

## C — Materials from the 2005 NPT Review Conference and its Preparatory Committee

### Allocation of Items to the Main Committees of the Conference

[Reproduced from NPT/CONF.2005/DEC.1,  
18 May 2005]

#### 1. Main Committee I

*Item 16.* Review of the operation of the Treaty:

- (a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:
- (i) Articles I and II and preambular paragraphs 1 to 3;
  - (ii) Article VI and preambular paragraphs 8 to 12;
  - (iii) Article VII, with specific reference to the main issues considered in this Committee;
- (b) Security assurances:
- (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
  - (ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

*Item 17.* Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

#### 2. Main Committee II

*Item 16.* Review of the operation of the Treaty:

- (c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:
- (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;
  - (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;
  - (iii) Article VII;

*Item 17.* Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

#### 3. Main Committee III

*Item 16.* Review of the operation of the Treaty:

- (d) 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:
- (i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;
  - (ii) Article V;
- (e) Other provisions of the Treaty.

*Item 17.* Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

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Additionally, the issues of disarmament and non-proliferation education, and institutional issues will be dealt with under agenda item 17, respectively, in Main Committee I and in Main Committee II.

### Decision on Subsidiary Bodies

[Reproduced from NPT/CONF.2005/DEC.2,  
18 May 2005]

The Conference of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons decides to establish for the duration of the 2005 Review Conference a subsidiary body under Main Committee I, Main Committee II and Main Committee III, respectively.

The Conference further decides that:

(a) The subsidiary body established under Main Committee I as subsidiary body 1 will focus on nuclear disarmament and security assurances. The subsidiary body will be chaired by Ambassador Tim Caughley. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private;

(b) The subsidiary body established under Main Committee II as subsidiary body 2 will examine "Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution". The subsidiary body will be chaired by Ambassador Antonio Nuñez Garcia-Sauco. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private;

(c) The subsidiary body established under Main Committee III as subsidiary body 3 will address agenda item 16 (e), "Other provisions of the Treaty, including article X". The subsidiary body will be chaired by Ambassador Alfredo Labbé. The subsidiary body will be open-ended. It will hold meetings within the overall time allocated to the Main Committee. The meetings will be held in private.

The outcome of the work of the subsidiary bodies will be reflected in the reports of the respective Main Committees to the Conference.

### Report of Main Committee I

[Reproduced from NPT/CONF.2005/MC.I/1,  
25 May 2005]

#### Establishment and terms of reference

1. Pursuant to rule 34 of its rules of procedure, the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons established Main Committee I as one of its three Main Committees, and decided to allocate to it the following items for its consideration (see NPT/CONF.2005/DEC.1):

**Item 16.** Review of the operation of the Treaty:

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

- (i) Articles I and II and preambular paragraphs 1 to 3;
- (ii) Article VI and preambular paragraphs 8 to 12;
- (iii) Article VII, with specific reference to the main issues considered in this Committee;

(b) Security assurances:

- (i) United Nations Security Council resolutions 255 (1968) and 984 (1995);
- (ii) effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

**Item 17** Role of the Treaty in the promotion of non-proliferation of nuclear weapons and nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality. Additionally, the issue of disarmament and non-proliferation education was also dealt with under item 17.

### Officers of the Committee

2. The Conference elected Ambassador Sudjadnan Parnohadiningrat (Indonesia) as the Chairman of the Committee, and Josef Vitek (Czech Republic) and Lew Kwang-chul (Republic of Korea) as Vice-Chairmen of the Committee.

### Establishment of Subsidiary Body 1

3. At its 19th plenary meeting, on 18 May 2005, the Conference decided to establish, for the duration of the 2005 Review Conference, a subsidiary body under Main Committee I, which would focus on nuclear disarmament and security assurances (see NPT/CONF.2005/DEC.2). Furthermore, the Conference decided that the subsidiary body would be open-ended, that its meetings would be held in private and that the outcome of its work would be reflected in the report of Main Committee I to the Conference. The subsidiary body was chaired by Ambassador Tim Caughley (New Zealand).

4. Accordingly, Subsidiary Body 1 held two private meetings and a number of informal meetings between 19 and 24 May 2005. The outcome of its work is contained in paragraph 9 below.

### Documents before the Committee

5. The following documents were submitted to the Conference on the items allocated to the Committee:  
[Eds...]

6. The following documents were submitted to the Committee on the items allocated to it:  
[Eds...]

### Work of the Committee

8. The Committee held six formal meetings and a number of informal meetings between 19 and 25 May 2005. An account of the discussions of the open meetings is contained in the relevant summary records (NPT/CONF.2005/MC.I/SR.1-4). After an initial general exchange of views on the agenda items allocated to it, the Committee considered proposals contained in the documents listed in paragraphs 5 to 7 above.

9. The Committee was not able to reach a consensus on the text of the Chairman's working paper of Main Committee I (NPT/CONF.2005/MC.I/CRP.3) and the Chairman's working paper of Subsidiary Body 1 (NPT/CONF.2005/MC.I/SB/CRP.4), as they do not reflect fully the views of all States parties. Nevertheless, the Committee agreed to annex the papers to this report.

### Annex

#### Chairman's working paper of Main Committee I (Previously issued as document NPT/CONF.2005/MC.I/CRP.3)

1. The Conference reaffirms that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, in accordance with the relevant provisions of the Treaty.

2. The Conference underscores that the Treaty rests on three pillars: nuclear nonproliferation, nuclear disarmament and peaceful uses of nuclear energy and agrees that these pillars represent a set of interrelated and mutually reinforcing obligations and rights of States parties.

3. The Conference reaffirms that compliance and implementation of the Treaty need to be assessed comprehensively, taking into account all the pillars of the Treaty and the outcomes of the Review Conferences.

4. The Conference expresses its concern with cases of non-compliance with the provisions of the Treaty by States parties and reaffirms that the strict observance of the provisions of the Treaty remains central to achieving the shared objectives of preventing, under any circumstances, the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to international peace and security. The Conference affirms the importance of strengthening compliance with and enforcement of the Treaty's obligations.

#### Articles I and II and preambular paragraph 1 to 3

1. The Conference welcomes the accession of Cuba, as well as

of Timor-Leste as States Parties to the Treaty, which brings the Treaty closer into its universality.

2. The Conference urges three States that have not yet adhered to the Treaty — India, Israel and Pakistan — to accede promptly to the Treaty as non-nuclear weapon States, without condition and without delay, and to place all their nuclear facilities under comprehensive IAEA safeguards. The Conference calls upon States not party to the NPT to refrain from acts which would defeat the object and purpose of the Treaty, and to take practical steps in support of the Treaty pending their accession to it as non-nuclear-weapon States.

3. The Conference emphasizes that the full and effective implementation of the Treaty is vital to international peace and security. The Conference reaffirms that each Article of the Treaty is binding on the respective States parties at all times and in all circumstances and that it is imperative that all States be held fully accountable with respect to the strict compliance with their obligations under the Treaty.

4. The Conference recognizes that the nuclear-weapon States parties to the Treaty reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices directly, or indirectly, and not in any way to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices. The Conference calls upon the nuclear-weapon States to refrain from nuclear sharing for military purposes under any kind of security arrangements, among themselves, with non-nuclear-weapon States and with States not party to the Treaty.

5. The Conference recognizes that the non-nuclear-weapon States parties to the Treaty reaffirmed their commitment not to receive the transfer from any transfer or whatsoever of nuclear weapons or other nuclear explosive devices, or of control over such weapons or explosive devices directly, or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices. The Conference also calls upon the non-nuclear-weapon States to refrain from any activities designed to develop nuclear weapons capability.

6. The Conference reaffirms the importance of transparency and making available an exchange of information, as appropriate, among States parties on measures related to the implementation and enforcement of their obligations under articles I and II.

7. The Conference expresses grave concerns over the risk that non-State actors may acquire nuclear weapons and their means of delivery and stresses that the most effective way to address this concern is the total elimination of nuclear weapons. In this connection, the Conference notes the adoption of Security Council resolution 1540 (2004) and General Assembly resolution 59/80 as measures to prevent non-State actors from acquiring such weapons.

8. The Conference encourages States parties to consider a wide range of measures against proliferation of nuclear weapons and their means of delivery in conformity with national legislation, the principles of international law and the Charter of the United Nations.

#### Item 17 Role of the Treaty in the promotion of non-proliferation of nuclear weapons and nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality

The Conference recognizes the threat to international peace and security posed by proliferation of weapons of mass destruction and their means of delivery. In order to address such challenges, the Conference reaffirms its determination to preserve the integrity of and to implement fully the Treaty and to make efforts towards the achievement of the goal of universality of the Treaty.

#### Disarmament and non-proliferation education

1. The Conference recognizes that disarmament and non-proliferation education can ensure the continuation of institutional

knowledge of those working on disarmament and non-proliferation issues and contribute to create understanding on such issues by the general public.

2. The Conference encourages States parties to undertake concrete activities to implement, as appropriate, the recommendations of the report of the United Nations Secretary-General on disarmament and non-proliferation education submitted by the Secretary-General to the General Assembly at its fifty-seventh session, and to voluntarily share information on efforts they have been undertaking in this area.

#### **Working paper of the Chairman of Subsidiary Body 1**

(Previously issued as document  
NPT/CONF.2005/MC.I/SB/CRP.4.)

#### **Article VI and the eighth to twelfth preambular paragraphs of the Treaty**

1. The Conference remains alarmed by the continued threat to humanity posed by the existence of nuclear weapons, reaffirms the need to make every effort to avert the danger to all mankind of nuclear war and nuclear terrorism and to take measures to safeguard the security of peoples.

2. The Conference recalls the Principles, Objectives and Undertakings for Nuclear Non-Proliferation and Disarmament including the principles of irreversibility, transparency, verifiability and undiminished security for all.

3. The Conference recalls the commitments to pursue effective measures and make systematic and progressive efforts to implement article VI including the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, and other steps.

4. The Conference recognizes the importance of the Moscow Treaty and seeks sustained efforts to implement it, and urges its Parties to undertake the reductions by 2012 to the lowest target number of nuclear warheads and by agreed timetables.

5. Building upon the decisions taken at the 1995 and 2000 Review Conferences, the Conference urges more intensified progress by the nuclear-weapon States in reducing or continuing to reduce their non-strategic and strategic nuclear arsenals.

6. The Conference affirms the value of full implementation of the Presidential Nuclear Initiative and of the extension of such a mechanism to all States possessing non-strategic nuclear weapons.

7. Pending the achievement of nuclear disarmament, the Conference calls upon the nuclear-weapon States to resolve further to restrict the deployment of nuclear weapons, their operational readiness and their potential role as defined in national security doctrines.

8. The Conference calls on the nuclear-weapon States to forego any efforts to research and develop new types of nuclear weapons or other nuclear explosive devices.

9. In looking forward to the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, the Conference welcomes efforts since 2000 against the testing of nuclear weapons or other nuclear explosive devices, including through maintenance of the existing moratoria, support for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, progress made in developing the International Monitoring System, and the increased membership of the Treaty.

10. The Conference pledges urgent efforts, especially in the Conference on Disarmament, to pursue and implement options for enhanced multilateral and other action on nuclear disarmament, including compliance aspects, and appeals to all members of the Conference on Disarmament to demonstrate the necessary flexibility to enable adoption of a programme of work that will advance crucial NPT-related tasks.

11. The Conference seeks affirmation by the nuclear-weapon States that they will place, as soon as practicable, fissile material designated as no longer required for weapons purposes under IAEA or other relevant international verification, and, welcoming work already undertaken on the development of verification capabilities for nuclear disarmament, urges that such work be

initiated by those nuclear-weapon States not already doing so.

12. Reaffirming the importance of reporting, the Conference welcomes the reports and information submitted to the Conference and agrees to provide reports on implementation of article VI on an annual basis.

#### **Negative security assurances**

1. The Conference recognizes that assuring non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons works towards the Treaty's principle of easing international tension and strengthening trust between States, thereby advancing the non-proliferation goals of the Treaty.

2. The Conference recalls the unilateral declarations by the nuclear-weapon States as recognized by United Nations Security Council resolution 984 (1995) regarding the provision of security assurances for non-nuclear-weapon States Parties to the Treaty, and the expectations of the 1995 Review and Extension Conference and the 2000 Review Conference that further steps should be recommended to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons.

3. The Conference calls upon the nuclear-weapon States to respect fully their existing commitments with regard to security assurances pending the conclusion of multilaterally negotiated legally binding security assurances for all non-nuclear weapon States Parties.

4. The Conference reaffirms that the establishment of nuclear-weapon-free zones is an effective measure towards strengthening the nuclear non-proliferation regime, acknowledges that States that engage in creating such zones enhance regional and international security while increasing levels of mutual trust.

5. The Conference welcomes the readiness of nuclear-weapon States to provide future security assurances to non-nuclear-weapon States within the context of nuclear-weapon-free-zones, and encourages further steps to be taken to bring into effect the assurances provided by nuclear-weapons-free zone treaties and their protocols.

6. The Conference recognizes that assurances against the use or threat of use of nuclear weapons are conditional and not applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations under the Treaty.

7. The Conference agrees on the need for further work, in the context of the strengthened review process, to be undertaken during the next review period on how security assurances would be encapsulated in a legally binding instrument with a view to endorsing the outcome of these deliberations at the 2010 NPT Review Conference.

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### **Report of Main Committee II**

[Reproduced from NPT/CONF.2005/MC.II/1,  
25 May 2005]

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#### **Establishment and terms of reference**

1. Under rule 34 of its rules of procedure, the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons established Main Committee II as one of its three Main Committees and decided to allocate to it the following items for its consideration (see document NPT/CONF.2005/DEC.1):

*Item 16.* Review of the operation of the Treaty:

(c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:

- (i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;
- (ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;
- (iii) Article VII;

*Item 17.* Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening

international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

Additionally, institutional issues were also dealt with under agenda item 17.

2. Also, pursuant to rule 34 of its rules of procedure, the Conference approved the establishment of subsidiary body 2, under Main Committee II. The Conference decided that subsidiary body 2 would examine "Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution". It further decided that the subsidiary body would be open-ended and that the meetings of the subsidiary body would be held in private. The Conference decided that subsidiary body 2 would hold two meetings and a proportionally shared meeting within the overall time allocated to Main Committee II and that the outcome of the work of the subsidiary body would be reflected in the report of Main Committee II to the Conference (NPT/CONF.2005/DEC.2).

#### Officers of the Committee

3. The Conference unanimously elected Ambassador László Molnár (Hungary) as the Chairman of the Committee and Ambassador Jorge Taiana (Argentina) and Ms. Saja Sattam Habes Majali (Jordan) as Vice-Chairpersons of the Committee.

4. Subsidiary body 2 was chaired by Ambassador Antonio Nuñez Garcia-Sauco (Spain).

#### Documents before the Committee

5. The Committee had before it the following documents that were relevant for the work of the Committee:

(a) Conference papers

[Eds...]

(b) Conference working papers

[Eds...]

(c) Documents submitted to Main Committee II:

(i) Working papers

[Eds...]

(ii) Conference working papers

[Eds...]

NPT/CONF.2005/MC.II/CRP.3 Report of Main Committee II: Chairman's draft

NPT/CONF.2005/MC.II/CRP.4 Draft report of Main Committee II

(d) Documents submitted to Main Committee II, subsidiary body 2

NPT/CONF.2005/MC.II/SB.2/CRP.1 Conference room paper submitted by the Chairman

#### Work of the Committee

6. The Committee held three plenary meetings and a fourth meeting, proportionally shared with subsidiary body 2, between 19 and 24 May 2005. An account of the discussions, which were held in public, is contained in the relevant summary records (NPT/CONF.2005/MC.II/SR.1-4). Subsidiary body 2 of Main Committee II held two meetings and a third meeting proportionally shared with Main Committee II, between 19 and 24 May. As the meetings of subsidiary body 2 were closed, there are no official records of those meetings. Main Committee II and subsidiary body 2 also held informal meetings and consultations during that period. After an item-by-item consideration of the agenda items allocated to it, the Committee, both at its formal and informal meetings, proceeded to a detailed discussion of the proposals and documents before it. The various views expressed and proposals made are reflected in the summary records of the Committee and in the working papers submitted to it. Those summary records and working papers form an integral part of the report of the Committee to the Conference.

7. At the fourth meeting of Main Committee II, on 24 May 2005, Ambassador Antonio Nuñez Garcia-Sauco (Spain), as Chairman of subsidiary body 2, made an oral report to the Committee. Ambassador Nuñez stated that there was no consensus on the various proposals that he had tabled and that for the purposes of reporting to Main Committee II the outcome of the work of subsidiary body 2, he intended to issue a conference room paper under his own responsibility, giving an account of the status of the negotiations. The Committee took note of his report.

8. At the fourth meeting of Main Committee II, on 24 May 2005, the Chairman concluded that the Main Committee has not reached consensus to attach the Chairman's draft, as included in document NPT/CONF.2005/MC.II/CRP.3, to the final report of the Committee and to forward it to the Conference for further consideration. The Committee took note of the Chairman's statement and agreed to adopt its final report. Subsequently, the Chairman announced the work of Main Committee II to be concluded.

### Report of Main Committee III

[Reproduced from NPT/CONF.2005/MC.III/1/Rev.1,

25 May 2005]

#### Establishment and terms of reference

1. Under rule 34 of its rules of procedure, the Conference established Main Committee III as one of its three Main Committees and decided to allocate to it the following items for its consideration (see document NPT/CONF.2005/DEC.1):

**Item 16.** Review of the operation of the Treaty:

(d) 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:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V;

(e) Other provisions of the Treaty.

**Item 17.** Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

#### Officers of the Committee

2. The Conference elected Ambassador Elisabet Borsiin Bonnier (Sweden) as the Chairman of the Committee; Minister Counsellor Ilir Melo (Albania) and Ambassador Sylvester Rowe (Sierra Leone) served as Vice-Chairmen.

#### Establishment of subsidiary body 3

3. At its nineteenth plenary meeting, on 18 May 2005, the Conference decided to establish, for the duration of the 2005 Review Conference, a subsidiary body under Main Committee III that would focus on other provisions of the Treaty, including article X (see document NPT/CONF.2005/DEC.2). Furthermore, the Conference decided that the subsidiary body would be open-ended, that its meetings would be held in private and that the outcome of its work would be reflected in the report of Main Committee III to the Conference. The subsidiary body was chaired by Ambassador Alfredo Labbe (Chile).

#### Documents before the Committee

4. The Committee had before it the following documents:

**(a) Background and conference documents**

[Eds...]

**(b) Documents submitted to the Committee**

[Eds...]

NPT/CONF.2005/MC.III/CRP.2 Draft report of Main Committee III

[Eds...]

NPT/CONF.2005/MC.III/CRP.4 Draft report of Main Committee III

#### Work of the Committee

5. The Committee held four meetings and the subsidiary body held two meetings, between 19 and 25 May 2005. An account of the discussion of the public meetings is contained in the relevant summary records (NPT/CONF.2005/MC.III/SR...). After an initial general exchange of views on all issues of concern to Main Committee III, it considered proposals contained in the documents listed in paragraph 4 above.

6. The Main Committee focused on articles III (3) and IV, preambular paragraphs 6 and 7 of the Treaty, and the subsidiary body focused on articles IX and X of the Treaty. No consensus was found.