

**Preparatory Committee for the 2010
Review Conference of the Parties to
the Treaty on the Non-Proliferation
of Nuclear Weapons**

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SUMMARY RECORD OF THE 14th MEETING*

Held at the Palais des Nations, Geneva,
on Friday, 9 May 2008, at 10 a.m.

Chairman: Mr. YELCHENKO (Ukraine)

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CLOSURE OF THE SESSION

* No summary records were issued for the 6th to 13th meetings.

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Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.35 a.m.

COMMEMORATION OF THE END OF THE SECOND WORLD WAR

1. The CHAIRMAN noted that the final meeting of the session coincided with the sixty-third anniversary of the end of the Second World War.
2. At the invitation of the Chairman, the members of the Committee observed a minute of silence.

STATEMENT BY THE REPRESENTATIVE OF THE UNITED KINGDOM ON BEHALF OF THE FIVE PERMANENT MEMBERS OF THE SECURITY COUNCIL

3. Mr. DUNCAN (United Kingdom of Great Britain and Northern Ireland), speaking on behalf of the permanent members of the Security Council, expressed strong support for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The proliferation of nuclear weapons constituted a threat to international peace and security. The Treaty had, however, served the global community well over the past four decades, remaining a key instrument for collective security and the bedrock on which the international architecture to prevent the proliferation of nuclear weapons was built. The five permanent members affirmed their unequivocal commitment to strengthening the Treaty and to a successful outcome to the 2010 Review Conference. They welcomed the constructive and substantive discussion that had taken place at the current session, and would work to reinforce the positive dynamic that had been established. The challenges that had been posed should be met through multilateralism on the basis of the Treaty and through partnership in which all participated. The Treaty's central role in promoting security for all depended on concerted action by all States parties to ensure compliance and respond effectively to non-compliance. The five permanent members attached great importance to achieving the universality of the Treaty, and called on all non-parties to accede as non-nuclear-weapon States.
4. The five permanent members stressed the importance of the comprehensive safeguards system of the International Atomic Energy Agency (IAEA), which should be adequately funded. Adherence to safeguards agreements and to the Additional Protocol should be universal, and the five permanent members urged their ratification and implementation.
5. All States parties should ensure strict compliance with their non-proliferation obligations under the Treaty. The proliferation of nuclear weapons undermined the security of all nations, imperilled prospects for progress on other important goals, such as nuclear disarmament, and harmed the prospects for expanding international nuclear cooperation. The proliferation risks presented by the nuclear programme of the Islamic Republic of Iran continued to be a matter of serious concern, as evidenced by the decision of the Security Council to adopt resolution 1803 (2008) on the country's nuclear programme under Article 41 of the Charter of the United Nations, as part of a dual-track strategy. The Islamic Republic of Iran should respond to the international community's concerns through prompt and full implementation of the relevant Security Council resolutions and IAEA requirements. The issue should be resolved through negotiations on the basis of the offer agreed in London on 2 May 2008. The five permanent members also restated their support for the six-party talks process moving towards

the verifiable denuclearization of the Korean peninsula, and urged the implementation of the relevant Security Council resolutions. The relevant six-party members should continue their cooperation through the full implementation of the joint statement issued on 19 September 2005.

6. The five permanent members reiterated their enduring commitment to the fulfilment of their obligations under article VI of the Treaty, noting the unprecedented progress made by the nuclear-weapon States since the end of the cold war in the field of nuclear disarmament.

7. The five permanent members restated their support for the 1995 resolution on the Middle East, which had advocated a Middle East zone free of nuclear weapons and other weapons of mass destruction. They welcomed efforts to support the principles and objectives of the Middle East peace process, which contributed to that end. Significant security challenges remained in the region.

8. The five permanent members would abide by their respective moratoriums on nuclear test explosions. One element in the effective implementation of article VI of the Treaty and the prevention of nuclear proliferation would be a treaty banning the production of fissile material for use in nuclear weapons or other explosive devices. The five permanent members urged the Conference on Disarmament to show the necessary flexibility to get the Conference back to work.

