

Non-governmental Organizations Participation in the Nuclear Non-Proliferation Treaty Review Process

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Preface

An earlier version of this paper was submitted as a Canadian working paper, “NGO participation in the NPT review process,” to the Second Session (Geneva, 28 April – 9 May 2003) of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/Conf.2005/PC.II/WP.16, 6 May 2003). This version has been slightly revised.

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Summary

The purpose of this paper is to explore, and to encourage discussion of, ways and means of enhancing the consultative participation of non-governmental organizations (NGOs) in the work of the Nuclear Non-Proliferation Treaty (NPT) review process. In four sections, the paper: examines the variety of modes of NGO participation in formal multilateral events and processes, reviews proposals for enhancing NGO participation in the multilateral system, reviews NGO participation in the NPT Review Process, and explores options for enhanced NGO participation in the NPT Review Process.

Introduction

The revolution in global communications within the context of rapid economic, political, and cultural globalization has led to an extraordinary level of non-governmental attention to, and increasing participation in, multilateral policy development and decision-making, and even implementation. Civil society entities, a category that extends beyond NGOs to include a broad range of professional and religious groupings, as well as special interest associations and coalitions,¹ are increasingly engaged in cooperative undertakings with governments and “are forming a vast number of connections across national borders and inserting themselves into a wide range of decision-making processes on issues from international security to human rights to the environment.”²

Global governance, like its national and local counterparts, goes through multiple stages, from the identification of particular issues for attention, to the mobilization of popular support and the development of political will to support action on such issues, to the legislative or decision making processes themselves, and then to implementation and enforcement of policies and commitments agreed to. Civil society is now engaged in all of these stages.³ And within civil society, NGOs in particular have emerged as centres of policy research, analysis, and advocacy that are actively engaged with governments and multilateral institutions.

A broad range of multilateral documents and events has welcomed and emphasized the importance of these engaged NGOs’ participation in multilateral governmental discussions and negotiations.⁴ The UN Secretary-General’s 2002 report on strengthening the UN also acknowledges and affirms this engagement:

*Actors from civil society and the private sector are increasingly involved in international cooperation at every level, from the local to the global. Their form of involvement ranges from advancing ideas and proposals to concrete activities, such as the delivery of public health services or food aid. Their indispensable contribution is widely recognized. That is why, in the Millennium Declaration, Member States resolved to give greater opportunities to the private sector, non-governmental organizations and civil society, in general, to contribute to the realization of the Organization’s goals and programmes.*⁵

The 1992 Rio UN Conference on Environment and Development (UNCED), for example, included the substantial participation of NGOs in the development of the environmental action plan, which specifically recognized the importance of NGO action in support of sustainable development. The *Agenda 21* action plan acknowledges that NGOs “... possess well-established and diverse experience, expertise, and capacity in fields ... of particular importance to the implementation and review of environmentally

¹ The Commission on Sustainable Development refers to the role of “major groups” in the context of the CSD, drawing on the Agenda 21 definition of such groups as: “women, children and youth, indigenous people, NGOs, local authorities, workers and their trade unions, business and industry, the scientific and technology community and farmers.” (“Follow-up to Johannesburg and the Future Role of the CSD – The Implementation Track,” Report of the Secretary-General, Commission on Sustainable Development, Feb 18, 2003, E/CN.17/2003/2, para 70).

² Ann M. Florini and P.J. Simmons, “What the World Needs Now?”, in Ann M. Florini (ed.), *The Third Force: The Rise of Transnational Civil Society*, Japan Center for International Exchange, Tokyo, and Carnegie Endowment for International Peace, Washington, DC, 2000, p. 3. Quoted by David Atwood (UNIDIR, No. 1, 2002, p. 6).

³ “*Agenda-setting* is that stage of the policy process when the nature and scope of a problem are being identified and the need for international regulation is being determined. The *negotiation-bargaining* stage is when the actual process of negotiating and bargaining occurs, traditionally regarded as an activity in which only sovereign states participate. Once the deals are done and new policies or rules are agreed, there ensues a two-phase process: an *implementation* phase, which typically consists of mainly national process to execute the agreements reached at international level; and a *compliance-enforcement* phase, which concerns processes to ensure that states comply with the newly created international obligations. (Simon Carroll, “NGO access to multilateral fora: does disarmament lag behind?” *Disarmament Forum* [UNIDIR, No. 1, 2000], p. 18).

