

# Issues of concern on the NPT Review Conference Agenda

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## **I. The NPT and the UN Charter :**

1. The NPT was concluded in 1968 without taking into consideration some of the basic principles of the United Nations Charter, particularly Article 2 paragraphs 2 and 4 respectively. The said provision stipulate an equal sovereignty among States, which shall refrain in their international relations from the threat or use of force...or in any further manner inconsistent with the purposes of the United Nations. The mere possession of nuclear weapons by any state is considered as a threat of their use in violation of the UN Charter and the 1948 Universal Declaration of Human Rights.
2. In this context, some States renounced the possession of nuclear weapons such as: Belarus, Kazakhstan, South Africa and Ukraine. Furthermore, statements were made by some Nuclear Weapons States (NWS) of their intention to pursue actions towards achieving a nuclear weapon free world.
3. Bearing in mind the three pillars of the NPT, namely non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy, this article focuses on the agenda of the 2015 NPT Review Conference, non- proliferation in the light of Iran's deal with the P5+1, nuclear disarmament and the establishment in the Middle East of a zone free of nuclear weapons and other weapons of mass destruction.

## **II. Iran's deal with the P5 + Germany (5+1) :**

4. The Framework Agreement signed between Iran and 5+1 in Lausanne on 2<sup>nd</sup> April 2015 was considered by the parties to the deal as a win- win agreement and a step forward in dealing with the Iranian nuclear capabilities. The deal will be subject to more talks between the signatories extending to 30 June 2015, further elaboration with the aim of concluding, by June 30, a final and comprehensive agreement covering financial, legal and technical issues. Most of the provisions of the agreement will have a life span will be 10 years, but some will be in effect for significantly longer periods of time.

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5. The deal will limit enrichment to 3.7%; dismantle the heavy water facilities; and reconstruct and/or restrain the facilities and operations at Arak, Fordow and Natanz. In Natanz, the number of installed centrifuges will be reduced by 2/3 and the number of operating centrifuges by 1/3. Iran undertook to allow the IAEA inspectors to verify the implementation of the its commitments for 25 years through an unprecedented verification system including application of the IAEA Additional safeguard Protocol and monitoring of nuclear transactions in and out of Iran. In return, all EU sanctions; all US secondary sanctions; and all UN sanctions (with a couple of exceptions) will be lifted as soon as the IAEA has verified that Iran has fulfilled all its key obligations.
6. The deal is seen to cover the 3 pillars of the NPT, as it provides assurances regarding, non-proliferation, nuclear disarmament and peaceful uses of nuclear energy. However, it is also seen to be a continuation of the practice of so-called double standards, since the restrictions on Iran are not applicable to other non- nuclear weapons states (NNWS) such as Argentina, Brazil, Germany, Netherlands and Japan.

### **III. Nuclear Disarmament:**

7. Article VI of the NPT stipulates that “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race, at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” While all parties to the treaty are committed to work for nuclear disarmament, clearly and logically the provisions of Article VI are for the first category of the States Parties to implement, namely the nuclear weapon states (NWS). “At an early date” may, however, be considered as a literature by the P5.
8. However, the Non-Aligned Movement (NAM) welcomed unilateral and/or bilateral measures by the NWS aimed at reducing their nuclear arsenals, bearing in mind that o.p. 4 of GA Resolution 2373 (XXII) adopted on 12 June 1968 and Article VI of the NPT are mandatory. They should have been operationalized as an unequivocal undertaking since 1968, to negotiate, in good faith, effective measures relating to nuclear disarmament and the cessation of the nuclear arms race.
9. The denuclearization of the world and nuclear disarmament as decided by various international fora should be recalled in this context including: General Assembly resolution 69/37 adopted on 2 December 2014, which in its o.p.1 reiterates that: each article of the NPT is binding on the states parties to it at all times and in all circumstances; that all states parties should be held accountable with respect to the strict compliance with their obligations under the Treaty; and calls upon all states parties to comply with all decisions, resolutions and commitments made during the 1995, 2000 and 2010 NPT Review Conferences. The said resolution recalled in o.p.4 the reaffirmation of the continued validity of the practical steps agreed in the

final document of the 2000 Review Conference. This includes the unequivocal undertaking of the Nuclear Weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament, to which all States Parties are committed to under Article VI of the NPT.

