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

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Working Paper submitted by Malaysia**on behalf of the Group of Non-Aligned and Other States Parties to the
Treaty on the Non-Proliferation of Nuclear Weapons**

1. We are meeting at a critical juncture to reflect on the progress made in the full realization of the objectives of the Treaty as well as the commitments and undertakings given at the 1995 Review and Extension Conference and the 2000 Review Conference. We are also mandated to make the procedural arrangements for the forthcoming review exercise. In these endeavors, the Movement will be guided by the decisions taken at the XIII Summit Meeting of NAM Heads of State or Government that was held in Kuala Lumpur last February. It is pertinent to note that the Summit, while addressing the wide-ranging ramifications of nuclear weapons and related issues, affirmed that multilateralism and multilaterally agreed solutions, in accordance with the UN Charter, provided the only sustainable method of dealing with the multiplicity of disarmament and international security issues.
2. In accordance with the Movement's long-standing and principled positions on nuclear disarmament, the NAM States Parties to the NPT remain fully committed to their obligations and commitments under the Treaty and the agreements reached at both the 1995 and 2000 NPT Review Conferences. In this regard, the NAM wishes to recall the comprehensive working paper submitted by the Movement during the 2000 Review Conference contained in document NPT/CONF.2000/18 as well as the working papers submitted to the 2002 Preparatory Committee meeting contained in documents NPT/CONF.2005/PC.I/WP.2 and NPT/CONF.2005/PC.I/WP.14.
3. The Movement remains fully convinced that the NPT is a key instrument in the effort to halt the vertical and horizontal proliferation of nuclear weapons. In this context, the Final Document of the 2000 Review Conference called on the Preparatory Committee to make recommendations to the 2005 Review Conference on these issues. All of the States Parties to the NPT should work towards a fair balance between the mutual obligations and responsibilities of the nuclear and non-nuclear weapon states with a view to achieving the complete elimination of nuclear weapons. We reiterate our conviction that pending the attainment of this goal, efforts for the conclusion of a universal, unconditional and a legally binding instrument on security assurances to non-nuclear weapon states should be pursued as a matter of priority.

4. The NAM States Parties to the NPT wish to reemphasize the urgency and the importance of achieving the universality of the Treaty, particularly by the accession to the Treaty at the earliest possible date of those States possessing nuclear capabilities, and resolve to make determined efforts to achieve this goal. The Movement reaffirms its support for the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction and the need for its speedy establishment in accordance with the relevant General Assembly resolutions adopted by consensus as well as Security Council resolution 487 (1981) and paragraph 14 of the Security Council resolution 687 (1991). We call upon all parties concerned to take urgent and practical steps toward the establishment of such a zone and, pending its establishment to call on Israel, the only country in the region that has not joined the NPT, nor declared its intention to do so, to renounce the possession of nuclear weapons, to accede to the NPT without delay, to place promptly all its nuclear facilities under IAEA Safeguards and to conduct all its nuclear related activities in conformity with the non-proliferation regime. We recall that the 2000 Review Conference reaffirmed the importance of Israel's accession to the Treaty 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.

5. We welcome Cuba's accession to the Nuclear Non-Proliferation Treaty.

6. We note the decision by the DPRK to withdraw from the NPT and express the view that the parties directly concerned resolve, through dialogue and negotiations, all issues related to the withdrawal of the DPRK from the NPT as an extension of their goodwill.

7. We also recall that the Final Document of the 2000 NPT Review Conference urged India and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear weapon states and to place all their nuclear facilities under comprehensive Agency Safeguards.

