
**Preparatory Committee for the 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 the 2000 and
2010 outcomes on the Middle East****Working paper submitted by Egypt**

1. Concerned at the serious implications and the profound strategic threat of nuclear weapons in the Middle East with regard to regional and international peace and security, Egypt and other States in the region have been keen to address this issue in several forums from an early date, beginning in the General Assembly in 1974, by calling for the establishment of a nuclear-weapon-free zone in the Middle East, and then at the General Conference of the International Atomic Energy Agency (IAEA), by calling for the application of IAEA safeguards in all States of the Middle East, as well as at successive Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

2. The General Assembly, since 1974, has annually adopted resolutions — without a vote from 1980 onwards, reflecting unanimous endorsement by United Nations Members of their objective — calling for the establishment of a nuclear-weapon-free zone in the Middle East, and since 1979 has annually adopted resolutions addressing the risk of nuclear proliferation in the Middle East. A multitude of Security Council and IAEA resolutions over the decades have also addressed this issue.

3. The indefinite extension of the Treaty at the 1995 Review and Extension Conference was possible only in the context of the overall package arrived at, comprising three decisions and one crucial resolution: the resolution on the Middle East. All countries of the Middle East that are parties to the Treaty, including Egypt, saw little sense in extending the Treaty indefinitely without firmly resolving the issue of the threat of nuclear weapons in the Middle East, through the accession of all States of the region to the Treaty and the establishment of a nuclear-weapon-free zone.

4. Egypt strongly asserts the interdependent nature of the various elements of the 1995 package. The resolution on the Middle East will thus remain an integral and indivisible part of the Treaty and its entire review process, pending its full implementation. In that context, Egypt reaffirms that the credibility and viability of the Treaty will continue to be undermined if any of the elements of the 1995



package remain unimplemented. Prolonging such a situation would threaten the integrity of the Treaty.

5. The 1995 resolution on the Middle East called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope IAEA safeguards. Today, 17 years later, Israel remains the only State in the Middle East that has not acceded to the Treaty or placed its nuclear facilities under full-scope IAEA safeguards. The outcomes of both the 2000 and 2010 Review Conferences explicitly reaffirmed the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards. This has also been emphasized in numerous relevant Security Council, General Assembly and IAEA resolutions.

6. The Final Documents of the 2000 and 2010 Review Conferences reaffirmed the importance of the 1995 resolution on the Middle East and recognized that it would remain valid until its goals and objectives had been achieved. They also recognized that the resolution was an essential element of the outcome of the 1995 Conference and of the basis on which the NPT had been indefinitely extended in 1995. The vital importance of the 1995 resolution on the Middle East within the framework of the Treaty was emphasized by the fact that it constituted the subject of one of the four action plans adopted at the 2010 Review Conference, alongside the other three, dealing with the pillars of the Treaty: nuclear disarmament, non-proliferation and peaceful uses of nuclear energy.

7. It is important to note that the Treaty is the legally binding multilateral instrument that deals with challenges pertaining to nuclear disarmament and the proliferation of nuclear weapons. Therefore, in addressing the implementation of the Middle East resolution, it is expected that the Treaty's review process will focus on the establishment of a nuclear-weapon-free zone in the Middle East in accordance with the relevant provisions of the Treaty and the outcomes of previous Review Conferences. Insofar as it pertains to the Treaty and its review cycle, the 1995 resolution on the Middle East is focused on the achievement of the following clear objectives:

- (a) The establishment of a nuclear-weapon-free zone in the Middle East;
- (b) The accession to the Treaty as non-nuclear-weapon States by the countries of the region that have not yet done so;
- (c) The placement of all nuclear facilities in the Middle East under full-scope IAEA safeguards.

8. Indeed, since the adoption of the resolution on the Middle East in 1995, no tangible results on the ground have been achieved in terms of its implementation and the early establishment of the envisaged zone. This is despite the fact that the 1995 resolution called upon all States parties to the Treaty, and in particular the nuclear-weapon States, "to extend their cooperation and to exert their utmost efforts" in this regard. The 2010 Review Conference's action plan on the Middle East also emphasized the special responsibility in this regard of the five nuclear-weapon States, and especially the three depositary States that co-sponsored the 1995 resolution. Moreover, the action plan provided for a renewal by the States parties to the Treaty of "their resolve to undertake, individually and collectively, all necessary measures aimed at [the] prompt implementation [of the 1995 resolution]".

