



INSS Insight No. 705, June 3, 2015

2015 NPT RevCon: WMDFZ Conference Off the Table, for Now

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Over the four weeks between April 27, 2015 and May 22, 2015, the 2015 NPT Review Conference (RevCon) included intense discussion of issues revolving around the three pillars of the Treaty on the Non-Proliferation of Nuclear Weapons: disarmament, nonproliferation, and the peaceful use of nuclear energy. Nevertheless, as in 2010, the issue that seems to have garnered the most interest and raised the most controversy was the provision regarding the possible establishment of a Weapons of Mass Destruction-free zone (WMDFZ) for the Middle East. On the final day of the conference, consensus for the full draft RevCon final document was not secured due to the dispute over the WMDFZ conference, although this was certainly not the only contentious issue that emerged. Yet it was on this basis that the US, joined by Britain and Canada, withheld its support for the document.

In the first days of the RevCon, a joint and hard-line Arab proposal on the WMDFZ was submitted, with suggestions that amounted to a complete change of the terms of reference for convening a conference, as compared to the mandate of the 2010 RevCon final document. Moreover, the proposal ignored everything of significance that had occurred over the past five years – on the positive side, namely the five informal regional meetings that were convened over the course of 2013-2014 to try to hammer out a conference agenda, as well as the highly chaotic situation prevailing in the wider Middle East followed by the partial collapse of the state system and a host of new security challenges. The proposal also reiterated the longstanding demand that Israel join the NPT immediately – a clear non-starter for any discussion.

The acerbic tone of the proposal prompted Israel – which for the first time in twenty years participated in the RevCon, in observer status – to take the unprecedented step of submitting its own paper to the NPT forum. Entitled “Towards a Regional Dialogue in the Middle East: An Israeli Perspective,” the paper explained the need for “direct and sustained dialogue” to address the broad range of regional security challenges in the Middle East. The paper spelled out Israel’s cooperation with the Finnish facilitator Jaakko Laajava and its input in the five informal meetings that took place over the past year. These meetings were geared to achievement of a regional consensus on the essential

aspects of a conference in Helsinki, but in June 2014 the Arab states “felt they required new instructions,” and in effect discontinued the talks. For its part, Israel responded positively to additional invitations that were issued in October 2014 and January 2015, but a sixth meeting never took place. Israel emphasized that nothing can proceed without direct dialogue among the relevant parties.

These papers sparked discussion among the NPT member states, and by the time the draft proposal for the NPT RevCon final document was submitted for a vote at the close of the meeting, the section on the Middle East included a more moderate version of the Arab proposal but retained some of its most problematic elements.

The first difficulty regarded the principle of consensus for a WMDfZ conference agenda. One of the most crucial issues for Israel is the need to base decisions on a prospective conference on consensus. However, the wording in the draft proposal was tricky: the principle of consensus was duly noted, as was the intent to hold preliminary meetings to discuss the agenda. However, the strength of consensus was critically undermined by another clause stating that the conference would necessarily be held by March 2016; no one would have the authority to postpone it.

The proposal also put decision making authority in the hands of the UN Secretary General rather than the four conveners (US, Britain, Russia, and the UN) that were mandated in the 2010 document; these convener states would have lost any say over when, and even whether, the conference would be convened.

Finally, the new proposal would have basically “fired” the Finnish facilitator, which apparently was one of Egypt’s objectives. The UN Secretary General was given the task of appointing a new facilitator, a questionable task after Laajava had spent so much time and energy meeting hundreds of officials and experts, studying the issues, and carving out a path with the regional parties. But for Egypt, Laajava, looking for ways to overcome the obstacles to convening a conference, had evidently become a liability, and was perceived as accepting Israel’s positions on the need for regional dialogue.

The essence of the proposal required that a conference be convened by March 2016, whether Israel liked it or not, and regardless of the agenda. However, this outcome would have ignored the deep conceptual divide among the regional states – primarily between Israel and Egypt. At issue here is the best approach for discussing arms control in the Middle East context, which is what the parties had been discussing at the informal meetings in 2013-2014. What incentive would the Arab states have had to work seriously with Israel on these issues in the coming months if they were able to secure a final document mandating that a conference would be convened by next March, regardless?

Intense discussions with Israel over the draft proposal regarding the WMDFZ conference had preceded the RevCon vote, including a last minute visit by Assistant Secretary of State Thomas Countryman to Israel in the final week. Media reports noted that there was serious concern in Israel that the US would acquiesce and accept the final document, for the sake of NPT consensus and at Israel's expense. Indeed, it was reported that Israel feared the US might breach its commitments in the nuclear realm, as granted by President Obama to Prime Minister Netanyahu in July 2010. As such, much of the media coverage following the US decision has focused on that it was for Israel's sake that the US rejected the proposal, and Netanyahu has thanked Secretary of State Kerry for this American stance.

While thanks to the US are certainly in order, US support this time was made easier because of the cooperative approach that Israel adopted since the problematic 2010 decision, and especially since the conference was postponed in late 2012. Had Israel remained unwilling to cooperate with Laajava's efforts, it would likely have been much more difficult to defend. But US officials over the past year have praised Israel's cooperation regarding the informal meetings, and there is reason to assume that this strengthened their ability to argue against the new resolution that would have changed the terms mid-course.

At the end of the day, by overplaying its hand, Egypt lost out. In fact, in her concluding remarks at the conference, Under Secretary of State Rose Gottemoeller blamed Egypt for pushing "unrealistic and unworkable conditions" that did not allow for consensus among the Middle East countries. With no consensus final document, the 2010 mandate for the WMDFZ conference is at least temporarily suspended, and with it the progress that had been made. Others who lost out include the Arab League states, together with the Non Aligned States (under the chairmanship of Iran), who after a successful (from their view point) RevCon in 2010, failed this time in their attempt to force the US to concede to their demands in order to secure a consensus document. Broadly speaking, the NPT regime also come out on the short end, as once again the member states were unable to reach a consensus on a final document. The outcome can also be seen as another blow to Obama's disarmament agenda, which has suffered some setbacks in the years since his 2009 Prague speech.

Israel is a short term beneficiary of Egypt's failure to pass its uncompromising resolution. But the issue is not likely to go away, and a nuclear deal with Iran may give it new impetus. Nevertheless, the Egyptians will have to wait another five years to try to pass a resolution to realize the WMDFZ idea included in the 1995 RevCon final document. Moreover, due to the convergence of late between Egypt and Israel on a number of regional and bilateral security issues, the Egyptian position on the WMDFZ issue is not likely to have an adverse effect on bilateral relations.

Another clear winner is the US-Israel relationship. A repeat of the 2010 crisis following what was perceived as a US betrayal of Israel would have seriously aggravated bilateral relations. As such, the supportive role of the US this time was highly significant. There is no doubt that Israel's cooperative approach over the past year helped in this regard, and Israel should continue being proactive – as with its decisions to attend the informal rounds and to submit a paper to the NPT RevCon – and take the opportunity to call for a conference that reflects its position on what a regional process should look like.