8. The Movement continues to consider the establishment of nuclear-weapon-free-zones (NWFZs) created by the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba as positive steps toward attaining the objective of global nuclear disarmament. We welcome the efforts aimed at establishing new NWFZs in all regions of the world and call for cooperation and broad consultation in order to achieve agreements freely arrived at between the States of the region concerned. We reiterate that in the context of NWFZs, it is essential that nuclear-weapon states should provide unconditional assurances against the use or threat of use of nuclear weapons to all States of the zone. We urge States to conclude agreements with a view to establishing new NWFZs in regions where they do not exist in accordance with the provisions of the Final Document of the First Special Session of the General Assembly Devoted to Disarmament (SSOD I) and the principles and guidelines adopted by the United Nations Disarmament Commission at its 1999 substantive session. In this context, we reiterate our support for Mongolia's nuclear-weapon-free status and consider that the institutionalization of that status would be an important measure towards strengthening the non-proliferation regime in that region.

9. The Movement welcomes the ratification by Cuba of the Tlatelolco Treaty. In this connection, all the Latin American and Caribbean States are now parties to the Treaty and brought the Treaty into full force in its area of application. The NAM also welcomes the on-going consultations between ASEAN and the nuclear weapon states on the Protocol of the Southeast Asian Nuclear-Weapon-Free-Zone (SEANWFZ) Treaty and urged the nuclear weapon states to become parties to the Protocol of the Treaty as soon as possible; likewise we

welcome the decision by all five Central Asian States to sign the Central Asian Nuclear-Weapon-Free-Zone Treaty as soon as possible. The NAM has also expressed its support for the initiative of convening an international conference of States parties, ratifiers and signatories to the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba to discuss and implement further ways and means of cooperation among themselves, their Treaty agencies and other interested States, at an appropriate time.

10. We reiterate our long-standing and principled position for the total elimination of all nuclear testing and, in this regard, wish to stress the significance of achieving universal adherence to the Comprehensive Test Ban Treaty, including by all the nuclear weapon states, which inter alia, should contribute to the process of nuclear disarmament.

11. The NAM States Parties to the NPT reaffirm the importance of achieving the universal application of IAEA's Safeguards system and urge all states which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible. This has been considered by the 2000 Review Conference, as one main objective, to consolidate and enhance the verification system for the non-proliferation regime. We stress in this regard, the importance of IAEA's Safeguards system, including comprehensive safeguards agreements and also the Model Additional Protocols. However, we do not desire to see international efforts towards achieving universality of comprehensive safeguards wither in favor of pursuing additional measures and restrictions on non-nuclear weapon states, which are already committed to non-proliferation norms, and which have renounced the nuclear-weapons option. We also express our strong rejection of attempts by any member state to use the IAEA's technical cooperation program as a tool for political purposes in violation of its Statute.

12. In this regard, we recall that the NPT fosters the development of peaceful uses of nuclear energy by providing a framework of confidence and cooperation within which those uses can take place. It is in this context that we reaffirm the inalienable right of the States Parties to the NPT to engage in research, production and use of nuclear energy for peaceful purposes without discrimination and that free and unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes be fully ensured.

13. We attach importance to resolution 56/24 L of the United Nations General Assembly on the Prohibition of the Dumping of Radioactive Wastes and called upon States to take appropriate measures to prevent any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States. We welcome the resolution adopted by the Council of Ministers of the Organisation of African Unity in 1991 (CM/Res.1356 {LIV}) on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Trans-boundary Movement within Africa. We call for effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the International Atomic Energy Agency (IAEA) as a means of enhancing the protection of all States from the dumping of radioactive wastes on their territories.

14. The NAM States Parties to the NPT reiterate their call for the full implementation of the unequivocal undertaking given by the nuclear weapon states at the 2000 Review Conference to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament. We expect that this undertaking be demonstrated without delay through an accelerated process of negotiations and through the full implementation of the 13 practical steps to advance systematically and progressively toward a nuclear-weapon-free world as agreed to in 2000. Despite the expectation by the international community that the successful outcome of the

2000 Review Conference would lead to the fulfillment of the unequivocal undertaking given by the nuclear weapon states as well as the full implementation of the 13 practical steps, very little progress has been made.

