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

Distr.: General
19 April 2013
English
Original: Arabic

Second session

Geneva, 22 April-3 May 2013

Implementation of the 1995 resolution on the Middle East

Working paper submitted by Tunisia on behalf of the States members of the League of Arab States

I. Background

1. The resolution on the Middle East that was adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, concerning the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction, represents the cornerstone of the indefinite extension package. It took the international community 15 years to issue the implementation mechanism for that resolution in the Final Document of the 2010 Review Conference.

2. The action plan issued by the 2010 Review Conference set forth practical steps for the implementation of the 1995 resolution on the Middle East that included commissioning the Secretary-General of the United Nations and the three co-sponsors of the 1995 resolution, in consultation with the States of the region, to convene a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, as the first step in a process leading to full implementation of the 1995 resolution on the Middle East.

3. The Arab States viewed that assignment issued by the 2010 Review Conference as a positive development and decided to support it and cooperate with all the parties in realizing it. To that end, a standing committee of senior Arab officials was established in order to prepare for and negotiate on conference-related matters. For two successive years, the Arab States also voluntarily postponed the submission of a draft resolution on the nuclear capabilities of Israel to the 55th and 56th General Conferences of the International Atomic Energy Agency, held in 2011 and 2012 respectively, in order to prevent that draft resolution being used as a pretext for obstructing the conference, and as a tangible means of building confidence in that regard.

4. In return, the Arab States noticed, immediately after the 2010 Review Conference, distinct reluctance on the part of certain of the organizing parties to honour their obligations. It took more than one year to select the facilitator and the



host country of the conference, matters that could have been decided within one month.

5. While the Arab States deplored that unjustified delay, they demonstrated great cooperativeness and met the facilitator and the organizing parties on several occasions, in an attempt to further the process of preparing for the conference, in accordance with the terms of reference and agreements that were decided in 2010. The Arab States even presented the facilitator with a non-paper in which was set forth a comprehensive Arab view of all conference stages and details (annexed hereto).

6. Notwithstanding all those endeavours and the declaration of all the Arab conference participants, with Iran, in which they demanded that the conference should be held within the agreed time frame, the conference organizers suddenly declared unilaterally, without having consulted the Arab side, that the conference would be postponed sine die. Implausible justifications were given, rather than holding Israel, the only State in the region that had not announced its participation, to account.

7. In an attempt to save the face of the conference organizers and contain the Arab reaction to the postponement, in February 2013 the facilitator proposed a series of extensive consultations as a preliminary step towards the conference, in the hope that it could be held before April 2013. However, the proposal was put forward without any framework being specified, or any terms of reference or agenda that would guarantee its success. The Arab States therefore asked for a number of measures to be taken with a view to ensuring the success of those consultations. It was stressed that a date must be set for the conference and that the consultations must be held under the auspices of the United Nations, have a specific agenda and be attended by the States which had officially announced that they would attend the conference. Unfortunately, there was no response to that request.

8. The Arab States remain open to discussion of the idea that a preparatory meeting should be held for the postponed 2012 conference under the auspices of the United Nations, provided that there are measures in place to ensure that the conference will be convened as soon as possible in 2013. The Arab States continue to await a response from the parties concerned in order to realize the goals on which the international community agreed at various review conferences and in accordance with the international terms of reference.

9. The continued failure to implement the 1995 resolution on the Middle East and, in particular, what was agreed in the 2010 action plan, will unquestionably have a negative impact on the current review session and indeed on the non-proliferation regime itself.

II. The Arab position

The Arab States call upon the second session of the Preparatory Committee and the States Parties to the Treaty to adopt the following position:

1. The unilateral postponement by the conference organizers should be considered a shirking of their responsibilities under the action plan set forth in the Final Document of the 2010 Review Conference that impacts negatively on the credibility of the Non-Proliferation Treaty and the review process as well as on the resolutions that have been agreed by the international community.

2. The conference organizers and those who have not announced that they agree to attend the conference must be held responsible for the postponement and any consequent negative impacts that hinder progress towards ridding the Middle East of weapons of mass destruction, a goal for which the Arab States have been striving for four decades.