10. General Assembly resolution 69/52 adopted on 2 December 2014 reaffirmed in its o.p.3 the universality of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and called upon all states not parties to the Treaty to accede to it as Non-Nuclear-Weapon States, and emphasized in its o.p.7 the importance of the commitment made by the Nuclear Weapon States at the 2010 Review Conference to accelerate the concrete steps leading to nuclear disarmament.
11. The advisory opinion of the International Court of Justice (ICJ) adopted unanimously on 8 July 1996 stipulates that “there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.” This opinion was fully reiterated by General Assembly resolution 69/43 adopted on 2<sup>nd</sup> December 2014, but unfortunately not complied with.
12. Against this background, the UN General Assembly in its resolution 69/43, called upon, once again, all States to immediately commence multilateral negotiations leading to an early conclusion of a nuclear weapons convention, prohibiting the development, production, testing, deployment, stockpiling, transfer, threat, or use of nuclear weapons and providing for their elimination. Such negotiations should take place in the CD which was established in conformity with SSOD1, as the only multilateral negotiating forum for disarmament negotiations. In this context the General Assembly, in o.p.15 of its resolution 69/37, “urges Member State to pursue multilateral negotiations, without delay and in good faith, on effective measures for the achievement and maintenance of a nuclear free world.”
13. Therefore, I stress, here, the importance of the realization of a nuclear free world in the context of attaining the objective of nuclear security, which was addressed in the Nuclear Security Summits. The most recent Summit was held in the Hague on 24<sup>th</sup> and 25<sup>th</sup> March 2014. We look forward to the next Nuclear Security Summit to be held in the United States of America in 2016.
14. Several treaties were concluded to establish nuclear free zones in accordance with Article VII of the NPT. Regarding the Middle East region, since 1974, several resolutions were adopted by the General Assembly, including resolution 69/29, which called for the establishment of a nuclear-weapon-free zone in the Middle East. The 1995 Review and Extension conference adopted by a majority of votes the decision on the indefinite extension of the NPT. The said decision would not have been adopted had it not been for another resolution relating to the establishment in the Middle East of a zone free of nuclear weapons and all other Weapons of Mass Destruction (WMD).

15. All Arab Countries including Palestine, in addition to Iran, have acceded to the NPT. The only country in the region that has not done so is Israel. General Assembly Resolution 69/29 “Urges all parties directly concerned seriously to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly. The same resolution “calls upon all countries of the region that have not yet done so... to agree to place all their nuclear activities under the IAEA safeguards.” It should be also recalled that o.p.9 of General Assembly resolution 69/37 once again “urges India, Israel, and Pakistan to accede to the Treaty as non-nuclear weapons States promptly and without conditions.”
16. To date, 20 years after the 1995 Review and Extension Conference and the adoption of its 1995 Resolution on the Middle East, such a zone has not been established. For the 2010 NPT Review Conference, its success was contingent upon agreeing on specific steps and measures to implement the 1995 resolution, including holding a conference not later than 2012 on the establishment of a zone free of nuclear weapons and all other Weapons of Mass Destruction (WMD) in the Middle East. However, the conference was postponed in December 2012 through a notification from the UN Secretary General on the request of the United States of America under the pretext of a lack of adequate preparation for that Conference. This cancellation came as a surprise to most countries except Israel.
17. Since 2013, the facilitator from Finland has organized several informal meetings with representatives from Middle Eastern countries in Glion, Switzerland and in Geneva, but failed to reach a common understanding for the convening of the aborted Helsinki Conference. The reason for this failure was that Israel has imposed new conditions for convening the said conference which go beyond the relevant mandates of the 1995 Middle East Resolution and the outcome of the 2010 Review Conferences.

#### **IV Conclusions:**

18. Nuclear Weapon States must stop pressurizing Non-Nuclear-Weapon States which opt to exercise their inalienable right to enrich uranium for the peaceful uses of nuclear energy, in conformity with Article IV of the treaty, in order to recover confidence in the NPT and the non-proliferation regime.
19. The 2015 Review Conference is being convened in the shadow of twin failures. The first is the failure to implement the 1995 Resolution on the Middle East, which was a precondition for the 1995 Review Conference’s decision to indefinitely extend the NPT. The second is the failure to implement the 2010 decision on convening the Helsinki Conference on the Middle East.
20. As a way out to save the NPT and the non-proliferation regime, I propose to invite all Middle East countries, that have not yet done so, to accede to and/or ratify the Weapons of Mass Destruction (WMD) Treaties, namely the

NPT, the BWC and the CWC and deposit such instruments with the Security Council through the UN Secretary General.

21. In order to ensure the credibility of the Treaty, including the implementation of Article VI and the 1996 ICJ Advisory Opinion, a legally binding multilateral nuclear disarmament treaty should be negotiated in the framework of the Conference on Disarmament (CD). Such a treaty shall ensure a universal, non-discriminatory regime of a nuclear-free world as required by the UN General Assembly in its relevant resolutions, the latest being Resolution 69/29.

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