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## TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS (NPT)

**Opened for signature:** 1 July 1968.

**Entered into force:** 5 March 1970.

**Duration:** Indefinite. Twenty five years after the entry into force of the NPT, at the 1995 NPT Review and Extension Conference held in New York at the United Nations from 17 April to 12 May 1995, States Parties agreed without a vote “that the Treaty shall continue in force indefinitely.”

**Number of Parties:** 188 States (this number excludes the DPRK)

**Depositaries:** Russia, United Kingdom, and United States.

### Treaty Text

#### **Obligations:**

- Nuclear weapon states (NWS) are not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices and not to assist, encourage, or induce any non-nuclear weapon states (NNWS) to manufacture or otherwise acquire them.
- NNWS are not to receive nuclear weapons or other nuclear explosive devices from any transferor, and not to manufacture or acquire them.
- NNWS must place all nuclear materials in all peaceful nuclear activities under IAEA safeguards.
- All Parties are obligated to facilitate and participate in the exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear energy.
- All Parties must pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

**Verification and Compliance:** NNWS are to conclude agreements with the IAEA for safeguards to be applied on all source or special fissionable materials in all peaceful nuclear activities within the territory of such States. Such agreements are to be concluded with the IAEA, individually or together with other

States, and enter into force within 18 months after their accession to the Treaty.

*Compliance:* Unlike the CWC and the CTBT, the NPT does not have a built-in mechanism for non-compliance. In case of non-compliance with IAEA safeguards, the IAEA Board is to call upon the violator to remedy such non-compliance and should report the non-compliance to the UN Security Council and General Assembly; The UN bodies may impose specific penalties, such as curtailment or suspension of assistance, return of materials, or suspension of privileges and rights. An incentive to comply is peaceful nuclear assistance.

*Iraq and Compliance:* In December 1998, UN-mandated UNSCOM inspections in Iraq were suspended. By then, the IAEA Iraq Action Team had formed a technically coherent picture of Iraq’s secret nuclear weapons program, and inspectors had effectively uncovered, mapped, and neutralized it.

A UN panel of experts tasked in 1999 with reporting on the results of the UNSCOM and IAEA efforts concluded that “the bulk of Iraq’s proscribed weapons programme has been eliminated,” but the experts emphasized that important issues remained unresolved. They further warned that, if weapons inspectors were kept outside Iraq, the risk that Iraq might reconstitute its programs would grow, and the initial assessments from which inspectors had been working would be jeopardized. The experts said the status quo was unacceptable, and they called for re-establishing an inspection regime in Iraq that was “effective, rigorous and credible.”

On 12 September 2002, US President Bush delivered a speech to the United Nations General Assembly calling on the organization to enforce its resolutions for disarming Iraq. Four days later, the Iraqi government announced that it would allow arms inspectors to return “without conditions.” Iraqi and UN officials met on September 17 to discuss the logistical arrangements for the return of inspectors and announce that final arrangements would be made at the end of the month. Inspections were renewed 27 November. On 19 December, 9 January 2003, 27 January, 14 February, and 7 March, IAEA Director General El-Baradei and UNMOVIC Chief Hans Blix briefed the Security Council on Iraq inspections and plans. On

18 March 2003, UN inspectors were withdrawn from Iraq due to the US invasion of Iraq.

*DPRK and Compliance:* The DPRK is the only State to announce its intention to withdraw from the NPT. On 12 March 1993, the DPRK announced its intention to withdraw based on its supreme national interests, citing the Treaty's withdrawal clause (Article X (2)). North Korea gave two reasons for its intention to withdraw: (1) the Team Spirit "nuclear war rehearsal" military exercises, and (2) the IAEA demand for special inspection of two suspect sites. On 11 June, one day before its withdrawal from the NPT was due to take effect, bilateral negotiations with the United States resulted in North Korea suspending the "effectuation" of its withdrawal and accepting normal IAEA inspection of the seven sites it had declared in its initial report to the Agency. The United States and DPRK signed an Agreed Framework in Geneva 21 October 1994.

The DPRK, which joined the IAEA in 1974, withdrew its membership from the IAEA 13 June 1994. The DPRK Safeguards Agreement with the IAEA remains in force, although there have been difficulties in verifying the DPRK's compliance. In September 2000, the Secretariat determined that it would need three to four years to carry out all the activities required to verify the correctness and completeness of the initial report. The focus has shifted from the actual substantive work to obtaining full DPRK cooperation to carry out these activities. So far the DPRK has not agreed to even discuss a program of work. The last technical meeting was held in November 2001.

A new phase started on 16 October 2002 with the announcement by the United States that the DPRK side had acknowledged, in talks with Assistant Secretary Kelly in early October that it had a "program to enrich uranium for nuclear weapons." On 29 November, the Board of Governors adopted a resolution without a vote in which the Board insisted that the DPRK should reply and cooperate with the Agency. On 22 December, the DPRK started to cut IAEA seals and disable IAEA surveillance cameras at its nuclear facilities. On 27 December, it ordered the IAEA inspectors to leave the country.

In light of these developments the IAEA Board of Governors adopted a new resolution 6 January 2003 in which the DPRK was called upon to cooperate urgently with the Agency. The Board affirmed that unless the DPRK would take all required safeguards measures, it would be in further non-compliance with its safeguards agreement.

*DPRK Withdrawal:* On 10 January 2003, the Security Council again received notification from North Korea of the country's withdrawal from the NPT. The DPRK government announced that its withdrawal "will come into force automatically and immediately" on the next day, claiming that it had suspended its 1994 withdrawal from the Treaty on the last day of the required three-month notice period and thus did not need to give additional notice to other NPT Parties and the Security Council as required under [Article X of the Treaty](#).

Following North Korea's announcement on 10 January 2003, the Board of Governors adopted a third resolution (GOV/2003/3) on 12 February 2003, declaring that North Korea was "in further non-compliance with its obligations under its Safeguards Agreement pursuant to the NPT" and decided to report "to the United Nations General Assembly and the Security Council, North Korea's continued non-compliance and the Agency's inability to verify non-diversion of nuclear material that is subject to safeguards."

Although no statement on North Korea's withdrawal has to date been issued by the NPT States Parties, the generally held view is that North Korea's withdrawal came into effect on 10 April 2003 when its three-month notice of withdrawal expired. Moreover, the 2003 session of the Preparatory Committee (Prep-Com) for the 2005 Review Conference did not take any specific decision with regard to North Korea's withdrawal. Instead, the PrepCom Chairman in his factual summary of the meeting stated *inter alia* that the "States parties felt that the DPRK's decision to withdraw from the Treaty represented a serious challenge to the global non-proliferation regime" and that the "States parties called upon the DPRK to dismantle its nuclear weapons programme in a prompt, verifiable and irreversible way" (see paragraph 28 of the Chairman's factual summary).

**Other Major Provisions:** Other major provisions include the right of any group of States to conclude regional treaties to assure the absence of nuclear weapons in their respective territories; and the convening of review conferences every five years (six review conferences have been held: in 1975, 1980, 1985, 1990, 1995, and 2000).