9. The five permanent members reaffirmed the inalienable right of all States parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination. A growing number of States parties were showing interest in developing nuclear programmes aimed at addressing their long-term energy requirements and other peaceful purposes. The five permanent members were ready to cooperate in the development of nuclear energy for peaceful uses, at the same time emphasizing the requirement for compliance with non-proliferation obligations. Such international cooperation should contribute to the full implementation of the Treaty.

10. The five permanent members welcomed the work of IAEA on multilateral approaches to the nuclear fuel cycle and encouraged efforts to establish a multilateral mechanism to ensure access for all countries to nuclear fuel services as a viable alternative to the indigenous development of enrichment and reprocessing. Such a mechanism would support implementation of the right to peaceful uses of nuclear energy in a safe and secure fashion, preserve the existing competitive open market, respond to the real needs of recipient countries and strengthen the non-proliferation regime. It was essential that the 2010 Review Conference should address the issue.

11. The five permanent members would work to uphold the framework for the safe and secure uses of nuclear and radioactive materials for peaceful purposes. They reaffirmed their commitment to safe and secure regulatory infrastructure and their determination to develop innovative nuclear energy systems through joint and national initiatives, which would underpin clean and affordable nuclear development, increase energy security, minimize the impact on the environment and the production of radioactive waste and provide greater protection against proliferation through the provision of reliable fuel services, proliferation-resistant reactor technologies and strengthened international safeguards.

12. Mr. SOLTANIEH (Islamic Republic of Iran), speaking on a point of order, expressed profound disappointment at the statement made on behalf of the five permanent members of the Security Council. Instead of talking about their own obligations under the Treaty and their failure to comply with it, they had engaged in the dangerous game of naming specific States, which would serve only to discourage others from acceding to the Treaty. The statement called into question their political will to achieve the negotiated solutions for which they called. Their policy of impeding progress in the Islamic Republic of Iran had been a failure over the past five years. His country would not bow to threats and provocation, nor would it relinquish its inalienable right under the Treaty and the IAEA Statute to the peaceful uses of nuclear energy. The statement by the five permanent members had been destructive and counterproductive. They should adopt a different approach if they really had the best interests of the Treaty at heart.

ADOPTION OF THE REPORT AND RECOMMENDATIONS OF THE PREPARATORY COMMITTEE TO THE REVIEW CONFERENCE

13. The CHAIRMAN recalled that the Final Document of the 2000 NPT Review Conference had stated that the consideration of the issues at each session of the Preparatory Committee should be factually summarized and its results transmitted in a report to the next session for further discussion. In 2002 and 2003, the Chairman's factual summaries had been annexed to the reports of the Preparatory Committee. In fulfilment of his mandate, he had produced a factual summary, which was before the Committee. His consultations with certain delegations indicated, however, that it would not be possible to annex the factual summary to the report for transmission to the next session of the Committee. He had therefore turned the factual summary into a working paper.

14. He invited the Committee to take up the consideration and adoption of the draft report (NPT/CONF.2010/PC.II/CRP.4), which was technical and procedural in nature. He suggested that the Committee should adopt the draft report paragraph by paragraph.

I. Introduction

Paragraphs 1 to 4

15. Paragraphs 1 to 4 were adopted.

Paragraph 5

16. Paragraph 5 was adopted, subject to the addition of the relevant information by the secretariat.

Paragraph 6

17. Paragraph 6 was adopted.

II. Substantive and procedural issues

A. Organization of work of the Preparatory Committee

Paragraphs 7 to 21

18. Paragraphs 7 to 21 were adopted.

B. Organization of the 2010 Review Conference

Paragraphs 22 to 26

19. Paragraphs 22 to 26 were adopted.

C. Documentation

Paragraph 27

20. Paragraph 27 was adopted.

III. Summary of the results

21. The CHAIRMAN suggested that the title of section III of the draft report should be deleted.

22. It was so decided.

23. The draft report of the Preparatory Committee as a whole, as amended, was adopted.

24. Mr. LOGAR (Slovenia), speaking on behalf of the European Union, welcomed the discussion on all three pillars of the NPT at the current session. It was commendable that States parties had reaffirmed their common commitment to maintaining the Treaty's integrity and authority.

