluster 3: >> **Articles III (3) and IV**, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2), (4) and preambular paragraphs 4 and 5; and **article V** - **Discussion on and consideration of any proposals on nuclear and transport safety, and liability**

15:00 - 18:00

Other provisions of the Treaty: >> **Discussion on and consideration of any proposals on achieving the universality of the NPT; Article X**
– **Discussion on and consideration of any proposals on improving the effectiveness of the strengthened review process**

Friday. 12 May

10:00 - 13:00

Consideration of the draft report of the Preparatory Committee

15:00 - 18:00

Consideration [and adoption] of the report of the Preparatory Committee Statement on the “State of the NPT 2017”

Any other matters

ANNEX III (B)

**NPT PREPARATORY COMMITTEE 2017
NOTIONAL PROGRAMME OF WORK
(Article-by-Article)**

Monday, 01 May

United Nations “May Day” Holiday

Tuesday, 02 May

[09:00 - 10:00

10:00 - 13:00

Informal Consultations]

Opening of the session (item 1 of the agenda)

Election of the Chair (item 2)

Adoption of the Agenda (item 3)

Adoption of the Provisional Rules of Procedure (NPTRC 2010) (item 4)

Organization of work of the Preparatory Committee (items 5 and 6)

General exchange of views

15:00 - 18:00

General exchange of views

Wednesday, 03 May

10:00 - 13:00

General exchange of views Presentation(s) by NGOs

15:00pm - 18:00

Presentation(s) by NGOs

Thursday, 04 May

10:00 - 13:00

Article I and preambular paragraphs 1 to 3.

15:00 - 18:00

Article II and preambular paragraphs 1 to 3.

Friday, 05 May

10:00 - 13:00

Article III and preambular paragraphs 4 to 5.

15:00 - 18:00

Article IV and preambular paragraphs 6 to 7.

Monday, 08 May

10:00 - 13:00

Article V and preambular paragraph 8.

15:00 - 18:00

Article VI and preambular paragraphs 8 to 12.

Tuesday, 09 May

10:00 - 13:00

Article VII.

15:00 - 18:00

Article VIII

Discussion on and consideration of any proposals on improving the effectiveness of the strengthened review process

Wednesday, 10 May

10:00 - 13:00pm

Article IX and Discussion on and consideration of any proposals on achieving the universality of the NPT

15:00 – 1800

Discussion on and consideration of any proposals and reports on the 1995 resolution on the Middle East, 2012 Conference on the Middle East, DPRK

Thursday, 11 May

10:00 - 13:00

Discussion on and consideration of any proposals on security assurances for non-nuclear weapon States parties to the NPT

15:00 - 18:00

Article X and withdrawal from the Treaty, other provisions

Friday, 12 May

10:00 - 13:00

Consideration of the report of the Preparatory Committee

15:00 - 18:00

Consideration [and adoption] of the report of the Preparatory Committee

Statement on the “State of the NPT 2017”

Any other matters.