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2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

UN Headquarters: 27 April – 22 May 2015

New York: Final Day - 22 May 2015

The 2015 NPT Review Conference opened at UN headquarters on 27 April and closed on a note of disagreement and failure in the late evening on 22 May 2015.

On **Friday, 22nd May** at 18:15 (EST) in the United Nations General Assembly Hall, the 2015 NPT Review Conference reached its denouement after four weeks of discussions and intensive negotiations on all aspects of the three pillars of the NPT: nuclear non-proliferation; nuclear disarmament; and peaceful uses of nuclear energy.

The **President, Ambassador Taous Feroukhi** of Algeria, introduced the **Draft Final Document** and noted that a number of contending visions had been expressed but **it was not possible to agree on a single consensual document, no outcome or position of a majority or of a minority can be imposed on the collectivity – no State party can be compelled to accept any outcome.** She said the draft final document is presented as a package of components as a whole albeit with a few minor technical amendments for adoption by the Conference.

The opening statement in the **Closing Plenary** by **Tunisia on behalf of the Arab Group** called for the implementation of the 1995 NPTREC Resolution on the Middle East NWFZ/WMD/FZ and its continuing validity until its objectives had been achieved and stated that although the President's draft final document did not meet the Arab Group's demands regarding nuclear disarmament and the Middle East, **the Arab Group was prepared to join consensus for adopting the document despite its flaws.**

The **United States** while expressing support for the NPT and recognition of the hard work over the past four weeks stated bluntly that “**there is no agreement**” on a final document. The US singled out Egypt among a group of States and condemned “callous efforts” by some to derail the Review Conference on the issue of Middle East, opposed “arbitrary time lines” and noted that “Egypt not prepared to let go of unworkable conditions”. As such, the US stated that **the 2010 Review Conference mandate to hold a conference on a NWFZ/WMD/FZ in the Middle East “has expired and all efforts come to an end”**. The US said that the blame lies “squarely with States unwilling to agree on a Middle East proposal that was workable”.

The **United Kingdom** in a measured statement reiterated its support for a step-by-step process for nuclear disarmament and expressed its “**disappointment on not making progress**” and noted that the “**Middle East was the sole stumbling block at the Conference**”. The UK stated its commitment to the implementation of the 1995 Resolution on the Middle East and of the steps agreed at the 2010 Review Conference.

Canada strongly rejected expressed its “deep regret” and noted that there is “**no consensus**”, legitimate “progress requires that all States parties, as well as Israel, must be present” at the Middle East conference, a “deadline is not acceptable” and the “1 March 2016 date to convene the conference is unworkable”.

Iran then proposed, **under rule 20**, that the Review Conference be suspended for further consultations. Meeting no objection, the President **suspended the conference**. The Non-Aligned Movement (NAM) convened a consultation.

At 19:00, the Review Conference resumed in Plenary with Iran delivering a statement on behalf of the NAM. The **NAM** expressed “deep disappointment and despair over what has happened” – with more than 190 States parties in attendance, it is a “surprise” that three delegations “rejected minimum common denominators”. The **NAM was ready to accept the President’s text despite its shortcomings. The responsibility lies with three delegations for the resulting impact on nuclear disarmament and on the political situation in the Middle East – and, it is even more surprising that two of three delegations that blocked consensus are depositaries of the Treaty and they did so in the interest of a non-party to the Treaty with unsafeguarded nuclear facilities**.

Egypt said it was “extremely disappointed” that the final document is “blocked by three delegations” and by the “negative messages” on the Resolution on the Middle East and on the convening of the Middle East conference. **Egypt said that there is “overwhelming support for the President’s paper” and that it is a “sad day for the NPT, a sad day for the Middle East resolution”**. Egypt said that **three States had “blocked on purpose”** and called out the “fallacious nature of the process” and the preference of some States to “replicate” the failed process on the convening of the postponed 2012 conference on the Middle East. Egypt commended the efforts by the Russian Federation to facilitate consensus. It noted the “abuse of the concept of consensus” and pointed out that it is the United States that has “stopped the final document” and that three co-sponsors have not made “sufficient efforts” and it is “no coincidence” that “two co-sponsors and depositaries” are “blocking consensus and depriving

the world” are “responsible for lack of implementation of commitments”. Egypt said it was “unfairly blamed by the US”.

Other statements of regret, affirmation of commitment to the NPT, and calls for continuing pursuit of a world without nuclear weapons were made by: the Marshall Islands, Iran, Japan, Indonesia, Austria on behalf of 159 States, Philippines, Australia, Costa Rica, Algeria, Syria, Brazil, Germany, Russian Federation, Cuba, China, Myanmar on behalf of ASEAN, Thailand, Singapore, Ireland, Peru, Tunisia on behalf of Arab Group, Palau, Morocco, Switzerland, Poland, Netherlands, Sweden, South Africa and France.