⁴ Among several studies and reports documenting this involvement in some detail are: *United Nations Legislative History: General Assembly Resolution on NGO Access*, prepared by the office of the World Federalist Movement for The International NGO Task Group on Legal and Institutional Matters (INTGLIM), February 17, 2000.

Reference Document on the Participation of Civil Society in United Nations Conferences and Special Sessions of the General Assembly During the 1990s, Office of the President of the General Assembly of the United Nations, Version May 23, 2001.

Creating Global Governance: The Role of Non-Governmental Organizations in the United Nations, (by Antti Pentikainen, Finnish UN Association, Helsinki 2000 [<http://www.ykliitto.fi/uutta/gover.pdf>], 108 pp .

⁵ *Strengthening of the United Nations: an agenda for further change*, Report of the Secretary-General (United Nations, General Assembly, September 9, 2002, A/57/387), para 133. The Secretary-General used this report to announce “a panel of eminent persons to review the relationship between the United Nations and civil society and offer practical recommendations for improved modalities of interaction” (Action 19, para 141).

sound and socially responsible sustainable development ... [and that the resources of the NGOs] should be tapped, enabled and strengthened”⁶ In fact, *Agenda 21* specifically defines NGOs as “important partners in the implementation of Agenda 21” as well.⁷

The purpose of this paper is to explore, and to encourage discussion of, ways and means of enhancing the consultative participation of these “partners” in the work of the NPT review process. In the following four sections, the paper:

- examines the variety of modes of NGO participation in formal multilateral events and processes,
- reviews proposals for enhancing NGO participation in the multilateral system,
- reviews NGO participation in the NPT Review Process, and
- explores options for enhanced NGO participation in the NPT Review Process.

⁶ *Agenda 21*, Chapter 27, quoted by Simon Carroll, “NGO access to multilateral fora: does disarmament lag behind?” *Disarmament Forum* (UNIDIR, No. 1, 2002), p. 16.

⁷ *Agenda 21*, para 38:42.

NGOs in the Multilateral System

The prominent presence of NGOs on the multilateral scene is evident in the more than 2,000 non-governmental organizations with consultative status with the Economic and Social Council of the UN (ECOSOC), and the 1,400 that are linked to the Department of Public Information (DPI).⁸ Willingness to engage these NGOs and to actively seek out their involvement in multilateral processes is not yet universal among governments. In some cases it may be as simple as an aversion to public scrutiny, but in other cases it is also a genuine concern that already complex and difficult negotiations will only become more so with the introduction of a whole new sector of actors. Some worry about the challenges of managing diverse public views and expectations, and some worry that NGOs, while a considerable collective force, are not themselves sufficiently accountable to the constituencies they claim to represent.⁹

In spite of these reservations, however, it is probably fair to say that the prevailing assumption in the multilateral system is that NGOs are significant stakeholders in multilateral processes and represent significant strains of public opinion and concern, as well as expertise, and that multilateral policy making and implementation stand to be strengthened and made more representative, and thus will enjoy a greater measure of popular support, if NGOs are actively engaged throughout relevant multilateral processes.

Constructively facilitating and managing NGO involvement is a significant challenge, and the Secretary-General's report on UN reform notes that "the system that has evolved over several years for facilitating the interaction between the United Nations and civil society actors is showing signs of strain." Given the large numbers of NGOs now on the scene, not all can be accommodated within formal processes. That in turn implies the need to develop selection criteria by which NGOs can be accredited to particular events and forums, and "despite a substantial body of practice, non-governmental organizations wishing to attend and participate in United Nations conferences and meetings often encounter uneven standards and confusing procedures."¹⁰

But whatever the challenges, the Secretary-General emphasizes that the presence of NGOs in the UN system is longstanding and extensive and, by implication, that it will continue:

*The relationship of the United Nations with civil society organizations is as old as the Charter itself. Partnership between the United Nations system and non-governmental organizations in the humanitarian and development areas has been the rule for decades. Indeed, the relationship is so close that, in many cases, non-governmental organizations participate in the planning processes of the United Nations at the country level.*¹¹

The Charter and ECOSOC provisions

The active presence of NGOs in the multilateral system is, of course, rooted in the Charter. Article 71 of the Charter mandates the Economic and Social Council to "make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence." In furtherance of that mandate, ECOSOC resolution 1996/31 defines the "consultative relationship between the United Nations and non-governmental organizations."¹² Resolution 1996/31 rests on accumulated practice and experience of interaction with NGOs from the earliest days of the UN. Part IV of the resolution describes in some detail the interaction of NGOs, with consultative status, with the Council itself – how NGOs can propose items for the Council's agenda, their attendance at meetings, the

⁸ *Strengthening of the United Nations: an agenda for further change*, Report of the Secretary-General (United Nations, General Assembly, September 9, 2002, A/57/387), para 138.

⁹ "One dilemma in dealing with NGOs is the issue of accountability. Unlike democratically elected governments, NGOs are generally not accountable to the wider public – only to their like-minded supporters. Their constituency is often only a portion of a greater public... Government policies can be susceptible to an undue influence from unrepresentative but well-financed or vocal NGOs that punch well above their true weight. These NGOs might pressure governments into supporting or adopting undesirable policies." (Steffen Kongstad [Deputy Director General, Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs of Norway], "Special Comment," *Disarmament Forum* [UNIDIR, No. 1, 2002], p.4).

¹⁰ *Strengthening of the United Nations: an agenda for further change*, Report of the Secretary-General (United Nations, General Assembly, September 9, 2002, A/57/387), para 139.

¹¹ *Strengthening of the United Nations: an agenda for further change*, Report of the Secretary-General (United Nations, General Assembly, September 9, 2002, A/57/387), para 135.

¹² "Consultative relationship between the United Nations and non-governmental organizations," Resolution 1996/31, United Nations Economic and Social Council (49th plenary meeting, July 25, 1996).

submission of written statements, and provisions for NGO oral presentations to meetings of the Council. Part VII of the resolution addresses the broader question of the “participation of non-governmental organizations in international conferences convened by the United Nations and their preparatory process.”

Whether or not NGOs are invited to participate in particular meetings is up to Member States to decide on a case-by-case basis, but it is clear that a strong culture of participation has emerged, especially through the several world conferences held during the 1990s. In instances when NGOs have thus been invited to participate, Resolution 1996/31 identifies certain conditions and key features of participation which Member States may apply:

- I. Accreditation of NGOs is decided by Member States of each conference (para 41);
- I. Participation of NGOs, “while welcome, does not entail a negotiating role” (para 50);
- II. Accredited NGOs may be given “an opportunity to briefly address the preparatory committee and the conference in plenary meetings and their subsidiary bodies” (para 51); and
- III. NGOs “may make written presentations during the preparatory process in the official languages of the United Nation as they deem appropriate,” although “those written presentations shall not be issued as official documents except in accordance with United Nations rules of procedure” (para 52).

Res. 1996/31 makes accreditation and eligibility of NGOs the prerogative of Member States (para 41), based largely on the “relevance” (para 42) to and “background and involvement in the subject areas of the conference” (para 45). NGOs with ECOSOC consultative status “shall as a rule be accredited” (para 42), and an application/accreditation process for “other” NGOs is described.¹³

Multiple models for NGO participation

Under the broad mandate of the Charter and ECOSOC guidelines, a wide variety of practices has emerged. The following examples indicate that current practice regarding NGO participation in the UN system is consistent only in the sense that most of the relevant formal rules of procedure assume only minimal NGO access to official multilateral processes.¹⁴