25. Important procedural decisions had been adopted on financial arrangements for the third session, as well as the time, venue and Chair. The Committee would, however, need to streamline its discussions if it was to prepare properly for the 2010 Review Conference. The European Union would cooperate constructively with all States parties to find a consensus on upholding the Treaty.

26. Mr. PUJA (Indonesia), speaking on behalf of the Group of Non-Aligned States parties to the Treaty, said that the Group had participated actively in the deliberations. It had also demonstrated flexibility with regard to decisions taken by the Committee, which would be important for the success of the next session. It would remain engaged and expected other States parties to reciprocate. The working papers submitted by the Group on nine specific questions remained on the table for further reflection. Despite the existing divergence of views, the Group was ready to engage constructively with all States parties in order to attain an equitable world of peace and security.

27. Mr. SOLTANIEH (Islamic Republic of Iran) said that the second session of the Preparatory Committee had been a success insofar as all non-nuclear-weapon States had been given an opportunity to express thoroughly and clearly their concern about the failure of nuclear-weapon States to comply with article VI of the NPT and others, but expressed disappointment that a few countries had tried to draw attention away from such concerns. Fortunately, records were produced for the meetings of the Preparatory Committee, and the approach of a certain small number of countries would be known to future generations. The statement made by the five nuclear-weapon States was welcome; as a result, he could now convey the message to the whole world that the United States, the United Kingdom and France did not have the political will or the intention to find a peaceful solution to the Iranian nuclear issue.
28. Regarding the Chairman's working paper, he said that the impartiality of the Chairman was essential to the success of the meetings, and it was therefore important that he should not enter into debate between States parties. Similarly, it was neither fair nor wise to entrust one person with the responsibility of summarizing the delicate positions of the States parties on such a sensitive national-security-related issue. As any text accepted by consensus could be prepared only through negotiation - which was not feasible in the case of the summary because of time constraints - the statements of States parties, working papers and records of discussions during the meetings should be considered sufficient record of the meeting. Presentation of a so-called factual summary by a chairman would create debate or even unnecessary confrontation, which would undoubtedly endanger the future of the NPT. Having thoroughly reviewed the Chairman's working paper, he concluded that it lacked balance when dealing with all the main concerns and expectations of States parties. It was also misleading insofar as it implied there was unanimity as to its content.
29. There were many further shortcomings. A summary should reflect all statements by States parties, but the working paper instead omitted many statements, in particular those made by non-nuclear-weapon States and members of the Non-Aligned Movement. The use of the term "States parties" was inconsistent, as in some paragraphs it referred to all States parties, in others only some.
30. The section on nuclear disarmament was weak and, when compared with other sections, unbalanced: the issue of the early date for nuclear disarmament provided for in the Treaty was not included, while some limited steps which could by no means be regarded as nuclear disarmament had been exaggerated. The burden of non-proliferation was unfairly placed on the non-nuclear-weapon States in the working paper, yet the main proliferation risks were posed by certain nuclear-weapon States which had proliferated nuclear-weapon technology through nuclear sharing and cooperation with non-parties.
31. The summary did not reflect the views of developing countries regarding the inalienable right of the States parties to peaceful uses of nuclear energy; on the contrary, conditions and limitations had been unduly imposed in that area.
32. Reference was made to some exclusive, non-transparent and discriminatory groups and initiatives which had already been rejected and should not be reflected in a summary unless their discriminatory nature and the positions of other countries were also reflected. The fact that

each nuclear-weapon State bore the main responsibility for nuclear security and preventing nuclear terrorist groups from accessing nuclear weapons or materials within its territory or under its control had not been duly reflected either.