3. The importance must be affirmed of convening the postponed conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction at the earliest possible opportunity, which must be in 2013. Responsibility for the convening of the conference lies with the whole international community, and if it is not held in due course, that must be considered as a violation of the review process and the related obligations. In that context, there is a direct link between the convening of the conference in 2013 and its realization of perceptible success through the initiation of a negotiation process within a specific time frame to achieve that zone free of weapons of mass destruction, and the success of the 2015 Review Conference and its Preparatory Committee.

4. A preparatory meeting should be held for the postponed conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction under the auspices of the United Nations, provided that is coupled to the determination of a definite date in 2013 for the convening of the Middle East conference, and that the work of the Preparatory Committee should comply with the terms of reference and agreements decided at the 2010 Review Conference.

5. The Arab States affirm the importance of the second session of the Preparatory Committee reaching an agreement that includes the above-mentioned points, including the formulation of a clear road map that sets forth specific dates for each part of the conference preparation process and for the convening in 2013 of the conference, as well as a continuous process of following up the outcomes that will lead to the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

Annex

[Original: Arabic]

**The position of the Arab States regarding the non-paper prepared
by the facilitator of the 2012 conference on the establishment
of a zone free of nuclear weapons and other weapons of
mass destruction**

*Proposals contained in the facilitator's non-paper**Agreed position of the Arab States***I. Organization of the conference**

Date: 18 to 20 December 2012

Acceptable

Place: Helsinki, Finland

Acceptable

Invitations

- Invitations should be issued under the signatures of the Secretary-General of the United Nations and the Minister for Foreign Affairs of Finland, the host country. There would be no objection if the three depositary States of the Treaty on the Non-Proliferation of Nuclear Weapons were also to sign the invitation;
- It is important to specify that representation must be at the ministerial level;
- The invitations should indicate that the conference is being held under the auspices of the United Nations and the three depositary States.

Participants

- The parties that would have the right to participate in all sessions:
 - The States members of the League of Arab States;
 - Iran;
 - Israel;
 - The five nuclear Powers.
- The senior representative of the United Nations Office for Disarmament Affairs;
- The representative of the Treaty on the Non-Proliferation of Nuclear Weapons;
- The League of Arab States.

Invitees

- In principle, it would be better not to increase the number of invitees;

Background documents

- The International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW), the Biological Weapons Convention Implementation Support Unit and the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO);
- Should there be a desire to invite other parties, consideration should be given to inviting representatives of other important actors, such as the disarmament coordinator of the Movement of Non-Aligned Countries, as well as a representative from each of the African Union and the New Agenda Coalition;
- Invitees would have the right to participate as observers in the opening and concluding sessions only. They would also have the right to make statements;
- The organizers should consider inviting representatives of nuclear-weapon-free zones and States with experience in dismantling and destroying nuclear weapons; they should be allowed to share their experiences.
- The terms of reference of the conference should be the 1995 resolution on the Middle East and the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;
- The following should prepare background documents: IAEA, OPCW, the secretariat of the Treaty on the Non-Proliferation of Nuclear Weapons (the United Nations Office for Disarmament Affairs), the Biological Weapons Convention Implementation Support Unit and CTBTO;
- The possibility of presenting a joint Arab working paper will be considered later;
- The working papers should address the technical aspects of the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction, but not the political aspects;
- The working papers should be sent out sufficiently in advance of the conference as to allow the participants to study them;

Languages of the conference	<ul style="list-style-type: none"> • There is no need to prepare national working papers. • Interpretation services and translations of the documents presented at the conference should be made available in Arabic, English and French.
Chairing of the conference	<ul style="list-style-type: none"> • The conference should be chaired jointly by the Minister for Foreign Affairs of Finland, the host country, and the Secretary-General of the United Nations.
II. Agenda	
Opening session	<ul style="list-style-type: none"> • Remarks by the Minister for Foreign Affairs of Finland and the Secretary-General of the United Nations; • Should the heads of international organizations and the representatives of the relevant instruments be allowed to make statements at the opening session, then the Secretary-General of the League of Arab States should also be allowed to speak.
Working sessions	<ul style="list-style-type: none"> • The substantive sessions should be chaired by international figures who are agreed upon; • The chair of each substantive session will submit a factual summary to the conference chair for inclusion in his report on the work of the conference.
Agenda	<ul style="list-style-type: none"> • The agenda should be restricted to the following items: <ul style="list-style-type: none"> – The establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction; – Follow-up measures.
III. Outcome document	
	<ul style="list-style-type: none"> • The outcome document should be simplified and divided into two parts: <ol style="list-style-type: none"> 1. Part one: the historical background, mandate and the report on the work of the conference. The chair will be responsible for preparing this part, which should be in a narrative format. The chair should hold consultations with the States of the region regarding the report prior to its issuance;