In the case of the CD, there is no specific provision for NGO participation – Rule 20 simply states that the CD will convene plenary meetings to be held in public, unless otherwise decided. NGOs can obviously attend such meetings, and under Rule 42 communications from NGOs are retained by the Secretariat and made available to delegations on request.¹⁵ Similarly, Rules of Procedure of the Biological Weapons Convention (BWC) and the Convention on Certain Conventional Weapons (CCW) permit NGO attendance at public meetings. The BWC has adopted an informal arrangement in which NGOs are given an opportunity to address review conferences, while CCW Rule 49 allows the chair of the plenary to invite NGOs, with the approval of the body, to “make oral statements on questions in which they have a special competence in plenary meetings.”¹⁶

Environmental events and forums have typically involved NGOs in levels of access and participation similar to the landmines experience. NGOs are able to intervene in plenary forums as well as in subsidiary bodies and informal working groups. “In the case of the International Maritime Organization, the principal UN body dealing with the safety of shipping and the protection of the marine environment, for example, the rules explicitly provide for NGOs with Consultative Status to take the floor in order to introduce their own documents, make formal proposals on topics on the agenda, respond to papers or statements by governments and allow them to take part in intersessional work or correspondence groups.”¹⁷

¹³ The April 8/02 document (“List of non-governmental organizations,” NPT/CONF.2005/PC.I/INF.2) lists 62 organizations linked to the NPT review process.

¹⁴ A very helpful *Note by the President of the Conference on Disarmament* (May 15, 2003) provides an “informal compilation of rules governing the participation of representatives of NGOs in various disarmament conferences,” prepared by the Secretariat of the Conference on Disarmament. The compilation addresses the rules and practice related to NGO participation with regard to the CD, NPT, BWC, CCW, and the Mine-Ban Convention.

¹⁵ *Note by the President of the Conference on Disarmament*.

¹⁶ *Note by the President of the Conference on Disarmament*.

¹⁷ Simon Carroll, “NGO access to multilateral fora: does disarmament lag behind?” *Disarmament Forum* (UNIDIR, No. 1, 2002), p. 21.

At the Rio Earth Summit of 1992 participating NGOs were able to make oral statements, including in the PrepComs, and when there was a high number of requests to speak, NGOs were asked to speak through spokespersons. Most of the NGO interventions were also provided in written form, and in addition literally thousands of reports and position papers were provided by NGOs at their own expense.¹⁸ At the 2002 World Summit for Social Development all representatives of NGOs could speak at the Ad Hoc Committee of the Whole, where 28 NGOs made statements. The number of interventions in plenary were limited, with nine NGOs selected to speak by the President of the Assembly in consultation with NGOs, and approved by the PrepCom – five were selected on the basis of geography, and four others were major international NGOs, active in the field of social development.

Similar arrangements were made for NGO participation in the process to establish the International Criminal Court.¹⁹ NGOs participated as observers, attending the plenary sessions and, unless otherwise decided, formal meetings of the Committee of the Whole and of subsidiary bodies. The NGOs were able to receive official documents and to make statements, through a limited number of their representatives, to the opening and closing sessions of the Conference. Written statements could be made in the quantities and languages preferred by the NGOs, at their own expense and provided that they were submitted on behalf of NGOs related to the work of the Conference and based on special competence. The NGO statements were not issued as official documents. Similar arrangements apply to NGO observers at the Assembly of the International Seabed Authority.²⁰

NGOs are broadly understood to have played an important role in the process leading to the landmines convention.²¹ Much of the NGO influence was advanced in the primary and traditional NGO style of engagement – through research, public education, and advocacy. These are critically important activities that take place mostly well away from the negotiating table, but a key feature of the landmines treaty process was the place it found for NGOs directly at the negotiating table.

