

2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the 1995 resolution and 2010 outcome on the Middle East

Working paper submitted by Bahrain on behalf of the Arab Group

1. The issue of the establishment of a Middle East zone free of nuclear weapons has long occupied the international community. Despite the fact that the General Assembly has passed a resolution yearly on the establishment of a Middle East zone free of nuclear weapons since 1974, unfortunately, the issue remains unresolved after 40 years.
2. In 1995, as an integral part of the Treaty on the Non-Proliferation of Nuclear Weapons extension package, the 1995 Extension and Review Conference adopted a resolution sponsored by the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction (hereinafter the 1995 Resolution).
3. After 15 years of inaction, the 2010 Review Conference adopted as part of its action plan a set of actions on the implementation of the 1995 Resolution that included, inter alia, mandating the Secretary-General and the co-sponsors of the 1995 Resolution to convene a conference in 2012 on the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction (hereinafter the 2012 conference), and mandating the Secretary-General and the co-sponsors of the 1995 Resolution to appoint, after consultations with the States of the region, a facilitator and a host Government for the 2012 conference.
4. In October 2011, the Secretary-General announced the appointment of Finnish Undersecretary Jaakko Laajava as the facilitator and the Government of Finland as the host. Despite the efforts of the facilitator and the full engagement of the member States of the League of Arab States (annex A), it was announced, without consulting Arab States, in November 2012 that the 2012 conference had been postponed. Despite later efforts by the facilitator and the continued engagement of the member States of the League of Arab States to convene the conference during the subsequent years outside of the mandate defined in the 2010 action plan (annex B), the conference has not been held to date.



5. In view of the fact that the 2012 conference was not held in accordance with the defined mandate of the 2010 action plan, the Arab States call upon the 2015 Review Conference to adopt the following:

a. To reaffirm the 1995 Resolution on the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction, which, being the basis upon which the treaty was indefinitely extended without a vote, remains valid until it is fully implemented;

b. To call upon Israel, the only State in the Middle East that remains outside the Treaty, to immediately sign and ratify the Treaty without any further delay, as a non-nuclear-weapon State;

c. To call upon the Secretary-General to convene a conference within 180 days from the adoption of the 2015 Review Conference Final Document, aimed at launching a process to conclude a legally binding Treaty establishing a Middle East zone free of nuclear weapons and all other weapons of mass destruction (hereinafter “The Middle East Nuclear Weapon- and Weapons of Mass Destruction-Free Zone Conference”) with the following mandate:

1) The Secretary-General shall invite States of the Middle East region to attend the Middle East Nuclear Weapon- and Weapons of Mass Destruction-Free Zone Conference. The Secretary-General shall exert all efforts and take all necessary measures with a view to ensuring the success of the conference;

2) In addition to States of the region (defined as members of the League of Arab States, Israel and the Islamic Republic of Iran), the five nuclear-weapon States, the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons, the Biological Weapons Convention Implementation Unit and the League of Arab States shall be invited to attend the Middle East Nuclear Weapon- and Weapons of Mass Destruction-Free Zone Conference as observers;

3) The Middle East Resolution adopted at the 1995 Review and Extension Conference shall be the terms of reference of the Middle East Nuclear Weapon- and Weapons of Mass Destruction-Free Zone Conference;

4) The Middle East Nuclear Weapon- and Weapons of Mass Destruction-Free Zone Conference shall also adopt the establishment of two working groups as follows:

a) *Working Group I*: dealing with the scope, geographic demarcation of the zone,¹ prohibitions and interim measures;

b) *Working Group II*: dealing with verification measures and implementation mechanisms;

5) The Middle East Nuclear Weapon- and Weapons of Mass Destruction-Free Zone Conference shall meet annually in its plenary format and working groups;

6) When such time that a legally binding treaty is agreed among the participating States of the region, the Secretary-General shall reconvene the

¹ Report by the Director General of IAEA, entitled, “Application of IAEA Safeguards in the Middle East” (GOV/2013/33/Add.1-GC(57)/10/Add.1).