9. During the previous review cycle, Egypt submitted several working papers on the issue of the implementation of the 1995 resolution on the Middle East, at the 2010 Review Conference and at the first, second and third sessions of its Preparatory Committee (NPT/CONF.2010/WP.14, NPT/CONF.2010/PC.I/WP.13, NPT/CONF.2010/PC.II/WP.20 and NPT/CONF.2010/PC.III/WP.20). The four working papers contained substantive recommendations on concrete measures and actions needed for the full implementation of the resolution.

10. The fourth action plan adopted at the 2010 Review Conference emphasized the importance of a process leading to the full implementation of the 1995 resolution on the Middle East and to that end a number of practical steps were endorsed at the Conference. Among these steps was the convening — by the Secretary-General and the co-sponsors of the 1995 resolution, in consultation with the States of the region — of a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

11. The 2010 action plan also provided for, as practical steps, the appointment, by the Secretary-General and the co-sponsors of the 1995 resolution, in consultation with the States of the region, of a facilitator with a specific mandate in this regard and the designation of a host Government for the 2012 Conference. This eventually took place in October 2011, almost 17 months after the adoption of the action plan. In this regard, Egypt welcomes the designation of Finland as host Government and the appointment of Jaakko Laajava as facilitator, with whom we look forward to continuing to work in this regard in accordance with his mandate as set out in the 2010 Final Document.

12. The 2012 Conference is, of course, not an end in itself, but must launch a sustained and serious process towards the full implementation of the 1995 resolution, leading to the establishment of the zone and involving steps and measures to be taken in this regard within specific time frames. Indeed, the 2010 action plan envisages the 2012 Conference as a means to that end, and hence referred to “follow-on steps agreed by the participating regional States at the 2012 Conference”, which the facilitator will assist in their implementation. The action plan also stressed that the 2012 Conference should take as its terms of reference the 1995 resolution.

13. The convening of a successful conference in 2012 on the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East is integral to the implementation of the action plan adopted at the 2010 Review Conference. Any delay in convening the Conference in 2012 — as clearly stipulated in the 2010 action plan, which was reached by consensus — would seriously jeopardize its overall implementation and represent a major setback in this regard.

14. With the facilitator already having been appointed, the host Government for the 2012 Conference designated preparatory consultations conducted in this regard, the report of the facilitator to the first session of the Preparatory Committee in Vienna should pave the way for the prompt finalization of all pending procedural matters pertaining to the convening of the 2012 Conference by the Secretary-General and the co-sponsors of the 1995 resolution. Furthermore, there should soon be an announcement of the dates of the 2012 Conference, in order to allow for appropriate preparation by participating States, the finalization of the agenda and structure of the Conference, and the preparation of background documentation as

stipulated in the action plan, as well as the provision of the necessary financing, through the fund created by the host Government (Finland) and through the operationalization of the United Nations trust fund that has been the subject of discussions in the wake of the 2010 Review Conference.

15. Following the first session of the Preparatory Committee, there will be a need to enter directly into a phase of substantive and procedural preparation for the Conference itself, and thus to intensify consultations with participating States, which will require additional efforts during the period between the first session of the Preparatory Committee and the date of the Conference with a view to making it a success. Hence, there is a need to form a mechanism for substantive and procedural preparation for the 2012 Conference and follow-up to the progress achieved, through an ad hoc preparatory group composed of the Secretary-General, in his capacity as convenor of the 2012 Conference (or the facilitator, on his behalf); the mandated Arab delegation; the three depositary States; the remaining nuclear-weapon States; and the other participating regional States.

16. Good preparation of the substantive and procedural issues related to the convening of the 2012 Conference will contribute to its success in achieving its objectives: the implementation of the 1995 Middle East resolution by means of an ongoing process as stipulated in paragraph 7 of the fourth action plan set out in the 2010 Final Document. This process is inextricably linked to the 2015 review cycle. The 2010 action plan acknowledged the long delay that had taken place, by stating that the Review Conference “regrets that little progress has been achieved towards the implementation of the 1995 resolution on the Middle East”, and recalled that the “resolution remains valid until the goals and objectives are achieved”. Thus, the validity of the resolution continues and its implementation is long overdue, which makes its implementation a matter of urgency.