33. Regarding the programme of work of the Conference on Disarmament, the position of one side had been emphasized, while the important issue of producing a balanced and comprehensive programme of work which included nuclear disarmament had been overlooked.

34. With regard to IAEA safeguards, the views reflected in the working paper were not those of a large number of countries, and the new proposals mentioned were inconsistent with the IAEA Statute. The Additional Protocol was described as if it were a legally binding instrument, contrary to the view of almost all those who had acceded to it and the position of the Non-Aligned Movement.

35. The views on article X reflected in the working paper differed from those expressed by a large number of countries during deliberations in the Committee, and the new proposals mentioned contravened the provisions of the Treaty.

36. In some areas, the working paper referred to areas outside the Committee's mandate. References to issues such as missiles and discriminatory and non-internationally negotiated arrangements were not relevant to the NPT or the Preparatory Committee.

37. Regarding the sensitive issue of the nuclear fuel cycle, the working paper was incompatible with the NPT, the IAEA Statute and the outcome of the 2000 Review Conference.

38. In the context of proposals for a nuclear-weapon-free zone in the Middle East, the Non-Aligned Movement had called for complete prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of facilities to the Israeli regime, a call not mentioned in paragraph 43. Moreover, the working paper referred to political issues outside the mandate of the Preparatory Committee, such as the so-called Middle East peace process.

39. The reference to the exclusively peaceful nuclear activities of the Islamic Republic of Iran was illogical and irrelevant. As remaining issues under the work plan were being resolved, implementation of the IAEA safeguards in the Islamic Republic of Iran was a routine matter. The Preparatory Committee should not be misused by a few States for their narrow political objectives.

40. Mr. SHOUKRY (Egypt) said that, during preliminary talks, the members of the Non-Aligned Movement had repeatedly expressed the belief that the Committee should adopt a report outlining areas in which consensus had been reached. The Chairman's working paper was, however, an attempt to present an account of issues raised, rather than an effort to chart areas of convergence on future work. He expressed surprise that the paper drew extensively from the non-consensual draft text prepared by the Chairman during the first session, thus attempting to consolidate a non-consensual basis for the work of the third session. The draft working paper submitted by the current Chairman referred to divergent views, including controversial ones expressed during the session, without indicating the extent of support for such views. It did not outline the relevance of such views to NPT provisions or the substantive competence of the

current review process, or identify a solid action-orientated basis for the work of the third session. The second session had lost a valuable opportunity to deliver a consensual outcome on which the third session could build.

41. He welcomed the support expressed for the implementation of the 1995 resolution on the Middle East. The adoption of practical measures in that regard, in particular for establishing a nuclear-weapon-free zone in the Middle East, was of direct relevance to the NPT and its review cycle, and it was regrettable that open efforts had been made to obstruct that process, whether by inexplicably and unacceptably invoking conditions on or by creating unsubstantiated linkages to areas which lay outside the scope of the NPT. A number of States had deliberately refrained from addressing the principal obstacle to achieving universality of the Treaty in the regional context of the Middle East, namely Israel's refusal to accede to the Treaty. All such efforts, which either undermined the importance of achieving the universality of the Treaty or reflected a lack of commitment to uphold NPT-related commitments, raised serious questions as to the future viability of the Treaty. There was a risk that States parties in the Middle East might be unresponsive to the concerns of States parties which insisted on discrediting the very objectives, principles and provisions of the Treaty.

42. Regarding the joint statement by the five nuclear-weapon States, while the statement was limited in scope and continued to include conditions that did not necessarily serve the collective interests of the Preparatory Committee, it was a step in the right direction. If the five nuclear-weapon States were to reinforce that trend during the subsequent intersessional period by applying practical measures to implement the resolution on the Middle East, that would certainly make a positive contribution to the success of the review process.

