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

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Further strengthening of the review process of the Treaty on the Non-Proliferation of Nuclear Weapons

Working Paper submitted by South Africa

1. INTRODUCTION

As an integral element of the package that allowed for the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the States Parties decided at the 1995 Review and Extension Conference to strengthen the Treaty’s Review Process. An inherent element of the strengthened review process was to make the Preparatory Committee an integral part of the process. As such the strengthened Preparatory Committee was tasked:

- To consider substantive issues related to the implementation of the Treaty;
- To make recommendations to the Review Conference in relation to its specific objectives as well as on the establishment of subsidiary bodies to provide focused consideration of such issues; and,
- To make the procedural preparations for the Review Conference.

The strengthened Review Conferences were tasked:

- To review the implementation of the Treaty by its States Parties during the period under review;
- To “identify the areas in which and the means through which”, further progress should be sought in the future; and,
- To “address specifically what might be done to strengthen the implementation of the Treaty” and to achieve its universality.
The Preparatory Committee's sessions in the period between 1995 and 2000 experienced difficulty in achieving the effective implementation of the strengthened review process decision. As a consequence, the 1995 decision by the States Parties to strengthen the review process was supplemented at the 2000 Review Conference by a decision for its further strengthening.

2. CURRENT IMPLEMENTATION OF THE STRENGTHENED REVIEW PROCESS

It is questionable whether the present strengthened process, as agreed to in 2000, is having the desired outcome and effect that was envisaged. While it had been conceded that every PrepCom was not a mini-Review Conference, and that the States Parties had struggled to make substantive recommendations through the 1997, -98 and -99 PrepComs, the present format has not remedied that situation. While the previous strengthened review process suffered from a lack of political will and determination that prevented it from making substantive recommendations (as it had been mandated to do), the current process has to date demonstrated an inability to provide for substantive inter-action between the States Parties. This lack of inter-action applied both to (i) the consideration of the reports that have been submitted on the implementation of the provisions of the Treaty and on the agreements that had been achieved at the 2000 Review Conference as well as to (ii) the substantive contributions and proposals that were being made.

3. CONSIDERATION OF FURTHER STRENGTHENING OF THE REVIEW PROCESS

As mandated in the 1995 strengthened review process decision, the 2005 Review Conference is, *inter alia*, tasked to identify:

- **The means** through which further progress should be sought in the future; and,
- **What** might be done to strengthen the implementation of the Treaty.

In the period since the NPT's strengthened Preparatory Committee met in 2002, the States Parties to the Biological Weapons Convention (BWC) have concluded their Review Conference. At that meeting, the BWC States Parties agreed to a decision that the NPT States Parties should take note of, and which should be studied to see whether it can be applied to the NPT's own strengthened review process.

The BWC decision included an element that is not apparent in the NPT process, namely, *the means* to undertake the substantive consideration of *what* can be done to achieve further progress in the future and to strengthen the implementation of the Treaty. The inclusion of such an element in the NPT process would -- as is apparent -- be consistent with the decision that was taken at the 1995 NPT Review and Extension Conference.

4. REVISED TEXT OF THE BWC DECISION IN ORDER TO APPLY IT TO THE NPT'S STRENGTHENED REVIEW PROCESS AND TO THE PRACTICES FOLLOWED WITHIN THE NPT

Draft Decision of the 2005 Review Conference of the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
1. The Conference decides that one week of the Preparatory Committee meetings provided for in terms of the 1995 Decision on the Strengthened Review Process shall be reserved to discuss, and promote common understanding and effective action on:

i. [To be decided];

ii. [To be decided];

iii. [To be decided];

iv. [To be decided];

v. [To be decided].

2. In their discussion, and promotion of common understanding and effective action on the topics listed above, all meetings, both of experts and of the Preparatory Committee, will reach any conclusions or results by consensus.

3. Each Preparatory Committee meeting will be prepared by a two-week meeting of experts. The topics for consideration at each Preparatory Committee meeting will be as follows: items i and ii will be considered in 2007, items iii and iv in 2008, item v in 2009. The first meeting will be chaired by a representative of the Western Group, the second by a representative of the Eastern Group, and third by a representative of the Group of the Non-Aligned and Other States.

4. The meeting of experts will prepare factual reports describing their work.

5. The 2010 Review Conference will consider the work of these meetings and decide on any further action.