2. Part two: the expected outcomes of the conference:
 - (a) A brief declaration of principles, including:
 - An affirmation by the States of the region participating in the conference of their commitment to the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction and an affirmation by the three States that sponsored the 1995 resolution on the Middle East and the United Nations of their commitment to implement that resolution;
 - An affirmation by the five nuclear Powers of their commitment to providing the relevant assurances;
 - A negotiation process made up of successive steps aimed at reaching agreement on measures that are gradual and place mutual obligations on the regional actors to rid the Middle East of nuclear weapons and other weapons of mass destruction;
 - That the process will lead to the conclusion of a legally binding and internationally verifiable instrument by which such a zone would be established;
 - An emphasis on nuclear weapons, in line with the title of the conference (Conference on the establishment of a zone free of nuclear weapons and other weapons of mass destruction) and the 1995 resolution on the Middle East;
 - A clear indication that the process should take place within a defined time frame and that the review thereof is linked to the time frame of the 2015 Review Conference.
 - (b) A step-by-step plan of action that includes the following incremental steps:
 - In 2012: the convening of the conference and the issuance of the declaration of principles concerning the establishment of the zone (as indicated above);

- Annual follow-up meetings aimed at ensuring attainment of the objectives set out for the period 2012 to 2015, including the current session of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

(c) Creation of a mechanism for the implementation of procedural aspects in the form of a standing committee to follow up on progress made:

- The committee will be made up of the conference's co-chairs, the three depositary States, the committee of senior officials established by the Council of Ministers for Foreign Affairs of the States members of the League of Arab States, Iran and Israel.

IV. The issues

1. Properties of the zone: prohibitions, geographical area, coverage (nuclear, chemical and biological weapons, delivery, vehicles), entry into force
2. Confidence- (and security-) building measures, verification mechanisms, compliance issues
3. Security cooperation, including security guarantees in support of the zone
4. Peaceful uses, safety and security

- The issues should be restricted to these three clusters:
 1. Properties of the zone: prohibitions, geographical area, coverage and entry into force:
 - (a) Nuclear weapons;
 - (b) Weapons of mass destruction.
 2. Measures for following up on the establishment of the zone (declarations, destruction of stockpiles, verification and implementation mechanism, capacity-building):
 - This cluster should include discussion of technical issues related to the manner in which the requirements of the zone are put into effect, including verification, implementation mechanisms, destruction of stockpiles and building capacity in relevant areas;
 3. Follow-up measures to support establishment of the zone (confidence-building measures among the States of the Middle East and the other States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons):
 - This cluster should include discussion of how to support establishment of the zone, and this requires addressing the question of confidence-building. In this context, confidence-building measures are not those taken by the States of

the region in respect of one another, but rather such measures taken to build confidence between the States of the region and the other States Parties. The conference is being convened as part of the effort to fulfil the agreement to extend indefinitely the Treaty by implementing the 1995 resolution on the Middle East, with a view to achieving its universality in the Middle East;

- There should be a focus on international confidence-building measures, instead of bilateral or exclusively regional measures. The five nuclear Powers should fulfil their responsibility in that regard towards the States of the region and the international community;
- In that connection, the participants could also address negative and other security assurances, the peaceful uses of atomic energy, conditions for accession to the international instruments concerning weapons of mass destruction and any other matters that one party may offer to another as a confidence-building measure, in accordance with the above definition.

V. Working methods

- The proposed working methods must be reviewed carefully. Following are some preliminary observations:
- There is no need to apply strictly the principle of consensus, because doing so would, in effect, give any State the right of veto. It would be better to include general and flexible language indicating that the chair will make every effort to arrive at a consensus. If that is not possible, then all decisions should be adopted by majority vote, with the exception of those concerning the adoption of a final declaration or joint documents;
- We reject the offering of assurances that the conference is not targeted at a specific State because there has been no precedent for that in any other forum;
- It is important that the sessions should be recorded.