17. The process phase in follow-up to the 2012 Conference requires a clear road map containing concrete goals that are time-bound and linked to the successive sessions of the Preparatory Committee for the 2015 review process of the Treaty, towards achieving the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East. The road map would be reviewed by each of the successive sessions of the Preparatory Committee on the basis of the reports to be presented by the facilitator. Evaluation of the States parties to the Treaty regarding the progress made towards establishing the zone should be an integral part of any outcome documents of the successive sessions of the Preparatory Committee within the framework of the 2015 review process of the Treaty.

18. It is important in this regard that the convening of the 2012 Conference result in a continuation of its sessions on a regular basis under the supervision of the Secretary-General and the Office for Disarmament Affairs, with the objective of launching a negotiating process at the Conference in order to conclude an internationally and effectively verifiable treaty for the establishment of a nuclear-weapon-free zone in the Middle East.

19. The 2010 action plan is clearly linked to the preparatory process for the 2015 Review Conference. This is evident, for example, in paragraph 7 (b) of the plans, which requires the facilitator to report to the 2015 Review Conference and its Preparatory Committee meetings, and in paragraph 9, which stipulates that “The Conference reaffirms that all States parties to the Treaty, particularly the nuclear-

weapon States and the States in the region, should continue to report on steps taken to implement the 1995 resolution, through the United Nations Secretariat, to the President of the 2015 Review Conference, as well as to the Chairperson of the Preparatory Committee meetings". This also makes very clear that the time frame for action towards reaching the objective of the 2012 Conference in establishing a zone free of nuclear weapons and other weapons of mass destruction in the Middle East is inextricably linked to the period remaining until the convening of the 2015 Conference.

20. The 2010 action plan also endorsed additional steps aimed at supporting the implementation of the 1995 resolution, including requesting IAEA, the Organization for the Prohibition of Chemical Weapons and other relevant international organizations to prepare background documentation for the 2012 Conference regarding modalities for a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained.

21. The 2010 action plan further recognized the important role played by civil society in contributing to the implementation of the 1995 resolution and encourages all efforts in this regard. Indeed, it is important to take into account the strong supportive positions of civil society throughout the Middle East and the rest of the world with regard to the implementation of the 1995 resolution and the establishment of the zone, as well as the ideas that civil society can contribute to that end.

22. The 2010 action plan also called upon all States to refrain from undertaking any measures that would preclude the achievement of the implementation of the 1995 resolution on the Middle East.

23. Bearing this in mind, as well as paragraphs 6 and 12 of decision 2 adopted at the 1995 Review and Extension Conference, entitled "Principles and objectives for nuclear non-proliferation and disarmament", in addition to Security Council resolutions 487 (1981), 687 (1991), 1172 (1998) and 1803 (2008) and relevant General Assembly resolutions in that regard, the most recent of which is resolution 66/25, and relevant parts of the Final Documents of the 2000 and 2010 Review Conferences, the States parties to the Treaty should also consider the following non-exhaustive list of additional steps and measures:

(a) It is indispensable that all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirm their commitment and implement their obligation to, inter alia, ensure that any supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to Israel require, as a necessary precondition, its accession to the Treaty as a non-nuclear-weapon State and the placement of all its nuclear facilities under comprehensive IAEA safeguards. The transfer of nuclear-related equipment, information, material and facilities, resources or devices not consistent with the obligations of States parties under the Treaty and the indefinite extension package constitutes a material breach of the Treaty. There is a need to respect the letter and spirit of the Treaty with respect to technical cooperation with States not party to the Treaty;

(b) All States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, particularly the nuclear-weapon States, are called upon to take the necessary practical measures to bring about Israel's accession to the Treaty as a non-nuclear-weapon State promptly and without conditions and to place all of its nuclear facilities, without delay, under comprehensive IAEA safeguards.