15. In this regard, allow us, Mr. Chairman, to reflect on some developments of concern to the Movement since the First Session of the Preparatory Committee as follows:

- We remain concerned at the lack of progress towards achieving the total elimination of nuclear weapons;
- Despite some progress made in the context of bilateral and unilateral reductions, thousands of these weapons are deployed and their numbers are unconfirmed, given the lack of transparency in various weapons programs;
- While noting the signing of the Treaty on Strategic Offensive Reduction between the Russian Federation and the United States on 24 May 2002, we stress that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons;
- There is to date no further evidence of agreed measures to reduce the operational status of these weapons;
- Strategic defense doctrines continue to set out rationales for the use of such weapons, as demonstrated by the recent policy review by one of the nuclear weapon states to consider expanding the circumstances under which these weapons could be used and the countries against whom they could be used;
- The possible development of new weapons and new targeting options to serve aggressive counter-proliferation purposes further undermines disarmament commitments;
- The abrogation of the Treaty on the Limitation of Anti-Ballistic Missiles (ABM) brings new challenges to strategic stability and the prevention of an arms race in outer space. We remain concerned that the implementation of a national missile defence system could trigger an arms race(s) and the further development of advanced missile systems and an increase in the number of nuclear weapons. In accordance with United Nations General Assembly resolution 57/57, we emphasize the urgent need for the commencement of substantive work, in the Conference on Disarmament, on the prevention of an arms race in outer space;
- The lack of progress in the early entry into force of the Comprehensive Test Ban Treaty (CTBT). The Movement stresses the significance of achieving universal adherence to the CTBT, including by all the nuclear weapon states, which, inter alia, should contribute to the process of nuclear disarmament. The Movement expresses its satisfaction that 167 States have signed the Treaty and 98 States have ratified it thus far. NAM reaffirms that if the objectives of the Treaty were to be fully realized, the continued commitment of all States signatories, especially the nuclear weapon states, to nuclear disarmament would be essential;
- The continued inflexible postures of some nuclear weapon states that has prevented the Conference on Disarmament, the sole multilateral negotiating body on disarmament, from

establishing an Ad Hoc Committee on nuclear disarmament. We continue to believe in the need for negotiations on a phased program for the complete elimination of nuclear weapons with a specified framework of time, including a Nuclear Weapons Convention. In this regard, we reiterate our call to establish, as soon as possible, and as the highest priority, an Ad Hoc Committee on Nuclear Disarmament. The Movement underlines once again the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. NAM regrets that no progress has been made in the fulfillment of this obligation despite the lapse of almost seven years.

- The continued inability of the Conference on Disarmament to resume its negotiations on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile materials for nuclear weapons and other explosive devices, taking into account both nuclear disarmament and non-proliferation objectives;
- The lack of progress in diminishing the role of nuclear weapons in security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination; and
- The inability of the UNDC to reach a consensus document on “ways and means to achieve nuclear disarmament” at its third and last substantive session in 2003.

16. These issues of concern to the Movement reflect a deepening crisis in multilateral disarmament diplomacy. Strengthening the role of the United Nations in resolving these issues is a collective responsibility. It offers the basis for developing and giving substance to a comprehensive disarmament process at all levels. Hence, we reiterate our support for the convening of the Fourth United Nations Special Session Devoted to Disarmament (SSOD IV) with the participation of all member states on the basis of the need to review and assess the implementation of the Final Document adopted by SSOD I, while reaffirming its principles and priorities. NAM welcomed the decision by the General Assembly to establish an open-ended working group to consider the objectives and agenda including the possibility of establishing the preparatory committee for the Special Session. In this regard, the Movement looks forward to more substantive and interactive sessions of the open-ended working group and its positive recommendations with a view to facilitating the convening of the Special session.