From its earliest stages, the landmines campaign developed a culture of close consultation and cooperation among like-minded governments, international organizations, and NGOs. Informal strategy meetings and workshops involving all these sectors were key to setting the basic direction of the campaign and to defining the core objective, forging in the process a “strategic partnership between non-state actors and core pro-ban states.”²²

That cooperation carried over into the formal meetings of states as well. While a broad range of NGOs participated in the informal events, participation in the formal negotiating process came through the NGOs’ umbrella network, the International Campaign to Ban Landmines (ICBL). At the 1997 negotiating sessions in Vienna, Bonn, Brussels, and Oslo, including sessions of the five working groups, as well as the signing conference in Ottawa, the ICBL was at the table as an Observer delegation, with the same rights to speak and intervene throughout the proceedings as were available to international organizations – that is, full participation in the debate but without voting rights. The ICBL seat at the table followed from the 1996 Ottawa Conference that essentially launched the Ottawa Process. As host, Canada invited NGOs as full participants, assigning as many as five seats to the ICBL (essentially the ICBL Steering Committee) and two to Mines Action Canada (MAC).²³

¹⁸ This and the following group of examples are drawn from the “Reference Document on the participation of civil society in United Nations conferences and special sessions of the General Assembly during the 1990s” (Version 1, August 2001), prepared by the Office of the President of the Millennium Assembly, 55th session of the United Nations General Assembly (<http://www.un.org/ga/president/55/speech/civilsociety1.htm>).

¹⁹ See the Rules of Procedure for the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (A/CONF.183/6 23 June 1998). The description of NGO participation is also drawn from the report prepared by the Office of the President of the Millennium Assembly.

²⁰ Rule of Procedure of the Assembly of the International Seabed Authority: *Title XVI. Observers*: “Non-governmental organizations ... invited by the Assembly which have demonstrated their interest in matters under the consideration by the Assembly [Rule 82 (1) e] ... may sit at public meetings of the Assembly, and upon the invitation of the President ... and may make oral statements in questions within the scope of their activities [Rule 82 (5)]. ... Written statements submitted by observers...within the scope of their activities which are relevant to the work of the Assembly should be made available by the Secretariat in the quantities and in the languages in which the statements are submitted” [Rule 82 (6)].

²¹ The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction.

²² Don Hubert, *The Landmine Ban: A Case Study in Humanitarian Advocacy*, Thomas J. Watson Jr. Institute for International Studies, Occasional Paper 42 (Providence, RI, 2000), p. 17.

²³ Interview, DFAIT Official.

Accordingly, NGOs participated actively in the debates, including the development of the Treaty itself. The Treaty also made provision (Article 6, sub paras 3, 4, 7) for States Party to engage NGOs in bringing assistance to mine victims, in carrying out mine clearances, and in the development of national demining programs. The Treaty also makes provision for NGOs to participate as observers in the Annual meetings of States Party (Article 11.4), in Review Conferences (12.3), and in Amendment Conferences (13.3). The Rules of Procedure specifically give the International Campaign to Ban Landmines observer status, meaning that ICBL member NGOs can attend meetings of States Party as observers without specific clearance, while non-ICBL NGOs may also attend if the meeting approves (and, in practice, none has been refused). Observers may not participate in decision-making or raise procedural issues (Rule 24), but observers are assumed to be eligible to participate in debates and submit and receive documents.²⁴

NGOs and national delegations

One additional way in which NGOs have been drawn into the multilateral process is through NGO representatives included as advisory members of national delegations.

NGOs and the Security Council

While there is no formal process or mandate to link NGOs to the work of the Security Council, the Secretary-General, in his report on strengthening the UN, refers to “some innovative and creative measures to allow non-governmental voices to be heard by its members. The Arria formula, for example, enables non-governmental organizations to give testimony to Security Council members in relation to specific crises, as well as on such issues as children in armed conflict, outside the official meetings.”²⁵ NGOs have encouraged additional and regular, but informal, briefings and consultations with national representatives, including representatives of the Permanent Five of Security Council Member States. Since 1995, a group of NGOs led by the Global Policy Forum has maintained an NGO Working Group on the Security Council and has developed what it calls a very positive interaction with the Security Council. In particular, humanitarian and human rights NGOs, and NGOs with regional expertise, have effectively used this process, which involves frequent briefings and meetings with senior officials and representatives of Member States.²⁶

²⁴ *Note by the President of the Conference on Disarmament.*

²⁵ *Strengthening of the United Nations: an agenda for further change*, Report of the Secretary-General (United Nations, General Assembly, September 9, 2002, A/57/387), para 137.

²⁶ March 26/03 discussion with James A. Paul, Executive Director, Global Policy Forum, New York.