The NPT was accompanied by United Nations Security Council Resolution (UNSCR) 255 (19 June 1968) on security assurances to NPT NNWS. On 11 April 1995, the five NWS through UN Security Council Resolution 984 issued harmonized negative security assurances for NNWS parties to the NPT.

## 2005 Review Conference

The seventh Review Conference of the NPT was held in New York from 2-27 May, and was attended by 153 States Parties. Also in attendance were a number of international and regional inter-governmental organizations, including representatives from the International Atomic Energy Agency (IAEA), the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL), the International Committee of the Red Cross, the Organization for the Prohibition of Chemical Weapons (OPCW), the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty, the African Union, the League of Arab States, and the Parliamentary Assembly of the North Atlantic Treaty Organization (NATO). Nearly 120 non-governmental organizations (NGOs) and research institutions were also present for the Conference.

The Conference opened with the election of the president of the Conference by acclamation, Ambassador Sergio de Queiroz Duarte of Brazil, and the confirmation of the Conference Secretary-General, Jerzy Zaleski (Senior Political Officer, United Nations Department for Disarmament Affairs, Geneva). The Committee officers consisted of Ambassador Sudjadnan Parnohadiningrat (Indonesia) chairing Main Committee I, Ambassador László Molnár (Hungary) chairing Main Committee II, Ambassador Elisabet Borsini Bonnier (Sweden) chairing Main Committee III, Ambassador Doru Romulus Costea (Romania) chairing the Drafting Committee, and Ambassador Philip Richard O. Owade (Kenya) chairing the Credentials Committee.

Following the election of the Conference President and Secretary-General, the first plenary was addressed by United Nations [Secretary-General Kofi Annan](#), who made an impassioned plea for the delegations to strengthen the nuclear nonproliferation regime and “come to terms with all the nuclear dangers that threaten humanity.” The Secretary General was followed by IAEA [Director-General Mohammad ElBaradei](#) who described the need to strengthen the Agency’s verification regime, address the proliferation-sensitive aspects of the nuclear fuel cycle, secure nuclear material, commit to nuclear disarmament, and enforce compliance.

From the afternoon of 2 May to 11 May, the Conference heard opening statements from 93 States Parties, including the regional and political groupings of the European Union, the New Agenda Coalition (NAC), the Non-Aligned Movement, the Arab Group, the Caribbean Community (CARICOM), and the Pacific Islands Forum Group. These opening statements presented some of the key issues that the Conference

was expected to discuss but offered few proposals as to how the Conference may address them. The challenges detailed in these statements include:

- *Treaty compliance*-A number of states noted the need to enhance compliance with Articles I and II of the Treaty
- *Safeguards*-Several states called for the Additional Protocol to become the new safeguard standard while others stressed the voluntary nature of the Protocol and suggested that a compromise was needed for such a measure to be adopted.
- *The Nuclear Fuel Cycle*-A number of states, as well as IAEA Director-General ElBaradei, have argued that the sensitive aspects of the nuclear fuel cycle constitutes a “loophole” through which States Parties may develop the necessary technology for nuclear weapons. Many states therefore welcomed the IAEA report on “Multilateral Approaches to the Nuclear Fuel Cycle” suggesting that the report should guide efforts to address the nuclear fuel cycle. A couple of states went further to suggest additional controls or restrictions on the development of the nuclear fuel cycle. Such suggestions received considerable opposition from many other states which argued that limitations on the nuclear fuel cycle would constitute a considerable re-interpretation of Article IV of the Treaty.
- *Iran*-Many delegations expressed various levels of concern over Iran’s nuclear activities and supported the ongoing negotiations between the EU and Iran. A few states stated that Iran must permanently cease its enrichment and reprocessing activities.
- *North Korea*-The majority of states recognized the challenge posed by the DPRK’s withdrawal from the NPT and subsequent announcement that it has developed nuclear weapons. Most states also called for the DPRK to return to the Six-Party Talks in order to ensure a diplomatic solution. In addition to these calls, a number of delegations also stressed that the DPRK must verifiably dismantle its nuclear weapons program.
- *Non-state actors*-Many states noted the need to address the issue of nuclear proliferation

to non-state actors, whether illicit trafficking networks such as that of A.Q. Khan, terrorists, or both. Most states discussing this issue recalled new measures to address these threats such as the Convention for the Suppression of Acts of Nuclear Terrorism, Security Council resolution 1540, and IAEA efforts to secure nuclear material.

- *Treaty Withdrawal*-A number of states suggested the need to prevent states from withdrawing from the purpose of developing nuclear weapons. Some of these states simply sought to address the withdrawal provisions of the Treaty while others called for measures to discourage withdrawals, including the establishment of consequences for withdrawal, such as the freeze or dismantlement of nuclear assistance received while party to the Treaty. One state called for the Security Council to automatically consider any notice of NPT withdrawal.
- *Comprehensive Nuclear-Test-Ban Treaty (CTBT)*-The vast majority of states called for the early entry into force of the CTBT. One state suggested that such support by the majority of states for the CTBT's entry into force should be recognized in the final document.
- *Fissile Material Cut-Off Treaty (FMCT)*-Three different views appeared to be expressed regarding the FMCT. Most states called for negotiations on the FMCT to commence in the Conference on Disarmament (CD). Another group of states called for negotiations to begin in the CD without preconditions. On the other hand, other states stressed the need for verification to be apart of such negotiations in accordance with the Shannon mandate.
- *Non-Strategic Nuclear Weapons*-Several states called for further reductions in non-strategic nuclear weapons, with some stating the need for the full implementation of the 1991/1992 Presidential Nuclear Initiatives (PNIs).
- *Security Assurances*-A key concern of many non-nuclear-weapon states (NNWS) was the lack of legally-binding negative security assurances issued by the nuclear-weapon states (NWS). A large number of NNWS called for the creation of a subsidiary body

within the Conference to address the issue of security assurances, a proposal which has faced considerable opposition from most NWS. A subsidiary body to address both disarmament and security assurances was ultimately created within Main Committee I.

- *Nuclear-Weapon-Free Zones (NWFZ)*-As the Conference followed on the heels of a conference of NWFZ States Parties held in Mexico the week before, considerable attention was paid to the role of NWFZ in strengthening the nuclear nonproliferation regime. In particular, many delegations welcomed the recent agreement on a Treaty to establish a Central Asian Nuclear-Weapon-Free Zone (CANWFZ) and calls continued for the creation of a weapons of mass destruction-free zone in the Middle East.
- *Strengthening the Review Process*-One state continued its call for changes in the NPT review process to “overcome the institutional deficit” of the Treaty. The proposals for such changes included the creation of an NPT standing bureau and the convening of annual meetings of States Parties. These propositions received very limited support from other States Parties.

Following the opening plenary statements, including the statements made by 17 NGOs, the delegations spent considerable time discussing the procedural issues for the Conference to adopt an agenda. On Friday of the first week, the President's draft agenda and statement of understanding was blocked by one NNWS on the grounds that the statement did not include the intention of the Conference to “take into account” the “outcomes” of previous conferences. This objection has its roots in the refusal of one NWS to accept reference to the outcome of the 2000 Review Conference, which included the “13 Practical Steps towards nuclear disarmament,” a refusal which appeared to have the tacit support of some other NWS.

On 11 May, the 10<sup>th</sup> day of the Conference, the delegations were able to adopt an agenda through the use of an unconventional tactic to satisfy previous objections by key NAM members. In paragraph 16 of the agenda, which specifies the Conference's review of the operation of the Treaty, an asterisk was added linking both a presidential statement and a [NAM statement](#) to this review. According to the presidential statement, “It is understood that the review will be conducted in light of the decisions and the resolu-

tion of previous Conferences, and allow for discussion of any issue raised by States Parties.” Furthermore, the NAM statement expresses the understanding that, “The agenda establishes a framework for conducting the review of the operation of the Treaty...the decisions and resolutions of previous Conferences, in particular the 1995 Review and Extension Conference and the decision of the 2000 Review Conference....” (Note: At the end of the Conference, additional debate ensued over the agenda and the linkage made by this asterisk. The linkage to the presidential statement remained; however, the linkage to the NAM statement was removed from the draft final document.)

In spite of the adoption of the agenda on 11 May, discussion of procedural issues continued to prevent the substantive issues of the Treaty from being addressed. The States Parties were in disagreement as to what issues would be discussed in the main committees and which were to be addressed in subsidiary bodies. There was particular disagreement over a subsidiary body on negative security assurances as the NAM insisted on a separate subsidiary to discuss this topic while one NWS objected giving the issue such a focus. Therefore, while the debate over the deliberative bodies continued, the President arranged time for the delegations to present their accumulating working papers during plenary sessions. These sessions were then used to present proposals until an agreement was made on 18 May regarding the time which would be allocated to the main committees and subsidiary bodies. The three subsidiary bodies were determined to address nuclear disarmament and security assurances, regional issues and the Middle East, and Treaty withdrawals. It was also decided that Main Committee I would address disarmament and nonproliferation education and Main Committee II would address proposals to strengthen the review process.

While the Conference did not agree on any language drafted in the Main Committees, substantive discussion did commence in the little time that remained. Each of the main committees and their subsidiary bodies considered text prepared by their chairs:

- Main Committee I (MCI): A number of topics pertaining to nonproliferation were discussed in MCI. In particular, the delegations discussed text regarding the role of the NPT and its three pillars, nuclear sharing for military purposes, the universality of the Treaty, the reaffirmation of the commitments of the States Parties to Articles I and II, the possibility of nuclear weapon proliferation to

non-state actors and the role of Security Council Resolution 1540, compliance enforcement, the preference to address proliferation concerns in multilateral negotiations, and nonproliferation and disarmament education. The subsidiary body established under MCI addressed issues such as the principles of irreversibility, transparency, and verification as they apply to nuclear disarmament, the unequivocal undertaking by the NWS to pursue nuclear disarmament, the Moscow Treaty, further reductions in non-strategic nuclear weapons, reducing the role of nuclear weapons in security policies, securing excess fissile material, reporting on the implementation of Article VI, the CTBT, the need to maintain the moratoria on nuclear-testing, and disarmament efforts in the CD (such as the FMCT). Elements were also considered on security assurances, including the possibility of including discussion on a legally-binding instrument on security assurances in the next NPT review period. In spite of significant disputed text in both the MCI and its subsidiary body, the report from MCI was adopted and sent to the president on 25 May. Two Chairman’s working papers were integrated into the MCI report with the understanding that they did not reflect the views of all states parties.

- Main Committee II (MCII): MCII was tasked with discussing the broad topics of safeguards, nuclear-weapon-free zones (NWFZs), strengthening the review process, and included a subsidiary body on regional issues and the implementation of the 1995 Resolution on the Middle East. The Committee therefore addressed the issues of safeguards compliance, the role and authority of the IAEA, the need for states to conclude Comprehensive Safeguards agreements, the proposal to make the Additional Protocol a condition of supply for nuclear materials, the conceptual framework for integrated safeguards, the wider-application of voluntary offer safeguards, the continued use of Small Quantities Protocols, the role of the Global Threat Reduction Initiative in limiting the use of HEU in research reactors, the role of Security Council Resolution 1540 and export controls, concerns regarding illicit nuclear supply networks, combating nuclear terrorism, maintaining standards for the physical protection of nuclear material, supporting existing and future NWFZs, pro-

posals to strengthen the review process, and the participation of civil society. The subsidiary body for MCII also discussed the importance of the 1995 Resolution on the Middle East, the role which a weapons of mass destruction-free zone would play in the Middle East peace process, calls for Israel to accede to the NPT as a NNWS, the adoption of the Additional Protocol in the Middle East, Libya's decision to abandon its weapons of mass destruction and long-range missile programs, the IAEA's investigation into Iran's nuclear program, concerns regarding the DPRK's nuclear-weapon capabilities and the Six-Party Talks, and measures to deal with the nuclear-weapon arsenals of India and Pakistan. The chair of this subsidiary body, Ambassador Nuñez (Spain), reported to MCII that, "there is no consensus on various proposals" and that he would submit his working paper under his own responsibility to the Committee with the understanding that there was no agreement on any part of the text. When MCII sought to reach agreement on its report, Committee Chairman Molnar provided two options: to adopt the Chair's paper as a draft for further consultation while acknowledging that some elements did not enjoy consensus, or not including the paper in the MCII report to the Conference. Support for these options was characterized by a deep division falling largely along the lines of the political groupings, with one many members group favoring the inclusion of the chair's paper and key members of another group rejecting such inclusion. A third option to carry out consultations without using the chair's text as a basis was proposed by one state, but received very limited support. While the States Parties attempted to find a way around this impasse, one NWS took the floor to criticize the five Central Asian (C-5) States for failing to take into account the comments expressed by three NWS regarding the negative security assurances Protocol to the draft CANWFZ treaty text, noting a joint demarche issued to the UN Secretary-General regarding this concern. One of the C-5 responded by citing the negotiations that have previously occurred to address such concerns, and suggested that further consultations may take place. The Committee remained in deadlock by the time its time had expired in the evening of 24 May. Committee Chairman Molnar, stated that, "The

committee did not reach consensus to attach the Chair's draft to the final report of the Committee and to forward it to the conference for further consideration."

- Main Committee III (MCIII): MCIII engaged in negotiations over the peaceful use of nuclear energy. In this context, the delegations considered text on reaffirming the inalienable right of states parties to develop and use nuclear energy for peaceful purposes and participate in the fullest possible exchange of nuclear technology, the need for such peaceful activities to conform with Articles I, II, and III of the Treaty, the role of IAEA technical cooperation activities, concerns over the proliferation risks of sensitive fuel cycle activities, the IAEA expert group report on multilateral approaches to the nuclear fuel cycle, the requirement that states suspend nuclear cooperation with states found in violation of their nuclear nonproliferation and safeguards commitments, nuclear safety standards, minimizing the need for HEU for peaceful purposes, and promoting transparency in peaceful nuclear activities. The subsidiary body under MCIII discussed both Articles IX, and X of the Treaty. In regard to Article IX, which is related to the universality of the NPT, the delegations discussed the need for the universality of the Treaty, for universal compliance, and specifically for India, Pakistan and Israel to join as NNWS. The discussion of Article X, which addresses withdrawal from the Treaty, produced preliminary text on the sovereign right of withdrawal from the Treaty, the need for consultations with a state exercising its right of withdrawal, the recognition that a withdrawal from the Treaty may pose a threat to international peace and security-and thereby the role of the Security Council in regard to Treaty withdrawal, the liability of a withdrawing State Party for any violations committed while still party to the Treaty, and the status of nuclear technology, material, and equipment received while party to the Treaty including the resumption of IAEA safeguards. The text from MCIII was blocked from adoption by the disagreement of two states that had played obstructive roles throughout the Conference. At first, one NAM state objected to the text regarding Article X, arguing that the revised text proposed by the chair had not been discussed. In spite of

suggestions that the text be annexed to the MCIII report, as agreed in MCI, this state refused to support such a proposal, resulting in the removal of the language on withdrawal. In response, a NWS then objected to the report in its entirety just before the remaining text was to be adopted by the chair.

