

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Enhanced strengthened review process for the Treaty

Working paper submitted by the Netherlands

The States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in the context of the implementation of article VIII, paragraph 3, of the Treaty, recalled and reaffirmed the provisions of the decision on “Strengthening the Review Process for the Treaty” adopted by the 1995 NPT Review and Extension Conference (reproduced in the attached Appendix for ease of reference) and the provisions contained in “Improving the effectiveness of the strengthened review process for the Treaty” agreed by the 2000 NPT Review Conference, with the objective of assuring that the purposes of the Preamble and the provisions of the Treaty as well as the decisions, resolutions and outcomes of previous Conferences are being realized.

The States Parties participating in the Conference:

1. Reaffirmed in accordance with article VIII, paragraph 3, and paragraph 2 of Decision 1 of the 1995 NPT Review and Extension Conference that review conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2010.
2. Further reaffirmed that beginning in 2007, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the years prior to the next Review Conference.
3. Reaffirmed that the purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.
4. Decided that the Preparatory Committee should also consider developments affecting the operation and purpose of the Treaty and that nothing in the Treaty precludes the Preparatory Committee from adopting by consensus decisions and resolutions on matters of urgent concern relating to the authority, integrity and implementation of the Treaty. Should exceptional circumstances arise affecting the Treaty, a special meeting of NPT States Parties may be convened to consider such circumstances.

5. Decided that the first meeting should make the procedural preparations for the Preparatory Committee and the last meeting should finalize as its first priority all the procedural preparations for the 2010 Review Conference.

6. Decided that at its final session, the Preparatory Committee, taking into account the recommendations, deliberations and results of its previous sessions, should produce consensus reports for the Review Conference on procedural arrangements for the Conference and on recommendations on matters of substance reflecting the views of all States.

7. Agreed that the role of civil society should be enhanced in the Preparatory Committee and the Review Conference. Accordingly, duly accredited non-governmental organizations would attend all public meetings of the Preparatory Committee and the Review Conference, and upon request receive documents, as specified in the Rules of Procedure, and opportunities would be provided for them to address these meetings.

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Explanatory note for elements on enhanced strengthened review process for the Treaty

1. Since the first review conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) held in 1975, the review process provided for in Article VIII of the Treaty has undergone considerable evolution in response to the changing international situation.

2. In an effort to regularize and strengthen the review process, the 1995 Review and Extension Conference (NPTREC) adopted Decision 1 on “Strengthening the Review Process for the Treaty” (NPT/CONF.1995/32/DEC.1), reproduced in the attached Appendix for ease of reference.

3. Decision 1 and its follow-up has focused on the *modus operandi* of the Preparatory Committee for the Review Conference, to enhance the consideration of substantive matters relating to the implementation of the Treaty in addition to its traditional function of preparing the procedural arrangements. Thus, since 1995, a prominent element in the work of the Preparatory Committee has been fulfilling its new mandate to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference.

4. The 2000 NPT Review Conference agreed on provisions for “Improving the effectiveness of the strengthened review process for the Treaty” contained in the Final Document of the 2000 NPT Conference, in order to further enhance effectiveness and as part of a move to promote a more result-oriented review process in which the achievements of each stage are fully used to secure further incremental improvements.

5. Aside from these formal actions designed specifically to strengthen the review process in the context of permanence with accountability for an indefinitely extended NPT, the review process also has been affected by the practices adopted by States Parties in preparing for and conducting the Review Conferences of 2000 and 2005.

6. In the view of many States Parties represented at this Review Conference, the experience and practices of the two most recent review cycles has shown that the system thus developed has not fully met its intended purpose and that it needs to be modified to take account of current circumstances. These States Parties believe that there is a need to ensure that the intent of Decision 1 adopted by the 1995 NPTREC, and reaffirmed in 2000, is dealt with in a manner that permits both the substantive function foreseen for the Preparatory Committee as well as the completion of procedural arrangements, such that the review process can better respond to the current challenges facing the NPT.

7. While this implies that the *modus operandi* of the Preparatory Committee should enable it at each of its sessions to pronounce itself on the implementation of the Treaty and on relevant specific current issues, this should also ensure that the Committee should complete the required procedural arrangements for the Review Conference. To facilitate the completion of the necessary procedural arrangements, in particular the draft agenda that needs to be decided before the Review Conference can begin its substantive work, the Preparatory Committee at its last session should give the highest priority to finalization of the procedural arrangements for the Review Conference.

8. Experience during the preparatory phases of the last two review cycles also has shown that consensus on substantive matters tends to be the exception rather than the rule, since the compromise on which such consensus is necessarily based will be achieved only at the last stage of the process, i.e. in the concluding phase of the Review Conference. This makes it unlikely in practice that the Preparatory Committee will succeed in producing at its last session in each cycle, “a consensus report containing recommendations to the Review Conference”. In order, therefore, to facilitate the work of the Preparatory Committee and of its Chairperson, in conveying to the Review Conference the results of its deliberations, if consensus cannot be achieved at the last session on substantive recommendations to the Review Conference, the Preparatory Committee should adopt a report consisting of procedural arrangements for the Review Conference and a summary of the proposed recommendations.

9. The experience of the Preparatory Committee sessions under the strengthened review process has demonstrated that for the process to be effective and to yield the expected results, it is vital that States Parties show the required political will and be prepared to carry out discussions and negotiations with a view to reaching results on procedural arrangement and substantive matters. A genuine and frank exchange of views, interactive debates and results oriented approach would be the key to success.

10. Accordingly, the draft text of a decision by the Conference, or draft text for inclusion in a final document of the Conference, is attached herewith.

Appendix

NPT/CONF.1995/32 (Part 1), Annex

Decision 1 **Strengthening the review process for the Treaty**

1. The Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons examined the implementation of article VIII, paragraph 3, of the Treaty and agreed to strengthen the review process for the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized.
2. The States party to the Treaty participating in the Conference decided, in accordance with article VIII, paragraph 3, that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000.
3. The Conference decided that, beginning in 1997, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the three years prior to the Review Conference. If necessary, a fourth preparatory meeting may be held in the year of the Conference.
4. The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the decision on principles and objectives for nuclear non-proliferation and disarmament, adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.
5. The Conference also concluded that the present structure of three Main Committees should continue and the question of an overlap of issues being discussed in more than one Committee should be resolved in the General Committee, which would coordinate the work of the Committees so that the substantive responsibility for the preparation of the report with respect to each specific issue is undertaken in only one Committee.
6. It was also agreed that subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference.
7. The Conference further agreed that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.