Approaches to Enhancing NGO Participation in the Multilateral System

The foregoing review of NGO involvement in the multilateral system indicates that in those forums in which NGO access is welcomed, a fairly clear pattern of involvement is emerging. The Secretary-General's report on strengthening the UN characterizes this emerging NGO involvement as extensive and enriching:

The extensive interaction of civil society actors with the intergovernmental processes is of more recent vintage. It has really blossomed with the world conferences of the past decade. The formal deliberations and decisions of many such meetings are now often enriched by the debates carried out in non-governmental forums and events help in parallel with official conferences. Many United Nations treaty bodies now routinely consider alternate reports from non-governmental organizations alongside the official reports from Governments. In some cases, non-governmental organizations have addressed plenary sessions of conferences and participated in formal, round-table discussions with governmental delegates. Many Governments now include civil society representatives in their delegations to international conferences and special sessions, and sometimes also to the General Assembly.²⁷

Given that growing level of NGO engagement, on the one hand, and the less than uniform mode of involvement, on the other hand, NGOs have sought to develop a standardized minimum level of access to these various forums. The International NGO Task Group on Legal and Institutional Matters (INTGLIM), coordinated by the New York World Federalist office, has written to UN member states to propose a resolution which would formalize what they regard as "modest" consultative arrangements for NGOs to the General Assembly. The arrangements proposed are those described in ECOSOC Res 1996/31 (above), affirming the "consultative" role of NGOs, as distinct from the "negotiating role" which remains that of states and international organizations.²⁸

The NGO proposal would grant NGOs (those linked to ECOSOC and others according to procedures established in ECOSOC 1996/31) consultative status with the General Assembly, and makes three basic requests:

- I. that the Secretary-General "ensure appropriate seating arrangements and facilities for obtaining official United Nations documentation" for NGOs during open meetings, and "make provisions for NGOs at open meetings to make available their written contributions";
- II. that the General Assembly and "its Main Committees, Special Sessions and subsidiary and ad hoc Bodies develop further ways and means to improve their substantive interaction with non-governmental organizations, inter alia, through consultations, dialogues, panel discussions, and, as appropriate, oral and written statements by NGOs";
- III. that the Secretary-General explore ways and means by which NGOs from all regions, "particularly from the developing countries," can participate in the work of the UN.

The proposed GA resolution would codify NGO participation across the UN system in accordance with ECOSOC 1996/31, and encourage improved access along the following lines:

- I. appropriate seating arrangements for NGOs;
- II. facilities for obtaining official documentation;
- III. facilities to make the written statements of NGOs available to the delegates;
- IV. encourage the General Assembly and "its Main Committees, Special Sessions and subsidiary and ad hoc Bodies" to develop further ways and means to improve their substantive interaction with non-governmental organizations, e.g.:
 - consultations,
 - dialogues,
 - panel discussions;

²⁷ *Strengthening of the United Nations: an agenda for further change*, Report of the Secretary-General (United Nations, General Assembly, September 9, 2002, A/57/387), para 136.

²⁸ As indicated in Article 71 of the Charter, and para 50 of the ECOSOC resolution noted above.

- V. encourage UN forums to receive NGO oral statements; and
- VI. encourage the Secretary-General to explore ways and means by which NGOs from developing countries can better participate in the work of the UN.

The proposed resolution is intended to encourage a minimum level of NGO access to multilateral events and processes. In some instances, as we have seen, there are well established practices of more extensive engagement, and the resolution is intended to encourage all events and processes, in the interests of enhanced global governance, to find ways of building the level of NGO access and participation. Through the INTGLIM, NGOs continue efforts to generate support for the proposal among UN Member States.