The President declared the 2015 NPT Review Conference closed at about 21:15 on Friday evening and delegates filed out of the General Assembly Hall in a dejected and defeated mood.

Assessment:

The failure of the 2015 NPT Review Conference to agree on a Final Document did not come as a surprise as from the very beginning there were clear signs of fundamental disagreements between the NNWS and the NWS, and amongst the NNWS, on nuclear disarmament and on the Middle East.

The main fissures in the area of nuclear disarmament concerned the Humanitarian impact/consequences of nuclear weapons (HINW) and the push by the leaders of initiative on HINW to get the review conference to agree on launching a process leading to a legally binding treaty (or convention or instrument) to “close the legal gap” in Article VI of the NPT on “effective measures” to achieve nuclear disarmament. Within the larger group of 159 NNWS supporting the HINW, the NPDI group did not support efforts leading directly to a legally binding instrument on nuclear disarmament but to put in place building blocks (euphemism for

step-by-step) that could eventually lead to nuclear disarmament. The NWS, on the other hand, openly dismissed the credibility of the HINW, rejected claims that there was any new information or data on the consequences of nuclear detonations and that their nuclear weapons faced risks of accidental detonation. The report of the Chair of Main Committee I was widely hailed as providing a good basis for further work on achieving consensus by both NNWS and NWS, while the report of the Chair of Subsidiary Body-1 was heavily criticized by the NWS and the NNWS even though it attempted to square the circle on differing views and was a credible and honest attempt by the Chair of SB-1 to move forward the goal posts for nuclear disarmament.

On the Middle East, as usual, the negotiations were hard fought but it was clear that the gaps had widened not narrowed during the 2010-2015 period, with the Arab States pushing for concrete steps for the implementation of the 1995 Resolution and the other side maintaining its uncritical and ideologically-driven support for the only State in the region not party to the Treaty. The unnecessary victim of this debacle was the Facilitator (for the postponed 2012 Middle East conference), who despite his dedicated efforts during 2013-2014 was abandoned by all sides – international politics makes no friends nor does it abide by principles.

In Main Committees II and III which deal with the so-called “Vienna issues” of IAEA safeguards, nuclear safety, nuclear security, nuclear applications and peaceful uses of nuclear energy, the Vienna Group of 10, as usual, introduced voluminous papers and proposals essentially replicating the resolutions adopted at the 2014 IAEA General Conference. Once again, the Western States pushed to have the Conference bless the Additional Protocol and to establish the new “verification standard” as comprising the comprehensive safeguards agreement plus an additional Protocol – a measure that the IAEA Board of Governors has not endorsed as such and nor has the IAEA General Conference – and once again

this attempt was pushed back by the NAM. One argument being that the safeguards pillar was being continuously strengthened and the burden of verification increasing on the NNWS while at the same time the NWS were not fully implementing the nuclear disarmament pillar measures. There were arguments whether the IAEA plays a “central” or an “essential” role in nuclear security.

With regard to the conduct of the review conference, it was noticeable that there was a lack of effective coordination in the conference bureau, a lack of clarity of how and what the President intended to achieve as an outcome and its contents, and a pronounced lack of imagination on the part of delegations to achieve the best outputs from the strengthened review process and to utilize the SRP to achieve the best results.

As was pointed out by this author earlier in a paper available on the SIPRI NPT webpages, the mandate of the Main Committees deriving from Decision 1 of the 1995 NPTREC is to *both* review the implementation of the Treaty and review conference outcomes over the previous quinquennium and to make recommendations for implementation of the Treaty and review conference outcomes over the next five-year period, and for the subsidiary bodies (SB) to consider specific discrete issues as agreed by the delegations. It was never intended for the SBs to negotiate the forward looking elements, even though this transpired at the 2010 Review Conference more by accident than by design.

Thus, it was not surprising that at the 2015 Review Conference there was a disconnect between the work and outputs of the MCs and the SBs – this discrepancy is *not* attributable to the respective MC/SB Chairs as they were both competent and dedicated but to delegations and the Presidency for misunderstanding the strengthened review process and for being self-imposed prisoners of outmoded diplomatic practices and for ignoring the provisions of the strengthened review process for the Treaty.

In sum, the failure of the 2015 NPT Review Conference can be placed on the inflexibility of delegations, improper implementation of the strengthened review process and an absence of leadership. Though the Treaty will continue in force, the failure in 2015 is disappointing as it represents a wasted opportunity to advance the objectives and goals of the NPT which is universally regarded as the cornerstone of the global nuclear non-proliferation and nuclear disarmament regime.

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27 May 2015