17. The NAM is also concerned that no progress has been achieved towards the realization of the Millennium Declaration in which Heads of State and Government resolved to strive for the elimination of weapons of mass destruction, in particular, nuclear weapons, and to keep all options open for achieving this aim, including the possibility of convening an international conference to identify ways and means of eliminating nuclear dangers. We again call for an international conference, at the earliest possible date, with the objective of arriving at an agreement on a phased program for the complete elimination of nuclear weapons, with a specified framework of time to eliminate all nuclear weapons, to prohibit their development, production, acquisition, testing, stockpiling, transfer, use or threat of use, and to provide for their destruction. We are also deeply concerned about the progressive erosion of multilateralism and emphasize the importance of collective international efforts to enhance and maintain international peace and security.

18. The NAM States Parties to the NPT believe that the First Prep.Com. Session has dealt with most procedural issues necessary for the 2005 Review Conference. Yet, we emphasize the need for a substantive interaction beyond formal exchange of views between the States Parties at these meetings. The issues raised at the Preparatory Meetings need to be addressed so as to continue strengthening the implementation of the Treaty and the undertakings agreed upon at the 2000 NPT Review Conference, and also to lay the necessary foundation for the development of recommendations at the Third Preparatory Session for the 2005 Review Conference. It should be recalled that the Final Document of the 2000 Review Conference states clearly that “each session of the Preparatory Committee should consider specific matters of substance relating to the implementation of the Treaty and the Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences”.

19. To this end, in NAM’s view, this Session should also substantially focus on nuclear disarmament so as to ensure that there is a proper accounting in the reports by states of their progress in achieving nuclear disarmament. In this regard, we wish to recall that the Final Document of the 2000 Review Conference called for 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”. It is the Movement’s expectation that States Parties to the Treaty, in particular, nuclear weapon states, should submit reports to each Session of the Preparatory Committee Session including this Session. Furthermore, the reports on Article VI should cover issues and principles addressed by the 13 practical steps agreed in the 2000 Review Conference and include specific and complete information on each of these steps. These reports should also address, inter alia, current policies and intentions as well as developments in these areas.

20. The NAM believes that the Preparatory Committee sessions should also focus substantially on the Middle East and further recalls that the Final Document of the 2000 Review Conference calls on all States Parties to the Treaty, particularly the nuclear weapon states, the states of the Middle East and other interested states to report through the United Nations Secretariat to the President of the 2005 Review Conference and to the Chairperson of the Preparatory Committee meetings to be held in advance of the Conference, on the steps taken to promote the achievement of a NWFZ and the realization of the goals and objectives of the 1995 resolution on the Middle East. The NAM expects that all States Parties to the NPT, in particular, the nuclear weapon states, should submit reports in this regard as agreed in the 2000 Final Document.

21. The NAM States Parties to the NPT also believes that the Preparatory Committee should also substantially focus on security assurances. The 2000 Review Conference “agreed that legally binding security assurances by the five nuclear weapon states to the non-nuclear weapon states parties strengthen the Nuclear non-proliferation regime” and “calls on the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue”. The Heads of State or Government of the Non-Aligned Movement reaffirmed at the recent Summit meeting in Kuala Lumpur that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. They reiterated their conviction that pending the total elimination of nuclear weapons efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon states should be pursued as a matter of priority.

22. The NAM States Parties to the NPT further recall that specific time was made available at the 2000 Review Conference and during its preparatory process for the discussion on, and consideration of, proposals on the provisions in Article VI and in paragraphs 3 and 4 C of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament” dealing with nuclear disarmament, as well as on the resolution on the Middle East adopted at the 1995 Review and Extension Conference. In this context, we reaffirm the importance of establishing at the 2005 Review Conference a subsidiary body to Main Committee I to deliberate on practical steps for systematic and progressive efforts to eliminate nuclear weapons, as well as a subsidiary body to Main Committee II to consider and recommend proposals on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the NPT. In this regard, we furthermore underline and emphasize the need for Preparatory Committee meetings – and also at this particular meeting – and to include in its program of work, allocation of specific time for deliberations on nuclear disarmament and on the implementation of the 1995 resolution on the Middle East and security assurances.

23. We would like to conclude by requesting that this statement be circulated by the Secretariat as a Working Paper of the Second Preparatory Committee.