NGOs and the NPT Review Process

The widely acknowledged contribution of NGOs to multilateral processes is no less important to disarmament and security concerns, even though NGOs point to evidence that some “governments continue to jealously guard their prerogatives when it comes to decision-making about weapons and weapons reduction.”²⁹ Even so, NGOs have been heavily engaged, and “as the global security debate moves from being simply defined in traditional national security/arms control terms to concerns about ‘human security’, the types of NGOs and the nature of their involvement also broadens and deepens.”³⁰

While the focus of this paper is the level and modalities of direct NGO access to the NPT Review Process, that is, access to debates and proceedings at the PrepCom and RevCon events themselves, the primary role and influence of NGOs in support of nuclear non-proliferation and disarmament are to be found outside these forums. Indeed, the primary rationale for increased NGO participation in the PrepComs and RevCons is their extensive participation in, nationally and internationally, and thus relevance to, nuclear non-proliferation and disarmament efforts. Nuclear disarmament NGOs make key contributions to building and nurturing public concern and thus political will, advancing global norms, enhancing transparency, monitoring compliance, framing public understanding, and providing expert analysis. It is because they are engaged collectively in the global nuclear non-proliferation and disarmament effort on all these levels, that states and NGOs themselves seek to enhance their participation in formal review conferences and negotiating forums.

The mode of that participation has gradually evolved, and has been increasingly welcomed, over the life of the Treaty. In February the Secretary-General encouraged the Advisory Board on Disarmament Matters to explore ways to involve civil society in advancing disarmament issues. “Non-governmental organizations have long played a vital galvanizing role in this area, mobilizing public opinion and motivating political leaders to act with determination to promote disarmament,” the Secretary-General said in remarks to his Advisory Board on Disarmament Matters, which is meeting at UN Headquarters in New York. “An alert and knowledgeable public can contribute greatly to convincing world leaders that a much better and safer world can be achieved by doing away with all weapons of mass destruction.”³¹

Canada’s statement to the 2002 NPT PrepCom, supported through interventions from other States, emphasized the importance of “partnerships with civil society” in pursuing non-proliferation, arms control, and disarmament objectives, and welcomed the participation and involvement of NGOs in the work of the Preparatory Committee. Canada specifically urged states to consider means “to enhance the participation of civil society in the preparatory process and at Review Conferences.”³²

To date the NPT Review Process has not included NGOs at the same level of involvement as is present in several of the processes referred to above. Rule 43 of the Rules of Procedure of the NPT Review Conferences simply notes that the plenary meetings and meetings of the Main Committees “shall be held in public unless the body concerned decides otherwise.” Rule 42 specifically notes that “meetings of other organs of the conference shall be held in private.”³³ Nevertheless, as the Chair of the 2002 Preparatory Committee noted in his opening statement, NGO participation has been a “constant feature” of the preparatory sessions and the Review Conferences, including the now regular allocation of one meeting in each PrepCom and RevCon for NGO oral presentations. NGO access to the NPT process has thus developed into a general pattern (confirmed at the 2002 PrepCom):

- I. NGOs are allowed to attend those sessions that are not designated as closed;
- II. NGO seating is in the public gallery;
- III. One meeting per PrepCom session and in the RevCon is devoted to oral statements by NGOs;
- IV. The majority of the sessions are in cluster working groups and are closed to NGOs;
- V. NGOs are provided with a meeting room within the Secretariat building (to which rental charges are now attached);

²⁹ David Atwood, “NGOs and disarmament: views from the coal face,” *Disarmament Forum* (UNIDIR, No. 1, 2002), p. 6.

³⁰ David Atwood, “NGOs and disarmament: views from the coal face,” *Disarmament Forum* (UNIDIR, No. 1, 2002), p. 7.

³¹ Remarks to a meeting of the Advisory Board on Disarmament Matters at UN Headquarters in New York, February 6, 2003 (<http://www.un.org/apps/sg/sgstats.asp?nid=248>).

³² Notes for Remarks by The Hon. Christopher Westdal, Ambassador for Disarmament, to the Preparatory Committee for the Conference of the Parties of the Treaty on the Non-Proliferation of Nuclear Weapons, New York, April 9, 2002.

³³ *Note by the President of the Conference on Disarmament.*

- VI. Official documents are provided to NGOs as available;
- VII. NGOs distribute their own written material to delegations informally outside the official meeting rooms, in the languages and number that each NGO chooses and at their own expense.