conference to adopt the negotiated treaty on the establishment of a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East;

7) The Secretary-General shall inform the 2020 Review Conference and its preparatory committees on progress made and the status of the implementation of the 1995 Resolution;

8) The permanent five members of the Security Council shall provide all necessary support for the implementation of this mandate, and shall present reports on their actions in this regard to the Review Conference and its preparatory committees, especially the co-sponsors of the 1995 Resolution, who bear special responsibility for the resolution they sponsored to guarantee the indefinite extension of the Treaty without a vote in 1995;

9) The Secretary-General shall secure the required funds, including through a voluntary fund that could be established by the Secretary-General to support the implementation;

d. To request all Member States to exert all efforts to support the convening of the Middle East Nuclear Weapon- and Weapons of Mass Destruction-Free Zone Conference and the full implementation of the 1995 Resolution;

e. The conference shall not be postponed. In case the States that announce their participation in the conference decide to postpone the convening of the conference, the conference shall be held within 90 days;

f. To encourage all Member States to report on their efforts to implement the 1995 Middle East Resolution.

Annex A

Period preceding the announcement of the postponement of the 2012 conference

Date	Action
1. 16 September 2010	The Council of Arab Ministers for Foreign Affairs adopted resolution 7243 on 16 September 2010 to establish a committee of senior officials in the Arab foreign ministries and Secretariat (the League of Arab States Committee of Senior Officials) to prepare for the participation of all Arab States in the 2012 conference called for in the Final Document of the 2010 Review Conference.
2. 2 January 2011	The Secretary-General of the League of Arab States sent a letter to the Secretary-General of the United Nations on the latest developments regarding the holding of a conference in 2012 to serve as a foundation for further developments.
3. 9 January 2011	The League of Arab States Committee of Senior Officials held its first meeting to establish the criteria for selecting a conference facilitator, according to which the facilitator must: <ul style="list-style-type: none"> • Be a high-level figure known in political circles; • Not be from a State in the region or from the States of the five permanent members of the Security Council; • Have neutral relations with the State of the region; and • Be from a country that is a party to the Treaty.
4. 15 May 2011	The Council of Arab Ministers for Foreign Affairs adopted resolution 7362 of 15 May 2011, which expresses the deep concern of the Arab States over the failure to implement any of the measures contained in the action plan pertaining to the Middle East that was adopted by the 2010 Review Conference.
5. 21 June 2011	The Secretary-General of the League of Arab States sent a letter to the Secretary-General of the United Nations and the three States sponsoring the 1995 resolution on the Middle East to urge them to expedite the adoption of concrete measures to prepare for the 2012 conference in accordance with the recommendation of the League of Arab States Committee of Senior Officials.
6. 13 September 2011	The Council of Arab Ministers for Foreign Affairs adopted resolution 7392 of 13 September 2011 affirming, inter alia, <u>that the Secretary-General of the United Nations had a pivotal role in respect of the 2012 conference</u> preparation process, and that he should promptly fulfil his functions in that regard, including the selection of a facilitator and a host State in accordance with the Final Document of the 2010 Review Conference, section IV.7(b).
7. 23 September 2011	<u>The Arab States voluntarily refrained</u> from putting forth a draft Arab resolution entitled "Israeli nuclear capabilities" at the fifty-fifth regular session of the General Conference of the International Atomic Energy Agency in 2011 to provide an opportunity for convening a conference in 2012.
8. 18 December 2011	The Secretary-General of the League of Arab States received His Excellency Mr. Jaakko Laajava, the facilitator of the 2012 Conference, at the headquarters of the Secretariat in Cairo. The Secretary-General informed him of the ongoing preparations for the 2012 conference, including the establishment of a United Nations fund for voluntary contributions to meet the expenses of holding the conference and the opening of an account for that purpose in Finland, the designated host Government.
9. 10 March 2012	The Council of Arab Ministers for Foreign Affairs adopted resolution 7466 of 10 to March 2012 to inter alia: <ul style="list-style-type: none"> • Affirm the commitment of all Arab States to participate in the 2012 conference; and • Urge the Arab States to participate in the United Nations voluntary contribution fund to meet the expenses of the 2012 conference. (The Kingdom of Saudi Arabia contributed \$100,000).

Date	Action
10. 12 March 2012	The Secretary-General of the League of Arab States and his Representative for Disarmament and Regional Security Affairs received Mr. Jaako Laajava, the 2012 conference facilitator, at the headquarters of the Secretariat. Mr. Jaako Laajava stated that Israel and Iran had not yet announced whether they would participate in the conference, in contrast to the Arab States, which welcomed the holding of the conference. He emphasized that it was important that all concerned States should assume their responsibility and participate in the conference.
11. 29 March 2012	The Council of the League of Arab States at summit level (twenty-third session of the League of Arab States at the summit level, held in Baghdad) adopted resolution 557 of 29 March 2012 to inter alia: <ul style="list-style-type: none"> • Welcome the efforts made by the facilitator to reconcile views among the States of the region in order to arrive at an agenda that enjoys consensus; • Affirm the commitment of all the Arab States to participate based on what was agreed in the Final Document of the 2010 Review Conference; and • Affirm that the Arab States are concerned primarily with achieving security for their peoples, that the 2012 Conference represents a fork in the road in respect of their nuclear policies, and that the failure of the conference would require them to review their nuclear policies and to adopt alternatives to ensure their security.
12. 19 April 2012	The Permanent Observer Mission of the League of Arab States in New York met with Mr. Jaakko Laajava, the 2012 conference facilitator. It conveyed to him its concern over the lack of a vision concerning the various preparations for holding the conference and the lack of ideas concerning the agenda or desired outcomes of the 2012 conference.
13. 23 May 2012	The deputy facilitator of the 2012 conference met with the Representative of the Secretary-General of the League of Arab States for Disarmament and Regional Security Affairs at the headquarters of the Secretariat. The deputy facilitator conveyed to the representative unofficial documents containing the facilitator's proposals on procedural rules, rules of order and substantive aspects concerning the convening of the 2012 conference.
14. 18 June 2012	The League of Arab States Committee of Senior Officials received the deputy facilitator of the 2012 conference at its seventh meeting and exchanged views with him on substantive matters concerning the conference.
15. 12 September 2012	The League of Arab States Committee of Senior Officials received the facilitator of the 2012 conference at its tenth meeting and conveyed to him the initial Arab position on the content of the unofficial documents which the facilitator had prepared.
16. 21 September 2012	The Arab States again voluntarily refrained for the second consecutive year from putting forth a draft Arab resolution entitled "Israeli nuclear capabilities" during the fifty-sixth regular session of the General Conference of the International Atomic Energy Agency.
17. 7 October 2012	The League of Arab States Committee of Senior Officials received the 2012 conference facilitator and organizers (the United States of America, Britain, Russia, and the High Representative of the Secretary General of the United Nations for Disarmament Affairs). The meeting resulted in a press statement in which the visiting officials affirmed their commitment to the implementation of their mandate to hold the conference and to continued encouragement of all States in the Middle East region to attend the conference. They also welcomed the earnest efforts of the League of Arab States in this regard.
18. 10 November 2012	The League of Arab States Committee of Senior Officials examined the 2012 conference facilitator's response to the League of Arab States' remarks on the above-mentioned unofficial documents. The Committee was of the opinion that the responses did not meet minimum conditions of the Arab States and did not take into account their substantive comments on the unofficial documents.

Date	Action
19. 11 November 2012	<p>The League of Arab States Committee of Senior Officials received the 2012 conference facilitator and the delegation accompanying him at its twelfth meeting. The facilitator proposed conducting extended consultations of a collective nature that would include all States of the region rather than bilateral consultations. The Chair of the Committee conveyed the Committee's comments on the facilitator's paper. It emphasized the following basic principles which must be made clear:</p> <ol style="list-style-type: none"> 1. There was a need to respect and comply with the terms of reference for the conference, namely the 1995 Resolution on the Middle East and the Final Document of the 2010 Review Conference. 2. The United Nations should be involved in sending invitations, chairing the conference meetings and directing the work of the conference secretariat. 3. The conference should result in agreed outcomes, including specific obligations, a timetable and clear follow-up measures for implementing the conference resolutions. 4. Palestine should be regarded as a State party at the conference, rather than as an observer.
20. 23 November 2012	The organizers announced the postponement of the 2012 conference without setting a new date.

Annex B

Period following the announcement of the postponement of the 2012 conference

Date	Action
21. 12 January 2013	The facilitator met with members of the League of Arab States Committee of Senior Officials at the headquarters of the Secretariat to inform them of the latest developments after the parties organizing the conference announced its postponement.
22. 13 January 2013	<p>The Council of Arab Ministers for Foreign Affairs adopted resolution 7580 of 13 January 2012, which:</p> <ul style="list-style-type: none"> • Affirms that the postponement of the 2012 conference is a breach of the obligations of the conference organizers to the international community in respect of the 1995 Resolution on the Middle East. • Rejects the justifications provided by several conference organizers for the postponement of the conference and holds them responsible to the international community for the postponement and its consequences. • Directs the League of Arab States Committee of Senior Officials to continue communicating with the conference organizers and facilitator to set a date for holding the conference as soon as possible and before the convening of the second session of the Preparatory Committee for the Review Conference. • Establishes the following criteria for participation in the extended consultations with the regional parties: <ul style="list-style-type: none"> a. A specific date should be set for the conference. b. Consultations should be held under the auspices of the United Nations based on a specific agenda. c. Only those States that formally declare their participation in the conference should attend.
23. 24 February 2013	The League of Arab States Committee of Senior Officials received the 2012 conference facilitator at its seventeenth meeting at the headquarters of the Secretariat of the League of Arab States to discuss his proposal to hold extended consultations. The Committee concluded that the proposal did not meet any of the criteria established under resolution 7580 of the Council of Arab Ministers for Foreign Affairs for participation in the consultations.
24. 19 April 2013	Before the second session of the Preparatory Committee for the Review Conference (Geneva, 24 April to 3 May 2013), the Arab Group submitted a working paper entitled “Implementation of the 1995 Resolution on the Middle East”, which sets out the Arab position on the unofficial documents prepared by the 2012 conference facilitator. The working paper was included among the conference documents as document NPT/CONF.2015/PC.II/WP.34 .
25. 21 July 2013	The Secretary-General of the League of Arab States sent a letter to the facilitator of the postponed 2012 conference stressing the need for the facilitator to formally submit his proposals on holding the extended consultations to the League of Arab States Committee of Senior Officials to enable the Arab States to respond to the proposals.
26. 3 August 2013	The facilitator responded to the Secretary-General’s letter of 21 July 2013 by calling upon the League of Arab States to meet with him in Vienna on 16 August 2013 and to convene a meeting with the organizers.
27. 16 August 2013	The League of Arab States Secretariat and the Chair of the League of Arab States Committee of Senior Officials met with the organizers and facilitator of the postponed 2012 conference in Vienna on 16 August 2013. Israel and Iran did not participate in the meeting.
28. 12 September 2013	The Chair of the League of Arab States Committee of Senior Officials sent a letter to the postponed 2012 conference facilitator on holding extended consultations in Geneva. In the letter, the Chair affirms that such consultations must observe the terms of reference established by the 2010 Review Conference and the 1995 Resolution on the Middle East.

Date	Action
29. 21 October 2013	Eleven Arab States and the Secretariat of the League of Arab States participated in the extended consultations (Glion 1 meeting) in Switzerland, which were convened by the organizers and facilitator of the postponed 2012 conference.
30. 25 November 2013	Sixteen Arab States and the Secretariat of the League of Arab States participated in the extended consultations (Glion 2 meeting) in Switzerland which were convened by the organizers and facilitator of the postponed 2012 conference. The facilitator presented a paper entitled "Sandra's list" containing proposed substantive and organizational matters for the conference. The Arab States decided to inform the facilitator that they had taken note of the paper and would discuss it during the next meeting of the League of Arab States Committee of Senior Officials.
31. 31 December 2013	On 31 December 2013, all Arab States sent letters to the Secretary-General of the United Nations in support of the declaration of a Middle East zone free of all weapons of mass destruction. They did so in accordance with resolution 7718 adopted by the Council of the League of Arab States on 10 November 2013, which expresses support for the Egyptian initiative to promote efforts to free the Middle East region of all weapons of mass destruction.
32. 4 February 2014	Sixteen Arab States and the Secretariat of the League of Arab States participated in the extended consultations (Glion 3 meeting) in Switzerland, which was convened by the organizers and facilitator of the postponed 2012 conference.
33. 19 March 2014	The Secretary-General of the League of Arab States sent a letter to the Secretary-General of the United Nations requesting that he participate in the preparatory process for the postponed 2012 conference in order to create an environment conducive to the success of the conference and to avoid unnecessary differences. He also affirmed the Arab States' request that the preparatory meetings be of an formal nature and under the auspices of the United Nations, stating that the Arab States consider the United Nations the trustee of the mandate and terms of reference for holding the postponed 2012 conference.
34. 14 May 2014	Sixteen Arab States and the Secretariat of the League of Arab States participated in the preparatory meeting (Geneva 1 meeting) in Switzerland, which was convened by the organizers and facilitator of the postponed 2012 conference.
35. 24 June 2014	Sixteen Arab States and the Secretariat of the League of Arab States participated in the preparatory meeting (Geneva 2 meeting) in Switzerland, which was convened by the organizers and facilitator of the postponed 2012 conference.
36. 29 August 2014	The Secretary-General of the League of Arab States received a letter from the facilitator of the postponed 2012 conference proposing to hold new informal consultations on 15 and 16 September 2014, without specifying a venue for the consultations.
37. 20 October 2014	The Arab States Committee of Senior Officials received a response to its inquiries from the facilitator of the postponed 2012 conference, who proposed new informal consultations in Geneva on 2 and 3 November 2014.
38. 30 November 2014	The Secretary-General of the League of Arab States received the 2012 conference facilitator at the headquarters of the Secretariat. Consultations were held regarding the arrangements being made to hold the postponed 2012 conference. The Secretary-General received an unofficial guidance paper prepared by the facilitator's office that included a draft agenda, a draft final document and draft procedural rules and other procedures.
39. 8 December 2014	The Arab States Committee of Senior Officials held its thirty-first meeting at the headquarters of the Secretariat. The committee discussed at length the unofficial guidance paper and made changes to it in accordance with the Arab working paper submitted at the second session of the Preparatory Committee for the 2015 Review Conference (NPT/CONF.2015/PC.II/WP.34).
40. 7 January 2015	The Secretary-General of the League of Arab States received a letter from the facilitator of the postponed 2012 conference proposing the holding of a drafting session in Geneva on 25 and 26 January 2015 to agree on the conference formalities.

Date	Action
41. 20 January 2015	The Arab States Committee of Senior Officials discussed the proposal of the facilitator of the postponed 2012 conference on holding a drafting session in Geneva. The Committee Chair responded to the proposal.
42. 24 February 2015	The Arab States Committee of Senior Officials discussed the 18 February 2015 letter of the facilitator of the postponed 2012 conference regarding the facilitator's proposal to hold an informal meeting in Geneva. The Committee Chair responded to the proposal.
43. 6 April 2015	The Arab States Committee of Senior Officials discussed the 15 March 2015 letter of the facilitator of the postponed 2012 conference concerning the holding of informal consultations in Geneva before or after the Review Conference. The Committee Chair responded to the proposal.