The Review Conference concluded with a presentation of the procedural reports by the main and drafting committee chairs, and closing remarks by several delegations. Each delegation expressed some degree of disappointment in the Conference's failure to adopt an agreed final document, and most suggested that the issue of nuclear nonproliferation and disarmament continue either within the NPT or in other fora. One Western Group state in particular issued stern rebuke of the failure of the States Parties to pursue solutions to the core challenges facing the Treaty, stating that, "We have let the pursuit of short-term, parochial interests override the collective long-term interest in sustaining this Treaty's authority and integrity." The last statement of the Conference was issued by a NAM state which used the opportunity to harshly critique the policies United States over the last five years. Following this speech, Conference President Duarte brought the Conference to a close by thanking the delegations, the Conference officers, and the Secretariat.

### **2004 Preparatory Committee for the 2005 Review Conference**

The third session of the Preparatory Committee (PrepCom) for the 2005 NPT Review Conference (RevCon) was held in New York from 27 April to 7 May 2004, under the chairmanship of Ambassador Sudjadnan Parnohadinigrat of Indonesia. Ms. Silvana da Silva (Chief, Weapons of Mass Destruction Branch, Department for Disarmament Affairs, United Nations) served as Secretary of the PrepCom.

A total of 123 States Parties registered to attend the meeting. As in the past, representatives from the International Atomic Energy Agency (IAEA) also attended the meeting while representatives from specialized agencies and international and regional intergovernmental organizations such as the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, the European Commission, the League of Arab States, and the Organization of the Islamic Conference, attended as observ-

ers. A total of 69 non-governmental organizations (NGOs) also attended the PrepCom as observers

The PrepCom was tasked by the 2000 Review Conference to make recommendations to the 2005 Review Conference, taking into account the deliberations and results of the two previous sessions. It was also to finalize the organizational arrangements for the Review Conference, including the endorsement of a candidate for the presidency of the Review Conference, agreement on the Rules of Procedure, and agreement on the agenda and the program of work for the Review Conference. These tasks included the possible establishment of subsidiary bodies to the Conference's Main Committees. It was furthermore tasked by the 2000 Review Conference to make recommendations on legally binding security assurances to the Review Conference.

Thirty meetings were devoted to the substantive discussions of the Committee. Each discussion was structured according to indicative timetables that took into consideration three clusters of issues and three specific blocs of issues. The clusters included: (a) nonproliferation of nuclear weapons, disarmament, and international peace and security; (b) nonproliferation of nuclear weapons, safeguards, and nuclear-weapon-free zones; and (c) the inalienable right of all States Parties to the Treaty to develop, research, produce and use nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II. Prior to the cluster debate discussions, the Chairman announced that time would be allocated for discussions on security assurances and the issue of the 1995 Middle East resolution.

Discussion on the status of the Democratic People's Republic of Korea (DPRK) was again circumvented when the Chairman announced that, based on his consultations with various States Parties, there would be no open debate on the issue and that the Secretariat would hold the nameplate of the DPRK temporarily as it did during the second PrepCom session.

More than 40 general statements from States or groups of States such as the Non-Aligned Movement (NAM), the European Union, the New Agenda Coalition, and the League of Arab States were delivered. Significant differences emerged from the very beginning between those who saw the Treaty's obligations primarily in terms of articles I and II and wanted to focus on the noncompliance of a handful of States such as Iran, North Korea, and Libya, and those for whom the nuclear weapons States' failure to make sufficient progress towards complying with article VI was more important. This pattern continued through

the cluster debates where the United States mostly focused on its concerns about Iran's failure to comply with its nonproliferation obligations. Other States Parties devoted considerable attention to the 13 "practical steps," especially the CTBT, tactical nuclear weapons, nuclear doctrines and policies, and verification. Other significant issues that were raised included: proposals for addressing the NPT's lack of institutional decision-making powers; reporting and accountability; negative security assurances; the need to make the IAEA Additional Protocol (INFCIRC/540) into a mandatory safeguards requirement under article III; nuclear safety and security; disarmament education; civil society participation and access for NGOs; and the relationship between the NPT-based nonproliferation regime and initiatives such as the Proliferation Security Initiative and those contained in UNSC Resolution 1540, which the Security Council adopted while the PrepCom was in session.

Prior to the start of the PrepCom, the Chairman's consultations showed that, given the time limitations (only two weeks), negotiating substantive recommendations to the Review Conference would in all likelihood fail. The Chairman received the mandate from the meeting to prepare a summary (on his own responsibility) of the proposals made at the meeting, taking into account the PrepCom's prior sessions. The paper, introduced late during the second week was, however, criticized by several delegations, in particular those from the United States, the Russian Federation, and Iran, who wanted to defend themselves or who felt their positions had not been adequately represented. As a result, the paper could not be attached to the final report of the PrepCom as was the case with the summaries prepared by the Chairmen of the prior PrepCom sessions. The paper was instead recognized as a working paper ([NPT/CONF.2005/PC.III/WP.27](#)) by the Chairman (as were all other papers submitted by national delegations).

The meeting ended on 7 May with the delegations unable to agree on most issues, including on the agenda or background documentation for the Review Conference. This was due, mainly, to disagreement between the United States and France on the one side, and the NAM supported by many other States on the other, on whether to recognize the outcome of the 2000 Review Conference in the agenda for the 2005 Review Conference. The main area of divergence arose over the continued relevance of the "13 practical steps" on nuclear disarmament agreed to at the 2000 Review Conference. Other related controversies included disagreement on how to deal with

the issue of negative security assurances, and whether to establish subsidiary bodies to the Main Committees of the Review Conference.

The only significant decision taken by the PrepCom was to endorse the candidacy of Ambassador Sergio Duarte (from Brazil) as President-Elect for the Review Conference. This decision was primarily motivated by the realization that without such endorsement, the President-Elect would not be able to consult with delegations on the many outstanding organizational and substantive issues that need to be resolved before the Conference can start its work. The PrepCom confirmed that the Conference will be held in New York from 2 to 20 May 2005, and agreed on the draft rules of procedure, to endorse the chairpersons of the three Main Committees of the Review Conference, the appointment of the Secretary-General (Ms. Da Silva from DDA), and the financing of the Review Conference, including its Preparatory Committee. The final report of the PrepCom is contained in [NPT/CONF.2005/1](#).

### **2003 Preparatory Committee for the 2005 Review Conference**

The second session of the Preparatory Committee (PrepCom) for the 2005 NPT Review Conference (RevCon) was held in Geneva from 28 April to 9 May 2003, under the chairmanship of Ambassador László Molnár of Hungary. This PrepCom was the second of three sessions that are to be held prior to the 2005 RevCon. As decided at the 2000 RevCon, the Second PrepCom session carried out the first phase of the "new" strengthened review process. Under the new process, the first two sessions (2002 and 2003) considered "principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality." The third PrepCom (held in New York from 26 April to 7 May 2004) was required to make recommendations to the 2005 RevCon, taking into account the deliberations and results of the two previous sessions.

One hundred and six States Parties as well as representatives from the International Atomic Energy Agency (IAEA) participated in the PrepCom, while representatives from the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, the European Commission, the League of Arab States, and the Organization of the Islamic Conference attended as observers. Representatives from 37 non-governmental organizations attended the plenary meeting of the PrepCom. Ms. Silvana da Silva (Chief, Weapons of Mass Destruction Branch, De-

partment for Disarmament Affairs, United Nations) served as Secretary of the PrepCom.

Although the generally held view among State Parties was that North Korea's withdrawal came into effect on 10 April 2003, when its three-month notice of withdrawal expired, some uncertainty existed over North Korea's status at the PrepCom. On 10 January 2003, the DPRK announced that its withdrawal "will come into force automatically and immediately" on the next day, claiming that it had suspended its 1994 withdrawal from the Treaty on the last day of the required three-month notice period and thus did not need to give additional notice to other NPT Parties and the Security Council as required under Article X of the Treaty. Given that this uncertainty could have led to a procedural and potentially divisive debate at the start of the PrepCom meeting, the Chairman announced that he would take custody of the DPRK's nameplate and that it would not be displayed among those of the States Parties, but that it would remain in the conference room. No decision was, however, taken by the State Parties as to the status of North Korea vis-à-vis the Treaty.

As was the case in 2002, the PrepCom discussions were structured according to an indicative timetable that provided equal time for the consideration of three clusters of issues and three specific blocks of issues (details on these clusters and blocks of issues are provided under developments at the 2002 PrepCom – see below). As was done at the 2002 PrepCom, the Chairman prepared a Chairman's factual summary of the Committee's consideration of the issues, which was contained in Annex II to the 2003 PrepCom report. This document comprises 43 paragraphs of text capturing the Chairman's factual distillation of the views expressed by States Parties on a number of substantive matters, including North Korea's withdrawal and non-compliance; allegations of Iranian non-compliance; nuclear disarmament and the implementation of the 13 "practical steps" toward the elimination of nuclear arsenals; non-strategic nuclear weapons; security assurances; the situation in the Middle East; utilizing the strengthened review process through regular reporting; disarmament and non-proliferation education; the role of the IAEA and its safeguards system; nonproliferation export controls; peaceful uses of nuclear energy; nuclear safety; the threat of nuclear terrorism; and further strengthening of the review process. The Chairman's initiative to invite delegations to offer specific text proposals provided him with a good basis to formulate language that accommodated most views. He furthermore consulted with various key delegations on specific para-

graphs of his summary with the result that it was to some extent negotiated.

### **2002 Preparatory Committee (PrepCom) for 2005 Review Conference:**

The first session of the PrepCom for the 2005 NPT Review Conference was attended by 140 of the then 187 States Parties. Cuba (a non-State Party at the time), seven intergovernmental organizations, and 62 non-governmental organizations attended the open meetings of the PrepCom. Ms. Hannelore Hoppe (Chief, Weapons of Mass Destruction Branch, Department for Disarmament Affairs, United Nations) served as Secretary of the PrepCom. Among the procedural decisions taken, it was decided that the second session of the PrepCom would be held in Geneva from 28 April to 9 May 2003; the third session would be held in New York from 26 April to 7 May 2004; and the provisional dates for the Review Conference in New York would be 2 May to 27 May 2005. Ambassador László Molnar (Permanent Representative of Hungary to the United Nations), representing the Group of East European States, was unanimously selected as the Chairman of the 2003 PrepCom. The Chairman of the third session and the President of the 2005 Review Conference would be nominated by the Non-Aligned Movement (NAM) States.

Following two days of general debate comprising opening statements, the PrepCom held a total of 11 meetings for substantive discussion. The substantive discussion was structured according to a timetable, which provided equal time for the consideration of three *clusters* of issues and three specific blocks of issues. The PrepCom considered the following three clusters of issues as contained in Annex VIII of the final report of the Preparatory Committee to the 2000 Review Conference: (1) implementation of the provisions of the Treaty relating to nonproliferation of nuclear weapons, disarmament, and international peace and security; (2) implementation of the provisions of the Treaty relating to safeguards, and nuclear-weapon-free zones; and (3) implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production, and use of nuclear energy for peaceful purposes, without discrimination and in conformity with Articles I and II.

The PrepCom considered the following three specific blocs of issues: (1) implementation of article VI of the NPT and paragraphs 3 and 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-proliferation and Disarmament," as well as the agreements, conclusions, and commitments listed under the section entitled "Article VI and eighth to

twelfth preambular paragraphs” contained in the Final Document of the 2000 NPT Review Conference; (2) regional issues, including with respect to the Middle East, the implementation of the 1995 Middle East resolution and the commitments, conclusions, and follow-up submissions to the United Nations Secretary-General, the President of the 2005 Review Conference, and the Chairpersons of the Preparatory Committee meetings, in accordance with the relevant subparagraphs listed under the section entitled “Regional issues: The Middle East, particularly implementation of the 1995 Resolution on the Middle East,” contained in the Final Document of the 2000 Review Conference; and (3) safety and security of peaceful nuclear programs.

The Chairman prepared a factual summary of the Committee’s consideration of the issues, which was contained in Annex II to the report of the 2002 Prep-Com. Ambassador Salander produced the Chairman’s factual summary under his own responsibility, and its content was not open for negotiation or change. This document comprises 37 paragraphs of text capturing the Chairman’s factual distillation of the views expressed by States Parties on a number of substantive matters, including nuclear nonproliferation, nuclear disarmament, safeguards, export controls, nuclear-weapon-free zones, regional issues (DPRK, Iraq, South Asia, and the Middle East), strengthened physical protection of nuclear material, and reporting.

## 2000 Review Conference

The 2000 NPT Review Conference was convened at United Nations Headquarters from 24 April to 19 May 2000, with 157 of 187 States Parties participating. One non-State party, Cuba attended as an observer. Palestine was also granted observer status; 141 research institutes and non-governmental organizations attended as observers.

The bureau of the Review Conference comprised *inter alia*: President Abdallah Baali (Algeria) and Secretary-General Hannelore Hoppe (Chief, WMD Branch, UN Department for Disarmament Affairs).

The 33 Vice-Presidents were Armenia, Australia, Azerbaijan, Belarus, Cameroon, Canada, China, Costa Rica, Côte d’Ivoire, Ecuador, France, Germany, Ghana, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Latvia, Lithuania, Mexico, Myanmar, Netherlands, New Zealand, Nigeria, Peru, Romania, Senegal, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uzbekistan, and Viet Nam.

Main Committee I: Chairman Camilo Reyes (Colombia); Vice-Chairmen: Jean Lint (Belgium) and Vadim

Reznikov (Belarus); Subsidiary Body 1: Clive Pearson (New Zealand).

Main Committee II: Chairman Adam Kobieracki (Poland), Vice-Chairmen: Suh Dae-won (Republic of Korea) and Yaw Odei Osei (Ghana); Subsidiary Body 2: Christopher Westdal (Canada). Main Committee III: Chairman Markku Reimaa (Finland); Vice-Chairmen: Igor Dzundev (the former Yugoslav Republic of Macedonia) and Hamid Baidi Nejad (Islamic Republic of Iran). Drafting Committee: Chairman André Erdös (Hungary); Vice-Chairmen: Fayza Aboulnaga (Egypt) and Pedro Villagra-Delgado (Argentina); and Credentials Committee: Chairman Makmur Widodo (Indonesia); Vice-Chairmen: Ion Botnaru (Moldova) and Wernfried Köffler (Austria). The Conference appointed representatives from the following States parties as members of the Credentials Committee: Chile, Greece, Morocco, Slovakia, Slovenia, and Switzerland.

The 2000 Review Conference held 16 plenary meetings together with several sessions of informal consultations. On 19 May, the Conference adopted a Final Document by consensus.

**Nuclear Disarmament:** The Conference agreed on the following practical steps for the systematic and progressive efforts to implement Article VI of the NPT and Paragraphs 3 and 4(c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”: (1) the importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the [Comprehensive Nuclear Test-Ban Treaty \(CTBT\)](#); (2) a moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of the CTBT; (3) the necessity of negotiations in the [Conference on Disarmament \(CD\)](#) on a non-discriminatory, multilateral, and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear nonproliferation objectives; the CD is urged to agree on a program of work which includes the immediate commencement of negotiations on such a treaty with a view to its conclusion within five years; (4) the necessity of establishing in the CD an appropriate subsidiary body with a mandate to deal with nuclear disarmament; the CD is urged to agree on a program of work which includes the immediate establishment of such a body; (5) the principle of irreversibility to apply to nuclear disarmament, nuclear

and other related arms control and reduction measures; (6) an unequivocal undertaking by the NWS to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States Parties are committed under Article VI; (7) the reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control; (8) regular reports, within the framework of the NPT strengthened review process, by all States Parties on the implementation of Article VI and Paragraph 4 (c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament,” and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996; and (9) the further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

In the Conference’s review of Article VI, the NWS agreed to the following steps toward nuclear disarmament in a way that promotes international stability and the principle of undiminished security for all:

- further efforts by the NWS to reduce their nuclear arsenals unilaterally;
- increased transparency with regard to nuclear weapons capabilities and the implementation of agreements;
- the further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;
- concrete agreed measures to further reduce the operational status of nuclear weapons systems;
- a diminishing role for nuclear weapons in security policies; and
- the engagement as soon as appropriate of all the NWS in the process leading to the total elimination of their nuclear weapons.

**Safeguards:** The Conference reaffirmed the fundamental importance of full compliance with the provisions of the Treaty and the relevant safeguards agreements. The Conference reaffirmed that the [IAEA](#) is the competent authority responsible for verifying and assuring, in accordance with the Statute of the IAEA and the IAEA safeguards system, compliance with its safeguards agreements with States Parties undertaken in fulfillment of their obligations under Article III, Paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear

explosive devices. The Conference emphasized that nothing should be done to undermine the authority of IAEA in this regard. States Parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States Parties should direct such concerns, along with supporting evidence and information, to the IAEA to consider, investigate, draw conclusions, and decide on necessary actions in accordance with its mandate.

The Conference considered that IAEA safeguards provide assurance that States are complying with their undertakings under relevant safeguards agreements and assist States to demonstrate this compliance. It stressed that the nonproliferation and safeguards commitments in the Treaty are also essential for peaceful nuclear commerce and cooperation and that IAEA safeguards make a vital contribution to the environment for peaceful nuclear development and international cooperation in the peaceful uses of nuclear energy. The Conference stressed that comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved. The Conference reiterated the call by previous conferences of the States Parties for the application of IAEA safeguards to all source or special fissionable material in all peaceful nuclear activities in the States Parties in accordance with the provisions of Article III of the Treaty. The Conference noted with satisfaction that, since 1995, 28 States have concluded safeguards agreements with the IAEA in compliance with Article III, Paragraph 4, of the Treaty, 25 of which have brought the agreements into force.

The Conference reaffirmed that IAEA safeguards should regularly be assessed and evaluated. Decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented. It also reaffirmed that the implementation of comprehensive safeguards agreements pursuant to Article III, Paragraph 1, of the Treaty should be designed to provide for verification by the IAEA of the correctness and completeness of a State’s declaration so that there is a credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities. The Conference also fully endorsed the measures contained in the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540 (Corrected)), which was approved by the IAEA Board of Governors in May 1997. The safeguards-strengthening measures contained in the Model Additional Protocol will provide the IAEA with, *inter*

*alia*, enhanced information about a State's nuclear activities and complementary access to locations within a State.

The Conference recognized that comprehensive safeguards agreements based on document INFCIRC/153 have been successful in providing assurance regarding declared nuclear material and have also provided a limited level of assurance regarding the absence of undeclared nuclear material and activities. The Conference noted that implementation of the measures specified in the Model Additional Protocol will provide, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole and that those measures are now being introduced as an integral part of the IAEA's safeguards system.

The Conference noted, in particular, the relationship between the additional protocol and the safeguards agreement between the IAEA and a State Party as set out in Article I of the Model Additional Protocol. In this regard, it recalled the interpretation provided by the IAEA Secretariat on 31 January 1997 and set out in document GOV/2914 of 10 April 1997 that, once concluded, the two agreements had to be read and interpreted as one agreement.

The Conference noted the high priority that the IAEA attaches, in the context of furthering the development of the strengthened safeguards system, to integrating traditional nuclear-material verification activities with the new strengthening measures and looked forward to an expeditious conclusion of this work. It recognized that the aim of these efforts is to optimize the combination of all safeguards measures available to the IAEA in order to meet the Agency's safeguards objectives with maximum effectiveness and efficiency within available resources.

Furthermore, the Conference noted that credible assurance of the absence of undeclared nuclear material and activities, notably those related to enrichment and reprocessing, in a State as a whole could permit a corresponding reduction in the level of traditional verification efforts with respect to declared nuclear material in that State, which is less sensitive from the point of view of nonproliferation.

The Conference recognized that measures to strengthen the effectiveness and improve the efficiency of the safeguards system with a view to providing credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities must be implemented by all States Parties to the NPT, including the NWS.

**Middle East:** The States Parties also reaffirmed the Resolution on the Middle East, adopted by the 1995 NPT Review and Extension Conference, and in its review of its implementation:

- The Parties called on Israel by name to accede to the Treaty for the first time in the NPT's history, as it is the only state in the region not to have done so. The Conference recalled that operative Paragraph 4 of the 1995 Resolution on the Middle East "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards." The Conference noted, in this connection, that the report of the United Nations Secretariat on the Implementation of the 1995 Resolution on the Middle East (NPT/CONF.2000/7) states that several States have acceded to the Treaty and that, "with these accessions, all States of the region of the Middle East, with the exception of Israel, are States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference welcomed the accession of these States and reaffirms the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East."
- All States Parties, particularly the NWS and the States of the Middle East, are to report on the steps that they have taken to promote the achievement of "a Middle East zone free of nuclear weapons as well as other weapons of mass destruction" at the 2005 Review Conference.
- Bearing in mind the importance of full compliance with the NPT, the Conference noted the statement of 24 April 2000 by the IAEA Director-General that, since the cessation of IAEA inspections in Iraq on 16 December 1998, the Agency has not been in a position to provide any assurance of Iraq's compliance with its obligations under UN Security Council Resolution 687. The Conference further noted that the IAEA carried out an inspection in January 2000 pursuant to Iraq's safeguards agreement with the IAEA during which the inspectors were able to verify the presence of the nuclear material subject to safeguards (low enriched, natural, and depleted uranium). The Conference reaffirmed the importance of Iraq's full continuous cooperation with the IAEA and compliance with its obligations.

**South Asia:** The Conference deplored the nuclear test explosions carried out by India and then by Pakistan

in 1998. The Conference declared that such actions do not in any way confer NWS status or any special status whatsoever. It also called on India and Pakistan to abide by Resolution 1172 (1998) and to implement a series of confidence-building measures, including moratoria on further testing and fissile material production for weapons. Furthermore, the Conference called upon all States Parties to refrain from any action that may contravene or undermine the objectives of UNSCR 1172. The Conference noted that India and Pakistan have declared moratoriums on further nuclear testing and their willingness to sign and ratify the CTBT, and it urged them to accede to the NPT as NNWS, and to place all their nuclear facilities under comprehensive IAEA safeguards. The Conference urged both countries to observe a moratorium on the production of fissile material for nuclear weapons, pending the conclusion of a treaty banning the production of fissile material for nuclear explosives.

**DPRK:** The Conference noted with concern that, while the Democratic People's Republic of Korea remained a Party to the NPT, the IAEA continued to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the DPRK and was therefore unable to conclude that there had been no diversion of nuclear material in the DPRK. The Conference looked forward to the fulfillment by the DPRK of its stated intention to come into full compliance with its safeguards agreement with the IAEA, which remains binding and in force. The Conference emphasized the importance of action by the DPRK to preserve and make available to the IAEA all information needed to verify its initial inventory.

**Universality:** The Conference reaffirmed the long-held commitment of parties to the Treaty to universal membership and noted that this goal had been advanced by the accession to the Treaty of several new States since the 1995 Review and Extension Conference (NPTREC), thereby bringing its membership to 187 States Parties. The Conference reaffirmed the importance of the Treaty in establishing a norm of international behavior in the nuclear field. The Conference called on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards on all their nuclear activities. These States are Cuba, India, Israel, and Pakistan. In this context, the Conference welcomed the signature by Cuba of the protocol additional to its safeguards agreements with the IAEA. The Conference particularly urged those non-parties to the Treaty that operate unsafeguarded nuclear facilities — India, Israel, and Pakistan — to take similar ac-

tion, and affirmed the important contribution this would make to regional and global security.

**Strengthened Review Process:** The States Parties also agreed to measures to improve the effectiveness of the strengthened review process as follows:

- Three sessions of the PrepCom, normally for a duration of 10 working days each, should be held in the years prior to the review conference. A fourth session, would, if necessary, be held in the year of the review conference.
- Specific time should be allocated at sessions of the Preparatory Committee to address “specific relevant issues.” Subsidiary bodies for this purpose can also be established at Review Conferences.
- The first two sessions of the PrepCom would “consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality.”
- Each session of the PrepCom should consider specific matters of substance relating to the implementation of the Treaty and NPTREC Decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty.
- The Chairpersons of the PrepComs will carry out consultations in preparation for the subsequent meeting.
- The PrepComs are to factually summarize their results and transmit them to the next meeting. The last PrepCom meeting before the Review Conference, should make every effort to produce a consensus report containing recommendations to the Review Conference and should decide on its procedural arrangements.
- A meeting should be allocated to non-governmental organizations (NGOs) to address each session of the PrepCom and the Review Conference.

In addition, the final document contained well over one hundred paragraphs dealing with other aspects of the Treaty, such as strengthened safeguards, compliance, the authority of the IAEA in implementing safeguards and technical assistance cooperation, effective physical protection of all nuclear material, the highest possible standards of nuclear safety, efficacy of and transparency in export controls, the safe transport of radioactive materials, radiological protection and radioactive waste management, conversion of military nuclear materials to peaceful uses, nuclear-

weapon-free zones, non-recognition of any new NWS, and universal adherence to the Treaty.

Other significant developments at the 2000 Review Conference included:

**Joint NWS Statement:** A joint statement was issued by the five NWS on May 1. The 23-paragraph document covered nuclear disarmament, nonproliferation, nuclear-weapon-free zones, nuclear energy, and safeguards. The statement referred to their “unequivocal commitment” to fulfilling their NPT obligations and to the ultimate goals of a complete elimination of nuclear weapons and general and complete disarmament. The statement also noted that none of the NWS targets nuclear weapons at any other state. It reiterated their view that, in accordance with the Treaty, India and Pakistan do not have the status of NWS, and stressed that the two countries should implement UN Security Council Resolution 1172. The NWS statement also called for the preservation and strengthening of the Anti-Ballistic Missile (ABM) Treaty as a cornerstone of strategic stability and as a basis for further strategic offensive reductions. Furthermore, the statement referred to negotiation of a fissile material cutoff treaty (FMCT), but placed it in the context of an agreed work program for the CD.

**New Agenda Coalition:** Among the NNWS, the New Agenda Coalition (NAC)—a grouping of states that cuts across traditional regional associations and includes Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa, and Sweden—played a dominant role in putting forth disarmament proposals and in directly negotiating the text on disarmament with the NWS. The coalition proposed identifying “areas in which” and “means through which” future progress should be sought on nuclear disarmament. A key demand of the coalition was for the NWS to “make an unequivocal undertaking” to totally eliminate their nuclear arsenals and to “engage in an accelerated process of negotiations” during the upcoming 2000-2005 review period. In addition, the coalition called for early and interim steps, including adaptation of nuclear postures to preclude the use of nuclear weapons; alerting and removal of warheads from delivery vehicles; reductions in tactical nuclear weapons leading to their elimination; greater transparency with regard to nuclear arsenals and fissile material inventories; and irreversibility in removing excess fissile material from weapons programs and in all nuclear disarmament, nuclear arms reduction, and nuclear arms control measures. They also promoted an appropriate subsidiary body in the CD with a mandate to deal with nuclear disarmament and the rapid negotiation and conclusion of legally binding security assurances for NNWS party to the Treaty.

The full text of the Final Document can be found at <http://disarmament2.un.org/wmd/npt/finaldoc.html>.