43. Mr. MACKAY (New Zealand) said that, while there was always a risk of overemphasis, omission or controversial views in a summary, the Chairman's working paper was fair and balanced overall. While he took note of the comments made by representatives concerning coverage of the Middle East issue, in particular the representative of Egypt, he would have agreed to the summary being annexed to the session report. He welcomed in particular the inclusion and fair reflection in the document of a number of forward-looking proposals on such matters as transparency, confidence-building and more structured reporting by the nuclear-weapon States. Such reporting was important as it would build on some of the elements contained in the joint statement by the five nuclear-weapon States, and would help inform non-nuclear-weapon States and assist nuclear-weapon States in receiving recognition for any efforts made. Overall, the working paper would serve as a useful focus for work prior to and during the third session.

44. Mr. FORD (United States of America) said that it was important not to be too hasty in criticizing the Chairman's working paper. The issue was not whether some representatives found its content objectionable, rather it was a record of what had been said during the session, and even confused or ill-founded ideas were reflected.

45. With regard to the Islamic Republic of Iran, he recognized that the Chairman was in a difficult political situation: in 2007, the Islamic Republic of Iran had threatened to block the adoption of the report because of criticism of its failure to comply with its non-proliferation obligations. Unfortunately, that pressure seemed to have had some effect, and the Islamic Republic of Iran had been treated more gently in the 2008 Chairman's working paper. The extent

of the serious concern that continued to be expressed regarding the Islamic Republic of Iran's nuclear programme was not reflected, while certain confused justifications by the Islamic Republic of Iran for violating the Treaty, safeguards, rules and its obligations under the Charter were included. The 2007 Chairman's working paper had already been unduly generous towards the Islamic Republic of Iran, and yet the Iranian proliferation challenge had worsened. A new Chapter VII Security Council resolution had been adopted since the 2007 session of the Preparatory Committee; another resolution for which Iran had shown unmitigated contempt. Internal Iranian documentation had been revealed to IAEA detailing activities relating to nuclear weapons development. The Islamic Republic of Iran had spurned ever more generous incentives packages offered as part of the international community's dual-track strategy for dealing with the emerging nuclear weapons proliferation crisis. It was therefore regrettable that the Chairman's working paper did not reflect the richly deserved criticism that had been levelled at the Islamic Republic of Iran during the 2008 session of the Preparatory Committee.

46. The Chairman's paper mentioned reports of a covert nuclear reactor project in the Syrian Arab Republic, in violation of the procedures to reassure the world of the peaceful intent of those nuclear activities. However, it failed to reflect the full weight of the concern, despite the need spelt out by many during the session to ensure that IAEA was able to promptly investigate all outstanding questions regarding the Syrian covert nuclear programme.

47. The Chairman's working paper neglected to mention what was in some ways the most alarming aspect of the Syrian Arab Republic's secret nuclear programme: the involvement of the Democratic People's Republic of Korea. In addition, it overplayed unfair and unfounded accusations against the United States, while downplaying its successes in achieving unprecedented reductions in delivery systems, stocks of fissile material, numbers of nuclear warheads and the role of nuclear weapons in strategic planning. Perhaps that was because such issues were not easily comprehended by those without much experience in nuclear technology and strategy, and because ad hominem criticism was often easier than thoughtful engagement. Efforts to reach out to diplomatic counterparts and civil society had been rewarded by a greater seriousness in international discussions on disarmament and a growing willingness on the part of most countries to acknowledge the steps that the United States was continuing to take. It was regrettable that the signs of an increasingly constructive debate were not represented in the paper.

48. The term "abrogation" used in paragraph 23 of the Chairman's working paper, apparently to describe the withdrawal of the United States from the Anti-Ballistic-Missile Treaty, implied that the United States had somehow violated the terms of the Treaty, even though no State party had alleged any such violation. The United States had lawfully withdrawn from the Treaty in accordance with its withdrawal provisions, and it was unfair to use such a term.

49. It was a distortion of the debates that had taken place to include in the Chairman's working paper the allegations by some States parties that the United States had been providing nuclear weapons assistance to States that were not parties to the Treaty, such as Israel, without also mentioning that the United States had offered repeated reassurances regarding its agreements and had made public information documenting that such cooperation remained consistent with the NPT, safeguards obligations and the requirements of United States law and policy, and had nothing to do with nuclear weapons. To pretend that such clarifications had not been made was misleading. Complaints about the recent renewal of the long-standing agreement between the

two States, an agreement limited to unclassified, non-proprietary information related to reactor safety and the regulation of safeguarded facilities, showed that the critics had not read the agreement.

50. Other records of the session and the thoughtful papers that many governments had submitted reflected the substantive debate that had taken place, the very debate that had been denied the previous year by the Islamic Republic of Iran, and were proof of the success of the 2008 session of the Preparatory Committee.

51. Mr. WANG (China) said that the 2008 Preparatory Committee had been conducted in a peaceful atmosphere and had been a success. China would continue to work with other States parties to ensure the success of the 2010 Review Conference.

52. Mr. AL-HAMOUI (Syrian Arab Republic) said that, as expected, a clear attempt had been made to disrupt the work of the session, and the United States had repeated its politically motivated claims and allegations against the Syrian Arab Republic. That attempt had impeded efforts to reach consensus and affected the positive and constructive atmosphere needed for discussion. His delegation had submitted a working paper, which was based mainly on United States sources and references, and which clearly and unambiguously set out the United States' violations of the NPT.

53. He welcomed the statement made on behalf of the permanent members of the Security Council, which clearly indicated their resolve to implement the 1995 resolution to declare the Middle East a nuclear-weapon-free zone and their call for the universalization of the NPT. Israel remained the only country in the region which was not a party to the Treaty, and continued to develop nuclear weapons technology.

54. Mr. SOLTANIEH (Islamic Republic of Iran) said that the shameful silence of the United States regarding its non-compliance with articles I and VI of the NPT had been broken. The issue of nuclear cooperation with Israel was out in the open. An international mechanism to verify the assertions made by the United States representative was necessary, and he would work towards that end.

55. The records showed that the 1990 NPT Review Conference had failed because the United States had blocked a consensus on the comprehensive testing of nuclear weapons. The 2005 Review Conference had also failed because of the United States' position on that agenda item. The multilateralism of the meeting had been taken hostage by the United States' policy.

56. Developments had occurred in the Islamic Republic of Iran since the previous year, and details could be found in the IAEA Director-General's report. The Islamic Republic of Iran had taken steps beyond its NPT obligations to show the world that its nuclear technology was destined exclusively for the peaceful use of nuclear energy.

57. The NPT forum was not the Security Council, and the United States had no veto, but was on an equal footing with other States parties.

58. The Islamic Republic of Iran already had enrichment technology, despite 30 years of United States sanctions, and that fact had been confirmed by IAEA experts. It was continuing its cooperation with IAEA and its enrichment activities under IAEA safeguards. In order to strengthen all three pillars of the NPT, constructive discussions were needed and States parties had to be mutually supportive. There would be no incentive for States to join treaties, such as the Chemical Weapons Convention, if they believed that the Security Council would take punitive measures against them as a result.

59. Mr. FASSIH (Algeria), associating himself with the statement made on behalf of the non-aligned countries, said that, although some positive points were made in the Chairman's working paper, for example on a draft nuclear weapons convention, overall it was marked by a lack of balance. That lack of balance pertained to essential issues such as the Middle East, the peaceful use of nuclear energy and disarmament. In the light of that situation, he had not been able to endorse the document as a factual summary, but supported its use as a working paper providing a basis for the future work of the States parties. The third session of the Preparatory Committee and the 2010 Review Conference had to produce robust results to meet the challenges facing international peace and security, and could do so only with the cooperation of all States parties.

CLOSURE OF THE SESSION

60. After the customary exchange of courtesies, the CHAIRMAN declared the second session of the Preparatory Committee closed.

The meeting rose at 12.10 p.m.