24. The achievement of the envisaged zone in the Middle East is an integral and inseparable part of the Treaty review process, as it acquired an inextricable legal linkage through the 1995 resolution on the Middle East and the content of the Final Document of the 2000 Review Conference, and then became the subject of an action plan in 2010. As previously reaffirmed, a special responsibility rests with the nuclear-weapon States, especially the depositary States that co-sponsored the 1995 resolution, to implement the resolution. Moreover, the implementation of the 2010 fourth action plan is a collective responsibility. Indeed, the action plan stated that the "States parties renew their resolve to undertake, individually and collectively, all necessary measures aimed at [the] prompt implementation [of the 1995 resolution]" and that "The Conference takes note of the reaffirmation at the 2010 Review Conference by the five nuclear-weapon States of their commitment to a full implementation of the 1995 resolution on the Middle East". Furthermore, the action plan provided examples of how to make joint efforts in implementing the 1995 resolution, as it referred to the "Consideration of all offers aimed at supporting the implementation of the 1995 resolution, including the offer of the European Union", and it is indeed time to consider additional offers that can be presented in this regard. Hence, it is clear that the responsibility to implement the 2010 fourth action plan does not lie with the States of the Middle East alone; rather, all parties must make efforts to succeed in implementing the 1995 resolution, and the depositary States have a special responsibility in this regard by virtue of their special role in supporting the Treaty as a whole and in co-sponsoring the 1995 resolution in particular.

25. The 2010 action plan also reaffirmed that all States parties to the Treaty, particularly the nuclear-weapon States and the States in the region, should continue to report on steps taken to implement the 1995 resolution, through the United Nations Secretariat, to the President of the 2015 Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference. The 2010 plan also mandated the facilitator to report to the 2015 Review Conference and its Preparatory Committee meetings. It is essential that the successive sessions of the Preparatory Committee for the 2015 Review Conference conduct a substantive discussion of the above-mentioned reports with a view to, inter alia, drawing lessons with regard to the best means of implementing the obligations pertaining to the Middle East under the Treaty and the Final Documents of its Review Conferences.

26. Bearing in mind obligations and commitments under the Treaty, its successive Review Conferences and relevant Security Council, General Assembly and IAEA resolutions, it is important that States parties to the Treaty disclose in their national reports on the implementation of the resolution on the Middle East all information available to them on the nature and scope of Israeli nuclear facilities and activities, including information pertaining to previous nuclear transfers to Israel.

27. Egypt's efforts and steps taken to implement the 1995 resolution are well known and have been documented over the years. Indeed, Egypt's active

engagement in this regard has recently continued, including through the implementation of the 2010 fourth action plan. Noteworthy in this respect was, inter alia, Egypt's engagement in consultations regarding the appointment of the facilitator and the designation of the host Government, as well as in later consultations with the facilitator. Egypt has conducted and continues to conduct consultations with various parties in this regard, bilaterally, regionally and multilaterally, including within the framework of the League of Arab States. Egypt also participated in the seminar hosted by the European Union in Brussels in July 2011 in accordance with the 2010 action plan, and participated in the IAEA Forum on Experience of Possible Relevance to the Creation of a Nuclear-Weapons-Free Zone in the Middle East, held in Vienna in November 2011.

28. Egypt has also taken steps and made efforts within the framework of the League of Arab States towards the implementation of the 1995 resolution and the 2010 fourth action plan, including through meetings of the Committee of Senior Officials from Ministries of Foreign Affairs and the Secretariat to prepare for the participation of all Arab States in the 2012 Conference, and of the Committee responsible for following up on Israeli nuclear activity in contravention of the Treaty, and the preparation of an Arab working paper on the implementation of the 1995 resolution for presentation at this first session of the Preparatory Committee, as well as the relevant decisions taken at the meetings of the Council of the League of Arab States held at the summit and ministerial levels, the latest of which was the decision taken at the Arab Summit in Baghdad in this regard on 29 March 2012.

29. Egypt reiterates the role of Preparatory Committees as highlighted in decision 1 adopted at the 1995 Review and Extension Conference, entitled "Strengthening the review process for the Treaty", which reaffirms in its paragraph 4 that "The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference".