
2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Strengthening the review process for the Treaty

Revised working paper submitted by Ireland

1. The 1995 Review and Extension Conference decided to strengthen the review process for the Treaty for the review period 1995 to 2000 by holding 10-day meetings of the Preparatory Committee for the Review Conference in each of the three years preceding the 2000 Review Conference.

2. The mandate of the Preparatory Committee meetings was “to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference including those identified in the Decision on Principles and Objectives. These meetings should also make the procedural preparations for the 2000 Review Conference.”

3. The mechanism proposed to give effect to Decision 1 was intended to facilitate the progressive and incremental development of recommendations to the 2000 Review Conference. States Parties are agreed that this mechanism has proven inadequate for that purpose. It is therefore appropriate for the States Parties at the present Conference to explore the type of institutional framework which would achieve the purposes of the 1995 Decision.

4. The output of the Preparatory Committee from its three sessions of 10 days each between 1997 and 1999 was no more than the procedural recommendations that a preparatory committee would typically make in two short sessions. The States Parties, while willing to engage in more substantive discussion at those sessions, continued to apply the narrow legal interpretation of the character of a preparatory committee’s output, namely that all its products should remain provisional until considered by the Conference of States Parties. This can hardly be described as a strengthened review process. It corresponds typically with the limits of a process based on a preparatory committee.

5. It is timely that the States Parties at this Conference re-examine the means of achieving the purposes they set down in 1995. It is immediately apparent that by comparison with other treaties, the Non-Proliferation Treaty is deficient in not providing for a General Conference, an Executive Council or a Secretariat. While the International Atomic Energy Agency (IAEA), through its Board of Governors

and its annual General Conferences, provides the possibility of a regular scrutiny of the operation of articles III and IV of the Treaty, the IAEA statute does not extend to other articles of the Treaty, in particular to article VI. Its membership is also not coincident with that of the Non-Proliferation Treaty.

6. The Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), by contrast, provides for biennial meetings of a General Conference to consider and decide on any matters or questions covered by the Treaty. As distinct from preparatory committee meetings, the States Parties at General Conferences could take decisions regarding the operation of the Treaty, a need which has been repeatedly expressed by delegations at the present Conference.

7. It is proposed therefore that consideration be given by the States Parties to establishing annual General Conferences of States Parties to the Non-Proliferation Treaty to consider and decide on any matters or questions covered by the Treaty. These meetings would be held in the years other than those in which Review Conferences are held. Provision could also be made for convening extraordinary meetings of the General Conference if requested by a majority of States Parties.

8. As the Treaty does not provide for an executive to oversee implementation, there is no requirement for a Governing Council in respect of the Non-Proliferation Treaty. A small secretariat, which the Secretary-General of the United Nations could be asked to provide — within the Department of Disarmament Affairs — could distribute information received from the States Parties and prepare an annual report to the General Conference in addition to organizing the annual conferences, as is now done in the case of Review Conferences and Preparatory Committee meetings. The draft agenda for the General Conference could be prepared by the bureau of the General Conference.

9. In terms of resources, meetings of General Conferences, typically of three to four days in the four years between Review Conferences, would be a less burdensome drain on resources than the three two-week sessions of the Preparatory Committee from 1995 to 2000 have been. On the basis of agreed agendas, the General Conferences would allow for a regular and focused examination of the operation of the Treaty, bolstered by implementation reports submitted by States Parties. They would also provide an opportunity to react to and take decision upon issues affecting the implementation of the Treaty which require an early response, and even, in the case where the convening of an extraordinary conference were agreed, an immediate response.

10. The functions assigned to the Preparatory Committee for the years 1995-2000, namely “to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference including those identified in the Decision on Principles and Objectives”, would be assumed by the General Conference.

11. The procedural preparations for the 2005 Review Conference would be made by a preparatory committee meeting immediately following the annual General Conference of 2004.

Draft decision

1. The States Parties decided to establish a General Conference of States Parties to be held on an annual basis in the years other than those in which the Review Conference of the States Parties meets, to consider and decide on any matters or questions covered by the Treaty and to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference, including those identified in the Decision on Principles and Objectives.
 2. The States Parties requested the Secretary-General of the United Nations to receive and distribute documents from States Parties relating to the implementation of the Treaty and to organize the meetings of the General Conference.
 3. The States Parties decided that the draft agenda of the General Conferences would be prepared by the Bureau of the Conference for adoption by the General Conference. The duration of the General Conference shall be of not more than four days.
 4. The States Parties decided that an extraordinary meeting of the General Conference may be called at the request of a two-thirds majority of the States Parties.
 5. The States Parties decided that the General Conference would assume the functions hitherto undertaken by the Preparatory Committee, in particular the consideration of principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the 2005 Review Conference. Procedural preparations for the 2005 Review Conference shall be made by a preparatory committee meeting immediately following the General Conference of 2004.
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