### **Preparatory Committee (PrepCom) 1997-1999**

The 1999 PrepCom took place from 10-21 May in New York. It was chaired by Ambassador Camilo Reyes-Rodriguez of Columbia and was attended by 119 States Parties. Israel and Cuba attended as observers, as well as more than 60 NGOs. In addition to discussing the implementation of 1995 Principles and Objectives, the PrepCom also considered proposals concerning the expected outcome of the Review Conference. The Committee reached agreement on the provisional agenda for the Review Conference, the allocation of items to the three main committees, the office bearers of the Conference, the draft rules of procedure for the Conference, as well as the estimated costs of the Conference and the schedule of the division of costs.

The 1998 session of the PrepCom took place from 27 April to 8 May in Geneva and was chaired by Ambassador Eugeniusz Wyzner (Poland). The session was attended by 97 countries, two observers (Brazil and Israel), and 76 NGOs. The Committee continued the process of reviewing the operation of the Treaty, taking into account the decisions and the Resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference. Specific time was also allocated for discussions on three issues: security assurances for parties to the NPT; the resolution on the Middle East; and a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT).

The first session of the Preparatory Committee for the 2000 NPT Review Conference was held at UN headquarters in New York from 7-18 April 1997. The PrepCom was attended by 149 countries under the chairmanship of Ambassador Pasi Patokallio (Finland). Brazil, Cuba, Israel, and Pakistan participated as observers. One hundred and thirteen NGOs also attended. The Chairman issued a statement recommending that time be allocated at the second session for discussion and consideration of proposals concerning security assurances, the Resolution on the Middle East, and an FMCT.

### **The 1995 Review and Extension Conference (NPTREC)**

The Review and Extension Conference was convened at United Nations Headquarters from 17 April to 12 May 1995, with 175 of the then 179 States Parties taking part. Ten States not parties attended as observ-

ers, as did 195 NGOs. The bureau of the NPTREC comprised President Jayantha Dhanapala (Sri Lanka); Secretary-General Prvoslav Davinic (Director of the UN Center for Disarmament Affairs); 33 Vice-Presidents (Algeria, Australia, Austria, Bangladesh, Belarus, Bulgaria, Cameroon, Canada, China, Congo, Czech Republic, Finland, France, Indonesia, Iran, Japan, Malaysia, Mali, Mexico, Norway, Peru, Romania, Russian Federation, Slovakia, South Africa, Sweden, Trinidad and Tobago, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, United States, and Venezuela); Main Committee I: Chairman Isaac Ayewah (Nigeria), Vice-Chairmen: Richard Starr (Australia) and Anatoli Zlenko (Ukraine); Main Committee II: Chairman André Erdős (Hungary); Vice-Chairmen: Enrique de la Torre (Argentina), Rajab Sukayri (Jordan); Main Committee III: Chairman Jaap Ramaker (Netherlands); Vice-Chairmen: Yanko Yanes (Bulgaria), Gustavo Alvarez Goyoaga (Uruguay); Drafting Committee: Chairman Tadeusz Strulak (Poland); Vice-Chairmen: Nabil Fahmy (Egypt) and Pasi Patokallio (Finland); and Credentials Committee: Chairman Andelfo Garcia (Colombia); Vice-Chairmen: Alyksandr Sychou (Belarus) and Mary Elizabeth Hoinkes (United States).

The 1995 NPTREC held 19 plenary meetings together with several sessions of the informal “President’s Consultations.” On 11 May, the Conference adopted without a vote a package of three decisions, comprising Decision 1 (NPT/CONF.1995/L.4) on “Strengthening the Review Process for the Treaty”; Decision 2 (NPT/CONF.1995/L.5) on “Principles and Objectives for Nuclear Non-proliferation and Disarmament”; and Decision 3 (NPT/CONF.1995/L.6) on “Extension of the Treaty on the Non-Proliferation of Nuclear Weapons.” The Conference decided thereby “that, as a majority exists among States party to the Treaty for its indefinite extension, in accordance with Article X, Paragraph 2, the Treaty shall continue in force indefinitely.” The NPTREC also adopted draft resolution (NPT/CONF.1995/L.8) on the Middle East, as orally amended, without a vote, as Resolution 1, sponsored by the three NPT depositary States.

**Decision 1** on a strengthened review process for the Treaty (largely based on Canadian and South African suggestions) specified that:

- Review Conferences should continue to be held every five years and that the next such conference should be held in the year 2000;
- beginning in 1997, the PrepCom should meet for 10 working days, in each of the three years prior to the Review Conference, and if necessary, a

fourth PrepCom may be held in the year of the Review Conference;

- the purpose of the PrepCom would be to consider principles, objectives, and ways in order to promote the full implementation of the Treaty, as well as its universality, including those identified in Decision 2, and to make recommendations thereon to the Review Conference, as well as making procedural preparations;
- the present structure of the three Main Committees should continue and the question of overlap of issues being discussed in more than one Committee should be resolved in the General Committee;
- subsidiary bodies could be established within the respective Main Committees; and
- Review Conferences should look forward as well as back, identify areas for further progress in the strengthened implementation of the Treaty.

**Decision 2** on principles and objectives for nuclear nonproliferation and disarmament covered seven substantive areas to promote the full realization and effective implementation of the Treaty that included *inter alia*:

- furthering universal adherence to the Treaty;
- promoting nuclear nonproliferation without hampering the peaceful uses of nuclear energy;
- pursuing nuclear disarmament, in particular a “programme of action” on: (i) completion by the CD of a universal and internationally and effectively verifiable CTBT no later than 1996, and pending the entry into force of a CTBT the NWS should exercise utmost restraint; (ii) immediate commencement and early conclusion of a non-discriminatory and universally applicable FMCT; and (iii) determined pursuit by the NWS of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all states of general and complete disarmament;
- endorsing the establishment of internationally recognized NWFZs, on the basis of arrangements freely arrived at, as enhancing global and regional security, especially in regions of conflict such as in the Middle East;
- noting the security assurances under UNSC Res. 984, and calling for an internationally and legally binding instrument on such assurances;
- requiring full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices

as a necessary precondition for new supply arrangements for nuclear materials and technology; and

- promoting peaceful uses of nuclear energy in conformity with Articles I, II, and III of the NPT, and promoting transparency in nuclear-related export controls.

On the basis of a draft resolution on indefinite extension co-sponsored by Canada and 103 other cosponsors, as well as Decisions 1 and 2, the NPTREC in Decision 3 agreed without a vote that “as a majority exists among States party to the Treaty for its indefinite extension, in accordance with Article X, Paragraph the Treaty shall continue in force indefinitely.”

In the ***Resolution on the Middle East***, cosponsored by the three NPT depositary States to secure the concurrence of the Arab States Parties to indefinite extension, the Conference *inter alia*:

- endorsed the Middle East peace process and recognized its contribution to a Middle East zone free of nuclear weapons as well as other weapons of mass destruction;
- noted with concern the continued existence in the Middle East of unsafeguarded nuclear facilities and called upon all States with unsafeguarded facilities to place them under full-scope IAEA safeguards;
- called upon all States of the Middle East that have not yet done so to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards;
- called upon all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective; and
- called upon all States Parties to the NPT, and in particular the NWS, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

The UN Department for Disarmament Affairs maintains a website with resources on the NPT meetings:

<http://disarmament.un.org/wmd/npt/index.html>.