NGO Views on Access in the NPT process

NGO representatives express broad appreciation for consultative opportunities that are now available in the NPT Review process; however, they also indicate that such consultative participation could be made much more effective and meaningful. The most frequently proposed additional elements of participation include:

- I. More open meetings, with all plenary and cluster working group sessions open as a matter of course, and with closed meetings the relatively rare exception;
- II. Access to the PrepCom/RevCon meeting rooms, with appropriate seating areas, to enable direct interaction with the official delegations;
- III. Opportunities to intervene directly in the debates and discussions under all items of the agenda; and
- IV. More timely and systematic access to conference documents.

Options for Consideration

Given the wide recognition and appreciation among governments and the UN Secretariat of the important role NGOs play in supporting multilateral nuclear non-proliferation and disarmament efforts, and given the significant levels of NGO access that have become the convention in many other multilateral forums and processes, States Parties should give consideration to enhancing NGO access to the NPT Review Process. The following measures are presented not as recommendations but as options for discussion and to encourage NGOs and States Party to explore additional ways and means of drawing on the international NGO community to support the full and ongoing implementation of the NPT.

1. It is now the usual practice to provide NGOs the opportunity to address the PrepComs/RevCon at each of their sessions through a special meeting for delegates to hear from NGOs. These meetings have been appreciated by delegates and NGOs alike, and the 2005 Review Conference could agree to make this a permanent feature of the review process.

2. In addition to providing the equivalent of opening statements in the special NGO meetings referred to above, the review process could benefit from NGO statements to the cluster working groups, as well as from NGO interventions in plenary and cluster debates. The practical implementation of such participation could require that such NGO interventions be linked to particular agenda items and be made through a limited number of representatives of NGOs speaking on behalf of larger groupings.

3. In the interests of greater dialogue and transparency, States Party to the NPT could agree that more sessions and meetings of the Review Conference and its Preparatory Committees, including its plenary and some cluster meetings, be open to NGO participation.

4. Dialogue could be further advanced by granting accredited NGOs access to, and suitable seating arrangements within, the conference, committee, and cluster group meeting rooms at all open meetings.

5. Timely NGO access to all official documentation, provided at the same time as it is distributed to delegations, would further enhance informed dialogue.

6. The Conference and PrepCom Secretariat could be invited to distribute written NGO statements to delegations in the numbers and languages received.

7. As is generally the current practice, it could become the formal practice to make available to NGOs a designated meeting room at all RevCon/PrepCom meeting sites (without charge), as well as providing access to additional meeting rooms for NGO-sponsored roundtables and briefings.

8. The Conference Secretariat, DDA, and States Party should also be encouraged to pursue further ways and means of developing substantive interaction with NGOs, for example, through joint sponsorship of:

- I. consultations on particular agenda items or issues,
- II. dialogues,
- III. panel discussions,
- IV. briefings.

Such informal sessions could also be encouraged between the RevCon and PrepCom sessions.

9. States Party and DDA should also explore, in cooperation with engaged NGOs, ways and means by which NGOs from States Parties among developing countries and from Nuclear Weapon Free Zones could better participate in the NPT review process.

10. States Parties should also be encouraged to include NGO advisors on their national delegations to the PrepComs and RevCons.

11. All NGOs that wish to participate in the NPT review process, and whose work is relevant to NPT issues, should be accredited, with the understanding that accredited NGOs then have a responsibility to work together and with the Secretariat to ensure effective and constructive NGO participation within agreed parameters.

Conclusion

A broad range of global public policy-making processes has benefitted from the active involvement of global civil society. The same can be said for NGO involvement in the NPT Review Process. At the same time there are a number of ways in which NGO participation in the NPT Review Process in a consultative capacity could be made more effective and beneficial to that process. The options presented here are intended to stimulate further reflection and exploration toward that end.

Participation in any multilateral form is based on a combination of certain rights and obligations. In the case of States, these have obviously evolved and become clarified and codified over a long period of multilateral diplomacy. As civil society continues to become increasingly engaged in multilateral processes and deliberations, NGOs and all civil society entities should also increasingly function according to a clear, and also evolving, set of rights, procedures, and responsibilities.